



CHAPTER 1.

An Act to vest the estate of Lochnell in the county of Argyll in Trustees for certain purposes with power of sale and other powers. A.D. 1903.
[11th August 1903.]

WHEREAS Archibald Argyll Lochnell Campbell of Lochnell in the county of Argyll (now deceased) was at the date of the bond of provision and disposition in security next hereinafter recited heritable proprietor of the lands and estate of Lochnell in the said county :

And whereas by bond of provision and disposition in security dated the twenty-seventh day of March and recorded in the division of the general register of sasines applicable to the county of Argyll on the nineteenth day of May both in the year one thousand eight hundred and eighty-four and registered in the books of council and session at Edinburgh on the fourth day of November one thousand eight hundred and ninety-four granted by the said Archibald Argyll Lochnell Campbell on the narrative that on the twenty-sixth day of June one thousand eight hundred and seventy-seven he was married to Mrs. Annie Constance Fitzgerald or McClymont now Campbell (hereinafter called Mrs. Annie Constance Campbell) widow of the deceased Richard McClymont (therein written McClement) staff surgeon Royal Navy and that on that occasion no proper provision was made by him for her or for the children to be born of the marriage between her and him That three children had been born of their marriage and still survived namely Archibald John Lochnell Campbell Alexander Andrew Lochnell Campbell and Annie Mary Augusta Flora Campbell and that the said Mrs. Annie Constance Campbell had at the date of his marriage with her five children by her former marriage namely Annie Mary McClymont Gerald Joseph McClymont (now deceased)

A.D. 1903. Frederick Stanley William Aloysius McClymont Emily Annie McClymont and Richard Kerr McClymont all of whom were alive at the date of the deed under recital that since the date of his said marriage the children of his wife by her former marriage had lived in family with him and his wife and children and had all throughout shown him great affection and respect and that he considered it his duty to make and secure to his said wife and to the children of their marriage and also to her children by her former marriage the provisions therein contained Therefore he (the said Archibald Argyll Lochnell Campbell) bound himself and his heirs and successors in the lands and others thereafter specified and subsidarie his other heirs and his executors and representatives whomsoever without the necessity of discussing them in their order to pay to the Right Reverend Doctor Angus Macdonald Roman Catholic Bishop of Argyll and the Isles then residing in Oban Andrew Macdonald solicitor Inverness and the said Mrs. Annie Constance Campbell and himself the said Archibald Argyll Lochnell Campbell and the acceptors and acceptor and survivors and last survivor and to such other person or persons as they or he might assume into the trust as trustees for the purposes therein mentioned (First) An annuity of one thousand six hundred pounds sterling per annum free of all burdens and deductions whatsoever during all the days and years of the life of his said wife after his death and that at the terms therein mentioned and with penalty in case of failure in the payment thereof and interest during the not payment as therein specified and (Second) An annuity or yearly sum of two thousand pounds sterling free of all burdens and deductions whatsoever from and after the decease of the survivor of him and his said wife until the same should cease to be payable as thereafter mentioned and that at the terms therein mentioned and with penalty in case of failure in the payment thereof and interest during the not payment as therein specified And it was thereby provided and declared (First) That the said trustees should be bound to pay over the said annuity of one thousand six hundred pounds sterling per annum to his said wife for her own absolute use and behoof as and when the same should be received by them (under deduction of any expenses which they might incur) or to allow her herself to collect and receive the same and which right thereby conferred upon his said wife should be strictly alimentary and incapable of being anticipated or assigned and should not be attachable for her debts or affectable by her deeds (Second) That in the event of the said whole eight children of his said wife not being alive at the time when the said annuity of two thousand pounds

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should commence to be payable then the said annuity of two thousand pounds should be diminished by the sum of two hundred and fifty pounds per annum for each child who should have predeceased and should also be diminished by the sum of two hundred and fifty pounds per annum upon the death of each of the children then alive so that upon the death of the last survivor of the said eight children the same should entirely cease (Third) That in the event of any of said children succeeding upon the death of the said Archibald Argyll Lochnell Campbell or thereafter by bequest or inheritance to his estate of Lochnell the said annuity of two thousand pounds should thereupon be diminished by the sum of two hundred and fifty pounds per annum but a diminution should not be made both in respect of the death of a child and of its succession to said estate (Fourth) That the said annuity of two thousand pounds restrictable upon the events foresaid should be divided equally among the whole of the said children alive at the time and who should not have succeeded to said estate as aforesaid and paid over to said children by the said trustees (under deduction of any expenses which they might incur) or the trustees might allow those children who should be entitled thereto to collect and receive it (Fifth) That the rights thereby conferred upon said children should be strictly alimentary and incapable of being anticipated or assigned (except where any one of said children might wish to give a share of his or her portion of said annuity to any other of said children) and should not be attachable for their debts or affectable by their deeds and in the case of females that the same should belong to such females exclusive of the jus mariti and right of administration of their husbands respectively And in security of the personal obligations before recited the said Archibald Argyll Lochnell Campbell did thereby dispoise to and in favour of the said Angus Macdonald Andrew Macdonald Mrs. Annie Constance Campbell and himself the said Archibald Argyll Lochnell Campbell as trustees foresaid and their foresaids heritably but redeemably as thereafter mentioned All and whole the lands and estate of Lochnell in the county of Argyll as therein particularly described and that in real security of the whole sums of money therein contained principal interest and penalties And it was thereby expressly provided and declared that the said trustees and their successors in office should be bound on the said Archibald Argyll Lochnell Campbell or his foresaids providing any other security for the sums therein contained which in the opinion of the trustees should amply secure the said annuities and which might be by purchase of annuities of equal amount from a respectable assurance company (and of the

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sufficiency of which security proposed to be substituted the trustees should be sole judges) to discharge and disburden the said lands and others or any part thereof of the said several sums above specified and on the said sums being paid or the said annuity or annuities lapsing they should be bound at the expense of the said Archibald Argyll Lochnell Campbell or his foresaids to discharge and disburden the said lands and others thereof and in the event of default being made in payment of the said sums the trustees should be entitled to sue and do diligence and take all other steps which might be necessary to recover the sums due as aforesaid in the same way as if the personal obligations above set forth had been granted in their favour as individuals and further the said Archibald Argyll Lochnell Campbell thereby expressly reserved to himself but only with the formal consent of the said trustees and upon his being able to satisfy them that he had in view the benefit of his said wife and the said children power at any time during his life to borrow such sum or sums of money as might be required for estate improvements or family purposes upon the security of the said lands and others and to grant with the consent of the said trustees and their foresaids bonds and dispositions in security over the said lands and others for such sums as might be borrowed with consent as aforesaid and which bonds and dispositions in security should rank preferably to the annuity or annuities above mentioned And he thereby further reserved full power to himself but only with consent as aforesaid of the said trustees to sell any portions of the said lands and others which it might be expedient to sell and it was thereby expressly provided and declared that no purchaser should have any concern whatever with the application of such price or prices as might be obtained for the said lands sold as aforesaid And that both lenders on the security of the said lands and others and purchasers of parts thereof should be sufficiently secured by the consent of the trustees given in terms of the said deed under recital And the said Archibald Argyll Lochnell Campbell thereby specially provided and declared (amongst other things) that the trustees acting thereunder should incur no responsibility or liability by the exercise of the discretion thereby conferred upon them in reference to the releasing from the security thereby constituted the whole or a part of the said lands of Lochnell or consenting to money being borrowed on the security thereof or to sales of parts thereof and also that the provision thereby made in favour of his wife the said Mrs. Annie Constance Campbell should be in full of all terce of lands *jus relictæ* and all other claims which she might make against the said Archibald Argyll Lochnell

Campbell or his estate at or in consequence of his death and that the provisions thereby made in favour of the children before mentioned should be accepted by them in full of all claims for legitim and of all other claims of whatever nature by marriage settlement or otherwise competent to them against the said Archibald Argyll Lochnell Campbell or his estate at or in consequence of his death except any bequests or legacies which he might leave to his said wife or to said children by any testamentary or mortis causa settlement executed or to be executed by him with a declaration as to forfeiture of participation in the said annuities in the event of any such claim being made :

And whereas by trust disposition and conveyance dated the fourth and recorded in said division of the general register of sasines on the tenth both days of September one thousand eight hundred and eighty-eight granted by the said Archibald Argyll Lochnell Campbell he on the narrative that he had got into embarrassed circumstances and was then unable to pay all his just and lawful debts and was desirous to make provision for payment thereof according to their several preferences and also to regulate the management of his estate gave granted assigned disposed and made over from him his heirs and successors whomsoever to and in favour of Richard Watson then bank agent Oban (now residing at number sixteen Woodhall Terrace Juniper Green in the county of Midlothian) as trustee to act in the trust thereby created and to the assignees and disponees of the said trustee All and sundry his whole estates heritable and movable real and personal and also his household and office furniture goods gear effects sums of money and debts whatsoever then pertaining and belonging or due and indebted to him together with the documents vouchers and instructions thereof and all action and execution that had followed or was competent to follow thereon dispensing with the generality thereof and declaring that the deed under recital should be as effectual as if every particular of his means and estate were therein particularly enumerated and conveyed and without prejudice to the foregoing generality but in corroboration thereof he the said Archibald Argyll Lochnell Campbell disposed to the said Richard Watson as trustee foresaid and his foresaids All and whole the said lands and estate of Lochnell in the county of Argyll as therein particularly described but declaring as it was thereby expressly provided and declared that the said trust deed was granted and should be accepted by the said trustee for the ends uses and purposes following (First) For payment of the expenses of the trust and for repayment to the said trustee of all advances and

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outlays and relief from all liabilities which he might make or undertake for him the said Archibald Argyll Lochnell Campbell or in connection with his affairs and for payment also to the said trustee of an agreed on salary of fifty pounds per annum for his trouble as trustee (Second) For payment of the public parochial and local burdens rentcharges and interest on debts affecting the estates thereby conveyed the expense of repairs and improvements whether incurred under existing lease obligations or incurred or due in respect of obligations to be undertaken in virtue of the said trust deed and the expenses connected with the management of his said estates and generally the annual charges and outgoings of every kind connected with his said estates and the management thereof (Third) For payment of all floating and unsecured debts then due by him and with regard to debts small in amount not exceeding one hundred pounds sterling in cumulo his said trustee was thereby empowered if he saw fit to pay them off in full at once so as to relieve his estate thereof (Fourth) For payment to him the said Archibald Argyll Lochnell Campbell during the subsistence of the trust of a reasonable periodical allowance for the maintenance and support of himself and his family it being thereby expressly provided and declared that should there be any difference of opinion between him and his said trustee as to what was a reasonable allowance the same should be finally decided at a meeting of his creditors called for the purpose as therein mentioned (Fifth) In so far as his trustee might find it convenient or practicable to do so that he should apply the surplus revenues of the said estates in paying off pro tanto the capital debts then affecting his said estates and any debt that might be made to affect the same during the subsistence of the trust but providing always and declaring that no new debt or obligation incurred by him the said Archibald Argyll Lochnell Campbell from and after the execution of the said trust deed should be entitled to rank pari passu with the debts then due by him and recognised in the trust thereby constituted unless said new debts or obligations were incurred by him the said Archibald Argyll Lochnell Campbell with the special consent in writing of his said trustee and further that such new debts or obligations unless incurred with consent as aforesaid should be and the same were thereby postponed until the debts provided for under the said trust deed should first be fully paid reserving however to such new creditors the right to attach the whole or any portion of the allowance provided for him the said Archibald Argyll Lochnell Campbell under the said trust for payment of such new debts and he thereby granted to the said trustee the powers of

management and other powers therein expressed including power to sell the whole or any part of the estates thereby conveyed and power to borrow such sum or sums of money from time to time as the said trustee might think necessary or expedient for carrying out any of the purposes and powers of the said trust and to rearrange the debts then affecting or that might thereafter affect the said estates and to grant the necessary bonds and dispositions in security bonds of corroboration and other writs and power with the consent of the said Archibald Argyll Lochnell Campbell to assume other trustees into the trust And it was thereby further provided that the said trustee or trustees acting for the time should be entitled to denude at any time of the trust thereby created and of the trust estate thereby conveyed as it might then stand as therein mentioned:

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And whereas the said Gerald Joseph McClymont died on the twenty-second day of March one thousand eight hundred and ninety-one:

And whereas the said Right Reverend Angus Macdonald and Andrew Macdonald resigned the office of trustee under the said bond of provision and disposition in security conform to minute of resignation executed by them dated the tenth and twelfth days of November one thousand eight hundred and ninety-one and registered in the books of council and session on the nineteenth day of March one thousand eight hundred and ninety-two:

And whereas by bond of corroboration and disposition in security dated the fifteenth day of January and recorded for preservation as well as for publication in the division of the general register of sasines applicable to the county of Argyll on the twenty-first day of March both in the year one thousand eight hundred and ninety-two the said Archibald Argyll Lochnell Campbell after narrating the provisions of the bond of provision and disposition in security before recited and on the further narrative that since the execution of that deed several sums of money had been raised by him upon the security of the said lands and estate of Lochnell and a certain small portion thereof had been sold all with the consent of the trustees under the said bond of provision and disposition in security and all for the benefit of himself and his wife and children and for estate improvements as contemplated by the said bond of provision and disposition in security that a further sum of five thousand pounds sterling was required for the benefit of himself and his said wife and children and for the improvement and management of the said estate of Lochnell which it was then intended to raise by selling another

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small portion of the said lands and estate of Lochnell and that the trustees then acting under the said bond of provision and disposition in security had consented to the sale of a portion of the said estate in order to raise the said sum of five thousand pounds sterling in consideration of his granting a corroboration of the said bond of provision and disposition in security and of the provisions therein conceived and upon his declaring the same irrevocable which he had agreed to do that the said Frederick Stanley William Aloysius McClymont then Roman Catholic clergyman residing in Rothesay and the said Annie Mary McClymont then residing at the Abbey Lodge Fort Augustus had respectively agreed to discharge a bond of annuity granted by the said Archibald Argyll Lochnell Campbell in favour of each of them the one in favour of the former for one hundred pounds sterling but restrictable as therein mentioned to fifty pounds sterling and the other in favour of the latter for fifty pounds sterling both dated the twenty-sixth day of April one thousand eight hundred and eighty-eight in consideration of the said Archibald Argyll Lochnell Campbell granting said corroboration and making the said declaration Therefore he the said Archibald Argyll Lochnell Campbell did corroborate and confirm the said bond of provision and disposition in security before recited and all clauses and obligations therein contained and the whole tenour and contents thereof which bond of provision and disposition in security was referred to by the deed under recital and all its clauses and obligations and whole tenour and contents thereof were brevitatis causa held to be inserted therein ad longum And the said Archibald Argyll Lochnell Campbell declared the said bond of provision and disposition in security and all and each of the obligations and provisions therein contained to be from the beginning then and in all time coming irrevocable and unalterable by him renouncing all objections and exceptions to the contrary and without hurt or prejudice to the said bond of provision and disposition in security but in corroboration thereof et accumulando jura juribus he of new bound himself and his heirs and successors in the lands and others thereafter referred to and subsidiarie his other heirs and his executors and representatives whomsoever without the necessity of discussing them in their order to pay to the said Mrs. Annie Constance Campbell and himself the said Archibald Argyll Lochnell Campbell as the then acting Trustees under the said bond of provision and disposition in security hereinbefore recited and the last survivor and to such other person or persons as they or he might assume into the trust for the purposes mentioned in the said bond of provision and disposition in security

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(First) An annuity of one thousand six hundred pounds sterling per annum free of all burdens and deductions whatsoever during all the days and years of the life of his said wife after his death and that at the terms therein mentioned and with penalty in case of failure in the payment thereof and interest during the not payment as therein specified and (Second) An annuity or yearly sum of two thousand pounds sterling free of all burdens and deductions whatsoever from and after the decease of the survivor of him the said Archibald Argyll Lochnell Campbell and his said wife until the same should cease to be payable as therein mentioned (but under deduction of the sum of two hundred and fifty pounds sterling which had ceased to be payable on the death of the said Gerald Joseph McClymont as therein mentioned) and that at the terms therein set forth and with penalty in case of failure in the payment thereof and interest during the not payment as therein specified and that upon and subject to the provisions and declarations therein expressed as regards the said annuities (being the same provisions and declarations as are contained in the said bond of provision and disposition in security hereinbefore recited) And in security of the personal obligations contained in the said bond of corroboration and disposition in security the said Archibald Argyll Lochnell Campbell thereby of new disposed to and in favour of the said trustees then acting under the said bond of provision and disposition in security and their foresaids heritably but redeemably as therein mentioned all and whole the said lands and estate of Lochnell in the county of Argyll as particularly described in the said bond of provision and disposition in security hereinbefore recited but under the exceptions mentioned in the said bond of corroboration and disposition in security with regard to certain lands which had been sold and that in real security of the whole sums of money therein written principal interest and penalties but always with and under the whole powers reservations conditions provisions declarations obligations and all other clauses specified and contained in the said bond of provision and disposition in security which were thereby referred to and held brevitatis causa as therein inserted ad longum :

And whereas by supplementary trust disposition and conveyance dated the fifteenth day of January and recorded for preservation as well as for publication in the said division of the general register of sasines applicable to the county of Argyll on the twenty-first day of March one thousand eight hundred and ninety-two granted by the said Archibald Argyll Lochnell Campbell on the narrative of the trust disposition and conveyance of the

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and in substitution thereof he in addition to the first second and third purposes of the said trust disposition and conveyance which were thereby confirmed created the following purposes namely Out of the surplus revenue of the said estate under the management of the said Richard Watson as trustee foresaid (Primo) For payment of the annual premium of insurance amounting to thirty-five pounds sterling payable by the said Archibald Argyll Lochnell Campbell to the English and Scottish Law Life Assurance Association in respect of a policy of insurance for one thousand pounds sterling effected by him on his own life with said assurance association which policy had been assigned by him to Andrew Macdonald solicitor Inverness as trustee for behoof of the said Annie Mary Augusta Flora Campbell his daughter (Secundo) For payment to himself of an alimentary annuity of one hundred pounds sterling per annum during all the days of his life commencing from the date of the deed under recital and payable quarterly (Tertio) For payment to his said wife of an annual allowance of four hundred pounds sterling commencing from the date of the deed under recital for her maintenance use and behoof during all the days of his life and for the maintenance upbringing and education of his children and for their general use and behoof all the days of his life which allowance should be paid quarterly and in advance and he thereby declared that his said trustee should have power to be satisfied of the bonâ fide application and disposal of the said allowance of four hundred pounds sterling by his said wife for the purposes foresaid and that regard should always be had to the proviso therein and hereinafter mentioned relating to the sum of fifty pounds sterling of the said sum and further that the said sum of four hundred pounds sterling should not be affected or diminished by the death of any one or more of his said wife and children and that the same should be purely alimentary and should not be affected by the debts or deeds of his said wife and children or any of them nor should the same be subject to the diligence of his her or their creditors and it was thereby provided and declared that his trustee should be entitled if he should consider that necessary or proper and that circumstances would justify it to apply a sum of fifty pounds sterling out of the said sum of four hundred pounds sterling as a further alimentary allowance to him as therein mentioned (Quarto) For payment during the subsistence of the trust of an annuity of eighty pounds sterling payable by him the said Archibald Argyll Lochnell Campbell for the benefit of his sister Mrs. Evalah Charlotte Isabella Campbell or Turner then wife now widow of the now deceased

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A.D. 1903. Baldwin Kennaway Turner then or lately residing in Winberg near Cape Town and for the benefit of the children of her then marriage as provided by the bond of annuity granted by him the said Archibald Argyll Lochnell Campbell dated the twenty-fifth day of August and recorded in the books of council and session on the seventh day of September both in the year one thousand eight hundred and eighty-three (Quinto) For payment of an annuity of eighty pounds sterling to Mrs. Henrietta Hoved or Campbell his mother (since deceased) during all the days of her life payable half-yearly at Martinmas and Whitsunday But it was thereby declared that the said annuities in favour of the said Mrs. Evah Charlotte Isabella Campbell or Turner and her children and Mrs. Henrietta Hoved or Campbell should only be paid in the event of his said trustee being satisfied that there should be a free revenue sufficient to pay the same and should there not be such free revenue then each of these annuities should suffer such an equal diminution as the want of surplus revenue might occasion (Sexto) Should there be any surplus revenue after payment of all the other purposes of the said trust under recital his said trustee should set aside and accumulate the same from time to time to provide a fund to meet the sum of three thousand three hundred pounds sterling which required to be provided in terms of agreements with John Stuart McCaig Esquire of Ardnaskie to release the lands purchased by him the said John Stuart McCaig from the said Archibald Argyll Lochnell Campbell and the said Richard Watson as trustee foresaid which were then still burdened with the capital debts then affecting his said estate of Lochnell (Septimo) For payment and redemption of the whole heritable debts then affecting the said lands and estate of Lochnell and with regard to these he the said Archibald Argyll Lochnell Campbell thereby gave his said trustee full and absolute power to deal with the same in such manner as he might think best and without prejudice to the powers contained in the said trust disposition and conveyance before recited power to sell the said estate for any purpose whatever either in whole or in part and in such lots by public roup or private bargain and at such price or prices as he the said trustee might consider proper or get for the same and other powers were also thereby conferred on his said trustee and without hurt or prejudice to the said before-recited trust disposition and conveyance in so far as not altered by the deed under recital but in corroboration and supplement thereof he the said Archibald Argyll Lochnell Campbell thereby of new gave granted assigned disposed and made over from him and his heirs and successors whomsoever to and in favour of the said Richard

Watson as trustee to act in the trust created by the said trust disposition and conveyance and by the deed under recital and to the assignees and disponees of the said trustee All and sundry his whole estates heritable and movable real and personal and also his household and office furniture goods gear effects sums of money and debts whatsoever then pertaining and belonging or due and indebted to him together with the documents vouchers and instructions thereof and all action and execution that had followed or might be competent to follow thereon dispensing with the generality thereof and declaring that the said deed under recital should be as effectual as if every particular of his the said Archibald Argyll Lochnell Campbell's means and estate had been therein specially enumerated and conveyed and without prejudice to the foregoing generality but in corroboration thereof he thereby disposed to the said Richard Watson as trustee foresaid and his foresaids the said lands and estate of Lochnell and others in the county of Argyll as particularly described in said trust disposition and conveyance hereinbefore recited under the exceptions mentioned in the said supplementary trust disposition and conveyance as regards certain lands which had then been sold :

And whereas the lands purchased by the said John Stuart McCaig referred to in purpose "Sexto" of the said supplementary trust disposition and conveyance last hereinbefore recited were subsequently released and disburdened of and from the capital debts affecting the said estate of Lochnell but the sum of three thousand three hundred pounds therein mentioned has not been accumulated out of surplus revenue from the said estate :

And whereas the said Mrs. Henrietta Hoved or Campbell died on or about the twenty-first day of August one thousand eight hundred and ninety-four :

And whereas by deed of assumption conveyance and trust granted by the said Richard Watson as trustee under the said trust disposition and conveyance and supplementary trust disposition and conveyance before recited with consent and concurrence of the said Archibald Argyll Lochnell Campbell and by the said Archibald Argyll Lochnell Campbell dated the seventh and eighth and recorded for preservation as well as for publication in the said division of the general register of sasines applicable to the county of Argyll on the tenth all days of November one thousand eight hundred and ninety-four the said Richard Watson assumed Donald MacGregor and John Donald Sutherland both solicitors in Oban as trustees under the said trust disposition and conveyance and supplementary trust disposition and conveyance and disposed and conveyed to himself

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(the said Richard Watson) and the said Donald MacGregor and John Donald Sutherland as trustees under the said trust disposition and conveyance and supplementary trust disposition and conveyance the whole trust estate and effects heritable and movable real and personal then belonging to or under his control as trustee foresaid and without prejudice to the said generality but in corroboration thereof he (the said Richard Watson) with consent and concurrence foresaid thereby disposed to himself and the said Donald MacGregor and John Donald Sutherland as trustees foresaid the said lands and estate of Lochnell and others in the county of Argyll as particularly described in the said trust disposition and conveyance hereinbefore recited under the exceptions mentioned in the said deed of assumption conveyance and trust as regards certain lands which had then been sold And further the said Archibald Argyll Lochnell Campbell as the granter of the said trust disposition and conveyance and supplementary trust disposition and conveyance did thereby create the following further purpose to be exercised and performed by the said trustees in addition to the purposes mentioned in the said trust disposition and conveyance (in so far as not superseded) and in the said supplementary trust disposition and conveyance all of which were thereby corroborated and confirmed videlicet For payment to him the said Archibald Argyll Lochnell Campbell out of the trust estate of such annual allowance as the said trustees in their discretion (which discretion should be absolute) should consider from time to time the revenue of the said estate would admit of in addition to the allowance payable to him under the said supplementary trust disposition and conveyance and certain further powers were thereby conferred upon the said trustees :

And whereas subsequent to the date of the original trust disposition and conveyance hereinbefore recited it was found necessary at various times during the life of the said Archibald Argyll Lochnell Campbell to raise money in order to pay debts incurred by him and to provide for expenditure upon or connected with the said estate of Lochnell and for other purposes provided for or authorised by the said trust disposition and conveyance and deeds supplementary thereto and the moneys required for such purposes were from time to time raised and provided by the trustee or trustees acting thereunder partly by loans obtained upon the security of the said estate of Lochnell and partly by sales of portions of said estate which loans and sales were obtained and effected in accordance with the following agreements or one or other of them viz. (First) Agreement dated the sixteenth seventeenth and twenty-second all days of January one thousand eight hundred and

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ninety-one entered into between the said Archibald Argyll Lochnell Campbell of the first part the said Richard Watson as trustee acting under the said original trust disposition and conveyance of the second part and the said Right Reverend Doctor Angus Macdonald Andrew Macdonald Mrs. Annie Constance Campbell and Archibald Argyll Lochnell Campbell as trustees acting under the said bond of provision and disposition in security first hereinbefore recited of the third part (Second) Agreement dated the tenth twelfth and thirteenth all days of November one thousand eight hundred and ninety-four entered into between the said Archibald Argyll Lochnell Campbell of the first part the said Mrs. Annie Constance Campbell and the said Archibald Argyll Lochnell Campbell as sole trustees then acting under the said bond of provision and disposition in security and bond of corroboration and disposition in security of the second part and the said Richard Watson Donald MacGregor and John Donald Sutherland as trustees acting under the said trust disposition and conveyance supplementary trust disposition and conveyance and deed of assumption conveyance and trust of the third part (Third) Agreement dated the eighteenth twentieth and twenty-second all days of January one thousand eight hundred and ninety-six entered into between the said Archibald Argyll Lochnell Campbell of the first part the said Mrs. Annie Constance Campbell and Archibald Argyll Lochnell Campbell as sole trustees then acting under the said bond of provision and disposition in security and bond of corroboration and disposition in security of the second part and the said Richard Watson Donald MacGregor and John Donald Sutherland as trustees acting under the said trust disposition and conveyance supplementary trust disposition and conveyance and deed of assumption conveyance and trust of the third part in terms of which agreements the said trustees acting under the said bond of provision and disposition in security and bond of corroboration and disposition in security and in virtue of the powers conferred upon them by these deeds consented to such loans being obtained upon the security of the said estate of Lochnell so as to rank preferably to the security constituted by the said bond of provision and disposition in security and bond of corroboration and disposition in security and also consented to the said sales upon and subject to the condition that the trust constituted by the said trust disposition and conveyance and (subsequent to the date of the said first-mentioned agreement) confirmed subject to the alterations hereinbefore recited by the said recited supplementary trust disposition and conveyance and deed of assumption

A.D. 1903. conveyance and trust should not be terminated until the whole sums raised in pursuance of the said agreements whether by loans or sales should be paid off or replaced out of or by means of accumulations of surplus revenue of the said estate or otherwise so that the security held by the trustees acting under the said bond of provision and disposition in security and bond of corroboration and disposition in security should not be prejudiced but should be restored to the position in which it would have been if the said sums had not been so raised by such loans and sales :

And whereas the said Archibald Argyll Lochnell Campbell died on or about the twenty-third day of October one thousand eight hundred and ninety-seven :

And whereas the said Reverend Frederick Stanley William Aloysius McClymont and Richard Kerr McClymont were subsequently assumed as trustees under the said bond of provision and disposition in security and bond of corroboration and disposition in security conform to deed of assumption and conveyance granted by the said Mrs. Annie Constance Campbell as sole trustee then acting under the said bond of provision and disposition in security and bond of corroboration and disposition in security in favour of herself and the said Frederick Stanley William Aloysius McClymont and Richard Kerr McClymont dated the twenty-seventh day of December one thousand eight hundred and ninety-seven and registered in the books of council and session for preservation on the eleventh day of January and in the said division of the general register of sasines applicable to the county of Argyll for publication on the seventeenth day of February both in the year one thousand eight hundred and ninety-eight :

And whereas the said Archibald Argyll Lochnell Campbell was survived by the said Mrs. Annie Constance Campbell and by the foresaid three children of his marriage with her namely the said Archibald John Lochnell Campbell Alexander Andrew Lochnell Campbell and Annie Mary Augusta Flora Campbell all of whom are unmarried and by four children of the said Mrs. Annie Constance Campbell by her former marriage namely the said Frederick Stanley William Aloysius McClymont the said Richard Kerr McClymont Annie Mary McClymont and Emily Annie McClymont now Mrs. Emily Annie McClymont or Ward wife of Henry de Courcey Ward staff paymaster in the Royal Navy and the said Mrs. Annie Constance Campbell and the said several children are all still living :

And whereas by trust disposition and settlement dated the nineteenth day of September one thousand eight hundred and

ninety-three the said Archibald Argyll Lochnell Campbell in order to regulate the succession to his means and estate after his decease gave granted assigned and disposed to and in favour of William Campbell McEwen writer to the signet Edinburgh and the said John Donald Sutherland (the latter of whom declined to accept the office of trustee) and the survivor or acceptor of them and to such other person or persons as should be assumed to act in the trust thereby constituted All and sundry his whole means and estate heritable and movable real and personal of what kind or denomination soever and wheresoever situated then belonging or addebted or which might belong or be addebted to him or in which he might have a vested right or interest at the time of his death with the whole writs titles vouchers and instructions thereof but that in trust only for the ends uses and purposes and with and under the conditions provisions and declarations therein specified videlicet (First) For payment of all his just and lawful debts deathbed and funeral expenses and fulfilment of all his obligations and for payment of the expenses of executing the trust the trustees being declared to have the sole discretion in apportioning the trust expenses as between capital and income and as between the different shares of such capital and income respectively (Second) The trustees were directed (subject to the provisions and declarations hereinafter mentioned) to hold the said estate of Lochnell together with the whole furniture (including books pictures linen china plate and others) fittings and fixtures belonging to him in the various mansion houses on the said estate for behoof of his eldest son the said Archibald John Lochnell Campbell in liferent for his liferent alimentary use allenary and the heirs of his body in fee whom failing his second son the said Alexander Andrew Lochnell Campbell in liferent for his liferent alimentary use allenary and the heirs of his body in fee whom failing his daughter the said Annie Mary Augusta Flora Campbell in liferent for her liferent alimentary use allenary and the heirs of her body in fee and the said trustees were further directed to convey and make over the said estate furniture and others to the heir succeeding thereto in fee under the foregoing destination upon his or her attaining the age of twenty-five years complete until which time it was declared that the same should not vest in him or her But with regard to the said liferent provisions and in respect the said estate of Lochnell was heavily encumbered with debt and it was the testator's desire that the same should be disburdened thereof with all possible dispatch the said Archibald Argyll Lochnell Campbell thereby directed his said trustees instead of paying over the whole

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free yearly income or revenue derivable from said estate to the liferenter or liferentrix for the time in the enjoyment of said liferent only to pay over such part thereof as in their sole discretion they might deem expedient keeping in view the position in life of the liferenter or liferentrix and the testator's desire that the said estate be disburdened of debt as speedily as possible and the said trustees were directed to apply the balance of said free income or revenue in reducing the debts and burdens affecting the said estate the trustees being given the most absolute discretionary powers in regard to the allocation of the said free income or revenue (Third) It was thereby provided that in the event of the testator's said eldest son at any time entering the secular priesthood or joining any order or congregation or society of Jesus he and the heirs of his body should immediately forfeit all right and interest (liferent or otherwise) in the said estate furniture and others which should devolve upon the testator's said second son in liferent for his liferent alimentary use allenary and the heirs of his body in fee as before provided (Fourth) It was also provided that in the event of the testator's said second son having also entered the secular priesthood or joined any order or congregation or society of Jesus or should he do so after the said liferent had devolved upon him he and the heirs of his body should likewise forfeit all right and interest (liferent or otherwise) in the said estate furniture or others which should immediately devolve upon the testator's said daughter in liferent for her liferent alimentary use allenary and the heirs of her body in fee as before provided (Fifth) It was further provided that in the event of the testator's said daughter having then entered a religious house of any kind or should she do so after the said liferent had devolved upon her she and the heirs of her body should likewise forfeit all right and interest (liferent or otherwise) in the said estate furniture and others which should immediately devolve upon the testator's brother Duncan McDougall Lochnell Campbell in liferent for his liferent alimentary use allenary and the heirs of his body in fee whom failing the testator's cousin Archibald Alexander Argyll Campbell (in the said trust disposition and settlement called Archibald Campbell) now deceased son of the testator's uncle Alexander Campbell and the heirs of his body whom failing the testator's sister the said Mrs. Evah Charlotte Isabella Campbell or Turner (exclusive of the jus mariti and right of administration of her husband) and the heirs of her body and it was declared that in the event of any of the testator's sisters' children succeeding to the said estate of Lochnell they should be bound and obliged to use

bear and constantly retain the name of Campbell (Sixth) In the event of the death of the liferenter or liferentrix of the said estate furniture and others while the heir presumptively entitled to succeed thereto in fee upon his or her decease was still in minority or under the age of twenty-five years the said last-mentioned trustees were directed to hold the said estate furniture and others for behoof of such heir until he or she should attain the age of twenty-five years complete and to apply the free income or revenue thereof for his or her maintenance education and upbringing as they might deem expedient but always under and subject to the provisions and declarations with regard to the application of a portion of said free income or revenue for the purpose of disburdening the said estate of debt as thereinbefore provided under the second purpose of the said trust disposition and settlement with reference to the foresaid liferents (Seventh) The trustees were directed to realise the residue and remainder of the testator's said means and estate and apply the free proceeds thereof in repayment of any debts or burdens that might for the time being affect the said estate of Lochnell and the said Archibald Argyll Lochnell Campbell conferred on the trustees under the said trust disposition and settlement the powers and faculties therein expressed and appointed the said trustees or the survivor and acceptor of them his executors or executor :

And whereas subsequent to the death of the said Archibald Argyll Lochnell Campbell it was found necessary to raise certain further moneys in order to meet debts and payments due and payable from the trust estate vested in the trustees acting under the said recited trust disposition and conveyance supplementary trust disposition and conveyance and deed of assumption conveyance and trust including the foresaid annuity of one thousand six hundred pounds to which the said Mrs. Annie Constance Campbell became entitled on the death of the said Archibald Argyll Lochnell Campbell under and by virtue of the said recited bond of provision and disposition in security and bond of corroboration and disposition in security and such moneys were from time to time provided by the sales of further portions of the said estate of Lochnell at prices amounting in cumulo to the sum of forty thousand two hundred and three pounds seven shillings and eightpence which were effected by the trustees acting under the said recited trust disposition and conveyance supplementary trust disposition and conveyance and deed of assumption conveyance and trust with the consent and concurrence of the said trustees acting under the said bond of

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provision and disposition in security and bond of corroboration and disposition in security and as regards the sum of seven thousand nine hundred pounds part of the said sum of forty thousand two hundred and three pounds seven shillings and eightpence in accordance with an agreement dated the twenty-fourth and twenty-fifth days of February one thousand eight hundred and ninety-eight entered into between the said Richard Watson Donald MacGregor and John Donald Sutherland as trustees acting under the said recited trust disposition and conveyance supplementary trust disposition and conveyance and deed of assumption conveyance and trust of the first part and the said Mrs. Annie Constance Campbell Frederick Stanley William Aloysius McClymont and Richard Kerr McClymont as trustees acting under the said bond of provision and disposition in security and bond of corroboration and disposition in security of the second part whereby amongst other things it was agreed that the trusts constituted by the said trust disposition and conveyance supplementary trust disposition and conveyance and deed of assumption conveyance and trust should not be terminated until certain sums therein mentioned had been paid out of the surplus rents of the said estate of Lochnell :

And whereas the property and estate now subject to the trusts of the said trust disposition and conveyance supplementary trust disposition and conveyance and deed of assumption conveyance and trust consists of the said estate of Lochnell as described or referred to in the last-mentioned deeds with the exception of the portions thereof which have been sold as aforesaid (which estate excepting as aforesaid is hereinafter referred to as "the estate of Lochnell") and the furniture and other personal estate specified in the first part of Schedule A. to this Act annexed :

And whereas the heritable debts now secured upon the estate of Lochnell in priority to the said bond of provision and disposition in security and bond of corroboration and disposition in security and to the said trust disposition and conveyance supplementary trust disposition and conveyance and deed of assumption conveyance and trust amount to the sum of seventy thousand five hundred pounds or thereby as is shown in the second part of Schedule A. to this Act annexed and in addition thereto there are other debts and liabilities amounting to the sum of four thousand seven hundred and twenty-three pounds or thereby as is shown in the third part of the said Schedule which have been incurred by the trustees under the said trust disposition and conveyance supplementary trust disposition and conveyance and deed of assumption

conveyance and trust in the management of the estate of Lochnell and in meeting payments falling to be made therefrom including the said annuity of one thousand six hundred pounds per annum to the said Mrs. Annie Constance Campbell :

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And whereas the present gross annual revenue of the estate of Lochnell amounts to the sum of five thousand two hundred and twenty-four pounds or thereby as is shown in Schedule B. to this Act annexed but the free revenue available to meet the said annuity of one thousand six hundred pounds per annum to the said Mrs. Annie Constance Campbell does not exceed the sum of seven hundred and ninety-two pounds per annum or thereby as is also shown in said last-mentioned Schedule :

And whereas the said annuity of one thousand six hundred pounds in so far as not met out of the free revenue of the estate of Lochnell forms a charge upon and is payable out of the capital thereof :

And whereas in the event of the death of the said Mrs. Annie Constance Campbell the annuities amounting in cumulo to the sum of one thousand seven hundred and fifty pounds per annum specified in Schedule C. to this Act annexed would (provided the annuitants survive her) become payable in terms of the said bond of provision and disposition in security and bond of corroboration and disposition in security which annuities so far as not met out of the revenue of the estate of Lochnell would form charges upon and be payable out of the capital thereof :

And whereas there is no reasonable hope or prospect of the revenue of the estate of Lochnell becoming sufficient to meet the said annuity of one thousand six hundred pounds to the said Mrs. Annie Constance Campbell or the foresaid annuities amounting to one thousand seven hundred and fifty pounds which (provided as aforesaid) would become payable in the event of her death :

And whereas in order to avert the insolvency of the trust estate vested in the trustees acting under the said trust disposition and conveyance supplementary trust disposition and conveyance and deed of assumption conveyance and trust which would be detrimental to the interests of all parties beneficially entitled to or interested in the said trust estate it is necessary to raise money in order to provide for payment of the foresaid debts and liabilities included in the third part of said Schedule A. and to meet the current obligations of the trust :

And whereas it is impracticable under present conditions to raise any further moneys for the last-mentioned purposes either by way of advance or loan on the security of the estate of Lochnell or

A.D. 1903. by the sale of portions of the said estate under the powers and subject to the provisions of the deeds hereinbefore recited :

And whereas having regard to the alimentary character of the annuities secured by the said bond of provision and disposition in security and bond of corroboration and disposition in security and to the provisions contained in the agreements hereinbefore mentioned to the effect that the trust constituted by the said trust disposition and conveyance supplementary trust disposition and conveyance and deed of assumption conveyance and trust should continue in force until the conditions expressed in the said agreements should be fulfilled as hereinbefore recited (which provisions are incapable of being carried out) no means exist for modifying or bringing to an end the trusts created by the said recited deeds :

And whereas the said Mrs. Annie Constance Campbell has incurred debts amounting to three thousand pounds or thereby part of which were incurred by her during the life of the said Archibald Argyll Lochnell Campbell for the maintenance or benefit of the said children by her marriage with the said Archibald Argyll Lochnell Campbell and the said children by her former marriage or some of them and part of which debts have been incurred by her for similar purposes since his death and it is proper in the interests of such children as well as of the said Mrs. Annie Constance Campbell to provide for payment of the said debts :

And whereas being satisfied that the said annuity of one thousand six hundred pounds to the said Mrs. Annie Constance Campbell and the foresaid annuities amounting to one thousand seven hundred and fifty pounds which would become payable in the event of her death are greatly in excess of the resources of the estate of Lochnell the said Mrs. Annie Constance Campbell and the said other annuitants have agreed in consideration of funds to an amount not exceeding three thousand pounds sterling being provided out of the said trust estate for payment of the debts due by the said Mrs. Annie Constance Campbell as aforesaid and subject to the conditions and provisions in this Act contained that the said annuities shall be restricted and reduced to the amounts specified in the third column of the said Schedule C. to this Act annexed which arrangement the said Mrs. Annie Constance Campbell and the said other annuitants consider to be fair and equitable having regard to their respective relationships or connections with the said Archibald Argyll Lochnell Campbell and to their respective circumstances and positions :

And whereas there is at present no free revenue available from the estate of Lochnell to pay the annuity of eighty pounds per

annum provided or intended to be provided for the said Mrs. Evah Charlotte Isabella Campbell or Turner and her children by the supplementary trust disposition and conveyance by the said Archibald Argyll Lochnell Campbell hereinbefore recited and the said bond of annuity in her favour therein mentioned and in lieu of said annuity it has been agreed to provide for the said Mrs. Evah Charlotte Isabella Campbell or Turner a restricted annuity of fifty pounds sterling per annum during her life and to make the provision for her children after her death in this Act contained :

And whereas the purposes and provisions of the existing trusts respectively constituted by the said bond of provision and disposition in security and bond of corroboration and disposition in security and by the said trust disposition and conveyance supplementary trust disposition and conveyance and deed of assumption conveyance and trust all hereinbefore recited are not adapted and are incapable of being adapted to the existing circumstances of or connected with the said estate :

And whereas having regard to the whole circumstances hereinbefore recited it is expedient that a new trust of the estate of Lochnell and of the said furniture and other personal estate should be formed for the purposes with the powers and subject to the provisions in this Act contained :

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

Wherefore Your Majesty's most dutiful and loyal subjects the said Mrs. Annie Constance Campbell Archibald John Lochnell Campbell Alexander Andrew Lochnell Campbell Annie Mary Augusta Flora Campbell Frederick Stanley William Aloysius McClymont Richard Kerr McClymont Annie Mary McClymont and Mrs. Emily Annie McClymont or Ward with the consent and concurrence of the said Henry de Courcey Ward her husband do 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 *Lochnell Estate Act 1903.* Short title.

2. In this Act the following expressions have the meanings hereby assigned to them unless there be something in the subject Interpretation.

A.D. 1903. or context inconsistent with or repugnant to such meanings (namely) :—

The expression “ the Trustees ” means the Trustees under this Act for the time being or their quorum or the survivors or survivor of them ;

The expression “ the former trustees ” means the trustees acting under the trust disposition and conveyance and supplementary trust disposition and conveyance granted by the said Archibald Argyll Lochnell Campbell and relative deed of assumption conveyance and trust hereinbefore recited ;

The expression “ the bonds of provision ” means the bond of provision and disposition in security and bond of corroboration and disposition in security granted by the said Archibald Argyll Lochnell Campbell hereinbefore recited ;

The expression “ the trust estate ” means the property and estate vested at the time in the Trustees in virtue of the provisions of this Act or any part thereof ;

The expression “ the court ” means the court of session in Scotland or either division thereof or the junior lord ordinary thereof or the lord ordinary officiating on the bills in the time of vacation as the case may require.

Appoint-
ment of Trus-
tees.

3. John Alexander Stevenson Millar writer to the signet Edinburgh Lockhart Dobie Corson solicitor Supreme Courts Edinburgh and George Duke McNicoll solicitor Edinburgh and the survivors or survivor of them and such other person or persons as may hereafter be assumed as a Trustee or Trustees by virtue of the power hereinafter conferred on the Trustees are hereby appointed Trustees under this Act for the purposes with the powers and subject to the provisions therein expressed And it is hereby provided that the number of Trustees acting under this Act shall at no time be less than two or more than three and that while three Trustees are acting two of their number shall form a quorum.

Transfer of
property to
Trustees.

4. Upon the passing of this Act the estate of Lochnell and all other lands which at the passing of this Act were vested in the former trustees or to which they were entitled and the personal property and estate specified in the first part of Schedule A. to this Act annexed shall be transferred to and vested in the Trustees and the former trustees or other person or persons in whom the said estate and lands may then be vested shall as soon as conveniently may be after the passing of this Act execute and deliver at the

expense of the trust estate such disposition or conveyance or other deed or deeds as may be necessary in order to vest the said estate and lands in the Trustees as aforesaid and the former trustees shall also assign deliver pay and make over to the Trustees the said personal property and estate.

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5. The Trustees shall out of the capital of the trust estate pay—

Application
of capital.

- (1) The costs charges and expenses of or connected with the execution of the trust created by this Act so far as the same may be chargeable against capital :
- (2) Any moneys chargeable against capital and advanced by or due to the former trustees at the date of the passing of this Act including all costs charges and expenses incurred by them or by any of them individually in connection with the administration of the trust under their charge and also all costs charges and expenses incurred by the Trustees acting under the bonds of provision in so far as such costs charges and expenses shall not have been already paid or satisfied at the date of the passing of this Act :
- (3) The estate and succession or other duties due or which may hereafter become due to Government in consequence of the death of the said Archibald Argyll Lochnell Campbell the casualties of superiority affecting the trust estate and payable in respect of the death of the said Archibald Argyll Lochnell Campbell (in so far as such duties and casualties have not already been paid) and any other preferable debts and liabilities due from or affecting the trust estate :
- (4) The debts and liabilities included in the third part of Schedule A. to this Act annexed and any other unsecured debts and liabilities which may be due and payable from the trust estate at the date of the passing of this Act :
- (5) Any unsecured debts and liabilities due by the said Archibald Argyll Lochnell Campbell which have not been paid or satisfied at the date of the passing of this Act and the costs charges and expenses already incurred or to be incurred in the administration of the testamentary trust constituted by the said Archibald Argyll Lochnell Campbell under the trust disposition and settlement hereinbefore recited until the trust created by this Act is terminated so far as such costs charges and expenses are chargeable against capital :
- (6) A sum not exceeding three thousand pounds in or towards payment of the debts due by the said Mrs. Annie Constance Campbell at the date of the passing of this Act.

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Application
of revenue.

6. The revenue of the trust estate shall be applied by the Trustees for the purposes following :—

- (1) In paying the costs charges and expenses of or connected with the execution of the trust created by this Act so far as chargeable against revenue and also the costs charges and expenses already incurred or to be incurred in the administration of the said testamentary trust of the said Archibald Argyll Lochnell Campbell as far as the same are chargeable against revenue until the trust created by this Act is terminated :
- (2) In paying the feu duties public and parochial burdens and other annual charges payable in respect of the trust estate :
- (3) In paying the expenses of upkeep and management of the trust estate :
- (4) In paying the interest of the debt heritably secured upon or affecting the trust estate for the time being :
- (5) In paying a restricted alimentary annuity of one thousand pounds (free from all burdens and deductions whatsoever including income tax) to the said Mrs. Annie Constance Campbell during her life in lieu and place of the aforesaid alimentary annuity of one thousand six hundred pounds provided to her under the bonds of provision :
- (6) In paying the following alimentary annuities from and after the death of the said Mrs. Annie Constance Campbell to the persons after named during their respective lives and that in lieu and place of the annuities provided to them under the bonds of provision (being the annuities specified in the third column of Schedule C. to this Act annexed) (videlicet) :—
 - (A) An annuity of two hundred and fifty pounds to the said Archibald John Lochnell Campbell ;
 - (B) An annuity of two hundred and fifty pounds to the said Alexander Andrew Lochnell Campbell ;
 - (C) A restricted annuity of two hundred pounds to the said Annie Mary Augusta Flora Campbell ;
 - (D) A restricted annuity of fifty pounds to the said Frederick Stanley William Aloysius McClymont ;
 - (E) A restricted annuity of one hundred pounds to the said Richard Kerr McClymont ;
 - (F) A restricted annuity of fifty pounds to the said Annie Mary McClymont ; and
 - (G) A restricted annuity of one hundred pounds to the said Mrs. Emily Annie McClymont or Ward :

(7) In paying—

(A) To the said Mrs. Evah Charlotte Isabella Campbell or Turner a restricted alimentary annuity of fifty pounds during her life (which annuity shall rank *pari passu* with the foresaid annuity payable to the said Mrs. Annie Constance Campbell and after her death with the foresaid other annuities payable in terms of this section); and

(B) To the children of the said Mrs. Evah Charlotte Isabella Campbell or Turner or the survivors or survivor of them after her death equally among such children if more than one an alimentary annuity of such restricted amount (under eighty pounds per annum) as may be agreed upon between the trustees and such children or child as fair and equitable having regard to the circumstances existing at the time and failing such agreement such alimentary annuity (if any) not exceeding eighty pounds per annum as the free revenue of the trust estate (after payment of all prior charges payable therefrom including the annuities provided by this section to the persons hereinbefore named or such of the said annuities as may be payable at the time) shall suffice to pay;

and that in lieu and place of the said annuity of eighty pounds provided to the said Mrs. Evah Charlotte Isabella Campbell or Turner and her children by the supplementary trust disposition and conveyance granted by the said Archibald Argyll Lochnell Campbell hereinbefore recited and the foresaid bond of annuity in favour of her and them therein mentioned:

Provided always and it is hereby declared that the above restriction of the annuities to the said Frederick Stanley William Aloysius McClymont Richard Kerr McClymont Annie Mary McClymont and Mrs. Emily Annie McClymont or Ward to sums less than those respectively provided by the bonds of provision hereinbefore recited shall only apply and take effect if and so long as a descendant of the said Archibald Argyll Lochnell Campbell shall be entitled to the *lifereit* or fee (as the case may be) of the trust estate and in the event of the trust estate passing or devolving upon any person other than such descendant then the said last-mentioned annuitants shall thereafter be entitled to the full annuities of two hundred and fifty pounds per annum provided to them by the bonds of provision and such full annuities shall accordingly be paid to them thereafter by the Trustees out of the revenue of the trust estate instead of the restricted annuities hereinbefore specified.

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As to deficiencies of revenue and application of surplus revenue.

7. In the event of the revenue of the trust estate being insufficient in any year to meet the charges and payments mentioned in the last preceding section hereof (including the annuity or annuities which may be payable at the time) the deficiency shall be met by the trustees out of the capital of the trust estate and the free or surplus revenue (if any) of the trust estate which may remain in any subsequent year or years after meeting all the said charges and payments shall be applied in the first place towards making good and replacing any sums which may have been paid out of capital on account of deficiencies of revenue in any former year and after any such sums have been made good and replaced such free or surplus revenue (if any) shall be paid by the trustees to the said Archibald John Lochnell Campbell or to the other beneficiary or beneficiaries who shall at the time be entitled to the free income of the trust estate under and by virtue of the provisions of the trust disposition and settlement of the said Archibald Argyll Lochnell Campbell hereinbefore recited.

Annuities to be alimentary and in satisfaction of existing rights.

8. The annuities provided by this Act to the said Mrs. Annie Constance Campbell Archibald John Lochnell Campbell Alexander Andrew Lochnell Campbell Annie Mary Augusta Flora Campbell Frederick Stanley William Aloysius McClymont Richard Kerr McClymont Annie Mary McClymont Mrs. Emily Annie McClymont or Ward and Mrs. Evah Charlotte Isabella Campbell or Turner and her children respectively are and shall be strictly alimentary and incapable of being anticipated or assigned and shall not be attachable for their debts or affectable by their deeds and in the case of females the same shall belong to such females exclusive of the jus mariti and right of administration of their husbands respectively And further the said annuities provided by this Act are hereby declared to be in lieu and place and in full satisfaction and discharge of all claims rights and interests competent to the said annuitants or any of them upon to or in the trust estate whether under the bonds of provision or any of the other deeds hereinbefore recited or mentioned or under the antenuptial contract of marriage entered into between the said Archibald Argyll Lochnell Campbell and the said Mrs. Annie Constance Campbell dated the twenty-sixth day of June one thousand eight hundred and seventy-seven or under any other deed or deeds or otherwise but excepting always the rights of the said Archibald John Lochnell Campbell Alexander Andrew Lochnell Campbell and Annie Mary Augusta Flora Campbell or of their respective issue (if any) and the rights of the said Mrs. Evah Charlotte Isabella Campbell or Turner and her children under the trust disposition and settlement of the said

Archibald Argyll Lochnell Campbell hereinbefore recited after the trust constituted by this Act shall be brought to an end as hereinafter provided which last-mentioned rights are and shall be reserved entire and also subject always to the provisions of section six of this Act regarding the restriction of the annuities payable to the said Frederick Stanley William Aloysius McClymont Richard Kerr McClymont Annie Mary McClymont and Mrs. Emily Annie McClymont or Ward in the events therein specified. A.D. 1903.

9. The Trustees acting under the bonds of provision shall as soon as conveniently may be after the passing of this Act execute and deliver to the Trustees at the expense of the trust estate a discharge of the bonds of provision and upon delivery of such discharge the said Trustees acting under the bonds of provision and their predecessors in office shall be deemed and held to be fully discharged and exonerated of and from the trust constituted by the bonds of provision and of and from their whole actings and intromissions as Trustees thereunder. Discharge of bonds of provision.

10. Upon the passing of this Act the trusts constituted by the said trust disposition and conveyance supplementary trust disposition and conveyance and deed of assumption conveyance and trust shall be determined and the former trustees upon their conveying assigning delivering and paying over to the Trustees the said estate and lands and personal property and estate vested in or held by them at the passing of this Act as hereinbefore provided and accounting for their intromissions to the satisfaction of the Trustees or the court shall thereupon be deemed and held to be fully discharged and exonerated of and from the trusts of the said trust disposition and conveyance supplementary trust disposition and conveyance and deed of assumption conveyance and trust and of and from their whole actings and intromissions thereunder and all sales made by them under the said trust deeds previous to the passing of this Act of any portions of the trust estate vested in them by the said trust deeds are hereby ratified and confirmed. Termination of existing trusts and discharge of present trustees.

11. The Trustees shall be entitled to receive an honorarium of twenty-one pounds sterling each per annum so long as they shall act in the trust together with the repayment of any outlays incurred by them while employed in the business of the trust but they shall nevertheless have and possess all the powers privileges and immunities competent to or possessed by gratuitous trustees in Scotland including without prejudice to said generality power to resign office and to discharge trustees who may resign or the representatives of deceased trustees and the Trustees shall also Powers of Trustees.

A.D. 1903. have power to assume new Trustees to fill up any vacancy in the trust which may be occasioned by death resignation incapacity or otherwise and the Trustees shall have and be entitled to exercise all or any of the following powers (namely) :—

- (1) To sue for uplift and receive all debts rents and other income or moneys forming part of the trust estate or due or receivable in respect thereof and on payment to grant all necessary discharges acquittances assignations conveyances or other deeds or writings :
- (2) To output and input tenants and to grant leases of any portions of the trust estate and of the game thereon or fishings pertaining to the same and of any mines metals minerals stone slate or other substances of any description in the said estate for payment of such rents or royalties upon such terms and conditions and for such period or periods of endurance as they shall think expedient as also to grant reductions or abatements of rent to tenants and to make such allowances to tenants as they shall think fit in respect of expenditure made or undertaken by such tenants for improvements or repairs on their farms or farm buildings or other possessions as also to accept renunciations of leases and tenancies and to make such other arrangements with tenants as they shall deem advisable as also to take possession of any farms or lands on the said estate which may be in the occupation of the former trustees at the passing of this Act and to take any other farms or lands into their own possession and to occupy farm and manage all or any such farms or lands for behoof of the trust or to use the same for any purpose they may deem proper in the interests of the trust as also to work win quarry carry away sell and dispose of any of the mines metals minerals stone slate or other substances in the said estate as also to take on lease for such period or periods at such rent or rents and on such terms and conditions as they shall deem proper any lands houses buildings sporting or fishing rights or other rights which at the date of the passing of this Act were held by the former trustees under lease or which the Trustees may deem it desirable to hold and possess as adjuncts of the trust estate :
- (3) To grant feu rights or long leases of any portions of the trust estate or of any water or other rights pertaining thereto to such person or persons and for payment of such feu duties or rents or tack duties and in other respects on such terms and conditions as they shall think proper as

also to grant precepts or writs of clare constat and charters of novodamus to vassals or feuars of any part of the said estate or their successors and to fix settle receive and discharge the compositions and casualties or fixed periodical sums payable in respect of feus of any part of the said estate as also to discharge the future casualties or compositions exigible in respect of any feus and to receive the prices or considerations for such discharges or to commute the future casualties or compositions exigible in respect of any feus in consideration of additional feu-duties to be paid by the vassals or feuars :

- (4) To thin or cut down and to sell or dispose of the woods and timber growing on the said estate or any part thereof at such times and in such manner as they shall deem expedient in the interest of the trust :
- (5) To sell or realise any part of the trust estate either by public roup or private bargain at such price or prices as they shall deem proper and to grant all dispositions assignments or conveyances containing clauses of absolute warrandice and all other necessary clauses as also to purchase any lands or heritable property adjacent to the said estate which they may consider it desirable to acquire in order to preserve the amenity of or as an addition or additions to the said estate and that at such price or prices as they shall deem proper as also to excamb any part or parts of the said estate for any other lands or partly in exchange for other lands and partly for payment of a price and to straighten and regulate marches with adjoining proprietors :
- (6) To expend such sums of money as they may consider expedient in erecting improving or repairing buildings erecting or repairing walls or fences constructing or renewing drains constructing or improving roads or in planting trees or in laying out or preparing land for feuing or in providing water supplies for the use of feuars or other estate purposes or in executing any works or operations for the improvement or development of salmon or other fishings or in making any other improvements on the said estate which they may consider desirable :
- (7) To redeem the Crown duties teind duties feu duties or any other duties payable to the Crown or to the superiors of the said estate or any part thereof or to any other person and that at such prices and on such terms as may be agreed upon as also to redeem the future casualties or compositions

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—

exigible in respect of the said lands and estate or any part thereof and that either on payment of a price or prices or on the commutation of such future casualties or compositions in respect of an additional feu duty or additional feu duties being constituted a burden or burdens upon the said lands and estate or any part thereof :

- (8) To invest any capital sum or sums belonging to the trust which may come into their hands in any of the securities or investments which are at present or may hereafter be authorised by the law of Scotland for the investment of trust funds :
- (9) To borrow on the security of the trust estate such sum or sums of money as they may find necessary for trust purposes and to charge the same upon the trust estate or any part thereof by rentcharge bond of annual rent bond and disposition in security containing power of sale and all other usual clauses bond and assignation in security or other form of security either heritable or personal :
- (10) To pursue and defend actions in connection with the trust estate and to compromise or to submit and refer to arbitration any question or matter in dispute relating to the trust estate as also to appoint or employ any proper person or persons whether of their own number or otherwise to be their factor or factors or law agent or law agents for the administration and management of the trust estate under the said trustees or for any other purpose connected with the trust estate and to allow the person or persons so appointed or employed the usual remuneration or professional fees for their services (and that in addition to the foresaid honorarium if the person so appointed or employed is a trustee) and in general to do or cause to be done everything necessary for the administration and management of the trust estate and for the due execution of the trust :

Provided always that the persons who as debtors purchasers or others may transact with the Trustees shall not be concerned with the application of any money to be paid by them to the Trustees but shall be sufficiently exonerated and discharged by the receipts and discharges of the Trustees.

Trustees to
sell parts of
estate to
reduce debt.

12. Without prejudice to the generality of the power of sale hereinbefore conferred on them the Trustees are hereby authorised and directed at the earliest date or dates at which they shall deem it expedient to do so after the passing of this Act to sell such portion or portions of the trust estate as they may consider it to be

most advisable to sell and as may be sufficient to yield prices the application of which in or towards payment or discharge of the debts and liabilities due from or affecting the trust estate shall reduce such debts and liabilities to an amount not exceeding the sum of thirty thousand pounds sterling (exclusive of the fore-said annuities) or such less sum as the Trustees may consider it expedient that such debts and liabilities should be reduced to. A.D. 1903.

13. The trust constituted by this Act shall subsist until the debts and liabilities due from or affecting the trust estate shall have been reduced by application of the prices of portions of the trust estate to be sold by the Trustees as aforesaid or otherwise to an amount not exceeding thirty thousand pounds (exclusive of the foresaid annuities) and shall in any case subsist until the death of the said Mrs. Annie Constance Campbell or until the expiry of seven years after the passing of this Act whichever of these two last-mentioned events shall last happen. Duration of trust.

14. Upon the debts and liabilities due from or affecting the trust estate being reduced to an amount not exceeding thirty thousand pounds (exclusive of the foresaid annuities) and upon the death of the said Mrs. Annie Constance Campbell or the expiry of seven years after the passing of this Act whichever of these two last-mentioned events shall last happen then the trust constituted by this Act shall upon the annuities payable in terms of section six of this Act to such of the annuitants therein mentioned as shall then survive being secured as after mentioned and upon the trustees being exonerated and discharged be terminated and the Trustees shall denude of the trust estate in favour of the trustee or trustees acting for the time being under the trust disposition and settlement of the said Archibald Argyll Lochnell Campbell hereinbefore recited but before terminating the trust and denuding of the trust estate as aforesaid the Trustees shall be entitled upon accounting to a discharge of their whole actings and intromissions from the trustees or trustee in whose favour the trust estate shall fall to be conveyed paid or made over as aforesaid and if such trustees or trustee shall decline or fail to grant such discharge the Trustees shall be entitled to make application to the court for a discharge and on such application being presented the court may make such orders and take such proceedings as they think fit and may discharge the Trustees of their whole actings and intromissions. Termination of trust.

15. Before the trust constituted by this Act is terminated in manner provided by the immediately preceding section the foresaid annuities payable in terms of section six of this Act to such of the Outstanding annuities to be secured on estate before

A.D. 1903.
 ———
 trust ter-
 minated.

annuitants therein mentioned as shall then survive (including the full annuities to which the said Frederick Stanley William Aloysius McClymont Richard Kerr McClymont Annie Mary McClymont and Mrs. Emily Annie McClymont or Ward will become entitled in the event provided for in said last-mentioned section) shall be duly constituted securities upon the trust estate by a bond of annuity and disposition in security or bonds of annuity and dispositions in security or other security deeds in appropriate form to be granted by the trustees and by the trustee or trustees acting for the time being under the trust disposition and settlement of the said Archibald Argyll Lochnell Campbell hereinbefore recited in favour of trustees to be nominated by the annuitants for their behoof which bond or bonds of annuity or other security deeds shall contain all powers and clauses necessary for the protection of the annuitants and shall further contain clauses empowering the grantees to consent to sales or feus of portions of the trust estate which may be thereafter effected by the trustee or trustees acting for the time being under the foresaid trust disposition and settlement and power to release and disburden the trust estate or any part thereof from the security or securities to be constituted as aforesaid upon such terms and conditions as may be agreed upon between the said grantees and the trustees or trustee acting for the time being under the foresaid trust disposition and settlement The Trustees and the trustee or trustees acting for the time being under the said trust disposition and settlement are hereby expressly authorised to grant such bond or bonds of annuity or other security deeds and in the event of any question or difference of opinion arising between the Trustees and the trustee or trustees acting for the time being under the said trust disposition and settlement as to the form of such bond or bonds of annuity or other security deeds or as to any of the powers or clauses to be inserted therein the same shall be referred to the court who shall determine any such question or difference.

Saving for
 holders of
 heritable
 debts and
 other
 interests.

16. Nothing in this Act contained shall be held or construed to alter innovate or defeat the hereinbefore recited trust disposition and settlement of the said Archibald Argyll Lochnell Campbell or any of the purposes or provisions thereof excepting only in so far as may be necessary for carrying into effect the purposes of this Act and nothing in this Act contained shall affect or limit or in any way prejudice or restrict the rights powers and interests of the holders of any bond and disposition in security or incumbrance over or affecting the trust estate (other than the bonds of provision) or any diligence already commenced by any creditor.

17. Saving and reserving always to the King's most Excellent Majesty His heirs and successors and to all other persons and bodies politic or corporate their heirs and successors executors administrators and assigns all such estate right title interest claim and demand whatsoever in to or out of the trust estate or any part thereof as they or any of them had before the passing of this Act or could or might have had in case this Act had not been passed but excepting from the foregoing saving the following persons (namely):—

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General
saving.

The former trustees ;

The said Mrs. Annie Constance Campbell Frederick Stanley William Aloysius McClymont and Richard Kerr McClymont as trustees under the bonds of provision ;

The said William Campbell McEwen and other the trustee or trustees for the time being under the trust disposition and settlement of the said Archibald Argyll Lochnell Campbell ;

The said Mrs. Annie Constance Campbell ;

The said Archibald John Lochnell Campbell and the heirs of his body ;

The said Alexander Andrew Lochnell Campbell and the heirs of his body ;

The said Annie Mary Augusta Flora Campbell and the heirs of her body ;

The said Frederick Stanley William Aloysius McClymont ;

The said Richard Kerr McClymont ;

The said Annie Mary McClymont ;

The said Mrs. Emily Annie McClymont or Ward and Henry de Courcey Ward ;

The said Mrs. Evah Charlotte Isabella Campbell or Turner and her children ;

And all or any other persons or person entitled to or interested in or who may hereafter become entitled to or interested in the trust estate or any part thereof under or in virtue of the said trust disposition and settlement of the said Archibald Argyll Lochnell Campbell or by intestacy or otherwise through or in right of the said Archibald Argyll Lochnell Campbell or through or in right of any of the persons hereinbefore excepted.

18. The costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Trustees out of the moneys to

Costs of Act.

A.D. 1903. — be received by them under the provisions of this Act or out of any other money in their hands belonging to the trust estate.

Act as
printed by
King's
printers to
be evidence.

19. 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 shall be admitted as evidence thereof by all judges justices and others.

The SCHEDULES referred to in the foregoing Act. A.D. 1903.

SCHEDULE A.

PART I.

PERSONAL PROPERTY AND ESTATE BELONGING TO THE TRUST.

Furniture and other effects belonging to the trust in or about the following houses (viz.) :—

Lochnell Castle
Kilmaronaig Lodge
Bonawe House
Airds Bay House.

Rents of Lochnell estate vested but not yet payable.

Arrears of rents.

PART II.

HERITABLE DEBTS SECURED UPON THE ESTATE OF LOCHNELL.

| | £ | s. | d. |
|--|---------|----|----|
| Mr. and Mrs. F. C. Fletcher's marriage contract trustees - | 63,500 | 0 | 0 |
| Scottish Equitable Life Assurance Society - | 7,000 | 0 | 0 |
| | £70,500 | 0 | 0 |

PART III.

DEBTS AND LIABILITIES INCURRED BY THE FORMER TRUSTEES IN THE
MANAGEMENT OF THE ESTATE OF LOCHNELL.

| | £ | s. | d. |
|--|--------|----|----|
| Tradesmen's accounts for repairs and furnishings - | 373 | 0 | 0 |
| Law expenses and disbursements estimated at - | 650 | 0 | 0 |
| Advance from the National Bank of Scotland Limited | | | |
| Oban estimated at - | 3,700 | 0 | 0 |
| | £4,723 | 0 | 0 |

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SCHEDULE B.

STATEMENT SHOWING THE GROSS ANNUAL REVENUE OF THE ESTATE OF LOCHNELL FOR THE YEAR FROM WHITSUNDAY 1902 TO WHITSUNDAY 1903 AND THE ESTIMATED FREE REVENUE THEREOF.

| REVENUE. | | £ | s. | d. |
|--|---|-------|-------|-----|
| Gross revenue of Lochnell estate | - | 5,224 | 0 | 0 |
| ESTIMATED PAYMENTS. | | | | |
| | | £ | s. | d. |
| Feu duties public burdens and assessments (including property and income tax) and fire insurance | - | 920 | 0 | 0 |
| Interest on heritable debts (less income tax) | - | 2,197 | 0 | 0 |
| Rent of fishings leased from Duke of Argyll | - | 150 | 0 | 0 |
| Upkeep and repairs (including maintenance of Lochnell Castle and the shooting lodges) and necessary improvements | - | 425 | 0 | 0 |
| Wages to gardeners and gamekeepers and other expenses connected with shootings and fishings | - | 380 | 0 | 0 |
| Expenses of management (including legal ex- penses) and miscellaneous expenses | - | 360 | 0 | 0 |
| | | ----- | 4,432 | 0 0 |
| Estimated free revenue | - | £792 | 0 | 0 |

SCHEDULE C.

A.D. 1903.

STATEMENT OF (1) THE ANNUITIES PAYABLE UNDER THE BONDS OF PROVISION AND (2) THE ANNUITIES TO BE SUBSTITUTED THEREFOR UNDER THIS ACT.

| 1. | 2. | 3. |
|--|---|---------------------------------------|
| — | Annuities payable under Bonds of Provision. | Annuities substituted therefor. |
| Mrs. Campbell during her life - - - - | £ 1,600 | £ 1,000 |
| Annuitants payable after Mrs. Campbell's death to— | £ | £ |
| Archibald John Lochnell Campbell - - - | 250 | 250 |
| Alexander Andrew Lochnell Campbell - - | 250 | 250 |
| Annie Mary Augusta Flora Campbell - - - | 250 | 200 |
| Rev. Frederick Stanley William Aloysius McClymont - - - - - | 250 | 50 |
| Richard Kerr McClymont - - - - - | 250 | 100 |
| Annie Mary McClymont - - - - - | 250 | 50 |
| Mrs. Emily Annie McClymont or Ward - | 250 | 100 |
| | £1,750 | £1,000 |

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