



ANNO VICESIMO NONO & TRICESIMO

# VICTORIÆ REGINÆ.

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## Cap. 1.

An Act to authorize the Sale of the entailed Estate of *Arden* in the County of *Dumbarton*, and to apply the Prices to be received for the same in the Purchase of other Lands in *Scotland*, to be entailed in lieu thereof. [16th *July* 1866.]

**W**HEREAS *George Buchanan* of *Arden*, by Disposition and Tailzie bearing Date the Twenty-third Day of *March*, and registered in the Register of Tailzies at *Edinburgh* the Twenty-sixth Day of *June*, and in the Books of Council and Session the Sixteenth Day of *November*, all in the Year One thousand seven hundred and eighty-four, gave, granted, and disponed to and in favour of *John Buchanan*, his eldest lawful Son, and the Heirs whatsoever of his Body, whom failing, to *Herbert Buchanan*, his Second lawful Son, and the Heirs whatsoever of his Body, whom failing, to *George Buchanan*, his Third lawful Son, and the Heirs whatsoever of his Body, whom failing, to *Jean Buchanan*, his only lawful Daughter, and the Heirs whatsoever of her Body, whom failing, to *James Buchanan* of *Catter*, his Nephew, and the Heirs whatsoever of his Body, whom failing, to *Duncan Buchanan* in the *East Indies*, also his Nephew, and the Heirs whatsoever of his Body, whom failing, to *Robert Buchanan*, Merchant in *Glasgow*, also his Nephew, and the Heirs whatsoever of his Body, whom failing,

Entail of Estate of Arden by George Buchanan, dated 23d March 1784.

[*Private.*]

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to his own nearest Heirs and Assignees whatsoever, the eldest Heir Female during the whole Course of Succession being always preferable to all other Heirs Portioners, and succeeding without Division, heritably and irredeemably, all and whole the Five Pound Lands of Old Extent of *Auchindennan*, commonly called *Auchindennan Dennistoun*, with Houses, Buildings, Yards, Orchards, Woods, Milns, Multures, Mosses, Parts, Pendicles, and whole Pertinents thereof whatever, lying of old within the Parish of *Luss*, but now within the Parish of *Bonhill*, late Regality of *Lennox*, and Sheriffdom of *Dumbarton*, and also all and whole the Lands of *Bannachraes*, extending to a Five Pound Land of Old Extent, with the Tower, Fortalice, Manor Place, Houses, Buildings, Yards, Milns, Miln Lands, Multures, Fishings, Woods, Parts, Pendicles, and whole Pertinents thereof, lying of old within the Parish of *Cardross*, but now within the Parish of *Luss*, Dukedom and late Regality of *Lennox*, and Sheriffdom of *Dumbarton* foresaid, as also all and whole the Lands of *Stockrodger*, with the Manor Place, Houses, Buildings, Yards, Pendicles, and Pertinents of the same, extending to a Forty Shilling Land of Old Extent, and lying within the Parish of *Bonhill*, Dukedom of *Lennox*, and Sheriffdom of *Dumbarton*, together with all Right, Title, Interest, Claim of Right, Property, and Possession which he the said *George Buchanan*, or his Authors or Predecessors, had or could claim or pretend to the said Lands, or any Part or Portion thereof, or to the Teinds, Parsonage and Vicarage of the same, in Time coming, but always with and under the several Conditions, Provisions, Limitations, Restrictions, and Declarations, Clauses irritant and resolute, and others, contained in the said Disposition and Tailzie, as the same, containing also Procuratory of Resignation, Precept of Sasine, and other usual Clauses, in itself more fully bears :

Title made up by John Buchanan the Institute in 1784.

And whereas the said *John Buchanan*, in virtue of the Precept of Sasine contained in the said Disposition and Tailzie, was in the Lifetime of his said Father duly infeft and seised in the said Lands and others, conform to Instrument of Sasine in his Favour, dated the Sixth Day of *April* and recorded in the Particular Register of Sasines kept at *Dumbarton* for the Shires of *Dumbarton, Argyle, et cetera*, the Twenty-first Day of *May* One thousand seven hundred and eighty-four, and Charter of Confirmation following thereon by the Commissioners of *William Duke of Montrose* and the said *John Buchanan*, in favour of the said *John Buchanan*, dated the Third Day of *December* One thousand seven hundred and eighty-eight and Fourth Day of *March* One thousand seven hundred and eighty-nine :

Succession of Herbert Buchanan in 1792.

And whereas the said *John Buchanan*, having died without Issue, was succeeded in the said Lands and others by the said *Herbert Buchanan*, the Second Son of the Entailer, who made up Titles thereto under the said Disposition and Tailzie, conform to Precept of Clare Constat by *James Duke of Montrose* in his Favour as Heir of Tailzie of the said *John Buchanan*, his Brother, dated the Ninth Day

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Day of *July* One thousand seven hundred and ninety-two, and Instrument of Sasine in favour of the said *Herbert Buchanan* following thereon, dated the Fifteenth Day of *September* and recorded in the said Particular Register of Sasines at *Dumbarton* the Tenth Day of *October* One thousand seven hundred and ninety-two:

And whereas the said *Herbert Buchanan* having died, he was succeeded in the said Lands and others by *George Buchanan*, his eldest lawful Son, who made up Titles thereto as Heir of Tailzie of his said Father, conform to the following Writs, *videlicet*, First, Precept of Clare Constat by the Honourable *Charles Douglas*, as Superior of the said Lands of *Auchindennan Dennistoun*, in favour of the said *George Buchanan*, dated the Seventeenth Day of *June* One thousand eight hundred and twenty-five, and Instrument of Sasine in favour of the said *George Buchanan* following thereon, dated the Twentieth and recorded in the said Particular Register of Sasines the Twenty-sixth Days of *August* One thousand eight hundred and twenty-five; Second, Precept of Clare Constat by the said *George Buchanan*, as Superior of the said Lands of *Bannachraes*, in favour of himself, dated the Second Day of *August* One thousand eight hundred and twenty-five, and Instrument of Sasine in favour of the said *George Buchanan* following thereon, dated the Twentieth and recorded in the said Particular Register of Sasines the Twenty-sixth Days of *August* One thousand eight hundred and twenty-five; Third, Precept of Clare Constat by Mrs. *Mary Anne Erskine* and others, the Commissioners for *John Campbell Colquhoun* of *Killermont* and *Garscadden*, as Superior of the said Lands of *Stockrodger*, in favour of the said *George Buchanan*, dated the Ninth Day of *July*, and Instrument of Sasine in favour of the said *George Buchanan* following thereon, dated the Twentieth and recorded in the said Particular Register of Sasines the Twenty-sixth Days of *August* One thousand eight hundred and twenty-five:

Succession  
of George  
Buchanan  
in 1825.

And whereas the said *George Buchanan*, by Contract of Excambion dated the Fifteenth Day of *July* and Twenty-fifth Day of *August* One thousand eight hundred and forty-six, and recorded in the Sheriff Court Books of *Dumbartonshire* the Sixth Day of *November* in the same Year, entered into between him and Sir *James Colquhoun* of *Luss*, Baronet, disposed, under competent Authority, to the said Sir *James Colquhoun*, Three Pieces of Ground measuring in all Four Acres and Thirty Perches, Parts of the said entailed Lands of *Bannachraes*, and in consideration thereof acquired in Excambion from the said Sir *James Colquhoun* by the said Contract of Excambion Seven Patches or Pieces of Ground measuring in all Four Acres and Thirty Perches Imperial, Part of the entailed Lands and Barony of *Luss*, and lying on the South Side of the Water of *Fruin*, all in the said Parish of *Luss* and County of *Dumbarton*; but the said *George Buchanan* was not infest upon the said Contract of Excambion:

Excambion  
with Sir  
James Col-  
quhoun.

[Private.]

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And

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Succession  
of Herbert  
Buchanan  
now of Ar-  
den in 1854.

And whereas the said *George Buchanan* having died on or about the Ninth Day of *October* One thousand eight hundred and fifty-four, he was succeeded in the said Lands and others now held under the said Disposition and Tailzie by *Herbert Buchanan* now of *Arden*, Esquire, his eldest lawful Son, who has made up his Title to the same as Heir of Tailzie of his said Father conform to the Writs following; viz., (First,) Extract Decree of the special Service of the said *Herbert Buchanan* as Heir of Tailzie of his said Father in the said Lands of *Auchindennan Dennistoun* and *Stockrodger*, dated the Thirtieth Day of *March* and recorded in Chancery the Second Day of *April* One thousand eight hundred and sixty-six; (Second,) Notarial Instrument expedite thereon in favour of the said *Herbert Buchanan* in the said Lands of *Auchindennan Dennistoun*, recorded in the said Particular Register of Sasines at *Dumbarton* the Thirteenth Day of *April* One thousand eight hundred and sixty-six; (Third,) Notarial Instrument expedite on the said special Service in favour of the said *Herbert Buchanan* in the said Lands of *Stockrodger*, recorded in the said Particular Register of Sasines at *Dumbarton* the Thirteenth Day of *April* One thousand eight hundred and sixty-six; (Fourth,) Writ of Clare Constat by the said *Herbert Buchanan* in favour of himself in the said Lands of *Bannachraes*, excepting the Three small Pieces disposed as aforesaid, dated the Thirteenth and with Warrant of Registration thereon recorded in the said Particular Register of Sasines at *Dumbarton* the Fourteenth Day of *April* One thousand eight hundred and sixty-six; (Fifth,) Extract Decree of the general Service of the said *Herbert Buchanan* as Heir of Tailzie in general of his Father, dated the Fourteenth and recorded in Chancery the Sixteenth Days of *April* One thousand eight hundred and sixty-six; (Sixth,) Notarial Instrument in favour of the said *Herbert Buchanan* expedite on the said Contract of Excambion between the said *Sir James Colquhoun* and the said deceased *George Buchanan*, and Decree of general Service recorded in the said Particular Register of Sasines at *Dumbarton* the Twentieth Day of *April* One thousand eight hundred and sixty-six:

Herbert  
Buchanan  
Owner in  
Fee Simple  
of small  
Portions of  
contiguous  
Lands.

And whereas the said *Herbert Buchanan* is the Owner in Fee Simple of the Superiority of the said Five Pound Lands of *Bannachraes*, and is also Owner in Fee Simple of Four Acres of Land, Part of the Lands of *Auchindennan*, and a Pendicle of Land called the *Tongue of Darleith*, which Four Acres and Pendicle of Land lie contiguous to and are occupied along with the said entailed Lands above described, and have become so incorporated therewith as to render it expedient and necessary that the same should be sold along with the entailed Lands, and as truly Part of the same Estate:

Arden con-  
sists of Three  
separate  
Parcels, as  
in Schedule  
(A.)

And whereas the said Lands and others now held under the said Disposition and Tailzie along with the said Superiority, and small Pieces of Land belonging to the said *Herbert Buchanan* in Fee Simple, are now known as and are herein-after called the "Estate of *Arden*,"

and

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*Buchanan's Estate Act, 1866.*

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and the said Estate consists of Three Parcels of Land, each discontinuous from the other, which are herein-after described as Parcels First, Second, and Third respectively, as set forth in Schedule (A.) hereunto annexed :

And whereas the gross annual Rental received from the Estate of *Arden*, inclusive of the Mansion House, with the Furniture therein, and with the Game and Right of Fishing on the Estate, amounts to the Sum of Eight hundred and eighty-two Pounds Six Shillings and Fivepence Halfpenny, and the net annual Rental, after allowing for Insurance and the Rent of Furniture, is Seven hundred and thirteen Pounds Nine Shillings and Twopence, as set forth in the Schedule (B.) hereunto annexed :

And whereas the Mansion House of *Arden*, with the Policies attached thereto, is situate in the larger Portion of the said Estate (herein called Parcel First), and is too large and is otherwise unsuitable as a Residence for the Heir of Entail, the Rental of the Estate being altogether inadequate to maintain the Heir in the Occupation thereof, and in consequence the said *George Buchanan*, last of *Arden*, was obliged to let the Mansion House and Policies, and the said *Herbert Buchanan*, although desirous to do so, has not entered and cannot afford to enter into the Occupation thereof, but has let the same from Time to Time to a Tenant :

And whereas the said Three Parcels of Land forming the Estate of *Arden* have been valued by competent Persons, the entailed Portions at the Sum of Thirty-five thousand two hundred and forty Pounds, and the Portions held in Fee Simple by the said *Herbert Buchanan* at the Sum of One thousand four hundred and fifty Pounds, conform to Schedule (C.) hereunto annexed :

And whereas the said Three Parcels of Land might be separately disposed of to great Advantage, and the Prices thereof (after allowing for the Portions belonging to the said *Herbert Buchanan* in Fee Simple, and the necessary Expenses,) might be applied in the Purchase of other Lands in *Scotland*, so as to produce a much larger Income to the said *Herbert Buchanan* and the other Heirs of Tailzie aforesaid :

And whereas *James Lumsden* Esquire, Merchant in *Glasgow*, the present Tenant and Occupier of the Mansion House of *Arden* and its Policies, has agreed with the said *Herbert Buchanan* to purchase Parcel First, being the larger Portion of the said Estate, with the Mansion House thereon, at the Price of Forty-three thousand Pounds, provided the Authority of Parliament can be obtained for effecting such Sale :

And whereas it would be very advantageous to the said *Herbert Buchanan*, as well as to the Heirs of Tailzie entitled to succeed to him as aforesaid, if Power were given to carry into effect the said Agreement with the said *James Lumsden* for the Sale of Parcel First, as well as to sell Parcels Second and Third of the said Estate, for the  
best

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best Prices that can be obtained therefor, and to invest the Prices of the said Three several Parcels of Land (under Deduction of the Value of the said Fee Simple Lands and the necessary Expenses) in the Purchase of other Lands in *Scotland*, to be settled on and secured to the said *Herbert Buchanan* and the other Heirs of Entail appointed to succeed by and in Terms of the said Disposition and Tailzie :

But as these Purposes cannot be effected without the Authority of Parliament, May it therefore please Your Majesty, upon the humble Petition of the said *Herbert Buchanan*, that it may be enacted ; and be it enacted by the Queen'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 ; (that is to say,)

Vesting the Estate of Arden in Trustees.

1. From and after the passing of this Act, the said Estate of *Arden* (whether entailed or unentailed), as set forth in the said Schedule (A.) hereunto annexed, shall be and is hereby vested in *Robert Craig Maclagan*, Doctor of Medicine in *Edinburgh*, *John Scott* the younger, Iron Merchant in *Glasgow*, and *Walter Mackenzie*, Accountant in *Glasgow*, and any new Trustee to be appointed as herein-after provided, and the Survivors and Survivor of them, and the Heir of the Survivor (herein-after called "the Trustees"), without the Necessity of any Writing or Procedure required by the Law of *Scotland* in the Conveyance of Heritable Estate, freed and discharged of and from the whole Conditions, Provisions, Limitations, Restrictions, and Declarations, Clauses irritant and resolute, and others, contained in the said Disposition and Tailzie and subsequent Investitures herein-before recited, who shall be the Trustees for carrying this Act into execution.

Mr. Lumsden to pay into Bank the Price of the Portion of Estate sold to him.

2. On or before the Eleventh Day of *November* in the Year One thousand eight hundred and sixty-six, the said *James Lumsden*, or his Heirs, Executors, or Successors, shall pay or consign into the *Bank of Scotland*, or the *Royal Bank of Scotland*, or the *British Linen Company in Scotland*, or the *Commercial Bank of Scotland*, or the *National Bank of Scotland*, in the Names of the Trustees, the Sum of Forty-three thousand Pounds, being the agreed-on Price of Parcel First of the said Estate of *Arden*, to be disposed of in manner herein-after provided ; and the said *James Lumsden*, and his Heirs, Executors, or Successors, shall be in no way accountable for the Application of the said Price.

Trustees to grant Disposition to Mr. Lumsden.

3. Upon Payment or Consignation by the said *James Lumsden*, or his Heirs, Executors, or Successors as aforesaid, of the said Sum of Money, the Trustees shall make, grant, and deliver to and in favor of the said *James Lumsden*, and his Heirs and Assignees, a good and effectual Disposition and Conveyance in Fee Simple of the Portion of the said Estate of *Arden* described in the said Schedule (A.) as Parcel First, containing all necessary and usual Clauses.

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4. It shall be lawful for the Trustees to sell the remaining Portions of the said Estate of *Arden*, described in the said Schedule (A.) as Parcels Second and Third, in whole or in Lots, at such Time or Times, and at such Price or Prices, and either by Public Roup or Private Bargain, as to them shall seem expedient.

Trustees may sell Parcels Second and Third.

5. No Sale made, nor the granting of or consenting to any Disposition or other Deed in implement of or in connexion with such Sale, nor any other Act done under the Powers by this Act conferred, shall infer an Act of Contravention of the said Disposition and Tailzie, or subject the said *Herbert Buchanan*, or any succeeding Heir of Entail joining in or consenting to such Sale or Disposition or other Deed, in Irritancy or Forfeiture of any Right belonging to them respectively under the said Disposition and Tailzie, nor create or infer any Claim of Warrantice, Recourse, or otherwise, either against the said *Herbert Buchanan*, or against such succeeding Heir, or against the Trustees.

The Sale, or consenting to any Deed relating to same, shall not infer an Irritancy of the Entail.

6. The Purchaser or Purchasers of the said Parcels Second and Third shall forthwith pay, or consign into one or other of the said Banks in the Names of the Trustees, the Price or Prices of the Lands respectively purchased by them, and upon Payment or Consignation thereof the Trustees shall make, grant, and deliver to such Purchasers good and effectual Dispositions and Conveyances of the Lands so purchased; and such Purchasers shall be in no way accountable for the Application of the Prices.

Purchasers to consign Prices into Bank.

7. The Monies to be paid or consigned in one or other of the said Banks as aforesaid shall be placed to an Account to be raised in the Books of such Bank in the Names of the Trustees, and shall be operated on only under the Orders of the Court of Session, in manner herein-after provided; and such Monies shall when so paid in produce the highest Interest that can be obtained for the same, which Interest shall be annually accumulated and added to the Principal Sum itself, to carry Interest together until applied by Warrant of the said Court.

Bank Account to be raised in Names of the Trustees.

8. The Monies so paid or consigned as aforesaid shall, subject to the Orders of the said Court, be held and applied by the Trustees in the Manner and for the Purposes following; (that is to say)

Application of the Monies.

First, in Payment of the Costs of obtaining this Act and incident thereto:

Secondly, for Payment to the said *Herbert Buchanan*, and his Heirs, Executors, and Asssignees, of the Sum of One thousand three hundred Pounds, being the Value of the Portion of Parcel First which belongs to the said *Herbert Buchanan* in Fee Simple, and included in the Price paid by the said *James Lumsden* as aforesaid, with the Interest corresponding thereto allowed by the Bank:

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Thirdly,

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Thirdly, in Payment to the said *Herbert Buchanan*, and his Heirs, Executors, and Assignees, of such further Sum as shall be fixed by the said Court as the Value of the Portion of the Price of Parcel Third which belongs to the said *Herbert Buchanan* in Fee Simple:

Fourthly, in the Purchase of other Lands to be entailed, and otherwise as herein-after provided.

Trustees to apply to Court by Petition.

9. In order to carry the Purposes of this Act into execution, where the Intervention of the Court of Session is required, the Trustees may from Time to Time apply to the said Court by Petition, setting forth the Object in view, to be presented in Time of Session to the Junior Lord Ordinary officiating in the Outer House of the said Court, or in Vacation to the Lord Ordinary officiating on the Bills; and such Lord Ordinary or the said Court shall make such Interlocutors or Orders and grant such Warrants as he or the Court may consider necessary.

Trustees to purchase another Estate in Scotland.

10. The Trustees may and shall with all convenient Speed, under the Authority and with the Approbation of the said Court, and under their Direction, and by and with the Consent of the said *Herbert Buchanan*, or of the Heir of Entail for the Time being entitled under the said Disposition and Tailzie, or the Tutors and Curators or Guardians of such Heir if under Age, lay out, invest, and apply the Principal Monies which shall remain at the Credit of the Trustees in the said Account in the Purchase of other Lands and Estates situated in *Scotland*, at such fair and just Price or Prices as ought reasonably to be given for the same, and of which the said Court shall approve.

Court to grant Warrant for Payment of Prices of purchased Lands.

11. On such Purchase or Purchases as aforesaid, and the Conveyance or Conveyances thereof to the Trustees, being approved by the said Court, the Court shall grant Warrant for Payment of the Price or Prices of the Lands so purchased to the Seller or several Sellers thereof, on the Delivery to the Trustees of such Conveyance or Conveyances; and such Lands and Estate shall thereupon stand vested in the Trustees freed of and discharged from all Debts and Incumbrances, but subject to the Purposes of this Act.

Trustees to entail the purchased Lands.

12. As soon as the Lands and Estate so purchased as aforesaid shall be vested in the Trustees, the same shall be conveyed and disposed by the Trustees, by Deed of Entail, under the Authority and at the Direction and Appointment of the said Court, in the Manner and Form which shall appear to the Court most proper for effectually settling and securing such Lands and Estate to and in favour of the said *Herbert Buchanan*, or other Heir of Entail entitled to Possession for the Time being under the said Disposition and Tailzie made by the said *George Buchanan*, and the other Heirs of Entail entitled to take  
and



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and to succeed under and by virtue of the said Disposition and Tailzie, and that in the Way of strict Entail, under all the Conditions, Provisions, Limitations, Restrictions, and Declarations, Clauses irritant and resolute, provided, expressed, and declared in and by the said Disposition and Tailzie, in so far as the same are subsisting or capable of taking effect; which Deed of Entail shall be so framed as to bind the said *Herbert Buchanan* or the other Heir in whose Favour the same shall be made, as well as the succeeding Heirs of Entail.

13. When a Sum equal to the Amount obtained by the Sale of the entailed Portion of the said Estate of *Arden*, after Deduction of the Costs of this Act and consequent thereon, shall be invested in the Purchase of a new Estate, then and in that Case the Surplus which shall remain in Bank shall be paid to the said *Herbert Buchanan*, or the Person or Persons respectively who would have been entitled to receive the Rents and Profits of the said Estate of *Arden* if this Act had not been made, or to the Representatives of such Person or Persons respectively.

Surplus of Monies in Bank to be paid to Heir of Entail.

14. After the said Deed of Entail shall be made and executed in the Manner and to the Effect aforesaid, the same shall be recorded in due Form in the Register of Tailzies, for the Security of all Persons interested therein, and a Charter or Charters shall pass and be obtained thereupon, and registered agreeably to the Form and Practice of the Law of *Scotland*, upon all which the said Court shall interpose its Authority, by declaring that the Directions by this Act given have been complied with, according to the true Intent and Meaning thereof.

New Entail to be recorded.

15. If any of the Trustees shall die, or be desirous of being discharged from or become incapable to act in the Discharge of the Trusts, Powers, and Authorities hereby vested in the Trustees, at any Time before the said several Trusts, Powers, and Authorities by this Act conferred upon them shall have been fully performed and carried into effect, then and in any of these Events, and when and so often as the same shall happen, it shall and may be lawful to and for the said Court of Session, upon the Application of the said *Herbert Buchanan*, or of the Heir of Entail under the said recited Disposition and Tailzie for the Time, to appoint any other fit Person to be a Trustee for the Purposes of this Act in the Place and Stead of the Trustee who shall die, or be desirous to be discharged from or become incapable to act in the Execution of the Trusts, Powers, and Authorities by this Act given and conferred upon the Trustees, and whenever any new Trustee shall be so appointed as aforesaid to order and decree that all the Monies paid into Bank as aforesaid in the Names of the Trustees shall for the Purposes of this Act stand and be at the Credit of the surviving Trustee or Trustees, together with such

New Trustees may be appointed.

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such new Trustee, or wholly in the new Trustees, according as the Case may require, and in the Survivors or Survivor of them, and the Heir of such Survivor, and upon the same Trusts, and to and for the same Uses, Intents, and Purposes, and with and under and subject to all the Powers and Authorities by this Act given and declared, or such of them as may be existing at the Time and capable of taking effect.

Quorum of Trustees.

**16.** The Majority of the Trustees, when more than Two in Number, shall be a legal and sufficient Quorum for carrying all the Purposes of this Act into execution and effect.

Discharge of Trustees.

**17.** As soon as the Trustees shall, in virtue of the Powers of this Act, have purchased the Lands and Estate hereby directed to be purchased, and entailed the same at the Sight and with the Approbation of the said Court of Session, and caused the Deed of Entail thereof to be recorded, and the Investiture completed by recording the same as aforesaid, it shall be competent for the Trustees to apply by summary Petition to the said Court for a Discharge and Exoneration of their Transactions and Management under the Authority of this Act; and the said Court is hereby empowered and required, after such Investigation into such Transactions and Management, and of the Intromissions of the Trustees, as the said Court shall deem requisite, to exonerate and discharge the Trustees, and the Representatives of any deceased or retired Trustee, of such Transactions, Management, and Intromissions, and of all the Consequences thereof, and of all Action and Demand for or in respect of the same for ever.

General Saving to all except as herein stated.

**18.** Saving and reserving to the Queen's most Excellent Majesty, and to all and every other Person or Persons, Bodies Politic or Corporate, and their respective Heirs, Successors, Executors, and Assignees, (other than and except the said *Herbert Buchanan* now of *Arden*, and the other Heirs of Tailzie entitled to succeed under the said Disposition and Tailzie made by the said *George Buchanan* as aforesaid,) all such Right, Title, Interest, Claim, and Demand whatsoever, into or out of the said Estate of *Arden* or any Part thereof, as they or any of them had before the passing of this Act, or could or might have had or enjoyed in case this Act had not been made.

Short Title.

**19.** In citing this Act for any Purpose it shall be sufficient to describe it as "*Buchanan's Estate Act, 1866.*"

Act as printed by Queen's Printers to be Evidence.

**20.** This Act shall not be a Public Act, but shall be printed by the several Printers to the Queen's most Excellent Majesty duly authorized to print the Statutes of the United Kingdom; and a Copy thereof so printed by any of them shall be admitted as Evidence thereof by all Judges, Justices, and others.

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*Buchanan's Estate Act, 1866.*

## SCHEDULE (A.)

DESCRIPTION OF THREE SEPARATE PARCELS OF LAND NOW FORMING  
THE ESTATE OF ARDEN.*Parcel First.*

All and whole the Lands of Auchindennan or Auchindennan Dennistoun, lying within the Parish of Bonhill and County of Dumbarton.

Also all and whole the Lands of Bannachraes, lying within the Parish of Luss and County aforesaid, but excepting Three Portions thereof, measuring together Four Acres and Thirty Perches, disposed in Excambion to Sir James Colquhoun of Luss, Baronet.

Also all and whole Seven Patches or Pieces of Ground, measuring together Four Acres and Thirty Perches, lying on the South Side of the Water of Fruin, Portions of the Barony of Luss, in the Parish of Luss and County of Dumbarton, received in Excambion from Sir James Colquhoun.

Also all and whole in Superiority the Five Pound Land of the Three Bannachraes, lying in the said Parish of Luss and County of Dumbarton.

Also all and whole these Two Pieces of Ground, with the Houses built thereon, extending to about Four Acres of Land, Part of the Lands of Auchindennan, acquired from Mrs. Elizabeth Rainey Rouet, with the Teinds, Parsonage, and Vicarage of the said Two Pieces of Ground.

Which Lands above described all lie contiguous, and contain One thousand four hundred and fifty-seven Acres One Rood and Fourteen Poles, Imperial Measure, or thereby.

*Note.*—The Superiority of the Lands of the Three Bannachraes, and the Property of Four Acres Part of the Lands of Auchindennan on which the Gate and Lodge and Part of the Approach to Arden House are situated, belong to Mr. Herbert Buchanan in Fee Simple.

*Parcel Second.*

All and whole the Lands called Drumkinnan, Part of the Lands of Stockrodger, with the Manor Place, Buildings, Yards, and Pertinents, lying within the Parish of Bonhill and County of Dumbarton, and containing Thirty-two Acres, Imperial Measure, or thereby.

*Parcel Third.*

All and whole the Lands called Stoney-mollan, including the Pendicle of Land called the Tongue of Darleith, herein-after described, Part of the said Lands of Stockrodger, lying within the Parish of Bonhill and County of Dumbarton, and containing Eighty-nine Acres, Imperial Measure, or thereby.

Also all and whole the Mid-Superiority of the Lands called Woodbank, Part of the said Lands of Stockrodger, lying within the Parish of Bonhill and County of Dumbarton, and the Property of which is held in Feu by James Campbell of Tilliehewan, Esquire, on Payment of an annual Feu Duty of 112 Merks Scots.

Also all and whole that Piece of Ground called the Tongue of Darleith, being a Part of the Five Pound Land of Old Extent of Darleith and Garmore, lying in the Parish of Bonhill, Dukedom and late Regality of Lennox, and

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County

*Buchanan's Estate Act, 1866.*

County of Dumbarton, with the Teinds, Parsonage, and Vicarage of the said Piece of Land, and whole Pertinents thereof.

*Note.*—The Pendicle of Land called the Tongue of Darleith belongs to Mr. Herbert Buchanan in Fee Simple.

*R. D. Mackenzie.*

## SCHEDULE (B.)

## GROSS ANNUAL RENTAL OF THE ESTATE OF ARDEN.

	£	s.	d.	£	s.	d.
The Mansion House of Arden, and the Furniture therein, with Offices, Garden, Pleasure Ground, Lawn, and Game	260.	0	0			
Home Farm of Gowhill	55	0	0			
Auchindennan Farm	100	0	0			
Maggie Allan Park	26	0	0			
The Redhouse, with Parks and Smithy	33	0	0			
Tamnaourie Farm	37	10	0			
Easter Bannachra Farm	172	10	0			
Wester Bannachra Farm	115	0	0			
				799	0	0
Drumkinnan Grass Parks				45	0	0
Stoneymollan and Tongue of Darleith, a small Farm	30	0	0			
Mid-Superiority and Feu Duty of Woodbank	6	4	5½			
Game Rent of Stoneymollan and Tongue of Darleith	2	2	0			
				38	6	5½
				£882	6	5½

Taxes and Burdens payable from the Estate of Arden, those that are of variable Amount being estimated at the average Rate of the last 10 Years:—

	£	s.	d.
Ministers Stipends	25	11	7½
Schoolmasters Salaries	8	3	10
Assessments for Repairs, &c. of Parochial Buildings	9	14	0
Feu Duty	0	13	4
County Rates	10	7	5
Poor's Rates	23	11	7
Drainage Rentcharge	19	10	0
Share of Burdens on Darleith payable in respect of Tongue of Darleith	1	5	6
Insurance	10	0	0
	108	17	3½
Share of gross Rent of Mansion in respect of Furniture let therewith	60	0	0
	168	17	3½
	£713	9	2

*Note.*—The Drainage Rentcharge expires in 1876.

*R. D. Mackenzie.*

*George Galloway.*

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*Buchanan's Estate Act, 1866.*

## SCHEDULE (C.)

## VALUATION OF THE ESTATE OF ARDEN.

*Parcel First*, comprehending the Mansion House Lot, extending to about 1,457 Acres 1 Rood 14 Poles, or thereby:—

	£	s.	d.	£	s.	d.
Ground between the Turnpike Road and Loch Lomond 53 Acres 3 Roods and 5 Poles, including Mansion House, Garden, Lawn, Timber thereon, and Rights of Fishing and Shooting let with the Mansion, £9,000, whereof for the entailed Portion - - -				8,000	0	0
For the unentailed Portion on which the Lodge is built - - -	1,000	0	0			
Farms and Agricultural Land, with Increase of Rent on Expiry of existing Leases, £14,130, whereof for the entailed Portion - - -				13,830	0	0
And for the unentailed Superiority of Bannachraes - - -	300	0	0			
Plantation Lands and Wood growing thereon - - -				9,900	0	0
	<u>£1,300</u>	<u>0</u>	<u>0</u>	<u>£31,730</u>	<u>0</u>	<u>0</u>

*Parcel Second*,

Drumkinnan, Value, including Woodland - - - 2,300 0 0

*Parcel Third*,

Stonemollan, including Woodland and Tongue of Darleith, £1,220 :

Whereof for the entailed Portion - - -				1,070	0	0
For the unentailed Portion - - -	150	0	0			
Value of the Mid-Superiority and Feu Duty of Woodbank - - -				140	0	0
	<u>£150</u>	<u>0</u>	<u>0</u>	<u>£1,210</u>	<u>0</u>	<u>0</u>

## ABSTRACT.

Entailed, Parcel First - - -	-	-	-	31,730	0	0
Ditto Second - - -	-	-	-	2,300	0	0
Ditto Third - - -	-	-	-	1,210	0	0
				<u>35,240</u>	<u>0</u>	<u>0</u>
Unentailed, Parcel First - - -	-	-	-	1,300	0	0
Ditto Third - - -	-	-	-	150	0	0
				<u>1,450</u>	<u>0</u>	<u>0</u>
				<u>£36,690</u>	<u>0</u>	<u>0</u>

*Hugh Kirkwood.*  
*Peter Maclagan.*

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