



Confirmation Act 1695

1695 CHAPTER 72

Act anent Executry and Moveables

Annotations:

Modifications etc. (not altering text)

- C1 Short title “The Confirmation Act 1695” given by [Statute Law Revision Act 1964 \(c. 80\)](#), [Sch. 2](#)
- C2 This Act is listed in 12mo edition as [1695 c. 41](#)

Our Sovereign Lord Considering that the Law is defective as to the affecting with legal diligence the moveable Estate which pertained to a Defunct either for his own or his nearest of kins debt in such manner as a Defuncts heretage may be affected by charging to enter heir in the known manner Doth therefore with advice and consent of the Estates of Parliament Statute and Ordain that in the Case of a moveable Estate left by a Defunct and falling to his nearest of kin who lyes out and doth not confirm the Creditors of the said nearest of kin may either require the Procurator fiscal to confirm and assign to them under the perril and pain of his being lyable for the debt if he refuse or they may obtain themselves Decerned Executors Dative to the defunct as if they were Creditors to him With this provision allwayes that the Creditors of the Defunct doing diligence to affect the said movable Estate within year and day of their debtors deceas shall alwayes be preferred to the diligence of the said nearest of kin And it is further Declared that in the case of any depending Cause or Clame against a Defunct the time of his deceas it shall be leisom to the persuer of the said Cause or Clame to charge the Defuncts nearest of kin to confirm Executor to him within twenty dayes after the Charge given which Charge so execute shall be a passive title against the person charged as if he were a vitious Intrometter unless he Renunce and then the Charger may proceed to have his debt Constitut and the hæreditas jacens of moveables declared lyable by a Decreet Cognitionis causa upon the obtaining whereof he may be Decerned Executor Dative to the defunct and so affect his moveables in the common form