



ANNO VICESIMO SECUNDO & VICESIMO TERTIO

VICTORIÆ REGINÆ.

Cap. 1.

An Act to authorize the Exchange of certain detached Portions situate in the County of *Forfar* of the entailed Estate of *Haulkertoun* for the Lands of *Balbithan* and *Wester Fintray* in the County of *Aberdeen*, to be entailed in lieu thereof; and for other Purposes.

[8th August 1859.]

WHEREAS the Right Honourable *Anthony* Sixth Earl of *Kintore*, Great Grandfather of the Right Honourable *Francis Alexander Keith Falconer* present Earl of *Kintore*, by a Trust Disposition dated the First Day of *March* in the Year One thousand seven hundred and ninety-three, and registered in the Books of Council and Session the Eighteenth Day of *September* in the Year One thousand eight hundred and four, disponded and conveyed to and in favour of Doctor *Alexander Dauney*, Advocate in *Aberdeen*, and other Trustees therein named, certain Lands and Estates therein specified, and, among others, the Lands of *Dunlappie*, *Chapletoun*, and others, herein-after mentioned, in trust always for the Ends, Uses, and Purposes, and for the Payment of certain Debts and Provisions and Liferent Annuities, as therein mentioned, and the said *Anthony* Earl of *Kintore* thereby declared, that as soon as the said Debts and Provisions had been paid off

Trust Disposition by *Anthony* Earl of *Kintore*, dated 1st March 1793.

[Private.]

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Deed of Entail of same Date, by said Anthony Earl of Kintore.

in the Manner and Order therein specified, although the whole or Part of the Liferent Annuities should still be subsisting, the said Trustees should be holden and obliged to denude and divest themselves of the whole Lands, Estates, and others thereby conveyed to them, and to dispoſe, convey, and make over the same to and in favour of the Heirs of Entail named and mentioned in a Nomination and Deed of Tailzie subscribed by the said *Anthony* Earl of *Kintore*, of the Date of the said Trust Disposition, or in any after Nomination and Deed of Tailzie to be executed by him; and the said *Anthony* Earl of *Kintore*, by a Nomination and Deed of Tailzie executed by him upon the said First Day of *March* One thousand seven hundred and ninety-three, registered in the Books of Council and Session the said Eighteenth Day of *September* One thousand eight hundred and four, and recorded in the Register of Tailzies the Twenty-second Day of *January* thereafter, proceeding upon a Recital of the aforesaid Trust Disposition, and in order to make the Right effectual, and to ascertain the Heirs of Tailzie to the Lands and Estates contained in the said Trust Deed, and in whose Favour the Trustees therein named were to denude in manner therein mentioned, under certain Provisions, Limitations, and Conditions, gave, granted, and dispoſed in strict Settlement of Entail his said Lands and Estates to and in favour of the Heirs of Entail named and mentioned therein, or that might be named and mentioned in any after Nomination and Deed of Tailzie executed by him the said *Anthony* Earl of *Kintore*, as relative to the said Trust Deed, and the said *Anthony* Earl of *Kintore* did by the said Nomination and Deed of Tailzie nominate and appoint to succeed to the said Lands and Estates in the said Trust Deed set forth *William* Lord *Inverury*, his only Son, and the Heirs Male of his Body, whom failing, the Heirs Male of his the said *Anthony* Earl of *Kintore's* Body, to be procreated of his then present or any future Marriage, and the Heirs Male of their Bodies, whom failing, *Alexander Falconer*, his the said Earl's only surviving Brother, and the Heirs Male of his Body, and the Heirs Male of their Bodies, whom failing, the Heirs Male of the Body of the deceased *David Falconer*, Third Son of the deceased *David* Lord *Falconer* of *Haulkertown*, Grandfather of the said *Anthony* Earl of *Kintore*, whom failing, the Heirs Male of the Body of the deceased *John Falconer*, Fourth Son of the said *David* Lord *Falconer* of *Haulkertown*, whom failing, the Heirs Male of the Body of *George Falconer*, Fifth Son of the said *David* Lord *Falconer* of *Haulkertown*, whom failing, his the said *Anthony* Earl of *Kintore's* Heirs Male whomsoever, whom failing, the Heirs Female procreated or to be procreated of the said *William* Lord *Inverury*, and the Heirs Male of their Bodies, whom failing, the Heirs Female procreated or to be procreated of his the said *Anthony* Earl of *Kintore's* own Body, and the Heirs Male of their Bodies, whom all failing, his the said *Anthony* Earl of *Kintore's* own nearest Heirs and Assigns whomsoever, the eldest Daughter or Heir Female and the Descendants of her Body always secluding all other Heirs Portioners, and succeeding without Division: And whereas the said *Anthony* Earl of *Kintore*,

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Kintore, having died without having executed any Nomination and Deed of Tailzie relative to the said Trust Deed other than that herein above recited, was succeeded by his said only Son *William Lord Inverury*, afterwards *William Seventh Earl of Kintore*, in his Title and Dignity of Earl of *Kintore*, who died on or about the Sixth Day of *October* in the Year One thousand eight hundred and twelve, leaving Three Sons him surviving, namely, *Anthony Adrian Keith Falconer*, Eighth and last Earl of *Kintore*, *Alexander Keith Falconer*, and *William Keith Falconer*, and One Daughter, the Lady *Mary Keith*, who is still alive and unmarried: And whereas the said *Alexander Keith Falconer* died without leaving Issue, and the said *William Keith Falconer* died leaving One Son, *Adrian William Keith Falconer*, who is still alive, and One Daughter, *Dora Keith Falconer*, who died without leaving Issue: And whereas the whole Uses, Ends, and Purposes specified in the said recited Trust Deed (with the Exception of a certain then eventual additional Provision to the Two youngest surviving Daughters of the said *Anthony Earl of Kintore*, and certain then subsisting Annuities,) having been accomplished, whereby the said *Alexander Dauneay* (who was the only accepting Trustee of the said *Anthony Earl of Kintore*) became exonerated of all and every Engagement and Transaction had by him in the Execution of the said Trust, he the said Doctor *Alexander Dauneay*, as only accepting Trustee of the said *Anthony Earl of Kintore*, in Terms and Implement of the aforesaid Deeds of Trust and Tailzie, by Disposition and Deed of Tailzie commonly and hereafter called "the *Haulkertoun Entail*," dated the Twenty-sixth Day of *June* One thousand eight hundred and nineteen, and registered in the Register of Tailzies the First Day of *July* thereafter, and in the Books of Council and Session the Seventeenth Day of *September* in the same Year, gave, granted, and disposed to and in favour of the said *Anthony Adrian Keith Falconer* last Earl of *Kintore*, Lord *Falconer of Haulkertoun*, and the Heirs Male of his Body, whom failing, to the other Heirs of Entail named and mentioned in the said recited Nomination and Deed of Tailzie made and executed by the said *Anthony Earl of Kintore*, in the precise Order, and under the express Provisions, Limitations, and Conditions in the said Deed set forth, all and whole the Lands and others therein particularly described, and, among others, the Lands and others following, (that is to say,) all and whole the Lands and Barony of *Dunlappie*, with the Pertinents, with the Mill thereof, Mill Lands, Multures, Sequels, and Pertinents of the same, Tenants, Tenandries, and Services of Free Tenants, with the Advowson and Direction of the Churches and Chaplainry of the said Lands and Barony of *Dunlappie*, lying within the Parish thereof, and now by Union and Annexation within the Parish of *Strickathro* and Sheriffdom of *Forfar*, as the same were occupied and possessed by *David Earl of Northesk*, and his Tenants in his Name, as also all and whole the Town and Lands of *Chapletoun* and *Bracco*, lying bounded and measured from the Lands of *Balyordie* in manner underwritten, namely, the said Lands of *Chapletoun* from the old Wall in the Head of *Waldsdean* and directly down-

Death of
Anthony
Sixth Earl
of Kintore
without ex-
ecuting any
other Deed of
Nomination.

Haulkertoun
Entail exe-
cuted by
Dr. Dauneay,
Trustee of
Anthony
Sixth Earl of
Kintore,
dated 26th
June 1819.

[Private.]

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The Earl of Kintore's Estate Act, 1859.

wards to the Muir of *Bracco* and the Arable Lands there, where there is a Stone at *Blankartway*, and back downwards to the Water of *Bracco*, all upon the West Side of the said Lands, with Freedom and Liberty of Commony and Common Pasturage, and winning of Fuel, Feal, and Divot upon *Browncatter*, conform to Use and Wont, together also with the whole Multures, and Sucken, Sequels, and Knaveship of the said Lands, and Teinds, as well Parsonage as Vicarage thereof, with Houses, Biggings, Yards, Orchyards, Mosses, Muirs, Marishes, Meadows, Grass, and Pasturages, Parts, Pendicles, and universal Pertinents of the same whatsoever belonging thereto, all lying within the Parish of *Menmuir*, Barony thereof, and Sheriffdom of *Forfar*, or otherwise, as the said Lands are contained, marched, and measured in the original Writs and Evidents of the same, which Lands of *Bracco* and *Chapletoun* and others above mentioned were disunited, dismembered, and disjoined from all Baronies whereof they were formerly Parts and Portions, and were united and annexed to the Barony of *Newtown*, and declared to be Parts and Portions of the said Barony of *Newtown*, in all Time coming, conform to a Charter of the said Lands granted by King *James* under the Great Seal to the deceased Sir *David Falconer* of *Newtown*, dated the Tenth Day of *July* One thousand six hundred and eighty-five: And whereas, in virtue of the said Disposition and Deed of Tailzie made and executed by the said Doctor *Alexander Dauney*, as Trustee aforesaid, the said *Anthony Adrian* last Earl of *Kintore* was, under the Provisions, Limitations, and Conditions therein contained, duly infest and seised in the whole of the Lands and Estates therein specified, including, among others, the Lands and others immediately herein-before described, conform to Instrument of Sasine in his Favour dated Twenty-second Day of *March* One thousand eight hundred and twenty, and recorded in the General Register of Sasines at *Edinburgh* the Twenty-seventh Day of *March* thereafter: And whereas the said *Anthony Adrian* last Earl of *Kintore* died on or about the Eleventh Day of *July* in the Year One thousand eight hundred and forty-four, leaving Two Sons him surviving, (that is to say,) *Francis Alexander Keith Falconer* present Earl of *Kintore*, and the Honourable *Charles James Keith Falconer*, and One Daughter, Lady *Isabella Catherine Keith*, now Lady *Isabella Catherine Grant*: And whereas upon the Death of the said *Anthony Adrian* last Earl of *Kintore* he was succeeded by the said *Francis Alexander Keith Falconer* present Earl of *Kintore*, his then eldest surviving Son, who made up and completed Titles to and was infest in the said Lands and Estates as Heir of Tailzie and Provision to his said Father in virtue of the Destination contained in the said recited Disposition and Deed of Entail, conform to the several Writs and Title Deeds following; (that is to say,) first, Retour of the Special Service of the said *Francis Alexander Keith Falconer* Earl of *Kintore*, Lord *Falconer* of *Haulkertoun*, as nearest and lawful Heir of Tailzie and Provision as aforesaid, dated the Tenth Day of *July* One thousand eight hundred and forty-five, and duly retoured to Chancery; secondly, Precept from Chancery for infesting the said

Francis

Infestment of last Earl of Kintore under Haulkertoun Entail.

Death of Anthony Adrian, last Earl of Kintore; and Succession of present Earl, who made up Titles, and is infest under Haulkertoun Entail.

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Francis Alexander present Earl of *Kintore*, as Heir foresaid, in the said Lands, dated the First Day of *September* One thousand eight hundred and forty-five; thirdly, Instrument of Sasine following thereon in his Favour, dated the Thirteenth Day of *September*, and recorded in the Particular Register of Sasines, *et cætera*, for *Forfarshire*, the First Day of *October* One thousand eight hundred and forty-five: And whereas that Portion of the *Kintore* Family Estates from which the Title is derived, and upon which the Mansion House is situated, lies in the County of *Aberdeen*, and is settled in strict Entail by a Deed of Tailzie commonly and hereinafter called "the *Kintore* Entail," dated the Twenty-third and Twenty-seventh Days of *February* One thousand six hundred and ninety-four, and recorded in the Register of Tailzies the Fourteenth Day of *July* One thousand six hundred and ninety-eight, whereby *John* Earl of *Kintore*, Lord *Keith* of *Inverury* and *Keith Hall*, with the special Advice and Consent of Lord *Inverury*, his eldest Son, resigned, renounced, surrendered, *simpliciter* upgave, overgave, and delivered, from them and either of them, their Heirs and all others their Assignees, all and hail the Honor, Title, and Dignity of the Earl of *Kintore*, Lord *Keith* of *Inverury* and *Keith Hall*, *et cætera*, and all and sundry the Lands, Baronies, Teynds, Fishings, and others therein particularly described, to the said *John* Earl of *Kintore* in Liferent during all the Days of his Lifetime, and to the said *William* Lord *Inverury*, his eldest Son, and the Heirs Male to be procreate betwixt him and *Catharine* Lady *Inverury*, his Spouse, in Fee, which failing, to the Heirs Male of the said *William* Lord *Inverury* in any subsequent Marriage, which failing, to *George Keith*, Third Son of the said *John* Earl of *Kintore*, and the Heirs Male to be lawfully procreate of his Body, which failing, to *Charles Keith*, Fourth Son of the said *John* Earl of *Kintore*, and the Heirs Male to be lawfully procreate of his Body, which also failing, to any other Heirs Male lawfully to be procreate of him the said *John* Earl of *Kintore*, and the Heirs Male to be lawfully procreate of them *respectivè*, which yet failing, to *George* Earl Marischal, the Entailer's eldest Brother German, and the Heirs Male lawfully procreate or to be procreate of his Body, which failing, to the Daughters and the Heirs Female lawfully procreate or to be procreate of the Body of the said *William* Lord *Inverury*, and the Heirs, Male or Female, descending of the Bodies of the saids Daughters *successivè*, which failing, to the Daughters and Heirs Female lawfully to be procreate of the said *George Keith*, the Entailer's Third lawful Son of his Body, and the Heirs, Male or Female, descending of the Bodies of the saids Daughters *successivè*, which failing, to the Daughters and Heirs Female lawfully to be procreate of the Body of the said *Charles Keith*; the Entailer's Fourth lawful Son, and the Heirs, Male or Female, descending of the Bodies of the saids Daughters *successivè*, which yet failing, to Lady *Jane Keith*, the Entailer's eldest Daughter, then Spouse to *William Forbes*, Fiar of *Monymusk*, and the Heirs, Male or Female, lawfully procreate or to be procreate of her Body *successivè*, which failing, to Lady *Margaret Keith*, the Entailer's Second lawful Daughter, and the Heirs, Male or

As to the
Kintore
Entail.

Female,

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Female, lawfully to be procreate of her Body *successivè*, which failing, to any other Daughter lawfully to be procreate of the Entailer's own Body, and the Heirs, Male or Female, descending of the Bodies of the said Daughters *successivè*, which failing, to the Daughters and Heirs Female lawfully to be procreate of the said *George Earl Marischal* or of *William Lord Keith* his only Son, and Heirs, Male and Female, lawfully descending of the Bodies of the saids Daughters *successivè* (the Daughters always in the Cases above written succeeding without Division), which all failing, to any Person or Persons and their Heirs whom he the said *John Earl of Kintore* should name and design at any Time in his Life, and even in *Articulo mortis*, to succeed to him in the said Honours and Estate by any Writ or Nomination under his Hand, and failing such Nomination (an Event which did occur), the said Title and Estate were to fall and belong to the said *John Earl of Kintore*, his nearest and lawful Heirs and Assignees whatsoever, heritably and irredeemably, under the Reservations, Reversion, Provisions, Conditions, Burthens, Qualifications, Restrictions, and Limitations therein written: And whereas in consequence of the Failure of Heirs Male of the Body of the said *John Earl of Kintore* and of the said *George Earl Marischal* the Succession to the Lands and Estates settled by his said recited Deed of Tailzie opened to the Heirs Female called by the said Deed, and the same devolved upon the said *Anthony Lord Falconer of Haulkertoun*, Sixth Earl of *Kintore*, the eldest Son of *William Lord Falconer of Haulkertoun*, who was the eldest Son of Lady *Catharine Margaret Keith*, Daughter of *William Second Earl of Kintore*, and Grand-daughter of the said *John Earl of Kintore*, and Spouse of *David Lord Falconer of Haulkertoun*, and Grandmother of the said *Anthony Earl of Kintore*, the Maker of the said *Haulkertoun* Entail, and the said Lands and Estates have ever since been possessed and enjoyed by his Descendants along with the Lands and Estates settled by the said *Haulkertoun* Entail as aforesaid: And whereas the said *Francis Alexander* present Earl of *Kintore* is now the Heir of Entail in possession of the whole of the Lands and Estates contained in the said *Haulkertoun* and *Kintore* Entails respectively, and is duly vested with and infeft and seised therein: And whereas the said Lands and Barony of *Dunlappie* and the said Town and Lands of *Chapletoun* respectively are situated in the County of *Forfar*, and at a Distance from the other Lands settled and conveyed by the said *Haulkertoun* Entail as aforesaid, all which are situate in the County of *Kincardine*, with the Exception of the Estate of *Pert*, which, although in the County of *Forfar*, is contiguous to the *Kincardineshire* Estate, and is not connected with or contiguous to the said Lands of *Dunlappie* and *Chapletoun*, and it is not important that the said Lands of *Dunlappie* and *Chapletoun* should be held along with such other Lands, but, on the contrary, the same being discontiguous and in a different District, their Management is attended with Inconvenience and Expense: And whereas the present yearly Rental of the said Lands and Barony of *Dunlappie* and of the said Town and Lands of *Chapletoun* respectively, after deducting

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ducting Public and Parochial Burdens, as set forth in the Schedule marked (A.) hereunto annexed, amounts to One thousand two hundred and fifty-nine Pounds Seventeen Shillings and a Penny, and their estimated yearly Value, if out of Lease, is One thousand nine hundred and sixty-three Pounds, and their estimated Value in Fee Simple is Fifty-seven thousand four hundred and forty-seven Pounds Twelve Shillings : And whereas the said *Francis Alexander* present Earl of *Kintore*, as Heir of Entail in possession of the Lands settled by the said *Haulkertown* Entail, in pursuance of the Powers to that Effect contained in an Act passed in the Eleventh and Twelfth Years of the Reign of Her present Majesty Queen *Victoria*, Chapter Thirty-six, intituled *An Act for the* 11 & 12 Vict. *Amendment of the Law of Entail in Scotland*, for securing Provisions to c. 36. (Pub.) the younger Children of Heirs of Entail, has granted the Two several Bonds and Dispositions in Security set forth in Schedule (C.) hereunto annexed over the Lands and Estates settled by the said *Haulkertown* Entail, including, among others, the Lands specified and comprised in Schedule (A.) hereunto annexed, the First in favour of the said Honourable *Charles James Keith Falconer*, his only Brother, therein called the Honourable *Charles James Keith*, for the Sum of Ten thousand seven hundred and forty-four Pounds Twelve Shillings and Sixpence, and the Second in favour of the Trustees under the Contract of Marriage of his only Sister, the said Lady *Isabella Keith*, Spouse of *Henry Grant* Esquire, for the Sum of Ten thousand seven hundred and forty-four Pounds Twelve Shillings and Sixpence, such Sums respectively being the Amount of the Balance remaining due and unpaid, at the Time of executing the said Bonds and Dispositions in Security respectively, of the Provisions of the said Honourable *Charles James Keith* and Lady *Isabella Keith*, as the younger Children of the said *Anthony Adrian* last Earl of *Kintore*, and which are by the said Bonds charged as Real Burdens upon the said Lands and Estates : And whereas the said *Francis Alexander* present Earl of *Kintore*, in pursuance of the Powers contained in the said recited Act, intituled *An Act for the Amendment of the Law of Entail in Scotland*, for enabling Heirs of Entail to charge Lands and Estates held under Settlements of strict Entail with a Proportion of the Expenses of Improvements thereon, has, at the Sight and with the Authority of the Court of Session in *Scotland*, granted the Two several Bonds and Dispositions in Security set forth in Schedule (D.) hereunto annexed, over the Lands and Estates settled by the said *Haulkertown* Entail, including the Lands specified and contained in the said Schedule (A.), or some of them, for the Sums of One thousand six hundred Pounds and Fourpence Halfpenny and Five thousand seven hundred and thirty-eight Pounds Four Shillings and Elevenpence respectively : And whereas the Lands of *Balbithan* and *Wester Fintray*, situate in the County of *Aberdeen*, which belong in Fee Simple to the said *Francis Alexander* Earl of *Kintore*, lie immediately contiguous to the Lands and Estates comprised in and settled by the said *Kintore* Entail, and it will be greatly for the Advantage of the said *Francis Alexander* present Earl of *Kintore*, and the other

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Heirs

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Heirs of Entail entitled to succeed to the Lands comprised in the said *Haulkertown* and *Kintore* Entails, that the said Lands of *Balbithan* and *Wester Fintray* should be acquired and settled upon the Series of Heirs and subject to the Limitations mentioned in the said *Haulkertown* Entail: And whereas the present yearly Rental of the said Lands of *Balbithan*, after deducting Public and Parochial Burdens, as set forth in the Schedule marked (B.) hereunto annexed, amounts to Five hundred and sixty-nine Pounds Eleven Shillings and Fivepence, and their estimated yearly Value, if out of Lease, is One thousand and fourteen Pounds, and their estimated Value in Fee Simple is Twenty-six thousand eight hundred and eighty-four Pounds Eighteen Shillings and Twopence: And whereas the present yearly Rental of the said Lands of *Wester Fintray*, after deducting Public and Parochial Burdens, as set forth in the Schedule marked (B.) hereunto annexed, amounts to Eight hundred and twenty-eight Pounds Seventeen Shillings and Elevenpence, and their estimated yearly Value, if out of Lease, is One thousand one hundred and eighty-one Pounds Seven Shillings and Elevenpence, and their estimated Value in Fee Simple is Thirty-eight thousand and ninety-five Pounds Seventeen Shillings and Sixpence: And whereas the said respective Sums of Twenty-six thousand eight hundred and eighty-four Pounds Eighteen Shillings and Twopence and Thirty-eight thousand and ninety-five Pounds Seventeen Shillings and Sixpence, being respectively the estimated Values in Fee Simple of the said Lands of *Balbithan* and *Wester Fintray* as aforesaid, amounting together to the Sum of Sixty-four thousand nine hundred and eighty Pounds Fifteen Shillings and Eightpence, exceed, as shown by the Schedule marked (E.) hereunto annexed, by the Sum of Seven thousand five hundred and thirty-three Pounds Three Shillings and Eightpence, the estimated Value of the said Lands and Barony of *Dunlappie* and the said Town and Lands of *Chapletown*, as shown by the said Schedule (E.): And whereas the said *Francis Alexander* present Earl of *Kintore*, on the Condition of the said Lands and Barony of *Dunlappie* and Town and Lands of *Chapletown*, as herein-before described, and as the same are specified and contained in the said Schedule (A.), being to be and becoming vested in him and his Heirs and Assigns in Fee Simple, by the Powers to that Effect herein-after granted, and in consideration of his receiving a Bond and Disposition in Security in his Favour on either of the said Lands of *Balbithan* and *Wester Fintray*, for the Sum of Seven thousand Pounds, for Equality of Exchange, with Interest and Penalties, in common Form, is willing and has it in his Power to settle, as after mentioned, upon the Heirs of Entail called by the said *Haulkertown* Entail, and in Terms thereof, the said Lands of *Balbithan* and *Wester Fintray* respectively; and it will be for the Interest and Advantage of the Heirs of Entail called to succeed by the said *Haulkertown* and *Kintore* Entails respectively that the said Lands and Barony of *Dunlappie* and the said Town and Lands of *Chapletown* should be exchanged for the said Lands of *Balbithan* and *Wester Fintray*, upon the Terms above set forth, as herein-after provided: And whereas by Contract of Marriage dated the

Twenty-

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Twenty-third Day of *June*, and recorded in the Books of Council and Session the Twenty-fifth Day of *July*, both in the Year One thousand eight hundred and fifty-one, entered into between the said *Francis Alexander* present Earl of *Kintore* and *Louisa Madeleine Hawkins*, now Countess of *Kintore*, the said Earl, in virtue of the Powers conferred upon him as Heir of Entail in possession of the Lands and Estates settled by the said *Haulkertoun* Entail by an Act passed in the Fifth Year of the Reign of His late Majesty, Chapter Eighty-seven, intituled *An Act to authorize the* 5 G. 4. c. 87. *Proprietors of entailed Estates in Scotland to grant Provisions to the Wives* (Pub.) *or Husbands and Children of such Proprietors*, and also in virtue of the Powers to that Effect contained in the said *Haulkertoun* Entail, bound and obliged himself and the Heirs of Entail succeeding to him in the said Lands to infest and seise the said *Louisa Madeleine Hawkins* in Liferent after his Decease in a free Liferent Provision by way of Annuity of Three thousand Pounds, exempt from all Burdens and Deductions, to be uplifted and taken furth of the Lands of *Haulkertoun* and others contained in the said *Haulkertoun* Entail, and by the said Contract the said Earl also, in virtue of the Powers above mentioned, bound and obliged himself and the Heirs of Entail succeeding to make Payment to the Child or Children of the Marriage, other than and exclusive of the Heir, who should succeed to the said Lands, payable One Year after his Death, as follows, (that is to say,) if One Child, Nine thousand Pounds, if Two Children, Eighteen thousand Pounds, and if Three or more Children, Twenty-seven thousand Pounds, liable to Restriction as the said Contract mentioned: And whereas the Objects aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty, upon the Petition of the said *Francis Alexander Keith Falconer* Earl of *Kintore*, that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

I. In citing this Act for any Purpose it shall be sufficient to use the Short Title. Expression "The Earl of *Kintore's* Estate Act, 1859."

II. Upon a proper Disposition and Deed of Entail of the said Lands of *Balbithan* and *Wester Fintray*, as herein-after particularly described, and as set forth in the said Schedule (B.), prepared under the Direction and with the Approbation of the Court of Session, in either Division thereof, upon a summary Application to be made by the said *Francis Alexander* present Earl of *Kintore*, or other Heir of Entail entitled to Possession of the Lands settled by the said *Haulkertoun* Entail, in the Form of a strict Entail, in such Manner as shall appear to the said Court most proper for effectually settling and securing the said Lands of *Balbithan* and *Wester Fintray* upon the Heirs of Entail entitled to succeed under and in virtue of the said *Haulkertoun* Entail, and so framed as to bind the Institute as well as the other Heirs of Entail, being granted by

Lands of
Balbithan
and Wester
Fintray to
be entailed.

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by the said *Francis Alexander* present Earl of *Kintore*, or the Person who may then be in possession of the said Lands, holding a sufficient Feudal Title to the same, to and in favour of the said *Francis Alexander* present Earl of *Kintore*, or the Heir of Entail for the Time being entitled to Possession of the Lands settled by the said *Haulkertoun* Entail, and of the other Heirs of Entail entitled to succeed by virtue of the said Entail, then the said Lands of *Balbithan* and *Wester Fintray* shall form Part of and be incorporated with the other Lands settled by the said Entail, under all the Reservations, Conditions, Provisions, Declarations, Limitations, and Clauses, prohibitory, irritant, and resolute, provided, expressed, and declared in and by the said *Haulkertoun* Entail, in so far as the same are subsisting and capable of taking effect, the said Lands being always previously freed and disencumbered of any Debts or Burdens affecting the same, and the said Disposition and Deed of Entail shall be duly registered in the Register of Tailzies, for the Benefit of all Persons interested therein.

Description
of Lands of
Balbithan
and Wester
Fintray.
Balbithan.

III. The Lands of *Balbithan* and *Wester Fintray* to be disposed and conveyed as aforesaid are the several Lands and others set forth in the said Schedule (B.), and described in the Writs and Title Deeds thereof as follows; (that is to say,) all and hail the Town and Lands of *Balbithan* commonly called *Old Balbithan*, with the Bog thereof, and that Pendicle thereof called *Densyburn*, with the Manor Place, Houses, Biggings, Yards, Orchards, Woods, Plains, Parks, Inclosures, Mosses, Muirs, Marshes, Commonities, Common Pasturages, Outsetts, Insetts, and universal Parts, Pendicles, Privileges, and Pertinents belonging thereto, with the Salmon Fishing on the Water of *Don*, as also the Lands of the New Place of *Balbithan*, Lands of *Heatherwick* or *Hedderwick* and *Craigforthies*, with the Manor Place, Houses, Biggings, Yards, Orchards, Woods, Plantings, Fishings, Mosses, Muirs, Marshes, Meadows, Tofts, Crofts, Outsetts, Insetts, Commonity, Common Pasturage, Parts, Pendicles, and universal Pertinents thereof whatsoever, together with the Teinds, Parsonage and Vicarage, of the said hail Lands, all formerly lying in the Parish of *Kinkell*, and now in the United Parishes of *Keithhall* and *Kinkell* and Sheriffdom of *Aberdeen*, as also all and whole these Parts of the Crofts of *Greenlands* of *Wester Fintray*, purchased by the deceased Lieutenant General *Benjamin Gordon* of *Balbithan* from *George Skene* of *Skene*, together with the Houses, Biggings, and Pertinents belonging thereto, and bounded in manner mentioned in the said *George Skene's* Feu Charter in favour of the said deceased Lieutenant General *Benjamin Gordon*, of Date the Ninth Day of *July* Seventeen hundred and ninety, and in his Infestment following thereon, of Date the Sixteenth and registered in the Register of Sasines kept for the Counties of *Aberdeen* and *Kincardine* upon the Eighteenth Day of *April* Eighteen hundred, and which Crofts of *Greenlands* lie in the Parish of *Fintray* and County aforesaid; as also all and whole the Towns and Lands of *Wester Fintray*, the Nine Ploughs thereof, comprehending the Lands called

Wester
Fintray.

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called the *Meadows* of *Wester Fintrays*, with the Lochs and Pools of fresh Water within the Bounds of the said Lands, the Lands of *Sweir*, and the Haugh called *Cairndallion Haugh*, all and whole these Crofts called the *Swan Haugh* or *Manse*, otherwise called the *Easter* and *Wester Pitcaple Crofts*, all and whole the Town and Lands of *Miltown* of *Fintray* and Yard between the Waters or Rivers, all and whole the old Mill of *Fintray* and Miln Lands thereof, with the Multures, Sequels, and Knaveships of the whole Lands and others particularly above written, used and wont, together with the Multures, Sequels, and Knaveships used and wont of the whole Lands of *Kinmuick*, *Craigforthie*, *Montkeiggie*, *Balbithan*, and *Hedderwick*, together also with the Salmon Fishing upon the Water of *Don*, and other Fishings belonging to the Lands, Milns, Miln Lands, and others particularly above mentioned, and with all and sundry Houses, Biggings, Yards, Orchards, Tofts, Crofts, Outsetts, Insetts, Woods, Fishings, Mosses, Muirs, Marshes, Meadows, Common Montys, Common Pasturage, Annexis, Connexis, Dependences, Parts, Pendicles, and Pertinents whatsoever of the Lands, Miln, Miln Lands, and others foresaid, all lying within the Parish of *Fintray*, Regality of *Lindores*, and that Division thereof called *Logie Fintray*, and Sheriffdom of *Aberdeen*, together with the Teind Sheaves and other Teinds of the said Lands, Miln, Miln Lands, and others above mentioned, with the Pertinents, great and small, as well Parsonage as Vicarage, together also with the Heritable Power, Tolerance, Liberty, and Privilege to the Purchaser, his Heirs and Successors, and their Tenants, Sub-tenants, Cottars, Grassmen, and hails Inhabitants of the Lands, Miln, and others above expressed, of digging and winning Peats and Fuel for their proper Uses only within the Moss of the said Lands of *Fintray* called *Reid Moss*, or within any other Moss of the same or any Part thereof, as has been in use formerly to do, and of transporting the same by the most convenient Roads and Ways used and wont to the Lands, Milns, Miln Lands, and others above written, without Obstacle, Opposition, or Impediment whatsoever, conform to Charter of Resignation and Confirmation under the Great Seal of the foresaid Lands of *Fintray* and others, and also of the Lands of *Lairshall*, sold and disposed to *John Ramsay* of *Barra* in favour of the deceased *George Skene*, then of that ilk, and the Heir therein mentioned, dated the Sixth Day of *July* Seventeen hundred and forty-eight, as also all and whole that Piece of Ground or Haugh Land extending to Two Acres Two Roods and Five Falls of *Scotch* Measure or thereby, called the *Nether Haugh* of *Cairntradlin*, lying within the Parish of *Kinneller* and County of *Aberdeen*, bounded by the Haugh Lands formerly belonging to the now deceased *George Skene* of *Skene* upon the North and East, by the Lands belonging to the Society of *Litsters* in *Aberdeen* upon the South, and by the River *Don* upon the West, also that Piece of Haugh Land called the *Floods* of *Cairntradlin*, extending to Two Acres One Rood and Seven Falls of *Scotch* Measure or thereby, lying on the North Side of the River *Don*, nearly opposite to the

[Private.]

d

Piece

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Piece above described, and bounded by the said River and the Haugh Lands of *Wester Fintray*, formerly belonging to the said deceased *George Skene*, and also all other Pieces or Patches of Land which belonged to the *King's College* on the North Banks of the said River, lying within the Parishes of *Fintray* and *Kinnellar*, together with the Multures and Sequels of the said Lands, and hail Privileges and Pertinents thereof.

The Sum of Seven thousand Pounds, agreed to be accepted for Equality of Exchange, to be charged on Lands to be exchanged.

IV. In order validly to secure the Payment of the said Sum of Seven thousand Pounds agreed to be accepted by the said *Francis Alexander* present Earl of *Kintore* for Equality of Exchange as aforesaid, and the Interest thereof, and liquidate Penalties and Expenses effeiring thereto, the said Sum, with the Interest thereof, and liquidate Penalties and Expenses effeiring thereto, may be declared by the Disposition and Deed of Entail of the said Lands of *Balbithan* and *Wester Fintray* to be a Real Burden affecting the Fee Simple of the said Lands or any Part thereof, in favour of the said *Francis Alexander* present Earl of *Kintore*, his Heirs and Assignees, or otherwise it shall be lawful for the said *Francis Alexander* present Earl of *Kintore*, or other the Heir of Entail who may be in possession of the said Lands in virtue of the said Disposition and Deed of Entail, and such Heir of Entail, if other than the said *Francis Alexander* present Earl of *Kintore*, shall be bound, when thereto required, to grant, in favour of the said *Francis Alexander* present Earl of *Kintore*, his Heirs or Assignees, a Bond and Disposition in Security over the said Lands respectively, or any Portion or Portions thereof, for the said Sum of Seven thousand Pounds, with the due and legal Interest thereof from the Date of such Disposition and Deed of Entail till repaid, and with corresponding Penalties, and such Bond and Disposition in Security may be in ordinary Form, binding the said *Francis Alexander* present Earl of *Kintore*, or other Heir of Entail in possession, and the other Heirs of Entail in their Order successively, to repay the said Principal Sum of Seven thousand Pounds, with Interest and Penalties as aforesaid, and may contain all Clauses usual in Bonds and Dispositions in Security granted over Estates in *Scotland* held in Fee Simple, and the said Bond and Disposition in Security, when duly recorded, shall be good, valid, and effectual as a Charge upon the Fee of the said Lands, and shall not be liable to be impugned, reduced, or set aside upon any Ground whatever: Provided always, that the whole Conditions and Provisions contained in the Thirtieth Section of the Act passed in the Eleventh and Twelfth Years of the Reign of Her present Majesty the Queen, Chapter Thirty-six, intituled *An Act for the Amendment of the Law of Entail in Scotland*, in regard to the Exercise of Powers of Sale contained in any Bond or Disposition in Security affecting any entailed Estate in *Scotland*, and consequent thereon, shall, so far as applicable, extend and apply to the Right created by the said Real Burden, if the same shall be created by the said Disposition and Deed of Entail, or to the said Bond and Disposition in Security, as the

Case

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Case may be, and to all Assignations thereof respectively, in like Manner as if the same had been incorporated herein.

V. Upon the granting of the Disposition of the said Lands of *Balbithan* and *Wester Fintray*, and the Completion of the Entail of the said Lands, in manner herein-before provided, the said Lands and Barony of *Dunlappie* and the said Town and Lands of *Chapletoun*, as herein-before described, and as set forth in the said Schedule (A.), shall thereupon become vested and the same are from thenceforth hereby vested in Fee Simple in the said *Francis Alexander* present Earl of *Kintore*, his Heirs and Assignees, and freed, relieved, and discharged of and from the Burdens and Provisions affecting the same under and by virtue of the said recited Contract of Marriage between the said *Francis Alexander* present Earl of *Kintore* and the said *Louisa Madeleine Hawkins*, and the several Bonds and Dispositions in Security specified in the Schedules (C.) and (D.) hereunto annexed; and it shall thereupon be lawful for the said *Francis Alexander* present Earl of *Kintore*, or the Heir of Entail in possession for the Time, to grant all necessary Dispositions and Conveyances, and other Deeds, Rights, and Titles, for effectually vesting the said Lands and Barony of *Dunlappie* and the said Town and Lands of *Chapletoun* respectively in the said *Francis Alexander* present Earl of *Kintore*, his Heirs and Assignees, in Fee Simple, and freed of all the Conditions, Restrictions, and Limitations of the said *Haulkertoun* Entail, and of the said several Burdens and Provisions herein-before referred to, and thereupon the said Lands and Barony of *Dunlappie* and the said Town and Lands of *Chapletoun*, and every Part thereof, shall be freed and absolutely acquitted, released, exonerated, and discharged in all Time coming of and from all and every the Conditions, Provisions, Declarations, Limitations, Prohibitions, and Irritancies contained in and imposed by the said *Haulkertoun* Entail, and also from all and every the Burdens and Provisions contained in the said recited Contract of Marriage and in the said several Bonds and Dispositions in Security respectively, and the said Lands and others shall from thenceforth belong to and be at the free and absolute Disposal of the said *Francis Alexander* present Earl of *Kintore*, his Heirs and Assignees.

Authority to exchange *Dunlappie* and *Chapletoun* for *Balbithan* and *Wester Fintray*.

VI. It shall be lawful for the said Court of Session, in either Division thereof, and the said Court is hereby authorized and required, to deal with such Applications by way of Summary Petition as may from Time to Time be made to them for carrying this Act into execution, and to make such Orders and pronounce such Interlocutors as the said Court shall think fit, for taxing and settling all Costs, Charges, and Expenses which have been or shall be incurred in and about all Applications to and Proceedings in the said Court, to be made or had in pursuance of this Act, or otherwise in carrying the Purposes of this Act into complete Execution.

Court of Session may deal with Applications under this Act.

VII. The

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Certain Provisions to be Burdens on the Lands of Balbithan and Wester Fintray.

VII. The Provisions contained in the said recited Contract of Marriage between the said *Francis Alexander* present Earl of *Kintore* and the said *Louisa Madeleine Hawkins*, and the Sums of Money secured by the Bond and Disposition in Security granted by the said *Francis Alexander* present Earl of *Kintore*, as aforesaid, in favour of the said Honourable *Charles James Keith*, and by the Bond and Disposition in Security in favour of the Trustees under the Contract of Marriage of the said Lady *Isabella Keith*, respectively, shall not only continue Burdens upon the Lands and other Heritages settled by the said *Haulkertown* Entail, and included in such Securities, other than the Lands and Barony of *Dunlappie* and Town and Lands of *Chapletown*, hereby authorized to be exchanged, but they are hereby made and declared and they shall be Burdens upon and payable out of the Lands to be acquired in Terms of the Provisions of this Act, in the same Manner as if the said last-mentioned Lands had formed Part of the Lands over which the said Securities were originally granted, and the Deed or Deeds of Entail of the Lands to be acquired as aforesaid shall contain all necessary Clauses for carrying this Provision into effect.

Existing Improvement Debts under the *Haulkertown* Entail to be Burdens on Balbithan and Wester Fintray.

VIII. In like Manner, the said Sums of One thousand six hundred Pounds and Fourpence Halfpenny and Five thousand seven hundred and thirty-eight Pounds Four Shillings and Elevenpence, respectively secured by the Two several Bonds and Dispositions in Security specified and set forth in Schedule (D.) hereunto annexed, shall not only continue Burdens upon the Lands and other Heritages settled by the said *Haulkertown* Entail, and included in the said Securities, other than the Lands and Barony of *Dunlappie* and Town and Lands of *Chapletown*, hereby authorized to be exchanged, but they are hereby made and declared and they shall be Burdens upon and payable out of the Lands to be acquired in Terms of the Provisions of this Act, in the same Manner as if the said last-mentioned Lands had formed Parts of the Lands over which the said Securities were originally granted, and the Deed or Deeds of Entail of the Lands to be acquired as aforesaid shall contain all necessary Clauses for carrying this Provision into effect.

Expenses of Act, &c.

IX. The said *Francis Alexander* present Earl of *Kintore*, his Heirs and Assignees, shall pay all the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, and of the Disposition and other Deeds and Proceedings necessary for completing the Exchange of Lands hereby authorized.

General Saving.

X. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and to all and every other Person or Persons, Bodies Politic or Corporate, and all the Annuitants and Creditors on the said *Haulkertown* Estate, as well those mentioned herein and in the Schedules (C.) and (D.) hereunto annexed, as those who may be omitted therefrom, his, her, and their Heirs and Successors, Executors, Administrators,

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trators, and Assigns, excepting the said *Francis Alexander* present Earl of *Kintore*, and the other Heirs entitled to succeed under the said *Haulkertoun* Entail as aforesaid, all such Estate, Right, Title, Interest, Claim, and Demand whatsoever, in, to, or out of the Lands and Estates hereby authorized to be transferred, or any Part thereof, 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.

XI. This Act shall not be a Public Act, but 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.

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

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SCHEDULES REFERRED TO IN THE FOREGOING ACT.

SCHEDULE (A.)

Showing the present yearly Rental, the estimated yearly Value if out of Lease, the Public and Parochial Burdens payable by the Landlord, and the estimated Value in Fee Simple of the Lands and Barony of Duntappie and others in the County of Forfar.

Farm.	Parish.	Tenant.	Expiry of Lease.	MEASUREMENT.					RENTS CROP, 1859, AND DRAIN-AGE INTEREST.					Total by Fiars of 1857.	Rate per Acre Arable, valuing Pasture at 2s. 6d.	Estimated Rents at Renewal of Leases.
				Arable.	Pasture and Roads.	Planting.	For planting or reserved.	Total.	Money.	Barley.	Oats.	Interest.				
Eastertown & Parkland	Stricathro	Alexander Guthrie	Whitsunday 1863	A. R. P. 763 3 29	A. R. P. 677 2 24	A. R. P. 22 1 7	A. R. P. -	A. R. P. 1,463 3 20	£ s. d. 230 0 0	Qrs. 90	Qrs. 90	£ s. d. 4 17 5	£ s. d. 437 15 0	£ s. d. 0 9 0	£ s. d. 920 0 0	
Westertown	"	Alexander Fenton	"	335 0 0	64 0 12	0 0 16	-	399 0 28	258 0 0	-	-	-	262 17 5	0 15 0	350 0 0	
School Premises	"	Ditto	At Will	0 0 28	-	-	-	0 0 28	2 10 0	-	-	-	2 10 0	-	2 10 0	
Milton	"	Mrs. Webster	Whitsunday 1866	263 2 20	12 2 30	0 1 14	-	276 2 24	102 10 0	34	34	13 13 0	194 11 8	0 15 0	320 0 0	
Bailhill	"	John Davidson	Whitsunday 1862	30 2 2	0 3 19	0 0 20	-	31 2 1	28 3 0	-	-	-	28 3 0	0 19 0	36 10 0	
New Plantations	"	Unlet	Unlet	-	-	9 2 39	-	9 2 39	-	-	-	-	-	-	-	
Reserved for ditto	Menmuir	Ditto	Unlet	-	-	-	-	123 3 19	-	-	-	-	-	-	-	
Chapletoun & Braco	"	Robert Buchan	Whitsunday 1877	427 1 14	77 0 11	-	-	504 1 25	500 0 0	-	-	-	500 0 0	1 2 0	500 0 0	
				1,820 2 13	832 1 16	32 2 16	123 3 19	2,809 1 24	£1,121 3 0	124	124	£18 9 5	£1,425 17 1		£2,129 0 0	
															168 0 0	
															£1,963 0 0	
															58,890 0 0	
															2,842 8 0	
															£56,047 12 0	
															1,400 0 0	
															£57,447 12 0	

Deduct Public Burdens
 Free estimated Rental
 Which, at 30 Years Purchase, amounts to
 But deduct Value of Difference between present and estimated Rents; viz.:
 Eastertown - £482 5 0 for 4 Years, discounted at 4 per Cent. £1,750 10 0
 Westertown - Alexander Guthrie - 87 2 0 ditto 316 5 0
 Milton - Alexander Renton - 125 8 4 ditto 752 10 0
 Bailhill - Mrs. Webster - 8 7 0 ditto 23 8 0
 John Davidson

Add Value of Shootings, at a Rent of £15, at 15 Years Purchase £ 225 0 0
 And Value of Woods and Woodland, and Ground reserved for planting; whereof, Wood, £500; Land £300; Ground Reserved, £375 1,175 0 0

Estimated net Value of the Lands in Fee Simple

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SCHEDULE (B.)

Showing the present yearly Rent, the estimated yearly Value if out of Lease, the Public and Parochial Burdens payable by the Landlord, and the estimated Value in Fee Simple of the Lands of Balbithan and Wester Fintray in the County of Aberdeen.

I.—BALBITHAN.

Names of Farms.	Parish.	Tenants.	Expiry of Leases.	MEASUREMENT.			Present Rent with Conversions	Estimated surplus Value on existing Leases.	Present Value of surplus estimated Rent on existing Leases, discounted at 4 per Cent.	Probable Value of Houses and Bykes at end of Leases, payable to Tenants.	Present Value of Melioration at End of Leases, payable to Tenants, discounted at 4 per Cent.	Estimated yearly Value.
				Arable.	Pasture and Roads.	Plantations.						
Windyfold	Keith-hall	William Littlejohn	No Lease	9 2 37	0 1 21	-	9 16 0	-	-	-	14 10 0	
Craigforthie	"	George Baxter	Life	196 0 2	5 0 21	-	84 14 5	1,459 7 0	200 0 0	98 14 0	200 0 0	
Heatherwick	"	Robert Bruce	Whitsunday 1873	190 2 23	10 0 38	-	102 0 0	867 4 8	230 0 0	127 14 0	180 0 0	
Ditto	"	James Watt	Whitsunday 1863	44 3 28	-3 2 20	-	38 14 6	63 10 11	-	-	53 0 0	
Croft on ditto	"	William Riddell	Whitsunday 1861	9 1 12	1 0 17	-	6 14 0	10 10 10	-	-	10 10 0	
Croft	"	John McGregor	Whitsunday 1861	5 3 35	1 1 2	-	4 12 6	3 16 3	6 4 0	5 10 0	6 0 0	
Balnaclyne	"	Benjamin Mearns	Whitsunday 1862	17 1 22	0 0 32	-	11 0 0	25 8 2	-	-	18 0 0	
Manor Farm	"	Proprietor	Not Let	79 2 5	5 4 0 33	-	118 0 0	-	-	-	118 0 0	
Grieve's Croft	"	Francis Downie	No Lease	1 2 6	3 1 22	-	2 10 0	-	-	-	4 0 0	
Greenlands	Fintray	John Cocker	Whitsunday 1866	34 0 0	0 3 12	-	24 5 0	72 7 6	15 0 0	10 19 0	35 0 0	
Ditto, 2 Dwelling Houses	"	-	Year-to Year	-	-	-	0 10 0	-	-	-	2 0 0	
Greenlands	"	James Wills, Rep*	Whitsunday 1866	40 0 14	52 3 6	-	22 0 0	87 10 6	22 0 0	16 1 6	35 0 0	
Balraig	Keith-hall	Alexander Paterson	Whitsunday 1869	35 1 5	7 1 25	-	21 0 0	78 16 10	-	-	30 0 0	
Densyburn	"	William Smith	Whitsunday 1873	11 3 25	-	-	18 0 0	-	-	-	18 0 0	
Old Balbithan	"	George Anderson	Life—Age 83	140 0 23	39 0 0	-	73 15 0	276 15 7	390 0 0	333 7 0	150 0 0	
Ditto	"	Robert Anderson	Whitsunday 1865 or 1872.	184 3 6	38 3 38	-	117 0 0	771 2 1	262 0 0	151 6 0	190 0 0	
Balraig Quarry Houses, Stances, Roads, and Fences.	"	Manuelle & Co.—Lease, 3, 5, or 7 Years, terminable at either Period. Rent the last 2 Years, £40.	-	-	23 1 11	-	654 11 5	3,716 10 4	-	743 11 6	1,099 0 0	
		Deduct Public Burdens					85 0 0				85 0 0	
		Free estimated Rental									£1,014 0 0	
		Which, at 30 Years Purchase for the Land Rents, £979, is							£29,370 0 0			
		And 15 Years Purchase for the Quarry Rent, £35, is							525 0 0			
		But deduct present Value on the Difference between present and estimated Rents as follows; viz.:									£29,895 0 0	
		Craigforthie	George Baxter	£115 5 7						£1,459 7 0		
		Heatherwick	Robert Bruce	78 0 0				For 18 Years, discounted at 4 per Cent.		867 4 8		
		Ditto	James Watt	14 5 6				ditto		63 10 11		
		Croft on ditto	William Riddell	3 16 0				ditto		10 10 10		
		Balnaclyne	John McGregor	1 7 6				ditto		3 16 3		
		Greenlands	Benjamin Mearns	7 0 0				ditto		25 8 2		
		Ditto	John Cocker	10 15 0				ditto		72 7 6		
		Balraig	James Wills, Rep*	13 0 0				ditto		87 10 6		
		Old Balbithan	Alexander Paterson	9 0 0				ditto		78 16 10		
		Ditto	George Anderson	76 5 0				ditto		276 15 7		
			Robert Anderson	73 0 0				ditto		771 2 1		
										£3,716 10 4	4,460 1 10	
										743 11 6		
											£25,434 18 2	
											1,200 0 0	
											250 0 0	
											£1,450 0 0	
											£26,884 18 2	

And deduct the present Value of Meliorations upon Houses and Fences payable to Tenants at End of Leases

Add Value of Shootings, and Fishings, and Mansion House

Add Value of Wood and Woodlands; whereof, Wood, £50; and Land, £200

Estimated net Value of the Lands in Fee Simple

The Earl of Kintore's Estate Act, 1859.

SCHEDULE (C.)

SECURITIES granted by FRANCIS ALEXANDER present EARL of KINTORE in favour of younger Children of last EARL of KINTORE, affecting the Lands and Barony of Dunlappie and the Town and Lands of Chapletoun.

1. Bond and Disposition in Security in favour of the Honourable Charles James Keith, Captain in Her Majesty's Fourth Regiment of Light Dragoons, for Principal Sum of £10,744 12s. 6d., over, inter alia, the Lands and Barony of Dunlappie, dated the 17th and recorded in the General Register of Sasines the 28th Days of December 1850, assigned to William Kerr, Esquire, of Chatto, by Assignation dated 28th, 30th, and 31st December 1850, and recorded in the General Register of Sasines the 7th January 1851.

2. Bond and Disposition in Security in favour of the Trustees under the Contract of Marriage entered into between Henry Grant, Esquire, and Lady Isabella Keith, now Grant, for the Principal Sum of £10,744 12s. 6d., over, inter alia, the said Lands, dated the 7th and recorded in the General Register of Sasines the 28th Days of December 1850, assigned to the Extent of £2,000 to William James Hope Johnstone, Esquire, R.N., by Assignation dated the 28th, 30th, and 31st December 1850, and recorded in the General Register of Sasines the 24th January 1851.

SCHEDULE (D.)

SECURITIES granted by FRANCIS ALEXANDER present EARL of KINTORE for Improvement Debts, under the Powers of the Act 11 and 12 Vict. Cap. 36., intituled "An Act for the Amendment of the Law of Entail in Scotland," affecting the Lands settled by the Haulkertoun Entail, or some of them.

1. Bond and Disposition in Security in favour of Alexander Walker, Ironmonger in Aberdeen, for Principal Sum of £1,600 0s. 4½d., dated the 2nd and recorded in the General Register of Sasines, &c. the 13th Days of July 1853.

2. Bond and Disposition in Security in favour of John and Anthony Blaikie, Advocates in Aberdeen, for Principal Sum of £5,738 4s. 11d., dated the 24th Day of August and recorded in the General Register of Sasines, &c. the 2nd Day of September 1858.

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SCHEDULE (E.)

SHOWING the Excess of the Value of the Lands of Balbithan and Wester Fintray over the estimated Value of the Lands and Barony of Dunlappie and Town and Lands of Chapletoun.

Estimated net Fee-simple Value of the Lands of Balbithan, as per Schedule (B.) - - - - -	£26,884. 18 2
Estimated Value of the Lands of Wester Fintray, as per same Schedule -	38,095 17 6
	64,980 15 8
Deduct estimated Value of the Lands and Barony of Dunlappie and Town and Lands of Chapletoun, as per Schedule (A.) - - - - -	57,447 12 0
Excess in Value of Lands proposed to be exchanged	£7,533 3 8

Anthony A. Blair.

LONDON :

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1859.