



At Kirkwall the twenty sixth Day
of May one thousand seven hundred and sixty seven
years. It is contracted and finally agreed upon
betwixt the Parties following, Viz. William Halero
of Coubrister on the one Part, and Thomas Balfour
merchant in Kirkwall on the other part, In man-
ner and to the Effect following, That is to say
The said William Halero has set, sold and dis-
=poned, and by these presents sets, sells & disposes
to and in favors of the said Thomas Balfour, his
heirs or assigns, All and whole the Tang,
Tangle & redware and all other kind of sea weed
whatsoever that grows or may grow upon the
whole of the shores of his Estate in Parish of Or-
phir on the Island of Cava, as also on the Sherry
or shoald called Peteriskerry contiguous to the
town of Peter town in Orphir, as also all other
sheries, rocks and shoalds, which presently per-
=tain to the said William Halero, with a full
and free right and Priveledge to so much of the
coast adjoining to such shores above the high
water mark, as may be found necessary for dry-
=ing burning & preserving the said Tang, Tan-
=gle, redware and seaweed into Hemp or any
other ashes, at any season of the year which

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the said Thomas Balfour and his aforesaid shall think proper; and that for the space of nine years, beginning with the year of God one thousand seven hundred and seventy four and the first day of January in said year, notwithstanding the Date hereof: And the said William Halero binds and obliges himself his heirs and successors to warrant & defend the said Thomas Balfour & his aforesaid, in the peaceable Possession and Priveledges the said Tang, Tangle Redware and seaweed into Kelp or Ashes, upon the shores above specified, during the term of the said nine years as above. For the which causes and on the other Part, the said Thomas Balfour binds & obliges himself & his foresaid, thankfully to pay the said William Halero of Coubister or his aforesaid the sum of Ten pounds Sterling money, at the term of Martmas yearly & each year during the currency of this Tack. And it is hereby expressly provided, that if the said Thomas Balfour or his aforesaid shall burn more than the Quantity of thirty Tons of Kelp or Ashes, during the space of each three years of this Tack, that in that event, he the said Thomas Balfour or his aforesaid shall be bound to pay to the said

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said William Halero or his aforesaid, the sum
of twelve Shillings & six pence Sterling for
each Ton so burnt by him, over and above the
thirty Tons above mentioned. And it is here-
by provided, that the said Thomas Balfour
& his aforesaid shall account to the said

William Halero and his aforesaid, for the sum
of twelve Shillings & six pence Sterling, for
each ton of Help or Ashes he shall make from

For cause to
be made on each
said shored

Sangle or Redware only, any time from the
Date hereof until the commencement of this
Tack, always accounting twenty one hundred
weight English of one hundred & twelve pound
per hundred weight, weighed upon the Decks
of the ship which receives the help or ashes

And lastly, both Parties bind &
oblige themselves & their aforesaid to perform
their respective Parts of the Premises, under
the Penalty of fifty Pounds Sterling, by
the Party faultier to the Party observ^{er} or
willing to observe, by and Allow the perfor-
mance. And they consent to the registration^{im}
hereof in the books of Council & Session or others

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competent, that Letters of Homings & all other Execution may pass hereon in form as Effects; and for this effect they constitute

Their Procurators: In witness whereof They have subscribed these Presents consisting of this and the above three preceding pages (written upon Stamped Paper by Thomas Traill son to Thomas Traill of Sirllet) Place, Day, Month & year of Gods first above written, before these witnesses Maurice Kennedy son to Alexander Kennedy merchant in South Bonnauld say & the said Thomas Traill, witnesses also to the Marginal Note on the second Page, also to that on the third. Wm. Paterson
Maurice Kennedy witness J.H. Balfour
Thomas Traill witness

Contract

Witness

William Paterson
and
Thomas Balfour

Thomas Balfour
26th May 1767

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