

Transcription of Will by Paul W. Tunaley

Thomas Tunaley 1772 – 1849

This is the last Will and Testament of me Thomas Tunaley the elder of Derby in the County of Derby Dyer. In the first place I direct the payment of all my just debts and funeral and testamentary expenses by my Executors hereinafter named as soon as conveniently may be after my decease out of my personal estate I give and devise all that my two messuages dwelling houses or tenements adjoining together with the gardens outhouses and appurtenances thereto belonging situate in Exeter Street in the Parish of Saint Alkmund in Derby aforesaid also thereof now or late in the occupation of Richard Cowlshaw and the other at present unoccupied and to the use of my daughter Sarah Cox wife of Samuel Walker Cox her heirs and assigns forever for her absolute benefit I give and devise all that my messuage dwelling house or tenement with the garden outbuildings and appurtenances thereto belonging situate in Exeter Street aforesaid and now in the occupation of my son Samuel Tunaley unto and to the use of my son Samuel Tunaley his heirs and assigns forever for his and their own benefit I give and devise all that my messuage dwelling house or tenement with the garden outoffices and appurtenances thereto belonging situate in Exeter Street in Derby aforesaid and now in the occupation of my son William Tunaley unto and to the use of my said son William Tunaley his heirs and assigns forever for his and their own benefit I give and devise all that my messuage dwelling house or tenement with the garden outoffices and appurtenances thereto belonging situate in or near to Tenant Street in Derby aforesaid with the Shops Dyehouse outoffices stoves coppers and other___ fixtures and other appurtenances thereto belonging and occupied therewith and now in my own occupation Also all that Butchers Shop situate at or near the entrance to the New Market from Tenant Street in Derby aforesaid and now in the occupation of John Reynolds unto and to the use of my son Henry Tunaley his heirs and assigns forever for his and their own benefit whereas nevertheless with the payment of the sum of Six hundred pounds sterling to my Executors hereinafter named at the expiration of twelve calendar months after my decease but without interest in the meantime the same to form part of my personal estate and be applied and disposed of accordingly I give and devise all that my messuage dwelling house or tenement called the Royal Oak with the outbuildings yard stables and appurtenances thereto belonging fronting to the Market Place in Derby aforesaid in the occupation of John Whittingham also all that Shop also fronting to the Market Place and now in the occupation of Walter Greenway and used as a Provision Shop Also all that my Shop fronting to the Market Place aforesaid occupied by Robert Bamford as a Butchers Shop and also all that my messuage dwelling house or tenement fronting to Tenant Street in Derby aforesaid now in the occupation of Joseph Smithard Tailor with the appurtenances thereto belonging unto the use of my sons Thomas Tunaley Henry Tunaley Edward Tunaley Charles Tunaley and John Tunaley their heirs and assigns forever as tenants in common and not as joint tenants for their own use and benefit I give and bequeath all and singular my dyeing utensils (except coppers and other fixtures) Barks Dyewoods Drugs and stock in trade of whatever description unto my two sons Henry Tunaley and William Tunaley their executors administrators and assigns for their own use as tenants in common and not as joint tenants I give and bequeath the following legacies (that is to say) to my son Samuel Tunaley a legacy or sum of One hundred pounds sterling to my son William Tunaley Two hundred pounds sterling to my son John Tunaley One hundred pounds sterling to my son Edward Tunaley One hundred pounds sterling to my son Charles Tunaley one hundred pounds sterling and I direct the said several legacies to be paid to the said beneficiaries their respective executors administrators or assigns at the expiration of twelve calendar months after my decease but without interest in the meantime I give and bequeath all and singular my chattels goods and furniture plate linen and china glass looking glasses books prints and pictures unto my son Henry Tunaley his executors administrators and assigns for his and their own use and benefit and subject as aforesaid I give and bequeath all and singular *The residue and remains* of my monies and securities for money book debts Railway

shares shares in Water Works and all other my personal estate and effects whatsoever and wheresoever and whether in possession reversion remainder or expectancy unto my said sons Thomas Tunaley Henry Tunaley William Tunaley Edward Tunaley John Tunaley Samuel Tunaley their executors administrators and assigns as tenants in common and not as joint tenants for their own use and benefit I devise all freehold and copyhold estates vested in me as trustee or mortgagee unto and to the use of my said trustees Thomas Tunaley and Henry Tunaley and to the survivor of them his heirs and assigns upon and subject to the trusts and equities affecting the joint Proviso to always and I do hereby declare that my said trustees and executors for the time being their or his heirs executors or administrators shall not be liable for any loss which may happen in the execution of the trusts hereby in them or him reposed unless the same shall happen through their or his own wilful negligence or default or for the acts receipts neglects or defaults of each other but that they shall respectively be answerable only for so much money as they shall respectively actually receive and not more although they may join in giving receipts for the sake of conformity and that it shall be lawful for my said trustees and executors out of the monies which shall come to their respective hands to reimburse themselves and himself all expenses which shall be incurred in the management of the trusts hereby in them or him reposed and that such trustees and executors may submit matters to arbitration take securities for or give time for payment of any debts accept a composition on or omit to sue for debts by them or him deemed doubtful bad or desperate and pay claims on such proof or evidence as they or he may think right I appoint the said Thomas Tunaley and Henry Tunaley **Executors** of this my Will and hereby revoke all former wills by me made In witness whereof I have to this my last Will and Testament subscribed my name the fifth day of September one thousand eight hundred and forty eight – **Thos Tunaley** – signed by the testator Thomas Tunaley as his last Will and Testament in the presence of us who at his request in his presence and in the presence of each other have subscribed our names as witnesses – **John Sale Solr of Derby – Sam Till Clerk to Mr Sale**

Proved at London 14th March 1849 before the Judge by the oaths of Thomas Tunaley and Henry Tunaley the sons the executors to whom administration was granted having first sworn by Commission only to administer