conveyance from the heir-at-law or by a notarial instrument, as provided in section 19.

It is thus manifest that the title so made up must contain the conditions and qualifications contained in the general disposition, and no other. As to the effect to be given to these conditions and qualifications the statute of course is wholly silent. It dealt with no such matter. But it shows that the conditions and qualifications must enter the title precisely as they are contained in the general disposition; and if these are such as the law of Scotland will not recognise, there is not a word in this clause which can give them validity.

It is said that this 20th section places bequests of land on the same footing with bequests of moveables, and on this assumption the opposite argument is wholly built. But this is not what the clause does. It puts bequests of land, in testaments which contain words which would be sufficient to convey moveables, on the same footing with a general disposition of land *inter vivos;* and if this were a general disposition of land *inter vivos*, it seems to be conceded that it could not be supported. If so, the foundation of the hypothesis is destroyed, because by the very words of the section this settlement is equivalent to a general disposition of land *inter vivos.*

I am therefore of opinion that there is here no valid disposition of this estate, because it is qualified by conditions repugnant to the law, and that the pursuer as heir-at-law is entitled to the property in fee-simple.

The Court recalled the Lord Ordinary's interlocutor, repelled the pleas-in-law for pursuer, and sustained the second and third pleas for the defenders Edward Arthur Studd and Gladys Studd, and assoilzied them from the conclusions of the libel.

Counsel for Pursuer — Asher — H. Johnston. Agents—Mackenzie & Kermack, W.S.

Counsel for Curator *ad litem* — Kinnear—Maconochie. Agent—Charles Cook, W.S.

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*Saturday, December* 11.

## FIRST DIVISION.

PETITION—HARRISON.

*Process — Bankruptcy — Bankruptcy (Scotland) Act* 1856, *sec.* 48—*Warrant to Record Abbreviate in Sequestration.*

The petitioner was the creditor of a bankrupt estate, on whose petition the first deliverance in the sequestration was obtained before the Sheriff of Orkney, &c. The bankrupt had since died, and as his successors were pupils and no tutor *ad litem* had been appointed, the warrant granting the sequestration of the estate had not been pronounced.

By section 48 of the Bankruptcy (Scotland) Act 1856 it is declared that the party applying for sequestration shall present, before the expiration of the second lawful day after the first deliverance if given by the Lord Ordinary, or present or transmit by post before the expiration of the second lawful day after the said deliverance if given by the Sheriff, an abbreviate of the petition and deliverance to the Keeper of the Register of Inhibitions at Edinburgh.

The petitioner stated that through an oversight he had not complied with the above provision of the statute, and he therefore craved the Court to grant warrant for the recording of the abbreviate, which he produced with the petition.

The Court pronounced the following interlocutor—"Grant warrant and authority to the Keeper of the General Register of Inhibitions at Edinburgh, within the period of fourteen days from this date, to receive the abbreviate of the petition and deliverance in the sequestration mentioned in the petition, and to record the same in the said register, and to write and subscribe a certificate on the said abbreviate, in the form specified in the statute, as prayed for, and decern: Reserving all objections to any party having interest against the validity of the proceedings, with all answers thereto as accords: And declaring that the expenses of this application and procedure connected therewith are not to be allowed against the estate."

Counsel for Petitioner—Galloway. Agent—Thomas Carmichael, S.S.C.

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*Tuesday, December* 14.

## SECOND DIVISION.

[Lord Curriehill, Ordinary.

(Before Seven Judges.)

STRAITON ESTATE COMPANY (LIMITED) *v.* STEPHENS.

(*Ante*, June 12, 1878, vol. xv., p. 622, and 5 R. 922; July 8, 1879, vol. xvi., p. 718, and 6 R. 1208.)

*Superior and Vassal—Composition for Entry—Implied Entry—Conveyancing Act* 1874, *sec.* 4—*Obligation of Relief—Titles to Lands Consolidation (Scotland) Act* 1868, *sec.* 8.

Composition for an entry being due and payable at the death of the last entered vassal, if the person who was proprietor of the lands at the death of the last entered vassal subsequently sells them without having paid the composition, by disposition containing the statutory clause of relief of all casualties, feu-duties, and public burdens, he is liable, notwithstanding the implied entry introduced by the Conveyancing Act of 1874, to relieve the disponee of the composition when demanded by the superior.

*Opinion (per* Lords Shand and Young) that he would be so liable without the express obligation of relief.

Where the disponee had, after notice to the disponer, contested the claim of the superior to a composition for entry, on the