

*The Last Will and Testament  
Of William Whitworth  
of Stanley, Bremhill  
Will Proved  
2nd May 1857*



Probate Court of London  
Original reference  
Will Dated - 11th February 1847  
Codicil Dated -  
Buried at -

<b>Testator:</b>	Whitworth	William	Stanley, Bremhill
<b>Executors:</b>			
Peel	William	Merchant of East Swinton, Manchester	Sole Executor
<b>Overseers:</b>			
<b>Trustees:</b>			
Peel	George Henry	Pangbourne, Berkshire	
Wethers	Owen	Great Marlow, Berkshire	

Beneficiaries		Relationship to Testator	Other Information
Surname	Given Names		
Peel	Julia	Daughter	Of Swinton East, Manchester
Peel		Grandchildren	Children of Julia Peel
Whitworth	William Henry	Son	
Whitworth		Grandchildren	Children of William Henry Whitworth
Peel	William	Son in Law	Merchant of Swinton Eat, Manchester
<b>Witnesses</b>			
Clarkson	E. Thomas		J.O.C. of Calne
Freegard	J.		Clerk of Calne
<b>Other Names</b>			

This is the last Will and Testament of me William Whitworth of Stanley in the parish of Bremhill in the County of Wilts, Gentleman. I direct that all my just debts funeral and testamentary expenses shall in the first place be fully paid and satisfied by my executor herein after named. I give and advise all that my freehold estate situate at Kington Saint Michael in the said County of Wilts with all and singular rights members and appurtenances thereto belonging unto and to the use of George Henry Peel of Pangbourne in the county of Berks Esquire and Owen Wethers of Great Marlow in the County of Berks Esquire their heirs and assigns. To the uses upon the trusts and to and for the intents and purposes for herein after

expressed concerning the same, (that is to say) upon trust during the life of my daughter Julia the wife of William Peel of Swinton East, near Manchester, Merchant, to pay rents, issue and profit of the said estate. Unto or permit the same to be received by my said daughter during her life, for her sole separate and peculiar use and benefit independently and exclusively of her present or any future husband, with whom she may happen to intermarry without being in anywise subject or liable to his control, debts, interference or engagements, and her receipts for the same, shall be good and effectual releases and discharges (not withstanding) her coverture. And after decease of my said daughter upon trust that they, the said George Henry Peel and Owen Wethers or the survivor of them or the heirs or assigns of such survivor, do and shall with all convenient speed sell and absolutely dispose of my said freehold estate at Kington Saint Michael, either by public auction or private contract in one or more lot or lots, and subject to any special or other conditions of sale as to them or him, shall seem best for the most money that can be reasonable gotten for the same, and to buy in the same or any part or parts thereof at such price or prices as they shall seem fit, and to put up the same again either by auction, or privately, without being liable for any reduction in the price and coinery the same to the purchaser or purchasers thereof his, her, or their heirs or assigns or as he, she or they shall direct and I hereby declare that my said trustees, or other that trustee, or trustees, for the time being of my said Kington Estate, shall stand and be possessed of the monies to arise by the sale thereof, upon trust with all convenient speed, after the said monies shall come to their hands to invest the same in the parliamentary stocks or public funds of Great Britain, or upon government, or real securities at an interest. And I do hereby declare that my said trustees or trustee for the time being, shall stand and be possessed of the said trust monies and the short funds and securities on which the same shall be invested, and the interest dividends and annual produce thereof upon trust for all and every such one or more exclusively of the others or other of the children of my said daughter by her present or any future husband with such provisions for their respective maintenance education and advancement and in such share it more than one and with such restitutions and in such manner as my said daughter by any deed or deeds, instrument or instruments in writing with or without power of revocation, and your appointment to be by her signed, sealed, and delivered in the presence of and to be attested by two or more reliable witnesses or by her last Will and Testament in writing or any Codicil or a Codicils thereto to be by her signed and published in the presents of and to be attested by the like number of witnesses shall direct and appoint and in default of such direction or appointment and so far as any such if incomplete, shall not extend upon trust for all and every the children and child of my said daughter by her present or any future husband and if more than one in equal shares as tenants in common and to be vested interest or a vested interest in such of them as shall survive her and bring a son or sons shall obtain the age of twenty one years or bring a daughter or daughters as shall attain that age or marry, but I hereby expressly declare it to be my will, that no child taking under any appointment to be made in exercise of the aforesaid power, shall be certified to any share of the unappointed as part of that said trust, monies, stocks, funds and securities without bringing his or her appointed share into hotchpot and accounting for the same accordingly provided always and I do hereby declare that in case anyone or more of the children or my said daughter bring a son or sons shall die under the age of twenty one years or bring a daughter or daughters shall die under that age without having been married, then as well the original share or shares of the child or children so dying as the sale or shares which by virtue of this present proviso shall have survived or accrued to him, her or them of and the said trust monies, stocks, funds and securities shall go and remain and be to the other or others of the said children. And if more than one in equal shares as tenants in common provided always. And I do hereby further declare that after the deceased of my said daughter as aforesaid and during such time her said children or any of them being a son or sons shall be under age of twenty one years or being a daughter or daughters shall be under the said age, unmarried. My said trustees or trustee for the time being shall receive the interest and dividends of the share or shares to which such child or children shall be for the time being entitled under the trust and provisions herein before contained and apply the same towards his, her, or their maintenance and duration or otherwise for his, her, or their benefit provided always. And I do hereby further declare that it shall be lawful for my said trustees or trustee for the time after the decease of my said daughter as aforesaid at their or his direction to raise and apply all or any part of the share of any one of her said children whose share shall not then be payable under the trusts and provisions herein before declared and retained (not excluding one half of said share) for or towards his or her preferment or advancement or benefit just in case there shall be no child of my said daughter or being such the son or sons shall die under the age of twenty one years and the daughter or daughters shall die under the age of twenty one years without being or having been married then after the deceased of my said daughter and such failure of the issue as aforesaid, I hereby declare that my said trustees or trustee for the time being shall stand and be possessed of the said trust, monies, stocks, funds, and securities, and the interest dividends and annual produce thereof upon trust for such power or persons and to be paid and transferred at such time or times and in such share or shares and manner as my said daughter by any deed or deeds, instrument or instruments in writing to be by her signed sealed and delivered in the presence of and to be attended by two or more reliable witnesses or by her last Will and Testament in writing or any Codicil or Codicils thereto to be by her signed and published in the presence of and to be attested by the like number of witnesses shall direct or appoint said in default of such direction or appointment. Then upon trust to pay and transfer the said trusts, monies, stocks, funds and securities and the interest dividends and the produce thereof unto such person or persons as would at the time of the decease of my said daughter be entitled thereto as her next of kin. Under the statutes made for distribution of the estate of intestates in case she has died possessed of the same intestate and unmarried, but as for my estate at Stanley in the said County of Wilts, my

shares in the Forest of Dean Coal Works and all and singular the rest, residue and remainder of both my real and personal estate and effects whatsoever and wheresoever and of what nature or kind soever (subject to the payment of my debts, funeral and testamentary expenses) I give, desire and bequeath the same and every part thereof unto my son in law the said William Peel and to his heirs, executors, administrators and assigns upon trust as soon as conveniently may be after my decease, to get in all debts then owing to me and also (at such time or times as the said William Peel or the trustee for the time being of my residuary estate shall deem most fit and not before) absolutely to sell and convert into money all such parts of my said residuary estate, both real and personal as shall not consist of money or of government funds or securities, either by public auction or private contract in one or more lot or lots and subject to any special or other conditions of sale with power to buy in the same or any part or parts thereof, at any sum he or they shall seem fit with power to offer the same again for sale, either by auction or privately without being liable for any diminution in price and to convey and assign the same to the purchaser or purchasers thereof or as he or they shall direct. And I hereby declare that the said William Peel, his executors, administrators or assigns, do and shall stand and be possessed of and interested in all the monies to arise from such sale, conversion and getting in of my said residuary estate upon trust in the first place thereout to pay all costs, charges and expenses attending such getting in sale and conversion and in the next place to pay all my just debts and any changes and incumbrance affecting my said residuary estate and after payment thereof upon trust to stand and be possessed of the clear residue requiring and to invest the same in his name in some of the parliamentary stocks or public funds of Great Britain or upon real security in England, with power from time to time to vary such stocks funds and other securities as he shall think fit and do and shall pay the interest dividends and annual proceeds arising from the same when invested as aforesaid and the rents and profits of my said residuary estate until sold unto my son William Henry Whitworth for and during the time of his natural life, but so as he may not anticipate the same and I do hereby expressly declare that my said son William Henry shall not have the power to sell, mortgage, charge, anticipate or otherwise incumber his life interest of and in my aforesaid residuary real and personal estate or any part thereof or the stocks funds or securities in which the same shall be invested, nor the dividends, interest or annual produce thereof and that in the event of such sale, mortgage, charge or other incumbrance being made by my said son William Henry as aforesaid, then I will and direct that his life interest in my aforesaid residuary real and personal estate and the stocks, funds or securities in which the same shall be invested, shall cease and be void and the said interest, dividends and annual produce thereof respectively, shall therefore go and be paid to the person or persons who would be entitled thereto in the event of the death my said son William Henry as next hereinafter mentioned. And after the death of my said son William Henry or in the event of any such sale, mortgage, charge or any incumbrance by him as afore said, then I direct that the said William Peel or the trustee for the time being of my said residuary estate, shall stand possessed thereof upon trust to pay the interest dividends and annual proceeds thereof unto the present or any future wife of my said son William Henry if she shall be then living for the term of her natural life or until she marries again for her own sole and personal use and benefit, independent of her said husband and so as not to be subject to his control, debts, interference or engagements and her receipt alone shall be a good and effectual discharge for the same notwithstanding her coverture. And after her decease or marriage again (which ever shall first happen) or in case of her death in the life time of my said son after any incumbrance by him, then I will and direct that the said William Peel, his heirs, executors, administrators or assigns shall stand possessed of my said residuary, real and personal estate upon trust to pay and divide the residue of my said real and personal estate or the securities in which the same shall be invested unto and amongst all and every children and child of the body of my said son William Henry living at his decease or anticipation as aforesaid or born in our time after his decease, lawfully begotten or to be begotten who being a son or sons shall attain the age of twenty one years or who being a daughter or daughters shall attain that age or marry under that age with the consent of her surviving parent or guardian equally to be divided between or amongst them share and share alike as tenants in common and their respective executors, administrators and assigns to and for their own respective use and benefit provided always. And I hereby declare that in the case of the death of any of the children of my said son without attaining a vested interest the original and accruing share or shares of any such children shall be subject to the same right of survivorship among them as is herein before declared respecting the shares of the children of my said daughter and the said William Peel or other the trustee or trustees of my said residuary estate shall have the same power to apply any portion of the dividends interest and annual income arising from the shares of any of the children of my said son during their minorities towards the maintenance and education of such children. And also to advance the same portion of that capital of any such shares towards their advancement in the world in the same way as is herein before expressed respecting the shares of the children of my said daughter. And in case there shall be no son of my said son William or being such the son or sons shall all die under the age of twenty one years and the daughter or daughters shall die under that age without being or having been married, then after the decease of or any incumbrance by my said son William Henry and such failure of his issue as afore said, I hereby declare that my said residuary estate and the stocks, funds, and securities in which the same may be invested and the interest dividends and annual proceeds thereof shall go and be paid or transferred unto such person or persons as would at the time of the decease of my said son or at the time of any incumbrance by him as afore said be entitled thereto as his next of kin under the statutes made for the distribution of intestates estates in case he has died possessed of the same intestate and unmarried. And in order to facilitate the sale of my said estate at Kington St. Michael and of my said residuary estate, I hereby declare that the receipt or receipts of the

trustee or trustees for the time being of those respective estates under their or his hand or hands respectively, shall from time to time be a good and effectual discharge or good and effectual discharges to the purchaser or respective purchasers thereof or of any part thereof and his, her or their heirs, executors, administrators or assigns for his, her, or their purchase money or respective purchase monies or so much thereof as in such receipt or receipts, shall be expressed to be received and that such purchaser or purchasers, his, her, or their executors, administrators and assigns shall not be answerable or accountable for any loss, misapplication or non-application of such purchase money or respective purchase monies so expressed to be carried, received or any part thereof provided always. And I hereby declare that it shall be lawful for the trustees or trustee of my said real estates until the sale thereof to let the same or any part thereof on lease at rack rent for any term of years, not exceeding twenty one and without taking any fine for the same. Provided also and my will is that if the trustees or trustee hereby severally appointees of my said respective estates as aforesaid or any or either of them or any trustees or trustee to be hereafter appointed of those respective estates shall depart this life or refuse, decline or become incapable to act in the several trusts of this my Will before the same shall have been fully executed and performed, then and in such case and so often as the same shall happen, it shall and may be lawful to and for the sole trustee or the surviving and continuing trustees or trustee of my said respective estates for the time being or the executors or administrators of such sole trustee or the last surviving or continuing trustee by writing under there his or her respective hands or hand to be sealed and delivered by them, him or her in the presence of and to be attested by two or more credible witnesses to appoint one or more person or persons to be a trustee or trustees in the room or stead of the trustee or trustees so dying, refusing, declining or becoming incapable to act as aforesaid and thereupon the said several trust estates, monies and premises shall be vested in such. New trustee or new trustees jointly with the surviving or continuing trustee or trustees for the time being of my said respective estates or solely as occasion shall require. And I do hereby declare that every such new trustee or trustees shall have such and the same powers, authority, discretion and indemnity to all intents and purposes whatsoever as if he, she, or they had been originally by this my Will appointed a trustee or trustees of my said respective estates. Provided also and I do hereby declare that the several trustees hereby appointed or to be appointed as aforesaid and each and every of them shall be charged and chargeable respectively for such monies only as they shall respectively actually receive by virtue of the respective trusts hereby in them or him reposed and that any one or more of them shall not be answerable for the acts, receipts, neglects, or defaults of the others or other of them but each of them only for his and their own acts, receipts, neglects, and defaults respectively and that they or any of them, shall not be answerable for any loss, misfortune or damage which may happen in the execution of the aforesaid several trusts or in relation thereto, except the same shall happen by or through their or his own wilful neglect or default respectively. And also that it shall be lawful to and for the said trustees and trustee of this my Will named and such future trustees or trustee to be appointed as aforesaid and every or any of them, their and every or any of their heirs, executors, administrators or assigns by or out of the monies which shall come to their respective hands by virtue of the trusts aforesaid to retain and reimburse himself and themselves and also allow to his and their co-trustee or co-trustees as the case may be of my said respective estates all costs, charges and expenses whether professional or otherwise which they or any or either of them shall sustain, expend, disburse or be put unto in or about the execution of the aforesaid respective trusts or any or either of them or in relation thereunto. And I hereby nominate, constitute and appoint my said Son in law, William Peel, Sole Executor of this my Will. And lastly I hereby revoke all former and other Wills by me at any time heretofore made and declare this only to be my last Will and Testament in witness whereof I the said William Whitworth the Testator have to this my last Will and Testament contained in this and the six preceding sheets of paper, set my hand and seal (that is to say) to the first six sheets thereof my hand and to this seventh and last sheet thereof my hand and seal this eleventh day of February One thousand eight hundred and forty seven — *William Whitworth LJ* — signed, sealed, published and declared by the said William Whitworth, the Testator as said for his last will and Testament in the presence of us who in his presence at his request and in the presence of each other have hereunto ascribed our names as witnesses, E Thomas Clarkson JOC, Calne, Wilts, Mr. J. Freegard of the same place, his Clerk.

**Proved** at London, 2nd May 1857. Before the Worshipful John Elliott, Surrogate Easley Robertson, Doctor of Laws, Surrogate, by the Oath of William Peel, the sole executor to whom administration was granted having been first sworn duly to administer.