

WILL OF JOSIAS WOOLGER OF STEYNING, GENTLEMAN

MADE : 25 JANUARY, 1841

PROBATE : 07 AUGUST, 1841

PREROGATIVE COURT OF CANTERBURY

**THE NATIONAL ARCHIVES & FAMILY
RECORDS CENTRE**

PROB11/1950 folios 374r to 376r

Barbara, my wife
Horton in Beeding
Messrs Summerton
Tull Bennett
Brookfields & Lots
in Fulking
James Hills
Richard Woolgar,
my son
Barbara, my
daughter
William Marshall of
Lewes

This is the last Will and Testament of me Josias Woolger of Steyning in the County of Sussex gentleman I give and bequeath to my dear wife Barbara Woolger the sum of fifty pounds to be paid to or retained by her within one month after my decease and give all my household goods plate linen china glass books wines liquors fuel and housekeeping provisions that I may die possessed of to and for her own absolute use and benefit I give and devise all those my two freehold cottages land and premises with their appurtenances called horton situate in the parish of Beeding in the said County and now in the occupation of Messrs Summerton Tull Bennett and also all that and those my Copyhold Messuage Farm Lands hereditaments and premises with their appurtenances called Brookfields and Lots situate in the Parish of Fulking in the said County and now in the occupation of James Hills unto my son Richard Woolger his heirs and assigns for ever subject nevertheless and I hereby charge the said freehold and copyhold hereditaments with the payment to my said wife of an annuity or yearly rent charge of forty pounds to be paid half yearly commencing immediately from my decease and in case of nonpayment thereof within twenty one days after the same shall from time to time become payable I authorize and empower my said wife or her assigns to enter into the said freehold and copyhold hereditament or any of them and to distrain for the said annuity and all arrears thereof in the same manner as distress may be made on a common law demise or lease I give devise and bequeath all the residue of my real and Personal Estates what soever and wheresoever and of whatever nature or time unto my said wife and said son Richard Woolger my daughter Barbara Woolger and my friend William Marshall of Lewes in the said County Gentleman their heirs executors administrators and assigns according to the tenure or nature thereof respectively upon trust to convert collect and get in my personal estate (except such part thereof as shall consist of leasehold property) and receive the money to arise therefrom with full authority to compound debts submit differences to arbitration give receipts execute releases and to do or receive in all acts and arrangements for realising my estate or settling my affairs according to their discretion and after payment of my debts and funeral and testamentary expenses and the legacy of fifty pounds to my said Wife as aforesaid upon trust to lay out & invest the clear residue thereof in the parliamentary Stocks or public funds of Great Britain or in or upon

Elizabeth, my
daughter

war securities in England with power to vary the same from time to time as the Trustees or Trustee for the time being of this my Will shall think proper and do and shall stand possessed and interested of and in the residue of my said real and personal Estate upon the trusts and for the ends intents and purposes following that is to say upon trust during the life of my said wife by and out of the rents profits and income of the residue of my said real and personal estate to pay the annual sum of fifty pounds to each of my two daughters Barbara and Elizabeth Woolger for their respective use and benefit free from the controul debts or arrangements of any husband with whom they may respectively intermarry and so that their respective receipts alone shall be a sufficient discharge for the same but so nevertheless that they nor either of them shall have power to allow or anticipate the said several sums of fifty pounds or any part thereof such annual sum to be paid to them respectively by equal quarterly payments the first thereof to commence at the expiration of three calendar months after my decease and after paying the said annual Sums as aforesaid upon trust during the natural life of my said wife to pay unto or permit and suffer her to receive the residue and remainder of the rents profits and income of the remainder of my said real and personal Estate to and for her own sole and separate use free from the controul debts or engagements of any future husband with whom she may intermarry and so that her receipts alone shall be a sufficient discharge for the same but so that she shall have no power to allow or anticipate the same rents profits and income or any part thereof and from and immediately after the decease of my said wife my will and I do hereby declare that my said trustees or trustees for the time being of this my will do and shall stand and be possessed of all the rest residue and remainder of my real and personal estate upon trust with all convenient speed and as in their or his discretion shall seem meet to sell and dispose of the residue of my real estate and of such of my personal estate as may not consist of money or securities for money either together or in parcels and either by public sale or private contract for the best price that can be reasonably obtained for the same and to convey surrender and assign or otherwise asoine [?] the said real and personal estate unto the purchaser or purchasers thereof or as he she or they shall direct and so shall stand and be possessed of the produce of all and singular the said real and personal estate upon trust to lay out and invest such parts thereof as shall not consist of Government Securities or mortgages in the parliamentary Stocks or public funds of Great Britain or in or upon real securities in England with power to vary the same from time to time as the Trustees or Trustee for the time being of this my Will shall think proper and do and shall stand possessed of the interest dividends and annual produce of the said trust monies stocks funds and securities and the rents and income of the residue of my said real estate until the same shall be sold upon trust to pay into or permit and suffer my said daughters Barbara and Elizabeth to receive

the interest dividends and annual produce thereof during their respective lives in equal shares to and for their own sole and separate use free from the debts controul or arrangements of any husband or husbands with whom they or either of them may intermarry and so that their respective receipts alone shall be sufficient discharges for the same but so that they nor either of them shall have power to allow or anticipate the same interest dividends and annual produce or any part thereof and from and immediately after the decease of each of my said daughters do and shall pay transfer and assign for the share to which she shall be entitled or on surviving she would have become entitled for her life as aforesaid of and in the produce of the residue of my said real and personal Estate unto all and every her Children who shall attain the age of twenty one years or die under that age having issue living at his her or their decease or respective deceases to be equally divided between them if more than one as tenants in common and in case either of my said daughters shall die and there shall be no such Child or Children who shall live to acquire a vested interest in the share to which such daughter shall be or on surviving me would have been entitled to the interest dividends and annual produce thereof for her life as aforesaid then and in such case do and shall pay the interest dividends and annual produce of the share of such daughter to defray as aforesaid to the Survivor of my said daughters and to my said son Richard Woolger during their respective lives in equal shares and proportions and after their respective deceases do and shall pay transfer and assign the share of such surviving daughter and of my said son Richard Woolger of and in the produce of my said residuary real and personal estate unto all and every the children of my said surviving daughter and my said son Richard Woolger who shall attain the age of twenty one years or die under that and having issue at his her or their decease or respective deceases to be equally divided between them if more than one as tenants in common but so that the Children of each of them my said surviving daughter and my said son Richard Woolger shall only take and be entitled to one moiety of the Share of such daughter so dying as aforesaid and I thereby direct that during the minority of any such Children his or her respective share shall be laid out and invested on such securities as hereinbefore mentioned and in case no such Child or Children shall live to acquire a vested interest in the produce of the said residuary real and personal Estate In trust for such person or persons as shall be my next of kin at the time of my decease and if more than one to take in the proportions prescribed by the statute for the distribution of intestates effects provided always and I do hereby declare my will and mind to be that in case either of my said daughters shall depart this life without leaving any child or children but shall have a husband her surviving then I direct my said trustees or trustee for the time being to stand possessed of the interest dividends and annual proceeds of the share of the produce of my said residuary real and personal Estate to which such

daughter so dying shall be entitled at the time of her decease upon trust during the life of her said husband to pay to him the said interest dividends and proceeds for and during the term of his natural life to and for his own use and benefit and from and after his decease to stand possessed thereof upon the trusts hereinbefore expressed and declared concerning the same I hereby subject & charge my said residuary real estate with payment of such of my debts and funeral and testamentary expences as my residuary personal Estate shall be insufficient to pay and I authorize and empower the trustees and trustee for the time being of this my Will to raise such deficiency by sale or mortgage or otherwise as they or he shall think proper out of the same residuary real estate I hereby direct and authorize my said Trustees or Trustee for the time being of this my Will during the minority of any of the respective Children after the preceding life estates have respectively determined to apply the whole or any part of the income to which each Child shall be actually or presumptively entitled in or towards his or her maintenance & education or otherwise for his or her benefit and to accumulate the residue if any at interest and to apply such accumulations in or towards the subsequent maintenance or education or otherwise for the benefit of the Child from whose share such accumulations shall have arisen and I further authorize and empower my said trustees or trustee for the time being of this my Will with the consent of my said daughters respectively and of my said son during their respective lives and afterwards of the proper authority of such Trustees or Trustee to apply one third part of the capital of the presumptive or expectant share or respective presumptive or expectant shares of the Child or children respectively of such daughters or son in or towards his her or their advancement or preferment in the world or otherwise for the benefit of such Child or Children respectively as my said trustees or trustee shall deem proper and my Will and mind further is and I do hereby expressly declare that it shall be lawful for the trustees or trustee for the time being of this my Will at any time during the life of my said Wife and by & with her express consent in writing upon the respective marriages of my said daughters to advance and pay out of The said trust monies stocks funds and securities and by way of a marriage portion the sum of five hundred pounds to and for the benefit and advantage of each of them my said daughters respectively to be settled and assured upon such trusts and for such intents and purposes as my said trustees or trustee shall deem proper and I further declare that upon the advancement of the said sum of five hundred pounds to and for my said daughters respectively as aforesaid the annual Sum of fifty pounds hereinbefore directed to be paid to such daughter shall cease and be discontinued and in lieu and stead thereof there shall thenceforth be paid to such daughter the annual Sum of twenty five pounds by equal quarterly payments during the life of my said Wife such annual sum of twenty five pounds to be paid in the same manner as is hereinbefore directed

concerning the aid annual sum of fifty pounds I authorize and empower the trustees or trustee for the time being of this my Will to devise or lease any of the hereditaments hereinbefore given or devised or any part or parts thereof for any term or number of years not exceeding fourteen years at rack [?] rent I hereby direct & devise [?] that the receipts of the trustees or trustee for the time being of this my Will shall effectively discharge all purchasers and other persons for so much money as in such receipts shall be expressed to be waived and that such purchaser or other persons shall be exempt from all liability in respect of the application thereof I give all the legal interests vested in me as trustee or mortgagee in any real or personal estate unto and to the use of my said trustees upon such trusts and subject to such equities a shall be subsisting [?] therein respectively and I do further declare my will and mind to be that the provision hereinbefore made for my said Wife is so made for her in lieu and satisfaction of the dower or thirds and freebench or widows bench to which by the common law or by custom or otherwise she my said wife may or otherwise might have become entitled out of or in any lands or hereditaments of which I may die possessed for any estate of inheritance or for any estate to which dower freebench or widows bench is incident [?] I constitute and appoint my said Wife my said son Richard Woolger my said daughter Barbara Woolger & the said William Marshall joint Executors and Executrices of this my Will provided also and I hereby further declare that if the trustees appointed in this my Will or any other of them shall die in my lifetime or shall at my decease renounce or be incapable of acting in the trusts of this my Will or if any trustee for the time being shall at any time or times thereafter die or become unable or unwilling to act in the trusts aforesaid it shall be lawful for the surviving or continuing trustees or trustee for the time being of this my will or if there be no such trustee for the renouncing or retiring trustee or if none then for the executors or administrators of the last surviving trustee to appoint any fit person or persons to supply the vacancy so occurring in the said trusteeship and that immediately after every such appointment the said trust property shall be transferred at the cost of my said trust estate in such manner that the same may vest in such new trustee jointly with the surviving or continuing trustees or trustee or in such new trustees solely as the case may require subject to the trusts aforesaid and that every such new trustee as well before as after such transfer shall have and may exercise all the power and authorities contained in this my Will as effectually and in the same manner to all intents and purposes as if he had been named a trustee in this my Will and also that none of the trustees hereby or hereafter to be appointed shall be answerable for the other or others of them or for any money received under any receipt in which he she or they shall join only for conformity nor for involuntary losses and that every trustee shall be allowed all charges expenses incurred in the execution of the trusts hereof In Witness whereof I the said Josias Woolger the testator have to this my

Will Read
Alfred Dureney

last Will & Testament contained in six sheets of paper set my hand and seal that is to say my hand to each of the first five sheets and my hand and seal to this last sheet this twenty fifth day of January one thousand eight hundred and forty one Josias Woolger (seal) signed and sealed by the said Testator Josias Woolger as and for his last Will and Testament in the joint presence of us who in his presence at his request and in the presence of each other have hereunto subscribed our names as Witnesses Will Read Solr Worthing Alfred Dureney of Worthing [names of witnesses very faint]

PROBATE dated 07 August, 1841

Proved at London 7th August 1841 before the Judge by the Oaths of Barbara Woolger widow the Relict Richard Woolger the Son and Barbara Woolger Spinster the daughter and William Marshall the Executors to whom administration was Granted having been first sworn by common duty to administer