

REGISTER OF DEEDS ETC.

BOOKS OF COUNCIL AND SESSION.

AT EDINBURGH the ninth day of June one thousand eight hundred and ninety six the Deed hereinafter engrossed was presented for registration in the Books of the Lords of Council and Session for preservation and is registered in the said Books as follows:- I, James McIntosh, Merchant, Clashmore in the Parish of Dornoch Considering it proper for the welfare of my family to regulate the succession to my estate and effects and provide for its management and disposal after my death Do therefore hereby give, grant, assign and dispone, devise legate and bequeath to and in favour of the persons after named as Trustees for executing the purposes of this Trust, viz:- My wife Lillias Macandrew or MacIntosh, my sons John MacIntosh and Donald MacIntosh presently residing at Davochfin in the Parish of Dornoch and my daughter Elizabeth MacIntosh residing in family with me and to the acceptors and acceptor or survivors, the major part of my said Trustees accepting and acting being a quorum, but in Trust for the ends, uses and purposes after mentioned heritably and irredeemably ALL and WHOLE that lot or piece of ground part of the Estate of Skibo situated at Clashmore aforesaid with the dwelling house erected thereon as the same is particularly bounded and described in a feu contract entered into between me and George Dempster Esquire then of Skibo dated the eighteenth and nineteenth days of October eighteen hundred and fifty years whereby in consideration of the feu duties and others therein mentioned he alienated and disposed to and in favour of me and my heirs and assignees whomsoever heritably and irredeemably the said lot or piece of ground above mentioned: As also ALL and WHOLE that lot of Building ground at Clashmore aforesaid part of the Entailed Estate/

Estate and Earldom of Sutherland together with the dwelling house erected thereon as the same is particularly bounded and described in a Lease for ninety nine years entered into between me and His Grace The Duke and Earl of Sutherland, K. G. Heritable Proprietor and Heir of Entail in possession of the Entailed Estate and Earldom of Sutherland dated twenty eighth February and eighth March eighteen hundred and seventy two, whereby His Grace the said Duke and Earl of Sutherland let to me and to my heirs and assignees whomsoever the said Lot of Building ground for the term of ninety nine years from Whitsunday eighteen hundred and forty: As also all and sundry other lands and heritages, goods and gear, debts and sums of money and in general the whole estate and effects heritable and moveable real and personal of every kind and description and wherever situated presently pertaining and belonging to me or which shall pertain and belong to me at the time of my death, with the whole writs and evidents, rights, titles and securities and vouchers and instructions thereof and all that has followed or may be competent to follow thereupon; To be holden the heritable estate above conveyed a me vel de me; And I hereby nominate my said Trustees to be my sole and only executors and intromitters with my moveable and personal estate with power to give up Inventories thereof and confirm the same; But declaring always that these presents are granted in trust for the ends, uses and purposes hereinafter written, viz:- In the First Place for payment of all my just and lawful debts, my sickbed and funeral charges and the expenses of executing this Trust; In the Second Place, my said Trustees shall make payment to the said Mrs. Lillias Macandrew or MacIntosh if and so long as she shall survive me and remain my widow allenary of the whole free rents interest and other annual profits of the residue/

residue and remainder of the Trust Estate and effects: And in the last place after the death or second marriage of the said Mrs. Lillias Macandrew or MacIntosh if she shall survive me or after my death in case she shall predecease me my said Trustees shall realise my whole Estate heritable and moveable and shall hold and apply pay and convey the proceeds thereof to and for behoof of John MacIntosh, Donald MacIntosh, Elizabeth MacIntosh, Jane MacIntosh, Margaret MacIntosh, Elizabeth MacIntosh and Catherine MacIntosh my lawful children and shall pay assign and dispoⁿe the same to and among them equally share and share alike: But Providing and Declaring that my son John MacIntosh shall be preferred as purchaser of the Heritable Estate above conveyed on payment of such a sum as shall be found to be the true value thereof by any Arbiter to be chosen for that purpose by my said Trustees and which Arbiter they are hereby empowered to nominate: And in the event of my son John MacIntosh not claiming to be preferred as Purchaser the same shall be offered to my second son Donald MacIntosh on the like terms and conditions: And I reserve always my own liferent of the Estate and effects hereby conveyed with power to me at any time of my life and even on death bed to alter, innovate or revoke these presents in whole or in part as I shall or may see proper, but declaring that the same so far as not altered or revoked by me shall be a valid and effectual deed although found lying by me at the time of my death or in the custody of any other person undelivered; with the delivery whereof I have dispensed and hereby dispense forever, And I consent to registration for preservation IN WITNESS WHEREOF these presents written upon this and the four preceding pages by Donald Taylor, Sheriff-Clerk of Sutherlandshire are subscribed by me at Clashmore aforesaid on the twenty seventh day of February eighteen/

eighteen hundred and seventy five years before these witnesses the said Donald Taylor and Robert Sutherland, Farm Servant, Clashmore. (Signed) Jas. McIntosh

(signed) Donald Taylor Witness (signed) Robert Sutherland, Witness.

I James McIntosh, before designed having reconsidered my foregoing Trust Disposition and Settlement have resolved to make the following alterations thereon First I hereby nominate and appoint Walter Sutherland of the Birmingham Joint Stock Bank my son-in-law to be a Trustee and Executor under the said Trust Disposition and Settlement along with the Trustees thereby originally named; giving and granting to him all the rights and powers conferred on the original Trustees: (Second) On the death of my said wife should she survive me, or on my own death should she predecease me I direct my Trustees to hold all my heritable property together with the whole furniture and plenishing which may be therein at the time of my death, or at the death of my said wife should she survive me for the liferent use and enjoyment of my daughters Elizabeth Margaret Eliza and Catherine for their liferent use allenary but only so long as they or any of them remain unmarried, they or any of them remaining unmarried having the option either to occupy said heritable property or let it, they or any of them remaining unmarried in the event of said heritable property being let always receiving the rents, the daughters or daughter remaining unmarried and either occupying or letting the said property always paying all expenses connected with the property upkeep of said property and all other burdens and charges connected therewith and keeping insured against loss by fire to the satisfaction of my said Trustees: and with this addition an alteration/

alteration I hereby ratify and confirm my said Trust
Disposition and Settlement In Witness Whereof this Codicil
written on this page by John Thomson residing in the
County Buildings, Selkirk is subscribed by me at Clashmore
on the twenty eighth day of September eighteen hundred
and eighty seven years before these witnesses Adam Munro and
Daniel Munro both residing at the Hotel, Clashmore.

(Signed) Jas. McIntosh, Adam Munro, Witness, Daniel Munro,
Witness.

Selkirk. 12th May 1890. This is the Trust Disposition and
Settlement and relative Codicil of James McIntosh, Clashmore
referred to in my Oath to the Inventory of his Personal
Estate of this date. (Signed) D. M. MacIntosh, Richd.
Turnbull, Jr.

Dornoch. 29th May 1870. Recorded in the Commissary Court
Books of the County of Sutherland of this date. (signed)
Donald Taylor, Sheriff Clerk.

Extracted from the Register of Deeds etc in the Books of
Council and Session on this and the eleven preceding pages
by me Principal Keeper of said Register.

(sgd) Alex. Forbes.

Copy/

EXTRACT REGISTERED

Trust Disposition & Settlement

by

James MacIntosh.

Dated 27th February 1875.

Regd. 9th June 1896.

Arthur & Macrae, Solicitors.