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123-12

Anno Regni

GEORGII II. Regis

Magnæ Britanniæ, Franciæ, & Hiberniæ,

VICESIMO.

At the Parliament begun and holden at *Weſtminſter*, the Firſt Day of *December*, *Anno Dom.* 1741, in the Fifteenth Year of the Reign of Our Sovereign Lord GEORGE the Second, by the Grace of GOD, of *Great Britain*, *France* and *Ireland*, King, Defender of the Faith, *&c.*

And from thence continued by ſeveral Prorogations to the Eighteenth Day of *November* 1746, being the Sixth Seſſion of this preſent Parliament.

EDINBURGH:
Printed by ALEXANDER KINCAID His Majeſty's Printer.
MDCCLXI.

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Anno viceſimo

GEORGII II. Regis.

An Act for veſting in His Majeſty the Eſtates of certain Traitors, and for more effectually diſcovering the ſame, and applying the Produce thereof to the Uſe of His Majeſty, and for aſcertaining and ſatisfying the lawful Debts and Claims thereupon.

WHEREAS a moſt deſperate and bloody War and Rebellion hath been levied and raiſed againſt His Majeſty, in Favour of the Pretender to His Crown, headed by the eldeſt Son of the ſaid Pretender, and aſſiſted by a Body of Troops, furniſhed by the Enemies of His Majeſty and His Kingdoms, in which a Number of His Majeſty's Subjects, contrary to their Duty and Allegiance, have been wickedly Preamble.

wickedly and traiterouſly engaged; and it being highly reaſonable, that the Eſtates, Real and Perſonal, of the Rebels and Traitors, who have been or ſhall be duly attainted as guilty of, or engaged in the ſaid Rebellion, ſhould be diſcovered and applied to the Uſe of His Majeſty, in the moſt ſpeedy and effectual Manner; and that due Proviſion be made for the Satisfaction of all juſt and lawful Claims, which any of His Majeſty's dutiful and loyal Subjects may have to, upon, or out of the Eſtates of ſuch Rebels and Traitors; be it therefore 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 all and every the Lands and Heritages, Debts, or Sums of Money, and Goods or Chattles whatſoever, and generally the Eſtates, Goods, and Effects, Heritable and Moveable, Real and Perſonal, deſcendible to Heirs or Executors, Juriſdictions, Life-rent Rights, or of what Nature or Kind ſoever they be, in that Part of *Great Britain* called *Scotland*, or elſewhere, whereof any Perſon or Perſons, who, ſince the Twenty fourth Day of *June*, in the Year of our Lord One thouſand ſeven hundred and forty five, hath or have been attainted, or before the Twenty fourth Day of

The Eſtates Real and Perſonal of certain Traitors veſted in His Majeſty.

of *June*, in the Year of our Lord One thouſand ſeven hundred and forty eight, ſhall be attainted, by any Laws or Statutes of this Realm, of High Treaſon, for levying War within this Realm, or for conſpiring the Death of His Majeſty, or for any other High Treaſon whatſoever, committed before the ſaid Twenty fourth Day of *June* One thouſand ſeven hundred and forty eight, within *Great Britain*, or elſewhere, was, were, or ſhall have been ſeiſed or poſſeſſed of, or intereſted in, or entitled unto, on the Twenty fourth Day of *June* One thouſand ſeven hundred and forty five, or at any Time afterwards, in his, her, or their own Right; or to his, her, or their own Uſe, or whereof any other Perſon or Perſons was, were, or ſhall have been ſeiſed or poſſeſſed of, or intereſted in, or entitled unto, to the Uſe of, or in Truſt for them, or any of them, ſhall, according to the ſeveral and reſpective Eſtates and Intereſts, which the ſaid Perſon or Perſons, attainted or to be attainted, within ſuch Days and Times as aforeſaid, or any in Truſt for them, or any of them, had or ſhall have had therein as aforeſaid, or did or might forfeit by ſuch Attainder, ſtand and be forfeited to His Majeſty, His Heirs, and Succeſſors, and ſhall be deemed, veſted, and adjudged, and are hereby declared and enacted to be in the actual and

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real Poſſeſſion of His Majeſty, without any Office or Inquiſition thereof hereafter to be taken or found, and without any Declarator of Forfeiture to be obtained.

And to the End that all the Eſtates of the ſaid Traitors, of what Nature ſoever, within that Part of *Great Britain* called *Scotland*, hereby, or otherwiſe veſted, or hereby intended to be veſted in His Majeſty, and the yearly and other Values thereof, and all Incumbrances thereupon, may be the better diſcovered, known, deſcribed and aſcertained, and that the Rents, Iſſues, and Profits thereof may be recovered and brought in for the Uſe of His Majeſty, and that due Examination be taken, and Satisfaction made of all juſt and lawful Claims to, upon, or out of the ſaid Eſtates, or any of them; be it further enacted by the Authority aforeſaid, That the Lord Chief Baron, and other Barons of the Court of Exchequer in *Scotland* for the Time being, or any Three or more of them, are hereby authorized, impowered, and required to inquire into all ſuch Eſtates, both real and perſonal, within that Part of *Great Britain* called *Scotland*, as are hereby, or otherwiſe veſted, or hereby intended to be veſted in His Majeſty; and to cauſe all and every the Rents, Iſſues, and Profits of the ſaid Real Eſtates, until Sale thereof, to be effectually levied and

Barons of the Exchequer in *Scotland* to inquire into the forfeited Eſtates;

and to cauſe the Rents to be paid to His Majeſty's Receiver-general there, *&c.*

and paid unto the Receiver-general of His Majeſty's Land Rents and Caſualties in *Scotland* for the Time being, who is hereby required to pay the ſame forthwith into the Receipt of His Majeſty's Exchequer at *Weſtminſter*, for His Majeſty's Uſe; and to account for the ſame, in like Manner as other publick Monies received and paid by him into the ſaid Receipt are accounted for by him; and to levy, raiſe, ſecure, and cauſe to be ſold, all ſuch Goods, Debts, and Perſonal Chattles and Eſtates, within *Scotland*, as are hereby or otherwiſe veſted in His Majeſty, and to ſell the ſaid Real Eſtates, after the Claims relating to ſuch Eſtates reſpectively ſhall be determined, or otherways diſpoſe of the ſame in the Manner herein after provided; and out of the Rents and Produce of the ſaid Eſtates, Real or Perſonal, to cauſe Payment or Satisfaction to be made of ſuch Sums of Money as ſhall be due to any Claimants upon the ſame; and in the Execution of the Premiſes, the ſaid Barons ſhall and may proceed in virtue of the Power hereby granted to them, in a ſummary Way, without the Formalities uſually practiſed or obſerved in their Proceedings as a Court of Juſtice.

and the Perſonal Eſtates, *&c.* to be ſeized and ſold after the Claims ſhall be determined, *&c.*

Barons to proceed in a ſummary Way.

And for the better enabling the ſaid Barons of the ſaid Court of Exchequer to put in Execution all the ſeveral and reſpective

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Powers and Authorities by this Act committed to their Charge and Truſt; be it further enacted, That on or before the Twenty ſixth Day of *July*, in the Year of our Lord One thouſand ſeven hundred and forty ſeven, all and every Officer and Officers, who has or have, or ſhall, before the ſaid Day, have the Cuſtody of any Record or Records of the Attainder of any ſuch Traitor or Traitors (other than of ſuch who have been, or ſhall be attainted by Act of Parliament) ſhall tranſmit or cauſe to be tranſmitted to the King's Remembrancer in the Court of Exchequer at *Edinburgh*, or his Deputy, Eſtreats or Certificates under their reſpective Hands, or the Hands of their lawful Deputies, containing Liſts of all the Perſons, who ſince the Twenty fourth Day of *June*, in the Year One thouſand ſeven hundred and forty five, ſhall appear by the ſaid Records in their reſpective Cuſtody, to have been adjudged to be guilty of High Treaſon; which Liſts ſhall contain the Names, Titles, and Additions of ſuch Perſons, the Species of Treaſon of which, and the reſpective Times, Places, and Courts, when and where they were ſo attainted; and after the ſaid Twenty ſixth Day of *July*, the like Officers ſhall, from Time to Time, cauſe to be tranſmitted to the Office of the King's Remembrancer at *Edinburgh*, the like Eſtreats

Liſts of Perſons adjudged of High Treaſon to be tranſmitted to the King's Remembrancer at *Edinburgh*.

Contents of the Liſts.

Liſts of other Attainders to be tranſmitted in like Manner;

ſtreats or Certificates, or Liſts of all other Attainders for High Treaſon, had at any Time before the Twenty fourth Day of *June* One thouſand ſeven hundred and forty eight, and that within the Space of Thirty Days after ſuch Attainders; all which Eſtreats, Certificates, or Liſts, the King's Remembrancer in the Court of Exchequer at *Edinburgh*, or his Deputy, ſhall enter in a Book, to be provided and kept by him for that Purpoſe.

to be entered in a Book.

And it is hereby enacted, That an Extract from that Book, ſigned by the ſaid Remembrancer, or his Deputy, certifying, that any Perſon therein mentioned was attainted of High Treaſon, ſhall be taken and held as ſufficient Evidence of ſuch Attainder in all Courts of Juſtice within *Scotland*, ſo far as may concern the Execution of this Act, as fully as if the Record of ſuch Attainder were produced in ſuch Courts.

Extract from the Book of Record to be admitted as Evidence.

And be it enacted by the Authority aforeſaid, That the ſaid Barons of Exchequer, or any Three of them, ſhall, and they are hereby authoriſed, from Time to Time, by and with the Approbation of the Commiſſioners of His Majeſty's Treaſury, or the High Treaſurer for the Time being, to appoint and employ proper Perſons to be Surveyors, Meſſengers, or other neceſſary Officers for the Execution of this Act; which Surveyors,

The Barons to appoint Officers for the Execution of this Act.

Officers to have no Fees, but as allowed by the Barons.

Surveyors, Meſſengers, and Officers reſpectively, are hereby required faithfully to execute and perform the Truſt in them reſpectively repoſed, without taking any Thing for ſuch their Service (other than ſuch Fees, Salaries, or Rewards, as the ſaid Barons, or any Three of them, by and with ſuch Approbation as aforeſaid, ſhall think fit and direct in that Behalf) and every ſuch Surveyor, Meſſenger, and Officer, before he enters on the Execution of his Employment, ſhall take the Oaths preſcribed by the Act of the Firſt Year of His late Majeſty's Reign, for the further Security of His Majeſty's Perſon and Government, and other Purpoſes therein mentioned; and alſo an Oath for his true and faithful Demeanor in all Things relating to the Truſt repoſed in him by the ſaid Barons, or any Three of them; and that he will not, directly nor indirectly, receive or take any Fee or Reward, or expect or accept the Promiſe of any Fee or Reward, for any Thing whatſoever to be done by him in the Execution of the ſaid Truſt (except what ſhall be ſettled or allowed by the ſaid Barons, or any Three of them) and that he will not, directly nor indirectly, have any Part, Share, or Intereſt, or make any Benefit by any Diſcovery of any forfeited or forfeitable Eſtate or Intereſt whatſoever, intended to be applied to the Uſe of His Majeſty

Officers to take certain Oaths.

jeſty in Purſuance of this Act, or conceal, or cauſe or procure to be concealed, the ſame, or any Part thereof.

Salaries and other incident Charges to be paid by the Receiver-general.

And be it further enacted by the Authority aforeſaid, That there ſhall and may be paid to ſuch Perſon or Perſons as the ſaid Barons, or any Three of them, by and with ſuch Approbation as aforeſaid, ſhall nominate, by Way of Impreſt, and upon Account, for Payment of Salaries of inferior Officers to be employed under them, and for incident Charges in or for the Performance of the ſeveral Truſts by this Act committed to the ſaid Barons, ſuch Sums of Money, as the ſaid Commiſſioners of His Majeſty's Treaſury, or the High Treaſurer for the Time being, judge to be neceſſary and reaſonable in that Behalf, out of ſuch Monies as ſhall, from Time to Time, be or remain in the Hands of the ſaid Receiver-general, by virtue of any of the Clauſes, Matters, or Things in this Act contained; and that the ſaid Salaries of inferior Officers ſhall not be liable to any Taxes or Aſſeſſments by any Act of Parliament made, or to be made; any Law or Statute to the contrary notwithſtanding.

Salaries of inferior Officers exempted from Taxes.

The Barons may meet and act without Adjournments;

And be it enacted by the Authority aforeſaid, That the ſaid Barons, or any Three or more of them, ſhall and may meet, act, and proceed, from Time to Time, with or without

without Adjournment, within Term Time, or without; and ſhall and may ſend their Precept or Precepts for any Perſon or Perſons whatſoever to appear before them, and for all ſuch Books, Papers, Writings, and Records as they ſhall think neceſſary for their Information in any Matters or Things relating to this Act, without any Fee, Charge, or Reward to be paid for the ſame; and ſhall and may detain in their Cuſtody ſuch Books, Papers, Writings, and Records ſo long as they ſhall have Occaſion for the ſame, and then return ſuch Books, Papers, Writings, and Records to ſuch Perſons to whom they reſpectively belong; and ſhall and may adminiſter Oaths for the better Diſcovery of the Truth of the Inquiries by them to be made, to any Perſon or Perſons therein concerned; or to any other Perſon or Perſons whatſoever; and all Sheriffs, Stewards, Baillies, Conſtables, and other Officers and Miniſters whatſoever, are hereby required to obey and execute ſuch Orders and Precepts as ſhall be ſent to them, or any of them, by the ſaid Barons, or any Three of them, as they will anſwer the contrary at their utmoſt Perils; and the ſaid Barons, or any Three of them, are hereby impowered and required in a ſummary Way, and without the Formalities of Proceedings in the Courts of Law or Equity, to enquire and

and ſend for Perſons and Papers;

and adminiſter Oaths.

Officers to obey the Orders of the Barons;

Barons to proceed in a ſummary Way;

and inform themſelves by and upon the Teſtimony of Witneſſes, upon Oath, Examination of Perſons intereſted, upon their Oaths, Inſpection and Examination of Deeds, Writings, and Records, or by all or any of the ſaid Ways and Means, or otherways, according to their Directions, as ſoon as conveniently may be; and to make a Regiſter, in Books to be provided for that Purpoſe, of the Names of all ſuch Perſons attainted, or to be attainted of High Treaſon, within the Times aforeſaid; and of all Real and Perſonal Eſtates and Intereſts whatſoever by this Act, or otherways veſted in His Majeſty, for or by Reaſon of ſuch Attainder; and by whom any ſuch Eſtate or Eſtates was or were reſpectively forfeited or forfeitable; and what Eſtate or Intereſt every ſuch Perſon attainted, or to be attainted for High Treaſon as aforeſaid, had in any of the Premiſes on the reſpective Days and Times, on or from which they are hereby, or otherways veſted in His Majeſty, or at any Time afterwards; and by what Tenures the ſame, or any of them reſpectively, were then holden; and of all Incumbrances whatſoever to which any of the ſaid Eſtates forfeited or forfeitable for High Treaſon were liable or ſubject before and upon the ſame Days and Times reſpectively: And in caſe any Perſon or Perſons, ſummoned to appear

and regiſter the Names and Real and Perſonal Eſtates of Perſons attainted, &c.

Perſons refuſing to appear to the Summons, to be committed.

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appear before the ſaid Barons, for Diſcovery of the Premiſes, ſhall neglect or refuſe to appear, or be examined as aforeſaid; then, and in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid Barons, or any Three of them, to commit the Perſon and Perſons ſo neglecting or refuſing as aforeſaid, to the common Gaol of the County, Shire, or Stewartry reſpectively; there to remain, without Bail or Mainprize, until ſuch Perſon or Perſons ſhall conform themſelves, and ſubmit to be examined as aforeſaid: And if any Officer or Officers ſhall neglect or refuſe to give Obedience to the Precepts and Orders of the ſaid Barons, or any Three of them, for the due Execution of this Act, then, and in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid Barons, or any Three or more of them, to impoſe any Fine upon ſuch Officer or Officers, not exceeding Fifty Pounds *Sterling*, for any one Offence; and to commit ſuch Officer or Officers, till ſuch Fine ſhall be paid unto the ſaid Receiver general for the Uſe of His Majeſty.

Penalty on Officers on Default of Duty.

And, for encouraging all and every Perſon and Perſons whatſoever any wiſe indebted, or liable to pay to any ſuch forfeiting Perſon or Perſons, any Sum of Money, hereby or otherwiſe veſted in His Majeſty as aforeſaid, to make a ſpeedy Diſcovery thereof

of to the ſaid Barons, or any Three or more of them, and to pay a Proportion thereof as this Act directs; be it enacted by the Authority aforeſaid, That every ſuch Perſon who ſhall make a full and true Diſcovery to the ſaid Barons, or any Three or more of them, of any concealed Debt, or Sum of Money ſo due and payable unto any Perſon or Perſons attainted, or to be attainted of High Treaſon, within the Days and Times aforeſaid (not being a Debt by Judgment, Statute, Recognizance, or on any regiſtered Bond or Contract) and pay Two Third Parts thereof within the reſpective Times following (that is to ſay) of Debts owing to Perſons attainted before the Firſt Day of *May*, in the Year One thouſand ſeven hundred and forty ſeven, on or before the Firſt Day of *December*, in the Year One thouſand ſeven hundred and forty ſeven; and of Debts owing to Perſons attainted afterwards, before the Expiration of Six Calendar Months after ſuch Attainders reſpectively, unto the ſaid Receiver-general, for the Uſe of His Majeſty, ſhall be and are, by Force and Virtue of this Act, releaſed and diſcharged of the entire Debt, or Sum of Money ſo due and payable as aforeſaid; but all and every Perſon and Perſons ſo indebted, or liable as aforeſaid, who ſhall neglect to make ſuch Diſcovery to the ſaid Barons within

Perſons diſcovering Debts, &c. payable to Perſons attainted,

and paying Two Thirds thereof by the Times limited,

to be diſcharged of the whole Debt;

Perſons indebted, not making Diſcovery, to forfeit double the Value.

within the reſpective Times aforeſaid, ſhall forfeit double the Value of ſuch Debt, or Sum of Money; to be recovered by Action, Bill, Suit, or Information, to the Uſe of His Majeſty as aforeſaid; and all and every Perſon or Perſons who were, or have been, or ſhall have been poſſeſſed of any Perſonal Goods or Chattles, of or belonging to any ſuch Perſons attainted, or to be attainted of High Treaſon as aforeſaid, when the ſame became forfeited, or afterwards, or ſhall be thereof poſſeſſed before the Firſt Day of *July* One thouſand ſeven hundred and forty ſeven; are hereby ſtrictly charged and required to diſcover and make known the ſame to the ſaid Barons, before the ſaid Firſt Day of *December* One thouſand ſeven hundred and forty ſeven; and the ſaid Barons, or any Three or more of them, ſhall and may thereupon allow to every Perſon diſcovering the ſame, ſuch Proportion as they ſhall think reaſonable for ſuch Diſcovery, not exceeding One full Fourth Part of the ſaid Perſonal Goods and Chattles, or the Proceeds thereof; but all and every Perſon and Perſons, having ſuch Goods and Chattles in his, her, or their Cuſtody and Power, and neglecting to diſcover the ſame before the ſaid Firſt Day of *December*, ſhall, for ſuch Offence, forfeit double the Value of ſuch Perſonal Goods or Chattles, to be recovered

Perſons poſſeſſed of the Goods, &c. of Traitors, making Diſcovery thereof,

to be allowed a Fourth Part;

and on Default of Diſcovery, to forfeit double the Value.

recovered for the Uſe of His Majeſty as aforeſaid; and the ſaid Barons, or any Three or more of them, are hereby authorized and impowered to make any ſuch Compoſitions or Agreements, touching any ſuch Debts, or Perſonal Goods or Chattles ſo as aforeſaid to be diſcovered, as the ſaid Barons, or any Three or more of them, ſhall in any ſuch Caſe, on due Conſideration of the Nature thereof, or Circumſtances of the Parties concerned therein, think fit and reaſonable; which Compoſitions or Agreements ſhall be valid in Law, ſo as the Monies, payable upon every ſuch Compoſition or Agreement, be paid unto the ſaid Receiver-general for the Uſe of His Majeſty, within the reſpective Times allowed by the ſaid Barons, or any Three or more of them, for Payment thereof; and where any of the ſaid Debts are ſecured by Bonds or Obligations with Penalties, or are due and owing upon Accounts not adjuſted, the ſaid Barons, or any Three or more of them, are hereby authorized to ſtate, ſettle, and determine the ſame; and that every Perſon, not being ſo indebted, or not being poſſeſſed of ſuch Perſonal Goods and Chattles as aforeſaid, who ſhall at any Time after the ſaid Firſt Day of *July*, and before the ſaid Firſt Day of *December*, diſcover to the ſaid Barons, or any Three or more of them, any ſuch Debts, or

Barons may make Compoſitions for ſuch Debts, or Chattles;

and ſettle Bond Debts, &c.

Perſons not indebted, &c. making Diſcovery of ſuch Debts, &c. after a certain Time.

or Perſonal Goods and Chattles concealed, until the Time of ſuch Diſcovery, ſhall be entitled, by virtue of this Act, to have and receive for his or her Reward, ſo much as the ſaid Barons, or any Three or more of them, ſhall judge to be reaſonable, not exceeding One Fourth Part of ſuch Debts, or One Fourth Part of ſuch Perſonal Goods or Chattles, or of the Value thereof ſo diſcovered after Recovery of the ſame, to be paid over and delivered to him, her, or them, by Warrant of the ſaid Barons, or any Three or more of them, from Time to Time; and that every Perſon who ſhall, after the ſaid Firſt Day of *July*, and before the ſaid Firſt Day of *December*, diſcover to the ſaid Barons, or any Three or more of them, any Lands, Tenements, Rents, Hereditaments, or Chattles Real, forfeited as aforeſaid, and concealed until the Time of ſuch Diſcovery, ſhall be entitled, by virtue of this Act, to have and receive for his or her Reward, ſuch Proportion of the ſaid Lands, Tenements, Rents, Hereditaments, and Chattles Real, as the ſaid Barons, or any Three or more of them, ſhall judge to be reaſonable, not exceeding One Fourth Part thereof, or of the Value of the ſame, after Recovery thereof; and the ſaid Barons, or any Three or more of them, ſhall deliver Certificates, under their Hands and Seals,

to be allowed a Fourth Part.

Perſons diſcovering concealed Eſtates, &c.

to be entitled to a Fourth Part.

Barons to give Certificates to the Perſons making ſuch Diſcoveries;

Seals, to all and every Perſon and Perſons, who ſhall make any ſuch Diſcovery or Diſcoveries as aforeſaid, ſpecifying the Lands, Tenements, Rents, Hereditaments, Chattles, or Real Eſtates, by him or her ſo diſcovered, and the Part, Share, or Proportion thereof, or of the Value of the ſame, which he, ſhe, or they ought to have in reſpect thereof; and the ſaid Barons are hereby impowered and required to cauſe to be paid, delivered, aſſured, or conveyed, ſuch Parts, Shares, and Proportions, to the ſaid Diſcoverers, their Heirs, Executors, Adminiſtrators, and Aſſigns reſpectively; and that as ſoon as conveniently may be, after the Time ſhall be elapſed for entering Claims in Manner herein after mentioned, on the Eſtates Real or Perſonal ſo diſcovered, as to ſuch Eſtates Real or Perſonal, upon which no Claim ſhall be entered, and as ſoon as conveniently may be after ſuch Claim or Claims as ſhall be entered, relating to ſuch Eſtates Real or Perſonal reſpectively, ſhall be determined.

and to cauſe their Shares to be paid to them, &c.

Provided always, That the Shares of the Eſtates Real or Perſonal ſo diſcovered, that ſhall be allowed to the Diſcoverers, ſhall ſuffer a Deduction or Abatement proportional to the Claims to, upon, or out of the ſame reſpectively, which ſhall be made and affirmed.

Deductions to be made for Claims, out of the Shares allowed to the Diſcoverers.

And to the Intent the Perſonal Goods and Chattles herein before, or otherwiſe veſted in His Majeſty, may be diſpoſed of, and the Value thereof applied to the Uſe of His Majeſty, be it further enacted by the Authority aforeſaid, That the ſaid Barons ſhall, as ſoon as conveniently may be, uſe their utmoſt Endeavours to ſecure all ſuch Goods and Perſonal Chattles, in ſuch Places, and in the Cuſtody of ſuch Perſons as ſhall be thought moſt proper, by the ſaid Barons, for preventing the periſhing, or any Loſs or Embezzlement thereof; and ſhall make, or cauſe to be made, a true and perfect Inventory or Inventories thereof, containing a true and particular Account of all ſuch Goods and Chattles, by whom they were forfeited, and when, and by whom delivered to the ſaid Barons, or any Perſons by them appointed to receive the ſame; and ſhall alſo cauſe a juſt Appraiſement thereof to be made, upon the Oaths of any Two Perſons, to be appointed by the ſaid Barons, or any Three or more of them, for that Purpoſe (which Oath the ſaid Barons, or any Three or more of them, have hereby Power to adminiſter) and the ſaid Barons, or any Three or more of them, are hereby authorized and required, to ſell all and ſingular ſuch Goods and Chattles ſo inventoried and appraiſed, according to their beſt Skill and Judgment; and

The Goods to be ſecured from Embezzlement;

and Inventories & Appraiſements to be made of them.

The Goods to be ſold by Auction.

and for that Purpoſe ſhall cauſe publick Notice to be given by the Space of Ten Days, at leaſt, of the Time, and where they intend to begin to expoſe to Sale any Part or Parcel thereof, and of the ſeveral Particulars then and there to be ſold, at which Time they ſhall ſell the ſame by Cant or Auction, to ſuch Perſon or Perſons who ſhall bid moſt for the ſame; and immediately upon every ſuch Sale or Contract, ſhall cauſe an Entry to be made in their Book, of all and every the Perſonal Goods and Chattles ſo ſold or contracted for, and of the Buyers Names and Places of Abode, and the Prices agreed upon; and for the further Aſſurance thereof to the Buyers, the ſaid Barons, or any Three or more of them, ſhall give a Certificate under their Hands and Seals, unto the Buyers reſpectively, expreſſing the Particulars ſo by them bought, the Prices, and Time of Sale; and every ſuch Buyer ſhall thereupon pay the ſaid Prices unto the ſaid Receiver-general, at ſuch Time or Times, as ſhall be agreed upon with the ſaid Barons, for the Uſe of His Majeſty; and the ſaid Barons, or any Three or more of them, being ſatisfied with the Payment thereof, ſhall forthwith order the Particulars ſo bought and paid for, to be delivered to the Buyer or Buyers, his, her, or their Aſſigns; and in caſe any Perſon or Perſons who ſhall have

Entry to be made of the Goods, and the Perſons to whom ſold.

Buyers to have Certificates given them;

on Payment, the Goods to be delivered.

Buyers not making Payment, to forfeit One Third of the Sum;

have contracted for any ſuch Perſonal Goods or Chattles, as aforeſaid, ſhall make any Default in Payment of the Monies contracted for, he, ſhe, or they ſhall forfeit One Third of the Sum which the ſaid Goods were contracted for; and the ſaid Barons, or any Three or more of them, may, and ſhall proceed to a new Sale of all and every ſuch Perſonal Goods and Chattles, for which ſuch Default ſhall be made, unto any other Perſon or Perſons, as if no Sale thereof had before been made.

and the Goods to be ſet up to Sale again.

Perſons entering upon forfeited Eſtates, after 25th *June* 1746,

And be it enacted, That all and every Perſon and Perſons, who ſince the Twenty fifth Day of *June* One thouſand ſeven hundred and forty ſix, have entered into or upon any of the ſaid forfeited Eſtates, or any Part thereof, and held and enjoyed the ſame, without any lawful Title thereunto, ſhall be reſponſible for all and every the Profits of the ſame Premiſes, during the Time of his, her, or their Occupation thereof, and ſhall anſwer and pay the Value thereof unto the ſaid Receiver-general, at ſuch Days or Times, as ſhall be appointed by the ſaid Barons, or any Three or more of them, or in Default thereof ſhall forfeit double the Value of the ſame Profits by him, her, or them received, for the Uſe of His Majeſty.

not paying the Profits,

to forfeit double.

On their making Diſcovery of ſuch concealed Eſtates,

Provided nevertheleſs, if any ſuch Perſon or Perſons ſhall, on or before the Firſt Day of

of *December* One thouſand ſeven hundred and forty ſeven, diſcover to the ſaid Barons, ſuch Lands, Tenements, or Hereditaments ſo by them enjoyed (the ſame being concealed till the Time of ſuch Diſcovery) all and every ſuch Perſon and Perſons are hereby declared to be diſcharged of and from any Account of the Profits thereof received or had before the ſaid Firſt Day of *December*: And whereas it is likely, that ſince the ſaid Twenty fifth Day of *June*, the Occupiers of ſeveral of the ſaid forfeited or forfeitable Eſtates and Intereſts, and other the Premiſes, or others, may have preſumed to commit great Spoil, Waſte, and Deſtruction upon the ſame Eſtates, by cutting down great Quantities of Timber-trees, and other Trees, Woods, Groves, and Coppices, and otherwiſe; be it further enacted, That every ſuch Occupier, and all and every other Perſon and Perſons, who ſince the ſaid Twenty fifth Day of *June*, have committed, or at any Time before the Sale or Sales of ſuch Premiſes, to be made in purſuance of this Act, ſhall commit any ſuch Spoil, Waſte, or Deſtruction, ſhall pay Treble Damages for the ſame, to be aſcertained by the ſaid Barons, in a ſummary Way; and for the ſpeedy levying thereof to His Majeſty's Uſe, the like Execution ſhall iſſue forth, as in Caſe of a Debt due to His Majeſty.

to be diſcharged from accounting for the Profits.

Perſons committing Spoil on ſuch Eſtates,

to pay Treble Damages.

And to the End that all and every the Rents, Iſſues, and Profits of the ſaid Eſtates may for the future, and until Sale thereof as aforeſaid, be effectually levied and paid into the ſaid Exchequer; be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Barons, or any Three or more of them, by and with the Approbation of the ſaid Commiſſioners of the Treaſury, or of the High Treaſurer for the Time being, to appoint Stewards, Receivers, Bailiffs or Factors, on the ſaid forfeited Eſtates, with full Power to lett and ſet the ſaid Eſtates for any Term not exceeding Three Years, and to receive the Rents and Profits, and to grant Diſcharges and Acquittances thereof, and to hold Courts, and paſs Decrees for Payment of Rents, and to put the ſaid Decrees in Execution, and to do all Acts, Matters, and Things neceſſary for managing the ſaid Eſtates, uſually done by Stewards, Receivers, Bailiffs or Factors, on the ſaid reſpective Eſtates, according to the Laws in *Scotland*; and particularly to pay yearly out of the ſaid Rents, the Stipends or Salaries of Miniſters and School-maſters, and the Ceſs or Land Tax, that ſhall by Law be payable out of ſuch Eſtates; the Pay or Salaries of which Stewards, Receivers, Bailiffs or Factors, ſhall not exceed the Tenth Part of the yearly Value

Stewards to be appointed for managing the Eſtates.

The Miniſters, &c. Money and Land Tax to be paid thereout.

Stewards Salary.

Value of the Rents and Profits of the forfeited Eſtates, for the Management of which they ſhall be reſpectively appointed.

Provided always, That all and every Steward, Receiver, Bailiff or Factor, to be ſo appointed, before he enter on the Execution of his Office, or be capable to perform any Part thereof, ſhall be approved of as aforeſaid, and ſhall take the Oaths appointed to be taken by the ſaid Act of the Firſt Year of His late Majeſty, and ſhall give Bond to the King's Majeſty for a Sum not leſs than two Years Rent of ſuch Eſtate or Eſtates as he ſhall be appointed Steward, Receiver, Bailiff or Factor over, with ſufficient Security for the Payment thereof, in caſe he ſhall fail to pay to the ſaid Receiver-general at ſuch Days and Times as he ſhall be thereto required by the Precept of the ſaid Barons, or any Three or more of them, all and every Sum or Sums by him received out of the Eſtate or Eſtates on which he ſhall be appointed Steward, Receiver, Bailiff or Factor, and to account for all ſuch Sums as ſhall remain due and payable in the Hands of the Tenants or Poſſeſſors at the Time of his accounting, by producing Evidence that he hath uſed all due and lawful Means and Diligence for recovering of all ſuch Sums ſo remaining due and payable; and all and every Steward, Receiver, Bailiff or

Steward to take the Oaths;

and to give Security.

or Factor, ſhall be fully acquitted and diſcharged by the ſaid Exchequer, upon his paying and accounting as aforeſaid.

Sequeſtrations of the forfeited Eſtates, made otherwiſe than this allows,

And be it further enacted, That all and every Sequeſtration, Suſpenſion, Arreſtment, and other Act and Decree made and paſſed in any Court of Judicature ſince the Firſt Day of *Auguſt* One thouſand ſeven hundred and forty five, or which ſhall hereafter be made or paſſed, otherways than according to the Directions of this preſent Act, whereby any Right, Title, Charge or Intereſt in, to, out of, or upon any of the ſaid forfeited Eſtates, hath been, or ſhall be decided and determined in Favour of any Creditor, or Perſons claiming Intereſt therein, or whereby any Perſon or Perſons have been, or ſhall be entitled to poſſeſs any Part of the ſaid Eſtates Real or Perſonal, or to levy, receive, or diſcharge any Part of the Rents and Profits of the ſame by any ſuch Decrees or Sentences, or without any lawful Title, are hereby declared to be void, null, and of no Effect, as if the ſame had never been made or paſſed.

to be null.

And whereas ſeveral Perſons in Poſſeſſion of the Meſſuages, Lands, Tenements, and Hereditaments which ſhall have been found by the ſaid Barons to be forfeited and veſted in His Majeſty by virtue of this Act, or who have received the Rents and Profits of the

the ſame ſince the Twenty fifth Day of *June* One thouſand ſeven hundred and forty ſix, or are otherwiſe indebted to His Majeſty by virtue of this Act, may refuſe or neglect to pay the ſame unto the ſaid Receiver-general, according to the Direction of this Act; be it therefore enacted by the Authority aforeſaid, That the ſaid Barons, or any Three or more of them, ſhall, and they are hereby impowered and required to call to Account all and every Perſon or Perſons, their Heirs, Executors, Adminiſtrators, and Succeſſors, who by virtue of any Sequeſtration, or other Decree, made and paſſed by any Court of Judicature, ſince the Firſt Day of *Auguſt* One thouſand ſeven hundred and forty five, or by virtue of any other Right or Title, hath taken or retained, or ſhall take or retain Poſſeſſion of any Part of the ſaid forfeited Eſtates, Real or Perſonal, or have levied or diſcharged, or who ſhall levy, receive, or diſcharge any Part of the ſaid Rents, Iſſues, or Profits of the ſaid Eſtates (not herein before excepted) which have become due ſince the Twenty ſixth Day of *June* One thouſand ſeven hundred and forty ſix, for his or their Poſſeſſion or Intromiſſions with the ſame, or who have incurred or ſhall incur any Penalty or Penalties, or are otherwiſe indebted to His Majeſty by virtue of this Act, and upon his, her, or their Appearance

Perſons who have taken Poſſeſſion of any of the Eſtates, &c. by Sequeſtration, &c. ſince 1ſt *Auguſt* 1745, to be called to an Account.

ance or Neglect, or Refuſal thereof, after being thereto duly required by Precept as aforeſaid, the ſaid Barons, or any Three or more of them, ſhall, and they are hereby impowered and required, in a ſummary Way, without the Formalities of Proceedings in the Courts of Law or Equity, to inquire and inform themſelves, by and upon the Teſtimony of Witneſſes upon Oath, Examination of Perſons intereſted, upon their Oaths, Inſpection and Examination of Deeds, Writings, Accounts and Records, or by all or any of the ſaid Ways and Means, or otherways, according to their Directions, as ſoon as conveniently may be, to ſtate and ſettle the Sums due and payable by every ſuch Perſon or Perſons, for, or on account of, their ſaid Intromiſſions, Debts, Penalties or Forfeitures aforeſaid, and to direct their Precepts, ordering them, their Heirs, Executors, Adminiſtrators, and Succeſſors, to make Payment of the Money appearing to be due thereupon unto the ſaid Receiver-general, and to deliver up to the ſaid Barons, or any Three or more of them, or their Order, all ſuch forfeited Goods and Chattles as have been, or ſhall be intromitted with, and poſſeſſed by them, at ſuch Days and Times, as by the ſaid Barons, or any Three or more of them, ſhall be limited and appointed by their ſaid Precepts; and in caſe

Barons to proceed in a ſummary Way, &c.

and to direct their Precepts for Payment of the Sums due;

and for delivering up the forfeited Goods, &c.

caſe of Neglect or Refuſal to comply with the ſaid Precepts, the ſaid Barons, or any Three or more of them, are hereby authorized and impowered to order ſuch Proceedings to be had thereupon, as if the Contents of ſuch Precepts had been duly found by Inquiſition, taken and returned into the ſaid Court of Exchequer.

And, to the End that all and every the ſaid Eſtates, and Intereſts hereby, or otherways veſted in His Majeſty, whereof the ſaid Barons of Exchequer ſhall, upon Inquiry, make Diſcovery, and ſeize or recover the Poſſeſſion, may be duly publiſhed, ſo as all Perſons having Intereſt may have Notice thereof, in ſuch Manner as they may enter their Claims upon the ſame in the Manner herein after provided; be it enacted by the Authority aforeſaid, That the ſaid Barons of Exchequer ſhall cauſe the Regiſter, or Books herein appointed to be kept, of the Names of all Perſons attainted of High Treaſon within the Times aforeſaid, and of all Real and Perſonal Eſtates and Intereſts by this Act, or otherwiſe veſted in his Majeſty, or an authentick Copy or Duplicate of ſuch Books to be kept by a proper Officer, who ſhall make the ſame open and patent to the Inſpection of all Perſons who ſhall demand the ſame, betwixt the Hours of Ten and Twelve in the Forenoon,

Regiſter of the forfeited Eſtates to be kept, and to be ſeen *gratis*.

noon, upon any lawful Day, without any Fee or Reward; and in the said Books shall be expressed the Dates when the Entries of the several Estates, Real or Personal that shall be there ingrossed, were made; and the said Barons, or any Three or more of them, shall also transmit to the said Commissioners of His Majesty's Treasury, or the High Treasurer of *Great Britain* for the Time being, an authentick Copy of the said Register or Books.

Dates of the Entries to be expressed.

Copy of the Register to be transmitted to the Commissioners of the Treasury.

And it is hereby further enacted, That when any Real or Heritable Estate shall be entered in the said Register, the said Barons shall, from Time to Time, within the Space of One Month after such Entry, transmit, or cause to be transmitted, an authentick Copy or Duplicate of every such Entry to the Sheriff of the Shire, or Steward of the Stewartry, within which the Lands or other Heritable or Real Estate are situated; and every such Sheriff or Steward shall, and is hereby required, within Twelve Days after he shall receive such Duplicate or Copy, to cause the same to be published at the Market Cross of the Head Burgh of the Shire or Stewartry, and to cause to be inserted in a Book to be provided and kept for that Purpose by the Clerk to such Sheriffs, or Stewards Courts; all which Books shall be made open and patent to any Persons demanding Inspection

Duplicate of the Entries to be sent to the Sheriff of the Stewartry where the Lands, &c. lie.

Sheriff to give publick Notice and make Entry thereof.

Books to be seen *gratis*.

Inspection of the same, upon any lawful Day, between the Hours of Ten and Twelve in the Forenoon, without Fee or Reward.

And be it further enacted, That all and every the Estates and Interests which shall be entered in the Register, to be kept by the said Barons of the Exchequer, according to the Directions of this Act, to or upon which no Claim shall be entered within the Time, and in the Manner herein after prescribed, shall be deemed and taken against all Persons, and to all Intents and Purposes, to be vested in His Majesty in virtue of this Act; and such Estates and Interests as shall be so entered in the said Register, and to or upon which Claims shall be entered, shall in like Manner be deemed and taken to be vested in His Majesty; subject only to such Burden, Diminution, or Eviction, as shall arise from the Determination of the Claims that shall be so entered, and no otherways.

Estates to vest in His Majesty, where no Claims are entered;

and where claimed, upon Payment of the Debts.

And, to the End that all and every the said Estates and Interests, herein before vested in His Majesty, may be disposed of in the most beneficial Manner, and the Produce and Value thereof applied for the Payment and Satisfaction of such Claims, out of the respective Estates as shall be decreed to be just and lawful, and the Remainder for the Use of His Majesty, His Heirs, and Successors;

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Estates to be sold, where His Majesty shall not discharge the Claims within Twelve Months.

sors; be it further enacted, That in case His Majesty, His Heirs, or Successors, shall not make effectual Provision for the Payment or Satisfaction of all such Debts and Claims, within the Space of Twelve Months after the same shall be respectively adjudged, then it shall be lawful for the said Barons, or any Three of them, and they are hereby required to sell, or cause to be sold, so much of the Estates of the attainted Persons, as they shall judge necessary to be sold for Satisfaction of the Debts and Claims affecting the same, and apply the Money arising by the Sale thereof respectively, in Discharge of the several Debts or Claims to which they shall be adjudged to be liable.

Estates not to be sold, where His Majesty shall so order and make Payment of the Claims.

Provided nevertheless, That if His Majesty, His Heirs, or Successors shall, after the Expiration of the said Time, make effectual Provision for the Payment or Satisfaction of all the Debts or Claims upon any such Estate, and shall, before the same is sold, by Warrant or Warrants under His or Their Sign Manual, at any Time or Times, direct any such Estates not to be sold; then the said Barons shall not proceed in the Sale of any Estates so prohibited to be sold; and in respect to the Sale of the said Estates, or any Part thereof, the said Barons of the Exchequer are hereby authorized and required to proceed in such Manner and Form, and according

cording to such Rules, as the Barons of the Court of Exchequer in *Scotland* were directed to observe, by an Act made in the Thirteenth Year of the Reign of His late Majesty, intituled, *An Act for Sale of such of the forfeited Estates in that Part of* Great Britain *called* Scotland, *as remain unsold, and are vested in the Crown; and for determining such Claims on the said Estates, as, having been duly entered, remain undetermined.*

Act 13 Geo. I. to be observed in the Sale of the Estates.

And that no Person or Persons whatsoever, having any Estate, Right, Title, or Interest in Law or Equity, in, to, or out of any of the forfeited or forfeitable Estates and Premises, may be in any respect prejudiced by this Act, be it enacted by the Authority aforesaid, That all and every Person and Persons whatsoever, Bodies Politick and Corporate (other than and except all such forfeiting Persons as aforesaid, and the Heirs, Executors, Administrators, and Assigns of every of them, and all and every Person and Persons having or claiming any Thing in the Premises, or any Part thereof, to the Use of, or in Trust for, any such forfeiting Persons, or their or any of their Heirs, Executors, or Administrators) having any Estate, Right, Title, Interest, Use, Trust, Possession, Reversion, Remainder, Office, Annuity, Service, Rent, Debt, Benefit, Charge or Incumbrance whatsoever in Law or Equity,

All Claims on the Personal Estates, &c. vested in His Majesty, to be made within Three Months, from the Time of their Entries in the Register;

quity, in, to, or out of, or upon any Caſtles, Honours, Manors, Meſſuages, Lands, Tenements, Rents or Hereditaments whatſoever, or to any real or perſonal Eſtate, or any other the Premiſes whatſoever, herein before or otherways veſted in His Majeſty, by or under any Settlement, Conveyance, Judgment, Statute, Recognizance, Extent, or other Debt, Charge, or Incumbrance, affecting, or which was binding on the forfeiting Perſons, and might have affected the ſame Eſtate, before the reſpective Days and Times whereon the ſame was veſted in His Majeſty as aforeſaid; and alſo all and every Perſon and Perſons, Bodies Politick and Corporate, pretending to have Right or Title to any Eſtate, which ſhall have been ſeized or ſurveyed by the ſaid Barons for the Uſe of His Majeſty, and who ſhall pretend that none of the Perſons attainted, ſince the Twenty fourth Day of *June* One thouſand ſeven hundred and forty five, and before the Twenty fourth Day of *June* One thouſand ſeven hundred and forty eight, for High Treaſon, was ſeized or poſſeſſed of, or intereſted in, or entitled unto, ſuch Eſtate in his, her, or their own Right, or to his, her, or their own Uſe, nor any other Perſon in Truſt for them, or any of them, on the ſaid Twenty fourth Day of *June* One thouſand ſeven hundred and forty five, or at any Time

Time ſince, or that they have Right or Title to ſuch Eſtate, ſhall, within the Space of Three Months, to be reckoned from and after the Date of the Entry that ſhall be made in the Regiſter Book in the Exchequer of any perſonal Eſtate, and in caſe of real Eſtates, within Six Months of the Entry of the Regiſter, to be kept in the County or Stewartry where ſuch Eſtate lyes, in Manner herein before directed, of the Eſtate or Intereſt in, to, or out of which ſuch Claims and Demands are to be made reſpectively, enter all their reſpective Claims and Demands before the Court of Seſſion in *Scotland*, in ſuch Manner as is herein after mentioned; or in Default thereof, every ſuch Eſtate, Right, Title, Intereſt, Uſe, Poſſeſſion, Reverſion, Remainder, Office, Annuity, Service, Rent, Debt, Charge or Incumbrance, in, to, out of, or upon the ſaid Premiſes, or any Part thereof, ſhall be and is hereby declared to be null and void to all Intents and Purpoſes whatſoever; and the Eſtate or Eſtates ſo as aforeſaid, liable unto or charged therewith, ſhall from thence be freed, acquitted and diſcharged of and from the ſame; and all ſuch Claims and Demands of Infants, ſhall and may be made by their Fathers or Guardians, or any other Perſons in their Behalf; and all Claims of Femmes Covert by their Huſbands, or any other

and Claims on real Eſtates, within Six Months;

or in Default thereof, to be null and void.

Claims of Perſons incapacitated to act for themſelves, by whom to be made;

other Perſons on their Behalf; and all Claims of Madmen, Ideots or Lunaticks, by ſuch Perſon or Perſons, under whoſe Care or Cuſtody they are or ſhall be at the Time of entering ſuch Claims; and that all ſuch Claims ſhall be made and tendered to the Court of Seſſion, in Time of Seſſion, or to the Lord Ordinary on the Bills in Time of Vacance, written in Parchment, and ſigned by the Party or Parties making the ſame, or ſuch other Perſon or Perſons on his, her, or their Behalf as aforeſaid, or ſigned by the Attornies or Factors of the Party or Parties having the Intereſt claimed; and ſuch Signing ſhall be teſtified by Two or more credible Witneſſes, who ſhall ſubſcribe their Names to atteſt the ſame; and every Claimant ſhall therein particularly expreſs what Eſtate, Right, Title, Intereſt, Uſe, Poſſeſſion, Reverſion, Remainder, Office, Annuity, Service, Rent, Debt, Benefit, Charge or Incumbrance, he or ſhe demand or claim in, to, out of, or upon any Part of the Premiſes, by and under what Grant, Gift, Settlement, Conveyance, Security, Title or Incumbrance, he or ſhe do claim the ſame; and if ſuch Party Claimant hath, demands, or claims any Eſtate, Right, Title or Intereſt, in or to any Part of the Premiſes, by virtue of any Incumbrance, for any Debt or Sum of Money whatſoever, ſuch

where to be tendered, and the Method and Form to be obſerved;

and the Contents of the Claims.

ſuch Party ſhall alſo in his Claim ſet forth ſuch Incumbrance, and the Dates and Contents thereof, and the Witneſſes thereto; and if the ſame be recorded, when and where the ſame was entered on Record, and whether ſuch Debt and Sum of Money was and is really due, and remains wholly unpaid and unſatisfied, and what Part and how much thereof has been really and truly ſatisfied, by Money paid, Perception of Profits, or by any other Ways or Means whatſoever; and every ſuch Claim ſhall be tranſcribed by Order of the ſaid Court, and entered in Books to be provided, and fairly kept by them for that Purpoſe; and the ſaid Court of Seſſion is hereby impowered and required to proceed in a ſummary Way, without abiding the Courſe of any Roll, as well out of as in Term Time, to hear and determine all ſuch Claims; and every ſuch Decree of the Court of Seſſion ſhall be final, and binding upon all Parties concerned, in caſe Thirty Days, on any of which ſuch Proceedings as are uſual and competent by the Laws of *Scotland*, for reverſing or amending ſuch Decrees, ſhall elapſe without ſuch Proceedings being had, made or commenced by either Party.

Claim to be regiſtered.

Court to proceed in a ſummary Way in determining the Claims.

Decrees to be final.

And, to the End that due Care may be taken of the Intereſt of His Majeſty in reſpect of ſuch Claims as ſhall be offered as aforeſaid, it is hereby further enacted, That the

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The King's Rights to be defended by His Advocate, or the Solicitor General.

the King's Advocate, or in his Abſence His Majeſty's Solicitor General in *Scotland*, ſhall, and they are hereby impowered and required to provide for making proper Anſwers and Defences on Behalf of His Majeſty to all ſuch Claims as ſhall be offered as aforeſaid, and for reverſing, affirming or amending the Decrees that ſhall be paſſed upon ſuch Claims, as they ſhall ſee Cauſe.

Court to proceed in a ſummary Way in Examination of Witneſſes, &c.

And be it further enacted, That the Court of Seſſion ſhall, and they are hereby impowered and required, in a ſummary Way, and without the Formality of Proceedings in the Courts of Law or Equity, to proceed by and upon the Teſtimony of Witneſſes upon Oath, Examination of Perſons claiming, or otherwiſe intereſted, upon their Oaths, Inſpection, and Examination of Deeds, Writings and Records, or by all or any of the ſaid Ways and Means, or otherways, according to the Circumſtances of the Caſe, as ſoon as conveniently may be, to hear and determine, and adjudge all and every Claim and Claims which ſhall be entered within the Times aforeſaid; and that every Party claiming ſhall, if required by the ſaid Court, or by or on Behalf of His Majeſty's Advocate, upon Oath, anſwer to the Truth of his or her Claim, and to ſuch proper Interrogatories as the Court or Council for His Majeſty ſhall think fitting for the clearing

Claimants to anſwer upon Oath.

and to produce their Deeds, &c. to the Court.

clearing thereof; and, upon Oath, produce before the ſaid Court, at their hearing ſuch Claim, all ſuch Deeds, Writings and Evidences, as are in his Cuſtody or Power, any Ways concerning the ſaid Claim, or the Subject Matter thereof.

Certificates to be given for Sums decreed;

And be it further enacted by the Authority aforeſaid, That where the Claim, ſo to be determined as aforeſaid to be juſt and lawful, ſhall contain a Demand of any Sum or Sums of Money, any Ways affecting any of the ſaid forfeited Eſtates; then, and in ſuch Caſe, the ſaid Barons of the Exchequer, or any Three of them, ſhall, and are hereby expreſsly impowered and required to iſſue out Debentures or Certificates to Claimants, for the reſpective Sum or Sums which ſhall be determined to be due and payable to them ſeverally by the Decrees of the ſaid Court of Seſſion; which Debentures or Certificates, with legal Intereſt, ſhall be paid in the firſt Place without any Deduction, Fee or Reward by the ſaid Receiver-general, out of ſuch Rents and Profits as ſhall be paid into his Hands, from the reſpective Eſtates upon which the ſaid Claims are allowed.

to be paid with Intereſt.

No Decrees, &c. to be made for any Sum on account of Penalties.

Provided always, That no ſuch Decree, in Favour of any Claimant, or Debenture or Certificate to be iſſued thereupon, ſhall be made for any Sum or Sums, on account of Penalties for Failure of Payment at the Day

it became due, or for any other Penalties whatſoever.

In Claims for Eſtates affirmed, the Claimants to be put into poſſeſſion.

And be it further enacted, That where the ſaid Claim ſhall contain a Demand of any Honours, Caſtles, Manors, Lands, Tements, Rents, Services, Rents-charge, Hereditaments, or other real Eſtate whatſoever, or any Intereſt therein, and ſhall be adjudged, determined, or decreed as above ſaid to be juſt and legal; then, and in that Caſe, the ſaid Court of Seſſion are hereby authorized to order the Sheriff or Sheriffs, or the proper Officer or Officers of, and in the reſpective Counties and Stewartries where the ſame ſhall lie, to cauſe Poſſeſſion to be delivered to ſuch Claimant or Claimants, his, her or their Heirs, Executors, Adminiſtrators or Succeſſors, or to whom they or any of them ſhall appoint; and all and every ſuch Claimant or Claimants, his, her or their Heirs, Executors, Adminiſtrators or Succeſſors, ſhall hold and enjoy the ſame for ſuch Eſtate and Intereſt therein reſpectively, as ſhall be adjudged, determined, or decreed as aforeſaid.

And to the End that Juſtice may be rendered to the ſeveral Claimants, on the ſaid forfeited Eſtates or Intereſts, according to the Priority or legal Preference of their Rights and Diligences; be it further enacted, That it ſhall and may be lawful for the Court

Courts to adjudge the legal Preference of the Claimants, &c.

Court of Seſſion, upon the Application of His Majeſty's Advocate, or of any Claimant whoſe Claim ſhall be affirmed on any of the ſaid forfeited Eſtates and Intereſts, to rank and determine the Order of Preference of the ſeveral Creditors and Claimants on the reſpective Eſtates and Intereſts; and the Judgment to be given by the Court of Seſſion, upon ſuch Application, ſhall be of the ſame Force and Effect, as if the ſeveral Creditors or Claimants who ſhall be ſo ranked, had been ſummoned for that Purpoſe, in the uſual Manner, in a Proceſs of Ranking.

And whereas during the Dependence of ſuch Ranking, or before the final Deciſion of all the Claims on any of the ſaid forfeited Eſtates, it may be juſt and reaſonable that the growing Rents and Profits of the ſaid Eſtates, or ſome Part thereof, ſhould be paid over to ſome or other of the preferable Creditors or Claimants thereon; be it therefore enacted by the Authority aforeſaid, That it ſhall and may be lawful to the ſaid Court of Seſſion, when they ſhall ſee Cauſe, to make Interlocutors, finding any Creditor or Claimant upon ſuch Eſtate, entitled to any Sum or Sums of Money that ſhall be ſpecified in ſuch Interlocutors, and recommending to the Barons of Exchequer, to cauſe the ſame to be paid; and upon Production of ſuch Interlocutor, or an Extract thereof,

Court to make Order for Payment of the Sums ſpecified in the Interlocutors, &c.

thereof, by the Party obtaining the ſame, to the ſaid Barons of Exchequer, or any Three of them, they are hereby impowered and required, as ſoon as conveniently may be, to make an Order upon the Receiver-general, or upon the Bailiff, Factor or Steward of the Eſtate, in ſuch Interlocutor mentioned, for Payment of the Sum or Sums therein ſpecified, out of the Rents and Profits of ſuch Eſtate.

Conveyances made by Traitors of any Eſtate, *&c.* after 24th *June* 1742,

And it is hereby further enacted and declared, That all Conveyances and Aſſurances whatſoever, of any Caſtles, Honours, Manors, Lands, Tenements, Rents, Hereditaments or real Eſtate whatſoever, made at any Time, after the Twenty fourth Day of *June* One thouſand ſeven hundred and forty two, by any Perſon who has been ſince attainted, or ſhall be attainted as aforeſaid, unto or for his own Uſe, or unto or for the Uſe of his Wife, or any of his Children, or in Truſt for himſelf, his Wife, or any of his Children, (other than ſuch as were made *bona fide* before, and in Conſideration of Marriage, or in Performance of ſome Covenant or Agreement made and reduced into Writing, before and in Conſideration of Marriage) and alſo all Aſſurances and Conveyances whatſoever, made at any Time ſince the Twenty fourth Day of *June* One thouſand ſeven hundred and forty two, by any

except in Conſideration of Marriage, *&c.*

any ſuch Perſon, are hereby declared to be, and ſhall for ever hereafter be deemed and taken to be fraudulent; and that no Claim ſhall, at any Time hereafter, be allowed for the ſame, excepting ſuch Aſſurances and Conveyances, as have been made ſince the Time aforeſaid, or ſhall be made in Time coming, for juſt and onerous Cauſes, the ſaid onerous Cauſes being always otherways inſtructed, than by the Writings themſelves.

deemed fraudulent.

No Claim to be allowed but for onerous Cauſes.

And whereas ſeveral Tenants of the ſaid attainted Perſons, may have paid their reſpective Rents due to them, after the ſaid Twenty fourth Day of *June* One thouſand ſeven hundred and forty five, and before the Times of their reſpective Attainders, without Fraud or Colluſion; be it therefore enacted, That ſuch Tenants ſhall be, and are hereby diſcharged therefrom, on due Proof of ſuch actual Payments thereof reſpectively made.

Tenants on Proof of the Payment of their Rents to be diſcharged thereo

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