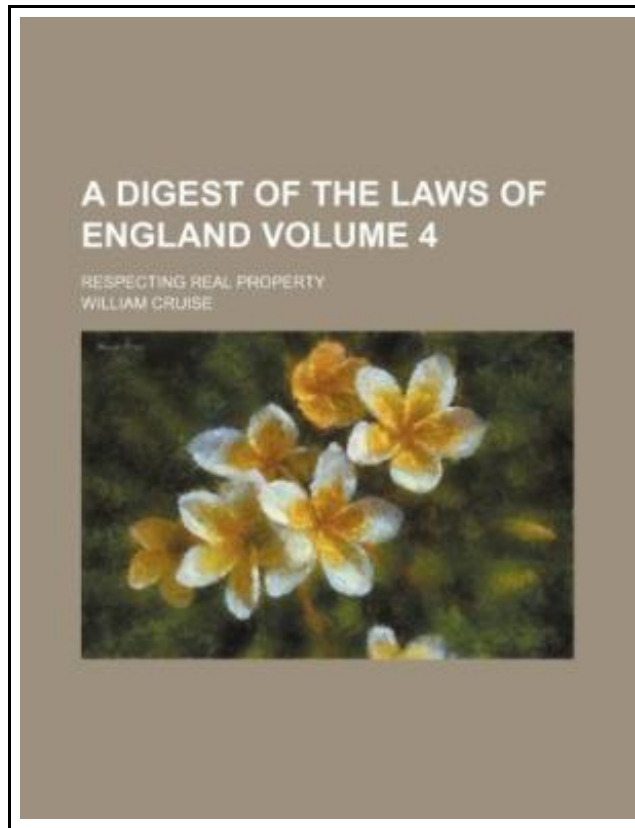


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Rarebooksclub.com, United States, 2012. Paperback. Book Condition: New. 246 x 189 mm. Language: English . Brand New Book ***** Print on Demand *****.This historic book may have numerous typos and missing text. Purchasers can download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1808 Excerpt: .his creditors contended that this sum was assets, for payment of his debts. The Master of the Rolls (Sir W. Grant) declared, that the power not having been executed, the money could not be raised. Upon an appeal, Lord Erskine said, the general 12 Ve. 206. question was, whether the sum of 2,000/. which Sir J. C. had power to raise, was to be considered as assets. The first ground upon which that might be maintained was, that jus disponendi was to be considered as property itself. If there was no case directly in point, the result of the authorities was, that a general power of disposition, not restrained as to the objects or the mode, was in effect property: The distinction between power and property being, that the former was subject to some restraint, either as to the objects, or the mode of disposition; the latter consisting in general and unconfined dominion. 2. There was no doubt, where an attempt was 1 Cox. Rep. 131 made to execute a power in favour of creditors, but the execution was defective, the defect would be r, supplied. The law of the Court was also admitted, that if a power was executed in due form, but in favour of a volunteer, the Court would take the George v. subject from that person, and give it to the creditors 9Ves. 190. of him who had the power. But where there was a complete want of execution, it could not...



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