

son, it was much founded on, in reclaiming against an interlocutor of Lord Monboddo. The above passed among the Lords on the occasion. The petition was refused without answers.

1776. February 21. TURNBULL *against* TURNBULL.

It is held to be a principle in law that one cannot approbate and reprobate the same deed. The same principle holds, even although there should be two deeds, if they are *partes ejusdem negotii*, and made with a reference to one another. This occurred February 1776, Turnbull against Turnbull. Patrick Turnbull executed two deeds *unico contextu*,—one of his moveables, another of his heritage, and died the next day. In that of his moveables he burdened the disponee with a legacy of £50 to his heir at law; but he having brought a reduction, *ex capite lecti*, of the disposition to the heritage and having prevailed,—and having afterwards insisted for his legacy, “The Lord Justice-Clerk Ordinary, found, (21st July 1775,) that the two deeds made one settlement of the defunct’s whole estate. That the pursuer could not both approbate and reprobate,—and having reprobated his uncle’s assignation of the tack, by his reduction, on the head of death-bed, he could not now claim the legacy contained in the other deed.”

To this interlocutor the Lords adhered, and gave the expense of extract, 21st February 1776.

Decisions cited for the defender:—the case of *Dundonald*, 20th February 1729; 1st February 1671, *Pringle*; 17th January 1758, *Cunningham*.

ARBITRATION. See DECRET-ARBITRAL.

ARRESTMENT.

1776. November 21. DOUGLAS, HERON, and COMPANY *against* CHARLTON PALMER.

In deciding a cause between Douglas, Heron, and Company, and Charlton Palmer; the Lords signified their opinion, that letters containing warrant for