Will of Thomas Foster Probate granted 1763

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Key [..] word is missing from the transcription as cannot be deciphered with certainty

This is the last Will and

Testament of me Thomas Foster of Rilston in the

Parish of Burnsall and County of York Gentleman being at the time of

making hereof of sound and [..] mind and memory Whereas this

is due to me from Messrs William and John Birkbeck of Settle in the

County aforesaid or their representatives the principal Sum of one hundred

and fifty pounds which I have out at interest and the principal sum of

one hundred pounds in the hands of Mr Norris Birbeck all which said

sum and sums of money and such interest as shall be respectively due Therein

at the time of my decease. I give to my daughter Sarah her executors and

administrators and assigns for ever And also I give to my said daughter

Sarah the sum of fifty pounds to be paid by my son William within three

months after my decease and the further sum of £300 to be

paid likewise by my said son William within 12 months after the decease

of my wife. Also I give to my loving friend John Squire of Airton in the said

County and my said son William Foster and their heirs.All my messages

Lands farms and tenements situate lying and being in the parishes of

Bingley and Keighley in the county of York with their and every own

appurtenances In trust nevertheless to permit and suffer my said

daughter Sarah to have receive and take the rents Issues and Profits thereof

during her natural life and after her decease in trust for such person and

persons and for such Uses and Estates as she my said Daughter Sarah shall

by deed in writing attested by two or more credible witnesses or by her last

will and Testament in writing attested by three or more credible witnesses

direct and appoint at any time whether she shall be covert or sole and

in which said message and tenements Any husband she my said daughter

shall happen to have or marry shall have no Interest or estate therein and

I do hereby direct order and appoint that the same premises shall not be liable

to the Debts contracts or engagements of any husband she my said daughter

Sarah shall happen to have but the same shall be and are hereby vested in my

said trustees and their heirs and the heirs of the survivors of them for the sole

and separate use of my said daughter Sarah for her natural life and after her

decease to and for such person and persons their heirs and Assigns and for such

Uses Estate and Estates as she my said daughter Sarah shall by such will decide

or deeds decide limit give or disperse of the same and for want of such dispersal

to and to the use of her right Heirs forever And that the Receipt or Receipts of

my said daughter Sarah during her couverture shall from time to time be a

sufficient Discharge to my said Trustees and their heirs and assigns and to the

farmers and tenants of the said Lands and Premises for the said rents and

Rights and such Parts thereof as shall be therein expressed to be by her my said

daughter received. Item I give and devise unto my son William Foster and to his

heirs and Assigns for ever all my Messuages Lands Tenements and

Hereditaments of what nature Tenor or Kind so ever situate lying and being in

the Town Township or Territories of Rilston and Cracoe and elsewhere in the

Parish of Burnsall aforesaid to the said William Foster his Heirs and Assigns or

some of them paying unto my Wife for her Life the Annuity or yearly Sum of

forty pounds by two equal half yearly Payments in the year the first payment

to be made on the first day of May or the eleventh day of November first

happening next after my Decease as for and in Lieu of the forty Pounds

Annuity mentioned in one Indenture of Marriage Settlement dated the twenty

sixth Day of April one thousand seven hundred and twenty nine made

between me of the first Part James Foster and John Lister theirin names of the

second part and William Lister deceased my late father in Law deceased of the third

Part whether the said Indenture of Settlement can or cannot be found the same

being at present misplaced And I hereby declare the same to be in lieu of all

Dower and thirds and in Lieu of all other demands my Wife can shall or May

have Claim challenge or demand out of all my real Estate and estate whatsoever

Save and except that I gave unto my wife during her natural life only and

not to be let assigned over occupied or possessed by any person or persons whatsoever

(Except by sell her domestic family and friends as visitors) one little room in

my house in Rilston aforesaid called the sitting room with the chamber over it

and one little chamber called Sally’s Chamber and the cellar under it also one little

Stable and Chamber over it appurtenances to my said House for her Convenience

for lying fuel with free Liberty of all usual Ways and Passages and particularly

through my said House . Item I give all my China Ware equally amongst my Wife

and my said Son William and Daughter Sarah Item I give unto my Wife

my best bed and furniture belonging the same at her option Item I give all

my linen unto my Wife for to be used by her during her life and after her

Decease I give the same to be by her in her lifeTime divided betwixt my said

Son and Daughter by such Shares and Proportions as she shall in her discretion

think fit Item I give unto my said son William one silver tankard and the

Cabinet which was my brotherThomas Listers. Item I give unto my said

Daughter Sarah one Silver Tea Pot and also I give her one Glass and Dressing Table

which was my brother Thomas Lister’s the Remainder of my household Goods

and Household Furniture I give equally amongst my said Wife son and

Daughter. WHEREAS I have the eighth of one ship called the Qake

Galley which did late belong unto my son John deceased I therefore give the said

Eighth part of the said Ship with all the loading Wares and Merchandise

to one eighth share of her belonging or in any wise appertaining and all

other Profits and Advantages arising or to accrue therefrom in manner

following ( to Witt) equally unto my said son William and my said Daughter Item

I order and direct my said son William to pay unto the Trustees of Rilston Meeting

House the sum of ten shillings yearly and every year towards keeping the same

and the burying places thereto belonging In good repair and order so long as

the same meeting house is used as a place of worship and the burying place

is used for burying the people therein called Quakers but not otherwise

Item all the rest and residue of my real and personal estate and Estates

at Rilston in the county of York and elsewhere by me not herein before

disposed of I give devise and bequeath unto my said son William Foster

his Heirs Executors Administrators and Assigns for ever he paying thereout

all my just Debts Funeral Expenses and the Probate of my will and all

Sum and Sums of money hereinbefore by me directed by him to be paid and

With the Payment whereof save and except for a sum of ten shillings so as

Aforesaid given in supporting the said Meeting House I hereby charge all

My real Estate and Estates hereinbefore by me given devised and bequeathed

unto him my said son William and also with the payments hereinafter

mentioned On the following contingencies that is to day that in the Case that any

of the said principal sums of money or debts due to me from the said Messirs

Birkbecks or their representatives and Mr. Norris Birkbeck shall happen

To be paid in and received and discharged by me in my lifetime that then

and in such case I will and order that with the said William Foster my son

and executor shall pay unto my said daughter Sarah to whom I have by

this my will given the same as much money as such respective [..]

Sums that may so happen to be paid in and by me received shall or May

Respectively amount unto and I hereby direct and order my son

William at his own expense to register at Wakefield this my will or

Probate thereof within six months next after my decease and I hereby

Nominate and appoint my said son William Foster sole executor of this

My last will and testament here by revoking all former and other wills by

me at any time heretofor made In Witness whereof I the said Thomas

Foster the testator have to this my last will and testament containing

two sheets of paper to the first sheet set my hand and to the other my

hand and seal the 14th day of May in the year of our Lord

one thousand seven hundred and sixty three Thos. Foster

Signed sealed published and declared by the above named Thomas Foster

the testator to be his last will and testament in the presence of us who in his

presence and in the presence of one another and at his request have attested the

same -John Alcock - Henry Alcock – John Parkinson