

The Last Will and Testament of Kirk Boott Snr.  
The Bootts' connection to William Strutt of Derby and the Travails of John Wright  
Boott

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The Last Will and Testament of Kirk Boott Snr.(1755-1817) appears as an unverified copy in the appendix of a document written by Edward Brooks (b. Boston, MA, Dec 22,1793, d. Medford, MA, April 11,1878), husband of Elizabeth (nee Boott b, MA, 1799, d. Paris, France June 21, 1865).one of four daughters of Kirk Boott Snr.

The document entitled "Correspondence between Edward Brooks and John A. Lowell with Remarks by Edward Brooks" (1847) arose from a dispute between Brooks and John Amory Lowell following the death by gunshot suicide on 1st March 1845 of John Wright Boott (b. 1786), eldest son of Kirk Boott Snr. John Wright Boott is mentioned in some detail in the will document below.

Significant points to note:

- The will shows that, at the time of its writing in 1813, Boott Snr. owned property in King Street, Derby, England and that at least one of his closest family was resident there, namely sister Elizabeth Boott. Conveniently, this property was very close to St. Helens House, also on King Street, where the civil engineer William Strutt was resident. William had bought the property and had taken up residence there in 1801. He was later to take over as President of the Derby Philosophical Society following Erasmus Darwin's death in 1803 and later became elected as a Fellow of the Royal Society. An 1821 letter from Samuel Slater in Providence, Rhode. Island to George Benson Strutt, brother of William, also shows that at some stage the Strutts were providing the Bootts with valuable technical information. go to <http://www.tunaleyfamily.com/SamuelSlater.pdf>
- Regarding the terms as laid out in Kirk Boott's Will, it seems those members of the Boott family who stood to benefit were content to allow John Wright Boott to act as sole executor. Evidently, much of K.B.'s estate was then lost by John Wright Boott by investing in an ill-fated project involving an iron foundry, known as the Mill Dam Foundry, this business being set up in 1826, in the Boston and Roxbury Mill Dam area of Boston's Back Bay. The accompanying business failure, in partnership with two brothers-in-law Robert Ralston and William Lyman coupled with J.W.B. not fully honouring his father's wishes, may well have been factors in his subsequent mental decline and suicide. However, other adult members of the family evidently bore a shared responsibility and that is possibly the main reason the matter concerning the distribution of Kirk Boott Snr.'s estate according to the latter's will never came to court (but see next item). As a matter of interest, Wright et al may have been encouraged by the swingeing 1824 Tariiff on imports that particularly affected iron imports; the high tariffs having been set up in order to encourage home industry. Significantly, there was also the influence of Kirk Boott Jnr's brother-in-law James Oakes Jnr, the owner of the Riddings Ironworks and Foundry at The Riddings, Derbyshire, a company that ultimately became part of the British Steel Corporation. James was married to Sarah Haden, twin sister of Ann Haden, Kirk Boott Jnr.' wife. See: <http://www.tunaleyfamily.com/oakes.htm>.

- The dispute between Edward Brooks and John A. Lowell arose following the publication of John Wright Boott's will after his death (for copy of will see <https://www.tunaleyfamily.com/JWBoottWill.pdf> ). Lowell was a close friend and legal adviser to Wright Boott and benefited substantially from the will. From Brook's point of view, there was the question of Wright Boott's sanity at the time of writing his will, bearing in mind Boott's suicide six months later, along with implied questions as to whether all of Kirk Boott Snr.'s estate had indeed been dissipated or whether residual parts remained. In fact Edward Brooks did challenge the validity of Wright Boott's will at the Boston Probate Court but his challenge was based purely on the question of Wright Boott's sanity at the time of execution of the will and not on how Kirk Boott Snr.s estate had been handled. In the event, the case of insanity was judged to be unproven by the Probate Court and Brooks was ordered to pay court costs.
- According to Edward Brooks's document, "Correspondence Between Edward Brooks and John A. Lowell", "He (Wright Boott) was also guardian of the children of his cousin, the late Mr. Francis Boott and there was a deficiency of \$20,000 to be made good on that account, for which he was wholly unprovided and his father's name was on his guardianship bond." The children in question were, of course, also the children of Mrs.Mary Boott (nee Tunaley) who is not mentioned in the correspondence: <http://www.tunaleyfamily.com/tunaley--mary-1775.htm>
- Sadly, John Wright Boott's mishandling of the estate caused the family to split up over a period of time. In 1820, Francis Boott left for London, England to become an eminent physician. He never returned. Mary Love Boott, Kirk Boot Snr.'s wife, joined Francis in London in 1836 one year before Kirk Boott Jnr. died 1837. And James Boott, another son of the older Kirk, followed Mary to England a year later.
- Notes on Edward Brooks appear at the end of this document.

WILL AND CODICIL of KIRK BOOTT, SENIOR

*Proved and allowed Jan. 20, 1817.*

COMMONWEATH OF MASSACHUSETTS.

BOSTON, November the twentieth, in the year of our Lord one thousand eight hundred and thirteen, I, Kirk Boott, make this my last will and testament, viz.:

I give and bequeath mourning to all the servants who may be living in my family at the time of my decease, which, with the expenses of my funeral, I order to be paid out of my personal estate-the mourning to be given at the entire discretion of my beloved and exemplary wife, Mary Boott. I give and bequeath to my sister, Elizabeth Boott of Derby, in the kingdom of Great Britain, and her heirs, all my share, right, and interest, and also those shares, rights, and interest, which I have or may become possessed of,, by purchase or otherwise, of and in the

house, situated in King Street, Derby, aforesaid, in which my said sister now resides; but, if she should demise without heirs, I give and bequeath the above mentioned rights and interest .in the said house, to my sister, Ann Boott, of said Derby. I bequeath five thousand five hundred and fifty-five dollars and fifty-six cents, to be placed out at interest, on good security the interest money on which, as it shall accrue, I give to my said sister, Elizabeth Boott, for and during the term of her natural life. I bequeath five thousand five hundred and fifty -five dollars and fifty -six cents, to be placed out of interest, on good security, the interest money on which, as it shall accrue, I give to my said sister, Ann Boott, for and during the term of her natural life. I bequeath one hundred thousand dollars, to be placed out at interest, on good security, the interest money on which as it shall arise I give to my said wife, Mary Boott, for arid during the term of her natural life, for the support or her, the support of our minor children, and for the educating of them, until they each shall arrive at twenty-one years of age. At this time, Mary, James, Elizabeth, Ann, and William, are minors. I appoint my Executors to this will Trustees, for the investments of the moneys of the three above-mentioned legacies to receive the interest, and to pay it as devised, to my sisters Elizabeth and. Ann, and to my wife, Mary Boott. I bequeath to my said wife Mary Boott.the use of my house which I have lately built, situated in Bowdoin Square, in this town, with the outbuildings and garden appurtenant thereto for and during the term of her natural life without any consideration for rent whatever, she keeping the same in good repair, I give and bequeath to my said wife, Mary, all my household furniture, plate. watches, wines and liquors of all sorts. I give and bequeath my son, John Wright Boott, all that certain piece of land,, and the store built thereon, in which we do business situated in State Street in this town, and the strip of land situated east of William Pratt's store as expressed in the deed dated February 24 1808. I give and bequeath to my said son, John Wright, my share in the Boston Athenaeum, so-called, established in this town, in consideration of his good conduct, which has ever been satisfactory to me.

The money legacies which I have bequeathed are to be paid out of the proceeds of the mortgages, bonds, notes, accounts, merchandise, cash, shares in incorporated companies, except the share in the Boston Athenaeum, and stock in public funds which I may die possessed of. The residue of the above mentioned property, I give and bequeath to my children, Frances, John Wright, Kirk, Francis, Mary, James, Elizabeth, Ann, William and each and every child who may hereafter be born unto me, being alive at my demise, namely: supposing the amount to be nine thousand dollars as I have now nine children, each child shall have one thousand dollars. If I should leave ten children, then to suppose it to be ten thousand dollars and increasing this amount in supposition, one thousand dollars for each child more than ten so that each child shall have one thousand dollars bequeathed to him or her, and each, in this proportion be the amount more or less; but the proportional part bequeathed to each child who may be

minors at my demise, I leave to be placed out at interest, on good security; that is, the several parts are to be added together, and the whole amount in the aggregate is to be placed out at interest, so that the minor children, until each arrive at twenty-one years of age, shall jointly and severally run the risk of the security which may be taken for it.

And as each child shall arrive at twenty-one years of age, he or she shall be paid his or her proportional part of the property until it be wholly paid to them. But if one or more of my children shall have died before arriving at the said age, then my will is, that the part or parts which would have belonged to the deceased, being living, shall be equally divided among all my surviving children or their heirs.

At the demise of my said sister, Elizabeth Boott, the five thousand five hundred fifty-five dollars and fifty-six cents, which I have left to be placed out at interest, the interest of which is for her use during her natural life:- at the demise of my said sister Ann Boott the five thousand five hundred fifty-five dollars and fifty-six cents which I have left to be placed out at interest, the interest of which is for her use during her natural life :-at the demise of my said wife, Mary Boott, the one hundred thousand dollars left to be placed out at interest, the interest money which is for her use, and other purposes before mentioned, during her natural life.

The house, situated in Bowdoin Square, which is left for her, the said Mary's use during her natural life, at her demise I order it to be sold, the amount which it shall produce and the several sums above mentioned viz.: Five thousand five hundred fifty-five dollars and fifty-six cents; five thousand five hundred fifty-five dollars and fifty-six cents; and one hundred thousand dollars. I bequeath to be equally divided among our children, viz.: Frances, John Wright, Kirk, Francis, Mary, James, Elizabeth, Ann, William, and each and every child who may be hereafter born unto me, subject, as to minor children, to the same disposition and restrictions, as the other property, proceeding from mortgages, bonds, notes, &c bequeathed, as before mentioned, to them.

I hereby appoint my cousin, Mr. Kirk Boott, of London, Mr. John Horrocks of Derby, both of the kingdom of Great Britain; my wife, Mary Boott; Mr. William Pratt; my son John Wright Boott; and my son-in-law Mr William Wells, all of Boston, Executors of this Will and Trustees and Guardians to my children:- and I also appoint my wife, Mary Boott, residuary legatee of all property not bequeathed in this will

My eamest desire is that my children may have good educations; that the principles of religion and morality, industry and sobriety, may be strongly inculcated. I most affectionately desire them to be friendly and serviceable to each other adding to each other's: comforts and administering to each others'

wants throughout their lives. And may God bless guide and protect them in the paths of rectitude and honor..

In witness whereof I have hereunto set my hand and seal in the day and year of our Lord above mentioned.

KIRK: BOOTT [L.S.]

Signed, sealed, and declared by the said Kirk Boott, in the presence of us, who, in his presence and in the presence of each other have subscribed our names as witnesses hereto

Jona. Howard, Nath'l Goodwin Jr., Leonard Goss.

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#### About Edward Brooks

Edward Brooks b, Boston, Dec 22 1793, d. Medford, MA, April 11 1878, aged 84 years.

Edward married Elizabeth Boott, May 3 1821 Elizabeth, daughter of Kirk Boott Snr, b. July 20 1799, d. Paris, France, June 21, 1865. They had three children, Edward, b. Feb 14, 1822, d. June 22 1851; Francis b. Nov 1 1824 d. 27 Oct 1891, Medford ; Anna Gorham Brooks, b. Cambridge MA, Jan 22 1830, d. Cambridge, Oct 27 1848.

From "The New England Historical and Genealogical Register" Volume 32, 1878: "Edward Brooks was one of the representatives of Boston in the legislature of Massachusetts for the years 1834, '36, '37, and '42"

President of the General Theological Library" for nine years until the year preceding his death and, for ten years, contributor to The American Review.

In consequence of the ill health of his wife, he spent many years in foreign lands. The Boston public library is indebted to him for an admirable original portrait of Franklin, presented on his return from Europe."

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P.H.Tunaley