



# Conveyancing (Scotland) Act 1874

## 1874 CHAPTER 94

**63 Section 125 of Titles to Land Consolidation Act, 1868, repealed Completion of title of executors nominate, or disponee or legatee of an heritable security, or of heir where executors excluded**

Section one hundred and twenty-five of "The Titles to Land Consolidation (Scotland) Act, 1868," is hereby repealed, and in place thereof the following words shall be deemed and be taken to be the one hundred and twenty-fifth section of the last-recited Act, and the last-recited Act shall be read and construed as if the one hundred and twenty-fifth section thereof had been originally expressed in the following words, viz. :

Upon the death of any creditor in right of an heritable security constituted by infeftment as aforesaid from which executors shall not have been excluded, who shall die leaving a testamentary or mortis causa deed or writing naming executors, or disposing or bequeathing his moveable estate or disposing or bequeathing the security, it shall be competent for the executors duly confirmed, or for the disponees, or for the legatees, as the case may be, to complete a title thereto by a writ of acknowledgment to be granted in their favour by the debtor in the said security infeft in the lands comprehended therein, in or as nearly as may be in the form set forth in Schedule (II.) hereto annexed; and when the executors or disponees (being more than one) shall be appointed under such deed or writing for holding the moveable estate of the deceased in trust for the purposes of" the deed or writing, and not wholly for their own beneficial interest, it shall be competent (when not expressly precluded by the terms of the deed or writing) to take the said writ in favour of the said executors or disponees, and the survivors or survivor of them; and where any creditor has died or shall die before, the commencement of this Act in right of such an heritable security, or where any creditor shall die thereafter in right of such an heritable security, from which executors shall have been excluded, it shall be competent for the heir of such creditor to complete a title to the security by a writ of acknowledgment as aforesaid; and on such writ being recorded in the appropriate register of sasines, the executors, disponees, or legatees, or heirs, as the case may be, in whose favour such writ has been granted, shall be vested with the full right of the creditor in such security, and shall be held to be entered with the superior in like manner and to the same effect as the original creditor himself.