

presently together in his presence at her request and in the presence of certain
other persons subscribed our names as witnesses before Edward Bowen
Clerk to the Hon. S. Kempton Esq. of Abingdon Street, Westminster.
Mary Ann Suord servant to Mrs. Lyon of Belmont Place.

Proved at London with two Copies 24th December 1852 before the
Worshipful Thomas Sprick Esq. Justice of Law and Surrogate by the oath of a
Edward Woodall (in the first Copy written totally) but about one of the
noted named in the said first Copy to whom a power was granted having a
been first sworn duly to administer power reserved of making the like grant to
Mary Ann field widow the daughter the other executor named in the said
first Copy to whom the said apply for the same.

Elizabeth
Lidderdale
23.

At Southburgh the twenty seventh day of November in the
year one thousand eight hundred and fifty two in presence of the Lords of
Council and Session Comptroler George Murray Esquire Advocate Procurator
for the Kings Elizabeth Lidderdale after being read and gave in the trust disposition
and settlement underwritten bearing the same which be registered in their
records books conform to law which being the said Lords found reason-
able and ordained the same to be done accordingly without the tenour
follows

Elizabeth Lidderdale

Elizabeth being resolved to settle my affairs in order to prevent disputes or
my estate and having full trust and confidence in the persons after named as
trustees for carrying my intentions into effect do hereby give grant alienate as-
sion assign convey & make over from me my heirs and successors to and in fa-
vor of James Lidderdale Writer in Castle Douglas my brother William Ballibay
Charles Ballibay Lidderdale Merchant in Perth and James Lidderdale
accept and to such other person or persons as may hereafter be named by me or a
successor of mine in virtue of the powers hereinafter contained and
to the survivors and survivor of them in trust for the uses and purposes after men-
tioned in granting a majority of the said trustees to be a quorum and the
acts and deeds of the said quorum and of the survivors and survivor of the
said trustees in all matters relative to the trust to be as valid and effectual as
the acts and deeds of the whole trustees and further declaring that until the
said Charles Ballibay Lidderdale shall attain the age of twenty one years complete
the said James Lidderdale and William Ballibay Lidderdale or the survivor of
them shall have full power by themselves or jointly alone to execute the
said Office and also the offices of Executor and Tutor & Curator after mentioned
and to the dispositions and assignments of the said trustees and of the survivors and
survivor of them heritably & inalienably all & sundry lands tenements goods &
other rights heritable & moveable and sums of money household furniture &
and in general the whole estate and effects heritable & moveable
real and personal of what kind soever or wherever situated present-
ly belonging or which shall pertain and belong to me at the time of my
death with the whole rights title debts hereditaments and vouchers thereof and
I bind and obligate me and my heirs and successors to grant and deliver all ne-
cessary deeds in favor of my said trustees for implementing fulfilling and ac-
complishing effectual the disposition and conveyance above written and further
to heritably nominate and appoint the said trustees and the survivors and
survivor of them to be my sole Executors administrators and introm-
peters with my personal estate with power to give up inventories thereof a-
nd to receive the same and generally to do everything in the premises competent
to Executors but declaring always that the said powers are granted in trust
for the uses and purposes after specified viz. first my said trustees shall on

of my means and estate hereby conveyed to them pay my lawful debts & paye
all charges and any expences which may attend the execution of this trust de-
visedly I appoint them to pay to my sister Margaret diobdale or St John spouse
of William of John diobdale in demerston an annuity of ten pounds ster-
ling during all the days of her life and that at two termes in the year Whitunday
and Martinmas by equal portions beginning the first payment thereof at the
first of these termes which shall happen after my decease and the next payment
of the same at the next of the said termes and so yearly termly and continue-
ally during the life of my said sister and in case the said William of John shall
survive my said sister I appoint my said trustees to pay to him an annuity of ten
pounds sterling during all the days of his life and that at two termes in the year
Whitunday & Martinmas by equal portions beginning the first payment thereof
at the first of these termes which shall happen after my decease in case my said
sister shall have predeceased me and at the first of these termes after her decease in
case she shall survive me and predecease her said husband and I hereby declare
that the said annuities shall not be assignable and the same shall not be arrears
or attachable for the debts or debts of any kind of my said sister and her said husband
or either of them but shall be purely alimontary and I authorize my said trust-
ees if they shall think fit & proper to take the trouble to pay and apply the said
annuities towards the support and maintenance of my said sister and her husband
as my said trustees may think fit for their advantage and I direct my said trustees
to lend out or invest a capital sum in such way and manner as they may think
or advisable the interest or annual income thereof will be sufficient to sub-
vert the payment of the said annuities I hereby appoint my said trustees at
the end of six months from the time of my decease to pay the following legacies
with interest during the not payment viz: the sum of fifty pounds to John a
diobdale son of my brother James diobdale the sum of one hundred pounds
to Mary diobdale spouse of James Gordon in Culterman whom joining to
and among her children equally share and share alike the sum of one hun-
dred & seventy pounds to my excellent friend Margaret Callic residing in
Street Edinburgh and in the event of the said legacy lapsing by her prede-
ceasing me the sum of one hundred pounds to her sister Jane Callic residing
there and in the event of both legacies lapsing by the predeceasing of the legatee
the sum of twenty pounds to David Callic their nephew son of James Callic
Magistrate & Council of the Burgh of Edinburgh the interest or annual in-
come thereof to be yearly paid by them to the treasurer for the time being of the
Burgh of Edinburgh for behoof of the same when there shall happen
to be a Burgh Session in the Burgh and when such shall not be the case to be
applied by the said Magistrates & Council for behoof of four poor deserving unmar-
ried females of the Burgh I hereby appoint my said trustees to pay so soon as
the state of the Country shall permit the following legacies viz: the sum of
three hundred and fifty pounds to the said James diobdale my brother and un-
der failing him to and among his lawful children equally share and share alike the
the sum of six hundred pounds to and among the said Charles Willay sister
of the said William diobdale James diobdale and Edward Neal & an-
diobdale sons of the said John diobdale my brother now deceased share & a
share alike entailing that in case any of my said nephews shall predecease
me then the share or shares of the said sum provided or intended for such
nephew or nephews so predeceasing shall accrue to the survivors or survivors
providing nevertheless that if the nephew or nephews so dying shall have left
lawful issue surviving shall or entitled to such share or shares both original
and accretory as their deceased parent would have been entitled to if alive and
the like shall be the case with regard to the eventual bequests in favor
of the children of my said brother James and also of Mary diobdale or Gordon
before mentioned and whatsoever issue there may be of my said means and
estate after the above payments of or to my said trustees to pay over the same

to my said nephews Charles Sillou Lidderdale whom failing the next of kin
and of Acreby appoint any and in the event for said said to be my executor
legatee or legatees and of Acreby exclude the jus mariti and rigal (and rigal) of a
administration of the Acreby of females taking benefit under this trust and of a
Acreby nominate and appoint my said trustees and the acceptors, survivors and
survivors of them a majority to be a quorum as aforesaid to be tutors and cura-
tors to all pupils and minors taking benefit under these presents in regard to any
sums which may become payable to them in virtue thereof and that with a
the whole powers competent to tutors and curators by the laws of Scotland and of
to Acreby give the most full & unlimited powers to my said trustees at whatever
time may be considered advisable to sell and dispose of the whole property here-
by private bargain or public roup also to uplift receive discharge remount or ad-
sign all debts due to me and of support them to settle by arbitration compromise
or otherwise as they may think fit but all differences that may arise relative to
my affairs and in case of the death nomination or resignation of any of the
trustees or the assumption of additional trustees being considered sufficient of give
full power to the trustees or trustee accepting and agreeing to nominate and ap-
point a new trustee or trustees with the powers competent to those herein named
trustees or trustee and of Acreby declare that the said trustees executors and curators
shall not be liable for the insolventy of any parties with whom they may
have occasion to transact and they shall not be liable singuli in solibus but on-
ly for their own actual commissions and they shall not be liable for a
negligence or neglect of any kind and they shall not be further liable for any ac-
tion or actions or others whom they may appoint or employ than that such
honor or factors or others are liable & reputed responsible at the time of appoint-
ment or employment receiving always as of Acreby reserve my own liferail of
the whole property heritable and movable Acreby conveyed with full power
of liberty to myself at any time of my life to alter these presents in whole or
in part and to revoke same and annul them as I may see proper but so far as
not revoked or altered by me this shall be a valid and sufficient deed although
found lying in my repositories or in the custody of any person to whom I may
commit the same undelivered at the time of my death with the delivery whereof
I have signed and Acreby signed and of revoke & seal all former settlements
made by me and of trust to the registration thereof in the Books of Council &
and Session or others competent therein to remain for preservation & for that
purpose constitute George Minto Esquire, Secretary my promotor or one or
more of these presents written upon this and the three preceding pages of
stamped paper by John Cunningham Mackenzie Writer in Edinburgh at
Edinburgh and forty seven years before these witnesses James Hall Mackenzie
writing in Edinburgh and the said John Cunningham Mackenzie Writer Acreby
signed — Chas Lidderdale — J. C. Mackenzie Witness —
Wm. Henzie Witness

Extracted from the Books of Council and Session upon these in-
dicated pages of stamped paper by me James Milgour Assistant Clerk
of the Register of Deeds, Probative writs of Conform to Act of Parliament
and Solving Commission to that effect from the Lord Clerk Register of
Scotland.
James Milgour

Proved at London 28th December 1852 before the Worshipful John Elliot
Esq. Barrister at Law and Surrogate by the oath of Charles Sillou
Lidderdale the nephew (he having attained the age of twenty one years) one of
the trustees to whom a power was granted having been first sworn fully to as
said. Power received of making the life grant to James Sillou the bro-
ther and William Sillou also the nephew the other executors
and they shall apply for the same.