



Conveyancing and Law of Property Act 1881

1881 CHAPTER 41

XII

CONSTRUCTION AND EFFECT OF DEEDS AND OTHER INSTRUMENTS

49 Use of word grant unnecessary

- (1) It is hereby declared that the use of the word grant is not necessary in order to convey tenements or hereditaments, corporeal or incorporeal.
- (2) This section applies to conveyances made before or after the commencement of this Act.

50 Conveyance by a person to himself, &c

- (1) Freehold land, or a thing in action, may be conveyed by a person to himself jointly with another person, by the like means by which it might be conveyed by him to another person ; and may, in like manner, be conveyed by a husband to his wife, and by a wife to her husband, alone or jointly with another person.
- (2) This section applies only to conveyances made after the commencement of this Act.

51 Words of limitation in fee or in tail

- (1) In a deed it shall be sufficient, in the limitation of an estate in fee simple, to use the words in fee simple, without the word heirs; and in the limitation of an estate in tail, to use the words in tail without the words heirs of the body; and in the limitation of an estate in tail male or in tail female, to use the words in tail male, or in tail female, as the case requires, without the words heirs male of the body, or heirs female of the body.
- (2) This section applies only to deeds executed after the commencement of this Act.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

52 Powers simply collateral

- (1) A person to whom any power, whether coupled with an interest or not, is given may by deed release, or contract not to exercise, the power.
- (2) This section applies to powers created by instruments coming into operation either before or after the commencement of this Act.

53 Construction of supplemental or annexed deed

- (1) A deed expressed to be supplemental to a previous deed, or directed to be read as an annex thereto, shall, as far as may be, be read and have effect as if the deed so expressed or directed were made by way of indorsement on the previous deed, or contained a full recital thereof.
- (2) This section applies to deeds executed either before or after the commencement of this Act.

54 Receipt in deed sufficient

- (1) A receipt for consideration money or securities in the body of a deed shall be a sufficient discharge for the same to the person paying or delivering the same, without any further receipt for the same being indorsed on the deed.
- (2) This section applies only to deeds executed after the commencement of this Act.

55 Receipt in deed or indorsed, evidence for subsequent purchaser

- (1) A receipt for consideration money or other consideration in the body of a deed or indorsed thereon shall, in favour of a subsequent purchaser, not having notice that the money or other consideration thereby acknowledged to be received was not in fact paid or given, wholly or in part, be sufficient evidence of the payment or giving of the whole amount thereof.
- (2) This section applies only to deeds executed after the commencement of this Act.

56 Receipt in deed or indorsed, authority for payment to solicitor

- (1) Where a solicitor produces a deed, having in the body thereof or indorsed thereon a receipt for consideration money or other consideration, the deed being executed, or the indorsed receipt being signed, by the person entitled to give a receipt for that consideration, the deed shall be sufficient authority to the person liable to pay or give the same for his paying or giving the same to the solicitor, without the solicitor producing any separate or other direction or authority in that behalf from the person who executed or signed the deed or receipt.
- (2) This section applies only in cases where consideration is to be paid or given after the commencement of this Act.

57 Sufficiency of forms in Fourth Schedule

Deeds in the form of and using the expressions in the forms given in the Fourth Schedule to this Act, or in the like form or using expressions to the like effect, shall, as regards form and expression in relation to the provisions of this Act, be sufficient.

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58 Covenants to bind heirs, &c

- (1) A covenant relating to land of inheritance, or devolving on the heir as special occupant, shall be deemed to be made with the covenantee, his heirs and assigns, and shall have effect as if heirs and assigns were expressed.
- (2) A covenant relating to land not of inheritance, or not devolving on the heir as special occupant, shall be deemed to be made with the covenantee, his executors, administrators, and assigns, and shall have effect as if executors, administrators, and assigns were expressed.
- (3) This section applies only to covenants made after the commencement of this Act.

59 Covenants to extend to heirs, &c

- (1) A covenant, and a contract under seal, and a bond or obligation under seal, though not expressed to bind the heirs, shall operate in law to bind the heirs and real estate, as well as the executors and administrators and personal estate, of the person making the same, as if heirs were expressed.
- (2) This section extends to a covenant implied by virtue of this Act.
- (3) This section applies only if and as far as a contrary intention is not expressed in the covenant, contract, bond, or obligation, and shall have effect subject to the terms of the covenant, contract, bond, or obligation, and to the provisions therein contained.
- (4) This section applies only to a covenant, contract, bond, or obligation made or implied after the commencement of this Act.

60 Effect of covenant with two or more jointly

- (1) A covenant, and a contract under seal, and a bond or obligation under seal, made with two or more jointly, to pay money or to make a conveyance, or to do any other act, to them or for their benefit, shall be deemed to include, and shall, by virtue of this Act, imply, an obligation to do the act to, or for the benefit of, the survivor or survivors of them, and to, or for the benefit of, any other person to whom the right to sue on the covenant, contract, bond, or obligation devolves.
- (2) This section extends to a covenant implied by virtue of this Act.
- (3) This section applies only if and as far as a contrary intention is not expressed in the covenant, contract, bond, or obligation, and shall have effect subject to the covenant, contract, bond, or obligation, and to the provisions therein contained.
- (4) This section applies only to a covenant, contract, bond, or obligation made or implied after the commencement of this Act.

61 Effect of advance or joint account, &c

- (1) Where in a mortgage, or an obligation for payment of money, or a transfer of a mortgage or of such an obligation, the sum, or any part of the sum, advanced or owing is expressed to be advanced by or owing to more persons than one out of money, or as money, belonging to them on a joint account, or a mortgage, or such an obligation, or such a transfer is made to more persons than one, jointly, and not in shares, the mortgage money, or other money, or money's worth for the time being due to those

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persons on the mortgage or obligation, shall be deemed to be and remain money or money's worth belonging to those persons on a joint account, as between them and the mortgagor or obligor; and the receipt in writing of the survivors or last survivor of them, or of the personal representatives of the last survivor, shall be a complete discharge for all money or money's worth for the time being due, notwithstanding any notice to the payer of a severance of the joint account.

- (2) This section applies only if and as far as a contrary intention is not expressed in the mortgage, or obligation, or transfer, and shall have effect, subject to the terms of the mortgage, or obligation, or transfer, and to the provisions therein contained.
- (3) This section applies only to a mortgage, or obligation, or transfer made after the commencement of this Act.

62 Grants of easements, &c. by way of use

- (1) A conveyance of freehold land to the use that any person may have, for an estate or interest not exceeding in duration the estate conveyed in the land, any easement, right, liberty, or privilege in, or over, or with respect to that land, or any part thereof, shall operate to vest in possession in that person that easement, right, liberty, or privilege, for the estate or interest expressed to be limited to him; and he, and the persons deriving title under him, shall have, use, and enjoy the same accordingly.
- (2) This section applies only to conveyances made after the commencement of this Act.

63 Provision for all the estate, &c

- (1) Every conveyance shall, by virtue of this Act, be effectual to pass all the estate, right, title, interest, claim, and demand which the conveying parties respectively have in, to, or on the property conveyed, or expressed or intended so to be, or which they respectively have power to convey in, to, or on the same.
- (2) This section applies only if and as far as a contrary intention is not expressed in the conveyance, and shall have effect subject to the terms of the conveyance and to the provisions therein contained.
- (3) This section applies only to conveyances made after the commencement of this Act.

64 Construction of implied covenants

In the construction of a covenant or proviso, or other provision, implied in a deed by virtue of this Act, words importing the singular or plural number, or the masculine gender, shall be read as also importing the plural or singular number, or as extending to females, as the case may require.