

Inventory of the Estate of Ann Fisher or Stewart [date not legible]

At Stirling the Nineteenth day of November Eighteen hundred and eighty eight years the Inventory Affidavit and Ext Regd Trust Disposition and Settlement hereinafter engrossed were presented for registration in the Court Books of the Commissariat of Stirling and are registered in said Books as follows –

Inventory of the Personal Estate and Effects wheresoever situated of Ann Fisher or Stewart residing at Linlithgow Bridge in the Parish of Muiravonside and County of Stirling who died Testate on the Twenty ninth day of August Eighteen hundred and eighty eight at Linlithgow Bridge aforesaid, and had at the time of death her ordinary or principal Domicile in the County of Stirling Scotland

1. Household furniture and other Effects in Deceased's house Conform to Appraisement by Thomas Binnie, Auctioneer, and Valuator Falkirk £ 39 1 "
Carry Forward £ 39 1 "

194

Brought Forward £39 1 "

2. Sum in Bank v()t (vault? I'd expect it to say 'account') –
Deposit Receipt in name of the Deceased by the Commercial Bank of Scotland Ltd
Linlithgow dated 23rd August 1886 £ 115 " "
Interest to 15th November 1888 5 6 6 120 8 8
3. Proportion of Rents due by the following Tenants of Property at Linlithgow Bridge –
Mrs Battison £ 5 10 4.
Mary Ferguson 2 3 6.
James Wylie 1 14 10
Robt. Stewart 1 3 2.
David Inglis - 11 7.
James Anderson - 11 7.
John Malcolm - 11 7.
Thomas Wylie 1 1 9.
John Brown - 11 7
Mrs Dobbie 1 14 10 15 14 9

Total Estate £ 175 4 5.

(signed) R Stewart
(") John G Urquhart J P.

Affidavit by Executor

At Vellore on the ('sixth' written and scored out) sixteenth day of November Eighteen hundred and eighty eight In presence of John Grubb Urquhart Esquire one of Her Majestys Justices of the Peace for the County of Stirling. Appeared Robert Stewart residing at Linlithgow Bridge in the Parish of Muiravonside and County of Stirling formerly Clerk at Almond Iron Works son of the deceased, who being sworn and examined Depones that the

said Ann Fisher of Stewart residing at Linlithgow Bridge aforesaid died Testate on the Twenty ninth day of August Eighteen hundred and eighty eight at Linlithgow Bridge

195

Bridge aforesaid and had at the time of death her ordinary or principal Domicile in the said County of Stirling. That the Deponent is the Executor of the said Ann Fisher or Stewart and has entered upon the possession and management of the Estate as Executor nominated by her along with William Miller residing at Linlithgow Bridge aforesaid her son in law; Robert Robert Bowie Farmer, Gilmeadowland her Grandson and James Allan Baker at Linlithgow Bridge aforesaid & Survivors or Survivor of them in a Trust-Disposition and Settlement executed by her dated the Fifteenth day of March Eighteen hundred and eighty eight Registered in the Books of Council and Session Fifth September Eighteen hundred and eighty eight and now exhibited and signed by the Deponent and the said Justice of the Peace as relative hereto. That the Deponent does not know of any other Will or Testamentary Settlement or Writing relative to the disposal of the Deceased's personal Estate or Effects or any part thereof. That the foregoing Inventory signed by the Deponent and the said Justice of the Peace as relative hereto is a full & complete Inventory of the personal Estate and Effects of the said deceased Ann Fisher or Stewart wheresoever situated and belonging or due to her beneficially at the time of death, in so far as the same has come to the knowledge of the Deponent. That the said Deceased had no heritable Estate in this Country in so far as Known to the Deceased Deponent That the value at this date of the said personal Estate & Effects including the proceeds accrued thereon down to this date, does not exceed Three Hundred pounds

196

pounds Sterling. That Confirmation of the said personal Estate and Effects in Scotland is required in favor of the Deponent & the said William Miller Robert Robert Bowie and James Allan and Survivors or Survivor of them. All which is truth as the Deponent shall answer to God.

(Signed) R Stewart

(") John G. Urquhart JP

Ext Regd Trust Disposition and Settlement by Mrs Ann Fisher or Stewart dated 15th March 1888

At Edinburgh the Fifth day of September One thousand eight hundred and eighty eight between the hours of ten and eleven forenoon the Will with Warrant of Registration thereon hereinafter engrossed was presented by W H McAsk Writer Edinburgh for registration in the General Register of Sasines for publication and also as in the Books of the Lords of Council and Session for preservation and is, with said Warrant of Registration recorded in the Register of Sasines as follows:

I Mrs Ann Fisher or Stewart resident at Linlithgow Bridge widow of Robert Stewart sometime Inn Keeper there in order to settle my affairs do hereby design and Dispose to and in favor of my youngest son Robert Stewart Clerk at Almond iron works and residing at Linlithgow Bridge my son in law William Miller residing at Linlithgow Bridge my Grandson Robert Robert Bowie, Farmer Gilmeadowland & James Allan Baker at Linlithgow Bridge and to the acceptors or acceptor Survivors & Survivor of them, as Trustees and Trustee for executing the Trust hereby created the said Trustees being through

197

throughout these presents denominated "my Trustees", and to the Assignees and Disponees of my Trustees. All and Sundry the whole Means & Estate heritable and moveable real and personal of what kind or nature soever & wheresoever situated presently belonging and owing or which shall belong and be owing to me at the time of my death or of which I may have the power of disposal and without prejudice to the foresaid generality I dispoine to my Trustees All and Whole the subjects near Linlithgow Bridge lying in the Parish of Muiravonside and County of Stirling which I acquired from my Mother Mrs Mary McCulloch sometime residing at Balloch Castle thereafter in Saint Colme Street Edinburgh being the subjects particularly described in an Instrument of Sasine in favor of the said Mrs Mary McCulloch in liferent for the liferent use allenary and use in fee recorded in the General Register of Sasines the second day of December Eighteen hundred and forty five together with the whole Writs Titles and Securities of any said Means and Estate generally and particularly before conveyed and all that has followed or may be competent to follow thereon. And I nominate my Trustees to be my sole Executors. But declaring that these presents are granted by me without only and for the following uses and purposes vizt. In the First place. For payment of all my just and lawful Debts and Funeral Expenses and the expense of executing this Trust. In the Second place I direct my Trustees to convey & make over (but without any Warrantice) to my second son

198

son William Stewart presently in the Colony of Victoria Australia. All and Whole the share which I acquired from my eldest son Alexander Stewart Flesher Linlithgow Bridge of (First) All and Whole one rood of land of the lands of Almond lying near the [of scored out] Avon to the north of Linlithgow Bridge (and Second) All and Whole that piece of ground lying near the water of Avon to the north of Linlithgow Bridge being part of the lands of Almond both lying in the Parish of Muiravonside and County of Stirling and being the subjects particularly described in a Disposition and Assignation by the said Alexander Stewart in my favor dated the first day of December Eighteen hundred and sixty six, and recorded in the Particular Register of Sasines kept at Stirling for the Shires of Stirling etc. the Ninth day of January Eighteen hundred and sixty seven. With entry at the first terms of Whitsunday or Martinmas after my death. Declaring that the expense of the Conveyance to my said son William Stewart, and of making up such title as may be necessary as well as any casualty which may be or become exigible in respect of the said share of said subjects shall be borne by the said William Stewart and shall not be charged against the Trust. In the Third place I bequeath to my eldest son the said Alexander & upon his death, to his wife Mrs Barbara Campbell or Stewart in the event of her surviving him during her life: thereafter the liferent of that house part of the said subjects acquired by me from my mother formerly used as a Toll house & now occupied by my tenants John Brown David Inglis James Anderson

199

Anderson and John Malcolm together with a triangular piece of ground immediately behind the said house for a garden to be fenced off by my said son Robert Stewart in the event of his acquiring the whole subjects as after mentioned failing which by my Trustees bounded said triangular piece of ground on the North by the present march fence with the adjoining Property along which it shall extend thirty yards measuring from the north western corner of the house of the South west by a straight line from the extremity of said northern boundary to the south western corner of the house and on the east by the said house, together also

with free ish and entry to the said Garden Ground and to the upper flat of said house by the present close or passage. With entry at the first term of Whitsunday or Martinmas after my death, which rights of liferent in succession I declare to be for an alimentary provision only for my said son and his wife and not assignable by him or her. And I hereby constitute the same a real and preferable burden upon said Subjects and appoint my Trustees in conveying said Subjects to my son Robert Stewart as after provided or to any other disponee from them to declare the same a real & preferable burden accordingly. Declaring that my said son Alexander Stewart whom failing his said wife shall be bound during their respective liferents to pay to and so free and relieve the proprietor for the time of the said Subjects of the sum of Five shillings per annum as the proportion of feuduty effering to said house and

200

and garden and shall bear the whole rates & taxes applicable thereto, which provisions in favor of my said son Alexander Stewart along with various payments which I have formerly made to him or on his account thereby declare to be in full of all claims if any which may be competent to him against my Estate, and succession after my death. In the Fourth place I direct my Trustees as soon as may be after my death to make offer to my said son Robert Stewart and on his acceptance thereof to convey to him at the price of Two hundred pounds Sterling All and Whole the Subjects referred to acquired by me from my mother and particularly described in the said Instrument of Sasine recorded as aforesaid, but that under burden of the said liferent rights in Succession of the said Alexander Stewart and Mrs Barbara Campbell or Stewart in the foresaid house and garden ground with entry as at the first term of Whitsunday or Martinmas which shall happen after my death at which term the price shall be payable with power to my Trustees to grant in favor of the said Robert Stewart a formal Conveyance of said subjects containing all usual and necessary clauses including a clause binding my Estate and Succession in absolute warrandice. But declaring that the expense of completing a title to said subjects in the persons of my Trustees and the expense of the Conveyance to my said son as well as any casualty which may be or become exigible in respect of said subjects shall be borne by the said Robert Stewart and shall not form a change upon

201

upon the Trust Estate. And declaring further that in the event of my said son Robert Stewart predeceasing me or of his declinature or failure within two months after receipt of said offer to accept of said subjects on the foregoing terms and conditions my Trustees shall be at liberty to realise the same (but always under burden of the foresaid liferents) in such manner as they may think proper and at such price as they can obtain therefore. And Lastly with regard to the residue of my said Means and Estate I direct my Trustees so soon as conveniently may be after my decease to divide the same unto five equal shares and to pay and make over one share to and equally among the children who shall be alive at my death of my deceased Daughter Mrs Mary Ann Stewart or Bowie Gilmeadowland, one share to my daughter Mrs Jane Stewart or Miller wife of the said William Miller residing at Linlithgow Bridge, one share to my said son William Stewart one share to my said son Robert Stewart, and the remaining share to Thomas Wylie and Robert Wylie the children of my deceased daughter Mrs Margaret Stewart or Wylie wife of James Wylie Road Surfaceman Linlithgow Bridge equally between them and to the Survivor of them, but under the direction after written. Declaring that in the event of any of my children who are hereby named as

Residuary legatees predeceasing me leaving lawful issues their issue shall come in the parents place and receive equally among them the share or

202

or shares original and accreting to which their parent or parents would have been entitled if alive. And in the event of their leaving no issue the share of said deceiver or deceivers shall accrease and belong equally to the Survivors and the issue of predeceasers the division being always per stirper. And with regard to the share falling to the said children of my daughter Margaret Stewart or Wylie I direct my Trustees to hold the capital of said share until said Children respectively arrive at the age of Twenty one years until which time my Trustees shall pay or apply the income thereof to or for behoof of said children & the survivor of them in such manner as my Tustees may deem most beneficial for them. With power also to my Trustees to pay to them or apply for their behoof the whole or part of their respective proportions of the capital of said share as my Trustees may deem proper and upon their respectively reaching Twenty one years of age my Trustees shall pay over to them their respective proportions of capital or the balance thereof then remaining if any Declaring that in the event of either of said children dying before attaining said ages without leaving issue his proportion or the balance thereof shall accrease to the Survivor. And declaring further that in all cases under this Settlement provisions falling to females shall be exclusive of the jus mariti and right of administration of any husbands they have respectively married or many marry. And thereby confer upon my Trustees the most ample

203

ample powers necessary for enabling them to carry out the provisions of these presents with power to sell either by Public Roup or Private bargain the heritable estate belonging to me or any part thereof but that only so far as consistent with these presents & under the burden before mentioned. As also to borrow money on the Security thereof or any part thereof for the purposes of the Trust and to grant all usual and necessary Deeds or Writings. Providing and Declaring that it shall be in the power of any of my Trustees or the beneficiaries under these presents to purchase the said heritable Estate or any part thereof or to lend money to the Trust on the security thereof notwithstanding their character as such Trustees or beneficiaries. And I revoke all Deeds and Writings of a Testamentary nature heretofore made by me. And I consent to registration hereof and of any Codicils or Writings relative hereto for preservation In Witness Whereof I have subscribed these presents written upon this and the three preceding pages by William Smith Wright Clerk to John and W K Gair, Writer Falkirk (under the declaration that the words "the said" are interlined between the words "of" and "William" in the Twenty fifth line of page third hereof before subscription) at Linlithgow Bridge the Fifteenth day of March Eighteen hundred and eighty eight before these Witnesses Thomas Bryce Journeyman Baker with the said James Allan at Linlithgow Bridge and William John Gibson Clerk to the said John

204

John and W H Gair (signed) Ann Stewart, Thos Bryce Witness W J Gibson Eitness.

We Robert Stewart, William Miller, Robert Bowie, and James Allan all designed in the foregoing Trust Disposition & Settlement hereby accept the offices of Trustees and

Executors thereby conferred on us In Witness whereof we subscribe these presents at Linlithgow Bridge, the third day of September Eighteen hundred and eighty eight before these Witnesses William Kinross Gair Writer Falkirk and James Ferguson Perfumer One hundred & seventeen George Street Edinburgh (signed Robert Stewart, Willim Miller, Robert Bowie, James Allan, W K Gair, Witness, Jas Ferguson Witness.

Register on behalf of Robert Stewart residing at Linlithgow Bridge formerly Clerk at Almond Ironn Works, William Miller residing at Linlithgow Bridge, Robert Robert Bowie, Farmer, Gilmeadowland and James Allan Baker, at Linlithgow Bridge as Trustees within mentioned for preservation as well as for publication in the Register of he County of Stirling (signed) John & W K Gair Writers Falkirk Agents extracted on this and the eighteen preceding pages by me principal Keeper of the General Register of Sasines (signed) J. Hope Finlay.

Linlithgow Bridge 16th Novr 1888. This is the Extract Trust Dispoition and Settlement referred to in my oath to the Inventory of the personal Estate of the late Mrs Ann Fisher or

205

or Stewart of this date.

(signed) R Stewart

(") John Grubb Urquhart JP.