

## 1841 William COCKSHOTT Will

This is the last Will and Testament of me William Cockshott of Deepdale 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 Codicils 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 expenses and the expenses of proving and registering this my will shall be paid and satisfied by my Trustees and Executors hereinafter named out of my estate and **[10]** 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 Malhamdale 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 Foxup or elsewhere in the Parish of Arncliffe and at Old Ing in the Parish of Horton 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 maybe of freehold tenure unto my said son and the said Henry Hornby their heirs and assigns

And to hold so much **[20]** and such part and parts thereof as are of Customary hold tenure within the Manor of Newby In the said County of York unto my said son and 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 Leasehold tenure or chattels out 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 state? and interest as shall be then to come and unexpired at the time of my decease nevertheless In trust and for the only proper use and behalf of my said son Thomas Cockshott his heirs executors administrators and assigns according to the respective

### **[2<sup>nd</sup> Page]**

natures and tenures of such estates and premises

Subject nevertheless and I do **[30]** hereby charge and make chargeable my said estate situate at Foxup 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 Elsworth 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 **[40]** thereof to commence and be made on such as those days as shall first happen after my decease with the usual powers of entry and distress in case of non payment for the space of twenty days net? over or after either of the days or times whereupon 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 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 unto and equally amongst the children of my said daughter Mary Elsworth now born 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 lives of them

and in case any of my said Grandchildren shall happen to die leaving lawful issue such issue is 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 said Mother with the like powers of entry and distress in case of non payment as are herein given to my said daughter with respect to her annuity such last mentioned **[60]** 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 into marry 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 **[70]** 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

And from and after the decease of my said daughter and the survivors of her said children both the said annuities to cease and be no longer payable then

I give and devise unto my said son and the said Henry Hornby all my tenant right and interest in my farm situate at Deepdale 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 cattle and husbandry ? money and securities for money and all other my real and personal estate and effects whatsoever and wheresoever whereof I may die possessed **[80]** In trust and for the only use and benefit of my said son Thomas Cockshott his

**[3<sup>rd</sup> Page]**

executors administrators and assigns absolutely

Subject to the payment of all my just debts funeral expenses 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 hereinafter to be born on 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 until the shall respectively attain twenty one years the same to be applied in their maintenance and education

And in any case any of them should happen to die under that **[90]** 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 Margaret Elsworth and Catherine Elsworth a Feather bed and bed furniture my best bed Quilt 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 in my will and mind that in case my said son Thomas Cockshott shall be mindful and desirous to sell and dispose of my said Estate at Foxup aforesaid which is charged with the said several annuities to my said daughter and Grandchildren and shall charge such annuities upon the said estate called Old Ing or any other estate of ample value that it **[100]** shall and may be lawful of him so to do

And then send from thenceforth the said several annuities shall cease to be a charge upon my said estate at Foxup aforesaid and the purchaser or purchasers of such estate shall be wholly discharge from all future payments of the said annuities anything herein contained to the contrary notwithstanding

Provided also and I do hereby declare it to be my will and mind and direct 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 reposed 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 **[110]** 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 any of them or when and as the same shall so happen one or more new Trustee or Trustees shall and may be nominated and appointed in manner aforesaid and upon such appointment all my said estates and premises hereby devised as aforesaid shall thereupon with all convenient speed by conveyed to and vested in such Trustee so to be appointed and the remaining or acting **[120]** 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 capable of taking effect in such manner as shall be reasonable and necessary on 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 accounting the trusts thereof in conjunction with the remaining trustee for the time being fully and effectually 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 Trustees their respective heirs executors and administrators **[130]** 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

**[4<sup>th</sup> Page]**

loss which shall happen to the execution of the trusts hereby in them reposed receipt 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's 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 whole 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 incurred in the execution of the trusts of **[140]** 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 testor have to the four forgoing pages set my hand and to this fifth and last page my hand and seal this day and year **[150]** first above written – William Cockshott -

The four foregoing pages were signed and this fifth and last page was signed and sealed by William Cockshott the Testor 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 herewith subscribed our names at witnesses the interlineation as to Interest on one hundred and twenty pounds on the third page being first made

George Dudgeon Solicitor Settle  
Ellen Armitstead of Whatley on the County of Lancaster Spinster  
Thomas Peacock Servant to the said William Cockshott  
Passed/present 7<sup>th</sup> June 1841

Notes:

**[100]** is the hundredth line in the original document

The will is signed on the 19th January 1835 and probate dated 7th June 1841. William COCKSHOTT gives his son Thomas COCKSHOTT and his 'friend and relation' Henry HORNBY of Malhamdale his Farms and cottages at Foxup in Arncliffe and 'Old Ing' in the parish of Horton in Ribblesdale. He instructs an annuity of £50 to be paid to his daughter Mary ELSWORTH in half yearly instalments on the 12th May and 22nd November. The annuity is to be chargeable to his 'Foxup' estate. He also gives his son Thomas COCKSHOTT and Henry HORNBY all his 'tenant rights and interest' in his farm at Deepdale Head, owned by the 'Manor of Newby'.

William gives his two Grand-daughters Catherine & Margaret ELSWORTH his two feather beds and bed furniture when they reach the age of 21yrs! They would have been 8 and 7 years in 1835 when this will was written.

William COCKSHOTT appoints his son Thomas and Henry HORNBY his executors and trustees of the annuity payable to Mary ELSWORTH.

Transcript by Nick Delves 13<sup>th</sup> Mar 2021