

Will of Samuel Burton, Wakes Colne, 1729/48

IN THE NAME OF GOD AMEN. The 3rd October 1729 I Samuel Burton of Colne Wake in the County of Essex being weak in body but of perfect mind and memory Thanks be to God for the same. Calling unto mind the Mortality of my body and knowing that it is appointed for all men once to die: Do make and ordain this my last Will and Testament: That is to say principally and first of all I give and recommend my soul into the hands of Almighty God my Creatour, trusting in the merits of Jesus Christ for Salvation is my only saviour and Redeemer. And for my body I recommend it to the Earth from whence it was formed, to be buried in a Christianlike and Decent manner at the Discretion of my Executrix hereafter named.

And as touching such worldly Estate wherewith it hath pleased God to bless me in this life: I give and devise and dispose of the same in the following manner and form:

Imprimis: I give to be sold by Hannah my herein named Executrix: All that my Messuage or Tennement & Farme and Lands both Freehold and Copyhold with the appurtenances commonly called or known by the name of the Oake or otherwise, situate lying and being in Chappell als. Poulebright in the said County of Essex and now in the Tenure and occupation of John Bacon his assign or assignes: For the payment of my Debts and funeral charges and the defraying of all fines and court fees of other copyhold Estates belonging unto me hereafter named:

And also another parcel of Copyhold Lands called Podfields containing by Estimation Foreteen Acres more or less in the Tenure or occupation of the said John Bacon and held on the Mannor of Bacons come Flories to be sold by the said Hannah my Executrix.

And what overplus money remains besides defraying of Debts and Charges I give and bequeath unto the said Hannah my loving wife to dispose of it as she shall think fitt.

Item: I give and bequeath unto Hannah my loving wife All that my Messuage or Tennements and Lands with the appurtenances situate lying and being in Tey Magna in the said County of Essex and now in the occupation of Avery Sanders and holden on the Mannor of Tey Magna by Copy of Court Roll: during the term of her natural life.

Item: I give and bequeath unto Hannah, my loving wife: All that my messuage or Tennement situate lying and being in Colne Wake and now in the occupation of John Burton my Brother commonly called the Shopp with the yards Gardens and appurtenances thereunto belonging: During the Term of her natural life: And after the decease of Hannah my wife I give and bequeath unto John Burton my Brother the House wherein he now dwells situate in Colne Wake and called the shop, during his natural life and after his Decease to the next Heirs herein after named.

Item: I give and bequeath unto Hannah my loving wife: All that my messuage & farme and Lands and Tennements situate lying and being in Kirby in the said County of Essex or in some other parish or parishes near thereunto, Holden of the Mannor of Kirby during the term of her natural life.

Item: I give and bequeath unto Hannah my loving wife: All that my messuage & farme and Lands and Tennements as well Freehold as Copyhold situate lying and being in White Colne and Colne Wake aforesd in the said County of Essex, and now in the occupation of George Bryant and holden on the Mannor of Berwick Hall or any other Mannor: During the term of her natural life.

And after the Decease of Hannah my wife I give and bequeath the forementioned Estates (that is to say) The Estate where Avery Sanders dwell and my messuage in Colne Wake in the occupation of John Burton my Brother: And also my farme at Kirby and my farme in White Colne and Colne Wake in the occupation of George Bryant:

To Samuel son of John Burton and to his Heirs lawfully begotten of his body, and for want of such lawfull Issue

To John Keable son of James Keable and his heirs: And for want of such lawfull issue as aforesd of the said John Keable:

To Thomas Newcomb son of Thomas Newcomb and his heirs: And for want of such lawfull issue of the aforesd of the aid Thomas Newcomb:

To Samuel Newcomb son of Samuel Newcomb and his heirs: And for want of lawful issue from the said Samuel Newcomb:

To Isaac Nicholls son of Isaac Nicholls and his Heirs for ever.

Item: I give and devise and bequeath unto Hannah my loving wife: All my stock of Household goodes whatsoever and plate: Both Outward stock and Inward stock: And Linnen & Woollen and all other goodes and chattels to me belonging.

And I do constitute make and ordain Hannah Burton my loving wife sole Executrix of this my last Will and Testament: and do hereby revoke Disallowe and Disannull and every other former Testament, Wills Bequests and Executors by me in any ways before this time named, willed and bequeathed.

Ratifying and Confirming this and no other to be my last Will and Testament.

In witness whereof I have hereunto set my hand and seal the day and year above written.

Signed: Samuel Burton

Witnesses: John Hatch, John Archdeacon, Isaac Potter.

On 21st February 1748 (English Style) issued forth a Commission to Joseph Nunn the principal Creditor of Samuel Burton of late of Colne Wake in the County of Essex deceased, to administer the Goods Chattels and Credits of the said Deceased with his last Will and Testament annexed, and according to the Tenor and Effect thereof (Hannah Burton widow the Relict of the said Deced. the sole Exx. and residuary Legatee named in the said Will dying before she had taken upon herself the Probate and Execution thereof, and John Burton the ? lawful and only Brother and next of Kin and also a Devisee named in the said last Will and Testament of the said Deced. first was renouneing the Letters of Administration of the Goods Chattels and Credits o the said Deced. with the said Will annexed as in and by a Proxy under his Hands and Seal, and the Act of Court thereupon had and done, now remaining in the Registry of this Court, Reference being thereunto had may more fully and at large appear) he being first sworn duly to administer.

(following paragraph crossed out) Joseph Nunn, the chief creditor to the within named Samuel Burton the testator, and Administrator with this will annexed, was sworn, this 14th February 1748/9 before me. Ph: Morant surrogate.

ERO ref: D/ACW 30/2/3