

# Will of John Rose of Cotterstock 1737

## PCC Canterbury Prob 11/681

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In the Name of God Amen

I **John Rose of Cotterstock in the County of Northampton** Esq being of a Sound and perfect mind and memory Praised be God Do this twenty fourth day of November in the Year of Our Lord God One thousand Seven hundred and thirty six make Ordain and declare this my last Will and Testament in manner and Form following that is to say First and principally I commend my Soul into the hands of Almighty God hoping that through the meritts of my Blessed Lord and Saviour Jesus Christ to Inherit Eternal Life My body I Command to be buried in a decent and Christian like manner that the discretion of my Extor hereinafter named And touching what Worldly Estate God hath been pleased to bless me with I give and dispose of the same in manner following First of all I give and bequeath unto **my Cousin Robert Fotherby and Frances** his Wife the Sum of twenty five pounds apiece to buy them Mourning with Also I give and bequeath unto **my Cosin Mary Stileman** the Sum of twenty pounds to buy her Mourning Also I give and bequeath unto **my Cousin Martha Milner** the Sum of twenty pounds to buy her Mourning Also I give and bequeath to **my Cousin Thomas Bush** the Sum of fifteen pounds to buy him Mourning Also I give and bequeath unto **my Cousin Thomas Pain the Elder of Oundle** in the County of Northampton aforesaid the Sum of thirty five pounds to buy himself his Wife and two Sons Mourning Also I give and bequeath to **my Sister Elizabeth Pate** and **her two Daughters Elizabeth Pate and Anne Pate** the Sum of twenty pounds apiece to buy them Mourning Also I give and bequeath unto **Elmes Spincks** of Allwinckle in the County of Northampton Esquire the Sum of ten Pounds to buy him Mourning Also I give and bequeath unto **Christopher Bainbrig Clerk Vicar of Cotterstock and Glaphorn** the Sum of ten pounds to buy him Mourning Also I give and bequeath unto **Mary Buzzard of Oundle** aforesaid Spinster the Sum of ten pounds to buy her Mourning Also I give and bequeath unto **my Servant Thomas Cooper** the Sum of ten pounds to

buy him Mourning Also I give and bequeath unto the each of my other Servants that shall live with me at the time of my decease the Sum of ten pounds to buy them Mourning Also I give and bequeath unto **the said Elizabeth Pate and Anne Pate** the further Sum of Eight hundred pounds apiece Also I give and bequeath unto **the said Frances the Wife of the said Robert Fotherby** the further sum of Four hundred Pounds Also I give and bequeath unto **the said Mary Stileman** the further Sum of Four hundred pounds Also I give and bequeath unto **the said Mary Buzzard** the further Sum of One hundred pounds Also I give and bequeath unto **the said Thomas Cooper** the further sum of One hundred pounds Also I give and bequeath unto **William Ward of Cotterstock** aforesaid the Sum of ten pounds Also I give and bequeath unto **my Cousins John Paine and Thomas Paine the Younger Sons of the said Thomas Paine the Elder** the Sum of One hundred pounds apiece to be paid into the hands of their Father the said **Thomas Pain the Elder** to be by him improved for them the said **John Pain and Thomas Pain the Younger** severally and respectively untill they shall attain to their respective Ages of One and twenty years and then with the respective Improvements thereof to be paid unto them severally and respectively as they shall also arrive and my Will is and I hereby direct that in case either of them shall happen to dye before he shall so arrive then both the said Sums of One hundred pounds and all the Increase or Improvement thereof shall be paid unto the Survivor of them as soon as or as soon as may be after he shall so arrive And that in case both of them shall happen to depart this Life before either of them shall arrive at the said Age then both the said Sums of One hundred pounds and all the Improvements thereof shall be paid unto their Mother **Mary Wife of the said Thomas Paine the Elder** or unto her Executors Administrators or Assigns And my Will is And I do hereby direct that payment of the said Sums of One hundred pounds unto the said **Thomas Paine the Elder** shall be a full discharge unto my Executor and unto my Estates for the same Also I give and bequeath unto **the said Thomas Bush** the further Sum of Five hundred pounds to be paid him when he shall arrive at the Age of One and twenty years But if he shall happen to dye before he shall arrive at the Age of One and twenty years then I Will that the sum of Five hundred pounds shall for ever be and remain unto my Executor his Executors Administrators and Assigns and

not be paid unto or Claimed by any Person or Persons whatsoever Claiming by from or under or in right of **the said Thomas Bush** Also I give and bequeath the Sum of One hundred pounds to be equally divided between twenty Poor Widows and Poor Familys of the several parishes of Cotterstock and Glapthorn aforesaid at the discretion of the Vicar Church Wardens and Overseers of the Poor of the said Parishes Also I give devise and bequeath unto **my said Sister Elizabeth Pate** for and during her Natural Life One Annuity or yearly Sum of Five and Twenty Pounds to be paid her yearly and every year during her Natural life on the two most usual Feasts or days of Payment in the year that is to say On the Feast of the Annunciation of the Blessed Virgin Mary and on the Feast of Saint Michael the Arch Angel by equal Portions and my Will and I hereby direct that the first payment thereof shall be made on the first of the said Feasts that shall next happen after my death and that clear of and without any Deduction or Abatement thereof or thereout of all for any Taxes Charges thing or things whatsoever Also I give devise and bequeath unto **said Martha Milner** for and during her Natural Life One Annuity or yearly Sum of Fifteen pounds to be paid her yearly and every year during her Natural Life on the two most usual Feasts or days of Payment in the Year that is to say on the Feast of the Annunciation of the Blessed Virgin Mary and on the Feast of Saint Michael the Archangell by equall Portions And my Will is that the first payment thereof shall likewise be made on the First of the said Feasts that shall next happen after my death and that free and clear of any Deduction or Abatement thereof or thereout of or for any Taxes Charges thing or things whatsoever And my Will and Desire is and I do hereby direct that all and Singular the above mentioned Sums Legacys and Bequests be paid in Lawfull money of Great Britain and that as soon as or as soon as may be after my Effects are remitted from Jamaica or the Increase and Improvement Rent or Product of my reall Estate in England will permit (my Funeral Charges and Debts being first paid and discharged Also allowing and reserving a Competent Allowance for the Maintenance and Education of my Executor herein after named) Also I give and bequeath unto **my Cousin Rose Fuller of Jamaica Esquire** the Sum of Fifty pounds Jamaica money to buy him Mourning and to be paid him out of the Increase or Interest of my Estate there Also I give and bequeath unto **my Cousin Frances**

**Sadler of Jamaica** Gentleman the Sum of twenty pounds Jamaica money to buy him Mourning Also the further Sum of two thousand pounds of Jamaica money to be paid him when or as soon as he shall have remitted the whole of my Personal Estate and Effects that are or may be removable from Jamaica to my Executor or his Guardians in England Also I give devise and bequeath all my reall Estate both Freehold and Copyhold within the several Parishes of Cotterstock Glapthorn Oundle Tansor Brigstock Ringstead and elsewhere in the County of Northampton aforesaid to **my Nephew John Pate Infant** and to the Heires Male of his Body lawfully to be begotten for ever But in default or for want of such Issue then to **my said Cousin Francis Sadler** and the Heirs Male of his Body lawfully begotten or to be begotten for ever and for want of such Issue then to **my said Cousin Rose Fuller** his Heirs and Assigns for ever And my will is and I do hereby direct that the said **John Pate** as soon as he shall attain the Age of One and twenty years do and shall use his Endeavour to have his Sirname legally changed or altered from Pate to Rose and if it shall happen that the said **John Pate** do dye leaving no Male Issue lawfully begotten behind him so that the said **Francis Sadler** or **Rose Fuller** become possessed of my said Reall Estate my Will is and I do hereby direct that such One of them as shall so become possessed shall likewise cause or procure his Sirname to be legally changed or altered to that of Rose. Also I give and bequeath and my Will and direction is that as soon as my Personall Estate and Effects are remitted from Jamaica aforesaid and my Funeral Charges Debts and Legacyes are paid and discharged All the Prisoners confined and kept in Custody in the County Jail of Northampton for debts of twenty pounds pounds apiece and under be discharged and released by Payment being made of their respective debts by my said Executor Also I give devise and bequeath the yearly Sum of Six pounds of Lawfull money of Great Britain for ever (if the Laws of England do and shall so permit and allow) Chargeable and payable out of my reall Estate in the Parish of Cotterstock and that free and Clear of and from any Deductions or Abatements whatsoever for or in respect of any Taxes Assessments Charges thing or things whatsoever to put out Poor Children whose Parents shall be legally settled in the parish of Cotterstock aforesaid Apprentices at the Discretion of the Minister Church Wardens and Overseers of the Poor of the said Parish for the time

being Also I nominate constitute and appoint the said **Elmes Spincks** and the said **Christopher Bainbrig** Guardians and Trustees of and for **my said Nephew and Executor John Pate** during his Minority And in Consideration of their Care and trouble in the said Trust I give and bequeath unto them the said **Elmes Spincks and Christopher Bainbrig** the Sum of One hundred Guineas apiece of Lawfull money of Great Britain Also I Will Ordain and direct that for and forwards the Imediate satisfaction and payment of my just debts the said **Elmes Spincks and Christopher Bainbrig** (whom I hereby nominate Authorise and Impower thereto) do and shall with all convenient Speed after my decease tye bind or Mortgage such part or portion of my said reall Estate within the said several Parishes of Cotterstock Glapthorn Oundle Tansor Brigstock Ringstead or elsewhere in the County of Northampton aforesaid for such Sum and Sums of money as shall be Sufficent for the full payment of my said just debts And my Will is that the said And Sums so Borrowed and Procured for the Use Purpose and Intent Aforesaid Been Repaid and the Estate and Estates so tyed bound or mortgaged be Cleared released and discharged as soon as or as soon as may be after so much of my Personal Estate or Effects in Jamaica remitted to my Executor his Guardians or Trustees Extors or Administrators as shall be Sufficent for that Intent and Purpose Also I give and bequeath unto **Joseph Billears** of Bristol the Sum of twelve pounds to buy him Mourning Also I give and bequeath unto my **Cousin Mary Smith of Leicester Widow** the Sum of twelve pounds to buy her Mourning Also I give and bequeath unto the said **John Paine Eldest Son of the said Thomas Paine the Elder** of Oundle aforesaid the further Sum of One hundred pounds to be paid him when he shall attain the Age of One and twenty years (if my Effects from Jamaica shall be remitted by that time if not as soon as the same shall be remitted and my just debts paid and discharged Also I give and bequeath unto **Mary Dodgson** Daughter of the late **Reverend Master James Dodgson Vicar of Saint Ives** in the County of Huntingdon deceased the Sum of three pounds to buy her Mourning and the further Sum of Fifty Guineas to be paid unto the said **Christopher Bainbrig** to be by him improved and disposed of as his discretion shall think proper and convenient for the Use Benefit and Advantage of her the said **Mary Dodgson** Also I give and bequeath the Sum of Fifty pounds to be equally divided between

the **two Sons of Thomas King** late of Spanish Town in Jamaica aforesaid Dancing Master deceased to be paid them in Jamaica money And if either of them be dead Then I give and bequeath the whole Sum of Fifty pounds Jamaica money to the Survivor of them And if both of them be dead then and in such case I give and bequeath the said whole Sum of Fifty pounds to the Right and Lawfull Heirs of the said **Thomas King** Also I give and bequeath unto the said **Francis Sadler** the further Sum of One thousand pounds of Jamaica money which said Sum of One thousand pounds together with the Sum of Two thousand pounds given and bequeathed him above I give and bequeath him in Consideration of his Care trouble and Expence and in full Payment and Satisfaction of and for Commission money Expenses Bills Charges or allowances whatsoever in collecting recovering and remitting my personal Estate and Effects from Jamaica And I will and direct that no part or portion of the said Several Sums and Legacys shall be paid unto him the said **Francis Sadler** untill such time as he shall have so Collected and recovered my said Effects in Jamaica and have remitted the whole thereof from their into England to my Executor his Guardians Trustees Extors or Administrators Also my Will is And I do hereby direct that if it shall so happen that the said **John Pate** do dye leaving no Male Issue behind him so that the said Francis Sadler become possessed of my said Reall Estate in England that the said Francis Sadler within twelve months after he shall become so possessed shall pay or cause to be paid unto the said **Elizabeth Pate and Anne Pate** Sisters of the said **John Pate** the Sum of Five hundred pounds apiece which said Sums I hereby give and bequeath them upon the proviso aforementioned Exclusive of and besides the Sum of Eight hundred pounds apiece given them in another and former Bequest And if either or both of them the said **Elizabeth Pate and Anne Pate** happen to be dead at such time as the said **Francis Sadler** shall become Possessed of my said reall Estate in manner aforesaid Then and in such case my Will is and I do hereby direct that the same Sums of Five hundred pounds apiece to them hereby in this last Bequest given be paid to their respective Executors Administrators or Assigns Also I Will and bequeath Ordain and do direct that if it shall happen that the said **John Pate** so dye before all my Funeral Charges Debts and Legacys are fully paid and discharged and leaving no Issue Male lawfully begotten behind him the said **Francis Sadler**

shall not Occupy Possess Enjoy or Intermeddle with my said reall Estate nor receive the rents or Profitts thereof untill my said Funeral Charges Debts and Legacys are first paid and discharged But that it shall and may be Lawfull to and for the said **Elmes Spincks and Christopher Bainbrig** the same to have Occupy Possess and Enjoy and the rents Products Profitts and Improvements thereof to receive towards the full payment of all my said Debts and Legacys and untill the same be fully and Completely discharged and Satisfyed any thing herein before contained to the contrary in anywise notwithstanding Also I give devise and bequeath the yearly Sum of Six pounds of Lawfull money of Great Britain for ever (if the Laws of England do so permitt and allow of) chargeable on and payable out of my reall Estate in Glapthorn aforesaid and that free and clear of and from any Deduction or Abatent for or in respect of any taxes Assessments Charges Thing or Things whatsoever to put out such Poor Children whose Parents are or shall be legally settled in the Parish of Glapthorn aforesaid Apprentices at the discretion of the Minister Church Wardens and Overseers of the Poor of the said Parish for the time being Also I give devise and bequeath all that Close of Pasture Ground containing by Estimation two roods (be the same more or less) lying and being on the South Side of the Town of Cotterstock aforesaid and adjoining thereto opposite also to the Vicars house there and all those Five acres of Meadow ground lying and being in Cotterstock Meadow within the Parish and Precincts of Cotterstock aforesaid (both which said Close and Meadow now are in the tenure and Occupation of the said Christopher Bainbrig) To the use and behoof of the Vicar of Cotterstock for the time being for ever (if the Laws of England do so permit and allow of) but if it be repugnant to and against the said Laws to devise the said Close and Land to such use Then and in such case I give devise and bequeath unto the said **Christopher Bainbrig** one Annuity or yearly Sum of Ten pounds of Lawfull money of Great Britain (Exclusive of and besides the several Legacys herein before given and bequeathed to him) to be paid him yearly and every year during his Natural Life on the two most usuall Feasts or days of Payment in the year that is to say On the Feast of the Annunciation of the Blessed Virgin Mary and the Feast of Saint Michael the Archangell by even and equal Portions the first payment thereof to be made on the first of the said Feasts as shall next happen after my

decease and that free and Clear of and from any Deduction or Abatement for or in respect of Taxes Assessments thing or things whatsoever Also my Will is and I do hereby direct and Appoint that the said **Elmes Spinks and Christopher Bainbrig** do and shall continue Guardians and Trustees of and for the said **John Pate** untill he shall arrive at or attain to the age of Five and twenty years And that he the said **John Pate** be wholly directed settled and governed at the discretion of them the said **Elmes Spinks and Christopher Bainbrig** in all reasonable matters and affairs things and Actions whatsoever untill he shall also arrive at the Age of Five and twenty Years and Lastly all and Singular the residue and remainder of my Personal Estate Goods Cattell and Chattells both in England and Jamaica (after my Funeral Charges Debts and Legacys are paid and discharged) I give and bequeath unto my said **Nephew John Pate** whom I also hereby nominate Constitute and appoint Salt Executor of this my last Will and Testament negating and disannulling(?) All other and former Will and Wills by me heretofore made In Witness whereof I have hereunto put my hand and Seal the day and year at first above written. Jno Rose. Signed Sealed Published and declared (being written on four whole Sheets of paper) by the above named Testator John Rose to be his last Will and Testamt in the Presence of us who Subscribed our names as Witnesses at the request and in the Presence of him the said Testator the words Bristol and Leicester being first interlined in the third Sheet and the words Pate and Estate in the fourth sheet. **Robert Hodges Henry Hill Jno Morgan**

#### Codicill

20 apiece to **Mr Fotherby and Wife** instead of 25 pounds to to each [sic] to buy Mourning 10 pounds to the present Son of **Eliza Burge of Ashton** and the same to **John Hammons Son** of Cotterstock to be paid to them in case they arrive at the years of 21 years of age. Bearers to my Pall to have rings besides Gloves Scarfes etc and Five Guineas to be directly paid for my Funeral Sermon to the Person that preacheth it To **Mr Thomas Bush** an Annuity of £10 till he arrives at 21 years To all my Tenants Gloves and Hatbands and to all the Gentleman etc that comes to my Funerall what the Guardians of my Executor shall think proper to be done with a Common and Gentleman like decency



13th January 1736

On which day appeared Personally **Elias Micklethwait** of the Parish of Saint Margarets Westminster in the County of Middlesex Gent and deposed by virtue of his Corporal Oath That he knew and was well Acquainted with John Rose late of Cotterstock in the County of Northampton Esquire deceased as also As also with his manner and Character of Hand Writing An Intercourse of Letters having often past between him the deceased and this Deponent And that upon his perusing of the Writing on the One side of half a Sheet of Paper which is hereunto annexed purporting as the And deponents has been Informed and believes a Codicill to be annex to the said deceaseds Will which begins thus (20 apiece to Mr Fotherby and Wife) and Ends thus (What the Guardians of my Executors shall think proper to be done with a Common and Gentleman like decency) he does therefore also believes the same to be all wrote by and with the proper handwriting of the said John Rose deceased Witness my hand **Elias Micklethwaite**.

The same day the aforesaid **Elias Micklethwait** was Sworne before me **Stephen Cottrell** Surogate Pesent **John Rawson** Publick Notary./

On the Fifteenth day of January in the Year of our Lord One thousand Seven hundred and thirty-six **Power was granted to Elizabeth Pate Widow the Natural and Lawfull Mother and Curatrix (?) or Guardian lawfully assigned to John Pate Minor the Nephew by the Brother and Sole Executor named in the last Will and Testament of John Rose late of Cotterstock** in the County of Northampton Esquire deceased (with his Codicill annexed) to Administer the Goods Chattells and Creditts of the said deceased according to the tenor and Effect of the said Will and Codicill for the use and benefit and during the Minority of the said Executor She the said Elizabeth Pate being first Sworne duly to Administer **Elmes Spinks Esquire and Christopher Bainbrig Clerk Testamentary Guardians appointed in the said Will first renouncing**.

Marginal note: Proved at London (with a codicil annexed) the thirtieth day of December in the year of Our Lord 1740 before the Worshipfull Edward Kingston Doctor of Laws and Surrogate by

**John Pate the Nephew and sole Executor** to whom Admon was granted being first sworn duly to administer [illegible] of Admon (with the said Will and codicil annexed) of the Goods of the said deceased granted in January 1736 to **Elizabeth Pate** Widow the Mother and Curatrix lawfully assigned to the sd John Pate then a Minor for his use and benefit and during his Minority being [illegible] by reason of his having attained the Age of seventeen years.

Transcribed by Anne M Powers

April 2013