

ANNO QUADRAGESIMO SEXTO

GEORGII III. REGIS.

CAP. CLVIII.

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*, Esquires, 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 Losses which had been sustained in the Islands of *Grenada* and *Saint Vincent*, in consequence of the then late Insurrections, 35 G. 3. c. 127.

ſurrections, 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
35 G. 3. c. 1. 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 were 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
37 G. 3. c. 27. 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
39 G. 3. c. 11. 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,

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An Act for allowing further Time for the 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 Aſbwell* 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 Perſons or Perſon liable

39 & 40 G. 3. c. 13.

39 & 40 G. 3. c. 101.

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 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 Person or Persons so signing the same, and his or her Heirs, Executors, or Administrators, in like Manner as such respective Sureties or Surety, Person or Persons, 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 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

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 thereinbefore-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 thereinafter expreſſed and declared, and upon ſuch further Truſts as ſhould be thereinafter 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 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 principal Sums ſo advanced ſtill remain due and unpaid, with a large Arrear of Intereſt thereon: And whereas the ſaid *William Mac Dowall* did, by a Diſpoſition executed by him according to the Forms of the Law of *Scotland*, dated the Third Day of *November* One thouſand ſeven hundred and ninety-eight, diſpone and convey his heretable Eſtates in *Scotland*, therein deſcribed, to *Archibald Graham* Banker in *Glaſgow*, ſince deceaſed, whom failing, to *Robert Finlay*, alſo ſince deceaſed, whom failing, to *Walter Ewing Mac Lae*, with Powers of Sale, but in Truſt for the Uſe and Benefit of certain Creditors ſpecified in the Diſpoſition, upon which Infeftment followed in Favour of the ſaid Truſtees: And whereas the ſaid *Robert Houſtoun Rae*, did by a Diſpoſition executed by him according to the Forms of the Law of *Scotland*, the Third Day of *November* One thouſand ſeven hundred and ninety-eight, diſpone and convey his heretable Eſtates in *Scotland*, therein deſcribed, to the ſaid *Archibald Graham*, whom failing, to the ſaid *Robert Finlay*, whom failing, to the ſaid *Walter Ewing Mac Lae*, with Powers of Sale, but in Truſt for the Uſe and Benefit of certain Creditors ſpecified in the Diſpoſition, upon which Infeftment followed in Favour of the Truſtees: And whereas the ſaid *William Mac Dowall* did, by a ſecond Diſpoſition executed by him according to the Forms of the Law of *Scotland*, dated the Fifth Day of *Auguſt* One thouſand ſeven hundred and ninety-nine, diſpone and convey his heretable Eſtates, therein deſcribed, to the ſaid *Archibald Graham*, whom failing, to *Archibald Tod*, Writer to the Signet, with Powers of Sale, but in Truſt for the Uſe and Benefit of certain Creditors ſpecified in this Second Diſpoſition, upon which Infeftment followed: And whereas the Truſtees named in the ſaid *William Mac Dowall*'s Second Diſpoſition in Truſt, did, with Conſent of the ſaid *William Mac Dowall*, aſſume *Day Hort Mac Dowall* into the Benefit of the Truſt, by granting in his Favour, a Deed of Aſſumption and Diſpoſition in Truſt, dated the Tenth Day of *January* One thouſand eight hundred and one: And whereas the ſaid *Robert Houſtoun Rae* did, by a Second Diſpoſition executed by him according to the Forms of the Law of *Scotland*, dated the Twelfth Day of *Auguſt* One thouſand ſeven hundred and ninety-nine, diſpone and convey his heretable Eſtates therein deſcribed, to the ſaid *Archibald Graham*, whom failing, to the ſaid *Archibald Tod*, with Powers of Sale, but in Truſt always for the Uſe and Benefit of certain Creditors, ſpecified in this Second Diſpoſition, upon which Infeftment followed: And whereas the ſaid *William Mac Dowall* hath in Part ſold, or contracted to ſell, the heretable Eſtates which belonged to him, and which were included in the two aforeſaid Diſpoſitions, in Truſt executed by him; but the Sales made by him were not confirmed by the Truſtees named by him as aforeſaid, and have not hitherto been completed: And whereas the Truſtees named in the ſaid Diſpoſitions, executed by *Robert Houſtoun Rae*, in virtue of the Powers of Sale ſo given to them as aforeſaid, have ſold ſeveral of the heretable Eſtates which belonged to the ſaid *Robert Houſtoun Rae*, and have in Part received the Prices thereof from the Purchaſers: And

whereas

whereas it is expedient that the whole Eſtates, heretable and moveable, real and perſonal, in *Scotland*, and all Right, Title, and Intereſt therein appertaining, belonging, or competent to the ſaid *William Mac Dowall*, *James Mac Dowall*, and *Robert Houſtoun Rae*, as Individuals, and to the ſaid *Alexander Houſtoun* and Company, of which Company the ſaid *William Mac Dowall*, *James Mac Dowall*, and *Robert Houſtoun Rae*, are the ſurviving Partners, ſhould be veſted in Truſtees for the Purpoſe of being ſold, collected, and got in, received and applied, in Manner herein-after 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 the whole Eſtates and Effects, heretable and moveable, real and perſonal, in *Scotland* (except Wearing Apparel) and all Right, Title, and Intereſt therein appertaining, belonging, or competent to the ſaid *William Mac Dowall*, *James Mac Dowall*, and *Robert Houſtoun Rae*, as Individuals, as alſo the whole Eſtates and Effects, heretable and moveable, real and perſonal, in *Scotland*, and all Right, Title, and Intereſt therein appertaining, belonging, or competent to the ſaid Company or Partnerſhip carrying on Trade under the Firm of *Alexander Houſtoun* and Company, Merchants in *Glaſgow*, of which Company or Partnerſhip the ſaid *William Mac Dowall*, *James Mac Dowall*, and *Robert Houſtoun Rae*, are the ſurviving Partners, ſhall, from and after the paſſing of this Act, be and the ſame are hereby veſted in *Charles Selkrig* of *Edinburgh*, Accountant, whom failing by Non-acceptance, Reſignation, or Death, then in *Robert Wilſon* of *Edinburgh*, Accountant, whom failing by Non-acceptance, Reſignation, or Death, then in *Francis Farquarſon* of *Edinburgh*, Accountant, whom all failing in Manner aforeſaid, then in ſuch Perſon or Perſons as ſhall be appointed by the Lords Commiſſioners of His Majeſty's Treaſury for the Time being, or any Three or more of them, by Writing or Inſtrument under their Hands, but nevertheleſs in Truſt, with the Powers, upon the Conditions, and for the Uſes and Purpoſes hereinafter expreſſed.

All the Eſtates and Effects in Scotland of William Mac Dowall, James Mac Dowall, and Robert Houſtoun Rae (except wearing Apparel) either as Individuals or Partners, veſted in a Truſtee.

II. And be it enacted, That the ſaid *William Mac Dowall*, *James Mac Dowall*, and *Robert Houſtoun Rae*, ſhall each of them, within the Space of Two Calendar Months from the Date of paſſing this Act, execute and deliver a Diſpoſition and Aſſignation, making over to the ſaid *Charles Selkrig*, the Truſtee firſt in Order, whom failing, to the other Truſtees above named or to be appointed *ſeriatim*, the ſaid whole Eſtate and Effects heretable and moveable, real and perſonal, in *Scotland* (except Wearing Apparel), and all Right, Title, or Intereſt therein appertaining, belonging, or competent to the ſaid *William Mac Dowall*, *James Mac Dowall*, and *Robert Houſtoun Rae*, as Individuals, which ſeveral Diſpoſitions and Aſſignations ſhall reſpectively contain a ſpecial Deſcription and Enumeration of the Eſtates and Effects heretable and moveable, real and perſonal, of the Individual granting the ſame, and ſhall contain all ſuch Clauſes as by the Forms of the Law of *Scotland* are generally uſed in Deeds of this Deſcription.

Conveyance and Aſſignment of all the ſaid Eſtates and Effects to be executed by the ſaid William Mac Dowall, &c. as Individuals.

III. And

The like Conveyance and Aſſignment to be executed by them as Partners.

III. And be it further enacted, That the aforeſaid Company of *Alexander Horſtoun and Company*, and the ſaid *William Mac Dowall*, *James Mac Dowall*, and *Robert Houſtoun Rae*, the ſurviving Partners thereof, ſhall within the like Space of Two Calendar Months from the Date of paſſing this Act, execute and deliver a Diſpoſition and Aſſignation, making over to the ſaid *Charles Selkrig*, the Truſtee firſt in Order, whom failing, to the other Truſtees above named or to be appointed, *ſeriatim*, the ſaid whole Eſtate and Effects, heretable and moveable, real and perſonal, in *Scotland*, and all Right, Title, or Intereſt therein appertaining, belonging, or competent to the ſaid Partnerſhip, or to the ſaid *Willam Mac Dowall*, *James Mac Dowall*, and *Robert Houſtoun Rae*, the ſurviving Partners thereof; which Diſpoſition and Aſſignation ſhall contain a ſpecial Deſcription and Enumeration of the Eſtates and Effects, heretable and moveable, real and perſonal, of the aforeſaid Partnerſhip, and ſhall likewiſe contain all ſuch Clauſes as by the Forms of the Law of *Scotland* are generally uſed in Deeds of this Deſcription.

In caſe of their Delay or Refuſal to convey and aſſign as aforeſaid,

IV. Provided always, and be it enacted, That although the ſaid, *William Mac Dowall*, *James Mac Dowall*, and *Robert Houſtoun Rae*, whether as Individuals or as ſurviving Partners of the ſaid Company ſhould delay or refuſe to execute the ſaid Deeds, and whether they be executed or not, the whole Eſtates and Effects, heretable and moveable, real and perſonal, in *Scotland*, belonging to them, either as Individuals or as ſurviving Partners of *Alexander Houſton* and Company, ſhall nevertheleſs be held and deemed to be veſted as aforeſaid in the ſaid *Charles Selkrig*, as Truſtee aforeſaid, from and after the Date of paſſing this Act, and failing him, in the other Truſtees or Perſons who may ſucceed or be appointed to be Truſtees under this Act as above-mentioned.

Court of Seſſion, upon Petition of the Truſtee, to pronounce a Decree of Adjudication in favour of ſuch Truſtee.

V. And be it further enacted, That in the Event of the ſaid *William Mac Dowall*, *James Mac Dowall*, and *Robert Houſtoun Rae*, whether as Individuals or as Partners of *Alexander Houſtoun* and Company, delaying or refuſing to execute ſuch Deeds, it ſhall be competent for the Truſtees above named or to be appointed in their Order, to give in a Petition to the Court of Seſſion in *Scotland*, or the Lord Ordinary on the Bills in Time of Vacation, ſtating the Circumſtances, and containing a ſpecial Deſcription of the Lands and other heretable Eſtates belonging to the ſaid *William Mac Dowall*, *James Mac Dowall*, and *Robert Houſtoun Rae*, as Individuals and as Partners aforeſaid reſpectively, and praying the Court, or the Lord Ordinary on the Bills, to pronounce an Act or Decree of Adjudication of the Premiſes in favour of the ſaid Truſtees, in Succeſſion, abſolutely and irredeemably; and the ſaid Court, or the Lord Ordinary in Vacation, is hereby authorized, empowered, and required, to pronounce Decree of Adjudication accordingly, which Adjudication ſhall not be ſubject to any legal Reverſion.

Upon ſuch Conveyance or Decree, the feudal Titles to be

VI. And be it enacted, That upon the ſaid Diſpoſition or Decree of Adjudication, the feudal Titles requiſite by the Law of *Scotland* to veſt heretable Property, ſhall and may be made up either in the Perſon of the ſaid Truſtees named or to be appointed in their Order, or in the Perſon

made up either in the Person of the Trustee or Purchaser.

Superior, if required, to enter the Trustee or Purchaser in the Manner directed by 20 Geo. 2.

In case the Titles of the said William Mac Dowall, &c. be not completed, the acting Trustee to make up and complete the same.

or Persons of the Purchaser or Purchasers, from the Trustee acting for the Time, in virtue of Conveyance or Conveyances to be granted by such Trustees, agreeably to the Forms of the Law of *Scotland*; and the Superior or Superiors shall, if required, be obliged to enter the said Trustees in their Order, or the Purchaser or Purchasers from them, in the same Manner as is directed by an Act, made in the Twentieth Year of His late Majesty's Reign, for abolishing Ward Holdings; and in case the Titles of the said *William Mac Dowall*, *James Mac Dowall*, and *Robert Houstoun Rae*, whether as Individuals or as Partners of *Alexander Houstoun* and Company, to any Part of the Estates heretable or moveable, real or personal, belonging to them, or either of them, at the Date of passing this Act, or to which they or either of them may have succeeded as apparent Heir or Heirs, nearest in kin or otherwise to any Predecessor, have not been so completed as to vest the Right in a proper and formal Manner, the acting Trustee shall make up and complete the Titles of the said *William Mac Dowall*, *James Mac Dowall*, and *Robert Houstoun Rae*, whether as Individuals or Partners aforesaid, in such Way and Manner as the Law may require; which Titles shall accresce to such Titles as may have been acquired by the Dispositions or Decrees of Adjudication aforesaid.

The Feudal Titles to the heritable Estates to be clear from certain Dispositions in Trust, dated prior to the passing of this Act.

VII. And be it further enacted, That the feudal Titles to the heretable Estates in *Scotland* that may be made up in the Persons of the said Trustees, upon Dispositions to be granted by the said *William Mac Dowall*, *James Mac Dowall*, and *Robert Houstoun Rae*, whether as Individuals or as Partners of *Alexander Houstoun* and Company, or upon the Decrees of Adjudication that may be obtained against them upon the Failure of their granting such Dispositions, or in the Persons of the Purchasers from the Trustees, shall be clear from and unaffected by the following Dispositions in Trust, dated prior to the passing of this Act; *videlicet*, the Two Dispositions in Trust executed by the said *William Mac Dowall*, the former of which is dated the Third Day of *November* One thousand seven hundred and ninety-eight, and the latter the Fifth Day of *August* One thousand seven hundred and ninety-nine, as also the Two Dispositions in Trust, executed by the said *Robert Houstoun Rae*, the former of which is dated the Third Day of *November* One thousand seven hundred and ninety-eight, and the latter, the Twelfth Day of *August* One thousand seven hundred and ninety-nine; as also the said Deed of Assumption and Disposition in Trust in favour of the said *Day Hart Mac Dowall* Esquire, and all Charters, Instruments of Resignation and Sasine that may have proceeded upon the said Dispositions in Trust, or any of them, and that in the same Manner as if the said Dispositions in Trust had never been granted, nor any Charters, Instruments of Resignation, and Sasine, had followed thereupon, without Prejudice nevertheless to any Security or Securities that may have been legally created by such Trust Dispositions, Charters, Instruments of Resignation and Sasine in favour of the Creditors of the Grantors of such Dispositions in Trust, prior to the Date of passing this Act, which Securities are reserved entire, with all Objections that are or may be competent thereto, and without Prejudice to any legal Claims competent to the respective Trustees in respect of their having acted

acted under the said Trust Dispositions, all which are also reserved entire.

The Trustee authorized to sue for and recover all Casualties of Superiority, Feu Duties, &c.

VIII. And be it further enacted, That the said *Charles Selkrig*, the Trustee under this Act first in Order, and failing him as aforesaid, the other Trustees above-named, or to be appointed in their Order, shall be authorized and empowered to sue for, levy, and recover all Casualties of Superiority, Feu Duties, and Rents, for which the Vassals and Tenants of the heretable Estates belonging to the said *William Mac Dowall*, *James Mac Dowall*, and *Robert Houstoun Rae*, whether as Individuals, or as Partners of *Alexander Houstoun* and Company, are liable, as well those due at the Date of passing this Act, as those that may become due, until the heretable Estates out of which the said Casualties of Superiority, Feu Duties, and Rents may be payable, shall be sold in virtue of the Powers herein-after given; and it is hereby declared, that the Vassals and Tenants in whose Hands Arrestments may have been used for attaching such Casualties, Feu Duties, and Rents, shall not be allowed to retain what may be owing by them, but shall be bound to pay the same to the Trustee under this Act for the Time, and the said Vassals and Tenants shall be effectually discharged from all Claim or Suit at the Instance of the Arrester or Arresters upon obtaining a Receipt from such Trustee, reserving nevertheless to the Arresters their Claims upon such Monies as may be recovered by the Trustees arising from the said Casualties, Feu Duties, and Rents, attached by their Arrestments.

The Trustee empowered to ratify all Contracts of Sale of heritable Estates made by William Mac Dowall, &c. or their Trustee, and to recover the Prices from the Purchasers, &c.

IX. And be it further enacted, That the said *Charles Selkrig*, Trustee aforesaid, and failing him, the other Trustees named or to be appointed in their Order, shall be authorized, empowered, and required, as he and they are hereby authorized, empowered, and required, to ratify and confirm all Bargains and Contracts of Sale of heretable Estates in *Scotland* that may have been duly made in Writing, and entered into either by the said *William Mac Dowall* or *Robert Houstoun Rae*, as Individuals, or by the above named *Archibald Graham*, their Trustee appointed by the Dispositions in Trust executed of the Dates above specified; and the said *Charles Selkrig*, and the other Trustees above named, in their Order, are further hereby authorized, empowered, and required to demand, sue for, and levy the Prices of the said heretable Estates, and Interest thereon, in so far as the same may be still due by the said Purchaser or Purchasers.

Purchasers on paying the Purchase Money to the Trustees exonerated, &c.

X. And be it further enacted, That the Purchaser or Purchasers, upon making Payment of his or their respective Price or Prices, and Interest thereon, and severally receiving a Disposition or Dispositions from the said *Charles Selkrig* as Trustee aforesaid, or from the other Trustees in their Order, shall be held to be exonerated and discharged, and the Lands or other Heritages which may have been purchased by them, shall be held to be freed and disencumbered of all such Debts and Incumbrances as the Seller was bound to discharge, reserving always to those in the Right of heritable Debts or real Burthens that may have affected the Lands of which the Prices may be so paid, and to all others claiming Interest therein,

in, in virtue of Diligence used by them, all Claims of Preference upon the said Prices in the Hands of the Trustees under this Act, which Prices shall be held and deemed to be a Surrogatum for the Lands over which the Securities may have extended.

The Trustee empowered to recover all Monies in the Hands of the Representatives of Archibald Graham, &c. to settle Accounts and give Receipts and Discharges to them.

XI. And be it further enacted, That the said *Charles Selkrig*, Trustee aforesaid, and failing him the other Trustees above named, or to be appointed in their Order, shall be authorized and empowered, as he and they are hereby authorized and empowered to demand, sue for, and recover, all Monies that may be in the Hands of the Representatives of the aforesaid *Archibald Graham* deceased, of the aforesaid *Walter Ewing Mac Lae*, or of the aforesaid *Archibald Tod*, at least of such of them as may have acted, and had Intromissions under and in virtue of any of the Dispositions in Trust executed of the Dates before specified, to settle Accounts with them or either of them, and upon such Settlement of Accounts to allow such counter Claims and Charges as the said Persons may be legally entitled to, and upon Payment of such Balances as may be due by them respectively, to grant Receipts, which shall fully and completely discharge and exonerate them in all Questions either with the Granters of the said Dispositions in Trust, or their Creditors, or any other Parties having Interest.

The Trustees empowered to sell all the said heritable Estates, giving Two Months Notice of such Sale,

XII. And be it further enacted, That the said *Charles Selkrig*, Trustee aforesaid, and failing him the other Trustees above named, or to be appointed in their Order, shall be and are hereby authorized and empowered to sell all the heritable Estates of the said *William Mac Dowall*, *James Mac Dowall*, and *Robert Houstoun Rae*, as Individuals, and of the said Partnership of *Alexander Houstoun* and Company, of which Partnership the said *William Mac Dowall*, *James Mac Dowall*, and *Robert Houstoun Rae*, are the surviving Partners, that remained undisposed of and unsold at the Date of passing this Act, and that either by publick Auction or private Contract, and either in Whole or in Lots, on such Conditions, and at such Prices as the said *Charles Selkrig* or other Trustees in their Order may think fit: Provided always that Notice shall be given of the heritable Estates to be sold, by Advertisements in the *Edinburgh Evening Courant* and *Caledonian Mercury*, at least Two Calendar Months before the said Trustee or Trustees in their Order shall proceed to sell the same; and the said *Charles Selkrig*, Trustee aforesaid, and failing him the other Trustees in their Order, are hereby further authorized and empowered to demand, sue for, and recover the Prices at which such heritable Estates may be sold from the Purchaser or Purchasers thereof.

Purchaser not to be concerned with the Application of the Prices, but on receiving Disposition to be exonerated, and

XIII. And it is hereby enacted, That the Purchaser or Purchasers shall have no Concern with the Application of the Price or Prices, but upon making Payment of the same, and severally receiving a Disposition or Dispositions from the said *Charles Selkrig* as Trustee aforesaid, or the other Trustees in their Order, shall be held to be exonerated and discharged, and the Lands or other heritable Estate which may be purchased by him or them, shall be held to be freed and disencumbered of and from all Debts and Incumbrances that may have previously affected the same, reserving

reſerving to thoſe in the Right of ſuch Debts and Incumbrances, all Claims of Preference upon the Price or Prices after being paid over to the Truſtee acting for the Time under this Act, and which Price or Prices ſhall be held and deemed to be a Surrogatum for the Lands which ſuch Debts and Incumbrances may have affected.

the Lands freed of all Debts and Incumbrances affecting the ſame, &c.

XIV. And be it further enacted, That the ſaid *Charles Selkrig*, Truſtee aforeſaid, and failing him the other Truſtees, named or to be appointed in their Order, ſhall be authorized and empowered, as he and they are hereby authorized and empowered, to ſell and diſpoſe of all moveable Eſtate and Effects in *Scotland* belonging to the ſaid *William Mac Dowall*, *James Mac Dowall*, and *Robert Houſtoun Rae*, and to the ſaid Partnerſhip of *Alexander Houſtoun* and Company, either by public Auction or private Contract, as alſo to demand, ſue for, levy, and collect all moveable Debts due by any Perſon or Perſons whatever in *Scotland*, as alſo all Debts that may be ſecured upon heritable Property ſituated in *Scotland*, and due to the ſaid *William Mac Dowall*, *James Mac Dowall*, and *Robert Houſtoun Rae*, as Individuals, and to the ſaid Partnerſhip of *Alexander Houſtoun* and Company, and the Debtors ſhall be completely acquitted and diſcharged, upon making Payment of their Debts to, and obtaining Receipts from the ſaid *Charles Selkrig*, or the other Truſtees in their Order.

Power to Truſtees in their Order to ſell all moveable Eſtate and Effects by public Auction, or private Contract, and collect Debts, &c.

XV. And be it further enacted, That the ſaid *Charles Selkrig*, Truſtee aforeſaid, and failing him, the other Truſtees above named, or to be appointed in their Order, ſhall apply ſuch Monies as may come into his or their Hands in the Courſe of executing this Act, in the Firſt Place for defraying all neceſſary Charges and Expences that may be incurred by and through the carrying this Act into Execution; in the Second Place for paying to the ſaid *William Mac Dowall*, *James Mac Dowall*, and *Robert Houſtoun Rae*, an Annual Allowance during the Subſiſtence of this Truſt, ſuch as the Lords Commiſſioners of His Majeſty's Treaſury may think fit to fix and aſcertain, not exceeding One thouſand Pounds yearly, in the Whole, and not to continue beyond Five Years from the paſſing of this Act, it being nevertheleſs declared, that it ſhall be optional to the ſaid Lords Commiſſioners to make ſuch, or any Allowance, as to them in their Diſcretion may ſeem meet; in the Third Place, for Payment of the Debts due by the ſaid *William Mac Dowall*, *James Mac Dowall*, and *Robert Houſtoun Rae*, as well as Individuals as ſurviving Partners of *Alexander Houſtoun* and Company, to His Majeſty, or to the Sureties if they ſhall be found liable in Payment of ſuch Debts, and ſhall pay the ſame, and for Payment to their other Creditors, according to their reſpective Rights and Intereſts, as the ſame ſtood by Law prior to the paſſing of this Act: Provided always, that if any Queſtions ſhall ariſe in regard to Preferences, either between the Crown and the other Creditors, or between the other Creditors themſelves, or between the Sureties who have granted Bonds of different Dates, or in regard to the Validity and Extent of the Debts that may be claimed, all ſuch Queſtions ſhall be determined by the Court of Seſſion in the Courſe of a Proceſs or Proceſſes of Multiplepoinding, which the ſaid *Charles Selkrig* or other

Application of the Money by the Truſtees.

Queſtions of Preference to be determined by the Court of Seſſion, &c.

other Truſtee for the Time being is hereby directed to raiſe and proſecute, according to the Forms of the ſaid Court; and in the laſt Place, and touching the Reſidue of the ſaid Monies, after Payment of the Debts to His Majeſty, and all other Creditors, if any ſuch Reſidue ſhall be, the ſaid *Charles Selkrig* or other Truſtee for the Time being, ſhall pay over the ſame to the ſaid *William Mac Dowall*, *James Mac Dowall*, and *Robert Houſtoun Rae*, according to their reſpective Rights and Intereſts, to be fixed and aſcertained in caſe any Queſtion ſhall ariſe by the Court of Seſſion, in the Courſe of the ſaid Proceſs or Proceſſes of Multiplepoinding.

When Monies ſhall amount to £.1,000 the ſame to be depoſited in the Royal Bank of Scotland, or in the Bank of Scotland.

XVI. And be it enacted, That whenever and ſo often as the Monies to be recovered by the ſaid *Charles Selkrig* or other Truſtee for the Time being, ſhall amount to the Sum of One thouſand Pounds Sterling, he ſhall lodge and depoſit the ſame in the Royal Bank of *Scotland*, or in the Bank of *Scotland*, upon an Account to be kept in the Name of the ſaid *Charles Selkrig* or other Truſtee for the Time being, or inveſt the ſame in Exchequer Bills; and the ſaid Monies when ſo lodged and depoſited or inveſted, ſhall only be drawn out, or the ſaid Exchequer Bills ſold and diſpoſed of by the ſaid *Charles Selkrig*, or other Truſtee for the Time being, as may be neceſſary for the Purpoſes herein-before ſpecified.

Truſtees to keep regular Books of Accounts.

XVII. And be it enacted, That the ſaid *Charles Selkrig*, Truſtee aforeſaid, and the other Truſtees above named, or to be appointed in their Order, ſhall ſeverally keep regular Books of Accounts, in which he and they ſhall enter all and each of their Receipts and Payments under the Authority of this Act, which Books of Accounts ſhall lie in the Truſtees Hands, open to the Inſpection of the Lords Commiſſioners of His Majeſty's Treaſury, and ſuch Perſon or Perſons as may be duly authorized by them, and ſhall alſo lie open to the Inſpection of the ſaid *William Mac Dowall*, *James Mac Dowall*, and *Robert Houſton Rae*, and to their Creditors, as well as the Creditors of the ſaid *Alexander Houſtoun* and Company.

35 G. 3. c. 127. § 31.

XVIII. And whereas by the ſaid Act paſſed in the Thirty-fifth Year of the Reign of His preſent Majeſty it is enacted, "That every Bond or Obligation, or other Security entered into or given (under the ſaid Statute) by any Perſon or Perſons either as Principal or Surety, who ſhall afterwards become Bankrupt, and againſt whoſe Eſtate Sequeſtration ſhall be awarded in *Scotland*, ſhall, by reaſon and force of ſuch Bankruptcy, and from the Time of the Date of the Firſt Deliverance on the Petition to the Court of Seſſion for awarding the Sequeſtration, become and be due and payable as againſt ſuch Bankrupt or Bankrupts; and that all the Eſtate and Effects, real and perſonal, of ſuch Bankrupt or Bankrupts, which would be liable to ſatisfy the Demands of the Creditors ſeeking Relief under ſuch Sequeſtration, ſhall be liable and ſubject to, and are hereby made chargeable with the Payment of the Principal and Intereſt due upon ſuch Bond or Obligation or other Security, and all Coſts attending the Recovery of the ſame; and that the Claims of the Commiſſioners (acting

(acting under the Statute) ſhould be firſt paid and ſatisfied out of the Eſtate and Effects of ſuch Bankrupt or Bankrupts, and in Preference to the Claim of any other Creditor or Creditors, nevertheleſs without Prejudice to Preferences duly obtained according to the Law of *Scotland* upon the Real Eſtates of Perſons who ſhall become Bankrupt;" be it enacted, That if any Queſtions ſhall ariſe in regard to Preferences that may be claimed by the Crown in the Courſe of the Truſts created by this preſent Act, they ſhall be determined by the Court of Seſſion aforeſaid, in the ſame Way and Manner as if ſuch Queſtions had occurred in the Courſe of a Sequeſtration of the Eſtates of the ſaid *William Mac Dowall*, *James Mac Dowall*, and *Robert Houſtoun Rae*, and of the ſaid *Alexander Houſtoun* and Company, duly awarded under the ſubſiſting Bankrupt Law of *Scotland*, notwithſtanding that no ſuch Sequeſtration has taken place.

Queſtions of Preference to be determined by the Court of Seſſion.

XIX. And whereas the ſaid *William Mac Dowall* granted an heritable Bond and Diſpoſition in Security for the Sum of Forty thouſand Pounds Sterling, to *Thomas Marſham* Eſquire, Secretary to the Commiſſioners appointed under the foreſaid Statute of the Thirty-fifth Year of His preſent Majeſty, Cap. 127. in Truſt for Behoof of His Majeſty, His Heirs and Succeſſors, dated the Twenty-ſeventh Day of *July* One thouſand ſeven hundred and ninety-nine Years; and that the ſaid *Robert Houſtoun Rae* alſo granted an heretible Bond and Diſpoſition, in Security for the like Sum of Forty thouſand Pounds Sterling to the ſaid *Thomas Marſham*, Secretary to the ſaid Commiſſioners, dated the Twenty-ſixth Day of *July* One thouſand ſeven hundred and ninety-nine Years; be it further enacted, That the ſaid *Thomas Marſham*, and in the Event of his Death, his Heir or Heirs at Law, ſhall be and are hereby required forthwith to diſpone, convey, and make over, by ſuch Deed or Deeds as may be neceſſary, the foreſaid Two heritable Securities, ſtanding in the Perſon of the ſaid *Thomas Marſham*, in favour of the Lords Commiſſioners of His Majeſty's Treaſury for the Time being, or ſuch Perſon or Perſons as may be by them, or any Three of them, appointed for the Behoof of His Majeſty, His Heirs and Succeſſors.

Heritable Bond granted by William Mac Dowall to Thomas Marſham for 40,000l. and alſo heritable Bond for the like Sum of 40,000l. granted by Robert Houſtoun Rae to the ſaid Thomas Marſham, to be made over to the Treaſury.

XX. And be it enacted, That the ſaid *William Mac Dowall*, in ſo far as regards the Lands of *Brunt Shields*, and the whole Pertinents thereof, and Tiends, Parſonage, and Vicarage of the ſaid Lands lying within the Pariſh of *Kilbarchan* and Shire of *Renfrew*; and thoſe Parts of the Lands of *Glen* called *Eaſter* and *Weſter Bar*, *Maighs*, *Auchinbean*, *Barmaighlock*, *Kame*, *Mickle Cloaks*, *Linthills*, *Langyard*, *Moniabrock*, *Tandlemuir*, all lying within the Lordſhip and Regality of *Paiſley* and Shire of *Renfrew*, together with the Tiends, Parſonage, and Vicarage of the ſaid Lands belonging to the ſaid *William Mac Dowall*, ſhall only be bound to diſpone the ſame to the Truſtee under this Act, by a Diſpoſition to be held by the Truſtee *de me*, ſo that the Truſtee may only be entitled to take and diſpoſe of the *Dominium utile* thereof, and that the Truſtee, or thoſe who purchaſe from him, may take and hold the ſame as the Vaſſal or Vaſſals of the ſaid *William Mac Dowall*, for Payment of a Feu Duty of Five Pounds Sterling yearly to the ſaid *William Mac Dowall*, but ſhall not

The ſaid William Mac Dowall only bound to diſpone to certain Lands herein mentioned by Diſpoſition to be held by the Truſtee de me, &c.

not be entitled to be entered therein as the Vaſſals of the Crown or Prince.

If Proceeds of Eſtates under this this Act and 46 Geo. 3. c. 157. are inſufficient to pay the Debts, the Allowance paid to W. M'Dowall, &c. to be deducted from the Debt due to His Majeſty.

XXI. Provided always, and be it further enacted, That in caſe the Proceeds of all the Eſtates and Property veſted by this Act in the Truſtee aforeſaid, and by him directed to be ſold, together with the Proceeds of all the Eſtates and Property veſted in certain Truſtees by another Act of the preſent Seſſion, intituled, *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* St. 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*, and by them directed to be ſold, together with the Amount of all Debts due to the ſaid Eſtates, and which may be recovered under either of theſe Acts, ſhall not be found ſufficient at the final Cloſe of the ſaid Truſts, and after paying the neceſſary Charges and Expences that may be incurred for carrying theſe Acts into Execution, to pay off and diſcharge all Debts due upon the ſaid Eſtates, preferable to the Debts due to His Majeſty, and alſo the ſaid Debt due to His Majeſty, with all the Intereſt thereupon, then and in ſuch Caſe the total Amount of any Sum of Money which may have been paid by any or either of the ſaid Truſtees, by Direction of the Lords Commiſſioners of the Treaſury, and under the Authority of the ſaid Acts, as an annual Allowance to *William Mac Dowall, James Mac Dowall*, or *Robert Houſtoun Rae*, or any or either of them, or ſuch Proportion of the ſaid Amount as may be equal to the Sum wanting to diſcharge the Debts aforeſaid, ſhall be charged upon and deducted from the Amount of whatever Debt may ſtill remain due to His Majeſty, and ſhall in no Caſe be conſidered as forming Part of any Debt for the Recovery of which Proceedings might be inſtituted under the Proviſions of this or any other Act of Parliament againſt any of the Sureties for the Debt now due to His Majeſty.

Not to prevent any Proceeding on the Part of His Majeſty againſt the Sureties of the ſaid William Mac Dowall, &c.

XXII. And be it further enacted, That nothing contained in this Act ſhall prevent or hinder His Majeſty, His Heirs or Succeſſors, from proceeding againſt the Sureties of the ſaid *William Mac Dowall, James Mac Dowall, Robert Houſtoun Rae*, and *Andrew Houſtoun* deceaſed, for recovering ſuch Sums, and Intereſt thereon, as may have been legally due by ſuch Sureties prior to the paſſing this Act; 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 of His Majeſty prior to the paſſing of this Act; all which Claims and Defences are reſerved entire.

Truſtee amenable for his Conduct to the Court of Seſſion.

XXIII. And be it further enacted, That the ſaid *Charles Selkrig*, or other Truſtee for the Time being, ſhall at all Times be amenable to the Court of Seſſion in *Scotland*, by ſummary Application to that Court, to account for

for his Intromissions and Management, and answer for his Conduct, at the Instance of the Lords Commissioners of His Majesty's Treasury, or any Three or more of them, or of any one or more of the Creditors or Sureties of the said *William Mac Dowall*, *James Mac Dowall*, and *Robert Houstoun Rae*, or of the said *Alexander Houstoun* and Company, having the Concurrence of the said Lords Commissioners, or any Three or more of them; and it shall be competent for the said Court, upon such Application, not only to fix and ascertain the Balance that may appear to be due by the acting Trustee, but also to remove such acting Trustee, and to declare the Trust to have devolved upon the Trustee next in order, to whom the Court shall decree the acting Trustee who may be so removed to denude of the Trust, and to pay over his Balance; and 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 Judgment deem it expedient that the Trustee acting under this Act for the Time being 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 or any other Writing so signed to nominate and appoint some other Person or Persons to be Trustee or Trustees for the Purposes aforesaid in the room of the Trustee so to be removed and displaced; and the Lords of Council and Session shall, and they are hereby required, on Production of the said Writing or Writings, to remove such acting Trustee, and to declare the Trust to have devolved upon the Trustee or Trustees so nominated by the said Lords Commissioners, or Lord High Treasurer respectively, and to decree the acting Trustee who may be so removed to denude of the Trust, and to pay over his Balance to the Trustee or Trustees so nominated; and, in the Event of no such Application or Nomination being made, or no such Writing being signed by the said Lords Commissioners or Lord High Treasurer, it is hereby enacted, That it shall be competent to the said *Charles Selkrig*, or the Trustee for the Time being, to produce and exhibit the Accounts of his Receipts and Payments under this Act, in the course of a Process or Processes of Multiplepoinding that may be raised at his Instance before the Court of Session, in Manner foresaid; and it shall be lawful and competent for the said Court, upon being satisfied that the said *Charles Selkrig*, or other Trustee for the Time being, has fully and fairly accounted for his Intromissions, finally to discharge and exonerate the said *Charles Selkrig*, or other Trustee who may have so accounted, and to pronounce Decree or Exoneration accordingly.

Treasury may remove him.

Court of Session may discharge him from the Trust, and pronounce a Decree of Exoneration.

XXIV. Provided always, and be it further enacted, That no Act, Matter, or Thing done, performed, or executed by the said *William Mac Dowall*, *James Mac Dowall*, and *Robert Houston Rae*, in relation to the making any Conveyance or Assignment, or Conveyances or Assignments of Property under or in pursuance of this Act, or any of the Powers or Provisions therein contained, shall be deemed or taken to be, or be construed

Any Conveyance or Assignment made in pursuance of this Act, not to be deemed an Act of Bankruptcy.

strued to be, an Act of Bankruptcy on the Part of the Person making or executing any such Conveyance or Assignment, or Conveyances or Assignments as aforesaid; any Thing in any Law or Act in force in *Scotland* to the contrary thereof notwithstanding.

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