

This will document transcribed and provided by Mr. Marcus Tunaley
as a resource for researching the Tunaley family

Henry Tunaley 1800-1874

This is the last will and testament of me Henry Tunaley of Derby in the county of Derby Dyer. In the first place I direct the payment of all my just debts / except trade debts / and funeral and testamentary expenses by my trustees and executors hereinafter named as soon as conveniently may be after my decease and of my personal estate not hereby specifically bequeathed I give and bequeath the following legacies or sums of money that is to say to Alfred Tunaley, Thomas Tunaley and Kate or Katherine Tunaley the children of my late brother Edward Tunaley deceased the sum of one hundred pounds each. To Helen or Ellen Tunaley, Jane Antill and Ann Walker three of the children of my brother Samuel Tunaley the sum of one hundred pounds each and to Thomas Tunaley, Alfred Tunaley and Samuel Tunaley other children of my said brother Samuel Tunaley the sum of fifty pounds each. And I direct that all the said legacies shall be payable out of my personal estate not hereby specifically bequeathed at the expiration of six calendar months from the time of my decease. I give and devise all that that my one fifth part or share and my one tenth part or share and all other (if any) my share estate and interest of and in all that messuage dwelling house or tenement occupied as an inn and called or known by the name or sign of "the Royal Oak" situate in or near the Market Place in Derby aforesaid with the outbuildings yard and appurtenances thereto belonging now or late in the occupation of William Barnes and also of and in that messuage or tenement with the shop adjoining the Royal Oak aforesaid and fronting the Market Place and in the occupation of John Turner provision dealer Also of and in the watchmakers shop and premises also adjoining the Royal Oak aforesaid and fronting the Market Place and in the occupation of George Fearn watchmaker and also of and in a messuage or tenement situate in Tenant Street in Derby aforesaid also adjoining the Royal Oak aforesaid and occupied by Joseph Smithard Tailor also all that my moiety or equal half part or share and all other if any my share estate and interest of an in all that messuage dwellinghouse or tenement and shop situate in Tenant Street aforesaid in the occupation of Benjamin Bennett Tinman and also of and in the Coach House in Tenant Street aforesaid in the occupation of the said John Turner unto and to the use of my nephew Frank Tunaley now of Wolverhampton in the County of Stafford son of my brother Edward Tunaley his heirs and assigns absolutely. I give and bequeath and hereby release to Sarah Tunaley and Elizabeth surviving daughters of my late brother Thomas Tunaley deceased all and every sum and sums of money in which they or either of them or the estate of my said late brother shall be indebted to me at the tome of my decease or mortgage, bond note or otherwise however and I give and devise all those my three houses situate at the top of Parliament Street and Boundary Road in the borough of Derby with the yards gardens outbuildings and appurtenances thereto now in the occupation of Mr Roe, Mr Durance and Mr Wilkinson unto and to the use of the said Sarah Tunaley and Elizabeth daughters of my said late brother Thomas Tunaley deceased their heirs and assigns as tenants in common for their own exclusive benefit. I give devise and bequeath all that my messuage dwellinghouse or tenement situate in or near Tenant Street in Derby aforesaid with the outbuildings, Dye Works, Steam Boiler and apparatus, Dye Woods, Drugs, Stock in trade as a Dyer, trade utensils household goods and furniture, plate linen china books prints fixtures cash in house and bank, book debts owing to me in respect of my said trade and all other my effects whatsoever in and about the messuage buildings and premises occupied by me situate in or near Tenant Street aforesaid Also all that my Butchers Shop situate in Market Street in Derby aforesaid and adjoining my dye works late in the occupation of Michael Robinson and now of Joseph Clayton Also all that my house and shop situate in Tenant Street aforesaid in the occupation of Job

Wright confectioner Also all that my shop situate in Tenant Street aforesaid in the occupation of Isaac Drew Hair Dresser unto and to the use of my Brother William Tunaley his heirs executors administrators and assigns for ever charged nevertheless with the payment of all debts owing from me at the time of my decease in respect of my said trade or business as a Dyer I give and devise all those my five messuages dwellinghouses or tenements with the outbuildings and appurtenances thereto belonging situate in Oxford Street Litchurch in the county of Derby now or late in the respective occupations of Messieurs Mills, Stone, Holmes Gadd and Moreton unto and to the use of my Brother Samuel Tunaley for and during the term of his natural life for his own benefit And I give and devise the same from and immediately after the decease of my said Brother Samuel Tunaley unto and to the use of my nephew Edward Tunaley son of the said Samuel Tunaley his heirs and assigns absolutely. I give and devise all those my six newly built messuages dwellinghouses or tenements situate in and fronting to the Osmaston Road in Litchurch aforesaid with the outbuildings yards gardens and appurtenances thereto now or late in the respective occupations of messieurs Budden, Woodcock, Hanson, Cooper, Turner and Mrs Wilkinson Also all those three newly erected messuages dwellinghouses or tenements adjoining or situate near to the last mentioned messuages and hereditaments and fronting to Oxford Street aforesaid and now or late in the respective occupations of Messieurs Tallow, Twigg and Armitage unto and to the use of Sarah Tunaley the widow of my late Brother John Tunaley deceased for and during the term of her natural life in case she shall so long continue a widow and unmarried but not otherwise and I give and devise the said six messuages dwellinghouses or tenements fronting to the Osmaston Road aforesaid with the outbuildings, yards, gardens and appurtenances thereto from and immediately after her demise or second marriage of the said Sarah Tunaley which shall first happen unto and to the use of her six elder children (that is to say) Matthew Tunaley, John Tunaley, Thomas Tunaley, Elizabeth Tunaley, Sarah Tunaley and Mary Tunaley their heirs and assigns forever as tenants in common for their own benefit. And I give and devise the said three messuages dwellinghouses or tenements or tenements with the outbuildings, yards, gardens and appurtenances thereto belonging fronting to Oxford Street aforesaid from and immediately after the decease or second marriage of the said Sarah Tunaley which shall first happen unto and to the use of Catherine Tunaley and Alexandra Tunaley the two younger children of the said Sarah Tunaley their heirs and assigns for ever as tenants in common for their own benefit absolutely. And in case any one or more of the children of the said Sarah Tunaley shall depart this life under the age of twenty one years without having lawful issue him her or them surviving then I give and devise the share or shares in the said hereditaments as well original as accruing by virtue of this clause of him her or them as dying without leaving lawful issue as aforesaid unto and to the use of the other and others of such children as aforesaid if more than one their heirs and assigns in equal shares as tenants in common and if there shall be but one then unto and to the use of such one child his or her heirs and assigns for ever I give and bequeath four hundred pounds stock in midlands four pounds per cent consols or howsoever otherwise the same ought or may be better or more accurately described now belonging to me if it shall belong to me at the time of my decease and if not then such a sum in sterling money as at the time of my decease shall be equivalent to such before mentioned stock unto and to the use of Samuel Richardson Cox esquire and Francis Walker Cox esquire sons of Samuel Walker Cox of Spondon in the county of Derby esquire upon trust that they my said trustees or the survivor of them his executors administrators or assigns do and shall if they or he shall become possessed thereof and if they or he shall think fit make sale of and convert the said stock into money and do and shall lay out the proceeds thereof or such or such sum or sums of money as may come to them or his hands or hand in lieu thereof under or by virtue of this my will all interest on Government or Real security or securities or on a debenture or debentures or mortgage preference share or shares of any public railway or other public company or companies incorporated by act or acts

of parliament and paying dividends or on any other kind of security for the time being sanctioned and made use of by the High Court of Chancery in and do and shall after and vary such security or securities from time to time for other or others of the nature aforesaid as they shall think fit and do and shall receive and take the interest dividends and proceeds thereof from time to time as and when the sum shall become due and payable and pay the same to or permit my niece Eliza Choice the eldest daughter of my brother Edward Tunaley deceased to receive the same for and during the term of her natural life for her own exclusive use and benefit independent of and free from the control debts or engagements of her present or any future husband and not to be mortgaged charged encumbered or anticipated and her receipt alone notwithstanding coverture to be from time to time a good and sufficient discharge for the same And do and shall stand possessed of the said trust monies stocks funds and securities from and after the decease of my said niece Eliza Choice In trust for all and every her children and child lawfully begotten who shall live to attain the age of twenty one years or depart this life under that age leaving lawful issue if more than one in equal shares and proportions as tenants in common And if there shall be but one such child then in trust for such one child absolutely And in case there shall be no such child of my said niece Eliza Choice who shall attain the age of twenty one years or depart this life under that age leaving lawful issue him or her surviving then my said Trustees or Trustee for the time being shall stand possessed of the said trust fund monies securities and premises In trust for all and every other the children of my said brother Edward Tunaley who shall be living at the time of my decease in equal shares and proportions as tenants in common if more than one and if there shall be but one such child then in trust for such one child absolutely I give and bequeath to my nephew Henry Tunaley the son of my Brother Edward Tunaley my Midland Railway Common Stock or howsoever otherwise better described of the present value of five hundred and fifty pounds or thereabouts for his own benefit and if I shall have parted with and be not the owner of such stock at the time of my decease then I give and bequeath to my said nephew Henry Tunaley such a sum of sterling money as shall be equivalent at the time of my decease to such stock for his own benefit absolutely I give and bequeath four hundred pounds stock in Midlands four pounds per cent consols or howsoever otherwise the same ought or may be better or more correctly described now belonging me. And also two shares in the Metropolitan District Railway and all my shares in the credit of England unto any before named trustees and in case I shall not at the time of my decease be the owner of such stock and shares last mentioned or any of them then I give and bequeath to my said trustees or trustee such sum of sterling money as shall be equivalent to the said stock and shares or such of them which I may have disposed of or cease to hold upon the trusts following that is to say upon trust that my said trustees or trustee for the time being do and shall at their or his discretion make sale of and convert into money the said stock and shares or any of them and do and shall receive and lay out the money as to be received from the sale thereof and also to be received in lieu thereof or of any portion thereof in manner before directed and do and shall receive and take the interest dividends and proceeds of the said last mentioned trust fund monies securities and premises as and when the same shall become due and payable and pay the same to or permit my niece Sarah Shaw another daughter of my Brother Edward Tunaley to receive the same for and during the term of her natural life for her own exclusive use and benefit and independent of and free from the control debts or engagements of her present or any future husband and not to be assigned mortgaged charged or anticipated and her receipt alone notwithstanding coverture to be from time to time a good and sufficient discharge for the same and do and shall receive and pay the said last mentioned interest dividends and proceeds from and after the decease of the said Sarah Shaw unto her present husband Joseph Shaw in case he shall survive his said wife for and during his natural life And do and shall stand possessed of the said last mentioned trust fund monies securities and premises from and immediately after the decease of the survivor of them my

said niece Sarah Shaw and her said Husband. In trust for all and every the children and child lawfully begotten of my said niece Sarah Shaw who shall live to attain the age of twenty one years or departed this life under that age leaving lawful issue in equal shares and proportions as tenants in common if more than one and case there shall be only one such child lawfully begotten of my said niece Sarah Shaw who shall live to attain the age of twenty one years or depart this life under that age leaving lawful issue then my said trustees or trustee for the time being do and shall stand possessed of the said last mentioned trust fund monies securities and premises In trust for all and every the children lawfully begotten of my said Brother Edward Tunaley living at the time of my decease in equal shares and proportions as tenants in common and if but one such child then in trust for one such child absolutely And subject as before hereto mentioned I give devise and bequeath all other my real estate if any and all my monies and securities for money book debts and all other my personal estate of what nature or kind soever and wheresoever unto and to the use of my brother William Tunaley his heirs executors administrators and assigns for his and their own benefit absolutely charged nevertheless with the payment of all my just debts and funeral and testamentary expenses I direct that it shall be lawful for the trustees or trustee for the time being of this my will to apply the interest dividends and proceeds and unto and rents and share thereof respectively of any minors expectant or presumptive share of or in any real or personal estate under this my will and also any part of his or her share in the principal of any monies or estate in or towards his or her maintenance education and advancement or preferment in the world notwithstanding and during his or her minority I devise all estates vested in me as trustee or mortgagee unto and to the use of the said Samuel Richardson Cox and Francis Walker Cox their heirs executors administrators and assigns upon and subject to the trusts and equities affecting the same. Provided always and I do hereby declare that my trustees and executors for the time being their and his heirs executors or administrators shall not be liable for any loss which may happen in the executor of the trusts hereby in them or him reposed unless the same shall happen through their own wilful negligence or default nor 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 respectively 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 accepts a composition 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 and generally to act as they or he may think beneficial to my estate I appoint the said Samuel Richardson Cox and Francis Walker Cox executors of this my will I hereby revoke all former wills by me made. In witness whereof I have to this my last will and testament subscribed my name the tenth day of December One Thousand Eight Hundred and Seventy Three _____ Henry Tunaley _____ Signed by the testator Henry Tunaley as his last will and testament in the presence of us present at the same time who at his request in his presence and in the presence of each other have subscribed our names as witnesses _____ Wm Hy Sale, Solicitor Derby _____ Henry Mills clerk to Mr Sale Solrs Derby

This is a codicil to the last will and testament of me Henry Tunaley of Derby in the county of Derby Dyer which will bears the date the tenth day of December One thousand eight hundred and seventy three. Whereas I have in and by my said will given and bequeathed to my nephew Henry Tunaley the son of my brother Edward Tunaley mt Midland Derby Common Stock or

howsoever otherwise better described And if I should have parted with and not be the owner of such stock at the time of my decease then I have given and bequeathed to my said nephew Henry Tunaley such a sum of sterling money as should be equivalent at the time of my decease to such stock. Now I do hereby entirely revoke such gifts and bequests to my said nephew Henry Tunaley and I hereby give and bequeath to him in lieu thereof a legacy or sum of one hundred pounds sterling to be paid at the expiration of twelve calendar months from the time of my decease. I give and bequeath to each of the three children of my said nephew Henry Tunaley namely Eliza, Kate or Catharine and Hannah Tunaley one share in my said Midland Railway Common stock or howsoever otherwise better described and if I shall have parted with and not be the owner of such stock at the time of my decease then I give and bequeath to each of them the said Eliza Kate or Catherine and Hannah Tunaley such a sum of sterling money as shall be equivalent at the time of my decease to one share in such stock. And in case any one or more of them the said Eliza Kate or Catherine and Hannah Tunaley shall depart this life in my lifetime leaving lawful issue living at the time of my decease such issue shall be entitled to the share or legacy of such one so dying if more than one in equal shares as tenants in common. And in case any one or more of them the said Eliza Kate or Catherine and Hannah Tunaley shall depart this life in my lifetime without having lawful issue her or them surviving living at the time of my decease then the share or legacy is given to her or them so dying and any accumulation by virtue of this clause shall go to the others or other of the said Eliza Kate or Catherine and Hannah Tunaley who shall be living at the time of my decease if more than one in equal shares as tenants in common and if there shall be but one to such one. And to the lawful issue (if any) living at the time of my decease of each of them the said Eliza Kate or Catherine and Hannah Tunaley as shall have departed this life in my lifetime leaving lawful issue. In other respects I confirm my said will in witness thereof I have to this codicil to my said will subscribed my name the twenty sixth day of January One Thousand eight hundred and seventy four _____ Henry Tunaley _____ Signed by the testator Henry Tunaley as a codicil to his last will and testament in the presence of us present at the same time who at his request in his presence and in the presence of each other have subscribed our names as witnesses _____ Henry Mills _____ Ernest Hy Pedley – Clerks to Mr Sale Solcra Derby

Proved at Derby with a codicil the 23rd day of March 1874 by the oaths of Samuel Richardson Cx esquire and Francis Walker Cox esquire sons of Samuel Walker Cox esquire the nephews and the executors named in the will to whom administration was granted. The testator Henry Tunaley was late of No.5 Tenant Street Derby in the County of Derby and died on the 16th day of February 1874 at Derby aforesaid.

Effects under £3000

Extracted by J & W Hy Sale, Solicitors, Derby
