

John Armistead Will

* [10] - Is the tenth line on the actual document.

This is the last will and Testament of me John Armistead of Long Preston in the County of York, ? made the day of 1875. I revoke all former wills by me made.

I give bequeath to my son Richard all my household goods and furniture.
I give and devise to my said son Richard so long as he shall choose personally to occupy the same, the use and occupation, of my cottage in Long Preston, formally occupied by Alice Wise.

And on his death or ceasing personally to occupy the same I give and devise the same to my son John absolutely.

I give the following annuities. Namely to my executor, for the time being, an annuity of £10- for the term of 8 years, from my [10] death. Free from legacy, duty and payable quarterly upon trust to pay the same, but not by way of anticipation, to my daughter Margaret Brennard. This should go into her proper hands, for her sole and separate use, free from the control, contracts, or engagements of any husband. For which payments her receipts will be ? discharges and my said daughter shall have no power at any time to sell, mortgage, or otherwise assign or dispose of the same annuity.

In case she does so, the same shall cease and be no longer payable.

But in the event of my said daughter dying before the expiration of the said 8 years, then from the time of her death to the end of the said 8 years upon trust to pay and apply the said annuity in and ? the maintenance, support and education of her two infant children Mary Ann and Catherine [20] Brennard, or the survivors of them. In so far as the said annuity shall not be required for the purposes aforesaid, the same shall fall into my residual estate.

To my executors for the time being a further annuity of £23- during the life of my son Richard. Commencing from my death, and payable upon trust, to pay the same annuity to my said son Richard. Unless he shall do commit or permit some act or default, whether voluntary or involuntary, which if the trust for payment to him of the same annuity were to continue, would be inconsistent with his personal enjoyment of the whole benefit of such trust. And after such act or default the same annuity shall cease.

I give the ? ? ? Namely a legacy of £10- to each of the 3 children [30] of my late daughter Ann Brown. Namely Elizabeth, John and Margaret Ann Brown to be vested and paid at the age of 21. With the benefit of survivorship amongst them in case of the death of any of them under that age.

A legacy of £90- to the said Margaret Bernnard for her separate use.

A legacy of £100- to my son Thomas Armistead.

Each legacy to be on the death of my said son Richard or on the ? of the aforesaid annuity of £23-, whichever shall first happen. With interest in the meantime.

But if the said Margaret Brennand and Thomas Armistead, or either of them, shall be then dead. The said legacy of him or her so dying shall go to, and be paid to, his or her issue (then living) equally between them if more than one. And if there shall be no issue then living, the said legacy shall not [40] be raised.

I give and devise all the residue of the real and personal estate of, or to which, I shall die ? ? or ? or have power to dispose of this my will and ? in ? ? ? Contingency or expectancy unto my son John Armistead his executors administrators and assistants.
Charged nevertheless with the payment of the before mentioned annuities and ? legacies, and of my debts and funeral and ? expenses.

I appoint my said sons John and Thomas trustees and executors of this my will except so far as respects my trusteeship of certain trust funds and ? relating to the Long Preston Particular Baptist Chapel of which so far as I have power to do so I appoint my son John to act in my

place. In conjunction with the trustees named in the will of Ann [50] Tattersall? Late of Long Preston aforesaid deceased whom she appointed to act as trustees for the benefit of the said Chapel, or such of them as shall be still living at my decease. And I direct that my trustees and executors shall not be liable for more money than they shall actually receive that their recipients shall be sufficiently ? for any money paid to them and that they shall have reasonable allowance for their care and trouble in the trusts and executorship of this my will.

The will as contained in the draft thereof, was proved at Wakefield the 21st day of November 1878.

By the oaths of John Armistead and Thomas Armistead the sons, the executors, to whom administration was granted. Limited until the original will or [60] an authenticated copy thereof shall be brought into, and left, in the District Registry attached to the Probate Division of Her Majesty's High Court of Justice, at Wakefield.

The Testator John Armistead was late of Long Preston, in the County of York. And died on the 12th day of May 1877 at Long Preston, aforesaid.
Under £800-

[Separate Document]

In the High Court of Justice
Probate, Divorce and Admiralty Division
Probate
District Registry of Wakefield

Be it known that John Armistead late of Long Preston, in the County of York, deceased, died on the twelfth day of May 1877, at Long Preston aforesaid.

Having at the time of his death a fixed place of abode at Long Preston aforesaid, within the [10] District of the West Riding, of the County of York.

And having in the month of October 1875 made and executed his last Will and Testament.

And thereof appointed his sons John Armistead and Thomas Armistead Executors.

And be it further known, that the said will was retained by the said deceased in his own custody, until the month of February 1877, when he destroyed his said Will. Being under the mistaken idea that by so doing he would revive a previous will made by him dated twelfth November [20] 1867.

And be it also known, that the said Will was prepared from the Draft thereof, and that there is no authentic copy of the said Will.

And be it further known that on the thirtieth day of July 1878, the Right Honourable Sir James Harmen Knight, the President of the Probate Division of Her Majesties High Court of Justice, on Motion of Counsel ordered probate of the said Will as contained in the Draft thereof.

With the several alterations, interlineations and erasures, appearing therein to be granted [30] to the said John Armistead and Thomas Armistead under the limitations hereinafter mentioned.

And be it also known that at the date hereunder, within the said last Will and Testament, of the said John Armistead, deceased, as contained in the said Draft thereof (a copy whereof is hereunto annexed) was proved and registered in the District Registry attached to the Probate Division of Her Majesty's High Court of Justice at Wakefield.

And that administration of the personal estate of the said [40] Testator, limited until the said original Will. Or an authentic copy thereof shall be brought into and left in the said district Registry of the said Court. Was granted by the aforesaid Court to the said John Armistead and Thomas Armistead, the sons of the said deceased, the Executors named in the said Will as aforesaid, they having been first sworn well and faithfully to administer the same.

Dated the 21st day of November 1878

[50] By Motion and Order

Personal Estate under £800

No Leaseholder

Executors descriptions, John Armistead of Long Preston aforesaid, Farmer. And Thomas Armistead, of Long Preston aforesaid, Gentleman.

Extracted by

William Hartley
Solicitor
Settle