Anno primo

Georgii III. Regis.

CAP. XV.

An Act to enable His Majeſty to grant unto *George Keith*, late Earl Mariſchall, a Sum therein limited, out of the Principal Money and Intereſt now remaining due to the Public on account of the Purchaſe Money of certain Parts of the Forfeited Eſtates of the ſaid late Earl.

WHereas by an Act of Parliament paſſed in the Firſt Year of the Reign of His late Majeſty King George the Firſt, intituled, An Act for appointing Commiſſioners to enquire of the Eſtates of certain Traitors, and of Popiſh Recuſants, and of Eſtates given to ſuperſtitious Uſes, in order to raiſe Money out of them ſeverally for the Uſe of the Public; the Eſtates of all Perſons who, ſince the Twenty fourth Day of June, One thouſand ſeven hundred and fifteen, had been, or before the Twenty fourth Day of June, One thouſand ſeven hundred and eighteen ſhould be, attainted of High Treaſon committed before the Firſt Day of June, One thouſand ſeven hundred and fifteen, were veſted in His Majeſty for the Uſe of the Public: And whereas by another Act of Parliament paſſed in the ſame Year, intituled, An Act for the Attainder of *George* Earl of *Mariſchall*, *William* Earl of *Seaforth*, *James* Earl of *Southeſque*, *James* Earl of *Panmuir*, and others, of High Treaſon, unleſs they ſhall render themſelve

Preamble, reciting Act 1 *Geo.* I.

1 *Geo.* I.

ſelves to Juſtice by a Day certain therein mentioned; George Keith, late Earl Mariſchall, was attainted of High Treaſon, whereby and by Force of the ſaid firſt recited Act his Eſtate became veſted in the Crown for the Uſe of the Public: And whereas by another Act of Parliament paſſed in the Fourth Year of the Reign of his ſaid late Majeſty, intituled, An Act for veſting the Forfeited Eſtates in *Great Britain* and *Ireland* in Truſtees, to be ſold for the Uſe of the Public; and for giving Relief to lawful Creditors by determining the Claims; and for the more effectual bringing into the reſpective Exchequers the Rents and Profits of the ſaid Eſtates till ſold; the Eſtate of the ſaid George Keith, late Earl Mariſchall, in that Part of Great Britain called Scotland, was veſted in certain Truſtees therein named, to be ſold for the Uſe of the Public: And whereas certain Parts or Portions of the ſaid Eſtate (the Rents whereof then amounted to the neat yearly Sum of Two thouſand three hundred and eighty four Pounds, Eighteen Shillings, Four Pence, and Two Thirds of a Penny Sterling) having been put up to public Sale, in purſuance of the ſaid laſt mentioned Act, and ſold to Robert Hacket, of London, Eſquire, for the Sum of Forty one thouſand one hundred ſeventy two Pounds, Six Shillings, Nine Pence, and Two Thirds of a Penny Sterling, Minutes or Articles of the ſaid Sale were, on or about the Twenty ſecond Day of October, One thouſand ſeven hundred and twenty, executed between Four of the Truſtees in the ſaid Act named and the ſaid Robert Hacket, whereby it was declared, that any Superiorities or Feu Duties which belonged to the ſaid George Keith, late Earl Mariſchall, and which were not expreſſed in the Particulars of the ſaid Eſtate, ſigned by One of the ſaid Commiſſioners and the ſaid Robert Hacket, were not to belong to the ſaid Robert Hacket, but were expreſsly excepted and reſerved to be afterwards expoſed to Sale by the ſaid Commiſſioners, as they ſhould think fit to direct; and it was alſo declared and agreed, that the ſaid Purchaſe Money, ſubject to certain contingent Deductions therein mentioned, ſhould be paid into the Exchequer on the Firſt Day of Auguſt, One thouſand ſeven hundred and twenty one; and that, upon Payment thereof, an Indenture or Contract of Bargain and Sale of the Premiſſes, ſhould be executed to, and in Favour of, the ſaid Robert Hacket, or his Aſſigns: And whereas the ſaid Robert Hacket, by an Indenture executed by him, bearing Date the Seventh Day of March, One thouſand ſeven hundred and twenty three, and recorded in the

& 4 *Geo.* I.

Books

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Books of Exchequer in Scotland, conveyed all his Right to the said Premisses to, and in Favour of, the Governor and Company of Undertakers for raising the Thames Water in York Buildings: And whereas it appears by a Report of David Moncrief, His Majesty's Deputy Remembrancer of His said Court of Exchequer in Scotland, to the Barons of the said Court, bearing Date the Twenty first Day of December, One thousand seven hundred and fifty six, that there then was remaining due to the Public, a considerable Part of the said Price or Purchase-money (after an Allowance of all Payments and Deductions) together with Interest for the same, from the Feast or Term of Whit-Sunday, One thousand seven hundred and twenty one: And whereas the said George Keith, late Earl Marischall, did, upon his most humble and dutiful Submission to His late Majesty King George the Second of blessed Memory, in the Thirty third Year of His said late Majesty's Reign, obtain an Act of Parliament for enabling him (amongst other Things) to take, hold, and enjoy, notwithstanding his said Attainder, all such Lands, Tenements, and Hereditaments, as he should at any Time or Times thereafter purchase or acquire, and all such Personal Estate and Effects as he then was, or at any Time or Times thereafter should be, possessed of or intitled unto, in as full, ample, and beneficial Manner, as he might take, hold, purchase, acquire, or enjoy the same, in case no such Attainder had ever been, as in and by the said several Acts of Parliament, and Proceedings in the said Court of Exchequer, Relation unto them respectively being had, may more fully appear: And whereas, upon the humble Representation of the said late Earl's Sufferings, and of the Distresses of his Family, and of his Intention to apply to Parliament for an Act of Parliament to grant to him such Principal Money and Interest as remain due to the Public, on account of the Price or Purchase-money so contracted to be paid for the said Parts of his Estate, after Payment and Satisfaction of all lawful Debts and Claims which affected the same at the Time of his Attainder, Your Majesty has been graciously pleased to signify to Your Parliament Your Consent that they might do therein as they should think fit: Wherefore Your Majesty's faithful Commons, in Parliament assembled, do humbly beseech 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,

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His Majesty, &c. impowered to grant unto *George Keith*, late Earl Marischall, any Sum not exceeding 3,618 *l.* 9 *s.* and Two Twelfths of a Penny, with Interest for the same, from *Whit-Sunday*, 1721,

That it shall and may be lawful to and for the King's most Excellent Majesty, His Heirs, and Successors, and His Majesty, His Heirs, and Successors, are hereby authorized and impowered, by any Letters Patent or Indenture, or by several Letters Patent or Indentures, under the Great Seal of Great Britain, or under the Seal of His Majesty's Court of Exchequer in Scotland, hereafter to be made, to give and grant unto the said George Keith, late Earl Marischall, his Executors, Administrators, and Assigns, or any of them, or to such other Person or Persons as His Majesty, His Heirs, and Successors, shall think fit, and his or their Executors, Administrators, and Assigns, to the Use of, or in Trust for, the said George Keith, late Earl Marischall, his Executors, Administrators, and Assigns, or any of them, any Sum not exceeding Three thousand six hundred and eighteen Pounds, Nine Shillings, and Two Twelfths of a Penny Sterling, Principal Money, together with Interest for the same, from the Feast or Term of Whit-Sunday, in the Year Seventeen hundred and twenty one, out of such Principal Money and Interest as now remains due and owing to the Public, for or upon account of the Price or Purchase Money so contracted to be paid for the said Parts of the Estate of the said George Keith, late Earl Marischall, after Payment and Satisfaction of all lawful Debts and Claims which affected the same at the Time of his Attainder, or do now affect the same, by force of any subsequent Act of Parliament, the Amount of such Principal and Interest as now remains due and owing to the Public; to be settled and ascertained by the Authority of the said Court of Exchequer in Scotland, according to the usual Course of Proceeding practised in the said Court in the like Cases.

out of the Purchase Money and Interest due to the Public for certain Parts of his Estate:

The same to be settled by the Court of *Exchequer* in *Scotland*.

And be it further enacted by the Authority aforesaid, That from and immediately after such Grant, the Principal Money and Interest which shall be so granted as aforesaid, and all the Right and Title which the Public, or the Barons of the said Court of Exchequer in Scotland, for their Use, or in Trust for them, now respectively have in or to the same, shall be, and the same are hereby vested in the Grantee or Grantees to be named in such Letters Patent, Indenture or Indentures respectively, and his or their respective Executors, Administrators, or Assigns, according to the Tenor and Effect of such Grant; the said Attainder of the said late Earl, and the several Acts of Parliament concerning the Forfeited Estates, or any of them, to the contrary thereof in any wise notwithstanding: And also that from and after Payment of the

The Money and Interest granted to vest in the Grantees named in the Letters Patent;

Principal Money and Interest so granted as aforesaid to such Grantee or Grantees, or his or their Executors, Administrators, or Assigns, according to the Tenor and Effect of the said Grant, the said Parts of the said late Earl's Estate, so sold to the said Robert Hacket, so far as concerns the Principal Money and Interest so granted as aforesaid, shall not be liable to any Claim or Demand of or by the Public, or of the Barons of the said Court of Exchequer, to their Use, or in Trust for them.

and after Payment thereof, the said Parts of the Estate are discharged from all Claim thereon.

And be it further enacted by the Authority aforesaid, That this Act and every Matter and Thing herein contained, shall in all Courts of Law and Equity, and all other Places, be construed and adjudged as largely and beneficially as can be, for the Ends and Purposes herein expressed.

Beneficial Interpretation of the Act.

Saving to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person and Persons, Bodies Politick and Corporate (other than and except the said King's Majesty, His Heirs and Successors, and the Barons of the Exchequer in Scotland, in respect of the Principal Money and Interest which shall be so granted as aforesaid) all such Right, Title, Interest, Claim, and Demand, of, in, to, or out of, the said Parts of the Estate of the said George Keith, late Earl Marischall, as they severally have or might have, claim, challenge, or demand, in case this Act had never been made.

Reservation of Rights.

FINIS.