

Will of Francis Delap 1775

PCC Prob 11/1014

Francis Delap inherited Jamaican estates from his brother Robert which were used as security in his legal fight following his illegal imprisonment by the Governor of Jamaica Sir Charles Knowles in 1755 during the struggle over the relocation of the capital from Spanish Town to Kingston .

In the Name of God Amen

I **Francis Delap of the parish of Saint James** in the County of Cornwall in the Island of Jamaica Esq being in perfect health and of sound and disposing mind Memory and Understanding do make publish and declare this my last will and Testament in writing in manner and form following (that is to say) Imprimis it is my will and desire that all my Just Debts and Funeral Expenses be paid and discharged Item I give devise and bequeath severally unto each of my sisters in the North of Ireland (to wit) to my **Eldest Surviving Sister Elizabeth Delap** (otherwise **Elizabeth Stevenson**) my **Second Eldest Sister Rebecca Delap** (otherwise **Rebecca Stevenson**) and my third or **youngest Surviving Sister Margaret Delap** (otherwise **Margaret Caldwell**) and to their Heirs and Assigns respectively the sum of five hundred pounds sterling money of Great Britain which three Legacies I give to them severally in lieu and bar of any Demands Rights or Claims they or any of them have or may have against me or against the Estate of my **Brother Robert Delap Esquire late Provost Marshall General** of Jamaica deceased for Legacies by or under his the said Robert Delaps last Will and Testament or otherwise howsoever but in Case my said Sisters shall not Severally and Respectively fully release me and my Estate from all such Demands or Claims as they respectively may have or set up against the Estate of my said Brother Robert Delap or against me in that behalf then and in that Case I do hereby revoke the said several Legacies herein before given to my said Sisters respectively and the same shall accordingly remain as part of the residuum of my Estate Item I give devise and bequeath unto my **Nephew John Stevenson** the son of Elizabeth Delap (otherwise Elizabeth Stevenson before

mentioned) and to his Heirs and Assigns for ever all my Lands and Plantation Garden River adjoining Wheelerfield Estate in the Parish of St Thomas in the East in this Island supposed to be about seven hundred acres and also the sum of five thousand Pounds Sterling Money of Great Britain or seven Thousand Pounds Jamaica Currency in order to enable him to settle the same in a Sugar Work and to be paid to him in the year of our Lord one thousand seven hundred and eighty three and not sooner but this whole devise to him in Land and Money I give only on this express Condition and Proviso that he and his Heirs Male and Female (and also the Husbands of the Females according to the Course of the Seniority of such Females not as Tenants in Common but one after the other Singly and respectively before they shall take all be intituled to take this devise or bequest severally and in succession one after the other) shall relinquish quit and Change the name of Stevenson or whatever other Family name or names they may happen to bear and in Lieu thereof shall take assume and for ever after use and bear my Family name and Arms of Delap otherwise called Dunlop or Dunlap but in case I should happen to sell the said Run of Land then and in that case and upon the same express Condition and Proviso as before mentioned I do hereby leave give and bequeath to my said Nephew John Stevenson in lieu thereof and of the said sum of Money hereby devised for settling the same as abovementioned the sum of ten Thousand Pounds of lawful money of Great Britain to be paid to him by four equal annual Payments after my decease with lawful Interest for the same at the rate of six Pounds Per Centum Per Annum and with the Payment of which said sum of Ten thousand Pounds by the Instalments aforesaid and the lawful Interest thereof I do hereby charge Subject and make liable my Estate Real and personal Item I do hereby give and grant unto my Executors hereinafter named or any two or more of them full Power and Authority immediately or in a Convenient time after my death to sell and dispose of the fee Simple and Inheritance of all and Singular my Estates Messuages Lands Tenements and Hereditis in this Island Severally and each run of Land parcel or concern by itself in such manner as my said Executors or any two or more of them shall think proper unto the best Purchaser or Purchasers and for the most Money that can be had or gotten for the same and to make and Execute good and Sufficient Deeds and Conveyances in the Law of such of the

said Premises as shall from time to time be sold or disposed of unto the Respective Purchaser or Purchasers his her or their Heirs and Assigns and the Money arising from such Sales I do hereby will and direct shall be paid and applyed in the first place to the Payment of my Just Debts and Legacies hereby bequeathed and the residue thereof to be paid unto my Residuary Devisee herein after named his Heirs Executors or Admonrs excepting my said Lands in Saint Thomas in the East bequeathed to the said John Stevenson as aforesaid and also excepting my two Sugar Works or Plantations named Mounteagle and Orange and their Appurtenances and the Lands lately Purchased or Acquired or that may or shall hereafter be Purchased or Acquired by me Adjoining to the said two Plantations or Sugar Works and also excepting my Lands at and near Green Pond and in the Parish of Trelawny Patented for about seventeen hundred Acres now in the Possession of **Mr John Graves** and Some of it in the Possession of **Mrs Jane Stome** or her Heirs is my Tenants which last mentioned three Plantations Estates or Concerns and the said Lands in Saint Thomas in the East I do not mean or intend to sell or to give or grant Power to my Executors to sell Item I give grant unto my Executors full Power and Authority to enter into Possession and to Manage and take care of all my Real Estate and Slaves and also to Purchase such Slaves for the use support and improvement thereof as they or any two of them as aforesaid shall think for the benefit and Advantage of the same Item I give devise and bequeath all and every my said Messuages Plantations Lands Tenements Slaves and Hereditis (subject always nevertheless to the Payment of my Just Debts and Legacies herein before and herein after bequeathed and all other my Estate Real and Personal in this Island and elsewhere (excepting my said Lands in Saint Thomas in the East Intended for John Stevenson as aforesaid) unto and to the use of my **Brother Samuel Delap of Letterkenny** or Rathmolton in the Kingdom of Ireland Esquire for and during his natural life who is at present my only Surviving Brother and Heir at Law he paying out of the Profits Issues and Produce thereof five hundred Pounds Sterling Per Annum to his son my **Nephew Robert Delap of the Middle Temple Esquire** and after the death of my Brother Samuel I give devise and bequeath all and every my said Messuages Plantations Lands Tenements Needs and Hereditaments (Subject to My Debts and Legacies herein before and herein

after mentioned) and all other my Estate real and Personal in this Island and elsewhere (excepting the said Lands in Saint Thomas in the East unto and to the use of my said Nephew Robert Delap and his Heirs and Assigns for ever but I do hereby mean will and declare that these several Legacies Devises and bequests to my Brother Samuel and my Nephews Robert Delap and John Stevenson are merely Conditional and are to take Place and Effect only in case of my dying without having or leaving any lawful Child or Children of my own Body for in Case I should ever have or leave any lawful Child or Children of my own Body it is my Will that these Legacies Devises and Bequests so intended for my Brother and two Nephews before mentioned shall Rest and remain in the Bulk or Residuum of my Estate and go therewith to my own Child or Children and to such possible future Child or Children I do according devise and bequeath the said Estate or Residuum and in such Case the whole of the said Legacies Devises and Bequests which had been so intended for my said Brother and my said Nephews is to be considered as null and void and the Value thereof to rest and remain included in the Bulk or Residuum of my Estate and in lieu of the said Legacies Devises and Requests to my said Brother will Nephew I do now will and declare that in case of my having one or more Children as aforesaid then and in that case I give and devise unto my said Brother Samuel Delap and his Heirs the sum of three thousand Pounds Sterling or four thousand two hundred Pounds Jamaica Currency and likewise unto my said Nephew Robert Delap and John Stevenson severally two Thousand Pounds Sterling or two Thousand eight hundred Pounds Jamaica Currency each all which Legacies to my said Brother and said Nephews Respectively I order Will and direct my Executors or any two or more of them to Pay off and discharge with all Convenient Speed with Six Per Centum Interest thereon respectively to commence from the latter end of one year after my decease and I likewise declare that all these Legacies Devises and Bequests Severally given by me to my said Brother and said Nephews are given in lieu and bar of all sorts of Claims Rights or Demands they or any of them have or may have against me or my Estate for or on Account of Legacies formerly bequeathed by my Brother Robert Delap late of Jamaica deceased to them or any of them or to any Person or Persons of my deceased to Fathers Family in Ireland or otherwise howsoever and on

Condition their respectively release and discharge me and my said Estate Accordingly it being my Purpose and intention to Extinguish all sorts of Claims or Demands of or for my said Brother Robert Delaps Legacys to all or any Persons or Relations of his said Family (or what remains unpaid thereof) by these Ample Legacies Devises or Bequests given by myself which are much more than an Equivalent for my sd Brother Robert Delaps Legacies to them or to any Person or Persons under whom they do or may Claim in order thereby to Extinguish and Prevent all Possibility of Litigation Doubt or Misunderstanding between me or my Executors or Posterity or other Branches of my Honoured Fathers Family and further as an addition to this my last Will I do hereby give grant devise and bequeath full and Compleat Freedom and Commission and ten Pounds Sterling per annum during his natural life to **Arthur Delap a little Mulatto Boy** now Six Years of Age the son of **Fanny the House Wench at Mouteagle** Estate in Westmorland and I desire he may be put to a good English School and bound Apprentice to some good Trade and to him I also give and bequeath for ever three new Negro Boys nearly of his Age to be bought for him by my Executors immediately after my death to be marked AD and to be bred to the same Trade with himself Item I given devise to each of my Executors a genteel Mourning Ring and the like to **Samuel Delap** Esquire Merchant in Bordeaux my first and nearest full Cousin German of the Male Line **Thomas Barton** Esquire Merchant in Bordeaux my good old Master and Uncle and his Son **William Barton** Esquire of Fothard in Teperary Ireland as Tokens of my remembrance and good Will and I do hereby Constitute and Appoint my said Brother Samuel Delap and my said Nephews Robert Delap and John Stevenson and my Friends **Henry Cuniffe Patrick Hanlon George Robert Goodin and William Fowle** of the County of Cornwall in Jamaica Esquires and **William Harvie Henry Brown and John Allen** of the Parish of Saint Catherine in this Island Esquires and **Robert Cooper Lee** of Berners Street in or near the City of London Esquire Executors of this my last Will and Testament hereby revoking all former and other Will and Wills by me at any time heretofore made And I declare this only to be my last Will and Testament and in case it should happen that my said Executors should disagree in Opinion respecting the Management of my said Estate or Affairs in any respect then I do hereby direct that

the Opinion or Sentiments of the Majority of my said Executors in this Island Concurring together shall from time to time be followed and Pursued in such Cases Item I do hereby Constitute and Appoint my Executors hereinbefore named Guardians of **my reputed four natural Children by Mary Shippen** a free Woman deceased (that is to say) **Sarah Delap Robert Delap Elizabeth Delap and Francis Delap** and of the said Mulatto Boy named Arthur Delap In Witness whereof I the said Testator Francis Delap have hereunto set my hand the twenty first day of July in the year of our Lord one thousand seven hundred and seventy five F: Delap Signed Sealed Published and Declared by the said Testator Francis Delap Esquire as and for his last Will and Testament in the Presence of us as Witnesses who in the Presence of the said Testator and of each other at his request have hereunto set our hands and each side of this Will is first signed by the said Testator Francis Delap Thom **Burke Junr Mal: Cuniffe John Bayley.**

This Will was proved at London the sixteenth day of December in the year of our Lord one thousand seven hundred and seventy-five before the Worshipful Thomas Bever Doctor of Laws Surrogate of the Right Worshipful Sir George Hay Knight Doctor of Laws Master Keeper or Commissary of the Prerogative Court of Canterbury lawfully Constituted by **the Oaths of Samuel Delap Esquire the Brother and Robert Delap Esquire the Nephew** of the deceased and two of the Executors named in the said Will to whom Administration was granted of all and Singular the Goods Chattels and Credits of the said deceased having been first sworn duly to Administer Power reserved of making the like grant to John Stevenson Henry Cuniffe Patrick Hanlon George Robert Goodin William Fowle Henry Brown John Allen and Robert Cooper Lee Esquires the other Executors named in the Will when they or either of them shall apply for the same.