ANNO QUADRAGESIMO SEXTO

GEORGII III. REGIS

CAP. CLVII.

An Act for more effectually carrying into Execution the Purposes of an Act made in the Thirty-ninth and Fortieth Year of His present Majesty, to give further Time for the Payment, on the Conditions therein mentioned, of Instalments on certain Loans advanced to the House of *Alexander Houstoun* and Company, to *Charles Ashwell* Esquire, and to *William Johnstone* Esquire, being Persons connected with and trading to the Islands of *Grenada* and *Saint Vincent*, so far as relates to the Real and Personal Estates of *William Mac Dowall*, *James Mac Dowall*, and *Robert Houstoun Rae*, in the *West Indies* and elsewhere, except in *Scotland*.

[23d *July* 1806.]

WHEREAS by an Act passed in the Thirty-fifth Year of the Reign of His present Majesty, intituled, *An Act for enabling His Majesty to direct the Issue of Exchequer Bills to a limited Amount, for the Purposes and in the Manner therein mentioned*, reciting, that in consideration of the heavy Loses which had been sustained in the Islands of *Grenada* and *Saint Vincent*, in consequence of the then late Insurrections, 35 G. 3. c. 127.

Insurrections, it was expedient that His Majesty should be enabled to direct Exchequer Bills, to the Amount of One million five hundred thousand Pounds, to be issued to Commissioners, to be by them advanced, under certain Regulations and Restrictions, for the Assistance and Accommodation of such Persons connected with or trading to the said Islands, as should be desirous of receiving the same, on due Security being given for the Repayment of the Sums so advanced within a Time limited, it was enacted, that it should and might be lawful to and for the King's most Excellent Majesty, by Warrant or Warrants under His Sign Manual, to authorize and empower the Commissioners of His Majesty's Treasury then or for the Time being, or any Three or more of them, or the Lord High Treasurer for the Time being, to cause or direct any Number of Exchequer Bills to be made out at His Majesty's Exchequer, containing different Sums of One hundred Pounds, and Fifty Pounds, in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions (except where other Directions for making out the same were contained and particularly expressed in that Act) as in and by an Act of the then present Session of Parliament, intituled, *An Act for continuing and granting to His Majesty certain Duties upon Malt, Mum, Cyder, and Perry, for the Service of the Year One thousand seven hundred and ninety-five*, were enacted and prescribed concerning the Exchequer Bills to be taken or made in pursuance of the said Act; and by the said now reciting Act, certain Persons therein named where constituted Commissioners for advancing and lending to any Person or Persons connected with or trading to the said Islands of *Grenada* and *Saint Vincent*, or either of them, upon the Securities, and under the Terms and Conditions, and subject to the Regulations therein mentioned, the Exchequer Bills to be made out in pursuance of that Act: And whereas in pursuance of the said recited Act, Exchequer Bills to a large Amount, were advanced to *William Mac Dowall*, *James Mac Dowall*, *Andrew Houstoun* (since deceased), and *Robert Houstoun Rae*, Esquires, trading under the Firm of *Alexander Houstoun* and Company: And whereas an Act was passed in the Thirty-seventh Year of the Reign of His present Majesty, intituled, *An Act for allowing further Time for the Payment of Instalments to become due on certain Sums advanced by way of Loan, pursuant to an Act of the Thirty-fifth Year of the Reign of His present Majesty, intituled, 'An Act for enabling His Majesty to direct the Issue of Exchequer Bills, to a limited Amount, for the Purposes and in the Manner therein mentioned, 'and for granting further Relief to Persons connected with and trading to the 'Islands of* Grenada *and* Saint Vincent:' And whereas in pursuance of the said last recited Act, other Exchequer Bills were advanced to the said *William Mac Dowall*, *James Mac Dowall*, *Andrew Houstoun*, and *Robert Houstoun Rae*, trading under the Firm aforesaid, amounting, with the Exchequer Bills first advanced as aforesaid, to the Sum of Two hundred and forty thousand Pounds: And whereas an Act was passed in the Thirty-ninth Year of the Reign of His present Majesty, intituled, *An Act for allowing further Time for the Payment of Instalments, to become due on certain Sums advanced by way of Loan, to certain Persons connected with and trading to the Islands of* Grenada *and* Saint Vincent: And whereas another Act was passed in the said Thirty-ninth Year of the Reign of His present Majesty, intituled, *An Act for allowing further Time for the Payment*

35 G. 3. c. 1.

37 G. 3. c. 27.

39 G. 3. c. 11.

39 & 40 G. 3. c. 13.

Payment of Inſtalments, on certain Sums of Money advanced by way of Loan, to ſeveral Perſons connected with and trading to the Iſlands of Grenada *and* Saint Vincent: And whereas by an Act paſſed in the Thirty-ninth and Fortieth Year of the Reign of His preſent Majeſty, intituled, *An Act to give further Time for the Payment, on the Conditions therein mentioned, of Inſtalments on certain Loans advanced to the Houſe of* Alexander Houſtoun *and Company, to* Charles Aſhwell *Eſquire, and to* William Johnſtone *Eſquire, being Perſons connected with and trading to the Iſlands of* Grenada *and* Saint Vincent, reciting, that Exchequer Bills to a large Amount had been advanced to the aforeſaid *William Mac Dowall, James Mac Dowall, Andrew Houſtoun*, and *Robert Houſtoun Rae*, on certain Conditions, and purſuant to ſeveral Acts paſſed in the Thirty-fifth and Thirty ſeventh Years of the Reign of His preſent Majeſty, for granting Relief to Perſons connected with and trading to the Iſlands of *Grenada* and *Saint Vincent*; and alſo reciting, that further Times for Payment of the Inſtalments, ſtipulated to be paid on ſuch Advances, had been allowed by ſeveral Acts paſſed in the Thirty-ſeventh and Thirty-ninth Years reſpectively of His preſent Majeſty's Reign; and alſo reciting, that the Sums ſo advanced ſtill remained due and unpaid, and that it was expedient to grant further Time to the ſeveral Perſons therein-before mentioned for the Payment of the ſaid Advances, upon certain Terms and Conditions therein-after mentioned, it was enacted, that it ſhould be lawful for the Lord High Treaſurer for the Time being, or the Lords Commiſſioners of His Majeſty's Treaſury, or any Three or more of them, and he and they was and were thereby reſpectively authorized to enlarge and extend the Times for the Repayment, by the ſaid ſeveral and reſpective Perſons therein-before mentioned, of the ſeveral Loans or Advances made to them reſpectively, by ſuch Inſtalments as the ſaid Lord High Treaſurer, or Lords Commiſſioners aforeſaid, or any Three or more of them, ſhould ſee fit, not exceeding the Times therein-after ſpecified, upon ſuch Securities as the Lord High Treaſurer, or Lords Commiſſioners of the Treaſury, ſhould deem ſufficient for Repayment of any ſuch Loan, or any Intereſt thereon, his, her, or their Heirs, Executors, and Adminiſtrators, in ſuch Manner as ſhould be required in purſuance of that Act; and it ſhould be lawful for the ſaid Lord High Treaſurer, or Lords Commiſſioners aforeſaid, or any Three or more of them, and he and they was and were thereby authorized and empowered to require the Appearance of any Party or Parties in any ſuch Loan before any Perſon or Perſons appointed by them for that Purpoſe, and to cauſe ſuch Party or Parties to be examined as to the Sufficiency of any ſuch Security or Securities, Surety or Sureties, and to cauſe the Sufficiency of any ſuch Security or Securities, Surety or Sureties, to be aſcertained and determined in like Manner, in every Reſpect, as any Commiſſioners were empowered by the ſaid before-mentioned Acts to do, with reſpect to any Security or Securities, Surety or Sureties, to be propoſed and given previous to the Advance or Iſſue of any ſuch Exchequer Bills, or extending the Time for the Repayment of any ſuch Loan, under any of the ſaid Acts for granting Relief to Perſons trading to *Grenada* or *Saint Vincent*; and it was thereby further enacted, that all and every Perſon or Perſons liable as Sureties or Surety, or as the Heirs or Heir, Executors or Adminiſtrators, Executor or Adminiſtrator, of any ſuch Sureties or Surety, for the Repayment of any ſuch Loan

39 & 40 G. 3. c. 101.

or

or Advance at the Times limited by the ſaid therein-before mentioned Acts, and who ſhould be willing to remain Sureties or Surety for the Repayment of ſuch Loan or Advance, or of any Part or Proportion thereof, if the ſame ſhould have been or ſhould be ſeparated and divided under the ſaid Acts as aforeſaid, or that Act, at ſuch enlarged or extended Times as ſhould be granted under that Act, ſhould ſignify his, her, or their Conſent to remain ſuch Sureties or Surety, or that the Real or Perſonal Eſtate of any deceaſed Sureties or Surety ſhould remain charged and liable, in ſuch Manner and Form as the ſaid Lord High Treaſurer, or Lords Commiſſioners aforeſaid, ſhould direct and appoint; and every ſuch Conſent ſo ſubſcribed and delivered, ſhould be binding upon the reſpective Sureties or Surety, or other Perſons or Perſon ſo ſigning the ſame, their, his, or her Heirs, Executors, or Adminiſtrators, in like Manner as ſuch reſpective Sureties or Surety, Perſons or Perſon, were or was by the original Bonds or Bond entered into by the ſeveral Sureties reſpectively bound for the Repayment of the ſeveral Loans or Advances aforeſaid, at the Times thereby limited for the Repayment thereof; and it was thereby further enacted, that from and after the ſigning of ſuch Conſent by ſuch original Sureties, as ſhould be willing to remain ſuch Sureties, or ſo bound as aforeſaid, and the giving of ſuch further Security or Securities as ſhould be required by the ſaid Lord High Treaſurer or Lords Commiſſioners aforeſaid, and ſo ſoon as all the ſeveral Matters and Things required by that Act, or by the Lord High Treaſurer, or Lords Commiſſioners, or any Three or more of them as aforeſaid, in purſuance of that Act, and relating thereto, ſhould be done and performed by the ſeveral and reſpective Perſons therein-before mentioned in the relation to the giving any ſuch Security or Securities, and any other Matter or Thing relating to any ſuch Loan, or the Repayment thereof, ſhould be done, performed, and fulfilled, it ſhould and might be lawful for the ſaid Lord High Treaſurer, or Lords Commiſſioners aforeſaid, or any Three or more of them, and he and they was and were thereby authorized and empowered to grant and allow to ſuch Parties reſpectively ſuch Enlargement or Extenſion of the Times of Repayment of ſuch Loans reſpectively, as they the ſaid Lord High Treaſurer, or Lords Commiſſioners as aforeſaid, or any Three or more of them, ſhould, in his or their Diſcretion, think proper, ſo that the ſame ſhould be made payable in Proportions not leſs, and Periods not longer than therein-after particularly mentioned; that is to ſay, One Third Part of each ſuch Loan, with Intereſt for the ſame at the Rate of Five Pounds *per Centum per Annum*, on the Fifth Day of *January* One thouſand eight hundred and four; One other Third Part thereof with the like Intereſt for the ſame, on the Fifth Day of *January* One thouſand eight hundred and five; and the remaining Third Part thereof, with the like Intereſt for the ſame, on the Fifth Day of *January* One thouſand eight hundred and ſix; and ſuch Parties reſpectively to whom the ſaid Lord High Treaſurer, or Lords Commiſſioners, ſhould allow ſuch Enlargement or Extenſion of the Times of Payment of the ſaid Loan, ſhould not be deemed or taken to have made Default in Payment of the ſaid Loan in Manner directed by the ſaid Acts, nor ſhould any Proceſs, Suit, or other Proceeding be iſſued, commenced, or had, nor any Warrant for the ſame granted againſt the ſaid Parties reſpectively, or their Sureties or Surety, their or any of their Heirs, Executors, or Adminiſtrators, or upon or in reſpect of any Securities or Security made, aſſigned

or depoſited for the Purpoſes of the ſaid Acts mentioned, or otherwiſe, in order to recover or compel the Repayment of the ſaid Loan, or any Part thereof, until the Expiration of ſuch enlarged or extended Times as aforeſaid; and it was thereby further enacted, that it ſhould be lawful for the Lord High Treaſurer or Lords Commiſſioners of His Majeſty's Treaſury for the Time being, or any Three or more of them, to nominate and appoint ſuch and ſuch Number of Perſons as he or they ſhould think fit and neceſſary, as Truſtees of the ſeveral Eſtates and Properties in the ſeveral Schedules to that Act annexed contained, of the ſeveral and reſpective Perſons in that Act mentioned, to whom ſuch Loans ſhould have been made as aforeſaid; and the Truſtees ſo nominated and appointed as aforeſaid, ſhould (ſubject nevertheleſs to the Controul and Direction of the ſaid Lord High Treaſurer, or Lords Commiſſioners aforeſaid, from and after ſuch Appointment) have the full and abſolute Direction, Management, and Controul over all the Eſtates and Properties for which they ſhould be ſo appointed Truſtees aforeſaid, as to all Matters and Things relating thereto, in which they ſhould think it neceſſary and fit to give any Order or Direction for the Purpoſes of that Act; and the Truſtees nominated and appointed as to the Eſtates and Properties belonging to the ſaid *William Mac Dowall*, *James Mac Dowall*, *Andrew Houſtoun*, and *Robert Houſtoun Rae* reſpectively, ſhould have the full and abſolute Controul and Directions of all the Affairs and Concerns, of what Kind and Deſcription ſoever the ſame might be, relating to the trading and mercantile Concerns relating thereto, carried on under the Firm of *Alexander Houſtoun* and Company, and might give ſuch Orders and Directions, whenever they ſhould ſee fit, for the Management of the ſaid Affairs, and all Things relating thereto, and all Payments, Diſburſements, or Receipts, as they ſhould from Time to Time think expedient and neceſſary for the better carrying into Execution the Purpoſes and Proviſions of that Act; and it was thereby further enacted, that when and ſo ſoon as any ſuch Truſtees as aforeſaid ſhould have been nominated and appointed in purſuance of that Act, for any of the Eſtates or Properties belonging to any of the therein before mentioned Perſons, then and in every ſuch Caſe all the Eſtates and Properties, for which any ſuch Perſon or Perſons ſhould be ſo nominated and appointed as aforeſaid, ſhould be and become veſted in and ſettled upon the ſaid Perſon or Perſons to the only proper Uſe and Behoof of the ſaid Perſon or Perſons, upon Truſt nevertheleſs for the ſeveral Purpoſes of that Act, that is to ſay, upon the Truſts and to and for the ſeveral Ends, Intents, and Purpoſes therein-after expreſſed and declared, and upon ſuch further Truſts as ſhould be therein-after agreed upon between the ſaid Lord High Treaſurer, or Lords Commiſſioners aforeſaid for the Time being, or any Three or more of them, and the Party to whom the Eſtates and Properties for which any ſuch Truſts ſhould be created ſhould belong, and upon Truſt, as far as the ſame are thereby declared; and all and every ſuch Truſtee or Truſtees as aforeſaid ſhould, out of the Proceeds and Profits of the ſeveral Eſtates and Properties for which he or they ſhould act as ſuch Truſtee or Truſtees as aforeſaid, cauſe the ſaid ſeveral Loans and Advances that ſhould have been made to the Perſon to whom ſuch Eſtates or Properties as aforeſaid ſhould belong, to be duly paid and ſatisfied in the Proportions, and at the ſeveral Times reſpectively

ſpectively ſpecified by the ſaid Lord High Treaſurer, or Lords Commiſſioners aforeſaid, or any Three or more of them, for that Purpoſe, together with all Intereſt that ſhould have been due thereon, and alſo all other Debts, Claims, and Demands whatſoever, charged or chargeable upon ſuch Eſtates and Properties, and upon Truſt as to any Surplus that ſhould remain after Payment of ſuch Loans, Advances, and Debts as aforeſaid, to and for the Uſe and Benefit of the Perſon or Perſons entitled to any ſuch Eſtate or Property as aforeſaid, and alſo upon Truſt to pay, or cauſe to be paid, out of ſuch Rents, Profits, or Proceeds aforeſaid, ſuch ſeveral Allowances or Annuities or Sums of Money, to any Perſon or Perſons to whom any ſuch Eſtate or Property ſhould belong, as ſhould be ſettled and agreed upon by the ſaid Lord High Treaſurer, or Lords Commiſſioners as aforeſaid, or any Three of them, in that Behalf; and upon further Truſt, in caſe ſuch Loans or Advances ſhould not be paid and ſatisfied at the reſpective Periods appointed in purſuance of that Act for the Payment thereof, to ſell all or any ſuch Eſtate or Proportion, or any of them, or any Part thereof, and to apply the Produce of ſuch Sale or Sales in the Liquidation of the ſeveral Sums with which any ſuch Eſtate or Property ſhould ſtand and be charged as aforeſaid; and upon further Truſt to pay the Overplus, if any, to or for the Uſe of ſuch Perſon or Perſons as might be beneficially entitled to any ſuch Eſtate as aforeſaid, to and upon the Truſts as might be then declared and exiſting with reſpect to any ſuch Eſtate; and it was thereby further enacted, that it ſhould be lawful for the ſaid Lord High Treaſurer, or Lords Commiſſioners of His Majeſty's Treaſury for the Time being, or any Three or more of them, and he and they was and were thereby authorized to cauſe and direct ſuch Annual Allowance or Allowances, Annuity or Annuities, to be paid to any of the Perſons in that Act mentioned, or to any other Perſon or Perſons who might by Death or otherwiſe become beneficially entitled to any Eſtate or Property in any of the ſaid Schedules contained, out of any Eſtate or Property belonging to any ſuch Perſon, as to ſuch Lord High Treaſurer, or Lords Commiſſioners aforeſaid, ſhould ſeem juſt and reaſonable, and from Time to Time to give ſuch Directions to any Truſtee or Truſtees to be appointed in purſuance of that Act, with relation to the Management of the ſeveral Eſtates and Properties thereby ſecured, as to any Payment and Diſburſement to be made in reſpect thereof, as he or they ſhould reſpectively ſee fit: And whereas the Requiſitions of the laſt recited Act, reſpecting the aſcertaining or determining the Sufficiency of the Securities or Sureties for the Sums ſo advanced as aforeſaid, and the giving further Securities, have not been complied with, and no Appointment hath been made, purſuant to that Act, of any Perſon or Perſons to be a Truſtee or Truſtees of the Eſtates and Properties of the ſaid *William Mac Dowall*, *James Mac Dowall*, *Andrew Houſtoun*, and *Robert Houſtoun Rae*, for the Purpoſes in the ſame Act mentioned, and the Times allowed by that Act conditionally for the Payment of the Inſtalments on the ſaid Sums ſo advanced as aforeſaid, are paſt: And whereas the Whole of the ſaid Sums ſo advanced to the ſaid *William Mac Dowall*, *James Mac Dowall*, *Andrew Houſtoun*, and *Robert Houſtoun Rae* as aforeſaid, ſtill remains due and unpaid, with a larger Arrear of Intereſt: And whereas the ſaid *William Mac Dowall* is ſeiſed or poſſeſſed or entitled of or to ſeveral Plantations, Lands, Negroes, Slaves, and Hereditaments,

ditaments, in the Iſland of *Saint Vincent* and *Saint Chriſtopher*, in the *Weſt Indies*, together with the Live and Dead Stock belonging to the ſaid Plantations, being altogether of conſiderable Value, but ſubject as to the ſaid Plantations, Negroes, and Slaves, or ſome Part thereof, to one or more Mortgages and Incumbrances thereon, a Particular of all which Plantations and other Hereditaments and Premiſes, is ſet forth in the Schedule to this Act: And whereas the ſaid *William Mac Dowall*, *James Mac Dowall*, and *Robert Houſtoun Rae*, are, as ſurviving Partners of the ſaid Houſe, trading under the Firm of *Alexander Houſtoun* and Company poſſeſſed of or entitled to ſeveral Debts or Sums of Money, due from ſeveral Perſons, or ſecured upon ſeveral Eſtates in the Iſlands of *Grenada*, *Saint Vincent*, *Saint Chriſtopher*, *Jamaica*, *Tobago*, *Saint Bartholomew*, *Nevis*, and other Places in the *Weſt Indies*, to a conſiderable Amount: And whereas it is expedient for better ſecuring to His Majeſty the ſaid Sums ſo advanced as aforeſaid, and the Intereſt thereon, that further Powers ſhould be given for effecting the Purpoſes of the ſaid laſt recited Act, and particularly that all the real and perſonal Eſtates in the *Weſt Indies* and elſewhere, except in *Scotland*, of the ſaid *William Mac Dowall*, *James Mac Dowall*, and *Robert Houſtoun Rae*, as the ſurviving Partners of the ſaid Houſe, trading under the Firm of *Alexander Houſtoun* and Company; and all the Real and Perſonal Eſtates (except in *Scotland*) of each of them, the ſaid *William Mac Dowall*, *James Mac Dowall*, and *Robert Houſtoun Rae*, being their ſeparate Property, ſhall be veſted in Truſtees, to be ſold, collected, got in, and received, in Manner hereinafter expreſſed; 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, from and immediately after the paſſing of this Act, all and ſingular the Plantations, Lands, Tenements, and Hereditaments, ſituate, lying, and being in the Iſlands of *Saint Vincent* and *Saint Chriſtopher* in the *Weſt Indies*, mentioned and deſcribed in the ſaid Schedule to this Act, being the Eſtates and Property of the ſaid *William Mac Dowall*, together with all the Negroes, Slaves, Horſes, Mules, Cattle, Plantation Tools and Implements, and all other Live and Dead Stock, upon or belonging to or uſed with the ſame Plantations and other Hereditaments, or any of them, or any Part thereof; and alſo all and ſingular other the Plantations, Houſes, Lands, Tenements, Negroes, Slaves, and other Hereditaments, and Real Eſtate in the Iſlands before named, or in any other Iſlands in the *Weſt Indies*, or in *England*, *Wales*, *Ireland*, or elſewhere, except *Scotland*, of them the ſaid *William Mac Dowall*, *James Mac Dowall*, and *Robert Houſtoun Rae*, or any or either of them, and whether in Poſſeſſion, Reverſion, Remainder, Contingency, or Expectancy, and whether they, or any, or either of them, claim, or are or is entitled to the ſame, as ſurviving Partners of the ſaid Houſe, trading under the ſaid Firm of *Alexander Houſtoun* and Company, or as them, or any, or either of their ſeparate Eſtate and Property; and alſo all and ſingular the Stock in Trade, Bonds, Bills, Notes, Sum and Sums of Money, Debts, Mortgages in Fee and for Years, or for any other Eſtate and Intereſt, and the Plantations, Houſes, Lands, Tenements, Hereditaments, and Premiſes, in ſuch Mortgages comprized, for all the Eſtate and Intereſt of the Mortgagees or Mortgagee therein, and particularly the Plantations, Negroes, Slaves,

All the Plantations, &c. of William Mac Dowall in the Weſt Indies;

and all Plantations, Lands, &c. of W. and J. Mac Dowall and R. Houſton Rae in the Weſt Indies or in England, &c. Stock in Trade and Premiſes comprized in Indentures in Schedule annexed, veſted in Truſtees to be ſold.

Hereditaments, and Premiſes comprized in the Indentures mentioned in the ſaid Schedule to this Act, Securities for Money, Goods, Chattels, and Perſonal Eſtate, in the ſaid Iſlands of *Grenada*, *Saint Vincent*, *Saint Chriſtopher*, *Jamaica*, *Tobago*, *Saint Bartholomew*, *Nevis*, or elſewhere in the *Weſt Indies*, or in *England*, *Wales*, *Ireland*, or elſewhere, except *Scotland*, of or belonging to them the ſaid *William Mac Dowall*, *James Mac Dowall*, and *Robert Houſtoun Rae*, or any, or either of them, as ſurviving Partners as aforeſaid, or as their or his ſeparate Eſtate and Property (except wearing Apparel) and all Deeds, Evidences, and Writings, relating to or concerning the Title of the Plantations, Negroes, Slaves, Hereditaments, and Premiſes, herein-before mentioned, or any Part or Parts thereof, in the Cuſtody, or Poſſeſſion, or Power, of them the ſaid *William Mac Dowall*, *James Mac Dowall*, and *Robert Houſtoun Rae*, or any of them, or of any Perſon or Perſons in Truſt for them, or any of them, ſhall, from and immediately after the paſſing of this Act (ſubject nevertheleſs and without Prejudice, to the ſeveral Mortgages, Securities, Debts, Charges, and Incumbrances, according to the Nature thereof, and their ſeveral and reſpective Priorities which affected the ſame Premiſes reſpectively prior to the Date of the ſeveral Bonds given by the ſaid *William Mac Dowall*, *James Mac Dowall*, *Andrew Houſtoun*, and *Robert Houſtoun Rae*, for ſecuring to His Majeſty the Payment of the ſeveral Sums ſo advanced to them, or any of them, as aforeſaid, but in Preference and Priority to all Mortgages, Securities, Debts, Charges, and Incumbrances, executed or ſuffered ſince the Date of the ſame Bonds) be veſted in and ſettled upon, and the ſame are hereby from thenceforth veſted in and ſettled upon *Ambroſe Serle* Eſquire, and *John Brickwood* Eſquire, and *Aaron Graham* Eſquire, and their Heirs, Executors, Adminiſtrators, and Aſſigns, according to the Nature and Quality of the ſame Premiſes reſpectively, but nevertheleſs upon the Truſts and for the Intents and Purpoſes herein-after expreſſed and declared, (that is to ſay), upon Truſt that they the ſaid *Ambroſe Serle*, *John Brickwood*, and *Aaron Graham*, or the Survivors or Survivor of them, their or his Heirs, Executors, Adminiſtrators, or Aſſigns, do and ſhall as ſoon as conveniently may be after the paſſing of this Act, of their or his proper Authority ſell and diſpoſe of the ſaid Plantations, Lands, Tenements, Negroes, Slaves, Live and Dead Stock, Stock in Trade, and all other the Hereditaments and Premiſes hereby veſted and ſettled as aforeſaid by publick Auction or private Contract, in ſuch Lots and Parcels as to them the ſaid *Ambroſe Serle*, *John Brickwood*, and *Aaron Graham*, or the Survivors or Survivor of them, or their or his Heirs, Executors, Adminiſtrators, or Aſſigns reſpectively ſhall ſeem meet, unto any Perſon or Perſons who ſhall be willing and deſirous to purchaſe the ſame for the beſt Price or Prices in Money that can or may be reaſonably had or obtained for the ſame; and upon Receipt of the Money for which the ſame Premiſes ſhall reſpectively be ſold, do and ſhall give Receipts for the ſame, which Receipts reſpectively ſhall be effectual Diſcharges to Purchaſers, and alſo do and ſhall convey the Premiſes ſo ſold unto and to the Uſe of ſuch Purchaſer or Purchaſers thereof, and his, her, or their Heirs, Executors, Adminiſtrators, and Aſſigns for ever, or for ſuch Eſtate or Intereſt as the Truſtees or Truſtee ſelling or diſpoſing of the ſame ſhall or may have therein, or unto ſuch other Uſes, Intents, and Purpoſes, or in ſuch other Manner as he, ſhe, or they ſhall direct and appoint,

appoint, freed and discharged of and from all Claims of His Majesty, His Heirs and Successors.

Time may be given for Payment of the Purchase Money, provided Security be taken by Mortgage, &c.

II. Provided always, and it is hereby further enacted, That in case the said *Ambrose Serle*, *John Brickwood*, and *Aaron Graham*, or the Survivors or Survivor of them, or other the Trustees or Trustee for the Time being of the Trust Premises, shall, upon any such Sale as aforesaid, deem it expedient to give Time for Payment of the Whole or any Part or Parts of the respective Purchase Monies, then and in such Case it shall and may be lawful to and for them or him respectively so to do, provided that the Purchase Money remaining unpaid be secured by way of Mortgage upon the Plantations, Lands, Hereditaments, and Premises so sold, to be paid either at one Time or by Instalments, as shall be agreed on, and with or without Interest, in the mean Time, and that further Security be also taken for such Payment from the Purchaser or Purchasers, or from them or him, and some other Person or Persons by Bond or by Mortgage on other Real Estate, or both, as by the Trustees or Trustee for the Time being shall be deemed expedient.

Trustees empowered to collect and recover Debts and Effects, and for that Purpose may appoint Attornies.

III. And be it further enacted, That the said *Ambrose Serle*, *John Brickwood*, and *Aaron Graham*, and the Survivors and Survivor of them, or the Trustees or Trustee for the Time being, of the aforesaid Trust Premises, do and shall with all convenient Speed collect, get in, and receive and sue for and recover by all lawful Ways and Means whatsoever, of and from all and every Person and Persons who is or are, or may or shall be liable to pay or deliver the same, all and singular the Debts, Sums of Money, Goods, Chattels, and other moveable Effects and Personal Estate hereby vested as aforesaid, and upon Receipt thereof, or of any Part thereof, do and shall make and give sufficient Releases and Discharges; and for that Purpose they the said *Ambrose Serle*, *John Brickwood*, and *Aaron Graham*, and the Survivors and Survivor of them, and the Trustees and Trustee for the Time being, hereby appointed or hereafter to be appointed as aforesaid, are and is hereby invested with all such Powers, Authorities, and Remedies, as they the said *William Mac Dowall*, *James Mac Dowall*, and *Robert Houstoun Rae*, or any of them, had immediately before the passing of this Act, or the said Act of the Thirty ninth and Fortieth Year of His said Majesty, or might or could have had or exercised or enjoyed in case this Act or the said Act of the Thirty-ninth and Fortieth Year of His said Majesty had not been made, and particularly full Power and Authority to constitute and appoint any Attorney or Attornies to act in the Place of them the same Trustees or Trustee, in all and singular the same Premises; and also full Power and Authority to revoke the Attorney or Attorneys so constituted, and to constitute and appoint any other or others in their Stead, and so from Time to Time when and so often as there shall be Occasion.

Expences attending the Trust to be first paid, and as the Receipts amount to 500l. the same shall be-

IV. And be it further enacted, That it shall and may be lawful to and for them the said *Ambrose Serle*, *John Brickwood*, and *Aaron Graham*, and the Survivors and Survivor of them, and other the said Trustees or Trustee for the Time being, and they and he are and is hereby required, by and out of the Monies which shall come to their or his Hands by virtue of the Trusts aforesaid, to pay and defray all the Costs, Charges, and Expences attending the aforesaid Sales hereby directed, and

paid into the Exchequer, towards Payment of the Debt due to His Majesty.

the collecting and getting in the Debts and Monies and Personal Estate hereby vested as aforesaid, and the Performance of all other the Trusts hereby created; and that when and so often as the clear Monies in Hand, after paying, allowing, or deducting the Sums due on prior Incumbrances, shall amount to the Sum of Five hundred Pounds, then and in such Case, and so often, they the said *Ambrose Serle*, *John Brickwood*, and *Aaron Graham*, and the Survivors and Survivor of them, or other the Trustees or Trustee for the Time being, shall forthwith pay the same into the Receipt of His Majesty's Exchequer, in order that the same may be applied in or towards Satisfaction of the aforesaid Principal Sums due and owing to His Majesty from the said *William Mac Dowall*, *James Mac Dowall*, *Andrew Houstoun* deceased, and *Robert Houstoun Rae* as aforesaid, and the Interest thereon, or so much thereof as shall not be paid or satisfied by other Means.

Until Estates are sold, the Plantations, &c. and the Consignments shall be under the Controul of the Trustees.

V. And be it further enacted, That in the mean Time and until the said Plantations, Lands, and Hereditaments, and the Negroes, Slaves, and Stock thereto, or to any Part thereof belonging, hereby vested as aforesaid, shall be sold and disposed of under the Trusts aforesaid, the same Plantations, Lands, and Hereditaments, Negroes, Slaves, and Stock, and all Consignments in respect thereof, shall be under the entire Controul, Management, and Directions of *Ambrose Serle*, *John Brickwood*, and *Aaron Graham*, and the Survivors and Survivor of them, and other the said Trustees or Trustee for the Time being, and they and he respectively shall apply the clear Rents, Issues, and Profits, and Produce thereof in paying and keeping down the Interest of the Mortgages and other Incumbrances on the same Estates respectively, according to Priority, and the Surplus of such Rents, Issues, and Profits, after Payment of incidental Costs and Expences, shall from Time to Time be paid and applied in such and the same Manner as the clear Monies arising by Sale of the same Estates herein-before directed to be paid and applied.

Trustees, with Consent of the Treasury, may compound Debts, &c.

VI. Provided always, and be it further enacted, That it shall and may be lawful to and for the said *Ambrose Serle*, *John Brickwood*, and *Aaron Graham*, and the Survivors and Survivor of them, and other the Trustees or Trustee for the Time being, by and with the Consent of the Lords Commissioners of His Majesty's Treasury, or any Three or more of them, signified in Writing, signed by them, to compound any Debt or Debts hereby vested as aforesaid, and to give a Receipt or Discharge for the whole Amount of the Debt or Debts so compounded upon Receipt of the Composition agreed to in respect thereof, and also in case they or he shall deem it advantageous or beneficial to the general Purposes of this Act, to buy in any Debt or Debts, Incumbrance or Incumbrances having Priority to the aforesaid Bonds given to His Majesty, and which are charged upon or do affect the said Plantations, Hereditaments, and Premises in the said Islands of *Saint Vincent* and *Saint Christopher*, or either of them, such Debt or Debts, Incumbrance or Incumbrances so bought in, being assigned or transferred in such Manner as to be kept on Foot for the Benefit of the Estate or Property thereby affected.

VII. Provided

VII. Provided alſo, and it is hereby further enacted and declared, That it ſhall and may be lawful to and for them the ſaid *Ambroſe Serle*, *John Brickwood*, and *Aaron Graham*, and the Survivors and Survivor of them, and other the Truſtees or Truſtee for the Time being, to appoint and employ under them or him from Time to Time, any Perſon or Perſons reſiding in or going to reſide in the *Weſt Indies*, as their or his Attorney or Attornies, Agent or Agents, to manage and ſuperintend the aforeſaid Plantations and Eſtates and Premiſes in the *Weſt Indies*, and the Conſignments thereof, and alſo to contract for the Sale thereof, or of any Part or Parts thereof, either for ready Money or for a Sum to be paid by Inſtalments, with or without Intereſt, but to be ſecured in like Manner as is herein-before directed with reſpect to any Sale or Sales made by the Truſtees or Truſtee for the Time being in Poſſeſſion.

Truſtees may appoint Agents to ſuperintend the Eſtates in the Weſt Indies, and to contract for the Sale thereof.

VIII. Provided always, and be it further enacted, That in caſe and when the ſaid principal Sums due and owing to His Majeſty, and all Intereſt thereon, ſhall by the Means aforeſaid or by any other Means be paid and ſatisfied, then and in ſuch Caſe, and from thenceforth the ſaid *Ambroſe Serle*, *John Brickwood*, and *Aaron Graham*, or the Survivors or Survivor of them, or other the Truſtees or Truſtee for the Time being, ſhall ſtand ſeiſed and poſſeſſed of ſuch Part or Parts of the Real and Perſonal Eſtates hereby veſted as aforeſaid, as ſhall not have been ſold and diſpoſed of for the Purpoſes aforeſaid, and alſo all Monies then remaining in Hand and not applicable for the Purpoſes aforeſaid, in Truſt for them the ſaid *William Mac Dowall*, *James Mac Dowall*, and *Robert Houſtoun Rae*, and their reſpective Heirs, Executors, Adminſtrators, and Aſſigns, according to their reſpective Rights and Intereſt therein, and to convey, aſſign, pay, and make over the ſame accordingly.

When Debt due to His Majeſty is paid, the Truſtees ſhall ſtand ſeized in the Remainder of the Eſtates and Effects not diſpoſed of, in Truſt for the Owners.

IX. And be it further enacted, That it ſhall be lawful for any Two of the Truſtees for the Purpoſes of this Act for the Time being, to do and execute all ſuch Acts, Matters, and Things, in execution of the Truſt, as all the ſaid Truſtees are hereby authorized and empowered to do, and the ſame ſhall be as valid and effectual as if the ſame had been done and executed by all the ſaid Truſtees.

Two Truſtees may act.

X. Provided alſo, and be it further enacted, That nothing in this Act contained ſhall prejudice any Preference duly obtained before the Date of the ſaid Bonds given to His Majeſty as aforeſaid, upon any of the Real or other Eſtates of the ſaid *William Mac Dowall*, *James Mac Dowall*, *Andrew Houſtoun* deceaſed, and *Robert Houſtoun Rae*, or any of them, hereby veſted and ſettled as aforeſaid, nor ſhall any Thing herein contained prevent or hinder His Majeſty, His Heirs or Succeſſors, from putting in Suit againſt the ſame Eſtates, or proceeding againſt the ſame Eſtates, upon any Bonds, Mortgages, or other Securities which have been given to or to any Perſon or Perſons in Truſt for His Majeſty for ſecuring the ſaid Sums ſo advanced as aforeſaid, or any Part thereof, or the Intereſt thereon, or from proceeding againſt the Sureties for the ſaid Sums ſo advanced, or againſt any of ſuch Sureties for recovering the ſame Sums and the Intereſt thereon, or any Part thereof, in ſuch and the ſame Manner as if this Act had not been made; nor ſhall any Thing herein contained be conſtrued to the Prejudice of any Defence that might have been competent to the Sureties againſt the Claims

Act not to prejudice any Preference of Claim on the Eſtates before the Date of the Bonds given to His Majeſty, or prevent His Majeſty from proceeding againſt the Sureties, &c.

Claims and Demands of His Majesty, on or against them the said Sureties prior to the passing of this Act.

Certain Annuities to be paid to W. M'Dowall, J. M'Dowall, and R. Houstoun Rae.

XI. And be it further enacted, That it shall be lawful for the Lord High Treasurer for the Time being, or Lords Commissioners of His Majesty's Treasury for the Time being, or any Three or more of them, and he and they is and are hereby respectively authorized to cause and direct such annual Allowance or Allowances, Annuity or Annuities to be paid to the said *William Mac Dowall*, *James Mac Dowall*, and *Robert Houstoun Rae*, or any of them, by and out of the Monies which shall come to the Hands of the said Trustees or Trustee for the Time being under or by virtue of the Trusts aforesaid, as to such Lord High Treasurer or Lords Commissioners aforesaid, or any Three or more of them shall seem reasonable, so as such Allowances do not exceed in the Whole the yearly Sum of Five hundred Pounds, nor continue beyond Five Years from the passing of this Act.

Recital of Indentures, dated 11th & 12th June 1799, by which the Millikens Plantation was conveyed to T. Marsham.

XII. And whereas by Indentures of Lease and Release bearing Date respectively the Eleventh and Twelfth Days of *June* in the Year One thousand seven hundred and ninety-nine, the Release being of Four Parts, and made or expressed to be made between the aforesaid *William Mac Dowall* of the First Part; the aforesaid *James Mac Dowall*, *Andrew Houstoun*, and *Robert Houstoun Rae*, of the Second Part; *Thomas Reid*, Merchant of the Third Part; and *Thomas Marsham* Esquire, then Secretary to the Commissioners appointed under the aforesaid Act of the Thirty-fifth Year of the Reign of His present Majesty, of the Fourth Part; the Plantation or Estate called *Millikens*, containing Four hundred Acres (be the same more or less) situate in the Island of *Saint Vincent*, being the Estate of the said *William Mac Dowall*, and being Part of the Premises mentioned in the said Schedule to this Act, together with all the Negroes, Slaves, Cattle, and Live Stock, Plantation Tools, and other Implements, Goods and Effects of him the said *William Mac Dowall*, upon or belonging to the same Plantation, were granted, released, and conveyed unto and to the Use of the said *Thomas Marsham*, his Heirs, Executors, Administrators, and Assigns respectively, subject to a Proviso for reconveying the same mortgaged Premises unto and to the Use of him the said *William Mac Dowall*, his Heirs, Executors, Administrators, and Assigns respectively, upon Payment, in such Manner as is required by the said Act of the Thirty-ninth Year of the Reign of His said Majesty, of the Sums of Thirty thousand Pounds, and Twenty-three thousand three hundred and thirty three Pounds Six Shillings and Eight-pence, (being Part of the said Sum of Two hundred and forty thousand Pounds so advanced as aforesaid) together with Interest for the same: And whereas it is expedient that the said Security so made to the said *Thomas Marsham* shall be vested in other Trustees for His Majesty, be it therefore further enacted, That the said *Thomas Marsham*, or his Heirs, Executors, or Administrators, shall forthwith, or as soon as may be after the passing of this Act, convey and make over all and singular the said Plantation or Estate, Negroes, Slaves, Cattle, and Live Stock, Plantation Tools, and other Implements, Goods and Effects, Hereditaments and Premises, comprized in the said Indentures of Lease and Release, and all Benefit and Advantage of the same Indentures, and of the Covenants and Agreements therein contained, to such Person or Persons, and his

The said Plantation and Premises comprized in recited Indentures to be conveyed to such Persons as the

or

or their Heirs, Executors, Adminiſtrators, and Aſſigns, according to the Nature and Quality of the ſame Hereditaments and Premiſes reſpectively, as the Lords Commiſſioners of His Majeſty's Treaſury for the Time being, or any Three or more of them, ſhall direct or appoint; but nevertheleſs, in Truſt for His Majeſty, His Heirs and Succeſſors, that in caſe the ſaid Truſtees hereby appointed, or either of them, or any Truſtees or Truſtee hereafter to be appointed, under and by virtue of this Act, ſhall die, or ſhall decline to act, or ſhall become incapable to act in the Execution of the Truſts aforeſaid before the ſame Truſts ſhall be fully executed and performed, then and in ſuch Caſe it ſhall and may be lawful to and for the Lords Commiſſioners of His Majeſty's Treaſury for the Time being, or any Three or more of them, or the Lord High Treaſurer for the Time being, by Writing ſigned by them or him, to appoint ſome other Perſon or Perſons to be Truſtees or Truſtee for the Purpoſes aforeſaid, in the room of the Truſtees or Truſtee ſo dying or declining or becoming incapable to act, and from and after every ſuch Appointment all and ſingular the aforeſaid Plantations, Houſes, Lands, Tenements, Negroes, Slaves, Live and Dead Stock, Stock in Trade, Debts, Goods, Chattels, and Real and Perſonal Eſtate, hereby veſted and ſettled as aforeſaid, or ſo much thereof as ſhall not have been ſold or diſpoſed of for the Purpoſes aforeſaid, and all Monies and Effects then veſted in the Truſtees or Truſtee for the Time being of the Truſt Premiſes, ſhall with all convenient Speed be conveyed, aſſigned, transferred, paid, and made over, ſo and in ſuch Manner and Form as that the ſame reſpectively may be and become veſted in the ſurviving or continuing Truſtee and ſuch new Truſtee, or in ſuch new Truſtees only, as the Caſe may happen, and in their reſpective Heirs, Executors, Adminiſtrators, and Aſſigns, upon and to and for ſuch of the Truſts, Intents, and Purpoſes herein-before declared, as ſhall be then exiſting and capable of taking Effect, and ſo from Time to Time, and as often as there ſhall be Occaſion; and all and every ſuch new Truſtees and Truſtee, and their and his Heirs, Executors, Adminiſtrators, and Aſſigns, ſhall have and be inveſted with ſuch and the ſame Powers and Authorities in all Reſpects as the Caſe would have been if the Perſons or Perſon ſo to be appointed Truſtees or Truſtee had been named and appointed by this Act.

Treaſury ſhall appoint, in Truſt for His Majeſty.

XIII. Provided always, and it is hereby further declared and enacted, That if the Lords Commiſſioners of His Majeſty's Treaſury, or any Three or more of them, or the Lord High Treaſurer for the Time being, ſhall at any Time or Times during the Continuance of the Truſts of this Act in their or his Diſcretion and Judgement deem it expedient, that the ſaid Truſtees hereby appointed, or the Truſtees or Truſtee for the Time being of the aforeſaid Truſt Hereditaments, and Premiſes, or any of them, ſhall be removed and diſplaced, then and in ſuch Caſe it ſhall and may be lawful to and for the ſaid Lords Commiſſioners, or any Three or more of them, or the ſaid Lord High Treaſurer, to declare the ſame by Writing, to be ſigned by them or him, and by the ſame Writing or any other Writing ſo ſigned, to nominate and appoint ſome other Perſons or Perſon to be Truſtees or Truſtee for the Purpoſes aforeſaid, in the Room of the Truſtees or Truſtee ſo to be removed and diſplaced, and thereupon from and immediately after ſuch Nomination and Appointment, all and ſingular the aforeſaid Plantations, Houſes, Lands, Tenements, Negroes,

Treaſury may remove Truſtees and appoint others.

Slaves, Live and Dead Stock, Debts, Mortgages, Securities, Goods, Chattels, and Real and Perſonal Eſtate hereby veſted and ſettled as aforeſaid, or ſo much thereof as ſhall then be and remain veſted in the Truſtees or Truſtee ſo removed and diſplaced only, or together with any other ſuch Truſtees or Truſtee, ſhall be and become veſted in the continuing Truſtee or Truſtees of the ſame Hereditaments and Premiſes reſpectively and ſuch new Truſtee or Truſtees, or in ſuch new Truſtees only (as the caſe may require) and in their reſpective Heirs, Executors, Adminiſtrators, and Aſſigns, according to the Nature and Quality of the ſame Hereditaments and Premiſes reſpectively, upon and to and for ſuch of the Truſts, Intents, and Purpoſes herein-before declared of and concerning the ſame Hereditaments and Premiſes, whereof the Truſtees or Truſtee ſhall be ſo removed and diſplaced, as ſhall be then exiſting and capable of taking Effect, and ſo from Time to Time as often as there ſhall be Occaſion; and all and every ſuch new Truſtees and Truſtee ſo nominated and appointed as next before mentioned, and their and his Heirs, Executors, Adminiſtrators, and Aſſigns, ſhall have and be inveſted with ſuch and the ſame Powers and Authorities in all reſpects, as the Caſe would have been if the Perſons or Perſon ſo to be nominated and appointed Truſtees or Truſtee had been named and appointed by this Act.

The SCHEDULE referred to by the foregoing Act.

Specification of the Real Property of William Mac Dowall, Eſquire, in the Weſt Indies.

Names of Eſtates.	Pariſhes.	Iſlands.
A Plantation called Canada Plantation or Canada Eſtate, containing Acres, be the ſame more or leſs -	- - -	Saint Chriſtopher.
A Plantation called Colham Eſtate or Plantation, containing Acres, be the ſame more or leſs - -	- - -	Saint Chriſtopher.
A Plantation or Eſtate called Millikens, containing 400 Acres, be the ſame more or leſs - - - -	- - -	Saint Vincent.

With all the Negroes and Slaves upon or belonging to the above Plantations, and all Houſes, Lands, Tenements, and Hereditaments, to the ſaid Plantations and other Premiſes belonging, with their and every of their Rights, Members, and Appurtenances.

Speci-

Specification of the Mortgage in the Iſland of *Grenada*, in the *Weſt Indies*, belonging to the Houſe of *Alexander Houſtoun* and Company.

INDENTURES of Leaſe and Releaſe, dated reſpectively the Twentieth and Twenty-firſt Days of *April* One thouſand ſeven hundred and ſeventy-ſeven, the Releaſe being made between *Alexander Wilſon* the Younger, Eſquire, and *Agnes* his Wife, of the One Part, and *Alexander Houſtoun* the Elder, and *John Clarke* Merchants, both ſince deceaſed, the aforeſaid *William Mac Dowall*, *Andrew Houſtoun*, ſince deceaſed, *James Mac Dowall*, *Alexander Crichton* Merchant, ſince deceaſed, and *Alexander Houſtoun* the Younger, Merchant, ſince deceaſed, of the other Part, being a Conveyance of a Plantation called *Mount Alexander*, in the Pariſh of *Saint Patrick* in the ſaid Iſland of *Grenada*, containing Four hundred and thirty Acres, *Engliſh* Statute Meaſure; and of another Plantation in the ſame Pariſh and Iſland, called *De Selles*, containing Twenty-five Quarrés of Land, *French* Meaſure, more or leſs; and of all Negroes and Slaves, Cattle, Plantations, Utenſils, and Implements, and the Live and Dead Stock upon or belonging to the ſame Plantations, for ſecuring the Payment of a conſiderable Sum of Money and Intereſt, to the Houſe of *Alexander Houſtoun* and Company.

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