© Marsden History Group

JOHN WHITEHEAD OF CHEETHAM, LANCASHIRE (LATE OF BRADFORD)

Will: 20th August 1840 ***Probate: Unknown***

Burial: Unknown

Borthwick reference: John Whitehead of Bradford, late of Manchester, Lancs, linen draper, August 1840, Will; Box 1821-1855, No.32.

Will

20th August 1840

Size: 13¼" x 16⅜"

Material: Paper. Folios are tied at top left-hand corner by green ribbon passing through pieces of card back and front, sealed at front with red wax circular embossed seal

Folio 1 recto – will

John Whitehead[1]

[2]This is the last Will and Testament[3] of me **John Whitehead** late of Bradford in the County of York Linen Draper but now of Cheetham near Manchester in the County of Lancaster who make and publish the same in manner and form following that is to say **First** I order and direct all my just debts funeral and testamentary expences to be paid and discharged **I give devise and bequeath** unto my Mother Mary Booth now the Wife of George Booth of Cheetham aforesaid **All** that one Garden Stead and Croft adjoining the Turnpike House or that which was formerly used as such at Townhead in Marsden in the said County of York part of which said Garden Stead and Croft has been recently taken possession of by the Trustees of the Wakefield and Austerlands Turnpike Road without authority from me and as yet without express agreement for the same **To hold** the same unto her my said Mother Mary Booth her heirs and assigns for ever or for and during all my estate and interest therein **Also** I give and devise unto my said Mother the said Mary Booth **All** that Messuage Dwellinghouse or Tenement called Upper Green Owlers otherwise Wards End situate in Marsden aforesaid **And also** all those several Closes of [Land or][4] Ground in Marsden aforesaid belonging to or lately occupied with the said Messuage called the Owlers Ing otherwise Odes Ing otherwise Over lay Ing (including what was once called the Knowles) the lower lay Close the Upper lay Close the Bents the lower Ing the upper Ing and the Croft with the appurtenances **And also** all that Close of Land or Ground formerly in two Closes situate in Marsden aforesaid called the Well Croft **And also** all that other Close of Land or Ground situate in Marsden aforesaid called the Great Hey formerly in Two Closes and called the Upper Hey and the Lower Hey **And also** all that other Close of Land or Ground situate in Marsden aforesaid and adjoining the South

---

1 signature of testator, unusually at top of page

2 text is numbered 1,2,3, etc in pencil, about every five lines, probably as solicitor's count of 'folios' of 72 to 90 words

3 these six first words in larger 'Gothic' script; other words in bold font are in larger script in the original

4 paper torn but words legible

© Marsden History Group

Easterly part of the last described Closes of Land now in the occupation of William Kinder. **And also** all those two Closes of Land or Ground situate in Marsden aforesaid called the near old Hey and the Far old Hey **And** a**lso** all those two Closes of Land or Ground lying in Marsden aforesaid called the Well Ing and the Fall **And also** all that the Messuage now in two Dwellings and other erections erected and built in the said Close called the Fall **All** which said several premises or some part thereof are in the respective occupations of Miles Schofield William

(1)[5]

Folio 2 recto – will

Kinder William Henry Gill, James Balmforth, David Firth and Charles Riltcliffe[6] their assigns or undertenants. **And also** all those two Cottages Dwellinghouses or Tenements [heretofore part of a Barn and Blacksmiths Shop][7] and Stable adjoining standing and being in Marsden aforesaid now or late in the tenure or occupation of John Dyson John Horsfall and Richard Goodall or their Undertenants **Together** with their and every of their appurtenances All which said several Messuages or Dwellinghouses Closes of Land hereditaments and premises being Copyhold are held by me of the Lords and Ladies of the Manor of Marsden according to the custom of the same Manor **And** also all other my customary or Copyhold Messuages Lands Hereditaments and premises situate within the said Manor or elsewhere and also all and every my real estates (including chattels real) of which I shall die seized or possessed **To hold** the same unto the said Mary Booth and her assigns during the term of her natural life and from and after the determination of that estate by any means in her life time **Then** unto and to the use of the said George Booth and John Dowse of Marsden aforesaid Corn Miller and the Survivor of them and the heirs and assigns of such Survivor **Upon Trust** to preserve the contingent uses and estates hereinafter limited yet nevertheless to permit the said Mary Booth and her assigns to receive the rents issues and profits of the said hereditaments and premises during the term of her natural life And after the decease of the said Mary Booth **To the use** of John Holroyd of Marsden aforesaid Joiner and Cabinet Maker and his assigns during the term of his natural life **Subject** nevertheless after the decease of my Aunt Hannah Schofield (now an Annuitant on my Estate) to and with the payment of an Annuity or yearly Rent Charge of twenty five pounds unto Lucretia Amelia Sykes Daughter of the said Mary Booth by a former Husband or to the hands of such other person or persons as she by any note in writing under her hand shall from time to time appoint to receive the same during her natural life to be issuing and payable out of the said hereditaments and premises by two equal half yearly payments on the twenty fourth day of June and the twenty fifth day of December in every year clear of all taxes charges and deductions whatsoever the first payment to be made on such of the days as shall next happen after the decease of the survivor of them the said Mary Booth and my said Aunt Hannah Schofield and to be only a proportionate part for so many days as shall elapse from the death of such survivor to

(2)[8] John Whitehead[9]

---

5 page-numbering in original
6 first few letters have been rubbed out and rewritten: the common Marsden name is Biltcliffe, and the 1841 Marsden Census shows Charles Biltcliffe, aged 50, occupation slubber, at Fall Bottom
7 these words crossed through
8 page-numbering in original
9 signature of testator

© Marsden History Group

Folio 3 recto – will

the said first day of payment **And** my will is and I do hereby direct that the receipt or receipts of the said Lucretia Amelia Sykes or such other person or persons as she may appoint to receive the said Annuity as aforesaid shall be a good and sufficient discharge and good and sufficient discharges to the person or persons paying the same for so much thereof as in such receipt or receipts shall be acknowledged or expressed to be received **And** after the determination of the estate hereinbefore limited to the said John Holroyd and his assigns by any means in his lifetime. **To the use** of the said George Booth and John Dowse and their heirs during the natural life of the said John Holroyd **Upon** further trust to preserve and support the contingent uses and estates hereinafter limited from being defeated or destroyed yet nevertheless to permit the said John Holroyd and his assigns to receive the rents and profits of the said hereditaments and premises (subject as aforesaid) during the term of his natural life **And** after the decease of the said John Holroyd **Then** to the use of the child or issue or all or any one or more of the Children or remote issue of the said John Holroyd (such issue to be born in his lifetime) in such manner and form and if more than one in such parts shares and proportions and for [such estate or estates or interest][10] or interests by way of Annuity sums in gross rent charge or otherwise and with such directions for maintenance education and advancement and with such limitations over or substitutions in faver of all or any one or more of the others of the said Children and issue respectively and to vest at such age or ages day or days and upon such contingencies and under and subject to such Conditions restrictions and provisions for the charge and indemnity of Trustees as the said John Holroyd at any time or times and from time to time by any deed or deeds instrument or instruments in writing under his hand and seal to be executed by him in the presence of two or more credible Witnesses and to be attested by the same Witnesses and either absolutely or with or without power of revocation and new appointment (such new appointment to be in favor of some one or more of the objects of this present power or of those who are to be entitled under the [ame][11] limitations hereinafter contained and in the same events as they are to be entitled under these limitations or by his last Will and Testament in writing or any Codicil or Codicils thereto shall direct limit or appoint **And** in default of such direction limitation and appointment by the said

(3) [12] John Whitehead[13]

Folio 4 recto – will

John Holroyd and in the meantime and until the same shall be made to take effect and from time to time Subject to the uses estates trusts charges and interests which shall have been directed limited or appointed by the said John Holroyd Then to the use of the issue of the said John Holroyd (be the same issue a child or children or more remote issue) who shall be living at the death of the said John Holroyd and the heirs and assigns of the same issue and so and in such manner and proportions that such issue if more than one shall be tenants in Common and shall take per stirpes and not per capita as far as they shall be from different branches and equally as far as they shall be from the same branch and so as no person shall take under the description of issue unless the parent or other ancestor of the same issue shall have departed

[10] paper torn on fold, but words still legible
[11] probably should be 'same'
[12] page-numbering in original
[13] signature of testator

© Marsden History Group

this life in the lifetime of the said John Holroyd. **And** in case there shall not be any such issue of the said John Holroyd living at his death Then (subject as aforesaid) to the use of Daniel Whitehead and Hannah Whitehead Son and Daughter of Daniel Whitehead late of Marsden aforesaid as tenants in common their heirs and assigns for ever **Provided** always and my Will is that in case any half yearly payment of the said annual Sum or yearly rent charge of twenty five pounds or any part thereof shall at any time or times be in arrear and unpaid by the space of twenty eight days next after either of the days hereinbefore appointed for payment thereof then and so often as the same shall happen altho no formal or legal demand shall be made it shall and may be lawful for the said Lucretia Amelia Sykes into and upon all and singular the said Messuages Lands and Hereditaments or into or upon any part thereof in the name of the whole to enter and the same to have hold occupy possess and enjoy and the rents issues and profits thereof and of every or any part thereof to receive and take to and for her and their own use and benefit until she shall thereby and therewith or by any other ways be fully paid and satisfied the said annual sum or yearly rent charge and all arrears thereof and all such arrears of the same as shall grow due or accrue during the time that she shall by virtue of such entry or entries be in possession of the same premises or any part thereof together with all costs charges and expences whatsoever attending or occasioned by the nonpayment or recovery of the same or any part thereof or in relation thereto such possession when taken to be without impeachment of waste **I do hereby** give and bequeath

(4) [14] John Whitehead[15]

Folio 5 recto – will

all my goods chattels and effects and other estate whatsoever and wheresoever unto my Mother the said Mary Booth her executors administrators and assigns to and for her and their own proper use and benefit for ever **Subject** to my said debts funeral and testamentary expences as aforesaid **And** lastly I do hereby nominate and appoint the said George Booth John Holroyd and John Dowse Executors of this my Will **Provided always** and it is my Will that the said George Booth and John Dowse and each of them and their respective heirs executors and administrators shall be respectively charged or chargeable only with or for so much money as they respectively shall actually receive notwithstanding his or their joining in any receipt for the sake of conformity **And** that one of them shall not be answerable for the other of them or the acts deeds neglects or defaults of the other of them but each for his own acts deeds neglects or defaults only. **And** the said Trustees respectively their respective heirs executors or administrators shall be at liberty to deduct and reimburse for themselves respectively and to allow to each other all costs charges and expences whatsoever which they or either of them shall expend or incur in or about the execution of the Trusts aforesaid or in fees to Counsel for advice or otherwise relating thereto **And lastly** I do her..by revoke and m...[16] void all former and other Will and Wills by me at any time heretofore made and do declare this only to be and contain my last Will and Testament. **In Witness** whereof I the said Testator John Whitehead have to this my last Will and Testament contained on five Sheets of paper set my hand and seal to wit my hand and seal to and at the top of the first Sheet where the Sheets are affixed together my hand to and at the bottom of the second third and fourth Sheets and my hand and seal to this fifth and last Sheet the Twentieth day of August in the year of our Lord one thousand eight hundred and forty ://

---

[14] page-numbering in original
[15] signature of testator
[16] paper torn along fold. Probably 'I do hereby revoke and make void...'

© Marsden History Group

Signed sealed published and declared by the } John Whitehead[17] [18]
said John Whitehead the Testator as and for his }
last Will and Testament in the presence of us }
who in his presence at his request and in the }
presence of each other have hereunto subscribed }
our names as Witnesses

Rich[*ar*]d Redfern Sol[*icito*]r Oldham
Tho[*ma*]s Robinson his Clerk[19]

(5) [20]

Folio 6 verso – will

/270/[21] [Not required by Stamp Office][22]

The following written at 90⁰:

[23]**Dated 20th Aug**[us]**t 1840**

Will of Mr.
John Whitehead

Heriot £4.10.0

[24]33 fo[*lio*]s

---

17 signature of testator
18 red circular embossed wax seal
19 signatures of witnesses
20 page-numbering in original
21 this number, in maroon ink, may be Manor of Marsden numbering
22 this note is in pencil
23 bold text is written in 'gothic' script in original
24 this note, in pencil, means that there are 33 folios of 72 to 90 words in the document