

THE LORDS ordained Mr George to instruct so far as he could the cause onerous, reserving to themselves how far it should operate.

No 456.

Fol. Dic. v. 2. p. 253. Stair, v. 2. p. 773.

1694. December 19. THOMAS MERCER against WALTER DALGARDNO.

THE LORDS found that the bond being taken to the wife in liferent, the husband could not discharge it; and though it was *alleged*, that it was *donatio inter virum et uxorem*, yet the LORDS finding it quadrated exactly with the sum provided to her in her contract of marriage, though it did not relate thereto, nor bear to be in specific implement thereof, they presumed it was in satisfaction of that obligation, unless they offer to prove it was fulfilled *aliunde*.

No 457.
A step-father and a step-son are conjunct persons, consequently bound to instruct the onerous cause of deeds between them.

1695. January 16.—In this case it came to be debated, if a step-son receiving right from his step-father, was to be reputed such a conjunct person, in the terms of the act of Parliament 1621, as to be obliged to prove the onerous cause of his disposition? Though there uses to be small amity betwixt such relations, yet the LORDS thought them conjunct persons; for they could not marry, nor be witnesses nor judges for one another.

Fol. Dic. v. 2. p. 254. Fountainhall, v. 1. p. 652, & 659.

1706. January 24. WILSON against LORD SALINE.

A SECOND disposition of the same subject to a conjunct and confident person, first completed by infestment, bearing onerous causes in general, proves not its narrative against the first disponee; and a bond for a large sum of money of the same date with the disposition, but not referring to it, found no instruction of the onerous cause; for both, probably, were meant as donations; and if the first disponee was preferable, the second disponee could have it in his power to prefer himself *ex post facto*, by giving a valuable consideration, which he would do by discharging the bond.

No 458.

Fol. Dic. v. 2. p. 253.

* * This case is No 67. p. 942, *voce* BANKRUPT.

1707. December 5.

ISOBEL M'LIERIE, relict of THOMAS GLEN against JAMES GLEN Merchant in Edinburgh.

IN the reduction at the instance of Isobel M'Lierie against James Glen, for reducing his adjudication of a tenement in the Canongate belonging to the deceased Thomas Glen the pursuer's husband, upon this ground, That the

No 459.
Adjudication on a bond granted by one brother to another,