



ANNO SEXTO

GULIELMI IV. REGIS.

Cap. 9.

An Act for settling and securing certain Parts and Portions of the Lands and Estate of *Delvine* in the County of *Perth* to and in favour of Sir *John Muir Mackenzie* Baronet, and the Series of Heirs entitled to take by certain Deeds of Entail made by *George Muir* Esquire, and under the Conditions and Limitations contained therein; and for vesting in lieu thereof the Lands and Estate of *Cassencarie* and others lying in the Stewartry of *Kirkcudbright* and Counties of *Dumfries* and *Wigton* in the said Sir *John Muir Mackenzie*, and his Heirs and Assigns, in Fee Simple.

[7th June 1836.]

WHEREAS *George Muir* of *Cassencarie*, Principal Clerk of the Court of Justiciary in *Scotland*, by a Disposition and Deed of Entail, bearing Date the Seventeenth Day of *August* One thousand seven hundred and eighty-one Years, and recorded in the Register of *Taillies* the Third Day of *December* One thousand seven hundred and eighty-three Years, and in the Books of Council and Session the Seventeenth Day of *January* One thousand seven hundred and eighty-

Entail of
Cassencarie
1781.

[Private.]

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four Years, did give, grant, and dispone heritably and irredeemably to himself and to *Alexander Muir Mackenzie*, (afterwards Sir *Alexander Muir Mackenzie* of *Delvine* and *Cassencarie*, Baronet,) only Child then alive procreated of the Marriage between the said *George Muir* and Mrs. *Margaret Mackenzie*, eldest Daughter of the deceased *Alexander Mackenzie* of *Delvine*, one of the Principal Clerks of Session, and to the Heirs Male of the Body of the said *Alexander Muir Mackenzie*; whom failing, to any Heirs Male that might be procreated of the Body of the said *George Muir* of any future Marriage; whom failing, to the Heirs Female of the Body of the said *Alexander Muir Mackenzie*; whom failing, to the Heirs Female of the said *George Muir*; whom failing, to Lieutenant Colonel *Grainger Muir*, in the Service of the *East India* Company, only Son of the deceased Major *William Muir*, eldest Brother of the said *George Muir*, and the Heirs Male of his Body; whom failing, to the Heirs Female of his Body; whom failing, to *William Campbell*, Writer to the Signet, eldest Son of the Marriage betwixt Doctor *Patrick Campbell* and Mrs. *Catherine Muir*, Sister of the said *George Muir*; whom failing, to *Patrick Campbell*, eldest Son of the said *William Campbell*, and the Heirs Male of his Body; whom failing, to *Robert Campbell*, Second Son of the said *William Campbell*, and the Heirs Male of his Body; whom failing, to *George Muir Campbell*, Third Son of the said *William Campbell*, and the Heirs Male of his Body; whom failing, to any other Heirs Male to be procreated of the Body of the said *William Campbell*; whom failing, to the Heirs Female descending of the Body of the said *William Campbell*; whom failing, to any other Heirs that the said *George Muir* should nominate and appoint by any Deed under his Hand at any Time of his Life, and even at the Point of Death; whom failing, to his own nearest Heirs and Assignees whatsoever; the eldest Heir Female, and the Descendants of her Body throughout the whole Destination, being always to succeed without Division, and exclude Heirs Portioners, and the Right of Primogeniture being to take place among the whole of the said Female Heirs in the same Manner as the Law has established it among the Male Heirs; all and whole his Lands and Estate after mentioned; *videlicet*, all and whole the Four Merk Land of *Cassencarie*, with the Fishings of the same, and whole Parts, Pendicles, and Pertinents thereof lying within the Parish of *Kirkmabreck* and Stewartry of *Kirkcudbright*; and also all and whole the Miln Croft of the Miln of the Barony of *Ferry*, bounded on the North by the *Ferry Burn*, and upon all other Parts by the foresaid Lands of *Cassencarie*, as also the Right of Servitude upon the Hill of *Cassencarie* of Grass for Cows to the Miller of the said Miln, conform to Use and Wont, lying within the said Parish of *Kirkmabreck* and Stewartry aforesaid, which Miln Croft and Right of Servitude were purchased from the said *George Muir* by *John M'Culloch* of *Barholm*, and he afterwards purchased the same back again from *John M'Culloch*, Grandson and Heir of the said *John M'Culloch*; and also all and whole the following Lands, which formerly belonged to the deceased *John M'Culloch* of *Barholm*, and were purchased by the said *George Muir* at a judicial Sale thereof before the Lords of Council and Session, conform to Decreet of Sale, dated the Ninth Day of *March* One thousand seven hundred and seventy-seven Years; *videlicet*, all and whole the Six Merk Land of old Extent of *Larg*, comprehending the Two Merk Land of *Larg*, the Two Merk Land of *Balluchanamore* and *Knockeans*, and Two Merk Land of *Fellend*, with the haill Parts, Pendicles, and Pertinents thereof lying in the said Parish of *Kirkmabreck* and Stewartry foresaid;

all and whole the One Merk of the Lands of *Chappelmark* otherwise *Chappeltown*, lying within the said Parish of *Kirkmabreck* and Stewartry foresaid; and all and whole these Parts and Portions after mentioned of the Four Merk Land of old Extent of *Burns*, lying within the said Parish of *Kirkmabreck* and Stewartry foresaid, *videlicet*, all and whole these Parts thereof called *Upper Burns*, possessed jointly with the Lands of *Chappelmark* alias *Chappeltown*; and all and whole these Parts and Portions thereof which are described in the foresaid Decreet of Sale as follows; all and whole that Part of the said Lands called *Under Burns*, possessed by *Andrew Hannay*; all and whole the uppermost Easter Park of *Under Burns*, sometime possessed by *James Stevenson* and *William M'Harg*; all and whole the Park sometime possessed by *William Norris*; all and whole the Park sometime possessed by *Andrew M'William*; and all and whole the Park sometime possessed by *Gilbert M'Murdock*, together with the whole Parts, Pendicles, and Pertinents of these Parts and Portions of the said Four Merk Land of *Burns* above described; and further, all and whole the Five Pound Land of old Extent of *Airieland*, with the Houses, Biggings, Woods, Fishings, Parts, Pendicles, and Pertinents thereof, lying within the Parish of *Gelston*, by Annexation *Kelton*, and Stewartry of *Kirkcudbright*; and also all and whole the Four Pound Land of *Tralloland* alias *Glenlairs*, with the Corn and Waulk Milns of the said Miln Lands, Multures and Sequels thereof; and which Lands are described in a Disposition thereof granted by the deceased *Alexander Gordon* of *Carlton*, in favour of the said *George Muir*, as follows; all and whole the Four Pound Land of *Over* and *Nether Glenlairs*, with the Corn Miln thereof, called the *Lavatch Miln*, Miln Lands, Crofts, Dam, Water Gang, Multures, Sequels, and Pertinents thereof, with the Waulk Miln of the same, called the Miln of the Grains, with all and sundry their Houses, Biggings, Yards, Woods, Mosses, Muirs, Meadows, Parts, Pendicles, and Pertinents of the same whatever, lying within the Parish of *Parton* and Stewartry foresaid; and all and whole the Teind Sheaves, and other Teinds great and small, Parsonage and Vicarage, of the said Four Pound Land of *Over* and *Nether Glenlairs*, with the Pertinents; and likewise all and whole the Three Merk Land of *Littletown* and *Greenslacks*, of old Extent, with the whole Parts, Pendicles, and Pertinences of the same, lying within the Parish of *Borgue* and Stewartry foresaid; and also all and whole the Twelve Merk Land of *Dalreagle*, otherwise now called *Deregill*, comprehending all and whole the Merk Land of *Dalreagle*, with the Mansion House, Gardens, Orchards, Parks, Meadows, Woods, Pendicles, and universal Pertinents of the same; all and whole the Merk Land of *Creocks*, with the Houses, Biggings, Meadows, and hail Pertinents thereof; all and hail the Lands of *Ballaird*, with the Houses, Biggings, and hail Pertinents, together with the Corn and Waulk Milns of *Dalreagle*, with the Miln Lands and Miln Houses, astricted Multures, Sequels, Parts, Pendicles, and Pertinents of the said Milns, with the Houses and Craft called the Miln Isle of *Dalreagle*, with the Salmon Fishings in and upon the Water of *Bladenoch* and Water of *Mallia* used and wont, which Lands extend in whole to the said Twelve Merk Land of old Extent, and are Parts of the Barony of *Clugston*, erected in favour of *Patrick Dunbar*, Son of *John Dunbar* of *Mochrum*, all lying within the Parish of *Kirkenner* and Sherifffdom of *Wigtown*; and likewise all and whole the Five Pound Land of *Schaws* alias *Fisherlands*, with the Tenants, Tenandries, and Service of free Tenants, Annexis, Connexis, Parts, and Pendicles of the same, all lying within

Revocation
and Altera-
tion of Desti-
nation of
Entail 1783.

Entail of
Cuill, Spittal,
&c. 1783.

within the Parish of *Dalgarno*, by Annexation *Closeburn*, and Sheriffdom of *Dumfries* for the principal; and all and whole the Lands of *Rockhall*, and Mains of the same, comprehending the Lands of *Woodside*, *Over* and *Nether Buckler-Holes* and *Bluntfield*, extending in whole to a Twenty-seven Merk Land of old Extent; and these in special and real Warrantice and Security of the said principal Lands in case of Eviction of the same or any Part thereof, and effeiring to such Eviction only; but with and under the Burden always of the Feu Rights and other Rights whatever granted by the said *George Muir*, his Predecessors and Authors, in favour of the Vassals of the said Five Pound Land of *Schaws* alias *Fisherlands*; as the said whole Lands and others are more amply described in the Dispositions and Charters of and concerning the said Lands, but subject to and under the Conditions, Provisions, Restrictions, Limitations, and Clauses irritant and resolute, such as are usual in the Settlement of Lands in strict Entail by the Law of *Scotland*, and under the Reservations, Powers, and Faculties mentioned in the said Deed of Entail: And whereas the said *George Muir*, by a Deed of Revocation, dated the Nineteenth Day of *June* One thousand seven hundred and eighty-three Years, and recorded in the Register of *Taillies* the Third Day of *December* One thousand seven hundred and eighty-three Years, and in the Books of Council and Session the Seventeenth Day of *June* One thousand seven hundred and eighty-four Years, for the Causes therein specified, altered, revoked, and annulled the foresaid Disposition and *Taillie*, and the Destination or Course or Order of Succession therein contained, and whole Clauses, Import, and Effect thereof, and that in so far allenary as the said Lieutenant Colonel *Grainger Muir* and the Heirs Male and the Heirs Female of his Body were thereby substituted and called to succeed to the foresaid Lands and Estate contained in the said Disposition and *Taillie*; and the said *George Muir* thereby declared that the said Lieutenant Colonel *Grainger Muir* and the Heirs Male and Female of his Body should be debarred and excluded from succeeding to the foresaid Lands and Estate or any Part thereof, but that the said Disposition and *Taillie* should remain and continue in full Force in every other respect: And whereas the said *George Muir*, by another Disposition and Deed of *Taillie*, dated the Twentieth Day of *June* One thousand seven hundred and eighty-three Years, and recorded in the Register of *Taillies* the Third Day of *December* One thousand seven hundred and eighty-three Years, and in the Books of Council and Session the Seventeenth Day of *January* One thousand seven hundred and eighty-four Years, gave, granted, and dispoed, heritably and irredeemably, to himself, and to the said *Alexander Muir Mackenzie*, only Child then alive procreated of his Marriage with the deceased Mrs. *Margaret Mackenzie*, eldest Daughter of the deceased *Alexander Mackenzie* of *Delvine*, and to the Heirs Male of the Body of the said *Alexander Muir Mackenzie*; whom failing, to any Heirs Male that might be procreated of the Body of the said *George Muir* of any future Marriage; whom failing, to the Heirs Female of the Body of the said *Alexander Muir Mackenzie*; whom failing, to the Heirs Female of the said *George Muir*'s own Body; whom failing, to *William Campbell*, Writer to the Signet, eldest Son of the Marriage betwixt Dr. *Patrick Campbell* and Mrs. *Catherine Muir*, Sister of the said *George Muir*; whom failing, to *Patrick Campbell*, eldest Son of the said *William Campbell*, and the Heirs Male of his Body; whom failing, to *Robert Campbell*, Second Son of the said *William Campbell*, and the Heirs Male of his Body; whom

whom failing, to *George Muir Campbell*, Third Son of the said *William Campbell*, and the Heirs Male of his Body; whom failing, to any other Heirs Male to be procreated of the said *William Campbell*; whom failing, to the Heirs Female descending of the Body of the said *William Campbell*; whom failing, to any other Heirs that the said *George Muir* should nominate and appoint by any Deed under his Hand at any Time of his Life, and even at the Point of Death; whom all failing, to his own nearest Heirs and Assignees whatsoever; the eldest Heir Female and the Descendants of her Body throughout the whole Destination being always to succeed without Division, and exclude Heirs Portioners, and the Right of Primogeniture being to take place among the whole of the said Female Heirs in the same Manner as the Law has established it among the Male Heirs; all and whole the Four and a Half Merk Land of *Cuill*, and these Parts and Portions of the Thirty-six Shilling and Eighteen-penny Land of old Extent of *Spittal*, and the Four and a Half Merk Land and Thirty-penny Land of old Extent of the said Lands of *Spittal*, including the Croft called the *Clynes*; *videlicet*, the Head of the Lands of *Spittal* from the *Dog Tommock*, over the Top of *Cairnsmoor*, with the hail Pertinents of the said Lands, as the same were set in tack to and possessed by *James M'Burnie*, lying in the Parish of *Kirkmabreck* and Stewartry of *Kirkcudbright*, and as the said Lands are more particularly described in the original Rights and Infeftments thereof, which Lands formerly belonged to the deceased *John M'Culloch* of *Barholm*, and afterwards to *John M'Culloch* then of *Barholm* his Son, and were purchased by the said *George Muir* at a judicial Sale thereof before the Lords of Council and Session conform to Decree of Sale in his Favours, dated the Twenty-fourth Day of *January* then last, together with the Teinds, Parsonage and Vicarage, of the said Lands, in so far as the said *George Muir* or as the said *John M'Culloch* elder or *John M'Culloch* younger had Right thereto, as the same are more amply described in the several Dispositions and Charters of and concerning the said Lands and others; but subject to and under the Conditions, Provisions, Restrictions, Limitations, and Clauses irritant and resolute, such as are usual in Settlements of Lands in strict Entail by the Law of *Scotland*, and under the Reservations, Powers, and Faculties mentioned in the said Deed of Entail: And whereas the said *George Muir* having departed this Life, he was succeeded in the said Lands and Estates above mentioned by the said *Alexander Muir Mackenzie*, afterwards Sir *Alexander Muir Mackenzie* of *Delvine* and *Cassencarie* Baronet, now deceased, who made up Titles in his Person to the said Lands and others under the foresaid Deeds of Taillie, conform to Charter of Resignation, Confirmation, and Sale in his Favour under the Great Seal, dated the Sixth Day of *August*, and written to the Seal and registered the Fifth and sealed at *Edinburgh* the Sixth Days of *November*, One thousand seven hundred and eighty-four Years, and Instrument of Sasine thereon in his Favour, dated the Twentieth Day of *November*, and recorded in the General Register of Sasines at *Edinburgh* the Twenty-eighth Day of *December*, One thousand seven hundred and eighty-four Years: And whereas the said Sir *Alexander Muir Mackenzie*, by Disposition and Taillie dated the Seventeenth and recorded in the Books of Council and Session the Eighteenth Days of *March* One thousand eight hundred and twenty-six Years, did, for the Causes therein specified, give, grant, and dispone, heritably and irredeemably, to himself in Life-rent, for his own Life-rent Use allenary during all the Days of his Life, and to *John William Pitt Muir Mackenzie*, now Sir *John Muir Mackenzie* of

Succession of Sir Alexander Muir Mackenzie under said Entails.

Entail of Cassencarie, &c. by Sir A. M. Mackenzie, 1826.

[Private.]

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Delvine

Delvine and *Cassencarie*, Baronet, his only Son, in Fee; whom failing, to the Heirs Male of the Body of the said Sir *John Muir Mackenzie*; whom failing, to any other Heirs Male of the Body of the said Sir *Alexander Muir Mackenzie*; whom failing, to the Heirs Substitutes and Successors specified in the foresaid Dispositions, Deeds of Taillie and Revocation, by the said *George Muir* before specified, excepting the said Lieutenant Colonel *Grainger Muir* and his Heirs Male and Female, excluded by the said Deed of Revocation as aforesaid, *videlicet*, to any Heirs Male that might have been procreated of the Body of the said *George Muir* of any Marriage subsequent to his Marriage to the said deceased Mrs. *Margaret Mackenzie*; whom failing, to the Heirs Female of the Body of the said Sir *Alexander Muir Mackenzie*; whom failing, to the Heirs Female of the Body of the said deceased *George Muir*; whom failing, to the said deceased *William Campbell*, Writer to the Signet; whom failing, to the now deceased *Patrick Campbell*, eldest Son of the said *William Campbell*, and the Heirs Male of his Body; whom failing, to the said *Robert Campbell*, Second Son of the said *William Campbell*, and the Heirs Male of his Body; whom failing, to the now deceased *George Muir Campbell*, Third Son of the said *William Campbell*, and the Heirs Male of his Body; whom failing, to any other Heirs Male of the Body of the said *William Campbell*; whom failing, to the Heirs Female descending of the Body of the said *William Campbell*; whom failing, to any other Heirs that the said *George Muir* might have appointed by any Deed under his Hand at any Time during his Life, and even at the Point of Death; whom all failing, to the said *George Muir's* own nearest Heirs and Assignees whatsoever; the eldest Heir Female, and the Descendants of her Body throughout the whole Destination, being always to succeed without Division, and exclude Heirs Portioners, and the Right of Primogeniture being to take place among the whole of the said Female Heirs in the same Manner as the Law has established it among the Heirs Male; all and whole the Lands and Estate particularly above specified; and upon the said Disposition and Taillie a Charter of Resignation was expedite under the Great Seal, bearing Date the Second Day of *June*, and written to the Seal and registered and sealed the Twenty-ninth Day of *July*, One thousand eight hundred and twenty-six Years, in favour of the said Sir *Alexander Muir Mackenzie* in Life-rent, and of the said Sir *John Muir Mackenzie* in Fee, upon which Charter they were duly infeft, and seised in Life-rent and Fee respectively, conform to Instrument of Sasine in their Favour, dated the Ninth Day of *August*, and recorded in the General Register of Sasines at *Edinburgh* the Fourteenth Day of *August*, One thousand eight hundred and twenty-six Years: And whereas the said Sir *Alexander Muir Mackenzie* having departed this Life, he was succeeded in the said entailed Lands and Estates by the said Sir *John Muir Mackenzie*, in virtue of the said recited Deeds; and the said Sir *John Muir Mackenzie* is now in the Possession thereof, under the Conditions, Limitations, and Restrictions contained in the said Deeds of Entail: And whereas the said Sir *John Muir Mackenzie* stands seised and possessed in Fee Simple of the Lands and Estates following, conform to Charter of Resignation and Adjudication in Implement under the Great Seal in his Favour, dated the Third, and written to the Seal and registered and sealed the Twenty-second Days of *February* One thousand eight hundred and thirty-six Years, and Instrument of Sasine following thereon in his Favour, dated the Twenty-sixth and recorded in the General Register

Death of
Sir Alexander
and Succession
of Sir
John M. Mackenzie.

Barony of
Delvine
held in Fee
Simple.

of Sasines at *Edinburgh* the Twenty-ninth Days of *February* One thousand eight hundred and thirty-six Years; all and whole the Lands and Barony of *Delvine*, anciently called the Barony of *Inchtuthill*, comprehending therein the Lands, Barony, and others under written, *videlicet*, the Lands and Barony of *Caputh*, comprehending all and whole the Lands, Town, and Dominical Lands, and Manor Place of *Inchtuthill*, the Lands of *Easter Caputh*, the Lands of *Reidgoul*, Mill and Mill Lands of *Gourdie*, with the Multures, Sequells, and Knaveship of the same, and with all and singular Manor Places, Towers, Fortalices, Houses, Buildings, Yards, Orchards, Salmon Fishings in the Water of *Tay* used and wont, Woods, Mosses, Muirs, Meadows, Commons, Pasturages, Parts, Pendicles, Outsets, Annexis, Connexis, Privileges, Tenants, Tenantries, and Services of free Tenants, with the whole Pertinents of the same used and wont within the whole Bounds and Limits of the said Lands respectively, as the same were formerly possessed by the Tenants of the deceased *Francis* Earl of *Errol*, lying within the Barony of *Errol* and County of *Perth*; and also all and whole the Towns and Lands of *Drumaderty Aird* and *Little Fardell*, and all and whole the Island or Haugh of *Fardell*, lying on the South Side of the Water of *Tay*, and that Part of the Lands of *Meikle Fardell* formerly possessed by *Robert Stewart*, and also the Mill of *Fardell*, Mill Lands, Multures, and Sequells of the same, with Houses, Buildings, Yards, Tofts, Crofts, Salmon Fishings and other Fishings, Liberties, and Privileges of the same, all formerly united, annexed, and incorporated into One whole and free Barony called the Barony of *Inchtuthill*, conform to a Charter of the same under the Great Seal granted by King *Charles* the Second in favour of Sir *Patrick Ogilvie* of *Inchmartin* and *William Ogilvie* his Son, dated the Twenty-ninth *July* One thousand six hundred and forty-eight; and also all and whole the Town and Lands of *Middle Gourdie*, with the Sunny Half of all and singular the Outfields of *Meikle Gourdie* annexed to the same; and also the Lands of *Newlands* and *Broad Myre* and *Cottarbank*, with Houses, Buildings, Yards, Tofts, Crofts, Parts, Pendicles, and Pertinents of the same, and with the whole Privileges and Commodities belonging to the same, which are all proper Parts and Pertinents of the Lands of *Meikle Gourdie*, and lie in the Barony of *Caputh*, Parish of *Cluny*, and County of *Perth*, with the Privilege of Fuel in the Common, Mosses, Marshes; and Myres of the said Lands of *Meikle Gourdie*, according to Use and Wont; and also all and whole that Pendicle called *Coldhame*, with Houses, Buildings, Yards, Pertinents, and Privileges in the Marshes, Myres, and Mosses used and wont, which is Part and Pertinent of the said Lands of *Meikle Gourdie*; and also all and whole the Town and Lands of *Meikle Gourdie* now called *Wester Gourdie*, with *Cottartown* of the same, lying of old within the Barony of *Caputh*, Parish of *Cluny*, and County of *Perth*, with Manor Place, Houses, Buildings, Yards, Orchards, and whole other Parts, Pendicles, and Pertinents of the same, all lying within the Parish of *Clunie*, which Lands of *Middle Gourdie* and *Meikle* or *Wester Gourdie*, with the Pendicles and Pertinents of the same above specified, are described in a Disposition of the same granted by *John Wauchope* Writer to the Signet, as Trustee for *George* Earl of *Errol*, in favour of the said Sir *Alexander Muir Mackenzie*, as Parts and Portions of the Regality, Lordship, and Barony of *Slains* and Earldom of *Errol*, conform to Charter of Erection under the Great Seal of *Scotland* in favour of *John* Earl of *Errol*, dated the Twenty-ninth Day of *March* One thousand six hundred and ninety-nine; and also all and

and whole the following Parts and Portions of the Lands and Barony of *Grandtully*, and others, contained in a Charter of Resignation under the Great Seal in favour of Sir *George Stewart* of *Grandtully*, Baronet, dated Twenty-first Day of *December* One thousand seven hundred and eighty-nine, and sealed the Twenty-second Day of *April* One thousand seven hundred and ninety, namely, that Piece of Ground called the *Island of Burnbean*, with the Grass Lands and Stannarts adjoining the same, consisting altogether of Twenty Acres and Seven Decimal Parts of an Acre, or thereby, *Scotch Measure*, according to a Measurement of the same by *David Buist*, Land Measurer in *Perth*, with the whole Salmon Fishings of the same contiguous to *Delvine*, and with the Teinds, Parsonage and Vicarage, of the said Lands lying within the Parish of *Little Dunkeld* and County of *Perth*, and bounded by the Lands belonging to the said Sir *John Muir Mackenzie* on the North, and by the River *Tay* on the South, East, and West; and the said Sir *John Muir Mackenzie* is also possessed in Fee Simple of the following Portion of the Lands and Estate of *Delvine*, *videlicet*, all and whole the Shadow or West Half of all and haill the Town and Lands of *Meikle Fardell*, with the Shadow Half of the haill Houses, Biggings, Yards, Orchards, Tofts, Crofts, and Pertinents of the same, with the Half of the Salmon and other Fishings thereto belonging, some Time possessed by *John Bisset*, Portioner of *Meikle Fardell*, lying within the Barony of *Inchtuthill* and Sheriffdom of *Perth*, which Fishings are in the later Title Deeds of the said Lands described as the Share of all the Fishings, whether Salmon or other Fishings, belonging to the said Lands in the River *Tay*, *Dowishole*, or other Places on the West Side of the Line of the Division or March fixed between the East and West Half of the said *Meikle Fardell*, all as more particularly described in the former Rights and Infeftments thereof, and as formerly possessed by the said deceased *William Bisset* and his Authors, and their Tenants and Cottars, and now by the Tenants and Cottars of the said Sir *John Muir Mackenzie*, lying the said Lands within the Barony of *Inchtuthill*, Parish of *Caputh*, and Shire of *Perth*, being Part of the Barony of *Inchtuthill*, and lying in the said Parish of *Caputh* and County of *Perth*, and in which Lands of the Shadow or West Half of *Meikle Fardell* the said deceased Sir *Alexander Muir Mackenzie* was infest and seised conform to Disposition, by *William Martin* and others, Heirs Portioners of *William Bisset* of *Meikle Fardell*, in his Favour, dated the Seventeenth Day of *July* One thousand eight hundred and seventeen Years, and recorded in the Books of Council and Session the Twenty-fifth Day of *June* One thousand eight hundred and twenty-three Years, and Instrument of Sasine thereon in his Favour, dated the Fourteenth and recorded in the General Register of Sasines at *Edinburgh* the Eighteenth Days of *November* One thousand eight hundred and twenty-three Years; and the said Sir *John Muir Mackenzie* is in the course of making up Titles in his Person as only Son and Heir of the said deceased Sir *Alexander Muir Mackenzie*; which Lands and Estate of *Delvine*, comprehending the Lands and others above specified, are of the present free yearly Value of Three thousand and twelve Pounds Fourteen Shillings and Eleven-pence Sterling, and if out of Lease would be worth Three thousand and eighty-seven Pounds Twelve Shillings and Eleven-pence Sterling of free yearly Rent, as more particularly described in the First Schedule hereunto annexed; and there are also Woods and Plantations on the said Lands, valued at Two thousand three hundred and eighty-four Pounds Seventeen Shillings, as mentioned in the said First Schedule hereunto annexed:

nexed: And whereas the foresaid entailed Lands and Estate of *Cassencarie* and others consist of various Farms, several of which are altogether discontiguous and lie at a great Distance from each other in different Parishes, and partly in the Stewartry of *Kirkcudbright*, and partly in the Shire of *Wigtown*; whereas the unentailed Lands of *Delvine* form a compact Estate, the Lands being situated in the same County and wholly contiguous to each other; and the Mansion House of *Delvine*, which is nearly in the Centre of the Property, is greatly superior to the Mansion House of *Cassencarie*, and is in every respect suitable for the Proprietor, who has accordingly resided there for a Number of Years; and as the said unentailed Lands of *Delvine* are of considerably greater Value than the said entailed Lands of *Cassencarie* and others, it would be for the Advantage and Convenience of the Heirs of Entail entitled to take under the foresaid Deeds of Taillie that the said Lands and Estate of *Cassencarie* and the Lands of *Cuil* and others, above described, should be exchanged for these Parts and Portions of the Lands and Estate of *Delvine* above described; that is to say, all and whole the foresaid Lands and Estate of *Cassencarie* and others, *videlicet*, the Four Merk Land of *Cassencarie*, with the Fishings and Pertinents, lying in the Parish of *Kirkmabreck* and Stewartry of *Kirkcudbright*; all and whole the Miln Croft of the Miln of the Barony of *Ferry*, with Right of Servitude thereto attached; all and whole the Six Merk Land of old Extent of *Larg*, comprehending *Larg*, *Ballachanamore*, and *Knockeans*, and the Two Merk Land of *Fellend*, the Lands of *Chapplemark* otherwise *Chappleton*, and certain Parts and Portions of the Four Merk Land of old Extent of *Burns*, and also certain Parts of the Lands of *Under Burns*, all lying in the Parish of *Kirkmabreck* and Stewartry of *Kirkcudbright*; all and whole the Five Pound Land of old Extent of *Airieland*, with the Houses, Biggings, Woods, Fishings, Parts, Pendicles, and Pertinents thereof, lying within the Parish of *Kelton* and Stewartry of *Kirkcudbright*; all and whole the Four Pound Land of old Extent of *Trallogland* alias *Glenlairs*, with the Mills thereof, and other Pertinents, lying within the Parish of *Parton* and Stewartry of *Kirkcudbright*, with the Teind Sheaves and other Teinds of the said Lands of *Glenlairs*; all and whole the Three Merk Land of *Littletown* and *Greenslacks*, of old Extent, with the whole Pertinents of the same, lying in the Parish of *Borgue* and Stewartry of *Kirkcudbright*; all and whole the Twelve Merk Land of *Dalreagle* otherwise *Deregill*, including *Dalreagle*, *Creochs*, and *Ballaird*, with the Mills, Fishings, and hail Pertinents, lying within the Parish of *Kirkinner* and Shire of *Wigtown*; and all and whole the Superiority or *Dominium directum* of the Five Pound Land of *Scharws* alias *Fisherlands*, with the Pertinents, lying within the Parish of *Closeburn* and County of *Dumfries*; all and whole the Four and a Half Merk Land of *Cuil*; and these Parts and Portions of the Thirty-six Shilling and Eighteen-penny Land of old Extent of *Spittal*, and the Four and a Half Merk Land and Thirty-penny Land of old Extent of the said Lands of *Spittal*, including the Croft called the *Clynes*, *viz.* the Head of the Lands of *Spittal* from the *Dog Tommock*, over the Top of *Cairnsmoor*, with the hail Pertinents of the said Lands, lying in the Parish of *Kirkmabreck* and Stewartry of *Kirkcudbright*; which Lands and Estate of *Cassencarie* and others last before described are of the present free yearly Value of Two thousand four hundred and six Pounds Eighteen Shillings and Four-pence Sterling, and if out of Lease would be worth Two thousand five hundred and seventy-one Pounds Twelve Shil-

Entailed Estates of Cassencarie lie detached from Estate of Delvine, and expedient to exchange same for Delvine.

[Private.]

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lings

Heir of Entail in possession of entailed and unentailed Estates may, under Direction of the Court of Session, entail Fee Simple Estate of Delvine.

lings and One Penny Sterling of free yearly Rent ; and there are also Woods and Plantations on the said Lands valued at Three thousand five hundred and ninety-five Pounds Three Shillings and Three-pence Sterling, as more particularly mentioned in the Second Schedule hereunto annexed ; and the Superiority or *Dominium directum* of the said Lands of *Scharws* alias *Fisherlands* does not yield any yearly Rent, there being merely a Blench Duty of Six Pennies *Scots* payable by the Vassal therein ; but the said Superiority is worth the Sum of Three hundred and twenty Pounds Sterling, as mentioned in the Third Schedule hereunto annexed ; but by reason of the Limitations contained in the foresaid Deeds of Entail the said Exchange cannot be effected without the Aid and Authority of Parliament : May it therefore please Your Majesty that it may be enacted ; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and immediately after the passing of this Act the said Sir *John Muir Mackenzie* at any Time during his Life, or failing him the Heir of Entail for the Time being possessed of the Estates comprised in the foresaid Deeds of Entail made by the said *George Muir*, and also of the Lands and Estate of *Delvine* and others, comprised in the First Schedule annexed to this Act, shall be at liberty to apply by summary Petition to the Court of Session in *Scotland*, and by and with the Direction and Approbation of that Court in either of the Divisions thereof, to make, grant, and execute a Disposition and Deed of Settlement or Entail of the foresaid Parts of the said Lands of *Delvine* and others before mentioned, and comprised in the said First Schedule annexed to this Act, in the Form which shall appear to the Judges of the said Court most proper for effectually settling and securing the said Lands, freed of all Debts and Incumbrances affecting or that may affect the same, to and in favour of the said Sir *John Muir Mackenzie* and the other Heirs entitled to take and succeed under the before-recited Deeds of Entail by the said *George Muir*, and that in the Way of strict Entail, under all the Provisions, Conditions, Declarations, Limitations, Clauses irritant and resolute, provided, expressed, and declared by the said Deeds of Entail, in so far as the same are subsisting and capable of taking effect ; which Settlement and Entail shall be so framed as to bind the said Sir *John Muir Mackenzie* or the Person executing the same, as well as the succeeding Heirs.

Such Entail to be recorded.

II. And be it enacted, That after the said Disposition and Deed of Settlement or Entail shall be so made and executed, in Manner and to the Effect foresaid, the same shall be recorded in due Form in the Register of *Taillies* for the Benefit and Security of all and every Person and Persons interested therein, and a Charter or Charters shall pass and be obtained thereon, and Infeftment taken by virtue of the Precept of *Sasine* therein contained, and registered agreeably to the Forms and Practice of the Law in *Scotland*, upon all which the said Court shall interpose its Authority, by declaring that the Directions by this Act given have been complied with, according to the true Intent and Meaning thereof.

Estate of Cas-sencarie thereupon

III. And be it enacted, That from and immediately after the granting and executing the said Disposition and Deed of Settlement or

or Entail, recording the same, passing the Charter thereupon, and taking and recording the Infestment as before mentioned, and the Authority of the Court of Session being interponed thereto, the said Lands and Estate of *Cassencarie* and others before mentioned, and comprised in the Second and Third Schedules to this Act annexed, shall be and the same are hereby vested in the said Sir *John Muir Mackenzie*, and his Heirs and Assigns, in Fee Simple; and the same and every Part thereof shall from thenceforth be freed and absolutely acquitted, released, exonerated, and discharged of and from all and every the Conditions, Provisions, Declarations, Limitations, Prohibitions, and Irritancies contained in and imposed by the above-recited Deeds of Entail; which Lands and Estate shall from thenceforth be construed to belong to and be at the free Disposal of the said Sir *John Muir Mackenzie* and his Heirs and Assigns.

vested in Sir
J. M. Mac-
kenzie in Fee
Simple.

IV. Provided always, and be it enacted, That if the Exchange hereby authorized to be made shall not take place within Four Years after the passing of this Act, the Powers hereby granted to that Effect shall thereafter cease and determine.

In case Ex-
change shall
not take
effect within
Four Years.

V. Saving always and reserving to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person or Persons, Bodies Politic and Corporate, his, her, and their Heirs, Executors, and Successors, (other than and except the said Sir *John Muir Mackenzie*, and the other Heirs of Entail, or Persons entitled to succeed to the said Lands and Estates of *Cassencarie* and others by the Deeds of Entail above recited,) all such Estate, Rights, Titles, Interests, Claims, and Demands of, in, to, or out of all or any of the Lands and Estates and other Premises as aforesaid, as they, every or any of them had before the passing of this Act, or could, should, or might have had, enjoyed, claimed, or demanded in case this Act had never been made.

Saving
Clause.

VI. And be it enacted, That this Act shall be printed by the several Printers to the King's most Excellent Majesty duly authorized to print the Statutes of the United Kingdom; and a Copy thereof so printed by any of them shall be admitted as Evidence thereof by all Judges, Justices, and others.

Act to be
printed by
King's
Printers.

FIRST SCHEDULE referred to in this Act.

RENTAL and VALUATION of the Lands and Estate of DELVINE in the County of Perth, proposed to be entailed.

No.	Names of Farms, etc.	Names of Tenants.	Present Rent.			Expiry of Leases.	Value if out of Lease.			
			£	s.	d.		£	s.	d.	
1	Wester and Easter Inchtuthill.	David Irons - -	283	18	1	Mart ^s 1854	}	535	10	0
2	Easter Caputh - -	William Kilgour - -	223	18	4	— 1847		342	0	0
3	Wester Drummaherty	Alexander M'Liesh - -	330	0	0	— 1854		94	5	0
4	Blackhaugh - -	Thomas Stirton - -	90	0	0	— 1838		75	0	0
5	Deedles - -	John M'Laren - -	66	0	0	— 1855		228	10	0
6	Easter Drummaherty	Henry Bell - -	219	5	4	— 1849		208	15	0
7	Millhill and Meikle Fardell, including Pendicles of ditto.	William Stirton and others.	226	5	8	— 1849				
8	Little Fardell - -	Alexander Stirton - -	280	0	0	— 1848	294	10	0	
9	Spittalfield Houses and Pendicles.	John Kerr and others	215	11	10½	At Will	202	10	0	
10	Greeninch - -	James Irons - -	25	0	0	At Will	25	5	0	
11	Farm of Over Aird and Nether Aird, and Policies of Delvine.	In the Proprietor's Possession.	780	0	0	- - -	780	0	0	
12	Woods near Spittalfield	Unlet - - -	-	-	-	- - -	5	5	0	
13	Farm of Wester Gourdie	John Stirton - -	140	6	4½	Mart ^s 1850	147	0	0	
14	Middle Gourdie - -	John Gow, senior, and John Gow, junior.	150	0	0	— 1842	153	0	0	
15	Craigend and Cauldhame.	Thomas and Donald Barrie.	100	0	0	Whit ^y 1851	108	0	0	
16	Pendicles of Wester Gourdie, including Gourdie Mill.	John Irons and others	79	2	0	At Will	79	0	0	
17	Wood at Craigend, and Pasture Common to the Cottars of Wester Gourdie, included in the £79 2. 0.	John Irons and others	-	-	-	- - -	5	15	0	
18	West Lodge - -	James Haggart - -	3	9	4	At Will	3	10	0	
19	Inch Cottage - -	Peter Hutchison - -	3	10	0	At Will	3	10	0	
20	Tay Fishings - -	Thomas Blair - -	6	0	0	At Will	6	0	0	
			3,222	7	0		3,297	5	0	
Deduct public Burdens on an Average of the last Three Years			209	12	1		209	12	1	
			3,012	14	11		3,087	12	11	

The present free yearly Value of the above Lands is Three thousand and twelve Pounds Fourteen Shillings and Eleven-pence Sterling.

And the free yearly Value of them, supposing the whole out of Lease, is Three thousand and eighty-seven Pounds Twelve Shillings and Eleven-pence Sterling.

And the Woods and Plantations on the Property are worth the Sum of Two thousand three hundred and eighty-four Pounds Seventeen Shillings Sterling.

Wm. Chalmers.

SECOND SCHEDULE referred to in this Act.

RENTAL and VALUATION of the Lands and Estates of DALREAGLE in the County of Wigton, and Cuil, Cassencarie, Greenslacks, Glenlair, and Airyland in the Stewartry of Kirkcudbright, proposed to be disentailed.

No.	Names of Farms, etc.	Names of Tenants.	Present Rent.			Expiry of Leases.	Value if out of Lease.		
			£	s.	d.		£	s.	d.
1	Farm of Dalreagle -	John Skimming -	229	12	6	Whity 1850 -	248	17	4
2	Farm of Crews -	Ant. M'Geoch -	221	2	10	— 1850 -	219	5	11
3	Farm of Ballaird -	John M'Kinnan -	170	0	0	— 1837 -	180	10	1
4	Farm of Cuil -	Wm. and D. Burnie -	150	11	2	— 1850 }	208	0	2
5	House at Cuil Wood -	James Adams -	0	2	6	A Sort of Feu }			
6	Farm of Chapelton -	Mrs. Brait -	60	0	0	Whity 1840 -	81	8	8
7	Woods of Chapelton -	Unlet -	-	-	-	- - -	15	4	7
8	Farm of Burns -	John Hannay -	40	0	0	Whity 1840 -	47	18	10
9	Park in Burns -	John Chalmers -	18	18	0	Mart's 1844 -	18	3	3
10	Ditto -	Alexander Clark -	10	0	0	Whity 1836 -	10	4	4
11	Ditto -	Alexander Cowan -	20	0	0	— 1850 -	19	17	5
12	Farm of Larg and Knockeans.	John M'Dowall -	180	0	0	— 1851 -	226	7	4
13	Clachan Croft -	Mr. G. M. Campbell -	11	12	0	At Will -	11	16	2
14	Waulk Mill and Croft -	William M'Adam -	10	10	0	Whity 1857 -	8	15	11
15	Houses, etc. at Clachan -	Sundry Tenants -	5	10	0	At Will -	5	0	0
16	Ditto in Cassencarie Wood.	Occupied by Ground Officer.	-	-	-	- - -	2	10	0
17	Woods at Cassencarie -	Unlet -	-	-	-	- - -	9	6	8
18	Farm and House of Cassencarie.	Mrs. Caldwell -	240	0	0	Mart's 1843 -	250	1	5
19	Shore Pasture -	Robert Caldow -	2	10	0	Whity 1836 -	2	14	0
20	Caskiland Allycroft, etc.	Liverpool Dock Trustees.	56	8	0	— 1850 -	56	8	0
21	Fishings in the River Cree.	Peter Young -	20	0	0	Mart's 1836 -	20	0	0
22	Farm of Greenslack -	Hugh Carter -	200	0	0	Whity 1854 -	108	7	2
23	Farm of Littleton -								
24	Farm of Upper Glenlair -	George Halliday -	100	0	0	— 1854 -	110	9	1
25	Farm of Nether Glenlair -	George Affleck -	300	0	0	— 1849 -	269	0	3
26	Smith's Croft -	Nath. Cornice -	9	19	0	At Will -	10	2	9
27	Farm of Airyland -	Robert M'Knight, jun.	443	2	9	Mart's 1851 -	430	1	6
			2,499	18	9		2,664	12	6
Deduct public Burdens on an Average of the last Three Years			93	0	5		93	0	5
			2,406	18	4		2,571	12	1

The present free yearly Value of the above Lands is Two thousand four hundred and six Pounds Eighteen Shillings and Four-pence Sterling; and the free yearly Value of them, supposing the whole out of Lease, is Two thousand five hundred and seventy-one Pounds Twelve Shillings and a Penny.

The Woods and Plantations on the above Lands are worth Three thousand five hundred and ninety-five Pounds Three Shillings and Three-pence Sterling.

Wm. Chalmers.

[Private.]

THIRD SCHEDULE referred to in this Act.

Value of the Superiority or Dominium directum of the
Lands or Schaws or Fisherlands, lying in the Parish of
Closeburn and County of Dumfries - - - - - £320 0 0

Say Three hundred and twenty Pounds Sterling.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,
Printers to the King's most Excellent Majesty. 1836.