

Testament of John Blackadder: 24 Feb & 12 Mar 1795

Note: words in curly brackets {} are uncertain or undetermined

S.R.O. Reference CC15/6/79

Scroll

Testament Test^{ry}

Of Umq^d

John Blackadder

12 March 1795

*John Renton and David Renton
Esquires Joint Commissary of the Com-
missariat of Lauder and our Depute To
Exers hereof {} and {} specially
Constitute greeting We Command and
Charge you that on sight hereof ye lawfully
Summon Warn and Charge the exers testame-
ters Spouse bairns (if any be) intro
mitters with the goods and Gear of Umquhill
John Blackadder Tenant in Edrom and
all others having or pretending to have interest
in the said matter by open proclamation
at the market Cross of Greenlaw head burgh
of the County of Berwick and Parish kirk
door of Edrom and all other places
needfull to compear before us and our De-
pute at Lauder the twenty fourth day of
February next in the hour of Cause with
continuation of days to answer at the
instance of John Turnbull Writer in Dunse
{pror}fiscal of Court and Alex^r Blackadder
of Crookfield lawfull Son of the said*

*defunct Executor nominated for his interest that is to say to hear and see the said Alex^r Blackadder executor nominated by the said defunct admitted given in decerned and confirmed to the said Defunct in and to all and sundry goods gear corns Cattle debts and Sums of money lying money Gold Silver coined and uncoined and all others belonging to him at the time of his decease and also or not contained in the Inventory of his principal confirmed Testament (if any be) or a superplus omitted and left forth thereof and not estimated at the outer avails and prices or else to alledge a reasonable Cause on the Contrary with Certification to them if they fail we will proceed to admit give in Decern and confirm the said Alex^r Blackadder executor nominate and Surrogate Sum in place of the fiscal in all points Given under the hands of the Clerk of Court the twenty fourth day of January One Thousand Seven hundred and Ninety five years
(signed Al. Christie)*

Lauder 24th Feb^{ry} 1795

*In regard all persons having interest are lawfully { } and none Compearing to object the Commissary Depute Decerns the {reuser} of the { } Executer Nominate to the Defunct assigns the ---- day of ---- for him to give up Inventurys, find Caution and pay the dues of Court in Common form.
(signed A. Edmonsten)*

*Upon the fifth day of Februry .m. lxxv. & Ninety five years
I Geo. Robertson Commissary officer passed at Command
of the within written Edict to the market Cross of Greenlaw
head burgh of the shire of Berwick and at said place
after crying of three several oyses open proclamation
I public reading of the said Edict I lawfully sum-
moned warned and charged the Exers testamenters
Spouse bairms (if any be) {intro}metters with the
Goods, & gear of the within designed John Blackadder
and all others having or pretending to have interest
in the said matter to compear before Commissarys of
Lauder & their deputes day place to the effect {} cer-
tification as is written exprest this I did Conform to the
within Edict in all points in manner following vis. to the
reading of the Edict in the market Cross of Greenlaw before these
witnesses Geo. Robertson Jun^r., W^m Robertson both indwellers in Greenlaw
(signed George Robertson witness, William Robertson witness, George Robertson {})*

Upon the twenty fifth day of {February} seventeen hundred and ninety five years I Rob^t Holiwell Commissary officer Passed by certain and at Command of the within Edict raised on the instance of within named John {Sumble} and Alexander Blackder and in his Majesties name and authority and in name and authority of the Commissary {Sworn} to the Parish kirk door of Edrom and then did lawfully Summon warn and Chrage executors testmenters Spouse barns if any be and {intmidlers} with the Goods Gear Corns Cattle of the within named John Blackdder to Compear before the said Principall Commissary or the Depute at Lauder the third day of February in the house of {Corner} {Confirmation} of Days with Certification of this John by making upon Proclamation at the said Kirk door of Edrom after three savral oyehes before these witnesses William Know scool-master in Edrom and John Watt indweller in Allantown and hereto Subscribing with me.

(Signed Rob Holiwell officer)

(Signed Will Knox Witness; John Watt Witness)

*Edict of Exery
Of Umq^d
John Blackadder
1795*

*I Ja^s. Bell Sheriff Clerk of BerwickShire Bind and Oblige me
my heirs exers and Successors whatsoever as Cautioners
and surety acted in the Commissary Court Books of
Lauder for Alexander Blackadder of Crooksfield fifth
lawfull son of the deceast John Blackadder late tenant
in Edrom that the debts and Sums of money con-
tained in the Inventory of the Testament Testa-
mentary of the sid deceast John Blackadder bearing
date the Twelfth day of March .mvii. & Ninety
five years Given up by the said Alexander Blackadder
Exer nominated by decerned and conformed to his said
deceast Father by the Com^{ty} of Lauder and their De-
putes shall be made forthcoming to all parties
having Interest as accords And I Consent to the
Registration hereof in the Books of Council and
Session Com^{ty} Court Books of Lauder or others com-
petent to have a Decreet inter{poned} hereto that
letters of horning on Six days and all other execution
necessary may pass hereon in Form as offeirs and
therreto Constitute*

*my { } and In witness whereof
I have subscribed these presents wrote by David
Brown Clerk to Alex^r Christie Com^{ty} Clerk of Lauder
at Dunse the Twenty fifth day of March
One Thousand Seven hundred and Ninety five years
Before these witnesses John Darling Apprentice and
Jn.^o Greenlaw Servant to the s^d James Bell*

(signed John Darling Witness)

signed John Greenlaw Witness)

The Testament Testamentary and Inventory of the debts and Sums of money underwritten addebted resting and owing to the deceast John Blackadder Tenant in Edrom at the time of his death which happened upon the day of years faithfully made & given up by Alexr Blackadder of Crookfield his fifth lawfull Son Exer nominated by the said defunct and decerned and confirmed Exer nominate to him by the Commissaries at Lauder and their Deputes given and pronounced thereanent upon the Twenty fourth dat of Feb^y last at more length bears

*Follows the Inventory -----
Imprimis there was justly addebted resting and owing to the s^d defunct Jn^o Blackadder at the time of his death the Sum of £200 St^r. due by a Bond granted by Jn^o Stuart younger of Allanbank Esq^r, dated the 10th of Feb^y 1781 years - Item Interest due thereon since the day of
Summa of the Inventory is Two hundred Pounds St^r. and interest £200 due as afors^d*

Follows a Copy of the Reg^d Disposition and assignation by the said deceast John Blackadder to the s^d Alex^r Blackadder containing the nomination of Exer, dated and reg^d in manner therein and after mentioned at Greenlaw the 3.^d of Novem^r 1792 years In Presence of David Hume Esq^r advocate Sheriff Depute of Berwickshire Compeared Alex^r Christie Writer in Dunse as {Pror} for the after designed John Blackadder and gave in the Disposition and Assignation underwritten & which is written on Stampt paper conform to Act of Par. desiring that

the same might be registered in the Sheriff Court Books of s^d Shire to have a Decreet interponed thereto that letters of horning on Six days may pass thereon in form as affeirs Which desire the s^d Sheriff finding reasonable appointed the same to be done and of which disposition and assignation the tenor follows ----- Know all men by these presents me John Blackadder tenant in Edrom for the love favour and affection which I have and bear to Alex^r Blackadder fifth lawfull Son procreate betwixt me and Jean Innerwick my first Spouse now deceast, and for enabling him to pay the portions & provisions to Elizabeth Winter my second Spouse and to my other children in manner after mentioned and for defraying and paying of all my just and lawfull debts and funeral Charges and for certain onerous causes & considerations moving me to the granting hereof Therefore Witt ye me the said John Blackadder to have assigned made over and disponed Likeas I by these presents with and under the burdens and provisions after mentioned / assign makeover Dispone & Convey to and in favours of the said Alex^r Blackadder my Son his heirs exers and assignies whatsoever all and haill the goods gear corns cattle house {nolt} & keep, insight plenishing, labouring utensils, debts & sums of money pertaining & belonging or that shall pertain & belong to me at the time of my decease, as also all Bomds, Bills, Decreets Ticketts & Acco^{ts} for any Sums of money due to me by whatsoever person or persons at the time foresaid of my decease & particularly I hereby Dispone to the s^d Alex^r Blackadder my Son the Sum of £400 St^l. money contained in an heritable bond granted by W^m Hall Esq^r of {Mutehall} to me dated the day of _____ 1773 years with the whole legal du^s that shall be due on the s^d prin-

~~cipal bond~~ Sum at ~~the time of~~ my decease &
also I hereby assign to the s^d Alex^r Blackadder
the s^d heretable bond itself with all
that has followed or may follow thereon And
further I hereby Assign & make Over to the s^d
Alex^r Blackadder & his foresaids the Tack of the
farm of Edrom presently possessed by me
entered into betwixt the deceast David Brai{mer}
of Edrom & me bearing date the day of
17 years for the haill years thereof
to run after my decease with full power to
the s^d Alex^r Blackadder my Son (whom I
hereby Nominate & Appoint my sole heir
universal Executor) immediately after
my decease to enter to possession of the s^d farm
& to intromett with & uplift & receive my s^d haill
means debts & effects before disponed & to use &
dispone thereof as his own property in all {}-
{} Dispensing with the generality hereof
Declaring these presents to be as effectual
a conveyance of the haill subjects before disponed
as if every particular thereof were herein par-
ticularly insert & enumerated Providing
always Likeas It is hereby expressly Provided
and Declared that the s^d Alex^r Blackadder
my son shall be bound and obliged as by
acceptation hereof he binds & obliges himself
his heirs Exers & successors whatsoever to pay
all my just & lawfull debts & funeral Charges
& expenses as also to pay to the s^d Elizth Winter
my present Spouse an annuity of £8 St^l. yearly
so long as she shall continue as my widow
But in case she shall marry another husband
then and in that case the said annuity shall
fall back to the s^d Alex^r Blackadder & his forsd^f
The payment of which annuity is to commence
& begin at the first term of Whit^s or Mart^s
immediately following my decease And to
continue to be paid yearly at either of these
terms & shall begin to be paid upon during

her widowity allenary & further in case she shall continue unmarried till her death Then and in that case the said Alex^r Blackadder & his forsd^f become hereby bound to pay to whomsoever the s^d Elizth Winter shall leave & bequeath the same at her death the Sum of Fifty Pounds St^r. as also the s^d Alex^r Blackadder becomes hereby bound immediately upon my decease to cede & give up to the s^d Elizth Winter the best bedding of Cloths that shall be in my dwelling house at my decease & the whole furniture that she brought with her at her marriage with me and part of my bed table linen as also to pay to Geo Blackadder my third son of the first marriage the Sum of £50 St^r. immediately upon his return home But in case he shall not return home then and in that case the said shall fall back & belong too the s^d Alex^r Blackadder & his forsaid^s And further the s^d Alex^r Blackadder Binds & Obliges himself & his forsd^s to pay to Rob^t Blackadder my youngest Son procreate betwixt me & the s^d Elizabeth Winter the Sum of £200 St^r. at the first term of Whit^s or Mart^s immediately following my decease out of which Sum the s^d Rob^t Blackadder Binds & Obliges himself & his heirs & Exers whatsoever to pay to the s^d Elizth Winter his Mother An annuity of £2 St^r. yearly during her widowity allenary & also to pay out of the s^d Sum to the s^d Geo Blackadder in case he return the Sum of £50 St^r. But if he does not return then & in that case the s^d Sum shall fall back and belong to the s^d Rob^t Blackadder & his forsd^s & further the s^d Alex^r Blackadder Binds & Obliges himself & his forsd^s upon ~~the~~ decease of the s^d Elizth Winter to pay to John Blackadder eldest lawfull Son of Jas Blackadder (now in Rotterdam in Holland) the Sum of £50 St^r. whom failing by

decease the s^d Sum is to be divided equally among the rest of the s^d Jas Blackadders Children who shall then be alive together also with the due & ordinary annual rents of the s^d principal Sums from the respective terms of payment thereof untill payment of the same with a fifth part more of liquidate expenses in case of failure, And the above annuities in favour of my said Spouse & legacies in favour [sic] of my s^d Children I hereby Declare to be in full of all that they or either of them can ask & demand by and thro my decease reserving always to myself during my lifetime my liferent right use and disposal of the premisses and power to alter these presents in whole or in part as I shall think proper & I hereby Revoke, Alter Disannull & Declare, void & of none effect all former Dispositions & Settlements made by me prior to this date I Declare this to be my last will & Settlement in all time coming And I hereby Nominate and Appoint Peter Winter Wright in Polwarth and John Herriot portioner of Whitsome to see this my last will & Testament put in execution & whole clauses thereof And I hereby declare the s^d Alex^r Blackadder to be my sole Exer & universall Legator & intrometter with my whole goods & estate before Disponed {Secluding} & hereby Debarring all others my friends & relatives from any right to or administration Of the Premisses and I Dispense with the not delivery hereof yet declare the Same to him all the effect of a delivered {resting} Evident the found lying by me or in the hands of any other person at the time of my decease (any law or practice to the contrary notwithstanding) and I Consent to the Registration hereof in the Books of Council & Session or others competent therein to remain for preservation & if need be to receive all execution necessary in form as effeirs And thereto

*Constitute Alex^r Christie Writer in Dunse my
{Pror} In witness whereof I subscribe these
presents (written in this & the three preceeding
pages of stamped paper by David Johnston
apprentice to James Loraine Sheriff Clerk
of Berwick here) At Dunse the Fifth day of
Feb^{ry} 1777 years before these witnesses Rob^t
Johnson fewar in Dunse & the s^d David Johnson
writer hereof, witnesses also to the marginal note
on this page¹ wrote by the s^d David Johnson (signed
John Blackadder, Elizabeth Winter Robert
Johnson witness Da. Johnson witness)*

*I John Blackadder within designed in
virtue of the reservation to one to alter & revoke
the Same in so far as concerns the provision
thereby made payable by my Son & Exer Alex^r
Blackadder to Rob^t Blackadder my youngest
Son, and instead of the £200 St^r. therein ment.^d
as his provision I hereby burden the said Alex.^r
Blackadder with payment to the s^d Rob^t
Blackadder of £400 St^r. at the terms & under the
correspondent penalties therein mentioned &
instead of y^e annuity payable to Elizth Winter
my Spouse in manner within directed I
hereby appoint the same to be paid equally
by my two s^d Sons that is to say each of them
to pay her £5 St^r. p. annum as also to pay
the £50 St^r. payable to my Son Geo. & the £50. St^r.
payable to my Son James's Son or Children
equally instead of these Sums being paid
as within directed & the £50 St^r. left to my Spouse
to be disposed of by her at her death to be
paid equally betwixt my s^d Sons Alex^r & Rob^t
In witness whereof I subscribe these presents
wrote by Da Johnston writer in Dunse
at Edrom the 27th day of Septem^r 1784 years
before these witnesses the s^d David Johnston*

¹ No writing in margins is evident on the SRO copy

*& Rob^t Redpath Taylor at Earfield (signed)
John Blackadder Rob^t Redpath witness David
Johnson witness & ordains all execution necessary
by pounding arrestment or other to pass
hereon after Charge of Fifteen days is hereby
warranted to be given is duly given
and expired Extracted on this and the Seven
preceeding pages of stamped by (signed) James Bell*

John Renton and David

*Renton Esq^s Joint Com^{ys} of the Commissariat
of Lauder or their deputes specially constitute
for confirmation of Testaments within the
bounds thereof Understanding that after due
summoning & lawfull warning made by form
of Edict openly as effeirs all parties having
Interest are lawfully summoned & not com-
paring the decerned the s^d Alex^r Blackadder
Exer nominate to the s^d deceast John Blackadder
his father as our Decreet Dative given & pronounc-
ed upon the 24th of Feb^{ry} last more fully
bears therefore In his Majestys name & authority
& ours We make Constitute & Confirm the s^d
Alex^r Blackadder Exer nominated by the s^d
defunct In and To the debt & Sum of money above
written & give & commits the Intromission
therewith to him with full power to him to
sk crave & receive {} for intromett
with & uplift the same & generally all &
sundry & the things to do use & exrse
thereanent that to the Office of Executry
is known to appertain reserving always
just compt & reckoning of his intromissions
therewith to all parties having in^t. as
accords for which effect before giving
out hereof Ja^s Ball Sheriff Clerk of Berwickshire*

*has become Cautioner as a Bond of
Caution made thereanent bears Given at
Lauder under the hands of the Clerk of Court
this 12th day of March 1795 years upon
this the Ten preceeding pages.*