



Entail Amendment Act 1848

CHAPTER 36

ENTAIL AMENDMENT ACT 1848

- [1.] Heir born after the date of any future entail may disentail the estate; born before, may do so with consent of heir next in succession, being heir apparent under the entail.
- 2 Heir in possession under an existing entail born after 1st August 1848 may disentail; born before that date, may do so with consent of heir next in succession, being heir apparent born after 1st August 1848.
- 3 Heir of entail under an existing entail may disentail, with certain consents.
- 4 Heir of entail may sell, charge, lease, and feu, with the like consents as enable him to disentail.
- 5 Heir of entail under existing entail may excamb, with certain consents.
- 6 Provision for disclosure of entailer's debts which affect the estate disentailed.
- 7 Creditors in entailer's debts, &c. using inhibition not to be affected by instrument of disentail.
- 8 Settlements by marriage contract not to be disappointed.
- 9 Heirs of entail not to give consent in opposition to creditors in debts now existing.
- 10 Heir apparent under future tailzie not to give consent in opposition to his creditors.
- 11 Creditor of an heir empowered to disentail may affect the estate for payment of his debt.
- 12
- 13 Heir having obtained decree for expense of improvements may grant bond of annual rent.
- 14 Heir in future expending money in improvements may grant bond of annual rent.
- 15 Executor may call on heir in possession to grant bond of annual rent.

Changes to legislation: There are currently no known outstanding effects for the Entail Amendment Act 1848. (See end of Document for details)

- 16 Proceedings where improvements not executed in terms of 10 G. 3.
- 17 No adjudication for annual rent. Annual rent, how to be recovered.
Annual rent to be kept down.
- 18 Heir of entail may charge estates by granting bond and disposition in security.
- 19 Bonds of annual rent or of dispositions in security for improvements to operate as discharges.
- 20 Private roads to be deemed improvements under 10 G. 3. c. 51. and under this Act.
- 21 Provisions to younger children may be made charges upon the entailed estate.
- 22 Heir in possession to keep down the interest on provisions to children.
- 23 Provisions to children not to be charged without authority of court.
- 24 Power to grant feus or long leases.
- 25 Where entailed estate may be charged with debt, estate may be sold for payment thereof.
- 26 Money arising from sale of estate, and trust money, may be applied in payment of entailer's debts, &c.
- 27 Money vested in trust for the purchase of land to be entailed may be dealt with as if it were the entailed land.
- 28 Date of Act, &c. directing entail deemed to be date when land should have been entailed.
- 29 Provisions to wives and children may be granted out of money vested in trust for the purchase of lands to be entailed.
- 30 Creditor not to sell land in excess of what is necessary to pay debt affecting the estate, and re-investment of surplus.
- 31 Guardians may consent for minors.
- 32 Form and effect of instrument of disentail, and registration thereof.
- 33 Applications to the court.
- 34
- 35 Procedure in court.
- 36 Heirs to be called in proceedings under this Act.
- 37 Excambions under the Act 6 & 7 W. 4. c. 42 may be carried through under the forms of this Act.
- 38 Instruments of disentail to be final.
- 39 In future entail, irritant and resolute clauses implied in warrant to record.
- 40 Irritancy not to affect conveyances or securities.
- 41
- 42 Proceedings may be taken under this Act, though entail not recorded, &c.
- 43 Entail defective in any one prohibition to be bad as to all. Scots Act 1685 c. 26.
- 44 Instruments of disentail may be registered in the registers of sasines.
- 45 No irritancy or forfeiture to be incurred for anything done under this Act.
- 46
- 47 Act not to be defeated by trusts;
- 48 or by life-rents.
- 49 or by leases.
- 50 Consents to be in writing and to be irrevocable.
- 51 Court may make acts of sederunt.
- 52 Interpretation

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for the Entail Amendment Act 1848. (See end of Document for details)

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SCHEDULE to which —
the foregoing Act
refers

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