



CHAPTER 2.

An Act to authorise certain arrangements with regard to the Trust Estate of the late Robert Montgomery Hamilton Lord Belhaven and Stenton, and to empower his Trustee to carry the same into effect. A.D. 1884.
[3rd July 1884.]

WHEREAS Robert Montgomery Hamilton Lord Belhaven and Stenton, in the peerage of Scotland, and Baron Hamilton of Wishaw, in the peerage of the United Kingdom, now deceased, by a trust disposition executed by him, dated the nineteenth day of April, and recorded in the General Register of Sasines the twenty-third day of April, and in the books of council and session the twenty-first day of June, all in the year one thousand eight hundred and fifty-nine, conveyed his whole estate, property and effects then belonging to him (including therein the estate of Wishaw and Garion, in the county of Lanark, and Woodmuir, in the county of Edinburgh), or to which he should acquire right during the subsistence of the trust thereby created, to Donald Lindsay, George Auldjo Jamieson, and David Robertson Souter (now David Souter Robertson), accountants in Edinburgh, and to such other person or persons as might be thereafter assumed or appointed as Trustees to act in succession in manner therein written for behoof of all his just and lawful creditors, and for the uses, ends and purposes, with the powers and under the conditions, provisions and declarations therein specified; and it is thereby provided and declared that it should be in the power of the Trustee or Trustees acting for the time to allow the said Lord Belhaven and Stenton, or, in the event of his death during the subsistence of the trust, to allow his widow the free use and possession of the mansion house of Wishaw, and office houses, garden and pleasure grounds belonging thereto, and furniture, plate and other movable effects therein, and also to pay to him, or upon his receipts and orders, the whole or any part of the free surplus income of the trust estate received by the Trustee or Trustees acting for the time in each year during the subsistence

1859,
 April 19.
 Trust dis-
 position of
 the Right
 Honourable
 Robert
 Montgomery
 Hamilton
 Lord Bel-
 haven and
 Stenton and
 Baron Hamil-
 ton of
 Wishaw.

A.D. 1884. — of the trust, after payment of expenses, public and parochial burdens, interest of debt and other liabilities, so far as such surplus income might not, in the opinion of the Trustee or Trustees acting for the time, be required for the fulfilment of any of the purposes of the trust, the said Trustee or Trustees being thereby declared to be the sole judges of the sum or sums which might be estimated as the amount of the free surplus income in any year, and also of the extent to which it might be proper or expedient to pay the same to the said Lord Belhaven and Stenton, or place it at his disposal; and it is by the said trust disposition further provided and declared that, as soon as the acting Trustee or Trustees shall have paid up or discharged all debts due by the said Lord Belhaven and Stenton, and entitled to the benefit of the trust, and shall have been relieved of all obligations come under by him or them on account of the said Lord Belhaven and Stenton, or in the management and administration of the trust, and shall have been reimbursed of all obligations incurred by him or them in relation thereto, then the Trustee or Trustees acting for the time shall be bound and obliged to make over to the said Lord Belhaven and Stenton, or to his heirs, executors, or assignees, the whole residue of the trust funds and estate, and in particular to pay over to the said Lord Belhaven and Stenton, or to his foresaids, the balance of his or their intromissions with the rents, prices and proceeds of the trust lands and estates, and, in the event of any part of the trust lands and estates remaining unsold, to denude thereof and to dispose and reconvey the same to the said Lord Belhaven and Stenton, his heirs and successors, or to his heirs and disponees, or any person or persons named or appointed or to be named or appointed in any deed of settlement, or directions, or other writing or memorandum expressive of his will and intention executed or to be executed by him any time of his life, and also to assign to the said Lord Belhaven and Stenton and his foresaids, all arrears of rents of the trust estates, and all debts, sums of money and securities which may then be held by the said Trustee or Trustees as part of the funds and estate under the trust; and it is by the said trust disposition further provided and declared, that in the event of the death of the said Lord Belhaven and Stenton during the subsistence of the said trust, it shall be in the power of the acting Trustee or Trustees at any time or times thereafter during the subsistence thereof to make such advances out of the income of the trust estate as the said Trustee or Trustees shall think proper, to or for behoof of his widow or any other person or persons who may then be entitled to or interested in, or have any claim upon, the residue of the trust estate, but shall not be in the position of creditors entitled to the benefit of the trust, and that whether such right or interest

or claim may be founded on any deed or transaction inter vivos to which the said Lord Belhaven and Stenton may have been a party in his lifetime, or in any deed or writing mortis causâ or of a testamentary nature then already executed or to be thereafter executed by him and in force or capable of taking effect at his death: but it is thereby provided always, that the advances, so authorised to be made out of the income of the trust estate to the parties interested in or claimants upon the residue after his death, shall never exceed the amount of the advances which the Trustee or Trustees would have been entitled to make to the said Lord Belhaven and Stenton out of the income of the trust estate if he had been alive, and that the amount of such advances to any party interested in or having any claim upon the residue shall never exceed the amount of such party's interest or claim, as the same shall be ascertained or estimated by the acting Trustee or Trustees, who shall be entitled to act upon his or their own judgment in that matter without prejudice to any after accounting among the parties interested in the residue: And the said Lord Belhaven and Stenton by his said trust disposition gave full power to the Trustee or Trustees acting for the time to borrow such sum or sums of money from time to time as the Trustees might think necessary for any of the purposes of the trust, and to undertake upon the credit of the trust estate any liabilities which it might in their opinion be necessary or expedient for them to undertake with a view to the advantageous and profitable management of the trust estate and affairs, and to grant bonds, heritable or movable, binding him, the said Lord Belhaven and Stenton, his heirs and successors, and the trust funds and estate for repayment of the money borrowed, and fulfilment of the obligations undertaken by them; and also to dispoise in security of such money borrowed and obligations, the said lands and estates or any part or parts thereof, and to assign the rents of the same, or any other funds or property falling under the trust, as they might see cause, but always without prejudice to the preferences of the then existing securities upon the said lands and estates; as also to excamb and exchange any part or parts of the lands and estates therein-before conveyed for other lands and heritages, and to carry into effect any excambions that had already been made or agreed to be made by him, the said Lord Belhaven and Stenton, any land or other heritages to be acquired by such excambions being made subject to the operation of the trust; as also to sell and dispose of the whole or any part or parts of the trust estate, heritable or movable, including any lands to be acquired by excambion as aforesaid, if and so far as such sale or sales might appear to them to be necessary or expedient for the fulfilment of the purposes of the trust, either by public roup or private sale in such lots, on such conditions, at

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such prices and after such notices and advertisements as the Trustees acting for the time should think fit, and to receive and discharge the prices thereof, or to take such security for the payment of the said price or prices as they should think proper; and to grant, execute and deliver articles of roup, minutes of sale, dispositions, assignations, or other conveyances, to the purchaser or purchasers, and all other writs and deeds necessary, binding him and his heirs and successors in absolute warrandice, or such other warrandice as the Trustees might think proper, and containing all necessary and usual clauses; it being thereby specially provided and declared, that upon payment of the price or prices of any part or parts of the estates and property under the trust which should be sold in virtue of the said trust disposition, the real burden or security thereby created in favour of the creditors of the said Lord Belhaven and Stenton should be discharged in so far as regards the subjects sold, which should be ipso facto purged and disburdened thereof, and the security of the said creditors should then be restricted and affect only the prices of the said subjects in the hands of the Trustees, and any other property and estate remaining vested in them; and he further authorised and empowered the Trustees acting for the time to compound, transact and agree, in regard to all questions and disputes arising in the management and execution of the trust, or concerning the lands and estates thereby conveyed, either with any of his creditors or with any third parties upon such terms as the Trustees might think proper, or to submit and refer such questions and disputes to arbiters one or more, and to fulfil and enforce the decrees arbitral or awards to be given by such arbiters, as also to pursue all proper actions relating to the premises, or which might be necessary for security or recovery of any right or reparation competent to him or to the said Trustees, and likewise to defend in all actions which might be brought against him or them in relation to the lands and estates and other effects thereby conveyed or to the purposes of the trust, and he also thereby empowered the Trustees acting for the time to grant, receive, and deliver all writs and deeds which might be necessary in the exercise of the powers and fulfilment of the trust thereby created; and it is thereby provided and declared, that purchasers, lenders, tenants, debtors and others transacting with the said Trustees shall be noways concerned with the application of the sums to be paid by them, or with any of the conditions, provisions and declarations therein contained, nor shall they be entitled to notice or examine whether these payments shall be applied or not towards the uses and purposes of the trust, but they shall be effectually discharged and secured by the receipts and discharges and other writings to be granted to them by the Trustees, or by any factor, commissioner, or

other person duly authorised by them: And it is further declared that it shall be in the power of the Trustees, if they shall think fit at any time, to submit the accounts of the trust to any accountant to be named by the Lord Advocate of Scotland or by the Dean of the Faculty of Advocates for the time being, and a report by such accountant that the said accounts are properly vouched, and that the intromissions and transactions of the Trustees to the date at which the said accounts are submitted to the accountant have been in terms of the trust deed, shall be a sufficient discharge to the Trustees for their intromissions and transactions to that date:

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And whereas the said Donald Lindsay and David Souter Robertson severally renounced the office of Trustee under the above-recited trust disposition, conform to deed of resignation, renunciation and conveyance, executed by them, dated the fourteenth and eighteenth, and recorded in the General Register of Sasines the twenty-second days of October, and also recorded in the books of council and session the third day of December, all in the year one thousand eight hundred and sixty-seven:

And whereas the said deceased Robert Montgomery Hamilton Lord Belhaven and Stenton, by a general disposition executed by him, dated the fourteenth day of November, one thousand eight hundred and sixty-seven, and recorded in the books of council and session the ninth day of January, one thousand eight hundred and sixty-nine, disposed, assigned, conveyed and made over to Hamilton Lady Belhaven and Stenton, his wife, also now deceased, and her heirs and assignees whomsoever, in the event of her surviving him (which she did), his whole estate, property and effects, heritable and movable, real and personal, of every kind and wherever situated, then belonging to him or which should belong to him, or be subject to his disposal at the time of his death, but under the burden of the payment of his death-bed and funeral expenses, and of the payment and fulfilment of all his debts and obligations, and also under the burden of any legacies, provisions, or bequests granted or to be granted by him to any person or persons, or for any purpose or purposes, and which might be in force or capable of taking effect at his death; and he thereby nominated her and her foresaids, in the event of her surviving him, to be his sole executors:

1867,
Nov. 14.
General dis-
position by
Robert Mont-
gomery
Hamilton
Lord Bel-
haven and
Stenton to
his wife
Hamilton
Lady Bel-
haven and
Stenton.

And whereas the said Robert Montgomery Hamilton Lord Belhaven and Stenton died on the twenty-second day of December, one thousand eight hundred and sixty-eight, without issue, and the trust created by his said trust disposition (which trust and trust disposition are herein-after respectively referred to as "the trust of one thousand eight hundred and fifty-nine" and "the trust disposition of one thousand eight hundred and fifty-nine") was then in

1868, Decr. 22.
Death of
Robert Mont-
gomery Hamil-
ton Lord
Belhaven and
Stenton, and
subsistence of
trust under
management
of George
Auldjo
Jamieson.

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subsistence and operation, as it still is, under the management of the said George Auldjo Jamieson, the present acting Trustee therein :

1869.

January 19.
Trust dis-
position and
settlement of
Lady
Belhaven
and Stenton.

And whereas the said Hamilton Lady Belhaven and Stenton, by trust disposition and settlement executed by her, dated the nineteenth day of January, one thousand eight hundred and sixty-nine, and recorded in the books of council and session the eighteenth day of September, one thousand eight hundred and seventy-three, on the recital of, inter alia, the trust disposition of one thousand eight hundred and fifty-nine and of the said general disposition, and in accordance with what she believed to have been the wish and intention of her said deceased husband, disposed, assigned, conveyed and made over to Major-General Frederick William Hamilton, Companion of the Bath, formerly of the Grenadier Guards and sometime commanding the forces in North Britain, now General Sir Frederick William Hamilton, Knight Commander of the Bath; Edward William Terrick Hamilton, of Charteris, Sunningdale, in the county of Berks, then Member of Parliament for Salisbury, who declined to accept the trust; and to Lieutenant-Colonel Robert William Hamilton, of 108, Eaton Square, London, then serving in the Grenadier Guards; and to John Dundas and William Wilson, both Clerks to the Signet, Edinburgh, and both now deceased; and to such other person or persons as might thereafter be named by her, or might be appointed or assumed by the acting Trustees or Trustee for the time (whom she thereby authorised to name at any time any additional Trustees or Trustee at their discretion), and to the acceptors and survivors or acceptor and survivor of the persons before named, or to be named or appointed or assumed as aforesaid, as Trustees for executing the trust thereby created, the majority of the acting Trustees for the time being always a quorum, and to the assignees of her said Trustees the whole estate, property and effects, heritable and movable, real and personal, of every kind and wherever situated, to which she had acquired right, or should at any time thereafter acquire right, as general donee and executor of her said deceased husband, or to which she should have any right or claim under or by virtue of his said general disposition, so far as the same or any right or claim thereto, present, future or contingent, might belong to or be vested in her, or subject to her disposal at the time of her death, and in particular the estates of Wishaw and Garion, in the county of Lanark (including, under the designation of the estate of Wishaw, the whole lands and heritages which belonged to the said deceased Lord Belhaven and Stenton, in the county of Lanark, with the exception of the separate and detached estate of Garion), and also the estate of Woodmuir, lying in the parish of Calder and county of Edinburgh, comprehending the whole lands which belonged

to the said Lord Belhaven and Stenton in that parish and county, and the title to which in whole or in part then stood and now stands in the person of the before-mentioned George Auldjo Jamieson, for behoof of the said Lord Belhaven and Stenton or his representatives, declaring always that the conveyance was granted subject to and under the burden of the trust of one thousand eight hundred and fifty-nine, during the subsistence thereof, but on the purposes of that trust being fulfilled the said Hamilton Lady Belhaven and Stenton directed and appointed the Trustee or Trustees acting therein at the time to convey and make over to her said Trustees the whole trust estate, property and effects, heritable and movable, real and personal, of every kind and wherever situated, which should then be vested in the said Trustees or Trustee in the trust of one thousand eight hundred and fifty-nine, or to which they should have any right, title or claim as belonging to the trust estate under that trust, and she thereby specially assigned to her said Trustees all the reversionary and other rights and claims of every kind under the trust disposition of one thousand eight hundred and fifty-nine to or in connexion with the trust estate under that trust disposition, to which she had then or might thereafter have right under or in virtue of the said general disposition of her said deceased husband, surrogating and substituting her Trustees in her full right and place in reference to that trust; and, with reference to the powers given to the Trustee or Trustees acting in the trust of one thousand eight hundred and fifty-nine, in the event of the death of her said husband during the subsistence of that trust, to make advances out of the income of the trust estate to his widow, or others who might be entitled to or interested in or have any claim upon the residue of the trust estate, but should not be in the position of creditors entitled to the benefit of the trust of one thousand eight hundred and fifty-nine, all as therein and herein-before recited, the said Hamilton Lady Belhaven and Stenton, by her said trust disposition, thereby desired and requested that the Trustee or Trustees acting for the time in the trust of one thousand eight hundred and fifty-nine, would exercise the powers and discretion given to them in the said trust disposition so as to make good and fulfil, or to enable her Trustees to make good and fulfil, as far as possible, the purposes of the trust thereby created for the payment of any debts due by the said Lord Belhaven and Stenton at his death, which might not be entitled to the benefit of the trust of one thousand eight hundred and fifty-nine, and for payment of the legacies, annuities and provisions granted by him, so far as the same might be payable or prestable during the subsistence of the trust of one thousand eight hundred and fifty-nine; and it is thereby provided and declared, that upon the whole purposes of the trust of one thousand eight

A.D. 1884. hundred and fifty-nine being fulfilled, and on that trust being extinguished, and after all the debts due by the said Lord Belhaven and Stenton at his death, whether entitled to the benefit of that trust or not, being discharged and extinguished, and after all the provisions, legacies and bequests, other than annuities granted by him, shall have been paid and discharged, the said Trustees of the said Hamilton Lady Belhaven and Stenton shall make over the said lands and estates of Garion and Woodmuir to William Hamilton Ramsay (therein named William Ramsay), eldest son of the deceased Peter Ramsay, banker in Edinburgh, and the Honourable Susan Mary Hamilton or Ramsay, his wife, and nephew of the said deceased Lord Belhaven and Stenton, or the heirs of the body of the said William Hamilton Ramsay, whom failing to Robert Hamilton Ramsay, brother of the said William Hamilton Ramsay, or the heirs of his body, whom failing to the nearest heirs and assignees whomsoever of the said Lord Belhaven and Stenton, but under the declarations therein mentioned; and the said Trustees should also, at the same time, convey and make over, under strict entail, the said estate of Wishaw, so far as the same should come into their possession upon the extinction of the trust of one thousand eight hundred and fifty-nine, including all additions which might have been made thereto by purchase or otherwise, together with the whole plate and pictures which should be in the mansion house of Wishaw at the time and which she wished to be preserved as heirlooms by the institute and successive heirs of entail in possession, by a disposition and deed of entail, to be executed by her said Trustees to and in favour of the person who might then be entitled to the peerage and dignity of Lord Belhaven and Stenton, which were held by her said deceased husband, and also should make out and establish his claim and title to that peerage and dignity, whom failing to the persons who should have right after him to the said peerage and dignity of Lord Belhaven and Stenton successively in their order in all time coming, so that the person entitled to hold the said peerage and dignity for the time might always be the heir of entail in possession of the estate of Wishaw, whom, all failing, to any other person or persons to be named by the said Hamilton Lady Belhaven and Stenton in any nomination or other writing to be executed by her at any time of her life; and, failing such nomination, or the persons to be so named, then to the nearest heirs and assignees whomsoever of the said deceased Lord Belhaven and Stenton her husband, the eldest heir female, and the descendants of her body, excluding heirs portioners, and succeeding always without division throughout the whole course of succession appointed or to be appointed by her as aforesaid, but always subject to and under the burden of any annuities granted by the said Lord Belhaven and Stenton, and sub-

sisting at the time, which annuities, while subsisting, to be specially charged and made real burdens upon the said estate of Wishaw : A.D. 1884.

And whereas the said Hamilton Lady Belhaven and Stenton died on the eighth day of September, one thousand eight hundred and seventy-three, and the said Sir Frederick William Hamilton, Robert William Hamilton and William Wilson accepted the office of, and acted as, Trustees under her trust disposition and settlement last before recited (the said Edward William Terrick Hamilton having declined to accept the said office, and the said John Dundas having pre-deceased the said Lady Belhaven and Stenton) : 1873, September 8. Death of Lady Belhaven and Stenton, and subsistence of her trust.

And whereas the said William Wilson died on the eighth day of July, one thousand eight hundred and eighty, and the said Robert William Hamilton died on the third day of October, one thousand eight hundred and eighty-three : 1880, July 8. Death of William Wilson. 1883, October 3. Death of Robert William Hamilton.

And whereas, by deed of assumption and conveyance, dated the fifth, and recorded in the books of council and session the seventh day of January, one thousand eight hundred and eighty-four, the said Sir Frederick William Hamilton, who by the death of the said Robert William Hamilton and William Wilson had become the sole surviving accepting Trustee under the said trust disposition and settlement of the said Hamilton Lady Belhaven and Stenton, assumed Alexander Charles Hamilton, Esquire, a Lieutenant-Colonel in the Royal Engineers, residing at Croxted House, Farnborough, Hants, and Ralph Dundas, Clerk to the Signet, Edinburgh, as Trustees under the said trust disposition and settlement, whereby the said Sir Frederick William Hamilton, Alexander Charles Hamilton and Ralph Dundas are now the acting Trustees, and represent the whole rights and interests under the said trust disposition and settlement : 1884, January 5. Deed of assumption and conveyance by Sir Frederick William Hamilton in favour of Alexander Charles Hamilton and Ralph Dundas.

And whereas the Right Honourable James, now Lord Belhaven and Stenton (heretofore James Hamilton, of Albany Street, North Leith, in the county of Edinburgh, Esquire), was on the third day of February, one thousand eight hundred and seventy-three, in terms of a remit from the Lords of the Second Division of the Court of Session in Scotland, dated the twentieth day of July, one thousand eight hundred and seventy-two, served by the Sheriff of Chancery, nearest and lawful heir male whatsoever in general of the said deceased Robert Montgomery Hamilton, Lord Belhaven and Stenton ; and the said James, now Lord Belhaven and Stenton (then James Hamilton), also presented a petition to Her Majesty claiming that title, honour and dignity, which petition was by Her Majesty's command referred to the House of Peers, and by that house to the Committee for Privileges, and that committee, on the second day of August, one thousand eight hundred and seventy-five, resolved that the said James Hamilton, now Lord Belhaven and Stenton, had made out his claim to the title, honour and dignity now held and enjoyed 1873, February. Service of James Hamilton, now Lord Belhaven and Stenton, as heir male whatsoever of the deceased Lord Belhaven and Stenton. 1875, August 2. Committee for Privileges find that James Hamilton, now Lord Belhaven and Stenton, had made out

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his claim to the dignity.

James Lord Belhaven and Stenton entitled to be made institute of entail of estate of Wishaw.

by him, and that resolution was agreed to by the House of Peers, and laid before Her Majesty :

And whereas in terms of the said resolution of the House of Peers, the said James Lord Belhaven and Stenton is now the person who at the termination of the said trust of one thousand eight hundred and fifty-nine would be entitled to be made the institute of the entail directed by the said trust disposition and settlement of the said Hamilton Lady Belhaven and Stenton, to be made of the estate of Wishaw :

1877, April 28.

Death of William Hamilton Ramsay, leaving only son, Peter Belhaven Hamilton Ramsay.

And whereas the said William Hamilton Ramsay died on the twenty-eighth day of April, one thousand eight hundred and seventy-seven, leaving an only son Peter Belhaven Hamilton Ramsay, who is at present the person entitled in reversion to the said estates of Garion and Woodmuir, and also five daughters, who in the event of the death of the said Peter Belhaven Hamilton Ramsay without leaving issue would be the persons entitled in reversion to the said estates of Garion and Woodmuir :

1883,
Dec. 28.

Report and audit of Trustee's accounts.

And whereas in terms of the said trust of one thousand eight hundred and fifty-nine, the accounts of the said George Auldjo Jamieson, as Trustee, have been regularly audited, year by year, by accountants nominated in terms of the said trust, either by the Lord Advocate for Scotland, or the Dean of the Faculty of Advocates in Scotland ; and the last report and audit made under such nomination by the Honourable Francis Jeffrey Moncreiff, chartered accountant, on the accounts of the Trustee, for the year ended on twentieth April, one thousand eight hundred and eighty-three, is dated twenty-eighth December, one thousand eight hundred and eighty-three :

Debt affecting the trust.

And whereas, as at the twentieth day of April, one thousand eight hundred and sixty-nine, being the first annual balance of the trust accounts after the date of the death of the said Robert Montgomery Hamilton Lord Belhaven and Stenton, the debts entitled to the benefit of the trust of one thousand eight hundred and fifty-nine amounted to two hundred and ninety-three thousand nine hundred and eighty-six pounds sixteen shillings and eightpence or thereby, and the debts now affecting the said trust of one thousand eight hundred and fifty-nine amount as at the twentieth day of April, one thousand eight hundred and eighty-three, to one hundred and twenty-five thousand three hundred and one pounds thirteen shillings and tenpence, as shown by the said account of the trust estate, made up to the twentieth day of April, one thousand eight hundred and eighty-three, and audited as aforesaid in terms of the trust disposition of one thousand eight hundred and fifty-nine, and as set forth in the Schedule (A) to this Act annexed :

And whereas the only funds and property under the management of the Trustee under the trust of one thousand eight hundred and fifty-nine to meet the said debt are the plate and the pictures and furnishings in the mansion house of Wishaw at the death of the said Hamilton Lady Belhaven and Stenton, and which plate and pictures she desired to go as heirlooms with the estate, and the said lands and estates of Wishaw, Garion and Woodmuir, the rental of which estates amounted for the year to twentieth April, one thousand eight hundred and eighty-three, after deducting public, parochial and local burdens; and expenses of management and of upkeep, to fourteen thousand five hundred and three pounds eight shillings and threepence :

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—
Trust funds
and property
available to
meet debt.

And whereas owing to the great depression in the iron trade, and to the depression in agriculture, the rental of the said estates has, as shown in the Schedule (B) to this Act annexed, of late years seriously diminished; and whereas the more valuable seams of minerals in the said estate of Wishaw have, to a great extent, become exhausted, leaving a large area of inferior coal therein still to work, so that the mineral rental for the future cannot be equal to that of the past; and whereas, owing to the said diminution of rental, the surplus available for the payment of debt, notwithstanding the diminution of the amount of the debt, is greatly less than it was at the date of the death of the said Lord Belhaven and Stenton and at the date of the death of the said Lady Belhaven and Stenton, and it is probable that the said surplus may be still further reduced; and whereas the subsistence of the trust of one thousand eight hundred and fifty-nine must therefore be prolonged for a period greatly beyond that which would have been the case had the revenue of the estates been maintained at an amount equal to the average revenue of the estates available at the dates of the death of Lord and Lady Belhaven and Stenton respectively :

Surplus
income has
been reduced.

And whereas the said James Lord Belhaven and Stenton is without means to support his title, honour and dignity, or suitably to maintain and educate his family, or to maintain and educate his son, should an heir be born to him, in a manner suitable to his rank and to the fortune to which such heir will, in the event of his surviving his father, succeed :

Maintenance
for James
Lord Bel-
haven and
Stenton.

And whereas the said Peter Belhaven Hamilton Ramsay is without means to defray the expense of his maintenance, education, and establishment in life, and the sisters of the said Peter Belhaven Hamilton Ramsay are also without means to maintain themselves :

Maintenance
for Peter
Belhaven
Hamilton
Ramsay and
his sisters.

And whereas doubts have arisen whether the said James Lord Belhaven and Stenton and Peter Belhaven Hamilton Ramsay respectively, as the persons now in existence respectively entitled in reversion or other expectancy to the residue of the trust estate, and

Trustee un-
able to make
advances out
of income of
the trust
estate.

A.D. 1884. to the said estates of Garion and Woodmuir, are persons entitled to, or interested in, or who have any claim upon, the residue of the said trust estate, to whom the acting Trustee or Trustees are empowered by the said trust disposition of one thousand eight hundred and fifty-nine to make advances out of the income of the trust estate, and the said George Auldjo Jamieson therefore declines to make such advances :

Expedient to make provision for payments to James Lord Belhaven and Stenton and others.

And whereas it is expedient that provision should be made for payment to the said James Lord Belhaven and Stenton of a sum to enable him to furnish a house for the occupation of himself and his family in a manner suitable to his rank and position; and that provision should be made for the payment to the said Peter Belhaven Hamilton Ramsay of a sum sufficient to enable him to defray the expenses of his outfit and entrance into the profession he has selected; and also that the said acting Trustee or Trustees should be authorised to make payment of an allowance to the said James Lord Belhaven and Stenton, and to his successors in the said title, honour and dignity, if he should die before the whole purposes of the trust of one thousand eight hundred and fifty-nine are fulfilled; and to the said Peter Belhaven Hamilton Ramsay, or those entitled to succeed to him in the estates of Garion and Woodmuir in the event of his dying before the said date; and that provision should be made for the education of any heir who may be born to the said James Lord Belhaven and Stenton, or of any heir to the said title, dignity and honour born before the close of the said trust of one thousand eight hundred and fifty-nine, whose circumstances, or those of his father, render such provision necessary or expedient :

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

Therefore Your Majesty's most dutiful and loyal subject, the said George Auldjo Jamieson, as acting Trustee aforesaid, with consent and concurrence of the said Sir Frederick William Hamilton, Alexander Charles Hamilton and Ralph Dundas, as Trustees aforesaid, doth most humbly beseech Your Majesty, 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 :—

Short title.

1. This Act may be cited for all purposes as the Belhaven Trust Estate Act, 1884.

Interpretation.

2. In this Act the expression "the Trustee" means the said George Auldjo Jamieson, as acting Trustee under the trust disposition dated the nineteenth day of April, one thousand eight hundred and fifty-nine, executed by Robert Montgomery Hamilton

Lord Belhaven and Stenton, and the Trustee or Trustees acting for the time under the said deed; and the expression "surplus income" means the income of the trust estate, which, but for the provisions of this Act, would have been available and applicable to the reduction of debt under the said trust of one thousand eight hundred and fifty-nine.

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3. The Trustee is hereby authorised and empowered to pay to the said James Lord Belhaven and Stenton, at the first term of Martinmas or Whitsunday happening after the passing of this Act, a sum of two thousand pounds, and that out of the first and readiest of the surplus income which shall be in his hands after the passing of this Act.

Authority to pay 2,000*l.* to Lord Belhaven and Stenton out of rents.

4. The Trustee shall be, and is hereby, empowered and authorised, should he think proper, during the subsistence of the trust of one thousand eight hundred and fifty-nine, to make payment, out of the surplus income, to the said James Lord Belhaven and Stenton during his life, and after his death to the person entitled for the time being to the peerage and dignity of Lord Belhaven and Stenton, of an annuity of one thousand pounds, free of all burdens and deductions whatsoever (excepting income tax), which annuity shall be payable at two terms in the year, Whitsunday and Martinmas, by equal portions, beginning the first term's payment thereof at the first of those terms that shall happen after the passing of this Act for the half year following the said term, and so forth half yearly and termly thereafter, with a fifth part more of penalty in case of failure in payment of the said annuity, and the interest of the same at the rate of five per cent. per annum from and after each term of payment during the nonpayment; and the Trustee shall, immediately after the passing of this Act, pay to the said James Lord Belhaven and Stenton a proportional part of the said annuity corresponding to the period between the date of the passing of this Act and the first term of Whitsunday or Martinmas thereafter.

Authority to pay annuity of 1,000*l.* to Lord Belhaven and Stenton and his successors.

5. The Trustee may from time to time during the subsistence of the trust of one thousand eight hundred and fifty-nine, on the requisition of the said James Lord Belhaven and Stenton, or of the guardians of any possessor of or heir apparent to the title, honour and dignity of the Belhaven peerage, and with the approval of the Court of Session on an application made by the Trustee for that purpose, and subject to such conditions as the Court may impose, advance money out of the surplus income to defray or assist in defraying the expense of the education of any son and heir to be born to the said James Lord Belhaven and Stenton, or of any person who may hereafter, during the subsistence of the trust of

Authority to defray expenses of education for heir to title.

A.D. 1884.

one thousand eight hundred and fifty-nine, be an infant and entitled or heir apparent to the said title, honour and dignity: Provided that the amount so to be advanced shall be payable only after such heir shall have attained the age of eight years, and from that age till he attains the age of twenty-five years, and shall not exceed three hundred pounds in any one year, or five thousand pounds in all.

Authority to
pay 800*l.*
to Peter
Belhaven
Hamilton
Ramsay.

6. The Trustee shall be, and is hereby, authorised and empowered, from time to time during the subsistence of the trust of one thousand eight hundred and fifty-nine, on the requisition of the said Peter Belhaven Hamilton Ramsay, to advance to him out of the surplus income a sum not exceeding eight hundred pounds, to defray or assist in defraying the expense of his professional education, and to promote his establishment in life, or otherwise.

Authority to
pay annuity
of 200*l.*
to Peter
Belhaven
Hamilton
Ramsay and
others.

7. The Trustee shall be, and is hereby, empowered and authorised, should he think proper, during the subsistence of the trust of one thousand eight hundred and fifty-nine, to make payment, out of the surplus income, to the said Peter Belhaven Hamilton Ramsay, and failing him by death to such person or persons as shall for the time being be the person or persons entitled to the reversion provided for the said William Hamilton Ramsay, at the close of the trust of one thousand eight hundred and fifty-nine, of an annuity of two hundred pounds, free of all burdens and deductions whatsoever (excepting income tax), which annuity shall be payable at the terms and with interest and penalties contained in section four of this Act, with reference to the annuity to the said James Lord Belhaven and Stenton, and the person entitled for the time being to that title, honour and dignity.

Procedure
on applica-
tions to
Court.

8. All applications 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, intituled "An Act to regulate the distribution of business in the Court of Session in Scotland;" and the Court shall have the same jurisdiction and powers in regard to all applications under this Act as it has in regard to applications regulated by the Act last above mentioned, or by the Entail Acts.

Saving for
trust deeds,
&c.

9. Neither this Act nor anything herein contained shall be held or construed to alter, innovate, defeat, annul, suspend, lessen, or otherwise prejudicially affect the herein-before recited trust disposi-

tion of one thousand eight hundred and fifty-nine, the said general disposition of the said Robert Montgomery Hamilton Lord Belhaven and Stenton, and the said trust disposition and settlement of the said Hamilton Lady Belhaven and Stenton, or any of them, or any of the powers, conditions, provisions and declarations thereof, excepting 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.

A.D. 1884.

10. Saving and reserving always to the Queen's most Excellent Majesty, Her heirs and successors, and to all bodies politic or corporate, and their successors (other than and except the persons herein-after excepted out of the general saving), all such estate, right, title, interest, claim and demand whatsoever of, in, or out of the said estates of Wishaw and Garion and Woodmuir, or any part thereof, as they, every or any of them, had before the passing of this Act, or could, would, or might have had in case this Act had not been passed. The persons herein-before referred to as excepted out of the general saving are the said George Auldjo Jamieson, as acting Trustee under the said trust disposition, dated the nineteenth day of April, one thousand eight hundred and fifty-nine, and other the Trustee or Trustees acting for the time being under the said deed; the said Sir Frederick William Hamilton, Alexander Charles Hamilton, and Ralph Dundas, as Trustees under the said trust disposition and settlement, dated the nineteenth day of January, one thousand eight hundred and sixty-nine, and other the Trustees or Trustee acting for the time being under such deed; the said James Lord Belhaven and Stenton, and the heirs, if any, who may be entitled to succeed to the estate of Wishaw under any deed of entail executed pursuant to the said trust disposition and settlement, dated the nineteenth day of January, one thousand eight hundred and sixty-nine; the said Peter Belhaven Hamilton Ramsay, and the heirs of his body, and other the heirs of the body of the said deceased William Hamilton Ramsay; and the said Robert Hamilton Ramsay, and the heirs of his body.

General saving for rights, &c.

11. The Trustee shall, as soon as may be after the passing of this Act, out of the funds now or then in his hands and subject to his control, pay all the costs, charges and expenses of preparing, applying for and obtaining this Act, or preliminary or incidental thereto.

Costs of Act.

12. This Act shall not be a Public Act, but shall be printed by the several printers to the Queen's most Excellent Majesty, duly authorised 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.

Act not public, but to be evidence.

A.D. 1884.

SCHEDULES.SCHEDULE (A).

DEBTS AFFECTING THE TRUST.

AT 20TH APRIL, 1883.

I.—HERITABLE DEBTS:—

	£	s.	d.
Miss Penelope Anderson - - - -	4,000	0	0
Dr. James Forbes trustees - - - -	8,000	0	0
Misses Maxtone - - - - -	1,500	0	0
Littlejohn's Factor - - - - -	2,000	0	0
Lieutenant-Colonel Hutchinson - - - -	4,500	0	0
Mrs. Hutchinson - - - - -	500	0	0
Miss Jane Cockburn's trustees - - - -	3,000	0	0
Sheriff Cleghorn's trustees - - - - -	1,000	0	0
Misses Carnegie - - - - -	6,000	0	0
Mrs. More Nisbett - - - - -	6,000	0	0
J. More Nisbett - - - - -	3,000	0	0
Admiral Graham's trustees - - - - -	4,000	0	0
J. More Nisbett - - - - -	4,000	0	0
J. More Nisbett - - - - -	1,000	0	0
Somerville's curator bonis - - - - -	7,000	0	0
F. S. Nisbett's curator - - - - -	1,500	0	0
Mr. Renwick - - - - -	450	0	0
Mr. Maxtone Graham - - - - -	35,000	0	0
Major Lindsay Carnegie - - - - -	7,000	0	0
Miss J. E. Graham - - - - -	900	0	0
Miss I. M. Graham - - - - -	900	0	0
Mr. and Mrs. Stirling Stuart's marriage contract trustee - - - -	400	0	0
Mr. and Mrs. Reid's marriage contract trustees - - - - -	3,000	0	0
Mr. Haldane's marriage contract trustees - - - - -	2,000	0	0
— Houldsworth, Esquire, and his sister - - - - -	1,100	0	0
	<u>£107,750</u>	<u>0</u>	<u>0</u>

II.—OTHER DEBTS DUE ON BOND OR OBLIGATION:—

Islay Trust Fund - - - - -	£1,000	0	0
Trustees of the late Elias Gibb - - - -	1,163	18	11
William Forrest - - - - -	100	0	0
Mrs. Fanny Hamilton Ramsay - - - - -	800	0	0
		<u>3,063</u>	<u>18 11</u>
Carried over - - - - -		£110,813	18 11

Brought over	-	-	-	-	110,813	18	11	
III.—DEBTS DUE UNDER TRUST OF 1829:—								
Representatives of Dr. Livingstone	-	£	170	10	4			
J. Paterson's trustees	-		1,869	13	1			
Colonel Learmonth	-		49	9	9			
Thomas Paterson's representatives	-		1,743	17	5			
Martha Law's representatives	-		228	17	0			
Misses Tod	-		360	0	0			
Shotts Iron Company	-		546	13	4			
					<u>4,969</u>	<u>0</u>	<u>11</u>	
Add—Interest accrued on these debts					3,094	13	7	
								8,063 14 6
IV.—BALANCE OF LEGACY DUE TO LADY BELHAVEN, HELD ON ASSIGNATION BY MR. F. B. ANDERSON								
					5,550	0	0	
V.—ACCOUNTS DUE FOR FURNISHINGS, &C., TO NETHER- JOHNSTON COLLIERY								
					355	5	1	
VI.—CASH BALANCE DUE BY THE TRUST AT 20TH APRIL, 1883								
					518	15	4	
								<u>£125,301 13 10</u>

SCHEDULE (B).

ABSTRACT of RECEIPTS and PAYMENTS on ACCOUNT of INCOME from 20th April, 1869 (the date of the first yearly balance after the death of the late ROBERT MONTGOMERY HAMILTON LORD BELHAVEN and STENTON), to 20th April, 1883.

Year.	Gross In- come from Lands and Minerals.	PAYMENTS.				Net Income available for Payment of Interest and Annui- ties, and for Reduction of Debt.	PAYMENTS.				Portion of Net In- come avail- able for Reduction of Debt.
		Public Burdens and other Charges.	General Expenses of keeping up the Estate, Legal Manage- ment, and Miscellaneous Expenses.	Gross Charges on Income.			Interest on Debts, less Interest on Floating Balances received.	Annuities, including Rent of Lands liferented by Lady Belhaven, but occupied by the Trustee.	Total Interest and Annuities.		
1869-70	£ 31,310 14 3	£ 1,745 11 11	£ 2,712 13 11	£ 4,458 5 10	26,852 8 5	11,457 4 9	2,910 0 0	14,367 4 9	12,485 3 8		
1870-71	31,100 8 9	1,881 3 1	2,819 2 8	4,700 5 9	26,400 3 0	12,646 18 6	2,810 0 0	15,456 18 6	10,943 4 6		
1871-72	28,516 6 10	2,332 18 2	2,919 14 4	5,252 12 6	23,263 14 4	11,982 1 9	2,756 15 9	14,738 17 6	8,524 16 10		
1872-73	28,125 1 11	2,106 19 1	3,163 19 3	5,270 18 4	22,854 3 7	11,441 7 10	2,778 4 7	14,219 12 5	8,634 11 2		
1873-74	32,052 18 10	2,039 17 10	3,292 13 4	5,332 11 2	26,720 7 8	10,977 7 11	2,317 13 11	13,295 1 10	18,425 5 10		
1874-75	31,968 16 8	2,078 2 3	3,744 16 9	5,822 19 0	26,145 17 8	9,277 3 6	1,897 9 3	11,174 12 9	14,971 4 11		
1875-76	32,119 4 7	1,815 18 2	4,630 19 4	6,446 17 6	25,672 7 1	9,063 11 11	1,899 9 8	10,963 1 7	14,709 5 6		
1876-77	33,270 4 7	1,691 15 6	4,722 17 2	6,414 12 8	26,855 11 11	7,427 12 10	1,754 6 0	9,181 18 10	17,673 13 1		
1877-78	30,667 15 11	1,702 4 8	3,878 1 4	5,580 6 0	25,087 9 11	6,798 6 4	1,363 15 0	8,162 1 4	16,925 8 7		
1878-79	26,085 0 7	1,501 3 10	3,555 19 0	5,057 2 10	21,027 17 9	6,171 10 6	1,296 6 11	7,467 17 5	13,560 0 4		
1879-80	23,015 2 5	1,821 6 10	3,136 12 7	4,957 19 5	18,057 3 0	5,380 17 0	1,322 18 4	6,653 15 4	11,403 7 8		
1880-81	21,057 16 3	1,938 5 4	3,132 15 7	5,071 0 11	15,986 15 4	5,520 3 6	1,319 8 2	6,839 11 8	9,147 3 8		
1881-82	18,269 9 3	1,476 6 5	3,058 16 5	4,535 2 10	13,734 6 5	5,499 4 8	1,296 4 5	6,795 9 1	6,938 17 4		
1882-83	18,904 19 7	1,562 13 1	2,838 18 3	4,401 11 4	14,503 8 3	4,830 0 9	1,267 7 1	6,097 7 10	8,406 0 5		

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