

Testament Testamentar of Adam Smith, 21 January 1791  
CC8/8/128 pp 1109-1116

Testament of Adam Smith, Edinburgh Commissary Court, 1791

CC8/8/128/2, pp. 1109-1116

21 Jan[uar]y 1791

Test[ament] Test[amenta]r

Adam Smith

The Testament Testamentar & Inventory of the debt and sum of money which was addebted and resting owing to Umq[uh]i Adam Smith L.D.D one of the commissioners of his Majesties Customs for Scotland at the time of his decease who died upon the.... day of .... seventeen hundred and ninety years In so far as concerns the Nomination of his sole Executor and now Faithfully made and given up by David Douglas youngest son of Colonel Rob[er]t Douglas of Strathendry In so far as concerns the inventory of the said defunct his debt and sum of money after mentioned which David Douglas he the said Umq[uh]i Adam Smith did nominate and appoint to be his sole Executor and universal Legator and Intromitter with his moveable estate And that by his Disposition and Settlement bearing date the said sixth day of February one thousand seven hundred and ninety registred in the books of Council & Session (office C. G) the twenty second day of July seventeen hundred and ninety years which is hereafter in grossed

Follows the Inventory

In the first the said Umq[uh]i Smith had addebted and resting owing to him the time of his decease foresaid the sum of... being part of six hundred and fifty pounds St[e]r[ling] contained in a Promissory note by Sir William Forbes James Hunter & Co to the defunct dated the first day of April seventeen hundred & ninety

years payable on demand Extending  
the said partial sum herein given  
up and confirmed in Scots money to  
Summa of the Inventory

Follows the defuncts Disposition  
and Settlement

I Adam Smith L.L.D one of the com  
missioners of his Majesties Customs  
for Scotland for the love and favour  
which I have and bear to my friends  
and relations after mentioned & for  
the better settlement of my affairs in  
the event of my decease do hereby  
with and under the burdens after  
specified dispone assign & transfer  
to David Douglas youngest son of  
Colonel Robert Douglas of Strathendry  
and his heirs and assignees whomso  
ever all and sundry lands tene  
ments and other heritages & also  
all debts and sums of money prin  
cipal interest and penalty whether  
due by Bonds heritable or moveable  
promissory notes Decreits or any other  
way whatever, arrears of salary house  
hold furniture; silver plate, gold and  
silver coined & uncoined, books, pictures,  
lying money, bank notes goods gear  
and generally all and whatever total  
means and effects whether heritable  
or moveable real and personal be  
longing & owing or which shall  
belong or be owing to me at the  
time of my death together with all  
Dispositions Adjudications Bonds  
heritable and moveable Obligations  
Assignations, Decreets, Bills, notes  
and other writts rights evidents, se  
curities and conveyances whatever  
made granted and conceived or  
any wise interpreted at the time of  
my death in my favour with all  
action and execution competent or  
that may be competent thereupon  
and with all that shall have fol  
lowed or may follow on the same  
dispensing hereby with the generality  
hereof and admitting these presents

to be as valid and effectual as if every particular generally before disposed were specially enumerated herein. And also Declaring that in case I shall hereafter make any Inventory of my moveable means & estate hereby disposed or of any part thereof the same shall be understood as a part of this present Disposition and shall exclude all necessity of Confirmation with this provision alwise that it is hereby specially Provided & Declared that these presents are granted by me and shall be accepted of by the said David Douglas with & under the burden of the payment of my funeral charges and all my just and lawful debts that shall be owing by me at my decease and also with and under the burden of the payment not only of such legacies or annuities which I may hereafter bequeath or grant to any person or persons whatever, but also with and under the burden of the payment of the Annuity & legacy after mentioned which I hereby Legate and bequeath to the persons after named viz I hereby grant and bequeath to Mrs Janet Douglas daughter of the deceased John Douglas of Strathendry an Annuity of twenty pounds sterling free of all burdens and deductions whatever during all the days of her life at two terms in the year Whitsunday and Martinmas by equal portions beginning the first terms payment thereof at the first of the said two terms next after my decease, and so forth yearly termly daily and proportionally thereafter during her life, with Two Pounds Sterling of penalty for each terms failure & the legal Interest of the said Annuity from the respective terms of payment thereof during the not payment of the same. And also thereby Legate and Bequeath to Mr Hugh Cleghorn Professor of Civil History in the Uni

iversity of Saint Andrews and to Mrs Rachael McGill his wife and the survivor of them in liferent for their liferent use only and to the child or children procreated or to be procreated of the marriage between them the sum of four hundred pounds Sterling to be paid at the first term of Martinmas or Whitsunday next after the decease of the said Mrs Janet Douglas and me or the survivor of us, with eighty Pounds Sterling of penalty in case of failure and the legal Interest of the said sum of Four hundred Pounds from the said term of payment during the not payment of the same; declaring alwise that the said Hugh Cleghorn shall have power by any deed under his hand to divide the said sum of Four hundred Pounds among his said children or their issue by such shares and proportions as he shall think proper. And failing such division by him then the said Mrs Rachel McGill his wife shall have power to divide the same among her said children or their issue as she shall think proper and failing any division thereof by either of them then the same shall be equally divided among all the children procreated between them existing at the death of the longest liver of them two, and the issue of such of the said children as are dead, share and share alike, such issue drawing per Stirpes not per Capita and for the more effectual conveyance of my Moveable Estate and effect before disponded I hereby Nominate and Appoint the said David Douglas to be my sole executor and universal legator and Intromitter with my said moveable estate and effects under the burdens before mentioned and with power to my said executor to give up Inventories thereof and Confirm the same if necessary. And I hereby

declare that my whole manuscripts and writing which I shall leave behind me at my death shall be disposed of by the said David Douglas by and with the advice of Dr Joseph Black Professor of Chemistry in the University of Edinburgh and Dr James Hutton residing in St Johns Hill near Edinburgh and the survivors of them agreeable to such verbal or written instructions as I have already given or may hereafter have occasion to give to them the said Doctor Joseph Black and Dr James Hutton; and in case the said David Douglas shall predecease me or shall die before disposing of my said Manuscripts then I hereby Legate and bequeath the same to the said Doctor Joseph Black and Doctor James Hutton and the survivors of them to be disposed of by them as aforesaid and I reserve full power and Liberty at any time of my life to revoke or alter these presents in whole or in part. And I declare that if the same shall not be revoked it shall be a sufficient evident though not delivered at my death with the not delivery whereof I hereby dispense. And I consent to the registration hereof in the books of Council and Session or any other proper court therein to remain for preservation & constitute my Procurators for that purpose in witness whereof I subscribe this and the three preceding pages of stamped paper written by James Dundas Clerk to David Erskine Clerk to the Signet, and likewise another duplicate hereof at Canongate of Edinburgh the sixth day of February one thousand seven hundred and ninety years Before these witnesses James Baird my servant and the said James Dundas (signed) Adam Smith, James Dundas witness, James Baird witness Martin Andrew Balfour & Cautioner James McGhie writer in Edinb[u]r[gh],

dated the twenty first day of January  
Seventeen hundred and ninety one  
years.