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Howell v Ahmuty

Court of Chancery Bill of Complaint

11th February 1804

The Right Honourable John Lord Eldon Baron Eldon of Eldon in the county of Durham Lord High Chancellor

Humbly Complaining shew unto your Lordship your oratrixes Martha Howell of the city of Bath and Louisa Howell of the same city the infant under the age of twenty one years by the said Martha Howell her mother and next friend that Thomas Ahmuty late of the city of Bath esq deceased and in his life time and at the time of making and publishing his last Will and Testament hereinafter mentioned and at the time of his death seised in fee of a certain messuage with the appurtenances situate in Marlborough Buildings in or near the aforesaid city and also possessed of a considerable personal estate and being so seised and possessed he did when of sound and disposing mind memory and understanding duly make and publish his last Will and Testament in writing bearing date the first day of January one thousand eight hundred and one and which Will was duly executed and attested as is by law required to pass real estates

whereby he the said testator gave and bequeathed unto his children Frideswide Ahmuty Maria Louisa Ahmuty and Moore Ahmuty the sum of one thousand and five hundred pounds and to each of his daughters Alice Ahmuty and Harriet Ahmuty the sum of one hundred pounds in addition to what they would be entitled to under and by virtue of his said Will and he gave and bequeathed unto your oratrix Martha Howell the interest and dividends of five hundred pounds the same to commence and be payable from the day of his death and to be paid quarterly that is to say on the twenty fifth day of March the twenty fourth day of June the twenty ninth day of September and the twenty first day of December in equal portions the first payment thereof to begin and be made on such of the said quarterly days of payment as should first happen after his death clear of all taxes and deductions whatsoever

and to be and payable during the natural life of your oratrix Martha Howell and from and immediately after her decease he the said testator gave the said sum of five hundred pounds unto your oratrix Louisa Howell daughter of your oratrix Martha Howell and the interests and dividends during the minority of your oratrix Louisa Howell for her benefit and in case she should die before attaining the age of twenty one years then the said sum of five hundred pounds to sink into his the said testators residuary estate and go and be applied therewith or in the manner as the same was by said Will directed to be divided

and the said testator also gave unto William Joshua Woody Taylor esq the sum of fifty pounds and he gave devised and bequeathed his freehold messuage or dwelling house offices buildings and premises situate in Marlborough Buildings aforesaid wherein he resided and all the household furniture plate linen china pictures books and other effects standing and being thereon at the time of his death and all his money securities for money estate and effects whatsoever unto his daughters Alice Ahmuty and Harriet Ahmuty their heirs executors administrators and assigns Upon Trust nevertheless to sell and dispose of the said messuage or dwelling house in Marlborough Buildings aforesaid

and also the household furniture utensils implements and things aforesaid either by public sale or private contract for the most money and best price that could or might be had for the same so as thereby to turn the whole effects devised by his said Will into money and after and subject to the payment of all his just debts the before mentioned legacies his funeral and testamentary expenses Upon Trust to distribute and divide the net money arising from his residuary property unto and equally between the said Alice Ahmuty and Harriet Ahmuty in manner therein mentioned and he the said testator constituted and appointed his said daughters Alice Ahmuty and Harriet Ahmuty executrixes of his said Will as by the said last Will and Testament of the said testator when produced by to this Honourable Court reference being thereunto had Will more fully appear

and your oratrixes further shew unto your Lordship that the said testator departed this life soon after the date and execution of his said Will without having evoked or altered the same leaving the said Alice Ahmuty and Harriet Ahmuty the executrixes in his Will named and Thomas Ahmuty his heir at law him the said testator surviving and the said Alice Ahmuty and Harriet Ahmuty soon after his death duly proved his said last Will and Testament in the proper Ecclesiastical Court and took upon themselves the burthen of the execution thereof and entered into the possession or into the receipt of the rents of the said freehold messuage or dwelling house in Marlborough Buildings aforesaid with all and every its appurtenances devised to them in trust to be sold as aforesaid

and they the said Alice Ahmuty and Harriet Ahmuty have ever since continued and now are in the possession or in the receipt of the rent thereof and have not sold and disposed of the same pursuant to the direction in that behalf contained in the said testators said Will and they the said Alice Ahmuty and Harriet Ahmuty have out of the said personal estate of all the household furniture plate linen china pictures books and other effects thereon at the time of the said testators death and all his money securities for money and other his personal estate and effects whatsoever which together with the value of the said messuage or dwelling house in Marlborough Buildings aforesaid were sufficient to pay and satisfy all the said testators debts legacies funeral and testamentary expenses with a great surplus

and your oratrixes further shew unto your Lordship that the said Alice Ahmuty and Harriet Ahmuty have out of the said personal estate of the said testator at his death possessed or received by them paid and satisfied all the said testators debts funeral and testamentary expenses and also paid or secured to be paid all and every the legacies given by the said testators said Will or invested sums sufficient for that purpose in the Public Funds or upon other securities for the benefit of the respective legatees save and except the said legacy or sum of five hundred pounds to and for the benefit of your oratrixes

and your oratrixes further show unto your Lordship that the dividends or interest of the said sum of five hundred pounds were or was directed to be paid unto your oratrix Martha Howell in order to be applied toward the support and maintenance of your oratrix Louisa Howell who is the natural daughter of the said testator and the said sum of five hundred pounds was upon the death of your oratrix Martha Howell directed to be paid to your oratrix Louisa Howell as a provision for her and which the said Alice Ahmuty and Harriet Ahmuty well knew

as also that the said testator always intended to make and ought to make such provision for your oratrixes and your oratrixes further shew unto your Lordship that the said Alice Ahmuty and Harriet Ahmuty have under and by virtue of the said testators Will possessed themselves of property and effects of the said testator to a very great amount they have wholly withheld from your oratrix Martha Howell the interest of the said sum of five hundred pounds and your oratrix Martha Howell being in great want of the same to enable her to support and maintain your oratrix her daughter Louisa Howell

and being advised that the said sum of five hundred pounds ought to be set apart and invested upon good and sufficient security and thereby secured for your oratrix Louisa Howell upon the event of her attaining the age of twenty one years and the interest thereof to be paid to your oratrix Martha Howell according to the direction of the said testators Will your oratrix Martha Howell on the behalf of herself and her said infant her daughter Louisa Howell by herself and others have frequently in a respectful manner applied to and requested the said Alice Ahmuty and Harriet Ahmuty to pay unto your oratrix Martha Howell the interest of the said sum of five hundred pounds which had accrued due to her from the Will of the said testator

and to invest the said sum of five hundred pounds in the Public Funds or upon other good and sufficient security so that the interest or dividends thereof in future might be secured to be paid and paid to your oratrix Martha Howell as the same should be due and payable pursuant to the direction in the said testators said Will and the said principal sum secured to be paid to your oratrix Louisa Howell in case she should become entitled thereto upon the event in the said testators Will in that behalf

mentioned and your oratrix well hoped ocasonable request would have been complied with as in justice and equity it ought to have been but now so it is

may it please your Lordship that the said Alice Ahmuty and Harriet Ahmuty combining and confederating themselves together and to and with divers other persons at present unknown to your oratrixes whose names when discovered they pray they may be at liberty to invest in this their Bill of Complaint with apt words and matter to charge them and each of them as parties thereto considering how to wrong and injure your oratrixes and to deprive your oratrix Martha Howell of the means of supporting and maintaining the said infant daughter of the said testator and wholly to defraud your oratrixes of the benefit intended them by the testator

they the said Alice Ahmuty and Harriet Ahmuty have absolutely refused to comply with such application and request as aforesaid and to give a colour of justice to such refusal they give out and pretend that the said testators messuage or dwelling house in Marlborough Buildings aforesaid be sold as aforesaid was at the said testators death subject to some incumbrance to the amount of the value of the fee simple thereof and that the said testators personal estate was small and inconsiderable and insufficient to pay and satisfy his debts and funeral and testamentary expenses

whereas your oratrixes charge that the said testators personal estate and effects were of very great value and that his debts if any were very small and trifling in their amount and your oratrixes charge that the said freehold messuage or dwelling house in Marlborough Buildings aforesaid was not at the said testators death subject to any incumbrance whatsoever

and so they the said Alice Ahmuty and Harriet Ahmuty will sometimes admit but then they pretend that the said Will of the said testator was not duly executed and attested as is by law required to pass real estate and therefore that the said freehold messuage in Marlborough Buildings aforesaid did not pass the said testators Will and that the same ought not to be sold to answer the trusts of the said testators said Will

whereas your oratrixes charge that the said Will of the said testator was duly executed and attested as by law required to pass real estate and that the said freehold messuage in Marlborough Buildings aforesaid did pass thereby and ought to be sold to answer the trusts of the said testators said Will and they the said confederates set up many other pretences equally groundless and unjust

in tender consideration whereof and for as much as your oratrixes are remediless in premises at the Common Law and cannot be relieved therein but in a Court of Equity where matters of this nature are properly cognizable and relievable to the end therefore that the said Alice Ahmuty and Harriet Ahmuty and their confederates when discovered may upon their and each of their several and respective corporal oaths according to the best and utmost of their and each of their several and respective knowledge information remembrance and belief are direct and perfect answer make to all and the matter and things hereinbefore and that as fully and distinctly as if the same were here over again repeated and they and each of them particularly interrogated thereto

and more especially that they the said Alice Ahmuty and Harriet Ahmuty may answer set forth and discover whether Thomas Ahmuty the testator hereinbefore named was not in his lifetime and at the time of his making and publishing his last Will and Testament hereinbefore mentioned and at the time of his death seised in fee simple or otherwise of the messuage or dwelling house in Marlborough Buildings and whether he was not also possessed of a considerable personal estate and whether he did not when of sound and disposing mind memory and understanding duly make and publish his last Will and Testament in writing of the date and to the purport and effect hereinbefore set forth or of any other and what date and to any other and what purport and effect and whether the same was not duly executed and attested as is by law required to pass real estate

and whether he the said testator did not depart this life without having revoked or altered the said Will leaving his daughters the defendants Alice Ahmuty and Harriet Ahmuty the executrixes in the Will

named and Thomas Ahmuty his heirs at law him the said testator surviving and whether the said Alice Ahmuty and Harriet Ahmuty did not soon after the said testators death duly prove his said last Will and Testament in the proper Ecclesiastical Court and take upon themselves the burthen of the execution thereof and whether they did not thereupon enter into the possession or into the receipt of the rents of the said testators freehold messuage in Marlborough Buildings aforesaid and have not since continued and are not now in the possession or receipt thereof

and whether they have not neglected to sell and dispose of the said messuage or dwelling house and whether they the said Alice Ahmuty and Harriet Ahmuty did not also possess themselves of all the household furniture plate linen china pictures books and other effects therein at the testators death and all his money securities for money and other his personal estate and whether the same together with the value of the said freehold messuage or dwelling house in Marlborough Buildings aforesaid devised to them in trust to be sold as aforesaid were not more than sufficient to pay and satisfy all the said testators debts legacies funeral and testamentary expenses and leaving a great surplus

and whether they Alice Ahmuty and Harriet Ahmuty have not out of the personal estate of the said testator or otherwise paid and satisfied all the said testators debts funeral and testamentary expenses and whether they have not paid or secured to be paid all or some and which of the legacies given by the said testators Will or invested sums sufficient for that purpose in the Public Funds or upon some other securities or security for the benefit of the legatees respectively save and except the said legacy or sum of five hundred pounds given to and for your oratrixes as aforesaid

and whether the interest of the said sum of five hundred pounds was not directly to be paid to your oratrix Martha Howell in order to be applied in the support and maintenance of your oratrix Louisa Howell and whether your oratrix Louisa Howell is not as they the said Alice Ahmuty and Harriet Ahmuty have been informed and believe the natural daughter of the said testator and whether they the said Alice Ahmuty and Harriet Ahmuty have not wholly withheld the payment of the interest of the said sum of five hundred pounds from your oratrix Martha Howell and whether they do not well know or believe that your oratrix Martha Howell is in want thereof to support and maintain her said infant daughter Louisa Howell

and whether your oratrix Martha Howell hath not on the behalf of herself and her said daughter made and caused to be made such applications and requests to the said Alice Ahmuty and Harriet Ahmuty as are hereinbefore mentioned and whether they have not refused to comply therewith and whether they have not set up the pretences hereinbefore charged or some and which of them and that the same ought not to be sold to answer the trusts of the said testators said Will and that the said Alice Ahmuty and Harriet Ahmuty may admit assets of the said testator to answer the said legacy or sum of five hundred pounds or otherwise may set forth a just and true account of all and singular the personal estate and effects of the said testator was at his death possessed interested in or entitled to and the particulars whereof the same consisted and that the quantities qualities natures and kinds thereof together with their true and utmost value and what parts thereof have been possessed or received by them the said Alice Ahmuty and Harriet Ahmuty or either of them or by any other reasons or reason in trust for them or either of them or by their or either of their order or for their or either of their use

and also an account of the rents of the said freehold messuage in Marlborough Buildings aforesaid received by them or either of them or the yearly value of in case the same hath been possessed or occupied by them and how and in what manner and when and where and to whom and by whom and for how much the same and every part thereof hath been paid applied appropriated sold or dispersed of and whether any and of the parts or part thereof now remain undisposed of and whether any and what parts or part of the said testators personal estate is or are outstanding and unreceived and why the same have not been collected and got in

and that your oratrixes may be declared to be entitled to have the said sum of five hundred pounds secured for their benefit and that an account of the said testators personal estate and of the rents of the said freehold messuage in Marlborough Buildings aforesaid received by them the said Alice Ahmuty

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and Harriet Ahmuty or by either of them or which but for their willful neglect or default might have been received and of the yearly value thereof in case the same hath been occupied by them the said Alice Ahmuty and Harriet Ahmuty and that the said sum of five hundred pounds may be thereout announced and paid by them and invested under the direction of this Honourable Court for the benefit of your oratrixes

and if it shall appear that the said testators personal estate and the rents or yearly value of the said freehold messuage in Marlborough Buildings aforesaid since the said testators death be insufficient to answer the said legacy or sum of five hundred pounds then that the said freehold messuage be forthwith sold and that all proper parties may join in the sale thereof and that out of the sum of money to arise by such sale the said sum of five hundred pounds may be announced and paid or invested for the benefit of your oratrixes and that the interest or dividends thereof may be directed to be paid unto your oratrix Martha Howell for her life according to the direction of the said testators Will and that your oratrix Louisa Howell may be declared to be entitled to the said principal sum of five hundred pounds upon the event in the said testators said Will in that behalf mentioned and that proper and necessary directions may be given for effectuating the several purposes aforesaid and that your oratrixes may have such further or other relief in the premises as to your Lordship shall seem meet and is agreeable to equity and good conscience

May is please your Lordship the premises considered to grant unto your oratrixes his Majestys most gracious Writ or Writs of Subpoena issuing out of and under the seal of this Honourable Court to be directed to the said Alice Ahmuty and Harriet Ahmuty and to the rest of the confederates when discovered thereby commanding them and every of them at a certain day under a certain penalty herein to be committed to be and appear before your Lordship in this Honourable Court and then and there true direct and perfect answer make to all and singular the matter and things hereinbefore charged and further to stand to abide by and perform such order direction and decree herein as to your Lordship shall seem meet and is agreeable to equity and good conscience

And your oratrixes shall ever pray etc

Thos. Lewis

(PRO C13/2407/15)

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Howell v Ahmuty
Court of Chancery

George the Third by the grace of God of the United Kingdom of Great Britain and Ireland King
Defender of the Faith to William Joshua Woody Taylor, John English, Robert Clarke, Henry Mant
and Richard Jacobs Gooch

Greetings whereas Martha Howell and others complainants have lately exhibited the Bill of
Complaint before us in our Court of Chancery against Harriet Ahmuty and Alice Ahmuty defendants
and whereas we have by our writ lately commanded the said defendant to appear before us in our said
Chancery at a certain day now past to answer the said Bill

Know ye that we have given unto you any three or two of you full power and authority to take the
answer of the said defendant to the said Bill and therefore we command you and three or two of you
that at such certain day and place as you shall think fit you go to the said defendant if they cannot
conveniently come to you and take their answer to the said Bill on their corporal oath upon the Holy
Evangelists to be administered by you any three or two of you the said answer being distinctly and
plainly wrote upon parchment and when you shall have so taken it you are to send the same the
seal of any three or two of you unto us in our said Chancery without delay whatsoever it shall then be
together with this Writ witness ourself at Westminster

The day of May in the forty fourth year of our reign

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Howell v Ahmuty
Court of Chancery Answer
20th July 1804

The joint and several answers of Alice Ahmuty and Harriet Ahmuty spinsters two of the defendants to the Bill of Complaint of Martha Howell and of Louisa Howell an infant under the age of twenty one years by the said Martha Howell her mother and next friend complainants

These defendants saving and reserving to themselves and each of them all and in manner and benefit and advantage when may or can be had or taken by exception or otherwise to the many errors uncertainties insufficiencies and imperfections in the said Bill of Complaint of the said complainants contained for answer thereto or unto so much and such parts thereof as these defendants are advised it is material or necessary for them or either of them to make answer unto each speaking for herself and not one for the other of them severally answer

and say they admit that Thomas Ahmuty late of the city of Bath esquire deceased was in his life time and at the time of his making and publishing his last Will and Testament in the Bill mentioned and at the time of his death seized in fee of a messuage with the appurtenances situate in Marlborough Buildings in the city of Bath and also possessed of a considerable personal estate and being so seized and possessed he did when of sound and disposing mind memory and understanding duly make and publish his last Will and Testament in writing of the date to the purport and effect in the said Bill of Complaint set forth as far as the same is set forth therein and which was duly executed and attested as is by law required to pass real estate

and these defendants admit that the said Thomas Ahmuty departed this life soon after the date and execution of his said Will without having revoked or altered the same leaving these defendants his daughters the executrixes in his said Will named and Thomas Ahmuty his heir at law surviving him and that they these defendants soon after his death duly proved the same in the Prerogative Court of the Archbishop of Canterbury and took upon themselves the burthen of the execution thereof and entered into the possession or into the receipt of the rent of the said messuage or dwelling house in Marlborough Buildings and they also possessed themselves of all the household furniture plate linen china pictures books and other effects therein at the said testators death and all his money securities for money and other his personal estate and effects whatsoever as far as they have been able

and these defendants further answering severally say that in pursuance of the direction in the said testators Will in that behalf contained they sold said messuage or dwelling house in Marlborough Buildings to a Mrs Girardot at or for the price or sum of one thousand six hundred and fifty pounds and the same has been duly conveyed to her and she hath been let into the possession thereof and these defendants severally say that the said messuage or dwelling house was at the death of the testator subject to a mortgage for securing the payment of the sum of seven hundred pounds and interest and these defendants out of the said sum of one thousand six hundred and fifty pounds received by them from the sale of the said messuage or dwelling house have paid the said sum of seven hundred pounds secured by such mortgage with an arrear of interest thereon

and these defendants have also sold the household furniture in the said messuage or dwelling house and these defendants further and severally say that a great part of the said testators personal estate at his death consisted of mortgages on estates in Ireland and these defendants have hitherto received but part thereof and they have used every diligence in their power to get in the whole thereof and a suit is now pending in the Court of Chancery in Ireland for that purpose

and these defendants further answering severally say that the said testator on his first marriage namely on his marriage with Mary Staples entered into and executed certain marriage articles bearing date the seventeenth day of July in the year 1765 whereby in consideration of the intended marriage of the said testator with the said Mary Staples which was afterwards duly had and solemnized he covenanted with certain trustees therein named that if the said then intended marriage should take effect and the

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said Mary Staples should survive him the said Thomas Ahmuty and there should be any child or children of the said Thomas Ahmuty and the said Mary Staples begotten then in either of such cases the heirs executors or administrators of the said Thomas Ahmuty should and would within the space of two months next after his death well and truly pay or cause to be paid unto the trustees thereof named heirs executors administrators or assigns the sum of seven thousand pounds lawful money of Great Britain with interest for the same after the rate of four pound per cent per annum to be computed from the decease of the said Thomas Ahmuty until the said principal money could be raised out of his estate and effects upon the trusts following

that is to say in case the said Mary Staples should survive the said Thomas Ahmuty and there should be issue of the then intended marriage then living Upon Trust to place out upon government or other good security to be approved of by the said Mary Staples the said sum of seven thousand pounds and by and out of the interest to arise thereon in the first place to pay thereof the clear yearly sum of two hundred pounds by half yearly payments to the said Mary Staples for and during the term of her natural life and the surplus of the interest of such seven thousand pounds in the next place to pay for and towards the maintenance and education of all and every the child and children which might happen of the said intended marriage during their minorities and until they should attain to the several and respective age and ages of twenty one years

when and at such time the share of the surplus of the said sum of seven thousand pounds a sufficient part of the whole being reserved to pay and secure to the said Mary Staples the said two hundred pounds per annum should be paid and divided to and amongst all and every such child and children as they severally and respectively should attain the age and ages of twenty one years and if but one child the whole of such surplus to such only child but in case it should happen that the said Mary Staples should die surviving the said Thomas Ahmuty and there should be any child or children of the said Thomas Ahmuty by the said Mary Staples then living Upon Trust that they the said trustees or the survivors or survivor of them his executors or administrators should pay and apply the interest of the said seven thousand pounds to and for the use and benefit of all and every such child or children of the said Thomas Ahmuty by the said Mary Staples during their minorities for and towards their maintenance and education until they should attain the age and ages of twenty one years

and on their severally attaining the age of twenty one years to pay and divide the said sum of seven thousand pounds and its interest into so many shares as there should be children then living that such child so attaining his or her with the benefit of survivorship and if one child then the whole to be paid to such any child at his or her age of twenty one years as by such marriage articles reference being made thereto and fully appear

and these defendants say that the said marriage was afterwise duly had and solemnized between the said Thomas Ahmuty and the said Mary Staples and the said Mary Staples departed this life in the life time of the said Thomas Ahmuty having six children namely Grace now the wife of Michael Grogan Alice Harriet Charlotte Margaret Elizabeth Letitia and Thomas Arthur Staples Ahmuty and they have severally attained the age of twenty one years except Letitia who died in her infancy and are entitled to have the said sum of seven thousand pounds raised and paid to them

but these defendants have not as yet received from the estate of the said testator sufficient to answer the same and these defendants have paid debts due and owing from the said testator to a great amount but the monies and effects of the said testator come to their hands have been insufficient to answer and satisfy such demands thereon as ought to be first paid and satisfied in preference to the said legacy or sum of five hundred pounds given and bequeathed by the said testator to the said complainants

and these defendants are unacquainted with the present situation of the said complainants otherwise than that they heard and believe that the said complainant Louisa Howell is now with the said Isaac Fennell and these defendants admit that the said sum of five hundred hath not been set apart and invested upon any security and they admit that the said Isaac Fennell for and on the behalf of the said

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complainants both applied to and requested these defendants to pay unto him on behalf of the complainant Martha Howell the interest of the said sum of five hundred pounds already accrued due and unpaid and to invest the said sum of five hundred pounds in the Public Funds or upon other good and sufficient security so that the interest or dividends thereof in future might be secured to be paid and be paid to the said complainant Martha Howell as the same became payable pursuant to the direction in the said testators Will and the said principal sum secured to be paid to the complainant Louisa Howell in case she should become entitled thereto upon the event in the said testators Will in that behalf mentioned

and these defendants say that they both repeatedly told the said Isaac Fennell that they were ready and would pay the interest of the said five hundred pounds when and so soon as they received monies for that purpose but that they had not received money from Ireland and with which information the said Isaac Fennell appeared satisfied and these defendants further answering severally say they believe that the dividends or interest of the sum of five hundred pounds in the Bill mentioned to which the said complainants claim to be entitled were or was directed to be paid to the complainant Martha Howell in order to be applied towards the support and maintenance of the complainant Louisa Howell

but whether the complainant Louisa Howell be or not be the natural daughter of the said testator these defendants cannot in any manner set forth yet these defendants admit they have been informed that the said complainant Louisa Howell is the natural daughter of the said testator but of the truth thereof these defendants very much doubt in so much as the said testator was for a great length of time previous to his death extremely infirm in health and very much debilitated and although these dependants do not admit the said testator ought to have made such provision for the said complainant nevertheless these defendants for several months after the said testators death paid the interest of the said sum of five hundred pounds to the said Isaac Fennell to and for the use of the said complainant Martha Howell and with whom the said Martha Howell once lodged

and these defendants admit they have declined to continue the payment of the interest of the said sum of five hundred pounds because the money which arose by the sale of the said messuage or dwelling house in Marlborough Buildings and the personal estate of the said testator possessed by them had been insufficient to pay and satisfy such demands thereon as must be preferred in payment to the said legacy or sum of five hundred pounds

and these defendants furthering answering severally say that they have in a schedule hereunder written or annexed hereto and which they pray may be taken and considered as part of this their answer set forth according to the best of their several and respective knowledge information remembrance and belief a just and true account of all and singular the personal estate and effects of which the said testator was at his death possessed interested in or entitled to and the particulars whereof the same consisted and the quantities qualities natures and kinds thereof together with their *true and utmost values and where they have distinguished and stated what parts thereof have been* possessed or received by them or either of them or by any other persons or person in trust for them or either of them or by their or either of their order or by their or either of their use and how and in what manner and when and where and to whom and by whom and for how much the same and every part thereof have and hath been sold appropriated or disposed of and what part thereof now remain undisposed of and also an account of the rents and profits of the messuage or dwelling house in Marlborough Buildings or the fair yearly value thereof from the death of the said testator to the time of the sale thereof and also of the money produced by the sale thereof

and these defendants have in this their answer or the said schedule set forth a true and just account of all and every the sums of money paid by them or either of them as such executrixes as aforesaid for or in respect of the said testators estate and how and in what manner and to whom and for what and upon what account the personal account and effects of the said testator possessed by or come to their hands or into the hands of either of them have been applied or appropriated

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and these defendants are willing to act in the execution of the said testators Will as this Honorable Court shall direct and these defendants deny all and all manner of unlawful combination and confederacy wherewith they are charged in and by the said Bill of Complaint and that any other matter or thing in the said Bill of Complaint of the said complainants contained material or necessary for these defendants or either of them to make answer unto and not herein and hereby well and sufficiently answered confessed or avoided traversed or denied is true to the knowledge or belief of these defendants all which matters and things these defendants are ready to aver maintain and prove as this Honorable Court shall award and humbly pray to be hence dismissed with reasonable costs and charges in the law in this behalf most wrongfully sustained

This answer was taken and the above named Alice Ahmuty and Harriet Ahmuty severally sworn to the truth thereof on the Holy Evangelists of Almighty God at the house of William Joshua Woody Taylor situate in New King Street within the city of Bath before us by virtue of the Commission hereunto annexed the

Fifth day of June 1804

(signed)

WJW Taylor

Alice Ahmuty
Harriet Ahmuty

(PRO C13/2407/15)

Howell v Ahmuty

The Schedule referred to by the annexed answers of Alice Ahmuty and Harriet Ahmuty two of the defendants to the Bill of Complaint of Martha Howell and another

	£	s	d		£	s	d
To amount of two mortgages on theof George Miller at the time of the death of the testator Thomas Ahmuty (Irish Chancery)	2,000	- 0	- 0		By sundry payments to creditors as per list marked (A) in the hands of the clerk in Court of these defendants in this cause for the Inspection of the said complainants	2,494	- 19 - 11
To ...Government Debentures....100£ at 4 per cent (Irish)	2,400	- 0	- 0	1802 Dec 2	Paid Grace Grogan her share of £7,000 secured by Marriage Settlement	1,400	- 0 - 0
To cash in the hands of Johnbanker Dublin (Irish)	61	- 10	- 7		Paid Miss Alice Ahmuty in part of £1,400 secured by said Settlement	1,100	- 0 - 0
To amount of interest due to the testator previous and up to 1 Feb 1799 on both Mortgages (Irish)	22	- 19	- 8		The like to Miss Harriet Ahmuty	1,100	- 0 - 0
To amount of ditto from the 1 Feb 1799 to 23 June 1802 on the sum of £2,800 only 8 yrs 4 months and 22 days (Irish)	509	- 0	- 8		The like to Miss Charlotte Ahmuty	1,100	- 0 - 0
To ditto from said 1 Feb 1799 to the present time on £5,500					The like to Thos. A S Ahmuty esq	1,100	- 0 - 0
To Stock Consols at the time of the testators death	2,400	- 0	- 0	1801 March 2	Paid 13/4 yrs interest to Miss Harriet Ahmuty on £1,500 from March 2 1801 to 2 Dec 1802 when £1,100 was paid	131	- 5 - 0
To cash in the house at testators death	189	- 0	- 0		The like to Thos. A S Ahmuty esq on £1,400 when the said £1,100 was paid	122	- 10 - 0
To received by a draft on& Co. from£160					The like to Miss Charlotte Ahmuty on £1,400 when the said £1,100 was paid her	122	- 10 - 0
To interest on said £160 from Nov 1801 to March 1803 1 yr and 4 months	10	- 13	- 4		The like to Michael Grogan ditto to ditto	122	- 10 - 0
To amount of sale of household furniture china linen etc	1,083	- 0	- 0		The like to Miss Alice Ahmuty on £1,500 from ditto to ditto	131	- 5 - 0
To gold snuff boxes sold by Mr Deering	14	- 1	- 6		By several payments to Isaac Fennell for the complainant Martha Howell to Dec 1802	43	- 15 - 0
To amount of sale of house in Marlborough Bdgs	1,650	- 0	- 0				
To half years dividend on said 3£ Stock	36	- 0	- 0				

£ s d

To £4,949.12.7 English currency this day
remitted by Mr.....
4949 - 12 - 7

To 72 yrs dividend on 2,400£ Stock
36 - 0 - 0

To cash on dividend from Cross's estate
3 - 2 - 0

To amount of sale of diamond ring
24 - 0 - 0

To money received of Mr Moore being a debt
due to the testator
25 - 8 - 6

By loss in the difference of Stock in buying
in and selling out £6,286.8.8 the same having
been bought in at 71¼ and transferred at 67½%
including also the expenses of different powers
of attorney brokers commission etc
260 - 10 - 7

By several payments on account of Frideswide
and Maria Louisa Ahmuty up to 16 Feb 1803
as per account (B) left in the hands of the clerk
in court of these defendants for the inspection
of the complainants
365 - 16 - 2

£ s d

To amount of stock transferred to Messrs Smith & Co.
bankers by the testator Thomas Ahmuty to pay themselves
....from him to them and which was got by them for that
purpose at 60£ on each 100£ Stock in August 1801 when
after including the dividends due the 5 July on the said
2,400£ Stock and likewise what was due on the said
1,000£ transferred into their hands as aforesaid left a
balance in the hands of Smith & Co. of
18 - 3 - 6

To amount of sale of two camp bedsteads and
furniture
15 - 3 - 6

(signed)
Alice Ahmuty
Harriet Ahmuty