



ANNO SEPTIMO & OCTAVO

VICTORIÆ REGINÆ.

Cap. 16.

An Act to enable Sir *James John Randoll Mackenzie* of *Scatwell*, Baronet, to add certain Lands and Estates belonging to him in Fee Simple to his entailed Estate, upon certain Terms and Conditions, and to borrow certain Sums of Money upon the Security of his entailed Estate, for Repayment of certain Claims for Money laid out and to be laid out in Improvements upon the said Estate.

[29th July 1844.]

WHEREAS by a Disposition or Deed of Entail made and executed by Sir *Roderick Mackenzie* of *Scatwell*, Baronet, the Grandfather of Sir *James John Randoll Mackenzie*, now of *Scatwell*, Baronet, bearing Date the Fourth Day of *January* in the Year One thousand eight hundred and eleven, ratified, approved, and confirmed by *James Wemyss Mackenzie* Esquire, of *Suddie*, the only surviving Son of the said Sir *Roderick Mackenzie*, (afterwards Sir *James Wemyss Mackenzie* Baronet, and the Father of the said Sir *James John Randoll Mackenzie* Baronet,) by his Deed of Ratification annexed thereto, bearing Date the same Fourth Day of *January* One thousand eight hundred and eleven, which Disposition

Entail of
4th Jan.
1811.

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and Deed of Entail and Deed of Ratification are registered in the Register of Entails in *Scotland* the Eighteenth Day of *June* thereafter, and in the Books of Council and Session in *Scotland* the Twenty-eighth Day of the same Month of *June*, the said Sir *Roderick Mackenzie*, for the Causes therein specified, gave, granted, and disposed to and in favour of himself in Life-rent, and to the said *James Wemyss Mackenzie* Esquire, of *Suddie*, then his only surviving Son, and the Heirs Male of his Body, in Fee; whom failing, to any other Sons to be procreated of the Body of the said Sir *Roderick Mackenzie* in any future Marriage, according to their Seniority, and to the Heirs Male of their Bodies respectively; whom failing, to the Heirs whatsoever of the Body of the said *James Wemyss Mackenzie*; whom failing, to the Heirs whatsoever of the Bodies of any other Sons then to be procreated of the said Sir *Roderick Mackenzie*, in their Order; whom failing, to *Katherine Morison Mackenzie*, then the only Daughter of the said Sir *Roderick Mackenzie*, and the Heirs Male of her Body; whom failing, to any other Daughters then to be procreated of the Body of the said Sir *Roderick Mackenzie* in any future Marriage, according to their Seniority, and to the Heirs Male of their Bodies respectively; whom failing, to the Heirs whatsoever of the Body of the said *Katherine Morison Mackenzie*; whom failing, to the Heirs whatsoever of the Bodies of any other Daughters then to be procreated of the Body of the said Sir *Roderick Mackenzie*, in their Order; whom failing, to *Colin Mackenzie*, Brother German of the said Sir *Roderick Mackenzie*, and the Heirs Male of his Body; whom failing, to *Lewis Mackenzie*, Brother German of the said Sir *Roderick Mackenzie*, and the Heirs Male of his Body; whom failing, to *George Mackenzie*, Brother German of the said Sir *Roderick Mackenzie*, and the Heirs Male of his Body; whom failing, to the Heirs whatsoever of the Bodies of the said *Colin*, *Lewis*, and *George Mackenzie* respectively, in their Order; whom all failing, to the said Sir *Roderick Mackenzie*'s own nearest Heirs and Assignees whatsoever, the eldest Heir Female excluding all other Heirs Portioners, and succeeding always without Division through the whole Course of the said Succession, heritably and irredeemably; all and whole the Lands of *Pittanochtie*, with the Manor Place, Brewery, and Brewery Croft thereof, with that Croft of Wester Half Davoch called *Smiddy Croft*, and Croft called *Piddslaw*, and other Croft thereof, with the Woods, Fishings, Parts, Pendicles, and Pertinents of the said Lands contained in the original Rights thereof; as also all and whole the Sixth Part of the Town and Lands of *Pitfuir*, with the Lands of *Milntown of Pitfuir*, and Brewerie Croft thereof; and likewise all and whole the just and equal Half of the Mills of *Pittanochtie* and *Pitfuir*, with the Mill Lands and Crofts, Breweries and Brewerie Crofts, Houses, Granaries, Multures, as well dry as astricted, Thirlage, Sequels, and Services whatsoever anyways pertaining to the said Mills; and particularly, without Prejudice of the foresaid Generality, the astricted Multures and Sequels of the foresaid respective Towns and Lands of *Pittanochtie* and *Pitfuir*, and *Over* and *Nether Castletouns*, *Muirale House*, *Easter* and *Wester Haldachs*, *Easter* and *Wester Auchterfloes*, *Killen*, *Blairford*, and *Bennagefield*, with full Power of building and sustaining of Aqueducts and Dams of the said Mills, and of digging, gaining, and leading of Stones, Turfs, and other Necessaries to the

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above Effect in all and sundry Places used and wont, with all other Services and Privileges, all lying within the Parish of *Avoch* and Sheriffdom of *Ross*; and moreover all and whole the Half Davoch Land of *Half Davoch*, commonly called *Easter Half Davoch*, with the Fourth Part of the Lands of *Muiralehouse*, including therein the Malthouse and Malcroft of the same, the Davoch Lands of *Castletoun*, with the Fishings and Crofts thereto belonging, called the *Chapel Crofts* of the Castle of *Ormond*; and all and whole the East Davoch, or just and equal Half of the Lands of *Auchterfloe*, including that Croft sometime possessed by *David Man*, thereafter by *Andrew Young*, with all other Crofts lying to the East of the said Crofts, including the Croft called *Leitches Croft*, by the Rivulet of *Killen*, and which haill Crofts are Parts and Pertinents of the said Davoch Lands of *Easter Auchterfloe*, with the Teind Sheaves and Parsonage Teinds of the said haill Lands, all lying within the said Parish of *Avoch* and Sheriffdom of *Ross*; and further, all and whole the Three Fourths or Three Fourth Parts of all and haill the Kirklands of *Little Findon*, and all and haill the Three Fourths or Three Fourth Parts of all and haill the Town and Lands of *Urquhart*, Miln thereof, Multures and Sequels of the same, with Houses, Biggings, Tofts, Crofts, Annexis, Connexis, Mosses, Muirs, Marshes, Grazings, Pasturages, Woods, Fishings, Lakes, Rivers, Ports, Havens, Privileges, Parts, Pendicles, and universal Pertinents of the foresaid haill Lands, Crofts, Mills, and others generally and particularly therein above specified, all lying within the Parishes of *Avoch* and *Urquhart* respectively and Sheriffdom foresaid of *Ross*, and with Power, Privilege, and Immunity to the said *James Wemyss Mackenzie*, and the Heirs Substitutes and Successors therein and herein before named, and to their Tenants and Servants in the said Lands, of digging, winning, and leading of Fuel, Peats, Turfs, Feal, Divot, Clay, White Mire, Quarry and other Stones, in all Places used and wont, for the Use of the Lands and others therein and herein before written, conform to a Charter under the Great Seal in favour of the deceased *Sir Roderick Mackenzie* of *Scatwell*, Grandfather of the Entailer, dated the Twelfth Day of *February* in the Year One thousand seven hundred and thirty-two, of the said Town Lands, Milns, Fishings, Teinds, and others therein and herein before mentioned; and also all and whole the other just and equal Fourth or Fourth Part of the said Kirklands of *Little Findon*; and all and whole the other just and equal Fourth or Fourth Part of all and whole the said Town and Lands of *Urquhart*, with the Mill thereof, Multures, and Sequels, together with all and sundry Houses, Biggings, Fishings, Lakes, Harbours, Havens, and universal Pertinents whatsoever, any manner of way belonging to the said Fourth or Fourth Parts of the said Lands of *Little Findon* and *Urquhart*, lying within the said Parish of *Urquhart* and Sheriffdom foresaid of *Ross*; and likewise all and whole the Four Oxgate Lands of *Muiralehouse* of *Avoch*, otherwise called *Abbot's Lands*, with the Houses, Biggings, Yards, Parts, Pendicles, Tofts, Crofts, and other Pertinents thereof, with the Parsonage Teinds thereof included, which were never separated from the Stock, lying in the said Parish of *Avoch*, Diocese of *Ross*, and Sheriffdom of old of *Inverness*, but now of *Ross*; and also all and sundry the Parsonage Teinds, of all and whole the foresaid Land

Lands of *Auchterfloe*, *Pittanochtie*, Half of the Lands of *Castletoun* and *Easter Haldach*, with the whole Parts, Pendicles, and Pertinents thereof, lying within the said Parish of *Avoch* and Sheriffdom foresaid; all and whole the Lands and Barony of *Findon*, comprehending therein the Lands of *Meikle Findon*, with the Pendicles thereof, called *Badrayn*, *Ballagyle*, and *Teachat*, with the Mill, Mill Lands, Multures and Sequels, Brewerie and Brewerie Croft, with all and sundry Houses, Biggings, Yards, Tofts, Crofts, Meadows, Fishings, Mosses, Muirs, Marshes, Offices, Privileges, Pasturages, and universal Parts, Pendicles, and Pertinents thereof whatsoever, lying within the said Parish of *Urquhart* and Sheriffdom foresaid of *Ross*; together also with the Burgh of Barony commonly called *Meikle Findon*, Weekly Markets and Free Markets, Liberties, Immunities, Privileges, and Pertinents thereof; and moreover all and whole the Two Davoch Lands of *Culbokie*, with the Alehouse thereof, Manor Place, Houses, Biggings, Yards, Outfield and Infield, Tofts, Crofts, Loanings, Granaries, Mosses, Muirs, Marshes, Pasturages, Privileges, and universal Pertinents thereto belonging; and likewise all and whole the Mill of *Culbokie* and Mill Croft thereof, with the Multures, Sucken, Sequels, and Knaveship of the same, Thirlage and Astrictions to the said Miln, now and in all Time coming, of the Town and Davoch Lands of *Drumcudden*, with the Multures, Sucken, and Knaveship thereof, according to Custom used and wont, all lying within the Parishes of *Urquhart* and *Cullicudden* respectively and Sheriffdom foresaid of *Ross*, and which hail Lands are erected into a whole and free Barony called the Barony of *Findon*; and the said Lands of *Culbokie* are erected into a Burgh of Barony called the Burgh of *Findon*, with the Privilege of the Weekly Market and Yearly Fair, and all other Privileges belonging to any other Burgh of Barony within *Scotland*; and in like Manner all and whole the Town and Lands of *Drumcharden*, extending to a Davoch and Half Davoch of Land, with the Brewerie and Brewerie Croft of the same; as also all and whole the just and equal Half of the Miln of *Holme*, with the Half of the Miln Lands, Multures, Sequels, and Knaveship of the Town and Lands of *Drumcharden*, *Kenduy*, *Holme*, *Craggach*, with the Pertinents of the same, as Sucken and Thirlage of the said Mill, lying within the Barony of *Drumcharden* and *Beaufort*; as also all and whole the Town and Lands of *Kingily*, extending to Three Fourth Parts of a Davoch Lands, with the Brewerie and Brewerie Croft of the same, Mill, Mill Lands, Multures, and Sequels thereof, with the Fishings and Yair called *Carriestuchach*, and other Fishings, as well in Salt as in Fresh Waters, lying within the Lordship of *Lovat* and Sheriffdom of *Inverness*; and all and whole the Town and Lands of *Keillach*, extending to One Fourth Part of a Davoch Lands, with the Multures, lying within the Barony of *Aird*, with Houses, Biggings, Yards, Tofts, Crofts, Woods, Fishings, Pasturages, Parts, Pendicles, and universal Pertinents of all and whole the said Lands of *Drumcharden* and others immediately above mentioned, with the Pertinents, and which were all of them originally disposed in real Warrantice and special Security of the said Lands and Barony of *Findon*, comprehending the said Lands of *Meikle Findon*, and Pendicle thereof called *Badrean*, *Bellagyle*, and *Teachat*, with the Mill, Mill Lands, Multures, and Sequels thereof,

thereof, with the Brewerie and Brewerie Croft and Pertinents, together with the Burgh of Barony, Weekly Fairs and Free Markets, Liberties, Immunities, Privileges, and Pertinents, and of the said Two Davoch Lands of *Culbokies*, Manor Place, Mill, and Pertinents of the same; all and whole the Town and Lands of *Little Scatell* or *Scatwell*, and the Lands of *Kenlochlichart*, with the Parts, Pendicles, and Pertinents of the same, lying within the Parish of *Contin* and Shire of *Ross*, or as the said Lands and others are more fully described in the ancient Rights and Titles of the Vassals therein in manner following; *videlicet*, all and whole *Murdoch Mackenzie* of *Kenlochlichart* his Half Davoch Lands of *Little Scatwell*, with the Lin and Salmon Fishing thereof, and with Part of the Lake of *Scatwell*, and Fishings thereof pertaining and incumbent to the foresaid Lands, with all and singular their Parts, Pendicles, Annexis, Connexis, and their universal Pertinents pertaining to the foresaid Lands, excepting the Grazings of *Auchoir*, lying within the Barony of *Delnie*, Earldom of *Ross*, and within the Sheriffdom formerly of *Inverness*, now of *Ross*; and further, all and whole the said *Murdoch Mackenzie* of *Kenlochlichart* his Lands of *Kenlochlichart*, and Part of the Lake, with the Fishings thereof, pertaining and belonging to the said Lands, with Woods, Outsetts, Shealings, Pastures, Parts, Pendicles, Annexis, Connexis, and Pertinents of the same, used and wont, as the same were possessed and occupied by the then late *Thomas Mackenzie*, Father of the said *Murdoch Mackenzie*, lying within the Barony of *Ellandonan*, Lordship of *Kintail*, and within the Sheriffdom formerly of *Inverness*, now of *Ross*; and also the said *Sir Roderick Mackenzie* the Entailer's Two Fourth Parts and Portions aforesaid of all and whole the Town and Davoch Lands of *Wester Culbo*, with Houses, Biggings, Yards, Tofts, Crofts, Outfield Lands, Infield Lands, Annexis, Connexis, Dependencies, Muirs, Marshes, Woods, Grazings, Privileges, Pasturages, Common Pasturage, Parts, Pendicles, and universal Pertinents thereof whatsoever, lying within the Parish of *Cullicudden*, Bishoprick and Sheriffdom of *Ross*, together with the Heritable Office of Bailliary of the aforesaid Lands, with the Pertinents, Privileges, and Casualties thereof; as also all and whole that Chalder's Pay of Land lying contiguous to the Kirkton of the Parish of *Avoch* in the Shire of *Ross*; then possessed by *Alexander Munro*, Tenant there, comprehending a Piece of Arable Land, commonly called the Garden, being a Part of the said Chalder's Pay, and adjacent thereto; and likewise the Dwelling House, Barn, Barn-yard, Kiln, and Kiln-yard, lying in the said Kirkton, following the said Lands, also possessed by the said *Alexander Munro*, with the whole Mosses, Muirs, Grazings, Privileges, and universal Pertinents thereto belonging, bounded the said Lands at the West by a Water Strype, commonly called the *Priest's Strype*, at the East by the Lands sometime belonging to *John Mackenzie* of *Avoch*, deceased, and then to those deriving Right from him, the Kirkton, and the common Muir at the North Parts, respectively, or of whatever other Boundaries or Denomination the same be by the original and late Rights and Infestments thereof; as also all and whole the Lands and Estate of *Belmaduthy*, then remaining with him the said *Sir Roderick Mackenzie*, the Entailer, and as after mentioned; *videlicet*, all and whole the West Davoch or just and

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equal Half of the Lands of *Wester Auchterfloe*, including that Piece of Land of the East Davoch lying on the West Side or Part of *Green Loaning*, sometime possessed by *Thomas Davidson*; and all and whole those Crofts lying on the West Side of *Andrew Young's* Crofts, sometime possessed by *John Hosack*, and afterwards by *Agnes Clark* his Widow; and likewise all and whole those Three Crofts sometime possessed by *Finlay Farquhar*, Tenant there, which Piece and Croft of Lands are declared to be Parts and Portions of the said Davoch Lands of *Wester Auchterfloe*, now and in all Time coming; moreover all and whole those Parts and Portions of the Feu Lands of *Pitfuir* lying uppermost and nigh the said Lands of *Wester Auchterfloe*, sometime possessed by *Alexander Macleay* and *Finlay More*, with the Kiln and Kiln Croft sometime possessed by *John Hosack*; and also all and whole those Parts and Portions of the foresaid Lands of *Pitfuir* sometime possessed by *David Junor*; and all and whole those Three Crofts sometime possessed by *David Forbes*, with the Mill of *Den Mills*, commonly called *Greenhead Ley*, Yard, and Larocks, and those Three Riggs below and on the North Part of the Dam of Lower Miln lying between the Aqueduct and the Burns (the Ward Lands of *Pitfuir* being always excepted), with all and sundry Houses, Biggings, Yards, Tofts, Crofts, Outsetts, Insetts, Mosses, Muirs, Grazings, Commonities, Pasturages, Woods, Groves, Parks, Meadows, Green Wards, Bogs, Loanings, Ways, Lakes, Waters, Parts, Pendicles, and universal Pertinents whatsoever thereunto belonging, used and wont, with Privilege, Power, and Liberty to the Proprietor, his Tenants and Servants in the said Lands, in all Time coming, of Foggage, Feal, Divot, Clay, White Mire, Turfs, Quarry, and Stone, conform to use and wont, off and from all Places as the Predecessors of the said Sir *Roderick Mackenzie* the Entailer formerly possessed the same, all lying within the Parish of *Avoch* and Shire of *Ross*; and likewise all and whole the just and equal Half of the Mills of *Pittanochtie* and *Den Mill*, with the Half of the Mill Croft, Houses, Girnels, with the Half of the astricted and dry Multures, Thirlage, Sequels, and Services thereto belonging, and particularly, without prejudice to the Generality foresaid, all astricted Multures and Sequels of the respective Lands and Towns of *Over* and *Nether Castletoun*, *Muir Alehouses*, *Easter* and *Wester Half Davochs*, *Pittanochtie*, with their Crofts and Pertinents, and of the Towns and Lands of *Easter* and *Wester Auchterfloes*, *Killen*, and *Blairford*, *Bennagefield*, and *Pitfuirs*, with full Power of drawing, building, repairing, and upholding the Dams and Aqueducts of the said Mills, as also to cut and win Stones or Feals and other Necessaries for this Use and Effect in all Places used and wont, and with all other Privileges and Services belonging to the said Mills and Thirlages, with Power likewise of outputting and inputting Millers, Multures, or Millboys in the said Mills for this Half Share of the same in all Time coming; and likewise all and whole the Town and Lands of *Wester Raddery*, including those Lands and Muirs of *Newtown* of *Raddery* and *Clowie*, together with as much of the Baillie and Constable Fees of the Bishoprick of *Ross* as will correspond and be effeiring in Quantity and yearly Duty to the hail Silver Duties, Bolls of Victual, Bolls of Oats, and Prices of other Conversions due and payable forth of the said

said Lands of *Wester Raddery*, formerly payable to the late Bishop of *Ross* and his Successors, with Power to him the said Sir *Roderick Mackenzie* and his foresaids to retain the same in their own Hands in all Time coming, conform to the original Rights and Infestments of the said Lands and Offices, with all and singular Houses, Biggings, Yards, Orchards, Mills, Multures, Woods, Fishings, Mosses, Muirs, Marshes, Meadows, Tofts, Crofts, Infield Lands, Outfield Lands, Parts, Pendicles, Pasturages, and divers Pertinents of the same whatsoever, all lying within the Parish of *Rosemarkie*, Bishoprick and Shire of *Ross*, or as the said Lands and others are more fully described in the ancient Rights and Titles of the Vassals therein, in manner following; *videlicet*, all and whole the Town and Davoch Lands of *Wester Raddery*, with the Pendicle of the same called *Newtown* of *Raddery*, with all and sundry Houses, Biggings, Yards, Grazings, Barns, Tofts, Crofts, Outsetts, Insetts, Parts, Pendicles, and universal Pertinents thereto belonging, as the said Davoch Lands lie in Length and Breadth, and by the special Boundaries after mentioned, *videlicet*, beginning at the Stone set at the Well of *Trankak*, and so South and up to a Stone set in a little Knowe, and from that Stone to another in a Knowe upon the Edge or Top of a Bank above the Burn, and from that Stone in a straight Line over to another Stone set anent it on the other Side of the Burn on the Bankhead, and from that Stone to a Stone set in the West Point of a little Croft possessed by *Findrassie's* Tenants, and from that Stone to another Stone a little East and upward in the Edge of the Brae, and so upward from Stone to Stone to a Stone set in a little Knowe be East a little Way, and so straight Westward to a Stone set in a little Green Hill or Knowe in the great Brae, and so down lineally to a Stone set near the Point of the Road or Way crossing the great Highway leading to *Chanonry*, and so from Stone to Stone by that cross Way Westward to a Stone set in a little Hill in the Muir betwixt the Loch and the long Muir, and so from Stone forward to a Stone set in the Entry of the Gate that leads to the said Loch, and from that Stone to a Stone set in the Braehead and East Side of the great Highway leading to *Killen*, where the Ways from *Chanonry* and *Avoch* meet, and so down and Northward as Stones are set in the East Side of the said Gate to a Stone set near the little Ford Mouth, and so crossing the Burn or Strype from a Stone set as said is to a Stone set in a little Hill, and so forward to a Stone set in the Mouth of the Road leading to *Raddery*, and so forward on the East Side of the said Gate to a Stone set in the Height of a little Knowe, and from that Stone Northward to the great Muir interjected betwixt the Mosses and the said Lands where a Stone is set, and from that Stone in a straight Line Eastward to another Stone set opposite to the little Piece Muir interjected betwixt the Two *Radderies*, and so forward and entering in that Piece Muir by the Dyke Side of *Easter Raddery* Lands till ye come just anent the said Well called *Trankak* first entered at, with Power of gaining or riving in and bringing to the Perfection of Arable Land all Muirs within the foresaid Boundaries and Limits, and applying and disposing the same to the Proprietor's Use in all Time coming, together with Heritable Privilege, Liberty, Access, and Ingress to the said Proprietor, and his Tenants and Occupiers, and Possessors of the said Lands of *Raddery*, with the Pertinents,

nents, to the Muirs and Mosses of the Barony of *Brae*, lying in *Mulbuy*, and in the other Mosses used and wont lying on the North Side of the same Lands, for Peats, Turf, Feal, and Foggage, for their own proper Uses, with Common Pasturage, in manner used and wont, together with so much of the Baillie and Constable Fees of the Bishoprick of *Ross* as will correspond in Quantity and Quality to the Money Feu Duty, Victual Marts, Muttons, and other Customs and Duties payable out of the foresaid Lands of *Wester Raddery* to the Bishop of *Ross*, with Power of retaining the same yearly in their own Hands, and never to be separated from the Stock, all lying within the Parish of *Rosemarkie*, Bishoprick and Shire of *Ross*; and also all and whole the Oxgate Lands of *Killen*, commonly called *Easter Killen*, of old belonging to *John Junor of Pitfuir*, with that Particle of Land (or Piece Muir) called *Blairford*, now partly brought to the Perfection of Arable Land, adjacent to the said Oxgate Land of *Killen*, and of the special and particular Boundary following, *videlicet*, having the Wall called the *Goosewall* of *Killen*, as the same runs in the *Gooseburn*, ascending lineally to the Strype or Water called *Strathburn* at the West, the Kirklands of *Wester Raddery*, as the same were possessed of old by Tenants and Possessors at the East, the *Strathburn* at the North, and the Strype of Water called the *Gooseburn* at the South, with Liberty of Common Pasture, Pasturage on the Hills within the Muirs called *Millbuy* and *Ordhill*, lying on the South and North Parts of the foresaid Piece of Muir or Lands of *Blairford*; and all and whole the Lands of *Wester Killen*, with the Pertinents, all lying in the Parish of *Avoch*, Lordship of *Ardmeanoch*, and Shire of *Ross*; and likewise all and whole those Parts and Portions of the Lands of *Avoch* sometime possessed by *John* and *Alexander Forbes*, *Evander Mac Iver*, and other Tenants there, commonly called the *Delf Tails* and *Hemp Lands*, with all and sundry Houses, Biggings, Yards, Barns, Grazings, Barn-yards, Woods, Groves, Mosses, Muirs, Commonities, Pasturages, Parts, Pendicles, and universal Pertinents of the same whatsoever, used and wont, and of the special and particular Boundary following, *videlicet*, having the Burn commonly called the Burn of *Shalty*, and as the same entereth into the Burn of *Avoch*, at the West, the said Burn of *Avoch* at the South, the common Highway leading from the Town of *Avoch* Westward to the said Burn of *Shalty*, and progressively Westward at the North, and the common Way leading through the Mill Hill, and beside the watery Gravel or Channel Ground to the Mill Burn and Burn of *Avoch* at the East; and sicklike, all and whole those little Houses, with their Yards, Privileges, and Pertinents of the same whatsoever, used and wont, lying in the said Town of *Avoch*, sometime possessed by *John Forbes*, *David Smith*, *George Wilson*, *Isabell Hood*, and *William Brodie*, Tenants there, with free Ingress and Regress to and from the same in manner used and wont, with the Teind Sheaves Parsonages of the said Lands, and others foresaid, included with the Stock, and not to be separated therefrom, extending the said Lands and Houses, with the Teinds and Pertinents, to One Chalder of Victual of yearly Rent; and likewise all and whole the Mill of *Avoch*, Mill Lands, Multures, as well dry as astricted, Sucken, Thirlage, Knaveship, Multure Houses, Sheilling and Winnowing Mills, Water Dams, Leads, Aqueducts, Privileges, Parts, Pendicles,

Pendicles, and universal Pertinents of the same whatsoever, all lying in the Parish of *Avoch*, Bishoprick and Sheriffdom of *Ross*, with all Right, Title, and Interest, which he the said Sir *Roderick Mackenzie* the Entailer, his Predecessors or Authors, had or anyways might have, claim, or pretend to the said Lands and others thereby disposed, or any Part thereof, in all Time coming, but always with and under the express Burdens, Conditions, Provisions, Declarations, Limitations, Restrictions, Exceptions, Clauses prohibitory, irritant, and resolute, and Faculties, Declarations, and Reservations therein written, forming a Settlement of strict Entail according to the Law of *Scotland*: And whereas the said Sir *Roderick Mackenzie* the Grantor of the said Entail having died, he was succeeded in the said entailed Estates by his Son the said Sir *James Wemyss Mackenzie*, Father of the said Sir *James John Randall Mackenzie*, who made up Titles to the said entailed Estates under the said Disposition or Deed of Entail, by expeding a Charter of Resignation 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, proceeding upon the Procuratory of Resignation contained in the said Disposition and Deed of Entail, which Charter is dated the Fifth Day of *July* One thousand eight hundred and eleven, and written to the Seal, registered, and sealed the Sixteenth Day of *August* thereafter; and thereupon the said Sir *James Wemyss Mackenzie* was duly infeft and seised in the said Lands and Estates before mentioned, conform to Instrument of Sasine in his Favour, dated the Twenty-seventh and recorded in the Particular Register of Sasines at *Inverness* the Twenty-eighth Day of the said Month of *August* in the said Year One thousand eight hundred and eleven: And whereas the said Sir *James Wemyss Mackenzie* having died in *March* One thousand eight hundred and forty-three, the said entailed Estates were taken up by his Son the said Sir *James John Randall Mackenzie* under the following Titles: First, a Disposition thereof made by the said Sir *James Wemyss Mackenzie* in favour of the said Sir *James John Randall Mackenzie* (therein described as *James John Randall Mackenzie* Esquire, the only Son of the said Sir *James Wemyss Mackenzie*), under the Reservation of his own Life-rent Use and Enjoyment of the said whole Lands and Estates, dated the Eighteenth Day of *September* in the Year One thousand eight hundred and thirty-eight; Second, Charter of Resignation, under the Seal kept and used in *Scotland* in place of the Great Seal formerly used there, in favour of the said Sir *James John Randall Mackenzie*, and the Heirs of Entail therein mentioned, proceeding upon the Procuratory of Resignation contained in the said last-mentioned Disposition, which Charter is dated the Twentieth Day of *December* in the Year One thousand eight hundred and thirty-eight, and written to the Seal, registered, and sealed the Nineteenth Day of *January* in the Year One thousand eight hundred and thirty-nine; and, Third, Instrument of Sasine following thereon in favour of the said Sir *James John Randall Mackenzie*, dated the Twenty-third Day of *February* in the Year One thousand eight hundred and thirty-nine, and registered in the General Register of Sasines kept at *Edinburgh* the Twenty-eighth Day of *February* thereafter: And whereas on the Death of the said Sir *James Wemyss Mackenzie* the said Sir

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James John Randoll Mackenzie, his only Child, incurred a general Representation to his said Father, by taking up the Succession to the said unentailed Lands, and his other Real and Personal Estate, under a Will or Deed of Settlement, whereby he became liable for the whole Debts contracted by his deceased Father, and unpaid at his Death: And whereas the said Sir *James John Randoll Mackenzie* claims to be entitled as Proprietor in Fee Simple to the following Lands and Estates; *videlicet*, all and whole the Town and Lands of *Suddie* commonly called *Meikle Suddie*, with the Brewery and Alehouse and Croft of the same, together also with the Mill, Mill Multure, Knaveship, and Sequels thereof, as well dry and astricted Multure as free Multure, with the Carse of *Meikle Suddie*, Wards, Bushes, and Woods thereof, and comprehending the Town and Lands of *Gateside* and the Town and Lands of *Meikle* and *Little Tullichs* and *Kibraicks*, together with the Manor Place of *Suddie*, and whole Houses, Yards, Pasturages, Mosses, Muirs, Marshes, Parts, Pendicles, and whole Pertinents and Privileges of the said whole Lands, Mill, and others foresaid, all lying in the Parish of *Suddie*, Lordship of *Ardmeanoch*, Earldom of *Ross*, and Shire formerly of *Inverness*, now of *Ross*; and also all and whole the Town and Church Lands of *Little Suddie*, Alehouse and Alehouse Croft of the same, and Lands belonging thereto, together with the Manor Place of *Little Suddie*, and all and sundry Houses, Biggings, Yards; Tofts, Annexes, Connexes, Dependencies, Woods, Multure, Sequels, Pasturages, Privileges, Parts, Pendicles, and universal Pertinents of the same whatsoever, lying within the Bishoprick of *Ross*, Parish of *Suddie*, and Sheriffdom now of *Ross*, formerly of *Inverness* (excepting always the Burial Ground of the Family of *Bennetsfield* at *Easter Suddie* Burial Ground); and also all and hail the Half Davoch Lands commonly called the *Wester Haldoch*, as tenanted by *Alexander Fraser*, and the Lands of *Corrachy*, being Parts of the Estate of *Bennetsfield*, Crofts and Pertinents thereto belonging, as tenanted formerly by *David Watson*, with Houses, Biggings, Yards, Orchards, Woods, Fishings, Tofts, Crofts, Loanings, Parks, Wards, Grazings, Mosses, Muirs, Marshes, Parts, Pendicles, and Pertinents, Pasturages, and Privileges of the same whatsoever, as the same were bounded and marched, enjoyed and possessed by the deceased Sir *George Mackenzie* of *Rosehaugh*, and his Authors in any Time bygone, lying in the Lordship of *Ardmanoch*, Parish of *Avoch*, and Sheriffdom of *Ross*, together with the Teind Sheaves, and other Teinds, Parsonage and Vicarage, of the said Lands of *Haldoch* and *Corrachy*, with the Pertinents; and also all and whole the following Parts and Portions of the Lands of *Meikle Suddie*, disposed in Excambion by Dame *Henrietta Wharton Mackenzie* and the said Sir *James Wemyss Mackenzie* Baronet, her Husband, to *Colin Matheson* Esquire, of *Bennetsfield*, in Life-rent, and *John Matheson* his Son in Fee, *videlicet*, the Arable Land, being Part of the Lands of *Kibraicks*, lying to the East Side of the Line of March between the Estate of *Meikle Suddie* on the West and the Lands of *Little Suddie* on the East, which Line runs from the *Cromarty* Road at the North to the Kirkyard of *Suddie* at the South, straight, wherein are placed March Stones and Boundaries with the Letters S. and B.; and sicklike, the Arable Land being Part of the Farm called *Easter Haughs*, adjoining to the Kirkton Park of *Little Suddie*, lying to the East Side of the March Dyke between the Estate of *Meikle Suddie*

Suddie on the West and the Lands of *Little Suddie* on the East, which March Dyke crosses the Burn at the North, and runs in a straight Line to the new *Fortrose* Road at the South, together with the whole Pasture or Waste Ground surrounding said Arable Lands respectively, all lying within the Parish of *Suddie* and Shire of *Ross*; and further, all and whole the Part or Portion of the Commony of *Millbuy* allotted to the whole Lands of *Little Suddie*, *Bennetsfield*, and others, as well those disposed as those retained by the said *John Matheson*, as set apart in the Process of Division of the said Commony before the Court of Session; and also all and whole the following Parts and Portions of the Lands of *Strathgarve*, lying in the Parish of *Contin* and Sheriffdom of *Ross*, *videlicet*, all and whole the Shealings and Grazings of *Auldguishes* or *Alltguishes*, with the whole Houses, Biggings, Yards, Mosses, Muirs, Grazings, Shealings, Pasturages, Parts, Pendicles, Privileges, and Pertinents thereof, bounded as follows, commencing at the Junction of the Burn called *Allt Ishmarroch*, with the River called *Straan Deerie*, the Boundary of the said Lands of *Alltguishes* proceeds Eastward by the River which separates the Lands of *Strathvaick*, the Property of Sir *George Stewart Mackenzie* of *Coul*, Baronet, to the Burn called *Allt Guish Pec*, by which it proceeds Southwards and divides the Lands of *Kirkcan*, the Property of the said Sir *George Stewart Mackenzie*, till its Junction with another Burn called *Allt Bae*, where the Lands of *Easter Corriemoulie*, the Property of *Thomas Mackenzie* Esquire, of *Ord*, meet and are bounded by this Burn, till its Termination on the South Face of *Meallan Curan*, and thence to a Cairn at the North End of this Hill, where the Lands of *Kenlochlichart* are joined, from thence the March with *Kenlochlichart*, the Property of the same Proprietor, the said Sir *James John Randoll Mackenzie* of *Scatwell*, proceeds along the Summit of *Meallan Curan*, as Wind and Water shear, to a small Strype called *Cuchan Ban*, at its Junction with the upper Part of *Allt Guish Pec*, which is called *Allt Beinn-lia-Mor*, and thence Westward by this *Cuchan Ban* to the Summit of the East End of the Ridge called *Meallspearag*, and thence still Westward by the Summit of this Hill, as Wind and Water shear, until opposite the Burn called *Allt Ishmarroch*, at a Point Forty-one Yards East of the highest Top of the Ridge of *Meallspearag*, at which the Lands of *Glascarnoch* join, thence from this Point Northwards to the Burn of *Allt Ishmarroch*, and by this Burn, which separates the Lands of *Glascarnoch*, the Property of the said Sir *James John Randoll Mackenzie*, to its Junction with the River *Straan Deerie*, the Boundary of the said Sir *George Stewart Mackenzie's* Lands of *Strathvaick*, and the commencing Point within which Area thus described there is a horizontal Surface of Two thousand five hundred and ninety-two Acres Two Roods and Twenty-seven Falls, Imperial Measure, all as particularly laid down, marked, and coloured on a Survey and Plan made out by *George Campbell Smith*, Land Surveyor in *Banff*; and also all and whole the following Part and Portion of the Lands and Estate of *Fairburn*, *videlicet*, the Lands of *Auldearg*, with the Houses and Buildings erected thereon, and Parts, Pendicles, and Pertinents thereof, lying in the Parish of *Urray* and Sheriffdom of *Ross*, and as the same stand valued in the Cess Books of the said Shire at the Sum of Three Pounds and Nine-pence *Scots*, being now disunited from the Lands and Grazings of

of *Monar*, to which they were formerly annexed, and valued *in cumulo* therewith in the said Cess Books (but excepting from the said Lands of *Auldearg* that Part and Portion thereof called *Cairnabeast*, bounded on the North and East by the River or Burn of *Grudie*, and on all the other Points by the Property of the said Sir *Colin Mackenzie* Baronet); and, lastly, all and whole the Advocation, Donation, and Right of Patronage of the Parish Kirk and Parish of *Avoch* in the Shire of *Ross*, which was formerly a Part of the ancient Lordship and Regality of *Kinloss*: And whereas the said Lands and Estates so claimed to be held in Fee Simple by the said Sir *James John Randall Mackenzie* lie contiguous to the said entailed Estates, and would form a most convenient and valuable Addition thereto: And whereas the said Sir *James John Randall Mackenzie*, the Proprietor of the foresaid Lands so claimed to be held in Fee Simple, is willing to annex them to the said entailed Estates, by executing an Entail of these Lands in favour of the same Series of Heirs and under the same Conditions and Restrictions as those contained in the original Entail above recited, on consideration of being allowed to burden the whole of these conjoined Estates, including as well those formerly entailed as those to be entailed as aforesaid, with the Sum of Eighteen thousand Pounds, being the Amount of Debt still heritably secured on the said Fee Simple Lands, and the further Sum of Three thousand Pounds, which was also heritably secured on those Lands, and which the said Sir *James John Randall Mackenzie* very lately paid off, in expectation of being able to carry through the Transaction now contemplated: And whereas the said Sum of Eighteen thousand Pounds now forms the whole Amount of the Incumbrances affecting the said Fee Simple Lands, and the Value of the said Lands does, on a fair Estimate, considerably exceed the Sum of Twenty-five thousand Pounds: And whereas the said Sir *James Wemyss Mackenzie*, the Father of the said Sir *James John Randall Mackenzie*, and the said Sir *James John Randall Mackenzie* himself, have laid out and expended divers Sums of Money in enclosing, planting, and draining the said entailed Estates, and in erecting Farm Houses, Offices, and Outbuildings thereon, in forming Plantations, and in other Improvements of the said entailed Estates, which Expenditure amounts to the Sum of Seventeen thousand nine hundred and eighty Pounds One Shilling and Eight-pence, or thereabout, as specified in the Schedule (B.) hereunto annexed; and for Part of the Sums so expended a Decree of the Lords of Council and Session has been obtained in Terms of an Act 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 Settlements of strict Entail*; but for other Parts of the Monies so expended no Decrees have been obtained, and the said Act does not in certain Cases afford adequate Relief: And whereas the said Sir *James John Randall Mackenzie* intends to lay out a Sum not exceeding Three thousand Pounds for improving the present Mansion House and Stable Offices pertaining thereto upon the said Estate, and a Sum not exceeding Three thousand Pounds for making a suitable Garden for the said Estate, and the said contemplated Improvements and Additions are reasonable and proper, and the said Sir *James John Randall Mackenzie* would, in Terms of the

the said Act of Parliament, be entitled to charge a Sum not exceeding Four thousand five hundred Pounds, being Three Fourth Parts of the said Two before-mentioned Sums of Three thousand Pounds each, as Debts against the Heirs of Entail succeeding to him in the said Estates entailed and to be entailed as aforesaid: And whereas the whole of the Heirs of Entail have received and will receive Benefit and Advantage by reason of the Additions to be made to the said entailed Estate, and of the Improvements aforesaid already made on the said entailed Estates, and intended to be made thereon: And whereas it is expedient that the said Sir *James John Randoll Mackenzie* should be entitled to charge upon the said entailed Estates the said Sum of Twenty-one thousand Pounds, which at present affects the said Estates held in Fee Simple, upon entailing the same in manner before mentioned, and that he should be relieved of Three Fourth Parts of the Monies expended or to be expended upon Improvements on the said entailed Estates in manner before mentioned: 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 Your Majesty's most dutiful and loyal Subject the said Sir *James John Randoll Mackenzie*, that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the said Sir *James John Randoll Mackenzie*, or the Heir succeeding to him in the said Fee Simple Lands, or his or her Tutor or other Administrator in case he or she be a Minor or otherwise incapable of acting for himself or herself, and after having made up and completed his or her Title to the several Lands and Right of Patronage herein-before and herein-after described, of which the said Sir *James John Randoll Mackenzie* is Proprietor in Fee Simple, or to such Parts thereof in regard to which such Title shall not have been so completed, and being duly infeft and seised therein, shall apply summarily by Petition to the Court of Session in *Scotland*, in either Division thereof, and, by and with the Direction and Approbation of that Court, make, grant, and execute a Disposition or Deed of Entail of the said several Lands and Right of Patronage; (that is to say,) all and whole the Town and Lands of *Suddie*, commonly called *Meikle Suddie*, with the Brewery and Alehouse and Croft of the same, together also with the Mill, Mill Miltures, Knaveships, and Sequels thereof, as well dry and astricted Miltures as free Miltures, with the Carse of *Meikle Suddie*, Wards, Bushes, and Woods thereof, and comprehending the Town and Lands of *Gateside*, and the Town and Lands of *Meikle* and *Little Tullichs* and *Kilraicks*, together with the Manor Place of *Suddie*, and whole Houses, Yards, Pasturages, Mosses, Muirs, Marshes, Parts, Pendicles, and whole Pertinents and Privileges of the said whole Lands, Mill, and others foresaid, all lying in the Parish of *Suddie*, Lordship of *Ardmeanoch*, Earldom of *Ross*, and Shire formerly of *Inverness*, now of *Ross*; all and whole the Town and Church Lands of *Little Suddie*, Alehouse and Alehouse Croft of the same, and Lands belonging thereto, together with the Manor Place of *Little Suddie*, and all and sundry Houses, Biggings, Yards,

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Tofts, Annexes, Connexes, Dependencies, Woods, Multures, Sequels, Pasturages, Privileges, Parts, Pendicles, and universal Pertinents of the same whatsoever, lying within the Bishoprick of *Ross*, Parish of *Suddie*, and Sheriffdom now of *Ross*, formerly of *Inverness* (excepting always the Burial Ground of the Family of *Bennetsfield* at *Easter Suddie* Burial Ground); and also all and hail the Half Davoch Lands commonly called the *Wester Haldoch*, as tenanted by *Alexander Fraser*, and the Lands of *Corrachy*, being Parts of the Estate of *Bennetsfield Crofts*, and Pertinents thereto belonging, as tenanted formerly by *David Watson*, with Houses, Biggings, Yards, Orchards, Woods, Fishings, Tofts, Crofts, Loanings, Parks, Wards, Grazings, Mosses, Muirs, Marshes, Parts, Pendicles and Pertinents, Pasturages and Privileges of the same whatsoever, as the same were bounded and marched, enjoyed and possessed, by the deceased *Sir George Mackenzie* of *Rosehaugh*, and his Authors in any Time bygone, lying in the Lordship of *Ardmeanoch*, Parish of *Avoch*, and Sheriffdom of *Ross*, together with the Teind Sheaves and other Teinds, Parsonage and Vicarage, of the said Lands of *Haldoch* and *Corrachy*, with the Pertinents; and also all and whole the following Parts and Portions of the Lands of *Meikle Suddie*, disposed in Excambion by Dame *Henrietta Wharton Mackenzie* and the said *Sir James Wemyss Mackenzie* Baronet, her Husband, to *Colin Matheson* Esquire, of *Bennetsfield*, in Life-rent, and *John Matheson* his Son in Fee, *videlicet*, the Arable Land, being Part of the Lands of *Kilraicks*, lying to the East Side of the Line of March between the Estate of *Meikle Suddie* on the West and the Lands of *Little Suddie* on the East, which Line runs from the *Cromarty* Road at the North to the Kirkyard of *Suddie* at the South, straight, wherein are placed March Stones and Boundaries, with the Letters S. and B.; and sicklike, the Arable Land, being Part of the Farm called *Easter Haughs*, adjoining to the Kirktoun Park of *Little Suddie*, lying to the East Side of the March Dyke between the Estate of *Meikle Suddie* on the West and the Lands of *Little Suddie* on the East, which March Dyke crosses the Burn at the North, and runs in a straight Line to the new *Fortrose* Road at the South, together with the whole Pasture or Waste Ground surrounding said Arable Lands respectively, all lying within the Parish of *Suddie* and Shire of *Ross*; and further, all and whole the Part or Portion of the Commonty of *Millbuy*, allotted to the whole Lands of *Little Suddie*, *Bennetsfield*, and others, as well those disposed as those retained by the said *John Matheson*, as set apart in the Process of Division of the said Commonty before the Court of Session; all and whole the following Parts and Portions of the Lands of *Strathgarve*, lying in the Parish of *Contin* and Sheriffdom of *Ross*, *videlicet*, all and whole the Shealings and Grazings of *Auldguishes* or *Alltguishes*, with the whole Houses, Biggings, Yards, Mosses, Muirs, Grazings, Shealings, Pasturages, Parts, Pendicles, Privileges, and Pertinents thereof, bounded as follows, commencing at the Junction of the Burn called *Allt Ishmarroch* with the River called *Straan Deerie*, the Boundary of the said Lands of *Alltguishes* proceeds Eastward by the River which separates the Lands of *Strathvaick*, the Property of *Sir George Stewart Mackenzie* of *Coul*, Baronet, to the Burn called *Allt Guish Pec*, by which it proceeds Southwards, and divides the Lands of *Kirkan*, the Property

perty of the said Sir *George Stewart Mackenzie*, till its Junction with another Burn called *Allt Bae*, where the Lands of *Easter Corriemoulie*, the Property of *Thomas Mackenzie* Esquire, of *Ord*, meet, and are bounded by this Burn till its Termination on the South Face of *Meallan Curan*, and thence to a Cairn at the North End of this Hill where the Lands of *Kenlochlichart* are joined, from thence the March with *Kenlochlichart*, the Property of the same Proprietor the said Sir *James John Randall Mackenzie* of *Scatwell*, proceeds along the Summit of *Meallan Curan*, as Wind and Water shear, to a small Strype called *Cuchan Ban*, at its Junction with the Upper Part of *Allt Guish Pec*, which is called *Allt Beinn-lia-Mor*, and thence Westward by this *Cuchan Ban* to the Summit of the East End of the Ridge called *Meallspearag*, and thence still Westward by the Summit of this Hill, as Wind and Water shear, until opposite the Burn called *Allt Ishmarroch*, at a Point Forty-one Yards East of the highest Top of the Ridge of *Meallspearag*, at which the Lands of *Glascarnoch* join, thence from this Point Northwards to the Burn of *Allt Ishmarroch*, and by this Burn, which separates the Lands of *Glascarnoch*, the Property of the said Sir *James John Randall Mackenzie*, to its Junction with the River *Straan Deerie*, the Boundary of the said Sir *George Stewart Mackenzie's* Lands of *Strathvaick*, and the commencing Point, within which Area thus described there is a horizontal Surface of Two thousand five hundred and ninety-two Acres Two Roods and Twenty-seven Falls, Imperial Measure, all as particularly laid down, marked, and coloured on a Survey and Plan made out by *George Campbell Smith*, Land Surveyor in *Banff*; all and whole the following Part and Portion of the Lands and Estate of *Fairburn*, *videlicet*, the Lands of *Auldearg*, with the Houses and Buildings erected thereon, and Parts, Pendicles, and Pertinents thereof, lying in the Parish of *Urray* and Sheriffdom of *Ross*, and as the same stand valued in the Cess Books of the said Shire at the Sum of Three Pounds and Nine-pence Scots, being now dis-united from the Lands and Grazings of *Monar*, to which they were formerly annexed, and valued *in cumulo* therewith in the said Cess Books (but excepting from the said Lands of *Auldearg* that Part and Portion thereof called *Cairnabeast*, bounded on the North and East by the River or Burn of *Grudie*, and on all the other Points by the Property of the said Sir *Colin Mackenzie* Baronet); and, lastly, all and whole the Advocation, Donation, and Right of Patronage of the Parish Kirk and Parish of *Avoch* in the Shire of *Ross*, which was formerly Part of the ancient Lordship and Regality of *Kinloss*, which Disposition and Settlement or Deed of Entail shall be made in the Form and Manner which shall appear to the Judges of the said Court most proper for effectually settling and securing the said several Lands, free of all Debts and Incumbrances, to and in favour of the said Sir *James John Randall Mackenzie*, and the other Heirs entitled to take and succeed under the before-recited Disposition or Deed of Entail executed by the said Sir *Roderick Mackenzie*, bearing date the Fourth Day of *January* in the Year One thousand eight hundred and eleven, in the Form of a strict Entail, and under all the express Burdens, Conditions, Provisions, Declarations, Limitations, Restrictions, Exceptions, Clauses prohibitory, irritant, and resolute, and Faculties, Declarations, and Reservations, which in and by the

the before-recited Disposition or Deed of Entail are declared and expressed of and concerning the Lands and other Estates therein specified and contained, or such of them as shall be then subsisting undetermined and capable of taking effect, and which Disposition and Settlement or Deed of Entail shall be so framed as to bind and shall bind the Granter as well as all and every other Person succeeding as Heir of Entail.

Entail to be recorded.

II. And be it enacted, That when the said Disposition or Deed of Entail shall be so made, granted, and executed, in Manner and to the Effect aforesaid, the same shall in due Form be recorded in the Register of Entails, for the Benefit of all and every Person or Persons interested therein, and Infestment be taken by virtue of the Precept of Sasine therein contained and recorded, agreeably to the Forms of the Law of *Scotland*, upon all which the Judges of the Division of the Court of Session to which such Application shall have been made as aforesaid shall interpose their Authority, by declaring that the Directions in this Act given for settling the several Lands herein-before mentioned have been complied with, according to the true Intent and Meaning of this Act.

Money may be borrowed on the Security of the entailed Estate.

III. And be it enacted, That from and after the passing of this Act it shall be lawful for the said *Sir James John Randoll Mackenzie*, or for the Heir of Entail in possession of the said entailed Estate for the Time, or for 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 any Sum or Sums of Money not exceeding the following Sums; *videlicet*, the Sum of Twenty-one thousand Pounds, as specified in Schedule (A.), to be applied in manner herein-after mentioned, and the Sum of Thirteen thousand four hundred and eighty-five Pounds One Shilling and Three-pence, being Three Fourth Parts of the aforesaid aggregate Sum of Seventeen thousand nine hundred and eighty Pounds One Shilling and Eight-pence so laid out in Improvements as aforesaid, making together the Sum of Thirty-four thousand four hundred and eighty-five Pounds One Shilling and Three-pence, and 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 *Sir James John Randoll Mackenzie*, or the Heir of Entail in possession of the said entailed Estate 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 Monies so to be borrowed, and the Interest thereof, and liquidate Penalties and Expences to be therein stipulated, by Heritable Bond or Bonds, and Disposition or Dispositions in Security, in favour of the Person or Persons who may lend such Money, disposing and conveying, in the Form and with the Powers usual in Heritable Securities in *Scotland*, heritably, but redeemably, the whole or any Portion of the said entailed Estate contained in the said before-recited Disposition or Deed of Entail, and in the aforesaid Disposition and Deed of Entail to be executed of the said Fee Simple Lands, in Security and for Payment of the said Sum of Thirty-four thousand four hundred and

and eighty-five Pounds One Shilling and Three-pence Sterling, or any Part thereof, and in Security also of the Sum that may be sufficient to cover and defray the Expences of applying for, obtaining, and passing this Act, and carrying the same into execution; on which Heritable Bond or Bonds and Disposition or Dispositions in Security, granted under the Authority of this Act, Infestment may follow in usual Form according to the Law of *Scotland*; and which Heritable Bond or Bonds and Disposition or Dispositions in Security, granted under Authority of this Act, and Infestments thereon, shall be good, valid, and effectual to such Creditor or Creditors, Lender or Lenders, and to his, her, or their respective Heirs or Representatives whomsoever, or to his, her, or their Assignee or Assignees, or to any Person in right of the said Heritable Bond or Bonds and Disposition or Dispositions in Security, and Infestments thereon, for the Time, in the same Manner as if the same were granted by a Fee Simple Proprietor, and shall effectually burden either the whole or such Parts of the said Lands and others contained in the said Disposition or Deed of Entail before recited, and in the Disposition and Deed of Entail of the said Fee Simple Lands, 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, and Infestments thereon, shall be freed from and unaffected by all or any of the Fetters of the said Entail and Investitures, and the said Creditor or Creditors, Lender or Lenders, shall have every Remedy competent by the Law of *Scotland* for Recovery of the Sums so lent, Interest and Penalties, as is competent to any Creditor by Heritable Bond or Bonds and Dispositions in Security.

IV. And be it enacted, That the said Sum of Twenty-one thousand Pounds authorized to be borrowed as aforesaid shall be paid by the Lender or Lenders thereof to Two Trustees to be appointed by the said Court of Session in either Division thereof, and be applied by them in paying off the Debts of Eighteen thousand Pounds affecting the said Fee Simple Lands, and in obtaining Discharges or Renunciations thereof, which shall be duly recorded, and in paying to the said Sir *James John Randoll Mackenzie* the Balance of Three thousand Pounds, on his Delivery of the Discharges and Renunciations thereof, duly recorded, to all which the said Court shall interpose its Authority.

Application of the 21,000*l.* to be borrowed.

V. And be it enacted, That if the said Sir *James John Randoll Mackenzie* shall happen to die before borrowing the said Sum of Thirty-four thousand four hundred and eighty-five Pounds One Shilling and Three-pence hereby permitted to be borrowed, or the whole thereof, the Heirs succeeding to him by virtue of the aforesaid Deed of Entail shall be Debtors to the Executors or Representatives of the said Sir *James John Randoll Mackenzie* for such Sum as the said Sir *James John Randoll Mackenzie* 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 Sir *James John Randoll Mackenzie*, to his Executors or Representatives, such succeeding

If Sir James John Randoll Mackenzie die before borrowing the Money hereby permitted to be borrowed, the Heirs of Entail to be Debtors for the same.

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ing Heirs having Power and being bound to charge and burden the Estates as aforesaid.

Estate to be relieved.

VI. And be it enacted, That from and after the passing of this Act the entailed Lands and Estate aforesaid, and the Heirs of Entail therein, shall be for ever freed and relieved of and from every Claim or Demand for any Sum or Sums of Money hitherto expended in the Improvement of the said entailed Estate, other than those authorized by this Act.

Sir James John Randoll Mackenzie not to burden the Estate with future Improvements.

VII. And be it enacted, That it shall not be lawful for the said Sir *James John Randoll Mackenzie* at any Time hereafter, under the Provisions of the said Act of the Tenth Year of the Reign of His Majesty King *George* the Third, or otherwise, to charge, burden, or affect the said entailed Lands and Estates, or the future Heirs of Entail succeeding thereto, with any Sums of Money which may hereafter be laid out by him, the said Sir *James John Randoll Mackenzie*, during his Life, in improving the said Estates, or in building or repairing any Mansion House or Offices of the same, other than those by this Act authorized to be laid out.

Money to be borrowed for improving Mansion House and Garden.

VIII. And be it enacted, That so soon as the said Sir *James John Randoll Mackenzie*, or the Heir of Entail in possession for the Time being of the said entailed Estate, or the Tutor or Curator or other legal Guardian of such Heir, if under Age, or otherwise incapable of acting, shall have entered into a Contract or Contracts, with sufficient Security, for Execution of the necessary Repairs and Improvements on his said Mansion House, Stable Offices, and Garden, it shall be lawful to the said Sir *James John Randoll Mackenzie*, or the Heir of Entail in possession for the Time of the said entailed Estate, or the Tutor, Curator, or other legal Guardian of such Heir, if under Age, or otherwise incapable of acting, to apply in a summary Way by Petition to either of the Divisions of the said Court of Session, stating that he had entered into such Contract or Contracts as aforesaid for executing the necessary Repairs and Improvements on the said Mansion House and Stable Offices, at an Expence not exceeding the foresaid Sum of Three thousand Pounds, and in making a Garden suitable for the said Estate, as aforesaid, at an Expence not exceeding the foresaid Sum of Three thousand Pounds, making together a Sum not exceeding the Sum of Six thousand Pounds, and on Proof being given to the Satisfaction of the said Court that such Contract or Contracts had been duly entered into, with sufficient Security as aforesaid, the said Court shall issue their Decree accordingly; and thereupon it shall be lawful for the said Sir *James John Randoll Mackenzie*, or the Heir of Entail in possession for the Time of the said entailed Estate, or the Tutor, Curator, or other legal Guardian of such Heir, if under Age, or otherwise incapable of acting, to borrow and take up on Loan, upon the Security of the said entailed Estate, any Sum or Sums of Money not exceeding in the whole the Sum of Four thousand five hundred Pounds, being Three Fourth Parts of the aforesaid Sum of Six thousand Pounds, or Three Fourth Parts of whatever Sum may be covenanted in the said Contract or Contracts to be expended on the Improvement of the said Mansion House,
Stable

Stable Offices, and Garden as aforesaid; and the Money so to be borrowed shall be applied in executing the Repairs and Improvements on the said Mansion House, Stable Offices, and Garden so contracted for as aforesaid; and, being so applied, the said entailed Estate, and the Heirs of Entail therein, shall be for ever freed and relieved of and from any Claim or Demand for the Sums so expended as aforesaid.

IX. Provided always, and be it enacted, That the said Sir *James John Randoll Mackenzie*, or the Heir of Entail borrowing the said respective 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 Sir *James John Randoll Mackenzie*, 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 which had 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.

X. And be it enacted, That nothing in this Act contained shall be held or construed to alter, innovate, change, or defeat the aforesaid Disposition or Deed of Entail herein-before recited, or the Order of Succession therein and thereby established, and in the subsequent Titles respectively contained, except in so far as is necessary to carry into effect the Purposes of this Act; and the said Sir *James John Randoll Mackenzie*, or the Heir of Entail in possession of the said entailed Lands and 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 necessary to be executed under the Authority of this Act.

Deed of Entail before recited not to be altered.

XI. And be it enacted, That the Lenders of any Sum or Sums of Money under this Act shall in nowise be concerned with the Application of the Money to be lent by them, provided it be *bonâ fide* advanced agreeably to the Directions of this Act.

Lenders not to be concerned in the Application of Money.

XII. And be it enacted, That in order ultimately to free and relieve the said entailed Lands and Estate of and from the said Sum of Thirteen thousand four hundred and eighty-five Pounds One Shilling and Three-pence hereby authorized to be borrowed in respect of Money laid out in the Improvement of the said entailed Estate, and of the said sum of Four thousand five hundred Pounds hereby also authorized to be

For gradually paying off the Money borrowed in respect of Improvements.

be borrowed in respect of Money to be laid out in making Repairs and Improvements on the said Mansion House, Stable Offices, and Garden as aforesaid, or such Part thereof as shall be borrowed for these Purposes, the said Sir *James John Randoll Mackenzie*, or the Heir of Entail who at the Term of *Whitsunday* which will be in the Year One thousand eight hundred and fifty-eight shall be in possession of the said entailed Estate, or the Tutors or Curators or other legal Guardian of such Heir, if under Age, or otherwise incapable of acting, shall, out of the Rents of the said entailed Estate, pay into the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British Linen Company* in *Scotland*, or the Commercial Bank of *Scotland*, or the National Bank of *Scotland*, to an Account to be opened in the Names of Two Trustees to be nominated and appointed for that Purpose by the Court of Session, sitting in either Division thereof, upon the Application of the Heir of Entail in possession for the Time, or of the Heir of Entail of lawful Age next in Succession at the Time, or failing him for the Space of Six Months then on the Application of any other Heir or Heirs of Entail, for the Purpose of raising and managing a Sinking Fund for Repayment of the said Sum of Thirteen thousand four hundred and eighty-five Pounds One Shilling and Three-pence and Four thousand five hundred Pounds respectively, such a Sum as shall be equal to One Thirty-sixth Part of the said respective Sums as for the Year immediately preceding the said Term of *Whitsunday* One thousand eight hundred and fifty-eight, and from and after the said Term the said Heir of Entail in possession shall at each Term of *Whitsunday* thereafter pay into the same Account, in the Names of the said Trustees, a similar Sum equal to One Thirty-sixth Part of such respective Sums as aforesaid, until he shall have paid, if he shall so long live, by Twelve yearly Payments, One Third Part of the said respective Sums, after which such Heir shall not afterwards be bound or obliged to make any further Payment into the said Trust Account for whatever further Period of Time he may possess and enjoy the said entailed Estate; and upon the Succession of the next and of each succeeding Heir to the said entailed Estate each such Heir in possession shall be bound and obliged, at each Term of *Whitsunday* which shall occur one Year after he shall have come into possession of the said entailed Estate, and Receipt of the Rents thereof, to pay into the said Trust Account a similar Sum equal to One Thirty-sixth Part of such respective Sums as aforesaid, until he shall have also paid, if he shall so long live, by Twelve such yearly Payments, another Third Part of the said respective Sums, after which no one such Heir of Entail shall during his Life be bound or obliged to make any further Payment into such Trust Account, and each Heir of Entail succeeding to the said entailed Estate shall in like Manner make similar yearly Payments, to the same Extent, until he shall have made Twelve such yearly Payments, or until the whole of the said respective Sums as aforesaid, and the Expences of applying for, obtaining, and passing this Act, and carrying the same and the Trust hereby created into execution, shall have been fully paid and extinguished.

Trust Fund
to be accu-
mulated un-

XIII. And be it enacted, That the Sums of Money so paid into such Trust Account shall be held by the said Trustees so to be appointed,
and

and the Survivors or Survivor of them, and their Successors in Office as Trustees foresaid, to yield and carry the highest Rates of Interest that can be had and obtained for the same, and the Interest arising from the Money so paid in shall be laid out in the Names of the said Trustees, and shall annually accumulate and be added to the Principal Sum itself, to carry Interest together, until the same shall be from Time to Time applied to the Payment and Extinction of the said respective Sums and Expences in manner herein-after provided.

til applied
from Time to
Time in Ex-
tinction of
the Debt
on the en-
tailed Estate.

XIV. And be it enacted, That the Receipt or Receipts of the Treasurer of the said Bank of *Scotland*, or Cashier of the Royal Bank of *Scotland*, or Manager of the *British Linen Company* in *Scotland*, or of the Commercial Bank of *Scotland*, or of the National Bank of *Scotland*, respectively, for the Sum or Sums of Money herein-before directed to be so paid, shall be a good and sufficient Discharge or good and sufficient Discharges to the respective Heirs of Entail, and to their Heirs, Executors, and Representatives, for the Payments into such Trust Account as aforesaid, for which such Receipt or Receipts shall be given, and thenceforth such Heirs of Entail respectively, and their Heirs, Executors, and Representatives, shall be and are hereby absolutely acquitted, exonerated, and discharged of and from the same, and shall not be obliged to see to the Application thereof or of any Part thereof, or be answerable or accountable for any Loss, Misapplication, or Nonapplication thereof or of any Part thereof.

Receipts of
the Banks
to be good
Discharges.

XV. And be it enacted, That the said Trustees shall, out of the Monies so paid into one or other of the said Banks, from Time to Time, as the Creditors in the said respective Sums shall be bound or shall be willing to receive the same, in whole or in part, pay off and extinguish the said respective Sums of Thirteen thousand four hundred and eighty-five Pounds One Shilling and Three-pence and Four thousand five hundred Pounds, or so much of such last-mentioned Sum as shall be borrowed under the Authority of this Act, and also of such Sum as shall be borrowed under the Authority of this Act for defraying the Expences of applying for, obtaining, and carrying the same into execution, and also in Payment of the Expences of the Trust hereby created; and after the Extinction of the said respective Sums, and after Payment from Time to Time of the Costs, Charges, and Expences which shall be incurred by the said Trustees in and about the Execution of their said Trust, which they are hereby authorized to pay from Time to Time, and which Costs, Charges, and Expences the said Court of Session, sitting in either Division thereof, is hereby authorized to allow as to them shall seem fit, the Surplus, if any, which shall remain in the said Account shall, under the Direction of the said Court, be paid over to the Heir in possession for the Time of the said entailed Estate during whose Possession such Surplus shall have arisen, or to his personal Representatives; and the said Trustees shall also thereupon be declared by Decree of the said Court to be freed of the said Trust.

Debt on en-
tailed Estate
to be paid
off.

XVI. And be it enacted, That if the Trustees so to be appointed as aforesaid, or any of them, shall die, or be desirous to be discharged from or to resign the said Office of Trustee, which they or any of them

Court of
Session may
appoint new
Trustees in

[Private.]

5 f

them

place of those
who may die
or resign.

them are hereby authorized at any Time to do, or shall become incapable to act in the Trusts, Powers, and Authorities so vested in them, at any Time before the same shall have been fully performed and executed, then and in any of these Cases, and when and so often as the same shall happen, it shall and may be lawful for the said Court of Session, in either of the Divisions thereof, upon the Application of the said Trustees, or the Survivor of them, or in case of Failure of such Trustees without others having been substituted in their Room, then upon Application of the Heir of Entail in possession, or of any of the substitute Heirs of Entail, to appoint and elect any other fit Person or Persons to be a Trustee or Trustees for the Purposes aforesaid, in the Place and Stead of them or of such of them as may be from Time to Time elected and appointed, and as shall die, or be discharged from, or shall resign, or shall become incapable to act in the Execution of the Trusts, Powers, and Authorities by this Act given, and so from Time to Time as often as there shall be Occasion, until the Purposes of such Trust shall be fully accomplished, whereupon, on the Application of the said Trustees, they shall by the said Court be released and discharged from their Trust, as herein-before mentioned.

General
Saving.

XVII. Saving and reserving always to the Queen's most Excellent Majesty, and to Her Heirs and Successors, to Lady *Anne Mackenzie*, the Wife of the said Sir *James John Randoll Mackenzie*, and to all others, (save and except the said Sir *James John Randoll Mackenzie*, 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 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.

Copy of Act
as printed
by Queen's
Printers
to be Evi-
dence.

XVIII. 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.

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

The Fee Simple Lands to be entailed, and Debts affecting the same.

Wester Suddie.

Names of Tenants:	Names of Farms.	Annual Rents.		
		£	s.	d.
Henry Gair - - -	Wester Suddie Mains - - -	258	3	9
John Munro - - -	Meikle Suddie - - -	50	12	6
Donald Fraser - - -	Kilravoch - - -	48	12	0
Donald M'Farquhar - - -	Gateside - - -	50	12	6
Widow Jack - - -	Wester Suddie Crofts - - -	2	15	0
Widow Thomas Fraser - - -	Ditto - - -	3	0	0
Isabel M'Intosh - - -	Ditto - - -	0	10	0
Widow John Gray - - -	Ditto - - -	0	6	0
Alexander Corbet - - -	Ditto - - -	1	10	0
John Stewart - - -	Ditto - - -	1	10	0
Duncan M'Andrew - - -	Ordhouse - - -	15	3	9
John Gordon and David Wilson.	Wester Suddie Quarry - - -	16	0	0
		<hr/>		
		£448	15	6

Easter Suddie, and Parts of Bennetsfield.

John Munro - - -	Easter Suddie	229	12	6
Donald Fraser - - -	Lochala - - -	66	16	6
William Fraser - - -	Corrachy - - -	62	0	0
Donald Fraser - - -	Easter Suddie Croft	7	1	9
John Smith - - -	Durrach Bog - - -	5	0	0
		<hr/>		
		370	10	9

Auldguishes.

Robert Trotter - - -	Auldguishes - - -	52	10	0
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Auldearg.

D. M'Kenzie - - -	Auldearg - - -	42	0	0
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Deduct Public Burdens, viz.

On Wester Suddie - - -	- - -	30	17	10
Easter Suddie - - -	- - -	19	12	9
Auldguishes - - -	- - -	3	7	6

£859 18 2

N.B. The Land Tax on Easter and Wester Suddie is redeemed, and there are no public Burdens ascertained against Auldearg.

List of Heritable Debts on the Fee Simple Lands.

No.	Creditors Names.	Lands on which the Security stands.	Principal Sums.		
			£	s.	d.
1.	Robert Maconochie, Esquire -	Estate of Meikle Suddie and Parts of Bennetsfield.	10,000	0	0
2.	Trustees of Sir Gilbert Stirling, Baronet.	Ditto - - -	4000	0	0
3.	Sir J. J. R. Mackenzie, Baronet	Estate of Meikle Suddie -	1000	0	0
4.	Ditto, as holding a Discharge from the Trustees of the Scots Episcopal Fund.	Ditto - - -	1500	0	0
5.	Ditto, as holding a Discharge from Baillie's Trustees.	Ditto - - -	1500	0	0
6.	Trustees of the late James Wedderburn, Esq.	Auldguishes - - -	1000	0	0
7.	Messrs. J. and W. Torrance -	Auldearg - - -	2000	0	0
			<u>£21,000</u>	<u>0</u>	<u>0</u>

David Young.
Will. Mackenzie.

SCHEDULE (B.)

Sums laid out on Improvements on the entailed Estates of Scatwell.

1.	To Cash paid for erecting Farm Houses, Offices, and Outbuildings.	1557	7	6
2.	To Cash paid for draining and improving Land - - -	1457	18	9½
3.	To Cash paid for planting and inclosing Land - - -	2119	9	2
4.	To Cash paid for building Lochlinchart Lodge and Offices	2848	9	5½
5.	To Cash paid for building new Offices connected with the Mansion House of Rosehaugh.	998	2	3
6.	To Sums paid to Tenants for building Farm Houses and Offices by the late Sir James Wemyss Mackenzie.	4589	0	11
7.	To Amount of recorded Improvements, as per Decree -	4409	13	7
		<u>£17980</u>	<u>1</u>	<u>8</u>
Three Fourth Parts whereof amount to the Sum of		<u>£13485</u>	<u>1</u>	<u>3</u>

David Young.