

PROB 11/2003/264
1837

Will of Isaac Kemp, Faversham, dated 30th November
with a Codicil dated 30th January 1839 (after the death of his
Wife Ann in 1838) and Proved at London 13th August 1844

This is the last Will and Testament of me **Isaac Kemp** of the town of Faversham in the county of Kent Harness Maker made published and declared this thirtieth day of November in the year of our Lord one thousand eight hundred and thirty seven in manner and form following that is to say

First I hereby revoke every will and testamentary paper by me heretofore made and of this my last will and testament do constitute and appoint my dear **wife Ann Kemp** and ffrederick ffrancis Girand of Faversham aforesaid Surgeon joint executors and I do give and bequeath unto the said Frederick Francis Girand the sum of five pounds of lawful money of Great Britain as an acknowledgement for his taking upon himself the executorship of this my will

also I give and devise unto my said **wife Ann Kemp** and her heirs all that the messuage tenement or dwellinghouse and shops yard garden and hereditaments as which I now use and occupy situate lying and being in Faversham aforesaid with their and every of their rights members and appurtenances to hold the same and every part thereof unto and to and for the sole and only proper use and behoof of the said **Ann Kemp** and her heirs and assigns forever

Also I give and bequeath unto my said **wife Ann Kemp** all and singular my household goods and furniture plate linen glass stock in and implements and utensils of trade with the fixtures and household effects standing and being in about or belonging to my dwelling house and premises at the time of my decease and also all the book debts that shall be due and owing to me in and on amount of my trade and business to and for her own use and benefit absolutely

Also I recant and forgive unto my **nephew William Kemp** of Greenstreet in Teynham in the said county Collar Maker all principal and interest monies that may be due from him to me at the time of my decease on his promissory note to me for thirty pounds and interest

also I give and bequeath unto my **niece Mary** the wife of [blank] Wood of Milton next Sittingbourne in the said County schoolmaster and unto my **nephew Henry Kemp** of Greenstreet aforesaid Cordwainer the sum of five pounds a piece

Also I give and I devise all those my six several messuages or tenements with the appurtenances thereunto belonging adjoining together and in situate in ffaversham aforesaid in a certain lane or alley leading from Preston Street to Gatefield and all and every other my messuages or tenements hereditaments and real Estate whatsoever and wheresoever (not herein before devised) with their and every of their appurtenances unto and to the use of the said **Ann Kemp** and ffrederick ffrancis Girand and their heirs and assigns upon trust that the said **Ann Kemp** and ffrederick ffrancis Girand and the survivor of them and her and his heirs and assigns do and shall receive and take the rents and profits thereof as the same shall from time to time become due and pay the same unto my said Wife and her assigns or permit her and them to receive and retain the same to and for her and their own use and benefit absolutely for and during the term of her natural life

And from and immediately after her decease or burying her life if she shall so request order and direct and her the said ffederick ffrancis Girand shall in his discretion deem it more advantageous Upon Trust that they the said **Ann Kemp** and ffederick ffrancis Girand or the Survivor of them her or his hers and assigns do and shall when and as soon as conveniently may be make sale dispose of convey my said messuages and tenements hereditaments and real Estate and any part thereof and the *fee simple* and inheritance thereof in possession to any person or persons either by Public Auction or Private Contract together or in parcels for such Sum or Sums of money as to her him or them shall seem reasonable and order and any sale shall be so made of my said real Estate or any part thereof

it shall and may be lawfull for the said **Ann Kemp** and ffederick ffrancis Girand or the Survivor of them her or his heirs and assigns to give and sign a receipt or receipts for the money for which the same shall be so sold which receipt or receipts shall be a sufficient discharge to any purchaser or purchasers for the money for which the same shall be sold or for so much thereof as in such receipt or receipts shall be acknowledged and expressed to be received and such purchaser or purchasers shall not afterwards be answerable or accountable for any loss misapplication or nonapplication of such purchase money or any part thereof

And I do hereby declare my Will to be that they my said Trustees and Trustee do and shall stand possessed of and interested in the money to arise from such sale or sales (whenever the same shall be effected) as part of the Residuum of my personal Estate hereinafter given and bequeathed and as to all and every my ready money and securities for money and money in the public funds and also all and every the Rest Residue and Remainder of my Estate whatsoever and wheresoever and not by me specifically bequeathed or disposed of

I Give and Bequeath the same and every part thereof unto the said **Ann Kemp** and ffederick ffrancis Girand their Executors and Administrators Upon Trust that they or the Survivor of them his or her executors or administrators do and shall collect get in and receive the same converting such parts thereof into money as shall not consist of money and so soon as conveniently may be after my decease or as they my said Trustees shall think it most for the benefit and advantage of the persons who shall or may become intitled to receive the monies arising therefrom and the interest thereof by virtue of this my will

And from and after the first paying and discharging thereout all my just debts expences incident to and attending the proving and execution of this my will do and shall stand possessed of and interested in the monies to arise by and from my said personal estate and effects as aforesaid and also in the monies to arise from the sale or sales of my said real estates whenever the same shall be effected upon the several trusts and in manner herein after declared of and concerning the same (that is to say)

Upon Trust that they the said **Ann Kemp** and ffederick ffrancis Girand or the Survivor of them his or her Executors or administrators do and shall lay out and invest or continue the same and every part thereof in their his or her own names or name at interest on Government or other good and sufficient Security (and I do hereby give unto my said Trustees full power at any time afterwards to change and vary the securities as they shall think fit) and pay apply and dispose of the interest dividends and annual proceeds thereof when and as the same shall become due and payable and be received unto my Wife the said **Ann Kemp** or her assigns or permit and suffer or well and sufficiently authorise and empower her or them to have receive retain and take the same to and for her or their own use and benefit absolutely for and during her natural life

Source: The National Archives (TNA) – digital copies available online.

And from and immediately after the decease of my said Wife Upon Trust that he the said Frederick Francis Girard his executors or administrators do and shall pay apply and dispose of the said interest dividends and annual proceeds and also of the rents issues and profits of my said real Estate until the same shall be sold and disposed of

And in case the sale and disposition thereof shall be postponed when and as the same shall become due and payable and be received unto Ann Sophia the wife of John Beadell of Gravesend in the County of Kent Builder during her natural life for her own sole and separate use and benefit in notwithstanding her coverture for the maintenance of herself and her children only and without be subject to the debts controul forfeiture disposal or engagement of the said John Beadell or any future husband and for which interest dividends and annual proceeds the receipt and receipts of the said Ann Sophia Beadell whether she shall be married or a Widow shall at all times be a good and effectual discharge

And from and immediately after the decease of the said Ann Sophia Beadell Upon Trust that he the said Frederick Francis Girard his executors and administrators do and shall pay apply and dispose of the said principal monies or the securities or funds on or in which the same shall or may be laid out or invested and every part thereof unto and amongst all and every the children or child of the said Ann Sophia Beadell which shall be living at the time of her decease in and by equal parts and proportions if more than one share and share alike and if but one then wholly to that one the share and shares of such of them as shall have attained the age of twenty one years to be payable and paid to him her or them when and so soon as conveniently may be after the death of the said Ann Sophia Beadell And the share and shares of such of them as shall not then have attained that age to be payable and paid to him her or them respectively when and so soon as conveniently may be after their his or her attaining the said age

But in case any or either of the said Children should happen to depart this life before they he or she shall be intitled to receive the monies by this my Will given and bequeathed to and for them respectively as aforesaid leaving children or a child lawfully begotten then him or her surviving then and in that case I do hereby declare and direct that that such children or child of a deceased son and daughter shall be entitled to such share and payable at such time and with the life right chance condition and contingency attend or Survivorship as his her or their father or Mother would have been entitled to if living

Nevertheless it is my will and intention that the share and shares of the said child and children grandchild and grandchildren of and in the said Principal monies shall become and be a vested and transmissible interest in children or child grandchildren or grandchild immediately on their his or her attaining the said age of twenty one years and in the meantime and until the respective parts or share parts or share of such children or child grandchildren or grandchild of and in the monies to arise by and from my said real and personal estate and effects and shall become due and payable as aforesaid

Upon further Trust that are the said Frederick Francis Girard his executors or administrators to and shall lay out and invest or continue the same as interest on security as aforesaid (with life power to change and vary the same) and pay apply and dispose of the interest dividends and annual proceeds from time to time arising and accruing thereby and therefrom when and as the same shall become due and payable and received or so much thereof as he or they shall seem suitable and expedient to such person or persons as to the said Frederick Francis Girard his executors or administrators shall think proper in for and towards the maintenance education and support of the said children of child grandchildren

Transcribed by Shelagh Mason 21st December 2018 and made freely available for individual researchers to use.

or grandchild respectively and so and shall permit and suffer the surplus or residue thereof to accumulate for the benefit of such person or persons as shall be intitled by nature of this my will to the monies from which the same shall arise

But in case there shall be no such children or child grandchildren or grandchild living at the time of the decease of the said Ann Sophia Beadell or being such all of them shall happen to die before he she or they shall have respectively attained their his or her respective ages or age of twenty one years or before the whole of their his or her part or share of and in the said principal monies shall have been paid and applied to and for their his or her use and benefit as aforesaid

Then upon Trust that he the said Frederick Francis Girand his executors or administrators do and shall pay apply assign transfer and dispose of the said principal monies or the securities or funds on or in which the same shall or may be laid out and invested and all interest and dividends then due thereon or so much and such part thereof as shall or may be remaining in their or his hands undisposed of for the purposes aforesaid and every part thereof in manner following (that is to say)

As to one Moiety or half part thereof unto my said Nephew the said **William Kemp** to and for his own use and benefit absolutely and as to the other or remaining Moiety or half part unto and between my Niece the said Mary Wood and my nephew the said **Henry Kemp** in and by equal parts and proportions share and share alike to and for their own respective use and benefit absolutely Nevertheless it is my will and desire that the share of the said Mary Wood shall be payable and paid in such proportions and at such times and in such manner and form as the said ffredrick ffrancis Girand his executors or administrators shall think best for her own separate use and benefit absolutely exclusive and independent of any husband and not subject to the debts arrangements or countroul (*sic*) of any husband and that that the receipt alone notwithstanding coverture shall at all times be a full and sufficient discharge

Provided always and do hereby further declare and direct that it shall and may be lawful to and for the said ffredrick ffrancis Girand his executors and administrators during the minority of the said children or child grandchildren or grandchild respectively in case the interest dividends and proceeds arising from their respective parts and shares of my said Estate and Effects shall not be sufficient for that purpose by and out of the respective shares of and said principal monies so directed to be laid out and invested or continued at interest during their minority only as aforesaid to pay and apply such sum and sums of money part thereof as he or they shall deem expedient and requisite as a premium or premiums in the putting and binding any of the said children or grandchildren apprentice of apprentices to such person or persons in any trade profession or employment or otherwise for his her or their benefit or advancement in the World as he the said ffredrick ffrancis Girand his executors and administrators shall think proper and approve

and I do hereby direct that such premium or premiums money or sums of money so to be paid or given with either of the said children or grandchildren as aforesaid shall be taken and considered as so much money paid to him her or them towards his her or their share of my Estate and Effects and it is my Will and desire that they my said Trustees and Executors shall not nor shall any of them their or either of their heirs executors or administrators be charged or chargeable with or accountable for any loss or deficiency of the said trust property other than each for his or her own wilful default respectively And their respective heirs executors and administrators to retain and reimburse themselves all loss costs charges

Source: *The National Archives (TNA) – digital copies available online.*

damages and expences which they or either of them shall or may sustain or incur by reason or means of the several trusts hereby in them vested or reposed or the management or execution thereof or any thing in any wise relating thereto

In Witness whereof I the said **Isaac Kemp** the Testator have to the bottom of the first five sheets of this my Will set my hand by subscribing them with my name and to this sixth and last sheet have subscribed my name and set my seal the day and year first above written

Isaac Kemp

Signed sealed published and declared by the said **Isaac Kemp** 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 Subscribed our Names as Witnesses

William Jefferys Jun^r Attorney at Law, Faversham
Chas. Tucker W^m Molyneux Clerks to Messrs. Jeffreys and Morgan

This is a Codicil to be added to and taken as part of the foregoing Will

ffirst I do hereby ratify establish republish and confirm my said Will in every respect save as so far the same is or may be hereby or by the death of my Wife which has taken placed revoked or altered

And I do hereby substitute and appoint John Holmes of ffaversham aforesaid Druggist a Trustee and an Executor of my said Will in lieu and stead of my said Wife and in conjunction with ffrederick ffrancis Girand in my said Will named

And I do hereby give and bequeath unto the said John Holmes the sum of five pounds for his Executorship And I do hereby give devise and bequeath direct limit and appoint my Real and Personal Estate and Effects according to the nature tenure and quality thereof unto the said ffrederick ffrancis Girand and John Holmes their Heirs Executors Administrators and Assigns so and as in such manner as that they only may be possessed of and interested in and entitled to the same upon the same or the like trusts and for the same or the like ends intents and purposes and subject to with and under the same powers provisoes conditions limitations and declarations as are intentioned expressed and declared in and by my said Will of and concerning my trustees and executors therein named and appointed as fully and effectually as if they had been thereby appointed And I do hereby revoke and make void every Will and Codicil heretofore made save only the foregoing Will and this present Codicil

In Witness whereof I have hereunto Subscribed my Name and set my Seal the thirtieth day of January in the Year of our Lord one thousand eight hundred and thirty nine

Isaac Kemp

Signed sealed and declared by the said **Isaac Kemp** the Testator as and a Codicil to the foregoing Will in the presence of us present at the same time who at his request and in his presence have hereunto Subscribed our Names as Witnesses The bequest of five pounds to John Holmes being first interlined

Will^m Jeffreys Jun^r **Chas. Tucker** **Wm. Molyneux**

Source: *The National Archives (TNA) – digital copies available online.*

Proved at London with a Codicil 13th August 1844 before the Judge by the Oaths of Frederick Francis Girard the Executor named in the Will and John Holmes the Executor named in the Codicil to whom Admon. [*Administration*] was granted having been first sworn by Comon duly to administer

Notes:

Isaac Kemp was buried at St. Mary of Charity, Faversham on 13th February 1844, aged 78 (n. circa 1766), and is listed as living in Frindsbury, Kent at the time of his death.

His **wife Ann Kemp**, who pre-deceased him, (see Codicil) was buried at Faversham on 30th April 1838, and is listed as “of Preston Street” in the parish register.

Isaac Kemp was christened 2 June 1765, s. of **William and Anne Kemp**, at St. Mary, Teynham, Kent. **William Kemp** had married Anne French 13th June 1764 at Lynsted. Then **William Kemp** died and was buried at Teynham 6th May 1765.

Isaac Kemp married Ann Cox 2 Dec 1792 at SS Peter & Paul, Boughton-under-Blean, by Licence, with a **William Kemp** (his father or brother?) as a Witness. Both were of that parish (otp.). There appear to be no children of this marriage.