



ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

C A P. XCV.

An Act to facilitate the building of Cottages for Labourers, Farm Servants, and Artisans by the Proprietors of entailed Estates in *Scotland*.

[13th *August* 1860.]

WHEREAS an Act was passed in the Tenth Year of the Reign of His Majesty King *George* the Third, intituled *An Act to encourage the Improvement of Lands, Tenements, and Hereditaments in that Part of Great Britain called Scotland held under Settlements of strict Entail*, by which Act it was, *inter alia*, provided that every Proprietor of an entailed Estate who should lay out Money in enclosing, planting, or draining, or in erecting Farmhouses and Offices or Outbuildings for the same, for the Improvement of his Lands and Heritages, should be a Creditor to the succeeding Heirs of Entail for Three Fourth Parts of the Money laid out in making the said Improvements; and the said Act contains various Provisions for determining the Amount and regulating the Recovery of the aforesaid Proportion of the Sums expended upon such Improvements: And whereas the Provisions of the said Act have been in certain respects amended by Two Acts, the one passed in the Session of Parliament holden in the Eleventh and Twelfth Years of the Reign of Her present Majesty, intituled *An Act for the*

10G.3.c.51.

11 & 12 Vict.

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16 & 17 Vict.
c 94.

Amendment of the Law of Entail in Scotland, and the other passed in the Session of Parliament holden in the Sixteenth and Seventeenth Years of the Reign of Her present Majesty, intituled An Act to extend the Benefits of the Act of the Eleventh and Twelfth Years of Her present Majesty, for the Amendment of the Law of Entail in Scotland: And whereas the Second and Third recited Acts contain various Enactments providing that Monies or Balances of Monies derived from the Sale of Portions of entailed Estates, or of Rights or Interests in or concerning such Estates, or in respect of permanent Damage done thereto, and Monies or Balances of Monies invested or held in trust for the Purpose of purchasing Lands to be entailed, may, under the Authority of the Court of Session, be applied, inter alia, in permanently improving such entailed Estates or Lands, or in Repayment of Money already expended in such Improvements: And whereas it is expedient to facilitate the Erection of Cottages for Labourers, Farm Servants, and Artisans by the Proprietors of entailed Estates in Scotland: And whereas Doubts are entertained how far the Erection of such Cottages is within the Provisions of the said Act of the Tenth Year of His Majesty King George the Third: Be it therefore declared and 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:

Provisions of recited Acts as to Improvements of entailed Estates to include Erection of Cottages.

I. All the Provisions of the recited Acts which relate or apply to Improvements of entailed Estates shall be held and construed as including and applying to the Erection of Cottages for the Labourers, Farm Servants, and Artisans upon such Estates, in the same Manner in all respects as if the Erection of such Cottages had been specified in the Ninth Section of the first-recited Act among the other Improvements therein mentioned.

Erection of Cottages to be held as permanent Improvements contemplated by 11 & 12 Vict. c. 36. and 16 & 17 Vict. c. 94.

II. The Erection of Cottages for the Labourers, Farm Servants, and Artisans upon entailed Estates, or upon Lands towards the Improvement of which such Monies or Balances of Monies as aforesaid are applicable under the Powers of the Second and Third recited Acts, shall be held to be one of the permanent Improvements of such Estates or Lands contemplated by the Second and Third recited Acts; and all the Provisions of those Acts which relate to permanent Improvements of such Estates or Lands shall be held and construed as including and applying to the Erection of such Cottages.

Court or Sheriff to be satisfied that entailed Estates will be permanently

III. Provided always, That nothing in this Act contained shall authorize the Creation of any Charge upon entailed Estates, or against succeeding Heirs of Entail, in respect of the Erection of Cottages, or shall authorize the Application towards the Erection of Cottages

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Cottages of any Monies in which succeeding Heirs of Entail are interested, unless the Court before which Proceedings in pursuance of the recited Acts, or any of them, shall be taken shall be satisfied that the said Estates or the succeeding Heirs of Entail will be permanently benefited to the Extent of the Charge so created or Monies so applied, and that the Cottages in respect of which such Charge is created, or towards the Erection of which such Monies are applied, have been completed in a proper and substantial Manner.

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