



# Fines and Recoveries Act 1833

## CHAPTER 74

### FINES AND RECOVERIES ACT 1833

- [1.] Meaning of certain words and expressions. Estate. Lands. Base fee. Estate tail. Actual tenant in tail. Tenant in tail. Tenant in tail entitled to a base fee. Money. Person. Number and gender. Settlement.
- 2—14 .....
- 15 Power after the 31st Dec. 1833, to dispose of lands entailed, in fee simple or for a less estate, saving the rights of certain persons.
- 16 .....
- 17 .....
- 18 The power of disposition not to extend to certain tenants in tail.
- 19 Power, after the 31st Dec. 1883, to enlarge base fees; saving the rights of certain persons.
- 20 Issue inheritable not to bar expectancies.
- 21 Extent of the estate created by a tenant in tail by way of mortgage or for any other limited purpose.
- 22 The owner of the first existing estate under a settlement prior to an estate tail under the same settlement, to be the protector of the settlement.
- 23 Each of two or more owners of a prior estate to be the sole protector as to his share.
- 24 .....
- 25 As to estates confirmed or restored by settlement.
- 26 As to leases at rent created by settlement.
- 27 †No tenant in dower, heir, executor, &c. to be protector.
- 28 Who shall be the protector where the owner of the prior estate shall, by the 2 last clauses, be excluded.
- 29—31 .....
- 32 .....

*Changes to legislation: There are currently no known outstanding effects for the Fines and Recoveries Act 1833. (See end of Document for details)*

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- 33 †In cases of lunacy, the Lord Chancellor or Lord Keeper or Lords  
Commissioner, or other persons intrusted with lunatics, or in cases of  
treason or felony, &c. the Court of Chancery to be the protector.
- 34 Where there is a protector, his consent requisite to enable an actual  
tenant in tail to create a larger estate than a base fee.
- 35 Where a base fee, and a protector, his consent requisite to the exercising  
of a power of disposition.
- 36 The protector to be subject to no control in the exercise of his power of  
consenting.
- 37 Certain rules of equity not to apply between the protector and tenant in  
tail.
- 38 A voidable estate by a tenant in tail, in favour of a purchaser, confirmed  
by a subsequent disposition of such tenant in tail under this Act, but not  
against a purchaser without notice.
- 39 Base fees when united with the immediate reversions, enlarged instead  
of being merged.
- 40 †Tenant in tail to make a disposition by deed as if seised in fee, but  
not by will or contract; and if a married woman, with her husband's  
concurrence.
- 41 .....
- 42 Consent of the protector, how to be given.
- 43 If by distinct deed.
- 44 Protector not to revoke his consent.
- 45 Consent of a married woman protector.
- 46 .....
- 47 Courts of equity excluded from giving any effect to dispositions by  
tenants in tail, or consents of protectors of settlements, which in courts  
of law would not be effectual.
- 48 Lord Chancellor, &c. to have power to consent to a disposition by a  
tenant in tail, and to make such orders as shall be thought necessary; and  
if any other person shall be joint protector the disposition not to be valid  
without his consent.
- 49 Order of the Lord Chancellor, &c. to be evidence of consent.
- 50—54 .....
- 55 .....
- 56 The Commissioner in the case of an actual tenant in tail becoming  
bankrupt after the 31st Dec. 1833, by deed to dispose of the lands of the  
bankrupt to a purchaser.
- 57 If a tenant in tail entitled to a base fee becomes bankrupt, and if there is  
no protector, the Commissioner to dispose of the lands of the bankrupt.
- 58 As to the consent of the protector in case of bankruptcy.
- 59 .....
- 60 Subsequent enlargement of base fees created by the disposition of the  
Commissioner.
- 61 Enlargement of base fees subsequent to the sale or conveyance of the  
same under the Bankrupt Acts.
- 62 A voidable estate created in favour of a purchaser by an actual tenant  
in tail becoming bankrupt, or by a tenant in tail entitled to a base fee  
becoming bankrupt, confirmed by the disposition of the Commissioner,  
if no protector, or being such with his consent, or on there ceasing to be  
a protector; but not against a purchaser, without notice.
- 63 Acts of a bankrupt tenant in tail void against any disposition under this  
Act by the Commissioner.

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- 64 Subject to the powers given to the Commissioner and to the estate in the assignees, a bankrupt tenant in tail shall retain his powers of disposition.
- 65 The disposition by the Commissioner of the lands of a bankrupt tenant in tail shall, if the bankrupt be dead, have in the cases herein mentioned the same operation as if he were alive.
- 66 .....
- 67 Assignees to recover rents of the lands of a bankrupt, of which the Commissioner has power to make disposition, and to enforce covenants, as if entitled to the reversion. This clause to apply to all copyhold land; but as to other lands, only to such as the Commissioner may dispose of after the bankrupt's death.
- 68 All the provisions of the Act in regard to bankrupts shall apply to their lands in Ireland.
- 69 Deeds relating to the lands of bankrupts in Ireland to be inrolled there.
- 70 .....
- 71 †The previous clauses, with certain variations, to apply to lands of any tenure to be sold, where the purchase money is subject to be invested in the purchase of lands to be entailed, and where money is subject to be invested in like manner.
- 72 The preceding clause shall, in cases of bankruptcy, apply to lands of any tenure in Ireland, to be sold, where the purchase money is subject to be invested in the purchase of lands to be entailed, and also to money which is subject to be invested in lands.
- 73 .....
- 74 .....
- 75 .....
- 76 .....
- 77 .....
- 78 .....
- 79—90 .....
- 91 .....
- 92 Ireland.
- 93 .....

**Changes to legislation:**

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