ipso jure, for it is a different question what would have been the case if A had made a resignation *ad remanentiam* in his own hands.

Some of the Lords, in this question, carried their odium of entails so far as to think that the heir of entail taking a charter of entailed lands, from any body, without limitations, will enable him to sell: even a forged charter, some of them thought, would do so; and indeed the argument in this case in favour of the purchaser seems to go so far.

20*th July* 1762.—This interlocutor adhered to upon both points by a greater majority.

1761. *December* 2. ——— *against* ———.

A BANKRUPT made a disposition of his estate to a trustee for behoof of his son, but the disposition was simple and not qualified with any trust, which was declared only by a back-bond, and was for some years latent, till at last it was declared and made public. The creditors of the father now insist in a reduction of the disposition upon the Act 1621. The defence was, the negative prescription; and the question was, From what time the prescription run, whether from the date of the disposition to the trustee, or from the time of the trust being made public?—And the Lords unanimously found that it run from the first period, because in no case is it a good defence against prescription, that the grounds of challenge did not come sooner to knowledge; and in this case the creditors were bound to look after every alienation made by the debtor, and inquire for what cause it was granted.

1762. *February* 26. CATHARINE CRAIG *against* JAMES WILSON.

[*Faculty Collection, III.* No. 89.]

IN this case the Lords found unanimously that no legacy left in a testament, though made *in liege poustie*, could prejudice the heir's right of relief of moveable debts, any more than the children's *legitim*, or the wife's *jus relictæ*. This was decided upon the authority of Lord Stair, *lib.* 3, *tit.* 4, p. 31, and of a decision, *Lord Colvil* against *Lady Colvil*, 14*th December*, 1664, and of *Marion Henderson* against *Hugh Campbell*, observed by Lord Kaimes in his private collection.

1762. *June* 23. JEAN FYFE *against* BEAN and FYFE.

IN this case the Lords unanimously found that a bill, signed by a notary, for the acceptor, but without any witnesses, was void and null; because they thought that though in some deeds, such as bills, the subscription of the party himself without witnesses was probative, yet in no case the subscription of a notary, without wit-