

Part 6.

How estates or property may be transmitted by progress to Universal Successors.

The Transmission or Conveying down of property to Universal Successors is termed Succession, whereby the goods, the rights, and the charges of those who die pass to, then persons who succeed in their places and represent theirs. Succession is a right to enter upon that estate Real or personal which one deceased had at the time of his death. L. 24 For Verb. Signific. That is a right to gather in the effects, and execute the rights belonging to the Deceased such as they shall happen to be; and an obligation to acquit all his charges and burdens. L. 2. De Hered. act. L. 6. ff. de Reg. jur. Summe on the necessity of continuing the state of a Society from Generation to Generation. For albeit a Regular Community which has goods belonging in property to the aggregate body, and not to the particular members thereof, does not die but ever subsists, and so does the title to the goods of such a Community last without any Renovation: Yet Estates or goods belonging to particular persons in property exclusive of others, pass upon the promoters death to be transmitted by Succession into the hands of other persons.

It is indeed Natural and necessary in the order and Society of Man kind, to transmit the goods and estates of the Generation which presently is to that which succeeds; but it does not appear so clearly in what manner this change ought to be regulated and what is the Natural order of it: that is, whether this order is naturally such, that the goods of those who die ought to pass Intirely to their Children, or in default of Children to their other near Relations; or whether the dying persons may dispose of their goods in whole or in part, in favour of other persons who are strangers to them; or even whether there might not be some other way of transmitting the Goods of one Generation to another Successively. Therefore Succession is not Uniform every where, but Differs according to the Various Humours of people. In some Degrees they admit one person to succeed in another. In some other Degrees they grant, In some places, they consider from whence the estates came, and in others they regard no such thing; in some Countries the eldest Child has a larger share than the Younger, and in others the Children have all alike; with some preference is paid to the father's side, among others the parts of the Mother's side are upon a level with them, some give a particular Regard to the Ma, and others to the Female.