THE PRACTICE OF THE COMMISSARY COURTS IN SCOTLAND: WITH AN APPENDIX CONTAINING ACTS OF PARLIAMENT AND SEDERUNT, PRACTICAL FORMS, ETC

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649678280

The Practice of the Commissary Courts in Scotland: With an Appendix Containing Acts of Parliament and Sederunt, Practical Forms, Etc by William Alexander

Except for use in any review, the reproduction or utilisation of this work in whole or in part in any form by any electronic, mechanical or other means, now known or hereafter invented, including xerography, photocopying and recording, or in any information storage or retrieval system, is forbidden without the permission of the publisher, Trieste Publishing Pty Ltd, PO Box 1576 Collingwood, Victoria 3066 Australia.

All rights reserved.

Edited by Trieste Publishing Pty Ltd. Cover @ 2017

This book is sold subject to the condition that it shall not, by way of trade or otherwise, be lent, re-sold, hired out, or otherwise circulated without the publisher's prior consent in any form or binding or cover other than that in which it is published and without a similar condition including this condition being imposed on the subsequent purchaser.

www.triestepublishing.com

WILLIAM ALEXANDER

THE PRACTICE OF THE COMMISSARY COURTS IN SCOTLAND: WITH AN APPENDIX CONTAINING ACTS OF PARLIAMENT AND SEDERUNT, PRACTICAL FORMS, ETC



THE PRACTICE

OF THE

COMMISSARY COURTS IN SCOTLAND.

WITH

AN APPENDIX

CONTAINING ACTS OF PARLIAMENT AND SEDERUNT, PRACTICAL FORMS, ETC.

BY

WILLIAM ALEXANDER,

WRITER TO HER MAJEST'S SIGNEY,
FRIEGUEAL CLEEK AND REGISTRAK OF THE COMMISSANT COURT OF EDINEUROH,
AUTHOR OF ABBIDGHESTS OF THE ACTS OF THE PALLIAMENTS OF SCOTLAND,
AND OF THE ACTS OF ENDERUNY OF THE LONDS OF COUNCIL AND SESSION,

EDINBURGH:

ADAM AND CHARLES BLACK, NORTH BRIDGE.

LONGMAN AND CO., LONDON.

MDCCOLIX.



PRINTED BY M. AND M. CLARK, EDINBURGH.

John Thomson Gordon, Esquire,

SHERIPF AND COMMISSARY OF THE COURTY OF MID-LOTHIAN,

IN GRATEFUL ACKNOWLEDGMENT

OF THE KINDNESS AND ENCOURAGEMENT

RECEIVED FROM HIM BY THE AUTHOR IN THE DISCHARGE

OF HIS OFFICIAL DUTIES,

THIS WORK

IS RESPECTFULLY DEDICATED.



CONTENTS OF PRACTICE.

CHAP.							PAGE
	ory, Constitu		1 20 105	&c., of	the C	om-	1
					<u>.</u>		
	t are Herital						7
III. Rules	of Successi	ion to I	ands and	other I	Ieritage	s in	
Se	otland,	0.00		3.		•	14
IV. Rules	of Succession	n in Mo	veables,				18
V. Domi	cile, .	200	3300	7 . 1			27
VI. Appoi	intment of E	ecutor	in case of	Intestac	y, or w	here	
th	ere has been	no Non	nination o	f Execu	tors,		40
VII. Inver	ntories of Pe	rsonal E	state,	32 .	*		50
VIII. Caut	ion for Exec	ntors-D	ative,	12		\sim	58
IX. Testa	ament-Dativ	е, .	0.63		•	30	60
X. Tests	ate Successio	m,	40				63
XI. Testa	ment-Testai	mentar,	6		*		87
XII. Exec	utor-Credito	r, .				٠	93
XIII. Confi	irmation quo	ad non	executa ai	nd quoa	d omiss	a et	
m	ale appretia	ta,			9		102
XIV. Effec	t in Scotland	of Eng	glish and	Irish P	robates	and	
L	etters of Adr	ministrat	ion,				105
XV. Stam	p and Legac	y Dutie	s, .	9			107
XVI. Judio	ial Proceeding	ngs,	50 (1.5)				109
XVII. Fees,		*0	8848		64	9	110
XVIII. Mean	ing of Word	ls,	•	4.0	2.6	2.	111

CONTENTS OF APPENDIX.

	Page
Acts of Parliament :-	
1. Act of the Scottish Parliament 1695, cap. 41,	
intituled, "Act anent Executry and Moveables,"	113
2. The Theilusson Act, 39th and 40th George III.	
cap. 98, intituled, "An Act to restrain all	
"Trusts and Directions in Deeds or Wills,	
" whereby the profits or produce of real or per-	
" sonal estate shall be accumulated, and the	
" beneficial enjoyment thereof postponed beyond	
" the time therein limited." 28th July 1800,	114
3. Act 4th George IV., cap. 97, intituled, "An Act	
" for the Regulation of the Court of the Com-	
" missaries of Edinburgh; and for altering and	
" regulating the Jurisdiction of Inferior Com-	
" missaries in Scotland." 19th July 1823, .	116
4. Act 4th George IV., cap. 98, intituled, "An Act	in.n.m
" for the better granting of Confirmations in	
"Scotland." 19th July 1823,	124
그는 그들을 보고 하게 하면 어느 생각이 되었다. 그렇게 아니라 아이를 가는 것이 없었다면 하셨다. 그렇게 하는 것이 없다.	124
5. Act 18th Victoria, cap. 23, intituled, "An Act	
" to alter in certain respects the Law of Intes-	
"tate Moveable Succession in Scotland."	E45246
25th May 1855,	126

PAGE
6. Act 21st and 22d Victoria, cap. 56, intituled,
" An Act to amend the Law relating to the
" Confirmation of Executors in Scotland, and
" to extend over all parts of the United King-
" dom the effect of such Confirmation, and of
"Grants of Probate and Administration."
23d July 1858,

cember 1823, .

thereof.

V. Eiks:

CONTENTS OF APPENDIX.

III. Orders by Commissary of Edinburgh, 1853 and 1858, IV. Act of Sederunt 19th March 1859, intituled, "Act of " Sederunt to regulate Proceedings before Commis-" saries, and the Fees of Clerks of Commissary " Courts, under the Act of Parliament 21st and 22d

" Vict., cap. 56"-And Note .

1. First Eik to Testament-Dative,

Annual Return of Fees by Commissary Clerks

2. First Eik to Testament-Testamentar. .

VI. Forms of Inventories, and Relative Oaths recommended by the Inland Revenue Office, with Additions required at Commissary Office, Edinburgh :-1. Form to aid in the Preparation of Inventory-Party dying domiciled in Scotland-for Exhition in the proper Commissary Court, 48th Geo. III. c. 149, § 38; 21st and 22d Vict. c.

> 2. Form of Oath where the deceased has not left any Testament or other Writing relating to the Disposal of his Personal Estate, or any part

3. Form of Oath where the deceased has left a Testament or other Writing relating to the Disposal of his Personal Estate, or any part thereof, . 157 4. Form to aid in the Preparation of an Additional Inventory-Party dying domiciled in Scotlandfor Exhibition in the proper Commissary Court, 158

......

ix

. 144

151

152

153

. 154

156