

Lyddington Manor History Society

Matthew BROWN, grazier of Caldecott

Will proved 1842

TNA PROB 11/1970

1 This is the last Will and Testament
2 of me Matthew Brown of Caldecott in the County of Rutland Grazier made
3 the thirteenth day of January one thousand eight hundred and thirty
4 one of which I appoint my friend John Stokes of Caldecott aforesaid
5 Grazier and my son in law John Burton of Market Harborough in the
6 County of Leicester Furrier joint Executors First I direct that all my just debts
7 funeral and testamentary expences be paid by my executors as soon as
8 conveniently may be after my decease I give and devise unto the said John
9 Stokes and John Burton all my messuages cottages or tenements closes or
10 grounds unclosed lands and hereditaments and all and singular other my
11 real estate whatsoever and wheresoever and whether freehold or copyhold
12 also I give and bequeath unto the said John Stokes and John Burton all
13 my household goods and furniture plate linen and china Farming stock and
14 crops implements of husbandry monies securities of money debts and all
15 and singular other my Personal Estate and Effects whatsoever to hold the
16 same real and personal estates respectively according to the respective
17 natures thereof unto and to the use of the said John Stokes and John
18 Burton their heirs executors administrators and assigns nevertheless
19 upon and for the trusts intents and purposes hereinafter expressed and
20 declared concerning the same (that is to say) as to and concerning my said
21 real estate hereinbefore devised upon trust that they the said John Stokes
22 and John Burton and the survivor of them and the heirs and assigns of such
23 survivor do and shall as soon as conveniently may be after my decease
24 absolutely sell and dispose of my said real estate either by public auction
25 or private contract and together or in parcels as they or he shall think
26 proper for the best price in money that can be reasonably obtained for the
27 same and do and shall stand possessed of the money arising by such sale
28 or sales upon and for the trusts intents and purposes hereinafter declared
29 concerning the same and I do hereby direct that the receipt or receipts of the
30 trustee or trustees for the time being of this my will shall be a good and

31 sufficient discharge or good and sufficient discharges to the purchaser or
32 purchasers of all or any part of my said real estates for so much money
33 as in such receipt or receipts shall be expressed to be received and such
34 purchaser or purchasers his her or their heirs executors administrators or
35 assigns having obtained such receipt or receipts shall not afterwards be
36 obliged to see to the application of such purchase money or be accountable
37 for misapplication or nonapplication thereof or of any part thereof and as to
38 and concerning my said personal estate and effects hereinbefore bequeathed
39 upon trust that they the said John Stokes and John Burton and the survivor
40 of them and the executors administrators and assigns of such survivor do
41 and shall as soon as conveniently may be after my decease collect and get
42 in such parts thereof as shall consist of money and sell and convert into
43 money such parts thereof as shall not consist of money and I do hereby
44 declare that they my said trustees and the survivor of them and the
45 executors administrators and assigns of such survivor do and shall stand
46 possessed of the money to arise by the collection sale and conversion of my said
47 personal estate and also of the money to arise by the sale of my said real
48 estate upon and for the trusts intents and purposes hereinafter expressed
49 and declared concerning the same (that is to say) upon trust that they my
50 said trustees and the survivor of them and the heirs and assigns of such
51 survivor do and shall lay out and invest the same in or upon real or
52 government security or securities at interest with power to vary after and
53 transpose such security or securities at discretion for others of the like nature
54 and do and shall pay and apply the interest or dividends thereof when
55 and as the same shall accrue and be received and also the rents issues and
56 profits of my said real estate until such sale or sales thereof shall be
57 completed unto and for my wife Mary Brown and her assigns or otherwise
58 permit and suffer her and them to receive the same for and during the term
59 of her natural life and from and after her decease upon trust that my
60 said trustees and the survivor of them and the executors administrators
61 or assigns of such survivor do and shall pay and apply the interest or
62 Dividends of such security or securities unto and for the said John Burton
63 and Amy his wife and their assigns for and during the term of their joint
64 natural lives and the life of the survivor of them and from and after the
65 decease of the said John Burton and Amy his wife and the survivor of them

66 then upon trust to pay share and divide the said principal money so to be
67 invested as aforesaid unto and amongst all and every the child and children
68 (if more than one) of the said John Burton and Amy his wife lawfully
69 begotten or to be begotten when and as they shall respectively attain his her
70 or their age or respective ages of twenty one years share and share alike
71 to and for their his or her absolute use and benefit respectively and if there
72 shall be but one such child then to such only child absolutely for ever to
73 whom I do hereby give and bequeath the same payable accordingly
74 provided always that in case all or any of the children of the said John
75 Burton and Amy his wife shall depart this life under the age of twenty one
76 years leaving lawful issue then I do declare that the share or shares of
77 him her or them so dying shall go to and be equally divided amongst his
78 her or their issue share and share alike at his her or their age or respective
79 ages of twenty one years but in case any or either of them shall be under
80 the said age without leaving lawful issue then I direct that the share or
81 shares of him her or them so dying shall go to and be equally divided
82 amongst the survivors and survivor of them and the issue of such as may
83 have died leaving issue such issue taking the share and proportion only
84 that his her or their parent or parents would have been entitled to if living
85 and I do hereby further direct and declare that in case the said John
86 Burton and Amy his wife and the survivor of them shall die without
87 leaving any issue living at their decease then that the said principal sum
88 so to be invested as aforesaid and the interest dividends and proceeds thereof
89 shall go and be paid to the executors administrators and assigns of the
90 survivor of them the said John Burton and Amy his wife absolutely for
91 ever provided also and I do hereby declare that it shall be lawful for my
92 said trustees or trustee for the time being of this my will to deduct and retain
93 to themselves and himself out of the trust money which shall come to their or
94 his hands by virtue of this my will all such costs damages and expences as
95 they or he may bear or expend in the execution of the trusts of this my will
96 and that they or other of them shall not be answerable or accountable for
97 the others of other of them but each for himself only and for his own acts and
98 defaults and that each of them shall be chargeable with such sum or sums
99 of money only as shall actually come to his own hands notwithstanding
100 their joining in receipts for the sake of conformity and that they or either of

101 them shall not be answerable for any loss which may happen to the trust
102 monies and promises or any part thereof without their or his willful neglect
103 or default and lastly I do revoke all other will by me at any time heretofore
104 made and do declare this only to be my last will and Testament In Witness
105 whereof I the said Matthew Brown the testator have to this my last
106 will and Testament contained on four sheets of paper set my hand and
107 seal to this fourth and last sheet thereof the day and year first herein
108 written Matthew Brown Signed sealed published and declared
109 by the said Matthew Brown the testator as and for his last will and
110 Testament in the presence of us who at his request in his presence and
111 the presence of each other have subscribed our names as witnesses – Elizabeth
112 Woodcock – William Woodcock, both of Caldecott – James Abbey Solicitor Market Harboro.

Summary of Latin Probate clause

Proved in London 10th November 1842 by John Burton

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Key words

Appurtenances (messuages, cottages, tenements), Crops, Family, Farmstock, Land, Location (Caldecott), Valuables