

John Richards Hemfray

206

Castle in the County of Glamorgan Esquire hereby  
revoke all wills Codicils and other testamentary  
dispositions heretofore made by me and declare this to  
my last Will and Testament

- 1 I bequeath to my dear wife Mary Elizabeth Hemfray  
such one of my carriages and such pair of my  
carriage horses as she may select
- 2 And I bequeath to my said wife the sum of £500  
to be paid to her immediately after my death
- 3 And I confirm my marriage Settlement which was  
made by an Indenture dated the 21<sup>st</sup> day of March  
1566 made between my late Father John Hemfray  
deceased of the first part myself of the second part  
my said wife of the third part and Richard Bassett  
William Martin Bassett (since deceased) William Carte  
Nelly and Henry Lyhorne Carte Nelly (since deceased)  
of the fourth part being a settlement made in my  
marriage with my said wife and in addition to the  
provision made under the said Settlement to my <sup>and</sup> wife  
I bequeath to her during her life an annuity of £750  
to be considered as accruing from day to day and to  
be payable quarterly and the first quarterly payment  
to be made at the end of three calendar months  
after my decease and I charge all and singular  
my freehold Estates with the payment of the said  
annuity
- 4 And I bequeath to the Executors and Trustees hereby  
appointed of this my Will such a sum of money as  
in addition to any sum or sums of money payable under  
the said Indenture of Settlement as portions for  
younger children shall be sufficient to make up  
the sum of £4000 upon trust for the purposes  
hereinafter declared concerning the same
- 5 And I declare that the Trustees or Trustee for the time  
being

And this my will shall at their or her discretion invest the said legacy of £10000 in their or her name or name in any of the Public stocks or funds or Government securities of the United Kingdom or upon the freehold copyhold leasehold or chattel real securities in England Wales or Ireland or in any mode of investment for the time being sanctioned by the Court of Chancery for the investment of trust funds but not in any other mode of investment and may from time to time vary or transfer of such stocks funds shares and securities into or to others of any other nature hereby authorized at their or her discretion

6 And I declare that the Trustees or Trustee for the time being of this my will shall hold the said legacy of £10000 and the stocks funds shares and securities representing the same for the time being and the income thereof upon trust for all my children or any <sup>my</sup> child (either than the first or only son or any other son or sons who before his or their respectively attaining the age of 21 years shall become entitled under this my will to the hereditaments and premises hereby devised in strict settlement for the first estate of freehold who being sons or a son shall attain the age of 21 years or being daughters or a daughter shall attain that age or marry and if more than one in equal shares as tenants in common

7 And I hereby declare that it shall be lawful for the Trustees or Trustee for the time being of this my will after the death of my said wife or in her lifetime with her consent in writing to raise any part or parts not exceeding in the whole one half of the then expectant or presumptive or vested share of any child under the trusts

hereinafter directed  
 shall be pay or apply the same for his or her  
 preferment advancement or benefit as the said Trustee  
 or Trustee shall think fit

8. And I hereby declare that the Trustee or Trustee for the  
 time being of this my Will shall after the death of  
 my said wife pay or apply the whole, or such part  
 as they or he shall think fit of the interest dividends  
 and income of the share to which any child shall for  
 the time being be entitled in expectancy under the  
 trusts hereinafter declared for or towards his or her  
 maintenance or education and may either himself or  
 himself so pay or apply the same either directly or  
 to his or her guardian or guardians for the purpose  
 aforesaid without seeing to the application thereof and  
 shall during such suspense of absolute vesting as  
 aforesaid accumulate all the residue (if any) of the  
 same interest dividends and income in the way of  
 compound interest by investing the same and the  
 resulting income thereof in or upon any such stocks  
 funds or securities as are hereinafter mentioned for  
 the benefit of the person or persons who under the  
 trusts herein contained shall become entitled to the  
 principal fund from which the same respectively  
 shall have proceeded with power for the said Trustee  
 or Trustee to vary such investments and to resort to  
 the accumulations of any preceding year or years  
 and to apply the same for or towards the maintenance  
 or education of the child for the time being presumptively  
 entitled to the same in the same manner as such  
 accumulations might have been applied had they been  
 interest dividends or income arising from the original  
 trust fund in the year in which they shall be so  
 applied And I declare that if there shall be  
 only one child of mine living at my death other  
 than such eldest son as aforesaid then I bequeath

my said Executors and Trustees such a sum of money  
 as in addition to any sum of money payable under  
 the said Indenture of Settlement as a portion for  
 one younger child shall be sufficient to make up  
 the sum of £20,000 to be in lieu of the sum of  
 £40,000 hereby bequeathed as aforesaid and to be  
 held upon the same trusts for the benefit of such  
 one child and with the same powers as are  
 hereinbefore declared concerning the said sum  
 of £40,000. And I further direct that if my  
 said wife and my sister Mary Jane Richards  
 Amfray shall both be living at my death and there  
 shall be more than one younger child of mine living  
 at my death then during the joint lives of my said  
 Wife and sister my said Trustees and Executors  
 shall stand possessed of the sum of £30,000 only  
 inclusive of the sum raisable for the portion of  
 younger children under the said Indenture of  
 Settlement in lieu of the said sum of £40,000 and  
 the residue of such sum shall not be raised until  
 the death of my said wife and sister. And I  
 hereby confirm the bequest of the annuity given to  
 my said sister by the Will of my said late Father  
 9 And I declare that if there shall be no child  
 of mine living at my death or born in due time  
 afterwards other than such eldest son as aforesaid  
 who being a son attains the age of 21 years or being  
 a daughter attains that age or marries under that  
 age then subject and without prejudice to the trusts  
 hereinbefore declared the Trustee or Trustees for the  
 time being hereof shall hold the said legacy or so  
 much thereof as shall have been raised and the  
 stocks funds shares and securities representing the  
 same and the interest dividends and income thereof  
 or so much thereof respectively as shall not have

become vested or have been applied under any of the trusts or powers of this my Will as part of my residuary personal estate and the same shall fall into my residuary personal estate accordingly

- 10 And I charge the said legacy which shall be payable for younger children or for a younger child upon my real estate in aid of my personal estate in case my personal estate exclusive of what I have specifically bequeathed and after providing for the said legacy to my said wife shall be insufficient for the purpose of the said legacy and I declare that the said charge may be raised by the Trustees or Trustee for the time being of this my Will by sale or mortgage of all or any part of my said real estate
- 11 And subject and charged as hereinbefore is mentioned I devise all the manors reputed manors or messuages farms lands tenements and hereditaments whatsoever being freehold of inheritance of or to which I shall at my death be seized or entitled in possession remainder or reversion and for either a vested estate or in expectancy or contingency or over which I shall at my death have a general power of appointment or disposition <sup>by will</sup> (except what I otherwise dispose of by this my Will or any Codicil hereto) with their rights members and appurtenances unto the Trustees hereof hereby appointed and their heirs to the uses and for the purposes following that is to say
- 12 To the use of the first son of mine born in my lifetime or in due time afterwards and his assigns during his life without impeachment of waste and from and after the decease of my said first son to the use of the first and every other son of my said first <sup>son</sup> successively according to their respective seniorities in tail male with remainder to the use of the second and every other son of mine born in my lifetime or in due time afterwards successively according to their respective seniorities for their respective lives without impeachment of waste with remainder

to the use of their respective sons in tail male  
in like manner as hereinbefore limited to the use of my and said son for his life with remainder  
 as aforesaid with remainder to the first and every  
 subsequent daughter successively in tail of every  
 son of mine in the order in which my said  
 hereditaments are hereinbefore limited to the sons  
 of my son of mine with remainder to the use  
 of my right heirs for ever

13 I didd always and I hereby declare that if  
 any person sh<sup>d</sup> be entitled (but for this present proviso)  
 for the time being to the possession or  
 receipt of the rents and profits of the said premises  
 hereinbefore devised in strict settlement as tenant  
 for life or as a tenant in tail male or in tail  
 by purchase shall be under the age of 21 years  
 and the Trustees or Trustee for the time being of  
 this my Will shall during such minority receive  
 the rents and profits of and manage the same  
 premises and may cut timber and underwood  
 from time to time in the usual course for sale or  
 repairs or otherwise and erect pull down and repair  
 houses and other buildings and erections and drain  
 or otherwise improve all or any of the said premises  
 and mine houses buildings or other property  
 against loss or damage by fire and make  
 allowances and arrangements with tenants and others  
 and accept surrenders of leases and tenancies and  
 may generally deal with the premises as they  
 he might do if they or he was or were the absolute  
 owners or owner thereof without being answerable for  
 any loss or damage which may happen thereby  
 and after deducting the expenses of management  
 repairs insurance and other outgoings and satisfying  
 any and every annual sum and the interest of  
 any and every gross sum which may be charged  
 upon the said real estate or any part thereof

shall pay any sum or sums which they or he shall think proper in or towards the maintenance education advancement or benefit of such minor (either directly or to his or her guardian or guardians to be applied by such guardian or guardians without accounting to the said Trustees or Trustee) and shall invest the residue of such rents and profits in their or his names or name in or upon any of the public stocks or funds of Great Britain or upon Government or real securities in England Wales or Ireland or in any other mode of investment lawfully authorised to the investment of trust funds but not in any other mode of investment and may from time to time vary the same as to them or him shall seem meet and shall hold all the said residue of the said rents and profits and stocks funds and securities in or upon which the same may be invested and the annual income thereof and the accumulations of such income upon the trusts following (that is to say) if the person during whose minority the said rents and profits shall have been accumulated as aforesaid shall being a male attain the age of 21 years or being a female shall attain that age or marry under that age (unless the interest of such tenant for life or tenant in tail male or in tail shall have arisen and shall determine under the clauses hereinafter contained providing for the assumption of the surname and arms of Hampfroy by any person or the husband of any person becoming entitled to the said real estate under the trusts of this my Will and not then bearing the said name of Hampfroy) Then in trust for such person and his or her executors administrators and assigns as his or her personal estate but if such person shall being a male die under the age of 21 years or being a

tenants do under that age without having been married or if his or her interest in the said rents and profits shall have arisen under the clauses heretofore referred to and hereinafter contained providing for the destination of the said rents and profits after the failure of a tenant for life and a vacancy or contingency of issue of such tenant for life and such interest shall determine by such issue as is hereinafter provided coming into existence then from and after the decease of such person or the birth of such issue as aforesaid upon the trusts and with and subject to the powers provisions and declarations hereinafter declared and contained of and concerning the monies to arise from a sale in pursuance of the power of sale hereinafter contained and the stocks funds and securities in or upon which such monies are hereinafter authorized to be invested and the dividends interest and income thereof

14 And I hereby declare that every person <sup>having</sup> ~~possessing~~ <sup>entitled</sup> to the life of the said premises either before or after he shall be entitled to the possession or to the receipt of the rents and profits of the said premises (but subject to the uses and estates preceding his own estate and to the powers annexed to such preceding uses or estates and to the uses and estates limited in exercise of such powers) by deed or will or judicial appointment to any woman with whom he may marry or have married for her life or for any less period any yearly outcharge or yearly rent charges not exceeding in the whole for or in such woman the yearly sum of £1000 to be charged upon and payable out of all or any of the said premises with usual powers for recovering and enforcing payment of the said rent charge or rent.



charges by distress and entry And may also appoint the premises so charged to any person or persons for any term of years with or without impeachment of waste upon usual trusts for securing the payment of the same rent charge or rent charges. And I hereby declare that the said power of jointuring may be exercised as often as any person for the time being entitled to exercise the same shall marry. Provided always that no jointure shall become a lien upon the said premises or any part thereof or be payable unless either the person so appointing the same shall be or become entitled to the possession or the receipt of the rents and profits of the said premises or some issue of such person shall or if full age would become so entitled. Provided always that the said premises or any of them shall not be at any one time subject to the payment of rent charges made under this power exceeding in the whole the annual sum of £1000 and the same rent charges respectively shall have preference and priority of payment according to the priority in date of limitation of the estates of the several persons exercising the said power.

15 And I hereby declare that any person hereby made tenant for life of the said premises either before or after he shall be entitled to the possession or to the receipt of the rents and profits of the same premises (but subject to the uses and estates preceding the estate of the person for the time being exercising this present power and to the powers annexed to such preceding uses or estates and to the uses or estates limited in exercise of such powers) may by deed or Will or codicil charge all or any part of the said premises with the payment of any sum or sums not exceeding in the different words hereinafter specified the different sums hereinafter mentioned as and for the portion or portions of his

child or all or any of his children (other than a  
 first or only son or an eldest daughter entitled  
 under a by virtue of this my Will to the possession  
 or to the first estate of inheritance of the same  
 premises) (that is to say) if there shall be but one  
 such child (other than as aforesaid) the sum of  
 £5000 (and if there shall be two or more such  
 children (other than as aforesaid) the sum of  
 £10000 to be an interest or interest vested in and  
 to be payable unto or among such child or children  
 or any one or more exclusively of the other or others  
 of such children at such age or time ages or times  
 and in such manner and form in every respect  
 as the person for the time being exercising this  
 present power shall appoint and by the same or  
 any other deed or deeds or by will or codicil  
 (but subject and without prejudice as aforesaid)  
 may charge the premises charged with such portion  
 or portions respectively with the payment of any clear  
 annual sum or sums of money (not exceeding what  
 the interest of the sum or sums of money so  
 charged for a portion or portions would amount to  
 after the rate of  $4\frac{1}{2}$  per cent per annum) to be  
 applied for or towards the maintenance or  
 education of the child or children for whom the  
 portion or portions charged as aforesaid shall be  
 intended in the meantime until such portion or  
 portions shall become payable in such manner in  
 every respect as the person for the time being  
 exercising this power shall direct and may provide  
 for the raising and payment of such portion or  
 portions and annual sum or sums by deed or by  
 will or codicil and may appoint the premises  
 charged therewith to any person or persons for any  
 term or terms of years with or without impeachment

of waste upon usual trusts for securing payment of the same I recited always that no portion which may be charged under the power lastly herebefore contained nor any interest on any such portion nor any part thereof respectively shall become a lien upon the said premises or any part thereof or be payable unless either the person whose the ~~power~~ so charging the same shall be or become entitled to the possession or to the receipt of the rents and profits of the same premises or unless some issue of such person shall or if of full age would become so entitled and also that the said premises shall not at any one time be charged with or be subject to a greater sum of money in the whole for portions than the principal sum of £10000 and the same portions respectively shall have preference and priority of payment according to the priority in order of limitation of the estates of the several persons exercising the said power lastly herebefore contained

16. And I hereby declare that it shall be lawful for every person hereby made tenant for life of the said premises herebefore devised in strict settlement as and when he shall be entitled to the possession or the receipt of the rents and profits of the same premises And also for the Trustees or Trustee for the time being of this my will during the minority of any person who if of full age would under this my will be for the time being entitled to the possession or the receipt of the rents and profits of the same premises by deed to appoint by way of lease all or any of the same premises for any term of years not exceeding 21 years to take effect in possession

17. And I hereby declare that it shall be lawful for every person hereby made tenant for life of the said premises herebefore devised in strict

statement as and when he shall under this my  
 will be entitled to the possession or the receipt of  
 the rents and profits of the same premises And  
 also for the Trustee or Trustees for the time being  
 of this my will during the minority of any person  
 who if of full age would be for the time being  
 entitled to the possession or the receipt of the rents  
 and profits of the same premises by deed to  
 appoint by way of lease any part of the said  
 premises to any person or persons who shall  
 improve the same by erecting or building thereon  
 any new house or houses or building or by  
 rebuilding repairing enlarging or improving any  
 house or houses or building then standing thereon  
 or shall covenant or agree so to do within two years  
 after the date of such appointment for any term  
 of years not exceeding 99 years to take effect in  
 possession And also to appoint by way of lease  
 all or any mines quarries minerals coals stones  
 clay sand or substances in or under or upon the  
 same premises either with or without any messuages  
 buildings lands or hereditaments convenient to be  
 held with the same respectively and either with  
 or without the surface of the lands in or under  
 which the same or any part thereof respectively  
 shall be and whether the same have or have not  
 been hitherto opened or worked for any term of  
 years not exceeding 99 years to take effect in  
 possession together with all such liberties liberties  
 powers and privileges for searching for working getting  
 washing smelting burning rendering merchantable  
 and disposing of the said mines quarries minerals  
 coals stones clay sand and substances as to the  
 person or persons for the time being exercising this  
 present power shall seem expedient so as there be

reversed on every such appointment the best rent  
 tithes duties royalties or reservations by the acre the  
 ton or otherwise to be incident to the immediate  
 reversion that can be reasonably gotten without taking  
 anything in the nature of a fine or premium  
 Provided always that the reservation of rents tithes  
 duties or royalties the amount of which shall vary  
 with it according to the average worked or the minerals  
 coals stones clay sand or substances gotten shall not be  
 taken to be in the nature of a fine or premium though  
 the effect of such reservation may eventually be  
 disadvantageous to the remainder man

- 18 Provided always and I hereby declare my will  
 to be that it shall be lawful for the Trustees or Trustee  
 for the time being of this my will during the life of  
 any person hereby made tenant for life who shall  
 under this my will be <sup>for the time being</sup> entitled to the possession or  
 the receipt of the rents and profits of the said  
 premises hereinbefore devised in strict settlement with  
 his consent in writing if he shall be of full age and  
 also during the minority of any person hereby made  
 tenant for life or tenant in tail male or in tail by  
 purchase who shall or if of full age would for the  
 time being be entitled to the possession or the receipt  
 of the rents and profits of the same premises or  
 any part thereof at the discretion of them the  
 Trustees or Trustee for the time being of this my will  
 to convey with <sup>such</sup> person or persons for the time  
 being seized of or entitled to dispose of the <sup>whole</sup> undivided  
 share or shares of any hereditaments of which an  
 undivided share is hereinbefore devised or of any of  
 the same hereditaments in making a partition of the  
 same hereditaments or any of them and to give or  
 receive any money for equality of partition and to  
 make any such partition upon any terms or

and in any manner they or he shall think fit and for the purpose of effectuating such partition or any arrangement relating thereto by any deed or deeds absolutely to make all or any of the uses trusts powers and powers hereinbefore limited and declared or to be limited or declared under the powers hereinbefore contained of jointuring or charging portions of or concerning the share hereinbefore devised of the hereditaments of which it shall be intended to make partition (but subject and without prejudice to any mortgage or other disposition which may have been made under the trusts of any term of years hereinbefore limited <sup>or under the trusts of any term of years limited</sup> ~~under the special powers~~ of jointuring or charging portions and to any lease or leases which may have been granted under any of the powers of leasing hereinbefore contained) and by the same or any other deed or deeds to limit or appoint any uses estates or trusts of the same share which shall be thought expedient and generally for any such purpose as aforesaid to execute and do all such assurances and things as they or he shall think fit

- 19) Provided always and I hereby declare that it shall be lawful for the Trustee or Trustees for the time being of this my will during the life of any person hereby made tenant for life who shall under this my will be for the time being entitled to the possession or to the receipt of the rents and profits of the said premises hereinbefore devised in such settlement with his consent in writing if he shall be of full age and also during the minority of any person hereby made tenant for life or in tail male or in tail by purchase who shall or if of full age would for

the time being be entitled to the possession of the receipt of the rents and profits of the same premises at the discretion of them the Trustees or Trustee for the time being of this my will to sell or exchange for other manors lands or hereditaments in England or Wales all or any of the said premises herebefore devised in strict settlement upon such terms and upon such conditions as the said Trustees or Trustee may think fit with power to buy in or rescind any contract for sale or exchange of all or any of the said premises and to recall and exchange the same without being responsible for any loss occasioned thereby And I hereby declare that for effectuating any such sale or exchange it shall be lawful for the Trustees or Trustee for the time being of this my Will and with such consent and at such discretion as aforesaid by any deed or deeds to receive all or any of the uses trusts and powers herebefore limited and declared to be limited or declared under the powers herebefore contained of jointuring or charging portions of or concerning the said premises or any part thereof (but subject to any mortgage or other disposition which may have been made under the trusts of any term of years herebefore limited or under the trusts of any term of years to be limited under the aforesaid powers of jointuring or charging portions and to any lease which may have been granted under any of the powers of leasing herebefore contained and by the same or any other deed or deeds to limit or appoint any uses estates or trusts of the same premises or any part thereof which shall be thought expedient and generally for any such purpose as aforesaid to execute and do all such assurances and things as they or he shall think fit And I hereby declare that the Trustees or Trustee for the time being of this my Will shall receive all moneys which may

becom payall upon any such partition sale or  
 exchange as aforesaid and with all convenient speed  
 invest the same in the purchase of other manors  
 lands or hereditaments in England or Wales for an  
 estate in fee simple or of lands of a leasehold or  
 copyhold or customary tenure convenient to be held  
 therewith or with any hereditaments for the time  
 being subject to the subsisting uses or trusts of this  
 my will or in purchasing the enfranchisement  
 of any lands of copyhold or customary tenure  
 for the time being subject to the subsisting trusts  
 of this my will yet so that during the life of  
 any person hereby made known for life who  
 shall for the time being be entitled as aforesaid  
 and shall be of full age every such purchase  
 and enfranchisement shall be made with his  
 consent in writing And I hereby declare that the  
 Trustees or Trustee for the time being of this my will  
 shall settle and assure all such of the manors lands  
 or hereditaments so to be purchased or taken upon  
 partition or in exchange as aforesaid as shall be  
 preferred to the uses upon the trusts and with and  
 subject to the powers premises and declarations  
 in and by this my will limited expressed and  
 declared to under the powers hereinafore contained  
 of jointuring or charging portions to be limited  
 expressed or declared of and concerning the said  
 premises hereinafore devised in strict settlement or as  
 near thereto as the deaths of parties and other  
 intervening accidents will admit of but not so as to  
 increase or multiply charges or powers of charging  
 and shall settle and assure all such of the said  
 manors lands or hereditaments so to be purchased  
 or taken upon partition or in exchange as aforesaid  
 as shall be of leasehold or copyhold or customary



tenure upon such trusts and with and subject to such  
 powers premises and declarations as shall correspond  
 with the uses trusts powers premises and declarations in  
 and by this my Will limited expressed and declared  
 or under the said powers of partition or charging  
 portions to be limited expressed or declared of and concerning  
 the said hereditaments and premises herebefore devised  
 in strict settlement or as near thereto as the different  
 tenure and quality of the premises and the rules of law  
 and equity and the deaths of parties and other  
 intervening accidents will admit of but not so as to  
 increase or multiply charges or powers of charging and  
 so that if any of the lands purchased or taken  
 upon partition or in exchange shall be held by  
 lease or leases for years the same shall not vest  
 absolutely in any person hereby made tenant in  
 tail male or in tail by purchase unless he or she  
 shall attain the age of 21 years but in his or her  
 death under that age shall go devolve and remain  
 in the same manner as if they had been freeholds  
 of inheritance and had been settled accordingly and  
 I hereby declare that if any of the lands purchased  
 or taken upon partition or in exchange as aforesaid  
 shall be held for leases or grants for lives or for  
 years proper provisions shall be inserted in the  
 settlement hereinafter directed to be made thereof  
 for renewing such leases or grants from time to time  
 as occasion shall require and that the fines and  
 expenses of such renewals shall from time to time  
 be defrayed by and out of the premises so to be  
 purchased or taken upon partition or in exchange  
 and of which such renewals are to be made <sup>or made</sup> in such  
 manner that the several persons beneficially entitled  
 to the same shall contribute to such fines and expenses  
 in the proportions in which according to the rules of

Courts of Equity they would be bound to contribute  
 Provided always and I hereby declare that subject-  
 to and so that the equities or allegations of the  
 persons claiming under this my Will as to defraying  
 the fines and expenses of such renewal of leases  
 or grants as aforesaid shall not thereby be altered  
 it shall be lawful for the Trustees or Trustee for  
 the time being of this my will by and out of  
 the moneys to arise from any such sale or to be  
 received for equality of exchange or partition as  
 aforesaid to pay any money which upon any  
~~any~~ exchange or partition made in exercise of the  
 aforesaid power in that behalf by the Trustees or  
 Trustee for the time being acting in the exercise  
 of the same power for equality of exchange or  
 partition or which may be required for the removal  
 of any such lease or grant as aforesaid And also  
 to raise any money agreed to be paid by the  
 said Trustees or Trustee for equality of exchange  
 or partition or which may be required for the  
 removal of any such lease or grant as aforesaid  
 by mortgage if the hereditaments to be received in  
 exchange or upon partition or taken by removal  
 as aforesaid or of any other hereditaments for  
 the time being subject to the then subsisting uses  
 or trusts of this my will and for the purposes  
 aforesaid or any of them to execute and do all such  
 assurances and things as they or he shall think  
 fit and no mortgagee advancing money upon any  
 mortgage purporting to be made under this power  
 shall be bound to see that such money is wanted or  
 that ~~any~~ more than is wanted is raised Provided  
 also and I hereby declare that it shall be  
 lawful for the Trustees or Trustee for the time  
 being of this my will upon the request of any

person hereby made tenant for life who shall for the  
 time being be entitled as aforesaid and shall be of  
 full age or if there shall be no person for the  
 time being so entitled as aforesaid and of full age  
 then at their or his discretion to apply any moneys  
 to arise by any such sale partition or exchange as  
 aforesaid in or towards paying off or discharging any  
 mortgage or other charge or incumbrance for the time  
 being affecting all or any of the hereditaments then  
 subject to the then subsisting uses or trusts of this  
 my Will but without abating the equities or  
 obligations of the parties claiming under this my will  
 as to defraying the fines and expenses of such  
 renewals of leases or grants as aforesaid And I  
 hereby declare that until the moneys to arise by  
 such sale partition or exchange shall be disposed  
 of as hereinbefore directed the said Trustees or Trustee  
 for the time being of this my will with the consent  
 of the person (if any) hereby made tenant for life  
 who shall for the time being be entitled as aforesaid  
 and shall be of full age and if there shall be  
 the time being be no such person then at the  
 discretion of such Trustees or Trustee for the time  
 being <sup>may</sup> invest the same in any part thereof in their or  
 his name or name in or upon any <sup>of the</sup> public stocks  
 or funds of Great Britain or upon Government or  
 real securities in England Wales or Ireland or in any  
 mode of investment hereby authorized for the  
 investment of trust funds but not in any other mode  
 of investment and may vary such stocks funds  
 and securities And I hereby declare that the interest  
 dividends and income of such stocks funds and  
 securities shall be paid and applied to such  
 person or persons for such purposes and in such  
 manner as the rents and profits of the

hereditaments to be purchased therewith as aforesaid  
 shall be payalle & applicable in case such  
 purchase or purchases and settlement as aforesaid  
 were then actually made

20 And I hereby declare that the receipt of the  
 Trustees or Trustee for the time being of this my  
 will for any money which may become payalle  
 for the purchase of any hereditaments which may  
 be sold under the said power of sale or for equality  
 of partition or exchange or for any money advanced  
 by a mortgagee or mortgagees upon any mortgage  
 purporting to be made under the power  
 heretofore contained of raising money by  
 mortgage or for any other money which may be  
 paid or for any stocks funds or securities which  
 may be transferred to the Trustees or Trustee  
 for the time being of this my will under or by  
 virtue of this my will or in the execution of  
 any of the trusts or powers hereof shall  
 effectually discharge the person or persons paying  
 or transferring the same therefrom and from being  
 bound to see to the application or being answerable  
 for the loss or misapplication thereof

21 And I hereby declare that the Trustees or Trustee  
 for the time being of this my Will shall have  
 power to raise money requisite for the exercise of  
 any of the powers hereof or for any <sup>of the</sup> trusts or  
 purposes of this my will by mortgage charge  
 pledge or otherwise on the security of any property  
 affected by this my will with power to insert in  
 any such mortgage any power of sale and any  
 usual or reasonable powers or provisions and no  
 mortgagee or person advancing any money  
 purporting to be raised under this power shall  
 be bound to see or inquire whether the money is

scanted or that no more than is wanted is raised  
 or as to the propriety or regularity of the exercise of  
 this power or as to the application of the moneys  
 advanced or be responsible for its misapplication or  
 non application

22. And I hereby declare that the Trustees or Trustee  
 hereof for the time being shall have power to make  
 receive and vary contracts for or in respect of the  
 exercise of any of the powers hereunder or for any  
 of the trusts intents and purposes of this my will  
 and to execute and do all such deeds and things as  
 shall be necessary or proper for or in respect of  
 the exercise of any of these powers or for any of the  
 powers hereunder or for any of the trusts trusts and  
 purposes of this my will

23. And I hereby give and devise all the copyhold  
 and customary messuages lands tenements and  
 hereditaments of or to which I shall at my death  
 be seized or entitled or of which I shall at my death  
 have power to dispose of by will (except what I  
 otherwise dispose of by this my will or any codicil  
 thereto) unto and to the use of the Trustees of this  
 my will lawfully appointed and their heirs according to  
 the custom of the manor or manors of which the  
 same may be respectively helden and at and under  
 the accustomed rents fines heriots suits and services  
 upon such trusts and with and subject to such  
 powers powers and declarations as shall as nearly  
 correspond with the uses trusts powers powers and  
 declarations herebefore limited and declared of and  
 concerning the freehold premises herebefore devised  
 in strict settlement as the different tenure and  
 quality of the premises and the rules of law and  
 equity will permit but so as not to increase or  
 multiply charges or powers of charging

2<sup>nd</sup> And I give and bequeath all the leasehold messuages  
 lands tenements and hereditaments whether holden  
 for any life or lives or for any term or terms of years  
 absolutely or determinable with any life or lives or  
 to which I shall at my death be seized possessed  
 or entitled or of which I shall at my death have  
 power to dispose of by will (except what I otherwise  
 dispose of by this my will or any codicil thereto)  
 unto the Trustees of this my will hereby  
 appointed their executors administrators and assigns  
 for all such estate term or interest as I shall have  
 therein respectively at my decease upon trust that  
 the Trustees or Trustee for the time being of this  
 my will shall by and out of the rents and profits  
 thereof pay the rent reserved by the leases thereof  
 respectively and observe and perform the covenants  
 and conditions in the said leases respectively contained  
 and on the part of the several Lessees or their  
 respective executors administrators or assigns to be  
 observed or performed and subject thereto shall hold  
 the same premises upon such trusts and with  
 and subject to such powers provisions and declarations  
 as shall as nearly correspond with the uses trusts  
 powers provisions and declarations hereinbefore limited  
 and declared of and concerning the freehold  
 premises hereinbefore devised in strict settlement  
 as the different tenure and quality of the premises  
 and the rules of law and equity will permit but  
 not so as to increase or multiply charges or powers  
 of charging and so that such of the same premises  
 as are held by a lease for years shall not vest  
 absolutely in any person hereby made tenant for life  
 or in tail by purchase of the said freehold hereditaments  
 hereinbefore devised in strict settlement unless such  
 person shall attain the age of 21 years but on his

at her decease under that age shall go over her and remain in the same manner as if they had been freeholds of inheritance and had been included in the devise in strict settlement hereinbefore contained.

25. *Provided* always and I hereby declare my will to be that every person who under or by virtue of this my will shall become entitled to the actual possession or to the receipt of the rents and profits of the premises hereinbefore devised in strict settlement and who shall not then use and bear the surname and arms of *Hempsey* shall within one year after he or she shall so become entitled or (being an infant) within one year after he or she shall attain the age of 21 years and also that every person whom any female so becoming entitled shall marry shall within one year after such female shall so become entitled or shall marry which ever of such events shall last happen (unless in the said respects cases any such person shall be prevented by death) take upon himself or herself and use in all deeds and writings which he or she shall sign and upon all occasions the surname of *Hempsey* together with his or her own family surname and also quarter the arms of *Hempsey* with his or her own family arms and shall within the said one year (unless prevented by death) apply for and endeavour to obtain a proper licence from the Crown or take such other steps as may be requisite to authorize him or her so to take use and bear the said surname and arms of *Hempsey*. And further that in case any such persons shall refuse or neglect within the said one year to take use and bear such surname and arms or to take such steps as aforesaid or shall at any time afterwards discontinue to use and bear such surname or arms then and in every such case immediately after the expiration of the year

one year or immediately after each discontinuance  
 as aforesaid as the case may be if the person who  
 or whose husband shall so for the time being  
 refuse neglect or discontinue as aforesaid shall be  
 either himself or herself or together with her  
 husband tenant for life the limitations herebefore  
 contained to the use of such person and his or her  
 assigns during his or her life shall determine and  
 become void and if the person who or whose husband  
 shall so for the time being refuse neglect or  
 discontinue as aforesaid shall be tenant in tail  
 male or in tail then the limitations under which  
 such person shall be tenant in tail male or in  
 tail shall absolutely determine and become void  
 and in the respective cases the said premises  
 herebefore devised in strict settlement shall  
 immediately go to the person or persons next in  
 remainder under the limitations herein contained  
 precisely in the same manner as if such person  
 being tenant for life were dead or being tenant in  
 tail male or in tail were dead and there being a  
 general failure of issue inheritable under such  
 limitations in tail male or in tail respectively  
 Provided always and I hereby declare that the  
 event or determination under the proviso lastly  
 herebefore contained of the estate herebefore limited  
 to any person who or whose husband shall so for  
 the time being refuse neglect or discontinue as  
 aforesaid and who shall be tenant for life under  
 the limitations herebefore contained shall not  
 prejudice or affect any of the contingent remainders  
 herebefore limited to his or her son or sons  
 daughter or daughters or any other person and that  
 from and after such event or determination as  
 aforesaid the said premises herebefore <sup>limited</sup> in strict



settlement shall be and remain to the use of the Trustees hereof hereby appointed their heirs and assigns during the life of the person who is or whose husband shall so for the time being refuse neglect or discontinue as aforesaid and the said Trustees hereof hereby appointed their heirs and assigns and either the Trustees or Trustee for the time being if this my will shall thenceforth during the life of such person pay the rents and profits of the said premises to a person the same to be received by the person or persons for the time being entitled under the limitations hereinbefore contained to the first vested estate in remainder expectant on the decease of such person as aforesaid

26 And I give and bequeath all the money securities for money goods chattels credits and personal estate of or to which I shall at my death be possessed or entitled or of which I shall at my death have power to dispose by Will (except chattels real included in the devise hereinbefore contained of real estate and except what I otherwise dispose of by this my Will or any Codicil thereto) unto the Trustees hereof hereby appointed their executors and administrators Upon trust that the Trustees or Trustee for the time being of this my will shall as soon as conveniently may be after my death call in sell and convert into money such parts thereof as shall not consist of money and shall by and out of the moneys to arise from the calling in sale and conversion into money of such parts of the said personal estate lastly hereinbefore bequeathed as shall not consist of money and by and out of the ready <sup>money</sup> which I shall be possessed at my death pay my funeral and testamentary expenses and debts and the legacies (other than specific legacies bequeathed by

they may buy or any other stock and shall invest  
 the residue of the same monies in the names or name  
 of the Trustee or Trustee for the time being of this  
 my will in any mode of investment lawfully authorized  
 for the investment of trust funds but not in any  
 other mode of investment and may at any time  
 vary or transfer such stocks funds or securities into  
 or for others of the same or a like nature at their  
 or his discretion and shall hold the said  
 clear residuary monies stocks funds shares and  
 securities upon the trusts and with and subject to  
 the powers purposes and declarations and in the  
 manner hereinbefore declared and directed of and  
 concerning the monies to arise from any sale of  
 the premises hereinbefore devised in strict settlement  
 under the power of sale hereinbefore contained

27/ And I declare that during the minority of any  
 such person entitled presumptively or in expectancy  
 under this bequest the income of the trust funds  
 affected thereby shall be applicable for the benefit  
 of such person and subject thereto be accumulated  
 in like manner as if the same had been rents  
 and profits within the scope of the clause  
 hereinbefore contained for the application of rents  
 and profits during minorities and as if the  
 person so entitled under this gift were the person  
 entitled for the time being within the scope of  
 the said clause for the application of rents and  
 profits during the minorities

28 Provided always and I hereby declare my will  
 to be that if the said Trustee hereby constituted or  
 any of them shall die in my lifetime or if they  
 or any of them or any Trustee or Trustees  
 appointed as hereinbefore provided to the Court  
 of Chancery or otherwise appointed of this my will

shall after my death die or be abroad or desire to be discharged or refuse or become incapable to act and for the appointment of any additional Trustee or Trustees then and in every such case it shall be lawful for the said Trustee or Trustees (and for this purpose every retiring or refusing Trustee shall be considered a Trustee) with the consent of the Steward for life of any under the said devise in strict settlement if none at the discretion of the said Trustee or Trustees to appoint any new Trustee or new Trustees in the place of the Trustee or Trustees dying or being abroad or desiring to be discharged or refusing or becoming incapable to act as aforesaid And upon every or any such appointment as aforesaid and upon every appointment of new Trustees or new Trustee of this my will by the Court of Chancery or otherwise the number of Trustees may be augmented or reduced and several parts of Trustees of parts of the trust premises may be created or consolidated And upon every such appointment and upon every appointment of new Trustees or a new Trustee of this my will by the Court of Chancery or otherwise all the estates moneys stocks funds shares and securities (if any) then vested in the Trustee or Trustee for the time being or in the lives or executors or administrators of the last surviving or continuing Trustee shall be re-vested assigned and transferred or vested that the same may be vested in the surviving or continuing Trustee or Trustees jointly with such new or additional Trustee or Trustees or in such new Trustees solely as the case may require And every Trustee appointed as aforesaid under the power herein contained or by the Court of Chancery or otherwise appointed a Trustee of this my Will as well before as after

the <sup>said</sup> ~~trust~~ premises (if any) shall have been so  
 ruled set or assent in the execution trusts and  
 power of this my will as fully and effectually  
 to all intents and purposes as if I had hereby  
 constituted him a Trustee

29 And I give devise and bequeath all the estates  
 which at my death shall be vested in me upon any  
 trusts or by way of mortgage and of which I shall  
 at my death have power to dispose by will unto  
 the Trustees hereof hereby appointed their heirs  
 executors and administrators respectively according  
 to the nature thereof respectively Upon the trusts  
 and subject to the equity of redemption which at my  
 death shall be subsisting or capable of taking effect  
 therein respectively but the money secured in  
 such mortgages shall be taken as part of my  
 personal Estate

30 And I hereby appoint Richard Bassett of  
 Dry House near Newbury Esquire and Ralph  
 Thurston Bassett of Crossways near Peulidge  
 Esquire Executors and Trustees of this my Will  
 and authorize and empower the acting Executors  
 or Executor for the time being of this my Will to  
 pay and satisfy any debts owing or claimed to be  
 owing by or from me or my estate and any liabilities  
 to which I or my estate may be or may be alleged to  
 be subject upon any evidence they or he shall think  
 proper and to accept any composition or any security  
 real or personal for any debt or debts owing to me  
 or my estate and to allow such time for the  
 payment of any such debt or composition for a  
 debt (either with or without taking security for the  
 same as to them or him shall seem reasonable  
 and also to compromise or compound or submit  
 to arbitration and settle all debts accounts transactions

matters and things which shall be owing or committed  
to be owing from or to me or my estate or be depending  
or arise between me or my said executors or executor  
and any other person or persons and generally to  
act in relation to the premises in such manner  
as they or he shall think expedient without being liable  
for any loss which may be occasioned thereby

And I hereby appoint my said wife and the said  
Richard Bassett and Ralph Thurston Bassett  
Guardians of my infant children during their  
respective minorities

In witness whereof I the said John Richards  
Hemfray have to this my last Will set my hand  
this second day of October one thousand eight hundred  
and eighty ————— J. R. Hemfray —————

Signed and declared by the said Testator as and  
for his last Will in the presence of us present at  
the same time who in his presence and his request  
and in the presence of each other have hereunto  
subscribed our names as witnesses — R. W. Williams  
Sol<sup>r</sup> Cardiff — John R. Marsh his Clerk —

Exd. A. K.

Examined

John Stuart Gilbert  
Steward

Petition

The Principal Registry

In Her Majesty's High Court of Justice

To appear  
 (and a stamp  
 to be affixed  
 to the  
 petition)

Be it known that at the date hereunder written the last Will and Testament (a copy whereof is herewith annexed) of John Richard's Humphrey late of Pwllhyn Castle in the County of Glamorgan Esquire deceased who died on the eighth day of August 1882 at Pwllhyn Castle aforesaid was proved and registered in the Principal Registry of the Probate Division of Her Majesty's High Court of Justice and that Administration of the personal estate of the said deceased was granted by the aforesaid Court to Richard Bassett Esquire and Ralph Thurston (in the Will spell Thurston) Bassett Esquire the Executors named in the said Will that they having been first sworn well and faithfully to administer the same and it is hereby certified that an Affidavit in verification of the account of the said estate has been delivered duly stamped wherein it is shown that the gross value of the said Estate amounts to £134,359.16.11<sup>1</sup> and no more

Dated the twenty eighth day of October 1882

Edward K Jenner  
 Registrar

Examined

John Stuart Arbut  
 Stewart

Examined by Court  
 After the Chamberlain's Seal