



ANNO SEPTIMO & OCTAVO

VICTORIÆ REGINÆ.

Cap. 17.

An Act for vesting in Trustees certain Parts of the entailed Estate of *Seaforth*, to be sold, and the Price applied in Payment of the Entailer's Debts, and the Surplus to be laid out in the Purchase of other Lands; for enabling the Heiress in possession to borrow a Sum of Money on the Credit of the said entailed Estates; and for other Purposes connected therewith.

[29th July 1844.]

WHEREAS *Francis Lord Seaforth* deceased, by a Deed of Entail executed by him, bearing Date the Second Day of *May* in the Year One thousand eight hundred and ten, recorded in the Register of *Talzie* in *Scotland* the Thirtieth Day of *November* in the Year One thousand eight hundred and fifteen, and in the Books of Council and Session the Eighth Day of *January* in the Year One thousand eight hundred and sixteen, gave, granted, disposed, and conveyed to and in favour of the Honourable *William Frederick Mackenzie* his eldest Son, since deceased, and the Heirs Male of his Body; whom failing, to the Honourable *Francis John Mackenzie* his Second Son, also since deceased, and the Heirs Male of his Body; whom failing, to any other Son or Sons to be procreated of his the said *Francis Lord Seaforth's* Body successively, and the Heirs Male of the Body of such Son or Sons respectively; whom

Entail of *Francis Lord Seaforth*, 2d *May* 1810.

[Private.]

5 g

failing,

failing, to the Heirs whatsoever of the Body of the said *William Frederick Mackenzie* his eldest Son; whom failing, to the Heirs whatsoever of the Body of the said *Francis John Mackenzie* his Second Son; whom failing, to the Heirs whatsoever of the Body of any other Son or Sons to be procreated of his the said *Francis Lord Seaforth's* Body successively in their order of Seniority; whom failing, to *Mary Frederica Elizabeth Stewart Mackenzie*, therein described the Honourable *Mary Frederica Elizabeth*, his the said *Francis Lord Seaforth's* eldest Daughter, then the Wife of Sir *Samuel Hood*, Knight of the Bath, Rear Admiral of the White, who is since deceased, and the Heirs whatsoever of her Body; whom failing, to the Honourable *Frances Catherine Mackenzie* his Second Daughter, and the Heirs whatsoever of her Body; whom failing, to the Honourable *Caroline Elizabeth Mackenzie* his Third Daughter, and the Heirs whatsoever of her Body; whom failing, to the Honourable *Elizabeth Charlotte Mackenzie* his Fourth Daughter, and the Heirs whatsoever of her Body; whom failing, to the Honourable *Augusta Anne Mackenzie* his Fifth Daughter, and the Heirs whatsoever of her Body; whom failing, to the Honourable *Helen Anne Mackenzie* his Sixth Daughter, and the Heirs whatsoever of her Body; whom failing, to any other Daughter or Daughters successively to be procreated of his the said *Francis Lord Seaforth's* Body, and the Heirs whatsoever of their Bodies respectively; whom failing, to his the said *Francis Lord Seaforth's* Sister *Kenneth*, Wife of Sir *Vicary Gibbs* Knight, then His Majesty's Attorney General, afterwards Chief Justice of the Court of Common Pleas in *England*, and the Heirs whatsoever of her Body; whom failing, to the Heirs whatsoever of the Body of his the said *Francis Lord Seaforth's* deceased Sister *Helen Anne*, Wife of the deceased Lieutenant General *Alexander Mackenzie Fraser*; whom failing, to the Heirs whatsoever of the Body of his the said *Francis Lord Seaforth's* Sister *Maria*, then Wife of *Alexander Mackenzie* of *Calcutta* in *Bengal*, Esquire; whom failing, to the said *Francis Lord Seaforth's* Sister *Eliza Mackenzie*, and the Heirs whatsoever of her Body; whom failing, to his the said *Francis Lord Seaforth's* Heirs Male whatsoever, being Heirs Male of the Body of *Colin Fitzgerald*, the Predecessor of his the said *Francis Lord Seaforth's* Family, who lived in the Reign of *Alexander* the Third King of *Scotland*; whom failing, to his the said *Francis Lord Seaforth's* nearest Heirs and Assignees whatsoever, the eldest Heir Female always excluding Heirs Portioners, and succeeding without Division throughout the whole Course of Succession, heritably and irredeemably; all and whole the Lands, Baronies, Towers, Fortalices, Manor Places, Mills, Fishings, Grazings, Shealings, Woods, and others particularly therein and herein underwritten; *videlicet*, all and whole the Lands and Barony of *Ellandonan*, with the Castle, Fortalice, Manor Place, and Mill of the same, comprehending the Lands of *Kintail*, with the Pertinents of the same; *videlicet*, the One Davoch Lands of *Coysag*, Davoch Lands of *Letterfearn*, Davoch Lands of *Glenlick*, Davoch Lands of *Glensheal*, comprehending the Grazings and Shealings of *Strathclownie* and *Glenlyon*, the Davoch Lands of *Letterhole*, Two Davoch Lands of *Croe*, the Three Davoch Lands between the Water of *Keppoch* and the Water of *Luing*, or as the said Lands of *Kintail* and others are

are now better known by the Description underwritten, and comprehending the Towns and Lands following; *videlicet*, the Towns and Lands of *Achnagart*, *Morvich*, *Easter Lechathen*, *Wester Lechathen*, *Wester Anchintert*, *Wester Ratagan*, *Inchcroe*, *Dornie*, *Wester Keppoch*, *Kilrie*, *Mamack*, *Easter Auchentert*, *Easter Inverinate*, *Ardintoul*, *Auchygaraan*, *Easter Keppoch*, *Kilichinort*, *Craigraig*, *Achnashelsch*, *Leault*, *Torlifeich*, *Wester Auchigurran*, *Carr*, *Easter Auchigurran*, *Wester Cambuslunie*, *Easter Cambuslunie*, *Druidag*, *Wester Inverinate*, *Achyark*, *Little Achyark*, *Inversheal*, *Easter Ratagan*, *Fadoch*, *Corrydoin*, *Easter Kililan*, *Achyle*, *Rurach*, *Kirktown*, *Wester Kililan*, and *Letter Inver*, with the Mills, Fishings, Grazings, Shealings, and whole Parts, Pendicles, and Pertinents of the same; as also all and whole the Lands underwritten; *videlicet*, the Four Merk Lands of the Half Davoch Lands of *Garves*, the Three Merk Lands of *Kenlochlichart* and *Corriemullie*, the One Merk Land of the Fourth Part of *Garrowbad*, the One Merk Land of *Dalernie* otherwise *Knockbaine*, the Four Merk Lands of *Auchowlosk*, extending to One Davoch of Land, the Three Merk Lands of the Davoch Lands of *Taag*, the Two Merk Lands of *Kenlock-bencharrow*, the Three Merk Lands of *Inverchowran*, the Three Merk Lands of *Inverbaine*, the Four Merk Lands of *Mainzie*, the Four Merk Lands of Davoch Lands of *Eskedilles*, with the Grazings, Shealings, Parts, Pendicles, and universal Pertinents of the same, united and incorporated into the Barony of *Ellandonan*, to be so called now and in all Time coming, lying within the Earldom of *Ross* and Sheriffdom formerly of *Inverness* now of *Ross*; as also all and whole the Lands of *Culteleod* and *Glenskioch*, with the Pertinents, Tenants, Tenandries, and Services of Free Tenants of the same, lying within the Earldom of *Ross* and Sheriffdom aforesaid; as also all and whole the Lands and Fishings of *Lochbroom*, with the Pertinents of the same, containing the Lands and Towns respectively underwritten; *videlicet*, the Lands of *Auchylarwanchan*, *Auchdaskeald*, *Auchindrean*, *Grunzeard*, *Mungaske*, *Logie*, *Auchtadonnel*, *Braiklach*, *Dirinimuck*, *Sanda*, *Udrigill*, the Two Mailings *Turnag*, *Inverainie*, *Letterew*, *Auchinaskien*, *Auchineire*, with the Pertinents of the same, comprehending the Lands of *Kinlochew*, the Lands of *Strathgarve*, with all the Shealings, Grazings, Fishings, and Pendicles whatsoever of the same, all lying within the Earldom and Sheriffdom aforesaid; all and singular the Towns and Lands of *Lochalsh*; *videlicet*, *Salacha*, *Conchra*, *Ardeve*, *Ardachig*, *Auchtaturalan*, *Noskerag*, *Auchnakeenich*, *Balmacarra*, *Durnish*, *Craigploch*, *Erbisach*, *Ardnarrow*, *Inchnarn*, *Fernegbeg*, *Fernegmore*, *Auchnarnoir*, *Breantrath*, *Auchachonleg*, *Ahortier*, *Abernies*, *Achnachloch*, *Achnadorroch*, with the Pertinents, comprehending *Ardnase*, *Ardite*, *Achnabeyn*, and *Nonoch*, with the Pertinents of the same, or as the said Lands of *Lochalsh* and others are now better known by the Description following, and comprehending the Towns and Lands following; *videlicet*, *Salacha*, *Conchra*, *Ardeve*, *Ardhill*, *Buntaloch*, *Fernaig*, *Balmacarra*, *Rairag*, *Auchindarich*, *Durnish*, *Polintarie*, *Erbessach*, *Braestrath*, *Plock*, *Mamaig*, *Kyle*, *Auchmore*, *Ardnave*, *Auchnabien*, *Nonoch*, *Altanabrahin*, and *Auchtertyre*, Ferry of *Druidieg*, Ferry of *Ardeve*, and Change thereof, Change of *Lochalsh*, and Mills and Fishings of the same, and whole Parts, Pendicles, and Pertinents thereof, lying within the Earldom and Sheriffdom aforesaid;

as

as also all and whole the Town and Lands of *Kissorin*, with the Tower, Fortalice, and Manor Place, and Lands of *Strome*, with Houses, Biggings, Woods, Fishings, as well in salt as fresh Waters, Mills, Annexis, Connexis, Dependencies, Cottages, Shealings, Grazings, Outsets, Insets, Tenants, Tenandries, and Services of free Tenants of the same, with the Pertinents pertaining and belonging to the said Castle of *Strome*, *Lochalsh*, and *Kissorin*, containing the Davoch Lands of *Auchivanie*, the Davoch Lands of *Auchintraad*, the Davoch Lands of *Strome Castle*, *Ardnagal*, *Arneskan*, and *Bluids*, the Quarter of the Davoch Lands of *Sanachan*, *Rassal*, *Meikle Strome*, *Raraig*, extending to Thirteen Merk Lands of old Extent of *Kissorin*, with the Castle of *Strome* above specified, with their Pertinents, Fishings as well in salt as fresh Waters, Woods, and others belonging to the same, lying within the Earldom and Sheriffdom aforesaid; as also all and whole the Town, Lands, and Barony of *Coygach*, with the Tower and Fortalice of the same, with the Islands, Mills, Woods, Fishings, as well in fresh as salt Waters, Shealings, Grazings, Annexis, Connexis, Tenants, Tenandries, and Service of free Tenants of the same, with the Pertinents, as well not named as named, lying within the Earldom and Sheriffdom aforesaid, which Lands of *Lochalsh*, *Kissorin*, *Coygach*, and others particularly above mentioned, together with other Lands, are united and incorporated into One whole and free Barony called the Barony of *Lochalsh*; as also all and whole the Lands of *Fodderty Milnain*, with the Mill of the same, the Lands of *Ballamulich*, with the Pertinents, the Lands of *Meikle Ussie* and *Little Ussie*, comprehending the Lands of *Croft Ussie* and *Ussie Barable*, *Croft Vicleod* and *Balnafedag*, with the Mill commonly called the *Mill of Ussie*, Mill Lands, Multures, Thirlage, and Knaveship thereof, with Annexis, Connexis, Tofts, Crofts, Parts, Pendicles, and Pertinents, comprehending the Town and Lands of *Hnochbaxter* and *Knocklister*, with the Pertinents of the same, Annexis and Connexis, all lying within the Earldom and Sheriffdom aforesaid; as also all and whole the Lands within the Barony of *Lewis*, with the Tower, Fortalice, and Manor Place of the same, Mills, Multures, and their Sequels, Fishings as well in salt as fresh Waters, Parts, Pendicles, and Pertinents of the same, Tenants, Tenandries, and Services of free Tenants thereof, together with the small Isles lying contiguous and pertaining to the said Island of *Lewis*, comprehending *Seafort*, *Rhona*, *Flemen*, *Pabby*, *Sheant*, *Stinlister*, *Creit*, *Bernerera*, *Bernerabeg*, Two Islands *Cuningaries*, and whole other Islands belonging to the same, or as the said Lands and others are now better known by the particular Description following; *videlicet*, *Melistay*, *Breamish*, *Mangerstay*, *Cairnish*, *Keachielish*, *Edrokile*, *Torry*, *Craulestay*, *Bucnakyle* or *Balnakile*, *Erista*, *Timsgary*, *Clive*, *Beirre* and *Kneep*, *Skaliscroe*, *Gisla*, *Kanraisart*, *Geshader*, *Pabby*, *Clitihog*, *Valtos*, *Dravernish*, and *Ershadier*, *Kirkybost*, *Baregloom*, *Hacklet*, or *Halket*, *Topson*, *Bosta*, *Croir*, *Linshadir*, *Calernish*, *Loindale*, *Little Bernera*, *Breskalet*, *Tolista*, *Chylish*, *Upper Carloway*, *Knock*, *Borowston*, *Giranon*, *Lainshader*, *Delbeg*, *Delmore*, *Down*, *Sandwick*, *Kirawick*, *Sharwost*, *Armole*, *Nether Barvas*, *Upper Barvas*, *Upper Shadir*, *Nether Shadir*, *Begrigary*, *Five-penny Borve*, *Middle Borve*, *Ulbost Borve*, *South Brager*, *North Brager*, *South Galson*, *North Galson*, *South Dell*, *North Dell*,

Dell, Cross, Swainbost, Hawbost, Linol, Europee, Knockard, Five-penny Nessaline, Ballaline, Valtos, and Burisk, Lascay, Kiosee, and Swordale, Lewisbost, Rairnish, Curisholl, and Shant Vellamasses, Limerva, Isle Ewart, Orisay, Iskin, and Stimiroy, Gerravaird, Kershader, Croegary, Keanchrinag, Seaforth, and Barimsovay, Gravir, Saint Colums, Allanish, Brallum, Cramoir, Hawbost, and Kletir, Tollistays, Grace, and Back, Vatsker, Upper Coll, Nether Coll Tongue, Garicroy, Arinish, Aignish, Garabost, Upper Bible, Shadir, Aird, Upper Holm, Nether Holm, Inaclet, and Melbost; as also all and whole the Tower and Fortalice of *Stornoway*, with the Town of *Stornoway* adjoining to the said Tower, erected into a free Burgh of Barony, with Fairs and Free Markets, Customs, Privileges, Casualties, and Pertinents of the same whatsoever pertaining to them; all and whole the Twenty Merk Lands lying contiguous with the said Tower of *Stornoway*, with Houses, Biggings, Yards, Parts, Pendicles, Annexis, Connexis, Dependencies, Tenants, Tenandries, and Services of free Tenants of the same, and whole Pertinents thereof, as also all and singular Mines, Minerals, and Metals of whatsoever Kind and Quality, excepting Gold and Silver, within the whole Bounds of the Islands and Lands above specified, or any Part or Place of the same, lying within the Sheriffdom formerly of *Inverness* now of *Ross*, and which are united and incorporated into one whole and free Barony called the Barony of *Lewis*; all and whole the Mains of *Kinnairdyward* commonly called the Ward of *Dingwall*, the Lands of *Kinnairdy* and *Glaiks* adjoining to the same, the Lands of *Glaicks*, which are the Fourth Part of the Mains foresaid; all and singular the Lands of *Inchivanie, Ochterneid, Drumglust, Cumrie, Arken*, with all Commodities, Liberties, Services, and other Duties lawfully belonging to the said Lands, or which ought to pertain by use and wont to the same, together with the whole Mills of the said Towns and Lands before mentioned, Multures, Woods, Schaws, Parks, Orchards, Gardens, Fishings, Manor Places, Parts, Pendicles, and universal Pertinents whatsoever belonging to the same, lying within the Lordship of *Dingwall*, Earldom of *Ross*, Sheriffdom formerly of *Inverness*, now of *Ross*; all and singular the Lands of *Kildun*, comprehending *Kildun Gardens* and *Little Pitglassie*, with the Mills, Multures, and Fishings lying within the Regality of *Dumfermline*, Earldom of *Ross*, and Sheriffdom of *Inverness*; all and singular the Lands commonly called *Brecanord*, Mills of the same, Millcroft and Multures of the said Mill, as well dried as astricted Multures thereof; as also the Mill Lands and Millcrofts and Multures of *Bridgend*, with the Pertinents thereof; and likewise all and whole the Lands and Pasturages of *Bogmonvey* commonly called the *Bogs of Dingwall*, with all and singular the Lands of *Insthermocht*, with the whole Islands in the Water of *Conon* commonly called the Islands, with the Salmon Fishings of the same, with the whole Parts, Pendicles, and Pertinents of the foresaid Lands, with the Mills, Woods, Fishings, Tofts, Crofts, Annexis, Connexis, and universal Pertinents of the said Lands, lying within the Earldom and Sheriffdom of *Ross*, all and singular the Town and Lands of *Kinnairdy*, with the Mill Lands, Mills, Multures, Alehouse, and Alehouse Croft of the same, and likewise the Town and Lands of *Tollie* and Mill thereof, comprehending the Craig of *Tollie, Balnaloch, Bogbain*, and *Glaick of Tollie*, with the Manor Place, Houses, Biggings, Yards,

[Private.] 5 h Orchards,

Orchards, Grazings, Fishings, Mosses, Muirs, Marshes, Parts, Pendicles, and universal Pertinents thereof whatsoever, lying within the Parish of *Dingwall* and *Fodderty* and Sheriffdom of *Ross*; all and whole the Lands of *Mainzie* and *Eskedilles*, lying within the Territory of *Strathconon*, as also all and whole the Lands of *Meikle* and *Little Brahan*, comprehending the Mains of *Brahan*, Ward of *Brahan*, the Towns and Lands of *Craigtown*, *Williamstown*, *Balnain*, *Teanatarig*, *Dunglust*, *Knockateid*, *Balblair*, Park of *Balnabodoch*, and Muir thereof, with the Island and Salmon Fishing of the Water of *Conon* pertaining to the said Lands of *Little Brahan*, and the Ferry thereof on the said Water of *Conon*, with all and singular Annexis, Connexis, Pendicles, Outsets, and Pertinents thereof whatsoever pertaining to the said Lands; all and whole the Lands of *Monar*, with the Pertinents, lying within the Water of *Gleniack* on the North, the Height of *Landownie* on the South, and the Burn of *Fulmuick* and *Inchlochall* on the East, and the Water of *Bernice* falling into the Water of *Luing* on the West, as also the Lands of *Nedd* alias *Fannich* lying within *Lochbroom* on the North, and *Lochrosk* on the South, *Balloch* on the West, and *Douchalish* on the East, with all their Pertinents, lying within the Earldom of *Ross* and Sheriffdom formerly of *Inverness*, now of *Ross*; as also the Lands and Mill of *Ord* and Lands of *Balblair*, with their whole Parts, Pendicles, and Pertinents whatsoever, and the Teinds, Parsonage and Vicarage, of the said whole Lands and others, and their whole Towers, Houses, Yards, Teinds, Superiorities, Reversions, Wadsets, Grazings, Shealings, Mills, Woods, Fishings, Casualties, Customs, Privileges, Immunities, and all other Rights whatever, as well not named as named, and the whole Parts, Pendicles, and Pertinents thereof which before his Attainder pertained to the deceased *William* late Earl of *Seaforth*, or to which he could succeed as Heir to any of his Predecessors; all which Lands and Estate before disposed are contained in a Charter of Resignation under the Great Seal, dated the Third Day of *February* One thousand seven hundred and eighty-one, made and granted in favour of *Kenneth* late Earl of *Seaforth*, and his Heirs and Assignees whatsoever, whereby it was decerned and ordained that One or more Sasines to be taken by the said Earl or his foresaids at the Manor Place or Castle of *Brahan*, or upon the Ground of any other Part of the Lands and others before mentioned, by Delivery of Earth and Stone of the Ground thereof only, without the Necessity of any other Symbol, was and should be as valid and sufficient a Sasine for the foresaid whole Towns, Lands, Teinds, Baronies, Mailings, Woods, Fishings, and others above disposed, or any Part or Parts thereof, as if a particular Sasine had been taken upon each Part and Portion thereof, although they might be separate Tenements, and might not be contiguous, but in different Places; and also all and whole the Two Oxengate or One Quarter Land of *Wester Ussie*, with the Pertinents thereof, lying within the Parish of *Fodderty* and Shire of *Ross* aforesaid; and also all and whole the Lands of *Moy*, Lands of *Moymore*, with the Salmon Fishing thereof, and Houses, Biggings, Yards, Orchards, Mosses, Muirs, Shealings, Commonities, Parts, Pendicles, and universal Pertinents thereof; lying within the Parish of *Urray* and Sheriffdom of *Ross*, particularly with the Privilege or Servitude in favour of the Tenants or Possessors

Possessors of the said Lands of grazing their Cattle on the Hill of *Altanahinine*, and the Privilege or Servitude of casting, winning, and leading Peats from the Moss of *Knockanagower*, all conform to use and wont; together also with all Right, Title, and Interest which the deceased *Roderick Mackenzie* of *Fairburn* had or could pretend to the Teinds, Parsonage and Vicarage, of the said Lands at any Time before his Attainder for High Treason, which Lands, along with certain other Lands and others, are contained in a Charter of Resignation under the Great Seal, bearing Date the Twenty-sixth Day of *July* Seventeen hundred and twenty-five, in favour of *George Mackenzie* younger, of *Allangrange*, whereby it was decerned and ordained that One Sasine, then and in all Time thereafter to be taken by the said *George Mackenzie*, his Heirs and Assignees, at the Manor Place of *Fairburn*, or upon any other Part or Portion of the Ground of the Lands and others particularly and generally thereby disposed, by Delivery of Earth and Stone alternately, without any other Symbol or Solemnity whatever, should be good, valid, and sufficient Delivery and Sasine of the said whole Lands, Teinds, Fishings, and others particularly and generally therein enumerated, and any Part of the same, although they lie discontinuous and in different Places and Jurisdictions, and are different Tenements; as also all and whole these Two hundred and seventy-nine Acres Three Roods and Twenty-three Falls, whereof Twenty Acres One Rood and Two Falls are Arable Land, all feued to the said *Francis Lord Seaforth* by the Magistrates and Town Council of the Burgh of *Dingwall*, conform to Feu Contract dated the Tenth Day of *October* Seventeen hundred and eighty-nine, bounded, the foresaid whole Number of Acres, Muir and Arable Ground, as follows; *videlicet*, at the East by the High Road leading from *Ussie* to *Strathpeffer*, at the West by the Muir and Arable Grounds belonging to *Alexander Mackenzie*, now of *Fairburn*, at the North by the Feal Dyke or Inclosure made up by the late Commissioners of the annexed Estate of *George Earl of Cromarty* and his Son Lord *Macleod*, and now the Property of *Kenneth Mackenzie* Esquire, of *Cromarty*, and by the Ridge of the Hill , and at the South by the Loch of *Kinloch*; as also the Half or that Share of the said Loch of *Kinloch* belonging to the Community of the said Burgh, and hails Islands and Pertinents thereof, and Houses, Biggings, and Parts of the said Muir and Arable Grounds, also feued to the said *Francis Lord Seaforth* by the said Feu Contract, all lying within the Burgage and Territories of the said Burgh, Parish thereof, and Sheriffdom of *Ross*; and also all and whole these One hundred and five Acres of the Muir Grounds of the Common Good of the said Burgh of *Dingwall* contiguous to his said Lands of *Kildun*, *Ussie*, *Barable*, and *Knockbaxter*, which were feued to him the said *Francis Lord Seaforth* by the said Magistrates and Town Council, conform to Feu Contract dated the Second Day of *October* One thousand seven hundred and ninety-two, as Parts and Pertinents of the said Lands of *Kildun*, *Ussie*, *Barable*, and *Knockbaxter*, in all Time coming; as also all and hails these Sixty-five Acres Three Roods and Twenty-seven Falls of the Muir Grounds of the Common Good of the said Burgh next adjacent to and adjoining the said One hundred and five Acres Muir Grounds aforesaid;

aforesaid, and also feued to the said *Francis Lord Seaforth* by the said last-mentioned Feu Contract, the whole of the said Muir Ground thereby feued being bounded, marked, and described as follows; *videlicet*, One Tract, Plot, and Space of Muir Grounds thereof bounded at the North by the High Road leading from the South-west Corner of the Fir Park of *Pitglassie* belonging to *Duncan Davidson* Esquire, of *Tulloch*, leading to *Ussie Barable*, at the South by the Arable Lands of *Kildun* Westward to *Ussie Barable*, at the East by Part of the Lands of *Kildun*, and at the West by the Lands of *Ussie Barable*; and likewise that other large Tract, Plot, and Space of Ground of said Muirs to the North of the said High Road, bounded at the South by the same High Road, at the East by the High Road adjoining to the West Dyke of the said Fir Park of *Pitglassie*, at the West by the said *Francis Lord Seaforth's* own Lands aforesaid of *Ussie Barable* and of *Ussie*, and at the North partly by the High Road immediately Southward of *Kenneth Mackenzie*, Merchant in *Dingwall*, his Park or Inclosure, and partly by _____; all lying within the Burgage and Territories of the said Burgh, Parish thereof, and Sheriffdom of *Ross*; as also all and whole the Lands of *Arcan*, as lately purchased by the said *Francis Lord Seaforth* from Mrs. _____ *Mackenzie*, and as the same are particularly described in her Disposition thereof to him; as also all and sundry Proceeds which might come to the Hands of the said *Francis Lord Seaforth's* said Disponees from any Property belonging to him in the Colony of *Berbice*, by virtue of any Will or other Instrument which he might execute or otherwise of and concerning the same; together with all Right, Title, and Interest which the said *Francis Lord Seaforth*, his Predecessors or Authors, had, have, or any ways might have, claim, or pretend to the said Lands and Estates, but always with and under the Burthens and Provisions, and subject to the Conditions, Declarations, Restrictions and Limitations, and Clauses irritant and resolute, of a strict Settlement of Entail according to the Law of *Scotland*; by which Deed of Entail the said *Francis Lord Seaforth* also gave, granted, disposed, and conveyed all and every other Estate whatsoever, real and personal, wherever situated, pertaining and belonging to him, to the said Heirs of Entail, in the Order of their Succession respectively, but always with and under the Burdens and Provisions specified and contained in the said Deed of Entail, being certain Annuities and Provisions to his Wife and Daughter, and certain other Annuities and Legacies, all therein particularly set forth; and he the said *Francis Lord Seaforth* by his said Deed of Entail farther directed and appointed that whatever Sum or Sums of Money should come to the Hands of any such Heirs of Entail, in manner therein mentioned and set forth, from the Share belonging to him the said *Francis Lord Seaforth* in certain Lands, Tenements, and Hereditaments in the Colony of *Berbice* in *South America*, with the Appurtenances thereof, should be applied, in the first place, in or towards Payment of his Debts, or of the Provisions made by the said Deed of Entail for his Wife and Children, which might be most convenient, or which might be required to be paid at the Time that such Sum or Sums of Money should happen to be received; and by the said Deed of Entail it is provided that every Heir of Entail succeeding

ceeding to the said Lands and Estates should be bound and obliged, until the whole of the Debts of the Entailer, and the Principal Sums of Provision thereby granted to his Wife and Children, should be paid off and extinguished, or until a Sum should be raised equal to the Extinction thereof, to set apart each Year and every Year, from and after their Succession respectively to the said Lands and Estate, a Sum equal to at least One Fifth Part of the free Rental or Returns thereof in every such Year, including the Price received in every such Year for Kelp growing on the Shores of any Part of the said Lands and Estate, such Sum so to be set apart yearly as a Sinking Fund to pay off and satisfy the said Debts and Provisions, and to lodge such Sum of Sinking Fund at least once in every Year in the Bank of *Scotland*, or the Royal Bank of *Scotland*, at such Interest as could be got for the same, until the same should from Time to Time be drawn out by the Heir in possession for the Time, for the Purpose of paying off and extinguishing so much of the Entailer's Debts and Provisions as the same should be from Time to Time sufficient for paying off and extinguishing the same; and any Heir of Entail who should fail or neglect to set apart and to lodge such Sum of Sinking Fund in the Manner therein directed, or who should draw out the same or any Part thereof when lodged in the Manner therein directed, and should apply the same to any Purpose but the Payment of the Debts of the said *Francis Lord Seaforth*, and the Extinction of the Principal Sums of Provision thereby granted, should amit, lose, and forfeit all Right and Title which he or she had or could pretend to the said Lands and others, and the same should thereupon fall, accresce, pertain, and belong to the next Heir or Substitute thereby appointed to succeed thereto, to whom it should be lawful and competent to establish his or her Right thereto in the same Manner as if the Defaulter were naturally dead: Provided nevertheless, that it should and might be lawful for the Defaulter in any such Case to purge the Irritancy by finding Security to the Satisfaction of the Pursuer of any Action of Declarator, brought for that Purpose, that the Sinking Fund thereby provided should be doubled during the Life of such Defaulter, until the same should become sufficient for the Payment of the said Debts and Provisions, or by agreeing that the Rents should be sequestrated during the Lifetime of the Defaulter, and that the Judicial Factor appointed should apply Double the Amount of the Sinking Fund thereby provided in the Manner thereby directed, and account for the Remainder of the Rents to the Defaulter, to whom it should be competent to apply for a Recal of the Sequestration so soon as the Debts and Provisions for the Payment of which such Sinking Fund was by the said Deed of Entail provided should be paid and extinguished, or a sufficient Sum raised for that Purpose; and provided also, that before purging the Irritancy full Payment should be made by such Defaulter of the Costs of raising and insisting in any such Action of Declarator, as well as in obtaining a Sequestration in case that Measure should be resorted to: And whereas the said *Francis Lord Seaforth*, by a Trust Disposition executed by him, bearing Date the Thirtieth Day of *April* in the Year One thousand eight hundred and eleven, and recorded in the Books of Council and Session the Tenth Day of *July* thereafter, gave, granted, and disposed during all the Days

[*Private.*]

5 i

of

His Trust
Disposition,
30th April
1811.

of his Life, so long as the same should not be recalled by him, to and in favour of *Thomas Coutts* of the *Strand* in the County of *Middlesex*, Esquire, the Right Honourable *William Adam*, Lord Chief Commissioner of the Jury Court in *Scotland*, therein described *William Adam* of *Blair Adam*, Esquire, *Hugh Innes* of *Lochalsh*, Esquire, and *Colin Mackenzie* of *Portmore*, Esquire, One of the Principal Clerks of Session, (who are all now deceased,) and the Survivors and Survivor accepting the said Trust, (the Majority of them for the Time being a Quorum,) all and whole the *Dominium utile* or Right of Property of all and whole the Lands and Estates situated in *Scotland*, and comprised in the said Deed of Entail, excepting the Castle of *Brahan* and Lands adjacent thereto, then in the Occupation of himself the said *Francis Lord Seaforth*, as also the Salmon Fishings of the *Conon* and *Orrin* that belonged to him, and the whole Woods growing upon the Estate of *Brahan*, but in trust always for the Uses and Purposes therein mentioned, and, among others, for the Purpose of setting apart a Sinking Fund, and, with the Consent of the said *Francis Lord Seaforth*, for the Purpose of selling a Part thereof for the Payment of Debts owing by him; by which Trust Deed the said *Francis Lord Seaforth* reserved to himself Power to revoke the same at any Time after the Expiration of Seven Years from the Term of *Martinmas* then next: And whereas by a subsequent Deed executed by the said *Francis Lord Seaforth*, bearing Date the Seventeenth Day of *June* in the Year One thousand eight hundred and eleven, and recorded in the same Record at the same Time with the original Trust Deed, the said *Francis Lord Seaforth*, upon a Recital thereof, and that the said Trust might be better accomplished by enabling a Majority of the Trustees to make the Sales directed by the said Trust Disposition without his Consent, and that such Majority should also be enabled to sell as well the Superiority as the Property of the said Lands so to be sold, when it should be in the Power of the said *Francis Lord Seaforth* to convey the same, he the said *Francis Lord Seaforth* gave Power and Authority to any Three of the said *Thomas Coutts*, *William Adam*, *Hugh Innes*, and *Colin Mackenzie* to make such Sales, and declared that such Power should remain in force for Seven Years from the Date of the said Trust Disposition, and thereafter during all the Days of the Life of the said *Francis Lord Seaforth*, so long as the said Trust should not be revoked by him in the Manner provided by the said Trust Disposition; and pursuant to this Power the said Trustees did sell certain Parts of the said entailed Estates, the Proceeds of which were applied in the Manner directed by the said Trust Disposition: And whereas the said *Francis Lord Seaforth* departed this Life previously to the Seventh Day of *November* in the Year One thousand eight hundred and fifteen, without revoking or altering the Deed of Entail herein-before recited, excepting in regard to the Annuity thereby granted to *William Gibbs*, his Gardener, and to the Wife of the said *William Gibbs*, which were revoked by him upon the Fourteenth Day of *December* One thousand eight hundred and ten by a Codicil annexed to the said Deed of Entail: And whereas upon the Death of the said *Francis Lord Seaforth*, Doubts having arisen whether or not the said Trust became determined by his Death, an Action was brought by the said Trustees in the Court of Session, to which they made Parties the whole Heirs of Entail

His additional Trust Disposition, 17th June 1811.

Entail then in existence, who were called to the Succession of the said entailed Estates by the Deed of Entail before recited, in which Action they sought to have it found and declared by Decree of the said Court that the Right to the Lands, Baronies, and others before described, and the sole and undoubted Administration and Management thereof, together with the Rents, Issues, and Profits of the said Lands, Baronies, and others, stood vested in the said Trustees, and the Survivors and Survivor of them, for the Uses and Purposes and with and under the whole Powers specified in the said Trust Disposition, and as enlarged or extended by the said Extension of Power; and that for the Space of Seven Years from the said Thirtieth Day of *April* One thousand eight hundred and eleven; and the said Action having come on to be heard and considered by the Second Division of the said Court, their Lordships, by a Decree pronounced on the Seventh Day of *July* in the Year One thousand eight hundred and fifteen, were pleased to sustain the Defences, assoilzie the Defenders, and decern: And whereas, pursuant to the said Decree, the said *Mary Frederica Elizabeth*, the eldest Daughter of the said *Francis Lord Seaforth* deceased, was and became entitled to the said entailed Estates, subject to the Limitations, Conditions, Burdens, Provisions, and Restrictions specified in the said Deed of Entail executed by the said *Francis Lord Seaforth*, above recited; and she the said *Mary Frederica Elizabeth* was duly infeft and seised in the said Lands, Baronies, and other Estates, conform to Instrument of Sasine in her Favour, dated the Seventh and recorded in the General Register of Sasines at *Edinburgh* the Eighteenth Day of *March* in the Year One thousand eight hundred and sixteen, proceeding upon the said Disposition and Deed of Entail, and the Retour of her General Service as nearest and lawful Heir of Tailzie *cum beneficio inventarii* to the said *Francis Lord Seaforth* her Father, dated the Seventh Day of *November* in the Year One thousand eight hundred and fifteen: And whereas the said *Mary Frederica Elizabeth* did, upon the Twenty-first Day of *May* in the Year One thousand eight hundred and seventeen, intermarry with *James Alexander Stewart of Glasserton* in the County of *Wigtown*, Esquire, who assumed the Name of *James Alexander Stewart Mackenzie of Seaforth* in the County of *Ross*, as the Husband of the said *Mary Frederica Elizabeth*, pursuant to the said recited Deed of Entail: And whereas by an Act passed in the Fifty-seventh Year of the Reign of His Majesty King *George the Third*, intituled *An Act* 57 G. 3. for empowering the Judges of the Court of Session in Scotland to c. 23. sell such Parts of the Estates of *Seaforth* and others situated in the County of *Ross* which were entailed by *Francis Lord Seaforth* deceased as shall be sufficient for Payment of the Debts and Provisions which affect or may be made to affect the said entailed Estates; and for granting certain Powers relating to Leases and Feus of Parts of the said entailed Estates, proceeding upon the Recital of the said Deed of Entail, Trust Disposition, and Deed of Extension thereof, and other Recitals herein-before contained, and upon this further Recital that after the Application of all the Trust Monies to the Purposes of the Trust the said entailed Estate stood charged with Heritable Debts amounting to the Sum of Ninety-six thousand six hundred and thirty-eight Pounds and Five-pence, due and owing by the said *Francis Lord Seaforth*, bearing Interest at the Rate of Five per Centum

Centum per Annum, and that there were other Debts claimed by personal Creditors of the said *Francis Lord Seaforth*, to the Amount of Fifty-three thousand four hundred and forty-five Pounds One Shilling and Seven-pence Halfpenny, or thereabouts, most of which bore Interest at the Rate of Five *per Centum per Annum*, and that by an Heritable Bond bearing Date the Twenty-fourth Day of *March* in the Year One thousand seven hundred and ninety-two, granted by the said *Francis Lord Seaforth*, therein described *Francis Humberston Mackenzie of Seaforth*, Esquire, in favour of the Honourable Mrs. *Margaret Mackenzie or Webb*, eldest Daughter of the deceased *Kenneth Mackenzie of Seaforth* commonly called Lord *Fortrose*, the said *Francis Lord Seaforth* charged the said entailed Estate with an Annuity of Eighty Pounds *per Annum*, payable to the said *Margaret Mackenzie or Webb* during all the Years of her Life, in virtue of which Heritable Bond she was infeft in the said Annuity payable forth of the said Estate, conform to Instrument of Seisin in her Favour, dated the Eighteenth and registered in the Particular Register of Sasines for the Counties of *Ross, Sutherland, and Cromarty* on the Twenty-fifth Day of *June* in the said Year One thousand seven hundred and ninety-two, and other Annuities were granted by the said *Francis Lord Seaforth* by personal Obligations to the Amount of Three hundred and sixty Pounds *per Annum*, which were to be provided for out of his Personal Estate; and that the said *Francis John Mackenzie*, the Entailer's Second Son, predeceased his Father, so that the Principal Sums of Provisions to the Entailer's Widow and Daughters, and the Legacies to other Persons with which the said Estate was then charged, amounted to the Sum of Forty-one thousand seven hundred and thirty-five Pounds; and that *Mary Mackenzie*, the Entailer's Mother, and *John Walker* his Gamekeeper, having departed this Life, the remaining Annuities charged upon the entailed Estate by the said Deed of Entail to the Entailer's Widow and the other Persons therein named amounted to the Sum of Two thousand two hundred and fifteen Pounds *per Annum*; and that the Interest of Debts bearing Interest for which the said entailed Estates were answerable, and the said Annuities charged upon the same, amounted to the Sum of Eleven thousand eight hundred and eighty-two Pounds and Two-pence, or thereabouts, *per Annum*; and that the Rental of the said entailed Estates for the then preceding Year, after deducting parliamentary and parochial Taxes, but remaining subject to the Expence of Management, amounted to the Sum of Thirteen thousand one hundred and ninety-six Pounds Sixteen Shillings and Three-pence Three Farthings, and the net Proceeds from Kelp made upon the said Estate during the Year One thousand eight hundred and fifteen amounted to the Sum of Two thousand two hundred and twenty-one Pounds One Shilling and Nine-pence; and that the Value of the Slaves (exclusive of the Property, the Value of which was not then ascertained,) to which the said *Francis Lord Seaforth* was entitled of the Estate in *Berbice* mentioned in the said Deed of Entail, and all the Property of the said *Francis Lord Seaforth* which could be converted into Money, other than the said entailed Estates, in all probability could not exceed the Sum of Thirty-seven thousand seven hundred and sixty-one Pounds Nine Shillings and Ten-pence Halfpenny; and by the Deed of Entail before recited the Heirs

of

of Entail in possession were prohibited from selling or alienating the entailed Estates or any Part thereof, and from charging the same with Debt; and that the said *Mary Frederica Elizabeth Stewart Mackenzie*, then Dame *Mary Frederica Elizabeth Hood Mackenzie*, did raise and insist in an Action of Declarator in the Court of Session against the Substitute Heirs of Entail called to the Succession of the said Estate by the Deed of Entail before recited, concluding to have it found and declared by Decree of the said Court that she was Institute, conditional Institute, or Disponee of the said Lands and others under the said Deed of Entail, and as such free from the Fetters thereof, and entitled to hold, possess, enjoy, and dispose of the same as in Fee Simple, and that the Judges of the Second Division of the said Court, by their Interlocutor dated the Third Day of *December* One thousand eight hundred and sixteen, found that she was an Heir of Entail substituted in the Deed executed by her Father, and founded on in her Summons, and that she must make up her Titles to the Lands and others contained in that Deed as an Heir of Entail, subject to the Conditions, Declarations, Restrictions, Limitations, Clauses irritant and resolute, contained in the said Deed, therefore in so far sustained the Defences, assoilzied the Defendants, and decerned; and that the said *Mary Frederica Elizabeth Stewart Mackenzie* had subsequent to the said Interlocutor put into Court a Reclaiming Petition against the said Judgment, which being considered by their Lordships on the Twenty-third Day of *January* One thousand eight hundred and seventeen, they allowed the said *Mary Frederica Elizabeth Stewart Mackenzie* to give in a Minute in addition to the said Petition, and appointed Answers to the said Petition and Minute to be given in on or before the first Box Day in the Spring Vacation, under an Amand therein stated; and that subsequent to the said last-mentioned Interlocutor the said *Mary Frederica Elizabeth Stewart Mackenzie* did also put into Court the said Minute, so that the whole Case was at that Time and still remains *sub judice* of the said Court, and therefore the said *Mary Frederica Elizabeth Stewart Mackenzie* and the Substitute Heirs of Entail were thereby entirely without Remedy by common Course of Law; and the Creditors of the said *Francis Lord Seaforth* would not wait the Result of the said judicial Proceedings, but threatened to adjudge the said Estate from her and the Heirs of Entail, whereby the Amount of such Debts, and the Interest and Penalties chargeable thereon, being accumulated in each Case into One Principal Sum, the said entailed Estates might be thus evicted and carried off from the said *Mary Frederica Elizabeth Stewart Mackenzie* and the other Heirs of Entail altogether, unless the same were prevented by a Sale of Part thereof sufficient to discharge the said Debts and Incumbrances, which Sale could only be accomplished by the Authority of Parliament; therefore it was by the said Act enacted, that it should and might be lawful and competent to and for the Judges of the Court of Session in either of the Divisions thereof, and they were thereby authorized and required, upon a Petition to be presented to the said Court by the said *Mary Frederica Elizabeth*, with the Consent of the said *James Alexander Stewart Mackenzie* her Husband, or the Heir of Entail for the Time being entitled to the Possession of the said Estates of *Seaforth* and others comprised in the said Deed

[Private.]

5 k

of

of Entail executed by the said *Francis Lord Seaforth*, and in Schedule (A.) to the Act now in recital particularly mentioned and described, and due Notice of such Petition being given to all concerned in such Manner as the Court should direct, and hearing all Parties that might appear for their Interest, or in an Action to be brought in the said Court in the Name of the said *Mary Frederica Elizabeth Stewart Mackenzie* with such Consent, or the Heir of Entail as aforesaid who should be in possession of the said entailed Estates, against the Heirs of Entail in being at the Time, to inquire into and ascertain the Amount of the Debts, Provisions, Legacies, or Gifts, and Annuities then affecting or that might be made to affect the said entailed Estates; and the said Court having fixed and ascertained the Amount of the same by Interlocutors or Judgments necessary for that Purpose, it should be lawful to the said *Mary Frederica Elizabeth Stewart Mackenzie*, or the Heir of Entail in possession of the said Estate, to apply from Time to Time as they should think proper to the said Court, who should in such Events, in the Terms of such Applications, allot and order such Parts and Portions of the Lands and Heritages, either in Property or Superiority, separately or together, as specified in the said Applications, to be sold by public Auction or Sale to the highest Offerer or Offerers, in such Manner and to such Extent as should by the said Judges be deemed not more than sufficient for Payment of the Debts, Provisions, and Legacies or Gifts which affected or might be made to affect the same, and the Expence of procuring and passing the Act now in recital, and of carrying the same into execution, such Sale of the Parts and Portions selected being made in such Way and Manner as should appear to be attended with the least Detriment or Disadvantage to the said entailed Estates, and to the said *Mary Frederica Elizabeth Stewart Mackenzie* and the other Heirs of Entail who should or might succeed to the said entailed Estates under the Regulations therein mentioned; and the said Act also contained Clauses providing that the Remainder of the entailed Estate should continue subject to the Entail, directing how the Surplus of the Price of the Lands sold was to be applied for regulating the Sinking Fund appointed by the said Deed of Entail, allowing the Heir of Entail in possession to grant an Abatement of Rents in certain Cases in the letting of Farms, for charging upon the Estate the Expence of making Roads in the Island of *Lewis*, and for feuing certain small Portions of the Estate: And whereas in pursuance of the Powers granted by the said recited Act certain Portions of the said entailed Estates, being those Portions thereof which were situated in the Parishes of *Locks, Uig, and Barvas*, in the said Island of *Lewis*, were exposed to Sale under the Authority of the said Court of Session, and the same having been purchased by the said *James Alexander Stewart Mackenzie* at the Price of One hundred and sixty-one thousand six hundred Pounds, the said Court of Session, by their Decree, bearing Date the Eleventh of *March* in the Year One thousand eight hundred and twenty-five, sold, adjudged, decerned, and declared the same to pertain and belong to the said *James Alexander Stewart Mackenzie*, his Heirs and Assignees whatsoever, heritably and irredeemably, upon Payment or Consignation of the said Price as mentioned

mentioned in the said Decree; and the said Court, by their Décrée of Exoneration, bearing Date the Ninth Day of *July* in the said Year One thousand eight hundred and twenty-five, found the said *James Alexander Stewart Mackenzie* and his Cautioners, in consequence of the Consignation, exonerated of the Price of the foresaid Lands purchased by him at the judicial Sale, and found, in Terms of the said Act of Parliament, that the said Lands then pertained and belonged heritably and irredeemably to the said *James Alexander Stewart Mackenzie*, and his Heirs and Assignees, free and discharged for ever from all the Debts of the said *Francis Lord Seaforth* deceased and his Predecessors, and of every other Incumbrance, Defect of Title, or Process of Eviction whatever, in as free and ample a Manner as any Purchaser of Land at a judicial Sale could or ought to have by the Laws and Practice of *Scotland*, and ordained the said *James Alexander Stewart Mackenzie* to be infest and seised heritably and irredeemably as aforesaid in the Lands and others aforesaid, by the respective Superiors thereof, in due and competent Form: And whereas the said *James Alexander Stewart Mackenzie*, by a Trust Disposition dated, and judicially ratified by the said *Mary Frederica Elizabeth Stewart Mackenzie*, then his Wife, in so far as she was made a Party thereto, the Thirty-first Day of *March* in the Year One thousand eight hundred and twenty-nine, and recorded in the Books of Council and Session the Eighteenth Day of *April* thereafter, reciting that the said *James Alexander Stewart Mackenzie* was addebted and owing to his Creditors therein-after named the respective Debts and Sums of Money therein particularly specified and set forth; and further reciting, that the said *James Alexander Stewart Mackenzie* was desirous gradually to reduce the Amount of his said Debts out of the Rents and Produce of his Lands and Estates therein-after dispoed, and the Rents of the entailed Estate of *Seaforth* belonging to him *jure mariti*, and ultimately to discharge the whole of his said Debts by means of Sales, as soon as the same could be conveniently effected, and to secure certain Family Provisions, and for other Reasons him thereunto moving, gave, granted, dispoed, alienated, assigned, and made over to and in favour of *Patrick Cockburn* Esquire, Accountant in *Edinburgh*, and *William Mackenzie* Esquire, of *Muirton*, Writer to the Signet, jointly, and to the Survivor of them, and to such other Person or Persons as might be assumed into the Trust in virtue of the Powers therein-after granted for that Effect, as Trustees, for Behoof of his said several Creditors therein-before named, and any other his just and lawful Creditors in Debts contracted, or to whom he was then under Obligation before the Date of the said Trust Disposition, and whom his said Trustees or Trustee should have Power to assume into the Benefit thereof, and for the several Purposes therein-after mentioned; first, all and whole his Lands and Estate of *Muirkirk* in the County of *Ayr*, therein particularly mentioned and described; secondly, all and whole those Parts and Portions of all and whole the said Lands within the Barony and Island of *Lewis*, comprehending *Seafort*, *Rhona*, *Flement*, *Sheant*, *Stinlister*, *Creit*, *Bernera*, *Two Islands*, *Cuningaries*, and whole other Islands belonging to the same, lying and comprehended within the Three Parishes of *Lochs*, *Uig*, and *Barvas*, with the Kelp Shores and whole

Pertinents

Trust Dis-
position of
James
Alexander
Stewart
Mackenzie,
31st March
1829.

Pertinents of the said Lands, as the same are therein more particularly described, being those Portions of the said entailed Estates which were so purchased as aforesaid by the said *James Alexander Stewart Mackenzie* under the Authority of the said recited Act; thirdly, also all and whole the Davoch Lands of *Torridon*, with the Hereditaments and Pertinents of the same, lying within the Parish of *Lochcarron* and now of *Applecross* and Sheriffdom of *Ross*; fourthly, all and whole the Half Davoch Lands of *Inverew*, with the Lands and Pertinents thereof, lying in the Parish of *Gairloch* and Shire of *Ross*, as therein also more particularly described; fifthly, all and whole that Piece of Ground lying in the Town and Territory of *Stornoway* feued out by the said *Mary Frederica Elizabeth Stewart Mackenzie* to *John Loban*, Builder in *Stornoway*, situated in the Parish of *Stornoway* in the said Island of *Lewis*, as therein also more particularly described; and upon the Recital that he was entitled *jure mariti*, as Husband of the said *Mary Frederica Elizabeth Stewart Mackenzie*, during the Subsistence of the Marriage, to dispose of the Rents and Profits of the Lands and others therein-after mentioned, being the remaining Parts of the said entailed Estates of *Seaforth*, subject to the Payment of public and parochial Burdens, Interest of Entailer's Debts, and Annuities created by the Entailer, and other Burdens affecting the same; therefore, in further Security to his said Creditors, he the said *James Alexander Stewart Mackenzie* gave, granted, alienated, assigned, and disposed to and in favour of the said *Patrick Cockburn* and *William Mackenzie* jointly, and the Survivor of them, and with the Powers of Assumption aforesaid, the Rents, Mails, Farms, Profits, and Duties of and arising and payable during the joint Subsistence of the said Trust and of the said *James Alexander Stewart Mackenzie's* Marriage with his said *Mary Frederica Elizabeth Stewart Mackenzie*, but no longer, out of all and whole the Lands, Baronies, and others then belonging to the said *Mary Frederica Elizabeth Stewart Mackenzie*, as Heiress of Entail, *cum beneficio inventarii* to the said *Francis Lord Seaforth* her Father, therein and in the Disposition and Deed of Entail herein-before mentioned and described, but in trust always and with and under the Reservations, Conditions, Provisions, and Declarations, Powers and Faculties, and for the Uses, Ends, and Purposes therein specified; and in particular it was thereby provided, *primo*, in the Event of the Nonacceptance, Death, or Resignation of either the said *Patrick Cockburn* or *William Mackenzie*, Trustees therein-before named, he thereby authorized the remaining Trustee, with Consent of the Commissioners therein-after named, or Survivors or Survivor of them, or their Quorum, to assume any other fit and proper Person or Persons to be Trustees or Trustee in the Room and Stead of the Trustee not accepting, dying, or resigning as aforesaid, to act in the Management of this Trust, and which Person so assumed shall have the same Powers and Privileges as are therein-after contained, and declaring that it should be in the Power of the said *Patrick Cockburn* and *William Mackenzie*, or either of them, to resign and denude themselves of the said Trust by a formal Deed of Renunciation to be recorded in the Register of Sasines, but not at one and the same Time, and the Trustee continuing to act should have the same Powers as are conferred upon both, and should have
the

the same Power of Assumption of One or more Trustees as was then vested in both; provided always, that after the Death or Resignation of one or other of the said Trustees, it should not be in the Power of the other of the said Trustees to resign without having first assumed some other Person or Persons as aforesaid to be Trustee or Trustees in the Room of the Trustee who might have died or resigned; and that if any one Trustee should have continued to act alone after the Death or Resignation of his Colleague for the Period of Three Months, without having assumed some other Person or Persons, with Consent aforesaid, he should be bound at any Time thereafter, on the Requisition of him the said *James Alexander Stewart Mackenzie*, his Heirs or Successors, or of any of his Creditors entitled to the Benefit of the Trust, or of any of the Persons at whose Instance Execution was appointed by his Contract of Marriage, to proceed, for Behoof of his Wife and Children, to assume such Person as the said Commissioners or their Quorum should name and appoint; *secundo*, with Power to his said Trustees or Trustee immediately to enter into possession of the whole Lands and Estate thereby disposed, held by him in Fee Simple, and to uplift, levy, and receive the Rents, Profits, Casualties, and Duties thereof, during the Subsistence of the said Trust, and also the Rents, Mails, Profits, and Duties of the said entailed Estate, during the Subsistence of the Marriage between him and his said Wife and of the said Trust, and also to sue for, recover, and receive Payment of any Arrears of Rent due from the said Estates, entailed or unentailed, or any of them, due and owing to him; and the Sixth Purpose of the said Trust provided as follows; *sexto*, with full Power to his said Trustees or Trustee, with Consent and Approbation of the Commissioners named in the said Trust Disposition, or the Survivors or Survivor of them, or their Quorum, to sell and dispose of his whole Lands and Estates therein-before disposed, or such Parts and Portions thereof as his said Trustees or Trustee might think fit, and that either by public Roup or private Bargain, and at such Price or Prices as could be obtained therefor, and as his said Trustees or Trustee, with Advice and Consent foresaid, might deem just and adequate; all which Sales that might be so made he bound and obliged himself and his Heirs and Successors to ratify, approve of, and confirm; and he thereby declared that the same should be as valid to the Purchasers as if made by himself, and that the Purchasers should not be in anywise concerned with the Application of the Prices or Declarations or Conditions of the said Trust Disposition, but should be sufficiently exonerated and discharged by the simple Receipt, Discharge, Disposition, or Conveyance of his said Trustees or Trustee, with Consent foresaid; it being thereby specially provided and declared, that upon Payment of the Price or Prices of the said Lands, or such Part or Parts thereof as might be sold in virtue of the said Trust Deed, the Real Burdens or Security thereby created in favour of his Creditors should be forthwith discharged, in so far as regarded the Lands sold, and the said Lands should be *ipso facto* purged and disburdened thereof, and the Security of his said Creditors should then be restricted to and affect only the Price of the said Subjects in the Hands of his said Trustees or Trustee; and it was thereby further specially provided and declared, that the

[Private.]

5 l

said

said Trust Deed was granted for the Uses, Ends, and Purposes therein and herein after mentioned, and his said Trustees or Trustee should be bound to pay and apply the Rents and Proceeds of the said Lands and Estates in manner following; in the first place; for Payment out of the first and readiest of the Rents and annual Proceeds of the Lands and Heritages thereby conveyed, and of the Prices thereof when sold, and out of the Rents and Proceeds of the said entailed Estate, of the Expence of creating and executing the said Trust, including a reasonable Gratification to the acting Trustees or Trustee for Trouble, Commission, or otherwise in all Matters relative to the Trust, and with reference to their respective Actings; secondly, for Payment out of the Rents and Proceeds of the said unentailed Lands and Estates of the public and parochial Burdens, and Expences of Management affecting the same, and the necessary Repairs of Houses, Fences, and Roads thereon, and of the Expence of making such Improvement in the same, as his said Trustees or Trustee, with the Consent and Approbation of his said Commissioners therein named, or Quorum, or Survivor of them, might deem necessary; thirdly, for Payment out of the said Rents and annual Proceeds of the said unentailed Lands and Estates of the yearly Interest of the Heritable Debts affecting the same from and after the Term of *Martinmas* then last, and in Time coming, and for Payment of Five hundred Pounds a Year for his Aliment and Support, as was then provided by the said Trust Disposition over his said Lands of *Murkirk*, and for Relief of his said Trustees or Trustee of any Obligations they or any of them might hereafter come under on his Account in the Execution of the said Trust; fourthly, if any Surplus should remain of the Rents and annual Proceeds of the unentailed Lands and Estates thereby disposed, after answering the Purposes aforesaid, the same should be applied by his said Trustees or Trustee in and towards Payment of the Arrears of Interest of the said Heritable Debts due at and preceding the said Term of *Martinmas* then last, and in and towards Payment of the other Debts therein-before enumerated, in such Order and Proportion as his said Trustees or Trustee should think fit; fifthly, the said Trustees or Trustee should be bound to apply the Rents and annual Proceeds of the said entailed Estates as follows; in the first place, for Payment of the public and parochial Burdens and Expences of Management affecting the same, and the necessary Repairs of Houses, Fences, and Roads thereon, and of the Expence of making such Improvements on the same as his said Trustees or Trustee, with the Consent and Approbation of his said Commissioners or Quorum, or Survivor of them, might deem necessary; in the second place, for Payment of the Interest of Debts, and the Annuities affecting the Fee of the said entailed Estate, accruing from and after the said Term of *Martinmas* then last, during the Subsistence of the Trust thereby created, in regard thereto, and also of the Sum of Three hundred and fifty Pounds yearly to be applied towards Extinction of the Arrears of Annuity, and Interest thereof, owing to the Executors of *Lady Seaforth*, and to *Frances Catherine Mackenzie* and her Sisters, as therein mentioned; in the third place, for setting apart and depositing or applying One-fifth Part of the free Rents and annual Proceeds of the said entailed Lands and Estate as

a Sinking

a Sinking Fund, in Terms of the Entail; in the fourth place, for Payment to him, exclusive of the Five hundred Pounds a Year allowed to him from the Rents of the said unentailed Lands as therein specified, of an alimentary Provision of Eight hundred Pounds; free of all Taxes and Impositions whatsoever, and that at Two Terms in the Year, *Whitsunday* and *Martinmas*, by equal Portions, beginning the first Term's Payment thereof, being Four hundred Pounds, at the Term of *Whitsunday* then next for the Half Year following, and the next Half Year's Payment at *Martinmas* thereafter, and so forth half-yearly during the Subsistence of the Trust in regard to the Rents of the entailed Estate; provided always, after the Sale of *Muirkirk* Estate should be effected, that if the Rents and Proceeds of the said entailed Estates, after answering the Purposes aforesaid, should at any Time be deficient for Payment of an annual Allowance of Eight hundred Pounds, then the Deficiency should be made up out of the Rents and Proceeds of the unentailed Estates; and if at any Time there should be a Deficiency for Payment of the said annual Allowance of Five hundred Pounds out of the Rents of the said unentailed Estates, after Payment of the public and parochial Burdens, and Interest of Debts, the same should be made good out of the Rents and Proceeds of the said entailed Estates; and farther declaring, that after the Sale of *Muirkirk* should be effected, the said Trustees should along with the said Commissioners consider whether, with due Regard to the Interests of his Creditors, the said Allowance might not be extended and made up to the Sum of Fifteen hundred Pounds yearly, and should have Power, if they thought fit, to increase the said Allowance accordingly; and in the last place, if any Surplus should at any Time remain of the Rents and annual Proceeds of the said entailed Estates, after answering the Purposes aforesaid, the same should from Time to Time be applied by his said Trustees or Trustee in and towards Payment of and the total Extinction of the Debts therein-before specified then existing, and such Debts as might be assumed in manner aforesaid, and that in such Order and Proportion as his said Trustees or Trustee might find convenient under the Circumstances of the Trust at the Time; sixthly, his said Trustees or Trustee should be bound to pay and apply the Price or Prices that might be obtained for the said unentailed Lands and Heritages thereby disposed, or of such Parts and Portions thereof as might be sold in virtue of the Powers therein contained, in the first place, in and towards Payment of the Principal Sums of the Heritable Debts therein-before enumerated affecting the said unentailed Lands and Estates respectively, with any Arrears of Interest or Expences that might remain due thereon at the Time; in the second place, in and towards Payment of the Debts therein-before mentioned due upon Obligations of Warrantice granted by his deceased Father to the Purchasers of the Lands and Estate which belonged to the deceased *John Vans Agnew*, together with Interest and Expences that may be due thereon at the Time; in the third place, in and towards Payment of the whole other remaining Debts therein-before enumerated, and such other of his just and lawful Debts due at and preceding the Date of the Trust as might be assumed into the Benefit thereof, in virtue of the Powers therein-before contained, and that
rateably

rateably and in proportion to the Amount of the said Debts, or in Payment of the whole of the said Debts in case the Funds realized by such Sales might be sufficient for that Purpose; but reserving always to his said Trustees or Trustee, in the Event of their or his paying any of the Debts affecting the said entailed Estates, or affecting the Rents thereof, all Relief competent to him against that Estate, or the Heirs of Entail who might be in possession thereof at the Time, for Répayment of the said Debts, or any Part or Portion thereof; and in the Event of the Trustees paying any Part of the Debts entitled to the Benefit of the said Trust of the Lands of *Muirkirk*, they should be bound to take Assignations thereof for the Purposes of the Trust; and in the last place, after answering all the Purposes aforesaid, in and towards Payment and Satisfaction of the Life-rent Annuity of One thousand Pounds provided for his said Wife, in case she should survive him, yearly and each Year during all the Days of her Life after his Decease, and that exempted from all Burdens and Deductions whatsoever, at Two Terms in the Year, *Whitsunday* and *Martinmas*, by equal Portions, beginning the first Term's Payment thereof at the first Term of *Whitsunday* or *Martinmas* after his Death for the Half Year preceding, and so forth half-yearly and termly thereafter during her Lifetime, with One hundred Pounds of liquidate Penalty for each Term's Failure in punctual Payment of the said Annuity, and the legal Interest of each Half Year's Annuity from the respective Terms of Payment thereof till paid, and also of the Sum of Forty thousand Pounds provided for the Child or Children of the Marriage between them, and payable in Terms of their said Contract of Marriage at the first Term of *Whitsunday* or *Martinmas* after his Death, with Eight thousand Pounds Sterling of liquidate Expences in case of Failure, and the due and legal Interest of the said Principal Sum from the said Term of Payment till paid, but subject to the Power of Division and Declarations specified in the said Contract of Marriage; declaring that in case all the other Purposes of the said Trust should be accomplished during his Lifetime, and if the said Trustees should have Funds in their Hands, whether in Money or in Land, or partly in each, sufficient for Payment of the said eventual Annuity and of the said Provisions, they should be bound to invest the same in trust for Payment to him during his Life of the whole free Income thereof, and for Payment to his said Wife and Children after his Decease of the said Annuity and Provisions, in Terms of the said Contract in all Points; and that before making such Investment they should notify their Intention both to him and to the Persons named by the said Contract at whose Instance Execution was directed to pass for Implement of the said Provisions, and that such Investment should be made, if required by him and any One or more of the said Persons, in the Names of Two or more Trustees, of whom One or more should be named by him, and an equal Number should be named by the said Persons or any of them, or if he or such Persons should fail to make any Nomination, then the Nomination should be made by him alone, or by them or any of them, without any Concurrence, as the Case might be; and in the Event of no such Requisition being made to the said Trustees, then the Investment should be made in their own Names as Trustees for the Purposes aforesaid; and declaring

clarifying further, that if the residuary Funds as aforesaid, after accomplishing all the other Purposes of the said Trust, should be insufficient for Payment of the said eventual Annuity and of the said Provisions, then the Investment thereof should be so made that the Income arising therefrom during his Life should not be paid to him until a Sum should be accumulated sufficient for answering the said Provisions; and declaring also, that in case of his Death before such Sum should be accumulated, then the residuary Fund should be applied, so far as it would go, towards Payment, in the first place of the said eventual Annuity, and, in the second place, of the said Provisions for Children; and the said Trust Disposition contained various other Clauses and Provisions in regard to the Management of the Affairs of the said Trust; and for the better carrying the said Trust into effect he the said *James Alexander Stewart Mackenzie* thereby nominated and appointed *John Archibald Murray* Esquire, Advocate, *Robert Brown* Esquire, residing in *Hamilton*, and *Richard Mackenzie* Esquire, Writer to the Signet, and the Survivors and Survivor of them, (any Two of them, while Two remain in Life and continue to act, to be a Quorum,) to be Commissioners or Commissioner for the Purposes and with the Powers therein specified, in which entailed Lands and Estate in the said Trust Disposition contained the said Trustees were duly infeft conform to Instrument of Sasine dated the Sixth and recorded in the General Register of Sasines at *Edinburgh* on the Eighteenth Day of *July* in the Year One thousand eight hundred and twenty-nine: And whereas by a Trust Disposition, bearing Date the Twenty-third and registered in the said Books of Council and Session the Twenty-fifth Days of *March* in the Year One thousand eight hundred and thirty-three, made and granted by the said *William Mackenzie* and the said *James Alexander Stewart Mackenzie*, and *Mary Frederica Elizabeth Stewart Mackenzie* with the special Advice and Consent of her said Husband, and judicially ratified by her, reciting that he the said *William Mackenzie* stood infeft and seised in the Lands and others therein-after described belonging to him the said *James Alexander Stewart Mackenzie* in Fee Simple, and also in the entailed Lands and Estates also therein-after described, belonging to her the said *Mary Frederica Elizabeth Stewart Mackenzie*, to the Effect therein-after mentioned, and that conform to the Trust Disposition made and granted by the said *James Alexander Stewart Mackenzie* and *Mary Frederica Elizabeth Stewart Mackenzie*, and judicially ratified as aforesaid, and conform to Two Instruments of Sasine following thereon in favour of the said *Patrick Cockburn* and him the said *William Mackenzie*, therein more particularly mentioned, and that the said *Patrick Cockburn* and *William Mackenzie* had acted in the said Trust, and had sold the Lands and Estate of *Muirkirk* disposed by the said Trust Disposition, and applied the Price thereof partly in Payment of certain Debts affecting the same, and the Remainder in Payment of the other Debts for Security of which the said Trust was created; and farther reciting, that the said *Patrick Cockburn* had by a Deed of Renunciation, of equal Date with the Trust Disposition now in recital, and recorded in the General Register of Sasines at *Edinburgh* on the Twenty-third Day of *March* in

Trust Disposition by *William Mackenzie*, *James Alexander Stewart Mackenzie*, and his Wife, 23d *March* 1833.

[Private.]

5 m

the

the Year One thousand eight hundred and twenty-three, executed by him in Terms of the Power reserved to him by the Trust Disposition first before recited, resigned the Trust created in his Favour by the said Trust Disposition and Infestment, and all Powers of Management thereby conferred upon him as a joint Trustee along with him the said *William Mackenzie*, so that the sole Power and Management and Assumption under the said Trust Disposition and Infestments was then vested in him the said *William Mackenzie*; and farther reciting, that it had been agreed to by and between him the said *William Mackenzie*, Trustee foresaid, on the Part of the Creditors of the said *James Alexander Stewart Mackenzie*, on the one Part, and him the said *James Alexander Stewart Mackenzie* and *Mary Frederica Elizabeth Stewart Mackenzie* on the other Part, that not only the Powers under the former Trust for the Benefit of the said Creditors should be greatly extended, and the Funds and Means of Payment increased by them the said *James Alexander Stewart Mackenzie* and *Mary Frederica Elizabeth Stewart Mackenzie*, by their renouncing the Right which they had under the former Trust Disposition to the Allowances therein mentioned agreed to be paid to them personally out of the said Trust Funds as therein specified, and also by her the said *Mary Frederica Elizabeth Stewart Mackenzie*, with Consent as therein mentioned, extending and continuing the Security for the Payment of her said Husband's Debts over the said entailed Estate and Rents thereof during the Continuance of her Life, and him the said *James Alexander Stewart Mackenzie* merging in and adding to the said Trust his eventual Right to the Annuity of One thousand five hundred Pounds, therein-after mentioned, payable out of the Rents of the entailed Estate at his Wife's Decease, as therein-after mentioned, all on the Condition that he the said *William Mackenzie*, Trustee aforesaid, should by the Constitution of the said Trust receive and admit the Personal Debts contracted by him the said *James Alexander Stewart Mackenzie* since the Constitution of the former Trust to an Equality with the Personal Debts of him the said *James Alexander Stewart Mackenzie* under such former Trust, and which new Contractions did not then exceed the Sum of Five thousand Pounds Sterling; and farther reciting, that he the said *William Mackenzie*, being sensible of the great Advantage thereby obtained to the Creditors of the said *James Alexander Stewart Mackenzie* by the said Arrangement, had resolved, with Advice and Consent aforesaid, to execute the said Trust Disposition, and to assume and to associate with himself into the Trust as his Colleague *Erskine Douglas Sandford* Esquire, Advocate, as therein-after mentioned, and in order fully and validly to constitute the Trust, and to carry the said Trust into effect, had given, granted, disposed, alienated, assigned, and made over, as he the said *William Mackenzie*, as Trustee aforesaid, with the special Advice and Consent of them the said *James Alexander Stewart Mackenzie* and *Mary Frederica Elizabeth Stewart Mackenzie*, with Consent of her said Husband, and they all with one Consent and Assent, did thereby give, grant, dispose, alienate, assign, and make over to and in favour of him the said *William Mackenzie* and to the said *Erskine Douglas Sandford* jointly, and to the Survivor of them, and to such other
Person

Person or Persons as might be assumed into the Trust in virtue of the Powers therein-after granted for that Effect, as Trustees for behoof of the whole just and lawful Creditors in Debts either contracted or acknowledged under the last Trust by the said *Patrick Cockburn* and *William Mackenzie*, Trustees aforesaid, or by him the said *James Alexander Stewart Mackenzie*, or to whom they were or he was then under Obligations, and whom the said *William Mackenzie*, and *Erskine Douglas Sandford*, and the Survivor, or the Person or Persons to be assumed as therein mentioned as Trustees, should have Power to assume into the Benefit of the said Trust Disposition herein first-before recited, and the said Trust Disposition now under recital, and for the several Purposes therein-after mentioned, all and whole those Parts and Portions of the Lands within the Barony of *Lewis*, lying and comprehended within the Three Parishes of *Lochs*, *Uig*, and *Barvas*, the said Lands of *Torridon*, the said Lands of *Inverew*, and the said Piece of Ground in the Town of *Stornoway*, with the Buildings erected thereon, all as more particularly described in the said Trust Disposition now under recital; and the said *Mary Frederica Elizabeth Stewart Mackenzie*, with the special Consent of her said Husband, and the said *James Alexander Stewart Mackenzie* for himself, his own Right and Interest *jure mariti*, or otherwise, and also with Consent of the said *William Mackenzie*, Trustee aforesaid, did, all with one Assent, thereby, in further Security to the Creditors of him the said *James Alexander Stewart Mackenzie* during all the Days of the Life of the Grantor of such Trust Disposition, give, grant, dispoise, alienate, assign, and make over to and in favour of the said *William Mackenzie* and *Erskine Douglas Sandford*, and the said Survivor of them, and with the Powers of Assumption therein contained, all and whole the Lands, Baronies, and others belonging to the said *Mary Frederica Elizabeth Stewart Mackenzie*, as Heiress of Entail *cum beneficio inventarii* to the late *Francis Lord Seaforth* her Father, in virtue of the Deed of Entail before recited, all as specially mentioned and described in the said Trust Disposition now under recital; and further, he the said *James Alexander Stewart Mackenzie* did thereby give, grant, assign, and dispoise to the said Trustees the eventual Annuity of One thousand five hundred Pounds *per Annum*, secured to him under the Contract of Marriage between him and the said *Mary Frederica Elizabeth Stewart Mackenzie*, in case he should survive his said Wife; and it was thereby declared, that the Trust should subsist and remain in full Force, and not be revoked or altered by her the said *Mary Frederica Elizabeth Stewart Mackenzie* during her Life; but declaring, as it was thereby expressly provided and declared, that the several Conveyances therein-before written were granted, and the Lands, Rents, Profits, and Annuity therein-before conveyed should be held by the said Trustees or Trustee, but in trust always and with and under the Conditions, Provisions, and Declarations, with the Powers and Faculties, for the Uses, Ends, and Purposes therein-after specified; and Provision was thereby made for the Appointment or Assumption of new Trustees under certain Regulations, with Power to the said Trustees to enter into possession of the Lands and Estates thereby dispoised, held by the said *James Alexander Stewart Mackenzie* in Fee Simple, and by him the said *William Mackenzie* and *Erskine Douglas*

Douglas Sandford in trust as aforesaid, to uplift and levy the Rents thereof, and also the Rents, Mails, Profits, and Duties of the said entailed Estate during the Life of the said *Mary Frederica Elizabeth Stewart Mackenzie*, and to sue for and recover Arrears, with Power to appoint Factors, Agents, and others, and to output and input Tenants in the said unentailed Lands and others, and to grant Leases and Abatements of Rent; and with Power also to borrow Money for the Purposes of the Trust, and to grant Bonds of Corroboration for former Debts, and also Securities for certain Annuities payable under the Entail of the said Estate of *Seaforth*, and to effect Insurances on the joint Lives of the said *James Alexander Stewart Mackenzie* and *Mary Frederica Elizabeth Stewart Mackenzie*, and to assign the Rents of the said entailed Estate for securing the Premiums and Interest of Money borrowed on such Insurances; and specially with full Power to the said *William Mackenzie* and *Erskine Douglas Sandford*, Trustees foresaid, or any Person or Persons to be assumed as Trustees or Trustee foresaid, to sell and dispose of the whole unentailed Lands and Estates therein-before disposed, or such Parts or Portions thereof as they or he might think fit, and that either by public Roup or private Bargain, and at such Price or Prices as could be obtained for the same, and as they or he might deem just and adequate, all which Sales that might be so made he the said *James Alexander Stewart Mackenzie* bound and obliged himself, and his Heirs and Successors, to ratify, approve of, and confirm; and sundry other Powers and Directions were given and Regulations made by the said Trust Disposition in regard to the Management of the Trust thereby created; and it was thereby specially provided and declared, that the said Trust Disposition was granted for the Uses, Ends, and Purposes therein and herein after mentioned; and the said Trustees or Trustee should be bound and obliged to pay the Rents and Proceeds of the foresaid Lands and Estates in manner following, in the first place, for Payment out of the first and readiest of the Rents and annual Proceeds of the Lands and Heritages thereby conveyed, and of the Prices thereof sold, and out of the Rents and Proceeds of the said entailed Estate, of the Expence of creating and all Outlay by the said Trustees or Trustee in the Execution of this Trust, it being understood that the said *William Mackenzie* and *Erskine Douglas Sandford* were to act as Trustees or Trustee without receiving any Remuneration for their Trouble; secondly, for Payment out of the Rents and Proceeds of the said unentailed Lands and Estates of the public and parochial Burdens and Expences of Management affecting the same, and the necessary Repairs of Houses, Fences, and Roads thereon; thirdly, for Payment out of the said Rents and annual Proceeds of the said unentailed Lands and Estates of the yearly Interest of the heritable and other Debts on the said Trust, according to their several Rights and Preferences, and after the Term of *Martinmas* then last, and in Time coming, and for Relief of the said Trustees or Trustee of any Obligations they or any of them might thereafter come under on account of him the said *James Alexander Stewart Mackenzie* in the Execution of the Trust; fourthly, for the Purpose of Payment of any Premiums of Insurance effected or to be effected on the joint Lives of them the said *James Alexander Stewart*

Stewart Mackenzie, and *Mary Frederica Elizabeth Stewart Mackenzie*, and for Payment of the Interest of the Money borrowed on the Faith of such Insurances; fifthly, for the Expence of making such Improvements as might receive the Approbation of either of them the said *James Alexander Stewart Mackenzie* or *Mary Frederica Elizabeth Stewart Mackenzie*; sixthly, if any Surplus should remain of the Rents and annual Proceeds of the unentailed Lands and Estates thereby disposed, after answering the Purposes aforesaid, the same should be applied by the said Trustees or Trustee in manner therein-after directed as to the Disposal of the general Surplus; seventhly, the said Trustees or Trustee should be bound to apply the Rents and Proceeds of the said entailed Estates as follows; in the first place, in Payment of the public and parochial Burdens and Expences of Management affecting the same, and the necessary Repairs of Houses, Fences, and Roads thereon; in the second place, for Payment of the Interest of all Debts, heritable and moveable, and the Annuities or other Obligations of the Entailer affecting or which might be made to affect the Rents of the said entailed Estates, accruing from and after the Date thereof, and also of the Sum of Three hundred and fifty Pounds Sterling yearly to be applied towards Extinction of the Arrears and Interest thereon owing to the Executors of the late *Mary Lady Seaforth*, and to the Honourable Miss *Frances Catherine Mackenzie* and her Sisters, as specified in the said former Trust Disposition; in the third place, for setting apart and depositing or applying One-fifth Part of the free Rents and annual Proceeds of the said entailed Lands and Estate as a Sinking Fund, in Terms of the Provisions of the said Deed of Entail; in the fourth place, for the Purpose of Payment of any Premiums of Insurance effected or to be effected on the joint Lives of them the said *James Alexander Stewart Mackenzie* and *Mary Frederica Elizabeth Stewart Mackenzie*, and for Payment of the Interest of the Money borrowed on the Faith of such Insurances, in so far as there might be a Deficiency of Funds from the Rents of the said unentailed Lands to make good the said Payments; in the fifth place, for the Expence of making such Improvements as might receive the Approbation of either of them the said *Mary Frederica Elizabeth Stewart Mackenzie* or *James Alexander Stewart Mackenzie*; in the sixth place, for Payment to her the said *Mary Frederica Elizabeth Stewart Mackenzie* of one Half of whatever Surplus of the Rents and Produce of the said Estates, entailed and unentailed, might remain after the whole Purposes of the Trust were fulfilled, it being declared that the other Half of such Surplus should from Time to Time be applied by the said Trustees or Trustee in and towards Payment and the total Extinction of the whole Debts under the Trust, and such as might be assumed in manner therein mentioned, and that in such Order and Proportion as the said Trustees or Trustee might find convenient under the Circumstances of the Trust at the Time, but with Power always to the said Trustees or Trustee, at their Discretion, to apply all or whatever Part of the last-mentioned Half of such Surplus in increasing the foresaid annual Payments to her the said *Mary Frederica Elizabeth Stewart Mackenzie*, should they see such Increase necessary or expedient, it being distinctly understood and agreed to, that

[Private.]

5 n

in

in the Event of the Predecease of the said *Mary Frederica Elizabeth Stewart Mackenzie*, by which the Right to the said Annuity of One thousand five hundred Pounds would open, while the Trust continued otherwise for the Benefit of the Creditors of him the said *James Alexander Stewart Mackenzie*, the said Annuity, or so much thereof as might remain after the annual Payments under the Trust were fulfilled, should, out of the first Part of the said Surplus, be payable to him the said *James Alexander Stewart Mackenzie* or his Assignees; eighthly, the said Trustees or Trustee should be bound to pay and apply the Price or Prices that might be obtained for the said unentailed Lands and Heritages thereby disposed, or of such Parts and Portions thereof as might be sold, in virtue of the Powers therein contained, and the Benefit that might accrue from any Policy or Policies of Insurance that might be effected and kept up as aforesaid, in the first place, in and towards Payment of the Principal Sums of the Heritable Debts enumerated in the said former Trust Disposition affecting the said unentailed Lands and Estates respectively, with any Arrears of Interest or Expences that might remain due thereon at the Time; in the second place, in and towards Payment of the Debts mentioned in the said former Trust Disposition due upon Obligations of Warrantice granted by the Honourable Admiral *Keith Stewart*, Father of him the said *James Alexander Stewart Mackenzie*, to the Purchasers of the Lands and Estates which belonged to the deceased *John Vans Agnew*, together with Interest and Expences that might be due thereon at the Time; in the third place, in and towards Payment of the whole Debts due at and preceding the Date of the said Trust as might be assumed into the Benefit thereof in virtue of the Powers therein-before contained, and that rateably and in proportion to the Amount of the said Debts, or in Payment of the whole Debts, in case the Funds realised by such Sales might be sufficient for that Purpose, but reserving always to the said Trustees or Trustee, in the Event of their or his paying any of the Debts affecting the said entailed Estates or affecting the Rents thereof, all Relief competent to him the said *James Alexander Stewart Mackenzie* against the Estate or Heirs of Entail who might be in possession thereof at the Time of Repayment of the said Debts or any Parts or Portion thereof; and in the last place, after answering the Purposes aforesaid, in and towards Payment and Satisfaction of the Life-rent Annuity of One thousand Pounds provided for the said *Mary Frederica Elizabeth Stewart Mackenzie*, in case she should survive him the said *James Alexander Stewart Mackenzie*, yearly and each Year during all the Days of her Life after his Decease, and that exempted from all Burdens and Deductions whatever, at the Terms and with Penalty and Interest as therein mentioned, and also of the Sum of Forty thousand Pounds provided for the Child or Children of the Marriage between them the said *James Alexander Stewart Mackenzie* and *Mary Frederica Elizabeth Stewart Mackenzie*, and payable in Terms of their said Contract of Marriage at the first Term of *Whitsunday* or *Martinmas* after the Death of him the said *James Alexander Stewart Mackenzie*, with Eight thousand Pounds of liquidate Expences in case of Failure, and the due and legal Interest of the said Principal Sum from the said Term of Payment till paid, but subject

ject to the Power of Division and Declarations specified in the said Contract of Marriage; declaring that in case all the other Purposes of this Trust should be accomplished during the Lifetime of him the said *James Alexander Stewart Mackenzie*, and if the said Trustees should have Funds in their Hands, whether in Money or in Land, or partly in each, sufficient for Payment of the said eventual Annuity and of the said Provisions, they should be bound to invest the same in trust for Payment to him the said *James Alexander Stewart Mackenzie* during his Life of the whole free Income thereof, and for Payment to his said Wife and Children, after his Death, of the said Annuity and Provisions, in Terms of the said Contract in all Points, and that before making such Investment they should notify their Intention both to him and to the Persons named by the said Contract at whose Instance Execution was directed to pass for Implement of the said Provisions, and that such Investment should be made, if required by him, and any One or more of the said Persons, in the Names of Two or more Trustees, of whom One or more should be named by him, and an equal Number should be named by the said Persons or any of them, or if he or such Persons should fail to make any Nomination, then the Nomination should be made by him alone, or by them or any of them, without his Concurrence, as the Case might be, and in the Event of no such Requisition being made to the said Trustees, then the Investment should be made in their own Names, as Trustees, for the Purposes foresaid; and declaring further, that if the residuary Funds as aforesaid, after accomplishing all the other Purposes of this Trust, should be insufficient for Payment of the said eventual Annuity and of the said Provisions, then the Investment thereof should be so made that the Income arising thereon during his Life should not be paid to him until a Sum should be accumulated sufficient for answering the said Provisions; and declaring also, that in case of his Death before such Sum should be accumulated, then the residuary Fund should be applied, so far as it would go, towards Payment, in the first place, of the said eventual Annuity, and, in the second Place, of the said Provisions for Children; and it was thereby specially provided and declared, that as soon as the said Trustees or Trustee should have paid up and discharged the whole of the Debts, and those that might have been assumed into the Benefit of the Trust, and relieved themselves of all new Contractions of Debt and other Obligations undertaken by them or any of them on account of him the said *James Alexander Stewart Mackenzie*, and of all the Expence of executing the Trust, and denuding thereof, and should have duly fulfilled that Purpose of this Trust which related to the Provisions for his said Wife and Children, as therein before expressed, or how soon he should have freed and relieved them of all Obligations entered into by them on his own Account, and should have obtained the Consent of his Creditors whose Debts remained unpaid to their denuding of the Trust, and should have given sufficient Security for the said eventual Annuity and the said Provisions to the Satisfaction of the Persons at whose Instance Execution was directed to pass for Implement of his Obligations in favour of his Wife and Children, or in case of their failing to act in the Performance of that Duty, to the Satisfaction of a Tutor *ad litem* to be duly appointed for his said Wife and for his Children, so far as under

under Age, then the said Trustees or Trustee should be bound and obliged, as by Acceptance thereof they or he bound and obliged themselves, their Heirs and Successors, to pay over to him, his Heirs, Executors, and Assignees, the Balance of their Intromissions with the Rents, Prices, and Proceeds of the Lands and other Funds thereby conveyed, and, in the Event of any Part of the said Lands and Estates remaining unsold, to denude, renounce, dispo, and reconvey the same to and in favour of him the said *James Alexander Stewart Mackenzie*, and his Heirs and Successors whatsoever, or to the Heirs and Assignees pointed out in any Settlement executed or to be executed by him of the said Lands and Estates, and also to assign and convey to him and his foresaids all Arrears of Rent and other Sums of Money that might be due to them or him as Trustees or Trustee foresaid at the Time, all to be used and enjoyed by him and his foresaids at pleasure, on which Trust Disposition the said Trustees were duly infest and seised conform to Instrument of Sasine, dated the Twenty-sixth Day of *October* and recorded in the General Register of Sasines at *Edinburgh* the Tenth Day of *December*, both in the Year One thousand eight hundred and thirty-three: And whereas the said *Mary Frederica Elizabeth Stewart Mackenzie*, with the special Advice and Consent of her said Husband *James Alexander Stewart Mackenzie*, and he the said *James Alexander Stewart Mackenzie*, for himself, his own Right and Interest, by a supplementary and corroborative Trust Disposition, executed and judicially ratified by the said *Mary Frederica Elizabeth Stewart Mackenzie* on the Seventeenth Day of *April* in the Year One thousand eight hundred and forty-one, and executed by the said *James Alexander Stewart Mackenzie* on the First Day of *February* in the Year One thousand eight hundred and forty-two, and recorded in the Books of Council and Session the Fifteenth Day of *November* in the Year One thousand eight hundred and forty-three, reciting the before-recited Trust Disposition, dated the Twenty-third Day of *March* in the Year One thousand eight hundred and thirty-three, and further reciting, that a Doubt had been entertained whether the Expression or Words used "my Life" in the dispositive Clause in the said Trust Disposition in favour of the Trustees therein mentioned of the entailed Lands and Estates were meant to be a Conveyance during the Life of her the said *Mary Frederica Elizabeth Stewart Mackenzie*, or during the Life of him the said *James Alexander Stewart Mackenzie*, and that it was intended that it should be during the Life of her the said *Mary Frederica Elizabeth Stewart Mackenzie*, as Heiress of Entail foresaid, and that it was proper and necessary that the Doubt should be removed by the said *Mary Frederica Elizabeth Stewart Mackenzie*, with Consent foresaid, executing the said supplementary and corroborative Trust Disposition; therefore the said *Mary Frederica Elizabeth Stewart Mackenzie*, with Advice and Consent as therein mentioned, and he the said *James Alexander Stewart Mackenzie*, for his own Right and Interest *jure mariti*, or otherwise, thereby, in further Security to the Creditors of him the said *James Alexander Stewart Mackenzie* as at the Date of the said Trust Disposition, and in corroboration and implement thereof, gave, granted, dispo, alienated, assigned, and made over to and in favour of the said *William Mackenzie* and

Erskine

Supple-
mentary
Trust Dis-
position by
Mary
Frederica
Elizabeth
Stewart
Mackenzie,
17th April
1841.

Erskine Douglas Sandford jointly, and the Survivor of them, and with the Power of Assumption contained in the said Trust Disposition, and that during all the Days of the Life of her the said *Mary Frederica Elizabeth Stewart Mackenzie*, and Endurance of the Trust, and in trust for the Uses, Ends, and Purposes, and with the Powers and Faculties, and under the Conditions, Provisions, and Declarations contained in the said Trust Disposition relative to the said entailed Lands, which were therein specially referred to, and held as repeated *brevitatis Causa*, and under the Reservations therein-after specially mentioned, all and whole the Lands, Baronies, and others therein particularly specified, being the whole remaining Lands, Baronies, and Estates then belonging to the said *Mary Frederica Elizabeth Stewart Mackenzie*, as Heiress of Entail of the said *Francis Lord Seaforth* deceased, under the Deed of Entail herein-before recited: And whereas, after applying the Price of the said Three Parishes within the Barony and Island of *Lewis*, so purchased by the said *James Alexander Stewart Mackenzie* as aforesaid, towards Payment of the Debts and Provisions of the said *Francis Lord Seaforth* deceased, the Entailer, and after applying the other Funds applicable to the Payment of such Debts and Provisions, there still remains due and owing a Balance of such Debts and Provisions amounting to the Sum of Twelve thousand four hundred and sixty-four Pounds, or thereabout, as the same are specified in Schedule (A.) hereunto annexed, exclusive of certain Annuities and contingent Provisions created by the Entailer: And whereas the said *James Alexander Stewart Mackenzie* departed this Life on or about the Twenty-fourth Day of *September* in the Year One thousand eight hundred and forty-three, leaving the said *Mary Frederica Elizabeth Stewart Mackenzie* him surviving: And whereas the Trustees acting in the Execution of the Trusts contained in the said Trust Disposition, and supplementary and corroborative Trust Disposition, bearing Date respectively the Thirty-first Day of *March* in the Year One thousand eight hundred and twenty-nine, the Twenty-third Day of *March* in the Year One thousand eight hundred and thirty-three, and the Seventeenth Day of *April* in the Year One thousand eight hundred and forty-one, and First Day of *February* in the Year One thousand eight hundred and forty-two, having found it necessary to bring to a Sale those Parts and Portions of the Lands within the Barony and Island of *Lewis* lying and comprehended within the Three Parishes of *Lochs, Uig, and Barvas*, which were purchased and acquired by the said *James Alexander Stewart Mackenzie* in manner herein-before mentioned, in negotiating for the said Sale the said Trustees found that the said last-mentioned Lands, which form a Part only of the said Island of *Lewis*, could not be advantageously sold, but that a Sale might be advantageously effected if the Lands and Estates belonging to the said *Mary Frederica Elizabeth Stewart Mackenzie*, as Heiress of Entail aforesaid, in the Parish of *Stornoway*, were added, so as to make a Sale of the whole Barony and Island of *Lewis*: And whereas the said Island of *Lewis* lies detached from the Mainland of the County of *Ross*, and is situated at a great Distance from the Castle and Mansion House of *Brahan*, which is and has always been the chief Residence of the Proprietor of the said entailed Estate, and from the principal Parts of the entailed Estates of the

[Private.]

Family, and is found inconvenient in the Management thereof; and it would be of great Advantage to the said *Mary Frederica Elizabeth Stewart Mackenzie*, and the other Heirs of Entail succeeding to the said entailed Estates, if Powers were given to sell those Parts and Portions of the said Island of *Lewis* situated in the Parish of *Stornoway* which are still subject to the Fetters of the said Entail, and that the Price thereof should be applied in Payment of the Debts and Provisions of the said *Francis Lord Seaforth* deceased, the Entailer, which still remain due and owing, and which affect or may be made to affect the said entailed Estates, and that any Surplus which should remain should be invested in the Purchase of other Lands more contiguous to the rest of the entailed Estate: And whereas a Treaty having been entered into between the said *Mary Frederica Elizabeth Stewart Mackenzie*, with Consent of the said *William Mackenzie* and *Erskine Douglas Sandford*, and the said *William Mackenzie* and *Erskine Douglas Sandford*, as Trustees aforesaid, on the one Part, and *James Matheson* Esquire, of *Achany*, on the other Part, for the Sale of the whole Lands, Estate, and Barony of *Lewis* herein-before described, at the *cumulo* Price of One hundred and ninety thousand Pounds, and the said *Mary Frederica Elizabeth Stewart Mackenzie* and the said Trustees being satisfied that it would be for the Advantage of the said entailed Estate and the Heirs succeeding thereto, and the said *William Mackenzie* and *Erskine Douglas Sandford* being satisfied that it would be for the Benefit of the Trust created by the said *James Alexander Stewart Mackenzie* deceased, to accept of such Price for the same, they entered into a Minute of Sale with the said *James Matheson*, dated the Third and Eighteenth Days of *April* and the Eleventh Day of *May*, and recorded in the Books of Council and Session the Fourth Day of *June*, all in the present Year One thousand eight hundred and forty-four, for the absolute Sale to him of the said whole Lands, Island, and Barony of *Lewis* aforesaid, at the foresaid *cumulo* Price of One hundred and ninety thousand Pounds, but subject nevertheless to the Condition that the said *Mary Frederica Elizabeth Stewart Mackenzie* should obtain the Authority of Parliament to enable her to complete the said Sale of the said Parish of *Stornoway*: And whereas it would be of great Advantage to the said *Mary Frederica Elizabeth Stewart Mackenzie*, and the other Heirs of Entail succeeding to the said entailed Estates, if Powers were obtained to complete the said Sale to the said *James Matheson*, under such Regulations and Conditions as shall secure to the said entailed Estates the Apportionment of a sufficient Part of the said *cumulo* Price as and for the Price of those Portions of the said Lands, Estate, and Barony which still remain subject to the Fetters of the said Entail; and such Parts and Portions of the said Lands, Estate, and Barony which still remain subject to the Fetters of the said Entail, as the same are described in the Schedule (B.) hereunto annexed, are of the Value of Fifty-two thousand and six Pounds Ten Shillings and Three-pence: And whereas since the Succession of the said *Mary Frederica Elizabeth Stewart Mackenzie* to the said entailed Estates large Sums have been expended in erecting Farm Houses and Offices, or making Allowances to Tenants for Erection of the same,

same, and in planting, draining, inclosing, and improving the said Lands, and in improving the Castle of *Brahan*, being the Mansion House on the said Estate, with the Garden and Grounds connected therewith, and in making other permanent Improvements on the said Estate, some Part of which Expenditure consists of Money laid out in the original Formation of Roads throughout the said Island of *Lewis*, without the Formation of which, or some other Roads, no Improvements could have been made effectually in the said Island: And whereas by reason of such Expenditure the future Heirs of Entail will be greatly benefited, while the private Fortune of the said *Mary Frederica Elizabeth Stewart Mackenzie* has been much injured, and the Money laid out upon such Improvements as aforesaid amounts to the Sum of Thirty-eight thousand one hundred and ninety Pounds Seven Shillings and Three-pence, as specified in the Schedule (C.) hereunto annexed: And whereas the said Castle of *Brahan*, Offices thereof, and the Garden attached to the same, require certain Additions and Alterations to be made thereon to render it a suitable Place of Residence, the Cost of which is estimated to amount to the Sum of Seven thousand Pounds or thereabouts: And whereas by an Act passed in the Tenth Year of the Reign of His Majesty King *George* the Third, intituled *An Act* 10G.3. c.51. *to encourage the Improvement of Lands, Tenements, and Hereditaments in that Part of Great Britain called Scotland held under Settlement of strict Entail*, a certain Relief was intended to be given to Heirs of Entail expending Money in the Improvement of their Estates, upon complying with the Regulations therein laid down; but the Act does not in all Cases afford adequate Relief, and the Provisions thereof are frequently attended with so much Difficulty in the Execution as to frustrate wholly or partially the Object for which the said Act was passed; and the said *Mary Frederica Elizabeth Stewart Mackenzie* cannot obtain the Relief thereby contemplated, in regard that the Regulations thereby enacted have not been complied with in respect of the Sums expended in improving the said entailed Estate as aforesaid: And whereas the subsequent Heirs of Entail entitled to succeed to the said Estate will derive great Advantage from the Expenditure so made as aforesaid for Behoof of the said entailed Estate, and it is just and equitable that the said *Mary Frederica Elizabeth Stewart Mackenzie* should be relieved of the Sum of Twenty-eight thousand six hundred and forty-two Pounds Fifteen Shillings and Five-pence, being Three-fourth Parts of the said Sum of Thirty-eight thousand one hundred and ninety Pounds Seven Shillings and Three-pence, expended upon the Improvements as aforesaid, and that she should also be relieved of Three-fourth Parts of the Sum to be expended in the Improvement of the said Castle of *Brahan*, Offices thereof, and Garden attached to the same: And whereas from the Operation of various Causes the said *Mary Frederica Elizabeth Stewart Mackenzie* has not been able to keep up the Payments of the Sinking Fund for the Payment of Debts and Provisions appointed by her said Father's Entail, and an Arrear is due by her thereon, but no judicial Proceedings were ever instituted by any of the Substitute Heirs of Entail for the Purpose of enforcing a Forfeiture of the

Part of the
entailed
Estate lying
in the Parish
of Storno-
way vested
in Trustees.

the Estate against the said *Mary Frederica Elizabeth Stewart Mackenzie*, on account of her Neglect to lay out Money for the Purposes of the said Sinking Fund under the Provisions of the said Deed of Entail, and she is willing and desirous that out of the Sum due to her for the Improvements made upon the said Estates the Sum due by her to the said Sinking Fund should be paid and compensated: But as these Purposes cannot be effected without the Aid and Authority of Parliament, May it therefore please Your Majesty, upon the humble Petition of the said *Mary Frederica Elizabeth Stewart Mackenzie*, that it may be enacted; and be it enacted by the Queen'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 whole those Parts and Portions of the Lands and Barony of *Lewis* which are situated in the Parish of *Stornoway* and Sheriffdom of *Ross*, and are comprised in the said Deed of Entail executed by the said *Francis Lord Seaforth*, bearing Date the Second Day of *May* in the Year One thousand eight hundred and ten, which are more fully described in the said Deed of Entail, and are specified in the Schedule (B.) hereunto annexed, forming the whole Lands and Estates in the said Barony of *Lewis* which were comprised in the said last-mentioned Deed of Entail, except those Parts and Portions thereof which are situated in the Parishes of *Lochs*, *Uig*, and *Barvas*, and which were sold and disposed in manner herein-before mentioned to the said *James Alexander Stewart Mackenzie*; shall be and the same are hereby vested in and settled upon *Colonel Charles Fraser of Inverallochy* and *Castle Fraser*, *William Mackenzie* Esquire, of *Muirton*, Writer to the Signet, and *James Mackenzie* Esquire, Writer to the Signet, and the Survivors and Survivor of them, and the Heirs of such Survivor, in Fee Simple, freed and discharged of and from all and every the Conditions, Provisions, Declarations, Reservations, Burdens, Faculties, Restrictions, Limitations, and Clauses prohibitory, irritant, and resolute, which in and by the said Deed of Entail executed by the said *Francis Lord Seaforth* are limited, created, expressed, declared, and contained of and concerning the same, but upon Trust nevertheless and to and for the Intents and Purposes herein-after expressed and declared in relation to the same.

Price to be
paid into
Bank.

II. And be it enacted, That the said Sum of Fifty-two thousand and six Pounds Ten Shillings and Three-pence, being the ascertained Value of the said entailed Lands in the Parish of *Stornoway*, shall be paid by the said *James Matheson*, or his Heirs or Assignees, without Fee or Reward, into the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British Linen Company* in *Scotland*, or the Commercial Bank of *Scotland*, or the National Bank of *Scotland*, in the Names of the said *Charles Fraser*, *William Mackenzie*, and *James Mackenzie*, and the Survivors and Survivor of them, as Trustees foresaid, to yield and carry the highest Rate of Interest that can be obtained for the same; and the Interest arising from the Money so paid in shall be laid out in the Names of the said Trustees, and shall annually accumulate and be added to the Principal Sum itself,

to

to carry Interest together, until the whole shall be applied in the Manner and for the Purposes herein-after mentioned.

III. And be it enacted, That the Receipt or Receipts of the Treasurer of the said Bank of *Scotland*, or Cashier of the Royal Bank of *Scotland*, or Manager of the *British Linen Company* in *Scotland*, or of the Commercial Bank of *Scotland*, or of the National Bank of *Scotland* respectively, for the Sum or Sums of Money herein-before directed to be so paid, shall be a good and sufficient Discharge or good and sufficient Discharges to the said *James Matheson*, and to his Heirs and Assignees, for so much of such Price for which the said Receipt or Receipts shall be given; and thenceforth the said *James Matheson*, and his Heirs, Executors, Administrators, and Assignees, shall be and are hereby absolutely acquitted, exonerated, and discharged of and from the same, and shall not be obliged to see to the Application thereof or any Part thereof, or be answerable or accountable for any Loss, Misapplication, or Nonapplication thereof or of any Part thereof.

Receipts of
the Bank
to be good
Discharges.

IV. And be it enacted, That upon Payment of the said Price, ascertained as aforesaid, the said Trustees hereby appointed, or the Survivors or Survivor of them, or the Heirs of such Survivor, shall, with Consent and Concurrence of the said *Mary Frederica Elizabeth Stewart Mackenzie*, and the said *William Mackenzie* and *Erskine Douglas Sandford*, dispoise and convey, in Terms of the said Minute of Sale, the Lands and Estates hereby vested in them in Fee Simple as aforesaid, to the said *James Matheson*, his Heirs and Assignees, by a Disposition and Conveyance containing all usual and necessary Clauses.

Lands to be
conveyed to
*James
Matheson*.

V. And be it enacted, That the said Trustees hereby appointed shall, in the first place, out of the Monies paid into one or other of the said Banks, in the Names of the said Trustees, pay all the Costs, Charges, and Expences which have been or shall be incurred in and about the Sale of the said Lands in the said Parish of *Stornoway*, and the applying for, obtaining, and passing this Act, and the Costs and Expences of the Disposition and Conveyance of the said Lands and Estates to the said *James Matheson*, his Heirs and Assignees, so far as such last-mentioned Costs shall be payable by the said Trustees; and shall, in the next place, out of the Monies foresaid, with the Concurrence of the said *William Mackenzie* and *Erskine Douglas Sandford*, or of the Trustee or Trustees for the Time acting under the Trust Disposition and supplementary Trust Disposition herein-before recited, apply the Sum of Twelve thousand four hundred and sixty-four Pounds Nine Shillings and Two-pence in Payment and Extinction of the said Debts of the Entailer specified in Schedule (A.) hereunto annexed.

Costs of the
Act and of
other Pro-
ceedings to
be paid by
the Trustees.

The Debts
of the En-
tailer to be
next paid
by the
Trustees.

VI. And be it enacted, That it shall be lawful for the said *Mary Frederica Elizabeth Stewart Mackenzie*, or the Heir of Entail in possession of the said entailed Estate for the Time, to apply by summary Petition to the Court of Session in *Scotland*, in either Division thereof, setting forth the State of Repair of the Castle, Offices, and

Sum to be
laid out
on the Im-
provement
of Brahan
Castle.

[Private.]

5 p

Gardens

Gardens of *Brahan*, and praying for Authority to lay out and expend a Sum not exceeding the Sum of Seven thousand Pounds in repairing and improving the same; and after due Notice of such Petition being given to all concerned in the Matter, in the Way and Manner that Intimations are usually made in the Court of Session, and also by Advertisement once in the *Edinburgh Gazette*, and hearing all Parties that may appear for their Interest, and upon Proof being afforded to the Satisfaction of the Judges of the Division of the Court of Session before whom such Petition shall come that the Repairs are requisite and necessary to the Extent foresaid, and are not beyond the Sums which might be made a Charge upon the said entailed Estates under the said recited Act of the Tenth Year of the Reign of His Majesty King *George* the Third, then the said Judges are hereby authorized and empowered to pass an Order or Decree to that Effect, and to appoint the said Trustees to pay the Amount out of the Monies so paid into the said Banks as aforesaid; and the said Trustees shall thereupon, by and with the Approbation of the said *Mary Frederica Elizabeth Stewart Mackenzie*, or the Heir of Entail in possession of the said entailed Estate for the Time being, lay out and expend the Sum so appointed to be paid as aforesaid in the Repair of the said Castle of *Brahan*, and in the Improvement of the Offices and Gardens of the same; or, in the Event of the said Monies being previously to such Application applied to the other Purposes of this Act, then the Judges of the said Court shall issue their Order or Decree authorizing the said Sum to be borrowed on the Security of the said entailed Estates, in Terms of the Powers and Provisions of this Act.

The Surplus
to be laid
out in Lands
to be en-
tailed.

VII. And be it enacted, That the Surplus which shall remain of the Price so paid into one or other of the said Banks as aforesaid, after paying and defraying the several Charges thereupon herein-before appointed, and all the necessary Expences which may be incurred in carrying this Act into execution (which the said Trustees are hereby authorized to pay), shall, by and with the Consent and Approbation of the said *Mary Frederica Elizabeth Stewart Mackenzie*, or the Heir of Entail in possession of the said entailed Estates for the Time, be laid out and employed by the said Trustees in the Purchase of other Lands and Estates as near and convenient to the Bulk of the said entailed Estates still remaining under the said Entail as the same can conveniently be procured; and the Lands and Estates so to be purchased shall be settled and limited by a Deed of Entail, to be executed by the said Trustees, to the same Series of Heirs of Entail, for the same Uses and Purposes, and under the like prohibitory, irritant, and resolute Clauses as are specified and contained in the Deed of Entail executed by the said *Francis Lord Seaforth*, herein-before recited, in regard to his Lands and Estates thereby entailed; and the Deed of Entail which shall be executed for that Purpose shall be so framed as to bind the Institute as well as all and every Persons and Person succeeding as Heirs of Entail; and such Deed of Entail, when executed, shall be registered in the Register of Tailzies; to all which the said Court of Session shall interpose its Authority; and the Residue of the Money which shall remain in the said Banks respectively, after satisfying and discharging the several Purposes of

of this Act, in the Way and Manner herein-before directed, shall be paid to the Person or Persons who would have been entitled for the Time to the Rents and Profits of the said entailed Lands and Estates so directed to be sold and conveyed as aforesaid, or to the Representatives of such Person or Persons.

VIII. And be it enacted, That as soon as may be after the passing of this Act the said Trustees hereby appointed shall settle and adjust with the said *Mary Frederica Elizabeth Stewart Mackenzie*, or her Heirs, Executors, or Representatives, an Account of the Sums due by her to the said Sinking Fund established by the Entail of her said Father, and shall in settling such Account debit the said *Mary Frederica Elizabeth Stewart Mackenzie* with One-fourth Part of the said Sum of Seven thousand Pounds hereby authorized to be laid out in the Repair and Improvement of the said Castle of *Brahan*, Offices and Gardens of the same; and the Sum due by the said *Mary Frederica Elizabeth Stewart Mackenzie*, being thus ascertained, shall be imputed *pro tanto* in Payment to her, her Heirs, Executors, or Representatives, of the Sum of Twenty-eight thousand six hundred and forty-two Pounds Fifteen Shillings and Five-pence, being the Amount of Three-fourth Parts of the said Sum of Thirty-eight thousand one hundred and ninety Pounds Seven Shillings and Three-pence, laid out upon the entailed Estates, as herein-before mentioned; and specified in Schedule (C.) hereunto annexed; and the Balance, if any, shall be held to be the Sum remaining due to the said *Mary Frederica Elizabeth Stewart Mackenzie* in respect of the Money laid out by her for Improvements upon the said entailed Estates as aforesaid; and in the Event the Amount of the Sinking Fund ascertained as aforesaid shall exceed the said Sum of Twenty-eight thousand six hundred and forty-two Pounds Fifteen Shillings and Five-pence, then the said *Mary Frederica Elizabeth Stewart Mackenzie*, or her Representatives, shall be bound to pay over the said Excess to the Trustees herein-before appointed.

Account to be settled in regard to the Sinking Fund established by the Entail.

IX. And be it enacted, That it shall and may be lawful for the said *Mary Frederica Elizabeth Stewart Mackenzie*, or the Heir of Entail in possession of the said entailed Estates for the Time, or to his or her Tutor or other Administrator, in case he or she be a Minor, or otherways incapable of acting for himself or herself, with Consent of the said Trustees hereby appointed, to borrow and take up in Loan any Sum or Sums of Money not exceeding in all the Sum so remaining due, if any, to the said *Mary Frederica Elizabeth Stewart Mackenzie* as aforesaid, which shall be held to be finally ascertained and fixed, and not subject to Challenge, by a Minute signed by the said Trustees and the said *Mary Frederica Elizabeth Stewart Mackenzie*, or her Heirs, Executors, or Representatives; to be recorded in the General Register of Sasines at *Edinburgh*, or in the Particular Register of Sasines for the County of *Ross*, and also the said Sum of Seven thousand Pounds hereby authorized, under the Order or Decree of the Court of Session, to be laid out in the Repair of the said Castle of *Brahan*, and in the Improvement of the said Offices and Garden of the same: Provided always, that the Power to borrow this latter Sum of Seven thousand

Money to be borrowed on the Security of the entailed Estate.

thousand Pounds shall only have effect after the Surplus of the Price of the entailed Lands and Estate in the Parish of *Stornoway* shall have been reinvested in manner as herein-before appointed; and it shall be lawful to the said *Mary Frederica Elizabeth Stewart Mackenzie*, with such Consent, or to the Heir of Entail in possession of the said entailed Estates for the Time, or to his or her Tutor or other Administrator, in case he or she be a Minor, or otherways incapable of acting for himself or herself, validly to secure the Payment of the Money so to be borrowed, and the Interest thereof, and liquidate Penalties and Expences, to be therein stipulated, by Heritable Bond or Bonds and Disposition or Dispositions in Security, in favour of the Person or Persons who may lend such Money, disposing and conveying, in the Form and with the Powers usual in similar Heritable Securities in *Scotland*, heritably but redeemably, the whole or any Portion or Portions of the Lands and Estates comprised in the Disposition and Deed of Entail first before recited, and remaining under the said Entail, in security and for Payment of the said Sum so authorized to be borrowed as aforesaid, and which Heritable Bond or Bonds and Dispositions in Security shall be good, valid, and effectual to such Creditor or Creditors, Lender or Lenders, and to his, her, and their respective Heirs, Executors, or Representatives whatsoever, or to his, her, or their Assignee or Assignees, or to any Person in right of the said Heritable Bond or Bonds and Disposition or Dispositions in Security for the Time, in the same Manner as if the same were granted by a Fee Simple Proprietor, and shall effectually burden either the whole or such Parts of the said Lands and others foresaid as shall be included in such Heritable Bonds, and disposed by such Dispositions in Security, and shall be effectual against all the Heirs of Entail who may be entitled to succeed to the said entailed Estates, and the said Heritable Bonds and Dispositions in Security shall be freed of all the Fetters of the said Entails and Investitures, and the said Creditor or Creditors, Lender or Lenders, shall have every Remedy competent by the Laws of *Scotland* for the Recovery of Sums so lent, Interest and Penalties, as is competent to any other Creditor by Heritable Bond or Bonds and Disposition or Dispositions in Security; and the Money to be borrowed as aforesaid shall be paid by the Lenders thereof to the said Trustees hereby appointed, to be applied by them in manner herein-after directed.

Heir of Entail to keep down the Interest.

X. Provided always, and be it enacted, That the said *Mary Frederica Elizabeth Stewart Mackenzie*, or the Heir of Entail borrowing the said Sums of Money, and the Heirs of Entail succeeding to the said entailed Estates, in their Order, and during their Possession of the said entailed Estates, shall be bound and obliged at least once in every Year to pay and keep down the Interest of the Sums of Money so allowed to be borrowed as aforesaid; and if such Interest shall not be paid within Twelve Calendar Months after the Term or Terms of Payment thereof stipulated in the Security or Securities by which the Loan or Loans are secured, the said entailed Estates shall be absolutely freed and released from the Payment of such Interest in all Time thereafter; and the said Interest, if not paid after the Lapse of the said Twelve Calendar Months, shall only exist therein-after as a Personal Debt against the

the said *Mary Frederica Elizabeth Stewart Mackenzie*, or the Heir of Entail for the Time being liable in Payment of such Interest, or their respective Heirs, Executors, and Representatives: Provided also, that if any succeeding Heir of Entail shall become liable to pay any Interest accrued due during the Possession of any prior Heir of Entail he shall be entitled to recover such Interest from the said prior Heir of Entail, or his Heirs, Executors, and Representatives.

XI. And be it enacted, That if the said *Mary Frederica Elizabeth Stewart Mackenzie* shall happen to die before borrowing the Money hereby permitted to be borrowed, or the whole thereof, the Heirs succeeding to her in the entailed Estates shall be Debtors to the Executors, Trustees, or other personal Representatives of the said *Mary Frederica Elizabeth Stewart Mackenzie* for such Sum as she is hereby permitted to borrow, but may not have borrowed, and also for the One-fourth Part of the said Sum of Seven thousand Pounds herein-before directed to be placed to the Debit of the said *Mary Frederica Elizabeth Stewart Mackenzie* in settling the Account of the Sums due by her to the Sinking Fund herein-before mentioned, in the Event of the said Sum of Seven thousand Pounds not having been expended by her, and shall be obliged to pay the same, with Interest from the Death of the said *Mary Frederica Elizabeth Stewart Mackenzie*, to the said Trustees hereby appointed, to be applied by them in the same Way and Manner as if the Money had been borrowed by the said *Mary Frederica Elizabeth Stewart Mackenzie* herself under the Powers herein-before contained for that Purpose.

In case of the Death of the Heir in possession, Heirs succeeding may borrow.

XII. And be it enacted, That when the Money so permitted to be borrowed as aforesaid shall be paid to the said *Mary Frederica Elizabeth Stewart Mackenzie*, or her Executors, Trustees, or other personal Representatives, the entailed Lands and Estates aforesaid, and the Heirs of Entail therein, shall be for ever freed and relieved of and from any Claim or Demand for any Sum or Sums of Money expended by the said *Mary Frederica Elizabeth Stewart Mackenzie* in the Improvement of the said entailed Estates.

When Money borrowed the Charge for Improvements to be at an end.

XIII. And be it enacted, That it shall not be lawful for the said *Mary Frederica Elizabeth Stewart Mackenzie* at any Time hereafter, under the Provisions of the said Act of the Tenth Year of the Reign of His Majesty King George the Third, or otherwise, to charge, burden, or affect the said entailed Lands and Estates, or the future Heirs of Entail succeeding thereto, with any Sums of Money which may hereafter be laid out by her the said *Mary Frederica Elizabeth Stewart Mackenzie* during her Life in improving the said Estates, or in building or repairing any Mansion House or Offices of the same, other than those hereby authorized.

The Heir at present in possession not to burden the Estate with future Improvements.

XIV. And for the Purpose of clearing off the Loan to be effected as aforesaid, be it enacted, That the said Sinking Fund shall continue to be paid or accounted for to the said Trustees by the said *Mary Frederica Elizabeth Stewart Mackenzie*, or the Heir of Entail in possession of the said entailed Estates, and shall be applied by the said

Sinking Fund to continue till the Money borrowed be repaid.

[Private.]

Trustees in paying off and extinguishing the Sums authorized to be borrowed on the Credit of the said entailed Estates as aforesaid, and the Interest thereof; and when the Sums so authorized to be borrowed as aforesaid, and the Interest thereof, shall have been completely satisfied and paid, the said Sinking Fund shall cease and determine, and be no longer payable, any thing in the said recited Act of the Fifty-seventh Year of the Reign of His Majesty King *George* the Third to the contrary notwithstanding.

Trustees
may be dis-
charged of
their Intro-
missions.

XV. And be it enacted, That after having so applied the said Monies, and carried the aforesaid Purposes of this Act into effect, it shall be in the Power of the said *Charles Fraser, William Mackenzie, and James Mackenzie*, and the Survivors and Survivor of them, and the Heirs of such Survivor, to apply to the said Court of Session in either of the Divisions thereof for a Discharge and Exoneration of their Proceedings, and that by summary Petition; and the said Court are hereby required and empowered to order Production of the Accounts of the said Trustees, and after Consideration thereof, and if the same shall be found to be correct, to exonerate and discharge the said Trustees of their Intromissions, and to declare them quit and discharged thereof for ever.

Providing
for Death,
&c. of
Trustees.

XVI. And be it enacted, That if the said *Charles Fraser, William Mackenzie, and James Mackenzie*, or any of them, shall die, or be desirous to be discharged from or to resign the said Office of Trustee, which they or any of them are hereby empowered at any Time to do, or shall become incapable to act in the Trusts, Powers, and Authorities hereby in them vested, at any Time before the said Trusts, Powers, and Authorities shall have been fully performed and executed, then and in any of these Cases, and when and so often as the same shall happen, it shall and may be lawful for the said Court of Session in either of the Divisions thereof, upon the Application of the said Trustees, or the Survivors or Survivor of them, or their respective Heirs or Representatives, and in case of the Failure of the whole Trustees without substituting others in their Room, then upon the Application of the Heir of Entail in possession, or any of the Substitute Heirs of Entail, to appoint and elect any other fit Person or Persons to be a Trustee or Trustees for the Purposes aforesaid in the Place and Stead of them the said Trustees, or such of them, or of such Trustee or Trustees so to be elected, as shall die, or be desirous to be discharged from or shall become incapable to act in the Execution of the Trusts, Powers, and Authorities by this Act given, and so from Time to Time as often as there shall be Occasion; and so often as any new Trustee or Trustees shall be appointed as aforesaid all and whole the said entailed Lands and Estate described in the said Schedule (B.) hereunto annexed, and hereby vested in the said *Charles Fraser, William Mackenzie, and James Mackenzie*, in trust as aforesaid, or the Price thereof, if such Price shall have been paid, shall thereupon become legally and effectually vested in the surviving Trustee and such new Trustee or Trustees, or wholly in such new Trustees, as the Case may require, and the Survivor or Survivors of them, and the Heirs and Assignees of such Survivor, upon the Trusts, and

to

to and for the same Uses, Intents, and Purposes, and with and under and subject to all the Powers and Authorities by this Act given and declared; and the Act and Decree of the said Court of Session appointing new Trustees, and vesting in them the said Lands and Estates as aforesaid, or the Price thereof, if the same shall have been paid, shall be registered in the Particular Register of Sasines for the County of *Ross*, or in the General Register of Sasines kept at *Edinburgh*.

XVII. And be it enacted by the Authority aforesaid, That it shall be lawful for the Trustees above named for the Time, or of such other or others to be appointed and chosen in their Room and Stead; in manner herein mentioned, to nominate and appoint a Factor or Factors, Steward or Stewards, Receiver or Receivers, and Agent or Agents, for carrying on the foresaid Sales, and for the better Management of the said entailed Lands and Estates specified in the said Schedule (B.) hereunto annexed, and vested in the said Trustees as aforesaid, taking sufficient Security from such Factor or Factors, Steward or Stewards, or Receiver or Receivers, for the faithful Execution of his or their Offices, before he or they be allowed to enter upon the Exercise thereof.

Trustees to
appoint
Factors.

XVIII. And be it enacted, That nothing in this Act contained shall be held or construed to alter, innovate, change, or defeat the Deed of Entail of the said *Francis Lord Seaforth*, herein-before recited, or the Order of Succession therein and thereby established, and in the subsequent Titles respectively contained, except in so far as is necessary to carry into effect the Purposes of this Act; and the said *Mary Frederica Elizabeth Stewart Mackenzie*, or the Heir of Entail in possession of the said entailed Lands and Estates for the Time, shall not incur any Irritancy or Forfeiture for or by reason of executing any Bond, Disposition, or other Deed whatsoever directed or necessary to be executed under the Authority of this Act.

Disposition
of Taillie
before
recited not
to be
altered.

XIX. And be it enacted, That the Lenders of any Sum or Sums of Money under this Act shall in nowise be concerned with the Application or the Misapplication of the Money to be lent by them.

Lenders not
to be con-
cerned in the
Application
of Money.

XX. Saving and reserving always to the Queen's most Excellent Majesty, and to Her Heirs and Successors, and to all others, (save and except the said *Mary Frederica Elizabeth Stewart Mackenzie*, and all and every the other Heirs of Entail called or entitled to take under the Entail herein-before recited,) all such Right, Title, Interest, Claim, and Demand whatever, in, to, and out of the said Lands and Estates, as they have or might claim, challenge, or demand, and that in the same Manner and as amply as if this Act had never been passed.

General
Saving.

XXI. And be it enacted, That this Act shall be printed by the several Printers to the Queen's most Excellent Majesty duly authorized to print the Statutes of the United Kingdom, and a Copy thereof so printed by any of them shall be admitted as Evidence thereof by all Judges, Justices, and others.

Copy of Act
as printed
by Queen's
Printers to
be Evidence.

SCHE.

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

List of Debts affecting the entailed Estates of the deceased Francis Lord Seaforth.

		£	s.	d.
1.	Margaret, Anne, John, Barbara, Abigail, Frances Alexandrina Gillanders, Children of Alexander Gillanders, Esquire, younger, of Highfield, in Right of R. Cochran, Esquire, of Mitcham, Surrey	600	0	0
2.	Ditto, ditto, ditto, in Right of David Chollet of Abchurch Lane, London, Merchant	692	13	1
		1,292	13	1
3.	Elizabeth, Anne, and Lillias Mackenzie, in Right of George Mackenzie, Tacksman of Hilldonan	1,200	0	0
4.	Miss Ferrier, in Right of Alexander Stuart, Esquire, Crown Donatory in trust of the Estate of the deceased Lieutenant Colonel William Smith	600	0	0
5.	Mrs. Rutherford, in Right of Lady Caroline Drummond	744	5	3
6.	Mrs. Christiana Morrison, in Right of the deceased Mary Lady Seaforth, Elizabeth Charlotte Mackenzie, Augusta Anne Mackenzie, and Frances Catherine Mackenzie, being the Balance of her Security per £6,300.	2,300	0	0
7.	Blackburn's Trustees, in Right of the said Mrs. Christiana Morrison	3,000	0	0
8.	Major Deuchar, in Right of the said Mrs. Christiana Morrison	1,000	0	0
9.	Miss Margaret Pretsell, in Right of the Representatives of the deceased John Mackenzie, Tenant in Galston, for Meliorations	230	9	7
10.	Ditto, in Right of the Representatives of the deceased John Mac Rae, Writer in Dingwall, for Meliorations	464	8	10
11.	William Mackenzie, Esquire, W.S., and Erskine Douglas Sandford, Esquire, Advocate, Trustees of the Honourable Mary Frederica Elizabeth Stewart Mackenzie, and the deceased James Alexander Stewart Mackenzie, Esquire, in Right of Sundries for Meliorations	802	2	0
12.	Lewis Mac Iver, for Meliorations of Gress per Valuation at Whitsunday 1832, but not payable according to Terms of Lease till Whitsunday 1851, £1,034. Present Value, discounting Interest at 3½ per Cent.	830	10	5
		12,464	9	2

Thomas Mansfield.

SCHEDULE (B.)

DESCRIPTION OF THE PARISH OF STORNOWAY.

ALL and whole those Parts and Portions of all and whole the Lands within the Barony of Lewis, with the Tower, Fortalice, and Manor Place of the same, Mills, Multures, and their Sequels, Fishings as well in salt as fresh Waters, Parts, Pendicles, and Pertinents of the same, Tenants, Tenandries, and Services of free Tenants thereof, together with the small Isles lying contiguous and pertaining to the Island of Lewis, comprehending Seafort, Rhona, Flanen, Pabby, Scheant, Stenlister, Creit, Bernera, Bernerabeg, Two Islands, Cunnigaries, and whole other Islands belonging to the same, lying and comprehended within the Parish of Stornoway, or as the said Lands and others are now better known by the particular Description following; viz. Tollistays, Grace and Back Vatsker, Upper Coll, Nether Coll, Tongue, Garicroy, Aignish, Garrabost, Upper Bible, Shadir, Aird, Upper Holm, Nether Holm, Inaclet, and Melbost; and also all and whole the Tower and Fortalice of Stornoway, with the Town of Stornoway adjoining to the said Tower, erected into a free Burgh of Barony, with Fairs and free Markets, Customs, Privileges, Casualties, and Pertinents of the same whatsoever pertaining to them; all and whole the Twenty Merk Lands lying contiguous with the said Tower of Stornoway, with Houses, Biggings, Yards, Parts, Pendicles, Annexis, Connexis, Dependencies, Tenants, Tenandries, and Services of free Tenants of the same, and whole Pertinents thereof; as also all and singular Mines, Minerals, and Metals of whatsoever Kind and Quality, excepting Gold and Silver, within the whole Bounds of the Islands and Lands in the said Parish of Stornoway above described, or any Part or Place of the same, lying within the Sheriffdom formerly of Inverness, now of Ross, and which with the other Lands in the Parishes of Lochs, Uig, and Barvas in the said Island are united and incorporated into One whole and free Barony called the Barony of Lewis.

Thomas Mansfield.

SCHEDULE (C.)

Showing the total Sums expended by the Honourable Mrs. Mary Frederica Elizabeth Stewart Mackenzie in the Improvement and Benefit of the entailed Estates of Seaforth in the County of Ross, contained in the Deed of Entail executed by the deceased Francis Lord Seaforth, from 11th January 1815, the Day of his Lordship's Death, to 31st December 1843.

	£	s.	d.
1. Amount of the Sums expended by the Honourable Mrs. Stewart Mackenzie on the Island of Lewis, being Part of the said entailed Estates, in erecting Farm Houses and Offices, or making Allowances to Tenants for Erection of the same, and in planting, draining, enclosing, and improving the said Lands, making Roads throughout for the Use of the same, as per particular Accounts thereof, from 11th January 1815 to 25th October 1825, when the Three Parishes of Lochs, Uig, and Barvas were sold, under the Provisions of 57 Geo. 3. cap. 23. - - - - -	13,132	15	8
Amount of Sums expended by the said Honourable Mrs. Stewart Mackenzie on the Parish of Stornaway in the Island of Lewis, on similar Improvements, as per particular Accounts thereof, from 25th October 1825 to 31st December 1843 - - - - -	6,482	1	10 ⁶ / ₁₂
Amount of Sums expended on the Lewis - - - - -	19,614	17	6 ⁶ / ₁₂
2. Amount of Sums expended by the Honourable Mrs. Mary Frederica Elizabeth Stewart Mackenzie on the Estates of Brahan, Arcan, and Kintail, being Part of the said entailed Estates of Seaforth, in erecting Farm Houses and Offices, or making Allowances to Tenants for Erection of the same, and in planting, draining, enclosing, and improving the said Lands, and in improving the Castle of Brahan, being the Mansion House on the said Estate, with the Garden and Grounds connected therewith, and in making other permanent Improvements on the said Estate, as per particular Accounts thereof, from 11th January 1815 to 31st December 1843.	18,575	9	8 ⁶ / ₁₂
Sum - - - - -	38,190	7	3

Thomas Mansfield.