

Inventory and Will of Walter Irvine, Esquire

Edinburgh, 17 November 1825

At Edinburgh the seventeenth day of November Eighteen hundred and Twenty five years the following inventory of the Personal Estate of Walter Irvine deceased and deed relative to the disposal thereof were presented by Mr. Walter Dickson Writer to the Signet.

Inventory of the Personal Estate of Walter Irvine

Esquire late of the Island of Tobago, of Laddington House in the County of Surrey, and of Denino in the County of Fife who died at Laddington House aforesaid upon the seventh day of January Eighteen hundred and twenty four

Made out and given up by William Robert Keith Douglas Esquire one of the Lords of the Admiralty, and one of the Executors nominated and appointed by the said Walter Irvine conform to his will in the English form dated the 18th of October 1823 and proved in the Prerogative Court of Canterbury 1824 in terms of the act of Parliament the 48 Geo III cap 140.

I. Rents and Arrears of Rents due to the deceased falling under executry next.

Debtor	Amount
1. Robert Gray	£654. 9. 6
2. James Currie	£455. 4. 0
3. Thomas Wilson	£440. 14. 4
4. Alex Gossman	£982. 10. 3
5. John Reekie	£763. 5. 4
John Fortune Balkello Park rents &c	£342. 15. 2
D. Gossman feu duty	£8. 18. 4
Total	£4569. 13. 2½

II. Balance of Debt due by John Hay Harlaw Esquire of Kirkton to the deceased at 4 August 1822

Item	Amount
Principal	£245. 5. 1
Interest from that date to 7 January 1824 at 5 per cent	£17. 10. 0½
Total	£262. 15. 1½

III. Sum in Bond by the Trustees upon the road from Anstruther and Crail to St. Andrews to the deceased

Item	Amount
Principal	£150. 0. 0

Item	Amount
Interest thereon from Whitsun 1822 to 7 January 1824 at 5 per cent	£12. 7. 4½
Total	£162. 7. 4½

IV. Sum lent the Trustees upon the Lauderfoot road

Item	Amount
Principal	£50. 0. 0
Interest from Martinmas 1821 to Martinmas 1822 at 5 per cent	£2. 10. 0
Do. from Martinmas 1822 to Martinmas 1823 at 4½ per cent	£2. 5. 0
Do. from Martinmas 1823 to 7 January 1824 at 4 per cent	£0. 2. 5
Total	£55. 1. 2

V. Proceeds of Roupes of wood due at the deceased's death

£33. 10. 0

VI. Balance due by Walter Dickson WS to the deceased on Account current at 31 December 1823

Item	Amount
Principal	£174. 16. 11
Interest from 31 December 1823 to 7 January 1824 at 3 per cent	£0. 2. 0
Total	£174. 18. 11

Value of deceased Estate in Scotland: £5258. 6. 2

The deceased also died possessed of property in England for which Letters of Administration have been already taken out by the Executors.

Signed: W R K Douglas, George Carfrae Jr.

Deposition - Edinburgh, 25 October 1825

At Edinburgh the twenty fifth day of October Eighteen hundred and twenty five In presence of George Carfrae Junior Esquire Commissioner appointed by the Honourable the Commissaries of Edinburgh for taking the following Deposition appeared William Robert Keith Douglas Esquire One of the Lords of the Admiralty and one of the Executors appointed by the said Walter Irvine Esquire who being solemnly sworn and examined deposes that the said Walter Irvine died upon the seventh day of January Eighteen hundred and twenty four and the Deponent along with Mrs Catherine Gordon or Irvine relict of the said Walter Irvine, Alexander Gordon Esquire of Old Broad Street London, John Hamilton of Kempshott Park in the County of Hants Esquire & Christopher Irvine Esquire of the Island of Tobago has entered upon the possession and management of the deceased personal Estate as executors nominated and appointed by the said Walter Irvine conform to his will

dated 18th of October 1823 and proved in the Prerogative Court of Canterbury the twenty eighth day of January Eighteen hundred and twenty four a Copy of which is signed by the Deponent and the said Commissioner as relative hereto, the Probate being at present in London but which the Deponent will transmit from thence prior to the foregoing inventory being recorded that the Deponent does not know of any settlement or writing relative to the disposal of the deceased personal estate or effects or any part of them other than the foresaid will and a contract of Marriage between the deceased and the said Mrs Catherine Gordon or Irvine dated [blank] that the said inventory which is signed by the Deponent and the said Commissioner as relative hereto together with the effects in England for which Letters of administration have been taken out by the Executors is a full and complete Inventory of the Personal Estate and Effects of the said deceased Walter Irvine wheresoever situated and belonging or due to him beneficially at the time of his death in so far as the same has come to the Deponents knowledge and that the value of said estate situated in Scotland is of the value of Five thousand pounds and under the value of Six thousand pounds sterling All which is truth as the Deponent shall answer to God and for which debts and effects specified in said Inventory the Deponent does not require Confirmation to be expedite.

Signed: W. R. K. Douglas, George Carfrae Jr.

Probate of the Defunct's Will

I Walter Irvine of the Island of Tobago and of Laddington House in the County of Surrey Esquire do hereby revoke all wills Codicils and other Testamentary Dispositions made by me at any time or times heretofore and declare this writing to be my last Will and testament.

I direct all the just debts which I shall owe at the time of my decease and my funeral expenses and the expenses of proving this my will and all legacies which I shall give by this my will or by any Codicil or Codicils thereto or by any writing under my hand and signed by me whether witnessed or not witnessed to be paid (unless I should direct the contrary) with all convenient speed after my decease out of my personal Estate but if that should not be sufficient to pay the same I charge my real estate with the deficiency.

Provisions for Wife - Catherine Irvine

I give and bequeath unto my Dear Wife Catherine Irvine and her assigns during the term of her natural life an annuity or clear yearly sum of one thousand five hundred pounds of lawful money current in Great Britain to be paid to my said wife at her place of usual residence either in England or in Scotland or to her assigns by two equal half yearly payments on the twenty fifth day of June and the twenty fifth day of December in every year the first half yearly payment thereof to become due on such of the said half yearly days as shall first happen after my decease and I hereby charge all my estates and effects with the payment of the said annuity and direct that my Estates and Effects in Scotland to be settled on my daughter Elizabeth and her family shall bear and contribute one full third part thereof and that each of my three daughters surviving me her heirs, executors administrators or assigns shall out of her share of my residuary real and personal Estate contribute and pay an equal or rateable third part of the remaining two third parts of the same annuity.

And I direct that my said wife and such of my daughters as shall from time to time be unmarried shall be allowed and permitted by the Trustee or Trustees for the time being of this my will to occupy my messuage lands and hereditaments at Laddington aforesaid as far as the same are now occupied by me for and during the natural life of my said wife or if my said wife should cease to occupy the same then the rents thereof shall be

and be paid to her during her life to enable her to provide another suitable residence for herself and such of my daughters as for the time being shall not have been married and the Trustee or Trustees for the time being on her request for that purpose may demise my said messuage lands and hereditaments to any person or persons for such term or number of years to determine at a distance not exceeding three years after her death as she shall think proper and pay the rents to my said wife when and as they shall become due and payable and if the same Messuage lands and hereditaments should be sold in the lifetime of my said wife then in respect thereof she shall out of the dividends interest and income of the produce of such sale be allowed Four hundred pounds a year in lieu of the same messuage Lands and hereditaments.

I give and bequeath unto my said wife Catherine Irvine the sum of one thousand pounds sterling one moiety thereof to be paid within three Calendar months after my decease and the other moiety within six calendar months after my decease.

I also give to my said wife the use of all my Carriages and Carriage horses which I may die possessed of in Great Britain and Household furniture plate Linen China and Books in Great Britain for and during the term of her natural life with such part of my wines and liquors as she may consume in her family in her lifetime and I declare that the provision made for my said wife by this my will is to be in lieu and satisfaction of the provision made for her by my marriage settlement and in full satisfaction and bar of all Dower or thirds right and interest whatsoever in to from or out of my real or personal Estate in England or Scotland.

Remission of Debt

I do hereby remit and give up all such sum and sums of money as may be due from the Estate of my late Brother Christopher William Irvine to me at the time of my death for the benefit of the persons liable to pay the same.

Bequest to Ann Stewart

I give and bequeath unto my sister in law Ann Stewart the wife of [blank] Stewart the sum of Fifty pounds to purchase mourning and I ratify and confirm the Bond given by me to the said Ann Stewart and her late husband for the payment of an annuity of one hundred pounds in manner in the said Bond mentioned and having for some years paid the said Ann Stewart an additional sum of one hundred pounds per annum I hereby declare my mind and will to be that such additional payment shall be continued during her life so that the said Ann Stewart may receive Two hundred Pounds per annum during her life instead of the one hundred pounds per annum for which the said Bond was given.

I direct Six thousand six hundred and sixty eight pounds thirteen shillings and fourpence three per cent Consolidated annuities to be appropriated as and to be the fund and the only fund to answer this annuity.

Other Bequests

I give and bequeath to John Macfarlane Esquire the sum of Fifty Pounds.

I give and bequeath unto my sister in law Grace the wife of David Maitland, Daniel Gordon, Euphemia Gordon and Elizabeth Gordon the sum of Two hundred pounds each and Twenty five pounds each for mourning.

I give and bequeath unto my friend and Brother in law Alexander Gordon hereinafter named the sum of Five hundred pounds sterling for the trouble he may have in the execution of the trusts of this my will one hundred pounds part thereof to be paid within six calendar months after my death and the remaining four hundred

pounds to be paid by equal annual instalments of one hundred pounds each computed from the expiration of Six Calendar months after my death.

Trust Provisions for Natural Daughter Betsy

I give and bequeath to my said wife Catherine, my son in law William Robert Keith Douglas, my Brother in law Alexander Gordon of Old Broad street in the City of London Esquire, John Hamilton of Kempshott Park in the County of Hants Esquire, my Nephew Christopher Irvine now of the Island of Tobago Esquire and Thomas Bruce of George Muir in the County of Fife Esquire their Executors administrators and assigns three thousand three hundred and thirty three pounds six shillings and eight pence three per cent consolidated annuities part of my three per cent annuities or to be purchased with and out of my assets before the next dividend day after my death Upon the Trusts following that is to say upon trust that the Trustee or Trustees for the time being do and shall pay the dividends and annual income of the said annuities unto my reputed daughter Betsy now of London for and during the term of her natural life to and for her own sole and separate use independently of and free from the control debts or engagements of any husband whom she may marry without any power to anticipate the growing payments and her receipt alone shall from time to time be a good and sufficient discharge to my Trustees for so much money as shall be therein expressed to be paid.

And from and after the decease of the said Betsy the same Trustee or Trustees shall stand possessed of and interested in the said 3 per cent Consolidated annuities and the interest Dividends or annual income thereof In Trust for all and every or any one or more of the Children or more remote issue of the said Betsy lawfully begotten or to be begotten either absolutely or conditionally and either without power of revocation and with or under and subject to such powers provisions conditions restrictions over (such limitations over to be for the benefit of some one or more of such Children and issue) and in such manner and with such interest or maintenance in the meantime as the said Betsy and any husband whom she may marry during their joint lives shall by any Deed or Deeds writing or writings to be by them sealed and delivered in the presence of and to be attested by two or more creditable witnesses jointly direct or appoint and for default of such joint direction or appointment and so far as the same may not extend or may fail then as the survivor of them the said Betsy and such husband as aforesaid shall after the decease of the other of them by any Deed or Deeds writing or writings with or without power of revocation to be by him or her sealed and delivered in the presence of and attested by two or more credible witnesses or by his or her last will and Testament in writing to be by her or him signed published and declared in the presence of and attested by the like number of witnesses direct or appoint and in default of such direction or appointment as aforesaid or so far as the same may not extend or may fail In trust for the Child if only one or all the Children if more than one of the said Betsy lawfully to be begotten to be paid or transferred to a son or sons at the age of twenty one years or death under that age leaving lawful issue living at the time of his or their respective decease or born in due time after and to a daughter or daughters at the age of Twenty one years or marriage under that age with consent of her or their parents or parent guardians or guardian equally to be divided between or amongst all such Children (if more than one) share and share alike as Tenants in common and their respective Executors Administrators or assignees and with benefit of survivorship between such children as to their original and also additional shares in case any of them being sons should depart this life under the age of twenty one years without leaving issue living at their deaths or being daughters should depart this life under that age and without having been married with such consent as aforesaid.

And in case there shall not be any Child of the said Betsy or each of her Children being sons should depart this life under the age of Twenty one years without leaving any issue living at his death or born in due time after her death and being Daughters should depart this life under the age of twenty one years without having been

married with such consent as aforesaid Then I will and shall stand and be possessed of and interested in the said three per cent annuities as part of the residue of my personal Estate.

I also give and bequeath unto my said natural Daughter Betsy the sum of Twenty five pounds for mourning.

Bequest to Jane Armstrong

I give and bequeath to Jane wife of Francis Armstrong formerly Jane Currie the sum of one hundred pounds to be paid within three months after my decease into the hands of her the said Jane Armstrong for her own separate use free from the Debts control or engagements of her said husband and her receipt alone to be a sufficient discharge.

I also give and bequeath to the said Jane Armstrong and her assigns during her natural life an annuity or clear yearly sum of fifty pounds to be paid to her or her assigns by two equal half yearly payments also to and for her own sole and separate use independently of and free from the debts control or engagements of her said husband on the fifth day of July and the fifth day of January in every year the first half yearly payment thereof to be made on such of the said half yearly days of payment as shall first happen after my decease and the receipts of the said Jane Armstrong alone or her assigns from time to time notwithstanding her coverture shall be good and sufficient discharges to my Trustees and Executors for the same and the sum of one thousand six hundred and sixty six pounds thirteen shillings and four pence three per cent annuities to be appropriated before the first Dividend day after my death as a fund and to be the only fund for answering this annuity.

Bequests to Nieces Clara and Marian Irvine

I give and bequeath unto each of my Nieces Clara and Marian Irvine the two Daughters of my said Brother Christopher William Irvine one annuity or clear yearly sum of one hundred pounds of lawful English money for and during her respective natural life to be paid to them respectively and their respective assigns at their usual place of residence in Great Britain by two equal half yearly payments on the fifth day of July and the fifth days of January in every year the first half yearly payment to be made on such of the said days of payment as shall first happen after my decease and Three thousand three hundred and thirty three pounds six shillings and eight pence three per cent consolidated annuities to be appropriated before the first Dividend day after my death as a fund and to be the only fund to answer each of the same annuities respectively.

But I direct that my said wife shall claim a general lien on all my residuary real and personal Estates for her said annuity notwithstanding the appropriations hereby made for the payment of the parts of the same annuity.

Bequest to Mary (daughter of Linda)

I give and bequeath to Mary the reputed Daughter of the negro woman Linda now living in Tobago the sum of Five hundred pounds sterling money of Great Britain to be paid within six calendar months after my decease.

Annuities to Others

I desire that the Five Pounds which I allow annually to Mrs. McIntyre and the three guineas which I allow annually to the two Miss Irvines be continued to be paid to them respectively clear of all stamp duties during their respective natural lives and that three per cent consolidated annuities be appropriated to answer each annuity respectively and such appropriation to be the only fund for payment thereof.

Bequests to Nephews

I give and bequeath to my nephew Christopher Irvine the sum of Three thousand pounds and to my nephew

Walter Irvine the sum of three thousand pounds and I direct that the said two last mentioned Legacies shall be paid at the end of one year after my decease with interest for the same legacies respectively at the rate of four pounds for one hundred pounds for a year from and after the expiration of such year and thenceforth until payment.

Main Legacies for Daughters Christina and Catherine

I give and bequeath to the said Catherine Irvine, William Robert Keith Douglas, Alexander Gordon, John Hamilton, Christopher Irvine and Thomas Bruce their Executors Administrators and assigns two several Legacies each to be of the value of thirty five thousand pounds in money and each Legacy to be answered by a computation of the value of three per cent consolidated annuities at the highest market price of such annuities on the day of my decease or if the three per cent consolidated annuities should be shut then on the last open day of such annuities prior to my death and so that such Legacy may carry the Dividends which shall become due on the first dividend day after my death and I direct for all the purposes of this Trust my will each of the said Legacies of Thirty five thousand pounds shall be and be considered as if it had been appropriated on the day of my death in the purchase of three per cent consolidated annuities at a rate governed by such market price as aforesaid so only however as to fix the amount of such Legacy and income till payment without any variation arising from the variation or fluctuation in the price of three percent consolidated annuities at any subsequent period before the actual payment or appropriation of such Legacy.

And I direct that one of the said Legacies shall be held in trust for my Daughter Christina Charles and the other for my daughter Catherine Grace subject to the Trusts and regulations herein after contained concerning that Legacy.

And I direct that the Legacy of each such daughter shall be held upon Trust that the Trustee or Trustees for the time being of this my will do and shall during her life retain and take the income of the said Legacy to the intent that the same may be upon trust for the sole and separate use of the same daughter respectively but not so as to dispose of such income or the Receipt thereof by Mortgage sale charge assignment or otherwise in the way of anticipation and so that the same income may not be liable to the control Debts or engagements of any husband with whom such Daughters may from time to time intermarry and I declare that the receipt or receipts of each Daughter respectively or of any person or persons to whom she may appoint the same after the same income shall be due shall be good and sufficient discharges for such income.

And I direct that the surviving husband if any of each daughter shall be entitled to the income of her Legacy for his life so nevertheless as such surviving husband if he be the first husband of my daughter shall have married her with the previous consent in writing of my Trustee or Trustees for the time being or some three of them while there shall be three or more Trustees.

And I direct that from and after the death of each of my said Daughters respectively and of her surviving husband if any entitled to a life interest her said legacy or portion shall be held in trust for all or any one or more of her Children or more remote issue as she by Deed or will shall as well when covert or sole and notwithstanding her coverture appoint and subject to such appointment as far as the same may extend In trust for her Child if only one and Children if more than one to be divided between them if more than one as Tenants in common in equal shares and the share of each Child being a son to be transferred to him at his age of Twenty one years and being a Daughter at her age of Twenty one years or day of marriage which may first happen or if such age or day should be attained in the lifetime of his or her mother or her husband entitled to a life Interest then as soon as may be after the death of his or her said Mother and of such husband entitled to a life Interest.

And in case any or either of the Children of each or either of my said Daughters should as to sons depart this life under the age of majority without leaving issue at their respective deaths and as to Daughters depart this life under that age without having been married then the original and also every additional share of each of my Grand Children so dying shall be held In trust for his or her Brothers and Sisters or a Brother and sister if only one to be divided between them if more than one in equal shares and as Tenants in common and to be paid or transferred at the said respective ages or days as the case may require after the death of the Brother and sister so dying.

And in case either of my said daughters shall depart this life without having had any child or in case each of her Children being a son should depart this life under the age of Twenty one years without leaving any issue living at his death and being a Daughter should depart this life under the age of Twenty one years and without having been married then the Legacy of the daughter of whose issue there shall be such failure shall be divided into two equal parts and one of the said parts shall be held on the same trusts as are hereby declared of and concerning the Legacy or portion of the other of my said unmarried daughters and the remaining half of the Legacy or portion of the daughter of whose issue there shall be such failure shall be added to the portion of my married daughter and be subject to all the Trusts and regulations declared of and concerning that part of her portion which is personal Estate under the said articles and agreed to be settled according to the regulations in the Indenture of Settlement herein after mentioned.

And in case each of my said unmarried daughters should depart this life without having had a child or in case each of the Children of each of the same daughter being a son should depart this life under the age of twenty one years without leaving any issue living at his death and being a Daughter should depart this life under that age without having been married then each of the said Legacies or portions of my said unmarried Daughters shall be added to the portion of my married Daughter Elizabeth and be subject to all the trusts declared of and concerning that part of her portion which is under the said articles personal Estate and agreed to be settled according to the Regulations of the said Indenture of Settlement hereinafter mentioned.

Powers of Trustees regarding Maintenance and Advancement

And it is my will that unless the contrary shall be directed by any appointment or appointments to be made as aforesaid it shall and may be lawful to and for the said Trustee or Trustees for the time being of this my will at any time after the decease of each of my said daughters Christina Charles and Catherine Grace and natural Daughter Betsy and the surviving husband of each respectively of my two daughters being entitled to a life interest to apply all or any part of the Dividends Interest and income arising from the portion of each one or either of the children or issue of the same Daughters and natural Daughter for the time being entitled to portions of and in the said Sum monies stocks funds and securities hereby directed to be settled during his or her minority in or towards his her or their maintenance education schooling clothing or advancement in such manner as the said Trustee or Trustees for the time being shall think fit.

And also after the death of each respectively of the same daughters and natural Daughter and such surviving husband if any so entitled respectively or in the lifetime of the same daughters or natural Daughter respectively and such husband if any so entitled with her or their consent in writing during her or their life interest or interests to advance and pay to and for each any or either of the Children or other issue of each daughter or natural daughter respectively notwithstanding his or her minority any part not exceeding one fourth part of the then vested or expectant share of and in the said Trust monies stocks funds and securities for placing out any such child or issue of each Daughter or natural Daughter respectively being a male to any profession or

employment or in the purchase of a Commission or commissions or promotion for him in the army or in the education of any Child or issue being a male at any university or universities or any other seminary of Learning or any of the Inns of Court or of Chancery or for the advancement or preferment in the world or in the marriage of any such child or issue being either a male or female.

And I direct that all sums of money or other property which shall be advanced to or for each of the same Children and issue respectively shall be taken and considered as a part of his or her portion or share and shall be deducted and allowed out of the same notwithstanding his or her death before his or her portion shall be absolutely vested in him or her or notwithstanding the right to the same portion may afterwards be defeated or avoided.

And further that so much of the Interest Dividends and annual Income arising from the portion or share of each of the same Children and issue respectively to whom the same portion or share shall belong shall from time to time be added to the principal of the same portion or share and be improved at interest together with the same and as part thereof by way or in the nature of compound interest and follow and be subject to all the Limitations trusts and Dispositions either for Children or other persons herein before expressed declared and contained of and concerning the principal of the same portion or share until the same principal or the securities in which the same shall be invested shall become payable or is or are hereby directed to be paid assigned and transferred.

Investment Powers

And I direct that the Trustee and Trustees for the time being of this my will shall and may from time to time during the lives of each respectively of my said daughters Christina Charles and Catherine Grace and with her consent and the consent of the husband if any of each Daughter if such husband may be entitled to a life interest to be testified by some writing under her or his hand and after her decease and of such husband if any who may be entitled to a life interest then in the discretion and of the proper authority of the said Trustee and Trustees for the time being to lay out her said Legacy or Portion or the produce of the three per cent consolidated annuities in which the same may be invested in or upon any of the stocks or funds of Great Britain or real securities in England or Scotland or in the principality of Wales.

And also to from time to time with such consent as aforesaid of the person or persons entitled to the Life Interest and after the decease of that person or the survivors of those persons Then in the discretion and of the proper authority of the said Trustee or Trustees for the time being to alter, vary and change the securities in or upon which the said Trust Legacies shall from time to time be invested either as occasion shall require or as the said person respectively entitled to the life interest and after the decease of that person then as the said Trustee or Trustees for the time being shall think fit.

And I direct that if thereto requested by the person or persons entitled to such life interest or several life interest by any writing under his her or their hand or hands the said Trustee or Trustees for the time being of this my will may from time to time lay out and invest all or any part of the portion or Legacy of each of my said Daughters and the stocks funds and securities in and upon which the same shall be invested from time to time or of the lands which shall be purchased and sold from time to time as hereinafter mentioned in the purchase of lands or tenements in England or Scotland or the principality of Wales held either in fee simple or for any long and absolute term of years of which one hundred years shall at the time of such purchase remain unexpired.

And they shall upon such request as aforesaid or after the death of the person or persons entitled to a life Interest or successive Interests in his or their discretion and of his or their own authority convert such lands and

tenements into money by a sale thereof and stand and be possessed of the money arising from such sale upon the same or the like trusts as are hereby declared of the money which shall be invested in the purchase of the lands and tenements to be purchased and sold from time to time.

And they shall from time to time till such sale make such leases of the Lands and tenements at full improved rents for any term or number of years not exceeding Twenty one years as the person if any entitled to the first life Interest shall require and after the determination of the life interest or life interests as the Trustee or Trustees for the time being shall in his her or their discretion think fit.

And also in the meantime till such sale apply the rent and income of the said lands and tenements to be so purchased in the same manner and for the benefit of the same persons and in the same proportions as the interest of the money to be invested in such purchases of the said lands and tenements respectively would have been applicable in case such purchases had not been made and in all other respects do and shall stand and be seized of or interested in the lands and tenements to be purchased from time to time as aforesaid upon under or subject to the same trusts as if the said lands and hereditaments were personal Estate.

Devise of Real Estate

And I give and devise all my freehold copyhold and Leasehold manors messuages farms plantations negroes and slaves lands tenements and hereditaments in England Scotland and the West Indies or elsewhere and all Estates vested in me as a Mortgagee or Trustee and all my goods chattels and personal Estate whatsoever unto and to the use of the said Catherine Irvine William Robert Keith Douglas Alexander Gordon John Hamilton Christopher Irvine and Thomas Bruce their heirs executors Administrators and assigns respectively according to the nature and quality thereof respectively and of my Estate and interests therein and upon the Trusts and for the purposes and under and subject to the Regulations hereinafter expressed declared and contained concerning the same respectively.

Appointment of Executors and Guardians

And I appoint them The said Catherine Irvine William Robert Keith Douglas Alexander Gordon John Hamilton Christopher Irvine and Thomas Bruce to be Executors in trust of this my will and guardians of my youngest daughter during her minority.

Election Requirement for Scottish Estates

And I request my said three daughters and all other persons claiming any benefit under this my will forthwith or as early as may be and within six Calendar months after my death or as to my youngest Daughter within six Calendar months after coming of age to make a proper Deed or Instrument of Disposition in the Scotch form of all my real and heritable Estates in Scotland so as to enable the Trustees of this my will to carry my will into complete effect.

And I direct that each person and his or her husband wife Children and more remote issue who shall neglect or refuse for the space of six calendar months after my death or as to my younger Daughter within six Calendar Months after coming of age and at the costs and charges of my Trust Estate to carry this my direction into effect shall according to the rules and doctrine of Election as observed by Courts of Equity in England be bound out of the provisions and benefit which they respectively shall take under this my will to give equivalent or compensation to the person or persons respectively who shall be disappointed or prejudiced by the neglect or refusal to observe this direction.

Covenant Regarding Daughter Elizabeth's Marriage Settlement

And in the first place I direct that the covenant entered into by me on the marriage of my daughter Elizabeth with the said William Robert Keith Douglas and contained in the Settlement or articles for a Settlement made on that marriage (being a Settlement or articles bearing date on or about the twenty third day of November in the year of our Lord one thousand eight hundred and twenty one and being of three parts and made or expressed to be made between the said William Robert Keith Douglas of the first part me the said Walter Irvine and Elizabeth my Daughter of the second part and Robert Bruce of Kennet in the County of Clackmannan in North Britain Esquire and John Charles Herries of Cadogan place in the County of Middlesex Esquire of the third part) and which covenant was for the settlement upon my said Daughter in manner in the said settlement or articles expressed of one third part in value of and in all the real and heritable Estate and also of and in all the personal property in Great Britain and Ireland and in the West Indies and in any parts of America or in any other part of the world of which I may be seized or possessed by way of ownership at the time of my decease (subject to such Charges as in the same settlement or articles and hereinafter are mentioned) in which said Settlement there is contained a clause by which it is provided that the said covenant shall be subject and without prejudice to my right in my lifetime and by act to take effect in my lifetime to give or otherwise dispose of all or any part of my said real or personal Estate or either of them to the uses and upon the Trusts in the said Settlement mentioned and also by my will to charge the same property with such annuities and legacies and other charges as I may deem proper or think fit and to any extent shall be performed or satisfied by an appropriation to be made by the Trustee or Trustees for the time being of this my will of all my messuages lands tenements and hereditaments or heritable estate in the County of Fife in Scotland whether the same may be or may not be of greater value than one third part and in case of any loss in value then by the addition of a competent part of such of the Messuages lands tenements negroes slaves and hereditaments in any part of the West Indies as I shall be seized or possessed of or entitled to at my death.

And I direct that the said Catherine Irvine Alexander Gordon John Hamilton Christopher Irvine and Thomas Bruce and the survivors or survivor of them and the executors and administrators of such survivor shall have full power and authority and the sole and only discretion of making such arrangements as may be deemed expedient or necessary with the said William Robert Keith Douglas and Elizabeth his wife or either of them either alone or jointly with the Trustee or Trustees for the time being of the said Marriage articles for ascertaining and settling whether any and what part or parts of my plantation or Estates in the West Indies shall be necessary for the purpose of making up such third part in value.

And I direct that the Certificate of the said Catherine Irvine Alexander Gordon John Hamilton Christopher Irvine and Thomas Bruce and the survivor and survivors of them and of the Executors and Administrators of such survivor or of any three of them of and concerning such valuation and of and concerning the parts of any of my plantations negroes slaves and estates in the West Indies which shall be appropriated to answer such value shall be binding and conclusive on all persons claiming any benefit under this my will.

And I direct that each third part shall be computed (if it should be necessary to comprise any part of my West Indies Estates) with reference to and after the deduction of all the Legacies of Monies and of three per cent Consolidated annuities given by this my will except so far as annuities are given or funds created only for answering annuities for lives and the third part or equivalent for the same to be so settled as aforesaid shall be the primary fund to answer and pay one third part of the said annuities in ease and exoneration of my said Daughter Elizabeth or other person who for the time being may be entitled to that part of my residuary real and personal Estate which is intended for her.

And I direct the Trustee or Trustees for the time being of this my will after such valuation shall have been made to complete the said Settlement by carrying the same into effect according to the directions true intent and meaning of the said articles.

And I direct the said Catherine Irvine Alexander Gordon John Hamilton Christopher Irvine and Thomas Bruce and the survivor or survivors of them and the Executors and administrators of such survivor or any three of them shall have full power and authority and discretion by himself herself or themselves or by agents to be employed by him her or them to cause a valuation to be made of all my real and personal property so far as it may be necessary to value the same for ascertaining the value of the third part to be settled for benefit of my said Daughter Elizabeth and her family as aforesaid.

Residuary Estate Distribution

And I direct that my reversion by virtue of the said settlement in the Estates in Scotland and if any in the West Indies to be respectively settled as aforesaid and also in the said portions or legacies of Thirty five thousand Pounds and Thirty five thousand Pounds to be settled on my said two unmarried Daughters their heirs executors administrators and assigns as Tenants in common with benefit of survivorship between them in case either of them should depart this life without leaving any issue living at her death or if all the issue living at her death should depart this life under the age of twenty one years and without leaving issue and subject to the payment of my debts Legacies and the other regulations contained in this my will I direct that all my real and personal estate including the funds appropriated for answering annuities shall be held in trust for my three daughters Elizabeth Douglas Christina Charles and Catherine Grace or such of them as shall be living at my death and her and their heirs executors administrators and assigns to be equally divided between them (if more than one) share and share alike as Tenants in common and not as joint Tenants.

And I direct that in estimating the value of such one third parts to be so settled as aforesaid no deduction or allowance shall be made in respect of that part of my real and personal Estates to which my said Daughter Elizabeth shall be in addition to such one third part to be so settled as aforesaid.

And I direct that the share of my said daughter Elizabeth of and in my residuary real and personal Estate shall be for her sole and separate use independent of her present or any future Husband and with full power and authority to her as well when covert as sole and notwithstanding her coverture to dispose of the same by Deed or will as if she were a feme sole.

Receipts and Discharges

And I do declare that the receipt and receipts in writing of the said Catherine Irvine William Robert Keith Douglas Alexander Gordon John Hamilton Christopher Irvine and Thomas Bruce any or either of them or the survivors or survivor of them or the heirs executors administrators or assigns of such survivor or the Trustees or Trustee for the time being of this my will or any or either of them or any agent or attorney or agents or attorneys appointed by him her or them for any sum or sums of money payable to them her or him under or by virtue of this my will shall effectually discharge the person or persons to whom the same shall be given and his her their and every of their heirs Executors Administrators and assigns from seeing to the application or being accountable or answerable for the misapplication or non application thereof.

Powers of Executors

And I hereby authorise and empower my acting Executors for the time being to pay any debts owing by me or

claimed from me on any evidence they shall think proper and to accept any security real or personal for any debts and to compromise any debts owing to me by agreeing to accept part thereof in full of the same and to allow such time or times for the payment of such debts or compositions as to them her or him shall appear reasonable.

And whereas in the event of my claims on the property of the late John Leith of Tobago in the West Indies being settled and adjusted which I desire may be done as soon as possible and of the heirs or assigns of the said John Leith being willing to pay the money due to me in respect thereof I direct that my Executors shall accept the same in preference to taking the estate of Old and New Grange in the Island of Tobago in satisfaction thereof.

Appointment of New Trustees

Provided also and I declare and direct that if the said Catherine Irvine William Robert Keith Douglas Alexander Gordon John Hamilton Christopher Irvine and Thomas Bruce or any or either of them or any future Trustee or Trustees to be appointed as herein after is mentioned shall happen to die or be desirous of being discharged of and from or refuse or decline to act in the Trusts hereby in him her or them respectively reposed as aforesaid before the said Trusts shall be fully performed or discharged then and in such case and when and as often as the same shall happen it shall and may be lawful to and for the Trustees for the time being or the surviving or acting Trustee or Trustees for the time being by any writing or writings under their his her or their hand and seal or hands and seals to be attested by two or more creditable witnesses from time to time to nominate substitute or appoint any other person or persons to be a Trustee or Trustees in the stead or place of the Trustee or Trustees so dying or desiring to be discharged or refusing or declining to act as aforesaid.

And that when and so often as any new Trustee or Trustees shall be nominated and appointed as aforesaid all the said Trust Estates monies securities funds and premises shall be thereupon with all convenient speed conveyed assigned and transferred in such sort and manner and so that the same shall and may be equally and effectually vested in the surviving or continuing Trustees or Trustee of the same Trust Estates monies and premises and such new Trustee or Trustees jointly or if there shall be no such continuing Trustee of the same Trust Estates monies and premises Then in such new Trustees wholly to for and upon such and the same Trusts intents and purposes as are herein before declared or expressed of and concerning the said Trust Estates securities monies and premises as aforesaid or such of them as shall be then subsisting and capable of taking effect.

And that every such new Trustee or Trustees shall and may in all things act and assist in the management carrying on and execution of the Trusts to which he and they shall be so appointed as fully and effectually to all intents effects and purposes whatsoever and shall have and be considered as invested with such and the same powers and authorities as if he she or they had been originally in and by this my will nominated a Trustee or Trustees for the purposes for which such new Trustee or Trustees respectively shall be appointed a Trustee or Trustees any thing herein before contained to the contrary thereof in anywise notwithstanding.

Indemnity of Trustees

Provided also and it is my mind and will and I do hereby declare that it shall and may be lawful to and for the said Catherine Irvine William Robert Keith Douglas Alexander Gordon John Hamilton Christopher Irvine and Thomas Bruce and every future Trustee or Trustees to be appointed as herein before is mentioned their and every of their heirs Executors and administrators by and out of all or any of the monies which by virtue of this my will shall come to his her or their or any of their hands to deduct retain to and reimburse to and for themselves himself and herself and to pay to his her or their Co Executors and Trustee or Trustees all such costs

charges and expenses as he she and they respectively shall or may sustain expend or be put unto in or about the execution of this my will or any of the Trusts herein contained the same being approved of by the major part of the acting Trustees.

And that the said Alexander Gordon shall notwithstanding he is a Trustee be entitled to make the usual charges of a solicitor for all the business to be transacted by him.

And also that they and their respective Executors and administrators shall be charged and chargeable only every of them for and with his and their own respective receipts payments acts and wilful defaults and not otherwise and shall not be charged or chargeable for any sum or sums of money other than such as shall actually and respectively come to his her or their hands by virtue of this my will nor with or for any loss or damage which may happen in or about the execution thereof or any of the Trusts hereby declared without his her or their respective wilful default.

Management Powers

And that my said Trustees for the time being may confide to the said William Robert Keith Douglas the principal or entire direction and management of my Estates in the West Indies and the consignment of the produce thereof and the provision of supplies for the same Plantations and Estates.

And that the Trustee or Trustees for the time being of this my will may make any abatement in the rent of the Tenants of my Trust property given by this my will and make Leases for any term not exceeding Twenty one years of any of my Trust Estates which may be untenanted or may be held under leases to expire within one year prior to such new leases.

Execution and Attestation

In witness whereof I the said Walter Irvine the Testator have to this my last will and Testament contained in this and the eighteen preceding sheets of paper set my hand to the first eighteen sheets and my seal at the top of the first of such sheets where the said sheets are fastened together and my hand and seal to this nineteenth and last sheet of the said paper this eighteenth day of October in the year of our Lord one thousand eight hundred and twenty three.

Walter Irvine [L.S.]

Signed sealed Published and declared by the said Walter Irvine the Testator as and for his last will and Testament in the presence of us who in his presence at his request and in the presence of each other have hereunto subscribed our names as witnesses:

- Colgell Wyatt Edgell, Milton Place Egham Surrey
- Robert Logan Egham Lodge
- William Adams Servant to Mr. Irvine

Codicil

I hereby also give and bequeath one hundred pounds to Susanna Ann Hamilton daughter of John Hamilton Esquire above named.

Dated this 18th October 1823

Walter Irvine

Affidavits and Probate

In the Prerogative Court of Canterbury

In the Goods of Walter Irvine Esquire deceased

Personally appeared William Matthews of Old Broad Street London Gentleman and Joseph Pennington of the same place Gentleman and made oath that they know and were acquainted with Walter Irvine formerly of the Island of Tobago and late of Laddington House in the County of Surrey Esquire deceased for some time previous and to the time of his death and have often seen him write and subscribe his name to writings whereby they have acquired a knowledge of his manner and character of hand writing and subscription and having now viewed and perused a Codicil to the Last will and Testament of the said deceased which is written upon the nineteenth and last sheet of the said will and hereunto annexed marked with the Letter A the said Codicil being in the following words to wit "I hereby also give and bequeath one hundred pounds to Susannah Ann Hamilton Daughter of John Hamilton Esquire above named Dated the 18th October 1823" and being subscribed "Walter Irvine" these appearers say that they verily and in their consciences believe the name "Walter Irvine" so set and subscribed thereto to be of the proper hand writing and subscription of the said Walter Irvine deceased.

William Matthews

Joseph Pennington

On the 21st day of January 1824 the said Joseph Pennington was duly sworn to the truth hereof before me.

John Daubeny Surrogate

John I. Glennie Not. Pub.

On the twenty second day of January 1824 the said William Matthews was duly sworn to the truth of the annexed affidavit Before me.

John Daubeny Surrogate

John I. Glennie Not. Pub.

In the Prerogative Court of Canterbury

In the Goods of Walter Irvine Esquire deceased

Personally appeared William Adams servant to Mrs. Irvine of Laddington House in the County of Surrey and made oath that he is one of the subscribing witnesses to the last will and Testament of the said Walter Irvine formerly of the Island of Tobago and late of Laddington House aforesaid Esquire deceased which is hereunto annexed contained in Nineteen Sheets of paper and marked with the Letter A that he the appearer was present with the said deceased at Laddington House aforesaid on the day the said will bears date when the said deceased executed the same by signing his name opposite the wax Impression of a seal on the nineteenth and last sheet of the said will and when he had so signed the same he sealed published and declared the same as and for his Last

will and Testament in the presence of him the appearer and the other subscribing witnesses whose names appear thereon and the appearer and the other subscribing witnesses did then in the presence of the said deceased and of each other set and subscribe their names as witnesses thereto in manner and form as now appears therein and having now examined the said will he saith that the name "Walter Irvine" set and subscribed opposite the wax Impression of a seal on the said nineteenth page thereof was so done by the said Walter Irvine deceased and the name "William Adams servant to Mr. Irvine" was written by and with the proper hand of him the appearer and he lastly made oath that during all and singular the premises the said deceased was of sound and disposing mind memory and understanding well knew and understood what he said and did and was as he the appearer verily believes fully capable of making and executing his last will and Testament or of doing any other serious or rational act requiring thought judgment and reflection.

William Adams

On the 21st day of January 1824 the said William Adams was duly sworn to the truth of this affidavit before me.

John Daubeny Surrogate

John I. Glennie Not. Pub.

Grant of Probate

Charles by Divine Providence Archbishop of Canterbury Primate of all England and Metropolitan do by these presents make known to all men that on the twenty eighth day of January in the year of our Lord One thousand eight hundred and twenty four at London before the worshipful John Daubeny Doctor of Laws and Surrogate of the Right Honorable Sir John Nicholl Knight Doctor of Laws Master Keeper or Commissary of our Prerogative Court of Canterbury lawfully constituted the last will and Testament and Codicil of Walter Irvine formerly of the Island of Tobago, of Wimpole Street in the County of Middlesex and late of Laddington House Egham in the County of Surrey Esquire deceased hereunto annexed was proved approved and registered the said deceased having whilst living and at the time of his death goods chattels or Credits in divers dioceses or jurisdictions by reason whereof the proving and registering the said will and the granting administration of all and singular the said goods Chattels and Credits and also the auditing allowing and final discharging the account thereof are well known to appertain only and wholly to us and not to any inferior Judge.

And that administration of all and singular the Goods Chattels and Credits of the said deceased and any way concerning his will was granted to Catherine Irvine widow the Relict of the said deceased, William Robert Keith Douglas, and Alexander Gordon Esquire three of the Executors named in the said will they having been first duly sworn well and faithfully to administer the same and to make a true and perfect inventory of all and singular the said goods Chattels and Credits and to exhibit the same into the Registry of our said Court on or before the last day of July next ensuing and also to render a just and true account thereof.

Power reserved of making the like grant to John Hamilton, Christopher Irvine the nephew and Thomas Bruce Esquire the other Executors named in the said Will when they or either of them shall apply for the same.

Given at the time and place above written and in the nineteenth year of our Translation.

Nathaniel Goschius

N. C. Cresswell

George Firmer Deputy Registers

Certificate

London Twelfth November 1825

This is the Probate of the Will of the late Walter Irvine of the Island of Tobago &c. Esquire referred to in my deposition on the Inventory of his personal Estate upon 25th October 1825.

William Robert Keith Douglas