



## CHAPTER 4.

An Act to authorise the sale of the Estate of Stuckgown in the County of Dumbarton, and to provide for the application of the price thereof. A.D. 1879.  
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[3d July 1879.]

WHEREAS the deceased John McMurrich, of Stuckgown, merchant in Glasgow, by disposition and settlement bearing date the twenty-third day of April one thousand eight hundred and thirty, and recorded in the Books of Council and Session at Edinburgh the fourth day of June one thousand eight hundred and thirty-one, gave, granted, disposed, and conveyed to and in favour of James McMurrich, eldest surviving son of his deceased brother Duncan McMurrich, in liferent and for his liferent use allenary during all the days of his life, and to and in favour of the issue male of the body of the said James McMurrich in fee, and failing such issue male, then to and in favour of John McMurrich, second surviving son of the said deceased Duncan McMurrich, in liferent and for his liferent use allenary during all the days of his life, and to and in favour of the issue male of the body of the said John McMurrich (the younger) in fee, and failing such issue male, then to and in favour of Malcolm McMurrich, third surviving son of the said deceased Duncan McMurrich, in liferent and for his liferent use allenary during all the days of his life, and to and in favour of the issue male of the body of the said Malcolm McMurrich in fee, and failing such issue male, then to and in favour of Duncan McMurrich, youngest surviving son of the said deceased Duncan McMurrich, in liferent and for his liferent use allenary during all the days of his life, and to and in favour of the issue male of the body of the said Duncan McMurrich (the younger) in fee, whom all failing, to the nearest issue male of the deceased Nancy McMurrich, sister of the said deceased John McMurrich and spouse of Peter McMurrich, farmer at Inveruglas, whom also failing, to the nearest issue male of the body of Helen McMurrich, also sister of the said deceased John McMurrich, and relict of the deceased Duncan

Disposition  
and settle-  
ment by John  
McMurrich,  
dated 23rd  
April 1830.

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McMurrich, late shopkeeper in Tarbet, whom all failing, to his own nearest lawful male heirs whatsoever, in fee and heritage, heritably and irredeemably, under the reservation of his liferent as therein mentioned, all and whole the lands of Stuckgown, Stuckadow, and Stuckavoulich, extending to a three merk land with houses, biggings, yards, mosses, muirs, meadows, woods, fishings, parts, pendicles, and pertinents thereof whatsoever, lying in the parish of Arrochar and shire of Dumbarton; together with all right, title, and interest he had or could pretend thereto, together with the teinds, parsonage and vicarage of the said lands, in so far as he had right thereto; which lands and others are in the original feu right and disposition thereof, by Alexander Macfarlane of Gartartane, in favour of John Syme, flesher, burgess of Edinburgh, dated the twenty-second day of October one thousand seven hundred and eighteen, registered in the Books of Council and Session (office H.G.) the ninth day of July one thousand seven hundred and twenty-eight, described as follows: All and Hail ane park called Stuckgown, comprehending the lands of Stuckdow, Stuckvilige, and Stuckgown, as the same is presently possessed by Donald Malice, Drover in Cupar of Angus, and as the samen Park lyes ditched and dyked, as also with the poffle of land and houses called the hill of Stuckgown, as the samen was possessed by John Macfarlane there, with the whole growing woods on the said lands, together with the teinds, parsonage and vicarage of the said lands, all lying within the Parochen of Tarbert and Sheriffdom of Dumbarton:

Death of  
John  
McMurrich,  
26th June  
1847, and  
succession of  
James  
McMurrich.

And whereas the said John McMurrich, granter of the said disposition and settlement, having died on the twenty-sixth day of June one thousand eight hundred and forty-seven, the said James McMurrich, in virtue of the Precept of Sasine contained in the said disposition and settlement, was duly infeft and seised in the said lands and others, all of which are herein-after referred to as the lands of Stuckgown, conform to the writs following:—(1.) Instrument of Sasine following upon the said disposition and settlement in favour of the said James McMurrich in liferent, and the issue male of his body in fee, recorded in the Particular Register of Sasines for Dumbartonshire the nineteenth day of November one thousand eight hundred and fifty-six; (2.) Disposition dated the third day of May one thousand eight hundred and fifty-five, and recorded in the Books of Council and Session at Edinburgh the thirtieth day of October one thousand eight hundred and fifty-six, granted by the said James McMurrich as heir of the said deceased John McMurrich, and as such vested in the said lands of Stuckgown, in favour of himself in liferent for his liferent use allenary, and the issue male of his body in fee, and failing such issue male, in



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terms of the destination contained in the said disposition and settlement granted by the said deceased John McMurrich; (3.) Instrument of Sasine following on the said last-mentioned disposition in favour of the said James McMurrich, in liferent as aforesaid, recorded in the said Particular Register of Sasines the twelfth day of May one thousand eight hundred and fifty-five; and (4.) Instrument of Sasine following upon the same disposition in favour of the said James McMurrich in liferent, and the issue male of his body in fee, recorded in the said Particular Register of Sasines the nineteenth day of November one thousand eight hundred and fifty-six:

And whereas the said James McMurrich has no issue, and the said John McMurrich the younger died without issue on or about the thirty-first day of March one thousand eight hundred and thirty-seven; and the said Malcolm McMurrich died without issue in or about the month of April one thousand eight hundred and forty-eight, having been drowned on a voyage from Saint Vincent:

And whereas the said Duncan McMurrich the younger is now married, but has no male issue:

And whereas the said Nancy McMurrich died on or about the eighth day of August one thousand eight hundred and nine, and her grandson Peter McMurrich, now of Alloa in the county of Clackmannan, is the nearest issue male of her body:

And whereas the said James McMurrich is the absolute proprietor and fully vested and seised in fee simple of the three other pieces of land after-mentioned, viz., all and whole that portion of ground consisting of two acres two roods and twenty perches or thereby, imperial measure, being part of the lands and estate of Arrochar lying in the parish of Arrochar and county of Dumbarton, as more fully described in an Instrument of Sasine in favour of the said James McMurrich recorded in the said Particular Register of Sasines the fourteenth day of February one thousand eight hundred and forty-eight, and all and whole that piece of ground extending to six acres two roods one fall and twenty-eight ells or thereby, and also all and whole that piece of ground less than a Scotch acre in extent, parts of the lands and estate of Arrochar lying within the parish of Arrochar and sheriffdom of Dumbarton, as more fully described in another Instrument of Sasine in favour of the said James McMurrich recorded in the said Particular Register of Sasines the nineteenth day of August one thousand eight hundred and fifty-two:

And whereas the said pieces of land belonging to the said James McMurrich in fee simple lie contiguous to the said lands of Stuck-

Deaths of John McMurrich the younger and Malcolm McMurrich.

Duncan McMurrich married, but without male issue.

Death of Nancy McMurrich, of whom Peter McMurrich is nearest issue male.

James McMurrich, proprietor of certain lands in fee simple.

Fee simple lands adjoin Stuckgown.

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Expenditure in improvements.

And whereas the said James McMurrich has during his possession of the said lands of Stuckgown expended in the improvement of the same large sums of money of his own and a sum of one thousand eight hundred and thirteen pounds five shillings and threepence which he borrowed from the Scottish Drainage and Improvement Company:

Rental of lands.

And whereas the gross annual rental received from the said lands of Stuckgown and the said three pieces of land belonging to the said James McMurrich in fee simple amounts to the sum of eight hundred and sixty-six pounds fifteen shillings, of which only the sum of one hundred and three pounds ten shillings arises from agricultural rents:

Advantage of sale of lands.

And whereas the separation of the said three pieces of land belonging to the said James McMurrich in fee simple from the said lands of Stuckgown would greatly injure the last-mentioned lands, while taken together the same might be disposed of to great advantage, and the price of the said lands of Stuckgown might be applied in the purchase of other lands in Scotland, or otherwise invested, so as to produce a much larger annual income to the said James McMurrich and the other heirs of provision in succession to him in the said lands of Stuckgown:

Offer to purchase lands of Stuckgown.

And whereas the said lands of Stuckgown are surrounded upon every side, except where bounded by Loch Lomond, by the lands and estate belonging to the Trustees of the late Sir James Colquhoun, of Colquhoun and Luss, Baronet, and might be used and applied to much greater advantage in connexion with the lands and estate of the said Trustees, to whom they are consequently of much greater value than to any others, and the said Trustees have offered to purchase the said lands of Stuckgown:

Minute of agreement and sale, dated 26th, 27th, and 28th Feb. 1879.

And whereas by minute of agreement and sale dated the twenty-sixth, twenty-seventh, and twenty-eighth days of February one thousand eight hundred and seventy-nine, entered into between John Colquhoun, Esquire, of Number One, Royal Terrace, Edinburgh, and William Colquhoun, Esquire, residing at Rosdhu, Dumbartonshire, the Trustees of the said deceased Sir James Colquhoun, Baronet, nominated and appointed by and acting under his trust disposition and deed of settlement dated the first day of May one thousand eight hundred and seventy-one, and registered in the Books of Council and Session at Edinburgh on the eighteenth day of February one thousand eight hundred and seventy-four (first parties), and the said James McMurrich (second party), the said



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James McMurrich agreed to sell, and the said Trustees agreed to purchase from him, the said lands of Stuckgown and whole buildings and erections thereon and pertinents thereof, excepting the growing timber thereon ready to be cut, at the price of thirty-four thousand pounds, the said timber at the price of three thousand pounds, and the said three pieces of land belonging to the said James McMurrich in fee simple at the price of five thousand pounds, payable as in the said agreement mentioned; and the said James McMurrich, in respect that from the terms of the title to the said lands of Stuckgown he was not then in a position to sell the same and give a valid title thereto, bound himself to apply for an Act of Parliament for authority to sell and convey the said lands of Stuckgown to the said Trustees, and to provide for the application of the price thereof:

And whereas it is expedient and would be advantageous to the said James McMurrich, as well as to the other heirs of provision in succession to him as aforesaid, that he should be empowered to complete the sale of the said lands of Stuckgown to the said Trustees at or for the price of thirty-four thousand pounds as stipulated in the said agreement, and that provision should be made for the application and investment of such purchase money in manner herein-after provided:

Expediency of completing sale and providing for application of price.

And whereas the purposes aforesaid cannot be effected without the authority of Parliament:

Therefore Your Majesty's most dutiful and loyal subject, the said James McMurrich, 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:

1. This Act may be cited as the Stuckgown Estate Act, 1879.

Short title.

2. In this Act the expression "the Trustees" means the Trustees appointed by or under the provisions of this Act, and acting for the time in the execution of the purposes of this Act.

Interpretation.

3. The said James McMurrich, as vested in the liferent and fiduciary fee of the lands of Stuckgown, under and in virtue of the title deeds and investitures herein-before recited, or any of his successors in the said liferent and fiduciary fee, with the consent of the Trustees, may sell and dispoise in fee simple the lands of Stuckgown herein-before described, together with the buildings and erections thereon and pertinents thereof, including the pier on Loch Lomond, and all meliorations on the said lands, to the said John Colquhoun and William Colquhoun, as Trustees of the

Power to sell lands of Stuckgown and to grant conveyance thereof.

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said deceased Sir James Colquhoun, Baronet, or their successors as such Trustees (the said Trustees or their successors being hereinafter referred to as "the Colquhoun Trustees"), at and for the price or consideration of thirty-four thousand pounds, with entry and possession, subject to existing leases, at the term of Whitsunday one thousand eight hundred and seventy-nine, or at any after term of Martinmas or Whitsunday as may be agreed upon, and may grant and execute a disposition or conveyance thereof in favour of the Colquhoun Trustees, containing all usual and necessary clauses for fully divesting the sellers and vesting the purchasers in the said lands, which disposition or conveyance shall be as good, valid, and effectual as if the said James McMurrich or his successors aforesaid had been absolute proprietor or proprietors of the said lands.

Application  
of purchase  
money.

4. The said price or purchase money of thirty-four thousand pounds to be paid by the Colquhoun Trustees shall be paid to the Trustees, and shall be held and applied by them in the manner and for the purposes following; that is to say,

First. For payment therefrom of all costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, and to the completion of the conveyance of the lands of Stuckgown to the Colquhoun Trustees.

Second. For investment, in manner herein-after provided, of the balance of the said price which may remain after payment of the costs, charges, and expenses before specified, and for payment of the income or annual proceeds arising on the said balance or on the investments thereof (after deduction of all charges and expenses connected with the trust) to the said James McMurrich during his lifetime, and after his decease to the heir or heirs of provision in their order who would have been entitled to succeed to the liferent and fiduciary fee of the lands of Stuckgown, in terms of the destination contained in the disposition and settlement herein-before recited, if the said lands had not been sold.

Third. Upon the death of the last heir of provision entitled to such income or annual proceeds as aforesaid the Trustees shall pay, convey, or make over the said balance, or the lands, property, or securities in which the same may then be invested, to the person or persons who, under the destination contained in the said disposition and settlement, would have been entitled to the fee of the lands of Stuckgown if the said lands had not been sold; and it is hereby provided and declared that all heirs of provision and other heirs, and all persons who now have or



but for the passing of this Act would have had or might hereafter have acquired any right or interest in or to the lands of Stuckgown, and the rents and profits thereof, shall have the same right and interest in, over, or with respect to the said balance of price or purchase money, and lands, property, or securities in which the same may be invested as aforesaid, and the income or annual proceeds arising therefrom.

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5. The Trustees for the purposes of this Act are Major James Colquhoun, of Ben Cruach Lodge, in the county of Dumbarton, James William Napier, coalmaster, Glasgow, and William Boyd, ironfounder, Glasgow, and the survivors and survivor of them, and any other persons who may from time to time be assumed to act as trustees along with or to succeed the Trustees hereby appointed.

Appointment  
of Trustees.

6. The number of the Trustees shall not exceed five nor be less than three, and in the event of the number being reduced to less than three the surviving Trustees shall, as soon as conveniently may be, assume other Trustees so as to keep the number not less than three.

Number of  
Trustees.

7. The major number of the Trustees for the time resident in Great Britain, while more than two in number, shall at all times form a quorum, and such quorum shall be entitled to act in all matters and things in connexion with the trust hereby created, and all deeds and writings executed by such quorum shall be as effectual as if signed and executed by the whole number of the Trustees acting for the time.

Quorum of  
Trustees.

8. The Trustees shall have all the powers and immunities conferred upon Trustees by the Act 24 and 25 Vict. c. 84, intituled "An Act to amend the law in Scotland relative to the resignation, powers, and liabilities of gratuitous Trustees," the Act 26 and 27 Vict. c. 115, intituled "An Act to explain the Act for the amendment of the law relative to gratuitous Trustees in Scotland," the Act 30 and 31 Vict. c. 97, intituled "An Act to facilitate the administration of trusts in Scotland," and the Debenture Stock Act, 1871; and the Court of Session in Scotland shall have the same powers in, over, or connected with the trust created by this Act, and the management thereof, as are conferred by the said Acts with reference to trusts coming under the operation of such Acts; and the said Acts shall apply to the trust created by this Act.

Powers, &c.  
of Trustees.

9. In addition to the powers of investment conferred by the Acts herein-before mentioned, the Trustees may also, with the consent of the said James McMurrich, if in life, and after his decease with

Powers of  
investment.

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the consent of the person entitled for the time being to the income or annual proceeds of the trust estate, if of age, and if not, then in their absolute discretion, invest the balance of the price or purchase money of the lands of Stuckgown, or any part thereof, in loan on mortgages or bonds of any railway or other company paying dividends upon their ordinary stock, or of any corporation in the United Kingdom, or on loan to the Government of any British colony or possession, payment of which is guaranteed by the British Government; and further, the Trustees, with such consent as aforesaid, and also with the consent of the next surviving heir of provision, whether in liferent or fee, who shall be of full age, may invest all or any part of the said balance in the purchase of lands situated in Scotland, and the titles and investitures of all lands so purchased shall be taken in the names of the Trustees, and the lands so purchased shall be held by the Trustees for the purposes of this Act; and on the acquisition of any such lands the Trustees may, at any time thereafter, with the consent of the said James McMurrich, if in life, and after his decease with the consent of the person entitled for the time to the income or annual proceeds of the trust estate, if of age, and if not, then in their absolute discretion, grant feus or long leases or excamb any parts thereof.

Conclusion  
of the trust  
and exonera-  
tion of the  
Trustees.

**10.** As soon as any person or persons shall under the said destination in the said disposition and settlement, and as hereinbefore provided, become entitled to the fee of the said trust estate, as coming in place of the lands of Stuckgown, and shall establish his or their title thereto to the satisfaction of the Trustees, the Trustees may apply by summary petition to the Court of Session for authority to pay or convey over such trust estate, including any investments thereof, to such person or persons, and for a discharge and exoneration of the whole intromissions and management of the Trustees under the authority of this Act, and the said Court is hereby empowered and required, after such investigation as the said Court shall deem requisite, to grant authority to the Trustees to pay, convey, or make over the said trust estate to such person or persons, 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 or demand for or in respect of the same for ever, or to do otherwise in the premises as they may deem proper; and such authority and exoneration being given, and the trust estate being paid or conveyed over in terms thereof, the trust created by this Act shall come to an end, and thereafter all claims of every kind against the trust estate and the Trustees shall be excluded.



**11.** Saving and reserving always to the Queen's most Excellent Majesty, her heirs and successors, and to all and every other person or persons, bodies politic or corporate, and their heirs, successors, executors, administrators, and assigns, other than and except the said James McMurrich and the heirs of provision in succession to him in the lands of Stuckgown under the disposition and settlement herein-before recited, all such right, title, interest, claim, and demand whatsoever in, to, or out of the said lands, or the moneys to accrue by the sale thereof, as they or any of them had before the passing of this Act or could or might have had or enjoyed if this Act had not been passed.

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Saving  
rights.

**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 as printed  
by the  
Queen's  
printers to  
be evidence.

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LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,  
Printers to the Queen's most Excellent Majesty. 1879.

