

And it is my Will and I hereby expressly direct that all power hereby vested in my said Wife as executrix in trust shall cease on her marrying again.

And Lastly I hereby revoke all former Wills by me at anytime made and declare this only to be my last Will and Testament In witness whereof I have hereunto set my hand this twenty first day of July in the year of Our Lord one thousand eight hundred and forty seven.

Chas Michelmores

Signed published and declared by the said Charles MICHELMORE the Testator as and for his last Will and Testament in the presence of us who at his request in his presence and in the presence of each other have subscribed our Names as witnesses thereto the several alterations obliterations and interlineations to which we have affixed our initials have been first made the fifth and sixth sheets.

*Thomas C. Kellock Sol: Plymouth
William Bowden Junr. Totnes*

Proved at London 8th Oct 1847 before The Judge by the oaths of Thomas MICHELMORE the Brother and Thomas MICHELMORE the cousin, two of the executors to whom Admon was granted having been first sworn by Comm[issi]on duly to administer. Power reserved of making the like grant to Betsy Furneaux MICHELMORE Widow the Relict (during widowhood), Thomas MICHELMORE the younger and Philip MICHELMORE the Nephew the other Executors when they shall apply for the same.

wife) In trust to pay and transfer the same unto and equally between my said three Sons Charles Frederick, Jeffery John and Henry and all other Children (if any) that shall be hereafter born of my said Wife in my lifetime or in due time after my death and the lawful issue of such of my said sons and afterborn children as shall depart this life in the meantime to be divided between them my said Sons and afterborn children and such issue as aforesaid in equal shares but so and in such manner that such issue of my said Sons and afterborn children who shall have died shall only receive and in equal shares if more than one the share to which that his or her deceased parent or parents would (if living) have been entitled and to be paid to such Sons and after born children and issue respectively when and as they attain their respective ages of twenty four years.

Provided always and it is my Will that if any or either of my said Sons or after born children should die under twenty four years of age and without leaving lawful issue the share or shares of him her or them so dying shall go to the survivor and survivors of them equally.

Provided also and I hereby direct my said Executors in trust before the respective shares of any or tirast? of my aforesaid children or their issue respectively shall become payable to apply all or any part of the annual produce of their respective shares for their education and support and to advance and apply any part (not exceeding one thousand pounds each) of their presumptive shares of each of my sons for placing him in any business profession or employment or otherwise for their preferment or advancement in the world,

Provided also and I hereby declare that the provision hereby made for my said wife is so made in lieu of and in full satisfaction of any claim she may have under the Settlement made on our marriage and in full discharge of all dower and that such provision is also made on the express condition that she my said Wife shall within one month after my decease release my said Executors in trust and my estate of and from all claim under the said Settlement and dower.

Provided also and it is my Will that in case any or either of my said Executors in trust or any trustee to be appointed under this present provision should die or be desirous of being discharged or become incapable to act it shall be lawful for the Trustee or Trustees for the time being of this my Will and I expressly require him and them to nominate and appoint any other fit person or persons to supply the place of the trustee or trustees so dying desiring to be discharged or becoming incapable to act as aforesaid and that immediately after such appointment the trust monies and estate shall be assigned so that the same may vest in such new trustee jointly with the continuing trustee or trustees Upon the trusts hereinbefore expressed and that every such new Trustee shall have the same powers and authorities as if he had been appoint by this my Will.

Provided also and it is my Will that my said Trustees shall be charged only with such monies as they shall respectively actually receive and that neither shall be answerable for the others but each of them only for his own acts deeds receipts and defaults respectively and that they shall not be answerable for any loss which may happen to the trust property in the execution of the aforesaid trusts unless the same shall happen by or through their own wilful neglect or default. And further that it shall be lawful for them to reimburse themselves and each other all their trust charges and expenses.

more than one) in equal shares as tenants in common and if there shall be but one such child the whole to be in trust for that one or only child.

And in case my said daughter Elizabeth MICHELMORE shall depart this life without leaving any children or leaving such and all of them being a son or sons shall depart this life under the said age of twenty four and with leaving lawful issue or being a daughter or daughters shall depart this life under the said age without having been married as aforesaid that Upon Trust for such person or persons for such Estate and Effects interests and purposes and in such manner and form generally as my said daughter shall at any time during her life whether covert or sole by her Will or any Codicil thereto duly executed direct or appoint give or bequeath the same and in default of such appointment and subject thereto In trust for the person or persons who by virtue of the Statutes made for the distribution of the Effects of intestates would at the decease of my said daughter have become entitled thereto in case she had died possessed thereof as part of her personal Estate intestate and unmarried and if there shall be more than one such person Then in such shares and proportions as they would have been entitled to the same under those statutes.

Provided always and I do hereby declare that notwithstanding any of the trusts hereinbefore contained it shall be lawful for my said daughter Elizabeth MICHELMORE at any time before or after marriage by any deed or deeds or by her Will or any Codicil thereto to be respectively only executed and attested to appoint and direct that the whole or any part of the said interest and annual produce of the said trust monies or sum of two thousand pounds stocks funds and securities shall after her decease be paid to any husband she may have surviving her and his assigns for his life.

And as to for and concerning the sum of two thousand pounds sterling further part of the residue and remainder of the said trust monies and effects Upon Trust that my said Executors in trust shall within one month after my decease invest the same on Government or real securities and from time to time as they may think fit and occasion require alter and vary the same into other securities of a like nature and stand possessed of the last mentioned sum of two thousand pounds stocks funds and securities and the interest and annual produce thereof Upon and for such and the same trusts intents and purposes and with under and subject to such and the same powers provision limitations a declarations in favour and for the benefit of my said daughter Harriett MICHELMORE [and her child or children and husband respectively]² as are hereinbefore declared in favour of my said daughter Elizabeth [and her child or children and husband respectively] of and concerning the sum of two thousand pounds hereinbefore given to or for the benefit of her [and them respectively] and the stocks funds and securities on which the same may be invested and the interest and annual produce thereof.

And as to for and concerning all the rest and residue of the said trust monies and effects Upon Trust that my said Executors in trust do and shall invest the same on Government or real securities and alter and vary such securities from time to time as they may think proper and occasion require for or into others of a like nature and stand possessed of the same and also the remaining one third part of the aforesaid sum of Nine thousand pounds stocks funds and securities (but as to such remaining one third part of the said sum of Nine thousand pounds stocks funds and securities after her death or marriage again of my said

² words in brackets have been deleted

daughters and their issue respectively when and as they attain their respective ages of twenty four years with benefit of survivorship between and amongst them in the event of any or either of them dying under the said age of twenty four years and without leaving lawful issue.

And as to for and concerning one full ninth part of the said sum of Nine thousand pounds stocks funds and securities Upon Trust to pay and transfer the same unto my said daughter Caroline SHAIRP her executors administrators and assigns.

And as to for and concerning one other full ninth part of the said sum of Nine thousand pounds stocks funds and securities Upon Trust to pay and transfer the same unto my said daughter Elizabeth MICHELMORE her executors administrators and assigns.

And as to for and concerning one other full ninth part of the said sum of Nine thousand pounds stocks funds and securities Upon Trust to pay and transfer the same unto my said daughter Harriet MICHELMORE her executors administrators and assigns.

And as to for and concerning the remaining one third part of the said sum of Nine thousand pounds stocks funds and securities In Trust to stand possessed thereof Upon the trusts hereinafter declared of and concerning the same.

And as to for and concerning the sum of two thousand pounds sterling further part of the residue and remainder of the aforesaid trust monies and effects Upon Trust that my said Executors In Truss shall within one month after my decease invest the same on Government or real securities and from time to time as they may think fit and occasion require alter and vary such securities into others of a like nature and stand possessed of the interest and annual produce arising therefrom In trust to pay the same unto my said daughter Elizabeth MICHELMORE during her life but so that she shall no power to alter or anticipate the same and in case my said daughter Elizabeth shall at any time or times during her life be under coverture¹ In trust to receive the said interest and annual produce and pay the same during such coverture into her hands for her sole and separate use free from the control of any husband with who she may intermarry and not to be subject to his debts contract or engagements And I declare that the receipts of my said daughter Elizabeth or of such persons as she may appoint to receive the same shall be sufficient discharges for the interest and annual produce which shall become due during her coverture and after the decease of my said daughter Elizabeth.

Then I direct my said Executors In trust to stand possessed of the said sum of two thousand pounds stocks funds and securities and the interest and annual produce thereof (subject to the power of appointment hereinafter contained) In trust for all and every the child or children of my said daughter Elizabeth MICHELMORE who being a son or sons shall attain the age of twenty four years or die under that age leaving lawful issue or being a daughter or daughters shall attain the said age or marry under that age with the consent of her or their parents or Guardians for the time being to be equally divided between them (if

¹ **Coverture** (sometimes spelled *couverture*) was a legal doctrine whereby, upon marriage, a woman's legal rights and obligations were subsumed by those of her husband, in accordance with the wife's legal status of *feme covert*. — *Wikipedia*

same unto my said wife, brother, and Cousin Thomas MICHELMORE the younger and Philip MICHELMORE their heirs executors administrators and assigns. I also give and bequeath unto them all my funded property money and securities for money Policies of Insurance good chattels personal and testamentary estate (not hereinbefore disposed of) and I direct them to hold my said freehold and leasehold and personal estates and effects so devised and bequeathed to them upon the trusts hereinafter declared.

And I hereby nominate and appoint my said wife, my said Cousin Thomas MICHELMORE as said, Thomas MICHELMORE the younger and Philip MICHELMORE to be the *Executrix and Executors* in trust of this my Will and I direct them as soon after my decease as they shall think fit to sell and convert into money all my personal estates and collect and receive all money which shall be owing to me on simple contract or on securities and as soon after my decease as they shall think proper to sell and dispose of my said freehold and leasehold property either by public auction or private contract and either altogether or in parcels to any person who will give the most money for the same. And it is my Will that all receipts of my said Executors in trust for the time being of this my Will for any purchase monies shall be sufficient discharges for the money which shall be therein expressed to be or have been received and that any purchase shall not be obliged to see to the application of their purchase money or be answerable or accountable for the misapplication of nonapplication thereof.

And I direct my said Executors in trust to stand possessed of the money arising from the sales of my said freehold leasehold and personal property and also the money to be received for or on account of the said debts and all my personal estate on trust in the first place thereout to pay all my just debts and my funeral and testamentary expenses and the legacies hereinbefore bequeathed and to stand possessed of the residue and remainder of such trust monies and effects upon the Trusts following, that is to say:

As to for and concerning the sum of nine thousand pounds sterling upon Trust within one month after my death to lay out and invest the same in the Government funds or on real securities and from time to time as they may think proper or occasion shall require alter and vary such funds and securities into others of a similar nature and pay the annual produce thereof unto my said Wife during her widowhood and from and after the marriage again or death of my said wife which shall first happen.

Then as to for and concerning one full third part of the said sum of nine thousand pounds stocks funds and securities upon trust to receive that annual produce thereof and pay the same unto my daughter Ellen MICHELMORE during her life her separate use free from the control debts and engagements of any husband with whom she may at anytime hereafter intermarry and so that she shall have no power to alter or anticipate the same.

And from and after the decease of my said daughter Ellen upon Trust to pay and assign the said one third of the said trust monies unto and equally between such of my daughters the said Caroline SHAIRP, Elizabeth and Harriet MICHELMORE as shall be living at the time of the decease of my said daughter Ellen and the issue of such of them as shall depart this life in the meantime to be divided between my said daughters and their issue as aforesaid in equal shares but so and in such manner that such issue of my said daughters as shall have died shall only receive (and in equal proportions if more than one) the share to which his or her deceased parent or parents would if living have been entitled and to be paid to my said

This is the last Will and Testament of me Charles MICHELMORE of Totnes Attorney at Law.

I give and bequeath unto my dear wife Betsy Furneaux MICHELMORE all my plate linen china glass boots household goods and furniture Wine and Spirituous liquors of which I may be possessed and I also give her the sum of one hundred pounds to be paid by my Executors in trust within one month after my death for her own use and benefit.

I give and bequeath to my daughter Caroline SHAIRP the sum of fifty pounds to be paid by my said Executors in trust within one month after my decease.

I give and bequeath to my son Henry MICHELMORE the sum of five hundred pounds sterling to be paid him by my said Executors in trust on his attaining the age of twenty four years with the interest in the meantime for his maintenance education and support.

I give and bequeath to my present attendant Jane WOODS the sum of nineteen pounds and nineteen shillings as a token of my gratitude for her devoted attention to me during my last illness and which I direct to be paid her by my said Executors within one month after my death.

I give and bequeath to my son Jeffery John MICHELMORE and to his heirs executors administrators and assigns all my freehold and leasehold property of every description situate in the parish of Ashburton.

I give and bequeath unto my said Wife, my brother Thomas MICHELMORE, my much esteemed cousin Thomas MICHELMORE, and to my Nephew Philip MICHELMORE of Sparkwill all my share and interest of and in my business or profession of an Attorney Solicitor and Proctor which I have for some years carried on in Totnes, until my Son Charles Frederick MICHELMORE shall be duly admitted an Attorney and Solicitor and be capable of conducting the same, upon trust to receive and take the profits arising therefrom and pay and apply the same for and towards the maintenance education and advancement of my three sons the said Charles Frederick, Jeffery John and Henry MICHELMORE and my two daughters Elizabeth and Harriet MICHELMORE in such manner and form parts shares and proportions to all intents and purposes as my said Executors in trust may think proper.

And as soon as my said son Charles Frederick shall be duly admitted and capable of practicing as an Attorney or Solicitor then I give and bequeath to him my aforesaid share and interest in my said business at Totnes and then I also give him my gold watch and appendages but it is my express will that it be not delivered to him until he has been admitted.

Also I give devise and bequeath unto my said wife, brother, cousin Thomas MICHELMORE the younger and Philip MICHELMORE all my freehold and leasehold messuages lands tenements and hereditaments of every description and wheresoever situate (not hereinbefore disposed of) with their respective rights and appurtenances To hold the