

## WILL OF SOPHIA (ROSSER) RUSSELL

Dated 24 Oct 1854; Proved 12 Mar 1860

This is the last Will and Testament

of me **Sophia Russell** of No 9 Hanley Road Hornsey Road in the County of Middlesex widow In the first place I direct that all my just debts funeral and testamentary expenses shall be fully paid and satisfied by my Executors hereinafter named as soon as conveniently may be after my decease Whereas **Henry Rosser** my father being then of Bartletts Buildings London Gentleman but now deceased by his Will dated the twenty seventh day of April one thousand eight hundred and ten amongst other things willed and directed all interest and residue of his estate and effects not then disposed of to be divided equally in four shares after his wife's deceased and after disposing of three fourths parts thereof to his sons **Henry** and **William** and his daughter **Sarah Hodson** in manner therein mentioned the remaining fourth part of such residue of his estate and effects he willed and directed to be laid out in three per cent consolidated Bank annuities in the name of his son **Henry Rosser** In trust to receive or pay the interest or dividends thereof unto myself **Sophia Russell** fro my life independent of and not to be liable to the debts engagements or control of my husband such interest or dividends to be paid into my own hands and my receipt alone to be a sufficient discharge for the same and after my decease he gave as follows "I give and bequeath such last mentioned five hundred pounds stock unto and amongst such of her children and in such shares or proportions as she shall by her will or writing notwithstanding her coverture direct and appoint and for want of such direction or appointment equally between all her children living at her decease" And the said Testator by his said Will appointed his said Wife **Sarah Rosser** and his Son **Henry Rosser** Executrix and Executor of his Will and died without having revoked or altered the same which was proved by the said Executrix and Executor thereof in the Prerogative Court of the Archbishop of Canterbury And whereas the said **Sarah Rosser** died in the year one thousand eight hundred and twenty one and whereas the Residuary personal estate of the said Testator **Henry Rosser** was long since ascertained and the income thereof was received by the said **Sarah Rosser** during her life and after her death two fourths parts were taken by the said **Henry Rosser** and **William Rosser** respectively and the other fourth parts then consisted of Six thousand two hundred and eighty six pounds five shillings and ten pence three per cent consolidated annuities in the names of the said **Henry Rosser** and two hundred and fifty pounds retained by the said **William Rosser** in his business pursuant to the articles of partnership but which two hundred and fifty pounds was never realized and the same two fourth parts were held upon the trusts to which the share or funds directed to be subject to the life interest of his daughters **Sarah Maria Goddard Hodgson** and **Sophia Russell** are liable and inasmuch as doubts might be \_utortained (?) as to the funds liable under the said \_\_cited Will to the aforesaid power of appointment and trust for the benefit of my children inasmuch as taken literally the same will make subject to such power and trust a fund of five hundred pounds stock and in order to obviate all doubt as to the right and interest in the said sums of Six thousand two hundred and eighty six pounds five shillings and ten pence consols and two hundred and fifty pounds cash and to fix and declare the same and to prevent any differences and litigation about the said trust funds and to make some provision for **John Charles Russell** the husband of the said **Sophia Russell** by Indenture bearing date the eleventh day of May one thousand eight hundred and thirty eight and made between **Henry Rosser** of the first part **William Rosser** of the second part **Sarah Maria Goddard Hodgson** of the third part the said **John**

Charles Russell and me the said Sophia his wife of the fourth part William Henry Rosser of the fifth part and Stephen John Russell Henry Russell Edmund Barton and Sophia his wife Charles Russell Robert Russell Richard Russell Frances Russell Sarah Russell Caroline Russell Elizabeth Lloyd Russell and Arthur Russell of the sixth part the said several parties of the sixth part except the said Edmund Barton being all my children by my said husband the said John Charles Russell It is witnessed directed declared and agreed by and between the said parties that the said sums of Six thousand two hundred and eighty six pounds five shillings and ten pence Bank. Three per cent consolidated annuities and Two hundred and fifty pounds cash should be therefore held and retained upon the trusts as to one moiety thereof for the benefit of the said Sarah Maria Goddard Hodgson and her children in manner therein mentioned And as to the other moiety of the said sum of Six thousand two hundred and eighty six pounds five shillings and ten pence three per cent annuities and two hundred and fifty pounds cash upon the same or the like trusts for the benefit of me the said Sophia Russell for my life with the same or the like power of appointment by me in favor of my child or children and the same or the like trusts in default of appointment for my child or children living at my death as by the said last mentioned Will are expressed And further that the said sum of Six thousand two hundred and eighty six pounds five shillings and ten pence Bank three per cent Consolidated annuities Two hundred and fifty pounds cash and the dividends and income thereof should thence forth be released and discharged by the said parties thereto according to their respective rights and interests from all rights interest trusts claims and demands other than such as are thereby declared or as should arise according to the true intent and meaning of the now \_\_\_ing presents And whereas the said Henry Rosser, my late brother, died on the twentieth January One thousand eight hundred and forty one leaving his Aunt Eleanor Hoare Executrix of his Will who proved the same on the second of April in that year and died on the twenty sixth February One thousand eight hundred and forty three leaving her great nephew William Henry Rosser her Executor who proved her Will eighth June One thousand eight hundred and forty three and died twenty seventh May One thousand eight hundred and forty eight leaving Robert Oldershaw since deceased and Thomas Baker Cox Executors who proved his Will eighth July One thousand eight hundred and forty eight And whereas a moiety of the said sum of Six thousand two hundred and eighty six pounds five shillings and ten pence three per cent counsols hath been transferred into the name of the Accountant General of the Court of Chancery and by him transferred into the names of the children of the said Sarah Maria Goddard Hodgson and the other moiety there to wit the sum of Three thousand one hundred and forty three pounds two shillings and eleven pence three per cent consolidated annuities remain standing in the name of the said Henry Rosser deceased upon the trusts of the said Will and Deed for the benefit of me the said Sophia Russell Now by virtue and in exercise of the power of appointment contained in the said Will and by virtue and in exercise of the power of appointment contained in the said \_\_\_ted Deed of the eleventh May One thousand eight hundred and thirty eight and by virtue of all and every other power and authority enabling me in that behalf I give and bequeath direct and appoint that my Executors and Trustees hereinafter named shall sell a sufficient (?) out portion of the said sum of three thousand one hundred and forty three pounds two shillings and eleven pence three per cent consolidated annuities to pay the legacies next hereinafter given by this my Will And I give and bequeath direct and appoint unto my Son Stephen John Russell of the Backwoods Pennsylvania in the United States of America Farmer his executors administrators or assigns the sum of two hundred and twenty five pounds sterling part of such produce of such sale of such portion of the said sum of Three thousand one hundred and forty three pounds two shillings and eleven pence three per cent counsols And I also give and bequeath direct

and appoint unto my son **Charles James William Russell** now of Melbourne South Australia Surveyor the sum of Two hundred and twenty five pounds other part thereof And I also give and bequeath direct and appoint unto my son **Robert Smirk Russell** of the Backwoods Pennsylvania in the United States of America Farmer the sum of two hundred and twenty five pounds other part thereof And I also give and bequeath direct and appoint unto my Son **Richard Smirk Russell** of the same place Farmer the sum of two hundred and twenty five pounds other part thereof And I also give and bequeath direct and appoint unto my Son **Arthur Russell** of the same place Farmer the sum of Two hundred twenty five pounds other part thereof And I also give and bequeath direct and appoint unto my daughter **Sarah Rosser** the wife of **John Francis Chittenden** of the Holloway Road in the County of Middlesex Surgeon the sum of One hundred pounds other part thereof And I also give and bequeath direct and appoint unto my daughter **Fanny** the wife of **Victor Dumas** of Adelaide South Australia Boarding School Keeper the sum of One hundred pounds other part thereof And I also give and bequeath direct and appoint unto my daughter **Caroline** the wife of **William Bishop** of No 1 Fish Street in the city of London Stationer the sum of One hundred pounds other part thereof And I direct that each of the said sums of One hundred pounds so bequeathed to each of my said daughters as aforesaid respectively shall be for her sole and separate use and free from and independently of the debts control intermeddling or engagements of her present or any future husband and her receipt alone to be a sufficient discharge for the same and as to the residue of the said sum of Three thousand one hundred and forty three pounds two shillings and eleven pence three percent consols and all the *rest residue and remainder* of my estate and effects whatsoever and wheresoever and of which I may be entitled to at the time of my decease and not hereinbefore disposed of by me I give devise and bequeath direct and appoint the same unto my youngest daughter **Elizabeth Lloyd Russell** her heirs executors administrators and assigns the same for her own sole and separate use and benefit and free from the debts control intermeddling and engagements of any husband with whom she may be married And I also give and bequeath to her all my household goods furniture plate linen and china and other effects belonging to me at the time of my decease And I appoint the said **William Bishop** also **Henry Bourne** one of the Presidents of the General Post Office Trustees and Executors of this my Will And I hereby declare that if the said Trustees hereby appointed or either of them or any Trustee or Trustees as hereinafter is provided shall die or be desirous of being discharged or refuse or become incapable to act then and so after the said Trustees or Trustee may appoint any other person or persons to be a trustee or trustees in the place of the Trustee or Trustees so dying or desiring to be discharged or refusing or becoming incapable to act and upon every such new appointment the said trust promises shall be so transferred that the same may become vested in the new trustee or trustees jointly with the surviving or continuing trustee or trustees or solely as the case may require and every such new trustee shall have the same powers authorities and discretions as if he had been originally appointed as trustee And I declare that the Trustors or Trustee for the time being of this my Will shall be chargeable only with such monies as they or he respectively shall actually receive and shall not be answerable the out for the other of them nor for any Banker Broker or other persons in whose hands any of the trust monies shall be placed nor for the insufficiency or deficiency of any stock funds shares or securities not otherwise for involuntary losses and that the said Trustees or Trustee for the time being may reimburse themselves or himself out of the monies which shall come to their or his hands und the trusts aforesaid all expenses to be incurred in or about the execution of the aforesaid trusts And I herby revoke all other Wills Codicils and Testamentary Dispositions by me at any time heretofore made done

or executed by me and declare this to be my last Will and Testament contained in six sheets of paper In Witness whereof at the foot or end of each sheet I have set my hand this twenty fourth day of October in the year of our Lord One thousand eight hundred and fifty four --- **Sophia Russell** -- Signed published and declared by the above Testatrix **Sophia Russell** as and for her last Will and Testament in the presence of us present altogether at the same time who in her presence and at her request and in the presence of each other have hereunto subscribed our names as witnesses to the due execution hereof -- **Thomas Lott** Solicitor 43 Bow Lane Cheapside **Tho<sup>s</sup> Edw<sup>d</sup> Lott** Solicitor of the same place.

This is a Codicil *to the last Will and Testament of me **Sophia Russell*** of No. 19 Hanley Road Hornsey Road in the County of Middlesex Widow which Will bears date the twenty fourth day of October One thousand eight hundred and fifty four Whereas in any by my said Will I have by virtue and in exercise of certain powers of appointment therein mentioned or referred to or otherwise amongst other bequests give and bequeathed directed and appointed unto my Son **Charles James William Russell** the sum of Two hundred and twenty five pounds unto my Daughter **Fanny** the wife of **Victor Dumas** the sum of One hundred pounds and unto my Daughter **Sarah Rosser** the wife of **John Francis Chittenden** the sum of One hundred pounds Now I do hereby revoke and make void the before mentioned three several bequests and instead and in lieu thereof do hereby under and by virtue and in exercise of the aforesaid powers of appointment or some or one of them and of all and every other power and authority enabling me in this behalf give and bequeath direct and appoint unto my said Son **Charles James William Russell** the sum of twenty pounds unto my said daughter **Fanny Dumas** the sum of Two hundred and twenty five pounds and unto my said daughter **Sarah Rosser Chittenden** the sum of twenty pounds the said three several substituted legacies to be raised and paid by my Executors and Trustees out of the same funds and in the same manner and to be subject to the same conditions and restrictions (if any) in all respects as mentioned and directed in any by my said Will with respect to the said several legacies therein given and bequeathed to my said son and daughters respectively And I hereby ratify and confirm my said Will in all other respect In witness whereof I the said **Sophia Russell** have to this Codicil to my last Will and Testament set my hand this thirtieth day of December One thousand eight hundred and fifty seven --- **Sophia Russell** – Signed and published by the said **Sophia Russell** as and for a Codicil to her last Will and Testament in the presence of us present at the same time who in her presence at her request in the presence of each other have hereunto set and subscribed our names as witnesses – **Wm Hy Cutler** Furnivals Inn Solicitor ----- **Emmeline Cutler**

This is a second Codicil *to the last Will and Testament of me **Sophia Russell*** of No 19 Hanley Road Hornsey Road in the County of Middlesex widow which Will bears date the twenty fourth day of October One thousand eight hundred and fifty four Whereas \_\_\_\_ said Will by virtue and in exercise of certain powers of appointment therein mentioned or referred to I gave and bequeathed directed and appointed unto my Son **Arthur Russell** the sum of Two hundred and twenty five pounds part of a sum of Three thousand one hundred and forty three pounds two shillings and eleven pence three pounds per cent consolidated Bank annuities therein mentioned and whereas the said **Arthur Russell** has died since the date of my said Will Now I do hereby revoke the said appointment and bequest and instead thereof I do hereby by virtue and in exercise of the aforesaid powers of appointment or some or one of them and of every other power or authority enabling me in this behalf appoint and also give and bequeath the said sum of Two

hundred and twenty five pounds to my youngest daughter **Elizabeth Lloyd Russell** such sum to be raised and paid out of the same funds and in the same manner and to be subject to the same conditions and restrictions (if any) in all respects as mentioned and directed in and by my said Will with respect to the said legacy or sum therein given and appointed to my said late Son **Arthur Russell** and in further exercise of the same powers or some or one of them I do hereby appoint and also give and bequeath to my said daughter **Elizabeth Lloyd Russell** such part (if any) of the said sum of three thousand one hundred and forty three pounds two shillings and eleven pence three pounds per cent consolidated Bank annuities as may remain unappointed at the time of my death And whereas by my said Will I appointed **Henry Bourne** Esquire to be one of the Trustees and Executors thereof And whereas the said **Henry Bourne** has lately died and I am desirous that my said daughter **Elizabeth Lloyd Russell** shall be submitted as a Trustee and Executrix of my said Will in the place of the said **Henry Bourne** Now therefore I do hereby appoint my said daughter **Elizabeth Lloyd Russell** a Trustee and Executrix of my said Will in the place of the said **Henry Bourne** deceased And I do hereby declare that my said Will shall be construed (?) and take effect throughout as if the name of any said daughter had been inserted therein instead of the name of the said **Henry Bourne** And in all other respects I ratify and confirm my said Will In witness whereof I the said **Sophia Russell** have to this second Codicil to my last Will and Testament subscribed my name this thirtieth day of December One thousand eight hundred and fifty nine – **Sophia Russell** -- Signed by the above named Testatrix **Sophia Russell** as a Codicil to her last Will and Testament in the presence of us present at the same time who in her presence and in the presence of each other have hereunto subscribed our names as witnesses -- **Emma Rosser Barton** Spinster 19 Hanley road N --- **Arthur John Cribb** Surgeon 31 Cloudestry (?) st Islington N

Proved at London with two Codicils 12<sup>th</sup> March 1860 by the oath of **Elizabeth Lloyd Russell** Spinster the daughter the Executrix named in the second Codicil to whom Admon was granted. Power reserved of making the like grant to **William Bishop** the Executor named in the Will

*Transcribed by Susan Nahas, June, 2005*