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Rev Christopher Rigby Collins

Will dated 27th July 1834

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Proved 13th March 1837

This is the last Will and Testament of me the **Rev'd Christopher Rigby Collins** formerly of the city of New Sarum in the county of Wilts and late of the Royal Crescent Bath but now residing at Sidmouth in the county of Devon Master of Arts

whereas by the marriage of my son **Christopher Gerard Rigby Collins** esq with **Annabella Mary Gardiner** I became bound unto the trustees of their Settlement in a bond in the penalty of £24,000 conditioned for the payment to them by my heirs executors or administrators within six calendar months after my decease upon the trusts of the said Settlement of the sum of £12,000 now I do hereby charge all my freehold estates whatsoever and wheresoever with the payment of the said sum of £12,000 and subject thereto I do hereby give and devise all my said freehold estates unto and to the use of my said son **Christopher Gerard Rigby Collins** his heirs and assigns

I also give and bequeath unto my said son my leasehold messuages and premises at Sidmouth aforesaid with every description of property which may be in or about the same at the time of my decease a silver tea urn hereinafter bequeathed by me exempted and I further direct that a bond for £1,000 advanced by me to my said son shall be given up to him to be cancelled 1 on my decease

I give and bequeath to my daughter **Edith** the wife of **William Somerville Ahmuty** esq my silver tea urn before referred bearing an inscription to the memory of **Joseph Franklin** of Haddenham in the county of Bucks esq I give and bequeath unto my butler **John Lakeman** if he shall be living in my service at the time of my decease the legacy or sum of £100 and unto my groom **Thomas Perry** upon a like condition the legacy or sum of £50 to be paid to them respectively clear of legacy duty and all other deductions whatsoever in addition to any wages that may be due to them I also give and bequeath unto each of my female servants who shall have lived in my service three years and shall still be in my service at the time of my decease one full year wages in addition to what may be respectively due to them to that period

and as to all the rest and residue of my estate and effects whatsoever and wheresoever and of what nature or kind soever which I shall be possessed of intitled to or in anyway interested in subject to the payment thereof of my just debts funeral and testamentary expenses and any legacies bequeathed by this my Will or to be hereafter bequeathed by an codicil hereto

X I give devise and bequeath the same unto the said **Christopher Gerard Rigby Collins** and the **Rev'd George Gregory Gardiner** of the city of Bath clerk their heirs executors administrators and assigns according to the nature and quality of the same upon trust that they the said **Christopher Gerard Rigby Collins** and the **Rev'd George Gregory Gardiner** and the survivor of them and the heirs executors and administrators and assigns of such survivor do and shall immediately on my decease or as soon thereafter as in their discretion they shall think fit and desirable convert into money all such part or parts of my said residuary estates as shall not consist of money or securities for money and lay out and invest the same in the names of my said trustees in the parliamentary stocks or funds of Great Britain or at interest upon real or long leasehold securities in England or 2 with full power to alter and vary the same securities and also any securities in or upon which any part of my said personal estate shall be invested at my death for securities of the nature aforesaid and I hereby declare that my said trustees shall stand possessed of such ultimate residue of my said estate and of the stocks funds and securities in or upon which the same shall from time to time be laid out and invested upon trust

as to the three fourth parts thereof to pay the interest dividends and annual proceeds thereof unto and equally between and amongst my daughter **Elizabeth** the wife of **Robert Austen Langworthy** esq **Mary Beata** the wife of **William Webster** esq of the Royal Navy and the said **Edith** the wife of **William Somerville Ahmuty** in equal shares and proportions for and during their lives respectively for their own sole and separate use respectively independent of their present or future husband respectively and free from their debts control forfeitures or engagements and so that the receipt or receipts of my said daughters respectively shall alone from time to time notwithstanding their coverture respectively be good and sufficient discharges for such interest dividends and annual proceeds

X and from and immediately after the death of each of my said daughters respectively then as to the principal of the share of the said three fourth parts of my said residuary personal estate of which such daughter so dying was entitled to the interest and dividends for her life and the stocks funds and securities in or upon which such 3 may be then invested upon trust for such person or persons and in such manner and form as each of my said daughters so dying whether sole or married and notwithstanding her coverture shall in her last Will and Testament or any codicil or codicils thereto to be respectively executed in the presence of and attested by two or more credible witnesses give or bequeath

X the same and in default of such gift and bequest and so far as the same if incomplete shall not extend them as to the principal of such share upon trust for the person or persons who at the time of the death of such daughter so dying respectively as aforesaid shall be next of kin to her and who would have taken an estate descending from her under the statutes for the 4 of intestate effects in case she had died intestate and unmarried

X and as to the remaining one fourth part of such ultimate residue of my said estate and of the stocks funds and securities in or upon which the same shall from time to time be laid out and invested upon trust to pay one moiety or equal half part of the interest dividends and annual proceeds thereof unto my daughter the wife of the **Rev'd John Walter Phelps** during her life for her own sole and separate use independent of her said present or any future husband and from and after the decease of my said daughter **Sarah** upon trust to pay the said interest dividends and annual proceeds unto my said son in law **John Walter Phelps** during his life time 5 thereto

X I do hereby declare that my said trustees shall stand possessed of the said remaining one fourth part of such ultimate residue of my said estate and of the stocks funds and securities now upon which the same shall from time to time be laid out and invested and the interest dividends and annual proceeds thereof in trust for all and every the present or future born children and child of my said daughter **Sarah** by her said present husband who being a son or sons shall attain the age of 21 years or being a daughter or daughters shall attain that age or marry under that age to be divided between or amongst the said children if more than one in equal shares or if one the whole to be in trust for that one or only child and I do hereby declare my will and mind to be that in the meantime and with the vesting or payment of the portions hereby provided for the children of my said daughter **Sarah** as aforesaid they my said trustees shall but subject and without prejudice to the provision hereby made for my said daughter **Sarah** and her said husband appropriate for or 6 the maintenance and education of any child of my said daughter **Sarah** as aforesaid whose portion and or the trusts aforesaid shall not then be vested or any part of the interest dividends and annual proceeds or such his or her then presumptive portion and shall pay to my said son in law **John Walter Phelps** for the interest dividends and annual proceeds so directed to be appropriated as aforesaid to be by him applied in such manner for the maintenance and education of such child or children as she shall think proper and shall after the death of my said son in law **John Walter Phelps** apply the interest dividends and annual proceeds theretoforth to be appropriated under the directions aforesaid in such manner for the maintenance and education of such child or children as they my said trustees shall think proper

X and I do hereby further declare that my said trustees shall and may at their or his discretion advance or 7 the preferment or advancement or in any other manner for the benefit of any children my said daughter **Sarah** as aforesaid all or any part of his or her that presumptive portion and I do hereby further declare that there shall be no child of any said daughter **Sarah** who under the trusts hereinbefore contained shall become intitled to the said remaining one fourth part of my said residuary estate and the stocks funds and securities upon which the same shall be invested and the accumulations thereof if any the same shall be in trust for my said son **Christopher Gerard Rigby Collins** and my said three daughters **Elizabeth Langworthy Mary Beata Webster** and **Edith Ahmuty** their respective executors administrators and assigns equally

X and I appoint my said son **Christopher Gerard Rigby Collins** and the said **George Gregory Gardiner** joint executors in trust of this my Will and I declare that their receipts for all monies payable to them by virtue of this my Will shall be good discharge to the person or persons paying the same and taking such receipts and I do hereby further declare that if the trustees appointed by this my Will or to be appointed as hereinafter is mentioned or any of them shall happen to die or be desirous of being discharged from or refuse or decline or become incapable to act in the trusts hereby in them reposed before the same shall be fully executors and in such case and when and so often as the same shall happen it shall 8 and may be lawful for the surviving or the continuing trustee or the executors or administrators of the last surviving trustee from time to time to nominate substitute and 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 desiring to be discharged or refusing or becoming incapable to act as aforesaid and that thereupon also the said trust estate monies and premises shall with all convenient speed be converted assigned and transferred in such manner so that the same shall be legally vested in the person or persons so to be appointed as aforesaid either solely or jointly with the surviving or continuing trustee or trustees as occasion shall require

and I do further declare that my said trustees or either of them their or either of their heirs executors or administrators shall not be charged or chargeable with or accountable for any more of the said trust monies and premises than they shall respectively actually receive or shall come to their respective hands by virtue of this my Will nor with or for any loss which shall or may happen to the same trust monies and

X premises or any part thereof so as such loss happen without their wilful neglect or default nor shall either of them as accountable for the other of them but each of them as accountable for the other of them but each of them only for his own deeds receipts disbursements and defaults and also that it shall and may be lawful for them my said trustees and their respective heirs executors and administrators in the first place by and out of the money which shall come to their respective hands by virtue of this my Will to retain and reimburse themselves respectively all such costs charges and expenses as they shall bear sustain or be put unto for or by reason or means of the trusts hereby respectively in them or in the 9 10 or any 11 matter or thing whatsoever in any 12 relating thereto or arising therefrom

and lastly I hereby revoke all former Wills and codicils by me at any time heretofore made In witness whereof I the said **Christopher Rigby Collins** have to this my last Will and Testament contained on seven sheets of papers to the first six sheets set my hand and to this seventh and last sheet my hand and seal this 27th day of July 1834 - **C Rigby Collins** (Is) signed sealed published and declared by the said **Christopher Rigby Collins** as and for his last Will and Testament in the presence of us who in his presence at his request and in the presence of each other have subscribed our names as witnesses hereto - **Philip Henry Watts** of Bath solicitor - **Geo 13 Clephane** - **14** his clerk

Proved at London 13th March 1837 before x x the oaths of **Christopher Gerard Rigby Collins** esq the son and the **Rev'd George Gregory Gardiner** clerk the sons? the executors to whom admon was granted having been first sworn by Commons duly to administer

(PROB 11/1874)