



# Glebe Lands (Scotland) Act 1866

## 1866 CHAPTER 71

### 17 **Eight of Pre-emption by Proprietors whose Lands are conterminous with the Glebe.**

When the Court shall have made an Order or Interlocutor granting Authority to feu or let on Building Lease, and fixing the minimum Feu Duty or Rent, any Proprietor whose Lands are conterminous with the Glebe mentioned in such Order or Interlocutor, may, within Thirty Days of the Date of such Order or Interlocutor, intimate his Willingness to feu or lease or to purchase so much of the said Glebe at such a Rate of Feu Duty, or Rent, or Price as the Court may on a Consideration of the whole Circumstances of the Case, and after directing such Inquiry as they may consider necessary, determine; and if to feu or lease, undertaking to grant Security over the whole or such Part of his Estate, in addition to the said Glebe itself, as to the Court shall seem necessary for the regular and punctual Payment of the Feu Duty or Rent fixed by the Court; and on such Intimation, and after such Rate of Feu Duty and Security therefor, or Price, shall have been so fixed, the Court shall, in case of feuing or leasing, interpose its Authority to the Bond or other Writ in Security, and decern accordingly, and in case of Sale shall pronounce a Decree of Sale thereof in favour of such Heritor, on which he shall be entitled to obtain a Charter from the Crown for Payment of a Blench Duty of a Penny Scots, and interpose their Authority accordingly. Provided always, that such Heritor shall not be entitled to obtain an Extract of the said Decree of Sale until the Price shall be consigned in One of the Chartered Banks in *Scotland* for Behoof of the Minister; and in every Case of such Sale the Price, after Deduction of all Expenses connected with the Application to the Court, shall be invested at Sight of the Heritors and Presbytery on such Securities and in such Manner as the Court of Teinds shall direct, and the Interests or Proceeds only shall be paid to the Minister: And it is provided further, that it shall be lawful for any Heir of Entail in *Scotland* to burden, the Lands' and Estate of which he or she is in possession as Heir of Entail lying contiguous to such Glebe for the Amount of such Price, or to give Security over the same for the annual Payment out of the clear yearly Rents and Profits of the said Lands and Estate, the Interest of such Sum calculated at Pour and One Half per Centum, or the Amount of such annual Payment, not exceeding Three Pounds per Centum of such clear yearly Rents and Profits after deducting all prior Burdens and Provisions, as the same shall be ascertained by an Average of the Five Years immediately preceding the Date of Creation of such Burden or Security.