

## **Will of Nathaniel Appleby of Langenhoe 1831**

**This is the last Will and Testament** of me **Nathaniel Appleby of Langenhoe** in the County of Essex shopkeeper made in manner following that is to say I give and bequeath unto **my Wife Ann** All my Stock in Trade Household Goods and Furniture and all other my Personal Estate and Effects whatsoever and wheresoever absolutely

But in case I should survive my said Wife Then I give and bequeath the same and every part thereof unto **John Gilby of Halsted** in the said County of Essex and **James Roy of Colchester** in the said County shopkeeper Upon Trust for them to make Sale of such part thereof as shall not then consist of Money for the best price that they can obtain for the same and the Money arising therefrom together with such part of my personal estate as shall consist of Money I direct shall be paid and applied by the said John Gilby and James Roy for and towards the Maintenance Education and support of my two youngest children Daniel Appleby and David Appleby during their respective Minorities and in case there shall be any Monies in the hands of the said John Gilby and James Roy at the time of the said Daniel and Davis shall have respectively attained their ages of twenty one years Then I give and bequeath the same unto them accordingly Provided always and I do hereby direct that **my son in Law James Gilby** shall before my Executors proceed to sell such part of my personal Estate as shall not consist of Money have the offer of the same at a fair Valuation but in case he refuse the same then I direct my Executors to sell the same as before directed.

Item I give and devise unto my said sons Daniel Appleby and David Appleby All those my Copyhold Cottages or tenements with their Appurtenances holden of the Manor of Fingringhoe now in the occupation of Wm Appleby John Wateham Linnett Bibby and John P..... situate in the Parish of Fingringhoe in the County of Essex near a certain wood called Mansewood (?) To hold to them their Heirs and Assigns for ever as Jointenants Subject however to the payment of one third part of the Value of the same to the said James Gilby on their respectively attaining the Age of twenty one years in case the said James Gilby shall be then living but not otherwise such Value to be found and ascertained by two indifferent persons one to be chosen by the said Daniel and David and the other by the said James Gilby

And Lastly I nominate constitute and appoint the said John Gilby and the said James Roy Executors of this my Will and Guardians of the persons and Estate of my said Sons Daniel and David

In Witness whereof I the said Nathaniel Appleby the Testator have hereunto set my hand and seal this seventeenth day of February One thousand eight hundred and twenty eight.

**Nathaniel X Appleby** (his mark)

Signed Sealed Published and declared by the said Nathaniel Appleby the Testator as and for his last Will and Testament in the presence of us who in his presence at his request and in the presence of each other have hereunto subscribed our names as Witnesses:

Henry May

John Spinks (his mark)

## Codicil

Whereas my late wife hath died since the date of the foregoing Will Now I hereby confirm the bequest of my personal Estate to my Executors therein named for the Trusts and purposes therein mentioned Except that I will and direct that James Gilby my late wife's son shall have and be entitled to one third part of the clear produce of such personal Estate after payment of all my Debts funeral and testamentary Expenses equally with my two Sons Daniel and David and I bequeath to the said James Gilby the Goodwill of the Business I am now carrying on But subject nonetheless and I hereby direct that in case and so long as he shall carry on the same after my death he shall either maintain clothe and bring up my youngest child (David) until he comes of age or pay to my Executors the sum of four shillings a week during his Minority for that purpose And I direct that during the Minority of my said sons Daniel and David the Rents of the Cottages and premises at Fingringhoe shall be received by my Executors and that one half of such rents shall be applied for the Maintenance Clothing and bringing up or otherwise for the benefit of my son Daniel during his minority and that the residu of such Rents shall be accumulated for the benefit of my said sons Daniel and David and the said James Gilby equally Unless my said son David shall by the death of the said James Gilby or otherwise be deprived of his Maintenance and Clothing or the aforesaid allowance for the same and in such last mentioned Case Then I direct my Executors to apply such residuary Rents for the maintenance Clothing and bringing up or otherwise for the benefit of my said son David ..... until he shall come of age and accumulate only the remainder(?) if any of such residuary rents. And in case both my sons Daniel and David shall die under age and without leaving any issue then living, Then I devise and bequest the said Cottages and Premises (subject as in my said Will) and such part of my personal Estate as is hereby or by my said Will intended for them **to all my other children** and their respective Heirs Executors and Administrators equally and as to my Real Estate as Tenants in Common and I request my Executors to consult with Mr Thomas Cooper of Langenhoe Hall and to act under his advice in carrying the trusts of this my Will into Effect And I confirm my will in all other respects and declare this to be a Codicil to the same.

Witness my hand and Seal this twenty third day of April one thousand Eight hundred and twenty nine

The mark of Nathaniel Appleby

Signed sealed and published by the Testator as a Codicil to his Will in the presence of us who in his presence and at his request and in the presence of each other have hereto subscribed our Names as Witnesses:

Charlotte Emily Green

W J Cooper Attorney Colchester

The Testator died in the Parish of Langenhoe in the county of Essex. James Roy one of the Executors within named was sworn by truth of this Will and the performance thereof and that to the best of his knowledge and belief the Goods chattels and Credits of the Deceased do not amount to one hundred Pounds. Dated 6<sup>th</sup> December 1830

Before me

John Dakins

Surrogate

Proved with a Codicil ..... on the 27<sup>th</sup> day of January in the year of our Lord 1831 before the Revd Jno Dakins Clerk Surrogate by the oath of James Roy one of the Exors to whom admon was granted he being first sworn duly to administer Power being reserved of making a like grant to John Gilby the other Executor when he shall apply for the same.