Will of Richard Waddilove download from The National Archives Kew

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Key [ ] word is missing which cannot be deciphered

*Extracted from the Registry of the Prerogative Court of York*

***This is the last Will and Testament***

of me Richard Waddiloveof Rilston in the Parish of Burnsall in the

County of York Esquire I give and bequeath unto my friends Thomas Mason

Johnson of Eshton in the Parish of Gargrave in the County of York Esquire

and Henry Blake of Rilston aforesaid Gentleman and to their heirs and

assigns All that my capital messuage or mansion house situate in Rilston

aforesaid wherein I now reside with the coach houses stables and other

outbuildings gardens orchards and other the appurtenances thereto belonging

And all my messuages and farmhouses and buildings whatsoever and all

 and every my lands tenaments and hereditaments situate in the several

Townships of Rilston aforesaid Hetton with Bordley and Cracoe also in the said

Parish of Burnsall and the Township of Flasby with Winterburn [ ]

in the Parish of Gargrave aforesaid with all the rights [members] and appurte

nances whatsoever to the said messuages buildings lands and hereditaments

belonging to hold the same unto the said Thomas Mason Johnson and Henry

 Blake their heirs and assigns forever Nevertheless upon the trusts and for the

intents and purposes hereinafter mentioned that is to say in trust for my

Cousin Robert Henderson of Ecclefechan in Scotland farmer and his assigns

during his life and on his decease In trust for his son John James

Henderson and his assigns during his life and on his decease In trust for Joseph

Henderson the infant son of the said John James Henderson and of every other

son of the said John James Henderson and of their respective issue male so

that every elder son and his issue male be preferred to and take before every younger

son and his issue male also so that every such son of the said John James

Henderson who shall be begotten in my lifetime take an estate for his life with

remainder to his first and every subsequent son successively according to seniority

in tail male and so that every son of the said John James Henderson whom

shall be begotten after my decease take an estate in tail male And on failure

of such issue then In trust for Alexander the second son of the said Robert

 Henderson and his assigns during his life and on his decease In Trust for the

eldest and every other son of the said Alexander Henderson and of their

respective issue male so that every eldest son and his issue male be preferred

to and take before every younger son and his issue male and so that every

such son of the said Alexander Henderson who shall be begotten in my

lifetime take an estate for his life with remainder to his first and every subse

quent son successively according to seniority in tail male and so that every

son of the said Alexander Henderson who shall be begotten after my

decease take an estate in tail male And on failure of such issue then in

trust for Robert Waddilove Henderson the third son of the said Robert

Henderson and his assigns during his life and on his decease In Trust for

 the eldest and every other son of the said Robert Waddilove Henderson and of

their respective issue male so that every eldest son and his issue male be

preferred to and take before every younger son and his issue male and so

 that every such son of the said Robert Waddilove Henderson who shall

 be begotten in my lifetime take an estate for his life with remainder to his

 first and every subsequent son successively according to seniority in tail male

 and so that every son of he the said Robert Waddilove Henderson who shall

 be begotten after my decease take an estate in tail male And on failure of

such issue then in trust for Septimus the fourth son of the said Robert

Henderson and his assigns during his life and on his decease In Trust

for the eldest and every other son of the said Septimus Henderson and of

their respective issue male so that every eldest son and his issue male be

preferred to and take before every younger son and his issue male and so

 that every such son of the said Septimus Henderson who shall be begotten

 in my lifetime take an Estate for his life with remainder to his first and

every subsequent son successively according to seniority in tail male and so

 that every son of he said Septimus Henderson who shall be begotten after

my decease take an estate in tail male And on failure of such issue then in

trust for the heirs and assigns of the said Robert Henderson for ever And I

empower my Trustees or Trustee for the time being of my said Estates before

devises with consent of the person who for the time being shall be entitled

to a life estate or an estate in tail therein if of the age of twenty one years

and if not of that age then of their or own discretion to grant leases of my

said devised estates or any part thereof for a term or terms not exceeding

twenty one years in possession at the best rent or rents to be incident to the

immediate reversion without taking any fine or premium And I give and

bequeath all and every my messuages buildings lands and hereditaments

whatsoever with the appurtenances situate in the several townships of

Menwith with Darley in the Parish of Hampsthwaite and Rimmington in

the Parish of Gisburn and in the Parish of Kettlewell all in the said

County of York and in the Parish of Stanwix near Carlisle in the County

of Cumberland the last mentioned lands at Stanwix being now under lease

to Mr Head unto my said Cousin Robert Henderson his heirs and assigns also

[ ] I give and bequeath to the said Thomas Mason Johnson one two or

three at his option of any of the horses which may belong to me at my death

and which he may choose to select I give and bequeath to Belle Anne

Alcock the wife of my old friend and solicitor Henry Alcock of Aireville in

the Township of Skipton in the said County of York my three large silver

waiters And I give and bequeath all and every my household furniture

plate linen [ ] glass books except books of account prints pictures coins

liquors fuel consumable provisions and other household effects and all my

farming stock as well live as dead and farming implements of every descrip

tion And all my carriages and horses of which I shall be possessed and a

not herein before specifically bequeathed unto my said Cousin Robert

 Henderson his executors administrators and assigns absolutely I give

and bequeath all and every my messuages buildings lands tenements

tithes and hereditaments whatsoever with the appurtenances situate

in the respective Townships of Airton Carlton and Malham in the Parish

of Kirby Malhamdale in the said County of York and such and so much

of my messuages lands and hereditaments situate in the Township of

Otterburn in the said parish of Kirby Malhamdale as are now occupied

therewith by John Rawlinson as my tenant unto my cousin Edward

Taylor of Airton his heirs executors administrators and assigns absolute

ly I give and bequeath the Otterburn Hall estate and all and other my mes

uages lands tithes tenements and hereditaments whatsoever situate in the said

Township of Otterburn and in the adjoining Township of Hellifield and not

herein before disposed of unto Richard Taylor of Newfield in the said

Parish of Kirby Malhamdale farmer son of my late cousin William

Taylor deceased and his heirs and assigns absolutely I give devise and bequeath

all and every my messuages buildings lands tenements and heredita

ments whatsoever situate lying and being in the Township of Halton

East and Embsay with Eastby all in the said Parish of Skipton unto my

old friend the said Thomas Mason Johnson his heirs and assigns

absolutely And I direct that the said Thomas Mason Johnson his heirs

or assigns shall upon the request of Bailey Wilson the Account of my

Estate in Halton East grant to him his executors and administrators

a lease thereof for the term of ten years to commence from the usual

times of entry happening next after my decease at the usual rent of

four hundred and fifty pounds such request to be made within six

months after my decease and such lease to be prepared and settled by

the said Henry Alcock who shall insert therein all such clauses and stipu

lations as he may deem to be usual and proper I bequeath unto my

old friend Thomas Cockshott of Skipton Gentleman an annuity of fifty pounds

during his life to be issuing and payable quarterly out of my Estates

situate at Halton East And I direct such annuity to be paid in

equal portions quarterly and the first quarterly portion to be paid imme

diately after my decease provided that if by reason of the act or default

the said Thomas Cockshott or by operation of Law the said annuity or any

part thereof shall be aliened charged or disposed of to or in favour of any

other person or persons that the same annuity shall therefore be paid to

Catherine Cockshott the daughter of the said Thomas Cockshott during the

life of the said Thomas Cockshott And I give devise and bequeath all and

every my messuages buildings lands tithes tenements and hereditaments

whatsoever situate within the township of Grassington in the Parish of Linton

in the said County of York And all that my Estate called Scarr house and

other my lands tenements tithes and hereditaments whatsoever if

any in the Parish of Arncliffe in the said County of York with the appur

tenances unto my friend Henry Blake of Rilston aforesaid Gentleman his

heirs and assigns absolutely subject to the two annuities of eighty pounds

and ten pounds free from legacy duty to be issuing and payable there out

yearly herein after mentioned I bequeath unto Ann Gray the old and faith

ful servant of my late Father and myself and who has been a servant

with my family forty years or thereabouts during her life one annuity on a

[…..] yearly sum of eighty pounds to be issuing and payable out of the afore

said estates hereinafter devised to the said Henry Blake And I also give

and bequeath to my farm servant Thomas [*Lean*] during his life one

annuity or [ ] yearly sum of ten pounds to be also issuing and payable

out of the aforesaid Estates hereintofore devised to the said Henry Blake And

I direct the said annuities to be paid in equal portions half yearly on the

twelfth day of May and the twelfth day of November in each year and the

first half yearly portion to be paid on each of the said days as shall occur

next after my decease And I direct that the sum of one hundred and sixty

pounds belonging to the said Ann Gray and now in my hands shall be paid

to her with any interest that may be due thereon within one month after my

decease And I direct the trustees of my said Estate in Rilston to permit and

suffer the said Ann Gray to occupy and enjoy rent free during her life the

farm house and garden at Rilston aforesaid now occupied by my tenant

Josias Atkinson And I give and bequeath to the Treasurer for the time

being of the General Infirmary at Leeds the sum of one thousand

pounds to be raised and paid by and out of such of my ready money goods

and personal effects as I may or can by Law charge with the payment of

the same which said sum I desire may be applied towards carrying on

the charitable designs of the said Infirmary And I give and bequeath to

the Reverend William Bury one of the Rectors of Burnsall the said

Henry Blake the Reverend Thomas Foster Chamberlain the Vicar or Rector

of Rufford in the County of Lancaster and Nicholas Stirling of Cracoe afore

said Gentlemen the sum of one thousand two hundred pounds one thou

sand pounds part thereof to be applied in or towards the expenses to be

invested in the proposed or intended restoration or rebuilding of the Chapel

of Rilston aforesaid provided the subscription already entered into for that

purpose to which I have contributed one hundred pounds (and which I

will shall be paid as debt due from me out of my personal Estate in

addition to the said sum of one thousand pounds) shall be fulfilled and

carried out And as to the sum of two hundred pounds residue of the said

sum of one thousand two hundred pounds I will that the same shall be

applied towards the creation of the School proposed to be created for the acco

modation of the said Township of Rilston and the adjoining Townships I

give and bequeath unto the said Robert Henderson and Thomas Mason

Johnson their executors administrators and assigns **All the Residue**

of my Personal Estate and Effects whatsoever and wheresoever which

may belong to me at my decease upon Trust to *convert* and get in my

Residual Personal Estate as soon as conveniently may be after my de

cease And to pay thereout all my just debts and funeral expenses and the

cost and charges not exceeding one hundred pounds for a monument which

I desire may be erected in the Chapel of Rilston aforesaid to the memory of

my immediate relations under the orders and directions of the said

William Bury and Henry Blake and the said legacies of one thousand

pounds and one thousand two hundred pounds hereinbefore bequeathed

and the several legacies due and duesof money hereinafter men

tioned that is to say unto William Henderson of Hare Court Temple

Barrister at Law son of my late cousin James Henderson late of London

but who died some time ago in [ ] two thousand pounds and to the

widow of my said cousin James Hendeson and to each of his three

daughters the sum of one thousand pounds each To John Henderson of

 the Heathers Hotel Clayton Square Liverpool son of my late cousin John

Henderson late of Shap in the County of Westmorland farrier two thou

sand pounds and to Isabella the wife of Mr Davis of [ ] Surgeon

sister of the said John Henderson of the Heathers Hotel and to William

Henderson his brother now or late of Liverpool each the sum of one thousand

pounds to my kinsman Edward Waddilove of Number 17 Gloucester Place

 Portman Square in the County of Middlesex Esquire seven thousand pounds

the sum of one thousand pounds to be retained in trust for my cousin

Catherine Shiers the wife of Emanuel Shiers of Clapham Innkeeper and

her children as herinafter mentioned To the said Edward Taylor three

pounds To the said Henry Blake five thousand pounds To my god

daughter Margaret Kelsall late Margaret Stirling spinster five hun

dred pounds to her son Nicholas my God son five hundred pounds To

Harriet Blake of Rilston aforesaid spinster five hundred pounds To my

God son Richard son of the said Thomas Foster Chamberlain five

hundred pounds To the said Henry Alcock ten thousand pounds To Morton

Stubbs of Sutton in the County of Surrey Esquire one thousand pounds To

John Throup of Rilston aforesaid farmer one hundred pounds , To Matthew

Dugdill of the same place farmer one hundred pounds To Josias Atkinson

of Rilston aforesaid farmer one hundred pounds To Joseph Smith of

Slatburn in the County of Lancaster butcher two hundred pounds To

Christopher Simpson of Driffield in the County of York surgeon( to whom

I some time since forgave a certain debt owing to me ) two hundred pounds

To my servant Ann Taylor fifty pounds To my servant Miles Shackelton

fifty pounds To my servant Lawrence Curtis fifty pounds To my servant

Thomas Robinson fifty pounds To my servant John Drake fifty pounds

and to my servant James Waterhouse thirty pounds and to my ser

vant Margaret Leach ninteen guineas To Ann the wife of William

Stockdale of Skipton grocer and daughter of my late cousin Joseph

Constantine five hundred pounds To Richard Constantine son of the said

Joseph Constantine five hundred pounds To Jonathan Constantine son

 of the said Joseph Constantine one hundred pounds To William Marsden

of Skipton surgeon one hundred pounds To John Robinson cashier of

the Craven Bank Skipton one hundred pounds To Josias Atkinson of

Skipton solicitor one hundred pounds to Donald McDonald of[ ]

Invernesshire two hundred poundsTo the said William Stockdale upon

the trusts hereinafter mentioned one thousand pounds And I order and

direct that the said several legacies shall be paid free of legacy duty at

the expiration of twelve calandar months after my decease save and

except the said two legacies given to my Godchildren Kelsall and

Chamberlain and which I will shall be accumulated at interest until

they shall severally attain their ages of twenty one years And also

save and except as to the legacy of one thousand pounds or [] to be

retained for the said Catherine Shiers and her children and of which I

order and direct my said Trustees to stand possessed upon the trust here

inafter mentioned that is to say In Trust for the said Catherine Shiers

during her life for her sole and separate use free from the debts control

or engagements of her present or any after taken husbands And from and

after her decease In trust for all and every of her children in such parts

shares and proportionsas she may by Deed or Will appoint And in de

fault of appointmant In trust for all her childrenwho may be living at

her death and the issue of any of them who may be dead with issue to

take per stirpea and not per capita equally share and share alike And

I order and direct that as to the said legacy of one thousand pounds given

to the said William Stockdale that the said William Stockdale his execu

tors and administrators shall stand possessed thereof upon the trusts fol

lowing that is to say In Trust to pay and apply the dividends interest and

annual produce or any part of the principal from time to time at his

and their direction in and towards the maintenance and support or

advancement in the world of my reputed son James Waterhouse son of

Alice Waterhouse of Rilston aforesaid single woman And as to such part

of the said sum and interest as may remain undisposed of or unapplied

during the lifetime of the said James Waterhouse the same shall on his

death be in Trust for his executors or administrators And I direct that the legacies

which may be owing from the said Edward Taylor Henry Blake and Donald

McDonald respectively to me at the time of my death either on mortgagae or

otherwise shall be considered as and in part discharge of the legacies herein

before bequeathed to them respectively And as to all the Residue and Remain

der of the monies to arise from my said Residuary Personal Estate bequeathed

to my said Trustees and Executors as aforesaid I give and bequeath order and

direct my said Trustees to pay the same unto my said Cousin Robert

Hendeson his executors administrators or assigns I devise all my Real

Estates vested in me as Trustee or Mortgagee to the said Thomas Mason Johnson

and Robert Henderson ( whom I hereby appoint Trustees and **Executors**

this my Will ) and to their heirs subject to the equities affecting the same

rspectively I empower the Trustees or Trustee for the time being of this

will to give receipts for all monies and effects to be paid or delivered to such

Trustees or Trustee by virtue of my Will and desire that such receipts shall

exonerate the persons taking the same from all liability to see to the appli

lication or disposition of the money or effects therein mentioned I empower the

Trustees or Trustee for the time being of this my will to *[compounder]*

allow time for the payment of any debt or debts due to my Estate and

satisfy all demands against my estate whether supported by strictly legal

evidence or not and to settle all my accounts between me and any person or

persons on such terms as my said Trustees or Trustee shall in their or

his discretion think expedient And to refer any matter in difference rela

ting to my affairs to arbitration I declare that if my Trustees before named

or either of them or any Trustees or Trustee to be appointed under this

clause shall die or be unwilling or incompetant to accept or execute the

trusts of my will it shall be lawful for the competant accepting Trustees or

 Trustee for the time being if any whether retiring from the office of Trustee

or not or if none for the executors or administrators of the last deceased

Trustee to substitute by any recitingunder their or his hands or hand any

persons or person in whom alone or as the last may be jointly with any

surviving or continuing Trustees or Trustee my trust estate shall be vested And

I excempt every Trustee of my will from all liability from losses occuring with

out his own wilful default and authorise him to retain and allow to his

Co- Trustee all expenses incidental to the said Trusteeship And lastly I revoke

all other Wills or Testamentary papers by me at any time heretofore made

In witness whereof I have hereto set my hand this second day of March

in the year of our Lord one thousand eight hundred and fifty

***Richd Waddilove*** signed by the said Richard Waddilove as his last

will and testament in the presence of us present at the same time who at his

request in his presence and in the presence of each other have subscribed our

names as witnesses the word Fifty having been first substituted for the word

twenty on the fourth page and the words free from Legacy duty having been

first interlined on the fourth page and the words to my Servant Margaret

Loach ninteen guineas having been first interlined on the seventh page

*William Bury Chapel House Rector of Burnsall George Kendall*

*Clerk to Henry Alcock Solicitor Skipton*

*The Will* of Richard Waddilove late of Rilston in the Parish of Burnsall

in the county of York Esquire deceased was proved at York the twenty sixth

day of August in the year of our lord one thousand eight hundred and

fifty before the Recorder Philip Charbert Kidd Master of Acts Clerk Surrogate

of the Right Worshipful Granville Harcourt [ ] Master of Acts a

Commissary and Keeper General of the Exchequor and Perogative Court

of York Lawfully constituted by the Oaths of Thomas Mason Johnson and

Robert Henderson the Cousin the Executors to whom administration was

granted of all and singular the Goods Chattels and [ ] of the said

Deceased they having been first sworn duly to administer

 Joseph Buckle Deputy Register

***Proved*** at London the 10th Oct. 1850 before the Judge by the Oaths of Thomas

Mason Johnson Esq and Robert Henderson Esq. the Executors to whom Ad…

was granted having been first sworn by Commissionduly to administer