

84 WILLS AND TESTAMENTS.

Gift in prospect of death, good.

Donatio causa mortis, or a gift in prospect of death: where a man in his last sickness gives to another something to be his, in case of the giver's death, and it is accordingly *delivered* to the person to whom the gift is made, or to another to be delivered over to him—this is good; and in the nature of a legacy, and therefore, it seems shall not prevail against a creditor. Chan. prec. 269—1 P. Will. 106, 404, 441—3 P. Will. 357.

Though I would strongly recommend to every one, desirous of making an effectual will, and who can afford to pay the inconsiderable expence, to get able assistance, and not run the hazard of leaving his family to scramble for his estate, to be distressed by vexatious and expensive law suits, and to be inflamed with an animosity destructive of the harmony and good will, which family connexion ought to promote, yet, that those, with whom the considerations I have suggested will not have their just weight, may have some rule for their assistance, I have, in the appendix, inserted some precedents for that purpose.

I shall conclude the article of wills, with inserting out of our acts of assembly, the paragraph relating to the imbezling, razing or altering