

of the opportunity of notifying the dishonour which the Postmaster-General afforded them.

PITFOUR. Bills between England and Scotland ought not to be considered as *foreign* bills. For goods coming from England to Scotland have been found not to be *foreign* goods.

[The point was of his own starting. *To render the union more complete*, he could not bring one judge to incline to his opinion.]

On the 4th February 1774, "in respect that it is not denied that the practice is to intimate the dishonour of bills of this nature within *three* posts, the Lords found no recourse due."

Act. W. Nairne. Alt. G. Wallace.

Reporter, Pitfour.

1774. February 9. JEAN GRAHAM and Her HUSBAND *against* MR JAMES BAIN.

CONDITION.

Import of a clause in a settlement by a grandfather, that, in the event of his grandchildren marrying without first having advised with his trustees, and obtained the consent of the majority of them, regularly entered in the sederunt book appointed to be kept by them, and duly signed; the grandchildren so marrying shall forfeit their provision under that settlement.

[*Fac. Coll. VI. 282; Dictionary, 2,979.*]

COALSTON. Here the question is between the words and the intendment of the testator.

GARDENSTON. The young people knew nothing of the proviso. The consent of the grandmother was granted; she was the trustee most interested. Mr Kincaid, another trustee, gave his consent, because he thought the intended husband a deserving man. The other trustees were not consulted, because Mr Kincaid did not recollect the clause in the deed, and consequently made no mention of it to the parties.

HAILES. I doubt how far a man can lawfully throw in such a proviso, leaving a succession of strangers to determine as to the fitness of matches offered to his descendants. According to this rule Mr Bayne, and his session, may have the presentation to all the young women of his flock.

On the 9th February 1774, "the Lords found the provision due;" adhering to Lord Gardenston's interlocutor, and refusing a petition without answers.

For the Petitioners, Charles Hay.