

S E C T. XI.

Effect of a joint-disposition to several Persons for security of Debt.

1740. November 7.

No 40.

BLACKWOOD of Pitreavie *against* the Earl of SUTHERLAND, and the Representatives of COLVIL and RUSSEL.

WHERE a joint-disposition of property is granted to several persons, the disponees have no concern with one another ; and there can be no competition between them, nor any action, but for a division. But where a joint-disposition is granted to several persons for security of debts, the security granted to each creditor is over the whole subject ; they have a joint-interest, and the excluding of one of them on an objection to his debt, or any other ground, augments the security of the rest.

Upon this ground, in a competition between an adjudger from the common debtor, and certain joint-disponees in security, for the share of one of the joint-disponees, whose infertment was found void, as proceeding on a precept for inferting the Representatives of Colvil, without naming or describing those representatives, the other disponees were preferred.

Fol. Dic. v. 4. p. 245. Kilkerran, (SOCIETY), No 2. p. 518.

. Clerk Homes report of this case is No 23. p. 6902., *voce* INFERTMENT.

See PERSONAL and REAL.

See APPENDIX.