Anno ſecundo

Georgii III. Regis.

CAP. XVII.

An Act for Relief of the Vaſſals of the ſeveral Eſtates which are or may be annexed to the Crown, by virtue of an Act paſſed in the Twenty fifth Year of the Reign of His late Majeſty, and for carrying the Purpoſes of the ſaid Act more effectually into Execution; and for enforcing and carrying into Execution ſo much of an Act, paſſed in the Firſt Year of the Reign of His preſent Majeſty, as relates to the paying and diſcharging the Wadſetts affecting the Eſtate of *Lovat*.

WHEREAS by an Act made in the Twenty fifth Year of the Reign of His late Majeſty King George the Second, intituled, An Act for annexing certain Forfeited Eſtates in *Scotland* to the Crown unalienably; and for making Satisfaction to the lawful Creditors thereupon; and to eſtabliſh a Method for managing the ſame; and applying the Rents and Profits thereof, for the better civilizing and improving the Highlands of *Scotland*, and preventing Diſorders there for the future; it is, among other Things, enacted, That the Lands and Heretages

Preamble reciting Clauſes in Act 25 *Geo.* II.

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which became forfeited to His late Majeſty by the Attainder of Simon late Lord Lovat; John Drummond, taking upon himſelf the Stile or Title of Lord John Drummond, Brother to James Drummond, taking upon himſelf the Title of Duke of Perth; George late Earl of Cromarty; and Archibald Mac Donald, Son of Coll Mac Donald of Barriſdale; and alſo the Barony of Strowan; and all other Lands and Hereditaments which formerly belonged to Alexander Robertſon of Strowan, and became forfeited to the Crown, by Decree or Sentence of Forfeiture paſſed in the Parliament of Scotland in the Year One thouſand ſix hundred and ninety, ſhall, from and after the Twenty fifth Day of December, One thouſand ſeven hundred and fifty two, be annexed to the Imperial Crown of this Realm, and ſhall be and remain for ever unalienable from the ſame; and it is thereby enacted, That it ſhall be lawful to and for His Majeſty, His Heirs, and Succeſſors, by Commiſſion under the Privy Seal of Scotland, to authorize and impower ſuch Perſon or Perſons as His Majeſty, His Heirs, and Succeſſors, ſhall think fit, from time to time, to be Commiſſioners and Truſtees for managing the ſaid Eſtates, and applying the Produce thereof for the Ends and Purpoſes appointed by the ſaid Act: And whereas His late Majeſty, by His Commiſſion dated the Twentieth of March, One thouſand ſeven hundred and fifty five, did authorize and impower the Perſons therein mentioned to be Truſtees and Commiſſioners for managing the ſaid annexed Eſtates; and which Commiſſion was paſſed under the Privy Seal of Scotland the Tenth Day of May, in the ſaid Year One thouſand ſeven hundred and fifty five; and His preſent Majeſty, by His Commiſſion dated the Twenty fifth Day of July, in the Year One thouſand ſeven hundred and ſixty one, did alſo authorize and impower the Perſons therein named to be Truſtees and Commiſſioners for managing the ſaid annexed Eſtates; and which Commiſſion alſo was paſſed under the Privy Seal of Scotland upon the Third Day of Auguſt, in the ſaid Year One thouſand ſeven hundred and ſixty one: And whereas there are many ſmall Vaſſals, who, before the Forfeiture of the ſaid Eſtates, held their Lands and other Heretages of the aforeſaid attainted Perſons and their Predeceſſors reſpectively, and who now hold the ſame of His Majeſty, His Heirs, and Succeſſors: And whereas it would be a very grievous Burden upon the ſaid Vaſſals to make up the Titles and Infeoftments of their ſeveral Lands, by Precepts from the Chancery, or by Charters under the Great Seal of Scotland, and to be ſubjected to the Ex-

pences attending the ſame, as required by Law in Lands holden of the Crown; be it therefore enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That it ſhall and may be lawful to His Majeſty, His Heirs, and Succeſſors, to authorize and impower the Commiſſioners and Truſtees for managing the ſaid Eſtates, named or to be named by His Majeſty, His Heirs, and Succeſſors, in purſuance of the Act above recited, to receive Reſignations, and grant new Charters containing Precepts of Saſine, and alſo to grant all other Charters, Precepts of Clare Conſtat, and other Writings whatſoever, neceſſary or competent for completing the Titles of the foreſaid Vaſſals, their Heirs, and ſingular Succeſſors, in their Lands and other Heretages reſpectively, to be holden Feu or Blench of His Majeſty, His Heirs, and Succeſſors, in the ſame Way and Manner as the ſaid Lands and Heretages are now holden, or may be holden, of His Majeſty; and which Charters, Precepts of Saſine, and Precepts of Clare Conſtat, to be granted by ſuch Commiſſioners and Truſtees, are hereby declared to be as valid and effectual to the ſaid Vaſſals, their Heirs, and ſingular Succeſſors, for compleating their Infeoffments in their Lands and Heretages aforeſaid, as if the ſaid Infeoffments had proceeded upon Charters and Precepts under the Seal appointed by the Treaty of Union to be kept in Scotland, in Place of the Great Seal, or upon Precepts from Chancery; any thing in the Law and Practice of Scotland to the contrary notwithſtanding.

The King may impower Commiſſioners and Truſtees nominated for the ſaid forfeited Eſtates, to receive Reſignations, and grant new Charters, &c. for compleating the Titles of the Vaſſals; and the Charters, &c. ſo granted are declared to be valid;

And be it enacted by the Authority aforeſaid, That all ſuch Charters, Precepts of Seaſine, and Precepts of Clare Conſtat, to be granted by the ſaid Commiſſioners and Truſtees, ſhall, before Delivery thereof to the Vaſſals, be duly entered and recorded in a Book to be kept for that Purpoſe; and that the ſaid Vaſſals ſhall be liable to pay, and be chargeable with the ſame Compoſitions for their Entries, as are in uſe to be paid in the Court of Exchequer by His Majeſty's other Vaſſals, to be applied by the ſaid Commiſſioners and Truſtees for the ſame Uſes and Purpoſes as the other Rents, Profits, and Caſualties, of the ſaid annexed Eſtates, and ſhall further be liable to pay to the Writer, Agent, or other Officers of the ſaid Commiſſioners and Truſtees, employed in expeding the aforeſaid Titles, ſuch moderate Fees, as the ſaid Commiſſioners and Truſtees ſhall aſcertain, by a Table to be made by them for that Purpoſe.

and are to be entered on Record, before Delivery to the Vaſſals, who are to pay the uſual Compoſitions: (to be applied to the Purpoſes of the Truſt) and moderate Fees for expeding the Titles.

The Vaſſals may make up their Titles by Precepts from the *Chancery*, or Charters under the Great Seal;

which ſhall be deemed a Freehold Qualification, and intitle them to vote in the Election of Members.

Provided always, That it ſhall and may be competent to the Vaſſals of the ſaid Eſtates, their Heirs, and ſingular Succeſſors, or any of them, if they ſhall think fit, to make up their Titles to their reſpective Lands, by Precepts from the Chancery, or Charters under the Great Seal, in the ſame Way and Manner as is competent to the other Vaſſals of the Crown; and that ſuch Titles only, and no other, ſhall be deemed and taken to be a Freehold Qualification, and to entitle the Vaſſals of the ſaid Eſtates to be inrolled amongſt the Freeholders, and to vote in the Election of a Member to ſerve in Parliament for the County, Shire, or Stewartry, where their Lands lie; any thing in this Act to the contrary notwithſtanding.

Clauſe in Act 25 *Geo.* II.

And whereas by the Act of the Twenty fifth Year of his late Majeſty, in Part above recited, it is provided, That no Perſon ſhall be capable of taking or enjoying, directly or indirectly, any Lands or Tenements, other than Mines and Fiſhings, by virtue of any Leaſe or Leaſes to be granted by the ſaid Commiſſioners of greater annual Rent than Twenty Pounds at the utmoſt: And whereas the Reaſon for excepting Mines and Fiſhings from the above Proviſoe, does equally apply to Woods and Mills, be it enacted by the Authority aforeſaid, That it ſhall and may be lawful to the Commiſſioners and Truſtees named, or to be named, by his Majeſty, his Heirs, and Succeſſors, for managing the ſaid Eſtates, to grant Leaſes of Woods and of Mills, with the Milln Lands uſually let with the ſame, for ſuch yearly Rent as can be obtained for the ſame, though exceeding Twenty Pounds Sterling; any thing in the ſaid Act to the contrary notwithſtanding.

The Commiſſioners and Truſtees may grant Leaſes of Woods and Mills, with the Milln Lands uſually let therewith, though the Rent exceed 20 *l. per Ann.*

Recital of Clauſes in Act 1 *Geo.* III.

And whereas by an Act made in the Firſt Year of his preſent Majeſty's Reign, intituled, An Act for enabling His Majeſty to raiſe the Sum of One Million for the Uſes and Purpoſes therein mentioned; and for further appropriating the Supplies granted in this Seſſion of Parliament; and for exempting any Annuities or Sums of Money granted or to be granted to the Royal Family from Payment of Taxes; certain Aids or Supplies granted to his Majeſty, are thereby appropriated for and towards the ſeveral Uſes and Purpoſes therein expreſſed; and particularly it is thereby enacted, That out of all or any of the Aids or Supplies therein mentioned, there ſhall and may be iſſued and applied any Sum or Sums of Money not exceeding Thirty eight thouſand five hundred and fifty three Pounds, Twelve Shillings, and One Penny, and Three Fourths of a Penny, upon Account, for paying and diſcharging the Debts and Wadſet Sums, with the neceſſary

neceſſary Expences attending the Payment of the ſame, claimed and ſuſtained upon the Lands and Eſtate which became forfeited to the Crown by the Attainder of Simon late Lord Lovat, or ſo much of the ſaid Debts and Sums as ſhall be remaining unſatisfied, according to the ſeveral Decrees in that Behalf reſpectively made by the Lords of Seſſion in Scotland, and purſuant to the Act of the Twenty fifth Year of the Reign of His late Majeſty King George the Second, above recited; and for the better and more eaſy Payment of the ſaid Debts and Wadſett Sums, it is thereby enacted, That it ſhall and may be lawful for the Commiſſioners of His Majeſty's Treaſury, or any Three or more of them, to iſſue, or cauſe to be iſſued, in ſuch Proportions as they ſhall think fit, to either or both of the Banks of Scotland, at Edinburgh, a Sum not exceeding Thirty eight thouſand five hundred and fifty three Pounds, Twelve Shillings, and One Penny, Three Fourths of a Penny, to be applied in paying and diſcharging the ſaid Debts and Sums, with the neceſſary Expence attending the Payment of the ſame; and the ſeveral Creditors, whoſe Claims have been ſuſtained upon the ſaid Lands and Eſtates as aforeſaid, are thereby directed and required on or before the Fifth Day of July, One thouſand ſeven hundred and ſixty one, to produce, or cauſe to be produced, in His Majeſty's Court of Exchequer in Scotland, the Decree or Decrees of the Court of Seſſion, ſuſtaining the ſaid Claims; and, upon producing of every ſuch Decree or Decrees, the Barons of the ſaid Court of Exchequer are thereby impowered and required to make out Debentures or Certificates, under their Hands, for the ſeveral Sums of Money which ſhall appear to be due by and under the ſaid Decrees reſpectively; and the ſeveral Sums contained in the ſaid Debentures or Certificates, are directed to be paid, at Sight, by the ſaid Bank or Banks, out of the Money aforeſaid, to the Perſon or Perſons intitled by the ſaid Debentures to receive the ſame: Provided always, That if the Decree or Decrees, ſuſtaining the Claim or Claims of any Creditor or Creditors aforeſaid, ſhall not be produced in His Majeſty's ſaid Court of Exchequer, on or before the Fifth Day of July, One thouſand ſeven hundred and ſixty one, as aforeſaid, ſuch Claim or Claims ſhall not carry any farther Intereſt after the ſaid Firſt Day of July, One thouſand ſeven hundred and ſixty one: And whereas, in purſuance of the Act laſt above-recited, the Sum of Thirty ſeven thouſand three hundred and forty eight Pounds, Nine Shillings, and Five Pence, was

and in Act 25 *Geo.* II.

was iſſued by the Commiſſioners of his Majeſty's Treaſury, and lodged in the Royal Bank of Scotland, at Edinburgh, preceding the ſaid Fifth Day of July, One thouſand ſeven hundred and ſixty one, for paying and diſcharging the Debts and Wadſet Sums aforeſaid, and has, in Part, been applied in paying and diſcharging the ſeveral Creditors upon the ſaid Eſtate, who produced the Decrees of the Court of Seſſion, ſuſtaining their ſeveral Claims in the ſaid Court of Exchequer, according to the Directions of the aforeſaid Statute: And whereas the Wadſetters upon the ſaid Eſtate whoſe Claims have been ſuſtained for their ſeveral Wadſet Sums, by Decrees of the ſaid Court of Seſſion, are in Poſſeſſion and Receipt of the Rents and Profits of the Lands wadſetted to them reſpectively, for Payment of their ſeveral Wadſett Sums, and cannot be removed from that Poſſeſſion until their Wadſets are redeemed by Payment or Conſignation of their ſeveral Wadſet Sums, according to the Order of Redemption preſcribed in their ſeveral Wadſet Rights, whereby the Truſtees and Commiſſioners for managing the ſaid annexed Eſtates, are kept out of the Poſſeſſion and Receipt of the Rents and Profits of the ſaid Wadſet Lands, and, in the mean Time, the Money provided by Parliament, and lodged in the ſaid Bank for diſcharging theſe Wadſets, remains a dead Stock bearing no Intereſt: And whereas the proſecuting of ſeparate Declarators of Redemption, and removing againſt each of the ſaid Wadſetters, would be attended with great Delay, and unneceſſary Expence to the Public; be it therefore enacted by the Authority aforeſaid, That One Action of Declarator of Redemption, containing a Concluſion of removing, may be brought before the Court of Seſſion, in the Name of his Majeſty's Advocate, againſt the whole Wadſetters upon the ſaid Eſtate, which may and ſhall be ſerved againſt the Defendants under the general Deſcription of The Wadſetters upon the Eſtate of *Lovat*, by One edictal Citation upon Oath, Thirty Days Notice to be affixed on the Walls of the Inner and Outer Houſe of the ſaid Court of Seſſion, where the Rolls of Cauſes in that Court are uſually affixed, concluding to have it found and declared, That the Lodgement of the Sums aforeſaid in the Royal Bank at Edinburgh, for paying and diſcharging their ſeveral Wadſett Sums, is and ſhall be deemed and taken to be a legal and proper Conſignation of their ſeveral Wadſett Sums, to all Intents and Purpoſes, as if the Order of Redemption preſcribed in their ſeveral Wadſett Rights had been complied with and followed out

One Action of Declarator of Redemption, containing a Concluſion of removing, may be brought in the Name of the King's Advocate, againſt the whole Wadſetters upon the Eſtate of *Lovat*,

the Lodgement of the Money in the Bank at *Edinburgh*, for paying off the Wadlett Sums, being deemed a legal Conſignation thereof;

out againſt each of them ſeparately; and that the Lands and other Heretages wadſetted to them reſpectively, ſhall be held, deemed, and taken to be redeemed, and out quit from them, their Heirs, and Succeſſors reſpectively; and they, and their Tenants, Servants, and other Dependants, be removed from the Poſſeſſion of the ſaid Lands and other Heretages wadſetted to them as aforeſaid, at the reſpective Terms of Removing ſpecified in their ſeveral Wadſett Rights, and Decrees of the Court of Seſſion ſuſtaining their Claims, or at ſuch other Term or Terms as to the ſaid Court ſhall ſeem juſt, ſo as that the ſaid Commiſſioners and Truſtees, and their Tenants, may have free Acceſs to enter to the Poſſeſſion of the ſaid Wadſett Lands in Time coming; and the ſaid Court of Seſſion is hereby authorized and required to proceed in the aforeſaid Action in a ſummary Manner, without abiding the Courſe of any Roll, and to give the like Decree or Decrees therein, as would have been competent in Law in a ſeparate Action of Declarator and Removing againſt each of the ſaid Wadſetters, proceeding upon the Order of Redemption laid down and preſcribed in their ſeveral Wadſet Rights.

and the Lands to be thereupon redeemed,

and the Occupiers removed;

and the Commiſſioners and Truſtees, and their Tenants, to enter into Poſſeſſion:

The Court to proceed in the ſaid Action in a ſummary Way.

And whereas it may happen that ſome of the ſaid Wadſetters may not be duly veſted and ſeized in the ſaid Wadſett Lands, ſo as to be enabled to diſcharge and renounce their Wadſett Right in a habile and proper Manner; be it therefore enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for all and every Perſon or Perſons having Right to ſuch Wadſetts, and to the Decrees of the Court of Seſſion ſuſtaining the ſame, to compleat their Titles in the Wadſett Lands reſpectively, by obtaining Charters, Precepts of Clare Conſtat, or other Warrants for Infeoffment, from the ſaid Commiſſioners and Truſtees, in the ſame Way and Manner, and upon Payment of the ſame Fees, as by this Act is made competent to the Vaſſals of the ſaid annexed Eſtates.

Wadſetters may compleat their Titles, by obtaining Charters, &c. from the Commiſſioners,

paying the uſual Fees;

And be it enacted by the Authority aforeſaid, That upon compleating ſuch Titles, and granting the proper Diſcharges and Renounciations of the ſaid Wadſett Rights, or of any of them, and producing the ſame before the Barons of the ſaid Court of Exchequer, together with the Decree or Decrees of the Court of Seſſion ſuſtaining the Claim or Claims of ſuch Wadſetter or Wadſetters, the Barons of the ſaid Court of Exchequer, or any Three or more of them, ſhall, and they are hereby impowered and required, to make out Debentures or Certificates for the ſeveral Sums of Money which ſhall appear to be due by

and upon compleating the ſame; and granting Diſcharges; and producing the ſame to the Barons of the *Exchequer*, with Decrees of the Court ſuſtaining the Claims;

the Barons ſhall make out Debentures for the Money due;

and under the ſaid Decrees reſpectively, in the ſame Form, and to be iſſued, delivered, and paid, to the ſaid Wadſetters, or others in their Name, in the ſame Way and Manner as is provided for, and directed by, the Act above recited, with reſpect to the Payment of the other Creditors upon the ſaid Eſtate; and the ſaid Debentures or Certificates ſhall be to the ſaid Royal Bank at Edinburgh ſufficient Diſcharges for ſuch Payment.

which ſhall be Diſcharges to the Bank.

The Proviſions touching the Entry of the Vaſſals of the ſaid annexed Eſtates, ſhall extend to all ſuch other Eſtates as are, or may be, annexed to the Crown, in purſuance of Act 25 *Geo.* II. *&c.*

And be it further enacted by the Authority aforeſaid, That the whole Proviſions of this Act touching the Entry of the Vaſſals of the annexed Eſtates aforeſaid to their reſpective Lands and Heretages, ſhall extend to the Vaſſals of all ſuch other Eſtates as now are, or may be, annexed to the Imperial Crown of this Realm, in purſuance of the aforeſaid Act of the Twenty fifth Year of His late Majeſty's Reign, from and after the Time that ſuch other Eſtates ſhall become ſubject to the Adminiſtration and Management of the Commiſſioners and Truſtees appointed, or to be appointed, by His Majeſty, His Heirs, and Succeſſors, in purſuance of the ſaid Act; and that in all Caſes, and ſo often as it ſhall happen, that Proviſion ſhall be made by Parliament for paying and diſcharging the Wadſetts affecting any ſuch other Eſtate which now is, or hereafter may be, annexed to the Crown in purſuance of the aforeſaid Act, the like Action againſt the Wadſetters of each Eſtate reſpectively ſhall be competent to His Majeſty's Advocate, and ſhall proceed in the ſame Form and Manner, and to the ſame Effect; and that the like Method of compleating the Titles of the Wadſetters upon ſuch other Eſtates, and of renouncing and diſcharging the ſame, ſhall be competent to them, and take Place in the ſame Form and Manner as herein is above provided with reſpect to the Wadſetters of the Eſtate of Lovat.

and the like Action ſhall be competent, in like Caſes, againſt the Wadſetters of ſuch Eſtates; and they ſhall have like Method of compleating their Titles, and of renouncing the ſame.

FINIS.