

Lyddington Manor History Society

John OUGDEN, Farmer & Grazier of Caldecott

Will proved 1841

TNA PROB 11/1943

1 **This is the last will and Testament** of me
2 **John Ougden** of Caldecott in the County of Rutland Farmer & Grazier
3 I give and bequeath unto my Wife Sarah Ougden the Legacy or sum of Twenty
4 pounds Sterling to be paid to her immediately upon my decease Also I give and
5 bequeath unto my Wife Sarah Ougden All my Household Goods & Furniture
6 Plate Household Linen China and other Household Effects during so long a
7 time or such period of her natural life as she shall continue my Widow Also
8 therefrom and thereafter I give & bequeath the same unto my Grand Nephew
9 John Ougden and Emily Finn equally to be divided in value between them for
10 their own use and benefit I give & bequeath the following Legacies (that is to
11 say) to my Niece Mary Osborne Fifty pounds Sterling To Sarah Goodwin Fifty
12 pounds Sterling To Emily Finn Fifty pounds Sterling To William Morris nineteen
13 Guineas Sterling To my Niece Ann Shelton One hundred pounds Sterling To my
14 Niece Jane Johnson one hundred pounds Sterling All which said several legacies
15 I direct to be paid at the end or expiration of six Calendar months next after the
16 decease of my said Wife I give and devise unto my Wife Sarah Ougden and
17 her Assignes \ during / so long or such period of her natural life as she shall continue my
18 Widow one Annuity or near yearly sum of Fifty pounds of lawful money of Great
19 Britain to be issuing and payable out of and charged and chargeable upon all
20 and singular my messuages tenements lands and heriditaments as also
21 upon my residuary Personal Estate & Effects the said Annuity to be payable & paid
22 to my said Wife other assignes by two even and equal half yearly payments
23 without any deduction or abatement whatsoever for or in respect of any present
24 or future taxes or other matter cause or thing whatsoever with a proportional \sum or fractional/
25 portion of a half \year/ which may happen immediately to precede the determination
26 thereof the first half yearly payment of the said annuity to be made at the
27 expiration of six Calendar months next after my decease And I declare that
28 in case and so often as the said Annuity of Fifty pounds or in case such
29 proportional part thereof aforesaid shall be in arrear and unpaid in the

30 whole or in part by the space of thirty days next after any of the said days or
31 times of payment thereof as aforesaid then and so often it shall and may be
32 lawful for my said Wife and her Assigns to alter and distrain for the same and
33 for the expences occasioned by the nonpayment thereof upon all or anypart
34 of the said Lands and hereditaments hereby charged together with all my
35 Personal Estate with the payment of the said Annuity in the same manner
36 in all respects as Landlords are authorized by Law to do for rents reserved on common
37 leases for years And also that in case so often as the said Annuity or in \case/
38 such proportional part thereof as aforesaid shall be unpaid either in the
39 whole or in part by the space of Forty days next after any or either of the days
40 or times hereinbefore appointed for the payment thereof then and so often
41 although there shall not have been legal demand of the same it shall
42 be lawful for my said wife Sarah Ougden & her assigns to enter into and upon
43 and to hold all or any part of the said heriditaments hereby charged together
44 with my Personal Estate as aforesaid to retain possession and to receive the rents
45 and profits thereof for her or their own use until she or they shall thereby or
46 otherwise be fully paid and satisfied the arrears of the said Annuity or yearly
47 rent of Fifty pounds which shall be due at the time of such Entry and the
48 arrears of the same which may afterwards become due during the time of
49 her or their being in possession of the said Premises and all Costs and expenses
50 occasioned by the nonpay\ment/ thereof at the days and times aforesaid And mindful
51 and charged as aforesaid I give and devise and
52 by virtue and in exercise of every power in any wise enabling me in that behalf
53 appoint unto the said William Morris of Caldecott aforesaid Butcher and
54 Hodgskin Peach of Rockingham in the County of Northampton Grazier their
55 Heirs and assigns all and singular my messuages or tenements farms lands &
56 Hereditaments situate lying and being at Liddington and Caldecott in the said
57 County of Rutland and all other the lands and Heriditaments as well Freehold
58 as Copyhold either in possession reversion remainder or expectancy or in or over
59 which I have any devisable interest or power of appointment with their
60 and way of their rights members and appurtenances To hold the same unto &
61 to the use of the said William Morris and Hodgskin Peach their Heirs and
62 Assigns upon the trusts and for the intents and purposes herein after mentioned
63 that is to say to receive the rent issues and profits of my said real Estates devised
64 to them as aforesaid for and during and until my Grand Nephew John Ougden

65 shall attain the age of twenty one years or until such other time and to be
66 applied as is hereafter mentioned and directed and I give and bequeath all
67 and singular the residue and remainder of my ready money and securities for
68 money Horses Harness and also all my Implements and in Husbandry Crops of
69 Corn and Grain and live and dead Stock whatsoever which shall be my property
70 and in and about my messuage farm lands and Hereditaments or upon which
71 I shall occupy at the time of my decease and also all my Personal
72 Estate and Effects of whatsoever description the same may be & consist and
73 whatsoever the same may be at the time of my decease and not herein before
74 specifically given and bequeathed unto the said William Morris Hodgskin
75 Peach their Executors administrators and Assigns upon the trusts herein after
76 expressed and declared concerning the same And it is my Will and I do hereby
77 direct that the said lands and heriditaments and Personal Estate and Effects
78 Premises respectively hereinbefore devised and bequeathed to my said trustees
79 shall be held upon trust but subject and without prejudice to the Annuities devised
80 to my said Wife and the powers and remedies for enforcing the payment Thereof
81 respectively it is my Will and I direct that my said trustees or trustee for the time
82 being shall stand and be seized and possessed of all and singular the said
83 messuages lands tenements and Hereditaments hereinbefore devised and
84 appointed and all my personal Estate and Effects hereinbefore bequeathed to them
85 upon the trusts following that is to say incase my Grand nephew John Ougden
86 shall live to attain the age of twenty one years or shall die under that age
87 leaving lawful issue living at his death Then In Trust for my said Grand
88 Nephew John Ougden his Heirs Executors administrators and assigns absolutely
89 but if my said Grand Nephew shall happen to die under the age of Twenty
90 one years and without leaving lawful issue living at his death Then I declare
91 that my said trustees or trustee for the time being shall stand and be seized
92 of the said lands and heriditaments so devised to them as aforesaid Upon the
93 trusts hereinafter mentioned and declare that all my said Residuary \Personal/ Estate
94 shall be subject to the Trusts hereinafter declared\ thereof/ And with respect to my said
95 messuages lands tenements and heriditaments it is my Will and I direct that
96 the same shall be held by my said trustees and again Trustee upon
97 Trust that then the said William Morris and Hodgskin Peach and the survivor
98 of them and his heirs and Assigns as soon as conveniently may be after the
99 decease of my said Grand Nephew John Ougden under the age of twenty

100 one years and without leaving lawful issue as aforesaid absolutely to sell &
101 dispose of the same and every part thereof either by Public Auction or private
102 Contract or partly by Public Auction and partly by private Contract as the said
103 Trustees Trustee shall think fit and to convey and assure the same when
104 sold to the purchaser or purchasers thereof his her or their heirs and assigns
105 or as he she or they shall direct and upon this further trust that they my said
106 trustees or trustee for the time being shall and do out of the monies to arise
107 from such sale or sales aforesaid pay the expences of the same and do &
108 shall pay and divide the residue and surplus of such monies and also my
109 residuary Personal Estate in manner and in the proportions and to the persons
110 following that is to say One fifth part or share thereof unto my Niece Jane
111 Johnson one other fifth part unto my Niece Ann Shelton one
112 other fifth part thereof unto my Niece Sarah Goodwin one other fifth part unto
113 my Niece Mary Osborne and the remaining fifth part unto the four Children
114 of my late Niece Mary Morris the Wife of Robert Morris of Caldecott aforesaid
115 namely William Morris Robert Morris James Morris and Jane Morris
116 share & share alike And it is my Will and I expressly direct that any person
117 or persons who shall pay his her or their purchase monies or any other sum
118 or sums of money whatsoever to the trustees or trustee for the time being of this
119 my Will shall not be obliged or required to see to the application or to be
120 answerable or accountable for the misapplication or nonapplication of the
121 same money or any part thereof and that every receipt which shall be given \such/
122 trustees or trustee shall be a good valid and effectual acquittance & discharge
123 for the sum or sums of money which therein or thereby respectively shall
124 be acknowledged or expressed to have been received And I declare with
125 respect to the application of the said rents and profits of my real Estates as
126 well also my residuary Personal Estate and the interest dividends & annually
127 produce thereof during the minority of my said Grand Nephew John Ougden
128 or during the minority of any Child or Children of his living at his death
129 lay out and invest the same or so much thereof or such parts thereof as
130 shall not be wanted for his or their maintenance education & advancement
131 in their or his names or name in any of the Parliamentary Stocks or Public
132 Funds of Great Britain or at interest upon Government or real securities and do
133 And shall receive the interest dividends and annual produce of the said last
134 Mentioned Stocks Funds and securities and lay out and invest the same

135 in or upon other Stocks Funds and securities of the like \nature/ with power to alter and
136 vary the Stocks Funds and securities for the time being as occasion shall require
137 And I further declare that it shall be lawful for my said trustees or trustee for
138 the time being of this my Will if they or he shall think proper to pay over
139 any sum of sums under and by means of the trusts aforesaid as is or are
140 made applicable to the maintenance and education of my said Grand
141 Nephew John Ougden or any Child or Children of his as aforesaid to his or
142 their Parent or Guardian if any to be applied and such trustees or trustee
143 shall not be bound to see to the application thereof by such parent or Guardian
144 And I declare that it shall not be incumbent on my trustees or trustee
145 previously to paying and applying any sum or sums of money for the maint
146 enance and support of my said Grand Nephew or his child or children as afore
147 said by virtue of the trusts aforesaid to ascertain if there is any other Fund
148 applicable to such purpose or whether any person or persons is or are
149 able to provide such maintenance and support any rule in Equity to the
150 contrary notwithstanding And I further direct that it shall be lawful for my
151 trustees or trustee for the time being of their or his own proper authority to
152 advance and apply any part or parts of my residuary Personal Estate and
153 the rents and profits of my real Estates and the accumulations thereof during
154 the minority of my said Grand Nephew for putting and placing my said Grand
155 Nephew John Ougden or any child or Children living at his death as aforesaid
156 in any trade or business or otherwise for his or their benefit & advancement
157 in the World notwithstanding at the time of advancing or applying the same
158 for every of the purposes aforesaid the said John Ougden may not then have
159 acquired a vested interest in my said real and residuary Personal Estates
160 Provided always and I declare that the Trustees or Trustee \of this my Will/ shall be charged
161 and chargeable only for such monies as they shall respectively actually
162 receive by virtue of the trusts hereinbefore contained notwithstanding the giving or
163 signing or joining in giving or signing any receipt or receipts for the sake of
164 conformity and that such trustees respectively shall not be answerable or
165 accountable for any Banker or other person with whom or in whose hands
166 any part of the said trust monies shall or may be deposited for safe Custody
167 or otherwise in the execution of the trusts aforesaid or in relation thereto And
168 the said Trustees respectively shall not be answerable or accountable for any
169 involuntary loss or damage which may happen in the execution of the

170 Trusts aforesaid And also that it shall be lawful for the trustees or trustee
171 for the time being of this my Will by and out of the monies which shall
172 come to their respective hands by virtue of the trusts aforesaid to retain to
173 themselves respectively and to pay and allow to each other than their full costs
174 and expences in relation to the said Trust Estate any rule of Law or Equity
175 to the contrary notwithstanding And I do hereby nominate constitute and
176 appoint the said William Morris and Hodgskin Peach to be Executors
177 in trust of this my Will hereby revoking and making void all former & other
178 Wills by me at any time heretofore made and do declare these presents to
179 be and contain my last Will and Testament In Witness whereof I have here
180 unto set my hand and seal this first day of February in the year of our Lord
181 one thousand and eight hundred and thirty seven . John Ougden Signed
182 sealed published and declared by the said John Ougden the Testator as &
183 for his last Will and Testament in the presence of us who in his presence at
184 his request and in the presence of each other have subscribed our names as
185 Witnesses Mary Hayes Fanny Martin Tho\mas/ Browne
186 Solicitor Uppingham

Proved at London 31st March 1841 before the Judge by the Oaths of
William Morris and Hodgskin Peach the *Executors* to whom *Administration* was granted
having been first sworn by Common duty to administer

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Key words

Appurtenances (tenements), Crops, Devisees other than family, Family, Farmstock, Land,
Livestock, Location (Caldecott, Lyddington, Rockingham)