

1837.

In the Name of God Amen, I Timothy Spencer
the elder of Matlock in

the County of Derby Yeoman do make and publish this my last Will and Testament, in manner following (that is to say) I give to my eldest son Thomas Bradley Spencer the sum of One pound he my said son having ~~not~~ already been provided for by me I also give to my daughter Phoebe Spencer the Bed and Bedding now used by her for her own use and benefit I give devise and bequeath ~~all~~ my real estate and also all the residue and remainder of my personal estate whatsoever and wheresoever and of what tenure, nature or kind soever, unto my friend George Nuttall of Matlock aforesaid Gentleman and my nephew Timothy Taylor of the parish of Matlock aforesaid Farmer their heirs executors administrators and assigns Upon the Trusts nevertheless and to and for the ends intents and purposes hereinafter expressed and declared concerning the same (that is to say) Upon Trust, in the first place that they my said Trustees or the survivor of them or the heirs executors or administrators of such survivor shall and do as soon as conveniently may be after my decease sell and absolutely dispose of and convert into money all such part and parts of my personal estate and effects as shall not consist of money, except such part or parts of my household goods and furniture as my said trustees shall think proper to permit my wife Mary Spencer to have use and enjoy for the term of her natural life and as they in their discretion may think necessary and see sufficient for her and also collect and receive all such debts and other moneys which may be owing to me at the time of my death (except those hereinafter particularly mentioned) and as soon as my said personal estate shall have been converted into money and collected in as aforesaid then I direct that they my said trustees or the survivor of them or the executors or administrators of such survivor shall and do stand and be possessed thereof and interested therein Upon Trust in the first place to pay and discharge all my just debts funeral and testamentary expences and the expences to be incurred relative to such personal estate and in the next place to pay and divide the surplus of any of such moneys unto and equally between and amongst all my children except my said son Thomas) share and share alike as tenants in common and to will and bequeath the same accordingly And I direct that my said trustees or the survivor of them or the heirs executors or

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administrators of such services shall and do stand and be seized of and be
interested in my said real estate Upon Trust to permit and suffer my said
wife Mary Spencer to reside in and occupy the dwellinghouse and garden situate
at Matlock aforesaid and now in the possession of George Matlock and adjoining
to the dwellinghouse now in my own occupation for and during the term of her
natural life and also shall and do pay unto her my said wife or her assigns the
6 rents issues and annual profits of all the residue of my said real estate as and
when the same shall become due and payable and be received (after deducting
the expences of repairs and other necessary outgoings) for and during the term
of her natural life for her own use and benefit And from and immediately after
the decease of my said wife I do hereby direct that my close piece or parcel of land
situate in Matlock aforesaid and commonly called or known by the name of
7 the Nether Field and now in my own occupation with the appurtenances is
Upon Trust that they my said trustees or the survivor of them or the heirs of any
such survivor shall and do as soon as conveniently may be after my said wife's
decease absolutely sell and dispose thereof either by public auction or private
contract and for the best price or prices in money that can be reasonably be
obtained for the same and do and shall convey and assure the same to the
8 purchaser or purchasers thereof accordingly And for facilitating such sale
do hereby direct that the receipt and receipts of my said trustees for the time
being shall be a good and sufficient discharge and discharges to the purchaser
or purchasers of the said close and premises for his her or their purchase
money or for so much thereof as in such receipts shall be expressed to be
received and that such purchaser or purchasers his her or their heirs executors
administrators or assigns shall not after obtaining such receipts be bound to see
9 to the application of such purchase monies or be answerable or accountable for the
misapplication or nonapplication thereof or any part thereof And I direct that
my said trustees or the survivor of them or the executors or administrators of such
survivor shall stand and be possessed of and interested in the monies to arise
and be produced by such sale or sales and the rents issues and profits of the
said close and premises in the meantime until the same shall be sold
10 Upon Trust after deducting and retaining all the costs and charges attendant
upon and incident to such sale or sales, to pay thereout the sum of Fifty
pounds unto my daughter Mary Taylor the wife of Peter Taylor of Grafton
near Chesterfield in the said County of Derby to and for her own use and
benefit and I do hereby direct that she my said daughter shall take a vested interest

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in the said sum of fifty pounds immediately on my decease And upon further
11 Trust in the next place to deduct and retain the sum of seventy pounds which I
have already advanced or without to advanced to or on account of my son William
Spencer (now in America) and all such further sums, which I may hereafter see
advanced to or on account of him my said son with all interest which may be
then due on such respective sums And then Upon Trust to pay the residue of such
sums unto him my said son William Spencer his executors administrators
12 and assigns to and for his and their own use and benefit in such way and manner
as they my said trustees or trustee for the time being shall in their or his *vis et*
discretion think proper And from and immediately after the decease of my said
wife I give and devise All that my messuage or dwellinghouse with the barn
cowhouse garden and appurtenances belonging thereto situate and being at
Washington otherwise Westington in the said County of (Derby and now in the
possession of James Taylor And all those two pieces or parcels of land situate in
13 Washington otherwise Westington aforesaid and now also in the occupation of
the said James Taylor, one of which said pieces or parcels of land is called or
known by the name of the Croft, and adjoins to the end of the said messuage,
and the said other piece or parcel of land adjoins to the Back Yard belonging
to the same messuage with the appurtenances thereto belonging unto and to
the use of my son Timothy Spencer his heirs and assigns for ever And from
14 and immediately after the decease of my said wife I also give and devise All
that close piece or parcel of land situate and being in Washington otherwise
Westington aforesaid and adjoining on one side to Washington Green and
on another side to the land of Matthew Cunn And all those two other pieces
or parcels of land situate and being in Washington otherwise Westington
aforesaid and commonly called or known by the name of the Moor piece,
in two parts which said lands are also now in the occupation of the said
15 James Taylor with the appurtenances thereto respectively belonging unto and to
the use of my son Timothy Spencer his heirs and assigns for ever And
from and immediately after the decease of my said wife I also give and
devise All three my three closes pieces or parcels of land situate and being
in Matlock otherwise Matlock and commonly called or known by the names of Dyer's
close, the two parts with the Kiln Croft and now in my own occupation with
their appurtenances unto and to the use of my son John Spencer his heirs and
16 assigns for ever And from and immediately after the decease of my said
wife I also give and devise All that my messuage or dwellinghouse situate

and being at Matlock aforesaid and now in my own occupation and the
said dwellinghouse or tenement adjoining, shaks now in the possession of George
Mather with the buildings gardens and appurtenances belonging thereto respectively
being the same hereditaments and premises which I some years since purchased
from the said George Mather and to the use of my said daughter Mary
17 of Exylev her heirs and assigns forever And it is my will and I do hereby direct
that in case I shall make any advances of money to my said sons Timothy and
John and my said daughters Phoebe and Mary or any of them or become surety with
any of them for any sum or sums of money that such respective sums of money
with all interest thereon respectively shall be a charge on the hereditaments and
premises hereinbefore devised to each of them my said sons or daughters for whose
18 use or on whose account such sum or sums of money shall be so advanced or for
whom I shall so become surety as aforesaid And in case the said sums or sums
respectively with the interest thereon shall not be paid to my said trustees or trustee
for the time being within twelve calendar months next after the decease of my said
wife I hereby authorize and empower my said trustees or trustee for the time
being by mortgage of the same hereditaments respectively to raise the said sum
19 or sums of money and apply the same in such way and manner as it or
they respectively directed And I direct that the receipts of them my said trustees
or trustee for the time being shall be sufficient discharges to such mortgaged or
mortgages for such sum and sum of money respectively who shall not be
bound to enquire into the necessity or propriety of such mortgage or mortgages or
be liable to see to the application of the monies to be raised thereon and secured
20 thereby And as to the said sum of seventy pounds and all other sum and
sums of money which shall be retained by my said trustees out of the purchase
money arising from the sale of my said close called the Nether Close as seen
aforesaid and also as to all such sum and sums of money which may be
a charge upon the hereditaments and premises devised to any of my said
children Timothy John Phoebe and Mary as aforesaid and also all interest
21 on such sum or sums respectively and as to the said household goods and
furniture therein upon which I have directed to be used and enjoyed by my said wife for
her life and after her decease and all other my personal estate and effects whatsoever
and wheresoever I have heretofore already specifically disposed of I give and
bequeath to my said sons and after the decease of my said wife to my said
sons Timothy John and William and my said daughters Phoebe and Mary
equally to the amount of three and amongst them share and share alike as seen

(4.) Timothy Francis Senior

tenants in common their respective executors administrators and assigns to
22 and for their own use and benefit respectively, subject nevertheless to the payment
of all monies and expenses which may then be due or owing from or on account
of such residuary personal estate. Provided always nevertheless and I do
hereby direct that my said trustees or trustee for the time being shall not be
answerable or accountable here for the other of them nor for any involuntary loss
and that it shall be lawful for them in the first place to deduct and retain to
23 and reimburse themselves respectively all such costs charges damages and expenses
which they may respectively sustain expend or be put unto and also their own
reasonable charges for their loss of time and trouble in and about the execution
of the trusts hereby in them reposed or otherwise relating thereto. And lastly
I hereby nominate constitute and appoint the said George Mithall and
Timothy Taylor joint executors of this my last Will and Testament hereby
revoking and making void all former and other Wills by me at any time or
24 heretofore made. IN WITNESS whereof I the said Timothy 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 to this fifth and
last sheet my hand and seal the thirteenth day of May in the year of
our Lord one thousand eight hundred and thirty seven.

Signed sealed published and declared by the said
Timothy Spencer, the Testator, as and for his last Will
and Testament, in the presence of us, who, in his presence,
25 at his request and in the presence of each other have
subscribed our names as witnesses hereof.

Wm. B. Newbold

Rich^d Richardson

Jos^{ph} Stone

Clerks to Mr. Mithall
Col^l Mithall

Timothy Spencer Test