

No. 27. Answered: Any renunciation of a power to revoke in such a case is of no avail, because it necessarily partakes of the nature of the deed itself, in the same manner as if it had occurred in a donation *inter virum et uxorem*. The two parts of the deed therefore are not to be contradistinguished, both being of the same testamentary nature.

The Lord Ordinary having reported the cause,  
The Lords found, that the discharge was revoked.

Reporter, *Lord Dreghorn*.  
Clerk, *Sinclair*  
S.

Act. *Arch. Campbell*.

Alt. *Macleod Bannatyne*.

*Fac. Coll. No. 65. p. 118.*

1793. December 10. OGIIVIE against MERCER.

No. 28.

Dispositive words are necessary in order to convey heritage.

*Fac. Coll.*

\* \* This case is No. 114. p. 3336. *voce* DEATH-BED.

1795. December 9. ROBERTSON'S CREDITORS against MASON'S DISPONEES.

No. 29.

Heritable property in Scotland cannot be conveyed by a testament executed in England; and in the English form.

*Fac. Coll.*

\* \* This case is No. 45. p. 4491. *voce* FOREIGN.

\* \* See to the same effect the case Henderson against Selkrig, 10th June, 1795, No. 44. p. 4489. *voce* FOREIGN.

1802. January 12. GALLOWAY, Petitioner.

No. 30.

The words assign, transfer, and make over, goods, gear, debts, and sums of money, used in a testament, not effectual to

Walter Macfarlane of Macfarlane, and his brother William, were debtors to Mrs. Helen Spottiswoode, widow of James Garthshore, writer to the signet, in two sums constituted by bonds, granted in February, 1767; the one for £.155 Sterling, and the other for an annuity of £.50 Sterling during her life. An adjudication was led upon the first, in 1781, over the estate of Macfarlane.

Of this date, (10th November, 1786,) Mrs. Garthshore "nominated and appointed William Galloway, merchant in Edinburgh, not only to be my sole executor,