ANNO PRIMO

VICTORIÆ REGINÆ.

****

Cap. 22.

An Act to enable the Tutors and Curators of Sir *Michael Robert Shaw Stewart* Baronet to grant Feu Rights of the Estate of *Greenock* and other Lands in the County of *Renfrew*.

[30th *June* 1837.]

WHEREAS Sir *Michael Shaw Stewart* of *Greenock* and *Blackhall*, Baronet, died in the Month of *December* last, leaving Three Sons, of whom the eldest, who is in the Eleventh Year of his Age, is now Sir *Michael Robert Shaw Stewart* Baronet, and Heir to his Father in the said Estates of *Greenock* and *Blackhall*, and other Lands after mentioned, and Three Daughters, all Infants under Age: And whereas upon the Nineteenth Day of *December* One thousand eight hundred and thirty-six the said Sir *Michael Shaw Stewart* deceased executed a Deed of Nomination of Tutors and Curators to his said Children, whereby he nominated and appointed Dame *Eliza Mary Shaw Stewart*, his Spouse, Captain *Houston Stewart* of *Gart* of the Royal Navy, *John Shaw Stewart* Esquire, Advocate, and *Patrick Maxwell Stewart* Esquire, Merchant in *London*, and Member of Parliament for *Lancaster*, his Brothers, to be Tutors and Curators to *Jane Catherine Shaw Stewart*, *Catherine Mary Shaw Stewart*, *Eliza Mary Shaw Stewart*, *Michael Robert Shaw Stewart*, *John Archibald Shaw Stewart*, and *Robert Farquhar Shaw Stewart*, the Children then procreated betwixt him and the said Dame *Eliza Mary Shaw Stewart* his Spouse, and any other Children to be procreated of his Body, whether Male or Female, of his

Deed of Nomination of Tutors and Curators, dated 19th Dec. 1836.

his then existing Marriage, during the respective Pupillarities and Minorities of his said Children; and it is by the said Deed declared that a Majority of the Persons above named and accepting, and surviving him the said Sir *Michael Shaw Stewart*, should be a Quorum, and in case they should be reduced to Two or One the whole Office should be vested in such surviving Person or Persons; and the said Tutors and Curators were also empowered by the said Deed to appoint Factors for managing the Means and Estate of the said Children, with suitable Salaries, and to grant Leases to Tenants, and to enter Vassals, and grant Charters and Precepts of Clare Constat, and also to grant Feus in the Terms authorized by the Entails of his Estate, and generally to do every Act and Deed in the Management of the Affairs of his said Children competent to Tutors and Curators nominate by the Law of *Scotland;* which Deed of Nomination was recorded in the Books of Council and Session the Twenty-third Day of *January* One thousand eight hundred and thirty-seven: And whereas all of the said Persons so nominated Tutors and Curators have accepted the Offices of Tutory and Curatory to which they are so nominated and appointed, excepting the said *John Shaw Stewart*, who has not hitherto accepted: And whereas the said Sir *Michael Shaw Stewart* at the Time of his Death stood feudally vested in and possessed of all and haill the Lands and Barony of *Greenock*, comprehending therein the Lands and others underwritten, namely, the Lands of *Wester Greenock Shaw*, with the old Castle Stead, Castle Tower, Fortalice, and Manor Place of the same, Bounds, Places, Yards, and Orchards, and Miln thereof, and Pertinents of the same whatsoever, haill Grounds and Lands within the ebbing and flowing of the Sea lying contiguous, opposite to the Lands of *Wester Greenock*, in so far as the same are bounded towards the Sea, and also in the Burgh of Barony of *Greenock*, and with all and sundry Markets, Fairs, Tolls, Customs, Liberties, Privileges, Immunities, Profits, Commodities, Easements, and righteous Pertinents whatsoever pertaining and belonging to the said Burgh of Barony, all lying within the Sheriffdom of *Renfrew;* and sicklike in all and haill the Twenty Merk Land of old Extent of *Finnart*, with Houses, Biggins, Yards, Orchards, Fishings, Parts, Pendicles, Annexis, Connexis, Dependencies, Tenants, Tenandries, Service of Free Tenants of the same, with all their Pertinents, lying within the Barony and Sheriffdom of *Renfrew;* and in like Manner in all and haill the Lands of *Easter Greenock*, with the Manor Place, Houses, Biggins, Yards, and Miln of *Easter Greenock*, situate upon the Lands of *Cartsburn*, with Houses, Buildings, Yards, Mill Lands, Thirlages, and astricted Multures of the said Lands of *Cartsburn*, and of all other Lands pertaining to the same, with the Sucken, Sequells, and Knaveship thereof, Woods, Fences, Meadows, Dovecots, Coals, Coal Heughs, Tenants, Tenandries, Service of Free Tenants, Annexis, Connexis, Dependencies, Parts, Pendicles, and Pertinents of the said Lands whatsoever, lying within the Barony and Sheriffdom of *Renfrew* foresaid, and also in the Fishings, Free Port and Harbour, and other Heritages in the Instrument of Sasine after mentioned contained; but with and under the Clauses prohibitory, irritant, and resolutive therein set forth, and also with and under the Reservation of full Power and Liberty to him, and the Heirs of Tailzie of the said Estate, to grant Feus or

Long

Long Tacks for such Spaces as he should think fit of any Part or Portion of the said Lands, the Feu or Tack Duties not being under Twenty Shillings *Scots* for each Fall of Dwelling Houses, and Five Shillings *Scots* Money for each Fall of Yards and Office Houses, and sicklike, and also under the Reservation of Power to enter Vassals and grant Charters, containing Clauses of Novodamus or New Gift, all as specified and engrossed in an Instrument of Sasine in favour of the said Sir *Michael Shaw Stewart* deceased, dated the Twenty-seventh Day of *April*, and registered in the General Register of Sasines at *Edinburgh* the Fourteenth Day of *May*, One thousand eight hundred and twenty seven: And whereas the said Sir *Michael Shaw Stewart* at the Time of his Death also stood feudally vested in and possessed in Fee Simple of the following Lands, conform to Instrument of Sasine in his Favour dated the Ninth Day of *October*, and registered in the particular Register of Sasines kept at *Glasgow* for the Shire of *Renfrew*, *et cetera*, the Fourth Day of *November*, One thousand eight hundred and thirty-three, proceeding upon a Disposition by *Patrick Maxwell Stewart* Esquire, Merchant in *London*, in favour of the said Sir *Michael Shaw Stewart*, his Heirs and Assigns, dated the Thirtieth Day of *July* One thousand eight hundred and thirty-three; *videlicet*, all and sundry these Parts and Portions of the Lands of *Blackhall* extending to Thirty Acres *Scot* Measure, and marked A. B. C. D., "A. to C.," E. F. G. H., and coloured with Pink on a Plan drawn by *James Lamb*, Land Surveyor in *Paisley*, referred to in an Excambion formerly made betwixt the said *Patrick Maxwell Stewart* and the said Sir *Michael Shaw Stewart*, under Authority of the Sheriff of *Renfrewshire*, whose Decreet ordaining the same is dated the Twenty-ninth Day of *September* One thousand eight hundred and twenty-five, together with the Teinds, Parsonage and Vicarage, and whole Pertinents thereof, and which are more specially bounded and described as follows; *videlicet*, all and whole these Two Acres Two Roods and Eleven Falls of Ground, Part of the said Estate of *Blackhall*, lying on the North of the *Glasgow*, *Paisley*, and *Ardrossan* Canal, and at or near the *Saucil* Wharf thereof, marked "A.," and coloured Pink on the said Plan, bounded as follows, *videlicet*, by Part of the Mill Lands of *Blackwall* on the East, by the *Espedair Burn* on the West, by the Road of Forty Feet Width leading from the *Blackhall* Turnpike Road to the Canal Wharf and *Saucil* (and which Road is to be continued of the same Width until it reaches Ten Feet beyond the Bridge) on the South, and by the *Espedair Burn* on the North Parts; Item, all and whole One Acre Two Roods and Twenty-one Falls of Ground, being Part of the *Saucil Hill* lying on the South Side of the said Canal opposite to the said Wharf, and marked "B.," and coloured Pink on the said Plan, and bounded as follows, *videlicet*, by a Part of the said Hill (of Two Acres Two Roods and Twelve Falls) then belonging to *John Shaw Stewart* Esquire, on the East, by Part of the said Sir *Michael Shaw Stewart*'s other Lands herein-after disponed to him and the Canal on the West, by the said *Patrick Maxwell Stewart*'s other Lands on the South, and by the said Canal on the North Parts; Item, all and whole One Acre Two Roods and Seventeen Falls, Part of the said Estate of *Blackhall*, marked C., and coloured Pink on the said Plan, bounded by the said Hill on the East, partly by the said Canal and Wet Dock thereof

and

and partly by the *Espedair Burn* on the West, by Lot D., herein-after described, on the South, and by the said Canal partly and partly by Lot "B.," second above described, on the North Parts; Item, all and whole Two Acres and Seven Falls, Part of the said Estate of *Blackhall*, marked D. and coloured Pink on the said Plan, bounded as follows, *videlicet*, by Lot "C." last-above described on the East, by *Espedair Burn* on the West, by the said Burn also on the South, and by the said Lot C. on the North Parts; Item, all and whole that Stripe of Ground from "A. to B." containing Three Roods and Thirty-eight Falls of Ground, Part of the said Estate marked A B., and also coloured Pink on the said Plan, bounded on the East at the Point "A." by Lot F. herein-after described, and at the Point "B." by the Road leading from *Chappel* to the Burn, and partly by his said Brother's Lands on the East Parts, by Lots B. C. D. above described on the West, by Lot E. herein-after described on the South, and partly by the said Lot B. and partly by the said Lot of Ground then belonging to *John Shaw Stewart* Esquire on the North Parts; Item, all and whole these Six Acres Two Roods and Twenty-one Falls of Ground, Part of the said Estate of *Blackhall*, marked E. and coloured Pink on the said Plan, and bounded as follows, *videlicet*, by a Road leading from the Lands of *Chappel* to the said Burn on the East, by the said Burn in part and in part by Lot "D." on the West, and by the said Burn on the South, and by the said Sir *Michael Shaw Stewart*'s other Lands on the North Parts; Item, all and whole these Eight Acres and One Fall of Land, Part of the said Estate marked F. and coloured Pink on the said Plan, bounded by the Road leading to *Hunterhill* and partly by the Toll Road on the East, by the said Two Acres Two Roods and Twelve Falls of Land, then belonging to *John Shaw Stewart* Esquire, on the West, by the said Sir *Michael Shaw Stewart*'s other Lands on the South, and partly by the Turnpike Road leading to *Blackhall House* and partly by the said Canal on the North Parts; Item, all and whole these Three Acres One Rood and Thirty-eight Falls of Ground, Part of the said Estate marked G. and coloured Pink on the said Plan, and bounded as follows, *videlicet*, by the said Sir *Michael Shaw Stewart*'s other Lands on the East, the said Canal on the West, by his other Lands on the South, and by the River *Cart* on the North Parts; Item, all and whole that angular Piece of Ground containing Three Acres and Six Falls of Ground, Part of the said Estate, marked H., and coloured Pink on the said Plan, bounded as follows, *videlicet*, by the said Sir *Michael Shaw Stewart*'s other Lands on the East, by a Road branching off the Turnpike Road and leading to *Carriage Hill* on the West, by his the said Sir *Michael Shaw Stewart*'s other Lands also on the South, and by the Turnpike Road leading from *Blackhall* to *Ayr* on the North Parts, with Houses, Biggins, Yards, Parts, Pendicles, and Pertinents, and Teinds, Parsonage and Vicarage, of the whole foresaid Lands, extending in whole to Thirty Acres *Scots* Measure, and all lying in the Abbey Parish of *Paisley* and Shire of *Renfrew*; and the said Sir *Michael Shaw Stewart* also stood feudally vested in Fee Simple at the Time of his Death conform to Instrument of Sasine in his Favour, dated the Ninth Day of *October*, and registered in the particular Register of Sasines kept at *Glasgow* for the Shire of *Ranfrew*, *et cetera*, the Fourth Day of *November*

November, One thousand eight hundred and thirty-three, proceeding upon Disposition by *John Shaw Stewart* Esquire, Advocate, in favour of the said Sir *Michael Shaw Stewart*, his Heirs and Assignees, dated the Twenty-fifth Day of *July* One thousand eight hundred and thirty-three, in the following Lands and others; *videlicet*, all and sundry these Parts and Portions of the Lands of *Blackhall* extending to Thirty Acres *Scotch* Measure, and marked A. B. C. and D. and coloured with Pink on a Plan drawn by *James Lamb*, Land Surveyor in *Paisley*, referred to in an Excambion formerly made between the said *John Shaw Stewart* and Sir *Michael Shaw Stewart*, under the Authority of the Sheriff of *Renfrewshire*, whose Decreet ordaining the same is dated the Twenty-ninth of *September* One thousand eight hundred and twenty-five, with the Teinds, Parsonage and Vicarage, and whole Pertinents thereof, and which are specially bounded and described as follows; *videlicet*, all and haill that Piece of Ground extending to Twenty-six Acres Two Roods and Thirty-five Falls, marked D. in the foresaid Plan, and bounded as follows, *videlicet*, by the *Glasgow*, *Paisley*, and *Ardrossan* Canal on the East, partly by the Lands occupied by *John Gilchrist* and Sons and partly by the Turnpike Road leading from *Paisley* to *Blackhall* on the West, partly by the said Road and partly by the said Canal on the South, and by the River *Cart* on the North Parts; Item, all and whole that small Piece of Ground, Part of the said Estate, marked C. on the said Plan, extending to Twenty-five Falls, and lying on the South Side of the said Road, and bounded betwixt it and the said Canal; Item, all and whole that other Piece of Ground marked A. on the said Plan, and extending to Two Roods and Eight Falls, also bounded betwixt the said Road and the said Canal on the North and South, and by Mr. *King*'s Property on the West Parts; Item, all and whole that other Piece of Land, Part of the said Estate, marked B. on the said Plan, extending to Two Acres and Two Roods and Twelve Falls, bounded by the Lands of *Chappel* on the East, by the Lands of *Saucil Hill* on the West and South, and by the said Canal on the North Parts, with Houses, Biggins, Yards, Parts, Pertinents, and Pendicles, and Teinds, Parsonage and Vicarage, of the whole foresaid Lands, extending in the whole to Thirty Acres *Scotch* Measure, and all lying within the Abbey Parish of *Paisley* and Shire of *Renfrew*; which Parcels of Land, acquired by the said Sir *Michael Shaw Stewart* from the said *Patrick Maxwell Stewart* and *John Shaw Stewart* lie adjoining to the Town of *Paisley* in the said County of *Renfrew*: And whereas the said Sir *Michael Shaw Stewart* Baronet, deceased, and the Heirs of Entail of the said Estate of *Greenock*, have been in the Use of granting Feus of Parts of the said Estate for Houses, Public Works, Manufactories, and other Buildings, and for Gardens, and for the Extension of the Harbours and other the like Purposes, for Payment of annual Feu Duties, in no Case under the Feu Duties required to be taken by the said recited Clause of Reservation: And whereas the said Sir *Michael Shaw Stewart* was also in the Use of granting Feus for Houses and Gardens, Public Works and Buildings, and other the like Purposes, adjoining to and near the said Town of *Paisley*: And whereas it is doubtful in Law whether the Tutors and Curators appointed by the said Sir *Michael Shaw Stewart* deceased

can, during the Pupillarity or Minority of the Heir, validly grant Feu Rights and Charters of Novodamus, or other effectual Titles to Persons desirous of feuing Parts of the said Estates: And whereas, from the increasing Trade and Population of the Towns of *Greenock* and *Paisley*, a great and increasing Demand exists in and around both of these Towns for Building, and it would be greatly to the Disadvantage of the Persons requiring such Land, and of the Heirs of Entail of the Estate of *Greenock*, and would be injurious to the Trade and Prosperity of both the said Towns, if the Power of feuing Land in and around the same were suspended during the Pupillarity and Minority of the said Sir *Michael Robert Shaw Stewart*, or Heir succeeding to the said Lands; and it is expedient and desirable that such Doubts should be removed, and that Power should be granted to the said Tutors and Curators and the Majority of them accepting and surviving, and the Survivors or Survivor, to grant Feus of the said entailed Estate of *Greenock*, or any Part or Portion thereof, for Feu Duties not under the Feu Duties mentioned in the said Clause of Reservation, during the Pupillarity and Minority of the said Sir *Michael Robert Shaw Stewart*, or during the Pupillarity and Minority of any of the said Sons of the said Sir *Michael Shaw Stewart* deceased who may happen to succeed to the said Estates in Pupillarity or Minority, and also to grant Feus of the said Fee Simple Lands herein-before described, for such Feu Duties as may be obtained for the same, and to enter Vassals and to grant Charters of Novodamus or other necessary Feu Rights, Charters, or Dispositions of the said Lands which should be good and effectual to the Vassals, Feuars, or Receivers of the same: But as these Purposes cannot be attained without the Aid and 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 from and after the passing of this Act, and during the Pupillarity and Minority of the said Sir *Michael Robert Shaw Stewart*, and failing him, during the Pupillarity and Minority of any other of the Children of the said Sir *Michael Shaw Stewart* deceased who may become entitled to succeed to the said entailed Estate of *Greenock* and *Blackhall*, before described, it shall and may be lawful for the said Dame *Eliza Mary Shaw Stewart*, *Houstoun Stewart*, and *Patrick Maxwell Stewart*, and to the said *John Shaw Stewart*, in case he shall hereafter accept the Office of Tutor and Curator conferred upon him as aforesaid, and to the Majority of them accepting and surviving at the Time, and to the Survivors or Survivor of them, to grant Feu Dispositions, Feu Contracts, or other Feu Rights of any Part or Portion of the said entailed Estate of *Greenock*, for Payment of annual Feu Duties not under the Feu Duties fixed by the Clause of Reservation in the Entail herein-before recited and set forth, and also to grant Feu Rights in implement of any Agreements entered into by the said deceased Sir *Michael Shaw Stewart* engaging to grant such Feu Rights, and on which Feu Rights Possession had followed previous to his Decease, the Feu Duties payable not being under the Feu Duties fixed by the said Clause of Reservation, and also to

Tutors and Curators authorized to grant Feu Rights of Estate of Greenock;

to enter Vassals and to grant Charters of Novodamus or other Charters and Precepts of the said Lands and Estate as authorized by the Rights and Titles thereof, which Feu Rights, Feu Dispositions, Feu Contracts, Charters of Novodamus, and others shall contain Precepts of Sasine, and all other Clauses usual and requisite, and shall be legal, valid, and effectual Titles to the Receivers thereof, and shall not be subject to any Objection or Challenge on the Ground that the same were granted by Tutors and Curators during the Pupillarity or Minority of the Heir, any Doubt, Law, or Practice to the contrary notwithstanding.

also to grant Feu Rights of Lands adjoining Paisley.

II. And be it enacted, That it shall and may in like Manner be lawful to the said Tutors and Curators to grant Feu Dispositions, Feu Contracts, or other Feu Rights of any Portion of the said Fee Simple Lands lying adjacent to the said Town of *Paisley*, and herein-before described, at and for such Feu Duties as the said Tutors and Curators shall, in the Exercise of a sound Discretion, think proper, and to tax the Casualties to fall due to the Lands to be so feued upon the Entry of Heirs and singular Successors; which Feu Dispositions, Feu Contracts, and other Feu Rights shall contain Precepts of Sasine and all other usual and requisite Clauses, and shall be valid and effectual Titles to the Receivers thereof, and shall not be subject to any Objection or Challenge, on the Ground that the same were granted by Tutors and Curators during the Minority of the Heir, any Doubt in Law or Practice to the contrary notwithstanding.

Feu Duties and Casualties to be payable to Tutors and Curators.

III. And be it enacted, That the Feu Duties and Casualties to become due for any of the said Lands to be feued in virtue of this Act shall be payable to the said Tutors and Curators during the Pupillarity and Minority of the Heir of the said Sir *Michael Shaw Stewart* deceased in the said Lands and Estates respectively, and thereafter to the Heir or respective Heirs of the said Lands and Estates, and shall be recoverable under all the Penalties and Forfeitures and with the Rights and Privileges usual according to the Law and Practice of *Scotland* in Feu Holdings.

General Saving.

IV. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and to all and every Person and Persons, Bodies Politic or Corporate, and his, her, and their respective Heirs, Executors, and Administrators, (other than and except the Heirs of the said Estates respectively,) all such Estate, Right, Title, Interest, Property, Claim, and Demand whatsoever in, to, and out of the said Lands and Estates as they and every or any of them had before the passing of this Act, or could, would, or might have had or enjoyed in case this Act had not been passed.

This Act not to infer a passive Title against Minor Heirs.

V. Provided always, and be it enacted, That neither the Application by the said Tutors and Curators for this Act, nor any thing to be done by them in virtue thereof, shall infer or be construed to infer a passive Title against the said Sir *Michael Robert Shaw Stewart*, or any other of the Children of the said Sir *Michael Shaw Stewart* deceased, who may during Pupillarity or Minority become

become entitled to the Fee Simple Estates of the said Sir *Michael Shaw Stewart* deceased, or to subject him or any of them as general Representatives of the said Sir *Michael Shaw Stewart* deceased.

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

VI. 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.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1837.