



ANNO SEPTIMO & OCTAVO

VICTORIÆ REGINÆ.

Cap. 29.

An Act for effecting an Exchange of the entailed Estate of *Rosehall*, belonging to the Right Honourable *James Edward Lord Cranstoun*, situated in the County of *Sutherland*, for certain Lands in the County of *Kincardine* belonging to *James Matheson Esquire*, of *Achany*.

[6th August 1844.]

WHEREAS the now deceased *Richard Barrè Baron Ashburton* of *Ashburton* in the County of *Devon*, and of *Rosehall* in the County of *Sutherland*, by a Disposition and Deed of Entail, dated the Twenty-second Day of *February* One thousand eight hundred and twenty, and recorded in the Register of Tailzies the Sixth Day of *March* One thousand eight hundred and twenty-three, gave, granted, and disposed to himself and the Heirs Male of his Body; whom failing, to the Heirs of his Body, the eldest Heir Female and the Descendants of her Body always excluding Heirs Portioners, and always succeeding without Division through the whole Course of the Succession, in all Cases in which it may devolve to Females, or to Persons deriving Right through Females; whom failing, to the Right Honourable *James Lord Cranstoun* and the Heirs Male

Entail of the Estate of *Rosehall* by Lord *Ashburton*, dated 22d Feb. 1820.

[Private.]

of his Body ; whom failing, to the Honourable *Charles Cranstoun*, only Brother of the said *James Lord Cranstoun*, and the Heirs Male of his Body ; whom failing, to Miss *Margaret Macleod*, eldest Daughter of *Roderick Macleod* Esquire, junior, of *Cadboll*, Member of Parliament for the County of *Cromarty*, and the Heirs of her Body, the eldest Heir Female and the Descendants of her Body always excluding Heirs Portioners, and always succeeding without Division through the whole Course of the Succession, in all Cases in which it may devolve to Females, or to Persons deriving Right through Females ; whom failing, to Miss *Elizabeth Macleod*, Second Daughter of the said *Roderick Macleod*, and the Heirs of her Body, the eldest Heir Female and the Descendants of her Body always excluding Heirs Portioners, and always succeeding without Division through the whole Course of the Succession, in all Cases in which it may devolve to Females, or to Persons deriving Right through Females ; whom failing, to Miss *Anna Maria Isabella Macleod*, Third Daughter of the said *Roderick Macleod*, and the Heirs of her Body, the eldest Heir Female and the Descendants of her Body always excluding Heirs Portioners, and always succeeding without Division through the whole Course of the Succession, in all Cases in which it may devolve to Females, or to Persons deriving Right through Females ; whom failing, to any Person or Persons to be named by him the said *Richard Barrè* Baron *Ashburton* in any Nomination or other Writing that might be executed by him at any Time during his Life ; and failing such Nomination, or failing the Persons so to be named, and their Heirs, then to his own Heirs whomsoever, and their Assignees, the eldest Heir Female and the Descendants of her Body always excluding Heirs Portioners, and always succeeding without Division through the whole Course of the Succession, in all Cases in which it may devolve to Females, or to Persons deriving Right through Females ; all and whole the Town and Davoch of Lands of *Achness*, and Mill thereof, together with One Half of the Salmon Fishing on the Water of *Cassly*, and the respective Towns and Lands of *Inchnaline* or *Inchnalien* or *Inchnavalien*, *Rossall* or *Rosehall*, *Inchnakirk* or *Inisakirk*, *Badchrievie* or *Badichrew*, *Baddintaggart* or *Ballintaggart*, *Langwell* and *Daltairach*, sometimes called *Daltentach* or *Daltenvach*, or *Dalharvie* or *Dalkarvie*, which are Parts and Portions of the said Davoch of Lands of *Achness*, as also all and whole the Towns and Davoch Lands of *Meikle* and *Little Altas*, comprehending therein the Towns and Lands of *Auchintowl* or *Auchtentowl* or *Achnatowl*, *Midtown Torrilea*, sometimes called *Corrilea*, *Invermauld* or *Invernauld*, *Derichea* or *Derichae* or *Dericha*, *Achuragill* or *Achurigill* and *Teanbeg*, sometimes called *Cairnbeg*, lying in the Parish of *Criech* and Shire of *Sutherland*, together with the Mansion House and Offices of *Rosehall*, and all other Houses and Buildings on the said Lands, and all Wood growing thereon, and all the Parts, Pendicles, Privileges, and universal Pertinents of the said whole Lands, being the whole Lands in the said County of *Sutherland* which belonged to him the said *Richard Barrè* Baron *Ashburton*, and which are known by the general Name of the Estate of *Rosehall*, (of which Lands the Land Tax had been redeemed by him the said *Richard Barrè* Baron *Ashburton* several Years previously, and of which Lands the Teinds were valued by him several Years previously, and had been since surrendered by him to the Minister of the Parish,) together

ther also with all Right and Title which he might possibly still have in any Case, notwithstanding the said Surrender, to the Teinds, great and small, Parsonage and Vicarage, of the said Lands, and which Lands, Teinds, and others thereby disposed were purchased by him the said *Richard Barrè Baron Ashburton* from *William Baillie*, eldest Son and Heir of the late Major General *Mackay Hugh Baillie*, conformably to a Disposition executed by him in favour of the said *Richard Barrè Baron Ashburton*, with Consent of his Curators, dated the Seventh, Tenth, and Fifteenth Days of *June*, Twenty-first and Twenty-second Days of *July*, and Fifteenth Day of *December*, all in the Year One thousand eight hundred and six, and registered in the Books of Council and Session the Eighteenth Day of *December* in the Year One thousand eight hundred and six, in virtue of which Disposition and Precept of Sasine therein contained he the said *Richard Barrè Baron Ashburton* was duly infeft and seised in the said Lands, Fishings, Teinds, and others, conformably to Instrument of Sasine in his Favour, dated the Tenth and recorded in the General Register of Sasines kept at *Edinburgh* the Twentieth Days of *January* in the Year One thousand eight hundred and seven, and of which Lands and others he the said *Baron Ashburton* had obtained a Charter of Confirmation from the Crown, which is dated the Second Day of *June* One thousand eight hundred and seventeen, and written to the Seal and registered on the Fifteenth Day of *January* One thousand eight hundred and twenty, together with all Right, Title, and Interest, Claim of Right, Property, and Possession, which he the said *Baron Ashburton*, his Predecessors or Authors, had or might anywise claim or pretend to the said Lands, Mill, Teinds, Fishings, and others therein-before disposed, or to any Part or Portion thereof, but always with and under the Conditions, Provisions, Restrictions, Limitations, Exceptions, Irritancies, Declarations, and Reservations therein-after written, and no otherwise, forming a strict Entail according to the Law and Practice of *Scotland*, and, in particular, under the Declaration that it should not be lawful to nor in the Power of the Institute or any of the other Heirs of Entail therein mentioned to cut down, root up, or destroy in any Manner whatever any of the Trees growing on the Lands included within the Boundaries therein specially described, contiguous to the Mansion House, unless such Trees as are previously completely dead: And whereas the Prohibition and Declaration above quoted from the Entail of the said *Richard Barrè Baron Ashburton*, regarding the cutting down of Wood within certain Boundaries therein specified, is exclusively applicable to the Estate of *Rosehall*, and does not admit of being transferred *in terminis* to the Estate of *Benholm*, to be exchanged for the said Estate of *Rosehall*: And whereas the said *Richard Barrè Baron Ashburton* having departed this Life, he was succeeded in the said Sands and Estate of *Rosehall* by the Right Honourable *James Edward Lord Cranstoun*, who made up his Titles thereto conform to Retour of his General Service as nearest and lawful Heir of Tailie and Provision in general under the said recited Disposition and Deed of Entail to the said *Richard Barrè Baron Ashburton*, dated the Twenty-sixth Day of *January* One thousand eight hundred and twenty-four, Instrument of Sasine in his Favour, dated the Seventh, and recorded in the Particular Register of Sasines for the Shires of *Inverness, Ross, Sutherland, and Cromarty*

marty the Ninth Day of *February*, both in the Year One thousand eight hundred and twenty-four; and Charter of Confirmation in his Favour under the Seal appointed by the Treaty of Union to be kept and used in *Scotland* in the Place of the Great Seal thereof formerly used there, dated the Second Day of *June*, and written to the Seal, registered and sealed, the Fifth Day of *August* One thousand eight hundred and twenty-eight: And whereas *James Matheson* Esquire, of *Achany*, is Proprietor in Fee Simple of the Lands and Barony of *Benholm*, lying in the Parish of *Benholm* and County of *Kincardine*, comprehending all and whole the Lands called *Over Mains* of *Benholm*, as at present meithed and bounded, from the Lands of *Over* and *Nether Knoxes* and *Nether Mains* of *Benholm*, with the Pendicles of the same, called *Hairmuir*, *Hairanich*, *Castletown*, *Castletown Bank*, and *Gedds pool*, with the *Over* and *Nether Denwards* of *Benholm*, with the Tower, Fortalice, Manor Place, Dovecots, Yards, Orchards, and Planting of *Benholm*, with the hail Parts, Pendicles, and Pertinents of the same; reserving always Licence, Liberty, and Tolerance to the Heirs and Successors of *Mr. Alexander Wood*, Proprietors of the Lands of *Nether Mains* of *Benholm*, and of the just and equal Half of the Mill and Mill Lands of *Benholm*, of a Cart Road through the said Lands of *Over Mains* of *Benholm*, for the Transportation of their Fuel, Eilding, Goodings, and other Necessaries, from their Easter Half of the Muir of *Kingsethill* to their said Lands of *Nether Mains* of *Benholm*, and Half of the Mill, as said is reserved in a Contract of Alienation of the said Lands and others between the said *Mr. Alexander Wood* and the deceased *Patrick Livingston* of _____ and *Patrick Livingston* his Son, dated at *Brechin* and *Montrose* the Sixth and Twelfth Days of *July* One thousand six hundred and forty; the Town and Lands of *Tulloch*, and that Piece of Land lying within the Dykes which was once Part of the same; the Town and Lands of *Greenleys*, and that Pendicle thereof called *Gillieward*, together with the hail other Parts, Pendicles, and Pertinents of the same, as well that Part and Portion of the said Lands which is bounded and meithed from the Rest, as the other Parts, Pendicles, and Pertinents of the same; the Town and Lands of *Inchmedden* and *Forgie*, and that Piece of Land called *Craigstack*, with the just and equal Westmost Half of the Muir of *Kingsethill*; all and hail the just and equal Half of the Mill of *Benholm*, Mill Lands, astricted Multures, and Knaveships thereof; all and hail the Lands of *Kirktown* of *Benholm*, with the Pendicles of the same; together with all and sundry Houses, Biggings, Yards, Tofts, Crofts, Annexes, Connexes, Com-monties, Common Pasturages, Marishes, Tenants, Tenandries, and Service of free Tenants; together with the Second of Three alternate Vices of all and hail the Advocation, Donation, and Right of Patronage of the Parish Church of *Benholm*, Parsonage and Vicarage of the same; together also with the Liberty and Licence of casting Divot and Midden Feal in the Lands of *Cessford* in as great Quantities as the Tenants of the foresaid Lands were in use to do, for the Service and Gooding of those Parts of the foresaid Lands which were formerly gooded out of the same, and no otherways, all lying within the Barony of *Benholm*, Parish thereof, and Shire of *Kincardine*, as for the Principal; and sick-like, in special and real Warrantice of a Fourth Part of the foresaid Lands,

Lands, Half of the foresaid Mill, Mill Lands, Multures, and others above described in principal, all and hail the Lands called *Nether Mains* of *Benholm*, with Houses, Biggings, and Pertinents thereof, as also all and hail that other Half of the said Mill of *Benholm*, Mill Lands, Multures, and Sequels of the same, lying as aforesaid, all united, annexed, and incorporate into an hail and free Barony called the Barony of *Benholm*, conform to the Charter of Erection thereof granted by King *Charles* the Second to the deceased *Robert Scott* of *Benholm*, of Date the Fifth Day of *September* One thousand six hundred and seventy-three, as also all and hail the Temple Lands of *Benholm*, with Houses, Biggings, Yards, Parts, Pendicles, and Pertinents thereof, lying within the said Parish of *Benholm*, Shire of *Kincardine*, and Regality of *Drem*: And whereas the said Lands and Estate of *Rosehall* lie immediately adjacent to the Lands of *Glenshiach*, the Property of the said *James Matheson*, and near to his Mansion House of *Achany*, and the said *James Matheson* is willing to give in exchange therefor the said Lands and Barony of *Benholm*, under the Burden of a Feu Right and Disposition dated the Twenty-ninth Day of *June* One thousand eight hundred and forty-four, of certain Parts and Portions thereof, granted by him the said *James Matheson* to and in favour of the said *James Edward* Lord *Cranstoun*, and his Heirs and Assignees whomsoever, to be holden by them of and under the said *James Matheson*, and his Heirs and Successors in the said Lands and Barony of *Benholm*, for Payment of an annual Feu Duty of One Shilling Sterling, and doubling the same on the Entry of each Heir and singular Successor to the said Lands: And whereas the present free annual Rent of the said Lands and Estate of *Rosehall* amounts to the Sum of Four hundred and eighty-three Pounds Ten Shillings and Sixpence Halfpenny Sterling, and the estimated annual Value to the Sum of Five hundred and sixty-three Pounds Seven Shillings and One Penny Halfpenny Sterling, and the estimated Value or Price to the Sum of Twenty thousand two hundred and forty-one Pounds Two Shillings and Sixpence Sterling, as more particularly appears from Schedule (A.) hereunto annexed; and the present free annual Rent of the said Lands and Barony of *Benholm*, exclusive of those Parts and Portions thereof which are contained in the said Feu Right and Disposition in favour of the said *James Edward* Lord *Cranstoun*, and his Heirs and Assignees, amounts to the Sum of Eight hundred and sixty-eight Pounds Eighteen Shillings and Nine-pence Sterling, and the estimated annual Value of the same to the Sum of Eight hundred and fifty Pounds Seventeen Shillings and Four-pence Halfpenny Sterling, and the estimated Value or Price thereof to the Sum of Twenty-seven thousand nine hundred and fifty-eight Pounds One Shilling and Three-pence Sterling, as more particularly appears from the Schedule (B.) to this Act annexed; and the said *James Edward* Lord *Cranstoun*, and the Heirs of Entail entitled to succeed under the foresaid Deed and Disposition of Entail, would derive great Benefit and Advantage if the Exchange before mentioned were carried into effect; but as the said Lands and Estate of *Rosehall* are held under Settlement of strict Entail, by virtue of the Deed of Entail above recited, and the Titles made up by the said *James Edward* Lord *Cranstoun* under the same, the said Exchange cannot be carried into effect without the Aid and Authority

[Private.]

Lands and
Barony of
Benholm
to be ex-
changed for
Lands of
Rosehall, by
Deed of En-
tail, to be
approved of
by the Court
of Session.

of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That immediately from and after the passing of this Act the said Lands and Barony of *Benholm*, as herein-before more particularly described, and set forth in the Schedule (B.) to this Act annexed, with all Right, Title, and Interest, Claim of Right, Property, and Possession, therein, but excluding those Parts and Portions thereof which are contained in the said Feu Right and Disposition by the said *James Matheson* in favour of the said *James Edward* Lord *Cranstoun* and his Heirs and Assignees, shall, upon a proper Disposition thereof being granted by the said *James Matheson*, or the Person who may then be in the Possession thereof, holding a sufficient feudal Title to the same, with the Approbation and under the Direction of either Division of the Court of Session in *Scotland* that may be applied to for that Purpose, be and the same shall thereupon become vested in the said Right Honourable *James Edward* Lord *Cranstoun*, or the Heir of Entail for the Time being seised and possessed of the Lands and Estate of *Rosehall* comprised in the Disposition and Deed of Entail and other Deeds herein-before recited, for which Purpose a summary Application may and shall be made by Petition to the Court of Session in *Scotland* in either Division thereof; and the Judges thereof shall thereupon interpose their Authority for the making, granting, and executing a Disposition and Settlement or Deed of Entail of the said Lands and Barony of *Benholm*, as particularly set forth in the said Schedule (B.) to this Act annexed; which Disposition and Settlement or Deed of Entail shall be made in the Form of a strict Entail in such Manner as shall appear to the said Judges of the said Court most proper for effectually settling and securing the said Lands and Barony of *Benholm* to and in favour of the said Right Honourable *James Edward* Lord *Cranstoun*, and all and every the other Heirs of Entail entitled to succeed to or take under the said Disposition and Deed of Entail executed by the said Baron *Ashburton*, and Titles made up thereon in the Person of the said *James Edward* Lord *Cranstoun*, and under all the Reservations, Provisions, Qualifications, Conditions, Restrictions, Limitations, and Clauses prohibitory, irritant and resolute, and Faculties, provided, expressed, and declared in and by the said Deed of Entail, and Titles made up thereon, of and concerning the said Lands and Estate of *Rosehall*: Providing always, that the said Lands and Barony of *Benholm*, and the Heirs of Entail entitled to succeed thereto, shall be subject to all such Burdens as do now affect or can be made to affect the said Lands and Estate of *Rosehall*, under the Provisions of an Act passed in the Sixth and Seventh Years of the Reign of Her present Majesty, intituled *An Act for more effectually repairing, improving, and maintaining the Roads and Bridges in the County of Sutherland, and further regulating the Statute Labour in the said County; and for repairing, improving, and maintaining a certain Portion of Road in the County of Ross*: Providing always, that it shall be competent to the said Court of Session in *Scotland*, and Judges thereof, to modify and alter the Prohibition contained in the said Disposition

and

and Deed of Entail of *Rosehall* against cutting down, rooting up, or destroying any Trees growing on the Lands within the Boundaries therein specified contiguous to the Mansion House, in such a Manner as the said Court of Session shall deem suitable to the Circumstances of the Estate of *Benholm*, and requisite for the Protection of the just Interests of the Heirs of Entail; which Disposition and Settlement and Deed of Entail shall be so framed as to bind the Institute as well as all and every other Person succeeding as Heirs of Entail to the said Lands and Barony of *Benholm* in all Time coming.

II. And be it enacted, That after the said Disposition and Settlement 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 and Persons interested therein, and a Charter or Charters shall and may be obtained thereupon, and Infestment or Infestments had in virtue thereof, and the same shall be in due Form recorded, or the Title otherwise feudally completed, agreeably to the Practice of the Law of *Scotland*, upon all which the Judges of the Division of the Court of Session to whom such Application shall have been made as aforesaid shall interpose their Authority, by declaring that the Directions in this Act given for settling the said Lands and Barony of *Benholm*, herein-before mentioned (and in Schedule (B.) to this Act annexed particularly specified), have been complied with in all respects according to the true Intent and Meaning of this Act.

Deed of Entail to be recorded.

III. And be it enacted, That from and immediately after the making, granting, and executing the aforesaid Disposition and Settlement or Deed of Entail, the recording of the same in manner above-mentioned, the expeding the said Charter or Charters, and taking and recording the said Infestment or Infestments, or other Completion of the Title as aforesaid, and the Authority of the said Court of Session in either Division being interposed thereto in manner before mentioned, the said Lands and Estate of *Rosehall*, all as more particularly specified in the Schedule (A.) to this Act annexed, shall thereupon become vested and the same are hereby and from thenceforth vested in Fee Simple in the said *James Matheson* Esquire, his Heirs and Assignees, freed and discharged of and from all and every the Conditions, Provisions, Declarations, Reservations, Burdens, Faculties, Restrictions, Limitations, and Clauses prohibitory, irritant, and resolute, which in the said Disposition and Deed of Entail before recited, and Titles in the Person of the said *James Edward* Lord *Cranstoun* following therein, are limited, created, expressed, declared, and contained of and concerning the same.

Lands of *Rosehall* to vest in *James Matheson*, Esq., on Deed of Entail being completed

IV. And be it enacted, That the said Right Honourable *James Edward* Lord *Cranstoun*, or the Heir of Entail for the Time being possessed of the said Lands and Estate of *Rosehall* under and by virtue of the said Disposition and Deed of Entail, and Titles made up thereon, shall not incur any Irritancy or Forfeiture for or by reason of his executing any Disposition or other Deed whatever directed or necessary to be executed, under the Authority of this Act, all which Dispositions and Deeds he is hereby directed, authorized, and empowered to

No Irritancy of Entail to be incurred by acting under this Act.

to execute in such Manner and Form as to the said Judges of the said Court shall appear most proper for effectually conveying and securing the said Lands and Estate of *Rosehall*, as in the Schedule (A.) to this Act annexed set forth, to and in favour of the said *James Matheson*, his Heirs and Assignees; and it is hereby provided and declared, that the foresaid Exchange shall not in anywise be challenged or questioned, or the Validity thereof affected in any manner of way.

Costs and
Expences to
be paid
jointly by
Lord Cranstoun
and
Mr. Matheson.

V. And be it enacted, That the said *James Edward Lord Cranstoun* and the said *James Matheson* shall jointly and equally, at their proper Costs, defray and discharge the whole Expence of obtaining this Act, and shall also defray and discharge the whole Costs and Expences which shall be incurred by the said *James Edward Lord Cranstoun*, and the Heirs of Entail succeeding to him in the Right of the said Lands and Barony of *Benholm*, when exchanged, and by the said *James Matheson* and his Heirs, as well on account of the Proceedings to follow hereon as for all Measures preparatory to obtaining this Act, and all the Expence, Cost, and Charge for and on account of the Dispositions or Deeds of Entail, Charter or Charters, Infestment or Infestments, and other Deeds or Instruments to follow hereon in manner herein-before directed.

Costs to be
taxed.

VI. And be it enacted, That the Costs and Charges of all Proceedings to be had in either Division of the Court of Session, in pursuance of the Powers given by this Act, shall be taxed and ascertained according to the Practice of the said Court.

Three of the
absent Heirs
to consent
before Act is
put in force.

VII. And whereas Three of the first Ten Heirs next in succession to the said entailed Estate after the said *James Lord Cranstoun*, namely, the said *Margaret Macleod*, *Elizabeth Macleod*, and *Anna Maria Isabella Macleod*, are not in *Great Britain*, and so cannot be present to give their Consents to the passing of this Act; be it therefore enacted, That none of the Provisions of this Act shall take place, nor shall the same be carried into execution, unless within Three Years from and after the passing of this Act the said *Margaret Macleod*, *Elizabeth Macleod*, and *Anna Maria Isabella Macleod*, or such of them as shall be then living, and the legal Guardian or Guardians of the Child or Children, if there any be, of such of them as shall have died, shall, by a Deed to be executed by her, him, or them respectively before Two Witnesses, express her, his, or their Consent to this Act, which Deed shall be registered in the Books of Council and Session, and shall in all Time thereafter be held and taken to be sufficient Evidence of the Consent of the Person or Persons executing such Deed to the passing of this Act, which shall thereafter be put in execution as if such Consent had been previously given; and such Consent shall be effectual and binding upon her, him, or them in all Time thereafter.

General
Saving.

VIII. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and to all and every other Person or Persons, Bodies Politic or Corporate, and their Heirs and Successors, Administrators and Assigns, (other than and except the said Right Honourable
James

James Edward Lord Cranstoun, and all and every the other Heirs of Entail entitled by virtue of the said Disposition and Deed of Entail of the said Richard Barrè Baron Ashburton, and Titles made up thereupon in the Person of the said James Edward Lord Cranstoun, to succeed and take the Lands and Estate therein contained,) and to the said James Matheson Esquire, all such Estate, Right, Title, Interest, Claim, and Demand whatsoever, in, to, or out of the said Lands and Estate of Rosehall or any Part thereof, as they or any of them had or might have before the passing of this Act, or could or might have, claim, challenge, or demand in case this Act had not been made.

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.

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

SCHEDULES to which this Act refers.

SCHEDULE (A.)

Showing the annual Rent and the annual Value and estimated Value or Price of the Lands and Estate of Rosehall in the County of Sutherland, and the Value of the Timber growing thereon, to be exchanged for the Lands and Barony of Benholm in the County of Kincardine, described in Schedule (B.)

Names of Lands and Farms.	Tenants.	Measurement.			Annual Rent.			Estimated Annual Value.		
		A.	R.	P.	£	s.	d.	£	s.	d.
Meikle Altas - -	Duncan Munro - -	19	3	0	12	0	11	13	6	0
Ditto - -	Malcolm Ross - -	19	2	9	12	3	3	10	14	0
Ditto - -	Alexander Urquhart - -	16	2	4	9	2	11	13	2	0
Ditto - -	Alexander McLeod - -	8	2	6	9	2	11	7	13	0
Ditto - -	Alexander William Mackay	8	2	6	9	2	11	6	13	0
Ditto - -	Ewen Cameron - -	14	3	0	9	0	0	10	6	0
Ditto - -	Widow John McDonald - -	8	2	6	9	2	11	6	13	0
Ditto - -	William Munro and George Sutherland - -	59	2	17	33	12	10½	32	12	6
Ditto - -	Widow Malcolm Ross - -	2	3	7	1	0	0	1	10	0
Auchintoul - -	John Munro - -	14	3	23	7	3	6½	7	10	0
Ditto - -	George and Hugh McDonald - -	17	1	21	10	14	9	9	12	0
Ditto - -	Hugh McLeod and Donald Ross - -	16	1	2	10	13	6	9	15	0
Ditto - -	Duncan McLean - -	16	0	25	11	17	0	9	5	0
Topachy - -	Robert Munro - -	25	2	30	11	11	9	15	0	0
Ditto - -	Ann Ross - -				5	6	3			
Ditto - -	Widow Donald Ross - -				1	1	0			
Little Altas - -	Alexander Mackay - -	105	2	0	46	4	9½	77	7	6
Ditto - -	John Murray - -				5	12	8			
Ditto - -	John McLeay - -				1	1	5			
Ditto - -	Alexander Graham - -				1	1	0			
Ditto - -	Widow Murray - -				1	1	0			
Tulloch - -	Walter Ross - -	125	0	0	11	0	6	35	12	0
Little Altas - -	William McLean - -				25	9	4½			
Invernault - -	George Munro - -				9	2	33			
Badfleuch - -	Donald Ross - -	8	3	26	1	1	3	1	10	0
Ditto - -	Donald Rankine - -	7	1	37	0	5	3	0	10	0
Ditto - -	Hugh Ross - -	0	3	0	3	0	0	3	0	0
The Lodge - -	Robert Buchan - -	1	2	0	1	5	0	2	10	0
The Old Manse - -	Alexander Graham - -	20,222	0	32	390	0	0	456	15	9
The Mains or Home Farm, and Sheep Farm, being the Residue of the Estate.	A. G. Kennedy - -									
Pasture common to small Tenants.	- - - -	1,356	3	20						
	Totals	22,086	3	24	652	1	2	731	17	9

	Annual Rent.			Estimated Annual Value.		
	£	s.	d.	£	s.	d.
Brought forward	652	1	2	731	17	9
Deduct Public Burdens, as under: —						
Minister's Stipend, being total Teind	113	14	3½			
School Salary	4	0	6			
Road Assessment for the Year 1842	22	2	6			
County Assessment and Rogue Money 1842-43	4	11	7			
Prison Assessment	1	4	11			
Jail Expences, 1842-43	4	0	10			
Ditto additional for General Board	5	1	1			
Road Repair Assessment for Parliamentary Roads	13	14	11			
	<u>168</u>	<u>10</u>	<u>7½</u>	<u>168</u>	<u>10</u>	<u>7½</u>
Remains total free annual Rent and annual Value	483	10	6½	563	7	1½

Total estimated Value, at Twenty-eight Years Purchase of free annual Value	£	s.	d.
	15,773	19	6
Add Value of Mansion House, Shootings, and Fishings	1,920	0	0
Ditto of growing Timber (not allowed to be cut or sold by Heirs of Entail)	1,395	3	0
Ditto of other Plantations	1,152	0	0
Total estimated Value of the Lands and Estate of Rosehall	£20,241	2	6

Joseph Gordon.

SCHEDULE (B.)

Showing the annual Rent and the estimated annual Value and also the estimated Value or Price of the Lands and Barony of Benholm in the County of Kincardine, and the Value of the Timber growing thereon, to be exchanged for the Lands and Estate of Rosehall in Schedule (A.)

Names of Lands or Farms.	Tenants.	Measurement.						Rent.			Estimated Annual Value.		
		Arable.		Pasture.		Total.		£	s.	d.	£	s.	d.
		Acres	Scotch.	Acres	Scotch.	Acres	Scotch.						
Home Farm, Portion of, in Grass Parks.	Let to Sundries	137	3 6	0	0 0	137	3 6	336	4	0	336	0	0
Tulloch, Portion of	William Ronaldson	177	0 36	22	1 7	199	2 3	357	3	0	323	3	1½
Moathill, ditto	John Smith	26	1 29	1	0 28	27	1 37	42	1	0	45	8	0
Burnhead	James Brown	8	0 14	0	0 0	8	0 14	9	0	0	10	16	3
Kirktown, Portion of	Alexander Scott	70	3 28	10	1 35	81	1 23	152	2	0	143	9	7
Gardener's Croft	Peter Culberts	4	1 6	2	1 3	6	2 9	6	0	0	8	10	0
Smithy, House, &c.	Alexander Wilkie	0	1 12	0	1 7	0	2 19	9	0	0	8	10	0
Burnhead	James Collieson	2	0 10	0	1 2	2	1 22	5	0	0	5	11	8
Den and Wood Pasture	Not let	0	0 0	34	1 37	34	1 37	0	0	0	17	0	0
Woods, Roads, Waste Ground, &c.	-	0	0 0	76	3 5	76	3 5	0	0	0	0	0	0
		Acres 427 0 1		148 0 14		575 0 15		916 10 0			898 8 7½		
Deduct Public Burdens, as under:—		£		s.		d.							
Minister's Stipend		-		-		55 11 7							
Schoolmaster's Salary		-		-		8 9 2							
Highway and Bridge Money		-		-		4 13 5½							
Rogue Money		-		-		2 12 8							
Total of Public Burdens for whole Estate of Benholm		}		71		6 10½							
Two Thirds whereof applicable to the above Lands, or		-		-		-		47 11 3		47 11 3			
Remains total free annual Rent and annual Value		£		868 18 9		9850 17 4½							
Estimated Value of the above Lands of Benholm, at Thirty Years Purchase of free annual Value		-		-		-		£		s.		d.	
Add Value of Mansion House, Garden, and Shootings (No Value being put on Right of Patronage)		-		-		-		720		0 0			
And Value of Growing Timber in Vicinity of Mansion House		-		-		-		1,712		0 0		27,958 1 3	
Total free annual Rent and estimated annual Value of the Estate of Benholm, as above		-		-		-		868 18 9		850 17 4½			
Total free annual Rent and estimated annual Value of the Estate of Rosehall, per Schedule (A.)		-		-		-		483 10 6½		563 7 1½			
		-		-		-		385 8 2½		287 10 3			
Total estimated Value of Benholm, as above		-		-		-		-		27,958 1 3			
Total estimated Value of Rosehall, per Schedule (A.)		-		-		-		-		20,241 2 6			
Difference in favour of Heirs of Entail		-		-		-		-		7,716 18 9			

Joseph Gordon.