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**REPORT**

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# Transcription of the inventory trust disposition & settlement of James ANDERSON 1827

A commission by

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Before 1868 Scots Law was very prescriptive regarding inheritance: immovable (heritable) property or heritage such as land and buildings could only be conveyed by means of a *retour*; and moveable property such as money, possessions, etc by a *testament*.

Disposition of heritage was based on the rules of primogeniture in which property was conveyed to the eldest son by a process known as *Retours of Services of Heirs*. The system was based on feudal land tenure whereby in general terms all land originally owned by the Crown was granted to immediate vassals (subject superiors) and so on for payment of military or other duty. In time such duties were replaced by *teinds* or tithes of produce or money. When a vassal died, the heir was often required to prove the right to inherit before a court jury, the findings of which were sent to Chancery as a *retour*. This was followed a *Precept of Sasine*, whereby a notary witnessed and documented the symbolic physical “seizing” of the land. Scottish legal practice has been slow to modernise: the rules of primogeniture persisted until 1964; sasines were phased out from 1981 and replaced by registration of title; and feudal tenure was finally abolished by an Act in 2000.

The conventions for disposition of moveable property were equally rigid: automatically one third went to the widow (*jus relictæ*); one third divided equally amongst the children (*legitim*) and the final third was the deceased’s part (*legacie*), which could be disposed of as was instructed in a *testament testamentar*. If the deceased left no testament then the moveable estate was just divided into two parts and disposed recorded in a *testament dative*.

By devising a trust disposition and settlement, James ANDERSON was able to circumvent the straightjacket of the law and dispose of his heritable and moveable property as he saw fit since in essence at the point of death he owned nothing and therefore was not subject to traditional practices. For a more detailed discussion on Scottish inheritance go to [www.scotlandspeople.gov.uk](http://www.scotlandspeople.gov.uk).

### 1827 ANDERSON James SC47/40/4 Forfar Sheriff Court

|    |   |   |
|----|---|---|
| 1  | 5 September 1827  |   |
| 2  | Inventory of the personal estate  | } At Forfar the fifth day of September eighteen |
|    | of  |   |
| 4  | James Anderson  | } presence of Andrew Robertson Esquire Com-     |
| 5  | missary Depute <sup>1</sup> of the Commissariat of Forfarshire Compeared <sup>2</sup> |   |
| 6  | W Thomas Walker writer <sup>3</sup> in Dundee and gave in the Inventory               |   |
| 7  | and oath and Extract Trust Disposition and Settlement underwritten                    |   |
| 8  | desiring they might be inserted and registered in the Com-                            |   |
| 9  | missary Court Books of Forfarshire which desire the said Com-                         |   |
| 10 | missary Depute found to be just and reasonable and ordained                           |   |
| 11 | the same to be done accordingly whereof the tenor <sup>4</sup> follows                |   |
| 12 | Inventory of the personal estate of James Anderson Wright in                          |   |
| 13 | Dundee who died on the thirtieth day of January one thou-                             |   |
| 14 | sand eight hundred and twenty seven with interest due on                              |   |
| 15 | principal sums at that date   |   |
| 16 | 1 <sup>st</sup> Principal sum due by the Dundee Union Bank being                      |   |
| 17 | the balance of the deceased’s personal account with the said                          |   |
| 18 | 179   | Bank  |

<sup>1</sup> *Depute* – deputy.

<sup>2</sup> *Compear* - to appear in court personally.

<sup>3</sup> *Writer* – lawyer, notary, solicitor, attorney.

<sup>4</sup> *Tenor* – substance of the document

|    |                 |   |   |    |    |     |    |    |
|----|-----------------|---|---|----|----|-----|----|----|
| 19 | 180             |   |   |    |    |     |    |    |
| 20 |                 | Bank  |   |    |    | 23  | 2  | 10 |
| 21 |                 | Progressive interest due at 4 percent                         |   |    |    | 7   | 16 | 4  |
| 22 | 2 <sup>nd</sup> | Ten shares of the Capital stock of the Hercules Insu-         |   |    |    | 30  | 19 | 2  |
| 23 |                 | rance Company of Scotland at £ 13.10/ per share               |   |    |    | 135 | -  | -  |
| 24 | 3 <sup>rd</sup> | Three shares of the Capital stock of the Forfarshire and      |   |    |    |     |    |    |
| 25 |                 | Perthshire Insurance Company at £ 11.10/ per share            |   |    |    | 34  | 10 | -  |
| 26 | 4 <sup>th</sup> | Four shares of the Capital Stock of the Dundee Hull           |   |    |    |     |    |    |
| 27 |                 | Shipping Company at £ 16 per share                            |   |    |    | 64  | -  | -  |
| 28 | 5 <sup>th</sup> | Four Sixty fourth shares of the <del>Capital Stock</del> Brig |   |    |    |     |    |    |
| 29 |                 | Bolivar of Dundee and her Tackle and as valued by             |   |    |    | 200 | -  | -  |
| 30 |                 | David Halley Merchant in Dundee the ships harbour             |   |    |    |     |    |    |
| 31 | 6 <sup>th</sup> | Book debts due by [receiver?] viz <sup>5</sup>                |   |    |    |     |    |    |
| 32 |                 | The Town of Dundee  | £ | 2  | 2  | -   |    |    |
| 33 |                 | Thomas Todd Seafield  |   | 6  | 11 | -   |    |    |
| 34 |                 | John [?] Dundee   |   | -  | 4  | 1   |    |    |
| 35 |                 | Miss Wilkie [Auchterhouse?]                                   |   | 2  | 8  | -   |    |    |
| 36 |                 | William Bell Senior Dundee                                    |   | -  | 7  | 1   |    |    |
| 37 |                 | David Pope Grocer there                                       |   | -  | 4  | 2   |    |    |
| 38 |                 | [?] Trade of Dundee   |   | 1  | 17 | 9   |    |    |
| 39 |                 | John Kerr Writer Dundee                                       |   | -  | 10 | 7   |    |    |
| 40 |                 | John Ross Blackness   |   | 5  | 17 | -   |    |    |
| 41 |                 | Francis Dick Tobacconist Dundee                               |   | 15 | 3  | -   |    |    |
| 42 |                 | Thomas Rattray Tobacconist Dundee                             |   | 1  | 2  | 7   |    |    |
| 43 |                 | John Home Scott writer there                                  |   | 4  | 15 | 6   |    |    |
| 44 |                 | Proprietor of the Dundee Perth & Coupar Advertiser            |   | 6  | 6  | -   |    |    |
| 45 |                 | Alexander Balfour Merchant Dundee                             |   | 8  | 2  | -   |    |    |
| 46 |                 | David Jobson Writer there                                     |   | 3  | 1  | -   |    |    |
| 47 |                 | David Jobson Collector of Cess <sup>6</sup> there             |   | 3  | -  | 8   |    |    |
| 48 |                 | Thomas Playfair Vintner Dundee                                |   |    | 7  | 8   |    |    |
| 49 |                 | Robert Guthrie residing there                                 |   |    | 2  | 11  |    |    |
| 50 |                 | Charles Landale Charleston                                    |   |    | 12 | 8   |    |    |
| 51 |                 | James Soot Merchant Dundee                                    |   | 2  | 8  | -   |    |    |
| 52 |                 | Miss Nelson Dundee  |   |    | 3  | 2   |    |    |
| 53 |                 | Misses Wallies Dundee   |   | 6  | 14 | 4   |    |    |
| 54 |                 | Charles Guthrie Taybank                                       |   | 3  | -  | -   |    |    |
| 55 |                 | Revd James Thomson Dundee                                     |   |    | 16 | 6   |    |    |
| 56 |                 | John Sanderson merchant there                                 |   | 7  | 4  | -   |    |    |
| 57 |                 | Dundee Hull Shipping Company                                  |   | 3  | 3  | -   |    |    |
| 58 |                 | Representatives of the late Mrs Meldrum Dundee                |   | -  | 9  | -   |    |    |
| 59 |                 | Alexander Meldrum Ironfounder there                           |   | 5  | 18 | -   |    |    |
| 60 |                 | [Phedoer Burco?] Ogilvy of [Clabank?]                         |   | 8  | 1  | 4   |    |    |
| 61 | 180             |   | £ |    |    |     |    |    |

<sup>5</sup> *Vizt – Videlicet*: that is to say; namely.

<sup>6</sup> *Cess* - An assessment tax or levy.

|     |                  |   |     |    |                |      |    |    |
|-----|------------------|---|-----|----|----------------|------|----|----|
| 62  |                  | John Guthrie of Guthrie   | 3   | 13 | -              |      |    |    |
| 63  |                  | William Gourlay of [Daikie?]  | 14  | 3  | -              |      |    |    |
| 64  |                  | John Thom of Clepington   | 170 | 6  | 6              |      |    |    |
| 65  |                  | Trustees of James McCosh vintner Dundee                                   | 4   | 12 | 9              |      |    |    |
| 66  |                  | James Cumming Writer there  | 5   | 12 | 6              |      |    |    |
| 67  |                  | D R Anderson Drawing master there   | 1   | 10 | 6              |      |    |    |
| 68  |                  | William Sharp saddler there   | 1   | 12 | 7              |      |    |    |
| 69  |                  | Miss Ogilvy Dundee  | "   | 12 | 6              |      |    |    |
| 70  |                  | Trustees of the late Alexander Riddock Merchant Dundee                    | 3   | 18 | 9              |      |    |    |
| 71  |                  | John Watt merchant there  | 2   | 5  | -              |      |    |    |
| 72  |                  | David Brown merchant there  | "   | 12 | 6              |      |    |    |
| 73  |                  | John Sanderson Tobacconist there  | -   | 5  | 2              |      |    |    |
| 74  |                  | James Thomas Merchant there   | 22  | 5  | -              |      |    |    |
| 75  |                  | William Phillips Manufacturer there                                       | -   | 5  | 2              |      |    |    |
| 76  |                  | Mrs Thomson Dundee  | -   | 8  | 7              |      |    |    |
| 77  |                  | Robert McCosh Tailor there  |     | 7  | 7              |      |    |    |
| 78  |                  | Mrs Miln Dundee   |     | 6  | 8              |      |    |    |
| 79  |                  | John [?] weaver there   | 3   | -  | 6 <sup>d</sup> |      |    |    |
| 80  |                  | Captain Black south Ferry   | 4   | 1  | -              |      |    |    |
| 81  |                  | Representatives of the late Mrs Walker Dundee                             | 1   | 1  | 9              |      |    |    |
| 82  |                  | Thomas Walker Writer there  | 2   | 2  | 5              |      |    |    |
| 83  |                  | James Robertson Dundee and others   | 1   | 4  | 6              |      |    |    |
| 84  | 7 <sup>th</sup>  | Book debts due but dubious from the circumstances of the                  |     |    |                | 345  | 1  | 11 |
| 85  |                  | Debtors vizt  |     |    |                |      |    |    |
| 86  |                  | George Bisset Dundee  | 1   | 2  | 2              |      |    |    |
| 87  |                  | William Cockrane Dundee   | 2   | 10 | 3              |      |    |    |
| 88  |                  | Duncan Robertson Dundee   | 1   | 15 |                |      |    |    |
| 89  |                  | William Bisset Dundee   | -   | 5  | 6              |      |    |    |
| 90  |                  | Thomas Davison Dundee   | 5   | 1  |                |      |    |    |
| 91  |                  |   | £   | 10 | 11             | 11   |    |    |
| 92  |                  | of which it is thought no more than 3/ in the pound will be               |     |    |                |      |    |    |
| 93  |                  | recovered [vide?]   |     |    |                | 1    | 11 | 9  |
| 94  | 8 <sup>th</sup>  | Stock in Trade consisting of Timber Wrights Tools etc valued by total     |     |    |                |      |    |    |
| 95  |                  | Stephen Junior licensed appraiser in Dundee conform to Inventory          |     |    |                |      |    |    |
| 96  |                  | and appraisement dated 10 February 1827                                   |     |    |                | 98   | 14 | 1  |
| 97  | 9 <sup>th</sup>  | Arrear of rent falling under Executry due by David Coupar Vintner         |     |    |                |      |    |    |
| 98  |                  | Dundee  |     |    |                | 2    | 10 | -  |
| 100 | 10 <sup>th</sup> | The deceaseds Household furniture bed and table linen plate etc specially |     |    |                |      |    |    |
| 101 |                  | bequeathed to Mrs Janet Lownie or Anderson the deceaseds widow            |     |    |                |      |    |    |
| 102 |                  | valued by the said John Stephen Junior conform to Inventory and ap-       |     |    |                |      |    |    |
| 103 |                  | praisement dated 10th February 1827                                       |     |    |                | 58   | 14 | 1  |
| 104 | 181              |   |     |    |                | £971 | 1  | 3  |

105 182

106 Dundee 4<sup>th</sup> September 1827 which is contained on this and the ten succeeding  
107 pages is the Inventory referred to as my oath of this date hereto annexed  
108 (signed) Dav Anderson Alex Balfour Wr<sup>7</sup>

109

110 At Dundee the fourth day of September one thousand eight hundred and  
111 twenty seven years There was produced to Alexander Balfour Esquire of  
112 His Majestys Justices of the Peace for the County of Forfar a petition pre-  
113 ferred to the Honourable the Commissary of the ~~Commissary of the~~  
114 Commissariat of Forfarshire or his Depute by Mrs Janet Lownie or  
115 Anderson relict of the deceased James Anderson wright in Dundee  
116 David Anderson Clerk in the Dundee Union Bank his oldest son  
117 John Bonthorn wright in the parish of Moonzie Fifeshire David  
118 Soot merchant in Dundee and Robert McCosh Tailor there with a  
119 deliverance therein by the Commissary Depute bearing date the  
120 twenty fifth day of August last whereby commissioner granted  
121 to any of His Majestys Justices of the Peace for the County of Forfar  
122 or any of the magistrates of Dundee to take the oath of the petitioner  
123 or any one or more of them on the verity of the Inventory of  
124 the Personal estate of the said deceased James Anderson as therein  
125 mentioned of which commission the said Alexander Balfour accepted  
126 Appeared the said David Anderson who being solemnly sworn and  
127 examined Depones<sup>8</sup> that the said James Anderson died upon the thir-  
128 tieth day of January last and the Deponent along with the said  
130 Mrs Janet Lownie or Anderson John Bonthorn David Soot and  
131 Robert McCosh has entered upon the possessions and management  
132 of the deceaseds personal estate as Executors nominated by him  
133 in the Trust Disposition and Deed of settlement executed by him upon the  
134 twenty first day of November and registered in the Sheriff Court  
135 Books of Forfarshire the seventh day of February both last an  
136 Extract whereof is now exhibited and signed by the Deponent  
137 and the said Commission of this date as relative hereto  
138 That the Deponent does not know of any settlement or writing  
139 relative to the disposal of the deceaseds personal estate and  
140 effects ~~of the said deceased~~ or any part of them other than  
141 that was exhibited That the foregoing Inventory each  
142 page of which is signed by the Deponent and the said Com-  
134 missioner as relative hereto is a full and true Inventory of  
135 all the personal or moveable estate and effects of the said deceased  
136 James Anderson wheresoever situated already recovered or location to  
137 be existing belonging or due to him beneficially at the time of his  
128 death and that the value of said estate so located in Scotland is of the  
130 182 value

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<sup>7</sup> Wr – possibly *Writer*: solicitor.

<sup>8</sup> Depone – testify; give evidence on oath.

131 value of eight hundred pounds and under the value of one thou-  
132 sand pounds All which is Truth as the Deponent shall answer to God  
133 (signed) Dav Anderson Alex<sup>r</sup> Balfour  
134

135 At Forfar the seventh day of February one thousand and eight hundred  
136 and twenty seven in presence of James Laing of [Dunkenny?] Esquire Advocate  
137 Sheriff Depute of Forfarshire compeared Mr Thomas Hollies writer in Dundee  
138 and gave in the Trust Disposition and Settlement underwritten desi-  
139 ring that it might be inserted and registered in the Sheriff Court  
140 Books of the said shire conform to the clause of registration therein con-  
141 tained which the said sheriff finding to be reasonable he or-  
142 dained the same to be done accordingly whereof the tenor follows  
142 vizt James Anderson Wright of Dundee considering it to be every  
143 mans duty in his own lifetime to settle his affairs in such a  
144 manner as to prevent all disputes after his death with every  
145 full confidence in the integrity and ability of the persons after named  
146 for executing the Trust hereby reposed in them do therefore and  
147 for other good causes and considerations give grant and depone to  
148 and in favor of Mrs Janet Lownie or Anderson my wife David  
149 Anderson my oldest son, John Bonthorn wright in the parish  
150 of Moonzie in Fifeshire David Soot merchant in Dundee  
151 and Robert McCosh Tailor there and to the survivors of  
152 survivors of these who shall accept and to the heirs of  
153 such survivor and to then his or her assignees but that  
154 always in Trust for the ends uses and purposes herein-  
155 after mentioned and declaring that a majority of my said  
156 Trustees accepting and surviving shall at all times form a  
157 quorum for executing the purposes of their Trust all and whole  
158 that Tenement<sup>9</sup> of land lying at the head of the Seagate of  
159 Dundee which formerly belonged to Robert Taylor Tenant  
160 in [Backboth?] to William Taylor Tenant in [Balim-  
161 nin?], and afterwards to William Taylor Farmer at Hillhead of  
162 [Ascurry?] in the parish of Kirkden his son as heir cognor<sup>10</sup>  
163 and infest<sup>11</sup> therein to him Bounded the said tenement of land  
164 by a tenement of stables belonging to the Town of Dundee on the  
165 East the lands formerly of the heirs and successors of John  
166 Martin Maltman now of the successors of Miss Thomson  
167 on the south and West and the said seagate Street on the  
168 north parts together with the whole privileges and pertinents of the  
169 said tenement as also all and whole the Westmost half of the  
170 Lower flat of that new tenement of land sometime ago built by Peter  
171 Butchart

<sup>9</sup> *Tenement* – land held in tenure and built oo.

<sup>10</sup> *Heir cognor* – not a well known phrase but probably used here to mean “heir as understood or thought to be”.

<sup>11</sup> *Infest* - to invest with or give symbolical possession of inheritable property

164 | 184  
165 |  
166 | Butchart mason in Dundee upon the ground after mentioned with  
167 | the vacant Ground at the back or north side of the said west half  
168 | and the two toofalls<sup>12</sup> or cellars erected on the said vacant Ground  
169 | with free ish<sup>13</sup> and entry to and from the said subjects by the Trance<sup>14</sup>  
170 | or passage and common close with the privilege and all of the draw  
171 | well in the East half of the vacant ground and free ish and  
172 | entry thereto at all times as which subjects hereby disponed<sup>15</sup>  
173 | are part of all and whole that south most piece of Ground  
174 | purchased by the said Peter Butchart from Andrew Cook Merchant  
175 | in Dundee and part of the large Tenement of land which  
176 | built thereon by the said Peter Butchart and which vacant  
177 | ground so purchased by him and Tenement Built thereon are  
178 | bounded as follows By the Malt House formerly belonging  
179 | to James Mathew now to his heirs and successors on the  
180 | West the yard formerly belonging to the said Andrew Cook  
181 | now to his heirs and successors on the north the Tenement  
182 | formerly belonging to James Peter now to his heirs and successors  
183 | and part of Andrew Cooks Garden wall on the East and the Seagate  
184 | Street of Dundee on the south part which subjects hereby disponed  
185 | were formerly disponed by the said Peter Butchart to James  
186 | Gray Flaxdresser in Dundee conform to disposition dated  
187 | the third day of June one thousand seven hundred and  
188 | seventy four to which William Gray shipmaster in Aberdeen  
189 | his only son afterwards acquired right by General service<sup>16</sup>  
190 | as heir to his said father exped<sup>17</sup> before the Bailies of Dundee  
191 | of date the Fourth day of February one thousand eight  
192 | hundred and thirteen and duly retoured<sup>18</sup> - In the Chan-  
193 | cery with the infeftment<sup>19</sup> in his favor following thereon  
194 | my said disponees being always bound to maintain  
195 | and uphold one sixth part of the roof of the said  
196 | said Tenement As also all and whole the upper Flat or story  
197 | with the Garret Room on each end thereof being part of that  
198 | great tenement of land lying at the head of the murray  
199 | gate of Dundee which was purchased and acquired  
200 | by the deceased David Maxwell x of Bogmill and was rebuilt by  
201 | him on the north side of the mercate street of the said Burgh  
202 | having the Tenement of the heirs and successors of George Trail  
203 | on the west the lands sometime of Robert Rankine shipmaster  
204 | now of the heirs of Charles Ramsay at the east the lower the lands sometime  
205 | of Alexander Vico thereafter of Alexander Carmichael at the  
206 | north and the Murraygate on the south parts which upper Flat  
| or

<sup>12</sup> *Toofall* – a shed or roofed structure used as a shelter or store house.

<sup>13</sup> *Ish* – right of means of egress.

<sup>14</sup> *Trance* – narrow passage between buildings.

<sup>15</sup> *Dispone* – to make over or convey.

<sup>16</sup> *General Service* – (or general retour); the right to inherit had been proved in court.

<sup>17</sup> *Expede* – to obtain, issue or take out officially.

<sup>18</sup> *Retour* – an extract of a court decision sent to chancery declaring successor heir to an ancestor.

<sup>19</sup> *Infeftment* – the official or symbolic bestowal of heritable land on a person.



207 or story with the garret room all each end thereof were disposed by Alexan-  
208 der Farquharson accountant in Edinburgh Trustee for the  
209 said David Maxwell of Bogmill and his Creditors to the said deceased  
210 Anna Maxwell Relict of David [Wardesser?] shipmaster in London  
211 and which was disposed by the said Anna Maxwell to William  
212 Chalmers Town Clerk of Dundee and by him to me But declaring  
213 always that my said disponees shall be bound and obliged to  
214 uphold one eighth part of the roof of the said tenement of land above  
215 mentioned and to allow the proprietors of the other stories of the said  
216 tenement of land their heirs or Tenants free access at all reasonable  
217 times through the said upper Flat or story above mentioned tene-  
218 ment as also all and whole that dwelling house consisting of the  
219 rooms and a kitchen being the third flat from the ground or  
220 second above the shops with the southwest Garret and a small  
221 Cellar or place for holding coals at the foot of the stair of all  
222 and whole that formerly ruinous tenement of land after-  
223 wards rebuilt by John Peter wright in Dundee and which  
224 formerly belonged to James [Sween?] Mariner there thereafter  
225 by progress belonged to John Small and Robert Wilkie wright  
226 thereafter to James Arnot Tenant at Kinnettles thereafter to John  
227 Ranssay of [?] Patrick Mitchell Merchant in Dundee  
228 and John Oglivie Writer there thereafter to the said John Peter  
229 who disposed the foresaid flat cellar and garret to [?]  
230 [Nicholl?] Relict of David [Dear?] Glover in Dundee in liferent<sup>20</sup>  
231 and to Patrick Whilson merchant in Dundee in fee<sup>21</sup> who dis-  
232 posed the same to Patrick Stewart sometime tailor afterwards  
233 Town officer in Dundee by whom the same were disposed to  
234 Patrick Murray Vinter in Dundee and were acquired by me  
235 from James Murray Linen Factor in London only son and heir  
236 of the aid Patrick Murray lying upon the southside of the  
237 Mercate street of Dundee and upon the east side of the wynd<sup>22</sup>  
238 leading down from the said street by the back of the old  
239 Grammar school Bounded the foresaid tenement of land by the  
240 subjects belonging to the successors of the said Robert Wilkie  
241 and a mutual dike<sup>23</sup> or wall on the east by the lands sometime of Thomas  
242 Cowie Merchant now of the successors of the said John Peter and others  
243 on the south by the foresaid wynd on the west and by a piece of  
244 vacant ground measuring ten feet in breadth on the north parts  
245 with free ish and entry to the said subjects as at present But  
246 Always with and under the burdens of paying one third part of  
247 185 the

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<sup>20</sup> *Liferent* - right to receive for life the benefits of a property/asset without the ability to dispose of the same.

<sup>21</sup> *Fee* – the right to an interest in a heritable property which may be held separate to the liferent.

<sup>22</sup> *Wynd* – a narrow street, often winding, leading off a main thoroughfare in a town.

<sup>23</sup> *Dike* – *Dyke*: boundary wall etc

249 the expense of upholding the roof and chimney tops of the foresaid  
 250 tenement of land as also all and whole that piece of Ground  
 251 being lot number third of a feuing plan<sup>24</sup> drawn by David  
 252 Neave Architect in Dundee of all and whole these for acres  
 253 one rood fifteen falls and ten ells of land<sup>25</sup> or thereby upon the west side of  
 254 that field commonly called the Seamens acres particularly  
 255 after described which lot number three contains sixty falls and  
 256 eighteen ells (which measurement includes one half of the road  
 257 on the west side and one third of the road on the east side of the  
 258 said lot both after mentioned so far as they respectively  
 259 bound the same) and is bounded by a road of seventy two feet  
 260 in breadth leading up to the House of Hillbank on the east  
 261 by lot number second of the said feuing place feued<sup>26</sup> to the  
 262 said David Alexander and Peter Taylor soap boiler in Dundee  
 263 on the south by a road of twenty two feet in breadth leading up the  
 264 West side of said field called the Seamens acres on the west and  
 265 and by lot number fourth of the said place feued to John [?]  
 266 Mason in Dundee and others on the north part which lot  
 267 number third is part and portion of all and whole there four  
 268 acres one rood fifteen falls and ten ells of land or thereby  
 269 upon the west side of that field commonly called the Seamens  
 270 acres and described in the original titles thereof as all and  
 271 whole these twelve acres of land lying on the east side of the  
 272 Hilton of Dundee in that shade<sup>27</sup> commonly called the  
 273 Laigh shade or Forebank bounded the said four acres  
 274 one rood fifteen falls and ten ells of ground on the east formerly  
 275 by a line running parallel to the west boundary of the field  
 276 and marked off by march<sup>28</sup> stones faced by James Sim  
 277 schoolmaster in [?] now by the said Road of seventy two  
 278 feet in breadth leading up to the House of Hillbank through  
 279 the said field called the seamens acres, on the south by the  
 280 Kings highway leading from the buckle makers wynd of Dundee  
 281 on the west by the acres disponed by the Magistrates and Town  
 282 Council of Dundee to the poor widows of Dundee and on  
 283 on the north parts by the middle shade disponed by the said  
 284 Magistrates and Town Council of Dundee to Alexander Wed-  
 285 derburn sometime Clerk of Dundee Together with the dwelling  
 286 House and others erected by me upon the said piece of ground  
 287 and the privileges and pertinents and tiends<sup>29</sup> parsonage<sup>30</sup> and vicarage<sup>31</sup>  
 288 there of which subjects are part and portion of the Barony of the  
 289 Hilton of Dundee lately dissolved from the Barony of Dundee  
 290 186 and

<sup>24</sup> *Feuing Plan* – map of lands feued.

<sup>25</sup> *Acres, roods, falls & ells* – obsolete measurement (linear and area).

<sup>26</sup> *Feu* – contract and conditions by which land is held under feudal system.

<sup>27</sup> *Shade* – a common reference to land usage: that land which is turned away from the sun i.e. on the north side.

<sup>28</sup> *March* – a boundary.

<sup>29</sup> *Tiend* - the tenth part of the produce of land or industry set apart for the support of the Church.

<sup>30</sup> *Parsonage* –belonging to the parson i.e. a beneficed member of the clergy.

<sup>31</sup> *Vicarage* - belonging to the vicar i.e. one who deputises for the parson.

291 and annexed and incorporated into a new barony called the Barony  
292 of the Hilton of Dundee and were feued out to Captain John Reid  
293 of Carnie by the Fraternity of Masters and seamen in Dundee  
294 And lie in the parish of Dundee and thereafter of Forfar And  
295 the said piece of ground with the dwelling House and others erected  
296 thereon and tiends and pertinents<sup>32</sup> thereof were disposed to me  
297 by James Maxwell esquire Captain in His Majesties Royal Ma-  
298 rine service and John Maxwell esquire late of the Island of  
299 Jamaica both now residing in Dundee conform to the con-  
300 tract entered into betwixt them and me of date the twentieth  
301 day of November in the present year and the same are being  
302 disposed with and under the exceptions reservations con-  
303 ditions provisions and declarations specified in the  
304 said feu contract which are here held as repeated *brevitatis*  
305 *causa*<sup>33</sup> Together with all right title and interest which I  
306 have or ever pretends to the foresaid several subjects as also all  
307 and sundry other laws and heritages goods and gear<sup>34</sup> debts and  
308 sums of money and in general the whole estate and effects heri-  
309 table and moveable real and personal of what [?] or nature  
310 soever or wheresoever situated presently belonging or which shall  
311 pertain and belong to me at the time of my decease with  
312 the whole vouchers and instructions writs titles and securities  
313 of and concerning my said estate and effects and all that  
314 has followed or may be competent to follow thereon excep-  
315 ting always from their conveyance in the event afterme-  
316 tioned the household furniture and goods herein after  
318 assigned to the said Mrs Janet Lownie or Anderson my wife  
309 in case she shall survive me and I do hereby assign con-  
310 vey to and in favor of the said Mrs Janet Lownie or Anderson my  
311 wife in case she shall survive me the whole household furniture  
312 belonging to me that may be in and about my dwelling house at  
313 the time of my decease including heirship moveables Books silver  
314 plate Linen and china liquors provisions and others And I Bind  
315 and oblige me and my heirs and successors to grant all necessary  
316 deeds in favor of my said Trustees for implementing and fulfilling  
317 the above general dispositions of my heritable and moveable means  
318 and estate And I do hereby nominate and appoint my said Trustees above  
319 named to be my sole Executors and intromitters<sup>35</sup> with my moveable  
320 means and estate But declaring always that these presents are  
321 granted in trust for the end uses and purposes after mentioned vizt  
322 First that my said Trustees shall from the produce of my means  
323 187 X

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<sup>32</sup> *Pertinents* – anything connected with or forming part of a piece of land not specifically reserved from the grant eg buildings on that land or pasturage etc.

<sup>33</sup> *Brevitatis causa* – for the sake of brevity ie another document has been referenced but not fully quoted.

<sup>34</sup> *Gear* – possessions in general etc.

<sup>35</sup> *Intromitter* - a person appointed to deal with the funds or property of another person.

324 188

325 and estate pay all my just and lawful debts deathbed and funeral  
326 expenses and the expense of executing this Trust Secondly  
327 that the said Mrs Janet Lownie or Anderson my wife in case she shall  
328 survive me shall have the liferent use and possession of  
329 all and whole the foresaid upper Flat or storey in the garret  
330 room on each end thereof as all presently possessed by me  
331 being the subjects thereby before dispoed with full power  
332 then either to occupy the same herself or to let the same  
333 for rent as the shall think proper to uplift sue for and discharge  
334 the rents thereof to output and input tenants and every  
335 other thing to do there assent competent to a liferenter  
336 And I appoint my said Trustees at the expense of the Trust  
337 to grant all writs and deeds necessary in favor of my said  
338 wife for fully vesting and securing her in the liferent of  
339 the said subjects Thirdly that my said Trustees shall  
340 out of the rents of the other heritable subjects that may  
341 belong to me at the time of my decease pay to the said  
342 Mrs Janet Lownie or Anderson in case she shall survive  
343 me an annuity of seventy pounds sterling during all  
344 the days of her life and that at two times in the year  
345 Whitsunday and Martinmas<sup>36</sup> by equal portions beginning  
346 the first <sup>terms</sup> payment thereof at the first of these terms  
347 which shall happen after my death and so forth yearly  
348 and termly during the life of the said Mrs Janet  
349 Lownie or Anderson with a fifth part more of each  
350 termly portion of liquidate penalty in case of failure  
351 in the punctual payment thereof and the legal  
352 interest of the same from and after the respective  
353 terms of payment until payment thereof And I do  
354 hereby declare that the provisions hereby given  
355 to the said Mrs Janet Lownie or Anderson shall by accepted of  
356 by her in full satisfaction to her of all terce<sup>37</sup> of lands there  
357 or half of moveables and every other claim competent to her  
358 by and through my decease in any manner of way excepting  
359 only her claims for mourning and ailment to the first term  
360 of Martinmas or Whitsunday after my decease both of which  
361 are hereby reserved for her / Fourthly at the first term of Whitsunday  
362 or Martinmas being twelve months complete after my  
363 decease I appoint my said Trustees to assign and make over  
364 part of the Trust estate as follows vizt to the said David Anderson  
365 two shares of the Capital stock of the Dundee Hull Shipping Company  
366 188 and

<sup>36</sup> *Whitsunday & Martinmas* – two of the four old Scottish term days when accounts were settled.

<sup>37</sup> *Terce* – The right of a widow to the liferent of one third of her husband's heritable estate if not other provision is made.

367 two shares of the Capital stock of the Hercules Insurance Company. To  
368 James Anderson my second son one share of the Capital stock of the  
369 Dundee Hull Shipping Company one share of the Capital stock  
370 of the Forfarshire and Perthshire Insurance Company and two  
371 shares of the Capital stock of the Hercules Insurance Company  
372 To Alexander Anderson my youngest son one share of the  
373 Capital stock of the Dundee Hull Shipping Company one  
374 share of the Capital stock of the Forfarshire and Perthshire Insu-  
375 rance Company and two shares of the Capital stock of the  
376 Hercules Insurance Company and to Janet Anderson my  
377 daughter one share of the Capital stock of the Forfarshire and  
378 Perthshire Insurance Company and four shares of the  
379 Capital stock of the Hercules Assurance Company Fifthly At the  
380 first terms of Whitsunday or Martinmas being six months com-  
381 plete after my decease and the decease of my said wife I desire  
382 my said Trustees to dispone convey and make over to the  
383 said David Anderson whom failing to any child or children  
384 to be lawfully born wherein equally among them all and  
385 whole the foresaid westmost half of the lower Flat  
386 the said new tenement of land sometime ago built by the  
387 said Peter Buckland with the vacant ground at the  
388 Back or north side of the said west half and the two toofalls  
389 or cellars erected on the said vacant ground with the privi-  
390 leges and pertinents belonging thereto as herein before particu-  
391 larly conceded and described as also all and whole the  
392 eastmost half of the ground story and the first story  
393 above the ground story of the foresaid dwelling House  
394 erected by me on the piece of ground in the seamens acres with  
395 the eastmost cellar between the said dwelling House and the eastward  
396 half of the cellar under the front street thereof and likewise the four  
397 and equal fourth part *pro indiviso*<sup>38</sup> of the vacant ground on the north  
398 east and south sides of the said dwelling House with the well  
399 behind the same and erections built by me on the said vacant  
400 ground Excepting always the ground to the westward of the  
401 said dwelling House and of a line extending from the west  
402 Gable wall thereof to the south and north boundary of the  
403 said piece of ground parallel to the east boundary of the same  
404 Sixthly at the said first term of Whitsunday of Martinmas  
405 being six months complete after the decease of me and of my  
406 said wife I appoint my said Trustees to dispone convey and make  
407 over to the said James Anderson whom failing to any child or  
408 189 children

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<sup>38</sup> *Pro indiviso* – undivided.

409 190  
 410 children lawfully born to him equally among them All  
 411 and whole the east most half from top to bottom of the foresaid  
 412 tenement of land lying at the head of the seagate of Dundee with  
 413 the whole privileges and pertinents thereof as herein before particu-  
 414 larly conceded and described but with and under the  
 415 burden of paying three fourth parts of the expense of up-  
 416 holding the roof and chimney tops of the said tenement  
 417 x and of the and one half of the expense of upholding the foot payment  
 418 first story opposite thereto and also all and whole the westmost  
 419 above the half of the ground story x of the foresaid dwelling House  
 420 Ground story erected by me on the vacant piece of ground in the Seamens  
 421 acres with the westmost cellars behind the said dwelling  
 422 House and the westmost half of the cellar under the  
 423 Front stair thereof and likewise the just and equal fourth  
 424 part pro indiviso of the foresaid vacant Ground  
 425 on the north east and south sides of the said dwelling  
 426 House with the well and erections before mentioned  
 427 excepting as aforesaid Seventhly at the said first term  
 428 of Whitsunday or Martinmas being six months  
 429 complete after the decease of me and of my said wife  
 430 I direct my said Trustees to dispone convey and make over  
 431 to the said Alexander Anderson whom failing to any  
 432 child or children to be lawfully born to him equally  
 433 among them all and whole the westmost half  
 434 from top to bottom of the foresaid tenement of land  
 435 lying at the head of the seagate of Dundee with  
 436 the whole privileges and pertinents thereof as herein before  
 437 particularly bounded and described but with and  
 438 under the burden of paying one fourth part of the  
 439 expense of upholding the roof and chimney tops of the  
 440 said tenements and one half the expense of upholding  
 441 foot pavement opposite thereto as also all and  
 442 whole the eastmost half of the second story above  
 443 the ground story and the attic story of the foresaid  
 444 dwelling House erected by me on the said piece of  
 445 ground in the Seamens acres with the cellar behind  
 446 the said dwelling House next the eastmost cellar  
 447 And likewise the just and equal fourth part pro  
 448 indiviso of the ~~present~~ <sup>foresaid</sup> vacant ground on the north east  
 449 and south sides of the said dwelling house with the well and erections before mentioned  
 450 Excepting as aforesaid Eighthly at the said first term of Whitsunday of Martin-  
 451 190 mas being six months complete after the decease of me and  
 452 of

453 of my said wife I appoint my said Trustees to dispone convey and  
454 make over to the said Janet Anderson whom failing to any child  
455 or children to lawfully born to her equally among them all  
456 and whole the foresaid upper Flat or story with the garret room  
457 on each end thereof as all presently possessed by me being part  
458 of the foresaid great tenement of land lying at the head of  
459 the Murraygate of Dundee as herein before particularly  
460 bounded and described as also all and whole the westmost  
461 half of the second story above the ground story and of the  
462 attic story of the foresaid dwelling House erected by me on  
463 the said piece of ground in the Seamens acres with the cellar  
464 behind the said dwelling House next the westmost cellar  
465 and the small access under the middle stair leading to the  
466 upper stories and likewise the first and equal fourth part pro  
467 indiviso of the foresaid vacant Ground on the north east  
468 and south sides of the said dwelling House with the well  
469 and erections before mentioned Excepting as aforesaid But  
470 declaring always as it is hereby expressly provided and  
471 declared that incase any of my said children shall  
472 happen to die without leaving lawful issue before the said  
473 first term of Whitsunday or Martinmas being six monthly  
474 complete after the decease of me and of my said wife then  
475 and that event the heritable subjects herein before  
476 appointed to be conveyed to any of them so dying shall  
477 be held by my said Trustees as part of the residue of my  
478 means and estate and disposed of by them as aftermen-  
479 tioned Ninthly and with regard to the free residue  
480 surrender of my estate and effects heritable and moveable  
481 real and personal above conveyed I appoint my said Trustees  
482 to pay the free proceeds thereof to the said David James Alexander  
483 and Janet Anderson equally among them share and share alike  
484 and that at the first term of Whitsunday or Martinmas  
485 being twelve months complete after my decease and the  
486 decease of my said wife with the power nevertheless to my said  
487 Trustees to advance to any of my said children such part of  
488 their presumptive shares for the time being of the said free  
489 residue as to my said Trustees shall seem proper either for  
490 fitting them out in life or otherwise for their benefit declaring  
491 that in case any one or more of my said children shall  
492 happen to predecease me or die without having received payment of his  
493 her or their share or shares of the said free residue or without having  
494 assigned  
495 191

496 192

496 assigned the same then such share or shares shall accrue to the  
496 survivor or survivors equally among them share and share alike provi-  
499 ding nevertheless that if such child or children so dying shall  
500 have left lawful issue then such issue shall have right  
501 to the share or respective shares of the said free residue which  
502 their deceased parent or parents would have been entitled to if  
503 living And farther until the said free reside shall become  
504 payable as aforesaid I appoint my Trustees to pay  
505 the said David James Alexander and Janet Anderson  
506 the surplus that may yearly accrue of the rents interests  
507 dividends and annual profits of the said Trust estate  
508 after payment of the annuity herein before provided  
509 to my said wife and the current expenses of managing this  
510 Trust And that according to this expective interests for the time  
511 being in the said free residue Declaring that while the said  
512 James Alexander and Janet Anderson are under age and reside as family  
513 with my said wife the shares of the said surplus falling to them  
514 respectively shall be paid to my said wife for their mainte-  
515 nance and education And for accomplishing these ends and  
516 purposes I hereby fully empower my said Trustees to sue for  
517 up lift and receive the debts heritable and moveable hereby  
518 conveyed to discharge and assign the same and renounced or  
519 dispone the securities held therefor and likewise to sell all or  
520 any part of the said trust [relate?] and effects and that either  
521 by public roup<sup>39</sup> or private bargain as to my said Trustees shall  
522 seem proper With full power to grant all necessary and requisite  
523 dispositions and conveyances to the Purchasers contracting  
524 clause of absolute warrandice<sup>40</sup> upon me and my heirs general<sup>41</sup>  
525 Declaring that the debtors or purchasers shall be no ways  
526 concerned with the application of any sum or sums of money  
527 to be paid by them or with any of the conditions or provisions  
528 hereof but shall be sufficiently exonerated by the simple receipt  
529 and discharge of my said Trustees And I also empower my said  
560 Trustees to pay such of my debts and funeral charges as they shall  
561 think proper<sup>and first</sup> without the necessity of a decret of Constitution<sup>42</sup> or  
562 other form of law and to compound transact and agree or to rescind  
563 and refer all questionable matters relating to the Trust which tran-  
564 sactions and submissions with the decrees arbitral<sup>43</sup> to follow  
564 thereupon shall be valid and effectual as also to call in and remove  
566 and of new to place out the money coming into their hands  
567 in virtue of the present Trust when and so often as it shall  
568 192 seem

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<sup>39</sup> Roup – Auction sale.

<sup>40</sup> Warrandice – An undertaking to indemnify the purchaser if threatened with eviction through deficit in title.

<sup>41</sup> Heirs general – otherwise called *heirs at law*; i.e. those who succeed by the right of blood.

<sup>42</sup> Decreet of Constitution – the judgement of a Court of Law by which a debt is ascertained.

<sup>43</sup> Decree arbitral – presumably refers to the setting of annual feus.





611 194

612 the Tiends of my said superiors<sup>47</sup> or of their commissioners aforesaid In  
613 favor and for new infeftment of the same to be made given and  
614 granted to the said Janet Lownie or Anderson David Anderson John  
615 Bonthorn David Soot and Robert McCosh and to the survivors or  
616 survivor of them who shall accept and to the heir of each survivor  
617 and then his or her assignees as Trustees for the ends uses and pur-  
618 poses and with the powers herein before mentioned in such  
619 due and competent form as effects Acts instruments and documents  
620 in the premises to ask and take and generally every other thing regarding  
621 the premises to do which I could have done myself before granting  
622 hereof and which to the office of Procuratory in such cases is  
623 known to belong Ratifying hereby and confirming whatever  
624 my said Procurators shall lawfully do or cause to be done in  
625 the premises in virtue hereof And further I do hereby make  
626 and constitute the said Janet Lownie or Anderson David Ander-  
627 son Alex Bonthorn David Soot and Robert McCosh as Trustees  
628 foresaid and their foresaids my cessioners<sup>48</sup> and assignees  
629 not only in and to the whole writs and evidents rights titles and  
230 securities of and concerning the said subjects with the whole decrees  
631 therein contained and all that has followed or is competent  
632 to follow thereon and specifically without prejudice to the foresaid  
633 generality in and to the writs following vizt A Disposition  
634 of the subjects first before disponed of date the ninth day of October  
635 in the year Eighteen hundred and seven made and granted by  
636 the said William Taylor Farmer at Hilhead of Ascurry in  
637 my favor with the unexecuted Procuratory of resignation  
638 therein contained Item a Disposition of the subjects secondly  
639 before disponed of date the eighteenth day of February in the  
640 year Eighteen hundred and thirteen made and granted by the  
641 said William Gray Shipmaster in Aberdeen in my favor with  
642 the unexecuted Procuratory of resignation therein contained  
643 Item Disposition of the subjects Thirdly before disponed  
644 of date the twenty fifth day November in the year Eighteen  
645 Hundred and fourteen made and granted by the said William  
646 Chalmers Town Clerk of Dundee in my favor with the unexe-  
647 cuted Procuratory of resignation therein contained Item a Dis-  
648 position of the subjects fourthly before disponed of date the  
649 twenty eighth day of March in the year Eighteen hundred and  
650 twenty five made and granted by the said James Murray  
651 Linen Factor in London in my favor with the unexecuted  
652 Procuratory of resignation and precept of Sasine<sup>49</sup> therein contained

654 194

To

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<sup>47</sup> *Superior* – a person who has made a grant of land in feu to a vassal in return for a feu duty payment or performance of a service in kind.

<sup>48</sup> *Cessioner* – one to whom a cession (local tax or levy) of property is made.

<sup>49</sup> *Sasine* – the act or procedure of giving possession of feudal property by symbolic delivery of earth and stone and subsequently undertaken by the registry at the General Register of Sasines in Edinburgh.

655 To the end that in virtue of the said Disposition and Procurations of  
656 assignation or precepts of sasine therein contained respectively yet  
657 unexecuted and of these presents my said Trustees or their foresaids  
658 may be the more readily infest and seize in the premises But also as  
659 if to the whole rents mals<sup>50</sup> and duties that may become due furth of<sup>51</sup>  
660 the foresaid subjects from and after the period of my death but  
661 that always in trust for the ends uses and Purposes before expressed  
662 surrogating and substituting my said Trustees in my ~~said~~ full  
66 right and place of the Premises And I do hereby nominate any  
664 Appoint the said Janet Lownie or Anderson David Anderson  
665 John Bonthorn David Soot and Robert McCosh and the survivors  
666 or survivor of them who shall accept to be Tutors<sup>52</sup> and Curators<sup>53</sup>  
667 to the said James and Alexander Anderson my sons and to the said  
668 Janet Anderson my daughter during their respective pupilari-  
669 ties<sup>54</sup> and minorities<sup>55</sup> declaring that a Majority of them  
670 accepting and surviving shall at all times form a quorum  
671 and hereby empower my said Trustees to appoint a Factor to manage x  
672 the affairs hereby committed to their charge declaring always that  
673 my said Trustees shall not either as Trustees or Tutors and Curators  
674 be liable for omissions or neglect of management and that  
675 they shall not be liable singuli in solidum<sup>56</sup> but only each for  
676 His own intronmissions and that they shall not be farther liable  
677 for any factor to be named by them than that said Factor  
678 shall be habite and repute<sup>57</sup> responsible at the time of appoint-  
679 ment and that all expenses and other disbursements  
680 to be paid out by my said Trustees or any of them in the  
681 management of this Trust shall be allowed to them in  
682 the first place and that the accounts of their intronmissions  
683 shall be taken on their own word or written state without the  
684 necessity of legal vouchers<sup>58</sup> and Hereby reserve to myself not  
685 only my own liferent of the estate and effects heritable and moveable  
686 real and personal above conveyed but also full power to me  
687 x So far as at any time of my life to alter and consecrate these presents  
688 not revoked in whole or in part and to revoke cancel and accord the  
689 or altered same as I shall think proper But declaring that the same  
690 by me x shall be a valid and effectual deed although found lying  
691 in my repositories or in the custody of any person to whom I  
692 may entrust the same undelivered at the time of my death  
693 with the delivery thereof I have disponed and hereby dispense  
694 for ever And I consent to the registration hereof in the Books  
695 of Council and Session or other Lodges Books competent therein to  
696 195 remain

<sup>50</sup> *Mals*- probably a version of *mails* meaning rents. In this case "*mails and duties*" refers to the rent of an estate.

<sup>51</sup> *Furth of* – out of the revenues of, at the expense of the estate.

<sup>52</sup> *Tutor* – someone who administers to affairs of a pupil.

<sup>53</sup> *Curator* - someone who administers to affairs of a minor.

<sup>54</sup> *Pupilarity* – pertaining to a *pupil* i.e. a child younger than 12 if female or 14 if male.

<sup>55</sup> *Minority* – pertaining to a *minor* i.e. a person who is older than 12 if female or 14 if male, but under the age of 21.

<sup>56</sup> *Singuli in solidum* – singularly liable for the whole amount due.

<sup>57</sup> *Habit and repute* – meaning "to be held and reputed as being responsible" i.e. a person of responsible reputation.

<sup>58</sup> *Voucher* – a supporting formal expression of opinion by a legal authority.

697 196

698 remain for preservation and for that effect constitute

699 My Procurators etc And moreover in order that my  
700 said Trustees may be infeft and seized in the subjects last above dis-  
701 posed I hereby desire and require you

702 And each of you jointly and severally my Baillies<sup>59</sup> in that  
703 part hereby specially constituted that on sight hereof ye pass to the  
704 ground of the said subjects and then give and deliver to the said  
705 Janet Lownie or Anderson David Anderson John Bonthorn David  
706 Soot and Robert McCosh and to the survivors or survivor of them  
707 who shall accept and to the heirs of such survivors and then  
708 his or her assignees as Trustees for the ends uses and purposes  
709 and with the powers herein before mentioned heritable state  
710 and sasine real actual and Corporal possession of all and whole  
711 the foresaid piece of ground being lot number third of the said  
712 feuing plan of all and whole the foresaid four acres one rood  
713 fifteen falls and ten ells of land or thereby upon the westside of  
714 that field commonly called the Seamens acres with the dwelling  
715 House and other erected on the said piece of ground and the privileges  
716 and pertinents and tiends parsonage and vicarage thereof all lying and  
717 described as aforesaid But always with and under the exception reser-  
718 vations conditions provisions and declarations specified in the  
719 feu Contract before mentioned and that by delivery to the said  
720 Trustees their foresaids or to their certain attorney or attorneys  
721 in their names bearers hereof of earth and stone of and upon the  
722 ground of the said subjects a handful of grass or straw for the  
723 said tiends and all other symbols usual and requisite and this in  
724 no wise ye leave undone which to do I [comend?] to you and each  
725 of you my said Trustees full force by this my precept of  
726 Sasine directed to you for that effect In witness whereof these  
727 presents consisting of this and the eighteen preceding pages with  
728 the Marginal addition on the ninth page all written on  
729 stamped paper by Alex Watson Apprentice to Thomas Walker Writer in  
730 Dundee are subscribed by me along with the Marginal addition on the  
731 fourth page also written by the said Alex Wilson At Dundee the  
732 twenty first day of November in the year one thousand eight  
733 hundred and seventy six before these witnesses the said Thomas Walker  
734 and John Watson (signed) James Anderson Thos Walker witness  
735 John Watson witness thirteen words on page thirty ninth of the  
736 Extract deleted before signing Extracted upon this and the forty three  
737 preceding pages by (signed) Ja R Crichton DC Dundee 4<sup>th</sup> September  
739 1827 what is contained on this and the forty three preceding pages in the  
740 196 Extract

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<sup>59</sup> *Baillie* – representative appointed to deliver a sasine.

740 | Extract Trust Disposition and Deed of settlement referred to in my affidavit  
741 | of this date annexed to the Inventory of the personal estate of the [...] <sup>60</sup> are then  
742 | [resigned?] James Anderson (signed) Dav Anderson Alex Balfour

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<sup>60</sup> The name of the umqhile (deceased person) would normally be inserted here but seems to be missing.  
There may of course be other interpretations of the sentence.