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JAMES BREARLEY OF BUCKLEY HILL

Will: 3rd February 1770 ***Probate Bond: 19th May 1773***

Probable burial: James Brearley of Marsden, Cornfactor, at St. Bartholomew's Church, Marsden, 'in ye Chapel', 20th September 1772[1]

Borthwick reference: James Brearley/Breailey of Buckley Hill, Marsden, yeoman, May 1773, Will and Probate Bond; Box 1751-1780, No.27

Will

3rd February 1770

Size: 15⅜" x 12¼", folded in two vertically

Material: paper; no fastenings to folios have survived conservation process.

Condition: conserved with traditional paper repair

Folio 1 recto – will

In the name of God Amen I James Brearly[2] Yeoman at Buckley Hill in Marsden in the Parish of Huddersfield in the West Riding of York being of perfecte Mind and memory returning God thanks for the same do make and declare this to be my last Will and Testament in manner and form following (to wit), I give and bequeath unto my beloved Son John Brearly half of a Copy hold Estate called Owlers [to his Heirs Executors Administrators and Assigns for ever][3] and the Rents of a Copy hold Estate called Whitelee [(for five Years and no longer][4] both in Marsden aforesaid to his (Heirs[5] Executors Administrators and Assigns Also I give and bequeath unto my beloved Son William Brearly a Copy hold Estate called Nab in Marsden to his Heirs Executors Administrators and Assigns for ever and the Rents of a Copyhold Estate [in Marsden aforesaid][6] called Whitelee for five years after my Son John Brearley hath drawn the Rents for five years aforesaid Also I give and bequeath unto my beloved Daughter Mary Marsden Wife of Luke Marsden the Rents of a Copyhold Estate called Whitelee in Marsden for six years after my two Sons [John Brearley & William][7] hav..[8] drawn the Rents abovementioned Also an half a Guinea yearly and every year During her natural Life of my beloved Son Luke Brierly Also I give and bequeath unto my beloved Son Luke Brierly Copy hold Land called Haigh house [to his Heirs Executors Administrators and Assigns][9] and a Copy hold Estate called White-lee both of Marsden aforesaid after the Rents be paid off

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1 in registers of Marsden St. Bartholomew's, where the detail 'in ye Chapel' and the occupation 'Corn-factor' is given, and of the parish of Huddersfield

2 spelt 'Brearly' in initial lines; spelling then changes to 'Brierly' in the rest of the Will, and to 'Brearley' in the Bond

3 these words inserted above the line; the phrase has an opening but not a closing bracket

4 these words inserted above the line: with opening but no closing bracket

5 this word inserted above the line; it has an opening bracket before it

6 these words inserted above the line

7 these words inserted above the line

8 '...' indicates indecipherable material

9 these words inserted above the line

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White lee aforesaid to his Heirs Executors Administrators and Assigns forever Also immediately after my Decease I order my beloved Son Luke Brierly to pay unto my beloved Son John Brierly Fourty Pounds of English Gold [or Coin][10] Also I give and bequeath unto my beloved Son Abraham Brierly a Copy hold Estate called Ashton binn in Marsden aforesaid and some Copyhold Land called Haigh Croft to his Heirs Executors Administrators and Assigns for ever Also I give and bequeath unto my beloved Son Luke Brierly the Housing as follows an House that John Pennington dwells in an House that Robert Mellor dwells in an House that Widow Firth dwells in and a Barn joining to the House that John Pennington dwells in and an House joining to that House that Robert Mellor dwells in [to his Heirs Executors Administrators and Assigns for ever][11] and the Dung Ashes Muck to be equally divided between my two Sons Luke Brierly and Abraham Brierly Also I give and bequeath unto my beloved Son Abraham Brierly an House that James Whitehead dwells in Ten years after my Decease or if he insisteth to have the House between and the Time be expired giving a Year in notice and paying Yearly Thirty shilling he is to enter aforesaid and an House joining to that House James Whitehead dwells in all in Marsden aforesaid to his Heirs Executors Administrators and Assigns for ever Also I give and bequeath unto my beloved Daughter

[12]*Folio 1 verso – will, written at 90°*

/154/[13]

3[r]d Febr[*uar*]y 1770
James Brearley
Will

Folio 2 recto – will

Betty or Elisabeth Whitehead Wife of James Whitehead the Rents or to dwell in that House Ten years Also immediately after my Decease I order that my beloved Son Luke Brierly pay unto my beloved Son William Brierly Fourty Pounds of English Gold or Coin Also I give and bequeath unto my beloved Son Abraham Brierly all the Household Goods that stand in the House except a Bed that I give unto my Son Luke Brierley which he lyeth in Also I give and bequeath and order to be paid to my beloved Daughter Fanny or Frances Brierly the Sum of One hundred Pounds of English Coin a Year and a Day after my Decease And I order my two Sons [to pay the same][14] Abraham Brierly and Luke Brierly to pay the same each Fifty Pounds Also One hundred Pounds more at Seven Years after my Decease to be paid to my Daughter Fanny or Frances Brierly if she be living [or][15] her Heirs but if she be dead to be equally divided amongst any Sons and Daughters And I order that my two Sons Abraham Brierly and Luke Brierly pay the said Sums each Fifty Pounds of English Coin aforesaid But if they neglect paying the same I do hereby Empower her to enter upon their Copy hold Estates immediately after their resistance Also I give and bequeath unto my beloved Son

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10 these words inserted above the line
11 these words inserted above the line
12 the following material would normally be written on the back of the last folio of the will; it is possible that it has been re-positioned during the conservation process
13 this number, in maroon ink, may be Manor of Marsden numbering
14 these words crossed through
15 this word inserted above the line

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William Brierly the House that he lives in him his Heirs Executors Administrators and Assigns for ever Also I order my beloved Sons to pay Abraham Brierly and Luke Brierly to pay all my Just D...s and I give and bequeath all the rest residue and remainder Whatever unto my two Sons Abraham Brierly and Luke Brierly to be equally divided between them Also I order that my

Folio 3 recto – will

beloved Son Luke Brierly pay Tweny[16] Pounds to my beloved Son Abraham Brierly and my two Sons [Abraham Brierly and Luke Brierly][17] to be at equal expense in my Burial and Bury me Also I appoint my beloved Sons John Brierly and William Brierly sole Executors of this my last Will and Testament hereby revoking all former Wills by me made In Witness whereof I have hereunto set my Hand and Seal the Third Day of February in the Tenth Year of the Reign of King George the third and in the year of our Lord One thousand seven hundred and seventy

Signed sealed published and declared by the above named James Brierly to be his Last Will and Testament in the Presence of us who have hereunto subscribed our Names as Witnesses in the Presence of the Testator

James his ✕ mark Brierly [18]

Abraham Milne[19]
John Pennington
John Parkin

[16] spelt thus in original
[17] these words inserted above the line
[18] large red wax seal now worn away, covered with conservation material
[19] all witnesses sign their names; the last two letters of this surname are unclear, but 'Milne' seems most likely

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Probate Bond

19th May 1773

Size: 16½" x 13", folded in two vertically *Material: paper, water-marked*

Condition: damp-stained, a little paper loss

Seals: three small red wax seals, with right-facing portrait busts

Stamps: there are two revenue stamps, one embossed, value one shilling six pence, and one inked, value nine pence

Testator:	James Brearley of Buckleyhill in Marsden in the parish of Huddersfield, yeoman
Executors:	John Brearley of Marsden, cordwainer William Brearley of Marsden, corn factor (both are also bondsmen)
Bondsmen:	John Brearley of Marsden, cordwainer (signs) William Brearley of Marsden, corn factor (signs) James Whitehead of Marsden, corn factor (puts mark)
Lord of the Manor:	William Radcliffe Esquire
Steward of Manor:	John Battye, gentleman
Surety:	£200
Witnesses:	James Garside (signs)
Notes:	On Folio 2 recto is the number 154a in maroon ink (probably Manor of Marsden numbering) and the following note: 'Brearley & o[*th*]er to Radcliffe Esq[*ui*]r[*e*] & Battye Gent Probate Bond'