

Richard Tylden

Will dated 27th January 1832

Proved 30th June 1832

I **Richard Tylden** of Milsted in the county of Kent esquire hereby revoke all wills codicils and testamentary dispositions at any time heretofore made by me and declare this to be my last Will and Testament

I give and bequeath unto my son **Sir John Maxwell Tylden** of Milsted aforesaid Knight all my money securities for money stocks in the public funds goods chattels and effects and all personal estate whatsoever and wheresoever to and for his own absolute use and benefit subject to the payment of my just debts funeral and testamentary expenses

And whereas by Indenture of Lease and Release bearing date respectively the 4th and 5th days of May 1829 being a settlement made previous to and in contemplation of the marriage of my said son **Sir John Maxwell Tylden** with **Miss Elizabeth Walsh** I have conveyed certain parts of my real estate situate in the several parishes of Milsted aforesaid and Kingsdown in the county of Kent to certain uses therein declared Now I do hereby ratify and confirm the said settlement I give devise and appoint all the messuages lands and hereditaments whereof I am seized or possessed or which I have power to dispose of for any estate of inheritance wheresoever situate (except the fourth part hereinafter devised of the messuages in the parish of Saint Anne Westminster hereinafter mentioned and except such estates as are vested in me upon any trusts or by way of mortgages) with their appurtenances To the uses upon and for the trusts intents and purposes and subject to the provisoes and declarations hereinafter contained of and concerning the same that is to say

To the use of **William Bland** junior of Place House in the parish of Hartlip near Sittingbourne in the said county of Kent esquire and **William Turner Baldwin** of Steed Hill in the same county esquire their administrators and assigns for the term of one thousand years to be computed from the day of my decease without impeachment of waste upon the trusts and with under and subject to the powers provisoes and declarations hereinafter contained of and concerning the same and after the expiration or sooner before x of the said term and in the meantime subject thereto and to the trusts thereof

To the use of the said **Sir John Maxwell Tylden** and his assigns during his life without impeachment of waste and after his decease to the use of his first and every other son severally and successively according to their respective seniorities in tail male and in default of such issue To the use of my son **William Burton Tylden** a Major in the army and his assigns for his life without impeachment of waste and after his decease to the use of **William Tylden** his eldest son and his assigns for his life without impeachment of waste and after the decease of the said **William Tylden**

To the use of the first and every other son of the said **William Tylden** severally and successively according to their respective seniorities in tail male and in default of such to the use of **Richard Tylden** the second son of the said **William Burton Tylden** and his assigns for his life without impeachment of waste and after his decease

To the use of the first and every other son of the said **Richard Tylden** severally and successively according to their respective seniorities in tail male and in default of such issue To the use of every other son of the said **William Burton Tylden** severally and successively according to their respective seniorities in tail male and in default of such issue To the use of my own right heirs for ever and to preserve the contingent remainders hereinbefore devised and appointed from being destroyed

I devise and appoint the said messuages lands and hereditaments hereinbefore devised and appointed to any person during his life with their appurtenances after the determination of that estate by forfeiture or otherwise in his respective lifetime To the use of the said **William Bland** junior and **William Turner Baldwin** their heirs and assigns during the life of the tenant for life whose estate shall so determine

In trust for him and by the usual ways and means to preserve the contingent remainders expectant or depending thereupon and I do hereby declare that the said messuages lands and hereditaments hereinbefore limited to the use of the said **William Bland** junior and **William Turner Baldwin** their executors administrators and assigns for the said term of one thousand years shall be held by them upon and for the trusts intents and purposes and with under and subject to the powers provisoes and declarations hereinafter expressed and contained of and concerning the same that is to say

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Upon trust that the said **William Bland** junior and **William Turner Baldwin** and the survivor of them and the executors administrators and assigns of such survivor do and shall by devising assigning or otherwise disposing of the said messuages lands and hereditaments comprised in the said form or any of them for all or any part of the said form or by bringing actions against the tenants or occupiers of the same messuages lands and hereditaments or any of them for the rents then in arrear or by more than one or by all of the aforesaid ways and means levy and cause the two several sums of £500 apiece for each of my granddaughters **Frances Jane Kemp Tylden** and **Isabella Joanna Tylden** the daughters of my eldest son the **Reverend Richard Tylden** of Chilham in the county of Kent clerk such sums to be vested in and paid to them respectively on their respectively attaining the age of 21 years or being married under that age

And upon this further trust that the said **William Bland** junior and **William Turner Baldwin** and the survivor of them and the executors administrators and assigns of such survivor do and shall from and after my decease with and out of the rents and profits of the said messuages lands and hereditaments comprised in the said form of one thousand years raise and apply for the maintenance and education of the said **Frances Jane Kemp Tylden** and **Isabella Joanna Tylden** respectively or otherwise for their respective benefit in the meantime and until their said legacies shall respectively become payable such yearly sum or sums of money as will equal the amount of interest on their said respective expectant legacies after the rate of five pounds for every one hundred pounds by the year provided nevertheless that if both or either of them the said **Frances Jane Kemp Tylden** and **Isabella Joanna Tylden** shall depart this life without having attained a vested interest in the legacies or legacy then and in such case the legacies or legacy given to them or her respectively so dying shall not be raised but shall be merged in the freehold and inheritance of the said messuages lands and hereditaments comprised in the said term and the said messuages lands and hereditaments shall be for ever thereof discharged from the said legacies or respective legacy and all interest due and to become due for or in respect of the same provided always

and I hereby further direct that the said **William Bland** junior and **William Turner Baldwin** and the survivor of them and the executors administrators and assigns of such survivor shall permit and suffer the rents issues and profits of the messuages lands and hereditaments comprised in the said form or so much thereof as shall remain after answering the trusts aforesaid to be received by the person or persons who under the limitations hereinbefore contained and shall for the time be entitled to the said hereditaments and premises in remainder or reversion immediately expectant on the determination of the said form provided always and I hereby further direct that when the trusts hereinbefore declared of and concerning the said term of one thousand years shall be fully performed and satisfied or shall become unnecessary or incapable of taking effect and all rents charges and expenses if any attending the same shall be fully paid off and discharged then and in such case and immediately thereupon the said term shall (subject and without prejudice to any disposition which shall have been made of the said promises comprised therein for the purposes aforesaid) absolutely raise determine and be void anything hereinbefore contained to the contrary thereof notwithstanding provided also

and I hereby further direct that it shall be lawful for every person hereby made tenant for life of the said messuages lands and hereditaments hereby devised and appointed as and when by virtue of this my Will he shall be in the actual possession of the messuages lands and hereditaments or entitled to the rents and profits thereof by any deed or instrument in writing sealed and delivered by him in the presence of and attested by two or more witnesses or by his last Will in writing or any codicil thereto signed and published by him in the presence of and attested by three or more witnesses but subject to the uses x to the use of the person for the time being making such charge and the powers annexed to such x uses and also subject to the uses or estates to be limited in exercise of the said powers to charge the said messuages lands and hereditaments or any part thereof with the payment of any annual sum not exceeding £600 any woman whom he shall marry for her natural life to be payable quarterly or half yearly and without any deduction whatsoever with usual powers of distress and entry and detention of possession and perception of rents and profits provided that nothing herein contained shall extend to authorize or empower the said **Sir John Maxwell Tylden** to charge the said messuages lands and hereditaments of any part thereof with any sum whatsoever in favour of his present wife she being already provided for by the hereinbefore mentioned Indentures of the 4th and 5th days of May 1829 provided always and I do hereby declare that the messuages lands and hereditaments hereinbefore devised and appointed shall not by virtue of the aforesaid power at any one time be liable to the payment of more than the annual sum of £1000 for jointures provided always

and I do hereby further direct that it shall be lawful for every person hereby made tenant for life of the said messuages lands and hereditaments hereby devised and appointed as and when by virtue of this my Will he shall be in the actual possession of and entitled to the receipt of the rents and profits of the said messuages lands and hereditaments during his life and also to and for the said **William Bland junior** and **William Turner Baldwin** and the survivor of them and the executors and administrators of such survivor from time to time and at all times during the minority or respective minorities of any person or persons who by virtue of any of the limitations aforesaid shall be entitled to any estate of freehold and x of and in the same premises by any deed or deeds instrument or instruments in writing either referring or not referring to this present power to be sealed and delivered by him in the presence of and attested by two or more credible witnesses to limit or appoint by way of demise or lease all or any part or parts of the said messuages lands and hereditaments with their appurtenances to any person or persons for any term or number of years absolute not exceeding twenty one years to take effect in possession and not in reversion or by way of future interest so as that there be reserved on every such limitation or appointment by way of demise or lease payable during the estate or use thereby created the best or most improved yearly rent or rents to be x to the immediate reversion of the premises so to be limited or appointed by way of demise or lease that can or may be reasonably had or gotten for the same without taking any fine premium or forfeit for the making thereof

and so that there be therein respectively contained a clause in the nature of a condition of re-entry for nonpayment of the rent or rents thereby to be respectively reserved and so as that the person or persons named therein as lessee or lessees do execute a counterpart or counterparts thereof respectively and do thereby covenant for the due payment of the rent or rents thereby to be respectively reserved and be nor by any clause or words therein to be contained made dispunishable for waste or exempted from punishment for committing waste

I give and devise all that undivided fourth part or share of or to which I am entitled of and in certain messuages in the parish of Saint Anne Westminster with their appurtenances to the uses following that is to say To the use of my daughter **Mary Isabella** wife of the **Reverend Ralph Price** of Lyminge in the said county of Kent clerk and her assigns for her life without impeachment of waste and after the determination of that estate by forfeiture or otherwise in the life time of the said **Mary Isabella Price** To the the use of the said **William Bland junior** and **William Turner Baldwin** and their heirs during the life of the said **Mary Isabella Price** in trust for her the said **Mary Isabella Price** and her assigns and to preserve the contingent uses hereinafter limited from being destroyed and after the decease of the said **Mary Isabella Price** To the same uses upon and for the same trusts intents and purposes and with under and subject to the same powers provisoes and declarations as are hereinbefore expressed and contained of concerning my other messuages lands tenements and hereditaments hereinbefore devised and appointed or as near thereto as the deaths of parties and other circumstances will for the time admit of but not so as to double or increase any legacy or annual or other sum hereinbefore charged or directed or authorized to be charged on the said messuages lands tenements and hereditaments hereinbefore firstly devised and appointed

and I give and bequeath all the estates vested in me upon any trusts are by way of mortgage and which I have power to dispose of by this my Will with their appurtenances unto my said wife and the said **Sir John Maxwell Tylden** their heirs executors administrators or assigns according to the nature and x thereof respectively Upon trust to hold or dispose of the said trust estates in the manner in which they ought to be held or disposed of pursuant to the said trusts and upon payment of the money secured on mortgage to convey or assign the estates in mortgage to the person or persons entitled thereto for the time being

and I appoint **my said wife** and the said **Sir John Maxwell Tylden** executors of this my Will provided always and I do hereby declare that the receipts of any trustees or trustee for the time being of this my Will for any money payable to them or him under this my Will shall effectually discharge the person or persons paying the same from and being obliged to see to the application thereof or from being answerable or accountable for the misapplication or nonapplication thereof provided always

and I do hereby declare that if the trustees appointed in this my Will or to be appointed as hereinafter is mentioned or any of them or their or any of their heirs executors administrators or assigns shall happen to die or be desirous of being discharged from or refuse or decline or be incapable to act in the trusts hereby in them respectively reposed as aforesaid before the said trusts shall be fully x then and in such case and

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when and as often as the same shall happen it shall and may be lawful to and for the then surviving or continuing trustees or trustee or the executors or administrators of the last surviving or continuing trustee by any deed or deeds instrument or instruments in writing to be by them him or her sealed and delivered in the presence of and attested by two or more credible witnesses from time to time to nominate substitute or appoint any other person or persons to be a trustee or trustees in the stead or place of the trustee or trustees so dying or desiring to be discharged or refusing declining or becoming incapable to act as aforesaid

And when and so often as any new trustee shall be nominated and appointed as aforesaid all the trust estates monies and premises the trustee or trustees whereof shall so die or desire to be discharged or refuse or decline or become incapable to act as aforesaid shall be thereupon with all convenient speed conveyed assigned and transferred in such sort and manner and so as that the same shall and may be legally and effectually vested in the person or persons so to be appointed as aforesaid either solely or jointly with the surviving or continuing trustee or trustees as occasion shall require upon and for the trusts intents and purposes hereinbefore expressed and declared of and concerning the trust estates monies and premises or such of them as shall be then subsisting undetermined and capable of taking effect and the person or persons so to be appointed as aforesaid shall have all the powers and authorities of the trustee or trustees in whose room he or they shall be substituted provided always

and I do hereby further declare that the said several trustees hereby appointed and to be appointed as aforesaid and each and every of them and the executors administrators and assigns of them each and every of them shall be charged and chargeable respectively for such monies only as they respectively shall actually receive by virtue of the trusts hereby in them reposed notwithstanding their or any of their giving or signing or joining in giving or signing any receipt or receipts for the sake of conformity and any one or more of them shall be answerable or accountable for the other or others of them or for involuntary losses and also that it shall be lawful for them with and out of the monies which shall come to their respective hands by virtue of the trusts aforesaid to retain to and reimburse themselves respectively and also to allow their respective co trustee or co trustees all costs charges damages and expenses which they or any of them shall or may suffer sustain expend disburse be at or be put unto in or about the execution of the aforesaid trusts or relation thereto

In witness whereof I the said **Richard Tylden** have to this my last Will and Testament contained in six sheets of paper set my hand and seal that is to say my hand to the first five sheets and my hand and seal to this sixth and last sheet this 10th day of July in the year of our Lord 1829 – **Rich'd Tylden** (Is) signed sealed published and declared by the said **Richard Tylden** 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 hereunto subscribed our names as witnesses – **John Rennard** of Milsted, farmer – **George Hughes** of Milsted, shopkeeper – **Cyprian Dinmatin** of Milsted, servant to Sir John Tylden

Whereas I **Richard Tylden** of Milsted in the county of Kent esquire have made and duly executed my last Will and Testament in writing bearing date on or about the 10th day of July in the year of our lord 1829 now I do hereby declare this present writing to be a codicil to my said Will and I direct the same to be annexed thereto and taken as part thereof and whereas by my said Will I have given and devised all that undivided fourth part or share of or to which I am entitled of and in certain messuages in the parish of Saint Anne Westminster with their appurtenances to the uses following that is to say

To the use of my daughter **Mary Isabella** wife of the **Reverend Ralph Price** of Lyminge in the county of Kent clerk and her assigns for her life without impeachment of waste and after the determination of that estate by forfeiture or otherwise in the life time of the said **Mary Isabella Price** to the use of **William Bland junior William Turner Baldwin** and their heirs during the life of the said **Mary Isabella Price** In trust for her the said **Mary Isabella Price** and her assigns and to preserve the contingent uses thereafter limited from being destroyed and after the decease of the said **Mary Isabella Price** to the same uses upon and for the same trusts intents and purposes and with under and subject to the same powers provisoes and declarations as are thereinbefore expressed and contained of and concerning my other messuages lands tenements and hereditaments thereinbefore devised and appointed or as near thereto as the deaths of parties and other circumstances would for the time being admit of but not so as to double or x any legacy or annual or other sum thereinbefore charged or directed or authorized to be charged on the said messuages lands tenements and hereditaments thereinbefore firstly devised and appointed Now I do hereby altogether revoke the said recited gift and devise of my said undivided fourth

part or share of and in certain messuages in the parish of Saint Anne Westminster and I do hereby give and devise the same to the uses and in the manner following that is to say

To the use and intent that my said daughter **Mary Isabella Price** and her assigns may receive during her life an annual sum of £80 of lawful money of Great Britain clear of all deductions and abatements whatsoever to be issuing out of the said fourth part or share and premises hereby devised and to be paid by four equal quarterly payments on the 25th day of March the 24th day June the 29th day of September and the 25th day of December in every year and the first quarterly payment thereof to be made on such of the said days as shall first happen after my decease And I hereby give to my said daughter **Mary Isabella Price** and her assigns such powers of entry and distress and sale upon the said fourth part or share and premises for recovering the said annual sum of £80 if the same or any part thereof shall be in arrear for the space of 21 days as are given to landlords for recovering rents reserved on common demises and subject thereto

To the use of the said **William Bland** and **William Turner Baldwin** their executors administrators and assigns for the term of one thousand years to be computed from the day of my decease and thereforth next ensuing and fully to be complete and ended without impeachment of waste upon the trusts intents and purposes hereinafter declared concerning the same and after the expiration or other sooner determination of the said term of one thousand years and in the meantime subject thereto and to the trusts thereof To the use of my son **William Burton Tylden** a major in the army his heirs and assigns for ever and I do hereby declare that the said fourth part or share and premises are hereinbefore limited To the use of the said **William Bland** and **William Turner Baldwin** their executors administrators and assigns for the term of one thousand years upon the trusts intents and purposes thereafter expressed and declared of and concerning the same that is to say

Upon trust that the said **William Bland** and **William Turner Baldwin** and the survivor of them the executors administrators and assigns of such survivor do and shall in the first place by sale or mortgage of the same fourth part or share and premises or any part or parts thereof for the whole or any part of the said term of one thousand years or by with and out of the rents issues and profits to arise therefrom in the mean time or by such other ways and means as the said **William Bland** and **William Turner Baldwin** or the survivor of them or the executors administrators or assigns of such survivor shall think proper levy and raise a sufficient sum of money for the payment and satisfaction of so much of their share of the costs and expenses which may remain unpaid at my decease already or hereafter to be incurred in about touching or concerning the partition of the x of the said messuages or tenements in the parish of Saint Anne Westminster which is now in progress and making x myself and the other parties interested therein and also the sum of £100 of lawful money of Great Britain and do and shall apply the money to be so raised in payment of such costs and expenses as aforesaid

and in payment of the legacy or sum of £100 of lawful money of Great Britain which I hereby give and bequeath to my son **Richard Osborne Tylden** and subject to the trusts aforesaid Upon this further trust that if the said annual sum of £80 hereinbefore limited to the use of my said daughter **Mary Isabella Price** and her assigns during her life or any part thereof shall be in arrear for the space of sixty days next after any of the days hereinbefore appointed for the payment thereof then and so often as the same shall happen the said trustees and the survivor of them and the executors administrators and assigns of such survivors do and shall with and out of the rents issues and profits of the said fourth part or share and premises hereby devised or by sale or mortgage thereof or of any part or parts thereof for the whole or any part of the said term of one thousand years or by such other ways or means as they or he shall think proper levy and raise the said annual sum of £80 or so much thereof as shall be in arrear and all expenses which my said daughter **Mary Isabella Price** her executors administrators or assigns or the said **William Bland** and **William Turner Baldwin** or the survivor of them or the executors administrators or assigns of such survivor shall sustain or be put unto by reason of the nonpayment thereof or of any part thereof or otherwise in the execution of the said trusts provided always

and I do hereby declare that when all the trusts of the said term of one thousand years shall have been performed or become unnecessary or incapable of taking effect and in the costs incurred by the said **William Bland** and **William Turner Baldwin** and each of them and their executors administrators and assigns in the execution of such trusts shall have been fully satisfied which costs I do hereby authorize and empower them and him to raise and retain the said term of one thousand years in the said fourth part or share and premises hereinbefore devised or in so much thereof as shall not have been sold or

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mortgaged for the purposes aforesaid shall cease determine and be void provided always and I do hereby declare that the receipts of any trustees or trustee for the time being of this codicil to my said Will for any money payable to them or him under the said codicil shall effectually discharge the person or persons paying the same from being obliged to see to the application thereof or from being answerable or accountable for the misapplication or nonapplication thereof

And I do hereby ratify and confirm my said Will in every respect where the same is hereby revoked and altered as aforesaid In witness whereof I the said **Richard Tylden** have to this codicil contained in this and the three preceding sheets of paper set my hand and seal to wit my hand to and at this bottom of each of the said three preceding sheets and my hand and seal to this last and fourth sheet this 27th day of January in the year of our Lord 1832 - **Rich'd Tylden** (ls) - signed sealed published and declared by the above named **Richard Tylden** as and for a codicil to his last Will and Testament and to be annexed thereto and taken as part thereof in the presence of us who in his presence at his request and in the presence of each other have hereunto subscribed our names as witnesses - **Ralph Tho. Brockman**, x Folkestone - **John Wright**, Sandgate - **William Marton**, servant to Rich'd Tylden

Proved at London with a codicil 30th June 1832 before the worshipful **George Matham** Dr of Laws Surrogate by the oath of **Sir John Maxwell Tylden** Kt the son one of the executors to whom Admon was granted having been first sworn duly to administer power reserved of making the like grant to **Jane Tylden** widow the relict the other executor when she shall apply for the same.

(PROB 11/1802)