

Testament of Basil Hall
SC70/4/2 [pp.875-7]

Basil Hall June 1846 vol 672 105 This is the Last will and Testament of me Basil Hall a Captain in the Royal Navy now residing at Southsea near Portsmouth whereas by a Contract made in Scotland previously to my marriage with my present wife Margaret Hall (then Margaret Hunter) bearing date the eleventh day of February one thousand eight hundred and twenty five I Bind myself to secure to my said wife during her life in case she should survive me an annuity of Three hundred pounds and also to pay out the sum of two thousand pounds in the free share of a house & to take the rights thereof in favor of myself & the said Margaret Hunter for her liferent use and otherwise to pay the Children of the marriage (if three or more) the sum of Eight thousand pounds which sum should be subject as far as might be necessary to make good the purchase of three hundred pounds per annum awarded to the said Margaret Hunter at the time and in manner therein mentioned & whereas I am still bound to invest the said sum of two thousand pounds in the purchase of a house for the liferent use of my said wife and whereas I have by my said wife four Children now my will is & I hereby in the first place desire all my past debts funeral & testamentary expenses & Legacies to be paid as soon as may be after my decease and particularly that the said sums of two thousand pounds & eight thousand pounds may be paid invested & applied pursuant to the Trusts & provisions contained in my herein before rented marriage Contract and my will is & I hereby desire that if my said wife shall request that the said sum of two thousand pounds may not be invested in the purchase of a house pursuant to the provision form said Marriage Contract but laid out at interest in the ? as ? or upon Government or real securities the same may be invested accordingly & the dividends interests & annual produce thereof be paid to my said wife for her life & subject to the interest for life of my said wife in the said sum of two thousand pounds or in purchased I direct that the said money or house & appertaining shall be considered part of my residuary estate herein after bequeathed I give unto my * [in margin] * said wife the sum of one hundred pounds to be paid to her immediately after my decease I give unto my [main text] eldest son Basil Sidmouth De Ros all my astronomical & other Instruments & scientific apparatus and also all my manuscript Journals & letters (except such letters as shall have been received by me from persons who shall be living at my decease & which I hereby authorise my Executor to return to such persons if my said son shall so direct) and in case my said son Basil Sidmouth de Ros shall die before he shall obtain the age of twenty one years Then I give the said Instruments apparatus Manuscripts Journals & Letters unto my second son Frederick Richard But I hereby direct that none of my said Manuscripts shall be printed & published during the lifetime of my present wife without her consent & under her discretion all the rest & residue of my monies stocks funds & securities for money & all my real & personal Estate I give desire & bequeath with the Honourable Frederick de Ros a Captain in the Royal Navy & the Reverend Burgess of Chelsea in the County of Middlesex Clerk there has expenses administered & assigns upon trust to sell my said real Estate and to get in & convert into money such parts of my personal Estate as shall not consist of money But nevertheless that if my Trustees shall shew it most advantageous not to call in my security or securities in which my part of my personal Estate may be invested it shall be lawful for them to refrain from so doing and I direct that as well all such personal estate as shall consist of money as all the monies which may arise from such sales & conversion of aforesaid after deducting the

charges attending the same be applied in the foresaid instance in the payment of my just debts & the legacies legacies given or to be given by this my will or any Codicil or Codicils thereto & that the residue thereof be laid out & invested on Government or real securities at interest & be from time to time called in & valued as my said Trustees shall stand possessed of the said stocks funds & securities upon trust to pay the interest dividends & annual produce thereof unto my said wife during so long time as she shall remain my widow as will for the countenance of herself as for the maintenance support & education of our children & from & after her decease or second marriage In trust to pay & divide all & singular the said Trust powers & premises in equal shares unto & between all such children as I may have by my said wife as Tenants in common (& not as four tenants) but in case I shall have but one child in trust for such only child and I direct that such share or shares shall be ? to or an interest invested in any daughters or a daughter at the age of twenty one years or days or say of marriage (if such marriage to had with the consent of their or her Guardians) and in any son or sons at his age of twenty one years But I declare that if any one or more of my s[ai]d children shall die before his her or their interests shall become vested as aforesaid then as will the original share or shares or the share or shares accruing to each such child shall devolve on the survivors or survivor of them and shall vest in them him or her in such manner as before directed with reference to the equal share or shares But in case no child shall allow a vested interest in the said Trust monies or premises or having allowed such shall die without having made any Disposition of the same by Will or otherwise Then I direct that my said Trustees shall stand possessed of all & ? the said Trust monies & premises or such part thereof whereof no such Disposition shall have been made in trust to pay the same Trust monies & premises unto my said Wife for her own absolute use & benefit and I further declare my will to be that in case of the decease or second marriage of my said wife it shall be lawful for my said Trustees with the consent of my said wife during her life & after her death then at their own discretion to apply the whole or such part as they or he shall think proper of the annual income of the presumptive share or shares of any deed or maintenance & education and ? that if in any year or years the whole of such annual income shall not be so applied the surplus thereof shall be invested in manner aforesaid & go in augmentation of the same from which the same shall have arisen subject nevertheless to be applied in in case of his or her maintenance or education in my secondary year or years & further that it shall be lawful for my said Trustees with the consent of my said wife during her life & after the death then of their own discretion to apply all or any part or parts of the presumptive share of any sum in my said residuary estate for the purpose of establishing them in any trade profession or employment of farther advancement therein or otherwise for his benefit as my said Trustees & Trustee shall think fit and I hereby also declare that every ? of my said Trustees or Trustee for the time being shall be a sufficient discharge for all monies which shall be paid or payable to them or him under the interests or provisions of this my will and shall exonerate the person or persons paying the same from seeing to the application thereof Provided always and I hereby declare that of the said Frederick de Ros and Richard Burgess or either of them or any Trustee to be appointed in pursuance of this power or ? executors or administrators if any of them shall decline die or desire to be discharged from or be incapable to act in the Trusts of this my will it shall [p.877] shall be lawful for my said wife during her widowhood & after her decease for the other or surviving or continuing Trustees or Trustee or the Executors or administrators of the last surviving or continuing Trustee by any writing under his hand to appoint any other

person or persons to be a Trustee or Trustees with failure of the Trustee of Trustees so discontinuing dying desiring to be discharged or becoming unable to act as aforesaid & upon any such appointment all my said Trust Estates shall be conveyed assigned and conferred in such manner as that the same may be legally vested in such new Trustee or Trustees wholly with the surviving or continuing Trustee of any or in said new Trustee only as the case may be upon the Trusts ? and with & subject to the premises & provisions herein contained or expressed concerning the same and I hereby also declare that the Trustees for the time being hereof and also my Executors herein after names and their respective heirs executors & administrators shall be chargeable only for such monies as they shall respectively actually receive and that one of them shall not be answerable for the acts receipts or defaults of another Broker or other person with whom any part of my estate shall be deposited for safe custody nor for the confiscating of any security upon which any part of my said Estate shall be invested nor for any loss or damage which may happen thereto in the execution of the Trusts or powers of this my will unless the same be ? through their respective ? right or default and I hereby authorise my said Trustees & Executors to retain & reimburse themselves respectively & allow to them respective to Trustees all costs charges damages & expenses which they respectively may incur expend or be put to in or ? the execution of the Trusts or powers of this my will I appoint my said wife sole Guardian of my children and I also appoint my said wife and the said Frederick de Ros and Richard Burgess Executors of this my will and I hereby revoke all wills by me at any time heretofore made in witness so being I the said Basil Hall the testator have to this my Last Will & Testament contained in four sheets of paper under my hand & seal that is to say to the first three sheets thereof my hand & to the fourth and last sheet thereof my hand & seal this eighteenth day of June in the year of our Lord one thousand eight hundred & forty (s[i]g[ned]) Basil Hall (LS) signed in the presence of us who in disposition of the Testator & present at the same time Will[ia]m Phelps John Stitchell Clarks to Jn Jackqus 14 Red Lion square In the Prerogative Court of Canterbury In the Goods of Basil Hall Esquire deceased Appeared personally John Stitchill of Red Lion square in the County of Middlesex Gentleman & made oath that is one of the subscribed witnesses to the Last Will & Testament of Basil Hall late of Halser in the County of Southampton a Captain in the Royal Navy Esquire deceased being the paper writing hereunto annexed Beginning thus "This is the Last Will & Testament of me Basil Hall a Captain in the Royal Navy" ending thus "to this fourth and last sheet thereof my hand & seal this eighteenth day of June in the year of our Lord one thousand eight hundred & forty" and thus subscribed "Basil Hall" and the Deponent farther made oath that the said deceased executed the said Will by signing the same at the foot or end thereof in manner now appearing in the presence of the Deponent and also in the presence of William Phelps the other subscribed witness to the said will present at the same time & the Deponent & the said William Phelps then attested & subscribed the said will in the presence of the said deceased as now appears thereon -John Stitchill -on the twenty sixth day of March one thousand eight hundred & forty five the said John Stitchill was duly sworn to the truth of this affidavit before me John Davberry Sr pat. The ? M.P. William by divine Providence Archbishop of Canterbury Primate of all England & Metropolitan so together present make known to all men that on the twenty ninth day of April in the year of our Lord one thousand eight hundred & forty five at London before the Right Hon[ourable] Sir Herbert James First Knight Doctor of Laws Master Keeper or Commissary of our Prerogative Court of Canterbury lawfully constituted the Last will & Testament of Basil Hall formerly of Southsea in

the County of Southampton but late of the Royal Hospital at Haslar in the same County a Captain in the Royal Navy Esquire deceased herewith annexed was proved approved & registered the said deceased having whilst living and at the time of his death goods chattels or credits in divers dioceses & jurisdictions by reason whereof the proving & registering the said will and the granting administration of all & singular the said Goods chattels & credits and also the auditing allowing & final discharging the account thereof are well known to appertain only custody to us & not to any inferior judge & that administration of all & singular the goods chattels & credits of the said deceased & any way concerning his will was granted to Margaret Hill widow the relict of the said deceased and the Honourable John Frederick Filygrald de Ros (in the will written The Honourable Frederick de Ros) time already sworn will of the said Margaret shall by Commission & the said Honourable John Frederick Filygrald de Ros before the worshipful John Dallberry Doctor of Laws & surrogate for said Commissary ? & faithfully to administer the same & to make a true & perfect Inventory of the same with the Registry of our said Court on or before the last day of October next ensuing and also to render a just & true account thereof Power Rescued of making the like grant to Richard Burgess Esq the other Executor named in the said will when he shall apply for the same Given at the time & place above written and in the seventeenth year of our translation (signed) Chas Dyneby John tygulder W F Gostling Deputy ? Twenty third day of June 1846 This is the Probative of the will of the late Captain Basil Hall referred to in my oath of the date annexed to the Inventory of the deceased personal Estate given up in Scotland (signed) Margaret Hall Declared before me one of Her Majestys Justices of the Peace for the County of Southampton –E.P. Samuel-