ANNO QUINQUAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 195.

An Act for exchanging the Lands of *Brabſterdorran*, and other Heritages, belonging to *Henrietta Sinclair*, as Heir under an Entail, made by *David Sinclair* of *Southdun*, deceaſed, for other Lands and Heritages belonging to her in Fee-ſimple; and for veſting the ſaid Lands of *Brabſterdorran*, and other Heritages, in Truſtees, for the Purpoſes therein mentioned.

[2d *July* 1813.]

David Sinclair's Deed of Settlement, 28th Jan. 1716.

WHEREAS *David Sinclair* Eſquire, of *Southdun*, in the County of *Caithneſs*, now deceaſed, did, in and by a certain Deed of Settlement, bearing Date the Twenty-eighth Day of *January* which was in the Year of Our Lord One thouſand ſeven hundred and ſixteen, regiſtered in the Books of Council and Seſſion in *Scotland* on the Eighth Day of *April* which was in the Year of Our Lord One thouſand ſeven hundred and forty-eight, bind and oblige himſelf, his Heirs and Succeſſors, duly and ſufficiently, to infeft and ſeiſe Lady *Janet Sinclair*, his Wife, alſo ſince deceaſed, in Life-rent for her Life-rent Uſe only, during all the Days of her Life time after his Deceaſe, in caſe it ſhould happen her to ſurvive him and the Heirs-male lawfully procreated or to be procreated betwixt them; which failing, *Jean Sinclair*, the only lawful Daughter procreated betwixt the ſaid Lady *Janet Sinclair* and him; which alſo failing, the other neareſt and lawful Heir-female procreated or to be procreated betwixt his ſaid Wife and him ſucceſſively without Diviſion; which all failing, to his own neareſt and lawful Heirs and Aſſignees whatſoever heritably and irredeemably in Fee, in all and whole the Town and Lands of *Stanſtill*, with the Mill, Multures, *Bannock-Knaveſhip*, and Good-will thereof; the Lands

of *Bilſter* and *Heaken*, with Seven-Farthing-Land in *Kirk*, with the Town and Lands of *Seater* and *Haſtigrew*; and likewiſe in all and whole the Seven Octos of Land in *Myrelandorn*, with certain other lands and other ſubjects therein particularly mentioned and deſcribed; all lying within the Pariſhes of *Wick*, *Wattin*, and *Bower* reſpectively, and County of *Caithneſs*: And whereas the ſaid *David Sinclair* of *Southdun* did, in and by a certain Deed of Entail, bearing Date the Ninth Day of *May* which was in the Year of our Lord One thouſand ſeven hundred and forty-ſeven regiſtered in the Books of Council and Seſſion in *Scotland* on the Twenty-fourth Day of *November* which was in the Year of our Lord One thouſand ſeven hundred and ſixty-one, and in the Regiſter of Entails in *Scotland* the Tenth Day of *July* which was in the Year of our Lord One thouſand eight hundred and eleven, ſettle and ſecure, by way of ſtrict Entail, among other Lands and Heritages therein contained, the Lands and Heritages following, *videlicet*; all and whole Twelve-Penny-Land of the Eighteen-Penny-Land of the Town and Lands of *Brabſterdorran*, with the Teinds thereof and Fair of *Brabſterdorran*, and whole Cuſtoms and Emoluments thereof, with the Mill of *Brabſterdorran*, Mill-Lands, Multures, Sucken, and Sequels thereof, lying in the ſaid Pariſh of *Bowar* and County of *Caithneſs* aforeſaid; and all and whole the other Two-Penny-Land of the ſaid Town and Lands of *Brabſterdorran*, and Four-Penny-Land and one Half of the Town and Lands of *Myrelandorn*, lying in the ſaid Pariſhes of *Bower* and *Wick* and County aforeſaid; and all and whole the Town and Lands of *Bowertower*, *Smerrel*, *Auckhorn* and Mill thereof, with the Mill-Lands, Sucken, and Sequels; the Lands of *Hallcrow*, with the Weſt Side of the Town of *Haſtigrew*, Mill thereof, Mill-Lands, Multures, and Sequels of the ſame, together with the Five Farthing-Land in the ſaid Town of *Kirk*, with Three Octos of Land and a Croft in the ſaid Town of *Myrelandorn*, with the Teinds of the ſaid whole Lands, lying the ſaid Lands of *Myrelandorn*, in the ſaid Pariſh of *Wick*, and the whole other Lands in the ſaid Pariſh of *Bower*, and all in the ſaid County of *Caithneſs*, to himſelf the ſaid *David Sinclair*, the Entailer, in Life-rent during all the Days of his Lifetime, and to the Heirs-male lawfully to be procreated of his Body, and the Heirs whatſoever lawfully to be procreated of their Bodies; which failing, to *Janet Sinclair*, his ſecond Daughter, and the Heirs-male lawfully to be procreated of her Body; which failing, to *Margery Sinclair*, his third Daughter, and the Heirs-male lawfully to be procreated of her Body; which failing, to *Katherine Sinclair*, his fourth Daughter, and the Heirs-male lawfully to be procreated of her Body; which failing, to any other Daughter to be procreated of his own Body, and the Heirs-male lawfully to be procreated of her Body; which failing, to the Heirs whatſoever of the ſaid *Janet*, *Margery*, and *Katherine Sinclairs*, or any other Daughter lawfully to be procreated of his the ſaid Entailer's Body, the Heirs-female of the eldeſt ſucceeding preferably to the Heirs-female of any of the others, and that without Diviſion; which failing, to *Alexander* Earl of *Caithneſs*, and the Heirs to be procreated of his Body; which failing, to *John Sinclair*, Lord *Murkle*, and the Heirs to be procreated of his Body; which failing, to Maſter *Francis Sinclair*, Brother-German to the ſaid *Alexander* Earl of *Caithneſs*, and the Heirs to be procreated of his Body; which all failing, to the ſaid *David Sinclair*, the Entailer, his Heirs and Aſſignees whatſoever, in Fee heritably and irredeemably; with and under the Reſervations, Conditions, Proviſions, Limitations, Reſtrictions, and Clauſes irritant and reſolutive, which are uſual in Settlements of

His Entail, 9th May 1747.

ſtrict Entail by the Law and Practice of *Scotland*; And among other Lands and Heritages in the ſaid Deed of Entail mentioned, were alſo contained the aforeſaid Town and Lands of *Stanſtill*, and other Heritages hereinbefore mentioned and contained in the before-recited Deed of Settlement, executed by the ſaid *David Sinclair* upon the Twenty-eighth Day of *January*, which was in the Year of our Lord One thouſand ſeven hundred and ſixteen: And whereas the ſaid Lady *Janet Sinclair* died in the Life-time of the ſaid *David Sinclair*, and, upon his Death, he was ſucceeded, on the Failure of the prior Subſtitutes, by his Grandſon *David Threipland Sinclair*, only ſurviving Iſſue of the Marriage between *Janet Sinclair*, the Daughter of the ſaid *David Sinclair* and Lady *Janet Sinclair*, and Sir *Stuart Threipland* of *Fingaſk*, as Heir under the aforeſaid Deed of Settlement, executed by the ſaid *David Sinclair*, in the Year of our Lord One thouſand ſeven hundred and ſixteen, and the aforeſaid Deed of Entail executed by him in the Year of our Lord One thouſand ſeven hundred and forty-ſeven; and the ſaid *David Threipland Sinclair*, on the Nineteenth of *November* which was in the Year of Our Lord One thouſand ſeven hundred and ſixty-three, obtained Decreet, at his Inſtance, before the Lords of Council and Seſſion in *Scotland*, reducing the ſaid Deed of Entail, in ſo far as concerned the Lands and Heritages therein-mentioned, which had been conveyed to Heirs of Proviſion in the aforeſaid previous Deed of Settlement, executed by the ſaid *David Sinclair* in the Year One thouſand ſeven hundred and ſixteen, and declaring that ſuch Lands, and other Heritages, belonged to him as Heir of Proviſion under ſuch previous Deed of Settlement; and the ſaid *David Threipland Sinclair* afterwards departed this Life in the Year of our Lord One thouſand ſeven hundred and ſeventy-three, without Heirs of his Body: And whereas *Henrietta Sinclair Wemyſs*, formerly *Henrietta Sinclair*, Wife of *William Sinclair Wemyſs*, Eſquire, and her Siſter, *Janet Williamſon*, formerly *Janet Sinclair*, Wife of *Benjamin Williamſon* Younger, of *Bannis Kirk*, in the County of *Caithneſs* aforeſaid, which *Henrietta Sinclair* and *Janet Williamſon* are the only Children of the Marriage between *Margery Sinclair*, the third Daughter of the ſaid deceaſed *David Sinclair* of *Southdun*, the Wife of *James Sinclair* of *Harpſdale*, on the Failure of all the Heirs called before them, became Heirs-Portioners of Proviſion under the aforeſaid Deed of Settlement, executed by the ſaid deceaſed *David Sinclair* of *Southdun*, in the Year of our Lord One thouſand ſeven hundred and ſixteen, and thereupon obtained a Charter of Reſignation (under the Seal kept and uſed in *Scotland*, in place of the Great Seal formerly uſed there) of the Lands of *Stanſtill*, and ſuch others of the aforeſaid Lands and Heritages contained in the ſaid Deed of Settlement, which were held of the Crown, to them and their Heirs and Aſſignees whomſoever; and they alſo obtained a Charter of Reſignation from the Tutors and Guardians of *Henrietta Scott*, now Ducheſs of *Portland*, the Superior of ſuch others of the aforeſaid Lands and Heritages contained in the ſaid Deed of Settlement, which were held of her as Superior thereof, to them and their Heirs and Aſſignees whomſoever; and upon theſe Charters they were duly infeft, and the Inſtruments of Saſine taken thereon in their Favour, were duly recorded; and by a Diviſion of the ſeveral Eſtates to which the ſaid Heirs-Portioners ſucceeded, which was made by them, certain parts of the Lands and other Heritages ſpecified and contained in the Deed of Settlement, executed by the ſaid *David Sinclair* in the Year of our Lord One thouſand ſeven hundred and ſixteen, became the ſeveral Property of the ſaid *Henrietta Sinclair*, and ſhe

Succeeded by his Grandſon, David Threipland Sinclair.

Succeſſion of Henrietta Sinclair and her Siſter, under the Deed of Settlement, &c.

she was infeft therein accordingly, and the Instrument of Sasine taken thereon in her Favour duly recorded; and having sold and disponed certain Parts of the Lands and Heritages contained in the said Deed of Settlement, she is still seised and possessed of the Lands and other Subjects in that Deed of Settlement contained, which are herein-before specially mentioned and described: And whereas the said *Henrietta Sinclair* has also belonging to her in Fee-simple, the following Lands and Heritages, *videlicet*; those Two-Penny-Land, being one-third of the Six-Penny-Land of *Brabsterdorran*, with the third Part of the Mill thereof, and Pertinents of the same, some time belonging to *Hugh Groat* in *Gills*, and thereafter to *Donald Rennie* in *Stronsay*, with the Teinds, Parsonage, and Vicarage of the said Lands and Pertinents of the same; as also all and whole that other Two Penny-Land of *Brabsterdorran* which formerly belonged to *Hutcheon Manson*, with the Teinds and Pertinents thereof; and also the Town and Lands of *Whittegar*, comprehending the Lands of *Cross-Quoys*, being of old a Half-Penny-Land; all which last-mentioned Lands and Heritages lie within the said Parish of *Bower*, and County of *Caithness* aforesaid: And whereas the said *Henrietta Sinclair*, by the Failure of the prior Heirs called by the said Deed of Entail executed by the said *David Sinclair*, of *Southdun*, in the Year of our Lord One thousand seven hundred and forty-seven, has become Heir of Entail therein, and now stands seised and possessed of such Part of the said entailed Estate which is held of the Crown, in virtue of her special Service, before the Sheriff of *Caithness*, on the Twenty-second Day of *September*, which was in the Year of our Lord One thousand eight hundred and four; and a Precept from the Chancery of *Scotland* following upon such Service, bearing Date the Fifteenth Day of *April* which was in the Year of our Lord One thousand eight hundred and five, upon which she was infeft, and the Instrument of Sasine taken thereon duly recorded; and she also stands seised and possessed of such Parts of the said entailed Estate which are held of a Subject superior, in virtue of two Precepts of *Clare constat* granted to her as Heir of Entail therein by the Right Honourable Sir *John Sinclair*, of *Ulbster*, Baronet, bearing date respectively the Fifteenth Day of *March*, in the present Year One thousand eight hundred and thirteen, upon which Precepts of *Clare constat* she has been infeft, and the Instruments of Sasine taken thereon in her Favour have been duly recorded: And whereas the said *Henrietta Sinclair* and *William Sinclair Wemyss*, her Husband, by their Disposition bearing Date the Eighth and Twenty-fourth Days of *June*, which were in the Year of our Lord One thousand seven hundred and eighty-eight, reciting that certain Debts were due and owing by the said *David Threipland Sinclair*, late of *Southdun*, and by *Katherine Sinclair*, last of *Southdun*, which affected the Succession of the said *Henrietta Sinclair* as Heir of Provision and Heir of Entail to them, and that certain other Debts had been contracted by the said *Henrietta Sinclair* and *Janet Sinclair*, her Sister-German; and that certain Debts had been contracted by the said *William Sinclair Wemyss*, alienated and disponed from them and their Heirs and Successors to and in Favour of the said Sir *John Sinclair*, of *Ulbster*, Baronet, now the Right Honourable Sir *John Sinclair* Baronet, and to the Heir-male of his Body, being Major for the Time, and his or their Assignees; whom failing by Death, Non-acceptance, Resignation, or Minority, to certain other Persons therein mentioned as Trustees for Payment of the Debts in the said Trust-Disposition recited, and for certain other Purposes thereinmentioned, various Lands and Heritages belonging to the said *Henrietta*

Lands in Fee-simple belonging to Henrietta Sinclair.

She became Heir under the Entail.

Trust-deed by her and her Husband.

rietta Sinclair, and among others the aforesaid Lands of *Stanstill* and other Lands and Heritages herein-before mentioned, belonging to the said *Henrietta Sinclair* in Fee-simple, and the Rents of the said entailed Estates; and by the said Trust-Disposition the Trustees were empowered to sell the Lands and other Subjects thereby conveyed to them, and to apply the Proceeds in Payment of the Debts aforesaid; and the said Sir *John Sinclair*, having accepted the said Trust, was infeft in the Lands and other Heritages in the said Disposition conveyed to him; and in the Execution of the said Trust certain of the Lands thereby vested in Trustees have been sold, and the Prices thereof applied for the Purposes of the Trust, but Part of the Debts in the said Disposition recited still remain unpaid, and the Lands and other Heritages so remaining vested in the said Sir *John Sinclair* as such Trustee as aforesaid, are of Value more than sufficient to cover the Payment of the whole Debts, made a Charge upon the same by the said Trust-Disposition: And whereas certain Parts of the aforesaid Lands of *Stanstill*, and other Lands and Heritages, comprized in the said Deed of Settlement executed by the said *David Sinclair* in the Year One thousand seven hundred and sixteen, and of the other Lands and Heritages before-mentioned, now belonging to the said *Henrietta Sinclair* in Fee-simple, in the Schedule (A.) hereunto annexed more particularly described, lie interspersed in a very inconvenient Manner with the aforesaid Lands of *Brabsterdorran*, and other Lands and Heritages comprized in and remaining under the said Deed of Entail, executed by the said *David Sinclair* in the Year One thousand seven hundred and forty-seven, and now belonging to the said *Henrietta Sinclair* as Heir of Entail under that Deed, in the Schedule (B.) hereunto annexed more particularly described; and these last-mentioned Lands lie detached and at a Distance from the Mansion-house of the Family and Bulk of the entailed Estate: And whereas it would be of great Benefit and Advantage to the said *Henrietta Sinclair*, and the succeeding Heirs of Entail, if Power were given to free certain Parts and Portions of the aforesaid entailed Lands of *Brabsterdorran*, and other Heritages, in the said Schedule (B.) hereunto annexed particularly described, from the Reservations, Conditions, Provisions, Limitations, Restrictions, and Clauses irritant and resolutive, in the aforesaid Deed of Entail contained, and to vest the same in Trustees, to be sold, in lieu of the Lands of *Stanstill*, and other Heritages in the said Schedule (A.) hereunto annexed particularly described, or such Parts and Portions thereof as may be equivalent in Value to such Parts and Portions as aforesaid of the Lands and Heritages in the said Schedule (B.) hereunto annexed particularly described, upon entailing the said Lands of *Stanstill* and others, or such Parts and Portions thereof as aforesaid, discharged of the Trusts in Favour of Creditors created by the aforesaid Disposition, executed by the said *Henrietta Sinclair* and *William Sinclair Wemyss* on the Eighth and Twenty-fourth Days of *June* in the said Year One thousand seven hundred and eighty-eight: But as these Purposes 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 after the passing of this Act, it shall and may be competent and lawful to and for the Judges of the Court of Session in *Scotland* (sitting in either of the Divisions of that Court), upon the Petition of the said *Henrietta Sinclair*, (with the Consent of the said *William Sinclair*

Certain of the Lands lie intermixed.

Expediency of exchanging the same.

Court of Session to ascertain the Value of the respective Lands.

clair Wemyss, her Husband, during their joint Lives), or in case of her Decease, of the Heir of Entail for the Time entitled to and in Possession of the said Lands of *Brabsterdorran*, and other Subjects specified and contained in the aforesaid Deed of Entail, executed by the said *David Sinclair* of *Southdun*, deceased, who may be also entitled to the said Lands of *Stanstill*, and others in the said Schedule (A.) particularly mentioned and described, and of his or her Tutors or Curators, if under the Age of Twenty-one Years, presented to either Division of the said Court, to enquire, by legal and competent Evidence, according to the usual Practice of that Court, into the Value of such Part or Parts of the Lands and other Subjects comprised in the aforesaid Deed of Entail, which are specified and contained in the Schedule (B.) hereunto annexed, as may be necessary, not exceeding in annual Value, according to the present Rents as contained in the said Schedule (B.), the Sum of Four hundred Pounds; and also by such Legal and competent Evidence as aforesaid, to enquire into the Value of the Lands and other Subjects which are specified and contained in the Schedule (A.) hereunto annexed, or of such Part or Parts thereof as may be necessary, and to fix and ascertain what Parts and Portions of the said last-mentioned Lands and Estates, free of all Debts and Incumbrances, will be a proper and sufficient Equivalent for the said Parts and Portions of the aforesaid entailed Lands, and other Subjects, specified and contained in the said Schedule (B.) hereunto annexed, and thereupon to pronounce such Interlocutors or Judgments as to them shall appear to be expedient.

A new Entail of the exchanged Lands to be executed.

II. And be it enacted, That when such Equivalent shall be so fixed and ascertained as aforesaid, the said *Henrietta Sinclair*, (with the Consent of the said *William Sinclair Wemyss*, her Husband, during their joint Lives,) and in case of the Death of the said *Henrietta Sinclair*, the Heir of Entail for the Time entitled to the Succession under the aforesaid Deed of Entail, executed by the said *David Sinclair* deceased, who may be also entitled to the said Lands of *Stanstill*, and other Heritages in the said Schedule (A.) particularly mentioned and described, and his or her Tutors or Curators, if under the Age of Twenty-one Years, shall be, and they are hereby authorized and required, under the Direction and with the Approbation of the Judges of the said Court sitting in either Division thereof, to make and execute a Disposition or Deed of Entail of such Parts of the said Lands and Heritages specified and contained in the said Schedule (A.) hereunto annexed, as the Judges of the said Court shall have fixed and ascertained to be a proper Equivalent for such Part or Parts as aforesaid of the Lands and Heritages specified and contained in the Schedule (B.) hereunto annexed, to and in Favour of the said *Henrietta Sinclair*, or of the Heir of Entail for the Time entitled to the Succession under the said Deed of Entail, executed by the said *David Sinclair*, and to the other Heirs of Entail substituted to them, under the whole Reservations, Conditions, Provisions, Limitations, Restrictions, Clauses irritant and resolutive, therein specified and contained, or such of them as may be subsisting or capable of taking effect at the Time and the same shall be valid and effectual; and such Disposition or Deed of Entail shall be so conceived as to bind the Institute or Disponee therein named, as well as the subsequent Heirs of Entail; and the Lands and Heritages contained in such Disposition or Deed of Entail, shall thereupon be absolutely freed, acquitted, and discharged, of and from all and every the Debts in the said Trust-Disposition mentioned; but the Rents of the said Lands and Heritages so directed to be entailed as aforesaid, shall remain

vested

veſted in the Truſtee under the aforeſaid Truſt-Diſpoſition in ſuch and the ſame Manner, and for ſuch Purpoſes, as in the ſaid Truſt-Diſpoſition are mentioned and expreſſed, with regard to the Rents of the entailed Eſtates thereby conveyed to and veſted in the ſaid Truſtee.

The Court to interpoſe its Authority thereto.

III. And be it enacted, That after ſuch Diſpoſition or Deed of Entail ſhall have been ſo made and executed in Manner and to the Effect aforeſaid, the ſame ſhall be in due Form recorded in the Regiſter of Entails in *Scotland* for the Benefit of all and every Perſon or Perſons intereſted therein, and a Charter ſhall and may paſs and be obtained on ſuch Diſpoſition or Deed of Entail, and Infeftment ſhall be taken by virtue of the Precept therein contained and recorded according to the Forms of the Law of *Scotland*, upon all which the ſaid Judges of the Court of Seſſion ſhall interpone their Authority by declaring that the Directions given in and by this Act for ſettling under the aforeſaid Entail ſuch Parts of the aforeſaid Lands and Heritages deſcribed in the ſaid Schedule (A.) hereunto annexed, as ſhall have been fixed and aſcertained to be a proper and ſufficient Equivalent for the aforeſaid Lands and Heritages deſcribed in the ſaid Schedule (B.) hereunto annexed, or ſuch Part or Parts thereof as aforeſaid, have been complied with according to the true Intent and Meaning of this Act.

Lands formerly entailed, to be thenceforth held in Fee-ſimple, and a Truſt created thereof.

IV. And be it enacted, That from and immediately after the granting and executing of the aforeſaid Diſpoſition and Deed of Entail, the recording of the ſame in the Manner above-mentioned, the paſſing of the Charter, and the taking, completing, and recording the Infeftment in ſuch Part or Parts of the aforeſaid Lands and Heritages deſcribed in the ſaid Schedule (A.) hereunto annexed, as ſhall have been fixed and aſcertained to be a proper and ſufficient Equivalent for the Parts and Portions of the Lands and Heritages deſcribed in the ſaid Schedule (B.) hereunto annexed, and the Authority of the Court of Seſſion being interponed thereto, thoſe Parts of the Lands and Heritages laſt-mentioned ſhall be and the ſame are hereby ſettled and veſted in the ſaid *Henrietta Sinclair* and her Heirs and Aſſignees whatſoever, or in caſe of her Deceaſe, if the Powers and Authorities given by this Act ſhall not then have been exerciſed on the Perſon who ſhall, under the Authority of this Act, make the Application to the Court of Seſſion, and purſue and follow forth the Directions by this Act given, freed and abſolutely acquitted, relieved, exonerated, and diſcharged, of and from all and every the Reſervations, Burdens, Conditions, Proviſions, Limitations, Reſtrictions, Clauſes irritant and reſolutive, ſpecified and contained in the ſaid Deed of Entail, executed by the ſaid *David Sinclair;* and the ſaid *Henrietta Sinclair*, (with the Conſent of the ſaid *William Sinclair Wemyſs*, during their joint Lives,) or in caſe of her Deceaſe, the Heir of Entail entitled to the Succeſſion under the ſaid Deed of Entail for the Time, who ſhall be alſo entitled to the Lands and Heritages in the ſaid Schedule (A.) particularly mentioned and deſcribed, and his or her Tutors or Curators, if, under the Age of Twenty-one Years, ſhall be and is hereby authorized and required, under the Direction and with the Approbation of the Judges of the ſaid Court ſitting in either Diviſion thereof, to make and execute a Truſt-Diſpoſition in Favour of the ſaid Sir *John Sinclair*, or the Truſtee for the Time entitled under the aforeſaid Truſt-Diſpoſition, executed by the ſaid *Henrietta Sinclair* and *William Sinclair Wemyſs*, on the Eighth and Twenty-fourth Days of

June, in the Year of our Lord One thouſand ſeven hundred and eighty-eight, of the Lands and Heritages freed from the Entail as aforeſaid, under the ſame Conditions and Proviſions as are therein contained, or ſuch of them as may be ſubſiſting and capable of taking effect at the Time, and the ſame ſhall be as valid and effectual as if the ſaid Lands and Heritages had been contained in the aforeſaid Truſt-Diſpoſition executed in the ſaid Year One thouſand ſeven hundred and eighty-eight, freed, acquitted, exonerated, and diſcharged from all the Reſervations, Conditions, Proviſions, Limitations, Reſtrictions, and Clauſes irritant and reſolutive, contained in the ſaid Deed of Entail executed by the ſaid *David Sinclair*; and after the Execution of ſuch Truſt-Diſpoſition, the Diſponee or Diſponees therein, ſhall be infeft, and the Inſtrument of Saſine taken thereon ſhall be duly recorded; to all which, the ſaid Court of Seſſion ſhall interpone their Authority.

Entail and Truſt-deed ſtill to ſubſiſt and effectual.

V. And it is hereby provided and declared, That nothing in this Act contained ſhall be held or conſtrued to alter, innovate, change, or defeat the Deed of Entail executed by the ſaid *David Sinclair* herein-before recited, and Order of Succeſſion therein and thereby eſtabliſhed and contained, nor the aforeſaid Truſt-Diſpoſition, and the Uſes and Purpoſes thereby intended to be accompliſhed, except in ſo far as is neceſſary to carry into Effect the Exchanges herein-before allowed to be made; and that the Lands and Heritages to be ſettled and ſecured in place of the Lands and Heritages hereby authorized to be freed, acquitted, releaſed, exonerated, and diſcharged of and from all the Reſervations, Conditions, Proviſions, Limitations, Reſtrictions, Clauſes irritant and reſolutive, ſpecified and contained in the ſaid herein-before recited Deed of Entail, executed by the ſaid *David Sinclair*, ſhall deſcend for ever in the ſame Order and Courſe of Succeſſion, and under the ſame Reſervations, Conditions, Proviſions, Limitations, and Reſtrictions, Clauſes irritant and reſolutive, as are contained in the Deed of Entail herein-before recited, or ſuch of them as at the Time ſhall be capable of taking effect.

Saving Clauſe.

VI. Saving and reſerving always to the King's Moſt Excellent Majeſty, His Heirs and Succeſſors, and to all and every Perſon or Perſons, Bodies Politick or Corporate, his, her, and their Heirs and Succeſſors, Executors, Adminiſtrators, and Aſſignees, other than and except the ſaid *Henrietta Sinclair* and *William Sinclair Wemyſs*, and all and every the other Heirs of Entail and Truſtee of the ſaid reſpective Eſtates, all ſuch Eſtate, Right, Title, Intereſt, Claim, and Demand whatſoever, of, in, to or out of the aforeſaid Lands and Heritages hereby authorized to be exchanged in Manner aforeſaid, or any Part thereof reſpectively, as they or any of them had before the paſſing of this Act, or could or might have had or enjoyed, in caſe this Act had not been made.

Acts to be printed by the King's Printers.

VII. And be it further 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.

SCHEDULE

SCHEDULE (A.) to which this Act refers, containing the Unentailed Lands.

Estates.	Parishes.	Occupiers.	Rents. £.	s.	d.
The Lands of Stanstill, with the Miln, Multures, Bannock, Knaveship, and Good-will thereof, comprehending the Two-Penny One-Farthing-Land of the Lands of Stanstill, the Lands of Traila, Tinga or Beils, and Meadowhead;	Bower	Colonel Williamson, and Sundry Small Tenants	182	3	3
And Pendicle of Stanstill called Hecken,	—	John Simpson			
The Seven-Farthing Land in Kirk and Old Kirk,	—	Sundry Small Tenants	89	1	6
The Seven Octos of Land in Myrelandorn and Old Myrelandorn,	Wick	Sundry Small Tenants	8	12	10
The Lands of the Camps or Fields of Hastigrew, commonly called East Hastigrew,	Bower	Mr. John Gunn, &c.	16	0	0
The Town and Lands of Seatter,	—	W. & J. Williamson	29	4	10
The Town and Lands of Whettegar,	—	Mr. John Gunn, &c.	19	0	0
And the Lands of Cross-Quoys,	—	The Rev. Mr. Smith	6	13	0
The Two-Penny Land, being the third Part of the Six-Penny-Land of Brabsterdorran, with the Third Part of the Mill thereof	—	Sundry Small Tenants	73	10	3½
And the other Two-Penny-Land of Brabsterdorran					
		Total Rent £	424	5	8½

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SCHEDULE (B.) to which this Act refers, containing the Entailed Estates.

Estates.	Parishes.	Occupiers.	Rents. £	s.	d.
The Town and Lands of Bowertower, - - - -	Bower	Captain Gunn's Heirs	181	1	0
Smerrell, - - - - and Aukhorn, and Mill thereof, with the Mill Lands, Sucken, and Sequels, - - - - -	—	Peter Finlayson and William Finlayson	32	3	1½
The Lands of Halcrow, -	—	Sundry Tenants	58	12	3
The West Side of the Town of Haftigrew, Miln thereof, Miln Lands, Sucken, Multures, and Sequels of the same, - -	—	Mr. John Gunn	23	1	3
The Five-Farthing-Land in the Town of Kirk, - -	—	Sundry small Tenants	63	12	7½
The Three Octos of Land and a Croft in the Town of Myrelandorn, and - - - -	Wick	Sundry Tenants	48	2	11
That Part of the Town and Lands of Myrelandorn, some time pertaining to John Lord Glenorchy, afterwards Earl of Bredalbane, extending to Four-Penny-Land, and Two-Farthing-Land, -					
The Two-Penny-Land of the Eighteen-Penny-Land of Brabsterdorran, lying on the East Side of the Town of Brabsterdorran, next the Lands of Watten, And The Town and Lands of Brabsterdorran, extending to a Twelve-Penny-Land, with the Mill thereof, Mill-Lands, Multures, and Sequels of the same, -	Bower	Sundry Tenants	269	7	10
		Total Rent £	676	1	0

D. HORNE.

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