

# This is the last Will and Testament

of me John Key of Upton upon Severn in the County of Worcester Esquire my own hand first I will and direct that all my Just debts funeral and Testamentary expences be paid and satisfied and I do hereby as far as A lawfull may or can ratify and confirm a certain indenture bearing date on or about the first day of November which was in the year of our Lord one thousand seven <sup>hundred</sup> and fifty three and made or mentioned to be made between my late father Elias Key Esquire deceased and me of the first part James Barber of Birmingham in the County of Warwick Esquire and Sarah also deceased and Sarah my now wife by her true name and addition of Sarah Water Spinster one of the Daughters of the said James Water of the second part and my Brother Samuel Key of Abingdon in the said County of Worcester and James Water the younger of Birmingham aforesaid which also deceased eldest son of the said James Water the Elder and Brother of my said wife of the third part made previous to and in prospect and consideration of the Marriage then intended and afterwards had & contracted by me and my said wife and I direct that the several Trusts thereof or as nearly thereto as the death of parties and other contingencies will admit be fulfilled and as to the Estate and Effects wherof or wherofin I am seized or possessed or any way interested in or intitled unto I give devise and dispose thereof as follows that is to say I give and bequeath to each of my Brothers and to my sister Lawrence five pounds a piece as a token of my regard for them to be paid immediately upon my decease I give and bequeath unto my said Brother the said Samuel Key and my son James Key their Executors and Administrators all my household Goods plate Linnen Linnen stuffs in Trade sum and sum of Money security for Money and all and singular <sup>other</sup> my personal Estate whatsoever and wheresoever (save and except my Leasholds Lands Creditments and promises) upon the several Trusts nevertheless and under and subject to the provisions hereinafter expressed and declared of and concerning the same respectively that is to say that my the said Samuel Key and James Key their Executors and Administrators do and shall as soon as conveniently may be after my decease raise a sum and

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perfect Inventory and appraisement of all and singular  
my said personal Estate to be made and taken by  
two such Indifferent and skilful Appraisers, as they  
shall approve of and after such Inventory and appraisement  
shall be so as aforesaid made and taken  
then as for and concerning my said Household Goods  
plate China and Linen upon Trust that they the  
said James they and James they their Executors and  
Administrators do and shall permit and suffer my said  
wife to have and take to her own use <sup>and</sup> as and for  
her own sole and absolute property any part of my  
said Household Goods plate China and Linen she may  
think proper not exceeding in the whole the value  
of fifty pounds according to the said Appraisement herein  
before directed to be made as aforesaid and upon  
further Trust that they my said Executors their Executors  
and Administrators do and shall permit and suffer my  
said wife to have the use of the residue or such  
part of my said Household Goods plate China  
and Linen as she shall think fit until the Children  
I now have by my said wife shall lawfully and  
lawfully attain the age of twenty one years or  
happy to die without attaining such age which  
shall first happen, subject nevertheless to the proviso  
next ensuing after mentioned as to one sixth part  
or share the whole into six parts or shares to be  
equally divided of my said Household Goods plate  
China and Linen and as my said Children shall  
lawfully and lawfully attain his her or their age  
or ages of twenty one years then upon Trust  
that my said Executors their Executors or Administrators  
do and shall deliver to such Children lawfully and  
lawfully as he she or they shall lawfully and  
lawfully attain his her or their age or ages of  
twenty one years one full sixth part or share the  
whole into six parts or shares to be divided of the  
said residue of my said Household Goods plate China  
and Linen that is to say, to my son Charles one  
sixth part to my daughter Henry one other sixth part  
to my daughter Martha one other sixth part to  
my son Thomas one other sixth part and to my  
son George one other sixth part subject nevertheless  
to the said proviso next herein after contained as to  
the said other sixth part that is to say, provided  
always that it shall and may be lawful to and for  
my said son James they (who hath already attained  
his age of twenty one years in the first place  
and immediately or as soon as conveniently may be  
after my decease to have and take to and for his  
own sole use and property such one full sixth  
part or share the whole into six parts or shares  
to be equally divided of the said residue of any

said Waterfield Goods plate China and Linen as her  
 shall think proper and I desire and direct my said  
 said other Trustees the said Samuel they to permit  
 and suffer my said son James to take such debts  
 share and to have hold and enjoy the same as  
 lawfully and as for and concerning all other my said  
 personal Estate (except before excepted) upon Trust  
 that they the said Samuel they and James they -  
 their Executors and Administrators do and shall as  
 soon as conveniently may be after my decease collect  
 and get in all such sum and sums of money as  
 shall be due and owing to me from my person  
 or persons whomsoever in the course of my Trade  
 and dealing or otherwise upon simple Contract and  
 such other sum or sums of money as shall or  
 may be due or owing to me upon especially as my  
 said Trustees shall find necessary or think advisable  
 and also sell and dispose of all my stock in Trade  
 and in and out of the Kingdom to be sold by receipt  
 of such sum and sums of such stock in Trade as  
 aforesaid do and shall in the best place pay off  
 and discharge the sum of three hundred pounds  
 (being the money settled on my said Marriage) to the  
 proper person or persons upon the Trust of the said  
 indenture of settlement herein before recited or to be  
 recited of and upon do and shall pay to my said  
 wife the sum of three hundred pounds being the  
 sum left her for her separate use in and by  
 the last will and testament of her said late  
 father the said James Water deceased of which said  
 will the said James Water named James Water the  
 younger also deceased and I were Executors and  
 while said sum of three hundred pounds I received  
 and applied to my own use and gave the said  
 James Water the younger the whole other sum  
 of the said James Water the Elder my receipt and  
 which said sum of three hundred pounds being given  
 to my said wife I do hereby declare shall be in  
 full and full satisfaction of the said late sum of  
 three hundred pounds so as aforesaid given to her  
 separate use of my said wife by the will of her said  
 father and received by me and upon Trust that they  
 the said Samuel they and James they their Executors  
 and Administrators do and shall pay out the further  
 sum of three hundred pounds at interest and pay  
 and apply the interest and principal thereof as the  
 same shall arise and be received to my said wife  
 or otherwise to, permit and suffer her to receive the  
 same to and for her own use and benefit during the  
 term of her natural life which said several sums of  
 twelve hundred pounds three hundred pounds and three  
 hundred pounds) to which or to the interest thereof

my said wife will by this my ~~will~~ Will and otherwise  
 James interested in or entitled unto added to the  
 further sum of twelve hundred pounds left to the  
 separate use of my said wife by the will of the  
 said James Baker His younger Heires and assigned to  
 his trustees by mortgage of my Heirsonages lands  
 hereditaments and premises or some of them make  
 together three thousand pounds so that via my said  
 wife is amply provided for and as to the said Residue  
 of my personal Estate (except before excepted) after  
 paying and paying the said sum of three thousand  
 pounds upon Trust that my said Trustees their Executors  
 or Administrators do and shall place out and continue  
 the same at Interest (subject nevertheless to the  
 proviso hereinafter contained) as to one sixth part  
 of such Residue and the Interest and proceeds thereof  
 from time to time pay and apply for and towards the  
 maintenance Education and support of my Infant Children  
 respectively until they shall severally and respectively  
 attain his her or their age or ages of twenty one  
 years so nevertheless that the Expence of the  
 maintenance Education and support of any or either  
 of my said Children shall not exceed the Interest of  
 his her or their portion or portions and as my said  
 Children shall severally and successively attain the  
 age of twenty one years then upon Trust to pay  
 to such Child or Children as he she or they shall  
 attain his her or their age or ages of twenty one  
 years one full sixth share the whole into six shares  
 to be equally divided of the said Residue of my personal

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...the full value of the residue into six shares  
of the said residue of my personal  
estate (except before excepted) together with all his  
accumulated interest thereof, provided always that if  
small and may be lawful to and for my said son  
James they to divert and retain in his hands one  
sixth share of the whole into six shares to  
be equally divided of the said residue of my personal  
estate (except before excepted) to and for his own  
use and absolute property and I direct my said son  
Charles the said James they to permit my said son  
by law void and enjoy the same according provided  
and that the sum of two hundred and ninety pounds  
which I have lately advanced and paid to my said  
son Charles or to his use or upon his account -  
shall be accounted and taken as part of the share  
of him my said son Charles of the said residue  
of my personal estate I give devise and bequeath  
unto my said Charles James they and James they  
their heirs and assigns all my freehold messuages  
lands tenements and diversities situated - and  
being at upon upon certain aforesaid with the  
appurtenances thereof give and bequeath unto them  
the said James and James they their Executors and

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Administrators all my Leaschold lands hereditaments and  
premises also situate at Upen upon severall aforesaid.  
with the appurtenances To hold the said freehold &  
disfranchises lands and hereditaments unto and to the  
use of the said saynol they and James they their  
heirs and assigns for ever and to hold the said  
Leaschold lands hereditaments and premises unto the  
said saynol they and James they their Executors and  
Adminors for and during all the rest and residue of my  
Estate and Interest therein or thereto respectively upon  
the trusts nevertheless herein after expressed and declared  
of and concerning the said premises respectively that  
is to say upon trust to demise sett or lett the said  
freehold and Leaschold premises <sup>respective</sup> to such person or persons  
and for such sum and sums of money as they shall  
think proper until my said son Thomas shall attain  
the age of twenty one years or dye which shall first  
happen and when and if my said son Thomas shall  
live to attain the said age of twenty one years  
and shall be desirous of carrying on the Trade or  
business of a Cydermerchant in the premises then  
they and I to purchase my said freehold and Leaschold  
disfranchises lands hereditaments and premises at or for  
the price or sum of twelve hundred pounds then  
upon trust to grant and relet the said freehold  
premises to my said son Thomas his heirs and assigns  
for ever and to assign and set over the said Leaschold  
lands hereditaments and premises unto my said son.

Thomas his Executors and Administrators for all the  
then residue of the term or Terms of years therein  
provided always and upon Condition nevertheless that  
if my son James shall be desirous of carrying on o-  
the said Trade and Business of a Supermerchant in  
the premises I now occupy and to purchase my said  
freehold and Leaschold Arreduages lands Hereditaments  
and Premises at or for the price or sum of twelve  
hundred pounds then it is my will and I do hereby di-  
rect that my said son James his Executors and  
Administrators shall stand and be absolutely seized and  
possessed of such freehold and Leaschold Hereditaments  
and Premises for ever or for and during all the best  
and residue of the term or terms of years therein  
According to the Quality of the Estate and in that case  
I do direct my said other Trustees to grant release  
and Assign his Estate and Interest in the said freehold  
and Leaschold Premises to my said son James his Execu-  
tors Administrators and Assigns respectively and in case  
both my said sons James and Thomas shall refuse  
to carry on the said Trade and Business of a Super-  
merchant at upon upon every aforesaid and to  
purchase or take to my said freehold and Leaschold  
Arreduages lands Hereditaments and Premises at or for

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the said price or sum of twelve hundred pounds here  
upon Trust that they the said James they and James  
they their heirs Executors and Administrators do and  
shall within one Month after my said son Thomas  
shall attain his said age of twenty one years or  
depart this life (which shall first happen) or as soon  
after either of the said Events as conveniently may be  
sell and absolutely dispose of my said freehold and or  
leasehold Premises lands Tenements and Premises to  
such Person or Persons as they shall think proper and  
for the best price that can or may be reasonably  
had or gotten for the same and upon Trust to pay  
and divide the Money arising by sale of such my said  
Premises in the same manner in the same shares  
and Proportions and under and subject to the same  
Provisions as are herein before expressed and contained  
of and concerning my said personal Estate that is to  
say into six equal Shares whereof the said James  
they to have one and each of my said other Children  
one a part and upon Trust that my said Trustees or  
their heirs Executors and Administrators do and shall  
from time to time and for so long time as my said  
freehold and leasehold Premises or any of them or  
any part thereof shall remain unsold pay apply and  
divide the rents Issues and Profits thereof in the  
same manner and for the same uses as are herein  
before declared concerning my said personal Estate and  
the Consideration Money for the purchase of my said  
freehold and leasehold Premises provided always that  
if any or either of my said Children shall happen to  
die before his her or their Marriage or Fortunes shall

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I do hereby Will and direct that  
the said fortune or fortunes of him her or them so  
dying shall go and be divided unto and amongst  
the survivor and survivors of them if more than  
one share and share alike and to be paid when  
his her or their original fortune is hereby made  
payable provided also and I do hereby Will and direct  
that the sum of three hundred pounds hereinafter  
directed to be raised and paid out at interest  
for the benefit of my said wife for her life shall  
immediately after her decease — go and be divided  
unto and amongst all and every of my said children  
who shall be then living or the issue of such of  
them as shall be dead leaving issue share and share  
alike but the issue of such of them as shall be dead  
shall be intitled only to such share as his her or their  
father or mother's father or mother would have been  
intitled to if living and if but one of my said children  
shall be then living and there shall be no issue  
then living of my said children or any or either of  
them then to that one his or her executor or admors.

provided also that my said Trustees or either of them shall not be answerable or accountable for more money or effects than shall actually come to their hands or possessions nor for any money or effects that may happen to be lost without their wilful default nor this one for the other or for the said Executors or Administrators act or deed of the other but each for his own said Executors and Administrators act and deed only and that it shall and may be lawful to and for my said Trustees by and out of the said Trust premises in the first place to retain in their hands all such reasonable Costs Damages and expences they or either of them may sustain or be put into in executing the Trusts of this my will or in anywise incident therunto and to reimburse themselves for all Trouble they may be put to, and to nominate and appoint my said Brother Samuel and son James Esqrs Executors of this my will and Guardians together with my wife of my Infant Children until they shall severally attain their respective ages of twenty one years and lawfully proving all former wills and Testamentary writings by me at any time heretofore made to declare this to be my last will and Testament in Testimony whereof I have to this my said last Will and Testament set my hand and seal this twenty sixth day of January in the year of our Lord one thousand seven hundred and seventy six Anno Regni Regi. (2) signed sealed published and declared by the said Testator John Esq in the presence of us who in his presence and in the presence of each other and at his request subscribed our names as Witnesses J. Johnstone, Tho. Brockhurst, W. Achem. 1776 Long. 4.

26<sup>th</sup> Jan: 1776

And also my wife shall be coisient with Child at the time of my decease I will that such Posthumous Child shall be intitled to one full seventh share of my real and personal Estate (except the share given to my said wife not exceeding fifty pounds value) and in such case my said real and personal Estate shall be divided into seven shares to wit to every Child an equal part &c. They &c. signed and sealed by the said Testator as a Codicil to his said Will in the presence of J. Johnstone, Tho. Brockhurst &c.

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