
Will of John Greaves 1875 (Borthwick Institute, copy, 1996)

Summary

Testator: John Greaves, Bradford, Yorkshire, Gentleman
Executors: wife Anne Catherine Greaves, sons Edward Greaves & William Greaves, and friend Eli Milnes
Date: 20 August 1873, proved 5 March 1875
Will: - all household good to wife Anne Catherine Greaves
- all estate to be sold and income to wife Anne Catherine Greaves for her life, then divided equally among children Edward Greaves, James Henry Greaves, Samuel Greaves, William Greaves and Mary Greaves (except for Mary to be kept in trust for her own use, free from any claim by a husband)
- if no child survives him, income from £1000 to sisters Mary Greaves, Catherine Greaves, Emma the wife of Thomas Gowland, and Margaret Greaves

Text

1. This is the last Will and Testament of me John Greaves of Bradford in the County of York Gentleman
2. I give and bequeath unto my dear wife Anne Catherine Greaves All the household furniture plate linen china glass trinkets printed books pictures wines liquors and other housekeeping stores and provisions and horses cattle and carriages of which I shall be possessed at the time of my decease for her own absolute use and benefit and I also give and bequeath unto my said wife the legacy or sum of one hundred pounds and direct the same to be paid to her with all convenient speed after my decease to supply her immediate needs
3. I give devise and bequeath all my real estate, except estates vested in me as Trustee or Mortgagee, and all my personal estate and effects whatsoever and wheresoever not hereinbefore bequeathed unto my said wife Anne Catherine Greaves my sons Edward Greaves and William Greaves and my friend Eli Milnes of Bradford aforesaid Architect their heirs executors administrators and assigns according to the tenure and quality thereof Upon trust with all convenient speed after my decease to sell and convert into money all such parts of my said residuary personal estate and effects as shall not consists of money securities for money for such price or prices and in such manner as my Trustees or Trustee for the time being shall think most expedient and upon trust to make sale and absolutely dispose of the said real estate either together or in parcels and either by public Auction or by private contract or partly in one mode and partly in the other and at such price or prices as my said Trustees or Trustee from time to time shall think proper with liberty to buy in and to receive any contract for sale and to re-sell without being liable for any loss consequent thereupon and to do and execute all such Acts and Assurances for effectuating any such sale as they she or he shall think fit And I do hereby declare that the said Trustees or Trustee for the time being of this Will shall stand possessed of the monies which shall arise from the sale or sales hereinbefore directed to be made and of all other monies which may come to their his or her hands by virtue of the trusts herein contained upon the trusts and for the ends interests and purposes hereinafter declared and expressed of and concerning the same provided nevertheless and I do hereby declare that notwithstanding the trusts for sale or conversion hereinafter contained it shall be lawful for my said Trustees or Trustee to postpone and defer the conversion of any part of my said real or residuary personal estate for such period they he or she may decide expedient and that until such sale

and conversion the Income arising from the said real and personal estates shall be paid and allowed to the several persons who would be entitled to the monies arising therefrom under the trusts herein contained if such sale and conversion had actually taken place

4. And I do hereby declare that the receipt or receipts of my said Trustees or Trustee for the time being shall be a good and sufficient discharge or good and sufficient discharges for all monies paid to them him or her under or by virtue of this my Will and shall effectually discharge the person or persons paying the same from all liability to see to the application of the monies mentioned in such receipt or receipts and from being answerable for the misapplication or non-application thereof respectively and that no purchaser or purchasers shall be obliged to ascertain the occurrence or existence of any event or purpose in or for which a sale or sales is or are hereby authorised to be made nor to enquire into or take Notice of any matter connected with the propriety or regularity of any sale or sales and I hereby empower my trustees and Executors for the time being in their his or her absolute discretion to allow pay compromise compound enforce waive accept or give real or personal security for or give time without taking any security for or to refer to Arbitration any debts or demands whatsoever which may be owing from or to or be made upon or against or in behalf of my estate whether the same be legally enforceable or not and upon such evidence as they he or she may deem expedient
5. And it is my Will and I hereby direct and declare that the trustees or trustee for the time being of this my Will shall stand possessed of the monies arising from the sale and conversion of my said real and residuary personal estate and effects as aforesaid and of all other monies which may come to their his or her hands by virtue of the trusts herein contained and not hereinbefore bequeathed
6. Upon trust by with and out of the same monies to pay or satisfy and retain all my just debts funeral and testamentary expenses and all expenses incident to the trusts herein contained and then upon trust to lay out and invest the clear residue of the said trust monies in or upon the public stocks or bonds or other Government securities of the United Kingdom or on real securities in England or Wales or upon the security of the shares stock or debentures of any Company or Municipal Corporation in England empowered by Act of Parliament to borrow money at Interest in the names or name of the said trustees or trustee with power to vary such securities from time to time at discretion, and to pay the dividends interest and proceeds thereof where and as the same shall become due and be received to my said wife Anne Catherine Greaves or otherwise permit her to receive the same for and during the term of her natural life for her own absolute separate use and benefit and from and after the death of my said wife
7. I do declare that my said trustees or trustee for the time being shall stand possessed of the said stocks funds and securities
8. In trust for my children Edward Greaves, James Henry Greaves, Samuel Greaves, William Greaves and Mary Greaves in equal shares and proportions payable on their respectively attaining the age of twenty five years but nevertheless as to the share or shares of my said daughter I declare that the said trustees or trustee shall retain the fund forming the share or shares both original and accruing of my said daughter Upon trust to pay the income thereof as and when the same shall become due and not by way of anticipation into the proper hands of my said daughter for her sole and separate use to be enjoyed by her as an inalienable personal provision free from the control debts or engagements of any husband and for which income her receipts alone notwithstanding coverture shall be sufficient

discharge and after the decease of my said daughter then as to the principal monies forming such share or shares with the future income thereof In trust for the children or child of my said daughter for such interests in such proportions and in such manner in all respects as my said daughter shall by any Deed or Deeds or by her last Will and Testament notwithstanding coverture direct or appoint and in default of such direction or appointment In trust for the child if only one or for all the children if more than one of my said daughter share and share alike so that the interest of such child or children shall become vested at the age of twenty one years and if there shall be no child or children of my said daughter who shall live to attain the age of twenty one years then in trust for the Executors or administrators of my said daughter absolutely

9. but in case I shall die without leaving any children or child me surviving or who shall acquire a vested interest in the said trust monies and premises then I direct that my said trustees or trustee for the time being shall stand possessed of the said stocks funds and securities subject and without prejudice to the payment of the interest dividends and proceeds thereof to my said wife for her life as so for and concerning the sum of one thousand pounds paid of the said trust monies In trust for my said wife her executors administrators and assigns absolutely and as so for and concerning the remainder of the said stocks funds and securities In trust for my sisters Mary Greaves Catherine Greaves Emma the wife of Thomas Gowland and Margaret Greaves their executors administrators and assigns in equal shares and proportions for their own respective absolute use and benefit Provided nevertheless and I do hereby declare that in case any of my children shall depart this life before he she or they shall have acquired a vested interest or vested interests in the said monies and premises under the trusts aforesaid bearing lawful issue living at his her or their decease or respective deceases then and in such case I direct that the issue of the child or children respectively so dying shall if and when such issue respectively shall attain the age of twenty one years take and be entitled to, if more than one equally amongst them, the share or respective shares in the said trust monies and premises which his her or their parent or respective parents would have taken under the trusts aforesaid if he she or they had acquired such vested interest
10. And I declare that if any of my children shall die before having acquired a vested interest in the said trust premises without leaving lawful issue then the share as well original accruing of him her so dying shall go in equal proportions to the survivors or survivor of my said children or their issue in like manner as their his or her original share my daughters share being retained and invested for the benefit of herself and her children in like manner as hereinbefore directed with regard to her original share and I hereby declare that it shall be lawful for the said trustees or trustee at any time or times before all my said real estate shall have been sold to demise all or any part thereof for any term of years absolute not exceeding twenty one years to take effect in possession so as there be reserved on every such demise the best yearly rent or rents to be incident to the immediate reversion that can be reasonably gotten without taking any fine premium or foregift or anything in the nature thereof and so as there be contained in every such demise a condition of re-erdry? for nonpayment within a reasonable time to be therein specified of the rent or rents thereby reserved and so as the lessee or lessees do execute a counterpart thereof and be not made dispunishable for waste
11. I devise all the freehold and copyhold hereditaments vested in me as Mortgagee or Trustee unto the said Anne Catherine Greaves Edward Greaves William Greaves and Eli Milnes

their heirs and assigns subject to the equities affecting the same respectively but the money secured on such mortgages shall be considered as part of my personal estate

12. I appoint the said Anne Catherine Greaves Edward Greaves William Greaves and Eli Milnes Guardians of my infant children
13. and I appoint the said Anne Catherine Greaves Edward Greaves William Greaves and Eli Milnes Trustees Executrix and Executors of this my Will and authorize the acting Executors Executrix or Executor for the time being of this my Will to satisfy all debts claimed to be owing by me or my estate and any liabilities to which I or my estate may be alleged to be subject upon any evidence they she or he shall think proper and to accept any composition or security for any debt and to allow such time for payment, either with or without taking security, as to the said acting Executors Executrix or Executors shall seem fit and also to compromise or submit to arbitration and settle all accounts and matters belonging or relating to my estate and generally to act in regard thereto as they she or he shall think expedient without being responsible for any loss thereby occasioned
14. And I hereby declare that if the said Trustees hereby appointed or any of them or any trustee or trustees to be appointed as hereafter is provided shall die or be desirous of being discharged or refuse or become incapable to act then and so often the said trustees or trustee, and for this purpose any retiring trustee shall be considered a trustee, or the Executors or Administrators of the last surviving or continuing trustee may appoint any other person or persons to be a trustee or trustees in the place of the trustee or trustees so dying or desiring to be discharged or refusing or becoming incapable to act And upon any such appointment the said trust premises shall be so transferred that the same may become vested in the new trustee or trustees jointly with the surviving or continuing trustee or trustees or solely as the case may require and every such new trustee shall, both before and after the said trust premises shall become so vested, have the same powers authorities and discretions as if he had been hereby originally appointed a trustee
15. And I declare that the trustees or trustee for the time being of my will shall be chargeable only with such monies as they she or he respectively shall actually receive and shall not be answerable the one for the other of them nor for any banker broker or other person in whose hands any of the trust monies shall be placed nor for the insufficiency or deficiency of any stocks funds shares or securities nor otherwise for involuntary losses and that the said trustees or trustee for the time being may reimburse themselves herself or himself out of the monies which shall come to their her or his hands under the trusts aforesaid all expenses to be incurred in or about the execution of the aforesaid trusts
16. In witness whereof I have hereunto set my hand and seal this twentieth day of August one thousand eight hundred and seventy three

John Greaves

Signed by the said John Greaves as and for his last Will and Testament in the presence of us both present at the same time who in his presence at his request and in the presence of each other have hereunto subscribed our names as witnesses

C. H. Taylor Physician & Surgeon Bradford

Frank Taylor Clerk to Messrs Dawson & Greaves Sols Bradford

Proved at Wakefield the twenty fifth day of March 1875 by the oaths of Anne Catherine Greaves widow the Relict Edward Greaves and William Greaves the sons and Eli Milnes the Executors to whom administration was granted. The Testator John Greaves was late of Bradford in the County of York Gentleman and died on the thirteenth day of February 1875 at Bradford aforesaid

Under £14000

Messrs Dawson & Greaves
Solicitors Bradford