



# Entail Amendment Act 1853

## CHAPTER 94

### ENTAIL AMENDMENT ACT 1853

- I Forms of Procedure under recited Act and this Act merely directory.
- II Applications or Petitions may during Vacation be presented to Lord Ordinary officiating on Bills, who may proceed as may be requisite, &c.
- III Applications, &c. may be amended where authorized by the Court.
- IV Instruments of Disentail may be executed, and the Sanction and Authority of the Court to record the same afterwards applied for.
- V Conveyances Excambions, &c. may be made, and the Authority of the Court afterwards interponed.
- VI Competent to present continuing Petitions for Authority to grant Feus and long Leases.
- VII Bond and Disposition in Security for Provision to younger Child may be granted to any Party advancing the Amount thereof.
- VIII Money placed in trust prior to 1st August 1848 to purchase Land to be entailed may be partly invested in Land and partly employed for the Benefit of such Land.
- IX Sales may be made to pay off Entailer's Debts.
  - X Where, at passing of this Act, Entailed Estates may be sold under judicial Authority, Parties entitled to sell may make Application to the Court, in Form prescribed by recited Act.
- XI In Contracts of Excambion, &c. the Destination, &c. may be omitted, provided such Destination, &c. be referred to as set forth in the original Tailzie.
- XII Where in any Tailzie executed after 1st Aug, 1848 the Maker of the Tailzie declares that 10 G.3 c.51 and 5 G.4 c.87 are applicable they shall be deemed to be so.
- XIII Where Tailzie executed after 1st Aug. 1848 does not expressly prohibit the granting of Feus, &c., Heir of Entail in possession may execute Powers of granting Feus, &c.

- XIV Heirs of Entail in possession entitled to sell Portion of Estates, &c. under 8 & 9 Vict. c. 19. may do so to any Company authorized to acquire the same in consideration of annual Feu Duty, &c.
- XV Company not to pay, nor Heir of Entail to receive, any Grassum, &c. for any Rights conveyed but annual Feu Duties, &c.
- XVI All Feu Duties, &c. made payable by Company to be a First Charge on the Revenues of Company.
- XVII Affidavit sufficient if stated to the best of Belief. As to affidavits not lodged in Time.
- XVIII Provision as to Consents for Minors and Incapacitated Persons.
- XIX Rights of Heir of Entail obtaining Consents and presenting Application not to be affected by Alteration of Circumstances afterwards occurring.
- XX Heirs of Entail not to give Consents where opposed by Heritable Creditors.
- XXI Heir Apparent of Entail not to give Consent in opposition to such Creditors.
- XXII Propelling of Succession, under Reservation of Liferent, to have no Effect upon Applications under this or the recited Act.
- XXIII Bonds and Dispositions in Security may contain Power of Sale.
- XXIV Judgments and Decrees to be final.
- XXV Interpretation of Terms.