

**I**n the name of God Amen I Samuel Buttall of Topsham (near Exon) in the County of Devon Sugar baker seriously considering the uncertainty of this present life and certainty of Death being indisposed or weak in Body but of a sound perfect and disposing mind memory and understanding thanks be to God for the same to prevent all difficulties that may arise after my decease and for the disposing of all the Estate a Gracious God hath given me and intrusted me with hereby revoking all Wills by me at any time heretofore made Do make and ordain this my last Will and Testament in manner and form following (That is to say) First I committ my Soul unto the hands of a Gracious God hoping to be Eternally Saved through the merits of Jesus Christ my dear and precious Redeemer And my Body I committ to the Earth to be decently not sumptuously buried in such manner and form as my Executrix hereinafter shall think meet and direct.

**Item** I give and bequeath unto my dear and loving Wife Mary Buttall to and for her only use benefit and disposal the sume of fifteen hundred pounds including therein the sume of five hundred pounds which was left her as a legacy by Mrs Woods her late Mother deceased. And I also give unto my said Wife for her own benefit and disposal all my plate and all my household goods and furniture in and belonging to the Dwelling House I now live in at Topsham aforesaid.

**Item** I give and bequeath unto my said dear and loving Wife for and during the Term of her naturall Life my said Dwellinghouse and also the Sugarhouse and the Lands Houses and Outhouses Orchards and Gardens enjoyed with the said Sugarhouse and also the Distillinghouse Lodgehouse and Gardens thereunto belonging all lying and being in Topsham aforesaid and from and after the decease of my said Wife then I give devise and bequeath one Moiety of my said Dwellinghouse Sugarhouse and Distillinghouse and Lodgehouse Lands

Houses Outhouses Orchards and Gardens will all appurtenances unto my Son Benjamin Buttall his Heirs and Assigns for Ever. And the other Moiety thereof unto my Son John Buttall his Heirs and Assigns for Ever.

**Item** I give and bequeath my part of all the Goods Utensils Vessels and Implements standing and being in or belonging to the said Sugarhouse and Distillinghouse and also my yearly Rent of one hundred pounds payable for the said Sugarhouse Goods Utensils Vessels and Implements whatsoever unto my said Wife for and during the Term of her Life and after her decease I give and bequeath my part of the said Goods Utensils Vessels and Implements unto my said Sons Benjamin Buttall and John Buttall equally to be divided between them share and share alike.

**Item** I give devise and bequeath my Field houses and Gardens in Plymouth in the said County of Debon unto my said Wife for and during the Term of her naturall Life and after her decease then I give devise and bequeath the same unto my Son Humphry Buttall his Heirs and Assigns in pursuance of and according to the Articles of Settlement made upon my said Son Humphry's inter marriage with Sarah his now Wife.

**Item** Whereas on or about the eighth day of September in the year of our Lord One thousand Seven hundred and Twelve I and my said Son Humphry Buttall entered into Articles of Copartnership] and the sume of Four thousand pounds was advanced by me and my said Son Humphry Buttall for the carrying on and managing of a joint Trade in the refining of Sugars and distilling of Spirits at the Sugar House at Cockside in Plymouth aforesaid where my Son Humphry Buttall dwells the one Moiety of which Four thousand pounds was and is the proper money of me and the other Moiety thereof was and is the proper moneys of my said Son Humphry Buttall

Now I do hereby give and bequeath unto my said Wife the use of my Two thousand pounds or of my Moiety of the said Four thousand pounds in joynt Trade as aforesaid and all the profits produce and increase thereof for and during the Term of her naturall Life only she bearing and sustaining one Moiety of the losses and bad debts that may or shall happen to the said joynt Trade during her Life according to the true intent and meaning of the said Copartnership.

**Item** Whereas on or about the first day of April in the year of our Lord One thousand Seven hundred and Eighteen I entered in Copartnership with my two Sons Benjamin Buttall and Charles Buttall to carry on and manage the Art and Trade of refining of Sugars and distilling of Spirits in the said Sugarhouse and Distillinghouse at Topsham aforesaid for the better carrying on and managing of which Art and Trade the sume of five thousand seven hundred and eighty and four pounds was advanced and paid in such manner and parts as are hereinafter mentioned. That is to say two thousand and one hundred pounds by me Two thousand one hundred and nine pounds by my said Son Benjamin Buttall and one thousand five hundred and seventy five pounds by my said Son Charles Buttall. Note I do hereby give and bequeath the use of my part and interest in the said sume of five thousand seven hundred and eighty and four pounds and of my whole dividend part and share of the increase and gains thereof unto my said Wife for and during the Term of her naturall Life she bearing and also sustaining my part of the losses and disadvantages in like manner and proportion as I myself must have done had I lived

**Item** I give and bequeath unto my said Wife the One thousand Acred of Lands in Carolina which I bought of the proprietors measured out and adjoining to Edistone River and registered in the records of Carolin and lying about Seven Miles from the Town called New London for and during the Term of

her naturall Life and I do hereby authorize and impower my said Wife to sell and dispose of the inheritance thereof or of any part thereof as she shall think fit unto any person or persons whatsoever or to give and devise the same unto any more of her Children that she shall find most dutiful and obedient to her or otherwises to dispose thereof as to her shall seem most meet and conbenjent.

**Item** I give and bequeath unto my said Son Charles Buttall his Executors Administrators and Assigns the remainder of all my Interest in a long Lease of ninety and nine years of and in certain Lands Houses Orchards and Gardens which were given unto me in and by the Will of my late Uncle George Buttall and which are lying and being in the Down of Wrexham in the County of Denbigh in Wales provided that my said Son Charles Buttall his Executors Administrators and Assigns do and shall pay the clear yearly Rents issues and profits thereof unto my Antient Sister Abigail Owen for so many years or so long time as she shall live and do and shall also allott unto my Cousin Mr Joshua Buttall Twenty shillings a year so long as he shall live in looking after and taking care of the said last mentioned premises in Wales and seeing the same kept Tenantabel and in good repair.

**Item** I give and bequeath unto my Niece Dorcas Jackson the Wife of Mr Abraham Jackson of Moreton in the said County of Devon all the moneys her husband owes me upon Bonds and all the Interest thereof and I will that my Executrix do and shall deliver up the said Bonds to be cancelled.

**Item** I give and bequeath unto all my Grandchildren that shall be living at the time of my decease Five pounds peice to buy Mourning.

**Item** I give and bequeath unto my Cousins Mr Thomas Green and his Wife Five pounds a peice for Mourning and I desire my said Cousin Mr Green to assist and advise my said Executrix in the Execution of this my Will.

**Item** I give and bequeath unto the poor of Topsham aforesaid the sune of Five pounds to be paid unto and distributed amongst such of them and in such shares and proportions as my said Executrix shall think fit.

**Item** All the Rest and residue of my Goods Chattles personal and Testamentory Estate whatsoever not hereinbefore particularly given devised and bequeathed I hereby give and bequeath unto my said dear and loving Wife Mary Buttall whom I hereby nominate make and ordain whole and sole Executrix of this my last Will and Testament on purpose to oblige all my Children to pay unto their Mother that obedience respect and honour that is due to her provided always nevertheless and my express will and meaning is and so hereby declared to be that all and every Legacy and Legacies herein and hereby given unto my said Wife of which she is to have the use of for the Term of her Life only and not by me further given devised or bequeathed after her Death do and shall immediately upon and after her decease discend remain and come unto all my Children That is to say to my Sons Benjamin Buttall John Buttall Humphry Buttall and Charles Buttall and to my Daughters Mary the Wife of Mr Nathaniel Hodges Sarah the Wife of Mr Thomas Wiggington and Elizabeth the Wife of Mr Abraham Wells and unto their Executors Administrators and Assigns equally to be divided between them share and share alike to whom I hereby give devise and bequeath the same accordingly And my Will and desire is that my said dear and loving Wife do and shall after my Death always keep a Will by her or some other Instrument in writing sp as that thereby all and every the Legacy and Legacys herein and hereby given devised and bequeathed unto her by me or which

she is to have the use of for and during her Life only do and shall immediately upon and after her Death descend remain and come unto all my Children their Executors Administrators and Assigns equally to be divided between them share and share alike in manner and form as aforesaid and according to the true intent and meaning of this my last Will and Testament In witness whereof I have here unto sett my hand and seal this four and twentieth day of January in the fifth year of the Reign of our Sovereign Lord George by the Grace of God of Great Britain France and Ireland King Defender of the Faith ey Anno Domin One Thousand Seven Hundred and Eighteen signed sealed published and declared by the said Samuel Buttall as and for his last Will and Testament in the presence of us whose names are unto subscribed and who also subscribe our names as Witnesses hereunto in the presence of the said Testator.

*Samuel Buttall*

*Dan Coleman      Thos Simpson      In Grant*

Will proved 17 November 1723

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*Transcribed by **Kenneth F Buttall** (7x Great Grandson) – March 1988  
From the original document at Devon Record Office, Exeter  
(Ref z7 Box 24)*

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[Editor's note: The fonts used for the body text of the Will and for the signatories, are no reflection of those used on the original document, and have been chosen merely for effect. In fact I have never seen the original document, and its inclusion here is intended simply for readers' interest, rather than presented as an authentic item of legal correctness or historical accuracy.]

Philip R Buttall E&OE – May 2007