

Will of Samuel Greaves 1848 (Borthwick Institute, copy, 1996)

Summary

Testator: Samuel Greaves, Knaresborough, Yorkshire, Draper & Grocer
Executors: son John, daughter Mary, Jonathan Benn and Thomas Bentley
Date: 5 March 1842, proved 28 July 1848
Will: - house and shop in Market Place, and property in High Street Knaresborough in trust to the executors until son William reaches 21 years subject to
- paying his widow Margaret £60 per year, or £30 per year if she remarries
- up to £200 for maintaining, educating and placing son William Hunsley in a profession
- divide the above equally between his seven children John, Mary, Catharine, Emma, Elizabeth, Margaret and William Hunsley, subject to
- paying his widow Margaret £60 per year, or £30 per year if she remarries
- £200 to the Elizabeth's husband and the husband of any daughter who should marry

Text

1. I Samuel Greaves of Knaresborough in the County of York Draper and Grocer do make my last Will and Testament, as follows, I direct that all my just debts Funeral and Testamentary Expenses shall be paid as soon as conveniently may be after my decease and I charge all my Copyhold Leasehold and personal Estates with the payment thereof And subject thereto
2. I give devise and bequeath all my copyhold Dwellinghouse and Shop situate in the Market Place in Knaresborough aforesaid And also All those Leasehold and Copyhold Messuages Buildings Lands and hereditaments situate in and near the High Street in Knaresborough aforesaid lately purchased by me of the Trustees of the late Mr. Richard Webster deceased with the new Erections made by me upon the same premises with the respective appurtenances thereto belonging And also All my Household Furniture Stock in Trade, Money, Securities for money and all other my personal Estate and Effects of whatever description soever the same may be unto my Son John Greaves and Daughter Mary Greaves and my Friends Mr. Jonathan Benn of Harrogate and Mr. Thomas Bentley of Pannal their heirs Executors and Administrators according to the nature and description thereof Upon Trust with the consent of my dear wife Margaret, testified by writing under her hand, to occupy my said Dwellinghouse and Shop in the Market Place aforesaid and to carry on my Business therein and to employ such of my Personal Estate therein as may be necessary during the minority of my son William Hunsley or, in case of his death, until he would have attained the age of twenty one years if living
3. And Upon Trust to pay out of my said Copyhold and Leasehold hereditaments and premises the Annual Sum of Sixty Pounds to my said Dear Wife during her natural life in case she shall so long continue my widow and in case she shall marry again Then Upon Trust to pay to her out of the same hereditaments and premises the annual sum of Thirty pounds during her natural life in lieu of the said annuity of Sixty pounds the said respective annuities to be paid by two equal half yearly payments and the first payment thereof to be made at the end of Six calendar months after my decease,
4. And on my said son William Hunsley attaining his age of twenty one years or in case of his death before he attains that age then at such time as he would if living had attained such age Upon Trust with all convenient speed to surrender convey and transfer all my said

Copyhold and Leasehold hereditaments and premises and all my said personal Estate (with all accumulations, if any, of the same after maintaining such of my children as shall continue to reside with my said Dear Wife in my present Dwellinghouse and after paying and allowing such reasonable allowance to any of my same children who may assist in managing my said Business as shall be determined on by my said Trustees) Unto and equally between such of my Seven Children John, Mary, Catharine, Emma, Elizabeth, Margaret and William Hunsley as shall be then living or the lawful Issue of such of them as shall be then dead (Such Issue if more than one to be only entitled to their deceased parents' share in equal proportions, and if only one of such Issue such only one to be entitled to the whole of his or her parents' share) and to their several and respective heirs Executors and Administrators as Tenants in Common Subject nevertheless to the payment of the said Annuity of Sixty pounds or Thirty pounds, as the case may be, hereinbefore given to my said Dear Wife and charged on my said Copyhold and Leasehold Estate Provided always and I declare it is my will and mind that the Trustees for the time being of this my Will (with the consent in writing of my said Dear Wife and all such of my present or for the time being of such of my surviving children as may have attained the age of twenty one years, and whether any of my Daughters shall be under Coverture or not when she signs such consent) may discontinue the whole or any part of my said Business before my said Son William Hunsley shall attain his age of twenty one years or if dead before he would have attained, if living, that age And with like consent before such period to sell and dispose of my said Copyhold and Leasehold Estates or any part thereof respectively for the best price or prices that can be reasonably obtained for the same, and in case my said Dear Wife shall consent to the Sale of my said Dwellinghouse and Shop in the Market Place aforesaid then I charge my said Copyhold and Leasehold hereditaments and premises in and near the High Street in Knaresborough aforesaid with the payment of the said annuity of Sixty pounds or Thirty pounds, as the case may be hereinbefore given to her And in case my said Business or any part thereof shall be so discontinued or my said Copyhold and Leasehold Estates shall be sold under the said power, I give and bequeath my said personal Estate with all Interest and Accumulations thereon and also the proceeds of my said Leasehold and Copyhold Estates or of such part or parts thereof as shall be so sold, unto and equally between such of my seven children as shall be living when my said son William Hunsley shall attain his age of twenty one years, or if he shall die before he attains such age then when, if living, he would have attained that age or the lawful Issue of such of them as shall be then dead (such Issue if more than one to be only entitled to their deceased Parents' Share in equal proportions and if there shall be only one such only one to have the whole only of his or her parents' share) and their respective Executors and administrators Provided that in case my said Daughter Elizabeth or any other of my said Daughters who may hereafter intermarry should happen to depart this life before she or they take a vested Interest under this my Will and without leaving lawful Issue living at her decease then

5. I give and bequeath to the Husband of my said Daughter Elizabeth or of such other of my same Daughters as may so intermarry and die the sum of Two hundred Pounds each to be paid when my said son William Hunsley attains the age of twenty one years or in the case of his death before when he would, if living, have attained such age Provided further and I direct that the Trustees for the time being of this my will shall have power to raise and pay out of my real and personal Estate or either of them any sum or sums of money not exceeding in the whole the sum of Two hundred pounds to be applied in the maintenance education and in placing my said son William Hunsley to some Business or Profession till he attains the age of twenty one years and such sum so advanced shall then be deducted out of the Share which he will be then entitled to in my said real and personal Estates And I

declare that the receipt or receipts in writing of the Trustees or Trustee for the time being of this my Will shall be in sufficient discharge or sufficient Discharges to the purchaser or purchasers of all or any part of my said Copyhold and Leasehold Estates for so much money as shall be therein expressed to be received and that such Purchaser or Purchasers shall not be obliged to see to the application of such purchase money or any part thereof nor be answerable for the misapplication or nonapplication of the same or any part thereof

6. And I give to my said Dear Wife the usual powers of Entry and Distress on my said Copyhold and Leasehold Estates respectively which Landlords have at Law for recovery of rent in arrear in case the said annuity of Sixty pounds or Thirty pounds shall be in arrear for thirty days after any of the respective times when the same respectively shall become due
7. And I direct that in case my said Dear Wife shall happen to marry again, then she shall cease to have any control as to my said Business or Personal Estate and her consent shall not be necessary as to the managing continuing or discontinuing such Business
8. And in case my said Daughter Mary shall happen to marry before the Trusts of this my Will are fully executed then I revoke the Devise and bequest to her as one of the Trustees of this my Will but without prejudice to any act done by her previous to such marriage
9. And I recommend my Daughter Margaret on attaining the age of twenty one years to advise with the Trustees for the time being of this my Will and my said Dear Wife as to the best mode of securing her share of my said real and personal Estates, so as to be of the most advantage to her,
10. And I direct that my said Trustees or any of them shall not be answerable for any involuntary loss that may happen to my said real and personal Estates, nor shall one of them be answerable or accountable for the Acts Deeds receipts Disbursements or Defaults of the others or other of them
11. And I appoint my said Son John and Daughter Mary and the said Jonathan Benn and Thomas Bentley joint Executors and Executrix of this my Will hereby revoking any former Wills by me made
12. In witness whereof I have hereunto set my hand this Fifth day of March in the year of our Lord one thousand eight hundred and forty two.

Samuel Greaves

Signed by the said Testator Samuel Greaves in the joint presence of us who in his presence and in the presence of each other have hereunto subscribed our names as witnesses

Matt Gill
Thos Tennant
W. Deighton

A Codicil to the above written Will of me Samuel Greaves. I direct that in case my son John Greaves shall happen to depart this life before he takes a vested Interest under the said Will and without having lawful Issue living at his decease, but leaving a Widow him surviving, Such Widow shall be entitled to the Sum of two hundred pounds which I direct shall be paid to her at the time when any Husband of any of my Daughters who may die without Issue is entitled to a

like sum of two hundred pounds under my said Will. Witness my hand this fifth day of March 1842

Samuel Greaves

Witnesses

Matt Gill
Thos Tennant
W. Deighton

22nd August 1848 John Greaves of Bradford in the County of York Wine Merchant the Son and Mary Greaves of Knaresborough in the same County Spinster the daughter two of the Executors named in this the last Will and Testament with a Codicil of Samuel Greaves late of Knaresbro' aforesaid (having etc./Draper and Grocer deceased were sworn well and truly to execute and perform the same and that the whole of the personal estate and effects of the said deceased within the Province of York do not amount in value to the sum of Six thousand Pounds

Witness my hand

Wm Bulmer, Surrogate

Sworn under 6,000l Prerog.
Died 28th March 1848

Will Codl Passed 29th August 1848 und. 6000l ?

Know all Men by these Presents That we Jonathan Benn of Harrogate in the County of York Gentleman, and Thomas Bentley of Pannal in the same County Gentleman, two of the Executors named in the last Will and Testament with a Codicil annexed of Samuel Greaves late of Knaresborough in the County of York Draper and Grocer deceased for divers good causes and considerations us thereunto moving Have renounced and Do by these Presents expressly renounce All our Right, Title, and Interest in or unto the Probate and Execution of the said Will; And to the intent that this our Proxy of Renunciation may have its due effect in Law we do hereby Nominate Constitute and appoint James Robert Fryer George Brown and William Hotham Notaries Public and two of the Procurators General and Exercent of all the Ecclesiastical Courts of York, our lawful Proctors, for us and in our Names Place and Stead to appear before The Right Worshipful Granville Harcourt Vernon, Master of Arts, Commissary and Keeper General of the Exchequer and Prerogative Court of The Most Reverend Father in God Edward Thomas by Divine Providence Lord Archbishop of York, Primate of England, and Metropolitan; to pray and procure this our Proxy of Renunciation to be accepted, and admitted; Hereby promising to allow ratify and confirm all and whatsoever our said Proctors or either of them shall do, or cause to be lawfully done, in or about the premises, In Witness whereof we have hereunto set our hands and seals this twenty eighth day of July - in the year of our Lord one thousand eight hundred and forty eight

Signed sealed and delivered
by the said Jonathan Benn
and Thomas Bentley
in the presence of

Jonathan Benn
Thomas Bentley

Jn F Wolstenholme
Clerk to Mr. Gill

? Knaresbro'

In the Prerogative Court of York

In the Goods of Samuel Greaves deceased

Appeared personally Matthew Gill of Knaresborough in the County of York Gentleman and made Oath that he is one of the subscribed witnesses to the last Will and Testament of Samuel Greaves late of Knaresborough aforesaid Draper and Grocer deceased and also to a Codicil thereto which said Codicil bears date the fifth day of March in the year of our Lord one thousand eight hundred and forty two - And he further made Oath that on the day and year aforesaid the said Samuel Greaves duly executed the said Codicil to his said Will by signing his name at the foot or end thereof in the presence of this Deponent and Thomas Tennant and William Deighton the other subscribed witnesses thereto all of whom were present at the same time and this Deponent and the said Thomas Tennant and William Deighton thereupon attested and subscribed the said Codicil in the presence of the said Testator and of each other.

Sworn at Pannal in the County of York

the twenty forth day of August

in the year of our Lord 1848

Before me

Matthew Gill

Thomas Sempion, Surrogate