



CHAPTER 69.

An Act to amend the Conveyancing (Scotland) Act, 1874, and the Conveyancing (Scotland) Act (1874) Amendment Act, 1879. A.D. 1887. —
[16th September 1887.]

WHEREAS it is expedient to explain and amend the Conveyancing (Scotland) Act, 1874, and the Conveyancing (Scotland) Act (1874) Amendment Act, 1879 : 37 & 38 Vict. c. 94.
42 & 43 Vict. c. 40.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in the present Parliament assembled, and by the authority of the same, as follows :

1. Where by a trust disposition and settlement, or other mortis causâ writing, any heritable estate is conveyed to trustees for behoof of, or with directions to convey the same to, the heir of the testator, whether forthwith or after the expiration of any period of time not exceeding twenty-five years, or by virtue of which the heir of the testator has the ultimate beneficial interest in such estate, the trustees under such trust disposition and settlement, or other mortis causâ writing, shall not, upon their entering, or by reason of their having prior to the date of this Act entered, with the superior, by infetment or otherwise, be liable for any other or different casualty than would have been payable by the heir if he had taken the estate by succession to the testator without the same having been conveyed to trustees ; and the heir upon thereafter entering with the superior, by infetment or otherwise, shall not be liable for any further casualty in respect of his entry, but whether the heir shall have been entered or not, another casualty shall become exigible upon his death in the same manner as if he had been duly entered with the superior. Limitation of liability of trustees for casualties.

2. Notwithstanding anything contained in the Bankruptcy (Scotland) Act, 1856, the provisions of section three of the Conveyancing (Scotland) Act (1874) Amendment Act, 1879, shall be applicable to all poidings of the ground by which movables forming part of or belonging to a bankrupt estate, whether administered in Scotland or furth thereof, are sought to be attached or affected, and that whether the debts or securities in respect of which such poidings of the ground shall be brought shall have been Section three of 42 & 43 Vict. c. 40. applicable to poidings of ground.

[CH. 69.] *Conveyancing (Scotland) Acts (1874 [50 & 51 VICT] and 1879) Amendment Act, 1887.*

A.D. 1887. constituted or granted by the bankrupt, or by any ancestor or predecessor of the bankrupt, or by any other person.

Novodamus not challengeable because lands not resigned into superior's hands.

3. It shall not be competent to object to the validity of any charter of novodamus, whether granted prior to or after the passing of this Act, on account of the lands therein contained not having previously, and in order to the granting thereof, been resigned into the hands of the superior.

Decree of irritancy not final till extract recorded.

4. No decree of declarator of irritancy at the instance of a superior against his vassal *ob non solutum canonem* obtained after the passing of this Act shall be deemed to be final until an extract thereof shall have been recorded in the appropriate register of sasines.

Letters of administration of will, &c. equivalent to will for authorization of notary to expedite instrument.

5. The production to any notary public of letters of administration of the will or other testamentary settlement of a person deceased issued by any Court of Probate in England or in Ireland, or in any British colony or dependency, or of an exemplification of such letters of administration, shall for the purpose of expediting a notarial instrument, or otherwise completing a title to any estate in land or to any heritable security, be held to be equivalent to and as effectual as the production to such notary of the will or settlement itself, or of an extract thereof from the books of Council and Session; and it shall not be competent to institute any challenge of any notarial instrument in respect of the letters of administration or exemplification thereof having been used as the warrant for expediting the same prior to the commencement of this Act.

Short title.

6. This Act may be cited for all purposes as the *Conveyancing (Scotland) Acts (1874 and 1879) Amendment Act, 1887.*