

Will of John Foster (1735-1801)

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 This is the last Will and Testament of me *John Foster*¹ of Leicester Grange in the County of Warwick Esquire made this eighth day of December One thousand eight hundred

I give all my Household Goods ffurniture Linen Watches Pictures Bracelet Pictures Books and all such like Personal Estate to my Son Robert² his Executors and Administrators

I give and devise all my ffreehold Copyhold and Customary Copyhold or Customary ffreehold and Leasehold Estates in the Parish of King Swinford in the County of Stafford and all my legal and equitable Estate and Right therein unto my Daughters Mary Ann ffoster³ and Dorothy ffoster⁴ in Common in Tail General with Cross Remainders in Tail Remainder to my Son Robert ffoster his Heirs and Assigns for ever

I give and bequeath all my shares in the Dudley [Hatherton] and Ashby Navigations And also all my Rents which may be due at the time of my decease And likewise all my Horses and Carriage and all other my Personal Estate unto my said Son

I give and devise unto my ffriends Thomas ffisher of Castle Donnington in the County of Leicester Esquire and my Brother in Law Warden Sergison⁵ Esquire and their Heirs All that my Messuage ffarm and Lands at Great Glenn in the County of Leicester Upon Trust they my said Trustees and the Survivor of them and his Heirs do and shall with all convenient speed after my decease convey settle and assure the same unto all and every my Daughter and Daughters on Common in Tail General with Cross Remainders in Tail General Remainder to my Son Robert ffoster in Tail General Remainder to my Great

¹ John Foster (1735-1801), the Testator, son of Dorothy née Parr (1701-?) and John Foster (1690-1753), husband of (i) Mary née Milward (?-c1775), (ii) Judith née Guest (?-1778) and (iii) Charlotte née Kerr (1769-1802).

² Robert Foster (1778-1844), son of the Testator and Judith née Guest (?-1778), never married.

³ Mary Ann née Foster (1796-1841), daughter of the Testator and Charlotte née Kerr (1769-1802), wife of (i) Rev Edward White (c1797-1829) and (ii) James Smith (1799-?).

⁴ Dorothy Riddell née Foster (1799-1886), daughter of the Testator and Charlotte née Kerr (1769-1802), wife of Rev James Riddell (1795-1878).

⁵ Warden Sergison (1765-1811), brother in law of the Testator, son of Ann née Warden (1739-1806) and Francis Sergison (c1735-1793), husband of Mary Anne née Kerr (1766-1804) - sister of Charlotte Foster née Kerr (1769-1802).

nephew Samuel Corbett⁶ and his Assigns for his natural life with remainder to my said Trustees Thomas ffisher Warden Sergison Esquires and their Heirs during the Life of the said Samuel Corbett Upon Trust to support the contingent Remainders with remainder to the first second and other Son and Sons of the said Samuel Corbett severally and successively in Tail Male with Remainder to my Cousin Robert ffoster the Elder and his Assigns for and during his Life with Remainder to my before named Trustees and their Heirs during the Life of my Cousin the said Robert ffoster Upon Trust to support the Contingent Remainders with Remainder to his first and other Son and Sons severally and successively in Tail Male with Remainder to my Nephew Samuel Corbett his Heirs and Assigns for ever And my Mind and Will is that in the said Settlement due Provision shall be made that my Executors shall be entitled to receive the Rents Issues and Profits of this Estate until my Daughter or Daughters shall severally arrive at the age of twenty one years or be married to be applied for the better Maintenance and Education of my Daughter or Daughters in such manner as they shall think proper

I give and devise unto my said Trustees and their heirs all that my Reversion in [ffee] (subject to the Estate Trust of my Son Robert created by my Marriage Settlement with his Mother) of and in all those my Messuages Lands and Hereditaments in Knighton Alston on the Hill Kibworth Countesthorpe Bushby Thir___y and elsewhere in the County of Leicester and Kirk Ireton in the County of Derby with their respective Appurtenances Upon Trust to settle and assure the same in and by the said Settlement To the use of all and every my Son and Sons which I may hereafter have severally and successively in Tail General with Remainder to all and every my Daughter and Daughters as Tenants in Common in Tail General Remainder to my Nephew Samuel Corbett his Assigns for his life with Remainder to the said Trustees and their heirs during the Life of the said Samuel Corbett Upon Trust to support the contingent Remainders with Remainder to the first and other Son and Sons of the said Samuel Corbett severally and successively in tail Male with Remainder to my said Cousin Robert ffoster and his Assigns for life with such and the same Remainders and Limitations as I have herein before directed to be limited with respect to my Estates at Great Glenn

I give and devise all my Manors or Lordships of Little Copson and Wolvey in the parish of Wolvey in the County of Warwick and all my Messuages Cottages Lands Tenements [ffreewarren] and Hereditaments within the said Parish or Manors or either of them and all other my lands and Hereditaments within the said Parish of Wolvey and in the Parish of Bulkington in the said County of Warwick (except the Advowson of the Church of Wolvey) All which I purchased of the Earl of Coventry unto my Trustees and their heirs Upon Trust to settle and Assure the same in and by the said Settlement To the use of my Son Robert ffoster in Tail General Remainder to all and every of the Son and Sons that I may hereafter have severally and successively in Tail General Remainder to all and every my Daughter and Daughters which I now have or hereafter may have as Tenants in

⁶ Presumably a son of either John Corbett (1744-?) or Thomas Corbett (1748-?), sons of Mary née Foster, sister of the Testator and John Corbett (1720-?). Note that there are also references to a Nephew Samuel Corbett. It is not clear if they are the same person, and I have found no records for them.

Common in Tail General with Cross Remainders in Tail and with Remainder to my Cousin the Reverend Robert Parr⁷ his Executors Administrators and Assigns for the Term of One thousand Years to be accounted from the day of my decease Upon the Trusts nevertheless And to and for the several Intents and Purposes hereinafter mentioned subject thereto To the use of my said Nephew the said Samuel Corbett and his Assigns for his Life with remainder to said Trustees and their Heirs during the Life of my said Nephew Samuel Corbett Upon Trust to support the contingent Remainder with Remainder to his first and every other Son and Sons severally and successively in Tail General with Remainder to my said Nephew Samuel Corbett his Heirs and Assigns for ever And I direct that the Trusts of the said Term of One thousand Years shall by the said Settlement be declared to be Upon Trust that the said Robert Parr his Ex'ors Administrators and Assigns do and shall when and as soon as the said Premises comprised in the said term shall by virtue of the Limitations in the said Settlement to be contained [destined] and come to my said Nephew Samuel Corbett or in Case of his decease to any of the Persons in Remainder after him raise and levy or borrow and take up at Interest by Sale or Mortgage of the said Term of One thousand years or the Premises therein comprised or any part or parts thereof or by and out of the Rents Issues and Profits of the said Premises comprised in the said Term or by such other ways and means as my said Trustees shall think fit the sum of Ten thousand Pounds of lawful Money of Great Britain together with the Costs of my said Trustee in the Execution of the Trusts in him reposed and pay and Apply the same in manner hereinafter mentioned (that is to say)

To my Great Niece Ann Corbett two thousand pounds

to my Great Niece Mary Corbett One thousand pounds

To my Great Nephew Samuel Corbett One thousand pounds

and to my Great Niece Hanna Corbett One thousand pounds

To my Nephew Thomas Corbett⁸ the Sum of Two thousand pounds

to his Sister Dorothy⁹ Two thousand pounds and to my Cousin William ffoster One thousand pounds

and in case of the death of any or either of the said Legatees the Legacy of him or her so dying to go and be paid to the respective Executors Admons and Assigns of him her or them so dying

⁷ Rev Robert Parr (c1741-1812), cousin of the Testator, son of Mary née Nutt (1701-1774) and Rev Robert Parr (1703-1774), husband of Ann.

⁸ Thomas Corbett (c1748-?), nephew of the Testator, son of Mary née Foster, sister of the Testator and John Corbett (1720-?).

⁹ Dorothy Corbett (c1750-?), niece of the Testator, son of Mary née Foster, sister of the Testator and John Corbett (1720-?).

And I do direct the Receipt and Receipts of my said Trustee his Executors Administrators or Assigns shall be a sufficient discharge to the Mortgagee or Mortgagees or other Person or Persons who shall advance and lend the said ten thousand pounds or any part thereof notwithstanding any misapplication or nonapplication thereof by my said Trustee

And I direct that in the said Settlement to be made as aforesaid shall be inserted the usual power to enable such Tenant for life when respectively in possession of any part of any Real Estates to make Leases for ____ not exceeding twenty one years at the ____ improved Rents without taking any ____

Whereas I am entitled to the Reversion in fee Simple under the Settlement made on my Marriage with my present Wife (in case of her death without Issue by me) of and in the Manor or Lordship of Leicester Grange And all the Lands and Buildings within or belonging to the same and to a Messuage and Lands in Wolvey aforesaid which I purchased of Mr Spencer in Possession of Samuel Walker Also to an Estate and Lands in the Parish of Burton Hastings in the County of Warwick which I purchased of Mr Joseph Harpur with their respective Appurtenances Now I do hereby devise the said Reversion in the said premises to my Son Robert ffoster and to the Heirs of his Body Remainder to my Nephew Samuel Corbett his Heirs and Assigns for ever

I give and devise the Advowson of the Church of Wolvey and all the Lands Hereditaments Rents and Privileges thereto belonging unto such Person and Persons as my for the time being be the owner and owners of Leicester Grange To the Intent that the same may go therewith I desire a handsome Vault may be made in the Chancel of the Church in Wolvey And that I may be interred there in a very private manner and that my dear Son John¹⁰ and my dear Daughter Charlotte¹¹ may be removed thither as also my Son Roberts Mother my Son Johns Mother being buried in her ffamily Vault at Old Swinford from whence she desired she might not be removed

And I appoint my said Son Robert, Warden Sergison and my Cousin Robert Parr jointly and severally Executors of this my Will And I give unto my said Brother and Cousin Twenty Guineas each for the trouble they may have in the Execution hereof over and above their Expenses in the same And my Will is that they shall not be answerable the One for the other or for the Act and Deed of the other And I appoint my said Son Thomas ffisher¹² Warden Sergison and Robert Parr Guardians of my Daughter and Daughters and their respective Estates and all and every my after born Child until he she and they attain the age of twenty one years or be married and if my said Nephew Samuel Corbett should come into possession of my said Estates in virtue of this my Will then I do hereby earnestly desire that he may assume and take upon him the Name of ffoster instead of

¹⁰ John Foster (c1771-c1796), son of the Testator and Mary Milward (1740-1772).

¹¹ Charlotte Foster (1792-1796), daughter of the Testator and Charlotte née Kerr (1769-1802).

¹² Presumably an error for 'Robert Foster', or for 'friend Thomas Fisher'.

that of Corbett and that he do petition the King's Most Excellent Majesty to grant his Royal Licence and Authority for that purpose and also that he use the ___ of ffoster

I give to the Maiden Sisters of my late Servant Sarah B ___ deceased Ten Guineas each unless I shall give to each of them the ___ in my lifetime and if my Son Robert ffoster shall not within three Months after my decease execute a General Release of all ___ and ___ which he may have against me for or by reason of the Rents I may have received since his Mother's death from the Houses in Saint John Street London and at Islington (which I trust he will do) and of all Monies her may have [lent] or advanced or paid for use of which I am certain he will give a faithful account that then and in such Case it is my Mind and Will that my other Executors shall receive out of the first Rents and Profits of such Estates as I have devised or directed to be ___ to him by this my Will so [much] as will satisfy such [demands]

In Witness whereof I the said John ffoster the Testator have to this my last Will and Testament contained in this and the four other Sheets of paper set my hand at the bottom of every sheet and my Hand and Seal to this Sheet the Day and Year first above written and my Seal when all the said Sheets are annexed together /—/ *John Foster* (SS) Signed Sealed Published and Declared by the above named John ffoster the Testator as and for his last Will and Testament contained in this and the four preceding sheets of paper in the presence of us who in his presence and at his request have subscribed our Names as Witnesses thereto *Samuel Parish* Linen Draper in Epsom /—/ *William Woollard* Carpenter in Epsom *John Bailey* Seedsman Epsom ./.

This Will was proved at London the tenth day of June in the year of our Lord one thousand eight hundred and one before the Right Honourable Sir William Wynne Knight Doctor of Laws Master Keeper of Commissary of the Prerogative Court of Canterbury lawfully constituted by the Oaths of Robert ffoster the Son of the deceased Warden Sergison and Robert Parr 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 they having been first sworn by Commission duly to Administer ./.

Ex^d ./.

Transcribed from images on Ancestry.co.uk [here](#)