

Probate for the will of Charles Hicks of Saling, Essex, proved in 1849

Transcription

By R I Kirby (25/1/2006). Difficult text replaced by '*'. Line padding squiggles represented by '~'. References to people emboldened.

Source

Public Records Office: prob 11/2091 Pgs

Transcription reproduced by permission of The National Archives Image Library. Not to be reproduced for commercial purposes.

Please do not ask for copies of the original images, as that would constitute publication and The National Archives charge for publication of their images. Copies for private use may be purchased from the National Archives, Documents Online facility.

Summary

He was a Farmer of Saling, Essex

Cousin Charles Hicks of Stanstead, Farmer and Joseph Sterry the Younger of High Street, Southwark, Oilman to act as trustees.

All Personal stock & effects to be sold and everything to be used to buy parliamentary stocks or public funds that will form the basis of a trust fund.

Trust fund to be used to support his Mother, Elizabeth Hicks of Saling.

Upon Elizabeth's death the fund to be divided into 12 equal parts

- Six parts to the trustees (i.e. Charles & Joseph).
- One part to go to his Brother Robert Hicks of Royston immediately, the remainder to be held in trust to provide an annuity for Robert and his as yet unidentified wife (space left in will for name to be added). Should both Robert and his wife both pre-decease Elizabeth then the five shares in trust should be used for the support Adolphus Richardson natural son of Robert Hicks and Ann Richardson (daughter of Robert Richardson of Boreham, Essex). To administered by the trust during his minority.
- Three shares to Adolphus Richardson of Boreham, Essex at age 21

Residuary part of the estate be equally divided between his Cousins Charles Hicks & Edward Hicks of Stanstead, Henry Hicks of Chelmsford, and Joseph Sterry

Executors were Charles Hicks & Joseph Sterry

Witnessed by John Hicks & Elizabeth Hicks

Signed 6th Aug 1841

Proved 30th Apr 1849

Text

This is the last Will & Testament

of **Charles Hicks of Saling in the County of Essex Farmer** I hereby

Revoke all wills and Codicils at any

My **** debts funeral and testamentary expenses and the costs and ***** of *

Proving this my Will may be paid and satisfied by my Executors hereinafter

named as soon as conveniently can be after my decease And subject these**
I gift devise and bequeath unto my **Cousin Charles Hicks of Stanstead in
the said County of Essex Farmer and Joseph Sterry the younger of High
Street Southwark Oilman** all my real and personal stock and
effects whatsoever and wheresoever and which I may be subject or ~
possessed or entitled to at the time of my decease To hold receive and take
the same according to the nature or t***** thereof unto the s^d **Charles
Hicks and Joseph Sterry** their heirs executors administrators and assignees
respectively Upon and for the trusts and purposes hereinafter expressed
and decalared that is to say Upon trust that they the s^d **Charles Hicks
and Joseph Sterry** and the survivor of these his heirs and assignees do and
shall as soon as realistically may be after my decease absolutely
and dispose of my said sole estate either entirely and altogether or in parts
and either by Public Action or Private Contract to any persons or person

=== Page 2 ===

who shall become the purchaser or purchasers thereof and with power to buy
in the same or any part thereof at any sale or sales by Auction And to ****
the same without being answerable for any loss which shall arise or ****
from such resale And be and shall stand and be possessed or entitled to the
monies to arise from said Sale upon and for the trusts interests & purposes
hereinafter expressed and declared and upon trust that they my s^d trustees
and the survivor of them and the executors administrators and assignees
of such survivors do and shall with all convenient speed after my decease
call in and sell and dispose of and convert into money such part of
my said personal estate as shall not consist of money And I declare in
that my said Trustees and the survivor of them his executors administrators
afs^d shall stand & be possessed of & interested in the monies to arise from
the sale or sales hereinbefore directed to be made of my said estate & also
of & in the money of or to which I shall be possessed or entitled to at
the time of my decease Upon trust that they the s^d trustees and the survivor
of them his executors advisors & assignes do and shall after payment of such
debts funeral and testamentary expenses aforesaid lay out and invest the
same in the names or name of them the s^d trustees or the survivor of
them his executors administrators or afs^d in the purchase of a competent
share of any of the parliamentary stocks or public funds of Great Britain
and be and shall from time to time alter vary and transport the same
into or for other stocks funds or securities of the like nature at their or
his discretion And I herby direct that the aforesaid trustees and the survivor
of them his executors advisors and asignes do and shall during the life
of **my Mother Elizabeth Hicks of Saling aforesaid Widow** pay to or in
otherwise permit or suffer to receive and take the interest dividends
and annual produce of the said stocks funds or securities for her own
use and benefit And from and immediately after the decease of my
said Mother it is my will and I so hereby direct that the said trust &
monies stocks funds and securities shall be apportioned and divided
into 12 equal parts or shares And I declare that my s^d trustees and the
survivor of them his executors administrators and assignees shall stand

and be possessed of and interested in six equal parts or shares thereof & In trust as to one of such six parts or shares for the benefit of **My brother Robert Hicks of Royston** and to pay assign and transfer the Same to him accordingly But in case my said Brother shall die in The lifetime of my said Mother Then I direct that the said one ~~ twelfth part or share shall fall into and constitute part of my ~~ residuary personal estate herinafter disposed of and go therewith and as to the remaining five of such six parts or shares In trust by means of the sale and disposition thereof to raise a fund for the purchase of and accordingly in the names of them my s^d trustees & trustee to purchase an annuity or annual sum to be payable for the continuance of the joint lives of my s^d **Brother Robert Hicks** and [the line has a space at this point] his wife and the life of the longer liver of them or if either of them shall not be living at the decease of my said Mother & then a annuity or annual sum to be payable during the life of either one of them my said Brother or his said wife as shall be therinafter and to pay and to otherwise persist and suffer my said Brother and his wife and the survivor of them to receive and take the same ~~~ annuity and annual sum as and when the same shall have become payable to and for their his and her respective absolute use and benefit provided ****th**** And it is my will that it shall not be competent to them my said Brother and to his said Wife or either of them to assign change assigne or otherwise dispose of the said annuity by way of ~~ anticipation And in case of this his or her so doing then it my

=== Page 3 ===

Will that the annuity shall fall into and become part of my residuary Personal estate provided always And I hereby declare that in case both of s^d Them my said **Brother Robert Hicks** and his said wife shall die in the life time of my said Mother then I direct that the said five equal twelfths & parts or shares shall fall into and reconstitute part of my said residuary & personal estate herinafter disposed of and go therewith. And I further ~~ declare that my said trustees and the survivor of them and his executors admin: istrators assigns shall stand and be possessed of and be interested in their *th* of the said equal parts or shares of the aforesaid trust monies stocks ~~ funds and securities In trust for **Adolphus Richardson natural son of the said Robert Hicks and Ann Richardson daughter of Robert Richardson of Boreham in the county of Essex** if he shall live to attain the age of 21 years and to pay Assign and transfer the sums to him accordingly But if the said **Adolphus Richardson** should not live to attain a vested interest therein then the *** three equal parts or shares shall fall into and reconstitute part of my ~~~ residuary personal estate hereinafter disposed of and go therewith Provided always And I do hereby declare that it shall be lawful for my said ~~~ trustees after my said Mothers decease and during the minority of the said **Adolphus Richardson** to pay and apply the whole or such part as they in their discretion shall see fit of the interest dividends and annual produce of the said three parts or shares to which the said **Adolphus**

Richardson may then be presumptively entitled under this my Will for And towards his maintenance and education And do and shall ** **** accumulate the surplus if any of the interest dividends and annual produce of the same three shares in the way of compound interest by investing the same and all the resulting interest and produce thereof from from time to time in or upon such stocks funds and securities as are hereinbefore mentioned And I declare that the same interest dividends and annual ~~ produce and the stocks funds and securities in or upon which the same shall be laid out or invested or the accumulations thereof shall be held and applied upon the same trusts as for the said interests & purposes as hereinbefore declared of the principal funds from which the same shall have proceeded and I further declare that my said trustees and the survivor of them his executors administrators and ass' shall stand and be possessed of and interested in the remaining three equal 12th parts or shares of the afs^d trust monies stocks funds and securities In trust for the persons entitled to any residuary personal estate hereinafter disposed of and as part thereof and as to all the rest and residue of my personal estate and effects whatsoever and wheresoever and of what nature and kind ***** I ***** ~~ and bequeath the same and every part thereof unto **my Cousins the s^d Cha^s Hicks Edward Hicks of Stanstead Henry Hicks of Chelmsford and the said Jos^h Sterry** their execs advisors & assignes respectively equally between them as tenants in possession for their respective absolute use and benefit Provided always and I do hereby declare that the sec^t or sec^{ts} of the s^d Cha^s Hicks and Joseph Sterry or the survivor of them or the heirs executors advisors or assignes of such survivor for any sum or sums of money pay able to that or him respectively under or by virtue of the trusts of this my Will shall be a sufficient and effectual discharge or sufficient and ~~ effectual discharges for the same respectively or so much thereof respectively as in such sec^t or receipts thereof respectively shall be expressed or ~~ acknowledged to be received and that the person or persons to whom the same shall be given shall not afterwards be answerable or a***able for any losses misapplication or ***application or be obliged or ~~~~ ***** to see to the application of the money therein mentioned or acknowledged to be received or any part thereof Provided also and I do hereby declare that if the said trustees appointed by this my will Or either of them or either of their heirs executors administrators or ~~

=== Page 4 ===

To be completed... the only other names mentioned are the **witnesses John Hicks & Elizabeth Hicks**
Charles Hicks & Joseph Sterry were the Executors

Notes

1. Charles Hicks, the deceased, was probably the Quaker who owned Arundles Farm and Woolpits Farm in Bardfield Saling
2. Joseph Sterry the younger of High Street Southwark Oilman appears to be the

Joseph Sterry, 1800 – 1875, Oilman of Southwark and Quaker, mentioned on the Sterry Worldwide website <http://www.zipworld.net/~rsterry/gen/> . He is listed as son of Joseph Sterry & Ann Hicks – see <http://www.zipworld.net/~rsterry/gen/suryster/d0000/g0000089.html#I112>

3. The LDS 1881 Census index has an entry for Bentfield Place Farm, Charles HICKS, 83, born Bentfield Place Stanstead, Essex, Farmer Master Employing 8 Men & 3 Boys (200 Acres). He is living with his wife Sarah Hicks (83, born Stebbing, Essex). The index also has a family that appears to be his son. Bentfield Green Farm, Stanstead Essex, Charles HICKS, 40, born Stanstead, Essex, England, Farmer 150 Acre Employing 8 Men & 3 Boys. With him is his son Charles C Hicks (3), daughter Mabelle Hicks (8m) and wife Marriannnd Hicks (31 born Great Bartfield, Essex). This is in all likelihood the son of the Charles mentioned here.
4. There are few Adolphus Richardson in the 1881 census. A likely connection appears in Terling. He was born in Boreham, Essex around 1832 and so would have been a minor when this will was drafted. The text interpreted as ‘Bircham’ was not particularly legible.

© R I Kirby, 2010