



ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

Cap. 17.

An Act to enable the Most Noble *James* Marquess of *Abercorn* to uplift certain Sums of Money lying in Bank, and to borrow, upon the Security of the entailed Estates of *Paisley* and *Duddingstone*, such further Sum as may be necessary for Repayment to him of a Portion of the Monies laid out on the Improvement of the said Estates; and to enlarge the Power of feuing the same.

[28th July 1843.]

WHEREAS *James* Earl of *Abercorn*, now deceased, by Disposition and Deed of Entail, bearing Date the Eighth Day of *September* Seventeen hundred and eighty-seven, and recorded in the Register of Tallies at *Edinburgh* the Fifteenth Day of *November* One thousand seven hundred and eighty-seven, and in the Books of Council and Session in *Scotland* the Twenty-ninth Day of *November* One thousand seven hundred and eighty-seven, gave, granted, and disposed, heritably and irredeemably, to himself and the Heirs Male of his Body; whom failing, to *John James Hamilton* Esquire, his Nephew, Son of the Honourable *John Hamilton* now deceased, his Brother German, and the Heirs Male of the Body of the said *John James Hamilton*; whom failing, to the Honourable and Reverend *George Hamilton*, his Brother German, and the Heirs Male of his Body; whom failing, to his the said *James* Earl of *Abercorn*'s own nearest Heirs Male; whom failing, to any other Person or Persons to be afterwards named by

Entail of Baronies of Paisley and Duddingstone by James Earl of Abercorn, 8th Sept. 1787.

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him at any Time of his Life by a Writing under his Hand, and the Heirs Male of their Bodies; whom failing, to his the said *James Earl of Abercorn's* own nearest lawful Heirs and Assignees whatsoever, heritably and irredeemably as aforesaid, but with and under the Conditions, Provisions, Restrictions, Limitations, Exceptions, Clauses irritant and resolute, Declarations, and Reservations contained in the said Disposition and Deed of Entail, all and hail the Lands, Lordship, and Barony, late Regality, of *Paisley*, comprehending all and sundry the Lands, Tythes, Milns, Patronages, and others therein and herein-after mentioned, *videlicet*, all and whole the Burgh of Barony and Town of *Paisley*, together with the Burgh Lands, Acres, Crofts, Houses, Tenements, and whole Privileges and Pertinents thereof, contained in his the said *James Earl of Abercorn's* own and his Predecessors and Authors their Rights and Infeftments thereof, as also all and whole the Moss commonly called the *Moss of Paisley*, with the Commons and Commonities of the same, the Lands of *Seedhills*, with the Mills thereof, Mill Lands, Multures, and Sequels of the same, and with the Waulk Mill of *Seedhill*, now a Corn Mill, and its Multures, Commodities, and Pertinents, the Lands of *Well-Meadow, Snadown, Huthead, Hillhead, Oxshaw, and Broomlands*, with all the Annexis, Connexis, Parts, Pendicles and Pertinents of the same, all lying within the Burgh of *Paisley*, or Liberty and Territory thereof; as also all and hail the Lands of *Cunningair, Broomsaiker, Monkshaw, Monkshawwood, Oxshaw, Oxshawwood, Overwaird, Netherwaird, Goosehouse Land, Barnyard, Meikle Crofts, Little Crofts, Over Clayfauld, Nether Clayfauld Candrens* (excepting that Part of *Candrens* which was sold by the late *Thomas Earl of Dundonald* to the deceased *Archibald Duke of Douglas*), the Lands of *White Cruiks*, the Lands of *Knavesland*, the Lands of *Wester Greenlaw, Easter Corslet, Wester Corslet, Gatesflatt, Pavetland, Brabloch, Riccards, Barstobbs, Dykebar, Breadilands, Newtown, Barskaven, Lincive*, with the Marshes or Mosses thereof, the Lands of *Ferguslee, Sergeans Acre, and Bushbank*, with the Wood and Muir of the same, the Lands of *Graynes*, as also all and whole the Manor Place, Mansion House, Abbey and Place of the Monastery of *Paisley*, with the Towers, Houses, Buildings, Closses, Dovecots, Wards, Greens, Yards, Orchyards, Muirs, and others whatsoever, lying within the Precinct of the said Monastery of *Paisley*, together also with the Granary or Girdel House, now called *Catchpool*, with the Kiln and Barns of the said Monastery, as also the Hill called *Smiddy Hill*, with the Houses and Edifices built upon the same, together with that Yard called the *Mustard Yard*, upon the South Side of the Bridge of *Paisley*, and other Gardens and Lands upon the North Side of the said Bridge, with the Houses built upon the same, and together with all other Houses and Gardens belonging to the said Monastery of *Paisley*, although lying without the Precinct and Inclosures before specified, as also all and sundry the Tythe Sheaves and other Tythes, as well Parsonage as Vicarage, as well great as small, of all and singular the Lands and others before specified, and included with the said Lands, as also the Fishings and Fisheries in the Waters of *White Cart, Black Cart, and Grieff*, with the Castles, Towers, Fortalices, Manor Places, Houses, Buildings, Yards, Orchyards, Dovecots, Parks, Wards, Meadows, Marishes, Mills, Multures, Woods, Fishings, Fisheries, Service of Vassals and
 Tenants,

Tenants, Superiorities, Feu Farms, Pastures, Pasturages, Annexis, Connexis, Dependencies, Parts, Pendicles, and Pertinents of all and singular the Lands and others before specified, all lying within the Barony, late Regality, of *Paisley*, and Sheriffdom of *Renfrew*; as also the Kirklands of *East Woodmains*, *Pollock*, *Nielston*, *Kilbarcan* and *Kilmacolm*, within the Sheriffdom of *Renfrew* foresaid, the Kirklands of *Carmunnock* and *Rutherglen*, within the Sheriffdom of *Lanark*, the Lands of *Huntlaw*, lying within the Sheriffdom of *Roxburgh*, as also all and whole the Tythe Sheaves and other Tythes, Fruits, Rents, Manses, Gleibs, Kirklands, Profits, Duties, and Emoluments whatever, as well of the Parsonage and Vicarage, principal as pensionary, of all and singular the Parish Churches and Parishes after mentioned; viz. *Paisley*, *Eastwood*, *Cathcart*, *Mairnes*, *Nielston*, *Kilbarchan*, *Innerkip*, *Lochwhinnock*, *Houston*, and *Kilmacolm*, lying within the Sheriffdom of *Renfrew* foresaid; *Largs*, lying within the Bailiary of *Cunninghame* and Sheriffdom of *Ayr*; *Dundonald*, *Riccarton*, *Craigie*, *Monkton*, *Prestick*, and *St. Quivock's*, lying within the Bailiary of *Kyles Stewart* and Sheriffdom of *Ayr* foresaid; *Carmunnock* and *Rutherglen*, within the Sheriffdom of *Lanark*; *Kilpatrick* and *Roseneath*, lying within the Sheriffdom of *Dumbarton*; and of the Churches of *Kilkerran*, *Kilfinnan*, *Kilkamonal*, and *Kilmunn*, within the Sheriffdom of *Argyle*; and of all other Churches and Parishes belonging to the said Monastery and Abbey of *Paisley*, or contained in the Infestments thereof granted to *James* some Time Earl of *Abercorn*, or his Predecessors, or which any manner of way formerly belonged or might have belonged to the said Monastery, as also the Chaplainary, Altarages, and other Benefices whatsoever formerly belonging to the said Monastery; together also with the Advocation, Donation, and Right of Patronage of the Parish and Parish Churches above and after mentioned; viz. of *Paisley*, *Houston*, *Kilmacolm*, in the Shire of *Renfrew*; *Carmunnock* and *Rutherglen*, in the Shire of *Lanark*; and *Kilpatrick* and *Roseneath*, in the Shire of *Dumbarton*; with all the Rights, Privileges, and Commodities which belonged or might justly belong to the same any Time by past; all united, annexed, and incorporated into One whole temporal Lordship and Barony, and into a full and free Regality (but which is now abolished) called the Lordship, Barony, and Regality of *Paisley*, conform to a Charter under the Great Seal, dated the Twenty-second Day of *March* One thousand five hundred and ninety-one, appointing the said Place of the Monastery or Abbey of *Paisley* to be the principal Messuage of the said Lordship, Barony, and Regality; as also all and whole the Lands and Barony of *Duddingstone*, comprehending the Towns and Lands of *Easter* and *Wester Duddingstones*, with the Mill, Mill Lands, Multures, and Sequels thereof, Coals, Coal Heughs, Salt Pans or Salt Works, Wrack, Waith, Ware, with the Manor Place, Houses, Biggings, Yards, Parks, Inclosures, Parts, Pendicles, Tenants, Tenandries, and Services of free Tenants, and Pertinents thereof whatsoever, with the Teinds of the said whole Lands, all lying within the Paroshin of *Duddingstone* and Sheriffdom of *Edinburgh*, together with the Advocation, Donation, and Right of Patronage of the Parish Church and Paroshin of *Duddingstone*, and whole Profits, Privileges, and Emoluments thereof; as also all and whole the Burgh or Barony of *Wester Duddingstone*, with the whole Privileges and Immunities and

Jurisdictions

Jurisdictions belonging to the same, or competent to any free Burgh of Barony within *Scotland*, with Power to nominate and appoint Bailies and other Officers requisite and necessary, and to depose them, as oft as is necessary, and to name and appoint others in their Place, and to nominate and appoint Burgesses and Artists in the said Burgh of Barony, who shall have Power to use and exerce their said Arts and Trades, and sell such Merchandises and Commodities which any other Artists and Burgesses of any free Burgh of Barony within *Scotland* have or may use and enjoy; and also with Power to build and erect a Tolbooth and Market Cross within the said Burgh, and to hold a Weekly Market upon *Friday*, and levy and receive the Customs of the said Markets, and hold and fence Courts within the said Burgh in all Time coming, as often as he and his Heirs aforesaid shall think expedient; and generally to do all other Things requisite and necessary concerning the Liberties of the said Burgh of Barony, in the same Manner and as freely in all respects as can or may be done in any free Burgh of Barony within *Scotland*, or as he or his Authors had or have Power to do by virtue of the Charter of Erection after-mentioned; all which Lands, Mills, Teinds, Right of Patronage, Burgh of Barony, and others aforesaid, were erected and incorporated into a free Barony called the Barony of *Duddingstone*, conform to a Charter under the Great Seal in favour of *John Duke of Lauderdale*, dated at *Whitehall* the Fifth Day of *September* One thousand six hundred and seventy-three (excepting these Parts and Portions of the said Lands and Barony of *Duddingstone*, also herein-after disponed, and which were disponed by *Archibald Duke of Argyle* to *Andrew Fletcher of Milton*, Esquire, Lord Justice Clerk, conform to a Disposition dated the Fifth Day of *February* One thousand seven hundred and forty-seven, and excepted in the Disposition of the said Lands and Barony granted by the said Duke to him the said *James Earl of Abercorn*, dated the Fifth Day of *February* and registered in the Books of Session the Seventh Day of *May* One thousand seven hundred and forty-seven); as also all and whole that Oxgate and Half an Oxgate of Land, with the Pertinents, acquired by the deceased *Richard Lawson* elder, of *Humbie*, from umquhile *Richard Morum*, lying in the Town and Territory of *Wester Duddingstone*, on the South Side of the said Town, betwixt the Lands belonging to the deceased Laird of *Kippo* on the West, and the Lands of umquhile *Henry Hunter* on the East Parts; and all and whole that Oxgate and Half an Oxgate of Land of the said Lands of *Wester Duddingstone*, with the Pertinents acquired by the said deceased *Richard Lawson* elder from the deceased *John Martin*, lying in the said Town and Territory of *Wester Duddingstone*, on the North Side thereof, betwixt the Lands of the deceased Laird of *Kippo* on the East and West Parts; and also that other Oxgate and Half Oxgate of Land of the said Lands of *Wester Duddingstone*, acquired by the said umquhile *Richard Lawson* elder from the Daughters and Heirs of umquhile *James Young*, with the Pertinents, lying in the Town and Territory foresaid, on the East Side of the said Town, betwixt the Lands of the said Laird of *Kippo* on the East and West Parts, extending in whole to Four Oxgates and Half an Oxgate of Land, with all and sundry Houses, Biggings, Yards, Orchards, Parts, Pendicles, and Pertinents thereof, all lying within the Parochin of *Duddingstone* and Sheriffdom
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of *Edinburgh*, together with the Teind Sheaves of the whole foresaid Lands, as for the Principal; and in real Warrantice and Security of the Teind Sheaves of the said Four Oxgate and an Half of Land, all and whole the Lands of *Burncastle*, with the Pertinents, lying within the Bailiary of *Lauderdale* and Sheriffdom of *Berwick*, so that in case it shall happen the said Teinds or any Part thereof to be evicted at any Time hereafter from him the said *James Earl of Abercorn* or his Heirs, on any Account whatsoever, or to be burdened or affected with any Augmentation of Ministers Stipend, or any other Burden more than is in use presently to be paid to the Minister of *Duddingstone*, extending to Three Bolls Bear, Two Bolls Meal, and Three Pounds Scots of Money, then and in either of these Cases he and his Heirs shall have full and free Access, Ingress, and Regress to the said Lands of *Burncastle*, with the Pertinents, and to the uplifting the Rents, Profits, and Duties thereof, proportionally and effeiring to the said Eviction and Burdens not exceeding the Sum of Six Pounds Three Shillings and Four-pence Sterling yearly, and that ay and while they should attain the peaceable Possession of the said Teinds, and the same shall be fixed and relieved of the Burdens above mentioned, he and his foresaids being always obliged to make Intimation of any such Action of Eviction that should happen to be intended, and that before Litiscontestation be made therein, to the said *Andrew Fletcher* and his Heirs and Successors, or to *George Logan* of *Burncastle*, his Author, in the said Four Oxgate and Half of Lands, Teinds, and others therein above disposed, Principal and Warrantice, or his Heirs and Successors; as also all and whole the Vicarage Kirklands of *Duddingstone*, lying in the Town and Territory of *Duddingstone*, upon the East Side of the said Town, with Houses, Biggings, Dovecots, Yards, Tofts, Crofts, Pendicles, and Pertinents thereof whatsoever, free from all Payment of the Parsonage Teinds thereof as they were possessed and enjoyed in former Times, *viz.* Eleven Rigs of Land in the Langlands of *Wester Duddingstone*, Nine Rigs of the Fifteen Rigs lying between the Two Roads, whereof one leads from the Town of *Duddingstone* towards *Niddry*, and the other from the Town of *Duddingstone* to the Town of *Musselburgh*, and Six Rigs, now cast into Four Rigs, lying in Clays, extending in whole to Acres of Land; as also all and whole these Parts and Portions of Land called *Orchyard*, lying in the Territory of the said Town of *Duddingstone*, upon the South Side of the Loch thereof, between the Kirklands and Yard of old possessed by *Gilbert Black* on the North, the Lands called *Butts*, of old belonging to *Robert Lawson* of *Humbie*, on the East, the Loch upon the South, and a Grass Yard and Dovecot upon the West Parts, which Vicarage Kirklands and others last above mentioned are now called the *West Mains* of *Duddingstone*, all lying within the said Parochin of *Duddingstone* and Sheriffdom of *Edinburgh*, and which Four Oxgate and Half an Oxgate of Land of *Wester Duddingstone*, Vicarage Kirklands of *Duddingstone*, Teinds and others last above mentioned, were united and annexed to the said Barony of *Duddingstone*, and declared to be proper Parts and Portions thereof, and a Sasine to be taken at the Wester Town of *Duddingstone*, by Delivery of Earth and Stone of the Ground thereof, without any other Symbol, is declared to be a valid and sufficient Sasine for the said whole Lands, Barony, and others particularly

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before described, both Principal and Warrantice, although they are separate Tenements, conform to a Charter under the Great Seal in his the said *James Earl of Abercorn's Favour*, dated the Twenty-seventh Day of *July* One thousand seven hundred and forty-seven; as also all and whole the Lands of *Gilberton* commonly called *Brunstain*, with the Manor Place, Houses, Biggings, Yards, Orchyards, Outsets, Insets, Crofts, and all and sundry Parts, Pendicles, and Pertinents of the same, with the Teinds, Sheaves, Fruits, Mails, and Duties of the Parsonage Teinds of the said Lands, lying within the Sheriffdom of *Edinburgh*, extending in whole to a Three Pound Land of old Extent by the ancient Retours thereof, and which Lands, extending as aforesaid, comprehend the whole said Lands of *Gilberton* commonly called *Brunstain* contained in the Rights and Infeftments thereof as formerly acquired by the deceased *Andrew Fletcher* of *Milton*, some Time Lord Justice Clerk, as more fully specified in a Disposition dated the Fifth Day of *February* One thousand seven hundred and forty-seven, made and granted by the late *Archibald Duke of Argyle* in favour of the said deceased *Andrew Fletcher* Esquire, all and haill these Parts and Portions of the said Lands and Barony of *Duddingstone* which were disposed by the said *Archibald Duke of Argyle* to *Andrew Fletcher* of *Milton*, Esquire, Lord Justice Clerk, by the Disposition above mentioned, and were excepted in the aforesaid Disposition of the said Lands and Barony of *Duddingstone* granted by the said Duke in his the said *James Earl of Abercorn's Favour*, viz., Seven Acres or thereby of the Braes on the North Side of *Brunstainburn*, some Time possessed by the said deceased *Andrew Fletcher*, whereof Four Acres and a Half or thereby, in consequence of a Contract of Excambion between the said *John Duke of Argyle* and *Greenwich* and the said *Andrew Fletcher*, dated the Thirty-first Day of *July* One thousand seven hundred and thirty-four, and Two and a Half Acres or thereby, in consequence of a Tack granted to him by the said deceased Duke, dated the Twenty-seventh Day of *December* One thousand seven hundred and forty and Second Day of *January* thereafter, as also these Parts of the said Braes some Time possessed by *Patrick Scott* and Widow *Horn*, Tenants in *Easter Duddingstone*, comprehending the Grass Braes some Time possessed by *Patrick Scott*, and Grass Inclosures, some Time possessed by Widow *Horn*, and the Linky Ground, some Time possessed by *Patrick Scott* and Widow *Horn* jointly, which Linky Ground lies upon the East Side of the public Road next to that Bridge called the *Maitland Bridge*, extending in whole to Twelve Acres and One Rood or thereby of the said Barony, besides the Seven Acres first above mentioned, together with the Teinds, Parsonage and Vicarage, of the said Nineteen Acres and One Rood or thereby of the said Lands of *Duddingstone*, and the whole Coals in the said Lands, and the Privilege of carrying Sea Ware from the Shore to the said whole Lands therein above disposed, conform to Use and Wont, in common with the Tenants of the Barony of *Duddingstone*; as also all and whole the Lands and Acres, Stock and Teind, after specified, which some Time pertained to the deceased *Jasper Johnston*, Brewer in *Restalrig*, viz., the Lands and Acres called the *Water Pans* South and North, and Acres called *Stackindrought*, all contiguous and surrounded with a Stone Dyke,

Dyke, bounded on the North with the Highway that leads from *Edinburgh* to *Musselburgh*, on the West by the Highway that leads from *Leith* to *Dalkeith*, on the South with the Lands of *Duddingstone Wester*, and on the East with the Lands of *Duddingstone* and *Restalrig*; all and hail that Piece of Ground called the *Wester Fishwives Park*, as some Time possessed by *Thomas Dickson*, Mason in *Abbeyhill*, with the planted Ground in the Corner thereof, and Teinds, Parsonage and Vicarage, of the said Piece of Ground, which Piece of Ground is surrounded by a common Stone Wall, and is bounded on the East by the Piece of Ground called the *Easter Fishwives Park*, then belonging to *John Mellis*, Flesher in *Edinburgh*; on the North by the High Road leading from *Edinburgh* to *Musselburgh*, and on the West and South by the Lands belonging to

, and which Piece of Ground is a Part and Portion of these Parts and Portions of the Lands and Barony of *Restalrig*, which in a Precept of Clare constat dated the Twenty-eighth Day of *July* One thousand seven hundred and twenty-six, granted by *James* late Lord *Balmerino* to the deceased *Margaret* and *Ann Elphinstone*'s, Sisters and Heirs Portioners of the deceased *James Elphinston* of *Cotfield*, are described as follows, *viz.*, the Four Oxgate of Land of the Town and Lands of *Restalrig* called the Lands of *Cotfield*, with Houses, Biggins, Yards, and Pertinents belonging thereto, as also a proportional Part of the Links and other Common of *Restalrig* effeiring to the foresaid Lands as possessed and laboured by the Tenants thereof, lying within the Barony of *Restalrig*, Parish of *South Leith*, and Sheriffdom of *Edinburgh*, and which Lands of *Cotfield*, since granting the foresaid Precept of Clare constat, have changed their said former Designation, and are now called and designed the *South-west Room of Restalrig*, in consequence of a Decreet Arbitral dated the Sixteenth Day of *March* One thousand seven hundred and thirty-one, proceeding on a Submission by *John Hay*, late Writer to the Signet, then Heritor of the said Lands of *Restalrig*, for dividing the said Town and Lands commonly called the *Five Feu Rooms of Restalrig*, lying runrig with the Links and Commonities of the same, which Submission bears Date the Fourth Day of *August* One thousand seven hundred and thirty, and with the Decreet Arbitral thereon is registered in the Books of Council and Session the Seventeenth Day of *March* One thousand seven hundred and thirty-one, by which Decreet Arbitral it is declared that the said *South-west Room* should belong to the said *John Hay* in lieu and place of the Share and Interest which did at and before the said Submission belong to him of the *Five Feu Rooms* of runrig and mixed Lands of *Restalrig*, and the said *South-west Room* is bounded in manner particularly mentioned in the said Decreet Arbitral, together with all Right, Title, Interest, and Claim of Right which he the said *James Earl of Abercorn*, or his Predecessors or Authors, had, have, or anywise might claim or pretend to the said Lands, Lordship, Barony, Teinds, and others before mentioned, any manner of way: And whereas the said *James Earl of Abercorn* having departed this Life, he was succeeded in the said entailed Lands, Baronies, and Estates, and in the said Earldom and Titles of Honour, by his Nephew the said *John James Hamilton* (afterwards created Marquess of *Abercorn*, of the United Kingdom of *Great Britain* and *Ireland*), and the

the said *John James* Marquess and Earl of *Abercorn* made up Titles to the said entailed Estates under the said recited Disposition and Deed of Entail by Charter of Resignation dated the Third Day of *February* One thousand seven hundred and ninety-two, written to the Seal and registered the Twenty-first Day of *June*, and sealed at *Edinburgh* the Twenty-second Day of the said Month of *June* and Year aforesaid, and Instrument of Sasine following thereupon, dated the Nineteenth Day of *July* One thousand seven hundred and ninety-two, and recorded at *Edinburgh* in the General Register of Sasines, Reversions, &c., the Thirteenth Day of *August* in the same Year: And whereas the said *John James* Marquess and Earl of *Abercorn* having departed this Life, he was succeeded in the said entailed Lands, Baronies, and Estates by his Grandson *James*, the present Marquess and Earl of *Abercorn*, who made up Titles thereto by special Service as nearest and lawful Heir Male of Taillie and Provision to his said Grandfather, conform to special Retour of his Service as Heir of Entail under the said recited Deed of Entail dated the Twenty-second Day of *January* One thousand eight hundred and nineteen, Precept from Chancery for infesting the said *James* Marquess of *Abercorn* in the said entailed Lands, Baronies, and Estates, dated the Fifth Day of *March* One thousand eight hundred and nineteen, and Instrument of Sasine following thereon in his Favour, dated the Sixteenth Day of *March* One thousand eight hundred and nineteen, and recorded at *Edinburgh* in the new General Register of Sasines, Reversions, &c. the Seventeenth Day of *March* in the same Year: And whereas the said *James* Marquess of *Abercorn* being at the Time of his Succession to the said Lands and Estates in Pupilarity, the Right Honourable *George* Earl of *Aberdeen* was appointed his Tutor Dative during the Period of his Pupilarity, conform to Letters of Tutory Dative in favour of the said Earl under the Seal appointed by the Treaty of Union to be kept and used in *Scotland* in place of the Great Seal formerly used there, dated the Tenth Day of *March* One thousand eight hundred and eighteen, and sealed the Fourth Day of *September* in the same Year, in virtue whereof the said Earl of *Aberdeen* entered upon the Management and Administration of the said entailed Lands, Baronies and Estates, and of the Affairs of the said Marquess during the Period of his Pupilarity: And whereas upon the said *James* Marquess of *Abercorn* attaining the Age of Fourteen Years the said Office of Tutor Dative came to an end, and the said *James* Marquess of *Abercorn* nominated and appointed as his Curators the said *George* Earl of *Aberdeen*, the Right Honorable *Harriet* Countess of *Aberdeen*, his Mother, and *George Sholto Douglas* Esquire (now Earl of *Morton*), his maternal Uncle, as his Curators, conform to the Deed of Nomination bearing Date the Eleventh Day of *September* One thousand eight hundred and twenty-five, and registered in the Books of Council and Session the Twenty-second Day of the same Month and Year, upon which an Act of Curatory was expedite in favour of the said Curators before the Sheriff Depute of the Shire of *Edinburgh*, conform to Extract thereof dated the Seventeenth and Thirty-first Days of *October* One thousand eight hundred and twenty-five Years: And whereas during the Period of the Administration of the Estates of the said *James* Marquess of *Abercorn* by the said Earl of
Aberdeen

Aberdeen as Tutor Dative foresaid, and during the Minority of the said Marquess, and the Administration of his Affairs by the said Curators appointed by him, and also since the said *James Marquess* attained Majority, large Sums of Money have been laid out and expended upon inclosing, planting, draining, erecting, and repairing Farmhouses, Offices, and Outbuildings, for the Improvement of both the said entailed Lands and Estates of *Paisley* and *Duddingstone*, and in repairing the Mansion House and Offices upon the Estate of *Duddingstone*, which had become dilapidated and insufficient, and otherwise for the permanent Benefit and Advantage of the said Estates, and of the Heirs of Entail entitled to succeed to the same, which Sums so laid out on Improvements as aforesaid amount to the Sum of Forty-three thousand eight hundred and ninety-six Pounds, as set forth in the Schedule (A.) hereunto annexed, in consequence of which Improvements the said entailed Lands, Baronies, and Estates have been much increased in Value: And whereas an Act was passed in the Tenth Year of the Reign 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 Settlement of strict Entail*, by which a certain Relief was intended to be given to Heirs of Entail expending Money in the Improvement of their Estates, upon complying with the Regulations therein laid down; but the said Act does not afford adequate Relief, and the Provisions thereof are frequently attended with so much Doubt, and sometimes with so much Difficulty in the Execution, as to frustrate wholly or partly the Object for which the said Act was passed; and the Sums of Money laid out in Improvements as aforesaid having been only partially recorded in Terms of the said recited Act, the said *James Marquess of Abercorn* cannot obtain the Relief contemplated by the said Act in respect of the Sums so laid out: And whereas the Heirs of Entail entitled to succeed to the said Lands, Baronies, and Estates will derive great Advantage from the Expenditure so made, it is just and equitable that the said *James Marquess of Abercorn* should be relieved of Three Fourth Parts of the said Expenditure, upon the Sums which have been recorded being discharged: And whereas various Railways and Roads have been carried through the said entailed Lands and Estates, and several Sums of Money have been received from the Railway Companies and Trustees executing the same respectively, in Name of Compensation and Damages for Ground taken from and Damage done to the said entailed Lands and Estates, some of which Sums are now lying in Bank, and other Sums of Money have been awarded and found due for Land so taken which have not yet been paid or deposited, and which Sums, amounting in all to the Sum of Five thousand six hundred and twenty-nine Pounds One Shilling and Three-pence Three Farthings, as set forth in the Schedule (B.) hereunto annexed, are all subject to be reinvested in the Purchase of other Lands lying contiguous to the said entailed Estates; and as no suitable Investments have hitherto been found, and may not easily be found for the said Sums, it is expedient, and would be advantageous to the Heirs of Entail, if the said Sums were applied *pro tanto* in relief of the Outlays incurred in the Improvement of the said Lands and Estates as aforesaid:

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Power to
uplift Money
in Bank.

And whereas by the said Deed of Entail the Heirs of Taillie succeeding to the said Lands and Estates are prohibited from selling, alienating, or disposing any Part thereof, except by way of small Feus, not encroaching upon the Manor Place of *Duddingstone*, Pleasure Ground, Deer Park, Policy, or Inclosures, and not exceeding One Eighth Part of an Acre *Scottish Measure*, at a Feu Duty not under the Rent which the Land pays at the Time, and doubling the same upon the Entry of an Heir, and tripling it at least upon the Entry of a single Successor; but the Restriction of the Power of feuing to such a limited Extent is found to operate prejudicially to the said Heirs of Entail, and such Power might otherwise be exercised with great Advantage to the said Heirs, and beneficially for the said Estates, and it is expedient that the Power to feu should be enlarged: But as these Purposes cannot be effected 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 from and immediately after the passing of this Act it shall and may be lawful for the said *James Marquess of Abercorn*, or for the Heir of Entail in Possession of the said Entailed Lands, Baronies, and Estates for the Time being, or for his or their Tutors or Curators or other Administrator, in case such Heir should be a Minor or otherwise incapable of acting for himself, to apply summarily by Petition to the said Court of Session in *Scotland* in either Division, praying the said Court that the Sums of Money now in Bank as aforesaid, together with the Sums awarded as Compensation for Land, and contained in the said Schedule (B.), and amounting to the Sum of Five thousand six hundred and twenty-nine Pounds One Shilling and Three-pence Three Farthings, should by Order of the said Court be paid to the said *James Marquess of Abercorn* or Heir of Entail so applying, in extinction, as far as the same will go, of the Sum of Thirty-two thousand nine hundred and twenty-two Pounds, being Three Fourth Parts of the aforesaid aggregate Sum of Forty-three thousand eight hundred and ninety-six Pounds expended by the said Marquess as aforesaid; and the said Court is hereby authorized and required, after such Intimation of such Application as they may think it proper to give, and upon Proof to them of the Registration of the Discharges after mentioned, and also upon Proof that the Power of borrowing hereby authorized has not been exercised to any further or greater Extent than the Balance that will remain of the said Sum of Thirty-two thousand nine hundred and twenty Pounds, after deducting the Sums to be uplifted, as said is, to pronounce an Order authorizing and directing Payment of the said Sums accordingly; and such Order shall be full and sufficient Authority to the Bank or Banks wherein the said Sums are deposited, or Party or Parties by whom the same are due, to pay the same to the said *James Marquess of Abercorn* or Heir applying, and shall, with the Receipt of the said Marquess or Heir, fully discharge and exonerate such Bank, or Party or Parties, accordingly.

Discharges
to be granted

II. And be it enacted, That before such Order shall be issued for Payment of the Sums so to be uplifted from the Bank or Banks,
or

or Party or Parties aforesaid, the said *James Marquess of Abercorn*, or the Heir uplifting and receiving the same, shall be bound to execute, to the Extent of the Sums for which such Order is applied for as aforesaid, a valid Discharge or Discharges of any Claim upon the said entailed Lands and Estates for the Sums so expended on the said entailed Estates; and upon Payment as aforesaid of such Sums the said entailed Estates, and the Heirs succeeding to the same, shall thereby be freed and relieved of and from any Claim for so much of the Sum which may have been expended on the same; and such Discharge or Discharges shall be recorded by the said Marquess, or other Heir applying for the said Sums, in the General Register of Sasines kept at *Edinburgh*.

III. And be it enacted, That it shall be lawful to the said *James Marquess of Abercorn* or Heir aforesaid to borrow and take up on Loan a Sum or Sums of Money, not exceeding the said Sum of Thirty-two thousand nine hundred and twenty-two Pounds, set forth in the said Schedule (A.), together with a Sum sufficient to cover and defray the Expences of applying for, obtaining, and passing this Act, and carrying the same into execution; and it shall be lawful to the said *James Marquess of Abercorn*, or the Heir of Entail in Possession of the said entailed Estates for the Time, or to his Tutor or other Administrator, in case he be a Minor, or otherwise incapable of acting for himself, validly to secure the Payment of the Monies so to be borrowed, and the Interest thereof, and liquidated 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 Monies, disposing and conveying in the Form and with the Powers usual in similar Heritable Securities in *Scotland*, heritably but redeemably, the whole or any Portion or Portions of the said entailed Lands, Baronies, and Estates contained in the before-recited Deed of Entail, in security and for Payment of the Sum or Sums to be so borrowed, and not exceeding the said Sum of Thirty-two thousand nine hundred and twenty-two Pounds, being Three Fourth Parts of the aforesaid Sum of Forty-three thousand eight hundred and ninety-six Pounds, and in security also of the Sum that may be sufficient to cover the defraying the Expences of applying for, obtaining, and passing this Act, and carrying the same into execution; and which Heritable Bond or Bonds, and Disposition or Dispositions in Security, granted under the Authority of this Act, 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 whomsoever, or to his, her, or their Assignee or Assignees, or to any Person in the Right for the Time being of the Heritable Bond or Bonds, and Disposition or Dispositions in Security, to be granted as aforesaid, 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, Baronies, Estates, and others contained in the said Deed of Entail as shall be included in and disposed by such Heritable Bonds and Dispositions in Security, and shall be effectual against all the Heirs of Entail who may be entitled to succeed in the said entailed Estates; and the said Heritable Bonds and Dispositions in Security shall be freed of all the Fetters of the said Entail and Investitures, and the Creditor

and record-
ed.

Power to
borrow
Money, and
to grant
Heritable
Securities
therefor.

or

or Creditors, Lender or Lenders, shall have every Remedy for Recovery of the Sum or Sums so lent, Interest and Penalties, competent by the Laws of *Scotland* to any Creditor by Heritable Bond or Bonds and Disposition or Dispositions in Security: Provided always, that to the Extent to which the said *James Marquess of Abercorn* or Heir aforesaid may receive as aforesaid the Sums of Money contained in the said Schedule (B.) under the Authority of the Court of Session, the Power hereby conferred of borrowing Money on the Security of the said entailed Estates shall be deemed to be exhausted, and the Power to borrow thereafter restricted to what remains of the Sum so authorized to be borrowed.

In case of Death before borrowing or uplifting Money, the Heir succeeding to be accountable to the Marquess's Representatives.

IV. And be it enacted, That if the said *James Marquess of Abercorn* shall happen to die before uplifting the Sums of Money set forth in the said Schedule (B.), or borrowing the Money hereby permitted to be borrowed, or the whole thereof, the Heirs succeeding to him by virtue of the aforesaid Disposition and Deed of Entail shall be Debtors to the Executors, Trustees, or other Representatives of the said *James Marquess of Abercorn* for such Sum as the said *James Marquess of Abercorn* is hereby permitted to uplift and borrow, but may not have uplifted, borrowed, or received as aforesaid, and shall be obliged to pay the same from the Death of the said Marquess to his Executors, Trustees, or other Representatives, such succeeding Heirs having Power and being bound to charge and burden the Estates with the Sum paid by such succeeding Heirs as aforesaid.

Money to be applied in Repayment of Sums laid out in Improvements.

V. And be it enacted, That the Money hereby authorized to be borrowed, including the Sums contained in the said Schedule (B.) as aforesaid, when received, shall be deemed to be Payment and Satisfaction to the said *James Marquess of Abercorn*, or his Executors, Trustees, or Representatives, of the Monies advanced by the said *James Marquess of Abercorn* and his Guardians as aforesaid; and the said entailed Lands and Estates, and the Heirs of Entail succeeding thereto, shall be for ever freed and relieved of and from any Claim or Demand for any Sum or Sums of Money heretofore expended by the said Marquess and his Guardians as aforesaid in the Improvement of the said entailed Lands and Estates.

Lenders to have no Concern with the Application.

VI. And be it enacted, That the Lenders of any Sum or Sums of Money under this Act shall be in nowise concerned with the Application of the Money to be lent by them.

Power to feu.

VII. And be it enacted, That it shall be lawful to the said *James Marquess of Abercorn*, or any other Heir of Entail, having duly made up Titles to the said entailed Lands, Baronies, and Estates, notwithstanding the Prohibition contained in the said Deed of Entail, from Time to Time and at all Times hereafter to grant in Feu Farm, Fee, and Heritage any Part or Parts of the said Lands, Baronies, and Estates, not encroaching upon the Manor Place of *Duddingstone*, Pleasure Grounds, Deer Park, Policy or Inclosures appropriated to and fit or necessary for the Use and Occupation of the Proprietor, and for the Accommodation and Convenience of the Mansion House and Residence of the Family: Provided always, that no Feu to be so granted

granted shall exceed One Acre and One Rood Imperial Measure, and that the Feu Duty to be taken shall not be under the Rent which the Land pays at the Time, and that the Casualty payable upon the Entry of each Heir shall be Double the Amount of the Feu Duty, and upon the Entry of each singular Successor shall be at least Treble the Amount thereof.

VIII. Provided further, and be it enacted, That it shall not be lawful to the said *James Marquess of Abercorn*, nor to the Heir of Entail in Possession for the Time, to take or stipulate for the Payment of any Grassum, Fine, Entry Money, or other Consideration for the granting such Feus; and that not only shall any Feu for which any Grassum, Fine, Entry Money, or other Consideration shall be taken or stipulated be void and null, but the said *James Marquess of Abercorn*, or other Heir of Entail in Possession, granting the same, shall thereupon, but for himself only, incur an Irritancy, as in a Case of Contravention of the said Entail, and the said entailed Lands, Baronies, and Estates shall devolve upon and belong to the next Heir of Entail who would succeed if the Contravener were naturally dead, although descending of the Contravener's own Body; and it shall be lawful to such next Heir to pursue and obtain Declarators upon the Contravention.

Prohibiting
Grassums
and Entry
Money to be
taken.

Irritancy.

IX. And be it enacted, That nothing in this Act contained shall be held or construed to alter, innovate, change, or defeat the said recited Deed of Entail, 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.

Deed of En-
tail not to be
defeated.

X. Saving and reserving always to the Queen's most Excellent Majesty, and to Her Heirs and Successors, and to all others (save and except the said *James Marquess and Earl of Abercorn*, and all and every the other Heirs of Entail called or entitled to take under the Entail herein-before recited), all such Right, Title, Interest, Claim, and Demand whatsoever, in, to, and out of the said entailed 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.

General
Saving.

XI. 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.

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

SCHEDULE (A.) to which this Act refers; showing the Sums of Money expended in the Improvement of the entailed Estates of Paisley and Duddingstone, belonging to the Most' Noble the Marquess of Abercorn, in Scotland, viz.

	IMPROVEMENT EXPENDITURE.						
	In building and repairing Farmhouses, Offices, Mills, &c., and repairing Mansion House of Duddingstone.			In fencing, draining, trenching, planting, &c.			
	£	s.	d.	£	s.	d.	
I. During the Period of the Administration of the Earl of Aberdeen as Tutor Dative of the Marquess from Twenty-seventh of January 1818 to Eighteenth of January 1825:							
On the Estates of Duddingstone and Brunstain in the County of Edinburgh	13,084	5	5	2,818	13	6	
On the Estate of Paisley in the County of Renfrew - - - - -	1,208	9	10	464	2	5	
II. During the curatorial Management from Eighteenth of January 1825 to Eighteenth of January 1832:							
On the Estates of Duddingstone and Brunstain - - - - -	7,641	8	10	1,344	18	5	
On the Estate of Paisley - - - - -	3,150	2	10	854	14	8	
III. During the Period since the Marquess attained Majority from Eighteenth of January 1832 to Thirty-first of December 1841:							
On the Estates of Duddingstone and Brunstain - - - - -	6,139	17	5	2,262	9	0	
On the Estate of Paisley - - - - -	199	0	4	4,727	17	4	
	£	31,423	4	8	12,472	15	4

ABSTRACT.

	£	s.	d.	
Sum expended in building and repairing Farmhouses, Offices, Mills, &c., and in repairing Mansion House of Duddingstone - - - - -	31,423	4	8	
Sum expended in draining, trenching, planting, &c. - - - - -	12,472	15	4	
Total Improvement Expenditure £	43,896	0	0	
Three Fourths whereof amount to the Sum of	£	32,922	0	0

T. G. Wright.

SCHE.

SCHEDULE (B.) to which this Act refers.

1. Balance of Sum consigned in the Royal Bank of Scotland by the Trustees of the Post Road District of the County of Edinburgh - - - - -	£	s.	.
	175	0	0
2. Sum consigned in the said Bank by the Glasgow, Paisley, Kilmarnock, and Ayr Railway Company - - -	1,000	0	0
Balance of farther Sum due by the said Railway Company	826	0	0
3. Sum due by the Proprietors of the Leith Branch of the Edinburgh and Dalkeith Railway - - -	2,682	4	9 $\frac{3}{4}$
4. Sum consigned in the said Bank by the Glasgow, Paisley, and Greenock Railway Company - - -	677	11	6
5. Sum due by the Trustees of the Dalkeith District of Roads in the County of Edinburgh - - -	268	5	0
	£ 5,629	1	3 $\frac{3}{4}$

T. G Wright.

