



ANNO QUINTO & SEXTO

GULIELMI IV. REGIS.

Cap. 19.

An Act to vest Part of the entailed Estate of *Cromarty*, lying within the County of *Ross*, and by Annexation within the County of *Cromarty*, in Trustees in Fee Simple, for the Purpose of selling the same, and of paying Debts which affect or may be made to affect the said entailed Estate; and for other Purposes connected therewith.

[21st July 1835.]

WHEREAS *John Mackenzie* Esquire, commonly called *Lord Macleod*, by a Procuratory of Resignation and Deed of Entail, dated the Third Day of *May*, and registered in the Register of Tailzies the Twenty-seventh Day of *June*, and in the Books of Council and Session the Twenty-first Day of *July*, all in the Year One thousand seven hundred and eighty-six, bound and obliged himself and his Heirs and Successors whomsoever to make due and lawful Resignation in the Hands of his Superiors of all and sundry the Lands, Baronies, and other Heritages underwritten, to and in favour of himself and the Heirs Male of his Body; whom failing, to the Heirs Female of his Body; whom failing, to the now deceased Colonel *George Mackenzie*, his Brother German, and the Heirs Male of the Body of the said *George Mackenzie*; whom failing, to the deceased *Kenneth Mackenzie* Esquire,

[Private.]

Deed of Entail by Lord Macleod, dated 3d May and registered 27th June 1786.

Esquire, Cousin of the said *John Mackenzie* commonly called Lord *Macleod*, only lawful Son of the deceased *Roderick Mackenzie* Esquire, who was Brother German of *George* Earl of *Cromarty*, the Father of the said *John Mackenzie* commonly called Lord *Macleod*, and to the Heirs Male of the Body of the said *Kenneth Mackenzie*; whom failing, to the Heirs Female of the Body of the said Colonel *George Mackenzie*, Brother of him the said *John Mackenzie* commonly called Lord *Macleod*; whom failing, to the deceased Lady *Isabella Mackenzie*, eldest Sister of the said *John Mackenzie* commonly called Lord *Macleod*, then Relict of the deceased *George* Lord *Elibank*, and the Heirs Male of her Body; whom failing, to the Heirs Female of the Body of the said Dowager Lady *Elibank*; whom failing, to Lady *Mary Mackenzie*, now deceased, Second Sister of the said *John Mackenzie* commonly called Lord *Macleod*, and at the Date of the said Procuratory of Resignation Relict of *Middleton* Esquire; whom failing, to *Jabez Mackenzie* or *Clark*, then a Captain in the Service of the *English East India* Company, only Son of the said Lady *Mary Mackenzie* by *Clark* Esquire, her First Husband, and the Heirs Male of the Body of the said *Jabez Mackenzie* or *Clark*; whom failing, to the Heirs Female of his Body; whom failing, to *Thomas Drayton*, only Son of the said Lady *Mary Mackenzie* by the deceased *Drayton* Esquire, her Second Husband, and the Heirs Male of the Body of the said *Thomas Drayton*; whom failing, to the Heirs Female of his Body; whom failing, to the other Heirs Male of the Body of the said Lady *Mary Mackenzie*; whom failing, to the Heirs Female of her Body; whom failing, to Lady *Caroline Mackenzie*, now deceased, Third surviving Sister of the said *John Mackenzie* commonly called Lord *Macleod*, then Wife of *Walter Hunter* Esquire, of *Polmood*, and the Heirs Male of her Body; whom failing, to the Heirs Female of her Body; whom failing, to Lady *Jane Mackenzie*, Fourth Sister of the said *John Mackenzie* commonly called Lord *Macleod*, and the Heirs Male of her Body; whom failing, to the Heirs Female of her Body; whom failing, to *James Glassford*, only Son procreated between the now deceased *John Glassford* of *Dougaldston*, Esquire, and the also deceased Lady *Margaret Mackenzie*, also Sister of the said *John Mackenzie* commonly called Lord *Macleod*, and the Heirs Male of the Body of the said *James Glassford*; whom failing, to the Heirs Female of his Body; whom failing, to *Isabella Glassford*, eldest Daughter procreated between the said *John Glassford* and Lady *Margaret Mackenzie*, and the Heirs Male of her Body; whom failing, to the Heirs Female of her Body; whom failing, to *Euphemia Glassford*, youngest Daughter of the said *John Glassford* and Lady *Margaret Mackenzie*, and the Heirs Male of her Body; whom failing, to the Heirs Female of her Body; whom failing, to Lady *Augusta Mackenzie*, youngest Sister of the said *John Mackenzie* commonly called Lord *Macleod*, then Wife of the now deceased Sir *William Murray* of *Ochertyre*, Baronet, and the Heirs Male of her Body; whom failing, to the Heirs Female of her Body; whom failing, to the Heirs Female of the Body of the said *Kenneth Mackenzie* Esquire, Cousin of the said *John Mackenzie* commonly called Lord *Macleod*; whom all failing, the nearest Heirs or Assignees whomsoever of the said *John Mackenzie* commonly called Lord *Macleod*; the eldest Heir Female and the Descendants of her Body

Body always excluding Heirs Portioners, and succeeding without Division throughout the whole Course of Succession of Heirs whatsoever as well as Heirs of Provision so oft as the same shall descend to Females, and the Daughter of the Heir who was last in possession of the Lands and Heritages after mentioned (whether such Heir was served Heir of Tailzie or not) succeeding always preferably to the Daughters of any former Heir so oft as the Succession through the whole Course thereof shall devolve upon Daughters, and which the said *John Mackenzie* commonly called Lord *Macleod* by the said Procuratory of Resignation and Deed of Entail declared to be his true Meaning, notwithstanding the foresaid general Destination of Heirs whatsoever; heritably and irredeemably, in due and competent Form; *videlicet*, all and whole the Lands and Barony of *Cogeach*, with the Tower, Fortalice, Manor Place, Mills, Fishings as well in salt as in fresh Waters, Parts, Pendicles, Tenants, Tenandries, and Service of Free Tenants, with all their Pertinents, lying of late within the Sheriffdom of *Ross*, and now by Annexation within the Sheriffdom of *Cromarty*; and sicklike all and whole the Lands of *Milnaan*, with the Parts, Pendicles, Outsets, Annexis, Connexis, and universal Pertinents thereof, together with the Miln of *Fodderty*, with all and sundry Multures as well dry as astricted Multures and Sequels thereof, Tofts, Crofts, and Pertinents of the same whatsoever, lying as said is; and in like Manner all and whole the Lands of *Kirkton* of *Fodderty* and Lands of *Ballamullich*, with all and sundry their Parts, Pendicles, Annexis, Connexis, Tofts, Crofts, Outsets, and Pertinents, with the Market yearly holden the Eighteenth Day of the Month of *September* upon the Muir of *Fodderty*, lying of late within the said Sheriffdom of *Ross* and now of *Cromarty*, conform to the Act of Parliament granted thereupon in favour of the deceased *George Earl of Cromarty*, and his Heirs and Successors, with the Customs, Tolls, and Privileges of a free Market or Fair; and likewise all and whole the Town and Lands of *Ardavell*, extending to an Half Davach of Land, with the Pasturages thereof; as also all and whole the Lands of *Park*, which is a Quarter of Land; and all and whole the Town and Lands of *Ulladell*, extending to another Half Davach Lands, with Houses, Biggings, Yards, Orchards, Tofts, Crofts, Annexis, Connexis, Outsets, Shiellings, Pasturages, Woods, Fishings, Parts, Pendicles, and Pertinents thereof whatsoever, lying of late within the said Sheriffdom of *Ross* and now within the said Sheriffdom of *Cromarty*; and likewise all and whole the Town and Lands of *Inchveandie* and *Ochterneid*; and all and whole the Miln called *Tympan Miln*, with the Miln Lands, Multures, Sequels, and Knaveship thereof, with the Houses, Biggings, Yards, Orchards, Tofts, Crofts, Annexis, Connexis, Outsets, Shiellings, Pasturages, Woods, Fishings, Parts, Pendicles, and Pertinents of the said Lands and Miln, lying in manner foresaid; and sicklike the Kirklands of *Kinnetes*, with the Parsonage Teinds thereof included, with all and sundry Parts, Pendicles, Tofts, Crofts, Annexis, Connexis, and remanent Pertinents of the same, lying within the Parish of *Kinnetes*, Diocy of *Ross*, and of late within the Sheriffdom thereof, and now of *Cromarty* foresaid; and in like Manner all and sundry the Lands of *Inchrorie*, with the Miln thereof, Miln Lands, Multures, and Sequels of the same; and further, all and whole the Davach Lands
of

of *Davochnacliuroch* alias *Dachnuclear*, with the Shealling Place thereof called *Garvoch* alias *Garbet*, with all and sundry Parts, Pendicles, and Pertinents of the samen, lying of late within the said Sheriffdom of *Ross* and now of *Cromarty*; and sicklike all and whole the Lands and Sheallings of *Drumvaich* and *Breeinletter*, with Parts, Pendicles, Sheallings, Houses, Places, and Pertinents whatsoever used and wont, in all Time coming, lying within the Forestry of *Freewater*, and of late within the Sheriffdom of *Ross*, and now of *Cromarty* aforesaid; and sicklike the Lands and others underwritten, *videlicet*, all and sundry the Lands of *Milntown* of *Meddat*, and the Miln thereof, with the Office of Principal Serjeant or Mair of the Earldom of *Ross*, with the Mair's Croft in *Balconie*, the Croft called the Merk Lands of *Tullich*, with the Pertinents; with Power to the said *John Mackenzie* commonly called Lord *Macleod*, and his foresaids, to depute and substitute Depute or Deputes, One or more, in the said Office of Principal Serjeant or Mair, and to collect, intromit with, and uplift the yearly Fees and Duties belonging to the said Office, together with the Manour Places, Houses, Biggings, Yards, Orchards, Dovecots, Cuningares, Milns, Multures, Woods, Fishings, Annexis, Connexis, Parts, Pendicles, and Pertinents of the said Lands and others above written, together with the Salmon Fishing and Power of killing and catching other Fishes, as well small as great, in any Part, as well upon the Sands of *Nigg* as upon and near the said Lands of *Milntown*; with Power also to the said *John Mackenzie* commonly called Lord *Macleod*, and his foresaids, to have and build Zairs and Stells in any Part of the said Sands upon the said Lands or Sands of *Nigg*, and of killing Salmon in any Part of the said Lands, and of having and keeping Boats, Nets, and other Materials for that Effect; and all and whole the Lands of *Kilnimuir*, *Kelnacliuroch* alias *Delnacliuroch*, and *Milnamoric*; and all and whole the Lands of *Pitcandie* alias *Pitveandie*, *Glacktamaline*, with their Parts, Pendicles, and Pertinents, lying of late within the said Sheriffdom of *Ross* and now of *Cromarty* foresaid; and moreover the Lands and Barony of *Delnie*, comprehending therein all and sundry the Lands, Milns, Multures, Woods, Fishings, Stells, Alehouses, and others particularly underwritten; *videlicet*, all and sundry the Towns and Land of *Meikle Allan* alias *Allanmore*, and Brew Lands thereof, *Calrossie*, *Drummedat* alias *Drummeach*, *Glastullich*, *Drumgillic*, *Meikle Meddat* alias *Meddatmore*, with the Brew Lands and Brewery thereof, without the Toft and Croft, the Lands of *Wester Pollo*, *Badebea*, *Ruves*, *Knocknapark*, *Ballintrade*, *Fecklachie*, *Ardnagavock*, *Delnie*, with the Brewhouse thereof, with the Toft and Croft, and Two Brewhouses without Toft and Croft, Orchard of *Delnie*, *Culreathie*, *Inchfuir* alias *Inchfuir*, *Kincraig*, *Culkainzie*, *Craigmiln*, with the Multures and Brewhouses thereof, *Cunlichmanoch*, *Cunlichmore*, *Breckach*, *Balconie*, with the Brewhouses and *Fluckers Croft*, the Half Davach Lands of *Culmalachie* alias *Culmeachie*, the Miln of *Alness*, with the astricted Multures thereof, the Fishing called the Stell of *Ardroy*, with the Zair of *Balconie* and Brewhouses thereof, the Lands of *Swardell*, *Fyres*, *Culcraigie*, with the Miln and Multures of the said Miln, and Brew Lands of the same, the Lands of *Milntown* of *Culmalachie*, *Over Culmalachie*, the Fishing of *Ardmore* called the Stell thereof, the Miln of *Catwell*, with the
Multures

Multures thereof, all lying within the Sheriffdom of *Ross*, the Lands of *Easter Pollo* alias *Polnichol*, and *Auchinacloig*, with Manour Places, Towers, Fortalices, Yards, Orchards, Dovecots, Cunningaries, Milns, Multures, Woods, Fishings, Annexis, Connexis, Parts, Pendicles, and Pertinents of the said Lands and others above written; as also all and whole the Lands of *Morichmore* near that Part of the Sea called the *Bridge*, compassed about with the Sea for the most Part at its full Tide, lying the other Part of the said Sea called the *Bridges* on the North, that Part of the Sea called *Polnacragach* on the East, the Firth of *Tain* and Sea near the same on the West, and the Lands of *Innereithie*, *Pitnilie*, *Ballacherie*, *Ballingall*, and *Newton* respective, on the South Parts, with their Pertinents, all lying in the Earldom of *Ross*, and of old within the Sheriffdom of *Inverness*, afterwards of *Ross*, and now within the said Sheriffdom of *Cromarty*; and sicklyke the *Milntown* and Mill of *Culbockie*, with the Multures and Pertinents thereof, lying within the Lordship of *Ardmannoch* and Sheriffdom of *Ross* foresaid, together with the Advocation, Donation, and Right of Patronage of all and sundry the Parish Churches, as well Parsonage as Vicarage, underwritten; *videlicet*, *Kilmuir*, *Ardersier*, *Kilternan*, *Fodderty*, *Urquhart*, *Gillychrist*, *Kilmorach*, *Logie*, *Tain*, *Eddertown*, *Suddy*, *Kinnetes* alias *Kinaltie*, *Rosemarkine*, *Cromarty*, *Urray*, *Cullicudden*, *Rosekeen*, *Kincardine*, and *Alness*, all lying within the Diocy of *Ross*, Sheriffdoms of *Inverness*, *Ross*, and *Cromarty* foresaid; together with the Advocation, Donation, and Right of Patronage of all and sundry the Chaplainries underwritten; *videlicet*, the Three Chaplainries of *Alness* erected upon the Parsonage Teinds of the Parish Church of *Alness*, and the Chaplainries of *Newmore* and *Fairlogie*, lying within the said Diocy of *Ross*, and of old within the Sheriffdom of *Inverness*, and now of *Ross* by Annexation, with all and sundry Castles, Towers, Fortalices, Milns, Woods, Fishings, Parts, Pendicles, Annexis, Connexis, Dependencies, Tenants, Tenandries, and Service of Free Tenants of all and sundry the Lands, Baronies, and others foresaid, with the Pertinents, all united, erected, and incorporated in Ane hail and free Barony commonly called the Barony of *Delnie*, and which Barony, comprehending in manner above written, belonged to *John Lord Balmerino*, and were acquired by him from umquhile *Sir Robert Innes* elder of that ilk, as also were acquired from the said umquhile *Sir Robert Innes*, with Consent of *Robert* thereafter *Sir Robert Innes* of that ilk, his eldest Son, by the deceased *George* Earl of *Cromarty*; and in like Manner all and whole the Quarter Land of *Meikle-ground-zaird*, with the Waters and Salmon Fishing in the Bay of *Ground Zaird*, with the Advocation, Donation, and Right of Patronage of the Parish Church of *Lochbroom* lying of late within the Sheriffdom of *Ross* and now of *Cromarty* foresaid; and likewise all and sundry the Five Parks of Land of *Auchagier*, the Lands of *Keppach*, *Kildonan*, *Rederach*, *Arigalach*, *Larichentevoir*, *Elinakip*, *Auchanazie* alias *Auchanachie*, *Bellurn* alias *Bellon*, *Auchaistaldiray* alias *Auchnascaldistray*, *Auchadascaledunisk*, *Strathnashallog*, the Grazings of *Neid* and Forests of *Fanich*, with their respective Grazings, Privileges, and Jurisdictions of Foresty in the Bounds thereof, Woods, Fishings, Mills, Multures, Muirs, Marshes, Parts, Pendicles, and Pertinents thereof, lying of late

[Private.] 5 C within

within the said Sheriffdom of *Ross* and now of *Cromarty*; and in like Manner all and sundry the Lands of *Pitogartie*, Parts, Pendants, and Pertinents of the same, lying within the Parish of *Tain*, and late within the Sheriffdom of *Ross* and now of *Cromarty* foresaid, and the Sum of Four Pounds Scots yearly payable out of the Lands of *Easter Tarbat* to the Chaplain of *Balnagown*, lying of late within the Sheriffdom of *Ross* and now of *Cromarty* foresaid; and in like Manner all and whole the Burgh of Barony of *Tarbat* formerly called the Town of *Milntown*, and Burgh of Barony of *Portmaholmack* alias *Castlehaven*, formerly called the Town or Village of *Portmaholmack*, and hail Power, Privileges, and Immunities thereto belonging, and particularly of creating and electing Bailies within the said Burgh of Barony and all Members of Court, and of keeping weekly Markets within the same, upon

, and a yearly Fair at *Tarbat* and the respective Days specified in the ancient Charters, in all Time coming, and to have Market Crosses within the said Burghs, and to build and erect a commodious Port and Harbour for fit Accommodation of Ships and Barks coming to the said Port or Harbour of *Portmaholmack* alias *Castlehaven*, and to uplift the Tolls and Customs belonging to the said Markets, Fairs, and Ports; all which Lands, Baronies, Rights of Patronage of Churches and Chaplainries, Milns, Woods, Fishings, Teinds, and others particularly above specified, with the Pertinents, are by the said Charter united, annexed, and incorporated in an hail full and free Barony called the Barony of *Tarbat*; and all and whole the Burgh of Regality, being in effect the foresaid Town of *Milntown*, formerly erected in Ane Burgh of Barony, with Power of building, having, and keeping within the said Burgh of Regality called the Burgh of Barony and Regality of *Tarbat* a Tolbooth, a public Weighhouse and Market Cross, and with the Fees, Casualties, Profits, and Emoluments thereof, and all other Powers, Liberties, Privileges, and Jurisdictions which pertained to the said *George* late Earl of *Cromarty*, in so far as the same are not now abolished by Law; and moreover with full and most ample Power of having, admitting, and receiving within the said Burgh of Regality free Burgesses, Artists, and Mechanics, with Power of packing and peeling within *Scotland*, and of buying and selling Wine and Wax, Linen, Plaiding Cloth, broad and narrow, and other Goods and Merchant Ware, and to hold and keep within the said Burgh of Regality Fishers, Fleshers, Brewers, Salters and Packers of Fish, Tailors, Shoemakers, Dyers, Weavers, Wrights, Waulkers, Masons, Smiths, Mealmakers, Painters, Slaters, Carpenters or Shipwrights, Glaziers, Saddlers, and all other Artificers and Mechanics whatsoever, and to hold and keep within the said Burgh of Regality the said weekly Markets and yearly Fairs to which by Act of Parliament and Charter under the Great Seal they have Right; and with all and sundry other Liberties, Privileges, Immunities, Profits, Commodities, Duties, and Casualties whatsoever, as well not named as named, pertaining and belonging, or that by the Laws and Practice of the Kingdom are or shall be known to pertain and belong to any other free Burgh of Regality and Barony any Time bygone or to come, conform to the Charter granted to the deceased *George* Earl of *Cromarty* thereupon, under the Great Seal of *Scotland*, dated at
Windsor

Windsor Castle the Ninth Day of *June* One thousand six hundred and eighty-six Years, and by which the Burgh of Regality aforesaid and Privileges thereof, and others therein mentioned, are united, annexed, and incorporated to the said Barony of *Tarbat*, comprehending in manner foresaid for ever thereafter in all Time coming, together with all Right, Title, and Interest the said *George* late Earl of *Cromarty*, or his Heirs and Successors, had or could pretend thereto in Time coming by virtue of any posterior Charter or other Writ granted to them thereanent; and sicklike all and whole the

Oxgate of Land of *Midgaines* commonly called the Oxgate of *Donald MacWilliam*, lying within the Parish of *Fearn*, late Regality thereof, and Sherifffdom lately of *Ross* and now of *Cromarty*; and likewise all and whole the Town and Lands of *Amatnatua*, lying within the Parish of *Kiocardine*, Regality foresaid, and Sherifffdom lately of *Ross* and now of *Cromarty*; as also all and whole the Towns, Lands, Acres, Crofts, and others underwritten, with their Pertinents; *videlicet*, all and whole the Half of the Manour Place of *Fearn* of old called the Monastery of *Fearn*; all and whole the Half of the Yards and Orchards of the said Monastery of *Fearn*, with their Pertinents; and all and whole the Towns and Lands of *Easter* and *Middle Gainies*, with the Alehouse and Alehouse Croft thereof, and Pertinents; all and whole the Towns and Lands of *Bellamuckie* and *Bellavaick* alias *Bellanriech*, with their Pertinents; all and whole the Towns and Lands of *Catbo-fisher* and *Tullich*, with their Pertinents; all and whole the Towns and Lands of *Lachclavaig* and *Salachie* and *Muckernich*, with the Alehouses, Alehouse Crofts, Grazings, Sheallings, and other Pertinents; all and whole the Half of the Lands of *Cottarsdelwings*, and Eight Acres of Land of old possessed by the Fishers of *Fearn*, with the Pertinents thereof; all and whole the Town and Lands of *Little Milntown* of *Fearn*, with the Pertinents; all and whole the Town and Lands of *Little Rainy*, with the Pertinents; all and whole the Lands of *Ballblair*, with the Alehouse and Alehouse Croft and Pertinents of the same; as also the Towns and Lands of *Easter Fearn*, with the Pertinents; with all and sundry the Duties, Manour Places, Houses, Biggings, Yards, Orchards, Woods, Fishings, Tofts, Crofts, Outsets, Insets, Tenants, Tenandries, and Services of Free Tenants, Annexis, Connexis, Dependencies, Loanings, Grazings, Sheallings, Parts, Pendicles, and Pertinents whatsoever of all and sundry the said Towns, Lands, Crofts, and others above written, with the Pertinents, all lying within the Bishoprick of *Ross* and Sherifffdom lately thereof and now of *Cromarty*; together also with the Right of Superiority and of the Feu Duties of the Half of the said Abbacy of *Fearn* afterwards called the Barony of *Gainies*, some Time pertaining to Sir *William Saint Clair* of *Moy*, and afterwards to *George* Lord *Tarbat*; and sicklike all and whole and all and sundry the Three Chaplainries of *Alness* founded upon the Teind Sheaves of the Parish Church of *Alness*, together with the Chaplainries of *Newmore* and *Fairlogie*; and also all and whole the Chaplainries of *Kildin*, *Saint Catharines* in *Chanonry*, Chapel Lands at *Saint Catherine* and *Saint Mary* at the Burgh of *Dingwall*, *Ardifaillie*, *Mullochie*, *Easter Rarichies*, *Drums* alias *Drummond*, *Saint Monans* by *Assumption*, *Obsdell*, *Priesthill*, *Ulladell* alias *Saint James* Chaplainrie, *Morinches*,
Fairlogie,

Fairlogie, Cambuscunys, the Chaplainries of Tarbat, Drumkeith, Applecross, Fyres, Cullicraigie, Rosskeen, Kilmuir, the Chaplain Lands of Alness, Balnagowan, Balconie alias Cunlishie, Clynes, Multaves, Follie, Kincardie, the Chaplainry of Saint Lawrence at the Castle of Dingwall, Tenoivar, Teninich, Contullich, the Sacristy or Spiritual Provostry of Tain, and Prebendaries thereof, with the hail Casualties of the same, all lying within the Diocy of Ross and Sheriffdoms of Inverness, Ross, and Cromarty foresaid respective; and all and whole the Lands, Sheallings, and Grazings of Kinlochlichart, with Houses, Biggings, Yards, Lochs, Fishings, and Pertinents thereof, lying within the Sheriffdom lately of Ross and now of Cromarty foresaid; and sicklike all and whole the Town and Lands of Priesthill and Tobernagallader, with the Manour Place, Houses, Biggings, Yards, Orchards, Mosses, Muirs, Meadows, Parts, Pendicles, and universal Pertinents thereof, lying within the Parish of Killymuir and Sheriffdom lately of Ross and now of Cromarty, with the Parsonage Teinds and other Teinds, as well great as small, Parsonage and Vicarage, of the said Lands; and farther, all and sundry the Isles, Lands, and others underwritten; videlicet, all and whole the Lands of Barray, Watersay, Sandiray, Phappy, Migillay, Berneray, the Isles of Ferray and Killigilt, and hail remanent Lands and Islands adjacent to the said Isle of Barray, called the Pendicle Isles of Barray; and all and whole the Lands called Tirrung of Degastill, lying in South Uist, and of old occupied by Macniel of Barray, Tirrungs of Finday, Kilbarry, Niclein, Grangebурrow, the Tirrung of Kelles and Hannugastill, with the Castle of Keismill; and all and sundry other Castles, Towers, Fortalices, Manour Places, Mill Woods, Fishings, Tofts, Crofts, Muirs, Marshes, Islands, Lochs, Pasturages, Parts, Pendicles, Annexis, Connexis, and Pertinents thereof whatsoever, pertaining to the said Isles of Barry and remanent Isles above specified, or possessed by the said Macniel, all lying within the Sheriffdom of Inverness, and now united, annexed, and incorporated in Ane hail and free Barony called the Barony of Barray; as also all and whole the Right and Privilege reserved by the deceased George Earl of Cromarty to himself and his Heirs in the Rights and Infestments granted by him to Sir Kenneth Mackenzie, his Second lawful Son, of Ane Girnel House and Ground at the Ness or West End of the Town of Cromarty, for transporting of their Corns in the said Shire of Cromarty from the Barn Floors of the Tenants and Possessors of their Lands to the Ness of Cromarty, or where Ships, Vessels, or Boats lie, with free Passage on the Ferry of Cromarty, and all other Privileges and Liberties contained in the former Rights and Infestments, and here holden as expressed, brevitatis causá; all and whole the full Power, Warrant, Right, and Title of planting and preserving Oyster Scalps, One or more, within the Bay of Cromarty, from the Two Sutors thereof as far as Cullicudden on both Sides of the said Bay of Cromarty, and particularly within the Barony of Tarbat, with the sole Privilege to the said John Mackenzie commonly called Lord Macleod, and his foresaids, and those having Warrant and Licence from them allenary, of fishing and taking Oysters within the said Bounds, conform to ane Charter under the Great Seal granted to the deceased George Earl of Cromarty thereupon, of the Date the Second Day of March One thousand six

six hundred and ninety-two Years, and upon which he was infeft upon the Eleventh Day of *October* One thousand six hundred and ninety-four Years, and his Seisin registered in the General Register upon the Sixteenth Day of the said Month of *October* One thousand six hundred and ninety-four Years; all which Towns, Lands, Baronies, Milns, Miln Lands, Teinds, Patronages, Burghs of Barony and Regality, and others particularly and generally above mentioned (excepting such Lands and others of the said Barony of *Delnie* as are hereafter particularly excepted), are united, annexed, created, and incorporated in an haill and free Barony to be called the Barony of *Tarbat*, and the Castle, Tower, and Fortalice of *Milntown* of *Meddat* is declared to be the principal Messuage of the said Barony of *Tarbat*; and One Seisin to be taken thereat, or upon the Ground of any other Part or Portion of the said Barony, in all Time coming, is declared to be a sufficient Seisin for all and sundry the said Towns, Lands, Baronies, and others so erected in the said Barony of *Tarbat*, and that by Tradition of Earth and Stone, and without the Necessity of any other Symbol, conform to a Charter made and passed under the Great Seal in favour of the said deceased *George* Earl of *Cromarty* in Life Rent, and to *John* afterwards Earl of *Cromarty* and to the Heirs of Tailzie therein mentioned in Fee, dated the Fifteenth Day of *July* One thousand six hundred and ninety-eight Years, and by which Charter it is declared that the Lands and others after mentioned, which are really Parts of the Barony of *Delnie*, should be no Part of the said Erection, nor comprehended in the said Barony of *Tarbat*; viz. all and whole the Towns and Lands of *Meikle-Allan* alias *Allanmore*, and Breweries thereof, *Calrossie*, *Drummedat* alias *Drummoack*, *Glastulich*, *Drumgillie*, *Belintrade*, *Delnie*, with the Smiddy thereof, with Tofts and Crofts, and other Two or more Breweries of the same without Toft and Croft, the Orchard of *Delnie*, *Calreithie*, *Inchfuird* alias *Inchfuir*, *Kincraig*, *Culkenzie*, *Craigmiln*, with Multures and Breweries thereof, *Cunlichmanoch*, *Cunlichmore*, *Breckach*, *Balconie*, with Breweries and *Fluckers Croft*, and Miln of *Alness*, with the astricted Multures of the same, the Fishings called the Stell of *Ardroy*, with the Zair of *Balconie* and Brew Lands of the same, *Culcairn*, with Houses and Breweries thereof, the Lands of *Swardell Fyers*, the Lands of *Milntown* of *Culmalochie*, *Over Culmalochie*, the Fishing of *Ardmore* called the Stell of the same, the Mill of *Cadwell*, and sicklike the Miln Lands of *Milntown* and Mill of *Calbochie*, with the Multures of the same and its Pertinents, together with the Advocation, Donation, and Right of Patronage of all and sundry the Parish Churches, as well Parsonage as Vicarage, of *Arderseir*, *Kilternan*, *Urquhart*, *Killychrist*, *Kilmorack*, *Tain*, *Eddertown*, *Suddie*, *Rosemarkie*, *Cromarty*, *Urray*, *Cullicudden*, *Kincardine*, and *Alness*; and it is thereby likewise declared that a Seisin to be taken at the Manour Place or principal Dwelling House of *Delnie*, which is a Part of the said Barony of *Delnie*, or upon the Ground of any other Part or Portion of the said Lands and others foresaid excepted from the said Barony of *Tarbat*, shall be a sufficient Seisin for the said haill Lands; which Erection of the said Barony of *Tarbat*, with the Dispensation above mentioned for taking the said Seisins, His Majesty, with Consent of the Barons of Exchequer in *Scotland*, by a Charter in favour of the said deceased *John Mac-*

[Private.]

5 d

kenzie

kenzie commonly called Lord *Macleod*, dated the Fourteenth Day of *February* One thousand seven hundred and eighty-five Years, ratified and approved for ever; and sicklike all and whole the Town and Lands of *Cultleod* now called *Castleleod*, and *Glensheuch* alias *Glenskeach*, with Annexis, Connexis, Parts, Pendicles, and universal Pertinents thereof, lying of late within the Sherifffdom of *Ross*, and now by Annexation within the said Sherifffdom of *Cromarty*; and also all and whole the Lands of *Dovecroft*, with the Pertinents; all and whole the Lands of *Brighouse*, Alehouse and Alehouse Croft thereof; all and whole the Lands of *Milncroft* and Pertinents; all and whole the Lands of *Weitlands* and Pertinents, and that Pendicle and Portion of the Abbacy of *Fearn* called *Elvin*, and *Knockan* in *Assint*; all and whole the Town and Lands of *Invercharran*, with the Alehouse and Alehouse Croft and Pertinents of the same whatsoever; as appears from a Charter under the Great Seal, dated the Twenty-ninth Day of *November* One thousand seven hundred and twenty-two Years, in favour of the said *George* late Earl of *Cromarty*; but with and under the Conditions, Provisions, Restrictions, Limitations, Clauses irritant and resolute, Declarations, and Reservations particularly specified in the said Procuratory of Resignation and Deed of Entail, and forming a Settlement in strict Entail according to the Law of *Scotland*; but reserving always full Power and Liberty to the said *John Mackenzie* commonly called Lord *Macleod*, at any Time of his Life, and even upon Deathbed, not only to alter the Course of Succession aforesaid as to all the Heirs of Tailzie and Provision before specified, and also to revoke or alter all or any of the Conditions, Provisions, Restrictions, Irritancies, and others contained in the said Tailzie, but also to sell and dispose of the Lands, Baronies, and other Heritages before specified, or any Part or Portions thereof, and to alienate the same, either gratuitously or for onerous Causes, as the said *John Mackenzie* commonly called Lord *Macleod* should think fit, or to affect the same with such other Provisions, Conditions, and Burdens as he should think proper to impose: And whereas the said *John Mackenzie* commonly called Lord *Macleod* expedie a Charter of Resignation from the Crown of the foresaid Lands and Estate by virtue of the said Disposition and Deed of Entail (which Charter bears Date the Twentieth Day of *December* One thousand seven hundred and eighty-six, and was written to the Seal, registered, and sealed upon the Thirtieth Day of *September* One thousand seven hundred and eighty-eight); and he, having departed this Life, was succeeded in the foresaid entailed Lands and Estate by the said *Kenneth Mackenzie*, his Cousin, who made up Titles thereto conform to Retour of his General Service as nearest and lawful Heir of Tailzie and Provision to the said *John Mackenzie* commonly called Lord *Macleod*, dated the Eighteenth Day of *May* One thousand seven hundred and eighty-nine, and to Instrument of Seisin in his Favour following upon the foresaid Charter of Resignation, and by virtue of the foresaid Retour, and which Instrument of Seisin is dated the Seventeenth and registered in the Particular Register of Seisins at *Inverness* the Eighteenth Days of *August* One thousand seven hundred and eighty-nine: And whereas the said *Kenneth Mackenzie*, having departed this Life, was succeeded in the said entailed Lands
and

and Estate by *Isabella Mackenzie Lady Elibank*, the eldest Sister of the said *John Mackenzie* commonly called *Lord Macleod*, and Relict of *George Lord Elibank*, who made up Titles to the same conform to Retour of her Special Service as nearest and lawful Heir of Tailzie and Provision to the said *Kenneth Mackenzie* under the foresaid Deed of Entail bearing Date the Eighteenth Day of *December* One thousand seven hundred and ninety-seven, Precept from Chancery issued by virtue of the said Retour, and dated the Fifth Day of *March* One thousand seven hundred and ninety-eight, and Instrument of Seisin following upon the said Precept, dated the Fifteenth Day of *March* and registered in the Particular Register of Seisins at *Inverness* the Third Day of *May* One thousand seven hundred and ninety-eight: And whereas the said *Isabella Lady Elibank*, having departed this Life, was succeeded in the said entailed Lands and Estate by her eldest Daughter, the Honourable Mistress *Maria Hay Mackenzie*, who made up Titles thereto conform to the Retour of her Special Service as nearest and lawful Heir of Tailzie and Provision to her said Mother under the foresaid Deed of Entail bearing Date the Eighth Day of *March* One thousand eight hundred and two, Precept from Chancery issued by virtue of the said Retour, and dated the Twenty-second Day of *March* One thousand eight hundred and two, and to an Instrument of Seisin following upon the said Precept, dated the Twenty-seventh Day of *March* and registered in the Particular Register of Seisins at *Inverness* the Fifteenth Day of *April* One thousand eight hundred and two: And whereas the said *Maria Hay Mackenzie*, with Consent of *Charles Selkraig*, Accountant in *Edinburgh*, by Disposition dated the Twenty-fourth and Twenty-eighth Days of *June* One thousand eight hundred and twenty-two, and recorded in the Books of Council and Session the Sixteenth Day of *April* One thousand eight hundred and thirty-five, disposed to herself in Life Rent, and to *John Hay Mackenzie* Esquire, her only Son, in Fee, and to the other Heirs called after him by the foresaid Deed of Entail, under all the Conditions, Restrictions, and Limitations of the said Entail, all and whole the said Lands and Barony of *Coygeach*, and certain other Lands, all Parts of the said entailed Estate, whereupon the said *Maria Hay Mackenzie* and *John Hay Mackenzie* expedite a Charter of Resignation from the Crown, dated the Fifth Day of *July* and written to the Seal and registered and sealed the Sixth Day of *September* One thousand eight hundred and twenty-two, and were infest and seised in the Lands and others so disposed for their respective Rights of Life Rent and Fee, conform to Instrument of Seisin dated the Nineteenth and registered in the General Register of Seisins at *Edinburgh* the Twenty-third Days of *September* One thousand eight hundred and twenty-two: And whereas the said *Maria Hay Mackenzie*, by another Disposition, with Consent of the said *Charles Selkraig*, dated the Seventh and Tenth Days of *April* One thousand eight hundred and twenty-eight, and registered in the Books of Council and Session the Sixteenth Day of *April* One thousand eight hundred and thirty-five, disposed to herself in Life Rent, and to the said *John Hay Mackenzie* in Fee, and to the other Heirs of Entail called by the foresaid Deed of Entail, under all the Conditions, Restrictions, and Limitations of the said Entail, all the Remainder of the said entailed Lands

Disposition
by Mrs. Hay
Mackenzie,
dated June
1822.

Disposition
by Mrs. Hay
Mackenzie,
dated April
1828.

Contract of
Marriage
between
Lord Mac-
leod and the
Hon. Mar-
jory Forbes,
dated 3d
June 1786.

Lands and Estate, upon which Disposition the said *Maria Hay Mackenzie* and *John Hay Mackenzie* were infeft and seised in the Lands and others so disposed for their respective Rights of Life Rent and Fee, conform to Instrument of Seisin in their Favour, dated the Twelfth and registered at *Edinburgh* the Twenty-ninth Days of *July* One thousand eight hundred and twenty-eight: And whereas the said *John Mackenzie* commonly called *Lord Macleod*, by a Contract of Marriage, dated the Third Day of *June* One thousand seven hundred and eighty-six, and registered in the Books of Council and Session the Eleventh Day of *March* One thousand eight hundred and thirty-five, entered into between him and *Marjory* the eldest Daughter of *James Lord Forbes*, and now the Duchess Dowager of *Atholl*, bound and obliged himself, and his Heirs and Successors whatsoever, renouncing the Benefit of the Order of Discussion, upon their own proper Charges and Expences, duly and sufficiently to infeft and seise the said *Marjory Forbes* (who immediately upon the Execution of the said Contract of Marriage became the Wife of the said *John Mackenzie* commonly called *Lord Macleod*) in Life Rent during all the Days of her Lifetime, in case she should happen to survive him, in all and hail the said Lands and Barony of *Cogeach* or *Coygeach*, with the Tower, Fortalice, Mills, Fishings as well in salt as in fresh Waters, Parts, Pendicles, Tenants, Tenandries, and Service of Free Tenants, with all their Pertinents, as also in all and whole the Lands of *Cultleod* now called *Castleleod*, and *Glenseugh* alias *Glenskaich*, all Parts of the said entailed Lands and Estates to be holden of the said *John Mackenzie* commonly called *Lord Macleod*, and his Heirs, in Free Blench, for Payment of a Penny Scots Money upon the Ground of the said Lands at the Term of *Whitsunday* yearly, if asked allenary, which Life Rent, Infeftment, and Lands, and others foresaid, so provided to the said *Marjory Forbes*, the said *John Mackenzie* bound and obliged himself and his foresaids to be good and valid, and sufficient, free, safe, and sure to the said *Marjory Forbes*, during all the Days of her Lifetime, from all and sundry Perils, Burdens, Dangers, and Inconveniences whatsoever which might anywise stop, trouble, or prejudge her in the peaceable Possession of the said Lands, Barony, and others, or in uplifting the Rents, Maills, and Duties thereof, during her Life, at all Hands and against all Mortals; but declaring always, as it is by the said Contract of Marriage covenanted, provided, and declared, that the aforesaid Lands, Barony, and others, the Life Rent whereof was provided to the said *Marjory Forbes* in the Event of her surviving her said promised Husband, should in that Event be redeemable from her by the Heir succeeding to the said *John Mackenzie* commonly called *Lord Macleod*, or who may be in possession of or have Right to succeed to the said tiailled Estate for the Time, his making Payment to her, or to her Factors for her Behoof, of an yearly Annuity of Four hundred Pounds Sterling, and that at Two Terms of the Year, *Whitsunday* and *Martinmas*, by equal Portions, and beginning the first Term's Payment of the said Annuity at the Term of *Whitsunday* or *Martinmas* next and immediately following the Death of him the said *John Mackenzie* commonly called *Lord Macleod*, and from thenceforth yearly and termly during all the Days of her Life; but declaring also that

that if the Heir succeeding to the said *John Mackenzie* commonly called *Lord Macleod*, or who may be in possession of the said Estate for the Time, shall at any Time fail in making Payment to the said *Marjory Forbes* in the Event of her surviving her said Husband, or to her Factors for her Behoof, of the aforesaid Annuity of Four hundred Pounds Sterling, yearly and termly as the same becomes due, or at least within the Space of Six Months thereafter, then and in that Case it shall be leisom and lawful to her immediately upon such Failure to enter to the Possession of the aforesaid Lands, Barony, and others, and to possess and enjoy the same, and intromit with, uplift, and receive the Rents thereof, and apply the same to her own Use and Benefit, in lieu and place of the said Annuity, during all the Days of her Life thereafter, without being accountable to the Heir who may be in possession of the said Estate for the Time for her said Intromissions, she being in that Event liable for the whole public and annual Burdens payable out of or affecting the Lands, Barony, and others above written, during the Time of her Possession; in virtue of which Contract of Marriage the said *Marjory Forbes* was infeft in the said Lands and Barony of *Coygeach* conform to Instrument of Seisin in her Favour dated the Tenth and registered at *Inverness* the Twenty-sixth Days of *November* One thousand seven hundred and eighty-six, and in the said Lands of *Castleleod* and *Glenskeach* conform to Instrument of Seisin in her Favour dated the Eighteenth and registered at *Inverness* the Twenty-sixth Days of the said Month of *November* One thousand seven hundred and eighty-six: And whereas the said *John Mackenzie* commonly called *Lord Macleod*, by an additional Bond of Provision, having therein express Reference to the aforesaid Contract of Marriage, and dated the Twenty-sixth Day of *July* One thousand seven hundred and eighty-eight, and registered in the Commissary Court Books of *Edinburgh* the Fourteenth Day of *November* One thousand seven hundred and eighty-nine, bound and obliged himself and the Heirs succeeding to him in his Lands and Heritages to make Payment to his said Spouse or to her Assignees in the Event of her surviving him, of a farther Annuity of Two hundred Pounds Sterling Money yearly, free of all Burdens and Deductions whatsoever, and that at Two Terms in the Year, *Whitsunday* and *Martinmas*, by equal Halves, beginning the first Half Year's Payment at the first of these Terms that should happen next after his Decease, and so forth to continue and to be paid to her half-yearly thereafter during all the Days of her Life, with a Fifth Part more than each Term's Annuity of Penalty in case of Failure, and the legal and ordinary Interest of the said Annuity from the respective Terms of Payment thereof, during the Not-payment of the same; declaring always that the Annuity provided by the Bond now under recital should be without Prejudice to the aforesaid Provision of Four hundred Pounds Sterling yearly provided by the aforesaid Contract of Marriage, and secured in the Manner before specified: And whereas, since the said *Maria Hay Mackenzie* came into possession of the foresaid entailed Lands and Estates, in the Year One thousand eight hundred and two, she the said *Maria Hay Mackenzie* and the said *John Hay Mackenzie* have laid out and expended large Sums upon the Improvement and Amelioration thereof, in erecting Farm Houses and Offices, building Churches

Bond of Provision by Lord Macleod in favour of his Wife, 26th June 1786.

[Private.]

5 e

and

and Manses, in planting, draining, embanking, and inclosing the said Lands, in making Roads for the Advantage of and through the same, and otherways for the permanent Benefit and Advantage of the said Estate and of the Heirs of Entail entitled to succeed thereto, and the said *Maria Hay Mackenzie* and *John Hay Mackenzie* have also expended very considerable Sums in maintaining the Validity of the said Deed of Entail against Actions at Law brought for reducing and defeating the same, and for evicting and taking away certain Parts and Portions of the said entailed Estate, by means of which the Succession to the said entailed Estate has been secured to the Heirs called by the aforesaid Deed of Entail, which Sums so laid out in Improvements as aforesaid amount in all to the Sum of Eighteen thousand two hundred and ninety-nine Pounds Sterling or thereby, and which Sums so expended for or on account of such Actions amount in all to the Sum of Eight hundred and twenty-seven Pounds Sterling or thereby (and which Expenditure, amounting in all to the Sum of Nineteen thousand one hundred and twenty-five Pounds Five Shillings and Sevenpence, is set forth in Schedule (A.) hereunto annexed); and although by means of the said Expenditure and Outlay the Estate has been improved in Value and maintained for the Benefit of the Heirs of Entail, yet by reason thereof the said *Maria Hay Mackenzie* and *John Hay Mackenzie* have contracted a large Sum of Debt: And whereas since the Term of *Whitsunday* which was in the Year One thousand eight hundred and nine the said Annuities payable to the said *Marjory Forbes* now Duchess Dowager of *Atholl*, and amounting, exclusive of Interest, at the Term of *Whitsunday* One thousand eight hundred and thirty-four, to the Sum of Fifteen thousand Pounds, have not been paid or discharged, so as to free and relieve therefrom the said entailed Lands and Estate, which are liable for the same, and may be affected thereby, in respect that the said Annuities are due in virtue of Obligations granted by the said *John Mackenzie* commonly called *Lord Macleod*, the Maker of the foresaid Entail, and the same have been assigned to and for behoof of the Persons named in the Schedule (B.) hereunto annexed: And whereas the Sum of Debt now due by the said *Maria Hay Mackenzie* and *John Hay Mackenzie* in respect of Improvements and Outlay made by them for behoof of the entailed Estate, and of Arrears of Annuity due to Persons in right of the said Duchess Dowager of *Atholl*, amounts to the Sum of Twenty-eight thousand seven hundred and ninety-two Pounds Sterling or thereby, as appears from Schedule (B.) hereunto annexed: And whereas an Act was passed in the Tenth Year of the Reign of His late Majesty *George* the Third, intituled *An Act to encourage the Improvement of Lands, Tenements, and Hereditaments in that Part of Great Britain called Scotland held under Settlements of strict Entail*, by which a certain Relief was intended to be given to Heirs of Entail expending Money in the Improvement of their Estates, upon complying with the Regulations therein laid down; but the said Act does not in all Cases afford adequate Relief, and the Provisions thereof are attended with so much Doubt and Difficulty in the Execution as to frustrate in a great measure the Object for which the said Act was passed, and the said *Maria Hay Mac-*

kenzie and the said *John Hay Mackenzie* cannot obtain the Relief thereby contemplated, in regard that the Regulations thereby enacted have not been complied with in respect of the Sums expended in improving the said entailed Estates as aforesaid: And whereas the subsequent Heirs of Entail entitled to succeed to the said Estate will derive great Advantage from the Expenditure so made as aforesaid for behoof of the entailed Estate, and it is just and equitable that the said *Maria Hay Mackenzie* and the said *John Hay Mackenzie* should be relieved of Three Fourth Parts of the said Expenditure, and it would be for the Benefit and Advantage of the Heirs of Entail entitled to succeed to the said Estates that the said Estates should be freed from the Arrears of the said Annuities by a Sale of Parts of the said Estate which lie at a Distance from the Bulk of the said Estate, and are interspersed with other Properties, so as to occasion much Expence in the Management thereof: And whereas these Objects may be most conveniently attained by authorizing the Sale of the following Parts of the said entailed Estate (described in Schedule (C.) to this Act annexed), which lie discontinuous from the Bulk of the said entailed Estate as aforesaid, and may be sold without Injury to the rest thereof, *videlicet*, the said Lands of *Auchaistaldinray* or *Auchnascaldistray*, now called *Achtascald*, the Lands of *Ardessie* or *Ardjessie*, the said Lands of *Meikle Ground-zaird*, now called *Gruinzard*, the Island of *Gruinzard*, the Lands of *Auchnivie*, the Lands of *Glashlacalleach* or *Glaslich*, the Lands of *Feanbeg*, and the Forest of *Fannich*, with the said Salmon Fishings of *Ground-zaird* or *Gruinzard*, and applying the Price or Prices to be got for the same towards the Payment of the said Arrears of Annuity, and by authorizing a Sum of Money equal to Three Fourth Parts of the foresaid Sum of Nineteen thousand one hundred and twenty-five Pounds Five Shillings and Sevenpence to be borrowed on the Security of the said entailed Estates, to be applied in Payment of the Expenditure made and Debts incurred by the said *Maria Hay Mackenzie* and *John Hay Mackenzie* as aforesaid: May it therefore please Your Majesty that it may be enacted; and 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 the Lands of *Auchaistaldinray* or *Auchnascaldistray*, now called *Achtascald*, the Lands of *Ardessie* or *Ardjessie*, the Lands of *Meikle Ground-zaird*, now called *Gruinzard*, the Island of *Gruinzard*, the Lands of *Auchnivie*, the Lands of *Glashlacalleach* or *Glaslich*, the Lands of *Feanbeg*, the Forest or Lands of *Fannich*, and the Salmon and other Fishings of *Gruinzard*, with the Teinds of the said Heritages, in so far as the said *Maria Hay Mackenzie* and *John Hay Mackenzie* have Right to the same, and which Lands and Heritages, in so far as not specially described in the foresaid Deed of Entail, are Parts and Portions of the Lands and Barony of *Cogeach*, and which Lands and Heritages are set forth in Schedule (C.) to this Act annexed, and are Parts and Portions of the said Lands and Estates settled by the Deed of Entail herein-before recited, shall, from and after the passing of this Act, be vested in and settled upon, and the same are hereby,

Lands described in Schedule (C.) vested in Trustees to be sold.

hereby, from and after the passing of this Act, vested in and settled upon Sir *David Hunter Blair* of *Brownhill*, Baronet, Sir *Francis Walker Drummond* of *Hawthornden*, Baronet, and *John Buckle* Esquire, residing at *New Hall* in the County of *East Lothian*, and the Survivors or Survivor of them, and the Heir of such Survivor, freed and discharged of and from all and every the Conditions, Provisions, Declarations, Reservations, Burdens, Faculties, Restrictions, Limitations, and Clauses irritant and resolute which in and by the said Deed of Entail and the subsequent Investitures herein-before recited are limited, created, expressed, declared, and contained of and concerning the same, but nevertheless upon Trust and to and for the Intents and Purposes herein-after expressed; (that is to say,) upon Trust that the said Sir *David Hunter Blair*, Sir *Francis Walker Drummond*, and *John Buckle* Esquire, and the Survivors or Survivor of them, and the Heir of such Survivor, do and shall, when so required in Writing by the said *Maria Hay Mackenzie* and *John Hay Mackenzie*, or the Survivor of them, or the Heir of Entail in possession of the said entailed Lands and Estates for the Time being, sell and dispose of the said Lands and other Heritages hereby vested in and settled upon them as aforesaid, or such Part or Parts thereof as the said *Maria Hay Mackenzie* and *John Hay Mackenzie*, or the Survivor of them, or the Heir of Entail in possession of the said entailed Lands and Estates for the Time being, shall so require, and that either in One or more Lots or Parcels, and by public Sale or Auction or private Bargain, and at such Price or Prices, as the said Trustees shall judge best; with Power to the said Trustees to adjourn the Sale or Sales from Time to Time to such Time and Place as they shall judge expedient: Provided always, that previous Notice by public Advertisement of such intended Sale shall be given at the least once a Week during Six Weeks preceding the Day appointed for such Sale in such Newspaper or Newspapers published in *Scotland* as the said Trustees shall deem expedient, and that similar Notice shall be given of any Adjournment of such Sale or Sales in some such Newspaper or Newspapers at least once a Week for One Month previous to such adjourned Sale taking place.

Money arising from such Sale to be paid into Banks.

II. And be it enacted, That when such Sale or Sales shall be effected the Money arising by such Sale or Sales shall be paid by the Purchaser or Purchasers, without Fee or Reward, into the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British Linen Company*, or the Commercial Bank of *Scotland*, or the National Bank of *Scotland*, in the Names of the said Trustees, and the Survivors or Survivor of them, and the Heirs of such Survivor, and shall when so paid in produce the highest Rate of Interest that can be obtained for the same, which shall be by the said Trustees annually accumulated and added to the Principal Sum until the same shall be disposed of as herein-after mentioned; and upon the said Price or Prices being paid in as aforesaid the said Trustees or their foresaids shall be bound and entitled to execute and deliver to the Purchaser or Purchasers a valid Conveyance or Conveyances to the Lands and other Heritages purchased, freed of all the Fetters of the said Deed of Entail and subsequent Investitures, and of all Incumbrances whatever, and containing all the usual and necessary

Cluses

Clauses requisite for vesting the Lands so purchased in the Purchaser or Purchasers thereof in Fee Simple; and the Receipt of the Treasurer of the Bank of *Scotland*, or of the Cashier of the Royal Bank of *Scotland*, or of the Manager of the Bank of the *British Linen Company*, or of the Manager of the Commercial Bank of *Scotland*, or of the Manager of the National Bank of *Scotland*, for the Money respectively paid to them, shall be a full and complete Discharge of the Price to the said Purchaser or Purchasers, and to his, her, or their respective Heirs, Executors, and Successors whatsoever; and from thenceforth such Purchaser or Purchasers, his, her, or their respective Heirs, Executors, and Successors, shall be and are hereby absolutely acquitted and discharged of the said Price or Prices, and shall not be obliged to see to the Application thereof or any Part thereof, or be answerable or accountable for any Loss, Misapplication, or Nonapplication of any Part of the same.

III. And be it enacted, That the said Trustees or their foresaids shall apply the Money which shall arise from such Sale or Sales, and the Interest which may be accumulated thereon as aforesaid, in the Payment of the said Arrears of Annuity, or of so much thereof as the same will discharge; and the Person or Persons in right of the said Arrears at the Time to whom the same shall be paid shall be bound to execute valid Discharges to the Heirs of Entail succeeding to the said Estates, releasing them and the said Estates from such or so much of the Money as they shall so receive Payment of from the said Trustees.

The Money to be applied in Payment of Arrears of Annuity.

IV. And be it enacted, That if, after fully paying and satisfying the said Arrears of Annuity, any Surplus of the said Price or Prices and Interest shall remain in the said Banks or any of them, the said Trustees, and the Survivors or Survivor of them, and the Heirs of such Survivor, may and shall, after Intimation to the Heir of Entail entitled to Possession for the Time of the said entailed Estates, lay out and employ such Money or Surplus in the Purchase of other Lands lying contiguous to or convenient for the said entailed Estates, at such fair and just Price as ought to be given for the same, after the Price so to be given shall have been approved of by the Court of Session in One of its Divisions to which Application shall be made for its Approbation, and shall, with the Approbation of the said Court, dispoise and convey the Lands or Heritages so to be purchased by them, and shall also dispoise and convey any Part of the said Lands and Estate appointed by this Act to be sold which may remain unsold, to the same Series of Heirs of Entail, and under the same Conditions, Provisions, Declarations, Reservations, Burdens, Faculties, Restrictions, Limitations, and Clauses irritant and resolute, as in and by the said Deed of Entail herein-before recited are declared and expressed of and concerning the said Lands and Estates comprised in the said recited Deed of Entail, as shall then be existing undetermined and capable of taking effect; and the Dispositions and Conveyances thereof, to be executed by them for that Purpose, shall be so framed as to bind the Institute as well as all and every other Person or Persons succeeding as Heirs of Entail; and the said Trustees, and the Survivors and Survivor of them, and the Heirs of such Survivor, shall, immediately after the

Surplus to be invested in Land, to be entailed.

[Private.]

5 f

Execution

Execution of such Conveyances or Dispositions, cause the same to be recorded in the Register of Tailzies, for the Benefit of all and every Person and Persons interested therein, and Infestment to be taken thereon; and in the meantime and until the Money shall be so applied the said Court shall order and direct that the same shall remain in the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British Linen Company of Scotland*, or Commercial Bank of *Scotland*, or National Bank of *Scotland*, subject to the Direction of the said Court in either of the Divisions thereof, in the Names of the said Trustees, and the Survivors or Survivor of them, and the Heirs of such Survivor, and shall annually accumulate, and the Interest be added to the Principal Sum, so that they may carry Interest together, until a proper Purchase in Lands shall be found, to be limited in the Manner herein-before directed, and until, upon a Petition to be preferred to the said Court in either of the Divisions thereof, in a summary Way, by the said Trustees or their Successors, and the Survivors or Survivor of them, and the Heirs of such Survivor, with the Concurrence of the Heir of Entail in possession of the said Estate for the Time being, the Money shall be ordered to be paid by the Treasurer of the Bank of *Scotland*, or the Cashier of the Royal Bank of *Scotland*, or the Manager of the Bank of the *British Linen Company*, or Commercial Bank of *Scotland*, or National Bank of *Scotland*, for completing the said Purchase, in such Manner as the said Court shall direct.

Sale of Lands may be postponed, and Money borrowed.

V. And be it further enacted, That in case an adequate Price cannot immediately after the passing of this Act be obtained for the said Lands vested in the said Trustees as aforesaid, and it shall be deemed expedient by the said *Maria Hay Mackenzie* and the said *John Hay Mackenzie*, or the Survivor of them, or, after the Death of both of them, by the said Trustees, that the Sale of the said Lands should be postponed, then and until such Sale shall be made it shall be lawful for the said *Maria Hay Mackenzie* and the said *John Hay Mackenzie*, and the Survivor of them, or the Heir of Entail in possession of the said Lands and Estates for the Time, or his or her Tutor or other Administrator, with the Consent and Approbation of the said Trustees or their foresaids, and he, she, and they is and are hereby authorized, to borrow and take up in Loan upon the Security of the said Lands described in Schedule (C.), at such Rate of Interest as may be agreed on, not exceeding Five Pounds *per Centum per Annum*, any Sum or Sums of Money not exceeding in the whole the Sum of Fifteen thousand Pounds; and it is provided and declared, that the Sum or Sums so to be borrowed shall be applied in the Payment of the said Arrear of Annuity, and that upon a Sale being made of the said Lands the Price shall then be applied in liquidation of the Money borrowed, and then in manner herein-before directed in the Case of a Sale of the said Lands in Schedule (C.) being first made.

Limiting the Sum to be borrowed,

VI. And it is hereby further enacted, That it shall and may be lawful for the said *Maria Hay Mackenzie* and *John Hay Mackenzie*, or the Survivor of them, or the Heir of Entail in possession of the said entailed Estates at the Time, or to his or her Tutor or other Administrator in case he or she be a Minor, with

with the Consent and Approbation of the said Trustees and their foresaids, to borrow and take up in Loan a Sum or Sums of Money not exceeding Fourteen thousand three hundred and forty-three Pounds Nineteen Shillings and Two-pence Three Twelfths of a Penny Sterling, being Three Fourth Parts of the aforesaid Sum of Nineteen thousand one hundred and twenty-five Pounds Five Shillings and Seven-pence, over and above the Expences of applying for, obtaining, and passing this Act, and carrying the same into execution; and it shall be lawful to the said *Maria Hay Mackenzie* and *John Hay Mackenzie*, or the Survivor of them, or to the Heir of Entail in possession of the said entailed Estates for the Time, or to his or her Tutor or other Administrator in case he or she be a Minor, with the Consent and Approbation of the said Trustees or their foresaids, validly to secure the Payment of the Money so to be borrowed, and the Interest thereof, and liquidate Penalties and Expences to be therein stipulated, by Heritable Bond or Bonds, and Disposition or Dispositions in Security, in favour of the Person or Persons who may lend such Money, disposing and conveying in the Form and with the Powers usual in similar Heritable Securities in *Scotland*, heritably but redeemably, the Whole or any Portion or Portions of the Lands and Estates more particularly mentioned and described in the Schedule (D.) hereunto annexed, being Parts and Portions of the Lands and Estates comprised in the Deed of Entail before recited, which Heritable Bonds or Dispositions in Security shall be good, valid, and effectual to such Creditor or Creditors, Lender or Lenders, and to his, her, and their respective Heirs, Executors, or Representatives whatsoever, or to his, her, or their Assignee or Assignees, or to any Person in right of the said Heritable Bond or Bonds, Disposition or Dispositions in Security, for the Time, in the same Manner as if the same were granted by a Fee-simple Proprietor, and shall effectually burden either the Whole or such Parts of the said Lands and others contained in the said Schedule (D.) as shall be included in and disposed by such Heritable Bonds and Dispositions in Security, and shall be effectual against all the Heirs of Entail who may be entitled to succeed to the said entailed Estates; and the said Heritable Bonds and Dispositions in Security shall be freed of all the Fetters of the said Entails and Investitures; and the said Creditor or Creditors, Lender or Lenders, shall have every Remedy competent by the Laws of *Scotland* for the Recovery of the Sums so lent, Interest and Penalties, as is competent to any other Creditor by Heritable Bond or Bonds and Disposition in Security.

VII. And be it enacted, That the Money to arise by the Loan of the Whole or of a Portion of the said Sum of Fourteen thousand three hundred and forty-three Pounds Nineteen Shillings and Two-pence Three Twelfths of a Penny, and of a Sum equal to the Expences aforesaid, authorized to be contracted in virtue of the Powers conferred by this Act, shall be paid by the Lender or Lenders thereof into one or other of the said Banks before mentioned, in the Name of the said Trustees and their foresaids, and shall when so paid in produce the highest Rate of Interest that can be obtained for the same, which shall be by the said Trustees annually accumulated and added to the Principal Sum, until the same shall be disposed of as herein-after mentioned;

Money borrowed to be paid into Bank.

mentioned; and the Receipt of the Treasurer of the Bank of *Scotland*, or of the Cashier of the Royal Bank of *Scotland*, or of the Manager of the Bank of the *British Linen Company*, or of the Manager of the Commercial Bank of *Scotland*, or of the Manager of the National Bank of *Scotland*, shall be a full and complete Receipt to such Lender or Lenders for the Sum or Sums therein specified.

Money borrowed to be applied in Payment of Debts, &c.

VIII. And be it enacted, That as soon as conveniently may be after the said Money arising from such Loan or Loans shall be so paid in as aforesaid the said Trustees shall in the first place apply the said Money, or so much thereof as shall be necessary, to pay off and discharge the Costs and Expences of applying for and obtaining this Act, and carrying the same into execution; and in the next place shall pay off and discharge the Remainder of the Debts specified in Schedule (B.) hereunto annexed, or such of them as the said *Maria Hay Mackenzie* and *John Hay Mackenzie*, or the Survivor of them, shall in Writing direct, or in case of their Deaths as the said Trustees shall think fit, and as the said Money shall be equal to discharge; and if any Balance shall remain of the said Money, after fully paying and discharging the Expences and the whole Debts specified in the said Schedule (B.), the said Trustees shall apply the same in the Purchase of Lands to be entailed in the Manner before directed; and on such Payment as aforesaid the Person or Persons in right of the said Debts at the Time to whom the same shall be paid, and the Person or Persons to whom the said Expences shall be paid, shall grant valid and effectual Releases for the Sums so paid to them as aforesaid, completely discharging the said Lands and Estates, and the said *Maria Hay Mackenzie* and the said *John Hay Mackenzie*, and the Heirs of Entail who shall succeed to the said Lands and Estates, of and from the Sums so paid to them as aforesaid; and the said entailed Lands and Estates, and the Heirs of Entail therein, shall be for ever freed and relieved of and from any Claims or Demand for any Sum or Sums of Money expended as aforesaid in the Improvement of the said Estates or otherwise.

Trustees may be exonerated by the Court of Session.

IX. And be it enacted, That after having carried the whole Purposes of this Act into effect it shall be in the Power of the said Trustees and their foresaids, or any One of them, if he or they think it necessary for his or their own Relief, to apply to the said Court of Session in either of the Divisions thereof for a Discharge and Exoneration of their Proceedings, and that by summary Proceeding; and the said Court is hereby required to order Production of the Accounts of the said Trustees, and after Consideration thereof, and if the same shall be found to be correct, to exonerate and discharge the said Trustees of his or their Intromissions, and to declare him or them quit and discharged thereof for ever.

Court may appoint new Trustees.

X. And be it enacted, That if the said *Sir David Hunter Blair*, *Sir Francis Walker Drummond*, and *John Buckle Esquire*, or any of them, or any Trustee to be appointed under this Act as after mentioned, shall die, or be desirous to be discharged from or shall become incapable to act in the Trusts, Powers, and Authorities hereby reposed and vested in them, at any Time before the said Trusts,

Trusts, Powers, and Authorities shall have been fully performed and executed, then and in any of these Cases, and when and as often as the same shall happen, it shall and may be lawful for the said Court of Session, in either of the Divisions thereof, upon Application of the said Trustees or any One or more of them, or their respective Heirs or Representatives, together and in conjunction with the aforesaid *Maria Hay Mackenzie* and *John Hay Mackenzie*, or the Survivor of them, and after their Death together and in conjunction with the Heir of Entail who shall be in possession of the said entailed Lands and Estates for the Time, or to his or her Tutor or other Administrator in case he or she shall be a Minor, to appoint and elect any other fit Person or Persons to be a Trustee or Trustees for the Purposes aforesaid, in the Place and Stead of them the said Trustees, or such of them or of such Trustee or Trustees so to be elected as shall die, or be desirous to be discharged from or shall become incapable to act in the Execution of the Trusts, Powers, and Authorities by this Act given, and so from Time to Time as often as there shall be Occasion; and so often as any new Trustee or Trustees shall be appointed as aforesaid the said Lands and others described in the said Schedule (C.) hereunto annexed, and hereby vested in the said Trustees in Trust as aforesaid, shall thereupon become legally vested in the remaining Trustee or Trustees, or wholly in such new Trustee or Trustees, as the Case may require, and the Survivors or Survivor of them, and the Heirs or Assigns of such Survivor, upon the Trusts, and to and for the same Uses, Intents, and Purposes, and with, under, and subject to all the Powers and Authorities by this Act given and declared; and the Act and Decree of the said Court of Session appointing a new Trustee or Trustees, and vesting in him or them the said Lands and others as aforesaid, shall be registered in the General Register of Seisins kept at *Edinburgh*; and such new Trustee or Trustees shall have and enjoy all and every the Powers and Authorities conferred on the Trustees named in this Act, the same as if such new Trustee or Trustees had been named a Trustee or Trustees in this Act.

XI. And be it enacted, That the Majority of the Trustees under this Act for the Time being while the Number of such Trustees for the Time exceeds Two shall be a legal and sufficient Quorum for carrying all the Purposes of this Act into execution; and if there be only One Trustee at the Time, he shall at all Times have full Power to act by himself alone until the Appointment of a new Trustee or Trustees.

Majority of Trustees to be a Quorum.

XII. And be it enacted, That it shall be in the Power of and lawful for the Majority of the Trustees for the Time to nominate and appoint Factors, Stewards, Receivers, and Agents for carrying the Purposes of this Act into execution, taking sufficient Security for such Factor, Steward, or Receiver, for the faithful Execution of his Office, before he or they be allowed to enter upon the Exercise thereof.

Trustees may appoint Agents, &c.

XIII. And be it enacted, That nothing in this Act contained shall be held or construed to alter, innovate, change, or defeat the aforesaid Deed of Entail herein-before recited, or the Order of Succession therein and thereby established, and in the subsequent Titles respectively

Nothing in this Act to defeat the Entail.

[Private.]

5 g

contained,

contained, except in so far as is necessary to carry into effect the Purposes of this Act, nor in any way to interfere with or to impair the real Security held by the said Duchess Dowager of *Atholl* for the Payment of the aforesaid Annuity of Four hundred Pounds, or the Security held by her Grace for the Payment of the aforesaid Annuity of Two hundred Pounds.

Heir of Entail for the Time being to exercise all Powers as such till Sale.

XIV. And be it enacted, That until the said Sale or Sales take place, or the said Loan or Loans be effected, the said *Maria Hay Mackenzie* and *John Hay Mackenzie*, and the Heir or Heirs of Entail for the Time being, shall be entitled to use and exercise all Powers and Privileges competent by Law to any Heirs of Entail, so far as the same shall be consistent with and in Terms of the said Deed of Entail or with the Law of *Scotland*, any thing herein contained notwithstanding.

Sales not to be reduced by said Heir of Entail.

XV. And be it enacted, That after the Sale or Sales and Loan or Loans hereby authorized, and the Purchase of the said Lands, shall be completed, it shall not be competent to the said *Maria Hay Mackenzie* or *John Hay Mackenzie*, or any of the Heirs of Entail under the said Deed of Entail before recited, to reduce or quarrel such Sale or Sales or Loan or Loans on any Ground whatever.

Purchasers to have no Concern with Application.

XVI. And it is further hereby enacted, That the Purchasers and Lenders under this Act shall be in no way concerned with the Application or the Misapplication of the Money to be paid or lent by them.

Heir of Entail not to keep up Annuity or Interest as a Debt by Assignation.

XVII. And it is hereby enacted, That it shall not be competent to the Heir of Entail in possession of the Estate of *Cromarty* to keep up as a Debt against the said Estate, by Assignation or otherwise, the foresaid Annuity payable to the said Duchess Dowager of *Atholl*; and that it shall not be competent to the said Heir, or to any other Person or Persons, to take from the Persons lending Money by virtue of this Act any Assignation to the Interest payable to such Lender.

General Saving.

XVIII. Saving and reserving always to the King's most Excellent Majesty, and to His Heirs and Successors, and to the Heritable Creditors on the Lands and Estate hereby allowed to be sold or burdened as aforesaid, and Annuitants unpaid, and to his, her, or their Heirs, Executors, and Successors, and to all others (save and except the said Mrs. *Maria Hay Mackenzie* and *John Hay Mackenzie*, and all and every the other Heirs of Entail called or entitled to take under the said Entail), all such Right, Title, Interest, Claim, and Demand whatever in, to, and out of the said Lands and Estates as they have or might claim, challenge, or demand, and that in the same Manner and as amply as if this Act had never been passed.

Act to be printed by the King's Printers.

XIX. And be it enacted, That this Act shall be printed by the several Printers to the King's most Excellent Majesty duly authorized 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.

SCHE-

SCHEDULES.

SCHEDULE (A.) to which the foregoing Act refers;

Being a List of the Sums expended by Mrs. Maria Hay Mackenzie and John Hay Mackenzie, Esquire, for the Benefit of the entailed Estate.

	£	s.	d.
To Sums expended in building and repairing Houses and Mills, per particular Account and Vouchers - - -	5,826	11	11½
To Sums expended in building and repairing Churches, Manses, Schoolhouses, Schoolmasters Houses, per ditto - - -	2,782	2	3½
To Sums expended in draining; inclosing, and planting the entailed Estate, per ditto - - - - -	3,868	18	1½
To Sums expended for making and repairing Roads and Bridges, per ditto - - - - -	5,820	11	4
Sum	£18,298	3	8½
To Sums expended in Law Suits affecting the said entailed Estates, per ditto - - - - -	827	1	10½
Aggregate Outlay	£19,125	5	7

Jas M. Melville.

SCHEDULE (B.) to which the foregoing Act refers.

List of Debts due by the Honourable Mrs. Maria Hay Mackenzie and John Hay Mackenzie, Esquire.

	£	s.	d.
To Messieurs Walker, Richardson, and Melville, Writers to the Signet - - - - -	8,192	19	10
To Colonel James Campbell - - - - -	5,000	0	0
To the Economic Life Assurance Company - - - - -	5,000	0	0
To Captain Hugh Munro, late of Teaninich - - - - - say	5,000	0	0
To Major Moray Stirling of Ardoch - - - - -	2,500	0	0
To John Buckle, Esquire - - - - -	2,000	0	0
To Patrick Black, Esquire - - - - -	600	0	0
To Forbes Mackenzie, Esquire - - - - - say	500	0	0
Sum	£28,792	19	10

Jas M. Melville.

SCHEDULE (C.) to which the foregoing Act refers.

	£	s.	d.
The Lands of Ahtascauld, Rent	80	0	0
The Lands of Ardessie or Ardjessie, Rent	40	0	0
The Lands of Gruin-zaird, Rent, exclusive of Priest Island, let along therewith	25	0	0
The Lands of Auchnivie, Rent	55	0	0
The Lands of Glashlacalleach, Rent	30	0	0
The Lands of Feanbeg, Rent	10	0	0
The Forest or Lands of Fannich, Rent	180	0	0
The Island of Gruin-zaird, Rent	20	0	0
The Salmon and other Fishings of Gruin-zaird, Rent	25	0	0
	<hr/>		
Sum	£465	0	0
	<hr/>		

Jas M. Melville.

SCHEDULE (D.) to which the foregoing Act refers.

The Lands of Ahtascauld.
 The Lands of Ardjessie or Ardessie.
 The Lands of Gruin-zaird.
 The Lands of Auchnivie.
 The Lands of Glashlacalleach.
 The Lands of Feanbeg.
 The Forest or Lands of Fannich.
 The Island of Gruin-zaird.
 The Salmon and other Fishings of Gruin-zaird.
 The Remainder of the Lands and Barony of Cogeach.
 The Lands of Milnaan.
 The Mill of Fodderty, and the Lands of Kirktown of Fodderty, and Lands of
 Ballmullich.
 The Town and Lands of Ardivall.
 The Town and Lands of Inchveandie.
 The Lands of Kirklands of Kinnetes.

Jas M. Melville.