

Trust Disposition and Settlement of Caroline Nairne
SC49/31/40 pp.797-8

Caroline Nairne SC49/31/40 [p.797] [In Box] Extract Registered Disposition and Settlement By The Right Honourable Lady Nairne No 62 1845 [main text] At Perth the twentieth day of December Eighteen hundred and forty five In presence of Robert Whigham Esq Advocate Commissary of the Commissariat of the County of Perth Compeared John Conning Writer in Perth as Procurator for the Executors afternamed and designed and gave in the Extract Registered Disposition and Settlement by The Right Honourable Lady Nairne and relative Codicils Inventory of her personal Estate (duly stamped with thirty pounds Sterling [p.799] Sterling of duty) and oath therein all afterwritten declaring the same to be recorded in the Commissary Court Books of Perthshire conform to act of Parliament which desire the said Commissary finding reasonable he ordained the same to be done accordingly the tenor whereof follows vi[delice]zt At Edinburgh the seventh day of November in the year one thousand eight hundred and forty five In presence of the Lords if Council and Session Compeared James Moncreiff Esq Advocate Procurator The Right Honourable Lady Nairne and gave in the Disposition and Settlement and Two Codicils underwritten 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 Right Honourable Caroline Baroness Nairne do humbly Give Grant assign and Convey to and in favor of my Niece Miss Margaret Harriet Stewart Daughter of the the late Charles Stewart Esquire of Dalguise and to her heirs and assignees whomsoever my whole Estate both heritable and moveable real and personal of whatever description and without any exception and whether situated in Scotland or elsewhere presently belonging or which shall belong to me at the time of my death under the burden First of payment of my funeral expenses and just debts and Secondly under the burden of such Legacies as I lay hereafter bequeath by any writing under my hand And I name and appoint my said Niece to be my sole Executrix And I reserve my own liferent of the premises and full power to alter or revoke these presents in whole or in part And I dispense with the delivery hereof and declare the same shall be effectual tho' found in my own custody or in the Custody of any other person to whom I may have entrusted the same undelivered at the time of my death And I Consent to the registration hereof [p.801] hereof in the Books of Council and Session or other competent therein to remain for preservation and that all execution necessary may pass on a Decree to be interponed hereto in common form and thereto Constitute James Moncrieff Esquire Advocate Mt Procurators In Witness Whereof these presents written on the face of this sheet of stamped paper by George Milne Clerk to Mess[ieu]rs Fotheringham and Lindsay Writers to the Signet are subscribed by me at Munich in Bavaria on the Nineteenth day of November in the year Eighteen hundred and thirty eight before these Witnesses Walter Cramer Roberts Master of Arts Clerk residing at Munich and (and) Charles T J de Coetlogon officiating minister to the English Congregation at Munich (Signed) C Nairne Walter Cramer Roberts Witness Charles F J de Coetlogon Witness Follows Codicils I Caroline Baroness Nairne do hereby ratify and confirm my Disposition and Settlement dated on the nineteenth day day of November Eighteen hundred and thirty eight and of new convey my whole estate heritable and moveable to my niece Margaret Harriet Stuart and her heirs and assignees whomsoever but under the burdens and conditions therein mentioned and particularly under the burden of the following bequests (without prejudice to my other bequests) vizt. I bequeath to my faithful Servant Henrietta Vouaillat with my earnest good wishes the Capital Sum of Three hundred pounds Sterling payable at the first term of Whitsunday or Martinmas after my decease declaring that she shall besides this be entitled to all her wages legally due to her but not to her travelling expenses to her home which expenses I intend to be covered by this

bequest of three hundred pounds and secondly I bequeath to my name daughter Caroline Stewart daughter of my nephew John Stewart Esquire of Dalguise the sum of one hundred pounds Sterling payable at the [p.803] the first term of Whitsunday or Martinmas after my death and I consent to the registration hereof along with my said Disposition and Settlement and as made in relation thereto In witness this Codicil consisting of this and the preceding page written by John Mackenzie Lindsay Writer to the Signet is Subscribed by me at Gask on the seventeenth day of October Eighteen hundred and forty three before these witnesses the said John Mackenzie Lindsay and James Oliphant Esquire of Gask (signed) C Nairne John M Lindsay Witness Ja B Oliphant Witness I Caroline Baroness Nairne Considering that on the nineteenth day of November Eighteen hundred and thirty eight I executed in Disposition and Settlement in favor of my niece Margaret Harriet Stewart whereby I conveyed my whole Estate to her her and her heirs and assignees whomsoever but under the burdens therein mentioned and that on the seventeenth day of October Eighteen hundred and forty three I executed a Codicil whereby I confirmed my said Settlement and made certain bequests in favor of the parties therein named and being now desirous at alter my said Settlement and Codicil by restricting my said nieces right to the liferent of my Estate only and by giving the fee thereof to her brother John Stewart Esquire of Dalguise my nephew Therefore I do hereby give grant assign dispoise and convey to and in favor of the said Margaret Harriet Stewart in liferent for her liferent use and to the said John Stewart his heirs and assignees whomsoever in fee my whole Estate both heritable and moveable real and personal of whatever description and without any exception belonging to me or which shall belong to me at the time of my death But always under the whole [p.805] whole burdens contained in my said Disposition and Settlement and Codicil thereto above mentioned and under the burden of any other Legacies which I may have already bequeathed or may hereafter bequeath by any writing under my hand and I of now appoint the said Margaret Harriet Stewart to be my sole Executrix and I declare that during her life she shall be entitled to the sole management and administration of my Estate for behoof of herself and of her brother unless in so far as she may desire her brothers aid in such administration and that she shall be entitled to lend out and invest the same in her own name singly and that she and her representatives shall not be answerable for the solvency of debtors, or otherwise for any loss to be sustained in the administration thereof and I hereby confirm my said Disposition and Settlement and Codicil thereto as above mentioned except in so far as not altered by these presents and I dispense with the delivery hereof and and I reserve power to alter the same and I Consent to the Registration hereof along with my said Disposition and Settlement and Codicil and as made in relation thereto In Witness whereof the Codicil written on this and and the preceding page by George Greig Clerk to John Mackenzie Lindsay Writer to the Signet is subscribed by me at Gask on the second day of May in the year Eighteen hundred and forty five before these Witnesses James Blair Oliphant Esquire of Gask and George Rattray his footman (signed) C Nairne Ja B Oliphant Witness George Rattray Witness Extracted Furth of the Books of Council and Session in Scotland upon this and the nine preceding pages of stamped paper by me Alexander Macdonald Principal Keeper of the Record of Deeds Probative Writs & c[etera] conform to act of Parliament (Signed) A Macdonald Follows Marking Exmouth 16th December 1845 thus is the Extract Disposition and Deed of Settlement of the late Lady Nairne referred to in my affidavit [p.807] affidavit to the Inventory of her personal Estate signed by me of this date signed M H Stewart Thomas Kington Com[missione]r [in box] Extract Probative Four Codicils The Right Honourable Lady Nairne [main text] At Edinburgh the Seventh day of November in the year one thousand Eight hundred and forty five In presence of the Lords of Council and Session Compeared James Moncreiff Esquire Advocate as Procurator for John Mackenzie Lindsay Writer to the Signet In giver of the four Codicils by the Right Honourable Lady Nairne underwritten Desiring the same might be Registered in

their Lordships Books conform to act of Parliament made anent the Registration of Probative Writs Which desire the said Lords found reasonable and ordained the same to be done accordingly whereof the tenor follows:- Holy Rood House July –1819 NB some little paper books full of extracts from various various authors are amongst my things after Williams birth none of them were written without a hope he might one day read them and remember how anxiously I have watched the dawning of his mind -& whatever I have met with in reading that I thought might possibly enlighten or in some way do it good was copied –This plan with the same object is continued and will be whilst I am able. 1838 I still continue to make some extracts to supply my own want of memory my first long cherished motive now an aching void –but what wonderful support and consolation have been vouchsafed to me and all founded on bright future prospects revealed by redeeming love (initialled) JGG these little extracts to be given to my dear Nephew J B Oliphant 1844 My Sister my miniature not good they say Nephew John & James O To John the Telescope wh[ich] was his cousins [p.809] To Eliz[abe]th a Buckle & broach which was her Mothers (white) I have given Rachel my first miniature and the Rock Crystal Box brought me from Mont Blanc by my William (Sent already) If not quite worn give my muff tippet and boa to Louisa Kelly To James Robertson a very old watch which was my Grandmothers and which I think she would have liked to have left to one of her much loved Sister Lady Ludes descendants –also a few old Coins to James Rob[ertso]n My Collection at M[anu]S[cript]S extracts to my nephew James and also to him Bust of my William Believe M[ada]me Contesse De Flauchaut sh[oul]d have Ch 1st Picture in a ring think it belonged to Robert the first Lord Nairne and who suffered much by his his loyalty in his cause I have heard it (is) said but cannot give authority that this was an original and given as a mark of favor to Lord Nairne Some little memorial to Miss Mason Miss Hamilton Mrs Boyle Jacia Alicia Henrietta old letters and journals to be burnt after Margaret Harriet has looked thro[ugh] them if she cares to do so (initialled) JGG I wish a ring to be given to J M Lindsay Esq as a memorial of my sense of his efficient and affectionate management of my concerns both during the life of my beloved Son and after his death I wish Mr Lindsay to choose a ring not under £25 value but he will understand that I think little of the ring but much of what it is to commemorate this is written with a weak hand 1st June Eighteen hundred and forty four (Signed) C Nairne at Gask [p.811] (initialled) JGG (on the back) some memorial J M Lindsay Esq Can now write only very badly but hope this Mem[oi]r put down as it occurs will be understood I wish all my little MSS books to be given to my dear nephew James Oliphant My miniature to my dear Sister Mrs Keith Indian Shawl to Dr Margaret Harriet also all sorts of prints and drawings to her most of them only fit for burning To Mrs Murray Viz Anne McGregor a little work box given [above] left to me by her Aunt Miss Drummond it is a netting box a gift to Miss Drum[mond] from Annes father (initialled) JGG Extracted furth of the Books of Council and Session in Scotland upon this and the five preceding pages of Stamped paper By me Principal Keepers of the Record of Deeds & Probative Writs &c conform to act of Parliament (Signed) A Macdonald Exmouth Exmouth 16 December 1845 This is the Extract Memorandum or Codicil of the late Lady Nairne referred to in my affidavit to the Inventory of her personal Estate of signed by me of this date signed MH Stewart Thomas Kington Comr [in box] Inventory of the Personal Estate of The Right Honourable Caroline Baroness Nairne [main text] Inventory of the Personal Estate of the Right Honourable Caroline Baroness Nairne widow of the late Right Honourable William Lord Nairne who died on the twenty seventh day of October Eighteen hundred and forty five with Interest due on Principal sums at that date First. Cash found in the deceased Repositories at Gask £10..12..8 Secundo. Principal sum due to the deceased by Alexander Mackenzie Esquire of Muirtown and Carry over £10..12..8 John [p.813] Brought over £10..12..8 John Mackenzie Esquire Manager of the Scottish Widows fund and life assurance Security under a Bond granted by them to the deceased on the seventeenth of May

eighteen hundred and forty and a Bond of Corroboration also granted by them to the deceased on the twelfth May eighteen hundred and forty three £1000.-.- Interest due thereon from fifteenth May last to the deceaseds death at four per Cent 18..7..2 / 1018..7..2 Third Principal sum in Bond and assignation in Security granted to the deceased by Mr Thomas Blackie Merchant and Plumber in Aberdeen and Mr Alexander Anderson Advocate in Aberdeen bearing date twenty ninth April Eighteen hundred Carry forward £1028..19..10 Brought forward 1028..19..10 hundred (hundred) and forty three £2000.-.- Interest due thereon from fifteenth May last to the sate of the deceaseds death at three and a half per Cent 32..2..5 / 2032..2..5 Fourth Ten shares of the capital stock of the Edinburgh and Glasgow Union Canal Company valued at 370.-.- Fifth Sum at the Credit of the deceaseds account with the Perth Banking Company including interest to the sate of her death 201..4.- Sixth Balance in the hands of John Mackenzie Lindsay Writer to the Signet on his account Current with the deceased at the time of her death 79..14.- Seventh the deceaseds books Wearing apparel Gold Watch and other Carry over £3712..0..3 articles [p.815] Brought over £3712..-..3 articles at Gask House valued by Mr Duncan Robertson Licensed Auctioneer and appraiser conform to Inventory and appraisal dated eighth November Eighteen hundred and forty five at 65..6.- Eighth. Half years rent of Caroline Cottage let to Archibald Bennet Esquire from Whitsunday to Martinmas Eighteen hundred and forty five vested in the deceased 32..10.- Ninth Proportion of a pension of One hundred and eighty four pounds per annum payable from Government to the deceased for the period from first to twenty seventh October eighteen hundred and forty five 13..1..7 Value of the deceaseds Estate in Scotland £3822..17..10 Exmouth 16th December 1845 This id the Inventory of the Personal Estate of the deceased Right Honourable Caroline Baroness Nairne referred referred to in the Oath of her Executrix hereto subjoined signed MH Stewart Thomas Kington Comr Perth 11 December 1845 The Commissary Depute Grants commission to any one of the Magistrates of Exmouth or to ant one of Her Majestys Justices of the Peace in England to take the oath of the Upgiver of this Inventory to the verity thereof to be reported quam primum (signed) Pat Soutar CD At Exmouth the sixteenth day of December one thousand eight hundred and forty five years in presence of Thomas Kington one of her Majestys Justices of the Peace for the County of Somerset Commissioner appointed by the Commissary of Perthshire for taking the oath underwritten appeared Miss Margaret Harriet Stewart residing at Rawleigh Villa near Exmouth daughter of the late Charles Stewart Esquire of Dalguise and Executrix of the deceased Right Honourable Caroline Baroness Nairne widow [p.817] widow of the late William Lord Nairne who being solemnly sworn and examined depones that the said Caroline Baroness Nairne died at Gask House near Dunning in Perthshire upon the twenty seventh day of October last and the Deponent has entered upon the possession and management of the deceaseds Personal Estate as Executrix nominated by her in a general Disposition and Deed of Settlement executed by her on the Nineteenth day of October Eighteen hundred and forty three and second day of May Eighteen hundred and forty five all recorded in the Books of Council and Session on the seventh day of November last an Extract of which Disposition and Deed of Settlement and Codicils thereto is now exhibited and signed by the Deponent and the said Commissioner of this date as relative hereto that the deponent does not know of any Settlement or Writing relative to to the disposal of the deceaseds Personal Estate or Effects or any part of them other than those above mentioned and four separate holograph Memorandums or Codicils one of which is marked with the dates Eighteen hundred and nineteen Eighteen hundred and thirty eight and Eighteen hundred and forty four and another of which bears date first June eighteen hundred and forty four and the other two are without dated and all recorded in the books of Council and Session as Probative Writs on the said Seventh day of November last and an Extract of which four holograph Memorandums or Codicils is also now exhibited and signed by the Deponent and the said

Commissioner of this fate as relative hereto that the said 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 [p.819] said deceased Caroline Baroness Nairne wheresoever situated already recovered or known to be existing belonging or due to her beneficially at the time of her death and that the value of said Estate situated in Scotland is of the value of Three thousand pounds and under the value of Four thousand pounds. All which is truth as the Deponent shall answer to God. And further that Confirmation of this Inventory is required signed MH Stewart Thomas Kington Comr. Compd. R.R.