Purchasing some preferable rights to Exclude all the rest
Decemb. 1725 Aikenhead of Jaw contra Russel of Elrig. But
an heir enter to the Inheritance purely without the Making
Inventory, or do before Making Inventory meddle Unnecessar
that is, not Simply for Custody or Preservation, or do Medd
thereafter with any thing fraudulently Omitted out of the In
:tory made he is liable Universally Act 24 sess. 5 Par. K. W.
is bound Indefinitely and without distinction for all the debt
owing by his predecessor, and to all kinds of obligations to wh
he was a party and which Might affect his estate, and for a
the other Charges of the Inheritance whatever sum they may
amount to, and Altho they exceed very far the Value of it. Bu
Such an heir is reputed in law one person with his predecessor
and their Condition is the same. Thus was an heir found
liable Universally who gave up Inventory after the Service the
within the Annus Deliberandi, and before he had any Introm
:sion, or was Cited by any Creditor, or Infeft upon the Servi
19 feb. 1709 Campbell contra Campbell of Burn Bank. No
yet was the Benefit of Inventory profitable to an heir w
had given up and Recorded Inventories in Another Sheriff
than that of the Shire where the subject Inventored lay an
Mentioned only in the Inventory the Extent of heretable
bonds and debtors 11 feb. 1708 M^c^kay Contra Sinclair of
Dempster. For when the total sum of debts owing to
Deceased is Expressed only, the heir being Charged with h
:ving Intrometted with any particular not Inventored
might by pretending it was Included in the said total
frustrate the design of the Law.

A service as heir was sustained to make one pas
:sive liable for the debts of the Deceased who had a Nearer
heir in Utero at the time of the service 15 January 170
Wat contra Forrest. Because the service was quarrellable only
Reduction in an Uncertain event, and Not null ipso jure: for
the Child might have died in the Belly, or if brought forth ma
have Renounced to be heir. Albeit an heir entring simply Succe
only to heretable debts owing to the Defunct, he may be sued f
Moveable debts owing by him, after the Year of Deliberation E
:ires if the Creditor think fit Act 76 Par. 6 J. 4. But by the pre
Custom the heir may if he enter sooner, be pursued within
the Year 29 June 1624 Edgar contra Halliday 19 June 1628
:culloch contra Marshal M^c^kenzie observ. on d. Act 76. Seei
by his own deed of sooner Entring heir he hath Cut himself

off from that delay other ways Indulged by law. But the heir paying
Moveable debts may get Relief off the Executor, so far as the free Mo
:veables will Extend to satisfy d. act 76 7 Decemb. 1627 Porteous con
:tra Veitch and Hay. 30 July 1630 L. Carnoustie contra Meldrum.
As the heir would find himself obliged to Relieve the Executor of
heretable debts payed by him even Voluntarly without Distress
vid. Infra pag. 1559. According to the Rule quem Sequuntur commoda
eundem Sequi Debent Incommoda. Which Relief cannot be Disap
:pointed by the predecessors disposing of his Moveables gratuitous
:ly on death Bed 27 feb. 1683 E. Leven contra Montgomery 22 Ju
:ly 1707 Cowie and Hardie contra Brown Vid. supr. pag. 1427.

By the Law of England an heir is liable for the debts of the
Deceased, only if he have assets per descent, that is, for so Much as
he gets by him.

Heirs are liable for their predecessors debts, but all heirs are
not liable the same way.

For heirs portioners tho Jointly bound for the Whole debt,
are severally Answerable only pro rata, every one for her own share,
tho the proportion whereunto each of them succeeds be More than the
whole debt. 7 feb. 1632 Hume Contra Hume 21 January 1687 Edmons
:ton contra Crawford and Graham until the Rest of the Co heirs be
Discussed 23 Decemb. 1665 Burnet contra Lepers. Our Lawyers are
Divided in their Opinion about this point whether upon some of the
heirs portioners turning bankrupt the debt may be Recovered from
those who are solvent in solidum, or effeiring only to the Value of
their Succession. The Lord Stair (lib. 3 tit. 5 § 14) Inclines to think
that the Responsable heir portioner in such a case would be Reached
only to the Extent of the Value of her part of the Estate: seeing she
could not be Charged for More than that of in quantum Lucratae.
But Sir James Stuart (answers to Dirlet. doubts Tit. heirs Porti
:oners) seems with better Reason to hold that the solvent heir porti
:oner would be Liable in solidum, without prejudice to her Relief
as accords. seeing the Whole heretage is liable to the Creditor, who
ought not to want his payment so long as the debtor has any
Representative, whatever Divisions the heirs make among them
selves: and it was their part to have foreseen the hazard by
any of them becoming bankrupt or Insolvent. Thus one of two
heirs portioners was found liable in solidum for the Whole debt,
in Respect the other was a poor woman non solvendo, and
had Disponed all right to her fathers land in favour of her sister
24 January 1642 Scot contra Hart. It falls in the next place to
be Considered, what Relief heirs portioners paying the debts of the
Deceased have Against one another. Heirs portioners ~~[illegible]~~
~~[illegible]~~ to any Ascendant when they come to Divide the