

CC8/8/89 [p.131] [In margin] Sir John Lauder 18th September 1728 [main text]  
Testament Dative and Inventory of the debt and Sums of Money pertaining and a  
Debted to Umqu[ui]le Sir John Lauder of Fountainhall one of the Senators of the  
Colledge of Justice The time of his Decease Who deceased in the \_ Month of \_ Jm  
vijC [one thousand seven hundred] and \_ years Faithfully Made and Given up by  
Thomas Scott of Mileny Father and Admisitrator of the Law to and as having both  
knowledge In Name and behalf of Magdalen Scott his Daughter only exe[cutri]x  
Dative decerned as Creditrix to the said Umquile Sir John Lauder In Sua far as the  
said Defunct by his holograph Assigination of the date the 21st December 1719  
Years Narrating that he had revised his Latter Will and Testament and other writes  
Disponing his Means to his Children or Grand Children And that he resolved to make  
Some alterations to be a standing & finall Settlement So far as affairs contained in  
The Present State they were in If bonds & Debts therein mentioned fell not to be paid  
or changed in the Course of Business And he thereby assigned to the said sons  
therein named his Children and Grand-children The respective sums of Money  
therein paid And particularly to the said Magdalene Scott the sum of 2000 @ owing  
him the said Defunct by James Sterling of Keir and Others And in and to the @ rents  
thereof That should be Resting att the Time with power to her to uplift and Discharge  
The samine And the said Defunct thereby Conjoined his Executors to deliver to  
every One of the Persons therementioned their respective Rights on their several  
Receipts And It is farther thereby delaired that the Respective assignations therein  
specified being Changed His Children Should be as valide and effectuall As if he had  
Given Each of them a Speciall Separate assignation In a write apart Containing All  
the usuall ? and Extentions in form With q[ui]ch he thereby dispensed his Design in  
Convaying of them As in Manner therein Expressed Being obvious and plain to  
Establish the Right In their Persons Att the foot of which assignation There is written  
and subscribed by the Defunct the Vi[delice]zt att Edinburgh this 28th March 1722 A  
Father in distributing his Means among his Children Is not tyed to the Precise  
Hereitys of Form It being enough that his Intention & ? Be clear, To if the Common  
law a Testament inter Liberas had many Privilidges, in my practice Both as a Lawier  
and when a Judge I ever Preferred Matter to forms And the Large extension of  
clause (the in other cases usfull) was both Unnecessary among Children and verry  
tedious And waerysome to Me who wrote all with my Own hand And friends will  
suffuce in the second I have deigned every one is to Gett which I \_ God to bless  
them And this I thought Fitt to Declair and explain As the said assignation Said  
Magdalen Scott and the said Thomas Scott of Mileny her father and Administrator of  
the Law for his Interest is only Executrix Dative Decerned as Creditrix to the said  
umquile Sir John Lauder of Fountainhall for Implementing and Fulfilling to her of the  
foresaid assignation in the haill Heads Articles and Clauses thereof And for  
Establishing in her Person a legall and valide Right and Title In and to the Debt &  
Sum of Money underwritten And that by Decreet of the Commissioners of Edinburgh  
As the samine of the date the 21st day of August 1723 years In itself att more length  
Proports In the First there was addebted and Resting Owing to the said Umquile Sir  
John Lauder of Fountainhall the Time of his Decease foresaid Debt and sum of  
money underwritten Vizt Sum of 2000 Merks Scots Money Principall Contained in a  
Bond bearing @ rent and four Hundred Merks Money foresaid of liquidate Expenses  
Granted by Robert Lord Blantyre Sir James Hamiltoun of Roxhall baronet Mr James

Graham of Aith Judge of the High Court of Admiralty in Scotland Mr John Stewart advocate Ralph Dundas of Menor William Stirling of Northside and Charles Sterling of Rippendavie Conjunctly and severally to the said Defunct dated The 19th, 17th 25th and 28th days of October and 19th of November 1721 years It[em] the sum of 66£ 13ß 11d Scots as the bygone @ rents of the said principall sum due preceeding the said Defunct his Decease And which bond came In Place of the bond specified in the foresaid Assignation quich was Granted for the same Principall sum by James Stirlie of Keirs and Others to the said Defunct And by him uplifted And Reemployed in Manner @mentioned Summa of the Debt owing to the dead jm iiijC £ib Mr James Smollet & understanding & Sir James Nicolson of their Ilk became Cautioner As ane Act made thereanent bears