

This is the last Will and Testament of me Thomas Day the elder of Henham in the County of Essex Yeoman Thirst. I give and devise unto my three Sons Thomas Day of Haydon in the said County Farmer James Day of Henham aforesaid Yeoman and John Day of Christhall in the said County Farmer All and every my Freehold Messuages Cottages or Tenements Lands and Hereditaments whatsoever and wheresoever with their and every of their appurtenances To hold to them and their Heirs Upon Trust nevertheless that they or the Survivors or Survivor of them or the Heirs of such Survivor shall and do as soon as conveniently may be after my decease sell and absolutely dispose of the same together or in parcels by public Auction or private contract as to them or him shall seem expedient for the best price and most money that can or may be reasonably obtained for the same And I do hereby direct fully authorize and empower them my said Sons or the Survivors or Survivor of them or the Heirs of such Survivor in like manner to sell and absolutely dispose of All and every my customary or copyhold Messuages Cottages or Tenements lands and Hereditaments whatsoever and wheresoever with their and every of their appurtenances for the best price and most money that can or may be reasonably obtained for the same And for facilitating the sale and sales of my said Estates my mind and will is and I do hereby declare that the receipt and receipts of them my said Sons or the Survivors or Survivor of them or the Heirs of such Survivor shall be good and sufficient discharge and discharges to the purchaser or purchasers of my said Estates and his her and their respective Heirs Executors and Administrators for so much of such purchase monies as shall be therein acknowledged or expressed to be received and that such purchaser or purchasers shall not afterwards be answerable or accountable for any loss misapplication or nonapplication of such purchase monies so received or any part thereof And as to the monies to arise from the sale and sales of my said Estates after deducting all costs charges and expences attending such sale and sales my Will is and I do hereby direct that the same shall sink into go with and be deemed and taken as and for part of my personal Estate and be subject to the dispositions hereinafter made concerning the same And I give and bequeath unto my Daughter Sarah the wife of James Day the sum of fifty pounds of lawful Money of Great Britain I likewise give and bequeath unto her my said Daughter the Debt or sum of three hundred pounds due and owing to me from her Son in Law Thomas Mollage of Henham aforesaid Farmer and also the Debt or sum of one hundred pounds due and owing to me from her Son Thomas Day together with all Interest that may be due to me on the said sums or either of them at the time of my decease And I give and bequeath unto my said Son Thomas the sum of fifty pounds of lawful Money aforesaid I likewise give and bequeath unto my Grandchildren Charles Thomas John Joseph Martha and Emma the six

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Thos Day Senor

Children of my said Son Thomas the Sum of fifty pounds each of like lawful Money to be paid at the end of twelve Months next after my decease or as soon afterwards as they shall attain their several Ages of twenty one years with Interest in the meantime to be computed from the end of such twelve Months AND in case any or either of them my said Grandchildren shall die before his her or their Legacy or Legacies shall become payable leaving Issue then I give and bequeath the Legacy or Legacies of him her or them so dying unto his her or their Child or Children respectively equally to be divided between ^{them} if more than one share and share alike but in case of the death of any or either of them before such time without leaving Issue then I give and bequeath the Legacy or Legacies of him her or them so dying as last aforesaid unto the Survivors or Survivor of them my said Grandchildren equally to be divided between them if more than one share and share alike ALSO I give and bequeath unto my said Son James the sum of two hundred pounds of lawful Money aforesaid I likewise give and bequeath to Mary Emma Charles Thomas and James the five Children of my said Son James the Sum of fifty pounds each of like lawful Money to be paid and payable at such time or times with such Interest and subject to such and the like benefit of Survivorship as are hereinbefore expressed and declared in regard to the Legacies given and bequeathed to the children of my said Son Thomas ALSO I give and bequeath to my said Son John the sum of two hundred Pounds of lawful Money aforesaid over and above what I have already advanced to him AND from and after payment of my Just Debts Funeral Expences the Legacies aforesaid the charge of proving this my Will and all expences incident to the execution thereof I give and bequeath all the rest residue and remainder of my Monies and securities for Money & Goods Chattels personal Estate and Effects whatsoever and wheresoever unto all and every my Grandchildren that shall be living at the time of my decease equally to be divided between them share and share alike AND I direct my Executors hereinafter named to place out at Interest in their names in or upon Government or real Security the Legacies and shares of such of my said Grandchildren as shall be under the age of twenty one years at the time of my decease and to pay and apply the Interest and Dividends thereof respectively for and towards their maintenance and support during their respective minorities AND I nominate constitute and appoint my said three Sons Thomas James and John Executors of this my Will AND my Mind and Will is and I do hereby declare that my said Trustees and Executors or any or either of them shall not be charged or chargeable with or accountable for any more monies than shall actually come to their any or either of their hands under this my Will nor with or for any loss or losses but such as shall happen through their or either of their wilful default or neglect that each and every of them shall be answerable for his and their

own acts Deeds receipts defaults or Neglects, ~~only~~ and not the one for the other or the
 Acts Deeds Receipts Defaults or Neglects of the other or others of them and that they
 and each and every of them shall and may from time to time by and out of any
 Monies that may come to their or any or either of their Hands under this my Will
 deduct and reimburse himself and themselves all such Costs Charges Damages
 and Expences as they any or either of them shall or may bear pay sustain or be
 put unto in or about the execution of this my Will or the Trusts hereby in them reposed
 And hereby revoking all former Wills by me made I declare this only to be my last
 Will and Testament. In Witness whereof I the said Thomas Day the Testator have
 to this my last Will and Testament contained in three sheets of paper set my Seal to the
 Label that affixeth them together my Hand to the first two sheets thereof and my Hand
 and Seal to this third and last sheet thereof this twenty fourth day of January in
 the year of our Lord one thousand eight hundred and thirty five.

Signed sealed published and declared by the said
 Thomas Day the Testator as and for his last Will
 and Testament in the presence of us and by us attested
 in his presence at his request and in the presence of
 each other

Thos Day Senior

Geo. Fred. Good

M^r Orion

Elizabeth Andrews

Fifth Day of October 1839.

Thomas Day, James Day and John Day the Sons of the deceased and the
 Executors within named were sworn to the truth of this Will with the
 Codicil annexed and to the due performance thereof. That the Testator
 died on the twenty sixth day of April last and that to the best of their
 knowledge and belief the whole of the Goods Chattels and Credits of the
 deceased are under the value of two thousand Pounds.

Before me

Nicholas Bull Surrogate

104.
Will and Codicil

Day, Thomas

Henham

Sealed the 24th October 1839

Ca Under 2000^l

Reg^d

Day Thomas (Hen)

Henham

Yeoman

W. 24th Oct 1839

D/ABW 134/1/104

not affecting the paying Surm
Proved with a Codicil, on the Twentieth
Twelfth Day of October 1839 before the Rev^d
Nicholas Bull blk Surrog: & by the oaths
of Thomas Day, James Day, & John Day
the Exors to whom Admⁿ he was
granted they being first sworn duly to
admⁿ;

Cop^d
20 Sheets
Ing^a

0/ABW 134/1/104

This is a Codicil to the last Will and Testament of me Thomas Day the elder of Flenham in the County of Essex Yeoman which Will bears date on, or about the twenty fourth day of January one thousand eight hundred and thirty five Whereas I have in and by my said Will given and bequeathed all the rest residue and remainder of my Monies and Securities for Money Goods Chattels Personal Estate and Effects whatsoever and wheresoever which should remain after payment of my just Debts Funeral Expences the Legacies thereby bequeathed the Charges of proving my said Will and all Expences incident to the execution thereof unto all and every my Grandchildren that should be living at the time of my decease equally to be divided between them share and share alike Now I do hereby revoke the bequest to my said Grandchildren of the said residue and do hereby give and bequeath the same unto and to be equally divided between and amongst my three Sons Thomas James and John and my Daughter Sarah share and share alike Provided that in case any or either of them my said four Children shall happen to die in my lifetime leaving lawful Issue then I give and bequeath the part or share of him her or them so dying unto his her or their Child or Children respectively equally to be divided between them if more than one share and share alike and to be paid when and as they shall severally and respectively attain their several and respective ages of twenty one years the Interest and Dividends thereof in the meantime to be applied for and towards their respective maintenance and support And in all other respects I ratify and confirm my

said Will In Witness whereof I have hereunto set
my Hand and Seal this fourth day of April in
the year of our Lord one thousand eight hundred
and thirty six.

Signed sealed published and
declared by the said Thomas Day
the Testator as and for a Codicil
to his last Will and Testament
in the presence of us and by us
attested in his presence at his
request and in the presence of
each other.

Thos Day



Wm. Good.

Geo. Fred. Good.

Fifth Day of October 1839.

This is the Codicil referred to in the memorandum
of the Surat written at the bottom of the will of
the deceased

Nicholas Bull Surrogate