

Will of Edward Everest of Cowden 1809 (Part)

PROB 11/1605

Will made 15 June 1809 with codicil 16th June 1816, probate 16 June 1818

This is the Last Will and Testament of me Edward Everest of Cowden in the County of Kent Butcher made the fifteenth day of June in the year of our Lord one thousand eight hundred and nine Imprimis I will order and direct that all my just debts Funeral and Testamentary Expenses be fully paid and satisfied by my Ex[ecut]ors hereinafter named as soon as conveniently as may be after my decease Item I give and bequeath unto my dear wife Mary all such part of my household Goods Beds Bedding and other Household Furniture (except Plate and Linen) as she may think fit and shall make choice of for the purpose of Furnishing a house for her own Residence with such of my Children as shall not be otherwise provided for at the time of my decease Also I give and bequeath unto my said wife Mary and to all my Children namely James Edward Elizabeth Sophia Mary Henry Thomas and Harriett and to all and any other Child and Children lawfully begotten that I shall have at the time of my decease or that my said wife Mary shall be Ensient with at that time All my Plate and Linen of every kind and description to be equally divided between them in such way and manner as they shall think proper And in case any of my said Children shall be dead at the time of my decease then the same shall be divided between such of them as shall be then living or be born in the time thereafter And I do direct that the shares of my said Children Mary Henry Thomas and Harriett and such other Child or Children as shall be born at the time of my decease or that my said wife shall be Ensient with at that time of and in the said Plate and Linen shall be delivered to and used and enjoyed by my said wife Mary until the youngest or such Children shall arrive to the age of twenty one years at which time their share of such plate and linen as shall be then in the hand of my said wife shall be delivered to such Child or Children respectively as shall be then living but all allowances to be made for reasonable wear and tare And as to for and concerning all and singular the residue of my Household Goods Stock in Trade and other Property both Real and Personal which I shall be possessed of or entitled to or over which I shall have dispersing power at the time of my decease of what nature or kind soever I give devise and bequeath the same and every of them and every part and parcel thereof unto Obed Woodhams of the Parish of East Grinstead in the County of Sussex Yeoman and James Stanford of the Parish of Lingfield in the County of Surrey Miller their Heirs Exors and Admons according to the nature of the said Estates and Property respectively upon the several Trusts and to and for the several Ends Interests and Purposes hereinafter declared of or concerning the same That is to say in case my said wife and Obed Woodhams and James Stanford or my said wife and either of them the said Obed Woodhams and James Stanford shall upon consideration seem it expedient and proper that my said wife shall carry on the Trade or Trades or other Business or Concerns in which I may be Engaged at the time of my decease than and in such case upon trust that they the said Obed Woodhams and James Stanford or the survivor of them or the Heirs Exors or Admons of such survivor do and shall by and out of my Real and Personal Estate Property and Effects hereby devised and bequeathed to them as aforesaid by such

ways and means as to them or either of them shall seem best raise and pay or retain to or for the use or benefit of her my said wife at such times and in such manner as to them may seem requisite and expedient a Sum not exceeding two hundred and fifty pounds (including the appraised value of the Stock in Trade I may be possessed of) for the End and Purpose of enabling my said wife to carry on the said trade or Business And it is my desire that the person or persons who may be possessed of the House Shop and Premises wherein I now dwell (the same being given to my Children by my first wife by the will of her Father Wm Weller) may for the same End and Purpose permit and suffer my said wife to use occupy and enjoy (for and during such time as she shall carry on the same and shall continue my widow) All the said House Shop Buildings Land and Premises as at the time of my decease shall be used or holden by me for carrying on the same or otherwise in relation thereunto at such a Rent as shall be termed reasonable for the same And I do declare it to be my will and meaning and do accordingly direct that the said Trade and Business if carried on by my said wife shall be so carried on and the profits and proceeds thereof be received and retained by her for the support of herself and the Maintenance and Education of such of my said Children as shall then be under the age of twenty one years and during their respective minorities And upon this further trust that in case it shall not be thought advisable for my said wife to carry on the said Trade or Business after my decease or in case after trial thereof it shall be thought expedient that she should discontinue to carry on the same or in case of her marrying again then and either of the said cases that they the said Obed Woodhams and James Stanford and the Survivor of them and the Heirs Exors Admons and Assigns of such Survivor do and shall with all convenient speed after my decease or after such relinquishment of such Trade and Business as aforesaid as the case may be sell and dispose of my said Trade and of the Goodwill thereof and sell and dispose of all the Stock in Trade and other Effects and Premises that I may be possessed of in the manner hereinafter directed And after Sale and disposition thereof in case my said wife shall remain my widow and unmarried and it shall be thought advisable and proper for her and she shall be desirous to get into any other line of Business that she shall be capable of managing and conducting then I direct my said Trustees by and out of my said estates and properties to raise the sum of two hundred pounds or any sum not exceeding two hundred pounds and pay the same to my said wife for the purpose of enabling her to get into or procure such other Trade or Business as she shall choose to be carried on for the benefit of my said Family during the minority of my said youngest Child and when such Child shall attain the age of twenty one years the said Sum of two hundred pounds so to be advanced to my said wife to be considered part of the residue of my said Estate and Dividend accordingly And upon this further trust that they the said Obed Woodhams and James Stanford and the Survivor of them and the Heirs Exors or Admons of such Survivor shall and do as soon as conveniently may be after my decease if it shall be thought expedient and proper by them and my said wife so long as she shall remain my widow sell and dispose of all and every the rest and residue of my Household Goods Stock in Trade and all other my Real and Personal Estate Effects and Premises that I may be possessed of as aforesaid and other property of a saleable nature either together and in one lot or in parcels and several lots and either by public sale or by private contract as to them my said Trustees with the Consent and

approbation of my said wife so long as she shall remain a widow shall seem meet and also to make execute and present all necessary or proper Deeds Writings Conveyances Surrenders and Assurances for the purpose of investing the same in any Purchaser or Purchasers thereof or in such person or persons and for such uses intents and purposes as they my said Trustees or Trustee shall be a good valid and sufficient acquittance and discharge or good valid and sufficient acquittance and discharges to the person or persons respectively who shall become the purchaser or purchasers of all or any part of my said Estates ?? ??to be sold for all or any part of the Money to be by them or either of them paid for the same or so much thereof as in such receipt or receipts respectively shall be acknowledged to be received and that the person or Persons respectively who shall become such purchaser or purchasers shall not after paying his her or their said purchase money to my said Trustee or Trustees for the time being or to his her or their order be answerable or accountable for the misapplication or nonapplication of the same or any part thereof And I do hereby will direct and ordain that they my said Trustees do and shall at all times and from time to time stand possessed of and interested in the money to arise by all every or any such sale or sales and also of and in the rest and residue of my Personal Estate and Effects after payment of my Debts Funeral and Testamentary Expenses and the Charges and Expenses attending the Ex[ecuti]on of the Trusts of this my Will Subject to the raising and paying to my said wife the said Sum of two hundred pounds in the event aforesaid if it shall be thought advisable and proper by them my said Trustees and my said wife In Trust to lay out and invest the same in the purchase of Parliamentary Stocks or Funds of Great Britain or upon other such Security at Interest in the Names of them my said Trustees and do and shall alter and vary the same as and when they shall think proper And also do and shall pay apply and dispose of the Rents Issues and growing proceeds of my said Estate and Effects in the meantime and until such Sale upon the Trust and for the several Ends Intents and Purposes and with under and subject to the powers provisos conditions and declarations hereinafter expressed concerning the same (that is to say) In trust to pay apply and dispose of the Interest Divisions and other proceeds of the Funds and Securities upon which the said monies shall be so invested and the Rents Issues and proceeds of all other my Estates and effects whatsoever until Sale and Investment unto such person or persons and for such ends intents and purposes as my said dear wife so long as she shall continue my widow and until the youngest of my said Children shall attain the age of twenty one years shall by any note under her hand direct or appoint and in default of any such direction or appointment and as to so much thereof of which no such direction or appointment shall be made then to lay the same into the hands of my said dear wife or her assigns or otherwise permit or authorize her and them to receive take and retain the same without account or control so long and during such time as she shall continue my widow and unmarried and until the youngest of my said Children shall attain the age of twenty one years for the maintenance and support of herself and the maintenance support and Education of my said younger Children hereinbefore named and such other of my children (if any) who shall be living at the time of my death (or be born in the time thereafter) during their respective minorities and from and immediately after the decease of my said wife in case the youngest of my said Children shall not then have attained the age of twenty one years upon further trust that they the said Obed Woodhams and James Stanford

or the Survivor of them or the Exor Admons or Assigns of the Survivor or other the Trustee or Trustees for the time being of the said trust Estate and ?? do pay and apply the said Interest Dividends and other proceeds and the Rents Issues and Profits of my said Estate unto and for the support and maintenance of my said younger Children until the youngest of them shall have attained the age of twenty one years and from and immediately after such youngest child shall have attained such age whether my said wife shall be then living or not then In trust to pay transfer and assign all and singular the said Trust Monies and Proceeds (subject to the proviso hereinafter mentioned) unto amongst and equally between such of my said Children as shall be then living and the Issue of such of those as shall have departed this life in the meantime leaving Issue then living and John Scofield the Son of my said wife Mary by her former husband if then living to be divided between them my said Children and their Issue and the said John Scofield respectively in such manner that they may take their respective shares as Tenant in Common and that the Issue of any of my said Children who shall have departed this life may as between and amongst themselves take as Tenants in Common ?? ?? and not per capita and so as

And I do nominate constitute and appoint my said dear wife and the said Obed Woodhams and James Stanford Ex[ecu]trix and Exors of this my Will hereby involving and making void all former and other wills by me made In witness whereof I the said Edward Everest the Testator have to this my Last Will and Testament contained in five sheets of paper set my hand and Seal as follows my Hand and Seal at the top of the first sheet where the same are affixed together my Hand at the Bottom thereof and at the bottom of the four following sheets and my Hand and Seal to this last Sheet the day and year first before written Edw^d Everest (*signature*) Signed Sealed Published and Declared by the said Edward Everest the Testator as and for his last Will and Testament in the presence of us who in his presence at his request and the presence of each other have hereunto subscribed our names as witnesses J Stone Sol^r Tunbridge Wells Jemima Stone W^m Millington

Whereas I Edward Everest of Cowden in the County of Kent Butcher have made and published my last will and testament bearing date the fifteenth day of June one thousand eight hundred and nine and have thereby among other things given an equal share of my property (except as appears in my said will) unto John Scofield the son of my first wife Mary by her former husband Now I do by this writing which I declare to be a Codicil to my said will and to be taken as part thereof revoke all part of my said will as gives a share or Interest in the aforesaid property and declare all such gifts & bequests to be absolutely void And in lieu thereof I do hereby give and bequeath to the said John Scofield the Sum of Forty pounds which I direct to be paid to him as soon as conveniently may be after the decease of my said wife Mary And I do hereby appoint Joseph Gainsford of Cowden in the County of Kent aforesaid Shopkeeper a Trustee jointly with Obed Woodhams and James Stanford the Trustees named in my said will And I do hereby give devise and bequeath all such parts of my Real and Personal Estate as are given to the said Obed Woodhams and James Stanford their Heirs Exors and Admons unto the said Obed Woodhams James Stanford and Joseph

Gainsford their Heirs Exors and Admons according to the nature of the said Estate and property respectively upon the several Trusts and and for the several ends Intents and purposes declared and expressed in and by my said will (save and except that part of the Trust thereof which gives a share in such Trust Estate and Property unto the said John Scofield which Gift and Bequest is hereby void as aforesaid) And in order to prevent any misconstruction of that part of my said will which gives to my dear wife Mary such part of my Household Goods Beds Bedding and other Household Furniture except Plate and Linen as she shall make choice of I do hereby declare my will and meaning to be that she my said wife shall have and enjoy all such goods and Furniture to and for her own absolute use and benefit And I do hereby confirm all and every part of my said will except what is herein and hereby revoked and made void and do direct that all the stipulations and provisos in respect of the powers and authority of my said Trustees shall equally apply to and for the power and authority of the said Joseph Gainsford as of the said Obed Woodhams and James Stanford In witness whereof I the said Edward Everest the Testator have to this Codicil which I declare to be a part of my said will set my hand and seal the sixteenth day of March in the year of our Lord one thousand eight hundred and sixteen Edw^d Everest (*signature*) Signed Sealed Published and Declared by the said Edward Everest the Testator as and for a Codicil to his last Will and Testament in the presence of us who in his presence at his request and in the presence of each other have hereunto subscribed our names as witnesses Rich^d Gainsford - John Gainsford - J Stone

Proved at London with a Codicil 16th June 1818 before the Judge by the Oaths of Mary Everest W^o Kⁿ relict Obed Woodhams & James Stanford the Exors to whom Admon was granted being first sworn by Comon duly to Adm[iniste]r