

The Will of Thomas Edwards of St. Stephens by Saltash 1857

This is the last Will and Testament of me Thomas Edwards of Stokedon in the Parish of Saint Stephens by Saltash in the County of Cornwall Esquire I revoke all former Wills I appoint my nephew William Wymond of the Parish of Landulph in the County of Cornwall Yeoman John Land a Colonel in the Royal Marines and Frederick William Pouget Cleverton Trustees and **Executors** in Trust of this my Will I give to my friend the said John Land the sum of two hundred pounds payable within six calendar months after my decease I give to my niece Jane Edwards the sum of fifteen hundred pounds and to my niece Jane Ellery daughter of my late brother John Edwards the sum of Three thousand five hundred pounds to be respectively paid to the said Jane Edwards and Jane Ellery within twelve months after my decease And I declare that the said legacy of Three thousand five hundred pounds is given to her upon the express condition and in consideration that she the Said Jane Ellery and her present or then husband and all other parties do release and indemnify me my heirs executors and administrators from all demands and claims which by reason of non interference or otherwise however she may have or claim from me my heirs executors or administrators as a Trustee or otherwise under her late fathers Term And if my said Niece Jane Ellery or her representatives and other proper parties shall refuse when called upon by my said trustees or trustee for the time being to execute such release and indemnity the said legacy to her shall not be paid but to be of no effect I give to my great niece Annie Elizabeth Edwards Spinster to and for her sole and separate use and benefit free from marital control the sum of two thousand pounds in addition to the benefit of the bequest hereinafter contained to be paid twelve months after my decease or on the day of her marriage whichever shall first happen I also give to Mrs Hutchison of Saltash Two hundred pounds also payable within twelve months after my decease I direct the legacies of the said pecuniary legatees as at the time of the actual payment thereof respectively shall be married women to be paid into their respective proper hands in order that the same be enjoyed and expressed of as their separate property free from marital control or interference and for which legacies that respective receipts only shall from time to time be sufficient discharges I release the debt of four hundred pounds owing to me by my nephew the said William Wymond on his two several promissory notes of Two hundred pounds each the paying the interest thereof up to twelve calendar months after my decease and I also give the said William Wymond a further legacy of One thousand pounds to be paid at the expiration of four years after my decease but without interest I also give to the said William Wymond all my shares estate and interest in South Tamer Mine I give to the Reverend Edward Polwhele Vicar of the said Parish of Saint Stephens by Saltash a legacy of one hundred and fifty pounds payable twelve months after my decease I give unto my hind Henry Wall during his natural life the cottage and garden thereto belonging now occupied by him at Trematon in the said Parish of Saint Stephens And my Will is and I hereby direct that the said Henry Wall shall not underlet or transfer the said cottage and garden and shall from time to time repair and keep and leave in tenantable repair the said cottage and premises and shall forfeit his interest therein in case the same shall be allowed by him to be out of tenantable repair and I also give unto the said Henry Wall the sum of ten pounds and to my late servant Catherine Scott now Catherine Davies for her separate use free from marital control the sum of sixty pounds To my servant Selina Lang fifteen pounds if living with me at my death To my man servant (blank) Daw if living with me at my death Twenty pounds and to Maria Wall Ten pounds and to all such other female servants as shall be living with me at the time of my decease and who shall have so lived with me for the space of three years or upwards preceding my decease the sum of Ten pounds each over and about what may then be due to them respectively for wages the said several legacies to be paid within three months after my decease I give and bequeath to my nephew John Edwards his executors administrators and assigns for his and their absolute use and benefit all my term and interest in the dwellinghouse estate and premises called Stokedon now held on the life of Michael De Courcy I also give and bequeath unto my said nephew John Edwards his executors administrators and assigns absolutely the large Portraits of myself and my late son also all my plate and plates articles books household goods and furniture linen wearing and other apparel china glass pictures wines and liquors and other household effects whatsoever carriages horses saddles harness and other accoutrements and also all my implements of husbandry and live and dead stock whatsoever which I shall be possessed of at the time of my decease And I request that my said nephew John Edwards may not be annoyed or molested in any way by the wife of any late son or any of her family or any of the Bennett family coming to the house at Stokedon at the time of my funeral or otherwise I give and devise unto and to the use of the said William Wymond John Land and Frederick William Pouget Cleverton their heirs and assigns All that my farm estate and hereditaments called Worraton otherwise called Warfelton situate in the said Parish of Saint Stephens by Saltash and Borough of

Saltash now in the respective occupations of (blank) Billing (blank) Vosper and (blank) Dingle as tenants thereof Upon trust for the said John Edwards for and during the term of his natural life without impeachment of waste and after his decease To such uses and Upon such trust to and in such shares and proportions for the benefit of all or any of the children or more remote issue of the said John Edwards as he shall at any time by deed revocably or irrevocably or by Will appoint And subject thereto To the use of the child or children of the said John Edwards equally share and share alike if more than as tenants in common and not as joint tenants And I empower my said trustees or trustee for the time being in their or his discretion with the consent in writing of the said John Edwards during his life and after his decease at the discretion of my said trustees to sell all or any portion of the said hereditaments for building purposes in fee for such price or prices as they or he shall be good discharges for the same or to grant leased of the same hereditaments for building purposes for such considerations by way of premium or rent and upon such conditions as they or he shall deem expedient And the sums to be received by any of the aforesaid powers shall with such consent or at such discretion as aforesaid be invested by my Trustees or Trustee for the time being on mortgage or in the purchase of freehold hereditaments in England or in the Government Stocks or funds and be held To and upon the uses and trusts corresponding as nearly as may be with the uses and trusts herein declared concerning the said hereditaments with power for my said trustees with such consent or at such discretion as aforesaid to vary such investments I give devise appoint and bequeath unto the said William Wymond John Land and Frederick William Pouget Cleverton their heirs executors administrators and assigns respectively All those messuages farms and premises respectively called South Downs and Hardings Marsh part of the Manor of Carkeel and Martyns roods or rudge situate in the said Parish of Saint Stephens by Saltash now in the occupation of Thomas Clatworthy Batten as tenant thereof and also those farms and premises called Ayres Tenements otherwise Hares Tenement situate near Carkeel in the Parish aforesaid in the occupation of Charles Rundle as tenant thereof To hold the same unto and to the use of the said William Wymond John Land and Frederick William Pouget Cleverton and their heirs upon trust for my grandson Thomas Edwards during his life but without power to alien mortgage or otherwise incumber the same with remainder To the use of the first and other sons of my said grandson Thomas Edwards successively according to seniority intail male and on failure of such issue to the use of the right heirs of my said grandson Thomas Edwards And as to all that my manor of the Sanctuary of Saint Stephens and tithe rent charge rent emoluments privileges appurtenances and all other property and estate which I now hold by lease from the Dean and Canons of Windsor And also all my other manors messuages Bartons Farms Tithe rent charges lands tenements and hereditaments situate in the County of Middlesex in the Parish of Saint Stephens aforesaid or elsewhere in England And all my real copyhold customary and leasehold estate whatsoever or wheresoever (except such as is hereinbefore devised and bequeathed) whereof or wherein I or any person or persons in trust for me or persons in trust for me hath or have any estate of freehold of inheritance in reversion remainder or expectancy or estates for lives or for terms of years determinable on lives or for years certain over which I have or may have any disposing power with their and every of their rights members privileges and appurtenances and all my estate and interest therein I give devise and bequeath the same unto the said William Wymond John Land and Frederick William Pouget Cleverton their heirs executors administrators and assigns respectively To hold the same hereditaments and premises unto and to the use of the said William Wymond John Land and Frederick William Pouget Cleverton their heirs executors administrators and assigns respectively according to the several natures and quantities thereof To upon and for the uses trusts intents and purposes hereinafter limited expressed and declared of and concerning the same that is to say Upon trust to accumulate the rents tithe rent charge fines and annual income and profits thereof until my great nephew Thomas Edwards shall attain the age of Twenty three years or if living would have attained the age of Twenty three years or if living would have attained that age or shall enter into Holy Orders in the Church of England whichever shall first happen such accumulations to fall into and form part of my residuary estate and subject thereto Firstly as to the said Manor of the Sanctuary of Saint Stephens and to the rent charge rents fines emoluments privileges and appurtenances and all other the property and estate which I now hold by lease from the Dean and Canons of Windsor Upon trust for my said great nephew Thomas Edwards his heirs executors administrators and assigns absolutely on his attaining the age of Twenty three years or entering into Holy Orders aforesaid whichever shall first happen Secondly as to all those messuages or dwellinghouses farms estates and hereditaments known by the names of Trematon and Trematon Wetland and Trematon Hall in the several occupations of Julius and Thomas Batten and Peter May Junior with the Cottage and garden now leased to Richard Bray Together with the Mansion house at Trematon Hall part of which is occupied only by the said Peter May Junior at my Will and pleasure together

with the appurtenances (Subject nevertheless to my said nephew John Edwards having the option of occupying by himself or any of his family the said Mansion House of Trematon Hall together with the Lawn and Orchard in front thereof and field below on his or their payment for the said ground of Three pounds per acre per annum) To the use of my great nephew John Edwards and his assigns during his life without impeachment of waste with remainder to the use of the first and other sons of my said great nephew John Edwards successively according to seniority in tail male and on failure of such issue my Will is that the same shall fall unto and form part of my residuary estate And thirdly as to all those messuages farms estates and hereditaments situate in the said Parish of Saint Stephens by Saltash commonly called or known by the names of Trehane now in respective occupations of John Williams Thomas Williams and others as tenants thereof Together with the several cottages and premises situate at Trehane aforesaid a few years since purchased by me from Mr. Buller with their appurtenances To the use of my great nephew Henry William Edwards and his assigns during his life without impeachment of waste with remainder To the use of the first and other sons of my said great nephew Henry William Edwards successively according to seniority in tail male and on failure of such issue my Will is that the same hereditaments shall fall into and form part of my residuary Estate And lastly as to All those messuages or tenements farms and premises called Holes tenement situate at or near Carkeel and Bag Mill in the said Parish of Saint Stephens by Saltash in the respective occupations of Thomas Gray and Mrs. Pearse as tenants thereof with appurtenances and as to all other my real estate whatsoever and wheresoever I direct that the same hereditaments shall go to and be held by my said Trustees upon the same trusts and for the same ends intents and purposes as are hereinafter declared and expressed concerning my residuary estate I give and bequeath unto my said Trustees all and every my Policies of Assurance monies and securities for money stocks in the Public funds fines rents dividends and annual income and the accumulations arising from my aforesaid real Estate and all the **Rest and Residue** of my Personal estate of what kind soever not before bequeathed and I declare and direct and my Will and meaning is that my said Trustees and Trustee shall stand and be possessed of and interested in the rents dividends and annual income thereof and the accumulations thereof until my great nephew the said Thomas Edwards shall attain the age of Twenty three years or if living would have attained that age or shall enter unto Holy Orders whichever shall first happen Upon trust in the rents dividends and annual income thereof and of the accumulations thereof until my great nephew the said Thomas Edwards shall attain the age of Twenty three years or if living would have attained that age or shall enter into Holy Orders whichever shall first happen Upon trust in the first place to pay and discharge the legacies and bequests given by and in the manner directed by this my Will And in the next place yearly and every year to pay and perform the several rents covenants and agreements in and by the present leases of the said hereditaments and premises respectively payable and pay all such fines and expences or renew the present lease of the Manor and tithe rent charges and other the premises which I now held under the said Dean and Canons of Windsor when and as there shall be occasion before either of the periods aforesaid And in order thereto surrender and yield up the subsisting lease or Leases of the said premises And in the next place by and out of the said trust monies to keep on foot any Policy or Policies of Assurance for insuring any of the said leasehold Property against fire or upon any life or lives of which I am now the Insurer or Assignee And in the next place Upon trust as to and concerning One sixth part or share of my said residuary real and personal estate to and for the use and benefit of said Annie Elizabeth Edwards her heirs executors administrators and assigns absolutely and as to and concerning the remaining five sixths parts or shares thereof to and for the use and benefit of my great nephews John Edwards Thomas Edwards and Henry William Edwards and their respective heirs executors administrators and assigns equally share and share alike as tenants in common absolutely Provided always and hereby empower my said trustees or trustee for the time being if and when they or he shall think fit but not otherwise to make sale and absolutely dispose of all or any of my freehold copyhold and leasehold hereditaments and premises consisting of houses or buildings situate at a distance from the neighbourhood in which I now reside or not hereinbefore specifically devised either altogether or by Parcels at one or at several times either by Public Auction or by Private contract with liberty to buy in and resell the same as my said Trustees in their or his discretion shall think fit and to convey assign or otherwise assure the same when sold in such manner as the purchaser or purchasers thereof shall require and for that purpose to make and enter into my special contract conditions or stipulations relative to the title or otherwise and generally to act in and about such sales in such manner as they or he shall deem expedient And to lay out and invest the monies to arise from such sale in the purchase of real Estates in England or in the Public stocks or funds of Great Britain or at interest upon real security in England and to hold and stand and be possessed of the same and the annual produce and income thereof Upon and for the like trusts ends intents and purposes as are herein declared

expressed and referred to of and concerning the respective hereditaments which shall have been sold or as near thereto as circumstances will permit Provided also and I hereby declare that it shall be lawful for my said Trustees or Trustee for the time being of this my Will with my great Nephew the said Thomas Edwards shall attain the age of Twenty three years or if living would have attained that age or shall enter into Holy Orders whichever shall first happen or during the minority of any other person hereby made tenant for life or tail by Indenture duly executed to lease all or any part of the said hereditaments to any person for any term or number of years so that there be reserved in every such lease the most improved yearly rent and so that there be contained in every such lease usual and proper stipulations for the protection of the property Provided nevertheless and I hereby fully authorize and empower my said Trustees for the time being to use and exercise all powers of granting leases for lives in Possession or reversion as Lords of Sanctuary Manor of Saint Stephens and according to the custom of the said Manor Provided always and I hereby declare that it shall be lawful for the person or persons to whom the powers of leasing hereinbefore such licenses being made according to the usual and approved Practice in the County of Cornwall Provided also and I do hereby declare that the Trustees or Executors for the time being of this my Will shall only be answerable or accountable for their respective wilful defaults And that they shall not be answerable or accountable for the insufficiency defect or failure of any security whereon or wherein the said Trust monies or any part thereof are or shall or may be placed out invested or lodged for safe custody and that they may allow and reimburse themselves respectively and their cotrustees and Executors all costs charges and expences incurred in or relation to this my Will and particularly to allow and pay to the said Frederick William Pouget Cleverton or any other Trustee for the time being who may be a Solicitor the usual costs and charges for business done to him in the same manner as if he were not a Trustee and I wish my said Trustees if agreeable to them to employ the said Frederick William Pouget Cleverton to collect the Tithe rent charge as also to make out the leases of the said Sanctuary Manor and other Estates and to do all such legal matters as may be required until the trusts of this my Will are performed Provided also and my Will is and I do hereby declare that in case any of my said Trustees shall die or declare or neglect or become incapable to act or go or reside abroad before the trusts shall be fully performed Then in such case it shall be lawful for the surviving or continuing Trustees or Trustee for the time being or the executors or administrators of the survivor of them whether he or they shall have acted in the trusts or not to nominate some other fit person or persons to be a Trustee or Trustees in the place of the present or any succeeding or other Trustee or Trustees who shall so die neglect or refuse or become incapable to act as aforesaid to whom any requisite conveyances transfers or assignments shall be made and who may act in the same manner as if named in this my Will And as to all such lands tenements and hereditaments as are or may be vested in me in trust or by way of mortgage I give and devise the same unto and to the use of the said William Wymond John Land and Frederick William Pouget Cleverton To hold the same unto them their heirs executors and administrators according to the nature thereof Upon such Trusts and subject to such rights and equities as the same lands or tenements respectively are or may be subject or liable to at my decease and convey assign or assure the same as circumstances may require And I hereby declare that the receipts in writing of my said trustees or trustee for the time being for any purchase monies rents and profits or other trust monies to be received by them or him by virtue of my Will shall be valid and effectual discharges to the person paying the same monies and that such persons shall not be answerable accountable for the application of the same monies and that no person to whom any Trustees or Trustee for the time being shall sell any hereditaments shall be bound to inquire as to the necessity or propriety of any sale which shall be made I hereby declare that my reason for not remembering any of the Bennett family in my Will is because I have taken it for granted that they will be amply Provided for under the Will of my sister I hereby desire my Trustees or Trustee for the time being to use their best endeavours if an opportunity should offer to obtain for my Great Nephew the said Thomas Edwards then in Holy Orders to be presented to the vicarage of Saint Stephens by Saltash In Witness whereof I have hereunder set my hand this ninth day of July One thousand eight hundred and fifty seven and I have also set my hand to each of the nine preceding sheets of this my Will – **T. Edwards (LS)** – Signed by the said Testator as his last Will and Testament in the presence of us present at the same time who at his request in his presence and in the presence of each other have subscribed our names as Witnesses the word “intents” having been first written on erasure on the seventh line of the fifth page thereof – *John H. Cleverton – Fredk. Wm. Cleverton of Saltash*

Whereas I *Thomas Edwards* of Stokedon in the Parish of Saint Stephens by Saltash in the County of Cornwall Esquire have made and only executed my Will bearing date the Ninth day of July instant And Whereas I am desirous of making further provision for my grandson Thomas Edwards than is contained in

my said Will Now I do hereby declare this present writing to be a Codicil to my said Will and I direct the same to be annexed thereto and taken as part thereof and I Will and do hereby direct that the trustees for the time being of my said Will shall hold and stand possessed of All those messuages or tenements farms and premises called Holes Tenement and Bag Mill situate in the said Parish of Saint Stephens by Saltash in the respective occupations of Thomas Breen and Mrs. Pearce as tenants thereof with the appurtenances Upon trust to pay the rents and profits thereof to my said grandson Thomas Edwards during his life and from and after his decease Upon such trusts and in such shares and proportions for the benefit of all or any one or more of the children or more remote issue of the said Thomas Edwards such issue to be born in his life time as he shall at any time by deed revocably or irrevocably or by will appoint and subject thereto Upon trust for the child or children or more remote issue of my said grandson the said Thomas Edwards (such issue to be born in his lifetime as aforesaid) as tenants in common in a course of distribution per stirpes and not per capita and so that such issue may take by way of substitution the share or respective shares only which the Parent or respective Parents would if living have taken but in case my said grandson the said Thomas Edwards shall die without leaving any such child or children or more remote issue as aforesaid or they shall all die under the age of twenty one years then my Will is and I direct that the aforesaid hereditaments shall fall into and become part of my residuary Estate and go in accordance with the Trusts declared thereof in and by my said Will and I hereby ratify and confirm my said Will in every respect except where the same is hereby altered In Witness whereof I the said Thomas Edwards have hereunto set my hand and seal this Twenty third day of July One thousand eight hundred fifty seven – *T. Edwards (LS)* – Signed by the said Thomas Edwards as and for a Codicil to his last Will and Testament in the presence of us present at the same time who at his request in his presence and in the presence of each other have subscribed our names as Witnesses – *Fredk. Wm. Cleverton Selina Lang*

Whereas I Thomas Edwards of Stokedon in the Parish of Saint Stephens by Saltash in the County of Cornwall Esquire have made and executed my Will bearing date the Ninth day of July last and a Codicil thereto bearing date the twenty third of July last Now I do hereby declare this present writing to be a further Codicil to my said Will and I direct the same to be annexed thereto and taken as part thereof And Whereas I have recently contracted for the erection of a farm house and buildings on the estate called Holes tenement situate in the Parish of Saint Stephens by Saltash mentioned and devised in and by the Codicil hereinbefore referred to And I am desirous of Providing for the cost thereof I do hereby will and direct that the Trustees for the time being of my said will shall out of the rents and profits of all the several messuages or tenements farms and premises in and by my said Will and Codicil given and devised to them for the benefit of my grandson Thomas Edwards as therein mentioned in the first place pay the costs of erecting and finishing the farmhouse and buildings which I have so lately contracted to build as aforesaid and which are now in the course of erection on the estate called Hole in the next place thereout pay to my said grandson the sum of One hundred and fifty pounds per annum until he shall attain the age of twenty five years or shall marry respectably whichever shall first happen and shall in the meantime accumulate the balance of of the said rents and profits of the aforesaid premises for the benefit of my said grandson and shall pay over the amount of the aforesaid accumulations to my said grandson on his attaining the age of twenty five years or marrying respectably as aforesaid whichever shall first happen And Whereas I am also desirous of Providing for the maintenance support and college education of my great nephew Thomas Edwards previously to his attaining the age of twenty three years or entering into Holy Orders as mentioned in my said Will Now therefore I do hereby also further Will and direct that the Trustees for the time being of my said Will shall until my said great nephew Thomas Edwards shall attain the age of twenty three years or enter into Holy Orders as aforesaid pay over to his father for that purpose or otherwise apply the sum of One hundred and fifty pounds per annum for and towards the maintenance support and college education of my said great nephew the total amount of the sum nevertheless paid or advanced to or for the benefit of my said great nephew under this clause to be deducted from his portion or share of my residuary real and personal Estate accruing to him under or by virtue of my said Will And I do hereby ratify and confirm my said Will and Codicil hereinbefore referred to in every respect except where the same is hereby altered In Witness whereof I the said Thomas Edwards have hereunto set my hand and seal the eighth day of October One thousand eight hundred and fifty seven – *Thos. Edwards (LS)* – Signed by the said Thomas Edwards as and for a Codicil to his last Will and Testament in the presence of us present at the same time who at his request in his presence and in the presence of each other have subscribed our names as Witnesses – *Frdk. Wm. Cleverton Clerk to Mr. Cleverton Solr. Saltash – Peter May Trematon.*

Proved at London with two Codicils 6th January 1858 before the Judge by the Oaths of William Wymond

John Land and Fredrick William Pouget Cleverton the Executors to whom administration was granted having been first sworn by Commission duly to administer.

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Transcribed by Angela Palmer Wood