

The Records of the Parliaments of Scotland to 1707, K.M. Brown et al eds (St Andrews, 2007-2021), date accessed: 10 March 2021

Anne: Translation > 1706, 3 October, Edinburgh, Parliament > Parliamentary Record: Warrants > Wednesday 12 February 1707

[1706/10/305]¹

Legislation

Act of dissolution of the lands of Orkney and Shetland from the crown in favour of [*James Douglas*], earl of Morton

Our sovereign lady, considering the good and faithful services done and performed by James, now earl of Morton, and his predecessors, earls of Morton, to her majesty and her royal ancestors and their native country; and also considering that the said James, earl of Morton, having represented his title and interest to the isles of Orkney and Shetland, to the parliament 1693, and the parliament having appointed their majesties' advocate for the time to see and answer the said representation, and answers being accordingly given in for their then majesty's interest, which, with the representation being considered by the parliament on 15 June 1693, they did recommend to their then majesties the said earl of Morton's case, and to consider the hardships and stretches which he and his predecessors had suffered by a decret of reduction obtained at the instance of the king's advocate for his majesty's interest in the year 1669, reducing the earl of Morton, his right and title to the earldom of Orkney and lordship of Shetland, and others therein-mentioned, and by an act passed in the parliament in 1669, whereby the foresaid decret was confirmed and ratified and the said isles of Orkney and Shetland were of new annexed to the crown and patrimony thereof. Furthermore, the said earl, having given in a new representation to the parliament held in 1702, the parliament did again recommend to her majesty to consider the hardships the said earl and his predecessors have suffered by the above-mentioned decret and act, with all that followed thereon. And her majesty, having taken to her royal consideration the foresaid recommendations and representations whereupon the same proceeded, with the representation made by the said James, earl of Morton in this session of parliament, and being convinced of the hardships and stretches mentioned in the foresaid recommendations of parliament, whereby, and by the transactions depending, and following thereupon, the earl and his family were very greatly harmed; and having also considered that small or no advantage has redounded to the crown from the tacks and management of Orkney and Shetland since the said annexation, and being willing to show at once a mark of her majesty's royal justice and favour to the said earl of Morton and his family, for preserving the same, therefore, her majesty, for the good and weighty reasons and causes above-mentioned, with the special advice and consent of the estates of parliament, for all right and title in any way competent to the crown or principality of Scotland, has dissolved and hereby dissolves from the crown and patrimony thereof, all and whole the earldom of Orkney and lordship of Shetland, with all and sundry isles, holms, burghs, udal lands and other lands whatsoever, of what name and by what designation soever the same are, or may be known, lying within the sheriffdom or stewartry of Orkney, and pertaining to the said earldom and lordship, and now, by the foresaid acts of annexation passed in the parliaments held in the years 1612 and 1669, pertaining to her majesty, or by whatever other right and title, together with all castles, towers, fortalices, mills, multures, fishings, annualrents, reversions, patronages of kirks, chaplainries, altarages or prebendaries, teinds

parsonage and vicarage, with the office of justiciary, sheriffship, stewardship, bailiary or foudery, with the casualties and privileges thereto belonging; together with all other parts, pendicles and pertinents, casualties, jurisdictions, privileges and others whatsoever belonging to the same; to the effect her majesty may convey to the said James, earl of Morton, his heirs and successors whatsoever, the foresaid earldom, lordship, isles, lands, mills, offices, jurisdictions, casualties and others above-mentioned or any part thereof, and that in such manner as may most effectually preserve the same to the said earl and his foresaids for support of the family of Morton, redeemable by her majesty and her royal successors, on payment of the sum of £360,000 Scots money, and that in due and competent form; to be held all and sundry the foresaid earldom, lordship, isles, lands, mills, burghs, teinds, patronages, offices, jurisdictions, casualties and others above-written with the pertinents, to the said James, earl of Morton, his heirs and successors whatsoever, of her majesty and her royal successors, giving yearly the said James, earl of Morton, and his foresaids, to her said majesty and her royal successors, during the non-redemption, for all and sundry the foresaid earldom, lordship, isles, holms, udal lands and other lands, mills, burghs, teinds, patronages, offices, jurisdictions and others above-mentioned, with the pertinents, the sum of £6,000 Scots money, at two terms in the year, Whitsunday [*15 May*] and Martinmas [*11 November*] by equal portions, in name of feu ferm, with the double of the said feu duty at the entry of every heir, and administration of justice to all and sundry her majesty's lieges in the foresaid offices, as appropriate, with the sum of £1,600 Scots money to the ministers of Orkney, or such other sums as are or shall be modified by way of augmentation to the said ministers, out of the teinds above conveyed, at the terms of payment used and wont for all other burden, exaction, question, demand or service, which may be in any way asked or required furth of the said earldom, lordship, isles, lands, offices, jurisdictions, and others above-mentioned during the non-redemption, reserving all hawks pertaining to her majesty with the falconers' salaries and other casualties to them belonging, conforming to former custom used and wont. And lastly, her majesty, with advice and consent foresaid, declares and ordains the right to be granted by her majesty and royal successors to the said earl and his foresaids, of the aforesaid, hereby dissolved to the effect and in manner foresaid, to be as valid and effectual as if the same had never been annexed to the crown and patrimony thereof, and as if the said earldom, lordship, isles, lands and others foresaid were here more fully and particularly enumerated, albeit the same be not so done, with the which, her majesty, with advice and consent foresaid, has dispensed and hereby dispenses forever. And her majesty, with advice and consent foresaid, statutes and declares that this present dissolution shall have the full force and strength of any former act of dissolution passed in the best form, with all clauses needful, and hereby rescinds and repeals the foresaid acts of the parliaments passed in the said years 1612 and 1669, and all other acts annexing the foresaid earldom of Orkney, lordship of Shetland, isles, lands, offices, jurisdictions and others particularly and generally above-mentioned to the crown and the whole heads, articles and clauses thereof, in so far as the same may be hurtful and prejudicial to this present act and rights to follow hereon, declaring always that the right and jurisdiction of admiralty is not herein comprehended.

1. NAS. PA6/34, 'February 12 1707'.

