

The Will of Henry Dawbney, 1754

Transcribed and annotated by Heather Culpin, April 2016

Some notes on this first: Henry Dawbney seems to have been married three times. His children were all from his first marriage to Elizabeth Hurford, then after her death he married Susanna Drake, and after her death he married Margaret Norrish, mentioned in the will below. His son Richard Dawbney died a few years before Henry, so he refers to his daughter Agnes (married first to John Mountstephen and then to William Melhuish); his daughter Mary (married to Edward Rivers); his daughter-in-law, Alice (née Chave, widow of Richard Dawbney, later married to Robert Saunders); and his Rivers, Mountstephen and Dawbney grandchildren. His grandsons Henry and Richard Dawbney were twins (noted in the parish register as born on the same day). He also mentions his brother George, nephew Anthony, and a few other people whose connection to him is not known.

Names are highlighted in yellow, and there is a family tree at the end of the document. Places are highlighted in blue.

In the Name of God Amen

The Tenth day of September in the Twenty fourth Year of the Reign of our Sovereign Lord George the Second by the Grace of God of Great Britain France and Ireland King Defender of the Faith and so forth and in the year of our Lord and Saviour one thousand seven hundred and Fifty I Henry Dawbney of **Sampford Peveral** in the County of Devon Gentleman being of a good sound and perfect well disposing Mind and Memory calling to Mind the Mortality of my Body and that is appointed for all Men oute to dye do therefore make this my now last Will and Testament in manner and Form following that is to say first and principally do give and committ my Soul unto Almighty God in Firm and Perfect hopes through the Merits of Jesus Christ my Saviour and Redeemer to have full Remission and free pardon of all my sins and as to my Body recommend it to the Earth to be therein Buried at the Discretion of my Trustees and Executors hereinafter named and as to my Worldly Estate and Substance wherewith it hath pleased God to bless me with in this Life I give devise bestow and dispose of the same in manner and Form following that is to say first to give and devise unto my dear and loving Wife **Margaret** one Moiety or halfenseal of all my Leasehold Messuages and Tenements within the said Parish of Sampford Peveral except all that one Cottage and Garden Plott thereunto belonging called **Trapnels** now in Possession or occupation of one **Mary Harris** Widow to hold to the said Margaret and her Assigns for and during so many years or so long time of the Several and respective Estates Terms and Interests which I have therein as shall run out and expire in her Lifetime and I also give and devise all that my Messuage or **Dwelling House Gardens and Orchard** wherein I now reside and dwell unto my said Wife **Margaret** for and during the Term of forty years next after my decease if she happen so long to live But not to Committ waste thereon provided nevertheless and the aforementioned devises are upon condition that if my said Wife shall and do accept and take the same as and in full Recompense and Satisfaction for her dower and thirds of and in all my Lands and Tenements whatsoever and Release the same accordingly within one Month next after my decease or when thereunto required else the said Legacys donations and devises to be absolutely void and of no effect and in such case I give my said Wife the Sum of five Shillings only and I give devise and bequeath unto my **Son in Law Edward Rivers and my Daughter Mary his now Wife** and to the Survivor of

them one Annuity or Yearly Rent Charge of Ten Pounds of lawful Money of Great Britain free and clear of and from all Rents Taxes and outgoings or abatements whatsoever to be issuing and going out of all and singular my Leasehold Messuages and Tenements Closes of Land and Appurtenantes whatsoever to the same belonging as well within the several Countys of Devon Somerset and Dorset as elsewhere except the said cottage called Trapnels to be paid by even and equal Quarterly payments upon the four most usual Feasts or days of payment in the year that is to say Ladyday Midsummer

Michaelmas and Christmas for and during so many years or so long time as they or other of them shall happen to live if any my Leasehold Estate or Interest therein so long continue the first payment thereof to begin and be made at or upon such of the said Feasts as shall next come and be after my decease and for non payment thereof I hereby give them and either of them full power and authority to enter into and upon any or either of my said Leasehold Messuages and Tenements and distrain for the same together with the Messuages thereof from time to time as the case shall or may require or need and I give and bequeath unto the said Edward Rivers and Mary his wife the sum of two hundred pounds of British Coyne to be paid to them or the survivor of them his or her Executors Administrators or Assigns within Six Months next after my decease by my Executors hereof Item I give devise and bequeath unto William Hurley of Kentisbear in the County of Devon Tallow Chandler and William Hurly his son their Executors Administrators and assigns one Annuity or Yearly Rent Charge of four pounds of lawful Money of Great Britain free and clear of and from all manner of Taxes abatements and outgoings whatsoever to be issuing going out and Payable out of my Leasehold Messuage or Tenement in Sampford Peveral aforesaid called Morrels to be paid by even and equal quarterly payments upon the four most usual Feasts or days of Payment in the year that is to say Ladyday Midsummer Michaelmas for and during the natural age of my daughter Agnes the now Wife of William Melhuish the first payment thereof to be made on such of the said Feasts as shall next happen after the death and decease of my said Wife Margaret and not before with full power and authority for them the said William Hurly the Elder and William the Younger and the Survivor of them and the Executors Administrators and assigns of such survivor to have hold receive perceive and take the said Annuity of four pounds in manner aforesaid payable upon Trust and Confidence then hereby reposed that they shall and will from time to time pay over the same Annuity of four pounds and every part thereof into the hands of my said Daughter Agnes to and for her own Sole and Separate use and disposal Exclusive to her said Husband or any other hereafter husband which she may happen to have who shall have no power to receive give dispose of or intermeddle with the same or any part thereof neither shall the same be liable to any of her Husbands debts and her Receipts only shall be proper and Sufficient acquittances and discharges to them the said William Hurly and William their Executors Administrators and assigns for the same and for non Payment of the said Annuity unto the said William Hurly and William Hurly their Executors Administrators and assigns or of any part thereof at the times aforesaid Payable to give them Power to enter into and upon the said Messuage and Tenement called Morrels or any Part thereof and distrain for the same together with the arrearages thereof if any happen to be and for want of Sufficient distress to raise and pay the same

by perception of the Rents and profits thereof from time to time as need or occasion shall or may require Item I give unto the said William Melhuish my Son in Law one Shilling to be paid him by my Executors hereof when by him demanded and I give unto my Daughter in law Alice Dawbney the like Legacy of one Shilling and I give my best Silver Tankard unto my Grandson Richard Dawbney if he happen to attain his age of one and Twenty Years but if he dye before he shall have attained that age then in such case my Will is that my Grandson Christopher Mountstephen shall have the same Item I give unto my Granddaughter Elizabeth Mountstephen the Sum of Twenty Pounds of lawful Money of Great Britain to be paid when she shall attain her age of one and Twenty Years or be married which shall first happen by my Executors hereof Item I give and bequeath unto such Child or Children of the Body of my said Daughter Mary lawfully begotten or to be begotten as shall happen to be alive and in being at the time of

the death and decease of the Survivor of them my **Son in Law Edward Rivers and my said Daughter Mary** the Sum of two hundred Pounds of lawful Money of Great Britain to be paid and distributed to and amongst them equally share and share alike by my Executors hereof within one month next after such Survivors decease Item I give and devise unto **Ann Woodyett Daughter of Mary Woodyett** who was formerly a Servant of mine all that Messuage or Cottage and Garden Plot aforesaid mentioned called **Trapnels with its appurtenances situate in the Borough of Sampford Peveral** aforesaid for and during all the Estate Term and Interest which I shall have to come and unexpired therein at the time of my decease and my Mind is that if it so happens she shall be under the age of one and Twenty Years at the time of my decease then that the said **Mary her Mother shall hold the same Premises in Trust for the said Ann her Daughter** until she shall have attained that age Item I give devise and bequeath all the rest residue and Remainder of my Messuages Lands and Tenements and all other my Messuages Lands and Tenements of what kind so ever or wheresoever and all other my Estate whatsoever both Real and Personal with their and every of their Rights members and appurtenants not hereinbefore given or devised unto **my Brother George Dawbney of Misterton in the County of Somerset Gentleman and his son Anthony Dawbney** their heirs Executors Administrators and assigns upon Trust and to and for the Several Uses intents and Purposes hereinafter mentioned that is to say as to for and concerning all that my Messuage or Tenement with its Rights Members and Appurtenances commonly called by the Name of **Westcott Tenement situate lying and being in the parish of Burliscombe** in the County of Devon aforesaid my Will is that my said Trustees shall stand and be seized and possessed of the same and have taken and receive the Rents Issues and Profits thereof during the Minority of my two grandsons **Henry Dawbney and Richard Dawbney** and the Money arising thereby shall and will apply bestow and pay for and towards the Maintenance and duration of my said two grandsons after such manner as they my said Trustees in their Discretion shall think most needful and

convenient and from and after the time of my said **Grandson Richard Dawbneys** attainment of his age of one and Twenty years then and in such case my Will and Mind is that my said Trustees shall stand and be seized of the said Messuage and Tenement called **Westcott** to and for the only use benefit and Behoof of my said grandson Richard Dawbney and the heirs Males of his Body lawfully to be begotten and issuing and for defaults of such issue then to the use of my said Son Henry Dawbney and the Heirs Males of his Body lawfully to be begotten or issuing and for default of such issue then to the only proper use and behoof of my two grandsons **Henry Rivers and Christopher Mountstephen** and their heirs Males lawfully begotten or to be begotten and lawfully issuing and for want of such issue then to and for the only use Benefit and behoof of my said **two Daughters Mary and Agnes** their Right Heirs and assigns forever but however my Mind is that no Issue of the Bodys of either of my said Daughters by a second husband or husbands shall be deemed or taken to be Heirs of my said Lands nor shall by virtue of this my Will and Testament inherit or have any Use Benefit or Profit of the same or any part thereof anything before mentioned to the contrary notwithstanding provided nevertheless and my Will and Mind firmly is that otherwise I have hereby made to the use of my said **Grandson Richard Dawbney** of and in the said **Tenement called Westcott** and to the Heirs Male of his Body lawfully issuing is and shall be upon Condition that if the said **Richard Dawbney** or his said Heirs shall and do well and truly Pay or cause to be paid unto **his said Brother Henry Dawbney** his Heirs or assigns the Sum of one hundred Pounds of lawful Money of Great Britain within one and Twenty days next after the death and decease of the said **Alice Dawbney their Mother** but in case of nonage then within one and Twenty Days next after the attainment of the age of one and Twenty Years after the death of the said Alice otherwise from thereforth to determine and be utterly Frustrate void and of none Effect and them my said Trustees from thereforth shall of and stand seized to the said uses in Remainder anything hereinbefore mentioned to the Contrary in any wise notwithstanding Item I give the said hundred pounds unto the said **Henry Dawbney** his Heirs and assigns to be paid in manner as aforesaid as to for and containing all my **Lands in South Perret or elsewhere in the County of Dorset and all my Lands in Mosterton or Elsewhere within the County of**

Somerset and all my Lands within the Parish of Sampford Peveral aforesaid and all other my Lands and Inheritance whatsoever and wheresoever the same are or be Situate together with their and every of their Rights Members and Appurtenantes whatsoever except the said Messuage and Tenement hereinbefore hinitted? called Westcott my Will is that my said Trustees shall stand and be seized thereof and of every part and parcel thereof to the use and behoof of my said grandson Henry Dawbney and the heirs Males of his Body lawfully begotten or to be begotten and the Heirs Males of they Bodys severally and Successively issuing as they shall be in

Seniority of age and Priority of Birth the one of them before the other the older of such Heirs Male and the Heirs of his Body being always to be preferred and take before the younger of such Heirs Males and the heirs of his Body and for default of such issue to the use and behoof of my said Grandson Richard Dawbney and the Heirs Males of his Body lawfully begotten or to be begotten and the Heirs Males of they Bodies severally and Successively issuing as they shall be in seniority of age and Priority of Birth one of them to be preferred and take before the others as is hinitted? before to the Heirs of the said Henry and for default of such issue to the use and behoof of my said two grandsons Henry Rivers and Christopher Mountstephen and their Heirs Males and for default of such issue to the only use and behoof of my said two Daughters Mary and Agnes their Right Heirs and assigns for ever But my Will and Mind fully is nevertheless that no issue of the Bodys of my said Daughter of either of them begotten or to be begotten by any other husband or Husbands besides their first respectively shall or may inherit or have any use Benefit or Possession of any of my said Lands or of any Part or Parcel of the same but are hereby utterly excluded thereof and therefore in any thing hereinbefore mentioned to the contrary notwithstanding and further provided and my Will and Mind is that the said Richard Dawbney Henry Dawbney Henry Rivers and Christopher Mountstephen and every and either of them and their Several and respective Heirs Males and all and every other Issue of Male which hereafter shall or may happen to inherit my said Messuage and Tenement called Westcott by virtue means or occasion of this my Will shall or may have full power and lawful authority to make any Estates of the same to and for the Inheritant or Jointures of their several and respective Wife or Wives so that such Estate or Estates shall not exceed or go beyond the live or lives of such Wife or Wives respectively nor thereupon receive any Rent for the same and that the said George Dawbney and Anthony Dawbney and their Heirs and the Survivors of them and his Heirs shall stand and be seized of and in all and Singular the same Promes with the Appurtenantes whereupon any such Estate or Estates shall happen to be made as aforesaid and of such Estate or Estates so to be made or created to the use of such Wife or Wives respectively and as to for and concerning all my leasehold Estates and all the rest residue and remainder of my Goods Chattels and Personal Estate whatsoever and wheresoever my Will and Mind is that my said Trustees their Executors Administrators and assigns shall stand and be possessed thereof and of every Part and Parcel thereof with the Appurtenantes to and for the only use benefit and behoof of my said Grandson Henry Dawbney his Executors administrators and assigns But nevertheless to be subject to the said Annuities and Legacies hereinbefore mentioned and given as also so the Payment and discharge of my Debts and Funeral Expense and the reasonable Cost Charge and Expense of my said Trustees which they may be at or put unto in the Management or Execution of the

Trust and Executorship hereby in them reposed But if it shall happen that my said grandson Henry Dawbney shall dye before the attainment of his age of Twenty one years then and in such case my said Trustees shall be Possessed thereof to the use and behoof of my said Grandson Richard Dawbney But if he the said Richard also happen to dye before he shall arrive to the age of Twenty one years then to and for the use benefit and behoof of my said two Grandsons Henry Rivers and Christopher Mountstephen and to the Survivor of them But if neither of my said four Grandsons shall live to the age of Twenty one years then to the use Benefit and behoof of my said two daughters Mary and Agnes and to the Survivor of them and from and after the death and decease of such Survivor or then as to for and concerning my

Leasehold and Chattels real my Will and desire is that my said Trustees shall be and Stand Possessed thereof and of every Part and Parcel thereof Subject as aforesaid to and for the only use benefit and behoof of all such Children of my said two daughters as shall happen then to be alive and in being and to the Survivors and Survivor of them during all the then residue of my several Terms and Interests respectively therein to come and unexpired thereof provided nevertheless and my Will and Mind Steadfastly is that neither of my said Daughters Present or future husband or husbands or any or either of their Children respectively begotten or to be begotten by any other Husband or Husbands for them or either of them after or besides their first respectively shall have any share use or Benefit whatsoever of in or to my said leasehold Tenements or Chattels real but they and every of them are hereby and shall forever hereafter be fully excluded and debarred thereof and therefrom any thing herein contained to the Contrary notwithstanding and I do hereby constitute appoint and ordain them the said **George Dawbney and Anthony Dawbney** to be my Executors of this my Will and for their acting in the said Trust and Executorship hereby in them reposed I give them one Guinea of Gold each to buy a Mourning Ring and in Will and desire further is that my said Trustees and Executors hereof shall or lawfully may allow retain and reimburse unto themselves out of my Executory Estate or Chattels and Personal Estate all Such Cost Charge and expense whatsoever which they or either of them shall be respectively at or put not in about or concerning the Execution or Management of the Trust and Executorship in them hereby reposed and that they shall or may as often as they shall think Proper and Convenient Put and Place any Sum or Sums of Money which come to their hands by virtue or means of the said Trust out at Interest and that neither of them shall be answerable for any Loss of Money so to belout? if the same shall not happen through or by means of their or some or one of their own Voluntary Will or neglect and that neither of my said Trustees shall be answerable or responsible for any the actings or Doings or Misdoings or Miscarriages of the other of them

but each and other of them to be answerable and responsible for his own respective actings doings and Miscarriages and wrongdoings only and I do hereby revoke renounce and frustrate and make void all Wills by me formerly made either by Word or Writing and declare and appoint this to be my now only last Will and Testament in Witness whereof to this my said Will and Testament written on four Sheets of paper fastened together I have set my hand and Seal in manner following that is to say to the first second and third sheets my hand only and to this fourth and last sheet both in my hand and seal the day and date in the said first sheet hereof mentioned and expressed Henry Dawbney. Signed Sealed published and declared by the said Henry Dawbney the Testator to be his last Will and Testament the several Words following being first interlined that is to say in the first sheet hereof the Word and in the second the Word (of/by) the said Annuity unto Woodyett (Woodyett said Daughter) in the third (the use of) and in this fourth and last sheet the Words (also) then (by to) in the presence of the said Testator and oath and either of us in the presence of the other of us **Ed Barret Eliz. Jutsum Hump Mrsh Jutsum.**

Be it Known unto all Men by these presents that Henry Dawbney of Sampford Peveral in the County of Devon Gentleman have made published and declared my last Will and Testament in Writing bearing date the tenth day of September in this present year of our Lord one thousand seven hundred and fifty and that the said Henry Dawbney do by this present Codicil ratify and confirm my said last Will and Testament and do hereby make ordain nominate and appoint **my Daughter in Law Alice Dawbney of Sampford Peveral aforesaid Wido. John Locke of Hockworthy in the said County Gentleman and Thomas Rowe aforesaid Parish of Sampford Peveral Butcher** to be my Joint Revisees Trustees and Executors of and in my said last Will and Testament with **George Dawbney and Anthony Dawbney** therein named and to have equal power and authority in all Respects with them in the Trust and Executorship as they or either of them can shall may or ought to have by Reason of the said Will or anything therein contained or Trust in them thereby reposed and to be accountable and answerable for their own separate and respective actings doings and accounts only as in my said Will and Testaments expressed and mentioned concerning my said other

Trustees and likewise give unto the said **Alice Dawbney John Locke and Thomas Row** one Guinea each to buy Mourning Rings for their respective acting in the said Trust and Executorship hereby in them reposed and my Will desire and meaning is that this Codicil or schedule be and be adjudged and taken to be part and parcel of my said last Will and Testament and that all things herein contained and mentioned be faithfully and truly performed and as fully and amply in every

Respect as if the same were so declared and set down in my said last Will and Testament in Witness whereof I have hereto set my hand and seal the twentieth day of November in the Twenty fourth Year of the Reign of our Sovereign Lord George the Second by the Grace of God of Great Britain France and Ireland King Defender of the Faith and so forth and in the Year of our Lord one thousand seven hundred and fifty Henry Dawbney signed sealed publish and declared by the said Henry Dawbney to be a Codicil or Schedule to his herein notified last Will and Testament after the Words (the Sum of) erased therein in the presence of us who subscribed our Names as Witnesses hereto in the presence of each other and of the said Testator **John Slee Eliz Jutsum Hump Marsh Jutsum.**

This Will was proved at London with a Codicil annexed the ninth day of December in the year of our Lord one thousand seven hundred and fifty four before the Right Honourable Sir George Lee Knight Rector of Laws Master Keeper or Commissar of the Prerogative Court of Canterbury lawfully constituted by the Oaths of **Anthony Dawbney Alice Saunders formerly Dawbney Wife of Robert Saunders and Thomas Rowe** three of the Executors named in the said Will to whom Administration was granted of all and singular the Goods Chattels and Credits of the Deceased having been first sworn duly to administer power reserved to make the like Grant to **George Dawbney and John Locke** the other Executors named in the said Will when they or one of them shall apply for the same.

Family Tree of Henry Dawbney

This tree can be seen in more detail on Ancestry.co.uk:

<http://trees.ancestry.co.uk/tree/90906071/family?fpid=75019208476>

