

*The Last Will and Testament of
Phillip Ballard
3rd March 1722
[Proved 19th April 1737]*



I **Phillip Ballard** of Bratton of the Parish of Westbury in the County of Wilts Gentleman Do hereby revoke all former wills by me made and do declare this only to be my last Will and Testament Imp. I give and devise to **Giles Haliday** of Eddington in the Parish of Urchfont in the said County of Wilts Gent and **John Prior** of Edington in the said County Yeoman the messuages land and hereditis whatsoever situate lying and being in the Parish of Imber in the said County of Wilts whereof for any person or persons intrust for me is or are seized of or intitled to any estate of inheritance in possession reversion remainder or expectancy and every part and parts thereof to have and to hold the same messuages lands and hereditaments and every part thereof unto the said **Giles Haliday** and **John Prior** and their heirs for ever to the uses intents and purposes hereinafter limited expressed and declared that is to say To the use of the first son of the body of my son **John Ballard** and of the heirs male of the body of the same first son and for default of such issue To the use of the second son of the body of my said son **John** and of the heirs male of the body of the same second son and for default of such issue To the use of the third son of the body of my said son **John** and of the heirs male of the body of the same third son issuing and for default of such issue To the use of all and every other son and sons of the body of my said son **John** successively according to their seniority of age and priority of birth and of the heirs male of the body and bodys of the same other son and sons respectively the elder of the same other son and sons and the heirs male of his and their body and bodys being always to take and be preferred before the younger of the same son and sons and the heirs of his and their body and bodies and for default of such issue To the use of my son **John Aldridge Ballard** for and during his natural life without impeachment of waste and from and after the determination of that estate to the use of the said **Giles Haliday** and **John Prior** and their heirs during the natural life of my said son **John Aldridge Ballard** and for so long after as shall be necessary to the intent only to support and preserve the contingencies and estates hereinafter limited and for that purpose to make entries and bring actions as occasion shall require nevertheless in trust to permit my said son **John Aldridge Ballard** and his assigns during his natural life to his and their own use to receive have and enjoy the rents issues and promises and from and after the death of the said **John Aldridge Ballard** and the determination of the last mentioned estate of the said **Giles Haliday** and **John Prior** To the use of the first son of the body of the said **John Aldridge Ballard** and the heirs male of the body of the same first son and for default of such issue To the use of the second son of the body of the said **John Aldridge Ballard** and of the heirs male of the body of the same second son and for default of such issue To the use of the third son of the body of the said **John Aldridge Ballard** and of the heirs male of the body of the same third son and for default of such issue To the use of all and every other son and sons of the body of the said **John Aldridge Ballard** successively according to their seniority of age and priority of birth and of the heirs male of the body and bodies of the same other son and sons respectively issuing the elder of the same other sons and sons and the heirs male of his and their body and bodies being always to take and be preferred before the younger of the same son and sons and the heirs of his and their body and bodies and for default of such issue to my own right heirs for ever provided nevertheless and my will and meaning is that from and after the decease of **Elizabeth** the now wife of my said son **John Ballard** and failure of issue of the body of my said son **John** on the body of the said **Elizabeth** it shall

and may be lawful to and for my said son **John** and also for every other person or persons who shall hereafter be seized for life of any estate hereby limited of the premises to limit devise or grant the said premises or any part or parts thereof to or to the use of any woman or women who at or after the time of such limitation devise or grant shall be the lawful wife or wives of my said son **John** or of such other person or persons who shall be so seized as aforesaid so as the respective estate or estates so to be limited to the same woman or women before or in part of their respective jointures and to continue no longer that during their respective natural lives and be not by express words disjointable of waste provided also and my will and meaning is that from and after the decease of the said **Elizabeth** and failure of issue of my said son **John** on her body as aforesaid it shall and may be lawful to and for my said son **John** and also for every other person or persons who shall hereafter be seized for life of any estate hereby limited of the premises to first devise and grant the said premises or any part or parts thereof unto any person or persons for any term or number of years upon trust for the levying and raising by and out of the issue and profits thereof such sum and sums of lawful money of Great Britain not exceeding in the whole the sum of one thousand pounds for the use of any younger son or younger sons daughter or daughters on the body of my said son **John Ballard** or of such other person or persons as aforesaid to be begotten respectively at such time and times and in such manner and proportions as my said son **John** or such other person or persons as aforesaid by any deed or deeds Will in writing or any writing or writings whatsoever executed or signed in the presence of three or more credible witnesses shall nominate and appoint without prejudice nevertheless to any jointure or jointures which shall be made of the premises or any part thereof pursuant to the powers hereby given Item I give and devise to the said **Giles Haliday** and **John Prior** all the messuages lands and hereditaments whatsoever situate lying and being in West Ashton and Upton Scudamore in the said County of Wilts or either of them whereof for any person or persons in trust for me is or are seized of or limited to any estate of inheritance in possession reversion remainder or expectancy and every part and parts thereof other than and except all those two closes of arable meadow or pasture around with the appurts called or known by the name Chalcots situate lying and being the said Parish of Scudamore's Upton and which I lately purchased of Giles Hill and now in the occupation of George Withy to have and to hold the last mentioned premises and every part thereof except as aforesaid unto the said **Giles Haliday** and **John Prior** and their heirs for ever subject nevertheless and chargeable to and with the payment of such sum of money in such manner and at such time and on such condition as hereinafter is mentioned to the use of my son **Jonathan** for and during his natural life without impeachment of waste and from and after the determination of that estate to the use of the said **Giles Haliday** and **John Prior** and their heirs for the natural life of my said son **Jonathan** and for so long after as shall be necessary to the intent only to support and preserve the contingent uses and estates herein after limited and for that purpose to make entries and bring actions as occasion shall require yet nevertheless in trust to permit the said **Jonathan** and his assigns during his natural life to his and their own use to receive have and enjoy the rents issues and profits of the said premises last mentioned and from and after the death of the said **Jonathan** and the determination of the said last mentioned estate of the said **Giles Haliday** and **John Prior** To the use of the first son of the body of the said **Jonathan** and of the heirs of the body of the same first son issuing and for default of such issue To the use of the second son of the body of the said **Jonathan** and of the heirs of the body of the same second son and for default of such issue To the use of the third son of the body of the said **Jonathan** and of the heirs of the body of the same third son and for default of such issue To the use of all and every other son and sons of the body of the said **Jonathan** successively according to their seniority and priority of birth and of the heirs of the body and bodies of the same other son and sons respectively issuing the elder of the same other son and sons and the heirs of his and their body and bodies being always to take

and be preferred before the younger of the same son and sons and the heirs of his and their body and bodies and for default of such issue then if one daughter and no more shall be of the body of the said **Jonathan** to the use of the same daughter and of the heirs of the body of the same daughter issuing But in case there shall be two or more daughters of the body of the said **Jonathan** To the use of all and every the daughters of the body of the said **Jonathan** and of the heirs of the bodys of all and every the same daughters issuing by equal shares and proportions as tenants in common and not as joint tenants and for default of heirs of the body or bodies of any one or more of the same daughters To the use of the other and others of the same daughters and of the heirs of the body and bodies of the other and others of the same daughters issuing and for default of heirs of the body of the said **Jonathan** To the use of my said son **John Aldridge Ballard** for and during his natural life without impeachment of waste subject nevertheless as aforesaid and from and after the determination of that estate to the use of the said **Giles Haliday** and **John Prior** and their heirs for and during the natural life of the said **John Aldridge** and for so long time after as shall be necessary to the intent only to support and preserve the contingent uses and estates hereinafter limited and for that purpose to make entries and bring actions as occasion shall require yet nevertheless in trust to permit the said **John Aldridge** and his assigns during his natural life to his and their own use to receive have and enjoy the rents issues and profits of the last mentioned premises and from after the death of the said **John Aldridge** and the determination of the said last mentioned estate of the said **Giles Haliday** and **John Prior** To the use of the first son of the said **John Aldridge** and of the heirs of the body of the same first son and for default of such issue To the use of the second son of the body of the said **John Aldridge Ballard** and of the heirs of the body of the same second son and for default of such issue To the use of third son of the body of the said **John Aldridge Ballard** and of the heirs of the body of the same third son and for default of such issue To the use of all and every other son and sons of the body of the said **John Aldridge Ballard** successively according to their seniority of age and priority of birth and of the heirs of the body and bodies of the same other son and sons respectively issuing the elder of the same other son and sons and the heirs of his and their body and bodies always to take and be preferred before the younger of the same son and sons and the heirs of his and their body and bodies and for default of such issue then if one daughter and no more shall be of the body of the said **John Aldridge Ballard** To the use of the same daughter and the heirs of the body of the same daughter issuing But in case there shall be two or more daughters of the body of the said **John Aldridge Ballard** To the use of all and every the daughters of the body of the said **John Aldridge Ballard** and of the heirs of the bodies of all and every the same daughters issuing by equal shares and proportions as tenants in common and not as joint tenants and for default of heirs of the body or bodies of anyone or more of the same daughters To the use of the other and others of the same daughters and of the heirs of the body and bodies of the other and others of the same daughters issuing and for default of heirs of the body of the said **John Aldridge Ballard** To the use of my own right heirs for ever provided always and my will and meaning is that it shall and may be lawful to and for every person and persons who shall be seized in possession of any estate for life hereby limited of the premises last mentioned to limit the same premises or any part thereof in jointure to any woman or women who shall hereafter be the lawful wife of the person or persons so seized in such manner and not otherwise as the said premises in Imber may by virtue thereof be limited in jointure as aforesaid Item I give and devise to the said **Giles Haliday** and **John Prior** all those the said two several closes of arable meadow or pasture ground commonly called or known by the name of Chalcots with the appurts situate lying and being in the said Parish of Scudamores Upton which lately purchased of Giles Hill and now in theor occupation of George Withy to have and to hold the same unto the said **Giles Haliday** and **John Prior** and their heirs for ever to the several uses trusts intents and purposes hereinafter limited expressed and

declared that is to say To the use of my daughter **Sarah** till she shall be married and if my said daughter **Sarah** shall marry with the previous consent of my said son **John Ballard** and the said **Giles Haliday** or of the survivor of them living testified by writing executed or signed in the presence of two or more credible witnesses then and not otherwise I give to my said daughter **Sarah** the sum of five hundred pounds of lawful money of Great Britain to be paid to her with the interest for the same after the rate of five pounds percent per annum within twelve months near or after the decease of my wife if she marrys in the life time of my said wife otherwise the same five hundred pounds and interest to be paid within twelve months next after her marriage with such consent as aforesaid and from and after such marriage with such consent as aforesaid and until the said five hundred pounds and interest shall become payable then my will is that the said **Giles Haliday** and **John Prior** and their heirs shall be seized of the said last mentioned premises to the use of my said daughter **Sarah** and her assigns and upon this further trust that the said **Giles Haliday** and **John Prior** and their shall from and after payment of the said five hundred pounds and interest or in case the said **Sarah** shall happen to die before she marrys ...and be seized of the premises last mentioned to the use of my said son **Jonathan** his heirs and assigns for ever and I do hereby charge not only the said last mentioned lands but also the said other lands in Scudamores Upton and the said lands in West Ashton with the payment of the said five hundred pounds and interest in manner and on such condition as aforesaid and in case of non payment of the same then my will is that the said **Giles Haliday** and **John Prior** and their heirs do receive pay and apply the rents issues and profits of all the said premises in West Ashton and Scudamores Upton to and to the use of the said **Sarah** and her assigns until the said five hundred pounds interest and charges shall be fully raised and levied thereby but if my said daughter **Sarah** do marry in the life time of the said **Giles Haliday** and my said son **John Ballard** or in the life time of the survivor of them without such previous consent as aforesaid then my will is that the said **Giles Haliday** and **John Prior** and their heirs after marriage of my said daughter **Sarah** without such consent as aforesaid shall stand and be seized of the said two closes called Chalcots with the appurts to the use of them the said **Giles Haliday** and **John Prior** during the natural life of the said **Sarah** in trust that they the said **Giles Haliday** and **John Prior** and their heirs do during the natural life of my said daughter **Sarah** receive apply and dispose of the rents issues and profits of the said two closes called Chalcots to and for the sole and separate use necessities and maintenance of my said daughter **Sarah** and not to or for the use of her husband nor to be in anywise subject to charged or affected with his receipt forfeiture release encumbrance act disposition power or demand and from and after the death of the said **Sarah** On this further trust that they the said **Giles Haliday** and **John Prior** and their heirs shall stand and be seized of the said two closes called Chalcots to the use of my said son **Jonathan** his heirs and assigns for ever and will is that from and after such marriage without such consent as aforesaid all the said lands herein before charged with the payment of the said five hundred pounds and interest shall be discharged from payment of the same Item I give to the said **Giles Haliday** and my said son **John Ballard** two hundred and fifty pounds of lawful money of Great Britain to be paid within twelve months next after my decease upon trust that such interest as shall be actually raised thereby be from time to time for so long time as they shall think fitting during the joint natural lives of my daughter **Elizabeth** and of my said son **John Aldridge Ballard** paid and applied into the proper hands of my said daughter **Elizabeth** to and for her sole and separate use and benefit and not to or for the use of her husband and nor to be in anywise charged with or subject to his debts release forfeiture disposition act power or demand and upon this further trust that they the said **Giles Haliday** and **John Ballard** and the survivor of them and the executors or administrators of such survivor shall during the joint lives of the said **Elizabeth** and **John Aldridge Ballard** or after the death of the said **Elizabeth** living the said **John Aldridge Ballard** as they shall see fitting pay and apply the said two hundred and fifty pounds or

any part thereof to the use and benefit of the issue of the body of the said **Elizabeth** at such times and in such shares and proportions as they shall think fit and from and after payment or application of the said two hundred and fifty pounds or any part thereof to or for the use or benefit of any of the issue of the said **Elizabeth** then interest for the same or so much thereof as shall be paid and applied as aforesaid shall cease to be paid to the said **Elizabeth** and in case the said **Elizabeth** shall die in the life time of the said **John Aldridge Ballard** leaving no issue of her body upon this further trust that they the said **Giles Haliday** and **John Ballard** and the survivor of them and the executors and administrators of such survivor do pay and apply the said two hundred and fifty pounds or so much as shall remain thereof together with all interest that shall be in arrears to my said son **John Aldridge Ballard** But if my said son **John Aldridge Ballard** shall happen to die in the life time of the said **Elizabeth** without leaving issue of his body then upon this further trust that the said **Giles Haliday** and **John Ballard** and the survivor of them and the executors and administrators of such survivor do pay and apply the said two hundred and fifty pounds or so much as shall remain thereof and all interest that shall be then in arrears to my daughters **Sarah** and **Mary** in equal shares and proportions Item I give to the said **Giles Haliday** and my said son **John Ballard** one other sum of two hundred and fifty pounds of lawful money of Great Britain upon trust that they and the survivor of them and the executors and administrators of such survivor do pay and apply to or to the use of my daughter **Mary** until she shall be married all such interest as shall be actually raised thereby and if my said daughter **Mary** shall marry with the previous consent of the said **Giles Haliday** and my said son **John Ballard** or the survivor of them if living testified by writing executed or signed in the presence of two or more credible witnesses then upon this further trust that from and after such marriage with such consent as aforesaid the said last mentioned two hundred and fifty pounds and all arrears of interest be paid to my said daughter **Mary** But if my said daughter **Mary** shall happen to die before she shall be married or shall marry without such consent as aforesaid then from such her death or marriage without such consent the said two hundred and fifty pounds last mentioned shall go and be paid to my said son **John Aldridge Ballard** Item I give and devise to the said **Giles Haliday** and **John Prior** all that messuage or tenements with the appurts and the arable lands meadow and pasture ground thereunto belonging commonly called or known by the name of Winters situate lying and being in Bratton aforesaid as the same now is in the several tenures or occupations of myself or John Croome to have and to hold the said premises last mentioned to them the said **Giles Haliday** and **John Prior** and their heirs for ever to for and under the several uses intents and purposes herein after limited expressed and declared that is to say To the use of my beloved wife for and during her natural life and from and after the death of my said wife To the use of the said **John Aldridge Ballard** for and during his natural life without impeachment of waste and from and after the determination of the said several estates for the life of my said wife and the said **John Aldridge Ballard** To the use of them the said **Giles Haliday** and **John Prior** and their heirs during the natural life of the survivor of my said wife and the said **John Aldridge Ballard** To the intent only to support and preserve the contingent uses and estates herein after limited from being defeated or destroyed and for that purpose to make entries and bring actions as occasion shall require yet nevertheless in trust to permit my said wife and her assigns during her natural life to receive have and enjoy the rents issues and profits of the last mentioned premises and from and after the death of my said wife in trust to permit the said **John Aldridge Ballard** and his assigns for and during his natural life to receive have and enjoy the rents issues and profits of the last mentioned premises and from and after the death of the survivor of my said wife and the said **John Aldridge Ballard** and the determination of the said last mentioned estate of the said **Giles Haliday** and **John Prior** To the use of the first son of the body of the said **John Aldridge Ballard** and of the heirs of the body of the same first son and for default of such issue To the use of the second son of the body of the said **John Aldridge**

Ballard and the heirs of the body of the same second son for default of such issue To the use of the third son of the body of the said **John Aldridge Ballard** and of the heirs of the body of the same third son for default of such issue To the use of every all and other son and sons of the body of the said **John Aldridge Ballard** successively according to their seniority of age and priority of birth and of the heirs of the body and bodies of the same other son and sons respectively issuing the elder of the same other son and sons and the heirs of his and their body and bodies being always to take and be preferred before the younger of the same son and sons and the heirs of his and their body and bodies and for default of such issue Then if one daughter and no more shall be of the body of the said **John Aldridge Ballard** to the use of the same daughter and of the heirs of the body of the same daughter issuing but in case there shall be two or more daughters of the body of the said **John Aldridge Ballard** To the use of all and every the daughters of the body of the said **John Aldridge Ballard** and of the heirs of the bodies of all and every the same daughters issuing by equal shares and proportions as tenants in common and not as joint tenants and for default of heirs of the body or bodies of any one or more of the same daughters to the use of the other and others of the same daughters and of the heirs of the body and bodies of the other and others of the same daughters issuing and for default of heirs of the body of the said **John Aldridge Ballard** To the use of my said son **John Ballard** for and during his natural life without impeachment of waste and from and after the determination of that estate To the use of the said **Giles Haliday** and **John Prior** and their heirs during the natural life of the said **John Ballard** to the intent only to support and preserve the contingent uses and estates herein after limited and for that purpose to make entries and bring actions as occasions shall require yet nevertheless in trust to permit the said **John Ballard** and his assigns during his life to receive have and enjoy to his and their own use the rents issues and profits of the last mentioned premises and from and after the death of the said **John Ballard** and the determination of the said last mentioned estate of the said **Giles Haliday** and **John Prior** To the use of the first son of the body of the said **John Ballard** and of the heirs of the body of the same first son and for default of such issue To the use of the second son of the body of the said **John Ballard** and of the heirs of the body of the same second son and for default of such issue To the use of the third son of the body of the said **John Ballard** and of the heirs of the body of the same third son and for default of such issue To the use of all and every other son and sons of the body of the said **John Ballard** successively according to their seniority of age and priority of birth and of the heirs of the body and bodies of the same other son and sons respectively issuing the elder of the same other son and sons and the heirs of his and their body and bodies being always to take and be preferred before the younger of the same son and sons and the heirs of his and their body and bodies and for default of such issue Then if one daughter and no more shall be of the body of the said **John Ballard** to the use of the same daughter and of the heirs of the body of the same daughter issuing But in case there shall be two or more daughters of the body of the said **John Ballard** to the use of all and every the daughters of the body of the said **John Ballard** and of the heirs of the bodies of all and every the daughters issuing by equal shares and proportions as tenants in common and not as joint tenants and for default of heirs of the body or bodies of any one or more daughters to the use of the other and others of the same daughters issuing and for default of heirs of the body of the said **John Ballard** to the use of my own right heirs for ever provided always and my will and meaning is that it shall and may be lawful to and for every person or persons who shall be seized in possession of any estate for life hereby limited of the last mentioned premises to limit the same premises last mentioned or any part thereof in jointure to any woman or women who shall hereafter be the lawful wife or wives of the person or persons so seized in such manner and not otherwise as the said premises in Imber may by virtue hereof be limited in jointure as aforesaid Item I give to them the said **Giles Haliday** and my said son **John Ballard** all my plate linens and all and every other my

household goods and stuff and implements of household whatsoever in trust that they do permit and suffer my said wife to have the use and occupation of the same for and during her life and from and after the decease of my said wife In trust for and to the use of my said son **John Aldridge Ballard** Item I give to my son **John Ballard** five pounds to buy him mourning and all the rest and residue of my good chattels and personal estate whatsoever I give and bequeath to the said **Giles Haliday** and **John Ballard** their executors and administrators In trust nevertheless for my said son **John Aldridge Ballard** his executors administrators and assigns and I do hereby nominate and appoint the said **Giles Haliday** and **John Ballard** Executors of this my will in trust for my said son **John Aldridge Ballard** until my said son **John Aldridge Ballard** shall attain to his age of one and twenty years and from and after my said son **John Aldridge Ballard** shall attain to his said age of one and twenty years then I nominate and point him sole executor of this my will and I do hereby nominate constitute and appoint them the said **Giles Haliday** and **John Ballard** Guardians of and over my said sons **Jonathan** and **John Aldridge Ballard** and my said daughters **Sarah** and **Mary** for and during their respective minorities and my will is that all the costs and charges of my said Trustees herein before named be in the first place deducted and retained out of the said Trust Estates respectively and that they the said **Giles Haliday** and **John Ballard** and the survivor of them his executors or administrators shall have power to place lend out all or any part of the said Trust Estate at interest on such security as they shall think fit and from time to time as they please to alter or change the same securities or any of them and that my said Trustees shall not be answerable for any more interest or profits than shall be by them actually received nor any of them answer for the act receipt or default of the other nor for anything relating to the said Trusts other than for both willful and apparent breach thereof In witness whereof I have hereunto set my hand and seal the third day of March in the year of Our Lord One Thousand Seven Hundred and Twenty Two and in the ninth year of the reign of our Sovereign King George [**Signed – Phillip Ballard**]

This parchment writing being first read over to the within named Phillip Ballard was afterwards signed sealed published and declared by him as and for his last Will and Testament in the presence of us who in his presence and in the presence of each other have subscribed our names as witnesses

[Signed Jeffery Whittaker William Emme James Long]

This Will was proved in London on the nineteenth day of April in the year of Our Lord One Thousand Seven Hundred and Thirty Seven before the Worshipful William Stralian Doctor of Laws and Surrogate of the Right Worshipful John Bettsworth Doctor of Laws Master Keeper or Commissary of the Prerogative Court of Canterbury lawfully constituted by the oath of **John Aldridge Ballard** the son of the deceased no having attained the age of twenty one years the sole executor named in the said will to whom administration was granted of all and singular the goods chattels and credits of the said deceased he being first sworn well and duly to administer the same