
CHAPTER 169**REAL PROPERTY****ARRANGEMENT OF SECTIONS**

SECTION

1. Short title.
2. The immediate Freehold of corporeal Tenements to lie in Grant as well as Livery.
3. Feoffments, Partitions, Exchanges, Leases, Assignments, and Surrenders required (subject to certain Exceptions) to be by Deed.
4. Feoffments not to operate by Wrong, nor Exchanges or Partitions to imply any Condition or give and grant any Covenant.
5. Strangers may take immediately under an Indenture, and a Deed purporting to be an Indenture shall take effect as such.
6. Contingent and other like Interests, also Rights of Entry, made alienable by Deed, saving Estates in Tail; and as regards married Women, enjoining conformity to 3 & 4 Will. 4, c. 74.
7. Capacity of married Women to disclaim Estates or Interests by Deed.
8. Contingent Remainders protected as from 31 Dec., 1844, against the premature Failure of a preceding Estate.
9. When the Reversion on a Lease is gone the next Estate to be deemed the Reversion.

CHAPTER 169

REAL PROPERTY

An Act to amend the law of real property.

8 & 9 Vict., c. 106
extended by 9 of
1846

[Commencement 4th August, 1845]

1. [This Act may be cited as the Real Property Act.] Short title.
2. That after the said First Day of *October* One thousand eight hundred and forty-five all corporeal Tenements and Hereditaments shall, as regards the Conveyance of the immediate Freehold thereof, be deemed to lie in Grant as well as in Livery. The immediate Freehold of corporeal Tenements to lie in Grant as well as Livery.
3. That a Feoffment made after the said First Day of *October* One thousand eight hundred and forty-five, other than a Feoffment made under a Custom by an Infant, shall be void at Law, unless evidenced by Deed; and that a Partition and an Exchange of any Tenements or Hereditaments, and a Lease, required by Law to be in Writing, of any Tenements or Hereditaments, and an Assignment of a Chattel Interest, in any Tenements or Hereditaments, and a Surrender in Writing of an Interest in any Tenements or Hereditaments, and not being an Interest which might by Law have been created without Writing, made after the said First Day of *October* One thousand eight hundred and forty-five, shall also be void at Law, unless made by Deed. Feoffments, Partitions, Exchanges, Leases, Assignments, and Surrenders required (subject to certain Exceptions) to be by Deed.
4. That a Feoffment made after the said First day of *October* One thousand eight hundred and forty-five shall not have any tortious Operation; and that an Exchange or a Partition of any Tenements or Hereditaments, made by Deed executed after the said First Day of *October* One thousand eight hundred and forty-five, shall not imply any Condition in Law; and that the Word “give” or the Word “grant” in a Deed executed after the same Day shall not imply any Covenant in Law in respect of any Tenements or Hereditaments, except so far as the Word “give” or the Word “grant” may by force of any Act of Parliament imply a Covenant. Feoffments not to operate by Wrong, nor Exchanges or Partitions to imply any Condition or give and grant any Covenant.

Strangers may take immediately under an Indenture, and a Deed purporting to be an Indenture shall take effect as such.

5. That under an Indenture executed after the First Day of *October* One thousand eight hundred and forty-five an immediate Estate or Interest in any Tenements or Hereditaments, and the Benefit of a Condition or Covenant respecting any Tenements or Hereditaments, may be taken, although the Taker thereof be not named a Party to the same Indenture, also, that a Deed executed after the said First Day of *October* One thousand eight hundred and forty-five, purporting to be an Indenture, shall have the Effect of an Indenture, although not actually indented.

Contingent and other like Interests, also Rights of Entry, made alienable by Deed, saving Estates in Tail; and as regards married Women, enjoining conformity to 3 & 4 Will. 4, c. 74.

6. That after the First Day of *October* One thousand eight hundred and forty-five a contingent, an executory, and a future Interest, and a Possibility coupled with an Interest, in any Tenements or Hereditaments of any Tenure, whether the Object of the Gift or Limitation of such Interest or Possibility be or be not ascertained, also a Right of Entry, whether immediate or future, and whether vested or contingent, into or upon any Tenements or Hereditaments, of any Tenure, may be disposed of by Deed; but that no such Disposition shall by force only of this Act defeat or enlarge an Estate Tail; and that every such Disposition by a married Woman shall be made conformably to the Provisions relative to Dispositions by married Women of an Act passed in the Third and Fourth Years of the Reign of His late Majesty King William the Fourth, intituled *An Act for the Abolition of Fines and Recoveries, and for the Substitution of more simple Modes of Assurance*.

Capacity of married Women to disclaim Estates or Interests by Deed.

7. That after the First Day of *October* One thousand eight hundred and forty-five an Estate or Interest in any Tenements or Hereditaments, of any Tenure, may be disclaimed by a married Woman by Deed; and that every such Disclaimer shall be made conformably to the said Provisions of the said Act for the Abolition of Fines and Recoveries, and for the Substitution of more simple Modes of Assurance.

Contingent Remainders protected as from 31 Dec., 1844, against the premature Failure of a preceding Estate.

8. That a contingent Remainder existing at any Time after the Thirty-first Day of *December* One thousand eight hundred and forty-four shall be, and, if created before the passing of this Act, shall be deemed to have been, capable of taking effect, notwithstanding the Determination, by

Forfeiture, Surrender, or Merger, of any preceding Estate of Freehold, in the same Manner in all respects as if such Determination had not happened.

9. That when the Reversion expectant on a Lease, made either before or after the passing of this Act, of any Tenements or Hereditaments of any Tenure, shall, after the said First Day of *October* One thousand eight hundred and forty-five, be surrendered or merge, the Estate which shall for the Time being confer as against the Tenant under the same Lease the next vested Right to the same Tenements or Hereditaments shall, to the Extent and for the Purpose of preserving such Incidents to and Obligations on the same Reversion as but for the Surrender or Merger thereof would have subsisted, be deemed the Reversion expectant on the same Lease.

When the Reversion on a Lease is gone the next Estate to be deemed the Reversion.