

This is the last Will and Testament of me Thomas Relph the Younger of Kemsing in the County of Kent Farmer and Malster

First and Principally I commend my Soul to Almighty God my Creator and my Body I commit to the Earth decently buried at the discretion of my Executors hereinafter named and as for such Worldly Estate as it pleased God to bless me with I give and dispose thereof as follows that is to say in the first place I order and direct that all such just Debts as I shall owe at the time of my death my Funeral Testamentary and all other incidental costs charges and Expenses shall be fully paid and satisfied by my Executors with all convenient speed after my decease And I do hereby give and bequeath unto **my Brothers in Law William Mercer of Greatness in the parish of Sevenoaks in the said County of Kent Miller and William Everest of Hadley in the County of Surry Farmer** all my Household Furniture Plate Linen China Books Beds Bedding brewing Washing and other domestic Utensils Wine Spirituous and other Liquors and all other my household Goods Chattels and Furniture and also all my live and dead stock in my several Businesses or occupations of a Farmer and Malster growing crops Supplements of Husbandry Farming Malting Goods Chattels and Effects and likewise all my Monies and Securities for Money of every description and all the rest residue and remainder of my personal estate and effects and every part thereof unto the said **William Mercer and William Everest** their Executors and admors upon the several trusts next hereinafter declared concerning the /that is to say/ Upon Trust that the said William Mercer and William Everest or the survivor of them or the Executors or Admors of Such Survivor do and with all convenient speed after my decease sell and dispose of all my said household Furniture Stock Crops Goods Chattels and effects and collect and get all my Debts and convert into ready money all the residue of my personal estate and paying out of the produce of such sale all such just Debts as shall be owing by me at the time of my decease and which are not expressly charged upon and made payable out of my real estate and also after paying the Expenses of my Funeral the costs of proving this my will and all other incidental Costs attending the Executorship upon Trust that they the said **William Mercer and William Everest** and the Survivor of them or the Executors or admors of such Survivor do and shall pay unto **my wife Ann Relph** one equal Moiety or half part of the surplus of the said Monies arising from the sale of my said Goods Chattels effects and personal estate hereinbefore directed to be sold and also all of my Debts ready Monies and securities for Money to whom I do hereby give the same Moiety absolutely and unconditionally and as to the remaining Moiety or half part of the surplus of the said Monies to arise from such sale and all of my debts ready monies and securities for money it is my will that my said trustees shall be possessed thereof upon the several Trusts hereinafter expressed and declared concerning the same also I give and devise direct [] and appoint unto the said **William Mercer and William Everest** their heirs and assigns all and every of my Messuages Lands Tenements Hereditis and real estate whatsoever and wheresoever whether in a possession reversion remainder or expertency with all and singular their rights members and appurts to hold the same unto and to the use of the said **William Mercer and William Everest** their heirs and assigns for ever nevertheless upon the several trusts and for the several purposes hereinafter expressed concerning the same that is to say Upon Trust that they the said **William Mercer and William Everest** or the survivor of them or the heirs or assigns of such survivor do and shall with all convenient speed after my decease sell and dispose of all my said Messuages Lands tenements hereditis and real Estate in one or more Lot or Lots either by public auction or private contract for the most money that can be reasonably had or gotten for the same and do and shall for that purpose make and execute all such contracts agreements Deeds in or conveyances and assurances as they the said **William Mercer and William Everest** or the survivor of them or the heirs or assigns of such survivor shall think fit and I hereby declare my Will to be that upon payment of the purchase money to arise by

such sale or sales of my said real Estate hereby made saleable or any part thereof respectively it shall and may be lawful to and for the said **William Mercer and William Everest** or the survivor of them his heirs or assigns to give and sign any receipt or receipts for the money to arise from such sale or sales or any part thereof respectively which receipt and receipts shall be a good and sufficient discharge and good and sufficient discharges to any purchaser or purchasers of the said Estate or any part or parts thereof his her or their respective heirs executors administrators or assigns for so much of the purchase money as shall be therein expressed or acknowledged to be received and such purchaser or purchasers his her or their respective heirs or Executors Admors or assigns shall not afterwards be obliged to see to the application of the said purchase money or any part thereof or be answerable or accountable for any Loss misapplication or nonapplication thereof or any part thereof respectively and my further Will is and I do hereby order direct and declare that the said **William Mercer and William Everest** and the survivor of them and the executors and Admors of such survivor shall stand possessed of and interested in the monies to arise by sale of my said real Estate hereby made saleable Upon and for the several trusts and to and for the several ends intents and purposes hereinafter expressed and declared of and concerning the same that is to say Upon trust in the first place to deduct and retain unto themselves all such reasonable costs charges and expenses as they shall sustain or incur in making and compleating [sic] such a lastly mentioned sale or sales and in preparing proper contracts and agreements for such sale or sales and abstracts of the title or several titles to the estate or estates so to be sold and such other Deeds and assurances as may be necessary and all other incidental expenses attending such sale or sales and in the next place to pay off satisfy and discharge all such Mortgages and other Charges and Encumbrances as are charged upon or made payable out of the said real estate or any part thereof in and by certain Indentures of Lease and release Searing data respectively the twenty ninth and thirtieth days of June now last past the release being of the latter date and made between **Thomas Relph the elder /my father/ and William Everest** his Trustee of the first part **my self the said Thomas Relph the younger** of the second part **Sarah Relph Jane Relph and Fanny Relph (my three sisters)** of the third part **William Edwardes and Robert Edwardes** of the fourth part **Thomas Selby and William Stunt** of the fifth part and **William Touge** of the sixth part and which shall or may be charged upon or made payable out of the said real estate or any part thereof in or by any other legal deeds or Instruments whatsoever and it is my Will that my said trustees or the survivor of them or their executors or admors of such survivor do and shall out of the monies to arise from the sale or sales of my said real estate raise and pay unto my **five sisters Ann Everest Mary Saxby Sarah Relph Jane Relph and Fanny Relph** within twelve Calendar Months next after my decease the several sums of money which are charged upon the said real estate in and by the said hereinbefore mentioned Indentures of the twenty ninth and thirtieth days of June last and hereby made payable to my said five sisters respectively within twelve Calendar Months next after the decease of **my said Father Thomas Relph the elder** it being my Will that the that the said **William Mercer and William Everest** same shall be paid within twelve Calendar Months after my own decease notwithstanding my said Father may then be living provided the same can be so raised as aforesaid without prejudice to the several persons who may have a prior claim or prior claims on the said real estate

And I do hereby declare my further Will to be that the said **William Mercer and William Everest** and the survivor of them and the Executors or admors of such survivor after having deducted and made thereout the several payments aforesaid do and shall stand and be possessed of the residue or surplus of the Monies to arise from the sale of my said real estate and also of the remaining Moiety of the monies to arise from the sale of my said personal estate as well as the remaining Moiety of all and singular my other monies and securities for money whatsoever and wheresoever and

of what nature kind or quality soever and of which one moiety or equal half share is hereinbefore given to **my said wife Ann Relph** upon the several trusts and to and for the several ends intents and purposes hereinafter expressed and declared concerning the same that is to say Upon Trust that they the said **William Mercer and or William Everest** or the survivor of them or the Executors or admors of such survivor do and shall place out and invest the said trust monies when and so soon as the same or any part thereof shall come to their or his hands or hand on real or Government security or securities in their or his names or name with full power to call in the said trust monies or any part thereof and again to place out and reinvest the same on fresh or other security or securities of the like nature and so from time to time to vary and transpose the security or securities on which the said trust monies or any part thereof shall or may be placed out or invested as often as they or he shall think proper But nevertheless to keep and continue the same at Interest as much as possible and then upon this further trust that they the said **William Mercer and William Everest** and the survivor of them and the Executors or admors of such a survivor do and shall pay to or otherwise permit and suffer **my Aunt Mary Kipps** to receive and take the interest dividends and proceeds of one equal moiety or half part of the said trust monies to be so placed out as aforesaid half yearly when and as the same shall be from time to time become due and payable for and during the term of her natural life and upon the further trust that they the said **William Mercer and William Everest** and the survivor of them and the Executors or admors of such a survivor do and shall pay the whole or such part of the Interest dividends and proceeds of the remaining moiety or half part of the said trust monies and also after the decease of **my said Aunt Mary Kipps** then the whole or such part of the Interest dividends and proceeds of the moiety of which the Interest is hereinbefore given to her for her life to or for the benefit of **my said Father Thomas Relph** at such time or times in such proportions by such instalments and in such sort manner and form in every respect as the they the said **William Mercer and or William Everest** or the survivor of them or the Executors or admors of such survivor shall in his or their discretion think will be most likely to promote the comfort of my said Father but nevertheless the said Trustees or Trustee for the time being of this my Will shall not be compelled or compellable at Law or in Equity to pay or apply the whole Interest of the said Trust Monies nor even any part of the said Interest to or for the benefit of my said Father unless they the said Trustees or Trustee for the time being shall judge it proper and expedient so to do it being my express will and Intention that my said Father shall have no claim on or controul [sic] over the said Interest or any part thereof but that the same shall be either paid to or withheld from him as my said Trustees or the survivor of them or the Executors or assigns of such survivor shall from time to time in their or his discretion judge it prudent or proper and it is my further will that all or such part of the said Interest as shall not be applied to or for the benefit of my said Father shall be from time to time laid out and invested by and in the names of my said Trustees or of the survivor of them his Executors or admors so as to be consolidated with and form part the said Principal Trust Monies and be disposed of therewith in manner hereinafter expressed concerning the same and from and after the decease of **my said Father Thomas Relph** Upon Trust that they the said **William Mercer and or William Everest** or the survivor of them or the Executors or admors of such survivor so and shall be paid to or otherwise permit and suffer **my said Aunt Mary Kipps** is she shall be then living to service and take the Interest Dividends and proceeds of the whole of the said principal Trust Monies by equal half Yearly payments for and during the term of her natural life and from immediately or with all convenient speed after the decease of the survivor of them my said Father and Aunt upon Trust that they the said **William Mercer and or William Everest** or the survivor of them or the Executors or admors of such survivor do and pay transfer and assign the whole of the said principal Trust Monies together with all accumulations of Interest if any of the same unto and **between my said five Sisters**

Ann Everest Mary Saxby Sarah Relph Jane Relph and Fanny Relph equally share and share alike provided always and I do hereby declare my Will to be that if any or either of my said Sisters shall happen to depart this Life before her of their share or respective shares of and in the said trust monies or any part thereof become due and payable leaving lawful Issue of her or their body or respective bodies surviving then such Issue shall take the same share or shares that his her or their deceased parent or parents shall have been entitled to receive if living to be paid or transferred to such Issue respectively when and as they shall severally attain the age of twenty one years and the Interest thereof or so much thereof as the Trustees or Trustee for the time being of this my Will shall think proper to be or applied towards the maintenance Education & bringing up of such Issue respectively during their several Minorities But if any or either of my said sisters shall happen to depart this life before her or their share or respective shares of and in the said trust monies or any part thereof shall become payable and with leaving any lawful Issue of her or their body or respective bodies her or them surviving then the share or respective shares of her or them so dying without leaving lawful Issue of and in the said trust monies shall go arrive and belong to the survivors and survivor and others and other of them my said five sisters as far as circumstances will permit shall rest in and be transferred or assigned to such survivors or survivor if more than one in equal parts shares and proportions at such and the same time or times and in such and the same manner as hereinbefore is declared of and concerning her or their original share or shares of and in the said trust monies provided also and my further Will is that it shall and may be lawful to and for my said trustees and Executors respectively and their respective heirs executors admors and assigns to retain to and reimburse themselves and himself respectively and to his Cotrustee all such Costs Charges Damages and Expenses as they or either of them shall actually incur sustain or be put unto for or by reason of the trusts hereby in them reposed and that neither of them shall be answerable or accountable for the other of them nor for the heirs Executors admors assigns acts deeds Receipts payments neglects or defaults of the other of them nor for any loss or losses which shall or may happen in or to the said trust Estates monies or effects unless the same shall be or happen by or through their of his own wilful neglect or default And lastly I do hereby make constitute and appoint **my said Brothers in Law William Mercer and William Everest** joint Executors of this my Will and hereby revoking and making void all former and other Wills by me at any time heretofore made I do declare this only to be and contain my last Will and Testament In Witness whereof I the said **Thomas Relph the younger** the Testator have to this my last Will and Testament contained in eight sheets of paper set my hand and seal that is to say to the first seven sheets thereof my hand and to this eighth and last sheet my hand and seal this thirtieth day of December in the year of our Lord one Thousand eight hundred and fifteen – **Thos Relph Jr LS-** signed sealed published and declared by the same **Thomas Relph the Younger the Testator** as and for 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 subscribed our Names as Witnesses to the same / the words “direct limit and appoint” having been first interlined between the eighteenth and nineteenth lines of the second sheet / - **Thos Thompson – Richd Crow – Tho Crow**

This is a Codicil to the within written last Will and Testament of me **Thomas Relph the Younger** whereas I have in and by my said Will given to or invested in my said trustees and Executors therein named a discretionary trust or power either to pay to or withhold from **my Father Thomas Relph** the Interest Dividends and proceeds of certain trust monies within mentioned as they shall judge prudent and proper now therefore it is my intention to revoke and I do hereby absolutely revoke and make void the said discretionary Trust or power so as aforesaid vested in my said Trustees for the benefit of my said Father and all other trusts and bequests whatsoever in my said Will

contained to or for the benefit of my said Father it being my desire that he shall take no Legacy or bequest Trust or beneficial Interest whatsoever under or by virtue of my said Will and I direct that my said trustees shall pay to or otherwise permit and suffer **my Aunt Mary Kipps** within named to receive and take the Interest Dividends and proceeds of the whole of the said trust monies instead of a Moiety or half part thereof for and during the term of her natural life and from and immediately after the decease of **my said Aunt Mary Kipps** the said principal trust monies shall be and remain upon the same Trusts and for the same purposes as in my said Will are declared concerning the same after the decease of the survivor of them my said Father and Aunt notwithstanding my said Father may be then living and in all other respects I do hereby ratify and confirm my said Will and I declare this to be a Codicil to and part of the same In Witness whereof I the said **Thomas Relph the Testator** have to this Codicil to my last Will and Testament indorsed [sic] thereon set my hand and seal this third day of December in the year of our Lord one Thousand eight hundred and sixteen - **Thos Relph Jr LS** – Signed sealed published and declared by the said **Thomas Relph the Testator** as a Codicil to & part of his last Will and Testament in the presence of us who in his presence and in the presence of each other have subscribed our Names as Witnesses to the same – **Richd Crow – Tho Mercer – Tho Crow** Clerks to Mr Crow.

Proved at London with a Codicil 11th October 1820 before the Worshipful Joseph Phillimore Doctor of Laws & Surrogate by the Oaths of **William Mercer & William Everest the Executors** to whom administration was granted having first sworn duly to administer.

Public Record Office
The National Archives
Catalogue Reference:Prob 11/1635 Image Reference:255

- **Will of Thomas Relph, Farmer and Malster of Kemsing , Kent**

Prerogative Court of Canterbury and related Probate Jurisdictions: Will Registers. Will of **Thomas Relph**, Farmer and Malster of Kemsing , Kent.

- **Collection:**Records of the Prerogative Court of Canterbury
- **Date range:**11 October 1820 - 11 October 1820
- **Reference:**PROB 11/1635/256
- **Subjects:**Wills and probate

<http://discovery.nationalarchives.gov.uk/SearchUI/Details?uri=D180846>

[Transcribed 7 Nov 2012 Peter Relph]