

No 440.

ordained the same to be proved, either by writ or oath, as said is, and that no other probation ought to be admitted thereupon.

Act. *Advocatus & Cunninghame.*Alt. *Nicolson & Craig.*Clerk, *Gibson.**Fol. Dic. v. 2. p. 250. Durie, p. 484.*

\*\* Durie reports a similar case, 22d June 1642, Nisbet against Williamson, No 23. p. 2774. *voce* COMPETITION.

No 441.

1632. *January 17.*SKENE *against* BETSON.

ONE having disposed his whole heritage to his son-in-law, upon the narrative of a price paid, whereby he was rendered bankrupt, the disposition was found probative, unless redargued by the disponent's oath.

*Fol. Dic. v. 4. p. 251. Durie.*

\*\* This case is No 25. p. 896, *voce* BANKRUPT.

No 442.

1634. *March 21.*WATSON *against* ORR.

Where the disposition bore, in general, to be for sums of money, the heir was obliged to instruct the onerous cause.

IN a process upon the passive titles against an heir convened as successor *titulo lucrativo*, the narrative of the disposition, bearing a price truly paid, was found probative, unless redargued by the defender's oath.

*Fol. Dic. v. 2. p. 253. Durie.*

\*\* This case is No 105. p. 6767 *voce*, PASSIVE TITLE.

No 443.

1639. *March 9.*RIDDOCH *against* YOUNGER.

A right granted by a bankrupt to his son *in familia*, reduced as gratuitous, tho' it bore to be for sums of money and onerous causes, and the defender offered his oath in supplement.

ONE Riddoch reducing some dispositions made by one Younger to his son Younger, upon the reason of the act of dyvoury, as done by a bankrupt to his own son without just and true onerous causes in defraud of the pursuer, a true and just creditor; and the defender opposing his right, which bore to be made "for sums of money and onerous causes;" against which positive clause the pursuer can never be heard to allege the same to be made without payment of any sums of money, except that he should prove the same by the oath of the receiver; and the pursuer *replying*, That in this case the presumptions were so manifest for him, and for the truth of his reason, that it laid a necessity upon the defender to prove and show that he had paid sums for this right made to him, seeing it is made by the father to the son, who was a young man unmarried, remaining in house with his father, and who cannot condescend upon any