



ANNO OCTAVO & NONO

# VICTORIÆ REGINÆ.

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## Cap. 23.

An Act to enable Sir *Robert Keith Dick* of *Prestonfield*, Baronet, Heir of Entail in Possession of the Entailed Estates of *Prestonfield* and *Corstorphine* in the County of *Edinburgh*, to feu and sell certain Parts of the said Estates, and to bear the Surname of *Cunyngham* and Arms of "*Cunyngham of Lamburghtoun*" alongst with the Surname and Arms of *Dick of Prestonfield*.

[8th August 1845.]

**W**HEREAS Sir *James Dick* of *Prestonfield*, Baronet, deceased, Great Grandfather of Sir *Robert Keith Dick* now of *Prestonfield*, Baronet, by a Bond of Tailzie and Procuratory of Resignation or Deed of Entail, dated the First Day of *April* in the Year One thousand seven hundred and twenty, and duly registered in the Register of Tailzies the First Day of *December* in the Year One thousand seven hundred and thirty-two, and in the Books of Council and Session the Second Day of *April* in the Year One thousand seven hundred and thirty-three, on the Narrative and for the Causes and Considerations therein specified, bound and obliged himself

Bond of Tailzie by Sir James Dick, Bart., 1st April 1720.

[Private.]



himself and his Heirs, as well of Line, Tailzie, Conquest, as of Provision, and his Successors whatsoever, to make due and lawful Resignation of, likeas he thereby resigned, renounced, surrendered, upgave, overgave, and delivered all and hail his Lands and Barony of *Prestonfield*, the Lands of *Cammeron* and *Common Myre*, with the Manor Places, Houses, Biggings, Yards, Orchards, Parks, Lochs, Fishings, Milns, Miln Lands, Teinds, Brewhouses, Barns, Byres, Kilns, and hail other Parts, Pendicles, and Pertinents thereof whatsoever, lying within the Parishes of *Duddingston* and *Libbertown* and Sheriffdom of *Edinburgh*, also the Lodging and Dwelling House belonging thereto, then possessed by the said Sir *James Dick*, with a Dwelling House in the first Turnpike within the Head of *Marling Wynd*, and a laigh House and Shop lying within the said Wynd, together with Two high Shops and One little Shop, and a large Cellar and Dwelling House, at the East Side of the Head of *Blackfriars Wynd*, upon the *High Street*, all lying within the Borough of *Edinburgh*, as the same are more fully mentioned, set down, marched, and bounded in his Rights and Infestments of the same; and also all and hail the Lands and Barony of *Corstorphine*, comprehending therein the Lands of *Corstorphine* and Village thereof, with Castle, Tower, Fortalice, Manor Place, Woods, Forests, Yards, Orchards, Tenants, Tenandries, Service of Free Tenants, Advocations, Donations, and Rights of Patronage of the Provestrie, Prebendaries, and Chaplainries of the Collegiate Kirk of *Corstorphine*, annexis, connexis, and Parts, Pendicles, and Pertinents thereof whatsoever, the Lands of *Easter Craigs* and *Wester Craigs* of *Corstorphine*, the Lands of *Whitehouse*, the Lands commonly called the *Hill of Corstorphine* and *South Clarmiston*, with Advocations, Donations, and Right of Patronage of the Parish Kirk of *Corstorphine*, Parsonage and Vicarage Teinds of the same, with all sundry Fruits, Rents, and Teinds, as well great as small, united and pertaining to the said Kirk of *Corstorphine* and Patrimony thereof, lying within the said Parish of *Corstorphine* and Sheriffdom of *Edinburgh*, all united, annexed, and incorporated in One hail and free Barony called the Barony of *Corstorphine*, (excepting and reserving furth of the said Barony the Lands and others excepted and reserved in a Charter under the Great Seal of the said Barony of Date the Twenty-second Day of *June* One thousand seven hundred and thirteen,) together with all Right, Title, Interest, Claim of Right, Property, and Possession, pétitory and possessory, which he the said Sir *James Dick* or his foresaids had, or any ways might have, claim, or pretend to the said Lands, Baronies, Teinds, and others above written in any sort, in the Hands of his immediate lawful Superiors thereof, or their Commissioners in their Names, having Power to receive Resignations and grant new Infestments in favour and for new Infestment of the same to be made, given, and granted to him the said Sir *James Dick*, and the Heirs Male lawfully to be procreated of his Body; which failing, to Dame *Janet Dick* his Daughter, Spouse to Sir *William Cunninghame* of *Caprington*, Baronet, in Liferent, during all the Days of her Lifetime, and to *James Cunninghame*, Second lawful Son procreated betwixt them, and the Heirs Male to be procreated of his Body, in fee; which failing, to *William Cunninghame*, Third lawful Son procreated betwixt the said Sir *William Cunninghame* and Dame *Janet Dick*,



*Dick*, and the Heirs Male to be procreated of his Body; which failing, to *Alexander Cunninghame*, Fourth lawful Son procreated betwixt the said Sir *William Cunninghame* and Dame *Janet Dick*, and the Heirs Male to be procreated of his Body; which failing, to *Adam Cunninghame*, Fifth lawful Son procreated betwixt the said Sir *William Cunninghame* and Dame *Janet Dick*, and the Heirs Male to be procreated of his Body; which failing, to *Archibald Cunninghame*, Sixth lawful Son procreated betwixt the said Sir *William Cunninghame* and Dame *Janet Dick*, and the Heirs Male lawfully to be procreated of his Body; which failing, to the other Heirs Male procreated or to be procreated betwixt the said Sir *William Cunninghame* and Dame *Janet Dick*, and the Heirs Male lawfully to be procreated of their Bodies, according to their Ages and Births; which failing, to the Second and younger Sons to be procreated of the Body of *John Cunninghame*, eldest lawful Son of the said Sir *William Cunninghame* and Dame *Janet Dick*, according to their Ages and Births, and the Heirs Male respectivé to be procreated of their Bodies; which failing, to *Anna Cunninghame*, eldest lawful Daughter procreated betwixt the said Sir *William Cunninghame* and Dame *Janet Dick*, and the Heirs Male lawfully to be procreated of her Body; which failing, to *Margaret Cunninghame*, Second lawful Daughter procreated betwixt the said Sir *William Cunninghame* and the said Dame *Janet Dick*, and the Heirs Male lawfully to be procreated of her Body; which failing, to *Janet Cunninghame*, Third lawful Daughter procreated betwixt the said Sir *William Cunninghame* and Dame *Janet Dick*, and the Heirs Male lawfully to be procreated of her Body; which failing, to *Christian Cunninghame*, Fourth lawful Daughter procreated betwixt the said Sir *William Cunninghame* and Dame *Janet Dick*, and the Heirs Male lawfully to be procreated of her Body; which failing, to the other Heirs Female, without Division, procreated or to be procreated betwixt the said Sir *William Cunninghame* and Dame *Janet Dick*, and the Heirs Male of their Bodies respectivé, according to their Ages and Births; which failing, to the Heirs Female, without Division, to be procreated of the said *James Cunninghame's* Body, and the Heirs Male of their Bodies respectivé, according to their Ages and Births; which failing, to the Heirs Female, without Division, of the said *William Cunninghame*, Third lawful Son of the said Sir *William Cunninghame*, and the Heirs Male of their Bodies respectivé, according to their Ages and Births; which failing, to the Heirs Female, without Division, to be procreated of the said *Alexander Cunninghame's* Body, and the Heirs Male of their Bodies respectivé, according to their Ages and Births; which failing, to the Heirs Female, without Division, to be procreated of the said *Adam Cunninghame's* Body, and the Heirs Male of their Bodies respectivé, according to their Ages and Births; which failing, to the Heirs Female, without Division, to be procreated of the said *Archibald Cunninghame's* Body, and the Heirs Male lawfully to be procreated of their Bodies respectivé, according to their Ages and Births; which failing, to the Heirs Female, without Division, of the other Heirs Male procreated or to be procreated betwixt the said Sir *William Cunninghame* and Dame *Janet Dick*, and the Heirs Male of their Bodies respectivé, according to their Ages and Births; which failing, to the Heirs Female, without Division,



sion, of the said *John Cunninghame* his Body, and Heirs Male of their Bodies respectivé, according to their Ages and Births; which failing, to the Heirs Female, without Division, of the Heirs Female procreated or to be procreated betwixt the said Sir *William Cunninghame* and Dame *Janet Dick*, and the Heirs Male of their Bodies respectivé, according to their Ages and Births; which failing, to the Heirs Female, without Division, of the Daughters to be procreated of the said *James Cunninghame* and his younger Brethren their Bodies, and the Heirs Male respectivé of their Bodies, according to their Ages and Births; which failing, to the Heirs Female, without Division, of the said *John Cunninghame* his Body, and the Heirs Male respectivé of their Bodies, according to their Ages and Births; which failing, to the Heirs whatsoever to be procreated of the said Dame *Janet Dick* her Body of any other Marriage; which failing, to *Helen Sydsersff*, eldest lawful Daughter procreated betwixt Master *John Sydsersff* of *Colleaghead* and umql. *Helen Dick*, the Entailer's Sister, his Spouse, and the Heirs Male lawfully to be procreated of her Body; which failing, to *Alexander Gordon*, lawful Son to Master *George Gordon*, Writer in *Edinburgh*, procreated betwixt him and umql. *Janet Dick*, the Entailer's Sister, and the Heirs whatsoever procreated or to be procreated of his Body; which failing, to *William Dick*, only lawful Son now in Life procreated betwixt umql. *William Dick* of *Bread* and umql. *Duncan* his Spouse, and the Heirs whatsoever procreated or to be procreated of his Body; which failing, to the Entailer's nearest and lawful Heirs whatsoever, heritably, with and under the Provisions, Conditions, Restrictions, Reservations, Limitations, and Clauses prohibitive, irritant, and resolute, and such as are usual in Settlements of Lands in strict Entail by the Law of *Scotland*; and it is, *inter alia*, thereby expressly provided and declared, that, failing of Heirs Male to be procreated of the Entailer's own Body, so that any of the rest of the Heirs therein written should happen to succeed to his said Estates, they should be obliged to assume, use, and take upon them the Surname and Arms of *Dick* and Title of *Prestonfield*, and no other Surname, Arms, or Title; and in case it should happen, by Defect of Heirs Male, that the Heirs Female should happen to succeed to the said Estates, and that there should be more than One in the same Degree, it is declared, that the eldest Daughter should always succeed, without Division, and so successively, and that their Heirs Male should assume, use, and take upon them the Surname and Arms of *Dick* and Title of *Prestonfield*, and should continue and not desist from using them thereafter; to which Clause a Provision is added excepting therefrom Heirs Female married or to be married to a Person or Persons who shall be under an Obligation to bear some other Surname, Arms, and Title, or who shall succeed to any Estate whereby he or they shall be obliged to bear and carry the Surname, Arms, and Title of the Family to whose Estate he or they shall so succeed; and by the said Procuratory or Deed of Entail it is further provided and declared to be the express Meaning of the said Nomination and Settlement, that the Succession to the said Two Estates should be kept separate and distinct as long as there were Heirs by the above-mentioned Tailzie who could separately enjoy the Estates of *Caprington*, or any other Estate then belonging or that might thereafter happen to belong to the said

Sir



Sir *William Cunninghame*, his Heirs and Representatives, and the Estates of *Prestonfield* and *Corstorphine*, and others mentioned in the said Deed of Entail, belonging to the said Sir *James Dick*: And whereas the said Sir *James Dick* having departed this Life without leaving Heirs Male of his Body, he was succeeded in the said Lands, Baronies, and others above written by his Daughter the said Dame *Janet Dick* in Liferent, and by the said *William Cunninghame*, afterwards Sir *William Dick* of *Prestonfield*, Baronet, the Third Son procreated of the Marriage betwixt her and the said Sir *William Cunninghame* (her Second Son, the said *James Cunninghame* having previously died without Issue,) who was served nearest and lawful Heir of Tailzie and Provision in general to the said Sir *James Dick* his Grandfather, under the said Bond of Tailzie, conform to Retour of his General Service expedite before the Bailies of *Canongate* the Twenty-second Day of *July* in the Year One thousand seven hundred and thirty-five, duly retoured to Chancery; and by virtue of the unexecuted Procuratory of Resignation contained in the said Bond of Tailzie, and of the Retour of the said Service, the said Dame *Janet Dick* and the said Sir *William Dick* obtained 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, of the Lands, Baronies, and others contained in the said Bond of Tailzie (excepting the said Lands of *Common Myre*), with and under the Provisions, Conditions, Restrictions, Reservations, Limitations, and Irritancies therein expressed, upon which Charter the said Dame *Janet Dick* and Sir *William Dick*, for their respective Rights of Liferent and Fee as aforesaid, were duly infest and seised in the said Lands, Baronies, and others (excepting as aforesaid), conform to Instrument of Seisin in their Favour dated the Sixteenth and registered in the Particular Register of Sasines at *Edinburgh* the Nineteenth Days of *September* in the Year One thousand seven hundred and thirty-seven: And whereas the said Sir *William Dick* having died without Heirs of his Body, he was succeeded by the said *Alexander Cunninghame* (afterwards Sir *Alexander Dick* of *Prestonfield*, Baronet), immediate younger Brother of the said Sir *William Dick*, and Fourth Son procreated of the Marriage betwixt the said Sir *William Cunninghame* and Dame *Janet Dick*, who was served nearest and lawful Heir of Tailzie and Provision to the said Sir *William Dick*, conform to Retour of his Service expedite before the Macers at *Edinburgh* on the Twenty-second Day of *April* One thousand seven hundred and forty-six, duly retoured to Chancery; and by virtue of the said Retour, and of a Precept from Chancery following thereon, bearing Date the Thirtieth Day of *April* One thousand seven hundred and forty-six, the said Sir *Alexander Dick* was duly infest and seised in the said Lands, Baronies, and others (excepting the foresaid Lands of *Common Myre*), conform to Instrument of Seisin in his Favour, dated the Second Day of *May* and registered in the Particular Register of Sasines at *Edinburgh* the Fourth Day of *June* One thousand seven hundred and forty-six; and the said Sir *Alexander Dick* was also duly infest and seised in the said Lands of *Common Myre*, in virtue of the said Retour of his Service as nearest and lawful Heir of Tailzie aforesaid, and of a Charter of Resignation proceeding upon the Procuratory of Resignation contained in the said Bond of Tailzie,

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and which then remained unexecuted as to the said Lands of *Common Myre*, granted by the Magistrates and Council of the City of *Edinburgh*, Superiors of the said Lands, of Date the Twenty-eighth Day of *March* One thousand seven hundred and sixty-four, conform to Instrument of Seisin following thereon in his Favour, dated the Eleventh and registered in the Particular Register of Sasines at *Edinburgh* the Twelfth Day of *April* in the same Year: And whereas the said Sir *Alexander Dick* having died, he was succeeded by his eldest surviving Son Sir *William Dick* of *Prestonfield*, Baronet, who was served nearest and lawful Heir of Tailzie and Provision to his said Father, conform to Retour of his Service expedite before the Macers at *Edinburgh* the Twenty-fifth Day of *April* One thousand seven hundred and eighty-six, duly retoured to Chancery, and by virtue of the said Retour of his Service, and of a Precept from Chancery following thereon dated the Thirteenth Day of *May* One thousand seven hundred and eighty-six, the said Sir *William Dick* was duly infeft and seised in the said Lands, Baronies, and others (excepting the said Lands of *Common Myre*), conform to Instrument of Sasine in his Favour dated the Thirteenth Day of *May* and registered in the Particular Register of Sasines, &c. at *Edinburgh* the Twenty-eighth Day of *June*, both in the Year One thousand seven hundred and eighty-six: And whereas the said Sir *William Dick* having died, he was succeeded by his only Son Sir *Alexander Dick* (the Second), who died unmarried, without making up any Title to the said Lands, Baronies, and others, excepting to the said Lands of *Common Myre*, in which he was infeft and seised as Heir of Tailzie and Provision to the said Sir *Alexander Dick* his Grandfather, in virtue of a Precept of Clare constat granted by the Magistrates and Council of the City of *Edinburgh*, of Date the Thirteenth Day of *February* One thousand seven hundred and ninety-nine, conform to Instrument of Sasine following thereon in his Favour dated the Third Day of *February* and registered in the Particular Register of Sasines, &c. at *Edinburgh* the Sixteenth Day of *March* One thousand eight hundred and one: And whereas upon the Death of the said Sir *Alexander Dick* (the Second) he was succeeded by Sir *John Dick* of *Prestonfield*, Baronet, his Uncle, immediate younger Brother of the last-mentioned Sir *William Dick*, who was served nearest and lawful Heir of Tailzie and Provision to his said Brother, conform to Retour of his Service expedite before the Sheriff of *Edinburghshire* on the Nineteenth Day of *October* One thousand eight hundred and eight, duly retoured to Chancery; and by virtue of the said Retour of his Service, and of a Precept from Chancery following thereon, dated the Tenth Day of *November* One thousand eight hundred and eight, he was duly infeft and seised in the said Lands, Baronies, and others (excepting the said Lands of *Common Myre*), conform to Instrument of Sasine in his Favour, dated the Tenth and registered in the Particular Register of Sasines, &c. at *Edinburgh* the Twenty-eighth Days of *November* One thousand eight hundred and eight: And whereas the said Sir *John Dick* having died without Heirs of his Body, he was succeeded by his immediate younger Brother the said Sir *Robert Keith Dick*, now Heir in possession of the said Entailed Estates, who was served nearest and lawful Heir of Tailzie and Provision to the said Sir *John Dick*, his said Brother, conform to the Retour of his Service expedite before



before the Sheriff of *Edinburghshire* on the First Day of *June* One thousand eight hundred and fourteen, duly retoured to Chancery, and by virtue of the said Retour of his Service, and of a Precept from Chancery following thereon, dated the Sixteenth Day of *August* One thousand eight hundred and fourteen, the said Sir *Robert Keith Dick* was duly infeft and seised in the said Lands, Baronies, and others (excepting the said Lands of *Common Myre*), conform to Instrument of Sasine in his Favour dated the Sixteenth and registered in the Particular Register of Sasines, &c. at *Edinburgh* the Thirty-first Day of *August* One thousand eight hundred and fourteen; and the said Sir *Robert Keith Dick* was also duly infeft and seised in the said Lands of *Common Myre* in virtue of a Precept of Clare constat granted to him as nearest and lawful Heir of Tailzie and Provision to the said Sir *Alexander Dick* the Second, his Nephew, by Sir *Robert Keith Arbuthnot* Baronet, Superior of the said Lands, dated the Ninth Day of *November* One thousand eight hundred and thirty-six, conform to Instrument of Sasine following thereon in his Favour dated the Twenty-ninth Day of *November* and registered in the Particular Register of Sasines, &c. at *Edinburgh* the Third Day of *December* One thousand eight hundred and thirty-six: And whereas the said Entailed Lands and Barony of *Prestonfield* are situated in the immediate Vicinity of the City of *Edinburgh*, and the said Entailed Lands and Barony of *Corstorphine* within Three Miles of the said City, and by reason of their advantageous Position, and their being intersected, the former by the great Road leading to the South of *Scotland*, and the latter by the Turnpike Road to *Glasgow*, and of their also being intersected by and adjacent to several other Roads, Streets, and Thoroughfares leading to and from the City of *Edinburgh*, are peculiarly eligible for Building and other Purposes requiring permanent Occupation; and inasmuch as a greatly increased Revenue therefrom would thereby accrue, it would be for the Benefit and Advantage of the said Sir *Robert Keith Dick*, and the other Heirs of Entail entitled and to become entitled to succeed as such Heirs of Entail under and by virtue of the said Bond of Tailzie, and the several Deeds and other Instruments following thereupon, hereinbefore mentioned, if Power were given to feu and make other permanent Grants of certain Parts of the said Lands and Baronies lying next adjacent to the said Roads or Streets, or conveniently situated with reference thereto, for the highest and best Feu Duty that can be obtained for the same, but without taking any Fine or Grassum in respect thereof: And whereas a certain Part of the said Entailed Estate of *Prestonfield* called the *West March Park*, lying on the West Side of the *Dalkeith* Road, lies discontinuous from the other Parts of the said Estate, and can be disjoined therefrom without any Injury thereto: And whereas by a Minute of Agreement dated the Third and registered in the Books of Council and Session the Twenty-sixth Days of *April* One thousand eight hundred and forty-five, entered into by Messieurs *Scott* and *Balderston*, Writers to the Signet, as Commissioners of the said Sir *Robert Keith Dick*, on the one Part, and by *John T. Mowbray*, Writer to the Signet, as Agent and on behalf of the Metropolitan Cemetery Association, on the other Part, it has been conditionally agreed upon, subject to the Provisions and Conditions in the said Minute of Agreement set forth, to sell to the said Association, for the Site of a Cemetery, the said *West March Park*, described in Schedule



dule (A.), and delineated on the Plan of the said Estate, deposited as herein mentioned, which Sale will be highly advantageous to said Sir *Robert Keith Dick* and the other Heirs of Entail, inasmuch as the Price to be obtained for the said Park is greatly above the estimated Value thereof: And whereas the Estate of *Caprington* has fallen, in Three Portions, to Three Persons, who were duly served before the Sheriff of *Edinburgh* as nearest and lawful Heirs Portioners of the deceased Sir *William Cunninghame*, last of *Caprington*, Baronet, in the said Estate of *Caprington* and others, conform to Retour of their said Service, dated the Sixteenth Day of *December* One thousand eight hundred and twenty-nine, upon which Retour Mrs. *Agnes Joanna Dick* or *Pringle*, Spouse of *Alexander Pringle* Esquire, of *Whytbank*, and One of the said Heirs Portioners, obtained a Charter under the Great Seal of her One Third Portion of the said Estate of *Caprington*, dated the Fifth Day of *July* One thousand eight hundred and thirty-four, and in virtue thereof she was duly infest and seised in said Portion, conform to Instrument of Sasine in her Favour, dated the Second and registered in the General Register of Sasines at *Edinburgh* the Seventeenth Days of *September* One thousand eight hundred and thirty-four: And whereas the said Sir *Robert Keith Dick* has now, by the Failure of all the other Heirs Male of the Body of the said Sir *William Cunninghame* of *Caprington*, Baronet, his Grandfather, become the nearest lineal Heir Male to the said Sir *William Cunninghame*, and consequently nearest Heir Male of the Body of Sir *John Cunyngham* of *Lamburghtoun* (Father of the said Sir *William Cunninghame*, and Great Grandfather of the said Sir *Robert Keith Dick*), who obtained for himself and the Heirs Male of his Body, from His Majesty King *Charles* the Second, a Grant of the Dignity, Title, Degree, and Honour of a Knight Baronet, with all the Privileges appertaining thereunto, conform to Letters or Diploma of Baronetcy in his Favour passed under the Great Seal, dated the First Day of *September* in the Year One thousand six hundred and sixty-nine; and the said Sir *Robert Keith Dick* has accordingly been duly served nearest and lawful Heir Male of Line in general to his Cousin-german Sir *William Cunninghame*, last of *Caprington*, Baronet, Grandson of Sir *William Cunninghame* first above mentioned, and Great Grandson of the said Sir *John Cunyngham*, conform to Retour of his said Service expedie before the Sheriff of *Edinburgh* the Twenty-second Day of *November* One thousand eight hundred and forty-three, and duly retoured to Chancery; and the said Sir *Robert Keith Dick*, having thus become the next Male Representative of the said Family of *Cunyngham*, is now desirous to assume, use, and take the Surname of *Cunyngham* and Arms of "*Cunyngham* of *Lamburghtoun*," in addition to and along with his present Surname, Arms, and Title; but by reason of the Prohibitions, Restrictions, and Irritancies contained in the aforesaid Bond of Tailzie, and of the Provision therein contained and before recited, whereby he is restrained from taking and using any other than the "Surname and Arms of *Dick*" and "Title of *Prestonfield*," the said Object cannot be effected, nor can the other Purposes above mentioned be carried into execution, without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the

Advice



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 it shall be lawful for the said Sir *Robert Keith Dick*, now of *Prestonfield*, Baronet, and failing him the Heir of Entail for the Time being in possession of the said Lands and Baronies of *Prestonfield* and *Corstorphine*, contained in the said Bond of Tailzie and other Deeds before recited, and the Tutors and Curators or other legal Guardians of such Heir, if under Age or any other legal Disability or Incapacity, but always by and with the Consent in Writing of *James Lindsay* of *Balcarras*, Esquire, *Alexander Pringle* of *Whytbank*, Esquire, Member of Parliament for the County of *Selkirk*, and of *Robert Scott Moncrieff* Esquire, Advocate, who are hereby appointed Trustees for the Protection of the Rights and Interests of the Substitute Heirs of Entail who are or may become entitled to succeed to the said Lands and Baronies of *Prestonfield* and *Corstorphine*, or of such other Person or Persons as may be appointed Trustees in manner herein-after provided, and the Survivors and Survivor of the said Trustees, and the Heir Male of such Survivor, to grant Feus of those Parts of the said Lands and Baronies specified in the Schedules (A.) and (B.) respectively hereunto annexed, and as the same are delineated and described on the Plans of the said Lands and Baronies deposited as herein mentioned, to any Person or Persons, Bodies Politic or Corporate, who may be willing to take Feus of the same, and that in Parcels, either by private Contract or public Auction, for the highest Feu Duty or Feu Duties that can be had or obtained for the same, not being less than double of the Agricultural Rent or Value obtained therefrom on the Average of the last Seven Years preceding: Provided always, that Copies of the said Plans, as the same were annexed to this Act when brought into Parliament, duly authenticated by the Clerk of Parliament, shall, within One Month after the passing of this Act, be deposited by the said Trustees in the Office of the Sheriff Clerk of the County of *Edinburgh*, who shall keep the same in safe Custody, and allow all Persons to inspect the same or to have Copies thereof or Extracts therefrom.

Power to feu certain Parts of *Prestonfield* and *Corstorphine*.

Trustees.

II. And be it enacted, That, in regard to such Part of the foresaid Lands as shall be feued under the Authority of this Act, it shall be lawful for the said Sir *Robert Keith Dick*, and failing him the Heir of Entail for the Time entitled to the Possession of the said Lands and Baronies of *Prestonfield* and *Corstorphine*, or the Tutors, Curators, or other legal Guardians of such Heir, but always by and with the Consent in Writing of the said *James Lindsay*, *Alexander Pringle*, and *Robert Scott Moncrieff*, or such other Person or Persons as may be appointed in manner after expressed, as Trustees before mentioned, and the Survivors and Survivor of the said Trustees, and the Heir Male of such Survivor, to make, grant, subscribe, and deliver to and in favour of such Person or Persons, Bodies Politic or Corporate, as may contract to take Feus of the said Lands, or any Part or Parts thereof, all necessary Feu Charters or Feu Contracts or Dispositions in Feu, containing all usual and necessary Clauses, and in particular Precepts of Sasine for infesting such Person or Persons, Bodies Politic or Corporate, in the Lands so to be feued to them, but to be holden

Feu Rights to be granted with Consent of Trustees.

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always of and under the said Sir *Robert Keith Dick*, or the Heir of Entail for the Time in possession of the said Lands and Baronies, in Feu Farm, Fee, and Heritage for ever.

Charters by Progress to be granted without such Consent.

III. And be it enacted, That in regard to the Lands which may be feued under the Authority of this Act, and also in regard to the Lands to be sold as herein-after mentioned, the Consent of the said Trustees shall not be necessary in the granting of Charters by Progress or Precepts of Clare constat to Heirs or singular Successors, legal or voluntary, on the Renewal of original Feu or Blench Rights to be entered into or granted in virtue hereof; but the said Sir *Robert Keith Dick*, or the Heir of Entail for the Time entitled to the Possession of the said Lands and Baronies, and his or her Tutors, Curators, or other legal Guardians, shall have full Power, by himself or herself, or themselves alone, to grant, subscribe, and deliver all such Charters by Progress or Precepts of Clare constat.

Feu Duties to be paid to Heir in possession.

IV. And be it enacted, That the Feu Duties to be taken for the Lands hereby authorized to be feued, and the Casualties of Superiority or Compositions accruing therefrom, with the due and lawful Interest thereof during the Nonpayment of the same, shall, by the Feu Charters, Feu Contracts, and Dispositions in Feu hereby authorized to be granted as aforesaid, be made payable to the said Sir *Robert Keith Dick*, and to the Heirs of Entail succeeding to him in the said Lands and Baronies, at such Terms and under such Penalties as may be agreed on and expressed in the said Deeds respectively.

No Fine or Grassum to be taken.

V. And be it enacted, That, in regard to those Parts of the said Lands that may be so feued under the Authority of this Act, it shall not be lawful to the said Sir *Robert Keith Dick*, or to any Heir of Entail succeeding to him in the said Lands and Baronies, or to the said Trustees, to take or stipulate for Payment of any Grassum, Fine, or Consideration whatever for making or granting such Feus, other than the Feu Duty or Feu Duties, Casualties of Superiority or Compositions as aforesaid, with Interest, and Penalties in case of Nonpayment, and Augmentation thereof in case of Subdivisions, as after expressed; and if any Grassum, Fine, or Consideration whatever (other than as aforesaid) shall be taken or stipulated for making or granting any Feu or Feus, then such Feu or Feus, with the Feu Charters, Feu Contracts, or Dispositions in feu thereto relating, with all that may have followed thereon, shall be and the same are hereby declared to be absolutely void and null: Provided always, that, in granting any Feu or Feus in virtue of the Powers by this Act conferred, it shall be lawful for the said Sir *Robert Keith Dick*, or the Heir in possession for the Time as aforesaid, either to reserve the Casualties of Superiority or Compositions payable by Law on the Entry of each Heir or singular Successor, or to tax and determine the Amount of the same, or to stipulate that the Vassal or Vassals shall pay the Double of the Feu Duty on the Expiry of every successive Period of not less than Eighteen and not more than Twenty-five Years in full of that Year's Feu Duty, and of all Casualties of Superiority and Compositions for such Entry.

VI. And



VI. And be it enacted, That if at any Time and as often as it shall happen that any of the Feuars or Vassals in any Part of the Lands hereby authorized to be feued as aforesaid shall renounce or abandon their Feus, or shall in Terms of an Act of the *Scottish* Parliament passed in the Fifteenth Parliament of His Majesty King *James* the Sixth, intituled *All Fewes may be decerned null for not Payment of the Dewty, albeit na Provision be made thereanent in the Infestments*, or otherwise by Law, amit, lose, or forfeit his, her, or their said Feus, so that by reason of such Renunciation, Abandonment, Non-payment, Loss, or Forfeiture, or in consequence of any feudal Casualty or otherwise, the said *Sir Robert Keith Dick*, or the Heir of Entail for the Time entitled to the Possession of the said Lands and Baronies, shall, as Superior of such Feus, acquire or become by Law entitled to the *Dominium utile* or Property thereof, then and in every such Case it shall be lawful for the said *Sir Robert Keith Dick*, or Heir of Entail aforesaid, or the Tutors, Curators, or other legal Guardians of any such Heir, and they are hereby authorized and empowered, of new to grant Feus of the Lands so renounced, abandoned, or forfeited, and falling to them as aforesaid, or of any Part of such Lands, to any Person or Persons, Bodies Politic and Corporate, who may be willing to take Feus of the same, for the best or highest Feu Duty and Casualties or Compositions for the future Entries that can be had or obtained for the same, and without taking Payment of any Grassum or Fine; and in every Feu Charter, Feu Contract, or other Feu Right to be granted in virtue of this Provision the Feuar or Vassal in the same shall be taken bound, to hold the Lands therein contained of and under the said *Sir Robert Keith Dick*, or the Heir of Entail aforesaid, in Feu Farm, Fee, and Heritage.

If Feus are forfeited, new Feus may be granted.

VII. And be it enacted, That in order to carry out the Purposes of feuing, and the other Intents and Purposes of this Act, it shall be lawful for the said *Sir Robert Keith Dick*, or the Heir of Entail in possession as aforesaid, to appropriate and set off, through and upon the Lands hereby authorized to be feued, Streets, Squares, Terraces, Crescents, Lanes, Roads, and Passages for the Use of the Feuars thereof; and in the Feu Charters or Feu Contracts, Dispositions in Feu, or other original Feu Rights to be granted under Authority of this Act, it shall be lawful for the Party or Parties granting the same to insert therein all such Conditions and Provisions as may to them appear necessary for prohibiting Nuisances, for securing and enforcing regular Payment of the Feu Duty or Feu Duties to be thereby conditioned for, for limiting and securing the Height, Regularity, and Structure of the Houses and Buildings to be erected upon the Lands so to be feued, the Width of the Streets, Lanes, and Passages therein and Foot Pavements in the same, the Sewerage in the said Streets, Lanes, and Passages, the paving or causewaying thereof and of the said Foot Pavements, the future Maintenance of the Sewerage, Pavements, Causeways, and all such other Regulations as to Civil Police and Buildings as may to them appear necessary or expedient.

Streets and Roads may be laid out on the Lands feued.

VIII. And be it enacted, That, without Prejudice to the Generality aforesaid, it shall be lawful to insert in the said Feu Charters, Feu Contracts, Dispositions in Feu, or other original Feu Rights, Condi-  
tions

Certain Provisions to be inserted in Feu Rights.



tions and Provisions to the Import and Effect under-written, or such of them as may be deemed expedient; *viz.*, that it shall not be lawful to the Vassal or Vassals in or other Person or Persons having Right to the Lands and Heritages to be contained in any such Feu Charters, Feu Contracts, Dispositions in Feu, or other original Feu Rights, or to his, her, or their Heirs, Assignees, Disponees, or Successors whomsoever, at any Time thereafter, to subfeu the said Lands or any Part thereof, or absolutely to dispoise the same so as to be held of themselves, but that such of the said Lands which shall be so sold or disposed (whether in whole or in part) shall be held immediately of and under the said Sir *Robert Keith Dick*, and the Heirs of Entail succeeding to him in the said Lands and Baronies, and of him and them only, for Payment of the Feu Duty or Feu Duties, and Performance of the other Prestations of the Feu to be contained in the said Feu Charters and other Feu Rights aforesaid; and that all Dispositions or other Rights and Conveyances in violation of this Condition to be granted by the said Vassals or other Persons aforesaid, with the Infestments that may follow thereon, shall be absolutely void and null.

Disponees of Feuars to enter as Vassals with Heir in Possession.

IX. And be it enacted, That all Purchasers, Disponees, and singular Successors deriving Right from the said Vassals or other Persons aforesaid, to the said Lands and Heritages, or any Part thereof, shall be bound and obliged to obtain themselves, himself, or herself entered as Vassals to the said Sir *Robert Keith Dick*, or the Heir of Entail aforesaid, within Twelve Months after the Date of their purchasing or acquiring Right to the said Lands or any Part thereof; and in case the said Vassals or other Persons aforesaid shall sell or dispoise Parts or Portions only of the said Lands, then the annual Feu Duty of such Parts or Portions shall correspond and bear the same Proportion to the total Feu Duty that may be conditioned for in the said Feu Charters and other Feu Rights aforesaid that the Space of the said Lands so sold or disposed bears to the whole Space thereof; but in case by this proportionate Subdivision the original annual Feu Duty of the Part or Portion of the said Lands so sold or disposed shall be less than Five Pounds Sterling *per Annum*, but more than Two Pounds Sterling *per Annum*, then the same shall be augmented in favour of the said Sir *Robert Keith Dick* and his Heirs of Entail aforesaid, by an Addition thereto equal to Ten *per Cent.* thereof; and if the said Feu Duty shall, by such proportionate Subdivision, come to be Two Pounds Sterling *per Annum*, or less than that Sum, then the same shall in like Manner be augmented by an Addition thereto equal to Twenty *per Cent.* thereof; and on these Terms the said Sir *Robert Keith Dick*, and the Heirs of Entail aforesaid, shall be obliged to receive and enter the Disponees of the said Vassals and other Persons aforesaid as Vassals to them in the said Lands, and to admit of the Subdivision thereof and of the Feu Duties accordingly; and all Sales, Dispositions, or other Conveyances, Infestments, and Charters of the whole, or of Parts and Portions of the said Lands, upon Terms in violation of or inconsistent with the foresaid Provisions, or any of them, shall be *ipso facto* void and null, with all that may follow thereon, to the Disponees thereof, and without the Necessity of any Declarator or Process of Law for that Effect.

X. And



X. And be it enacted, That the Conditions and Provisions hereinbefore written, or such of them as shall be inserted in the said Feu Charters, Feu Contracts, Dispositions in Feu, and other original Feu Rights, shall be engrossed in the Infestments to follow thereon, and in all subsequent Dispositions, Infestments, and Charters of the whole or any Part of the Lands and Heritages therein to be contained, otherwise the same shall be void and null to the Disponees thereof; reserving however Power to the said Vassals and other Persons aforesaid to grant Infestments of annual Rent, and Dispositions and Infestments in security upon the Premises, and to infest their Wives and Husbands in the Liferent thereof, to be held of themselves without the Necessity of being confirmed by the said Sir *Robert Keith Dick* or the Heirs of Entail aforesaid, but declaring that all such subaltern Rights and Infestments shall be subject to the whole other Conditions and Provisions above specified.

Conditions hereinbefore mentioned to be inserted in Charters and Infestments.

XI. And be it enacted, That it shall be lawful for the said Sir *Robert Keith Dick*, and failing him, for the Heir of Entail in possession as aforesaid, with the Consent of the said Trustees, to sell and absolutely dispose of by way of Feu the said Piece of Land called the *West March Park* to the said Association, for and in respect of the Price stipulated and agreed to be paid by the said Association for the same, viz., at the Rate of Twenty-one Pounds Sterling of Feu Duty *per Scotch Acre*, or at a corresponding Rate *per Imperial Acre*, and Twenty-four Years Purchase of that Rate, being equivalent to Five hundred and four Pounds Sterling of Price for each *Scotch Acre*, or Three hundred and ninety-nine Pounds Twelve Shillings and Sixpence Sterling of Price for each Imperial Acre, comprehended in the said Park, the said Price to be paid in equal Moieties, one Moiety thereof to be paid on the First Day of *August* One thousand eight hundred and forty-five, when the said Association shall be entitled to enter to the Northern Half of the said Park, and the other Moiety thereof to be paid at *Martinmas* One thousand eight hundred and forty-seven, when the said Association shall be entitled to enter to the other Half of the said Park, but with and under the Stipulations and Restrictions expressed in the foresaid Minute of Agreement in respect to the said Sale.

Power to Sir R. K. Dick, with Consent of Trustees, to sell the West March Park, to the Metropolitan Cemetery Company.

XII. And be it enacted, That the Money arising from the Sale of the said *West March Park* shall, when and as the same becomes payable as aforesaid in Terms of the said Minute of Agreement, be paid by the said Association, without Fee or Reward, into the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British Linen Company*, or Commercial Bank of *Scotland*, or National Bank of *Scotland*, in the Names of the said Trustees hereby appointed, and the Survivors or Survivor of them, and any new Trustee or Trustees that may be appointed in manner after mentioned, and shall, when so paid in, produce the highest Rate of Interest that can be obtained for the same, which shall be by the said Trustees annually accumulated and added to the Principal Sum until the same shall be disposed of as after mentioned; and the Receipt of the Treasurer of the Bank of *Scotland*, or of the Cashier of the Royal Bank of *Scotland*, or of the Manager of the Bank of the *British Linen Company*, or of the

Prices of Lands sold to be paid into Bank.

[Private.]

7 m

Manager



Manager of the Commercial Bank of *Scotland* or of the National Bank of *Scotland* respectively, for the Money so paid in, shall be a full and complete Discharge of the Price to the said Association, and from thenceforth the said Association shall be and are hereby absolutely acquitted and discharged of and from the said Price, and shall not be obliged to see to the Application thereof or any Part thereof, or be answerable or accountable for any Loss, Misapplication, or Non-application thereof or of any Part of the same.

On Payment  
of Price con-  
veyance to  
be granted.

XIII. And be it enacted, That upon such Price being paid as aforesaid the said Sir *Robert Keith Dick*, and failing him the Heir of Entail entitled to the Possession of the said Lands and Baronies for the Time, or the Tutors, Curators, or other legal Guardians of such Heir, shall be entitled and bound to execute (by and with the Consent of the Trustees hereby nominated, or of such other Person or Persons as may be appointed in manner after expressed, and the Survivors or Survivor of them), and to deliver to the said Association a valid Conveyance or Conveyances of the said *West March Park*, and Pertinents and Privileges thereof, freed of all the Fetters of the said Bond of Tailzie and subsequent Investitures, and of all Incumbrances whatsoever, and containing all Clauses usual and necessary for vesting the same in the said Association in Fee Simple, to be holden in Free Blench of and under the said Sir *Robert Keith Dick*, or other Heir of Entail as aforesaid, and also, if it shall be thought fit, a Clause binding the said Sir *Robert Keith Dick* and the Heirs of Entail succeeding to him in the said Lands and Baronies in absolute Warrantice, and other requisite Clauses.

Application  
of Purchase  
Money.

XIV. And be it enacted, That the said Trustees shall apply the Monies or Prices so directed to be paid into one or other of such Banks as aforesaid, in the first place, in paying and defraying the Costs, Charges, and Expences incurred preparatory to and in applying for, obtaining, and passing this Act, and otherwise in the Execution of the Trusts hereby created, and in carrying into effect the other Directions and Purposes of this Act, and, in the next place, shall, by and with the Consent and Approbation of the said Sir *Robert Keith Dick*, and failing him the Heir of Entail for the Time entitled to the Possession of the said Lands and Baronies, or the Tutors, Curators, or other legal Guardians of such Heir, lay out, invest, and apply the Surplus of the said Monies or Prices which shall remain in the Purchase of other Lands and Heritages, to be situated adjacent to the said Estates of *Prestonfield* and *Corstorphine*, or as near thereto as can advantageously be procured, at such Price as ought to be given for the same: Provided always, that in case Lands lying contiguous to the said Entailed Lands and Baronies shall belong to any of the Heirs of Entail aforesaid themselves, or shall be held in trust by any other Person or Persons directly or indirectly for Behoof of such Heirs of Entail, then and in that Case such contiguous Lands shall only be purchased by the aforesaid Trustees, to be conjoined with the said Entailed Lands and Baronies by Authority of this Act, at such Price or Prices as the Court of Session, upon Application to be made by the said Trustees to either of the Divisions of the said Court to that Effect, shall find to be adequate, and shall approve, the Court being



hereby empowered to take into consideration the Locality, and every other Circumstance they may think proper, for enabling them to ascertain the relative Value and Advantage of the proposed Purchase to the said Entailed Lands and Baronies:

XV. And be it enacted, That after the said Monies or Price shall have been applied in the Purchase of other Lands as aforesaid the Surplus which shall remain at the Credit of the said Trustees, arising from the Interest of the Monies or Prices so directed to be paid into the said Banks, and all Accumulations thereof, shall, from Time to Time as such Purchases shall be made, be paid to the Person or Persons who would have been entitled for the Time during which such Surplus was accumulating to the Rents and Profits of the Lands so authorized to be sold as aforesaid, or to the Representatives of such Person or Persons.

Application of Accumulations of Interest.

XVI. And be it enacted, That the said Lands and Heritages so to be purchased by the said Trustees in pursuance of the Directions of this Act shall, as soon as conveniently may be after the Purchase or Purchases thereof, be disposed and conveyed by the said Trustees, with Consent aforesaid, and with the Sanction of the Court of Session on Application to either Division thereof, to the same Series of Heirs of Entail, and under the same Conditions, Provisions, Restrictions, Limitations, Clauses irritant and resolute, Declarations, and Reservations, as are in the said Bond of Tailzie contained or expressed of and concerning the said Lands and Baronies comprised in the same; and the Dispositions and Conveyances to be executed in pursuance of this Provision shall be so framed as to bind the Institute, as well as all and every other Person or Persons succeeding as Heirs of Entail, to observe the whole prohibitory, irritant, and resolute Conditions of the Tailzie; and the said Trustees shall, immediately after the Execution of such Dispositions or Conveyances, cause the same to be registered in the Register of Tailzies, for the Benefit of all and every Person and Persons interested therein, and Infestment to be taken thereon.

Lands purchased to be entailed in lieu of the Land sold.

XVII. And be it enacted, That so long and as often as the Number of Trustees nominated by this Act, or elected, chosen, or appointed under Authority of the same, shall exceed Two, it shall be competent and lawful for any Two of them, and when and so often as the Number is reduced to Two by Death, Resignation, or Incapacity to act, then it shall be lawful for such Two, or for any One of them if the other be absent from *Scotland* at the Time, and if the Number be reduced to One then it shall be lawful for such One, to do, execute, and perform all the Acts, Deeds, Matters, and Things by this Act authorized to be done, executed, and performed, and all such Acts, Deeds, Matters, and Things shall be as good, valid, and effectual as if done, executed, and performed by all the Trustees who may be then surviving, or elected, chosen, or appointed as aforesaid.

Two Trustees may act, or One if reduced to One.

XVIII. And be it enacted, That if the said *James Lindsay, Alexander Pringle, and Robert Scott Moncrieff*, or any of them, or any

Trustee

Power to nominate new Trustees.



Trustee or Trustees to be elected by them in manner herein-after directed, shall die, or be desirous to be discharged from or shall become incapable to act in the Trusts hereby created, before the same shall have been fully performed and executed, it shall be lawful to the surviving or acting Trustees or Trustee, together and in conjunction with the said Sir *Robert Keith Dick*, or the Heir of Entail for the Time entitled to the Possession of the said Lands and Baronies, or the Tutors and Curators or other legal Guardians of such Heir, to elect and appoint, by Deed executed according to the Forms of the Law of *Scotland*, (and which Deed shall be registered in the General Register of Sasines at *Edinburgh*,) any fit Person or Persons to be a Trustee or Trustees in the Place and Stead of them the said *James Lindsay*, *Alexander Pringle*, and *Robert Scott Moncrieff*, or such of them or of such Trustee or Trustees so to be elected as shall die, or be desirous to be discharged from or shall become incapable to act in the Execution of the said Trusts, and so from Time to Time as often as there shall be Occasion; and in case all the Trustees hereby named or to be elected as aforesaid shall die, or be discharged from or become incapable to act in the said Trusts, without electing and appointing a Trustee or Trustees in their Place and Stead, it shall be lawful to the Court of Session, in either Division thereof, and the said Court is hereby required, on the summary Application of the said Sir *Robert Keith Dick* or the Heir of Entail in possession as aforesaid, or the Tutors, Curators, or other legal Guardians of such Heir, duly intimated to the next Heir of Entail of full Age, and in *Great Britain*, for the Time, not being descended of the Body of the Heir in possession, to appoint One or more Trustee or Trustees in place and stead of the Trustee or Trustees who shall have so died or have been discharged or have become incapable to act as aforesaid; and the Trustee or Trustees so to be elected and appointed shall have the same Powers as are vested in the Trustees hereby appointed.

Trustees  
may apply  
to Court of  
Session for  
Discharge.

XIX. And be it enacted, That it shall be lawful for the said *James Lindsay*, *Alexander Pringle*, and *Robert Scott Moncrieff*, and any new Trustee or Trustees that may have been appointed in manner above mentioned, and the Survivors or Survivor of them then acting or who may have acted in virtue of this Act, or the Heirs or Representatives of them or him, to apply from Time to Time, or at any Time they may think proper, by summary Petition to the Court of Session in *Scotland*, for a Discharge and Exoneration of their Actings and Proceedings by virtue of this Act prior to the Date of any such Application; and the said Court is hereby authorized and required, upon due Evidence being laid before them of all or any such Actings and Proceedings, and after Consideration thereof, and if the same shall be found to be correct, to exonerate and discharge the Parties making such Applications respectively of their Actings and Proceedings, or of the Actings or Proceedings of the Person or Persons they may represent, and to declare them acquitted and discharged of the same for ever.

Authority to  
assume the  
Name and

XX. And be it enacted; That it shall be lawful for the said Sir *Robert Keith Dick* and the Heirs Male of his Body succeeding  
to



to him in the said Lands and Baronies of *Prestonfield* and *Corstorphine*, at and on their Succession respectively to the said Lands and Baronies, to assume, use, and take, upon all Occasions and at all Times, and in all Deeds, Instruments, or Writings to be signed by them or to which they shall be Parties, the Surname of *Cunyngham* and Arms of "*Cunyngham of Lamburghtoun*," in addition to and along with the Surname and Arms of "*Dick*" and Title of "*Prestonfield*," without incurring any Forfeiture or Irritancy or Prejudice of any Kind of his or their Right and Title as Heirs of Entail in possession of or entitled to succeed to the said Lands and Baronies under and in virtue of the said Bond of Tailzie, any Provision, Prohibition, or Restriction contained in the said Bond of Tailzie in anywise to the contrary notwithstanding.

Arms of  
Cunyngham  
of Lam-  
burghtoun.

XXI. And whereas the senior Heir of Line of Sir *John Cunyngham* Baronet, of *Lamburghton*, and of Sir *James Dick* Baronet, of *Prestonfield*, has Succession to all their indivisible Heritable Rights, not carried from him by Entail or Settlement, and specially has Right to use and bear the Arms and Supporters of his said Ancestors; be it therefore enacted, That the said Rights and Arms are hereby reserved entire to such senior Heir of Line, and that the said Sir *Robert Keith Dick*, being a younger Branch of the said Families, he and his Heirs Male, in taking the Name of *Cunyngham* and Arms of *Cunyngham of Lamburghton*, shall do so with the Difference or Mark of Cadence in the Arms applicable to such junior Branch.

Reservation  
of the Rights  
of the senior  
Heir of Line.

XXII. And be it enacted, That nothing in this Act contained shall be held or construed to alter, innovate, change, or defeat the aforesaid Bond of Tailzie herein-before recited, or the Order of Succession therein and thereby and in the subsequent Titles respectively established, excepting in so far as is necessary to carry into effect the Powers and Provisions granted by or contained in this Act; and the said Lands and Baronies, in so far as not feued or disposed as hereby authorized (subject always to the Provisions contained in this Act), and the Lands to be purchased, and the Feu Duties, Casualties, Compositions, and other Payments arising from such Lands and Baronies as shall be feued or disposed in virtue hereof, shall descend and be transmitted in the same Order and Course of Succession, and under the same Burdens, Reservations, Provisions, Conditions, Restrictions, Limitations, and Clauses prohibitory, irritant, and resolute, as are contained in the said Bond of Tailzie.

Saving the  
Bond of  
Tailzie so far  
as not hereby  
altered.

XXIII. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and to all and every other Person or Persons, Bodies Politic, Corporate, or Collegiate, his, her, or their Heirs or Successors, Executors, Administrators, and Assigns (other than and except the said Sir *Robert Keith Dick*, and the Heirs of Entail entitled to succeed to him by the Bond of Tailzie herein-before recited), all such Estate, Right, Title, Interest, Claim, and Demand whatsoever, in, to, or out of such Parts of the said Lands and Baronies as are hereby authorized to be feued and sold as aforesaid, as they or any of them had before the passing of this Act, or could or might have had if this Act had not been passed.

General  
Saving.

[*Private.*]

7 11

XXIV. And



Expences of  
Act, &c.

XXIV. And be it enacted, That it shall be competent and lawful to either Division of the Court of Session in *Scotland*, and the Judges thereof are hereby required, upon summary Application by the said Sir *Robert Keith Dick*, or the Heirs of Entail for the Time in possession as aforesaid, and to the Tutors, Curators, and legal Guardians of such Heir, (but of which Application due Notice shall be given to the Trustees nominated by this Act, or to their Successors in Office,) to authorize and direct, out of the Price or Prices of the Lands to be feued or sold under the Power and Authority in this Act contained, Payment to the Party or Parties making such Application of all the Costs, Charges, and Expences to be incurred in the Execution of the Trusts hereby created and in carrying into effect the other Directions and Purposes of this Act; and upon Application made by Pétition to the said Court for that Purpose the said Costs, Charges, and Expences shall be taxed and ascertained according to the Practice of the said Court.

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

XXV. 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.)

*Parts of the Estate of Prestonfield by this Act authorized to be feued.*

Those Parts of the Estate of Prestonfield authorized to be feued comprehend the whole Lands coloured Red upon the Plan of the said Estate, deposited as in this Act mentioned, and marked by the Letters *f. f. f. f. f.* placed on the Line separating the said Parts from the Remainder of the said Estate, and consist of

1. That Part of the said Estate lying to the West of and within the Parliamentary Boundary of the City of Edinburgh :
2. Those Parts of the said Estate lying to the West of a Line drawn from a Point on the said Parliamentary Boundary, at 400 Feet East from the Dalkeith Road, and running in a straight Direction Southwards, parallel to the said Road, to a Point 200 Feet South of the old Avenue leading to Prestonfield House, at which latter Point the said Line is contracted to 300 Feet distant from the said Road, and thence runs in a straight Direction Southwards to a Point on the Niddry Road 250 Feet distant from the said Dalkeith Road :
3. The Two small Fields called Cameron Bank and Dovecote Park, lying between the said Niddry Road and Cameron Burn :
4. The West March Park (containing 11 Acres and 18½ Falls Scotch Measure, or 14 Acres and 3 Poles Imperial Measure), and small Angle at the South End cut off therefrom by a Road, all lying between the said Dalkeith Road and Cameron Burn.

The above-mentioned Parts of the said Estate comprehend in whole 55 Acres, 2 Roods, and 5½ Falls, or thereby, Scotch Measure, and are possessed as follows; viz.—Nos. 1, 2, and 3, are let annually, for Pasture, to various Tenants, and at Rents which for the present Year vary from £7 9s. to £10 4s. per Scotch Acre, excepting the small Portions embraced therein marked on the said Plan as containing respectively 2 Roods 23 Falls, 3 Roods 28 Falls, 2 Roods 20 Falls, and 1 Rood 10 Falls, which are occupied by various Tenants on Building Leases for 99 Years Endurance, granted in the Years 1778 to 1791 inclusive, at Rents varying in Amount from 2s. 11d. to £2 16s. 5¼d. per Annum, and also excepting Cameron Bank, let on Building Lease for 99 Years, from Candlemas 1788, at the Rent of £14 per Annum.

No. 4. is let (excepting the foresaid small Angle) to Andrew Amos, Cowfeeder, on a Lease for 5 Years from Martinmas 1842, at £7 7s. Sterling per Scotch Acre of yearly Rent; and the said Angle is let on a Building Lease for 99 Years from Whitsunday 1782, at 5s. Sterling of yearly Rent.

*Arch<sup>d</sup> Smith, Land Surveyor.  
W<sup>m</sup> Brand.*

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## SCHEDULE (B.)

*Parts of the Estate of Corstorphine by this Act authorized to be feued.*

Those Parts of the Estate of Corstorphine authorized to be feued comprehend the whole Lands coloured Red on the Plan of the said Estate, deposited as in this Act mentioned, and separated from the Remainder thereof by Lines along which the Letter *f.* is placed at Intervals. The said Parts of the Estate extend in whole to 216 Acres 1 Rood and 4 Falls Scotch Measure, or thereby, and consist of the following Farms and Possessions, or Parts thereof; viz.

1. Part of Meadow House Farm, possessed by Mr. John Laurie, the average Rent of which for Crop and Year 1844 is £4 11s. 6 $\frac{3}{4}$ d. per Scotch Acre.
2. Parts of the Farm of Featherhall, possessed by Mr. James Girdwood, the average Rent of which for Crop and Year 1844 is £4 10s. 4d. per Scotch Acre.
3. Part of the Farm of Corstorphine Bank, possessed by Mr. William Stuart, the average Rent of which for Crop and Year 1844 is £2 13s. 0 $\frac{1}{2}$ d. per Scotch Acre.
4. Part of the West Meadow Farm, possessed by Mr. David Cuddie at £2 13s. 6d. of annual Rent per Scotch Acre.
5. The Cock's Croft and Field adjacent, possessed by Mr. John Paterson at £36 of annual Rent, being at the Rate of £6 per Scotch Acre.
6. The Field possessed by Mr. Robert Anderson at £7 10s. of annual Rent.
7. The Pendicle of Land possessed by Mr. James Mackie at £2 Sterling of annual Rent.
8. Sundry small Portions of Ground possessed by various Tenants on Building Leases for 99 Years, at Rents varying in amount from £19 9s. to 14s. 4d. per Annum.

*Arch<sup>d</sup> Smith, Land Surveyor.  
W<sup>m</sup> Brand.*

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