in any Act, shall extend to the administrative county of Northumberland and to the sea adjoining the same, and within the exclusive fishery limits of the British Islands, and the provisions of any Act in regard to the exercise of those powers and the enforcement of any penalties thereunder shall apply accordingly.

CHAPTER 29.

An Act to amend the Law of Scotland as regards Presumption of Life. [3rd July 1891.]

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

Short title.

1. This Act may be cited as the Presumption of Life Limitation (Scotland) Act, 1891.

Repeal. 44 & 45 Vict. c. 47.

2. The Presumption of Life Limitation (Scotland) Act, 1881, is hereby repealed, but this repeal shall not affect the proceedings in any petition under the repealed Act presented before the passing of this Act, or the rights of parties thereunder.

Presumption of life of persons disappeared.

3. When any person has disappeared and has not been heard of for seven years or upwards, the Court, on the petition of any person entitled to succeed to any estate on the death of such person, or entitled to any estate the transmission of which to the petitioner depends on the death of such person, or the fiar of any estate burdened with a life-rent in favour of such person may, after such procedure and inquiry by advertisement or otherwise as it may direct, find that such person has disappeared, and find what was the date on which he was last known to be alive, and find on the facts proved or admitted that he died at some specified date within seven years after the date on which he was last known to be alive, and where there is no sufficient evidence that he died at any definite date, find that he shall be presumed to have died exactly seven years after the date on which he was last known to be alive; and it shall thereafter be competent to the person who has presented the petition, and to any other person entitled to succeed to any estate on the death of the person who has disappeared, or entitled to any estate the transmission of which, or the disburdening of which from a life-rent, depends on the death of the person who has disappeared, to make up titles to and to enter into possession of and to sell or dispose of or to burden such estate as if the said person had actually died at the date on which the Court has found that he is proved or presumed to have died: Provided always, that nothing herein contained shall entitle any person to any part of the intestate moveable succession of a person who has disappeared if the latter was not a domiciled Scotsman at the date at which he is proved or presumed to have died.

Power to dispense with consent of absent person to sale of property held pro indiviso.

4. When one of two or more pro indiviso proprietors of heritable estate in Scotland has disappeared and has not been heard of for seven years or upwards, and the other pro indiviso proprietor or proprietors shall desire to sell the said estate, it shall be competent to such other pro indiviso proprietor or proprietors to present a petition to the Court setting forth the said facts, and after such procedure and inquiry, by advertisement or otherwise, as the Court may direct, the Court may grant authority to the petitioner or petitioners to sell the said estate by public roup or private bargain, as the Court may think fit, and the title granted by the said pro indiviso proprietor or proprietors under such authority shall be as good and valid to the purchaser as if the absent person had been a party to the sale and conveyance, and in the case of such a sale the share of the price belonging to the absent person shall be paid into bank for behoof of such absent person and shall be deemed to be heritable estate of the said absent person, and, as such, shall be subject to the provisions of this Act.

Judgments under repealed Act to have effect as under this Act.

5. All judgments granting the prayer of applications presented under sections one, four, or five of the repealed Act shall have the same force and effect in regard to the persons whose disappearance formed the subject of such applications and the estate heritable and moveable affected thereby as if they had been judgments obtained in terms of this Act finding that such persons are proved or presumed to be dead as aforesaid.

Claim of absent persons barred after thirteen years.

6. Notwithstanding a judgment of the Court under this or the repealed Act, the person who has disappeared, or any person deriving right from him to any estate preferably to the person who has become entitled thereto under the provisions of this Act or of the repealed Act, shall be entitled to demand and receive from the person who has become entitled thereto as aforesaid, or from anyone acquiring the same from him by gratuitous title, the said estate or the price or value thereof, if the same shall have been sold or otherwise disposed of, free of any burden which did not affect the said estate at the date of the judgment of the court, subject to a claim for the value of any meliorations which may have been made upon the estate by the person from whom the demand is made, but shall not be entitled to demand or receive any income which may have accrued from the said estate before notice of the demand: Provided always, that any person denuding of the estate or any part thereof under this section shall be bound, but always at the expense of the person or persons receiving the same, to grant such deeds and instruments as may be necessary for the completion of title, but with warrandice from fact and deed only; and shall also be bound, in case the person receiving the same is the person who had disappeared, to free and relieve him of all claim and demand in name of relief, composition, or other casualty which may be competent to the superior of the subjects in respect of or consequent upon the completion of the title of the person who had disappeared; and, in the event of the estate or any part thereof having been burdened with debt since the date of the judgment of the Court, the person denuding

shall be bound to purge such encumbrances at his own expense, and obtain and deliver discharges thereof, unless it is shown that the money borrowed was expended on meliorations for which he is entitled to credit.

Right to recover estate barred after thirteen years.

7. It shall not be competent for the person who has disappeared, or any person deriving right from him, to demand or recover from any person who has become entitled under the provisions of this or the repealed Act any estate the title to which admits of being made up by registration in a public register after the lapse of thirteen years from the date at which a title thereto shall have been so made up under the authority of this or the repealed Act; or any other estate after the lapse of thirteen years from the date at which possession of the said estate, or of the respective items thereof, shall have been obtained under the provisions of this or of the repealed Act.

Amendment of 45 & 46 Vict. c. 53. s. 14.

8. Section fourteen of the Entail (Scotland) Act, 1882, shall be read as if the word "seven" were substituted for the word "fourteen," and as if the words "Presumption of Life Limita-" tion (Scotland) Act, 1891," were substituted for the words "Presumption of Life Limitation (Scotland) Act, 1881."

Several persons may be conjoined in one petition.

9. Any number of persons may be conjoined in one petition relating to the estate of the same absent person; and any person having a limited right to the estate of an absent person may appear as petitioner to the effect of having such right made effectual, subject to the provisions of this Act.

Saving rights of third parties.

10. Nothing in this Act shall be held to prejudice or affect the right of third parties having right to the estate or any part of it preferable to the right of the absent person or to the right of his representatives derived from him.

Act not to apply to policy of assurance.

11. This Act shall not apply to any claim against the insurers under a policy of assurance upon the life of any person who has disappeared, and the person or persons claiming under such policy shall be required in any question with the insurers to prove the death of the person whose life is insured in the same manner as if this Act had not been passed.

Definitions.

12. In this Act—

(1.) The word "Court" means either—

(*a.*) The Court of Session, in which case the procedure shall be by petition addressed to the Court, and brought, in the first instance, before one of the Lords Ordinary, who may direct such intimation and service, and such investigation or inquiry, as he may think fit; and the power of the Lord Ordinary before whom the petition is enrolled may be exercised by the Lord Ordinary on the Bills during vacation; and all such petitions shall, as respects procedure, disposal, and review, be subject to the same rules and regulations as are enacted with respect to petitions coming before the Junior Lord Ordinary in virtue of the Act twentieth and twenty-first Victoria, chapter fifty-six, and any Act amending the same; or

(*b.*) In cases where the total amount or value of the estate in Scotland, the right to which depends upon the death of the absent person, does not exceed five hundred pounds, the Sheriff Court of the county in which the said estate or the greater part thereof is situate, in which case the sheriff shall direct such intimation and service and such investigation or inquiry as he may think fit, and the procedure in so far as concerns appeal to and review by a higher court shall be in all respects the same as in an action in the ordinary sheriff court: Provided that the value of heritable estate, for the purpose of this section, shall be ascertained in terms of the provisions of the Act fortieth and forty-first Victoria, chapter fifty:

(2.) Unless it otherwise appear from the context, the word "estate" shall mean and include all property heritable and moveable, real and personal, and any right or interest therein of any description.

CHAPTER 30.

An Act to amend the Law relating to Law Agents and Notaries Public practising in Scotland.

[21st July 1891.]

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

Interpretation of terms.

1. The following words and expressions, when used in this Act, shall have the meanings hereby assigned to them; that is to say,—

"Law agents" shall include writers to the signet, solicitors in the supreme courts, procurators in any sheriff court, and every person entitled to practise as an agent in a court of law in Scotland:

"Notary public" shall mean any notary public duly admitted in Scotland.

Prosecution of unqualified persons practising as law agents or notary public.

2. Any person, being neither a law agent nor a notary public, who, either by himself or in conjunction with others, wilfully and falsely pretends to be, or takes or uses any name, title, addition, or description implying that he is, duly qualified to act either as a law agent or as a notary public, or that he is recognised by law as so qualified, shall be guilty of an offence under this Act, and shall be liable to a penalty not exceeding the sum of ten pounds for the first offence, together with the costs of prosecution and conviction; and any such person who shall be guilty of a second or subsequent offence or offences under this section shall be liable to a penalty not exceeding twenty pounds, with the alternative, in case of failure in