

COPY OF LORD NELSON'S WILL AND CODICILS.

[Will, dated 10 May, 1803.]

THIS is the last Will and Testament of me, Horatio Viscount Nelson of the Nile, and of Burnham Thorpe, in the County of Norfolk, and United Kingdom of Great Britain and Ireland, and Duke of Bronté, in the Kingdom of Farther Sicily. First, in the event that I shall die in England, I direct my executors hereinafter named (unless His Majesty shall signify it to be his pleasure that my body shall be interred elsewhere), to cause my body to be interred in the Parish Church of Burnham Thorpe, in the County of Norfolk aforesaid, near the remains of my deceased father and mother, and in as private a manner as may be. And I direct that the sum of one hundred pounds shall be divided amongst the poor of the several parishes of Burnham Thorpe, Sutton, and Norton, all in the County of Norfolk; that is to say, one-third part to the poor of each of the said parishes, the same to be distributed at the discretion of the respective Curates or officiating Ministers of those parishes, and in such manner and proportions, and to such objects as they respectively shall think fit. And I give and bequeath to Emma Lady Hamilton, widow of the Right Honorable Sir William Hamilton, Knight of the Most Honorable Order of the Bath, my Diamond Star, as a token of my friendship and regard; I likewise give and bequeath to the said Emma Lady Hamilton the Silver Cup marked E. H., which she presented to me. I give and bequeath to my brother the Reverend William Nelson, Doctor in Divinity, the Gold Box presented to me by the City of London. Also I give and bequeath to the said William Nelson the Gold Sword presented to me by the Captains who fought with me at the Battle of the Nile. Also I give and bequeath to my sister Catherine Matcham, the Sword presented to me by the City of London. Also I give and bequeath to my sister Susannah Bolton, the Silver Cup presented to me by the Turkey Company. Also I give and bequeath to Alexander Davison, of St. James's-square, in the County of Middlesex, Esquire, my Turkish Gun, Scimitar and Canteen. Also I give and bequeath to my late Captain and worthy friend Captain Hardy, all my Telescopes and Sea Glasses, and one hundred pounds in money, to be paid three months after my death. And I give and bequeath the

sum of one hundred pounds to each of my executors, hereinafter named, to be paid or retained at the end of three months from my death. And I give and bequeath to my before-named brother, William Nelson, and William Haslewood, of Craven-street, in the Strand, in the County of Middlesex, Esquire, all the residue and remainder of my goods, chattels, and personal estate, whatsoever, and wheresoever, (except the household goods and furniture, wines, plate, china, linen, pictures and prints, which shall be in my house at Merton, at my decease, and also except my diamond sword, and jewels, hereinafter bequeathed, and also except any other articles which I do, or shall, or may by this my Will, or by any Codicil or Codicils hereto, otherwise bequeath and dispose of); To hold to them, their executors, administrators, and assigns, upon trusts, and for the ends, intents, and purposes hereinafter limited, expressed, declared, and contained of, and concerning the same: viz. upon trust that they the said trustees, and the survivor, of them, and the executors and administrators of such survivor, do and shall as soon as may be after my death, convert into money such parts of the same personal estate as shall not consist of money, and do and shall lay out and invest in the purchase of three pounds per cent. Consolidated Bank Annuities so much and such part of the same money, and also of the money which shall belong to me at my death, as by the dividends, interest, and income thereof will produce the clear yearly sum of one thousand pounds, and do and shall stand and be possessed of the said Bank Annuities upon trust, that from time to time during the natural life of Frances Herbert Viscountess Nelson, my wife, they the said trustees and the survivor of them, and the executors or administrators of such survivor, do and shall permit and suffer or authorize and empower the said Viscountess Nelson, my wife, and her assigns, to receive and take the dividends, interest, and income of the same Bank Annuities, when and as the same shall become due and payable, in addition to all the other provisions made by me at any time heretofore for her, and in addition to the sum of four thousand pounds lately given by me to her, and which sum of four thousand pounds it is my will that she shall retain; I direct and declare that the provision made for her by this my Will, and also the said four thousand pounds shall be accepted and taken by her in lieu and full satisfaction of all dower, right, and title of dower and freebench of her the said Viscountess Nelson, my wife, of and in all or any of the freehold and copyhold lands and hereditaments of which I am now seised or possessed, or of which I have been or shall be seised or posses-

sed at any time during her coverture by me. And I also declare and direct that in case the annual income to arise or be produced from the Bank Annuities to be purchased with the residue of my personal estate shall be insufficient to answer and pay the sum of one thousand pounds a year, then the deficiency shall be answered to the said Viscountess Nelson, my wife, out of the rents, issues, and profits of my barony, town, and feud lands, and hereditaments in Farther Sicily, hereinafter devised; and I charge the rents, issues, and profits thereof, with the payment of the said yearly sum of one thousand pounds, or such part thereof as the Bank Annuities to be purchased with the residue of my personal estate shall be insufficient to answer and pay, so that in all events the said Viscountess Nelson, my wife, shall be entitled to receive a clear annual income of one thousand pounds during her natural life, provided always that nothing contained in this my Will shall extend or be construed to subject my real estates in England to the payment of the said annuity of one thousand pounds or any part thereof. And upon further trust that my said trustees, or the survivor of them, or the executors or administrators of such survivor, do and shall on my decease pay and divide the surplus of my residuary personal estate which shall remain after investing such part thereof in three per cent. Consolidated Bank Annuities, as shall be sufficient to produce one thousand pounds a-year, as aforesaid; and also on the decease of the survivor of me and my said wife, do and shall pay, transfer, assign, and distribute the said Bank Annuities, to be purchased as aforesaid, to answer the said sum of one thousand pounds a-year unto and amongst the said William Nelson, Susannah Bolton, and Catherine Matcham, or such of them as shall be living at those respective periods, and the issue of such of them as shall have departed this life in the mean time, leaving issue then living to be divided between them in such manner that they may take their respective shares as tenants in common, and so and in such manner and in such proportions that the issue of deceased parents may as between themselves take as tenants in common and per stirpes and not per capita, and so as no person or persons may take under the description of issue unless his, her, or their parent or parents respectively shall have departed this life, as to the said Bank Annuities in the lifetime of the survivor of myself and my said wife. And as to the said surplus of my residuary personal estate in my life time, provided always and in case a pension or pensions to the amount or value of one thousand pounds a-year or upwards, shall in my life time be granted to the said Vis-

countess Nelson, my wife, by His Majesty or by Parliament, then and in that case the said sum of one thousand pounds a-year to be granted to her a saforesaid, shall be in lieu of the provision of one thousand pounds a-year hereby made for her, and then and in that case the same provision shall cease and be void, and in that case the whole of my residuary personal estate shall be divisible and distributable on my death in the same or the like manner and to the same persons, and in the same proportions as if the death of my said wife had taken place at the instant of my death. And in pursuance and in exercise and execution of all and every power and powers, authority and authorities, enabling me in this behalf, I nominate and appoint the said William Nelson and William Haslewood, and their heirs and assigns, to succeed on my death to the Dutchy of Bronté, in the Kingdom of Farther Sicily, and the town and estate of Bronté in the same Kingdom, and all and singular the messuages, lands, tenements, jurisdictions, immunities, franchises, and hereditaments, situate in the Kingdom of Farther Sicily, which were granted to me by His present Majesty Ferdinand, by the Grace of God King of both Sicilies and Jerusalem, Infant of Spain, Duke of Parma, Piacenza, Castro, &c., Great Prince of Tuscany, &c., by letters patent or other instrument bearing date on or about the tenth day of the month of October, in the year one thousand seven hundred and ninety-nine, and all other the dutchies, towns, estates, messuages, lands, tenements, jurisdictions, immunities, franchises, and hereditaments situate in the said Kingdom of Farther Sicily, of which I am seised, or over which I have any power of nomination or appointment, nevertheless upon, under, and subject to the trusts, and for the ends, intents, and purposes, hereinafter expressed, declared, and contained of, and concerning the same, and I give and devise the same dutchies, towns, estates, messuages, lands, tenements, and hereditaments, unto and to the use of the said William Nelson and William Haslewood, their heirs and assigns for ever, nevertheless, upon the trusts and to and for the ends, intents, and purposes, and under and subject to the powers, provisoes, and limitations hereinafter limited, expressed, declared, and contained of and concerning the same: viz. upon trust that they my said trustees, or the survivor of them, or the heirs or assigns of such survivor, do and shall immediately after my decease, or as soon afterwards as circumstances will admit, at the costs and charges of my trust estate, or the rents, issues, and profits thereof, settle, convey, and assure the said dutchies, towns, estates, messuages, lands, tenements, and heredit-

aments, with their rights, royalties, members, privileges, and appurtenances, to the uses, upon the trusts, and for the ends, intents, and purposes, and under and subject to the powers, provisoes, and limitations, hereby directed to be limited, expressed, and declared concerning the same, if the laws and customs of the said Kingdom of Farther Sicily, or of the said Dutchy of Bronté, will admit; and if the same cannot in all respects be effected by the laws and customs of the same Kingdom or dutchy, then in such manner and form as in the opinion and discretion of my trustee or trustees for the time being will be consistent with the laws and customs of the same Kingdom or dutchy, and best or nearest correspond with the same uses, trusts, ends, intents, and purposes, powers, provisoes, and limitations: that is to say, to the use of the said William Nelson and his assigns, for and during the term of his natural life, without impeachment of or for any manner of waste; and from and after the determination of the estate hereby limited to the use of the said William Nelson for his life as aforesaid, then to the use of the said William Nelson and William Haslewood and their heirs, for and during the natural life of the said William Nelson, upon trust, to support the contingent uses and estates hereinafter limited, and protect the same from being defeated or destroyed, and for that purpose to make entries and bring actions as occasion shall require; yet nevertheless to permit and suffer the said William Nelson and his assigns to receive and take the rents and profits of my said real estates in the Kingdom of Farther Sicily during the term of his natural life; and from and after the decease of the said William Nelson, then to the use of the first, second, third, fourth, fifth, and all and every other son and sons of the body of the said William Nelson, lawfully begotten and to be begotten, severally, successively, and in remainder one after another, in order and course as they respectively shall be in seniority of age and priority of birth, and of the several and respective heirs male of the body and bodies of all and every such son and sons lawfully issuing, every elder of such sons, and the heirs male of his body issuing being always to be preferred, and to take before every younger of the same sons and the heirs male of his body issuing; and, in default of such issue, to the use of the said Susannah Bolton and her assigns, for and during the term of her natural life, without impeachment of or for any manner of waste; and from and after the determination of that estate by forfeiture or otherwise, in the lifetime of the said Susannah Bolton, to the use of the said William

Nelson and William Haslewood, and their heirs, during the natural life of the said Susannah Bolton, in trust to preserve and support the contingent uses and estates hereinafter limited from being defeated or destroyed, and for that purpose to make entries and bring actions as the case shall require; but, nevertheless, to permit and suffer the said Susannah Bolton, and her assigns, to receive and take the rents, issues, and profits thereof during her natural life; and from and after the decease of the said Susannah Bolton, to the use of the first, second, third, fourth, fifth, and all and every other son and sons of the body of the said Susannah Bolton, lawfully begotten and to be begotten, severally and successively, and in remainder one after another, in order and course as they respectively shall be in seniority of age and priority of birth, and of the several and respective heirs male of the body and bodies of all and every such son and sons lawfully issuing, every elder of such sons, and the heirs male of his body issuing, being always to be preferred and to take before every younger of the same sons, and the heirs male of his body issuing; and, in default of such issue, to the use of the said Catherine Matcham, and her assigns, for and during the term of her natural life, without impeachment of or for any manner of waste, and from and after the determination of that estate by forfeiture or otherwise in her life time, to the use of the said William Nelson and William Haslewood, and their heirs, during the natural life of the said Catherine Matcham; in trust to preserve and support the contingent uses and estates hereinafter limited from being defeated or destroyed; and for that purpose to make entries and bring actions as the case may require; but, nevertheless, to permit and suffer the said Catherine Matcham, and her assigns, to receive and take the rents, issues, and profits thereof, during her natural life; and from and after the decease of the said Catherine Matcham, then to the use of the first, second, third, fourth, fifth, and all and every other son and sons of the body of the said Catherine Matcham, lawfully begotten and to be begotten, severally, successively, and in remainder one after another in order and course as they respectively shall be in seniority of age and priority of birth, and of the several and respective heirs male of the body and bodies of all and every such son and sons lawfully issuing, every elder of such sons and the heirs male of his body issuing, always to be preferred, and to take before every younger of the same sons, and the heirs male of his body issuing; and, in default of such issue, to the use of my own right heirs. And I hereby authorise and empower

my said trustees, and the survivor of them, and the heirs and assigns of such survivor, at any time or times after my decease, at his and their will and pleasure to sell and dispose of all or any part of my real estates in the Kingdom of Farther Sicily, for such price or prices in money, or for such equivalent or recompense in lands; and also to make sale and dispose of or convey in exchange the lands and hereditaments to be purchased and taken in exchange under the provision hereinafter contained, as to them, my said trustees, or the survivor of them, or the heirs or assigns of such survivor shall seem reasonable; and upon receipt of any money to arise or be produced from the sale of my said real estates in the Kingdom of Farther Sicily, or from the sale of the said lands and hereditaments to be purchased and taken in exchange for my said real estates in the Kingdom of Farther Sicily, to lay out the same in the purchase of any freehold estates held in fee simple, and situate in England, Ireland, or the principality of Wales: and I hereby declare that the lands and hereditaments to be purchased with the money to arise from the sale of my said estate in the Kingdom of Farther Sicily, and from the sale of the said lands and hereditaments to be purchased and taken in exchange for my said real estates in the Kingdom of Farther Sicily, and also the lands and hereditaments to be taken in exchange for the same respectively, and the rents, issues, and profits of the said lands and hereditaments respectively, shall be held upon the same or the like uses, and upon the same or the like ends, intents, and purposes, and charged and chargeable in such manner as is hereinbefore expressed or declared of and concerning my said real estate in the Kingdom of Farther Sicily, or as near as may be and the change of circumstances will admit. And I hereby declare that the receipts of my said trustees, or the survivor of them, or the heirs or assigns of such survivor, shall be good and sufficient acquittances and discharges to such purchaser or purchasers for the purchase money for which the said lands and hereditaments shall be sold, or for so much thereof as in such receipt or receipts shall be expressed or acknowledged to be received, and that such purchaser or purchasers, his, her, or their heirs, executors, administrators, or assigns, shall not afterwards be obliged to see to the application of the same purchase money, or be answerable for the mis-application or non-application of the same; and that the person or persons respectively who shall take any lands or hereditaments in the way or nature of an exchange under this present power, shall not be obliged to see the lands or here-

ditaments to be given in the way or nature of an exchange, settled or conveyed upon the trusts hereinbefore directed to be declared of and concerning the same. And I hereby will and direct that all persons who by virtue of this my Will shall come into the possession of my real estates hereby devised, or the lands and hereditaments to be purchased or taken in exchange under the provision hereinbefore contained, shall have power to make leases or grants of the same or any part thereof as to my real estates in the Kingdom of Farther Sicily according to the usual and accustomed mode of leasing or granting the same, as to any lands or hereditaments in England, Ireland, or Wales, to be purchased or taken in exchange as aforesaid for any term not exceeding twenty-one years, so as the usual covenants be contained in such leases and the full annual rent be reserved and no fine taken on granting the same. And I direct that provisions or powers to the same or the like effect shall be contained in the settlement or settlements to be made as aforesaid. And that if my intention and the provisions of this my Will may be more effectually accomplished through the medium of a trust than by an actual settlement, then I direct that it shall and may be lawful to and for my trustee or trustees for the time being to retain the legal estate of my said real estates in the Kingdom of Farther Sicily until all the trusts hereinbefore declared of the same real estates shall have been fully accomplished and performed. And I also direct that in the mean time after my death, and until such settlement shall be made, the rents and profits which shall become due for the said real estates in the Kingdom of Farther Sicily, shall belong and be payable and paid to, or be received and taken by the person or persons respectively, who for the time being, and from time to time, would be entitled to the same rents and profits in case such settlement as aforesaid was actually made, and in the same manner and proportions as he or they respectively would be entitled to the same rents and profits, in case such settlement had been made. And I give and bequeath the diamond-hilted Sword given to me by His said Sicilian Majesty, the diamond Aigrette presented to me by the Grand Signior, my Collar of the Order of the Bath, Medals of the Order of Saint Ferdinand and Insignia of other Orders, to the said William Nelson and William Haslewood, in trust that the same may be held as or in the nature of heirlooms as far as the rules of law and equity will permit, and belong to and be taken and enjoyed by the person or persons respectively, who under or by virtue of the lim-

itations contained in this my Will, shall for the time being be entitled to the possession of my real estates in the Kingdom of Farther Sicily, or the lands and hereditaments to be purchased and taken in exchange in lieu thereof under the provisions hereinbefore contained: Provided always, and it is my will that the same Sword and Jewels, or any of them, shall not vest absolutely in any person or persons being tenant or tenants in tail under this my Will, unless he or they respectively shall attain the age of twenty-one years, or die under that age, leaving issue male living at his or their death or respective deaths, but as far as the rules of law and equity will admit shall belong to the person or persons to whom my said real estates in the Kingdom of Farther Sicily, or the lands and hereditaments to be purchased and taken in exchange under the provision hereinbefore contained, would under the limitations of this my Will in that event have belonged, descended, devolved, or remained. And I give and devise unto the said Emma Lady Hamilton, her heirs and assigns, my capital messuage at Merton in the County of Surrey, and the out-houses, offices, gardens, and pleasure grounds belonging thereto, and such and so many and such parts of my grounds, farms, lands, tenements, and hereditaments in the several parishes of Merton, Wimbledon, and Mitcham, or any of them, as together with and including the site of the said messuage, out-houses, offices, gardens, pleasure grounds, shrubbery, canal, and mote, shall not exceed seventy acres as shall be selected by the said Emma Lady Hamilton within six months after my decease, such selection to be testified by some deed or instrument in writing under her hand and seal. And I further direct that all money due on the security of the same messuage and other hereditaments at my death shall be paid and satisfied out of my personal estate and out of the money arising from the sale of the residue of the said farm, under the directions hereinafter contained in exoneration of the said messuage and other hereditaments so devised to and for the benefit of the said Emma Lady Hamilton as aforesaid. And I give and devise unto the said William Nelson and William Haslewood, their heirs and assigns, all the residue of my lands and grounds situate in the parishes of Merton, Wimbledon, and Mitcham, aforesaid, or so much thereof as shall not be by me sold and conveyed or otherwise disposed of in my life time, and also in the mean time till selection thereof as aforesaid by the said Emma Lady Hamilton as to such part or parts thereof as are to be or may be selected by the said

Emma Lady Hamilton as aforesaid, to hold the same unto and to the use of the said William Nelson and William Haslewood, their heirs and assigns for ever, upon trust that they the said William Nelson and William Haslewood, and the survivor of them, and the heirs and assigns of such survivor, do and shall as soon as conveniently may be after my decease, sell and dispose of the same lands and hereditaments, either together and in one lot, or in parcels and several lots, and either by public auction or private contract, as to the said William Nelson and William Haslewood, and the survivor of them, his heirs and assigns shall seem meet, and convey the same when sold unto the person or persons who shall agree to become the purchaser or purchasers thereof, and to his, her and their heirs and assigns for ever, or for such person or persons, and for such uses, ends, intents and purposes, as he, she, or they shall direct or appoint. And I hereby declare and direct that the receipt or receipts of my said trustee or trustees for the time being shall be good, valid, and sufficient acquittance and discharge, or acquittances and discharges, to the person or persons respectively, who shall agree to become the purchaser or purchasers of all or any or any part of my said lands and hereditaments hereby directed to be sold for all or any part of the money to arise by sale thereof, or for so much thereof as by such receipt or receipts respectively shall be acknowledged to be received; and that thereupon the person or persons respectively, who shall agree to become the purchaser or purchasers of all or any part of my said lands and hereditaments hereby directed to be sold, shall not be answerable or accountable for the misapplication or non-application of all or any part of the money to arise by sale of the same lands and hereditaments, after paying his, her, or their purchase-money to my said trustee or trustees for the time being, or to his, her, or their order. And I also further direct that the money to arise by sale of all or any part of my said lands and hereditaments hereby directed to be sold, shall (after a deduction of all costs and charges attending such sale or sales as aforesaid) be added to and deemed a part of the residue of my personal estate hereinbefore given and bequeathed, and follow and be subject to all the dispositions, limitations, and trusts hereinbefore declared of the same, and in increase of the primary fund for payment of my debts; and that in the meantime, and until such sale or sales shall be made, the rents, issues, and profits of my said lands and hereditaments hereby directed to be sold, or such part or parts thereof as from time to time shall remain unsold, shall be held in trust

for, go to, and be paid and applied and received by the person or persons respectively, who, for the time being, would, under and by virtue of the trusts hereinbefore declared, be entitled to the interest and income of the money to arise by sale thereof, if such sale or sales was or were made, and in the same manner and proportions, as he, she, or they would, in that case, be entitled to the same. And I give and bequeath all the household furniture, implements of household, wines, plate, china, linen, pictures, and prints, which shall be in and about my house at Merton at my decease, and not otherwise disposed of by this my Will, or any Codicil or Codicils which I may hereafter make, to the said Emma Lady Hamilton for her own use and benefit. Provided always, and I hereby declare it to be my will, that in case any or either of the trustees hereby nominated and appointed, or any future trustee or trustees to be appointed under this present provision in their or any of their place, shall depart this life, or be desirous of being discharged of and from the aforesaid trusts, or shall go to reside beyond seas, or shall neglect or refuse or become incapable to act in the said trusts before the said trusts shall be fully executed and performed, then and in that case, and as soon and as often as the same shall happen, it shall and may be lawful to and for the surviving or-only acting trustee or trustees for the time being of the same trust, estates, monies, and premises under this my Will, or the executors or administrators of such surviving trustee, or of the last acting trustee, to nominate any fit person or persons to supply the place of the trustee or trustees respectively, so dying, desiring to be discharged, or going to reside beyond seas, or refusing, or neglecting, or becoming incapable to act as aforesaid, and that immediately after such appointment, the trust estates, monies, powers, and effects, then vested under and by virtue of this my Will in the trustee or trustees so dying, desiring to be discharged, or going to reside beyond seas, or refusing, neglecting, or becoming incapable to act as aforesaid, shall be conveyed, assigned, and transferred so and in such manner that the same may vest in such new trustee or trustees jointly with the surviving or continuing trustee of the same trust estates, monies, and premises, or solely, as the case may require, and in his, her, or their heirs, executors, administrators, and assigns upon the trusts hereinbefore expressed and declared of and concerning the same, and that every such new trustee shall have and may exercise the same powers, privileges and authorities of sale and exchange, and of giving effectual receipts, and all other powers and authorities whatsoever as if he had been appointed a trustee by this my Will, and as if

his name had been inserted in this my Will, instead of the name of the trustee hereby appointed in or to whose place such new trustee respectively shall come or succeed. Provided always, and I hereby further declare it to be my will, that the several trustees hereby nominated, and the trustees to be appointed by virtue of the provision last hereinbefore contained, and each and every of them, and the heirs, executors, administrators, and assigns of them, each and every of them respectively, shall be charged and chargeable only for such monies as the same trustee and trustees respectively shall actually receive by virtue of the trusts hereby reposed in him and them, notwithstanding his or their, or any of their giving or signing, or joining in giving or signing, any receipt or receipts for the sake of conformity. And that he, they, any one or more of them, shall not be answerable or accountable for the other or others of them, or any or either of them, for the acts, receipts, neglects, or default of the other or others of them; but each and every of them only and respectively for his own acts, receipts, neglects, or defaults respectively; and that he, they or any of them shall not be answerable or accountable for any banker, goldsmith, broker, or other person with whom or in whose hands any part of the said trust monies shall or may be deposited, or lodged, for safe custody or otherwise in the execution of the trusts hereinbefore contained; and that he, they, or any of them shall not be answerable or accountable for the rise and fall in the price or value of stock, or the insufficiency or deficiency in title or value of any security or securities, stocks or funds, in or upon which the said trust monies, or any part thereof, shall be placed out or invested, or of any lands and hereditaments to be purchased or taken in exchange, as aforesaid, nor for any other misfortune, loss, or damage which may happen in the execution of the aforesaid trusts, or in relation thereto, except the same shall happen by or through his or their own wilful default respectively, and then and in that case each person respectively shall singly and alone be answerable for such loss or damage as shall arise from his or her own default. And also that it shall and may be lawful to and for the trustees in this my Will named, and such future trustee or trustees to be appointed as aforesaid, and every or any of them, their and every of their heirs, executors, administrators, and assigns, by and out of the money which shall come to his and their respective hands, by virtue of the trusts aforesaid, to deduct, retain, and reimburse to and for himself and themselves respectively, and also to allow to his and their co-trustee and co-trustees all costs, charges, damages, and expenses which he, they, or any of them shall or may suffer,

sustain, expend, disburse, lay out, or be put unto, in, or about the execution of the aforesaid trusts, or in relation thereunto; and that it shall and may be lawful to and for my said trustee and trustees, or either of them, in his or their discretion, to compound any debt or debts owing or to be owing to me or to my trust estate, and to accept part thereof in full of the same, or to give or allow an enlarged day for payment thereof, and also to sign the Certificate of any Bankrupt, and to pay any debt which shall be claimed to be due and owing from me in such manner and on such evidence as he or they shall think fit to admit. And that he or they shall or may refer to arbitration, or to arbitration and umpirage, any difference which in the execution of the trusts of this my Will shall or may arise between him or them and any other person or persons who shall be or is or are or shall or may claim to be a debtor or debtors to or creditor or creditors of my said trust estate, and that the award and determination which shall be made on such reference or umpirage, shall be binding and conclusive on all persons claiming any benefit under this my Will. I nominate and appoint the said William Nelson and William Haslewood to be executors in trust of this my last Will and Testament. And I revoke and annul all and every Will and Wills, Testament and Testaments, made by me at any time or times heretofore, and declare that this present writing alone contains the whole of my last Will and Testament. In witness whereof I, the said Horatio Viscount Nelson and Duke of Bronté, have to the fourteen first sheets of this my last Will and Testament, contained in fifteen sheets of paper, set my hand, and to the fifteenth and last sheet my hand and seal, have also affixed my seal to the top of the first sheet where the several sheets are fastened together, and have executed a duplicate hereof this tenth day of May, in the year of our Lord one thousand eight hundred and three.

NELSON AND BRONTE. (L.S.)

Signed, sealed, published, and declared by the Right Honorable Horatio Viscount Nelson and Duke of Bronté, as and for his last Will and Testament, in the presence of us, who, at his request, in his presence, and in the presence of each other, have subscribed our names as witnesses thereto, the word "uses" being first interlined over the erased word "trust" in the eighth sheet, and the word "farms" being first interlined between the words "grounds" and "lands" in the tenth sheet.

HORATIO LEGGATT,
WILLIAM SLAUGHTER, JUN.,
HENRY FLETCHER,

} Clerks to Messrs. Booth and Haslewood,
3, Craven Street, London.

CODICIL No. I.

[Dated 13th May, 1803.]

I, Horatio Viscount Nelson of the Nile, and of Burnham Thorpe in the County of Norfolk, and United Kingdom of Great Britain and Ireland, and Duke of Bronté in the Kingdom of Farther Sicily, to my last Will and Testament, bearing date the tenth day of this instant, May, do make and publish a Codicil in manner following: (that is to say,) Whereas in and by my last Will and Testament I did give and devise, among other things, unto Emma Lady Hamilton, therein named, her heirs and assigns, my capital messuage at Merton, in the County of Surrey, with the appurtenances and such and so many and such parts of my grounds, lands, tenements and hereditaments in the several parishes of Merton, Wimbledon, and Mitcham, or any of them, as together with and including the site of the said messuage, out-houses, offices, gardens, pleasure grounds, shrubbery, canal, and mote, shall not exceed seventy acres, as should be selected by the said Lady Hamilton, within six months after my decease: Now I do hereby revoke and annul the gift and devise so made of the said capital messuages and premises in and by my said last Will and Testament, and in lieu thereof do give, devise, and dispose of the same in manner following; that is to say, I give and devise unto William Nelson and William Haslewood, in my said Will named, their heirs and assigns, my said capital messuage at Merton, in the County of Surrey, and the out-houses, offices, gardens, and pleasure-grounds belonging thereto, and such and so many, and such parts of my grounds, farm lands, tenements and hereditaments in the several parishes of Merton, Wimbledon, and Mitcham, in the said County of Surrey, or any of them, as together with and including the site of the said messuage, out-houses, offices, gardens, pleasure-grounds, shrubbery, canal, and mote, shall not exceed seventy acres, as shall be selected by the said Emma Lady Hamilton, within six months after my decease, such selection to be testified by some deed or writing under her hand and seal, to the use of such person or persons, and in such parts, shares or proportions, and for such estate and estates, and interest and interests, and charged and chargeable in such manner with any sum or sums of money, annuities, legacies, rent, charges or otherwise, and either absolutely or conditionally, and subject to such power of revocation and new appointment as the said Emma Lady Hamilton, from time to time, as well when covert as sole, and notwithstanding her coverture

by any husband with whom she may happen to marry, by any deed or deeds, writing or writings, to be sealed and delivered by her in the presence of two or more credible witnesses, and to be attested by the same witnesses, or by her last will and testament in writing, or any writing purporting to be or to be in the nature of her last will and testament, or any codicil or codicils thereto to be signed and published by her in the presence of, and to be attested by three or more credible witnesses, shall direct, limit, give or appoint the same, and, in default of such direction, limitation and appointment, and in the mean time, and from time to time, until such direction, limitation or appointment shall be made and take effect, and from time to time as to so much and such parts of the said capital messuage and premises, of which no such direction, limitation or appointment shall be made, to the use of the said Emma Lady Hamilton, for and during the term of her natural life, without impeachment of or for any manner of waste; and from and after the decease of the said Emma Lady Hamilton, to the use of my own right heirs; in all other respects, I ratify and confirm my said Will and Testament. In witness whereof I, the said Horatio Viscount Nelson and Duke of Bronté, have to this Codicil to my last Will and Testament, contained in three sheets of paper, set my hand and seal, and my said seal also to the first sheet where the said sheets are fastened together, and have also executed a duplicate hereof, this 13th day of May, 1803.

NELSON AND BRONTE. (L.S.)

Signed, sealed, published, and declared by the Right Honble. Horatio Viscount Nelson Duke of Bronté, as and for a Codicil to his last Will and Testament, in the presence of us, who, in his presence, at his request, and in the presence of each other, have hereunto subscribed our names as witnesses.

| | |
|--------------------------|--|
| HORATIO LEGGATT, | } Clerks to Messrs. Booth and Haslewood, |
| WILLIAM SLAUGHTER, Jun., | |
| HENRY FLETCHER, | |
| | 3, Craven Street. |

No. II.

[Dated 6th September, 1803.]

I Horatio, Viscount Nelson of the Nile, and of Burnham Thorpe, in the County of Norfolk, and United Kingdom of Great Britain and Ireland, and Duke of Bronté in the Kingdom of Farther Sicily, having to my last Will and Testament which bears date on or about the tenth day of May, in the year of our Lord one thousand eight hundred and three, made and published a Codicil bearing date the thirteenth day of the same month, do make and publish a further Codicil to

the same last Will and Testament, in manner following: that is to say, I give and bequeath to Miss Horatia Nelson Thompson, who was baptised on the thirteenth day of May last, in the parish of Saint Marylebone, in the County of Middlesex, by Benjamin Lawrence, Curate, and John Willock, Assistant Clerk, and whom I acknowledge as my adopted daughter, the sum of four thousand pounds sterling money of Great Britain, to be paid at the expiration of six months after my decease, or sooner if possible; and I leave my dearest friend, Emma Lady Hamilton, sole guardian of the said Horatia Nelson Thompson, until she shall have arrived at the age of eighteen years, and the interest of the said four thousand pounds to be paid to Lady Hamilton for her education and maintenance. This request of guardianship I earnestly make of Lady Hamilton, knowing that she will educate my adopted child in the paths of religion and virtue, and give her those accomplishments which so much adorn herself, and I hope make her a fit wife for my dear nephew Horatio Nelson, who I wish to marry her if he proves worthy, in Lady Hamilton's estimation, of such a treasure as I am sure she will be. Further I direct that the legacies by this my Codicil, as well as those by my last Will and Testament, given and bequeathed, shall be paid and discharged from and out of my personal estate only, and shall not be charged or chargeable upon my real estates in the United Kingdom of Great Britain and Ireland, and in the Kingdom of Farther Sicily, or any or either of them, or any part thereof.

In all other respects I ratify and confirm my said last Will and Testament and former Codicil. In witness whereof I the said Horatio Viscount Nelson, and Duke of Bronté, have to this Codicil, all in my own handwriting, and contained in one sheet of paper, set my hand and seal, this sixth day of September, in the year of our Lord one thousand eight hundred and three. NELSON AND BRONTE. (L.S.)

Signed, sealed, and published by the Right Honorable Horatio Viscount Nelson, Duke of Bronte, as and for a Codicil to his last Will and Testament, in the presence of GEORGE MURRAY, first Captain of the Victory, JOHN SCOTT, Secretary.

No. III.

[Autograph dated about the 6th of September, 1803.]

Private for yourself and most secret.

My dear Haslewood,
I send you home a Codicil to my Will, which you will not

communicate to any person breathing, as I would wish you to open, read it, and if not drawn up properly, send me a copy and I will execute it. It is possible that my personal estate, after the disposal of the furniture at Merton, may not amount to four thousand pounds, and sooner than this legacy, or any other, should go unpaid, I would saddle Bronté or any other estate with the legacies. I only mention this as a thing which might happen; and I want to give several other single legacies, and to continue the annuity of one hundred pounds a-year to poor blind Mrs. Nelson.

I may congratulate you on the favourable termination (I hope) of my law suit. You have acted not only an able lawyer's but a most friendly part through the whole business. I beg you will express my compliments and thanks to Serjeant Shepherd, who has done so much justice to my cause; and be assured I am ever, my dear Haslewood, your obliged friend,

NELSON AND BRONTÉ.

I have pretty nearly settled all my Bronté matters; and although I shall not probably at present be able to get the value of it, yet I shall secure to be regularly paid my £3000 a-year net. Burn it when read¹.

¹ In reference to this Letter, which is printed in vol. iii. p. 197, the Editor has received the following communication from Mr. Haslewood, dated Brighton, 29th October, 1845:—

"The letter to which you refer was proved in Doctors' Commons as a third Codicil to Lord Nelson's Will. The concluding words of it are,—“Burn it when read;” and I am extremely anxious that the recital of the letter should always be accompanied by a statement of the reasons why this injunction was not obeyed, which are given in my Answers to two Bills in Chancery respecting the Bronté estate; one filed by Thomas Earl Nelson, before his accession to the Peerage, and the other, which is still depending, filed by the present Earl; and I should consider myself greatly obliged by your introducing, in the course of your interesting work, as much of this explanation as you might judge proper.”

"And this Defendant further saith, That, on comparing the said second Codicil with the said Letter which accompanied it, he perceived a discrepancy between them; inasmuch as the said Codicil directed the legacy thereby given to be discharged out of the said Testator's personal estate only, and not to be charged on his real estates in Great Britain and Farther Sicily, or any or either of them; and the said Letter expressed his intention to be, that, sooner than such a legacy or any other should go unpaid, he would saddle Bronté or any other estate with the legacies. And this Defendant, therefore, not considering it right to destroy the said Letter, kept the same deposited with the other testamentary papers of the said Testator. And this Defendant further saith, That the late Right Honourable Sir William Scott, afterwards Lord Stowell, who was then Judge of the High Court of Admiralty of England, and Vicar-General of the Archbishop of Canterbury, having been a personal friend of the said Testator, this Defendant, after the death of the said Testator, consulted the said Sir William Scott as to the propriety of proving the said Letter as a Testamentary paper; and by his advice the same was so proved.”

No. IV.

[Dated 19th February, 1804.]

I, Horatio Viscount Nelson, and Duke of Bronté, &c., &c., do hereby give and bequeath to my dearest friend, Emma Lady Hamilton, widow of the Right Honourable Sir William Hamilton, K.B., the net yearly sum of £500, to be paid and considered as a tax upon the rental of my estate at Bronté in Sicily, to be paid every six months—the first to be paid in advance, and so continued for and during the term of her natural life. And however I may in my Will have disposed of Bronté, I declare this as a Codicil to my said Will; and it is my intent, notwithstanding any want of legal forms of which I am ignorant, that the above net sum should be paid to the said Emma Hamilton, as I have before wrote. Dated on board His Majesty's Ship Victory, at Sea, this 19th day of February, 1804.

NELSON AND BRONTE. (L.S.)

Witness our hands, the date as above written, T. M. HARDY, Captain of H.M.S. Victory; JOHN SCOTT, Secretary.

N.B.—The aforementioned sum of £500 a-year to be first paid after the rent is received.

NELSON AND BRONTE.

No. V.

[Dated 7th April, 1804.]

I desire that the sum of £100 sterling money of Great Britain may be annually paid unto the reputed widow of my brother Maurice Nelson by whatever name she may assume, be it S. Nelson, S. Field, or any other name, and if I have not the means to pay this sum, exclusive of my other legacies, I then trust that my friend Alexander Davison will pay it for me regularly every year, and to be paid quarterly as it is paid at present. I declare this a Codicil to my Will, this seventh day of April, one thousand eight hundred and four.

NELSON AND BRONTE.

(Witness) T. M. HARDY, JOHN SCOTT.

No. VI.

[Dated 19th December, 1804.]

To be added to my Will and Codicils. N. & B.

I hereby confirm my last Will and Testament, bearing date on or about May 13th, 1803, with the Codicils, and

confirm anew my legacy to Lady Emma Hamilton and to my adopted daughter Horatia Nelson Thompson; and I further give to my dear friend, Emma Hamilton, widow of the Right Honourable Sir William Hamilton, K.B., the sum of £2000 sterling, and to my Secretary, John Scott, Esquire, the sum of £100 to buy a ring or some token of my remembrance; and I request that he will, with Captain Hardy, take care of my papers and effects for my executors; and I give to my friend the Reverend Alexander John Scott, the sum of £200 sterling. Dated on board the Victory in the Gulf of Palma, Sardinia, December 19th, 1804.

NELSON AND BRONTE.

No. VII.

[Dated September 11th, 1805.]

I give my dearest friend, Lady Hamilton, all the hay belonging to me at Merton and in Wimbledon Parish. September 11th, 1805.

NELSON AND BRONTE.

No. VIII.

[Autograph dated 21st October, 1805.]

October the twenty-first, one thousand eight hundred and five, then in sight of the Combined Fleets of France and Spain, distant about ten miles.

Whereas the eminent services of Emma Hamilton, widow of the Right Honourable Sir William Hamilton, have been of the very greatest service to our King and Country to my knowledge, without her receiving any reward from either our King or Country. First, that she obtained the King of Spain's letter, in 1796, to his brother the King of Naples, acquainting him of his intention to declare war against England, from which letter the Ministry sent out orders to then Sir John Jervis to strike a stroke, if opportunity offered, against either the Arsenals of Spain or her Fleets; that neither of these was done is not the fault of Lady Hamilton, the opportunity might have been offered. Secondly, the British Fleet under my command could never have returned the second time to Egypt, had not Lady Hamilton's influence with the Queen of Naples caused letters to be wrote to the Governor of Syracuse, that he was to encourage the Fleet being supplied with everything, should they put into any Port in Sicily; we put into Syracuse and received every supply, went to Egypt, and destroyed the French Fleet. Could I have rewarded these services, I would not now call

upon my Country, but as that has not been in my power, I leave Emma Hamilton therefore a legacy to my King and Country, that they will give her an ample provision to maintain her rank in life. I also leave to the beneficence of my Country my adopted daughter Horatia Nelson Thompson, and I desire she will use in future the name of Nelson only. These are the only favours I ask of my King and Country at this moment, when I am going to fight their Battle. May God bless my King and Country, and all those who I hold dear. My relations it is needless to mention; they will of course be amply provided for.

NELSON AND BRONTE.

(Witness)

HENRY BLACKWOOD.

T. M. HARDY.