

Will of the Hon. John Scott 1776

PCC Canterbury Prob 11/1017

John Scott came from an Anglo-Irish family which owned land at Ballingarry, Co. Tipperary. His father had settled in Jamaica and married Elizabeth Millner in 1721. John Scott married twice, first to Frances Mary Henderson with whom he had one daughter, named for her mother and who died young. He married again on 28 December 1760 at St Catherine Jamaica to Lucretia Favell Gregory from an established island family. They had three sons who all lived to grow up. The eldest John, known as Jack, was educated in England but returned to Jamaica and lived there for many years managing the family estates and fathering at least eight illegitimate children before returning again to England where he married and had a legitimate family of five (the last born posthumously) with Elizabeth Favell Pinnock, sister to his brother Matthew's wife Mary and the daughter of another of the Jamaican Plantocracy families. The middle son, George who also married into a Jamaican family settled in England and lived to the age of eighty. Matthew Henry, the youngest, had a distinguished Naval career ending as Vice Admiral of the White Squadron.

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In the Name of God Amen

I the **Honorable John Scott of the Parish of St Thomas in the East** in the County of Surry in the Island of Jamaica Esquire being of sound and disposing Mind Memory and Understanding Do make publish and declare this my last Will and Testament in manner and form following (that is to say) Imprimis I will and direct that all my just Debts my Funeral Expenses and the Legacies hereafter bequeathed be duly paid and satisfied and to the payment of the same I subject and make liable All my Estate Real and Personal Item I give to my **Son John** my Gold Chased Watch and Seals when my Executors think him of an Age to be Intrusted with them Item I give and bequeath unto my **Brother Joseph Scott** my Gold Headed Cane engraved with the Family Crest and my Fuzee mounted with Silver Item to my **brother Henry Scott** my small Sword Mounted with Steel inlaid with Gold and my

Hanger or Cut and thrust Sword Mounted with Agate Item to my much respected Father in Law **Matthew Gregory** Esquire my Mocoa Stone Sleeve Buttons Set in Gold Item to my **Sister in Law Mrs Mary Dehany** the large Silver Cup and Cover and to my Sister in Law **Mrs Elizabeth Trower** the small silver Sugar Baskett now at the Retreat Item to my esteemed **Friend Albert Nesbitt** of the City of London Esquire gratefully remembering his and Mrs Nesbitt's kindness and Friendship to my Sons and Daughter my Gold Ring set with an Emerald and [illegible] round it And these Bequests inconsiderable as they are I request may be accepted by the several Parties as Testimonies of my esteem for them And Whereas it hath been the Will of the Almighty to deprive me of my beloved **Daughter Frances Mary** who in case she had survived me would have been intitled to such Property as I became Possessed of in Right of her late Mother also named Frances Mary by or upon our Marriage Settlement subject however to several legal and equitable demands which I paid over and above the stipulated sum of ten thousand Pounds computed to be the full amount of the Debts or Demands affecting such her property previous to our Marriage And Whereas the said Property was settled on the Issue of Our Marriage but upon the death or failure of such Issue without Issue then Upon the Survivor of us And Whereas this event has taken place and the whole Property is now vested in me Viz All that Messuage Plantation and Sugar Work situate lying and being in the Parish of Clarendon commonly called and known by the Name of **Clarendon Park** together with the Slaves Cattle Stock and Plantation Utensils thereunto belonging also all the Lands used or occupied by or for the said Plantation likewise the Pen called Tenants Pen with the Stock thereon and Sundry Parcels of Lands at or near Milk River and also three Parcels or Runs of Land in the Parishes of St James St Ann and St Elizabeth the first of which is a valuable besides two or three Parcels of Fott Land in the Town of Kingston And Whereas I am likewise Possessed of further Property Viz My Messuage Plantation and Sugar Work and the Lands thereunto belonging situate lying and being in the said Parish of St Thomas in the East commonly called and known by the Name of the **Retreat** together with the Slaves Cattle Stock and Plantation Utensils thereunto belonging Also of a Parcel of Land Purchased from the late Cardiffe Tagart and annexed to the Retreat Now it is my express Will

and desire that my three Sons shall Inherit the whole of my Property what soever and wheresoever in the Island of Jamaica share and share alike that is to say I give devise and bequeath All my Estate Real and Personal whatsoever in the Parishes of Saint Thomas in the East Clarendon St James St Ann St Elizabeth Vere and Kingston and wheresoever in the said Island of Jamaica unto my **three Sons John Scott George Scott and Matthew Henry Scott** equally to be divided between them share and share alike and to the Heirs of their several and respective Bodies lawfully to be begotten And in case of the death of any one of my said Sons without lawful Issue or if such Issue should die without Issue Then the part or share of him so dying I give and devise unto my two surviving Sons and to the Heirs of their Bodies lawfully to be begotten share and share alike And in case of the death of either of my two Sons who survived their Brother and without lawful Issue of his Body or if such Issue should die without Issue Then the part or share of him or them so dying I give and devise to the Survivor of my said three Sons and the Heirs of his Body lawfully to be begotten And for default of such Issue of my said three Sons then I give and devise my said Retreat and Clarendon Park Plantations and the Slaves Cattle Stock and Plantation Utensils thereunto belonging and all my other Lands and the Rest residue and remainder of my Estate Real and Personal whatsoever and wheresoever unto my **Brother Joseph Scott Esquire of Halifax Nova Scotia** and the Heirs of his Body lawfully to be begotten Remainder to my **Brother Henry Scott** his Heirs and Assigns for ever Item in case of the death of my said three Sons without lawful Issue or in failure of such Issue whereby the Limitations over will take place I do then subject and charge and make liable my said Plantation and Residuary Estate with the Payment thereof to my **Sister Mary in the Kingdom of Ireland** of the sum of five hundred Pounds Sterling to be paid upon such Contingency happening to my **Sister Elizabeth** three hundred Guineas upon the said Contingency Whereas my late Father John Scott on or about the eighth of January 1767 Upon the Intermarriage of my **late Sister Sarah Scott** with **Frederick Prougt** Esquire did settle upon them for her Marriage Portion the Town and Lands of Ballingarry in the County of Tipperary and Barony of Lower Ormond under certain Conditions And Whereas my said Father is since dead and my said Sister Sarah hath also died without Issue so that

the Town and Lands of Ballingarry aforesaid will become the property of me or my Heirs Upon the death of the said Frederick Prought my Will and Direction therefore is that the said Town and Lands shall descend to my eldest Son John Scott and his Male Issues but in case of his death without such Issue Then I give and bequeath the same to my second Son George Scott and his Male Issue And in case of George's death without such Issue Then to my Youngest Son Matthew Henry Scott and his Male Issue and in case of Matthew Henry's death without such Issue then to my said brother Joseph Scott Esquire of Halifax Nova Scotia to descend from him to his Male Issue and in case of Failure of him and his Issue Then to my Brother Henry Scott and his Issue it being my purpose and desire that the said Town and Lands should be handed down or continued in the Male line of my Family or to my Right Heirs the Lands being Improveable and my Father having Erected upon the Premises a large and Commodious dwelling House at no small expense And Whereas my truly esteemed **Brother George Scott Esquire late Lieutenant Governor of Dominica** died there in the Month of November 1767 having made to Wills one at Grenada 22d Decr 1764 the other at Dominica the 5 February 1767 The Copies of which having been transmitted to me by my **Brother Michael Scott** are hereunto annexed I do therefore in pursuance of the Power and Authority to me vested by the latter of these Wills in case of the death of my Sons George and John and after the death of my Brother Henry and Michael then devise and bequeath my said Brother Georges late Estate called Boulogne in the Island of Grenada to my Son Matthew Henry and his Heirs for ever And that the benevolent Purposes of my said Worthy Brother George to my Family may be the better understood I put under Cover with this my Will faithfull Extracts of three of his Letters to me the Originals of which are at the Retreat and I am the more induced to use this precaution having reason at present to be dissatisfied with the Conduct of my Brother Michael Scott who has hitherto shown a disposition to evade the express direction and intention of the last Will of my said Brother George dated 5th February 1767 in favor of my Family altho the Opinion I have taken of Mr Attorney General De Grey An Obiter Opinion given by Lord Mansfield in the Affair of the Duke of Grafton with Mr Vaughan as appears by Mr Vaughan's Pamphlet on that occasion and likewise the Opinion of Mr Horne the Attorney General of the

Grenada where the property in Question is situated all concur or strongly imply that the Statute of Frands? was not in Force at the time of making the Will in February And this seems very evidently the sense of the Legislature of Grenada the Assembly there having very lately and subsequent to the Will Passed a Law to Introduce or Extend the said Statute to the said Island of Grenada As it may be of some small benefit to my Children I do direct that such part of my Plate and Furniture as well as my Horses Chariott and Witterden? which cannot at present be useful to them and may be sold and also that my Funeral may be as frugal as decency will admit And Whereas it was the request of my first much beloved Wife Frances Mary in case of her death and mine in Jamaica That our Bodies may be deposited in the same Grave and she having died in Kingston was Buried in the Church of the said Town where a Tomb Stone with Epitaph has been placed over And Whereas I have likewise had the Misfortune to lose my second much beloved Wife Lucretia Favil Daughter of Matthew Gregory Esquire who I greatly esteem as well as his Family now My Will and Directions are in case of my death in this Island and at such a reasonable distance from Spanish Town that my Body can with any convenience be conveyed to the said Town that in such case the Body or Bones of my first Wife the same having been Interred in a leaden Case or Coffin may be removed from Kingston and deposited together with my own Corps or Body in the same Grave wherein my second Wife has been Buried so that one and the same Graves may contain my Ashes and those of my two good Wives whom I truly loved and esteemed and be placed with a Family whom I respect and regard my Executors in their discretion directing a Tomb Stone to be put on our Common Grave And Lastly I do constitute my said Father in Law **Matthew Gregory** Esquire my **brother Henry Scott** my **Friends the Honourable Richard Welch and William Patrick Brown Esquires** my Friend and the particular Friend of my Children **Albert Nesbitt** of the City of London Esquire and **Mr John Kelly** of the Parish of St Thomas in the East Planter Executors of this my last Will and Testament giving unto them and the Survivor and Survivors of them the Management and Direction of my Plantations and Estates during the Minority of my Children with Power to Purchase Slaves and Stock for the use thereof and to do all other Acts necessary for the Proper Management and Improvemnt. of the same And I appoint the said

Matthew Gregory Henry Scott Richard Welch and Albert Nesbitt Guardians of all my Children during their Minority I give to each of my Executors and to each of my Sisters in Law Mary Dehany and Elizabeth Trower a Mourning Ring of the value of five Guineas requesting their acceptance of the same And I hereby revoke all former Wills by me at any time heretofore made declaring this only to be my last Will and Testament In Witness whereof I have to this my last Will and Testament contained in three Sheets of Paper to the first and second Sheets thereof Set my Hand and to the last my Hand and Seal the twenty eighth day of October in the Year of our Lord one thousand seven hundred and seventy two John Scott Signed Sealed Published and Declared by the said John Scott the Testator as and for his last Will and Testament in the Presence of us who in his Presence at his request have subscribed our Names as Witnesses hereto in the Presence of each other Arch. Edgar/-/William Sharp /-/Wat.Bearley

I John Scott Do make Publish and declare this to be a Codicil to my preceeding last Will and Testament I give and bequeath to my **Sister Elizabeth the Wife of Joseph Baird** and to my **Sister Mary the Wife of the Reverend Mr Conolly** three hundred Guineas each to be paid to them respectively in two years after my death exclusively of the Legacies left them in my Will I also give and bequeath to my Sisters in Law Mary Dehany and Elizabeth Trower twenty Guineas each of which I request their acceptance for Mourning And Whereas there is in the Hall at Clarendon Park a Great Picture done in Crayons commonly called the Tiroleze Cook Maid which bears a strong resemblance of the first Wife of my Worthy **Friend Matthew Wallon** Esquire I do therefore leave him the said Picture during his life agreeable to my Promise the same after his death to be left to **Mrs Browne his Daughter** And if my friend Mr Wallon would but indulge me I would request that the said Picture might be immediately delivered to the said Mrs Browne In Witness whereof I have hereunto set my Hand and Seal this third day of May in the Year of our Lord one thousand seven hundred and seventy three/-/ Jno.Scott/-/Signed Sealed Published and Declared by the said John Scott the Testator as and for Codicil to his last Will and Testament in the Presence of us who in his presence

and at his request have subscribed our Names as Witnesses thereunto in the Presence of each other/-/ Thos. Gregory Johnson/-/Will: Anderson/-/Wat.Bearley.

This Will was proved at London with a Codicil the twelfth day of February in the Year of our Lord one thousand seven hundred and seventy six before the Worshipful George Harris Doctor of Laws Surrogate of the Right Worshipful Sir George Hay Knight also Doctor of Laws Master Keeper or Commissary of the Prerogative Court of Canterbury lawfully constituted by the Oath of Henry Scott Esquire the Brother of the deceased and one 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 Matthew Gregory the Honorable Richard Welch William Patrick Brown Albert Nesbitt Esquires and John Kelly the other Executors named in the said Will when they or either of them shall apply for the same/-/

Transcription by Anne Powers, September 2011.