



Dated 25th August 1877

Appointment

of Mr Richard Tooth Bendry

As Trustee under the Will of Mr John

~~~~~ Dore Bendrey deceased and ~~~~~

**Transfer of the Trust Estate to him**

~~ and Mr George Wallis as Trustee under that Will ~~

~~~~~

Dated 8th Sept 1884

Appointment of Mr L J Aylward as Trustee

~~~~~ and ~~~~~

**Transfer of the Trust Estates to him jointly with Mr**

R J Bendrey ~~~

|                                    |                                                                                                           |                                                                                                                 |                                                                           |                                                                                  |
|------------------------------------|-----------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|----------------------------------------------------------------------------------|
| Names mentioned in the document :- | Joseph Armstrong<br>Ann Avery<br>Louis John Aylward<br>Alice Bendrey<br>Anna Bendrey<br>John Dore Bendrey | Richard Tooth<br>Bendrey<br>Thomas Bendrey<br>Walter Bendrey<br>Day (Lady)<br>David Dimbleby<br>William Huggins | Alfred Hunt<br>Robert Mitchell<br>Wm Ormond<br>Ed Peckham<br>Edward Smith | Walter B Steyn<br>George Stroud<br>Ellen Wallis<br>George Wallis<br>John Wilkins |
|------------------------------------|-----------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|----------------------------------------------------------------------------------|

Property mentioned in this indenture:-

- "Maple villa" situate in Devizes Road Swindon occupied by Richard Tooth Bendrey etc
- Haydon Wick Farm situate in the parish of Redborne Cheney
- Also see Schedule (2<sup>nd</sup> part the properties are in Wroughton)

**This Indenture** *made the twenty fifth day of August One thousand eight hundred and seven seven*  
*Between George Wallis of Wroughton in the County of Wilts Gentleman of the one part and Richard Tooth*  
*Bendrey of the same place Gentleman of the other part* **Whereas** John Dore Bendrey formerly of Coalbrook  
 Cottage, Kings Norton in the County of Worcester Gentleman deceased duly made and executed his last Will dated the  
 twenty six day of September One thousand eight hundred and sixty four whereby after bequeathing certain pecuniary  
 legacies the Testator bequeathed an annuity of twenty seven pounds free from legacy duty to his cousin Ellen Wallis the  
 wife of the said George Wallis to be paid to her during her life for her sole and separate use free from the debts and  
 control of her then present or any future husband And bequeathed an annuity of seventy five pounds free from legacy  
 duty to his brother the said Richard Tooth Bendrey for his life and from and after his decease An annuity of Fifty  
 pounds free from legacy duty to his wife Anna Bendrey for her life for her sole and separate use but subject as to the  
 said two last mentioned annuities to a proviso for making void the same on the said Richard Tooth Bendrey and Anna  
 Bendrey or either of them doing permitting or attempting to do any act whereby the said annuities would become vested  
 in or payable to some other person And the Testator devised all his real estate of every description (including chattels  
 real) except what he otherwise disposed of by that his Will or any Codicil thereto unto and to the use of David Dimpleby  
 of Birmingham in the County of Warwick Gentleman and the said George Wallis their heirs executors and  
 administrators respectively And the Testator bequeathed all his personal estate except chattels real and what he  
 otherwise disposed of by that his Will or any codicil thereto unto the said David Dimpleby and George Wallis Upon  
 trusts as to the said real and personal estate for sale and conversion into money with a discretionary power to them to  
 postpone such sale and conversion so long as they should think fit And upon and with trusts and powers as to the said  
 real and personal estate and the moneys arising from sale thereof for paying his the Testator's debts and the said  
 legacies and annuities and subject thereto and to the trusts and powers for paying the said annuities certain trusts were  
 thereby declared as to the residue of the Testator's real and personal estate in favor of his Nephews Thomas Bendrey  
 and Walter Bendrey and his niece Alice Bendrey all children of the said Richard Tooth Bendrey successively for their  
 several lives and in favor of their issue successively as in the said Will declared with the ultimate trust after their  
 decease and failure of their issue in favor of the said Richard Tooth Bendrey absolute And by his said Will the Testator  
 declared that if the Trustees thereby constituted or either of them should after his decease die or be abroad or desire to be  
 discharged or refuse or become incapable to act then and in every such case it should be lawful for the surviving or  
 continuing Trustees or Trustee for the time being or for the acting Executors or Executor administrators or  
 administrator of the last surviving continuing Trustee (with the consent of the Tenant for life of his (Testator's) Trust  
 estate if of full age) to appoint a new Trustee or Trustees in the place of the Trustee or Trustees so dying or being  
 abroad or desiring to be discharged or refusing or becoming incapable to act as aforesaid And the Testator appointed the  
 said David Dimpleby and George Wallis Executors of his said Will **And whereas** by a first Codicil to his said Will  
 dated the fourteenth day of November One thousand eight hundred and sixty four the Testator bequeathed an annuity  
 of Fifty three pounds ten shillings free of legacy duty for her life to Anne Avery Spinster then residing with him  
 payable out of his said Trust estate but did not otherwise alter the trusts of his said Will to the effect herein before  
 recited **And whereas** by a second Codicil to his said Will dated the tenth day of January one thousand eight  
 hundred and sixty five the Testator declared that the said annuity given to the said Ellen Wallis should be Thirty  
 pounds instead of Twenty pounds and that the said contingent annuity to the said Anna Bendrey should be Forty  
 pounds instead of Fifty pounds but in other respects he confirmed his said Will as altered by the first codicil **And**

*whereas* the Testator died on the sixteenth day of May one thousand eight hundred and sixty five without having revoked his said Will and two Codicils which on the nineteenth day of June one thousand eight hundred and sixty five were duly proved in the District Registry of Her Majesty's Court of Probate by the said David Dimpleby and George Wallis **And whereas** at the death of the Testator his real and leasehold estate consisted of the property described in the Schedule hereunder written and in due time after his death the said David Dimpleby and George Wallis as Executors of his said Will received and collected his ready money and all debts owing to him on personal security and as Trustees of his said Will sold such parts of his said real and leasehold estates as are mentioned in the first part of the said Schedule and at the respective times therein mentioned and as such Trustees and Executors out of the money, s so arising paid his funeral expenses and debts and the said legacies and the expenses of realizing and administering his said estate and all the duty payable in respect of the said legacies and annuities and from time to time invested the residue of the money's so arising wholly in the purchase of Three per cent Consolidated Bank Annuities and such investments amounted together to the aggregate sum of Four thousand six hundred and forty one pounds nine shillings and ten pence Consolidated Bank Annuities **And whereas** the Annulents mentioned in the said Will and Codocils are all now living and the said David Dimpleby and George Wallis out of the income of the Testator's said real and personal estate duly paid the said annuities half yearly and the same have been paid up to the sixteenth day of May last as the said George Wallis with respect to the yearly annuity of Thirty pounds payable to Ellen his wife and the said Richard Tooth Bendrey with regard to the annuity of Seventy five founds payable yo himself do hereby severally acknowledge **And whereas** the said David Dimpleby and George Wallis as such Trustees as aforesaid duly applied the residue of the said Income in or towards the maintenance of the said Thomas Benfrey and afterwards on his death which happened on the twenty third day of March one thousand eight hundred and sixty eight of the said Walter Bendrey until his death which happened on the fifteenth day of May one thousand eight hundred and seventy five as the said Richard Tooth Bendrey hereby acknowledges **And whereas** on the eighteenth day of June one thousand eight hundred and seventy out of the said sum of Four thousand six hundred and forty one pounds nine shillings and ten pence Consolidated Bank Annuities sold the sum of One hundred and thirty seven pounds and six shillings and applied the proceeds thereof in apprenticing the said Walter Bendrey to Joseph Armstrong Esquire **And whereas** on the application in Chancery of the said Alice Bendrey then an Infant and entitled for her life to the income of the Trust estate of the Testator His Honor Vice Chancellor Wickens on the eleventh day of March one thousand eight hundred and seventy three ordered that the sum of thirty five pounds be allowed for the purchase of a Pianoforte for the said Alice Bendrey and that the same be passed by the said David Dimpleby and George Wallis by sale of a sufficient part of the Consolidated Bank Annuities standing in their names in the Books of the Bank And that the sum of Thirty pounds (including Fifteen pounds which had already been paid) be allotted for the past maintenance and education of the said Infant up to the fifteenth day of May one thousand eight hundred and seventh three And that a sum not exceeding Forty pounds per annum be allowed to the said Richard Tooth Bendrey for her future maintenance and education for and during her

**Minority** **And whereas** *in pursuance of such order the said David Dimbleby and George Wallis sold out the sum of Thirty eight pounds two shillings and six pence Consolidated Bank Annuities and invested the net proceeds thereof in the purchase of a Pianoforte for the said Alice Bendrey and in further pursuance of such order the said allowance for her maintenance and education has been paid out of the Income of the Testator's Trust Estate up to the sixteenth day of May last as the said Richard Tooth Bendrey hereby acknowledges* **And whereas** *the said David Dimbleby died on the eleventh day of April last and the said George Wallis desires in exercise of the recited power for that purpose given to him by the said Will to appoint the said Richard Tooth Bendrey to be a Trustee in his place and the said Richard Tooth Bendrey has agreed to accept such Trusteeship* **And whereas** *the real and personal estate of the Testator is now represented by the real and leasehold estate described in the second and third parts of the said Schedule hereto and of the sum of Four thousand four hundred and sixty six pounds one shilling and four pence Consolidated Bank Annuities now standing in the name of George Wallis* **And whereas** *it is intended that the said sum of Four thousand four hundred and sixty six pounds one shilling and four pence Consolidated Bank Annuities shall be transferred into the names of the said George Wallis and Richard Tooth Bendrey and that by these presents the real estate of the Testator being that which is described in the second part of the Schedule hereto shall be assured so as to become vested in the said Richard Tooth Bendrey jointly with the said George Wallis but as to the two leasehold ground rents of Eighty pounds sixteen shillings and eight pence and Eleven pounds five shillings mentioned in the third part of the said Schedule which by Indenture dated the twenty sixth day of October one thousand eight hundred and fifty eight became vested in the said Richard Tooth Bendrey as Trustee for the Testator John Dore Bendrey and which are now and it is desired that they shall remain vested in him* **Now this Indenture witnesseth** *that by virtue and in exercise of the power or authority given by the said Will of the Testator John Dore Bendrey and of every other power or authority in anywise enabling him in this behalf* **he** *the the said George Wallis* **doth** *by these presents nominate and appoint the said Richard Tooth Bendrey in the place of the said David Dimbleby to be a Trustee of the Will of the said John Dore Bendrey deceased for the execution of the trusts and and for the purposes of the said Will or such of them as are now subsisting and capable of taking effect* **And** *the said Richard Tooth Bendrey doth hereby declare his acceptance of the said trusts* **And** *they the said George Wallis and Richard Tooth Bendrey do hereby declare that they will hold the said sum of Four thousand four hundred and sixty six pounds one shilling and four pence Consolidated Bank Annuities* **Upon the Trusts** *and subject to the powers applicable thereto or under or by virtue of the said Will of the said John Dore Bendrey deceased* **And this Indenture further Witnesseth** *that in obedience to the direction in the said Will contained* **he** *the said George Wallis* **doth** *hereby grant and convey unto the said Richard Tooth Bendrey and his heirs All the messauges land tenements and hereditaments described in the second part of the Schedule hereunder written which are all situate in the Parish of Wroughton in the County of Wilts and all other real estate and premises by the Will of John Dore Bendrey devised to the said David Dimbleby and George Wallis their heirs and assigns upon trust as aforesaid (if any) with the rights easements and appurtenances respectively belonging thereto or heretofore enjoyed therewith* **To hold** *the said premises unto the said Richard Tooth Bendrey and his heirs To the use of of the said George Wallis and Richard Tooth Bendrey their heirs and assigns* **Upon the Trusts** *and with the Powers upon and with which the same ought to be held by virtue of the said Will* **And this Indenture also Witnesseth** *that in obedience to the aforesaid direction in this behalf* **He** *the said George Wallis* **doth** *hereby assign hereunder written of the said John Dore Bendrey by the said Will bequeathed to the said David Dimbleby and George*

Wallis their executors administrators and assigns and now vested in the said George Wallis **To hold** the said personal estate and premises unto the said George Wallis and Richard Tooth Bendrey their executors administrators and assigns Upon the trusts and with the powers upon and with which the same ought to be held by virtue of the said Will **And** the said George Wallis doth hereby for himself his heirs executors and administrators covenant with the said Richard Tooth Bendrey his heirs executors and administrators and assigns that he the said George Wallis either alone or together with the said David Dimbleby has not done nor knowingly suffered nor been party or privy to any act deed or thing whereby the real and personal estate of the said John Dore Bendrey deceased hereinbefore expressed to be hereby granted conveyed and assigned respectively are is or can be charged incumbered or prejudicially affected in title estate or in any manner whatsoever **In Witness** whereof the said parties to these presents have hereunto set their hands and seals the day and year first before written

*The Schedule* hereinbefore referred to

**First Part**

| Description of Property                                                                               | Date of Sale |
|-------------------------------------------------------------------------------------------------------|--------------|
| Freehold house and garden at King's Norton                                                            | October 1865 |
| One morety of and in three parcels of arable and meadow land comprising 57a 2r 13p at Wroughton Wilts | } July 1877  |

**Second Part**

| Description of Property                 | Tenants names   | Quantity |          |          |
|-----------------------------------------|-----------------|----------|----------|----------|
|                                         |                 | <i>a</i> | <i>r</i> | <i>p</i> |
| Stone built Cottage and garden          | William Huggins |          |          |          |
| Thatched Ditto and Ditto                | Alfred Hunt     | }        | 0        | 1        |
| Ditto and Ditto                         | Robert Mitchell |          |          |          |
| Dwelling house outbuildings and gardens | John Wilkins    | 0        | 0        | 20       |
|                                         | John Wilkins    | 1        | 1        | 27       |
| Close and Orchard adjoining             | Ditto           | 2        | 1        | 6        |
| The Marsh Piece                         | Ditto           | 3        | 0        | 0        |
| Common Ground                           | George Stroud   | 0        | 3        | 26       |
| Lane Orchard                            |                 |          |          |          |

|                   |                |                      |          |          |           |
|-------------------|----------------|----------------------|----------|----------|-----------|
| <i>Upper Mead</i> | <i>Pasture</i> | <i>George Stroud</i> | <i>1</i> | <i>1</i> | <i>27</i> |
| <i>Lower Mead</i> | <i>Pasture</i> | <i>Ditto</i>         | <i>3</i> | <i>1</i> | <i>6</i>  |
| <i>The Close</i>  | <i>Pasture</i> | <i>George Wallis</i> | <i>0</i> | <i>3</i> | <i>17</i> |

**Third Part**

*Two several leasehold Ground Rents of £80: 16: 8 and £11: 5: 0 secured upon property in Tenant Sheet Birmingham payable for 86 years from Lady Day 1865 subject to a Ground rent of £74: 10 :0 and subject as to the £11: 5: 0 to the life interest of the said Anne Avery*

*George Wallis*  
*Richard Toth Bendrey*



**This Indenture** *made the eighth day of September Ont thousand eight hundred and eighty four*  
**Between** *the within named* **George Wallis and Richard Tooth Bendrey** *now of Swindon in the County of Wilts of the first part* **Alice Bendrey** *of Swindon aforesaid Spinster of the second part and the said* **Richard Tooth Bendrey and Louis John Aylward** *of number 3 Brownswood Road Finsbury Park in the County of Middlesex Gentleman of the third part*

**Whereas** *the within named Annuitant Ann Avery Annuitant died on the twenty sixth day of November One thousand eight hundred and eighty and the within named Ellen Wallis died on the thirtieth day of January One thousand eight hundred and eighty two* **And whereas** *the said George Wallis and Richard Tooth Bendrey out of the income of the trust estate of the within mentioned John Dole Bendrey (thereinafter referred to as the Testator) paid the within mentioned annuities payable to the said Ann Avery and Ellen Wallis up to the day of their respective deaths as the said George Wallis in respect of the said annuity to the said Ellen Wallis hereby acknowledged and the within mentioned annuity of Seventy five pounds to the said Richard Tooth Bendrey has been received by him half yearly up to the sixteenth day of May last as he hereby acknowledged* **And whereas** *the within named Alice Bendrey (party hereto) attained the age of twenty one years on the twenty eighth day of June one thousand eight hundred and eighty two and in pursuance of the within mentioned Order of the Court of Chancery the allowance of Forty pounds per annum for the maintenance and education of the said Alice Bendrey has been paid to the said Richard Tooth Bendrey out of the income of the Trust estate up to the said day as he hereby acknowledges* **And whereas** *the said George Wallis and Richard Tooth Bendrey have accounted to the said Alice Bendrey for all income which she has become or might be deemed to be entitled to in respect of the Testator's trust estate and have paid to her the legacy of Fifty pounds payable to her by virtue of the Testators will within recited on her having attained the said age twenty one years as the said Alice Bendrey hereby acknowledges and the said Richard Tooth Bendrey has received all income in respect of the trust estate to which he has become or might be deemed to be entitled to as he hereby acknowledges* **And whereas** *the said George Wallis and Richard Tooth Bendrey have by sales from time to time sold out the whole of the within mentioned sum of Four thousand four hundred and sixty six pounds one shilling and four pence consolidated Bank Annuities and invested the produce thereof in their joint names* **And whereas** *the said George Wallis desires to be discharged from the trusts of the said Will of the Testator as he hereby declares and the said Louis John Aylward has agreed to become a Trustee in his place* **And whereas** *the real and leasehold estate of the Testator is still the same as it was at the date of the within written Indenture and as is described in the second and third parts of the Schedule thereto with the addition to the said real estate of the freehold messuage called "Myrtle Villa" which said messuage is described in the first part of the Schedule hereunder written and is now vested in the said George Wallis and Richard Tooth Bendrey upon the trusts of the said Will by virtue of an Indenture dated the twenty first day of January one thousand eight hundred and eight four and made between the said Richard Tooth Bendrey of the first part the said Alice Bendrey of the second part and the said George Wallis of the third part which messuage and premises and the real estate described in the second and third parts of the Schedule to the within written Indenture it is intended shall be transferred by these presents to the said Richard Tooth Bendrey and Louis John Aylward except the two leasehold pound rents of Eighty pounds sixteen shillings and eight pence and eleven pounds five shillings which are described in the third part of the Schedule to the within written Indenture and which by Indenture dated the twenty sixth day of October One thousand eight hundred and fifty eight became vested in the said Richard Tooth Bendrey as Trustee for the Testator and are now vested in him on and for the trusts and purposes of the Testator's Will*

as the said Richard Tooth Bendrey hereby declared and it is intended that they shall so remain vested in him **And whereas** the residuary personal estate of the Testator now consists of or is represented by the particular contained in the second part of the Schedule hereto **How this Indenture Witnesseth** that in exercise of the powers given by the said Will of the Testator John Dore Bendrey and recited in the within written Indenture and of all other powers (if any) in anywise so enabling them They the said George Wallis and Richard Tooth Bendrey with the consent of the said Alice Bendrey as entitled in possession for her life to the rents and income of the real and personal estate of the Testator subject to the said annuity to the said Richard Tooth Bendrey testified by her execution of these presents **Do** and each of them **Doth** by these presents appoint the said Louis John Aylward to be a trustee of the said Will **And** the said Louis John Aylward hereby declares his acceptance of his said appointment as Trustee to act jointly with the said Richard Tooth Bendrey **And this Indenture also Witnesseth** that in accordance with the direction in the said Will contained They the said George Wallis and Richard Tooth Bendrey as Trustees hereby convey unto the said Richard Tooth Bendrey and Louis John Aylward **All** the freehold messuages land and hereditaments described in ~~the first part of the~~ and assigned by the within written Indenture and in the second part of the Schedule thereto **And All** that the freehold messuage and hereditaments described in the first part of the Schedule hereunder written **And** all other (if any) the freehold hereditaments of or to which the said John Dore Bendrey was seised or entitled at the time of his decease or which have since his decease been purchased with monies forming part of his personal estate and which are now vested in the said George Wallis and Richard Tooth Bendrey as the trustees of the said Will **To** hold the same unto and to the use of the said Richard Tooth Bendrey and Louis John Aylward in fee simple **And this Indenture Witnesseth** that further in accordance with the aforesaid direction They the said George Wallis and Richard Tooth Bendrey as Trustee hereby assign unto the said Richard Tooth Bendrey and Louis John Aylward **All** the personal estate of or to which the Testator was at his death possessed or entitled and which is now vested in the said George Wallis and Richard Tooth Bendrey or either of them as Trustees or Trustee of his said Will excepting the said two leasehold ground rents described in the said third part of the Schedule to the within written Indenture but including all other if any the leasehold hereditaments of or to which the Testator was possessed or entitled at the time of his decease and which are now vested in the said George Wallis and Richard Tooth Bendrey as trustees as aforesaid and excepting also the mortgage principle sum of Three thousand three hundred pounds mentioned in the second part of the Schedule here under written and the interest thereon which with the securities for the same are intended to be transferred by a separate deed **To hold** the premises herein before assigned unto the said Richard Tooth Bendrey and Louis John Aylward as to leasehold hereditaments if any for the several estates terms and interests now subsisting therein respectively and as to the residue of the said premises unto the said Richard Tooth Bendrey and Louis John Aylward absolutely **And it is hereby agreed and declared** that the said Richard Tooth Bendrey and Louis John Aylward shall stand seised and possessed of all the freehold and leasehold hereditaments and personal estate hereby conveyed and assigned respectively and all the moneys mentioned in the said second part of the Schedule hereto and the rents profits and income thereof respectively Upon the trusts and with and subject to the powers and provisions by and in the said Will declared and contained concerning the same respectively or such of the same as are now subsisting and capable of taking effect **In witness** whereof the said parties to these presents presents have hereunto set their hands and seals the day and year first above written

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**The Schedule** herein before  
referred to

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*The First part*

*A messuage or dwelling house offices and garden known as "Maple villa" situate in Devizes Road Swindon in the County of Wilts now occupied by the said Richard Tooth Bendrey and Alice Bendrey and others of his family*

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*The Second part*

*1 – A sum of Three thousand three hundred pounds on mortgage of a freehold farm and farm house containing Seventy two acres two roods and twenty nine poles known as Haydon Wick farm situate in the parish of Redborne Cheney in the County of Wilts and secured by an Indenture of Mortgage dated the eighth day of July One thousand eight hundred and seventy nine and made between Edward Smith of Swindon in the County of Wilts Butcher of the one part and the said George Wallis and Richard Tooth Bendrey of the other part*

*2 ~ A sum of One hundred and fifty pounds fifteen shillings and eleven pence now on deposit at interest at the County of Gloucester bank Swindon in the name of the said Richard Tooth Bendrey*

*It is intended that number 1 and the security for the same shall be transferred to the said Richard Tooth Bendrey and Louis John Aylward by an indenture already prepared and indorsed on the said Indenture of Mortgage And that number 2 shall be paid or transferred to them*

*Signed sealed and delivered by the above named  
George Wallis Richard Tooth Bendrey and Alice  
Bendrey in the presence of*

*George Wallis*

*Ed: Peckham*

*Richard Tooth Bendrey*

*Clerk to Mr Ormond*

*Alice Bendrey*

*Solr Swindon*

*Signed sealed and delivered by the above named Louis  
John Aylward*

*Louisa J Aylward*

*Walter B Steyn*

*2 Threadneedle Street*

*London*