

1771.

 ROSS, &c.
 v.
 ROSS.
 Dec. 12, 1767.

made large advances for his constituent, in Scotland, on being superseded in his office, raised action before the supreme court of Jamaica, and, after appearance made, obtained decree against him.

In an action brought against him in the courts of Scotland, founding upon the decree, the Court of Session held that the foreign decree was not conclusive evidence of the debt, and ordered him to produce the vouchers of his claim.

Against this judgment the present appeal was brought.

After hearing counsel, it was

Ordered and declared that the judgment of the supreme court of Jamaica ought to be received as evidence *prima facie* of the debt; and that it lies upon the defendant to impeach the justice thereof, or to show the same to have been irregularly obtained. It is therefore ordered and adjudged that the said several interlocutors complained of be, and the same are hereby reversed.

For Appellants, *Al. Wedderburn. H. Dalrymple.*

For Respondents, *Ja. Montgomery, John Dalrymple.*

HUGH ROSS, Esq. and Wife,	-	<i>Appellants ;</i>
DAVID ROSS, Esq.,	- .	<i>Respondent.</i>

House of Lords, 10th April 1771.

CLAUSE—Whether a certain clause in a deed carried heritable debts.

Vide Morison, 5019, for a full report of this case.

In a conveyance of an estate, particularly described in the deed, there was adjected the following clause: “All my goods, gear, *debts*, sums of money, corn, cattle, and all other effects, which shall belong to him at the time of his decease, of what nature or kind soever they are.” It was held by the Court of Session that this clause did not carry heritable debts secured by adjudication or heritable bonds; and that these fell to the heir at law, although he was expressly cut off from the succession by the deed with a shilling.

On appeal to the House of Lords the judgment was affirmed.

For Appellants, *J. Dunning, Al. Forrester.*

For Respondent, *Ja. Montgomery, Al. Wedderburn.*