

the limitations of the entail were inserted, nor all the substitutions, but only such as were necessary to connect his title to the lands.

This carried only by the President's casting vote; *dissent*. Prestongrange, Kilkerran, Milton, Bankton.

1757. December 14. GRAY *against* LINDSAY.

[*Fac. Coll.* II. No. 66.]

1758. February 10. Adhered to this interlocutor, but not by a great majority. It was said that curators were given to minors, not only for their own sake but for the sake of their heirs; and therefore a minor, without his curators, could not alter the succession even of his moveable estate, except by way of testament; for example, he could not lend out his money and take the bond to himself, and to any particular series of heirs.

The case, upon the review, appeared more doubtful; and it may be doubted whether this be not a donation *mortis causa*, as a middle kind of thing betwixt a deed *inter vivos* and a testament.

1757. December 14. SIMPSON *against* DALZIEL.

[*Fac. Coll.* II, No. 59.]

THIS was a competition among the creditors of Patrick and James Jackson, in which the Lords sustained a disposition made by a bankrupt, in terms of the act 1696, to a trustee for the behoof of all his creditors, and therefore set aside some arrestments at the instance of creditors who did not accede to the trust-disposition.

Some of the Lords put their opinions upon specialties; but the President and Prestongrange said that they did not hold these later decisions, which established that a bankrupt could make no disposition, even for behoof of all his creditors, to be law.

1757. December 20. BRODIE *against* STUART.

[*Kilk. eodem die*; *Fac. Coll.* No. 74.]

IN this case several of the Lords gave it as their opinion, and it seemed to be the mind of the majority of them, that a simple decerniture as executor *qua*