Specifick thing or sum is Bequeathed to Different persons in which case the last writ Annulls the first. By the Civil law Indeed Where the same thing is intirely Bequeathed first to one, and then to Another in the same Writ, Concursu partes faciunt, the Legacy is Divided betwixt them § 8 Inst. de Legat. But in Scotland, if such a case should happen, the same Legacy would belong to him to whom it was last made, from a presumption, that the testator Altered his mind while the testament was a framing; It being ordinary to Change prior by posterior clauses of the same Writ Stair lib. 3 Tit. 8 § 42. By the Civil law a Legacy Insert in a testament by the Writer thereof in favour of himself, is Null and the Writer punishable l. 1. ff de his quæ pro non Scripst. Hab. Tot. Tit. Cod de his qui sibi Intest. ad Scrib. Because if such legacies were sustained, it were easie for the Writers of testaments to Impose upon the testators who are Ordinarly in a dying Condition, by Shuffeling in legacies to themselves, to the Ruin of the testators Near Relations. Which Law Suetonius (in vita Neronis Cap. 17) Ascribes to Nero, which was owing to Claudius, Cujac. ad Tit. Cod. de his qui ad Scrib. Intestam. This Preparative the Lords of Session thought so dangerous that they would not sustain a Legacy in favour of the Writer of a testament unless it were Adminiculated otherways than by the subscription of the testament: As by proving that the testator gave Special orders for Writing such a Legacy, or that the testament Containing the Legacy was Read over to the testator &c. Nor would they sustain the testament by it self to prove the Legacy, tho supported by a Codicil under the hands of two Nottaries bearing that the testator declared that she had signed the testament which she wills and Understands to be executed and fullfilled According to the tenor thereof: Because the Codicil Imported No More, than that the subscription to the testament was true; and did not bear that the testator gave Warrand to Insert such a Legacy, or that the testament was Read over at signing 15 Feb. 1688 Lady Boghall contra Dutchess of Lauderdale. A Nuncupative Legacy left by Word of Mouth within 100 pound, or a greater if Restricted to that sum is sustained 7 July 1629 Wallace contra Mure. Stair ibid. § 34 & 36. And May be proved by Witnesses. But a

A written testament Reduced for Informality, was not sustained as a Nuncupative testament 20 July 1711 Montcrief and her husband contra Monipenny because one who declares his Intention to make his will in Writ, excludes all Nuncupative Wills, tho the Writ should be Null for want of the Legal solemnities, as Effectually as the Written testament had it subsisted, would have left no place for a Nuncupative Will. For quod Voluit, in Scripto Scz testari, non potuit; et quod potuit Scz Nuncupare, Non Voluit. And to sustain a Null written testament as a Nuncupative testament, would be Vitiosa transitio de Genere in Genus. But as is already observed a Nuncupative testament for 200 pound might be supported for 100 pound. Because of the testators Inclination to Made a Nuncupative testament; And it being his will to have it subsist for a Greater sum than law allows, it should be sustained for the sum allowed by law.

Legacies may become Void either totally, or in part. Legacies cease totally 1° by the testators Revoking them either expressly or tacitly. They may be Revoked expressly in a Separate Codicil. Legacies are Revoked tacitly by some Act of the testator, from which his Intention to Deprive the Legataries of them is Gathered. Thus a Special legacy of any Corporeal thing is understood to be Revoked, by the testators selling or otherways Alienating it, Les Loix Civiles &c. Tom. 1 part 2 Liv. 4 Tit. 2 Sect. 11 Art. 13. For seeing he Strips himself of it, Much more doth he deprive the Legatarie of it who was to have it from him. If he who bequeathed a thing do afterward give it away to some other person than to the Legatary, this donation would Annull the legacy with much More Reason than a sale l. 18 ff de Adim. vel Transf. Legat. For one May be obliged to sell out of Necessity a thing which he had bequeathed, without Changing the good will he had for the Legatary; but one Cannot be presumed to give it away except freely preferring the Donee to the Legatee. A Special Legacy of a Moveable bond is Annulled by the testators taking a subsequent heretable security for the sum therein 8 July 1673 Edmonston contra Pringle. If a testator