

## 1863 Thomas Cockshott Will

This is the last Will and Testament of me Thomas Cockshott, of Bend Yate, in the Township and parish of Long Preston, in the County of York.

I appoint my dear wife, Jane Ann, and my nieces, Margaret Armistead, the Wife of Thomas Armistead of Long Preston, aforesaid farmer. And Catherine Wrathall the Wife of Thomas Wrathall of Long Preston, aforesaid farmer general Executrixes and Trustees of this my Will.

And I devise and bequeath unto them their heirs, executors, administrators and assigns, except as after mentioned all estates which at my decease shall be vested in me upon any trusts, or by way of mortgage, subject to the trusts and equities [10] affecting the same respectively.

I direct all my just debts, funeral and testamentary expenses to be paid out of my personal estate (other than that hereinafter specifically bequeathed to my dear wife Jane Ann) if sufficient for that purpose. And if not I charge the real estate hereinafter specifically devised to my nieces with the payment thereof.

I give to my said wife for her absolute use all my consumable and other household stores. Also the best bed and bedding, chamber service, dressing glass, dressing table and wash stand in the best bedroom. Large dining table, eight mahogany chairs, the draws upon which the book-case stands, silver cruet stand and glasses belonging thereto

Also the articles of furniture and other effects of which she [20] was possessed at the time of her marriage with me, namely the books formerly belonging to her deceased brother, bookcase, chairs, chiffonier, long dresser, card table and silver spoons.

I declare that my said wife, may, if she wishes, reside in my present residence, along with my said niece Catherine Wrathall and her husband and family. and have the joint use of the garden and appurtenances for a period of twelve months after my decease without paying any rent for the same.

I give to my said wife the following yearly rent charges, namely twenty pounds, out of the hereditaments hereinafter firstly devised to my said niece Margaret, five pounds out of the hereditaments hereinafter secondly devised to her and twenty-five [30] pounds out of the hereditaments hereinafter devised to my said niece Catherine.

to be payable and paid, half yearly on the thirteenth day of May and the twenty-third day of November in every year

and a proportional part for the time between the last half yearly payment and the day of her death to be paid on such last mentioned day

but nevertheless the first payment to be a full half yearly payment and to be paid on the

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

first half yearly day of payment, which shall next happen after my decease.

I authorise my wife, her executors, administrators or assigns, whenever any of such rent charges respectively shall be in arrears for fourteen days to recover the same and all costs by distress upon the said [40] hereditaments respectively charged therewith and whenever any of such rent charges shall be in arrears for twenty eight days to recover the same and all intermediately accrued arrears, and all costs by entry upon and perception of the rents, and profits of all or any part of the said hereditaments respectively charged therewith.

[I give and bequeath to my said wife, her executors, administrators and assigns, absolutely, all the principal and interest moneys and costs actually paid or settled by me in my lifetime

which at the time of my decease shall be respectively owing to me on a certain mortgage for the sum of six hundred pounds on an estate formerly of Samuel Holgate.

also a certain other debt or sum of two hundred pounds due and [50] owing to me by my wife's sisters, and all securities for the same respectively.

And I nominate and appoint my said Wife to be my sole Executrix so far only as concerns the said two several debts and interest and the securities for the same respectively and which I except from the general executorship of my estate hereinbefore constituted.

And I give, advise and appoint all and singular the hereditaments whether of freehold or of copyhold, or customary tenure, on which the said several mortgage debts are in at the time of my decease shall be secured to such uses as my said wife, her executors or administrators shall at any time or times before the expiration of twenty one years from her decease by any deed [60] or deeds or Will appoint.

And subject thereto I give advise and bequeath the said hereditaments respectively, and all others securities for the said mortgage debts respectively unto my said wife her heirs executors administrators and assigns for her and their own use and benefit but subject to such equity of redemption as may respectively be subsisting in respect thereof.

I give, devise, bequeath, and appoint.

Firstly, all that my estate of customary tenure with the buildings and erections thereon. Together with all rights and appurtenances, and the privileges and advantages and emoluments thereunto belonging or appertaining, or enjoyed therewith called "Old Ing" situate in the Higher Division of the parish of Horton in Ribblesdale, within the [70] Manor of Newby, in the parish of Clapham, in the County of York now

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

in my own occupation free from all claims and demands in respect of growing crops or tillages.

But subject nevertheless to and charged and chargeable with the payment of the said rent charge of twenty pounds also subject to the customs of the said manor in respect thereof

Secondly, all that my leasehold and freehold estate with the buildings and erections thereon Together with the rights, members, and appurtenances and the privileges advantages and appurtenances thereto belonging or appertaining or enjoyed therewith

purchased by me of the late family of Barret situate at Bookhill Gill in Long Preston aforesaid now in my own occupation free from all claims [80] and demands in respect of growing crops or tillages.

But subject nevertheless to and charged and chargeable with the payment of the said rent charge of five pounds to such uses as my said niece Margaret Armistead shall at any time or times notwithstanding coverture by Deed or Will or other instrument in writing appoint

And subject thereto unto and to the use of my said niece Margaret Armistead her heirs and assigns for ever

I give, devise, bequeath and appoint all that my freehold estate with the buildings and erections thereon

Together with all rights, members and appurtenances and the privileges advantages and emoluments thereto belonging, or appertaining or enjoyed therewith situate at and called **[90]** Bend Yate aforesaid now in my own occupation free from all claims and demands in respect of growing crops and tillages.

But subject nevertheless to and charged and chargeable with the payment of the said rent charge of twenty five pounds

To such uses as my said niece Catherine Wrathall shall at any time or times by Deed or Will or other instrument in writing appoint

And subject thereto unto and to the use of my said niece Catherine, her heirs and assigns for ever.

I give, devise, bequeath and appoint all that my freehold estate with the buildings and erections thereon

Together with all rights, members, and appurtenances and the privileges advantages and emoluments thereto belonging or appertaining or enjoyed therewith **[100]** situate at Foxup in the parish of Arncliffe in the County of York now in my own occupation Free from all claims and demands in respect of growing crops and tillages

But subject nevertheless to and charged and chargeable with the payment of a certain rent charge of fifty pounds to my sister Mary Elsworth created and charged thereon by the will of my late father

As to one undivided moiety or equal half part thereof

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

(the whole into two equal parts being considered as divided)

To such uses as my said niece Margaret Armistead shall at any time or times notwithstanding her coverture by Deed or Will or other instrument in writing appoint

And subject thereto unto and to the use of my said **[110]** niece Margaret Armistead her heirs and assigns forever

And as to the other and remaining one undivided moiety or equal half part of the last mentioned estate

To such uses as my said niece Catherine Wrathall shall at any time or times notwithstanding her coverture by deed or Will or other instrument in writing appoint

And subject thereto unto and to the use of my said niece Catherine Wrathall, her heirs and assigns forever.

And as to all the rest residue and remainder of my real and personnel estates I give devise bequeath and appoint the same as to one equal undivided third part thereof to such uses as my said wife shall at any time or times by deed or Will or other instrument in writing appoint

And subject thereto **[120]** unto and to the use of my said Wife her heirs executors administrators and assigns respectively

As to one other equal, undivided third part thereof to such uses as my said niece Margaret Armistead shall at any time or times by Deed or Will or other instrument in writing appoint

And subject thereto Unto and to the use of my said niece Margaret Armistead her heirs executors, administrators, and assigns respectively

As to the remaining equal undivided third part thereof To such uses as my said niece Catherine Wrathall shall at any time or times by Deed or Will or other instrument in writing appoint

And subject thereto Unto and to the use of my said niece Catherine Wrathall her heirs executors, administrators **[130]** respectively

I declare that the receipts of my said trustees or trustee for the time being for any moneys payable to them or him under this my Will shall effectually discharge the person or persons to whom the same shall be respectively given from being answerable for the misapplication or nonapplication of the money therein respectively mentioned to be received

And that such person or persons shall not be bound to enquire into the necessity or propriety of any sale to be made under this my Will.

I also declare that any vacancy or vacancies occurring in any trusteeship under my Will by death (in my lifetime or afterwards) disclaimer resignation residence abroad refusal or incapacity to act, may **[140]** be supplied by the trustee or trustees for the time being including any

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

retiring or disclaiming trustee or trustees if willing to act

or if there be no trustee willing to act by the acting executors or administrators of the person who shall have last died in the trust or if there be no such person by my acting executors administrators every such appointment to be made by any attested writing or (in case of a sole appointor) by any attested writing or Will

I revoke all Wills by me heretofore made in witness whereof I have hereunto set my hand this nineteenth day of February One thousand eight hundred and sixty two

- Thomas Cockshott

Signed by the said Thomas Cockshott as his last Will in the joint presence **[150]** of us who in his presence have hereunto set our own hands as witnesses

- W. Lancaster, Attorney at law, Bradford

- Henry Moseley, his clerk

In Her Majesty's Court of Probate –

Wakefield District Registry

On the 5<sup>th</sup> day of September 1863 the Will of Thomas Cockshott late of Bend Yate in the Parish of Long Preston in the County of York, Yeoman, deceased was proved by the Oaths of Jane Ann Cockshott Widow, the Relict of the said deceased.

And Margaret Armistead the Wife of Thomas Armistead

and Catherine Wrathall, the Wife of Thomas Wrathall, the Nieces **[160]** of the said deceased

The Executrices therein named to whom Probate was granted.  
To wit to the said Jane Ann Cockshott generally, and to the said  
Margaret Armistead and Catherine Wrathall.  
Save and except all the principal and interest monies and costs actually  
paid or settled by the said Testor in his lifetime.

Which at the time of his decease should have been owing to him on a  
certain mortgage for the sum of six hundred pounds on an estate  
formerly of Samual Holgate

Also a certain other debt or sum of two hundred pounds due and owing  
to him by his Wife's Sisters and all securities for the same and all  
interest due and to accrue due thereon respectively **[170]** they having  
been first sworn duly to administer.

Effects under £1500  
Special Probate extracted by  
Messrs G & W Hartley, Solicitors, Settle

#### Notes

**[100]** Is the hundreth line on the actual document.

As I understand Thomas Cockshott gave: -

- His wife, the family Tupperware and her sisters debts.
- Catherine Wrathall, his wife and house, "Bend Yate".
- Margaret Armistead, two farms, "Old Ing" and "Bookhill Gill".
- His sister Mary Elsworth, the family seat "Foxup"

Transcript by Nick Delves 16<sup>th</sup> March 2021