



## Entail Powers Act 1836 (repealed)

1836 CHAPTER 42 6 and 7 Will 4

### **8 Court of Session to inquire into the particulars, and direct what portion of estate shall be sold;**

It shall and may be lawful for the judges of the said court, sitting in either of the divisions thereof, and they are hereby authorized and required, upon such petition presented to them as aforesaid, to direct due notice, according to the practice of the said court, to be given of such petition to all concerned, to hear all parties that shall appear for their interest, to inquire into and take an account of the debts, obligations, and other burdens due by or binding upon the entailer of such estate, which affect or may be made to affect such state as aforesaid, and to fix and ascertain the amount of such debts, obligations, and burdens, and interest, if any, due thereupon, by interlocutors or judgments, and thereupon to inquire into and ascertain, by the investigation and evidence or report of such surveyors or other skilful persons as the said court shall think fit to nominate and appoint for that purpose, what portions of such entailed estate sufficient to produce a price adequate to the payment of all such debts, obligations, and burdens affecting or capable of being made to affect the said entailed estate as aforesaid, may be sold with the least detriment or injury to the remainder of such estate, and to take all necessary proof thereof, and of the value at which such portions of such estate ought either in whole or in lots to be exposed to sale, and thereupon to order and decern that such portions of such estate shall be sold by public roup or auction.

**Status:**

Point in time view as at 01/02/1991.

**Changes to legislation:**

There are currently no known outstanding effects for the Entail Powers Act 1836 (repealed), Section 8.