

5686. "Last Will and Testament," Skeffington SELBY, 23-MAR-1821 (final codicil), Hitcham, Suffolk, England, Class: PROB 11; Piece: 1645, Ancestry.com images 1-196, online images of will and probate documents., Ancestry.com: "England & Wales, Prerogative Court of Canterbury Wills, 1384-1858", The National Archives; Kew, England; Prerogative Court of Canterbury and Related Probate Jurisdictions: Will Registers.

Transcription by Bruce W. Christopher, revised 03/24/2017.

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This is the last Will and Testament of me Skeffington Selby late of New York in North America and now residing at Hitcham in the County of Suffolk in England, Gentleman being of sound and disposing mind memory and understanding (praised be God for the same) and hereby revoking all former and other wills and testaments by me at any time heretofore made. First I desire that all my just debts funeral ~~expenses~~ probate and executorial charges may be paid and satisfied as soon as conveniently ~~may~~ can be after my decease. And whereas I have lately contracted and agreed with Daniel Webster of Deen in the County of Northampton, Gentleman for the sale to him of all those several parcels of land (freehold and copyhold) lying in Elton in the County of Huntingdon [sic] containing together about one hundred and six acres and eleven perches (more or less) and now in the occupation of the said Daniel Webster together with the buildings standing thereon and appurtenances thereunto belonging at or for the price or sum of four thousand and one hundred pounds to be paid to me my heirs or assigns on or before the sixth day of April next or upon the execution and passing of the necessary conveyances and Surrenders. Now I hereby give and devise all such part and parts and so much of the said lands hereditaments and premises as are freehold unto my Executors the Revd. George Edis Webster of Elton in the County of Huntingdon, Clerk Edward Compton of Water Newton in the said County of Huntingdon, Miller, and my Nephew Robert Johnson of London, Warehouseman in the City County of Middlesex and their heirs upon trust and confidence nevertheless that the said George Edis Webster, Edward Compton and Robert Johnson or the survivors or survivor of them or the heirs of the survivor shall and do upon receipt of the said purchase money or sum of four thousand and one hundred pounds and interest as mentioned in the said agreement bargain sell convey and assure in the legal and proper manner all the said freehold premises unto and to the use of the said Daniel Webster his heirs and assigns or unto and to the use of such other person or persons and his her or their heirs as be the said Daniel Webster or his heirs shall direct or appoint in performance of any part of the said agreement and I also authorize empower order and direct the said George Edis Webster, Edward Compton and Robert Johnson or the survivors or survivor of them or the Executors or administrators of the survivor to bargain sell convey and assume in such manner as may be thought requisite and necessary all such part and parts and so much of the said lands hereditaments and premises as are copyhold unto and to the use of the said Daniel Webster and his heirs or unto and to the uses of such other person or persons and his her or their heirs as he the said Daniel Webster or his heirs shall direct or appoint in performance of the said agreement and I do hereby declare that the receipt or receipts in writing of the said George Edis Webster, Edward Compton and Robert Johnson or the survivors or survivor of them or the heirs executors or administrators of the survivor or such of them as sign the same shall be a sufficient discharge for the said sum of four thousand and one hundred pounds and interest and that the said Daniel Webster his heirs appointees or assigns shall not be answerable or accountable for the application misapplication or nonapplication of the said sum and interest or any part thereof and which said sum of four thousand and one hundred pounds and interest I desire may be added to and considered as part of the residue of my personal estate which I have hereinafter disposed of. As to my Messuages Lands Tenements and hereditament in North America I give and devise the same unto

Charlotte Sanxay alias Selby (who sometime since resided with me at New York) for and during the term of her natural life (she keeping the buildings in tenantable repair and not committing or permitting any waste on the said premises) and from and immediately after her decease I give and devise the same premises unto my Niece Elizabeth Johnson daughter of my sister Kezia Johnson of Oundle in the County of Northampton and her heirs. But if my Niece Elizabeth Johnson shall die in the life time of the said Charlotte Sanxay then I give and devise my said Messuages Lands Tenements and hereditament in North America unto Robert Johnson brother of the said Elizabeth Johnson and his heirs also I give and bequeath unto my Executors the sum of one thousand pounds upon trust and confidence nevertheless that they place the same out at interest in their names upon real or government security and pay the interest or dividends arising therefrom unto my said Niece Elizabeth Johnson for her own sole and separate use and disposal during the term of her natural life and not to be subject to the debts controul or engagements of any husband she may have and for which her receipts alone shall be sufficient discharges and at her decease I give the said sum of one thousand pounds or the stocks funds or other securities in or upon which the same shall be placed out or invested unto such person or persons and in such shares and proportions as she the said Elizabeth Johnson notwithstanding any coverture she may be under shall in and by her last Will and Testament or any writing purporting such give nominate or appoint and in default thereof I give the same unto her personal representatives, also I give and bequeath unto my sister Elizabeth Webster the sum of eight hundred pounds, to my brother in law William Johnson the sum of one hundred pounds and to his six sons the sum of one hundred pounds apiece. To my Nephew and Niece Joseph and Mary Ricketts the sum of one hundred pounds apiece. To my sister Mary Maydwell and her four daughters the sum of one hundred pounds a piece. To my Nephews and Nieces sons and daughters of my sister Elizabeth Webster the sum of one hundred pounds a piece. Also I order and direct my Executors to place out at interest in manner aforesaid the sum of one hundred and twenty pounds and to apply the interest and dividends arising therefrom for the use and benefit of Hannah Campbell of Warmington in the County of Northampton during her natural life and at her decease I give and bequeath the said sum of one hundred and twenty pounds or the stocks funds or other securities in or upon which the same shall be placed out or invested unto my said Niece Elizabeth Johnson. Also I give and bequeath plain Mourning Rings to the following persons, Viz., My sister Ricketts and her husband, the aforesaid Edward Compton, the Revd. Nathaniel Morgan and the Revd. John Staverton Mathews. Also I wish to be buried in Elton Church yard with my father in a plain decent manner as he was and as to all the residue of my personal Estate and effects whatsoever and wheresoever that I shall be possessed of interested in or entitled unto at the time of my decease and that shall remain after payment of all my just debts funeral probate and executorial charges and the several legacies and bequests aforesaid I give and bequeath the same unto my said Niece Elizabeth Johnson for her own use and disposal and I do hereby nominate constitute and appoint the aforesaid George Edis Webster, Edward Compton and Robert Johnson Executors of this my last Will and Testament. And it is my will that my said Executors shall not be charged or chargeable with or answerable or accountable for any more of my monies personal estate or effects than they shall respectively actually received or shall come into their hands by virtue of this my will and that they shall and may vary alter or transpose the stocks funds or securities in or upon which any part of my property is or shall be placed out or invested for other securities of the like nature and that they shall not be answerable or accountable for or in respect of the rise fall or deficiency in any fund stock or security nor for any Banker Broker or other person with whom or in whose hands any part of my property shall or may be lodged or deposited for safe custody nor shall my said Executors or either of them be chargeable or answerable with or for any other loss or losses which may happen in any part of my property without their wilful neglect or default nor the one of them for the others or other of them or for the act deed receipt or disbursement neglect or default of the others or other of them but each for his own conduct. And also that it shall and may be lawful to and for my said Executors and each of them from time to time to deduct and reimburse themselves respectively out of the monies that shall come to

their hands by virtue of this my will all such costs charges and expenses as they or either of them shall pay expend or be put unto by reason or means of all or any of the trusts hereby in them reposed or the execution thereof or in any suit or proceeding act matter or thing relating thereto in any wise howsoever. And also I desire my Executors will retain in their hands a reasonable sum of money for their loss of time and the care and trouble they may have in the due execution of this my will over and above their necessary expenses. In Witness whereof I the said Skeffington Selby the testator have to this my last Will and Testament set my hand and seal this ____ day of ____ in the year of our Lord one thousand eight hundred and twenty one.

Skeffington Selby (S.S.)

Signed Sealed published and declared by the above named Skeffington Selby the Testator as and for his last Will and Testament in the presence of us who in his presence at his request and in the presence of each other have hereunto subscribed our names as witnesses, Charles Johnson Rector of Bildeston, Chas. Cooke Rector of Semer, John Harper Farmer of Hitcham.

This is a Codicil to the last Will and Testament of me Skeffington Selby now residing at Hitcham in the County of Suffolk, Gentleman and which I desire may be annexed thereto and deemed and taken as part thereof (Vizt.). I give and bequeath one thousand dollars in the seven per cent United States stock five thousand dollars in the New York State six per cent stock and seventy one shares in the Globe Insurance Company to Charlotte Sanxay alias Selby (in my said will named) for her own use and disposal as to my house and lots in New York I give and devise the same unto the said Charlotte Sanxay alias Selby for and during the term of her natural life and at her decease I give and devise the said house and lots unto my Niece Elizabeth Johnson for and during the term of her natural life only (in lieu of the devise of the said premises to her and her heirs contained in my said Will) and from and ~~after~~ immediately after the decease of the survivor of them the said Charlotte Sanxay alias Selby and Elizabeth Johnson I give and devise the said House and lots unto Robert Johnson (brother of the said Elizabeth Johnson) and his heirs. Also I give and bequeath unto the said Charlotte Sanxay alias Selby all and singular my household furniture plate linen china pictures and books in my house now occupied by her in New York for her sole use and disposal. And I do hereby ratify and confirm my said will in all other particulars thereof nor hereby altered. In Witness whereof I the said Skeffington Selby have to this codicil set my hand and seal this nineteenth [sic] day of March in the year of our Lord one thousand eight hundred and twenty one.

Skeffington Selby (S.S.)

Signed Sealed published and declared by the said Skeffington Selby as and for a Codicil to his last Will and Testament in the presence of us who in his presence at his request and in the presence of each other have hereunto subscribed our names as witnesses. Elizabeth Webster, Hitcham; Mary Maydwell, Oundle; J. S. Mathews, Rector of Hitcham.

I Skeffington Selby now resident at Hitcham in the County of Suffolk give and bequeath to my sister Sarah Ricket wife of James Ricket of Cotterstock in the County of Northampton thirty pounds to purchase some trifling memorial of my regard and affection conscious that she does not require from me my further assistance. I also give and bequeath to the Revd. John Staverton Mathews Rector of Hitcham in the County of Suffolk fifty pounds as a token of my esteem. I also give and bequeath to Letitia Compton wife of Edward Joseph Compton of Water Newton my gold watch chain and seals which I now wear and which I trust she will accept for my sake. I also give to my Niece Mary Ricket my silver gift box as a small token of my affection and I also give to my sister Elizabeth Webster now resident at Hitcham all my wearing apparel which I may die possessed of in whatever part of England and I do hereby devise that the above bequests be considered as a part of my last Will and Testament. Given under my hand and seal at Hitcham this twenty third day of March in the year of our Lord one thousand and eight hundred and twenty one.

Skeffington Selby (S.S)

Signed Sealed and delivered in the presence Mary Maydwell.

The Twenty Ninth of May 1821.

Appeared Personally William Johnson of Oundle in the County of Northampton Merchant and made oath that he knew and was well acquainted with Skeffington Selby late of New York in North America Gentleman but at Hitcham in the County of Suffolk deceased and he also knows and is well acquainted with his manner and character of hand writing and subscription having several times seen him write and also write and subscribe his name and having now with care and attention viewed and perused the paper writing hereunto annexed purporting to be and contain a Codicil in the last Will and Testament of the said deceased the said Codicil beginning thus: "I Skeffington Selby now resident at Hitcham in the County of Suffolk" ending thus "Given under my hand and seal at Hitcham this twenty third day of March in the year of our Lord one thousand eight hundred and twenty one" and thus subscribed "Skeffington Selby" he lastly made oath that the subscription thereto is of the proper handwriting and subscription of the said Skeffington Selby deceased. Wm. Johnson. (same day the said William Johnson was duly sworn to the truth of this affidavit by virtue of the Commission hereto annexed the alteration respecting the handwriting of the body of the Codicil having been first made before me.

John James Commissioner

Proved at London (with two Codicils) the 16th June 1821 before the judge by the oaths of the Reverend George Edis Webster Clerk Edward Compton and Robert Johnson the nephew, the Exors. [executors] to whom admon was granted being first sworn (that is to say) the said George Edis Webster and Edward Compton by Comon and the said Robert Johnson before the worspl. [worshipful] John Daubeney Dr. of Laws @ Surrc. [Surrogate Court] duly to administer.

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Misc notes by transcriber.

FREEHOLD, *adjective* That land or tenement which is held in fee-simple, fee-tail, or for term of life. It is of two kinds; in deed, and in law. The first is the real possession of such land or tenement; the last is the right a man has to such land or tenement, before his entry or seizure.

Source: <http://webstersdictionary1828.com/Dictionary/Freehold>

COPYHOLD, *noun* In England, a tenure of estate by copy of court roll; or a tenure for which the tenant hath nothing to show, except the rolls made by the steward of the lords court.

Source: <http://webstersdictionary1828.com/Dictionary/copyhold>

HEREDITAMENTS, estates. Anything capable of being inherited, be it corporeal or incorporeal, real, personal, or mixed and including not only lands and everything thereon, but also heir looms, and certain furniture which, by custom, may descend to the heir, together with the land. Co. Litt. 5 b; 1 Tho. Co. Litt. 219; 2 Bl. Com. 17. By this term such things are denoted, as may be the subject-matter of inheritance, but not the inheritance itself; it cannot therefore, by its own intrinsic force, enlarge an estate, prima facie a life estate, into a fee. 2 B. & P. 251; 8 T. R. 503; 1 Tho. Co. Litt. 219, note T.

2. Hereditaments are divided into corporeal and incorporeal. Corporeal hereditaments are confined to lands. (q. v.) Vide Incorporeal hereditaments, and Shep. To. 91; Cruise's Dig. tit. 1,

s. 1; Wood's Inst.221; 3 Kent, Com. 321; Dane's Ab. Index, h.t.; 1 Chit. Pr. 203-229; 2 Bouv. Inst. n. 1595, et seq.

http://www.constitution.org/bouv/bouvier_h.htm

Reference to Will of Doctor John Daubeney, Doctor of Laws, L.L.D. of Doctors Commons ,
City of London, dated 11 March 1847

<http://discovery.nationalarchives.gov.uk/details/r/D96892>

“Prerogative Court of Canterbury” - some people abbreviate this as PCC.