

Creditors of the Deceased, doing Diligence to affect the
 Moveable Estates, within Year and Day of their Debts
 Deceased Act 41 Sess. 5 Parls. R. W. Its Creditors of an appar-
 heir may upon a Special Charge to enter their Adjourn this
 predecessor hereafter Year a sum payable to one, which fact
 by deceased to another, Or to the former Assignees howsoever
 was found to belong to the executor, Creditor of the Justice
 in a Competition with the said Justices executors or Creditor
 within three Years of the Justices death; Reserving to
 them Action of Account against the Representatives
 of the Justice and fear of the bond as Records 9 Feb. 1711
 Graham contra McQueen and Drummond. Because
 predecessors Creditors are preferable to Creditors of the
 Apparent heir Act 24 Parls. 1 Sess. 1 Ch. 2 Whether in a
 Real or personal estate, under which Denomination of a
 substituted Nomination are comprehended. For a
 Executors of the Justice 18 January 1625 What contra
 Dobie 15 January 1630 Graham contra Morland Yet
 substituted may be excluded by the Justices Creditors
 being substituted or exception takes only place after
 ment of the debt of the Justice who was fear and prog-
 etor.

Sect. 5.

Confirmation at the Instance of a Factor
 Appointed by the Lords of Session.

A Factor appointed by the Lords of Session for
 Managing the Estate of a pupil wanting tutors, or
 person absent who has none to hel for him, or of one
 for the time in Incapable to Manage his own estate
 or any other Factor authorized by their Lord, and not
 Directed in his Management by his of the court p-
 ceeding 14 Feb. 1730 May where money or effects or
 reables under his factory ought by Law to be con-
 firmed, Confirm the same in his own Name, as Execu-
 tor Dative and Factor authorized by the Lord for
 behoof of the proprietor, and all that have or may
 have Interest. Unless some other person having a title
 offered to Confirm, and put in the Clerks hands a just
 and full Copy of the Testament, and of all the Eide
 he may after ward make to it within three Months
 after the Confirmation, under the Penalty of a Mill
 to be modified by the Lord Act of Dec. 14 Feb. 1730

Sect. 6.

Things necessary to all kinds of Confirmations.
 Because the Moveables of Deceased persons may be
 easily Concealed from Creditors, or Dissipated, the Kings
 Instructions to the Commissaries Anno 1688 Appointed executors
 to give up Inventory, that it is a Seal containing a true and full
 Description of all the particulars thereof upon Oath, and find
 Caution to make the Moveables forth coming to all having
 Interest. But yet a Testament was not found truly for
 bearing that the Executor at the Confirmation made faith
 are deposed on the Inventory, but only that it was faithfully
 made and given up by him 10 Decemb. 1707 Led contra Linn
 = void which Synthesis, that he made faith upon its
 = goods which Synthesis, that he made faith upon its
 = of goods given up in his Testament to be Confirmed, should be
 attimated as they are usually to be in the Country, rather
 too high for Scotland.

Executors up at the time of the Confirmation, to
 protest that they may be allowed to Execute or add to the In-
 ventory, what more comes thereafter to their knowledge.
 Which had show the Commissaries do admit without a
 Confirmation, provided it be done before serving an Edit
 and Omnia Prope Min. Parls. Act. of Testament 1743 Spots
 wood Parls. Act. Executors. Where an Executor Confirmed
 doth not at the time of the Confirmation, protest that
 his accepting of the office be without prejudice any
 debt owing to himself by the Deceased; his admitting such
 a protestation doth according to the practice of the Com-
 = missaries of Edinburgh, Exclude him for ever from
 seeking that debt (Morca Act 14 Novemb. 1627 Crawford
 Contra Grier. Which the word Juris who observes that
 Pratick thinks should not be sustained where the debt
 is true. However a Rebels Hornologating a Legacy
 bequeathed by her husband in Testament was Inforced,
 by her Confirming the Testament without protesting
 that it should not prejudice her own ^{19 Feb. 1663} ¹⁷¹⁷ but
 not by her Confirming under such a protestation 12
 July 1691 Murray contra Murray tho she might have claimed
 her Interest in the Moveables by Confirming her self
 Executor Dative. Not only executors Nominate and
 Executors Dative qua herself of her, are allowed to
 Eide