

LEGACY.

1736. *February 13.* JAMES LAWRIE *against* JANET LEWIS.

No. 1.

ONE in his testament named an executor, and left certain legacies, particularly one of 2000 merks to his nephew an infant, which he ordained to be paid at his majority, and appointed his executor, tutor and curator to him during minority, to oversee the right management of him and to put him to a trade therewith; and then follows this clause of return: "And notwithstanding of the legacy hereby left by me to him, I hereby ordain the same legacy to return back to my said executor and his heirs, in case the said Robert decease without heirs lawfully procreated of his own body." The legatee afterwards assigned this legacy upon his death to his mother and aunt, which the Lords sustained, notwithstanding the clause of return.

1736. *February 13.*

MARGARET HAMILTON, Relict of JUSTICE MELDRUM, *against* MR
WILLIAM GRANT, Advocate.

No. 2.

LEGACY left thus, "To the said J. M. L.1250 contained in an heritable bond granted by A. D. dated 24th June 1704, and in my sasine following thereon," and thereafter in the same writing, "Item to W. G. L.520, contained in another bond granted by the said A. D. to me dated 4th December 1702." In fact, the heritable bond of L.1250 was only a corroboration of the L.520 bond and some other bonds; and in a competition between the two legatees, J. M. and W. G., this last legacy being the more special, as well as last, was found to derogate from the former, and W. G. was preferred for the whole L.520, and they were not proportionally abated. (See DICT. No. 22. p. 8064.)