

Testament of James Grahame
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James Grahame SC70/1/63 [p.675] James Grahame 31 March 1843 At Edinburgh the thirty first day of March Eighteen hundred & forty three years the following Inventory of the Personal Estate of James Grahame deceased & Deed relative to the disposal thereof was presented by Mr John Whiteford McKenzie Writer to the Signet. Inventory of the Personal Estate of James Grahame of Whitehill Advocate formerly residing in Edinburgh and lately at Nantes in France who died in London on the 3rd day of July 1842. 1mo 10 Forth & Clyde Canal shares at £145 per share £1450..-.- 2do 5 D^{itt}o now at £145 per share less £70 per share of unpaid Instalments ___ 375..-.- 3tio 20 Monkland Canal shares at £37..10/- per share 750..-.- 4to 12 Monkland & Kirkintilloch Railway shares at £54 per share ___ 648..-.- 5to 9 Ballochney Railway shares at £77 per share less £17..10/- per share on 4 of them being new shares ___ 648..-.- 6to Balance due on account current with A & R Grahame Writers Glasgow as on 3 July 1842 ___ 1153..13..3 Besides the above the deceased held the fee of the following stocks which are liferented by Mr Grahame of Whitehill v^{id}elice]zt 7mo 3 shares Forth & Clyde Canal at £145..-.- 8vo 1 share D^{itt}o now at £145 per share less £70 of unpaid Instalments ___ 75..-.- 9no 9 Union Canal shares at £38 per share 342..-.- 10mo 10 Monkland & Kirkintilloch Railway shares at £54 per share ___ 540..-.- 11mo 10 Ballochney Railway shares at £77 per share ___ 770..-.- 12mo 16 Forth & Clyde Canal shares at £5 p[er] sh[are] 80..-.- / £2242..-.- Deduct Mr Grahames liferent of the above £125 per annum age 84 valued at ___ 338..10..- 1903..10..- Value of the deceaseds Estate in Scotland 6903..3..3 Note The deceased also died possessed of the following English & French Personal or moveable property 1 English Property 1. 15 shares in the Lancaster Canal at £25 per share ___ £375..-.- 2. Bond by John Stewart Merchant in London for ___ 1000..-.- 3. Cash which the deceased had with him in England ___ 160..10..- / £1535..10..- 2 French Property 1 Furniture in house at Nantes –Valued for the Duties to the French Government as under ___ 500..-.- (sig[ne]d) Robert Grahame – G Carphin Com[missione]r At Edinburgh the thirty first day of March Eighteen hundred & forty three years In presence of George Carphin Commissioner appointed by the (Honourable) Commissary of Edinburgh Compeared Robert Grahame writer in Glasgow who being solemnly sworn & examined Depones That he & Mrs Matilda Grahame or Stewart wife of John Stewart Merchant in London have been decerned Executors Dative qua nearest of kin to the deceased James Graham younger of Whitehill Advocate formerly residing in Edinburgh and lately at Nantes in France their father conform to Decree Dative by the Commissary of Edinburgh in their favor dated the 29 day of March current That the said James Grahame died on the third day of July 1842 and the Deponent & the said Mrs Matilda Grahame or Stewart as Executors Dative qua nearest of kin decerned as aforesaid have entered upon the management of the Personal or moveable estate of the said Defunct That the Deponent knows of no Settlement or other writing left by the deceased relative to the disposal of his personal Estate or Effects or any part of them other than a Disposition & Settlement executed by him upon the 16th day of July 1840 & 4th day of December 1841 respectively all registered in the Books of Council & Session the 23rd day of August 1842 an extract whereof is signed by the Deponent & the said Commissioner of this date as relative hereto That the foregoing Inventory each page of which [p.677] is signed by the Deponent & the said Commissioner as relative hereto is a full and complete Inventory of the personal or moveable estate & effects

of the said deceased James Grahame wheresoever situated already recovered or known to be existing belonging or due to him beneficially at the time of his death in so far as the same has come to the Deponents knowledge & that the value of the said Estate situated in Scotland is of the value of Six thousand pounds St[erlin]g and under the value of Seven thousand pounds Stg of which Confirmation is required All which is truth as the Deponent shall answer to God (sgd) Robert Grahame –G Carphin Comr. At Edinburgh the twenty second day of August one thousand eight hundred & forty two years In presence of the Lords of Council & Session Compeared James Moncrieff Esq Advocate Procurator for James Grahame after designed & gave in the Disposition & Deed of Settlement under written desiring the same might be registered in their Lordships Books conform to law which desire the said Lords found reasonable & ordained the same to be done accordingly whereof the tenor follows Know all men by these presents That I James Grahame younger of Whitehill Advocate Edinburgh residing at present at Nantes in France but preparing to return to & permanently inhabit Great Britain Considering the duty of settling the succession to my means & estate after my death Do execute & declare & publish this as my Last Will & Settlement and my Testamentary Bond Disposition & Conveyance Revoking all prior wills & Settlements that may have been executed by me In the first place Considering that a part of my property together with all the property of the deceased Matilda Robby my first wife is invested in the persons of Thomas Grahame Esq of Glasson my Brother & certain other individuals as Trustees for behoof of me in liferent & the Children of the said marriage in fee or ? and that by Contract of Marriage between my daughter Matilda & John Stewart Printer in London her husband dated the eighth day of May Eighteen hundred & thirty nine I have fairly and universally settled one half of the said trust funds in the manner I have judged most conducive to the interest & advantage of my said daughter & her husband I now do in exercise of the remaining power & faculty reserved to me by the settlement relative to the foresaid marriage between me & my first wife provide declare & appoint that in case of my death the remanent half of the said Trust funds shall be paid & delivered to the said Robert Grahame my son in free & absolute property In the second place considering that a Contract of Marriage was contracted in the year Eighteen hundred & thirty between me & Jane Adelaide Grahame my present wife whereby certain properties are invested in the person of the said Thomas Grahame for behoof of the said Jane Adelaide & myself in liferent & according as therein expressed in fee or inversion I do now in exercise of the faculty thereby resumed to me appoint & provide that the said fee shall be equally divided between my said Children Robert & Matilda & the share accruing to Matilda shall not be subject to ant of the provisions in her Contract of Marriage but shall be her own absolute property & subject to her own free disposal In the third place I leave & bequeath all my Books of prints & manuscripts whatever to the said Robert Grahame my son In the fourth place I leave & bequeath assign convey & make over form me after my death all the household furniture bed & table linen silver plate & every description of household stock & plenishing belonging to me & in my lawful right property & possession at the time of my death to the said Jane Adelaide my wife and in case of her predeceasing me or dying intestate to the said Robert & Matilda Grahame equally between them In the fifth place I leave and bequeath to the said Jane Adelaide my wife In case of her surviving me the sum of three hundred pounds Sterling which is meant & to be renued as repayment of the sum of three hundred pounds sterling sometime ago advanced to me by her father In the sixth place I do hereby dispone assign convey & make over under the burden & condition herein

after expressed to the said Robert & Matilda equally between them all & whole the property heritable & moveable real & personal except what is included in the preceding clauses that now pertains to me or that may pertain to me at the time of my death Declaring that the share accruing to the said Matilda shall not be subject to any of the provisions in her foresaid Contract of Marriage that shall be her own absolute property & subject to her own free disposal But conditioning & declaring that the said Robert & Matilda by acceptance of all or any of the provisions of this Deed in their favor shall be bound & obliged to secure the said Jane Adelaide my wife in possession of an annuity which including her life interest acquisition under her Contract of marriage shall amount to Four hundred pounds sterling yearly and this I declare to be a burden on the properties bequeathed & conveyed to the said Robert & Matilda and I consent to the Registration hereof in the Books of Council & Session in Scotland or others competent therein to remain for preservation & that Letters of Horning on a charge of six days & all other legal diligence may if necessary thereon pass in common form and thereto Constitute James Moncrieff Esq Advocate Procurators In witness whereof I the said James Grahame have subscribed these presents written by myself on this & the two preceding pages with the marginal additions on the second & third pages at Nantes the seventeenth day of July Eighteen hundred & forty before these witnesses General Ilescoult Cambronne residing at Nantes and the Reverend Caesar Rosselet Minister of the Protestant Church at Nantes two words hereon being delete before superscription (signed) J Grahame – L V Cambronne witness – C Rosselet Jr witness – Memorandum Nantes 26 August 1840 Transferred to my son Robert pro tate of his share in the succession to the Trust Estate created by his Mothers Contract of marriage with me five shares of the Monkland & Kirkintilloch Railway and ten shares of the Ballochney Railway (signed) J Grahame Codicil I the within designed James Grahame Considering that Jane Adelaide my wife and I latterly agrees to discharge our Contract of Marriage & the Trust thereby created and that in misplacement of that agreement that respective trust funds have been by the Trustee conveyed to her & me in absolute property & so also to the survivor of us and that the said Jane Adelaide has by Testamentary Deeds conveyed the fee of the same equally to my Children Robert Grahame & Matilda Stewart (in case of her the said Jane Adelaide surviving me) Do now in reliance on the said Jane Adelaides adherence [p.679] adherence to the said Testamentary arrangement ? that in case the foresaid parties can agree in measures calculated to realize & secure the execution of my intentions in their favor respectively than the annuity or produce to be enjoyed by the said Jane Adelaide after my death shall amount to five hundred pounds sterling In witness whereof I have written with my own hand and ? this Codicil which I declare to be an integral part of my Will at Nantes the fourth day of December Eighteen hundred & forty one (signed) J Grahame Extracted furth of the Records of the Court of Session upon these ten pages of stamped paper by me one of the Keepers of the Record of Deeds & c. conform to Act of Parliament Geo R Kinloch Edin 31 March 1843 This is the Extract Disposition & Deed of Settlement of the late James Graham referred to in my disposition in the Inventory of his Personal Estate of this date (sgd) Robert Grahame – G Carphin Comr.