



Entail (Scotland) Act 1914

1914 CHAPTER 43

7 Contract for the sale of growing timber

Where the heir of entail in possession of any entailed estate in Scotland has sold or entered into a contract for the sale of any timber growing thereon which he is lawfully entitled to sell, but the timber so sold, Or any part thereof, has not been severed from the ground at the date of the seller's death, such sale or contract to sell shall nevertheless be valid and enforceable as against the heir or heirs of entail who may succeed to the seller in the possession of the said estate, to the same extent as it would have been valid and enforceable against the seller had he survived, the completion of the severance :

Provided that—

- (a) the price paid or contracted to be paid for such timber, where no part thereof has been severed from the ground at the date of the seller's death, or where some part thereof has been so severed, then so much of such price as effeirs to the remainder shall be a debt due and payable by the purchaser to the heir or heirs in possession of such estate at the date or dates of severance; and
- (b) the purchaser of such timber shall, if so required by the heir or heirs succeeding to the seller thereof, either consign in bank the amount of such price or part thereof as the case may be, or at the purchaser's option find caution for the payment of the same before beginning or continuing the severance of such timber.