Entail Amendment Act 1848

1848 CHAPTER 36

XLVIII or by Liferents ;

And be it enacted, That from and after the passing of this Act it shall be competent to grant an Estate in *Scotland* limited to a Liferent Interest in favour only of a Party in Life at the Date of such Grant; and where any Land or Estate in *Scotland* shall, by virtue of any Deed dated on or after the said First Day of *August* One thousand eight hundred and forty-eight, be held in Liferent by a Party of full Age born after the Date of such Deed, such Party shall not be in any way affected by any Prohibitions, Conditions, Restrictions, or Limitations which may be contained in such Deed, or by which the same or the Interest of such Party therein may bear to be qualified, and such Party shall be deemed and taken to be the Fee Simple Proprietor of such Estate, and it shall be lawful to such Party to obtain and record an Act and Decree of the Court of Session in the like Form and Manner and in the like Terms and with the like Operation and Effect as is herein-before provided with reference to an Act and Decree of the said Court in the Case of Deeds of Trust: Provided always, that the Rights of the Superior of such Lands or Estate, and of all Parties holding Securities thereon, and all Rights which shall be held independently of the Deed by which such Liferent is constituted, shall be as they are hereby reserved entire.