

Will of Robert Hotchkin (c1736-c1796)

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.

This is the last Will and Testament of me Robert Hotchkin¹ late of Great H__ Humby in the County of Lincoln and now of Stamford in the same County Esquire

ffirst I give and devise unto my Brother in Law ffrancis Sharp² of Stamford aforesaid Musician and my ffriend Acton Mallard of Great Humby aforesaid Grazier and their Heirs All my Messuage Cottage ffarm Closes Lands Tenements and Hereditis situate lying and being in South Luffenham and any adjacent Parish or Place in the County of Rutland And also all my ffreehold and Copyhold Messuages Cottages ffarm Closes Lands Tenements and Hereditis situate lying and being in Sutton Saint Edmunds and any adjacent Parish or Place in the County of Lincoln (such parts whereof as are Copyhold I have surrendered or do intend to surrender to the use of this my Will) and all other my Real Estate whereof I have a Disposing Power to have and to hold the said Messuages Cottages ffarm Closes Lands Tenements Hereditis and Premises both ffreehold and Copyhold with their respective Appurts unto the said ffrancis Sharp and Acton Mallard their Heirs and Assigns for ever according to the several natures and Tenures of the said Premises upon Trust nevertheless that they the said ffrancis Sharp and Acton Mallard or the Survivor of them or his Heirs do and shall as soon as conveniently may be after my decease absolutely sell dispose of and convey all the said Messuages Cottages ffarm Lands Tenements Hereditis and Premises both ffreehold and Copyhold with their Appurts either together or in parcels unto any person or persons and his her and their Heirs and Assigns for the most Money and best Price or Prices that may be reasonably had or got for the same and receive the Monies for which the said Premises shall be so sold and conveyed and also from time to time receive and get in the [unsure] Profits of the said Premises until the Sale thereof And also upon ffrurther Trust that they the said ffrancis Sharp and Acton Mallard or the Survivor of them or the Heirs Executors or Admons of such Survivor shall and fforthwith after such receipt or receipts of the said Purchase Money as aforesaid pay apply and dispose of the same after deducting thereout the Costs and Charges incident to the making of such sale and the Execution of the trusts hereby in them reposed unto such Person or Persons and for such uses as are hereinafter mentioned and I Will and Direct that the Receipt or Receipts of the said ffrancis Sharp and Acton Mallard and the Survivor of them or the Heirs Executors or Admons of such Survivor shall be sufficient Release and Discharges to the Purchaser or

¹ Robert Hotchkin (1736-1796), the Testator, son of Ann née Terrewest and John Hotchkin (1703-1736), husband of (i) Ann née Newbald (?-1769), (ii) Catherine née Hepburn (?-1792), (iii) Sarah née Sharp (1755-1828) and fathered a child with Ann Parker.

² Francis Sharp (1749-?), brother in law of the Testator, son of Mary and Francis Sharp (1725-1783), husband of (i) Margaret Sharpe and (ii) Mary.

Purchasers of the of the said Premises or any part thereof for his her or their respective Purchase Moneys or for so much thereof as such Receipt or Receipts shall be given without such Purchaser or Purchasers being obliged to attend or see to the application or being answerable or accountable for the non application or misapplication of their Purchase Moneys or any part thereof

And I give and bequeath unto the said ffrancis Sharp and Acton Mallard all my Money and Securities for Money Goods Chattels Effects Rent and Arrears of Rent and Personal Estate whatsoever Upon Trust to convert such part thereof into Money as may not be in Money and pay and apply the same after Deducting thereout the Costs and Charges incident thereto upon such Trusts and to and for the uses intents and purposes hereinafter by me directed given and appointed and as to all the said Purchase Money arising from the sale of the said Messuages Cottages ffarmes Lands Tenements Hereditis and Premises both ffreehold and Copyhold after deducting thereout the Costs and Charges attending such Sale as a aforesaid

And also as to the Money arising from my Personal Estate I do hereby Direct the said ffrancis Sharp and Acton Mallard and the Survivor of them his Executors and Admons to pay all my Just Debts (other than and except such Moneys as may be due upon Mortgage or otherwise secured on any part of the Estate which on my death will descent or go to my Son Thomas Hotchkin³) and that the Sum of ffifty pounds be paid to my Wife Sarah⁴ and the Sum of twenty pounds to my said Son Thomas which I give to them accordingly and direct the same to be paid within twelve months next after my Decease and after Payment of such said Debts and Legacies and also my ffuneral and Testamentary Expenses and subject thereto I Will and Direct that the said ffrancis Sharp and Acton Mallard and the Survivor of them his Executors and Admons to put and place out at Interest all the Residuary Purchase and Trust Money on Real or Government Security or Securities and call in remove or replace the same or any part thereof as they the said Trustees or the Survivor of them his Executors or Admons shall see occasion and stand and be possessed therof In Trust to pay and apply the Interest and Yearly Produce of the said Residuary Purchase and Trust Moneys to and for the use and benefit of my ffour reputed Children namely Robert Parker the illegitimate Son or Child of Ann Parker before her Marriage with Rowlatt her now Husband and Mary Ann⁵ Robert⁶ and Sarah⁷ my three reputed illegitimate Children by Sarah my now Wife before our

³ Thomas Henry Stafford Hotchkin (1773-1843), son of the Testator and Catherine née Hepburn (?-1792), husband of Mary Anne née O'Brien (1781-1835).

⁴ Sarah Hotchkin née Sharp (1755-1828), wife of the Testator, daughter of Mary and Francis Sharp (1725-1783).

⁵ Mary Ann Haynes née Hotchkin (1776-1849), daughter of the Testator and Sarah née Sharp (1755-1828), wife of (i) Thomas Aveling (1771-1805) and (ii) Henry Haynes (1782-1864).

⁶ Robert Hotchkin (1783-1817), son of the Testator and Sarah née Sharp (1755-1828), never married.

⁷ Sarah Smith née Hotchkin (1780-?), daughter of the Testator and Sarah née Sharp (1755-1828), wife of Francis Gould Smith (c1784-1838).

Marriage whose Maiden Name was Sarah Sharp which three last mentioned Children have taken or go by my Name of Hotchkin until my said ffour reputed Children arrive to the Age of twenty one Years or Day of Marriage such Marriage if before the Age of twenty one Years to be with the Consent of the said ffrancis Sharp and Acton Mallard or the Survivor of them his Executors or Admons and as and when they or either of such Children shall arrive to that Age or be Married Then I will that the said ffrancis Sharp and Acton Mallard or the Survivor of them his Executors or Admons do and shall pay or Assign an equal share and Proportion of the said Residuary Purchase and Trust Monies and the Interest and Produce that may be then due thereon to such of my said ffour reputed Children as they any or either of them shall attain their any or either of their Age or Ages of twenty one years or Day or Days of Marriage as aforesaid and in Case any or either of such Children shall happen to die before he she or they attain his her or their Age or Ages of twenty one years or Day or Days of Marriage then I Will that the share or shares and Interest of him her or them so dying of and in the said Residuary Purchase and Trust Money shall go and be paid to the Survivors or Survivor of all my said ffour reputed Children part and share alike and if but one Surviving Child then wholly to such Surviving Child the same to be paid to such Survivor or Survivors when and as his her or their Original part or share of the said Residuary Purchase and Trust Monies shall become payable by virtue of this my Will and in Case all such Children shall die before he she or they attain his her or their Age or Ages of twenty one years or Day or Days of Marriage then I Will that the said Residuary Purchase and Trust Monies shall go and be paid to my Son Thomas Hotchkin and my Mind and Will is that until the said Real Estate is sold the Rents and Profits thereof shall be applied for the use of my said ffour reputed Children in the same manner as the Interest and Yearly Produce of the Purchase Money will be applied subject nevertheless to the Interest of any Mortgage Money Affecting such Real Estate

and I do nominate and appoint the said ffrancis Sharp and Acton Mallard Joint Executors of this my Will hereby revoking all former Wills by me made And I Will and Declare that the said ffrancis Sharp and Acton Mallard or either of them their or either of their Heirs Executors or Admons shall not be Charged or Chargeable with or Accountable for any more of the several Trust Monies or the Interest Rents or Profits thereof respectively than they or either or any of them shall actually receive or shall come to their respective hands by virtue of this my Will or with or for any loss which may or shall happen without their wilful Default and also that it shall and may be lawful to and for the ffrancis Sharp and Acton Mallard their and each of their Heirs Executors and Admons in the first place by and out of the several Trust Monies and Rents to retain to and reimburse themselves respectively all Costs Charges Damages and Expenses which they either or any of them shall or may sustain or be put up to in and about the Execution and Performance of the Trusts hereby reposed in them

In Witness whereof I the said Robert Hotchkin the Testator have to this my last Will and Testament written on two sheets of paper set my hand to the first sheet and to this last my hand and Seal the tenth Day of October the year of our Lord one thousand seven

hundred and ninety ffour — *Rob^t Hotchkin (SS)* — Signed Sealed Published and Declared by the said Robert Hotchkin the Testator as and for his last Will and Testament in the presence of us the Witnesses under written who have at his request and in his presence and in the presence of each other set our names as Witnesses to the Execution of this his said Will — *W : Torkington — Jⁿ : Torkington — M : Rose ./.*

This Will was proved at London the ffifth Day of September in the Year of our Lord one thousand seven hundred and ninety six before the Right Honourable Sir William Wynne Knight Doctor of Laws Master Keeper or Commissary of the Prerogative Court of Canterbury lawfully constituted by the Oath of Acton Mallard the Surviving Executor named in the said Will to whom Administration of all and singular the Goods Chattels and Credits of the Deceased was granted having been first sworn by Commission duly to Administer ./.

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