



The following transcript and image above have been taken from the records of The Prerogative Court of Canterbury held at the National Archives under reference PROB 11/2168/361.

{page one} This is the last Will and Testament of me Thomas Davey of Tuckingmill in the Parish of Camborne in the County of Cornwall Merchant

I nominate and appoint my wife Mary Davey during her widowhood and also my sons Thomas Davey and Simon Davey to be Executrix Executors and Trustees of this my will and Guardians of the persons and estates of such of my children as shall be under the ages of Twenty one years and unmarried at the time of my decease and after the marriage again or decease of my said wife I appoint the Trustees or Trustee for the time being of my will Guardians and Guardian of the persons and estates of my said children during their respective minorities

I give devise bequeath and appoint all my real estate and personal estate whatsoever over which I have a disposing power & unto my said sons Thomas Davey and Simon Davey and the survivor of them his heirs executors and administrators

But upon and for the trusts intents and purposes and subject as hereinafter mentioned and declared concerning the same In Trust to receive all the profits and proceeds thereof from time to time and after payment of my debts from by and out of the clear profits dividends and proceeds arising from any and all of my said real and personal estate partnership concern and premises that he my said son Thomas Davey and such other son of mine who shall for the time being be my representative in the Copartnership business now carried on by Messieurs John Solomon Bickford George Smith and myself shall and do pay or retain unto him out of the clear proceeds of my estates for his own use and benefit for his time duties and services in attending upon and representing my part or share in the aforesaid Copartnership business such as would devolve on myself if I were living the annual sum one hundred and thirty {page two} pounds sterling so long as the said Copartnership business shall continue

and in case of his neglect refusal death or other incapacity my will is that the said annual sum of one hundred and thirty pounds sterling shall be paid to or retained by such of my sons Simon Davey Charles Davey and William Thomas Davey who shall for the time being be my acting representative in the said Copartnership concern

and my will further is that the right of such representation of my said sons respectively and the duties and Salary aforesaid shall be of priority of birth of my said sons or as they or the survivors of them shall otherwise mutually agree to

And I do hereby will empower order and direct that my said son and sons Thomas Davey and Simon Davey or either of them and also my said son and sons Charles Davey and William Thomas Davey when they respectively come of age shall and do as soon as maybe after my decease as occasion shall be and require execute sign seal and deliver any Deed of Covenant and do perform and execute all such other acts deeds matters and things as Counsel learned in the Law shall advise or be requisite to be done for placing my said son Thomas Davey and my said other son or sons who shall represent my part or share in the said Copartnership concern in the same situation as Partner or that he and they may be admitted into the Copartnership business now carried on under the Firm of "Bickford Smith and Davey" in accordance with and subject to certain Articles of Partnership bearing date the sixteenth day of February one thousand eight hundred and forty six

And my will is and I hereby empower my said Trustees or Trustee at discretion to sell assign transfer or relinquish all or any of my Mines parts or shares in Mines belonging to my estate at the best price that may be obtained for the same and at their his or her discretion to call in any monies due to me on mortgage or otherwise and to place the proceeds thereof in good security at interest for the benefit of my estate and also to let any freehold or leasehold property at rack rent and to agree for any reversions and accept any fresh Leases of any of Leasehold property as they he or she may think expedient for the benefit of my estate

And Upon further Trust to pay unto my said wife Mary Davey during so long as she shall continue my unmarried widow and until the youngest of my children who shall live to come of age shall be twenty one years old such sum and sums of money from time to time in such proportions and in such manner and form and as and when my said wife shall require or such other sum or sums of money as my said Trustees or Trustee for the time being shall deem sufficient for the suitable maintenance of my said wife and the maintenance education clothing and bringing up of my children in minority until they respectively come of age and in the mean time to permit and suffer my said wife during her widowhood and such of my unmarried children who shall live with her to have the use of and enjoy the messuage dwelling house and premises I shall occupy at my decease and such part of my household furniture and household effects of every description (except money and securities for money muniments of title vouchers and memorandums of account) free of rent or such other house and premises and part of my household furniture (except as aforesaid) free of rent as my said Trustees or Trustee for the time being shall think fit until the youngest of my children who shall live to come of age shall be twenty one years old

And subject to the Trusts aforesaid Upon further trust to pay or otherwise retain unto each of them the said Thomas Davey and Simon Davey one full ninth part of the clear annual proceeds of my real and personal estate to my said sons Thomas and Simon own respective use and benefit And upon further Trust to pay or apply one other full ninth part of the income from my said real and personal estate unto my daughter Mary the wife of Thomas Tredinick to her sole and separate use us *{page three}* independently of and not to be liable to the control interference debts or engagements of her present or any other husband and in case of her death Then In Trust to pay or apply the same to the use of her children equally and if but one to such only child and if no such child or children then my will is that the last mentioned one ninth part of the said Amount shall go to the residue of my said estate and be subject to the Trusts herein declared

And upon further Trust to pay or apply due other full ninth part or share of the Amount from my said real and personal estate unto my daughter Caroline to her sole and separate use independently of and not to be liable to the controul interference debts or engagements of any husband with whom she may at any time intermarry

And upon further trust in addition thereto to pay unto my said daughter Caroline on her attaining the age of Twenty one years or on the day of her marriage which shall first happen the sum of five hundred pounds sterling

And upon further trust to pay or apply one other full ninth part or share of the income from my said real and personal estate unto my daughter Emma to her sole and separate use independently of and not to be liable to the controul interference debts or engagements of any husband with whom she may at any time intermarry

And upon further trust in addition thereto to pay unto my said daughter Emma on her attaining the age of Twenty one years or on the day of her marriage which shall first happen the sum of five hundred pounds sterling And upon further Trust to apply or otherwise vest in Government or other good security at interest from time to time one other full ninth part of such clear profits of my real and personal estate to or for the use of my son Charles Davey and to apply any part thereof for placing my said son Charles during his minority to any suitable business or profession as my said Trustees or Trustee for the time being shall deem proper and to pay over the residue with the accumulations thereof unto my said son Charles when he shall come of age

And upon further trust in addition thereto to pay unto my said son Charles on his attaining the age of twenty one years the sum of one thousand pounds sterling

And upon further Trust to apply or otherwise vest in Government or other good security at interest from time to time one other full ninth part of such clear proceeds of my real and personal estate to or for the use of my son William Thomas Davey and to apply any part thereof for placing my said son William Thomas during his minority to any suitable business or profession as my said Trustees or Trustee for the time being shall deem proper and to pay over the residue with the accumulations thereof unto my said son William Thomas Davey when he shall come of age

And upon further Trust in addition thereto to pay unto my said son William Thomas Davey on attaining the age of twenty one years the sum of one thousand pounds sterling

And when and as my sons Charles Davey and William Thomas Davey shall respectively attain the age of twenty one years I direct my said Trustees or Trustee for the time being to convey and assure them respectively their respective one ninth part of my said real and personal estate

And when my said two last beforenamed sons shall have respectively attained the age of Twenty one years and my said wife Mary Davey shall then be living and having remarried unmarried (inserted) upon further trust to pay or apply two other full ninth parts or shares of the clear proceeds of my said real and personal estate unto my said wife Mary Davey so long as she shall continue my unmarried widow and if the said two ninth parts of such clear proceeds of my said estate shall not amount to the clear yearly sum of one hundred pounds sterling

Then Upon further Trust that my said Trustees and *{page four}* Trustee for the time being shall and do set apart so much of my personal property or the investments thereof producing permanent income as shall be sufficient to meet such deficiency and to pay the same accordingly

Which provision hereby made for my said wife I declare to be in lieu of all dower and freebench provided that if either or any of my said children shall die under age unmarried the parts or shares of such child or children of mine so dying shall form part of the residue of my estate

Provided that if any of my said sons or daughters be now dead or shall die before me leaving lawful issue my will is and I bequeath the share or shares intended for him her or them to his her or their lawful issue such issue to take the share or shares only which the deceased parent or parents would respectively have taken if living in equal proportions and I authorise my said Trustees or Trustee during the minority of such remote issue to apply the whole or competent part of the share of such issue towards his her and their maintenance and education and to accumulate the surplus (if any) of such income in augmentation of the share from which the same shall arise with power to revert to such accumulations for future maintenance and education

And my will further is and I hereby nominate and appoint my said sons Charles Davey and William Thomas Davey and each of them when they respectively attain the age of twenty one years Executor and Trustee of this my will and my will is that each of them shall be vested with the like powers and privileges as are hereinbefore vested in the Trustees first hereinbefore appointed and named and shall do and perform and execute the Trusts of this my will in all respects as if they my sons Charles Davey and William Thomas Davey were now eligible to be appointed and to act therein

And my will further is that my Trustees and Trustee for the time being of this my will shall not be responsible for involuntary losses or for the receipts acts or defaults of each other and shall be at liberty to retain and allow to each other all costs and expenses incurred by them respectively in or about the execution of any of the Trusts or powers of this my will

And my Will is that when my said sons Charles Davey and William Thomas Davey or either of them shall become executor or executors trustee or trustees of this my will that such shall not neutralize or substitute the powers of my said sons Thomas Davey and Simon Davey (unless they be dead) but all my sons when of age and the survivors and survivor of them and the executors or administrators of such survivor shall act as such executors or executor trustees or trustee in connexion with my said wife during her widowhood as aforesaid

And my will is and I hereby authorise and empower my said Trustees and Trustee for the time being with the concurrence of my said wife during her widowhood if they or a majority of them shall think fit but not otherwise and at such time or times as such majority shall deem proper to sell and dispose of the whole or any part or share of my said real and personal estate and to hold the proceeds from such sale or sales

Upon trust to invest the same in Government or other good securities to apply the same in such and the same proportions and upon such and the same trusts and to and for the same ends intents and purposes as are herein declared concerning my said estate or as near thereto as may be all my residue of my real and personal estate and effects whatsoever

I give the same equally between my said children and the issue of any children or child of mine who shall be dead leaving issue such issue taking the part only which the deceased parent would have taken if living

And I hereby revoke all former wills by me heretofore made and declare this to be my last and only Will and Testament

In witness whereof I the said Thomas Davey the Testator have to this my last Will and Testament contained on this and the seven other foregoing attached *{page five}* pieces of paper written on one side only set my hand this seventeenth day of August in the year of our Lord one thousand eight hundred and fifty Thomas Davey

Signed by the said Thomas Davey the Testator as and for his last Will and Testament in the presence of us present at the same time who at his request in his presence and in the presence of each other have hereunto subscribed our names as witnesses the words and the thirty over the second line in the second page or piece of paper of this my will having been first interlined

John Jane Redruth - Henry Bickford Tuckingmill Camborne

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Proved at London 23rd March 1853 before the Judge by the oaths of Mary Davey Widow the Relict during widowhood and Thomas Davey the son two of the Executors to whom Admon was granted having been first sworn by Commission duly to Administer Power reserved of making the like Grant to Simon Davey the son also the other executor when he shall apply for the same.

Transcribed by Bernard Casimir