

**The National Archives PROB 11/559**

## Will of William Gardiner, of Churchill, 1717

In the Name of God Amen

I William Gardiner late of Guyting Grange in the County  
Of Glouc[ester] but now of Churchill in the County of Oxon Esq[ui]re being of  
sound and disposing mind memory and understanding (praised be  
Almighty God for the same) do make and ordain this my last Will  
and Testament in manner and form following And first of all  
I recommend my Soul to Almighty God my Creator hoping through  
the merits and intercession of Jesus Christ my Redeemer to be  
saved and received into eternal rest My body I commit to the  
Earth to be decently buried in such place and manner as my  
dear and welbeloved Wife Pristilla whom I doe hereby make  
and constitute my Executrix shall think fitt And as to the temporal  
Estate wherewith it hath pleased Almighty God to bles me  
after all my just debts and Funeral expenses shall be paid and  
satisfied I disposed as followeth Impri[mi]s Where as there is none  
due and owing unto me from Edward Partheriche late of  
Alveston in the County of Warwick Esq[ui]re the sum[m]e of Sixteen  
hundred pounds principal money on a Mortgage of the Manor  
of Little Port in the Isle of Ely in the County of Cambridge and  
the lands thereto belonging Now my Will is And I doe hereby declare  
that my said Wife Priscilla shall take and receive the interest of  
that sum[m]e from time to time to her own use as the same shall  
become due and payable for and during so long of the form of her  
natural life as the said Principal sum[m]e shall lye out and continue  
upon that security And if the said Principal sum[m]e of Sixteen hundred  
pounds or any part thereof shall be paid in at any time in the  
life time of my said Wife My Will is and I doe hereby declare  
that the same shall from thenceforth and with as much convenient  
Speed as may be after such payment be placed out of interest by

and in the names of my welbeloved Friends Allan Hord of Coate in the said County of Oxon Esq[ui]re and William Higford of Ashton Underhill in the said county of Glouc[est]r Esq[ui]re and the Survivor of them his Executors Administrators and Assigns by and with the approbation and consent of my said Wife signified by any Note in writing under her hand Upon First and to the intent and purpose that the interest and process thereof may be disposed of paid and applyed to my said Wife and her Assigns for and during the term of her natural life And from and after the death of my said Wife My Will is and I do hereby declare and direct that the said sum[m]e of Sixteen hundred pounds shall with as much convenient speed as may be applyed and laid out by and in the names of the said Allan Hord and William Higford or by and in the name of the Survivor of them and his heirs in the purchase of some Lands of Inheritance in Fee Simple in possession and to be settled in such manner as Counsel learned in the law shall advise To the several uses behoofs intants and purposes and with and under the several limitations provisoes and directions herein after expressed that is to say To the use and behoofe of my eldest Son Thomas Gardiner for and during the term of his natural life without impeachment or punishment of or for any manner of Waste And from and after the determination of that estate To the use of some person or persons to be named in the said Settlement and his or their heirs for and during the natural life of the said Thomas Gardiner Upon Trust and to the intent and purpose to preserve the cutting out uses and estates thereof herein after directed to be limited from being barred defeated or destroyed And for that purpose to make entries and bring A tt[entio]n and Att[entio]ns as occasion shall require yet nethertheles to permit and suffer the said Thomas Gardiner Then to the use and intent that via the time the now Wife of the said Thomas Gardiner to receive and take that outs issues and profits of the same premises to his own use

during the term of his natural life And from and after the decease of him the said Thomas Gardinor Then to the use and intent that via the time the now Wife of the said Thomas Gardinor and her Assignes shall and may yearly and every year during so long of the term of her natural life as she shall keep herself sole and unmarried have receive and take by and out of the lands so to be purchased the yearly rent or sume of Fifteen pounds of good and lawful money of Great Britain clear of all Taxes payable and to be paid in or upon the two most usual Feasts or daies of payment in the year that is to say the Feast of the Annuntiacon of our blessed Lady S<sup>t</sup> Mary the Virgin and the Feast of S<sup>t</sup> Michael the Archangel by even and equal portions the first payment thereof to begin and to be made on such of the said Feasts as shall next happen after the decease of the said Thomas Gardiner In which settlement there shall be contained the usual clauses or provisoes for distress and reentry in case of nonpayment And as for and concerning the same land and premisses soe to be charged and chargeable with and subject and liable to the payment of the said yearly sum[m]e of Fifteen pounds in manner aforesaid from and immediately after the decease of the said Thomas Gardinor To the use and behoofe of some person or persons to be named in the said Settlement and to his or their Executors Administrators and Assignes for such acompetent term and number of years as shall be thought needful and expedient Upon trust for the raising and levying of the sum[m]e of Four hundred pounds of good and lawful money of Great Britain for the portion maintenance and Education of any Daughter or younger Son of the said Thomas Gardiner if there shall be no more then one Daughter or one younger Son And if there shall be one Daughter or more And also one younger Son or more then to raise the same sum[m]e of Four hundred pounds to be equally divided between them share and share alike and to be paid at their Age or respective Ages of

one and twenty years And also to raise the yearly interest thereof for their maintenance or respective maintenance in the mean time and untill the same shall become payable And from and after the end or other sooner determination of such term or number of years To the use and behoof of the first and other Sons of the body of the said Thomas Gardiner lawfully begotten or to be begotten severally successively and respectively and in remainder one after the other as they and every of them shall be in priority of birth and seniority of Age and the heirs of the body and bodies of all and every such Son and Sons lawfully issuing the elder of such Sons and the heirs of his body being aheaies to be preferred before the younger of such Sons and the heires of his and their bodies issuing And for default of such issue To the use and behoofe of my Son Harry Gardiner for and during the term of his natural life without impeachment or punishment of or for any manner of Wast And from and after the determination of that Estate To the use of such person or persons to be named in the said Settlement as aforesaid and to his or their heires for and during the natural life of the said Harry Gardiner Upon trust and to the intent and purpose to preserve the contingent uses and estates thereof herein after directed to be limited from being barred defeated or destroyed And for that purpose to make Entries and to bring Accou[nt] and Accou[nts] as occasion shall require yet nevertheless to permit and suffer the said Harry Gardiner to receive and take the rents issues and profitts of the said premises to his own use during the term of his natural life And from and after the decease of him the said Harry Gardiner To the use of such other person or persons to be named in the said Settlement as aforesaid and to his or their Executors Administrators and Assignes for such a competent term or number of years as shall be thought expedient Upon Trust for the making of such provision and for the raising and

levying and paying of such sum[m]e and sum[me]s of money for the portion maintainance and education of such Daughter or Daughters younger Son or younger Sons of my said Son Harry Gardiner and in such manner as I have herein before directed to be made for the daughter or daughters younger Son or younger Sons of my said Son Thomas Gardiner And from and after the one or other sooner determina[ti]on of such term or number of years To the use and behoofe of the first and other Sons of the body of the said Harry Gardiner lawfully to be begotten severally successively and respectively and in remainder one after the other as they and every of them shall be in priority of birth and seniority of Age and their heires of the body and bodies of all and every such Son and Sons lawfully issuing the elder of such Sons and the heires of his body being alwaies to be preferred before the younger of such Sons and the heires of his and their bodies issuing And for default of such issue To the use and behoofe of all and every the Daughter and Daughters of the body of the said Thomas Gardiner lawfully begotten or to be begotten as Tennants in Common and not as joynt Tenants and the heires of her and their respective bodies lawfully issuing and for default of such issue To the use and behoofe of all and every the Daughter and Daughters of the body of the said Harry Gardiner lawfully to be begotten as tenants in Com[m]on and not as joynt tenants and the heires of her and their respective bodies lawfully issuing And for default of such issue To the use and behoofe of the right heires of me the said William Gardiner forever In which Settlement soe to be made as aforesaid My Will is and I doe hereby direct and appoint that there shall be contained a Provisoe to the effect following that it shall and may be lawful to and for the said Thomas Gardinor and all and every other person and persons to whom any

estate of Freehold or inheritance of the said premises so to be settled as aforesaid shall descend and come by virtue of such limitations to be made thereof as aforesaid when and as their respective estates therein shall fall in possession by any writing under his or their respective hands and seals executed by him or them respectively in the presence of three or more credible Witnesses to make any Lease or Leases of the said premisses for any term or number of years not exceeding the term of one and twenty years for the best improved rent that can be reasonably had for the same without any Fine And soe as the same be not without impeachment of Wast and that there be contained therein the usual Provisoe or Condit[i]on for reentry for default of payment of the said reserves rent and also so as the Lessee execute a Counterpart of such Lease or Leases Item I give and devise all my Tenths and tythes of what nature or kind so ever yearly growing renewing arising or increasing in or upon or out of Non such Parloin the Parish of Ewell in the County of Surry and all my estate right title and interest therein and alsoe all my lands tenements Tythes and hereditaments whatsoever and wheresoever unto the said Allan Hord and William Higford their heires Executors Administrators and Assignes Upon Trust to try for and forever if it may be and afterwards to sell dispose and convey the same and the money raised by such Sale to place out at interest as soon as conveniently may be in their names or in the name of the Survivor of them his Executors or Administrators by and with the approbat[i]on and consent of my said Wife to be signified by any Note in writeing under her hand Upon trust and to the intent and purpose that the interest and proceeds thereof may be disposed of paid and applied to my said Wife and her Assignes for and during the term of her natural life And from and after the death of my said Wife My Will is and I doe hereby declare and direct that the money raised by such Sale shall

be applyed and laid out by and in the names of the said Allan Hord and William Higford or by and in the name of the Survivor of them and his heires together with the before men[ti]oned Sixteen hundred pounds in such purchase of lands and to be settled in such manner as aforesaid And in the mean time and untill my said lands tenements tythes and hereditaments can be sold and conveyed as aforesaid My Will is that the rents and profitts thereof shall be applyed and goe to such person and persons respectively and in such manner as the produce and interest of the money to be raised by such Sale when made and the lands to be purchased by and with such money are herein before directed and appointed by me to goe and be limited And my Will further is that as well the before ment[i]oned Sixteen hundred pounds as alsoe the money to be raised by Sale of lands and tythes as aforesaid if such Sale be made in the life time of my said Wife shall from and after the death of my said Wife be continued at interest in the name of my said Trustees or the Survivor of them his Executors or Administrators until the same can be laid out in such Purchase as aforesaid and the interest and proceeds thereof shall be applied and goe to such person and persons respectively as the Uses of the lands when purchased are herein before directed to be limited Provided alwaies and I doe hereby declare that whatever loss shall happen in and about the execution of this trust without the wilful neglect or default of my said Trustees they my said Trustees or either of them their or either of their heires Executors or Administrators shall not be charged or chargeable to make good any loss Provided furthermore that if my said Wife shall be willing and consenting to have the aforesaid Trust money or any part thereof laid out at any time during her life in such Purchase of lands as aforesaid then my Will is that the lands so purchased shall be settled to the use of my said Wife for her life in the first place and afterwards to such other Use and Uses intents and purposes

and with and under such limitations and directions as are herein before expressed And lastly I doe hereby give and bequeath unto my said Wife all the rest of my money not herein before by me disposed of and also all my Goods and chattles and personal estate whatsoever And I doe hereby constitute and appoint her the sole Executrix of this my last Will and Testament And I doe hereby revoke Annul and make void all former Wills by me at any time made In Witness whereof I the said William Gardiner have to this my last Will and Testament contained in six Sheets of Paper set my hand and seal to each sheet this present Fifteenth day of September in the third year of the Reign of our Sovereign Lord George by the grace of God of Great Britain France and Ireland King Defender of the Faith Anno D[omi]ni 1716 Will[iam] Gardiner Signed sealed published and declared in the presence of us who have here unto subscribed our names as Witnesses in the Testators presence and at his request Tho[mas] Hacker Tho[mas] Watts W<sup>m</sup> Haines Esq[ui]re]

*Probate granted in London by John Butterworth on 16<sup>th</sup> August 1717 to Priscilla Gardiner Widow and Executrix*

**Transcribed by The Churchill and Sarsden Probate Group 2014**