

**Disposition & Deed of Settlement by Duncan Sinclair MacLagan 1859**  
Perth Sheriff Court Reference SC49/31/67

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At Perth the fourteenth day of April Eighteen hundred and fifty nine years in presence of Edward Strathearn Gordon Esquire advocate Commissary of the Commissariat of the County of Perth compeared John McLeish accountant in Perth as procurator for the Executor after named and designed and gave in the Disposition and Deed of Settlement by Donald Sinclair MacLagan Esquire of Ruthven House by Perth, along with Inventory of the Personal Estate of the said Donald Sinclair MacLagan (duly stamped with thirty pounds sterling of duty) and oath thereon afterwritten desiring 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 whereof the tenor follows viz:-

I Donald Sinclair MacLagan Esquire of Ruthven House by Perth considering it to be every mans duty in his own lifetime to settle his affairs in such a manner as to prevent all disputes after his death and having full Trust and confidence in the persons aftermentioned for executing the Trust hereinafter reposed in them, do therefore, with Consent of Mrs Catharine Anderson or Sinclair McLagan my spouse, for all right and interest she may have in my means and Estate hereby assigned and conveyed, give, grant or dispose to and in favor of the Reverend John William Thomson of the Free Church Pitcairngreen in the Presbytery of Perth, James Forrest Junior Esquire, Joint Agent for the British Linen Company at Kirriemuir John McLeish Esquire Accountant in Edinburgh, son of Mr John McLeish farmer Ganochy and James Brodie Writer in Kirriemuir as Trustees for the uses ends and purposes after mentioned and to such other trustees as I may afterwards name, and to the acceptors or acceptor, survivors or survivor of those named, or to be named, with power to the accepting survivors or survivor to assume such person or persons to act as Trustees, as may be considered necessary, which I specially authorise, and such Trustees so to be afterwards named by me, or so to be assumed shall have the same power as if specially named in these presents, and declaring that a majority of my said Trustees alive and acting for the time, shall at all times form a quorum for executing the purposes of this Trust and to the assignees and disponees of said Trustees all and whole that portion of the Lands and Barony of Huntingtower including the mansion House Stable, Cow House, Wash House, Porters Lodge, four Cottages now with one exception demolished, a walled garden and ground attached thereto bounded as follows: on the South by the Kings lead; on the West from the said Kings lead in a straight line along the east side of the public road leading to the Dunkeld turnpike, so far as the said four Cottages extended and from thence by the said public road to the north boundary or extremity of the Garden Wall; on the North by the grounds belonging to the surviving partners of the Company lately carrying on the Business of Calico Printers at Perth and Ruthven field under the firm of Young, Ross, Richardson and Company or their disponees, in a straight line with the Garden Wall to the dyke or fence which separates the subjects disposed from the Lands and others sold by the said Company to Thomas Duncan, and on the east by the said Stone dyke or fence which is hereby declared mutual betwixt my said Trustees and the said Thomas Duncan with free access to the subjects and others hereby disposed from the Crieff turnpike road by the road leading therefrom to Ruthven works and from thence Westward from the gateway thereto to the Farm Steading belonging to the said Company or their disponees and subjects hereby disposed. Together with the right and privilege of using the Water conducted from the river Almond in the Kings Lead so far as it extends along the south march of the said subjects for Household or other usual and necessary purposes as heretofore provided they cause the said water to be carefully returned to the Kings Lead below. Together with such right as I have to the teinds great and small parsonage and vicarage of the Lands hereby disposed,

and a proportion of the seats in the church at Tibbermuir offering to the Lands hereby conveyed but not including any part of the aisle of the said Church erected by the said Company Together also with the astricted multures sequels and services of the Land and other subjects hereby dispensed and all right title and interest claim of right property and possession petitory and possessory which I my predecessors and authors, or heirs and successors had have or can any way claim or pretend to the subjects before dispensed in all time coming which lands and other subjects particularly above dispensed be within the parish of Tibbermuir and sheriffdom of Perth and are parts and portions of those portions of the Lands and Barony of Huntingtower and others dispensed by the now deceased John Duke of Atholl to and in favor of the deceased John Young Esquire of Bellwood, James Richardson Esquire of Kinnaird and John Ross Esquire of Balgershoe in manner mentioned in the Disposition in favor of William McKenzie Bootmaker formerly residing in Edinburgh thereafter in Perth after referred to and were acquired by the said William McKenzie from the said John Ross Robert Ross Esquire Merchant in Perth and Francis Robertson Esquire Merchant there the surviving partners of the said Company of Young, Ross, Richardson and Company, and then heritable proprietor of said subjects in Trust for behoof of that Company conform to Disposition in favor of the said William MacKenzie dated the twenty first and twenty third days of January eight hundred and thirty three and which Lands subjects teinds and others were acquired by me from the said William McKenzie conform to Disposition in my favor dated the second day of June in the year one thousand eight hundred & thirty seven – As also all other Lands and Heritable Estate of every description that shall belong to me at the time of my death – As also my whole moveable means and estate of whatever kind and denomination heirship moveables included that shall belong to me at the time of my decease with the whole vouchers of and concerning my said Estate and all that has followed or may be Competent to follow thereupon, and I do hereby appoint the said Revd John William Thomson, James Forrest Junior, John McLeish and James Brodie and their foresaids and such other persons as may be assumed into this Trust to be my sole Executors and Intromitters with my whole moveable estate and effects, with power to them to give up Inventories and procure Confirmation, and to grant all necessary Deeds Writings and Discharges, and I do also nominate and appoint them to be Tutors and Curators to such of my Children as shall be in nonage at the time of my death, Declaring always that these presents are granted in Trust for the ends uses and purposes and with the powers and under the declarations aftermentioned viz:

First

For payment of all my debts sick bed and funeral charges and the expenses attending the execution of this Trust.

Secondly

I direct and appoint my said Trustees, as soon after my death as may be found convenient to sell and dispose either by Public Roup, or private Bargain, as to them shall appear proper the whole heritable and moveable means and Estate before Conveyed (excepting that portion of the furniture and effects to be liferented by my said wife in the event of her surviving me as aftermentioned, and after payment of all my debts to lay out and invest the balance thereof, as well as the residue and remainder of my whole personal Estate hereby Conveyed, upon such securities as they may deem eligible, and to pay the interest or annual rent thereof yearly to my said Dear wife Catharine Anderson or Sinclair MacLagan in the event of her surviving me, during all the days of her life for her liferent use allenary

Thirdly

It is my wish as I am sure it will be the desire of my said Dear Wife Mrs Catharine Anderson or Sinclair MacLagan, that in the event of her surviving me she shall, as soon after my death as may be found convenient, remove from Ruthven House and take a residence in Perth or

in some other Town or place convenient and agreeable for the Education and upbringing of our children; therefore I direct and appoint my said Trustees to deliver to her such portion of the Household furniture and effects belonging to me as she may wish or require, of which an Inventory shall be taken at the time for the purpose of fully and comfortably furnishing said residence, of which furniture and effects she shall have the liferent during all the days of her lifetime, and at her death the same shall be disposed of, and form part of the residue and remainder of my means and Estate to be divided as after provided for

#### Fourthly

Upon the death of my said wife should she survive me, and after selling and disposing of the furniture and effects to be liferented by her as aforesaid, or upon my death in the event of her predeceasing me I direct and appoint my said Trustees to pay over the whole residue and remainder of my said means and estate in equal shares to my children, John MacLagan, Duncan MacLagan, Robert Ewen MacLagan, Elizabeth Donaldina MacLagan and Catharine MacLagan, who are hereby appointed my residuary legatees, or to such of them as shall be in life at the decease of my said spouse or at my death in the event foresaid share & share alike – Declaring that in the event of any of my said children predeceasing me and my said spouse leaving lawful issue such issue shall be entitled to their parents share – share and share alike – Declaring further that in the event of any of my said children being in nonage at the period of the decease of my said spouse, or at my death in the event of my surviving her, my said Trustees shall and they are hereby appointed to retain the share or shares of such child or children and to invest the same, and apply the proceeds thereof for their behoof until they shall attain the age of twenty one years, or in the Case of my daughters till their marriage, which ever event shall first happen. With full power to my said Trustees to enter into possession of my said Trust estate, to sell and dispose thereof, and to grant all necessary deeds to call, sue for, uplift and discharge the debts and others hereby disposed, or sums to be laid out in the execution of this Trust, together with the profits arising from the same, and to grant discharges thereof, all of which shall be as valid to the receiver as if granted by myself, and to submit agree and compound all questions touching my Estate – And to encourage my said Trustees, and their foresaids, to accept of this Trust, it is hereby declared that they shall not be liable for neglect, omissions, or diligence of any kind, and each shall be liable for his own actual intromissions only, and they shall be entitled to employ an Agent or factor under them, and shall be entitled to take payment out of the funds of all incidental expense and legal charge to be incurred by them on exhibiting on account thereof – And I reserve full power at any time, to alter, and innovate, these presents in whole or in part or to revoke, cancel, and annul the same in any manner I shall think proper, Declaring that the same so far as not altered or revoked by me shall be an effectual Deed wherever found at my death I having dispensed with delivery – With entry to the subjects and others before disposed at my death and I oblige myself to infest the said Revd John William Thomson, James Forrest Junior, John McLeish and James Brodie and to such other persons as may be named by me or assumed in manner before mentioned as Trustees foresaid and their foresaids in the Lands subjects Teinds and others before disposed with the pertinents and under the Conditions and declarations contained in the Dispositive clause hereof to be holden a me vel de me and for that purpose I hereby Bind and oblige myself and my foresaids to make subscribe and deliver to my said Trustees as aforesaid and their foresaids all writs and deeds that may be requisite and necessary and I assign the Writs and I assign the rents and I grant Warrantice and I consent to Registration hereof for preservation In Witness Whereof I and the said Mrs Catharine Anderson or Sinclair MacLagan have subscribed these presents consisting of this and the two preceding pages of duly stamped paper, with the Marginal addition on page first all Written by Archibald Whyte clerk to James Brodie Writer in Kirriemuir at Ruthven House aforesaid on the thirtieth day of March eighteen hundred and forty eight years before these Witnesses John Roy Gardener at Ruthven House

and James Battersby Wright New Inn Huntingtower and residing at Ruthven Field [signed] D. S. McLagan, C. A. S. McLagan, John Roy Witness, James Battersby Witness

Follows Marking

Kirriemuir 11<sup>th</sup> April 1859. Referred to in the oath to the Inventory of the Personal Estate of the Within designed. D. S. McLagan Esq now deceased emitted by me of this date [signed] James Brodie Esq., James Forrest JP

Inventory of the Personal Estate of the deceased Donald Sinclair McLagan Esquire, who died at Ruthven House near Perth on the fifth day of July Eighteen hundred and fifty eight

1. Cash in the House £5 10s
2. Cash in the Central Bank Perth, being balance due on open account kept by deceased with said Bank at 30<sup>th</sup> June 1858 £261 7s 8d. Bank interest thereon to day of death £1 5s
3. Amount contained in Interest Receipt by Central Bank of Scotland Perth in favor of the deceased dated 19<sup>th</sup> November 1856 £206 10s 9d. Bank interest thereon to day of death £11 1s 8d.
4. The deceased's furniture, plate, linen, china, books, Pictures, Wearing apparel, Horse and Carriages, Farming Stock and Implements of Husbandry and other effects situate at Ruthven House as valued by Alexander Hay, Licensed appraiser in Perth, conform to Inventory and Valuation thereof dated 21<sup>st</sup> July 1858 £376 16s 2d.
5. The deceased's Household Furniture and Effects contained in two of the furnished rooms of the house of Glenquiech as valued by Peter Adams, Licensed appraiser in Kirriemuir £22 4s 6d.
6. The proportion of Rents of the Estate of Glenquiech to which the deceased had right as husband to the proprietor as follows Viz: Proportion of Rent of Wester Memus (£271 19s per annum) from Candlemas to the date of death £113. Proportion of rent of Strone (£135) from Candlemas £56 5s. Proportion of Rent of Anniegathell (£53) from Whitsunday £5 10s. Proportion of rent of Baikie and Batternach (£40) from Whitsunday £4 5s. Proportion of rent of Buckies (£32) from Whitsunday £3 5s. Proportion of rent of Midtown (£36) from Whitsunday £3 10s. Rents of Grass Parks on Glenquiech (£240 10s) under deduction of the interest thereof from the date of death to November eleventh when said rents became payable. £236 3s 1d.

[signed] James Brodie Esq, James Forrest JP

At Kirriemuir the eleventh day of April eighteen hundred and fifty nine in presence of James Forrest Esquire of Easter Ogil, one of Her Majesty's Justices of the Peace for the County of Forfar compeared James Brodie Writer Kirriemuir one of the Executors of the deceased Donald Sinclair McLagan Esquire of Ruthven House by Perth who being solemnly sworn and examined, Depones that the said Donald Sinclair McLagan residing at Ruthven House aforesaid died there upon the fifth day of July eighteen hundred and fifty eight, and the Deponent has entered upon the possession and management of the deceased's Estate along with the Reverend John William Thomson, Minister of the Free Church, Pitcairngreen, in the Presbytery of Perth, and John McLeish Esquire Accountant, sometime in Edinburgh now in Perth as the only accepting Executors nominated and appointed by the said deceased in his Disposition and Deed of Settlement dated the thirtieth day of March Eighteen hundred and forty eight (the only other Executor nominated and appointed in said

Disposition and Deed of Settlement being James Forrest Junior Esquire, joint Agent for the British Linen Company at Kirriemuir who declines to accept conform to Letter of declinature by him dated the 19<sup>th</sup> day of July Eighteen hundred and fifty eight which is now exhibited and signed by the Deponent and the said Justice of the Peace as relative hereto: That the Deponent does not know of any settlement or Writing relative to the disposal of the deceased's personal Estate or Effects or any part thereof other than that now exhibited. That the foregoing Inventory each page of which is signed by the Deponent and the said Justice of the Peace as relative hereto is a full and complete Inventory of the personal Estate and Effects of the said deceased Donald Sinclair McLagan wheresoever situated belonging or due him beneficially at the time of his death in so far as the same has come to the Deponents knowledge and that the said Estate situated in the United Kingdom is of the value of one thousand pounds and under the value of fifteen hundred pounds. All which is truth as the Deponent shall answer to God.

[signed] James Brodie Esq, James Forrest JP