

1838

The Will of Mr Francis Ellis

Prerogative Enclosed
Ellis Francis – Settle
Bankers Clerk
29th April 1854
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This is the last Will and Testament of me Francis Ellis of Settle in the West Riding of the County of York Bankers Clerk made published and declared in manner and form following that is to say

First I order and direct all my just debts funeral expenses and the expenses of proving and registering this my will be fully paid off and discharged by my executrix and executor hereinafter named and with the payment thereof I subject and change both my real and personal Estate

I give and bequeath the use of all my household goods and furniture plate linen and china which I may die possessed of of to my dear [Line 10] wife Margaret during the term of her natural life and from and immediately after her death

I give and bequeath the same unto my Three sons; John, Christopher, and Francis equally to be divided between and amongst them share and share alike and to their respective executors administrators and assigns.

I give devise and bequeath all my money ready money securities for money and all my real and personal Estates not hereinbefore disposed of whatsoever and wheresoever situate unto my said dear wife Margaret and my said son John

To Hold to them and the survivor of them her or his heirs executors and administrators according to the different natures and tenures thereof.

Upon trust that they ~~she~~ my said dear wife and son John or [Line 20] the survivor of them her or his heirs executors or administrators do and shall with all convenient speed after my death sell dispose of and convert into money such parts of my personal estate (not hereinbefore given for the use of my said wife during her life), as shall not consist of money or securities for money and to collect receive and get in the residue thereof and also such portion thereof as shall consist of securities for money and money out at interest and place the same out at interest on government or real securities as soon after my death as conveniently may be. And my Will and mind is

and I hereby order and direct that my said son John do and shall permit and suffer my said wife Margaret and her assigns to receive and take [Line 30] the rents interest and annual produce which may arise and spring from my said real and personal Estate (not hereinbefore specifically disposed of) for and during the term of her natural life to and for her own sole and absolute use and benefit and from and immediately after the death of my said Wife.

I give devise and bequeath all my said monies and security for money real and personal Estates whatsoever and wheresoever situate unto my said three sons; John, Christopher and Francis

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To Hold to them my said three sons their respective heirs executors administrators and assigns as tenants in common and not as joint tenants.

And my Will and mind is and I do hereby declare that the trustees of this my Will ~~their and each of their heirs executors and administrators~~ shall be charged and chargeable for such monies only as

they ~~she~~ respectively shall actually receive by virtue of this my Will notwithstanding their or either of their giving or joining in giving any receipt or receipts for the sake of conformity.

And I direct that neither of them ~~she~~ shall be answerable or accountable for any Banker or Bankers with whom the [Line 10] said trust monies and premises shall be placed for safe custody or for any neglect or default of the other of them or for any involuntary losses.

And that it shall and maybe lawful for them ~~her~~ or the survivor of them with and out of the money which shall come to their respective hands by virtue of the trusts aforesaid to retain and reimburse themselves ~~herself~~ respectively and also to allow their co-trustees all costs charges damages and expenses which they ~~she~~ or either of them shall or may sustain expend or disburse in or about the execution of the aforesaid trusts or in relation thereto.

I give devise and bequeath to my said dear wife and son John and the survivor of them her or [Line 20] his heirs executors administrators and assigns all the Estates which at the time of my decease shall be vested in me upon any trusts or by way of Mortgage with their rights members and appurtenances

To Hold the said Estates unto my said dear wife and son John and the survivor of them her or his executors ~~her~~ administrators and assigns according to the nature and quality thereof respectively

Upon trust to dispose of the said trust Estates in the manner in which they ought to be held or disposed of pursuant to the said trusts and upon payment of the money secured on Mortgage to convey or assign the Estates in Mortgage to the person or persons entitled thereto for the time being but the money secured by or upon [Line 30] any such Mortgages shall be considered and taken as part of my personal Estate.

And lastly I nominate constitute and appoint my said dear wife and son John executrix and executor of this my last Will hereby revoking all former Will and Wills by me at anytime heretofore made

In Witness whereof I the said Francis Ellis the Testator have to this my last Will and Testament contained in

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this and the two preceding sheets of paper set my hand and seal; that is to say, my hand to the first two sheets and my hand and seal to this last sheet, and my seal at the top of the said sheets where they are fixed together this twenty ninth day of June in the year of our Lord one thousand eight hundred and thirty eight

[The signature of] Francis Ellis

Signed, sealed, published and declared by the above named Francis Ellis as and for his last Will and Testament in the presence of us, who have at his request hereunto subscribed our names as Witness in his presence and in the presence of each other

[The signature of] John Hawson Bankers Clerk Settle

[The signature of] Chris Edmundson Solicitor Settle

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I do hereby certify that on the twenty fifth day of February, in the year of our Lord 1854, Margaret Ellis of Settle in the Parish of Giggleswick in the County of York, Widow, Relict and sole Executrix one of the Executors named in this the last Will and Testament of Francis Ellis, late of Settle aforesaid, Bankers Clerk, deceased, was sworn well and duly to execute and perform the same; and that the whole of the goods, chattels hereditals of the said deceased, within the Province of

York, do not amount in value to the sum of three hundred pounds.

Witness my hand,

John Hawson Surrogate Passed 29th April 1854 und? 300 Pounds?

Sworn under £300

Prerogative

Died 30th January 1854

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[Stamp] York 10.9.53

In the Prerogative Court of York

In the Goods of Francis Ellis deceased

Appeared personally George Fletcher of Settle in the County of York Bankers Clerk and made oath that he is one of the subscribed Witnesses of the execution of the last Will and Testament of Francis Ellis late of Settle in the County of York Bankers Clerk, deceased, bearing date the twenty ninth day of June in the year of our Lord One thousand eight hundred and thirty eight, and hereunto annexed; And he further made oath that on the twenty ninth day of June aforesaid the said Francis Ellis duly executed his said Will by signing his name at the foot or end thereof in the presence of this Deponent and of Christopher Edmundson – whereupon attested and subscribed the said Will in the presence of the said Testator and of each other;

And he further made oath that

the word “and” now appearing struck through with a pen in the sixteenth line of the first page of the said Will, the words “my said son John” and “to them and the survivor of them her or his” now respectively appearing struck through with a pen in the seventeenth line of the said first page of the said Will,

the words “heirs executors and administrators according to the different natures and” now appearing struck through with a pen in the eighteenth line of the first page of the said Will,

the words “tenures thereof” “they” and “and son John or” now respectively appearing struck through with a pen in the nineteenth line of the said first page of the said Will,

the word “she” now appearing interlined between the eighteenth and nineteenth lines of the said first page of the said Will

the words “the survivor of them her or his heirs executors or administrators” now appearing struck through with a pen

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in the twentieth line of the said first page of the said Will,

the words “Son John do and shall permit” now appearing struck through with a pen in the twenty eighth line of the said first page of the said Will,

the words “and suffer my said” now appearing struck through with a pen in the twenty ninth line of the said first page of the said Will

the final letter “s” in the word “Trustees” and the words “their and each of their heirs executors and” now appearing struck through with a pen in the fourth line of the second page of the said Will,

the words “administrators” and “they” now respectively appearing struck through with a pen in the fifth line of the second page of the said Will,

the word “she” now appearing interlined between the forth and fifth lines of the said second page of the said Will,

the word “notwithstanding” now appearing struck through with a pen in the sixth line of the said second page of the said Will,

the words “their or either of their giving or joining in giving any receipt or receipts for” now

appearing struck through with a pen in the seventh line of the said second page of the said Will,

the words “the sake of conformity” and “neither of them” now respectively appearing struck through with a pen in the eighth line of the said second page of the said Will,

the word "she" now appearing interlined between the seventh and eighth lines of the said second page of the said Will,
the words "of the other of them" now appearing struck through with a pen in the eleventh line of the said second page of the said Will,
the word "them" now appearing struck through with a pen in the twelfth line of the said second page of the said Will,
the word "her" now appearing interlined between the eleventh and twelfth line of the said second page of the said Will,
the words "or the survivor of them with and out of the money which shall come to" now appearing struck through with a pen in the thirteenth line of the said second page of the said Will,
the words "their respective hands by virtue of the trusts aforesaid" now appearing struck through with a pen in the fourteenth line of the said second page of the said Will,
the words "themselves respectively and also

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to allow their Cotrustee"now appearing struck through with a pen in the fifteenth line of the said second page of the said Will,
the word "herself" now appearing interlined between the fourteenth and fifteenth lines of the said second page of the said Will,
the words "they or either of them shall" now appearing struck through with a pen in the sixteenth line of the said second page of the said Will,
the word "she"now appearing interlined between the fifteenth and sixteenth lines of the said second page of the said Will
the word "or" now appearing struck through with a pen in the seventeenth line of the said second page of the said Will,
the words "and Son John and the survivor of them her or" now appearing struck through in the nineteenth line of the said of the said second page of the said Will,
the words "his heirs executors administrators and assigns" now appearing struck through with a pen in the twentieth line the said second page of the said Will,
the words "and Son John and the" now appearing struck through with a pen in the twenty third line of the said second page of the said Will,
the words "survivor of them her or his executors" now appearing struck through with a pen in the twenty fourth line of the said second page of the said Will,
the word "her" now appearing interlined between the twenty third and twenty fourth lines of the said second page of the said Will,
and the words "and Son John" and "and Executor" now respectively appearing struck through with a pen in the thirty second line of the said second page of the said Will were **not so** respectively struck through and interlined as the same now appears previously to **or at the time of** the execution of the said Will on the twenty ninth day of June in the year of our Lord One Thousand eight hundred and thirty eight, as aforesaid
[The signature of] John Howsen

Sworn at Settle in the Parish of Giggleswick in the County of York
the eighth day of April in the year of our Lord 1854 the words "not so", and ~~Before me~~ "or at the time of" being first interlined Before me
John Howsen
Surrogate