Filby Ref No 011

Will of Edward Filby of Letton 1785 Ref ANF W96 f388

TREES. 48 & 50.

96, This is the last Will and Testament of me Edward Filby of Letton in the County of Norfolk Farmer, I resign my Soul to its Creator hoping for its Happiness as in the Disposal of a Being infinitely good And I give and devise All my Messuages Lands and Tenements situate lying and being in Reymerstone and Garveston in the said County or in any other Towns or Places next or near adjoining with their Appurtenances unto (1) Edward Filby my Eldest Son and his Heirs if he shall live to attain the Age of Twenty one years But my Will is that Mary my Wife so long as she shall continue my Widow and my Brother William Filby and Brother in Law Mr William High and the Survivors and Survivor of them her or his Executors or Administrators shall and I give her him and them full Power and Authority to receive the Rents and Profits of the said Messuages Lands and Premises and to let and manage the same until my said Son Edward shall attain his said Age of Twenty one Years And I will and

Reymerstone Garveston

next

(1)

Direct that they shall pay and apply in such manner as they xn
shall think proper the Rents and Profits of the said Premises for
the Maintenances Benefits and Educations of my said Son xn
Edward and Son John and Daughters Ann Mary Elizabeth Frances
and High and such other Child or Children as I may have by the
said Mary my Wife or wherewith she may be ensient at the xn
Time of my Decease until my said Son Edward shall attain his
said Age of Twenty one Years as aforesaid And in Case my
said Son Edward shall die before he shall attain the Age of Twenty
one Years Then I give and devise all my said Messuages Lands
and Tenements with their Appurtenances unto my said Son John and
his Heirs But my Will is that the said Mary my Wife so long as she
shall continue my Widow and William Filby and William High and
the Survivors and Survivor of them her or his Executors or xn
Administrators shall and I give her him and them full Power
and Authority to receive the Rents and Profits of the said Messuages
Lands and Premises and to let and manage the same until my said
Son John shall attain his Age of Twenty one Years And I will
and direct that they shall pay and apply in such manner as
they shall think proper the Rents and Profits of the said xn
Premises for the Maintenances Benefits and Educations of my
said Son John and Daughters Ann Mary Elizabeth Frances
and High and such other Child or Children as I may have by
the said Mary my Wife or wherewith she may be ensient at the xn
Time of my Decease until my said Son John shall attain his
said Age of Twenty one Years And I give and devise all and
every my Messuages Lands and Tenements whatever an
situate lieing and being in Southborough & Cranworth in the
said County and Towns adjoining with their Appurtenances xn
which I lately purchased of John Nuthall and Richard Fydell

Esquires unto the said Mary my Wife for and during the Term of
her natural Life she keeping the Houses and Edifices in good
and tenantable repair And immediately from and after her Decease
I give and devise the said last mentioned Messuages Lands and
Premises with their Appurtenances unto my said Son John and to his
Heirs if he shall survive the said Mary my Wife Subject nevertheless
to and chargeable with and I hereby subject and charge the said
last mentioned Messuages Lands and Premises to and with the
Payment of the Sum of Two Hundred Pounds of good and lawful
Money of Great Britain unto the said High Isley my Daughter to
be paid to her when she shall attain her Age of Twenty one Years
And I give and direct the said Sum of Two Hundred Pounds so
unto and to be paid to the said High my Daughter in manner
aforesaid accordingly And my Will is in Case default shall be
made of or in Payment of the said Sum of Two Hundred Pounds
or any part thereof when the same shall become due and payable
that it shall and may be lawful for her the said High my
Daughter to enter into and upon the said last mentioned Messuages
Lands and Premises or any part thereof and to recover the
Possession of the same by Ejectment or any other legal means
and to hold and enjoy the same and the Rents and Profits
thereof to receive and take to her own Use until the said Legacy
or Sum of Two Hundred Pounds and every part thereof and
all reasonable Costs and Charges shall be fully paid and
satisfied And my Will is if the said High my Daughter
shall die before she shall attain the Age of Twenty one Years
that the said Legacy or Sum of Two Hundred Pounds
shall sink And in case it shall happen that my said Son
John shall die before the said Mary my Wife I do
give and devise all and every the said last mentioned
Messuages Lands and Premises with their Appurtenances
unto

Unto the said Hugh Tilby my Daughter and to her Heirs and Assigns subject nevertheless to and chargeable with and I do hereby subject and charge the said last mentioned Messuages Lands and Premises to and with the Payment of Two Hundred Pounds to my said Daughters Ann Mary Elizabeth and Frances Tilby and such other Child or Children as I may have by the said Mary my Wife or whosoever she may be existent at the Time of my Decease in equality between them or such of them as shall be living at the Time of the said Hugh Tilby my Daughter shall become entitled to the said Messuages Lands and Premises as aforesaid And I give and direct the said Sum of Two Hundred Pounds unto and to be paid to my said Daughters Ann Mary Elizabeth and Frances and such other Child or Children as I may have by the said Mary my Wife or whosoever she may be existent at the Time of my Decease equally between them or such of them as shall be living at the Time of Payment aforesaid accordingly And my Will is in case default shall be made of or in payment of the said Sum of Two Hundred Pounds hereby by me given or directed to be paid as aforesaid or in any part thereof when and as the same shall become due and payable as aforesaid that it shall and may be lawful to and for my said Daughters Ann Mary Elizabeth and Frances and such other Child or Children as I may have by the said Mary my Wife or whosoever she may be existent at the Time of my Decease or such of them whereon such Default shall be made and I hereby give her and them full Power and Authority to enter into and upon the said last mentioned Messuages Lands and Premises and to recover the Possession of the same by Ejectment or any other Legal Means and to hold and enjoy the same and the Rents and Profits thereof to receive and take to her and their own Use and Uses until her said

their respective Parts or shares of the said Two Hundred Pounds and all reasonable Costs and Charges shall be fully paid and satisfied Also I give and bequeath unto the said Mary my Wife the Sum of One Hundred Pounds to be paid to or received by her out of my personal Estate within three sa Calendar Months after my Decease And I give unto the said Mary my Wife such Household Goods and Furniture as she shall make choice of not exceeding the Value of Thirty Pounds And all my Monies and Securities for Money sa and all my farming Stock and the residue of the Terms for Years and Interest which shall be to come at my Decease in the Farm Lands and Tenements in Letton LETTON aforesaid and Towns adjoining which I hold by Lease from sa Thornhaugh Gurdon Esquire and all my Goods Chattels sa and Personal Estate whatever after and subject to the payment of my Funeral Expences Just Debts and Legacies herein by me given to be paid out of my personal Estate I give and bequeath unto the said Mary my Wife so long as she shall continue my Widow and to my Brother a William Tilby and William High their Executors and sa Administrators Upon special Trust and Confidence that they or the Survivors or Survivor of them or the Executors or Administrators of such Survivor sa shall with all convenient speed after my Decease sell and convert into Money all my Goods and sa Chattels (not given to my Wife) and all such part of my personal Estate as shall not consist of

Money

Money due Securities for Money and the Monies arising from such Sale or Sales and all the Residue of my personal Estate I will and direct shall be by them or the Survivors or Survivor of them or the Executors or Administrators of such last Survivor out and manage at Interest on government or such other Security or securities as they shall approve of until my said Son John and Daughters Ann Mary Elizabeth Frances and Sigh and such other Child or Children as I may have by the said Mary my Wife or wherewith she may be quick at the Time of my Decease shall attain their respective Age of Twenty one Years and when and as they shall respectively attain that Age I give and direct his her and their respective Part or Share of the said Residuum of my Personal Estate with such Interest thereof as shall not be applied and disposed of to be paid to him her and them Provided nevertheless and my Will and Mind is that my said Wife so long as she shall continue my Widow and Brother Filby and William Sigh shall if they shall think proper hold occupy and manage the said Farm Lands and Tenements for the remainder of the Term for Years thereon at my Decease for the Benefits of my said Children to whom I have given the said Residuum of my Personal Estate to be paid as aforesaid But if my said Son Edward shall be desirous of taking and occupying the said Farm Lands and Tenements then I will and direct that my said Wife and the said William Filby and William Sigh shall assign the same to him the said Edward for the then remainder of the Term for Years thereon but my Will is that the same shall be fairly valued and the Sum at which the

Same shall be valued shall be paid by my said Son Edward and added to the account of the said Residuum of my Personal Estate for the equal Benefits of my Children between whom I have given and directed the same to be divided as aforesaid And in Case my said Son Edward shall die before he shall attain his Age of Twenty one Years whereby my said Son John will be entitled to the said Messuages Lands Tenements and Premises in Reymerston and Garveston aforesaid or if the said John shall die before he shall attain the Age of Twenty one Years Then and in either of the said Cases happening I give and direct the part or Share of him the said John of the said Residuum to be paid to my said Daughters Ann Mary Elizabeth Frances and High and such other Child or Children as I may have by the said Mary my Wife or wherewith she may be ensient at the Time of my Decease equally between them when and as they shall attain their respective Ages of Twenty one Years And in Case any one of them my said Children present or future shall die before his her or their Part or Share Parts or Shares of the said Residuum shall become due and payable my Will is that the part or Share parts or Shares of such of them so dieing shall be equally divided between the Survivors of them at the Times aforesaid And I give the Tuition and Custody of my Son Edward and John and Daughters Ann Mary Elizabeth Frances and High and such other Child or Children as I may have by the said Mary my Wife or wherewith she may be ensient at the Time of my Decease unto my said Wife so long as she

shall

shall continue my Widow and unto the said William Filby and William High and do hereby make and appoint them and the Survivors and Survivor of them Guardians and Guardian of my said Children present and future and every of them — until they shall attain their respective Ages of Twenty one Years And my Will is and I direct that they my said Wife so long as she shall continue my Widow and William Filby and William High or the Survivors or Survivor of them, her or his Executors or Administrators shall apply lay out and dispose of the Interest and Produce which shall from Time to Time be made of the said Residue of my Personal Estate in such manner as they shall think proper for the Maintenance Education and Benefits of my said Sons Edward and John and my said Daughters Ann Mary Elizabeth Frances and Alice and such other Child or Children as I may have by the said Mary my Wife as aforesaid she may be present at my Decease during their Minorities and until they shall respectively attain their Ages of Twenty one Years And my Will is that they my said Wife William Filby and William High or the Survivors or Survivor of them her or his Executors or Administrators shall not be accountable for or liable to make good any Loss or Losses which shall or may by mere Misfortune and not wilfully happen in putting placing out or managing at Interest the said Trust Money or any part thereof nor shall the one be responsible for the Act Deed or Misfeasance of the other but each of them for her his and their own Acts and Deeds only And I make constitute and appoint my said Wife and the said William Filby and

William High Executrix and Executors of this my last Will and
Testament and I give to each of them the said William Filby and
William High Ten Guineas for their Trouble Provided
nevertheless and my Will and Mind is if my said Wife shall marry
again that then and from thenceforth she shall not act as a
Guardian for my said Children or any of them or as Executrix
or have any Power to act or concern herself in or about
any of the Trusts or powers hereby reposed And I do in such
Case give the Tuition and Custody of my said Children and
every of them unto the said William Filby and William High
and do appoint them and the Survivor of them Guardian and
Guardians of my said Children present and future and every
of them until they shall respectively attain their Ages of
Twenty one Years and will that they shall act in the Trusts
and Powers aforesaid without the Consent Concurrence
Controul or Intermeddling of my said Wife And in such
Case I make and appoint them Executors And lastly
I revoke all former Wills and Testaments by me made and
make and ordain this to be my last Will and Testament In
Witness whereof I the said Edward Filby the Testator have to
the first six Sheets of this my last Will and Testament contained
in seven Sheets of Paper set my Hand and to this last Sheet
set and put my Hand and Seal this Twenty second Day of
22 Sept. 1774
September in the Year of our Lord One Thousand seven
Hundred and seventy four Edward (L) Filby

Signed Sealed and Delivered Published and Declared
by the said Edward Filby the Testator as and for his last
Will and Testament in the presence of us who at his
request

Request and in his Presence and in the presence of each other have subscribed our Names as Witnesses thereto John High, Tho.s Smyth of East Dereham, John Pulman Clk to s.d Mr Smyth.

A Codicil made by me Edward Filby of Lotton in the County of Norfolk Farmer, which I hereby to all intents and Purposes make and declare part of my last Will and Testament hereto annexed bearing Date the Twenty second Day of September one Thousand seven Hundred and seventy four Whereas since the making and executing my said Will I have purchased of Mr Peter Jermain and Wife and James Cooke and Wife certain Messuages Lands Tenements in Garveston and Thurston in the said County which greatly lessen my personal Estate which by my Will I have given to my younger Children Now I do hereby by this my Codicil give and devise the said Messuages Lands and Tenements so as aforesaid purchased by me as aforesaid unto Edward Filby my eldest Son and his Heirs if he shall live to attain the Age of Twenty one Years Subject nevertheless and chargeable with and I do hereby subject and charge the same and also all and every my Messuages Lands and Tenements in Keymerstone and Garveston aforesaid or in any other Towns or Places near or near adjoining with their Appurtenances (which by my said Will I have given and devised unto the said Edward Filby my Son and his Heirs if he shall live to attain his said Age of Twenty one Years) to and with the Payment of the Sum of six Hundred Pounds of good and

lawfull Money of Great Britaine unto my Son John and Daughters
Ann Mary Elizabeth Frances and Hyde and such other Child or Children as
I may have by Mary my Wife or wherewith she may be enwomb at the
Time of my Decease to be paid to and equally divided between them when
as they shall respectively attain their Ages of twenty one Years but
without Interest until that Time And I do give and devise the said Sum of
six Hundred Pounds unto and to be paid to my said Son John and
Daughters at the Time and in manner aforesaid accordingly And my Will
is in case Default shall be made of or in Payment of the said Sum of
six Hundred Pounds hereby by me given and directed to be paid as
aforesaid or any part thereof when and as the same shall become
due and payable as aforesaid That it shall and may be lawfull to and
for the said John my Son and Daughters Ann Mary Elizabeth Frances
and Hyde and such other Child or Children as I may have by the
said Mary my Wife or wherewith she may be enwomb at the Time of
my Decease or such of them to whom such Default shall be made and
I hereby give him her and them full power and Authority to enter into
and upon all and every my said Messuages Lands and Tenements and to
recover the possession of the same by Ejectment or any other legall
Means and to hold and enjoy the same and the Rents and Profits
thereof to receive and take to his her and their own Use and Uses
until their respective Parts or Shares of the said six Hundred Pounds
and all reasonable Costs and Charges shall be fully paid and
satisfied And in case my said Son Edward shall die before
he attaine his Age of twenty one Years Then I give the Messuages
Lands and Tenements lately purchased by me as aforesaid unto
my said Son John and his Heirs But subject to and chargeable
with the payment of the said six Hundred Pounds unto my said
Daughters and such other Child or Children as I may have

Anno

have living to be paid to them at the Time and in manner aforesaid and with the like power of Entry as aforesaid And in Case my said Son Edward shall die before his said Age of Twenty one Years whereby my said Son John will be entitled to the said Messuages Lands and Tenements or if the said John shall die before his Age of Twenty one Years Then and in either of the said Cases I give and direct the Part or Share of him the said John of the said two Hundred Pounds to be paid to my said Daughters and such other Child or Children as I may hereafter have equally amongst them at the Time aforesaid And in Case any of my said children present or future shall die before his her or their Part of the said two Hundred Pounds shall become due and payable my Will is that the Part or Share of such of them so dying shall be paid to and equally divided amongst the Survivors of them at the Times aforesaid And Lastly I do hereby ratify and confirm all and whatever else is contained in my said Will In Witness whereof I the said Edward Filby the Testator have to the first Sheet of this my Codicil contained in two Sheets of Paper set my Hand and to this last Sheet set and put my Hand and Seal this Twentieth Day of October One Thousand seven Hundred and Eighty 20 October 1780

Edward (L.S.) Filby

Signed Sealed and Delivered Published and declared by the said Edward Filby the Testator as and for a Codicil to his said last Will and Testament and to be taken as part thereof in the Presence of us who at his Request and in his Presence and in the presence of each other have subscribed our Names as Witnesses thereto John Windus, Tho Smyth of East Dereham --

John Brooke Clk to Mr Smyth

An Additional Codicil made by me Edward Tilby of Eton in the County of Norfolk Farmer which I hereby to all Intents and Purposes make and declare part of my last Will and Testament hereto annexed bearing Date the Twenty Second Day of September One Thousand seven Hundred and Seventy four Whereas in and by my said Will I have charged the Messuages Lands and Tenements in South Burgh and Cranworth which I purchased of John Nuthall and Richard Tydeman Esquires to and with the Sum of Two Hundred Pounds unto my Daughters Ann Mary Elizabeth and Frances and such other Children as I might have by Mary my Wife in case my Daughter Hugh Tilby should become possessed of the said Estate by Virtue of my said Will by the Death of my Son John in manner in my said Will mentioned And by my said Will I have given the Residuum of my personal Estate to be paid to my said Son John and Daughters Ann Mary Elizabeth Frances and Hugh and such other Children as I might have by my said Wife when and as they shall respectively attain their Age of twenty one Years And Whereas by a Codicil annexed to my said Will bearing Date the Twentieth Day of October One Thousand seven Hundred and Eighty 20 October 1780 I have given the Estate I purchased of Peter Seaman and Wife and James Cook and Wife unto my Eldest Son Edward Tilby and his Heirs and have thereby charged the same with the Payment of six Hundred Pounds to my said Son John and Daughters Ann Mary Elizabeth Frances and Hugh and such other Children as I may have by the said Mary my Wife to be paid to and equally divided between them as they shall attain their Ages of Twenty one Years And Whereas the said Ann my Daughter sometime since married William Pilch of East Tuddenham Farmer upon whose Marriage I gave the Sum of Two Hundred Pounds

And Whereas the said Mary my Daughter is lately married to David Long the Younger of Cranworth Warner upon whose Marriage I gave the Sum of three Hundred Pounds Now I do by this my Codicil revoke the parts and Shares of the Monies given to my said Daughter Ann and Mary by my said Will and Codicil and do hereby direct and desire that my other Children who are unmarried and who by my Will I made equal with my said Daughters Ann and Mary shall first have and receive the Sum of Three Hundred Pounds each out of the residuum of my personal Estate and Money charged on my real Estate and that the said Ann my Daughter shall receive the further Sum of One Hundred Pounds within three Months after my Decease if I should not give her that Sum in my Life Time it being my Will and desire not to give one Daughter more than another, and when my said other Children shall have received equal with my said Daughter Mary Then I give the overplus of the Money arising from the Residuum of my personal Estate and the Money charged on my real Estates as aforesaid unto and to be equally divided between my said Son John and Daughters Ann Mary Elizabeth Frances and High and such other Child or Children as I may have by the said Mary my Wife to be paid to them in manner and at the Times I have given and directed the same in and by my said Will and Codicil And Lastly I do hereby ratify and confirm all and whatever else is contained in my said Will and Codicil In Witness whereof I the said Edward Filly the Testator have to this my additional Codicil contained in one Sheet of paper set and put my Hand and Seal this fifth Day of November one Thousand seven Hundred and Eighty four

5 November 1784.

Edward Filly

Signed Sealed and Delivered published and Declared by the said Edward Filly the Testator as and for an Additional Codicil

to his said Last Will and Testament and to be taken as part thereof in the presence of us who at his Request and in his Presence and in the presence of each other have subscribed our Names as Witnesses thereto Tho Smyth, Willm Dalton, an Anthony Kingaby.

Proved by Mary Filby Widow & Relict of the Deceased, the Extrix and William High one of the Extors, the 25th Octr 1785 before the Reverend George Thomas Clerk Surrogate to the Worshipful
50 } William Yonge Mr Master of Arts Official &c. And by William
14 } Filby Brother of the Deceased the other Extor 5th Novr 1785 before the Reverend Daniel Fromanteel Clerk Surrogate to the Officials.