

Edward Young of Speldhurst, yeoman 1849

Prob 11/2121/287

Will made 17th July 1849 Probate 10th October 1850

This is the last Will and Testament of me Edward Young of Speldhurst in the County of Kent I give and bequeath unto my **Wife Mary Young** absolutely all my household furniture plate linen china and glass and I give devise and bequeath unto **John Turley of Speldhurst** aforesaid Yeoman and my **Brother in Law James Hopkins** of Lower Green in the parish of Speldhurst aforesaid Blacksmith their heirs executors administrators and assigns All that messuage or tenement with the barn stables outhouses buildings yards and premises thereto belonging And all those several pieces or parcels of land to the said messuage adjoining and used therewith containing by estimation twelve acres be the same more or less situate lying and being in Speldhurst aforesaid and now in the occupation of Mrs Jane Young and all other my Real Estate whatsoever (if any) And also all my Residuary Personal Estate comprising my farming stock both live and dead money securities for money and other Personal Estate not hereinbefore specifically bequeathed Upon Trust As to my said Residuary Personal Estate that they the said John Turley and James Hopkins or the Trustees or Trustee for the time being of this my Will do and shall as soon as conveniently may be after my decease call in and convert into money such part thereof as shall not consist of money and stand possessed of and interested in the monies to arise from such calling in and conversion and of and in the ready money of which I shall be possessed at my decease Upon Trust out of the same to pay and discharge my funeral and testamentary expenses and debts and the costs and expenses to be incurred in or about the calling in or conversion into money of my said Residuary Personal Estate or in or about the execution of the trusts aforesaid And do and shall lay out and invest the surplus or residue of the said monies in the names or name of them the said John Turley and James Hopkins or the Trustees or Trustee for the time being of this my Will in the purchase of a competent share or shares of any of the Parliamentary Stocks or public Funds of Great Britain or at interest upon Government or real Securities with power to alter vary or transpose the said Stocks Funds or Securities into or for other Stocks Funds or Securities of the same or like nature at their or his discretion And do and shall pay the interest dividends and annual proceeds of the said trust monies stocks funds or securities and also the rents and profits of my said Real Estate or permit the same respectively to be received by my said Wife during her life for the support and maintenance of herself and of my **Sister in Law Sarah Hopkins** now living with me And I do hereby declare and direct that if my said Wife shall die before the said Sarah Hopkins then that the Trustees or Trustee for the time being of this my Will shall pay to the said Sarah Hopkins the sum of six shillings per week but with full discretionary power to increase that sum to such sum as to them my said Trustees or Trustee shall seem fit in case of illness of the said Sarah Hopkins or even while in health if that sum shall not seem sufficient And I do hereby further declare that if at any time during the life of my said Wife the Trustees or Trustee for the time being of this my Will consider the interest dividends and annual proceeds rents and profits to be insufficient for the support of my said Wife either during the lifetime of the said Sarah Hopkins or afterwards in the case of my said Wife surviving her it shall be lawful for my said Trustees or Trustee to advance such part of the principal of the said trust monies stocks funds and securities to make up such deficiency as to my said Trustees or Trustee shall seem necessary And I direct that if the said Sarah Hopkins shall survive my said Wife and there shall be any surplus out of the same

interest dividends rents and profits after paying thereout to the said Sarah Hopkins the said sum of six shillings weekly or such other or further sum as my said Trustees under the discretionary power hereinbefore contained shall see fit to pay her then such surplus shall be invested by the said Trustees or Trustee for the time being of this my Will and be suffered to accumulate at compound interest until the decease of the said Sarah Hopkins and after her decease be added to my general Personal Estate and divided as hereinafter is mentioned And after the decease of the survivor of them my said Wife and the said Sarah Hopkins I direct the Trustees or Trustee for the time being of this my Will to stand possessed of the said trust moneys stocks funds and securities or such part of the same as may remain in case any part of the principal shall have been advance by my said Trustees or Trustee under the clause hereinbefore contained Upon the trusts hereinafter declared thereof as part of my general Personal Estate And after the decease of the survivor of them my said Wife and the said Sarah Hopkins I declare that it is my will that the said John Turley and James Hopkins or the Trustees or Trustee for the time being of this my Will do and shall as conveniently may be after the decease of such survivor absolutely sell and dispose of my said Real Estate either altogether or in parcels and either by public auction or private contract for such price or prices or sum or sums of money as the said John Turley and James Hopkins or the Trustees or Trustee for the time being of this my Will shall think reasonable with power to buy in he said premises or any part thereof at any sale or sales by auction and to rescind abandon or vary any contract for sale and to resell the premises which shall be so bought in or the contract for sale of which shall be so rescinded or abandoned as aforesaid without being answerable for any loss which may happen thereby respectively and also with power to insert any special or other stipulations in any contract for or conditions of sale either as to title or evidence of title or otherwise and with power to enter into and execute all such contracts conveyances and assurances as shall be necessary And do and shall stand possessed of and interested in the purchase money to arise from the sale of my said Real Estate and also of and in the trust moneys stocks funds and securities in or upon which my said Residuary Personal Estate may be then invested and also the moneys and accumulations of income to arise during the lives of them my said Wife and the said Sarah Hopkins or either of them under the provision hereinafter contained and the Stocks Funds and Securities in or upon which the same may be then invested And all which moneys stocks funds and securities will then form my general Personal Estate Upon Trust to divide the same into twelve equal parts or shares and distribute the same parts or shares in manner following (that is to say) Ten equal twelfth parts or shares equally between my **Brothers and Sisters William Young Ann the Wife of Thomas Hopkins and Henry Young** and my **Brothers in Law and Sisters in Law John Hopkins Thomas Hopkins William Hopkins Elizabeth the wife of Robert Lipscomb George Hopkins James Hopkins and Richard Hopkins** or the issue of such of them as shall be dead at the decease of the survivor of them my said Wife and the said Sarah Hopkins leaving issue then living such issue nevertheless to take between them only the share or shares to which their respective Parents would have been entitled to if living One other equal twelfth part or share to such of the daughters of my late **Brother in Law Samuel Hopkins** deceased namely **Hannah Hopkins Jane Hopkins** and **Sarah Elizabeth Hopkins** as shall be living at the decease of them my said Wife and the said Sarah Hopkins and the issue of such of them as shall be dead leaving issue then living such issue to take equally among them only their parents shares and to invest the remaining twelfth part or share in such manner as to them my said Trustees or Trustee for the time being shall seem most desirable and to pay the interest and income of the same investment unto or permit the same to be received by **Jane Young** the Widow of my late **Brother**

Richard Young deceased for and during her life in case she shall be living at the decease of them my said Wife and the said Sarah Hopkins And Upon Trust at the decease of the said Jane Young to divide the same twelfth part or share equally between such of the Children of the said Richard Young as shall be living at the decease of the said Jane Young and at the decease of them my said Wife and the said Sarah Hopkins And I declare that if any or either of them the said William Young Ann Hopkins Henry Young John Hopkins Thomas Hopkins William Hopkins Elizabeth Lipscomb George Hopkins James Hopkins and Richard Hopkins shall not be living at the decease of them my said Wife and the said Sarah Hopkins and shall not have left any issue then living then that the share or shares of such one or more so dying without issue shall fall into and become part of my said general Personal Estate and be divided in to equal shares among such of the said several persons among whom the same is hereinbefore directed to be divided (with the exception nevertheless of the said Jane Young) as shall be then surviving or the issue of such of them as shall be dead leaving issue then living in manner aforesaid but in the cases both of the Children of the said Samuel Hopkins and of the said Richard Young and in all cases where issue shall become entitled to share such Children and Issue are to take equally between them only one share per stirpes and not per capita Provided also and I do hereby declare that it shall be lawful for the said John Turley and James Hopkins or the Trustees or Trustee for the time being of this my Will in their or his discretion to cut timber on the said lands and premises and to sell the same and to invest the proceeds arising therefrom to accumulate by way of compound interest until the death of the survivor of them my said Wife and the said Sarah Hopkins And at the death of such survivor such investments and accumulations are to become part of my said general Personal Estate and to be divided as aforesaid Provided also and I do hereby direct further that it shall be lawful for my said Trustees or Trustee for the time being to permit and suffer my said Wife to occupy the said messuage or tenement and buildings lands and hereditaments hereinbefore devised in trust or the said messuage or tenement alone and without the said lands and other premises if she my said Wife be desirous to do so And I declare my will to be that until the said messuage or tenement lands and hereditaments hereinbefore devised shall be sold under the trust in that behalf hereinbefore contained it shall be lawful for the said John Turley and James Hopkins or the Trustees or Trustee for the time being of this my Will from time to time to let the same hereditaments (if my said Wife shall choose not to occupy the same or of she shall choose to occupy any part thereof then to let such part as she shall not occupy) unto any person or persons either from year to year or for such term of years at such rent and under such conditions and in such manner in all respects as they or he shall think fit and shall pay and apply the rents and profits of the said hereditaments (after payment thereof of all costs of repairs and other outgoings which any tenant or tenants shall not be liable to pay) to the persons and in the manner hereinbefore specified And I do hereby declare that the receipt and receipts in writing of the said John Turley and James Hopkins or the Trustees or Trustee for the time being acting in the execution of the trusts of this my Will for any sum or sums of money for the purchase of the said hereditaments and Real Estate hereinbefore devised in trust for sale or any part thereof or for any other sum or sums of money which may become payable under or by virtue of this my Will or in the execution of the trusts hereof shall be a good and effectual discharge and good and effectual discharges for the money therein respectively acknowledged to be received and shall to all intents and purposes discharge the person or persons taking such receipt or receipts his her or their heirs executors or administrators from seeing to the application or being accountable or answerable for the misapplication or nonapplication of the same or any part thereof And I further give and devise

unto the said John Turley and James Hopkins their heirs and assigns all the lands and hereditaments vested in me as Trustee or Mortgagee in fee to hold the same unto and to the use of them the said John Turley and James Hopkins their heirs and assigns upon and subject to the several trust and equities affecting the same hereditaments respectively And I direct and declare that in case the said John Turley and James Hopkins or either of them or any Trustees or Trustee to be appointed under this present provision shall die or become unwilling or unable to act in the aforesaid trusts before the same shall be fully performed then and in every such case it shall be lawful for the surviving or acting Trustee or Trustees for the time being of this my Will or if there be none such then for the unwilling Trustee or Trustees or in case all the Trustees shall have departed this life then for the executors or administrators of the last surviving Trustee with the consent in writing of my said Wife during her life and afterwards of the proper authority of the person or persons to whom the present power is given to nominate any fit person or persons to supply the place or places of the Trustee or Trustees so dying or becoming unwilling or unable to act as aforesaid And that immediately after every such nomination the said trust premises shall be conveyed and transferred so and in such manner as that the same may vest in the surviving or continuing Trustee or Trustees and in such new Trustee or Trustees or in such new Trustee or Trustees solely as the case may require and such new Trustee or Trustees shall be entitled to exercise the same powers and authorities in relation to the said trust as if he or they had been appointed a Trustee or Trustees by this my Will And I hereby further declare that the Trustee or Trustees for the time being of this my Will shall be charged and chargeable only with such monies as they respectively shall actually receive by virtue of the trusts hereby reposed in them respectively notwithstanding their joining in any receipt or other act for the sake of conformity only and shall not be answerable or accountable for any loss misfortune or damage which may happen in the execution of the aforesaid trusts or any of them in relation thereunto unless the same shall happen by or through their or his own wilful default And also that it shall be lawful for the said Trustees respectively by and out of the monies which shall come to their or his hands respectively to retain or allow to each other all costs charges damages and expenses which they respectively shall sustain or expend in or about the execution of the said trusts or in relation thereto And I do nominate and appoint the said John Turley and the said James Hopkins Executors in Trust of this my Will In witness whereof I the said Edward Young the Testator have to this my last Will and Testament contained in this and four preceding sheets of paper set my hand this seventeenth day of July one thousand eight hundred and forty nine

Edward Young

Signed by the said Testator as his last Will and testament in the joint presence of us who in his presence at his request and in the presence of each other have hereunto subscribed our names as witnesses

Sydney Alleyne Solicitor Tonbridge – R W Humphreys Tonbridge Clerk to Messrs Alleyne Scoones & Walker

Proved at London the 10th October 1850 before the Worshipful William Robinson Doctor of Laws and Surrogate by the oaths of John Turley and James Hopkins the Executors to whom Administration was granted having been first sworn duly to administer