



No.17
AGREEMENT
between
DAVID R. DOW
and
NATIONAL TRUST
FOR SCOTLAND
FOR PLACES OF
HISTORIC IN-
TEREST or NATU-
RAL BEAUTY.

is recorded in the 2703rd Book of the Division of the General Register of Sasines applicable to the County of Fife commencing on folio 209 for publication and also as in the Books of the Lords of Council and Session for preservation as follows:-

THIS AGREEMENT is made on the Tenth day of March, Nineteen hundred and sixty between DAVID RUTHERFORD DOW, Professor Emeritus of the University of St. Andrews, Doctor of Laws, residing at Sixteen Windsor Street, Dundee (who, together with his successors in title to the ground hereinafter described are hereinafter referred to as "the First Party") OF THE FIRST PART and THE NATIONAL TRUST FOR SCOTLAND for Places of Historic Interest or Natural Beauty, incorporated by The National Trust for Scotland Orders, 1935 and 1938 (hereinafter referred to as "the Second Party") OF THE SECOND PART.

WHEREAS (One) the First Party is heritable proprietor of the ground hereinafter described and is desirous that it should be preserved for all time as an open space; (Two) the Second Party, is by Section Seven of The National Trust for Scotland Order, 1938 empowered to enter into Agreements with the proprietors of heritable subjects whereby real conditions are created upon the subjects in favour of the Second Party, and (Three) the First Party has therefore agreed with the Second Party that the restrictions aforesaid shall be imposed upon the said ground and shall be real conditions thereupon.

Now this Deed made under and by virtue of the said The National Trust for Scotland Order, 1938 witnesseth and it is hereby agreed as follows:-

FIRST

The First Party provides and declares that the following subjects shall be burdened in favour of the Second Party with the real conditions hereinafter contained ALL and WHOLE that park known as Lenaburn Park situate at the east end of the Burgh of Crail in the County of Fife and extending to two acres and four hundred and seventy two thousandth or decimal parts of an acre or thereby Imperial Measure being the subjects described in and disposed by and as delineated and coloured pink on the plan annexed and signed as relative to the/

J Rutherford Dow.

Notarial instrument

J Rutherford Dow

the Disposition by Theodore Rettie, Doctor of Science, the surviving and accepting Executor-Nominate of Mrs. Anne (or Ann) Sara Rettie or Webster in favour of Charles Henderson Maxwell and James Gordon Dow dated the tenth and recorded in the Particular Register of Sasines, Reversions etcetera kept for the Burgh of Crail on the fourteenth both days of October, Nineteen hundred and thirty nine; Excepting ALL and WHOLE that area of ground part of the said Park known as Denburn Park extending to nine hundred and eighty seven decimal or one thousandth parts of an acre or thereby Imperial Measure being the ground described in and disposed by and as delineated and coloured pink on the plan annexed and signed as relative to the Disposition by Charles Henderson Maxwell and James Gordon Dow in favour of the said David Rutherford Dow therein designed Doctor of Medicine, F.R.C.P.E., Professor of Anatomy in the University of St. Andrews, William George Robertson, Doctor of Medicine and Peter Caw Robertson, Doctor of Medicine, dated the twenty fifth and recorded in the said Particular Register of Sasines, Reversions etcetera on the twenty ninth both days of September, Nineteen hundred and forty one all as the said subjects are shown outlined in red on the plan annexed and signed as relative hereto which plan is demonstrative only and not fixative.

SECOND

The real conditions referred to in the foregoing Clause are as follows videlicet:- In the First Place no buildings, erections or huts including electric pylons, telegraph poles or similar erections shall be placed or erected on the said subjects, and In the Second Place that the said subjects shall remain as an open space for all time coming and unbuilt on.

THIRD.

The real conditions above written shall be inserted or validly referred to in all future transmissions of the said subjects.

FOURTH

If any dispute or difference shall arise between the First Party and the Second Party as to the construction of this Agreement or the effect of/

D. Rutherford Dow

Michael Rutherford

J. C. Rutherford

of the real conditions above written or any of them or as to the exercise by the Second Party of any discretionary power vested in them the same shall be referred to a single arbiter to be appointed at the option of the Second Party either by the Chairman for the time being of the Scottish Committee of the Royal Institute of British Architects or by any advisory panel appointed or recognised by the Local Town Planning Authority.

Both the Parties hereto consent to the registration hereof for preservation as well as for publication: IN WITNESS WHEREOF these presents typewritten on this and the two preceding pages are, together with the Plan annexed hereto, executed by the parties hereto as follows, videlicet:- They are subscribed by the said David Rutherford Dow at Edinburgh on the Twenty-fourth day of February, Nineteen hundred and sixty, before these witnesses, George Stuart Russell, C.P.E., Chartered Accountant, Writer to the Signet, and Alan McLeod, Now Assistant, both at Twelve South Charlotte Street, Edinburgh, 2; And they are sealed with the Common Seal of the said The National Trust for Scotland for Places of Historic Interest or Natural Beauty and subscribed for it and on its behalf by Major Michael Crichton Stuart, one of its Members of Council, and James Carlisle Stormonth Darling, M.C., Writer to the Signet, its Secretary, all at Edinburgh on the Tenth day of March in the year last mentioned before these witnesses, Violet Mary Oram, Factorial Assistant, and Derek Mario Mitchell Bellas, Assistant Secretary, both at Five Charlotte Square, Edinburgh, 2.

24 Feb 1960
20 March 1960
George Stuart Russell
Alan McLeod

D. Rutherford Dow

Mr. J. L. M. Oram

Michael Crichton Stuart
James Carlisle Stormonth Darling
Secretary

REGISTER on behalf of the within named David Rutherford Dow for preservation as well as for publication in the Register of the County of Fife.

D. A. Gosh

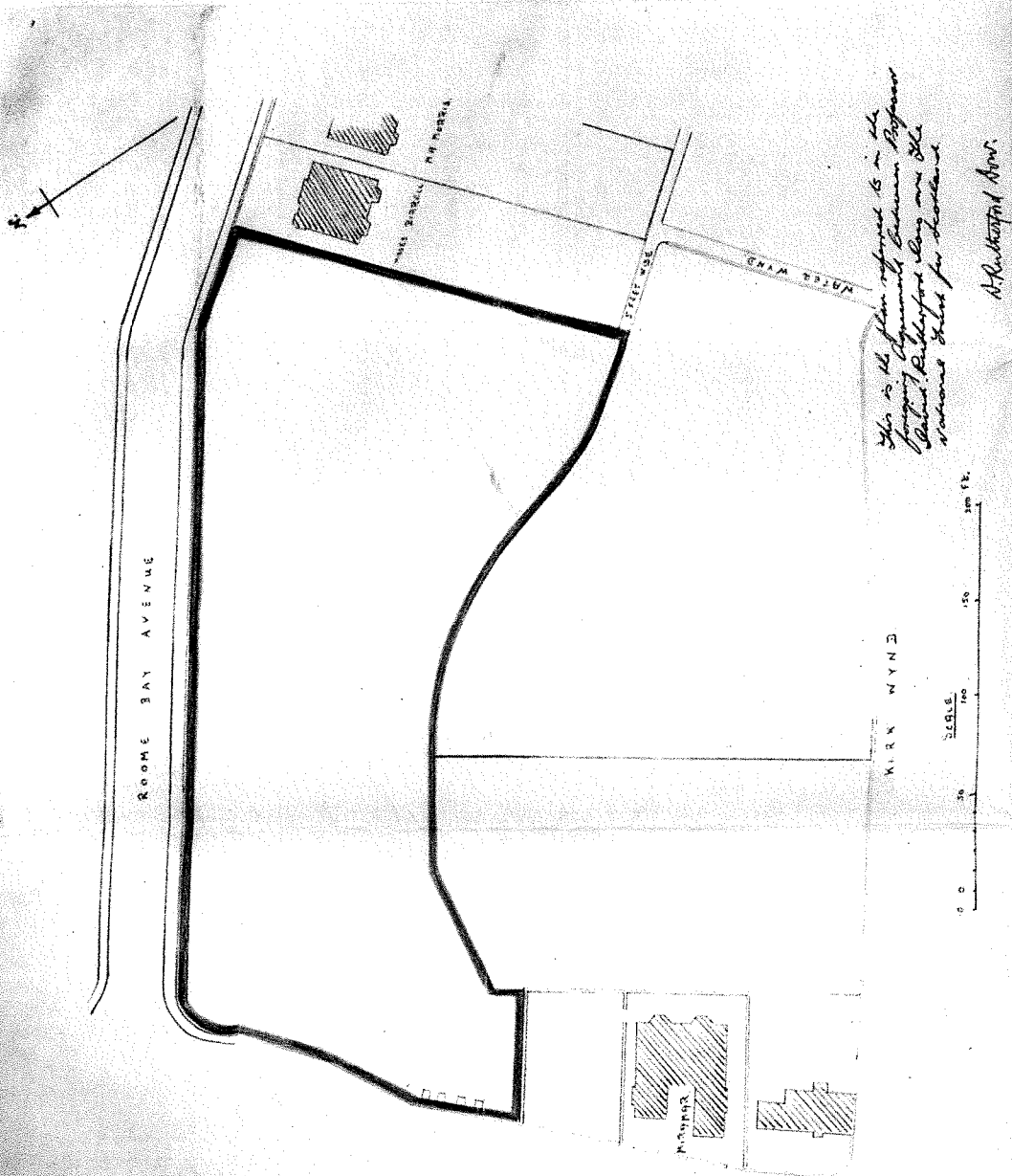
Solicitors, Architects,

Agents.

REGISTER on behalf of the within named The National Trust for Scotland for Places of Historic Interest or Natural Beauty for preservation as well as for publication in the Register of the County of Fife.

W.S.
Edinburgh Agents.

Registers of Scotland.



EXTRACTED by me having commission to that effect from the
Keeper of the Registers of Scotland.

George M. MacLagan

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General Register of Sasines.

Extract Registered

A G R E E M E N T

between

PROFESSOR D. RUTHERFORD DOW

and

THE NATIONAL TRUST FOR SCOTLAND
For Places of Historic Interest
or Natural Beauty

Dated 24th February 1960, &c.
Regd. 14th April 1960.

Strathern & Blair,
W.S.,
12 South Charlotte Street,
EDINBURGH.