ANNO SEXTO & SEPTIMO

GULIELMI IV. REGIS.

Cap. 27.

An Act to vest Part of the Entailed Estate of *Skibo* and others in the County of *Sutherland* in Trustees in Fee Simple, for Sale, and to raise a further Sum of Money by Loan, for the several Purposes therein mentioned. [28th *July* 1836.]

Deed of Entail by John Hamilton Dempster, Esq., dated 15th Oct. 1799, registered 16th Nov. 1802.

WHEREAS *John Hamilton Dempster*, late of *Pulrossie* in the County of *Sutherland*, Esquire, deceased, by a Deed of Entail in the *Scottish* Form, bearing Date the Fifteenth Day of *October* in the Year of our Lord One thousand seven hundred and ninety-nine, and which was afterwards recorded in the Register of Taillies on the Sixteenth Day of *November* in the Year of our Lord One thousand eight hundred and two, and in the Books of Council and Session in *Scotland* on the Second Day of *December* One thousand eight hundred and two, gave, granted, and disponed, but with and under the Conditions, Provisions, Restrictions, Limitations, Prohibitions, Clauses irritant and resolutive, Declarations, and Reservations therein-after written, to himself, and failing him to *George Dempster*, only lawful Son procreated between him and the deceased Mrs. *Jane Ferguson* his Spouse, and the Heirs whatsoever of his Body; whom failing, to the lawful Son or Sons to be procreated by him in any future Marriage, successively in Order, according to their Seniorities, and the Heirs whatsoever of their Bodies resepctively; whom failing, to the Daughter or Daughters to be procreated by him in any future Marriage, successively in Order, according to their Seniorities,

and the Heirs whatsoever of their Bodies respectively; whom failing, to *Harriet Dempster*, formerly called *Harriet Milton*, his natural Daughter, and the Heirs whatsoever of her Body; whom failing, to Mrs. *Helen Dempster* otherwise *Burrington* his Sister, Widow of the deceased Colonel *George Burrington*, late in the Service of the Honourable *East India* Company, and the Heirs whatsoever of her Body; whom failing, to Miss *Ann Dempster*, also his Sister, and the Heirs whatsoever of her Body; whom failing to the Heirs whatsoever procreated of the Body of the deceased Mrs. *Agnes Dempster* otherwise *Gordon*, also his Sister, Spouse of *Thomas Gordon* Esquire, of *Balmaghie;* whom failing, to the Heirs whatsoever procreated of the Body of the deceased Mrs. *Elizabeth Dempster* otherwise *Read*, also his Sister, late Spouse to *David Read*, sometime of *Drumgight;* whom all failing, to his own nearest Heirs or Assignees whatsoever; the eldest Daughter or Heir or Heir Female, and the Descendants of her Body, always excluding Heirs Portioners, and succeeding without Division throughout the whole Course of Succession, as well of Heirs whatsoever as of Heirs of Provision, so oft as the same should descend to Females, and the Daughter of the Heir who should happen to be last in Possession of the Lands and Estates therein-after described (whether such Heir was served Heir of Taillie or not) succeeding always preferably to the Daughter of any former Heir, so oft as the Succession through the whole Course thereof should devolve upon Daughters, which he thereby declared to be his true Meaning, notwithstanding of the aforesaid Destination of Heirs whatsoever; all and whole the Lands, Castles, Towers, Fortalices, Manor Places, Mills, Woods, Fishings, and others respectively particularly under written; *videlicet*, all and whole the Lands of *Skibo* Castle, called the Mains of *Skiboll*, with the Castle or Fortalice and Brewery of the same, with the Houses, Biggings, Yards, Orchards, Annexis, Connexis, Parts, Pendicles, and universal Pertinents lying within the Earldom of *Sutherland*, and formerly in the Sheriffdom of *Inverness*, now in the Sheriffdom of *Sutherland;* and also with the Office of Hereditary Constable of said Castle of *Skibo*, in so far as not abolished by Law, and with all Stipends or Salaries, Profits, Privileges, Emoluments, and Duties formerly pertaining to the said Office, particularly the Sum of Sixteen Pounds Two Shillings *Scots* Money as Feu Duty and Augmentations of the same, formerly payable out of the said Lands to the Bishops of *Caithness*, and by the said Bishops disponed as a Salary or Stipend for keeping the said Castle of *Skibo;* and also all and whole the Lands and others under written which were erected into one whole and free Barony, then and in all Time coming to be called the Barony of *Skibo*, conform to a Charter thereof under the Great Seal in favour of *Robert Gray* of *Sordell*, in Life-rent, and *Robert Gray* his eldest Son, in Fee, dated the Sixth Day of *April* One thousand six hundred and forty-nine Years, and Precept from the Chancery of same Date; *videlicet*, the One Davoch or Sixpenny Lands of *Meikle Swardall*, with the cultivated and manured Crofts of the same called *Tulloch Rheingottan* and *Reinreich*, with all and sundry Pertinents and Privileges of the same whatsoever; with another Davoch or Sixpenny Lands of *Migdail*, with Mills of the same, and cultivated and manured Crofts, *videlicet*, *Rheininrean* and *Culnara*, with the Houses, Biggings, Parts, Pendicles, and Pertinents of the same whatsoever; moreover all and whole the Three Davoch or Sixpenny Lands of *Little Creech*, with its Pendicle called *Little Swardall*, with the Brewery and Salmon Fishing of *Bonar*, and with all other

Fishings, as well of Salmon as other Fishes, in Salt or Fresh Waters adjoining to the aforesaid Lands of *Little Creech* and *Little Swardall*, with the Pertinents, with Power and Liberty to himself and the said *George Dempster*, and the other Heirs of Tailzie above written, of fishing and taking Fish in the said Waters with Boats, Nets, Hooks, and other lawful Engines and Instruments whatsoever; and moreover all and whole the Four Davoch or Sixpenny Lands of *Cuthill*, *Cuthill Deal*, or *Deal Ulistie*, with their Pertinents called *Stamfoord Newlands* alias *Balblair*, with all and singular Annexis, Connexis, Outsets, Parts, Pendicles, and Pertinents of the aforesaid Lands, and with the Brewery of *Cuthill* and Brewery Lands of the same, and with the special Privilege, Power, and Liberty to himself, and the said *George Dempster* his Son, and the other Heirs of Tailzie above written, of cutting, collecting, and transporting the Sea Weed called Ware, for dunging and improving their Lands whatsoever, and generally with the Privilege of Wrack and Ware on the Sea-shore and all Parts adjoining to the same, and with free Ish and Entry, and with Fishings as well of Salmon as of other Fishes, and as well in Fresh as in Salt Waters belonging to the foresaid Lands of *Cuthill*, and also with Power to himself and the said *George Dempster* his Son, and the other Heirs of Tailzie above written, of fishing and taking Fishes with Boats, Nets, Hooks, and other lawful Engines whatsoever, and also with full Power, Liberty, and Privilege to himself and the said *George Dempster* his Son, and the other Heirs of Tailzie above written, and to their Tenants and Possessors of the aforesaid Lands, present and to come, of digging, winning, and transporting Turfs and Clods, Peats, Turfs, Feal, and Divot in and from the Muirs and Marshes of *Dornoch*, and with Commonty and Common Pasturage in the aforesaid Muirs, Marshes, and all Parts of the same, with free Ish and Entry in and to the said Lands with the Pertinents, and with all and singular Annexis, Connexis, Grazings, Shealings, Outsets, Parts, Pendicles, and universal Pertinents of all and singular the aforesaid Lands, Mills, Fishings, and others, as well generally as specially, respectively above written whatsoever, all lying in the Diocese of *Caithness*, formerly in the Sheriffdom of *Inverness*, and now in the Sheriffdom of *Sutherland*; as also all and whole those Parts and Portions of the Lands and Estate of *Over Skibo* lying in the Parish of *Dornoch* and Shire of *Sutherland*, and closely adjacent to the Mansion House of *Skibo*; *videlicet*, that Field called the *Dovecot Park*, lying to the North-west of the said Mansion House, and that Piece of Ground called *Croft Gilbert*, and Plantation of hard Timber, thereon lying immediately to the West of the Yellow Yard or Orchard of *Skibo*, and which *Dovecot Park* is bounded by Stone Walls on all Sides, and the Piece of Ground called *Croft Gilbert* and Plantation thereon is bounded by a Stone Wall on the North and East, and by a Ditch and Mud Dyke on the West, and that Inlet from the Firth of *Dornoch* called *Polyhewrick* on the South, which Lands were disponed by him to *George Dempster* Esquire, of *Dunnichen*, in Excambion for certain Portions of the Estate of *Skibo* disponed by him to the said *John Hamilton Dempster*, conform to Contract of Excambion entered into between them, dated the Thirtieth Day of *November* One thousand seven hundred and ninety-six, and registered in the Commissary Court Books of *Edinburgh* the Seventh Day of *February* One thousand seven hundred and ninety-seven, and to which Lands and others he had then again Right by virtue of a Disposition granted by the said *George Dempster* Esquire in his Favour, dated the Ninth Day of *October* One thousand seven hundred and ninety-nine

ninety-nine Years; as also all and whole the Towns and Lands of *Alustie*, *Ardalzies*, *Alvaich*, and *Ferryton*, with the Passages and Ferry Boat on the Shore of *Portna Culter*, with the Salmon Fishings on the Water of *Palchurick*, *Ferryan*, and *Ardnakolkie*, and with the Northmost Mill of the Two Mills of *Sidderay*, with the Multures of the Lands in the Barony of *Skibo*, (excepting and reserving always to the Heritors of the said Lands of *Sidderay*, *Over Skibo*, and *Achgornilie*, and Pertinents, the Privilege of grinding their Corn at the said Mill for Payment of the Knaveship Multure only,) with the Houses, Biggings, Yards, Tofts, Crofts, Shealings, Outsets, Grazings, Woods, Fishings, Commonties, Liberties, Privileges, Annexis, Connexis, Dependencies, Parts, Pendicles, and universal Pertinents whatsoever, lying within the Parish of *Dornoch*, Earldom and Sheriffdom of *Sutherland;* as also all and sundry the Lands and others under written; *videlicet*, all and whole the Town and Lands of *Flode*, with the Pendicle thereof called *Ryemore*, with Mills, Woods, Fishings, Houses, Biggings, Yards, Orchards, Glens, Shealings, and others, with the Pertinents belonging to the said Lands, lying within the Parish of
and Sheriffdom of *Sutherland;* and all and whole the Town and Lands of *Pulrossie*, *Achary*, and *Newton*, with the Stell and Salmon Fishings of *Flode* and *Poulcurrich;* and also the Town and Lands of *Spanziedale*, Mills, Mill Lands, Multures, and Sequels thereof used and wont, with Manor Places, Houses, Biggings, Yards, Muirs, Meadows, Commonty, Common Pasturage, Glens, Shealings, and whole Parts, Pendicles, and universal Pertinents of the foresaid Lands, lying within the Parishes of *Creech* and *Rogart*, and Sheriffdom of *Sutherland*, which whole Lands and others above written were united, created, and incorporated in one whole and free Tenandry, called the Tenandry of *Pulrossie*, and the Manor Place of *Pulrossie* ordained to be the principal Messuage of the said Tenandry, and a Seizin to be there taken is to be sufficient for the whole, conform to a Charter under the Great Seal, containing therein a Clause of Novodamus, granted in favour of *George Murray*, formerly of *Pulrossie*, dated the Sixth Day of *August* One thousand six hundred and eight Years, and which Lands and others, in a Feu Right and Disposition thereof granted by the deceased Captain *Charles Gordon* of *Pulrossie* to and in favour of *Dugald Gilchrist* Esquire, of *Lothbeg*, dated the Eighteenth Day of *June* One thousand seven hundred and eighty-one Years, who afterwards conveyed the same to the said deceased Captain *Charles Gordon*, and described as follows, *videlicet*, all and whole the Town and Lands of *Pulrossie*, comprehending the Mains of *Pulrossie*, with the Stell and Salmon Fishings of *Flode* and *Poulcurrich*, as also the Town and Lands of *Flode*, with the Pendicle of the same called *Ryemore* or *Rhinmore*, comprehending *Inchtumpie*, the Town and Lands of *Aucharie*, comprehending the Pendicles of *Dalbraick*, *Moanghear*, and *Pronternack*, as also the Town and Lands of *Spanziedale*, comprehending *Aihowbadskaillie* and *Relix*, with the Mill of *Spanziedale*, Mill Lands, Multures, and Sequels thereof used and wont, with the Manor Places, Houses, Biggings, Yards, Muirs, Meadows, Commonties, Common Pasturages, Glens, Shealings, and whole Parts, Pendicles, and universal Pertinents of the said Lands and others; and also all and whole the Town and Lands of *Newton*, and Pendicles thereof called *Clashnaranish* and *Inchnabulkin*, with all and sundry Houses, Biggings, Yards, Tofts, Crofts, Parts, Pendicles, Annexis, Connexis, Privileges, Pasturages, and other universal Pertinents whatsoever thereto belonging, all lying within the said Parish of *Creech*, Earldom and Sheriffdom of *Sutherland;*

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the said Lands of *Newton* being bounded in manner following, *videlicet*, the Sea at the West Side passing up lineally from the *Ganochroy*, called the *Red Sand*, to the *Habill Sand* at the East Side of *Reannagillend*, and passing from thence to a great Greystone lying above *Poilnadaff*, and from thence to the nether End of *Sharmaville*, and from thence lineally through *Blairbuy* to *Torranacreoch* at the East End of *Inchnabulkin*, and from thence to *Drumclashnaranah*, and from thence as Wind and Water shears to the *Skridanroy* at the East, and lineally descending from thence to the Sea at the South; and also all and whole the Ninepenny Land of *Maickaill*, and Threepenny Land of *Langwell*, with Houses, Biggings, Yards, Tofts, Crofts, Outsets, Parts, Pendicles, and universal Pertinents of the same whatsoever, lying in the Earldom of *Sutherland* and Sheriffdom of *Old Inverness*, now of *Sutherland*; as also all and whole that Part and Portion of the Lands and Estate of *Skibo* called *Blackpenny*, lying in the Parish of *Dornoch* and Shire of *Sutherland*, and adjacent to the Mansion House of *Overskibo* on the East Side thereof, and which Portion of Land called *Blackpenny* is at present subdivided into Three Parts, one of which is planted and lies to the North of the House of *Over Skibo*, another Part, consisting of Pasturage and Arable Land, lies to the Eastward and Northward of said House, and the Third Part, consisting wholly of Arable Land, lies to the Southward of the Road leading to the said House of *Overskibo*, which Lands were disponed to him by *George Dempster* Esquire, of *Dunnichen*, in Excambion for certain Portions of the Estate of *Overskibo* disponed by him to the said *George Dempster*, conform to the foresaid Contract of Excambion; as also all and whole the Town and the Two Davoch Lands of *Overskibo*, with the Pendicle thereof called *Achgornilie*, with the Liberty of free grinding at the Mill of *Sideray*, for Payment of the Knaveship allenarly, with all and sundry the Houses, Biggings, Yards, Tofts, Crofts, Outsets, Insets, Shealings, Grazings, Woods, Fishings, Commonties, Liberties, Privileges, Annexis, Connexis, Dependencies, Parts, Pendicles, and universal Pertinents of the same whatsoever, lying within the Parish of *Dornoch* and Sheriffdom of *Sutherland*, together with all Right, Title, Interest, Claim of Right, Property, and Possession, pettitory or possessory, which he, his Predecessors or Authors, had then had or any ways might have, claim, or pretend to the Lands, Barony, Mills, Woods, Fishings, or other Heritages above disponed, with the Pertinents or any Part or Portion thereof, in Time coming, but with and under the Conditions, Provisions, Restrictions, Limitations, Prohibitions, Clauses irritant and resolutive, Declarations, and Reservations which are usual in Settlements of strict Entail by the Law and Practice of *Scotland*: And whereas the said *John Hamilton Dempster* by a certain other Deed of Trust Disposition in the *Scottish* Form, also bearing Date the said Fifteenth Day of *October* One thousand seven hundred and ninety-nine, and which was afterwards recorded in the Books of Council and Session on the Eleventh Day of *May* One thousand eight hundred and two, disponed to *George Dempster* Esquire, *James Fergusson* Esquire, Sir *W* *Ramsay* Baronet, *James Guthrie* Esquire, *George Blair* Esquire, *Alexander Murray Guthrie* Esquire, younger, of *Craigie*, and *Andrew Storie* W. S., as Trustees for the Uses therein mentioned, and to the Survivors or Survivor of them, all Debts and Sums of Money, Heritable, Personal, and Moveable, and all Jewels, Plate, Furniture, Linens, Share of Stock, Arrears of Rents, Corns, Cattle which should belong to him at his Death, with the whole Vouchers thereof, and with

Trust Disposition, dated 15th Oct. 1799, and registered 11th May 1802.

Power to them or any of them, while Two or more survived, after his Death to uplift and intromit with the Subjects disponed, to appoint Factors under them, and to do every thing requisite for accomplishing the Uses of the Trust, which were, first to pay the Expences attending the Execution of the Trust, secondly to pay all the Personal Obligations and Funeral Expences of the said *John Hamilton Dempster*, thirdly to pay off all Debts affecting his Lands and Estates in *Sutherlandshire*, and the Residue, if any, of the said Funds to be applied as therein particularly mentioned; and he also thereby nominated the said Trustees and the Survivor of them to be his Executors, with full Powers: And whereas the said *John Hamilton Dempster* departed this Life in the Year One thousand eight hundred and one, having been lost at Sea on a Voyage from *Bombay* to *China*, which he commenced near the End of the Year One thousand eight hundred, and was never afterwards heard of; and his only lawful Child, the said *George Dempster* named in the said Deed of Entail, also died in the Month of *April* in the Year One thousand eight hundred and one, without ever having been married; and the said *Harriet Dempster* thereupon succeeded to the said entailed Lands and Estate, and recorded the said Deed of Entail, and made up Titles under the same conform to Retour of her General Service as nearest and lawful Heir of Tailzie and Provision to the said *John Hamilton Dempster*, dated the Twentieth Day of *January* One thousand eight hundred and three, and to Charter of Resignation and Confirmation under the Seal of His then Majesty King *George* the Third, dated the Third Day of *February* One thousand eight hundred and three, written to the Seal and registered the Sixth Day of *April* in the same Year, and Instrument of Sasine thereon, dated the Fifteenth Day of *August*, and registered in the General Register of Sasines at *Edinburgh* the Twenty-ninth Day of *September*, One thousand eight hundred and three: And whereas the said *Harriet Dempster* departed this Life on or about the Sixteenth Day of *October* One thousand eight hundred and ten; and thereupon *George Dempster*, now of *Skibo* aforesaid, Esquire, her only Son, then a Minor of the Age of Six Years or thereabouts, succeeded to the said entailed Estates conform to the following Titles; that is to say, Retour of the Special Service of the said *George Dempster* as Heir Male and of Tailzie and Provision to his said Mother in the whole of the said entailed Lands and Estates, bearing Date the Sixth Day of *November* One thousand eight hundred and eleven; Precept of Sasine from Chancery for infefting the said *George Dempster* in the said Lands, dated the Second Day of *August* One thousand eight hundred and fourteen; and Instrument of Sasine following thereon, dated the Twenty-ninth Day of *October* One thousand eight hundred and fourteen, and registered in the General Register of Sasines in *Edinburgh* on the Nineteenth Day of *December* following: And whereas the said *John Hamilton Dempster* had contracted and was owing at the Time of his Death various Debts to a very large Amount in the whole, Parts of which to the Amount of Fourteen thousand five hundred Pounds were heritably secured; and he had also granted a Bond for Two thousand Pounds to his Sister Mrs. *Helen Burrington*, which likewise remained wholly due at the Time of his Death: And whereas, after applying the whole Amount of the Personal Estate and Effects of the said *John Hamilton Dempster* left by him at his Death in or towards Payment of his said Debts, there still remains due the Principal Sum of Three thousand one hundred and fifty Pounds Sterling, Part of the said Fourteen thousand five hundred Pounds, and also the said

Debt for Two thousand Pounds, both of which Sums so now remaining due are chargeable on and affect the said entailed Estates: And whereas upon the said *George Dempster* succeeding to the said entailed Estates many of the Farms of the said Estates were found to bein an unimproved Condition, and destitute of proper Farmhouses and Offices, and in many Cases inaccessible for Want of proper Roads, and considerable Tracts of Land were valuable only or chiefly for the Purpose of planting, and the Mansion House and Offices attached thereto were in an unfinished and dilapidated State, and in consequence a very heavy Expenditure was incurred, both during the Minority of the said *George Dempster* and after he came of Age, in effecting the necessary Improvements, by draining, banking, and inclosing many Parts of the Lands, erecting suitable Farmhouses and Offices thereon, planting more than One thousand seven hundred Acres of the Lands which were adapted for that Purpose and most unsuitable for any other Purpose, and completing and finishing the Mansion House and Offices, and making the necessary Advances for Roads and Bridges; and the said *George Dempster* was also put to heavy Expences in resisting various legal Claims set up against the said entailed Estates: And whereas by all these Improvements, and in thus defending the said Estates, the said *George Dempster* incurred a considerable Amount of Debt, and expended in the whole the Sum of Fourteen thousand and seventy-four Pounds One Shilling, as is more particularly set forth in the Second Schedule annexed to this Act; and the said several Improvements were made without adverting to or complying with the Requisitions in the Act passed in the Tenth Year of His Majesty King *George* the Third, intituled *An Act to encourage the Improvement of Lands, Tenements, and Hereditaments in that Part of* Great Britain *called* Scotland *held under Settlements of strict Entail:* And whereas the various Improvements so made by the said *George Dempster* upon the said entailed Estates have greatly increased the Value thereof; and the subsequent Heirs of Entail entitled to succeed to the said Estate will derive great Advantage from the Expenditure which has been made in manner aforesaid; and it is just and equitable that the said *George Dempster* should be relieved of Three Fourth Parts of the said Expenditure: And whereas serious Inconvenience and Loss would arise to the said entailed Estate, and the subsequent Heirs entitled to succeed to the same, if the Creditors entitled to the said Debts of Three thousand one hundred and fifty Pounds and Two thousand Pounds were to proceed against the said Estate by Adjudication; and it is therefore desirable that the same should be prevented, and also that Provision for the said other Purposes herein-before mentioned should be made by Sale of certain Parts of the said entailed Estate mentioned and set forth in the First Schedule hereunto annexed; and that such a Sum of Money as together with the Proceeds of such Sale shall be sufficient to provide for the whole of the Purposes aforesaid should be borrowed on the Security of the said entailed Estates: But as these Purposes cannot be effected without the Aid and Authority of Parliament, 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 the Lands of *Langwell*, and the Lands of *Auchievaich*, the Grassing of *Achormerly*, and the Right and Passage of *Meikle Ferry*, Parts of the said entailed Estate, and which are more particularly

10 G. 3. c. 51.

Lands set forth in the First Schedule vested in Trustees to be sold.

ticularly set forth in the First Schedule to this Act annexed, shall from and after the passing of this Act be vested in and settled upon *Henry White* of *Porters* in the County of *Herts*, Esquire, at present residing in *Dublin*, *Robert Browne* of *Kilskeagh* in the County of *Galway* in that Part of the United Kingdom called *Ireland*, Esquire, *James Whitshed Hawkins* of *Dunnichen* in the County of *Forfar* in *North Britain*, Esquire, the Reverend *Richard Bonnor Maurice Bonnor* of *Oswestry* in the County of *Salop*, Clerk, and *Robert Dundas* of *Arniston* in the County of *Edinburgh*, Esquire, and their Successors in Office, and the Survivors and Survivor of them, and the Heir of such Survivor, without the Necessity of Sasine or any other Writing necessary by the Law of *Scotland*, freed and discharged of and from all and every the Conditions, Provisions, Declarations, Reservations, Burdens, Faculties, Restrictions, Limitations, and Clauses irritant and resolutive, which in and by the said Deed of Entail and the subsequent Investitures herein-before recited are limited, created, expressed, declared, and contained of and concerning the same, but nevertheless upon Trust and to and for the Intents and Purposes herein-after expressed; that is to say, upon Trust that the said *Henry White*, *Robert Browne*, *James Whitshed Hawkins*, *Richard Bonnor Maurice Bonnor*, and *Robert Dundas*, and their Successors in Office, and the Survivors or Survivor of them, and the Heir of such Survivor deceased, and shall, when so required in Writing by the said *George Dempster* or the Heir of Entail in Possession of the said entailed Lands and Estates for the Time being, sell and dispose of the said Lands and other Heritages hereby vested in and settled upon them as aforesaid, or such Part or Parts thereof as the said *George Dempster* or the Heir of Entail in Possession of the said entailed Lands and Estates for the Time being shall so require, and that either in One or more Lots or Parcels, and by public Sale or Auction or private Bargain, and at such Price or Prices as the said Trustees shall judge best, with Power to the said Trustees to adjourn the Sale or Sales from Time to Time to such Time and Place as they shall judge expedient: Provided always, that previous Notice by public Advertisement of such intended Sale shall be given at least once a Week during Six Weeks preceding the Day appointed for such Sale in such Newspapers published in *Scotland* as the said Trustees shall deem expedient; and that similar Notice shall be given of any Adjournment of such Sale or Sales in some such Newspapers at least once a Week for One Month previous to such adjourned Sale taking place.

Price of Lands sold to be paid into Banks;

II. And be it enacted, That when such Sale or Sales shall be effected, the Money arising by such Sale or Sales shall be paid by the Purchaser or Purchasers, without Fee or Reward, into the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British* Linen Company, or the Commercial Bank of *Scotland*, or the National Bank of *Scotland*, in the Names of the said Trustees, and the Survivors or Survivor of them, and the Heirs of such Survivor, and shall, when so paid in, produce the highest Rate of Interest that can be obtained for the same, which shall be by the said Trustees annually accumulated and added to the Principal Sum until the same shall be disposed of as herein-after mentioned; and upon the said Price or Prices being paid in as aforesaid the said Trustees or their foresaids shall be bound and entitled to execute and deliver to the Purchaser or Purchasers a valid Conveyance or Conveyances to the Lands and other Heritages purchased, freed of all the Fetters of the said Deed of Entail and subsequent

subsequent Investitures, and of all Incumbrances whatsoever, and containing all the usual and necessary Clauses requisite for vesting the Lands so purchased in the Purchaser or Purchasers thereof in Fee Simple; and the Receipt of the Treasurer of the Bank of *Scotland*, or of the Cashier of the Royal Bank of *Scotland*, or of the Manager of the Bank of the *British* Linen Company, or of the Manager of the Commercial Bank of *Scotland*, or of the Manager of the National Bank of *Scotland*, for the Money respectively paid to them, shall be a full and complete Discharge of the Price to the said Purchaser or Purchasers, and to his, her, or their respective Heirs, Executors, Administrators, and Successors whatsoever; and from thenceforth such Purchaser or Purchasers, his, her, or their respective Heirs, Executors, Administrators, and Successors, shall be and are hereby absolutely acquitted and discharged of and from the said Price or Prices, and shall not be obliged to see to the Application thereof, or any Part thereof, or be answerable or accountable for any Loss, Misapplication, or Nonapplication of any Part of the same.

and applied in payment of Expences and Debts.

III. And be it enacted, That the said Trustees or their foresaids shall apply the Money which shall arise from such Sale or Sales, and the Interest which may be accumulated thereon as aforesaid, in the first place to pay off and discharge the Costs and Expences of applying for and obtaining this Act and carrying the same into execution, and in the next place to pay off and discharge the said Debts of Three thousand one hundred and fifty Pounds and Two thousand Pounds, so far as the said Money shall be equal to discharge the same; and if any Balance shall remain of the said Money, after fully paying and discharging the said Expences and Debts and Sums of Money, the said Trustees shall pay and apply the same in Part Payment of the said other Sums of Money intended to be provided for by this Act, so far as the same will extend for that Purpose; and the Person or Persons to whom the aforesaid Debts shall be paid shall be bound to execute valid Discharges for the Heirs of Entail succeeding to the said Estates, releasing them and the said Estates from such and so much of the Money as they shall so receive Payment of fromthe said Trustees.

In case Sale of Lands cannot be effected, Money to be borrowed.

IV. And be it further enacted, That in case an adequate Price cannot immediately after the passing of this Act be obtained for the said Lands vested in the said Trustees as aforesaid, and it shall be deemed expedient by the said *George Dempster* or the Heir of Entail in Possession of the said Lands and Estates for the Time, or his or her Tutor or other Administrator, it shall and may be lawful for the said *George Dempster*, or such other Heir of Entail, or his Tutor or other Administrator, with the Consent and Approbation of the said Trustees or their foresaids, and he, she, or they is and are hereby authorized, to borrow and take up in Loan, upon the Security of the said Lands described in the said First Schedule, at such Rate of Interest as may be agreed on, not exceeding Five Pounds *per Cent. per Annum*, any Sum or Sums of Money which may be necessary for the Purposes aforesaid, and which can be obtained upon the Security of the said Lands; and it is provided and declared that the Sum or Sums so to be borrowed shall be applied in the Payment of the Expences and Debts herein-before mentioned; and that upon a Sale being made of the said Lands the Price shall then be applied in liquidation of the Money borrowed, and then in manner herein-before directed in the Case of a Sale of the said Lands being first made.

Amount to be borrowed.

V. And be it further enacted, That it shall and may be lawful for the said *George Dempster* or the Heir of Entail in Possession of the said entailed Estates at the Time, or to his or her Tutor or other Administrator in case he or she be a Minor, with the Consent and Approbation of the said Trustees and their foresaids, to borrow and take up in Loan a Sum or Sums of Money not exceeding Ten thousand five hundred and fifty-five Pounds Ten Shillings and Nine-pence, being the Three Fourth Parts of the said Sum of Fourteen thousand and seventy-four Pounds One Shilling, over and above the Expences of applying for, obtaining, and passing this Act and carrying the same into execution, and so much and such Part or Parts of the said respective Sums of Three thousand one hundred and fifty Pounds and Two thousand Pounds as shall not have been raised by Sale of the said Lands in the said First Schedule; and it shall be lawful to the said *George Dempster* or the Heir of Entail in Possession of the said entailed Estates for the Time, or to his or her Tutor or other Administrator in case he or she be a Minor, with the Consent and Approbation of the said Trustees or their foresaids, validly to secure the Payment of the Money so to be borrowed and the Interest thereof, and liquidate Penalties and Expences to be therein stipulated, by Heritable Bond or Bonds and Disposition or Dispositions in Security in favour of the Person or Persons who may lend such Money, disponing and conveying in the Form and with the Powers usual in similar Heritable Securities in *Scotland*, heritably and redeemably, the Whole or any Portion or Portions of the Lands and Estates comprised in the Deed of Entail before recited, which Heritable Bonds or Dispositions in Security shall be good, valid, and effectual to such Creditor or Creditors, Lender or Lenders, and to his, her, and their respective Heirs, Executors, or Representatives whatsoever, or to his, her, or their Assignee or Assignees, or to any Person in right of the said Heritable Bond or Bonds, Disposition or Dispositions in Security for the Time, in the same Manner as if the same were granted by a Fee-simple Proprietor, and shall effectually burden either the Whole or such Parts of the said Lands and others contained in the said Deed of Entail as shall be included in and disponed by such Heritable Bonds and Dispositions in Security, and shall be effectual against all the Heirs of Entail who may be entitled to succeed to the said entailed Estates; and the said Heritable Bonds and Dispositions in Security shall be freed of all the Fetters of the said Entails and Investitures, and the said Creditor or Creditors, Lender or Lenders, shall have every Remedy competent by the Laws of *Scotland* for the Recovery of the Sums so lent, Interest, and Penalties, as is competent to any other Creditor by Heritable Bond or Bonds and Disposition in Security.

Money borrowed to be paid into Banks;

VI. And be it enacted, That the Money to arise by all or any of the said Loan or Loans authorized to be contracted in virtue of the Powers conferred by this Act shall be paid by the Lender or Lenders thereof into one or other of the said Banks before mentioned, in the Name of the said Trustees and their foresaids, and shall when so paid in produce the highest Rate of Interest that can be obtained for the same, which shall be by the said Trustees annually accumulated and added to the Principal Sum until the same shall be disposed of as herein-after mentioned; and the Receipt of the Treasurer of the Bank of *Scotland*, or of the Cashier of the Royal Bank of *Scotland*, or of the Manager of the Bank of the *British* Linen Company, or of the Manager of the Commercial Bank of *Scotland*, or of the Manager of the National Bank of *Scotland*, shall be a full and complete

complete Receipt to such Lender or Lenders for the Sum or Sums therein specified.

and applied in payment of Debts.

VII. And be it enacted, That as soon as conveniently may be after the said Money arising from such Loan or Loans shall be so paid in as aforesaid the said Trustees shall, in the first place, apply the said Money, or so much thereof as shall be necessary, to pay off and discharge so much and such Part or Parts, if any, of the Costs and Expences of applying for and obtaining this Act and carrying the same into execution, and of the said Debts of Three thousand one hundred and fifty Pounds and Two thousand Pounds, as the Price of the said Lands so directed to be sold shall not have extended to satisfy and discharge, and thereafter in Payment to the said *George Dempster*, his Executors, Administrators, or Assignees, of the said Sum of Ten thousand five hundred and fifty-five Pounds Ten Shillings and Nine-pence Sterling herein-before mentioned; and if any Balance shall remain of the said Money, after fully paying and discharging the said Expences and the said several Debts and Sums of Money so to be provided for, the said Trustees shall apply the same in Repayment of Part of the said Loan so borrowed upon the Security of the said Lands, so as to reduce the said Loan to the exact Amount necessary for the several Purposes of this Act; and on such Payment as aforesaid, the Person or Persons in right of the said Debts of Three thousand one hundred and fifty Pounds and Two thousand Pounds at the Time, to whom the same shall be paid, and the Person or Persons to whom the Expences shall be paid, and the said *George Dempster* in respect of the said Ten thousand five hundred and fifty-five Pounds Ten Shillings and Nine-pence, upon receiving Payment thereof, shall grant valid and effectual Releases for the Sums so paid to them as aforesaid, completely discharging the said Lands and Estates, and the Heirs of Entail who shall succeed to the said Lands and Estates, of and from the Sums so paid to them as aforesaid; and the said entailed Lands and Estates and the Heirs of Entail therein shall be for ever freed and relieved of and from any Claims or Demand for any Sum or Sums of Money expended as aforesaid in the Improvement of the said Estates or otherwise for all or any of the Purposes herein-before mentioned.

Previous to Payment the Sums laid out to be recorded, as directed by recited Act.

VIII. And be it further enacted, That previous to the Payment of the said Sum of Ten thousand five hundred and fifty-five Pounds Ten Shillings and Nine-pence, being Three Fourth Parts of the Sum of Fourteen thousand and seventy-four Pounds One Shilling laid out upon Improvements or otherwise upon the said Estate in manner herein-before mentioned, and which have not been recorded in Terms of the said recited Act of the Tenth Year of the Reign of His Majesty King *George* the Third, the said *George Dempster*, his Executors or Administrators, shall and he or they is or are hereby required to record the same in the Register in the Manner and under the Provisions directed by the said last-recited Act, and the same when so recorded shall and are hereby directed to be as valid and effectual to all Intents and Purposes as if they had been originally recorded in manner directed by the said last-recited Act.

Heirs of Entail to be Debtors for

IX. And be it further enacted, That if the said *George Dempster* shall happen to die before borrowing the Money hereby permitted to be borrowed, or any Part thereof, the Heirs of Entail succeeding to him shall be

Debtors

Money permitted to be borrowed.

Debtors to the Executors, Trustees, or other Representatives of the said *George Dempster* for such Sum of Money as the said *George Dempster* is hereby permitted to borrow but may not have borrowed, and shall be obliged to pay the same, with Interest, from the Death of the said *George Dempster*, to his Executors, Trustees, or other Representatives, such succeeding Heirs having Power to burden and charge the said Estate in manner herein-before provided.

Trustees may apply for Exoneration.

X. And be it enacted, That, after having carried the whole Purposes of this Act into effect, it shall be in the Power of the said Trustees and their foresaids, or any One of them, if he or they think it necessary for his or their own Relief, to apply to the said Court of Session, in either of the Divisions thereof, for a Discharge or Exoneration of their Proceedings, and that by summary Proceeding; and the said Court is hereby required to order Production of the Accounts of the said Trustees, and after Consideration thereof, and if the same shall be found to be correct, to exonerate and discharge the said Trustees of his or their Intromissions, and to declare him or them quit and discharged thereof for ever.

Power of appointing new Trustees.

XI. And be it enacted, That if the said *Henry White*, *Robert Browne*, *James Whitshed Hawkins*, *Richard Bonnor Maurice Bonnor*, and *Robert Dundas*, or any of them, or any Trustee to be appointed under this Act as after mentioned, shall die, or be desirous to be discharged from or shall become incapable to act in the Trusts, Powers, and Authorities hereby reposed and vested in them at any Time before the said Trusts, Powers, and Authorities shall have been fully performed and executed, then and in any of these Cases, and when and as often as the same shall happen, it shall and may be lawful for the said Court of Session, in either of the Divisions thereof, upon Application of the said Trustees or any One or more of them, or their respective Heirs or Representatives, together and in conjunction with the aforesaid *George Dempster*, and after his Death together and in conjunction with the Heir of Entail who shall be in Possession of the said entailed Lands and Estates for the Time, or to his or her Tutor or other Administrator in case he or she shall be a Minor, to appoint and elect any other fit Person or Persons to be a Trustee or Trustees for the Purposes aforesaid in the Place and Stead of them the said Trustees, or such of them, or of such Trustee or Trustees so to be elected, as shall die, or be desirous to be discharged from or shall become incapable to act in the Execution of the Trusts, Powers, and Authorities by this Act given, and so from Time to Time as often as there shall be Occasion; and so often as any new Trustee or Trustees shall be appointed as aforesaid the said Lands and others hereby vested in the said Trustees in Trust as aforesaid shall thereupon become legally vested in the remaining Trustee or Trustees and such new Trustee or Trustees, or wholly in such new Trustee or Trustees, without the Necessity of Sasine or any other Writing necessary by the Law of *Scotland*, as the Case may require, and the Survivors or Survivor of them, and the Heirs or Assignees of such Survivor, upon the Trusts, and to and for the same Uses, Intents, and Purposes, and with, under, and subject to all the Powers and Authorities, by this Act given and declared; and the Act and Decreet of the said Court of Session appointing a new Trustee or Trustees, and vesting in him or them the said Lands and others as aforesaid, shall be registered in the General Register of Sasines kept at *Edinburgh*; and such new Trustee or Trustees shall have

and enjoy in all respects and to all Intents and Purposes whatsoever all and every the Powers and Authorities conferred on the Trustees named in this Act, the same as if such new Trustee or Trustees had been named a Trustee or Trustees in this Act.

Quorum of Trustees.

XII. And be it further enacted, That the Majority of the Trustees under this Act for the Time being, while the Number of such Trustees for the Time exceeds Two, shall be a legal and sufficient Quorum for carrying all the Purposes of this Act into execution; and if there be only One Trustee at the Time he shall at all Times have full Power to act by himself alone, until the Appointment of a new Trustee or Trustees.

Trustees may appoint Factors.

XIII. And be it enacted, That it shall be in the Power of and lawful for the Majority of the Trustees for the Time being to nominate and appoint Factors, Stewards, Receivers, and Agents for carrying the Purposes of this Act into execution, taking sufficient Security for such Factor, Steward, or Receiver for the faithful Execution of his Office before he or they be allowed to enter upon the Exercise thereof.

Entail not to be defeated.

XIV. And be it enacted, That nothing in this Act contained shall be held or construed to alter, innovate, change, or defeat the aforesaid Deed of Entail herein-before recited, or the Order of Succession therein and thereby established, and in the subsequent Titles respectively contained, except in so far as is necessary to carry into effect the Purposes of this Act.

Heirs of Entail to have all Powers until Sale or Loan.

XV. And be it enacted, That until the said Sale or Sales take place, or the Loan or Loans be effected, the said *George Dempster* and the Heir or Heirs of Entail for the Time being shall be entitled to use and exercise all Powers and Privileges competent by Law to any Heirs of Entail, so far as the same shall be consistent with the Terms of the said Deed of Entail or with the Law of *Scotland*, any thing herein contained notwithstanding.

Sale and Loans not to be challenged by Heirs of Entail.

XVI. And be it enacted, That after the Sale or Sales and Loan or Loans hereby authorized, and the Purchase of the said Lands, shall be completed, it shall not be competent to the said *George Dempster* or any of the Heirs of Entail under the said Deed of Entail before recited, to reduce or quarrel such Sale or Sales or Loan or Loans on any ground whatsoever.

Purchasers to have no Concern with Application.

XVII. And it is further hereby enacted, That the Purchasers and Lenders under this Act shall be in no way concerned with the Application or Misapplication of the Money to be paid or lent by them.

Heirs of Entail bound to keep down the Interest.

XVIII. And it is hereby enacted, That the Heir of Entail in Possession shall be bound to pay and keep down all Interest upon Monies which shall be borrowed under or by virtue of this Act, and that such Interest as shall accrue during the Life of any such Heir of Entail shall not be a Charge upon the said Lands or any Part thereof after the Death of such Heir.

Saving Clause.

XIX. Saving and reserving always to the King's most Excellent Majesty, and His Heirs and Successors, and to the Heritable Creditors on the Lands and Estate hereby allowed to be sold or burdened as aforesaid, and to his, her, or their Heirs, Executors, Administrators, and Successors, and to all others

others (save and except the said *George Dempster* and all and every the other Heirs of Entail called or entitled to take under the said Entail,) all such Right, Title, Interest, Claim, and Demand whatsoever in, to, and out of the said Lands and Estates as they have or might claim, challenge, or demand, and that in the same Manner and as amply as if this Act had never been passed.

Act to be printed by the King's Printers.

XX. And be it enacted, That this Act shall be printed by the several Printers to the King'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.

The

The FIRST SCHEDULE above mentioned and referred to.

	Rent. £	s.	d.
The Lands of Langwell - - - - -	124	12	0
The Lands of Achievaich - - - -	48	5	0
Ferry Passage - - - - - -	20	0	0
Grassing of Achormerly - - - -	50	0	0
	£ 242	17	0

The SECOND SCHEDULE above mentioned and referred to.

STATEMENT of Sums expended by George Dempster, Esquire, for the Benefit of the entailed Estate.

	£	s.	d.
Sums expended in building and repairing Mansion House, Farmhouses, and Offices, &c. - - -	5,392	17	7
Sums expended in inclosing, draining, trenching, and bringing into Cultivation - - - -	2,390	17	9
Sums expended in inclosing Plantations, and planting -	1,794	6	3
Sums expended in making Roads and building Bridges beyond what was payable for Statute Labour -	2,212	8	4
Sums expended in defending the entailed Estates, and in obtaining a Division of the Common Lands - -	2,283	11	1
	£14,074	1	0

George Forbes.

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