

LAST WILL AND TESTAMENT OF MAJOR ANDREW DURNFORD FOR HIS BERMUDA PROPERTY

Dated: September 1st, 1798

In the name of God, Amen. I Andrew Durnford Esquire, Captain of His Majesty's Corp. of Royal Engineers having duly made and published my last will and testament respecting my property in Great Britain bearing equal date herewith, and being of sound and disposing mind, memory and understanding do for the purpose of settling and disposing of what property I have within the Bermuda Islands, make this my last will and testament of and concerning the same in manner and form following, that is to say, I will and desire that within twelve months after my decease a just and true appraisement and valuation be all my real Estates within the Islands of Bermuda, and that two exact copies of such appraisement and valuation be fairly made, one whereof to be lodged with my Executrix hereafter named, and the other to be recorded in the Secretary's Office for these Islands; and I do hereby give and bequeath unto my dear friend Elizabeth Lucas late of Great Britain, but now a resident in the Town of Saint George and known that name only, whatever name she may hereafter be known or choose to assume, to her, her Executors, Administrators and Assigns all the Moneys, Plates, Linens, Chairs, Household furniture, Implements of Husbandry, Cattle, Goods, Chattels and Effects whatever, and all the personal estate of every kind and description which may belong to or be possessed by me at the time of my death and which shall be within the Bermuda Islands. I do give and devise to my said Dear Friend Elizabeth Lucas all my real Estate in the aforesaid Islands, that is to say, all my lot or lots of ground situate at a place called or known by the name of Style Hill in the Town of St. George together with the dwelling houses, buildings, outhouses, wharfs, warehouses, storehouses and the appurtenances, also all the lands which I have purchased of John Grove Palmer Esquire at Mullet Bay, in the Parish aforesaid. Also all the lands and grants of lands granted to me by his Excellency, Governor Hamilton, which grants were dated on or the twenty-fifth day of September, in the year of our Lord one thousand, seven hundred and ninety-four. Also all my estate and interest in the glebe lands sold by authority of an Act of the Legislature of these Islands, lying and being in the Parish of St. George aforesaid, also a certain small island called or known by the name of Harney Island which I purchased of John Grove Palmer Esquire and is situated in the Harbour of Saint George at the entrance of old Town Cut together with the rents, I give and present singular the said provisions to have and to hold the said devised Estates, lands and tenements here delivered and possession until the following children of the said Elizabeth Lucas, that is to say, Elizabeth Durnford, Henry William Durnford, John Durnford and James Andrew Durnford or the Survivor Successors of them shall have respectively attained the age of twenty-one years, and if but one survivor until he or she shall attain the said age of twenty-one years, if she the said Elizabeth Lucas shall so long live, in Trust nevertheless and in the special confidence and to the intent and purpose that the said devised lands, tenements before mentioned may be kept up and managed in the best possible manner the benefit of the Services hereinafter mentioned; and during the continuance of the said trust, I do devise to my said dear friend Elizabeth Lucas (in use she shall so long live) all the rents, issues and profits of the Lands, Tenements, Stores, Warehouses, Wharfs, and premises aforesaid to and for her own use to enable her to educate and support them the said Elizabeth Durnford, John Durnford, Henry William Durnford and James Andrew Durnford during the continuance of the said Trust, and from and after the determination of the said Trust that is to say, on the attainment of the age of twenty-one years respectively and severally by them the said Elizabeth Durnford, John Durnford, Henry William Durnford and James Andrew Durnford, only the youngest of them who shall live to attain such age, I do them give and devise the said lands, Tenements aforesaid to the said John Durnford, his heirs and assigns forever,

subject to the provisions and conditions hereafter aforesaid and subject to the payment of one annual sum or yearly rent charge of twenty pounds Current money of these Islands to be paid to my dear friend Elizabeth Lucas for the term of her natural life by quarterly or half yearly payments as she shall appoint and direct, the first payment thereof to be made at the expiration of the first quarter or half year, after the determination of the aforesaid Trust Estates, as my said dear friend shall please to elect. And I do paying devise the aforesaid lands, Tenements and premises to the said John Durnford on condition of his paying (within eighteen months after his coming into possession of the same on determination of the aforesaid trust Estate) unto each of them the said Elizabeth Durnford, Henry William Durnford and James Andrew Durnford or their heirs one fourth part of the value of the said devised lands, tenements, premises according to the appraisement and valuation, to be made thereof as is herein before directed. Provided nonetheless and on this further condition, that my said dear friend Elizabeth Lucas shall have enjoy the free, full and perfect use and occupation of my before mentioned Dwelling House, outhouses, the buildings (excepting the Wharfs and Warehouses) and gardens, at Style Hill aforesaid, for and during the time of her natural life unless it shall please the said John Durnford to sell and dispose of the same. which case I do devise, direct and appoint that the said dwelling house, outhouses, buildings, Wharfs, Warehouses and all other my Estates, lands, tenements and within the Bermuda Islands and herein before devised, shall be and stand charged (in lieu and satisfaction to my said dear friend Elizabeth Lucas of the aforesaid annual sums or yearly rent charge of Forty pounds a year and as an equivalent and recompense to her for the loss of the use and occupation of the dwelling house, outhouses, buildings and gardens at Style Hill aforesaid) with the payment of an annual sum or yearly rent charges of one hundred and twenty pounds current money of the Bermuda Islands to be paid unto my said dear friend Elizabeth Lucas for and during the time of her natural life, either by quarterly or half yearly payments as she shall appoint and direct. The first payment thereof to commence and be made the expiration of the first quarter or half year after the sale of the said dwelling house, outhouses, buildings and gardens at Style Hill, aforesaid as my said dear friend shall please to elect. And in default of payment by the said John Durnford of the one fourth part of the value of the said before mentioned and devised Estates, lands, tenements and according to the appraisement and valuation to be taken as aforesaid) unto each of them the said Elizabeth Durnford, Henry William Durnford, and James Andrew Durnford. at the time and as I have all my said estates, lands, tenements and to the aforesaid Elizabeth Durnford, John Durnford, Henry William Durnford and James Andrew Durnford to be divided between them, share and share alike, each one fourth part in common and not as joint tenants subject to the aforesaid annual sum or yearly rent charge of forty pounds, and subject to the same conditions and provision favour of my dear friend Elizabeth Lucas respecting the aforesaid dwelling house, outhouses, buildings and gardens at Style Hill, and to the payment of the aforesaid annual sum or yearly rent charge of one hundred and twenty pounds in manner and in lieu and satisfaction as aforesaid in case the said Elizabeth Durnford, John Durnford, Henry William Durnford and James Andrew Durnford shall and dispose of the same. But if it shall so happen that any of them the said Elizabeth Durnford, John Durnford, Henry William Durnford and James Andrew Durnford shall die without having issue lawfully begotten or without having duly and legally disposed of his, her or that fourth part or share of the lands, tenements and this my will relating to my Bermuda property in case of default in the payment herein before appointed to be made to them by the aforesaid John Durnford then and in such case I do will and devise that the share or shares of each of them who shall so die shall go to the survivor or survivors of them the said Elizabeth Durnford, John Durnford, Henry William Durnford and James Andrew Durnford to equally divided between them , share and share alike as tenants in common and not as joint tenants; case the said John Durnford shall chance to die without issue lawfully begotten before the expiration of aforesaid trust estate and before payment of the said fourth part in value of my estates aforesaid (according to the appraisement and

valuation aforesaid) shall be due and payable, then I do give and devise all my aforesaid estates, lands, tenements and within the Bermuda Islands (at the expiration of the said trust estate) unto the survivor or survivors of them the said Elizabeth Durnford, Henry William Durnford and James Andrew Durnford their heirs and issues forever share and share alike as tenants in common and not as joint tenants subject herewith to the aforesaid limitations, conditions, provisions and covered and mentioned in favour of my said dear friend Elizabeth Lucas and subject to the aforesaid annuities of forty pounds and as payment charged in the aforesaid lands, tenements and in manner aforesaid; And in case all of them the said Elizabeth Durnford, John Durnford, Henry William Durnford and James Andrew Durnford shall die without issue lawfully begotten or without having legally and duly disposed of his, her or their interests and estates in the herein before devised lands, tenements and within the Bermuda Islands then and in such case I do devise the same (subject nevertheless to the use, occupation and amenities aforesaid in favour of my said dear friend Elizabeth Lucas) to the two manner Executors named in my will respecting my property in Great Britain, as the Executors thereof in manner as I have herein directed to them all the rest and residue of my property in Great Britain after specific bequest in the said will made; but if it shall chance to happen that my said dear friend Elizabeth Lucas die before the said Elizabeth Durnford, John Durnford, Henry William Durnford and James Andrew Durnford shall have attained their respective ages of twenty-one years or before the youngest of them of them who shall live to attain such age, shall have attained the same. I do then and in such case hereby devise all my lands, tenements and within the Bermuda Islands immediately from and after the decease said dear friend Elizabeth Lucas unto my friends Simon Fraser Esquire, Storekeeper of His Majesty's and Ordnance at Saint George's aforesaid and Robert Tucker of Island Esquire for the residue of the term and time and on the trusts before mentioned and devised respecting the same in the devise thereof to my said dear friend Elizabeth Lucas and I do hereby particularly request my two said friends Simon Fraser and Robert Tucker Esquires in case of the death of my said dear friend Elizabeth Lucas) to have take a fatherly care and attention to the education and bringing up the said Elizabeth Durnford, John Durnford, Henry William Durnford and James Andrew Durnford and to be particularly attentive to the management and improvement of the lands, Tenements and herein before devised. And I will and direct that no timber be cut off from any of my estates and lands in these Bermuda Islands before the said Elizabeth Durnford, John Durnford, Henry William Durnford and James Andrew Durnford shall have respectively attained their several ages of twenty-one years, and in case any of them the said Elizabeth Durnford, John Durnford, Henry William Durnford and James Andrew Durnford shall die before he, she or they shall attain such age then not until the youngest survivor of them the said Elizabeth Durnford, John Durnford, Henry William Durnford and James Andrew Durnford shall attain her or his said age of twenty one years unless as much as may be necessary to pay and discharge the just rents due from the said estates provided the same cannot be in any other way discharged; And I do hereby nominate and institute and appoint my dear friend Elizabeth Lucas my executrix in these Islands and of this my will respecting my Bermuda property; In witness whereof I have to this writing contained in this and the two preceding sheets of paper set my hand and seal, to wit, my hand to the bottom of the two preceding sheets my hand and seal to the last sheet and my seal at the top of the first of the said sheets all the said sheets are fixed together and on this first day of September in the year of our Lord one thousand seven hundred and ninety eight.

Andrew Durnford L.G.

writing mentioned in this and the two preceding sheets of paper and signed and sealed by the above named Andrew Durnford and by him published and declared as his Will and Testament respecting his Bermuda property in the presence of us who have herewith

subscribed our names as witnesses this in presence and in the presence of each other. The word Durnford being first underlined in the forty fourth line of the second sheet of paper.

Aug. De Bretts
Rob Kelly
Geo. Crivis

Bermuda alias Somers' Islands By His Excellency George Beckworth, Governor,
Commander-in-chief, Vice Admiral.