

Cockshott

This is the last Will and Testament
of me William Cockshott of Gupdale Head
in the County of York Yeoman made and
published the nineteenth day of January in the year of our Lord Christ one
thousand eight hundred and thirty five hereby revoking all former and other
Wills Testaments and Testamentary Schedules by me heretofore made First it is my
will and mind and I do hereby order and direct that all my just debts funeral
expences and the expences of proving and registering this my will shall be paid
and satisfied by my Trustees and Executors hereinafter named out of my estate and
effects as soon as conveniently may be after my decease Then I give and devise unto
my son Thomas Cockshott and my good friend and relation Henry Hornby of Kirkby
Mackhamdale in the County of York aforesaid Yeoman All and every my Messuages
Cottages Buildings Farms Lands Tenements and hereditaments and parts and
shares of Messuages Cottages Buildings Farms Lands Tenements and hereditaments
situate at Kexup or elsewhere in the parish of Arncliffe and at Old Ing in the Parish
of Hutton in Ribblesdale in the County of York or elsewhere in the Kingdom of Great
Britain with their and every of their rights members and appurtenances To hold the
same or such part and parts of my said estates as may be of freehold tenure unto my
said son and the said Henry Hornby their heirs and assigns And to hold so much
and such part and parts thereof as are of Customaryhold tenure within the Manor
of Quoby in the said County of York unto my said son and the said Henry
Hornby their heirs and assigns according to the custom of the said Manor And to
hold so much and such part and parts thereof as may be of Leaschold tenure or
chattels real unto my said son and the said Henry Hornby their executors
administrators and assigns for the remainder of all such terms and number of
years estate and interest as shall be then to come and unexpired at the time of my
decease nevertheless In trust to and for the only proper use and behoof of my said son
Thomas Cockshott his heirs executors administrators and assigns according to the respective

30 various and tenures of such estates and premises Subject nevertheless and I do hereby charge and make chargeable my said estate situate at Foxcote aforesaid with the payment of one annuity or clear yearly rent charge or sum of fifty pounds unto my daughter Mary the wife of John Clowth and her assigns for and during the term of her natural life to and for her sole use and benefit and without being subject in anywise to the control interference debts or engagements of her present or any after taken husband and her receipts alone notwithstanding her coverture shall from time to time be good and sufficient discharges to the person or persons paying the same to all intents and purposes whatsoever the said annuity to be paid and payable to her by two equal half yearly payments on the twelfth day of May and the twenty second day of November in each year the first payment thereof to commence and be made on such of those days as shall first happen after my

40 decease with the usual powers of entry and distress in case of nonpayment for the space of twenty days next over or after either of the days or times whereon the same ought to be paid as aforesaid being lawfully demanded which said annuity so given to my said daughter as aforesaid shall be in full satisfaction of any and all claim she may have against me or any account whatsoever And from and after the decease of my said daughter subject to and charged and chargeable with the payment of the like annuity or clear yearly rent charge or sum of fifty pounds or unto and equally amongst the children of my said daughter Mary Clowth now unborn or which may hereafter be born on her body for and during the term of their

50 joint natural lives and the life of the survivor and longest liver of them and in case any of my said grandchildren shall happen to die leaving lawful issue such issue to be entitled to their parents share equally amongst them for and during the natural lives or life of the survivor of my said grandchildren such last mentioned annuity of fifty pounds to be paid to my said grandchildren by two equal half yearly payments on the said twelfth day of May and the said twenty second day of November in each year the first payment thereof to commence and be made on such of those days as shall first happen after the end of six months from the decease of their

60 said Mother with the like powers of entry and distress in case of nonpayment as are herein given to my said daughter with respect to her annuity such last mentioned annuity to be for the sole use and benefit of my said grandchildren and without being subject in anywise to the control interference debts or engagements of any husband with whom they may intermarry and that their receipts alone notwithstanding such coverture shall from time to time be good and sufficient discharges to the person or persons paying the same to all intents and purposes whatsoever and in case my said daughter or any of her children shall at any time sell mortgage or otherwise dispose or part with the said annuities so made payable to them during their respective natural lives as aforesaid then and in such case I order and direct that such annuities as shall be payable to such of them as shall sell mortgage dispose of or otherwise part with their respective parts or shares thereof shall cease and be no longer payable any thing herein contained to the contrary in any wise notwithstanding

70 And from and after the decease of my said daughter and the survivor of her said children both the said annuities to cease and be no longer payable Item I give and devise unto my said son and the said Henry Horby all my tenent right and interest in my farm situate at Duffdale Head aforesaid And also all my household goods and furniture plate china and linen (except the two Beds and bed furniture hereinafter given to my two Granddaughters) farming stock hay corn or cattle and husbandry gear money and securities for money and all other my real and personal estate and effects whatsoever and wheresoever wherof I may die possessed or

80 In trust and for the only use and benefit of my said son Thomas Cochrane his or her

110
executors administrators and assigns absolutely Subject to the payment of all my just debts
funeral expences and the Legacies or sums of money hereinafter mentioned, that is to
say, to the children of my said daughter Mary Elsworth now born or hereafter to be
born in her body the Legacy or sum of one hundred and twenty pounds to be equally
divided amongst them share and share alike and paid to them when and as they
shall attain their respective ages of twenty one years with four pounds per annum for
interest on the said sum of one hundred and twenty pounds from the date of this my will
untill they shall respectively attain twenty one years the same to be applied in their
maintenance and education And in case any of them shall happen to die under that
age without leaving lawful issue the portion or portions of such deceased child or
children to go to and be equally divided amongst their respective brothers or sisters share
and share alike I also bequeath to each of my two Granddaughters Margarett Elsworth
and Catherine Elsworth a Feather bed and bed furniture my best bed built to be given to
Catherine and such beds and bed furniture to be delivered to them on their attaining their
respective ages of twenty one years Provided always and it is my will and mind that in
case my said son Thomas Beckwith shall be mindful and desirous to sell and dispose of
my said Estate at Fozup aforesaid which is charged with the said several an-
nuities to my said daughter and Grandchildren and shall charge such annuities
upon the said estate called Old Iny or any other estate of ample value that it
shall and may be lawful for him so to do And then and from thenceforth the
said several annuities shall cease to be a charge upon my said estate at
Fozup aforesaid and the purchaser or purchasers of such estate shall be wholly
discharged from all future payments of the said annuities any thing herein
contained to the contrary notwithstanding Provided also and I do hereby declare it
to be my will and mind and intent that in case my said son or the said
Henry Hornby or either of them shall happen to die or be desirous to be discharged
from the trusts hereby in them imposed or shall refuse to act or become incapable
of acting therein before the same shall have been fully carried into execution it
shall and may be lawful to and for the surviving or continuing Trustee by any
deed or deeds writing or writings under his hand and seal to be duly executed to
nominate and appoint another Trustee in the room or stead of the said Trustee
who shall happen to die or be desirous of being discharged from the said trusts
or refuse to act or become incapable of acting therein as aforesaid and that in case
of any future vacancy or vacancies in the said Trusts by the means aforesaid or
or any of them and when and as the same shall so happen one or more new
Trustee or Trustees shall and may be nominated and appointed in manner as
aforesaid and that upon such appointment all my said estates and promises
hereby devised as aforesaid shall thereupon with all convenient speed be conveyed
to and vested in such Trustee so to be appointed and the remaining or acting
Trustee for the time being upon the trusts hereinbefore declared concerning the
same respectively or such of them as shall be then existing undetermined or
incapable of taking effect in such manner as shall be reasonable and necessary
in that behalf And that every such new Trustee so to be appointed shall and
may in all things act and assist in the management carrying on and executing
the trusts thereof in conjunction with the remaining Trustee for the time being fully
and absolutely and with the same powers and authorities to all intents and purposes
as if he had been originally nominated and appointed by this my will a Trustee for
the purposes aforesaid Provided likewise and I do further declare it to be my will
and mind that my said Trustee their respective heirs executors and administrators
and all and every other Trustee and Trustees to be appointed in pursuance of this
my will shall not nor shall either of them be answerable or accountable for any

loss which shall happen to the execution of the trusts hereby in them reposed or
 except by their or his wilful default and then each one for himself only and not
 for the other of them their joining in receipts for conformity sake notwithstanding
 nor shall they or any of them be answerable or accountable for any person or
 persons acting under or employed by them or any of them as Stewards Collectors
 Receivers or agents nor for any Banker or Bankers or other persons with whom or in
 whose hands or custody any part of my said personal estate or trust monies shall
 at any time be deposited for safe custody or otherwise in execution of the trusts of
 this my will and further that it shall and may be lawful for them my said
 Trustees and each of them respectively and their respective heirs executors and
 administrators to reimburse themselves out of the trust monies which shall come to
 their hands all such charges and expenses as they or any of them shall have in-
 curred in the execution of the trusts of this my will or in any wise relating
 thereto and have a reasonable allowance for their care trouble and attendance
 therein And I do hereby nominate and appoint my said son Thomas Cockshott and
 the said Henry Hornby Joint Executors of this my will In Witness whereof
 I the said William Cockshott the Testator have to the four foregoing pages set
 my hand and to this fifth and last page my hand and seal the day and year
 first above written - William Cockshott T. The four foregoing pages were
 signed and this fifth and last page was signed and sealed by William Cockshott
 the Testator and by him published and declared as and for his last will and
 testament in the presence of us who in his presence at his request and
 in the presence of each other have hereunto subscribed our names as witnesses
 the interlineation as to Intest in one hundred and twenty pounds on the third
 page being first made - George Dudgeon Sol^r Settle - Ellen Armitstead
 of Whalley in the County of Lancaster Spinster - Thomas Pearceck Servant
 to the said W^m Cockshott - /passit 7th June 1841.

140

150