



ANNO SEPTIMO & OCTAVO

VICTORIÆ REGINÆ.

Cap. 11.

An Act to enable *Archibald* Marquess of *Ailsa* to borrow a certain Sum of Money upon the Security of his entailed Estates of *Cassillis* and *Culzean*, for Repayment to him of a Portion of the Monies laid out by him in the Improvement of these Estates. [4th July 1844.]

WHEREAS *John* Earl of *Cassillis* deceased, by a Deed of Entail executed by him, bearing Date the Twenty-ninth Day of *March* in the Year One thousand seven hundred and fifty-nine, registered in the Books of Council and Session the Third Day of *September* in the same Year, and in the Register of Entails the Thirteenth Day of *June* in the Year One thousand seven hundred and ninety-three, upon the Recital and for the Causes and Considerations therein specified, settled, entailed, and resigned the Earldom and Lordship of *Cassillis*, and all and sundry the Lands, Baronies, and other Estates therein contained and herein-after described, to and in favour of himself and the Heirs Male of his Body; which failing, to the Heirs Female of his Body, the eldest always succeeding without Division, and the Heirs whatsoever of their Bodies, also without Division; which failing, to Sir *Thomas Kennedy* of *Cullean*, Baronet (afterwards Earl of *Cassillis*), and the Heirs Male of his Body; which failing, to Mr. *David Kennedy* Advocate (after-

Deed of Entail of John Earl of Cassillis, 29th March 1759.

[Private.]

3 x

wards

wards Earl of *Cassillis*, and the Maker of the Entail after mentioned), Brother German of the said Sir *Thomas Kennedy*, and the Heirs Male of his Body; which failing, to such Person and Persons as he should at any Time thereafter nominate, design, or appoint by any Writing under his Hand to succeed as Heirs of Tailzie and Provision in and to his Estate aforesaid; and failing of such Nomination, or of all the Persons therein named or described, to his nearest lawful Heirs Male whatsoever; which failing, to his nearest lawful Heirs whatsoever; but always with and under the Conditions, Provisions, Restrictions, Limitations, and Clauses prohibitory, irritant, and resolute, Reservations, Powers, and Faculties, therein mentioned, which are usual in Settlements of Lands in strict Entail in the Law of *Scotland*: And whereas the said *John* Earl of *Cassillis* having died without Issue he was succeeded in the said Earldom, Lordship, and entailed Estate of *Cassillis*, in virtue of the said Deed of Entail, by the said Sir *Thomas Kennedy*, who thereupon became Earl of *Cassillis*, and the said *Thomas* Earl of *Cassillis* having thereafter died without Issue he was succeeded in the said Earldom, Lordship, and entailed Estate of *Cassillis* by the said *David Kennedy*, who thereupon became Earl of *Cassillis*, and the said *Thomas* and *David* successively Earls of *Cassillis* were duly infest and seised in the said entailed Estate descendable to the other Heirs of Tailzie with and under the Conditions and Limitations contained in the said Deed of Entail: And whereas the said *David* Earl of *Cassillis*, by a Deed of Entail executed by him, bearing Date the Second Day of *February* in the Year One thousand seven hundred and ninety, registered in the Register of Entails the Thirteenth Day of *June*, and in the Books of Council and Session the Thirtieth Day of *August*, both in the Year One thousand seven hundred and ninety-three, on the Recital of the Deed of Entail first mentioned, and on the farther Recital that the said *John* Earl of *Cassillis* had died without exercising the Power reserved to him of naming Heirs to succeed in the said Estate failing Heirs Male of the Body of him the said *David* Earl of *Cassillis*, whereby in the event of his Death without Heirs Male existing of his Body, the prior Substitutes having already failed, the Succession to the said Earldom and Estate would fall and pertain to the next Heir Male whatsoever of the said *John* Earl of *Cassillis*, and continue to descend to his other Heirs Male whatsoever, who would also inherit the Titles of Honour and Dignities of the Family; and that it was his the said Earl *David's* Desire and Purpose, agreeably to the general Plan of the said *John* Earl of *Cassillis's* Settlements, that not only the Lands and Earldom of *Cassillis*, but likewise the other Lands and Estate belonging to him the said *David* Earl of *Cassillis* should in all Time coming descend to and continue inseparable with the same Heirs, but that it was proper that a new Entail should be executed suppletory to the former, calling the said Heirs Male of the Family of *Cassillis* to the Succession as well of the whole Lands and Estate contained in the foresaid Deed of Entail of the other Lands and Estate therein-after mentioned and herein-after described, then belonging to him the said Earl *David* in Fee Simple or at his Disposal, and which for the well standing of his Family and the better Support thereof he was desirous to settle and entail in the same Manner, leaving out such of the Clauses

Deed of Entail of David Earl of *Cassillis*, 2d Feb. 1790.

of

of the former Entail as were then rendered superfluous (such as the reserved Power of Nomination in favour of the said *John* Earl of *Cassillis*, and the Provision made for Payment of Debts supposed to have been due by him, as no such Debts then existed unpaid), and likewise inserting a Clause for enabling him the said *David* Earl of *Cassillis* to make an additional Nomination of Heirs, in order to continue the Representation of the Family after the said Heirs Male whatsoever were exhausted, if he should think proper so to do, and in prosecution of his said Intention he had resolved to execute the Deed of Entail under recital in manner thereunder written; therefore, and for other Causes, he duly conveyed and made over and granted Procuratory for resigning to and in favour of himself and the Heirs Male of his Body; whom failing, to Captain *Archibald Kennedy* of the Navy, and late of *New York, North America*, then residing in the City of *London*, afterwards Earl of *Cassillis*; whom failing, to *Archibald Kennedy* his eldest Son, afterwards Earl of *Cassillis*, and now Marquess of *Ailsa*, and the Heirs Male of his Body; whom failing, to *John Kennedy*, Second Son of the said Captain *Archibald Kennedy*, and the Heirs Male of his Body; whom failing, to *Robert Kennedy*, Third Son of the said Captain *Archibald Kennedy*, and the Heirs Male of his Body; whom failing, to any other Heirs Male procreated or to be procreated of the Body of the said Captain *Archibald Kennedy*; whom failing, to the other nearest lawful Heirs Male whatsoever of the said *John* Earl of *Cassillis*, Maker of the said first-recited Entail, in their Order; whom failing, to such Person or Persons as he the said *David* Earl of *Cassillis* should at any Time thereafter nominate, design, or appoint by any Writing under his Hand to succeed as Heir of Tailzie and Provision in and to the foresaid whole Lands and Estate; and failing such Nomination, or of all the Persons therein named or described, to his the said *David* Earl of *Cassillis*'s nearest lawful Heirs whatsoever; all and whole the Lands, Earldom, Lordship, Baronies, Teinds, Patronages, and others in the said Deed of Entail and after specified; *videlicet*, all and hail the Earldom and Lordship of *Cassillis*, and all and sundry the Lands, Baronies, and others underwritten; *videlicet*, all and hail the Nine Merk Land of *Largs*, the Five Merk and a Half Merk Lands of *Knockrawer*, the Five Merk Land of *Lagdalduff*, and the One Merk Lands of *Largs*, extending in whole to a Twenty Merk Land of old Extent, with the Pertinents of the Lands of *Monkland* of *Melross*; all and hail the Lands and Barony of *Dabrymple*, with the Miln, Lochs, Fishings of Salmon, and other Fishings, Towers, Fortalices, Manor Place, Houses, Biggings, Yards, Orchards, Woods, Dovecoats, Coals, Coalheughs, Tofts, Crofts, Outsetts, Parts, Pendicles, Annexis, Connexis, Dependencies, Tenants, Tenandries, Services of free Tenants, and hail Pertinents of the same, extending to a Forty Merk Land of old Extent; the Lands of *Glenop* alias *Carlock*, comprehending the Lands of *Carlock*, the Lands of *Altimeg*, the Lands of *Staincraig*, the Twenty Shilling Land of *Barnvennoch* and *Ashdonan* or *Ashindinoul*, the Lands of *Mulgown*, the Lands of *Muckerroch*, the Merk Land of *Mulbane*, the Forty Shilling Land of *Dowpen* and *Markdow*, the Lands of *Auchnamay*, the Two Merk Lands of *Sanage* or *Schanies*, the Lands of *Drumquhirn*, and the Two Merk Lands of *Craigneische* and *Poltidown*,

down, extending in all the said Lands of *Glenop* or *Carlock* to a Ten Pound Land of old Extent, with Tenants, Tenandries, and Services of free Tenants, Outsetts, Tofts, Crofts, Castles, Towers, Fortalices, Houses, Biggings, Yards, Orchards, Lochs, Milns, Woods, Fishings of Salmon and White Fishes, Parts, Pendicles, and Pertinents of the said hail Lands; all and hail the Advocation, Donation, and Right of Patronage of the Provostry and Prebendaries of the Collegiate Kirk of *Maybole*, and all and sundry Lands and Tenements which belonged to the said Provostry and Prebendaries or any of them; and particularly, without prejudice to the said Generality, the Five Merk Lands of *Finnarts*, the Lands of *Meikle* and *Little Enochs*, the Two Merk Lands of *Ballefattins*, the Four Merk Lands of *Drum-moran* and *Whitefaulds*, with the Mill called *Deans Mill*, the Forty Shilling Land of *Sanlay* and *Craiglay*, the Three Pound Ten Shilling Lands of *Glack* and *Tommocks*, the Five Merk Lands of *Pennyglen*, the Forty Shilling Lands of *Cultewne*, the Two Merk Lands of *Gar-leffin*, the One Merk Land of *Maybole*, the Five Shilling Land of *Smeithstoun*, the Merk Land called *Clerksland*, the Merk Land called the *Kirkland*, the Merk Land called *Gavin Rosse's Land*, the Two Merk and a Half Merk Land of *Brockleugh*, the Provost's Manse and Yard, the Lands of *Welltrees*, the Lands of *Garroys*, the Lands called *Laird Blair's Lands*, the Provost's Acre, the Lands called *Meadowlands*, the Piece of Land called the *Langyard*, and all and sundry the Tenements, Houses, Yards, Wallsteads, and others of, in, and about the Town of *Maybole* and Burgh of Barony of *Maybole* which of old belonged to or were holden of the said Provost and Prebends of the Collegiate Kirk of *Maybole*, or of any of them, with the Tenants, Tenandries, and Services of free Tenants, and hail Parts, Pendicles, and Pertinents of the same whatever; and sicklike all and hail the Lands and Barony of *Trayboyack* otherwise called the Barony of *Straton*, the Lands of *Girvanhead*, with the Mill and Pertinents, Annexis, Connexis, Dependencies, Tenants, Tenandries, Services of free Tenants and Pertinents; all and hail the Lands and Barony of *Cassillis*, comprehending the particular Lands, Mills, Woods, Fishings, and others after mentioned; *videlicet*, the Lands of the Mains of *Cassillis*, with the Castle, Tower, Fortalice, Manor Place, Mill and Milltoun, and Woods of *Cassillis*; the Lands of *Kylestoun*, *Blairbowies*, *Crawfordstouns*, *Pinmiries*, *Guiltriehill*, *Quagreen*, *Barnsheen*, *Car-santoun*, *Holehouse*, *Dunsleithstoun*, *Barnford*, *Troquhane*, and *Burn-mouth*, with all and sundry Fishings, Outsetts, and Pertinents of the same, extending to a Forty-three Merk Land of old Extent; the Six Merk Land of *Over Kilmore*; the Six Merk Land of *Nether Kilmore*, with *Glestron* and *Burntoun* as Parts of the said Lands of *Nether Kilmore*; the Sixteen Merk Land of *Dalreoch*, *Kilchrinie*, and *Reuchill*; the Ten Merk Land of *Row*, containing the Lands of *Over Row*, *Nether Row*, *Shalloch*, *Torifassock*, *Aldayna*, *Machallanstown*, *Mildinoch*, *Pinvallie*, *Langlang*, *Ballach*, *Mackenstown*, and *Barbeg*; the Ten Pound Land of *Trayboyach*, whereof the Two *Glenginnets* and *Bennan* are Parts and Pertinents; the Forty Shilling Land of *Coff*; the Five Merk Land of *Killachie*, *Balquhirrie*, and *Ballimuck*; the Three Merk Land of *Macmartinstoun*; the Three Merk Land of *Garpin* and *Dalduff*; the Two Merk Land of *Drummilling*; the Twenty Shilling Land of *Auchintroish*; the Merk Land of *Dalduff*; the Half Merk

Merk Land of *Dalcurr*; the Three Merk Land of *Clonachie*; the Two Merk Land of *Kirkbride*; the Merk Land of *Bardenan*; the Half Merk Land of *Craigo*; the Half Merk Land of *Airdoch*; the Forty Shilling Land of *Knocknunsheoch* and *Dallangford*; the Five Merk Land of *Dalquhairn*; the One Merk Land of *Cashwalloch*; the Twenty Shilling Land of *Glengaip*; the Ten Shilling Land of *Craiginraw*; the Lands of *Arnsheen*, *Trimarco*, *Laggage*, *Arriowne*, *Darnarroch*, *Killiegrossan*, *Knochticovit*, *Craiganie*, *Craigfin*, *Boigra*, *Dowrie*, *Quhorrel*, *Farden*, and *Dalshangan*, extending to Eighteen Merk Lands of old Extent; the Five Merk Lands of *Over* and *Nether Ellerkennochs* and *Lockland* alias *Lindrowische*; the Two Merk and a Half Merk Land of *Balmacawell*; the Fifty Shilling Land of *Latterpin*; the Three Merk Land of *Drummuskine*; the Two Merk Land of *Fardingreoch*; the Twenty Shilling Land of *Knockgairner*, and the Forty Penny Land of *Craigshinnoch*, with all and sundry Castles, Towers, Fortalices, Houses, Biggings, Yards, Orchards, Mills, Mill Lands, Multures, Woods, Fishings, Dovecoats, Tofts, Crofts, Parts, Pendicles, Tenants, Tenandries, Services of free Tenants, and hail Pertinents of the Lands and others above written, all, with certain other Lands, of old united, annexed, and incorporated into One hail and free Barony called the Barony of *Cassillis*; and, further, all and hail the Lands and Barony of *Culzean* or *Cullain*, comprehending the Twenty Pound Lands of *Colzain* or *Cullain*, the Six Merk Lands of *Glenalloway* and *Achaltoun*, and the Five Merk Lands of *Riddlestoun*, all united into a free Barony called the Barony of *Colzean* or *Cullain*, with all and sundry Mansion Houses, Biggings, Yards, Orchards, Tofts, Crofts, Mills, Mill Lands, Multures, and Sequels thereof, Woods, Fishings, Outsetts, Parts, Pendicles, Tenants, Tenandries, and Service of free Tenants, and hail Pertinents of the said Barony, all lying within the Parish of *Kirkoswald*; and all and hail the Six Merk Lands underwritten; to wit, the Merk Land of *Carsloe*, with the Mansion House, Manor Place, Houses, Biggings, Yards, Orchards, and Mills thereof, the Two Merk Lands of *Craigfin*, and the Forty Shilling Land of *Drumfad*, with Manor Place, Houses, Biggings, Yards, Orchards, Mills, Woods, Fishings of Salmon and other Fishes, Parts, Pendicles, Tenants, Tenandries, and Services of free Tenants, of the hail foresaid Lands; and in like Manner all and hail the Lands called the *Penny Lands* which belonged to the now abolished Office of keeping the Castle of *Lochdoon*, extending to a Five Pound Land of old Extent, with the Lochs of *Lochdoon* and *Finlauche*, and Fishings therein of Salmon and other Fishes, and hail Pertinents of the said *Penny Lands*, lying in the Parish of *Straitoun*; and, moreover, all and hail the Lands underwritten, called *Wallace Lands*; videlicet, the Lands of *Leffindinoul*, the Lands of *Lanaylane*, the Two Merk Lands of *Stowarran* and *Arreclogach* or *Auchlochie*, the Two Merk Lands of *Barthullan*, the Twenty Shilling Lands of *Glaickley*, the Lands of *Over Altikane*, the Lands of *Shallochtig*, the Twenty Shilling Land of *Corleffin*, the Lands of *Pinwhirrie*, the Lands of *Drumwauchtie*, the Twenty Shilling Lands of *Arnemuil*, the Lands of *Mac Colmestoun*, the Lands of *Over Dangar*, the Sixteen Shilling Eight Penny Lands of *Nether Dangar*, the Lands of *Bailliebeg*, the Twenty Shilling Lands

of *Stralachon*, and the Merk Land of *Bardrochat* or *Bardrochwood*, with all and sundry Towers, Fortalices, Houses, Biggings, Yards, Orchards, Tenants, Tenandries, and Services of free Tenants of the said Lands, extending to Twenty-five Merk Lands of old Extent, commonly called *Wallace Lands*, and lying within the Parishes of *Colmonell* and *Innertig* respectively; and likewise all and hail the Lands of *Aird* alias *Nether Skeldon*, extending to an Eight Merk and a Half Merk Land of old Extent, with Tower, Fortalice, Manor Place, Houses, Biggings, Yards, Orchards, Mills, and Sucken thereof, Annexis, Connexis, Parts, Pendicles, and Pertinents of the same; all which Lands and others above written lie within the Sheriffdom of *Ayr*, and were, with certain other Lands and other Subjects, united, annexed, and incorporated into One free Earldom and Lordship, to be called the Earldom and Lordship of *Cassillis*, by Charter under the Great Seal of *Scotland* granted in favours of the deceased *John* Earl of *Cassillis*, Grandfather of the said *John* Earl of *Cassillis*, dated at *Whitehall* the Twenty-fourth Day of *April* One thousand six hundred and seventy-one Years, and sealed the Twenty-seventh Day of *October* One thousand six hundred and seventy-three Years; and, furthermore, all and hail the Fifty Shilling Lands of *Craigneill*, *Beauche*, *Craiglownie*, and *Holme*, the Twenty-five Shilling Land of *Beauche* alias *Caranquhowack*, the Twenty-five Shilling Land of *Grimmetland*, with all the Pertinents of the said Five Pound Lands; and, further, all and hail the Lands after specified; *videlicet*, the Lands of *Lean*, the Forty Shilling Land of *Altinalbany* or *Altinalbinoch*, the Twenty Shilling Land of *Clachridow*, the Two Merk Land of *Dowlarg*, the Twenty Shilling Land of *Lagganmony*, the Forty Shilling Land of *Pingerroch*, the Lands of *Chirmory*, the Lands of *Clachribane*, the Lands of *Darniconnar*, the Lands of *Over Barr*, and the Lands of *Nether Barr*, with the Mill thereof, which said last specified Lands are Parts of the Ten Pound Land of *Trayboyack*, or of the Lands of *Arnsheen*, or of the Lands of *Craigneil*, all above specified; and sick-like all and hail the Lands, Teinds, and others after mentioned, which were Parts of the late Abbacy and Regality of *Cross Regal*; *videlicet*, the Three Pound Land of *Knockgerran* otherwise called *Altichapel* and *Balcroy*, the Isle of *Ailsay*, the Ten Pound Land of old Extent of *Drumgirloch*, with the Mill of *Drumgirloch*, Mill Lands, astricted Multures, Sequels, and others whatsoever thereunto belonging; the Lands of *Drumbane*; the Six Merk Lands of *Easter Deneyne*, with Teinds thereof included; the Four Merk Lands of *Mochrumhill*; the Six Merk Lands of *Wester Deneyne*; the Six Merk Lands of *Auchnaughtie*; the Four Merk Lands of *Balkennay*; the Fifty Shilling Land of *Craigoch*, *Carnistoun*, and *Knockin*; with the Coalheugh thereof called *Allhallowlieheugh*; and the Forty Shilling Land of *Mac Gownstoun*, with the Fishings in the Entry and Mouth of the Water of *Girvan*, and all and sundry Towers, Fortalices, Houses, Biggings, Yards, Orchards, Outsetts, Insets, Annexis, Connexis, Parts, Pendicles, and Pertinents whatsoever of the Lands and others foresaid, which lay (as said is) within the said late Regality of *Cross Regal*, all which foresaid Lands of *Craigneill* and others above mentioned, following the same, do also lye within the Sheriffdom of *Ayr* foresaid; and, furthermore, all and hail the Two Merk Lands of *Creochs*, the Three Pound Lands of *Hydersynones* or *Meikle Sinones*,

Sinones, the Ten Shilling Land of *Auchinfadd*, the Thirty Shilling Land of *Little Barlockhart*, the Three Merk Lands of *Dirvaird* or *Dirwairdie*, the Three Merks and a Half Merk Lands of *Barnsallie* or *Barnsailzie*, the Four Merk Lands of *Glenhovel*, the Five Pound Lands of *Carsecreoch*, the Three Pound Lands of *Knock*, the Two Merk Lands of *Dirsculbyn*, the One Merk Land of *Dirnan*, the Four Pound Lands of *Grennan*, the Three Merk Lands of *Gass*, the Four Merk Lands of *Drumgangour*, the Sixteen Shilling Eight Penny Land of *Dirgollis*, the Ten Shilling Land of *Dowgree*, the Three Merk Lands of *Kilmacfadzean*, the Two Merk Lands of *Dalnigepp*, the One Merk Land of *Craigoch*, the Three Merk Lands of *Dalshangan* or *Barnsangan*, the Six Merk Lands of *Knocktibber* or *Knocktibae*, the Five Merk Land of *Arriowland*, the Ten Merk Land of *Barnes*, with the Mill, Mill Lands, and astricted Multures of the same, the Seven Merk Lands of *Airthfield*, the Five Merk Land of *Gillespick*, and Teind Sheaves thereof included, the Four Merk Lands of *Machriemore* otherwise called *Knocklessan*, and Teind Sheaves thereof included, the Four Merk Lands of *Nether Synones* or *Little Synones*, and Teind Sheaves thereof included (which said Lands having the Teind Sheaves included with and never separated from the same are commonly called Formlands), as also the Lands of *Meikle Barlockhart* and Lands of *Cassindock* or *Cassingennet*, together with the Fishing of Salmon on the Water of *Luce* from the Head to the Foot thereof, and Fishing used and wont in the Sea, and all Towers, Fortalices, Manor Places, Houses, Biggings, Yards, Orchards, Parts, Pendicles, and Pertinents of the samen Lands and others foresaid, all which last-mentioned Lands of *Creochs*, and others following the same, were some Time Parts of the Lordship and Barony of *Glenluce*, and lye within the Sherifffdom of *Wigtoun*; and, moreover, all and hail the Lands of *Barmuck* and *Wood*; the Lands of *Martnaham-mains*; the Lands of *Know* and *Craigstoun*; the Lands of *Raithhill*; the Lands of *Meikle* and *Little Boymanstouns*; the Mill and Mill Lands of *Martnaham*; the Lands of *Miltoun*; the Lands of *Hutchiestoun*; the Two *Boigsides*; the Lands of *Pettock*; the Lands of *Bowboigside*; the Lands of *Windyhill*, the Lands and Mains of *Lochhead*; Lands of *Barnhill*; the Lands of *Sandhill*; the Lands of *Northbrae*; the Lands of *Whitehill*; the Lands of *Bridge*; the Lands of *Craigs*; the Lands of *Gillestoun*; the Lands of *Corsehill*; the Lands of *Bridgend* and *Roddinghead*; the Lands of *Loansfoot*, of *Corsehill*; the Lands of *Harriestoun* and *Midlerigs*, and Lands of *Deuchrays*; and also all and hail the Lands of *Overton*; the Lands of *Over* and *Nether Bargannochs*; the Lands of *Potterston*, *Warshill*, *Drumwhill*, with a proportional Part of the Commony and Muir of *Martnaham* corresponding to the Quantity of the said Lands, extending in hail to a Ten Merk Land; together with the sundry Houses, Biggings, Yards, Orchards, Woods, Fishings, Mills, Multures, Sucken, and Sequels thereof, and whole other Pertinents of the said respective Lands; and likeways all and hail the Two Merk Lands of *Lochfergus*, with the Loch thereof, and Island within the same, with Houses, Biggings, Yards, Parts, Pendicles, and Pertinents thereof; and all and hail the Twenty Shilling Land of *Potterstondun*, the Merk Land of *Whiteston*, the Two Merk Land of *Yeomanstoun*, and the Merk Land of *Bonestoun*, with Parts, Pendicles, and Pertinents thereof, and an annual

annual Rent of Twenty-two Merks Money upliftable out of the Lands of *Skeldon*, for Relief of the Feu Duty payable out of the said Lands of *Potterstoundun*, *Whiteston*, *Yeomanstoun*, and *Bonestoun*; and also all and hail the Lands of *Roodland*, *Knocksoul*, and *Car-willkie*, with the Parts, Pendicles, and Pertinents, all which last-mentioned Lands of *Barmuck* and *Wood*, and others following the same, lye in the Parishes of *Dalrymple*, *Coilton*, and *Ayr* respectively, and within the Sheriffdom of *Ayr* aforesaid; and, furthermore, all and sundry the Teind Sheaves and other Teinds, Parsonage and Vicarage, great and small, of the whole Lands and others above written, and hail Parts, Pendicles of the same, with all other Lands, Teinds, and other Heritages whatsoever which may have pertained to the said *John* Earl of *Cassillis* at his Decease, with all Parts, Pendicles of the same, and all Right, Title, Interest, Claim of Right which he, his Predecessors or Authors, or his Heirs and Successors, had or could have, claim, or pretend to the said Lands and others foresaid, or any Part thereof; all which Lands and others generally and particularly before described were included in the foresaid Deed of Entail executed by the said *John* Earl of *Cassillis*, but with a Declaration that as sundry of the Lands therein mentioned did not pertain to him in Property, but only in Superiority, or as Tenandry holding of him, so, in case any of his Heirs of Tailzie and Provision aforesaid should happen to be a Proprietor of any of the said Lands holden of him, it should be leesome and lawful to such Heir and those succeeding him to bruik and enjoy the Property of such Lands by virtue of their other Rights, and to dispose of the same in the same Way and Manner in every other respect as they might have done before their becoming vested in the Superiority thereof in virtue or in consequence of the said Entail, and which in fact was the Case as to some of the Lands after mentioned belonging to the said *David* Earl of *Cassillis*; and, further, all and whole the following Lands, Baronies, and others which then belonged to the Entailer in Fee Simple or were at his Disposal; *videlicet*, all and hail the Lands and Barony of *Culzean*, comprehending therein the Twenty Pound Lands of *Culzean*, with the Mill, Mill Lands, astricted Multures, and hail Pertinents thereof; the Four Pound Lands of *Glenalloway* and *Auchalton*, and the Five Merk Lands of *Riddleston*, of old Extent, with their Pertinents, all of old united and erected into a free Barony called the Barony of *Culzean*; and also all and hail the Forty Shilling Land of *Coiff*, with the Tower, Fortalice, Manor Place, Yards, Orchards, and hail other Pertinents thereof, lying in the Parish of *Kirkoswald*, late Bailliary of *Carrick*, and the Sheriffdom of *Ayr*, united and erected into One whole and free Tenandry called the Tenandry of *Coiff*, with Appointment that the Tower and Manor Place of *Coiff* shall be the principal Messuage of the said Tenandry, and with Dispensation that One Seisin taken at the said principal Messuage of *Coiff* shall stand and be sufficient for the said hail Lands of *Culzean*, *Glenalloway*, *Auchalton*, *Riddleston*, and *Coiff*, united into One free Tenandry as said is, notwithstanding that they do not lye contigue; and likewise all and hail an annual Rent of One hundred and twenty Pounds *Scots* Money yearly to be uplifted and taken at Two Terms in the Year, *Whitsunday* and *Martinmas*, by equal Portions, forth of all and hail the Lands and Barony of
Girvanhead

Girvanhead called *Stratoun*, lying in the said late Bailliary of *Carrick* and in the said Sheriffdom of *Ayr*; and, further, all and hail the Ten Pound Land of old Extent of *Drumgirloch* and *Drumbane*, with Houses, Biggings, Yards, and Pertinents thereof, with the Teinds of the said Lands included, and which were never separated from the same, with the Freedom of Boats to fish in the Sea, the Privilege of Wrack and Ware, and Freedom and Privilege to the Tenants and Occupiers of the foresaid Lands at the Mill commonly called the *Abbotmill*, according to Use and Wont, together with Cunnings and the Cunnigars situated upon the said Lands, and all other Liberties, Privileges, Parts, Pendicles, and Pertinents thereto belonging, lying in the Lordship of *Crossraguel*, the late Bailliary of *Carrick*, and Sheriffdom of *Ayr* aforesaid; and, moreover, all and hail these Tenements, Biggings, Yards, and Pertinents lying in the Town and Territory of *Maybole*, beginning from the Tenement which pertained to the deceased *Thomas Speir*, Tailor in *Maybole*, inclusive, in the South Part of the said Town, comprehending the hail South Side of the Vennal called the *Kirkgate Vennal*, and the Houses on the West Side of the Kirkyard of *Maybole*, all the Way to and including the House which some Time pertained to *Elizabeth Hutcheson*, and afterwards to *Agnes Binning*, and the Wallstead which of old belonged to *John Hutcheson*, lying upon the North-west Side of the said Kirkyard, and the Wallstead and Yard in the said Town at the Corner of the *Foul Vennal*, and in the West Part thereof; and also all and hail the Forty Shilling Lands of *Corroway*, the Two and a Half Merk Lands of *Culroy*, the Two Merk Lands of *Chapeldonan*, and Forty Shilling Lands of *Blair* called *Blairmacmurries*, extending to a Seven Pound Lands of old Extent, with the Houses, Buildings, Yards, Orchards, Outsetts, Insets, Mills, Multures, Fishings, Parts, Pendicles, and Privileges of the same whatsoever, lying within the Parish of *Kirkoswald*, late Bailliary of *Carrick*, and Sheriffdom of *Ayr* aforesaid, and which Lands of *Corroway*, *Culroy*, and *Chapeldonan* lye now in the Parish of *Girvan* and Shire of *Ayr* aforesaid; and also all and whole the Lands and Barony of *Turnberry*, with the Mill and Pertinents of the same, Annexis, Connexis, Tenants, Tenandries, and Services of free Tenants, lying within the late Bailliary of *Carrick* and Sheriffdom of *Ayr* aforesaid; and also all and whole the Ten Pound Lands of *Thomastoun*, comprehending the Lands of *Whitestoun*, the Lands of *Glenside*, the Two Lands of *Hillhead*, House and Yards within *Hillhead*, the Lands of *Holehouse*, the Lands of *Quarryhead*, the Four Acres called *Fisher Acres*, the Lands of *Parkhill*, the Lands of *Woodhead*, the Two Lands of *Hogstoun* called *Meikle* and *Little Hogstouns*, with Mills, Mill Lands, Multures, Sucken, and Sequels of the same, the Manor Place of *Thomastoun*, with the Yards, Orchards, and Warrens belonging to the same Lands, and Muir above the House, and some other Houses, Buildings, Yards, Lands, and Meadows, with their Pertinents, belonging to the said Ten Pound Lands, and lying within the said Parish of *Kirkoswald*, late Bailliary of *Carrick*, and Sheriffdom of *Ayr* aforesaid; and also all and whole the Four Merk Lands of old Extent of *Balwaird* otherwise called *Mac Itwairdistoun*, formerly Part of the Barony of *Cassillis*, with the Houses, Buildings, Yards, Orchards, Parts, Pendicles, and all other Pertinents of the same, lying within the Parish of *Kirkoswald*, late

[Private.]

Bailliary of *Carrick*, and Sheriffdom foresaid; and also all and whole the Two and a Half Merk Lands of old Extent of *Meikle Kirklands* of *Kirkoswald*, and Twenty Shilling Land of old Extent of *Little Kirklands* of *Kirkoswald*, extending in whole to a Four Merk Lands of *Kirklands* of *Kirkoswald*, with the Houses, Buildings, Yards, and other Pertinents of the same, lying within the said Parish of *Kirkoswald*, late Regality of *Crossraguel*, late Bailliary of *Carrick*, and Sheriffdom of *Ayr* aforesaid; and all and whole the Eight Merk Land of *Balchristins*, with the Teinds of the same included, and which were never separated from the other Fruits of the said Lands; and all and whole the Four Merk Lands of *Balkennay*, and all and whole the Forty Shilling Land of *Mac Gounstoun* and Mill of *Drumgirloch*, with the Multures and Sequels of the same, and with Towers, Fortalices, Manor Places, Houses, Yards, Fishings, and other Parts, Pendicles, and Pertinents whatsoever of the whole foresaid Lands, lying within the Sheriffdom of *Ayr*, and formerly Regality of *Crossraguel* and Bailliary of *Carrick*; as also all and whole the Five Merk Land of old Extent of *Dunnymuch*, with the Pendicles and Pertinents of the same, lying within the said Sheriffdom of *Ayr*, and formerly within the Regality of *Crossraguel* and Bailliary of *Carrick*; all and whole the Lands and Barony of *Ballochneil*, extending to a Twelve Pound Land of old Extent lying in the Parish of *Kirkoswald*, late Bailliary of *Carrick*, and Sheriffdom of *Ayr*, and comprehending therein the particular Lands after mentioned; *videlicet*, the Lands of *Ballochneill*, with the Mill and Mill Lands of the same, including *Croftingie*, Lands of *Hillowshean*, Lands of *Hillend*, Lands of *Broadshean*, Lands of *Northsheen*, Lands of *Corriestoun*, and Lands of *Minniebae*, with Houses, Buildings, Yards, Woods, Fishings, Mosses, Muirs, Meadows, and Teinds, Parsonage and Vicarage, of the whole foresaid Lands, and whole Parts, Pendicles, and Pertinents of the same; all and sundry the Lands, Baronies, and other Heritages after described; *videlicet*, all and whole the Lands and Barony of *Greenan*, comprehending the Forty Shilling Land of the Mains of *Greenan*, with the Tower, Fortalice, Manor Place, Yards, Orchards, Cuningars, and other Pertinents of the same; the Lands and Island of *Cuningpark*, and Pertinents of the same; the Forty Shilling Land of *Balbeg* and *Mackillupstoun*; the One Merk Land of *Milntown* of *Greenan*, with the Mill, Mill Lands, Multures, and Sequels of the same; the Forty Shilling Land of *Macleriston*; the Forty Shilling Land of *Over* and *Nether Burtouns*; the Two Merk Lands of *Stain Balleroch* and *Kylestoun*, extending in whole to a Ten Pound Land of *Greenan*, bounded and marked in common Language as follows; *videlicet*, beginning at the Foot of the Hill of *Glesberryhead*, at the Sea-side, and therefrom passing North-east through the Lands to the *Blackburn*, betwixt the Lands of *Greenan* and the Hills of *Ayr*, and from the said *Blackburn* passing South to the *Craigweel*, and from the said *Craigweel* to the March of the Lands of *Newark*, and to the Marchburn or Syke of *Whitelies* and *Pinmore*, and from the Marchburn or Syke of *Whitelies* and *Pinmore*, beginning through the midst of the Moss called *Sauchry Moss*, South-east to the *Whitecraig*, and from the said *Whitecraig* passing to the *Rottencraig* and *Reidcraig*, to the North-west Side of the Hill of *Crochmore*, and the Hill and Moss of *Blairbowie*, and circuiting about the Muir from the
Marchburn

Marchburn of *Craigskeen* to the Head of the Cornland of *Corriewinshot*, *Pirriestoun*, and *Corriefinton* and *Kyleston*, and therefrom passing down by the March of *Kylestoun* to the Sea-side at the Foot of the foresaid Hill of *Gilsberryhead*, where it began, together with the Fishings, Zairs, and Cruives, and Salmon and White Fish, both in the salt and fresh Waters, with Boats in the Sea and Bait in the Sand for catching the Fishes opposite to the said Lands, and with Boats, One or more, for fishing Salmon in the River *Doon*, or in the Sea between the Place of *Greenan* and *Saint John's Church* in *Ayr*, and the whole Fishings of the said River of *Doon* on both Sides of the same to the farthest Part of the said Lands of *Greenan* above *Craigweel*, bounded with the Lands of *Newark*, with all and sundry Parts, Pendicles, Annexis, Connexis, Outsetts, Insets, Tenants, Tenandries, and Services of free Tenants, Cunningars, Links, Woods, Yards, Orchards, and other Pertinents whatsoever of all and whole the foresaid Lands, Milns, Fishings, and others, all erected and incorporated into One whole and free Barony, called the Barony of *Greenan*, lying within the Sheriffdom of *Ayr*, and formerly within the Bailliary of *Carrick*; all and whole the Three Pound Land of old Extent of *Wester Newark*, and the Forty Shilling Land of *Easter Newark*, and all and whole the Twenty Shilling Land of *Hillend*, extending in whole to a Six Pound Land of Extent foresaid; and also the Lands of *Drumgillon*, which are Parts and Pertinents of the foresaid Lands of *Hillend*, together with the Teinds, Parsonage and Vicarage of the said whole Lands, and with the Manor Place, Tower, Fortalice, Houses, Buildings, Yards, Orchards, Woods, Fishings, Annexis, Connexis, Parts, Pendicles, and sundry Pertinents of the same, lying in the Parish of *Maybole*, late Bailliary of *Carrick*, and Sheriffdom of *Ayr*; and also all and whole the Lands of *Meikle* and *Little Smithstouns*, the Lands of *Saint Murray*, the Lands of *Over Culzean*, and the Lands of *Cargilstoun*, and Teinds, Parsonage and Vicarage of the whole said respective Lands, with the respective Houses, Buildings, Yards, Orchards, Muirs, Marshes, Woods, Fishings, Parts, Pendicles, and Pertinents of the same whatsoever, all lying within the said Parish of *Maybole*, late Bailliary of *Carrick*, late Regality of *Crossregal* and *Monkland*, and Sheriffdom of *Ayr*; all and whole the Lands of *Pennyglen*, with the Tithes, Parsonage and Vicarage, thereof, and the Houses, Biggings, Yards, Orchards, Woods, and whole Pertinents of the same, lying within the Parish of *Maybole*, Earldom of *Carrick*, and Sheriffdom of *Ayr*; all and whole the One Merk Land of *Enoch*, of old Extent, with Houses, Biggings, Yards, and Pertinents of the same; all and whole the One Merk Land of *Meikle Enoch*, of old Extent, lying next to the Lands of *Pennyglen*, all within the Parish of *Maybole*, late Bailliary of *Carrick*, and Sheriffdom of *Ayr*; as also all and whole the Lands of *Daljarbrie* or *Jedburgh* commonly called *Glenstinchar*, comprehending the Lands of *Kerrochine* or *Knockeen*, *Balskaig*, *Craigmalloch*, *Milnjoan*, *Milntoun*, *Daljarbrie* or *Jedburgh*, *Jarbriemill*, *South Balloch*, *Carnfour*, *Polmoodie*, *Carnscult*, and Merk Land, lying within the Parish of *Barr*, late Bailliary of *Carrick*, and Sheriffdom of *Ayr* foresaid, and which were formerly Parts of the Forty Merk Land of *Dalquharran*; all and whole that Part and Portion of the Lands and Barony of *Whitefoord* commonly called *Blairquhan*, called the

Twenty

Twenty Shilling Land of *Ballochbeaties*, with Houses, Biggings, Yards, Parts, Pendicles, and Pertinents, Teinds, Parsonage and Vicarage, of the same, lying in the Parish of *Straitoun*, Bailliary of *Carrick*, and Sheriffdom of *Ayr*; all and whole the Subjects feued out by the Magistrates of *Ayr* to *Charles Dalrymple* of *Orangefield*, called the Mills of *Alloway*, with the Mill Dam and Mill Houses, and these Eight Acres of Land or thereby some Time possessed by *Andrew Goudie* and the Two *William Galts*, with the Pertinents, lying in the Barony of *Alloway* Parish and Sheriffdom of *Ayr*, bounded as follows, on the South-west and North by the Water of *Doon*, and on the East by the old Road that led by the Dyke-head Houses to the Bridge of *Doon*, now fixed by a Dyke drawn along the March on the East; all and whole that Citadel lying near the Burgh of *Ayr* commonly called the *Citadel of Ayr*, built there by the late Usurper, with the Magazine Houses and all other Houses, Buildings, Walls, Fences, Ditches, with the Wood and Iron-Works, Stones, Bounds, Landport, Haven, Parts, Pendicles, and Pertinents whatsoever belonging or which should justly pertain to the same within or without the Walls thereof, or which were possessed or acquired by the said late Usurper, within the whole Bounds of the said Citadel or thereto adjacent, of whatever Name or Designation, which were erected and incorporated into One whole and free Barony, Regality, and Burgh of Regality called *Montgomrieston*, with a free Chapel and Chancery, and all other Privileges, Liberties, and Immunities belonging or which should belong to any Barony, Regality, or Burgh of Regality within this Kingdom, with Power of constituting Baillies and other Magistrates, of creating Burgesses, of erecting Trades, of using and exercising all other Liberties belonging to any Burgh, Regality, and Burgh of Regality, and with Power of granting Liberty to the Burgesses and Inhabitants of using and exercising all Kinds of Trades as freely as in any other Burgh of Regality within the Kingdom, with Power of holding Courts and erecting all the necessary Members of a Court, and also with Liberty of a weekly Market upon *Thursday*, and free Fairs upon the Tenth Day of the Month of *June*, with Customs and Duties belonging to said free Fairs and weekly Markets, and with Power also of transacting all other Things and of enjoying all other Privileges and Immunities, of levying and receiving, and applying to their own Use, all Customs and other Duties whatsoever belonging or which does belong to any Barony, Regality, or Burgh of Regality, Port, Haven, and Harbour within the said Kingdom; as also all and whole these Lands which belonged to *John Christian* of *Cunningpark*, some Time Merchant in *Ayr*, South of *Bridgehouseburn*, comprehending the Lands of *Gairholm* and Piece of Land now called *Gowks-croft*, being that Part of the Lands of *Cunningpark* lying betwixt *Gairholm* and *Bridgehouseburn*, bounded on the North by *Bridgehouseburn*, the Water of *Doon* on the South and West, and the Lands of *Samuel Mac Cormick* and Doctor *William Dalrymple* on the East, consisting of about Twenty-two *English* Acres, and including the Orchard, together with the Steadings of Houses possessed by *Robert Jamieson* and *Thomas Mac Clatchie*, lying in the Parishes of *Ayr* and *Maybole* and Shire of *Ayr*, with the whole Parts, Privileges, and Pertinents of the same as contained

tained in a Disposition of the same granted by *David Cathcar* of *Greenfield*, Esquire, to the Entailer, dated the Sixth Day of *February* One thousand seven hundred and eighty-six Years; as also all and whole the Five Merk Land of *Tybermorrie* otherwise *Kyles-toun*, with the Pertinents, lying in the Lordship of *Monkland*, Parish of *Maybole*, late Bailliary of *Carrick*, and Sheriffdom of *Ayr*; as also all and whole the Parsonage Teinds of the following Lands and others lying in the Parish of *Colmonell* and Shire of *Ayr*, belonging to and then possessed by the said *David* Earl of *Cassillis*; *videlicet*, of all and whole the Lands of *Arnshean Tremarco* alias *Half Merk Land*, *Arioun*, and *Tower Luggage*, *Darnarroch*, *Killigrossan*, *Knock-ticoid*, *Craigans*, *Dourie*, *Quhoriel* alias *Dochroil Farden*, and *Dal-tangan* alias *Dalshangan*, extending to an Eighteen Merk Land of old Extent; as also of the Lands of *Chirmorry*, the Five Merk Land of *Over* and *Nether Altercannocks* commonly called and known by the Name of *Altercaunocks*, and *Lochland* alias *Lindroische*, now called *Lochtown*, with the Miln thereof, excepting the Teinds of these Parts of the said Lands of *Over* and *Nether Altercannocks* belonging to *John Mac Mickan* of *Killantringan*; as also of all and whole the Fifty Shilling Land of *Craigneil*, *Beauch*, *Craigtoun*, and *Holme*, now called and possessed by the Names of *High* and *Laigh Craigneil*, with the Mill of *Craigneil*, the Lands of *Over Altikaine*, and Lands of *Over Dangar*; and also of the Lands of *Drumwauchtie* and *Ballig*, now known and called *Drumskeoch* and *Ballignorrie*, with the Parts and Pertinents thereof, lying in the said Parish of *Colmonel* and Shire of *Ayr*; as also all and whole the Sixteen Shilling and Eight Penny Land of *Fardinreoch* and *Little Farden*, lying in the Parish of *Bar* and Sheriffdom of *Ayr*; but always with and under the Conditions, Provisions, Restrictions, Limitations, and Clauses prohibitory, irritant, and resolute, Reservations, Powers, and Faculties therein mentioned which are usual in Settlements of Lands in strict Entail in the Law of *Scotland*: And whereas the said *David* Earl of *Cassillis* having died, he was succeeded in the said entailed Estates of *Cassillis* and *Cullean* by *Archibald* Earl of *Cassillis*, Father of the said *Archibald* Marquess of *Ailsa*, who made up Titles to the said Estates, which are held partly under the Crown and partly under the Prince and Steward of *Scotland*, by expeding the following Titles thereto; a Charter of Resignation under the Great Seal in favour of the said *Archibald* Earl of *Cassillis* and Heirs of Tailzie foresaid, comprehending those Parts of the entailed Estate of *Cassillis* and *Cullean* holding under the Crown, dated the Fifth Day of *July*, written to the Seal, registered and sealed, Second Day of *September*, both in the Year One thousand seven hundred and ninety-three; Instrument of Sasine following thereon in favour of the said *Archibald* Earl of *Cassillis*, dated the Twenty-eighth Day of *September* and registered in the General Register of Sasines at *Edinburgh* Eighteenth *November*, both in the Year One thousand seven hundred and ninety-three; a Charter of Resignation under the Prince's Seal in favour of the said *Archibald* Earl of *Cassillis* and the Heirs of Tailzie foresaid, comprehending those Parts of the entailed Estates of *Cassillis* and *Cullean* holding of the Prince, dated Fifth Day of *July*, written to the Seal, registered and sealed, the Second Day of *September*, both in the Year One thou-

[Private.]

4 a

sand

sand seven hundred and ninety-three, and Instrument of Sasine following thereon in favour of the said *Archibald* Earl of *Cassillis*, dated the Twenty-fifth Day of *September*, and registered in the General Register of Sasines at *Edinburgh* the Eighteenth Day of *November*, both in the Year One thousand seven hundred and ninety-three: And whereas the said *Archibald* Earl of *Cassillis* having died he was succeeded in the said entailed Estates of *Cassillis* and *Cullean* by the said *Archibald* now Marquess of *Ailsa*, who made up Titles to the said Estates as contained in the Deed of Entail executed by the said *David* Earl of *Cassillis*, by expeding the following Titles; *videlicet*, first, Retour of the Service of the said *Archibald* Marquess of *Ailsa*, therein designated Earl of *Cassillis*, as Heir Male of Line, Tailzie, and Provision in special of the said deceased *Archibald* Earl of *Cassillis* his Father, in the said entailed Estates of *Cassillis* and *Cullean*, dated the Twenty-ninth Day of *April* in the Year One thousand seven hundred and ninety-five; second, Precept from Chancery for infesting the said *Archibald* Marquess of *Ailsa* as Heir foresaid in those Parts of the said entailed Estates holden under the Crown, dated the Second Day of *May* in the Year One thousand seven hundred and ninety-five; and third, Instrument of Sasine following thereon in favour of the said *Archibald* Marquess of *Ailsa*, dated the Ninth and registered in the General Register of Sasines at *Edinburgh* the Twenty-sixth Days of the same Month of *May*; fourth, Precept from Chancery for infesting the said *Archibald* Marquess of *Ailsa* as Heir foresaid in those Parts of the said entailed Estates holding under the Prince, dated the Second Day of *May* in the Year One thousand seven hundred and ninety-five; and fifth, Instrument of Sasine following thereon in favour of the said *Archibald* Marquess of *Ailsa*, dated the Ninth and registered in the General Register of Sasines at *Edinburgh* the Twenty-sixth Day of the same Month of *May*: And whereas under the Authority of an Act passed in the Sixth and Seventh Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to grant certain Powers to Heirs of Entail in Scotland, and to authorize the Sale of entailed Lands for the Payment of certain Debts affecting the same*, a Contract of Excambion was entered into, at the Sight and with the Approbation of the Court of Session in *Scotland*, in the Manner directed by the said last-mentioned Act, between the said *Archibald* Marquess of *Ailsa* and Sir *David Hunter Blair* of *Brownhill*, Baronet, bearing Date the Twenty-fourth and Twenty-sixth Days of *June* in the Year One thousand eight hundred and thirty-nine, recorded in the Register of Tailzies at *Edinburgh* the Fourth Day of *July* and in the Sheriff Court Books of *Ayrshire* the Eighth Day of *July* thereafter, the said *Archibald* Marquess of *Ailsa* excambed and disposed to the said Sir *David Hunter Blair*, and his Heirs and Successors, the following Parts and Portions of the entailed Estates of *Cassillis* and *Cullean*; *videlicet*, all and whole the Lands of *Largs* and *Kilbride*, *Highgate*, and *Culdoch*, *Darnshalloch Mill* and Mill Lands of *Stratoun* and Village of *Stratoun*, containing sundry Possessions, which Lands are bounded on the East, North, and West by the Property of the said Sir *David Hunter Blair*, and on the South by the Property of Sir *Charles Dalrymple Fergusson* Baronet, all lying within the Parish of *Stratoun* and Shire of *Ayr*, and which Lands and others are comprehended

Excambion
between the
Marquess of
Ailsa and
Sir *David
Hunter
Blair*, 24th
and 26th
June 1839.

hended under or form Parts and Portions of the Subjects thus described in the said Deed of Entail granted by the said *David Earl of Cassillis*; *videlicet*, all and whole the Lands and Barony of *Trayboyack* otherwise called the Barony of *Stratoun*, the Lands of *Girvanhead*, with the Mill and Pertinents, Annexis, Connexis, Dependencies, Tenants, Tenandries, Services of free Tenants, and Pertinents; and, on the other Hand, the said Sir *David Hunter Blair* exchanged and disposed to the said *Archibald Marquess of Ailsa*, and the Heirs succeeding to him in the said entailed Estates of *Cassillis* and *Cullean*, the Lands and Estates herein-after mentioned, which are now held to be a Part of the said entailed Estates, and subject to all the prohibitory, irritant, and resolute Clauses of the before-mentioned Entail thereof executed by the said *David Earl of Cassillis*, as if they had been originally a Part of the said entailed Estates; *videlicet*, all and whole these Parts and Portions of the Lands and Barony of *Dunure*; *videlicet*, all and whole the Lands and Farms of *Humeston*, *Castlehill*, *Knowside*, and *Milnreoch* otherwise called *Howmuir*, all as presently occupied by *Alexander Kirkland*, *Alexander Mac Adam*, Mistress and *William Mac Nider*, and *Alexander Eaglesome*, including the Woodland upon the same, and the Two Cottages and Gardens on the Shore of *Castlehill* possessed by *William Brown*, Writer in *Maybole*, and *Thomas White*, with Houses, Buildings, Yards, Parts, Pendicles, and Pertinents of the said Lands and others, all lying in the Parish of *Maybole*, Bailliary of *Carrick*, and County of *Ayr*, and which Lands are described in Schedule (C.) annexed to an Act of Parliament passed on the Twenty-ninth Day of *May* One thousand eight hundred and thirty, in the Eleventh Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to*

vest a Part of the entailed Estate of Dunure and others in the County of Ayr in Trustees in Fee Simple, for the Purpose of disposing of or applying the Lands so vested, or the Price thereof, or the Securities to be granted thereon, towards satisfying the Debts contracted for Money laid out in the Improvement of the said entailed Estate, as follows; videlicet, first, those Parts of the Farm of Humeston, Brae, Rancock, Castlehill, and High Hilton, now known by the Name of Humeston, all as some Time possessed by James Sinclair senior and James Sinclair junior, being Parts of the Barony of Dunure, lying in the Parish of Maybole, Bailliary of Carrick, and Shire of Ayr; second, those Parts of the Lands of Castlehill, High Hilton, and Rancock, as some Time possessed by James and William Cunningham, under the Name of Castlehill, being Parts of the said Barony, and lying within the Parish, Bailliary, and Sheriffdom foresaid; third, the Farms and Lands of Laigh Hilton, Knowside, and Ardachy, and that Part of the Hill of Dunure which some Time belonged to the Farms of Brae, Humeston, Rancock, Castlehill, and Hilton, running North to the Step of the Moss, as the same were possessed by Joseph Mac Nider, being Parts of the said Barony, and lying within the Parish, Bailliary, and Sheriffdom foresaid; fourth, the Farm of Milnreoch otherwise called Howmuir, with that Part of the Muir of the said Barony of Dunure which lies betwixt Milnreoch and the Muir let to Joseph Mac Nider, being Part of the said Barony, and lying within the Parish, Bailliary, and Sheriffdom foresaid; as also about Sixteen Acres of Woodland; as also all Right of Salmon Fishing or other Fishing competent

11 G. 4. & 1
W. 4. c. 21.

Excambion
between the
Marquess, as
Heir of En-
tail, and
himself, as
Proprietor
of Lands in
Fee Simple,
27th June
1840.

competent to *Thomas Francis Kennedy* Esquire, of *Dunure*, his Ancestors and Authors, in the Sea, *ex adverso* of the said Lands or otherwise, reserving to the said *Thomas Francis Kennedy*, his Heirs and Successors, Proprietors of the Lands of *Drumshang* and Mill of *Dunure*, the Supply of Water presently enjoyed by him or his Tenants from the Highland of *Knowside* for the Uses of *Drumshang* and the Mill of *Dunure*, together with the Right of continuing the present Aqueduct from the Dam, and free Access to both, which are reserved to the Proprietors of the said Lands and Mill, and also reserving a Right of Access to the Shore of *Drumshang* by the Road leading from the public Road near to *Knowside* Steading to the Shore: And whereas, under the Authority of the before-recited Act of the Sixth and Seventh Year of the Reign of His late Majesty King *William* the Fourth, a Contract of Excambion was entered into, at the Sight and with the Approbation of the Court of Session in *Scotland*, in the Manner directed by the said last-mentioned Act, between the said *Archibald* Marquess of *Ailsa*, as Heir of Entail in Possession of the said entailed Estates of *Cassillis* and *Cullean*, and himself, as Proprietor of certain Lands and Estates in Fee Simple, bearing Date the Twenty-seventh Day of *June* in the Year One thousand eight hundred and forty, and registered in the Register of Entails in *Scotland* the Fourth Day of *July* and in the Sheriff Court Books of *Ayrshire* the Thirteenth Day of *July* thereafter, the said *Archibald* Marquess of *Ailsa* excambed and disposed to himself and his Heirs and Successors in Fee Simple the following Parts and Portions of the entailed Lands and Estates of *Cassillis* and *Cullean*; *videlicet*, all and whole the Lands or Farms of *Dangart*, *Drumskeoch*, and *Farden*, and the Lands and Farms of *Craigneil*, with the Mill and the Lime Work thereon, and *Ballegnory*, all which Lands formed Parts and Portions of the Barony of *Cullean* and Earldom and Lordship of *Cassillis* respectively, and lie within the Parish of *Colmonell* and County of *Ayr*, and which Lands or Farms thereby excambed are more particularly comprehended under the Subjects Parts also of the said Barony and Earldom and Lordship, which are thus described in the said Deed of Entail of *David* Earl of *Cassillis*; *videlicet*, all and hail the Lands underwritten, called *Wallacelands*, *videlicet*, the Lands of *Leffindinoul*; the Lands of *Langlane* and *Arrelogach* or *Alchoie*, the Two Merk Lands of *Barthullan*, the Twenty Shilling Lands of *Glaickley*, the Lands of *Over Altikane*, the Lands of *Shallochtegg*, the Two Merk Land of *Strowarran*, the Twenty Shilling Land of *Corleffin*, the Lands of *Penwherrie*, the Lands of *Drummauchtie*, the Twenty Shilling Lands of *Arnimuil*, the Lands of *Mac Colmestoun*, the Lands of *Over Dangar*, the Sixteen Shilling and Eightpenny Lands of *Nether Dangar*, the Lands of *Balbeg*, the Twenty Shilling Lands of *Stralachon*, and the Merk Land of *Bardrochat* or *Bardrochwood* of old Extent, with all and sundry Towers, Fortalices, Houses, Biggings, Yards, Orchards, Tenants, Tenantries, and Services of free Tenants of the said Lands, extending to Twenty-five Merk Lands of old Extent, commonly called *Wallace Lands*, and lying within the Parishes of *Colmonell* and *Innertig* respectively; and, furthermore, all and hail the Fifty Shilling Lands of *Craigneil*, *Beauche*, *Craigtounie*, and *Holm*, the Twenty-five Shilling Land of *Beauche* alias *Caranoquhowack*, along
with

with the Parsonage Teinds of the said Lands of *Craigneil*, *Beauche*, *Craigtounie*, and *Holm*; and, furthermore, all and sundry the Teind Sheaves and other Teinds, Parsonage and Vicarage, great and small, of the whole Lands and others above written, and hail Parts, Pendicles, and Pertinents of the same; as also all and whole the Parsonage Teinds of the following Lands and others lying in the Parish of *Colmonell* and Shire of *Ayr*; *videlicet*, *inter alia*, of all and whole the Fifty Shilling Land of *Craigneil*, *Beauche*, *Craigtoune*, and *Holm*, now called and possessed by the Names of *High* and *Laigh Craigneil*, with the Mill of *Craigneil*, the Lands of *Over Altikaine* and Lands of *Over Dargar*, and also of the Lands of *Drumwauchtie* and *Balbeg*, now known and called *Drumskeoch* and *Ballignoire*, with the Parts and Pertinents, thereof lying in the said Parish of *Colmonell* and Shire of *Ayr*; as also all and whole that Citadel lying near the Burgh of *Ayr* commonly called the *Citadel of Ayr*, built there by the late Usurper, with the Magazine Houses, and all other Houses, Buildings, Walls, Fences, Ditches, with the Wood and Iron Works, Stones, Bounds, Land Port, Havens, Parts, Pendicles, and Pertinents whatsoever; and, on the other Hand, the said Marquess excambed and disposed to himself and the Heirs succeeding to him in the said entailed Estates of *Cassillis* and *Cullean* the Lands and Estates after mentioned, which are now held to be a Part of the said entailed Estates, and subject to all the prohibitory, irritant, and resolute Clauses of the before-mentioned Entail thereof executed by the said *David Earl of Cassillis*, as if they had been originally a Part of the said entailed Estates; *videlicet*, the Forty Shilling Land of *Wester Duneven*, the Forty Shilling Land of *Trees* alias *Duneven*, and Four Pound Land of *Easter Duneven* alias *Boighead* and *Boigside*, with the Parsonage Teinds of the said hail Lands included, and the several Houses, Parts, and Pendicles of the same, lying in the Parish of *Maybole* and Sheriffdom of *Ayr*; as also all and whole the Lands and Mailling of *Craigdow* and *Lochderry*, with Houses, Biggings, Yards, Parts, Pendicles, and Pertinents thereof, lying in the Parish of *Kirkoswald*, Bailliary of *Carrick*, and Sheriffdom of *Ayr*, as the principal Lands, and in real Warrantice thereof, all and whole the Lands of *Drummochreen*, whereof the following Lands are Parts and Pertinents; *videlicet*, the High Mains of *Drummochreen*, the Waulk Mill of *Drummochreen* and Parts thereof, the Midtown *Drumellan*, *Dirty Dubbs*, *Craighead*, and *Car skull*, with the Mansion House of *Drummochreen*, Houses, Biggings, Yards, Parts, Pendicles, and Pertinents thereof, lying in the Parish of *New Dailly*, and Bailliary and Sheriffdom of *Ayr* foresaid, disposed in real Warrantice of the said Lands of *Craigdow* and *Lochderry*, with the Pertinents thereof, and which Lands of *Craigdow* and *Lochderry* are bounded as follows; *videlicet*, by the Farm of *East Threave*, the Property of *Thomas Francis Kennedy* Esquire, of *Dunure*, and his Trustees, on the East, the Line of March being indicated by a Turf Fence by the Properties of the said *Archibald Marquess of Ailsa* and of *Sir Charles Fergusson of Kilkerran*, Baronet, on the North and South Parts respectively, and by the Lands of *Dalquharran*, the Property of the said *Thomas Francis Kennedy*, also on the South Parts, the Line of March at this

[Private.]

4 b

Boundary

Boundary consisting of a Water Run for a few Yards from the public Road from *Kirkoswald* to *Dalquharran* Colliery, and thence of an open Cast running North-east and North-west, or nearly so, till it joins the said March between the Lands of *East Threave* and *Craigdow*, and which Lands of *Craigdow* and *Lochderry* are thus described in Schedule (C.) annexed to the before-mentioned Act passed in the Eleventh Year of the Reign of His said Majesty King *George* the Fourth, for vesting Part of the entailed Estate of *Dunure* in Trustees; *videlicet*, the Lands of *Craigdow* and *Lochderry*, lying within the Parish of *Kirkoswald* and Sheriffdom of *Ayr*, for One thousand eight hundred and twenty-eight, Tenant or Occupier *Richard Mac Candlish*, Rent, Ninety Pounds: And whereas the said *Archibald* Marquess of *Ailsa* made up Titles to the excambed Lands acquired by him from the said Sir *David Hunter Blair* of *Brownhill*, and which are held of the Prince under the said Contract of Excambion between him and the said Sir *David Hunter Blair* by an Instrument of Sasine following on the said Contract of Excambion in favour of the said *Archibald* Marquess of *Ailsa*, dated the Twenty-seventh Day of *September* and registered in the General Register of Sasines at *Edinburgh* the Eighteenth Day of *October* in the Year One thousand eight hundred and thirty-nine, and Charter of Confirmation under the Prince's Seal in favour of the said *Archibald* Marquess of *Ailsa*, and the Heirs of Tailzie foresaid, dated the Twenty-first Day of *December* in the Year One thousand eight hundred and forty, written to the Seal, registered and sealed the Twenty-ninth Day of *June* in the Year One thousand eight hundred and forty-one: And whereas the said *Archibald* Marquess of *Ailsa* made up Titles to the Lands of *Dunevens*, and others, being the first Portion of the excambed Lands herein above described, which Lands at the Date of the Excambion thereof belonged to himself in Fee Simple, holden under himself and his Heirs of Entail as Superiors, and the Property of which he consolidated with the Superiority by the following Writs; *videlicet*, the Contract of Excambion entered into between the said *Archibald* Marquess of *Ailsa* as Heir of Entail and as Proprietor in Fee Simple, dated and registered as above mentioned; a Charter of Resignation and Confirmation by *Alexander Hunter*, Writer to the Signet, as Commissioner for the said *Archibald* Marquess of *Ailsa*, as Superior, to and in favour of the said *Archibald* Marquess of *Ailsa* himself, and his Heirs of Tailzie aforesaid, dated the Twenty-eighth Day of *April* in the Year One thousand eight hundred and forty-one; Instrument of Sasine following thereon, dated the Thirtieth Day of *October* and registered in the General Register of Sasines at *Edinburgh* the Third Day of *November* One thousand eight hundred and forty-one; Procuratory of Resignation *ad perpetuam remanentiam* by the said *Archibald* Marquess of *Ailsa* in favour of himself and his Heirs of Tailzie foresaid, dated the Twenty-seventh Day of *December* in the Year One thousand eight hundred and forty-one; Commission by the said *Archibald* Marquess of *Ailsa* in favour of *George M'Clelland*, Writer to the Signet, and another therein named, or either of them, for receiving the Resignation above mentioned, dated the Twenty-seventh Day of *December* One thousand eight hundred and forty-one, registered

registered in the Books of Council and Session the Twenty-eighth Day of *January* in the Year One thousand eight hundred and forty-two, and Instrument of Resignation *ad perpetuam remanentiam* in favour of the said *Archibald* Marquess of *Ailsa*, following on the foresaid Procuratory, dated the Ninth and registered in the General Register of Sasines at *Edinburgh* the Fifteenth Day of *February* One thousand eight hundred and forty-two: And whereas the said *Archibald* Marquess of *Ailsa* made up Titles to the excambed Lands of *Craigdow* and *Lochderry*, and Warrandice Lands thereto attached, being the second Portion of the excambed Lands herein above described, acquired from himself, which Lands are held of the Crown, and had prior to the Excambion belonged to the said *Archibald* Marquess of *Ailsa* in Fee Simple by the following Writs; *videlicet*, first, a Disposition of the said Lands dated the Eighteenth *September*, Twentieth and Twenty-fourth *November*, all in the Year One thousand eight hundred and thirty-eight, granted in favour of the said *Archibald* Marquess of *Ailsa*, his Heirs and Assignees whomsoever, by *Thomas Francis Kennedy* of *Dunure*, Esquire, as then Heritable Proprietor of the said Lands, and by *John Archibald Murray* Esquire (then Lord Advocate for *Scotland*), *Andrew Rutherford* Esquire (then Solicitor General for *Scotland*), and *Thomas Thomson* Esquire (then Principal Clerk of Session), as Trustees acting under the aforesaid Act of Parliament passed in the Eleventh Year of the Reign of His Majesty King *George* the Fourth, and by *Quintin Kennedy* of *Drumellan*, Esquire, and *Primrose William Kennedy* Esquire, younger, of *Drumellan*, Bankers in *Ayr*, Trustees under the Trust Deed executed by the said *Thomas Francis Kennedy*, therein mentioned, the Contract of Excambion entered into between the said *Archibald* Marquess of *Ailsa* as Heir of Entail and as Proprietor in Fee Simple, dated and registered as above mentioned, Instrument of Sasine following on the Two Conveyances above written, in favour of the said *Archibald* Marquess of *Ailsa*, dated the Twenty-ninth Day of *September* and registered in the General Register of Sasines at *Edinburgh* the Sixth Day of *October* One thousand eight hundred and forty, and Charter of Confirmation under the Great Seal in favour of the said *Archibald* Marquess of *Ailsa* of the foresaid Lands, dated the Twenty-first Day of *December* in the Year One thousand eight hundred and forty, written to the Seal, registered and sealed, the Twenty-ninth Day of *June* in the Year One thousand eight hundred and forty-one: And whereas since the said *Archibald* Marquess of *Ailsa* succeeded to the said entailed Estates of *Cassillis* and *Cullean* he has laid out and expended large Sums of Money in inclosing, planting, and draining the same, and in erecting Farm Houses, Offices, and Out-buildings thereon, to the Benefit and Advantage of the said Estates, and of the Heirs of Entail entitled to succeed to the same, which Sums so laid out in Improvements as aforesaid amount to the Sum of Thirty-eight thousand nine hundred and sixty-one Pounds Sixteen Shillings and Sixpence Three Farthings (as set forth in the Schedule hereunto annexed), in consequence of which Improvements the said entailed Lands and Estates have been much increased in Value: And whereas for Three Fourth Parts of the Sums expended by the said *Archibald* Marquess of *Ailsa* in Improvements, he, in Terms of an Act passed in the Tenth Year of the Reign of His Majesty
King

10G.3.c.51. 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*, obtained Decrees of the Lords of Council and Session of the several Dates underwritten, and which Sums contained in said Decrees are thereby declared Debts against the Heirs of Entail who may succeed to him in the said entailed Estates of *Cassillis* and *Cullean*; *videlicet*, a Decree dated the Twenty-eighth Day of *June* in the Year One thousand eight hundred and thirty-two for Fourteen thousand three hundred and thirty Pounds Eighteen Shillings and Ten-pence Halfpenny, being Three Fourth Parts of the Sum of Nineteen thousand one hundred and seven Pounds Eighteen Shillings and Sixpence, which the said Lords found to have been the Amount expended by the said *Archibald* Marquess of *Ailsa* in Improvements as aforesaid between the Terms of *Martinmas* One thousand eight hundred and twenty-one and *Martinmas* One thousand eight hundred and thirty-one; a Decree dated the Seventh Day of *July* in the Year One thousand eight hundred and thirty-seven for Five thousand three hundred and seventy-two Pounds Sixteen Shillings and Ten-pence Two Twelfth Parts, being Three Fourth Parts of the Sum of Seven thousand one hundred and sixty-three Pounds Fifteen Shillings and Nine-pence Halfpenny found to have been the Amount expended by the said *Archibald* Marquess of *Ailsa* in Improvements as aforesaid between the Terms of *Martinmas* One thousand eight hundred and thirty-one and *Martinmas* One thousand eight hundred and thirty-six; a Decree dated the Twenty-second Day of *January* in the Year One thousand eight hundred and forty for the Sum of Three thousand three hundred and fifty-eight Pounds Two Shillings and Seven-pence Halfpenny, being Three Fourth Parts of the Sum of Four thousand four hundred and seventy-seven Pounds Ten Shillings and Two-pence expended by the said *Archibald* Marquess of *Ailsa* in Improvements as aforesaid between the Term of *Martinmas* One thousand eight hundred and thirty-six and *Thirty-first December* One thousand eight hundred and thirty-eight; a Decree dated the Eighteenth Day of *November* in the Year One thousand eight hundred and forty, for Two thousand and five Pounds Sixteen Shillings and Ten-pence Halfpenny, being Three Fourths of the Sum of Two thousand six hundred and seventy-four Pounds Nine Shillings and Two-pence, the Amount expended by the said *Archibald* Marquess of *Ailsa* in Improvements as aforesaid between the Terms of *Martinmas* One thousand eight hundred and thirty-eight and *Martinmas* One thousand eight hundred and thirty-nine; a Decree dated *Ninth June* One thousand eight hundred and forty-one, for Two thousand three hundred and sixty-seven Pounds Three Shillings and Seven-pence Halfpenny, being Three Fourth Parts of the Sum of Three thousand one hundred and fifty-six Pounds Four Shillings and Ten-pence expended by the said *Archibald* Marquess of *Ailsa* in Improvements as aforesaid between the *Sixteenth November* One thousand eight hundred and thirty-nine and *Twentieth January* One thousand eight hundred and forty-one; a Decree dated the Sixth Day of *December* in the Year One thousand eight hundred and forty-two, for One thousand and forty-one Pounds

Pounds One Shilling and Four-pence Halfpenny, being Three Fourth Parts of the Sum of One thousand three hundred and eighty-eight Pounds One Shilling and Ten-pence, the Amount expended by the said *Archibald* Marquess of *Ailsa* in Improvements as aforesaid between the Twenty-fourth *September* One thousand eight hundred and forty and Tenth *February* One thousand eight hundred and forty-two; and a Decree dated the Twentieth Day of *June* in the Year One thousand eight hundred and forty-three, for Seven hundred and forty-five Pounds Seven Shillings and Three-pence, being Three Fourth Parts of the Sum of Nine hundred and ninety-three Pounds Sixteen Shillings and Three-pence Farthing, the Amount expended by the said *Archibald* Marquess of *Ailsa* in Improvements as aforesaid between the Term of *Martinmas* One thousand eight hundred and forty-one and Twenty-first *January* One thousand eight hundred and forty-three: And whereas by the said last-mentioned Act 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 Act does not in all Cases afford full Relief, and the said *Archibald* Marquess of *Ailsa* cannot obtain the Relief thereby contemplated, in regard that the Regulations thereby enacted have not in all Instances been complied with in respect of the Sums expended in improving the said entailed Estates as aforesaid: And whereas the subsequent Heirs of Entail entitled to succeed to the said Estates will derive great Advantage from the Expenditure so made as aforesaid for Behoof of the said entailed Estates, and it is reasonable that the said *Archibald* Marquess of *Ailsa* should be relieved of Three Fourth Parts of the said Expenditure: But as these Purposes cannot be effected without the Aid and Authority of Parliament, May it therefore please Your Majesty, upon the humble Petition of the said *Archibald* Marquess of *Ailsa*, that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to the said *Archibald* Marquess of *Ailsa*, whom failing to the Heir of Entail in Possession of the entailed Estates for the Time, or to his or her Tutor or other Administrator, in case he or she be a Minor or otherwise incapable of acting for himself or herself, to borrow and take up on Loan a Sum or Sums of Money not exceeding Twenty-nine thousand two hundred and twenty-one Pounds Seven Shillings and Five Pence Eight Twelfths, being Three Fourth Parts of the aforesaid aggregate Sum of Thirty-eight thousand nine hundred and sixty-one Pounds Sixteen Shillings and Sixpence Three Farthings so laid out upon Improvements as aforesaid; and it shall be lawful to the said *Archibald* Marquess of *Ailsa*, whom failing, to 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 or otherwise incapable of acting for himself or herself, 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

The Marquess of *Ailsa*, or the Heir of Entail in Possession, may borrow a certain Sum of Money, and charge the same upon the entailed Estate.

[Private.]

4 C

Bonds

Bonds and Disposition or Dispositions in Security or in favour of the Person or Persons who may lend such Money, disposing and conveying, in the Form and with the Powers usual in similar Heritable Securities in *Scotland*, heritably but redeemably, the whole or any Part of the said entailed Lands and Estates of *Cassillis* and *Cullean* herein-before described, in Security and for Payment of the Sum or Sums to be so borrowed, not exceeding in the whole the said Sum of Twenty-nine thousand two hundred and twenty-one Pounds Seven Shillings and Five-pence Eight Twelfths, being Three Fourth Parts of the aforesaid Sum of Thirty-eight thousand nine hundred and sixty-one Pounds Sixteen Shillings and Sixpence Three Farthings; and which Heritable Bond or Bonds and Disposition 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 whomsoever, or to his, her, or their Assignee or Assignees, or to any Person in 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 Part or Parts of the said entailed Lands and Estates 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 to 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 or Creditors, Lender or Lenders, shall have every Remedy for Recovery of the Sum or Sums so lent, with Interest and Penalties thereon, as is competent by the Laws of *Scotland* to any Creditor by Heritable Bond or Bonds and Disposition or Dispositions in Security.

In case of the Death of the Marquess the Heirs of Entail to be Debtors to his Executors or Trustees for the Sums not borrowed.

II. And be it enacted, That if the said *Archibald* Marquess of *Ailsa* shall happen to die before borrowing the Money hereby permitted to be borrowed, or the whole thereof, the Heirs succeeding to him by virtue of the foresaid Deeds of Entail shall be Debtors to the Executors, Assignees, Trustees, or other Representatives of the said *Archibald* Marquess of *Ailsa* for such Sum as he 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 *Archibald* Marquess of *Ailsa*, to his Executors, Assignees, Trustees, or other Representatives, such succeeding Heirs having Power to charge and burden the Estates as aforesaid.

Application of the Monies to be borrowed.

III. And be it enacted, That the Money hereby permitted to be borrowed shall be applied by the said *Archibald* Marquess of *Ailsa*, or his Executors, Assignees, Trustees, or other Representatives, towards Repayment of the Monies advanced by the said *Archibald* Marquess of *Ailsa* as aforesaid; and, being so applied, the entailed Lands and Estates aforesaid, and the Heirs of Entail therein, shall be for ever freed and relieved of and from any Claim or Demand for any Sum or Sums of Money expended by the said *Archibald* Marquess of *Ailsa* in the Improvement of the said entailed Estates.

IV. Pro-

IV. Provided always, and be it enacted, That the said Marquess of *Ailsa*, or the Heir of Entail borrowing the said Sums of Money, and the Heirs of Entail succeeding to the said entailed Estates in their Order and during their Possession of the said entailed Estates, shall be bound and obliged at least once in every Year to pay and keep down the Interest of the Sums of Money so allowed to be borrowed as aforesaid; and if such Interest shall not be paid within Twelve Calendar Months after the Term or Terms of Payment thereof stipulated in the Security or Securities by which the Loan or Loans are secured, the said entailed Estates shall be absolutely freed and released from the Payment of such Interest in all Time thereafter; and the said Interest, if not paid after the Lapse of the said Twelve Calendar Months, shall only exist thereafter as a personal Debt against the said Marquess or the Heir of Entail for the Time being liable in Payment of such Interest, or their respective Heirs, Executors, and Representatives: Provided also, that if any succeeding Heir of Entail shall become liable to pay any Interest accrued due during the Possession of any prior Heir of Entail he shall be entitled to recover such Interest from the said prior Heir of Entail, or his Heirs, Executors, and Representatives.

Heir of Entail to keep down the Interest.

V. And be it enacted, That the said *Archibald* Marquess of *Ailsa*, or the Heir of Entail in Possession of the said entailed Estates for the Time, shall not incur any Irritancy or Forfeiture for or by reason of executing any Bond, Disposition, or other Deed whatsoever directed or permitted to be executed under the Authority of this Act.

No Irritancy or Forfeiture to be incurred by executing Deeds.

VI. And be it enacted, That nothing in this Act contained shall be held or construed to alter, innovate, change, or defeat the foresaid Dispositions and Deeds of Entail executed respectively by the said *John* Earl of *Cassillis* and the said *David* Earl of *Cassillis*, 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.

Entail not to be altered.

VII. And be it enacted, That the Lenders of any Sum or Sums of Money under this Act shall be in no way concerned with the Application or the Misapplication of the Money to be lent by them.

Lenders not to be concerned in Application of Money.

VIII. Saving and reserving always to the Queen's most Excellent Majesty, and to Her Heirs and Successors, and to *Margaret* Marchioness of *Ailsa*, the Wife of the said *Archibald* Marquess of *Ailsa*, and to the Children of the Marriage between them, and to all others (save and except the said *Archibald* Marquess of *Ailsa*, and all and every the other Heirs of Entail called or entitled to take under the Deeds of Entail herein-before recited,) all such Right, Title, Interest, Claim, and Demand whatever, 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.

General Saving.

IX. And

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

IX. 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.

SCHEDULE

Showing the Amount of Monies expended by the Marquess of Ailsa in Improvements on the entailed Estates of Cassillis and Cullean.

		Amount expended.			Amount burdening the entailed Estate, being Three Fourth Parts.		
		£	s.	d.	£	s.	d.
1	Sum expended between Martinmas 1821 and Martinmas 1831 - -	19,107	18	6	14,330	18	10½
2	Martinmas 1831 and Martinmas 1836 - -	7,163	15	9½	5,372	16	10½
3	Martinmas 1836 and 31st of December 1838 - -	4,477	10	2	3,358	2	7½
4	Martinmas 1838 and Martinmas 1839 - -	2,674	9	2	2,005	16	10½
5	16th of November 1839 and 20th of January 1841 -	3,156	4	10	2,367	3	7½
6	24th of September 1840 and 10th of February 1842 -	1,388	1	10	1,041	1	4½
7	Martinmas 1841 and 21st of January 1843 - -	993	16	3¼	745	7	3
		38,961	16	6¾	29,221	7	5½

A. Hunter.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1844.