

Ann Auchmuty Will 26 January 1807 codicil 21 May 1808 pd 17 February 1816

In the name of God amen I **Ann Auchmuty** being in ill health but in sound mind and judgement but considering the uncertainty of life and the certainty of death do make this my last will and testament

I bequeath to my niece **Marriann Sproule** the sum of £300 sterling in trust for her **three oldest** children namely **John Plummer Sproule, Rob't Auchmuty Sproule** and **Diane Sproule** £100 each and further it is my will that this money be put to interest for them till they shall come of age and that their mother shall receive the interest thereof till that period of time

I bequeath to my niece **Rose Persse Lemon** £200 sterling

I bequeath to my niece **Mary Isabella Tylden** £50 sterling and a gold ring set with an amethyst as a token of the affection I ever had for her and her mother

I bequeath to my nephew **Capt John X** £20

I also bequeath to my nephew **Capt Rob't X** £20

I bequeath to my nephew **Lieut James Galbraith Joint** £20 sterling

I bequeath to my friend **Lucinda Sproule** £50 sterling and my bed and bedding with two pair of sheets and half my wearing apparel as a small acknowledgment of her very kind attentions for me on all occasions

I bequeath to **Mrs Mary Donally** £5 and my spectacles mounted with silver

I bequeath to **Susana Sproule** £5

I bequeath to my most deservedly esteemed friend **Benjamin Calter** who was my former servant the sum of £100 sterling and the profile of my once dear son besides a gold ring set with my late husband's hair as I am sure he will set a higher value on these trifles than any other person whatever

I also bequeath my watch and seal to **Mr Thomas Sproule** x of **Irish Town**

I shall also appoint my niece **Marriann Sproule** my whole and sole executrix depending of her honesty of disposition that she will not omit the smaller of these my last commands but have them faithfully executed as soon as she can **get my money from England**

it is my further desire that I do get committed to the earth till such time as I shall show x signs of mortality more than that of x still it is also my desire that I be decently laid out in the ground with as much frugality as possible this is my last will given under my hand this **26th** day of **January 1807** in presence of us

Ann Auchmuty, James Wedman Sterling, Henry Sproule, John Kelly

Codicil

since I made the will annexed I have been informed that there are arrears due out of the assets of my **Uncle Plummer** to a considerable amount which when recovered will become the property of my niece **Rose Lemon** in consequence of my making over to her when she was a child a small yearly insurance of the said assets of my said **Uncle Plummer** in consequence of which I shall withdraw £100 of the mentioned in my will for her

I leave £30 of that £100 so withdrawn to my nephew **James Galbraith Joint** in addition to the £20 heretofore mentioned in my will and the remaining £70 of the £100 so withdrawn I will and bequeath to my Godson **Rob't Ardesoif Sproule** in addition to the £100 I left him in my will and

further I lay my strict injunctions on my niece **Marriann Sproule** that as soon as my property can be withdrawn from the Bank of England where it has been cruelly withheld from me for several years back because placed there by **Mr Montresor of Belmont** that she will start no objection to his being honorably paid all the money he has so bountifully supplied me with since the year **1799** and

what ever there shall be remaining after paying those legacies are fully discharged I bequeath to my niece **Marriann Sproule** to dispose of amongst her younger children as she shall judge proper I mean those I have not heretofore mentioned in my will May 21st 1808 **Ann Auchmuty**

Appeared personally **Thomas Sproule** of **Harolds Cross** in the county of **Dublin** captain in His Majesty's navy and **Eliza Flood** of Mary Street in the city of Dublin (wife of **William Flood**) and made oath that they knew and were well acquainted with **Ann Auchmuty** late of **Athelone** in the county of **Westmeath** widow deceased with her manner and character of handwriting and subscription having seen her write and also write and subscribe her name and having now carefully viewed and perused the paper writing hereto annexed purporting to be and contain a Codicil to the last will and testament of the said deceased the s'd Codicil beginning thus "Codicil since I made the will ann'd" ending thus "I mean those I have not heretofore mentioned in my will May 21st 1808" and thus subscribed "Ann Auchmuty" the deponents lastly made oath that they verily and in their consciences believe the whole body X contents of the said Codicil beginning ending and subscribed as aforesaid to be all of the proper handwriting and subscription of the said Ann Auchmuty **Thos. Sproule, Eliza Flood**

on the 1st day of February 1816 said **Thomas Sproule** and **Eliza Flood** were duly sworn to the truth of this affid't by virtue of the annexed Deposition before me John Lewis x

Proved at London with a codicil **17th February 1816** before the judge by the oath of **Marianne** in the will written **Marianne Sproule** (wife of **Thomas Sproule**) the niece the sole executrix to whom admon was granted being first sworn by oath duly to administer

In the name of God amen I **James Smith Auchmuty** of **Shelburne** in the province of **Nova Scotia** gentleman being in good health of body and of sound and disposing mind and memory and being desirous to settle my worldly affairs whilst I have strength and capacity so to do make and publish this my last will and testament hereby revoking and making void all former wills by me at any time heretofore made and first principally I commit my soul into the hands of my Creator who gave it and my body to the earth to be interred at the discretion of my executrix hereinafter named and as to such worldly estate wherewith it hath pleased God to intrust me I dispose of the same as followeth imprimis

I give devise and bequeath unto my well beloved wife **Ann Auchmuty** all my estate real and personal of whatever kind or denomination the same may be and wherever situated in for and during the term of her natural life and from and after the decease of my said wife I give and devise and bequeath all my said estate both real and personal to **Robert Ardesoif Auchmuty** my son and to his heirs executors administrators and assigns to have and to hold the same unto him the said **Robert Ardesoif Auchmuty** his heirs executors, adm'ors and assigns forever and so hereby appoint the said **Ann Auchmuty** my beloved wife to be sole executrix of this my last will and testament

In witness whereof I have hereunto set my hand and seal at **Shelburne** in the province aforesaid this 19th day of **June** in the year of our Lord **1789** and in the 29th year of his Majesty's reign **James Smith Auchmuty** signed sealed published and declared by the above named **James Smith Auchmuty** to be his last will and testament in the presence of us who at his request and in the presence of each other have subscribed our names as witnesses thereto the words **Robert Ardesoif** in the twenty first line of the first page being first wrote on an erasure

R Clark Nath. Munro Colin Campbell

On the **15th** day of **December** in the year of our Lord **1790** administration with the will annexed of the goods chattels and credits of **James Smith Auchmuty** late of the town of **Shelburne** in the province of Nova Scotia deceased was granted to **John Montresor** the lawfull attorney of **Ann Auchmuty** widow the relict and sole executrix name in the said will limited to the decease's effects in Great Britain but no further or otherwise having both first sworn duly to administer for the use and benefit of said executrix now residing at **Shelburne** aforesaid

(PRO – PROB 11/1198)

James Smith Auchmuty

The fifth child of Robert and Mary Julianna Auchmuty he was left a fortune by his godfather Mr **James Smith** of Boston and was at the Boston Latin School in 1741

He was held a prisoner if war in 1776; and on 5 July 1776 General Scott wrote to the Provincial Congress:

I send you James Auchmuty . . . brother of Dr Auchmuty (Rev Samuel of Trinity Church NY), with his wife and child (Ann Ardesoif and Robert Adesoif Auchmuty

He himself wrote Mr Jay in October of the same year that while others held as prisoners of war were paid the regular allowance, not a shilling had been given him

Soon after he gave his parole to depart to Danbury, Connecticut and to remain neutral until exchanged or discharged

At the peace he removed to **Nova Scotia** where he became eminent as a lawyer and was appointed Judge

He had a son **Robert** a very gallant officer in the **British Army** who was killed when young in battle in the **West Indies**

Auchmuty Family of Scotland & America by Annette Townsend

The Times Wed 23 Feb 1791

From the London Gazette 22 Feb

War Office 22 Feb - Promotions

Robert Ardesoif Auchmuty, gent to be Ensign

James Smith Auchmuty Will 19 June 1789 pd 15 Dec 1790

Robert Adesoif Auchmuty Will 16 Feb 1791 pd 21 March 1795

Ann Ardesoif Will 26 Jan 1807 pd 17 Feb 1816

This is the last will and testament of me **Robert Ardesoif Auchmuty** of **Chiswick** in the county of Middlesex gentleman **nephew** and a **legatee** named in the last will and testament of **Robert Auchmuty** late of **Edgware Road** in the county of Middlesex esquire deceased

whereas the said **Robert Auchmuty** by his last will and testament in writing bearing date the **9th day of February** which was in the year of our Lord **1785** gave unto me after the death or marriage of his wife **Deborah Auchmuty** which should first happen one third part of or a moiety of all the money or property which he then had or should have at the time of his death in the public funds of Great Britain and appointed his said wife **sole executrix** of his said will

And whereas the said **Robert Auchmuty** died some time since without having revoked or altered his said will and soon after his death the said **Deborah Auchmuty** duly proved the said will in the Prerogative Court of the Archbishop of Canterbury And whereas the said testator was at the time of his death possessed of or intitled to £3,550. 15s. 1d, £5 per cent Consolidated Bank Annuities and £3,274. 11s. 8d, £3 per cent Consolidated Bank Annuities which was the whole of his property in the public funds of Great Britain

And whereas the said **Deborah Auchmuty** died in the month of **June last (1790)** intestate and Letters of Administration of the goods chattels and credits late of the said testator left unadministered by her were duly granted by the said Prerogative Court to **Mary Breynton** wife of the **Reverend John Breynton** of **Edgware Road** aforesaid Doctor in Divinity and **Elizabeth Brinly** of the same place **widow** with the said will amended

And whereas by the bequest so made to me as aforesaid I became intitled to £591. 15s. 10d part of the said £3,550. 15s. 1d, £5 per cent Consolidated Bank Annuities and to £545. 15s. 3d part of the said £3,274. 11s. 8d, £3 per cent Consolidated Bank Annuities and whereas having occasion for a considerable part of my said shares in the said Bank Annuities respectively to **purchase** for myself a **Commission** in the **army** and for other purposes I requested the said **Mary Breynton** and **Elizabeth Brinly** to transfer the same to me and in consideration of the Bond hereinafter mentioned they transferred to me my share in the said Bank Annuities on or about the **8th** day of November last

And whereas **John Montresor** of **Harley Street, Cavendish Square** in the county of Middlesex and **William Burton** of **Chiswick** in the same county esquire by their Bond or writing obligatory bearing date on or about the day of November last became bound unto the said **Mary Breynton** and **Elizabeth Brinly** in the **X** sum of £2,000 with a condition thereunder written that if the said **John Montresor** and **William Burton** or either of them their or either of their heirs executors or administrators should at all times thereafter indemnify and save harmless the said **Mary Breynton** and **Elizabeth Brinly** and each of them their and each of their heirs executors and administrators of and from all and every or any future claims or demands of **X** my executors or administrators for or in respect or on account of my share or interest in the said Bank Annuities respectively and of and from all and every or any damage costs or expenses loss or injury which they the said **Mary Breynton** and **Elizabeth Brinly** or either of them their or either of their heirs executors or administrators should or might suffer or sustain expend or be liable to by reason of the transfer to me of my share or interest in the said funds before I was of the age of 21 years or if the said **John Montresor** and **William Burton** or either of them their or either of their heirs executors or administrators should and did as soon as conveniently might be after I should attain the age of 21 years procure me or in case of my death before that time procure my executors or administrators to give to the said **Mary Breynton** and **Elizabeth Brinly** or the survivor of them her executors or administrators such full and effectual releases and discharges for my share and interest under the said will of or in the said Bank Annuities as by the said **Mary Breynton** and **Elizabeth Brinly** or the survivor of them her executors or administrators or their or either of their counsel in the law might be lawfully devised or required stamps or duties necessary for such releases and discharges to be provided and paid for by me my executors or administrators **X** that the obligation should be void

And whereas soon after the execution of the said Bond the said shares in the said several Bank Annuities were sold by my direction and produced the sum of £1,131. 8s. which sum at my request was received by the said **John Montresor** who thereout paid the sum of £500 for my said Commission and other incidental expenses relating thereto and has since advanced and paid other sums of money for my use amounting together to the sum of £803. 9s. 8d or thereabouts And whereas the said **John Montresor** hath received other monies for me which I became intitled to under the said will which monies he sometime since permitted to me or applied for my use and I am intitled to other money under the said will which I am desirous should be paid to him

now I do hereby give and bequeath so much of the said sum of £1,131. 8s as now remains or at my death shall remain in the hands of the said **John Montresor** his executors or administrators and the funds or securities in or upon which the same may be invested and all other the monies which the said **John Montresor** may hereafter receive and shall not apply for my use together with all and singular other the real and residue of my estate and effects whatsoever which I may be possessed of interested in or intitled unto at the time of my decease unto **my dear mother Ann Auchmuty** subject to the payment of my debts and funeral expenses

and upon the condition also that she do immediately after my death at her **X X** release to the said **Mary Breynton, Elizabeth Brinly, John Montresor** and **William Burton** respectively their respective executors and administrators all such claims and demands as she as my next of kin may or might **X** or claim upon or against them respectively for or in respect of any sum or sums of money and funds to which I am intitled under the said will as aforesaid or the dividends thereof or in any wise relating to the premises respectively and do and shall also if thereunto required give and execute to the said **John Montresor** and **William Burton** respectively their respective heirs executors and administrators a Bond in a sufficient **X** for the purpose of indemnifying and saving harmless the said **John Montresor** and **William Burton** respectively their respective heirs executors and administrators from and against all such losses costs charges and expenses as they or any of them may sustain expend or incur by reason or in consequence of the said **John Montresor** and **William Burton** having given and executed their said in part recited Bond as aforesaid or otherwise in respect of the premises

and if **my said mother shall die in my life time** or shall refuse to give and execute such release and Bond as I have thereinbefore directed her to give and execute as aforesaid then I do hereby give and bequeath all and singular the monies and securities estate and effects hereby given to her upon the conditions aforesaid subject to the payment of my debts and funeral expenses unto the said **John Montresor** and **William Burton** as tenants in common their executors and administrators

And I do hereby appoint the said **John Montresor** executor of this my will and direct him to give and execute such releases to the said **Mary Breynton** and **Elizabeth Brinly** their executors and administrators as in the conditions of the said Bond are mentioned and to pay the expenses thereof out of the money hereby bequeathed and I do hereby as far as I lawfully can or may remit and release to the said **John Montresor** and **William Burton** respectively all claims and demands which I have against them or either of them for or in respect of the premises or any of them

In witness whereof I the said **Robert Ardesoif Auchmuty** have to this my will contained in four sheets of paper set my hand and seal that is to say my hand to the first three sheets and my hand and seal to this fourth and last sheet this **16th** day of **February** in the year of our Lord **1791**

Robt. A. Auchmuty (is) signed sealed published and delivered by the said **Robert Ardesoif Auchmuty** the testator as and for his last will and testament in the presence of us who in his presence and at his request and in the presence of each other have subscribed our names as witnesses thereto **James White** of Chancery Lane and **Stephen Hasler Challen**?

This will was **proved** at London the **21st** day of **March** in the year of our Lord **1795** before the Worshipful **Samuel Pearce** Parson Doctor of Laws and Surrogate of the Right Honourable Sir **William Wynne** Knight Doctor of **Laws** Master Keeper or Commissary of the Prerogative Court of Canterbury lawfully constituted by the oath of **John Montresor** esquire the **sole executor** named in the said will to whom administration was granted of all and singular the goods chattels and credits of the deceased having been first sworn duly to administer.

(PRO - PROB 11/1257)