

APPENDIX.

PART I.

HEIR AND EXECUTOR.

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

No. 1.

THE particulars of this case, mentioned No. 4. p. 5203. relative to the right of an heir and representative to exhibit his subscription as drawer of a bill which had been left blank by his predecessor, will be found, APPENDIX, PART I. *voce* BILL OF EXCHANGE, No. 5.

1804. *February 17.* CATHCART *against* MOODIE.

No. 2.

Mr. William Anderson having been the man of business for Lord Rockville's family, was considerably indebted to them at the time of his death, (Dec. 1796), when he nominated Mr. Stuart Moodie, advocate, to be his executor.

An executor who has made payment of a debt of the defunct, cannot be reponed upon a shortcoming of the funds.

The account due to the Countess Dowager of Dumfries, Lord Rockville's widow, amounted to £1054. 15s. and as there was then supposed to be much more than a sufficiency of funds for the discharge of his whole debts, payments were made to the amount of L.986. 5s. 8d. so as nearly to extinguish this debt.

It having turned out, however, that Anderson's funds were inadequate to answer the demands upon him, Moodie raised a summons of multiplepounding (4th June 1798), in which it was agitated, whether Lady Dumfries should rank upon the debt as at Mr. Anderson's death, or as then outstanding; that is, whether the payments were to be held as dividends out of the interest belonging to Lady Dumfries in the funds, or if she should now rank for the dif-