

repudiating or entering into possession, he and his representatives would be liable, contrary to all principles; it being with us a general rule in equity, as well as in strict law, that no heir can be burdened with the debts of his ancestor, unless in consequence of some deed of his own by which he subjects himself.

No. 18.

Sel. Dec. No. 63. p. 83.

SECT. III.

General Disponee.

1718. July.

GRANT against GRANT.

OCCURRED in a process, whether a general disposition was a sufficient title without any thing done upon it, to carry an heritable subject, such as a bond secluding executors? It was contended not to be sufficient more than a general disposition of moveables, because it is destructive to creditors, that a representative should be liable no further than *in valore*, and at the same time no check upon him to ascertain the extent of his intromissions. Answered, Our law has gone farther to secure creditors than perhaps the law of any other country, but there is nothing of human composition absolutely free of defects. It has always been held that a general disposition is equivalent to a general service, and this must obtain, till a new law be made, whatever inconveniences it be attended with. The Lords sustained the general disposition. See APPENDIX.

No. 19.

Fol. Dic. v. 2. p. 368.

1784. February 19. ROBERT RICHARDSON against ARCHIBALD SHIELLS.

ALEXANDER ORR had become bound to dispose certain lands, but died before fulfilling that obligation, though after a bond had been granted to him for the price. His eldest son, who was his universal disponee, possessed the lands for some years. He then obtained a sequestration, in terms of the statute 1772, of the effects belonging to himself and to his father.

Afterwards Archibald Shiells, a creditor of the father, expedes a confirmation, as executor-creditor, and gave up in inventory the bond above mentioned; when a competition ensued between him and Mr. Richardson, the factor under the sequestration.

Pleaded for Mr. Richardson: It is no longer an invariable rule, that the transmission of moveable effects from the dead to the living is perfected by confirma-

No. 20.
The property established by the possession of a general disponee unconfirmed; is limited to the subjects possessed.