

## Robert HARGER Will

This is the Last Will and Testament of me Robert Harger of Settle in the County of York Joiner and Cabinet Maker. I give unto my son Joseph Harger of Settle aforesaid all the benches and tools belonging to the trade of business which I now carry on. I give and bequeath to the said Joseph Harger and my friend Thomas Dixon Burrow of Settle aforesaid surgeon their executors administrators and assigns all my personal estate whatsoever and of what nature or kind soever [not hereinbefore specifically disposed of].

Upon trust as to my house hold furniture plate linen and china that they the said Joseph Harger and Thomas Dixon Burrow permit my dear wife Agnes Harger to have the use and enjoyment of all such household furniture plate linen and china for and during the term of her natural life and from and after her decease .to dispose of the same house hold furniture plate linen and china and the proceeds to arise from the sale thereof as is hereinafter provided respecting the residue of my personal estate .and upon trust as to the rest residue remainder of my said personal estate that they the said Joseph Harger and Thomas Dixon Burrow or trustees or trustee for the time being of this my will do and shall with all convenient speed after my decease sell dispose of and convert into money so much thereof as shall be in its nature saleable and collect get in and receive the residue thereof and with and out of the said monies pay satisfy and discharge all my just debts funeral and testamentary expenses and lay out and invest the rest of the said monies after answering the purposes aforesaid in their or his names or name in the Parliamentary Stocks or public funds of Great Britain or at interest on Government or real securities and from time to time at their or his discretion to alter vary and transfer the hereinbefore mentioned trust monies stocks funds and securities for or unto other stocks funds or securities of the like nature when and so often as they or he shall think fit. And t direct that the said trustees or trustee for the time being of my will shall stand and be possessed of and interested in the said trust monies stocks funds and securities in which the same shall be invested and the interest dividends and annual produce thereof upon and for the trusts intents and purpose hereinafter expressed of and concerning the same.

And I give devise and bequeath unto the said Joseph Harger and Thomas Dixon Burrow their heirs executors administrators and assigns all my freehold leasehold and copyhold messuages lands and tenements and hereditaments wheresoever situated with their rights privileges and appurtenances according to the nature and tenure of the same premises upon the trusts hereinafter mentioned [that is to say] upon trust during the life of my said wife to pay the rents issues and profits of the same unto or permit the same to be received .used .held and occupied by my said wife during her life for her use.

And I direct that the trustees or trustee for the time being of this my will shall cause the said messuages and tenements to be put into complete repair and preserve the same in complete repair during the life of my said wife and pay the expenses of all such repairs out of my personal estate or the rents and profits of my real estate. And after the decease of my said wife upon trust

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that the trustees or trustee for the time being of my will shall and do absolutely sell or dispose of my said messuage lands tenements and hereditaments either entirely and altogether or in parcels and in one or more lots by public auction or private contract to any person or persons willing to become the purchaser or purchasers thereof or of any part thereof for such price or prices or sum or sums of money as to the said trustees or trustee

shall seem reasonable and for promoting and facilitating such sale or sales the said trustees or trustee shall and may enter into make and execute all such contracts agreements conveyances and assurances as to the said trustees or trustee shall seem proper.

And I declare that the receipt or receipts of the said trustees or trustees for the money for the same hereditaments or any part thereof shall effectually discharge the purchaser or purchasers thereof for the same monies and from being answerable or accountable for the misapplication or non application thereof or any part thereof or from being obliged to see to the application thereof or of any part thereof or to enquire into the propriety of any sale that may be made under by virtue of the power so vested in the said trustees or trustee.

And I declare that the said trustees or trustee for the time being of my will shall stand and be possessed of the money to arise from such sale or sales as aforesaid upon and for the trusts intents and purposes hereinafter expressed of and concerning the same.

And I do hereby declare that the said trustees or trustee for the time being of my will do and shall stand and be possessed to the interests dividends and annual produce of the monies to arise from such part of my personal estate as I have hereinafter directed to be converted into money at the time of my decease In trust to pay the same interests dividends and annual produce unto my wife for and during her life.

And I do further declare that after the decease of my said wife that they the said trustees or trustee for the time being of my will shall stand and be possessed of such part of my said personal estate as shall consist of money and the stocks funds and securities upon which the same shall be invested and of the monies to arise from such other part of my said personal estate of which my said wife shall have had the use namely my household furniture plate linen and china which I hereby direct shall then be converted into money.

And of the monies to arise from the sale of the messuages lands hereditaments hereinbefore directed to be sold upon and for the trusts intents and purposes hereinafter expressed and declared of and concerning the same that is to say upon trust in the first place to pay unto my said son Joseph Harger the sum of One hundred pounds which I hereby give and bequeath to him accordingly

And upon further trust to pay and divide the residue between and amongst my children and grandchildren in the proportions hereinafter mentioned that is to say. One equal seventh part thereof to my daughter Nancy the wife of Thomas Bateson. One other equal seventh part thereof to my daughter Catherine the wife of Lawrence Hodgson. One other equal seventh part thereof to my daughter Agnes the wife of Robert Leeming

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One other equal seventh part thereof to my said son Joseph Harger. One other equal seventh part to my daughter Ann the wife Postlethwaite Gardener. One other equal seventh part thereof to my daughter Maria the wife of Joseph Jackson. And the remaining equal seventh share thereof to be equally divided between Agnes Knowles, Henry Knowles and Margaret Ann Knowles the three children of my late daughter Mary the wife of William Knowles.

And I direct that the shares of such of my said daughters as shall be married at the time of my decease shall be for their separate use benefit and disposal independently of their respective husbands

Provided always that in case any of my said grandchildren the children of my said daughter Mary shall die under the age of twenty one years without leaving issue living at his or decease then as well the original share or shares of him her or them so dying of and in the said trust monies stocks funds and securities as also the share or shares eventually limited and accruing under this executory trust to any and every child so dying shall go remain and be in trust for the other and others of my said grand children if more than one in equal shares but if none of my said grandchildren shall attain the age of twenty one years or dying under that age shall not leave issue living at his or her decease then in trust for the person or persons who under the statutes made for the distribution of the estates of intestates would then be entitled thereto and to be divided between or amongst the same persons respectively if more than one in the shares in which the same would be devisable under the said statutes.

And I direct that an inventory be made of all my household furniture plate linen and china immediately after my decease and that my wife shall sign such inventory accompanied with an undertaking for the delivery thereof by her representatives upon or immediately after her decease to the person or persons who shall be entitled to the same under my will

Provided always and I do hereby declare that if the trustees appointed in this my will or to be appointed as hereinafter mentioned or any of them or their or any of their heirs executors administrators or assigns shall happen to die be desirous of being discharged from or refuse or decline or be incapable to act in the trusts hereby in them respectively reposed as aforesaid or shall go to reside abroad before the said trust shall be fully executed then and in such case and so often as the same shall happen it shall and may be lawful to and for the then surviving or continuing trustees or trustee or the executors or administrators of the last surviving or continuing trustee by deed from time to time to appoint any other person or persons to be a trustee or trustees in the stead or place of the trustee or trustees so dying or desiring to be discharged or refusing declining or becoming incapable to act or going to reside abroad as aforesaid

And when and so often as any new trustee or trustees shall be appointed as aforesaid all the trust estate moneys and premises or such of them as shall then remain subject to the trusts aforesaid shall be thereupon with all convenient speed conveyed

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assigned and transferred in such sort and manner and so as that the same shall be legally and effectually vested in the person or persons so to be appointed as aforesaid either solely or jointly with the surviving or continuing trustee or trustees as occasion shall require to the uses upon and for the trusts intents and purposes hereinbefore expressed and declared of and concerning the said trust estates moneys and premises or such of them as shall be then subsisting undeterred and capable of taking effect and the person or persons so to be appointed as aforesaid shall have all the powers and authorities of the trustee or trustees in whose room he or they shall be substituting.

Provided always and I do hereby further declare that the said several trustees hereby appointed as aforesaid and each and every of them and the heirs executors and administrators and assigns of them and each and every of them shall be charged and

chargeable respectively for such monies only as they respectively shall actually receive by virtue of the trusts hereby in them reposed notwithstanding their or any of their giving or signing or joining in giving or signing or any receipt or receipts for the sake of conformity and any one or more of them; nor for any banker or other person with whom the said trust monies or any part thereof maybe deposited or lodged for safe custody nor for any other involuntary loss

And also that it shall be lawful for them with and out of the monies which shall come to their respective hands by virtue of the trusts aforesaid to retain to any reimburse themselves respectively

And also to allow their respective co-trustee or co-trustees all the costs charges damages and expenses which they or any of them shall or may suffer sustain expend disburse bear or be put unto in or about the executor of the aforesaid trusts or in relation thereto And I give devise and bequeath all the real estates vested in me upon any trusts or by way of mortgage and which I have power to dispose of by this my will unto and to the use of the said Joseph Harger and Thomas Dixon Burrow their heirs and assigns subject to the trusts and equities affecting the same respectively.

And I appoint the said Joseph Harger and Thomas Dixon Burrow executors of this my will and I also appoint them trustees or trustee for the time being of this my last will and Guardian and Guardians of the persons and estates of my grand children during their respective minorities.

#### IN WITNESS

whereof I the said Robert Harger the testator have at the foot of this my last will and testament contained in this and the three preceding sheets of paper set my hand and to and at the bottom of each of the said three preceding sheets and of this fourth and last sheet this seventh day of August in the year of Lord one thousand eight hundred and forty eight.

Signed by the above named Robert Harger the testator and by him published and declared as and for his last will and testament in the presence of us present at the same time w ho have hereunto in his presence and in the presence of each other subscribed our names as witnesses

R Harger  
Henry Robinson Solomon Settle  
John Wildman Booker Settle