

21

5
4

and no only the said children and goods equally amongst
my daughters in the manner hereinbefore directed and do
direct that none of my said Executors shall not be answerable
or accountable for the order of them or for the acts done or
receipts made or defaults of the order of them but each of
them for their own acts done receipts and defaults only
nor shall they or either of them be answerable or accountable
for any loss which may happen to my property unless the same
be occasioned by their negligent default and do hereby
empower my said Executors and each of them to retain and
reimburse themselves and each of them and each other out of a
sure part of my property as shall come to them or either of
their heirs all such Costs Charges and Expenses as they or
either of them may sustain or be put unto in or about the
execution of this my will and lastly reciting all former and
other wills by me heretofore made do declare this to be my
last will and Testament and constitute and appoint my
sister Jenny Blundell and Mary Blundell of our first
affairs Executors herof and also Guardians
of my said Children with full power to lease all my said
Estate for any term or number of years not exceeding eleven
years in witness whereof the said James Blundell have
hereunto set my hand and seal the twentieth day of
August in the year of our Lord one thousand seven hundred
and twenty five - James Blundell - signed sealed
published and declared by him in the presence of
the Testator as and for his last will and Testament in the
presence of us who in his sight have subscribed our names
as witnesses attesting the execution hereof the words then
spoken of them or for being wrote upon an Erased - James
Taylor - William Platt - Richard Carter //

PROVED at London the 1st June 1810 before the Judge by
the oath of Jenny Blundell Sister the sister and the
surviving Executors to whom authority is granted being
sworn by Canon / July 10 administered //

At Edinburgh the 10th day of July One
thousand eight hundred years in presence of the Lords of
Council and Session Compared Mr Charles Boyd advocate
and gave in the deposition after written signing the same
might be registered in their Lordships Books as a probative
will in favour to the said James Boyd the said Lord's finding it
was lawful and ordained the same to be done accordingly
religion of the tenor followed

Know all Men by these Presents
that John Boyd Esq of Wellhall having that upon the
Twenty second day of January seven hundred and eighty
two years executed a settlement of my estate and of all
moveable properties then pertaining and belonging unto me
or that should happen to pertain and belong to me at the time
of my decease whether the same should happen by will
deed of settlement appointed my said subjects to be divided
among my six Children at that time in life by the proportions
therein particularly expressed under the Burd and Conditions
provisions and Reservations therein inserted Reserving always
not only myself during the residue of the aforesaid estate
and moveable subjects but also full power and liberty to me at
any time in my life to alter or invade the said settlement in
whole or in part or to make separate deed or conveyance of the aforesaid
subjects in such other proportions amongst my said Children
as I should think fit and now seeing that since the execution of
the said settlement many considerable alterations have happened

John
Boyle.

24

45

in my family by the death of my well beloved wife and
 hence of my children upon the Eighth day of November
 instant cancelled the said Settlement and in order to
 prevent all disputed and differences which may arise
 among my surviving children regarding my
 succession after my death. It is in the said John Boyce
 to have given granted and disposed as 300 by these
 presents with and under the burdens and conditions
 provisions and reservations after expressed give grant
 assign and dispose to and in favor of John Boyce
 Chaplain to the Royal Regiment of Denmark's
 Militia my eldest son and his heirs disposed and co-
 assigned to him and his heirs under the conditions after mentioned
 all and sundry lands tenements hereditages and incorporeal
 and other heritable subjects real personal and all Goods
 Debts heritable or movable sum of Money Gold and
 Silver Coins and Untraded Goods Plate and other Effects
 presently pertaining and belonging to me or that may
 pertain and belong to me or be added to me and owing
 to me at the time of my death and particularly without
 prejudice of the said generality the sum of Three thousand
 hundred and thirty pounds eight shillings and seven
 pence or relative other sum or sums of Money & presently
 have or may have served in the Consolidated Bank for
 Current Amittion with the whole double hundred and
 twenty four of the said several Debts written and owed
 granted and assigned and committed and obtained for
 payment or security of the said Debts and Effects together with
 all Rights like and interest therein I have or may pretend to
 the said lands and hereditages and estate and Effects
 now belonging to me or which may pertain and belong to
 me at the time of my death. But always with and under the
 the Burdens Conditions provisions and reservations after
 expressed for that the said John Boyce my son shall after
 my decease out of the first and easiest of my subjects make
 payment of my whole just and lawful Debts financial &
 charged and expensed and in the next place shall make
 payment to Thomas Boyce my son Chaplain in the foot
 dragoon regiment of foot and his heirs Executors or assigns
 of the sum of Three thousand pounds sterling and that at
 and upon the first term of Whit Sunday or Martinmas that
 may happen after the expiration of twelve months from my
 decease with a fifth part of the said principal sum further
 of liquidate penalty and expence in case of failure and
 default and default of the said principal sum from the
 term of Whit Sunday or Martinmas that may first happen
 immediately after my death to the said term of payment
 and there after and while payment and shall in like
 manner make payment to Grizel Boyce my daughter
 and the sum to be carefully protected of her body or her
 assigns of the sum of Two thousand pounds sterling and
 that at and upon the same term of Whit Sunday or
 Martinmas that may first happen after the expiration
 of twelve months from my decease with penalty and
 interest in manner before expressed and in case of the default
 of the said Grizel Boyce without lawful excuse making
 any Settlement the provision hereby made in her favor
 shall be equally served to the said John and
 Thomas Boyce her Brothers if alive or be at their issue
 in right and place of the said Grizel and the said
 John Boyce my son shall also make payment to John
 and Alexander Fleming children protected of the
 Marriage betwixt the Decedent Mr Alexander Fleming
 one of the Ministers of Hamilton and Margaret Boyce

in my family by the death of my well beloved wife and
 hence of my children upon the Eighth day of November
 instant cancelled the said Settlement and in order to
 prevent all disputes and differences which may arise
 among my surviving children regarding my
 succession after my death I do hereby the said John Boyce
 to have given granted and disposed as 300 by these
 present writings under the burden and conditions
 provisions and reservations after expressed give grant
 assign and dispose to and in favor of John Boyce
 Chaplain to the Royal Regiment of Commonwealth
 Militia my eldest son and his heirs disposed and
 assigned to him and his heirs under the conditions after mentioned
 all and sundry lands Tenements hereditaments and other
 heritable subjects whatsoever and all Goods Cattle
 Debt Receivable or Demandable Sum of Money Gold and
 Silver Coins and Unrepaired Goods Plate and other Effects
 presently pertaining and belonging to me or that may
 pertain and belong to me or be added to my estate and
 to me at the time of my death and particularly without
 prejudice of the said generality the sum of Three thousand
 five hundred and thirty pounds eight shillings and seven
 pence or what other sum or sums of Money I presently
 have or may have received in the Consolidated Receipts
 Contributions with the whole of the said Contributions and
 Contributions of the said several Debts Writs and Juries
 granted and diligence and execution used and obtained for
 payment or security of the said Debts and Effects together with
 all Rights like and similar which I have or may pretend to
 the said Lands and hereditaments and Estate and Effects
 now belonging to me or which may pertain and belong to
 me at the time of my death but always with and under
 the Burden Conditions provisions and reservations after
 expressed for that the said John Boyce my son shall after
 my decease out of the first and easiest of my Subjects make
 payment of my whole just and lawful Debts financial and
 Charges and Expenses and in the next place shall make
 payment to Thomas Boyce my son Chaplain in the foot
 dragoon regiment of foot and his heirs Executors or Administrators
 of the sum of Three thousand pounds Sterling and that at
 and upon the first term of Whitsunday or Martinmas that
 may happen after the expiration of twelve months from my
 decease with a fifth part of the said principal sum further
 of liquidate penalty and Expense in case of failure and
 default and interest of the said principal sum from the
 term of Whitsunday or Martinmas that may first happen
 immediately after my death to the said term of payment
 and there after and while payment and shall in like
 manner make payment to Grizel Boyce my daughter
 and the same to be lawfully procured of her body or her
 assigns of the sum of Two thousand pounds Sterling and
 that at and upon the same term of Whitsunday or
 Martinmas that may first happen after the expiration
 of twelve months from my decease with penalty and
 interest in manner before expressed and in case of the decease
 of the said Grizel Boyce without lawful issue making
 any Settlement the provisions here made in her favor
 shall be equally served to be at the said John and
 Thomas Boyce her Brothers if alive or behest their issue
 in right and place of the said Grizel and the said
 John Boyce my son shall also make payment to John
 and Alexander Fleming children procured of the
 Marriage between the said John and Alexander Fleming
 one of the Ministers of Hamilton and Margaret Boyce

my daughter are decreas'd of the sum of six hundred
 pounds Sterling equally among them their heirs and assigns
 alike and that at and upon their respective ^{arrivals} majority or
 Marriage with a fifth part of their respective shares of the
 said principal sum further of liquidated penalty and a
 Export in case of failure and interest of the said sum from
 the term of Whitsunday or Martinmas that may first
 happen immediately following my death to the respective
 terms of payment and hereafter and while payment
 and other provisions in favor of my Children and Grand
 Children above named are hereby declared to be in full
 satisfaction and payment to them of all legacies and
 claims part of the said legacy or others which they could any
 ways claim or succeed to by law or otherwise in and through
 my death and in full of any provision in their favour or
 in favour of the said Margaret Boyce in the Contract of
 Marriage between me and Barbara Syme their Mother
 decreas'd or in and through her death excepting the further
 provisions hereinafter expressed in favour of the said Elizabeth
 Boyce my daughter to whom I do hereby give grant and
 dispose the life rent use and possession during all the days
 of her life of the house Garden and offices presently
 possessed by me in the high Town of Hamilton Great Street
 the full use and enjoyment during her life of my household
 furniture Bed and Table linen of whatsover kind
 or denomination Bed Bed Cloaths Silver plate jewels
 and Jewels of whatsover sort in and about my said
 dwelling house and in respect of the sum which the said
 Mr. Alexander Fleming has already received in and through
 the said Marriage with the said Margaret Boyce it is hereby
 specially provided and declared that in the event of the death
 of any of the said John Jean and Alexander Fleming before
 their respective provisions become due the provision in this or
 in favour shall devolve on the survivors or survivor equally
 and in case of the death of all of the said Children before the
 Marriage or Majority of the survivor the sum hereby
 provided to them shall revert to and be payable to the said
 John Thomas and Elizabeth Boyce equally among them and
 their heirs and assigns and in the event of my death before
 the said John Jean and Alexander Fleming respectively
 arrive at the age of Majority I do hereby nominate and
 appoint the said John and Mr. Alexander Fleming their father the
 said John and Thomas Boyce my two sons and John
 Buchanan Esquire of Hamilton and the survivors or survivor
 of them appointing to be Tutor and Curators to my said Grand
 Children with power to them to do all and everything in the
 Management of the Affairs of my Grand Children so far as
 respects the sum provided to them by this deed competent to Tutor
 and Curators by the law of Scotland any two of whom or three
 a quorum the said John Buchanan being one quae non during
 his life and so long as they shall not be liable for Omissions
 non in solidum or for breaches but each of them only for his or
 actual Omissions nor shall they be bound to be diligent
 for securing or rendering of the said sum hereby provided to
 my said Grand Children further than they shall judge
 necessary or convenient always not only in my own life but
 whole of the foresaid heritable and moveable subjects but
 also full power and liberty to me at any time in my life to alter
 or innovate these presents in whole or in part or to make or
 separate deeds conveying the foresaid subjects in whole or
 portions amongst my said Children as I shall think fit
 and declaring that these presents though founded by
 me at the time of my death or in the hands of any person
 I may trust therewith the same shall be held as a

sufficient & several Evidence any & are a Custom to the
 traditionary not withstanding & I have disposed
 and hereby dispose for ever and give out to the registration
 court in the Books of Council and Session or any other
 such Books competent for preservation and that all e
 necessary Execution may pass upon a deed to be disposed
 into as follows & for that purpose I have written my
 provisions in the form of these presents written upon this
 and the three preceding pages of paper duly stamped by
 an official Writer in Hamilton are subscribed by
 me at Hamilton the fourth day of November one
 thousand seven hundred and ninety one years before
 these witnesses the said Artibale James and James
 Telfer Writers in Hamilton signed John Boyes and James
 Telfer as Telfer witnesses. Extract of the said and the a
 nne printed in page by John Curran

PROVED at London the 2nd of June 1810 before the
 Judge by the Oath of John Boyes the Executor according to
 the Tenor to whom admission was granted being sworn by a
 Common / duly to administer //

In the Name of God Amen
 Charles Boylston late of London Merchant and Esquire
 in the County of Middlesex but now of Nortonham
 in the parish of Saint Mary le Gore in the County
 of Essex being at the point of death and having made
 and under and among some and published my last will
 and Testament in manner following of record and death
 that my body may be buried as near as may be to the
 remains of my late father in the parish church of
 at Epsom in the County of Surrey I give devise and bequeath
 unto my dear Brother James Boylston and my dear
 Charles Boylston all and singular my freehold and
 Copyhold Estates whatsoever and whosoever whether
 real or personal or any person or persons in Trust for me and
 is or shall at the time of my decease be seized in possession
 reversion remainder or otherwise of any kind or of
 which I have power to dispose by this my will and also all
 and singular my personal Estate whatsoever and
 whosoever to hold unto the said James Boylston and
 Charles Boylston as are of freehold and Copyhold Tenure unto
 and to the use of the said James Boylston and Charles
 Boylston their heirs and assigns for ever according to the
 nature and quality of the said Estates respectively but
 nevertheless upon the Trust and to and for the ends intents
 and purposes hereinafter mentioned expressed and declared
 of and concerning the same and to hold all and singular
 my said personal Estate unto the said James Boylston and
 Charles Boylston their Executors Administrators and assigns as
 their own proper Goods and Chattels but not to be disposed of
 the Trust and to and for the ends intents and purposes
 hereinafter mentioned expressed and declared of and concerning
 the same that is to say upon Trust that they the said James
 Boylston and Charles Boylston and the survivors of
 them and the said Executors Administrators and assigns of such
 survivors do and shall from time to time during the term
 of the natural life of my dear wife Ann Boylston pay and
 apply the Rents Issues and profits of my said freehold and
 Copyhold Estates and also some part of my said personal
 Estate or the Dividends Interest and Annual profits thereof
 as they or the survivors of them or the said Executors Administrators
 or assigns of such survivors shall in their or his discretion think

Charles
 Boylston
 Esquire.

10

537