

Last Will & Testament of William Cowley (1798-1881)

This is the last Will and Testament of me William Cowley of Black Rock dairy Rottingdean near Brighton in the county of Sussex farmer and dairyman.

First I direct the payment of all my just debts funeral and testamentary expenses to be made by my executors as soon as conveniently may be after my decease. I give and bequeath to my dear wife Jemima Cowley all my household furniture plate linen pictures engravings glass and all my other household effects and all my household consumable stores absolutely.

I give devise and bequeath to my son William Cowley of Queen Street Mayfair dairyman and Peter Garston of number 53 Piccadilly Coffee House Keeper their heirs and assigns all my [five] freehold cottages situate in New England Street Brighton aforesaid upon trust to pay the net rents and profits arising therefrom to my said wife during her life. And as to all the rest residue and remainder of my estate and effects whatsoever and wheresoever and of what nature and kind the same may be or consist including the goodwill of my business of a farmer and dairyman together with my live and dead stock and utensils in trade and all money and securities due to me including all monies due to me from my children at the time of my death I give devise and bequeath the same respectively unto the said William Cowley and Peter Garston and the survivor of them and the heirs executors and administrators of such survivors upon trust to sell collect get in and convert the same into money as soon as conveniently may be after my decease and out of the first monies arising therefrom I direct my said trustees to invest in their names or name the sum of five hundred pounds sterling in or upon some or one of the parliamentary stocks or public funds of Great Britain or India or upon freehold copyhold or leasehold or chattel ??? securities of Great Britain or in or upon the stocks funds debentures mortgages or securities of any Corporation Company or public body or otherwise in Great Britain or India with power for them from time to time to alter vary and transpose the said monies so to be laid out or invested as aforesaid and the stocks funds and securities in or upon which the same shall for the time being be laid out and invested for or into other stocks funds and securities of a like nature and I direct my said trustees to pay the interest dividends and income arising therefrom to my said wife during her life. And as to the residue and remainder of the monies to arise from my said residuary estate I direct the trustees or trustee for the time being of this my will to pay and divide the same between my children videlicet Caroline Garston widow the said William Cowley Sarah the wife of William Moppett Charles Cowley Thomas Cowley Henry Cowley Stephen Cowley and Edwin Cowley in equal shares and proportions as tenants in common and in case any of my said children shall die in my lifetime leaving lawful issue then I direct the share or shares to which the parent or parents of such issue if living at my death would have taken under this my will shall be divided equally amongst the issue of such child or children so dying as aforesaid per stirpes the shares of ??? to be paid to them on their attaining twenty one and the shares of daughters to be paid to them on their attaining that age or marriage whichever of those events shall first happen. And I further direct that from

and immediately after the decease of my said wife the trustees or trustee for the time being of this my will do and shall sell the said five freehold cottages hereinbefore devised either by public auction or private contract and under and subject to such conditions of sale as to title as they in their sole direction may think fit and also do and shall sell and convert into money the stocks funds and securities in or upon which the said sum of five hundred pounds hereinbefore bequeathed shall at the death of my said wife be invested and after payment of all costs charges and expenses of and attending such sale and conversion [respectively] I direct the trustees or trustee for the time being of this my will to pay and divide the net monies arising therefrom respectively among my said eight children and the issue of such of them as shall be then dead in the same manner in all respects as I have hereinbefore bequeathed to them the monies arising from the sale and conversion of my said residuary estate and effects. And I declare that the share of any part of my property which any female shall take under the trusts of this my will shall be for her own sole separate use and benefit and free from the control debts or engagements of any husband she may marry. And I further declare that her receipts alone shall be sufficient discharges to the trustees for the time being of this my will for all monies and effects paid and delivered to her by virtue of this my will. And I hereby declare that the receipts of the trustees or trustee for the time being of this my will to any purchasers or other persons for any monies payable to them or him shall be sufficient discharges for the same and shall absolve the persons paying the same from all liability to see to the application thereof. And I empower the trustees or trustee for the time being of this my will at their or his sole discretion to postpone the sale of any part of my property and also to abandon or suspend the enforcement of any claims or demands due to my estate and vested in them or either of them as such trustees as aforesaid and to accept any composition for the same or to refer any question relating thereto to arbitration without incurring any liability thereby. And my will further is that in case the trustees hereby appointed or either of them shall die in my lifetime or shall at my decease renounce the trusts hereof or be incapable of acting therein or in case they or either of them or any trustee or trustees to be appointed in manner hereinafter mentioned shall after my decease die or be desirous to be discharged from or become incapable to act in the aforesaid trusts before the same shall be fully performed or otherwise discharged then and so often as the same shall happen it shall be lawful for my said dear wife during her life by any deed or deeds to appoint any other person or persons to be a trustee or trustees in the stead of the trustees or trustee so dying renouncing declining or becoming incapable to act as aforesaid and who shall thereupon become a trustee or trustees of this my will upon and for the trusts and purposes and with the powers and authorities hereinbefore expressed declared and contained. And I declare that the trustees for the time being of this my will shall not be responsible for involuntary losses or for the receipts acts or defaults of each other and shall be at liberty to retain and allow to each other all costs and expenses incurred by them in or about the execution of any of the trusts or powers hereof. And lastly I appoint my said son William Cowley and Peter Garston executors of this my will and hereby revoking all former wills by me heretofore made. I do declare this only to be my last will and testament. In witness whereof I the said William Cowley the testator have to this my last will

and testament contained in this and the two preceding sheets of paper set my hand this fifteenth day of December in the year of our Lord one thousand eight hundred and sixty two – Wm Cowley – Signed by the said testator William Cowley as and for his last will and testament in the presence of us together present at the same time who in his presence at his request and in the presence of each other have hereunto subscribed our names as witnesses. William Day Soc^r 1 Queen St Mayfair – Tho Benson his clerk.

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Notes to transcription

The copy of the will that I have obtained would seem to be an 'office copy' as it does not have the original signatures. Parts are difficult to read but, in general, I believe that my transcription is correct.

1. [] – words shown in square brackets are uncertain but probably correct.
2. ??? – indicates words that I have not yet been able to interpret.
3. There is no punctuation whatsoever in the original will although the beginnings of new sentences are capitalised. I have added full stops to aid reading. I have also added the two paragraph breaks at the beginning of the will.
4. There are two codicils to the will –
 - a) First codicil dated 17 December 1868 increases the sum invested for the benefit of Jemima Cowley from £500 to £1000.
 - b) Second codicil dated 3 May 1873 replaces Peter Garston with William's son, Stephen Cowley, as executor and trustee.

Peter Cowley
6 December 2010

Family history web site: www.cowleyfamily.org.uk