

James Charles Michell

Will Dated 17th November 1840
Codicil dated 23rd January 1841
" " **13th February 1841**

Proved 19th July 1841

Relying upon the pardon of my many transgressions through the merits of my Divine Intercessor and Mediator and with pious gratitude to providence which through many visitations and bereavements hath mercifully preserved my health and faculties beyond the period of life prescribed to Man I **James Charles Michell** of Brighthelmston in the county of Sussex gentleman do in my own handwriting at the age of 73 and upwards make this my last Will and Testament as follows that is say

My son by my first marriage dear to me in affection and esteem from his exemplary conduct and literary attainments having through the liberality of his maternal family been placed in worldly independence will not consider this affection diminished if in contemplating the moderate provision which I am able to bestow upon the children of my second marriage from my own resources I substitute my blessing for any bequest of fortune to him and particularly as on my decease he succeeds to that of his departed mother with such addition as upon my marriage with her I was able to settle

And whereas my only surviving son by my lately departed and ever to be lamented wife had been amply provided for under a testatmentary appointment made by his dear mother Now I do not make any disposition of or intermeddle with the sums of money secured by the settlement made on my second marriage bearing date the 2nd day of March 1811 of which sums my three surviving children of that marriage will equally participate

And having settled certain sums of money upon my younger daughter **Constantia** so as to equalise as nearly as possible the property to derive to her and her sister under this my Will I give devise and bequeath unto my older daughter **Maria Elizabeth Michell** all that my copyhold and customary mansion or dwelling house with the garden and appurtenances situate on the east side of the East Street, Brighthelmston wherein I now reside formerly **Smiths** and purchased of **Dame Louise Hart** and also all that west part of a garden in Pool Lane in Brighthelmston aforesaid with the appurtenances formerly gardens and also purchased of **Dame Louise Hart** on which a messuage and shop have been erected now on lease to **John Stacey** which customary mansion house and messuage shop and premises are included in one copy of Court Roll holder of the Manor of Brighthelmston

And also my freehold piece of ground in the second furlong in the Hilly Laine in Brighthelmston aforesaid in lease to **James Gregory** to hold unto and to the use of my said daughter **Maria Elizabeth Michell** and of her heirs and assigns forever

And all other my real estate whatsoever of what tenure so ever and whether in possession reversion or expectancy of which I may die seized or to which I may die entitled whether now or hereafter to be acquired I give devise and bequeath to my two daughters **Maria Elizabeth Michell** and **Constantia Chadwick Michell** to hold unto and to the use and behoof of my said two daughters and of their heirs and assigns forever as tenants in common and not as joint tenants

And I give and bequeath to my said two dear and dutiful daughters all and singular my personal estate and effects whatsoever and wheresoever of what nature or kind so ever the same may be or consist of (including the reversion of certain property upon the decease of **Sally** the widow of my late brother **William Michell** esquire deceased purchased by me in July 1835 and certain shares in the Ribble Navigation, the Protector Life Assurance and in the Hibernian Mining Company on the Hicksted Turnpike Tolls and the Brighthelmston Race Stand) to be equally divided between them my said two daughters share and share alike

But subject to the payment thereof of my just debts funeral and testamentary expenses and to the payment of £100 sterling which sum I give and bequeath to my granddaughter **Elizabeth Sarah** (older daughter of my son **Henry**) whose baptismal sponsor I am

And I make constitute and appoint my said daughter **Maria Elizabeth Michell** together with my much esteemed friends **William Chadwick** of Rochdale esquire **John Flather** of Lincoln's Inn barrister at law and **Henry Towgood** of the Stock Exchange esquire executrix and executors of this my Will whom as far as by law I am enabled I constitute and appoint together with the **Reverend George Hutchins** guardians of my son **William** until he attain his age of 21 entreating them to superintend his education with reference to his state of health and to the fortune which he inherits from his dear lately deceased mother recommending that education to be in some public school and terminating at one of the universities of Oxford or Cambridge in which his brother so highly qualified will afford him useful advice and assistance

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And revoking all former Wills I the said **James Charles Michell** the testator have to this my last Will and Testament contained in this and the preceding sheet of paper to the first sheet thereof set my hand and to this second sheet my hand and seal this 17th day of November 1840 – **Jas. Chas. Michell** (Is) signed sealed published and declared by the said **James Charles Michell** the testator as and for his last Will and Testament in the presence of us present at the same time who in his presence and in the presence of each other have hereunto set out hands as witnesses thereto **A. S. Greene** solicitor Brighton **Edwd. H. Verral** clerk to Mr Greene

Whereas in my before written last Will and Testament bearing date the 17th day of November last I have stated that I make no disposition of or intermeddle with the sums of money secured by the settlement made on my second marriage bearing date the 2nd day of March 1811 of which sums my three surviving children of that marriage would equally participate Now contemplating the value of the estates in Lancashire devised to my son **William** by the testamentary appointment of his dear departed mother and the accumulation of the rents thereof during his long minority together with the funded property already belonging to him I **James Charles Michell** do by this a codicil to my said Will hereby revoke any benefit to or participation of the said sums of money or funds secured by my said marriage settlement by my said son **William** and have this day exercised the power and authority reserved to me in and by the said settlement in having directed and appointed the said sums of money and funds thereby secured and every part thereof equally to and between my two daughters **Maria Elizabeth** and **Constantia Chadwick** share and share alike And in all other respects I ratify and confirm my said Will

In witness whereof I the said **James Charles Michell** have to this a codicil to my last Will and Testament and which I direct to be taken as part thereof set my hand and seal this 23rd day of January 1841 *

x **S. Scutt** of Brighton clerk **Thos. W Scutt** Lewes

* margin note

Jas. Chas. Michell signed sealed published and declared by the said **James Charles Michell** as and for a codicil to his last Will and Testament in the presence of us present at the same time who in his presence and in the presence of each other have hereunto set our hands as witnesses thereto

I the above named **James Charles Michell** do by this a second codicil to my Will hereby declare that the executors appointed by my Will shall be charged and chargeable only with such monies as they respectively shall actually receive and that they shall not be answerable the one for the other but each for his or her own acts deeds and defaults nor shall they or either of them be answerable or accountable for any banker broker or other person with whom or in whose hands any part of my personal estate shall be placed for safe custody nor for any loss which may happen to my estate and effects unless the same shall happen by or through their her or his own wilful default and that it shall be lawful for my said exors to retain to themselves respectively all costs and charges which they may sustain in the execution of their duty

In witness whereof I the said **James Charles Michell** have to this codicil set my hand and seal the 13th day of February 1841 **Jas. Chas. Michell** (Is) signed sealed published and declared by the said **James Charles Michell** as and for a codicil to his last Will and Testament in the presence of us present at the same time who in his presence and in the presence of each other have set our hands as witnesses thereto **Charles Price** M.D. Brighton – **William Brewster** Brighton

Proved at London with two codicils 19th July 1841 before the judge by the oaths of **Maria Elizabeth Michell** spinster the daughter and **John Flather** esquire two of the ex'ors to whom admon was granted having been first sworn the said **Maria Elizabeth Michell** by x and the said **John Flather** before the worshipful **Frederic Thomas Pratt** doctor of laws and surrogate duly to administer power reserved of making the like grant to **William Chadwick** and **Henry Towgood** esquires the other executors when they shall apply for the same

(PRO 11/1949)