

To be registered

Appeared personally James Hoggood of No. 14 King William Street Strand in the County of Middlesex Solicitor and made oath that he is one of the subscribed Witnesses to the last Will and Testament and also to the four Codicils thereto of Thomas Lubith late of Denbigh near Portning in the County of Surrey and of Lyall Street Belgrave Square in the County of Middlesex Builder deceased respectively hereunto annexed and respectively bearing date the first day of August one thousand eight hundred and fifty five, the twenty seventh day of October one thousand eight hundred and fifty five, the second day of December one thousand eight hundred and fifty five, the said second day of December one thousand eight hundred and fifty five and the eighth day of December one thousand eight hundred and fifty five and having now perused the said Will and particularly noticed the word "and" ^{interlineation of the} between the 17th and 18th lines from the top of the 13th Sheet, also the interlineation of the name "Lubith" between the 37th and 38th lines from respectively from the top of the 30th Sheet, also the interlineation of the word "not" between the ^{also the interlineation of the word "shall" between the} 7th and 8th lines, also the obliteration of the word "said" in the 17th line respectively from the top of the 32nd Sheet, also the words "house" and "houses" partly written upon erasures in the 10th line from the top of the 34th Sheet, also the obliteration of the word "or" in the 3rd line, also the interlineation of the words "payments in lieu of interest had in fact been interest dividends and annual" between the 7th and 8th lines, also the word "the" written upon an erasure in the 35th line, also the word "same" written upon an erasure in the 36th line respectively from the top of the 38th Sheet, also the word "divid"

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This is a codicil to the will of me Thomas
Arbitt of Debies near Dorking in the County
of Surrey, and of Lyall Street Belgrave Square ^{in the County of Middlesex}
bearing date the First — day of August
One thousand eight hundred and fifty five.
Whereas I have in my said will made ^{certain}
provisions restraining the person or persons
who shall be Tenants for life or for any life
Estate of the Estates and hereditaments thereby
settled in strict settlement, from cutting down
Timber or Timber-like Trees except as in my
said will is mentioned; Now I hereby
declare that such restrictions shall not
apply to my son George it being my w
intention, and I hereby declare, that my
said son whilst he shall be Tenant for life
of the said Estates and hereditaments shall
have full power to cut down such Timber
and Timber like Trees, whether Ornamental
or otherwise, as he may think fit and to
dispose of the same for his own absolute
use and benefit. And I declare that the
power ^{hereby} given to my said son shall extend
to the Timber and Timber like Trees growing
on that part of the said settled Estates to
which I have devised to my wife during
her widowhood but the same shall not
during such widowhood be exercised with
reference to such last mentioned Timber
and Timber like Trees without the previous
consent of my said wife. And whereas
I am possessed of the Advowson of the w

Vicarage of Bodiam in the County of Sussex
and I have entered into a Contract with
the late Colonel Milner for the purchase of
the Advowson of the Vicarage of Burham
in the County of Kent and all my Estate
and Interest in the said Advowsons will
pass to the Trustees named in my will or
under the general residuary devise therein
contained. Now I hereby declare and direct
that if whilst the said Advowsons
or either of them shall be vested in the
Trustees or Trustee for the time being of my
said will the livings of the said Vicarages
or either of them shall become vacant
the said Trustees or Trustee shall thereupon
from time to time and as often as any
such vacancy shall occur present to the
vacant living such qualified person as a
shall be nominated by the person or persons
who at the time of the occurrence of such
vacancy shall under and by virtue of my
said will be in the possession or entitled
to the receipt of the Rents and profits of the
Estates and hereditaments thereby settled
in strict settlement but this description
shall not be deemed to include my said
wife in respect of the devise to her of part
of the said settled Estates during her
widowhood. But if no such nomination
shall be made or if the person or persons
entitled to make the same shall not at the
time of the occurrence of such vacancy be
of the age of twenty one years or shall
otherwise be incompetent to make such

nomination then the Trustees or Trustee
for the time being of my will shall present
such person to the vacant living as such
Trustees or Trustee shall in their his or
her discretion think fit - And except as
my said will is altered by this Codicil I
hereby ratify and confirm the same - In
witness whereof I have to this Codicil contained
in one sheet of paper set my hand this
Twenty seventh day of October One thousand
Eight hundred and fifty five.

Signed published and declared
by the Testator Thomas Lubitt
do and for a Codicil to his will
in the presence of us (present
at the same time) who in his
presence, at his request and in
the presence of each other have
hereto subscribed our names
as witnesses

Wm. Lubitt

William Lubitt the Younger

James H. H. H.

King William Strand
St.

James H. H. H.

St.

Dated 27th Oct 1855.

Goodell to the bill
of Thomas Gubbitt Esq.

This is a second Codicil to the Will of me Thomas

Cubitt of Denton near Perking in the County of Surrey and of Lyall Street
Belgrave Square in the County of Middlesex Builder which Will bears date
the First day of August One thousand eight hundred and fifty five
Whereas I have by my said Will devised my Freehold Mansion or
Dwellinghouse at Denton aforesaid with the coachhouses stables outbuildings barns
gardens park and appurtenances thereto belonging and all my Freehold mesuages
mills lands tithes and hereditaments in the Parishes of Perking Mickleham Great
Beckham and Leatherhead in the County of Surrey and also all my Freehold
mesuages farms lands and hereditaments in the parish of Scudigate in the
same County (subject to an interest in a portion of the before mentioned hereditaments
given to my Wife during her Widowhood) To the use of my eldest son George
for his life and after his decease To the use of each of his sons born
in my lifetime for their respective lives with remainder To their first and
other son in tail male (in succession) with remainder To the sons of my said
son George born after my decease successively in tail male with remainder To
my son William for life and with divers remainders over and under the
provisions contained in my said Will my Leasehold and Copyhold Estates situated
in the before mentioned Parishes and also the ultimate residue of my Trust
Estate are to be held by the Trustees of my Will upon such trusts ends
intents and purposes as may most nearly correspond with the uses trusts
intents and purposes by my said Will declared of and concerning the freehold
hereditaments hereinbefore referred to Now I hereby declare that if at the
time when all the Estates by my said Will limited in the before mentioned
Freehold hereditaments antecedently to the estate for life given to my said son
William as aforesaid (other than the estate and interest devised to my said
Wife as before mentioned) shall have ceased or lapsed my said Wife shall be
living and shall not have married again then I devise the whole of such
Freehold hereditaments (subject nevertheless to the Estate in a portion thereof
hereinafter devised to my daughter in law) unto my said Wife until her
second marriage or for her life in case she shall not marry again without
impairment of estate such Estate to take precedence of the estate for life so
limited to my said son William and of all estates limited subsequent thereto
And I declare that my said Wife shall have a like interest in the
copyhold and leasehold estates in the parishes aforesaid and also in any
said ultimate residuary Trust Estate to that extent I have by this Codicil
given her in the said freehold hereditaments as near as may be and the
different natures of the respective properties will allow but nothing herein
contained shall prejudice limit or affect any powers by my said Will conferred to
or annexed to the estate of any person or persons who shall be entitled

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The Cubitt

favor of my said last named sons and in lieu thereof I direct that my said Trustees shall raise and pay the sum of Sixty thousand pounds for the absolute use and benefit of my said son William and his executors administrators and assigns at the times and in the proportions following, that is the sum of Forty thousand pounds on the first day of January One thousand eight hundred and sixty five and the sum of Twenty thousand pounds on the first day of January One thousand eight hundred and seventy with the following intermediate annual payments in lieu of interest vizt. Seven hundred pounds per annum from the day of my decease until the first day of January One thousand eight hundred and sixty and thenceforth One thousand pounds per annum until the first day of January One thousand eight hundred and sixty five and thenceforth One thousand pounds per annum until the said first day of January One thousand eight hundred and seventy. And the said Trustees shall raise and pay the sum of Sixty thousand pounds for the absolute use and benefit of my said son Charles (provided he shall attain the age of twenty one years) at the times and in the proportions following vizt. Forty thousand pounds on the first day of January One thousand eight hundred and seventy five and Twenty thousand pounds on the first day of January One thousand eight hundred and eighty with the following intermediate annual payments in lieu of interest namely Five hundred pounds per annum from the time of his attaining the age of twenty one years until the first day of January One thousand eight hundred and sixty five and thenceforth One thousand pounds per annum to the first day of January One thousand eight hundred and seventy and thenceforth One thousand five hundred pounds per annum to the first day of January One thousand eight hundred and seventy five and thenceforth One thousand pounds per annum until the first day of January One thousand eight hundred and eighty. And I declare that all the provisions contained in my said Will with reference to the sums of Eighty thousand pounds thereby directed to be raised for each of my said sons William and Charles and the intermediate annual payments thereby directed to be made shall be applicable to the said sums of Sixty thousand pounds hereby directed to be raised and the intermediate annual payments hereby directed to be made. And whereas I have by my said Will directed my Trustees to raise the sum of Five thousand pounds each by way of portions for my daughters Anne Cabell and Agnes Cabell the daughters of my Brother Lewis Cabell at the end of five years after my decease and until the said sums shall become receivable and payable to pay out of the net income of my trust estate two annuities of One hundred pounds each in lieu of interest on the said sums of Five thousand pounds Now I hereby direct my said Trustees also to

Thos Cabell

raise and pay at the time lastly hereinbefore mentioned the sum of Two thousand pounds by way of portion for my Niece Ada Cubitt one of the daughters of my said Brother Lewis and until the said sum shall become raiseable and payable to pay out of the net income of my trust estate an annuity of One hundred pounds in lieu of interest on the said sum And I hereby declare that all the provisions contained in my said Will applicable to the sums of Two thousand pounds and the annuities of One hundred pounds given to my said Nieces Ellen and Agnes as aforesaid shall be applicable and shall be applied to the sum of Two thousand pounds and the annuity of One hundred pounds hereby directed to be raised and paid for my said Niece Ada in such and the same manner as though the same were here repeated *scilicet* verbis and made applicable to my said last named Niece And whereas I have by my said Will directed my Trustees to raise certain sums for the portions of my daughters and until such portions shall become raiseable and payable to make such intermediate annual payments as therein mentioned and I have given my said daughters a general power of testamentary disposition over their respective portions and the stocks funds and securities in or upon which the same may be laid out and invested and the interest dividends and annual produce thereof in case of such failure of issue as in my said Will is mentioned and I have also given to each of my said daughters a power by Will to direct that all or any part of the interest dividends or annual proceeds of her portion or of the stocks funds and securities in or upon which the same may be laid out or invested shall immediately after her decease be paid to her husband during ~~his~~ ^{her} life or for any less period And whereas I am desirous of modifying the said provisions relative to the portions of my daughters hereinbefore referred to and I therefore hereby direct and declare as follows viz^t First - As regards my Daughter Ann - Her portion shall be raised and paid on the first day of January One thousand eight hundred and sixty five with the following intermediate annual payments in lieu of interest viz^t One thousand pounds per annum from the day of my death until the first day of January One thousand eight hundred and sixty and thenceforth One thousand five hundred pounds per annum until the first day of January One thousand eight hundred and sixty five Secondly - As regards my Daughter Anne Her portion shall be raised on the first day of January One thousand eight hundred and sixty five with the following intermediate annual payments in lieu of interest viz^t Seven hundred pounds per annum from the day of my death until the first day of January One thousand eight hundred and sixty and thenceforth One thousand two hundred pounds per annum until the first day of January One thousand eight hundred and sixty five - Thirdly - As

Witness

James G. Wood

Ada Cubitt

regards my Daughter Sophia— Her portion shall be raised and paid on the first day of January One thousand eight hundred and sixty five with the following intermediate annual payments in lieu of interest viz! Five hundred pounds per annum from the day of my death until the first day of January One thousand eight hundred and sixty and thenceforth One thousand pounds per annum until the first day of January One thousand eight hundred and sixty five. Fourthly. As regards all my Daughters. — Their power of testamentary disposition of their portions in case of default of issue as in my said Will is mentioned instead of being a general power of disposition as in my said Will mentioned shall only be exercised in favor of their Brothers or Sisters some or one of them or the descendants of such Brothers or Sisters some or one of them and no person who does not come under the aforesaid class shall ~~xxx~~ be entitled to any benefit under any exercise of the power of testamentary appointment before referred to And further that none of my daughters shall have power by Will or otherwise to direct or appoint that more than one moiety of the interest dividends or annual proceeds of her portion or of the stocks funds and securities in or upon which the same may be laid out or invested shall after her decease be paid to her husband And whereas I have given to my said son George my Copyhold hereditaments held of the Manors of Wickscombe and Great Beckham in the County of Surrey for his own use and benefit which copyhold hereditaments form part of the copyhold hereditaments settled in strict settlement by my Will and such gift has been a revocation of the provisions of my said Will so far as regards such Copyholds but I hereby expressly declare that such gift shall not in any way affect any of the provisions of my said Will as regards any other portions of my property And except as varied by this Codicil I hereby ratify and confirm my said Will **In witness** whereof I the said Testator Thomas Cubitt have to this Codicil contained in five sheets of paper set my hand and seal that is to say my hand to the first four sheets thereof and my hand and seal to this fifth and last sheet thereof this second day of December in the year of our Lord One thousand eight hundred and sixty five.

Signed Sealed Published and Declared
by the Testator Thomas Cubitt as and for a Codicil to his
Will in the presence of us (present at the same time) who
in his presence at his request and in the presence of each
other have hereunto subscribed our names as witnesses.

William [unclear]
5 [unclear]
James [unclear] [unclear]
5

AM

11

This is a Codicil (being the third) to the Will of me Thomas
 Subitt of Denbies near Dorking Surrey Esquire. Whereas I
 intend to give to my Son in Law Edgar Alfred ~~Boring~~ Boring
 for his own use and benefit the House in Clapham Park, Clapham
 Surrey which I have lately erected as a residence for him and
 my daughter Sophia and which with the outbuildings gardens
 and appurtenances I hold under an agreement for a lease entering
 into with the late William Atkins Borer Esquire and I have given
 instructions for the preparation of a lease of the said premises to
 the said Edgar Alfred Boring from the Trustees of the Will of the said
 William Atkins Borer for all my term and interest therein at
 the yearly rent of Twenty pounds payable as from Michaelmas
 last Now I hereby direct my Executors and Trustees in case such
 lease should not be granted and completed before my death
 to cause and procure the same to be granted to the said Edgar
 Alfred Boring his Executors Administrators and assigns as soon
 after my death as may be convenient. And whereas I
 hold under the said agreement for a lease (amongst other
 premises) a piece of ground in Clapham Park aforesaid situate
 between the House of my Nephew Andrew Cuttwell and the
 House now occupied by Mr. West part of which ground is now occupied
 by my said Nephew and the other part is used as Nursery Ground
 Now I hereby direct my Executors and Trustees at the end of five
 years from the time of my death to cause and procure a
 lease of the said ground to be granted by the Trustees of the said
 William Atkins Borer to the said Andrew Cuttwell his Executors
 Administrators and assigns for his and their own use and
 benefit for all the residue of my term therein under the same

similar the rights easements members and

agreement at the yearly rent of Five pounds and in
the mean time to permit the said Andrew Culitt his
Executors Administrators and Assigns to occupy so much
thereof as he now occupies he paying therefore the yearly
rent of Five pounds until the said lease shall be granted
And whereas I intend to grant a lease to Mr Thomas
Waller (who has been a confidential clerk in my
office for many years) of the House in Bebborough Street
near Vauxhall Bridge now occupied by him for the term
of Eighty years at the yearly rent of Ten pounds as a token
of my appreciation of his faithful service and such lease is
now in course of preparation Now I direct my Trustees and
Executors to grant such lease of the said House with the
appurtenances thereto to the said Thomas Waller his Executors
Administrators and Assigns for his and their own use and
benefit in case I should happen to die before the lease
now in course of preparation is granted and completed
In witness whereof I have to this Codicil contained in one
sheet of paper set my hand this second day of December
one thousand eight hundred and fifty five.

Signed published and declared by the Testator
Thomas Culitt as and for a codicil thereto (as will
in the presence of us (present at the same time)
who in last presence at his request and in the presence
of each other have hereunto subscribed our names
as witnesses

Richard Dausay Bayley 35 St Georges Lane
Pauchoy
King William St
London. 20th

Thomas Culitt



AM

14

This is a further Codicil (being the Fourth) to the Will of me Thomas Lubitt of Denbies near Dorking Surrey Esquire Whereas since making my Will and the Codicils thereto I have given and assigned to my Brother Lewis Lubitt certain Leasehold messuages in the parishes of Saint John the Evangelist Westminster and Saint Pancras both in the County of Middlesex for his own use and benefit and I think it unnecessary to make any provision for the Daughters of my said Brother NOW THEREFORE I hereby absolutely revoke all and every of the bequests and provisions contained in my said Will and any Codicil thereto in favor of my Nieces Ellen, Agnes, and Ada the Daughters of my said Brother BUT I hereby expressly declare that the Gift of the before mentioned Leasehold premises to my said Brother shall not prejudice or affect the bequest and provisions in his favor contained in my said Will IN WITNESS whereof I the said Thomas Lubitt have to this Codicil contained in one sheet of paper set my hand this Eighth - day of December one thousand eight hundred and fifty five -

Signed Published and Declared by the Testator Thomas Lubitt as and for a Codicil to his Will in the presence of us (present at the same time) who in his presence at his request and in the presence of each other have hereunto subscribed our names as Witnesses.

Thomas Lubitt

William Lubitt, Dorking Surrey Esquire

James Lubitt

King William Howard

Dated 8th Decem^r 1855

Codice to the
Hall of Thomas
Cubitt Esquire

H. B. 1700.

This is the last Will and Testament
of me Thomas Lubitt of Denbys near Dorking in the County of Surrey and of
Lytall Street Belgrave Square in the County of Middlesex Builder I REVOKE all other Wills
and Codicils by me heretofore made I give and bequeath unto my Wife Mary Ann
Lubitt for her sole and absolute use and benefit All my household furniture books prints
pictures drawings works of art plate linen and china wines spirits consumable stores
and other household effects which shall be in or about my usual dwellinghouse at
the time of my decease or in or about any other house or houses occupied by myself
or my family at Brighton or elsewhere And also all and singular my private
Carriages Carriage horses harness and things relating thereto And also all my Green
Leas Sheep and live stock and also all hay straw farming implements and
utensils and other farming stock belonging to me at the time of my decease
I also give and bequeath to my said Wife for her sole and absolute use
and benefit all money which shall be within my usual place of abode at the
time of my decease. I devise unto my Son George All that my fee farm
rent or land tax of Two pounds per annum being my proportion of the fee
land in the parish of Monks Risborough in the County of Bucks To hold to
my said son George his heirs and assigns for his and their own use and
benefit I devise unto my said Wife All that my Freehold Mansion or
dwellinghouse at Denbys near Dorking in the County of Surrey with the coachhouses
stables outbuildings barns gardens and appurtenances thereto and such portion of
the Park adjoining thereto not exceeding Three hundred acres in extent as she
my said Wife shall within six months after my decease select such selection
to be signified by writing under her hand To hold the same unto my said
Wife and her assigns during so long as she shall continue my Widow And
subject to the estate heretofore limited to my said Wife during her widowhood
I devise my said Freehold Mansion house and other hereditaments last aforesaid I give and
devise my said Freehold Mansion house with the coachhouses stables outbuildings
barns gardens park and appurtenances thereto belonging And also all and singular
other my freehold messuages mills farms lands tithes and hereditaments whatsoever
situate lying being or arising in the several Parishes of Dorking, Mickleham, Great
Beckham and Leatherhead in the County of Surrey or any of them or in any
Parishes adjoining thereto respectively And also all my freehold messuages farms lands
and hereditaments situate in the Parish of Sewardstone in the said County of Surrey
or in any parish adjoining thereto including any freehold messuages tenements and
hereditaments situate in the five Parishes last aforesaid or any or either of them
which I may hereafter acquire by purchase or otherwise and of or to which I
shall be seized or entitled at the time of my death together with all and
singular the rights easements members and appurtenances to the said several
messuages farms lands and hereditaments belonging or appertaining or reputed as to
appurtenant thereto To the uses upon and for the trusts intents and purposes and

In witness whereof
I, H. B. 1700.

Thomas Lubitt

with under and subject to the powers previous and declarations hereinafter limited expressed and declared of and concerning the same (that is to say) To the use of my said eldest son George and his assigns during his life without impeachment of waste And from and after the determination of that estate by any means in his lifetime To the use of my sons in law The Reverend Charles Parker and Edgar Alfred Bowring Esquire and their heirs during the life of my said son George but nevertheless Upon trust for him and his assigns And from and after the decease of my said son George To the use of each of the sons of my said son George who shall be born during my lifetime for the life of such son without impeachment of waste And after his decease To the use of his first and other sons in tail male so and in such manner that the elder of the said sons of my said son George to be born during my lifetime and his first and other sons successively and the heirs male of their respective bodies issuing may be preferred to and take before the younger of the said sons of my said son George to be born during my lifetime and his and their respective first and other sons successively and the heirs male of their respective bodies issuing but with a remainder immediately after the estate for life of each son of my said son George to be born during my lifetime To the use of the said Charles Parker and Edgar Alfred Bowring and their heirs during the life of such son but nevertheless in trust for such son and his assigns And after the failure or determination of the uses and estates hereinbefore limited To the use of the son and sons of my said son George who shall be born after my decease successively according to their respective seniorities in tail male And for default of such issue To the use of my second son William and his assigns during his life without impeachment of waste And after the determination of that estate by any means in his lifetime To the use of the said Charles Parker and Edgar Alfred Bowring and their heirs during the life of my said son William but nevertheless upon trust for him and his assigns And from and after the decease of my said son William To the use of each of the sons of my said son William who shall be born during my lifetime for the life of such son without and other sons in tail male so and in such manner that the elder of the said sons of my said son William to be born during my lifetime and his first and other sons successively and the heirs male of their respective bodies issuing may be preferred to and take before the younger of the said sons of my said son William to be born during my lifetime and his and their respective first and other sons successively and the heirs male of their respective bodies issuing but with a remainder immediately after the estate for life of each such son of my said son William to be born during my lifetime To the use of the said Charles Parker and

Witness my hand
In. H. Barnett

Wm. Fulbert

Edgar Alfred Bowring and their heirs during the life of such son but nevertheless
In trust for such son and his assigns And after the failure or determination
of the uses and estates hereinbefore limited To the use of the son and
sons of my said son William who shall be born after my decease in
successively according to their respective seniorities in tail male And for default
of such issue To the use of my third son Charles and his assigns during
his life without impeachment of waste And after the determination of that
estate by any means in his lifetime To the use of the said Charles
Parker and Edgar Alfred Bowring and their heirs during the life of my
said son Charles but nevertheless In trust for him and his assigns And
from and after the decease of my said son Charles To the use of each
of the sons of my said son Charles who shall be born during my
lifetime for the life of such son without impeachment of waste And
after his decease To the use of his first and other sons successively
in tail male so and in such manner that the elder of the said
sons of my said son Charles to be born during my lifetime and
his first and other sons successively and the heirs male of their
respective bodies issuing may be preferred to and take before the younger
of the said sons of my said son Charles to be born during my life
time and his and their respective first and other sons successively
and the heirs male of their respective bodies issuing but with a remainder
immediately after the estate for life of each such son of my said son
Charles to be born during my lifetime To the use of the said Charles
Parker and Edgar Alfred Bowring and their heirs during the life of
such son but nevertheless In trust for such son and his assigns And
from and after the failure or determination of the uses and estates herein
before limited To the use of the son and sons of my said son Charles
who shall be born after my decease successively according to their respective
seniorities in tail male And for default of such issue To the use of
every son of my body hereafter to be born during his life without
impeachment of waste And after his decease To the use of his first
and other sons successively in tail male so and in such manner that
the elder of my said sons hereafter to be born and his first and
other sons successively and the heirs male of their respective bodies issuing
may be preferred to and take before the younger of my said sons
hereafter to be born and his and their respective first and other sons
successively and the heirs male of their respective bodies issuing but with
a remainder immediately after the estate for life of each of my said sons
hereafter to be born To the use of the said Charles Parker and Edgar
Alfred Bowring and their heirs during the life of each such son but

Witness

James H. Bond

J. H. Bond

Thos. Felicit

nevertheless In trust for such son and his assigns And after the failure or determination of the uses and estates hereinbefore limited To the use of all and every my daughters whether now born or hereafter to be born during their respective lives in equal shares as tenants in common without impeachment of waste And after the determination in her life time of the estate for life so limited To each such daughter then as to the share of each such daughter To the use of the said Charles Parker and Edgar Alfred Bowring and their heirs during the life of each such daughter but nevertheless upon trust for each such daughter and her assigns And from and after the decease of each such daughter then as to the share of each such daughter To the use of all and every the child and children of each such daughter and the heirs of the body and respective bodies of such child and children if more than one such child in equal shares as tenants in common And if there shall be but one such child To the use of such only child and the heirs of his or her body And in case there shall be more than one such child of such daughter and there shall be a failure of issue of the body or bodies of any one or more of such children of such daughter then as to the share or shares whether original or accruing under this present limitation of any such child or children whose issue shall so fail To the heirs of the body and respective bodies of such other child or children if more than one such other child of such daughter in equal shares as tenants in common And if there shall be but one such other child of such daughter To the use of such only other child and the heirs of his or her body And in case of failure of issue of the body of any one or more of my said daughters then and so often as the same shall happen as to as well the share or respective shares originally limited for life to the daughter or daughters whose issue shall so fail as any share or shares which shall have accrued to her or them or her or their child or children under this limitation To the use of the other or others of my said daughters during her or their life or respective lives as tenants in common without impeachment of waste And after the determination in her lifetime of the estate for life so limited to each such other daughter as last aforesaid then as to the share or shares so limited to each such other daughter during her life To the use of the said Charles Parker and Edgar Alfred Bowring and their heirs during the life of each such other daughter but nevertheless upon trust for each such other daughter and her assigns And after the decease of each such other daughter then as to such share or shares as last aforesaid To the use

Witness

James H. Johnson
J. W. Ho Barnes

Thos. Culbert

of all and every her Child and Children and the heirs of the body and respective bodies of such Child or Children such Children if more than one to take as tenants in common and with the like cross-remainders between them in the event of the failure of issue of any such Children as hereinbefore provided with respect to such Childrens shares of the shares originally limited to my daughters during their respective lives And if there shall be but one such Child then to the use of such only Child and the heirs of his or her body And in case there shall be a failure of issue of all my said daughters but one then as to the entirety of the hereditaments hereinbefore devised in strict settlement To the use of such only remaining daughter for her life without impeachment of waste And after the determination of that estate in her lifetime To the use of the said Charles Parker and Edgar Alfred Bowring and their heirs during the life of such only remaining daughter but nevertheless In trust for her and her assigns And after the decease of such daughter To the use of all and every the Child and Children of such only remaining daughter and the heirs of the body and respective bodies of such Child and Children such Children if more than one to take in equal shares as tenants in common And with the like cross-remainders between them in the event of the failure of issue of any such Children as hereinbefore provided with respect to such Childrens shares of the shares originally limited to my daughters during their respective lives And if there shall be but one such Child of such only remaining daughter then to the use of such only Child of such only remaining daughter and the heirs of the body of such only Child And for default of all such issue as aforesaid To the use of my own right heirs for ever Provided always And I hereby declare my Will to be that every person who under or by virtue of this my Will shall for the time being be in the possession or entitled to the receipt of the rents and profits of the said hereditaments and premises hereinbefore devised in strict settlement (or any undivided share thereof) for his or her life either at law or in equity shall at his or her own costs and charges at all times during his or her life respectively well and sufficiently maintain amend and keep or cause to be kept in good and sufficient order and repair (or according to the extent of such undivided share contribute ratably towards the maintenance amendment and keeping in repair of) the said Capital and other messuages farmhouses houses outhouses edifices and buildings and all and singular other the premises hereinbefore devised and every part thereof and the appurtenances thereof And shall at the like costs and charges keep

Witness

James H. Good
J. H. Barnes

Thos. Hulbert

or cause to be kept or contribute according as aforesaid towards keeping or causing to be kept all the said capital and other messuages farmhouses and buildings adequately insured against loss or damage by fire And in case any of the said capital or other messuages farmhouses or buildings shall be destroyed or damaged by fire and any money shall be received from any Insurance Office or account thereof then do and shall lay out or cause to be laid out or join and concur with all other persons in laying out and causing to be laid out the whole of such money (after deducting necessary expences) as soon as conveniently may be in rebuilding or repairing the messuages and buildings which shall have been so destroyed or damaged Provided also And I hereby declare my Will to be that no person who under or by virtue of this my Will shall for the time being be in the possession of or entitled to the receipt of the rents and profits of the said hereditaments and promises hereinbefore devised or any undivided share thereof for an estate for his or her life or any less estate shall fell or cut down or join or concur with any other person or persons in felling or cutting down any timber or timberlike trees unless the same be required for the purpose of erecting or making houses edifices buildings gates stiles fences or other works in or upon or about some part of the same lands tenements and hereditaments or for the reparation amendment enlargement or improvement of some of the houses outhouses edifices or buildings gates stiles or fences or works which now are or at my death shall be standing or being upon some part of the same hereditaments and promises Provided always nevertheless And I hereby declare my Will to be that it shall be lawful for any person or persons who shall for the time being be entitled as aforesaid to fell and cut down or as the case may require to join and concur with any other person or persons in felling and cutting down any timber or timberlike trees which any two respectable Surveyors shall by writing under their hands certify to be of such age or in such state that they will probably deteriorate by being allowed to remain standing Provided also And I hereby declare that the three Revisors or Clauses last hereinbefore contained shall as respects the hereditaments and promises hereinbefore devised to my said Wife during her widowhood extend and apply to my said Wife and the buildings and timber or such last mentioned hereditaments and promises in like manner as if such three Revisors or Clauses had been here repeated (Statute mutandis) in Provided always And I hereby declare my Will to be that if any person who under or by virtue of this my Will would (if this present proviso had not been herein inserted) for the time being be entitled to the possession or receipt of the rents and profits of the said hereditaments and promises hereinbefore devised in strict settlement or any undivided share thereof as tenant for life or by purchase under this my Will as tenant in tail male or in tail general shall be under the age of twenty one years Then and in such case and so often as the

James H. Barnett

Wm. Mullis

same shall happen the said Charles Parker and Edgar Alfred Bowring and the survivor of them and the executors or administrators of such survivor shall enter into the possession or receipt of the rents and profits of the same hereditaments and premises or such undivided share thereof And shall during the minority of such tenant for life or tenant in tail male or in tail general by purchase continue in such possession or receipt of rents and profits and manage or superintend the management of the same hereditaments and premises or of such undivided share thereof with full power either alone or with the concurrence of any person or persons entitled to any other undivided share or shares of the same hereditaments and premises as the case may require (but subject where such possession or receipt shall be in right of a tenant for life to the restrictions or provisions hereinbefore contained in reference to tenants for life) to fell timber and cut underwood from time to time in the usual course for sale or for repairs or otherwise and to erect pull down and repair houses and other buildings and erections and to drain or otherwise improve all or any of the said hereditaments and premises and to insure houses buildings or other property against loss or damage by fire and to make allowances to and arrangements with tenants and others and to accept surrenders of leases thereof as they or he might do if they were the absolute owners thereof respectively And shall from time to time during such minority by and out of the rents and profits or share of rents and profits of the said hereditaments and premises received by them or him (including the produce or any share of the produce of the sale of timber and underwood) pay and discharge the expenses incurred in or about such management or in the exercise of any of the powers aforesaid or otherwise in respect of the premises and also all outgoings not payable by any tenant or other person or a proportionate share thereof and keep down any annual sum which may for the time being be charged upon the same premises or any part thereof and the interest of any principal sum which may be charged by way of mortgage or otherwise upon the same premises or any part thereof or a proportionate share of such annual sum and interest and apply any sum or sums which they or he shall think proper according to the age of such minor in or towards the maintenance or education of such minor And invest the residue of such rents and profits or share of rents and profits in their or his names or name in or upon any of the Antient or modern real securities in England or Wales but not in Ireland to be from time to time altered or varied if to them or him it shall seem meet And accumulate the dividends interest and annual produce of the said stocks funds and securities in the way of compound interest by from time to time similarly investing the same and all resulting income and produce thereof And shall

Witness

J. H. Barnes

7.

W. H. H. H.

and and be possessed of and interested in the said rents and profits or share
of rents and profits and the said original and accumulated stocks funds
and securities and the dividends interest and annual produce thereof upon the
trusts following (that is to say) if the tenant for life or tenant in tail male
or in tail general by purchase during whose minority the said rents and
profits shall have been accumulated as aforesaid shall attain the age of
twenty one years or die under that age leaving issue entitled or inheritable
under the limitations hereinbefore contained Then upon trust to pay transfer or
assign the same to such tenant for life or tenant in tail male or in
tail general his or her executors or administrators as personal estate But
if such tenant for life or tenant in tail male or in tail general shall
die under the age of twenty one years without leaving issue entitled or
inheritable under the limitations hereinbefore contained Then from and after the
decease of such person upon and for the trusts intents and purposes and
with under and subject to the powers provisions and declarations hereinafter
declared and contained of and concerning the monies to arise from a sale
in pursuance of the power of sale hereinafter contained and the stocks funds
and securities in or upon which such monies are hereinafter authorised to
be invested and the dividends interest and annual produce thereof Provided
Also And I hereby declare my Will to be that it shall be lawful for each and
every of my said sons and grandsons who shall under or by virtue of this my
Will become tenant for life of the said hereditaments and premises hereinbefore
devised in strict settlement at any time or times either before or after he shall
under or by virtue of this my Will be entitled to the possession or to the receipt
of the rents and profits of the said hereditaments and premises (but subject and
without prejudice to the uses and estates preceding the estate of the person
for the time being exercising this present power and to the powers annexed to
such preceding uses or estates And to the uses or estates limited in exercise of such
powers) by any Deed or Deeds with or without power of revocation and new
appointment or by Will or Codicil to grant limit or appoint to any woman
with whom he may marry or have married for her life or for any less
period any yearly rent charge or yearly rent charges not exceeding in the
whole for any such woman the yearly sum of Two hundred pounds to be issuing
and payable out of all or any of the said hereditaments and premises
hereinbefore devised in strict settlement to be free from all deductions and to be
paid at such times and in such manner as to the person for the time
being exercising this present power shall seem meet And to limit or appoint
to such woman usual powers and remedies for receiving and enforcing payment
of the said yearly rent charge or yearly rent charges by distress and entry upon
and retention of the possession and perception of the rents and profits of the premises

Witness

James H. Barnet

In: Hs Barnet

D.

Robt. Fulvitt

argued therewith And also to limit and appoint the premises so charged to any person
or persons for any term of years with or without impeachment of waste upon such
usual trusts for better securing the payment of the said yearly rent charge or yearly
rent charges as to the person for the time being exercising this present power
shall seem meet but so that every such term of years be made to cease
(subject and without prejudice to any disposition which may be made under
the trusts to be declared thereof as aforesaid) on the death of the woman for the benefit
of whom the same shall be created And the payment of the arrears (if any) of her
rent charge or rent charges And the expenses (if any) incurred by the nonpayment
thereof Provided nevertheless And I hereby declare my Will to be that no
jointure which may be appointed under the power last hereinbefore contained shall
become a lien upon the said premises or any part thereof or be payable unless
either the person so appointing the same shall be or become entitled to the
possession or the receipt of the rents and profits of the said premises or some
issue of such person shall or if of full age would become so entitled Provided
further and I hereby declare my Will to be that the said premises or any of
them shall not under or by virtue of the power lastly hereinbefore contained be
at any one time subject to the payment of yearly rent charges exceeding in
the whole the annual sum of six hundred pounds so that if in consequence
of the exercise of the same power the said premises or any of them would but for
this present proviso have been for the time being charged with the
payment of yearly rent charges exceeding in the whole the annual sum of six hundred
pounds the yearly rent charge or rent charges by which such excess shall have
been occasioned or such part thereof respectively as shall have occasioned and shall
form such excess shall from time to time during the continuance of such excess
absolutely sink into and not be raiseable out of the said premises And the
same yearly rent charges respectively shall have preference and priority of payment
according to the priority in order of limitation of the estates of the several
persons exercising the said power last hereinbefore contained Provided also and
I hereby declare my Will to be that it shall be lawful for each and every of
my said sons and grandsons who shall under or by virtue of this my Will
become tenant for life of the said hereditaments and premises hereinbefore devised
in strict settlement at any time or times either before or after he shall under
or by virtue of this my Will for the time being be entitled to the possession
or to the receipt of the rents and profits of the same premises by any deed
or deed with or without power of revocation and new appointment or by Will
or devise (but subject and without prejudice to the uses and estates preceding the
estate of the person for the time being exercising this present power and to
the powers annexed to such preceding uses or estates And to the uses or
estates limited in exercise of such powers) to charge all or any of the said
hereditaments and premises hereinbefore devised in strict settlement with the
payment of any sum or sums not exceeding in the different events hereinafter

Witness

James H. Ford

J. H. Barnes

Thos. Culbert

specified the different sums hereinafter mentioned as and for the portion or portions of his Child or Children or any one or more exclusively of the others or other of his Children (other than or besides a first or only son) (that is to say) If there shall be but one such Child as aforesaid (other than or besides as aforesaid) and no more then the sum of Forty thousand pounds And if there shall be two such Children (other than or besides as aforesaid) and no more then the sum of Forty five thousand pounds And if there shall be three such Children (other than or besides as aforesaid) and no more then the sum of Sixty thousand pounds And if there shall be four or more such Children (other than or besides as aforesaid) then the sum of One hundred thousand pounds to be an interest vested or interests vested in and to be payable unto or between or among such Child or Children or any one or more exclusively in such manner And if more than one in such shares and to be subject to such powers of appointment by the person for the time being exercising this present power or any other person or persons and to such provisions for the advancement or preferment of any such Child or Children at the discretion of any trustee or trustee or otherwise And to such other powers and provisions for the benefit of such Child or Children or some or one of them as the person for the time being exercising this present power shall in manner aforesaid direct And by the same or any other deed or deeds or by Will or Codicil (but subject and without prejudice as aforesaid) to charge the premises charged with such portion or portions respectively with the payment of any annual sum or sums (not exceeding the interest of the sum or sums so charged for a portion or portions after the rate of four pounds per Cent per annum) for or towards the maintenance or education of the Child or Children for whom the portion or portions charged as or aforesaid shall be intended in the meantime until such portion or portions shall become payable the said annual sum or sums to be clear of all deductions and to commence from such period or periods and to be raised and paid and applied in such proportions at such times and in such manner as the person for the time being exercising this present power shall in manner aforesaid direct And by the same or any other deed or deeds or by Will or Codicil (but subject and without prejudice as aforesaid) to limit and appoint the hereditaments and premises so charged as aforesaid to any person or persons for any term or terms of years with or without impeachment of waste upon usual trusts by mortgage or otherwise to raise the principal and annual sum or sums so charged as aforesaid and the costs and expenses (if any) to be incurred in or about the execution of the trusts thereof Provided always that when and so often as any second or younger son of any tenant for life entitled to exercise the aforesaid power of charging portions shall by reason of the death of his elder or other brothers

Witness

James H. Goff
J. H. Barney

Thos. Curtis

become an eldest or only son for the time being entitled to the first estate
of freehold or inheritance expectant on the decease of such tenant for life such
second or younger son shall therewith (but subject and without prejudice to any
previous exercise of the said power) cease to be an object of the said power
and subject and without prejudice as aforesaid shall be excluded in computing
the number of Children to be provided for thereunder Provided also And I
further declare that when and so often as any Child of any such tenant
for life (other than an eldest or only son) shall being a son die under
the age of twenty one years or being a daughter die under the age of
twenty one years and without having been married such Child shall (subject
and without prejudice to any payments actually made for his or her maintenance
education or advancement pursuant to the directions of any appointment made in
pursuance of the aforesaid power) cease to be an object of the said power and
number of Children to be provided for thereunder Provided also and I hereby
declare that no portion which may be charged under the power hereinafter contained
nor any interest on any such portion nor any part thereof respectively shall
become a lien upon the said hereditaments and premises or any part thereof or be
payable unless either the person so charging the same shall under or by virtue
of this my Will be or become entitled to the possession or to the receipt of the
rents and profits of the same premises or unless some issue of such person shall
or if of full age would become so entitled Provided further and I declare my
Will to be that the said hereditaments and premises or any of them shall
not under or by virtue of the power lastly hereinafter contained become ultimately
subject or liable to the payment of any greater sum of money in the whole
for portions than the principal sum of Two hundred thousand pounds so that
if in consequence of the exercise of the same power the said premises or any of
them would but for this present proviso have been charged with a greater
sum for portions in the whole than the principal sum of Two hundred thousand
pounds the charge or charges by which such excess shall have been occasioned
or such part thereof respectively as shall have occasioned or shall form such excess
shall absolutely sink into and not be raisable out of the said premises And
the same portions respectively shall have preferred and priority of payment according
to the priority in order of limitation of the estates of the several persons
exercising the said power last hereinafter contained Provided also and I do hereby
declare my Will to be that it shall be lawful for each and every of
my said sons and grandsons who shall under or by virtue of this my Will
become tenant for life of the said hereditaments and premises hereinafter devised
in their settlement as and when he shall under this my Will be entitled
to the possession or the receipt of the rents and profits of the same premises
And also for each and every of my said daughters who shall under or
by virtue of this my Will become tenant for life of any undivided share

Witness

James H. Bond
W. H. Barnes

Wm. H. Bond

or shares or of the entirety of the same hereditaments and premises as
and when she shall under this my Will be entitled to the possession
or the receipt of the rents and profits of the said undivided share or
shares or entirety And also for the said Charles Parker and Edgar Alfred
Bowring and the survivor of them and the executors or administrators of such
survivor during the minority of any person who if of full age would under this
my Will be for the time being entitled to the possession or the receipt of the
rents and profits of the same premises or any undivided share or shares thereof
by deed to appoint or as the case may require to concur with the person
or persons entitled to the other undivided share or shares of the same premises
in appointing by way of lease all or any of the said hereditaments and
premises for any term of years not exceeding twenty one years to take effect
in possession so as there be reserved on every such appointment the best
yearly rent or rents to be incident to the immediate reversion that can
be reasonably gotten without taking anything in the nature of a fine premium
or forgift And so as there be contained in every such appointment a condition
of reentry for nonpayment within a reasonable time to be therein specified of
the rent or rents thereby reserved And so as the appointee or appointees do execute
a counterpart of such appointment and do thereby covenant for the due payment
of the rent or rents thereby reserved And be not made dispensable for want
Provided also and I hereby declare my Will to be that it shall be
lawful for each and every of my said Sons and Grandsons who shall under
and by virtue of this my Will become tenant for life of the said hereditaments
and premises herebefore devised in strict settlement as and when he shall under
this my Will be entitled to the possession or receipt of the rents and profits of
the same premises And also for each and every of my daughters who shall
under or by virtue of this my Will become tenant for life of any undivided
share or shares or of the entirety of the same hereditaments and premises as
and when she shall under this my Will be entitled to the possession or
the receipt of the rents and profits of the said undivided share or shares or
entirety and also for the said Charles Parker and Edgar Alfred Bowring and the
survivor of them and the executors or administrators of such survivor during the
minority of any person who if of full age would under this my Will
be for the time being entitled to the possession or the receipt of the rents
and profits of the same premises or any undivided share or shares thereof by
deed to appoint or as the case may require to join and concur with the
person or persons entitled to the other undivided share or shares of the same
premises in appointing by way of lease any part of the said hereditaments and
premises to any person or persons who shall improve the same by erecting or
building thereon any new house erection or building or by rebuilding enlarging
or improving any house erection or building then standing thereon or shall covenant
or agree so to do within five years next after the date of such appointment

Witness

James H. Johnson
J. H. Barnes

Thos. Fulmer

for any term of years not exceeding ninety years to take effect in possession
so as there be reserved on every such appointment the best yearly rent or
rents to be incident to the immediate reversion that can be reasonably gotten
without taking anything in the nature of a fine premium or forgift And so
as there be contained in every such appointment a condition of reentry for
nonpayment within a reasonable time to be therein specified of the rent or
rents thereby reserved and so as the appointed or appointees do execute a counterpart
of such appointment and do thereby covenant for the due payment of the rent or
rents thereby reserved Provided Always that a peppercorn rent or any smaller
rent than the rent to be ultimately made payable may be reserved during all
or any of the first five years of any such term as last aforesaid And for
the purpose of facilitating the exercise of the power of leasing last hereinbefore
contained I declare that it shall be lawful for the persons exercising such
power to set out and appropriate such portions of the hereditaments hereby settled
in strict settlement as they may think fit as and for a Road or other
easement or appurtenance convenient for the hereditaments to be appointed by
way of lease as aforesaid and to grant such rights of way over and
make such arrangements for the formation and repair of any such ^{Road} as they may
think fit Provided also and I hereby declare my Will to be that it shall
be lawful for each and every of my said sons and grandsons who shall
under and by virtue of this my Will become tenant for life of the said
hereditaments and premises hereinbefore devised in strict settlement as and when
he shall under this my Will be entitled to the possession or the receipt of the
rents and profits of the same premises And also for each and every of my
daughters who shall under or by virtue of this my Will become tenant for life
of any undivided share or shares or of the entirety of the same hereditaments
and premises as and when she shall under this my Will be entitled to the
possession or the receipt of the rents and profits of the said undivided share or
shares or entirety And also for the said Charles Parker and Edgar Alfred
surviver during the minority of any person who if of full age would under
this my Will for the time being be entitled to the possession or the receipt
of the rents and profits of the same premises or any undivided share or
shares thereof or to appoint or as the case may require to join and
consent with the person or persons entitled to the other undivided share or
shares of the same premises in appointing by way of lease all or any of
the mines quarries minerals stone clay chalk sand or earths in under or upon
the same premises or any of them or any part thereof either with or without
any messuages buildings lands or hereditaments convenient to be held therewith
and other with or without the surface of the lands in or under which

W. C. P.

James H. Barnes

W. C. P.

the same shall be And whether the same have or have not been
hitherto opened or worked for any term of years not exceeding sixty years to take
effect in possession together with all such liberties licences powers and privileges
for searching for working getting washing smelting rendering merchantable and disposing
of the said mines quantities minerals stone clay chalk sand or earth as to the
person or persons for the time being exercising this present power shall seem
expedient so as there be reserved on every such appointment the best rent or
rents tolls duties royalties or reservations by the acre the ton or otherwise to be
incident to the immediate reversion that can be reasonably gotten without taking
anything in the nature of a fine premium or forgift And so as there be
contained in every such appointment a condition of reentry for nonpayment or
nondelivery within a reasonable time to be therein specified of the rent or rents
tolls duties royalties or reservations thereby reserved And so as the appointee or
appointees do execute a counterpart thereof and do thereby covenant for the due
payment or delivery of the rent or rents tolls duties royalties or reservations
thereby reserved Provided always that the reservation of rents tolls duties or
royalties the amount of which shall vary with or according to the acreage
worked or the minerals stone clay sand chalk or earths gotten shall not
be deemed to be in the nature of a fine premium or forgift though the
effect of such reservation may eventually be disadvantageous to persons claiming
under this my Will in remainder or reversion Provided also And I hereby
declare my Will to be that it shall be lawful for the said Charles Parker
and Edgar Alfred Bowring and the survivor of them and the executors and
administrators of such survivor during the life of any person hereby made tenant
for life who shall under this my Will be for the time being entitled to
the possession or to the receipt of the rents and profits of the said hereditaments
and premises heretofore devised in strict settlement or any undivided share or
shares thereof with his or her consent in writing if he or she shall be
of full age and also during the minority of any person by this my Will made
tenant for life or in tail male or in tail general by purchase who shall
or if of full age would for the time being be entitled to the possession or
to the receipt of the rents and profits of the same premises or of any
undivided share or shares thereof at the discretion of them the said Charles
Parker and Edgar Alfred Bowring or the survivor of them or of the executors
or administrators of such survivor to sell or exchange or as the case may
require to join and concur with the person or persons entitled to the other
undivided share or shares of the same premises in selling or exchanging for
other maner lands or hereditaments in England or Wales all or any of the
said premises heretofore devised in strict settlement And upon any such exchange
to give or receive any money for equality of exchange And I hereby declare

the same shall be And whether the same have or have not been
hitherto opened or worked for any term of years not exceeding sixty years to take
effect in possession together with all such liberties licences powers and privileges
for searching for working getting washing smelting rendering merchantable and disposing
of the said mines quarries minerals stone clay chalk sand or earth as to the
person or persons for the time being exercising this present power shall seem
expedient so as there be reserved on every such appointment the best rent or
rents tolls duties royalties or reservations by the acre the ton or otherwise to be
incident to the immediate reversion that can be reasonably gotten without taking
anything in the nature of a fine premium or forgift And so as there be
contained in every such appointment a condition of reentry for nonpayment or
nondelivery within a reasonable time to be therein specified of the rent or rents
tolls duties royalties or reservations thereby reserved And so as the appointee or
appointees do execute a counterpart thereof and do thereby covenant for the due
payment or delivery of the rent or rents tolls duties royalties or reservations
thereby reserved Provided always that the reservation of rents tolls duties or
royalties the amount of which shall vary with or according to the acreage
worked or the minerals stone clay sand chalk or earths gotten shall not
be deemed to be in the nature of a fine premium or forgift though the
effect of such reservation may eventually be disadvantageous to persons claiming
under this my Will in remainder or reversion Provided also And I hereby
declare my Will to be that it shall be lawful for the said Charles Parker
and Edgar Alfred Bowring and the survivor of them and the executors and
administrators of such survivor during the life of any person hereby made tenant
for life who shall under this my Will be for the time being entitled to
the possession or to the receipt of the rents and profits of the said hereditaments
and premises herebefore devised in strict settlement or any undivided share or
shares thereof with his or her consent in writing if he or she shall be
of full age and also during the minority of any person by this my Will made
tenant for life or in tail male or in tail general by purchase who shall
or if of full age would for the time being be entitled to the possession or
to the receipt of the rents and profits of the same premises or of any
undivided share or shares thereof at the discretion of them the said Charles
Parker and Edgar Alfred Bowring or the survivor of them or of the executors
or administrators of such survivor to sell or exchange or as the case may
require to join and concur with the person or persons entitled to the other
undivided share or shares of the same premises in selling or exchanging for
other maner lands or hereditaments in England or Wales all or any of the
said premises herebefore devised in strict settlement And upon any such exchange
to give or receive any money for equality of exchange And I hereby declare

Witnesses

James Hope

Edw. Ho Barrer

Thos. Culbert

that any such sale as aforesaid may be made either by public auction, or private contract And that the said Charles Parker and Edgar Alfred Bowring and the survivor of them and the executors and administrators of such survivor shall have full power to insert or to join and concur in inserting any such special or other stipulations as to title or evidence of title or otherwise in any conditions of sale or contract for sale or exchange of the said premises or any part thereof as they or he shall think fit And to buy in or rescind any contract for sale of the same premises or any part thereof or to concur in so doing as they or he shall think fit And to resell or join and concur in reselling the premises so bought in or as to which the contract shall be so rescinded as aforesaid without being responsible for any loss occasioned in thereby And I hereby declare that for effectuating any such sale or exchange it shall be lawful for the said Charles Parker and Edgar Alfred Bowring and the survivor of them and the executors or administrators of such survivor with such consent or at such discretion as aforesaid by any Deed or Deeds to revoke and make void all or any of the uses trusts powers and provisions herinbefore limited and declared or to be limited or declared under the powers herinbefore contained of jointuring or charging portions of or undivided share or shares (as the case may require) subject and without prejudice to any mortgage or other disposition which may have been made under the trusts of any term of years which shall have been limited under the aforesaid powers of jointuring or charging portions And to any lease or leases which may have been granted under any of the powers of leasing herinbefore contained And by the same or any other Deed or Deeds to limit declare direct or appoint any use or uses estate or estates trust or trusts of the same premises or any part or parts thereof or any undivided share or shares thereof (as the case may require) which shall be thought necessary or expedient to effectuate any such sale or exchange And I hereby declare that the said Charles Parker and Edgar Alfred Bowring and the survivor of them and the executors and administrators of such survivor shall receive all monies which may become payable to them or him Upon any such sale or exchange as aforesaid for or in respect of either the entirety of the same premises or an undivided share or shares thereof as the case may be and shall with all convenient speed invest the same in the purchase of other manners lands or hereditaments in England or Wales for an estate or estates of inheritance in fee simple or in the purchase of lands of a leasehold or copyhold or customary tenure covenant to be held therewith or with any hereditaments for the term being subject to the uses or trusts under this my Will subsisting with respect to the premises or undivided share of premises so sold or exchanged yet so

Witness

J. H. Barnes

W. H. Bullist

as that during the life of any person hereby made Tenant for life who shall for the time being be entitled as aforesaid and shall be of full age every such purchase be made with his or her consent in writing And I hereby declare that the said Charles Parker and Edgar Alfred Browning and the survivor of them and the heirs executors or administrators of such survivor shall settle and assure or cause to be settled and assured all such of the manors lands or hereditaments so to be purchased or taken in exchange as aforesaid as shall be freeholds of inheritance to the uses upon and for the trusts intents and purposes and with under and subject to the powers provisions and declarations in and by this my Will limited expressed and declared (or under the powers hereinafore contained of jointuring or charging portions to be limited expressed and declared) of and concerning the hereditaments and premises or undivided share or shares of hereditaments and premises so sold or exchanged as aforesaid or as near thereto as the deaths of parties and other intervening accidents will admit of but not so as to increase or multiply charges And shall settle and assure or cause to be settled and assured all such of the said manors lands or hereditaments so to be purchased or taken in exchange as aforesaid as shall be of leasehold or copyhold or customary tenure upon and for such trusts intents and purposes and with under and subject to such powers provisions and declarations as shall or may correspond with and be similar to the uses trusts intents purposes provisions and declarations in and by this my Will limited expressed and declared (or under the said powers of jointuring or charging portions to be limited expressed and declared) of and concerning the hereditaments and premises or undivided share or shares of hereditaments and premises so sold or exchanged as aforesaid or as near thereto as the different tenure and quality of the premises and the rules of law and equity and the deaths of parties and other intervening accidents will admit of but not so as to increase or multiply charges And so that if any of the lands purchased or taken in exchange shall be held by a lease for years the same made tenant in tail male or in tail general by purchase who shall not attain the age of twenty one years but on his or her death under that age shall go devolve and remain in the same manner as if they had been freeholds of inheritance and had been settled accordingly And I hereby declare that the powers of my copyhold hereditaments hereinafter devised upon trusts in strict settlement and with reference to the removal of leases or grants of any leasehold or copyhold premises hereinafter bequeathed upon trusts in strict settlement which may be held for a lease or leases or grant or grants for lives or years ordinarily renewable shall in all respects apply and extend to any hereditaments or premises of like

Witness

James H. Jones
W. H. Barney

Wm. J. Whit

tenure or similarly held which may be purchased or taken in exchange as aforesaid or
Provided always and I hereby declare that it shall be lawful for the said Charles
Parker and Edgar Alfred Bowring and the survivor of them and the executors and
administrators of such survivor by and out of the moneys to arise from any such
sale or to be received for equality of exchange as aforesaid to pay any money which
upon any exchange made in exercise of the aforesaid power in that behalf shall
or may be payable by the trustees or trustee for the time being acting in the
exercise of the same power for equality of exchange and also to raise any
money agreed to be paid by the said trustees or trustee for equality of exchange
by mortgage of the hereditaments to be received in exchange or of any other
hereditaments for the time being subject under this my Will to the same
uses or trusts as the hereditaments taken or received in Exchange as aforesaid
And to make all such appointments assignments surrenders and other assurances
And to do all such other acts as shall be necessary or expedient for
effectuating any such mortgage or mortgages And no mortgages advancing money
upon any mortgage purporting to be made under this power shall be bound
to see that such money is wanted or that no more than is wanted is
raised Provided also and I hereby declare that it shall be lawful for
the said Charles Parker and Edgar Alfred Bowring and the survivor of them and
the executors and administrators of such survivor upon the request of any person
herby made tenant for life who shall for the time being be entitled as
aforesaid And shall be of full age or if there shall be no person for the
time being entitled as aforesaid and of full age then at their or his discretion
to apply or join and concur in applying any money to arise by any such
sale or exchange as aforesaid in or towards paying off or discharging any mortgage
or other charge or incumbrance for the time being affecting any hereditaments
then subject under this my Will to the same uses or trusts as the hereditaments
sold or exchanged And I hereby declare that until the money to arise by every
or any such sale or exchange as aforesaid shall be disposed of as hereinbefore
directed it shall be lawful for the said Charles Parker and Edgar Alfred Bowring
and the survivor of them and the executors or administrators of such survivor
with the consent of any person herby made tenant for life who shall for
the time being be entitled as aforesaid And shall be of full age And subject
as aforesaid at the discretion of such trustees or trustee for the time being
to place out such money or any part thereof in their or his names or names
in or upon any of the Parliamentary stocks or public funds of Great Britain
or upon Government or Real securities in England or Wales but not in Ireland
And with the like consent and at the like discretion to alter vary or transfer
the said stocks funds and securities into or for others of the same description
And I hereby declare that the interest dividends and annual produce of such stocks

Witnesses

Jas. H. Barnet

Wm. Mullist

funds and securities shall be paid and applied to such person or persons for such
debts and purposes and in such manner as the rents and profits of the
hereditaments to be purchased therewith would be payable or applicable in case
such purchase or purchases and settlements as aforesaid were then actually made
Provided always and I hereby declare that the receipt or receipts in writing of
the said Charles Parker and Edgar Alfred Bowring and the survivor of them and
the executors and administrators of such survivor or of the trustee or trustees for the
time being acting or entitled to act in the execution of the aforesaid powers of
sale and exchange for any money which may become payable for the purchase
of any hereditaments or undivided share of hereditaments which may be sold under
the said power of sale or for equality of exchange And for any money advanced
by a mortgagee or mortgages upon any mortgage purporting to be made under
the power hereinbefore contained of raising money by mortgage and for any other
money which may be paid to the said Charles Parker and Edgar Alfred
Bowring or the survivor of them or the executors or administrators of such
survivor under or by virtue of this my Will or in the execution of any
of the trusts or powers hereof shall effectually discharge the person or persons
paying such money from the same And from being bound to see to
the application or being answerable for the misapplication or nonapplication thereof
Provided also and I hereby declare that during the continuance and subsistence
of sale and exchange hereinbefore contained and all and singular the clauses and
provisions relating thereto or connected therewith shall in all respects apply to the
hereditaments and premises so devised to my said Wife as aforesaid but so
nevertheless that in all cases where the consent of the tenant for life in
possession is hereinbefore made requisite the consent of my said Wife shall as
thereof be requisite in like manner And I hereby declare that in the event
of the said hereditaments and premises so devised to my said Wife as aforesaid
or any part thereof being during the continuance of her estate therein sold
or exchanged jointly and together with any other of the hereditaments and premises
hereinbefore devised in strict settlement it shall be lawful for the person or persons for
the time being entitled to exercise in respect to such other hereditaments and
premises the powers of sale and exchange hereinbefore contained (nevertheless with such
consents as are prescribed in reference to the exercise of such last mentioned powers) to
enter into such agreement or agreements with my said Wife as shall from time to time
be deemed expedient for the apprehendment either of any purchase monies to be received
or of any lands to be taken in exchange or of any lands to be purchased with
the produce of sale of the lands sold or as shall otherwise be deemed expedient
for the ascertainment and determination of the property in which my said Wife is to be

James H. Barnet

Wm. J. Smith

considered as taking an estate during her widowhood And I declare that every such agreement as aforesaid shall be binding and conclusive upon all persons claiming under this my Will I give and devise all and every my copyhold messuages lands tenements and hereditaments held of the Manors of Woking Great Beokham and Wickham otherwise Westhumble and all other my copyhold hereditaments (if any) situate within the said Parishes of Woking Leatherhead Great Beokham Wickham and Newdigate or any other Parishes adjoining thereto respectively including any copyhold hereditaments situate within the five Parishes last aforesaid or any or either of them which I may hereafter acquire by purchase or otherwise and of or to which I may be seized or entitled at the time of my death unto and to the use of the said Charles Parker and Edgar Alfred Bering their heirs and assigns according to the custom or customs of the manor or manors of which the same respectively are holden and at and under the rents fines herites suits and services therefor respectively due and of right accustomed Upon and for such trusts intents and purposes and with under and subject to such powers provisions and declarations as shall or may as nearly as correspond with and be similar to the uses trusts intents and purposes powers provisions and declarations hereinbefore limited and declared of and concerning the freehold hereditaments and premises [hereinbefore devised in strict settlement as the different tenure and quality of the premises] and the rules of law and equity will permit but not so as to increase or multiply charges Provided always and I hereby declare that it shall be lawful for the said Charles Parker and Edgar Alfred Bering and the survivor of them and the executors or administrators of such survivor at any time or times during the continuance of the trusts of these presents to contract with the Lord or Lords of any Maner whereof any of the said copyhold hereditaments hereinbefore devised upon trusts in strict settlement shall be holden for the enfranchisement upon such terms as may be thought reasonable of any such copyhold hereditaments And I hereby declare that any money which may be required for the purpose of effecting any such enfranchisement may be paid and raised out of the same monies and in the like manner in all respects as hereinbefore authorized with respect to monies payable for equality of exchange And that no mortgagee advancing any money purporting to be required for the purposes of such enfranchisement shall be bound to see that such money is in fact required or that no more than is required is raised I give devise and bequeath all and every the tenement messuages lands tenements and messuages hereditaments situate within the said parishes of Woking Leatherhead Great Beokham Wickham and Newdigate or any or either of them (whether holden for any life or lives or for any term or terms of years absolute or determinable with any life or lives) of or to which I am now or at the time of my death shall or may be seized possessed or entitled for any estate or interest which I can devise or bequeath by Will or of which I now have power to dispose by this my Will unto the said Charles Parker and Edgar Alfred Bering their executors administrators and assigns for

James H. Baring

Mr. H. Baring

Wm. Lubbock

all such estate term or interest as I shall have therein respectively at the time of my decease Upon trust that they the said Charles Parker and Edgar Alfred Bowring or the survivor of them or the executors or administrators of such survivor do and shall by and out of the rents profits and annual produce thereof pay the rents and annual sums (if any) reserved in and by the leases thereof respectively and observe and perform the covenants and conditions (if any) in the said leases or administrators or assigns to be observed or performed And subject thereto do and shall stand and be seized or possessed of and interested in the said leasehold premises upon and for such trusts intents and purposes and with under and subject to such powers provisions and declarations as shall or may as nearly correspond with and be similar to the uses trusts intents purposes powers provisions and declarations heretofore limited declared and contained of and concerning the feehold hereditaments and premises heretofore devised in strict settlement as the different tenure and quality of the premises and the rules of law and equity will permit but not so as to increase or multiply charges Provided always and I hereby declare my Will to be that such of the said last mentioned hereditaments and premises as are holden for any lease or leases for years shall not nor shall any undivided share thereof vest absolutely in any person hereby made tenant in tail male or tail general by purchase of the said feehold hereditaments and premises heretofore devised in strict settlement unless such person or persons shall attain the age of twenty one years but on his or her death under that age shall go dwell and remain in the same manner as if they had been feehold of inheritance and had been included in the devise in strict settlement heretofore contained Provided always And I hereby declare my Will to be that the said Charles Parker and Edgar Alfred Bowring and the survivor of them and the heirs executors or administrators respectively of such survivor do and shall from time to time as occasion shall require in the ordinary course of renewal use their and his best endeavors to obtain on the accustomed reasonable terms a renewed lease or leases grant or grants of such of the said leasehold or copyhold premises as shall be held for a lease or leases or grant or grants for lives or years ordinarily renewable And do and shall from time to time make do and execute all such surrenders acts matters and things as shall be requisite or expedient for obtaining such renewals And I hereby further declare that the fines fees and expenses of such renewals shall from time to time be defrayed by and out of the premises of which such renewals are to be obtained respectively so and in such manner that the several persons beneficially entitled to the same under or by virtue of this my Will shall contribute to the expense of such renewals in the proportions in which according to the Rules of the Courts of Equity they would be bound to contribute in the absence of any provision in this my Will as to the parties at whose expense such renewals are to be made Provided always and I

Witness

James H. Johnson
J. H. Barnes

Wm. Cullist

he by further declare that it shall be lawful for the said Charles Parker and Edgar
Alfred Beerling or the survivor of them or the executors or administrators of such
survivor to pay or raise any money which shall be required for the renewal of any
such lease or grant as aforesaid out of the same monies and in the same manner
in all respects as monies payable for equality of exchange are heretofore authorised to
be paid and raised but subject nevertheless and without prejudice to the equities and
obligations inter se of the persons claiming under this my Will as to defraying the
fines fees and expenses of such renewals And I declare that no mortgagee
advancing any money purporting to be required for the purposes of such renewal
shall be bound to see that such money is wanted or that no more than is
wanted is raised I give devise and bequeath all the estates which at my
death shall be vested in me upon any trusts or by way of mortgage and of which I
shall at my death have power to dispose by Will unto my said Wife Mary Anne Lubitt
my said son George Lubitt and my Nephew Andrew Cuthell of Clapham Park in the
County of Surrey their heirs executors and administrators respectively according to the nature
thereof respectively Upon the trusts and subject to the equities of redemption which at my
death shall be subsisting or capable of taking effect therein respectively but so that
the money secured on such mortgages be taken as part of my personal estate
And as to all my Freehold copyhold and leasehold messuages tenements and
hereditaments not heretofore devised And also the stock in trade credits effects
and good will of the trade or business now carried on by me or which
shall be carried on by me at the time of my death And all and singular
of what nature or kind soever the same shall consist at the time of my
decease I give devise and bequeath the same and every part and parcel thereof
with the rights members and appurtenances respectively belonging thereto unto and to
the use of my said Wife Mary Anne my said son George and my said
Nephew Andrew Cuthell their heirs executors administrators and assigns according to the
respective natures and legal qualities thereof but upon and for the trusts ends
intents and purposes hereinafter declared of and concerning the same And I hereby
do declare and declare that my said Wife my said son George and the said
Andrew Cuthell and the survivors and survivor of them and the heirs executors
and administrators of such survivor and all other the trustees or trustee for the
time being acting in the execution of the said trusts ends intents and purposes
hereinafter declared (and all of whom are heretofore for sake of brevity termed
"my Trustees or Trustees") shall stand and be seized and possessed of and
interested in all and singular the said Trust premises heretofore devised and
bequeathed to them him and her Upon Trust immediately after my decease
to enter into possession thereof or into the receipt of the rents issues and profits
dividends interest and annual produce thereof and at their his or her

Witness

James H. Gould
Esq. H. O. Barnett

Wm. Lubitt

absolute and uncontrolled discretion either to retain the same in its existing state at the time of my decease or from time to time or at any time to convert the same into money or into property of any other description And as respects more particularly any trade or business carried on by me at the time of my decease and not only as regards that portion thereof which may comprise the general business of a Builder viz the execution of works for other persons but also as regards the speculative portion thereof which consists in the erection of houses and buildings for the purpose of sale or letting Upon trust that my trustees or trustee do and shall continue and carry on the same trade or business for and during such time not exceeding twenty one years from the day of the date of my decease as they he or she shall in their his or her absolute and uncontrolled discretion think advisable and at the expiration of the said period of twenty one years or at any earlier time and even immediately after my decease if they he or she shall think it advisable so to do, do and shall wind up the said business and realize and liquidate the assets and liabilities thereof And I direct and declare that my trustees or trustee shall during such time as they shall think fit to carry on the said business have the full and complete control and management thereof and shall have full power to employ all such Clerks Foremen Servants Workmen Accountants and Agents at such salaries wages or for such other compensation and upon such other terms as my trustees or trustee shall think fit and in general to carry on and conduct the said business according to the best of their his or her judgment in such and the same free and unfeigned manner as I myself might or could have done if I had been living and acting therein and shall have full power to enter into and make all such arrangements contracts or agreements relative to or concerning the said business and in particular for the erection or completion of any houses or buildings or for the execution of any other works either upon or with reference to or in connection with the lands hereditaments and premises hereby devised and bequeathed in trust as aforesaid or any part or parts thereof or any other lands or premises to be erected or to be erected thereon respectively or otherwise as the case may be to complete and carry out or to vary vacate or annul any arrangement or contract or agreement which I may have made or entered into previously to my decease or which my trustees or trustee may make or enter into and to increase or diminish the concerns of the said business from time to time or to discontinue any particular branch thereof as shall be deemed

Witness

James H. Powell
Esq. His Attorney

Wm. L. L. L.

advisable and to make all necessary purchases and do all other acts and things for the purpose of carrying on the said business And I hereby declare that in case my said Nephew Andrew Cuthell shall accept the trusts of these presents and shall in addition thereto be willing to undertake the active and immediate management of my said business either in all its branches or in such branch or branches as it shall be deemed expedient to carry on then and in such case it shall be lawful for the said Andrew Cuthell to receive or retain to himself by way of salary for such management such annual sum not exceeding two thousand five hundred pounds per annum as may be agreed on between himself and his trustees or trustee for the time being And I declare that if at any time when my trustee or trustees shall discontinue to carry on that branch of my said business which comprises the general business of a Builder my said Nephew Andrew Cuthell shall be living and shall be disposed to carry on such branch of my said business for his own benefit he shall be entitled to all good will connected with such last mentioned branch of the said business without paying anything in respect thereof And I declare that in the event of the said Andrew Cuthell being disposed to carry on such last mentioned branch of the said business any arrangement that may be come to for the sale or transfer of the said Andrew Cuthell of all or any portion of the stock in trade books debts and other assets of the said branch of the said business or for the said Andrew Cuthell taking upon himself all or any portion of the liabilities of the said branch of the said business shall (provided such arrangement shall be expressly sanctioned by two trustees of the said Andrew Cuthell) be in all respects valid and binding notwithstanding the circumstance of the said Andrew Cuthell being a trustee under this my Will And I further direct and declare that it shall be lawful for my trustee or trustees at any time or times during the continuance of the trusts hereinafter declared to sell and absolutely dispose of all or any of the messuages lands hereditaments and other property devised and bequeathed in trust as aforesaid (notwithstanding as respects the freehold and leasehold premises at Hempstead Town and Clapham whereof trusts are hereinafter declared in favor of my Wife during her widowhood subject to all and singular the trusts and provisions relative to the same hereinafter contained) and any other messuages lands hereditaments or property which for the time being shall be vested in them him or her upon the trusts of this my Will with the rights members privileges and appurtenances belonging thereto respectively or with any other rights privileges or appurtenances which my trustee or trustee shall think fit to annex thereto or to grant therewith either together or in parcels and either by public sale or private contract or partly in one way and partly

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James H. Barnet

Wm. H. H. H.

advisable and to make all necessary purchases and do all other acts and things for the purpose of carrying on the said business And I hereby declare that in case my said Nephew Andrew Luthell shall accept the trusts of these presents and shall in addition thereto be willing to undertake the active and immediate management of my said business either in all its branches or in such branch or branches as it shall be deemed expedient to carry on then and in such case it shall be lawful for the said Andrew Luthell to receive or retain to himself by way of salary for such management such annual sum not exceeding Two thousand five hundred pounds per annum as may be agreed on between himself and his trustees or trustee for the time being And I declare that if at any time when my trustee or trustees shall discontinue to carry on that branch of my said business which comprises the general business of a Builder my said Nephew Andrew Luthell shall be living and shall be disposed to carry on such branch of my said business for his own benefit he shall be entitled to all good will connected with such last mentioned branch of the said business without paying anything in respect thereof And I declare that in the event of the said Andrew Luthell being disposed to carry on such last mentioned branch of the said business any arrangement that may be come to for the sale or transfer to the said Andrew Luthell of all or any portion of the stock in trade books debts and other assets of the said branch of the said business or ¹⁴⁰ for the said Andrew Luthell taking upon himself all or any portion of the liabilities of the said branch of the said business shall (provided such arrangement shall be expressly sanctioned by two trustees of the said Andrew Luthell) be in all respects valid and binding notwithstanding the circumstance of the said Andrew Luthell being a trustee under this my Will And I further do and declare that it shall be lawful for my trustee or trustees at any time or times during the continuance of the trusts hereinafter declared to sell and absolutely dispose of all or any of the messuages lands hereditaments and other property devised and bequeathed in trust as aforesaid (nevertheless as respects the freehold and leasehold premises at Hempston and Clapham whereof trusts are hereinafter declared in favor of my wife during her widowhood subject to all and singular the trusts and provisions relative to the same hereinafter contained) and any other messuages lands hereditaments or property which for the time being shall be vested in them him or her upon the trusts of this my Will with the rights members privileges and appurtenances belonging thereto respectively or with any other rights privileges or appurtenances which my trustee or trustee shall think fit to annex thereto or to grant therewith either together or in parcels and either by public sale or private contract or partly in one way and partly

James Thompson
Esq. At Barret

Wm. Luthell

in another and subject to such special conditions of sale as to title or otherwise as shall be thought advisable and either subject to any existing mortgages charges leases or incumbrances affecting the same or not so subject and with or without any qualification limitation or condition to any person or persons whomsoever for such price or prices as to my trustees or trustee shall seem reasonable with full liberty to buy in the same or any part or parts thereof at any such public sale and again to offer the same for sale in either of the ways aforesaid and again to buy in and again to offer for sale as often as shall be thought fit And also from time to time and as often as shall be thought advisable to annul or vary any contract that may have been entered into with any person or persons for the sale of any portion of such mesuages lands hereditaments or other property upon such terms as to my trustees or trustee shall seem expedient and also to convey assign and assure the mesuages lands hereditaments and other property which shall be so sold as aforesaid unto the purchaser or purchasers thereof his her or their heirs executors or administrators or as he she or they shall direct and to receive the purchase monies arising from such sales and give effectual discharges for the same And I hereby further declare that it shall be lawful for my trustees or trustee from time to time during the continuance of the said trusts as they he or she shall think fit to raise any sum or sums of money on the security of all or any part or parts of the mesuages lands hereditaments or other property real or personal for the time being vested in them him or her in trust as aforesaid either by mortgage annuity or deposit of deeds or otherwise howsoever and for that purpose to make do execute and perform all such conveyances or demises assignments bonds acts deeds matters and things as may be requisite and necessary for securing the money which shall be borrowed to the satisfaction of the Lender thereof And also from time to time to pay off all or any of the said mortgages annuities or charges or all or any mortgages or other charges which shall be in existence at the time of my death or instead of paying off the same to substitute new or other mortgages or other securities in lieu thereof as often as shall be deemed advisable And I hereby further declare that it shall be lawful for my trustees or trustee when and so often as they he or she shall think fit during the continuance of the trusts hereinafter declared to demise and lease all or any part of the mesuages lands and hereditaments for the time being vested in them him or her and with the rights members privileges and appurtenances thereto belonging or with any other rights privileges and appurtenances which my trustees or trustee shall think fit to annex thereto or to grant or demise therewith to any person or persons whomsoever for any term or number of years (not exceeding as

James H. Barnet
Esq. H. Barnet

Thos. J. J. J.

in another and subject to such special conditions of sale as to title or otherwise as shall be thought advisable and either subject to any existing mortgages charges leases or incumbrances affecting the same or not so subject and with or without any qualification limitation or condition to any person or persons whomsoever for such price or prices as to my trustees or trustee shall seem reasonable with full liberty to buy in the same or any part or parts thereof at any such public sale and again to offer the same for sale in either of the ways aforesaid and again to buy in and again to offer for sale as often as shall be thought fit And also from time to time and as often as shall be thought advisable to annul or vary any contract that may have been entered into with any person or persons for the sale of any portion of such mortgages lands hereditaments or other property upon such terms as to my trustees or trustee shall seem expedient and also to convey assign and assure the mortgages lands hereditaments and other property which shall be so sold as aforesaid unto the purchaser or purchasers thereof his her or their heirs executors or administrators or as he she or they shall direct and to receive the purchase monies arising from such sales and give effectual discharges for the same And I hereby further declare that it shall be lawful for my trustees or trustee from time to time during the continuance of the said trusts as they he or she shall think fit to raise any sum or sums of money on the security of all or any part or parts of the mortgages lands hereditaments or other property real or personal for the time being vested in them him or her in trust as aforesaid either by mortgage annuity or deposit of deeds or otherwise howsoever and for that purpose to make do execute and perform all such conveyances mortgages assignments bonds acts deeds matters and things as may be requisite and necessary for securing the money which shall be borrowed to the satisfaction of the lender thereof And also from time to time to pay off all or any charges which shall be in existence at the time of my death or instead of paying off the same to substitute new or other mortgages or other securities in lieu thereof as often as shall be deemed advisable And I hereby further declare that it shall be lawful for my trustees or trustee when and so often as they he or she shall think fit during the continuance of the said trusts hereinafter declared to demise and lease all or any part of the mortgages lands and hereditaments for the time being vested in them him or her and with the rights members privileges and appurtenances thereto belonging or with any other rights privileges and appurtenances which my trustees or trustee shall think fit to annex thereto or to grant or demise therewith to any person or persons whomsoever for any term or number of years (not exceeding as

James H. Barnet

Ed. H. Barnet

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Wm. J. Elliot

regards such of the said hereditaments as may be leasehold the terms of years for which the same are held) or in possession or reversion or by way of future interest and either at the best or most improved yearly rent or rents that can reasonably be had or gotten for the same without taking any fine premium or forgift in respect thereof or at a reduced rent and taking a fine premium or forgift And also to demise or lease all or any part of the said messuages lands and hereditaments with the rights privileges members and appurtenances thereto belonging or with such other rights privileges and appurtenances as my said trustees or trustee shall think fit to exercise think or to grant or demise therewith to any person or persons who shall be willing to build thereon any house or other building or erection whatsoever or to rebuild or repair any house or building which shall be then standing on the hereditaments intended to be demised or to expend any sum of money thereon in the improvement thereof with liberty to take down any building then standing or being on the said hereditaments intended to be demised for the purpose of rebuilding the same or carrying into effect the proposed improvement for any term or number of years (not exceeding as regards such of the said hereditaments as may be leasehold the terms of years for which the same are held) either in possession or reversion or by way of future interest and either at the best rent or rents that can under the circumstances be obtained for the same or with or without taking any fine premium or forgift in respect thereof with power to reserve a peppercorn rent or a portion only of the full rent intended to be ultimately reserved by any such lease for such a portion of the term intended to be thereby granted as shall be thought fit And further that it shall be lawful for my trustees or trustee during the continuance of the trusts hereinafter declared to supply any person or persons who shall have taken or agreed to take any ground for building purposes or any house or other buildings for the purpose of rebuilding repairing or improving the same with building materials or with any sum or sums of money for the purpose of enabling or assisting such person or persons to proceed with such building rebuilding repairing or improvement and to make all such arrangements for the payment of the value of such building materials or of the amount of any such advances of money with or without interest as the said trustees or trustee shall think proper or if thought advisable to agree that an additional rent shall be reserved in the lease or leases intended to be granted of the hereditaments agreed to be leased to the person or persons to whom such building materials or money shall have been supplied or advanced as aforesaid in lieu and instead of payment in Cash for such building materials or of repayment in Cash of any such advances And further that it shall be lawful for my trustees or trustee at all times during the continuance of the

Witness

James H. Johnson

W. H. Barnett

The Publicist

100 trusts hereinafter declared to demise and lease any portions of the messuages lands and hereditaments for the time being vested in them him or her in trust as aforesaid which shall be subject to any contract or contracts for granting a lease or leases thereof entered into by me or my trustees or trusts either according to the terms of such contract or contracts or with any deviations therefrom And in particular to demise and lease any such portions as aforesaid of the same messuages lands and hereditaments at an apportioned part of the entire rent by any such contract agreed to be reserved for the whole of the hereditaments thereby agreed to be demised or at an apportioned part of the rent remaining unreserved in respect of any undemised portions of the hereditaments therein comprised as the case may be and to divide and apportion such entire rent or unreserved rent as the case may be equally or unequally in any way that may be thought fit And also to charge thereby agreed to be reserved or remaining unreserved as the case may be or with a portion thereof only in exoneration of any other portion of the same premises and to demise such exonerated portion at a peppercorn rent and generally to observe or vary modify release relax or qualify the terms and conditions of any contract for granting a lease whether entered into by me or by my trustees or trusts or to grant a lease or leases of the premises or comprised therein either in accordance with the terms thereof or varying therefrom And to make all such arrangements for granting a lease or leases of the premises comprised in any contract and for facilitating the dealings and transactions of the persons with whom the same shall have been entered into or their representatives or the persons claiming through or under them as shall by my trustees or trusts be thought reasonable and proper in such and the same manner as though my trustees or trustee were absolutely and beneficially interested in the hereditaments which shall be the subject matter of such contracts or leases And in order to facilitate all such arrangements and to simplify and strengthen the title of Lessees and others claiming the benefit of any lease which shall have been granted by my trustees or trustee I hereby declare that any contract for granting a lease or leases whether entered into by me or by my trustees or trustee shall (so far as respects the rights and interests thereunder of all persons claiming by from or under me or this my Will) not form any part of the title to the premises to be demised by any lease or leases to be granted by my trustees or trusts And that no lease or leases named in any lease or any person claiming through or under such lease or leases shall be bound to enquire whether any previous contract for granting the same existed nor be affected by express notice that a previous contract did exist or that the lease under which he or they

Witnesses

Josiah Johnson
Es: H. Barnett

Wm. M. M. M.

may claim is not in accordance with such contract but every lease granted by my trustees or trustee under the powers hereinbefore or hereinafter contained shall as regards the Lessee or Lessees and all persons claiming under such Lessee or Lessees be deemed a good and valid lease without reference to any prior contract or other circumstance whatsoever And I further declare that it shall be lawful for my trustees or trustee at all times during the continuance of the trusts hereinafter declared (with or without taking any valuable consideration for so doing) to release any covenants conditions or provisions contained in any lease which shall have been granted by me or by my trustees or trustee And to modify the terms of any lease And to waive any breaches of covenant that may have taken place and to forgo any right of reentry that may have accrued and to grant licences to do acts which may be contrary to the covenants or provisions of any lease And also to accept the surrender of any lease either absolutely or for the purpose of redemising the hereditaments therein comprised by one or more lease or leases at the same or a different rent or at appoitioned equal or unequal rents and for the same covenants and provisions And also that it shall be lawful for my trustees or trustee at all times during the continuance of the trusts hereinafter declared to surrender any lease or leases which shall have been granted to me or to them him or her and that either absolutely and with or without giving or receiving any valuable consideration for so doing or for the purpose of having the premises comprised in the surrendered lease or some portion thereof redemised either by one or more lease or leases at the same rent as that reserved by the surrendered lease or at a different rent or rents or at appoitioned equal or unequal rents and for the same or a different term of years and under and subject to the same or different covenants and provisions And also that it shall be lawful for my trustees or trustee at all times during the continuance of the trusts of these presents to pull down and remove all or any erections and buildings whatsoever erected or to be erected or any portion of the hereditaments for the time being vested in my trustees or trustee (including Foundry Engine House and other buildings situate at Thames Bank in the County of Middlesex) for the purpose of rebuilding or altering the same or for the purpose of laying out the ground in a different manner and appropriating the same for different purposes And to sell or dispose of all building materials or to apply the same towards any intended new buildings or in carrying into effect the contemplated alterations And also to lay out and appropriate any part or parts of the lands and hereditaments for the time being vested in them him or her in trust as aforesaid as and for a Street Square Circus Crescent Road Way Public Flue Sewer or Drain for the improvement of other parts of the impropriated lands and

Witnesses

James H. [unclear]
J. H. Barnes

Wm. [unclear]

hereditaments vested in them as aforesaid or for the convenience of the tenants or
leases thereof And to form the same or contribute thereto And either to include any such
Street Square Circus Crescent road way public place sewer or drain in any conveyance
demise or assignment which shall be made or executed by my Trustees or Trustee
under the powers of this my Will or to give up and dedicate the same to the
public or to keep the same in repair at the charge of my Trust Estate or to
make any other arrangement relative thereto or to the repairs thereof according as my
Trustees or Trustee shall think fit And I hereby further declare that it shall be lawful
for my Trustee or Trustee at all times during the continuance of the trusts hereinafter
declared with and out of the moneys which shall come to their his or her hands
under or by virtue of the trusts of this my Will to purchase for such price or prices
in money or other equivalent as shall be agreed on any mesuages lands and hereditaments
whether freehold copyhold or leasehold which they he or she shall think advisable to
purchase And also to pay any sum or sums of money or to give any other
equivalent for the purchase or extinguishment of any rights privileges or powers belonging
to or exercisable by or supposed to belong to or to be exercisable by any person or
persons and affecting or limiting or supposed to affect or limit the enjoyment of
any part of the mesuages lands and hereditaments for the time being vested in my
Trustees or Trustee in Trust as aforesaid and which my Trustee or Trustee shall think
it advisable to purchase or extinguish And also upon such terms and subject to
such arrangements as shall be deemed advisable to exchange or concur in the exchange
of any part or parts of the mesuages lands and hereditaments for the time being vested
in my Trustee or Trustee in Trust as aforesaid for any other mesuages lands and
hereditaments of the same or different tenure or partly of one tenure and partly of
another And upon such exchange to pay or receive such sum of money or to stipulate
and agree for such other equivalent as may be agreed on by way of equality or
compensation for such exchange And also to enter into any contract or Agreement for and
to accept any lease or leases of any mesuages lands and hereditaments at such rents
fines or royalties or rents and fines and royalties And for such terms of years
and under and subject to such covenants restrictions stipulations and agreements as such
Trustees or Trustee shall think advisable And also to purchase the remainder or reversion
appertaining or the determination of any particular estate to which my Trustee or Trustee
may be entitled in any mesuages lands and hereditaments And also to obtain the
release and extinguishment of any rent fine service covenant stipulation or agreement
prerogative power or right of re-entry to which any part of my trust estate may from
time to time be subject And to redeem any land tax affecting the same And to
obtain the renewal of any lease under which any part of my Trust Estate may
from time to time be held and generally to act in and about the management
of the mesuages lands hereditaments and other property for the time being vested
in my Trustee or Trustee as may be deemed by them him or her advisable

Witness

James H. Johnson
Ed. H. Barnes

Wm. J. J. J.

and for the benefit of the parties beneficially entitled under the trust hereinafter declared And I hereby declare that when any lands mesuages and hereditaments shall have been acquired by my trustees or trustee by any of the means aforesaid such lands mesuages and hereditaments shall be subject in all things to the trusts powers and provisions in this my Will contained in such and the same manner as if the same had formed part of my residuary estate at the time of my death and had been included in the devise and bequest thereof heretofore contained And that all such parts of the mesuages lands and hereditaments from time to time vested in my trustees or trustee as shall be disposed of by my trustees or trustee under any of the powers in this my Will contained shall upon such disposition being made and to the extent thereof be exonerated from the trusts powers and provisions in this my Will contained And I direct and declare that it shall be lawful for my trustees or trustee to pay any call or calls upon any shares or stock which I may at the time of my decease hold in any Railway or other company and to accept or refuse any New Shares or Stock in any such Railway or other company which shall or may after my decease be allotted or appropriated by such Railway or other company in respect of any Shares or Stock therein for the time being vested in my trustees or trustee and to pay any call or calls to become due in respect of any New Shares or Stock which shall be accepted by them him or her And also to abstain from paying any call or calls on any such share or shares or stocks as aforesaid (whether New or otherwise) And also to forfeit any such shares or stock or to make any other arrangements in relation to any such Shares or Stock which my trustees or trustee may think advisable And I hereby declare that in enumerating the various acts which it shall be lawful for my trustees or trustee to perform it is not my intention to limit their powers to the performance of such specified acts only, it being my Will and Intent and I hereby declare that my trustees or trustee shall have as full and unqualified power to act and deal in about and with the mesuages lands hereditaments and other property whether real or personal and of what nature or kind soever which for the time being shall be vested in them him or her in carrying out and effectuating such arrangements as such trustees or trustee shall think it prudent to carry out and effectuate as they he or she would have had in case they he or she had been absolutely and beneficially entitled to and interested in such mesuages lands hereditaments and property estate and effects And I hereby declare that subject and without prejudice to all and singular the powers and provisions heretofore contained (and all which powers and provisions are intended to be included and referred to in and by the phrase "General Power of Disposition and Management" hereinafter made use of) my trustees or trustee shall stand and be seized and possessed of and interested in all the said mesuages lands hereditaments and property estate and effects (hereinafter for the sake of brevity called "my Trust Estate") and the rents dividends interest profits of business and other yearly profits and produce thereof Upon trust by with and out of the Corpus or Principal of my said

Witness

James H. Barnet

Esq.

Wm. J. L. L. L.

and for the benefit of the parties beneficially entitled under the trusts hereinafter declared And I hereby declare that when any lands mesuages and hereditaments shall have been acquired by my trustees or trustee by any of the means aforesaid such lands mesuages and hereditaments shall be subject in all things to the trusts powers and provisions in this my Will contained in such and the same manner as if the same had formed part of my residuary estate at the time of my death and had been included in the devise and bequest thereof hereinafter contained And that all such parts of the mesuages lands and hereditaments from time to time vested in my trustees or trustee as shall be disposed of by my trustees or trustee under any of the powers in this my Will contained shall upon such disposition being made and to the extent thereof be exonerated from the trusts powers and provisions in this my Will contained And I do ordain and declare that it shall be lawful for my trustees or trustee to pay any call or calls upon any shares or stock which I may at the time of my decease hold in any Railway or other Company and to accept or refuse any New Shares or Stock in any such Railway or other Company which shall or may after my decease be allotted or appropriated by such Railway or other Company in respect of any Shares or Stock therein for the time being vested in my trustees or trustee and to pay any call or calls to become due in respect of any New Shares or Stock which shall be accepted by them him or her And also to abstain from paying any call or calls on any such share or shares or stocks as aforesaid (whether New or otherwise) And also to forfeit any such shares or stock or to make any other arrangements in relation to any such Shares or Stock which my trustees or trustee may think advisable And I hereby declare that in enumerating the various acts which it shall be lawful for my trustees or trustee to perform it is not my intention to limit their powers to the performance of such specified acts only, it being my Will and Intent and I hereby declare that my trustees or trustee shall have as full and unqualified power to act and deal in and about and with the mesuages lands hereditaments and other property whether real or personal and of what nature or kind soever which for the time being shall be vested in them him or her in carrying out and effectuating such arrangements as such trustees or trustee shall think it prudent to carry out and effectuate as they he or she would have had in case they he or she had been absolutely and beneficially entitled to and entrusted in such mesuages lands hereditaments and property estate and effects And I hereby declare that subject and without prejudice to all and singular the powers and provisions hereinafter contained (and all which powers and provisions are intended to be included and referred to in and by the phrase "General Power of Disposition and Management" hereinafter made use of) my trustees or trustee shall stand and be seized and possessed of and entrusted in All the said mesuages lands hereditaments and property estate and effects (hereinafter for the sake of brevity called "my Trust Estate") and the rents dividends interest profits of business and other yearly profits and produce thereof Upon trust by and out of the Corpus or Principal of my said

Witness

J. W. H. Jones

W. H. Barnes

W. H. Jones

Trust Estate to pay and discharge my funeral and testamentary expenses and debts
and also any mortgage debts or incumbrances which shall at the time of my death
be secured or charged upon the hereditaments hereinbefore devised and bequeathed to use
or upon trusts in strict settlement or any part thereof and that whether such
mortgage debts shall have been created by myself or not it being my wish
and intention that as between the persons entitled to the said hereditaments so
devised and bequeathed in strict settlement as aforesaid and the parties beneficially
entitled to my Trust Estate the said hereditaments so devised and bequeathed
in strict settlement shall be absolutely exonerated and discharged from all mortgage
debts and other incumbrances (except any rent charge or quit rent charged thereon
or issuing thereout) which may exist at the time of my death And upon
further trust from time to time by and out of the said rents dividends interest
profits of business and other yearly profits and produce to retain and provide
for all expenses of management rates taxes repairs insurance and other annual
outgoings and also satisfy and keep down the interest of any debts or
incumbrances for the time being affecting or charged upon my Trust Estate
And I further declare that subject and without prejudice to the said general
powers of disposition and management and after such payment and discharge
retained and provision and satisfaction and keeping down as hereinbefore respectively
devised my trustees and trustee do and shall stand seized and possessed of
and interested in my said Trust Estate and the net income thereof upon and for
the trusts intents and purposes and with under and subject to the powers provisions agreements
and declarations hereinbefore declared of and concerning the same respectively (that is to say)
First As regards my said Wife Mary Anne Lubitt I direct and declare that
my said trustee or trustee for the time being shall out of the net income of my
trust estate pay unto my said Wife for her own absolute use and benefit until
the day on which she shall marry again a clear annuity or yearly sum of
Eight thousand pounds by equal quarterly payments at Lady day Midsummer day
Michaelmas day and Christmas day in each year and so in proportion for any
less period than a quarter of a year which shall or may elapse between the
last quarterly day of payment of the said Annuity And the day when the
same shall cease to be payable the first quarterly payment of the said Annuity
of Eight thousand pounds to be due and payable on such of the before mentioned
quarter days as shall occur next after the day of my decease notwithstanding
that an entire quarter of a year from the day of my decease shall not then
have elapsed And I further direct and declare that my trustee or trustee
do and shall stand seized and possessed of my freehold house known as
No. 13 Lewis Crescent Kemp Town in the Parish of Brighton together
with the Stables in the rear thereof (if any) and the appurtenances thereto
belonging and my leasehold dwellinghouse wherein I now from time to time
reside situate in Clapham Park in the Parish of Clapham in the
County of Surrey with the Coachhouses Stables outbuildings and my more

Witness

James Lubitt
Esq. of St. Pauls

Mary Anne Lubitt

Conservatories there belonging and the gardens and ornamental ground occupied
therewith containing together about ten acres (part whereof is included in the lease
of the said dwellinghouse and the remainder whereof has not yet been leased to me
by the Trustees of William Atkins Sawyer Esquire deceased under whom I hold the
same by agreement) My Will for my said wife for her own use and benefit until
such time as she shall marry again lend to permit her to occupy the same, several
messuages coachhouses stables and premises or to receive and take the rent issues and
profits thereof as she shall think fit she my said wife paying the rent and observing
and performing all the Covenants and Agreements reserved and contained by
and in the Lease already granted under which the said house and premises at
Clapham and a portion of the ground occupied thereon are now held or reserved or
contained by and in the agreement for a Lease under which the remainder of the
said ground is now held or to be reserved and contained in any Lease under which
the said last mentioned ground shall be held in case a Lease thereof shall hereafter be
granted to me or to my Trustees or Trustee. And I direct and declare that
if by reason of a Lease of such last mentioned ground not having been granted to me
in my lifetime my Trustees or Trustee shall take a Lease thereof then the amount
of rent to be reserved by such Lease shall be in the discretion of my Trustees or
Trustee but the same shall not exceed the sum of Fifty pounds per annum unless
my Trustees or Trustee shall be obliged to take the same at a larger rent under
the provisions of the agreement under which the said ground is held with other
premises. And I further direct that if the said freehold and leasehold
premises the Trusts whereof are hereinbefore declared in favor of my said wife
or any part thereof shall at the time of my decease be subject to any mortgage
or mortgages my Trustees or Trustee shall when they he or she shall think it
expedient so to do pay off such mortgage or mortgages out of the corpus of my
last estate or otherwise cause the said premises to be released therefrom and shall
in the meantime by and out of the net income of my last estate pay and keep
down the interest payable in respect of such Mortgage or Mortgages. And
I direct and declare that no Leases or Leases of the messuages lands and
hereditaments the trusts whereof are hereinbefore declared in favor of my said wife
shall during such period as she shall be entitled to the possession or the rents
and profits thereof be granted by my Trustees or Trustee without the consent
in writing of my said wife and in case my said wife shall express this effect
without having been summoned again but not otherwise. I direct and declare
that the Trustees or Trustee for the time being of this my Will shall stand
seized and possessed of the said freehold and leasehold premises the Trusts
whereof are hereinbefore declared in her favor upon trust for all or such one
or more exclusively of the other or others of such of my children as shall be
living at the time of the death of my said Wife (if any such there shall be)

Witness

James Thompson
J. H. Barnet

Wm Julius

in such parts shares and proportions and with under and subject to such powers
provisions and conditions and in such manner and form as my said Wife shall by
her last Will and Testament in writing duly executed according to law direct and
appoint or give and devise the same And the said Trustees or Trustee shall see
convey and assign the same accordingly And in default of such devise or testamentary
appointment or in case any such shall be made which shall not be a complete
disposition of the whole of the said messuages and hereditaments or in case
any such devise or appointment if made shall not take effect or shall take full
effect then and in that case I direct and declare that the said messuages and
hereditaments over which such power of testamentary appointment is given as aforesaid
or such of them or such part or parts thereof as shall not pass by any such
devise or appointment ^{shall} subject nevertheless and without prejudice to any part
exercise of the said power of appointment which may have taken place fall back
into and be deemed part of the Corpus or bulk of my Trust Estate and become
subject to all the General Trusts by this my Will declared of and concerning
my Trust Estate And I further direct that in case my said Wife shall
decease this life without having been married again but not otherwise my said
Trustees or Trustee do and shall as soon after her decease as may be convenient
buy and raise out of the Corpus of my Trust Estate two several Sums of
Five thousand pounds and Twenty thousand pounds and do and shall pay
and apply the said sum of Five thousand pounds to such person or persons
upon and for such ^{such ends} uses and purposes and in such manner
part shares and proportions as my said Wife shall by her last Will and
Testament in writing duly executed and in which she shall expressly refer
to this present power but not otherwise direct and appoint, it being my
Will and intention that no part of such sum of Five thousand pounds
shall pass by any more General or Residuary bequest contained in such
Will but do and shall pay the said sum of Twenty thousand pounds into
all and every or such one or more exclusively of the other or others of the
children or grand children of my said wife who may be living at her decease
(if any such there shall be) in such parts shares and proportions and
with under and subject to such powers provisions and conditions and in such
manner and form as my said wife shall by her last Will and Testament
duly executed according to law direct and appoint And I direct and
declare that the said two several principal sums of Five thousand pounds
and Twenty thousand pounds respectively shall carry interest at the rate of Five
pounds per cent per Annum from the day of the decease of my said Wife
which interest shall be payable by my Trustees or Trustee out of the
net income of my Trust Estate and shall be subject to the same power of
deduction and appointment as the said respective principal sums And I declare

Witnesses

James H. Johnson
Dr. H. B. Barnett

Wm. H. H. H.

that in default of any direction or appointment by my said wife under the
powers hereinbefore in that behalf contained or so far as any such direction
or appointment shall not extend the said principal sum of five thousand
pounds and twenty thousand pounds and the interest thereon respectively shall
not be receivable or raised but the same respectively shall continue and remain
part of my Trust Estate and the income thereof respectively and be subject to the
General Trusts hereby declared of and concerning my said Trust Estate and the
income thereof. And I direct and declare that in case my said wife shall
die of her natural life pay or cause to be paid into her own hands or into the
hands of such person or persons as the said Trustee or Trustees shall think
convenient and in either case for her use and benefit an annuity or clear
yearly sum of six hundred pounds such annuity to be payable at such
periods and in such proportions as to the Trustee or Trustees shall seem most
for the benefit of my said wife and the same to commence and be calculated
from the day of the marriage of my said wife and to be paid up to the day
of her death with a proportional part of the said annuity for so much
of the current year as shall have elapsed at the day of her death. And I
hereby declare that the receipts in writing of my said wife or of the persons
to whom the same shall be paid at the discretion of my Trustee or Trustees
as aforesaid for the said annuity of six hundred pounds or any part thereof
when the same shall have accrued due shall alone be good and effectual
discharges to the persons or person paying the same for so much money
as in such receipts shall be acknowledged to have been received and that such
annuity shall not be subject to the debts contract or interference of any
husband of my said wife nor shall my said wife have power in any
manner to anticipate sell charge or dispose of the same or the growing in
payments thereof during her coverture by any future husband. And I direct
and declare that it shall be lawful for my Trustee or Trustees during such time
as my said wife shall be entitled to the rents and profits of the said Tenement
and Leasehold premises situate at Hemp Town and Clapham aforesaid the
Trusts whereof are hereinbefore declared in favor of my said wife during
widowhood at the request in writing of my said wife but not otherwise
to sell and absolutely dispose of the same premises or any of them or any
part thereof in such manner and for such sum or sums as shall be
thought advisable and to lay out the produce of any such sale or sales
in the purchase of any other dwellinghouse or dwellinghouses in any part of
England or Wales with or without garden land and buildings thereto that
my said wife shall wish to have purchased. And I declare that subject
to the request and wishes of my said wife hereinbefore made necessary all and

Witness

James H. Jones

Ed. H. Barnes

Thos. J. Jones

every the powers and provisions herebefore contained with respect to the sale and purchase of property generally by my Trustees or Trustee or in relation thereto or connected therewith shall apply to and be applicable to the sales and purchases lastly herebefore referred to. And I declare that the monies arising from any such sale shall unto the same shall be laid out in the purchase of other property to be invested by the said Trustee or Trustees in their law or her names or name in the Parliamentary Stocks or public funds of Great Britain or at interest on Government or Real or leasehold securities in England or Wales and that the Stocks funds and securities to arise from such intermediate investment as aforesaid and also all such other dwelling houses or houses to be purchased as aforesaid shall be subject to all and every the trusts and provisions herebefore declared with reference to the said feoffment and leasehold premises at Kings Town and Clapham aforesaid or as near thereto as circumstances will permit.

Secondly - I direct and declare that my Trustees or Trustee do and shall by and out of the corpus of my said Trust Estate pay and give and pay at the respective times hereinafter in that behalf mentioned the respective Sums hereinafter specified as and for the respective portions of my four daughters hereinafter named and do and shall in the meantime and until such respective portions shall become exigible and payable by and out of the net income of my Trust Estate make such intermediate annual payments in lieu of interest on such portions respectively as are hereinafter respectively mentioned (that is to say) For the portion of my daughter Ann the sum of Forty thousand pounds to be raised and paid on the First day of January One thousand eight hundred and sixty with the following intermediate annual payments in lieu of interest on the said portion namely One thousand pounds per annum from the date of my death until the first day of January One thousand eight hundred and fifty seven and One thousand five hundred pounds per annum from the First day of January one thousand eight hundred and fifty seven to the First day of January One thousand eight hundred and sixty - For the portion of my daughter Mary the wife of the said Charles Parker the sum of Thirty four thousand pounds to be raised and paid on the First day of January One thousand eight hundred and sixty with the following intermediate annual payments in lieu of interest on such last mentioned portion namely Seven hundred pounds per annum from the day of my death to the First day of January One thousand eight hundred and fifty seven and One thousand two hundred pounds per annum from the First day of January one thousand eight hundred and fifty seven to the First day of January One thousand eight hundred and sixty - For the portion of my daughter Sophia the wife of the said Edgar Colford Bourne the sum of Twenty eight thousand pounds to be raised and paid on the First day of January one thousand eight hundred and sixty five with the following

Witnesses
James H. Johnson
Ed. H. Barnes

Wm. Lubert

intermediate annual payments in lieu of interest on such last mentioned portion
namely Five hundred pounds per Annum from the day of my death until the
First day of January One thousand eight hundred and sixty and One thousand
pounds per Annum from the First day of January One thousand eight hundred
and sixty until the First day of January one thousand eight hundred and sixty
five - And for the portion of my daughter Lucy the sum of Forty thousand pounds
to be raised and paid on the First day of January one thousand eight hundred
and seventy with the following intermediate annual payments in lieu of interest
on such last mentioned portion namely Five hundred pounds per annum from the
day of my death until the First day of January one thousand eight hundred
and sixty, one thousand pounds per Annum from the First day of January
one thousand eight hundred and sixty until the First day of January one thousand
eight hundred and sixty five and One thousand five hundred pounds per
Annum from the First day of January one thousand eight hundred and sixty five
until the First day of January one thousand eight hundred and seventy. **And**
I further direct and declare that all the intermediate annual payments in
lieu of interest shall be payable by equal quarterly payments on the first day
of January, the first day of April, the first day of July and the first day of
October in every year, the first quarterly payment to be due and payable without
deduction or abatement on such of the same days as shall happen next after my
death or if I shall die on some one of such quarterly days then the first quarterly
payment to be due and payable without deduction or abatement on the day
of my death - And to avoid doubt I hereby declare that every Quarterly
payment falling due on the First day of January in any year shall be deemed
to be due in respect of the Quarter then just elapsed and shall be made according
to the rate of annual payment prescribed in reference to the year then just ended.
And I further direct and declare that the said respective portions herebefore
expressed to be provided for my said four daughters shall be held by my Trustees
and Subject to the powers provided declarations and agreements hereafter expressed
and declared of and concerning the same, that is to say, Upon Trust that my
Trustees or Heirs do and shall as and when the same portions respectively
shall become payable lay out and invest the same portions in
respectively in their own or her names in or upon any of the following
Stocks or Public Funds of Great Britain or at interest upon Government or
Real or Leasehold Securities in England or Wales but not in Ireland or here
upon the Stocks Funds Shares Loan Notes Debentures Mortgages or Securities of
any Company incorporated by Act of Parliament or of any Foreign Government
or State, with power from time to time to vary and transfer such Stocks
Funds or Securities into or for others of the same or a like nature at their

Witnesses

James W. Wood
J. H. Barnett

Wm. J. W. W.

his or her discretion but so nevertheless that in every case where any person who shall for the time being be beneficially entitled under the trusts hereinafter declared to the income of the stocks funds and securities to be invested or received shall be of full age such investment or reinvestment shall be made only with the consent in writing of such person and which consent shall as respects any such person being a feme covert be effective notwithstanding her coverture. And upon further Trust that my Trustees and Trustees do and shall during the life of each such daughter pay the interest dividends and annual proceeds of the stocks funds and securities in or upon which her portion may be laid out or invested to such daughter for her sole and separate use independently and exclusively of her husband (if any) for the time being and of his death content intromised and engagements. But so nevertheless that such daughter shall not have power to dispose herself of the benefit thereof by any disposition thereof by sale mortgage charge or otherwise in the way of anticipation and the receipts of each such daughter whether covert or sole to be alone good and effectual discharges for the said interest dividends and annual proceeds and from and after the death of each such daughter do and shall stand possessed and interested of and in her said portion and the stocks funds and securities in or upon which the same may be laid out or invested and the interest dividends and annual proceeds thereof in trust for all and every or such one or more exclusively of the others or other of the children or remoter issue of such daughter (such issue to be born in the lifetime of such daughter) and with such provision for their respective maintenance and education or advancement and at such age day or time or respective ages days or times and if more than one in such parts shares and proportions and with such annual sums of money and limitations over for the benefit of the said children or remoter issue aforesaid or some or one of them and upon such conditions with such restrictions and in such manner as such daughter whether covert or sole shall by any deed or deeds duly executed or by her last Will and Testament in writing or any Codicil or Codicils thereto or any writing or writings in the nature of or purporting to be a Will or Codicil at any time or times direct or appoint and in default of and until such direction or appointment and to far as any such direction or appointment shall not extend In trust for all and every the children and child whether born in my lifetime or after my decease of such daughter who being a son or sons shall attain the age of Twenty one years or being a daughter or daughters shall attain that age or marry under that age with the consent of her or their Guardians or Guardians for the time being such children if more than one to take in equal shares or tenants in common and if there shall be but one such child she whole to be in trust for such one child Provided always and I hereby declare that no child of such daughter who or whose issue shall take any share of stocks funds and securities under

Witness

James H. Johnson
J. H. Barnett

36

Pro J. J. J. J.

by virtue of any direction or appointment to be made in pursuance of the
power hereinbefore in that behalf contained shall have or be entitled to any
further share of the same stocks funds and securities of which no such direction
or appointment shall have been made as aforesaid without bringing the share
or shares appointed to him or her or to his or her issue into hotch-pot
and accounting for the same accordingly. And I declare that if there shall
be no child of such my daughter who being a son shall attain the age of
twenty one years or being a daughter shall attain that age or marry under that
age with such consent as aforesaid then after the decease of such my daughter
and such default or failure of children as aforesaid which shall last happen
my Trustees or Trustee shall stand possessed of and interested in the several
portions of such my daughter and the stocks funds and securities in or upon
which the same may be laid out or invested and of and in the interest dividends
and annual produce thereof or so much thereof respectively as shall not have
become vested or been applied in pursuance of any appointment made by such
my daughter under the power of appointment in favor of children or remoter
issue hereinbefore contained upon and for such trusts intents and purposes and
with under and subject to such powers provisions and declarations as such my
daughter whether covert or sole shall by her last Will and Testament in writing
or any Codicil or Codicils thereto or any writing or writings in the nature of
or purporting to be a Will or Codicil at any time or times direct or appoint
Ambain default of and under such last mentioned direction or appointment
And so far as any such direction or appointment shall not extend the portion
of each such daughter and the stocks funds and securities in or upon which
the same may be laid out and invested and the dividends interest and annual
produce thereof shall sink into the residue of my said last estate and be
subject to all and singular the trusts and provisions hereby declared of and
concerning my said last estate. Provided always and I hereby declare my
Will to be that notwithstanding all or any of the trusts hereinbefore declared
concerning the portion of each of my said daughters in favor of her children it
shall be lawful for each of my said daughters when married and notwithstanding
her coverture (but not respect either of my said daughters Ann and Lucy, not if
such daughter shall in my lifetime have married Ann and Lucy, not if
after my decease and in my wife's lifetime have married without my consent or shall
my said wife or shall after the decease of both myself and my said wife
have married whilst under age and without the consent of her Guardians or
Guardian for the time being) by her last Will and Testament in writing or any
writing or writings in the nature of or purporting to be a Will or Codicil to
direct or appoint that all or any part of the interest dividends or annual produce
of her portion or of the stocks funds and securities in or upon which the same may

Witness

James H. Johnson
Esq. His Attorney

Pro. Curator

be laid out or invested shall immediately from and after her decease be paid
 to her husband during his life or for any less period. And I declare my
 Will to be that the respective intermediate & annual payments hereinafore directed
 to be made in lieu of interest on the respective portions hereinafore expressed
 to be provided for my said daughters shall be paid and applied to the same
 persons for the same purposes and in the same manner in all respects as
 if the said respective portions had by this my Will been made payable
 and payable ^{payments in lieu of interest had in fact been made} immediately after my decease and as if the said annual payments
 arising from the respective stocks funds and securities whereon such portions are
 hereinafore respectively directed to be laid out and invested. Provided always
 and I hereby declare that in case either or both of my said daughters Ann
 and Lucy shall in my lifetime marry without my consent or shall after my
 decease and in my wife's lifetime marry without the consent of my said wife
 or shall after the decease of both myself and my said wife marry whilst
 under age and without the consent of her or their guardian or guardians
 for the time being then and in such case and as from the date of my
 decease or as from the date or respective dates of such marriage or respective
 marriages the intermediate annual payments hereinafore directed to be made in lieu
 of interest on the portion or respective portions of the daughter or daughters
 so marrying shall be reduced to one half of the amount hereinafore named
 and such reduced annual payments only shall thenceforth and until the same
 shall cease be paid and applied to the same persons for the same purposes
 and in the same manner in all respects as the annual payments originally
 directed to be made would under the Clause last hereinafore contained have been
 payable or applicable. And I hereby further declare my Will to be that in
 case any one or more of my said daughters shall die in my lifetime leaving
 children or a child who shall be living at my decease then and in such case
 and notwithstanding such decease or deceases the portion or portions and annual
 payments in lieu of interest thereon respectively hereinafore expressed to be provided
 for such daughter or daughters shall not be deemed to have lapsed but the said
 portion or portions shall be raised at the time or respective times hereinafore
 specified for raising the same respectively and shall together with the annual
 payments in lieu of interest thereon respectively be held and applied upon and for
 such trusts intents and purposes and with under and subject to such powers
 provisions and declarations upon for with under and subject to which the in
 same are hereby directed to be held and applied from and after the decease or respective
 deceases of such daughter or daughters but not so as to give to any Will or
 Testamentary Instrument executed by any such daughter in her lifetime the
 operation or effect of a valid exercise of any power of appointment hereinafore
 given to such daughter over or in reference to the portion hereinafore expressed

T.C

Witnesses

Jacob H. Johnson

Edw. H. Barnes

Wm. C. Elliott

to be provided for her.

Thirdly - I do and declare that my Trustees and Trustes do and shall by and out of the corpus of my said trust estate by and out of the pay at the respective times hereinafter mentioned for the absolute use and benefit of my two younger sons William and Charles respectively (but as regards my son Charles provided he shall attain the age of twenty one years) the respective sums hereafter respectively mentioned and also do and shall in the meantime and until such sums shall become payable and payable by and out of the net income of my trust estate make such intermediate annual payments in lieu of interest on such sums as hereinafter respectively mentioned (that is to say) for the absolute use and benefit of my said son William his executors administrators and assigns the sum of Eighty thousand pounds, One moiety thereof to be raised and payable on the First day of January one thousand eight hundred and sixty five - Twenty thousand pounds further part thereof to be raised and payable on the First day of January one thousand eight hundred and seventy and Twenty thousand pounds the residue thereof to be raised and payable on the First day of January one thousand eight hundred and seventy five with the following intermediate annual payments in lieu of interest until the said first moiety of the said sum of Eighty thousand pounds shall be raised, namely, One thousand pounds per annum from the day of my decease until the first day of January one thousand eight hundred and sixty and One thousand five hundred pounds per annum from the First day of January one thousand eight hundred and sixty until the First day of January one thousand eight hundred and sixty five - and for the absolute use and benefit of my said son Charles his executors administrators and assigns (provided he shall attain the age of twenty one years but not otherwise) the sum of Eighty thousand pounds - One moiety thereof to be raised and payable on the First day of January one thousand eight hundred and seventy five - Twenty thousand pounds further part thereof to be raised and payable on the First day of January one thousand eight hundred and eighty and Twenty thousand pounds the residue thereof to be raised and payable on the First day of January one thousand eight hundred and eighty five with the following intermediate annual payments in lieu of interest until the said first moiety of the said sum of Eighty thousand pounds shall be raised, namely, Five hundred pounds per annum from the time of his attaining the age of twenty one years until the First day of January one thousand eight hundred and sixty five, One thousand pounds per annum from the First day of January one thousand eight hundred and sixty five to the First day of January one thousand eight hundred and seventy and One thousand five hundred pounds per annum from the First day of January one thousand eight hundred and

Witness

James H. Johnson

Es: H. B. Arnet

Wm. J. J. J.

Seventy to the first day of January one thousand eight hundred and twenty
five. And I hereby direct and declare that the said annual payments
in lieu of interest shall be payable on the same quarterly days and under and
subject to the same provisions and declarations and in the same manner in
all respects as I have hereinbefore directed and declared with respect to the
annual payments hereinbefore directed to be made in lieu of interest in respect
of the portions hereinbefore provided for my four daughters. And I hereby
further direct and declare that in the event of my said wife dying
before my said Son Charles shall have attained the age of twenty one years
my Trustees or Trustee do and shall during his minority by and out of
the net income of my trust estate pay and apply such sum or sums as
my Trustees or Trustee shall think proper for or towards the maintenance and
education of such son but not exceeding the amount of Three hundred and
fifty pounds per annum.

Fourthly - I direct and declare that my Trustees or Trustee do
and shall by and out of the Corpus of my said Trust Estate lay and raise
and pay unto my Brother Lewis Culbitt his executor administrators or assigns
the sum of Ten thousand pounds, the same to be receivable and payable at the
expiration of two years after my decease. And also do and shall in the mean
time and until the said sum of Ten thousand pounds shall become receivable
and payable by and out of the net income of my trust estate pay unto
my said Brother Lewis his executor administrators or assigns an annuity of
£500 Five hundred pounds in lieu of interest on the said sum of Ten thousand
pounds which last mentioned annuity shall be payable on such quarterly
days and with such proportionate part and in such manner in all respects
as are and is hereinbefore directed to be paid to my said Wife -

Fifthly - I direct and declare that my said Trustees and Trustee
do and shall as or by way of portions or provisions for my two Daughters
Ellen Culbitt and Agnes Culbitt the daughters of my said Brother Lewis Culbitt
of Five years after my decease two several sums of Two thousand pounds
each and do and shall in the meantime and until such two several sums
of Two thousand pounds shall become receivable and payable pay out of the
net income of my trust estate two several annuities of One hundred pounds each
and which two several annuities shall be payable on such quarterly days
and with such proportionate parts and in such manner in all respects as
are and is hereinbefore prescribed with respect to the annuity of Eight thousand
pounds hereinbefore directed to be paid to my said Wife. And I direct

Witnesses

James H. Johnson
J. H. Barnes

Thos. Fullist

and declare that the portions hereinbefore provided for my said three shall be held by my Trustees or Trustee and the said Annuities in lieu of interest thereon shall be paid and applied by them him or her Upon and for such Trusts for Investment and other Trusts for the benefit of my said three respectively and their respective children, issue and husbands, and with under and subject to such powers of appointment and other powers powers declarations and agreements as are hereinbefore expressed and declared with reference to the portions hereinbefore expressed and declared with daughters and with reference to the annual payments in lieu of interest on such respective portions And that in the same manner in all respects as if the clauses hereinbefore contained relating to my said daughters portions and to the annual payment in lieu of interest thereon from and commencing with the clause for investment and down to and including the clause terminating at the thirty ninth - that of this my Will and which clause is immediately followed by the word "Thirdly" had (with the exception of the clauses or passages applicable only to my daughters Ann and Lucy) been here repeated word for word substituting only for the words "daughter" or "daughters" where they occur in such clauses the words "niece" or "nieces" as the case may require -

Sixthly - I direct and declare that my Trustees or Trustee do and shall as or by way of provision for my two nephews John Cuthell and the said Andrew Cuthell the Sons of my deceased Sister Mary Agnes Cuthell by and out of the Corpus of my trust estate levy and raise at the respective times hereinafter mentioned the respective sums hereinafter specified that is to say the sum of Four thousand pounds at the expiration of three years from the date of my decease as a provision for my said nephew John Cuthell and the sum of Twenty thousand pounds at the expiration of Ten years after my decease as a provision for my said nephew Andrew Cuthell And I direct that my Trustees and Trustee do and shall in the meantime and until the said sum of Four thousand pounds shall become receivable and payable by and out of the net income of my trust estate pay the annual sum of one hundred pounds as and for or in lieu of interest on the said sum of Four thousand pounds which last mentioned annual sum shall be payable on such quarterly days and with such proportionate part and in such manner in all respects as are and is hereinbefore presented with respect to the sum of Eight thousand pounds hereinbefore directed to be paid to my said Wife - And I direct that my Trustees and Trustee shall as and when the same respectively shall become receivable and payable hold the said respective sums of Four thousand pounds and Twenty thousand pounds hereinbefore directed to be raised as provisions for my said two nephews Upon and for the trusts intended

Witness

James H. [unclear]
 Esq. As Barret

(III.)

Wm. J. [unclear]

purposed and with under and subject to the powers provisions deductions and
agreements hereinafter expressed and declared of and concerning the same (that
is to say) UPON TRUST that my Trustees or Trustee do and shall as and
when the same principal sums shall become receivable and payable lay out and
invest the same respectively in their his or her names or name in or upon
any of the Parliamentary Stocks or Public Funds of Great Britain or at interest
upon Government or Real or Landhold Securities in England or Wales but not in
Ireland or in or upon the Stocks funds shares loan notes debentures mortgages or
Securities of any Company incorporated by Act of Parliament or of any Foreign
Government or State with power from time to time to vary and transfer such
Stocks Funds or Securities into or for others of the same or a like nature at their
his or her discretion but so nevertheless that in every case where any person
260 who shall for the time being be beneficially entitled under the Trust hereinafter
declared to the income of the Stocks funds and Securities to be invested or
varied shall be of full age such investment or variation shall be made
only with the consent in writing of such person And upon further trust
that my Trustees or Trustee do and shall pay the dividends interest and
annual proceeds of the Stocks funds and Securities to arise from each
provision hereinafter expressed to be made for each of my said Nephews unto each
such nephew during his life or until he shall be enticed or be found and
declared a Bankrupt or become an Insolvent Debtor within the meaning of
some Act of Parliament for the relief of Insolvent Debtors or shall assign
charge or inumber the said dividends interest and annual proceeds or some
part thereof or shall do some act or thing whereby the same or some part
thereof might if the same belonged absolutely to such nephew become vested in
or payable to some other person or persons And from and after the death of
each such nephew or other sooner determination of the said trust hereinafter
declared for his benefit do and shall pay the dividends interest and annual proceeds
of the Stocks funds and Securities to arise from the provision hereinafter expressed
to be made for him unto the surviving wife (if any) of each such Nephew
and her assigns during her life or until she shall marry again and from
and after her death or second marriage whichever next shall first happen do
and shall stand possessed of and interested in as well the Stocks funds and
Securities to arise from the provision hereinafter expressed to be made for each
of my said nephews as the dividends interest and annual proceeds thereof to be
accrued due for the same UPON TRUST for all and every or such one or more as
exclusively of the others or other of the children of such nephews with such
provision for their respective maintenance and education or advancement at such
age day or time or respective ages days or times and if more than one in such
part shares and proportions and with such annual sums of money and

Witnesses

James H. Powell
Jno. H. Barnes

Thos. Fulbright

limitations over for the benefit of the said children or some or one of them
and upon such conditions with such restrictions and in such manner as such
nephew shall notwithstanding the previous determination of the trust hereinbefore
declared for his benefit by any deed or deeds duly executed or by his last will
and Testament or any bequest or bequests therein at any time or times direct or
indirect And in default of and unless such direction or appointment and so far
as any such direction or appointment shall not extend My Trust for all and
every the children and child whether born in my lifetime or to be born after
my decease of such nephew who being a son or sons shall attain the age of twenty
one years or being a daughter or daughters shall attain that age or marry
under that age with the consent of her or their Guardian or Guardians for the
said being such children if more than one to take in equal shares as tenants
in common and if there shall be but one such child the whole to be in trust
for such only child Provided always and I hereby declare that no child or
children of either of my said nephews taking any share of stocks funds and
securities under or by virtue of any direction or appointment to be made by his
her or their father in pursuance of the power hereinbefore in that behalf
contained shall have or be entitled to any further share of the same stocks
funds and securities of which no such direction or appointment shall have
been made as aforesaid without bringing his her or their appointed share or
shares into litchet and accounting for the same accordingly. And I declare
that if there shall be no child of such my nephew who being a son shall
attain the age of twenty one years or being a daughter shall attain that
age or marry under that age with such consent as aforesaid then from and
after the decease of such nephew or after sooner determination of the trust
hereinbefore declared for his benefit and such default or failure of children
my Trustee and Trustees shall stand possessed of and interested in the stocks
funds and securities arising from the provisions hereinbefore made for such
nephew and the interest dividends and annual produce thereof Upon Trust
for such nephew his executors administrators and assigns absolutely. And I
hereby declare and direct that the said annual sum of One hundred pounds
hereinbefore directed to be paid in lieu of interest on the said sum of Four
thousand pounds hereby provided for my nephew John Cusbell shall be paid
and applied to the same persons for the same purposes and in the same
manner in all respects as if the said sum of Four thousand pounds had
by this my Will been made receivable and payable immediately after my
decease and the said sum of One hundred pounds had in fact been
interest dividends and annual produce of stocks funds and securities arising
from the investment of the said sum of Four thousand pounds pursuant
to the trust for investment hereinbefore in that behalf contained. And I

Witnesses

James H. Johnson
Esq. H. B. Barnes

Wm. Fullin

herby further declare that in case either of my said Nephews shall die in my
lifetime leaving either a wife or one or more child or children living at my
decease then and in such case and notwithstanding the excess of such nephew
the provision herebefore expressed to be made for him shall not be deemed
to have expired but the same shall be raised at the time herebefore specified
for raising the same and the same together with as respects the provision made
for my nephew John Culhull any annual payments in lieu of interest shall be
held and applied upon and for the health needs and sustenance and with
under and subject to the powers provisions declarations and agreements upon for
with under and subject to which the same are hereby enacted to be held
and applied from and after the decease of such nephew but not so as to give
to any deed or testamentary instrument executed by any such nephew in his
lifetime the operation or effect of a valid exercise of any power of appointment
herebefore given to such nephew over or in reference to the provision herebefore
expressed to be made for him -

Seventhly - I direct and declare that my Trustees and Trustes
do and shall as and by way of provision for my wife's Sister Martha Bayly
by and out of the corpus of my Trust Estate buy and raise at the expiration
of Five years from the day of my decease the sum of Four thousand pounds
and do and shall in the meantime and until the said sum of Four thousand
pounds shall become exigible and payable by and out of the net income of
my said Trust Estate pay the annual sum of Two hundred pounds at first
in lieu of interest on the said sum of Four thousand pounds which last
mentioned annual sum shall be payable on such quarterly days and with such
proportionate parts and in such manner in all respects as are and is herebefore
prescribed with respect to the annuity of Eight thousand pounds herebefore directed
to be paid to my said Wife And I direct and declare that my Trustees
and Trustes do and shall lay out and invest the said sum of Four
thousand pounds at and when the same shall become payable in like manner
as is herebefore prescribed with reference to the portions herebefore expressed to
be provided for my four daughters notwithstanding with the consent of the said Martha
Bayly or other the person for the time lawfully entitled as herebefore prescribed
with reference to the stocks funds and securities arising from the portions
expressed to be provided for my said daughters and do and shall pay the
dividends interest and annual proceeds of the stocks funds and securities to
arise from the said sum of Four thousand pounds unto the said Martha Bayly
until she shall be found and declared a Bankrupt or become an Insolvent
Debtor within the meaning of some Act of Parliament for the relief of Insolvent
Debtors or shall assign charge or incumber the said dividends interest and
annual proceeds or some part thereof or shall do some act or thing whereby

Witness
James H. Johnson
Esq. His Parney

The Solicitor

the same or some part thereof might if the same belonged absolutely to the said
Martha Bayley become vested in or payable to some other person or persons
And from and after the death of the said Martha Bayley or after the sooner
determination of the trust hereinbefore declared for her benefit do and shall stand
possessed and interested of and in the said sum of Four thousand pounds and
the stocks funds and securities in or upon which the same may be laid out or
invested and the dividends interest and annual proceeds thereof In Trust for all
and every or such one or more exclusively of the others or their of the said
children of the said Martha Bayley with such provision for their respective maintenance
and education and advancement at such age day or time or respective ages days
or times and if more than one in such parts shares and proportions and with
such annual sums of money and limitations over for the benefit of the said
children or some or one of them and upon such conditions with such and
restrictions and in such manner as the said Martha Bayley whether executrix or
sole and notwithstanding the previous determination of the trust hereinbefore declared
for her benefit shall by any deed or deeds duly executed or by her last Will
and Testament in writing or any Codicil or Codicils thereto or any writing
or writings in the nature of or purporting to be a Will or Codicil at any time
or times direct or appoint and in default of and until such direction or
appointment and so far as any such direction or appointment shall not extend
In Trust for all and every the children and child (whether born in any lifetime
or to be born after my decease) of the said Martha Bayley who being a
son or sons shall attain the age of twenty one years or being a daughter
or daughters shall attain that age or marry under that age with the
consent of her or their guardian or guardians for the time being such
children if more than one to take in equal shares as tenants in common
and if there shall be but one such child the whole to be in Trust for such
one child Provided always and I hereby declare that no child of the
said Martha Bayley who shall take any share of stocks funds or securities
under or by virtue of any direction or appointment made by the said Martha
Bayley shall be entitled to any further or other share of the same stocks funds
and securities of which no such direction or appointment shall have been
made as aforesaid without bringing his her or their appointed share or shares
into hotchpot and accounting for the same accordingly And I declare
that if there shall be no child of the said Martha Bayley who being a son
shall attain the age of twenty one year or being a daughter shall attain
that age or marry under that age with such consent as aforesaid then from
and after the decease of the said Martha Bayley or other the sooner determination
of the trust hereinbefore declared for her benefit and such default or failure of
children as aforesaid my Trustees or Trustee shall stand possessed of and interested

Witnesses

James H. Gorn
Esq. Ho Barnes

Wm. Lubin

in the said sum of ~~Four~~^{Four} thousand pounds and the stocks funds and securities
in or upon which the same may be laid out or invested and of and in the
interest dividends and annual proceeds thereof Upon and for such trusts interests
and purpose and with under and subject to such powers provisions and
declarations as the said Martha Bayley whether covert or sole shall by her
last Will and Testament in writing or any Codicil or bequest thereto or any writing
or writings in the nature of or purporting to be a Will or Codicil at any
time or times direct or appoint and that in default of and until such last
mentioned direction or appointment and so far as any such direction or
appointment shall not extend the said sum of Four thousand pounds and the
stocks funds and securities in or upon which the same may be laid out or
invested and the dividends interest and annual proceeds thereof shall sink into
the residue of my Trust Estate and be subject to the general trusts and
provisions by this my Will declared of and concerning my Trust Estate And
I hereby direct and declare that the said annual sum of Two hundred
pounds hereinbefore directed to be paid in lieu of interest on the said sum of Four
thousand pounds shall be paid and applied to the same per annum and in the
same manner in all respects as if the said sum of Four thousand pounds had
by this my Will been made receivable or payable immediately after my decease
and as if the said annual sum of Two hundred pounds had in fact been
interest dividends and annual proceeds arising from stocks funds and securities
produced by the investment of the said sum of Four thousand pounds
And I hereby further declare that if the said Martha Bayley shall
die in my lifetime leaving any child or children who shall be living at my
death then and in such case and notwithstanding the decease of the said Martha
Bayley the said sum of Four thousand pounds and the said annuity of Two
hundred pounds hereinbefore directed to be paid in lieu of interest thereon shall not
be deemed to have lapsed but the same shall be raised at the time hereinbefore
specified for raising the same and be held and applied upon and for such
trusts interests and purposes and with under and subject to such powers pro-
visions and declarations upon for with under and subject to which the said
sum of Four thousand pounds and annual sum in lieu of interest thereon are
herby directed to be held and applied from and after the decease of the said
Martha Bayley but not so as to give to any such or testamentary instrument
executed by the said Martha Bayley in her lifetime the operation or effect of a
valid exercise of any power of appointment heretofore given to the said Martha
Bayley over or in regard to the said sum of Four thousand pounds and
annual payment in lieu of interest thereon.

Eighthly I direct and declare that my Executors or Trustees do
and shall as soon as conveniently may after my decease by and out of

Witnesses

James Bayley
Sp. H. Barnett

(14)

Wm. Felton

Corpus of my Estate purchase of and from Government an Annuity of Fifty two pounds to commence from my decease and to be payable during the life of my Coachman William Hamsher unto him for his use and benefit And also an Annuity of Twenty six pounds to commence from my decease and to be payable during the life of my Housekeeper Mrs. Conneron unto her for her use and benefit. And I direct and declare that in case it shall prove inconvenient or impracticable to purchase the said annuities or either of them my Trustees or Trustee do and shall in the meantime or in default of the purchase thereof pay the same annuities out of the net income of my Trust Estate to the said two Annuitants by equal half yearly payments. And I direct that the Legacy Duty payable in respect of the bequests made by this Clause shall be payable out of my Trust Estate.

Ninthly. I declare that save as respects the interest given to my wife during her Widowhood in the freehold and leasehold premises situated at Hemp Town and Clopham heretofore mentioned, nothing in this my Will contained shall be deemed to confer on any of the bequests made or sums directed to be paid in and by the eight previous Clauses or Paragraphs of this my Will any right of preference or priority but in the event of the corpus of my Trust Estate being inadequate to answer and satisfy in full all the bequests or sums heretofore directed to be paid out of the said corpus, the said bequests or sums shall abate pro rata and in the event of the net income of my Trust Estate being inadequate to answer and satisfy in full all the ^{sums} ~~sums~~ directed to be paid out of net income, the said last-mentioned sums shall in each year during which such inadequacy shall occur abate ratably and no sums directed to be paid out of net income shall be chargeable upon or payable out of the corpus of my Trust Estate but in case the said net income shall during any year or years be inadequate as aforesaid and there shall in any subsequent year or years be any surplus net income after meeting all charges then such subsequent surplus net income shall be applicable in ^{full} ~~full~~ towards the payment and satisfaction pro rata of the amounts previously deducted by way of abatement. Provided always that no subsequent surplus net income shall be liable to the satisfaction of any amount which shall have been deducted by way of abatement more than six years previously to the time when the existence of such surplus net income shall be ascertained.

Tenthly. I declare and direct that subject and without prejudice to the general power of disposition and management heretofore contained and subject to the payment and discharge of my funeral and testamentary expenses and debts and incumbrances as heretofore directed and subject to the payment and satisfaction of the bequests specified under the eight heads or paragraphs heretofore contained my said Trustees and Trustee do and shall said

Witness

James H. Ford

Esq. His Attorney

17.

Thos. Culist

of the corpus of my trust estate and the income thereof upon and for such
trusts intents and purposes and with under and subject to such powers provisions
and declarations as shall or may most nearly correspond with and be similar to
the uses trusts intents purposes powers provisions and declarations hereinbefore limited
and declared of and concerning the feoffhold hereditaments and premises hereinbefore
divided in strict settlement or at near thereto as the different tenure and quality
of such portion of my trust estate as may not be feoffhold and the rules of law
and equity will permit but not so as to increase or multiply charges **Provided**
always and I hereby declare my Will to be that such portions of my said trust
estate as shall consist of hereditaments holden for any Lease or Leases for
years or of other personal estate shall not nor shall any undivided share or
shares thereof vest absolutely in any person by this my Will made tenant in tail
male or tenant in tail general by purchase of the said feoffhold hereditaments herein
before divided in strict settlement or of any undivided share or shares thereof unless
such person or persons shall attain the age of twenty one years but the same
feoffhold hereditaments or other personal estate shall be on the decease of any such
person being tenant in tail male or in tail general by purchase under or by
virtue of this my Will go devolve and remain in the same manner as if the
same had been feoffhold of inheritance and had been included in the devise
in strict settlement hereinbefore contained **Provided also** and I hereby direct
and declare that it shall be lawful for my Trustee and Trustee from time to
time provided they be or she shall think it expedient so to do to convey
and assure any feoffhold hereditaments forming part of my trust estate for the
time being vested in them him or her and which in their his or her person
shall be no longer required for the payment or discharge of the said funeral
and testamentary expenses debts and incumbrances nor for the purpose of answering
and satisfying the bequests specified under the eight heads or paragraphs
hereinbefore referred to, to the use upon and for the trusts intents and purposes
and with under and subject to the powers provisions and declarations hereinbefore
limited and declared of and concerning the feoffhold hereditaments and premises herein
before divided in strict settlement **Provided also** and I hereby declare that it
shall be lawful for my Trustee and Trustee provided they be or she shall so
think fit to buy and raise all or any of the portions or sums hereinbefore
directed to be paid and raised previously to the times hereinbefore fixed for paying
and raising the same in which case the annual payments or annuities herein
before respectively directed to be made in lieu of interest on such portions or sums
shall as from the time of such portions or sums being raised and paid
bear and determine **Provided also** and I hereby declare that it shall be
lawful for my Trustee or Trustee if they be or she shall so think fit
of buying or raising all or any of the pecuniary sums hereinbefore

Witness

James H. Barnet

Esq. H. Barnet

Wm. Lubbock

directed to be leased and cased to appropriate or allot in lieu thereof an equivalent portion of any real or personal estate for the time being forming part of the corpus of my Trust Estate and to convey or assign or declare the trusts of the said portions of real or personal estate so to be appropriated which said portions of real or personal estate so conveyed or assigned or whereof the trusts shall be declared shall therefore be freed and discharged from the general trusts in this my will contained concerning my trust estate and be subject only to the trusts and provisions applicable to the pecuniary sum in lieu of which the said portions of real or personal estate shall have been appropriated or allotted but with the addition of a trust for sale and conversion of the same portions of real and personal estate into stocks funds and securities. And I declare that as regards the interests of all persons beneficially entitled any such portions of real estate which may be appropriated or allotted as aforesaid shall with such sale and conversion be deemed and taken to be personal estate and be in equity transmissible accordingly. And I direct and declare that the opinion and decision of the trust trustees or trustee as to the value of any freehold leasehold or copyhold hereditaments or other real or personal estate to be allotted and appropriated under the provisions last hereinbefore contained shall to all intents and purposes be final and conclusive and bind all parties. And I suggest (but not so as to fetter or limit the judgment or discretion of my trustee or trustee) in the matter as a general rule for estimating the value of any leasehold premises which may be allotted as aforesaid that (subject nevertheless to the peculiar circumstances of each case) the value of leasehold property held in lease for a term of which fifty years or more shall be unexpired and which shall be underlet at a rackrent ^{for a term} of which seven years or more shall be unexpired shall be taken at sixteen times the amount of the net rackrent and where the same shall be underlet at an improved ground rent and fifty years or more shall be unexpired of the lease term the value thereof shall be taken at Twenty two times the amount of the net improved ground rent regard being had in all cases to the value and proximity of the reversion expectant on the determination of the particular estate. Provided also and I hereby direct and declare that in order to avoid all doubt and question as to what may be the amount of the net annual income of my Trust estate whether arising from the said business or from any other portion of my trust estate or in reference to the provision respecting net income contained in the Ninth Clause of my will it shall and may be lawful for my trustee or trustee to decide and determine what ought to be deemed and considered to be the amount of such net income and also in the event of any inadequacy thereof what abatement or abatements ought to be made in respect of any sum or sums payable out of net income and also in case of there being at one time an inadequacy of net income and then a surplus net income what portion or

Witnesses

James H. Bond
Jm. H. Barnett

Thos. Sulist

portions of such surplus net income ought or ought not to be applied towards
satisfying any amount or amounts previously deducted by way of abatement -
And I expressly declare that the principles to be adopted in estimating the
profits of my said business either in reference to unproductive Capital or to
deterioration of machinery or depreciation of Stock in Trade or otherwise shall be left
wholly to the discretion of my Trustees or Trustee who shall from time to time
decide and declare whether having regard to all circumstances it ought to be
considered that any profits have been made from my said business during any
year, and if any, what the amount thereof ought to be taken at. And I declare
that the decision and declaration of my Trustees or Trustee in reference to all or
any of the matters by this proviso referred to their decision and determination
shall be final and conclusive upon all parties interested under this my Will
and my Trustees or Trustee shall not be bound to give any statement or
reason to justify or explain the decision or determination at which they may
have arrived it being my intention that they he or she shall have full
complete and uncontrolled discretion in this matter. And I hereby direct
that at the end of the year in which my death shall occur an account
shall be taken and a valuation made of all my Stock in Trade and of all
houses lands hereditaments and other property estate and effects whatsoever for
the time being vested in the Trustees or Trustee of this my Will and of all
debts liabilities and charges so as to show as truly as possible an exact
Statement of Affairs. And I further direct that a similar account shall
be taken at the end of every year during the continuance of the trust of
this my Will. Reverted always and I hereby further declare that it shall
be lawful for my Trustees or Trustee at any time or times if they he or she
shall think fit so to do [but so that in regard to any stocks funds or
securities in which any person may have a prior estate for life or other pure
interest the same be done] with his or her consent in writing which consent
shall as respects any such person being a feme covert be valid and effectual
notwithstanding her Coverture] to give and apply all or any part or parts
of the then vested or then presumptive share of any or every child of any of
my said four daughters or either of my said Trustees Ellen Culbert and August
Culbert or of either of my said nephews John Culbert and Andrew Culbert or of
my said sister in Law Martha Bayley and in the respective Stocks
funds and securities heretofore respectively directed to be held in trust for the
children of such daughters niece nephews and sister in Law for or towards the
respective preferment advancement or benefit of such child. Reverted also and
I hereby further declare that [subject and without prejudice to and after the
determination of any prior interest for life or other pure interest which my said
daughters niece nephews and sister in Law or the husbands of any such

Witnesses

James H. Johnson
Do: H. Barnes

Wm. Culbert

daughters or wives or any other person may have or take in the respective stocks funds and securities hereinbefore directed to be held in trust for the children of such daughters wives nephews and sister in law or in the annual payments hereinbefore directed to be made in lieu of interest) it shall be lawful for my ~~said~~ Trustees or Trustee during the minority or minority of any child or children of any of my said daughters wives nephews and sister in law to pay and apply all or so much as my ~~said~~ Trustees or Trustee shall think proper of the interest dividends and annual produce of the then expropriated or presumptive share or shares of such child or children of and in the said respective stocks funds or securities or of or in any annual payments hereinbefore directed to be made in lieu of interest for or towards his her or their respective maintenance and education or otherwise for his her or their benefit. And I declare that my ~~said~~ Trustees or Trustee do and shall accumulate all the residue (if any) of such interest dividends and annual produce and of such annual payments in lieu of interest in the way of compound interest by investing the same and all the ready money income and produce thereof from time to time in or upon stocks funds or securities of the class hereinbefore prescribed for investment in reference to the principal sum from which such interest dividends and annual produce shall have arisen or in lieu of interest in which such annual payments shall have been made. And do and shall hold all such accumulations for the benefit of the person or persons who under the trust herein contained shall become entitled to the principal fund from which the same respectively shall have proceeded (as respects any accumulations arising from annual payments in lieu of interest) to the principal fund in lieu of interest or which such annual payments shall have been made with power for my Trustees or Trustee to revert to the accumulation of any preceding year or years and to apply the same as to my said Trustees or Trustee shall seem most towards the maintenance and education of the child or children who shall for the time being be presumptively entitled to the same respectively in like manner as such accumulations might have been applied under the power hereinbefore contained in case the same accumulations had been issued dividends or annual produce arising from the original Trust fund in the year in which the same shall be so applied for maintenance and education. - Provided always and I hereby declare my Will to be that it shall be lawful for my Trustee or Trustee when and so soon as or at any time after my principal sum of money hereinbefore directed to be raised as aforesaid or provided for any one of my said daughters wives or niece or for my sister in law shall be raised pursuant to the provisions of this my Will with the consent in writing of such daughter nephew niece or sister in law (and as regards females whether then covert or sole) to pay assign convey or otherwise transfer such principal sum of money or such part of my trust

Witnesses

James H. Bond
As: H. Barnes

Thos. J. J. J.

State (if any) as may have been appropriated in lieu or satisfaction thereof under the trusts herein before contained unto a distinct set of Trustees not exceeding three in number to be nominated by such daughter nephew niece or Sister in Law and approved of by my Trustees or Trustee upon such trusts and with all such powers and authorities (to be declared by deed duly executed) as shall as nearly as may be correspond with the trusts powers and authorities by this my Will declared and given of and concerning or in respect of the portion or provision directed to be made for such daughter nephew niece or Sister in Law so as that such distinct set of Trustees and their Successors shall thenceforth so far as regards the portion or provision in question stand in the place and stead of my Trustees or Trustee and every such deed shall contain such powers of appointing unto Trustees from time to time and for the indemnification of Trustees and making the receipts of Trustees sufficient discharges and for the investment of the Trust fund and the change of Securities and the purchasing leasing sale or exchange of any freehold copyhold or leasehold messuages lands or hereditaments and other such powers provisions and conditions as my Trustees or Trustee and such daughter nephew niece or Sister in Law shall think proper and advisable. Provided also and I hereby declare that it shall be lawful for my said Trustees or Trustee to compromise or compound any Action suit proceeding difference dispute claim or demand relating to my Trust Estate or any part thereof upon any terms which they he or she shall think proper and to refer any such difference dispute claim or demand to arbitration and to do all acts and execute all instruments expedient for such purposes or any of them and in all cases in which any questions of law or equity shall arise in relation to my said Trust Estate to settle and arrange the same in such manner as shall be advised by their or his or her Counsel and to abandon or relinquish any claim in relation to all or any part of my said Trust Estate which their his or her Counsel shall advise them him or her to abandon or relinquish and to adjust settle and approve all accounts in relation to ^{all any part of my said Trust Estate and generally to compromise settle and} ~~to~~ ^{adjust} all claims accounts demands and questions in any way relating to or affecting my said Trust Estate and to execute and do all orders and things in relation to the premises as fully and absolutely to all intents and purposes as my Trustees or Trustee could do if they he or she were or was the absolute owner or owner of my said Trust Estate. Provided Always and it is hereby agreed and declared that the receipt or receipts in execution of my said Wife my said son George and my said nephew Andrew Cuthbert or the Survivors or survivor of them or the heirs executors or administrators of such survivor or of the Trustees or Trustee for the time being acting in the execution of the trusts of these presents for the purchase money of any property hereby directed or authorized to be sold and for any other moneys Stocks funds

Witnesses

James W. Wood
J. H. Barnes

Thos. Culbert

monies paid or transferred to them or him under or by virtue of these presents or in the execution of any of the trusts hereof shall be an effectual discharge or effectual discharges for such monies stocks funds or securities and that the person or persons to whom the same shall be given his her or their heirs executors administrators or assigns shall not afterwards be answerable or accountable for any loss misapplication or nonapplication of such monies stocks funds or securities or be in any wise obliged or concerned to see to the application thereof Provided always and I do hereby declare my Will to be that if the said Charles Parker, Esq. or his heirs my said Wife, my said son George, my said nephew Andrew Cuthbert or any future Trustee or Trustees to be appointed in their lives or her place or respective places shall die or be abroad for twelve Calendar months at one time or be desirous of being discharged of and from or refuse or decline or become incapable to act in the trusts or powers hereby in them respectively reposed or to them respectively given as aforesaid before the said respective trusts or powers shall have been fully executed performed or discharged or shall have become incapable of taking effect (And I hereby declare that in the event of my wife marrying again she shall for the purposes of this provision be deemed to have become incapable to act in the trusts or powers reposed in her) then and in such case and when and so often as the same shall happen it shall be lawful for the said surviving or continuing Trustee or Trustees for the time being and for this purpose any Trustee or Trustees retiring from or declining to act in the trusts reposed in him or her shall if willing to act in the exercise of this present power be constituted a continuing Trustee or continuing Trustees or for the executor or administrators of the last surviving or continuing Trustee for the time being by writing under his their or her hands or hand to nominate substitute or appoint one or more person or persons to be a Trustee or Trustees in the stead or place of the Trustee or Trustees so dying or being abroad or declining to be discharged or refusing declining or becoming incapable to act as aforesaid And that when and so often as any new Trustee or Trustees shall be nominated and appointed as aforesaid all the trust estates monies and premises (if any) which shall then be vested in the Trustee or Trustees so being abroad or declining to be discharged or refusing declining or becoming incapable to act as aforesaid either solely or jointly with the other Trustee or Trustees of the same respectively or in the heirs executors or administrators of the last surviving Trustee of the same respectively (as the case may be) shall with all convenient speed be 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 respectively and such new and other Trustee or Trustees or if there shall be no continuing

Witnesses

James H. Johnson
Esq. H. B. Barnley

Wm. Fulbright

Trustee or Trustees of the same respectively then in such new Trustee solely upon the trusts herebefore declared of and concerning the same Trust Estates monies and premises respectively or such of the same shall as may be then subsisting or capable of taking effect. Will I do hereby declare that the Trustee or Trustees to to be nominated substituted or appointed as aforesaid shall and may either before or after the said Trust Estates monies and premises (if any) shall have been so vested in him or them solely or jointly as aforesaid in all things act and assist in the management carrying on and execution of all the trusts and powers to which he or they shall be so appointed in conjunction with the other then surviving or continuing Trustee or Trustees of the same respectively if there shall be any such surviving or continuing Trustee or Trustees and if not then by himself or themselves as fully and effectually and shall and may have and exercise all the same power and powers authority and authority to all intents effects constructions and purposes whatsoever 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 are to be appointed Trustee or Trustees and as the Trustee or Trustees in this my Will named his or their heirs executors or administrators in or to whose place such new Trustee or Trustees shall respectively come or succeed are or is enabled to do or could or might have done under and by virtue of this my Will if then living and continuing to act in the trusts or powers hereby reposed in or limited to him or them. Provided always and I do hereby declare that the said several Trustees hereby nominated and appointed or to be appointed by virtue of the proviso lastly herebefore contained and each and every of them and the heirs executors administrators and assigns of them each and every of them shall be charged and chargeable respectively only for such monies as they shall respectively actually receive by virtue of the trusts hereby in them reposed notwithstanding his or their or any of their giving or signing or joining in giving or signing any receipt or receipts for the sake of conformity and any one or more of them shall not be answerable or accountable for the other or others of them or for the acts receipts neglects or defaults of the other or others of them but each and every of them only for his and their own acts receipts neglects or defaults respectively and that any one or more of them shall not be answerable or accountable for any Banker Broker or other person with whom or in whose hands any part of the said trust monies shall or may be deposited or lodged for safe custody or otherwise in the execution of the trusts of this my Will or any of them and that they or any of them

Witnesses

James H. Johnson

Edw. H. Barnes

Thos. H. H. H.

shall not be answerable or accountable for the insufficiency or deficiency of any security or securities stocks or funds in or upon which the said trust moneys or any part thereof shall be placed out or invested nor for any other misfortune loss or damage which may happen in the execution of the aforesaid trusts or in relation thereto except the same shall happen by or through their own careful default respectively. And also that it shall be lawful for them the said Trustees in that my Will named and such future Trustee or Trustees so to be appointed as aforesaid and every or any of them their and every of their heirs executors administrators and assigns by and out of the monies which shall come to their respective hands by virtue of the trusts aforesaid to retain to and reimburse himself and themselves respectively and also to allow to his and their Executors and Administrators all costs charges damages and expences which they or any of them shall or may suffer sustain expend disburse be at or be put unto in or about the execution of the aforesaid trusts or in relation thereto. Provided also and I hereby declare that it shall be lawful for my Trustees or Trustee (meaning thereby according to the definition or explanation hereinbefore contained, the Trustees or Trustee for the time being of my General Residuary Trust Estate only and not the said Charles Parker and Edgar West Bowering or any Trustee or Trustee to be appointed in the place of them or either of them) to retain out of the net income of my Trust Estate as a compensation for the trouble and loss of time of such Trustee or Trustee such annual amount as my said Trustee or Trustee may agree upon not exceeding One hundred pounds per annum for each Trustee. Provided always and I declare that my said Nephew Andrew Cathell shall not be entitled to receive any such compensation during such time as he shall under the provision hereinbefore in that behalf contained be in the receipt of a Salary for Management. And I hereby appoint my said Wife to be the sole Guardian of any Infant Child and Children which I may leave at the time of my decease, during the minority or respective minorities of such my Infant Child or Children. And in the event of my said Wife dying before all such Infant Children shall have attained the age of Twenty one years I appoint my said Son George and my said Nephew Andrew Cathell and the survivor of them to be the Guardians and Guardian of such child or children during the minority or minorities of such child or children. And I hereby appoint my said Wife my

Witnesses

Jane H. H. H.

Sp: H. H. H.

Wm. H. H.

Proved at London with four Admits. 10th of Jan^y 1856
Before the Worshipful Alfred Maddilove Doctor of Laws
& Surrogate, by the Oaths of Mary Anne Cubitt Widow
the Relict, George Cubitt Esq^r the Son and Andrew Cutbell
Esquire the Nephew, the Executors to whom Admon was
granted having been first sworn duly to administer.

Sign
the au

said Son George and my said Nephew Andrew Cuthell to be the Executors
and Executors of this my Will **In Witness** whereof I the said
Thomas Cubitt the testator have to this my last Will and Testament
contained in fifty six Sheets of Paper, set my hand and seal, that is to
say, my hand to the first fifty five Sheets thereof and my hand and seal
to this fifty sixth and last Sheet thereof this First day of August
in the year of our Lord one thousand eight hundred and fifty five.

Signed sealed published and acknowledged
by the said Thomas Cubitt the testator as and for his last
Will and Testament in the presence of us (present at the
same time) who at his request, in his presence and in the
presence of each other have hereunto subscribed our names
as Witnesses:

Thos Cubitt

James W. Wood

14 King William Street

Esq

Wm: H. Barnes

14 King William Street

31st December 1855.

Mary Anne Cubitt widow the Relict George Cubitt, Esquire
the Son and Andrew Cuthell Esquire the Nephew the Executors
named in this Will with four Codicils thereto were duly
sworn to the truth and faithful performance thereof
as usual that the whole of the good Chattels and
Credits of the Deceased were in value upwards of One Million
pounds and that he died on the twentieth day of December
instant 1855

Cypripedium pubescens
Cypripedium pubescens

10⁰⁰ / 1⁰⁰ / 16⁰⁰

The testator Thomas Cubitt was late of
Dorchester near Dorchester in the County of
Dorset and of the County of Dorset Esquire
in the County of Dorset and of the County of Dorset
Esquire. His Estate was at the time of his
decease.

A. Radclouffe
Jate

1st August 1855

Will & 460^{ls} Surrey
& Middle

Will
of
Thomas Cubitt

~~Exxxix~~

Jan^y 1856

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