ANNO TRICESIMO NONO & QUADRAGESIMO

GEORGII III. REGIS.

CAP. LXXVIII.

An Act to discharge from a disputed and dormant Claim of the Publick, several Estates belonging to the Right Honourable *William Carr* Earl of *Erroll*, Lord High Constable of *Scotland*.

[9th *July* 1800.]

Preamble.

WHEREAS *James* Earl of *Linlithgow*, Great-Grandfather of *William Carr* the present Earl of *Erroll*, having engaged in the Rebellion of One thousand seven hundred and fifteen, was attainted by Act of Parliament, and his Estates of *Linlithgow* and *Callender* became forfeited to the Crown: And whereas, by an Act, made in the Fourth Year of the Reign of His late Majesty King *George* the First, intituled, *An Act for vesting the forfeited Estates in* Great Britain *and* Ireland *in Trustees to be sold for the Use of the Publick, 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*, it is among other Things enacted, That the Monies arising from the said Estates should be applied as therein directed, and the Residue thereof appropriated and applied towards the Discharge of the publick Debts of the Nation: And whereas a small Part of the said Estate of the said *James* Earl of *Linlithgow*, called *Mumrals*, herein-after particularly described, was held by him under the Duke of *Hamilton* as Superior Lord, which, on the Attainder and Forfeiture of the Earl, did revert to the Duke as such Superior Lord, by virtue of an Act, made in the First Year of the Reign of His Majesty King *George* the First, *for encouraging all Superiors, Vassals, Landlords, and Tenants, in* Scotland, *to continue in their Duty and Loyalty to His Majesty*; but the Trustees appointed for the Management of the forfeited Estates in *Scotland* having, notwithstanding, taken Possession of and surveyed the Estate of *Mumrals*, as making Part of the Forfeiture of the Earl of *Linlithgow*, the Duke of *Hamilton* then an Infant, by his Guardians, under the Authority of an Act made in the Fifth Year of His said Majesty's Reign, put in his Exception to the Court of Session in *Scotland* against the above-mentioned Survey of the Estate of *Mumrals*: And whereas the said Trustees put in their Answer to the said Exception; upon due Consideration of all which the Court of Session, upon the Twelfth Day of *August* One thousand seven hundred and nineteen, pronounced their Decree, "That the Excipient "had

1 *Geo.* I, Cap. 32,

4 *Geo.* I, Cap. 8,

1 *Geo.* I, St. 2, Cap. 2, and

5 *Geo.* I, Cap. 22, recited.

" had Right to the Property of that Half of the Lands of *Mumrals*, " and of the Four Oxengates of Land of the said Lands of *Mumrals*, " and of the North Half of the Lands of *Leichbart* and *Brummage*, with " the Half of the Mills thereof; and also of the South Half of the " said Lands of *Leichbart* and *Brummage*, with the Half of the Mills " thereof; with the Pertinents which are contained and described in " the Infeftments of the said late Earl of *Linlithgow*, and were by him " holden of the Excipient; and to the Rents, Profits, and Issues of the " said Lands, Mills, and others, in the State and Condition they were " and stood in upon the Twenty-fourth of *June* One thousand seven " hundred and fifteen; and in and to the said Rents, Profits, and Issues " payable for the said Lands, Mills, and others from and since that Time, " with the Burden always of a Proportion of the Debts in the Terms " of the late Act of *Anno quinto Georgii*, intituled, *An Act for determining* " *Claims on forfeited Estates*, &c. and decerned, and declared the Right " and Property of the said Lands, and others mentioned in the Exceptions " and Writs produced, with the whole Rents, Profits, and Issues thereof " since the said Twenty-fourth Day of *June* One thousand seven hundred " and fifteen, and in all Time coming, to pertain and belong to the said " *James* Duke of *Hamilton* Excipient:" And whereas the said Trustees for the forfeited Estates appealed to the House of Lords against the said Decree of the Court of Session, on hearing whereof, the said Decree was, upon the Twenty-sixth Day of *February* One thousand seven hundred and nineteen-twenty, affirmed, with this Variation: " That, as to such " Lands wherein the Estate or Interest of the late Earl of *Linlithgow* was " forfeited to the Crown, the Tenants thereof shall not be bound to " thirl or to grind at the Mill of the Respondent in the Pleadings men- " tioned:" And whereas the said Trustees having afterwards determined and adjusted all the Debts and Claims affecting the Estate of the said Earl of *Linlithgow*, found the same, with Interest to the Twenty-fifth of *December* One thousand seven hundred and twenty-four, to amount to the Sum of Twenty-four thousand eight hundred and sixty-four Pounds Five Shillings and Four-pence Sterling; and having considered the Value of the Estate of *Mumrals* and others decreed to belong to the Duke of *Hamilton*, and the Amount of the Debts decreed by them, to affect the said Earl of *Linlithgow*'s Estate, they declared the Estate so decreed to the said Duke to be affected with the Sum of Four thousand nine hundred and one Pounds Five Shillings and Four-pence, as a proportional Part of the whole Debts affecting the whole Estate of the said late Earl of *Linlithgow*, which the Commissioners certified to the Court of Exchequer in *Scotland*, under their Hands and Seals, on the Fourth Day of *March* One thousand seven hundred and twenty-four; and in a final Report made by the said Trustees to Parliament in One thousand seven hundred and twenty-five, among other Things they certified that the Sum of Four thousand nine hundred and one Pounds Five Shillings and Four-pence was due to the Publick from the Duke of *Hamilton* as the Proportion payable by him of the late Earl of *Linlithgow*'s Debts, answerable to that Part of the said Earl's Estate possessed by his Grace: And whereas the Duke of *Hamilton* having contended that the said Sum of Four thousand nine hundred and one Pounds Five Shillings and Four-pence, with which the Trustees had charged the Estate of *Mumrals* and others decreed to belong to him, was greatly beyond the just Proportion with which it ought to have been charged, several Bills were filed against the Duke of *Hamilton* in the Court of Exchequer in *Scotland*, at the Suit of His Majesty's Advocate General for *Scotland*, to recover Payment of the said Sum of

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Four thouſand nine hundred and one Pounds Five Shillings and Four-pence; and Intereſt; to which Anſwers were put in by the Defendant, conteſting the Validity of the ſaid Debt; but the Cauſe never was brought to a Hearing, nor any Decree made thereon: And whereas his Grace *James* Duke of *Hamilton* and *Brandon*, by his Diſpoſition and Conveyance dated the Fourth Day of *July* in the Year One thouſand ſeven hundred and fifty, for the Conſiderations therein mentioned, conveyed, granted, and diſpoſed to the Father of *William Carr* now Earl of *Erroll*, and to his Heirs and Aſſignees, by the Deſcription of *James Boyd* Eſquire, (afterwards Earl of *Erroll*), commonly called *Lord Boyd*, eldeſt lawful Son of *William* late Earl of *Kilmarnock*, procreated betwixt him and the deceaſed *Anna* Counteſs of *Kilmarnock*, his Spouſe, who was only lawful Daughter and Child of the ſaid *James* late Earl of *Linlithgow*, all and haill that juſt and equal Half of all and ſundry the Lands of *Mumrals*, with its Pertinents, ſome Time poſſeſſed by the ſaid *James* late Earl of *Linlithgow* and his Subtenants, lying within the Barony of *Kerſe* and Sheriffdom of *Stirling*, and lately within the Dukedom and Regality of *Hamilton* and *Borrowſtownneſs*; as alſo all and haill that Four Oxengate of Land of the ſaid Lands of *Mumrals*, with its Pertinents, whereof the One-half is Dry Field and the others *Kerſe* Lands adjacent, and contigue to the ſaid Lands of *Mumrals*; which Four Oxengate of Land ſome Time pertained to Sir *Alexander Bruce* of *Airth*, Knight, lying within the Regality and Sheriffdom aforeſaid; as alſo the North Half Part of the Lands of *Leichbart* and *Brummage*, with the Half of the Mills thereof and Pertinents lying within the Barony of *Kinneil* and Sheriffdom of *Linlithgow*; and alſo all and haill the South Half Part of all and ſundry the Lands of *Leichbart* and *Brummage*, with the Half of the Mills of the ſamen, with its Pertinents lying within the Barony of *Kinneil* and Sheriffdom of *Linlithgow*, and formerly within the Dukedom and Regality of *Hamilton* and *Borrowſtownneſs*; and by the ſaid Diſpoſition and Conveyance it is expreſsly provided and declared that the Lands, Mills, and others particularly thereby diſponed and conveyed, ſhall not only be really burdened with, but alſo the ſaid *James Boyd* Eſquire, and his forſaids, ſhall, by Acceptation of the ſaid Conveyance, be perſonally bound and obliged to pay a proportionable Share of the true, juſt, and lawful Debts of the ſaid *James* late Earl of *Linlithgow* attainted, anſwerable to the Lands and other Eſtate thereby conveyed and diſponed in the Terms of the Act of Parliament paſſed in the Firſt Year of the Reign of His Majeſty King *George* the Firſt, for encouraging Superiors, Vaſſals, Creditors, and others, and all ſuch Debts and Incumbrances as affect the Eſtate thereby diſponed and conveyed: And whereas, on ſeveral Occaſions, His Majeſty has been graciouſly pleaſed, with the Advice and Conſent of His Parliament, to reſtore to the Heirs of Perſons who have been attainted of High Treaſon the Eſtates of their Anceſtors, where the loyal and dutiful Conduct of ſuch Heirs had marked them out as deſerving of publick Favour: And whereas it is expedient that the ſaid Eſtate of *Mumrals*, which is a ſmall Remnant of the ample Eſtates enjoyed for Ages by the Anceſtors of the ſaid *William Carr* Earl of *Erroll*, ſhould be freed and diſcharged from the aforeſaid antiquated and diſputed Claim: 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 ſo much of the aforeſaid Act, made in the Fourth Year of the Reign of His Majeſty King *George* the Firſt, which veſts the Forfeited Eſtates in *Great*

So much of 4 *Geo.* I, repealed as relates to the Eſtate of *Mumrals*.

Great Britain and *Ireland* in Truſtees to be ſold for the Uſe of the Publick, as therein is mentioned, and which declares, that all and every the Monies which ſhould ariſe by the ſaid Sale, and the Rents and Profits of the ſaid Eſtates, ſhould be appropriated and applied towards the Diſcharge of the publick Debts of the Nation, ſhall be, and the ſame is hereby repealed in ſo far as reſpects the aforeſaid Sum of Four thouſand nine hundred and one Pounds Five Shillings and Four-pence, and the Intereſt due thereon, which was charged on the aforeſaid Lands and Eſtate of *Mumrals*, and other Premiſes above mentioned, contained, and expreſſed in the aforeſaid Diſpoſition and Conveyance by the aforeſaid Duke of *Hamilton* to the aforeſaid *James Boyd* afterwards Earl of *Erroll*, and which Lands and Eſtate were Part of the Eſtate of the aforeſaid *James* Earl of *Linlithgow*.

The Earl of *Erroll* diſcharged from Payment of the Sum charged on the ſaid Eſtate.

II. And be it enacted, That, from and after the paſſing of this Act, the aforeſaid *William Carr* Earl of *Erroll*, Lord High Conſtable of *Scotland*, and his Heirs and Aſſigns, ſhall be abſolutely freed, acquitted, and diſcharged of and from the Payment of the aforeſaid Sum of Four thouſand nine hundred and one Pounds Five Shillings and Four-pence, and all the Intereſt now due thereon, and all and haill that juſt and equal Half of all and ſundry the Lands of *Mumrals*, with its Pertinents, ſome Time poſſeſſed by the ſaid *James* late Earl of *Linlithgow* and his Subtenants, lying within the Barony of *Kerſe* and Sheriffdom of *Stirling*, and lately within the Dukedom and Regality of *Hamilton* and *Borrowſtownneſs*; as alſo all and haill that Four Oxengate of Land of the ſaid Lands of *Mumrals*, with its Pertinents, whereof the One Half is Dry Field, and the other *Kerſe* Lands, adjacent and contigue to the ſaid Lands of *Mumrals*, which Four Oxengate of Land ſome Time pertained to Sir *Alexander Bruce* of *Airth*, Knight, lying within the Regality and Sheriffdom foreſaid; as alſo the North Half Part of the Lands of *Leichbart* and *Brummage* with the Half of the Mills thereof, and Pertinents lying within the Barony of *Kenniel* and Sheriffdom of *Linlithgow*; as alſo all and haill the South Half Part of all and ſundry the Lands of *Leichbart* and *Brummage*, with the Half of the Milns of the ſamen, with its Pertinents, lying within the Barony of *Kenniel* and Sheriffdom of *Linlithgow*, and formerly within the Dukedom and Regality of *Hamilton* and *Borrowſtownneſs*; and every Portion, Part, Pendicle, and Pertinent thereof, ſhall be, and the ſame are hereby abſolutely freed, acquitted, diſcharged, exonerated, and diſencumbered of and from the Payment of the ſaid Sum of Four thouſand nine hundred and one Pounds Five Shillings and Four-pence, and all the Intereſt due or to become due thereon; any Thing in any Act or Acts of Parliament to the contrary thereof in anywiſe notwithſtanding.

Publick Act.

III. And be it enacted, That this Act ſhall be deemed and taken to be a publick Act, and ſhall be judicially taken Notice of as ſuch, by all Judges, Juſtices, and all other Perſons whomſoever, without ſpecially pleading the ſame.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1800.