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chest: 12 Octob

1837

Let (Isa. Spencer

de Middleton

by Warrington

4 Ex. C. Ins 200£

744

WILL

In the *Bishops* Court of *Lichfield*

In the Goods of *Isaac Spencer*
Deceased.

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

Appeared Personally Lois Spencer of Middleton by -
Wirksworth in the County of Derby Widow George Wood
otherwise George Spencer of the same place Miner and
John Spencer and Rob Spencer of Middleton aforesaid
Miners the joint.

Miners The joint . . .
Executors named in the last Will and Testament of the said Isaac
Spencer . . . late of Middleton by Workswoth
in the County of Derby . . .

Publican . — Deceased; and made Oath, that the Estate and

If one or more
Codicils state so.

Effects of the said Deceased, for, or in respect of which, a Probate of the said Will
And one bodicil — 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 *Two Hundred Pounds*
Pounds, to the best of *these* Deponent's knowledge, information and belief

Sworn on the 12th }
day of October 1837 }
before me,

Lewis Spencer
George Spencer
John Spencer
Joh Spencer

Richard Ward
Solicitor

I Isaac Spencer of Middleton by Wicksworth
in the County of Derby Publican do make and publish this
as a Codicil to my last Will and Testament bearing date the
thirty first day of January last and do direct it to be annexed
thereto and considered and taken as part thereof Whereas in
and by my said Will I have devised a messuage or dwelling-
house with the garden and appurtenances thereto belonging
situate in Middleton aforesaid now in the occupation of my son
Isaac Spencer And also a piece or parcel of land called the
Acre but more commonly called the Miners' Venture and
containing two acres or thereabouts situate in Middleton
aforesaid and now in my own occupation unto my said son
Isaac his heirs and assigns for ever And from and after the
decease of my wife Lois Spencer I have by my said Will devised
with other hereditaments an allotment or piece of land in
Middleton Wood adjoining to a field called Boulters Field unto
my son John Spencer his heirs and assigns for ever And from
and after the decease of my said wife I have also by my said
Will devised with other hereditaments a piece or parcel of
land called the Twenty Butts Piece situate in Middleton
aforesaid unto my son Joseph Spencer his heirs and assigns for
ever And whereas a Beast Gate or right of depasturage for
one Beast in Middleton Wood aforesaid, and in right of which
the said allotment or piece of land in Middleton Wood aforesaid
was set out and allotted to me on the late Inclosure thereof, and
also the said piece of land called Twenty Butts were heretofore
(with other hereditaments) the estate and inheritance of my late
grandfather Thomas Buxton deceased or of his son Thomas
Buxton also deceased and descended to my late mother and
her two sisters as Co-heiresses on the decease of the said Thomas
Buxton the son And whereas a division or partition of
the said hereditaments and premises which descended as
aforesaid was some years since made between me and the other
persons entitled thereto and on such division or partition the
said Beast Gate and piece of land called the Twenty Butts were
agreed to be allotted to me as my part or share of the same
hereditaments and have since been held and enjoyed by me
in severalty accordingly but no deed or other instrument have
and except the Award of the Commissioner made on the said
Inclosure as to the said allotment so set out to me in right
of the said Beast Gate) hath hitherto been made or executed for

confirming and completing such division or partition Now I do
by this Codicil direct and require that my said son Isaac his heirs
or assigns shall upon the request and at the costs and charges of my
said sons John and Joseph or either of them their or either of their
heirs or assigns make do and execute all acts and assurances ~~and~~
whatsoever for confirming and giving full and complete effect to such
division or partition so made as aforesaid And it is my will and I
do hereby direct that in case he my said son Isaac his heirs or
assigns shall refuse to make and execute such acts and assurances
as aforesaid or shall, either directly or indirectly, do any act or
whatsoever whereby such division or partition may be in any
anywise disturbed or interfered with or the true intent and
meaning of my said above mentioned will in anywise frustrated
or altered, ^{with regard to the said premises so taken by me on such Partition as aforesaid} then and from thenceforth the devise in my said will
of the said dwellinghouse garden land and hereditaments to my
said son Isaac Spencer as aforesaid shall be absolutely void and
of none effect nor shall he my said son his heirs executors ~~and~~
administrators or assigns take any estate or interest whatever
under or by virtue of my said above mentioned will And in the
case I give devise and bequeath the said dwellinghouse garden
land and premises estate and interest unto my said sons John
Spencer and Joseph Spencer as tenants in common and to their
several and respective heirs executors administrators and assigns
for ever to and for their own use and benefit respectively And
I hereby confirm my said above mentioned will in all other
respects In witness whereof I have herewith set my hand
and seal the tenth - day of May - in the year of our
Lord one thousand eight hundred and thirty seven

40
Signed sealed published and
declared by the said Isaac Spencer, the
Testator, as and for a Codicil to 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 thereof the words
"with regard to the said premises
so taken by me on such Partition as
aforesaid" having been first interlined
and the word "seven" on the last
line having been first written on
an erasure and observed by us

Isaac Spencer ^{his}
mark

41 John & Sons
eqo.

41
J. B. Newbold Clerk to W. Collier, M^r. Mattock
Robert Breason of Middleton Tailor
Isaac Spencer, Miner, Son of J^o Spencer of
Middleton aforesaid

1
In the name of God Amen. I Isaac Spencer of Middleton by
Wirksworth in the County of Derby Publican do make and publish this my last Will and
Testament in manner following (that is to say) I give and devise all that my messuage
or dwellinghouse with the garden and appurtenances thereto belonging situate in
Middleton aforesaid now in the occupation of my son Isaac Spencer And also
all that piece or parcel of land called Idle Acre but more commonly called the
Miners Venture and containing two acres or thereabouts situate in Middleton aforesaid
and now in my own occupation unto him my said son Isaac Spencer his heirs and
assigns for ever And as to all other my messuages lands tenements hereditaments
and real estate whatsoever and wheresoever and of what tenure or kind soever And
also as to all my mines and shares of mines I give devise and bequeath the same
unto my dear wife Lois Spencer and her assigns for and during the term of her
2 natural life or so long as she shall continue my Widow And from and ~~im~~
immediately after the decease or marriage of my said wife which shall first happen
I give devise and bequeath three twenty fourth shares of a Mine called the Colliers Venture,
fourteen twenty fourth shares of another Mine called Silver Eye and Coldwell Slack, two
twenty fourth shares of another Mine called the Back Settlements and one twenty fourth
share of a Mine called Welchman's Venture unto my said son Isaac Spencer his heirs
3 executors administrators and assigns for ever And from and immediately after the decease
or marriage of my said wife which shall first happen I give and devise All that my
dwellinghouse or tenement (now in two dwellings) with the garden and appurtenances
thereto belonging situate in Middleton aforesaid and now in the respective occupations of
Benjamin Clayton and my natural son George Wood who I had by my said wife
before my intermarriage with her and who is more commonly called George Spencer
4 And all that piece or parcel of land situate in Middleton aforesaid called or known by
the name of the New Yard and now in my own occupation unto my said natural son
George Wood otherwise George Spencer his heirs and assigns for ever Subject nevertheless to and
charged and chargeable with the payment of the sum of One hundred pounds in part
discharge of the sum of ~~Five~~ hundred pounds which I owe on Mortgage to Mr Thomas
Mountfort of Ashburne in the said County of Derby with a proportionate share of the
5 interest to accrue due thereon I also give devise and bequeath from and after the decease
or marriage of my said wife as aforesaid, six twenty fourth shares of the said Mine called
Colliers Venture, six twenty fourth shares of the said Mine called Back Settlements
one twentieth share of a Mine called Samuel Rake, six twenty fourth shares of another
Mine called the Sticking and one twenty fourth share of the said Mine called Welchman's
Venture unto my said natural son George Wood otherwise George Spencer his heirs executors
6 administrators and assigns for ever I also give and devise from and after the decease

L. b. A.
B. R.
R. B.

(1.)

Isaac Spencer
mark.

or second marriage of my said wife as aforesaid All that my dwellinghouse or tenement with the garden buildings and appurtenances thereto belonging situate in Middleton aforesaid and now in the occupation of my son John Spencer And all that piece or parcel of land called Boulter's Field situate in Middleton aforesaid and also my allotment or piece of land in Middleton Wood adjoining to the said Boulter's Field now also in my own occupation with the appurtenances thereto respectively belonging unto my said son John Spencer his heirs and assigns for ever Subject nevertheless to and charged and chargeable with the payment of the sum of One hundred pounds in further part and discharge of the said sum of ~~the~~ hundred pounds so owing by me on mortgage as aforesaid with a proportionate share of the interest to accrue due thereon I also give and devise from and after the decease or marriage of my said wife as aforesaid All that my allotment or piece of land situate on Middleton Moor called the Samuel Rake allotment

J. B. A.
P. R.
R. B.

J. B. A.
P. R.
R. B.

and lately set out and awarded to me on the inclosure of ^{the} Commons and Waste grounds in Middleton aforesaid unto my said son John Spencer his heirs and assigns for ever Subject nevertheless to and charged and chargeable with the payment of the sum of One hundred pounds to my daughter Lois Elly the wife of George Elly at the expiration of twelve calendar months next after the decease or marriage of my said wife and I direct that she my said daughter shall take a vested interest in the said sum of One hundred pounds immediately on my decease I also give devise and bequeath from and after the decease or marriage of my said wife as aforesaid two twenty fourth shares of the said mine called Back Settlement and twenty fourth share of the said mine called Welchman's venture four twenty fourth shares of a mine called Crabtree Boghole and two twenty fourth shares of the said mine called Colliers' venture unto my said son John Spencer his heirs and assigns I also give and

J. B. A.
P. R.
R. B.

devise from and after the decease or marriage of my said wife as aforesaid All that my other allotment or piece of land situate on Middleton Moor aforesaid and which I purchased from Isaac Killee unto my two sons in law John Dacey and John Brooks in equal shares and proportions as tenants in common and not as joint tenants and to their several and respective heirs and assigns for ever I also give and devise from and after the decease or marriage of my said wife as aforesaid All that my messuage dwellinghouse or tenement wherein I now dwell situate in Middleton aforesaid with all the buildings gardens and appurtenances thereto belonging and appertaining And all that piece or parcel of land lying near thereto and formerly in three pieces or parcels of land called Enist Croft, Gellis Pingle and Humphers Pingle and containing two acres or thereabouts unto my son Thomas Spencer his heirs and assigns for ever Subject nevertheless to and charged and chargeable with the payment of the sum of two hundred pounds in further part and discharge of the said sum of ~~the~~ hundred pounds so owing by me on mortgage as aforesaid with a proportionate share of the interest to accrue due thereon I give devise

J. B. A.
P. R.
R. B.

and bequeath from and after the decease or marriage of my said wife ~~as aforesaid~~
six twenty fourth shares of the said Mine called Back Settlements, six twenty fourth
shares of the said Mine called Collier's Venture, six twenty fourth shares of the said Mine
called Picking, three twenty fourth shares of the said Mine called Crabtree Doghole and
one twenty fourth share of the said Mine called Welchman's Venture unto my said son
Thomas Spencer his heirs executors administrators and assigns for ever I also give and
devise from and after the decease or marriage of my said wife as aforesaid All that
piece or parcel of land called or known by the name of Able Acre, now in three parts;

now in my own occupation
situate in Middleton aforesaid containing one acre and three roods or thereabouts, and
one other piece or parcel of land called Croft Wood or Bull Close and another piece or parcel of land called the hind Lane Bridge containing one acre
now in my own occupation with their respective appurtenances unto my son Job Spencer
his heirs and assigns for ever subject nevertheless to and charged and chargeable with
the payment of the sum of fifty pounds in further part and discharge of the said sum

of ~~five~~ hundred pounds so owing by me on mortgage as aforesaid with a proportionate
share of the interest to accrue due thereon I also give devise and bequeath from
and after the decease or marriage of my said wife as aforesaid two twenty fourth
shares of the said Mine called Back Settlements, two twenty fourth shares of the said
Mine called Collier's Venture, six twenty fourth shares of the said Mine called Picking
and one twenty fourth share of the said Mine called Welchman's Venture unto my
said son Job Spencer his heirs executors administrators and assigns for ever I also
give ^{and} devise unto ~~it~~ ~~in~~ ~~it~~ ~~in~~ from and after the decease or marriage of my said

wife All that piece or parcel of land called Woodgate Burrowes Holes or Acres ~~is~~
containing about two acres and all those pieces or parcels of land called Woodgate

Piece and the field above the same adjoining the said field ~~above the same~~ called
Burrowes Holes or Acres containing about one acre and three roods and one other
piece or parcel of land called the Twenty Butts Piece And all those two other
pieces or parcels of land called the Wispen Pieces containing about one acre and a half

which said pieces or parcels of land are situate in Middleton aforesaid and are now
in my own occupation with their respective appurtenances unto my son Joseph
Spencer his heirs and assigns for ever subject nevertheless to and charged and chargeable
with the payment of the sum of twenty pounds to my daughter Martha Dosey the wife of
the said John Dosey at the expiration of twelve calendar months next after ^{the} ~~my~~ decease

And I direct that she my said daughter shall take a vested interest in the said sum
of twenty pounds immediately on my decease I also give devise and bequeath from
and after the decease or marriage of my said wife as aforesaid two twenty fourth shares
of the said Mine called the Back Settlements, two twenty fourth shares of the said Mine
called Collier's Venture and one twenty fourth share of the said Mine called ~~the~~
Welchman's Venture unto my said son Joseph Spencer his heirs executors administrators
and assigns for ever AND it is my Will and I hereby direct that all and every the

Devises and Devisees hereinbefore mentioned shall take vested interests in the hereditaments
and premises hereinbefore respectively given and devised to them immediately on my

Isaac Spencer
mark

I also give and devise from and after the decease of my said wife as aforesaid all
 those two pieces or parcels of land situate in Middleton aforesaid and now in my own ~~own~~
 occupation called or known by the name of the Thirkings containing together about one acre
 and a half with the appurtenances unto my daughter Sarah the wife of Benjamin Clayton
 her heirs and assigns for ever But in case she my said daughter shall depart ~~this~~ life before
 the death or marriage of my said wife I give and devise the said last mentioned pieces
 or parcels of land unto my Executors hereinafter named (except my said wife) their
 heirs and assigns Upon Trust that they or the survivors or survivor of them or the heirs of
 such survivor shall and do sell and dispose thereof as soon as conveniently may be
 after the decease or marriage of my said wife, as the case shall happen, either by public
 auction or private contract for the best price that can be obtained for the same and
 convey and assure the same to the purchaser or purchasers thereof accordingly And I direct
 that the receipts of my said trustees or the survivors or survivor of them or the heirs executors
 or administrators of such survivor shall be effectual discharges to such purchaser or
 purchasers for his her or their purchase money and that after obtaining such receipts
 the said purchaser or purchasers shall not be answerable or accountable for the same
 or any part thereof or be liable to see to the application thereof And as to the monies
 which shall arise by the ^{said} sale (after paying and discharging all the expences incident
 to such sale) I direct that my said Executors for the time being shall stand and be possessed
 thereof Upon Trust to pay and divide the same unto and equally amongst all and every
 the child and children of my said daughter Sarah Clayton as and when ~~the~~ ^{they} shall severally
 attain ~~their~~ ^{their} respective ages of twenty years And I direct that ~~the~~ ^{the} ~~part~~ ^{parts} of such shares
 respective shares shall be allowed to accumulate or shall be paid towards their maintenance
 and bringing up as they my said Executors for the time being shall in their discretion
 think proper I also give devise and bequeath from and after the decease of my said
 wife six twenty fourth shares of the said mine called Thirkings, one twenty fourth share
 of the said mine called Colliers Venture and one twenty fourth share of the said mine
 called Welchman's Venture unto my son in law the said Benjamin Clayton his heirs
 executors administrators and assigns for ever And it is my Will and I do hereby
 direct that my said wife shall during her life or until her marriage as aforesaid pay
 and keep down the interest on the said mortgage so owing by me as aforesaid And it
 is my will and I do hereby further direct that the profits of my said mines and shares
 of mines shall during the life or widowhood of my said wife go and be paid by her my said
 wife in liquidation and discharge of the said principal sum of ~~five~~ ^{five} hundred pounds so
 owing by me on mortgage as aforesaid as far as the same will extend and that such part
 of the said sum and the interest thereof as may be liquidated and discharged by means
 of the profits of my said mines as aforesaid shall be deducted from the several sums herein-
 before directed to be paid out of and charged upon part of my said real estate as herein-
 before is mentioned and out of my personal estate hereinafter bequeathed in the same
 proportions as the same sum of ~~five~~ ^{five} hundred pounds and the interest thereof are hereby
 by me charged as aforesaid And in case the whole of the said sum of ~~five~~ ^{five} hundred pounds

L. A. }
 R. R. }
 R. B. }

L. A. }
 R. R. }
 R. B. }

the interest thereof shall be liquidated by the profits of the said mines and shares of mines during the life or widowhood of my said wife as aforesaid then I discharge the several ~~and~~ hereditaments and premises hereinbefore devised and my said personal estate hereinafter bequeathed from the said several sums by me hereby charged and directed to be paid in liquidation of the said mortgage debt and interest and of and from every part thereof And I request that my respected friend Mr Charles Milnes of Ashover will take charge of the profits to arise from the said mines and shares of mines from time to time and pay and apply the same accordingly in such way and manner he may think proper I give and bequeath all my live and dead farming stock, stock in trade household goods and furniture money and securities for money book and other debts and all other my personal estate and effects whatsoever and wheresoever and of what nature or kind soever unto my said wife Lois Spencer to and for her own absolute use and benefit subject nevertheless to the payment of the sum of One hundred and fifty pounds residue of the said sum of Six hundred pounds so owing by me on mortgage as aforesaid with a proportionate share of the interest to accrue due thereon and also subject to the payment of all my just debts (except as aforesaid) funeral and testamentary expences And Lastly I hereby nominate constitute and appoint my said wife Lois Spencer, my ~~son~~ said natural son George Wood otherwise George Spencer, and my said sons John Spencer and Job Spencer joint Executors and Executors of this my last Will and Testament hereby revoking all former and other Wills by me at any time heretofore made In Witness whereof I the said Isaac Spencer, the Testator, to this my last Will and Testament contained or written on five sheets of paper have to the four first sheets thereof set my hand and seal to this fifth and last sheet my hand and seal the thirty first day of January one thousand eight hundred and thirty seven.

his
Isaac Spencer
mark

30 Signed sealed published and declared by the said Isaac Spencer 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 hereunto set and subscribed our names as witnesses thereof the word "six" in the first sheet being written on an erasure and the word "six" on the second third and fourth sheets having been previously interlined and noticed by us and the interlineations between the twenty third and twenty fourth lines on the second sheet and between the ninth and tenth lines and the thirty first and thirty second lines from the top of the third sheet being also first made and observed by us

John C. Newbold
Rich^d Richardson
Robert Beeson

31 John 21 words
c90

At Chesterfield 12th October 1837

Let a Probate of this Will and Codicil
be granted to Lois Spencer the Executrix and
George Wood otherwise George Spencer and John
Spencer and Job Spencer the Executors
named therein.

Testator died
11th May 1837

They being also duly sworn
that the personal Estate of the
said deceased does not amount
in value to £200

Before me
Richard Ward Surrogate