

Inventory of the Personal Estate of Janet Morrison of Hilton Mye, Kelso
Jedburgh Sheriff Court – Reference SC62/44/45

Inventory of the Personal Estate of Miss Janet or Jessie Morrison Hilton Mye Kelso who died 26 day of May 1867. Stamp duty £30. Presented this day 24th day of December 1867 ... Will Oliver Rutherford Comy of Roxburghshire by Charles Robson Esq., Writer, Kelso

Inventory of the Personal Estate wheresoever situated and of the money secured on Heritable Property in Scotland of Miss Janet or Jessie Morrison who resided at Hilton Mye in the Town of Kelso who died there on the twenty sixth day of eighteen hundred and sixty seven. [Inventory dated 24 Dec 1867]

1st Personal Property

1. Wearing Apparel £5
2. Share on interest in Kelso library sold to Revd Mr Webster for £21
3. Balance on account with the Commercial Bank of Scotland Kelso £20 2s 7d; Interest thereon to date of oath to Inventory 7s 4d [Total £20 9s 11d]
4. Balance due by James Howden Esq., Accountant Edinburgh on his account by him to the term of Whitsunday 1867 £58 8s 4d
5. Ten duties by sundry vassals for properties in Ann Street and Upper Dean Terrace Edinburgh for the half year current at death & payable on 11th November 1867 £70 9s 8½d
6. Debenture bonds by the Corporation of the City of Hamilton Canada West payable to Bearer as under:- No.898 for £30, No.1000 for £35, No.1266 for £500, No.1267 for £500, No.1817 for £100 - Total £1,165. These Bonds which are inconvertible and unsaleable are valued at 25 per cent or £291 5s
7. Interest thereon to date of Oath to Inventory £26 18s 8½d

2nd Money served on Heritage in Scotland

1. One half of Bond & Disposition in Security dated 7th June eighteen hundred and sixty four granted by James Allan Saddler in Kelso for £700 in favor of the deceased and her late sister Mrs Margaret McCulloch Morrison or Craig and their respective heirs and assignees over certain House property in Kelso. £350
2. Interest thereon to date of Oath to Inventory £9 2s 1d
3. Bond and Disposition in Security dated 10th January 1853 granted by William Alexander MacLachlan Esq of Auchentroig in favor of the Trustees of Mr and Mrs Herschell over lands in the County of Stirling for £1000 and to one one half of which the deceased acquired right by the following Writs – 1st Assignation by the Trustees of Mr and Mrs Herschell in favor of the Marriage Trustees of Robert Kaye Greville Esq and Spouse dated 15 and 16 July 1858 and 2nd Assignation by the last mentioned Trustees to the deceased and the Trustees of the deceased Mr and Mrs Craig dated 17 & 20th November 1866 £500
4. Interest thereon to date of Oath to Inventory £11 11s 2½d

[Signed] Arch. Hervey Geo Craig JP at Kelso the twenty third day of December one thousand eight hundred and sixty seven in presence of George Craig Esq one of her Majesty's Justices of the Peace for the County of Roxburgh. Appeared Archibald Hervey Leather Merchant in Kelso one of the Executors of the deceased Miss Janet or Jessie

Morrison Hilton Mye Kelso who being solemnly sworn and examined deposes that the said Miss Janet or Jessie Morrison died at Kelso upon the twenty sixth day of May last and the deponent has entered upon the possession and management of the deceased's estate as Executor nominated by her along with William Alexander MacLachlan of Auchentroig Stirlingshire and also along with the Reverend George Craig and Mrs Margaret McCulloch Morrison or Craig both now deceased in a General Trust Disposition & Deed of Settlement executed by her upon the fourth day of November eighteen hundred and sixty five and codicil thereto dated second January eighteen hundred and sixty seven both registered in the Sheriff Court Books of Roxburghshire the tenth day of June last an extract whereof is now exhibited and signed by the deponent and the said Justice of this date as relative hereto that the deponent does not know of any Testamentary Settlement or Writing relative to the disposal of the deceased's personal estate and effects or any part thereof other than the said General Trust Disposition that the foregoing Inventory signed by the deponent and the Justice as relative hereto is a full and complete Inventory of the personal estate and effects of the said deceased Miss Janet or Jessie Morrison wheresoever situated and belonging or due to her beneficially at the time of her death and of all the money secured on heritage in Scotland and money secured on Scottish Bonds excluding executors and money secured on Scottish Bonds or other Instruments the rights to which have been taken excluding executors belonging to the deceased liable to the duty imposed by the Acts 23 Vict C 15 and 23 & 24 Vict C 80 in so far as the same has come to the deponents knowledge that the value at this date of the said personal estate and effects situated in the United Kingdom and of the said money including the proceeds accrued thereon down to this date is one thousand pounds sterling and under fifteen hundred pounds sterling that Confirmation of the said personal estate is required in favor of the deponent and the said William Alexander MacLachlan. All which is truth as the deponent shall answer to God [signed] Arch Hervey George Craig JP Written by John Goodfellow Collated by Wm Elliot Comr Ch...

Follows Settlement & Codicil

At Jedburgh the tenth day of June eighteen hundred and sixty seven in presence of William Oliver Rutherford Esquire Advocate, Sheriff of Roxburghshire compeared Charles Robson Solicitor in Kelso, as Procurator for the deceased Janet or Jessie Morrison after designed, and gave in the Trust, Disposition and Settlement and Codicil annexed thereto both under written desiring the same might be Registered for preservation in His Lordships Court Books conform to Law; which desire the said Sheriff finding to be reasonable, ordered to be done accordingly whereof the tenor follow: I Miss Janet or Jessie Morrison residing at Hilton Mye Kelso, with the view of Settling my affairs and providing for the disposal of my means and estate after my decease, and for other good causes and considerations Do hereby give grant dispose assign convey and make over devise legate and bequeath to and in favor of the Reverend George Craig minister of the Free Church, Kelso and Mrs Margaret McCulloch Morrison or Craig his wife my sister, and after the decease of the said Reverend George Craig to Archibald Hervey leather merchant in Kelso and to any other person or persons whom I may hereafter nominate and appoint, or who may be lawfully assumed into the trust, and to the acceptor or acceptors Survivors or Survivor of them, and to the heirs of the longest liver of them, as Trustees or Trustee for executing the Trust hereby created (the said Trustees being throughout these presents denominated my Trustees) and to the assignees of my Trustees, All my estate heritable and moveable, real and personal owing and belonging to me at my decease, with the rents interest profits and produce and writs titles and vouchers thereof And further, I nominate and appoint my Trustees to be my sole Executors and Executor But these presents are granted and are to be accepted by my Trustees, in trust with the power and privileges, and for the ends uses and purposes following vizt: That they may as they are hereby authorised and empowered to do, call sue for uplift receive assign and discharge the whole debts and effects due and belonging to me, and sell realize and convert into money the whole of my estate and effects and sell and

dispose of my heritable estate by public roup or private bargain, and for such price or other consideration as they might think fit but the time and manner and propriety of selling my heritable property shall be entirely at the discretion of my Trustees; Declaring that the debtors to my estate, or the purchasers thereof or other parties with whom my Trustees shall transact, shall have no concern or right to interfere with the application of the sums paid to my Trustees, whose receipts shall be sufficient exoneration for the same; And my Trustees shall apply as they are hereby Authorised directed and empowered to apply, my said Estates and the produce thereof in manner following vizt: In the first place in payment of all my just and lawful debts, sickbed and funeral charges and also of the expenses of this Trust which debts expenses and other my Trustees may pay without requiring legal Constitution; In the second place; my Trustees shall pay over to the said Reverend George Craig and Margaret McCulloch Morrison or Craig during their joint lives, and to the survivor of them during all the days and years of his or her life, the whole free annual produce and rents of the residue and remainder of my means and estate; In the third place I direct my Trustees on the death of the survivor of the said George Craig and Margaret McCulloch Morrison or Craig to hold and apply pay divide and convey the whole rest residue and remainder of my means and estate heritable and moveable real and personal, and the produce thereof which my be then remaining to the surviving children procreated of the marriage of the said George Craig, and Margaret McCulloch Morrison or Craig equally, the lawful issue of any predeceasing child being entitled to the interest which the parent would have taken as a surviving legatee, payable to them in the case of sons on their respectively attaining to the years of majority, or in the case of daughters on their respectively attaining to the years or majority, or being married, whichever of these events shall first happen; and I declare that the interests of my legatees and their foresaids shall vest in them respectively at and only upon the arrival of the terms at which their shares of my succession respectively become payable. But any of the children procreated of said marriage, upon attaining to majority if a male, or upon attaining to majority or being married if a female, and during the subsistence of this Trust, shall have power to divide and apportion his or her prospective interest or the interest of his or her family among his or her children, and their (children) issue in such proportions and subject to such conditions as he or she may think proper and I direct my Trustees to hold and apply the rents interest and other produce and income of my means and estate, prospectively falling to each of the said children or their issue, or such part thereof as my Trustees may deem necessary, and proper for the maintenance clothing education upbringing and advantage of the said children respectively, until actual payment of their shares: And in the last place in the event of the failure of all the children of said marriage, and of their issue before their said prospective interests have vested, I direct my Trustees on the death of the survivor of the said George Craig and Margaret McCulloch Morrison or Craig or on such failure whichever shall last happen, to hold and apply, to pay and convey the whole rest residue and remainder of my said means and estate, heritable and moveable, real and personal and the produce thereof or the portion thereof then remaining to and for behoof of my own heirs in moveables, whomsoever, declaring that the whole provisions hereby made, in so far as in favor of or descending upon females shall be expressly exclusive of the jusmariti and right of administration of any husbands they have married, or may marry and shall not be affectable by the debts or deeds of such husbands, or any diligence or execution competent to follow thereon: And I provide that my Trustees and executors shall be entitled to the fullest powers and exemptions usually conferred in Similar cases, according to the most liberal interpretation, and particularly I authorise and empower them to submit to arbitration or settle by the advice of counsel all disputed claims competent to or against the said trust subjects and estate or among the parties interested therein: To compound and take part for the whole of any disputed debts or claims: To lend out the whole or any part of the trust funds and estate on heritable security or the debentures of incorporated companies or on the security of the government funds or to retain the same in Bank in Great Britain or on the Securities to which the same may happen to be invested at the time of my death and from time to time to

alter and renew the Securities as may be necessary or may seem to them expedient And I provide and declare that my Trustees shall not be liable for the sufficiency of the securities on which they may lend out the trust funds or of the Banks in which the same may be deposited, but only that they were reputed sufficient at the time And I declare that each of my Trustees shall be liable to account only for the funds actually received by himself and not for any funds which he may have authorised a Co Trustee factor or Agent to receive and that any Trustee who shall pay over to a Co Trustee factor or Agent or shall do or concur in any act enabling such Co Trustee factor or Agent to receive any monies for the general purposes of the Trust or for any definite purpose authorised by this Settlement shall not be responsible for any loss resulting from his failure to see to the due application of the fund entrusted to such Co Trustee factor or agent And none of my Trustees shall be responsible for the failure to recover any debt, or fund the realization of which has been by him entrusted to, and undertaken by a Co Trustee factor or Agent to the trust And I reserve my own life interest and enjoyment of the whole premises, and full power and liberty at any time during my life, and even on deathbed to revoke burden qualify explain or in any way to alter these presents at pleasure And I do hereby cancel and revoke all former testamentary writing executed by me and dispensing with the delivery hereof, and declaring that the same so far as unaltered though found lying by me or in the custody of any person undelivered at my decease, shall have the full effect of a delivered evident any law or custom to the contrary notwithstanding And I consent to the registration hereof for preservation. In witness whereof I have subscribed these presents written upon this and the two preceding pages by George Laidlaw Clerk to Smiths and Robson Solicitors in Kelso, at Kelso the fourth day of November in the year Eighteen hundred and sixty five before these witnesses Charles Robson Writer in Kelso and the said George Laidlaw [signed] Jessie Morrison Chas Robson Witness Geo Laidlaw Witness

Follows Codicil

I the before designed Miss Janet or Jessie Morrison residing at Hilton Mye Kelso, considering that my dear sister the therein designed Mrs Margaret McCulloch Morrison or Craig and her husband the also therein designed George Craig have since the date thereof both departed this life therefore I do hereby nominate and appoint William Alexander MacLachlan of Auchentroig Stirlingshire Esquire to be a trustee and Executor under the foregoing Trust Disposition and Settlement in the same manner to all intents and purposes as if he had been originally nominated and appointed thereto In Witness Whereof I have subscribed these presents Written upon this page by George Laidlaw Clerk to Charles Robson Solicitor in Kelso at Kelso the second day of January in the year eighteen hundred and sixty seven before these Witnesses Charles Robson Solicitor in Kelso and the said George Laidlaw [signed] Jessie Morrison Chas Robson Witness Geo Laidlaw Witness

Extracted at Jedburgh upon this and the ten preceding pages of stamped paper by me Sheriff Clerk Depute of the County of Roxburgh [signed] John McDougall Kelso 23rd December 1867. Extract Registered Trust Disposition and Settlement referred to in Mr Hervey's deposition of this date [signed] Arch Hervey Geo Craig JP Written by John Goodfellow Collated by Wm Elliot Comr Clerk

Follows Confirmation

I William Oliver Rutherford Esquire of Edgerston Commissary of the County of Roxburgh considering that the late Miss Janet or Jessie Morrison who resided at Hilton Mye in the Town of Kelso died at Hilton Mye aforesaid upon the twenty sixth day of May eighteen hundred and sixty seven and that by her Trust Disposition and Settlement dated the fourth day of November eighteen hundred and sixty five and Codicil thereto dated the second day of January eight hundred and sixty seven and recorded in the Sheriff Court Books of Roxburghshire the tenth day of June eighteen hundred and sixty seven and recorded in my

Court Books upon the twenty fourth day of December eighteen hundred and sixty seven; the said Miss Janet or Jessie Morrison nominated and appointed the Reverend George Craig Minister of the Free Church Kelso x x x Mrs Margaret McCulloch Morrison or Craig his wife Archibald Hervey Leather Merchant in Kelso and William Alexander MacLachlan of Auchentroig Stirlingshire and the acceptor or acceptors survivors or survivor of them to be her sole Executors and that the said Archibald Hervey has given upon on Oath an Inventory of the Personal Estate and Effects [and of money secured on Heritage] of the said Miss Janet or Jessie Morrison situated in Scotland amounting in value to One thousand three hundred and sixty four pounds four shillings and eleven pence half penny sterling which Inventory [a certified copy of which is signed and sealed with reference hereto) has likewise been recorded in my Court Books of date the twenty fourth day of December eighteen hundred and sixty seven. Therefore I in Her Majesty's Name and Authority ratify approve and confirm the Nomination of Executors contained in the foresaid Trust Disposition and Settlement and Codicil and I give and commit to the said Archibald Hervey and William Alexander MacLachlan and survivor of them (the said Reverend George Craig and Mrs Margaret McCulloch Morrison or Craig having predeceased the testator) full power to uplift receive administer and dispose of the said Personal Estate and Effects grant Discharges thereof if needful to pursue therefor and generally every other thing concerning the same to do that to the Office of Executors Nominated is known to belong providing always that they shall render just Count and Reckoning for their Intromissions therewith when and where the same shall be legally required. Given under the seal of Office of the Commissariat of Roxburgh and signed by the Clerk of Court at Jedborough the twenty fourth day of December eighteen hundred and sixty seven. Written by John Goodfellow. Collated by Wm. Elliot Comr Clerk