

Lick & 20<sup>th</sup> May

1840

J Job Spencer

pro Wicksworth

2 ex 6 Inf 100£

WILL.

In the *Bishops* Court of *Lichfield*

In the Goods of *Job Spencer*  
Deceased.

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

Appeared Personally *Isaac Spencer of Middleton in the  
parish of Wirksworth in the County of Derby a  
Miner and John Sheldon of the same place  
Miner the joint*

Executors named in the last Will and Testament of the said *Job Spencer*  
late of *Middleton aforesaid*  
in the County of *Derby*

If one or more  
Codicils state so.

*aforesaid 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  
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 their Deponent's knowledge, information and belief

Sworn on the *9th*  
day of *April* — 1840 }  
before me,

*Isaac Spencer*  
*John Sheldon*

*W. R. Melville*  
*Commissioner*



In the Name of God Amen.  
I. Job Spencer. of Middleton

by Mirksworth in the County of Derby. Miners 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 unto him  
his heirs and assigns for ever. And as to all others my Messuages  
Lands, Tenements, Hereditaments and Real Estate whatsoever and  
wheresoever and of what Tenure, or kind soever, I give, devise,  
and bequeath, the same unto my dear Wife Hannah Spencer  
and her assigns. for and during the Term of her Natural  
life or so long as she shall continue my Widow.

And from and immediately after the decease or marriage  
of my said Wife which shall first happen. I give and devise  
all them Two Pines or parcels of Land by name Meadow Road or  
Meadow Road. Numbers in plan 351 and 352. but now in one piece  
or parcel of Land, and commonly called Walkers Close, now in  
my own occupation situate in Middleton aforesaid unto  
my said Son Isaac Spencer his heirs and assigns for ever.

I also give and devise from and immediately after the  
decease or Marriage of my said Wife as aforesaid all that  
Piece or Parcel of Land called Spencers Piece or Meatus, now  
in my own occupation situate in Middleton aforesaid  
with all Appurtenances thereto belonging unto my  
said Son Isaac Spencer his heirs and assigns for ever.

I Also give and devise from and immediately after  
the decease or second Marriage of my said Wife which  
shall first happen all that piece or parcel of Land  
called the Ash Piece containing Two Rods and Thirty  
Two perches be the same more or less. now in my own  
occupation situate in Middleton aforesaid unto my  
said Son Isaac Spencer his heirs and assigns for  
ever =

I Also give and devise from and imme-  
diately after the decease or second Marriage of my said  
Wife which shall first happen all that piece or parcel  
of Land called Springas Close or middle piece number  
on plan 13. containing one Acre Three Rods and  
Twenty three perches or thereabouts be the same more  
or less. now in my own occupation situate in Middleton  
aforesaid unto my Son Reuben Spencer his heirs and  
assigns for ever. Subject nevertheless to and Charged and

by Wicksworth in the County of Derby. I Minn 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 unto him  
his heirs and assigns for ever. And as to all others my Messuages  
Sands, Tenements, Hereditaments and Real Estate whatsoever and  
wheresoever and of what Tenure, or kind soever, I give, devise,  
and bequeath, the same unto my dear Wife Hannah Spencer  
and her assigns for and during the Term of her Natural  
life or so long as she shall continue my Widow.  
And from and immediately after the decease or marriage  
of my said Wife which shall first happen. I give and devise  
all them Two Pieces or parcels of Land by name Meadow Road or  
Meadow Road. Numbers in plan 351 and 352. but now in one piece  
or parcel of Land, and commonly called Walkers Close, now in  
my own occupation situate in Middleton aforesaid unto  
my said Son Isaac Spencer his heirs and assigns for ever.  
I also give and devise from and immediately after the  
decease or Marriage of my said Wife as aforesaid all that  
Piece or Parcel of Land called Spencers Piece or Heastus, now  
in my own occupation situate in Middleton aforesaid  
with all Appurtenances thereto belonging unto my  
said Son Isaac Spencer his heirs and assigns for ever.  
I Also give and devise from and immediately after  
the decease or second marriage of my said Wife which  
shall first happen all that Piece or parcel of Land  
called the Ash Piece containing Two Rods and thirty  
Two perches or the same more or less. now in my own  
occupation situate in Middleton aforesaid unto my  
said Son Isaac Spencer his heirs and assigns for  
ever. I Also give and devise from and imme-  
diately after the decease or second marriage of my said  
Wife which shall first happen all that Piece or parcel  
of Land called Springus Close or middle piece number  
on plan 13. containing one Acre Three Rods and  
Twenty three perches or thereabouts or the same more  
or less. now in my own occupation situate in Middleton  
aforesaid unto my Son Reuben Spencer his heirs and  
assigns for ever Subject nevertheless to and Charged and  
Chargeable with the Payment of the Sum of Twenty  
Pounds unto my Daughter Ann the Wife of William  
Roper. at the expiration of Twelve Calendar Months next



after the decease or marriage of my said wife as aforesaid  
and I direct that she my said Daughter shall take a  
vested interest in the said Sum of Twenty Pounds imme-  
-diately on my decease. And I also direct and it is my  
Will that my said Son Richard Spencer from and immedi-  
-ately after the decease or second marriage of my said wife  
is subject to and charged and chargeable with the payment  
of a further Sum of Five Pounds in part and discharge  
of the Sum of Forty Pounds so owing by me on Mortgage  
to Mr William Torr of Wicksworth in the said County of Derby=

I also give and devise from and immediately after the  
decease or marriage of my said wife as aforesaid all that im-  
prie or parcel of Land called Hall Croft and also all that  
my Allotment adjoining the same at the Top Number on plan  
80 And also all that piece or parcel of Land called  
Springas piece with a Barn or Cowhouse in the same  
piece or parcel of Land all of which are now in my  
own occupation in Middleton aforesaid with all  
appurtenances thereto belonging unto my Son Arthur  
Spencer his heirs and assigns for ever. Subject nevertheless  
to and charged and chargeable with the payment of the  
Sum of Twenty Five Pounds in further part and discharge  
of the said Sum of Forty Pounds so owing by me on  
Mortgage as aforesaid= I also give and devise from  
and immediately <sup>after</sup> the decease or marriage of my said wife  
as aforesaid all that piece or parcel of Land called ~~the~~  
Nether Boltas piece adjoining land on one side belonging  
unto Obadiah Adams and adjoining land on the other  
side belonging to Arthur Spencer and also extending and  
adjoining Boltas Lane now in my own occupation  
situate in Middleton aforesaid unto my daughter  
Sarah (Wife of Edward Mather) her heirs and assigns  
for ever= I also give and devise from and immedi-  
-ately after the decease or marriage of my said wife as  
aforesaid all three my Two Allotments near Engine  
house known on plan by numbers 10 and 11. Containing  
by admeasurement one Acre and sixteen perches or more  
therabouts be the same more or less unto my Son-in-law  
John Sheldon his heirs and assigns for ever. the same  
being situate in Middleton aforesaid and now in my own  
occupation. Subject nevertheless to and charged and chargeable  
with the payment of the Sum of Ten Pounds being the residue  
of the said Sum of Forty Pounds so owing by me on Mortgage  
to the said Mr William Torr of Wicksworth as aforesaid= I also  
Will and direct that the aforesaid Allotments number ten  
and eleven which I have bequeathed to my said Son-in-law  
John Sheldon is subject to and charged and chargeable



=diately on my decease. And I also direct and it is my Will that my said son Reuben Spencer from and immediately after the decease or second marriage of my said wife is subject to, and charged and chargeable with the payment of a further sum of Five pounds. in part and discharge of the sum of Forty pounds. so owing by me on mortgage to Mr William Torr of Wicksworth in the said County of Derby.

I also give and devise from and immediately after the decease or marriage of my said wife as aforesaid. all that messuage or piece of Land called Hall Croft and also all that my Abbotment adjoining the same at the Top Number on plan 80 And also all that piece or parcel of Land called Springas piece with a Barn or Cowhouse in the same piece or parcel of Land all of which are now in my own occupation in Middleton aforesaid with all appurtenances thereto belonging unto my son Arthur Spencer his heirs and assigns for ever. Subject nevertheless to and charged and chargeable with the payment of the sum of Twenty Five Pounds in further part and discharge of the said sum of Forty Pounds. so owing by me on mortgage as aforesaid = I also give and devise from and immediately <sup>after</sup> the decease or marriage of my said wife as aforesaid all that piece or parcel of Land called ~~the~~ neither Boltas piece adjoining Land on one side belonging unto Obadiah Adams and adjoining Land on the other side belonging to Arthur Spencer and also extending and adjoining Boltas Lane now in my own occupation situate in Middleton aforesaid unto my daughter Sarah (wife of Edward Mather) her heirs and assigns for ever = I also give and devise from and immediately after the decease or marriage of my said wife as aforesaid All three my Two Abbotments near Engine house known on plan by numbers 10 and 11. Containing by admeasurement one Acre and Sixteen perches or thereabouts be the same more or less unto my son-in-law John Sheldon his heirs and assigns for ever. the same being situate in Middleton aforesaid and now in my own occupation. Subject nevertheless to and charged and chargeable with the payment of the sum of Ten pounds. being the residue of the said sum of Forty Pounds so owing by me on mortgage to the said Mr William Torr of Wicksworth as aforesaid = I also Will and direct that the aforesaid Abbotments number ten and eleven which I have bequeathed to my said son-in-law John Sheldon is subject to and charged and chargeable with the payment of the further sum of ~~Five~~ <sup>Ten</sup> Pounds unto my (Deceased) Daughter Elizabeths Children (who was the wife of William Marples) to be equally divided amongst them at the expiration of Twelve Calendar months next after the decease or second marriage of my

said Wife. I also direct that my said Grandchildren take a vested interest in the said sum of ~~Twenty~~ Pounds at my decease.

11 And it is my will and I do hereby direct that my said Wife during her life or until her marriage as aforesaid do pay and keep down the ~~mortgage~~ Interest on the said mortgage so owing by me as aforesaid = I also give and devise and it is my Will that all my mines and shares of mines which I possess be equally divided amongst my Children as follows. viz my son Isaac Spencer one fifth, my said son Ruben Spencer one fifth, <sup>share</sup> my son Arthur Spencer one fifth, my son-in-law John Sheldon one fifth share and my son-in-law E. Mather one fifth share =

I give devise and bequeath all that my messuage Dwellinghouse or Tenement wherein I now dwell situate in Middletown aforesaid with all the Buildings Gardens and appurtenances thereto belonging and appertaining unto my dear Wife Hannah Spencer her heirs and assigns for ever Subject nevertheless to and charged and chargeable with the payment of the sum of Ten Pounds unto my Grand daughter Mary Slack wife of Samuel Slack at the expiration of Twelve Calendar Months after my decease...

13 I also 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 of what nature or kind sever unto my said Wife Hannah Spencer to and for her own absolute use and benefit Nevertheless Subject to the payment of all my just debts (except as aforesaid) Funeral and Testamentary expenses =

And lastly I hereby nominate and constitute and appoint my said son Isaac Spencer and my said son-in-law John Sheldon joint Executors and Executors of this my last Will and Testament revoking all former and other Wills at any time heretofore made. In Witness Whereof I the said Job Spencer the Testator, to this my last Will and Testament contained or written on one sheet of paper have set my hand and seal the 5<sup>th</sup> day of February one thousand eight hundred and Forty =

Job Spencer

Signed Sealed published and declared by the said Job 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 each other have hereunto set and Subscribed our names as Witnesses



During her life or until her Marriage as aforesaid do pay and  
keep down the ~~Mortgage~~ Interest on the said Mortgage so  
owing by me as aforesaid - I also give and devise and  
it is my Will that all my mines and shares of mines  
which I possess be equally divided amongst my Children  
as follows. viz my son Isaac Spencer one fifth, my said son  
Rushen Spencer one fifth, <sup>where</sup> my son Arthur Spencer one fifth, where  
my son-in-law John Sheldon one fifth share and my son-in-law  
D. Mather one fifth share - I give devise and bequeath  
all that my messuage Dwellinghouse or Tenement wherein  
I now dwell situate in Middletown aforesaid with all the  
Buildings Gardens and appurtenances thereto belonging  
and appertaining unto my dear Wife Hannah Spencer  
her heirs and assigns for ever Subject nevertheless to  
and charged and chargeable with the payment of the  
sum of Ten Pounds unto my Grand daughter  
Mary Slack wife of Samuel Slack at the expiration  
of Twelve Calendar Months after my decease - - -  
I also give and bequeath all my live and dead  
Fanning Stock, Stock in Trade Households goods and  
Furniture money and securities for money, book and  
and other debts and all other my personal Estate and  
effects whatsoever and wheresoever of what nature or  
kind ever unto my said Wife Hannah Spencer  
to and for her own absolute use and benefit Neverthe-  
less Subject to the payment of all my just debts  
(except as aforesaid) Funeral and Testamentary  
expences =

And lastly I hereby nominate and  
constitute and appoint my said son Isaac  
Spencer and my said son-in-law John Sheldon  
Joint Executors and Executors of this my last  
Will and Testament revoking all former and  
other Wills at any time heretofore made by  
me Whereof I the said Job Spencer the  
Testator, to this my last Will and Testament  
contained or written on one sheet of paper have set  
my hand and seal the Fifth day of February one Thousand Eight  
Hundred and Forty = Job Spencer

Signed Sealed published and declared by the  
said Job 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 each other  
have hereunto set and Subscribed our names as Witnesses

Obadiah Adams  
William Buckley  
Job Spencer

~~At Chester 9<sup>th</sup> Apr 1860~~

~~Let a Probate of the will be granted to  
James French and John Thelwell the  
Executors therein named.~~

~~They have duly sworn as above  
that the deceased General Estate  
is not of the value of £1000~~  
Before me



**JAMES THOMAS LAW, Clerk, Master**  
of Arts, Vicar General of the Right Reverend Father in God,  
JAMES, by Divine permission, Bishop of LICHFIELD, To



Clerks, jointly, and severally  
Sendeth Greeting: WHEREAS it has been alledged, before US  
that *Isaac Spencer* — late of *Middleton near*  
*Wicks with* in the County of *Derby*  
and Diocese of Lichfield, *deceased*  
deceased, duly made and executed, his last Will and Testament  
in writing, and therein named *Isaac Spencer*  
and *John Sheldon*

of the Parish  
Executors thereof;  
We therefore by these presents, Commit and Grant, to you jointly,  
and severally, full power and authority to administer the Oath under  
written, to the *said*

Executors — and also to Swear the Persons  
whose names are Subscribed to the Affidavit annexed to the truth thereof, and the said Oath being  
administered, you are to certify the same to US or our said Surrogate, and subscribe your Name  
thereto, together with these presents, within three Months from the date hereof. *Provided never-*  
*theless*, that this Commission shall be of no effect, unless so certified and transmitted to US within  
that time. Dated at LICHFIELD, the *ninth* day of *April* in the  
Year of our Lord, 18*40*.

*J. B. Chiswick*  
*Proctor*

### THE OATH.

YOUR Oath is, that the writing, now shewed unto you, contains the true last Will and  
Testament of *Isaac Spencer* — deceased, so far as you  
know and believe; that you are *the* Executors named therein, and  
will faithfully perform that Office, by paying his Just Debts, and the Legacies therein bequeathed,  
so far as his Personal Estate will Extend, and the Law require from you; that you will make  
a true and perfect Inventory thereof, and Exhibit the same into the Registry of the Bishop's  
Consistory Court of Lichfield, and also a just account of your Executorship, when you are  
thereunto lawfully required, and that the Goods, Chattels and Credits of the said Deceased  
without deducting any debts owing by the said deceased therefrom, do not amount in value to  
the Sum of *One hundred*  
Pounds and that the Contents of the Affidavit hereto annexed to which you have subscribed your  
name were and are true.

So help you God.

QRY. When he died?

ANS. *Feb. 1840*

On the *ninth* day of *April* 18*40*.  
this Commission was duly executed and the said *Isaac Spencer and John*

*Sheldon*

were duly

of the Parish of  
sworn according to the above oath before me

Commissioner.

*W. M. W. W.*

*See over*

The Oath -

Your Oath is that the Affidavit hereto annexed  
to which you have subscribed your Name  
were and were true So help you God &c

On the 25<sup>th</sup> day of April 1840 -

This Commission to us further duly Executed and  
I do Spencer Sworn to the truth of the  
Affidavit hereto annexed according to the Tenor  
of the above written Oath before me

W R McWillie

{ Commissioner

Lick & 20<sup>th</sup> May

1840

J. Job Spencer

pro workworth

2 ex & Inf 100 £



In the goods of Job Spencer deceased,



Appeared personally Job Spencer — of  
Middletown — in the County of Derby  
Publican & Farmer and made oath that he is one of the  
Subscribing Witnesses to the last Will and Testament  
of Job Spencer late of Middletown by Worksop  
in the County of Derby Minor deceased. Hereto  
annexed marked with the Letter (A) bearing  
date the fifth day of February One thousand  
eight hundred and forty, and subscribed the  
"Job Spencer" and having now carefully viewed  
and inspected the said Will and particularly the  
interlineation of the word "after" between the twenty  
fourth and twenty fifth lines of the second side  
of the said Will. Also the interlineation of the  
word "Ten" between the forty seventh and forty eighth  
lines and the obliteration of the word "Twenty" in the  
said forty eighth line of the second side of the said  
Will. Also the interlineation of the word "Ten"  
between the first and second lines and the obliteration  
of the word "Twenty" in the said second line of the  
third side of the said Will. Also the obliteration

of the word "mortgage" in the fifth line of the  
said third side of the said Will. He further  
made oath that the said several interlineations  
and obliterations were so made in the said Will previous to the  
execution thereof by the said deceased and that the  
Will is now in the same state, plight and condition  
as it was at the time of the execution by the said  
Job Spencer the Testator deceased of.

*Date*  
On the twenty fifth day of April  
1840 The said Job Spencer —  
was then duly sworn to the truth  
of the Affidavit by virtue of the  
Commission annexed. Before me

Job Spencer

W B McVittie

Commissioner





19<sup>th</sup> April 1840

On which day Ann Exhibited as Proctor  
Made himself party for Isaac Spencer and John  
Sheldon and alleged that Job Spencer late of  
Middletown in the Parish of Wirksworth  
in the County of Derby and Diocese of  
Lichfield since deceased whilst living  
duly Made and Executed his last Will and  
Testament in Writing and thereof appointed  
the said Isaac Spencer and John Sheldon  
Executors wherefore He prayed Probate of  
the said Will to be Committed and Granted  
to his said party and also a Commission  
to issue forth for Admonishing to the said  
Isaac Spencer and John Sheldon the usual  
Oath of Executors and also a Certain Person  
to the rule of an Affidavit docketed to  
Melville and

Clerk jointly and severally

Let Commission and Probate pass as prayed

Saml W. Law.

Chancellor.