

Will of Thomas IRVING - b c1816, d 10 Jan 1871

Written 7 Jul 1867, Proved 17 Mar 1871

Line

No Text

1 On the seventeenth day of March 1871
2 the Will
3 of Thomas IRVING, late of Dalton
4 in the parish of Kirkheaton, in the County of
5 York, Dyer
6 deceased, who died on the tenth day of January, 1871
7 at Dalton aforesaid
8 was proved in the District Registry attached to Her Majesty's Court of Probate
9 at Wakefield by the Oath of
10 John Cumming DUNCAN, of Sheffield, in the
11 said County, Bookkeeper and Godfrey BERRY of
12 Moldgreen, Dalton aforesaid, Postmaster, the
13 Executors therein named they having been first sworn duly to administer.
14 **Effects under £450, No Leaseholds [Equivalent to £20,500 In 2009]**
15 Extracted by Messrs Learoyd & Learoyd
16 Solicitors, Huddersfield
17 **[Page 2]** This is the last Will and Testament of me
18 Thomas IRVING of Dalton in the parish of Kirkheaton in the
19 County of York made the seventh day of July One thousand eight
20 hundred and sixty seven. I direct my executors to pay my debts funeral
21 and testamentary expenses out of my estate. I give to my friends John
22 Cumming DUNCAN of Dalton, bookkeeper and Godfrey BERRY of Mold Green
23 in Dalton, Postmaster my dwellinghouse and premises in Dalton my
24 household furniture monies and securities for money and all other real and
25 personal estate and effects to which I may be entitled for any estate of
26 interest at my death. Upon trust that they and the survivor of them his
27 executors administrators and assigns (my trustees) shall permit my wife
28 to use and occupy my household furniture and effects in my dwellinghouse
29 so long as she shall remain my widow And to pay to her or permit her to
30 receive the interest and annual profits arising from the remained of my
31 real and personal estate for the maintenance education and support of my
32 children and herself until my youngest child shall attain the age of twenty

33 one years. And in the case of the death or second marriage of my wife before
34 that event Upon trust to apply such interest and annual profits and
35 the rents of the same house and premises for the maintenance education
36 and support of my children until the youngest attains twenty one as my
37 trustees in their uncontrolled discretion shall think proper. And after the
38 death or marrying again of my wife and my youngest child attaining
39 twenty one years of age. I direct my trustees to sell all my real
40 personal estate and to call in all such part thereof as may be then
41 invested and to pay the same equally amongst all my children then living
42 and the children or issue of such of them as may be then dead but so
43 that the children or issue of any deceased child of mine shall take
44 equally amongst them their deceased parents share only. And I empower
45 my trustees to apply such part of the presumptive share of the stock or
46 principal of my trust estate of any of my children as my trustees shall
47 think proper not exceeding one half part thereof for the advancement of
48 any such child or children. And I empower my trustees at any
49 time when they may think it most advantageous and beneficial for the
50 interests of my family to sell and convert into money all or any part of
51 my real and personal estate by public auction or private contract and to
52 [Page 3] invest the proceeds on mortgage of lands and premises of any tenure
53 or on Government securities or good Railway debentures. And to apply the
54 interest or other annual proceeds thereof in the like manner and for the
55 same purpose as are before directed until the final distribution of the c...
56 of my estate or as near thereto as circumstances will permit. And on the
57 happening of the final events before mentioned to distribute and divide
58 the stock or principal in manner before directed. And in case of the death
59 refusal or incapacity to act of any trustee under my Will I empower the
60 trustees or trustee for the time being or the executors or administrators of the
61 last surviving or last acting trustees to appoint one or more trustees or trustee to
62 act either solely or along with them or him in the execution of the trusts hereof
63 And I appoint John Cumming DUNCAN and Godfrey BERRY my executors
64 to whom I give all trust or mortgage estates which may be vested in me
65 at my death upon the trusts and subject to the equities thereof. In witness
66 whereof I have to each of the two sheets hereof set my hand - Thomas
67 IRVING - signed and published by the said Thomas IRVING as his last Will

68 and Testament in the presence of us who in his presence at his request and
69 in the presence of each other have hereunto set our hands as witnesses
70 William FILLANS jeweller, Huddersfield, Jno S THORNTON
71 East Parade, Huddersfield.
72 Proved at Wakefield the 17th day of March 1871 by
73 the Oaths of John Cumming DUNCAN and Godfrey BERRY
74 the Executors to whom Administration was granted
75 The Testator Thomas IRVING was late of Dalton in the parish
76 of Kirkheaton in the County of York Dyer and died on the
77 10th day of January 1871 at Dalton aforesaid
78 Under £450 [under £20,500 at 2009 values)
79 Messrs Learoyd & Learoyd
80 Sols Huddersfield