

## WILL OF HENRY SCUDDER OF COLLINGBOURNE DUCIS 1651

EDITOR'S NOTE: In view of the extreme importance to our research of the will of the Reverend Henry Scudder, Simon J Scudder of Bristol, England has retranscribed it, correcting numerous errors of detail.

The twentieth day of February in the yeare of our Lord God One Thousand six hundred ffifty one

### Knowe all men by these presents

(whom it may anyway concerne) that I, Henry Scudder of Collingbourne Ducis in the County of Wiltes Minister of the Gospell of Jesus Christ, being in very good health and of sound mind and good of memory (praised be God. Considering my mortality and it is good to mind my latter End and to bee prepared for my death, and to sett my house in order before I dye: I doe here (haveing first revoked all former wills and testaments) make and publish this my last will and testament in manner as followeth.

ffirst I comend my soule to God my heavenly ffather, who of his free grace and exceeding Riches of his love hath redeemed me by the blood of his deare and only sonne Jesus Christ my Lord and Saviour. And my Body to be buried (when my soule and it shall be severed) at the discretion of my Executors to rest in hope of a blessed Resurrection.

As for my Lands, plate and goods which God of his abundant goodness hath liberally given me (for which I give him hearty thanks) I doe bequeath and give as followeth.

ffirst I give to my daughter Jane Russell, and to the heires of her body lawfully begotten, all my house and lands withall their appurtenances lyeing and being in fformam Row in the parish of Husband Tarrant in the County of Southampton, and for want of such heires to the right heires of me the above said Henry Scudder.

Item I give to my daughter Martha Jacob and to the heires of her body lawfully begotten all my Lands and tenements, which shall be next mentioned, namely, one house and lands with appurtenances, lyeing in the parish of Horton Kirby in the County of Kent, now in the tennure and occupation of Nicholas Ray, Alsoe one house and lands with the appurtenances lyeing in the parish of Horton p'dict, and one meadow called Prickes Meade, lyeing in the parish of Horton p'dict and Sutton at Hone, all now in the tennure and occupation of Robert Peade, alsoe twoe other houses together with Orchards and Gardens thereto belonging, lyeing at Chappell Greene in the parish of Horton p'dict now lett by Lease unto Nicholas Jinks and for want of such heires to my right heires.

Item I give to my daughter Bridgett Graile for the whole terme of her naturall life my house and lands now in the tennure and occupation of Widow Boomer, or her Assignes with all their appurtenances lyeing and being in South Darant in the parish of Horton aforesaid, also two houses in the Chalkdale, with my lands in the Oxen:downes, now thereunto belonging, now in the tennure and occupation of Mr. William Burkell or his Assignes, also one other house with lands thereunto belonging now in the tennure and occupation of John Chester, all the former and this also, lyeing and being in the parish of Horton aforesaid. All which houses and Lands, with the appurtenances given to the abovesaid Bridgett Grayle for the tennure of her life I give unto Henry Grayle to him and to the heires of his body, lawfully begotten, and for want of such heires to the right heires of the above named Bridgett Grayle for ever.

Item I give to Elizabeth Tombes (the only daughter to my daughter Elizabeth deceased) when she shall fulfill the yeares of one and twenty and to the heires of her body lawfully begotten my house and Landes at Rabbitts with all their appurtenances now in the tennure and occupation of Richard Johnson lyeing and being in the parish of Horton Kirby in the County of Kent aforesaid, also one other house with the Land and appurtenances thereunto belonging, upon Chappell Greene in the parish of Horton aforesaid in the tennure and occupation of Robert Chandler, And for want of such heires to the right heires of me Henry Scudder. And my will is that untill the said Elizabeth shall

\* Probably Hurstbourne Tarrant.

fulfill the yeares of one and twenty the said houses and Landes bequeathed to her shall be in the power and at the disposing of my Executors for the maintenance of the said Elizabeth and towards a portion to be raised for her of the Overplus, not spent in her maintenance, which is to be paid to her by my Executors at the age of one and twenty yeares. And my will is that shee remaine with one of my Executors till shee reach to the age of one and twenty yeares.

Now concerning all the before bequeathed houses and lands be it alwaies provided and my will is that an yearly annuity of twenty pounds a yeare be yearely paid to my loveing wife Joyce Scudder for her life out of all my said lands by my daughters Jane, Martha and Bridgett aforesaid, and by my Granddaughter Elizabeth Tombes by equal proportions, namely five pounds a peece at the first and twentieth of March by Jane and Martha and on the one and twentieth of September five poundes a peece by Bridgett and Elizabeth under this provisoe that my said wife claime noe Third or Dower, according to an obligation she entered into before marriage, which if she anyway claimed, or doe molest my said Children or Grandchild I will that my Executors take advantage of the obligation and shee is to have noe Annuity. Bee it also provided and my will is, that if any reall trouble or encumbrance shall happen to any of the foure before mentioned to whom I have given my landes or to their heires within tenne yeares after my decease soe that they cannot enioy what I have given each of them my will is that the person or persons that peaceably enioy their Legacy shall equally beare a part in the trouble disturbance or losse out of the lands which I have given them. But if their be noe such reall disturbance; my will is that each shall have my Landes and houses as before I did give them. I made this proviso in confidence that my said Children and Grandchild knowing my will, that they will therrefully fulfill it which Charge I lay upon them and their heires to whom I have given my lands aforesaid, as ever they would expect, that God should blesse to them that which I have given unto them.

Item I give to all my Grandchildren vis: the Children of my daughters, Jane, Martha and Bridgett which shall be liveing at my decease twenty poundes a peece, to be delivered to each of their parents to begin staikes for them and to be paid to them with improvement (if any be) when they shall fulfill the age of one and twenty yeares.

Item I give to all my said Grandchildren (except such to whom I have given a peece of plate already) three pounds a peece to buy for each a peece of silver plate whereon the Letters of mine and their names are to be stamped.

Item I give to my Granddaughter Elizabeth Tombes one hundred and ffifty pounds to be paid to her at the age of one and twenty yeares.

Item I give to my Brother Thomas Scudder, and to all his Sonnes and his daughter Elizabeth now in new England twenty shillings a peece.

Item I give to my Cousin Bridgett Giles and to my Cousins John Scudder and Elizabeth Lathrop now in new England twenty shillings a peece.

Item I forgive my Cousin William Tomkins the twenty poundes which he owes me upon Bills.

Item I forgive my Cousins Henry Scudder, John Wright and Bridgett Jervise all which they owe me.

Item I give my Sonnes in Lawe Mr. John Tombes, Mr. Richard Russell and Thomas Jacob and to my Cousins Mr. Richard Stevens, Mr. Thomas Taylor and Mr. Thomas Whately, to each of them one of my Bookes not being part of such? Authors and consist of divers bookes or severall volumes each to chuse in order as they are before mentioned.

I give to my wife the best English booke she shall chuse being not given.

Item I give to the poore of Collingbourne Ducis tenne poundes.

Item I give to my Cousin Margery Kilby five poundes.

Item I give to all my servants that shall dwell with me at my decease twenty shilling a peece

Item my will is that if my Boy Vincent Benner shall live with and doe faithfull service to any of my Executors or to such persons where my Executors shall place him, and continue till he be of the age of foure and twenty yeares, he shall have given him tenne poundes by my Executors.

Item my will is that the house with appurtenances and ffifty acres and a halfe of Land lyeng in the great parke in Savemarke\* (which I bought in the name of my Sonne Thos Jacob using him in trust, putting in his name in and for the terms of the lives of my Grandchildren Richard Russell, Thomas Jacob and John Graile) be reputed to be as my goods and Chattells to be to my Executors.

Lastly I give all my goods and plate and Chattells unbeckeathed unto my three daughters, Jane Russell, Martha Jacob and Bridgett Graile to be equally divided betweene them whom I appoint and make joynt executors of this my last will and Testament. In confidence of them and of my loveing Sonnes in Lawe their husbands that they will all lovingly accord and not wittingly wrong one another, and that they will all doe their best, that this my will be fulfilled which that they may doe I commend them to the blessing of mine and their God and ffather to whom be all glory and thanks being for his goodness and mercy for evermore.

To this my last will and Testament I have sett my hand and seale the twentieth day of february One thousand six hundred ffifty one.

Henry Scudder

Memorandum: that the words viz:?  
(to be equally devided betweene them)  
were interlined before the sealing hereof.

Witnesses  
Humfrey Chambers  
Tho: Jacob  
Bartholl: Tookie

An Addition to this my will the twoe and twentieth day of March 1651

First my will is that my daughter Martha Jacob shall have threescore poundes towards the setting of her foure old houses in repaire.

Item my will is that my daughter Bridgett Grayle shall have forty poundes towards the setting her old housing in repaire.

Item I give to Elizabeth Tomkins and to each of her Children twenty shilling a peece.

Item I give to my Cousin Anne Gaudrens? Children twenty shillings a peece.

Item I give to my Cousin Samuell Wright twenty shillings.

Item I give to my Cousin Cobbs Children twenty shillings a peece.

Item I give to my Cousin Elizabeth Copes Children twenty shillings a peece.

Henry Scudder

Witnesses hereunto  
Richard Russell  
Thomas Jacob

This Will was proved at London before Sir Nathaniell Brent Knight Garter of Lawes and Master and keeper of the prorogation Court lawfully constituted the last day of May one thousand six hundred ffifty twoe. By the Oathes of Jane Russell, Martha Jacob and Bridgett Graile Executors named in the said will. To whom was committed Administration of all and singular the goods chattells and debts of the said deceased. They being first sworne truly to administer the same.//

\* Probably Knole Park, Sevenoaks, Kent, now a National Trust property.

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1 "Will of Henry Scudder of Collingbourne Ducis 1651," *Scudder Searches*, Scudder Association, volume V, no. 1, (Winter 1993), 7–9. Retranscribed for this issue by Simon J. Skudder of Bristol.

Please also see *Scudder Searches*, Scudder Association, volume V, no. 2, (Summer 1993), "Correction," p. 2 that corrects the mistaken interpretation of where Savernake is that appeared in the Winter 1993 issue: "In *Scudder Searches*, Vol V, No 1, page 7, we published a new transcription by Simon J Skudder of the will of the Reverend Henry Scudder of Collingbourne Ducis, Wiltshire. At the top of the third page (page 9 of the issue), Simon identified a house and fifty and one-half acres of land 'lying in the great parke in Savernarke' owned and being bequeathed to his heirs by the Rev Henry, as lying in Knole Park, Sevenoaks, Kent. Simon has recently discovered a park at Savernake in Wiltshire, about eight miles north of Collingbourne Ducis, which he feels is far more likely to have been the correct location of the Rev Henry's land."