

Transcription of will of Edward Weller 1850

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This is the last Will and Testament of me Edward Weller of Amersham in the County of Bucks Esquire I direct that all my just debts and funeral expenses

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to be paid as soon as conveniently may be after my decease out of my ready monies estate and effects hereinafter specifically bequeathed as to my wife And I direct that the costs and charges of proving this my will and all other my testamentary expenses and the expenses of carrying the Trusts of this my will into execution be paid and discharged out of my residuary estate hereinafter disposed of I give and bequeath unto my dear wife Caroline Weller all and singular my household goods and furniture plate jewels ornaments trinkets linen china glaß pictures books prints wines and liquors horses carriages harneß garden implements shrubs and plants and other effects used by me for domestic purposes for her absolute use and benefit I also give and bequeath unto my said wife all my ready monies in my house at the time of my decease and all monies in the hands of my Bankers and all debts and sums of money due and owing to me from any person or persons whosoever upon simple contract and not served by mortgage and all dividends upon stock and other securities whether specialty or otherwise which shall be due and unreceived at the time of my decease and all monies standing in our joint names in the public stocks or funds (but not such as shall be standing in my name alone) to and for her own use and benefit absolutely I also give devise and bequeath to my said wife all and singular the meßuages tenements lands hereditaments real estate whatsoever and wheresoever situate over which I have a power of disposition under or by virtue of the settlement made previous to our marriage To hold the same with the rights members and appurtenances thereunto belonging unto and to the use of her my said wife Caroline Weller her heirs and aßigns for ever And as to **All the Rest Residue and Remainder** of my estate and effects of what nature or kind soever or over which I may have any disposing power other than and except estates vested in me on mortgage or upon any Trust I give devise and bequeath the same unto my said wife Caroline Weller my brother The Reverend John Weller Rector of North Luffenham in the County of Rutland Doctor in Divinity and my brother Richard Weller of The Elms Maidenhead in the County of Berks Esquire their heirs executors administrators and aßigns according to the nature and effect of the same estates respectively Upon Trust to permit and suffer my said wife to receive the interest dividends and annual proceeds thereof during her life to and for her absolute use and benefit and from and immediately after the decease of my said wife I give devise and bequeath all and singular my said residuary estate unto my said brothers John Weller and Richard Weller if they shall be living at the time of her death to take as Tenants in common and not as joint Tenants But if my said brother John Weller shall die in the lifetime of my said wife leaving any child or children grandchild or grandchildren or any child shall be born to him within due time after his decease Then as to the share and interest hereby given to him the said John Weller I direct the Trustees or Trustee for the time being of this my will to stand possessed thereof Upon Trust for such child if only one or both or all of such children if more than one of my said brother John

Weller as shall live to attain the age of Twenty one years equally and the child or children of any child or children of the said

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John Weller who shall die under the age of Twenty one years leaving any child or children but so that any child or children collectively of the deceased child of the said John Weller shall take only the share which his her or their parent would have taken if he or she had attained the age of Twenty one years the amount to be (if only one such child) paid assigned or transferred unto him or her wholly or if two or more such children then to be paid assigned or transferred to them at the said age of Twenty one years or so soon thereafter as the decease of my said wife will permit and in case of the decease of my said brother John Weller in the lifetime of my said wife and if there shall be no child of his who shall live to attain the age of Twenty one years and take a vested interest in my residuary estate hereinbefore given and bequeathed to him and no child or children of any child or children of the said John Weller who shall die under the age of Twenty one years Then I give devise and bequeath the whole of my said residuary estate unto my brother Richard Weller if he shall be living at time of the decease of my said wife but in case my said brother Richard Weller shall die in the lifetime of my said wife leaving any child or children grandchild or grandchildren or any child shall be born to him within due time after his decease then as to as well the share and interest hereinbefore given and bequeathed to him my said brother Richard Weller absolutely as that given and bequeathed to him in the event of the said John Weller dying in the life time of my said wife without leaving any child or children Grandchild or Grandchildren him surviving I direct the Trustees or Trustee for the time being of this my will to stand possessed thereof & upon Trust for such child if only one or both or all such children if more than one of my said brother Richard Weller as shall live to attain the age of Twenty one years and equally and the child or children of any child or children of the said Richard Weller who shall die under the age of Twenty one years leaving any child or children but so that the child or children collectively of any deceased child of the said Richard Weller shall take only the share which his her or their parent would have taken if he or she had attained the age of Twenty one years the same to be (if only one such child) the same to be paid assigned or transferred to him or her wholly or if two or more ^{such} children then to be paid transferred or assigned to them at the said age of Twenty one years or as soon thereafter as the decease of my said wife shall permit and in case of the decease of my said brother Richard Weller in the lifetime of my said wife and if there shall be no child of his who shall live to attain the age of Twenty one years and take a vested interest in my said residuary estate hereinbefore given and bequeathed to him and no child or children of any child or children of the said Richard Weller who shall die under the age of Twenty one years Then I give devise and bequeath the whole of my said residuary estate unto my said Brother John if he shall be living at the time of the decease of my said wife or in case of his decease in her lifetime upon such or the like Trust for the use and benefit of his child or children grandchild or grandchildren as are hereinbefore expressed and declared of and concerning the like devise or bequest in favour of the child or children and Grandchild or Grandchildren of my said brother Richard Weller in case of the decease of my said brother John Weller and his

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iſue without taking a vested interest in the ſaid Trust eſtate and premises and in caſe any principal monies ſecured to me upon mortgage ſhall be paid to my ſaid Trustees in the lifetime of my ſaid wife it is my will and I direct my ſaid Trustees or the Trustees or Trustee for the time being of this my will immediately thereupon to lay out and inveſt the ſame in their joint names in or upon the Government ſtocks or public funds of Great Britain at intereſt and to pay and apply the dividends and annual proceeds from time to time to ariſe therefrom unto my ſaid wife to and for her own uſe and benefit and alſo in caſe there ſhall be any monies of mine at the time of my deceaſe in the hands of my couſin William Weller of Amersham aforeſaid Brewer and to which my ſaid wife may be entitled abſolutely under the bequeſt hereinbefore to her made or given I direct that the ſame ſhall continue in his hands at intereſt for the ſpace of one year after my deceaſe upon the ſame or the like ſecurity that I may hold for the payment thereof I give and deviſe unto the ſaid John Weller and Richard Weller all ſuch real eſtates as are now veſted in me as mortgagee or Trustee To hold the ſame unto and to the uſe of the ſaid John Weller and Richard Weller their heirs and aſſigns for ever for all my eſtate and intereſt therein ſubject nevertheless to the equities affording the ſame reſpectively and in order that they may be enabled to recover the monies thereby ſecured and ſtand poſſeſſed thereof for the purpoſes of this my will and to the intent that ſuch of the Trusts and purpoſes affecting the ſaid Trust premises as at the time of my deceaſe ſhall be ſuſiſting may be carried into effect And I do hereby empower the Trustees or Trustee from time to time of this my will to pay and ſatisfy any claim or demand which ſhall or may be made againſt my eſtate upon ſuch evidence as they or he ſhall deem to be ſatisfactory and alſo in their or his abſolute diſcretion to delay or forego the enforcement or proſecution of any claim or demand which they or he my ſaid Trustees or Trustee ſhall deem to be moſt beneficial to my eſtate and alſo to refer to Arbitration any diſpute or difference touching the premises And I further declare that all and every perſon and perſons who ſhall or may pay any ſum or ſums of money to the Trustees or Trustee for the time being of this my will ſhall be exonerated from all reſponſibility in reference to the application thereof Provided always and it is my will that if the ſaid John Weller and Richard Weller or either of them ſhall die in my lifetime or at my deceaſe ſhall renounce or be incapable of acting in the Trusts thereof or in caſe they or either of them or any Trustee to be appointed as hereinafter mentioned ſhall ceaſe to reſide in England or die or become incapable or unwilling to act in the Trusts hereby created at any time before the ſame ſhall be fully executed or be adjudged Bankrupt or take the Benefit of any Act for the Relief of Insolvent Debtors then and in every ſuch caſe and when and ſo often as the ſame ſhall happen it ſhall be lawful for the ſurviving or continuing Trustee or Trustees for the time being or if there be no ſuch Trustee then for the executors or administrators of the laſt ſurviving or ^{laſt} acting Trustee for the time being or for ſome or one of ſuch perſons if the other or others ſhall be unable or unwilling to exerciſe this preſent power by any writing under their or his hands and ſeals or hand and ſeal to nominate ſubſtitute and appoint any other perſon or perſons to be a Trustee or Trustees for the purpoſe aforeſaid in the place

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or the ſtead of the Trustees or Trustee who ſhall ſo die in my lifetime or remove or ceaſe to reſide in England or deſire to be diſcharged or become incapable or ^{be} unwilling to act in the ſaid Trusts or become Bankrupt or Insolvent as aforeſaid and that when and ſo often as any

new Trustee shall be nominated and appointed as aforesaid the said Trust premises or so much or such part thereof shall remain subject to any of the Trusts aforesaid shall with all convenient speed at the costs of the said Trust estate be conveyed transferred assigned and made over to and in such manner as that the same shall be legally and effectually vested in the surviving or continuing former Trustee or Trustees jointly or wholly in such new Trustee or Trustees as the case may require upon the Trusts aforesaid and that all and every such new Trustee and Trustees shall and may in all things act in the management and execution of the Trusts aforesaid as fully and effectually to all intents and purposes whatsoever as if he and they had been originally nominated a Trustee or Trustees in and by this my will Provided also that the Trustees for the time being of this my shall be charged with such sums only as they shall respectively actually receive by virtue of the Trusts herein mentioned notwithstanding their joining in or signing any receipt or receipts or doing any other art for the sake of conformity and that they or any of them shall not be answerable for any involuntary loss which may happen in the execution of the aforesaid Trusts or in relation thereto except the same shall happen by or through his or their wilful neglect or default And Lastly that it shall be lawful for the said Trustees or Trustee for the time being out of the monies which shall come to their or his hand by virtue of the Trusts aforesaid to retain and also to allow to each other all costs and expenses which they or any of them may pay or incur in or about the execution of the aforesaid Trusts or in relation thereto And I hereby nominate constitute and appoint my said wife Caroline Weller and the said John Weller and Richard Weller **Executrix and Executors** of this my will and I hereby revoke all former and other wills by me at any time heretofore made and I declare this to be and contain my last Will and Testament In witness whereof I the said Edward Weller the Testator have to this my last Will and Testament contained in six sheets of paper to this and the five preceding sheets set my hand this third day of July in the year of our Lord one thousand eight hundred and fifty – **Edw^d Weller** The paper writing contained in this and the five preceding sheets of paper was signed by the said Testator Edward Weller as and for his last Will and Testament in the presence of us present at the same time who in his presence at his request and in the presence of each other have hereunto subscribed our names as witnesses thereto – James Chaddock Amersham Bucks Thomas Daniels Amersham Bucks

Proved at London 23rd August 1850 before the Worshipful John Elliot Farley Robertson Doctor of Laws and Surrogate by the oaths of Caroline Weller widow the relict and the Reverend John Weller Doctor in Divinity and Richard Weller Esquire the brothers the executors to whom Admon was granted having been first sworn duly to Administer