



CHAPTER 1.

An Act to vary the powers of the Trustees under the trust disposition and settlement and codicils of the Most Noble John Douglas Sutherland Campbell Ninth Duke of Argyll Knight of the Most Ancient and Most Noble Order of the Thistle by giving authority to the said Trustees to sell the trust estate or any part thereof and to provide for the application of the proceeds of such sale and for other purposes.

A.D. 1930.

[1st August 1930.]

WHEREAS the Most Noble John Douglas Sutherland Campbell Ninth Duke of Argyll Knight of the Most Ancient and Most Noble Order of the Thistle (hereinafter referred to as "the said John Ninth Duke of Argyll") died on the second day of May one thousand nine hundred and fourteen leaving a trust disposition and settlement dated the twenty-second day of March one thousand nine hundred and one and codicils thereto dated respectively the twelfth day of August one thousand nine hundred and three the fourth day of November one thousand nine hundred and three the fourth day of November one thousand nine hundred and three the twentieth day of July one thousand nine hundred and five the twenty-fourth day of August one thousand nine hundred and five the fourteenth day of October one thousand nine hundred and eight and

A.D. 1930. the fifteenth day of October one thousand nine hundred and eight all recorded in the books of Council and Session the tenth day of June one thousand nine hundred and fourteen :

And whereas by his said trust disposition and settlement the said John Ninth Duke of Argyll gave granted assigned devised disposed and bequeathed to and in favour of Her Royal Highness the Princess Louise Caroline Alberta Duchess of Argyll his wife the Right Honourable Henry Algernon George Percy commonly called Earl Percy his nephew (who predeceased the said John Ninth Duke of Argyll having died on the thirtieth day of December one thousand nine hundred and nine) the Honourable Charles Lennox commonly called Lord Settrington afterwards the Earl of March and now the Most Noble Charles Lennox Duke of Richmond and Gordon William Alfred Sanders solicitor London and Alexander Yeaman writer to the signet Edinburgh as Trustees for the purposes therein mentioned and to such other person or persons as might thereafter be nominated by the said John Ninth Duke of Argyll or be nominated by his said wife in virtue of the power thereafter conferred on her or as might be assumed by his Trustees or to such of his Trustees as should accept and to the survivors or survivor of those accepting a majority of those accepting and surviving and resident in Great Britain and Ireland for the time being always a quorum and to the assignees of his Trustees (declaring that the expression his Trustees wherever the same occurred in his trust disposition and settlement or in any relative writing which might be executed by him should be held as applying to the Trustees acting for the time under his trust disposition and settlement and declaring also that his said wife's term of office as Trustee should cease in the event of her entering into a second marriage but if and so long as she should act as a Trustee she should as such be a sine qua non in the administration of the trust and she should be entitled to nominate any solicitor in London who might be selected by her to act as an additional trustee under his trust disposition and settlement and should further be entitled to delegate to him and any other person or persons she might select either jointly or singly as her attorney or attorneys all powers thereby conferred on herself and the Trustees

A.D. 1930.
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so nominated by her should have the same powers and immunities as if nominated by the said John Ninth Duke of Argyll but his or their term of office should cease on her death or second marriage) the whole means and estate of every description both heritable and moveable and wheresoever situated which should belong to him or be subject to his disposal at the time of his death (excepting always the Inveraray and Kintyre Estates of the Dukedom of Argyll and other land or lands held by him under deed or deeds of strict entail and all articles and effects which his father the Most Noble George Douglas Glassell Campbell Eighth Duke of Argyll settled as heirlooms) and specially including in the conveyance to his Trustees without prejudice in any way to the generality foresaid the funds held by the Honourable Frederick Lindley Wood and the Honourable Arthur Ralph Douglas Elliot upon the trust specified in an indenture or settlement made on the twenty-second day of March one thousand eight hundred and eighty-six between him of the one part and the said Frederick Lindley Wood and Arthur Ralph Douglas Elliot of the other part in the event which did not happen of the said funds becoming subject to his disposal through the lapse or termination of the trusts relative thereto But the said trust disposition and settlement was granted in trust for the purposes after specified vizt. (First) For payment of his debts other than those heritably secured and thereafter dealt with and other than any duties payable to Government in respect of his succession to the entailed estates of his late father which might at the time of his death remain unpaid (whether past due instalments or otherwise) his wish and intention being that any such unpaid duties should form or remain charges on the said entailed estates and the heirs of entail succeeding thereto and for payment of the expenses of the trust thereby created (Second) In the event of the said Princess surviving him he directed his Trustees to give to her the full and free use and enjoyment during her widowhood (that is to say until her death or remarriage whichever of these events should first happen) of the whole of his fee simple lands and estates (that is to say all lands and heritages belonging to him other than said entailed estates) with full power to her in so far as she might desire to do so to manage the same for her own benefit

A.D. 1930. in such way and manner as she might think best consistently always with the retention by his Trustees of the actual ownership of his said fee simple lands and estates. And he thereby bequeathed to her absolutely for her own benefit the whole executry rents and revenues of his said fee simple landed estates that is to say the rents and revenues thereof which might at his death be legally vested in him although the date of actual payment might not then have arrived and also all outstanding arrears of such rents and revenues but the said Princess should on the other hand be bound to pay all taxes rates interests of debts expenses of management insurance charges and other annual outgoings affecting said landed estates due or current at his death or which should become due thereafter during her period of enjoyment of said estates. And he also bequeathed to her as her absolute property all his carriages horses and harness in London or in or about his fee simple landed estates other than any such as might be used solely or chiefly for farming or estate purposes as also all consumable stores belonging to him at the time of his death wherever they might be and such articles of jewellery watches and trinkets usually worn by him as she might select. And further he thereby directed his Trustees to give to her during her widowhood the free use and enjoyment of all moveable and personal effects of every kind not thereinbefore specially bequeathed to her which should belong to him at the time of his death with the exception only of such moveable and personal effects (not being money or securities for money) as might be in on or about the said entailed estates or any part thereof which last mentioned effects he thereby left and bequeathed and directed his Trustees to deliver to the heir who should on his death succeed to the said entailed estates declaring however that such of the said last mentioned effects as might be in Inveraray Castle should so far as consisting of family pictures tapestries (which should include all articles covered or partially covered or upholstered with old tapestry) plate gold gilded or silver articles jewels busts statues pictures drawings and books should be treated by such heir and his successors as heirlooms and always go as such to the person for the time in right of the title and dignity of Duke or Earl of Argyll to which heir he also left and bequeathed the whole executry rents

and revenues of the said entailed estates that is to say the rents and revenues thereof which might at his death be legally vested in him although the actual date of payment might not then have arrived as also all outstanding arrears of such rents and revenues such bequests of executry rents and revenues being however subject to the burden of payment of such taxes interest of debts and other annual charges affecting said entailed estates as might be due or current at his death (Third) On the death of the longest liver of him and the said Princess or on her second marriage if she survived him and married again he directed his Trustees with regard to the whole of the said effects of which she was to have the use and enjoyment as aforesaid other than such articles of ordinary furniture and plenishing as in the opinion of his Trustees (and their decision on the point should be final) might be useful or necessary for them to retain for the purpose of the future letting or beneficial management by them of Rosneath Castle or other premises under the directions thereafter given to permit the heir or person in right of the said title and dignity of Duke or Earl of Argyll for the time being successively to have the use and enjoyment thereof and that aye and until there should succeed to the said title an heir who should not be in existence at the time of his death upon which event happening that is to say when an heir not in existence at his death should have succeeded to the said title then the whole of said effects should belong to such heir And he thereby further declared and provided that if and after the foresaid effects should have been taken possession of by the said Princess or any heir foresaid entitled for the time to the use and enjoyment thereof as aforesaid his Trustees should have no further responsibility in regard thereto so long as the same remained in the possession of her or of such heir foresaid and should not be in any way concerned with or bound to see to the preservation of the same further than by retaining inventories of the various articles placed in the possession of the parties entitled to the use thereof Nevertheless he thereby specially requested the said Princess and the heirs foresaid who might become entitled to the use thereof to preserve the said effects entire so that his wishes with regard to the same might be fully carried out and particularly he thereby

A.D. 1930.

A.D. 1930.

declared it to be his wish that the whole effects to the absolute possession of which any heir should after the death or second marriage of the said Princess become entitled in virtue of the directions before written should also so far as consisting of family pictures tapestries (including all articles and plenishing covered or partially covered or upholstered with old tapestry) gold gilded or silver articles jewels busts statues pictures prints drawings and books be treated as heirlooms and always go as such to the person in right of the said title and dignity of Duke or Earl of Argyll (Fourth) He made certain directions with reference to a loan to his brother Lord Archibald Campbell which was discharged in his lifetime (Fifth) With regard to the whole residue and remainder of his trust estate thereby conveyed he directed his Trustees to pay the whole clear annual revenues thereof to the said Princess during her widowhood (Sixth) Subject to the foregoing purposes he directed his Trustees to hold his whole trust estate thereby conveyed and after the death of the longest liver of him and the said Princess or her second marriage whichever of these events should first happen from time to time and at such time or times as his Trustees should find practicable to apply the whole clear annual income or revenues derived therefrom (first) in paying off such debt as might at his death affect his fee simple landed estates or any part or parts thereof and (second) in paying off such debt as might at his death affect the said Inveraray and Kintyre entailed estates or other entailed lands foresaid and that until both the said fee simple and entailed lands and estates are successively and entirely freed from such capital debt on which result being accomplished he directed his Trustees to pay the said clear annual income or revenues to the person in right of the said title and dignity of Duke or Earl of Argyll for the time being as an alimentary provision which should not be capable of anticipation or assignment by him declaring however that if at the time the said result (vizt. the clearing of said estates of said debt) is accomplished there should have succeeded to said title and dignity or on there thereafter succeeding to said title and dignity an heir who should not have been in existence at the time of his death then the whole fee or capital of his said trust estate retained by his Trustees as aforesaid should be con-

A.D. 1930.

veyed transferred paid or made over to such heir And without prejudice to any special directions thereinbefore contained he thereby declared and provided that his Trustees should pay the costs of all improvements and repairs out of income and that such costs should during the lifetime of the said Princess as well as subsequently form along with the interest on debt taxes fire insurance premiums cost of management and all other annual charges and outgoings a charge on the said income preferable to the claims of any of the beneficiaries under these presents And he declared that his Trustees should have and possess all the powers and immunities competent to or conferred on gratuitous Trustees either at common law or by statute and without prejudice thereto he conferred on them certain special powers including inter alia Power to sell and realise his trust estate except in so far as inconsistent with any directions thereinbefore contained As also full power to grant feus or long leases of any part of his trust estate in such terms and on such conditions and for payment of such feuduties or rents as his Trustees might think fit As also power to output and input tenants and to grant leases for such periods and at such rents and on such conditions as they might think expedient and to accept renunciations of leases As also power to make abatements from rents and to settle all claims for compensation at the instance of tenants for meliorations unexhausted manures or otherwise as also power to continue during their pleasure such rent-free tenancies or tenancies at nominal rents as might exist at the time of his death As also power to have and retain in their own hands and to stock any farm or possession on any part of his landed estates while unlet and to manage the same in such way and manner as his Trustees might think best and he declared that his Trustees should not be in any way responsible for loss that might be sustained in the course of their management thereof as also power to make such improvements repairs and renewals on his lands and heritages and his trust estate generally as they might think necessary or expedient as also to cut and sell timber treating the proceeds as capital or revenue according as they in their absolute discretion might decide declaring however that all avenues of trees and ornamental trees within the policies of Rosneath Castle

A.D. 1930.

— or other residence on his said landed estates and all trees in parks should be preserved as far as possible and only cut if necessary to prevent loss through decay and declaring further that it was his wish that his Trustees should apply the proceeds of timber sold so far as necessary for replanting on some part or parts of his landed estates young trees at least equal in number to those cut down as also power to excamb lands for the purpose of straightening and altering marches or otherwise And being desirous to prevent dispute and all risk of litigation in relation to his trust estate or in connection with the carrying into effect of the directions contained or which might be contained in his testamentary settlements he thereby expressly provided and declared that in the event of any doubts or questions arising in reference to the construction of his testamentary settlements or any part of them or to the mode of carrying out the same or in reference in any way to the succession to his trust estate or any part thereof all such questions and doubts should be settled by his Trustees upon whom he thereby conferred the most absolute power to settle the same according to their own absolute discretion and judgment and with or without the aid of any opinion of counsel as they might consider expedient and he expressly declared that the decision of his Trustees should be absolutely final and conclusive and that all parties interested or claiming to be interested in his succession should be bound to acquiesce therein and in the event of any such parties attempting to challenge the same or raising any question regarding his succession in a court of law such persons should ipso facto forfeit all interest in his trust estate and all bequests and directions given by him in their favour should be held to have lapsed in the same manner and to the same effect as if such parties had predeceased him And he thereby nominated and appointed his wife the said Princess Louise Caroline Alberta Duchess of Argyll Henry Algernon George Earl Percy Charles Lennox Duke of Richmond and Gordon William Alfred Sanders and Alexander Yeaman and the acceptors or acceptor survivors or survivor of them to be his executors or executor :

And whereas by the codicil dated the twelfth day of August one thousand nine hundred and three the said John Ninth Duke of Argyll nominated and appointed

his chamberlain Alfred Edmund Lowis (now residing at Machrihanish Argyll) to be a Trustee and executor under his said trust disposition and settlement :

A.D. 1930.
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And whereas by the codicil first dated the fourth day of November one thousand nine hundred and three the said John Ninth Duke of Argyll did (in the first place) declare that during the existence of the liferent right given to Her Royal Highness the Princess Louise Caroline Alberta his wife the power given to his Trustees to cut timber and to sell land should not be exercised excepting with her express consent and approval but subject to this declaration his Trustees acting for the time should be entitled to exercise the powers of cutting timber and of selling lands at their own discretion and the time or times and method of selling should be entirely in their hands and he further declared that the free proceeds of any sales of lands after payment of any debts affecting same should be treated and dealt with as a substitute or surrogatum for the lands themselves (in the second place) With reference to the sixth head or purpose of his said trust disposition and settlement in which he inter alia directed his Trustees on the death of the longest liver of him and the said Princess or her second marriage whichever of these events should first happen to hold his trust estate and to apply the whole clear annual income or revenues to be derived therefrom (First) In paying off such debt as might affect his fee simple landed estates and (Second) in paying off such debts as might affect the entailed lands therein referred to he declared that should his Trustees instead of applying the said clear annual income or revenues after his fee simple lands are cleared of debt in paying off the debts on said entailed lands consider it more expedient to accumulate such clear annual income or revenues for the benefit and until the succession to said entailed estates of an heir not in existence at his death they should be entitled to do so and he left it to their absolute discretion to follow and adopt either course as they might think fit or to follow and adopt partly the one course and partly the other (in the third place) Whereas since the date of his said trust disposition and settlement he had in virtue of a bequest to him by his late father created charges on the said entailed estates for sixty-

A.D. 1930, — nine thousand four hundred and ninety-eight pounds five thousand four hundred and fifteen pounds and one thousand two hundred and thirty-two pounds or thereby in respect of improvement expenditure by his said father he directed that in so far as he might not utilise the said charges during his lifetime by assigning the same to third parties his said wife should as a part of the liferent right conferred on her during her widowhood by his said trust disposition and settlement be entitled to receive the interest on the said charges but such interest should not be charged against the heirs of entail at a rate exceeding three per centum per annum and subject to such liferent right the said charges should be and become absolutely extinguished and to no further extent form burdens upon the said entailed estates or the heirs of entail therein his Trustees being thereby directed to execute formal discharges thereof and to cause such discharges to be registered in the appropriate register of sasines :

And whereas by the second codicil of date the fourth day of November one thousand nine hundred and three the said John Ninth Duke of Argyll made provisions with regard to sums of money advanced or paid for or on behalf of his brother Lord Archibald Campbell which directions have all been fulfilled :

And whereas by the codicil dated the twentieth day of July one thousand nine hundred and five the said John Ninth Duke of Argyll nominated and appointed his nephew Ivar Campbell son of his brother Lord George Campbell to be a Trustee under his trust disposition and settlement :

And whereas by the codicil dated the twenty-fourth day of August one thousand nine hundred and five the said John Ninth Duke of Argyll provided and directed that if his wife Her Royal Highness the Princess Louise Caroline Alberta should survive him and if as the law might stand at the time of his death any Government duties should be payable in respect of the bequests liferent or otherwise to her contained in his said trust disposition and settlement or in any codicil or codicils thereto executed or to be executed by him or in any separate deed executed or which might be executed by him all such duties should be paid out of the capital of the residue of his trust estate :

A.D. 1930.

And whereas by the codicil dated the fourteenth day of October one thousand nine hundred and eight the said John Ninth Duke of Argyll on the narrative that in virtue of a power to that effect available to him under the existing deed of entail of the Inveraray and Kintyre Estates of the Dukedom of Argyll he intended to execute and leave a deed of nomination of heirs to succeed to said estates in the events therein specified Further considering that by the joint operation of said deed of entail and deed of nomination it might happen that the person entitled to the possession of said estates might not also be the person in right of the title or dignity of Duke or Earl of Argyll and having that in view he did thereby provide and declare that wherever throughout his said trust disposition and settlement and codicils thereto reference was made to the person for the time in right of the title or dignity of Duke or Earl of Argyll such reference should be held to apply to the person for the time entitled to the possession of the said Inveraray and Kintyre Estates of the Dukedom of Argyll in virtue of the said deed of entail thereof and said deed of nomination or if the said estates should come to be freed from the fetters of entail then to the person who would have been entitled to the possession of said estates had the succession to the same continued to be regulated by the said deed of entail and deed of nomination and his said trust disposition and settlement and codicils thereto should be read and construed consistently with the declaration and provision thereby made And further he thereby directed that if at the time of his death any claim against or charge on the said entailed estates or the heirs of entail succeeding to him therein should be available to him or his executors in respect of Government duties applicable to the said estates paid by him during his lifetime such claim or charge should (notwithstanding anything contained in his said trust disposition and settlement) not be held to have been relinquished by him during his lifetime but should subsist during the lifetime of Her Royal Highness the Princess Louise Caroline Alberta his wife if she survived him as an asset of his executry estate to the interest of which she should be entitled as part of the liferent right conferred on her during her widowhood by his said trust disposition and settlement but such interest should not be charged against the heirs of entail at a rate exceeding three per centum per annum and on the

A.D. 1930. — death of the longest liver of the said Princess and himself any such claim or charge should be absolutely extinguished and his said Trustees should then execute a formal discharge thereof and cause the same to be registered in the appropriate register of sasines :

And whereas by the codicil dated the fifteenth day of October one thousand nine hundred and eight the said John Ninth Duke of Argyll with reference to his said trust disposition and settlement and codicils thereto and particularly with reference to the directions therein contained regarding the paying off of debt affecting the Inveraray and Kintyre entailed estates did thereby direct his Trustees further as follows vizt. That if while the directions foresaid, remain unfulfilled any person for the time entitled to the possession of the said estates should embrace or should have embraced the Roman Catholic faith as his religion (that is to say a faith or religion which recognises the spiritual supremacy of the Pope or Bishop of Rome) his Trustees should so long as and as often as any such person embraces the said faith or religion discontinue the paying off of the debt affecting the said entailed estates and instead thereof should accumulate the income or revenues from the residue of his trust estate until the succession should thereafter open to one who does not recognise in religion the spiritual supremacy of the Pope or Bishop of Rome on the occurrence of which event his Trustees should apply the fund accumulated and the income of the residue of his estate as before in paying off or discharging debt in terms of his said trust disposition and settlement and codicils thereto But should it for any reason connected with the circumstances or the state of the law for the time be considered inexpedient to carry out the said plan of temporary suspension in the paying off of debt and temporary accumulation of revenues then he thereby authorised his Trustees according to their own absolute discretion either to refrain from adopting the said plan or only to adopt it partially as they might think best :

And whereas by a deed of nomination of heirs of entail dated the fourteenth day of October one thousand nine hundred and eight and recorded in the register of entails on the twenty-sixth day of June one thousand nine hundred and fourteen the said John Ninth Duke of Argyll on the narrative that by a disposition and deed of

entail executed by his father the said George Douglas Glassell Campbell Duke of Argyll dated the sixteenth day of March recorded in the register of entails at Edinburgh on the nineteenth day of May and in the division of the general register of sasines applicable to the county of Argyll for publication and as in the books of the Lords of Council and Session for preservation the third day of June all in the year one thousand eight hundred and seventy-one his said father with and under the real burdens conditions reservations provisions and declarations and clause of registration in the register of tailzies therein contained disposed and assigned to himself whom failing to the said John Ninth Duke of Argyll his eldest son and the heirs male of the then intended marriage (which was afterwards duly solemnised) between him and Her Royal Highness the Princess Louise Caroline Alberta whom failing to the heirs male of his body by any subsequent marriage whom failing to his brother Lord Archibald Campbell and the heirs male of his body whom failing to such person whether in fee or in liferent and fee respectively as his said father might nominate or point out by any deed of nomination or other deed to be executed by him at any time of his life and failing his executing any such deed then to such persons whether in fee or in liferent and fee respectively as he the said John Ninth Duke of Argyll might nominate or point out by any deed of nomination or other deed to be executed by him at any time of his life whom failing to the other heirs male of the body of his said father in their order whom failing to the heirs having right for the time to the title and dignity of Duke of Argyll whom failing to his said father's own nearest heirs and assignees whomsoever heritably and irredeemably all and whole the various lands baronies and others therein described under the exceptions therein mentioned which lands baronies and others thereby disposed it was thereby declared should be designed and known in future by the general name of "the Inveraray and Kintyre Estates of the Dukedom of Argyll" Further considering that his said father died on the twenty-fourth day of April one thousand nine hundred without leaving any nomination of heirs under the foresaid disposition and deed of entail in virtue of the powers reserved to him as aforesaid And seeing that he the said John Ninth Duke of Argyll was desirous to exercise the power of nomination of heirs available to him

A.D. 1930.

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A.D. 1930.

under the said disposition and deed of entail Therefore he did thereby nominate and point out the parties after-mentioned as the heirs who should be entitled to succeed to the said the Inveraray and Kintyre Estates of the Dukedom of Argyll disposed by the foresaid disposition and deed of entail in the event of the failure of the heirs male of his body and of the failure of the said Lord Archibald Campbell and the heirs male of his body vizt. his youngest brother George Granville Campbell commonly called Lord George Granville Campbell whom failing his son Ivar Campbell and the heirs male of his body whom failing the other heirs male of the body of his said brother Lord George Granville Campbell whom failing his nephew the Right Honourable Henry Algernon George Percy commonly called Earl Percy eldest son of his sister Lady Edith Duchess of Northumberland and the heirs male of his body whom failing the other heirs male of the body of his said sister Lady Edith Duchess of Northumberland and the heirs male of their bodies respectively And he reserved power to alter or revoke those presents at any time of his life but in so far as not altered or revoked by him he declared that the same should be held as part of the said disposition and deed of entail and should regulate the succession under the same in the event of the failure of the heirs male of his body and of the said Lord Archibald Campbell and the heirs male of his body and he reserved all other powers competent to him under the said disposition and deed of entail And he granted full power and authority to any of the heirs of entail foresaid to cause present the deed of nomination under recital before the Lords of Council and Session judicially and to procure the same recorded in the register of tailzies and to expedite infestments on the foresaid disposition and deed of entail and this present deed of nomination in terms of law And he consented to registration in the register of sasines :

And whereas the said Ivar Campbell died of wounds received in action on the eighth day of January one thousand nine hundred and sixteen and the said Alexander Yeaman died on the thirtieth day of March one thousand nine hundred and nineteen and by deed of assumption and conveyance dated the ninth and fifteenth days of September and twenty-fourth day of October and recorded in the books of Council and Session on the twenty-seventh day of October one thousand nine hundred and nineteen the remaining Trustees assumed the Right

Honourable Archibald Douglas Campbell Baron Blythswood of Blythswood who died on the fourteenth day of November one thousand nine hundred and twenty-nine and Charles Ramsay Beveridge of number thirty-two Charlotte Square Edinburgh solicitor as Trustees under the said trust disposition and settlement and codicils of the said John Ninth Duke of Argyll and by minute of resignation dated the twenty-eighth day of May and recorded in the books of Council and Session on the fourth day of November one thousand nine hundred and twenty-nine Her Royal Highness the Princess Louise Caroline Alberta Duchess of Argyll resigned the office of Trustee under the said trust disposition and settlement and codicils and accordingly the Trustees now acting are the said Duke of Richmond and Gordon William Alfred Sanders Alfred Edmund Lewis and Charles Ramsay Beveridge :

A.D. 1930.
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And whereas the first three persons who in their order are entitled to the life use and enjoyment of the trust estate conveyed by the said John Ninth Duke of Argyll are Her Royal Highness the Princess Louise Caroline Alberta Duchess of Argyll the Most Noble Niall Diarmid Duke of Argyll and the Most Noble Alan Ian Duke of Northumberland :

And whereas the trust estate consists of (1) the landed estate of Rosneath in the county of Dumbarton the estate of Macharioch near Campbeltown in the county of Argyll and the small estate of St. Catherines near the head of Loch Fyne also in the county of Argyll all of which are burdened with debt (2) various investments which stand in the trust accounts as of the value of thirty-four thousand nine hundred and eighty-seven pounds six shillings and sixpence (3) the loans over the Argyll entailed estates referred to in the codicils of the fourth day of November one thousand nine hundred and three and the fourteenth day of October one thousand nine hundred and eight amounting to one hundred and five thousand seven hundred and eighty-three pounds fifteen shillings and one penny (4) furniture and effects which stand in the trust accounts as of the value of thirteen thousand one hundred and eighty pounds eight shillings and sevenpence and (5) farm stock and implements which stand in the trust accounts as of the value of three thousand two hundred and ninety-two pounds sixteen shillings and sevenpence :

A.D. 1930.
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And whereas the principal landed estate is the said estate of Rosneath and the financial position of the whole trust estate is such that Her Royal Highness the Princess Louise Caroline Alberta Duchess of Argyll as liferentrix has only been able to occupy the Mansion House Policy Grounds and Home Farm by contributing out of her own funds the amount required to make up the annual deficit on the working of the trust estate :

And whereas on the death of Her Royal Highness the Princess Louise Caroline Alberta Duchess of Argyll the Trustees are directed by the said codicils of the fourth day of November one thousand nine hundred and three and the fourteenth day of October one thousand nine hundred and eight to discharge the debt for one hundred and five thousand seven hundred and eighty-three pounds fifteen shillings and one penny over the Argyll entailed estates and when this has been done the loss of income thereby occasioned to the trust estate will cause the trust to be unworkable :

And whereas the main purposes of the said trust disposition and settlement and codicils after the expiry of the liferent of Her Royal Highness the Princess Louise Caroline Alberta Duchess of Argyll are generally for freeing the landed estates of heritable debt and holding the capital of the estate intact for the liferent of successive heirs and accordingly the first purpose of the said trust disposition and settlement which provided for payment of debts excluded those debts which are heritably secured and the power conferred on the Trustees to sell and realise the trust estate was granted only in so far as not inconsistent with the purposes contained in the testamentary settlements :

And whereas by the Trusts (Scotland) Act 1921 11 & 12 Geo. V. chap. 58 it is provided by section 4 thereof that in all trusts the trustees shall have power to do the acts mentioned in said section where such acts are not at variance with the terms or purposes of the trust and inter alia to sell the trust estate or any part thereof heritable as well as moveable and by section 5 that it shall be competent to the court on the petition of the trustees under any trust to grant authority to the trustees to do any of the acts mentioned in the section of the Act relating to general powers of trustees notwithstanding that such act is at variance with the terms

or purposes of the trust on being satisfied that such act is in all the circumstances expedient for the execution of the trust : A.D. 1930.

And whereas an application to the court would be dismissed as premature in respect that the said direction to discharge the debt over the Argyll entailed estates does not become operative until the death of the present liferentrix :

And whereas the persons presumptively next entitled to succeed to the liferent use and enjoyment of the trust estate are desirous that enlarged powers should now be granted to the Trustees of the said John Ninth Duke of Argyll so that arrangements may be made in advance with the object of so arranging matters as to avoid complications which would immediately arise on the death of the present liferentrix through failure of funds to meet interest on heritable debt and other necessary outgoings :

And whereas it is expedient just and reasonable in the interests of all concerned and consistent with public policy that the powers conferred on the Trustees by the said trust disposition and settlement and codicils should be so enlarged and varied as to enable the Trustees to carry out the purposes of the trust :

And whereas the objects of this Act cannot be attained without the authority of Parliament :

Therefore Your Majesty's most dutiful and loyal subjects the said Niall Diarmid Duke of Argyll and Alan Ian Duke of Northumberland do most humbly beseech Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

1. This Act may be cited for all purposes as the Short title.
Argyll Trust Estate Act 1930.

2. In this Act the following expressions shall Interpreta-
have the meanings hereby assigned to them unless tion.
there be something in the context inconsistent with or
repugnant to such meaning :—

The expression "the Truster" means the deceased
Most Noble John Douglas Sutherland Campbell
Ninth Duke of Argyll Knight of the Most
Ancient and Most Noble Order of the Thistle ;

A.D. 1930.

“the testamentary settlements” means the trust disposition and settlement of the Truster dated the twenty-second day of March one thousand nine hundred and one and the codicils thereto dated the twelfth day of August one thousand nine hundred and three the fourth day of November one thousand nine hundred and three the fourth day of November one thousand nine hundred and three the twentieth day of July one thousand nine hundred and five the twenty-fourth day of August one thousand nine hundred and five the fourteenth day of October one thousand nine hundred and eight and the fifteenth day of October one thousand nine hundred and eight all recorded in the books of Council and Session the tenth day of June one thousand nine hundred and fourteen;

the expression “the Trustees” means the trustees for the time acting under the testamentary settlements or their quorum or the survivors or survivor of them or their successors in office; and

“the trust estate” means the whole estates heritable and moveable real and personal (other than money or securities for money) held or that may be held by the Trustees under the testamentary settlements of the Truster.

Enlarge-
ment of
powers.

3. Notwithstanding the terms of the testamentary settlements the Trustees shall have full power to sell the trust estate or any part thereof with the consent of Her Royal Highness the Princess Louise Caroline Alberta Duchess of Argyll or other the liferenter for the time being and of the person next prospectively entitled to succeed to such liferenter whether in liferent or fee if of full age and capable of acting and at such price or prices and on such terms and conditions as may be approved by the same and if either is not of age or capable of acting then with the consent and as may be approved by the other and if both are not of age or capable of acting then at the discretion of the Trustees alone.

Applica-
tion of
proceeds
of sale.

4. The nett proceeds of any such sales after meeting all expenses connected with such sales shall be applied by the Trustees in the case of realisation of heritable

estate (in the first place) in repayment of heritable debt affecting the estate sold or the estate of which the land sold forms part and (in the second place) any balance in repayment of heritable debt on the estate of Rosneath in the county of Dumbarton held by the Trustees and the nett proceeds of any moveable estate may be applied in repayment of heritable debt on such of the heritable estates as the Trustees may consider necessary or desirable at the time.

A.D. 1930.

5. Save as expressly hereinbefore provided by this Act nothing herein contained shall affect the purposes powers and provisions of the testamentary settlements which purposes powers and provisions shall remain in full force and effect.

Testamentary settlements to remain in full force and effect.

6. Saving and reserving always to the King's most Excellent Majesty His heirs and successors and to all other persons bodies politic or corporate and their respective heirs successors executors administrators and assigns (other than the persons by this Act expressly excepted out of this general saving) all such estate right title interest claim and demand whatsoever of in to or out of or upon the trust estate or any part thereof as they or any of them had before the passing of this Act or would or could or might have had or enjoyed if this Act had not been passed.

General saving.

7. The following persons are excepted out of the general saving in this Act and accordingly are the only persons bound by this Act (that is to say) :—

Exceptions from general saving.

- (1) Her Royal Highness the Princess Louise Caroline Alberta Duchess of Argyll;
- (2) The Most Noble Niall Diarmid Duke of Argyll and the heirs male of his body;
- (3) The Most Noble Alan Ian Duke of Northumberland and the heirs male of his body;
- (4) Every or any other person who is or may become entitled to or might but for this Act or any matter or thing done hereunder be or become entitled to or to any interest in the trust estate or any part thereof under or by virtue of or as deriving title through the testamentary settlements and the heirs executors administrators and assigns of every and any such person;
- (5) The Trustees as such.

[CH. 1.]

Argyll Trust Estate [20. & 21 GEO. 5.]
Act, 1930.

A.D. 1930.

Costs of
Act.

8. The costs and charges of applying for and obtaining this Act and incidental thereto shall be paid by the Trustees out of the capital of the trust estate.

Act not
public but
to be
evidence.

9. This Act shall not be a public Act but shall be printed by the several printers to the King's most Excellent Majesty duly authorised to print the statutes of the United Kingdom and a copy thereof so printed by any of them shall be admitted as evidence thereof by all judges justices and others.

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