Entail Amendment Act 1848

1848 CHAPTER 36

VI Provision for Disclosure of Entailer's Debts which affect the Estate disentailed.

And be it enacted, That where any Heir of Entail in possession of an entailed Estate in *Scotland* shall apply to the Court of Session under this Act in order to disentail such Estate, in whole or in part, or to sell, alienate, dispone, charge with Debts or Incumbrances, lease, feu, or excamb the same or any Part thereof, he shall make and produce in such Application an Affidavit setting forth that there are no Entailer's Debts or other Debts, and no Provisions to Husbands, Widows, or Children, affecting or that may be made to affect the Fee of the said entailed Estate or the Heirs of Entail, or, if there are such Debts or Provisions, setting forth the Particulars of the same, with the Amounts thereof respectively, Principal, Interest, and Expenses, and the Vouchers by which the same are instructed, and the Names, Designations, and Residences of the Parties in right of the same; and the Court shall not proceed with such Application until such Affidavit, is lodged; and, if the Court shall see Cause, Intimation of such Application may be ordered to be made to the Parties in right of the said Debts or Provisions or any of them, with a view to such Parties appearing for their Interest, if they shall see fit; and it shall be lawful for the Court to order such Provision as may appear just to be made for such Debts or Provisions, or for the Protection of the Parties in right of the same, before granting the Authority sought for in such Application, or as the Condition of granting the same; and any Person who shall wilfully make such Affidavit falsely shall be deemed to be guilty of Perjury, and be punishable accordingly.