

I, John Ferguson, Retired, Market Garden, Dundee by Nachtermachtly long desirous of settling the succession to my means and estate after my death do hereby assign, dispose, and bequeath to Thomas Reake, Nise Landel Road, Edinburgh, John Loos Manufacturer, Auchtermachty, Alexander Hilgoud, Manufacturer, Auchtermachty and John Ferguson Reake, Solicitor there A North Leith David Street, Edinburgh and any other person or persons whom I may hereafter appoint or who may be assumed into the trust hereby created and to the acceptors or accepted successors and assigns of them, and to the heirs at last being next of the last survivor so mentioned (Declaring that power of assumption is hereby conferred on assumed as well as on the original trustee that the majority of those accepting and assuming Trustees who may be resident in Great Britain from time to time and if any time there be only one trustee resident in Great Britain then such trustee alone shall be a quorum, and that the trustee or trustee acting for the time as hereinafter referred to as "my trustee") and to the assigns of my trustee, the whole means and estate heritable and moveable, real and personal, of what kind soever and wherever situated, which shall belong to me at the time of my death including all means and estate held by me at my death under special destination and all means and estate of which I may at my death have the power of disposal or appointment, together with the writings and accounts and the income produce and proceeds thereof.

And

afflict is presently minister and I assign the sum of One hundred pounds to be held in trust by them and their successors in office and the annual income from that sum shall go towards and be reckoned as part of said church's annual contributions to the Foreign Mission School of the United Free Church of Scotland and said sum of One hundred pounds shall be paid over free of legacy and other government duties and free also of the expenses of settling such duty in the fourth place I direct my trustee in the event of my sister Agnes Ferguson surviving me to allow her the enjoyment of the residue of the trust estate during her lifetime after my death but that for her assignments nor only and the same shall not be capable of being anticipated nor shall it be subject to her debts or debts nor liable to the diligence of her creditors and shall be in the uncontrollable discretion of my trustee to determine what is capital and what is income and when assets should be realized so as to become income producing subject and what outgoing, or what proportion thereof are chargeable against capital and income respectively and their decision shall be final and binding on all parties interested and shall not be subject to challenge or review in any way or form. In the fifth place I direct my trustee upon the death of the said Agnes Ferguson should she survive me to assign, dispose and bequeath to the Chairman of the Parish Council of Auchtermachty, The Chairman of the School Board of Auchtermachty and the Minister of the said Parish and their successors in these offices the whole residue of my means and estate heritable and moveable real and personal but that in trust for the following purpose namely I direct them and their assigns to apply the free annual income from said residue towards the institution and maintenance of

any part or part of the Trust Estate as also to let  
the trust estate for such rents, and on such conditions  
and with or without caution all so to them may seem  
expedient as also to grant all deeds for the purpose of  
this Trust which they may think necessary or desirable  
binding the trust estate and the beneficiaries in abso-  
lute warranty as also to settle and pay out the amount  
of the share of the various beneficiaries either by convey-  
ing a portion or portions of the estate to them or by  
paying their share in money, or partly in the one way  
and partly in the other, as to my trustee or their con-  
trolled discretion may seem proper and upon such  
Valuation or estimate of the amount and value of the  
estate or any part or part thereof as the trustee shall  
deem fair whether made by themselves or not and I  
declare that the residue of my estate may be either  
realized and paid over in money to the parties as  
Trustees entitled thereto or the estate of which the  
residue consist may be assigned conveyed and dis-  
posed to them as also to appoint any one of them  
over number or any other person to act as factor and  
law agent and to allow him through a Trustee the same  
professional remuneration to which he would have been  
entitled if he had not been a Trustee for which  
factor and law agents they shall not be liable and  
my Trustee shall be bound only to act honorably  
and they shall not be liable for omissions or errors  
or to do diligence further or otherwise than as they  
think fit nor jointly or solidum but each for his  
own actual personal intrusions only and each  
shall be liable to account only for the funds actually  
received by himself and not for any funds which  
he may have authorized a law Trustee factor or  
agent to receive and any trustee who shall pay  
over

of a distinct fund for the sick poor in Dunshill and  
Luchtermuckly in order that said poor and lonely ones  
in those places may have attention in their affliction  
and said district house shall be erected on her duties  
and shall be under the management of said trustees  
and Medical Officer and their successors, it being my  
intention that the income from said residue shall  
form the nucleus of a annual fund for the permanent  
maintenance of said nurse for the purpose above men-  
tioned. And I provide and declare that my trustee shall  
in execution to the powers and authorities conferred  
or which may be conferred on gratuitous trustee by  
statute have the fullest powers of and in regard to  
realization investment administration management  
and division as if they were beneficial owners, and  
particularly but without prejudice to the said gener-  
ality they shall have the following powers all to be  
exercised or not and if exercised, then at such times  
and in such manner as to my trustee in their con-  
trolled discretion shall seem proper namely. To  
sell and otherwise realize the trust estate and to dispose  
absolutely or in fee farm or by way of ground annual  
or otherwise and to grant long leases of the heritable  
estate falling under the trust but declaring that my  
trustee may retain the investment of which my estate  
may consist at the time of my death including shares  
and stocks and other assets whether involving liability  
or not or of a speculative nature or both and that  
for such time or times as they may think fit. As  
also to compromise all matters and claims in which  
the trust estate is interested or to settle the same by  
arbitration or advice of Council. As also to accept  
part for the whole and to give time to debtors purchasers  
and others with or without security as also to account  
myself

written on this and the three preceding pages by the  
said John Ferguson Tutie at Danahall on the fifth  
day of March instant hundred and four before the  
Witnesses Alexander Shearer, Michael Brackthorn,  
Auchtermuchty and William Kerr Retired Merchant  
residing at Danahall aforesaid (Signed) John Ferguson,  
Alexander Shearer, Witness, William Kerr, Witness.

I John Ferguson designed in the foregoing Trust  
Disposition and Settlement hereinafter referred to as my  
Will being desirous of making certain alterations therein  
and additions thereto do hereby direct my Trustee to allow  
Mrs. Jimena Nicolson or Ferguson Widow presently residing  
with me at Danahall Auchtermuchty should she survive  
me equally with the said Agnes Ferguson my Sister and  
the survivor of them the life rent use of the house and  
garden with fittings and furniture belonging and presently  
occupied by me at Danahall but that for their aliment  
any use only not subject to their debts or debts nor liable  
to the diligence of their creditors declaring that the said  
Mrs. Jimena Nicolson or Ferguson and the said Agnes  
Ferguson shall be bound to pay feu duty rate taxes  
assessments and repairs during the period of their life  
rent and further they or the survivor shall be bound  
to pay to my Trustee the yearly premiums of fire  
insurance on the policy to be effected by them in their  
names covering the said house but they shall not be  
bound to pay any succession or any government duty  
nor any casualty or duplicate of which my general  
will shall relieve them and upon the death of the survivor  
of the said Mrs. Jimena Nicolson or Ferguson and the  
said Agnes Ferguson I direct my Trustee to assign de-  
pone and bequeath the fee of said house and garden  
fittings and furniture as directed in the fifth purpose  
of my Will, and except as allowed by this indent

men to a law Trustee factor or Agent or shall as or  
concern in any act or writing such the Trustee factor or  
Agent & receive any monies for the general purposes  
of the Trust or for any definite purpose shall not  
be responsible for any loss resulting from his failure  
to see to the due application of the funds entrusted to  
be Trustee factor or Agent and no Trustee shall be  
liable for any loss or depreciation happening to the  
Trust or the beneficiaries by or through the inefficiency  
deficiency or invalidity of any property security or in-  
vestment or any title acquired by or belonging to the  
Trust Estate or in or upon which any funds of the  
Trust estate shall be invested nor for the insolvency or  
default of either or securities given by them or of per-  
sons or others nor for any loss depreciation or deficiency  
whenever what shall happen through his actings or omissions  
or default or in any way whatever unless such loss de-  
preciation or deficiency shall happen through his own  
actual wilful fraud and that without limitation by  
reason of anything herein contained or otherwise And  
it is hereby declared that persons transacting with my  
Trustee shall have no concern with the purposes of this  
Trust nor with the application of any money paid to  
my Trustee all persons being in all respects fully covered  
and discharged by the receipt discharge or other acts or  
writings to be granted by my Trustee. And I appoint the  
said Thomas Tutie John Law Alexander Ferguson and  
John Ferguson Tutie and the acceptors or acceptors, sur-  
vivors and survivors of them to be tutors and curators  
to any beneficiaries under this Trust during pupillarity and  
minority and also as far as regards their contracts with  
the present to all other pupils and minor beneficiaries  
And I revoke all former testamentary writings I or  
Witnesses whereof I have subscribed these presents  
written

and the preceding page by John Ferguson Peckie, Elder,  
Edinburgh, at Dunhall on the twenty first day of  
October sixteen hundred and four before these witnesses  
John Low, Manufacturer, Auchtermuchty and Mary Low  
his Spouse and residing with him, this being done from  
and after the words In Witness Whereof being written by  
Robert Arthur Campbell, Clerk to the said John Ferguson  
Peckie (Signed) John Ferguson, John Low Witness, Mary  
Low Witness.

I John Ferguson designed in the foregoing Dis-  
position and Settlement hereinafter referred to as my  
Will and in the foregoing Articles being desirous of making  
certain alterations hereon Do hereby cancel the legacies  
in my Will and Articles of Fifty pounds each to the  
following persons vizt James Barland Merchant Kinghills  
Margaret Noyman or Buchanan, designed in my Will  
as residing at or near Boness presently residing at Affra  
Place Bury and Paul Noyman or Samelton Cornet  
by Dunfermline and except as altered by this Article  
I affirm the foregoing Will and Article In Witness  
Whereof I have subscribed these presents written by  
the said John Ferguson Peckie at Dunhall on the  
twelfth day of January sixteen hundred and five  
before these witnesses the said Mrs Joanna Gordon or  
Ferguson and Mrs Ann Leven, Residents in Dunhall  
(Signed) John Ferguson, Joanna Ferguson Witness, Ann  
Leven Witness

I John Ferguson designed in the foregoing  
Disposition and Settlement hereinafter referred to  
as my Will and in the foregoing Articles being  
desirous of making certain further alterations hereon  
Do hereby cancel the legacy in my Will of One  
hundred pounds to the following person vizt -  
Selen Lockhart Spouse of Joseph M'Gregor sometime  
resident of

I affirm the foregoing Will In Witness Whereof I  
have subscribed these presents written on this and the  
preceding page by John Ferguson Peckie Elder, Edin-  
burgh at Dunhall on the tenth day of October Six-  
teen hundred and four before these witnesses John Low  
Manufacturer Auchtermuchty and the said John Ferguson  
Peckie (Signed) John Ferguson, John Low Witness,  
J Ferguson Peckie Witness

I John Ferguson designed in the foregoing Dis-  
position and Settlement hereinafter referred to as my Will  
and in the foregoing Article being desirous of making  
certain alterations hereon and ascertain that as hereby  
cancel the legacy in my Will of One hundred pounds to  
Andrew Mackay Junior Tay Bridge Station Dundee and  
direct my Trustee or Trustees to pay at the time and  
under the conditions applicable to said legacy the sum  
of Fifty pounds to the said Andrew Mackay and the  
sum of Fifty pounds to Johanna Luttie or Mackay  
Widow of James Mackay Glasgow and I further direct  
my Trustee to pay the following legacies in addition  
to those narrated in my Will vizt the sum of Fifty  
pounds to Mrs Janet Auchin or Elsie wife of David  
Mackie Major Gowardens Glasgow and the sum of  
Fifty pounds to Mrs Betty Auchin or Mackenzie  
wife of James Mackenzie Ship's Officer both Cousins of  
my second wife and I hereby cancel the legacy of  
One hundred pounds payable to James Barland Merchant  
Kinghills under my Will and I direct my Trustee  
to pay in full thereof to the said James Barland at  
the same time and under the same conditions as  
were applicable to the cancelled legacy the sum of  
Fifty pounds sterling and except as altered by this Article  
I affirm the foregoing Will and Article In Witness  
Whereof I have subscribed these presents written on  
and

The other Trust purposes of my Will I direct my -  
Trustees to pay over to my said sister Agnes Ferguson  
the lifetime of the residue of the Trust Estate and the  
residue of the said One thousand pounds and residue  
if any shall be paid over upon the conditions and in  
the manner directed in the fourth place of my said  
Will; and except in so far as hereby altered I conform  
my said Will and foregoing Testate in all respects In  
Witness Whereof I have subscribed these presents -  
written on this and the preceding page by Thomas  
Parker Number Nine Lauder Road, Edinburgh at Dunhall  
on the Nineteenth day of September Nineteen hundred  
and eight before these witnesses the said Thomas Parker  
and the said Mrs. Jennina Wilson or Ferguson This Testate  
clause from and after the words "In Witness Whereof"  
being written by the said Robert Parker Campbell (Signed)  
John Ferguson, The Parker witness Jennina Ferguson  
Witness.

We Alexander Kilgour, Manufacturer, Kirkcaldy,  
John Low, Manufacturer, Auchtermuchty and Thomas -  
Parker, nine Lauder Road, Edinburgh, hereby accept office  
as Trustees under the foregoing Trust Disposition and  
Settlement and relative Testate by the within designed  
John Ferguson In Witness Whereof we have subscribed  
these presents written by James Gordon Dyfford to John  
Ferguson Parker, Solicitor, Edinburgh, all at Dunhall  
on the fourth day of August Nineteen hundred and  
nine before these witnesses George H. Reid, Bookbinder  
Ballantyne, Kirkcaldy and Lawrence Kidd, Weighing  
Machine Maker, Ravenshall, Dunhall (Signed) The  
Parker, Alex. Kilgour, John Low, Andrew H. Reid, Witness  
Lawrence Kidd Witness.

Monak

resident in Dundee and except as altered by this  
Testate I affirm the foregoing Will and Testate  
In Witness Whereof I have subscribed these presents  
written by the said John Ferguson Parker at Dunhall  
before these witnesses Thomas Parker residing at Nine  
Lauder Road, Edinburgh and Mrs. Jennina Ferguson  
widow residing in Dunhall (Signed) John Ferguson,  
The Parker Witness, Jennina Ferguson, witness.

I John Ferguson designed in the foregoing Dis-  
position and Settlement hereinafter referred to as my  
Will and in the foregoing Testate being desirous of  
making certain alterations therein. I hereby revoke  
the legacies of Fifty pounds each to Mrs. Janet Austin  
or herhe wife of David Muttie, Draper, Leuchterston,  
Glasgow, and Mrs. Estlin Andrew or Mackenzie wife of  
James Mackenzie, Ship's Officer which legacies were -  
bequeathed by me under the foregoing Testate dated  
Twenty first October Nineteen hundred and four and  
second with reference to the directions to my Trustees  
"In the fourth place" of my Will I direct my Trustees  
in the event of the Residue of my estate as mine  
would be ascertained under my Will not amounting  
in value to the sum of One thousand pounds before  
payment of any of the legacies mentioned in the  
second place in my Will to set aside a sum of One  
thousand pounds or Trust Estate of that value and  
invest same in their names as Trustees pursuant to  
behest of my said sister Agnes Ferguson and thereafter  
pay over the lifetime or so long as she may live  
thereof being my intention and desire that my said  
sister Agnes Ferguson should have the lifetime of at least  
One thousand pounds and on the said sum of One  
thousand pounds being set aside as above directed  
and on payment of the legacies and fulfilment of  
the

property, and give up the necessary accounts for government duties, and get confirmation.

The Trustee thereafter saw the legatees, Mrs - Joanna Ferguson and Miss Agnes Ferguson, and discussed and explained as to the provisions in their favour in the Will. The Trustee instructed the Agent to let them have as soon as possible, a rate of the estate with a view to realising part of it to pay out the legacies. The Agent was instructed to intimate to the various legatees the amount of their legacies and the conditions on which same had to be left.

(Signed) Alex. Hutcheon  
John Low  
The Trustee

Sheriff Court of Fife-shire

The Testament - Testament of the honorable John Ferguson, Retired Merchant and Writer, Rosebank Cottage, Leith, by Auchtermuchty, who died at Leith aforesaid, on the first day of August, 1909.

The said John Ferguson had pertaining and owing owing to him at the time of his decease -

Scotland			
1.	Cash in hand	£	25 - -
2.	The following Deposit Receipts in the Union Bank of Scotland, Auchtermuchty in name of deceased -		
	Deposit Receipt for £300 dated 31 <sup>st</sup> May 1909.	£	300 - -
	Carry forward	£	325 - -

Dated 28/12/1920

In the fifth place I direct my Trustees upon the death of the said Agnes Ferguson should she survive me to assign dispoise and bequeath to the Chairman of the Parish Council of Auchtermuchty; The Chairman of the School Board of Auchtermuchty and the Medical Officer of that Parish and their successors in these offices the whole residue of my means and estate heritable and moveable real and personal but that in trust for the following purpose namely, I direct them and their foresaids to apply the free annual income from said residue towards the institution and maintenance of a district Nurse for the sick poor in Dunshalt and Auchtermuchty in order that God's poor and lonely ones in those places may have attention in their affliction and said district Nurse shall be directed in her duties and shall be under the management of said Chairmen and Medical Officer and their foresaids, it being my intention that the income from said residue shall form the nucleus of a annual fund for the permanent maintenance of said Nurse for the purpose above mentioned.

① Ferguson Trust

Minutes of Meeting  
of  
The Trustees of the late John  
Ferguson, Blackbank Cottage,  
Dunshalt, by Auchtermuchty,  
held at Dunshalt on the first  
day of August nineteen hun-  
dred and nine.

Present -  
Alexander Kitgour, Manufacturer, Kirkcaldy,  
John Low, Manufacturer, Auchtermuchty,  
Thomas Reekie, Nova Scotia Road Edinburgh  
Trustee

and  
J. Ferguson Reekie, Solicitor, Edinburgh  
Agent for the Trustee

The Trust Deed and Statement of the deceased,  
along with the relative articles was read to the Trustees -  
Thenceforth Messrs Kitgour, Low and Thomas Reekie, intimated  
their acceptance of the office as trustee, and signed the  
Minutes of Acceptance. Mr John Ferguson Reekie intimated  
that he was not to act as Trustee, and was appointed the  
Agent to the Trustee

Mr John Ferguson Reekie, as Agent of deceased intimated  
to the Trustees that he had taken partial possession  
of the Script and documents, and he gave the Trustees the  
approximate amount of the Estate apart from the Script.  
It was intimated that the Tenant of the Dunshalt property  
was leaving at Auchtermuchty next and the Agent was in-  
structed to enquire into this. He was also instructed to go  
over the papers and take the necessary steps for getting the  
Trustee's Will completed to the desirable and movable  
property.



County Clerk

County Medical Officer

LXI/XX.01

14/Nov/56

Ferguson Bequest

The will of John Ferguson, after leaving certain legacies, left the residue of his estate to the Chairman of Auchtermuchty Parish, the Chairman of Auchtermuchty School Board and the Medical Officer for the Parish and their successors in trust, the free income to be used as a nucleus of an annual fund for the maintenance of a **District Nurse for the sick poor of Dunshelt and Auchtermuchty**. There is no specific provision in the will for the income being applied for any other purpose but I think as it is not required for maintenance of the District Nurse it is for the benefit of elderly folk in the two places.

The trustees were given fullest powers with regard to realisation, investment, administration, management and division of the fund and I think that this would include the power to invest such of the income as was not distributed.

Del

Item 5  
GP Clee  
4.5.78  
Report by CE  
Handed  
Farquhar.

12. Anstruther Wester Mortification

Capital Fund £70 and Land, Balance at 31.3.78 Nil  
Estimated Annual Income £16

Disbursements of £2 have been made to various recipients in Anstruther at Christmas time.

The funds previously consisted of Land Rents the net proceeds of which were in the past applied to the Poor Rate Account.

13. War Memorial - Auchtermuchty

Capital Fund Nil, Balance at 31.3.78 £8  
Estimated Annual Income, Revenue Balance Interest only.  
No payments made.

No information available on Trust purposes.

14. Arthur Bequest - Auchtermuchty

Capital Fund £90, Balance at 31.3.78 Nil  
Estimated Annual Income £3

At Christmas time the available funds have been sent, at the request of the local Councillor, to the Chairman of Dunshalt Community Association for distribution to local residents.

This Bequest was handed over to the Parish Council by the Kirk Session of South U.F. Church, Auchtermuchty by Disposition dated 6th and 11th April 1896. The annual income was distributed annually at Christmas by coal or otherwise amongst the poor of Dunshalt, not in receipt of Parish Relief.

15. J. Ferguson Bequest - Auchtermuchty

Capital Fund £2,390, Balance at 31.3.78 Nil  
Estimated Annual Income £850

The purpose of the Trust was to maintain a District Nurse for the sick poor in Dunshalt and Auchtermuchty. The County Council was asked by the Trustees in 1954 to take over and administer the Trust. The Health and Welfare Committee agreed to administer it and to use the funds for the purposes of the Trust including the benefit of the aged in the District. In 1955 the Committee agreed that the funds should be used for the provision of additional comforts for the aged and/or sick poor in the Auchtermuchty District. In 1957 it was agreed that a sum of £50 be held in reserve in each year for any approved urgent claim and in March 1978 the District Council agreed to a payment of up to this amount being made from the Trust to a resident in Auchtermuchty in need of assistance. In 1975, '76 and '77 at Christmas the local Councillor has distributed £540 to local residents in the form of £3 to each recipient. In addition, each year £40 has been paid to Auchtermuchty Old Folks Welfare Committee and £20 to Dunshalt Community Association.

Inspector of Taxes,  
Branch),  
St. Andrew Square, (2nd Floor).

JOHN REEKIE,  
F.S.C.  
PHONE NO 6026.

22 Great King Street,  
Edinburgh, 30th March, 1925.

Dear Sir,

John Ferguson's Trust.

I am in receipt of yours of the 27th inst. Unfortunately the representative referred to is not now in my employment and I do not know exactly what took place, but I should explain that John Ferguson and Miss Agnes Ferguson were brother and sister and Mrs. Janet Ferguson was a sister-in-law. Mr. Ferguson, who died first, left his estate to be liferented by Miss Agnes Ferguson except some property at Dunshalt which was jointly liferented by Mrs. Janet Ferguson and Miss Agnes Ferguson. Both the ladies are dead and on the cessation of these liferents the income is paid over, as you are aware, to the Trustees, to administer a Nurses Fund. I think I have given you now all the information you require.

*John is a relative  
in law not just  
because when man is  
married with his wife*

Yours faithfully,

*John Reekie*

(3)

AUCHTERMUCHTY

CERTIFIED TRUE EXCERPT FROM MINUTE OF HEALTH AND WELFARE COMMITTEE OF 6th APRIL, 1954

271. DOMICILIARY NURSING SERVICE -

(a) Auchtermuchty and Dunshalt Nursing Services - John Ferguson's Trust -

It was reported that the Agents for the Trustees of the late John Ferguson, Dunshalt, had inquired whether the County Council as Local Authority would be prepared to take over and administer the funds of this Trust, the income from which amounted approximately to £65 per annum and which had formerly been set up for the maintenance of a district nurse for the sick poor in the district. The Committee agreed to do this in terms of Section 23 of the National Health Service (Amendment) Act, 1949, and to use the funds for the purposes of the Trust including the benefit of the aged in the district.

*Jan Ferguson*

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