



CHAPTER 2.

An Act to appoint Trustees and confer powers of sale and other powers with reference to the estates of Falkland and Pluscarden and for other purposes.

A.D. 1914.

[31st July 1914.]

WHEREAS by his trust disposition and settlement dated the thirteenth day of July one thousand eight hundred and ninety-four and with various codicils thereto registered in the Books of Council and Session at Edinburgh on the seventeenth day of October one thousand nine hundred the late Most Honourable John Patrick Crichton Stuart Marquess of Bute and Earl of Windsor in the peerage of Great Britain and Earl of Dumfries and Bute in the peerage of Scotland K.T. gave granted assigned disposed devised legated and bequeathed to and in favour of the Right Honourable Edmund Bernard Talbot commonly called Lord Edmund Bernard Talbot the Right Honourable Marmaduke Constable-Maxwell Baron Herries of Terregles and Frederick Pitman writer to the Signet Edinburgh and failing the said Frederick Pitman by non-acceptance or otherwise Archibald Robert Craufurd Pitman writer to the Signet Edinburgh as trustee in succession to the said Frederick Pitman and such other person or persons as he might thereafter name and appoint or as might be assumed into the trust and such and so many of them as might accept and the survivors and survivor of those accepting and the heir male of the last survivor as Trustees for the uses and purposes therein mentioned All and sundry lands and heritages and whole other means estate and effects heritable and movable real and personal of every description or wheresoever situated then belonging or which should belong to him or of which he should

A.D. 1914. — have power of disposal at the time of his death (with the exceptions therein mentioned) and he thereby nominated and appointed his said Trustees to be his sole executors (except with regard to certain shares and other personal estate thereby excepted) but it was thereby declared that his said estate and effects were conveyed in trust as aforesaid for the ends uses and purposes therein mentioned and inter alia by the sixth purpose thereof (Firstly) the said Marquess of Bute directed and appointed his said Trustees to free and disencumber his estate of Falkland and any subjects adjacent thereto situated in the parishes of Falkland Auchtermuchty and Strathmiglo in the county of Fife and also the subjects in St. Andrews in the said county called "The Priory" and pertinents thereof of all debts which might at the time of his death affect them or any of them and to hold the same for the liferent use allenarly (subject to the provision hereinafter contained) of Lord Ninian Crichton Stuart his second son whom failing the heirs male of his body according to the rules of heritable succession in Scotland whom failing the heirs female of his body according to seniority the eldest heir female always succeeding without division and excluding heirs portioners until his said son or other beneficiary under the said direction should attain majority or in the case of a female attain majority or be married and he directed his Trustees on his said son or other beneficiary attaining majority or if a female attaining majority or being married to settle the said whole lands and estate of Falkland and others and the said subjects called "The Priory" and pertinents thereof on his said second son or other beneficiary as aforesaid in liferent subject to the provision hereinafter contained whom failing on the heirs male of his body according to the rules of heritable succession in Scotland whom failing on the heirs female of his body according to seniority the eldest heir female always succeeding without division and excluding heirs portioners in fee whom all failing he directed that the said lands and estate should be held to fall under the directions contained in the said trust disposition and settlement regarding his lands and estate in the county of Bute and he thereby provided that his said trustees should in settling the said estate of Falkland and whole subjects and property under the said direction confer on his said second son or other beneficiary under the said direction who should take the liferent (Primo) the entire beneficial enjoyment of the said estate of Falkland and whole subjects and property under the said

direction and whole rents revenues fruits and produce thereof and full ample and exclusive powers of administration and management of the said estate and whole subjects and property and not only all the powers of an ordinary liferenter but all the powers of an absolute fee-simple proprietor excepting always the power of sale or of alienation or of burdening the fee of the said estate and others with debt and (Secundo) power to settle the said estate and others by mortis causa deed on any one of the heirs of his body and that on such conditions and under such limitations as regards the liferent and succession as to him should seem fit and failing such settlement the said Marquess of Bute directed that the said estate of Falkland and whole subjects and property under the said direction should descend in fee to the heir next substituted to his said second son or other beneficiary in liferent And by the said sixth purpose as altered by codicils to the said trust disposition and settlement dated the twenty-third day of June one thousand eight hundred and ninety-eight and the fourteenth day of March one thousand nine hundred respectively the said Marquess of Bute (Secondly) directed his said Trustees to hold his whole heritable property in or adjacent to the town of Elgin and his estates of Pluscarden and Westerton in the parish and county of Elgin and whole erections thereon for the liferent use allenary (subject to the provision therein contained) of Lord Colum Edmund Crichton Stuart his third son whom failing the heirs male of his body according to the rules of heritable succession in Scotland whom failing the heirs female of his body according to seniority the eldest heir female always succeeding without division and excluding heirs portioners until his last-mentioned son or other beneficiary under the said direction should attain majority or in the case of a female attain majority or be married and he directed his Trustees on the said Lord Colum Edmund Crichton Stuart or other beneficiary attaining majority or if a female attaining majority or being married to settle his said whole heritable property in or adjacent to the town of Elgin and his said estates of Pluscarden and Westerton and whole erections thereon on the said Lord Colum Edmund Crichton Stuart or other beneficiary as aforesaid in liferent subject to the provision therein contained whom failing on the heirs male of his body according to the rules of heritable succession in Scotland whom failing the heirs female of his body according to seniority the eldest heir female always

A.D. 1914. succeeding without division and excluding heirs portioners in fee whom all failing he directed that the said heritable property and estates should be held to fall under the directions contained in the said trust disposition and settlement regarding his lands and estate in the county of Bute and he thereby provided that his Trustees should in settling the said heritable property and estates under the said directions confer on his said third son or other beneficiary under the said directions who should take the liferent (Primo) the entire beneficial enjoyment of the said heritable property and estates and whole rents revenues fruits and produce thereof and full ample and exclusive powers of administration and management of the said heritable property and estates and not only all the powers of an ordinary liferenter but all the powers of an absolute fee-simple proprietor excepting always the power of sale or of alienation or of burdening the fee of the said heritable property and estates with debt and (Secundo) power to settle the said heritable property and estates by mortis causa deed on any one of the heirs of his body and that on such conditions and under such limitations as regards liferent and succession as to him should seem fit and failing such settlement the said Marquess of Bute directed that the said heritable property and estates should descend in fee to the heir next substituted to his said third son or other beneficiary in liferent And by his said trust disposition and settlement the said Marquess of Bute directed his said Trustees to hold his lands and estates in the county of Bute for the liferent use allenary of his eldest son whom failing the heirs male of his body according to the rules of heritable succession in Scotland whom failing his second son and the heirs male of his body whom failing his third and other sons in their order and the heirs male of their respective bodies until such eldest or other son or an heir entitled to succeed under the last-mentioned direction should attain majority and he directed his Trustees on such eldest or other son or an heir entitled to succeed as aforesaid attaining majority to settle the said lands and estates in the county of Bute on his said eldest son or other beneficiary as aforesaid in liferent whom failing the heirs male of his body according to the rules of heritable succession in Scotland whom failing his second son and the heirs male of his body whom failing his third and other sons in their order and the heirs male of their respective bodies in fee and he thereby directed that his said Trustees should in

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settling the said lands and estates in the county of Bute as aforesaid confer on his eldest son or other beneficiary under the said last-mentioned direction who should take the life-rent the entire beneficial enjoyment of the said lands and estates in the county of Bute and the powers expressed in the said trust disposition and settlement and in the event of the said Marquess of Bute leaving no son or male issue of a son or in the event of a son or sons or their male issue surviving him but dying before attaining majority the said marquess directed his said Trustees to denude of the said lands and estates in the county of Bute in favour of the person who for the time being should be entitled to the title of Earl of Bute and by his said trust disposition and settlement the said Marquess of Bute conferred upon his Trustees the whole powers privileges and immunities conferred by law or statute whether in Scotland or in England upon gratuitous Trustees and in particular the powers therein expressed including power to exchange or excamb any part of his estates thereby conveyed to them and to sell or dispose of all or any part thereof and that either by public roup or private bargain or otherwise at their discretion at and for the best price or prices that might be had and obtained for the same with power to borrow such sum or sums of money as might from time to time in the opinion of his said Trustees be necessary to carry out all or any of the purposes of the said trust and to grant therefor securities upon all or any part of the estate and effects thereby conveyed and for that end to make execute and deliver to and in favour of the lender or respective lenders of such sum or sums of money bonds and dispositions or assignations in security cash credit bonds mortgages and deeds of charge and all and whatever other writs and securities they might deem necessary and proper and that in ordinary form and with all the usual and necessary clauses and also power to lend out and invest the moneys coming into their hands in virtue of the said trust in or upon such funds stocks or securities heritable or movable as they should think proper although the same might not be within their ordinary legal powers as Trustees and specially and without prejudice to the said general power in or upon mortgages or debentures or guaranteed preference or debenture stocks or shares of any railway company in Great Britain or the colonies or dependencies thereof which had paid dividends on its ordinary shares for three years preceding the date of investment or the debenture

A.D. 1914. stock or preference shares of the Bute Docks Company or bonds
— by any Colonial Government or bonds or other national funded
debt of the Government of the United States of America :

And whereas the said Marquess of Bute died on the ninth day of October one thousand nine hundred and was survived by the following children (viz.) John Crichton Stuart now Marquis of Bute his eldest son Lord Ninian Edward Crichton Stuart (in the settlement referred to as Lord Ninian Crichton Stuart) his second son the said Lord Colum Edmund Crichton Stuart his third son and Lady Margaret Crichton Stuart now Lady Margaret MacRae his only daughter and by no other children :

And whereas the said Lord Edmund Bernard Talbot the said Baron Herries of Terregles and the said Archibald Robert Craufurd Pitman accepted office as Trustees under the said trust disposition and settlement (the said Frederick Pitman having predeceased the said Marquess of Bute) and the said Baron Herries of Terregles having died on the fifth day of October one thousand nine hundred and eight the said Lord Edmund Bernard Talbot and Archibald Robert Craufurd Pitman are the sole Trustees now acting thereunder :

And whereas the said Lord Ninian Edward Crichton Stuart attained majority on the fifteenth day of May one thousand nine hundred and four and the said Lord Colum Edmund Crichton Stuart attained majority on the third day of April one thousand nine hundred and seven :

And whereas by disposition dated the sixth and seventh days of March one thousand nine hundred and fourteen the said Lord Edmund Bernard Talbot and Archibald Robert Craufurd Pitman as Trustees foresaid in execution of the direction to that effect contained in the said trust disposition and settlement settled the said estate of Falkland and others in the parishes of Falkland Auchtermuchty and Strathmiglo in the county of Fife and the said subjects in St. Andrews in the said county of Fife called "The Priory" and pertinents thereof on the said Lord Ninian Edward Crichton Stuart in liferent and the heirs specified in the said trust disposition and settlement in fee all as thereby directed :

And whereas by disposition dated the sixth and seventh days of March one thousand nine hundred and fourteen the

said Lord Edmund Bernard Talbot and Archibald Robert Craufurd Pitman as Trustees foresaid in execution of the directions to that effect contained in the said trust disposition and settlement and the said codicils dated the twenty-third day of June one thousand eight hundred and ninety-eight and the fourteenth day of March one thousand nine hundred settled the said heritable property in or adjacent to the town of Elgin and the said estates of Pluscarden and Westerton in the said county of Elgin on the said Lord Colum Edmund Crichton Stuart in liferent and the heirs specified in the said trust disposition and settlement in fee all as directed by the said trust disposition and settlement and codicils : A.D. 1914.

And whereas although by the said trust disposition and settlement of the said deceased Marquess of Bute the powers before mentioned were conferred on the said Trustees acting thereunder while they continued to hold the said estates or any of them no provision was made thereby for the sale of the said estate of Falkland and others in the county of Fife and the said subjects in St. Andrews in the said county of Fife called "The Priory" and pertinents thereof or of the said heritable property in or adjacent to the town of Elgin and the said estates of Pluscarden and Westerton and others in the said county of Elgin or any portions of the said respective lands and estates or for the exchange or excambion of any portions thereof or for charging the said lands and estates with any moneys which might be required to provide for or defray the cost of expenditure on improvements thereon after the settlement of the said lands and estates by the said Trustees in terms of the directions contained in the said trust disposition and settlement and codicils and no provision was made thereby for the granting of feus or building leases of any portions of the said lands and estates and consequently neither the said Lord Ninian Edward Crichton Stuart the said Lord Colum Edmund Crichton Stuart the said Trustees acting under the said trust disposition and settlement nor any other person or persons have power during the respective lives of the said Lord Ninian Edward Crichton Stuart and Lord Colum Edmund Crichton Stuart to sell the said lands and estates liferented by them respectively as aforesaid or any portions thereof or to exchange or excamb any portions thereof or to charge the said lands and estates with moneys required for expenditure on improvements

A.D 1914. thereon or to grant feus or building leases of any portions of the said lands and estates and there is no means by which any of these powers can be made available to the said Lord Ninian Edward Crichton Stuart or Lord Colum Edmund Crichton Stuart or to any other person or persons during the respective lives of the said Lord Ninian Edward Crichton Stuart and Lord Colum Edmund Crichton Stuart either by the authority of the court or otherwise :

And whereas it is desirable in the interests of the said Lord Ninian Edward Crichton Stuart and Lord Colum Edmund Crichton Stuart and of the beneficiaries entitled or who may hereafter become entitled to succeed to the said lands and estates liferented by them respectively as aforesaid under and by virtue of the said trust disposition and settlement and codicils of the said deceased Marquess of Bute and the said dispositions executed by the said Trustees acting thereunder as aforesaid and it is also expedient on grounds of public policy and in the public interest that the said Lord Ninian Edward Crichton Stuart and Lord Colum Edmund Crichton Stuart and any other person who may hereafter become entitled to the liferent of the said lands and estates or any of them under or by virtue of the said trust disposition and settlement and codicils should be authorised and empowered with the concurrence of the Trustees appointed by this Act to sell the said lands and estates liferented by them respectively or any portions thereof and to exchange or excamb any portions thereof and to charge the said lands and estates with money required for improvement expenditure thereon and to grant feus or building leases of any parts of the said lands and estates subject to the provisions in this Act contained :

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

Wherefore Your Majesty's most dutiful and loyal subjects the said Lord Ninian Edward Crichton Stuart and Lord Colum Edmund Crichton Stuart do most humbly beseech Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

1. This Act may be cited for all purposes as the Falkland and Pluscarden Estates Act 1914. A.D. 1914.
Short title.

2. In this Act the following expressions have the meanings hereby assigned to them unless there be something in the subject or context inconsistent with or repugnant to such meanings (namely):— Interpre-
tation.

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

The expression “the settlement” means the trust disposition and settlement and codicils of the late John Patrick Crichton Stuart Marquess of Bute hereinbefore in part recited or referred to;

The expression “the Falkland Estate” means and includes the heritable property specified in the First Schedule to this Act annexed and any lands or heritable or real estate or leasehold property which may be purchased with or out of any money or moneys arising from the sale of the heritable property specified in the said schedule or any portion thereof by virtue of the provisions in this Act contained;

The expression “the Pluscarden Estate” means and includes the heritable property specified in the Second Schedule to this Act annexed and any lands or heritable or real estate or leasehold property which may be purchased with or out of any money or moneys arising from the sale of the heritable property specified in the said schedule or any portion thereof by virtue of the provisions in this Act contained;

The expression “the liferenter of the Falkland Estate” means and includes the said Lord Ninian Edward Crichton Stuart or any person who for the time being shall be entitled to the liferent of the Falkland Estate under or by virtue of the settlement;

The expression “the liferenter of the Pluscarden Estate” means and includes the said Lord Colum Edmund Crichton Stuart or any person who for the time being shall be entitled to the liferent of the Pluscarden Estate under or by virtue of the settlement;

The expression “improvements” has the same meaning as is assigned to it by the third section of the Entail

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Amendment (Scotland) Act 1875 and includes all or any of the matters and operations which the said expression is thereby declared to include;

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.

Appointment
of Trustees.

3. The said Lord Edmund Bernard Talbot and Archibald Robert Craufurd Pitman and such other person or persons as may hereafter be assumed as a Trustee or Trustees by virtue of the power by this Act conferred on the Trustees and the survivors or survivor of them are hereby appointed Trustees under this Act for the purposes with the powers and subject to the provisions in this Act expressed And it is provided that if and while more than two Trustees are acting in the trust a majority shall form a quorum.

Power to
sell mortgage
or feu Falk-
land estate.

4. The liferenter of the Falkland Estate is hereby authorised and empowered with the consent in writing of the Trustees—

(1) To sell the Falkland Estate or any portion or portions thereof either by public roup or by private sale at such price or prices and on such terms and conditions as may be approved of by the Trustees and upon the price or prices of the lands sold being paid to the Trustees as hereinafter provided to grant a conveyance or conveyances of such lands in favour of the purchaser or respective purchasers which conveyance or conveyances shall contain all usual and necessary clauses and in particular a clause binding the liferenter of the Falkland Estate in warrandice from fact and deed only and binding the beneficiary or beneficiaries entitled or who shall become entitled to the fee or capital of such price or prices in absolute warrandice to the extent of such price or prices Provided that as regards any portion or portions of the Falkland Estate required or taken by any railway company which shall provide railway accommodation to the town of Falkland the price of the lands so required or taken to an extent not exceeding five hundred pounds may be paid and satisfied if the

liferenter of the Falkland Estate and the Trustees so A.D. 1914.
approve by the allotment or issue of shares of such
railway company to the Trustees :

- (2) To exchange or excamb any part or parts of the Falkland Estate for other lands or heritable property and to make and execute all such contracts of excambion and other deeds as may be necessary in order to give effect to such exchanges or excambions by the substitution of the lands or heritable property to be acquired in the room and place of the lands or heritable property to be disponed :
- (3) To borrow money on the security of the Falkland Estate or any part thereof to defray the cost of improvements thereon executed by the liferenter of the Falkland Estate at any time after the passing of this Act and approved of by the Trustees together with the cost of obtaining the loan and granting security therefor and to charge the fee and rents of the Falkland Estate or any portion thereof with a bond of annual rent binding the liferenter of the Falkland Estate and his successors in the liferent or fee of the Falkland Estate to make payment of an annual rent for twenty-five years from and after the date of such bond such annual rent to be payable by equal moieties half-yearly and to be at a rate not exceeding seven pounds two shillings per annum for every one hundred pounds so borrowed and so in proportion for any greater or less sum or in the option of the liferenter of the Falkland Estate and in lieu of such bond of annual rent with a bond and disposition in security over the Falkland Estate or any part thereof binding himself and his foresaids in payment of three-fourths of the sum on which the amount of such bond of annual rent if granted would be calculated in terms of this Act with interest thereof at the rate to be stated in such bond and disposition in security from the date thereof till repaid with corresponding penalties which bond of annual rent or bond and disposition in security shall dispone in security of the sums therein contained the Falkland Estate or any portion thereof and shall

A.D. 1914

contain all usual and necessary clauses contained in bonds of annual rent or bonds and dispositions in security over lands in Scotland held in fee simple including a power of sale and the granting of such bonds of annual rent or bonds and dispositions in security shall operate as a discharge of all claims by the liferenter of the Falkland Estate for or on account of the improvements with reference to which such bonds of annual rent or bonds and dispositions in security are hereby authorised to be granted:

- (4) To enter into feu contracts or grant feu charters or long leases of such duration as may be agreed upon of any portion or portions of the Falkland Estate and that for payment of such feuduties or rents or tack duties and in other respects on such terms and conditions as may be approved of by the Trustees Provided that in the case of a feu or lease of any portion of the said estate not exceeding two acres in extent for any religious charitable or scientific purpose or for any purpose of public utility approved of by the Trustees such feu or lease may be granted for payment of such feuduty or rent or tack duty as may be agreed upon notwithstanding that the same may be inadequate and below the just value of the land so feued or leased.

5. The liferenter of the Pluscarden Estate is hereby authorised and empowered with the consent in writing of the Trustees—

- (1) To sell the Pluscarden Estate or any portion or portions thereof either by public roup or by private sale at such price or prices and on such terms and conditions as may be approved of by the Trustees and upon the price or prices of the lands sold being paid to the Trustees as hereinafter provided to grant a conveyance or conveyances of such lands in favour of the purchaser or respective purchasers which conveyance or conveyances shall contain all usual and necessary clauses and in particular a clause binding the liferenter of the Pluscarden Estate in warrandice from fact and deed only and binding the beneficiary or beneficiaries entitled or who shall become entitled

Power to
sell mort-
gage or feu
Pluscarden
Estate.

to the fee or capital of such price or prices in absolute warrandice to the extent of such price or prices : A.D. 1914.

- (2) To exchange or excamb any part or parts of the Pluscarden Estate for other lands or heritable property and to make and execute all such contracts of excambion and other deeds as may be necessary in order to give effect to such exchanges or excambions by the substitution of the lands or heritable property to be acquired in the room and place of the lands or heritable property to be disposed :
- (3) To borrow money on the security of the Pluscarden Estate or any part thereof to defray the cost of improvements thereon executed by the liferenter of the Pluscarden Estate at any time after the passing of this Act and approved of by the Trustees together with the cost of obtaining the loan and granting security therefor and to charge the fee and rents of the Pluscarden Estate or any portion thereof with a bond of annual rent binding the liferenter of the Pluscarden Estate and his successors in the liferent or fee of the Pluscarden Estate to make payment of an annual rent for twenty-five years from and after the date of such bond such annual rent to be payable by equal moieties half-yearly and to be at a rate not exceeding seven pounds two shillings per annum for every one hundred pounds so borrowed and so in proportion for any greater or less sum or in the option of the liferenter of the Pluscarden Estate and in lieu of such bond of annual rent with a bond and disposition in security over the Pluscarden Estate or any part thereof binding himself and his foresaids in payment of three-fourths of the sum on which the amount of such bond of annual rent if granted would be calculated in terms of this Act with interest thereof at the rate to be stated in such bond and disposition in security from the date thereof till repaid with corresponding penalties which bond of annual rent or bond and disposition in security shall dispone in security of

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the sums therein contained the Pluscarden Estate or any portion thereof and shall contain all usual and necessary clauses contained in bonds of annual rent or bonds and dispositions in security over lands in Scotland held in fee simple including a power of sale and the granting of such bonds of annual rent or bonds and dispositions in security shall operate as a discharge of all claims by the liferenter of the Pluscarden Estate for or on account of the improvements with reference to which such bonds of annual rent or bonds and dispositions in security are hereby authorised to be granted:

- (4) To enter into feu contracts or grant feu charters or long leases of such duration as may be agreed upon of any portion or portions of the Pluscarden Estate and that for payment of such feuduties or rents or tack duties and in other respects on such terms and conditions as may be approved of by the Trustees Provided that in the case of a feu or lease of any portion of the said estate not exceeding two acres in extent for any religious charitable or scientific purpose or for any purpose of public utility approved of by the Trustees such feu or lease may be granted for payment of such feuduty or rent or tack duty as may be agreed upon notwithstanding that the same may be inadequate and below the just value of the land so feued or leased.

Proceeds of
sale to be
paid to
Trustees.

6. Upon the sale of the Falkland Estate or the Pluscarden Estate or any part of either of these estates the money or moneys arising therefrom shall be paid to the Trustees who shall out of such money or respective moneys pay the costs charges and expenses of or incidental to such sale or respective sales and shall hold the residue of such money or moneys in trust as follows (viz.) (1) in the case of money or moneys arising from the sale of the Falkland Estate or any part thereof (including the shares of any railway company which may be allotted or issued to the Trustees in payment or satisfaction of the price of any portion or portions of the Falkland Estate required or taken by such railway company as in this Act before provided) for behoof of the liferenter of the Falkland Estate in liferent and the beneficiary entitled or who would

have been entitled to succeed in fee to the lands sold on the death of the last liferenter under and by virtue of the settlement and that upon and subject to the provisions and conditions applicable to such lands which are contained in the settlement or in the disposition of the Falkland Estate executed by the said Lord Edmund Bernard Talbot and Archibald Robert Craufurd Pitman as Trustees acting under the settlement in execution of the directions therein contained as aforesaid and (2) in the case of money or moneys arising from the sale of the Pluscarden Estate or any part thereof for behoof of the liferenter of the Pluscarden Estate in liferent and the beneficiary entitled or who would have been entitled to succeed in fee to the lands sold on the death of the last liferenter under and by virtue of the settlement and that upon and subject to the provisions and conditions applicable to such lands which are contained in the settlement or in the disposition of the Pluscarden Estate executed by the said Lord Edmund Bernard Talbot and Archibald Robert Craufurd Pitman as Trustees acting under the settlement in execution of the directions therein contained as aforesaid.

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7. The Trustees are hereby authorised in their discretion to give their consent to the exercise by the liferenter of the Falkland Estate or the liferenter of the Pluscarden Estate of any of the powers which the said liferenters are by this Act respectively authorised and empowered to exercise with the consent of the Trustees Provided that before giving their consent to the borrowing of any money to defray the cost of improvements on the Falkland Estate or the Pluscarden Estate the Trustees shall obtain for their guidance in the matter a report regarding the improvements from an independent man of skill appointed by themselves and shall be satisfied that such improvements are of a substantial nature and beneficial to such estate as at the date of such consent to the extent of at least the sum so to be borrowed and the decision of the Trustees in any matter in which their consent is required shall be final and shall not be subject to challenge on any ground whatever and the Trustees shall not incur any liability by reason of their giving or withholding their consent in any circumstances and all deeds or writings granted by the liferenter of the Falkland Estate or the liferenter of the Pluscarden Estate with the consent of the Trustees in exercise of any of the said powers shall

As to
consent of
Trustees.

A.D. 1914. — be as valid and effectual to the persons who as purchasers disponees lenders feuars lessees or others shall receive the same as if such deeds or writings had been granted by a fee simple proprietor infeft in the lands therein contained and such persons shall not be concerned with any of the provisions in this Act contained or 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.

Application
of purchase
money in
case of Falk-
land Estate.

8. The Trustees are hereby authorised to apply the whole or any part of the money or moneys arising from the sale of the Falkland Estate or any portion thereof in or towards payment of debt secured upon or affecting or which may hereafter be secured upon or affect the fee of the said estate or any portion thereof or in or towards payment of the cost of improvements on the said estate approved of by the Trustees as aforesaid or if desired by the liferenter of the Falkland Estate so to do and with his approval expressed in writing to invest or apply the whole or any part of such money or moneys in the purchase of other lands or heritable or real estate or leasehold property in Great Britain and upon any such purchase being made to settle the lands estate or property so purchased upon the liferenter of the Falkland Estate in liferent and upon the beneficiary entitled or who would have been entitled to succeed to the Falkland Estate under and by virtue of the settlement in fee and that upon and subject to the provisions and conditions expressed in the settlement with reference to the Falkland Estate and the provisions in this Act contained shall apply to such lands or heritable or real estate or leasehold property in the same manner and to the same effect as if they had formed part of the Falkland Estate at the date of the passing of this Act.

Application
of purchase
money in
case of Plus-
carden Estate.

9. The Trustees are hereby authorised to apply the whole or any part of the money or moneys arising from the sale of the Pluscarden Estate or any portion thereof in or towards payment of debt secured upon or affecting or which may hereafter be secured upon or affect the fee of the said estate or any portion thereof or in or towards payment of the cost of improvements on the said estate approved of by the Trustees as aforesaid or if desired by the liferenter of the Pluscarden Estate so to do and with his approval expressed in writing to invest or apply the whole or any part of such money or moneys

in the purchase of other lands or heritable or real estate or leasehold property in Great Britain and upon any such purchase being made to settle the lands estate or property so purchased upon the liferenter of the Pluscarden Estate in liferent and upon the beneficiary entitled or who would have been entitled to succeed to the Pluscarden Estate under and by virtue of the settlement in fee and that upon and subject to the provisions and conditions expressed in the settlement with reference to the Pluscarden Estate and the provisions in this Act contained shall apply to such lands or heritable or real estate or leasehold property in the same manner and to the same effect as if they had formed part of the Pluscarden Estate at the date of the passing of this Act.

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10. The Trustees shall have and possess all the powers privileges and immunities which are at present or which may hereafter be competent to or possessed by gratuitous trustees in Scotland whether by virtue of statute or at common law including without prejudice to the said generality the powers of investment at present competent or which may hereafter be competent to such Trustees and power to resign office and to discharge trustees who may resign or the representatives of deceased trustees and without prejudice to the foresaid powers of investment the Trustees are hereby authorised to invest the purchase moneys arising from the sale of the Falkland Estate or the Pluscarden Estate or any portions thereof in or upon mortgages or debentures or guaranteed preference or debenture stocks or shares of any railway company in Great Britain or the colonies or dependencies thereof which has paid dividends on its ordinary shares for three years preceding the date of investment or bonds of any Colonial Government or bonds or other national funded debt of the Government of the United States of America and to change or vary any such investments as the Trustees shall think proper and the Trustees are further authorised to appoint or employ a man or men of skill to report to them or advise them regarding any matter or thing to which their consent may be desired in terms of this Act and also to appoint or employ any suitable person or persons whether of their own number or otherwise to be their law agent or law agents or factor or factors and to allow such man or men of skill and the person or persons so appointed or employed suitable remuneration or the usual professional fees

Powers of
Trustees.

A.D. 1914. — for their services and subject to the provisions in this Act contained the Trustees shall have power with the concurrence of the liferenter of the Falkland Estate and the liferenter of the Pluscarden Estate or of the last of such liferenters to assume new trustees to act along with them or to fill up any vacancy in the trust which may be occasioned by death resignation incapacity or otherwise and in general the Trustees are hereby authorised to do or cause to be done everything which they shall consider to be necessary for the due execution of the trust constituted by this Act and the administration and management of the funds vested in them in terms thereof The whole costs charges and expenses incurred by the Trustees in connection with the Falkland Estate or any matter relating thereto shall be paid by the liferenter of the Falkland Estate and the whole costs charges and expenses incurred by the Trustees in connection with the Pluscarden Estate or any matter relating thereto shall be paid by the liferenter of the Pluscarden Estate.

Termination
of trusts.

11. The said Lord Edmund Bernard Talbot and Archibald Robert Craufurd Pitman and the heirs executors and representatives of the said deceased Baron Herries of Terregles are hereby exonerated and discharged of and from the trust constituted by the settlement and all duties obligations and liabilities incumbent on or incurred by the said Lord Edmund Bernard Talbot and Archibald Robert Craufurd Pitman as Trustees acting under the settlement or the said deceased Baron Herries of Terregles while so acting in so far as the same related or relate to the Falkland Estate and the Pluscarden Estate and the trust constituted by this Act shall come to an end as regards the Falkland Estate and any funds or investments arising from or representing the price or prices of the said estate or any portion thereof upon a beneficiary becoming entitled at or after the death of the liferenter of the Falkland Estate to the fee of the said estate or to the fee or capital of the said funds or investments under or by virtue of the settlement the disposition of the Falkland Estate hereinbefore recited or the provisions in this Act contained and the trust constituted by this Act shall come to an end as regards the Pluscarden Estate and any funds or investments arising from or representing the price or prices of the last-mentioned estate or any portion thereof upon a beneficiary becoming entitled at or after the death of the

liferenter of the Pluscarden Estate to the fee of the said last-mentioned estate or to the fee or capital of the last-mentioned funds or investments under or by virtue of the settlement the disposition of the Pluscarden Estate hereinbefore recited or the provisions in this Act contained and upon the termination of the trust as aforesaid as regards the said estates and funds or investments respectively the Trustees shall pay assign and make over the respective funds or investments which may then remain in their hands to the respective beneficiaries who shall have become entitled thereto as aforesaid but before denuding of any of the trust funds or investments in favour of any such beneficiary the Trustees shall be entitled upon an accounting to a discharge of their whole actings and intromissions from the beneficiary to whom such funds or investments shall fall to be paid assigned and made over as aforesaid and if such beneficiary 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 discharge the Trustees of their whole actings and intromissions in the premises or may make such orders and take such proceedings as they think fit.

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12. Any application to the court under the provisions of this Act shall in the first instance be brought before the Junior Lord Ordinary officiating in the Outer House or the Lord Ordinary officiating on the Bills in time of vacation and may be dealt with and disposed of by him in the same manner and with the same powers as applications to the court may be dealt with and disposed of under the provisions of the Act 20 and 21 Vict. cap. 56 entitled "An Act to regulate the distribution" of business in the Court of Session in Scotland" or any Act amending or superseding the same and the court shall have the same jurisdiction and powers in regard to applications under this Act as it has or may have in regard to applications regulated by the Act last above mentioned or any such amending or superseding Act.

Procedure in applications to court.

13. Nothing in this Act contained shall be held or construed to alter innovate or defeat the settlement or the hereinbefore recited dispositions of the Falkland Estate and the Pluscarden Estate executed by the said Lord Edmund Bernard Talbot and Archibald Robert Craufurd Pitman as Trustees foresaid or any of the purposes and provisions thereof excepting

Saving of settlement and dispositions of Falkland and Pluscarden estates.

A.D. 1914. only in so far as may be hereby otherwise expressly provided or 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 security or incumbrance over or affecting the Falkland Estate or the Pluscarden Estate or the interest of the said Lord Ninian Edward Crichton Stuart and Lord Colum Edmund Crichton Stuart respectively or of any other beneficiary under the settlement in the said estates.

General
saving and
exceptions
from general
saving.

14. 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 Falkland Estate or the Pluscarden 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 had not been passed but excepting from the foregoing saving the following persons (namely):—

The said Lord Edmund Bernard Talbot and Archibald Robert Craufurd Pitman as Trustees of the settlement and their successors in office as such Trustees:

The said Lord Ninian Edward Crichton Stuart and Ismay Catherine Crichton Stuart and Claudia Miriam Joanna Crichton Stuart his only children and any other or others the heirs male or the heirs female of the body of the said Lord Ninian Edward Crichton Stuart who may hereafter be born:

The said Lord Colum Edmund Crichton Stuart and the heirs male and heirs female of his body who may hereafter be born:

The said John Crichton Stuart Marquis of Bute and John Crichton Stuart Earl of Dumfries Lord Robert Crichton Stuart Lord David Crichton Stuart and Lord Patrick Crichton Stuart his only sons and any other or others the heirs male of the said John Crichton Stuart Marquis of Bute who may hereafter be born:

And all or any other person or persons entitled to or interested in or who hereafter may or might have become entitled to or interested in the Falkland Estate or the Pluscarden Estate or any part of either of these estates or the moneys arising from

a sale or sales thereof under or in virtue of the settlement or by intestacy or otherwise through or in right of the said deceased John Patrick Crichton Stuart Marquess of Bute or through or in right of any of the persons hereinbefore excepted. A.D. 1914.

15. The costs and charges of applying for and obtaining this Act and incidental thereto shall be paid by the said Lord Ninian Edward Crichton Stuart and Lord Colum Edmund Crichton Stuart in equal shares but they shall be entitled respectively to recover the amount so paid by them out of the moneys arising from the sale of the Falkland Estate and the Pluscarden Estate or any portions of the said respective estates which may be sold as aforesaid. Costs of Act.

16. 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 by all judges justices and others. Copy of Act to be evidence.

A.D. 1914. The SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

DESCRIPTION OF THE FALKLAND ESTATE.

All and whole the estate of Falkland comprising the whole lands and heritable property in the county of Fife and in the burghs of Falkland and Auchtermuchty in the said county which belonged to or were held by the Trustees of the late Most Honourable John Patrick Crichton Stuart Marquess of Bute and also comprising the whole heritable property in the burgh of St. Andrews in the said county which belonged to or was held by the said Trustees (which subjects in the said burgh of St. Andrews are known as "The Priory" St. Andrews) and including without prejudice to the foregoing generality (First) All and whole the estate of Falkland in the county of Fife and in the burghs of Falkland and Auchtermuchty and county of Fife being the whole lands and others disposed by and particularly described or referred to in the disposition granted by Andrew Hamilton Tyndall Bruce esquire of Grangehill and Falkland in the county of Fife in favour of the said John Patrick Crichton Stuart Marquess of Bute dated 9th and recorded in terms of the clause of direction therein contained in the Division of the General Register of Sasines applicable to the county of Fife 11th both days of November 1887 and also recorded in terms of the said clause of direction in the Register of Sasines kept for the burgh of Falkland on 21st January and in the Register of Sasines kept for the burgh of Auchtermuchty on 3rd April both in the year 1888 (Second) All and hail that dwelling-house lying upon the west side of the Cross Wynd of the burgh of Falkland and sometime belonging to William Smart and other subjects in the burgh of Falkland and county of Fife being the whole subjects particularly described or referred to (Primo) and (Secundo) in the notarial instrument in favour of the Right Honourable Edmund Bernard Talbot commonly called Lord Edmund Bernard Talbot of No. 1 Buckingham Palace Gardens in the county of Middlesex and others as trustees of the said John Patrick Crichton Stuart Marquess of Bute as therein mentioned recorded on the 275 278 and intervening folios of the 12th book of the new series of the said Register of Sasines kept for the burgh of Falkland on 15th March 1901 (Third) All and hail that piece of land and others commonly called Clows Yard and other subjects in the burgh of Falkland and county of Fife being the whole subjects particularly described (In the

first place) and (In the second place) in the notarial instrument in favour of the said Lord Edmund Bernard Talbot and others as Trustees foresaid recorded on the 287 290 and intervening folios of the 12th book of the new series of the said Register of Sasines kept for the burgh of Falkland on 15th March 1901 (Fourth) All and hail that dwelling-house within the burgh of Falkland adjoining the dwelling-house disposed by David Galloway labourer in Falkland to Mary Keddie his grand-daughter and other subjects in the burgh of Falkland and county of Fife being the subjects particularly described in the notarial instrument in favour of the said Lord Edmund Bernard Talbot and others as Trustees foresaid recorded on the 3rd 4th and 5th folios of the 13th book of the new series of the said Register of Sasines kept for the burgh of Falkland on 15th March 1901 (Fifth) All and whole that eastmost and large part of the Bighouse commonly called Brunton's House formerly possessed by Walter Reid farmer Falkland and others and other subjects in the burgh of Falkland and county of Fife being the subjects particularly described in the notarial instrument in favour of the said Lord Edmund Bernard Talbot and others as Trustees foresaid recorded on the 278 279 and 280 folios of the 12th book of the new series of the said Register of Sasines kept for the burgh of Falkland on 15th March 1901 (Sixth) All and hail that piece of ground consisting of nine acres two roods and twenty-four falls or thereby of the lands of Nuthill lying in that part thereof called the North Muir and others in the county of Fife being the subjects particularly described in the notarial instrument in favour of the said Lord Edmund Bernard Talbot and others as Trustees foresaid recorded on the 91 92 93 and 94 folios of the 773 book of the said Division of the General Register of Sasines applicable to the county of Fife on 14th March 1901 (Seventh) All and whole that area or piece of ground in Cash Feus Strathniglo in the county of Fife being the subjects particularly described or referred to in the notarial instrument in favour of the said Lord Edmund Bernard Talbot and others as Trustees foresaid recorded on the 88 89 90 and 91 folios of the 773 book of the said division of the General Register of Sasines applicable to the county of Fife on 14th March 1901 (Eighth) All and hail that toft and tenement of houses high and laigh back and fore with the yard thereto belonging lying in the Cross Wynd of Falkland and others in the burgh of Falkland and county of Fife being the subjects and others particularly described in the notarial instrument in favour of the said Lord Edmund Bernard Talbot and others as Trustees foresaid recorded on the 272 273 and 274 folios of the 12th book of the new series of the said Register of Sasines kept for the burgh of Falkland on 15th March 1901 (Ninth) All and hail that toft of land or tenement of houses high and laigh lying on the west side of the

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Cross Wynd of the burgh of Falkland sometime possessed by William Drysdale and others and other subjects in the burgh of Falkland and county of Fife being the subjects and others particularly described in the notarial instrument in favour of the said Lord Edmund Bernard Talbot and others as Trustees foresaid recorded on the 280 283 and intervening folios of the 12th book of the new series of the said Register of Sasines kept for the burgh of Falkland on 15th March 1901 (Tenth) All and haill the east and west parts and portions of these two tenements of houses high and laigh and office houses with the yard thereto belonging and other subjects in the burgh of Falkland and county of Fife being the whole subjects and others (Primo) and (Secundo) particularly described in the notarial instrument in favour of the said Lord Edmund Bernard Talbot and others as Trustees foresaid recorded on the 284 287 and intervening folios of the 12th book of the new series of the said Register of Sasines kept for the burgh of Falkland on 15th March 1901 (Eleventh) All and whole that part and portion of the lands and tenandry of Crosshills and other subjects in the county of Fife being the whole subjects and others particularly described (In the first place) and (In the second place) in the disposition granted by Henry Gourlay sometime engineer Dundee afterwards residing at Balgay House there and thereafter at Kempshott Park Basingstoke Hampshire and others as Trustees as therein mentioned in favour of the said Lord Edmund Bernard Talbot and others as Trustees foresaid dated 5th 6th and 7th and recorded in the said Division of the General Register of Sasines applicable to the county of Fife on 11th November 1901 (Twelfth) All and haill that picce of enclosed ground and garden with the ruinous houses thereon upon part of which a large dwelling-house with offices and other buildings has been erected all lying adjacent to the Abbey Port of Saint Andrews and other subjects in the county of Fife being the whole subjects and others described (First) (Second) and (Third) in the notarial instrument in favour of the said Lord Edmund Bernard Talbot and others as Trustees foresaid recorded in the said Division of the General Register of Sasines applicable to the county of Fife on 18th April 1901 and (Thirteenth) All and whole that triangular piece of ground in the burgh of St. Andrews and county of Fife being the subjects particularly described in the notarial instrument in favour of the said Lord Edmund Bernard Talbot and others as Trustees foresaid recorded in the Register of Sasines kept for the city of St. Andrews 19th and in the said Division of the General Register of Sasines applicable to the county of Fife on 29th both days of April 1901.

SECOND SCHEDULE.

A.D. 1914.

DESCRIPTION OF THE PLUSCARDEN ESTATE.

All and whole the estate of Pluscarden and whole other lands and heritable property in the county of Elgin and Forres and in the town of Elgin in the said county which belonged to the late Most Honourable John Patrick Crichton Stuart Marquess of Bute comprising without prejudice to the foregoing generality (First) All and whole that portion of the Fife Estates in the county of Elgin and Forres delineated on the plan annexed and signed as relative to and being the whole lands and others disposed by and particularly described in the disposition granted by the Most Noble Alexander William George Duke of Fife in favour of the Most Honourable John Patrick Crichton Stuart Marquess of Bute dated 13th and recorded in the Division of the General Register of Sasines applicable to the county of Elgin and Forres 16th both days of May 1898 and (Second) All and whole the house and grounds called the Greyfriars in the town of Elgin and county of Elgin and Forres being the whole subjects particularly described in the notarial instrument in favour of the Right Honourable Edmund Bernard Talbot commonly called Lord Edmund Bernard Talbot of No. 1 Buckingham Palace Gardens in the county of Middlesex and others as Trustees of the said John Patrick Crichton Stuart Marquess of Bute as therein mentioned recorded in the said Division of the General Register of Sasines applicable to the county of Elgin and Forres on 18th April 1901.

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