

**BARONY OF ROYSTON**

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**GD305/1/117/452** SCOTTISH RECORD OFFICE  
**19/2/1835**

I **JOHN HAY MACKENZIE** OF CROMARTY ESQUIRE ONLY SON OF THE **HONOURABLE MRS HAY MACKENZIE** AND I THE SAID **MRS MARIA MURRAY HAY MACKENZIE** CONSIDERING THAT THE DECEASED **GEORGE VISCOUNT OF TARBAT** AFTERWARDS EARL OF CROMARTY BY A DISPOSITION AQND TAILZIE DATED THE TWENTY EIGHTHDAY OF NOVEMBER SIXTEEN HUNDRED AND EIGHTY EIGHT YEARS GRANTED AND DISPONED TO **SIR JAMES MACKENZIE OF ROYSTON** THEREIN DESIGNED MR JAMES MACKENZIE HIS THIRD LAWFUL SON AND THE HEIRS MALE LAWFULLY TO BE PROCREATED OF HIS BODY WHOM FAILING TO **KENNETH** AFTERWARDS **SIR KENNETH MACKENZIE** OF GRANDVILLE SECOND LAWFUL SON OF THE SAID VISCOUNT OF **TARBAT** AND THE HEIRS MALE LAWFULLY TO BE PROCREATED OF HIS BODY WHOM FAILING TO **JOHN** MASTER OF **TARBAT** AFTERWARDS EARL OF CROMARTY THEN ELDEST SON OF THE SAID VISCOUNT OF **TARBAT** AND THE HEIRS MALE LAWFULLY PRCREATED OR TO BE PROCREATED OF HIS BODY WHOM FAILING TO THE OTHER HEIRS MALE LAWFULLY PROCREATED OR TO BE PROCREATED OF THE BODY OF THE SAID VISCOUNT OF **TARBAT** WHOM FAILING TO ANY OTHER PERSON OR PERSONS TO BE NOMINATED AND APPOINTED BY THE SAID VISCOUNT WHOM FAILING TO HIS OWN NEAREST HEIRS MALE WHATSOEVER WHOM ALL FAILING TO HIS OWN NEAREST HEIRS AND ASSIGNEES WHATSOEVER ALL AND WHOLE THE LANDS OF EASTER GRANTOUN AND OTHERS THEREIN MENTIONED LYING IN THE SHERIFFDOM OF EDINBURGH WHICH WERE UNITED ERECTED AND INCOPORATED INTO A FREE BARONY CALLED THE **BARONY OF ROYSTON** BUT UNDER THE USUAL PROHIBITORY IRRITANT AND RESOLUTE CLAUSES OF A STRICT ENTAIL AGAINST ALIENATING THE ESTATE CONTRACTING DEBTS THEREUPON ALTERING THE DESTINATION OR OTHERWAYS DEFEATING THE SETTLEMENT UPON WHICH TAILZIE A CHARTER AND INFERTMENT WERE EXPEDE AND PASSED IN THE

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YEAR SIXTEEN HUNDRED AND NINETY FOUR THAT THE SAID SIR JAMES MACKENZIE WHO WAS AFTERWARDS ONE OF THE SENATORS OF THE COLLEGE OF JUSTICE BY THE TITLE OF **LORD ROYSTON** DID IN THE YEAR SEVENTEEN HUNDRED AND THIRTY NINE WITH CONCURRENCE OF **GEORGE MACKENZIE** HIS SON WHO AFTERWARDS PREDECEASED HIM APPLY FOR AND OBTAIN AN ACT OF PARLIAMENT AUTHORIZING A SALE OF THE SAID ESTATE FOR DISCHARGING DEBTS AFFECTING IT BY WHICH IT WAS INTER ALIA ENACTED THAT THE SURPLUS REMAINING OF THE PRICE AFTER PAYMENT OF THE SAID DEBTS SHOULD BE APPLIED AND DISPOSED OF IN THE PURCHASE OF OTHER LANDS AND HEREDITAMENTS IN FEE SIMPLE AND WHICH SAID OTHER LANDS SHOULD IMMEDIATELY AFTER SUCH PURCHASE BE SETTLED DISPOSED AND PROVIDED TO AND FOR THE USE AND BEHOOF OF THE SAID SIR JAMES MACKENZIE OF ROYSTON AND THE OTHER SURVIVING HEIRS OF ENTAIL ACCORDING TO THEIR DIFFERENT RIGHTS AND INTERESTS AND IN THE SAME ORDER AND COURSE OF SUCCESSION SECURED ASCERTAINED AND ESTABLISHED TO AND FOR THEM RESPECTIVELY AS IN AND BY THE SAID DEED OF TAILZIE SO FAR AS THE SAME MIGHT BE CAPABLE OF TAKING EFFECT WITH THE POWERS AND SUBJECT TO THE RESTRICTIONS AND LIMITATIONS THEREIN CONTAINED AND IN THE MEANTIME UNTIL SUCH PURCHASE COULD BE MADE THE SAID RESIDUE OR SURPLUS WAS THEREBY ORDERED TO BE PLACED OUT AT INTEREST UPON REAL OR OTHER SUFFICIENT SECURITY THAT IN PURSUANCE OF THE SAID ACT OF PARLIAMENT THE SAID ESTATE OF ROYSTON WAS SOLD TO THE NOW DECEASED JOHN DUKE OF ARGYLE WHO PAID THE PRICE THEREOF TO THE SAID SIR JAMES MACKENZIE THAT THE SAID SIR JAMES MACKENZIE HAVING DIED WITHOUT LEAVING LAWFUL HEIRS MALE OF HIS BODY THE SURPLUS PRICE OF THE SAID ESTATE AFTER PAYMENT OF THE DEBTS DESCENDED TO **SIR GEORGE MACKENZIE OF GRANDVILLE ELDER SON OF SIR KENNETH MACKENZIE THE SECOND SON OF THE ENTAILER** WHO WAS ACCORDINGLY UPON THE **TWENTIETH DAY OF OCTOBER SEVENTEEN HUNDRED AND FORTY SIX** SERVED HEIR OF TILZIE AND PROVISION IN GENERAL TO THE SAID SIR JAMES MACKENZIE HIS UNCLE AND UPON THAT TITLE HE BROUGHT AN ACTION BEFORE THE COURT OF SESSION AGAINST SIR **JOHN STEWART** OF GRANDTULLY THE GRANDSON AND HEIR OF LINE OF THE SAID SIR JAMES MACKENZIE ..... AND AGAINST CERTAIN TRUSTEES APPOINTED BY THE ABOVE MENTIONED ACT OF PARLIAMENT FOR

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ACCOUNTING TO HIM FOR THE PRICE OF THE SAID **ESTATE OF ROYSTON** AND SIR GEORGE HAVING DIED DURING THE DEPENDENCE SIR **KENNETH MACKENZIE** OF GRANDVILLE HIS BROTHER WAS UPON THE EIGHTH DAY OF NOVEMBER SEVENTEEN HUNDRED AND FIFTY THREE SERVED HEIR OF TAILZIE AND PROVISION IN GENERAL TO HIM AND AFTERWARDS INSISTED IN THE SAID ACTION WHICH WAS FINALLY CLOSED BY A DECREE BEARING SUNDRY DATES AND THE LAST OF WHICH IS THE TWENTY SIXTH DAY OF JANUARY SEVENTEEN HUNDRED AND FIFTY EIGHT YEARS WHEREBY THE LORDS FOUND INTER ALIA THAT AFTER DEDUCTION ALLOWANCE OF THE DEBTS MENTIONED IN THE DECREE THERE REMAINED A FREE RESIDUE OF THE PRICE OF THE SAID ENTAILED ESTATE AMOUNTING TO FOUR THOUSAND EIGHT HUNDRED AND THIRTEEN POUNDS SEVENTEEN SHILLINGS AND NINE PENCE ONE THIRD OF A PENNY STERLING AND FOUND THAT THE SAID RESIDUE OR SURPLUS OF THE SAID PRICE MUST BE LAID OUT AND EMPLOYED FOR THE USE AND BEHOOF OF THE SAME PERSONS AND IN LIKE MANNER IN ALL RESPECTS AS THE ENTAILED ESTATE OF ROYSTON WAS SETTLED BY THE SAID DEED OF ENTAIL AND PURSUANT TO THE DIRECTION OF THE SAID ACT AUTHORIZING THE SALE THERE OF AND DECERNED AND ORDAINED THE SAID SIR JOHN STEWART AS REPRESENTING THE SAID SIR JAMES MACKENZIE HIS GRANDFATHER ON THE PASSIVE TITLES TO MAKE PAYMENT OF THE SAID SUM OF FOUR THOUSAND EIGHT HUNDRED AND THIRTEEN POUNDS SEVENTEEN SHILLINGS AND NINEPENCE ONE THIRD OF A PENNY STERLING TO BE ACCORDINGLY LAID OUT AND EMPLOYED IN CONFORMITY TO THE SAID DEED OF ENTAIL AND THE DIRECTION OF THE SAID ACT OF PARLIAMENT AT THE SIGHT AND BY THE APPROBATION OF THE COURT OF SESSION THAT THE SAID SIR KENNETH MACKENZIE OF GRANDVILLE HAVING DIED SOON AFTER THE DECREE ABOVE MENTIONED WAS PRONOUNCED WITHOUT MALE ISSUE THE SUCCESSION TO THE SAID RESIDUE OF THE PRICE OF THE **ESTATE OF ROYSTON** OPENED TO AND DEVOLVED UPON OUR SOVEREIGN LORD THE KING AS IN RIGHT OF JOHN MACKENZIE COMMONLY CALLED LORD MCLEOD AND CASTLEHAVEN THE ELDEST SON OF GEORGE EARL OF CROMARTY WHO WAS THE ELDEST SON AND HEIR MALE OF THE BODY OF JOHN MASTER OF **TARBAT** THE SUBSTITUTE SECOND IN ORDER IN THE TAILZIE ABOVE MENTIONED AND THAT THROUGH THE ATTAINDER OF THE SAID EARL OF HIGH TREASON AND RIGHT OF THE SAID RESIDUE DID REMAIN SO INVESTED IN THE CROWN UNTIL BY THE DEATH OF

THE SAID JOHN MACKENZIE COMMONLY CALLED LORD **MCLEOD** AND CASTLEHAVEN IN THE YEAR SEVENTEEN HUNDRED AND EIGHTY NINE THE ATTAINED BLOOD OF THE SAID **GEORGE EARL OF CROMARTY** BECAME EXTINCT THAT UPON THE DEVOLUTION OF THE RIGHT OF THE CROWN UPON LORD MCLEOD DEATH THE SUCESSSION TO THE SAID RESIDUE OF THE PRICE OF THE PRICE OF THE **ESTATE OF ROYSTON** OPENED TO THE DECEASED **KENNETH MACKENZIE** OF CROMARTY AS THEN HEIR MALE OF JOHN MASTER OF **TARBAT** BEING THE ELDEST SON OF RODERICK MACKENZIE WHO WAS SECOND SON OF THE SAID JOHN MASTER OF **TARBAT** THAT THE SAID KENNETH MACKENZIE WHO WAS ALSO HEIR OF TAILZIE AND PROVISION OF LORD MCLEOD IN THE ESTATE OF CROMARTY HAVING RAISED AND PURSUED AN ACTION AT HIS INSTANCE IN THE COURT OF SESSION AGAINST ARCHIBALD **LORD DOUGLAS** DAME ISABELLA STEWART OR HENDERSON RELICT OF THE DECEASED **SIR ROBERT HENDERSON OF FORDEL BARONET AND SIR JOHN HENDERSON OF FORDEL BARONET** SIR JOHN STEWART OF GRANTULLY BARONET AND THE OFFICERS OF STATE FOR HIS MAJESTIES INTERESTS FOR ASCERTAINING HIS RIGHT TO AND RECORDING PAYMENT OF THE SAID RESIDUE THE LORDS OF COUNCIL AND SESSION BY THEIR **FINAL DECREE** OF VARIOUS DATES THE LAST OF WHICH IS **THE ELEVENTH DAY OF JULY SEVENTEEN HUNDRED AND NINETY FIVE** INTER ALIA DECERNED AND ORDAINED THE SAID **SIR JOHN STEWART** DEFENDER IN THE SAID ACTION TO MAKE PAYMENT TO THE **SAID KENNETH MACKENZIE** OF THE AFORESAID SUM OF FOUR THOUSAND EIGHT HUNDRED AND THIRTEEN POUNDS SEVENTEEN SHILLINGS AND NINE PENCE ONE THIRD OF A PENNY STERLING WITH INTEREST AS THERIN MENTIONED IN ORDER THAT THE SAME MIGHT BE PAID INTO EXCHEQUER TO ACCOUNT OF THE SUM DUE TO GOVERNMENT BY THE ESTATE OF CROMARTY UPON AN ASSIGNATION OF THE SUM SO PAID TO BE GRANTED TO THE SAID **KENNETH MACKENZIE** AND THE HEIRS MALE OF HIS BODY WHOM FAILING TO THE OTHER HEIRS OF ENTAIL OF THE SAID **ESTATE OF ROYSTON** THAT THE SAID SUM OF FOUR THOUSAND EIGHT HUNDRED AND THIRTEEN POUNDS SEVENTEEN SHILLINGS AND NINEPENCE ONE THIRD OF A PENNY STERLING WAS ACCORDINGLY PAID INTO EXCHEQUER ON THE **EIGHTEENTH** DAY OF **SEPTEMBER SEVENTEEN HUNDRED AND NINTY FIVE** TO ACCOUNT OF THE SAID DEBT DUE TO THE GOVERNMENT OUT OF THE ESTATE OF CROMARTY AND A RECEIPT WAS GRANTED THEREFOR BY THE

DEPUTY KINGS REMEMBRANCES TO THE SAID JOHN STEWART BUT IN ASSIGNATION HAS EVER BEEN GRANTED OF THE SAID DEBT DUE BY THE **ESTATE OF CROMARTY** TO GOVERNMENT IN FAVOUR OF THE HEIRS OF ENTAIL OF THE **ESTATE OF ROYSTON** THAT UPON THE DEATH OF THE SAID **KENNETH MACKENZIE** WITHOUT MALE ISSUE THE SUCCESSION TO THE SAID RESIDUE OPENED TO AND DEVOLVED UPON THE NOW DECEASED **COLONEL ROBERT MACKENZIE** SOMETIME OF THE SERVICE OF THE HONOURABLE THE EAST INDIA COMPANY WHO WAS SERVED AND RETOURED HEIR MALE OF THE SAID GEORGE VISCOUNT OF **TARBAT** AFTERWARDS EARL OF CROMARTY THE MAKER OF THE TAILZIE THE SAID COLONEL **ROBERT MACKENZIE** BEING GREAT GRANDSON OF **ALEXANDER MACKENZIE** BROTHER OF THAT NOBLE EARL THAT THE SAID COLONEL **ROBERT MACKENZIE** INSTITUTED AN ACTION IN THE COURT OF SESSION AT HIS INSTANCE AS HEIR OF ENTAIL FORESAID AGAINST THE RIGHT HONOURABLE **LADY ELIBANK** AS HEIRS OF ENTAIL OF THE ESTATE OF CROMARTY WHO SUCCEEDED TO THE SAID **KENNETH MACKENZIE** THEREIN BY VIRTUE OF LORD **MACLEODS** ENTAIL AND AGAINST MRS JANE PETLEY RELICT AND EXECUTRIX OF THE SAID **KENNETH MACKENZIE** OF CROMARTY FOR CONSTITUTING THE SAID SUM OF FOUR THOUSAND EIGHT HUNDRED AND THIRTEEN POUNDS SEVENTEEN SHILLINGS AND NINEPENCE ONE THIRD OF A PENNY STERLING AS A DEBT EITHER AGAINST THE ESTATE OF CROMARTY OR AGAINST THE EXECUTRY OF THE SAID **KENNETH MACKENZIE** WHICH ACTION AFTER HAVING FALLEN ASLEEP WAS WAKENED AND TRANSFERED AT THE INSTANCE OF THE SAID **COLONEL ROBERT MACKENZIE** AGAINST ME THE SAID MRS **MARIA MURRAY HAY MACKENZIE** AND THE NOW DECEASED EDWARD HAY MACKENZIE OF CROMARTY AND NEWHALL MY HUSBAND I THE SAID MRS MARIA MURRAY HAY MACKENZIE HAVING ON THE DEATH OF THE SAID LADY ELIBANK SUCCEEDED TO THE ESTATE OF CROMARTY THAT DURING THE DEPENDENCE OF THE SAID ACTION BETWIX **COLONEL ROBERT MACKENZIE** AND THE REPRESENTATIVES OF THE SAID **KENNETH MACKENZIE** AN ACTION OF MULTIPLE POINDING WAS RAISED AND INSISTED IN AT THE INSTANCE OF JAMES LORD FORBES FOR HAVING IT ASCERTAINED WHO WAS IN RIGHT OF THE SUM OF ONE THOUSAND TWO HUNDRED POUNDS STERLING STIPULATED TO BE PAID BY THE DECEASED JAMES LORD FORBES FATHER OF HIM THE SAID JAMES LORD FORBES TO THE SAID JOHN **LORD MACLEOD** AS A PORTION WITH MISS FORBES DAUGHTER OF THE



SAID DECEASED JAMES LORD FORBES SOMETIME LADY MCLEOD AND THEREAFTER DUCHESS OF ATHOL IN WHICH ACTION APPEARANCE WAS MADE FOR THE SAID MRS JEAN PETLEY THEREAFTER MRS MACLEOD OF GEANIES CLAIMING THE FUND IN MEDIO AS EXECUTRIX OF THE SAID KENNETH MACKENZIE OF CROMARTY WHO WAS GENERAL DISPONEE OF THE WHOLE PERSONAL ESTATE THAT BELONGED TO THE SAID JOHN LORD MACLEOD AND APPEARANCE WAS ALSO MADE FOR ME THE SAID MRS MARIA MURRAY HAY MACKENZIE OF CROMARTY CLAIMING THAT THE SAID SUM OF ONE THOUSAND TWO HUNDRED POUNDS SHOULD BE APPLIED TOWARDS EXTINCTION OF THE DEBT SUED FOR BY THE SAID COLONEL ROBERT MACKENZIE AS AFFECTING THE ESTATE OF CROMARTY THE SAID KENNETH MACKENZIE HAVING BEEN BY THE TERMS OF JOHN LORD MACLEODS SETTLEMENT BOUND TO PAY OFF ALL THE DEBTS AFFECTING THAT ESTATE AND AFTER A VARIETY OF PROCEDURE IN SAID ACTION OF MULTI-POINDING THE LORD BALMUTO ORDINARY BY INTERLOCTOR DATED THE SEVENTH DAY OF MARCH EIGHTEEN HUNDRED AND SEVEN INTER ALIA ORDAINED THE SAID MARIA MURRAY HAY MACKENZIE TO CALL THE HEIR OF ENTAIL OF THE ESTATE OF ROYSTON AS A PARTY TO THE SAID PROCESS TO APPEAR FOR HIS INTEREST THAT ACCORDINGLY THE SAID COLONEL ROBERT MACKENZIE WAS CITED AS A PARTY TO THE SAID PROCESS OF MULTI-POINDING AND THE PROCESS OF CONSTITUTION AT HIS INSTANCE HAVING BEEN REMITTED TO THE SAID PROCESS OF MULTI-POINDING AND CONJOINED THEREWITH THE SAID LORD BALMUTO ORDINARY PRONOUNCED A FINAL INTERLOCTOR IN THE CONJOINED ACTIONS UPON THE EIGHTH DAY OF FEBRUARY EIGHTEEN HUNDRED AND NINE FINDING THAT THE ESTATE OF CROMARTY WAS RESTORED TO THE LATE LORD MCLEOD UNDER THE CONDITION OF PAYING THE DEBT DUE THEREON AND PARTICULARLY A DEBT OF NINETEEN THOUSAND POUNDS THEN DUE TO THE CROWN AND THAT LORD MACLEOD AFTER PAYING A CONSIDERABLE PART OF THE SAID DEBT EXECUTED AN ENTAIL OF THE SAID ESTATE OF CROMARTY THAT THE ESTATE OF ROYSTON WAS SOLD UNDER THE AUTHORITY OF AN ACT OF PARLIAMENT OBTAINED IN SEVENTEEN HUNDRED AND THIRTY NINE AND IT WAS AFTERWARDS ASCERTAINED BY A DECREE OF COURT IN SEVENTEEN HUNDRED AND FIFTY EIGHT THAT THE REVERSION OF THE PRICE OF THAT ESTATE WAS FOUR THOUSAND EIGHT HUNDRED AND THIRTEEN POUNDS SEVENTEEN SHILLINGS AND

NINEPENCE ONE THIRD OF A PENNY STERLING AND FELL TO BE LAID OUT IN TERMS OF SAID ACT OF PARLIAMENT FOR THE BENIFIT OF THE HEIRS OF ENTAIL CALLED TO THE SUCCESSION OF THE ESTATE OF ROYSTON AND UNDER THE CONDITIONS OF THAT ENTAIL THAT LORD **MACLEOD** WAS AN HEIR OF **ENTAIL OF ROYSTON** AND APOON HIS DEATH HE WAS SUCCEEDED BY THE LATE **KENNETH MACKENZIE** WHO TOOK UP THE ESTATE OF CROMARTY UNDER THE ENTAIL EXECUTED BY LORD MACLEOD AND ALSO ENJOYED DURING EXECUTED BY LORD MACLEOD AND ALSO ENJOYED DURING HIS LIFE THE INTEREST OF THE DEBT OF FOUR THOUSAND EIGHT HUNDRED AND THIRTEEN POUNDS SEVENTEEN SHILLINGS AND NINEPENCE ONE THIRD OF A PENNY STERLING AS AN HEIR OF ENTAIL OF THE **ESTATE OF ROYSTON** THAT WHILE THE SAID **KENNETH MACKENZIE** ENJOYED BOTH ESTATE HE OBTAINED A **DECREE** OF COURT AGAINST SIR **JOHN STEWART OF GRANDTULLY BARONET** IN WHOSE HANDS THE SAID SUM OF FOUR THOUSAND EIGHT HUNDRED AND THIRTEEN POUNDS SEVENTEEN SHILLINGS AND NINEPENCE ONE THIRD OF A PENNY STERLING LAY AT INTEREST DECERNING HIM TO MAKE PAYMENT OF THAT SUM INTO EXCHEQUER TO ACCOUNT OF THE DEBT DUE TO GOVERNMENT OUT OF THE ESTATE OF CROMARTY AND UPON AN ASSIGNATION TO BE GRANTED OF THAT DEBT TO THAT EXTENT AND THAT THE SAID SUM OF FOUR THOUSAND EIGHT HUNDRED AND THIRTEEN POUNDS SEVENTEEN SHILLINGS AND NINEPENCE ONE THIRD OF A PENNY STERLING WAS ACCORDINGLY PAID INTO EXCHEQUER ON THE EIGHTEENTH DAY OF SEPTEMBER SEVENTEEN HUNDRED AND NINETY FIVE AND WHICH WITH A FURTHER SUM PAID BY THE SAID **KENNETH MACKENZIE** WAS IN FULL OF THE DEBT DUE TO THE CROWN BUT NO ASSIGNATION IN FAVOUR OF THE ROYSTON HEIRS OF ENTAIL HAD THEN PROCURED THEREFOR THAT THE SAID SUM BEING SO PAID IN CONFORMITY TO THE DECREE OF COURT UPON THE SECURITY OF A DEBT AFFECTING THE WHOLE OF THE ESTATE OF CROMARTY BOTH BY THE TERMS OF THE GRANT FROM THE CROWN RESTORING THE ESTATE AND AS BEING A DEBT OWING BY THE LATE **LORD MACLEOD** THE MAKER OF THE ENTAIL AND ALSO BY **KENNETH MACKENZIE** THE NEXT SUCCEEDING HEIR THE SAID SUM OF FOUR THOUSAND EIGHT HUNDRED AND THIRTEEN POUNDS SEVENTEEN SHILLINGS AND NINEPENCE ONE THIRD OF A PENNY WITH THE INTEREST THEREOF FROM THE SAID **EIGHTEENTH** DAY OF SEPTEMBER **SEVENTEEN HUNDRED AND NINETY FIVE** IN SO FAR

AS THE SAID INTEREST IS NOT PAID IS SUBSISTING AND PREFERABLE DEBT UPON THE ENTAILED LANDS AND ESTATE OF CROMARTY DUE TO THE SAID COLONEL ROBERT MACKENZIE AND THE OTHER HEIRS CALLED TO THE SUCCESSION OF THE ESTATE OF ROYSTON BUT UNDER THE CONDITIONS OF THE ENTAIL OF THAT ESTATE AND OF THE AFORESAID ACT OF PARLIAMENT AND THAT THE SAID MRS MARIA MACKENZIE THE THEN HEIR OF ENTAIL OF THE ESTATE OF CROMARTY AND THE SUBSEQUENT HEIRS OF ENTAIL OF THAT ESTATE WERE LIABLE TO HIM THE SAID COLONEL ROBERT MACKENZIE AND THE OTHER HEIRS OF ENTAIL OF ROYSTON ACCORDING TO THEIR INTEREST FOR PAYMENT OF THE SAID PRINCIPAL SUM AND INTEREST DUE AND TO BECOME DUE THEREON AND DECERNED ACCORDINGLY WITHOUT PREJUDICE TO THE SAID COLONEL ROBERT MACKENZIE OR OTHER HEIRS OF ENTAIL OF ROYSTON TAKING SUCH STEPS AS THEY MIGHT BE ADVISED FOR OBTAINING A MORE FORMAL SECURITY OR DECLARATION OF THEIR RIGHT AND ALSO WITHOUT PREJUDICE TO THE SAID MRS MARIA MACKENZIE OR THE OTHER HEIRS OF ENTAIL OF CROMARTY OBTAINING SUCH RELIEF FROM THE REPRESENTATION OF THE SAID KENNETH MACKENZIE OR OTHERS AS MIGHT BE COMPETENT AND IN PROCESS OF MULTIPLE POINDING FOUND THAT THE SUM OF ONE THOUSAND TWO HUNDRED POUNDS IN THE HANDS OF LORD FORBES WITH THE INTEREST DUE THEREON WAS A DEBT DUE BY THE LATE LORD FORBES TO THE LATE LORD MCLEOD AND THAT IT WAS STATED AND NOT DENIED BY THE DEED OF SETTLEMENT EXECUTED BY LORD MACLEOD IN FAVOUR OF THE SAID KENNETH MACKENZIE HIS LORDSHIP APPOINTED THE WHOLE OF HIS MOVEABLE ESTATE TO BE APPLIED IN PAYMENT OF THE DEBTS OWING BY HIM AND PARTICULARLY IN EXTINCTION OF THE DEBT OF FOUR THOUSAND EIGHT HUNDRED AND EIGHTEEN POUNDS SIXTEEN SHILLINGS AND TWOPENCE ELEVEN TWELFTHS OF A PENNY STERLING AFFECTING THE ESTATE BEFORE MENTIONED AND THEREFOR FOUND THAT THE SAID SUM OF ONE THOUSAND TWO HUNDRED POUNDS AND INTEREST THEREOF AFTER DEDUCTION OF EXPENSES AS THEREIN MENTIONED MUST BE APPLIED IN EXTINCTION PRO TANTO OF THE DEBT DUE UPON THE ESTATE OF CROMARTY TO THE HEIR UNDER THE ROYSTON ENTAIL THAT THEREAFTER THE SUM DUE BY LORD FORBES APPLICABLE TO THE EXTINCTION OF THE SAID DEBT ON THE ESTATE OF CROMARTY WAS ASCERTAINED TO BE ONE THOUSAND FOUR



HUNDRED AND NINETY FOUR POUNDS SEVENTEEN SHILLINGS AND FOURPENCE SO THAT THERE REMAINED A BALANCE OF THREE THOUSAND THREE HUNDRED AND NINETEEN POUNDS AND FIVE PENCE ONE THIRD OF A PENNY STERLING OF THE REVERSION OF THE PRICE OF THAT ESTATE AS A SUBSISTING AND PREFERABLE DEBT ON THE ESTATE OF CROMARTY THAT ON THE DEATH OF THE SAID COLONEL ROBERT MACKENZIE THE RIGHT TO THE SAID RESIDUE OF THE PRICE OF THE ESTATE OF ROYSTON DEVOLVED APON HIS SON ALEXANDER NOW SIR ALEXANDER MACKENZIE OF TARBAT BARONET IN THE SERVICE OF THE HONOURABLE EAST INDIA COMPANY WHO ACCORDINGLY EXPEDE A SERVICE AS HEIR MALE OF TALZIE AND PROVISION TO HIS SAID FATHER UNDER THE SAID TAILZIE EXECUTED BY GEORGE VISCOUNT OF TARBAT AFTERWARDS EARL OF CROMARTY AS HIS TITLE TO THE SAID RESIDUE CONFORM TO THE RETOUR OF HIS SERVICE DATED THE.....

... AND THAT FOR THE SAID BALANCE OF THREE THOUSAND THREE HUNDRED AND NINETEEN POUNDS AND FIVEPENCE ONE THIRD OF A PENNY STERLING THE SAID SIR ALEXANDER MACKENZIE IS IN TERMS OF THE INTERLOCTOR BEFOREMENTIONED ENTITLED TO OBTAIN FROM THE HEIR OF ENTAIL PRESENTLY IN POSSESSION OF THE ESTATE OF CROMARTY A FORMAL SECURITY OVER THAT ENTAILED ESTATE THEREFOR WILL YE US THE SAID JOHN HAY MACKENZIE AND MRS MARIA MURRAY HAY MACKENZIE TO HAVE CONFESSED AND DECLARED AS WE DO HEREBY ACKNOWLEDGE CONFESS AND DECLARE OURSELVES AND THE HEIRS OF TAILZIE SUCCEEDING TO US IN THE SAID LANDS AND ESTATE OF CROMARTY TO BE JUSTLY ADDEBTED AND RESTING OWING TO THE SAID SIR ALEXANDER MACKENZIE AND THE OTHER HEIRS OF ENTAIL OF ROYSTON AS AFTERMENTIONED THE SAID PRINCIPAL SUM OF THREE THOUSAND THREE HUNDRED AND NINETEEN POUNDS AND FIVEPENCE ONE THIRD OF A PENNY STERLING WITH THE LAWFUL INTEREST THEREOF FROM AND SINCE THE TERM OF WHITSUNDAY LAST EIGHTEEN HUNDRED AND THIRTY FOUR THE INTEREST THEREOF TO THAT TERM HAVING BEEN PAID WHICH PRINCIPAL SUM OF THREE THOUSAND THREE HUNDRED AND NINETEEN POUNDS AND FIVEPENCE ONE THIRD OF A PENNY STERLING WE DO HEREBY BIND AND OBLIGE OURSELVES JOINTLY AND SEVERALLY AND THE HEIRS OF TAILZIE SUCCEEDING TO US IN THE LANDS

AND ESTATE OF CROMARTY TO CONTENT AND PAY AT THE SIGHT OF THE RIGHT HONOURABLE THE LORDS OF COUNCIL AND SESSION FOR THE PURPOSE OF BEING REINVESTED WITH THEIR APPROBATION IN TERMS OF THE FORESAID TAILZIE OF THE ESTATE OF ROYSTON ACT OF PARLIAMENT AND INTERLOCTOR OR DECREET OF THE COURT OF SESSION TO THE SAID ALEXANDER MACKENZIE WHOM FAILING TO THE NEAREST HEIR MALE WHATSOEVER OF THE SAID GEORGE VISCOUNT OF TARBAT AFTERWARDS EARL OF CROMARTY WHOM FAILING TO THE NEAREST HEIRS AND ASSIGNEES WHATSOEVER OF THE SAID GEORGE VISCOUNT OF TARBAT AFTERWARDS EARL OF CROMARTY AND THAT AT AND AGAINST THE TERM OF WHITSUNDAY NEXT EIGHTEEN HUNDRED AND THIRTY FIVE WITH ONE FIFTH PART MORE OF LIQUIDATE PENALTY IN CASE OF FAILURE AND WE ALSO BIND AND OBLIGE OURSELVES JOINTLY AND SEVERALLY AND THE HEIRS SUCCEEDING TO US IN THE SAID LANDS AND ESTATE OF CROMARTY TO CONTEND AND PAY TO THE SAID SIR ALEXANDER MACKENZIE WHOM FAILING TO THE HEIRS MALE WHATSOEVER OF THE SAID GEORGE VISCOUNT OF TARBAT AFTERWARDS EARL OF CROMARTY WHOM FAILING TO THE NEAREST HEIRS AND ASSIGNEES WHATSOEVER OF THE SAID GEORGE VISCOUNT OF TARBAT AFTERWARDS EARL OF CROMARTY THE LEGAL INTEREST OF THE SAID PRINCIPAL SUM OF THREE THOUSAND THREE HUNDRED AND NINETEEN POUNDS AND FIVE PENCE ONE THIRD OF A PENNY STERLING FROM THE SAID TERM OF WHITSUNDAY LAST TO THE SAID TERM OF PAYMENT OF THE PRINCIPAL SUM AND THEREAFTER SO LONG AS THE SAID PRINCIPAL SUM REMAINS UNPAID AT TWO TERMS IN THE YEAR WHITSUNDAY AND MARTINMAS BY EQUAL PORTIONS BEGINNING THE FIRST TERMS PAYMENT OF THE SAID INTEREST AT THE TERM OF MARTINMAS LAST AND THE NEXT TERM PAYMENT THEREOF AT THE TERM OF WHITSUNDAY EIGHTEEN HUNDRED AND THIRTY FIVE AND SO FORTH HALF YEARLY AT THE SAID TERMS DURING THE NOT PAYMENT OF THE PRINCIPAL SUM AND THAT AT EDINBURGH IN THE OFFICE OF THE BANK OF SCOTLAND WITH ONE FIFTH PART MORE OF THE SAID INTEREST OF LIQUIDATE PENALTY FOR EACH TERM IN PAYMENT OF THE SAID INTEREST AT THE TERMS ABOVE MENTIONED BUT THESE PRESENTS ARE GRANTED WITH AND UNDER THE DECLARATION ALWAYS THAT NOTHING HEREIN CONTAINED SHALL PREJUDICE THE RIGHT OF THE SAID SIR ALEXANDER MACKENZIE OR THE OTHER HEIRS OF ENTAIL OF ROYSTON TAKING SUCH STEPS AS THEY MAY BE

ADVISED FOR OBTAINING A MORE FORMAL SECURITY OR DECLARATION OF THERE RIGHT NOR SHALL THE GRANTING OF THESE PRESENTS PREJUDICES US OR THE OTHER HEIRS OF ENTAIL OF CROMARTY OBTAINING SUCH RELIEF FROM THE REPRESENTATIVES OF THE SAID **KENNETH MACKENZIE** OR OTHERS AS MAY BE COMPETENT AND WE CONSENT TO THE REGISTRATION HEREOF IN THE BOOKS OF COUNCIL AND SESSION OR ANY OTHERS COMPETENT THEREIN TO REMAIN FOR PRESENTATION AND IF NEEDFUL TO HAVE A DECREE INTERPONED HERETO THAT LETTERS OF HORNING ON SIX DAYS CHARGE AND ALL OTHER NECESSARY EXECUTION MAY PASS THEREAPON IN FORM AS OFFERS AND TO THAT EFFECT WE CONSTITUTE OUR PROCURATORS IN WITNESS WHEREOF THESE PRESENTS WRITTEN UPON THIS AND THE TEN PRECEEDING PAGES OF STAMPED PAPER BY GEORGE LIVINGSTON CLERK TO **JOSEPH GORDON** WRITER TO THE SIGNET AND **ALEXANDER STUART** CIRCUIT CLERK OF JUSTICIARY CARRYING ON BUSINESS UNDER THE FIRM OF **GORDON AND STUART** ARE SUBSCRIBED BY US AS FOLLOWS VIZ BY ME THE SAID **JOHN HAY MACKENZIE** AT EDINBURGH THE **NINETEENTH** DAY OF FEBRUARY ONE **THOUSAND EIGHT HUNDRED AND THIRTY FIVE YEARS** BEFORE THESE WITNESSES JAMES THOMSON GIBSON CRAIG AND JAMES MONCRIEFF MELVILLE WRITERS TO THE SIGNET AND BY ME THE SAID MRS **MARIA MURRAY HAY MACKENZIE** AT EDINBURGH THE EIGHTEENTH DAY OF MARCH AND YEAR AFORESAID BEFORE THESE WITNESSES THE SAID JAMES MONCRIEFF MELVILLE CHARLES HENRY BENNET MY SERVANT THE WORD NEXT ON THE FORTY FIRST LINE FROM THE TOP OF THE PAGE TENTH HEREOF BEING DELETED AND THE WORD LAST BEING SUPERINDUCED AND SUBSTITUTED FOR IT BEFORE SIGNING HAY MACKENZIE **JAMES M MELVILLE** WITNESS **MARIA HAY MACKENZIE CHARLES BENNET** WITNESS

#### Attachments (1)

GD305 1 117 452.docx - on 23 May 2011 08:04 by PAUL KAY FOSTER MACKENZIE (version 1)

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