

No 10.

signations, which assignations are deeds *inter vivos*, although being done on deathbed, they cannot prejudice the heir, the relict's-part or bairn's-part, and in so far are accounted as legacies affecting dead's part, yet they are not ambulatory as legacies at the defunct's pleasure; but if they had been delivered, though on deathbed, he could not recall them, and they would be preferable to any legacy; but in respect of the reservation or not delivery, the defunct might have otherways disposed thereof, but he hath not done it by his universal legacy, it being merely general, and having moveables besides both assignations.

THE LORDS found the assignations effectual and not derogate from by the universal legacy, seeing there were moveable goods and sums besides both assignations.

Fol. Dic. v. 2. p. 134. Stair, v. 2. p. 684.

* * * Fountainhall's report of this case is No 21. p. 3201. *voce* DEATHBED.

No 11.

1680. November 12.

STEVENSON against Sir JOHN PAUL.

THE LORDS found, where a wife is provided to the half of the moveables, this does not seclude the husband's heir from drawing his heirship even out of her half; but this was only carried by the President's vote.

Fol. Dic. v. 2. p. 133. Fountainhall, MS.

* * * Stair's report of this case is No 33. p. 5405. *voce* HEIRSHIP MOVEABLES.

No 12.

1681. December 1.

CREDITORS of Lord COUPAR against His RELICT.

THE Lord Coupar having, after contracting of debt, granted an additional provision to his Lady *stante matrimonio*, who was opulently provided before; and having afterwards contracted more debt, the anterior creditors questioned the provision on the act of Parliament 1621; and the posterior creditor *alleged* it was indirectly revoked by the posterior contracting of debt.

Answered; My Lord had a sufficient estate to pay all his debt, and so the provision could neither be quarrelled on the act 1621, nor could it be presumed revoked.

THE LORDS found the answer relevant. See No 5. p. 11337.

Fol. Dic. v. 2. p. 133. Harcarse, (STANTE MATRIMONIO.) No 868. p. 246.