

Will of Thomas Rooke 1761 proved 1764

This is the last will and testament of me **Thomas Rooke** of Somerton in the County of Somerset, Gentleman. I give and bequeath into **John Periam** of **Wootton** within the Parish of **Butleigh** in the County of Somerset, Esq<sup>r</sup> **James Moore** of Greinton in the County aforesaid, Gentleman and **William Ray** of Rodland in the Parish of Westbury upon Trim in the County of Gloucester, clerk their executors and administrators all such plate, linnen, china, delft ware, books, pictures and household goods and ffurniture as at this time of my decease shall be and remain in my Mansion House at **Iveythorne** in the County of Somerset aforesaid upon// [page 2] trust safely to safely keep and preserve the said goods and chattels in the said Mansion House until my only son **Thomas Elbridge Rooke** shall attain the full age of twenty five years and immediately upon his attainment of the said age to deliver and consign the said goods and chattels unto him my said son as and for his absolute property but in case my said son shall dye before his attainment of the said age and without leaving any lawfull issue of his body then being upon trust to deliver and consign the said goods and chattels unto my five daughters **Mary, Sarah, Priscilla, Catherine, and Anna** their executors and administrators (as tenants in common) as and for their absolute property and my mind and Will is and I do hereby direct that a full and exact inventory in writing of the said goods and chattels shall be made and taken or promised to be made and taken by the said trustees immediately or as soon as conveniently may be after my decease together with a duplicate or transcript thereof which said inventory shall be and remain in the hands of one of the said trustees and the said duplicate or transcript thereof in the hands of one of my executrixes herein after named until the said goods and chattels shall be delivered and consigned as aforesaid. I give and bequeath unto my said son the sum of twenty pounds for mourning and give the following goods and effects (that is to say) my linnen and other wearing apparel my gold watch my silver hilted sword my silver spurs the pictures of me and my late wife now in the parlour of my dwelling house at Somerton aforesaid the wedding ring and diamond mourning ring with three mottos (for three of my children) of and belonging to my said wife and also the mourning ring which she had and wore for my late brother **Whittington Rooke** (it being the desire and request of my said late wife that he my said son should have and possess the said rings) and my largest silver salver and my largest silver antique tankard marked with the letter M on the handle late my cousin Rouses. My silver coffee pot and my spring clock, my gold headed cane and my mahogany buroe late his uncle Rookes my best suit of damask (table cloth and napkins), noo pair of my best sheets with pillowties suitable thereto now in my house at Somerton and also all my other plate and silver spoons whereon my coat of arms or crest is engraved. All that my manner or reputed mannor capital messuages and ffarm of Iveythorne with all lands royalties priviledges hereditaments and appurtenances thereunto belonging or taken or reputed as part parcell or [measure?] thereof situate and being in the Parishes of **Street, Walton and Compton Dundon** in the County of Somerset aforesaid or in some or one of them (subject nevertheless to and chargeable with the payment of the interest of the principal sum for which the same premises are now mortgaged) and also all those my two closes of meadow or pasture ground in **Southmoore** in the Parish of **Street** aforesaid heretofore allotted to the said ffarm of Iveythorne and devised to me by my late cousin **Susanna Rous**, spinster deceased containing twenty acres (more or less) and also all my messuages// [p.3] tenements and lands called **Coomhouse** situate and being in the said Parish of **Westbury upon Trim**. I give and devise unto and to the use of the said **John Periam James Moore** and **William Ray** their executors administrators until my said son shall attain his said age of twenty five years upon the trust and to and for the intents and purposes hereinafter mentioned and upon and immediately after my said sons attainment of the said age I give and devise the said Mannor or reputed mannor messuages and ffarm of Iveythorne with the appurtenances (subject to the payment of his principal sum with which the same privileges are mortgaged as aforesaid and the interest thereof) and all and singular other the tenements lands and privileges hereintofore given to my said son and daughters and such other person and persons respectively for and during such estate and estates and in such order and succession and subject to such provisoes and to and for such intents and purposes as is and are hereinafter named mentioned and contained as for and concerning my other tenements lands and hereditaments situate and being in the said of Someston, and my mind and will is and I do hereby direct that the said **John Periam James Moore** and **William Ray** their executors and administrators shall stand and be possessed of all and singular the premises hereinbefore devised until my said sons attainment of the said age of twenty five years upon trust that they the said trustees their executors or administrators do and shall by and out of the rents issues and profits thereof pay and apply for and towards the maintenance and education of him my said son the yearly sums following (that is to say) from the time of my decease until my said son shall arrive to the age of twenty one years any sum or sums of money as my said trustees shall think fit not exceeding the yearly sum of sixty pounds and from and after his attainments of that age until he shall arrive to the said age of twenty five years any sum or sums of money not exceeding the yearly sum of eighty pounds and my mind and will is and I do hereby also direct that it shall and may be lawfull to and for the said trustees or the survivors or survivor of them and the executors and administrators of such survivor at any time or times before my said sons attainment of his said age of twenty five years by and out of the rents issues or profits of the premises hereinto before devised or by granting and mortgaging the same or any part thereof for any term or terms of years to raise and levy any sum or sums of money whatsoever not exceeding in the whole sum of three hundred pounds over and above the said yearly sums (in case the same shall be necessary or expedient) for the preferment or advauncement of my said son, and my mind and will further is that the said trustees their executors and administrators do and shall from time to time yearly and every year until my said sons attainment of his said age of twenty five years pay and distribute all the residue and remainder of the rents issues and profits of all and singular the said premises (after satisfaction of the said yearly and other sums of money hereinbefore charged on the same premises// [p. 4] and the interest thereof) unto and amongst all and every my said daughters their executors and administrators (as tenants in common), and my mind and will also is and I do hereby further direct that until my said son shall attain his said age of twenty five years it shall and may be lawfull to and for my said son and also to and for such of my said daughters as shall be and remain unmarried at the time of my decease (for and during such time and so long as my said daughters respectively shall continue sole and unmarried) to hold and enjoy all such part and parts of my capital messuages of Iveythorne with the courts gardens and appurtenances thereunto belonging as shall and actually be devised unto or necessary to be used or occupied by a tenant or tenants together with the use of all and singular the household goods and ffurniture which shall then be and remain therein and also to cut down and take off and from the said premises scituate in the said County of Somerset or any part thereof at convenient places such shrouds and underwoods as shall be sufficient and proper in order to consume and burn the same in the said capital house of Iveythorne (and not elsewhere) making no wast provided nevertheless that such of my said daughters as shall live in and enjoy any part of the said capital house and appurtenances do and shall for and during such time and so long as and they shall live inand enjoy the same at her and their own proper costs and charges well and sufficiently maintain and repair the interior part of such rooms and chambers of the said capital house together with the courts and gardens thereto belonging as she or they shall inhabit in or use and enjoy as aforesaid and my will further is that all such timber of all kinds as shall happen to be cut or felled down or sawed out to board or other uses on my estate at Iveythorne at the time of my death shall there remain and be used on the same estate for the benefit thereof and not elsewhere and my mind and will further is and I do hereby declare that the person or persons who for the time being shall be seized or possessed of the said tenement called **Coomhouse** by virtue of this my will shall or may during his or their seizin or possession thereof lease or demise the water crist or **Cutlers Mill** (part thereof) now in the occupation of **John Williams** now or late of the City of Bristol, leather dresse, for such [form] and estate and under such rent and covenants as the same now is or hath been usually leased or domised I give and devise all that and (more or less) of arable land scituate in **Lye ffurlong** in the **Wool field** of **Street** aforesaid having the lands now or late of **James Clothier** on the East of **John Jeanes** on the west the highway on the north and the ffield way on the south and also all that one acre and an half or thereabout of arable land in the higherfield of **Street** aforesaid lying against Iveythorne Hill having the lands of **Timothy Rood** on the east of **Thomas Maynard** on the west the ffield way on the north and Iveythorne Hill aforesaid on the south the same being part or parcel of my tenement in **Street** aforesaid commonly called or known by the name of **Bundys Lower** tenement otherwise//[5] **Meeting House** tenement together with the commons and appurtenances to the same premises belonging unto such person and persons and for and during such estate and estates and subject unto and upon such trusts and provisoes as are herein named and contained with respect to the said mannor or reputed mannor and ffarm of Iveythorne. It being my will and intention and I do hereby declare the same to be that the said lands and premises herein last devised shall from and immediately after my decease so deemed and taken as and for part and parcel of my said ffarm of Iveythorne and be held and enjoyed therewith. And my mind and Will further is that all those two acres and a half of arable land in the **West Ffield** of **Compton** in the Parish of **Compton Dundon** aforesaid lately purchased by me of **Roger Pople** and **Anna** his wife, both deceased, for the remainder of a term of one thousand years or some other long time of years may and shall from time to time and at all times after my decease and during the remainder of the said time to also hold and enjoyed with and deemed and taken as part of my said Manor and Ffarm of Iveythorne and

I do hereby accordingly give and bequeath the said premises to the said trustees their executors and administrators in trust for such person and persons and for and during such estate and estates and to and for such intents and purposes as are herein named and mentioned with respect to the same freehold premises (so far as the said leasehold premises may be bequeathed or limited by the rules either of Law or Equity) all and singular other the messuages or tenements lands and hereditaments which I am seized of or intitled unto either in possession reversion or remainder or expectancy scituate and being in the Parishes or places of **Coat, Westbury upon Trim** aforesaid, **Danbury, Olveston, and Torkington** and elsewhere in the said County of Gloucester with the appurtenances and all my moieties and other parts and shares thereof and therein I give and devise unto my said son **Thomas Elbridge Rookes** and his assigns for and during the term of his natural life without impeachment of waste and from and after the determination of that estate unto and to the use of the said **John Periam, James Moore, and William Ray**, and their heirs for and during the natural life of my said son the said **Thomas Elbridge**. In trust nevertheless for him the said **Thomas Elbridge** and his assigns and to the intent to support and present the contingent remainders hereinafter limited from being destroyed and from and immediately after that decease of the said **Thomas Elbridge** to the use of **John Paine** in the County of Somerset aforesaid, clerk and **John Coles** of **Bishops Lydeard** in the same County Gentleman their executors and administrators for and during the term of five hundred years without impeachment of waste upon the trusts hereinafter expressed concerning the same and after the determination of that term. To the first son of the body of him the said **Thomas Elbridge** lawfully to be begotten and the [heirs/sons] of the body of such first son lawfully sowing and for default of such heirs to the second, third fourth and all and every other the sons and sons of the body of him the said **Thomas Elbridge** lawfully to be begotten severally and successively // [6] and in remainder one after another as they shall be in seniority of age and to the several and respective heirs of the body and bodies of all and every son and sons lawfully issuing the elder of such son and sons and the heirs of his and their body and bodies issuing being always to be preferred and to take before the younger of such son and sons and the heirs of his and their body and bodies respectively issuing and for default of such issue. To all and every the daughter and daughters of him the said **Thomas Elbridge** lawfully to be begotten as tenants in common and not as joint tenants if more than one and the heirs of the body and bodies of all and every such daughters lawfully issuing and if but one then to such only daughter and the heirs of her body lawfully issuing and for default of issue of one or more such daughter or daughters then to the others of them as tenants in common and not as joint tenants if more than one and the heirs of the bodies of such other daughters lawfully issuing and if all such daughters but one shall dye without issue then to such daughter and the heirs of her body lawfully issuing and for default of such issue to my said five daughters **Mary, Sarah, Priscilla, Catharina** and **Anna** and their assigns for and during their natural lives (as tenants in common) without impeachment of waste and after the determination of the same estates respectively unto and to the use of the said **John Periam, James Moore, and William Ray** and their heirs for and during the the natural lives of them my said daughters respectively in trust nevertheless for them my said daughters and their respective assigns and to my intent to support and prevent the contingent remainder hereinafter limited from being destroyed and from and immediately after the decease of my said daughters or either of them then as far and concerning the parts and shares of my said daughter and daughters of and in the same premises to all and every the son and sons, daughter and daughters of them the said **Mary, Sarah, Priscilla, Catharina** and **Anna** for and during such estate and estates and in such series succession and manner as are and is herein before expressed in relation to the sons and daughters of the said **Thomas Elbridge** and for default of issue of all and every the son and sons, daughter and daughters of them the said **Mary, Sarah, Priscilla, Catharina** and **Anna** to my right heirs for ever and as for and concerning the said term of five hundred years I do hereby declare that the same is limited as aforesaid upon trust that they the said **John Paine** and **John Coles** their executors and administrators do and shall by sale or mortgage of the same premises or a competent part thereof for and during the said term or by and with the rents and profit thereof raise and levy for the portion and portions of all and every the child and children of the said **Thomas Elbridge** (other than and except such of them as on the decease of him the said **Thomas Elbridge** shall become immediately inheritable to the freehold or inheritance of the same premises) such sum and sums of money (not exceeding in the whole the sum of two thousand pounds) and pay the same unto such child or children either in the life time of the the said **Thomas Elbridge** or afterwards in such manner // [7] and at such time or times and in such shares and proportions as be the said **Thomas Elbridge** by any deed or other writing or by his last will and testament in writing by him sealed and executed in the presence of three or more credible witnesses shall direct and appoint and in default of such direction and appointment then if there shall be but one such child the said **John Paine** and **John Coles** their executors and administrators shall raise and levy as aforesaid the sum of fifteen hundred pounds and pay the same unto such child if a son at his age of twenty one years and if a daughter at her attainment of the same age or day of marriage which shall first happen but if there shall be two or more such children then the same trustees their executors and administrators shall raise and levy as aforesaid the sum of two thousand pounds and pay and divide the same unto and amongst all and every such child and children equally to be divided betwixt them share and share alike which same shares and portions shall be paid to sons at their ages of twenty one years respectively and to daughters on their attainment of the same age or days of marriage respectively which shall first happen and I do also declare that the said **John Paine** and **John Coles** their executors and administrators do and shall from and after the commencement of the said term of five hundred years in possession by and out of the rents and profits of the same premises raise and pay for the maintenance and education of all and every such children until their said portions shall become payable such yearly and other sum and sums of money as they the said **John Paine** and **John Coles** or the survivor of them or the executors or administrators of such survivor shall think reasonable so as the same do not exceed the interest of the respective shares and portions of such child and children respectively after the rate of four pounds per [annum] per annum provided nevertheless and my mind and will is that it shall and may be lawfull to and for my said son after his attainment of the said age of twenty five years to settle and convey the said premises or any part thereof by way of joynture upon and unto any woman or women which he shall or may marry after (and not before) his attainment of th same age for and during the life or lives of such woman or women respectively provided always that no greater part of the said premises shall be settled or conveyed upon or to any or either of such wives than shall be proportioned to the fortune or fortunes which my said son shall with her have and receive after the rate of one hundred pounds per annum for the sum or value of one thousand pounds and my mind and will is that in case my messuages, tenements or lands situate in the said County of Gloucester or any part thereof are or is held (not in fee but) for term or terms of years only or the remainder or remainders thereof the same premises and estates shall go and be enjoyed by such person or persons and to and for such uses trusts interests and purposes as are hereinbefore named and contained with respect to the said freehold premises in the said County of Gloucester and I do hereby declare and my mind and // [8] will is that the use and personal estates hereinbefore devised and bequeathed unto my said son and his issue are hereby [-taken] unto and shall be taken and accepted by him the said **Thomas Elbridge** and his issue in over and full satisfaction of and for all such estates rights tithes and interests both in law and equity which hath and shall have or be entitled to of and in [accepting] of any lands tenements hereditaments situate in S[-] or **Somerton Baily** within the Parish of Somerton aforesaid or any said tenements and lands called **Bundys** lower tenement otherwise the **Meeting House** tenement or of or in my copyhold lands or tenements in **Biddisham** in the said County of Somerset held of and under the Dean and Chapter of **Wells** or any other of my lands tenements and hereditaments whatsoever by virtue of or under any settlements bonds or agreements made and exempted or entered into by me before or subsequent unto my intermarriage with **Priscilla** my late wife and in case my said son or any or either of his issue do and shall for the space of three calendar months next after he or they shall be and become capable thereof and request to him or them made for that purpose by my said five daughters their heirs executors or assigns [ ] [ ] any or either of them refuse or omit effectually to grant and surrender unto them my said five daughters their heirs executors and administrators such part and parts of the same premises is and are hereinafter to their given according to the time and seal meaning and intention of this my will then and in such case and immediately thereupon all and every the devises and bequests hereinbefore made to him my said son or his issue as aforesaid unto my said five daughters their heirs executors and administrators as tenants in common provided always that if the estate which **Mr<sup>s</sup> Ann Hort** widow is now seized of or entitled unto of ad in th said premises in the said County of Gloucester a part thereof for and during the term of her life shall determine before my said sons attainment of his said age of twenty five years then and in such case I give and devise the said premises in the said County of Gloucester (except only the tenement and lands called **Coombhouse**) unto the said **John Periam, James Moore, and William Ray** and their executors and administrators from and immediately after the determination of the said estate of her the said **Mr<sup>s</sup> Hort** until my sons attainment of his said age of twenty five years upon trust to pay a moiety or equal half part of the rents issues and profits of the said premises in the said County of Gloucester (except as aforesaid) unto and equally between my said five daughters their executors and administrators and the other moiety or equal half part thereof unto and for the proper use and benefit of my said son his executors and administrators. I give and bequeath to such of them the said **John Periam, James Moore, and William Ray** my said trustees first hereinbefore

bamed as shall act in or execute the trusts hereby I them reposed the sum of twenty guineas a peice as and for a small gratuity and acknowledgement // [9] for the trouble which they may and shall have and take on that account. I give and bequeath unto each of my servants **Thomas Hilbourne** and **Mary** his wife the sum of twenty pounds in case they shall respectively be and remain inmy domestick service at the time of my decease and my will is and I do hereby direct that all and every the primary legacies hereinbefore given shall be paid within the space of six calendar months next after my decease or sooner if it shall be convenient to my executiars. All the copyhold messuages lands tenements and hereditaments and all the residue and remainder of my ffreehold and leasehold messuages lands tenements and hereditaments situate in the said County of Somerset which I am seized or possessed of or entitled unto in possession reversion or expectancy (including the lands tenements and hereditaments comprehended in all and every the deeds and writings by me made and executed either before or since my intermarriage with my said late wife and upon occasion or consequence thereof (except only such part thereof as is herein before devised to my said son) and also all my money securities for money goods chattels efforts and personal estate of what nature or kind soever I do hereby devise and bequeath unto them my said ffive daughters their heirs executors and administrators as tenants in common and not as joynt tenants and my mind and will is that imediately after my decease the life of my daughter **Catherine** shall be purchased and added in my copyhold premises situate in **Biddisham** aforesaid out of the residuum of my said personal estate for the benefit of all my said five daughters and I do thereby wholly discharge and exonerate the said residuary estates (both real and personal) given unto my said daughters as aforesaid of and from the payment of the mortgage debt therein before mentioned provided always and my mind and will is and so I do hereby declare that the parts and shares of my real and personal estates hereby given my said daughter **Mary** (now the wife of the Reverend **William Laycon** clerk) my said daughter **Sarah** (now the wife of **Richard Vyvyan** Gentleman) and to my said daughter **Catharina** (now the wife of **John Coffin** the younger, Gentleman) are in [sie-] and shall be by them respectively accepted and taken in full satisfaction of the sum of five hundred pounds or the value thereof by me stipulated and covenanted to be paid or assured upon me after my decease unto or for the benefit of the said **William Laycon** and **Mary** his wife, **Richard Vyvyan** and **Sarah** his wife, and **John Coffin** and **Catherina** his wife or their respective issues and I do hereby firect that so much and such part of the share which each of them the said **Mary Sarah** and **Catherina** may and shall be entitled unto of and in my real and personal estates by virtue of and under this my will as shall amount to the value of five hundred pounds shall be by them the said **William Laycon** and **Mary** his wife **Richard Vyvyan** and **Sarah** his wife and **John Coffin** and **Catherina** his wife respectively settled unto and assured upon such uses and trusts as are comprized in the indentures or writings relating to the said // [10] and for my said son until his attainment of the age of twenty one years and so I do hereby declare that the said trustees their heirs executors or administrators or any or either of them shall not be responsible for any loss that may happen in or about the said trust estate or any part thereof (unless the same be occasioned by his or their own gros or voluntary neglect or misconduct) and that neither of them the said trustees their heirs executors or administrators shall be answerable for the receipts or acts of the others or other of them and also that the said trustees shall and may respectively have and retain out of the said trust estate all such costs and charges as they shall or may sustain in or about the execution of the trusts hereby in them reposed, and lastly I do hereby nominate and appoint my said five daughters executrixes of this my will in witness whereof I have to this my last will and testament (all written with my own hand and contained in seven sheets of paper) set my hand to each of the six first sheets thereof the **twentyfirst day of August** in the first year of the reign of our sovereign Lord George the Third by the Grace of God of Great Britain Ffrance and Ireland King Defender of the Ffaith and in the year of our Lord **one thousand seven hundred and sixty one Tho: Rooke** signed sealed published and declared by the testator **Thomas Rooke** as and for his last Will and Testament in the presence of us who in his the said testators sight have subscribed our names as witnesses thereunto / **John Hare/ Will<sup>m</sup> Hawkins/ Ann Hawkins**

**This Will** was proved at London the **twenty third day of November** in the year of our Lord **one thousand seven hundred and sixty four** before the Right Worshipful George Ssay doctor of lawss, master keeper or commissary of the prerogatives court of Canterbury lawfully constituted by the Oaths of **mary Laycon** (wife of Reverend **William Laycon** clerk) **Sarah Vyvyan** (wife of **Richard Vyvyan**) **Priscilla Rooke** spinster **Catherina Coffin** (wife of **John Coffin**) and **Anna Rooke** spinster the daughters and executrixes name in the said will to whom administration was granted of all and singular the goods chattels and credits of the deceased they having been first sworn by commission duly to administer.

There is a marginal note 'On the 7<sup>th</sup> of June 1828' – the rest is uncertain and unreadable on the image that I have.