

Chest - 14th October

1841.

Set. C

Fra. Spencer

proe Warksworth

2 Ex. C. Inf 100 £

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James Thomas Law Clerk Master of Arts Vicar General of the Right
Reverend Father in God James by Divine Provision Bishop of Lichfield
To William Rylands M.A. — Clerk jointly and severally with
Greeting Whereas in a certain business of issuing a Commission to take an
Affidavit in the goods of Francis Spencer late of the Parish of Winkworth
in the County of Derby Minor deceased We have at the petition of the Proctor
of the executor of the last Will and Testament of
the said Francis Spencer deceased Deceesed a Commission to issue for the
purpose hereinafter mentioned Justice do requiring We do therefore by these
presents grant full power and Authority to you jointly severally to swear
certain persons to the truth of the aforesaid Affidavit and generally to
do as shall be needful in the premises and you are enjoined the said
Affidavit being received and taken duly to transmit the same to us or
our Surrogate together with these proceedings sped before you herein subscribed
with the proper hands or hands of one of you together with these presents
Dated at Lichfield the twenty first day of October in the year
of our Lord one thousand eight hundred and forty one —



J. M.A. }
W. Haworth } D. Secy

The Oath

Your Oath is that the contents of the aforesaid Affidavit to which you have
subscribed your Name here and are true —

To help you Gods

On the twenty ninth day of October 1841 This Commission was duly
executed and the said Matthias Adams — was duly sworn to the truth
of the Affidavit annexed according to the tenor of the above written Oath

Before me

W. Rylands }
Commissioner

(A.)

This is the last Will and Testament of me Francis Spencer of Muddleton by Workswoth in the County of Derby. I give and bequeath all my personal Estate and Effects whatsoever and wheresoever and of what nature or kind soever the same may be unto my Sons James Spencer and William Spencer and my daughter Mary Spencer equally amongst them share and share alike Subject nevertheless and charged and chargeable with the payment of all my just debts and funeral and testamentary expences and the costs and charges of proving this my Will and which I will and direct shall be paid by them in equal shares and proportions I give and devise all that dwellinghouse or tenement situate standing and being in Muddleton aforesaid with the stable and appurtenances thereunto belonging and wherein I now dwell And also all those two closes pieces or parcels of land or ground situate lying and being in Workswoth aforesaid and called or known by the respective names of the Tree Close and Overholes with the thrashing Barn standing thereon and now in my possession unto my said Son James Spencer his heirs and assigns for ever I give and devise All those two Closes pieces or parcels of land or ground situate lying and being in Workswoth aforesaid commonly called or known by the several names of the Near Close and the West Close and now in my possession And also the lower part of the Close called the Muldier Bushes And also the plot of land adjoining my now dwellinghouse and which I direct to be squared off from the stable gable and adjoining thereto unto my said Son William Spencer his heirs and assigns for ever I give and devise all those allotments plots pieces or parcels of land situate lying and being on Muddleton aforesaid and now in my possession unto my said Sons James Spencer and William Spencer and to their respective heirs and assigns for ever to take as tenants in Common and not as joint tenants I give and devise all the upper part of all that said Close piece or parcel of land situate at Muddleton aforesaid called the American Bushes unto my said daughter Mary Spencer and her heirs and assigns for ever I give and devise All that allotment plot piece or parcel of land situate lying and being on Muddleton in Workswoth aforesaid and now in my possession unto my grandson Francis Spencer his heirs and assigns for ever I give and devise all those two closes pieces or parcels of land situate lying and being in Muddleton aforesaid called by the respective names of the New Close and Middle Ditch Single unto my said two Sons James Spencer and William Spencer their heirs executors administrators and assigns Upon Trust that they my said Sons or the survivors of them or the heirs executors administrators or assigns of such

Obadiah Adams
Joseph Benson
Saml. B. Page

(D)

Francis Spencer

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I do and shall at the expiration of two years after my decease absolutely
sell and dispose of the said close pieces or parcels of land called the New Close and
Middle Ditch Single either by public auction or by private contract to any person or
persons who shall become the purchaser or purchasers thereof and I do hereby will
order and direct that the receipt or receipts of my said Trustees their executors
administrators or assigns shall jointly or severally be a good and sufficient discharge
and discharge to a purchaser or purchasers thereof for all such sum or sums of money
as they shall receive touching the trusts hereby in them reposed, and that my said
Trustees shall reimburse himself and themselves for all moneys costs charges and
expenses that they or either of them shall be put unto touching the trusts aforesaid
and that they shall not be charged or accountable for any more moneys than shall
come to their respective hands on account of such aforesaid trust hereby reposed in
them, but that they my said Trustees their executors administrators and assigns
shall receive the rents issues and profits of the said close called the New Close and
Middle Ditch Single until the same shall be sold by them or their executors absolute
use and benefit. And it is my will and I do hereby direct that in case the money
arising from the sale of the said close shall not amount to the sum of two hundred
pounds then and in that case my said Trustees their executors administrators or
assigns shall make up such deficiency by advancing such sum or sums of money
equally between them as will make up the said sum of two hundred pounds and
I give and bequeath the said sum of two hundred pounds unto my four
daughters, namely, Elizabeth the wife of David Gutter, Blacksmith, Hannah
the wife of Caleb Moore, Grocer, Ann the wife of Thomas Beeton Joiner and
Ellen the wife of James Elie of Muddleton aforesaid Annis equally amongst them
share and share alike and to their respective executors administrators and assigns.
And Lastly I do hereby nominate constitute and appoint my said two Sons
James Spence and William Spence Trustees and Executors of this my last will and
testament hereby revoking all former and other wills and Wills by me at any time
heretofore made and declare this only to be my last. In Witness whereof, I the
said Francis Spence have hereunto set my hand and seal this twenty ninth
day of February - in the year of our Lord one thousand eight hundred and thirty six.

Signed sealed published and declared by the said Testator Francis
Spence 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

Wm. Adams

Joseph Brown

Sam. J. B. Page

Francis Spence

This is a Codicil to be annexed to and taken as part
of the last will and Testament of me Francis Spencer
of Middleton by Wiltsworth in the County of Rutland and
bearing date the twenty ninth day of February one thousand
eight hundred and thirty six. Whereas since the date of my
12 said will I have sold and disposed of the piece of land lying
upon Middleton in Wiltsworth aforesaid and which I had
given and devised to my Grandson Francis Spencer his heirs
and assigns for ever Now I do hereby give and bequeath to
my said Grandson Francis Spencer and also to my Grandsons
James Spencer and Thomas Spencer the sum of Fifteen pounds
six shillings and eight pence each and to be paid to them
when they shall severally and respectively attain the age
13 of twenty one years. I hereby revoke the bequest in my
said will mentioned of the sum of fifty pounds each to my
daughters viz. Elizabeth the wife of David Gratton Hannah
the wife of Paul Snow Maria the wife of James Rose and
Ann the wife of Thomas Deaton, and do hereby give
and do hereby give and bequeath to them respectively the
sum of Forty pounds and to be paid to each of them
as in my said will is mentioned instead of the sum
14 of Fifty pounds. And I do hereby confirm my said
will in all other respects whatsoever. As witness my
hand this eighteenth day of February in the year of
our Lord one thousand eight hundred and forty one.

Signed sealed published and
declared by the said Testator
Francis Spencer as and for a
Codicil to be annexed to his last
Will and Testament in the presence
of us who in his presence at his
request have subscribed our names
as witnesses thereto

Francis Spencer

14 Feb 83 1841

Bartholomew Adams
Henry B. Page

At Chesterfield the 11th October 1841

Let a Probate of this will and Codicil annexed
be granted to James Spencer and William
Spencer the Executors therein named

They being duly sworn as also that
Testator died } the deceaseds personal Estate is not
13 Sept 1841 } of the Value of £100 before me

W B White

Surrogate



In the goods of Francis Spencer deceased,
 Appeared personally Obadiah Adams of
 Middletown in the County of Dutchess
 and made Oath that he is one of the
 subscribing Witnesses to the last Will and Testament
 of Francis Spencer late of Wickswoth in the
 County of Dutchess deceased hereto annexed
 marked with the Letter A bearing date the
 twenty ninth day of February the thousand eight
 hundred and thirty six; and having now
 carefully viewed and inspected the said Will
 and more particularly the interlineation of the
 words "but in case she shall depart this life
 without leaving lawful issue her surviving then I
 give and devise the said piece of land unto
 my said son James Spencer his heirs and
 assigns for ever" between the 24th and 28th
 lines of the first side of the said Will, he
 further made Oath that the said recited
 interlineation was so made in the said Will
 previous to the execution thereof by the said
 Francis Spencer the Testator deceased &c.

On the 29th day of October 1841
 The said Obadiah Adams
 was then duly sworn to the truth
 of the Affidavit by virtue of the
 Commission annexed. Before me

Obadiah Adams

W. M. Smith
 Commissioner

WILL.

In the *Bishops* Court of *Lichfield*

In the Goods of *Francis Spencer*
Deceased.

Insert the Name,
Residences, and
Professions of the
Persons making
the Affidavit.

Appeared Personally *James Spencer of Middleton in
the Parish of Wirksworth in the County of Derby
Miner and William Spencer of the same
Place Miner the*

Executors named in the last Will and Testament of the said *Francis Spencer*
late of *the Parish of Wirksworth*
in the County of *Derby*

If one or more
Codicils state so

Miner Deceased; and made Oath, that the Estate and
Effects of the said Deceased, for, or in respect of which, a Probate of the said Will
and one codicil is to be granted, exclusive of what the
said Deceased may have been possessed of, or entitled to, as a Trustee for any other person
or persons, and not beneficially, but including the Leasehold Estate or Estates for Years of
the Deceased, if any, whether absolute or determinable on Lives, and without deducting
any thing on account of the Debts, due and owing from the said Deceased are under the
value of *one hundred*
Pounds, to the best of th^e Deponent's knowledge, information and belief.

Sworn on the *14th*
day of *October* 1841
before me,

James Spencer
William Spencer

W. R. Melville
Surrogate