1752
Nicol Spence
D5117

J Nicol Spence of Kirbister wt out prejudice but in corroboration of a Dispn & obligation by him of the date the 23d July 1752 conform to the wt in scroll & in implemt yr of Dispones to Mr his present Spouse in Liferent & to the Child or Children of the marriage wch failing to the Heir male or female of any subsequent marriage which failing to John Spence in fee in Birsay his youngest Broyr german & Kathn Spence Spouse to Andro Nisbet of Swannay my sister german equally wiret ym yr heirs & Suirs or assignees in fee the sum of £50 sterling of princ & Cadrents and penalty & ye in a Hereld Bond made & granted by Mr Thos Kengel of Breck in favours of Isobel Spence my former Spouse & me for my interest & the longest liver of us two in Compromt fee & Liferent and to the sd Isobel her heirs exers or assignees in fee & hereof the Date of sd Bond & the Term of Wthinnerel wt £10 st of penalty and Cadrent as the sd H Bond of the date the 1 August 1746 reg in the Stewart Court Books of Orkney upon the 19 th Febry 1748 bears and obliged him for further security to infest in an Cadrent of 50 st Sterl yr stable at the term of Wtsuth of all & whole the Room & lands of Brewist possest by Pat Guthra tenant yrin wt houses biggings yards Cotts Cottages meadows mosses muirs parts pendules Annexis Connexis & haill righteous pertinents yr of yr so lying in the Town of Rothesholm Island of Stronsay & Stewartry of O & in all & haill the sd Lands yr in selves wt the pertinents yr of for security & payt of the sd pr S & failie Cadrent ~~as the here~~ Bond yr a proxy of Resign Clause of Wt assign to the Cadrents for ~~[illegible]~~ yr ~~[illegible]~~ during the not Redemption wt ~~[illegible]~~ Clause of Reversion & yr Clauses yr upon the sd I S & J N her sd husband & aysd Lrs of Horning & Cause execute the same & charge the sd Mr F R to make payment of the sd Sums to the sd N S he as the longest liver of the two pursts of the sums of money princ Cadrents & penalty & expenses conform to the sd Letters dated & signed as an execution yr of under the land of sd Spence messr given upon the 10 Jany 1751 years bears & likeways Cause denounce the sd Mr F R at the Mt of Kirkhead Burgh of the Shire & Stewartry of O upon the 8th Day of March 1751 years as an Decr & on the 23d Day of Febry 1749 years the sd Isobel Spence & N Spence ~~yr heirs & assignees~~ obtained adjun before the Lords of C & S agt the sd Mr F R adjudging Decerning & Declaring all & Sundry the Lands & oyrs ~~[illegible]~~ yr in & after mentd viz all & haill the 18 yd land of St Rothesholme wt all & Sundry the houses biggings yards Barns & Byres Tofts Crofts Stowmarks Moys quoy lands lands meadows mosses muirs outfreedom infreedom link so cummings arts & all oyr righteous pts & pertinents yr of wt the hill or moss called Rothesholm head lying in the Island of Stronsay & Stewartry of O and also the 1 yd 1/2 d of Ostie the 1 yd 1/2 d land of Muckle & little Hanna Tofts & room & lands of Grassa quoy the 3d Land of Gairsteeth the R & L of N ottland the 1 yd 1/2 d Land of Smirsh the 1 yd land of Brigging the 1 yd land of Skota quoy the 1 yd land of Nears the room & lands of Breeks the Room & lands of Brigging the 3 yd land of Kawax the room & lands of Lafhouse the R & L of Rothesholme wt all & Sundry the houses & biggings yards Tofts Crofts & 2 yd meadows mosses muirs infm outfm & all oyr & pts & pendules of the Eighteen lands

Know all men by these presents That I Nicol Spence of Kirbister — For the Love favour & Speciall affection which I have and Bear towards Margry Flett my present Wife and In Consideration that there was no Marriage settlement entered into twixt us qr by she ought to have been provided in a suitable liferent in the event of my predeceasing her, and for several oyr serious & mature Considerations & onerous Causes moving me to make the present Settlement Have Therefore ~~[illegible]~~ given granted & Disponed as I by these presents give grant Transfer and Dispone from me my heirs & alloyrs my assignees To & in favours of the said Mff my pd present Spouse in Liferent During all the Days of her lifetime in case she shall happen to Survive me and after her decease To and in ~~favours of John Spence~~ favours of the ~~heirs~~ Child or Childn male or female to be procreate twixt us which is more than one to be shared and Divided Conform to written deed to be made by me to that effect and failing of which ~~heirs male or female & after the Decease of my said Spouse & in the event of my [illegible]~~ Child or Childn ~~as said is~~ To & in favours of the pd John Spence ~~of~~ my Youngest brother german and Kathn Spence ~~Spouse to~~ ~~Nisbet of Swanney~~ my sister germain ~~& their heirs executors or assignees whatsoever~~ equally to be divided by two equall proportions betwixt them & their heirs exers & assignees gever in fee All and Sundry my Whole moveable goods gear Means Debts & Estate & Sums of money whatever of whatever Denomination quantity quallity kind or value ~~whatever~~ Gold & Silver Coin & uncoin Corns Cattle horse nott Sheep & oyr Bestial household & oyr plenishing as well outsight as insight and all & Sundry oyr moveable goods gear & effects or Estate whatever as well named as unnamed oyr lying by me or Due or belonging to me by Bond Bill Ticket account or oyr ways or in the hands custody & keeping of any person or persons for or on my acco. or any oyr manner or way pertaining or Claimable by me at the time of my Decease whenever the same shall happen ~~and~~ in Dispensing the generality hereof and admitting & Declaring this present Deed to be as valid & effectual to all intents & purposes hereof as if every particular of the Subject matter ~~hereof~~ had been expressly named & Insert grament & amend all that may or can be objected hereto I have dispensed and hereby Dispense for ever Surrogating & Substituting the pd Mff my pd Spouse ~~[illegible]~~ in the event foresaid & after her Decease the pd Child or Childn ~~[illegible]~~ female to be procreate twixt us which failing the pd John

Speciall & for the Love favour & affection which I have & bear towards my Spouse in Ansay & Spouse to And Nisbet of Swanney — under the reservations & provisions after specified

and all & Sundry the pd Bonds bills Tickets accts or oyr rules or Claims symplices w all that has followed or might fall or oyrwise and all & Sundry action suit & execution competent or oyr might be competent herein implied

Under the Reservation ~~always to me my own Liferent right & use of the Whole premisses~~ & provisions after stipulated & for the Causes & under the reservation & provisions before & after ment

my sd Broyr & Sister equally & yr forsds ~~in the events & by the division~~ ~~in my sill right Title & place of the Whole premisses for~~ ~~rowend ever~~ Whom I hereby make & Constitute my Cessioners and assignees for yr reserve rights of Liferent & fee in & to my sill Right Title & place of the premisses in the events & by the Division foresaid ~~for ever~~, ~~Providing allways as~~ Moreover I hereby Bind and oblige my self and mine aforesaid To Provide my said present Sponse in Liferent in the event of her sd other surviving me and after her Decease the heirs Male or female to be procreate betwixt us Which failing in the event as aforesd of my sd Sponse surviving me the said John & Spences equally and yr forests in fee in all & Sundry Lands heritages Carents and oyr Subjects power of a Veritable nature as of Dispositions Wadsetts adjudns appresings here. Bonds & Disposs yr assigns yr of or oyr Writings yr to relating to which I have or shall Derive right in my own lifetime or shall fall or accrue to me at or after my Decease & to Take & Conceive the sd Writes to the Intent aforesaid To me & my sd Sponse in Conjunct fee & Liferent & longest liver of us two & to the Child or Children Male or female to be procreate twixt us Which failing to the sd J & Spences my sd Broyr & Sister equally & yr heirs Successors or assignees in fee & heritage wt all Clauses needfull

X Providing allways as it is hereby expressly provided & Declared That the sd my sd Sponse in case she shall happen to survive me and attain to the subject matter of this presents ~~in~~ & after her Decease the sd Child or Children to be procreate betwixt us Which failing as said is by their acceptation hereof shall be holden and obliged to Content & make payment of all my just and Lawl Debts & funeral Charges & expences due & Contracted by me in my lifetime as also saving & reserving to me full power & faculty notwithstanding hereof to burden ~~the~~ or any part of the Subjects above mentioned & to Contract Debts sell use & dispose yr upon at any time in my lifetime as also in the event of my surviving my said present Sponse & ~~the~~ Child or Children of the present Marriage and should happen to enter into any Subsequent Marriage In That Case reserving also full power & faculty to me to ~~Liferent~~ alter this present Settlement in Whole or in part & totally Dissemulle & make the same void of my own accord But Declaring That as far as these presents shall be found unaltered lying by me me ~~at my Death~~ or in the Custody of any person after my Death the same shall be as effectuall as a Delivered Evident in my own lifetime notwithstanding any law or practice to the Contrary Consenting &c