9) Will of Edward Filby of Reymerstone 1800 Ref: W58 f 221

TREE 48

(58) This is the last Will and Testament of me Edward Filby of Reymerstone in the County of Norfolk yeoman being of sound and disposing Mind Memory and Understanding First I give and devise unto my (1) Brother John Filby All and every my Messuages Lands Tenements and Hereditaments whatever situate lying and being in Reymerstone aforesaid and Garvestone in the said County of Norfolk or either of them or in any other Town Parish or Place Town Parishes or Places to them or either of them next or near adjoining be the same freehold Copyhold or of any other Nature or Tenure with their and every of their Appurtenances To hold to him the said John Filby and his Heirs for ever Subject nevertheless to and charged and chargeable with the Payment of the several Annuities or clear yearly Sums following (that is to say) With the Payment of one Annuity or clear Yearly Rent or Sum of Five Pounds unto my (2) Sister Rich Filby HIGH FILBY and her Assigns for and During the Term of her natural Life And also with the Payment of two other Annuities or clear yearly Rents or Sums of Five Pounds a piece to my two (3) Nephews (that is to say) JOHN & WILLIAM John and William the Children of my Sister Ann Rich and their Assigns for and During the Term of their respective natural Lives And my Mind and Will is that the said Annuities so given to my aforesaid Nephews shall not be paid to them until their

respectively attain the Age of Twenty one Years But shall in the mean Time increase and accumulate until such respective Age and then shall be paid (without Interest therefore) to them respectively The said Annuities or Yearly Sums to be paid in good and Lawful Money of Great Britain free from all Deductions for Parliamentary Taxes or otherwise and to be issuing & payable out of the said Messuages Lands Tenements Hereditaments and Premises at two certain Days and Times in the Year (that is to say) on the fifth Day of April and Tenth Day of October by even and equal Portions The first payment of the said Annuities or Yearly Sums to be made on such of the said Days of Payment above mentioned as shall first and next happen after my Decease (Save only in Case my said Nephews or either of them shall not have attained their or his Age of Twenty one Years In which Case their or his said Annuities or Annuity shall not be paid to them or him till their or his attaining the Age of Twenty one Years as aforesaid) And also my Mind and Will is that the said Hereditaments and Premises shall be also charged and chargeable with the Payment of the Legacy or Sum of Three Hundred Pounds of lawful Money of Great Britain (4) to my Brothers in Lars William Rich of Aymerstone aforesaid Farmer and (5) David Long of Cranworth in the said County of Norfolk Farmer or to the Survivor of them his Executors or Administrators upon the Trusts hereafter mentioned free from such Deductions as aforesaid and to be also issuing and Payable out of the said Messuages Lands and Premises within Twelve Calendar Months after my Death And my Will further is that in Case the said several Annuities or Yearly Sums of Five Pounds or the said Legacy or Sum of Three hundred Pounds or any of them or any part of them or any of them shall be behind or unpaid by the space of Thirty

approved Title or on some Government or Parliamentary Security or Securities And that the Dividends Interest or Annual Produce of and arising from the said Sum of Three Hundred Pounds shall from Time to Time as the same shall accrue and grow due be placed out and invested by and in the Names of my said Trustees or the Survivor of them his Executors or Administrators in some of the Public Funds or Funds or on real good Security or Securities and so to accumulate for Twenty Years next after my Death And upon this further Trust that they the said William Rich and David Long or the Survivor of them his Executors or Administrators shall and do at the End of the said Twenty Years next after my Decease pay assign and transfer the said Sum of Three hundred Pounds with the Dividends and Interest thereof accumulated as aforesaid unto all and every the Children living at the End of the said Twenty Years of my Sisters (that is to say) (6) Ann the Wife of the aforesaid William Rich (7) Mary the Wife of the aforesaid David Long (8) Elizabeth the Wife of Henry Steebings of Acton in the said County of Norfolk Farmer (9) Frances the Wife of Robert Wincarls of Trimmouth aforesaid Farmer and the aforesaid (10) High Tilby in equal Parts and Shares and share and share alike Except my aforesaid Nephews John and William High whom I have herein before provided for Provided always and I do hereby Declare it to be my Will and Direct that it shall and may be Lawful to and for the said William Rich and David Long and the Survivor of them and the Executors or Administrators of such Survivor at any Time or Times as and whenever it shall be thought expedient or necessary to alter or change any Stock or Security wherein or upon which the said Sum of Three Hundred Pounds or the accumulated Interest or Produce thereof herein

Days next over or after any of the aforesaid Days or times or whereon the same are herein before directed or ought to be paid as aforesaid contrary to the true Intent and Meaning of this my Will That then and so often as such Default of Payment shall happen to be made It shall and may be lawful to and for my said Sister High Tilby and John High and William High my Nephews and for my said Brothers in Law William High and David Long or the Survivor of them his Executors or Administrators or such of them to whom such Default of Payment shall be made as aforesaid respectively to enter into and upon all and every or any part of the aforesaid Hereditaments and Premises charged with the aforesaid Annuities or Yearly Sums or Legacy and to retain and keep the Possession thereof and of every part thereof and the Rents Issues and Profits thereof and of every part thereof to have receive and take until all Arrears of the said Annuities or Yearly Sums or Legacy shall be fully paid and satisfied to the Person or Persons to whom the same shall be respectively due and unpaid as aforesaid and also all Costs and Charges occasioned by Non Payment thereof or of any part thereof And as to the said Sum of Three Hundred Pounds herein before given to my said Brothers in Law William High and David Long and to the Survivor of them his Executors or Administrators I do hereby declare my Mind and Will to be that the same is so given upon the following Trusts (that is to say) Upon Trust that they the said William High and David Long or the Survivor of them his Executors or Administrators shall and do place out or invest the said Three Hundred Pounds in some of the Public Stocks or Funds or upon Mortgage of some real Estate or Estates of sufficient Value and with good and

before directed to be placed out or invested for the Benefit of the Children of my said Sister in the manner herein before expressed and declared concerning the same by selling or transferring such Stock or Security or by calling in such Trust Monies or any part or parts thereof and again to place out or invest the same in any other Stock or Fund Security or Securities with the Power of altering or changing the same whenever my Trustees or the Survivor of them his Executors or Administrators shall think fit Yet nevertheless upon the Trusts and for the Purposes and Subject to the Powers and Directions herein contained and hereby expressed and declared or to such of them as shall be then existing or capable of taking Effect Provided also and I do hereby further declare it to be my Will and Direct that my said Trustees herein before named or either of them their or either of their Executors or Administrators shall not be accountable or responsible for or charged or chargeable with any loss or insufficiency of any Stock or Fund Security or Securities wherein or upon which the said Trust Monies or any part or parts thereof at any time or times after my decease shall be placed out or invested or otherwise howsoever unless the same shall happen by or with their or one of them own wilful Neglect or Default nor nor one of them my said Trustees for the Acts Receipts or Payments of the other of them But each of them for himself and for his own Acts Receipts and Payments and wilful Neglect or Default only And I do hereby also Declare it to be my Will and Direct that it shall and may be lawful to and for my said Trustees and each of them their and each of their Executors or Administrators at or upon all Times or Occasions during the existence of the Trusts of this my Will to deduct retain and reimburse themselves

respectively from or out of the Income or Produce of the said Trust Premises all Costs Charges and Expences whatever which they or either of them from Time to Time shall pay expend or be put unto or which shall incur or be sustained in or about the Execution or Performance of this my Will or the Trusts thereof or any Suit or Proceeding Act Matter or Thing whatever relative thereto or concerning the same in any wise howsoever Also I give and bequeath unto my said Brother John Filby his Executors and Administrators All and singular my Goods Chattels ready Money and Securities for Money and all Monies thereupon due owing or payable and all other my Property Personal Estate and Effects whatever and wherever which I now am and shall be possessed of or entitled to at the Time of my Decease he and they paying out thereof all my just Debts Funeral and Testamentary Charges and Expences And I do hereby constitute and appoint my said Brother John Filby sole Executor of this my Will hereby revoking every other Will by me at any Time heretofore made and do declare this alone to be and contain my last Will and Testament In Witness whereof I the said Edward Filby the Testator have to this my last Will and Testament contained in five Sheets of Paper (affixed together at the Top) to the first four Sheets hereof set my Hand and to this fifth and last Sheet thereof my Hand and Seal this Thirteenth Day of September One Thousand seven hundred and Ninety four the several Interlineations Amendments and Alterations having been first made with my Approbation.

13 Sept. 1794

Edw. Filby

Signed Sealed Published and Declared by the said Edward Filby the

the Testator as and for his last Will and Testament in the Presence of us who in his Presence and at his Request and in the Presence of each other have subscribed our Names as Witnesses hereunto Jos: Sewell - Robt Chalker Junr - Samuel Coleman -

This is a Codicil to be annexed to and taken as part of the last Will and Testament of me Edward Filby of Reymerstone in the County of Norfolk Gentleman Whereas in and by my said last Will and Testament bearing Date on or about the Thirteenth Day of September One Thousand seven hundred and Ninety four I did give and devise unto my Brother John Filby All and every my Messuages Lands Tenements and Hereditaments whatsoever situate lying and being in Reymerstone aforesaid and Garvestone in the said County of Norfolk or either of them or any other Town Parish or Place Towns Parishes or Places to them or either of them next or near adjoining be the same Freehold Copyhold or of any other Nature or Tenure with their and every of their Appurtenances To hold to him the said John Filby and his Heirs for ever Subject nevertheless to and charged and chargeable with the Payment of three several Annuities of Five Pounds a piece to my Sister Fish Filby and to my two Nephews John and William High And also subject to and charged and chargeable with the Payment of the Legacy or Sum of Three hundred Pounds to my Brothers in Law William Fish and David Long or to the Survivor of them his Executors or Administrators upon the Trusts and for the Purposes and Subject to the Powers and Directions in my said Will expressed and declared concerning the same And whereas my said Sister (HIGH)

13.9.1794

HIGH FILBY 2 nephews JOHN + WILLIAM HIGH

is since lately dead Now therefore I do hereby revoke the said Gift and Bequest to my said Sister (HIGH) And instead thereof I subject and charge my said Messuages Lands Tenements and Hereditaments so given and devised to my said Brother John and his Heirs to and with the Payment of the further Sum of One Hundred Pounds of lawful Money of Great Britain which I give and bequeath to my said Brothers in Law William High and David Long or to the Survivor of them his Executors or Administrators Upon such and the same Trusts and to and for such and the same Intents and Purposes and subject to such and the same Powers and Directions as are expressed and declared in my said Will concerning the said Sum of Three Hundred Pounds or to such of them as shall then be existing or capable of taking Effect And I do hereby ratify and confirm my said Will in every Respect except where the same is hereby revoked and altered as aforesaid In Witness whereof I have to this Codicil as part of my last Will and Testament set and put my hand and Seal this Eighth Day of July in the Year of our Lord One Thousand seven Hundred and ninety five –

8 July 1795

Edwd. Filby

Signed Sealed Published and Declared by the said Edward Filby the Testator to be part of his last Will and Testament In the Presence of us who in his Presence and at his Request and in the Presence of each other have subscribed our Names as Witnesses hereunto Robt. Chalker Junr. – Saml. Coleman – Jos. Sewell –

28 Shts. Proved by Extor. 18th July 1800 before the Revd. Geo. Thomas Cth. Surrogate to the Worshipful Thos. Hay D.D. Commy &c –