This is the last Will and Testament of me John Barker of Henham in the County of Essex Alehousekeeper First Inominate constitute and appoint my dear Wife Elizabeth Executrix and Joseph Bacon Heard and Thomas Heard both of Henham aforesaid Wheelwrights Executors of this my Will And I direct that all my just debts and funeral and testamentary expences be paid and satisfied as soon as can be after my decease And I give and bequeath unto my only Son William the Sum of one hundred pounds of lawful British money to be paid to him by my said Executors at such time as they shall think proper within two years after my decease And I give and bequeath unto my said Wife the possession and use of all my Household Furniture Plate Linen China Books and other Household Effects of which I shall be possessed at the time of my decease during her life and after her decease I give and bequeath the same unto all my Children equally to be divided between and amongst them share and share alike And I direct that as soon as convenient after my decease an Inventory shall be made of the said Effects hereinbefore bequeathed to my said Wife for her life one copy whereof shall be kept by her and the other deposited with my other Trustees And I give and devise unto the said Joseph Bacon Heard and Thomas Heard their heirs and assigns All the freehold and Copyhold Messuages Lands Tenements and Hereditaments in possession reversion remainder or expectancy whereof or wherein I am or any person or persons in trust for me is or are seized or interested or over which I have a disposing power with their and every of their rights members and appurtenances To hold the same unto & to the use of the said Joseph Bacon Heard and Thomas Heard their heirs and assigns upon the trusts hereinafter mentioned And I give and bequeath all my Stock in trade monies Securities for money and all other my personal Estate and effects of what nature or kind soever not hereinbefore by me disposed of unto my said Wife and the said Joseph Bacon Heard and Thomas Heard their executors administrators and assigns upon the trusts hereinafter expressed concerning the same And it is my will and I direct that the said Hereditaments Effects and premises respectively hereinbefore devised and bequeathed to my

The mark of
John Barker

Witnessed
R. S. Thurgood
Wm. Thurgood
Br. S. Thurgood

1

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said Trustees shall be held upon trust that they and the survivors
and survivor of them his or her executors or administrators do and
shall in the meantime and until my youngest child or anyone so
becoming such shall attain the age of twenty one years if my said
Trustees or Trustee shall think fit so to do but not otherwise either
by themselves herself or himself or by any other person or persons
to be employed by them her or him carry on the business in which
I may be engaged at the time of my decease with full power to manage
the same in such manner as the said Trustees or Trustee shall
think fit And it is my will and I further declare that the
profits which shall arise from my said business during the
time the same shall be carried on as aforesaid or a competent
part thereof after paying the costs of repairs of the premises in which
the same shall be carried on & of insuring against fire and other
the charges and expences to be incurred in the execution of the
aforesaid trusts shall be applied in the maintenance and support
of my said wife and the maintenance support and education of
all my children by my said wife or otherwise for their respective
benefit in such manner and proportions as my said Trustees and
Trustee shall think fit and that when and as often as there shall
be any surplus money in the hands of my said Trustees or Trustee
arising from such profits as shall not be wanted to carry on my
said Business or for other the purposes aforesaid the same shall fall
into and be deemed as part of the residue of my personal Estate and
be subject to the disposition hereinafter declared of such residue
And I further declare that the rents and other profits of the said
Hereditaments shall during the minority of my said youngest
child be received and taken by my said Trustees and be applied &
and disposed of in the same manner as is hereinbefore directed &
concerning the profits to arise from my said business in case the
same shall be carried on as aforesaid And when and as soon as
my youngest child or any one becoming such shall attain the said
age of twenty one years or my said Trustees or Trustee shall think
proper to put off my said Business then I declare that the said &
personal Estate and Effects hereinbefore bequeathed to them shall
fall into and be deemed a part of the residue of my personal Estate

Witnesses
R. S. Thurgood
Wm. Thurgood
Rt. S. Thurgood

The mark of
John Baker

2

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and with respect to the said Messuages Lands Tenements and Hereditaments it is my will and I direct that the same shall be held by my said Trustees Joseph Bacon Heard and Thomas Heard Upon trust that they or the survivors or survivor of them or the heirs executors or administrators of such survivor shall and do as soon as conveniently may be after my said youngest child
13. or any one becoming such shall attain his or her said age of twenty one years sell and absolutely dispose of the same and every part thereof either by Public Auction or private contract or partly by Public auction and partly by Private contract as they in or he or she shall think fit and to convey and assure the same when sold to the purchaser or purchasers thereof his her or their heirs executors administrators and assigns or as he she or they shall direct and
14. upon further trust that they or he do and shall by and out of the monies to arise from such sale or sales as aforesaid pay the expences attending the same and any Mortgage Debt or Debts which may have been created by them under the power in that behalf hereinafter contained (unless the said Hereditaments shall have been sold subject to such Mortgage or Mortgages) and the residue or surplus
15. of such monies I direct shall be deemed and taken to be part of the residue of my personal Estate and be paid and applied accordingly And I do hereby declare that my said Trustees Joseph Bacon Heard and Thomas Heard or the survivor of them his Heirs executors or administrators shall have full liberty to buy in any part of
16. my trust Estate which shall or may be offered for Sale by auction and resell the Hereditaments so bought in at any future auction or auctions or by private contract without being answerable for any loss expence or diminution of price which shall be consequent thereupon And it is my will and I expressly direct that any a
17. person or persons who shall pay his her or their purchase monies or any other sum or sums of money whatsoever to the Trustees or Trustee for the time being of this my will shall not be obliged or required to see to the application or be answerable or accountable for the misapplication or nonapplication of the same money or any part thereof and that every receipt which shall be given by such Trustees or Trustee shall be a good valid

Witnesses
A. S. Thurgood
Wm. Thurgood
B.T. Thurgood

The mark of
John Barker

3

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18 and sufficient acquittance and discharge for the sum or sums of
money which therein or thereby respectively shall be acknowledged
or expressed to have been received Provided always and I hereby
declare that it shall be lawful for the said Joseph Bacon Heard and
Thomas Heard or the survivor of them his heirs executors or administrators
to raise and levy from time to time by one or more Mortgage or Mortgages
19 of the Freehold and Copyhold Hereditaments hereinbefore devised
or any part thereof respectively (such Mortgage or Mortgages to be made
either in fee or for any term or terms of years and either with or without
a power of sale in default of payment) such sum or sums of money
as they or he shall think proper and as may be necessary for the
purpose of paying my just debts funeral and testamentary expences
20 the Legacy hereinbefore bequeathed to my said Son William and the
fines and fees on their admission to such part of the Hereditaments hereinbefore
devised to them as is of Copyhold tenure together with the Costs and expences
attending or incident to the raising of the same and to apply the money so
to be raised in payment and satisfaction thereof accordingly And I expressly
direct and declare that the person or persons who shall advance any
21 sum or sums of money upon the security of any Mortgage or Mortgages
of the Hereditaments aforesaid or of any part thereof shall not be obliged or
required to see to the application or be answerable or accountable for the
misapplication or non application of the same money or any part
of the same or to ascertain or enquire whether such Mortgage or Mortgages
22 is or are necessary or proper for the purposes aforesaid or any of them or
into the sufficiency or insufficiency of my personal Estate for the payment
of the same And as to all the rest residue and remainder of my personal
Estate and Effects whatsoever and wheresoever not hereinbefore specifically
or otherwise bequeathed or disposed of including the monies to arise from
the sale or sales of my said Estates and the surplus profits of my business
23 and all other monies which by this my will I have directed to fall
into and form part of my said residuary personal Estate I give and be-
queath the same unto my said wife and all my children and
(including my said Son William) as well those now born as those
witnesses which shall hereafter be born in my lifetime or in due time after
24 my decease equally to be divided between and amongst them to
share and share alike Provided also and I do hereby declare that

R. T. Thurgood

Wm. Thurgood.

R. T. Thurgood

The mark of

John Barker

4

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it shall be lawfull for the said Trustees or Trustee for the time being
at their her or his discretion during the respective minorities or
minority of any or either of my said children to apply any part
of the vested or presumptive share or shares of them any or either
27 of them under this my will in or towards their advancement &
and preferment in the world or otherwise for their benefit in such &
manner as the said Trustees or Trustee shall think proper Provided
nevertheless and I do hereby declare my will to be that in case my
said wife shall happen to marry again all the powers given to
her as an Executrix and Trustee under this my will shall cease and
be void to all intents and purposes notwithstanding anything
28 hereinbefore contained Provided nevertheless and in case any or
either of my said children shall happen to die in my lifetime &
leaving lawful issue then I give and bequeath the share or shares
of him her or them so dying unto his her or their child or children
if more than one share and share alike and if but one then to
such one only so as such grandchild or Grandchildren shall
be entitled to receive his her or their parents share and no more
29 And in case any or either of my said children shall happen
to die in my lifetime without leaving lawful issue then I give and
bequeath the share or shares of him her or them so dying without
such issue unto the survivor or survivors of them my said
children equally to be divided between and amongst them
if more than one share and share alike and if but one then to
30 such one child only 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 or other monies than shall come to their or any
or either of their hands in or by this my will nor with or for any
loss or losses which may happen in carrying on my said business
31 or otherwise unless the same shall happen through wilful
default or neglect that one of them shall not be answerable
for the acts of the others or other of them but each for her or his
own acts only and that they and each of them shall and may
pay and out of any monies which shall come to their or any
or either of their hands under this my will deduct reimburse and

Witnesses
R. S. Thurgood
Wm Thurgood Jr.
Br. J. Thurgood

5

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John Barker

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pay themselves and each other all such costs reasonable charges for time and trouble and expences incident to the execution of this my will as they or any or either of them shall or may bear have or be put unto in or about the execution of this my will or the trusts thereof and hereby revoking all former wills by me made I declare this only to be my last will and Testament In Witness whereof
33 I the said John Barker the Testator have to this my last will & and testament contained in Six Sheets of paper set my seal to the Label that affixeth them together my hand to the first five sheets thereof and my hand and seal to this Sixth and last Sheet thereof this second day of September in the year one thousand eight hundred and thirty seven.

Signed sealed published and declared by the said John Barker 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.
34

The mark and Seal
X
of John Barker

35

R. S. Sturgood.

Wm. Sturgood.

Br. S. Sturgood

6

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This is a Codicil to the last Will and Testament of me John Barker of Henham in the County of Essex Alehouse keeper which Will bears date the second day of September one thousand eight hundred and thirty seven Wherras I have in and by my said Will given and bequeathed unto my only Son William the sum of One hundred pounds to be paid to him by the Executors in my said Will named at such time as they should think proper within two years after my decease And Wherras in and by my said Will I have given and bequeathed all the residue and remainder of my personal Estate not thereinbefore otherwise bequeathed or disposed of including the monies to arise from the Sale of my Estates therein devised upon trust and directed to be sold and the surplus profits of my business and all other the monies which I have by my said Will directed to form part of my residuary personal Estate unto my said Wife and all my Children including my said Son William as well those born as those which should thereafter be born in my lifetime or in due time after my decease equally to be divided between and amongst them share and share alike Now I do hereby revoke the bequest in my said Will contained to my said Son William of an equal share with my said Wife and other Children of my said residuary personal Estate and do hereby give and bequeath unto him an equal share thereof after deducting therefrom the sum of One hundred pounds the amount of the said legacy which I do hereby declare shall fall into and become part of my said residuary personal Estate and be paid and applied accordingly And in all other respects I confirm my said Will In Witness whereof I the said John Barker the Testator have hereunto set my hand and seal this fourteenth day of March one thousand eight hundred and forty three.

Signed Sealed published and Declared by the said John Barker 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 all being present at the same time . . . . . .

Wm. Thurgood

Ed. N. Thurgood.

The mark and Seal of
John Barker

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First day of November 1845.

Elizabeth Barker of Henham in the County of Essex the R.C. Widow of deceased and ~~Joseph Bacon~~ Thomas Heard of Henham aforesaid Wheelwright the Executrix and surviving Executor within named were sworn to the truth of this Will and Codicil and to the due performance thereof that testator died on or about the fifteenth day of August last at Henham aforesaid and that the whole of the Effects of the deceased are under the value of One hundred pounds

Before me

Ralph Clutton Surrogate

Proved with a codicil on the 7th November 1845 before the Revd. Ralph Clutton Clk Surrog: &c by the oaths of Elizabeth Barker & Thomas ~~Bacon~~ Heard the surviving Exors to whom Admon &c was granted they being first sworn duly to admin.

ABW 137/1/134

Will & Codicil 134 C

Barker John

Henham

Sealed 7th Nov.r 1845.

Under £100.

Coal Barker John
Reg.r Henham
Alehouse Keeper

W. 7th Nov.r 1845

Copy 38 fo. 298

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