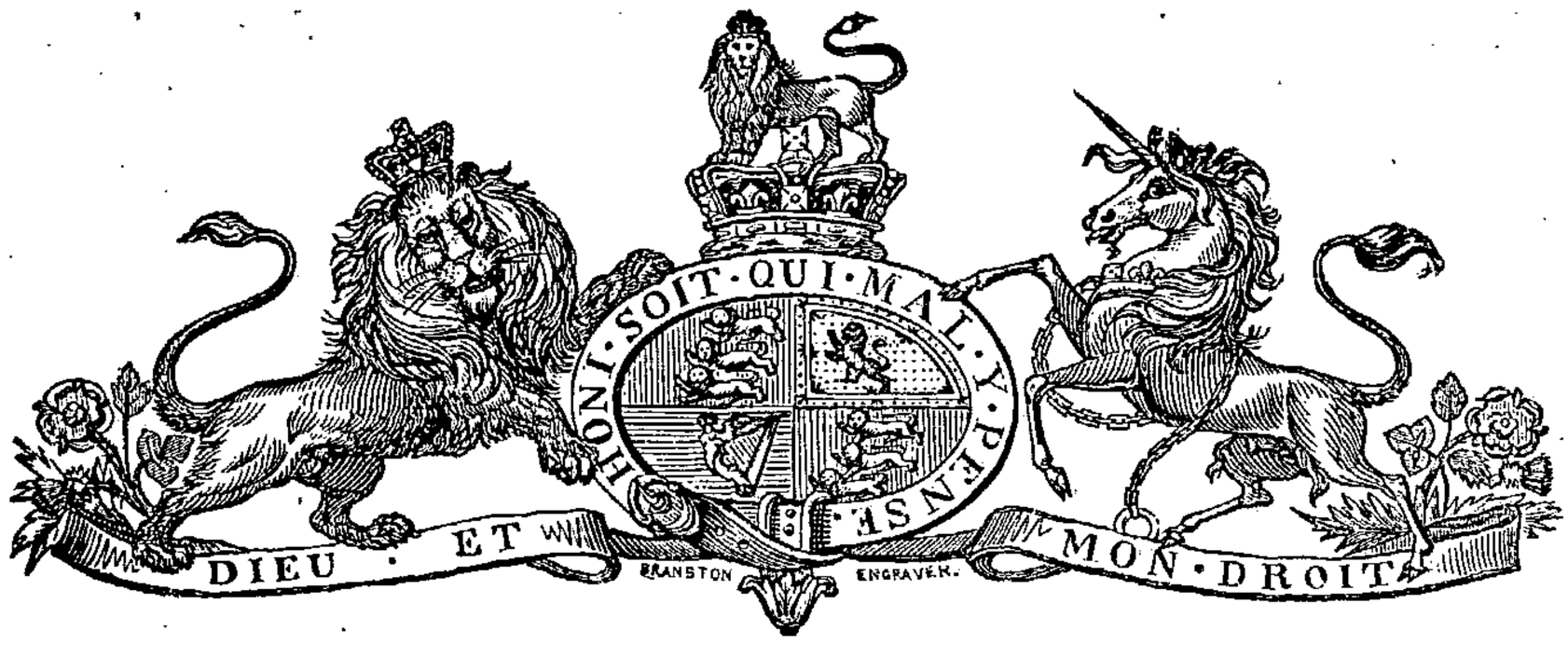


ANNO SEPTIMO & OCTAVO

VICTORIÆ REGINÆ.

***

such Person or Persons as he should by a Deed nominate and appoint at any Time during his Life; whom all failing, to his own nearest Heirs and Assignees whomsoever, the eldest Heir Female and the Descendants of her Body always excluding Heirs Portioners, and succeeding still without Division throughout the whole Course of Succession; all and haill his Lands and Barony of *Schivas*, comprehending and including the Mains and Manor Place of *Schivas*, with the Houses, Biggings, Yards, Orchyards, Tofts, Crofts, and other Pertinents of the same; and also the Towns and Lands of *Oldtown*, *Leys*, *Broadward*, *Burnside*, and *New Seat*, with the new and old Mill of *Schivas*, Mill Lands, Astrict Multures, Sequels, and Knaveships of the same, with the Teind Sheaves and Parsonage Teinds of the said haill Lands, with the Houses, Biggings, Yards, Tofts, Crofts, and Fishings upon the Water of *Ythan*, Outsetts, Insetts, Mosses, Moors, Meadows, Marishes, Parts, Pendicles, and Privileges of the same, of old used and wont, lying within the Barony of *Schivas*, Parochine of *Tarves*, and Sheriffdom of *Aberdeen*; and sicklike all and haill the Towns and Lands of *Auchnagate*, with the Pendicles thereof, called *New Bigging*, *Neather Auchnagate*, *Over Auchnagate*, *Cloffrickford*, *Denmore*, *Touckshill*, and *Buckmoss*, together with the Miln of *Auchnagate*, with the Miln Plough thereof, the Mains and Manour Place of *Auchnagate*, with the Teinds of the said haill Lands, both great and small, as well Parsonage as Vicarage, with the haill Houses, Biggings, Yards, Orchards, Tofts, Crofts, Mosses, Moors, Meadows, and universal Parts and Pendicles thereof, lying in *Buchan*, in the Parochine of *Auchreddie* and Sheriffdom foresaid, together with the Multures, Sequels, and Knaveships of the said Miln of *Auchnagate* used and wont thirled thereto; and particularly, but prejudice of the Generality foresaid, the Multures of *Savock*, *Tillieborack*, *Knavine*, *Neathermuir*, and *Auchmaleidy*, with the Pertinents, lying as said is; as also the Towns and Lands of *Quilkquax* and *Skelmafilly*, with the Houses, Biggings, Yards, Tofts, Crofts, Parts, Pendicles, and Pertinents thereof, with the Teind Sheaves and Parsonage Teinds of the same, lying within the Barony of *Schivas*, Parochine of *Tarves*, and Sheriffdom foresaid; but subject to and under the several Prohibitions, Limitations, Provisions, and Clauses irritant and resolutive set forth in the said Disposition and Deed of Entail, and such as are usual in Settlements of Lands in strict Entail in the Law of *Scotland*: And whereas upon the said Disposition and Deed of Entail Titles were made up in favour of the said *Hugh Forbes* in Liferent, and the said *Alexander Forbes* his eldest Son, and the other Heirs and Substitutes of Entail, conform to Instrument of Resignation dated the Third Day of *July* One thousand seven hundred and eighty-three, Charter of Resignation thereon under the Great Seal dated the Third Day of *July* and written to the Seal and registered the Eighth and sealed the Ninth Day of *August*, all in the said Year One thousand seven hundred and eighty-three, and Instrument of Sasine thereon, dated the Fourth and registered in the Particular Register of Sasines at *Aberdeen* the Twenty-fifth Day of *April* in the Year One thousand seven hundred and ninety-five: And whereas the said *Hugh Forbes* having died, he was succeeded in the said Lands and others by the said *Alexander Forbes* his eldest Son, who granted a Procuratory of Resignation of the said

Lands

Lands and others, dated the Eighth Day of *April* in the Year One thousand seven hundred and ninety-six, in favour of himself, and the Heirs Male to be procreated of his Body in the Marriage between him and Mrs. *Catherine Burnett* alias *Forbes* his Wife; whom failing, the Heirs Male to be procreated of his Body in any subsequent Marriage; whom failing, to *Frances Forbes* his only Daughter procreated of the Marriage between him and the said Mrs. *Catherine Burnett*, and the Heirs whomsoever of her Body; whom failing, to the other Heirs Female to be procreated of his Body in the then present or any subsequent Marriage, and the Heirs whomsoever of their Bodies; whom failing, to the other Heirs whomsoever of the Body of the said *Hugh Forbes* his Father; whom all failing, to the nearest Heirs and Assignees whomsoever of the said *Hugh Forbes*, the eldest Heir Female, and the Descendants of her Body, always excluding Heirs Portioners, and succeeding still without Division throughout the whole Course of Succession; but with and under the Conditions, Provisions, Restrictions, Limitations, Exceptions, Clauses irritant and resolutive, and Declarations, set forth and contained in the said Disposition and Deed of Entail: And whereas upon the Death of the said *Alexander Forbes* he was succeeded in the said Lands and others by the said *Frances Forbes* his Daughter and only Child, who made up Titles thereto as nearest Heir of Tailzie and Provision to him, conform to Retour of the general Service of the said *Frances Forbes* to the said *Alexander Forbes* her Father, dated the Second Day of *November* One thousand eight hundred and three, Charter of Resignation under the Great Seal in favour of the said *Frances Forbes* and other Heirs of Entail aforesaid, dated the Twentieth Day of *December* One thousand eight hundred and three, and written to the Seal and registered and sealed the Thirteenth Day of *July* One thousand eight hundred and four, and Instrument of Sasine following thereon, dated the Twenty-sixth Day of *October*, and recorded in the Particular Register of Sasines at *Aberdeen* the Third Day of *November*, One thousand eight hundred and four: And whereas the said *Frances Forbes* having died, she was succeeded in the said Lands of *Schivas* and others by *Alexander Forbes Irvine*, the Heir of Entail now in possession, who made up Titles to the same, conform to Retour of his Service as Heir of Entail of the said *Frances Forbes*, dated the Twenty-first Day of *June* One thousand eight hundred and ten; Precept from Chancery for infefting him in the said Lands, dated the Twenty-fourth Day of *July* One thousand eight hundred and ten, and Instrument of Sasine following thereon, dated the Sixth, and recorded in the Particular Register of Sasines at *Aberdeen* the Twenty-fifth Day of *August* One thousand eight hundred and ten: And whereas the said Lands of *Schivas* and others are burdened with an Annuity not exceeding One Fourth Part of the free Rent of the said Lands, secured by way of Locality over the following Parts of the said Lands; *viz.* the Lands and Farm of *Quilquax* with the Pertinents as then possessed by *Alexander Mitchell*, the Lands and Farm of *Mains* of *Auchnagate* as then possessed by *William Johnston*, the Mill of *Auchnagate*, Mill Lands, Multures and Pertinents thereof, as then possessed by *Margaret Morison* and *George Jamieson* her Son, the Lands and Farm of *Upper Auchnagate*, as then possessed by *William Johnston*, and the Lands and Farm of *Oldmill*

Oldmill as then possessed by *William Scorgie*, together with the Teinds, Parsonage and Vicarage of the said whole respective Lands, and whole Houses, Buildings, Yards, Privileges, and Pertinents whatsoever thereto belonging, lying within the Parishes of *Tarves* and *Auchreddie* alias *New Deer*, and Sheriffdom of *Aberdeen*, by Liferent Disposition granted by the said deceased *Alexander Forbes* in favour of the said Mrs. *Catherine Forbes*, his Wife, now his Widow, dated the Eighth, and recorded in the Books of Council and Session the Ninth Day of *April*, both in the Year One thousand seven hundred and ninety-six, and Instrument of Sasine following thereon, dated the Ninth Day of *June*, and recorded in the General Register of Sasines at *Edinburgh* the Twenty-second Day of the said Month of *June*, in the said Year One thousand Seven hundred and ninety-six; and with another Annuity of Six hundred Pounds, eventually restricted to Five hundred Pounds, also secured by way of Locality over the following Parts of the said Lands, *videlicet*, the Lands of *Touxhill* possessed by *William Cruickshank* and *Peter Leask*, the Lands of *Denmore* possessed by the Heirs of *Alexander Brown*, the Lands of *Cloffrickford* possessed by *James Calder*, the Lands of *Backmoss* and *Quarry* possessed by *James Robb*, and the Lands of *Overtown* possessed by *William Johnston*, lying in the Parish of *Auchreddie* alias *New Deer*, Barony of *Kelly* or Lordship of *Marr*, and Sheriffdom of *Aberdeen*, also in the *Oldmill* of *Schivas*, Mill Lands, astricted Multures, Sequels, and Knaveships of the same, lying within the Barony of *Schivas*, Parish of *Tarves*, and Sheriffdom of *Aberdeen*, with the Teinds, Parsonage, and Vicarage, great and small, of the whole foresaid Lands and Houses, Buildings, Yards, Orchyards, Tofts, Crofts, Mosses, Muirs, Meadows, Fishings upon the Water of *Ythan*, Parts, Pendicles, and Pertinents whatsoever, under a Declaration that the foresaid Liferent Right of Locality should not extend to the foresaid Lands of *Overtown*, nor to the *Oldmill* and Mill Lands of *Schivas* during the Lifetime of Mrs. *Catherine Forbes*, Widow of the deceased *Alexander Forbes*, late Proprietor of the said Lands, which last Annuity of Six hundred Pounds restrictable as aforesaid is granted in favour of Mrs. *Margaret Hamilton* or *Forbes Irvine*, the Wife of the said *Alexander Forbes Irvine*, by Marriage Contract, dated the Thirty-first Day of *December* One thousand eight hundred and seventeen, and recorded in the Books of Council and Session the Twenty-fourth Day of *April* One thousand eight hundred and forty-four, and Instrument of Sasine following thereon, dated the Twenty-fifth Day of *August* One thousand eight hundred and eighteen, and registered in the Particular Register of Sasines at *Aberdeen* on the Twenty-seventh Day of the said Month and Year last mentioned:

Agreement, by conditional Minute, of Sale of Lands of Schivas, 23d and 26th March 1844.

And whereas the said *Alexander Forbes Irvine* is the eldest Son and Heir apparent of *Alexander Irvine* Esquire, of *Drum*, in the entailed Lands and Estate of *Drum*, lying in the said County of *Aberdeen*, an Inheritance of great Antiquity in the Family of *Irvine* of *Drum*: And whereas the said Estate of *Schivas* lies upwards of Thirty Miles distant from the said Estate of *Drum*, and being contiguous to *Haddo House*, and the Estates and Properties of the Right Honourable *George Hamilton Gordon* Earl of *Aberdeen*, the said Earl has, by a Minute of Sale entered into conditionally with the said *Alexander Forbes Irvine*, agreed, in the event of an Act of Parliament being

being obtained authorizing the Sale of the said Lands and Estate of *Schivas*, to purchase the same at the Price of Forty-nine thousand Pounds, as the said Minute, regulating the Terms of Entry and other Particulars, dated the Twenty-third and Twenty-sixth, and registered in the Books of Council and Session the Twenty-eighth Days of *March* One thousand eight hundred and forty-four, more fully bears: And whereas, independently altogether of the Advantages which would accrue to the said *Alexander Forbes Irvine* and the other Heirs of Entail of the said Lands and Estate of *Schivas* who may succeed to the said Estate of *Drum*, if the said Lands and Estate of *Schivas* were sold, and the Price thereof applied in the Purchase of other Lands lying contiguous to the said Estate of *Drum*, it would be for the Benefit of the said *Alexander Forbes Irvine* and the other Heirs of Entail of the Lands and Estate of *Schivas*, if the said Estate were sold at the Price agreed to be given therefor by the said Earl of *Aberdeen*, and other Lands purchased with the Amount of such Price, inasmuch as the estimated Value of the said Lands and Estate of *Schivas*, as appears from the Schedule hereunto annexed, amounts only to Forty-two thousand seven hundred and fifty-three Pounds Four Shillings; but as, by reason of the Prohibitions, Conditions, Limitations, and Clauses irritant and resolutive contained in the said Disposition and Deed of Entail of *Schivas*, such Sale and Reinvestment cannot take place without the Authority of Parliament, May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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 for the said *Alexander Forbes Irvine*, the Heir of Entail in possession, or the Heir of Entail in possession for the Time being, upon receiving Payment, as after mentioned, of the Price of Forty-nine thousand Pounds, and Interest, if any, as stipulated by the said Minute of Sale, to sell and dispose of the said Lands and Estate of *Schivas* and others, as herein-before and in the said Schedule described, in Terms of the said recited Minute of Sale, in favour of the said Earl of *Aberdeen*, at and for the said Sum of Forty-nine thousand Pounds, the Price thereby agreed to be paid for the same, and to grant all necessary Dispositions and Conveyances, and other Deeds, Rights, and Titles, for effectually vesting the said Lands and Estate of *Schivas* and others in the said Earl of *Aberdeen* in Fee Simple, and freed of all the Conditions, Restrictions, and Fetters of the said Disposition and Deed of Entail, and along with such Disposition, Conveyance, or other Deed the said *Alexander Forbes Irvine*, or Heir in possession for the Time being, shall deliver up to the said Earl of *Aberdeen* the Title Deeds of the said Lands and Estate of *Schivas* and others, and shall free and disburden and relieve the said Estate of all Burdens and Incumbrances whatever; and the said *Alexander Forbes Irvine*, or Heir in possession for the Time being, shall not thereby or on that Account incur any Forfeiture or Irritancy or other Liability under the said Disposition and Deed of Entail, any thing therein contained to the contrary in anywise notwithstanding.

Authority to sell Schivas, in Terms of Agreement.

Price to be paid into Bank in Scotland until invested in the Purchase of other Lands.

II. And be it enacted, That the said Sum of Forty-nine thousand Pounds, the Price of the said Lands of *Schivas* and others, shall be paid into one or other of the Bank of *Scotland*, the Royal Bank of *Scotland*, the Bank of the *British* Linen Company of *Scotland*, the Commercial Bank of *Scotland*, or National Bank of *Scotland*, in the Names of *Robert William Hamilton* Esquire, residing at *Laverock Bank* in the County of *Midlothian*, *Patrick Irvine* Esquire, Writer to the Signet, residing in *Edinburgh*, and *Newell Burnett* Esquire, Advocate, residing in *Aberdeen*, so as to produce the highest Rate of Interest that can be obtained for the same, but upon Trust always, and to and for the Uses, Intents, and Purposes herein-after expressed; *videlicet*, that they the said *Robert William Hamilton*, *Patrick Irvine*, and *Newell Burnett*, and the Survivors and Survivor of them, and the Heirs of such Survivor, may and shall with all convenient Speed, under the Authority and with the Approbation of the Court of Session in either Division thereof, and under their Direction, and by and with the Consent and Approbation of the said *Alexander Forbes Irvine*, the Heir in possession, or of the Heir of Entail for the Time being entitled to Possession under the said Deed of Entail of *Schivas* and others, or the Tutors and Curators or Guardians of such Heir, if under Age, lay out, invest, and apply the Principal Money which shall so be at the Credit of the said Trustees in the Account to be opened in the Books of such Bank in their Names as aforesaid, in the Purchase of other Lands and Estates lying adjacent, or as nearly adjacent as may be advantageously procured, to the said entailed Lands and Estate of *Drum* and others, and that at such fair and just Price as ought to be reasonably given for the same, and of which the Court of Session shall approve, and shall confirm such Purchase; and the Lands and Estates to be so purchased shall be conveyed and disponed by the said Trustees hereby appointed, or to be appointed in virtue of this Act, under the Authority and by the Direction and Appointment of the said Court of Session in either Division thereof, and that in the Manner and Form which shall appear to the Judges of the said Court most proper for effectually settling and securing such Lands and Estates, freed and discharged from all Debts and Incumbrances affecting or which shall or may affect the same, to and in favour of the said *Alexander Forbes Irvine*, or the Heir of Entail for the Time being entitled to Possession under and by virtue of the said Deed of Entail of the Lands of *Schivas* and others, and the Heirs of Entail entitled to take and succeed by virtue of the said Deed of Entail, by way of strict Entail, and under all the Provisions, Conditions, Declarations, Limitations, and Clauses prohibitory, irritant, and resolutive, provided, expressed, and declared in and by the said recited Deed of Entail, in so far as the same are subsisting and capable of taking effect, and also under all the Burdens created thereby, or under or by virtue thereof, which Settlement of Entail shall be so framed as to bind the said *Alexander Forbes Irvine*, or other Heir in Possession in whose Favour the same shall be conceived, as well as the succeeding Heirs of Entail: Provided always, that until such Time as such Lands and Estates shall be so purchased and entailed the said Trustees hereby appointed, or to be appointed in virtue hereof, shall pay the Interest of the Money to be paid into one or other of the said Banks

Lands so to be purchased to be entailed.

Until the Purchase of other Lands, the Interest to be paid to

Banks as aforesaid (but subject to Deduction of the Amount necessary to satisfy the Burdens affecting the said entailed Lands and Estates as aforesaid) to the said *Alexander Forbes Irvine*, or other Heir of Entail who would have been entitled under the said recited Disposition and Deed of Entail to take the Rents and Produce of the said Estate of *Schivas* if the same had not been sold, to and for the proper Use of the said *Alexander Forbes Irvine*, or such Heir. Alexander Forbes Irvine.

III. And be it enacted, That after the said Disposition and Deed of Entail shall be made and executed in the Manner and to the Effect aforesaid the same shall be recorded in due Form in the Register of Tailzies, for the Security of all Persons interested therein, and a Charter or Charters shall pass and be obtained thereupon, and Infeftment taken in virtue of the Precept or Precepts of Sasine to be therein contained; and the Instrument or Instruments of Sasine to be expede thereon shall be registered agreeably to the Form and Practice of the Law of *Scotland*; upon all which the said Court of Session shall interpone its Authority by declaring that the Directions of this Act have been complied with according to the true Intent and Meaning thereof. Entail to be recorded.

IV. Provided always, and be it enacted, That neither the Sale of the said Lands and Estate of *Schivas*, nor any thing in this Act contained, shall deprive or be construed to deprive the said *Alexander Forbes Irvine*, and the other Heirs of Entail of the said Lands and Estate of *Schivas*, of or from any Claim heretofore competent or which may hereafter become competent to him or them for Improvements made by him or them, or his or their Predecessors, in the said Lands and Estate, or other Expenditure therewith connected, which they or any of them are legally entitled to recover from the said Lands and Estate, or wherewith they or any of them were or was entitled to burden the Heirs of Entail succeeding to the said Lands and Estate, if such Sale as is hereby authorized had not taken place; and such Claims shall be equally available against the Price of the said Estate, and the Estate to be purchased therewith, and entailed as aforesaid, as they would have been against the said Lands and Estate of *Schivas* if the same had not been sold. Claims in respect of Improvements to remain good.

V. And be it enacted, That if the said *Robert William Hamilton*, *Patrick Irvine*, and *Newell Burnett*, or any of them, shall die, or be desirous of being discharged from or become incapable to act in the Discharge of the Trusts, Powers, and Authorities hereby vested in them, at any Time before the said several Trusts, Powers, and Authorities shall have been fully performed and carried into effect, then and in any of these Events, and when and as often as the same shall happen, it shall and may be lawful to the said Court of Session, in either of the Divisions thereof, and the said Court is hereby authorized and empowered, upon the Application of the said *Alexander Forbes Irvine*, or of the Heir of Entail in possession under the said recited Deed for the Time, to appoint any other fit Person or Persons to be a Trustee or Trustees for the Purposes of this Act in the Place and Stead of the said *Robert William Hamilton*, *Patrick Irvine*, and *Newell Burnett*, or such of them as shall so die, New Trustees may be appointed on Failure of Trustees herein named.

die, or be desirous to be discharged from or become incapable to act in the Execution of the Trusts, Powers, and Authorities by this Act given and conferred upon them, any or either of them, and so from Time to Time to appoint new Trustees as often as there shall be Occasion, and whensoever any new Trustee or Trustees shall be so appointed as aforesaid, to order and decree that all the Money paid into Bank as aforesaid in the Names of the said *Robert William Hamilton*, *Patrick Irvine*, and *Newell Burnett*, shall for the Purposes of this Act stand and be at the Credit of the surviving Trustee or Trustees, together with such new Trustee or Trustees, or wholly in such new Trustee or Trustees, as the Case may require, and in the Survivors or Survivor of them, and the Heirs of such Survivor, upon the same Trusts, and to and for the same Uses, Intents, and Purposes, and with and under and subject to all the Powers and Authorities by this Act given and declared, or such of them as may be existing at the Time and capable of taking effect; and all the Accounts and Intromissions of such Trustee or Trustees so dying, or being desirous of being discharged or being incapable to act, shall without Delay be settled with them or their Representatives by the Court of Session.

Quorum of Trustees.

VI. And be it enacted, That the Majority of the said Trustees here named, or of such other or others as may be appointed Trustee or Trustees with them or any of them, or in their Room and Stead, shall be a legal and sufficient Quorum for carrying all the Purposes of this Act into execution and effect.

Liability of Trustees.

VII. And be it enacted, That the said Trustees by this Act nominated and appointed, and the Survivors or Survivor of them, and the Person or Persons who may be appointed by the Court of Session in virtue of the Powers in that respect by this Act given to them as Trustee or Trustees as aforesaid, their Heirs, Executors, or Administrators, shall not be charged or chargeable with or accountable for any more Money than they shall actually respectively receive by virtue of this Act, nor for any Loss of such Money or any Part thereof, so as that the same happen without their wilful Neglect or Default respectively, nor any of them for the other or others, but each of them for his own actual Intromissions, Neglects, or Defaults only, and that they and each of them shall by and out of the Money coming into their Hands in virtue of this Act be entitled in the first place to satisfy and pay the just and lawful Expences incurred in procuring and passing this Act and incident thereto, and to reimburse himself and themselves of all Cost, Charges, and Expences which they or any or either of them shall severally or respectively incur, sustain, pay, expend, or be put unto in any manner of way, in or about the Exercise or Performance of the Trusts hereby in them reposed, or on account of any Act, Transaction, Matter, or Thing relating thereunto in any manner of way whatsoever.

Trustees to be discharged.

VIII. And be it enacted, That as soon as the said Trustees shall, in virtue of the Powers of this Act, have purchased the Lands and Estates hereby directed to be purchased, and entailed the same, at the Sight and with the Approbation of the said Court of Session, and caused

caused the Deed of Entail thereof to be recorded, and Infeftment to be taken in the said Lands, and the Instrument or Instruments of Sasine recorded as herein-before directed, it shall be competent for the said Trustees respectively to apply by summary Petition to the said Court, in either of its Divisions, for a Discharge and Exoneration of their Transactions and Management respectively under the Authority of this Act; and the said Court are hereby empowered and required, after such Investigation into such Transactions and Management, and of the Intromissions of the said Trustees respectively, as they shall deem requisite, to exonerate and discharge the said Trustees respectively, and to declare them to be quit and discharged of such Transactions, Management, and Intromissions, and of all the Consequences thereof, and of all Action and Demand for and in respect of the same, for ever.

Recited Disposition and Deed of Entail not to be defeated.

IX. And be it enacted, and it is hereby expressly provided and declared, That nothing in this Act contained shall be held or construed in any way or to any Effect to alter, innovate, change, or defeat the said recited Disposition and Deed of Entail, except in so far as it may be necessary to carry into effect the Purposes of this Act, but the said Disposition and Deed of Entail shall remain in all other respects in full Force and Effect.

One of the absent Heirs to consent before Act is put in force.

X. And whereas Three of the Ten Heirs next in succession to the said entailed Estate after the said *Alexander Forbes Irvine*, namely, *James Hamilton Irvine*, *Charles Irvine*, and *Elizabeth Christian Irvine* or *Muston*, Wife of *Harington James Muston*, are not in *Great Britain*, and so cannot be present to give their Consents to the passing of this Act; be it therefore enacted, That none of the Provisions of this Act shall take place, nor shall the same be carried into execution, unless within Three Years from and after the passing of this Act some One or more of the said *James Hamilton Irvine*, *Charles Irvine*, and *Elizabeth Christian Irvine* or *Muston*, and the said *Harington James Muston* for his Interest and for the Interest of his said Wife, shall, by a Deed to be executed by him, her, or them respectively before Two Witnesses, express his, her, or their Consent to this Act, which Deed shall be registered in the Books of Council and Session, and shall in all Time thereafter be held and taken to be sufficient Evidence of the Consent of the Person or Persons executing such Deed to the passing of this Act, which shall thereafter be put in execution as if such Consent had been previously given, and such Consent shall be effectual and binding upon him, her, or them in all Time thereafter.

General Saving.

XI. Saving and reserving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and to all and every other Person and Persons, Bodies Politic or Corporate, his, her, and their Heirs and Successors, Executors, Administrators, and Assigns, (excepting the Heirs and others entitled to succeed under the said Disposition and Deed of Entail, and the Annuitants heritably secured in their respective Annuities under the same,) all such Estate, Right, Title, Interest, Claim, and Demand whatsoever, in, to, or out of the Lands and Estates hereby authorized to be sold, or any Part thereof, as they or any of them had before the passing of this Act, or could or might have

have had or enjoyed in case this Act had not been made, any thing herein contained to the contrary thereof in anywise notwithstanding.

Act as printed by Queen's Printers to be Evidence.

XII. And be it enacted, That this Act shall be printed by the several Printers to the Queen'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-

SCHEDULE to which the foregoing Act refers.

Valuation of the Estate of Schivas and Auchnagat in the County of Aberdeen.

I. *Of Schivas.*

Names of Lands.	Names of Tenants.	Measurement. Scots. A.	R.	F.	Measurement. Imperial. A.	R.	F.	Present Rent. £	s.	d.	Estimated Value. £	s.	d.
North Burnside	John Leask	64	0	0				35	0	0	37	5	0
South ditto	James Watson	30	0	0				24	0	0	25	14	0
Croft of Burnside	John Allan	12	0	0				10	0	0	9	12	0
South Broadward	James Watson	44	0	0				33	0	0	54	0	0
North ditto	William Mitchell	28	0	0				20	0	0	28	16	0
Milltown of Schivas	Alexander Mitchell	20	0	0				20	0	0	31	0	0
Mill and Mill Croft	John Clark	6	0	0				6	10	0	17	18	0
Newseat	Mrs. Cheyne	70	0	0				30	0	0	53	10	0
Ditto	James Murison	42	0	0				38	0	0	37	10	0
Ditto	George Leask	38	0	0				21	0	0	37	0	0
Croft of ditto	Mrs. Calder	3	0	0				1	10	0	4	10	0
Oldmill Farm	John Minty	62	0	0				30	0	0	40	5	0
Ditto	Alexander Emslie	36	0	0				20	0	0	25	6	0
Oldtounleys	John Symmers	46	0	0				26	0	0	32	0	0
North Quilquax	John Sim	74	0	0				50	0	0	68	4	0
South Quilquax	James Symmers	54	0	0				33	12	0	39	4	0
Croft of ditto	Peter Mitchell	26	0	0				8	10	0	10	18	0
Ditto	John Lovil	22	0	0				8	8	0	9	4	0
Ditto	John Will	8	0	0				2	2	0	4	12	0
Ditto	Andrew Moir	6	0	0				9	0	0	9	18	0
Ditto	Alexander Bisset	3	0	0				5	0	0	6	0	0
Ditto	George Gordon	4	2	0				3	13	0	5	12	6
Ditto	Alexander Munden	5	2	0				3	7	0	6	12	0
Ditto	Alexander Mitchell	9	0	0				Rent free.			9	10	0
House and Yard	Francis Thomson	0	0	0				1	5	0	1	5	0
Skilmafilly	Alexander Whyte sen. and jun.	21	3	0				20	0	0	25	0	6
Croft of ditto	James Fraser jun.	16	0	0				19	9	0	21	12	0
Ditto	James Fraser sen.	30	0	0				5	0	0	8	0	0
Mains	Sundries	208	1	24				152	10	0	227	5	6½
Mansion House, Garden, and Plantations	Proprietor	13	3	22							32	0	0
		200	0	0									
Pasture not included in the above Measurement, but considered in valuing the Farms		79	0	23									
		1282	0	29	1617	0	10	636	16	0	919	3	6½

Abstract Valuation of Schivas.

	£	s.	d.	£	s.	d.
Gross estimated Rental				919	3	6½
Deduct Public Burdens.						
1. Minister's Stipend:—	£	s.	d.			
Barley, 5. 1. 1. 1. at 18s.	4	15	11			
Meal, 7. 0. 2. 3. at 15s.	5	7	6½			
Money	13	17	2			
	24	0	7½			
2. School Salary	2	2	3½			
3. Commutation Money	3	0	0			
4. Rogue Money, and Police Assessments	6	5	0			
5. Prison Assessment	5	12	6			
6. Bridewell ditto	0	5	7½			
7. Highway Money	0	5	0			
8. Cess and Land Tax	6	18	4			
				48	9	4½
Free Rent				870	14	2
Which at 28 Years Purchase, is						24,379 16 8
Estimated Value of Wood						1,250 0 0
						25,629 16 8
Deduct for Meliorations payable to Tenants on Expiry of Leases				200	0	0
Deduct also present Value of Short Rents at 4 per Cent.				819	12	6
						1,019 12 6
Valuation of Schivas						24,610 4 2

Geo. Robertson.

Valuation of the Estate of Schivas and Auchnagat in the County of Aberdeen.

II. *Auchnagat.*

Names of Lands.	Names of Tenants.	Measurement. Scots. A.	R.	F.	Imperial. A.	R.	F.	Present Rent. £	s.	d.	Estimated Value. £	s.	d.
Buckmoss or Backmoss.	William Wallace -	130	0	0				41	0	0	50	0	0
Cat Craig - -	Alexander Philip - -	80	0	0				37	0	0	46	18	0
Clofricford - -	William Taylor - -	70	0	0				44	0	0	61	16	0
Croft of Clofricford	John Wallace - -	7	0	0				6	0	0	12	0	0
Denmore - -	John Kirkton - -	60	0	0				18	0	0	32	0	0
Croft of ditto -	Ludovic Mowat - -	38	0	0				9	9	0	10	0	0
Ditto - - -	William Bisset - -	28	0	0				12	0	0	11	8	0
Ditto - - -	George Cowie - -	12	0	0				4	0	0	5	16	0
Overtoun - -	William Johnston, including 7 Bolls of Meal at Fiars, and after allowing Deduction of 13*l.* -	62	0	0				7	0	9	59	0	0
Mains of Auchnagat	Mrs. Philip - - -	87	0	0				70	0	0	76	16	0
Miltoun of ditto -	John Heatherwick -	100	0	0				64	0	0	91	0	0
Mill of ditto - -	Ditto - - - -							18	0	0			
Netherton - -	Robert Kilgour - -	80	0	0				51	0	0	60	0	0
North Touxhill -	John Johnston - -	104	0	0				54	0	0	68	10	0
South Touxhill -	James Tocher - -	90	0	0				33	0	0	47	0	0
Croft of Touxhill -	James Henderson - -	40	0	0				10	0	0	12	0	0
Ditto of ditto -	Robert Howie - -	50	0	0				10	0	0	14	10	0
Croft of Backhill -	Hugh Hall - - -	12	0	0				3	0	0	3	0	0
Planting -	- - - -	250	0	0									
Pasture not included in the above Measurements of the Farms, but taken into account in valuing the Farms -	- - - -	120	2	25									
Converted Multures payable to Mill of Auchnagat 50. 3. 3. $0\frac{5}{16}$ of Oats, second Quality; say -	- - - - -										45	8	6
		1420	2	25	1791	2	33	491	9	9	707	2	6

Abstract Valuation of Auchnagat.

	£	s.	d.	£	s.	d.
Gross estimated Rental				707	2	6
Deduct public Burdens, viz.						
1. Minister's Stipend	£	s.	d.			
Barley, 3. 3. 0. $0\frac{7}{8}$ at 18*s.*	3	7	9			
Meal, 3. 3. 0. $0\frac{7}{8}$ at 15*s.*	2	17	1			
Communion Element Money	0	2	7			
Insurance on Manse	0	2	6			
	6	9	11			
2. School Salary	4	12	10			
3. Commutation Money	2	6	11			
4. Rogue Money and Police Assessments	4	17	$2\frac{1}{2}$			
5. Prison Assessments	4	7	6			
6. Bridewell ditto	0	4	$4\frac{1}{2}$			
7. Highway Money	0	3	$10\frac{1}{2}$			
8. Cess and Land Tax	5	7	8			
				28	10	$3\frac{1}{2}$
Free Rent				678	12	$2\frac{1}{2}$
Which at 28 Years Purchase is						19,001 1 10
Add estimated Value of Wood on the Property						250 0 0
						19,251 1 10
Deduct Meliorations on Houses and Fences due Tenants at Expiry of current Leases	300	0	0			
Also present Value of short Rents	808	2	0			
						1,108 2 0
Valuation of Auchnagat						18,142 19 10

Geo. Robertson.

General Abstract.

	£	s.	d.
I. Valuation of Schivas, as before	24,610	4	2
II. Ditto of Auchnagat	18,142	19	10
	42,753	4	0

Geo. Robertson.

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