

Will of Cluer Dicey (1714-1775)

Note: Paragraph breaks have been added to make the will easier to read; underlines _____ indicate words that I could not read; square brackets [] are words where I am uncertain of the transcription.

In the Name of God Amen I Cluer Dicey¹ of Claybrooke in the County of Leicester Esquire being of sound and disposing Mind and Memory do make this my last Will and Testament as follows that is to say

ffirst and Principally I commend my Soul into the Hands of Almighty God my Creator hoping for Mercy and Pardon for all my Sins through the Merits of my Redeemer Jesus Christ My Body I commit to the Earth to be decently interred near the Remains of my dear Wife at the discretion of my Executors herein after named and as to such Temporal Estate as it hath pleased God to bestow upon me I give devise and bequeath the same as followeth that is to say

I do give and devise all those my two Copyhold Messuages or Tenements in Stoke Newington in the County of Middlesex with their Appurtenances unto my Daughter Sarah Ann Rigby² Wife of George Rigby of the City of London Esquire and to her heirs and assigns for ever

Item I do give and bequeath unto my said Daughter Sarah Ann Rigby All my Household ffurniture which shall be in my House at Stoke Newington aforesaid at the time of my decease and also one half of all my Plate which I shall die possessed of

Item I do give and bequeath unto my ffriend M^{rs} Alice Lucas who now lives in my House the Sum of one hundred pounds to be paid her by my Executors within one Month next after my decease

Item I do give and bequeath unto the said M^{rs} Alice Lucas and her Assigns during her Life one Annuity or clear Yearly Rent of fforty Pounds of lawful Money free from all Taxes and Outgoings whatsoever and to be issuing and payable out of all those my two ffarms in Little Claybrooke in the said County of Leicester now in the several Tenures or Occupations of William Sawbridge and Sarah Wells the said Annuity or Yearly Rent Charge to be paid by four Equal quarterly Payments in the Year the first payment thereof to be made at the end of three Months next after my decease And if it shall happen that the said Yearly Rent Charge or any part thereof shall be behind or unpaid my the space of Twenty days next after any or either of the days of payment whereon the same ought to be paid as aforesaid I will and direct that then and so often it shall and may be lawful

¹ Cluer Dicey (1714-1775), the Testator, son of Mary née Atkins (1690-1748) and William Dicey (1690-1756), husband of Mary née Nutshaw (1717-1761).

² Sarah Ann Rigby née Dicey (1746-c1775), daughter of the Testator and Mary née Nutshaw (1717-1761), wife of George Rigby (c1740-?).

for the said Alice Lucas and her Assigns from and after every such default in payment as aforesaid to enter and distrain and the Distress and Distresses then and there found and taken to lead drive carry away and impound and the same to detain and keep or otherwise dispose of until the said Yearly Rent Charge and all Arrears of the same together with all Costs Charges Damages and Expenses attending such Distress and Distresses shall be fully paid and satisfied And if it shall happen that the said Yearly Rent Charge of forty pounds or any part thereof shall be behind and unpaid by the space of Thirty Days next after any or either of the said Days of Payment whereon the same ought to be paid as aforesaid I will and direct that then and so often it shall and may be lawful for the said Alice Lucas and her Assigns into and upon the said two farms or into any part or parts thereof in the name of the whole to enter and the same to have hold and enjoy and to receive and take the Rents Issues and Profits thereof to her and their own use and uses until she and they shall be fully satisfied and paid the said Annuity or Yearly Rent Charge of forty Pounds and all Arrears of the same which shall have become due and payable and all Costs Charges Damages and Expenses which she and they shall be put unto or any ways sustain by reason of the Nonpayment thereof And I do accordingly Charge my said two farms in the Tenures of William Sawbridge and Sarah Wells with the payment out of the said Annuity and with such Powers and Remedies for the Recovery thereof as aforesaid And I desire the said Mrs Alice Lucas to accept of the said Legacy and Annuity as a small acknowledgement for her sincere friendship and Assistance to my late dear Wife and my Daughter Elizabeth³ in their last Illnesses her tender Affection for my family in their Minority her sincere and disinterested friendship for myself and my Daughter Sarah Ann and for her Care in my family and Household Affairs since my Wifes decease

Item all those my said two farms in Little Claybrooke aforesaid with the Appurtenances in the several tenures of William Sawbridge and Sarah Wells Subject to and chargeable with the payment of the said Annuity of forty Pounds above charged thereon And Also all other my Messuages Lands Tenements Hereditaments and Real Estate whatsoever (not herein before disposed of) I do give and devise unto my Son Thomas Dicey⁴ and his Assigns for and during the Term of his natural Life and from and immediately after the Determination of that Estate by forfeiture or otherwise I give and devise all the same Premises unto Francis Beynon of Spratton in the County of Northampton Esquire and Richard Marshall of the Parish of St Mary Aldermary in the City of London Printer and their Heirs for and during the natural Life of my said Son Thomas Dicey In Trust to support and preserve the Contingent Remainders herein after limited from being defeated or destroyed and for that purpose to make Entries and bring Actions as Occasion shall require Yet Nevertheless to permit and suffer my said Son Thomas Dicey and his Assigns to receive and take the Rents and Profits of the said Premises to his and their own use for and during his Natural Life and from and immediately after his

³ Elizabeth Dicey (1744-c1771), daughter of the Testator and Mary née Nutshaw (1717-1761).

⁴ Thomas Dicey (1742-1807), son of the Testator and Mary née Nutshaw (1717-1761), husband of Ann née Ward.

decease I give and devise the same Premises unto the first Son of the Body of my said Son Thomas Dicey lawfully begotten or to be begotten and to the Heirs of the Body of such first Son lawfully issuing and for default of such Issue I give and devise the same unto the second Son of the Body of my said Son Thomas Dicey lawfully issuing and for default of such Issue I give and devise the same unto the third fourth fifth sixth and all and Son and Sons of the Body of my said Son Thomas Dicey severally and successively and in Remainder one after another as they and every of them shall be in Seniority of Age and Priority of Birth and to the several and respective Heirs of the Body and Bodies of all and every such Son and Sons lawfully Issuing the Elder of such Sons to take before the younger of such Sons and the Heirs of His and their Body and Bodies And in default of such Issue I give and devise the same Premises unto all and every the Daughter and Daughters of the Body of my said Son Thomas Dicey lawfully to be begotten and to the Heirs of the Body and Bodies of all and every such Daughter and Daughters issuing such Daughters if more than one to take in equal Shares and Proportions as Tenants in Common and not as Joint Tenants And in default of such Issue I give and devise the same Premises unto my said Daughter Sarah Ann Rigby and her Assigns for and during the Term of her natural Life and from and immediately after the Determination of that Estate by forfeiture or otherwise I give and devise the same Premises unto the said ffrancis Beynon and Richard Marshall and their Heirs for and during the natural Life of my said Daughter Sarah Ann Rigby In Trust to support and preserve the Contingent Remainders herein after limited from being defeated or destroyed and for that purpose to make Entries and bring Actions as occasion shall require Yet Nevertheless to permit and suffer my said Daughter Sarah Ann Rigby and her Assigns to receive and take the Rents Issues and Profits of the same Premises to her and their own use during her natural Life and from and after her decease I give and devise the same Premises unto the first Son of the Body of my said Daughter Sarah Ann Rigby lawfully begotten or to be begotten and to the Heirs of the Body of such first Son lawfully issuing And in default of such Issue I give and devise the same unto the second Son of the Body of my said Daughter Sarah Ann Rigby lawfully to be begotten and to the Heirs of the Body of such second Son lawfully issuing and in default of such Issue I give and devise the same unto the third fourth fifth and sixth and all and every other Son and Sons of the Body of my said Daughter Sarah Ann Rigby severally successively and in remainder one after another as they and every of them shall be in Seniority of Age and Priority of Birth and to the several and respective 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 always to be preferred and to take before the younger of such Sons and the Heirs of his and their Body and Bodies And in default of such Issue I give and devise the same Premises unto all and every the Daughter and Daughters of the Body of my said Daughter Sarah Ann Rigby lawfully begotten or to be begotten and to the heirs of the Body and Bodies of all and every such Daughter or Daughters issuing such Daughters if more than one to take in equal Shares and Proportions as Tenants in Common and not as Joint Tenants And in default of such Issue I give and devise the same Premises unto my Brother Edward

Dicey⁵ of Walton in the County of Bucks Clerk and his Assigns for and during the Term of his natural Life and from and after the determination of that Estate by forfeiture or otherwise I give and devise the same Premises unto the said Frances Beynon and Richard Marshall and their Heirs for and during the natural Life of the said Edward Dicey In Trust to support and preserve the Contingent Remainders herein after limited from being defeated or destroyed and for that purpose to make Entries and bring Actions as occasion shall require yet nevertheless to permit and suffer the said Edward Dicey and his Assigns to receive and take the Rents Issues and Profits of the same Premises to his and their own Use and Benefit during the natural Life of him the said Edward Dicey And from and immediately after his decease I give and devise the same premises unto the first Son of the Body of the said Edward Dicey lawfully begotten or to be begotten and to the heirs of the Body of such first Son lawfully Issuing And in default of such Issue I give and devise the same unto the second Son of the Body of the said Edward Dicey lawfully to be begotten and to the Heirs of the Body of such second Son lawfully issuing and in default of such Issue I give and devise the same unto the third fourth fifth and sixth and all and every other the Son and Sons of the Body of the said Edward Dicey severally successively and in Remainder one after another as they and every of them shall be in Seniority of Age and Priority of Birth and to the several and respective heirs of the Body and Bodies of such Sons lawfully issuing the Elder of such Sons and the Heirs of his Body always to be preferred and to take before the younger of such Sons and the heirs of his and their Bodies And in default of such Issue I give and devise the same Premises unto all and every the Daughter and Daughters of the Body of the said Edward Dicey lawfully begotten or to be begotten and to the Heirs of the Body and Bodies of all and every such Daughter and Daughters if more than one to take in equal Shares and Proportions as Tenants in Common and not as Joint Tenants

And in default of such Issue I give and devise one undivided third part (the whole into three equal parts to be divided) of my said two farms in Little Claybrooke and the said Residue of my said Real Estate unto my Sister Ann Hill⁶ Wife of Benjamin Hill⁷ Esquire and to her Heirs and Assigns for ever And I do give and devise one other undivided third part thereof unto such Person or Persons as his her and their Heirs and Assigns who shall then be the Heir at Law of my late Sister Charlotte Kerr⁸ deceased

⁵ Rev. Edward Dicey (1721-1790), brother of the Testator, son of Mary née Atkins (1690-1748) and William Dicey (1690-1756), husband of Martha née Scawen (1728-?).

⁶ Ann Hill née Dicey (1728-1802), sister of the Testator, daughter of Mary née Atkins (1690-1748) and William Dicey (1690-1756), wife of Benjamin Hill (1727-1774).

⁷ Benjamin Hill (1727-1774), brother in law of the Testator, son of Mary née Manning and Benjamin Hill, husband of Ann Hill née Dicey (1728-1802).

⁸ Charlotte Kerr née Dicey (1734-1772), sister of the Testator, daughter of Mary née Atkins (1690-1748) and William Dicey (1690-1756), wife of (i) John Yeates and (ii) Dr William Kerr (1738-1824).

And I do give and devise the remaining third part thereof unto the Person or Persons and his her and their Heirs and Assigns who shall then be the Heir at Law of my late Sister Elizabeth Chapman⁹ deceased

Provided always and I do will and declare that it shall be lawful for my said Son Thomas Dicey at any time after my decease to grant settle and assure unto his present Wife and unto and upon any other Woman whom he may hereafter Marry or be about to Marry and shall afterwards actually Marry or to any Trustee or Trustees to and for the Benefit of such his present or future Wife or Wives for and during the Live or Lives of and as for a Jointure for such Wife or Wives any Annual Sum or Sums of Money by way of Annuity or Rent Charge to be Issuing and Payable out of the Premises above devised to him for Life with Powers of Distress and Entry for the recovery of the same Annuity in Case of Nonpayment thereof as he the said Thomas Dicey shall think proper not exceeding in the whole the Sum of two hundred Pounds per Annum the same to be payable to such Wife or Wives by four equal quarterly payments in every Year from and after the decease of my said Son Thomas Dicey free from all Taxes Payments and Deductions whatsoever

Provided always and I do will and declare that it shall be lawful for the said Thomas Dicey Sarah Ann Rigby and Edward Dicey and for every other Person who for the time being shall be in the actual Possession of the Premises above devised by virtue of any of the Limitations herein before contained by any Deed or Deeds under their Hands and Seals respectively to be Executed from time to time make or grant any Lease or Leases thereof or of any part or parts thereof in Possession and not in Reversion of Remainder or by way of any future Interest unto any Person or Persons for any Term or number of Years not Exceeding Twenty one Years so as no such Lease or Leases by any Express Words therein contained be made punishable of Waste and so as upon all and every such Lease and Leases the most improved Yearly Rent which can be reasonably obtained without taking any Sum or Sums of Money or other thing by way of fine or other Income for the same so as in every such Lease there be contained a Clause of Reentry for Nonpayment of the Rent or Rents to be thereby reserved and so as the Lessee and Lessees to whom such Lease shall be made shall and do Execute Counterparts thereof respectively

Item I do give and bequeath unto they said Benjamin Hill and William Kerr In Trust Nevertheless as herein after is mentioned the Sum of ffive thousand Pounds to be paid without any Interest in the manner herein after mentioned that is to say the Sum of three hundred Pounds at the end of every twelve Months from my decease until the whole of the said ffive thousand shall have been paid The said Sum of ffive thousand Pounds to be paid by my Executors out of my Personal Estate and out of the Profits to arise from my Proportion or Share in the Business carried on in Bow Church Yard London and in the Town of Northampton

⁹ Elizabeth Chapman née Dicey (1724-1772), sister of the Testator, daughter of Mary née Atkins (1690-1748) and William Dicey (1690-1756), wife of Edward Chapman.

And in aid of the same I do charge all my Real Estate whatsoever with the payment thereof any Devise Clause Matter or Thing herein before contained to the Contrary thereof notwithstanding Provided always that is the said Francis Beynon shall think it necessary and convenient to pay the said Sum of five thousand Pounds or any part thereof at any time or times sooner than above is mentioned for that purpose Then and in such Case I will and Direct that the same shall be paid at such time or times and in such Proportions and manner as he shall for that purpose by Writing under his Hand direct and appoint

And I do hereby declare that the said Sum of five thousand Pounds by me above bequeathed to the said Benjamin Hill and William Kerr is so bequeathed them In Trust for the purposes herein after mentioned that is to say In Trust that they and the Survivor of them and the Executors and Administrators of the Survivor of them shall and do place out the same as it shall be received on the publick funds or on Government or Real Securities at Interest and also from time to time as there shall be occasion or Necessity call in the Principal Money so to be placed out and place out the same again on New or other funds or Securities of the like nature at Interest and shall and do permit the Interest or Yearly Produce arising and produced from the same to be had received and taken by my said Daughter Sarah Ann Rigby to her own separate use during her Life the same to be paid into her own hands only and not to be liable to the Debts Contracts or Engagements of her Husband And I do declare that her Receipt only shall be an effectual discharge to my said Trustees for the same

And immediately after the decease of my said Daughter In case she shall leave any Child or Children of her Body then living they the said Benjamin Hill and William Kerr and the Survivor of them and the Executors and Administrators of the Survivor of them shall stand and be possessed and interested in the said Principal Money and all Interest and Yearly Produce arising and to be produced from the same In Trust for all and every the Child or Children of my said Daughter to be equally divided between or amongst them if more than one and if there shall be but one such Child the whole to go to and be In Trust for such only Child And in Case my said Daughter shall happen to depart this Life without any Child of her Body then living I do will direct and declare that the said Benjamin Hill and William Kerr and the Survivor of them and the Executors and Administrators of the Survivor of them shall immediately on her decease stand possessed of and interested in the said Principal Money and all Interest and Yearly Produce arising and to be produced from the same In Trust for such Person or Persons and for such Intents and Purposes as she my said Daughter whether sole or Covert and notwithstanding her Coverture by her last Will and Testament in Writing or any Writing purporting or in the nature of her last Will and Testament to be by her Signed Sealed Published and Declared in the presence of three or more Witnesses shall order or appoint And in default of such Direction or appointment In Trust for my Son Thomas Dicey his Executors and Administrators

Item I desire that my friend the said Francis Beynon will accept of the Sum of Twenty Pounds for Mourning And I will and direct that the same shall be paid him immediately on my decease

Item I give and bequeath to the said Francis Beynon and to his Daughter M^{rs} [Hacket] and to his Brother M^r Edward Beynon and his Wife a Ring each

Item I bequeath to my Son in Law M^r George Rigby and my Brothers in Law Benjamin Hill of the Town of Northampton Esquire and William Kerr of the same Town Surgeon the Sum of Twenty Pounds apiece for Mourning

Item I bequeath to my said Son in Law George Rigby and my friends the said Richard Marshall and his Wife and to M^{rs} Cullenworth his Mother in Law and to my good friend and old acquaintance M^{rs} Hannah Jones of the Poultry London Wax Chandler a Ring each

Item I do give and bequeath unto the Governors of the Northampton Infirmary the Sum of fifty Pounds to be disposed for the Benefit of the said Charity the same Sum to be paid within twelve Months after my decease

Item all my Goods Chattels Monies Securities for Money Effects and Personal Estate whatsoever not herein before disposed of (after payment of my Debts and Legacies) I do give and bequeath unto my said Son Thomas Dicey his Executors Administrators and Assigns to his and their own use and benefit

Provided Also and I do hereby declare that the said Francis Beynon his Executors or Administrators shall not be answerable or accountable for more Monies than what he or they shall actually receive or for the Loss of any Monies to be placed out in the funds or on Securities or lodged for safe Custody or for any Monies which may be paid to and actually received by my Son Thomas Dicey And also that he the said Francis Beynon his Executors and Administrators shall be indemnified by and out of my Personal Estate of and from all Costs Charges Damages and Expenses which he or they shall or may Expend Sustain or be put unto in the Execution of this my Will or any way relating thereto

Provided also and I do hereby declare that the said Benjamin Hill and William Kerr shall not nor shall either of them or the Executors or Administrators of either of them be answerable or accountable for any Monies to be received by virtue of the Trusts hereby declared any otherwise than each Person for such Sum or Sums of Money as he shall respectively actually receive and that they shall not be answerable for the loss of any Monies to be placed out on the Publick funds or on Securities pursuant to this my Will or lodged for safe Custody And that neither of them shall be answerable or accountable for the Acts Receipts Neglects or Defaults of the other of them And Also that they shall and may out of the Interest and Produce of the Monies above bequeathed to them retain to and reimburse themselves all such Costs Charges Damages and Expenses as they

respectively shall or may Expend sustain or be put unto in and about the Execution of the Trusts hereby in them reposed

Item I do constitute and appoint the said ffrancis Beynon and my said Son Thomas Dicey Executors of this my Will And I do hereby revoke all former Wills and do publish and declare this to be my last Will and Testament In Witness whereof I have hereunto set my Hand to the first seven Sheets of this my Will and to this Eighth and last Sheet my Hand and Seal this Seventeenth day of September in the year of our Lord one thousand seven hundred and Seventy two /—/ *Cluer Dicey (SS)* Signed Sealed Published and declared by the Testator Cluer Dicey 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 /—/ *William Ebblewhite* /—/ *John Ould* /—/ *Tho^s Harris Jun^r* ./.

This Will was proved at London the sixteenth day of November in the year of our Lord one thousand seven hundred and seventy five before the Right Worshipful Sir George Hay Knight Doctor of Laws Master Keeper or Commissary of the Prerogative Court of Canterbury lawfully constituted By the Oath of Thomas Dicey Esquire the Son of the deceased and one of the Executors named in the said Will to whom Administration was granted of all and singular the Goods Chattels and Credits of the said deceased he having been first sworn by Comon duly to administer ffrancis Beynon Esquire the other Executor named in the said Will having first renounced the Probate and Execution thereof ./.

Ex^d/

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