

William MacGillivray SC1/37/31 [p.1027] Testament of Dr William MacGillivray 1852 At Aberdeen the Thirteenth day of December, in the Year one thousand Eight hundred and fifty two. In presence of Archibald Davidson Esquire Advocate, Commissary of the Commissariat of Aberdeen Compeared John Clark Advocate in Aberdeen as procurator, and gave in the Testament underwritten, of the after designed now deceased Doctor William MacGillivray, and craved that the Same might (along with the Inventory of the said [p.1029] said deceased's personal Estate) be insert and registered in the Commissary Court Books of Aberdeen, in terms of the Acts of Parliament 44 Geo[rge] III C[h]ap[ter] 98, and 48 Geo: III Cap: 149. Which request the Commissary foresaid finding reasonable, ordained the same to be done accordingly, and of which Testament the tenor follows, vi[delicet]z:- I William MacGillivray Doctor of Laws, Professor of Natural and Civil History in Marischal College, Aberdeen, being desirous to provide for the Management and disposal of my personal Estate after my death, do hereby make, Constitute and Appoint Mrs Marion MacCaskill or MacGillivray, my spouse, William Jamieson Writer in Airdrie Airdrie, my son in law, Miss Isabella MacGillivray my eldest daughter, Alexander Thomson Esquire of Banchory, the Reverend David MacTaggart Minister of Greyfriars Parish in Aberdeen and John Clark Advocate in Aberdeen and the acceptors or acceptor, survivors or survivor of them to be my sole Executors and Administrators, with full power to them to intromit with my whole moveable Estate and Executry of every description, to give up Inventories thereof to confirm the same, and Generally to do everything in the premises competent to Executors. And I do hereby direct and appoint my said Executors after making payment of my [p.1031] my whole just and lawful debts and death bed and funeral expenses and the necessary expenses Annexed with my Executry affairs, to lend out or invest, on sufficient securities, the residue of my said Estate and to pay the whole free yearly interest and profits arising form the same to my said spouse for the support and maintenance of herself and of such of our Children as may necessarily remain in family with her, and that during all the days of her life, and after her decease, to distribute and divide my said Estate between and among all my Children equally, share and share alike. But declaring that that the shares of such of my said Children as may not then have attained majority and, if females, may be unmarried, shall not be eligible by them until their * [in margin] *majority or if females until their [main text] marriage or majority, whichever of these events shall first happen, until which time my said Executors shall apply the interest of their respective shares towards their support and education. But declaring that it shall be lawful to, and in the power of my said Executors if they shall see cause, to advance, form time to time, for the maintenance education or advancement in life of any of my said children in minority, out of their respective provisions, such sums [p.1033] sums as they may judge proper for these purposes, and that before the said provisions became eligible. Declaring that the provisions to my said children shall not be held to have rested in them until after the death both of me and my said spouse. Further declaring that if any of my said Children shall repudiate this Settlement and claim their legal provisions in place of the provisions hereby made for them or shall by any means prevent this Settlement from taking effect in whole or in part, then such of my said Children as shall so act, shall thereby forfeit all right to any share or shares of that part of my Executry Executry which I may freely dispose of by law and shall have

right only to their respective legal provisions, exclusive of those portions which I am by law entitled to dispose of, which shall in that event accresce and belong equally to my other Children who shall abide by these presents and accept of the provisions herein contained. And it is hereby declared that my said Executors (a majority of whom accepting and acting at the time shall be a quorum) shall not be liable for omissions, errors or neglect of management nor singuli in solidum but each for himself or herself and his or her actual intromissions only. Reserving always [p.1035] always to myself my own liferent of the premises with full power to me to alter, innovate or revoke these presents I Whole or in part at any time in my life or even on deathbed But declaring that in so far as these presents shall not be altered or revoked the same shall be valid and effectual though found lying in my own custody or in the custody of any other person for my behoof, undelivered at the time of my death. And I Consent to the Registration hereof in the Books of Council and Session or other Competent therein to remain for preservation and for that purpose Constitute My Procurators & c[etera] In Witness Whereof Whereof I have subscribed these presents (written on this and the two preceding pages by John Clark Advocate in Aberdeen above mentioned) At Aberdeen the fifteenth day of December Eighteen hundred and fifty one before these Witnesses James Farquharson Student of Divinity in Aberdeen and Thomas Milne Clerk to the said John Clark, Witness also to my subscription of the marginal note, written as the body. (signed) W. MacGillivray. James Farquharson Witness. Thomas Milne Witness.- Enacted on this and the eight preceding pages by me Commissary Clerk of Aberdeenshire C. Warrack Written & Collated by Charles Warrack