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Catherine Constantia Michell Will 12 May 1838 proved 24 April 1839 PRO – PROB 11/1909

This is the last will and testament or testamentary appointment of me **Catherine Constantia** the wife of **James Charles Michell of Brighelmstone** in the county of Sussex gentleman made this 12th day of May 1838 in manner and form following

that is to say whereas my late mother **Maria Elizabeth Ahmuty** late of Lymington in the county of Hants widow by her last will and testament bearing date the 13th day of August 1826 after writing that she was 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 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 **Mawdesley 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 lying and being in Heskin and Mawdesley aforesaid and in Eccleston near Croston Leyland and Ulnes Walton in the county of Lancaster or elsewhere in the said county under the will of **Alexander Kershaw** late of Heskin aforesaid bearing date on or about the 24 day of October 1786

did give and devise unto **William Chadwick** of Drake Street Rochdale in the county of Lancaster woollen manufacturer and **Charles St Barbe** of Lymington in the county of Hants banker and to their heirs all that her said undivided moiety and all other her parts shares and proportions of and in all and singular the capital and other messuages lands tenements and heredit of or to which under the said will she was entitled with the rights members and appurt's and all other her messuages lands tenements and heredit and real estate whatsoever and wheresoever in possession reversion remainder or expectancy or of which she had power to dispose to hold the same unto the said **William Chadwick** and **Charles St Barbe** and their heirs to the use and upon the trusts nevertheless for the ends intents and purposes therein and 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 heredit and premises thereby devised to the said **William Chadwick** and **Charles St Barbe** and their heirs as aforesaid to the use of the said **William Chadwick** and **Charles St Barbe** their heirs and assigns upon the trusts therein and hereinafter declared that is to say upon trust that the said **William Chadwick** and **Charles St Barbe** and the survivor of them his heirs or assigns did and should pay the rents issues and profits thereof into the proper hands of me the said **Catherine Constantia Michell** or the hands of such person or persons as and by any note in writing under my hand should from time to time appoint to receive the same during my life but not so as to dispose thereof or to deprive myself of the benefit thereof by mortgage charge sale assignment or otherwise in the way of anticipation and the said testatrix did direct and declare that the said **Catherine Constantia Michell** should be treated considered as tenant for life of and in the said moiety and heredit so devised in trust for my separate use for life as aforesaid without impeachment of waste

and from and after my decease the testatrix declared that the said trustees their heirs and assigns should stand seized of and in the same one equal half part and share of and in the said undivided moiety and heredit thereinbefore 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 be born of me the said **Catherine Constantia Michell** or of their issue in such manner and in such shares and proportions as I the said **Catherine Constantia Michell** notwithstanding my coverture and whether covert or sole should by any deed or deeds instrument of instruments in writing with or without power of reservation or new appointment to be sealed and delivered by me in the presence of and attested by two or more credible witnesses or by my last will and testament in writing or by any writing purporting to be or in the nature of my last will and testament or by any codicil or codicils thereto in writing to be by me 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 me the said **Catherine Constantia Michell** then born or hereafter to be born in manner therein mentioned as in and by the said will which was duly proved of **Letitia Maria Ahmuty** the sole executrix thereof in the Prerogative Court of the Archbishop of Canterbury on the ___ day of July 1831 will appear

and whereas the said **John Cooper** died in the month of June 1833 without issue male other than by the said Peggy or Margaret the daughter of the wife of **John Waring** and upon the decease of the said **John Cooper** the said **William Chadwick** and **Charles St Barbe** entered into possession of the moiety or part or share of the said several messuages lands and heredit so devised to them in trust as aforesaid and have paid to me or permitted me to receive to and for my separate use and benefit one moiety of the rents and profits which have become due for the same and directed by the said will

now I the said **Catherine Constantia Michell** do by virtue and in exercise of the power and authority given to and invested in me in and by the said in part by the recited will of my late mother the said **Maria Elizabeth Ahmuty** deceased and of all other persons and authorities enabling me so to do by this my last will and testament in writing signed and published by me in the presence of and attested by the three credible persons whose names are intended to be signed as witnesses hereto direct limit and appoint that the said **William Chadwick** and **Charles St Barbe** their heirs and assigns shall from and after my decease stand seized of and in the said one full and equal half part and share of and in the said undivided moiety and heredit so devised to them in trust as aforesaid upon trust so soon after my decease as they shall deem expedient by sale or mortgage of a competent part thereof to raise the sum of £2000 and interest thereon from the time of my decease until the time the same shall be raised at the rate of £4 per centum per annum or such part of such interest as shall not have been previously paid under the provision hereinafter contained for the payment thereof

and which sum of £2000 and interest I further direct limit and appoint to be paid or payable to **my daughters Maria Elizabeth Michell** and **Constantia Chadwick Michell** in equal moieties but if my said daughter **Constantia Chadwick** shall not at the time of my decease have attained the age of 21 years or been married then the moiety of the said sum of £2000 and interest is to be paid to her as and when she shall attain the age of 21 years or be married which shall first happen and in case my said daughter **Constantia Chadwick** shall not live to attain the age of 21 years or be married then and in such case I direct and appoint that the expectant or contingent share or interest of my said daughter so dying of and in the said sum of £2000 and interest shall not be raised or raiseable and shall cease to be a charge upon the said estate and I further direct and appoint that the said **William Chadwick** and **Charles St Barbe** their heirs and assigns shall stand seized of and in the one equal half part or share of and in the said undivided moiety and heredit so devised to them in trust as aforesaid until the said sum of £2000 shall be raised

upon trust out of the rents and profits thereof to pay the interest which shall from time to time become due upon one moiety of the said sum of £2000 unto each of my said daughters unless if my said daughter **Constantia Chadwick** shall not have attained her age of 21 years and in that event I direct that the interest which shall become due upon or in respect of the presumptive or expectant share of such daughter of the said sum of £2000 shall be paid and applied during her minority and discoveriture and towards her maintenance and education or otherwise to and for her benefit and upon further trust to pay and apply the residue of such rents and profits which shall remain after payment of such interest or so much thereof as shall be deemed necessary for the maintenance and education and advancement in life of **my son William Michell** or otherwise for his benefit and subject to the said trusts I further direct limit and appoint that the said **William Chadwick** and **Charles St Barbe** their heirs and assigns shall from and after my decease stand and be seized of and in the said one equal half part and share of and in the said undivided moiety and heredit so devised to them by the will of the said **Maria Elizabeth Ahmuty** as aforesaid in trust for my said son **William Michell** his heirs and assigns for ever and to and for his and their own use and benefit

and whereas I am possessed in my own right (as if sole) of a debenture or share of the **tolls on the Turnpike Road leading from Brighton to Handcross** for securing the sum of £100 with interest at 5 per cent now I do hereby give and bequeath the same to my son the said **William Michell** upon his attaining the age of 21 years authorizing the trustees and executors of this my will to apply the interest of the said debenture or share to the use and towards the maintenance of my said son during his minority and

I make constitute and appoint the said **William Chadwick** and **Charles St Barbe** executors of this my last will and testament or testamentary appointment in witness whereof I the said **Catherine Constantia Michell** have to the three preceeding sheets of this my will or testamentary appointment set my hand and to this fourth and last sheet thereof my hand and seal the day and year first herein written. **Catherine Constantia Michell** (Is) signed and published by the said **Catherine Constantia Michell** as and for her last will and testament or testamentary appointment in the presence of us present at the same time who in her presence and in the presence of each other have hereunto set our hands as witness thereto **J. H. Bower, J. Pocock and H. Pocock**

On the **24th** day of **April 1839** admon with the will annexed of the goods chattels and credits of **Catherine Constantia Michell** wife of **James Charles Michell** formerly **Ahmuty** spinster late of Brighthelmstone in the county of Sussex deceased was granted to **William Chadwick** one of the executors named in the said will having been first sworn duly to administer **Charles St Barbe** the other executor named in the said will having renounced the probate and execution thereof. The said **James Charles Michell** the lawful husband of the said deceased and as such the sole person entitled to all her personal estate and property over which she had no disposing power and concerning which she is x intestate having first consented as by act of court appears