



### CHAPTER 1.

An Act to authorise a certain charge on the estates of A.D. 1881.  
Redcastle and Tarradale in the county of Ross.

[11th August 1881.]

WHEREAS by a deed of entail (herein-after called "the deed of entail") dated the tenth and thirteenth days of July and recorded in the new General Register of Sasines at Edinburgh the twenty-fifth day of July and in the Register of Entails the fourth day of December all in the year one thousand eight hundred and sixty-five and in the books of Council and Session the seventeenth day of February one thousand eight hundred and sixty-six and executed by Colonel Hugh Duncan Baillie of Redcastle and Tarradale now deceased Evan Baillie of Dochfour Matthew James Higgins of London William Brodie of Brodie and John Baillie Baillie of Leys Castle in the county of Inverness (herein-after called "the Trustees") the surviving accepting and acting Trustees original and assumed of the deceased James Evan Baillie of Kingussie and Glenelg under his trust disposition and settlement dated the ninth day of December one thousand eight hundred and forty-six and codicil thereto dated the fifteenth day of December one thousand eight hundred and forty-seven and also under his deed of instructions dated the twenty-third day of December one thousand eight hundred and fifty-eight in reference to the said settlement and addition or codicil to said deed of instructions dated the eleventh day of May one thousand eight hundred and sixty all recorded in the books of Council and Session the thirtieth day of July one thousand eight hundred and sixty-three and also under a deed of assumption executed by the three first above-named Trustees in favour of the said William Brodie and John Baillie Baillie dated the eleventh and twelfth days of May one thousand eight hundred and sixty-five, and recorded in the General Register of Sasines et cetera at Edinburgh the twenty-third day of May thereafter the Trustees did thereby in terms of the direction to them to that effect contained in the said deed of instructions give grant and dispoise to the said Hugh Duncan Baillie in

A.D. 1881. liferent but for his liferent use allenary and to Henry James Baillie (now the Right Honourable Henry James Baillie) his son and the heirs male procreated or to be procreated of his body and the heirs male of their bodies in fee whom failing to and in favour of the said Evan Baillie and the heirs male procreated or to be procreated of his body and the heirs male of their bodies whom failing to Major Anthony Martin sometime of the late Fourth Bengal Irregular Cavalry now lieutenant-colonel on half-pay in the Indian Army and the heirs male procreated or to be procreated of his body and the heirs male of their bodies whom failing to Henry Arthur Skey sometime at the Proprietary College at Bath, thereafter ensign in Her Majesty's Fifty-fourth Regiment of Foot and the heirs male procreated of his body subsequent to the date of the said deed of instructions and the heirs male of their bodies whom all failing to and in favour of the said Henry James Baillie his nearest heirs and assignees whomsoever All and whole the lands and barony of Redcastle and the lands of Tarradale in the county of Ross and the piece of ground on the south side of the Ferry of Kessock in the county of Inverness comprehending the towns lands grazings fairs weekly markets ports harbours woods ferries yairs fishings mills mill-lands multures thirlage and others in the deed of entail mentioned and fully described :

And whereas the lands and others so granted and disposed by the Trustees were granted and disposed always under the conditions prohibition and declaration and clause of registration written and contained in the deed of entail and inter alia under the condition that the several lands and others should be taken and possessed under the deed of entail only and upon no other title whatsoever and that in all writs transmissions and investitures of the same there should be inserted at length the whole foresaid destinations and the whole conditions prohibition and declaration and clause of registration therein expressed or at least a valid reference to the same in terms of law but conferring upon the said Hugh Duncan Baillie and Henry James Baillie and the several heirs succeeding under the deed of entail all the powers and faculties which at the date of the said deed of instructions were conferred upon heirs of entail by the Act passed in the tenth year of the reign of his Majesty King George the Third chapter fifty-one commonly called "The Montgomery Act" by the Act passed in the fifth year of the reign of his Majesty King George the Fourth chapter eighty-seven commonly called "Lord Aberdeen's Act" by the Act passed in the sixth and seventh years of the reign of his Majesty King William the Fourth chapter forty-two commonly called "The Rosebery Act" and by the subsequent Acts amending the same namely the Act passed in the first and second years of the reign of Her present



Majesty chapter seventy and the Act passed in the fourth and fifth years of the reign of Her present Majesty chapter twenty-four: A.D. 1881.

And whereas the said Hugh Duncan Baillie entered into possession of the said lands and others under the deed of entail at the term of Whitsunday one thousand eight hundred and sixty-five and continued to possess the same till the period of his death which happened on or about the twenty-first day of June one thousand eight hundred and sixty-six:

And whereas on the death of the said Hugh Duncan Baillie the said Right Honourable Henry James Baillie entered into possession and now is the heir of entail in possession of the said lands and others:

And whereas the said Henry James Baillie had three sons only namely Hugh Sydney Baillie who died on or about the second day of November one thousand eight hundred and seventy-six Francis Henry James Baillie who died on or about the sixth day of November one thousand eight hundred and seventy-nine and George John Baillie who died on or about the fourteenth day of July one thousand eight hundred and seventy-two and none of the said three sons left male issue:

And whereas the heir now next entitled to succeed to the said Henry James Baillie in the said lands and others is his cousin the said Evan Baillie and failing the said Evan Baillie the heir next entitled to succeed is James Evan Bruce Baillie grandson of the said Evan Baillie and eldest son of Evan Peter Montagu Baillie (who was the eldest son of the said Evan Baillie and died on the tenth day of November one thousand eight hundred and seventy-four) and failing the said James Evan Bruce Baillie the heir next entitled to succeed is Augustus Charles Baillie second son of the said Evan Peter Montagu Baillie and failing him then Albert Victor Baillie third son of the said Evan Peter Montagu Baillie:

And whereas the said Evan Baillie in addition to the said deceased Evan Peter Montagu Baillie had one other son only William Montagu Baillie whose only male issue is a son Granville Hugh Baillie who is in pupillarity:

And whereas the said Evan Peter Montagu Baillie left at his death a trust disposition and settlement executed by him and dated the first day of November one thousand eight hundred and seventy-two and recorded in the Sheriff Court books of the county of Inverness the seventh day of December one thousand eight hundred and seventy-four whereby he nominated and appointed the Right Honourable Victor Alexander Earl of Elgin and Kincardine the Honourable Thomas Charles Bruce of Hill Street London and Francis Henry Beaumont of Buckland Lodge Reigate to be curators and tutors to his children including the said James Evan Bruce

A.D. 1881. Baillie (who however has now attained his majority) Augustus Charles Baillie and Albert Victor Baillie the two younger of whom are still in minority and the said curators and tutors accepted and acted and now act in the said office :

And whereas for many years prior to the deed of entail and up to the period of his death the said Hugh Duncan Baillie expended large sums of money and exercised great care in planting and in cultivating the timber upon the estates settled by the deed of entail and the said Henry James Baillie since his succession has followed the same course of management and the estates have thus been greatly enhanced in value and made peculiarly attractive as a residential property and the timber upon the estates without reference to the additional residential value which it confers upon the property is of the intrinsic value of thirty-two thousand pounds and upwards of which twenty-two thousand pounds and upwards is the value of well-grown and matured timber fit for the market :

And whereas the said Henry James Baillie lately intimated to the said Evan Baillie and James Evan Bruce Baillie his intention to cut down and sell for his own behoof such of the timber upon the said estates which as heir of entail in possession thereof he is by law entitled to cut and sell :

And whereas Evan Baillie and James Evan Bruce Baillie have intimated to the said Henry James Baillie their desire that the said timber should not be cut down and sold and their willingness to pay or secure to the said Henry James Baillie the sum of twenty thousand pounds as the agreed-on price or value of the said timber in the event of his agreeing to refrain from cutting down and selling the same and the said Henry James Baillie is willing to refrain from cutting down and selling the said timber upon provision being made for the said agreed-on price or value thereof and also for the costs charges and expenses of applying for and obtaining this Act to an amount not exceeding one thousand pounds being paid or secured to him :

And whereas it is expedient and will be for the benefit of the estates and of the heirs of entail entitled to succeed thereto that the aforesaid timber should not be cut down and sold and that the charge herein-after effected upon the estates for the sum of twenty thousand pounds and the further sum not exceeding one thousand pounds as the costs charges and expenses of this Act in favour of the said Henry James Baillie be given effect to in consideration of his agreeing and being absolutely prohibited and debarred as in this Act provided from cutting down or selling such timber :

Wherefore your Majesty's dutiful and most loyal subjects the said Henry James Baillie Evan Baillie and James Evan Bruce Baillie



do 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: A.D. 1881.

1. This Act may be cited as the Redcastle and Tarradale Estates Act 1881. Short title.

2. From and after the passing of this Act any law or practice to the contrary notwithstanding the said Henry James Baillie shall not cut down and he is hereby expressly prohibited from cutting down the timber or any portion of the timber upon the said lands and estates of Redcastle and Tarradale and others granted and disposed by the deed of entail for the purpose of selling the same or for any other purpose except so much thereof as it may from time to time be necessary to cut down in the ordinary course of management for the repair of buildings and fences upon the estates or for the purpose of thinning with a view to the advantage and benefit of the remaining timber. Prohibition to cut timber except for thinning.

3. As the agreed-on price and consideration for the obligation not to cut down timber by this Act imposed on the said Henry James Baillie there shall be raised and paid to him or his heirs or assignees in manner after provided for out of the said entailed lands and estates of Redcastle and Tarradale but excluding the mansion-house offices and policies thereof the said sum of twenty thousand pounds and such further sum not exceeding one thousand pounds as shall be ascertained by the Taxing Officer of the House of Lords to be the costs charges and expenses of applying for obtaining and passing of this Act and of carrying the same into execution including therein the expenses of the bonds and dispositions in security after mentioned with interest at a rate not exceeding four pounds per centum per annum. Power to charge estates for purposes of Act.

4. In order validly and effectually to secure the payment of the said respective sums of twenty thousand pounds and such further sum not exceeding one thousand pounds and the interest thereof at the rate by this Act prescribed and liquidate penalties and expenses effeiring thereto it shall be lawful for the said Henry James Baillie and failing him for the heir of entail in possession for the time immediately on his succeeding to the said lands and estates to grant in favour of the heirs or assignees of the said Henry James Baillie or of any person or persons by whom the said sums or any part thereof may be advanced bonds and dispositions in security over the said lands and estates or any portion or portions thereof other than the mansion-house offices and policies thereof for the sum or sums Bonds and dispositions in security.

A.D. 1881. — so advanced with interest thereon at a rate not exceeding four pounds per centum per annum from the date of such advance or advances with corresponding penalties and such bonds and dispositions in security shall be in the ordinary form binding the heir of entail in possession of the said lands and estates and the other heirs of entail succeeding to him in their order successively to repay the principal sum or sums therein with interest and penalties as aforesaid and shall contain all clauses usual in bonds and dispositions in security granted over estates in Scotland held in fee simple and the said bonds and dispositions in security if more than one shall notwithstanding the date of their registration respectively rank *pari passu* upon the lands therein contained and the same when duly recorded shall be good valid and effectual as charges upon the fee of the said lands and estates and shall not be liable to be impugned reduced or set aside upon any ground whatever Provided always that in the event of the death of the said Henry James Baillie without his having raised the said respective sums the heir of entail in possession shall pay to the heirs or assignees of the said Henry James Baillie interest at the rate by this Act prescribed from the date of his death until the capital sums shall have been raised and paid or security granted to them as aforesaid Provided also that the whole conditions and provisions contained in the thirtieth section of the Act passed in the eleventh and twelfth years of the reign of Her present Majesty the Queen chapter thirty-six intituled "An Act for the Amendment of the law of Entail in Scotland" in regard to the exercise of powers of sale contained in any bond or disposition in security affecting any entailed estate in Scotland and consequent thereon shall so far as applicable extend and apply to all bonds and dispositions in security which may be granted under the powers of this Act in like manner as if the same had been incorporated herein.

Heir of entail in possession to keep down interest on bonds and dispositions in security.

5. The heir of entail in possession for the time of the said lands and estates over which any bonds and dispositions in security may be granted respectively under the powers of this Act shall be bound yearly and every year to pay and keep down the interest on such bonds and dispositions in security due or accruing due during his possession of the lands and estates thereby charged with payment of the same and the remedy competent to the creditor against the fee and rents of such lands and estates and such bonds and dispositions in security shall be limited to the principal sum therein contained with two years' interest thereon and corresponding penalties without prejudice to the remedies of the creditor for obtaining any further arrears of interest against such heir of entail in possession and against the representatives of such heir of entail in possession or his separate estate or estates including the rents of such lands and estates during his possession of the same.



6. If at any time the heir of entail in possession of the said estates for the time other than the said Henry James Baillie shall cut down any of the timber thereon for the purposes of sale or for any other purpose except as aforesaid he shall apply the proceeds of every such sale in payment pro tanto of the principal sum then remaining due under and by virtue of any bonds and dispositions in security granted under the powers of this Act or towards the sinking fund herein-after provided for the extinction of the charge upon the said estates.

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Application  
of proceeds  
of timber  
sold by  
others than

7. With a view to the gradual extinction of the charge upon the said estates by this Act authorised the heir of entail in possession thereof for the time other than the said Henry James Baillie shall either pay off the moneys so borrowed by equal annual instalments of principal besides paying and keeping down the interest thereon or he shall in every year set apart as a sinking fund and accumulate by way of compound interest by investing the same in Exchequer Bills or other Government securities such sum as will with accumulations be sufficient to pay off the moneys so borrowed within the period of twenty-five years after the first term of Whitsunday or Martinmas as the case may be which shall happen after the death of the said Henry James Baillie: Provided always that all the moneys to be received by the heir of entail for the time being in possession other than the said Henry James Baillie as the produce of the sale of timber cut down and sold by him at any time shall be applied as herein-before provided either in payment pro tanto of the principal sum then remaining due by virtue of the charge by this Act authorised or be added to and form part of the said sinking fund but the proceeds of such sale de anno in annum shall be computed in diminution of the amount to be provided by the heir of entail in possession towards the said sinking fund for the year in which the timber shall be so sold: and any heir of entail in possession who shall fail or neglect duly to fulfil the foregoing obligation and provision shall thereby incur an irritancy or forfeiture of his right as such heir to the possession of the said estates and the heir for the time being or any subsequent heir entitled to succeed thereto may pursue a declarator or declarators of irritancy and shall be entitled to obtain a decree thereon in his favour unless previously to the date of such decree the heir of entail so making default shall have fulfilled the obligation to apply and pay as herein-before directed such sum or sums as will be equivalent to the moneys herein-before provided to be applied and paid together with interest thereon at the rate of four pounds per centum per annum and all the expenses therein duly and lawfully incurred shall be borne and defrayed by the heir of entail in possession so making default as aforesaid.

Sinking  
fund.

A.D. 1881.

Annual ac-  
counts of  
cuttings to  
be lodged  
with sheriff  
clerk of Ross-  
shire.

**8.** The heir of entail in possession of the said estates shall be bound until the extinction of the charge upon the said estates by this Act authorised has been effected to lodge annually within four months after the term of Martinmas with the sheriff clerk of the county of Ross an account of the moneys received by him as the produce of the sale of timber cut down and sold for the year preceding the said term of Martinmas and of the manner in which the same or the sum directed by this Act to be set apart as a sinking fund has been applied towards the extinction of the said charge which account shall be patent to all persons desirous to see the same and the said sheriff clerk shall give certified copies or extracts thereof if required on payment of the usual fees for giving out extracts.

Saving  
recited deed  
of entail.

**9.** Nothing herein contained shall or shall be held or construed to alter innovate change or defeat the several conditions provisions restrictions and limitations contained in the deed of entail or the order of succession thereby established except in so far as is necessary to carry into effect the purposes of this Act.

General  
saving.

**10.** Saving always to the Queen's most Excellent Majesty her heirs and successors and to the creditors of the heir of entail in possession holding at the time of the passing of this Act securities and charges upon the rents issues and profits of the said lands and estates during the lifetime of the said heir of entail and to all other person or persons bodies politic or corporate (save and except the said heir of entail in possession and the other heirs called to the succession of the said lands and estates) all such estate right title interest claim and demand whatsoever in to or out of the said lands and estates 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 passed.

Expenses of  
Act.

**11.** All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act and carrying the same into effect shall be paid by the said Henry James Baillie.

Act to be  
printed by  
Queen's  
Printers and  
admitted as  
evidence.

**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 shall be admitted as evidence thereof by all judges and others.