Anno ſexto

# Georgii III. Regis.

## CAP. XXXIII.

An Act to enable His Majeſty to exchange the Lands of *Fernan* and *Lix*, in the County of *Perth*, for other Lands belonging to the Right Honourable *John* Earl of *Breadalbane*, in *Pitkellony*, in the ſaid County of *Perth*.



WHEREAS by an Act of Parliament made in the Twenty fifth Year of his late Majeſty's Reign, intituled, An Act for annexing certain forfeited Eſtates to the Crown unalienably; and for making Satisfaction to the lawful Creditors thereupon; and to eſtabliſh a Method of 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; the Lands and Eſtates which belonged to John Drummond, taking upon himſelf the Stile and Title of Lord John Drummond, Brother to James Drummond, taking upon himſelf the Title of Duke of Perth; and the Lands of Alexander Robertſon of Strowan, were

Preamble, reciting Act 25 *Geo.* II.

were unalienably annexed to the Imperial Crown of these Realms, for certain Purposes in the said Act mentioned: And whereas the Lands of Fernan, Part of the annexed Estate of Strowan, of the yearly Rent of Seventy eight Pounds, Twelve Shillings, and Eleven Pence Sterling, lie detached by themselves at a Distance from the Body of the Estate of Strowan, and are situated in the Bosom of the Estate of John Earl of Breadalbane, within a Mile of Taymouth, the principal Residence of his Family: And whereas the Lands of Lix, Part of the annexed Estate of Perth, of the yearly Rent of Thirty four Pounds, Six Pence, and Two Thirds of a Penny Sterling, lie contiguous to other Parts of the said Earl's Estate: And whereas these Two Parcels of Crown Lands, all lying in the County of Perth, are not only detached from every Part of the annexed Estates, but also separated at a considerable Distance from them, and from each other: And whereas the said John Earl of Breadalbane is Proprietor of certain Parts of the Estate of Pitkellony, in the Parish of Muthill, and County of Perth (of greater Value than the Two Parcels of annexed Lands above described) lying adjacent to, and almost surrounded by, the Perth Estate, and most commodiously situated for the better Accommodation of a Village lately built upon that Part of the said Estate: And whereas it would be of great Benefit to His Majesty, and to the annexed Estates, as well as to the said John Earl of Breadalbane, that the said Lands of Fernan and Lix were exchanged for such Parts of the Estate of Pitkellony, belonging to the said John Earl of Breadalbane, as lie most contiguous and convenient to the said annexed Estate of Perth, allowing Value for Value: And whereas the said Exchange cannot be compleated, without the Aid of Parliament: May it therefore please Your Majesty (upon the Petition of the said John Earl of Breadalbane) 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 it shall and may be lawful to His Majesty, His Heirs, and Successors, to give, grant, and dispone, unto the said John Earl of Breadalbane, his Heirs and Assigns, all and whole that Part and Portion of the Lands and Barony of Strowan, called The Thirty Merk Lands of *Fernan*, with the Woods thereof, which formerly belonged to the deceased Alexander Robertson of Strowan, and are now annexed to the Crown, comprehending the particular

His Majesty enabled to grant to *John* Earl of *Breadalbane* the Lands of *Fernan* and *Lix* here particularly described, with the Teinds and Pertinents thereof,

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Towns and Lands aftermentioned; videlicet, The Three Merk Land of Tomentyvoir, the Three Merk Land of Bellinairn, the Two Merk Land of Corricherrow, the Three Merk Land of Croftnaline, the Two Merk Land of Balmonoch, the Five Merk Land of Boreland, the Five Merk Land of Kinnyeallan, the Five Merk Land of Stroanfern and Margeroy, the Two Merk Land of Lagfern, the Brewſeat, Maltbarn, and Kiln of Taynaloan of Fernan, the Mill of Fernan; all and whole the Teinds, great and ſmall, of the ſaid whole Lands above mentioned, all lying in the Pariſh of Kenmore, and Sheriffdom of Perth, with the whole Parts and Pertinents of all the aforeſaid Lands and others, by whatever Name called or deſcribed in the Title Deeds thereof: All and whole thoſe Parts and Portions of the Lands and Eſtate of Perth, called The Lands of *Lix*, extending to a Nine Merk Land, and which formerly belonged to John Drummond, taking upon himſelf the Stile and Title of Lord John Drummond, Brother to James Drummond, taking upon himſelf the Title of Duke of Perth, and now annexed to the Crown, comprehending the particular Towns and Lands after mentioned; videlicet, The Town and Lands of Weſter Lix, with the Croft thereof, the Farm or Lands of Middle Lix, the Farm or Lands of Eaſter Lix, with the Pendicle thereof: And all and whole the Teinds, great and ſmall, of the ſaid whole Lands above mentioned, with the whole Parts and Pertinents of the aforeſaid Lands and others, by whatever Name called or deſcribed in the Title Deeds thereof, all lying in the Pariſh of Killine, and Sheriffdom of Perth, heritably and irredeemably, in due and competent Form, by way of Excambion, and in Exchange, for the following Parts and Portions of the ſaid Eſtate of Pitkellony, belonging to the ſaid John Earl of Breadalbane; videlicet, All and whole the Ten Merk Land of the Ward of Muthill, with the Meadow, Wood, and Wood Lands, comprehending the Park of Ward, Three Parks in Muthill, and the Lands of Laeroch, and all Parts and Pertinents of the ſame: All and whole the Lands of Pett or Petts Tenantry, extending to a Two Merk Land of old Extent, now commonly called Tenantry or Quarter Lands of *Pett*, whereof a Part is called Cairngrew, comprehending the Well Park, and all Parts and Pertinents of the ſame: All and whole the Lands of Pett Eaſter and Weſter, comprehending the Lands commonly called Drumduie, Muirhouſe, Lurg, and Burnſide; alſo comprehending the Burn Park of Drumduie, Pendicle of Burnſide of Drumduie, Lint Mill of Drumduie, Muirhead Roads,

in Exchange for other Lands in *Pitkellony* belonging to the ſaid Earl.

Roads, and Brodbog, and all Parts and Pendicles of the same: All and whole those Parts of the Town or Village of Muthill, with the Tenements of Houses, Woolshops, Yards, and Crofts, lying therein (not already annexed to the Crown) and contained in a Disposition thereof dated Twentieth August, One thousand seven hundred and sixty four, and registrate in the Books of Council and Session Third Day of February, One thousand seven hundred and sixty six, by Robert Drummond of Pitkellony, to John Campbell Esquire, Cashier of the Royal Bank of Scotland: Also all and whole the Customs or Tolls of the Markets or Fairs held in the said Town of Muthill, together also with the Tiend Sheaves and other Tiends, as well great as small, of the whole Lands, Tenement, and others above written, together with the whole Premisses contained in the said Disposition, by whatever Name called or described in the Title Deeds thereof: All lying within the Parish of Muthill and Sheriffdom of Perth; amounting in all to the yearly Rent of One hundred and sixty five Pounds, Nineteen Shillings, Eight Pence, and One Third of a Penny Sterling.

From the Date of such Grant, the recited Act of 25 *Geo.* II. so far as relates to these Lands, is repealed; and the said Lands disannexed from the Crown; and the Lands given in Exchange are annexed to the Crown in lieu thereof;

And be it further enacted by the Authority aforesaid, That from and after the Date of such Grant, so to be made by his Majesty, his Heirs, or Successors, of the said Lands of Fernan and Lix, with the Tiends and Pertinents thereof, in Exchange as aforesaid, the said Act of the Twenty fifth of his late Majesty, so far as it relates to these Lands, shall be, and the same is hereby, repealed; and the said Lands of Fernan and Lix shall, from thenceforth, be disannexed from the Imperial Crown of these Realms; any thing in the said Act to the contrary notwithstanding: And that, from thenceforth, the aforesaid Parts and Portions of the Lands and Estate of Pitkellony, which shall be given to his Majesty in Exchange for these Lands of Fernan and Lix as aforesaid, shall be, and the same are hereby, annexed unalienably to the Imperial Crown of these Realms, under all the Conditions, Provisions, and Limitations, and to the same Purposes and Uses, as contained in the foresaid Act of the Twenty fifth of his late Majesty, in the same Manner, and as effectually, to all Intents and Purposes, as if these Parts and Portions themselves had thereby been specially and particularly annexed.

And whereas the Tenants and Possessors of the said Lands of Fernan have, by Usage and Custom, enjoyed and possessed a Privilege or Servitude of pasturing and grazing their Cattle upon other Parts of the said

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Estate of Strowan; and the Tenants and Possessors of the Lands of Lix have, in like Manner, enjoyed and possessed the Privilege and Servitude of cutting Wood, for the necessary Uses of their Farms and Possessions, upon other Parts of the Estate of Perth; and the Tenants and Possessors of the before-mentioned Parts and Portions of the Estate of Pitkellony (which are to be given in Exchange as aforesaid) have, by the like Usage and Custom, become thirled or bound to the Mill of Pitkellony, commonly called the Mill of Steps, for all Grain or Corn raised on these Parts and Portions: And it being proper and expedient that, at carrying the said Exchange into Execution, these and all other Servitudes should be abolished and discharged; be it therefore enacted by the Authority aforesaid, That from and after the Date of the Grant, so to be made by His Majesty, His Heirs, or Successors, of the said Lands of Fernan and Lix, in Exchange as aforesaid, not only the several Privileges and Servitudes immediately herein before enumerated, but also all other Privileges and Servitudes claimed or enjoyed by the Tenants and Possessors of the said Lands of Fernan and Lix, of and upon other Parts of the said annexed Estates of Strowan and Perth; and by the said John Earl of Breadalbane and his Tenants (for the Remainder of the said Lands of Pitkellony and Mill thereof) of and upon the Tenants and Possessors of these Parts and Portions of Pitkellony, then to be given in Exchange as aforesaid; and by the Tenants and Possessors of the said annexed Estates of Strowan and Perth, and of the Parts and Portions of Pitkellony, so to be exchanged as aforesaid, of and upon the said Lands of Fernan and Lix, and Remainder of Pitkellony; shall from thenceforth cease and determine, and be for ever after abolished and discharged.

and the respective Privileges and Servitudes claimed or enjoyed by the Tenants, &c. of these Lands are to cease thereupon.

And whereas the Value of the aforesaid Parts and Portions of the Estate of Pitkellony, so to be exchanged as aforesaid, doth exceed the Value of the said Lands of Fernan and Lix, in the Sum of Three hundred and nineteen Pounds, Nine Shillings, Three Pence, and One Sixth Part of a Penny Sterling; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful to His Majesty, His Heirs, and Successors, by Warrant under His or Their Sign Manual, to order Payment to be made out of the Rents of the said annexed Estates, of the aforesaid Sum of Three hundred and nineteen Pounds, Nine Shillings, Three Pence, and One Sixth Part of a Penny, unto the said John Earl of Breadalbane, his Heirs, and Assigns, to compleat

Satisfaction to be made to the Earl of *Breadalbane*, for the Difference of Value in the Lands exchanged.

pleat (with the aforesaid Lands of Fernan and Lix) the Price or Value of the Parts and Portions of the Estate of Pitkellony; so to be exchanged as aforesaid.

Reservation of Rights.

Saving to all and every Person and Persons, Bodies Politick and Corporate, his, her, and their Heirs, Successors, Executors, and Administrators, (other than and except the King's most Excellent Majesty, His Heirs, and Successors, and the said John Earl of Breadalbane, his Heirs, and Successors) all such Estates, Rights, Titles, Interests, Claims, and Demands, of, in, to, and out of, the Lands and Premisses to be exchanged as aforesaid, as they, every or any of them, had before passing this Act, or should or might have had and enjoyed, in case this Act had never been made. 2

FINIS.