

The National Archives PROB 11/648

Will of Sir Robert Walter (Baronet), of Sarsden, 1731

In the Name of God Amen

This Seventh day of October in the Year of Our Lord One thousand Seven hundred and thirty One I Sir Robert Walter of Sarsden in the County of Oxon Baronet being infirm in my health but of sound mind and memory Doe make this my last Will and Testament in manner and Form following Vizt First and Principally I commend my Soul to the infinite Mercy of God And my Body to the Earth to be buried in the Parish Church of Churchill amongst my Ancestors And as touching my Worldly Estate I dispose thereof as followeth Imprimus I give and devise unto my Dear Wife Elizabeth Louisa in default of heirs of my Body begotten or to be begotten either born in my life time or after my decease or whatsoever any default shall happen of such heirs All my Mannors of Sarsden Lineham Meriscourt Fienescourt and Churchill and Kingham And all my Messuages Lands Tenements and Hereditaments situate standing lying and being in all and every the said Mannors Lordships and Tenenships aforesaid and in Bruene All in the said County of Oxon And all other my Messuages Landds Tenements and hereditaments whatsoever and wheresoever To hold to my said Dear Wife during her natural life It being my request that she does not Commit or Suffer any Wilful or Voluntary Wast to be made or done in any of the Buildings or Destruction of any of the timber growing thereon which I am th[o]ro[ugh]ly satisfied she will carefully preserve And I do hereby give to my said Dear Wife full power at any

time during her life time Upon failure or default of heirs of my body begotton as aforesaid By Indenture under her hands and Seal to Leave all such part or parts of my said Mannors Messuages Lands Tenements and hereditaments as is now or has been Within the term of twenty years past out upon Lease or Leases for ninety nine years or any other term or number of years Determinable upon One two or three Life or lives or by Copy of Court Roll for ninety and nine years Determinable upon One two or three Life or lives but not for more than three Lives upon any one Estate So as there be reserved upon all any every such Lease or Leases the usual and Accustomed rents customs dutyes herriotts and Services and so as such Lease and Leases is and are not made dispunishable of Wast And so as each Lessee Seale and execute Counterparts of each Lease and Leases And I do also give to my said Dear Wife full power likewise at any time during her life upon failure or default of heirs of my body Also by Indenture under her hand and Searle to Lease all or any Part of my said Mannors Lands and Premises Except my Capital Messuage Outhouses Garden and Curtilage of Sarsden as aforesaid to any Person or Persons for any term or number of years not Exceeding One and twenty years to Commence in Possession or within One year next after the making thereof so as upon every such Lease there be reserved and made payable during the continuance of the same the most and best Improved rent that can be reasonably had for the same Premisses or any part thereof that shall be so Leased Without taking any Sum or Sums of money or other thing by way of Fine for or in respect of any such Lease And so as no such lease be made Dispunishable of Waste And so as there be contained in every such Lease a Clause

of Reentry for non-payment of the rent or rents thereby to be reserved And usual and reasonable Covenants And so as the Lease and Leasees to whom any such Lease shall be made as aforesaid seale and deliver a Counterp[ar]t thereof Item I give and bequeath unto my said Dear Wife for ever All such Jewells as I or she shall be Possessed of at the time of my Decease and the Furniture of the Bed Chamber wherein my Wife and I usually lye in my Dwelling house at Sarsden And also all the Furniture of her Closet and Dressing room Item I give to my said Dear Wife In case I shall leave any heirs of my body living at my decease the use of All my Silver plate and of all the rest of my household goods and Furniture which shall at my decease be in my said dwelling house at Sarsden until such Issue shall attain the Age of One and twenty years And in case I shall have no such Issue or such Issue shall dye before he or she shall attain the Age of One and twenty years leaving no Issue then I give my said Wife for ever All my said Silver Plate household Goods and Furniture Except my Silver Fountain Inscribed to her late Majesty Queen Anne of Ever blessed memory which I do give after my said Wifes decease to such Person or Persons as shall by Virtue of my Marriage Settlement and this my last Well be Intituted to my Mannor or Mansion house of Sarsden It being my desire and also in Performance of the request of my late Dear Brother Sir John Walter made to me that the same be and remain therein perpetually in the nature of an heir Looome In remembrance of the duty and Gratitude I have for the said late Majesty And the honour which my said Brother did and I still do bear to her memory Itrem in default of heirs of my body begotton or to be begotton either born in my lifetime or

after my decease or whensoever any default shall happen of such heirs after the decease of my said Dear Wife I give and devise all my aforesaid Mannors Messuages Lands Tenements and Hereditaments Whatsoever and Wheresoever Wherein I have any Estate in Possession Reversion remainder or Expectancy to such Son of my late Brother in Lawe John Rolls late of Stephenson in the County of Devon Esquire And my Sister Isabella Charlotte his now Widow as shall be their Second Son at the time of my decease To hold to such Second Son for and during his natural life without Impeachm[en]t of Wast Provided he take upon him the name of *Walter* and not of Rolls and so write himself in all Deeds and other Writings during his natural life And Intitle himself and his Descendants if it may be done to bear the Cognizance or Coat of Arms of my Family And after the Determination of that Estate I give the said Mannords Lands Tenements Hereditaments and Premisses to Henry Perott of Barnsley in the County of Gloucester Esq[ui]re and Thomas Rowney of the City of Oxford Esq[ui]re and their heirs during the natural life of such Second Son upon trust to preserve the Contingent Remainders herein after limited But nevertheless to permit and suffer such Second Son of my said Brother and Sister Rolls to receive the rents and profits of the said Premisses during his natural life And after his decease I give and devise the said Mannors Lands Tenements Hereditaments and Premisses To the first second third fourth Fifth Sixth and Seventh And all other the Sons of such Second Son lawfully begotton and to the heirs Male of their respective bodyes lawfully Issuing severally and successively One after another as they shall be in Seniority of Age and Priority of birth so as they and every of their respectively name and write themselves by the Sirname of *Walter* and not of Rolls And

for want of such Issue I give and devise the said Mannors Lands Tenements and Hereditaments and Premises To the third Son of my said Brother and Sister Rolls during the term of his natural Life without Impeachments of Wast So as he take upon him the name of *Walter* and not of Rolls as aforesaid with like remainders to my said trustees to preserve contingent remainders Remainder to the first and all other Sons of such third Son respectively and Successively in tayle male So as they take on them the Sir name of Walter and not of Rolls as the same are herein before devised to the said Second Son of my said Brother and Sister Rolls in strict Entayle And for want of such Issue I give and devise the said Mannors Lands Tenements Hereditments and Premises to the fourth Fifth Sixth and Seventh And all other the younger Sons of my said Brother and Sister Rolls Successively for their respective natural lives Without Impeachment of Wast Remainder to Trustees to Preserve contingent Remainders Remainder to the firth and other sons in tayle Male as the same as herein before Devised to the said Second and third Sons of my said Brother and Sister and their respective first and other sons in strict Entayle so as they and every of them take upon them the name of *Walter* and not of Rolls as aforesaid And for want of such Issue I give and devise the s[ai]d Mannors Messuages Lands Tenements Hereditaments and Premises t the said Thomas osof the City of Oxford Esq[ui]re for and during the term of his natural life without Impeachment of Wast Provided he take upon him the name of *Walter* and not of Rowney and to write himself in all Deeds and other Writings during his life and Entitle himself and his decend=ants if it may be done to bear the Cognizance or Coat of Arms of my Family And after the Desemination of that

Estate I give and devise the same to the said Henry Perrot
and his heirs Upon trust to preserve the Contingent remainders
Remainder to the first Second third fourth fifth Sixthe And
All other his Sons of the said Thomas Rowney lawfully
begotten and to the heir Male of their respective Bodys
lawfully Issuing Severally and successively one after another as
they shall be in Seniority of Age and Priority of Birth the
Elder of such Son and Sons and the heirs Male of his and
their respective body and bodys being always preferred and
to take before the Younger and the heirs male of their body
and bodys Provided they and every of them take upon them
and use the name of *Walter* and not of Rowney as afores[ai]d
And for want of such Issues I give and devise the said
Mannors Messuages Lands Tenements and Hereditaments
to the Reverend M[iste]r Edward Rowney Vicar of Spelsbury in
the said County of Oxon Brother of the said Thomas
Rowney for and during the terme of his natural life With=
out Impeachment of Wast Provided he take upon him the
name of *Walter* and not of Rowney and so make himself
in all Deeds and other Writings during his life And Entitles
himself and his Descendants if it may be done to bear the
Cognizance or Coat of Arms of my Family And after the
Determination of the Estate I give and devise the same
to the Said Henry Perrott and his heirs upon trust to
Preserve the Contingent remainders remainder to the First
Second third fourth Fifth ad Sixth And all the other Sons
of him the said Edward Rowney lawfully begotten and to
the heirs male of their respective Bodys lawfully Issuing
Severally and Successively one after another as they shall
be in Seniority of Age and Priority of Birth the Elder of
Such Son and Sons and the heirs Male of their
respective Bodys being always preferred and to take before

the Younger And the heirs Male of their Body and Bodys
Provided they and every of them take upon them and use the
name of *Walter* and not of Rowney as aforesaid And
for want of such Issues I give and devise the said Mannors
Messuages Lands Teements Hereditaments and Premisses
unto the Heirs of the Body of my Sister Isabella
Charlotte Rolls lawfully begotten or to be begotten And for
Want of such Issue I giver and devise the same to my own
Right heirs for ever And it is my Express Will that such
the younger Son or Sons of the said John Rolls and the said
Thomas Rowney and Edward Rowney and their respective
Sons as shall be Entitled to the said Mannors Lands Tenements
Hereditaments and Premisses and their Issue Male respectively
shall at the time he shall come to the Possession of the said
Premisses take upon him the Sirname of *Walter* and bear
and write the same as aforesaid Item I give all my Books
now at Sarsden or elsewhere to the person who by Virtue of
this my Will shall be Entitled to the possession of the Said
Mannors Lands Tenements Hereditaments and
Premisses Item it is my Will that all my Books in the
Library at Sarsden house shall as far as Leave or Equity will
allow of be in the nature of Heir Loomes and go along with
the same Mannor house Item I do make and appoint my
said Dear Wife Sole Executor of this my last Will and Testement
and I do give and bequeath to her all the rest and residue of
my Personal Estate not herein before disposed of after my
just debts shall be paid and Satisfyed to be as her own
disposal Provided always and I do hereby declare and my
Express Will is that if the Person or Persons who shall
come to the Possession of the said Mannors Capital
Messuage of Sarsden Lands Tenements and Hereditaments
by Virtue of this my last Will shall refuse or neglect to

bear take use and write the name of *Walter* for his Sir-name as I have before directed Then and in such Case the Devise hereby made to such Person or Persons so neglecting or refusing shall cease and be utterly void And then and in such Case the said Mannors Capital Messuage Lands Tenements Hereditaments and every of them And my Silver Fountain and my Books at Sarsden aforesaid hereby declared to be heir Loomes shall thereupon come to the Person who shall be next in remainder And that then and in Such Case it shall and may be lawfull to and for Such Person or Persons who by Virtue of this my Will shall be next in remainder of the said Mannors and Premisses to Enter into and enjoy the same taking upon him or them the Sirname of *Walter* as aforesaid Item I do hereby empower the Person who do take Estates for lives in the Premisses in this my Will as or when he or they shall be in the Actual Possession of the Mannors Lands Tenements and Hereditaments and Premisses but not before to make any Lease or Leases of the Premissess Except the Capital Messuage Outhouses Gardens and Curtiledge of Sarsden for any term not Exceeding One and twenty years to any Person or Persons for the best and most Improved rent that can be got for the same And also by any Deed or Deeds in Writing attested by any two or more Credible Witnesses to make a Joynture of any part of the said Premisses (Except as aforesaid) not Exceeding the Annual Sum of Six hundred pounds a year for the Life or Lives of such Woman or Women such Tenants for life shall marry And I do hereby revoke all former Wills by me at any time hereafter and declare this to be my last Will and Testament Witness my hand and seal the day and year first above Written Rob[ert] Walter Signed Sealed Published and

declared by the said Sir Robert Walter the Testator as and
for his last Will and Testament in the Presence of us
who in his Presence and at his request have Subscribed
Our names as Witnesses John Peisley Tho[mas] Mander
Ja[m]es Mander

I Sir Robert Walter of Sarsden in
the County of Oxon Baronett Do by this Writing which I
declare to be a Codicil to and apart of my last Will and
Testament Give and bequeath unto my House Keeper Lydia
Prickett in Consideration of and as a Gratuity to her for
the Faithfull services She has performed for me and
Particularly for the tender Care She has taken of me in my
Issues the sum of thirty pounds And I also give unto
my Servant Robert Whitley the Sum of Five pounds
Likewise for his Constant Attendance upon the Care of me
also in my Issues Both which Legacies I direct and
Appoint shall be paid within Six months next after my
decease And I do hereby ratify and confirme my last Will
And all other things therein and thereby directed given
and bequeathed And do pronounce this as a further part
and Addition thereto In Witness whereof I the said Sir
Robert Walter have hereunto put my hand and seal this
present Sixteenth Day of November Anno Domini 1731
Rob[ert] Walter – Signed Sealed Published and declared by
The Testator as an Addition to and further part of his
last Will and Testament in the Presence of us who at his
request and in his Presence have Subscribed our names
as Witnesses N[athaniel] Sturges Tho[mas] Mander

Probate granted in London by John Bettesworth on 16th December 1731 to Elizabeth Louisa Walter, widow relict of deceased & executrix

Note on side margin [added at a later date]

On the second day of June 1748 Com[mission] (with the Will and Codicil annexed) of the Goods Chattels and Credits of the said S[ir] Rob[ert] Walter dec[es]ed left unad[mini]stered by Dame Elizabeth Louisa Walter (since Barneval) whilst living the Relict of the said de[ceas]ed and Sole Executrix named in the Said Will now also dec[es]ed was granted to Thomas Cook of Staples Inn London Gent To the effect only to attend and supply Substantiate and confirm the proceedings which have been already or may hereafter be had and made in a certain Cause or Suit depending in the High Court of Chancery of Great Britain between Thomas Rynaston plaintiff and Dame Mary Rich and Daniel Rich Defendants for the purposes in the Bill mentioned but no further or otherwise being first sworn duly to administrator

Tm

Thomas Walton

Transcribed by The Churchill and Sarsden Probate Group 2014