

Will of Mary Powell Royall 1816

PCC Canterbury prob 11/1587

Mary Powell Royall was born Mary Powell Morant in Jamaica probably about 1755. Her father was Stephen Morant and after his death her mother Ann remarried to Marchant Tubb a surgeon some years her junior. They left for England some time before 1771 and Mary's mother died in 1777. On the 17th of August 1782 Mary married the widowed Joseph Royall, many years her senior, at St Mary Marylebone, following the drawing up of a marriage settlement. The marriage was a disaster and very soon afterwards Mary left her husband and returned to live with her widowed stepfather at his house at 13 Bedford Square. Mary inherited from Marchant Tubb on his death in 1792, and as a wealthy plantation owner lived out her comfortable life in England until her death in 1816. Her husband having died about two years earlier at the age of ninety-three, the complications arising from the original marriage settlement and the 'coverture' under which he was entitled to her property were largely avoided. The 1783 date of the last Indenture mentioned in the Will, accords with the date of the separation and must refer to the separation settlement. The Will illustrates the difficulties a woman of property could encounter when a marriage failed.

The Jamaica Almanac for 1811 listed the numbers of slaves and stock on the Wheelerfield Plantation owned by Thomas Wheeler Milner and Mary Powell Royall as 302 slaves and 133 cattle.

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This is the last Will & Testament of me **Mary Powell Royall of Nottingham Place** in the County of Middlesex **formerly Mary Powell Morant** Spinster but now the wife of **Joseph Royall** Esquire First I will and direct that my body be buried in the Chancel of Ringwould church near Deal in Kent where the remains of my late Mother are deposited and whereas by certain Indentures of Lease and Release made previous to and in contemplation of the Marriage which was afterwards had and Solemnised between me and the said Joseph Royall the Lease bearing date the day next before the

day of the date of the Release and the Release bearing date on or about the eighteenth day of July in the year of our Lord 1782 and made or mentioned to be made between me of the first part the said Joseph Royall of the second part **Marchant Tubb** Esqr of the third part and **John Whitehead** now deceased and **George Whitehead** Merchants and **Robert Cooper Lee** Esquire now deceased of the third part for the considerations in the said Indenture of Release mentioned all that my full undivided fourth part of and in all that plantation and Sugar Work commonly called and known by the name of Wheelerfield and the lands thereunto belonging situate lying and being in the parish of St Thomas in the East in the Island of Jamaica and also my one fourth part undivided of and in all such of the Negroes and other Slaves Cattle Stock and other utensils upon and belonging to the said Plantation as are comprised in the Lease thereof then subsisting from the said Marchant Tubb and **Ann his wife my late Mother** to **David Milner** now deced and also all and every my Negroes and other Slaves and parts & shares of slaves by and under the last Will & Testament of my late Father **Stephen Morant** deceased with their issue and increase rights members and Appurts were granted and assured subject as therein mentioned from and after the decease of the said Marchant Tubb to the use of the said John Whitehead George Whitehead and Robert Cooper Lee then Execrs Admons and Assigns for the term of ninety nine years in case the said then intended Marriage between me and the said Joseph Royall should take effect and be Solemnised to commence from the day of the decease of the said Marchant Tubb and from thenceforth next ensueing and fully to be compleat and ended without impeachment of waste upon the Trusts and to and for the intents and purposes and subject to the proviso and Agreement therein mentioned and from and immediately after end expiration or other sooner determination of the said term of Ninety nine years and subject thereto and to the trusts thereof in the meantime and in failure of issue of the said Marriage between me and the said Joseph Royall and in case he should happen to survive me then to the use and behoof of such person or persons for such Estate and Estates and in such parts shares and proportions manner and form with or without power of Revocation as I at any time or times during my life by my last Will and Testament in the Writing or any Codicil or Codicils or any writing or Writing purporting to be or

being in the nature of my last Will and Testament or a Codicil or Codicils to be signed and published by me in the presence of and attested by three or more credible Witnesses should notwithstanding my Coverture and as if I was Sole and unmarried direct limit give and appoint the same and in default of such direction limitation gift or appointment to the use and behoof of my own right heirs for ever and whereas by a certain other Indenture being Tripartite also being made previous to and in contemplation of the Marriage which was afterwards had and Solemnised between me and the said Joseph Royall bearing date on or about the nineteenth day of July in the year of our Lord 1782 and made or mentioned to be made between me of the first part the said Joseph Royall of the second part and the said John Whitehead George Whitehead and Robert Cooper Lee of the third part for the Consideration therein mentioned a certain Bond or obligation from the said Marchant Tubb to me bearing date on or about the fourth day of July in the year of our Lord 1782 in the penal sum of Six thousand pounds conditioned for the payment of the Interest of the said principal sum of Three thousand pounds therein mentioned during the natural life of the said Marchant Tubb and also for payment of the said principal sum of three thousand with interest at the expiration of two years next after the decease of the said Marchant Tubb and all Monies secured by the said Bond and due and to grow due thereon were assigned and transferred unto the said John Whitehead George Whitehead and Robert Cooper Lee their Executors Admons and Assigns upon the Trust after the Solemnisation of my Marriage with the said Joseph Royall and in case the said Joseph Royall should happen to survive me then after my decease to pay apply and dispose of the said principal sum of three thousand pounds and the interest thereof to and for the benefit of such person or persons and for such uses and purposes as I at any time or times during my coverture & notwithstanding the same by my last Will and Testament in Writing or any Codicil or Codicils or any writing or writings purporting to be or being in the nature of my last Will and Testament or a Codicil or Codicils to be by me signed and published in the presence of three or more credible witnesses should direct or appoint and in default of such direction or appointment then in trust for me my Exors Admons and Assigns or to that effect as by the said several recited indentures relation thereunto being had will

appear and whereas the said Marchant Tubb hath departed this life and whereas the said Marchant Tubb by his last Will and Testament in writing duly executed bearing date on or about the 19th day of August in the year of our Lord 1789 did give & bequeath unto the said Robert Cooper Lee John Whitehead & George Whitehead their Exors Admons and Assigns all his household Furniture Jewels Plate Books China Linen Carriages Horses Stores and liquors belonging to him at his decease in trust for my Sole & separate use and benefit exclusive & without being subject to the [illegible] intermeddling debts or engagements of the said Joseph Royall & to be from time to time disposed of as I by any writing under my hand should direct or appoint and the said Testator Marchant Tubb did also thereby give devise and bequeath his undivided fourth part or share of and in the said Plantation or Sugar Work called Wheelerfield & the lands thereunto belonging of and in the Slaves Cattle Stock & Utensils upon and belonging to the said Plantation with their issue & appoints & other the lands Tenements Slaves and Hereditis situate & being in the said Island of Jamaica & all the rest and residue & remainder of his Estate real & personal whatsoever & wheresoever (subject as therein is mentioned) unto & to the use of the said Robert Cooper Lee John Whitehead & George Whitehead their Heirs Exors Admons & Assigns upon Trust to pay apply & dispose of all the rents issues profits & produce of his said Estates and property during my natural life in such manner as therein mentioned & from & after my decease then subject to a certain Annuity therein before mentioned in Trust for such person or persons for such Estate or Estates and in such parts shares and proportions manner & form as I by my last Will and Testament in Writing or any Codicil or Codicils or any Writing or Writings purporting to or being in the nature of my last Will and Testament or a Codicil or Codicils to be signed & published by me in the presence of and attested by three or more credible Witnesses should notwithstanding my Coverture and as if I was Sole & unmarried direct give limit or appoint the same & in default of such direction limitation gift or appointment and in the meantime and until such direction limitation gift or appointment should be made or should take effect and subject to any such direction limitation gift or appointment where the same should happen not to be a compleat and entire appointment of the whole Estate & Interest of and in the same premises in

Trust for the said Testators and right Heirs for ever as by the said last Will and Testament relation being thereunto had will appear Now I the said Mary Powell Royall in pursuance & virtue of the powers & authorities to me given and reserved in and by the said Indentures respectively and the said last Will and Testament and in exercise thereof and by virtue and in Exercise of all and every other power & powers authority and authorities in anywise enabling me in this behalf do by this my last Will & Testament or Writing purporting to be my last Will & Testament by me duly signed Sealed Published and declared in the presence of the three credible persons whose names are intended to be hereunder written as by Witnesses attesting the Execution of the same give devise bequeath direct limit and appoint as follows that is to say I do hereby give devise & bequeath direct limit and appoint the said first mentioned one full undivided fourth part of and in the said Plantation & Sugar Work called Wheeler field and the lands thereunto belonging and the Works and buildings thereon and the Negroes & other Slaves Cattle Stock & Utensils upon and belonging thereto & also the Negroes & other Slaves & parts & shares of Slaves late of my said Father Stephen Morant deceased with their issue & increase rights Members & Appoints & all other the Hereditis comprised in the said Indentures of Lease & Release of the eighteenth & nineteenth days of July 1782 from and after my decease & in failure of issue between me and the said Joseph Royall and in case he shall happen to Survive me & also from & after my decease & in case the said Joseph Royall shall happen to survive me the said principal sum of Three thousand pounds secured by the said Bond or obligation from the said Marchant Tubb and the Interest thereof and also from and after my decease the said undivided fourth part or share late of the said Marchant Tubb deceased of and in the said Plantation & Sugar Work called Wheeler field & the lands thereunto belonging and of and in the Slaves Cattle Stock and Utensils upon and belonging to the said Plantation with their issue & appurts and all other the lands Tenements Slaves and Hereditis late of the said Marchant Tubb deceased situate lying and being in the said Island of Jamaica and all the rest residue and remainder of the Estate Real and personal late of the said Marchant Tubb deceased whatsoever & wheresoever (subject as in the said Will is mentioned) and also all the household Furniture Jewels Plate Pictures Books China Linen Carriages

and other Estate Real & personal belonging to me or whereof or over of which I have any disposing power in anywise or howsoever (my wearing apparel only excepted) unto & to the use of Richard Lee of Foulkes's Buildings in the City of London Merchant his Heirs Exors Admons and Assigns respectively for ever but upon Trust Nevertheless and to the intent and purpose that the said Richard Lee his Heirs Exors Admons and Assigns shall and as soon as may be after my decease by Mortgage Sale or other disposition thereof or of some competent part or parts thereof or by such other ways or means as he or they may deem expedient levy raise & retain the sum of Six thousand & fifty five pounds six shillings Sterling which on the thirtieth day of June last past was owing from me to the said Richard Lee on an account current between us and which still remains due thereon together with the interest thereof or such other sum or sums of money as at the time of my decease shall appear to be due or owing by me or on my account to him the said Richard Lee with the interest then due or to become due for the same and subject to the keeping receiving and payment of such sum of Six thousand and fifty five pounds six shillings or such other sum or sums of Money and such interest as aforesaid upon Trust and to the intent that the said Richard Lee his Heirs Executors Admons and Assigns shall and do at the request and expense of my friend Frances Lee of Devonshire Street in the Parish of St Mary le Bone Spinster Sister of the said Richard Lee her Heirs Exors or Assigns, convey assign and assure or make over all such and so many and such part and parts of the said several undivided shares Slaves Hereditis and other Real and Personal Estates Properties and effects so hereby respectively given devised bequeathed directed limited and appointed as aforesaid as shall not be sold or disposed of for the purpose of raising satisfying and discharging the said sum of Six thousand and fifty five pounds six shillings or such other sum or sums of money and such interest as aforesaid unto and to the use of her the said Frances Lee her Heirs Executors Admons and Assigns respectively for ever but subject always Nevertheless and charged and chargeable to and with the payment thereof of the following Annuities & legacies & which I will and appoint to be thereof duly paid and satisfied by her the said Frances Lee her Exors Admons & Assigns that is to say the sum of forty pounds of lawful Money of Great Britain to **Marchant Tubb**

the Nephew of the said Marchant Tubb deceased also the sum of fifty pounds of like lawful Money to be paid to each of the Sisters of the said Marchant Tubb the Nephew also the sum of Two hundred pounds of like lawful Money to the said Richard Lee also the sum of four hundred and fifty pounds of like lawful Money to George Whitehead of the City of London Banker the Surviving Trustee hereinafter named also the sum of one hundred and fifty pounds of like lawful Money to John Whitehead of the City of London Banker also the sum of four hundred pounds of like Money to my Friend **Doctor Laurence Nicholl** also the sum of one hundred pounds to my **Godson John Nicholl** the son of Doctor Nicholl also the like sum of one hundred pounds like Money to my **Godson George Green** also the sum of one hundred pounds to my **Godson John Henderson** son of **John Henderson of London Esquire** also an annuity or yearly sum of one hundred pounds of like lawful money to my Butler **Ambrose John Hood** for and during the term of his natural life to be paid half yearly and the first half yearly payment to be made six Months after my decease also one Annuity or yearly sum of Ten pounds of like lawful money unto **Elizabeth Pack** now living with the said Frances Lee for and during her natural life to be paid half yearly and the first half yearly payment to be made six Months after my decease and I further give and bequeath all my Wearing Apparel to the said Elizabeth Pack and it is my desire and I do hereby direct that each of my Servants shall have a Suit of decent Mourning and I constitute and appoint the said Frances Lee George Whitehead John Whitehead & Richard Lee executrix & executors of this my last Will and Testament and hereby revoking all other Wills by me at any time heretofore made I declare this only to be my last Will and Testament In Witness whereof I the said Mary Powell Royall have to this my last Will and Testament set my hand and affixed my Seal this twenty fifth day of November in the year of our Lord 1808 Mary Powell Royall Signed Sealed Published and declared by the said Mary Powell Royall the Testatrix as and for her last Will and Testament or writing purporting her last Will and Testament in the presence of us who in her presence at her request and in the presence of each other have signed our Names as Witnesses Rich Grant/-/Nichs. Sandell /-/Charles Killlett

I the before named Mary Powell Royall do hereby make this Codicil or instrument in the nature of the Codicil to my before written last Will and Testament I hereby will and appoint that my friend Frances Lee in my said Will named do pay to Richard Lee Esquire in my said Will named the sum of Two hundred pounds Sterling to be by him paid & applied in such manner for the benefit of **Mrs Eleanor Forbes** the **Wife of William Forbes** now in the Island of Jamaica & which said Eleanor Forbes is about to embark for the said Island as she the said Eleanor Forbes by any writing under her hand shall order or direct or else to pay the same to the said Eleanor Forbes herself for her own separate use & not to be subject to the debts [illegible] or engagements of her said husband and her Receipt alone to be the only good & effectual discharge for the same and I make this Codicil by virtue of all and every power and authority in anywise enabling me so to do In Witness whereof I have to this Codicil set my hand & affixed my Seal this twenty fifth day of November 1808 Mary Powell Royall Signed Sealed Published and declared by the said Mary Powell Royall as and for Codicil to her Will or Writing purporting Codicil to her Will in the presence of us who in her presence at her request and in the presence of each other have signed our names as witnesses Rich Grant Nichs. Sandell /-/Charles Killett

9th August 1816

Appeared Personally **Richard Grant** of Russell Place in the County of Middlesex Esquire and made Oath that he is one of the subscribing Witnesses to the last Will and Testament & Codicil of Mary Powell Royall formerly of Nottingham Place in the County of Middlesex (& then the wife of Joseph Royall Esquire) but late of Upper Baker Street in the same County Widow deceased and he further saith that he was present with the said deceased on the day of the date of the said Will & Codicil in the house of the said deceased in Nottingham Place aforesaid according to the best of this Deponents recollection as to place where the said Mary Powell Royall deceased as well in the presence of this appearer as of the other subscribing Witnesses to the said Will & Codicil did duly Execute the same which are hereunto annexed contained in seven pages of paper subscribing her name "Mary Powell Royall" opposite the Wax impression of a Seal upon the seventh & last page the

said Will & Codicil that the said deceased did then also Seal Publish & declare the said paper writings which she had so signed & sealed to be & contain her last Will & Testament with a Codicil whereupon he the appearer in her presence and at her request and also in the presence of the other subscribing Witnesses did set & subscribe his name as a Witness to the said Will & Codicil (& the other subscribing Witnesses did also set & subscribe their names their names thereto) in manner and for as thereon now appears & having now viewed the names "Rich Grant" appearing subscribed as Witness to the sd Will & Codicil he further deposeth & saith that such names are of his own proper handwriting & subscription and he lastly made oath that the said Mary Powell Royall now deceased at the time of executing her said Will and Codicil as aforesaid and during all & singular the Circumstances as aforementioned appeared to be and was as he the appearer verily and in his Conscience believes of perfect sound mind memory and understanding well knew & understood what she said & did & was fully capable of making and Executing her last Will & Testament of doing any other serious or rational Act of that all the like nature requiring thought judgement and reflection Rich Grant Same day the said Richard Grant was duly sworn to the truth of this Affidavit before me John Danbury Surr. [illegible] Sladon Not.Pub.

Proved at London with the Codicil 24th December 1816 before the Judge by Frances Lee Spinster George Whitehead John Whitehead and Richard Lee Esquire the Exors to whom Admon was granted limited so far as Concerns all the right Title and Interest in and to a certain sum of £1500 agreed to be paid by Joseph Royall the husband of the said deceased to Marchant Tubb Esq Interest for her Sole and separate use also the family Coach & Harness & other things thereto belonging mentioned in a certain Indenture bearing the date the nineteenth day of May 1783 and the Monies Rings Jewels Plate Cloaths Linen Carriages horses or other personal Estate of her the said deceased in her Custody or power at the date of the said last mentioned Indenture or which she at any time thereafter bought purchased or otherwise acquired & over which she had any absolute disposing power given to her in and by the said last mentioned Indenture and also all the household Furniture Jewels Plate Pictures Books China Linen Carriages Horses Stores & liquors of the aforesaid Marchant Tubb and

bequeathed by him or for the Sole use and benefit of the said deceased in and by his will bearing date the 19th day of August 1789 and all the rest residue & remainder of his personal Estate all which he amongst other things in and by his aforesaid Will gave devised & bequeathed to or for the use and benefit of the said Mary Powell Royall formerly Morant deceased and all the increase interest & dividends arising thereby or therefrom in any manner of way whatsoever and which she the said deceased in virtue of the powers and authorities aforesaid had notwithstanding her Coverture right to dispose of and hath disposed of in and by her said Will and Codicil accordingly and the profits and produce thereof and of every part thereof and all benefit and advantage to be had received & taken therefrom but no further or otherwise or in any other manner whatsoever the said Francis Lee John Whitehead & Richard Lee having been first sworn to wit the said Francis Lee & Richard Lee before the Worshipful John Danbury and the said John Whitehead before the Worshipful Augustus Gostling respectively Doctors of Laws and Surrogates & the said George Whitehead having first made a solemn and sincere Declaration or Affirmation according to Act of Parliament by Commission duly to administer.

Transcription by Anne Powers, August 2011.