

[CC8/8/123 p.309] 6th Jan[ua]ry 1775 Marg[are]t Dutchess Dowager of Douglas The Test[ament] Test[amenta]r and Inventory which pertained & belonged to umq[ui]le Margaret Dutchess Dowager of Douglas at the time of her decease who deceased upon the day of Jm vijc [one thousand seven hundred] & seventy for years made and given up by herself upon the eighteenth day of August 1773 years in so far as concerns the nomination of her sole and only Exe[cuto]rs and now faithfully made and given up by Arch[ibal]d Douglas of Douglas Esq[uir]e Colin Douglas Esqe of Mains, Mr James Ferguson younger of Pitfour Advocate Walter Monteith younger of Kepp Merch[an]t in Glasgow And Archd Campbell of Succoth one of the Prin[cipl]e Clerks of Session in so far as concerns the Inventory of the said Defunct her Goods and Gear afterment[ione]d which Archd Douglas Colin Douglas Mr James Ferguson Walter Monteith and Archd Campbell she the s[ai]d Umqle Margt Duchess Dowager of Douglas did nominate and appoint to be her sole and only Exe[cuto]rs universal Legators and Intromitters and that by her disposition and Settlement bearing date the said eighteenth day of August 1773 reg[istere]d in the Books of Council and Session the seventeenth of Novr Jm vijC & [p.310] Jm vijC and seventy three regd in the Books of Council and Session the seventeenth of Novemr Jm vijC and seventy four years which is hereafter engrost Follows the Inventory In the first the said umqle Margt Dutchess Dowager of Douglas had pertaining and belonging to her at the time of her decease foresaid the Goods and Gear afterment[ione]d Vi[delice]zt Five shares Or five thousand pounds Scots of Capital Stock of the Bank of Scotland Summa of the Inventory }vm £ib[ra] -/--.. Follows the Defuncts Latter will & Settlemnt – I Margaret Dutchess Dowager of Douglas for the better pertaining of My Memory and preserving entire so much of the money and Effects which the deceased Archibald Duke of Douglas my beloved husband was so kind as to bestow upon me and also for the Love and Affection that I have & bear to the persons after designed and other Good Causes me moving do hereby with & Under the burdens provisions Conditions and Exceptions after written give grant and Dispone to and in favour of Archibald Douglas of Douglas Esqr Colin Douglas Esqr [p.311] Esqr of Mains, Mr James Ferguson yo[unge]r of Pitfour Advocate, Walter Monteath yo[unge]r of Kipp Merch[an]t in Glasgow, Archd Campbell of Succoth one of the p[ri]ncip[al]e Clerks of Session And Mr Islay Campbell youn[ge]r of Succoth Advocate as Trustees named by me for the persons and to and for the uses ends and purposes herein after written and to the survivors or survivor of them and whereof the major part of them that shall accept and shall be in life at the time are always hereby declared to be a quorum and all and sundry Lands heretages debts and sums of Money whether heretable or moveable which shall happen to belong or be due and indebted to me by heretable or moveable bonds Contracts Infetments Decrees bills Tickets Acco[unt]s or any other manner of way whatsoever at the time of my death with the s[ai]d Bonds heretable or moveable and other writs or Instructions of debt themselves and all action and Execution competent thereon and also all and sundry other Goods Gear Chattels Corns Cattle Stacking mails farms And duties of Lands Insight Plenishing and Other household furniture of whatever kind And Cloths woollen and Linnen cutt or uncutt within my dwelling home or homes That shall belong to or be possessit by Me at my death or in my other place or [p.312] or in the custody of any other person for my behoof and generally my whole heretable and moveable Estate of whatever kind or nature Including heirship

moveables that shall happen to pertain and belong or be addebted or owing to me any manner of way the time of my Decease dispensing hereby with the generality hereof and declaring the same to be equally Good value and sufficient to all intents and purposes as if the said Goods and Gear debts and Sums of Money and others before disponed were herein verbatim insert and ingrost and Declaring also that any List or Inventory of the particulars of the said debts Goods or Effects which may hereafter be signed by me at any time of my life shall be holden as part thereof and equally sufficient as if herein written and further without hurt or prejudice to the disposition before written but in further corroboration thereof I hereby nominate and appoint my Trustees before named or quorum of them for behoof of the persons after designed and to and for the uses ends and purposes afterwritten to be my sole and only Exe[cuto]rs universal Legators and Intromittors with my whole moveable Goods & Gear with full power to them or quorum of them before ment[ione]d but under the provisions and Conditions afterwritten immediately after My decease to intromitt with uplift receive transfer convey or discharge the whole debts sums [p.313] sums of Money household furniture and other Heretable and moveable subjects before disponed and if needful to call and sue therefore give up Inventories of the moveable subjects and confirm the same and generally every other thing in relation to the premises to do which I could do myself provided and declared that these presents are granted and shall be accepted of by the before named persons as Trustees named by me for the behoof of the persons after designed and to and for the uses ends and purposes after written Viz In the first place to this end that my sd Trustees may apply the first and readiest of My Estate Goods and Effects for payment of my just and lawfull debts which shall be owing by me and to the implement of the obligations wherein I shall stand any ways Bound and engaged at the time of my decease With my funeral Charges and Expences and in the next place for payment of the several sums annuities and Legacies hereby bequeathed by me to the particular persons after designed Viz To Catharine Brent Relict of the deceased James Douglas Mercht in Virginia my Brother German the sum of one hundred and fifty Pounds Sterl[in]g money yearly during her life remaining a widow and residing in Scotland at two terms in the year Whitsunday and Mart[in]mas by equal portions beginning the first term [p.314] term or half years payment thereof at the first

term of Whitsunday or Martinmass immediately following my decease in case if her surviving Me and so furth termly thereafter during all The days and years of her Lifetime remaining A Widow and residing in Scotland with one fifth part more of the said revenue termly payments by way of penalty in case of failure and the ordinary @ rents of such revenue termly payments from thirty days after they shall severally become due in case of and during the not payment of the same It[em] to Margt Douglas my Niece the eldest lawful Daughter of the now deceased James Douglas Mercht in Virginia my Brother German the sum of two thousand pounds Sterl[in]g of p[rincip]le and the like sum of two thousand pounds Sterlg Of prinle to Catharine Douglas her sister German the youngest Daughter of the said James Douglas my Brother in name of portion to each of them to be pay[ab]le to them receive at the first term of Whitsunday or Mart[in]mas after the several events of my decease and their attaining to the age of eighteen years compleat rexive or being lawfully married with the ordinary @ rent of the sd rexive sums from and after the first term of Whitsunday or Marts immediately preceeding my decease to the rexive terms of payment [p.315] payment above written and thereafter during the not payment of the same and further for my said Nieces their more comfortable subsistence and Aliment in a way

suitable to their station while they remain unmarried after my decease I hereby leave and bequeath to the saids Catharine and Margaret Douglasses my nieces the reixive sums aftermentd over and above the legal Interest of their portions before specified and whether @ rents be augment or diminished by way of annuity and in name of Aliment to them Viz To the said Margaret Douglas the sum of fifty pounds sterling and to the said Catharine the like sum of fifty pound str And there yearly at two terms in the Year Whitsunday and Martinmass by equal Portions for all years and terms after my Decease while my sd Nieces remain unmarried only beginning the first terms payment at the first term of Whits or Marts after my Decease for the half year preceeding and so furth termly thereafter with one fifth part more of each of the said termly aliments or Annuities in name of penalty for each terms failure and legal Interests of the said termly payments from the space of thirty days after they shall severally [p.316] severally become due ay and until the same be paid Declaring always that their reixive sums are and shall be held to them as in full of all that they can claim in any manner of way either by my decease or the decease of the said James Douglas their father from Archibald Douglas their Brother German the only son of the said James Douglas or heirs of his Body without prejudice always to their succeeding as heirs or Exe[cuto]rs to him or me in their due course as after provided in case of the decease of the said Archibald Douglas without heirs of his own body and declaring in case the said Archd Douglas should Die without heirs of his own body whereby the said Margt Douglas his sister shall succeed to the free residue of my effects as hereafter provided that then the foresaid two thousand Pounds Sterling of portion provided to her share fall accresce and devolve upon the sd Catharine Douglas her sister and the heirs of her body and be payable to them over & above and in the same Regard to her own portion It[em] to Elizabeth Douglas alias Wallace my sister German the widow of Thomas Wallace Mercht in Glasgow and failing of her by decease to Thomas Wallace her son the sum of seven hundred Pounds [p.317] Pounds Sterling Item to the said Colin Douglas of Main the sum of one thousand pounds Sterlg of principal Item to Rebecca Monteith eldest Daughter of Walter Monteith of Kep procreate betwixt him and Jean Douglas my sister German the Sum of one hundred pounds To Jean Monteith the youngest Daughter of the sd Walter Monteith of Kep the sum of one hundred pounds Stirling To James Monteith the second son of the said Walter Monteith and Jean Douglas the sum of one hundred pounds Sterling over and above the sums advanced by me and upon his acco[un]t preceeding this fate Item I hereby discharge William Monteith third son of the said Walter Monteith and Jean Douglas the sum of two hundred pounds str already advanced by me to him and upon his Acco[un]t Item I hereby discharge John Monteith their fourth son of the sum of two hundred Pounds sterling part of a large sum Already advanced by me to him Item I hereby

Discharge Colin Monteith their fifth son of two hundred pounds sterling already advanced by me to him Item I leave and bequeath to Thomas Monteith their sixth son the sum of Two hundred pounds sterlg To Archd Douglas Monteith their seventh son the sum of two Hundred pounds sterlg To David Monteith Their Eighth son the sum of two hundred Pounds sterling To Archd Douglas Monteith second [p.318] second son of the said Walter Monteith you[n]ge[r] Of Kepp Mercht in Glasgow the sum of two hundred pounds sterling and to Campbell Douglas third son of the deceased John Douglas of

Mains my Brother two hundred pounds sterling And further in case the said Archd Douglas my Nephew Margt and Catharine Douglasses my Nieces shall happen to die without heirs of their Body and

Without the said Catharine and Margaret Douglasses their uplifting or disposing of their

Provisions before mentd whereby there provisions with the Residue of my whole means and Estate will fall and belong to Jean Monteith Alias Douglas my sister and her heirs in terms of the declaration afterwritten In these Events or in the Event of the said Jean Monteith and Her foresaids otherwise succeeding to the said Provisions and Residue of my said means Estate I hereby leave and bequeath to the said Colin Douglas of mains the further sum of two thousand pounds sterlg of prin[cipa]ll and to the said Elizabeth Douglas alias Wallace my sister and failing of her by decease to the said Thomas Wallace her son whom failing to the Said Colin Douglas of Mains the further sum Of two thousand pounds sterlg of principall All the foresaid sums and Legacies in the First term of Whits or Marts after my decease With a fifth part more in case of failure and the ordinary @ rent of the sd several principal sums [p.319] sums for the first term of Whitsunday or Martinmass preceeding my decease ay and until payment declaring always that the sums which hereafter may be advanced by Me to or upon the acct of the sd younger Sons of the said Walter Monteith elder of Kepp Before named shall be retained by my sd Trustees out of the revenue Legacies before mentd Item I hereby order and appoint the persons who shall succeed to the Residue of my Estate And Effects as aftermentd to make up proper Titles in their person and grant and deliver To the said Walter Monteith you[nge]r of Kep And his heirs a valid and former Disp[ositio]n to the said Jean Douglas his mother in Liferent and himself in fee of All & whole their two third shares or such other shares as shall by Law be found to belong to me and to the heirs of the said deceased James Douglas my Brother German of that Ten[ure] Of Land high and laigh back and fore With the Closs and pertinents lying upon The south side of the Bridgegate Steet of Edr. Glasgow which pertained to the deceased James Douglas late of Mains my father cont[ainin]g Assignation to the foresaid shares of the Rents mails and duties of the said Tenement Form the time that the sd deceased James Douglas and I shall be found to have Acquired right thereto and in all time thereafter with other usual and necessary Claims and with Residue of my said Goods [p.320] Goods and effects herein before disponed after payment of the debts and legacies before specified and of such other legacies or sums as I shall hereinafter plead to legate and bestow by a writing under my hand at any time of my Life etiamis in articulo mortis together with the Stock of the foresaid respective Annuities upon the ceasing thereof I hereby declare that the same is settled upon the persons before named my Trustees or quorum of them in trust for the use and behoof of the persons afternamed and to and for the uses ends and purposes after written Viz To and for the use and behoof the said Archd Douglas my Nephew only son of the said deceased James Douglas my eldest Brother German and heirs whatsoever of his Body whom failing to the sd Margt Douglas his sister German eldest to the sd Marg Douglas his sister German eldest lawfull Daughter of the said James Douglas and heirs whatsoever of his Body whom failing to the sd Catharine Douglas youngest lawfull Daughter of the sd James Douglas and the heirs whatsoever of her body whom failing to the sd Jean Douglas alias Monteith my sister German, the wife of Walter Monteith of Kepp and the heirs Male of her body in her present or any subsequent Marriage in their due course and order whom failing to the sd Elizabeth Douglas alias Wallace my youngest sister and the heirs [p.321] heirs male of her body whom failing to the heirs male of the body of

the now deceased John Douglas of Mains my eldest brother Consanguineum and the heirs male of their bodies receive in their due course and priority of birth (excepting always) and secluding such of the said heirs male as shall have succeeded or be in possession either of the estates of Nairns or Blythswoods by virtue of the settlements and Entails of the Estates or who may thereafter succeed thereto immediately upon such their reixive successions all of whom are hereby debarred from any share of my estate or effects and the same is hereby appointed to fall & devolve upon the heir next in course of succession by virtue of these presents upon failing to the heirs female of the sd Jean Douglas alias Monteith my sister in her presence or any subsequent present marriage whom failing to the heirs female of the body of the Body of the sd Elizabeth Douglas alias Wallace my youngest sister whom failing to the heirs female of the body of the deceased John Douglas late of Mains not exceeding to the Estate of Mains or Blythswood as above whom failing to my own nearest heirs and Assignees whatsoever the eldest heir female always succeeding always without division throughout the whole course of succession and [p.322] and excluding their youngest sisters as heirs portioners and the said Archd Douglas and the whole other heirs of Tailzie and provision aforementd carrying always the Surname of Douglas and Arms of Douglas with the addition of a woman trampling a snake under her feet and supporting a child in her arms around with Laurels or such other arms as I shall appoint by a writing under my hand at any time of my life and who with and under the conditions provisions and Reservations particularly aftermentd and to and for the uses ends and purposes after written Viz To the end that my sd Trustees or quorum of them so soon as conveniently may be and that a proper purchase of purchase shall after after my decease may after laying and what they think necessary for the payments of my debts and legacies and other above mentd or such as I shall hereafter please to legate or bequeath and of all necessary Expences in the premisses by themselves or others to be employed under them in the Execution thereof lay out invent & employ the free residue of my said money Goods and Effects hereby conveyed or such part thereof as they shall see proper & convenient in the purchase of Lands in Scotland the lands so to be purchases to be called in all time thereafter Douglas Support (or Mains Support) [p.323] Support of Douglas in the Event That the said Archd Douglas my Nephew shall succeed to the Estate of Mains or such of their name as I shall at any time in my Life shall shall by a writting under my hand design and which Lands shall be held by my saids Trustees in their own names & in their own persons in trust and so and for the sue & behoof always of the persons above named until my heir at the time shall arrive at the age of twenty two years compleat and That they shall then only be obliged to denude thereof as soon as required by my said heir at the time To and in favours of such heir and of my said other heirs of Tailzie and provision before specified in the order and course before specified but with and under the burden of the several debts and Legacies before specified with such other as I may please to make in so far as the same shall not be then paid or separate funds reserved for payment thereof and also with and under the other conditions and provisions beforemantd with respect to the carrying the name & Arms of Douglas and likewise under all such other conditions provisions limitations clauses irritant and resolute Reservations burdens or others as I shall at any time of my life by a writting under my hand direct & appoint and failing thereof as the said Trustees themselves or quorum of them shall think fit fir the purpose always [p.324] always of preserving and perpetuating my Memory and continuing the said Lands in the line and course of succession hereby settled and no otherways and On

the meantime I hereby authorize my said Trustees or quorum of them to name and employ Factors Agents and others necessary under them for collecting and engathering the Subjects hereby conveyed or Rents and proports thereof and to give and bestow upon them such suitable salaries or other Gratifications as the nature of the case shall require and they shall see proper And further I hereby will and appoint That my sd Trustees or quorum of them shall have the direction Charge and Management of the sd Archd Douglas his sisters their persons aliment & Education during the pupillarities & Minorities and they are hereby empowered to demand the custody of their persons from whoever shall be possessed thereof at the time and to bestow what they see necessary for the above purposes ? of the sums belonging to them rexives hereby conveyed And I further declare That it is my will and Intention That the said Archd Douglas my Nephew should be bred to business such as it shall appear to my said Trustees shall best suit his own Genius And also That the said Archd Douglas my nephew and Margt & Catharine Douglass my nieces be bred up & educated [p.325] educated in the principles of the reformed protestant Religion as established by Law in Great Britain and That in case of their either professing the Roman Catholic Religion or their not continuing to reside in Great Britain under my Management as at present and continuing in Britain under the Management of my sd Trustees if required by them after my death in either of these cases the sd Archd Margt and Catharine Douglasses and heirs of their Bodies rexive are hereby totally debarred and excluded from any Right and Title to my Estate and Effects heretable and moveable or any part thereof and the same is hereby declared to devolve upon appertain and belong to the person next in Course herein before appointed to succeed to me as above in the same way as if the forenamed Archd Margt & Catharine Douglasses had never existed And further That is case the sds Margt & Catharine Douglasses my wives shall happen to succeed to the said Estate and Effects by the decease of the sd Archd Douglass their Brother and heirs of his Body or otherways either during the subsistance of the present Trust or afterwards shall marry contrary to the advice and without the consent of the persons before named my Trusteer or major part of them alive at the time Then [p.326] Then and in that case I hereby totally exclude & debar the said Margaret & Catharine Douglasses or such of them as shall so marry contrary to the Advice and without the consent foresaid from the succession to my sd Estate & Effects notwithstanding the same should open to them by the decease of the predeceasing heirs thereby names & in that Event do hereby confine and restrict them to their original portion of two Thousand pound sterling money of prinle and Interest and penalty corresponding thereto as above And I appoint my said Trustees in the severall Events before mentd if not previously denuded To denude in the terms rexevely before specified accordingly and no other in favour of the heir next in course hereby called to the succession of the said Margt and Catharine Douglasses and heirs of their body rexive whom failing as above and Lastly It is hereby declared that my sd Trustees shall not be liable for omissions or in solidum for others nor for their acting under them farther than that they shall be habite and refute to be responsed at the time But only for their own actual Intromissions with the subjects hereby conveyed and That an acco[un]t signed by them of their charges and Expenses in the premisses shall be held as sufficient Evidence of such Expenche with and under all which conditions & provisions [p.328] provisions these presents are granted and no otherwise and further in case of any of my said Trustees notwithstanding of their acceptance and acting as such shoulf hereafter be desirous to give up & Relinquish the said Trust That they shall be at full Liberty so to do upon

three Months previous advertisement to the other Trustees who shall chuse to continue and in case of the whole of them chusing so to do That they shall in the like manner (notwithstanding my wishes and earnest Request to continue be at full Liberty so to do upon the like notice to my heirs for the time They always denuding of the premises in this last Event under the several conditions and provisions herein before mentd And I hereby revoke and recall all former Settlements made by me of my sd Estate Goods and Effects or any part thereof Excepting a Settlement of one hundred pounds Sterling lately made by me upon the said Walter Monteith of Kepp and Jean Douglas my sister his spouse and longest liver of them in Liferent saving and reserving to myself not only my own Liferent of the several subjects & sums before disponded But also full power & Liberty to me at any time during my Life etiamsi in articulo mortis to revoke restrict burden or alter this present disposition in whole or in part as I shall see cause and [p.329] and think fit and to uplift discharge convey me and dispose upon the sd subjects & others at my pleasure anf That without the consent of any of the forenamed persons Trustees heirs of Legators or their foresaids had or obtained thereto But in case the same shall not be altered or revoked then albeit these presents shall be found lying by me or in the custody of any other person undelivered at the time of my decease yet I hereby dispence with the not delivery thereof and declare the same to be as valid & sufficient to all intents & purposes as if it had been delivered by me any Law or custom to the contrary notwithstanding And for the more security I consent to the Reg[istratio]n hereof in the Books of Council and Session or any of the proper Court therein to remain for preservation and constitute Mr David Rae Advocate my Pro[curato]r for that purpose In witness whereof these presents consisting of this and the twenty one preceding pages are written upon stampt paper by Alex Wright Apprentice to James Ferrier writer to the Signet are subscribed by me at Ed[inbu]r[gh] the eighteenth of Augt 1773 years before these witnesses John Ker & John Willor [p.330] Willore bothing servants and the sd James Ferrier witness also to my Signing the Marginal Notes on the tenth and nineteenth pages written by the sd Alexr Wright the place & date of signing being filled up by the sd James Ferrier signed M Douglas Ja. Ferrier witness John Willore witness Masters James Smollet & c[etera] rat[ify] & app[rove] & I con[sent] the sd defunct her last will and Testament before written and Inventory foresd with full power & c Cau[tione]r James walker writer to the Signet dated 6 Jany 1775 First Eik to the Test Testr of the deceased Margaret Dutchess Dowager of Doulgas Masters And[re]w Balfour Robt Craig George Ferguson and John Mackenzie Comr of Edr R Act C the said Archd Douglass of Douglass Esqr Colin Douglas Esquire Mr James Ferguson Walter Monteith and Archd Campbell only Exers Testamentars to the sd defunct and In and To the debts & sums of Money aftermentd which was addebted & ommitted viz the sum of five pounds strlg as part of the Interest due on a Bond granted by Thomas Hamilton of Overtown now deceased William Moor of Bruntwood and John Hamilton of Down Mercht in Glasgow to the deceased Archd Duke of Douglas for [p.331] for five hundred pounds sterlg dated the 17th & 18 days of May 1757 and to which the said deceased Margaret Dutchess of Douglas had Right by general Disp[ositio]n and Inventory relative thereto Extending the foresaid sum of £5 Str in Scots money to £60 and we give and committ the Intromission therewith to the sd Archd Douglas of Douglas and Colin Douglas Esqre Mr James Ferguson Walter Monteith & Archd Campbell Exers foresd with full power to them to uplift receive & dispone thereupon Cautioner James Walter Writer to the Signet dated 22 Novr 1776