

Henry Mackenzie SC70/1/46 [p.137] Henry Mackenzie 31 December 1831 At Edinburgh the thirty first day of December Eighteen hundred and thirty one years the following Inventory of the Personal Estate of Henry Mackenzie deceased and Deed relative to the disposal thereof were presented by Mr James Mackenzie Writer to the Signet – Inventory of the Personal Estate of Henry Mackenzie Esquire Comptroller of Taxes for Scotland who died on the 14th January 1831 with interest on principal sums at that date 1 Balance due by Sir William Forbes & Co[mpany] Bankers Edinburgh on account current with the deceased ending 14th Jan[ua]ry 1831 \_\_\_ £955..17..8 2 Principal sum in promissory Note to the deceased by the Honourable John Kay Forbes one of the Senators of the College of Justice dated 15 March 1826 \_\_\_ £1500..-.- Interest thereof from 15 March 1830 to 14 Jan[uar]y 1831 @ 4 p[er] cent 305 d[ay]s 56..8..1 1556..8..1 3 Principal sum due by the Right Hon[oura]ble the Earl of Seafield to the deceased being balance of Mrs Mackenzies provision from her farther the late Sir Ludovick Grant \_\_\_ £1000..-.- Interest thereof form Mart[in]mas 1830 to 14 January 1831 –64 days @ 4 p cent \_\_\_ 7..-..3 1007..-..3 4 Balance of Loan originally £500 by the deceased to James Mackenzie W.S. at 30th June 1824 \_\_\_ £281..5..9 Interest thereof to 14 Jan[uar]y 1831 –6 y[ea]rs 198 d[ay]s @ 3 p Cent \_\_\_ 55..3..10 336..9..7 5 Interest from 2d Feb[ruar]y 1830 to 14 Jan[uar]y 1831 of £2500 in Bond by Sir William Gordon Gordon Cumming Bar[one]t to the deceased & his spouse in liferent & Misses Margaret & Marianne Hope Mackenzie & Mrs Mackenzie in fee –364 days @ 4 p Ct \_\_\_ 94..15..10 6 Interest from 26 March 1830 to 14 Jan[uar]y 1831 of £1500 in Bond to the deceased & his spouse in liferent & Misses Margaret & Marianne Hope Mackenzie in fee 294 days @ 4 p cent \_\_\_ 48..6..7 7 Principal sum in Bond by Sir William Gordon Gordon Cumming Bart to the deceased dated 30 March 1830 \_\_\_ £1000..-.- Interest thereof from 26 March 1830 to 14 Jan[uar]y 1831 –294 days @ 4 p cent \_\_\_ 32..4..4 1032..4..4 8 £2150 of the Capital stock of the Bank of the British Linen Comp[an]y Edinburgh @ £250 p Cent \_\_\_ 5375..-.- 9 6 2/5th shares of the Gas Light Co of Edin[bu]r[gh] @ £52..10/ \_\_\_ 336..-.- 10 5 shares of the stock of the Oil Gas Compy of Edinr. @ £14..10/ \_\_\_ 72..10..- 11 5 3/5th shares of the stock of the Water Compy of Edinr. @ £39 \_\_\_ 218..8..- 12 Arrears of Salary due to Mr McKenzie as Comptroller of Taxes at his death \_\_\_ 121..18..7 13 D[itto] as Attorney in Exchequer \_\_\_ 89..-..7½ 14 To Amount of Accounts due to Mr McKenzie vi[delicet] From Exchequer \_\_\_ £61..9..11 Board of Excise \_\_\_ 104..-..4 Stamp Office Sol[icito]r of Legacy duty 31..11..- D[itto] Sol[icito]r of Stamps \_\_\_ 39..5..6 Customs Leith \_\_\_ 6..14..4 Ditto \_\_\_ - ..16..2 Ditto \_\_\_ 1..19..6 [p.139] [in margin on side] Edinb 11th January 1832 Received up the Trust Disposition and Settlement and Directions and Appointment by Henry Mackenzie Esq referred to in the annexed Deposition for Mackenzie and Innes David Brown [main text] John Bowie WS Sol[icito]r of Post Office \_\_\_ 4..13..8 John Mill Esq \_\_\_ 6..9..4 1/12 Francis Wilson WS \_\_\_ 2..8..4 Rees upon ? Excise Amount for year to 5 July 1828 \_\_\_ 30..-.- 289..8..11/12 15 The deceased had £200 invested in the stock of the Beacon Insurance Compy of London upon which sum the Company gave up has mess the deceased drawn a dividend of 10 p Cent, -but no further value can be put upon it There were purchased by the deceased one share in the Irish Government Tontine –one in name of each of his daughters Misses Mary Mackenzie & Hope Mackenzie but from the Debentures not having been seen by the Executors they are not pressured to say whether the shares fall to be considered as belonging to Mr Mackenzie himself or to his Daughters (Signed) J McKenzie –George Carphin At Edinburgh the thirty first December in the year one thousand eight hundred & thirty one In presence of George Carphin Esquire Commissary Clerk of Edinburgh Commissioner appointed by the Honourable the Commissaries of Edinburgh for taking the following deposition Appeared The Honourable Joshua Henry Mackenzie one of the Senators of the College of Justice one of the Executors of the late Henry Mackenzie Esquire Comptroller of Taxes for Scotland who being solemnly sworn and examined Depones That the said Henry Mackenzie died upon the fourteenth day of January one thousand eight hundred and thirty one and the Deponent has along with the other Trustees & Executors nominated and appointed by the said Henry Mackenzie (with the

exception of Mrs Penuel Mackenzie his relict who has declined to accept and act as Trustee & Executor) conform to Trust Disposition & Settlement executed by him dated the twenty ninth day of June One thousand eight hundred & twenty four entered upon the possession & management of the deceaseds personal Estate as Executors nominated by him under the foresaid Deed which is now exhibited and signed by the Deponent & the said Commissioner of this date as relative hereto That the Deponent does not know of any Settlement or writing relative to the the disposal of the deceaseds personal Estate or Effects or any part of them other than that now exhibited and a memorandum of Dispositions executed by the said Henry Mackenzie having reference to the foresaid Trust Disposition dated the twenty eighth day of February One thousand eight hundred and twenty seven also now exhibited & signed by the Deponent and the said Commissioner of this date as relative hereto That the foregoing Inventory each page of which is signed by the Deponent and the said Commissioner as relative hereto is a full and true Inventory of all the Personal or moveable Estate and Effects of the said deceased Henry Mackenzie wheresoever situated already recovered or known to be existing belonging or due to him beneficially at the time of his death and that the value of said Estate situated in Scotland is of the value of Twelve thousand pounds and under the value of Fourteen thousand pounds All which is truth as the Deponent shall answer to God And that the Executors require Confirmation of the sums in the Inventory (signed) J H Mackenzie George Carphin Com[m]issioner Follows Trust Disposition & Settlement I Henry Mackenzie Comptroller of Taxes for Scotland Considering That it is proper to make provision for the Settlement of my Affairs in the event of my death and having entire confidence that the friendship & affection of the persons after named will induce them to accept and execute the Trust herein after reposed in them agreeably to my wishes and intentions Do therefore hereby Give grant assign dispone and make over to and in favor of Mrs Penuel Mackenzie my spouse The Honourable Joshua Henry Mackenzie one of the Senators of the College of Justice and James Mackenzie Writer to the Signet my sons Robert Davidson Esquire of Renellay Doctor Joshua Henry Davidson Physician in Edinburgh his Brother The Honourable Colonel Francis William Grant of Grant Charles Lennox Cumming Bruce Esquire of Roseisle and Kinnaird John Hay Forbes Esquire Advocate and William Forbes his eldest son and to such other person or persons as I shall hereafter name by a writing under my hand and to the survivors or survivor of such of them as shall accept declaring that then while so many survive shall be a quorum the said Mrs Penuel Mackenzie during her survivance being always one as Trusted for the uses ends & purposes underwritten and to their assignees all & sundry Lands and heritages taks debts sums of money Government and Bank stock Goods gear & effects of any denomination whether heritable or moveable real or personal wherever situated at present belonging or which shall pertain and belong to me at [p.141] the time of my death and particularly without prejudice to the said generality all and whole my dwelling house number six of the East Division of Heriot row consisting of three stories and garret story with five Cellars under the paramount in front and a garden or piece of back ground on the north with ? house stable and other offices built thereon bounded on the south by the said street called Heriot row on the east by the House and ground belonging to Lord Alloway on the north by a Mews lane running from east to west and on the west by the House and ground belonging to James Laidlaw Writer to the Signet all lying within the Parish of St Cuthberts Barony of Broughton and Sherifffdom of Edinburgh As also all & whole not only an Annual rent less or more as shall by law for the time effer and correspond to the principal sum of Two thousand pounds Sterling to be uplifted and taken at two terms in the year Whitsunday & Martinmas by equal portions during the not redemption with a fifth part of each terms annual rent of liquidate penalty for each terms failure in the punctual payment thereof Forth of all and whole the land teinds and others underwritten vizt all and whole the three plough land of Cluny with the mill and mill lands thereof multures sucken sequels & knaveship of the same and all and whole the pendicle of ground of Pitgown farm formerly belonging to His Grace the Duke of Gordon and now comprehended within Colonel Duncan Macphersons plantation as also all and hail the Davoch lands of Gaskenlein comprehending therein the lands of Catlodge And all and whole last part of the meadow of Gaskbeg which lies on the south side of the River Spey together with that part of Gargask also lying on the

south side of the said River and opposite to the new Church of Laggan now annexed to the said lands of Gaskenlein with the manor places houses biggings yards orchards mosses muirs Meadows woods fishings outsets insets properties commodities and hail other privileges liberties and casualties belonging thereto used and inert all lying within the Parish of Laggan Lordship of Badenoch and Sherifffdom of Inverness and sicklike all and hail the two plough lands commonly called or known by the name of Callag-Etternish or Callag of Etternish upon the north side of Locherracht with houses biggings yards orchards mosses muirs meadows woods fishings grazings sheilings outsetts insetts properties commodities and hail other liberties privileges and casualties belonging thereto used & inert as said is lying within the Parish of Kingussie Lordship of Badenoch and Sherifffdom aforesaid And also all and hail the Davoch Town and lands of Naidmore with the houses biggings tofts crofts outsetts insetts woods fishings multures together with the grazings shealings and pasturages of the same in Atrinackack Ruirarie and Reyaultraich used and inert and as the tenants and possessors of the said lands were in use of before and all & hail the town and lands of Nordbeg with the grazings shealings and pasturages in Auldglaries and Bicaulducore used and inert and as the tenants and possessors of the same were in use of before extending in whole to two davochs of land with all and sundry their houses biggings yards tofts crofts woods fishings multures outsets insets mosses muirs parts pendicles and pertinents whatsoever and farther all and hail those parts and portions of the lands of Tallichera lying on the south side of the water of Calder being formerly parts and portions of the lands and Estate of Banchor and all and whole the lands of Deluashell being formerly parts and portions of the Davoch town and lands of Clunie with the houses biggings yards crofts mosses muirs parts pendicles and whole (pertinents) universal pertinents pertaining and belonging to the said lands of Tulfichers and Dalnashelaig all lying within the Parish of Kingussie Lordship of Badenoch and Sherifffdom of Inverness together with the teinds parsonages and vicarage of the said lands above specified and sicklike all and whole the lands of Kinlochlaggan the lands of Muchoul the lands of Inverruideg being one third part of the lands of Muchoul Item the two Eastern ploughs of the lands of Gallovie and all and hail the lands called Tullochcrowe being part of the lands called Lagganchruirish with the sheilings thereof called Carragchonsa or Cryrishreadag and Lillnadrachite Aberarder and Strathcuisuashin or Strathcruanachkan with the sheilings thereof called Rhin a leachkine Corryarder Maggach and Corrychrunachan parts pendicles and pertinents thereof and multures of the whole Davoch of Lagganshrinish all lying within the Parish of Laggan Regality of Grant and Sherifffdom of Inverness with the lands great & small [p.143] parsonage and vicarage of the said lands & sheallings last mentioned which lands in the year One thousand seven hundred and twenty six were held in wadset by John Macdonald together also with houses biggings years woods fishings mills miln lands sucken sequels and knaveship thereof parts pendicles & universal pertinents of all the said lands lying in the Parish of Laggan and Sherifffdom of Inverness and moreover all and whole the Town and Lands of Laggan or Lagganchruish with the pendicles thereof called Islandmore and shealings of Innismcallan or Innisracal and Inlett with houses biggings years grazings sheillings mosses muirs woods fishings & meadows parts pendicles and hail other pertinents thereunto belonging with the teinds both great & small parsonage and vicarage of the said lands & sheallings as the same were sometime possessed by Alexander Macdonald of Tullachcrome and his substituants and as the hail Davoch of Lagganchrinish are respectively designed in the ancient rights and enfeftments of the same as also all and whole the lands or Glebe of Laggan as formerly occupied by the Reverend Mr James Grant Minister of Laggan and his predecessors in office with the parts and pendicles thereof together with the pasturages and grazings pertaining to the said lands and which lands or Glebe were acquired by the said deceased Colonel Duncan Macpherson by and in consequence of an excambion with His Grace the Duke of Gordon and further all & whole the lands known by and comprehended under the Forest and grazing of Benalder with the teind & parsonage & vicarage thereof and sheilings parts pendicles and pertinents thereto belonging in manner more fully described and Contained in a Contract of Excambion entered into betwixt the deceased Colonel Duncan Macpherson & the Duke of Gordon proceeding upon a Decreet Arbitrat pronounced by William Tod Factor for the said Duke and Lauchlan Macpherson of Palia upon a Submission entered

into betwixt his Grace and the said deceased Colonel Duncan Macpherson for excambeing lands and settling the marches of their respective properties all lying within the foresaid parish of Laggan and Sheriffdom of Inverness as the said several lands teinds and other are contained in the deceased Colonel Duncan Macpherson of Clunys rights and title deeds thereof and in the Trust Disposition granted by him and Infetment following thereon or forth of any part or portions of the said several lands teinds and other first and reediest rents profits and duties of the same But also all and whole the said several lands teinds and other with the pertinents themselves in further and real security to the said Trustees and their foresaids of payment of the principal sum of Two thousand pounds Sterling with four hundred pounds sterling of penalty in case of failure and the legal interest of the said principal sum that may be resting unpaid at the time of my death and thereafter during the not redemption payable at two terms in the year Whitsunday and Martinmas by equal portions with Ten pounds Sterling of penalty for each days failure in the punctual payment of the said Interest all contained in and due by an heritable Bond dated the twenty first and twenty seventh days of November and twenty eighth day of December in the year One thousand eight hundred and twenty granted in my favor by Mrs Catharine Cameron otherwise Macpherson widow of Colonel Duncan Macpherson of Cluny Roderick MacNeill Esquire of Barra & Duncan Cameron Esquire Writer to the Signet a quorum of the Trustees nominated and appointed by the said deceased Colonel Duncan Macpherson conform to Two Trust Disposition therein mentioned by virtue of which heritable Bond and Precept of Sasine therein contained I was duly Infet in the foresaid annualrent and teinds and others above mentioned in security conform to Instrument of Sasine in my favor dated the twenty second twenty third and twenty fourth days of February and recorded in the General Register of Sasines at Edinburgh the twenty second day of March in the year one thousand eight hundred and twenty one But redeemable always and under reversion in manner mentioned in the said heritable Bond and Infetment But declaring that these presents are granted to the said persons in trust allenary for the payment of my just and lawful debts and for such other uses ends and purposes as I may declare and appoint by any security under my hand bearing reference hereto whether annexed to this Deed or written in a paper apart In which Dwelling house annualrent and teinds and others in security and other heritable subjects requiring Infetment I Bind and oblige me and my heirs & successors to infet and lease the said Trustees & their foresaids But in trust always for the uses ends & purposes foresaid and that by two several [p.145] Infetments and manners of holding a me val de me and for that purpose to grant all Deeds & writings that may be necessary and I do hereby assign and make over to the said Trustees and their foresaids the rents mails and duties of the subjects above disposed annualrents of the said Bond falling due form and after my death as also the writs title deeds and securities of the said subjects as well as the foresaid heritable Bond and Infetment thereon with all that has followed or may be competent to follow upon the same surrogating & ? them in my full right and place of the premises And I hereby nominate and point the Trustees above named and the survivors and survivor of them to be my sole Executors excluding all others from that office but always for the purposes foresaid and I declare that any Inventory of my moveable means & estate to be made up and subscribed by me as relative hereto shall be deemed and taken as part hereof & exclude the necessity of Confirmation as effectually as if every particular were herein especially described and conveyed and I hereby declare that my said Trustees and Executors shall not be liable for neglect or omissions of any kind nor singuli in solidum but each only for his own actual intromissions neither shall they be responsible for any persons with whom they may have occasion to transact in the execution of the Trust further than that such persons be reputed solvent at the time and I do hereby revoke and recall all former Deeds of Settlement made and granted by me inconsistent with these presents desiring always my own liferent use of the subjects hereby conveyed and also full power and liberty to alter innovate or revoke these presents in whole or in part at my pleasure But declaring the same to be a valid and effectual Deed in so far as not altered or revoked although found in my own custody or in that of any other person at the time of my death hereby dispensing with delivery And I Consent to the Registration hereof in the Books of Council & Session or other competent for preservation and for that purpose Constitute my Procurators

moreover I hereby desire & require you and each of you jointly and severally my Bailies in that part to the effect after mentioned specially Constituted That upon sight hereof ye pass to the ground of the foresaid dwelling house and others as also of the several lands and others disposed in security as aforesaid respectively and successively and there give and declare to the Trustees above named & such other person or persons as may be hereafter named by me and the accepters or acceptor survivors or survivor of them heritable state and sasine real actual and corporal possession of all and whole the Dwelling house and offices above disposed with the pertinents as also not only of all and while the foresaid annual rent of One hundred pounds Sterling or such an annualrent as shall effeir and correspond to the principal sum of Two thousand pounds Sterling yearly to be uplifted and taken at the terms and with the penalty before mentioned forth of all and sundry the lands teinds and others herein before described and when held as repeated or forth of my part or portion thereof but also of all and whole the said several lands teinds and others themselves ? real severally and for payment of the the sums of money principal annualrents and penalties before mentioned but redeemable always and under reversion in manner mentioned in the feus and heritable Bond and Infefment and that by delivery to the said Trustees or to their or his certain attorney or attornies in their or his names bearers hereof of earth and stone of the ground of the said dwelling house and others as also of a penny money and earth and stone of the ground of the said several lands (for the said lands themselves in security) with a handful of grass & corn thereof for the said Annualrent earth and stone of the ground of the several lands for the said lands themselves in security, a handful of grass and Corn for the said teinds and all other symbols usual and necessary But that in trust always for the uses ends and purposes above expresses and to be expressed by me in any Deed or writing relative hereto as above mentioned and these things in nowise ye leave undone which to do I commit to you and each of you full power by this my precept of Sasine directed to you for that effect In witness whereof I have subscribed these presents written upon this & [p.147] the five preceding pages of stamped paper by George Innes Clerk to William Innes Writer to the Signet at Edinburgh the twenty ninth day of June in the year one thousand eight hundred and twenty four before these witnesses the said William Innes and David Brown also his Clerk (signed) H Mackenzie William Innes Witness David Brown witness Edinr. 31 December 1831 This is the Trust Disposition & Settlement executed by Henry Mackenzie Esquire Comptroller of Taxes for Scotland & referred to in my deposition on the Inventory of his Personal Estate of this date (signed) JH Mackenzie George Carphin Comr. I the within named Pennel? Widow of Henry Mackenzie the Granter of this Deed now deceased Considering that I was named by my husband a Trustee merely as a mark of his affection for and ? confidence in me, but that from my advanced age and delicate state of health it would be difficult for me at all times to Act and that inconvenience might therein arise form the declaration that during my survivance must be one of the quorum, and having entire trust and confidence in the other Trustees within named have therefore resolved to renounce and decline accepting the office of Trustee conferred upon me Therefore I do hereby decline and altogether renounce accordingly accepting or acting as a Trustee under this Trust Deed (signed) Pennel Mackenzie –6 Heriot row Edinr. 2nd March 1831 Follows the Deed of Direction & appointment I Henry Mackenzie Comptroller of Taxes for Scotland Considering That I by a Trust Disposition & Settlement bearing date the twenty ninth day of June one thousand eight hundred and twenty four conveyed my whole heritable and moveable property to Mrs Pennel Mackenzie my spouse and the other persons therein named and it was thereby declared that the said Trust was granted for the payment of my debts and for such other cases and purposes as I might declare and appoint by ant writing under my hand and whereas I have now resolved to invoke the following Declaration & appointment relative to the disposal of the property conveyed to my said Trustees and of the proceeds thereof Therefore I do hereby Direct and appoint my said Trustees to apply my said property and due proceeds thereof as follows vitz First I direct them immediately after my death to deliver to the Honourable Joshua Henry Mackenzie my eldest son all my Greek and Latin Books also my Law Books excepting such as he may have copies of himself And to James Mackenzie my second son such of my Law Books as may not fall to his Brother under the above bequest as also

the several articles of furniture used in or belonging to the room or apartment in my house which may be occupied by him the said James at the time of my death Secondly I direct and appoint my said Trustees to pay to my daughter Mary or to apply for her use and behoof a free life annuity of One hundred pounds during all the days of her life from & after my death and I authorise my said Trustees if they shall find it necessary and proper to increase the amount of the said annuity but so as that the same shall not exceed the sum of one hundred and fifty pounds –I also direct my said Trustees to pay to my daughter Helen or to apply for on her behoof an annuity similar in amount to that bequeathed to my daughter Mary Thirdly I direct my said Trustees to give and allow to the said Mrs Penuel Mackenzie my spouse in [f] she shall survive me the life use & enjoyment of my remaining property and of the proceeds thereof subject only to the burdens of maintaining my daughters after named in so far as their own funds may not be adequate for that purpose Fourthly I direct my said Trustees to pay to the said Joshua Henry Mackenzie and James Mackenzie and to my other sons Rob[er]t & William both in the service of the East India Company the sum of Fifty pounds (Sterling) to each of them as a small mark of my affection to be paid at the first term of Whitsunday or Martinmas after the death of their said mother Fifthly I direct my said Trustees to pay to each of Frances Mary and Pannel Augusta the two daughters of my said son Joshua Henry the sum of Fifty pounds and I request that the whole or a part thereof may be laid out in the purchase of an ornament or other article in silver or Gold with an inscription bearing it to be a memorial of their affectionate Grandfather and Lastly I direct and appoint my said Trustees to pay convey and make over the residue and remainder of my said property and of the proceeds thereof to and in favour of my two daughters [p.149] Margaret and Hope equally between them their share and share alike and in the event of either of them predeceasing me her share to go to the survivor and I do hereby declare that the provisions hereby made in favor of my said wife and Children shall be in full to them and each of them of all they can ask or claim under the marriage Contract between my said wife and me as in any other manner of way In witness whereof these presents written upon this and the preceding page by Allan Kenzie apprentice to Mess[ie]rs Mackenzie & Sharpe in the year one thousand eight hundred and twenty seven before these witnesses Richard Mackenzie Writer to the Signet and John Ord Mackenzie his apprentice (signed) H Mackenzie Richd Mackenzie witness JO Mackenzie witness –28 February 1827 I desire that all my unpublished manuscripts which are now deposited in a Tin box fifteen inches broad and twelve inches high may be put into the hands of my eldest son Lord Mackenzie to be by him carefully examined in order to his determining as to the publication of them or any of them He will of course take to his assistance in this matter such of his Brothers and sisters as may be in Edinburgh and also Sir Walter Scott who has promised me to look over them carefully and give his opinion as to the propriety or expediency of the publication of them or any of them and I know he will cheerfully take the trouble of such revisal and probably will make such corrections as he may judge proper If resolved to be published he can assist in any bargain about them –I have been offered by several booksellers a large sum (more I think than they are worth) for the property of them –The sum procured by them to be added to my other Effects for the benefit of my wife and daughters above mentioned (signed) H Mackenzie (on the back) Lent to my son James £500 for which he gave me no security except an entry in his Book kept in Queen street – He paid in extension of it certain sums for me which he must use (Feby 1828) give me and account of and state the precise sum due to me. I mean to charge him only 3 p cent Interest which rate of Interest I should have and from Sir Jr Forbes & Co, had I lodged that money with them there Edinbr. 31st December 1831 This is the memorandum of Direction by Henry Mackenzie esquire Comptroller of Taxes for Scotland to his Trustees and referred to in my deposition on the Inventory of his Personal Estate of this date (signed) JH Mackenzie George Carphin Comr.