

# Haden.

This is the last Will and Testament of me John Haden of Swinton in the parish of Wath upon Dearne in the County of York xiii  
 (617) Gentleman I devise to John Thomas Foster of Swinton aforesaid Farmer and Joseph Clarke of the same place Chemist and Druggist their heirs and assigns All that the dwellinghouse with the garden orchard carriage house stabling and outbuildings thereto belonging situate in Swinton aforesaid now in my own occupation and also all that one dwellinghouse (formerly used as a shop and two cottages or tenements adjoining the said dwellinghouse and situate in Swinton aforesaid) now in the several occupations of Ann Adams and John Acaaster and also all that close or field of grass land called the new close or Rowms Field also situate and being in Swinton aforesaid containing three acres or thereabouts now in the occupation of Mr. John Reed or by whatsoever other name or description the said close may be now known by And also all that other field of Grass Land called the Butts Field recently purchased by me of my brother Thomas Haden situate in Swinton aforesaid containing by admeasurement two acres three roods or thereabouts now in my own occupation To hold the same hereditaments and premises with the rights members and appurtenances unto the said John Thomas Foster and Joseph Clarke their heirs and assigns during the life of my dear daughter Sarah Jane now the wife of William Jenkinson without impeachment of waste Upon trust to pay the clear rents and profits thereof (after deducting repairs insurances and other outgoings) as and when the same shall become due and not by way of anticipation into her own hands to

the true intent that the same may be enjoyed by her as an <sup>est</sup> <sup>est</sup>  
 inalienable personal provision and while covert free from the control and  
 engagements of her husband and for which rents and profits her receipts  
 alone shall be sufficient discharges to my said Trustees And from and  
 after her decease Upon further trust to pay the said clear annual <sup>rent</sup>  
 rents and profits of the said hereditaments and premises to her husband  
 the said William Jenkinson for the term of his natural life And after  
 the decease of the survivor of them the said Sarah Jane Jenkinson  
 and William Jenkinson Upon further trust to convey and assure the  
 said hereditaments and premises with the appurtenances To the child  
 if only one or the children if more than one of my daughter who  
 either before or after this limitation shall take effect in possession <sup>or</sup>  
 shall attain the age of twenty one years or who shall die under that  
 age and leave lawful issue living at the death or respective deaths  
 of the said Sarah Jane Jenkinson and William Jenkinson in fee <sup>of</sup>  
 simple such children if more than one to take in equal shares as  
 tenants in common But so that the issue of any such child so dying  
 as aforesaid shall take only the share or shares which the deceased  
 parent or parents would if living have taken But if no child of my  
 said daughter shall attain the age of twenty one years but shall die  
 under that age and not leave issue living at his or her death Then  
 to such person or persons for such estates and in such manner as my  
 said daughter whether covert or sole shall by any testamentary <sup>or</sup>  
 writing appoint And in default of appointment To my own right heirs  
 for ever I also devise to the said John Thomas Foster and Joseph  
 Clarke their heirs and assigns All those my eight cottages or tenements  
 also situate at Swinton aforesaid (and adjoining the dwellinghouse  
 and premises occupied by me and heretofore devised) now in the <sup>of</sup>  
 several occupations of Ann Walton Joseph Acaster and others And  
 also all that Close or field of arable land containing seven acres <sup>or</sup>  
 and twenty one perches or thereabouts called the Rowms Field also  
 situate and being in Swinton aforesaid now in the occupation of Mr  
 John Reed and also all that my estate consisting of a dwellinghouse  
 homestead and outbuildings together with the two acres of land more  
 or less belonging thereto situate at Gilberthoepe Hill Top in the parish  
 of Kimberworth now occupied by James Hartley Together with the <sup>of</sup>

outbuildings rights members easements and appurtenances <sup>to wit</sup> to  
 to all the said hereditaments and premises belonging To hold the  
 same hereditaments and premises unto the said John Thomas Foster  
 and Joseph Clarke their heirs and assigns Upon trust to permit my  
 dear son Thomas Haden to receive the rents and profits thereof (after  
 deducting all repairs insurances and other outgoings) for and during  
 the term of his natural life And from and after the decease of my  
 said son Thomas Haden Upon trust to convey and assure the same  
 hereditaments and premises with the appurtenances To the child if only  
 one or all the children if more than one of my said son Thomas who  
 either before or after this limitation shall take effect in possession shall  
 attain the age of twenty one years or who shall die under that age  
 and leave lawful issue living at the death of my said son Thomas  
 in fee simple such children if more than one to take in equal shares  
 as tenants in common but so that the issue of any such child so  
 dying as aforesaid shall take only the share or shares which the  
 deceased parent or parents would if living have taken But if no such  
 child of my said son Thomas shall attain the age of twenty one  
 years or shall die under that age and not leave lawful issue  
 living at his or her death Then to such person or persons for such  
 estates and in such manner as my said son Thomas shall by any  
 testamentary writing appoint And in default of appointment To my own  
 right heirs for ever I also devise to the said John Thomas Foster and  
 Joseph Clarke their heirs and assigns All those my eight cottages or  
 tenements with the yards gardens and appurtenances thereto (the site  
 thereof containing about two acres more or less) called Pinch Row  
 situate in the Township of Swinton aforesaid and now in the several  
 occupations of William Hides Charles Skelton Charles Lee and others  
 To hold the same unto the said John Thomas Foster and Joseph  
 Clarke their heirs and assigns Upon trust to receive the rents and  
 profits thereof and after payment of the incidental outgoings and  
 expenses to apply the net rents and profits or an adequate part thereof  
 as and when received in or towards the maintenance support and  
 education of my grandson William Blackburn Haden the natural son  
 of my deceased daughter Ann until he shall attain the age of twenty  
 one years and to invest the unapplied surplus (if any) of such rents

and profits in or upon the public funds or securities of the United Kingdom or on real or leasehold securities in England or Wales and improve the same as an accumulating fund varying the investment from time to time as often as may be thought proper for any other of the kinds aforesaid but with liberty to apply the income and if deemed necessary the capital also of the same fund for the maintenance or advancement in life of my said grandson And I empower my said Trustees so long as my grandson shall remain in the care of and reside with my said daughter Sarah Jane to pay to her the same rents and profits and the income of the said invested fund to be applied nevertheless solely for the support maintenance and education of my said grandson And I declare that the receipts of my said daughter Sarah Jane shall alone be sufficient discharges for such rents and profits so long as they shall be payable to her for the purposes aforesaid And from and immediately after my said grandson shall attain the age of twenty one years Upon further trust to convey and assure the same hereditaments and premises to him in fee simple And also to transfer to him as his absolute property the said unapplied fund (if any) arising from any such investment as aforesaid But in case of the decease of the said William Blackburn Haden before attaining the age of twenty one years and without leaving lawful issue Then I devise the said cottages or tenements and gardens heretofore devised for his benefit as aforesaid unto and to the use of my said daughter Sarah Jane Jenkinson her heirs and assigns for ever as her separate estate And as to all other my real and leasehold estates whatsoever and whosoever And as to all my money securities for money and household furniture plate china and other domestic effects whatsoever I give devise and bequeath the same accordingly unto the said John Thomas Foster and Joseph Clarke their heirs executors administrators and assigns Upon trust to sell and convert into money the residue of my said real estate and also my personal estate when or as the said Trustees or Trustee shall in their or his discretion deem it most advantageous to do so with power to make any special or other conditions of Sale and to buy in and resell and to rescind or vary any contract for sale and to resell without being answerable for any consequent loss And to execute and do all assurances and acts in

necessary for vesting the premises so sold in the purchasers or in  
 thereof respectively And I direct that the said John Thomas Foster  
 and Joseph Clarke or other the Trustees or Trustee for the time being  
 shall (after payment and satisfaction of my just debts funeral and  
 testamentary expenses) stand possessed of the clear surplus of the  
 monies to arise from any such sale or conversion as aforesaid Upon  
 further trust to pay and divide the same unto and equally between  
 my said son and daughter Thomas Haden and Sarah Jane Jenkinson  
 in equal shares as tenants in common to whom I give and bequeath  
 the same accordingly And I declare that the receipt or receipts in  
 writing of the said John Thomas Foster and Joseph Clarke or other  
 the Trustees or Trustee for the time being for all monies and effects to  
 be paid or delivered to them by virtue of my will shall be good  
 discharges and shall exonerate the persons respectively taking the  
 same from all liability to see to the application or disposition of the  
 monies or effects therein mentioned I give all estates which may be  
 vested in me as Trustee or Mortgagee with the appurtenances unto  
 the said John Thomas Foster and Joseph Clarke their heirs executors  
 administrators and assigns Subject to the equities affecting the same  
 but so that the monies to arise from any such mortgages form part  
 of my personal estate Provided always that if the Trustees hereby  
 appointed or either of them shall happen to die in my lifetime or  
 shall renounce the execution of or be unwilling or incapable to act  
 in the trusts hereby in them respectively reposed or shall go to reside  
 abroad before the said trusts shall be fully executed then and as  
 often as the same shall happen it shall be lawful for the surviving  
 or continuing Trustee or if there be no such Trustee then for the  
 retiring or renouncing Trustee for the time being or if there shall  
 be no such last mentioned Trustee then for the executors or administrators  
 of the last deceased Trustee to nominate and appoint some fit  
 person or persons to supply the place or places of the Trustee or  
 Trustees respectively so dying residing abroad or becoming unwilling  
 or incapable to act as aforesaid And that immediately after every  
 such appointment the said trust estate monies and premises shall be  
 conveyed assigned or transferred in such manner that the same may  
 vest in such new Trustee or Trustees either solely or jointly with the

surviving or continuing Trustee or Trustees as the case may require  
 And such new Trustee or Trustees shall have and be capable of  
 exercising all the powers and authorities whatsoever hereinbefore contained  
 in the same manner to all intents and purposes as if he or they  
 had been originally appointed a Trustee or Trustees by this my will  
 Provided also that the Trustees or Trustee for the time being of this  
 my will shall be charged and chargeable with such monies only  
 as they respectively shall actually receive by virtue of the trusts  
 hereby reposed in them notwithstanding their joining in any receipts  
 or doing any other act for the sake of conformity and that they  
 shall not be answerable for involuntary loss And that it shall be  
 lawful for them by and out of the money which shall come to their  
 respective hands by virtue of the trusts aforesaid to deduct retain  
 and reimburse themselves respectively all costs charges damages and  
 expenses which they or he may sustain disburse or incur in or  
 about the execution of the aforesaid trusts or in relation thereto And  
 lastly I hereby nominate constitute and appoint the said John  
 Thomas Foster and Joseph Clarke joint Trustees and Executors of this  
 my will and also Guardians of my said grandson William Blackburn  
 Haden during his minority And I revoke all former wills by me  
 heretofore made and do declare this only to be and contain my last  
 will and Testament **In Witness** whereof I have hereunto set my  
 hand this twenty second day of December One thousand eight  
 hundred and sixty five, John Haden, Signed by the said  
 Testator John Haden as and for his last will and Testament in  
 the presence of us who at his request in his presence and in the  
 presence of each other have hereunto subscribed our names as witnesses  
Fred. L. Harrop Solicitor Swinton, Edwin J. Harrop his  
 Clerk. // p. 26

Proved at Wakefield the 11<sup>th</sup> day of  
 April 1866 by the oaths of John Thomas  
 Foster and Joseph Clarke the Executors to  
 whom Administration was granted.

The Testator John Haden was late of Swinton in the  
 parish of Wath upon Dearne in the County of York

Gentleman and died on the 3<sup>rd</sup> day of ~~the 17<sup>th</sup>~~  
February 1866 at Swinton aforesaid.

Under £200.

J. L. Harrop Solicitor Swinton.

*(initials)*

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