



ANNO SEPTIMO

GULIELMI IV. REGIS.

Cap. 15.

An Act to enable *Alexander Murray* Esquire, of *Broughton*, to borrow a certain Sum of Money upon the Security of certain of his entailed Estates, for Repayment to him of a Portion of the Monies laid out by him in the Improvement of these Estates. [10th June 1837.]

WHEREAS *James Murray* Esquire, of *Broughton*, now deceased, by Deed of Entail bearing Date the Eighteenth Day of *January* One thousand seven hundred and ninety-seven, and recorded in the Books of Council and Session in *Scotland* the Second Day of *July* in the Year One thousand seven hundred and ninety-nine, and in the Register of *Taillies* in *Scotland* the Fifth Day of *June* in the Year One thousand eight hundred and two, gave, granted, and disposed to himself in Life-rent, and to *Alexander Murray* Esquire, now of *Broughton*, his Son procreated betwixt him and *Grace Johnston*, Daughter of the deceased *Alexander Johnston* Esquire, of *Carnsalloch*, and to the Heirs whatsoever of the Body of the said *Alexander Murray* his Son, in Fee; whom failing, to *James Wentworth Murray*, now deceased, also Son of the said *James Murray*, procreated betwixt him and the said *Grace Johnston*, and to the Heirs whatsoever of the Body of the said *James Wentworth Murray*; whom failing, to *Grace Murray*, now deceased, Daughter of the said *James Murray*, procreated betwixt him and the said *Grace Johnston*, and to the Heirs whatsoever of the Body of the said *Grace Murray*, his Daughter; whom failing to *Euphemia Murray*, now deceased, also Daughter of the said *James Murray*, procreated betwixt him and the said *Grace Johnston*, and to the

Deed of
Entail, dated
18 Jan. 1797.

[Private.]

Heirs

Heirs whatsoever of the Body of the said *Euphemia Murray* his Daughter ; whom failing, to the Honourable Lieutenant Colonel *William Stewart*, afterwards Lieutenant General Sir *William Stewart*, Knight Grand Cross of the Bath, Second Son of the late *John* Earl of *Galloway*, and the Heirs whatsoever of his Body ; whom failing, to *William Stewart*, eldest Son of *William Stewart*, late of *Castle Stewart*, and the Heirs whatsoever of his Body ; whom failing, to *John Stewart*, Second Son of the said *William Stewart*, late of *Castle Stewart*, and the Heirs whatsoever of his Body ; whom failing, to any other Person or Persons that might thereafter be named by the said *James Murray* at any Time in his Life by a Writing under his Hand, and to the Heirs whatsoever of their Bodies ; whom all failing, to the said *James Murray*'s nearest Heirs and Assignees whatsoever, heritably and irredeemably, the eldest Heir Female and the Descendants of her Body always excluding Heirs Portioners, and succeeding without Division throughout the whole Course of Succession to Heirs whatsoever as well as Heirs of Provision ; but always with and under the Conditions, Provisions, Restrictions, Limitations, Exceptions, Clauses irritant and resolute, Declarations and Reservations in the said Deed of Entail contained, forming a Settlement of Lands in strict Entail according to the Law of *Scotland* ; all and whole the Lands, Baronies, and others after mentioned ; *videlicet*, the Ten Merk Land of *Meikle Broughton*, with the Miln of the same, and Houses, Yards, Orchyards, Tenants, Tenantries, and Services of Free Tenants ; the Five Merk Land of old Extent of *Little Broughton*, with the Pertinents of the same, lying within the Parish of *Whithorn* and Shire of *Wigton* ; the Five Merk Land of *Outten Chapel* of old Extent, with the Pertinents thereof, lying within the Shire of *Wigton* ; the Four Merk Land of *Little Outten* otherwise *Outten Gallows*, with the Pertinents, lying within the Shire of *Wigton* ; and also all and whole the *Temple* Lands and Tenements which belonged either in Property or Tenantry to *James Sandilands* of *Calder*, Lord of *Torpichen* and *Saint John*, wherever the same lye within the whole Shire of *Wigton* or any Part of the same, as well within the Burgh thereof as without the same, which pertained or could have pertained to the Lord and Master of *Torpichen* and *Saint John* in all Time bygone, with Tenants Tenantries, Services, Privileges, and Immunities of the said Lands, and with the Castles, Towers, Fortalices, Yards, Orchyards, Milns, Woods, Fishings, Parts, Pendicles, Annexis, Connexis, Casualties, and Pertinents whatsoever, wherever the same lye within the Bounds of the said Shire of *Wigton* ; and which Lands and others, with the Milns, Woods, Fishings, and Pertinents of the same, therein described, where, by virtue of a Charter under the Great Seal of *Scotland* in favour of *George Murray* of *Broughton*, and his Heirs therein mentioned, dated the Sixth Day of *August* in the Year One thousand six hundred and two, with other Lands therein mentioned, united and erected into One whole and free Barony, to be called the Barony of *Broughton* in all Time thereafter ; and likewise that Part of *Balzier* and all other Lands acquired by him the said *James Murray* Esquire from the Family of *Galloway* by way of Excambion or otherwise, lying within the said Shire of *Wigton* ; and all and whole the Twenty Pound Land of *Cally Girthon*, comprehending the Mains of *Cally*, *Upper* and *Nether*, the Lands of *Gatehouse of Fleet*, with the Weekly Market and Customs thereof, the Lands of *Lochend*, the Lands of *Fleughlarg*, the Lands of *Standingstone*, the Lands of *White Crofts*, the Lands of *Meikle Barlay*, the Lands of *Laigh Creoch*, the Lands of *Tannysfad*, the Lands of *Drumrusk*, *Lennox*, *Upper* and *Nether*, the Lands of
Upper,

Upper, Nether, and Middle Orchers or Orqubirs, the Lands of Knockbren, the Lands of Barney Water, the Lands of Auchincloy, the Lands of High Creoch, the Lands of Whinniehill, the Lands of Dalmalins, the Lands of Durisdow, the Lands of Drumwall, the Lands of Bush, the Lands of Cleughyard, the Lands of Hillhead, the Lands of Little Barley, and Mill of Barley and Mill Lands thereof, and the Lands of Cairn; and all and whole the Ten Merk Land of Barley, with the Mill and Fishings and Pertinents of the same, lying in the Parish of Girthon and Stewartry of Kirkcudbright; and also and whole the Five Pound Land of Kirkennan, the Three Merk Land of Blackbelly, with the Mill of the said Lands, and the Twenty-five-Shilling Land of Milntown, with the Pertinents, lying within the Parish of Buittle and Stewartry foresaid, with Tenants, Tenantries, and Services of Free Tenants, Parts, Pendicles, and Pertinents, and all other Privileges, Conveniences, and Dependencies whatsoever pertaining to the same; and also all and whole the Nine Merk Land of Pluntown, with the Tower, Fortalice, Manor Place, Houses, Biggins, Yards, Parts, Pendicles, and Pertinents of the same, lying in the Parish of Borgue and Stewartry aforesaid; as also all and whole the Lands of Glengep, the Lands of Fuffolk, the Lands of Mark, the Lands of Culcaigrie, which formerly were proper Parts and Pertinents of the Lands and Barony of Twynholm alias Compstown, with Houses, Biggings, Yards, Orchyards, Mills, astricted Multure, and all Parts, Pendicles, and Pertinents belonging to the same, lying within the Parish of Twynholm and Stewartry foresaid; as also all and whole the Five Merk Land of Kirkconnel and Blackmark, the Ten Merk Land of Larmannoch or Lardmannoch, and Lands of Donoghmore, and the Fourth Part of the Five Pound Land of Ballenan or Ballannan, all and whole the Lands of Underwood and Two Merk Lands of Beoch, with Houses, Biggings, Yards, Orchyards, Mosses, Muirs, Meadows, Parts, Pendicles, and Pertinents whatsoever of the same, all lying within the Parish of Tongland and Stewartry foresaid; as also all and whole the Forty Shilling Land called the Kirkland or Clauchan of Girthon, with Houses, Biggings, Yards, Parts, Pendicles, and Pertinents, lying in the Parish of Girthon and Stewartry aforesaid; also all and whole the Four Merk Land of Endrig and Cairns of Endrick, and the Croft called the Monkhole, with Houses, Biggings, Yards, Parts, Pendicles, and Pertinents of the same, Teinds, Parsonage and Vicarage, Mill and Multure of the same, all lying within the Parish of Girthon and Stewartry aforesaid; as also all and whole the Three Merk Land of Robertown, Two Merk Land out of the Four Merk Land of Kinzeantown, with Houses, Biggings, Yards, Parts, Pendicles, and Pertinents of the same, the Mill of Kirkandrews, with the Mill Lands, Multure, Sequels, Knaveships, Services, Privileges, Parts, Pendicles, and Pertinents of the same, all lying within the Parish of Borgue and Stewartry foresaid; as also all and whole the Lands of Grobtail or Grobdail, Lauchenghie, Cruffock, Culreoch, Laghead, Lag, Burnfoot, Carstramond, and Dirrigown, comprehending the Park of Lag and a Piece of Land called Williamsholm, with the Manor Place, Houses, Biggings, Yards, Orchards, Woods, Fishings, Mosses, Muirs, Meadows, and all Parts, Pendicles, and Pertinents of the same, lying in the Parish of Girthon and Stewartry foresaid; as also Three Quarters or Fourth Parts of the Five Pound Lands of Ballenan or Ballannan; all and whole the Five Pound Land of Meikle Wood of Tongland, comprehending the Lands of Meiklewood, the Lands of Lintriggs, and the Lands of Cowcrossan; all and whole the Ten Pound Lands called the Mains of
Tongland,

Tongland, which in the Rights thereof are described as comprehending the Lands of *Underwood* and *Littlewood*, the Lands of *Park*, the Lands of *Nether Clauchan* and *Boatcroft*, the Lands of *Over Clauchan*, with the Stelage and Croft and Lands of *Little Park*, the Lands of *Culcrae*, the Lands of *Meiklewood* and *Drumbuie*, with the Corn and Waulk Mills of *Tongland*, the astricted and dry Multures of the same Mill Lands and Aqueducts of the same, with the fishing of Salmon and other Fishes in the Water of *Dee* and other Rivers used and wont, with all Parts, Pendicles, and other Pertinents of the said Lands, all lying within the Parish of *Tongland* and Stewartry foresaid, together with the Heritable Office of Bailliary of the said Lands and Barony of *Tongland*, and all Emoluments, Profits, and Casualties, Privileges, and Immunities whatsoever belonging to the said Office, so far as concerns the said Lands of *Tongland*, at least in so far as the said Office of Bailliary is not abolished by Law; as also all and whole those Parts and Portions of the Barony of *Cardoness* and Dominical Lands and Merse of *Cardoness*, Parts of the said Barony, to wit, the Lands of *Boreland*, all and whole the Lands of *Killearn*, and universal Pertinents of the same, lying in the Stewartry aforesaid, which were disposed by *John Gordon* of *Killearn* in favour of *John Gordon* of *Cardoness*, and which Lands of *Killearn* are now known by the Name of the Three Merk Land of *Killearn*, and which said Lands of *Killearn* are thus described in a Charter under the Great Seal, dated the Twelfth Day of *February* One thousand seven hundred and thirty-three Years, in favour of the deceased *John Maxwell* of *Cardoness*, Brother of *David Maxwell* now of *Cardoness*, to wit, all and whole the Three Merk Land of *Killearn*, comprehending the Two and One Half Merk Land of *Killearn* of old Extent, and the Half Merk Land of the Lands of *Tor* of old Extent, with the Houses, Biggings, and whole Pertinents thereto belonging, lying in the Parish of *Anwoth* and Stewartry of *Kirkcudbright*, and in the special Service of the said *David Maxwell* as Heir of the deceased Lieutenant *John Maxwell* of *Cardoness*, his Father, dated the Tenth Day of *September* One thousand seven hundred and sixty-two, the said Lands of *Killearn* and Half Merk Land of *Tor* are described as known by the Name of the Three Merk Land of *Killearn*, all and whole the Lands of *Milnmark*, and the Three Houses and Yards in *Milnmark*, all and whole the Lands of *Goatend* and *Parkend*, all and whole the Lands of *Woodend*, all and whole the Lands of *Bridgend* and *Fordmouth*, all and whole the Lands of *Fleetside*, all and whole the Lands of *High Ardwall* or *Over Ardwall*, all and whole the Lands of *Gennoch*, all and whole the Lands of *Clauchan* of *Anwoth* called *Kirkland*, and Lands of *Marcroichar* or *Margrochar*, all and whole the Lands of *Bushabeill*, all and whole the Lands of *Kirkbride* commonly called *Meikle* and *Little Kirkbrides*, all and whole the Lands of *Killigown*, as also the Fishing in the Water of *Fleet* opposite to the said Lands, together with the Teinds, Parsonage and Vicarage, of the same, so far as *David Maxwell* of *Cardoness* had Right thereto as Patron of the Parish of *Anwoth*, all lying in the said Parish of *Anwoth* and in the Stewartry of *Kirkcudbright*, together with the haill Houses, Biggings, Yards, Orchards, Tofts, Crofts, Annexis, Connexis, Parts, Pendicles, and universal Pertinents of the said Lands, and together with the whole Woods and Plantations growing upon the said Lands, excepting the Woods sold by the said *David Maxwell* in manner mentioned in a Disposition of the said Lands granted by him, with the special Advice and Consent of the Persons therein named, in favour

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of

of the said *James Murray* Esquire, bearing Date the Twenty-eighth Day of *November* and Day of One thousand seven hundred and sixty-six Years; and likewise all and whole the Barony of *Laick*, comprehending the Lands of *Marshalltown, Raintown, Knockewan, Carrick, and Millertown, Boreland, Clean, Airds, Mack-naughstown, Sylodioch, Cuffington, Lagonorie, Bar of Girthon*, the Smith's Croft, the Two Fisher's Crofts, and the Mill of *Laick*, with all the other Lands belonging to and included in the said Barony of *Laick*, and whole Parts, Pendicles, and Pertinents of the same, and together with the Fishings and Teinds thereof, so far as the said *James Murray* Esquire had Right to the same, all lying in the said Parish of *Girthon* and Stewartry of *Kirkcudbright*; as also all and whole the Barony of *Fleet*, comprehending the following Lands, to wit, the Lands of *Gatehouse of Fleet, Lochens or Loghans, Standingstone*, and the Lands of *Fleughlarg or Flilarg*, lying within the said Parish of *Girthon* and Stewartry of *Kirkcudbright*, and all and whole the Lands of *Boreland of Cardoness*, comprehending the Lands of *Boghall, Woodend, Goatend, Bridgend, Fleetside, and Fordmouth*, which are Parts and Portions of the Barony of *Cardoness*, and lye within the Parish of *Anwoth* and Stewartry of *Kirkcudbright* aforesaid, together with the whole Parts, Pendicles, and Pertinents of the same, with full Power, Liberty, and Privilege and Jurisdiction of free Barony within the Limits of the said Lands, and particularly a full Power of electing, creating, and appointing Baillies and other Officers of a Baron Court, who shall have the Power of holding Baron Courts and of exercising such Jurisdiction as is competent by Law; but excepting always from the said Barony the Territory, after described, of the Burgh of *Gatehouse of Fleet*, erected into One whole free and independent Burgh of Barony called the Burgh of Barony of *Fleet*, over which the Powers, Jurisdictions, and Privileges of Free Barony over the Lands and others above described do not extend; as also all and whole the said Burgh of Barony of *Fleet* and Territory of the same, comprehending the Village of *Gatehouse of Fleet* in so far as the same had already been built or might thereafter be built upon the said Lands and Pertinents therein disposed within the special Limits and Boundaries therein-after described, to wit, from the great Stone Wall along the North-west Side of the Military Road at the small Strand at the Back of the *Gallowhill* near the *Bush* or *Cleughyard Park* to the East Corner of *Nathan Richmond's* Feu at *Gatehouse*, and from thence along the said Wall from the South Side of the Gardens of the said Village to the River *Fleet*, and along the Channel of the said River to the upper End of the old Canal, and crossing the said River there along the North Part of the old Watercourse until it comes over against the old Castle of *Cardoness*, and from thence to the South-west Corner of the Court Wall of the said Castle, and along the West Side of the West Wall of the said Court in a straight Line to the West Side of the Loch called *Woodend Loch*, and down the Strand running therefrom until it joins the River *Fleet*, and from thence up the said River until it joins the Burn of *Barley*, and along the said Burn to the March Dyke or Boundary of *Flilarg* which separates the said Lands of *Flilarg* from the Farm of *Disdow*, and along that March Dyke, and the March or Boundary which separates the Lands of *Gatehouse* and *Lochans* from the Lands of *Hillhead* and *Cleughyard*, and cross the Military Road, along the said Strand, until it joins the foresaid Wall beyond the *Gallowhill* before mentioned, which special Limits are by the Charter therein men-

tioned declared to be the Territory of the said Burgh of Barony beyond which the Rights, Immunities, and Privileges thereby conferred upon the Inhabitants and Community of the same did not extend, together with the whole Rights, Privileges, and Immunities thereto belonging, conform to and in Terms of a Charter of Resignation, Novodamus, and Erection under the Great Seal of the said Barony of *Fleet* and Burgh of Barony of *Fleet* in his the said *James Murray's* Favour, bearing Date the Thirtieth Day of *June* in the Year One thousand seven hundred and ninety-five, together with the Right of nominating and appointing Rectors of the Academy of *Gatehouse* of *Fleet* in manner specified in a Bond and Disposition granted by the said *James Murray* Esquire, of even Date with the said Disposition and Assignation, in favour of the Reverend *Mathew Vicars*, then Rector of the said Academy, and his Successors in Office, and also all and whole the Lands of *Kirkcarsel* or *Kirkcassell* and *Drumbuie*, all and whole the Lands of *Barclay* or *Barcloy*, all and whole the Lands of *Culnaughtry*, the Lands of *Auchinleck*, *Drungans*, and *Blackford*, and all and whole the Lands of *Nether Hazlefield*, with Houses, Biggings, Yards, Orchyards, Mosses, Muirs, Meadows, Woods, Fishings, and whole Parts, Pendicles, Privileges, and Pertinents of the same, lying within the Parish of *Rerrick* or *Dundrennan* and Stewartry of *Kirkcudbright*, together with the Teinds, Parsonage and Vicarage, of the whole Lands and others thereby disposed, and all Right, Title, and Interest, Claim of Right, Property, and Possession, petitory and possessory, which the said *James Murray*, his Authors and Predecessors, or Heirs and Successors, had or anyways might have, claim, or pretend to the said Lands, Teinds, and others thereby disposed, or to any Part of the same: And whereas the said *James Murray* departed this Life upon the Thirtieth Day of *April* One thousand seven hundred and ninety-nine: And whereas the said *Euphemia Murray*, *Grace Murray*, and *James Wentworth Murray* severally died without Issue of their Bodies: And whereas the said *Alexander Murray* having succeeded to the said entailed Lands and Estates under the Deed of Entail before mentioned, he made up Titles thereto under the said Deed of Entail by expeding a Charter of Resignation thereof under the Seal appointed by the Treaty of Union to be kept and used in *Scotland* in place of the Great Seal formerly used there, which Charter is dated the Twentieth Day of *December* One thousand eight hundred and nine, and written to the Seal and registered and sealed at *Edinburgh* the Tenth Day of *February* One thousand eight hundred and ten; and thereupon the said *Alexander Murray* was duly infeft and seised in the said Lands, Baronies, and others before mentioned, under the whole Conditions, Provisions Restrictions, Limitations, Exceptions, Clauses irritant and resolute, Declarations, and Reservations contained in the said Deed of Entail, conform to Instrument of Sasine in his Favour dated the Twenty fourth Day of *February*, and recorded in the General Register of Sasines at *Edinburgh* the Twelfth Day of *March*, One thousand eight hundred and ten: And whereas the said *Alexander Murray*, in or about the Month of *July* One thousand eight hundred and sixteen, intermarried with the Right Honourable *Anne Bingham* commonly called Lady *Anne Bingham*, but he has never had any Issue: And whereas the said Sir *William Stewart*, in the said Deed of Entail called the Honourable Lieutenant Colonel *William Stewart*, Second Son of the said *John* Earl of *Galloway*, intermarried with *Frances Douglas* Spinster, by whom he had Issue One Son, namely, *Horatio Stewart*, and One Daughter, namely *Louisa Stewart*,

Stewart, both of whom were born after the Decease of the said *James Murray*: And whereas the said Sir *William Stewart* died in or about the Month of *January* One thousand eight hundred and twenty-seven, leaving the said *Horatio Stewart* and *Louisa Stewart* his only Children him surviving: And whereas the said *Horatio Stewart* intermarried with *Sophia Stewart*, Daughter of the Honourable *Montgomerie Granville John Stewart*, on or about the Twenty-ninth Day of *November* One thousand eight hundred and thirty-three, by whom he had Issue One Son, namely, *Horatio Granville Stewart*, born on or about the Twenty-fifth Day of *September* One thousand eight hundred and thirty-four: And whereas the said *Horatio Stewart* died in or about the Month of *September* One thousand eight hundred and thirty-five, leaving the said *Horatio Granville Stewart* his only Child him surviving: And whereas the said *Louisa Stewart* on or about the Twenty-seventh Day of *October* One thousand eight hundred and twenty-nine intermarried with *David Baillie* of *Audley Square* in the County of *Middlesex*, Esquire, by whom she hath Issue Three Sons and Two Daughters, *videlicet*, *James William Baillie*, *William Henry Baillie*, *Henry David Baillie*, *Frances Jane Baillie*, and *Jane Catharine Baillie*: And whereas the said *William Stewart* and *John Stewart*, in the said Deed of Entail respectively named as the eldest and Second Son of the said *William Stewart*, late of *Castle Stewart*, respectively died without Issue: And whereas, since the Decease of the said *James Murray*, and the Succession of the said *Alexander Murray* to the said entailed Lands, Baronies, and Estates, the said *Alexander Murray* has laid out and expended large Sums of Money upon the Improvement thereof, in erecting Farmhouses and Offices, in planting, draining, embanking, and inclosing the same, in cutting Canals, in recovering a large Tract of Land from the Sea, and in embanking and improving such Tract of Land, also in adding to and completing a good and commodious Mansion House, with Garden and Offices suitable to the said entailed Estates, and also in making Roads into and through the said Lands, Baronies, and Estates, and otherwise for the permanent Benefit and Advantage of the same, and of the Heirs of Entail entitled to succeed thereto; which Sums so laid out in Improvements as aforesaid are set forth in Schedule (A.) hereto annexed, and amount as there restricted to the Sum of Eighty-four thousand Pounds Sterling: And whereas in consequence of these Improvements the said entailed Lands, Baronies, and Estates have been much increased in Value, and the Rental thereof, which in the Year from *Martinmas* Seventeen hundred and ninety-six to *Martinmas* Seventeen hundred and ninety-seven, being within Two Years of the Entailer's Death, was Six thousand five hundred and forty-five Pounds Nine Shillings and Nine-pence One Halfpenny Sterling, amounted in the Year from *Whitsunday* Eighteen hundred and thirty-four to *Whitsunday* Eighteen hundred and thirty-five to the Sum of Eleven thousand one hundred and thirteen Pounds Nine Shillings and Sixpence Sterling, and from *Whitsunday* Eighteen hundred and thirty-five to *Whitsunday* Eighteen hundred and thirty-six to Eleven thousand one hundred and forty-one Pounds Nineteen Shillings and Sixpence Sterling, and the same is still progressively increasing, and the Woods planted on the said Lands, Baronies, and Estates since the Death of the said Entailer on nearly One thousand Acres are now of great Value: And whereas an Act was passed in the Tenth Year of the Reign of His Majesty King *George* the Third, intituled *An Act to encourage the Improvement of Lands, Tenements, and Hereditaments*

ments 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 said Act does not afford adequate Relief to the Heir of Entail in Possession making such Improvements, and the Provisions thereof are frequently attended with so much Doubt, and sometimes with so much Difficulty in the Execution, as to frustrate wholly or partly the Object for which the said Act was passed: And whereas the said Alexander Murray has at different Times recorded, in Terms of the said Act, certain Sums of Money expended by him in the aforesaid Improvements of the said Lands, Baronies, and Estates, to a large Amount, and, upon the Security of the Decrees obtained against the next Heir of Entail for Part of the Sums so recorded, the said Alexander Murray has borrowed from the Westminster Society for Insurance of Lives and Survivorships, and for granting Annuities, the Sum of Thirty-four thousand Pounds Sterling; and as he has contracted large Debts in consequence of the Sums laid out by him in Improvements as aforesaid, and as the Heirs of Entail entitled to succeed to the said Lands, Baronies, and Estates will derive great Advantage from the Expenditure so made, it is just and equitable that the said Alexander Murray should be more effectually relieved from Three Fourth Parts of the said Expenditure, and that the Sums recorded for Improvements should be discharged, and the Sums borrowed on the Credit thereof paid off: But as these Purposes cannot be effected without the Aid and Authority of Parliament, May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and immediately after the passing of this Act it shall and may be lawful for the said Alexander Murray, or for 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 on Loan a Sum or Sums of Money not exceeding Sixty-three thousand Pounds Sterling, being Three Fourth Parts of the aforesaid aggregate Sum of Eighty-four thousand Pounds Sterling, 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 Alexander Murray, or 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 otherwise incapable of acting for himself or herself, validly to secure the Payment of the Monies 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 said entailed Lands and Estates contained in the before-recited Deed of Entail, in Security and for Payment of the said Sum of Sixty-three thousand Pounds Sterling, being Three Fourth Parts of the aforesaid Sum of Eighty-four thousand Pounds Sterling, and in Security also of the Sum that may be sufficient to cover and defray the Expences of applying for, obtaining, and passing

Alexander Murray or his Heirs authorized to borrow Money.

passing this Act, and carrying the same into execution; and which Heritable Bond or Bonds and Disposition or Dispositions in Security granted under the Authority of this Act 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 whomsoever, 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 either the Whole or such Parts of the said Lands and others contained in the said Entail as shall be included in and disposed by such Heritable Bonds and 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 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 Laws 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 further enacted, That if the said *Alexander Murray* shall happen to die before borrowing the Money hereby permitted to be borrowed, or the Whole thereof, the Heirs succeeding to him by virtue of the aforesaid Disposition and Deed of Entail shall be Debtors to the Executors, Trustees, or other Representatives of the said *Alexander Murray* Esquire for such Sum as the said *Alexander Murray* is hereby permitted to borrow but may not have borrowed, and shall be obliged to pay the same, with Interest from the Death of the said *Alexander Murray*, to his Executors, Trustees, or other Representatives, such succeeding Heirs having Power and being bound to charge and burden the Estates as aforesaid.

If Alexander Murray die before borrowing the Money hereby permitted to be borrowed, his Heirs to be Debtors for the same.

III. And be it further enacted, That the Money hereby permitted to be borrowed shall be applied by the said *Alexander Murray*, or his Executors, Trustees, or other Representatives, or by the Heir of Entail in Possession as aforesaid, or by his or her Tutor or other Administrator, in case he or she be a Minor or otherwise incapable of acting for himself or herself as aforesaid, towards Payment of the Monies advanced by the said *Alexander Murray* as aforesaid; and at the Time of borrowing or taking upon Loan the Sum or Sums of Money foresaid the said *Alexander Murray* or his aforesaid, or the Heir of Entail in Possession as aforesaid, or his or her Tutor or Tutors or Administrator or Administrators as aforesaid, shall be obliged, and he and they are hereby required, to procure and obtain from the said *Westminster* Society, or from the Directors thereof, or others authorized by them or in their Right, a valid Discharge and Renunciation of the said Sum of Thirty-four thousand Pounds, and of the Decrees of Declarator and Constitution, and of the whole other Securities held by them for Payment thereof; and the said *Alexander Murray*, and his Executors, Trustees, and other Representatives, shall also and they are hereby required to grant a Discharge and Renunciation of all other Sums of Money advanced by him as aforesaid, and of the Decrees and whole other Securities held by him for the same; and upon the Money hereby permitted to be borrowed being so borrowed, and Discharges and Renunciations being so obtained,

Application of borrowed Money.

[Private.]

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and

and recorded in the General Register of Sasines, Reversions, *et cetera*, the Entailed Lands and Estate 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 *Alexander Murray* in the Improvement of the said entailed Estate : Provided always, that if the said *Alexander Murray* shall, in consequence of the Rental of the said Estate increasing beyond its Amount at the passing of this Act, make any farther Outlay upon the said entailed Estate in Terms of the said recited Act of the Tenth Year of the Reign of His Majesty King *George* the Third, the Sum by this Act allowed to be borrowed beyond the Amount of the Sum now chargeable under the said recited Act, namely, Ten thousand Pounds, shall be imputed *pro tanto* of any Charge to be made against the next Heir of Entail upon such increased Rental.

Deed of Entail and Disposition before recited not to be altered.

IV. And be it further enacted, That nothing in this Act contained shall be held or construed to alter, innovate, change, or defeat the aforesaid Deed of Entail herein-before recited, 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.

Application of Money not to affect the Lenders.

V. And be it further enacted, That the Lenders of any Sum or Sums of Money under this Act shall be in nowise concerned with the Application of the Money to be lent by them.

General Saving.

VI. Saving and reserving always to the King's most Excellent Majesty, and to His Heirs and Successors, and to all others, (save and except the said *Alexander Murray* Esquire, and all and every the other Heirs of Entail called or entitled to take under the Entail herein-before recited,) all such Right, Title, Interest, Claim, and Demand whatsoever in, to, and out of the said Lands and 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.

Act to be printed by the King's Printers.

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

