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To encourage the Improvement of Lands, Tenements, and Hereditaments, held under Settlements of Strict Entail, in that Part of Great Britain called Scotland.

Note.—The Figures in the Margin denote the Number of the Folio in the written Copy.

ENACTED by the Law of Scotland, and particularly by an Act of the Parliament of Scotland, made in the Year One thousand Six hundred and Eighty-five, intituled, “Act concerning Tailties,” all His Majesty’s Subjects are empowered to tailie their Lands and Estates in Scotland with such Provisions and Conditions as they shall think fit, and with such irritant and resolutive Clauses as to them shall seem proper; and which Tailties, when compleated
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and published in the Manner directed by the said Act, are declared to be real and effectual against Purchasers, Creditors, and others whatsoever:

And whereas many Tailies of Lands and Estates in *Scotland*, made as well before as after Passing of the said Act, do contain Clauses, limiting the Heirs of Entail from granting Tacks or Leases of a longer Endurance than their own Lives, or for a short Term of Years only, whereby the Cultivation of much Land in that Part of this Kingdom is obstructed, and great Mischief arises to the Public, and must daily increase so long as the Law allowing such Entails subsists, if some Remedy be not provided: Wherefore to prevent a Mischief and Inconvenience so hurtful to the Public;

Be it Enacted by the KING'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, That it shall and may be lawful to every Proprietor of an entailed Estate within that Part of *Great Britain* called *Scotland*, to grant Tacks or Leases of all or any Parts of the Lands and Heritages contained in his Entail, and of all Coals, Mines, and Minerals, within the said Lands, for any Number of Lives not exceeding Lives of Persons to be named in such Tack or Lease, and existing at the Time of making thereof, or for any Term of Years not exceeding Years from the making thereof.

And whereas the building of Villages and Houses upon entailed Estates may in many Cases be beneficial to the Public, and might often be undertaken and executed if Heirs of Entail were empowered to encourage the same by granting long Leases of Grounds for building upon:

Be it therefore further Enacted by the Authority aforesaid, That it shall be, and it is hereby declared to be, in the Power of every Proprietor of an entailed Estate, to grant Leases of Land for building upon, for any Number of Years, not exceeding Years.

That every such Lease shall contain a Condition that the Lease shall be void, and the same is hereby

by Lands and Heritages; and such Proprietors might be tempted and encouraged so to do, if they, their Heirs, Executors, and Assigns, were secured in recovering a reasonable Satisfaction for the Money expended in making such Improvements, from the succeeding Heirs of Entail;

Be it therefore further Enacted by the Authority aforesaid, That every Proprietor of an entailed Estate, who shall lay out Money in the inclosing, planting, draining, building, or making other lasting Improvements upon his entailed Lands and Heritages, and shall not live to enjoy the Lands and Heritages so improved for the Space of Years after the Expenditure of the Money, and the Recording in the Sheriff-Court Books of the County within which such Lands and Heritages are situated, an Account of the Money expended, and Vouchers thereof, in the Manner hereafter to be directed, shall be a Creditor to the succeeding Heirs of Entail for the Money laid out in making the said lasting Improvements: And if the Proprietor who lays out the Money, shall live to enjoy the Estate improved for more than Years after the Expenditure, and Recording the Account and Vouchers, and less than Years, he shall be a Creditor only for of the Money expended; and if he shall enjoy the Estate for more than Years after the Time of the Expenditure, and of Recording the Account and Vouchers, he shall be a Creditor only for of the Money expended.

Provided always, That the Proprietor of an entailed Estate, who lays out Money in making lasting Improvements upon his entailed Estate, with an Intent of being a Creditor to the succeeding Heirs of Entail, in the Manner above expressed, shall annually, during the making such Improvements, within the Space of Months after the Term of *Martinas*, lodge with the Sheriff-Clerk of the County, within which the Lands and Heritages improved are situated, an Account of the Money expended by him in such Improvements, for Months preceding that Term of *Martinas*, subscribed by him, with the Vouchers by which the Account is supported, when Payment shall be demanded or sued for.

Provided also, and be it Enacted by the Authority aforesaid, That no Claim shall lie for any Money expended in the Improvement of an entailed Estate, unless an Account of the Money expended, and Vouchers thereof, shall be lodged with the Sheriff-Clerk of the County where the

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And whereas it may happen, that the Heir of Entail who next succeeds to the Proprietor, who expended the Money

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who has succeeded to the Estate. And in all Questions of Competition for the Rents of the entailed Estate, the Person or Persons who have sued and obtained a Decree under the Authority of this Act, or the Person or Persons having Right thereto, shall be preferred to the other Creditors of the Heir of Entail who has succeeded to the Estate.

Improvements have been made, within the Time above directed.

And be it Enacted by the Authority aforesaid, That all Sheriff-Clerks, with whom the Accounts and Vouchers shall be lodged, shall, within the Space of there- after, record them in a Book to be kept for that Purpose, and return them when called for, and shall make the Book patent to all Persons desirous to see the same; and shall give certified Copies or Extracts of all Accounts and Vouchers recorded, they receiving for their Trouble the usual Fees for recording Writings, and giving out Extracts, and Sterling from each Person who shall have Inspection of the Book wherein the Accounts and Vouchers shall be recorded.

And be it Enacted by the Authority aforesaid, That the Executor, Assignee, or other Person or Persons, having Right to the Claim arising from Money expended by the Proprietor of an entailed Estate in the Improvement thereof, may, after the Expiration of from the Death of the Heir who expended the Money, require the Heir next succeeding in the Estate to pay the whole, or such Part thereof as is due by the Authority of this Act, with the legal Interest from the Term at which the succeeding Heir's Right to the Rents of the Estate did commence; and if the Money is not paid within Months of such Requisition, it shall then be lawful for the Person or Persons having Right, to institute an Action in the Court of Session against the Heir then in Possession, for compelling him to pay the Money, and Interest thereof; and upon obtaining a Decree, he or they shall be at Liberty to use every Kind of Diligence or Execution authorized by the Law of *Scotland* in recovering Payment of Debts, excepting Adjudication against the entailed Estate improved: And in all Questions of Competition for the Rents of the entailed Estate, the Person or Persons who have sued and obtained a Decree under the Authority of this Act, or the Person or Persons having Right thereto, shall be preferred to the other Creditors of the Heir of Entail who has succeeded to the Estate.

And whereas it may happen, that the Heir of Entail who next succeeds to the Proprietor, who expended the Money
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the County where the Clerk-ships are with persons
shall be Vouchers thereof, and Money expended by the
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in the Improvement of the entailed Estate, may die before the Money due by him, on account of the lasting Improvements made upon the Estate, is paid, by which the Person or Persons, in the Right of the Money due, may be embarrassed in recovering Payment: For Remedy whereof,

Be it Enacted by the Authority aforesaid, That the Person or Persons, in the Right of the Money due, may either sue the Heirs and Successors of the said next Heir of Entail, in any other than the entailed Estate, or the Heir of Entail next succeeding to him, or both, and use every Kind of Diligence or Execution authorized by the Law of Scotland, in the recovering Payment of Debts against them and their Estates, excepting Adjudication against the entailed Estate, until the Money due is fully satisfied and paid; and the Person or Persons, in the Right of the Money due, shall in any Competition for the Rents of the entailed Estates be preferred to the Creditors of the Heir of Entail in Possession; and the Person or Persons, in the Right of the Money due, in like Manner, shall be intitled to sue every succeeding Heir of Entail until the Money is satisfied and paid; and shall have the same Preference to the Rents of the entailed Estate, in Competition with the Creditors of such Heirs of Entail.

Provided always, and be it Enacted by the Authority aforesaid, That the Heir who next succeeds in the entailed Estate to the Proprietor who expended Money in making lasting Improvements upon the Estate, and the Heirs and Successors of such Heir, shall be bound to relieve all subsequent Heirs of all or such Parts of the Debt incurred by the Improvement of the Estate, under the Authority of this Act, as shall be paid by them, to the Extent of the One Half of the Rents which have come to the Use of such First succeeding Heir, or to the Use of his Heirs or Executors; and when the Half of the Rents which have come to the Use of the First succeeding Heir, or to his Heirs or Executors, are exhausted, then the next succeeding Heir, and his Heirs and Successors, shall in like Manner be bound to relieve all subsequent Heirs, to the Extent of the Rents which have come to their Use; and Relief shall in like Manner be competent to every succeeding Heir,

And be it also Enacted by the Authority aforesaid, That if the Heir of Entail who shall succeed to any entailed Estate, upon which lasting Improvements have been made, shall have Right to the Claim of Debt arising from the making of such Improvements, as next of Kin, or by the Will or Settlements of the Heir of Entail who expended the Money; in 16
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every such Case, the Claim of Debt shall, and is hereby declared to be extinguished for ever, and shall never be set up as a Debt against any succeeding Heir.

And be it further Enacted by the Authority aforesaid, That if any Heir of Entail, against whom a Debt is created for Improvements made on the entailed Estate to which he succeeds, shall refuse to pay the Money required of him, under the Authority of this Act; and that Decree shall be obtained against him for the Whole of the Sum or Sums of Money, of which he shall be required to make Payment; in every such Case the Defendant shall be liable in Costs of Suit: And if Decree is not obtained for the full Sum or Sums of Money of which Payment has been required, it shall be in the Discretion of the Court to award Costs of Suit to either Party, as the Justice of the Case shall direct.

17 And be it further Enacted and Declared by the Authority aforesaid, That this Act shall extend to, and comprehend, all Tailies of Lands or Heritages in that Part of *Great Britain* called *Scotland*, made, or to be made, and whether prior or posterior to the said Act made in the Year One thousand Six hundred and Eighty-five.

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To encourage the Improvement
of Lands, Tenements, and He-
reditaments, held under Settle-
ments of Strict Entail, in that
Part of *Great Britain* called
Scotland.

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