



Entail Amendment Act 1848

1848 CHAPTER 36

XXXVI Excambions under the Act 6 & 7 W. 4. c. 42. may be carried through under the Forms of this Act.

And whereas by the said recited Act passed in the Session of Parliament holden in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth certain Powers to make Excambions are conferred upon Heirs of Entail, certain Notices being given to Heirs Substitute and others, and certain Advertisements made, and certain Procedure had before the Court of Session, all as in the said recited Act especially provided; and it is expedient to simplify the Mode of effecting Excambions under the said Act, and to diminish, the Expense thereof; be it enacted, That from and after the passing of this Act it shall not be necessary for any Heir of Entail in possession intending to effect any Excambion under or by virtue of the said recited Act to adopt any of the Procedure thereby required, but it shall be competent to such Heir of Entail to present an Application to the Court by way of summary Petition in the Form and Manner provided by this Act, and the Court shall entertain, proceed with, and dispose of the same in every respect as if the Powers to effect Excambions conferred by the said recited Act had been contained in and conferred by this Act; and further, it shall not be necessary to record any Contract of Excambion which shall be executed at the Sight and with the Approbation of the Court, as required by the said recited Act, in any other Register than the Register of Tailzies.