

Chancery Papers
Bill of Complaint 26th July 1838

To The Right Honorable Charles Christopher Baron Cottenham of Cottenham in the county of Cambridge
Lord High Chancellor

Humbly complaining shew unto your Lorship your Orators **Elizabeth Frances Ahmuty** spinster and
Christopher Rigby Ahmuty infants under the age of 21 years by **Christopher Gerard Rigby Collins** of
Sidmouth in the county of Devon esquire their next friend

That **Thomas Arthur Staples Ahmuty** late of Portstewart in the county of Londonderry in that part of the
United Kingdom of Great Britain and Ireland called Ireland duly made and published his last Will and
Testament in writing bearing date the 22nd day of October 1832 which was in the words and figures or to
the purport and effect following that is to say

"In the name of God Amen I **Thomas Arthur Staples Ahmuty** Lieutenant Colonel on the retired
list of the Honorable the East India Companys Service now residing at Portstewart in the county
of Londonderry being of sound disposing mind memory and judgement do hereby make and
publish this my last Will and Testament hereby revoking all former or other Will or Wills by me at
any time heretofore made or spoken

Whereas I now possess certain monies vested in the funds and in companys bonds also a
private bond of **Robert Smith's** esquire of Portlick in the county of Westmeath also two shares
on the life of Elizabeth Princess of Hesshomburg daughter of his Majesty George III in the
Government Tontine also £700 due to me by son William being the balance of the purchase
money of Limepark house and furniture and also £700 lodged in the Provincial Bank of
Coleraine also such balance as may be to my credit in the house of Smith Payne and Smith
Bankers London on my demise

Now my will is and I do hereby leave devise and bequeath the aforesaid sums principal and
interest to my wife **Frances Ahmuty Thomas Harvey Baber** esquire late a civilian in the
Bombay Establishment and **Charles Moore** esquire solicitor Lincolns Inn in trust for the several
uses intents and purposes hereinafter mentioned of and concerning the same namely

I do leave and bequeath the interest on the sum of £9,899 5d 8d in the 3 per cents to be settled
on my son **William Ahmuty** and his wife **Edith formerly Collins** for the term of their natural life
on condition that the interest on £3,600 of this sum aforesaid shall be handed over to my widow
Frances Ahmuty yearly and every year during the term of her natural life in the event of there
being a reduction made in the sum which she shall receive from the Military Fund or the said
sum being altogether withdrawn and on the decease of either of the parents (the said **William** or
Edith) a moiety of the interest is to be appropriated to the maintenance and education of their
children provided the said children be three or more in number but if less in number than three
then one third of the interest to be so appropriated and on the decease of both parents the
principal of the aforesaid £9,899 5s 8d is to be divided among their children share and share
alike among the sons on their becoming of age and among the daughters on their attaining their
majority or marrying with consent of the trustees

but I order and direct that the settlement of the interest of the said sum on my son **William** and
his wife **Edith** as far as regards her the said **Edith's** participation of it in case of the said **Edith's**
surviving her said husband shall be null and void unless the promise made by the **Reverend**
Rigby Collins of settling on my son and his wife **Edith** and their children her the said **Edith's**
full share of the property left her by her Grandfather under a certain Deed of Trust shall be
faithfully fulfilled and performed

I leave also to my son **William Ahmuty** my watch gold chain and my large chased seal with coat
of arms and a pair of silver candlesticks together with any balance that may be due me by him
on my death of the £700 remaining of the purchase money above mentioned also the whole of
my plate at my wife's death and I hereby also direct that my lease and Deed of Assignment
together with all papers connected with the aforesaid purchase shall be handed over to my said
son by the trustees

I leave the interest of the remainder of my property in monies of every kind after the payment of
my just debts funeral expenses and the legacies hereinafter mentioned to my wife **Frances**
Ahmuty during the term of her natural life also the use of my diamond star during her life And I
leave the said star on the death of my wife to my grand daughter **Eliza Frances Ahmuty** on her

marriage or coming of age and in the event of her not attaining either period to the next eldest daughter or as my son may be inclined to dispose of to one of his children

I leave to my two sisters **Alice Ahmuty** and **Charlotte Swift** the sum of £20 each for mourning I leave and bequeath the principal of the sums for which my wife **Frances** shall receive interest during her natural life at her death to my son **William Ahmuty** should become a widower to be disposed of as he should think proper and in the event of his not becoming a widower I direct it to be suffered to accumulate and be placed out on good and sufficient security by my trustees for the benefit of his children by his present marriage share and share alike I leave my wife **Frances Ahmuty** residuary legatee and I do hereby nominate constitute and appoint my wife **Frances Ahmuty Thomas Harvey Baber** esquire late a civilian in the Bombay Establishment and **Charles Moore** esquire solicitor joint executors and trustees of this my last Will and Testament and whom I do hereby request to me the favour of accepting this trust In witness whereof I have hereto set my hand and seal this 22nd day of October in the year of our Lord 1832"

And your Orators further shew that the said Testator **Thomas Arthur Staples Ahmuty** afterwards duly made and published a Codicil to his said Will which Codicil bore date the 22nd day of October 1832 and was in the words and figures or to the purport and effect following that is to say

"I direct the monies mentioned in my last Will and Testament as being now vested in Government security and in India bonds shall not be transferred from the said security without consent given in handwriting of my son **William** and his wife **Edith** my wife **Frances Ahmuty Thomas Harvey Baber** esquire and **Charles Moore** esquire my said trustees and executors or a majority of them And also direct that the monies so transferred shall be vested in those securities considered to be the safest at the time when such transfer shall be made upon which my said trustees are to exercise their conscientious discretion I hereby leave to each of my trustees mentioned in this my last Will and Testament the sum of £30 sterling as a token of my regard to be paid at the expiration of 3 months from the period of my decease I hereby direct that my funeral be conducted with the strictest economy and that my body be interred in burying ground of Lissan Church in the parish of Muff I hereby declare this to be a Codicil to my last Will and Testament"

And your Orators further shew that the said Testator **Thomas Arthur Staples Ahmuty** afterwards made and published a second Codicil to his said last Will which second Codicil bore date the 4th day of July 1833 and was in the words and figures or to the purport and effect following that is to say

"I hereby alter that part of my Will which takes from my son the power of disposing of the interest of the money which is not settled on him and my daughter during their life time which ever of them should survive the other It is my will that one moiety of said interest money should go to such survivor and the other moiety of the same to be vested in my trustees for the purpose of educating in an accomplished manner the children of my said son and daughter the principal to be vested in my son to enable him to make a settlement on any second wife or children he may have hereafter born in wedlock"

And your Orators further shew that the said Testator afterwards made a third Codicil to his said Will which third Codicil bore date the same 4th day of July 1833 and was in the words and figures or to the purport and effect following that is to say

"It is also my will that my dear wife should have the use of all the jewels during her life and after her decease to go to my daughter **Edith**"

as by the probate copy of the said Will and Codicil to which your Orators by leave to refer when produced to this Court will appear And your Orators further shew that the said Testator departed this life on the 5th day of the same month of July 1833 without having altered or revoked his said Will save as the said Will is altered by the said Codicils and without having altered the said Codicils save as the former of such Codicils are altered by the latter

And you Orators further shew that the said Testator left the said **Frances Ahmuty** his widow and **William Somerville Ahmuty** his son in the said Will called **William Ahmuty** and the said **Edith** the wife of the said **William Somerville Ahmuty** him surviving And your Orators further shew that upon the death of the said Testator the said **Frances Ahmuty** alone duly proved the said Will and Codicil of the said Testator in the proper Ecclesiastical Court power being reserved to the said **Charles Henry Moore** to prove the same And your Orators further shew that the said Testator was at the time of his death possessed of or

entitled to personal estate and effects to a very considerable amount and more than sufficient to pay and satisfy all his funeral and testamentary expenses and debts and the legacies given by his said Will

And your Orators further shew that the said **Frances Ahmuty** as such executrix as aforesaid possessed herself of all the personal estate and effects of the said Testator and that she thereout paid and satisfied all the funeral and testamentary expenses and debts of the same Testator And your Orators further shew that that part of the personal estate of the said Testator consisted of a sum of 3 per cent Consolidated Bank Annuities standing in his name in the books of the Governor and company of the Bank of England

And your Orators further shew that out of the said sum of 3 per cent Consolidated Bank Annuities the said **Frances Ahmuty** caused to be transferred into the joint names of herself and **Charles Henry Moore** in the said Will of the said Testator by mistake called **Charles Moore** the sum of £9,899 5s 8d 3 per cent Consolidated Bank Annuities to answer the legacy of that amount by the said Will of the said Testator directed to be settled on the said **William Somerville Ahmuty** and **Edith** his wife and their children And your Orators further shew that the said **Frances Ahmuty** also out of the personal estate and effects of the said Testator so possessed by her as aforesaid duly paid and satisfied all the other pecuniary and specific legacies given by his said Will and Codicils

And your Orators further shew that also payment and satisfaction of all the funeral and testamentary expenses and debts of the said Testator and after payment and satisfaction of the several legacies given by his said Will and Codicils including the said sum of £9,899 5s 8d 3 per cent Consolidated Bank Annuities set apart to answer the said legacy to the said **William Somerville Ahmuty** and **Edith** his wife and their children there remaining a very considerable residue of the personal estate and effects of the said Testator in the hands of the said **Frances Ahmuty** as such executrix as aforesaid

And your Orators further shew that the said **Frances Ahmuty** from time to time after the death of the said Testator invested the residue of his personal estate and effects or so much thereof as did not already consist of stock in the public funds in the purchase of stock in the public funds in the joint names of herself the said **Frances Ahmuty** and the said **Charles Henry Moore** And she also caused to be tranferred into the joint names of herself the said **Frances Ahmuty** and the said **Charles Henry Moore** all such parts of the residue of the personal estate of the said Testator as at the time of his death consisted of stock in the public funds or other Government securities

And your Orators further shew that the said **Frances Ahmuty** and **Charles Henry Moore** duly and regularly paid to the said **William Ahmuty** the dividends which accrued due on the said sum of £9,899 5s 8d 3 per cent Consolidated Bank Annuities so transferred into the names of them the said **Frances Ahmuty** and **Charles Henry Moore** aforesaid And they duly paid to the said **Frances Ahmuty** or permitted her to receive during her lifetime the interest dividends and annual proceeds of the said residue of the personal estate of the said Testator and of the funds and securities upon which the same was invested persuant to the trusts and directions contained in the said Will and Codicils of the said Testator

And your Orators further shew that the said **Frances Ahmuty** departs this life in the month of October 1836 having previously made her Will and that the sole executor named in such Will having duly renounced probate thereof Letters of Administration of her estate and effects with her Will annexed were upon her death duly granted to the said **William Somerville Ahmuty** by the proper Ecclesiastical Court and that he has thereby become and now is the legal personal representative of the said **Frances Ahmuty** deceased

And your Orators further shew that since the death of the said **Frances Ahmuty** the said **Charles Henry Moore** has duly proved the Will and Codicil of the said **Thomas Arthur Staples Ahmuty** in the proper Ecclesiastical Court and has thereby become the legal personal representative of the said Testator And your Orators further shew that the said **William Somerville Ahmuty** and **Edith** his wife have had two children only namely your Orators **Elizabeth Frances Ahmuty** and **Christopher Rigby Ahmuty** who are both of them infants under the age of 21 years namely you Oratrix **Elizabeth Frances Ahmuty** of the age of 8 years or thereabout and your Orator **Christopher Rigby Ahmuty** of the age of 6 years or thereabouts

And your Orators further shew that the said **William Somerville Ahmuty** and **Edith** his wife are both still living And your Orators further shew that upon the death of the said **Frances Ahmuty** the said **Charles Henry Moore** caused the before mentioned trust sum of £9,899 5s 8d 3 per cent Consolidated Bank Annuities to be transferred into his name in the books of the Governor and company of the Bank of England And your Orators further shew that upon the death of the said **Frances Ahmuty** the said **Charles Henry Moore** also caused to be transferred into his name all the funds or securities in which the residuary estate of the said Testator was invested And also possessed himself of all the rest of the residuary estate of the said Testator

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And your Orators further shew the the said **Charles Henry Moore** has since the death of the said Testator continued to pay to the said **William Ahmuty** the dividends of the before mentioned sum of £9, 899 5s 8d 3 per cent Consolidated Bank Annuities but that he had retained in his own hands or has invested in his own name the interest and dividends of all the residue of the personal estate and effects of the said Testator

And your Orators further shew that your Orators are desirous that some proper persons or person should be appointed to be trustees or a trustee under the said Will of the said Testator together with the said **Charles Henry Moore** And that the before mentioned sum of £9,899 5s 8d 3 per cent Consolidated Bank Annuities and also all the other funds forming the residue of the personal estate of the said Testator which were so invested in the joint names of the said **Frances Ahmuty** deceased and **Charles Henry Moore** as hereinbefore is mentioned should be transferred into the names of such new trustees or trustee and the said **Charles Henry Moore** accordingly

And your Orators charge that the said **Charles Henry Moore** ought to setforth a full true and particular account of all the funds and securities upon which the residue of the said personal estate was invested in the names of the said **Frances Ahmuty** deceased and him the said **Charles Henry Moore** and the particulars of such funds and securities at the time of the death of the said **Frances Ahmuty** and in whose names or name such funds or securities are now standing and what sums or sum of money have been received by him the said **Charles Henry Moore** in respect of the interest and dividends of the said last mentioned funds and securities since the death of the said **Frances Ahmuty** and how he has applied and disposed of the same

And your Orators charge that the said **William Somerville Ahmuty** the father of your Orators is unable to maintain and educate your Orators according to their station in society And your Orators submit that the interest and dividends of the residuary estate of the said Testator or a sufficient part thereof ought ot be allowed to the said **William Somerville Ahmuty** for the maintenance and education of your Orators during their respective minorities And your Orators charge that the said **William Somerville Ahmuty** and **Edith** his wife have an interest in the said sum of £9,899 5s 8d and the residuary estate of the said Testator under the trusts of the said Will and Codicils and that they are therefore as your Orators are advised necessary parties to this suit And your Orators charge the the said **Charles Henry Moore** now has or lately had in his possession or power divers books books of account accounts letters copies of letters contracts from letters papers documents entries memorandums and writings relating to the personal estate and effects of the said Testator and to the several matters aforesaid or some of them and from which the truth thereof would appear

And your Orators charge that the said defendant **Charles Henry Moore** ought to setforth a full and true list or schedule of all such of the said particulars as are now in his possession or power and ought to produce the same for the usual purposes and that he ought to setforth the best list or schedule he is able of all such of the said particulars as are now but formally were in his possession custody or power and ought to setforth when the same respectively were last in his possession or power and where the same respectively now are and what is become thereof but which he refuses to do

To the end therefore that the said defendants **Charles Henry Moore William Somerville Ahmuty** and **Edith** his wife may upon their respective oaths and according to the best and utmost of their respective knowledge remembrance information and belief full true perfect and direct answer make to all and singular the matters aforesaid and that as fully and particularly as if the same were here repeated and they severally and respectively distinctly interrogated thereto and more especially that the said defendants may in manner aforesaid answer and setforth

Whether the said Testator **Thomas Arthur Staples Ahmuty** did not duly make and publish his last Will and Testament in writing bearing date the 22nd day of October 1832 or of some other and what date And whether the said Will was not in such words and figures or to such purport and effect as is hereinbefore in that behalf mentioned or in some other and what words and figures or to some other and what purport and effect or how otherwise And whether the said Testator **Thomas Arthur Staples Ahmuty** did not afterwards or at some and what time duly make and publish a Codicil to his said Will or how otherwise And whether such Codicil was not of such date and in such words and figures or to such purport and effect as is hereinbefore in that behalf mentioned or of some other and what date and to some other and what purport and effect or how otherwise And whether such second Codicil was not of such date and in such words and figures or to such purport and effect as hereinbefore in that behalf mentioned or of some other and what date and to some other and what purport and effect or how otherwise

And whether the said Testator did not afterwards or at some other and what time make and publish a third Codicil to his said Will or how otherwise And whether such third Codicil was not of such date and in such words and figures or to such purport and effect as in hereinbefore in that behalf mentioned or of

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some other and what date and to some other and what purport and effect or how otherwise And whether the said Testator did not depart this life at the time hereinbefore in that behalf mentioned or at some other and what time and whether he ever and when in any and what manner altered or revoked his said Will save as the said Will is altered by the said Codicils And whether he ever and whether in any and what manner altered the said Codicils save as the former of such Codicils are allowed by the latter

And whether the said Testator did not leave the said **Frances Ahmuty** his widow and the said defendants **William Somerville Ahmuty** and **Edith** his wife or some and which of them him surviving or here otherwise And whether the said defendant **William Somerville Ahmuty** is not in the said Will of the said Testator by mistake called **William Ahmuty** or how otherwise And whether upon the death of the said Testator or at some other and what time the said **Frances Ahmuty** did not alone duly prove the said Will and Codicils of the said Testator in the proper or some and what Ecclesiastical Court or how otherwise And whether power was not received to the said defendant **Charles Henry Moore** to prove the same or how otherwise And whether the said Testator was not at the time of his death possessed of or entitled to personal estate and effects to a very considerable or some and what amount And whether or not more than sufficient to pay and satisfy all or some and which of his funeral and testamentary expenses and the legacies given by his said Will or how otherwise

And whether the said **Frances Ahmuty** as such executrix as aforesaid or otherwise did not possess herself of all or some and what part of the personal estate and effects of the said Testator or how otherwise And whether she did not thereout pay and satisfy all or some and which of the funeral and testamentary expenses and debts of the said Testator or how otherwise And whether part of the personal estate of the said Testator did not consist of a sum of £3 per cent Consolidated Bank Annuities standing in his name in the books of the Governor and company of the Bank of England or how otherwise And whether out of the said sum of £3 per cent Consolidated Bank Annuities the said **Frances Ahmuty** did not cause to be transferred into the names of herself and the said **Charles Henry Moore** the sum of £9,899 5s 8d £3 per cent Consolidated Bank Annuities or some other and what sum to answer the legacy of that amount by the said Will of the said Testator directed to be settled on the said defendants **William Somerville Ahmuty** and **Edith** his wife and their children or how otherwise and whether the said **Charles Henry Moore** is not in the said Will of the said Testator by mistake called **Charles Moore** And whether the said **Frances Ahmuty** did not also out of the personal estate and effects of the said Testator so possessed by her as aforesaid duly pay and satisfy all or some and which of the other pecuniary and specific legacies given by his said Will and Codicils or how otherwise

And whether after payment and satisfaction of all the funeral and testamentary expenses and debts of the said Testator and after payment and satisfaction of the several legacies given by his said Will and Codicils including the said sum of £9,899 5s. 8d. 3 per cent consolidated Bank Annuities set apart to answer the said legacy to the said defendants **William S Ahmuty** and **Edith** his wife and their children or at some other and what time there did not remain a very considerable or some and what residue of the personal estate and effects of the said Testator in the hands of her the said **Frances Ahmuty** as such executrix as aforesaid or how otherwise

And whether the said **Frances Ahmuty** did not from time to time after the death of the said Testator invest the residue of his personal estate and effects or so much thereof as did not already consists of stock in the public funds in the joint names of herself the said **Frances Ahmuty** and the said **Charles Henry Moore** or into one and which of their names all such parts of the residue of the personal estate of the said Testator as at the time of his death consisted of stock in the public funds or other government securities or how otherwise

And whether the said **Frances Ahmuty** and **Charles Moore** or one and which of them did not duly and regularly pay to the said defendant **William S Ahmuty** the dividends which accrued upon the said sum of £9,899 5s 8d £3 per cent Consolidated Bank Annuities so transferred into the names of the said **Frances Ahmuty** and **Charles Henry Moore** as aforesaid or how otherwise And whether they or one and which of them did not duly pay to the said **Frances Ahmuty** or permit her to receive during her lifetime the interest dividends and annual proceeds of the said residue of the personal estate of the said Testator and of the funds and securities on which the same was invested pursuant to the trusts and directions contained in the said Will and Codicils of the said Testator or how otherwise

And whether the said **Frances Ahmuty** did not depart this life in the month of October 1836 or at some other and what time and whether she had not previously made her Will or how otherwise And whether the sole executor named in such Will did not duly renounce the probate thereof or how otherwise And whether Letters of Administration of the estate and effects of the said **Frances Ahmuty** with her Will annexed were not upon her death or at some other and what time duly granted to the said defendant **William S Ahmuty** by the proper or some and what Ecclesiastical Court or how otherwise And whether he

has not thereby become and whether he is not now the legal personal representative of the said **Frances Ahmuty** deceased or how otherwise

And whether since the death of the said **Frances Ahmuty** the said defendant **Charles Henry Moore** has not duly proved the Will and Codicil of the said Testator **Thomas Arthur Staples Ahmuty** in the proper or some and what Ecclesiastical Court And whether he has not thereby become the legal personal representative of the said Testator or how otherwise And whether the said defendants **William S Ahmuty** and **Edith** his wife have not had two children only namely your Orators **Elizabeth Frances Ahmuty** and **Christopher R Ahmuty** or how otherwise And whether your Orators are not both or one and which of them infants under the age of 21 years And whether or not of such ages as hereinbefore in that behalf mentioned or some other and what ages or how otherwise

And whether the said defendants **William S Ahmuty** and **Edith** his wife are not both still living or how otherwise And whether upon the death of the said **Frances Ahmuty** or at some other and what time the said defendant **Charles Henry Moore** did not cause the before mentioned trust sum of £9,899 5s 8 3 per cent Consolidated Bank Annuities to be transferred into his name in the books of the Governor and company of the Bank of England or how otherwise And whether upon the death of the said **Frances Ahmuty** or at some other and what time the said defendant **Charles Henry Moore** did not also cause to be transferred into his name all or some and which of the funds and securities in which the residuary estate of the said Testator was invested or how otherwise And whether the said defendant **Charles Henry Moore** has not since the death of the said Testator continued to pay to the said defendant **William S Ahmuty** the dividends of the before mentioned sum of £9,899 5s 8d 3 per cent Consolidated Bank Annuities or how otherwise

And whether he has not retained in his own hands or invested in his own name the interest and dividends of all or some and what part of the residue of the personal estate and effects of the said Testator or how otherwise and that the said defendant **Charles Henry Moore** may in manner aforesaid set forth a full true and particular account of all the funds and securities upon which the residue of the said personal estate was invested in the names of the said **Frances Ahmuty** deceased and him the said defendant **Charles Henry Moore** and the particulars of such funds and securities at the time of the death of the said **Frances Ahmuty** and in whose names or name such funds and securities are now standing and what sums or sum of money have been received by him the said defendant **Charles Henry Moore** in respect of the interest and dividends of the said last mentioned funds and securities since the death of the said **Frances Ahmuty** and how he has applied and disposed of the same

And that all the debts hereto may answer and set forth whether the said defendant **William S Ahmuty** the father of your Orators is not unable to maintain and educate your Orators according to their station in society or how otherwise

And whether the said defendants **William S Ahmuty** and **Edith** his wife have not an interest in the said sum of £9,899 5s 8d and the residuary estate of the said Testator under the trusts of his said Will and Codicils or now otherwise And whether they are not necessary parties to this suit or how otherwise And whether the said defendant **Charles Henry Moore** has not now or had not lately or at some and what time in his possession or power divers or some and what books books of account accounts letters copies of letters extracts from letters papers documents entries memorandums and writings or book book of account account letter copy of or extract from a letter paper document entry memorandum or writing relating to the personal estate of the said Testator and the several matters aforesaid or some and which of them

And whether thereby the truth of the matters aforesaid or some and which of them would not appear or how otherwise and that the defendant **Charles Henry Moore** may in manner aforesaid set forth a full and true list or schedule of all such of the said several particulars as are now in his possession or power and that he may produce the same for the usual purposes And that he may also set forth the best list or schedule he is able of all such of the said several particulars as are not now but formerly were in his possession or power and when the same respectively were last in his possession or power and where the same respectively now are and what is become thereof and that the trusts of the said Will and Codicils of the said Testator may be performed and carried into effect under the direction of this Honorable Court

And that an account may be taken by and under the direction of the Court of the personal estate and effects of the said Testator which have been possessed or received by or by the order or for the use of the said **Frances Ahmuty** deceased and the said defendant **Charles Henry Moore** or either of them and of their application thereof and that what upon taking such account shall be found to be due from the said defendant **Charles Henry Moore** may be decreed to be answered by him and that what if anything upon the taking of such account shall be found to be due from the said **Frances Ahmuty** deceased may be made good by the said **William S Ahmuty** her administrator and that the said **William S Ahmuty** may

either admit assets of the said **Frances Ahmuty** possessed by him sufficient for that purpose or that the usual account may be taken of the personal estate and effects of the said **Frances Ahmuty** deceased and that the clear residue of the personal estate and effects of the said Testator may be ascertained and may be invested and secured in government securities for the benefit of your Orators and the other persons entitled thereto under the trusts of the said Will and Codicils of the said Testator and that some proper persons or person may be appointed by this Court to be trustees or a trustee under the said Will and Codicils of the said Testator jointly with the said defendant **Charles Henry Moore** and that the before mentioned sum of £9,899 5s 8d three per cent Consolidated Bank Annuities and the funds and securities upon which the residue of the personal estate of the said Testator shall be transferred into the joint names of the said **Charles Henry Moore** and of such new trustees or trustee accordingly and that the interest and dividends of the residue of the said Testators personal estate or of the funds and securities upon which the same shall be invested or a sufficient part of such interest and dividends may be ordered to be paid to the said **William Somerville Ahmuty** for the maintenance and education of your Orators during their respective minorities and that all proper directions may be given for effectuating the purposes aforesaid And that your Orators may have such further and other relief in the premises as the nature of this case may require and to your Lordships shall seem meet

May it please your Lordship to grant unto your Orators her Majestys most gracious writ or writs of subpoena issuing out of and under the seal of this Honorable Court against the said **Charles Henry Moore** and **William Somerville Ahmuty** and **Edith** his wife and their confederates when discovered thereby commanding them and each and every of them at a certain day and under a certain pain therein to be limited personally to be and appear before your Lordship in this Honorable Court then and there to answer all and singular the premises aforesaid and further to stand to and abide such further order and decree therein as to your Lordship shall seem meet and agreeable to equity and good conscience And your Orators shall ever pray etc

PRO C13/382/30 (248063)

Chancery Papers
Bill of Complaint 12th December 1838

Sworn at the Public Office Southampton Buildings in the County of Middlesex

The answer of **Charles Henry Moore** one of the defendants to the Bill of Complaint of **Elizabeth Frances Ahmuty** and **Christopher Rigby Ahmuty** infants under the age of 21 years by **Christopher Gerard Rigby Collins** their next friend complainants

This defendant saving to himself all benefit by way of exception or otherwise to the said Bill for answer thereto saith he admits that **Thomas Arthur Staples Ahmuty** the Testator in the said Bill named duly made and published his last Will and Testament in writing of such date and as this defendant believes in such words and figures or to such purport and effect as in the said Bill in that behalf mentioned and that he afterwards duly made and published three Codicils to his said Will of such dates respectively and as this defendant believes in such words and figures or to such purport and effect as in the said Bill in that behalf respectively mentioned nevertheless for his greater certainty as to the said Will and Codicils this defendant craves leave to refer to the probate copy thereof respectively when produced to this Honorable Court

And this defendant saith he believes that the said Testator departed this life not on the 5th day of July 1833 as in the said Bill mentioned but on the 4th day of July 1833 and that the said Testator did not ever in any manner alter or revoke his said Will save as the said Will is altered by the said Codicils and that he did not ever in any manner alter the said Codicils save as the former of such Codicils are altered by the latter and this defendant saith that the said Testator left **Frances Ahmuty** in the said Bill mentioned his widow and **William Somerville Ahmuty** (in the said Will by mistake called **William Ahmuty**) and **Edith** his wife who are also respectively named defendants to the said Bill him surviving and that upon the death of the said Testator this defendant although willing to act as a trustee being unwilling to act in the excutorship and **Thomas Harvey Baber** by the said Will also appointed an executor and trustee being and as this defendant believes still being resident in the East Indies the said **Frances Ahmuty** alone proved the said Will and Codicils of the said Testator in both England and Ireland in the proper Ecclesiastical Courts as this defendant believes

And this defendant saith he believes that the said Testator was at the time of his death possessed of or entitled to personal estate and effects to a considerable amount and more than sufficient to pay and satisfy all his funeral and testamentary expenses and the legacies given by his said Will and that the said **Frances Ahmuty** as executrix as aforesaid possessed herself of all the personal estate and effects of the said Testator so far as the same came to her knowledge and thereout paid and satisfied all his funeral and testamentary expenses and debts

And this defendant saith he admits that part of the personal estate of the said Testator consisted of a sum of three pounds per cent Consolidated Bank Annuities standing in the name of the Testator in the books of the Governor and company of the Bank of England and that out of the said sum of three pounds per cent Consolidated Bank Annuities the said **Frances Ahmuty** caused to be transferred into the names of herself and this defendant who is in the said Will by mistake called **Charles Moore** the sum of £9,800 5s 8d three pounds per cent Consolidated Bank Annuities to answer the legacy of that amount by the said Will of the said Testator directed to be settled on the said defendants **William Somerville Ahmuty** and **Edith** his wife

And this defendant saith he believes that the said **Frances Ahmuty** did out of the personal estate and effects of the said Testator so possessed by her as aforesaid duly pay and satisfy the pecuniary and specific legacies given by the said Testator's said Will and Codicils except the legacy thereby given to the said **Thomas Harvey Baber** which as this defendant believes it was conceived was not payable in consequence of his not acting as a trustee

And this defendant saith that after payment and satisfaction of the funeral and testamentary expenses and debts of the said Testator and after payment and satisfaction of the several legacies given by his said Will and Codicils (except as aforesaid) including the said sum of £9,899 5s 8d three pounds per cent Consolidated Bank Annuities set apart to answer the said legacy to the said defendants **William Somerville Ahmuty** and **Edith** his wife and their children there remained a considerable residue of the personal estate and effects of the said Testator in the hands of the said **Frances Ahmuty** as such executrix as aforesaid and that she from time to time after the death of the said Testator invested the same residue or so much thereof as did not already consist of stock in the public funds except a very trifling balance which this defendant saith he believes still remains due from her estate in the purchase of stock in the public funds in the joint names of herself and this defendant and that she also caused to be transferred into the joint names of herself and this defendant all such parts as this defendant believes of

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the residue of the personal estate of the said Testator as at the time of his death consisted of stock in the public funds or other government securities

And this defendant saith that he this defendant duly and regularly paid to the said defendant **William Somerville Ahmuty** or for his use the dividends which accrued due on the said sum of £9,899 5s 8d three pounds per cent Consolidated Bank Annuities and that this defendant duly paid to the said **Frances Ahmuty** for her use during her life time the interest dividends and annual proceeds of the residue of the personal estate and effects of the said Testator and of the funds and securities on which the same was invested pursuant to the trusts and directions contained in the said Will and Codicils of the said Testator

And this defendant saith he hath been informed and believes that the said **Frances Ahmuty** departed this life in the month of October 1836 having previously made her Will and that the sole executor named in such Will having renounced the probate thereof Letters of Administration of the estate and effects of the said **Frances Ahmuty** with her Will annexed were of the 18th day of March 1837 granted to the said defendant **William Somerville Ahmuty** by the Prerogative Court of the Archbishop of Canterbury and that the said **William Somerville Ahmuty** has thereby become and now is the legal personal representative of the said **Frances Ahmuty** and this defendant saith that since the death of the said **Frances Ahmuty** and on the 32nd day of July last (1838) he this defendant at the request of the solicitors of the said complainants proved the Will and Codicils of the said Testator **Thomas Arthur Staples Ahmuty** in the Prerogative Court of the Archbishop of Canterbury being as this defendant is advised the proper Ecclesiastical Court

And this defendant is advised that he has thereby become the legal personal representative of the said Testator and this defendant saith he believes that the said defendants **William Somerville Ahmuty** and **Edith** his wife have had two children only namely the said complainants **Elizabeth Frances Ahmuty** and **Christopher Rigby Ahmuty** and that the said complainants were both infants under the age of 21 years and of such ages as in the said Bill in that behalf mentioned and that the said defendants **William Somerville Ahmuty** and **Edith** his wife are both still living

And this defendant saith he denies that upon the death of the said **Frances Ahmuty** or at any other time this defendant caused the before mentioned trust sum of £9,899 5s 8d three pounds per cent Consolidated Bank Annuities to be transferred into his name in the books of the Governor and company of the Bank of England or that upon the death of the said **Frances Ahmuty** or at any other time this defendant caused to be transferred into his name all or any of the funds or securities in which the residuary estate of the said Testator was invested, the whole of the said trust funds still remaining invested in the joint names of the said **Frances Ahmuty** and the defendants

And this defendant saith that on the 20th day of July last (1838) **Messrs Arbuthnot and Latham of Great Saint Helens, Bishopsgate Street in the city of London** transferred the sum of £5,186 5s 5d three pounds per cent Consolidated Bank Annuities into the name of this defendant as trustee under the said Will of the said Testator the sum of £4,941 15s 6d Bank Annuities part of that stock being the produce of two Bengal Remittable Loan Notes transmitted from India under a power of attorney from the late executrix of the said **Frances Ahmuty** and the residue thereof being the produce of the dividends of the said £4,941 15s 6d Bank Annuities which the said **Messrs Arbuthnot and Latham** received and invested therein and save the said sum of £5,186 5s 5d stock and save also the dividends upon the other parts of the said trust property which this defendant has applied in manner hereinafter mentioned this defendant saith he denies that he has possessed himself of any part of the said Testator's property

And this defendant saith he admits that he has since the death of the said Testator continued to pay to the said defendant **William Somerville Ahmuty** the dividends of the before mentioned sum of £9,899 5s 8d three pounds per cent Consolidated Bank Annuities and that he has from time to time received and invested in his own name the dividends of all the residue of the said trust funds

And this defendant saith he hath in the first schedule hereto annexed and which with the other schedule hereto he prays may be taken as part of this his answer set forth according to the best of his knowledge and belief a full true and particular account of all the funds and securities upon which the residue of the said Testator personal estate and effects was invested in the names of the said **Frances Ahmuty** deceased and this defendant as aforesaid and the particulars of such funds and securities at the time of the death of the said **Frances Ahmuty** and in whose names or name such funds or securities are now standing and what sums or sum of money have been received by this defendant in respect of the dividends of the said last mentioned funds and securities since the death of the said **Frances Ahmuty** and how he has applied and disposed of the same

And this defendant submits to the judgement of this Honorable Court whether the said **William Somerville Ahmuty** the father of the said complainants is unable to maintain and educate the said

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complainants according to their station in society And this defendant saith he is advised and believes that the said defendants **William Somerville Ahmuty** and **Edith** his wife have an interest in the said sum of £9,899 5s 8d and the residuary estate of the said Testator under the trusts of his said Will and Codicils and that they are necessary parties to this suit And this defendant saith he admits that he this defendant has in his possession or power a copy of the executorial account of the said **Frances Ahmuty** and divers others of the particulars in the said Bill in that behalf enquired after And this defendant saith that he hath in the second schedule to this his answer annexed set forth a full and true list thereof And this defendant saith that the said Testator's account books and papers always remained in the custody of the said **Frances Ahmuty** and this defendant inspected some of them in the year 1834 but took no copies thereof nor is this defendant able to set forth any list thereof or to give any information relating thereto

And this defendant saith that save as hereinbefore mentioned he this defendant has not now nor lately nor ever had in his possession or power divers or any books books of account accounts letters copies of letters extracts from letters papers documents entries memorandums and writings or book book of account account letter copy of or extract from a letter paper document entry memorandum or writing relating to the personal estate of the said Testator and the several matters in the said Bill mentioned or any of them

And this defendant saith that as hereinbefore appears he this defendant did not prove the said Will and Codicils during the life time of the said **Frances Ahmuty** nor during her life time in any way act as an executor of the said Testator But this defendant saith that having since her death and at the request of the said complainants' solicitors as hereinbefore mentioned proved the said Will and Codicils and as the surviving trustee of the said Testator's said Will and Codicils he this defendant is willing to account and in all things to act as this Honorable Court shall direct upon being indemnified in so doing and receiving his costs charges and expenses in this behalf incurred

Without this that there is any other matter cause or thing in the complainants said Bill of Complaint contained material or necessary for this defendant to make answer unto and not herein and hereby well and sufficiently answered confessed traversed and avoided or denied is true to the knowledge or belief of this defendant all which matters and things hereinbefore contained this defendant is ready and willing to aver maintain and prove as this Honorable Court shall direct and therefore he humbly prays to be hence dismissed with his reasonable costs and charges by him about his suit in this behalf most wrongfully sustained

Charles Henry Moore

George Lake Russell

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Bill of Complaint of Elizabeth Frances Ahmuty and Christopher Rigby Ahmuty

First Schedule above referred to

Part 1.

Particulars of the several funds upon which the said **Frances Ahmuty** the executrix invested the residue of the said Testator's estate into the joint names of herself and **Charles Henry Moore** with the dates of the transfers

25 March 1834	£9,899.	5s.	8d.	Consolidated £3 per cent Annuities into the joint names of Frances Ahmuty and Charles Henry Moore
26 March 1834	1,719.	15s.	11d.	Consolidated £3 per cent Annuities into the joint names of Charles Henry Moore and Frances Ahmuty
25 March 1834	194.	0s.	0d.	New £3½ per cent Annuities into the joint names of Charles Henry Moore and Frances Ahmuty
17 April 1834	1,716.	6s.	0d.	£3½ per cent Reduced Annuities into the joint names of Charles Henry Moore and Frances Ahmuty
11 Aug 1834	441.	7s.	7d.	Consolidated £3 per cent Annuities into the joint names Charles Henry Moore and Frances Ahmuty
4 Dec 1834	38.	7s.	2d.	Consolidated £3 per cent Annuities into the joint names Charles Henry Moore and Frances Ahmuty
2 May 1835	200.	9s.	4d.	Consolidated £3 per cent Annuities into the joint names Charles Henry Moore and Frances Ahmuty
1 June 1836	100.	0s.	0d.	Consolidated £3 per cent Annuities into the joint names Charles Henry Moore and Frances Ahmuty

Part 2.

Particulars of the said funds at the time of the death of the said **Frances Ahmuty** and in whose names such funds are now standing

£9,899.	5s.	8d.	Consolidated £3 per cent Annuities in the joint names of Frances Ahmuty and Charles Henry Moore
2,500.	0s.	0d.	Consolidated £3 per cent Annuities into the joint names Charles Henry Moore and Frances Ahmuty being the sums of £1719. 15. 11, £441. 7. 7, £38. 7. 2, £200. 9. 4 and £100 above mentioned
1,716.	6s.	0d.	£3½ per cent Reduced Annuities into the joint names of Charles Henry Moore and Frances Ahmuty
194.	0s.	0d.	New £3½ per cent Annuities into the joint names of Charles Henry Moore and Frances Ahmuty

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Part 3

Separate account of the sums of money received by **Charles Henry Moore** since the death of **Frances Ahmuty** in respect of dividends and of his application thereof

Charles Henry Moore as surviving trustee under the will of the late **Lieutenant Colonel TAS Ahmuty** on account with the cestui que trust

Dr		Cr	
1838		1838	
January 17		January 18	
To received 3 dividends on £1716. 6. 0. Reduced 3½ per cent Annuities due 10 October 1836 and 5 April and 10 October 1837	90. 2s. 0d	By investment in the purchase of £231. 18. 1. £3 per cent Consols in Mr Moore's name as Trustee and for Brokers Commission	272. 15s. 6d
To received 3 dividends on £2500. 0. 0. Consolidated £3 per cent Annuities due 5 January and 5 July 1837 and 5 January 1838	112. 10s. 0d	April 27	
To received 3 dividends on £194 New £3½ per cent Annuities due 5 January and 5 July 1837 and 5 January 1838	10. 3s. 6d	By investment in the purchase of £32. 1. 6. £3 per cent Consols in Mr Moore's name as Trustee	30. 0s. 8d
April 27		July 21	
To received dividend on £1716. 6. 0. Reduced 3½ per cent Annuities due 5 th instant	30. 0s. 8d	By paid Brokers Commission on transfer by Messrs Arbuthnot & Latham into Mr Moore's name as Trustee of £5186. 5. 5. £3 per cent Consols (being the investment of money remitted from India) with dividends thereon	3. 4s. 10d
July 16		July 26	
To received dividend on £263. 19. 7. £3 per cent Consols (being the fund created by the investment of dividends in Mr Moore's name alone since Mrs Ahmuty's death) due 5 th instant	3. 19s. 3d	By investment on the purchase of £43. 7. 8. £3 per cent Consols in Mr Moore's name as Trustee and for Brokers Commission	40. 17s. 10d
July 25		October 26	
To received dividend on £2500. 0. 0. Consolidated £3 per cent Annuities due 5 th instant	37. 10s. 0d	By investment on the purchase of £32. 12. 5. £3 per cent Consols in Mr Moore's name as Trustee and for Brokers Commission	30. 15s. 1d
To received dividend on £194 New £3½ per cent Annuities due 5 th instant	3. 7s. 10d		
October 24			
To received dividend on £1716. 6. 0. Reduced £3½ per cent Annuities due 10 th instant	30. 0s. 8d		
	<u>£317. 13s. 11d</u>		<u>£317. 13s. 11d</u>

Bill of Complaint of Elizabeth Frances Ahmuty and Christopher Rigby Ahmuty

Second Schedule above referred to

List of documents and papers in defendant Moore's possession

Copy abstract of Deed of Trust executed by **William Collins** esquire dated 1st August 1810

Letter from **Sir Thomas Staples** dated 14th January 1833

Two accounts current with **James Elliott**

Messrs Ball & Company's account current with Lieutenant Colonel Ahmuty

Messrs Smith Payne & Smith's account current with Lieutenant Colonel Ahmuty

The Provincial Bank of Ireland's account current with Lieutenant Colonel Ahmuty

Captain Baker's account as to arrears of pay due to Lieutenant Colonel Ahmuty

Probate of the Will and Codicils of Lieutenant Colonel TAS Ahmuty granted to Frances Ahmuty on the 9th October 1833

Copy Marriage Settlement of Thomas Arthur Staples Ahmuty esquire with **Miss Frances Staples** dated the 2nd December 1803

Bond of **Robert Smyth** esquire of Portlick in the county of Westmeath dated 16th January 1824 in penalty of £200 for securing £100 and interest

Warrant of Attorney by **Robert Smyth** esquire dated 16th January 1824 to confess judgement on Bond for £200

Copy of executorial account of Mrs Frances Ahmuty of the estate and effects of Lieutenant Colonel TAS Ahmuty

Bundle containing 41 vouchers inclusive relating to the payments in executorial accounts

8 bank receipts relating to transfers made by Frances Ahmuty to Trustees

Copy duplicate receipt for Bengal remittable Loan Note for 31,700 Sicca Rupees deposited by Lieutenant Colonel Ahmuty with Accountant General Fort St George and dated 31st December 1822

Copy duplicate receipt for Bengal remittable Loan Note for 6,000 Sicca Rupees deposited by Lieutenant Colonel Ahmuty with Accountant General Fort St George and dated 18th January 1823

Duplicate Power of Attorney dated 4th August 1835 from Mrs Frances Ahmuty to **Messrs Arbuthnot & Company** to receive payment of Bengal remittable Loan Notes

Duplicate letter of instruction from Mrs Frances Ahmuty to **Messrs Arbuthnot & Company** dated 8th August 1835

A bundle of papers and letters relating to Bengal remittable Loan and its payment off including **Messrs Arbuthnot and Frasers'** account thereof transmitted from India and some letters of **Messrs Arbuthnot & Latham** relating to the investment of the proceeds

5 Bank receipts relating to investment of the proceeds of Bengal remittable Loan Notes in £3 per cent Consols and the dividends thereon

4 Bank receipts relating to investment of dividends on trust funds by Mr Moore since the death of Frances Ahmuty

2 Cases with **Mr GL Russell's** opinion thereon

Double probate of the Will and Codicils of Thomas Arthur Staples Ahmuty esquire granted to Charles Henry Moore on the 31st July 1838

General trust account kept by Mr Moore from commencement of trust to the present time.

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Chancery Papers
Bill of Complaint 12th January 1839

The answer of **William Somerville Ahmuty** and **Edith** his wife two of the defendants to the Bill of Complaint of **Elizabeth Frances Ahmuty** and **Christopher Rigby Ahmuty** infants under the age of 21 years by **Christopher Gerard Rigby Collins** their next friend complainants

These defendants respectively now and at all times hereafter saving and reserving to themselves all and all manner of benefit or advantage of exception or otherwise which can or may be had or taken to the many errors uncertainties and imperfections in the said Bill contained for answer thereto or to so much thereof as these defendants are advised it is necessary for them to make answer unto severally answering say they admit it to be true that the Testator **Thomas Arthur Staples Ahmuty** in the said Bill named did duly make and publish his last Will and Testament in writing bearing date the 22nd day of October 1832 and that the said Will was in such words and figures or to such purport and effect as in the said Bill set forth so far as the same is therein set forth but for greater certainty these defendants crave leave to refer to such Will when produced to this Honorable Court

And these defendants admit that the said Testator **Thomas Arthur Staples Ahmuty** did afterwards duly make and publish a Codicil to his said Will and that such Codicil was of such date and in such words and figures or to such purport and effect as in the said Bill in that behalf mentioned and that the said **Thomas Arthur Staples Ahmuty** did afterwards duly make and publish a second Codicil to his said Will and that such second Codicil was of such date and in such words and figures or to such purport and effect as in the said Bill in that behalf mentioned and that the said Testator did duly afterwards make and publish a third Codicil to his said Will and that such third Codicil was of such date and in such words and figures or to such purport and effect as in the said Bill in that behalf mentioned but for greater certainty these defendants crave leave to refer to the said Codicils when produced to this Honorable Court

and these defendants admit that the said Testator departed this life at or about the time in the said Bill in that behalf mentioned and that he never altered or revoked his said Will save as the said Will is altered by the said Codicils and that he never altered the said Codicils save as the former of such Codicils are altered by the latter and that the said Testator did leave **Frances Ahmuty** his widow and these defendants **William Somerville Ahmuty** and **Edith** his wife him surviving and that this defendant **William Somerville Ahmuty** is in the said Will of the said Testator by mistake called **William Ahmuty** and that upon the death of the said Testator the said **Frances Ahmuty** did alone prove the said Will and Codicils of the said Testator in the proper Ecclesiastical Court and that power was reserved to the defendant **Charles Henry Moore** to prove the same and they believe it to be true that the said Testator was at the time of his death possessed of or entitled to personal estate and effects to a very considerable amount and more than sufficient to pay and satisfy all his funeral and testamentary expenses and the legacies given by his said Will and that the said **Frances Ahmuty** as such executrix as aforesaid did possess herself of all the personal estate and effects of the said Testator consisted of a sum of three per cent Consolidated Bank Annuities standing in his name in the books of the Governor and company of the Bank of England and that out of the said sum of three per cent Consolidated Bank Annuities the said **Frances Ahmuty** did cause to be transferred to the name of herself and the said **Charles Henry Moore** the sum of £9,899 5s 8d three per cent Consolidated Bank Annuities to answer the legacy of that amount by the said Will of the said Testator directed to be settled on these defendants **William Somerville Ahmuty** and **Edith** his wife and their children

and that the said **Charles Henry Moore** is in the said Will of the said Testator by mistake called **Charles Moore** and that the said **Frances Ahmuty** did out of the personal estate and effects of the said Testator so possessed by her as aforesaid duly pay and satisfy all the other pecuniary and specific legacies given by the said Will and Codicils and that after payment and satisfaction of all the funeral and testamentary expenses and debts of the said Testator and after payment and satisfaction of the several legacies given by his said Will and Codicils including the said sum of £9,899 5s 8d three per cent Consolidated Bank Annuities set apart to answer the said legacy to these defendants **William Ahmuty** and **Edith** his wife and their children there did remain a very considerable residue of the personal estate and effects of the said Testator in the hands of her the said **Frances Ahmuty** as such executrix as aforesaid and that the said **Frances Ahmuty** did from time to time after the death of the said Testator invest the residue of his personal estate and effects or so much thereof as did not already consist of stock in the public funds in the joint names of herself the said **Frances Ahmuty** and the said **Charles Henry Moore**

And that she did also cause to be transferred into the joint names of herself the said **Frances Ahmuty** and the said **Charles Henry Moore** all such parts of the residue of the personal estate of the said Testator as at the time of his death consisted of stock in the public funds or other government securities and they admit that the said **Frances Ahmuty** and **Charles Henry Moore** did duly and regularly pay to

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this defendant **William Somerville Ahmuty** the dividends which accrued due on the said sum of £9,899 5s 8d three per cent Consolidated Bank Annuities so transferred into the names of the said **Frances Ahmuty** and **Charles Henry Moore** as aforesaid and that they did duly pay to the said **Frances Ahmuty** or permit her to receive during her life time the interest dividends and annual proceeds of the said residue of the personal estate of the said Testator and of the funds and securities upon which the same was invested pursuant to the trusts and directions contained in the said Will and Codicils of the said Testator and they admit that the said **Frances Ahmuty** did depart this life in the month of October 1836 and that she had previously made her Will and that the sole executor named in such Will did duly renounce the probate thereof and that Letters of Administration of the estate and effects of the said **Frances Ahmuty** with her Will annexed were upon her death duly granted to this defendant **William Somerville Ahmuty** by the proper Ecclesiastical Court and that he has thereby become and is now the legal personal representative of the said **Frances Ahmuty** deceased

And that since the death of the said **Frances Ahmuty** the said defendant **Charles Henry Moore** has duly proved the Will and Codicils of the said Testator **Thomas Arthur Staples Ahmuty** in the proper Ecclesiastical Court and that he has thereby become the legal personal representative of the said Testator and that these defendants have had two children only namely the said complainant **Elizabeth Frances Ahmuty** and **Christopher Rigby Ahmuty** and that the said complainants are infants under the age of 21 years and of such years as in the said Bill in that behalf mentioned and that these defendants are still living and these defendants deny to the best of their knowledge and behalf that upon the death of the said **Frances Ahmuty** or at any other time the said defendant **Charles Henry Moore** did cause the before mentioned trust sum of £9,899 5s 8d three per cent Consolidated Bank Annuities to be transferred into his name in the books of the Governor and company of the Bank of England or that upon the death of the said **Frances Ahmuty** or at any other time the said defendant **Charles Henry Moore** did also cause to be transferred into his name all of the funds and securities in which the residuary estate of the said Testator was invested but they say they believe that such funds and securities still remain in the joint names of the said **Frances Ahmuty** and the said **Charles Henry Moore** and these defendants say they believe it to be true that the said **Charles Henry Moore** did possess himself of all the residuary estate of the said Testator and these defendants admit that the said defendant **Charles Henry Moore** has since the death of the said Testator continued to pay to this defendant **William Somerville Ahmuty** the dividends of the before mentioned sum of £9,899 5s 8d three per cent Consolidated Bank Annuities and that he has retained in his own hands the interest and dividends of all of the residue of the personal estate and effects of the said Testator

and these defendants admit that this defendant **William Somerville Ahmuty** the father of the said complainants is unable to maintain and educate the said complainants according to their station in society and that these defendants have an interest in the said sum of £9,899 5s 8d and the residuary estate of the said Testator under the trusts of his said Will and Codicils and that they are necessary parties to this suit

Without this that there is any other matter cause or thing in the complainants said Bill of Complaint contained material or necessary for these defendants to make answer unto and not herein well and sufficiently answered confessed and avoided or denied is true to the knowledge or belief of these defendants All which matters and things hereinbefore contained these defendants are ready and willing to aver maintain and prove as this Honorable Court shall direct and therefore they pray to be hence dismissed with reasonable costs and charges by them about their suit in this behalf most wrongfully sustained.

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