

This is the Last Will and Testament

of me Ann Walker of Shibden Hall in the parish of Halifax in the County of York spinster made the fifteenth day of May in the year of our Lord one thousand eight hundred and forty one I give and devise my Pew №1 in the North Chapel of the Parish Church of Halifax aforesaid to John Lister Esquire and his assigns during his natural life and after his decease I give and devise the same to such person and persons for such estate and estates and under and subject to such and the same limitations and conditions as are expressed and declared in and by the last Will and Testament of my late friend Mrs Anne Lister of and concerning the estate of Shibden Hall aforesaid or such of the same limitations as may be there subsisting and capable of taking effect it being my intention that the said pew shall be appendant to and go along with the said estate devised by the will of the said Anne Lister and I give and devise all my freehold manors or reputed manors capital messuages tenements tithes and hereditaments whatsoever and wheresoever not herebefore devised (except such estates as are vested in me as a mortgagee or trustee) with all and singular their hereditaments to the uses upon the trusts and to and for the ends intents and purposes and under and subject to the powers provisions and declarations hereinafter expressed concerning the same that is to say To the use intent and purpose that Miss Marian Lister sister of my said late friend and her assigns shall and may if unmarried at the time of my decease receive and take so long as she shall remain unmarried one annual sum or yearly rent charge of three hundred pounds of lawful money of Great Britain to be charged upon and issuing out of the freehold hereditaments hereinbefore devised and to be paid by equal half yearly payments the first payment whereof to be made at the expiration of half a year from my decease without any deduction whatsoever And to the further use intent and purpose that while and so often as the said annual sum or any part thereof shall at any time be unpaid for the space of twenty one days next after either of the said days hereinbefore appointed for payment thereof Then and in every such case it shall be lawful for the said Marian Lister or her assigns to enter into and distrain upon the hereditaments hereinbefore devised or any part thereof and to dispose of the distress and distresses then and there found according to law to the intent that thereby or otherwise the said annual sum and every part thereof so in arrear and all expenses occasioned by the nonpayment thereof may be fully satisfied And subject to the said annuity and subject also to and charged in aid of my personal estate with the payment of the legacies hereinafter bequeathed To the use of my nephew George Sackville Sutherland and his assigns during his life without impeachment of waste And immediately after the determination of that estate by forfeiture or otherwise in his lifetime To the use of William Gray the younger of the City of York Gentleman his executors and administrators during the life of my said nephew Upon trust by the usual ways and means to preserve the contingent remainders hereinafter limited from being defeated or destroyed but to permit and suffer my

said nephew and his assigns during his life to receive the rents and profits of the said hereditaments for his and their proper use and benefit And from and immediately after the decease of my said nephew To the use of the first and every other son of my said nephew successively and the heirs of the body of every such son And in default of such issue To the use of the first and every other daughter of my said nephew successively and the heirs of the body of every such daughter And in default of such issue To the use of my nephew Evan Charles Sutherland and his assigns during his life without impeachment of waste And immediately after the determination of that estate by forfeiture or otherwise in his lifetime To the use of the said William Gray his executors and administrators during the life of my said nephew Upon trust by the usual ways and means to preserve the contingent remainders hereinafter limited from being defeated or destroyed but to permit and suffer my said nephew and his assigns during his life to receive the rents and profits of the said hereditaments for his and their proper use and benefit And from and immediately after the decease of my last mentioned nephew successively and the heirs of that body of every such son And in default of such issue To the use of the first and every other daughter of my said last mentioned nephew successively and the heirs of the body of every such daughter And in default of such issue To the use of the said William Gray his executors and administrators during the life of my niece Mary Sutherland Upon trust to preserve the contingent remainders hereinafter limited And also Upon trust that the said William Gray his executors and administrators do and shall during the life of my said niece pay the yearly rents and profits of the said hereditaments unto such person and persons and for such intents and purposes as my said niece by any writing or writings under her hand notwithstanding any coverture shall from time to time (but not so as to dispose of or affect the same by any sale mortgage or charge or otherwise by way of anticipation) direct or appoint And for want of such direction or appointment Upon trust to pay the same rents and profits into her own hands for her own separate use and benefit and without being in anywise liable to the debts control or interference of any husband And I declare that the receipts of my said niece and of any such person or persons as she shall from time to time appoint to receive such rents and profits shall be effectual discharges for the same And after the decease of my said niece To the use of the first and every other son of my said niece successively and the heirs of the body of every such son And in default of such issue To the first and every other daughter of my said niece successively and the heirs of the body of every such daughter And in default of such issue To the use of said William Gray his executors and administrators during the life of my niece Elizabeth Sutherland Upon trust to preserve the contingent remainders hereinafter limited And also upon trust that the said William Gray his executors and administrators do and shall during the life of my said last mentioned niece pay the yearly rents and profits of the said hereditaments unto such person or persons and for such intents and purposes as my said last mentioned niece by any writing or writings under her hand notwithstanding and coverture shall from time to time (but not so as to dispose of or affect

the same by any sale mortgage or charge in the way of anticipation) direct or appoint And for want of such direction or appointment Upon trust to pay the same rents and profits into her own hands for her own separate use and benefit and without being in anywise subject to the debts control or interference of any husband And I declare that the receipts of my said last mentioned niece or of such person or persons as she shall from time to time appoint to receive such rents and profits shall be effectual discharges for the same And after the decease of my said last mentioned niece To the use of the first and every other son of my last mentioned niece successively and the heirs of her body of every such son And in default of such issue To the use of the first and every other daughter of my last mentioned niece successively and the heirs of the body of every such daughter And in default of such issue To the use of the first and every other of my nephew and nephews who shall or may hereafter be born severally and successively as they shall be in seniority of age and priority of birth and the heirs of the body of every such niece successively And in default of such issue To the use of my own right heirs for ever I empower every of my nephews who may be tenant for life under the limitations hereinbefore contained whether entitled in possession or not either in contemplation of marriage or after marriage by deed revocable or irrevocable executed by him in the presence of two or more credible witnesses or by his Will or any testamentary writing to appoint (but without prejudice on any prior subsisting uses or powers) to or in favor of any and every woman whom he shall marry or have married a yearly rent charge or rent charges not exceeding in the whole the sum of three hundred pounds to be issuing out of my said lands tenements and hereditaments or any part thereof and to commence from the decease of such tenant for life and to be payable half yearly during the life of such woman for her jointure and in bar of dower with the usual powers and remedies by distress and entry for securing the payment thereof and also to limit the hereditaments so charged to a trustee or trustees for a term of years to commence from the decease of such tenant for life without impeachment of waste upon proper trusts for securing the appointed yearly rent charge and subject to a proviso for cesser of the said term when the trusts thereof shall have been discharged or have become incapable of taking effect Provided and I hereby declare that no rent charge to be appointed under this power shall take effect unless the appointor shall afterwards become entitled in possession to the said hereditaments or would if living have been so entitled under the limitations hereinbefore contained And if the same hereditaments would under this power be liable at any one time to the payment of a larger yearly sum in the whole than six hundred pounds that the posterior charge or charges shall not take effect until the amount of the previous charge shall cease or be diminished so as to limit the existing annual burden to the sum lastly specified I also empower every tenant for life under the limitations herein contained whether entitled in possession or not by deed revocable or irrevocable to be executed in the presence of and attested by two or more witnesses or by his or her last Will or any testamentary writing to appoint (but without prejudice to any jointure rent charge or life estate to be limited to the

wife of such tenant for life) my said hereditaments or any part thereof to any trustee or trustees for any term of years without impeachment of waste upon proper trusts and with and under proper powers and provisions for raising the child or children of the tenant for life so appointing other than an eldest or only son or an eldest or only daughter entitled to the inheritance of the said hereditaments under the limitations aforesaid immediately after the decease of such tenant for life a portion not exceeding in the whole one thousand and five hundred pounds for two children or three thousand pounds for three or more children with maintenance not exceeding interest at the rate of four pounds per centum per annum or such portion or portions but the term to be created as last aforesaid shall be subject to a proper proviso for cesser as aforesaid and the trusts thereof shall not be capable of being executed unless the appointer of his or her issue shall be or shall afterwards become entitled in possession to the said hereditaments under the said limitations And if the said hereditaments would by reason of the exercise of said power be liable at any one time to the payment of a larger principal sum in the whole than three thousand pounds the charge or charges posterior in point of title shall be wholly or partially suspended Provided always that it shall be lawful for every person for the time being entitled as beneficial tenant for life under the limitations hereinbefore contained by Indenture executed by him or her in the presence of and attested by one witness or more to appoint by way of Lease my said hereditaments or any of them for any term of years not exceeding twenty one years in possession from the making of the Lease so as the best yearly rent payable half yearly or quarterly be reserved and no fine or premium taken and so as the lease contain covenants for the payment of the rents and taxes for repairing and keeping in repair the premises demised and if the lease comprise any buildings for insuring the same against loss by fire to the extent of two thirds of the value thereof with such other covenants as the lessor shall think reasonable and also a proviso for reentry on nonpayment of the rent for twenty one days after the same shall become due or on breach of any of the covenants and so as the lessee execute a counterpart of such lease Provided also and hereby declare that it shall be lawful for the said William Gray his executors and administrators with the consent in writing of the person for the time being beneficially entitled as tenant for life or tenant in tail in possession under the limitations herein contained if of age and if not without such consent to sell my lands and hereditaments in Stainland and Ovendon in the parish of Halifax aforesaid or any part thereof together or in parcels by public sale or private contract or to exchange my said hereditaments or any part thereof for other hereditaments or tenements of the description hereinafter authorized to be purchased to be situate in the West Riding of the County of York with liberty to give or accept any sum or sums of money for equality of exchange and thereupon by Deed executed by the said William Gray his executors or administrators in the presence of and attested by two or more witnesses to make such revocation of the uses of this my Will and such appointment of new uses as shall be requisite and proper for effecting such sale or exchange And I declare that the said William Gray his executors and administrators shall apply the money to be received from

any such sale or for equality of such exchange as aforesaid in the first place in discharging the incumbrances if any which shall then affect hereditaments hereby limited and in aid of my residuary personal estate for the payment of the bequests hereinafter made and shall lay out the remainder of the said monies (but only with such consent as last aforesaid) in the purchase of freehold hereditaments in fee simple in possession or of copyhold or customary or leasehold situate in the West Riding of the County of York (such leasehold tenements to be held under a renewable lease or leases for lives or for years or for a long term of years absolute whereof at least fifty years shall be unexpired) convenient to be held with the hereditaments hereby limited or to be acquired under this proviso and shall settle or cause to be settled as well the tenements and hereditaments so to be purchased as the hereditaments to be acquired by means of any such exchange as aforesaid to and upon such of the uses and trusts and subject to such of the provisions herein limited or expressed concerning my freehold hereditaments hereinbefore devised as shall be subsisting or as near thereto as may be but so as not absolutely to vest the chattels real so to be settled in any tenant in tail of the said freehold hereditaments who shall die under the age of twenty one years without leaving issue in tail living at his or her decease And I will and direct that the said William Gray his executors and administrators shall until the said monies shall be so laid out as aforesaid invest the same in or upon the public stocks or funds or on real securities in the West Riding in aid or their name or names and that he and they shall have power to vary the same securities from time to time for any of a like value And I declare that the income of the hereditaments directed to be purchased therewith would if such purchase had been made be subject Provided also that every person having a surname or arms different from the surname or Arms hereinafter required to be used who shall become entitled as beneficial tenant for life or in tail in possession under the limitations herein contained and not be a married woman or who shall marry any female becoming so entitled otherwise than for her separate use shall as to every such tenant within eighteen calendar months after he or she shall become entitled in possession if of the age of twenty one years or if not within eighteen calendar months after attaining that age and as to the husband of every such married woman so becoming entitled as aforesaid within eighteen calendar months after his wife shall become entitled in possession or be married to him whichever shall last happen endeavour to obtain an Act of Parliament or Licence from the Crown authorizing such person to assume and use my surname either alone or in addition to his or her usual surname (but so that the name of Walker shall be the last and principal name) and the Arms of Walker quartered with his or her Family Arms and shall on obtaining such Act or License assume and thenceforth use the same Surname and Arms accordingly And that as well every such person or persons as every person excluded from the aforesaid requisitions by reason of his or her already bearing the surname and arms aforesaid shall continue the use of such Surname and Arms And that in case of neglect or refusal to comply with all or any of the requisitions of this proviso the estate or estates hereby limited for the life of the person or as the case may be the

estate tail hereby limited to the person or ancestor of the person who or whose husband shall be guilty of such neglect or refusal shall cease and the subsequent limitations be accelerated yet so that if all or any of the uses limited to the issue of a tenant for life whose estate shall so cease shall be contingent a limitation to the use of the said William Gray his executors and administrators for the life of such tenant shall spring up and immediately precede the use or uses from time to time in contingency Upon trust to preserve the same and to permit the rents and profits to be received and enjoyed by the person or persons from time to time entitled to the first vested remainder for the time being therein I devise my freehold tenements and hereditaments to the use of the said William Gray his heirs and assigns upon such trusts and subject to such provisions as shall correspond as nearly as the difference of tenure will admit with the uses and provisions hereinbefore contained concerning my freehold hereditaments hereinbefore devised except the clause declaring life estates unimpeachable of waste and subject to a prohibition against exercising the power of leasing without a license from the Lord or Lords of the respective manors of which the same copyhold hereditaments are respectively held I devise and bequeath my leasehold tenements and hereditaments whether held for lives or for years absolute or determinable unto the said William Gray his executors and administrators and assigns Upon trust out of the rents and profits thereof or by raising money or mortgage thereof to pay the rents and perform the covenants subject to which the same tenements are respectively held and to renew from time to time at the usual periods the leases of such of the same tenements and hereditaments as may be or have been held under leases usually renewed And subject thereto upon trust to permit the same hereditaments to be enjoyed as nearly as the difference of tenure will allow according to the limitations and provisions hereinbefore contained concerning my freehold estates hereinbefore devised but so that my leasehold tenements & hereditaments held for years shall be subject to one statutory limitation over on the death of any tenant in tail of my freehold hereditaments under the age of twenty one years without leaving issue in tail living at his or her death to or in favor of the person or persons entitled under the ulterior limitations Provided always that during the minority of my nephews nieces who under the limitations aforesaid shall come into the actual possession of or be entitled to the receipt of the rents and profits of my said estates it shall be lawful for the said William Gray and his executors and administrators to receive such rents and profits and to apply an adequate part thereof in his or their discretion in the maintenance or education of such nephew or niece so entitled as aforesaid or in the discretion of the said William Gray his executors or administrators to pay such rents and profits or an adequate part thereof to the guardian or guardians of the said minors respectively without any obligation to see to the application thereof And I will and declare that when and so soon as my nephew George Sackville Sutherland shall have attained the age of eighteen years the said William Gray his executors and administrators shall pay and allow to him for his benefit out of the rents and profits of my said estates the annual sum of five hundred pounds till he shall have attained the age of twenty one years and shall pay

the same by equal quarterly payments the first whereof to begin and be made on the day when my said nephew shall have attained the said age of eighteen years without any deduction whatsoever I give and bequest to my said niece Mary Sutherland a legacy of three thousand pounds To my nice Elizabeth Sutherland a legacy of two thousand pounds To my said niece Ann Walker Sutherland a legacy of two thousand pounds and to my said nephew Evan Charles Sutherland a legacy of three thousand pounds to be paid to them respectively on their attaining their respective ages of twenty one years without interest in the meantime and to be charged upon and payable out of my real estate in case my personal estate shall be insufficient for the payment thereof And I declare that if my said nieces or nephew shall respectively depart this life before they shall respectively have attained the age of twenty one years the legacy or legacies of her or him so dying shall not be payable I bequeath to the said William Gray my executor hereinafter named a legacy of five hundred pounds as a small acknowledgement for the trouble he will experience in the execution of the trusts of this my Will To Sybella Cameron daughter of Lady Vere Cameron and God-daughter of my said late friend Mrs Anne Lister a legacy of two hundred pounds And to Marianna Percy Belcombe daughter of Doctor Belcombe of York and also God-daughter of my said late friend a legacy of one hundred pounds And I direct that the said two last mentioned legatees respectively in case they shall respectively be under age at the time of my decease and that the receipts of such parents or guardians respectively shall be sufficient discharges to my executor for the same respective legacies I direct and declare that the said William Gray shall as soon as conveniently after my decease invest so much of my personal estate in the purchase of three per cent Consolidate Bank Annuities or three per cent Reduced Annuities as will produce the annual sum of ten pounds and shall pay the dividends thereof as the same shall from time to time become due and payable unto the owner for time being of the Upper Crownest Estate so long as such Owner shall be a descendant of my family to be distributed by such Owner among the poor of the Township of Lightcliffe in the parish of Halifax in the County of York at Lightcliffe Chapel on Christmas day in every year And I make this bequest as a substitution for and in satisfaction of a similar bequest made by my uncle William Walker Esquire but which has been discontinued from circumstances rendering it not legally payable And if the said Upper Crownest Estate shall by sale or otherwise pass out of my family the said Capital stock shall be transferred to the Minister and Churchwardens of the Chapel of Lightcliffe to be held by them upon the like trust And I declare and direct that the duty on the annuity legacies and bequests contained in this my Will shall be paid out of my residuary personal estate I give and bequeath the *Residue* of my personal estate and effects whatsoever and wheresoever and of what nature or kind soever unto the said William Gray his executors and administrators - Upon trust that he and they do and shall retain such parts thereof as shall not consist of money or securities in his or their hands till my said nephew George Sackville Sutherland shall attain the age of twenty one years or if he shall happen to

die under that age and Upon trust to give up to the said George Sackville Sutherland absolutely on his attaining that age or to such other of my said nephews and nieces as in case of his death under that age shall first attain the age aforesaid all my title deeds books papers and writings and also all my plate and linen as all such other articles and effects as I shall not have specifically excepted in any memorandum under my hand and as the said William Gray his executors and administrators shall not have sold or disposed of under the power hereinafter given to him And I will and declare that it shall be lawful for the said William Gray his executors and administrators if he or they shall in their discretion deem it advisable notwithstanding anything hereinbefore contained at any time or times to sell and dispose of and convert into money any of my effects not consisting of monies or securities linen or plate and not excepted by me as aforesaid And shall stand possessed of the monies to arise from such sale or sales and of my residuary personal estate not hereinbefore bequeathed Upon trust to dispose thereof in the manner hereinbefore directed containing the monies to arise from any sale which may be made under the power hereinbefore contained I authorize the said William Gray his executors and administrators to permit such residue or any part thereof to remain outstanding upon securities or otherwise for such period or as he or they shall think fit And I declare that the yearly produce or my residuary personal estate for the time being outstanding (whether such produce be more or less than such estate if invested pursuant to the trust aforesaid would have yielded) shall be deemed the income thereof and be applied as such conformably to the destination of the estates directed to be purchased with such residuary estate Provided always and I hereby declare that the receipts of the said William Gray and of the respective trustees for the time being acting in the execution of the respective trusts hereinbefore treated shall be sufficient discharges for all monies to be received by them respectively pursuant to such trusts and shall exonerate the person or persons paying the same from all liability in respect of the application thereof provided also and I hereby declare that in case the said William Gray or any trustee or trustees to be appointed under this present proviso in his place or who shall succeed to the execution of the trusts in him reposed shall depart this life or be desirous of being discharged from the aforesaid trusts or shall be about to reside beyond the seas or shall neglect or refuse or become incapable or unfit to act in the said trusts before the same shall be fully executed and performed then and in that case and as soon and as often as the same shall happen it shall be lawful for the surviving or only acting trustees or trustee for the time being or the representative or representatives of the last surviving or acting trustee And so hereby expressly desire him her or them by any deed or writing deeds or writings under his her or their hand and seal or hands and seals to be attested by two or more credible witnesses to nominate and appoint any other fit person or persons to supply the place or places of the trustee or trustees respectively who shall so die or desire to be discharged or be about to reside beyond the seas or refuse or neglect or become incapable or unfit to act as aforesaid and that immediately upon or after such nomination or appointment all and every the said

trust estates monies funds securities and effects which shall be then vested under or by virtue of this my Will in such trustees or trustee last mentioned shall be respectively conveyed assigned and transferred so and in such manner that the same may vest in such new trustees or trustee either jointly with the surviving continuing or acting trustees or trustee or in such new trustee only as the case may require and in his or their heirs executors and administrators according to the several natures and qualities of the said estates respectively upon the trusts and for the intents and purposes and with under and subject to the powers conditions restrictions and declarations hereinbefore declared concerning the same respectively or such of them as shall be then subsisting and capable of taking effect I give and devise unto the said William Gray his heirs and assigns all estates vested in me as a trustee or mortgagee in fee or otherwise to be held by him and then subject to the trusts and equities affecting the same And I appoint the said William Gray *Sole Executor* of this my Will And Testament In witness whereof I the said Ann Walker have to first ten sheets in which this my Will is contained set my hand and to this eleventh and last sheet thereof my hand and seal the day and year first herein written -- *Ann Walker* [seal] -- Signed and sealed by the said Ann Walker in the joint presence of us who in her presence have at the same time subscribed our names as witnesses -- Humphrey Watson Gent York -- Thomas Fred. Champney York Gent.

Proved at London the 12th May 1854 before The Judge by the oath of William Gray (heretofore the younger) the sole Executor to whom Adm[inistrati]on was granted having been first sworn by Com[missio]n only to administer.