

Sir John Clerk of Penicuik CC8/8/117 [p.148] Testament dative Sir John Clerk} The Testament dative and Inventory of the debts and Sum of money addebted resting owing to Sir John Clerk of Pennycook one of the Barons of Excheq[ue]r the time of his decease who deceased upon the day of Mvij [one thousand seven hundred] and years Faithfully made and given up by Sir James Clerk now of Pennycook Baronet only Executor decerned to the said deceased Sir John Clerk upon the warrandice of the disposition underwritten And in implement of the same In so far as the said deceast Sir John Clerk by his disposition bearing date the twenty fifth day of July Mvij [one thousand seven hundred] and fifty eight years narrating that he having by several Bonds of provision of date the twenty fifth day of September Mvij and twenty two years provided his haill younger Children in portions and provisions suitable to his means and estate in order to prevent any dispute or contraversy betwixt them after his decease And likewise to the effect that James Clerk his eldest Son and heir succeeding to him might have [p.149] the only sole and distinct right & might possess bruik and enjoy without any manner of division with any manner of division with any of his younger Children after his decease the haill moveable debts and gold and silver furniture Jewels and other Subjects means and Effects aftermentioned pertaining and belonging to him the time of his decease But always with and under the provisions conditions and reservations after mentioned As also it being his further Will and intention in case the said James Clerk his eldest Son should survive him and succeed his haill lands & estate as well as to the moveable debts Gold furniture Jewels and other Subjects after disponed And thereafter should decease himself before his otherwise disponsing by a write under his hand of the said Subjects or having heirs of his own body That than and in that case the said haill moveable debts gold silver furniture Jewells and others after mentioned Should fall Access pertain and belong to his said second Son then surviving and succeeding to his said lands and estate And that his haill other younger Children should be debarred and have no right or portion to any part or division of the said moveable Subjects [p.150] Subjects Gold silver Jewells furniture and others underwritten which that might claim wright to as Exe[cuto]rs to their said brother so deceasing And failing his said Second Son by decease after his so succeeding without disponsing as said is or heirs of his own body the same should always fall and access solely to any son of his own body succeeding as said is in manner after mentioned Therefore With and under the provisions conditions & reservations therein and after mentioned the said defunct assigned and disponed to & in favours of the said James Clerk his eldest Son and the heirs of his body whatsomever or his assignees But always secluding his Executors And failing of the said James by decease after his surviving him without heirs of his body or disponsing of the Subjects aftermentioned by a write under his hand to George Clerk his second son and the heirs of his body whatsomever or his assignees secluding his Exe[cuto]rs And failing of the said George by decease after his so succeeding without disponsing of the said Subjects or heirs of his body as said is To Patrick his third son and the heirs of his body or his assignees [p.151] Assignees secluding his Executors and failing of the said Patrick by decease after his so succeeding without disponsing of the said Subjects or heirs of his body to Henry Clerk his fourth Son and the heirs of his body or his assignees secluding his Executors And failing of the said Henry by decease after his so succeeding without disponsing of the said Subjects or heirs of his body as said is to

any other son lawfully begotten of his body in his present or any other Subsequent marriage and the heirs of his body whatsoever or his assignees secluding his Executors and failing of heirs male lawfully procreate of his body without issue or not disposing of the Subjects aftermentioned as said is to the heirs and Executors whatsoever of the Son procreate of his body in whose person the foresaid succession should terminate by the destination and subscription aforesaid All and Sundry moveable goods and gear debts Sums of money mails farms profits and duties of lands corns cattle horse nolt sheep insight plenishing debts Sums of money bonds obligations Bills tickets Acco[mp]ts @[nnual]rents and rests in tennants hands gold and silver coined and uncoined Curiosity medals [p.152] medalls Jeweles Silver plate and all other household furniture & plenishing of whatever kind within his house of Pennycook and lodging in Edin[bu]r[gh] or any other place pertaining to him And generally all and every other moveables goods gear or other effects whatsoever belonging to him the time of his decease, dispensing with the generality hereof And admitting & declaring the same to be equally valid as if each particular therein had been nomintim insert Albut not so done Reserving alwise furth and from the foresaid right or disposition any share part or portion of the household furniture Silver plate Jewels or other Subjects @[fter]disponed that was already provided by him the said defunct to dame Janet Ingles his Spouse by Contract of Marriage do otherwise or that should be settled and provided to her or to any other persons whomsoever by him in any write or deed in any time of his life As also Reserving full power & liberty to him to intromitt Subjects @disponed and every Act of property in relation thereto to use that I might have done before granting hereof And likewise To [p.153] To alter innovate cancell or declare void the same at his pleasure and with & under the provisions and reservations foresaid thereby assigned and disponed to his said Sons and their foresaids respective and successive as said is all and Sundry writes evidents rights titles and securitys of and concerning the Subjects above disponed and thereby surrogated and Substituted then in his full Right title and place thereof forever with power to intromitt therewith use and dispose thereupon and every other thing to do that he might have done himself at any time of his life As the said disposition more fully bears And therefore the said James Clerk is only Exe[cuto]r dative qua disponee decerned to the said deceast Sir John Clerk his father upon the warrandice of the disposition @narrated And in implement of the same And that by decret of the Com[m]issa[rs] of Edinburgh as the same of date the twenty second of March Mvij and fifty eight years In itself at more length proports In the first the said Umqu[hi][e] Sir John Clerk had addebted resting owing to him the time foresaid of his decease that debt and Sum of money after mentioned vi[delice]zt I[m]pri]mis The Sum of twenty six pounds eight shillings and tenpence Sterl[ing] of principall contained in a Bill dated the eleventh [p.154] eleventh day of August Mvij and fourty two years drawn by the defunct upon and accepted by Walter Burnet Butcher in Loanhead pay[ab][e] upon the first day of February thereafter Extending the said Sum of Twenty six pounds eight shill[ing]s and tenpence Sterling money in Scots money to the Sum of Three hundred and Seventeen pound sixteen shilling Summa of the debts resting to the defunct} Mr James Leslie ? the said Sir James Clerk only Executor dative qua disponee to the said Umquh[i][e] Sir John Clerk his Father upon the warrandice of the foresaid disposition and in implement of the same And in and to the debts & Sum of money before ment[ioned] with full power to him the said Executor to Intromitt & Cautioner James Syme writer in Edinburgh & Clerk to Mr James Carmichaell one of the Clerks to the Signet dated the seventh day of Aprile Mvij and fifty eight years 12 Aprile 1758