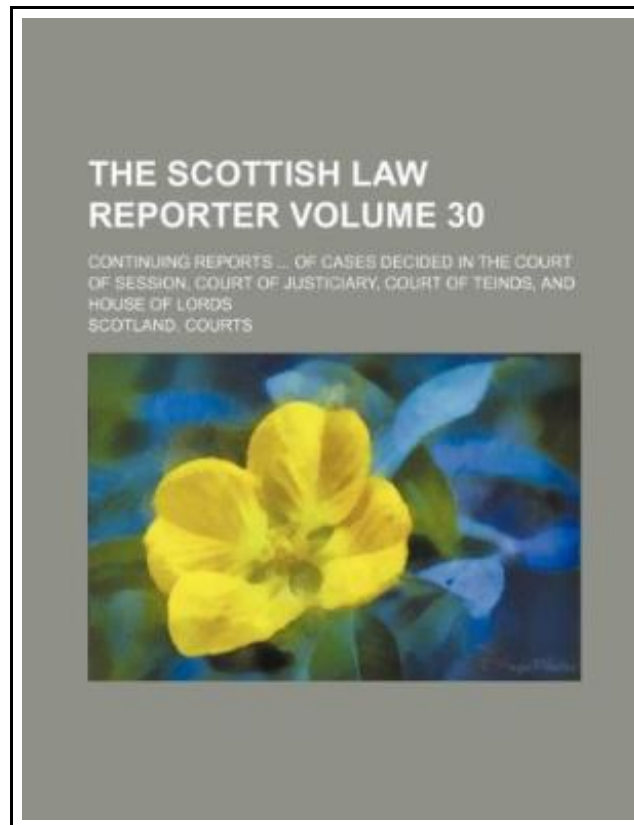


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(Rebecca Bechtelar)

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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. 1893 Excerpt: .of his estate. The effect of such a testament as constituting a trust in favour of the nextof-kin is a purely statutory effect, depending on a statute of the Scottish Parliament which made it a trust to the extent of twothirds of the estate, and in the Moveable Succession Act, which constitutes it a trust to the full extent. It is not to be supposed that in framing a will in this form the testator had heritage in view. If the maker of a testament introduces the words heritable estate or equivalent words, I should give effect to them; but if bespeaks of estate only, I should take it that he refers only to such estate as can be passed by a proper testament. I therefore agree with your Lordship in the chair. Lord Kinnear--It is very difficult in this ease to know what the testator meant, and I think he had no clear idea in his own mind. I concur with your Lordship in the chair and with Lord M Laren. I desire to add that I do not think our judgment decides anything else than that the will, taking its whole effect, carries moveables only. It would not rule other cases unless the settlement were in exactly the same terms. The Court affirmed the interlocutor of the Lord Ordinary, with expenses. Counsel for Defender and Reclaimer--Cullen. Agents--J. A. F. Adam, W.S. Counsel for Pursuer and Respondent--Kemp. Agents--Dove Lockhart, S.S.C. Wednesday, February 22. FIRST DIVISION....



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