

Haec inquisito facta fuit in vetere' Concilij
 Domo Burgi Montisrosa coram Georgio Muirson
 uno Balivorum dict' Burgi vigesimo sexto die mensis
 Martij Anno Domini millesimo septingentesimo
 Vigesimo quarto per hos probos et fideles homines
 patria subscript' vis' Alexandrum Strachan de Tarry
 Carolum Ramsay Thomam Lyell Herculem Skinner
 Georgium Balfour Joannem Murray Joannem Skinner
 Junioem Jacobum Cloudfly Robertum Beattie et Davidein
 Junking mercatores Gualleruin Keith Georgium Pearson
 Gulielmum Mudie et Jacobum Boutchart jonioem
 Naucleros et Magistrum Joannem Gellies Ludimagestrum
 Et omnes Burgenses dict' Burgi **qui jurati dic**
unt Magno sacramento interveniente Quod quondam
 Georgius Chaplain de Colliestoun aliquando mercator in
 Kingstoun in Jamaica frater germanus Jacobi Chaplain
 Latoris prosentium Obijtad fidem et pacem SDN
 Georgij regis nunc regnatis Et quod dict' Jacobus Chaplain
 est legitimus et propinquior hares provisionis diet' Georgij
 Chaplain sui fratris fecundum forinam et tenorem litesarium
 procuratorio resignationis dedata vigesimo septimo dei
 mensis Julij Anno Domini millesimo septingentefius
 vigesimo primo per diet' Georgium Chaplain in suiipisies
 et haredum corporis sui favorem Quibus deficien in
 dict' Jacobi Chaplain et heredum masculorum illius
 corporis Quibus etiam deficien in aliorum haredum
 et substilutorum in dict' literis mentonal favorem et
 sub provisionibus et conditionibus in eisdem literis expressis
 fait et concess cum beneficio Ineventarij Et quod est legitima
 otatis **testiminium** putibus
 manu Joannis Spence dict' Burgi et in promissis Clerici
 subscript' Sigilla quorundam eorum qui dict' Inquisitioni
 Itinerant Una cum sigillo dict' Burgi acbsevi; SDN
 Regis in promissis direct incluso funt apperisa die mensis
 Et loco suprascript' . Sic Subtur'.
 23 Aprilis 1724.

J Spence CL

The Latin in the above document appears to be written in a "Montrose" version of the language. The following may give an idea of its meaning!

This inquest was held in the ancient council of the Burgh of Montrose before George Muirson a Baillie of the said Burgh the twenty-sixth day of the month of March in the year of our Lord one thousand seven hundred and twenty four by these honourable and faithful men of the country underwritten namely Alexander Strachan of Tarry, Charles Ramsay, Thomas Lyell, Hercules Skinner, George Balfour, John Murray, John Skinner junior, James Cloudsly, Robert Beattie and David Junking merchants. William Keith, George Pearson, William Mudie, and James Boutchart junior, masters, and Magistrate John Gellies, teacher, all Burgesses of the said Burgh who being sworn say after administration of the great oath that the deceased George Chaplain of Colliestoun sometime merchant in Kingstoun second brother to James Chaplin, proposer of this petition as of fee at the peace & faith of our Sovereign Lord George King now reigning and that the said James Chaplain is the lawful and nearest heir to the said George Chaplain his brother. In addition, the learned resignations dated twenty-seventh day of the month of July in the year of our Lord one thousand seven hundred and twenty one by the said George Chaplain in favour of the said James Chaplain and heirs of his body excludes other heirs. Furthermore the said records mentioned and the provisions and conditions expressed in the records made and granted with the benefits listed constitute a legal testament arranged by the hand of John Spence of the said Burgh and clerk there.

Below are the seals of some of those who took part in the said inquest with seals of the said Burgh attached; The Sovereign Lord our King. Included are the signatures attached on this day of the month as promised.

Signed here below by me.

23 Aprilis 1724.

J Spence CL

Some thoughts about the retour above.

In the index John is described as “Heir Prov.” (Provision General – A single heir by right of a settlement or a will.)

Why not Heir of Tailie since George signed a “Tailie and Deed of Settlement” on 17 July 1721?

Why not Heir of Conquest since George purchased Collieston on 14 July 1721?

Why is there a Testament Dative & not a Testament Testamentar? – This may be because there were not enough funds. Using a testament dative would flush out any debts due to the deceased. (Alex Strachan, for instance, had been loaned an amount equivalent to £1.4million in present day (2012) terms.)