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In the High Court of Justice

The District Probate Registry at *Bristol*

BE IT KNOWN that *Herbert Montgomerie MacVicar*
of *The Elms Bathaston Bath Somerset*

died *there* on the *23rd* day of *July* 1957

AND BE IT FURTHER KNOWN that at the date hereunder written the last Will and Testament

(a copy whereof is hereunto annexed) of the said deceased was proved and registered in the District Probate Registry of the High Court of Justice at *Bristol*

and that Administration of all the estate [which by law devolves to and vests in the personal representative of the said deceased was granted by the aforesaid Court to *Talbot Edward Baines Pye-Smith of 7 Kay Street Bath aforesaid Basil Henry Sheldon of 4 Queen Square Bath aforesaid Solicitors Ethel Waines Ritchie of The Elms aforesaid widow sister of Deceased and Thomas Bowdler Peerman of 14 Lion Hill Bath aforesaid Retired Bank Official the executors named in the said Will*

Dated the *30th* day of *August* 1957

D. New.

Deputy District Registrar.

1925145-13901-30-10-55
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Probate

Extracted by

Pye-Smith & Popham
Solicitors Bath

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(1)

I HERBERT MONTGOMERIE MACVICAR of The Elms Batheaston Bath Esquire hereby revoke all testamentary dispositions heretofore made by me and declare this to be my last Will which I make this fifteenth day of April One thousand nine hundred and fifty-seven

1. I DIRECT that wherever I may die I shall be buried in the same grave as my late Wife in Batheaston Churchyard or if I should be cremated that my ashes may be placed in the same grave

(2) I APPOINT the Public Trustee to be the trustee of my residuary estate hereinafter defined as and when the same shall be ascertained on completion of the initial administration of my estate consequent on my death or in the case of my freehold property The Elms Batheaston and the furniture and effects particulars whereof are contained in the Schedule hereto as and when the same shall be sold and the net proceeds thereof ascertained

3. I BEQUEATH free of any duty to the Trustees for the time being of The Alice Park Bath a legacy of Three hundred pounds Upon trust that the same shall be invested and the income thereof applied for the general purposes of The Alice Park so long as the Trustees thereof shall keep in good repair the grave and gravestone of my late Wife in Batheaston Churchyard and I DECLARE that if at any time the said grave and gravestone be allowed to fall into disrepair then the said legacy and the investments representing the same shall be paid and transferred to the Monmouth Street Society Bath to whom in such event I bequeath the same accordingly and I declare that the receipt of the Treasurer for the Trustees of The Alice Park shall be a sufficient discharge to my Trustees for the said sum

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(2) I DECLARE that for the purpose of the devise and bequest of The Elms aforesaid the boundary fence between The Elms and The Alice Park together with the gateway and gate therein shall not be deemed to form part of the property of The Elms but shall be considered as forming part of the property of The Alice Park to the Trustees whereof I accordingly devise free of all duties payable in connection with my death the said fence gateway and gate in fee simple

6. I BEQUEATH free of any duty to the Charity Commissioners Twelve thousand five hundred pounds Two-and-a-half per cent Consolidated Stock as an endowment for The Alice Park the income derived from the said Stock to be applied for the upkeep of The Alice Park

7. I BEQUEATH free of any duty to the Trustees for the time being of The Alice Park the sum of One

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thousand five hundred pounds such amount to be expended by them for the general purposes of The Alice Park and although at the date hereof I have in mind as the particular manner in which they should expend the said sum the defraying of the cost of renovation of the tennis courts nevertheless bearing in mind that circumstances may have altered at the time of my death I DECLARE that the purpose or purposes for which the said sum is expended shall not in any way be restricted but that such purpose or purposes shall be decided by the said Trustees in their uncontrolled discretion and I FURTHER DECLARE that this legacy shall be payable in priority to all other pecuniary legacies bequeathed by my Will

(b) THE income of my personal estate however invested shall from my death be treated and applied as income and no part thereof shall be added to capital except accumulations of surplus income (if any) during a minority.

(c) MY Trustees may in their discretion adjust in such manner as they think fit having regard to the circumstances of the case the incidence as between capital and income of the payments made in due course of administration



15. (1) THE Public Trustee shall invest so much of my residuary estate as consists of money in his name or under his control in or upon any of the investments hereby authorised with power for the Public Trustee at his discretion to change such investments for others of a like nature

16. MONEY liable to be invested under the trusts of this my Will may be invested in the purchase of or at interest on the security of such stocks funds shares securities or other investments or property whatsoever and wheresoever and whether or not involving liability as the Public Trustee shall in his absolute discretion think fit to the intent that the Public Trustee shall have the same full and unrestricted powers of investment and transposing investments in all respects as if he were absolutely entitled thereto beneficially

17. MY Trustees may in extension of the power of appropriation conferred on personal representatives by section 41 of the Administration of Estates Act 1925 at any time at their discretion appropriate any part of my estate in its then actual condition or state of investment in or towards satisfaction of any legacy and the Public Trustee may at his discretion appropriate any part of my residuary estate in its then actual condition or state of investment in or towards satisfaction of any share in my residuary estate without the necessity for my Trustees and the Public Trustee respectively to obtain the consent of any person

18. I DECLARE that any executor or trustee being a solicitor or other person engaged in any profession or business shall be entitled to be paid all usual professional or proper charges for business transacted time expended and acts done by him or any partner of his in connection with the trusts hereof including acts which an executor or trustee not being in any profession or business could have done personally and it is my wish that my Trustees shall employ the said Talbot Edward Baines Pye-Smith for the purposes of obtaining Probate of my Will and of administering my estate but if he predeceases me or shall at my death have retired from practice as a solicitor then it is my wish that my Trustees shall employ the said Basil Henry Sheldon for these purposes

IN WITNESS whereof I have to this my Will written on this and the four preceding sheets of paper set my hand the day and year first before written