Filby Ref No 010

Trees 48 50 75

f William Filby of Letton 1808 Ref ANF W22 E32

(22) This is the last Will and Testament of me William Filby of Letton in the County of Norfolk Farmer First 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 such part and so much as is Freehold or Charterhold of all and every my Messuages Houses Cottages Lands and Tenements with the Appurtenances situate lying and being in East Tuddenham in the said County and elsewhere unto William Filby my Son and Edmund Clarke of Shipdham (SHIPDHAM) in the said County Farmer (FARMER) and their Heirs To the use of them and their Heirs Upon Trust that they or the Survivor of them or his Heirs shall with all convenient Speed after my decease sell and dispose of the same (with the Copyhold parts thereof according to the power hereinafter to them given) in such Manner as they shall think proper for the best price or prices they can get or obtain for the same And I will order and direct that the said William Filby my Son and Edmund Clarke or the Survivor of them or the Executors or Administrators of such Survivor shall and thereby give them and the Survivor of them his Executors or Administrators full power and authority to make Sale and dispose of as soon as conveniently can be after my decease all such part and so much as is Copyhold or of Customary Tenure of my said Messuages Houses Lands and Tenements in East Tuddenham aforesaid and elsewhere for the best price or prices they can get or obtain for the same with the said Freehold parts thereof And my will is that the Receipt or receipts of them the said William Filby my Son and Edmund Clarke or the Survivor of them his heirs Executors or Administrators for the Consideration Money to be paid or given for the purchase of my said Messuages Houses Lands and premises shall be good and valid Discharges for the same at Law

and in equity And that such Purchaser or Purchasers shall not be accountable any further for such Consideration Money or Monies to any Person or Persons whomsoever for any Cause or Reason whatever And out of the Money to arise by or from such Sale or Sales I will order and direct that my said Trustees or the Survivor of them his Executors or Administrators shall in the first place pay and discharge all such principal and Interest Money as may be then due on Mortgage of my said Estates And also all such other Debts as shall be justly due and owing from me at my Decease And out of the then Remainder of the Money to arise from such Sale or Sales I direct the Sum of three hundred pounds to be placed out at Interest by and in the Names of my said Son William and the said Edmund Clarke or the Survivor of them his Executors or Administrators on Government or real Security and so continued out during
(1) the Life of Mary my beloved Wife And the Dividends or Interest thereof as the same shall be received I give and direct to be paid to or received by her the said Mary my Wife during her life And the then remainder of the Money to arise by such Sale or Sales as aforesaid I give and direct to be as disposed of in manner hereinafter mentioned And I give the use of all my Household Furniture Plate and China unto the said Mary my Wife during her Life And I give unto her my said wife all my Farming Stock Crops Cattle and Implements in Husbandry And I give all the Residue of such Term and Interest as I may have in the Farm in my Occupation at the Time of my Decease unto the said Mary my Wife and my said Son William to be carried on and managed by them or the Survivor of them Upon Trust to permit and suffer such of my Children

as may be unmarried and under the age of twenty one years at the Time of my Decease to live with them and to be maintained out of the Profits of the said Farm Until such Children shall respectively attain the said Age of twenty one years, or the Determination of such Terms as may be to come in such Form which shall first happen And I give unto the said Edmund Clarke the Sum of Ten Guineas for his Trouble as one of my Trustees over and besides his reasonable Costs and Charges incident to the Trust hereby in him reposed And all the residue of my personal Estate together with the Overplus of the Money to arise from Sale of my said Real Estate and Rents thereof til sold, as also (after my said Wife's Decease) the said three hundred pounds and my said Furniture Plate and China (after payment of my Funeral Expences the necessary Charges and Expences attending the Sale of my said real Estate, and completion of the Title thereto and the Charge of the Probate of this my Will) I give unto my seven Children (namely) (1) Mary the Wife of Nicholas Frohawke of Little Walsingham, (3) Bridget Filby, (4) Sophia the Wife of Francis Clarke of Letton, the said (5) William Filby, (6) Elizabeth Filby, (7) Ann Filby and (8) Edward Filby and such other Children as I may hereafter have by the said Mary my Wife or wherewith she may be onsient at my Decease to be equally divided amongst them Share and Share alike And I direct that in Case any of them shall be under the age of twenty one years at the Time of the Distribution of the said Money, the Shares of such of them so under Age shall be placed and continued out at Interest by and in the Names of the said William my Son and Edmund Clarke or the Survivor of them his Executors or Administrators and the Interest thereof paid and

applied by them for such Children's benefits respectively
during their Minority And in case any of my said
Children present or future shall die before the Time of payment
of the said Money or any part thereof leaving any lawful
Issue then the Shares of [illegible] of them so dying shall go
and be paid to their respective Issue in equal Shares
But in case any of them shall so dye without lawful Issue
their Shares shall go and be paid to the Survivors of them equally
share and share alike And I give the Tuition and Custody of
such of my Children as may be under the said Age of twenty
one years at the Time of my Decease unto the said Mary
my wife (so long as she shall continue my widow) and the
said Edmund Clarke and do make and appoint them
the said Mary my wife (so long as she shall continue my
widow) and Edmund Clarke and the the Survivor of them
Guardians and Guardian of such of my Children so under Age as aforesaid
until they shall respectively attain their said Ages of twenty
one years And my will is that the said William my son
and Edmund Clarke or the Survivor of them his Executors
or Administrators shall not be accountable or liable to make
good any Loss or Losses which shall or may by Misfortune
and not wilfully happen in putting placing out or in
managing at Interest the said Trust Money or any part
thereof nor shall the one of them be responsible for the Act
Deed or Misfearance of the other of them but each of them
for his own Acts and Deeds only And that they shall and
may from Time to Time retain to themselves out of the
Monies which shall come to their Hands by Virtue of this
my will, all such reasonable Costs Charges and Expences as
they shall necessarily be put unto or expend in the
Execution of the Trusts hereby in them reposed And I make

constitute and appoint my said Wife and the said William my Son Executrix and Executor of this my last Will and Testament Provided nevertheless and my Will and Mind is that if my said Wife shall marry again then and from thenceforth she shall not act as Guardian for my said Children or any of them And I do in such Case give the Tuition and Custody of such of my said Children so under Age as aforesaid unto the said Edmund Clarke And do in that Case appoint him sole Guardian of such Children until they shall attain their respective Ages of twenty one years And I appoint the South Porch of the Parish Church of Cranworth aforesaid to be the place of payment of the said Legacies Interest and other Monies &c Provided nevertheless and I hereby declare my express Will and mind to be that the Bequests hereinbefore made to or for the Benefit of the said Mary my Wife are made upon Condition that she do and shall upon the Request and at the Charges of my said Trustees or the Survivor of them his Executors or Administrators join in and execute any such Acts and Deeds as may be necessary for making a Title to and conveying my said Real Estates, when sold to the person and persons who may become the Purchaser or Purchasers thereof And in Case she my said Wife shall refuse or neglect to join in and execute any such Acts and Deeds when requested by my said Trustees or the Survivor of them his Executors or Administrators as aforesaid Then I hereby revoke all and every the Bequests &c hereinbefore made to or for the Benefit of her my said Wife And do give order and direct the Money and other personal Estate hereinbefore given to or for her Benefit unto all and every my Children and their Issue in equal Shares to be paid to them at their said ages of twenty one years in like manner

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as I have hereinbefore given their other Legacies and Monies or as near thereto as the Nature and Circumstances of the Case will admit. And Lastly I revoke all former Wills and Testaments by me made. In witness whereof I the said William Filby the Testator have to the first three Sheets of this my last Will and Testament contained in four Sheets of paper set my hand and to this fourth and last Sheet set & put my hand and seal this thirteenth day of November in the year of our Lord one thousand eight hundred and one.

13 November 1801.

William D Filby

Signed sealed and delivered published and declared by the said William Filby the Testator as and for his last Will and Testament in the presence of us, who at his request in his presence and in the presence of each other have subscribed our Names as witnesses thereto. Tho Smyth.

Edwd Drozier Junr Frederic Bell

Effects under £600 #L Jump

MARCH 29th 1808

25 Sks { Proved by the Exrs March 29th 1808 before the Reverend William Deighton Clerk Surrogate to the Worshipful William Jonge Clerk M.A. Official

Exd 4th Feby 1811

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