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A
LETTER
FROM A
GENTLEMAN in *England*,
TO HIS
FRIEND in *Scotland*,
Concerning the forfeited annexed Estates
there;
With the ANSWER.

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London, 12th November 1756:

I Was glad to hear this Morning of your be-
ing arrived in Town, where I hope the Di-
versions of your late Journey have returned
you with such an Increase of Health, as is
necessary for the Support of your Affairs du-
ring the Winter Session. They talk here of great
and many Changes of Men in high Offices. But in
these Matters of State I have no other Concern,
than to wish that the particular Changes intended,
may turn to the Advantage of our Country in gene-
ral, and that Changes of Men may go hand in hand
in Change of Measures. I have your Promise to fur-
nish me with a true State of the forfeited Estates in
Scotland, which were of late Years annexed to the
Crown, pray do it, and let me have your Opinion,
when will the Debts that affect these Estates be paid.
It is Interest, and no Curiosity, that leads my Desires
to be known to these Particulars. I am a Creditor to
a Gentleman, to whom some of these Estates stand
indebted; he tells me a Tale of a Tub, that his Claim
was entered and sustained about seven Years ago,
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and to this Hour can get Payment of neither Principal or Interest. This is a Doctrine which we here do not understand; for an *Englishman* would laugh to hear, that the G——t should take Possession of their Debtors Estates, and not pay their just and lawful Debts: No, this I take to be like the wonderful Stories propagated against the Army, accusing them of Murders, Rapes, burning and plundering after the Battle of *Culloden*, which would be as much against the Law of the Land, and Rules of Humanity, as the Doctrine now advanced by my Friend would be against Justice and Equity.

T H E

ANSWER to the preceding LETTER.

THE yearly free Rent of the Estates which are annexed to the Crown, will amount to about twelve Thousand Pounds *per annum*, and from the Rebellion to the Year 1752, inclusive, will amount to a considerable Sum: During which Time, by the vesting Act, the Rents were under the Administration of the Barons of Exchequer, who were impowered and required to apply them towards Payment of the Creditors; and yet it does not appear that any more than a very small Part has been applied that way; at least the Creditors, of whom a great Part are Widows and Orphans, belonging to Families well affected to the G——t, have got nothing, and are starving, or a Burden on their Relations; while the Money is in the Hands of Persons noways intitled to keep it; and some of them employ that Money, which is the Property of the Creditors, in buying up Debts, like Seamen's Tickets, for little or nothing, and others laying

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it out at Interest to Banks and Bankers, and thereby enrich themselves by that Money which ought to be applied to the Payment of lawful Creditors. This is grossly abusing the G——t, and perverting the Designs of the Legislature, which no Doubt intended that the Creditors should be faithfully paid of what was due to them, under this sole Restriction; that no Penalties should be claimed or decreed; but in every other Respect they were to have the Benefit of the common Law, as in other Cases the rest of the Subjects enjoy: Yet, contrary to what is the common Practice in every Case betwixt Subject and Subject, the Court of Session would not allow Interest upon Accompts, tho' legally vouched to be honestly due, even after a Twelve-month; which is the Rule observed by that Court in every other Case; nor sustain a Claim on any Debts that were contracted after the 24th of *June* 1745, tho' onerous and *bona fide* contracted; whereby many poor Creditors lose their just Claims. The Proceedings of the Honourable Court in this Manner, I am convinced is not owing to their Want of Inclination to do Justice to the Subjects, nor to the Want of Abilities and Candour in the Honourable Person who served the Crown, and assisted in forming the Laws; and therefore the Wrong must be attributed to a mistaken Apprehension in the Ad——n in point of Policy, as well as Expediency, when the vesting and Annexation Laws past. However, this Hardship, and the great Charges Creditors are put to, (of which they get no Allowance) in getting their Debts ascertained; and after that, the Fees that are exacted by the Officers in Exchequer, when Application is made to the Barons for an Order on the Receiver-general, for demanding which Fees there is no Manner of Foundation in the Act of Parliament, People seeing such Difficulty and Distress, rather chuse to relinquish their Claims, because they are unable to go thro' with them, and that when all is done, their Payment is very

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very uncertain and precarious: That the Legislature and most equitable Part of Mankind, may know these Exactions in Exchequer, a Table of them will be printed with an additional Article to the Crown Agent, in acting for the Crown against the Claims, which is stated at the Discretion of the Barons, and is often very large, when the Creditors get not above the Half of their Money, as in the Case of Lord *Strathallan*. This is besides his Salary: And if the Officers are thus paid out of the Pockets of the Creditors for acting against them, they enjoy their large Salaries for nothing. This is not said out of Envy, but as a Grievance that poor Creditors think they have Reason to complain of; nor do they mean to say that these Gentlemen are unworthy of their Salaries; they are Men of Zeal and Abilities: But however well they merit at the Hands of the G—t, the Creditors can never admit that their high Fees and Salaries ought to be paid out of their Funds. Besides these, the Expence of all Appeals at the Crown's Instance, Salaries to Secretaries and their Clerks, and other Incidentals, are paid out of the Rents of these Estates, which so far diminish the Creditors Funds, while Orphans and Widows starve for Want of Bread. There are other forfeited Estates which are now annexed to the Crown, that held of Subject Superiors: And altho' it is now almost twelve Years since they have been in the Possession of the Crown, the Creditors of these Estates have not yet had Access to know whether the King is their Debtor, or these Subject Superiors; that is to say, whether the Clan Act takes Place or not: And until that is known there lieth no Method open to them to get their Debts ascertained; for if the Estates belong to the Crown, they must apply in the same Way as the Creditors did upon the other Estates, that is, to the Court of Session, according to the Directions of the vesting Act. But that Court in the present Circumstances will not
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receive such Application; and if they shall be found to belong to the Subject Superior, the Creditors must recover their Debts in the usual Way, by Process, at the Distance of fifteen, and perhaps twenty Years, after the Crown is in Possession, and drawing the Rents, and the Factors enriching themselves with the Money which ought to have been applied to the Payment of the Creditors Debts. The other Class of Estates that are likewise annexed to the Crown, are put under the Management of certain Commissioners, by an Act of the 25th of his present Majesty, whereby it is enacted, That all the Lands, &c. which became forfeited by the Attainder of *Simon Lord Lovat*, &c. shall with the Pertinents of the same, from and after the 25th of *December 1752*, be annexed to the Crown, and shall remain for ever unalienable from the same, &c. And by another Clause it is declared, That how soon the Claims are ascertained, and a Certificate granted of the Amount of these Claims, the Creditors shall be paid out of the then next Aids to be granted in Parliament: And it is further enacted, That the clear Produce of the Estates shall be applied in Manner after mentioned, or in such other Manner as his Majesty shall direct, by Warrants under the royal Sign Manual, to the Purposes of civilizing the Inhabitants upon the said Estates, and other Parts of the Highlands and Islands in *Scotland*, the promoting amongst them the Protestant Religion, good Government, Industry and Manufactures, and the Principles of Duty and Loyalty to his Majesty, and to no other Purpose whatever. And the Act concludes thus, Enacted, that the Receiver General shall reserve the Rents of the said Estates for answering Orders made upon him by the Commissioners. — Provided, that until the final Determination of the Claims on the aforesaid Estates, it shall be lawful for the Treasury to cause to be applied, so much of the Rents of them, as
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they shall find necessary for defraying the Expences of Management thereof, and of discussing such Claims. The Claims have been in Dependence before the Court of Session since the Year 1746; and upon the present Plan, and by the Manner of managing these Claims, the Year 1766 may finally determine them. Then, and not till then, no Application can be made to Parliament for laying on a Fund on the Nation, for paying the Creditors the Debts that were due them by the forfeiting Persons on or before the 24th June 1745, and sustained to affect the Estates that belonged to their Debtors in the Years 1747, 1748, and subsequent Years: Whereas, if these Estates had been sold, and the Management of them directed by the common Law, the Creditors would have been paid in a Year or two after the Rebellion, and a considerable Sum would have been saved to the Publick, and the just Clamour and Complaint of lawful Creditors prevented. — The Nation is entering upon a just War against the *French*; this Nation is suspicious that a Descent upon them may be attempted, therefore, it becomes the Duty of every good and faithful Subject to arm himself with Resolution, chearfully and with Alacrity to contribute his Assistance to repel every Attempt made upon his Country, and to maintain and support our Liberties, which are secured by the best Constitution in the World. But then, it should be considered, however valuable a Blessing that Constitution may be, it is only to such as can enjoy it, and no Body can enjoy it, who has not his Property maintained and secured to him against whatever Officers of the Law, and Oppressors of any Kind; for it is much more eligible to live in Plenty under the worst constituted Government, than in Poverty under the best, because it cannot be the best to him who does not feel it.

F I N I S.