

Deed of Settlement of George, Duke of Sutherland
SC9/36/3 pp.1-2

George, Duke of Sutherland SC9/36/3 [p.1] At Dornoch the Twenty Ninth day of May 1835.- The following Deed of Settlement of the Duke of Sutherland was given in to be recorded in the Commissary Books of Sutherland by Mr Geo[rge] S. Taylor Writer Golspie –of which the tenor follows vi[delice]zt.- At Edinburgh the Nineteenth day of August in the year One thousand eight hundred and thirty three. In presence of the Lords of Council and Session Compeared Sir John Hay Baronet Advocate procurator for The Most Noble George Granville Leveson Gower Marquis of Stafford after designated, and gave in The Trust Disposition and Deed of Settlement written, desiring the same might be registered in Their Lordships' Books conform to Law; which desire the said Lords found reasonable, and ordained the same to be done accordingly, whereof the tenor follows:- I The Most Noble George Granville Leveson Gower Marquis of The County of Stafford Knight of The Most Noble Order of The Garter and one of His Majesty's Most Honourable Privy Council, Do by these presents (but under the conditions reservations and provisions after mentioned Give Grant and Dispone to and in favour of my Wife The Most Noble Elizabeth Marchioness of Stafford and Countess of Sutherland [p.3] Sutherland, The Right Honourable George Granville Leveson Gower commonly called Earl Gower and The Right Honourable Francis Leveson Gower commonly called Lord Francis Leveson Gower and to such other person or persons as I shall hereafter appoint to be Trustees along with them and to such person or persons as they shall assume by virtue of the powers hereafter committed to them and to the survivors or survivor of my said Trustees (the major part alive and accepting at the time being always a quorum) As Trustees for the purposes after mentioned and to the assignees of the said Trustees heritably and irredeemably All and whole the Town and Mains of Uppat Manor place thereof and pendicles thereto belonging called Strathstevan and Sputtie with the Miln thereof Miln lands Multures and Sequels of the same used and wont sometime in the possession of Sir Robert Gordon of Embo with parts pendilces and universal pertinents of the same lying within the Parish of Golspie Earldom and Sherriffdom of Sutherland And also all and whole The Towns and Lands of Kilnabraven Carrol and Killacalmkill with Milns Milnland Milnlands Multures and sequels houses biggings yards tofts crofts outsets insets shealings grasings woods fishings pasturages commonties liberties priviledges annexis connexis dependencies parts pendicles and pertinents of the same whatsoever lying in the parish of Glyne Earldom and Sherriffdom of Sutherland and also all and whole the Town and Lands and grasings of Muymore and the whole Lands and grasings of Strathskeinisdale sometime possessed by Sir Adam Gordon of Dalfolly together with all and sundry other houses biggings yards shealings grasings woods commonties with pasturage in the commonty in the parish of Golspie parts pendicles and universal pertinents of the same pertaining and belonging to the said Town lands and grasings if Muymore and Strathskeinisdale lying within the parishes of Golspie and Glyne Earldom and Sherriffdom of Sutherland and also all and whole the lands Fishings Teinds and others underwritten videlicet All and hail the Town and Lands of Strathy with the Salmon fishings thereof All and hail the lands of Armadale [p.5] date with the Salmon fishings thereof All and hail the lands of Portskerry of Halladaill with all and sundry houses biggings yards woods fishings mills milllands mill multures sucken knaveship teind sheaves and other teinds of the said lands both parsonage and vicarage great and small pasturages tofts crofts outsets shealings right of Forrestry

within the said lands parts pendicles and pertinents thereof and specially the grasings and pasturages thereof called Glen of Keandloch Strathy and that part of the Hill of Millanteor pertaining to the said Lands of Strathy lying within the Diocese of Caithness Barony of Strathnaver and Sherifffdom of Sutherland or as the said Lands and others are otherwise described in the Last Infettment in favour of Sir William Honyman of Armadale and Greemsey Baronet videlicet all and whole The Towns and Lands of Strathy with the Grasings of Meulanteor Baddandow Keareloch Strathy Keareloch Shellach Torranasery Badday and Loanaclach with the Salmon fishing in the water of Strathy Balblain Gairsaig Strathy head Auldimuln dimuln Balligill Milntown with the Miln thereof Dalvait Daldibag and the Miln thereof sucken and sequels of the same The Town and Lands of Daltine Bowside Dallangwell Braerathy All and haill the Town and Lands of Armadale with the pendicles of Ishmuen and Auldiport Braul Miln of Armadale sucken and sequels of the same and salmon Fishings thereof All and haill the Town and Lands of Portskerra Halladale with the Salmon Fishings and Miln thereof with the Harbours and fishings of the said Lands annexis connexis grasings shealings pasturages parts and pertinents of the said haill land above mentioned all lying within the parishes of Farr and Reay and Shire of Sutherland and all other Lands with their pertinents then belonging to the said Sir William Honyman of Armadale and Greemsey Baronet lying in the said Shire of Sutherland in so far as the same are parts and pertinents of the said Estate of Strathy and also all and whole of Penny Lands of Ardbeg being a part of the Barony of Farr <(in> in the Barony of Farr and County of [p.7] of Sutherland and also all that House situate in Buccleuch Place in Edinburgh belonging to me and occupied by as the same is more fully described in the rights and title deeds thereof and also all and sundry other Lands and heritages and all Rents Debts and sums of Money heritable and moveable corn cattle furniture books plate money goods and estates of whatever denomination heirship moveables situate within that part of The united Kingdom called Scotland which presently belong to me at the time of my death together with all contracts bonds bills dispositions decrees of adjudication and generally every other writ or title deed which has any relation to the Lands tenements debts heritable and moveable and other hereby disponed – But In Trust always and for the uses and purposes and with and under the conditions and reservations aftermentioned That is to say that The said Trustees or their quorum shall permit and suffer my said Wife the said Elizabeth Marchiness Marchiness of Stafford and Countess of Sutherland in the event of her surviving me to take receive uplift and enjoy for and during the term of her natural life but for her liferent use allenary all the rents profits and advantages annually arising and accruing out of my said Lands Tenements monies and effects and to use and employ all my said furniture and ships in the same manner and for the same purposes as they shall have been used and employed by me during my lifetime in as far as circumstances will permit and I hereby Declare that the Receipts of the said Elizabeth Marchiness of Stafford and Countess of Sutherland for all the said annual Rents profits interest and advantages above written shall be good and effectual discharges for so much money as shall be therein expressed to be received and that my said Trustees shall not be accountable for chargeable with the same or any part thereof nor shall the person paying the same be in any way concerned in the application thereof and immediately after the decease of my said wife in [p.9] the event of her surviving me but in the event of her dying in my life time then immediately on my decease That the said Trustees shall Dispone assign and make over my said Lands tenements monies ships and effects To and in favour of my Eldest son the said George Granville Leveson Gower Earl

Gower and to his heirs and assignees and failing my said Son the said George Granville Earl Gower without leaving issue to my second Son the said Lord Francis Leveson Gower and to his heirs and assignees and failing my said second son Lord Francis Leveson Gower without leaving issue to my other lawful younger sons by my said Wife Elizabeth Marchiness of Stafford and Countess of Sutherland in the order of their seniorities and to their heirs and assignees respectively and successively and failing all my said Sons To my Daughter Lady Charlotte Howard and her heirs and assignees and failing my said Daughter Lady Charlotte Howard without leaving issue To my Daughter Lady Elizabeth Mary Leveson Gower and her heirs and assignees whom failing to my own nearest lawful heirs and assignees whomsoever Declaring always that my said lands and others above disposed and assigned shall not be subject or liable to the disposition assignation controul or management or be liable to the payment of Debts of the husbands of my said daughters And I hereby Declare That my said Trustees shall not be liable for neglect omissions or diligence of any kind nor shall they be liable singuli in solidum but each only for his own actual intromissions only and they shall be no farther liable for any Factors (whom they are hereby authorised to appoint) than that such Factors are habit and repute responsible at the time of entering upon their office And I hereby further declare that my said Trustees shall not have power to let and Tacks or Leases of any part of The Lands or Tenements conveyed to them for more than twenty one years Which Tacks or Leases shall not be made before the last year of the then current Lease and only at the best possible rent and without taking any grassum and if they shall do the contrary such Lease shall be absolutely void. And further I give full [p.11] full power to my said Trustees or their Quorum or to the survivor to add and assume such other person or persons one or more as they shall think fit to be Trustees for the purposes of this Trust which Trustees so to be named and assumed shall have the same powers as if they had been named and appointed by myself and shall only each be liable foe his own Intromissions and noway foe negligence or omissions of any kind. And lastly for carrying these presents more effectually into execution I hereby Nominate and appoint my said Trustees for the uses and purposes foresaid to be my sole and only executors and Intromitters with my goods and gear with power to them to give up Inventories of my effects and to confirm my Testament if needful In which Lands Teinds and other heritages above dipsoned I Bind and Oblige myself my Heirs and successors duly and validly to Infeft and seize the said Elizabeth Marchiness of Stafford and Countess of Sutherland George Granville Leveson Gower Earl Gower and Lord Francis Leveson Gower or the survivors or survivors of them who shall accept and the (said) heirs of such survivor (but in Trust always for the uses and purposes foresaid) To be holden either of me the said George Granville Leveson Gower Marquis of Stafford my heirs and successors in free blench for payment of a penny Scots Money on the grounds of the said Lands at Whitsunday yearly if asked only or form me of and under my immediate lawful superiors of the said Lands in the same manner and as freely as I hold or might hold the same myself and that either by Registration or confirmation or both the one without prejudice of the other And (for accomplishing the said Infeftment by Resignation I make and constitute and each of them jointly and severally my lawful and irrevocable procurators with full power and commission foe me and in my name to resign as I by these presents under the burthens conditions and provisions before and after written Resign Surrender Overgive and deliver All and Whole the Lands and others above written lying and described in manner foresaid and here held as repeated breviatis causa In the hand of my immediate superiors or one of their

commissioners having power to receive resignations thereof in favour and for new [p.13] new Infefetment of the same to be granted to my said Trustees and the survivors or survivor of them But In Trust always foe the uses and purposes foresaid in due and competent from Acts instruments and documents in the premises to ask and tale and generally every other thing regarding the premises to do which I could have done myself before granting hereof and which to the office of Procuratory in such cases is known to belong All which I promise to hold firm and stable And further I hereby assign and dispone to my said Trustees and their foresaids the rents and duties of the said subjects with the Title deeds and obligations therein contained and all execution which has followed or may follow thereon Reserving always to me the said George Granville Leveson Gower Marquis of Stafford my own liferent use and right of the premises with full power to me at any time in my life and even on death bed by a writing under my hand to alter innovate or revoke there presents in whole or in part and to assign or dispose of the effects hereby conveyed But in so far as these presents shall not be revoked or altered the same shall be valid and effectual though found lying in my repositories at the time of my death or in the custody of any other person for my behalf undelivered with the delivery whereof I have dispensed and hereby dispense for ever And I consent to the registration hereof in the Books of Council and session or other Judges Books competent therein to remain for preservation and for That purpose I constitute Sir John Hay Baronet Advocate procurators et cetera –And further that my said Trustees may be Infefet and seized in the several Lands Teinds and others above disponed I hereby desire and require you and each of you jointly and severally my Bailies hereby specially constituted That on sight hereof ye pass to the grounds of the said several Lands Tenements and others foresaid respectively and successively and there Give and deliver heritable state and sasine actual real and corporal possession to the said Elizabeth Marchiness of Stafford and Countess of Sutherland the said George Granville Leveson Gower Earl Gower and the said [p.15] said Lord Francis Leveson Gower or their foresaids But in trust always for the uses and purposes and under the reservations before written of all and whole the Lands and others before disponed lying and described in manner foresaid and here holden as repeated breviatis causa and that by delivering to the said Elizabeth Marchiness of Stafford and Countess of Sutherland the said George Granville Leveson Gower and Lord Francis Leveson Gower or their foresaids or to their or his certain attorny or attornies in their or his names of name bearers hereof of Earth and stone of and upon the grounds of the said Lands with all other symbols usual and necessary And this in noways ye leave undone. Which to do I commit to you jointly and severally my full powers by this my Precept of sasine directed to you for that effect. In witness whereof these presents consisting of this and the preceding nine pages written on stamped paper by Richard Comfort Ward Clerk to James Loch Esquire Barrister at Law Are subscribed by me at London the Eighteenth day of February one thousand thousand eight hundred and fifteen before these witnesses the said James Loch and John Lilly my House Steward The Place and date of subscription and the witnesses names and designations and the interlineation in page second being insert by the said James Loch (Signed) Stafford James Loch witness John Lilly witness Extracted forth of The Records of The Court of Session in Scotland upon this and the twenty two preceding pages of stamped paper By Me Thomas Peat Writer to His Majesty's Signet Keeper of The Record of Deeds & c[eter]a conform to Act of Parliament (Signed) Tho. Peat Unto The Honourable The Sheriff and Commissary of the Shire of Sutherland, or his Substitute The Petition of Her Grace Elizabeth Duchess Countess of Sutherland, His

Grace George Granville Duke of Sutherland, and the Right Honourable Lord Francis Egerton, Executors nominated and appointed in and by a Trust Disposition and Deed of Settlement executed by the deceased George Granville Duke of Sutherland, then Marquis of the County of Stafford, dated the [p.17] the Eighteenth day of February Eighteen hundred and fifteen, and Registered in the Books of Council and Session the Nineteenth day of August Eighteen hundred and thirty three, and of George Gunn Esquire at Rhives their Mandatory: Sheweth, That the Petitioners have to give up, for the purpose of being Recorded in the Books of your Lordship as Commissary of Sutherland, and Inventory of the personal Estate of the late George Granville Duke of Sutherland who died on the Nineteenth day of July Eighteen hundred and thirty three, to which it is necessary that the Petitioners or some one of them make Oath, but as all the Petitioners now reside in England, it will not be convenient for either of them to appear before your Lordship within the County of Sutherland to make oath to said Inventory; and therefore it is necessary that a Commission be granted to some proper person to take the oaths of the Petitioners on the said Inventory May it therefore please your Lordship to grant Commission to William Mackenzie Esquire of Crakaig, W.S. or some other proper person to tale the oaths of the Petitioners, or come one of them to the said Inventory, and Report the same to your Lordship in common form – According to Justice, (signed) George S. Taylor Pro[curato]r Dornoch 27 April 1835 The Commissary Depute having considered the foregoing Petition Grants Commission to William Mackenzie Esquire of Crakaig W.S. to take the oaths of the Petitioners or some one of them as craved. – signed, Tho Gordon Inventory of the Personal and Moveable Estate and Effects situated within Scotland of the deceased George Granville Duke of Sutherland who died at Dunrobin Castle in the County of Sutherland on the Nineteenth day of July Eighteen hundred and thirty three rendered by Her Grace Elizabeth Duchess of Sutherland and Countess of Sutherland and by his Grace George Granville Duke of Sutherland and The Right Honourable Lord Francis Egerton Sons of the said deceased Duke being the [p.19] the Executors nominated and appointed in and by a Trust Disposition and Deed of Settlement executed by the said deceased Duke then Marquis of the County of Stafford dated the Eighteenth day of February Eighteen hundred and fifteen and registered in the Books of council and Session the Nineteenth day of August Eighteen hundred and thirty three herewith produced I. Arrears of Rents Bills and Book debts due to the deceased at the time of his death and Rents for the half year then current of His Graces Estates in Sutherland all comprehended under what was distinguished as the Dunrobin Management and as specified in a state or List signed by George Gunn his Graces Factor and signed as relative hereto £10,959..19..11 II. Arrears of Rents Bills and open accounts due as above and Rents for the said half year of His Graces Estates in Sutherland all comprehended as the Scourie Management and as specified in a State or List signed carry over £10,959..19..11 Brought over £10,959..19..11 by John Baigrie his Graces Factor signed as relative hereto 21,028..16.- III. Arrears of Rents Bills and open accounts due as above and Rents for the said half year of His Graces Estates in Sutherland all comprehended under what was distinguished as the Tongue Management and as specified in a State or List signed by John Horsburgh his Graces Factor as relative hereto 12,268..19..5 IV. Arrears of Rents due as above and Rents for said half year of His Graces Estates in Ross shire as specified in an Inventory signed by the said George Gunn as relative hereto 1,258..7..6 V. Value of Personal Estate and Effects which belonged to the deceased at the time of his death on the Farms of Gledfield Easter Fern and Mid Fern conform to Inventory

and Valuation by William Mackay and Robert Leslie Licensed appraisers 6,198..6.- VI. Ditto of Ditto on the Mains and Farm of of Dunrobin conform to Inventory and Valuation by carry over £57,714..8..10 [p.21] Brought over £51,714..8..10 by the said Appraisers 4,151..13..6 VII. Ditto of Ditto in Dunrobin Castle and the outhouses attached there to conform to Inventory and Valuation by said Appraisers 3,077..2..5 VIII. Ditto of Ditto in the House and on the Farm of Tongue conform to Inventory and Valuation by said Appraisers 2,120..1..5¼ IX. Ditto of Ditto on the Farm of Scourie and at Inchard Laxford Kylestrom and Inchinadamff conform to Inventory and Valuation by said Appraisers 1,515..12..3 X. Value of Personal Estate and Effects which belonged to the deceased at the time of his death on the Farms of Ardross and Tolly conform to Inventory and valuation by said Appraisers 1,444..5..4 XI. Ditto of Ditto on the Farm of Creich and at the Shin Fishing Stations conform to Inventory and Valuation by said Appraisers carry over £64,023..3..9¼ Brought over £64,023..3..9¼ appraisers 474..16..11 XII. Ditto of Ditto at Uppat conform to Inventory and Valuation of said Appraisers 237..5..6 XIII. Ditto of Ditto at Kirkiboll Inn and other places in the Parish of Farr Reay Tongue and Durness in Sutherland conform to Inventory and Valuation by said Appraisers 116..11.- XIV. Ditto of Ditto on the Farms of Proncynain and Trentham in Sutherland conform to Inventory and Valuation by said Appraisers 117..4..6 XV. Ditto of Ditto at Lairg cottage in Sutherland conform to Inventory and Valuation by said Appraisers 88..9..9 XVI. Ditto of Ditto at the Fishing Stations at the Rivers of Helmsdale Brora and Fleet in Sutherland conform to Inventory and Valuation by said Appraisers 57..12..6 XVII. Ditto of Silver Plate in Dunrobin Castle and of the growing and other crops on the Farm of Dunrobin crop Eighteen carry over £15,165..3..11¼ [p.23] Brought over £65,165..3..11¼ Eighteen hundred and thirty three 1,509..6.- XVIII. Sum due by the Trustees of the Queensferry Water passage 500.-.- Interest from Martinmas 1831 to 19th July 1833 33..13..11 / 533.13.11 Sum due by Captain Wemys on 20th February 1833 £3000.-.- Interest to 19th July –149 days at 4 per cent 48..19..9 / 3048..19..9 Sum due on Bill by William Forbes Mackenzie on 12th June 1833 £4,500.-.- Interest to 19th July –37 days 18..5.- / 4518..5.- Sum due on Bill by William Mackenzie Writer to the Signet on 17th May 1833 £2700.-.- Interest over over £8100..18..8 carry over £66,674..9..11¼ Brought over £66,674..9..11¼ Brought over £8100..18..8 Brought over £2700.-.- Interest to 19th July –65 days 23..6.- / 2723..6.- / 10,824..4..8 / Sum of the Inventory £77,498..14..7¼ (signed) E. Sutherland Sutherland (Signed) Sutherland (..) Francis Egerton At London the Thirteenth day of May Eighteen hundred and thirty five In presence of William Mackenzie Esquire of Crakaig Writer to the Signet Commissioner appointed by the Sheriff of Sutherland for taking the oath of the Deponent afternamed by commission date the twenty seventh day of April Eighteen hundred and thirty five Appeared His Grace George Granville Duke of Sutherland one of the Executors nominate of the deceased George Granville Duke of Sutherland who being solemnly sworn and examined depones That [p.25] That the said deceased George Granville Duke of Sutherland died upon the Nineteenth day of July Eighteen hundred and thirty three and the Deponent being along with other Executors named in the beginning of the foregoing Inventory Executor of the said deceased Duke has entered upon the possession and management of the deceaseds personal Estate. That the Deponent does not know of any settlement or writing relative to the disposal of the deceaseds personal Estate or effects within Scotland or any part thereof other than the Deed of Settlement before mentioned. That the foregoing Inventory is a full and true Inventory of all the

personal Estate and Effects within Scotland of the said deceased already recovered or known to be existing belonging to or due to him beneficially at the time of his death and that the said Estate situated in Scotland is of the value of Seventy thousand pounds and under the value of Eighty thousand pounds, which the Deponent does not require to be confirmed All which is truth as the Deponent shall answer to God one word deleted – and one word being written on the the margin hereof (signed) Sutherland (..) Will Mackenzie Com[missone]r