



# Entail Improvement Act 1770

1770 CHAPTER 51 10 Geo 3

**33 Limitation of quantity to be exchanged; for which an equivalent is to be made from lands contiguous. Value of lands exchanged, how to be adjusted, and property thereof determined.**

[<sup>F1</sup>Provided, that not more than thirty acres of arable land, nor more than one hundred acres of lands consisting of hills or other grounds incapable or improper by their nature for culture by the plough, of such entailed estates, lying together in one place or plot, shall be given in exchange; and that an equivalent in land, contiguous to the entailed estate with which the exchange is to be made shall be received in place of the land given in exchange]: and for ascertaining and adjusting the value of the lands proposed to be exchanged, an application shall be made for that purpose by the proprietor of the entailed estate, to the sheriff or steward of the county within which the entailed estate is situated, who thereupon shall appoint two or more skilful persons to inspect and adjust the value of the lands proposed to be excambed or exchanged; and upon such persons settling the marches of the lands proposed to be exchanged, and reporting upon oath that the exchange will be just and equal, the sheriff or steward may, and is hereby required to authorize the exchange to be made by a contract of excambion; and which being executed and recorded in the sheriff or steward books within three months after the execution thereof, the same shall be effectual to all intents and purposes; and the land given in exchange to the entailed estate shall be held to be a part thereof, and shall be subject to all the prohibitory, irritant, and resolute clauses of the entail, in the same manner as if it had been originally a part of the estate; and the lands given from the entailed estate shall from thenceforth be held as out of the entail and be liberated from all the prohibitory, irritant, and resolute clauses thereof.

#### Textual Amendments

**F1** Words repealed by [Entail Amendment \(Scotland\) Act 1868 \(c. 84\), s. 14](#) but reproduced for the purpose of construing the Act

#### Modifications etc. (not altering text)

**C1** [S. 33](#) extended by [Entail Amendment \(Scotland\) Act 1868 \(c. 84\), s. 14](#)

**Changes to legislation:**

Entail Improvement Act 1770, Section 33 is up to date with all changes known to be in force on or before 30 January 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Commencement Orders yet to be applied to the Entail Improvement Act 1770**

Commencement Orders bringing legislation that affects this Act into force:

- [S.S.I. 2003/456 art. 2 commences \(2000 asp 5\)](#)