

*The Last Will and Testament
Of James White
of Hankerton
Will Proved
2nd March 1837*



Probate Court of London
Original reference
Will Dated 13th November 1834

Testator:	White	James	Gentleman of Hankerton
Executors:			
Godwin	John White	Nephew	Sole Executor
Trustees:			
Hall	Samuel		Gentleman of Christian Malford Joint Trustee
Hughes	William	Nephew	Gentleman of Cloatley Joint Trustee
Shewring	Henry		Gentleman of Eastcourt Joint Trustee

Beneficiaries		Relationship to testator	Other Information
Surname	Given Names		
Chivers	John		Tiler and Plasterer of Hankerton
Godwin	Ann	Niece	Daughter of Sally Godwin
Godwin	Eliza	Niece	Daughter of Sally Godwin
Godwin	George	Nephew	Son of Sally Godwin
Godwin	Howell	Nephew	Son of Sally Godwin
Godwin	John White	Nephew	Son of Sally Godwin
Godwin	Sally	Niece	Daughter of Sally Godwin
Hall	Samuel		
Hughes	Ann	Great Niece	Daughter of the late Eliza Hughes
Hughes	Henry	Nephew	
Hughes	William	Nephew	
Melsome	Jane	Niece	Daughter of Sally Godwin
White	Ann	Wife	
Witnesses			
Chubb	Thos		Solicitor of Malmesbury
Sangden	Wm		Clerk to Thos Chubb
Yewens	Wm		Clerk to Thos Chubb
Other Names			
Goddard	Thomas	Late Half Brother	
Godwin	Sally	Late Sister	
Hughes	Eliza	Late Niece	

This is the Last Will and Testament of me **James White** of Cloatley in the Parish of Hankerton in the County of Wilts Gentleman

I give and bequeath unto my dear Wife **Ann** the sum of Sixty pounds of lawful English money to enable her to commence Housekeeping and direct the same to be paid to her within one month next after my decease

I also give and devise unto my said Wife the following parts of my dwelling house ~~the~~ the parlor the bedroom over the same and a part of the loft adjoining thereto to make another bedroom and which is to extend to the first Couples being about the distance of nine feet from the first mentioned bedroom and which additional bedroom if not made in my life time I direct to be made immediately after my decease under the direction of my trustees hereinafter named and the expenses thereof I direct to be paid out of my personal Estate

And also the rooms which are now used by me as a Harness house and Hog tub house together with the Grass plot in front of the said Parlor and the two patches of my garden adjoining the privy (such garden being now divided into six patches) and each of which said two patches intended for my said Wife is bounded on or towards the North by the public Road leading from Hankerton to Minty

And also the use in common with the occupier for the time being of the remainder of my said dwelling house and premises of the said privy and the Pump and well of water and the brewhouse with the Furnace Boiler and Oven therein to the said rooms grass plot Patches of garden ground and the use of the privy pump brewhouse and premises aforesaid unto and to the use of my said Wife for and during the term of her natural life

And I direct that an internal communication between the remainder of my dwelling house and my said Wife's rooms and apartments shall be charged to the expense of my personal Estate immediately after my decease if not done in my life time And do so direct that my said Wife and my trustees hereinafter named shall and may select and choose out of my household goods and furniture plate linen china earthenware and implements of household such parts thereof as she and they shall think fit and proper for the purpose of furnishing the said rooms so to be occupied by her for her life as aforesaid and from and after her decease I give and bequeath the same goods furniture and effects so selected and appropriated as aforesaid unto **Ann Hughes** daughter of my late niece **Eliza Hughes** deceased now resident with me and aged about seven years to and for her own use and benefit

I give devise and bequeath unto my said Wife one annuity or clear yearly rent charge of seventy pounds of like lawful money as aforesaid to be issuing out of and charged upon my messuage farm lands and premises situate at Cloatley aforesaid and hereinafter mentioned and devised (except the parts thereof so given to my said Wife for her life as aforesaid for and during the term of her natural life payable by equal quarterly payments in every year without any deductions or abatement whatsoever the first payment thereof to be made on that day three months according to calendar which shall happen next after my decease and a one proportion of the said annuity to be computed from the last quarterly payment to the day of her death to be paid to her Executors administrators or assigns

And in case the said Annuity or yearly rent charge or any part thereof shall be behind and unpaid by the space of twenty eight days next after the days on which the same shall become payable being first lawfully demanded then I give unto my said Wife such and like powers and remedies of distress upon my said messuage farm lands and premises for the recovery thereof as are usually given and reserved to ~~Ann~~ upon leases in cases of rents in arrear

And I declare that the power of Distress hereby given is without prejudice to the powers and remedies hereinafter contained for the recovery of the same Annuity by any trustees hereinafter named Provided always and I do hereby declare my will and mind to be that the said Annuity so as aforesaid given to my said Wife for her life and other the gifts devises and bequests to her contained in this my Will are meant and intended by me to be in lieu and full satisfaction and discharge of all dower and thirds at the Comon law or by custom or otherwise as she would be entitled in or out of my real and personal Estate and Effects in default of this my Will and also in lieu and satisfaction of an annuity of Fifty pounds

secured to her for her life by the bond of my late half brother **Thomas Goddard** deceased dated the twenty fifth day of March one thousand eight hundred and seventeen

I give devise and bequeath unto my nephew **William Hughes** of Cloatley aforesaid Gentleman **Henry Shewring** of Eastcourt in the said County of Wilts Gentleman and **Samuel Hall** of Christian Malford in the said County of Wilts Gentleman their executors admors and assigns one annuity or clear yearly rent charge of thirty pounds of like lawful money as aforesaid to be issuing out of and charged upon my said messuage farm lands and premises at Cloatley for and during the term of the natural life of my said Great niece the said **Ann Hughes** or until a marriage for her shall be raised for her by my said trustees or the survivors or survivor of them or the executors administrators or assigns of such survivor under the trusts and powers hereinafter contained the same annuity or yearly rent charge during its continuance to be payable by equal quarterly payments in every year without any deduction or abatement whatsoever and the first payment thereof to be made on that day three months according to the calendar as shall happen next after my decease

And I hereby direct the said annuity or yearly rent charge of thirty pounds to be paid into the hands of my said Wife during her life for the maintenance support and education of my said Great niece the said **Ann Hughes** and from and after the decease of my said Wife and thenceforth during the minority of the said **Ann Hughes** to be paid applied and disposed of by my said trustees or trustee for the maintenance support and education of the said **Ann Hughes** as they or he shall think proper and afterwards to be in the hands of the said **Ann Hughes** during her life or until a marriage portion shall be raised for her as aforesaid

And in case my said Great Niece the said **Ann Hughes** shall at any time marry with the previous consent and approbation in writing of my said trustees or the survivors or survivor of them or the executors administrators or assigns of such survivor then and in that case I give and bequeath unto the said **Ann Hughes** the sum of Nine hundred pounds of like lawful money as aforesaid as and for her marriage portion

And I direct the same to be paid to her at the time of her marriage with such previous consent as aforesaid and from and immediately after the payment of the said legacy or sum of nine hundred pounds I direct that the said Annuity or yearly rent charge of thirty pounds hereinbefore given devised and bequeathed to or in trust for her the said **Ann Hughes** shall cease and determine

I give and bequeath unto my two nephews the younger sons of my late Sister **Sally Godwin** namely **Howell Godwin** and **George Godwin** the sum of three hundred pounds apiece of like lawful money as aforesaid and unto my four nieces daughters of my said late Sister **Sally Godwin** namely **Eliza Godwin Ann Godwin Sally Godwin** and **Jane Melsome** the sum of two hundred and fifty pounds apiece of like lawful money as aforesaid and I direct the said legacies to my said last named nephews and nieces to be paid to them within six months next after my decease

And my will and mind is that in case any sum or sums of money shall be due or owing to me at the time of my decease from any or either of my said nephews or nieces or from the husband or husbands of any of my said nieces such sum or sums of money shall be deducted from and taken and considered as a part payment and satisfaction of the legacy or legacies hereinbefore bequeathed to the nephew or niece from whom or from whose husband any such sum or sums of money shall be due or owing to me as aforesaid

I give and bequeath unto **John Chivers** of Hankerton aforesaid Tiler and Plasterer the sum of one hundred pounds of like lawful money as aforesaid to be paid to him within six months next after my decease

I give and bequeath unto my nephews the said **William Hughes** and **Henry Hughes** the sum of fifty pounds apiece of like lawful money as aforesaid and unto the said **Samuel Hall** the sum of twenty and direct the said three last mentioned legatees to be paid within six months next after my decease as a compensation for the trouble my said trustees will have in the execution of this my Will

And as to all the Rest Residue and Remainder of my Personal Estate and Effects whatsoever and wheresoever after payment of the several legacies herein before mentioned and all my just debts and funeral and testamentary expenses I give and bequeath the same unto my Nephew **John White Godwin** the son of my said late Sister **Sally Godwin** to and for his own use and benefit

I give devise and bequeath unto the said **William Hughes Henry Shewring** and **Samuel Hall** All that and those my messuage farm lands hereditaments and premises in my own occupation situate lying and being at Cloatley aforesaid and all other my real Estate whatsoever and wheresoever except the said Rooms Grass plate Patches of garden ground and premises hereinbefore devised to my said Wife for her life as aforesaid

And also all those the said rooms grass plate patches of garden ground and other premises from and after the decease of my said Wife with all and singular the rights members and appurtenances To hold the same unto the said **William Hughes Henry Shewring** and **Samuel Hall** and their Heirs To the uses and upon and for the trusts intents and purposes hereinafter limited expressed and declared of and concerning the same that is to say To the use of the said **William Hughes Henry Shewring** and **Samuel Hall** their executors administrators and assigns for and during the term of two hundred years to be computed from the day of my decease and fully to be complete and ended without impeachment of waste but nevertheless upon and for the trusts intents and purposes and with under and subject to the powers provisoes and declarations hereinafter expressed and declared of and concerning the same and from and after the expiration or sooner determination of the said term of two hundred years and in the mean time subject thereto and to the trusts thereof To the use of my nephew the said **John White Godwin** and his assigns for and during the term of his natural life without impeachment of waste

And from and after the determination of that Estate by forfeiture or otherwise in the life time of the said **John White Godwin** To the use of the said **William Hughes Henry Shewring** and **Samuel Hall** and their heirs during the natural life of the said **John White Godwin** in trust to preserve the contingent uses and estates hereinafter limited from being defeated or destroyed and for that purpose to make entries and bring actions as occasion shall require but nevertheless to permit and suffer the said **John White Godwin** and his assigns to receive and take the rents issues and profits of the said messuage farm lands and premises (without prejudice to my said Wife's use Estate and Interest in certain parts thereof as aforesaid) to his and their own use during his life

And from and immediately after the decease of the said **John White Godwin** To the use of the first and every other son of the body of the said **John White Godwin** lawfully begotten or to be begotten severally successively and in remainder one after another they shall be in seniority of age and priority of birth and the heirs male of the body and bodies of all and every such son and sons issuing the older of such sons and the heirs male of his being always preferred and to take before the younger of such sons and the heirs male of his and their body and bodies issuing

And in default of such issue To the use of my nephew the said **Howell Godwin** and his assigns for and during the term of his natural life without impeachment of waste And from and after the determination of that estate by forfeiture or otherwise in the life time of the said **Howell Godwin** in trust to preserve the contingent uses and estates hereinafter limited from being defeated or destroyed and for that purpose to make entries and bring actions as occasion shall require but nevertheless to permit and suffer the said **Howell Godwin** and his assigns to receive and take the rents issues and profits of the said messuage farm lands and premises (without prejudice as aforesaid) to his and their own use during his life and from and immediately after the decease of the said **Howell Godwin** To the use of the first and every other son of the body of the said **Howell Godwin** lawfully begotten or to be begotten severally successively and in remainder one after another they shall be in seniority of age and priority of birth and the heirs male of the body and bodies of all and every such son and sons issuing the older of such sons and the heirs male of his being always preferred and to take before the younger of such sons and the heirs male of his and their body and bodies issuing

And in default of such issue To the use of my nephew the said **George Godwin** and his assigns for and during the term of his natural life without impeachment of waste And from and after the determination of that estate by forfeiture or otherwise in the life time of the said **George Godwin** in trust to preserve the contingent uses and estates hereinafter limited from being defeated or destroyed and for that purpose to make entries and bring actions as occasion shall require but nevertheless to permit and suffer the said **George Godwin** and his assigns to receive and take the rents issues and profits of the said messuage farm lands and premises (without prejudice as aforesaid) to his and their own use during his life and from and immediately after the decease of the said **George Godwin** To the use of the first and every other son of the body of the said **George Godwin** lawfully begotten or to be begotten severally successively and in remainder one after another they shall be in seniority of age and priority of birth and the heirs male of the body and bodies of all and

every such son and sons issuing the older of such sons and the heirs male of his being always preferred and to take before the younger of such sons and the heirs male of his and their body and bodies issuing

And in default of such issue To the use of my own right heir for ever And I do hereby declare that the said term of two hundred years hereinbefore limited is so limited to the said **William Hughes Henry Shewring** and **Samuel Hall** their executors administrators and assigns upon trust for the further and better securing the payment of all and every the annuities and legacies hereinbefore given devised and bequeathed at the days and times and in manner hereinbefore mentioned and appointed for payment thereof respectively for which and I hereby declare that the said **William Hughes Henry Shewring** and **Samuel Hall** their executors administrators and assigns shall and do permit and suffer the person or persons to whom the immediate remainder or reversion of my said messuage farm and lands and premises comprised in the said term of two hundred years expectant upon the determination thereof shall for the time being belong according to the limitations aforesaid to receive and take the rents issues and profits of the same premises until default shall happen to be made of or in payment of the said Annuity or yearly rent charge of thirty pounds unto or in trust for my said great niece **Ann Hughes** and the said legacies of sixty pounds to my said Wife three hundred pounds apiece to my said Nephews **Howell Godwin** and **George Godwin** two hundred and fifty pounds apiece to my said Nieces **Eliza Godwin Ann Godwin Sally Godwin** and **Jane Melsome** one hundred pounds to the said **John Chivers** fifty pounds apiece to the said **William Hughes** and **Henry Shewring** and twenty pounds to the said **Samuel Hall** hereinbefore given devised and bequeathed respectively or some or one of them or some part thereof respectively at the times and in the manner herein before appointed for payment of the same respectively and that in case the same annuities or yearly rent charges and legacies or any or either of them or any part thereof respectively shall be behind and unpaid by the space of forty days next after any one of the said days or times whereon or at which the same respectively are hereinbefore directed to be paid then and in such case and so often as the same shall happen the said **William Hughes Henry Shewring** and **Samuel Hall** or the survivors or survivor of them or the executors administrators or assigns of such survivor do and shall from time to time by and out of the rents issues and profits of the said messuage farm lands and premises comprised in the said term of two hundred years or by demising leasing or mortgaging the same premises or any part thereof for all or any part of the said term or by bringing actions against the tenants or occupiers of the same premises for recovery of the rents and profits or by such other reasonable ways or means as the said **William Hughes Henry Shewring** and **Samuel Hall** or the survivors or survivor of them or the executors administrators or assigns of such survivor shall seem meet levy raise and pay the said annuities or yearly rent charges and legacies hereinbefore respectively mentioned or such of them as shall be so in arrear and unpaid and all arrears thereof respectively which shall be then due and unpaid or which shall afterwards during their continuance in possession accrue of the same and all costs damages and expenses which the said **William Hughes Henry Shewring** and **Samuel Hall** or any or either of them their or any or either of their executors administrators or assigns shall be put unto or sustain by reason of the non payment thereof or the recovering or obtaining in payment thereof or otherwise relating thereto and do and shall pay the surplus if any of the monies to be raised by the ways and means aforesaid to the person or persons next in remainder or reversion for the time being immediately expectant upon the determination of the said term of two hundred years according to the limitations aforesaid

Provided always and I do hereby declare that from and immediately after all the trusts hereinbefore declared of and concerning the said term of two hundred years shall in all respects be finished performed and satisfied or shall become unnecessary or incapable of taking effect and the said **William Hughes Henry Shewring** and **Samuel Hall** and each and every of them their and each and every of their executors administrators and assigns shall be fully reimbursed and satisfied all costs damages and expenses if any to be occasioned by or relating to the trusts hereby reposed in them as aforesaid the said term of two hundred years shall (subject and without prejudice to any disposition which shall have been made of the premises comprised therein or any of them or any part thereof for the purposes aforesaid) absolutely cease and determine

Provided always and I declare that the receipt or receipts of the said **William Hughes Henry Shewring** and **Samuel Hall** or the survivors or survivor of them or the executors administrators or assigns of such survivor for any sum or sums of money payable to them or any of them under or by virtue of this my Will or in or about the execution of any of the trusts powers or authorities herein declared or contained shall be a sufficient and effectual discharge or sufficient and effectual discharges for the same or for so much thereof respectively as in such receipt or receipts shall be expressed or acknowledged to be received and that the person or persons to which the same shall be given his her or their executors

administrators or assigns shall not afterwards be answerable or accountable for any loss misapplication or be in any wise obliged to see to the application of the money therein mentioned and acknowledged to be received

Provided always and I do hereby direct and declare that if the said **William Hughes Henry Shewring** and **Samuel Hall** or any of them or any future trustees or trustee under or for the purposes of this my Will shall die or desire to be discharged from or shall neglect or refuse to act or become incapable of acting in the trusts of this my Will or shall go to reside beyond the seas at any time or times before such trusts shall be fully performed and executed it shall be lawful for the trustees or trustee for the time being acting in the execution of the trusts of this my Will with the consent and approbation in writing of my said Wife during her life and afterwards of their or his own authority to nominate and appoint any other fit person or persons to be a trustee or trustees in the place or stead of him or them respectively so dying or desiring to be discharged from or neglecting or refusing to act or becoming incapable of acting in the said trusts or going to reside beyond the seas and so in like manner from time to time as often as there shall be occasion upon the death of any succeeding trustee or trustees or his or their desiring to be discharged from or neglecting or refusing to act or becoming incapable of acting in the said trusts or going to reside beyond the seas as aforesaid and that when and so often as any such new trustee or trustees shall be so nominated or appointed as aforesaid the old or continuing trustee or trustees shall convey and assign the trust estates and premises then in him or them vested for all his or her Estate and interest therein so and in such manner as that the same may become and be equally and effectually vested in the surviving or continuing trustee or trustees and such new trustee or trustees as the case shall happen upon and for the trusts intents and purposes and under and subject to the provisoes declarations and directions hereinbefore declared or expressed of or concerning the same or such of them as shall be then subsisting or capable of taking effect and such new trustee or trustees shall or may act in the execution of the said trusts in such and the same manner to all intents and purposes and shall be invested with and have such and the like powers and authorities as if he or they had been originally named a trustee or trustees for such purposes by this my Will

And my Will further is that the several trustees hereby appointed or to be appointed in pursuance of this my Will or any of the executors administrators or assigns of them or any of them shall not be charged or chargeable with any more of the said trust monies and premises than they respectively shall actually receive and that one of them shall not be answerable or accountable for the others or other of them or for the acts receipts neglects or defaults of the others or other of them but each one for his own acts receipts neglects and defaults only nor shall they either or any of them be answerable or accountable for any misfortune loss or damage which may happen in the execution of the aforesaid trusts or otherwise in relation thereto unless the same shall happen by or through their own wilful defaults respectively

And also that they the said trustees shall and may by and out of the trust monies which shall come to their respective hands by virtue of the trusts aforesaid retain to and reimburse themselves and allow to each other all costs charges and expenses which they or any of them may respectively sustain expend or be put unto in or about the execution of the trusts aforesaid or in any manner relating thereto

And lastly I do hereby nominate constitute and appoint the said **John White Godwin** sole Executor of this my Will and hereby revoking all former Wills by me at any time heretofore made do declare this only to be my last Will and Testament In witness whereof I the said **James White** the Testator have to this my last Will and Testament contained in ten sheets of paper to the first nine sheets thereof subscribed my name and to this tenth and last sheet subscribe and set my hand and seal this thirteenth day of November in the year of our Lord one thousand eight hundred and thirty four

----- *James White* -----

Signed sealed published and declared by the said **James White** the testator 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

----- *Thos Chubb* *Sofr Malmesbury*-----{ *Wm Sangden* ----- *Wm Yewens*} *his Clerks* -----

Proved at London 2 March 1837 before the Judge by the Oath of **John White Godwin** the sole Exor to whom Admon was granted having been first sworn by Comon duly to administer