

The last Will and Testament
of

James Barham

Born 21st September 1785
Died 10th October 1846

Plumber Painter and Glazier

of Greenhithe in the Parish of Swanscombe, Kent

Signed 23rd September 1846
Proved 7th November 1846

Transcribed by
Chris Barham and Ronald Barham
September 2006

1 **This is the last Will and Testament** *of me James Barham* of Greenhithe in the parish of Swanscombe in the County of Kent, Plumber Painter and Glazier which I make in manner following that is to say.

2 In the first place I direct that all my just debts funeral and testamentary expenses shall be paid and discharged by my Executor and Executrix hereafter as named as soon as conveniently may be after my decease.

3 And I will and direct that my Son Alfred Barham shall carry on manage and conduct my trade or business of a Plumber Painter and Glazier at Greenhithe aforesaid until my youngest reputed child for the time being shall attain the age of seventeen years.

4 And for the purpose of enabling him to carry on manage and conduct the business I direct that he shall during the period of carrying on the same have the occupation of the messuage or dwelling house and premises in or upon which the same is now carried on and the entire use disposal and management of all the capital credits stores and effects which shall be owing or belonging to me in my said trade or business at the time of my decease subject to the payment thereof of my just debts funeral and testamentary expenses.

5 And I do hereby authorize my said Son Alfred for the purpose aforesaid to employ and hire all such servants and workers and others and allow such sum and sums of money for their wages and hire as he shall think fit and proper.

6 And I will and direct that such of the clear yearly gains and profits to arise from or to be produced by my said trade or business during such time as the same shall be carried on by my said Son as aforesaid after paying thereof all rent rates taxes and outgoings

7 And also retaining for his own use the weekly sum of twenty seven shillings as and for his wages or remuneration for carrying on the same business shall be paid and applied in and towards the maintenance and support or otherwise for the benefit of all and every of such of my reputed children Emma Barham, Louisa Barham, Frederick George Barham and Thomas Barham as the said Alfred Barham and my daughter Susannah Barham my Executor and Executrix hereinafter named and appointed shall from time to time think fit and at such times and in such manner as they he or she shall think most beneficial until they severally shall attain the age of seventeen years.

8 And also in and towards the maintenance and support of Elizabeth Haselton now and for many years past living with me at such times and in such manner as my said Executor and Executrix shall think best and most beneficial to her until the youngest of my said reputed children shall attain the age of seventeen years it being my will and desire that my said reputed children shall have a home and some provision made for then respectively until they shall severally attain the age of seventeen years if they shall behave themselves in a respectable and proper manner..

9 And that the said Elizabeth Haselton shall also have a home and some provision made for her until the youngest of my said reputed children shall attain the age of seventeen

10 And I particularly desire and request my said Son and Daughter Alfred Barham and Susannah Barham to regard with kindness and attention and to attend to the wants and comforts of my said reputed children and the said Elizabeth Haselton.

- 11 And I will and desire that the residue or surplus of the said clear yearly gains and profits to arise or be produced by my said trade or business during such time as the same shall or may be carried on by my said Son Alfred as aforesaid after making the said several payments and allowances as aforesaid shall from time to time be added by my said Executor and Executrix to the capital employed or to be employed in my said trade or business.
- 12 And in case my said Son shall at any time decline to carry on manage and conduct my said trade or business or shall depart this life before the youngest of my said reputed children shall attain the age of seventeen years Then do I hereby direct that a sale shall be made by my said Executor and Executrix or the survivor of them as soon as conveniently may be thereafter of the stock in trade implements and effects used and employed in my said trade or business by public auction or by private contract.
- 13 And that after payment of all expenses attending the said sale the net produce of the same as also the amount of all sum and sums of money due to my estate in respect of debts owing to the business and also all the capital employed therein shall be divided into two equal parts to one of which said parts my four children Mary Ann wife of Francis Viner of Sutton-at-Hone in the County of Kent Gardener my son William of the same place Plumber my said son Alfred Barham and my said Daughter Susannah Barham their respective executors administrators and assigns shall be entitled equally share and share alike as tenants in common and not as joint tenants
- 14 And to the remaining part my reputed Daughter Elizabeth Barham, my reputed sons Charles Barham and Richard Barham and my said reputed children Emma Barham, Louisa Barham, Frederick George Barham and Thomas Barham and the said Elizabeth Haselton their respective executors administrators and assigns shall be entitled share and share alike as tenants in common and not as joint tenants
- 15 And I give and bequeath all my household furniture and effects plate linen china glass and earthenware unto the said Alfred Barham and Susannah Barham upon Trust to use and enjoy the same in my said dwellinghouse in common with all and every other the several persons interested under this my will so long as my said business shall be carried on in pursuance of the trust and direction in that behalf herein before contained
- 16 And from and immediately after the same business shall cease to be carried on in pursuance of such trust and direction as aforesaid I do hereby give and bequeath the same household furniture and effects plate linen china glass and earthenware unto and equally between and amongst all and every my children the said Mary Ann Viner William Barham Alfred Barham and Susannah Barham their respective executors administrators and assigns.
- 17 And in case my said son Alfred Barham shall carry on my said trade or business until the youngest of the said reputed children shall attain the age of seventeen years then as and when the youngest of the said children shall attain that age I give and bequeath the goodwill of the said trade or business unto my said son Alfred Barham
- 18 And I give and bequeath the stock in trade effects and implements therein and belonging thereto And all and every the sum and sums of money and capital due owing and belonging thereto after payment of all debts sum and sums of money due and owing therefrom unto and equally between and amongst my four said children Mary Ann Viner William Barham Alfred Barham and Susannah Barham as tenants in common and not as joint tenants and to their several and respective executors administrators and assigns provided always and I do

hereby declare that the said Alfred Barham and Susannah Barham shall be charged and chargeable only with such money and effects as shall actually so use to their respective names by virtue of this my will.

- 19 And that they shall only be answerable or accountable for their own respective debts receipts payments and wilful defaults nor for any misfortune loss or damage that may happen to the said trust estate and promises
- 20 And I also declare that it shall be lawful for my said Executor and Executrix by and out of my estate to reimburse himself and herself all costs charges damages and expenses which they or either of them may sustain in this or be put into in or about the executorship or trusts of this my will or in relation thereto.
- 21 And lastly I do hereby nominate constitute and appoint my Son the said Alfred Barham and my Daughter the said Susannah Barham Executor and Executrix of this my will. And hereby revoking and making void all wills by me at any time heretofore made I do declare this only to be and remain my last will and testament In witness whereof I the said James Barham have to this my last will and testament contained in these sheets of paper set my hand and affixed my seal this twenty third day of September in the year of our Lord one thousand eight hundred and forty six
- 22 **James Barham** Signed sealed published and declared by the said James Barham 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 (all being present at the same time) have herein to subscribed our names as witnesses attesting the due execution thereof the words and Executrix having first above interviewed.

*R. E Wheatley – Greenhithe
Alfred Russell Sol. Dartford*

- 23 **Proved** at London the 7th Nov 1846 before the Worshipful John Banbury, Doctor of Laws and Surrogate by the oaths of Alfred Barham the Son and Susannah Barham Spinster the Daughter the Executors to whom Admon was granted having been first stood duty to administer