

*The Last Will and Testament
Of Thomas Keene
of Minety
Will Proved
21st June 1832*



Probate Court of London
Original reference
Will Dated 10th February 1832

Testator:	Keene	Thomas	Gentleman of Minety
Executors:			
Peacey	Robert	Brother in Law	Joint Executor of Chudgloe
Kinneir	Richard		Joint Executor of the Leigh

Beneficiaries		Relationship to testator	Other Information
Surname	Given Names		
Keene	Mary	Wife	
Peacey	Robert	Brother in Law	Trustee
Kinneir	Richard		Trustee
Lawrence	Charles		Trustee, Gentleman of Cirencester
		Children	Of Thomas and Mary Keene
Witnesses			
Kinneir	Sarah		Of Leigh
Watkins	Harriet		Of Minety
Leonard	John		Servant to Mr Keene
Other Names			
Jenking	John		Vendor of property in Minety
Capel	William		Source of loan to buy property. Of Cirencester

This is the last Will and Testament of me Thomas Keene of Minety in the County of Gloucester Gentleman

I appoint my brother in law Robert Peacey of Chudgloe in the County of Wilts and Richard Kinneir of the Leigh in the County of Wilts Executors of this my Will and I direct them to pay and discharge all my just debts funeral and testamentary expenses out of my personal Estate and I charge my real Estate with any deficiency which my personal Estate may not extend to satisfy

I give and bequeath unto my dear Wife Mary all my household goods and furniture of every description I also confirm in all respects the settlement executed on my marriage with her

I give and bequeath all the residue of my personal Estate to the said Robert Peacey Richard Kinneir and Charles Lawrence of Cirencester in the County of Gloucester Gentleman and to the survivors and survivor of them and the Executors and Administrators of such survivor upon the trust hereinafter mentioned

I give devise and bequeath all my real Estate whatsoever and wheresoever situate both freehold and copyhold and also my moiety of the Great Tithes of Minety aforesaid and all my Estate right and interest in the same respectively to the said Robert Peacey Richard Kinneir and Charles Lawrence and the Survivors and Survivor of them and the heirs and assigns of such Survivor according to the several natures and qualities of the same respectively upon trust to sell and dispose of the same respectively from time to time when and as they shall see fit and either altogether or in parcels and either by public auction or private contract at their discretion and also that they do and shall collect and get in and make sale of any parts of the residue of my personal Estate as shall be saleable

and I hereby declare that the receipt or receipts of my said Trustees or of the Survivors or Survivor of them or of the Heirs Executors Administrators or assigns of the Survivor of them as the case may require shall be effectual releases and discharges for such money as shall therein be acknowledged to have been reserved to any purchaser or other person to whom the same shall be given

and I hereby direct that my said Trustees and the Survivors and Survivor of them and the Heirs Executors Administrators and assigns of such Survivor do and shall from _ to time place out and invest the monies which shall come to their hands by the sale of my real Estate or from my personal Estate in the Public funds or on Government or real securities in their or his names or name and I empower my said Executors and the Trustees or Trustee for the time being of this my will to alter and vary such investments from time to time into other investments of similar nature at their or his discretion in order to secure the best annual income that may be obtained

and I expressly authorise my said Trustees or Trustee either to sell out monies invested on Government security or in the funds and to invest the produce in real security or to call in monies invested on real securities and to lay out the same in the funds or on Government security as to their judgement may seem most advisable

and I direct that my said Executors and the Trustees and Trustee for the time being of this my will do and shall stand possessed of and be interested in the several stocks funds and securities and the rents and profits of my freehold and copyhold Estates until the same shall have been sold under the provisions hereinbefore made upon trust to pay over the interest dividends and annual income of such securities and the rents and profits of the unsold real estates or so much and such part thereof respectively as my said Trustees or Trustee shall deem sufficient unto my dear Wife Mary so long as she shall continue my widow for the general maintenance and support of herself and my children now living or to be born in due time after my decease until the youngest child shall attain the age of twenty one years and also for the education of my said children

and in the event of the decease or marriage of my said Wife then do and shall apply the income of my said real and personal Estates in like manner for the maintenance support and education of my children and do and shall lay out and invest from time _ time, all surplus income beyond what shall be required for the purposes aforesaid at interest on the like securities with similar power to alter vary and transpose the same to accumulate in augmentation of the principal trust fund

and when my youngest child born or to be born shall attain the age of twenty one years I desire my said Executors and the Trustees and Trustee for the time being of this my Will to pay over to each of my unmarried daughters if there should be more daughters than two whether married or unmarried who shall live to attain a vested interest in the said trust funds as hereinafter mentioned the sum of one thousand pounds and to such of my daughters (if there shall be more than two living to attain a vested interest as aforesaid) who shall be married a like sum of one thousand pounds to be paid to the sole and separate use of such married daughter respectively and the same not to be liable to the control debts or engagements of their respective husbands

and to such person or persons and for such uses as my said married daughters respectively shall by any writing under their hands respectively direct or appoint and I desire that their respective receipts alone shall be sufficient discharge to my said Trustees or Trustee for the said sums respectively

In case two of my daughters or one only should live to attain a vested interest as hereinafter mentioned then I desire my said Executors and Trustee to raise and pay to such daughters or daughter as the case may be the sum of one thousand five hundred pounds in lieu of the said sum of one thousand pounds in manner hereinbefore mentioned

and it is my will that my said daughters shall be deemed to have attained a vested interest in the said provisions respectively on their attaining the age of twenty one years or marrying under that age with the consent in writing of their Mother if living or if dead then with the like consent of the Trustees or Trustee of this my will or the majority of them

and after the said sum of money shall have been raised and paid to or for the use of my said daughters respectively I direct that my said Trustees or Trustee do and shall set apart a sufficient portion of the residue of the said trust funds to produce a clear annuity of one hundred pounds to be paid to my dear Wife during her natural life in addition to the provision to which she will be entitled under the marriage settlement by equal half yearly payments the first of which to be paid at the expiration of six months from the period at which my youngest child born or to be born shall attain the age of twenty one years

and in case my said Wife shall marry again I direct that from the period of such marriage the said annuity shall be paid to her sole and separate use independently of any husband she may marry and of the control debts or engagements in such manner and to such person or persons as she shall direct by any note in writing under her hand and that her his or their receipt alone shall be a sufficient discharge for the same

and I authorise my Trustees or Trustee instead of setting apart a sufficient portion of the said trust funds to produce an annual income of one hundred pounds for my said Wife to purchase a Government Annuity of a like amount for her if this arrangement should appear to them most eligible to be payable nevertheless in the manner hereinbefore mentioned

And as to the remainder of the said trust funds and the residue of my said real Estates which may then remain unsold if any I direct that the Trustees or Trustee of this my will shall pay over and transfer such funds and securities and all accumulations which shall have been made thereon after all provisions hereinbefore made shall have been fully satisfied and also convey and assure such residuary real Estates unto between and amongst such of my sons now living or to be born in due time after my decease as shall live to attain the age of twenty one years and to their respective Heirs Executors Administrators or assigns

and to such of them as shall have died under that age leaving lawful issue share and share alike the children or issue of any Son who shall have died under that age to be entitled to the same share as their or his parent if living would have received and in case none of my said Sons shall live to attain a vested interest in the said trust Estates then I desire my said Trustees or Trustee to pay and transfer and convey the same respectively at the period before mentioned unto and amongst my daughters who shall live to attain a vested interest as hereinbefore mentioned

if more than one share and share alike and if only one then to such only daughter absolutely but subject to the life provision and restriction as is hereinbefore contained as to such of my said daughters as shall be then married and in case none of my children now living nor to be born in due time after my decease shall live to attain a vested interest in the said trust Estates or monies then I give devise and bequeath the same respectively unto my dear Wife her Heirs Executors and Administrators according to the nature and quality of the same respectively for her absolute use and benefit

And whereas I have lately contracted with John Jenking of Minety aforesaid for the purchase of his Estate situate in the parish of Minety aforesaid in part freehold and in part Copyhold and I have also contracted with William Capel of Stroud in the County of Gloucester Esquire for the loan of three thousand pounds to enable me to complete the said purchase and have given my Solicitors instructions to prepare the security for the said loan Now I hereby direct my said Trustees to complete the said purchase if a good title can be made to the said Estate pursuant to the said contract and that the same shall be conveyed to them upon the same trusts as are hereinbefore declared concerning my real Estates and the residue of my persona Estate and I also authorise and empower my said Trustees to carry into effect the loan agreed for with William Capel Esquire if they deem it expedient so to do and in the meantime and until the share or respective shares provided for my said children respectively shall become absolutely and indefensibly vested

I empower the Trustees or Trustee for the time being of this my will after the decease or marriage of my said Wife to pay and apply all or such part as they or he may think fit of the portions or presumptive shares of my said daughters and Sons respectively of the annual income of the said trust Estate and monies for and towards the respective maintenance and education of the same children and I authorise and empower my said Trustees or Trustee at their or his discretion to levy and raise by and out of the said trust Estates and monies and to pay and apply for the advancement and preferment in the World or otherwise for the benefit of any son or daughter any sum or sums of money not exceeding in the whole a moiety of the their presumptive share or shares of such children respectively notwithstanding such share or shares may not have become absolutely vested

and I direct that the sum or sums so paid shall be considered as part of the presumptive share or portion respectively of such children and I hereby empower my Trustees or Trustee to manage my said real Estates in such manner as he or they may think most advantageous and for that purpose until the same shall be sold to grant any lease or leases they or he may think fit and to fell and sell such Timber Trees as may for the time being be fit to be felled and to lay out and expend as well the monies produced thereby as any part of the rents and profits of the said real Estates in keeping the same and the buildings thereon in proper repair and to apply the surplus if any of the monies produced by every such fall and sale of Timber in the same manner as the monies produced by any sale or mortgage of the said real Estates are hereinbefore made applicable

and as often as any Trustee or Trustees of this my Will shall die or desire to be discharged from or decline or become incapable to act in the said trust hereby declared I direct my said Wife if living and my Widow and in the event of her decease or marriage the surviving or continuing Trustees or Trustee for the time being or the Executors or Administrators of the last surviving or continuing Trustee by deed duly attested to appoint any new Trustee or Trustees in the place of such of them as shall die or desire to be discharged from or decline or become incapable to act in the said trusts and that thereupon all such acts deeds conveyances transfers assignments and assurances shall be made and executed as shall or may be necessary for vesting the trust Estate securities monies and promises in such surviving or continuing Trustees or Trustee jointly with such new Trustee or Trustees or in such new Trustee or Trustees only as the case may be and that such new Trustee or Trustees shall act in the said trusts as fully and effectually and with the like powers in all respects as he or they might or could have done if he and they had been by me originally appointed a Trustee or Trustees by this my Will

and I declare that any one or more of the said Trustees shall not be answerable for the acts or defaults of the other or others of them tho' he shall have power in signing a receipt for the same for the sake of conformity and that neither of the Trustees or Trustee of this my Will shall be answerable for the failure of any Banker or Broker or other Agent with whom any of the trust funds shall have been deposited nor for any loss which may occur from the insufficiency in value or the invalidity of title of any security nor for any other losses occurring but from wilful negligence and that they shall respectively out of the monies which shall come to their respective hands by virtue of this my Will retain to and reimburse themselves respectively and also allow to their Co-trustees or Co-trustee all costs charges damages expenses fees and payments which they or any of them may sustain or expend by reason of the execution of the trusts and provisions hereby created or in any wise relating hereto

I give and devise unto the said Robert Percy Richard Kinneir and Charles Lawrence and the Survivors and Survivor of them and the Heirs and assigns of such Survivor all Estates vested in me as a Trustee or Mortgagee to be respectively conveyed surrendered or otherwise assured by them or him as circumstances may require

I hereby revoke all former and other wills by me at any time heretofore made and declare this only to be my last Will and Testament to which I have set my hand and seal this tenth day of February in the year of our Lord one thousand eight hundred and thirty two

----- *Tho' Keene* -----

Signed Sealed published and declared by the said Testator as and for his last Will and Testament in the presence of us who have hereunto subscribed our names as witnesses in his presence and in the presence of each other

----- *Sarah Kinneir Leigh* ----- *Harriet Watkins Minety* ----- *John Leonard* *Servant to Mr Keene* -----

Proved at London 21st June 1832 before the Judge by the oaths of Robert Peacey and Richard Kinneir the Executors to whom Admon was granted having been first sworn by Commission duly to Administer