

NEAREST OF KIN.

1744. *November 27.*

CREDITORS of MR HUGH MURRAY *against* HIS RELICT.

No. 1.

NEAREST of kin, their interest in the dead's part is sufficiently established so as to transmit to their assignee voluntary or legal by a bare confirmation, and that as well *quoad* the goods or debts omitted to be confirmed as those in the inventory; and therefore Mrs Geddes and Mrs Murray having confirmed their father Hugh Sommervell's testament *qua* nearest of kin to him, in the lifetime of Hugh Murray, Mrs Murray's husband, but omitted accounts due to him, particularly one by the Marquis of Amundale, and which they eiked to the testament after Mr Murray's death, yet that debt was found affectable by the creditors of Mr Murray the husband. *Vide* EXECUTOR—& HUSBAND AND WIFE. (See DICT. No. 13. p. 9271.)

See NOTES.

NEGOTIORUM GESTOR.

1736. *January 27.*

HEIRS of MURDIESTON *against* MRS LOCKHART.

No. 1.

FACTOR on a trust-estate of a person who was cautioner with other two for a Collector to the Crown, having on the Collector's failing joined with the other two cautioners in borrowing money to pay the debt to the Crown, which he paid upon precepts and discharges, because the Crown does not assign, was found entitled to total relief of the sums so borrowed, against all the representatives of the defunct, who was liable as cautioner for the whole debt.