

114

Maria Elizabeth Ahmuty Will 30 Aug 1826 proved 4 July 1832 PRO – PROB 11/1787

I **Maria Elizabeth Ahmuty of Lymington** in the county of Hants **widow** do hereby revoke all wills codicils and other testamentary dispositions made by me heretofore and declare this to be my last Will and Testament I direct all my just debts funeral and testamentary expenses to be paid as soon as conveniently may be after my decease

And whereas under the settlement made upon my marriage with my deceased husband **John Ahmuty** esquire bearing date the **1st day of March 1789** the sum of £3,000 sterling became invested in **William Law** and **John Anderson** the younger both since deceased In trust after my decease for such child or all and every or any of the children of the said then intended marriage in such shares or proportions and in such manner as I the said **Maria Elizabeth Ahmuty** by any deed or deeds writing or writings or by my last Will and Testament in writing or any writing in the nature of or purporting to be a will and to be duly signed in the presence of and attested by two or more witnesses should direct limit or appoint

And whereas my late mother **Katharine Anderson** deceased by her last Will and Testament in writing bearing date the **12th day of August 1790** gave and bequeathed unto the said **John Anderson, Westgarth Snaith, Lawrence Holker** and to me the said **Maria Elizabeth Ahmuty** the several sums of £4,400 4 per cent consolidated bank annuities of the year 1781 now reinvested into 3½ per cent reduced annuities and £1,100 3 per cent consolidated bank annuities Upon trust after my decease to pay assign transfer and dispose of the said sums unto and amongst my children **John Townley Ahmuty since deceased, Letitia Maria Ahmuty** and **Catherine Constantia Ahmuty** now the wife of **James Charles Michell** at such time or times and in such parts shares and proportions as I the said **Maria Elizabeth Ahmuty** should by my last Will and Testament in writing or any writing purporting to be my last Will and Testament or any codicil or codicils thereto executed by me in the presence of two or more credible witnesses give bequeath limit or appoint the same

Now I the said **Maria Elizabeth Ahmuty** do pursuant to and by force and in exercise of the said several powers to me given by the said Indenture of Settlement and the bequest of the said **Katharine Anderson** by this my last Will and Testament in writing duly signed published and executed by me in the presence of and attested by the three credible persons whose names are hereunto subscribed as witnesses thereto give bequeath direct limit or appoint that the several trustees in whom the said several sums of £3,000 sterling £4,400 late 4 per cent consolidated bank annuities now 3½ per cent reduced annuities £1,100 3 per cent consolidated bank annuities any and every of them are now and may be respectively vested shall and do stand and be possessed of and interested in the said several sums of money stocks and funds and the securities in or upon which the same may at the time of my decease be placed or invested and the interest dividends and annual produce thereof respectively upon the trusts and for the ends intents and purposes hereinafter expressed and declared of and concerning the same

that is to say as to for and concerning one full and equal moiety or half part of and in the said sum of £3,000 sterling and of and in the said sum of £4,400 late 4 per cent now 3½ per cent reduced bank annuities and the stocks funds and securities in or upon which the same may be placed or invested In Trust for **my daughter** the said **Catherine Constantia** the wife of the said **James Charles Michell** her executors administrators and assigns to the intent that the same may be for the sole and separate use of the said **Catherine Constantia Michell** and may not be subject to the debts control disposition or engagement of the said **James Charles Michell** her husband or any other person with whom she may hereafter intermarry and as to for and concerning the other equal moiety or half part of and in the same two sums stocks funds and securities and also as to for and concerning the whole of the said sum of £1,100 3 per cent consolidated bank annuities and the stocks funds and securities in or upon which the same may be placed or invested In Trust for my daughter **Letitia Maria Ahmuty** her executors administrators and assigns and for her and their own use and benefit

And whereas I am entitled to the remainder or reversion in fee expectant on the decease of **John Cooper** without issue male of his body by any wife other than and except issue male of the body of **Peggy** or **Margaret** the daughter of the wife of **John Waring** of and in one undivided moiety or half part of all those capital messuages or tenements called **Heskin Hall** and **Maudsley Hall** in the county palatine of **Lancaster** with the demesne lands and other lands thereunto belonging and of and in other messuages lands and hereditaments situate lying and being in **Heskin** and **Maudsley** aforesaid and in **Eccleston near Croston Leyland** and **Ulveswalton** in the county of **Lancaster** or elsewhere in the said county under the will of **Alexander Kershaw** late of **Heskin** aforesaid esquire deceased bearing date on or about the **24th day of October 1786**

Now I do hereby give and devise unto **William Chadwick** of x Street Rochdale in the said county of Lancaster woollen manufacturer and **Charles Saint Barbe** of Lymington in the said county of Hants banker and their heirs all that my said undivided moiety and all other my parts shares and proportions of and in all and singular the capital and other messuages lands tenements and hereditaments of or to which under the said will I am entitled with the rights x and appurtenances and all other my messuages lands tenements and hereditaments and real estate whatsoever and wheresoever in possession reversion remainder or expectancy or of which I have power to dispose To hold the same unto the said **William Chadwick** and **Charles Saint Barbe** and their heirs to the uses and upon the trusts nevertheless and for the ends intents and purposes hereinafter expressed and declared of and concerning the same that is to say

As to for and concerning one full and equal half part or share of and in the said undivided moiety and all and singular other the hereditaments and premises hereby devised to the said **William Chadwick** and **Charles Saint Barbe** and their heirs as aforesaid To the use of the said **William Chadwick** and **Charles Saint Barbe** their heirs and assigns upon trusts hereinafter declared that is to say Upon Trust that the said **William Chadwick** and **Charles Saint Barbe** and the survivor of them his heirs or assigns do and shall pay the rents issues and profits thereof into the proper hands of the said **Catherine Constantia Michell** or the hands of such person or persons as she by any x writing under her hand shall from time to time appoint to receive the same during her life but not so as to dispose thereof or to deprive herself of the benefit thereof by mortgage charge sale assignment or otherwise in the way of anticipation to the intent that the same may be for the sole and separate use of the said **Catherine Constantia Michell** and may not be subject to the debts control disposition or engagements of the said **James Charles Michell** or of any future husband

and I hereby declare that the receipt or receipts in writing of the said **Catherine Constantia Michell** or of such person or persons as she shall from time to time appoint to receive the same and her his or their receipt or receipts only shall be a good sufficient discharge and good and sufficient discharges to the person or persons paying the same much thereof as in such receipt or receipts shall be acknowledged or expressed to be received and I declare and direct that the said **Catherine Constantia Michell** shall be treated and considered as tenant for life of and in the said moiety and hereditaments so devised In Trust for her separate use for life as aforesaid without impeachment of waste

and from and after the decease of the said **Catherine Constantia Michell** I declare that the said trustees their heirs and assigns do and shall stand seized of and in the same one full and equal half part and share of and in the same undivided moiety and hereditaments hereinbefore devised as aforesaid In Trust for all and every or such one or more exclusively of the others or other of the child or children born or to be born of the said **Catherine Constantia Michell** or of their issue in such manner and in such shares and proportions as the said **Catherine Constantia Michell** notwithstanding he coverture and whether covert or sole shall by any deed or deeds instrument or instruments in writing with or without power of reservation or new appointment to be sealed and delivered by her in the presence of and attested by two or more credible witnesses or by her last Will and Testament in writing or by any writing purporting to be or in the nature of her last Will and Testament or by any codicil or codicils thereto in writing to be by her signed and published in the presence of and attested by three or more credible witnesses direct limit or appoint

and in default of such direction limitation or appointment or so far as any such direction limitation or appointment if incomplete should not extend then in trust for all the children of the said **Catherine Constantia Michell** now born or hereafter to be born as tenants in common in tail with remainders between or amongst them in tail and if but one child of the said **Catherine Constantia Michell** then In Trust for such only child in tail and in default or failure of such issue In Trust for such person or persons and for such intents and purposes and with under and subject to such powers provisoes limitations and declarations as the said **Catherine Constantia Michell** notwithstanding her coverture and whether covert or sole shall by any deed or deeds writing or writings with or without power of reservation or new appointment to be by her sealed and delivered in the presence of and attested by two or more credible witnesses or by her last Will and Testament in writing or any writing purporting to be or in the nature of her last Will and Testament to be by her signed and published in the presence and attested by three or more credible witnesses direct limit or appoint and in default of such last mentioned direction limitation or appointment or so far as any such direction limitation or appointment if incomplete shall not extend then in trust for the right heirs of me the said **Maria Elizabeth Ahmuty** for ever

and as for and concerning the other full and equal half part or share of and in the said undivided moiety and all and singular other the hereditaments hereby devised to the said **William Chadwick** and **Charles Saint Barbe** their heirs and assigns as aforesaid to the use of the said **Letitia Maria Ahmuty** her heirs and assigns for ever to and for her and their own use and benefit provided nevertheless and my will and intention thereby are that it shall and may be lawful to and for the said **William Chadwick** and **Charles Saint Barbe** and the survivor of them and the heirs and assigns of such survivor or other the acting trustee or trustees for the time being of this my Will at any time or times after my decease and either in the lifetime of the said **John Cooper** or after his decease (at the request and by the direction of the said **Catherine Constantia Michell** testified by some writing or writings to be by her sealed and delivered in the presence of two or more credible witnesses) to sell and dispose of the said undivided half part or share hereby limited or declared to or in trust for or in favor of the s'd **Catherine Constantia Michell** for her life and afterwards for her children in manner aforesaid of and in the said moiety messuages lands tenements and hereditaments hereby devised and to which I am entitled as aforesaid under and by virtue of the said Will of the said **Alexander Kershaw** deceased and the fee simple and inheritance thereof either together or in one lot or in parcels and several lots and either by public sale or private contract or partly by public sale and partly by private contract as to them the said trustees or trustee shall soon meet and also to make execute and perfect all necessary or proper deeds writings conveyances surrenders and assurances for the purpose of vesting the same in any purchaser or purchasers thereof or in such person or persons and for such uses intents and purposes as such purchaser or purchasers shall direct or appoint freed and discharged of and from all uses trusts provisoes and conditions charges and legacies hereinbefore mentioned

And I hereby declare and direct that the receipt or receipts in writing of the said trustees or the acting trustees or trustee of this my Will for the time being shall be a good valid and sufficient acquittance and discharge or acquittances and discharges to the person or persons respectively who shall become the purchaser or purchasers of all or any part of the said undivided half portion or share and hereditaments for all or any part of the money to be by them him or her paid for the same and that the person or persons who shall become such purchaser or purchasers shall not after paying his her or their said purchase money to my said trustees or trustee for the time being be answerable or accountable for the misapplication or nonapplication of the same or any part thereof

And I do hereby will direct and declare that upon receipt of the said purchase money or purchase monies to arise by all or any such sale or sales by my said trustees as aforesaid they my said trustees shall stand possessed of and interested in the same In Trust that they the said **William Chadwick** and **Charles Saint Barbe** or the survivor of them or the executors or administrators of such survivor do and shall with all convenient speed pay and apply such purchase monies in the purchase of other hereditaments to be situate in that part of Great Britain called England or in the principality of Wales of a clear indefeasible Estate of Inheritance in fee simple in possession yet so that such purchase or purchases respectively be made with the consent of the said **Catherine Constantia Michell** during her life testified by some writing under her hand and after her decease with the consent in writing of the person or persons who would under and by virtue of the trusts or limitations hereinbefore contained or as any of them be for the time being in the actual possession of or entitled to the rents and profits of the hereditaments so to be purchased as aforesaid in case the same were actually purchased in pursuance of the power hereinbefore contained if such person or persons be of full age but if such person or persons respectively shall be under age then at the discretion and proper authority of the said **William Chadwick** and **Charles Saint Barbe** or the survivor of them or the executors or adm'ors of such survivor and moreover that the said **William Chadwick** and **Charles Saint Barbe** their heirs and assigns do and shall stand seized of and entitled in the hereditaments so to be purchased as hereinbefore mentioned upon and for such and the same trusts intents and purposes and with under and subject to such and the same powers provisoes and declarations as are hereinbefore expressed declared and contained of and concerning the said half part or share hereinbefore limited or declared to or in trust for the said **Catherine Constantia Michell** for her life and afterwards for her children as aforesaid of and in the said undivided moiety messuages lands tenements and hereditaments hereinbefore devised or as near thereto as the deaths of parties and other intervening circumstances will then admit of

And I hereby declare and direct that until the money to be produced by any sale or sales of the said half part or share and hereditaments hereby made saleable as hereinbefore is expressed shall be disposed of in manner hereinbefore mentioned it shall and may be lawful to and for the said **William Chadwick** and **Charles Saint Barbe** and the survivor of them and the heirs executors and administrators of such survivor by and with such consent and approbation as last hereinbefore is mentioned or at their or his discretion as the case may be to place out such purchase monies in the purchase of a share or shares of the parliamentary stocks or public funds of Great Britain or at interest upon Government or real securities in England or Wales in the names or name of such trustees or trustee for the time being and to alter vary and transpose the said stocks funds and securities from time to time as occasion shall require but with the consent of the said **Catherine Constantia Michell** during her life

And I direct that the interest dividends and annual produce arising from such stocks funds or securities shall go and be paid in the manner to the persons and for the intents and purposes in to or for which the rents and profits of the hereditaments to be purchased therewith would go or be payable or applicable in case such purchase or purchases as aforesaid were then actually made

And I give and bequeath the moiety or half part of the sum of £4,312. 5s. 0d. 3 per cent consolidated bank annuities now standing in the name of the Accountant General in the matter of **Edmund Kershaw** to the credit of the Timber account and to which I am entitled on the decease of the said **John Cooper** without issue male of his body as aforesaid equally to and between my said daughters share and share alike they thereout paying in equal shares or proportions the expenses which have been incurred in establishing my title to moiety hereinbefore devised

And I give and bequeath to my daughter **Catherine Constantia Michell** the share in the **Tontine** standing in her name to and for her sole and separate use and benefit independent of her husband and to the intent that the same may be subject to his debts control or engagements I also give and bequeath to the said **William Chadwick** and **Charles Saint Barbe** the sum of £100 each to be charged and I do hereby charge the same upon my said remainder or reversion hereinbefore devised of and in the said one moiety or half part of the hereditaments devised by the said Will of the said **Alexander Kershaw** deceased and I direct that the same shall be retained or paid out of the rents issues and profits of the said moiety within twelve months next after the same shall come into possession with lawful interest from the time such remainder or reversion shall come into possession

4
X
And I give and bequeath all my goods chattels monies securites for money and all other my personal estate and effects whatsoever or wheresoever which I do not by this my Will or shall not by any codicil thereto dispose of specifically unto and to the use of my said daughter **Letitia Maria Ahmuty** her executors adm'ors and assigns to and for her and their own absolute use and benefit Provided always and I declare and direct that if the said **William Chadwick** and **Charles Saint Barbe** or either of them or any future trustee or trustees to be appointed as hereinafter is mentioned shall happen to die or be desirous of being discharged of and from and refuse or decline to act in the trusts hereby in them respectively reposed as aforesaid before the said trusts shall be fully performed or discharged then

and in such case and when and as often as the same shall happen it shall and may be lawful to and for the said **Catherine Constantia Michell** her executors or administrators by any writing or writings to be by her or them sealed and delivered in the presence of and to be attested by two or more credible witnesses from time to time to nominate substitute or appoint any other person or persons to be a trustee or trustees in the stead or place of the trustee or trustees so dying or desirous to be discharged or refusing or declining to act as aforesaid and that when and as often as any new trustee or trustees shall be nominated and appointed as aforesaid all the said trust estates monies securities and funds shall be thereupon with all convenient speed conveyed assigned and transferred in such sort and manner and so as that the same shall and may be legally and effectually vested in the surviving or continuing trustee or trustees of the same trust estates and premises and such new trustee or trustees jointly or if there shall be no continuing trustee of the same trust estates and premises then in such new trustees wholly to for and upon such and the same trusts intents and purposes as are hereinbefore declared or expressed of or concerning the said trust estates and premises as aforesaid or such of them as shall be then subsisting or capable of taking effect

And that every such new trustee or trustees shall and may in all things act and assist in the management carrying on and execution of the trusts to which they shall be so appointed as fully and effectually to all interests effects constructions and purposes whatsoever and shall have and be considered as vested with such and the same powers and authorities as if he or they had been originally in and by this my Will nominated a trustee or trustees for the purposes for which such new trustee or trustees respectively shall be appointed a trustee or trustees anything hereinbefore contained to the contrary thereof in anywise notwithstanding Provided also

and it is my will and mind and I do hereby declare that it shall and may be lawful to and for the said **William Chadwick** and **Charles Saint Barbe** and every future trustee or trustees so to be appointed as hereinbefore mentioned their and every of their heirs executors and administrators by and out of all or any of the monies which by virtue of this my Will shall come to their or any of their hands to deduct retain to and reimburse themselves and himself and to pay to his and their co-trustee or trustees all such costs charges and expenses as they respectively shall or may sustain expend or be put unto in or about the execution of this my Will or any of the trusts herein contained and also that they and their respective heirs executors and administrators shall be charged and chargeable only every of them for and with his and their own respective receipts payments acts and wilful defaults and not otherwise and shall not be charged or chargeable with or for any sum or sums of money other than such as shall actually and respectively come to his her or their hands by virtue of this my Will nor with or for any loss or damage which may happen about the execution thereof or any of the trusts hereby declared without his or their respective wilful default

And I do hereby nominate constitute and appoint my said daughter **Letitia Maria Ahmuty** to be the sole executrix of this my last Will and Testament

In witness whereof I the said **Maria Elizabeth Ahmuty** the testatrix have to this my last Will and Testament contained in nine sheets of paper set my hand and seal that is to say my hand to the first eight sheets and my hand and seal to this ninth and last sheet thereof this **30th day of August** in the year of our Lord **1826**

Maria Elizabeth Ahmuty (Is) signed sealed published and declared by the said **Maria Elizabeth Ahmuty** the testatrix as and for her last Will and Testament in the presence of us who in her presence at her request and in the presence of each other have hereunto subscribed our names as witnesses - **Ellis Jones** clerk Lymington Hants, **John Preston** esq Lymington and **Sam'l St. Barbe** of Lymington Hants banker

Proved at London **4th July 1832** before the Judge by the oath of **Letitia Maria Ahmuty spinster** the daughter the sole executrix to whom admon was granted having been first sworn by com'on duly to administer