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5.41.15.1503;}\VIEWKIND4\UC 1 \PARD\CF 1\F0\FS 16
ASSIGNATION BY SIR JAMES SUTHERLAND MACKENZIE BT TO
JOSEPH WILIAM FORBES ESQ EDINBURGH 5TH SEPTEMBER
1851 \PAR
I SIR JAMES SUTHERLAND MACKENZIE OF TARBAT BARONET
PRESENTLY RESIDING IN LONDON CONSIDERING THAT I AM
INDEBTED TO JOSEPH WILLAIM FORBES ESQUIRE PRESENTLY
RESIDING AT HARTFIELD COTTAGE NEAR TAIN IN THE SUM OF
SIX HUNDRED AND SIXTY POUNDS STERLING AS CONTAINED
IN MY PROMISSORY NOTE TO HIM OF EQUAL DATE WITH
THESE PRESENTS AND PAYABLE TWELVE MONTHS AFTER
DATE AND ALSO CONSIDERING THAT AS A CONDITION OF THE
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SAID JOSEPH WILLIAM FORBES ADVANCING THE FORESAID SUM TO ME IT WAS AGREED THAT I SHOULD GRANT TO HIM THE ASSIGNATION UNDER WRITTEN THEREFOR AND FOR THE SAID JOSEPH FORBES HIS FARTHER SECURITY OF THE PAYMENT OF THE FORESAID SUM OF SIX HUNDRED AND SIXTY POUNDS STERLING AND INTEREST THEREON AND EXPENCES AS AFTER STATED THEREBY MAKE AND CONSTITUTE THE SAID JOSEPH WILLIAM FORBES AND HIS HEIRS EXECUTORS OR ASSIGNEES MY LAWFUL SESSIONERS AND ASSIGNES NOT ONLY IN AND TO THE SUM OF THREE THOUSAND THREE HUNDRED AND NINETEEN POUNDS AND FIVE PENCE ONE THIRD OF A PENNY STERLING CONTAINED IN A BOND DATED THE NINETEENTH DAY OF FEBRUARY AND EIGHTEENTH DAY OF MARCH BOTH IN THE YEAR EIGHTEEN HUNDRED AND THIRTY FIVE GRANTED BY JOHN HAY MACKENZIE OF CROMARTY ESQUIRE ONLY SON OF THE HONOURABLE MRS MARIA MURRAY HAY MACKENZIE AND THE SAID MRS MARIA MURRAY HAY MACKENZIE TO THE DECEASED SIR ALEXANDER MACKENZIE OF TARBAT BARONET MY FATHER WHOM FAILING TO THE PARTIES THEREIN MENTIONED AND TO WHICH I HAVE NOW THE RIGHT AND TO THE INTEREST DUE OR THAT MAY BECOME DUE THEREON FROM AND AFTER THE TERM OF WHITSUNDAY LAST WITH LIQUIDATE PENALTY AND TERMLY FAILURES THEREIN SPECIFIED AND ALSO IN AND TO THE SUM OF ONE THOUSAND AND FIFTY POUNDS STERLING CONTAINED IN AND DUE BY A BILL DRAWN BY JOSEPH GORDON WRITER TO THE SIGNET AND ALEXANDER STUART WRITER IN EDINBURGH FOR BEHOOF OF ME AND THE HEIRS SUCCEEDING TO ME AS THEREIN STATED UPON AND ACCEPTED BY MESSIEURS J.R.BOWINE AND COMPANY PEAK ALUM WORKS THOMAS RYMER BOWINE ESQUIRE AND CHARLES LIDDEL ESQUIRE NEAR WHITBY CONJUNCTLY AND SEVERALLY WHICH BI IS DATED THE TWELVE DAY OF MAY EIGHTEEN HUNDRED AND FORTY SEVEN AND IS PAYABLE TWELVE MONTHS AFTER DATE BUT ALSO IN AND TO THE SAID BOND AND BILL THEMSELVES WHOLE TENOR AND CONTENTS THEREOF WITH ALL THAT BHAS FOLLOWED OR IS COMPETENT TO FOLLOW THEREON SURROGATING AND SUBSTITUTING THE SAID JOSEPH WILLIAM FORBES AND HIS FORESAIDS IN MY FULL RIGHT AND PLACE OF THE PREMISES WITH FULL POWER TO HIM AND THEM TO DEMAND SUE FOR AND RECOVER PAYMENT OF THE SUMS THEREBY DUE TO GRANT RECEIPTS AND DISCHARGE WHICH SHAL BE SUFFICIENT TO THE RECEIVER AND ASSIGNATIONS TRANSLATIONS AND CONVEYANCES OF THE SAID BOND AND BILL ON PAYMENT THEREOF BEING RESPECTIVELY MADE AND GENERALLY TO DO EVERY OTHER THING IN THE PREMISES

WHICH I COULD HAVE DONE BEFORE GRANTING HEREOF WHICH ASSIGNATION I BIND AND OBLIGE MYSELF MY HEIRS EXECUTORS AND SUUCCESSORS TO WARRANT TO THE SAID JOSEPH WILLIAM FORBES AND HIS FORESAIDS FROM ALL FACTO AND DEEDS DONE OR TO BE DONE BY ME IN PREJUDICE HEREOF DECLAIRING ALWAYS THAT THE SAID JOSEPH WILLIAM FORBES AND HIS FORESAIDS SHALL BE BOUND AND OBLIGED AS BY ACCEPTATION HEREOF THEY BIND AND OBLIGE THEMSELVES TO HOLD JUST COUNT AND RECKONING WITH ME AND MY FORESAIDS SUMS THEY MAY RECOVER IN VIRTUE OF THE SAID BOND AND BILL RESPECTIVELY ABOVE ASSIGNED AND TO IMPUTE THE SAME PROTANTO IN EXTINCTION OF THE FORESAID SUM OF SIX HUNDRED AND SIXTY POUNDS STERLING INTEREST WHICH MAY BECOME DUE THEREON AND EXPENCES WHICH MAY BE INCURRED BY THEM AS AFTER STATED AND FARTHER DECLARING THAT THEY SHALL BE BOUND AND OBLIGED ON THEIR RECEIVING PAYMENT IN VIRTUE OF THIS ASSIGNATION IN SECURITY OF THE WHOLE OF THE SUMS OF PRINCIPAL INTEREST AND EXPENCES AS SAID IS OR ON PAYMENT BY ME OR MY FORESAIDS TO THEM OF THE SAME AND OF ALL EXPENCES AS THE SAME MAY BE DISBURSED OR INCURRED BY THEM TO THEIR OWN AGENTS IN RECOVING PAYMENT OF THE FORESAID PRINCIPAL SUM AND INTEREST WHICH MAY BECOME DUE THEREON AND AS THE SAME SHALL BE ASCERTAINED BY THEIR WRIT OR OATH TO ME AND MY FORESAIDS AT OUR EXPENSE IN THE FULL RIGHT OF THE BOND AND BILL SUMS THEREBY DUE ASSIGNED IN SECURITY AS AFORESAID OR TO MAKE PAYMENT TO US OF ANY BALANCE THAT MAY REMAIN IN THEIR HANDS AFTER DEDUCTING THE SAID SUMS AND I BIND AND OBLIGE MYSELF AND MY FORESAIDS TO MAKE THE SAID BOND AND BILL FORTHCOMING TO THE SAID JOSEPH WILLIAM FORBES AND HIS FORESAIDS TO BE KEPT AND USED BY THEM AS THEIR OWN PROPER WRITS AND EVIDENTS IN TIME COMING AND I CONSENT TO THE REGISTRATION HEREOF IN THE BOOKS OF COUNCIL AND SESSION OR OTHERS COMPETENT THEREIN TO REMAIN FOR PRESERVATION AND IF NECESSARY THAT LETERS OF HORNING ON SIX DAYS CHARGE AND ALL OTHER LEGAL EXECUTION MAY PASS UPON A DECREET TO BE INTERPONED HERETO IN FORM AS EFFECTS AND FOR THAT EFECT I CONSTITUTE MY PROCURATORS IN WITNESS WHEREOF I HAVE SUBSCRIBBED THESE PRESENTS WRITEN ON THIS AND THE PRECEDING PAGE OF STAMPED PAPER BY ALEXANDER DAVIDSON VEITCH APPRENTICE TO WILIAM MASON SOLICITORS SUPREME COURT EDINBURGH AND HERETO SET AND AFFIXED MY SEAL AT LONDON THE TWENTY

THIRD DAY OF SEPTEMBER EIGHTEEN HUNDRED AND FIFTY YEARS BEFORE THESE WITNESSES HENRY VALLANCE ESQUIRE SOLICITOR IN LONDON AND JOHN NEWSHAM HIS CLERK THE PLACE AND DATE OF SIGNING AND SEALING AND WITNESSES NAMES AND DESIGNATION BEING WRITTEN BY THE SAID JOHN NEWSHAM SIGNED \cf2 JAMES SUTHERLAND MACKENZIE SIGNED SEALED DELIVERED IN PRESENCE J.VALLANCE, SPER AND SHAND LONDON, IN. NEWSHAM HIS CLERK WITNESS\PAR

\cf3 EDINBURGH 12 OCTOBER 1850 ON THE PART OF MESSR BOWINE COMPANY WE ACKNOWLEDGE INTIMATION TO USE THIS INSTRUMENT PURPORTING TO BE AN ASSIGNATION OF CERTAIN SUMS CONSTITUTING THE RESIDUE OF THE PRICE OF THE ENTAILED ESTATE OF ROYSTON WE ARE NOT TO BE HELD AS ADMITTING THAT THE GRANTEE HEIR ANY RIGHT TO THE SUMS ASSIGNED BEYOND HIS LIFE INTEREST AS PRESENT HEIR UNDER THE ROYSTON ENTAIL OR THAT THIS ASSIGNMENT PRECLUDED MESSR BOWINE AND COMPANY FROM PAYING OF THEIR BILL ON DUE NOTICE \PAR

SIGNED\cf1 GORDON STUART CHEYNE EDINBURGH 12 OCTOBER 1850 ON BEHALF OF THE MARCHIONESS OF STAFFORD AND THE HONOURABLE MRS HAY MACKENZIE WE HOLD THIS ASSIGNATION AS DULY INTIMATED TO THEM. WALKER AND MELVILLE.\f1 \fs20\PAR

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