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This is the last Will

of me Charles Durham of Strimora Terrace Watnam in that
3 part of the Parish of Saint Paul St. Pauls which lies in the County of
Surrey Gentleman I first than all my just debts and funeral and tollmar-
5 tary expences shall be paid as soon as conveniently may be after my decease
with and out of my general personal estate I give and bequeath unto my
7 dear wife Diana Ann Durham all and every my household goods and furniture
plate linen china glass books wines liquors stores provisions and other house-
9 hold matters and effects for her own absolute use and benefit also I give devise

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1 and bequeath unto my son Charles Jacob Durham of "The Stron in the
Orton East Street" Strimora in the County of Stout Surrey Esquire
3 and my son in law William Howard of St. 19 Saint James Place Esquire
Stout Esquire in the said County of Surrey Gentleman all and every my freehold
5 and leasehold estates messuages or tenements lands hereditaments and premises
whosoever situate with their rights and appurtenances and all my stocks or
7 monies and other monies and securities for money debts rents and interests and
all and every other the residue and remainder of my real and personal
9 estate property and effects whatsoever and whosoever and of what nature or
kind soever the same may be or consist or that I shall or may be seized
11 or possessed of interested in or entitled to at the time of my decease in any
manner or wise whatsoever or whosoever I have or may have any power or
13 right of disposal To hold the same unto the said Charles Jacob Durham
and William Howard their heirs executors administrators and assigns according
15 to the terms thereof respectively but nevertheless upon the trusts and for the
purpose hereinafter by me declared of or concerning the same (that is to say)
17 upon trust that they the said Charles Jacob Durham and William Howard
or the survivor of them or their heirs executors administrators or assigns of
19 our survivor or other the trustee or trustees for the time being of this
my will to be appointed as hereinafter provided for on that behalf do
21 and shall with all convenient speed after my decease call in and obtain
payment of all debts and sums of money owing and belonging to me or any of
23 them whatsoever and so and shall from time to time lay out and invest
the same within receive in their or his names or name in or upon some or
25 one or more of the Parliamentary stocks or funds of Great Britain at interest
and so and shall from time to time pay the net rents and profits of all and
27 every my said freehold and leasehold estates (after and subject to the
payment thereof of the necessary expences of keeping the same in a
29 repair and sufficiently insured against fire and of fulfilling any of the
covenants affecting my said leasehold estates) and also the interest in
31 said stocks and income of all or any said stocks funds investments or securities
and of any other of my residuary real or personal estate property or
33 effects when and as the same shall be from time to time received into
for my said dear wife Diana Ann Durham or permit her to receive the
35 same respectively for and during the term of her natural life and upon and
immediately after her decease then to and shall stand and be seized and
37 possessed of my said freehold and leasehold estates messuages or tenements
lands hereditaments and premises upon the further trusts following (that
39 is to say) upon trust that the said Charles Jacob Durham and William
Howard or the survivor of them or their heirs executors administrators or
41 assigns of our survivor or other the trustee or trustee for the time being
of this my will as aforesaid do and shall make sale and dispose of my
43 said freehold and leasehold estates messuages or tenements lands heredi-
taments and premises in such lot or lots and either by public auction
45 or private contract and subject or not subject to any special or other con-
ditions or stipulations relative to the title or the condition of title or
47 the payment of the purchase money or otherwise and in such way and
manner in all respects as they my said trustee or trustee shall in
49 their or his discretion seem most advantageous and with full authority
to buy in the said hereditaments and premises or any of them at
51 any auction or to receive vary or abandon any contract for sale and
to sell the hereditaments and premises at any future auction or by
53 private contract without being answerable for any loss or diminution
in price occasioned thereby and so and shall convey assign or otherwise
55 assign the hereditaments and premises which shall be so sold to the
purchaser or purchasers thereof or as he she or they may direct and
57 do hereby declare that every receipt which shall be given by the said

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1 Charles Jacob Durham and William Stowars or the survivor of them
 or the heirs executors administrators or assigns of such survivor or other
 3 my trustees or trustee for the time being as aforesaid or his or their agent
 to any purchaser for his or her purchase money or any part thereof
 5 or to any tenant for his or her rent accruing hereafter the receipt of my
 said wife and prior to any such sale as aforesaid or to any other person as a
 7 paying any other money under this my will shall be a good and sufficient
 discharge for so much purchase or other money or rent as shall in such a
 9 receipt be expressed to be received and shall wholly exonerate the person a
 paying the same from all responsibility in respect of the application
 11 or misapplication or nonapplication thereof and I do hereby further
 direct and declare that the trustees or trustee for the time being of this
 13 my will do and shall stand and be possessed of the net monies to a
 arise by such sale or sales as aforesaid and also of all other my an
 15 ordinary real and personal estate property and effects and the stocks
 funds and securities thereof (immediately upon and after the decease
 17 of his my said wife as aforesaid) as to one equal fourth part or share
 thereof upon trust for and I do hereby give devise and bequeath the
 19 same unto my daughter Jane Vaughan (widow) her heirs executors
 administrators and assigns absolutely and as to one other equal fourth
 21 part or share thereof upon trust for and I do hereby give devise and
 bequeath the same unto my daughter Sarah Ann Stowars
 23 (the wife of the said William Stowars) her heirs executors adminis
 trators and assigns absolutely as to one other equal fourth part or a
 25 share thereof upon trust for and I do hereby give devise and bequeath
 the same unto my said son Charles Jacob Durham his heirs executors
 27 administrators and assigns absolutely and as to the other or remainings
 equal fourth part or share thereof upon trust for my four Grandchildren
 29 (the sons and daughter of my late son Alexander William James
 Durham formerly named James Jacob Durham Charles James
 31 Durham Alexander Anthony Durham and Sarah Ann Durham
 equally share and share alike as tenants in common and not as joint
 33 tenants and their several and respective heirs executors administrators
 and assigns absolutely provided always and I do hereby declare that
 35 in case any or either of my said Grandchildren shall be under the
 age of twenty one years at the time of the decease of my said wife
 37 then and in that case the trustees or trustee for the time being of
 this my will do and shall during the minority of any such
 39 child of such Grandchildren pay and apply the interest
 dividends and income of his her or their respective share or
 41 shares for or towards his her or their respective maintenance
 and benefit in such way and manner as my said trustees or
 43 trustee shall in their or his sole and entire discretion think
 best and without being responsible for the exercise of such dis
 45 cretion provided also and I do hereby further declare that it
 shall be lawful for the trustees or trustee for the time being or
 47 acting under this my will at any time or times and from time to
 time during the lifetime of my said wife (but nevertheless with
 49 her consent in writing) to commit or lease all or any part or parts
 of my said freehold and leasehold estates for any term or number
 51 of years in possession but nevertheless at the best and most improved
 yearly rent or rents that can be reasonably obtained for the same and
 53 without taking any fine premium or other consideration in a
 respect thereof but so as that the leases or leases respectively be made
 55 subject to all usual & proper covenants and a proviso for warranty
 or nonpayment of the rent or rents to be thereby reserved or in breach
 57 or nonperformance of any of the covenants to be therein contained and

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1 to and shall execute a Counterpart or Counterparts of our said lease or
 3 lease and I do hereby nominate constitute and appoint my said son
 5 wife Mary Ann Durham EXECUTORS and my said son Charles
 7 Jacob Durham and my said son in law William Steward as
 9 EXECUTORS and Trustees of this my will provided always and
 11 I do hereby declare and direct that in case both or either of them
 13 the said Charles Jacob Durham and William Steward or any or
 15 future trustee or trustees to be appointed under this present provision
 17 shall die or be benighted to be discharged from or refuse neglect or
 19 become incapable to act in the aforesaid trusts or any of them or
 21 before the same trusts shall be fully performed or otherwise or
 23 determined then and in either of such cases and as often as the
 25 same shall happen it shall be lawful for my said wife during
 27 her life and after her decease for the said trustee or trustees for
 29 the time being or the last acting trustee or the executors or admini-
 31 strators of the last acting trustee by any writ or writs under
 33 her their or his respective seals and oaths or oaths and oaths and
 35 at the costs and charges of the trust estate to nominate and appoint
 37 some other fit person or persons to be a trustee or trustees in the place
 39 or stead of the trustee or trustees so dying or desiring to be discharged
 41 or refusing neglecting or becoming incapable to act as aforesaid and that
 43 when and as often as any and every such new trustee or trustees shall be
 45 so nominated and appointed as aforesaid all the trust estates and premises
 47 therein shall be then and subject to the trusts aforesaid or any of them and
 49 to the covenants with all convenient speed and at the costs and charges aforesaid
 51 to be assigned and assured so and in such manner as then the same
 53 shall and may be legally and effectually vested in the then surviving
 55 and continuing trustee jointly with such new trustee so to be appointed as
 57 aforesaid or in the new trustees as the case may require and his or their
 59 executors administrators or assigns (according to the tenor of the trust
 61 respectively) but nevertheless upon the trusts aforesaid or one of them as shall
 63 be then subsisting and capable of taking effect and that every such new trustee
 65 shall have and may exercise the same or the like powers authorities and dis-
 67 cretion and with the like immunities as if he had been originally named and
 69 appointed a trustee in and by this my will and I declare that neither of them
 71 my said trustees nor any future trustee to be appointed as aforesaid shall
 73 be answerable for any other of them nor for the acts deeds receipts neglects or
 75 defaults of any other of them or for any more trust ^{prejudices} incomes or effects than shall
 77 actually come into his own respective hands or possession under this my will
 79 (the joining in any receipt for the sake of conformity only notwithstanding
 81 nor for any involuntary loss or misfortune which may happen to any
 83 trust estate or any part thereof and that each of them my said trustees or
 85 present and future and his respective heirs executors administrators and
 87 assigns shall and may out of my estate and effects do and retain to and
 89 reimburse himself respectively and his executor all such costs costs
 91 charges and expences and fees to counsel and Solicitors for advice as he or
 93 they respectively can shall or may bear pay suffer incur or be put to in or
 95 about the due execution of this my will or in any wise incidental thereto
 97 and lastly I do hereby revoke and make void all former and other wills
 99 codicils and testamentary Dispositions by me heretofore made On
 101 witness whereof I the said Jacob Durham the Testator have to this my
 103 last will contained in five sheets of paper set my hand (to wit) at the
 105 bottom of the first four sheets herof and also at the end of this the fifth
 107 and last sheet herof this second day of October in the year of our
 109 Lord one thousand eight hundred and fifty five - J. Durham
 111 Signed by the said Jacob Durham the Testator as and for his last will
 113 in the presence of us present at the same time who in his presence at his

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1 request and in the presence of each other have herunto set our
 3 hands as witnesses - George Parker, Sol^r Levensham
 5 Tho: H. Parker, J. Clerk to Mess^{rs} Parker Sol^r Levensham
 7 Signed at London 16th Sep^r 1867 by the saids of Charles Jacob as
 9 Durham the son and William Steward the surviving Executors to whom
 11 a power was granted. 5

