

Edward Nighthingale - On the 11th day of June 1844 the said James Edward Nighthingale was duly sworn to the truth of the foregoing as Affidavit before me J. J. Pratt Esq. & Mr. W. Hothery My Pub. &

Proved at London with two Councillors 17th June 1844 before the honorable Justices of the Peace Thomas Pratt Doctor of Laws and Surrogate by the oath of James Edward Nighthingale the sole Executor to William Nighthingale deceased having been first sworn duly to administer &

This is the last Will and Testament

of me John Finch of Sulgrave in the County of Northampton Esquire do hereby and bequeath all my freehold copyhold and personal estate in manner following that is to say first I give and bequeath unto John Williams of Barton in the County of Northampton Esquire of an acre of arable land in the County of Northampton and William Currier a of Shireburnham in the County of Northampton aforesaid the sum of all that my freehold estate at Sulgrave aforesaid consisting of a public house a called the Craven Arms with the buildings there garden and the several pieces or parcels of arable meadow and pasture land thereto belonging containing about twenty two acres more or less as the same are now in the tenure or occupation of John Potters and also all those two cottages or tenements with the garden and appurtenances thereto belonging situate at Sulgrave aforesaid now in the occupation of Stephen Phillips and Charles Mann and also all that a coppice or woods ground called the Little Copse containing one acre or two rods and eight perches more or less situate near to my present or residence in Sulgrave aforesaid and now in my own occupation together with the right and equity of their rights manors and appurtenances appertaining to hold the same to them the said John Williams Esquire Currier and William Currier and to the survivors and survivor of them and his heirs upon trust from and immediately after my decease to sell and dispose of the same either by public auction or private contract and either together or in parts and at one time or several times as to them or him shall seem expedient for the best price or as prices that can conveniently be procured for the same to any person or persons who shall agree to become the purchaser or purchasers thereof and shall convey and assure the same to such purchaser or purchasers thereof his heirs or their heirs executors administrators or assigns or otherwise as he or they shall direct or appoint and I do hereby direct and declare that the receipt or receipts of the trustees or trustee for the time being acting in the execution of the trusts herein created shall be an effectual discharge and discharges for so much money as therein shall be acknowledged to be received and the person or persons paying the same shall not be obliged to see to the application of such purchase money or be answerable or accountable for the misapplication or nonapplication thereof or of any part thereof and I do also further direct that the rents and annual profits of my said freehold premises hereinbefore directed to be sold as aforesaid or such part thereof as for the time being shall remain unsold shall until the sale thereof be received by my said Trustees or Trustee for the time being and shall be applied for such uses intents and purposes as the monies to arise from the sale of the said premises could be payable and applicable if the same had been actually sold by virtue of the powers hereinbefore contained and I do hereby direct and declare that the said Trustees and the survivors and survivor of them and the executors and administrators of a such survivor do and shall stand and be possessed of and interested in the

John Finch
39.

Interlined in Original

monies to be received by them from the sale or sales hereinbefore directed
 to be made of my said freehold premises and of the rents and profits thereof
 of in the mean time until sale upon trust in the first place to retain in
 and reimburse themselves and themselves all the costs charges and expens-
 es attending the sale or sales hereinbefore directed to be made and then
 to pay satisfy and discharge my testamentary and funeral expenses and
 also all my just debts or bonds mortgage or otherwise and also the legacies
 of thirty pounds residue I have hereinbefore given by this my will and on
 after full payment and satisfaction of all such debts legacies and expenses
 upon trust to pay and divide the residue thereof (if any) between and
 amongst all and every my brothers and sisters absolutely in equal shares
 but in case any of my said brothers and sisters shall have departed in
 this life previous to my decease and shall have left lawful issue
 shall be then living then I give the share or shares of the brother or
 sister so having died leaving lawful issue then living unto and
 amongst the issue of such brother or sister so having died leaving such
 issue as aforesaid to be equally divided between them share and share
 alike Also I give and bequeath all that the remaining part of my said free-
 hold estate situate at Suthpau aforesaid consisting of the cottage yard in
 garden buildings and premises thereto belonging together I now dwell in
 together with the three pieces of Coppice or wood ground adjoining thereto
 and to each other and situate and being on the East North sides of the
 said last mentioned cottage and containing together seven acres and six
 ten parts (more or less) all which last mentioned Coppices are now in
 my own occupation together with all the rights manors and appurten-
 ances to the same belonging and also all my freehold and copyhold
 estate and property situate and being at Baydon and Albourne in the
 County of Wilts the freehold consisting of sixty five acres three roods and
 thirty six parts (more or less) and the copyhold being forty one acres
 two roods and four parts (more or less) and all other my real estate whosoever
 and whatsoever unto the said John William Francis Cairns or
 William Curmish and to the survivors and survivor of them and his or
 their upon trust to permit and suffer my said sister to occupy and enjoy
 the said last mentioned cottage yard garden buildings and premises
 together I do dwell as aforesaid for and during the term of her natural
 life she keeping the same in good and tenantable repair and insuring
 the same yearly from loss or damage by fire and also upon trust to
 permit the said sister to occupy the said three pieces of Coppice or
 wood ground adjoining to my said cottage and premises as aforesaid
 for and during the term of her natural life she cutting the underwood
 only growing on the said woodland at proper and seasonable times
 but not otherwise and also at all times preserving the timber and timber
 trees and all young trees and saplings growing thereon from injury or
 spoil to the utmost of her power to the satisfaction of my said trustees
 or trustee for the time being and also upon further trust to receive the
 rents and profits of all my said freehold and copyhold estate and prop-
 erty situate in the parishes of Baydon and Albourne aforesaid as the
 same shall from time to time become due and payable and out of the
 said rents and profits thereof to pay all expenses attending the receipt
 the said rents and management of the several trusts of this my will
 and the charges for the insurance of the several buildings and prem-
 ises from loss or damage by fire and the necessary repairs of the same
 as the trustees shall deem expedient and then to pay the residue of
 the said rents after making such deductions as aforesaid unto my said
 sister to and for her own absolute use and benefit for and during
 the term of her natural life and from and immediately after her
 decease then upon further trust to sell and dispose of all the said free-

and last mentioned Cottage Garden and premises together with so much
 as aforesaid and the said three pieces of woods or Coppice ground or a
 adjoining thereto situate at such place aforesaid and also all my in
 said freehold and copyhold estate and property situate in the par-
 ishes of Bampton and Abbotsbury aforesaid and all other my real es-
 tate whatsoever and wheresoever by public auction or private con-
 tract and either together or in parcels and at one time or at several
 times as to them or any of them shall seem meet or expedient for the best
 price or prices that can reasonably be procured for the same to any
 person or persons who shall agree to become the purchaser or pur-
 chasers thereof in this case or these cases my executors administrators
 or assigns or otherwise as he or she or they shall direct or appoint
 And I also hereby declare and direct that the receipt or receipts
 of the Trustees or Trustee for the time being acting in the execution
 of the trusts hereby created shall be an effectual discharge and dischar-
 ges for so much monies as therein shall be acknowledged to be receiv-
 ed and the person or persons paying the same shall not be obliged to
 see to the application of such purchased monies or be accountable or a-
 countable for the misapplication or nonapplication of the same
 or any part thereof And I further direct that the rents and annual
 profits of my said freehold and copyhold estate and property so lastly
 directed to be sold as aforesaid or any part thereof as for the time or a
 being shall remain undisturbed from the time of the decease of my said
 wife or until the sale thereof be certified by the said trustees
 or trustee for the time being for the benefit of my said person and persons
 and to be applied for my said ends intents and purposes as the monies to
 arise from the sale of the said premises shall be payable and appli-
 cable if the same had been actually sold by virtue of the powers a-
 hereinbefore contained and I further direct that the said trustees a-
 and the auditors and auditor of them and executors and admin-
 istrators do and shall stand and be possessed of and interested in the
 monies to be received by them from the sale or sales lastly hereinbe-
 fore directed to be made of my said freehold and copyhold estate
 and property situate at such place Bampton and Abbotsbury aforesaid
 and of the rents and profits thereof in the mean time until sale
 upon trust to retain and reimburse themselves and themselves all a-
 costs charges and expenses attending the said sale or sales lastly
 hereinbefore directed to be made and all my said other costs charges and
 expenses as they the said trustees for the time being may incur or
 be put unto in the execution of the trusts of this my will and then
 to pay and divide the residue thereof amongst all my brothers and a
 sisters in equal shares and proportions absolutely but in case any
 of them shall have departed this life at the time of my decease and
 yet lawful issue which shall be living at the time of my decease or
 then upon further trust to pay the share and shares of the brother
 or sister so having died leaving lawful issue then living unto and
 amongst the issue of such brother or sister so having died leaving a
 just lawful issue as aforesaid in equal shares and proportions I do
 give unto George Lowe of Tetbury in the County of Gloucestershire
 the legitimate son of Sarah Lowe of Bampton aforesaid the in-
 legitimate or son of Charity pounds to and for his own use and benefit
 I also give and bequeath unto my said wife or until all my house-
 hold goods furniture plate linen china goods effects and Personal
 estate whatsoever and wheresoever and also all the rest and residue
 of my real estate whatsoever to hold to her her heirs executors in
 administrators and assigns to and for her own proper use and ben-
 efit absolutely and I hereby declare that the several bequests herein

x
 and shall receive and receive the
 same to and purchase or purchase
 thereof

before by me given to my said wife & her as aforesaid are so given
 by me to her in lieu of any dower or thirds to which she may be en-
 titled at law or equity in to or out of any real or personal property
 whatsoever of which she may have been at any time seized and in a
 proviso provided also and thereby direct and declare that if the
 said trustees or any or either of them their or any or either of their heirs
 executors administrators or assigns or any trustee or trustee to be appoint-
 ed in the stead or place of them or any of them shall die or be deemed
 of being discharged from or refuse or decline to act or become incapable
 of acting in the trusts of this my will before the same shall be fully in-
 executed performed or discharged then and in such case and so often as
 as the same shall appear it shall be lawful for the person or per-
 sons entitled to the benefit of the trust for the time being if such per-
 son or persons shall be of full age or being his or their minority
 or respective minorities for the said trustees and the survivor of them or
 and the said executors or administrators of such survivor or survivors of a
 them as shall be living at the time of my decease together they shall
 have accepted or renounced the trusts hereby imposed in them by any in-
 deed or deeds instrument or instruments in writing under his or their
 hands and seals or seals and seal to nominate substitute and appoint
 any other person or persons to be a trustee or trustees in the room stead
 or place of him or them so dying or being or being discharged or re-
 fusing or declining to act or become incapable of acting as aforesaid and
 that when and so often as any new trustee or trustees shall be
 nominated or appointed as aforesaid all the trust estates and premi-
 es which shall then be vested in the trustee or trustees so dying or be-
 coming to be discharged or refusing or declining to act or become in-
 capable of acting as aforesaid shall be transferred with all revenues in-
 respect thereof assigned and transferred in such manner and form and
 so that the same shall and may be lawfully and effectually vested in a
 the person or persons so to be appointed as aforesaid either solely or joint-
 ly with the surviving or remaining trustee or trustees as occasion shall
 require to the use and upon and for the trusts intents and purposes
 thereinbefore expressed and declared of and concerning the same trust
 estates and premises or parts of them as shall be then subsisting unde-
 termined and capable of taking effect and the person or persons so to be
 appointed as aforesaid shall have all the powers and authorities of
 the trustee or trustees in whose room stead or place he or they shall
 be substituted provided also and thereby further declare that the several
 trustees hereby appointed or to be appointed as aforesaid and each and
 every of them shall be answerable and accountable for such monies
 only as he or they respectively shall actually receive by virtue of the
 trusts hereby in them imposed notwithstanding their or either of
 their giving or signing a receipt or receipts for the sake of conformity
 and any one or more of them shall not be answerable or accounta-
 ble for the others or either of them but for his own acts deeds and defaults
 other person with whom any of the said trust monies may be deposit-
 ed for safe custody or otherwise nor for the insufficiency of any stocks or
 funds or securities in or upon which the said trust monies may be
 invested or for any other damage that may happen in the execution
 of the said trusts unless through their his or her own wilful neglect
 and also that it shall be lawful for them or any or either of them in
 with and out of the monies which shall come to their respective hands
 by virtue of the trusts aforesaid to retain and reimburse themselves and
 himself respectively all such costs charges and expenses as they or any
 or either of them shall or may sustain expend disburse or be put unto

in or about the execution of the aforesaid trusts or in relation thereto, and I expressly declare and direct that any Executor or Trustee acting in the trusts of this my will who is or shall or may be of the profession of an Attorney at Law or Solicitor shall be entitled to make the same professional charges and receive the same fees and allowances for business transacted under the trusts or in execution of this my will as such Attorney at Law or Solicitor would be entitled to make and receive for the business so transacted if he did not fill or sustain the office of Executor or Trustee any rule of Law or equity notwithstanding this lastly I do hereby appoint a the said John Williams Francis as Executor and William Curwisk joint Executors of this my will and hereby revoke all former wills in witness whereof I the said testator have to this my last will and Testament set my hand and seal that is to say to the six preceding sheets hereof I have set my hand and to this seventh and last sheet I have set my hand and seal this eighth day of March one thousand eight hundred and forty four
 John Finch
 I signed sealed acknowledged and declared by the said testator John Finch as and for his last will and testament a the words "my testamentary and funeral expenses and also" having been first interlined between the nineteenth and twentieth lines of the second sheet hereof in the presence of us who in his presence at his request and in the presence of each other have subscribed our names as witnesses thereto
 Alfred E. Davies
 W. R. Hall
 John Pottow

Proved at London 17th June 1844 before the Judge by the Oaths of John Williams and Francis Curwisk two of the Executors to whom a commission was granted having been first sworn by Commission duly to administer. Power reserved of making the like grant to William Curwisk the other Executor provided he shall apply for the same

In the Name of God Amen
 James Edward Flowerday of No 85 Long Lane, Barbican, plumber painter and glazier being in sound disposing mind memory and understanding and mindful of mortality do this on tenth day of March in the year of our Lord eight hundred and forty 1840 make and publish my last will and testament in manner and form following
 I desire to be buried in the Vault in Long Lane Chapel Barbican where my parents is buried I also give to my wife Emma Flowerday the sum one guinea lawful British money I also give to Sarah a bill of exchange all my plate jewels and cloths and other goods and furniture stock in goods book debts and whatsover is in my house at the time of my death I also give the sum of fifty pounds to Sarah a bill that is placed in Bank stock in Bank of England in joint names of James Edward Flowerday and Sarah a bill as to all the rest whatsoever or whatsover of what nature or kind to be disposed of by sale after paying all my debts funeral expenses and proving at this my will I bequeath the same to Sarah a bill for the use of I do hereby ordain and constitute and appoint the said Sarah a bill as Executor of this my last will and testament by me set and subscribed my hand and seal on the tenth day of March eight hundred and forty
 James Edward Flowerday
 I signed sealed published and declared by the said testator James Edward Flowerday as for his last will and testament in presence of us who at his request in his presence and in presence of each other subscribed our names as witnesses thereto
 Henry William Simpson
 W. Hill

James Edward Flowerday
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