

This is the last will and Testament of me James Bunyard

of Maidstone in the county of Kent Nurseryman first I want all my just debts and funeral and testamentary expenses to be fully paid and satisfied by my executors hereinafter appointed with all reasonable speed after my decease out of my personal estate and I give and devise all every my messuages lands tenements hereditaments and real estate whatsoever and wheresoever that I shall die seized of either in possession reversion remainder or expectancy or otherwise howsoever unto my dear wife Lucy Bunyard and her assigns for and during the term of her natural life without impeachment of waste and from and after the decease of her my said wife Lucy Bunyard then I give and devise all and every my said messuages lands tenements hereditaments and real estate unto my children Charles Bunyard Thomas Bunyard Lucy Tassell wife of James Tassell of Maidstone aforesaid Grocer Mary Bunyard also James Bunyard to be equally divided between and among them share and share alike as tenants in common and not as joint tenants and the heirs and assigns of the same child or children respectively in fee and not in tail and I direct that on the first day of October next after my decease an account of the whole of the stock in trade and book debts belonging and owing to me and my said sons Charles Bunyard and Thomas Bunyard as copartners shall be taken as at the commencement of the copartnership between us and after allowing or deducting all monies owing by me and my said sons as such copartners I direct that my share of the said copartnership stock in trade and book debts

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with my share of the intermediate profits of the said Business shall sink into and form part of my residuary personal estate and go as the same is hereinafter disposed of and I direct that the valuation of the said copartnership stock and book debts allowing for bad debts shall be valued by three indifferent persons one of such persons to be chosen by my said sons Charles Bunyard and Thomas Bunyard one other by my executrix and executors hereinafter named and the third by such two first Nominees and I direct that my said sons Charles Bunyard and Thomas Bunyard shall pay three full equal fifth parts or shares of my share of the amount of the said valuation unto my executors hereinafter named or the survivor of them his executors or administrators upon the trusts hereinafter [*PRO copy illegible at this point*¹] declared by twelve equal instalments with interest for the same after the rate of four pounds per centum per annum the payment of the first instalment with interest on the whole of the said three fifth parts of shares to commence and be made on the first day of January next ensuring the said first day of October next after my decease and the payment of such succeeding instalment with interest on such parts of the said three fifth parts or shares as shall from time to time remain at the end of every succeeding three months from the said first day of January until the whole of the said instalments shall be fully paid and satisfied and that the first instalment shall be considered as paid and made on account of my said daughter Lucy Tassell the second instalment on account of my said daughter Mary Bunyard and the third instalment on account of said son James Bunyard and so on from time to time as to the subsequent instalments according to the seniorities of my said last named children in reference to their respective shares of my Estate and Effects and I direct that they my said sons Charles and Thomas shall out of the profits of the said copartnership Business pay or allow to my said wife Lucy Bunyard or her assigns one annuity or that yearly sum of twenty pounds of lawful money of Great Britain by half yearly payments on the first day of April and the first day of October for and during the term of her natural life the first half

yearly payment to commence and be made on the first day of April next succeeding the first day of October after my decease and also shall and will pay unto my said wife or her assigns yearly and every year during her natural life the sum of ____ [sic] being the amt. which they my said sons Charles and Thomas now pay me under the said copartnership for and in respect of their part of and in the shop warehouses and premises in the said Lease and I direct that my said sons Charles and Thomas shall within one calendar year after my decease should execute to my said executors and my said wife Lucy Bunyard a Bond in a sufficient penalty for better securing the payment of the said Instalments and Interest to my said Executors and also of the said Annuity of twenty pounds and yearly rent of _____ [sic] to my said wife and I also direct that in case my said sons Charles and Thomas shall make default in payment of any of the said Instalments or the Interest thereof when and as the same shall respectively become due then that they my said sons shall pay interest on the said Instalments or on such part thereof as shall then remain due and unpaid after the rate of five pounds per centum per annum for the time such instalments shall remain due instead of four pounds per centum per annum as before directed and also that if they my said sons Charles and Thomas shall pay the said Instalments or any or either of them before the same shall respectively become due then that they my said sons shall be allowed out of the monies payable by them a discount of four pounds per centum and as to the remaining two fifth parts or shares of my share of the amount of the valuation hereinafter directed to be made of the aforesaid copartnership stock and book debts I give and bequeath the same unto my said sons Charles and Thomas in equal shares as tenants in common for their respective absolute use and as to and concerning all and every my stocks funds monies mortgages and

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securities for money household furniture plate linen and china and generally as to all the Rest and Residue of my personal estate and effects whatsoever and wheresoever and of what nature kind or quality soever the same may be not by me otherwise already disposed of, I give and bequeath the same and every of them and every part thereof and all my estate and interest therein respectively unto John Thomas Dennett of Cranbrook in the county of Kent stationer and Alexander Randall of Maidstone aforesaid Gentleman their executors and administrators nevertheless upon trust that they the said John Thomas Dennett and Alexander Randall or the survivor of them his executors or administrators and shall permit and suffer my said wife Lucy Bunyard and her assigns to have hold use and enjoy all or such part or parts of my said household furniture plate linen and china and personal estate as she shall think proper for and during the term of her natural life she signing an inventory thereof to be made and kept by my said Executors and subject thereto do and shall stand possessed thereof and interested therein and moreover do and shall collect get in and receive all such part and parts of my said residuary personal estate as shall consist of debts monies or securities for money and do and shall as soon as conveniently may be lay out and invest all and every the monies so to be collected got in and received as aforesaid in their or his names or name in the purchase of stock in some or one of the public funds or upon other document or real securities at Interest of and in England with power from time to time with the consent in writing of my said wife Lucy Bunyard during her life and after her decease then at their or his discretion to alter vary and change the said stocks funds and securities and also the stocks funds and securities which shall be standing in my name or as I shall be entitled to at the time of my decease for or into others of the like nature or description as often as it shall become necessary or be thought expedient and do and shall stand and be possessed and interested of and in all and every the stocks funds

and securities constituting my residuary personal estate upon trust to pay unto or to permit and empower my said wife Lucy Bunyard or her assigns to receive and take the dividends interest and annual proceeds thereof to and for her or their own use and benefit for and during the term of her natural life and from and after her decease In trust for all my children the said Charles Bunyard Thomas Bunyard Lucy Tassell Mary Bunyard and James Bunyard equally to be divided between or amongst them share and share alike as tenants in common not as joint tenants and to be vested in them respectively immediately after her decease and I direct that the share or shares of her him or them dying shall be divided between and among all my surviving children share and share alike as tenants in common and not as joint tenants provided always and as to the original and any accruing share or shares of my said daughter Lucy Tassell of and in all and every the stocks funds and securities constituting my residuary personal estate my will is and I direct that my said Trustees or Trustee for the time being shall stand possessed of and interested in the same upon trust to receive and take the dividends Interest and annual proceeds thereof and pay over the same into the proper hands of my said daughter Lucy Tassell to and for her own sole separate personal and peculiar use and bought for and serving the term of her natural life independent and free from the power control debts engagements or incumbrances of her present or any future husband or unto such person or persons for such uses ends intents and purposes as ...by any note or notes in writing signed by her with her own proper hand notwithstanding her coverture shall direct or appoint but not by way of sale mortgage assignment or other mode of anticipation and every receipt which shall be given by her my said daughter alone and without her present or any future husband notwithstanding her coverture or by such person or persons as she shall in manner aforesaid appoint to receive the same shall be a legal and conclusive discharge to my said Trustees or Trustee for the time being for the said dividends interest and annual proceeds or for so much thereof as in every such receipt

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shall be acknowledged or expressed to be received and from and immediately after the decease of her my said daughter Lucy Tassell then In trust for the child if only one and if more than one then all the children of her my said daughter Lucy Tassell equally to be divided between or amongst them share and share alike as tenants in common to be vested in him her or them respectively when and so soon as he she or they shall attain the age of twenty one years and I direct that there shall be benefit of survivorship and also of accrue between and amongst them in the event of the death of any one or more of them without having acquired a vested interest or vested interests as aforesaid. But in case my said daughter shall depart this life without leaving any child or children living to acquire a vested interest or vested interests as aforesaid then in trust for my several other children in equal shares as tenants in common their respective executors or administrators provided also and I do hereby declare my will to be that it shall be lawful for my said Trustees or Trustee for the time being to apply all or any part of the rents issues dividends Interest and annual proceeds arising from the portions hereby by me intended for the child or children of my said daughter Lucy Tassell during their respective minorities (without prejudice to the life Interest of their Mother's in for and towards their respective maintenance education clothing and advancement in such manner as they or he my said Trustees or Trustee for the time being shall think proper and also to advance and pay to and for each or any such children notwithstanding his her or their minority (But without prejudice as aforesaid any part not exceeding one half of his her or their then vested or expectant portion or portions either for placing him her or them out to any

profession business or employment or otherwise for his her or their preferment or advancement in the world or in marriage provided also and it is my will that in case both or either of them the said John Thomas Dennett and Alexander Randall or any Trustee or Trustees to be appointed under this present provision in their or either of their place shall depart this life or be desirous of being discharged from the aforesaid Trusts or shall go to reside beyond the seas or shall neglect or refuse or become incapable to act in the said Trusts before the same shall be fully executed and performed then and in such case and when and as often as the same shall happen it shall be lawful for the surviving or continuing Trustee or Trustees for the time being or the last acting Trustee or the Executors or administrators of the surviving or last acting Trustee of this my will nevertheless with the consent and approbation of my said wife during her life to be testified by some writing under her hand to nominate any fit person or persons to supply the part of the Trustee or Trustees respectively so being desiring to be discharged or going to reside beyond the seas or refusing neglecting or becoming incapable to act as aforesaid and immediately after every such appointment the trust estates monies funds and Effects then vested under and by virtue of this my will in the Trustee or Trustees do dying desiring to be discharged or going to reside beyond the seas or refusing neglecting or becoming incapable to act as aforesaid shall be conveyed assigned and transferred so and in such manner that the same may vest in such new Trustee or Trustees jointly with the surviving or continuing Trustee or solely as the case may require and in his her or their heirs executors and administrators upon the Trusts in this my will expressed declared and contained of and concerning the same or such of them as shall then be subsisting or capable of taking effect and that every such new Trustee shall have and may exercise the same powers priveleges and authorities as if he had been appointed a Trustee by this my will and as if his name had been inserted herein instead of the name of the Trustee hereby appointed or in or to whose place such new Trustee shall come or succeed and I appoint my said dear wife Lucy Bunyard and the said John Thomas Dennett and Alexander Randall joint Executrix and Executors of this my will provided also and I do hereby further declare my will to be that my said Trustees

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and executrix and executors or any of them their or any of their heirs executors or administrators shall not be charged or chargeable with or accountable for any more of the aforesaid trust Estates monies and effects than they respectively shall actually receive or shall come to their respective hands by virtue of this my will nor with or for any loss which shall happen of the same Estates monies and premises or any part thereof so as such loss happen without their respective wilful default nor any one or more of them for the other or others of them or for the acts deeds receipts disbursements or defaults of the other or others of them but each of them only for his and her own acts deeds receipts disbursements and wilful defaults and also that it shall and may be lawful to and for them my said trustees and executors and each and every of them and their respective heirs executors and administrators in the first place by and out of the aforesaid respective trust estates monies and premises to deduct and reimburse themselves respectively and to pay or allow to each other all such loss costs charges and expences as they shall respectively sustain expend or be put unto by reason of the said severall trusts hereby in them reposed or the management or exertion thereof or any other thing in any wise relating thereto and lastly I do hereby revoke annul and make void all former and other will and wills and Testamentary dispositions by me at any time tofore made or published and do publish this only as and for my last will and testament. In Witness whereof I the said James Bunyard the Testator have to the four first sheets of

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this my last will and testament contained in five sheets of paper set my hand and to this last my hand and seal this twenty third day of January in the year of our Lord one thousand eight hundred and ~~twenty nine~~ thirty. *James Bunyard* Signed sealed published and declared by the above named James Bunyard the Testator as and for his last will and testament in the presence of us who in his presence and at his request and in the presence of each other have hereunto subscribed our names as witnesses thereto the words "twenty nine" in this fifth sheet having been first obliterated and the word "thirty" written in lieu thereof. James *errington - Stepn Lamprey of Maidstone - *Stepn Chas Lamprey*

Proved at London 4th March 1845 before the Judge by the oath of us Alexander Randall Esq. one of the surviving Execs to whom Adm[inistrati]on was granted having been first sworn by Com[missi]on duly to administer power reserved of making the like grant to John Thomas Dennett Esquire the other surviving Executor when he shall apply for the same.