

ner as the heir's self might have been liable, if he had not been denuded; specially seeing the disposition made by him to the heir was universal, of all things whatsoever he might succeed to as heir, and so was *omnium bonorum et totius juris*.

No 3.

Act. *Stuart et Mowat.*Alt. *Nicolson et Sandilands.*Clerk, *Hay.**Durie, p. 643.*

1777. July 25. ROBERTSON and ROSS *against* BISSETS.

No 4.

THE LORDS refused action on a bill, the drawer of which had died without subscribing it; and the subscription had been adhibited by his heir and representative.

* * See this case, No 18. p. 1676.

SECT. II.

Mutual Relief.

1487. January 19. THOMAS SEMPILL *against* F. FORDEL.

No 5.

HE that is auctand, or has paid in name and behalf of ony uther that is deceist, ony debt, or sowmis of money, and is desirous to have his relief thairof, aucht and sould first call and persew befor the spiritual Judge his executouris, to frie and relieve him of the said sowme or debt, at the handis of the creditouris, gif the principal debtour that is deceist had movabill gudis the time of his deceis: Bot gif thair was not sufficient movabill gudis, the air of the principal debtour deceist may be callit and persewit befor the temporal Judge, for the effect foirsaid; because in all sic caisis the movabill gudis intromettit with be the executouris aucht and sould be first discust, befor ony gudis, geir, or landis pertening to the air.

Balfour, (HEIR.) No 10. p. 221.