

*The Last Will and Testament
Of William Maskelyne
of Oaksey
Will Proved
30th May 1840*



Probate Court of London
Original reference
Will Dated 28th September 1838
Codicil Dated 4th September 1839
Second Codicil Dated 6th March 1841

Testator:	Maskelyne	William	Esquire of Oaksey
Executors:			
Bathe	Richard Garlick		Gentleman of Purton Joint Trustee
Maskelyne	Maurice	Son	Joint Executor and Trustee
Maskelyne	William	Son	Reverend Joint Executor and Trustee
Maskelyne	William	Nephew	Gentleman of Tetbury Joint Executor and Trustee

Beneficiaries		Relationship to testator	Other Information
Surname	Given Names		
Kinneir	Maria	Daughter	Wife of Richard Kinneir the younger
Maskelyne		Grand Daughters	Future Grand Daughters
Maskelyne		Grandsons	Future Grandsons
Maskelyne	Ann or Anne	Daughter	
Maskelyne	Charlotte	Daughter	
Maskelyne	Mary	Daughter	
Maskelyne	Maurice	Son	
Maskelyne	Sarah	Daughter	
Maskelyne	William	Nephew	Gentleman of Tetbury
Maskelyne	William	Son	
Witnesses to Will and First Codicil			
Fowles	Wm		Clerk to Mr Maskelyne Solr Tetbury
Lloyd	Geo		Clerk to Mr Maskelyne Solr Tetbury
Witnesses to Second Codicil			
Horton	John		
Kinneir	Richd	Son in Law	Husband of Maria
Other Names			
Arthur	William		Tenant of property

This is the last **Will and Testament** of me **William Maskelyne** of Oaksey Park in the County of Wilts Esquire and which I make publish and declare in manner following (that is to say)

In the first place I will and direct all my just debts Funeral expenses & Testamentary charges to be fully paid & satisfied by my Executors hereinafter named

I give and devise all and every my Messuages or Tenements Farms Lands & Hereditaments of whatsoever tenure the same may be whereof I have power to dispose situate lying & being in the parish of Minety in the County of Gloucester and also all those my Messuages Lands Tenements & Hereditaments respectively called Hintons and Clutterbucks situate lying & being in the parish of Ashton Keynes in the said County of Wilts together with their several rights members & appurtenances unto my Son **Maurice Maskelyne** & his assigns for and during the term of his natural life without impeachment of or for any manner of waste subject nevertheless as to my said Messuages Lands Hereditaments and premises in the said parish Ashton Keynes to the payment of the sum one thousand & two hundred pounds to my Son **William Maskelyne** within twelve Months next after my decease & I hereby charge and make chargeable the same hereditaments & premises with the payment thereof accordingly together with interest thereon in the mean time until payment thereof from my decease at & after the rate of four pounds per Centum per Annum

And from and after the determination of the Estate so hereby limited to the use of my said Son **Maurice** and his assigns for his life by forfeiture or otherwise in his lifetime There to the use of **William Maskelyne** of Tetbury in the said County of Gloucester Gentleman and **Richard Garlick Bathe** of Purton in the said County of Wilts Gentleman and their heirs for and during the natural life of my said Son **Maurice Maskelyne** Upon Trust to support and preserve contingent uses and estates hereinafter limited from being defeated or destroyed and for that purpose to make entries and bring actions as occasion may require yet nevertheless to permit & suffer my said Son **Maurice Maskelyne** and his assigns to receive and take the rents and profits of the said hereditaments and premises for and during the term of his natural life (subject and charged as hereinbefore mentioned)

And from and immediately after his decease then to the use of the first Son of the body of my said Son **Maurice Maskelyne** lawfully begotten and the heirs of the body of such Son lawfully Issuing and for default of such Issue to the use of the second third fourth & all & every other the Son and Sons of the body of my said Son **Maurice Maskelyne** lawfully issuing severally successively and in remainder one after another according to seniority of age and priority of birth and of the several and respective heirs of the body and bodies of such Sons lawfully Issuing the elder of such Sons and their heirs of his body lawfully issuing always to take before the younger of such Sons and the heirs of his and their body & bodies lawfully Issuing

and for default of such Issue to the use of my Son **William Maskelyne** and his assigns for and during the term of his natural life without impeachment of or for any manner of waste (subject nevertheless to the provisions for the Daughters of my said Son **Maurice Maskelyne** if any hereinafter mentioned) and from and after the determination of the Estate so hereby limited to the use of my said Son **William Maskelyne** and his assigns for his life by forfeiture or otherwise in his lifetime then to the use of the said **William Maskelyne** of Tetbury and **Richard Garlick Bathe** and their heirs for & during the natural life of my said Son **William Maskelyne** upon Trust to support and preserve the contingent uses & Estates hereinafter limited from being defeated or destroyed and for that purpose to make entries and bring actions as occasion may require yet nevertheless to permit and suffer my said Son **William Maskelyne** and his assigns to receive and take the rents and profits of the said hereditaments & premises for & during the term of his natural life (subject as aforesaid)

and from and immediately after his decease then to the use of the first Son of the body of my said Son **William Maskelyne** lawfully begotten & the heirs of the body of such Son lawfully issuing and for default of such Issue to the use of the second third fourth and all and every other the Son and Sons of the body of my said Son **William Maskelyne** lawfully issuing severally successively and in remainder one after another according to seniority of age & priority of birth and of the several and respective heirs of the body and bodies of such Sons lawfully issuing the older of such Sons and the heirs of his body lawfully Issuing always to take before the younger of such Sons and the heirs of his and their body and bodies lawfully issuing

and for default of such Issue to the use of all and every the Daughter & Daughters of the body of my said Son **William Maskelyne** lawfully to be begotten equally to be divided between them if more than one share and share alike as Tenants in common and not as joint Tenants and of the several and respective heirs of the body & bodies of all and every such Daughter and Daughters and any or either of them shall happen to die without leaving lawful Issue of her or their body or bodies then as to the original share of her or them so dying without lawful Issue and also as to such other share or shares as by virtue of this present clause shall have become vested in such Daughters equally to be divided between the survivors and survivor of them if more than one share and share alike as Tenants in common and not as joint Tenants and of the several and respective heirs of their bodies lawfully Issuing

and in case all such Daughters but one shall die without issue of their body or bodies or if there shall be but one such Daughter thereto the use of such single or only Daughter and of the heirs of her body lawfully issuing and in default of such Issue Then as to one fifth part or share of the said Heredits & premises and as to any accruing share in the remaining four fifth shares of the same heredits under the limitations next hereinafter contained To the use of the said **William Maskelyne** of Tetbury and **Richard Garlick Bathe** and their heirs during the life of my Daughter **Sarah** In Trust nevertheless for the sole and separate use of my said Daughter **Sarah** during the term of her natural life and so as not to be subject or liable to the debts controul or engagements of any husband with whom she may intermarry and so that her receipts alone notwithstanding her coverture may be good discharges for the rents & profits arising from the same fifth or other share

and after her decease To the use of the first and other Son and Sons of the body of my said Daughter **Sarah** lawfully begotten and the heirs of his and their body and bodies lawfully issuing the older of such Sons and the heirs of his body to take and be preferred before the younger of such Sons and the heirs of his body And in default of such Issue To the use of all and every the Daughter and Daughters of my said Daughter **Sarah** lawfully begotten and the heirs of their bodies lawfully Issuing such Daughters and their Issue take respectively as Tenants in common and not as joint Tenants and with cross remainders between them as well as to accruing as original shares in case of the death of any or either of them without Issue

And in default of such Issue to the use of my other Daughters and their Issue in equal shares in the same way and manner as hereinafter limited respecting their fifth shares of and in the same hereditaments and premises and as to one other fifth part or share of the said hereditaments and premises after failure of the limitations hereinbefore contained respecting the same and as to any accruing share in the remaining four fifth parts thereof under the limitations last and next herein contained To the use of the said **William Maskelyne** of Tetbury and **Richard Garlick Bathe** and their heirs during the life of my Daughter **Mary** In Trust for her sole and separate use for her life and after her decease to the use of her first and other Sons according to seniority of birth and the heirs of their respective bodies and in default of such Issue To the use of her Daughters and the heirs of their bodies as Tenants in common cross remainders between them

And for default of such Issue to the use of my other Daughters and their Issue in the same way and manner in all respects as hereinbefore directed concerning the one fifth part or share hereinbefore appropriated to the use of my said Daughter **Sarah** her Children and their Issue and as to the remaining three fifth parts or shares of the said heredits and premises subject as aforesaid and as to any accruing shares as aforesaid To the use of the said Trustees and their heirs during the natural lives of my three other Daughters **Charlotte, Ann** and **Maria** for their sole and separate uses as aforesaid so that each of them may have a fifth or other accruing share of the said premises or the rents and profits thereof for her life And after their respective deaths then as to their respective one fifth shares and any accruing share or shares as aforesaid To the use of their first & other Sons respectively in tail general with remainder to their Daughters respectively as Tenants in Common in tail general with cross remainders between them in tail and with remainder to my said other Daughters and their Children in the same way and manner in all respects as I have hereinbefore directed respecting the one fifth part or share of my said Daughter **Sarah** and as if the several uses respecting her fifth share were here repeated & made applicable to each of the said three fifth shares hereby intended to be limited to the use of or in Trust for my said three Daughters **Charlotte, Ann** and **Maria** and their Children and Issue in words at length and in default of all such Issue of my said five Daughters

Then to the only proper use and behoof of my Nephew the said **William Maskelyne** of Tetbury his heirs and assigns for ever provided always and my will is and I do hereby direct that it shall and may be lawful to & for my said Son **Maurice**

Maskelyne by any Deed or Deeds or by his last Will and Testament or any Codicil or Codicils thereto duly executed and attested to subject and charge all & singular the aforesaid Messuages Lands Tenements and Heredits so divided to him for his life as aforesaid with the payment of any sum or sums not exceeding the sum of six thousand pounds for the portion or portions f any Daughter or Daughters or younger Son or Sons of him my said Son **Maurice Maskelyne** either in equal or unequal shares as he may think proper but so that the same be not made to vest in Sons under the age of twenty one years (without Issue) or in Daughters whilst under that age or unmarried but in case there shall be no Son of my said Son **Maurice Maskelyne** or no Son who shall live to attain the age of twenty one years then my will is that it shall be lawful for my said Son **Maurice** by the ways and means aforesaid to charge the said heredits and premises with the payment of any sum not exceeding the sum of two thousand pounds apiece to & for each of his Daughters but if he shall have only one Daughter or one surviving Daughter living at his death then with the payment of any sum not exceeding the sum of four thousand pounds to and for such only or surviving Daughter so that nothing be appointed to any deceased Daughter the same portions or portion to be Interests or on Interest vested in such Daughters or Daughter at the times aforesaid with such benefit of accruer & survivorship amongst such Daughters or younger Sons if more than one in either case & with such yearly sum & sums of money in the mean time till such portion or portions shall become payable for their maintenance & education respectively but not exceeding the interest of such portion or portions at & after the rate of four pounds for every one hundred pounds by the year as he my said Son **Maurice** shall by the same or any other Deed or Writing Will or Codicil executed as aforesaid direct or appoint

And if my said Son **Maurice** shall not make any such appointment or shall make any appointment which shall not give his Daughters or younger Sons the sum of one thousand pounds each then whether he shall have an elder Son or not I will & direct that such a sum shall be charged on my said Estates as will (with the sum appointed by my said Son **Maurice** if any) give to each of the Daughters and younger Sons of my said Son **Maurice** the sum of one thousand pounds each to be payable within six Months after his death & to be vested Interests in such Daughters and younger Sons at the age of twenty one years and in case of his her or their deaths under that age the portion or portions of him or her so dying to sink into the Estate and I hereby charge my said Estates with the payments of such sums respectively accordingly

I give and devise all and every my Messuages or Tenements Farms Lands & Heredits of whatsoever tenure the same may be whereof I have power to dispose situate lying and being in the parish of Cricklade Saint Sampson in the said County of Wilts together with their several rights members and appurtenances unto my said Son **William Maskelyne** and his assigns for & during the term of his natural life without impeachment of or for any manner of waste and from and after the determination of that Estate by forfeiture or otherwise in his lifetime Then to the use of the said **William Maskelyne** of Tetbury & **Richard Garlick Bathe** & their heirs for and during the natural life of my said Son **William Maskelyne** upon Trust to support and preserve the contingent uses and Estates hereinafter limited from being defeated or destroyed and for that purpose to make entries and bring actions as occasion may require yet nevertheless to permit and suffer my said Son **William Maskelyne** and his assigns to receive and take the rents and profits of the said Heredits and Premises for and during the term of his natural life and from and immediately after his decease

Then to the use of all and every or such one or more of the Child or Children of my said Son **William Maskelyne** and for such Estate or Estates Interest or Interests and in such shares parts & proportions & subject and chargeable with such sums of money to ore amongst such Child or Children and in such manner and form & with or without power of revocation but not so as to vest till the age of twenty one years as to sons of that age or day of marriage as to Daughters as my said Son **William Maskelyne** shall at any time or times during his natural life by any Deed or Deeds Instrument or Instruments in writing to be by him sealed and delivered in the presence of and attested by two or more credible witnesses or by his last Will and Testament in writing or any Codicil or Codicils thereto duly executed & attested direct or appoint give or devise the same & in default of such direction limitation ore appointment gift or devise shall be made

Then to the use of the first Son of the body of my said Son **William Maskelyne** lawfully begotten and the heirs of the body of such Son lawfully Issuing and for default of such Issue To the use of the second third fourth and all and every other the Son and Sons of the body of my said Son **William Maskelyne** lawfully Issuing severally successively and in remainder one after another according to seniority of age and priority of birth and the several and respective heirs of the body & bodies of such Sons lawfully Issuing the older of such Sons and the heirs of his body lawfully Issuing always to take before the younger of such Sons and the heirs of his and their bodies lawfully Issuing & for default of such Issue

To the use of all & every such Daughter & Daughters of the body of my said Son lawfully to be begotten equally to be divided amongst them if more than one share and share alike as Tenants in common & not as joint Tenants & of the several & respective heirs of the body & bodies of all & every such Daughter and Daughters lawfully Issuing and in case there shall be more than one such Daughter and any or either of them shall happen to die without lawful Issue of her or their body or bodies then as to the original share of her or them so dying without lawful Issue and also as to such other share or shares which by virtue of this present clause shall have become vested in such Daughters To the use of the survivors or survivor of the said Daughters equally to be divided between them if more than one share & share alike as Tenants in common & not as joint Tenants & of the several & respective heirs of their bodies lawfully Issuing & in case all such Daughters but one shall die without Issue of their bodies or if there shall be but one such Daughter Then to the use of such single or only Daughter and of the heirs of her body lawfully Issuing

and for default of such Issue to the use of my said Son **Maurice Maskelyne** and his assigns for his life with remainder to the use of the said **William Maskelyne** of Tetbury and **Richard Garlick Bathe** & their heirs during the life of the said **Maurice Maskelyne** In Trust to support the contingent Estates hereinafter limited And after the decease of my said Son **Maurice Maskelyne** To the use of his first & other Sons lawfully begotten and the heirs of their respective bodies lawfully issuing the older of such Sons and the heirs of their respective of his body to be preferred to & to take before the younger of such Sons and the heirs of his body and for default of such Issue To the use of all & every the Daughter & Daughters of my said Son **Maurice Maskelyne** and the heirs of their respective bodies lawfully issuing such Daughters to take as Tenants in common and not as joint Tenants with cross remainders between them as well as to accruing as original shares in case of the death of either of them without Issue

& for default of such Issue To the use of the said Trustees and their heirs during the lives of my said Daughters in five equal parts or shares In Trust for their sole & separate use during their respective lives & after their deaths to the use of their respective Sons and Daughters and their Issue the Children of each Daughter taking originally a fifth share of the said last mentioned premises & with such cross limitations between them as are hereinbefore expressed and declared of

& concerning my said other Estates situate at Minty & Ashton Keynes aforesaid in the event of the death of my said Son **Maurice** without Sons and of my said Son **William** without Issue as aforesaid and as fully & effectually to all intents & purposes as if the same uses and trusts and limitations were here repeated in words at length & in default of Issue of my said five Daughters in manner aforesaid To the only proper use & behoof of the said **William Maskelyne** of Tetbury his heirs & assigns for ever

provided always & my will further is that it shall be lawful for my said Son **William Maskelyne** by any Deed or Deeds Instrument or Instruments in writing sealed & delivered by him in the presence of & attested by two or more credible witnesses to grant limit & appoint any annual sum or sums or yearly rent charge not exceeding the sum of two hundred pounds clear of all Taxes & deductions whatsoever to be Issuing out of the said Messuages or Tenements Farms Lands Heredits & premises situate in the parish of Cricklade Saint Sampson aforesaid & hereinbefore devised to him for life as aforesaid or any part or parts thereof to or for the use of any woman he my said Son may chance to marry for the life of such woman by way of Jointure & in bar or not in bar of Dower such grant limitation or appointment to be made either before or after marriage & with such powers and remedies of distress & entry & preception of the rents & profits of the said Messuages or Tenements Farms Lands and Heredits & for such term or terms of years for the better securing & compelling payment of such annual sum or yearly rent charge as to my said Son **William** shall seem fitting

provided further & my will is that in the event of either of my said Sons **Maurice & William** becoming (under the limitations of this my will by the death of the other of them & failure of their respective Sons & Issue as aforesaid) in possession of or entitled to the whole or entirety of my aforesaid several messuages or tenements farms lands & heredits then and in that case I hereby charge and make chargeable the same several messuages or tenements farms lands and hereditaments with the payment of the sum of five thousand pounds equally by and between my said five Daughters **Sarah, Mary, Charlotte, Ann and Maria** or such of them as shall be then living share & share alike but in case any or either of my said Daughters shall happen to die before the happening of the event lastly hereinbefore referred to leaving lawful Issue her or them surviving that period then & in that case the share of my Daughters so dying leaving lawful Issue as aforesaid shall go to & be paid to such Issue in equal shares & be interests vested in them as follows (that is to say) In Sons at the age of

twenty one years or at their deaths under that age leaving lawful Issue then living and in Daughters at that age or day of marriage whichever shall first happen

I give and devise unto my said Son **Maurice Maskelyne** All the Messuages Lands Tenements & hereditaments and parts and shares of messuages lands tenements and Hereditis which I have purchased or contracted for the purchase of in the said Parish of Ashton Keynes late the Estate of **Maurice Maskelyne Bennett** Esquire and all benefit & advantage of such Contracts To hold to him my said Son **Maurice Maskelyne** his heirs & assigns for ever And I direct the purchase money for the same if such purchases shall not be completed at my decease to be paid out of my Personal Estate

I give and devise unto my said Son **William** All that my Advowson or Advowsons right and rights of Patronage and Presentation to the living or livings Parish Church or Parish Churches of Crudwell and Hankerton in the said County of Wilts and all my Estate and Interest therein and to the Parsonage House Tythes & Glebe Lands together with the several Appurtenances To hold unto my said Son **William Maskelyne** his heirs and assigns for ever

I give and devise unto my said five Daughters **Sarah, Mary, Charlotte, Ann** and **Maria** All that my Dwelling house Garden and Premises situate in the Town of Tetbury aforesaid together with my Pew in the Parish Church and all other rights members and Appurts thereto belonging To hold to them their heirs and assigns for ever as Tenants in common and not as joint Tenants

I give and bequeath unto my said five Daughters all and every my Household Goods and Furniture Books Pictures Wines Liquors Linen & China equally to be divided between them as Tenants in common and not as joint Tenants

I give and bequeath all my Plate and Plated Articles unto and equally to be divided between my said two Sons and five Daughters and if they cannot agree upon the division of the same I direct the division to be made by my said Trustees hereinbefore named

[I give and bequeath to the said **William Maskelyne** of Tetbury & my said Sons **Maurice Maskelyne** and **William Maskelyne** their Executors & Admors the principal sum of twenty five thousand pounds Sterling money upon Trust that they my said Trustees and the survivors and survivor of them & the exors & admors of such survivor shall and do immediately after my decease lay out and invest the same in their or his names or name in some or one of the Public Stocks or Funds in Great Britain or upon Government or Real Securities in England at Interest the same Securities to be from time to time altered and varied for other Stocks or Funds of the same or like nature when & as often as they my said Trustees or Trustee or the survivors or survivor of them ,or the exors, or admors of such survivors shall think proper and shall and do stand possessed of and interested in the said Stocks Funds & Securities and of the said principal monies till invested upon the trusts following that is to say

Upon Trust to pay apply & divide the dividends interest and accrual income thereof unto and between my said five Daughters **Sarah Mary Charlotte Ann** and **Maria** in equal parts shares and proportions for their respective lives as Tenants in common and not as joint Tenants and so that each of them may be considered as entitled to one fifth share thereof for and during the term of her natural as & for her original share therein such dividends interest & income to be paid into their own proper hands respectively or to such person or persons & for such purposes as they respectively whether covert or sole by any writing or writings under their respective hands shall from time to time direct or appoint for their own respective sole and separate use & benefit & to be in no wise subject or liable to the debts engagements or controul of any Husband with whom they respectively may intermarry and the receipt or receipts of my said Daughters respectively or their respective appointees shall be good & effectual discharges for the same notwithstanding her or their being under coverture

provided and I do hereby declare my will & mind to be that it shall not be lawful for my said Daughters respectively to charge sell assign or otherwise dispose of by way of anticipation the interest dividends and annual produce so to them respectively payable as aforesaid and that if they or either of them shall attempt to charge sell assign or otherwise dispose of the said dividends interest and income so respectively payable to them for their lives before the same shall become actually due & payable then the life Estate and Interest of my said Daughters so attempting to sell assign or otherwise dispose of the same shall cease & determine & the limitations of her one fifth share next in remainder after her decease

shall come into immediate operation as if the party so offending were then actually dead but not so as to prevent any subsequent born Children from taking any share or interest in the sum set apart for such Child or Children if his or their Parent or Parents had not attempted to make such Sale assignment or disposition as aforesaid

And from & immediately after the deaths of my said Daughters respectively or of their respectively attempting to assign charge or dispose of their life interests in the said dividends and incomes In Trust to pay apply & divide or retain & accumulate In Trust for their respective Child or Children lawfully begotten one fifth part or share of the said principal sum of twenty five thousand pounds in equal proportions if more than one as Tenants in common and if but one the whole fifth share to such only Child but so nevertheless that a Child or Children born after the breach of such condition may be entitled to the whole or an equal share of the said Trust Funds as if he she or they were born before or without there being a breach thereof the Interests of the said Child or Children respectively to be vested interests in them on their severally attaining the age of twenty one years or dying under that age leaving lawful Issue then living as to Sons and at that age or day of marriage as to Daughters and in case either of my said Daughters shall happen to die leaving no Child or Children who shall live to attain a vested Interest in their respective fifth shares of the said trust money & premises then the fifth share of the said sum of twenty five thousand pounds so provided for such Daughter and her Children & all her of their accruing shares under this present provision shall go to & be held in trust for my other Daughters and their Children upon the same or the life Trusts ends intents and purposes upon the like conditions & with the life limitations over in all respects as are hereinbefore expressed & declared of and concerning their respective original shares thereof] & in case all my said Daughters shall happen to depart this life without leaving any Child or Children who shall live to attain a vested interest in the said lastly mentioned sum & the Stocks Funds & Securities in or upon which the same shall be invested unto my two Sons **Maurice Maskelyne & William Maskelyne** their executors admors & assigns in equal Moieties as Tenants in common and not as joint Tenants for their respective use & benefit absolutely

And I hereby subject and charge the said two several Estates hereinbefore given and devised to or in trust for my said two Sons **Maurice** and **William** & their Children or Issue respectively with any deficiency which my Personal Estate may not be sufficient to pay after answering all other the trusts and purposes of this my will of the said principal sum of twenty five thousand pounds such deficiency to be borne & paid by the said two Estates in equal moieties & I hereby empower my Executors hereinafter named to levy & raise by such ways & means as they may think proper from and out of the said Estates so charged with the said deficiency in equal moieties such sum & sums of money as will be sufficient with my Residuary Personal Estate to make up & pay to the Trustees to whom I have bequeathed the same the said principal sum of twenty five thousand pounds provided always

and I hereby further direct and declare that it shall and may be lawful to and for my said two Sons **Maurice & William** during their lives as to their respective Estates so given and bequeathed to them as aforesaid and for my said Trustees **William Maskelyne** of Tetbury and **Richard Garlick Bathe** their heirs & assigns during the minority of any person entitled to the rents and profits of the same hereditis respectively or during the legal incapacity of such persons including my said two Sons to receive the same rents & profits to devise or lease all or any part of the said messuages or tenements farms lands hereditis and premises hereinbefore devised to or in trust for my said two Sons **Maurice & William** and their Children or Issue respectively for any term or number of years not exceeding twenty one years to take effect in possession and not in reversion at the best and most improved rent or rents that can or may be had or gotten for the same without taking any fine premium or foregift for the making thereof so as there shall be contained in every such Lease a Clause of reentry on non payment of the rent or rents thereby reserved and so as the person respectively to whom such Leases shall be made shall execute a counter part of the same lease or leases and shall not be made dispunishable for waste by any words in such Lease or Leases to be contained

provided also & I hereby further declare my will and meaning to be that it shall and may be lawful to and for the said **William Maskelyne** of Tetbury & **Richard Garlick Bathe** and the survivor of them his heirs or their or his assigns as to the Estates devised to the Children and Issue of my said two Sons and to & for my said three other Trustees & the survivor of them his executors or admors or their or his assigns as to the said principal monies bequeathed to them upon trust as aforesaid during the minority of any or either of my Grandchildren who for the time being shall be entitled to the rents & profits or the dividends and interest of the said of the said trust Estates monies & premises or any part thereof to apply all or any part of the dividends interest and annual income of the presumptive share or portion of such minor

Grandchild or Grandchildren of & in the said Trust Estates monies & premises in or towards his her or their maintenance & education respectively

and if the whole of such income shall not be wanted for that purpose then the said Trustees respectively are hereby empowered directed and required to lay out & invest the unapplied parts thereof at Interest which investment shall go and belong to the Child or Children from whose share or respective shares the same shall have arisen as part thereof and be subject to the same trusts powers & provisions as the principal of the same share & shares respectively but so nevertheless that the said Trustees respectively may not be precluded from applying such invested unapplied income & the proceeds thereof for the benefit of the Grandchild or Grandchildren to whom the same shall belong at any future period of his her or their minority

And further that it shall and may be lawful to and for the said Trustees and Trustee respectively with the consent in writing of the person or persons for the time being entitled to the rents & profits dividends & income of the said trust Estates monies and premises respectively during their lives but after the deaths of such persons respectively then of their or his own proper authority to levy & raise any sum not exceeding five hundred pounds out of the said heredit & premises or out of the presumptive share or portion of such minor Grandchild or Grandchildren of and in the said heredit & premises

and to pay and apply the same or any part (not exceeding one half) of the principal of the presumptive share or portion of any or either of the said Grandchild or Grandchildren in the said trust monies & premises in for or towards placing out such Minor Grandchild or Grandchildren to any trade or profession or in or towards his her or their advancement or preferment in the world or otherwise for his her or their benefit as the said Trustees or Trustee in their or his discretion shall think fit & the said Estates shall be charged therewith if the sum so raised shall be for a Tenant in Tail notwithstanding his or her death before the age of majority & the sum so advanced out of the said trust monies shall be considered and taken as part of the portion of the Grandchild or Grandchildren for whom the same shall be advanced of & in the said trust monies & be deducted and allowed out of the same notwithstanding his or her death before his or her portion shall have become absolutely vested

Provided also and I hereby declare that all and every receipt and receipts which shall be made or given by the acting Trustees or Executors of this my Will for all or any part of the Trust monies which they respectively shall be entitled to receive shall fully & completely indemnify the persons paying the same from seeing to the application thereof upon the Trusts of this my Will & from being answerable or responsible for the application misapplication or non application of the same or any part thereof

My will further is that my said Trustees and the survivors and survivor of them and the exors and admors of such survivor or any or ether of them shall not be answerable or accountable for any more monies than they shall respectively actually receive or have come into their hands nor for any loss misapplication or non application that shall or may happen either on account of placing out the said trust monies or any part thereof or by reason of any insufficient or defective Securities or Security provided the same be not done or do not happen by or through their or his wilful neglect or misconduct nor shall either of them be answerable or accountable for the acts Deeds receipts disbursements or defaults nor the one for the other of them but each singly and for his own acts deeds receipts disbursements or defaults only & that it shall be lawful for them & every of them to retain to and reimburse satisfy and pay themselves severally & respectively out of the said trust monies all such reasonable costs charges damages and expenses which they or either of them shall necessarily incur sustain or be put unto in or about the execution of the trusts hereby in them reposed or in any matter cause or thing incidental thereto

provided always & I do hereby declare that in case my Nephew the said **William Maskelyne** of Tetbury or the said **Richard Garlick Bathe** or my said two Sons **Maurice Maskelyne & William Maskelyne** or either of them or any Trustees or Trustee to be nominated to succeed them respectively in manner hereinafter mentioned shall happen to die or be desirous of being discharged from or decline or refuse or become incapable to act in the trusts hereinbefore respectively reposed in them before the same trusts shall be fully performed & executed Then and so often as the same shall happen it shall be lawful for the surviving or continuing Trustees or Trustee of the said trust Estate monies & premises respectively or the last acting Trustee or the heirs exors or admors of the last acting Trustee according to the nature of the said trust property of their his or her own proper authority by any note or writing under their his or her hands or hand respectively to

nominate substitute or appoint any other respectable person or persons to be a Trustee or Trustees of the Estate money & property of which such Trustee or Trustees shall so die or decline to act as aforesaid as in his & their place or stead

And that when & so often as any Trustee or Trustees shall be so appointed all the trust property and premises so vested in such Trustee or Trustees so dying or declining to act shall be thereupon with all convenient speed conveyed assigned & transferred in such sort and manner and so as that the same shall and may respectively be legally & effectually vested in such newly appointed Trustee or Trustees jointly with the former or continuing Trustees or Trustee of the said trust property & premises respectively & in case there shall be no continuing former Trustee then in such newly appointed Trustee or Trustees only upon & for the several Trusts intents and purposes hereinbefore by me expressed & declared of & concerning the same trust Estates & Premises respectively or such & so many of them as shall be then subsisting & capable of taking effect

And that every new Trustee shall and may in all respects aid & assist in the carrying on & execution of the Trusts to which he or they shall be so appointed as fully and effectually and with all such powers and authorities whatsoever as if such new Trustee had been originally nominated by me and as the surviving or continuing Trustee or Trustees of the same trust property & premises respectively might or could do under or by virtue of this my Will

All and every the rest & residue of my messuages lands tenements heredit & real Estate whatsoever & wheresoever which I have power to dispose of I give and devise unto my said Son **Maurice Maskelyne** To hold the same respectively according to the several natures and tenures thereof unto & to the use of him my said Son **Maurice Maskelyne** his heirs executors admors & assigns for ever for his & their own use & benefit

I give and bequeath unto my said Son **Maurice Maskelyne** the sum of two hundred pounds (be it more or less) secured to me upon the Tolls of Wotton Bassett & Cirencester Turnpike Road together with all interest but on such **sum** of money respectively at the time of my decease and the Securities upon which the same respectively is secured to me and all right and title thereto

I give & bequeath to my said Son **Maurice Maskelyne** the sum of five hundred pounds due to me from the Exors under the Will of the said **Maurice Maskelyne Bennett** deceased for his absolute use & benefit

I give and bequeath unto my said Son **William Maskelyne** the sum of six hundred pounds (be it more or less) secured or intended to be secured to me upon the Tolls of the Cricklade & Malmesbury Turnpike Road together with all Interest due thereon at the time of my decease and the Securities upon or by which the same is secured

And I direct and declare that no variation or alteration of the respective Securities upon which the said sums of two hundred, five hundred & six hundred pounds are respectively secured as aforesaid in my lifetime shall be considered an ademption of the aforesaid bequests or any of them or any part thereof

I also give & bequeath unto my said Son **William Maskelyne** the sum of five hundred pounds Sterling money to be paid him within six Months next after my decease

All the Rest and Residue of my monies securities for money & Personal Estate subject to the payment of my just debts funeral and Testamentary expenses and the legacies and sums of money aforesaid I give and bequeath equally by and between my said five Daughters **Sarah Mary Charlotte Ann & Maria** for their own absolute use as Tenants in common & not as joint Tenants

I give & devise unto my Nephew **William Maskelyne** & Sons **Maurice Maskelyne William Maskelyne** their heirs and assigns All such Real Estates as are now vested in me by way of mortgage in order to enable them with the greater ease & convenience to recover receive & get in the monies secured by such Mortgages for the purposes of this my Will

And I also give & devise unto them the said **William Maskelyne Maurice Maskelyne & William Maskelyne** all such Real Estates as are now vested in me upon any trust or trusts To hold the same unto them the said **William Maskelyne Maurice Maskelyne & William Maskelyne** their heirs & assigns upon the trusts affecting the same

Lastly I hereby constitute & appoint my said Nephew **William Maskelyne** and Sons **Maurice Maskelyne & William Maskelyne** joint Executors & Trustees of this my Will hereby revoking all former Wills & declaring this only to be my last Will & Testament In Testimony whereof I have to this my Will contained in eighteen sheets of paper to the seventeen first sheets hereof set my hand & to this the eighteenth & last sheet hereof my hand & seal this twenty eighth day of September in the year of our Lord one thousand eight hundred & thirty eight

William Maskelyne

Signed sealed published & declared by the said **William Maskelyne** the Testator as & for his last Will & Testament in the presence of us who in his presence at his request and in the presence of each other present at the same time have hereunto subscribed our names as witnesses thereto

Geo Lloyd ----- Wm Fowles ----- Clerks to Mr Maskelyne Sofr Tetbury

This is a **Codicil** to the last Will and Testament of me **William Maskelyne** of Oaksey Park in the County of Wilts Esquire dated the twenty eighth day of September one thousand eight hundred and thirty eight Whereas I have in and by my said Will given & bequeathed to **William Maskelyne** Of Tetbury & my Sons **Maurice Maskelyne & William Maskelyne** their executors & admors the principal sum of twenty five thousand pounds Sterling money upon Trust that they my said Trustees & the survivors and survivors of them & the exors & admors of such survivor should immediately after my decease lay out & invest the same in their or his names or name in some or one of the Public Stocks or Funds in Great Britain or upon Government or Real Securities in England at Interest the same Securities to be from time to time altered or varied for other Stocks or Funds of the same or the like nature when & as often as they my said Trustees or Trustee or the survivors ore survivor of them or the Exors or admors of such survivor should think proper & should stand possessed of & interested in the said stocks funds and securities & of the principal monies till invested upon the Trusts following (that was to say) upon trust to pay apply and divide the dividends interest & annual income thereof unto and between my said five Daughters **Sarah Mary Charlotte Ann & Maria** in equal parts shares & proportions for their respective lives as Tenants in common & not as joint Tenants and so that each of them might be considered as entitled to one fifth share thereof for & during the term of her natural life & for her original share therein such dividends interest and income to be paid into their own proper hands respectively or to such person or persons & for such purposes as they respectively whether covert or sole by any writing or writings under their hands should from time to time direct or appoint for their own respective sole & separate use and benefit & to be in no wise subject or liable to the debts engagements or controul of any Husband with whom they might respectively intermarry

And the receipt or receipts of my said Daughters respectively or their respective appointees shall be good & effectual discharges for the same for the same notwithstanding her or their being under coverture

Provided & I did thereby declare my will & mind to be that it should not be lawful for my said Daughters respectively to charge sell assign or otherwise dispose of by way of anticipation the interest dividends & annual produce so to them respectively payable as aforesaid

And that they or either of them should attempt to charge sell assign or otherwise dispose of the said dividends interest & income so respectively payable to them for their lives before the same should become actually due & payable then the life Estate & Interest of my said Daughters so attempting to charge sell assign or otherwise dispose of the same should cease & determine & the limitations of her one fifth share next in remainder after her decease should come into immediate

operation as if the party so offending were then actually dead but not so as to prevent any subsequent born Children from taking any share or interest in the sum set apart for such Child or Children if his or their Parent or Parents had not attempted to make such sale assignment or disposition as aforesaid & from & immediately after the deaths of my said Daughters respectively or of their respectively attempting to assign charge or dispose of their life interests in the said dividends and income In Trust to pay apply & divide or retain & accumulate in Trust for their respective Child or Children lawfully begotten one fifth part or share of the said principal sum of twenty five thousand pounds in equal portions if more than one as Tenants in common and if but one the whole fifth share to such only Child but so nevertheless that a Child or Children born after the breach of such condition might be entitled to the whole or an equal share of the said Trust Funds as if he she or they were born before or without there being a breach thereof the interests of the said Child or Children to be vested interests in them on their severally attaining the age of twenty one years or dying under that age leaving lawful Issue then living as to Sons and at that age or day of marriage as to Daughters

And in case either of my said Daughters should happen to die leaving no Child or Children who should live to attain a vested interest in their respective fifth shares of the said trust money and premises then the fifth share of the said sum of twenty five thousand pounds so provided for such Daughter and her Children & all her or their accruing shares under this present provision should go to & be held in Trust for my other Daughters & their Children Upon the same or the like trusts deeds intents & purposes upon the like conditions & with the like limitations over in all respects as are hereinbefore expressed & declared of and concerning their original respective shares thereof and in case all my said Daughters should happen to depart this life without leaving any Child or Children who should live to attain a vested Interest in the said trust Property & Premises then I give & bequeath the whole of the last mentioned sum & the stocks funds & securities in or upon which the same shall be invested unto my two Sons **Maurice Maskelyne William Maskelyne** their exors admors and assigns in equal moieties as Tenants in common & not as joint Tenants for their respective use & benefit absolutely

[And whereas since the date & execution of my said Will **my said Daughter Maria** has intermarried with **Richard Kinneir** the younger And whereas upon such marriage I advanced & paid by way of a Marriage portion to my said Daughter the sum of four thousand pounds & such sum was preparatory to & in contemplation of such marriage settled for the benefit of my said Daughter and her said then intended husband and their Issue

Now therefore it is my Will & intention that the principal sum of twenty five thousand pounds so given & bequeathed to my said Trustees in & by my said Will as aforesaid shall be reduced to the sum of twenty one thousand pounds which I give & bequeath accordingly

And further that instead of my said Daughter **Maria** now the Wife of the said **Richard Kinneir** the younger being entitled to the sum of five thousand pounds as one fifth part of the said sum of twenty five thousand pounds as originally intended by my said Will she shall now be entitled to one thousand pounds only & my said four other Daughters to five thousand pounds apiece one fourth part of the remaining sum of twenty thousand pounds yet nevertheless so that the several trust monies may be held by my said Trustees in my said Will named & the survivors of them and the executors & admors of such survivor upon the same or the like trusts intents & purposes upon the same or the like conditions & with the like limitations over in all respects as are therein thereof declared & so that notwithstanding the portion of my said Daughter **Maria** of and in the same monies is so now reduced from the said sum of five thousand pounds to the said sum of one thousand pounds as aforesaid she my said Daughter **Maria** shall & may be entitled to all the benefit and gifts over in case of survivorship or otherwise in my said Will mentioned of & in the several trust monies and premises therein comprised & all other benefits and advantages under my said Will as well to my Personal as to my Real Estate as fully and effectually to all intents constructions & purposes whatsoever as if her said original portion of five thousand pounds had not been so reduced or this my Codicil has not been made]

And whereas under and by virtue of the settlement so made upon the marriage of my said Daughter **Maria** there is a provision therein contained that in the event of the death of her said Husband the said **Richard Kinneir** the younger in her lifetime without having any Child or Children by her or having had such if all such Child or Children shall depart this life under the age of twenty one years without leaving lawful Issue them surviving as to Sons or under that age without having been married as to Daughters either in the life time of my said Daughter **Maria** or after her decease that then upon the decease of my said Daughter or the failure of such Issue which ever shall first happen the said sum of four thousand

pounds so advanced by me shall be levied and raised as in the said Settlement mentioned for the benefit of myself my executors admors & assigns

Now therefore I do will & direct that in the event of the said sum of four thousand pounds becoming raiseable and payable for default of or the death of such Issue of my said Daughter as aforesaid in case my said Daughter shall be then living or shall have again married and left a Child or Children her surviving I will and direct that the said sum of four thousand pounds shall go to & be paid to the said Trustees in my said Will named or the survivors or survivor of them his Exors admors or assigns to be held by them or him upon the same or the life Trusts ends intents & purposes for the benefit of my said Daughter and her Children as are in & by my said Will mentioned concerning her original share of five thousand pounds or as near thereto as circumstances will admit with like limitations over in favor of my other Children as also in my said Will mentioned concerning the same

And my will further is that if in any event the said sum of four thousand pounds shall become raiseable or payable for the benefit of me my Exors admors or assigns under the provisions of the said Settlement that then & in that case the same shall be paid & payable to the said Trustees in my said Will named & the survivors & survivor of them and the executors admors & assigns of such survivor to be by them or him held subject as aforesaid for the benefit of my said other Daughters in my said Will named & their Children and my said two Sons **Maurice & William** in my said Will also named Upon the same or the like Trusts ends intents & purposes upon the like conditions and with the like limitations over in all respects as are therein expressed of & concerning the said sum of twenty five thousand pounds & as if the said sum of four thousand pounds had not been deducted there from

And whereas I have since the date and execution of my said Will sold and conveyed All those my said messuages lands tenements & hereditis called Hintons situate lying & being in the Parish of Ashton Keynes in my said Will mentioned now therefore and for other good causes I do hereby revoke and make void the charge which I have in and by my said Will made on the same & other hereditis at Ashton Keynes aforesaid of the sum of one thousand & two hundred pounds in favor of my Son **William** also in my said Will named & I also revoke & make void the Legacy or sum of five thousand pounds in & by my said Will given and bequeathed to him my said Son **William** and do hereby declare that the said sums of one thousand & two hundred pounds & five hundred pounds are not to be paid to my Son **William** And I also revoke & make void the legacy or bequest to my said Son **William** of the sum of six hundred pounds secured to me on the Tolls of the Cricklade & Malmesbury Turnpike Road with the interest due thereon

And I hereby give & bequeath the same sum of six hundred pounds together with the interest due thereon at the time of my decease & the Security or Securities upon or by which the same is held or secured unto my Daughter **Sarah** in my said Will also named for her own absolute use & benefit and I declare that no variation or alteration of such Security or Securities in my lifetime shall be or be considered on ademption of the aforesaid bequest thereof to my said Daughter **Sarah**

In all other respects I ratify & confirm my said Will and do declare this to be a Codicil thereto & to be considered as part thereof In Testimony whereof I have to this my Codicil contained in six sheets of paper to the five first sheets hereof set my hand & to this the sixth & last sheet my hand & seal this fourth day of September one thousand eight hundred & thirty nine

Wm Maskelyne

Signed sealed published and declared by the said **William Maskelyne** the Testator as & for a Codicil to be annexed to his last Will & Testament & to be taken as part thereof in the presence of us present at the same time who in his presence at his request & in the presence of each other have hereunto subscribed our names as witnesses

This is a **second Codicil** to the last Will and Testament of me **William Maskelyne** of Oaksey Park in the County of Wilts Esquire dated the twenty eighth day of September one thousand eight hundred & thirty eight whereas I have in and by my said Will given & devised all & every my messuages or tenements farms lands & hereditaments of whatsoever tenure the same may be whereof I have power to dispose situate lying & being in the Parish of Minety in the County of Gloucester & also all those my messuages lands tenements & heredit respectively called Hintons & Clutterbucks situate lying & being in the Parish of Ashton Keynes in the said County of Wilts together with their several rights members & appurts unto my Son **Maurice Maskelyne** & his assigns for & during the term of his natural life without impeachment of waste subject nevertheless as to my said messuages lands heredit & premises in the said Parish of Ashton Keynes to the payment of the sum of one thousand & two hundred pounds to my Son **William Maskelyne** within twelve months next after my decease & I thereby charged & made chargeable the same heredit & premises with the payment thereof accordingly together with interest thereon in the meantime until payment thereof from my decease as therein mentioned (but which said charge of one thousand and two hundred pounds is in and by my first Codicil to my said Will revoked) & from & after the determination of the Estate so thereby limited to the use of my said Son **Maurice** & his assigns for his life by forfeiture or otherwise in his lifetime

Then to the use of **William Maskelyne** of Tetbury in the said County of Gloucester Gentleman and **Richard Garlick Bathe** of Purton in the said County of Wilts Gentleman & their heirs for & during the natural life of my said Son **Maurice Maskelyne** Upon Trust to support & preserve the contingent uses & estates thereafter limited from being defeated or destroyed & for that purpose to make entries and bring actions as occasion may require yet nevertheless to permit & suffer my said Son **Maurice Maskelyne** and his assigns to receive and take the rents and profits of the said heredit and premises for & during the term of his natural life subject and charged as thereinbefore mentioned

And from and immediately after his decease then to the use of the first and other Sons of my said Son **Maurice Maskelyne** in tail with divers remainders or limitations over with power for my said Son **Maurice** to raise portions for the younger Child or Children & in default of his making such charge then I did in & by my said Will charge the said heredit and premises with portions for such younger Child or Children Now I do hereby revoke annul and make void such devise to my said Son **Maurice** together with the limitations & remainders over & the aforesaid powers and charges affecting the same

And I do hereby give and devise all & every the said messuages or tenements farms lands & heredit situate in the said Parishes of Minety and Ashton Keynes aforesaid (except those called Hintons) & so limited or devised to my said Son **Maurice Maskelyne** for life with the remainder or limitations over as aforesaid together with their several rights members & appurts unto my said Son **Maurice Maskelyne** & his assigns for & during the term of his natural life without impeachment of or for any manner of waste & from & after the determination of that Estate by forfeiture or otherwise in his lifetime

Then to the use of the said **William Maskelyne** of Tetbury & **Richard Garlick Bathe** and their heirs for and during the natural life of my said Son **Maurice Maskelyne** Upon trust to support & preserve the contingent uses & Estates hereinafter limited from being defeated or destroyed & for that purpose to make entries & bring actions as occasion may require yet nevertheless to permit & suffer my said Son **Maurice Maskelyne** & his assigns to receive and take the rents & profits of the said heredit & premises for & during the term of his natural life & from & immediately after his decease

Then to the use of all and every or such one or more of the Child or Children of my said Son **Maurice Maskelyne** & for such Estate or Estates Interest or Interests & in such shares parts & proportions & subject and chargeable with such sums of money to or amongst such Child or Children & in such manner & form & with or without power of revocation but not so as to vest till the age of twenty one years as to Sons or at that age or day of marriage as to Daughters as my said Son

Maurice Maskelyne shall at any time or times during his natural life by any deed or deeds instrument or instruments in writing to be by him sealed & delivered in the presence of and attested by two or more credible witnesses or by his last Will & Testament in writing or any Codicil or Codicils thereto duly executed & attested direct or appoint give or devise the same & in default of such direction limitation or appointment gift or devise & so far as same if incomplete shall not extend & as to such part & parts of my said last mentioned messuages farms lands tenements & hereditis whereof no such direction limitation or appointment gift or devise shall be made

Then to the use of the first son of the body of my said Son **Maurice Maskelyne** lawfully begotten & the heirs of the body of such son lawfully issuing & for default of such Issue to the use of the second third fourth and all & every other the Son & Sons of the body of my said Son **Maurice Maskelyne** lawfully issuing severally successively & in remainder one after another according to Seniority of age & priority of birth & of the several & respective heirs of the body & bodies of such Sons lawfully issuing the elder of such sons & the heirs of his body lawfully issuing always to take before the younger of such sons & the heirs of his or their bodies lawfully issuing

& for default of such Issue to the use of all & every the daughter & daughters of the body of my said Son lawfully to be begotten equally to be divided amongst them if more than one share & share alike as Tenants in common & not as joint Tenants & of the several & respective heirs of the body & bodies of all & every such daughter and daughters lawfully issuing & in case there shall be more than one such daughter & any or either of them shall happen to die without lawful issue of her or their body or bodies then as to the original share of her or them so dying without lawful Issue and also as to such other share or shares which by virtue of this present clause shall have become vested in such daughters To the use of the survivors or survivor of the said Daughters equally to be divided between them if more than one share and share alike as Tenants in common & not as joint Tenants & of the several & respective heirs of their bodies lawfully issuing & in case all such daughters but one shall die without issue of their bodies or if there shall be but one such daughter then To the use of such single or only Daughter & of the heirs of her body lawfully issuing & for default of such issue

To the use of my Son **William Maskelyne** & his assigns for & during the term of his natural life without impeachment of or for any manner of waste And from & after the determination of the Estate so hereby limited to the use of my said Son **William Maskelyne** upon trust to support and preserve the contingent uses & estates hereinafter limited from being defeated or destroyed & for that purpose to make entries & bring actions as occasion may require yet nevertheless to permit & suffer my said Son **William Maskelyne** and his assigns to receive & take the rents & profits of the said hereditis & premises for & during the term of his natural life

And from & immediately after his decease Then to the use of the first son of the body of my said Son **William Maskelyne** lawfully begotten & the heirs of the body of such Son lawfully issuing And for default of such Issue To the use of the second third fourth & all & every other the Son & Sons of the body of my said Son **William Maskelyne** lawfully issuing severally successively & in remainder one after another according to seniority of age & priority of birth & of the several and respective heirs of the body & bodies of such Sons lawfully issuing the elder of such Sons & the heirs of his body lawfully issuing always to take before the younger of such Sons & the heirs of his & their body & bodies lawfully issuing

& for default of such Issue to the use of all & every the daughter & daughters of the body of my said Son **William Maskelyne** lawfully to be begotten equally to be divided between them if more than one share & share alike as Tenants in common & not as joint Tenants and of the several and respective heirs of the body & bodies of all & every such daughter and daughters lawfully issuing & in case there shall be more than one such daughter & any or either of them shall happen to die without lawful issue of her or their body or bodies then as to the original share of her or them so dying without lawful Issue & also as to such other share or shares as by virtue of this present clause shall have become vested in such daughters equally to be divided between the survivors & survivor of them if more than one share & share alike as Tenants in common and not as joint Tenants & of the several & respective heirs of their bodies lawfully issuing

And in case all such Daughters but one shall die without issue of their body or bodies or if there shall be but one such Daughter then to the use of such single or only daughter & the heirs of her body lawfully issuing & in default of such issue Then as to one fifth part or share of the said hereditis & premises and as to any accruing share in the remaining four fifth shares of the same hereditis under the limitations next hereinafter contained To the use of the said **William Maskelyne** of Tetbury & **Richard Garlick Bathe** & their heirs during the life of my Daughter **Sarah** In Trust nevertheless for the sole &

separate use of my said Daughter **Sarah** during the term of her natural life & so as not to be subject or liable to the debts controul or engagements of any husband with whom she may intermarry & so that her receipts alone notwithstanding her coverture may be good discharges for the rents & profits arising from the same fifth or other share

And after her decease to the use of the first & other son & sons of the body of my said daughter **Sarah** lawfully begotten & the heirs of his & their body & bodies lawfully issuing the elder of such sons & the heirs of his body to take & be preferred before the younger of such sons and the heirs of his body And in default of such Issue To the use of all & every the daughter and daughters of my said daughter **Sarah** lawfully begotten & the heirs of their bodies lawfully issuing such daughters & their issue to take respectively as Tenants in common and not as joint Tenants & with cross remainders between them as well as to accruing as original shares in case of the death of any or either of them without issue & in default of such Issue To the use of my other daughters & their issue in equal shares in the same way & manner as hereinafter limited respecting their fifth shares of & in same heredit & premises And as to one other fifth part or share of the said heredit & premises after failure of the limitations hereinbefore contained respecting the same and as to any accruing share in the remaining four fifth part thereof under the limitations last & next herein contained

To the use of the said **William Maskelyne** of Tetbury & **Richard Garlick Bathe** & their heirs during the life of my Daughter **Mary** in Trust for her sole and separate use for her life & after her decease To the issue of her first & other Sons according to seniority of birth & the heirs of their respective bodies as Tenants in common with cross remainder between them & for default of such issue to the use of my other daughters & their issue in the same way & manner in all respects as hereinbefore directed concerning the one fifth part or share hereinbefore appropriated to the use of my said daughter **Sarah** her Children & their issue & as to the remaining three fifth parts or shares of the said heredit & premises subject as aforesaid and as to any accruing shares as aforesaid

To the use of the said Trustees & their heirs during the natural lives of my three other daughters Charlotte Anne & Maria for their sole & separate uses as aforesaid so that each of them may have a fifth or other accruing share of the said premises or the rents & profits thereof for her life & after their respective deaths then as to their respective one fifth shares & every accruing share or shares as aforesaid to the use of their first & other Sons respectively in tail general with remainder to their daughters respectively as Tenants in common in tail general with cross remainder between them in tail & with remainder to my said other daughters & their Children in the same way & manner in all respects as I have hereinbefore directed respecting the one fifth part or share of my said daughter **Sarah** & as if the several uses respecting her fifth share were here repaid & made applicable to each of the said three fifth shares hereby intended to be limited to the use of or in trust for my said three daughters **Charlotte Anne & Maria** and their Children and Issue in words at length and in default of all such Issue of all my said Daughters then to the proper use & behoof of my Nephew the said **William Maskelyne** of Tetbury his heirs & assigns for ever

[And whereas I have in & by my said Will given & devised unto my said son **William** all my messuages or tenements farms lands and heredit situate in the Parish of Cricklade Saint Sampson in the said County of Wilts with the Appurtenances for his life with remainders or limitations over for the benefit of his Children as therein mentioned Now I do hereby charge and make chargeable all those my messuages lands and premises called "Kings" & now in the occupation of **William Arthur** as my tenant part & parcel of the aforesaid messuages or tenements farm lands and hereditaments together with their several rights members & appurts with the payment unto my said Trustees in my said Will named (that is to say) the said **William Maskelyne** of Tetbury and my sons **Maurice & William** within twelve Months next after my decease of the sum of two thousand pounds with interest from the day of my decease at three per Cent to the end that my said Trustees the said **William Maskelyne** of Tetbury & my said Sons **Maurice & William** may stand possessed of & interested in the said sum of two thousand pounds upon the same trusts intents & purposes & under the same restrictions & conditions in all respects for the benefit of my five daughters in my said Will named & their Issue as are therein mentioned and declared of & concerning the sum of twenty five thousand pounds & as fully & effectually as if the same trusts intents & purposes restrictions & conditions were here again repeated in words at length each of my said daughters to be considered as entitled to one equal fifth part of the said sum of two thousand pounds] and I hereby empower my said Trustees to levy & raise the said sum by such ways & means as they may think proper from & out of the said heredit & premises so hereby by me charged therewith

In all other respects I hereby ratify & confirm my said Will & prior Codicil In Testimony whereof I have to this my Codicil contained in seven sheets of paper to the first six sheets hereof set my hand & to this the seventh & last sheet my hand and seal this sixth day of March one thousand eight hundred & forty

----- *Wm Maskelyne* -----

Signed sealed published & declared by the said **William Maskelyne** the Testator as & for a Codicil to be annexed to his last Will and Testament & to be taken as part thereof in the presence of us present at the same time who in his presence at his request & in the presence of each other have hereunto subscribed our names as witnesses

----- *Richd Kinneir*-----*John Horton*-----

Proved at London with two Codicils 30th May 1840 before the worshipful Jesse Addams Doctor of Laws & Surrogate by the Oaths of **William Maskelyne** Esq the Nephew **Maurice Maskelyne** Esquire & the Revd **William Maskelyne** Clerk the Sons the Executors to whom Admon was granted having been first sworn duly to administer