

At Kirkwall the Sixteenth day of August One
thousand seven hundred & Seventy Years Which day In presence
of John Riddoch Sheriff & Stewart Substitute of Orkney
Appeared James Spence Writer in Kirkwall Pro^r for Johua
Johnston Writer in Stromness Ingiver of the Nomination of
Tutory and Curatory underwritten Desiring the same to be
Insert and Registered in the Sheriff & Stewart Court Books of
Orkney for preservation Conform to the Act of Parliament made
anent Registration of Probative Writs in all parts Which
desire the said Judge should reasonable And therefore
Ordained the same to be done Accordingly to the Effect foresaid
Whereof the Tenor follows, I Doctor Hugh Halcro
of Coubister Heritable Proprietor of the Lands & Estate of Coubister
and otherways having right thereto from William Halcro late of
Coubister my deceast father by Disposition of date the thirteenth day
of March One thousand seven hundred and fifty eight Years under
the provisions & Conditions therein expressed And I having now
attaind to the Right and possession of the said Estate And having
of this days date in Order to settle the Succession thereto And for
preventing any Differences & Disputes thereanent And for other
Causes therein mentioned Have made a Disposition of the same
and pertinents thereof to William Halcro my only Son and the
heirs of his body Which failing to the other Heirs & Substitutes
in the said Disposition in the order of Succession therein expressed
Subject to the Reservations, Provisions, Conditions, Declarations and
Limitations therein particularly mentioned containing the usual &
Edward Keith Clerk necessary

2^d necessary Clauses And Especially a Clause Whereby I Nominated
Appointed Joshua Johnston Writer in Stromness, Margaret Halero
his Spouse my Sister German and Jean Halero also my Sister
German or any one or more of them on life for the time To be Tutors
and Curators to my said Son and to my other Children if I any
have who may be within the Years of Tutory or Curatorship for
managing the said Estates, Collecting the Rents Mails and Duties
thereof. And to do other things in relation to the management of the
said Estate and other affairs in manner and on the conditions therein
expressly mentioned And that the said Nomination may be the more
Effectual and this present Nomination be used either Separately or
Jointly therewith, the one without prejudice of the other to the Effect
above and after mentioned I by these presents hereby again Nominate
and Appoint the said Joshua Johnston and Margaret Halero
his said Spouse and Jean Halero my said Sisters or any one
or more of them on life for the time, to be Tutors & Curators to my
said Son who is now in Jamaica, till he arrives in Orkney And
thereafter till he arrives at the Age of Twenty one Years compleat
and to all my said other Children if any be, that shall be within
the said Years of Tutory & Curatorship after my Death With full
power to the said Tutors and Curators or any one or more of them
on life for the time as aforesaid To Intervall with the Rents, mails
Duties and Casualties of the said Estates, and with all the money
and moveable debts Effects and other things whatsoever belonging
or due to me within the Country of Orkney at the time foresaid of
my Death or that was left to me after my said Father or otherwise

Edward Smith Wk Dept

With

3: With full power to them or any one or more of them in life for the time to Output and Input Tenants on the said Estate And to set new Tacks of the same And to Apply the saids Rents mails & Duties / Excepting the Poultry, Geese, Profits of the Salt Pans in the Island of Cava and other Casualties / In the first place towards payment of the Debts, Provisions and Obligations whether of a heritable or Moveable nature / which they are hereby impowred to do due and payable or Contracted by my said Father or me, And in the next place the Residue of the said Mails and Duties or Values thereof Excepting as aforesaid, at the rates and prices after mentioned to be Accounted for and paid by them their heirs Executors or Successors to my said Son or his aforesaid Which failing as aforesaid Or to any having their Order within a reasonable time after the same falls due, Allowing always to the said Tutors & Curators their necessary Charges and Expences and the whole / Excepting what part or parts thereof falls due or may be provided to the Liferenters or others on the said Estate / Poultry fowls Geese Services, Profits of the said Salt Pans and other Casualties due and payable yearly out of the said Estate during the said Tutory and Curatory as a Gratification for their pains and trouble And for which they are to be noways accountable but only for the said Malt, Money & Butter Debts at the rates and prices following Viz^t The Malt at Four pound ten shilling per muell The Butter at Thirty pound per Barrell The Leispond at three pound twelve shilling per Leisp^t & three shilling (all Scots money) per merk And so in proportion And further for the purpose of paying off all or any part of the said Debts

Edward Smith Clerk

Provisions

4th Provisions & Obligations and other things I hereby empower the said
 Tutors and Curators conjunctly whole on life and any one or more of
 them on life for the time to Raise or Borrow money from any person
 or persons who shall lend the same, and to Grant Securitys therefore
 upon all or any part or parts of the said Lands & Estate containing all
 Clauses needfull with absolute Warrandice upon my said Son or his
 foresaids and upon the rest of the Heirs intitled to the Succession of
 the said Estates And to Bind them to Repeat and pay back the said
 Sum or Sums so borrow'd and Interest and penaltys thereof that may
 be due, and for which the said Securitys shall be granted at such term &
 on such Conditions as shall be agreed betwixt the said Tutors & Curators
 or either of them as said is, And the Party or Party's Lender And also
 to settle with the Liferenters Annuityants or others provided & Intitled
 to any Liferent Annuity or other Provision out of the said Estate
 for such Liferent Pence or Pences greater or lesser and Annuity
 or to the Provisions as are or may be due and payable to them upon
 such terms as shall be agreed with the Party or Party's intitled thereto
 And in Generall to do every other thing lawfull and requisite anent
 the premises Which I oblige me and mine aforesaid to Warrant &
 to hold firm and Stable without Revocation And Because I
 have intire Trust and Confidencce in the said Tutors & Curators, that
 they or either of them will Carefully and faithfully manage the said
 Estate and affairs to the best advantage in their power Therefore
 I for me my heirs as well Male as of line Failie Conquest and
 Provision And all others my Heirs and Successors whatsoever Do
 hereby Expressly declare That I have nam'd the said Tutors & Curators
 Edward Keith Clerk with

Edward Keith Clerk

with

5th with this quality And they are to Accept on no other terms but
that neither of them nor their forsaids or Representatives whatsoever
are to be Chargeable with or liable to any Omissions concerning
the said Tutorry or Curatory And that they and their forsaids
are hereby Expressly exonerid and Discharged thereof to all intents &
purposes, And none of them shall be at liberty to oact separately
without the Concurrence of the rest, but only conjunctly while on life
But that any one may Act separately after the Decease of the other
two And that the Actor or Actors or Intromitters only and
their forsaids shall be only liable for their Actual intromissions
both to each other and to my said Son and his forsaids Which
failing as aforesaid. - And I seriously Recommends to the said Tutors
and Curators and that as Trustees and friends in whom I put
entire trust That they will Carefully see to the Education of my
said Son, if he Arrives & Settle in this Country of Orkney And to
put him Apprentices to any Trade or Calling he may incline to
learn on such terms as Partys shall agree And also to inquire
into the management of his Affairs in Jamaica while he stays
there And upon his coming home to and settling in Orkney They
are hence forth to become Tutors & Curators to him as well with
regard to the management & Direction of his Affairs in Jamaica as
in Orkney upon the terms and with the powers above mentioned
till his Attaining the said Age of Twenty one years compleat
And further with power to them to call the Intromitters with
his said Estate Means or Affairs in Jamaica to Accomplish from
time to time, to Revise the same and Obtain Satisfaction & payment
thereof
Edward Smith Esq^r

6th
thereof and thereupon to grant Receipts and Discharges either by themselves
or either of them on life for the time as aforesaid Or by any Factor
Commissioner or Attorney to be named and appointed by them or either
of them as said is for that purpose Which they are hereby impowered
to do And in General every other thing lawfull and requisite anent
the management of the said Affairs in Jamaica as well as in Orkney
also to do or cause to be done Which shall be held firm & stable
Declareing always that they shall be liable for their actual
Intromissions only but not for Omissions And Especially that they
shall not be liable to the Risque, Loss or Dammage of Remitting any
of the said Subjects or Values thereof from Jamaica to Orkney or
otherways Transporting the same home And I Consent to
the Registration hereof in the Books of Councill & Session or others
Competent therein to remain for preservation And if need be that all
Execution needfull pass hereupon in form as Officers And for that
Effect I constitute

My Pro^{vs} &c In Witness whereof These presents Consisting
of this and the two preceding pages Written upon Stamped Paper by
William Miller Writer in Stromness Are Subscribed by me At
Stromness the Thirteenth day of February One thousand seven
hundred & Seventy Years Before these Witnesses John Garret
Merchant in Stromness and the said William Miller, Witnesses
also to my Subscribing the Marginal Note on the second page
hereof likewise wrote by the said William Miller Sic Subscritur
Hugh Halero, John Garret witness Will: Miller Witness
Extracted upon this & the five preceding pages By
Edward Keith Clerk

Rec^d Nomination
of Tutor & Curatory
Doctor Hugh Halcro
To
Joshua Johnston & others

MS/2/12

1770