

ANNO QUADRAGESIMO OCTAVO

GEORGII III. REGIS.

CAP. CXXXV.

An Act to amend an Act made in the Forty-sixth Year of His present Majesty for more effectually carrying into Execution the Purposes of an Act made in the Thirty-ninth and Fortieth Year of His 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*.

[30th *June* 1808.]

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, it was expedient that His Majesty should be enabled to direct Exchequer Bills to the Amount of One million 35 G. 3. c. 127.

lion 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
35 G. 3 c. 1. 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 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 dead) and *Robert Houſtoun Rae* Eſquires, trading under the Firm of *Alexander Houſtoun* and Company, to ſecure which Amount with Intereſt they entered into Three ſeveral Bonds to His Majeſty, dated the Fourteenth Day of *July* and the Twenty-fourth and Thirty-firſt Days of *Auguſt* One thouſand ſeven hundred and ninety-five: And whereas an Act was paſſed in the Thirty-
37 G. 3. c. 27. 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* St. 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, to ſecure the Amount of which Bills with Intereſt they entered into a Bond to His Majeſty, dated the Twentieth Day of *March* One thouſand ſeven hundred and ninety-ſeven, which laſt-mentioned Exchequer Bills, with thoſe firſt advanced as aforeſaid, amounted to the Sum of Two hundred and forty thouſand Pounds: And whereas by In-

Indenture, dated Jan. 12, 1799, by which certain Poſſeſſions and Effects were mortgaged.

denture bearing Date the Twelfth Day of *January* One thouſand ſeven hundred and ninety-nine, and duly regiſtered in the Iſland of *Saint Chriſtopher*, and made between the aforeſaid *William Mac Dowall* of the one Part, and *Robert Denniſtoun, Richard Denniſtoun*, and *James Buchanan*, called afterwards in the ſaid Indenture *James Buchanan* the younger of

the City of *Glaſgow*, Merchants, and *Colin Mac Lachlan* and *Colin Thomſon* of the Iſland of *Saint Chriſtopher* in the *Weſt Indies*, Merchants, which ſaid *Robert Deniſtoun*, *Richard Denniſtoun*, *James Buchanan* the younger, *Colin Mac Lachlan*, and *Colin Thomſon* are therein mentioned to be Merchants and Co-partners trading under the Firms of Meſſrs. *George* and *Robert Deniſtoun* and Company in the City of *Glaſgow*, and of Meſſrs. *Deniſtoun*, *Mac Lachlan*, and *Thomſon*, in the Iſland of *Saint Chriſtopher*, of the other Part, he the ſaid *William Mac Dowall* did grant unto the ſaid *Robert Denniſtoun*, *Richard Denniſtoun*, *James Buchanan* the younger, *Colin Mac Lachlan*, and *Colin Thomſon*, all thoſe ſeveral Plantations or Eſtates commonly called or known by the ſeveral Names of the *Canada* Plantation, or the *Canada* Eſtate, and the *Colhoun* Eſtate or Plantation, ſituate in the Iſland of *Saint Chriſtopher* aforeſaid, then in the Tenure or Occupation of the ſaid *William Mac Dowall* or his Agents, Attornies, or Managers, and alſo all the Negroes and Slaves, together with all the Iſſue and Progeny born or thereafter to be born of the Females of the ſame Negroes and Slaves, and all horned Cattle, Horſes, Mules, and Aſſes, and alſo all Implements, and Plantation Utenſils to the ſame Plantation belonging or appertaining, and alſo all other the Plantations and Eſtates, Negroes and Slaves, together with all the Iſſue and Progeny of the ſame Negroes and Slaves, and all horned Cattle, Horſes, Mules, Aſſes, Plantation Utenſils and Implements whatſoever, of him the ſaid *William Mac Dowall* in the ſaid Iſland of *Saint Chriſtopher*, or whereof or wherein he the ſaid *William Mac Dowall* or any other Perſon or Perſons in Truſt for him, was or were ſeiſed or poſſeſſed of or entitled to, an Eſtate of Inheritance in Fee Simple, or any other Eſtate or Intereſt whatſoever, ſituate in the ſaid Iſland of *Saint Chriſtopher*, together with all Meſſuages, Erections, Buildings, and Appurtenances thereto belonging or appertaining, to hold ſuch Parts of the Premiſes as were of the Nature of Freehold of Inheritance, or of Freehold only, or in the Nature of Real Eſtate, unto and to the Uſe of the ſaid *Robert Denniſtoun*, *Richard Denniſtoun*, *James Buchanan* the younger, *Colin Mac Lachlan*, and *Colin Thomſon*, their Heirs and Aſſigns for ever, and to hold ſuch Parts thereof as were of the Nature of a Chattel Intereſt, or Perſonal Eſtate unto the ſaid *Robert Denniſtoun*, *Richard Denniſtoun*, *James Buchanan* the younger, *Colin Mac Lachlan*, and *Colin Thomſon*, their Executors, Adminiſtrators, and Aſſigns, ſubject to a Proviſoe or Condition for Redemption of the ſame Premiſes, on Payment by the ſaid *William Mac Dowall*, his Heirs, Executors, or Adminiſtrators, unto the ſaid *George* and *Robert Denniſtoun* and Company, and *Denniſtoun*, *Mac Lachlan*, and *Thomſon*, their Executors, Adminiſtrators, or Aſſigns, of Thirteen thouſand Pounds, and alſo of ſeveral Bills of Exchange therein mentioned, amounting to the like Sum of Thirteen thouſand Pounds, when they ſhould become due and payable, and alſo of all and every Sum and Sums of Money which ſhould be thereafter advanced and lent to the ſaid *William Mac Dowall* by the ſaid *George* and *Robert Denniſtoun* and Company, and *Denniſtoun*, *Mac Lachlan*, and *Thomſon*, or any or either of them, together with lawful Intereſt for the ſame, at the Times and in the Manner therein mentioned: And whereas an Act was made in the Forty-ſixth Year of the Reign of His preſent Majeſty, 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 46 G. 3. c. 157.

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Houſtoun *and Company*, *to* Charles Aſh ell *Eſquire*, *and to* William John-ſtone *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, whereby after reciting (among other Things) the ſeveral before recited Acts, and alſo reciting that the Whole of the ſaid Sums ſo advanced to the ſaid *William Dowall*, *James Mac Dowall*, *Andrew Houſtoun*, and *Robert Houſtoun Rae* as aforeſaid, ſtill remain due and unpaid, with a large Arrear of Intereſt; and alſo reciting that the ſaid *William Mac Dowall* was ſeiſed or poſſeſſed or entitled of or to ſeveral Plantations, Lands, Negroes, Slaves, and Hereditaments in the Iſlands 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 of that Act, it was enacted that from and immediately after the paſſing of that Act, among other Hereditaments, 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 Schedule to that 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 therein-before named of him the ſaid *William Mac Dowall*, and alſo all the Goods, Chattels, and Perſonal Eſtate in the ſaid Iſland of *Saint Chriſtopher* of him the ſaid *William Mac Dowall* ſhould from and immediately after the paſſing of that 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 Houſton 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 were thereby from thenceforth veſted in and ſettled upon *Ambroſe Serle* Eſquire, *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 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, did and ſhould, as ſoon as conveniently might be after the paſſing of that 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 thereby veſted and ſettled as aforeſaid; and it was thereby further enacted, that it ſhould and might be lawful to and for them

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 were and are thereby required by and out of the Monies which ſhould 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 thereby directed, and the collecting and getting in the Debts and Monies, and Perſonal Eſtate thereby veſted as aforeſaid, and the Performance of all other the Truſts thereby created, and that when and ſo often as the clear Monies in Hand after paying, allowing, or deducting the Sums due on prior Incumbrances, ſhould 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, ſhould forthwith pay the ſame into the Receipt of His Majeſty's Exchequer, in order that the ſame might 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 ſhould not be paid or ſatisfied by other Means: And whereas at the Time of paſſing the ſaid recited Act of the Forty-ſixth Year of the Reign of His preſent Majeſty, the ſaid *Robert Denniſtoun* and others the Mortgagees under the ſaid recited Indenture of the Twelfth Day of *January* One thouſand ſeven hundred and ninety nine, had in reſpect of the Negroes, Slaves, Cattle, Stock, Implements, and Plantation Utenſils comprized in the ſame Mortgage, a Priority and Preference to the Claim of His Majeſty under the aforeſaid Bonds, notwithſtanding the ſaid Mortgage was made poſterior to the ſaid Bonds, inaſmuch as by the Laws and Cuſtoms of the ſaid Iſland of *Saint Chriſtopher*, all Negroes, Slaves, Cattle, Stock, Implements, and Utenſils upon or belonging to Plantations in that Iſland are Perſonal Eſtate, and no Execution or other Proceſs had prior to the Date of the ſaid Mortgage been iſſued at the Suit of His Majeſty in reſpect of the ſaid Bonds againſt the ſaid mortgaged Property or any Part thereof, but in regard that the ſaid Act of the Forty-ſixth Year of the Reign of His preſent Majeſty hath enacted, that all the Negroes, Slaves, Horſes, Mules, Cattle, Plantation Tools and Implements, and all other the live and dead Stock upon or belonging to or uſed with the aforeſaid Plantations and other Hereditaments, or any of them, or any Part thereof; and alſo all and ſingular other the Negroes and Slaves, Goods, Chattels, and Perſonal Eſtate in that Iſland of him the ſaid *William Mac Dowall*, ſhould from and immediately after the paſſing of that Act, (ſubject nevertheleſs and without Prejudice to the ſeveral Mortgages, Securities, Debts, Charges, and Incumbrances which affected the ſame Premiſes reſpectively, prior to the Date of the aforeſaid recited Bonds, but in Preference or 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 the aforeſaid *Ambroſe Serle*, *John Brickwood*, and *Aaron Graham*, their Heirs, Executors, Adminiſtrators, and Aſſigns, upon the Truſts aforeſaid, it is apprehended that the ſaid Truſtees of the ſaid laſt-recited Act are not warranted in paying the Principal Money and Intereſt due on the ſaid recited Mortgage in Preference to the ſaid Bonds to His Majeſty, although the Negroes and other Perſonal Eſtate comprized in the ſame Mortgage are more than ſufficient to pay ſuch Principal and Intereſt: And whereas there is now due and owing for Principal and Intereſt upon the ſaid recited Indenture of Mortgage, the Sum of Nine thouſand

So much of recited Act of 46 G. 3. c. 157. as gives to certain Bonds entered into to His Majesty Priority to a Mortgage under the recited Indenture, &c. repealed.

Pounds or thereabouts: And whereas it is just that the said Mortgagees should be relieved in the Premises; but inasmuch as that cannot be done without the Aid and Authority of Parliament, 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 so much of the said recited Act of the Forty-sixth Year of the Reign of His present Majesty, as gives to the said recited Bonds so entered into to His Majesty as aforesaid, Preference and Priority to the said recited Indenture of Mortgage, so far as relates to or concerns the said Negroes, Slaves, Cattle, Stock, Implements, and Plantation Utensils, and other Personal Estate of the said *William Mac Dowall* in the said Island of *Saint Christopher*, shall be, and the same is hereby from henceforth repealed.

Trustees under last-recited Act empowered to discharge the Mortgage.

II. 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, their or his Heirs, Executors, Administrators, or Assigns, by and out of the Monies arisen or produced, or hereafter to arise or be produced under the Trusts of the said Act of the Forty-sixth Year of the Reign of His present Majesty, to pay and discharge, or cause to be paid and discharged, the Principal Money and Interest which shall be remaining due upon the said recited Indenture of Mortgage, in such and the same Manner as it would have been lawful for them respectively to do in case the same Act had not given to the said recited Bonds to His Majesty any Preference or Priority to the said Indenture of Mortgage, so far as respects the said Negroes, Slaves, and other Personal Estate therein comprized.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1808.