
Will of John Culcheth 1772 (TNA, PROB 11/980/308)

Summary

Testator: John Culcheth the Elder, Daventry, County of Northampton, Innholder
Executrors: son James, friend Robert Andrew
Date: 13 March 1771, proved 5 September 1772
Witnesses: Thomas Freeman, Richard Freeman, Andrew Meeres
Will: - house in Daventry to wife Elizabeth, after her death to grandson James, son of eldest son James
- all other property to be sold to pay bequests
- £100 to eldest son James the elder
- £100 to wife Elizabeth
- £10 to youngest son John
- £5 each to **brother Peter, sisters Judith Dawson & Ruth Hebbert**
- £20 to niece Ruth Major
- yearly interest on £220 to **daughter Mary Stevens**, after her death £220 to the benefit of her children
- rest equally to all children of sons James and John

Text

In the name of God Amen

1. **I John Culcheth the Elder of Daventry, County of Northampton, Innholder**, being weak in body, being not in a good state of bodily health but of perfect sound and disposing mind memory and understanding (praised be God for the same) do therefore make and declare this alone to be my last Will and Testament in manner following (that is to say)
2. First All that my **messuage** cottage or tenement with the yard outbuildings commons and appurtenances thereunto belonging situate standing and being **in Daventry** aforesaid and now or late **in the occupation of Edward Earle** I give and bequeath unto my loving **wife Elizabeth** and to her assigns for and during the term of her natural life but not without impeachment of waste or with power to commit waste
3. And from and immediately **after her decease** I give devise and bequeath my said messuage cottage or tenement with the yard outbuildings commons and appurtenances thereunto belonging unto my **grandson James Culcheth (the eldest son of my eldest son James Culcheth** of Drayton in the parish of Daventry aforesaid Tanner and to his heirs and assigns to the only and absolute proper use and behoof of my said grandson James Culcheth the younger and of his heirs and assigns forever
4. Also **all** and over **other** my messuages cottages dwelling houses homesteads closes lands tenements reversions hereditaments and **real estates** whatsoever with their appurtenances situate standing lying and being in the town fields parish and precincts of Daventry aforesaid and elsewhere in the Kingdom of Great Britain I give devise and bequeath unto my friend Robert Andrew of Daventry aforesaid gentleman and unto my said son the said James Culcheth and to their heirs and assigns to the use of the said Robert Andrew and my said son the said James Culcheth the elder their heirs and assigns upon Trust and confidence nevertheless in them reposed that they the said Robert Andrew and my said son the said James Culcheth the elder and the survivor of them his heirs and assigns do and shall as conveniently may be after my decease absolutely grant bargain sell and

dispose of all and singular my same messuages cottages dwelling houses homesteads closes lands tenements reversions hereditaments and real estates whatsoever with their appurtenances so to them given devised and bequeathed as aforesaid either entire or in parcels in Fee simple or for such other estate and interest as I have therein and to the best purchaser and purchasers and for the best price or prices that can or may be reasonably had or gotten for the same and do and shall pay employ and dispose of the monies accruing by such sale or sales to the several persons and for the several purposes to whom I have hereinafter by this my Will given and bequeathed the same or ordered the same to be paid and applied And my will is that the receipt or receipts of my said Trustees or the survivor of them his heirs or assigns shall be a good and sufficient discharge and discharges to such purchaser or purchasers his her or their heirs executors or administrators for such purchase money or purchase monies Also **all** and singular **my goods** household goods chattels cattle debts bonds mortgages on free or for years monies and securities for money stock ale beer wine and other liquors hay straw grain corn leases effects and personal estate whatsoever or wheresoever and of what nature or sort or kind se ever I give and bequeath unto the said Robert Andrew and my son the said James Culcheth the elder and to their executors administrators and assigns **Upon Trust** nevertheless in them reposed that they the said Robert Andrew and my son the said James Culcheth the elder and the survivor of them his executors administrators and assigns do and shall as soon as conveniently be after my decease **sell and convert into money** all such my said goods household goods chattels cattle and personal effects as at my decease shall not be in money And my will is and I do hereby order and direct that the said Robert Andrew and my son the said James Culcheth the elder and the survivor of them his executors administrators and assigns do and shall as soon as they conveniently can after my decease by and out of the moneys arising by the sale or sales of my said real and personal estate or either of them and by and out of my personal estate at my death shall be in money in the first place pay and discharge all and every such debts which I shall owe or be justly indebted to any person or persons whatsoever at my death either upon mortgage bond note simple contract or other my funeral expenses and the charges of proving this my will And also all such costs charges damages journeys and troubles and expenses as the said Robert Andrew and my son the said James Culcheth the elder and the survivor of them his executors administrators and assigns shall expend lay out or be put unto in or about the execution of the Trusts hereby in them reposed And in the next place do and shall as soon as conveniently may be thereout **pay** the several **legacies** or sums of money hereinafter respectively mentioned to the persons hereinafter named to whom respectively I give and bequeath the same (that is to say)

5. Unto my said **eldest son James Culcheth the elder** the sum of **one hundred pounds** of lawful money of Great Britain
6. Unto my said **loving wife Elizabeth** the sum of **one hundred pounds** of like money
7. Unto my **youngest son John Culcheth** the sum of **ten pounds** of like money
8. Unto my **brother Peter Culcheth** and unto my **sisters Judith Dawson and Ruth Hebbert** the sum of **five pounds** apiece of like money
9. And unto my **niece Ruth Major** the sum of **twenty pounds** of like money

10. All and every which said several legacies or sums of money I will order and direct shall be paid unto the said several legatees or persons to whom I have ordered the same to be paid within eighteen calendar months next after my decease
11. And my will is that the said Robert Andrew and my son the said James Culcheth the elder and the survivor of them his executors administrators and assigns do and shall also out of the monies arising by such sale or sales of my said real and personal estates or either of them or by and out of such part of my said personal estate as at my death shall be in money or some of them keep and retain in their hands the sum of two hundred and twenty pounds of like lawful money and put the sum out at interest during the natural life of my daughter Mary Stevens and pay and apply the interest thereof in the manner hereinafter by me ordered and directed
12. And my will further is and I do hereby order and direct that the said Robert Andrew and my son the said James Culcheth the elder and the survivor of them his executors administrators and assigns do and shall pay and deliver over all the residue and **remainder of the monies** arising by such sale or sales of my said real and personal estates and also the remainder of such part of my personal estate as at my death shall be in money after the payment thereof of my said before mentioned several legacies and sums of money and deductions aforesaid unto and **amongst** or for the benefit and advantage of all and **every** the **child** and children of **my said eldest son James Culcheth and of my said youngest son John Culcheth equally** amongst them share and share alike and to their several and respective executors administrators and assigns to whom respectively I give and bequeath the sums to be paid them accordingly
13. Also my will is that the said Robert Andrew and my son the said James Culcheth the elder and the survivor of them his executors administrators and assigns do and shall during the life of my said daughter Mary Stevens put and place the said sum of **two hundred and twenty pounds out at interest** upon Government or such other security or securities and for such interest and increase as the said Robert Andrew and my son the said James Culcheth the elder and the survivor of them his executors administrators and assigns shall think proper and shall pay and apply the **interest thereof** as the same shall be from time to time received **unto my said daughter Mary Stevens** or for her sole and separate use and benefit during her life at such time and times and in such shares proportions and manner as the said Robert Andrew and my son the said James Culcheth the elder and the survivor of them his executors administrators and assigns shall think proper
14. And that such interest shall be entirely free from the control power debts and engagements of any husband she now has or hereafter may have and wherewith such husband or husbands shall have no intermeddling or disposal thereof or of any part or parts thereof
15. And that the receipt of my said daughter Mary Stevens although under courture shall from time to time be a good and sufficient discharge or discharges to my said trustees and the survivor of them his executors administrators and assigns for such interest money
16. And my will further is and I do hereby direct that **after the death of my said daughter Mary Stevens** the said Robert Andrew and my son the said James Culcheth the elder and the survivor of them his executors administrators and assigns do and shall pay and apply the said sum of **two hundred and twenty pounds** unto and amongst or **to the benefit maintenance education and bringing up of** all and **every** the **child** and children of **my said daughter Mary Stevens** which shall be living at her death at such time or times and

in such shares proportions and manner as the said Robert Andrew and my son the said James Culcheth the elder and the survivor of them his executors administrators and assigns shall think proper

17. Also my will further is and I do hereby direct that the said Robert Andrew and my son the said James Culcheth the elder and the survivor of them his executors administrators and assigns shall by and out of the monies which shall come to their or either of their hands by virtue of this my will be satisfied contented and paid for their each and every of their costs charges troubles damages expenses and journeys which they either or any of them shall expend lay out or be put unto in or about the execution of the trusts hereby in them reposed and that they or either of them shall not be answerable or accountable the one of the other or for the acts deeds defaults or miscarriages the one of the other nor with or for any more monies than what they shall each of them respectively actually receive nor shall they or either of them be liable to make good and pay any monies that may be by them or either of them put placed or continued out at interest upon any insufficient or deficient security or securities
18. Also I do hereby nominate constitute and appoint the said **Robert Andrew and my son the said James Culcheth the elder** and the survivor of them **executors** and executor of this my last Will and Testament
19. In Trust nevertheless as aforesaid and I do hereby revoke and make void all former and other Will and Wills by me heretofore made And I do declare this alone to be my last Will and Testament
20. In Witness whereof I the said testator John Culcheth the elder have to this my last Will and Testament set my hand and seal this thirtieth day of March in the year of our Lord one thousand seven hundred and seventy one

John Culcheth Elder

Signed sealed published and declared by the above named testator John Culcheth the Elder as and for his last Will and Testament in our presence and attested and subscribed in his presence and in the presence of each other by us and the words (persons & for the several) being by us first observed to have been interlined between the twelfth and thirteenth lines of the same Will before the signing sealing publishing and declaring of the same Will by the above named testator

Thos Freeman Richd Freeman Andw Meeres

This Will was proved at London the fifth day of September in the year of our Lord one thousand seven hundred and seventy two before the Right Worshipful George Hay Doctor of Laws Master Keeper or Commissary of the Prerogative Court of Canterbury lawfully constituted by the oaths of James Culcheth the elder the son of the deceased and Robert Anmdrew the executors named in the said Will to whom administration was granted of all and singular the goods chattels and credits of the said deceased they having been first sworn by commission duly to administer