

*Note: The original Will has been written in continuous script with no apparent sentence ends, apart from a clear word beginning with a capital letter at the start of the next sentence. In the interests of clarity I have punctuated the end of such an apparent sentence with a full stop.*

*In addition I have also separated each sentence for clarity of reading and, for Genealogy reasons, highlighted persons mentioned in bold.*

*Otherwise the Will is as originally written.*

## **THE LAST WILL AND TESTAMENT OF MARY WILSON**

This is the last Will and Testament of me **Mary Wilson** of Number 13 Esk Terrace in Whitby in the County of York Widow made this twenty seventh day of August in the year of our Lord one thousand eight hundred and eighty six.

I appoint my Friends **John Rowland** and **Christopher Marwood** both of Whitby aforesaid Shipowners Executors of this my Will and Trustees for the purposes hereinafter expressed.

And I give to each of them who shall accept the trusts of this my Will the legacy or sum of one hundred pounds in acknowledgement of the trouble he will thereby incur.

I give to my Grandniece **Emily Dawson Ward** all the wearing apparel and ornaments of the person household furniture plate linen china glass and other household goods and effects of which I shall die possessed.

I give to my reputed Nephews and Nieces **James Robinson Thomas Robinson Elizabeth Robinson** and **Isabella Helm** (children of my reputed half Brother **Thomas Readshaw Robinson**) the legacies or sums of money following that is to say.

To the said **James Robinson** two hundred and fifty pounds.

To the said **Thomas Robinson** two hundred pounds.

To the said **Elizabeth Robinson** three hundred pounds and to the said **Isabella Helm** two hundred and fifty pounds.

But if any of my said reputed Nephews and Nieces shall die in my lifetime then I give the sum so bequeathed to him or her so dying unto his or her child or children or if more than one in equal shares.

I direct that if my said reputed Nephew **Thomas Robinson** (of whom nothing has been heard for a long time) or his child or children (if he shall have died in my lifetime) shall not within the period of three years next after my decease make known and establish to the satisfaction of my Trustees his or her existence identity and right to receive the legacy of two hundred pounds hereinbefore given to the said **Thomas Robinson** or his child or children then such legacy with any interest which may have accrued thereon if the same legacy shall have been invested shall after the expiration of such period of three years be paid to such of them my said reputed Nieces **Elizabeth Robinson** and **Isabella Helm** as shall be living at the expiration of such period and such of the issue as shall be then living of either or both of them who may be then dead as tenants in common in a course of distribution according to the stocks the issue of deceased reputed Nieces of mine taking by substitution as Tenants in common the respective shares only which their respective parents would if living at the expiration of such period as aforesaid have taken.

And I expressly direct that it shall not be in anyway incumbent on my Trustees to take any steps whatsoever for the purpose of ascertaining whether the said **Thomas Robinson** or his child or children is or are in existence or not.

I give to each of the two Daughters of **John Robinson** a deceased Son of the said **Thomas Readshaw Robinson** the sum of one hundred and twenty five pounds.

I give to my Grandniece **Mary Halland** the sum of two hundred pounds to my Grandniece **Elizabeth Roe** Wife of **Martin Roe** of Whitby Jet Worker or if she shall

die in my lifetime then to her child or children in equal shares the sum of one hundred pounds free of duty.

To my Grandniece the said **Emily Dawson Ward** the sum of three hundred and fifty pounds free of duty for her absolute benefit and separate use as if she were a femme sole.

To my cousin **Mary Smith** the sum of two hundred pounds.

To each of my Nephews **William Bryan Thomas Bryan and Timothy Castley Bryan** Sons of my half Sister **Elizabeth Bryan** the sum of two hundred pounds.

To each of my relatives **Thomas Leng** and **George Shimmins** both of Baxtergate in Whitby aforesaid the sum of fifty pounds free of duty.

To my Nephew **Edward Wilkes** the sum of fifty pounds free of duty.

To the said **John Rowland** (individually and without reference to his Executorship or Trusteeship and in addition to the legacy hereinbefore given to him) the sum of one hundred and fifty pounds.

To the Treasurer of the Roman Catholic Orphanage at Middlesborough under the care of the Little Sisters of the Poor the sum of fifty pounds free of duty to be applied towards the objects of the said Orphanage and to be paid exclusively out of such part of my personal estate as may lawfully be appropriated to charitable purposes and preferably to any other payment thereout.

And to my Trustees the said **John Rowland** and **Christopher Marwood** the sum of two hundred and fifty pounds to be held by them Upon the trusts following that is to say Upon trust to invest the same in manner hereinafter authorized and to pay the annual income arising therefrom or from the investments representing the same for **Hannah Bryan** the wife of my Nephew **Charles Bryan** during her life for her separate use independently of her present or any future husband without power of anticipation.

And from and after the death of the said **Hannah Bryan** as to as well the capital as the income of the said sum and the investments representing the same Upon trust for her child if only one or all her children if more than one who either before or after her decease shall attain the age of twenty on years or be married and if more than one in equal shares.

And whereas my late Husband **Robert Wilson** by his Will dated the sixth day of July one thousand eight hundred and seventy seven devised appointed and bequeathed certain real and personal estates in his said Will referred to as "the said trust premises" unto and to the use of his Trustees Upon certain trusts for managing the same and subject thereto Upon trust to pay the rents interest and annual proceeds thereof to me during my life if I should continue his widow.

And on my death or marriage.

As to one moiety of the said trust premises upon certain trusts in favour of the Children and issue of **Richard Wilson** deceased.

As to one fourth part thereof Upon certain trusts (subject to certain payments thereout) for the benefit of **Wilson Wainwright** or his children.

And as to the remaining equal fourth part of the said trust premises Upon such trusts and for such ends intents and purposes and subject to such conditions restrictions and limitations as I should (continuing the Widow of the said Testator) by my last Will and Testament or any Testamentary writing direct or appoint.

Now by virtue and in exercise of the power or authority given to me by the said in part recited Will and of every other power or authority in anywise enabling me in this behalf I do hereby direct and appoint that the said last mentioned equal fourth part of the said trust premises shall be held by the Trustees or Trustee for the time being of the Will of my said Husband Upon trust (and if needful by exercising the power of sale and other powers contained in the said Will of my said Husband or any of them) to convert the same into money.

And to pay the net monies arising from such conversion as aforesaid to the Trustees or Trustee for the time being of this my Will to be held and disposed of by them or

him as part of my residuary personal estate hereinafter bequeathed.

I devise appoint and bequeath all real and personal estate (not hereinbefore otherwise bequeathed) of which as owner or in the execution of any power or otherwise I shall at the time of my decease be competent or entitled to dispose by this my Will ( which said personal estate lastly hereinbefore appointed and bequeathed is hereinbefore called my residuary personal estate) unto and to the use of my Trustees the said **John Rowland** and **Christopher Marwood** their heirs executors administrators and assigns according to the different natures and tenures thereof Upon trust to sell and convert into money my said estates or such parts thereof as shall be of saleable or convertible nature and to get in the other parts thereof.

And I empower my Trustees to suspend for such period as they shall judge expedient the sale conversion or getting in of my said estates or any part or parts thereof respectively and during the suspense of the sale conversion or getting in to manage and order all the affairs thereof as regards letting occupation cultivation repairs insurance against fire receipt of rents indulgences and allowances to tenants and all other matters but so that no lease shall be granted otherwise than from year to year or for a term not exceeding twenty one years in possession at the most improved rent without fine or premium.

And I declare that for the purposes of enjoyment and transmission under the trusts hereinafter contained my said estates shall be considered as money from the time of my decease and the rents dividends interest and other yearly produce thereof respectively to accrue due after my decease and until the actual sale conversion and getting in thereof shall be deemed the annual income thereof applicable as such for the purposes of the said trusts without regard to the amount of such income or to the nature of the property or investments yielding the same.

And as to the monies to arise from the sale conversion and getting in of my said estates I direct my Trustees thereout in the first place to pay or retain all the expenses incident to the execution of the preceding trusts and powers and my debts and funeral and testamentary expenses and in the next place to pay the pecuniary legacies hereinbefore bequeathed and the duties on such of the same legacies as are given free of duty.

And subject thereto I direct that my Trustees shall stand possessed of the said trust monies Upon trust for such of them the said **Emily Dawson Ward Elizabeth Roe Mary Halland James Robinson Elizabeth Robinson Isabella Helm Hannah Bryan Thomas Bryan and Timothy Castley Bryan** as shall be living at my decease and such of the issue then living of any of them who may die or be dead in my lifetime as shall either before or after my decease attain the age of twenty one years or marry as Tenants in common in a course of distribution according to the stocks and not to the number of individual objects and so that the issue of deceased original objects may take as Tenants in common by way of substitution the share or respective shares only which the parent or respective parents would if living at my decease have taken.

I direct that all investments of trust monies to be made by my Trustees shall be made in their names in or upon some one or more of the investments or securities following and those only that is to say the Public Funds Government Securities of the United Kingdom real or leasehold securities in England or Wales and not elsewhere such leaseholds having not less than sixty years unexpired at the time of the investments thereon respectively or the Bonds Debentures or Debenture Stock or Guaranteed or Preferential Stock or Shares of any Railway or Dock Company in England authorised by special Act of Parliament and at the time of the investments thereon respectively paying dividends.

And I empower my Trustees to vary such investments at their discretion for any other or others of the kinds prescribed.

And I expressly direct that all trusts powers discretions and other clauses in this my Will contained and given or having relation to my Trustees generally shall be

construed and considered as given or having relation to any the Trustees or any sole Trustee for the time being of this my Will and the executors or executor administrators or administrator of any surviving Trustee whose place shall not have been supplied in the manner prescribed by law.

Lastly I revoke all former testamentary writings.

In Witness whereof I have signed my name at the foot or end of this my Will contained in this and the five foregoing sheets of paper the day and year first before written in the presence of the two subscribing Witnesses.

***Mary Wilson***

We the undersigned have attested the execution of the foregoing writing by **Mary Wilson** of Number 13 Esk Terrace in Whitby in the County of York Widow signing her name thereto as her last Will in the presence of us present at the same time and without quitting her presence we subscribe the same in the presence of each other.

***George Buchannan Solr Whitby  
Annie Pearson***

This is a Codicil to the last Will and Testament of me **Mary Wilson** of Number 13 Esk Terrace in Whitby in the County of York Widow which Will bears date the twenty seventh day of August one thousand eight hundred and eighty six.

Whereas since the date and execution of my said Will my Nephew **Edward Wilkes** to whom I gave a legacy of fifty pounds free of duty has departed this life.

Now I hereby give the legacy or sum of fifty pounds free of duty to my Grandniece **Elizabeth Roe** in addition to the legacy of one hundred pounds given to her by my said will.

And if she shall die in my lifetime then I give the same sum of fifty pounds to her child or children in equal shares.

And I confirm my said Will save as the same is varied by this Codicil.

In Witness whereof I have signed my name at the foot or end of this Codicil to my Will this twenty fifth day of August in the year of our Lord one thousand eight hundred and ninety one in the presence of the two subscribing Witnesses.

***Mary Wilson***

We the undersigned have attested the execution of the foregoing writing by Mary Wilson of Number 13 Esk Terrace in Whitby in the County of York Widow signing her name thereto as a Codicil to her last Will in the presence of us present at the same time and without quitting her presence we subscribe the same in the presence of each other.

***George Buchannan  
Mary Collingwood***

On the third day of December 1898 Probate of this Will (with one Codicil) was granted at York to **John Rowland** and **Christopher Marwood** the executors.

This is a true copy

