



ANNO QUINTO & SEXTO

VICTORIÆ REGINÆ.

Cap. 33.

An Act to enable *George Marquis of Tweeddale* to borrow a certain Sum of Money upon the Security of his entailed Estates, for Repayment to him of a Portion of the Monies laid out by him in the Improvement of these Estates.

[30th July 1842.]

WHEREAS *George* some Time Marquis of *Tweeddale*, now deceased, by a Deed of Entail bearing Date the Twelfth Day of *August* in the Year One thousand seven hundred and seventy-one, and recorded in the Register of Tailzies the Thirteenth Day of *November* in the same Year, and in the Books of Council and Session in *Scotland* the Twenty-fifth Day of *November* in the said Year, gave, granted, and disposed, to and in favour of himself and to the Heirs Male descending of his Body; whom failing, to *William Hay* Esquire, his Cousin, eldest lawful Son of the deceased *John Hay* of *Newhall*, Esquire, and the Heirs Male of the Body of the said *William Hay*; whom failing, to *George Hay* Esquire, Second lawful Son of the said deceased *John Hay* of *Newhall*, and to the Heirs Male of the said *George Hay* his Body; whom failing, to *Edward Hay* Esquire, Third lawful Son of the said deceased *John Hay* of *Newhall*, and to the Heirs Male of the said *Edward Hay* his Body; whom failing, to *James Hay* Esquire, Second lawful Son of the deceased Lord *William Hay* of *Corsbie*,

Deed of Entail by *George Marquis of Tweeddale*, 12th August 1771.

[Private.]

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Uncle

Uncle of the said *George* Marquis of *Tweeddale* the Entailer, and to the Heirs Male of the Body of the said *James Hay* ; whom failing, to *Richard Hay* otherwise *Newton* Esquire, Third lawful Son of the said Lord *William Hay*, and to the Heirs Male of the Body of the said *Richard Hay* alias *Newton* ; whom failing, to *John Hay* of *Belton*, Esquire, eldest lawful Son of Lord *David Hay* of *Belton*, deceased, and the Heirs Male of the said *John Hay* of *Belton* his Body ; whom failing, to Major *James Hay*, Second lawful Son of the said deceased Lord *David Hay*, and to the Heirs Male of the said Major *James Hay* his Body ; whom failing, to *William Hay* of *Lawfield*, Esquire, lawful Son of the deceased Lord *Alexander Hay*, and to the Heirs Male of the said *William Hay* of *Lawfield* his Body ; whom failing, to *Alexander Hay* of *Drummelzier*, Esquire, and to the Heirs Male of his Body ; whom failing, to any other Heirs Male who should have Right to the Title and Dignity of Marquis or Earl of *Tweeddale* or Lord *Hay* of *Yester* ; whom failing, to the Heirs Female descending of the said *George* Marquis of *Tweeddale* the Entailer his Body, and the Heirs whatsoever of their Bodies respectively ; whom failing, to Lady *Grace Hay*, Niece of him the said Marquis, eldest lawful Daughter of the said deceased *John* Marquis of *Tweeddale*, and to the Heirs whatever of the said Lady *Grace Hay* her Body ; whom failing, to Lady *Katherine Hay*, Niece of him the said *George* Marquis of *Tweeddale*, Second lawful Daughter of the said deceased *John* Marquis of *Tweeddale*, and to the Heirs whatsoever of the said Lady *Katharine Hay* her Body ; whom failing, to Lady *Catharine Hay*, Sister of the said *George* Marquis of *Tweeddale* the Entailer, eldest lawful Daughter of the deceased *Charles* some Time Marquis of *Tweeddale*, and to the Heirs whatsoever of the said Lady *Catharine Hay* his Sister her Body ; whom failing, to Lady *Ann Hay*, Sister of the said *George* Marquis of *Tweeddale*, the Entailer, Second lawful Daughter of the said *Charles* some Time Marquis of *Tweeddale*, and to the Heirs whatsoever of the said Lady *Ann Hay* her Body ; whom failing, to the Heirs whatsoever of the Body of the said *William Hay* Esquire, who was eldest Son of the said *John Hay* of *Newhall*, Esquire, deceased ; whom failing, to the Heirs whatsoever of the Body of the said *George Hay*, Second Son of the said *John Hay* of *Newhall*, Esquire ; whom failing, to the Heirs whatsoever of the Body of the said *Edward Hay*, Third Son of the said *John Hay* of *Newhall*, Esquire ; whom failing, to the Heirs whatsoever descending of the Body of the said deceased *John Hay* of *Newhall*, Esquire ; whom failing, to the Heirs whatsoever of the Body of the said *James Hay* Esquire, Second Son of Lord *William Hay* ; whom failing, to the Heirs whatsoever of the Body of the said *Richard Hay* alias *Newton*, Third lawful Son of the said Lord *William Hay* ; whom failing, to the Heirs whatsoever descending of the said deceased Lord *William Hay* his Body ; whom failing, to the Heirs whatsoever of the Body of the said *John Hay* of *Belton*, Esquire ; whom failing, to the Heirs whatsoever of the Body of the said Major *James Hay*, Second Son of Lord *David Hay* deceased ; whom failing, to the Heirs whatsoever of the Body of the said deceased Lord *David Hay* ; whom failing to the Heirs whatsoever of the said *William Hay* of *Lawfield*, Esquire, his Body ; whom failing to the Heirs whatsoever of the Body of the said deceased Lord *Alexander Hay* ; whom failing,

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to the Heirs whatsoever of the said *Alexander Hay* of *Drummelzier*; Esquire, his Body; whom all failing to the said *George Marquis* of *Tweeddale* the Entailer, his own nearest Heirs and Assignees whatsoever, the eldest Heir Female and the Descendants of her Body, as often as the Succession should devolve upon Females or their Descendants, excluding always all other Heirs Portioners, and succeeding still without Division throughout the whole Course of Succession, both of the Heirs of Tailzie and of the Heirs whatsoever, in all Time coming, and the Right of Primogeniture taking place among the Female Heirs in like Manner as the Law has established the same among the Male Heirs; all and whole the Earldom, Lordship, Baronies, Lands, and other Heritages described in the said Deed of Entail as follows; *videlicet*, all and whole the Lands, Lordship, and Barony of *Yester*, with the Castle, Tower, Fortalice, Manor Place, and Mill of the same, Advocation and Donation of the Collegiate Church of *Saint Bothanes*, Provestry and Prebendaries thereof, and whole Pertinents of the same; all and whole the Lands and Mains of *Park*, the Lands of *Gamelston* and *Giffordgate*, and Superiority thereof; all and whole the Lands of *Duncanlaw* (excepting the mortified Church Lands thereof), the Lands of *Baro*, and Superiority of the same, the Lands of *Maylands*, with the Mansion Houses, Biggings, Yards, and whole Pertinents of the same, lying within the Town and Territory of *Baro*, which some Time pertained to the deceased *John Doull* and *Barbara Harlow* his Spouse; all and whole that Temple Land of *Baro*, lying on the South Part of *Baro*, between the said Lands of *Maylands* on the East and *Broomhill* upon the West, the King's Highway on the North, and the Rivulet between *Baro* and *Newtown* on the South Parts, with Common Pasturage, free Ish and Entry to and by the Common of *Baro* and *Duncanlaw*, used and wont, and particularly expressed in the Infestments granted in favours of the deceased *Charles Marquis* of *Tweeddale*, Father of *John* some Time Marquis of *Tweeddale*, and his Predecessors and Authors, of the said Lands of *Maylands* and Temple Lands of *Baro*; all and whole that Quarter or Fourth Part of the Town and Lands of *Blance*, with its Pertinents; all and whole the Lands of *Gillpallat*, with the Tower, Fortalice, and Manor Place thereof, and whole Parts, Pendicles, and Pertinents of the same whatsoever; all and whole the Lands and Farms of *Little Newton*, the Lands of *Carfrae* with its Pendicles, commonly called *Dansken* and *Middlemuir*, Lands of *Newlands*, the Lands of *Snawdon*, the Lands of *Houndhill*, together with the whole Houses, Biggings, Parts, Pendicles, and Pertinents of the same whatsoever, with all and sundry the Teinds, Parsonage and Vicarage, of the said Lands included; all and whole the Lands and Farms of *Woodend* and *Kynslaw*, with the whole Houses, Parts, Pendicles, and Pertinents of the same whatsoever, with all and sundry the Teind Sheaves and Parsonage Teinds included, with the Advocation, Donation, and Right of Patronage of the Parish and Parish Church of *Garvet*, with the Teinds, Parsonage and Vicarage, of the Parish Church and Parish of *Garvet*; which Lands and Barony above written, with certain other Lands, were all united, erected, and incorporated into one whole and free Earldom, Lordship, and Barony, to be called the Earldom of *Tweeddale*, Lordship and Barony of *Yester*, according to a Charter granted by King *Charles* the Second, of blessed Memory, to the late *John Lord Yester*, afterwards

wards Marquis of *Tweeddale*, of Date the Sixteenth Day of *August* One thousand six hundred and sixty-seven Years; and in like Manner all and whole the Lands of *Braidwoodside* and *Ewingstown*, and Teinds of the same, together with the Houses, Biggings, Yards, Tofts, Crofts, Parts, Pendicles, and Pertinents of the same, with the Multures, Sucken, Sequels, and Knaveship thereof, which are Parts of the Lands and Barony of *Bolton*, and are now disjoined therefrom and united to the Lordship of *Yester*; all and whole the Superiority of the Town and Lands of *Marvingstown*, with Houses, Biggings, Mills, Multures, Sequels, and whole Parts and Pendicles pertaining and belonging to the same, used and wont, together with the Right of Patronage of the Chapel of *Haliburton*, in so far as concerns the said Lands, with Power of presenting Chaplains to the said Chaplainry, who should have the sole Right to the Superiorities, Feu Farm Duties, and other Profits and Casualties which shall happen to become due furth of the said Lands; as also all and whole the Property of the Town and Lands of *Marvingston*, with Houses, Biggings, Mills, Multures, Sequels, and whole Parts, Pendicles, and Pertinents, used and wont, belonging to the same, and of which the Mill Lands of *Skeddisbush* are a Part and Portion; and in like Manner all and whole the Lands of *Panshiels*, *Priestlaw*, and *Kingside*, with their Parts, Pendicles, and Pertinents whatsoever, and all and whole the Teinds, Parsonage and Vicarage, of the same, lying within the Regality of *Melrose*; all which Lands, Earldom, Lordship, Barony, Mills, Teinds, and others above recited lie locally in the Constabulary of *Haddington* within the Sheriffdom of *Edinburgh*; and in like Manner all and whole the Lands and Barony of *Carfrae*, and whole Farms, Places, Possessions, and Lands pertaining and belonging to the same in Property and Tenantry, with the Manor Place, Houses, Biggings, Yards, Orchards, Mills, Mill Lands, Multures, and their Sequels, Outsetts, Tenants, Tenandries, and Service of Free Tenants, Parts, Pendicles, and Pertinents whatsoever, lying within the Bailiary of *Lauderdale* and Shire of *Berwick*, and formerly by Annexation within the Barony of *Hermistown*, Constabulary of *Haddington*, within the Shire of *Edinburgh*; as also all and whole the Lands and Farms after mentioned, which are Parts and Pertinents of the Lordship and Barony of *Thirlestown*; *videlicet*, all and whole the Lands of *Tullushill*, the Lands of *Swynhope*, the Lands of *Longhope*, the Lands of *Aldingstone*, the Lands of *Whelplaw* and *Longcroft*, with an Exemption and Immunity from all Mills and Payment of Multures and their Sequels, or Astriction and Service of the same, notwithstanding of any former Astriction, with all and sundry Houses, Biggings, Yards, Mosses, Muirs, Woods, Fishings, Parts, Pendicles, and their Pertinents, lying within the Parish of *Lauder* and Shire of *Berwick* aforesaid, together with the Teinds, Parsonage and Vicarage, of the said Lands of *Tullushill*, *Swynhope*, *Longhope*, *Aldingstone*, *Whelplaw*, and *Longcroft*; as also all and whole the Lands and Barony of *Corsbie*, comprehending the Lands of *Corsbie*, the *Mains Crips*, *Bawne*, Mill of *Bawne*, with Multures and Sequels of the same, together with the Castle, Tower, and Fortalice thereof, Houses, Biggings, Yards, Orchards, Parts, Pendicles, Annexis, Connexis, Tenants, Tenandries, and Service of free Tenants; and whole other Pertinents of the same, lying within the Parish of *Ligertwood* and Shire

Shire of *Berwick*; and in like Manner all and whole the Lands and others underwritten; *videlicet*, all and whole the Customs of the Harbour of *Lime Hills*, lying within the Sheriffdom of *Fife*; all and whole the Lands and Tenandry of *Grange of Dunfermline*, comprehending the Lands and others underwritten, *videlicet*, the Flour Mill of *Coalieraw*, and Two Flour Mills lying under the Wall of the Monastery of *Dunfermline*, called *Hugh Mills*, with the whole Aqueducts, Privileges, Parts, Pendicles, and Pertinents whatsoever pertaining and belonging to the said Mills respectively, with free Ish and Entry, and with the Yeard and Orchard called *Saint Laurence Yeard*, and with the Dovecot thereof, together with all and sundry Coals and Coalheughs within the whole Bounds of the said Lands, with Parts, Pendicles, and Pertinents of the same whatsoever; as also within the whole Limits of the Lordship of *Dunfermline*, as well without as within the River of *Forth*, with all and sundry Manor Places, Tofts, Crofts, Fishings, Muirs, Marishes, Lakes, Mills, and Multures of the whole foresaid Lands of the Lordship and Regality of *Dunfermline* and others above mentioned, all lying within the Shire of *Fife*; as also all and whole the Hospital House or Great Tenement of Land, with Houses, Biggings, Yeards, Parts, Pendicles, and Pertinents thereof whatsoever, some Time possessed by the late Mr. *Drummond*, lying within the Burgh of *Dunfermline*, on the North Side of the Franciscans Garden there, as it is bounded and limited in the Infeftment granted to the late *Charles Earl of Dunfermline*, or to the deceased *Alexander Earl of Dunfermline* his Father, or to his Predecessors or Authors; and also all and whole the Lands of *Grismuirland* and *Cunninghareland*, now called *Bruntisland*, with the annual Duty of Twenty Merks Scots Money to be levied from the Burgh of *Bruntisland* and Commonty thereof; as also the Profits, Feu Duties, Rents, Casualties, Benefits, Liberties, Privileges, and whole Pertinents whatsoever pertaining to the Hereditary Offices of Bailiary and Justiciary of the whole Lordship and Regality of *Dunfermline* (excepting only what belongs to the Bailiary of *Musselburgh*), with the Heritable Office of Constabulary and Keeper of the Palace of *Dunfermline*, and whole Houses and Greens whatsoever within the Walls and Precincts thereof, and of all and sundry Lakes which belonged to His Majesty and His Royal Predecessors within the Lordship of *Dunfermline*, as contained in the Infeftments granted to the said deceased *Charles Earl of Dunfermline*, or his said Father, and particularly, without Prejudice of the Generality foresaid, the Teind Black Oats, Customs, Capons, and Poultry particularly after mentioned, *videlicet*, *Luscar Wester*, One Chalder Two Bolls, *Baith-under-the-Hill*, One Chalder Fourteen Bolls, *Baith Turnbull*, Ten Bolls, *Blacklaw*, Ten Bolls, *Todnether*, Two Chalders and Six Bolls, *Baith Stevenson*, Six Bolls, all lying within the Parish of
and Shire of *Fife* aforesaid, together with all and sundry Customs, Capons, Poultry, Cocks, and Hens of the whole Lordship of *Dunfermline*, as well on the North as on the South Parts of the said River of *Forth*, all united into one whole and free Tenandrie called the Tenandrie of *Grange of Dunfermline*, all lying within the said Lordship and Regality of *Dunfermline* and Sheriffdom of *Fife*; as also all and whole that Piece of Land called the *Teind Baron Yard*, with the Teind Yeard and Pertinents

[Private.]

nents thereof whatsoever, possessed by the late *Grizel Esplin*, Relict of the deceased Mr. *William Oliphant*, some Time Chamberlain of the said deceased Earl of *Dunfermline*, and Sub-Tenants, lying on the North Side of the public Highway of *Inverkeithing*, and within the Sheriffdom of *Fife* aforesaid; and all and whole the Profits and Duties used and wont of the hereditary Office of Provostry and principal Officier within the whole Bounds and Limits of the Parish of *Dunfermline*, Lordship and Regality thereof, in all Actions, Civil and Criminal; as also a Duty of Eighteen Bolls of Oatmeal yearly, to be levied out of the first and readiest of the Fruits and Duties of the *West Mill* of *Kirkcaldy* between *Yule* and *Candlemas*, and Forty Shillings Scots Money yearly, to be levied out of the first Feu Duties of the Half of the Lands of *Tough*, lying within the Sheriffdom of *Fife* aforesaid; as also all and whole the Power, Privilege, Benefit, Casualties, Profits, and Duties whatsoever pertaining and belonging to the Hereditary Offices of Bailiary and Admiralty within the whole Bounds of the said Lordship and Regality of *Dunfermline*, with the Pendicles and Pertinents thereof whatsoever, in so far as the same are not yet abolished by Act of Parliament; all which Lands are contained in the Charter under the Great Seal bearing Date the Tenth Day of *December* One thousand seven hundred and sixty-three Years, in favour of the deceased *George Marquis of Tweeddale*, whereby it is ordained that a Sasine to be taken at the Manor Place of *Yester*, or upon the Ground of any Part of the said Lands and others, by Delivery of Earth and Stone only, shall be sufficient for the whole; and in like Manner all and whole the Lands and Estate of *Newhall*, comprehending the particular Lands and others underwritten, *videlicet*, the Lands of *Newhall*, the Tower, Fortalice, Manor Place, Houses, Yeads, Orchyards, Parts, Pendicles, and Pertinents of the same, the Farm and Lands of *Bankhead*, the Lands of *Ballingrog*, the Lands of *Woodhead* and *Woodfoot*, all and whole the Mill of *Newhall*, and Mill Lands of the same, astricted Multures, Sucken, and Sequels of the said whole Estate of *Newhall*; also comprehending the astricted Multures and Sequels of the Lands of *Howden*, *Smiddyhill*, and *Haymuircross*, which are thirled and astricted to the said Mill of *Newhall*, together with the whole Wood growing upon the said Estate of *Newhall*, all lying in the Constabulary of *Haddington* within the Sheriffdom of *Edinburgh*; also all and whole the Teinds, Great and Small, Parsonage and Vicarage, of the said Lands and Barony of *Duncanlaw*, and of the Nineteen Husband Lands of *Duncanlaw*, and Nine Cot Lands estimated at Two Husband Lands, and of the Temple Land in *Duncanlaw*, and of the Lands of *Kirkbauck* and *Wauchmill*, Lands extending to Three Husband Lands, and of the Lands of *Waldden* and *Forresters-seat*, extending to Three Husband Lands, and of the Lands of *Sherifside*, extending to Five Husband Lands, and of the Six Acres called Millands of *Nether Mill* of *Bathens*, all which Lands, together with the Town of *Gifford*, are comprehended in the said Barony of *Duncanlaw*, which formerly lay within the old Parish of *Baro*, but now, by Disjunction therefrom, and Annexation, the said Barony lies within the Parish of *Yester*, Constabulary of *Haddington*, within the Sheriffdom foresaid, and which Teinds of the Barony of *Duncanlaw* were purchased by the deceased *George Marquis of Tweeddale* from *John Spottiswoode* of that ilk, Esquire, Titular of the Teinds of the ancient Parish of *Baro*; and in like

like Manner all and whole the Lands of *Creichness*, with Houses, Biggings, Yards, Tofts, Crofts, Parts, Pendicles, and whole Pertinents thereof, lying within the Parish of *Innerwick*, Lordship of *Thornton*, and by Annexation within the Shire of *Renfrew*, but locally in the Constabulary of *Haddington* within the Sheriffdom of *Edinburgh*, which Lands of *Creichness* were formerly holden by the said *George* Marquis of *Tweeddale* the Entailer of and under *Alexander* Earl of *Home*, and were at the Date of the said Tailzie holden of and under *Thomas Tod*, Writer to the Signet, Superior; as also all and whole the Lands of *Kisthill*, with Houses, Biggings, Yards, Tofts, Crofts, Parts, Pendicles, and all their Pertinents, lying within the Barony and Parish of *Innerwick*, by Annexation within the Shire of *Renfrew*, but locally in the Constabulary of *Haddington* within the Sheriffdom of *Edinburgh*, holden by the said *George* some Time Marquis of *Tweeddale* the Entailer of *William Nisbet* of *Dirleton*, Esquire, Superior, together with the Parsonage Teinds of the said Lands of *Creichness* and *Kisthill*; and in like Manner all and whole the Lands of *Westhope*, with the Teinds thereof included, and that Part of the Lands of *Easthope*, with the Teinds included, possessed along with the said Lands of *Westhope* by *Isabell Brown*, Relict of *Charles Bertram*, Tenant there, lying within the ancient Lordship and Barony of *Yester*, Parish of *Garvald*, Constabulary of *Haddington*, within the Sheriffdom of *Edinburgh*, as the said Lands of *Easthope* and Part of *Westhope* are bounded and described in the said *George* some Time Marquis of *Tweeddale* the Entailer's Rights and Infeftments thereof; holden Feu by him of and under *Charles Hay* and *John Hay*, elder and younger, of *Hopes*, Esquires, Superiors, which provide and declare that the said *George* some Time Marquis of *Tweeddale* the Entailer, and his Successors should be obliged to pay One Half of the Expences of repairing and making sufficient the Fences which are the Boundaries between the Lands of *Easthope*, belonging to the said *Charles* and *John Hay* in Property and Superiority, and the said Lands of *Westhope*, which belong to them in Superiority only, and that when required so to do, as also reserving to the said *Charles* and *John Hay*, and their Successors in the Property Lands of *Easthope*, the Privilege of digging, winning, and leading away from the Mosses within the Bounds of *Westhope* yearly in all Time coming such Quantities of Peats as they, their Servants and Cottars, should use and consume in their Families, and likeways reserving to the said *Charles* and *John Hay*, and their Successors in the Property Lands of *Easthope*, the Privilege of driving Cattle from the *Broadmeadow Park* to the *Knockhill Park*, over Part of the said Property Lands of *Westhope*; but with and under the Conditions, Provisions, and Limitations, Restrictions, and Clauses irritant and resolute, therein specified, forming a Settlement of strict Entail by the Law and Practice of *Scotland*: And whereas the said *George* some Time Marquis of *Tweeddale*, the said Entailer, by a Trust Deed and Disposition and Assignment executed by him, bearing Date the said Twelfth Day of *August* in the said Year One thousand seven hundred and seventy-one, and registered in the Books of Council and Session in *Scotland* the Twenty-third Day of *November* One thousand seven hundred and eighty-seven, after reciting the Deed of Entail herein-before recited, did give, grant, convey, assign, and dispoise all and whatsoever Lands

Trust Deed
of *George*
Marquis of
Tweeddale,
12th August,
1771.

and

and Heritages within *Scotland* (excepting his said entailed Lands and Estates), and all and sundry Debts and Sums of Money, Heritable and Moveable, Rents and Arrears of Rent of Lands and Heritages, and of Feu and Teind Duties, Stocking of Farms, Goods, Gear, and other Heritable and Moveable Means and Effects, of whatever Nature, Denomination, or Designation, resting and pertaining, or that should be addebted, resting owing, pertaining, and belonging to him at the Time of his Death, including Heirship Moveables, and excepting only his whole Household Furniture and Pictures and Silver Plate that should belong to him, and that should remain in his Houses of *Yester* and *Newhall* at his Decease, to and in favour of *Alexander Hay* of *Mordington*, Esquire, Advocate, *Alexander Tait* Esquire, One of the Principal Clerks of Session, *John Hay* younger, of *Hopes*, Esquire, and *Thomas Tod*, Writer to the Signet, and to such of them as should accept of the said Trust Conveyance, and to the Survivors and last Survivor of those accepting as Trustees or Trustee, and in case of the Decease of any Three of the said Trustees, then to such other Persons as should from Time to Time be assumed into the Trust by and with the Survivor, in virtue of a Clause authorizing such Assumption, in the said Trust Deed contained, but always in Trust to and for the Uses, Intents, and Purposes in the said Conveyance and partly herein-after mentioned, with Power to the said Trustees to sell and dispose of the Property and Effects thereby conveyed, and to uplift the Debts and Sums of Money that should be due to him, but that in Trust always, in the first place, for the Payment of his Funeral Charges and of all his just and lawful Debts that should be resting by him at the Time of his Death, and of the necessary Expence attending the Execution of the said Trust, and in the second place for Payment of such Legacies, Annuities, and Provisions as he should think fit to grant and bequeath to any Person or Persons by any Deed or Deeds to be executed by him during his Life or even upon Death-bed, such Funeral Charges, Debts, Legacies, and Provisions not exceeding the Value of his Estates, Debts, and Effects so conveyed, and in the last place he ordained and appointed the Residue or Surplus of the Rents of his said Lands and Heritages so disposed, until sold, and of the Prices of the said Lands and Heritages when sold, and the Residue of the whole Debts, Heritable and Moveable, Means and Effects, so conveyed, when disposed of, to be applied by his said Trustees, named or to be assumed, or by their Quorum, and Survivor of them, and failing all of them by Decease or Not-acceptance, then to be applied by the said Heirs of Entail, Substitutes of them, in purchasing Lands or other Heritages, such as his said Trustees, and failing them his Heir of Tailzie for the Time, should judge most proper, fit, and convenient to be added to his the said Marquis's entailed Estate, the Dispositions and Conveyances of which Lands and Heritages so to be purchased should be taken heritably and irredeemably to and in favour of the Heir Male and of Tailzie and Provision who should be for the Time in the Fee of the said Lands and Barony of *Yester* by virtue of the Entail thereof executed by him the said Marquis as aforesaid, and to the other Heirs Male General and of Tailzie and Provision substituted to him or her, in the Order and Course of Succession specified and contained in the said Entail, and with and under the whole Conditions, Provisions, Limitations,

Limitations, Restrictions, Clauses irritant and resolute, Powers and Faculties and Declarations, also specified and contained in the Procuratory of Resignation of the said Entail; and it was by the said Conveyance in Trust declared, that in case of the Failure, by Death or by Not-acceptance of any Three of said Trustees, so that there should only remain One Trustee accepting and surviving, then such remaining Trustee was thereby empowered, desired, and required, by a Deed under his Hand, forthwith to name and assume another Person as Trustee to act under the said Trust Deed in conjunction with him, so as there might always be Two Trustees at least accepting and acting under the said Deed, and so upon the Failure of any One of these Two the Survivor of them was in the like Manner empowered, desired, and required to assume a new Trustee to act in conjunction with him until the final Execution of the Trust, and which Trustee or Trustees so to be assumed should be and they were thereby invested with the same Powers as if they had been originally appointed by the said Marquis himself, reserving to the said Marquis at any Time in his Life or even on Death-bed to revoke, alter, or innovate the said Trust Conveyance in whole or in part: And whereas the said *George Marquis of Tweeddale*, the Maker of the foresaid Deeds, having departed this Life without having revoked or altered the said Trust Disposition, he was succeeded in the Lands and Estates comprised in the said first-recited Deed of Entail, dated the Twelfth Day of *August* One thousand seven hundred and seventy-one, by the said *George Hay* Esquire, Second lawful Son of the deceased *John Hay* of *Newhall*, Esquire, who made up Titles thereto conform to the following Writings; *videlicet*, Retour of the General Service of the said *George Hay* as Heir of Tailzie and Provision to the said *George* some Time Marquis of *Tweeddale* under the Deed of Entail herein-before recited, made by the said *George Marquis of Tweeddale*, dated the Second Day of *February* in the Year One thousand seven hundred and eighty-eight, Crown Charter of Resignation following on the Procuratory in the foresaid Deed of Entail and the said Retour of General Service, dated the Fourth Day of *February*, and written to the Seal, registered and sealed, the Twenty-fifth Day of *June*, in the Year One thousand seven hundred and eighty-eight, and Instrument of Sasine following upon the said Charter in favour of the said *George Hay* then Marquis of *Tweeddale*, dated the Fourteenth and recorded in the General Register of Sasines the Seventeenth Day of *July* in the Year One thousand seven hundred and eighty-eight, Charter of Resignation by *Thomas Tod* Esquire, Writer to the Signet, as Superior of the Lands of *Creichness* and others held of him, proceeding on the Procuratory in the said Deed of Entail dated the Twelfth Day of *July* in the Year One thousand seven hundred and eighty-eight, Instrument of Sasine in favour of the said *George Hay* then Marquis of *Tweeddale* following on the said Charter of Resignation, dated the Twenty-eighth Day of *August* and recorded in the Particular Register of Sasines at *Edinburgh* the Seventh Day of *October* in the Year One thousand seven hundred and eighty-eight, Charter of Resignation by *John Hay* Esquire, of *Hopes*, as Superior of the Lands of *Westhope* and Part of *Easthope* and others held of him, proceeding on the Procuratory in the said Deed of Entail, dated the Third Day

[*Private.*]

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of

Deed of
Entail by
Trustees of
George
Marquis of
Tweeddale,
1st May
1790.

of *November* in the Year One thousand seven hundred and ninety-one, and Instrument of Sasine in favour of the said *George Hay* then Marquis of *Tweeddale* following on the last-mentioned Charter of Resignation, dated the Ninth Day of *November* and recorded in the said Particular Register of Sasines the Twenty-second Day of *December* in the Year One thousand seven hundred and ninety-one: And whereas by Disposition and Deed of Entail, bearing Date the First Day of *May* in the Year One thousand seven hundred and ninety, and registered in the Register of Tailzies the Twenty-sixth Day of the same Month and Year, and in the Books of Council and Session in *Scotland* the Sixth Day of *July* in the same Year, made and granted by the said *John Hay* of *Hopes*, Esquire, and *Thomas Tod*, Writer to the Signet, as then surviving Trustees and Disponees of the first-mentioned *George* Marquis of *Tweeddale*, the Maker of the Entail herein-before recited, they the said *John Hay* and *Thomas Tod*, after reciting the said Trust Deed and Disposition and Assignation, and that *Alexander Tait*, one of the Trustees named in the said Trust Deed, had predeceased the said Marquis, and that the said Office of Trustee was accepted by the said *Alexander Hay* of *Mordington* and by the said *John Hay* and *Thomas Tod*, and that the said *Alexander Hay* had since deceased, whereby the said Office had devolved upon them Two, the said *John Hay* and *Thomas Tod*, the surviving Trustees, and that the said deceased *George* Marquis of *Tweeddale*, the Maker of the foresaid Entail and Deed of Trust, had pertaining to him the Lands of *Hartside* and the Lands of *Nether Howden*, both in the Shire of *Berwick*, and the Property or *Dominium utile* of an Inclosure of Ten Acres and Twenty-four Falls of Land lying in the Town and Territory of *Gifford* within the County of *Haddington*, all therein described, which remained unentailed at his Death, to all which they the said *John Hay* and *Thomas Tod*, as surviving Trustees foresaid, acquired Right by Decreet of Adjudication, dated the Twenty-third *July* One thousand seven hundred and eighty-eight, obtained before the Lords of Council and Session in *Scotland* at their Instance against Miss *Frances Hay*, the Grand-niece and Heir of Line as lawfully charged, but who renounced to be Heir to the said *George* Marquis of *Tweeddale*, the Maker of the said Entail, and Trust Deed in Implement of the said Trust Deed, and the General Disposition therein contained, and on the further Narrative that out of the Proceeds of the said Trust Funds they the said *John Hay* and *Thomas Tod*, surviving Trustees foresaid, had, amongst other Lands, purchased from the Heir of *Alexander Alexander* the Property or *Dominium utile* of certain Lands and Tenements therein specially described, lying also in the said Town and Territory of *Gifford*, and that *George* then Marquis of *Tweeddale*, and they the said *John Hay* and *Thomas Tod*, as Trustees foresaid, were of joint Opinion that the said Lands, as well those whereunto they had acquired Right from the said deceased Marquis by his said General Disposition, and by the Adjudication in Implement aforesaid, as those other Lands so purchased by them the said Trustees were all convenient, proper, and advantageous Subjects fit to be entailed, they the said *John Hay* and *Thomas Tod*, surviving Trustees foresaid, gave, granted, conveyed, and disponed, to and in favour of the said *George* then present Marquis of *Tweeddale*, designed in the said former Entail *George*
Hay

Hay Esquire, Second lawful Son of the deceased *John Hay* of *Newhall*, Esquire, and to the Heirs Male of the Body of the said then Marquis; whom failing, to *Edward Hay* of *Newhall*, Esquire, designed in the said former Entail Third lawful Son of the said deceased *John Hay* of *Newhall*, and to the Heirs Male of the Body of the said *Edward Hay*; whom failing, to the Heirs Male of the Body of the deceased *Richard Hay* otherwise *Newton*, who was Third lawful Son of the also deceased Lord *William Hay* of *Corsbie*; whom failing, to Major *James Hay* of *Belton*, Second lawful Son of the deceased Lord *David Hay* of *Belton*, and to the Heirs Male of the said Major *James Hay* his Body; whom failing, to the Heirs Male of the Body of the deceased *William Hay* of *Larfield*, Esquire, who was lawful Son of the deceased Lord *Alexander Hay*; whom failing, to the Heirs Male of the Body of the deceased *Alexander Hay* of *Drummelzier*, Esquire; whom failing, to any other Heirs Male who should have Right to the Title and Dignity of Marquis or Earl of *Tweeddale* or of Lord *Hay* of *Yester*; whom failing, to the Heirs whatsoever of the Body of the deceased Lady *Catharine Hay*, who was Second lawful Daughter of the also deceased *John*, the last of that Name, Marquis of *Tweeddale*; whom failing, to the Heirs whatsoever of the Body of *William Hay* Esquire, deceased, who was eldest Son of the said *John Hay* of *Newhall*, Esquire, also deceased; whom failing, to the Heirs whatsoever of the Body of the said *George* then Marquis of *Tweeddale*; whom failing, to the Heirs whatsoever of the Body of the said *Edward Hay* Esquire, of *Newhall*; whom failing, to the Heirs whatsoever descending of the Body of the said deceased *John Hay* of *Newhall*, Esquire; whom failing, to the Heirs whatsoever of the Body of *James Hay* Esquire, then deceased, who was Second lawful Son of the said Lord *William Hay* of *Corsbie*, also deceased; whom failing, to the Heirs whatsoever of the Body of the said deceased *Richard Hay* alias *Newton*, who was Third lawful Son of the said Lord *William Hay*, also deceased; whom failing, to the Heirs whatsoever descending of the said Lord *William Hay* his Body; whom failing, to the Heirs whatsoever of the Body of the said Major *James Hay*, Second Son of the said Lord *David Hay* deceased; whom failing, to the Heirs whatsoever of the Body of the said deceased Lord *David Hay*; whom failing, to the Heirs whatsoever of the said deceased *William Hay* of *Larfield*, Esquire, his Body; whom failing, to the Heirs whatsoever of the Body of the said deceased Lord *Alexander Hay*; whom failing, to the Heirs whatsoever of the said deceased *Alexander Hay* of *Drummelzier*, Esquire, his Body; whom all failing, to the nearest Heirs and Assignees whatsoever of the said deceased *George* Marquis of *Tweeddale*, the Maker of the said former Entail; the eldest Heir Female, and the Descendants of her Body, as often as the Succession should devolve upon Females or their Descendants, always excluding all other Heirs Portioners, and succeeding still without Division throughout the whole Course of Succession, both of the Heirs of Tailzie and of the Heirs whatsoever, in all Time coming, and the Right of Primogeniture taking place amongst the Female Heirs in the like Manner as the Law has established the same amongst the Male Heirs; *inter alia*, all and whole the Lands of *Nether Hartside* and others, as also certain Portions of the Lands of *Over Hartside* and the Lands of *Nether Howden*, all lying in the Shire of *Berwick*,

Deed of
Entail by
George
Marquis of
Tweeddale
7th March,
1796.

Berwick, and several Parcels and Acres of Lands and Inclosures lying in and about the Town and Territory of *Gifford*, in the Constabulary of *Haddington* within the Sheriffdom of *Edinburgh*, all as particularly described in the said Disposition and Deed of Entail, and herein-after inserted, but always with and under the whole Provisions, Declarations, Restrictions, and Clauses irritant and resolute, which were contained in and imposed by the said Deed of Entail made by the said *George* former Marquis of *Tweeddale*, dated the Twelfth Day of *August* One thousand seven hundred and seventy-one, herein first before recited: And whereas the said *George* Marquis of *Tweeddale*, in whose Favour the last-recited Deed of Entail was made, and the said *John Hay* and *Thomas Tod*, Trustees of the said *George* Marquis of *Tweeddale*, the Maker of the Entail herein-before first recited, by Disposition and Deed of Entail, bearing Date the Seventh Day of *March* in the Year One thousand seven hundred and ninety-six, and recorded in the Register of Tailzies the Ninth Day of the same Month and Year, and in the Books of Council and Session the First Day of *June* in the same Year, reciting the Trust Deed executed by the said *George* Marquis of *Tweeddale*, herein-before recited, and the Purchase by the Trustees of the other Lands and Heritages before mentioned, and the Entail thereof by the said Deed of Entail last herein-before recited, and that they the said *John Hay* and *Thomas Tod*, as Trustees aforesaid, did purchase from *William Nisbett* of *Dirleton*, Esquire, the Lands and Estate of *Marlefield*, comprehending the particular Lands therein specified, and setting forth that the said *George* then Marquis of *Tweeddale* was desirous and they the said Trustees were willing to reiterate and renew the Entail of the other Lands and Heritages before mentioned, and also to execute a Disposition and Deed of Entail of the said Lands and Estate of *Marlefield* and others, also purchased by the said Trustees, to the Intent and Purpose that all and each of the Lands and Estates so acquired and purchased by them the said Trustees might be conjoined together under One Entail in addition to the said Estate of *Tweeddale*, formerly entailed by the said *George* former Marquis of *Tweeddale*, therefore and in conformity with the said former Entail of the Estate of *Tweeddale*, and in compliance with the Meaning and Intention of the said former Marquis, and his Directions to his Trustees, expressed in the said Deed of Trust, and with the Obligations incumbent upon them by their Acceptance of the said Trust, and in corroboration of and in supplement to the said Deed of Entail already executed by them the said Trustees, of new gave, granted, and disposed to and in favour of the said *George* then Marquis of *Tweeddale* (designed in the said first-mentioned Deed of Entail *George Hay* Esquire, Second lawful Son of the deceased *John Hay* Esquire, of *Newhall*), and to the Heirs Male of his Body; whom failing, to *Edward Hay* Esquire (designed in the said former Entail of the Estate of *Tweeddale* Third lawful Son of the said deceased *John Hay* of *Newhall*), and to the Heirs Male of the Body of the said *Edward Hay*; whom failing, to the Heirs Male of the Body of the deceased *Richard Hay* otherwise *Newton*, who was Third lawful Son of the also deceased Lord *William Hay* of *Corsbie*; whom failing, to Major *James Hay* (then of *Belton*),

Second

Second lawful Son of the deceased Lord *David Hay* of *Belton*, and to the Heirs Male of the said Major *James Hay* his Body; whom failing, to the Heirs Male of the Body of the deceased *William Hay* of *Laxfield*, Esquire, who was lawful Son of the deceased Lord *Alexander Hay*; whom failing, to the Heirs Male of the Body of the deceased *Alexander Hay* of *Drummelzier*, Esquire; whom failing, to any other Heirs Male who should have Right to the Title and Dignity of Marquis or Earl of *Tweeddale* or of Lord *Hay* of *Yester*; whom failing, to the Heirs whatsoever of the Body of the deceased Lady *Catharine Hay*, who was Second lawful Daughter of the also deceased *John*, the last of that Name, Marquis of *Tweeddale*; whom failing, to the Heirs whatsoever of the Body of *William Hay* Esquire, deceased, who was eldest Son of the said *John Hay* of *Newhall*, Esquire, also deceased; whom failing, to the Heirs whatsoever of the Body of the said *George* then Marquis of *Tweeddale*; whom failing, to the Heirs whatsoever of the Body of the said *Edward Hay* Esquire, of *Newhall*; whom failing, to the Heirs whatsoever descending of the Body of the deceased *John Hay* of *Newhall*, Esquire; whom failing, to the Heirs whatsoever of the Body of *James Hay* Esquire, then deceased, who was Second lawful Son of the said Lord *William Hay* of *Corsbie*, also deceased; whom failing, to the Heirs whatsoever of the Body of the said deceased *Richard Hay* otherwise *Newton*, who was Third lawful Son of the said Lord *William Hay*, also deceased; whom failing, to the Heirs whatsoever descending of the said Lord *William Hay* his Body; whom failing, to the Heirs of the Body of the said Major *James Hay*, Second Son of the said Lord *David Hay* deceased; whom failing, to the Heirs whatsoever of the Body of the said deceased Lord *David Hay*; whom failing, to the Heirs whatsoever of the said deceased *William Hay* of *Laxfield*, Esquire, his Body; whom failing, to the Heirs whatsoever of the Body of the said deceased Lord *Alexander Hay*; whom failing, to the Heirs whatsoever of the said deceased *Alexander Hay* of *Drummelzier*, Esquire, his Body; whom all failing, to the nearest Heirs and Assignees whatsoever of the said deceased *George* formerly Marquis of *Tweeddale*, the Maker of the said former Entail, the eldest Heir Female, and the Descendants of her Body, as often as the Succession should devolve upon Females or their Descendants, always excluding all other Heirs Portioners, and succeeding still without Division throughout the whole Course of Succession, both of the Heirs of Tailzie and of the Heirs whatsoever, in all Time coming, and the Right of Primogeniture taking place among the Female Heirs in the like Manner as the Law has established the same among the Male Heirs; all and whole the said Lands and Heritages herein-before mentioned, comprised in the said Deed of Entail dated the First Day of *May* One thousand seven hundred and ninety, herein-before recited, *videlicet*, all and whole the Lands of *Nether Hartside*, with the Pendicles thereof called *Longcleugh*, with the Tower, Fortalice, and Manor Place of the same, Tenements, Tenandries, and Service of free Tenants, and all and sundry Houses, Biggings, Yards, Orchards, Outsetts, Mosses, Muirs, Meadows, Pasturages, Parts, Pendicles, and Pertinents whatsoever pertaining or belonging to the same, lying in the late Bailiary of *Lauderdale*, Parish of *Channelkirk*, and Shire of *Berwick*; as also all and whole these Parts and Portions of the Lands of *Over Hartside*,

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bounded

bounded by the Lands of *Nether Hartside* on the South and the West and North Parts, and *Kyslieburn* flowing from *Nether Hartside Moss* to the Foot of *Kyslieburn* on the East Parts, as the same were some Time possessed by *Robert Patterson* and *William Eckford*, Tenants thereof, with Houses, Biggings, Yards, Tofts, Crofts, Mosses, Muirs, Meadows, Common Pasturage, and whole other Parts, Pendicles, and Pertinents thereof whatsoever, lying in the late Bailiary, Parish, and Sheriffdom foresaid, with the Liberty and Privilege to the Proprietors of *Over Hartside* of casting, winning, and leading away Peats in and from the Moss of *Over Hartside*, called *Reedneck Moss*, as ascertained by Decreet Arbitral upon a Submission between *William Henryson* of *Kirktonhill* and *Alexander Dalziel* of *Hartside*; and in like Manner all and whole the Town and Lands of *Nether Howden*, with the Manor Place, Houses, Biggings, Yards, Tofts, Crofts, and whole Parts and Pendicles of the same, together with Common Pasturage, Privilege and Liberty of casting and winning Fuel, Feal, and Divots, Peats, and Turfs, and pulling Heather in the Common of *Ugston*, or else the Share and Portion of the said Common allocated upon the late Division thereof to the said Lands of *Nether Howden*, in lieu and place of the Right of Common Pasturage, Liberty and Privilege aforesaid, over the said Common, by Decree of the Lords of Council and Session, bearing Date the First Day of *March* One thousand seven hundred and sixty-nine, following on a Process of Division at the Instance of *Robert Scott* of *Trabrown* against the other Heritors having Interest in the said Common, all lying in the Lordship and late Bailiary of *Lauderdale*, Parish of *Channelkirk*, and Shire of *Berwick*; and moreover the Right of Property or *Dominium utile* of all and whole these Ten Acres and Twenty-four Falls of Land now inclosed, lying above the Bridge of *Gifford*, bounded on the North by the Highway, and on the South by the *Helland Bog*, and on the West by *Speedy Wood*, and on the East by *Gifford Water*, lying in the Lordship and Parish of *Yester*, Constabulary of *Haddington*, within the Sheriffdom of *Edinburgh*, with all Right they had or could pretend to the Teinds, Parsonage and Vicarage, of the Ten Acres Twenty-four Falls of Land which were purchased by the said last Marquis from Lieutenant *John Carfrae* of the Fifth Regiment of Foot, under this Reservation, *videlicet*, that as the said Inclosure, together with certain other Houses and Yards in the Town of *Gifford*, were held by the said *John Carfrae* of and under the said last Marquis in Feu Farm for Payment of a *cumulo* Feu Duty of One Pound Six Shillings and Eight-pence Sterling yearly for the whole, conform to which Feu Duty he the said *John* enjoyed the Privilege of *Commonty* and of Feal and Divot in the Common of *Gifford* with the other Feuars of the Town of *Gifford*, and that the said Right of *Commonty*, so far as corresponds to the said Acres, was not meant to be conveyed by him along with the Lands to the said last Marquis, therefore declaring that the said Right of *Commonty* is reserved and shall remain with the said *John Carfrae* and his Heirs and Successors having Right to the said other Houses and Yards to the full Extent and Proportion of the said Feu Duty, notwithstanding of the Alienation of the said Inclosure; as also all and whole the *Dominium utile* or Right of Property of that Tenement of Houses and Yard at the Back thereof which some Time pertained

pertained to *Thomas Martin*, lying on the North Side of the Town of *Gifford*, consisting of One hundred and three Feet in Length and Forty-two Feet and One Half Foot in Breadth, including the House built thereon, bounded by a Hedge belonging thereto, and dividing said Tenement from *John Cockburn's* Subject and the mutual Gavel of his House on the East, and by a Piece of open Ground on the West, and by a Dyke on the North, and by the Market-gate on the South Parts, and also the South Half of that large House consisting of Two Stories and Part of the Yard at the Back thereof, being the Middle Third or Part of that whole Tenement of Houses and Yard at the Back thereof which some Time belonged to *Jean Sutherland*, lying on the North Side of the Town of *Gifford*, and fronting the Street thereof, bounded betwixt the Property of _____ on the West and the Lands of *Jean Sutherland* on the East and North Parts, and also that Easter or upper Acre of Arable Land next the Road, which with the Wester or under Acre next the Glebe were Part of Six Acres formerly pertaining to *Robert Dickson*, Smith and Feuar at *Gifford*, lying near *Sandyford Burn*, and which Two Acres are bounded with the Road or common Way that leads to *Haddington* on the East, and with the Minister's Glebe on the West, and with the Remainder of the said Six Acres on the South, and with *Sandyford Burn* on the North Parts, with the Right and Privilege of Commonly appointed for the Feuars of *Gifford* effeiring to the said Tenement of Houses, South Half of the large House, Yards, and Acre of Land, as constitute by bounding Charters of the said Commonly, and by Acts of the Baron Court of *Gifford*, every Feuar's Stent being conform to his Feu Duty, all lying within the Parish and Lordship of *Yester*, Constabulary of *Haddington*, within the Sheriffdom of *Edinburgh*, which last Subjects above described were purchased by them the said Trustees from *Isabel* and *Jean Somerville* and others, as Heirs Portioners, and representing *Alexander Alexander*, Feuar of *Gifford*, deceased; as also the Right of Property or *Dominium utile* of all and whole Three Roods and Thirty Falls of Arable Land lying on the North Side of the Town of *Gifford*, which formerly belonged to *Jean Sutherland*, lying on the North Side of the Yard, also some Time pertaining to her, betwixt the Acre of *Thomas Martin* on the West and the other Lands of the said *Jean* on the East and North Parts, with the new House lately built thereon, and Pertinents, and the Wester or under Acre of Arable Land next the Glebe, with Free Ish and Entry through the Easter or upper Acre next the Road, which Two Acres were Part of Six Acres which pertained formerly to *Robert Dickson*, Smith in *Gifford*, lying near *Sandyford Burn*, and which Wester Acre above disponded, and the said Easter Acre, through which the Servitude of Entry is also disponded, are bounded with the Road or common Way that leads to *Haddington* on the East, and with the Minister's Glebe on the West, and with the Remainder of the said Six Acres on the South, and with the *Sandyford Burn* on the North Parts, with the Right and Privilege of Commonly appointed for the Feuars of *Gifford* effeiring to the said Lands, Houses, Yards, and others, and all other Privileges belonging thereto, lying in the Parish of *Yester*, Constabulary of *Haddington*, within the Sheriffdom of *Edinburgh*, which Pieces of Land, Houses, and others last above described were also purchased by them the said Trustees from
Margaret,

Margaret, the Daughter and One of the Heirs Portioners and Representatives of the said *Alexander Alexander*, with all Right, Title, and Interest, Claim of Right, Property, and Possession, petitory or possessory, which the said *George* then Marquis of *Tweeddale* (formerly *George Hay* Esquire), as standing infest in these Lands, or which they the said *John Hay* and *Thomas Tod*, as Trustees foresaid, had or could claim or pretend to the said whole Lands and others, with their Pertinents, all then intended to be added to and conjoined with the said Lands and Estate of *Tweeddale*; in the same Manner as if the said Lands and others above described had been originally contained in the Deed of Entail of that Estate executed by the said *George* some Time Marquis of *Tweeddale*; and also all and whole the Lands, Barony, Mills, Teinds, and others underwritten, *videlicet*, all and whole the Lands and Barony of *Grubbet*, containing and comprehending therein, *inter alia*, the Town Lands and others after specified, *videlicet*, all and whole the Lands of *Grubbet* and *Widehop* or *Wideopen*, with the Mill of *Grubbet*, Mill Lands, Multures, and Sequels thereof, Tenants, Tenandries, and Service of free Tenants, and whole Pertinents of the same; and all and whole the Lands of *Kirkyetholm*, with the Mill and Mill Lands, Multures, and Sequels of the same, Tenants, Tenandries, and Service of free Tenants thereof, and all their Pertinents, and with all and singular Manor Places, Houses, Biggings, Yards, Orchyards, Lochs, Tofts, Crofts, Outsetts, Insetts, Mills, Woods, Fishings, Pendicles, Privileges, and Pertinents whatsoever of all and sundry the said Lands, Towns, and others above specified; and sicklike all and whole the Lands of *Moremains*, with the Manor Place built thereon, now called *Marlefield*, with Houses, Biggings, Yards, Meadows, Parts, Pendicles, and all their Pertinents; and sicklike all and whole the Lands called *Tofts* and *Lands of Cowbogi*, with Houses, Biggings, Yards, Tofts, Crofts, Mills, Multures, Parts, and Pendicles of the same whatever; and all and whole that Husband Land of the Lands of *Morebattle*, with Parts, Pendicles, and other Pertinents, of old occupied and possessed by *William Hay* of *Milnrig*, *Isabel Ker*, Relict of Mr. *Thomas Moir*, *William Davidson*, and *Richard Kerr* in *Morebattle*; and sicklike as much of the Farm and Lands called *Back of the Hill*, as well Stock as Teinds, with the whole Parts, Pendicles, and Pertinents thereof whatsoever towards the North and East, lying contiguous to the Lands of *Kirkyetholm*, within the Parish of *Yetholm* and Shire of *Roxburgh*, as are worth and will pay the Sum of One thousand Merks Scots Money yearly; conform to the Division and Marches particularly after mentioned, *videlicet*, from *Craigdole* down the *Syke* to the Burn called *Hellier Burn*, then by the said Burn upwards all the Way until you come above *Gibb's Green Hill* to Three very large Stones, and thence to the *Hair Craig*, and straight to the Top of *Whiteknow*, and thence to *Whitelaw*, and straight by the Waterfall from the Hill to the Wall of *Whiteswire* at the *English* Border, and which Lands of *Back of the Hill* comprehend as proper Parts and Pertinents thereof the Lands to the West of *Stawford* alias *Whitefoord*, commonly called *Pleaground*, with the whole Houses, Yards, Common Pasturage, and all their Pertinents, as the said Lands were formerly possessed by , reserving always the Pasturage of Four Soums to the Minister of *Yetholm*, and also reserving to *William Ker* of *Cherry-trees*, and his Heirs

Heirs and Successors, free Passage and Loaning to the Tenants of the Farms and Lands of *Closs* and *Bartisbrae*, belonging to the Laird of *Niddrie*, from the Loaning of *Kirklyetholm* to the Entry of the said Lands of *Bartisbrae*, as the same is meithed and marched, without any further Privilege in them, either for Pasturage or digging Divots, but for a free Passage only, and these for Principal, as also the Rest or Remainder of the said Lands of *Back of the Hill*, with the Pertinents, as well Lands as Teinds, with also the Lands of *Hayhope* and the Farm and Lands called *Broomknow*, Lands and Teinds, with the Manor Place, Houses, Biggings, Yards, Orchards, Tofts, Crofts, Outsetts, Woods, Muirs, Meadows, Pasturages, Parts, Pendicles, and all their Pertinents, lying within the said Shire of *Roxburgh*, by Annexation, and that in Special Warrantice and Security of the said Lands and others principally, so that if at any Time thereafter it should happen that the said Lands called *Back of the Hill*, and Teinds of the same, first mentioned, or any Part thereof, should be evicted by Order of Law from them the said Disponers or their foresaids, or if it should happen to them to be obstructed, removed, or hindered in the peaceable Possession and Enjoyment of the same by Law, then and in that Case they and their foresaids should have full and free Ingress and Access in and to the Property and Possession of the Lands granted in Warrantice as said is, at least to the Property and Heritable Possession of as much thereof as would agree and correspond in Quantity and Quality and yearly Rent to any Part or Parts of the foresaid Lands called *Back of the Hill*, as well Lands as Teinds, and yearly Rent and Duties payable furth thereof, or of any Part of the same, which may happen to be evicted from them the said Disponers or their foresaids, and that proportionally and effeiring and corresponding to the Rate of Eviction and Molestation foresaid, and which whole foresaid Lands and Barony of *Grubbet*, Towns, Lands, and others, above specified, were erected and incorporated into One whole and free Barony called the Barony of *Grubbet*, and the Manor Place of *Marlesfield* is ordained to be the principal Messuage of the said Barony, and a Sasine to be there taken is declared to be sufficient for the whole, conform to a Charter of the same under the Great Seal, dated the Third Day of *February* One thousand seven hundred and two Years, together with the Teinds, Great and Small, Parsonage and Vicarage, of all and sundry the foresaid Lands contained in and comprehended under the said Barony of *Grubbet*; and also all and whole the Ten Merk Land of *Cessford Mains*, and One Merk Land of the Town of *Cessford*, with Houses, Buildings, Yards, Parts, Pendicles, and whole Pertinents thereof, lying within the Barony of *Cessford* and Shire of *Roxburgh*, and which One Merk Land of the Town of *Cessford* was formerly conveyed by Sir *William Bennett* of *Grubbet* to *John Young* in *Priestcroft* in Excambion for One Merk Land of *Cessfordburn* called the *Priestcroft*, then disponed in Excambion by him to the said Sir *William Bennett*, conform to a Contract of Excambion executed betwixt them, dated the Ninth Day of *May* One thousand seven hundred and nineteen, and recorded in the Burgh Court Books of *Edinburgh* the Twelfth Day of *May* One thousand seven hundred and eighty-nine Years, with the Teinds, Great and Small, Parsonage and Vicarage, of the said Lands and others, all which were purchased and acquired by the said

[Private.]

Thomas Tod and *John Hay*, as Trustees foresaid, from *William Nisbet* of *Dirleton*, Esquire, and *Mr. James Bell*, Minister of *Coldstream*, respectively, but with and under all the Conditions and Provisions, Limitations, Restrictions, Prohibitions, and Clauses irritant and resolute, set forth in the Deeds of Entail herein-before recited, in virtue of which last-recited Deed of Entail the said *George* late Marquis of *Tweeddale* made up Titles to the Lands and others therein comprised, conform to Crown Charter of Resignation dated the Second Day of *June* and written to the Seal and registered and sealed the Third Day of *September* in the Year One thousand seven hundred and ninety-six, and Instrument of Sasine following thereon, dated the Twenty-sixth Day of *September* and recorded in the General Register of Sasines the Seventh Day of *October* in the Year One thousand seven hundred and ninety-six: And whereas the said *George* last-mentioned Marquis of *Tweeddale*, having departed this Life, was succeeded by *George* now Marquis of *Tweeddale*, his eldest Son, in the said entailed Estates settled by the several Deeds before mentioned, who made up feudal Titles thereto conform to Retour of his Special Service as Heir Male of Tailzie and Provision to his Father *George* last Marquis of *Tweeddale*, dated the Twenty-third Day of *December* in the Year One thousand eight hundred and five, Precept from Chancery dated the Fifteenth Day of *April* in the Year One thousand eight hundred and six, for infefting the said *George* now Marquis of *Tweeddale* as Heir foresaid in the said Lands, Lordship, and Barony of *Yester*, and the other Lands held of the Crown, contained in the Deed of Entail first herein-before recited, Instrument of Sasine in his Favour following on the said Precept, dated the Thirtieth Day of *April* and recorded in the General Register of Sasines at *Edinburgh* the Twentieth Day of *May* in the Year One thousand eight hundred and six, Precept of *Clare constat*, dated the Second Day of *August* in the Year One thousand eight hundred and five, by *James Hay*, Writer to the Signet, in favour of the said *George* now Marquis of *Tweeddale*, as Heir foresaid, in the Lands of *Creichness*, also contained in the first herein-before recited Deed of Entail, Instrument of Sasine following on said Precept of *Clare constat*, dated the Fourteenth and recorded in the Particular Register of Sasines at *Edinburgh* the Twenty-fourth Day of *September* in the Year One thousand eight hundred and five, Precept of *Clare constat*, dated the Sixth Day of *September* in the Year One thousand eight hundred and five, by *John Hay* Esquire, of *Hopes*, in favour of the said *George* now Marquis of *Tweeddale*, as Heir foresaid, in the Lands of *Westhope* and Part of *Easthope*, also contained in the first herein-before recited Deed of Entail, Instrument of Sasine in his Favour following on the said Precept, dated the Twenty-eighth Day of *November* and recorded in the said Particular Register of Sasines at *Edinburgh* the Third Day of *December* in the Year One thousand eight hundred and five, Precept from Chancery, dated the Fifteenth Day of *April* in the Year One thousand eight hundred and six, for infefting the said *George* now Marquis of *Tweeddale*, as Heir foresaid, in the said Town and Lands of *Nether Howden* of *Marlefield* or *Grubbet*, and others, held of the Crown, contained in the said recited Deeds of Entail, dated the First Day of *May* One thousand seven hundred and ninety and the
Seventh

Seventh Day of *March* One thousand seven hundred and ninety-six, Instrument of Sasine in his Favour following on the said Precept, dated the First and recorded in the said General Register of Sasines the Twentieth Day of *May* in the Year One thousand eight hundred and six, Charter of Resignation and Confirmation, dated the Thirtieth Day of *December* in the Year One thousand eight hundred and sixteen, by *John Earl of Hopetoun*, in favour of the said *George* now Marquis of *Tweeddale*, in the Lands of *Nether Hartside*, contained in the said Two last-mentioned Deeds of Entail, Instrument of Sasine in his Favour following on the said Charter of Resignation and Confirmation, dated the Twenty-ninth Day of *September* and recorded in the General Register of Sasines the Thirteenth Day of *November* in the Year One thousand eight hundred and twenty-nine, Charter of Resignation and Confirmation, dated the Eleventh and Twelfth Days of *June* in the Year One thousand eight hundred and twenty-eight, by Doctor *Robert Patrick* and *William Patrick*, with Consent therein mentioned, in favour of the said *George* now Marquis of *Tweeddale*, of the Lands of *Over Hartside*, contained in the said Two last-mentioned Deeds of Entail, Instrument of Sasine in his Favour following on the said Charter of Resignation and Confirmation, dated the Twenty-ninth Day of *September* and recorded in the said General Register of Sasines the Thirteenth Day of *November* in the Year One thousand eight hundred and twenty-nine, Charter of Resignation, dated the Eighteenth Day of *March* in the Year One thousand eight hundred and thirty-three, by the Most Noble *John William Robert Ker* Marquis of *Lothian*, in favour of the said *George* now Marquis of *Tweeddale*, of the Lands of *Priestcroft*, contained in the said last-mentioned Deed of Entail, and Instrument of Sasine in his Favour following on the said Charter of Resignation, dated the Eighth and recorded in the Particular Register of Sasines at *Kelso* the Ninth Day of *September* in the Year One thousand eight hundred and thirty-four: And whereas by Deed of Entail, dated the Twentieth Day of *January* and recorded in the Register of Tailzies the Ninth Day of *March*, and in the Books of Council and Session in *Scotland* the Nineteenth Day of *June*, all in the Year One thousand eight hundred and twenty-seven, executed by *Charles Selkirk* and *Patrick Cockburn*, Accountants in *Edinburgh*, the then Trustees assumed and surviving, and acting under and by virtue of the foresaid first-mentioned Trust Deed of the said *George* Marquis of *Tweeddale*, and under and by virtue of Two Acts of Parliament therein mentioned, after reciting, amongst other Things, the said Two Acts of Parliament, and the Acquisition and Purchase of the Lands and others after mentioned, and that it was incumbent on them the said *Charles Selkirk* and *Patrick Cockburn*, as Trustees foresaid, to execute the Disposition and Deed of Entail now under Recital, they the said *Charles Selkirk* and *Patrick Cockburn*, as Trustees foresaid, and as standing infest and seised in the whole Lands and Heritages so purchased by them as foresaid, did by said Deed of Entail give, grant, and dispone, to and in favour of the said *George* present Marquis of *Tweeddale*, and to the Heirs Male of his Body; whom failing, to the Heirs Male of the Body of the said *George* last Marquis of *Tweeddale*, Father of the said present Marquis of *Tweeddale*; whom failing, to the other Heirs Male General and of Tailzie and Provision, Substitutes and Successors, contained in the before-recited

Deed of Entail by Trustees, dated 20th January 1827.

recited Deed of Entail of the Seventh March One thousand seven hundred and ninety-six, made by the said *George* late Marquis of *Tweeddale*, and by the said *John Hay* and *Thomas Tod*, as Trustees appointed by the said *George* some Time Marquis of *Tweeddale*, and which Heirs were there inserted as in the said Deed of Entail; all and whole the several Lands and other Heritages so purchased and acquired by them the said Trustees as aforesaid, *videlicet*, in the first place, all and whole the Lands of *Dodhouse* and *Dodhouserigg* called *Riddell Lodge*, with the Houses, Biggings, and Pertinents thereof, lying within the Parish of *Lauder*, old Bailliary now Barony of *Lauderdale*, and Sheriffdom of *Berwick*, as the same are bounded and described in the Rights and Infestments thereof, together with the Teinds, Parsonage and Vicarage, thereof; secondly, all and whole that Acre of Arable Land in the Territory of *Gifford* bounded by the Field called the *Wards* on the East, *David Thomson*, Weaver's Yard, on the West, and an Acre which belonged to *Alexander Alexander* on the South, and the Acre after mentioned, formerly *Patrick Lamb's*, on the North Parts, with free Ish and Entry to and from the said Acre for Carts, Ploughs, and others at all Times from the Wynd called *Thomson's Wynd*, along the South Side of *David Thomson's* Yard above-mentioned, and with all Right and Privilege in *Gifford Common* corresponding to the said Acre along with the other Feuars, as constituted by their Charters and by Acts of the Baron Court of *Gifford*, every Feuar's Stent being in proportion to his Feu Duty, all lying in the Parish of *Yester*, Constabulary of *Haddington*, and Sheriffdom of *Edinburgh*; as also all and whole that Field or Park of Arable Land, with the Grass Yard on the West Side thereof, and adjoining to the Public Malt Barn which lies on the South End of said Yard, lying in the said Town and Territory of *Gifford*, and some Time possessed by *Andrew Howden*, bounded by the Field called the *Upper Wards* on the East, and by a Stone and Lime Dyke belonging to the said *George* present Marquis of *Tweeddale* on the South, and by the Lands belonging to *Charles Alexander* on the North, and by the Garden Hedge which belonged to *Cornelius Douglas*, Feuar in *Gifford*, on the West Parts, with these Two Cott Houses and Two Yards at the Back thereof, some Time possessed by *James Craik* and *Grizel Smith*, bounded the said Yards by the Stone Wall of the Garden formerly belonging to *Cornelius Douglas* on the North, and the said Two Cott Houses bounded with *Cornelius Douglas's* Houses on the North, and marching with the Road leading to the said Malt Barn and Grass Yard, which Grass Yard lies betwixt the said Barn and the said Two Cott Houses, together with free Ish and Entry for Carts and others to the said Park and Houses from the Head of *Thomson's Wynd* through the West End of *Charles Alexander's* Lands, according to use and wont, and with all Right and Privilege in the said Common of *Gifford* corresponding and belonging to the said last-mentioned Subjects as constituted in manner foresaid, and by the Proportion above written, all lying within the Parish, Constabulary, and Sheriffdom aforesaid; and also all and whole that Acre of Arable Land some Time pertaining to *John Thomson*, Weaver in *Gifford*, lying on the South Side of another Acre some Time pertaining to *Patrick Lamb*, Feuar there, and on the North Side of an Acre pertaining to *John* and *David Thomson*, Feuars there, with Privilege of Common corresponding

sponding to the said Acre last above described, as constituted in manner foresaid, and by the Proportions above written; and all and whole that Tenement of Houses, and Yard at the Back thereof, which pertained to *David Fernie* and *Charles Hay* of *Hopes*, Esquire, consisting of One hundred and twenty-three Feet in Length and Forty-eight Feet in Breadth, lying on the North Side of the Town of *Gifford*, betwixt the Houses of *John Hay* on the West, the common Way on the East, a Dyke on the North, and the Market Gate on the South Parts, with that other Acre of Arable Land lying contiguous with and on the North Side of the said Yard, bounded with the March Stones thereof, lying in the Parish, Constabulary, and Sheriffdom foresaid; as also all and whole these Two Acres and a Half Acre and Twenty-one Falls of the precious Land lying near the Village of *Gifford*, bounded on the West and North by the Lands belonging to the said *George* present Marquis of *Tweeddale*, on the East by the precious Lands occupied by the Feuars of *Gifford*, and on the South by the Road leading from *Gifford* to *Duncanlaw*, all lying in the said Parish of *Yester* and Sheriffdom foresaid, as also the Right and Privilege for the said Lands to the said Common of *Gifford*, as established in manner before mentioned; thirdly, all and whole these Ten Husband Lands and Cott Lands in *Whitsom*, now commonly called the Lands of *Ravelaw*, with Houses, Biggings, Mosses, Muirs, Meadows, Annexis, Connexis, and Pertinents whatsoever, with the Teinds of the same, and which are Parts of the Fourteen Husband Lands and One Cot Land lying within the Town, Territory, and Parish of *Whitsom* and Sheriffdom of *Berwick*, and also all and whole Four Husband Lands of Easter Laws of *Whitsom*, with Annexis, Connexis, and Pertinents of the same, lying within the said Parish of *Whitsom* and Sheriffdom of *Berwick*; fourthly, all and whole the following Parts and Portions of the Western Division of the Lands, Barony, and Estate of *Eccles*, *videlicet*, all and whole the Lands and Estate of *Wormerlaw*, with Houses, Biggings, Muirs, Meadows, Parts, Pendicles, and Pertinents whatsoever, with the Teinds, Parsonage and Vicarage, of the said Lands, being Part of the Lands, Barony, and Dominical Lands of *Eccles*, and all and whole the Lands of *Banghousewalls*, with Houses, Biggings, Yards, Meadows, Parts, Pendicles, and Pertinents whatsoever belonging to the said Lands, with the Teinds, Parsonage and Vicarage, of the said Lands, which Lands of *Wormerlaw* and *Banghousewalls*, extending to Two hundred and forty-nine *English* Acres or thereby, were some Time possessed by *John Crawford*, and comprehend the Lands called *Bellfield*, *Big* and *Little Park* (now in One), *East Park*, and *Damb Park*, the Lands called *Wormerlaw-hill*, *Wester Broom Park*, and *Little Park* (now in One), *Silver Clod* and *Wester Parks*, the Lands called Part of *Banghousewalls*, and the Lands called *Holm Park*, all lying within the Parish of *Eccles* and Sheriffdom of *Berwick*; as also all and whole the following Parts and Portions of the Eastern Division of the said Lands and Estate of *Eccles*, *videlicet*, all and whole the Lands called *Bog Park*, the Lands called *North Bell's Park*, *South Bell's Park* and Plantation, the Lands called *Green Park*, and the Lands called *Easter* and *Wester Cotchetrig Parks* and *Road Parks*, South of Plantation, being Parts and Portions of the Lands and Barony of *Eccles* and Dominical

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Lands thereof, lying within the said Parish of *Eccles* and Sheriffdom of *Berwick*, together with the Teinds, Parsonage and Vicarage, of the said Lands, and all and whole the Lands of *Easter* and *Middle Dedriggs*, which are a Part of the Twelve Husband Lands in *Hassington*, with Houses, Biggings, Yards, Tofts, Crofts, Parts, Pendicles, and whole Pertinents thereof whatsoever, as the same were some Time possessed and occupied by *Andrew Bruntfield*, thereafter by *Alexander Home* of *Dedriggs*, and thereafter by *John Majoribanks* of *Dedriggs*, together with the Teinds, Parsonage and Vicarage, of the said Lands of *Easter* and *Middle Dedriggs*, with the Pertinents thereof, lying within the said Parish of *Eccles* and Sheriffdom of *Berwick*, together with the whole other Lands which lately belonged to the said Sir *John Majoribanks*, and now to them, as Trustees foresaid, howsoever named and designed, if any, included in the said Lands and Estate of *Eccles*, with the Parts and Pertinents thereof, excepting those Parts of the Lands now or lately belonging to the said Sir *John Majoribanks* lying to the South of the Road leading from *Orange Lane* to *Eccles*, it being thereby declared that the whole Lands now or lately belonging to him lying to the South of the said Road were thereby reserved, all which Lands and others last above described, with the Teinds and Pertinents thereof, are Parts and Portions of the Lands and Barony of *Eccles*, and other Lands particularly described in a Disposition thereof granted by *Alexander Cuthbert* of *Eccles* in favour of the said Sir *John Majoribanks*, bearing Date the Nineteenth Day of *July* and registered in the Books of Session the Second Day of *August* One thousand seven hundred and ninety-two, and are now or were lately possessed by *James Majoribanks*, Tenant thereof, under the Name and Designation of the Lands and Farm of *Wormerlaw*, with the Houses thereon and Pertinents, the Lands of *Crosshall* and *Dedriggs*, with the *Easter* and *Wester Coatchetrig Parks*, and the Lands and Farm of *Annes Grove*, with the Houses, Buildings, Yards, Parts, Pendicles, and Pertinents thereof, as also all and whole the *Dominium directum*, or Right of Superiority, of all and whole these Parts and Portions of the Lands and Barony of *Eccles*, *videlicet*, all and whole the Lands called *Wester* and *Easter Coatchetrig* and *Road Park*, South of Plantation, and Teinds, Parsonage and Vicarage, of the said Lands, all lying within the Parish of *Eccles* and Sheriffdom of *Berwick*; and, lastly, all and whole that Field or Piece of Arable Land consisting of Two Acres One Rood and Three Falls of Ground lying in the *Overwaird*, as formerly possessed by *John Traill*, and now or lately by *William Goodall*, residing in *Gifford*, and as the same is bounded with *John Neilson's* Lands on the West, and from thence Eastward within Twelve Feet of the Marquis of *Tweeddale's* Park Wall, and bounded on the North by a Hedge, and from thence Southward within Six Ells of the Hedge at the Head of *Walker's Waird*, together with all Right and Privilege corresponding to the said Two Acres One Rood and Three Falls of Ground to the Common appointed for the Feuars in *Gifford*, as the same is constituted by bounding Charters thereof, and by Acts of the Baron Court of *Gifford*, every Feuar's Stent being in proportion to his Feu Duty, lying in the Parish and Lordship of *Yester*, Constabulary of *Haddington*, and Sheriffdom of *Edinburgh*; but always with and under the Conditions, Provisions, Limitations, Restrictions, Clauses

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irritant and resolute, Declarations, Powers, and Faculties specified and contained in the said former Deed of Entail of the Estate of *Tweeddale*, executed by the said some Time Marquis, and in the said other Deed of Entail of the Seventh Day of *March* One thousand seven hundred and ninety-six, made by the said *George* late Marquis of *Tweeddale*, and by the said *John Hay* and *Thomas Tod*, as Trustees appointed by the said *George* some Time Marquis of *Tweeddale*, by virtue of which Deed of Entail now in recital the said *George* now Marquis of *Tweeddale* made up Feudal Titles to the Lands and others therein comprised, conform to the following Writings; *videlicet*, Charter of Resignation and Confirmation by the Right Honourable *James* Earl of *Lauderdale* in favour of the said *George* now Marquis of *Tweeddale* of the Lands of *Dodhouse* and *Dodhouserigg* called *Riddell Lodge*, and others, dated the Twenty-fifth Day of *May* in the Year One thousand eight hundred and twenty-nine, Instrument of Sasine in his Favour following thereon, dated the Twenty-eighth Day of *August* and recorded in the General Register of Sasines at *Edinburgh* the Twenty-fourth Day of *September* in the Year One thousand eight hundred and twenty-nine, Charter of Resignation by Lord *John Hay* in favour of the said *George* now Marquis of *Tweeddale* of certain Acres, Fields, Parks, and others lying in and about the Town of *Gifford*, dated the Twenty-first Day of *May* in the Year One thousand eight hundred and twenty-nine, Instrument of Sasine in his Favour following thereon, dated the Twenty-ninth Day of *August* and recorded in the Particular Register of Sasines at *Edinburgh* the Twenty-fourth Day of *September* in the Year One thousand eight hundred and twenty-nine, Charter of Resignation by Lord *Edward Hay* and Lord *John Hay* in favour of the said *George* now Marquis of *Tweeddale* of the Lands of *Ravelaw* and *Easterlaws*, dated the Twenty-first Day of *May* and the Twenty-eighth Day of *July* in the Year One thousand eight hundred and twenty-nine, Instrument of Sasine in his Favour following thereon, dated the Twenty-ninth Day of *August* and recorded in the said General Register of Sasines the Twenty-fourth Day of *September* in the Year One thousand eight hundred and twenty-nine, Crown Charter of Resignation in favour of the said *George* now Marquis of *Tweeddale* of the Lands of *Wormerlaw* and others, dated the Fifth Day of *July* in the Year One thousand eight hundred and twenty-seven, written to the Seal, registered and sealed, the Twenty-eighth Day of *July* in the Year One thousand eight hundred and twenty-nine, Instrument of Sasine in his Favour following thereon, dated the Twenty-ninth Day of *August* and recorded in the said General Register of Sasines the Twenty-fourth Day of *September* in the Year One thousand eight hundred and twenty-nine, Charter of Resignation by *John Tod*, Writer to the Signet, as Commissioner for *Alexander* Earl of *Home*, in favour of the said *George* now Marquis of *Tweeddale*, of the Lands of *Easter* and *Middle Dedrigs*, dated the Seventh Day of *July* in the Year One thousand eight hundred and twenty-nine, Instrument of Sasine in his Favour following thereon, dated the Twenty-ninth Day of *August* and recorded in the said General Register of Sasines the Twenty-fourth Day of *September* in the Year One thousand eight hundred and twenty-nine, Crown Charter of Resignation in favour of the said *George* now Marquis of *Tweeddale* of the Lands of *Cotchetrig*, dated the Fourth Day of *February* in

in the Year One thousand eight hundred and thirty-three, and written to the Seal, registered and sealed, the Twenty-seventh Day of *June* in the Year One thousand eight hundred and thirty-four, Instrument of Sasine in his Favour following thereon, dated the Eleventh Day of *September* and recorded in the said General Register of Sasines the Twenty-fourth Day of *October* in the Year One thousand eight hundred and thirty-four: And whereas the said *George* now Marquis of *Tweeddale*, during his Possession of the foresaid Lands and Estates, severally and respectively above described, has laid out and expended large Sums upon the Improvement and Amelioration thereof, by building and repairing Houses and Offices, Churches, Manses, and School-houses, and by planting, draining, and inclosing, and making Additions to and Improvements on the Mansion House and Offices, which Sums so laid out in Improvements as aforesaid are set forth in the Schedule hereunto annexed, and amount in whole to the aggregate Sum of Eighty-nine thousand seven hundred and fifty Pounds Ten Shillings and Eight-pence Eight Twelfths Sterling, and by means of the said Expenditure and Outlay the several Lands and Estates have been greatly improved in Value: And whereas an Act was passed in the Tenth Year of the Reign of His late Majesty *George* the Third, intituled *An Act to encourage the Improvement of Lands, Tenements, and Hereditaments in that Part of Great Britain called Scotland held under Settlement of strict Entail*, by which a certain Relief was intended to be given to Heirs of Entail expending Money in the Improvement of their Estates, upon complying with the Regulations therein laid down; but the Provisions of the said Act do not in all Cases afford adequate Relief, and are attended with so much Doubt and Difficulty in their Execution as to frustrate in a great measure the Object for which the said Act was passed: And whereas the subsequent Heirs of Entail will derive great Benefit from the Expenditure made by the said *George* now Marquis of *Tweeddale* as aforesaid, which has greatly increased the yearly Rent and Value of the said Estates; and as the said *George* now Marquis of *Tweeddale* has contracted Debt by reason of the said Expenditure, it is just and equitable that he should be relieved of a Part of the said Expenditure by being allowed to charge the said entailed Estates therewith, so as to enable him so far to pay off the Debt so contracted by him as aforesaid; but by reason of the Limitations and Conditions contained in the said Deeds of Entail that End cannot be attained without the Aid and Authority of Parliament: May it therefore please Your Majesty, upon the humble Petition of Your Majesty's most dutiful and loyal Subject, the said *George* now Marquis of *Tweeddale*, 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 Parliament assembled, and by the Authority of the same, That it shall and may be lawful to the said *George* now Marquis of *Tweeddale*, or the Heir of Entail in Possession of the said entailed Estates at the Time, or to his or her Tutor or other Administrator, in case he or she be a Minor, or otherwise incapable of acting for himself or herself, to borrow and take up in Loan a Sum or Sums of Money not exceeding in the whole the Sum of Sixty-seven thousand three hundred and twelve Pounds Eighteen Shillings Sterling, being Three Fourth Parts

Power to
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67,312*l.* 18*s.*
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of the aforesaid aggregate Sum of Eighty-nine thousand seven hundred and fifty Pounds Ten Shillings and Eight-pence and Eight Twelfths, and a Sum sufficient to cover and defray the Expences of applying for, obtaining, and passing this Act, and carrying the same into execution; and it shall be lawful to the said *George* now Marquis of *Tweeddale*, or to the Heir of Entail in Possession of the said entailed Estates for the Time, or to his or her Tutor or other Administrator, in case he or she be a Minor, or otherways incapable of acting for himself or herself, validly to secure the Payment of the Money so to be borrowed, and the Interest thereof, and liquidate Penalties and Expences to be therein stipulated, by Heritable Bond or Bonds and Disposition or Dispositions in Security, in favour of the Person or Persons who may lend such Money, disposing and conveying, in the Form and with the Powers usual in similar Heritable Securities in *Scotland*, heritably, but redeemably, the whole or any Portion or Portions of the Lands and Estates comprised in the said Four Deeds of Entail or any of them, *videlicet*, the said Deed of Entail dated the Twelfth Day of *August* in the Year One thousand seven hundred and seventy-one, the said Deed of Entail dated the First Day of *May* in the Year One thousand seven hundred and ninety, the said Deed of Entail dated the Seventh Day of *March* in the Year One thousand seven hundred and ninety-six, and the said Deed of Entail dated the Twentieth Day of *January* in the Year One thousand eight hundred and twenty-seven, all before recited, in Security and for Payment of Sixty-seven thousand three hundred and twelve Pounds Eighteen Shillings, being Three Fourth Parts of the aforesaid Sum of Eighty-nine thousand seven hundred and fifty Pounds Ten Shillings and Eight-pence Eight Twelfths, and in Security also of the Sum that may be sufficient to cover and defray the Expences of applying for, obtaining, and passing this Act, and carrying the same into execution; and which Heritable Bond or Bonds and Disposition or Dispositions in Security shall be good, valid, and effectual to such Creditor or Creditors, Lender or Lenders, and to his, her, and their respective Heirs, Executors, or Representatives whatsoever, or to his, her, or their Assignee or Assignees, or to any Person in right of the said Heritable Bond or Bonds and Disposition or Dispositions in Security for the Time, in the same Manner as if the same were granted by a Fee Simple Proprietor, and shall effectually burden such Parts of the said Lands and others contained in the said Entails or any of them as shall be included in and disposed by such Heritable Bond or Bonds and Disposition or Dispositions in Security, and shall be effectual against all the Heirs of Entail who may be entitled to succeed to the said entailed Estates, and the said Heritable Bonds and Bonds and Dispositions in Security shall be freed of all the Fetters of the said Entails and Investitures, and the said Creditor or Creditors, Lender or Lenders, shall have every Remedy competent by the Law of *Scotland* for the Recovery of the Sums so lent, Interest and Penalties, as is competent to any other Creditor by Heritable Bond or Bonds and Dispositions in Security.

II. And be it enacted, That if the said *George* now Marquis of *Tweeddale* shall happen to die before borrowing the Money hereby permitted to be borrowed, or the whole thereof, the Heirs of
 [Private.] If present Marquis die before borrowing the Tailzie

Money, the succeeding Heirs to be liable to his Representatives.

Tailzie succeeding to him by virtue of the Dispositions and Deeds of Entail aforesaid, in their Order respectively, shall be Debtors to the Executors, Trustees, or other Representatives of the said *George* now Marquis of *Tweeddale* for such Sum as the said *George* now Marquis of *Tweeddale* is hereby permitted to borrow, but may not have borrowed, and shall be obliged to pay the same, with Interest, from the Day of the Death of the said *George* Marquis of *Tweeddale*, to his Executors, Trustees, or other Representatives, such succeeding Heirs having Power to charge and burden the Estates as aforesaid: Provided always, that the said *George* now Marquis of *Tweeddale*, and the Heirs of Tailzie succeeding to him by virtue of the foresaid Deeds of Entail, shall be bound and obliged to pay and keep down the Interest upon the Sums allowed by this Act to be borrowed, and upon the Heritable Bond or Bonds, or Disposition and Dispositions in Security, to be granted therefor, each during his own Lifetime and Possession of the said entailed Estates, and that such Obligation may be enforced at the Instance of any Heir or Heirs of Entail in existence for the Time.

Money borrowed to be applied in Payment of Debts and Estates freed of all Claim for Improvements.

III. And be it enacted, That the Money hereby permitted to be borrowed shall be applied by the said *George* now Marquis of *Tweeddale*, or his Executors, Trustees, or other Representatives, towards Repayment of the Monies advanced by the said *George* Marquis of *Tweeddale* as aforesaid; and, being so applied, the entailed Lands and Estates aforesaid, and the Heirs of Entail therein, shall be for ever freed and relieved of and from any Claim or Demand for any Sum or Sums of Money expended by the said *George* now Marquis of *Tweeddale* in the Improvement of the said entailed Estates prior to the Date of this present Act.

Entails not to be prejudiced.

IV. And be it enacted, That nothing in this Act contained shall be held or construed to alter, innovate, change, or defeat the aforesaid Dispositions and Deeds of Entail herein-before recited, or any of them, or the Order of Succession therein and thereby established, and in the subsequent Titles respectively contained, except in so far as is necessary to carry into effect the Purposes of this Act.

Lender not to be concerned with Application of Money borrowed.

V. And be it enacted, That the Lender of any Sum or Sums of Money under this Act shall be nowise concerned with the Application or the Misapplication of the Money to be lent by them, or with the Fulfilment or Nonfulfilment of the Obligation by this Act laid on the said *George* now Marquis of *Tweeddale*, and on the other Heirs of Tailzie succeeding to him, to pay and keep down the Interest on the Monies allowed by this Act to be borrowed, and Securities to be granted therefor, as aforesaid.

General Saving.

VI. Saving and reserving always to the Queen's most Excellent Majesty, and to Her Heirs and Successors, and to all others, (save and except the said *George* now Marquis of *Tweeddale*, and all and every the other Heirs of Entail called or entitled to take under the Entails herein-before recited,) all such Right, Title, Interest, Claim, and Demand whatsoever, in, to, and out of the said Lands and Estates,

Estates, as they have or might claim, challenge, or demand, and that in the same Manner and as amply as if this Act had never been passed.

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

SCHEDULE to which the foregoing Act refers;

Being a List of the Sums expended by George Marquis of Tweeddale for the Benefit of his entailed Estates.

	£	s.	d.	£	s.	d.
I. Improvements recorded and contained in Decrees of the Court of Session in Scotland; viz.,						
1. In Decree dated 3d December 1817				19,106	12	3
2. In Decree dated 19th June 1822				6,024	19	10
3. In Decree dated 10th November 1828				9,711	10	2 $\frac{1}{4}$
4. In Decree dated 17th November 1841				16,343	7	11 $\frac{1}{2}$
Sum in Decrees				£51,186	10	2 $\frac{3}{4}$
Three Fourths whereof decerned for by said Decrees	38,389	17	8 $\frac{1}{4}$			
II. Improvements recorded, but not yet decerned for; viz.,						
Improvements for the Year from Martinmas 1840 to Martinmas 1841 recorded						
1842				3,262	14	9 $\frac{3}{4}$
Three Fourths whereof is	2,447	11	0 $\frac{1}{2}$			
III. Improvements unrecorded:						
Amount thereof				35,301	5	8 $\frac{2}{12}$
Three Fourths whereof is	26,475	19	3 $\frac{2}{12}$			
Sum of whole Improvements				£89,750	10	8 $\frac{8}{12}$
Three Fourths whereof is				£67,312	18	0 $\frac{6}{12}$

John C. Brodie.

