



Entail Powers Act 1836 (repealed)

CHAPTER 42

ENTAIL POWERS ACT 1836 (REPEALED)

- [1.] Heirs of entail in possession empowered to grant tacks of any part of entailed estates under the restrictions herein contained.
- 2 Act not to restrain more extensive powers contained in any entail.
- 3 Heirs in possession may make excambions of entailed estates in the mode herein named. Scots Act 1685 c. 26.
- 4 Provision as to excambion of mansion houses, &c.
- 5 Tenure of excambed lands. Providing for excess of value in any excambion, &c.
- 6 As to excambion of entailed estates under more than one entail.
- 7 Part of entailed estates may be sold for payment of entailer's debts affecting the estate.
- 8 Court of Session to inquire into the particulars, and direct what portion of estate shall be sold;
- 9 and cause notice of sale to be given, and adjust the conditions thereof.
- 10 Court of Session to adjudge the lands sold to the purchaser, and direct the disposition of the purchase money.
- 11 Purchasers upon payment of the money, to have a good right to the lands, &c. freed from the entail.
- 12 Lands not sold to continue subject to the entail.
- 13 Court of Session to direct purchase money to be applied to payment of debts, &c.
- 14 By whom the costs of parties interested and appearing shall be paid.
- 15 Any surplus exceeding 200*l.* to be laid out in purchase of other land, to be limited to same uses, &c. as lands sold;
- 16 and the deed of entail thereof to be framed at the sight of the Court of Session;
- 17 and recorded in register of tailzies, &c.
- 18 Application of surplus monies till invested in land.

Changes to legislation: There are currently no known outstanding effects for the Entail Powers Act 1836 (repealed). (See end of Document for details)

- 19 If under 200 $l.$, to be paid to heir in possession.
- 20 Definition of terms used in the Act.
- 21 How notices to be given of applications under this Act to Court of Session, &c.

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