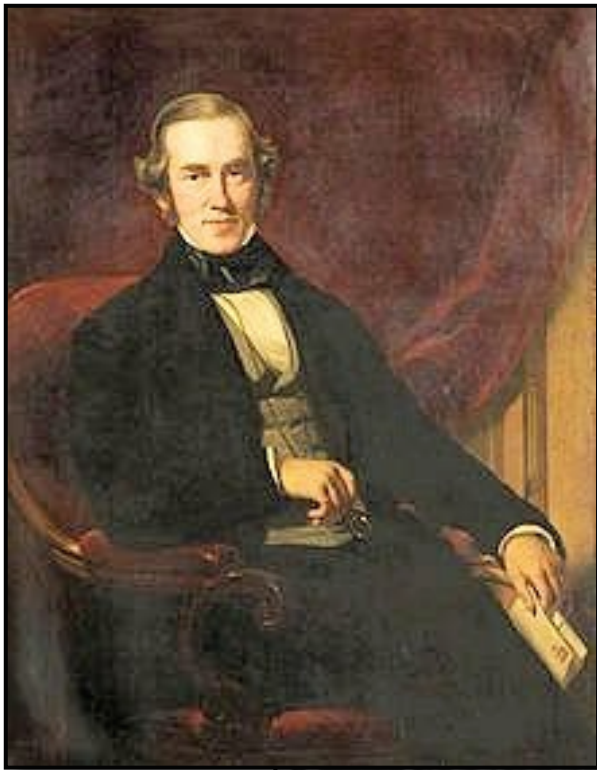
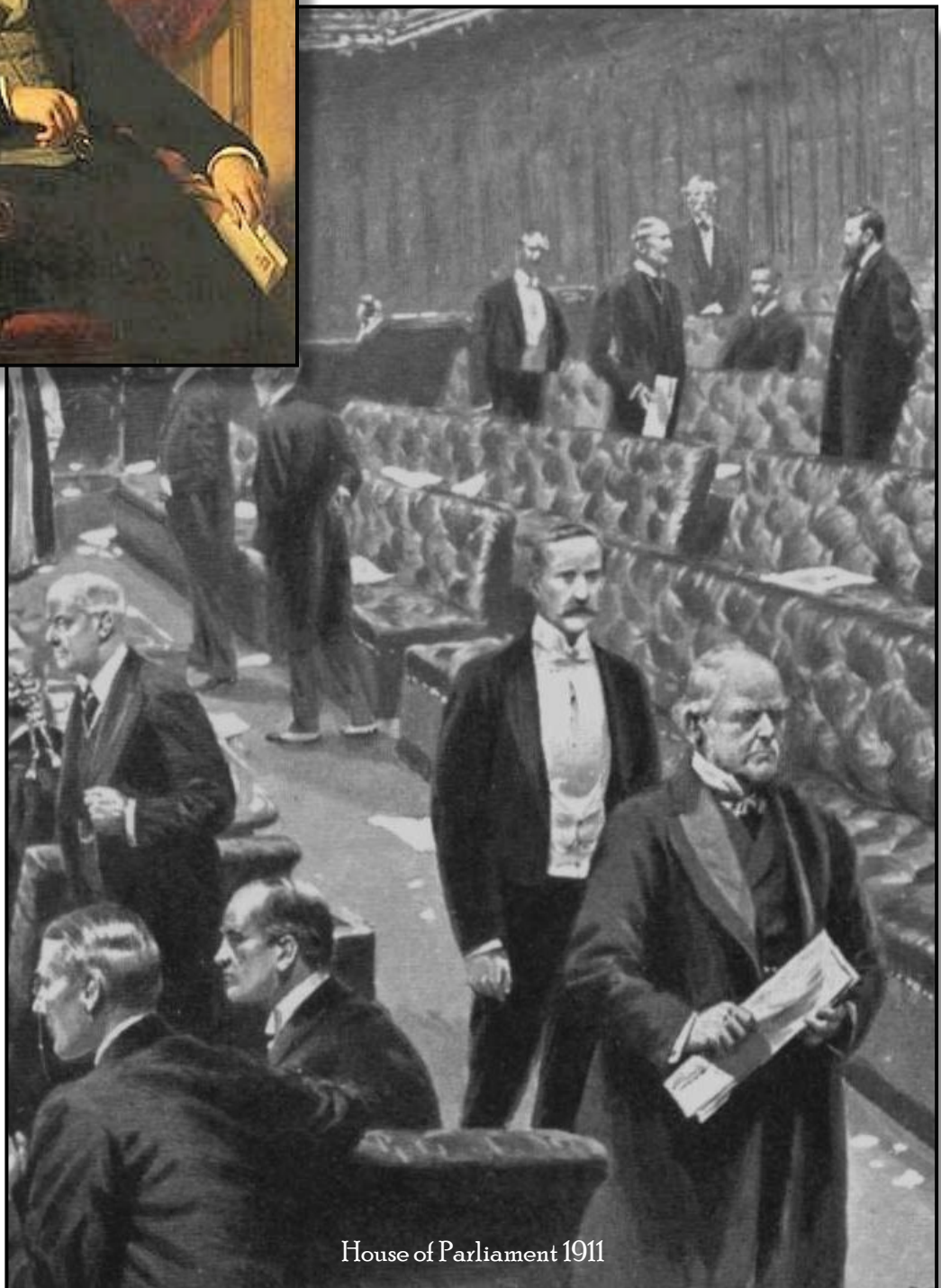


# Colton History Society



The Will of Thomas  
Berry Horsfall  
Business man and  
Politician



House of Parliament 1911





66  
I Thomas Berry Horsfall of Bellamour Hall  
in Colton in the County of Stafford Esquire hereby revoke  
all Wills Codicils and other Testamentary dispositions ~  
heretofore made by me and declare this to be my last Will  
and Testament I give to my Wife Lucy Martha so long as  
she shall continue my Widow such an Annual Sum of  
money as together with and including the annual income  
of Twenty thousand pounds which I have by Settlement  
covenanted to secure to her will make up the annual ~  
income of Three thousand pounds such Annuity to be in  
lieu of all dower to which my said wife might otherwise  
be entitled in my estates I bequeath to my said Wife ~  
absolutely all my wines liquors fuel consumable provisions  
also one Carriage and a pair of horses and harness for the  
same with my stock of Hay and Corn Also all my linen  
clothing wearing apparel watch and papers Also I bequeath  
to my said Wife the use and enjoyment of all my furniture  
china books prints and pictures and all my plate and  
plated Articles (except the Silver Cradle hereinafter mentioned)  
during her life provided she shall so long remain my Widow  
and continue to reside at my Mansion called Bellamour  
Hall free from responsibility for any natural deterioration  
or unavoidable loss which may happen thereto And I  
require my Executors to cause an Inventory to be taken  
thereof and two copies of such Inventory to be signed by  
my said wife one to be kept by herself and the other by  
my Executors After the death of my said wife or in case of  
her marrying again or ceasing to reside at my said ~  
Mansion I bequeath the said furniture china books prints  
and pictures and all my plate and plated Articles (except  
the said Silver Cradle) to my son Henry Leake Horsfall  
I give and bequeath to my daughter Mary Cox the said  
Silver Cradle which was presented to my late Wife I give to  
each of my sisters Annie Cox Caroline Denton and Ellen  
Wainwright and to my sister-in-law Mary Leake the sum  
of One thousand pounds and to each of my sisters-in-law





66  
Jane Hey Charlotte Elizabeth Horsfall and Annie  
Margaret Nolan the sum of Five hundred pounds and  
to each of my Nieces Elizabeth and Mary Louisa daughters  
of the late Thomas Porter (one of whom is married) the  
sum of Five hundred pounds I direct that the Legacies of  
such of my aforesaid Sisters Sisters-in-law and Nieces as shall  
be under coverture at the time of my decease shall be paid  
to them respectively for their respective sole and separate  
use I give the sum of Five hundred pounds to be applied  
for the benefit of Sophia only daughter of my late Sister-  
in-law Annie Moss in manner following that is to say  
such sum to be invested in the names of the Trustees or  
Trustee for the time being of this my Will in one or more  
of the securities hereinafter mentioned and the income ~  
thereof to be applied towards the maintenance and education  
of the said Sophia such Income being paid if my said  
Trustees or Trustee shall think fit to her father as her  
Guardian and upon her attaining Twenty-one or marrying  
under that age with her father's consent the principal ~  
sum and any accumulations of income to be paid or ~  
transferred to her for her separate use free from the control  
of her husband I give to my Butler John Barclay and  
to Mary Anne Hancock now in my service the sum of  
One hundred pounds each And I give to all other my  
male and female servants who shall be in my service  
at the time of my death and shall have been in my  
service for three years prior thereto one year's wages And  
I direct that the several pecuniary legacies hereinbefore  
bequeathed shall be paid free of Legacy duty I give and  
devise all those my two small properties in Derbyshire  
(one of which I have inherited from my late son Charles)  
unto my son Henry Leake Horsfall his heirs and assigns  
for ever I give and devise unto and to the use of my ~  
brother George Henry Horsfall and my son-in-law the  
Reverend Edward Hardland their heirs and assigns my  
Messuage or Mansion called "Bellamour Hall" with the



<sup>66</sup> outbuildings gardens and land thereto belonging situate in Colton in the County of Stafford including "Parchfields Estate" and also my estate called "Burto" and also any and all other lands and hereditaments belonging to me in the said County of Stafford with all the rights easements and appurtenances thereto belonging all which premises are meant and included under the designation "my said Bellamour Hall Estate" where the same hereinafter occurs Upon trust to permit and suffer my said Wife to have the use and enjoyment thereof and to receive the rents and profits thereof for her own use (in addition to the Annuity of Three thousand pounds which I have hereinbefore bequeathed to her) so long as she shall continue my Widow and continue to reside in the said Mansion House she keeping the said Mansion house and all the buildings in repair and insured against fire Provided and I expressly declare that no successor to the said Bellamour Hall Estate under the trusts hereinafter declared shall have any right or power of interfering in any way during the residence of my said Wife either as to repairs or insurance of the said Mansion and buildings or otherwise howsoever And from and after the death or marriage again of my said Wife or her ceasing to reside in the said Mansion House I in trust for my Son Henry Leek Horsfall during his life without impeachment for waste And from and after his death I in trust for such one or more of his sons or their male issue born in his lifetime and if more than one in such shares for such estate or estates interest or interests and in such manner as he by deed or Will may appoint And in default of and subject to any such appointment I in trust for his first and every other son and the issue male of such first and every other son in succession so that every elder son of my said son Henry Leek and his issue male may be preferred to every younger son and his issue male And on failure of such issue Upon the trusts and for the purposes hereinafter declared concerning the



<sup>clw</sup> I empower the Trustees or Trustee for the time being of this my Will of their or his own authority during the minority of the person for the time being entitled to the immediate beneficial enjoyment of my said Bellamour Hall Estate and after the majority of such person at his request and with his consent in writing to demise or lease my said Bellamour Hall Estate or any parts or parts thereof for any term or terms of years not exceeding Twenty one years in possession or to let the same from year to year at the best yearly rent or rents payable half yearly which in the judgment of the said Trustee or Trustees can be reasonably obtained without any fine or premium and during the minority of any person so entitled to receive the rents of my said Bellamour Hall Estate and to apply so much thereof as the said Trustees or Trustee for the time being may deem proper for keeping the said Mesouage or Mansion house and other buildings in repair and insured against fire and the Estate generally in repair and to apply the residue of such rents and profits in and towards the maintenance and education or otherwise for the benefit of the person so entitled And it is my Will and I direct that on failure of the issue male of my said son Henry Leeke my said Bellamour Hall Estate shall be held by the Trustees or Trustee for the time being of this my Will Upon the trusts hereinafter declared concerning the residue of my real Estate And I give devise and bequeath unto the said George Henry Horsfall and Edward Harland their heirs executors and administrators respectively all the residue of my real and personal estate whatsoever and wheresoever Upon trust that the said George Henry Horsfall and Edward Harland or the survivor of them or the executors or administrators of such survivor (hereinafter called my said Trustees or Trustee) do and shall at such time or times as he or they in his or their discretion may deem most advantageous sell call in and convert into money my residuary real and



personal estate or such part thereof as shall not consist of money and shall out of the moneys to arise thereby and out of my ready money pay my funeral and testamentary expences and debts (including the sum of Twelve thousand five hundred pounds which on the marriage of my daughter Elizabeth Dorothy Harland I covenanted to pay to the Trustees of her marriage Settlement) and all the costs charges and expences of performing the trusts of this my Will and the Legacies hereinbefore bequeathed And shall also pay or appropriate to or for the benefit of my children hereinafter named the several Legacies following that is to say To or for my daughter Elizabeth Dorothy Harland the wife of the Reverend Edward Harland the sum of Seven thousand five hundred pounds which with the aforesaid sum of Twelve thousand five hundred pounds which on her marriage I covenanted to pay to the Trustees of her Settlement within twelve months after my death will make up the sum of Twenty thousand pounds To or for my daughter Louisa Hale the wife of the Reverend Thomas Hale of Belper the sum of Twenty thousand pounds To or for my son Thomas Marsh Horsfall the sum of Twenty thousand pounds To or <sup>for</sup> my son Robert Horsfall the sum of Twenty thousand pounds To or for my said daughter Mary Cox Horsfall the sum of Twenty thousand pounds To or for my daughter Jessie Horsfall the sum of Twenty thousand pounds And to or for each of my three children by my late Wife Sophia that is to say William Edward Allegonda Sophia and Henry Deke such a sum of money as with compound interest at Four pounds per Centum per annum during the minority of such child ~~would~~ at the time of such child attaining the age of Twenty-one years amount to the Capital sum of Twenty thousand pounds And to or for my daughter Lucy Beatrice the sum of Five thousand pounds and to or for my daughter Annie Gwendoline the sum of Five thousand pounds and to or for each child of mine that



<sup>66</sup> may be hereafter born the like sum of Five thousand ~~pounds~~ pounds And I direct that the Legacies hereinbefore given to the children of my late wife Sophia and to the children of my present wife shall be invested at compound interest upon the investments hereinafter authorized And I declare that the legacies hereinbefore bequeathed to my said children Mary Cox Horsfall and Jessie Horsfall shall be taken ~~in~~ in lieu and satisfaction of their respective shares of and in the moneys mentioned and comprised in the settlement made previous to my marriage with my late wife Mary which moneys I hereby in exercise of every power enabling me in this behalf appoint to my said last mentioned children equally so that their shares shall be taken as parts and portions of their aforesaid Legacies And I also declare that the legacies hereinbefore bequeathed to my said children William Edward Allegonda Sophia and Henry Leake shall be taken in lieu and satisfaction of their respective shares in the sum of Twenty thousand pounds settled on my late Wife Sophia which I hereby in exercise of every power enabling me in that behalf appoint to my said last mentioned children equally so that their shares shall be taken as parts and portions of their said Legacies And I further declare that the Legacies hereby given to my daughters Lucy Beatrice and Annie Gwendoline and to my after born children shall be in addition to their respective shares of and in the sum of Twenty thousand pounds settled by me on the occasion of my marriage with my present wife And I declare that in case any of my aforesaid children being a son or sons shall die under the age of Twenty one years without leaving issue living at his ~~decease~~ or being a daughter or daughters shall die under that age and without having been married then and in such case the share or legacy of the child or children so dying shall go and belong to my said son Henry Leake Horsfall his executors administrators and assigns And I direct my said Trustees or Trustees



<sup>cu</sup>  
to pay and apply such an annual sum of money as shall  
in their or his opinion be necessary for the education and  
maintenance of my said children William Edward Allegonda  
Sophia Henry Leeké Lucy Beatrice and Annie Gwendoline  
and any children born to me after the date of this my Will  
during their respective minorities not to exceed for each  
such child the annual sum of Two hundred pounds And  
I direct that the moneys hereby directed to be applied for  
the maintenance or education of the children of my present  
wife may be paid to my said wife for that purpose without  
any further liability on the part of such Trustees or Trustee  
to see to the application thereof And I declare that my  
said Trustees or Trustee shall stand possessed of the residue  
of the said trust moneys In trust for my son Henry Leeké  
Horsfall his executors administrators and assigns And whereas  
I have paid and advanced the sum of Four thousand and  
ninety eight pounds six shillings and eight pence for the  
purchase of half the interest in two Water paper Mills and  
Works for my son Robert Horsfall and have lent and  
advanced the sums of Five thousand pounds and Four  
thousand pounds the latter sum now reduced by payment  
to Two thousand pounds to the firm of Messrs G. W. Hayes  
and Company (the said firm consisting of Mr. George William  
Hayes and my said son Robert) for the purpose of carrying  
on the said paper Works and the same sums of Five  
thousand pounds and Two thousand pounds are due and  
owing to me from the said firm Now it is my Will and I  
declare that the aforesaid sum of Four thousand and ninety  
eight pounds six shillings and eight pence and any other  
sums which I may hereafter pay to or on account of my  
said son Robert shall be considered as an advancement  
to him under the clause hereinafter contained and that  
the said sums of Five thousand pounds and Two thousand  
pounds or the unpaid portion thereof and any further  
sum or sums which may be owing to me by the said last  
mentioned firm at the time of my death shall to the extent



of the unsatisfied portion of the Legacy of Twenty thousand pounds hereinbefore bequeathed to or for my said son Robert be transferred to and taken by or for my said son Robert at the full amount in or towards satisfaction of such unsatisfied portion and that the residue if any of the moneys owing to me from the said firm shall remain as a debt owing to my estate from the said firm And I direct that any moneys which shall be payable by my said Trustees or Trustee in respect of the Legacy so intended for the benefit of my said son Robert shall be settled upon his wife and children so as to protect the same from his control or from his Creditors and with that object I empower my said Trustees or Trustee in their or his discretion to pay the same over to the Trustees of any Settlement which my said son Robert may have made for the benefit of his wife and children And I declare that (except so far as I may hereafter provide to the contrary) every sum of money or other provision heretofore or hereafter given or agreed to be given to or with any of my sons for his establishment in business or otherwise for his advancement in the world or to or with any of my daughters upon her marriage (except the said sum of Twelve thousand five hundred pounds so as aforesaid covenanted to be paid to the Trustees of the Marriage Settlement of my said daughter Elizabeth Dorothy Harland which I have already taken into account) shall be considered as forming part of the Legacy hereinbefore bequeathed to such son or daughter respectively and shall be accounted for accordingly Nevertheless it is not my intention that any sum which I have heretofore advanced to my son Thomas Marsh shall be charged to his account as part of his aforesaid legacy And I declare that in case of any dispute difference or doubt as to what sums of money and other provisions are liable to be brought into account as aforesaid or as to the amount or value of any advancement or otherwise in relation to the operation of the directions



66<sup>n</sup>  
as to advances hereinbefore contained my said Trustees  
or Trustee shall decide upon and settle the same and  
their or his decision shall be final And I direct that  
the said sum of Twenty thousand pounds hereinbefore  
bequeathed to or for my said son Thomas Marsh Horsfall  
shall be retained and held by my said Trustees or Trustee  
Upon the Trusts and for the purposes following that is to  
say As to the sum of Twelve thousand pounds part thereof  
Upon trust for such of the children now living of my said  
son Thomas Marsh Horsfall as being male shall attain  
Twentyone or being female shall attain that age or ~  
marry under in equal shares Provided always that if  
any of such children shall die in my lifetime or after  
my death under the age of Twenty one years leaving a  
child or children who shall survive me and being male  
shall attain Twentyone or being female shall attain that  
age or marry under Then and in every such case the  
last mentioned child or children shall take (and if more  
than one equally between them) the share whether original  
or accruing to which his her or their parent would have  
been entitled if such parent had survived me and ~  
attained Twentyone Provided always and I declare that  
during the minority of any such child or grandchild of  
my said son Thomas Marsh Horsfall my said Trustees or  
Trustee shall invest the expectant or presumptive share  
of such minor in the manner hereinafter mentioned and  
shall apply all or such part as they or he shall think fit  
of the income of such share towards the maintenance and  
education of such minor and with liberty at their discretion  
to pay such income or any part thereof to any Guardian  
or Guardians of such minor And shall accumulate the  
residue of such income with liberty from time to time to  
resort to the accumulations of any preceding year or years  
and to apply the same for or towards the maintenance or  
education of any person for the time being presumptively  
entitled thereto And in case all such children shall die



66<sup>n</sup>  
under the age of Twenty-one years if male and under  
that age and without having been married if female  
and without leaving any child or children who shall  
survive me and who being male shall attain Twenty-one  
or being female shall attain that age or marry under  
then the aforesaid sum of Twelve thousand pounds and  
the Investments thereof shall be held upon the Trusts ~  
hereinafter declared of the sum of Eight thousand pounds  
next hereinafter mentioned And as to the sum of Eight  
thousand pounds being the remainder of the said sum of  
Twenty thousand pounds I direct that my said Trustees  
or Trustee shall stand possessed thereof Upon trust to ~  
invest the same in manner hereinafter mentioned and  
if my said son Thomas Marsh Horsfall shall not at my  
decease be outlawed or an uncertificated Bankrupt to pay  
the income of the said sum of Eight thousand pounds  
and of the Investments thereof to my said son Thomas  
Marsh Horsfall during his life or until he shall become  
outlawed or a Bankrupt or shall assign charge or otherwise  
dispose of the said income by way of anticipation or agree  
so to do or until the said annual income or any part ~  
thereof shall be seized attached or taken in execution ~  
for any debt or damages contracted by or which may ~  
have been recovered against my said son And after ~  
the failure or determination of the trust hereinbefore ~  
contained in favor of my said son Thomas Marsh Horsfall  
if such failure or determination shall occur during the  
life of my said son my said Trustees or Trustee shall ~  
thenceforth during the remainder of the life of my said  
son pay and apply the said annual income at the ~  
discretion of my said Trustees or Trustee in or towards  
the maintenance education and support of the children  
of my said son and from and after the decease of my  
said son the said sum of Eight thousand pounds and  
the investments and the future income thereof shall be ~  
held by my said Trustees In trust for all and every



66<sup>n</sup>  
the aforesaid children of my said son who being male - shall attain the age of Twenty one years or being female shall attain that age or marry and if more than one in equal shares And if there shall be no child of the said Thomas Marsh Horsfall who being a son attains the age of Twenty one years or being a daughter attains that age or marries under that age then from and after the failure or determination of the trusts hereinbefore declared of and concerning the said sum of Eight thousand pounds and the investments and income thereof the same sum and the investments and income thereof shall be held in trust for my said son Henry Leeke his executors administrators and assigns And I request and authorize my said Trustees or Trustee to pay and apply all or such part as they or he shall think proper of the income of the Legacy to which my daughter Jessie so long as she shall be a minor and unmarried shall be entitled under the trusts aforesaid for and towards her maintenance and education or otherwise for her benefit with power to pay such income to the Guardian or Guardians of such daughter without requiring any account of the application of the same - and to accumulate the unapplied income if any subject to be applied as aforesaid if my said Trustees or Trustee shall think fit in augmentation of the original Legacy from which such income shall have arisen And I declare and direct that my said Trustees or Trustee shall stand and be possessed of the Legacies hereinbefore bequeathed to or for the benefit of my daughters respectively and all accumulations thereof <sup>and the income thereof respectively</sup> upon the trusts following that is to say Upon trust to invest the same respectively in manner hereinafter authorized and to pay to each daughter after she attains the age of Twenty one years or marries under that age the income of her legacy during her life upon her own receipts for her sole and separate use free from the debts or control of any husband and so that she may not dispose of or charge the same or any



66<sup>n</sup>  
part thereof by anticipation And from and after her ~~own~~  
~~decease~~ ~~upon~~ trust if she shall so direct by Will or Codicil  
to pay the income of such Legacy or any part thereof to  
her surviving husband during his life subject to a trust  
in him to maintain and educate her child or children  
(if any) and subject also to the condition that if by reason  
or in consequence of any act deed or thing whatsoever done  
~~executed~~ committed or suffered to be done by him or if by  
operation of law the said income if payable to such  
husband absolutely would be vested in or payable to  
any other person or persons so that he would not be entitled  
to receive the same for his personal beneficial enjoyment  
when and as the same shall arise and become payable  
Then and in such case the trust hereinbefore limited  
and any appointment for the benefit of such surviving  
husband shall determine and be void as if he had died  
And subject to such last mentioned trust the legacy of  
such daughter and the investments and income thereof  
shall go and be in trust for such one or more exclusively  
of the others or other of her issue whether child children or  
remoter issue to be born in her lifetime or within Twenty  
one years after her death and if more than one in such  
shares for such interests and in such manner in all  
respects as such daughter shall whether covert or sole  
and notwithstanding coverture by any deed or deeds  
executed by her in the presence of and attested by two  
or more credible Witnesses or by her Will or by any Codicil  
thereto direct or appoint And in default of and subject  
to any such <sup>direction</sup> ~~trust~~ or appointment in trust for all and  
every the child or children of such daughter who shall  
attain the age of Twenty one years or shall die under that  
age leaving lawful issue if more than one such child in  
equal shares and if only one child in trust for such one  
child But no child of such daughter to whom or to whose  
issue any part of the ~~same~~ trust moneys or investments  
shall be appointed as aforesaid shall participate in the



<sup>66</sup>  
unappointed portion thereof under the trusts aforesaid, without bringing all the part or share so appointed to him or her or to his or her issue into distribution and accounting for the same accordingly unless my daughter making such appointment shall direct the contrary in writing And if any of my said daughters shall die without having any child or issue who under the trusts aforesaid shall attain an absolute vested interest in her legacy or any part thereof then and in every such case the same legacy and the investments and income thereof or so much thereof as shall not have been applied under any of the trusts or provisions herein contained shall be subject to and after the determination of the trusts hereinbefore contained concerning the same go and be disposed of as follows that is to say As to the sum of Five thousand pounds part thereof and to be raised thereout as my said Trustees or Trustee shall think fit In trust for such person or persons and for such intents and purposes generally as such daughter whether covert or sole and notwithstanding coverture shall by her Will or any Codicil thereto appoint And as to the residue thereof and also as to such sum of Five thousand pounds or any part thereof in default of and subject to any such appointment as aforesaid In trust for my said son Henry Leake his executors administrators and assigns And I direct my said Trustees or Trustee to pay and apply for and towards the maintenance and education or otherwise for the benefit of each and every grandchild of mine during his and her minority all such part of the income and of the accumulations (if any) of the income of the presumptive share of any and each such grandchild in the said trust moneys under the trusts aforesaid as my said Trustees or Trustee shall think proper after the death of my son or daughter the parent of such grandchild but subject and without prejudice to any appointment in favour of the surviving husband of any daughter of mine the parent of such



66<sup>th</sup>  
grandchild. And to accumulate the residue (if any) of such income (but subject to be applied as aforesaid in augmentation of the principal trust fund from which the same shall arise) And I also empower my said Trustees or Trustee to pay and apply any part or parts not exceeding in the whole one third of the presumptive share of any and each grandchild of mine under the trusts aforesaid for and towards his preferment or advancement in the world or otherwise for his benefit but during the life of my daughter the Mother of such grandchild not without her consent in writing which consent she is hereby empowered to give whether covert or sole And I declare that from the time of my death my unsold residuary real and leasehold Estates and outstanding personal estate shall be subject to the trusts hereinbefore declared concerning the net moneys to arise therefrom and the rents interest and yearly produce thereof including interest payable on my Capital or profits arising from my share in any partnership Concern shall be deemed annual income for the purposes of such trusts and such real estate shall be transmissible as personal estate and be considered as converted in equity I direct and authorize my said Trustees or Trustee to lay out and invest all the moneys requiring investment for the purposes of this my Will in their or his names or name in or upon any of the Parliamentary Stocks or funds of Great Britain or at Interest upon Government or real or leasehold securities in England Wales or Ireland or on the Bonds or other securities of any body Corporate or public body (other than Railway Companies) authorized by Parliament to borrow money with full power for my said Trustees or Trustee to vary and transpose all or any of such Investments and also all or any of the stocks funds or securities of which I shall die possessed for or into any others of the description aforesaid when they or he may deem it expedient I declare it to be my intention that



the provision hereinbefore made by this my Will for each and every of my children is so made on the express condition that none of them shall make any claim whatsoever against the Trustees of any of my marriage settlements for or in respect of any investment of the trust moneys under any settlement or any part thereof made in my lifetime which may not be in accordance with the powers or provisions therein respectively contained or for any loss or damage which may arise to the trust funds or any of them by or in consequence of such Investments And I also declare that the provisions hereby made for my children (except my children by my present wife) and their issue respectively are in lieu and full satisfaction of any provision they may respectively be entitled to under any Marriage Settlement or Settlements made by me and so that the moneys by such settlement or settlements secured to my children respectively (except as aforesaid) may subject to the directions appointments and provisions herein contained be considered as part of the trust moneys comprised in this my Will and so that my said children or any person or persons deriving a Title under them and also claiming any benefit under this my Will may be bound to conform to the dispositions hereby made I devise all Estates which at my decease may be vested in me as Trustee or Mortgagee unto my Trustees herein named their heirs and assigns Upon the trusts and subject to the Equities affecting the same the money owing to me as Mortgagee to be considered part of my personal Estate I empower the acting Executors or Executor of this my Will and also my said Trustees or Trustee to satisfy any debts claimed to be owing from me or my estate and any liabilities to which I or my Estate may be alleged to be subject upon any evidence they or he may think proper and to accept any composition or security for any debt and to allow such time for payment (either with or without taking



Security) as to the said acting Executors or Executor  
Trustees or Trustee shall seem fit And also to compromise  
or submit to arbitration and settle all accounts and  
matters belonging or relating to my Estate and to  
divide or apportion any blended trust moneys stocks  
funds or securities between or among the several persons  
entitled thereto in such manner as they or he shall deem  
just and reasonable according to the respective rights  
and interests of such person And such division or  
apportionment shall be as binding and conclusive upon  
all persons then or thereafter to be interested in the premises  
as if the same had been duly made by a Court of  
competent jurisdiction and generally to act in regard  
to my Estate as they or he shall think expedient without  
being responsible for any loss occasioned thereby And  
I direct my Executors to wind up and close or dispose  
of within Twelve months from my death or as soon after  
as can conveniently be done any Concern or Concerns in  
which I may be engaged except the Concern of "Charles  
Horsfall and Sons" which shall be wound up and  
closed within five years from that event or as much  
earlier as convenient upon such terms in every respect  
as my Executors may think expedient with power to  
investigate arrange and settle all accounts and  
transactions whatsoever between me and any person  
or persons with whom I am or shall be concerned in  
any partnership or partnerships and to do all the things  
necessary or expedient for effecting or facilitating the  
final settlement of all matters arising out of any  
principal Concerns in which I shall be engaged at  
my death And I empower my said Executors and if  
my partner or partners at the time of my death in the  
said concern of "Charles Horsfall and Sons" shall so  
desire I direct them to permit the amount due to me  
from the said concern of "Charles Horsfall and Sons" to  
remain in the concern on the personal Security of my



<sup>6th</sup> said partner or partners and to be repaid to my said Executors by five equal yearly payments the first of such payments to be made at the expiration of twelve months after my death the amount for the time being due ~ carrying interest at Four pounds per centum payable half yearly And I declare that the said George Henry Horsfall my partner in the said firm of Charles Horsfall and sons or any other Trustee of this my Will who may be interested in any question arising thereunder may exercise or participate or concur in exercising all the several powers hereinbefore given to my said Trustees or Trustee in the same manner as if he were a stranger and not interested under this my Will notwithstanding that he may have a direct or any other personal interest in the mode or result of exercising such power But ~ nevertheless if he the said George Henry Horsfall or ~ such other Trustee as aforesaid having an interest shall think fit to abstain from taking part in any particular act or acts to be done in the execution of the Trusts or powers of this my Will in relation to which he shall have a personal interest such act or acts may be done by the other Trustees or Trustee of this my Will without his taking part therein and as if such other Trustees or Trustee were the sole Trustees or Trustee or with the merely formal concurrence if and so far as is requisite of the said George Henry Horsfall or such other Trustee having an interest It is my express wish and Will that if any child or ~ Children of mine or any other person or persons interested under this my Will shall have any dispute or difference with my Executors or Trustees for the time being or any of them every such difference or dispute shall be settled by arbitration except so far as the decision of my said Trustees or Trustee is hereby made conclusive I declare that every receipt in writing which shall be given by the Trustees or Trustee for the time being acting under this my Will for any money payable or any stocks funds or securities



26<sup>th</sup>  
transferred to them or him under this my Will shall ~~be~~  
be a sufficient discharge for the same and shall exonerate  
the person or persons paying such money from all ~~in~~  
responsibility as to the application thereof And I declare  
and direct that the said Trustees hereby appointed or  
either of them or any Trustee or Trustees to be appointed  
as hereinafter is provided shall die either in my lifetime  
or after my death or be desirous of being discharged ~~in~~  
from or refuse or become incapable to act or remain ~~in~~  
abroad for more than twelve calendar months at one  
time then and so often as the same shall happen the  
surviving or continuing Trustees or Trustee or the executors  
or administrators of the last continuing Trustee and  
for this purpose any retiring Trustee shall if able and  
willing to act be considered a continuing Trustee may  
appoint any other person or persons to be a Trustee or  
Trustees in the place of the Trustee or Trustees so dying  
or desiring to be discharged or refusing or becoming  
incapable to act or remaining abroad And upon every  
such appointment the said trust premises shall be so  
transferred that the same may become vested in the  
new Trustee or Trustees jointly with the surviving or  
continuing Trustee or Trustees or solely as the case may  
require And upon every such appointment the number  
of Trustees may be augmented or reduced I appoint  
my brother George Henry Horsfall and my son-in-law  
the Reverend Edward Harland Executors of this my  
Will And I give to each of my Executors who shall act  
in the Trusts of this my Will the sum of One thousand  
pounds And lastly I appoint my sister Dorothy Anderson  
and my son-in-law Edward Harland to be the Guardians  
of my daughter Jessie - and my brother-in-law Edward  
Leake my sister-in-law Mary Leake and my present Wife  
Lucy Martha to be the Guardians of my infant children  
William Edward Allegonda Sophia and Henry Leake and  
my said wife to be sole Guardian of her daughters Lucy



66  
Beatrice and Annie Gwendoline and of any other children she may have by me In witness whereof I have to this my last Will and Testament contained in this and the fifteen preceding sheets of paper set my hand this Fifteenth day of August One thousand eight hundred and seventy three //

Signed by the said Thomas Bervy Horsfall as and for his last Will and Testament in the joint presence of us who at his request in his presence and in the presence of each other have hereunto subscribed our names as Witnesses

Thomas B. Horsfall

Francis H. Kendall Solicitor Liverpool  
Jno. Hunter Clerk of Messrs Simpson & North  
Solicitors Liverpool

Re-declared by the testator on the tenth day of May 1875 (the words "including the moneys to arise from the sale of my Bellamour Hall Estate" on the sixth sheet having been first struck through) in the joint presence of us who in his presence and in the presence of each other have subscribed our names as Witnesses -

Palgrave Simpson Sol<sup>r</sup> Liverpool  
Edward Barnett

Footman Bellamour Hall

10

This is a Codicil to the foregoing Will of me Thomas Bervy Horsfall Whereas I have by my said Will given a Legacy of Twenty thousand pounds to my son William Edward with a gift over (in the event of his death under twentyone) to his Brother Henry Leek Now my said son William Edward having departed this life I revoke the said Legacy to him and declare that the same shall fall into my residuary estate And I authorize my Trustees or Trustee to apply for the maintenance and education of my said son Henry Leek (if they see fit) any sum not

10



exceeding Three hundred pounds a year And I authorize my said Trustees or Trustee to pay into the hands of my present Wife (so long as she shall remain my Widow) such annual sum as they shall consider suitable for the maintenance and education of any of my children who shall be minors Dated this twenty seventh day of November 1874 //

Signed by the said Thomas Berry Horsfall in the joint presence of us who in his presence and in the presence of each other have subscribed our names as Witnesses

Thomas B. Horsfall

Palgrave Simpson Liverpool Solicitor  
John Barkley Butler Bellamour

This is a second Codicil to the last Will and Testament of me Thomas Berry Horsfall of Bellamour Hall in Colton in the County of Stafford Esquire Whereas I have by my said Will bearing date the fifteenth day of August One thousand eight hundred and seventy three given devised and bequeathed to my son Henry Leake Horsfall divers estates and benefits subject to the modifications expressed in a Codicil thereto dated the twenty seventh November One thousand eight hundred and seventy four Now I desire in the event of my said son Henry Leake Horsfall dying under the age of twenty one years without leaving issue him surviving or born in due time afterwards that all the estates and benefits intended for my said son Henry Leake shall be held by the Trustees or Trustee for the time being of my said Will In trust for my three daughters Mary Cora Horsfall Jessie Horsfall and Allegonda Sophia Horsfall or the survivors of them in equal shares and upon the same trusts as are declared by my said Will with regard to the respective bequests therein contained in



favor of my said three daughters. But in all other respects I confirm my said Will and former Codicil In witness whereof I have to this my second Codicil set my hand this fifth day of Februry One thousand eight hundred and seventy-five //

Signed by the said Thomas Berry Horsfall as and for a second Codicil to his last Will and Testament in the joint presence of us who at his request in his presence and in the presence of each other have hereunto subscribed our names as Witnesses

Thomas B. Horsfall  
Palgrave Simpson Sol.<sup>r</sup> Liverpool  
John Barkley. Butler Bellamour

This is a third Codicil to the Will of me Thomas Berry Horsfall dated the fifteenth day of August 1873. Whereas in consequence of the death of my daughter Louisa Hale I desire to make a different disposition of the legacy of Twenty thousand pounds intended for her by my said Will. Now therefore I revoke the legacy of Twenty thousand pounds to my said daughter Louisa and instead thereof give and bequeath the sum of Ten thousand pounds equally between and amongst the three children of my <sup>said</sup> daughter to be vested interests in the sons on their respectively attaining the age of twenty-one and in the daughter on her attaining twenty-one or marrying under that age With benefit of survivorship in the event of the death of any one or more of them before vesting unless the child or children so dying shall leave issue in which case such issue shall take the parent's share And in the event of none of them attaining a vested interest or leaving issue then I direct that such sum of Ten thousand pounds shall fall into my general residuary estate And I desire that during the minority of the said children it shall be competent for my Trustees



to apply the income of the said sum for their respective maintenance and education And with respect to Ten thousand pounds the remaining half of the legacy intended for my said late daughter I give and bequeath the same to my son Henry Leake to be taken and enjoyed by him in the manner directed by my said Will and the Codicils thereto with respect to the other benefits conferred upon him In witness whereof I have set my hand this twenty first day of April 1875 //

Signed by the said Thomas Berry Horsfall in the joint presence of us who in his presence and in the presence of each other have subscribed our names as Witnesses

Palgrave Simpson

Sol<sup>r</sup> Liverpool

John Barkley

Butler Bellamour

I declare that the re-publication of my Will on the 10<sup>th</sup> day of May last shall not affect the validity of the several Codicils which I have executed prior hereto Dated the fourth day of June 1875 //

Signed by Thomas Berry Horsfall in the joint presence of us who in his presence & in the presence of each other have subscribed our names as Witnesses

Fred<sup>r</sup> P. Parker

Edward Barnett Footman Bellamour

This is a further Codicil to the last Will and Testament of me Thomas Berry Horsfall of Bellamour Hall near Rugeley With reference to the benefits intended to be conferred upon my son Thomas Marsh Horsfall I desire (in addition



to the restrictions and conditions thereby imposed upon his enjoyment thereof.) to impose the following further restrictions and conditions namely That if he shall reside in Great Britain or continue so to do without the consent and concurrence of my said Trustees he shall forfeit so long as he shall so continue to reside all right or interest in the benefits so intended to be conferred upon him And with reference to the maintenance and education of his children I desire to give to my said Trustees the most absolute and uncontrolled power and discretion in the application of the moneys intended for that purpose even to the extent of withholding all and every part thereof in case and so long as any person whether judicial or otherwise shall attempt to interfere with the exercise of their discretion Dated the eighth day of January 1876 //

Signed in the joint presence of us -  
who in his presence and in the presence of each other have subscribed } Thomas B. Horsfall  
our names as Witnesses

Ed Henry Monckton M. D. Rugeley  
Palgrave Simpson Sol<sup>r</sup> Liverpool ]

This is a further Codicil to the last Will of me Thomas Bervy Horsfall of Bellamour Hall in Colton in the County of Stafford Esquire Whereas by my Will dated the fifteenth day of August One thousand eight hundred and seventy three I have directed my trustees to stand possessed of the sum of Twenty thousand pounds for the benefit of my son Thomas Marsh Horsfall and his children Now I hereby revoke the trusts of my said Will relating thereto and direct my said Trustees to stand possessed of the said sum of Twenty thousand pounds As to eight thousand pounds part thereof upon trust to invest the same in manner by my said Will authorised and if my said son shall not at my decease be outlawed or an uncertificated Bankrupt



or resident in Great Britain or Ireland without the ~~un~~ consent in writing of my said Trustees to pay the income thereof to my said son Thomas Marsh Horsfall during his life or until he shall become outlawed or a Bankrupt or shall assign charge or otherwise dispose of the said income by way of anticipation or agree so to do or until the said Annual income or any part thereof shall be seized attached or ~~taken~~ in execution for any debt or damages contracted by or which may have been recovered against my said son or until my said son shall come to Great Britain or Ireland without the consent of my said Trustees or until (being in Great Britain or Ireland with the consent of my said Trustees) he shall remain there after such consent is withdrawn. And after the determination of the trust hereinbefore contained in favor of my said son if such failure or determination shall occur during the life of my said son my said Trustees shall thenceforth during the remainder of the life of my said son pay and apply the said annual income or so much thereof as my said Trustees may in their discretion think fit in or towards the maintenance and support of my said son and his children And from and after the decease of my said son the said sum of eight thousand pounds and the investments accumulations and the future income thereof shall be held by my said Trustees Upon the trusts hereinafter declared concerning the sum of Twelve thousand pounds in default of appointment thereof And as to the sum of Twelve thousand pounds (other part of the said sum of Twenty thousand pounds) Upon trust to invest the same in manner by my said Will authorised and if my said Trustees shall be satisfied that my said son Thomas Marsh Horsfall is keeping a good and respectable home for such of his children as shall be unmarried to pay the annual income thereof to my said son Thomas Marsh Horsfall during his life or in the discretion of my said Trustees to apply the



same or so much thereof as they shall think fit for the benefit of the children of the said Thomas Marsh Horsfall at such times in such shares and proportions as my said Trustees may think proper And after the death of my said son Thomas Marsh Horsfall I direct my said Trustees to stand possessed of the said sum of Twelve thousand pounds and the accumulations and investments thereof In trust for the children now living of my said son Thomas Marsh Horsfall in such shares and proportions as my said Trustees (or as the survivor of them in the lifetime of the said Thomas Marsh Horsfall and with his consent) shall by deed appoint And in default of such appointment or so far as <sup>any</sup> such appointment shall not extend Upon trust for such of the children now living of my said son Thomas Marsh Horsfall as being a male shall attain twenty five or being female shall attain that age or marry in equal shares And if there shall be but one such child who shall attain the age of twenty five years if a male or attain that age or marry if a female then for such one child absolutely Provided always that if any such child or children shall die in my lifetime or after my death under the age of twenty five years leaving a child or children who shall survive me and being male shall attain twenty five or being female shall attain that age or marry then and in every such case the last mentioned child or children shall take (and if more than one equally between them) the share whether original or accruing to which his her or their parent would have been entitled if such parent had survived me and attained twenty five And in case all such children shall die under the age of twenty five years if male and under that age and without having been married if female and without leaving any child or children who shall survive me and who being male shall attain twenty five or being female shall attain that age or marry under then the aforesaid sum of



Twelve thousand pounds and the investments thereof ~ shall be held In trust for my son Henry Leete his ~ executors administrators and assigns I direct that no child of the said Thomas Marsh Horsfall who or any of whose issue shall take any part of the said sum of Twelve thousand pounds under any such appointment as aforesaid shall be entitled to any share of the unappointed part thereof without bringing the share or shares appointed to him or her or to her or his assigns into hotchpot and accounting for the same accordingly unless my said Trustees or the survivor of them shall by any such ~ appointment direct to the contrary I empower my said Trustees to advance to my said son Thomas Marsh Horsfall out of the said sum of Eight thousand pounds the sum of Two thousand pounds to enable him to start in business either in America or any British Colony but not within Great Britain or Ireland but if my said son Thomas Marsh Horsfall shall return to Great Britain or Ireland without the consent of my said Trustees or (being there with the consent of my said Trustees) shall remain there after such consent is withdrawn I direct that the said sum of Two thousand pounds shall be repaid by the said Thomas Marsh Horsfall to my said Trustees and in order to enforce the repayment thereof I authorize my said Trustees to deduct out of any moneys which may be payable to or for the benefit of my said son under the trusts hereof the sum of One hundred pounds annually And I empower my said Trustees at their discretion to pay any part or parts not exceeding one third of the ~ expectant share of any child or grandchild of my said son Thomas Marsh Horsfall under the trusts hereof ~ and to apply the same for his or her advancement ~ preferment or benefit as my said Trustees shall think fit In all other respects I ratify and confirm my said Will and the Codicils thereto so far as they are not ~ inconsistent with or repugnant to the provisions herein



contained In witness whereof I have to this further Codicil to my last Will contained in this and the two preceding sheets of paper set my hand this fourth day of April One thousand eight hundred and seventy-six //

Signed by the said Testator Thomas Berry Horsfall as and for a further Codicil to his last Will in the joint presence of us who at his request in his presence and in the presence of each other have hereunto subscribed our names as Witnesses

Morrell George Morrell Bailiff Bellamour  
Thomas Arnold Joiner Bellamour

This is a further Codicil to the Will of me - Thomas Berry Horsfall Whereas by my Will I have bequeathed a legacy upon certain Trusts of Twenty thousand pounds to each of my daughters Mary Cox and Jessie and their Issue Now in contemplation of the intended marriage of my said daughter Mary with Mr. Lightwood Birch or of any other marriage of either of my said daughters after my decease I authorize and require the Trustees of my said Will to vary the Trusts declared by my said Will in respect of the said Legacies to my said daughters so far as they may deem it necessary in order to settle the same upon my said daughters to their sole and separate use during their lives and to confer upon the said intended or any intended husband of either of my said daughters a Life interest in such Legacy after the decease of such daughter determinable upon his - marrying again or becoming Bankrupt or Insolvent And in order to provide that in case of there being no children of such marriage to live to the age of Twenty one or marry the whole of the said Twenty thousand pounds shall eventually return to and become part of my residuary



Estate And I also authorize the said Trustees and  
Executors of my Will to nominate one or more of the  
Trustees of any such Settlement and to pay or transfer  
to the Trustees of such Settlement the said Legacies or the  
Stocks funds and securities in which the same or any  
part thereof may be invested And I authorize and  
require the Trustees and Executors of my said Will to  
provide in such Settlement that such sum as they  
shall think reasonable shall be settled by any husband  
or intended husband upon either of my said daughters  
(and in the case of Mr. Lightwood Birch not less than  
Twelve thousand five hundred pounds or if they shall  
think fit not less than Twenty thousand pounds shall  
be settled at the same time upon my said daughter  
Mary) and upon the issue of her marriage on the same  
terms and conditions mutatis mutandis And in case  
of the said intended marriage of my said daughter Mary  
with Mr. Lightwood Birch taking place I hereby order  
that the said Settlement shall be made either before  
or within six months after the solemnization of the same  
or if it should be solemnized before my decease then  
within six months after my death And in default  
thereof it is my Will that the whole of the said Legacy  
intended for my said daughter Mary shall return at  
once to my residuary estate and become part of the  
same and that neither my said daughter nor the said  
Mr. Lightwood Birch shall have any further right or  
interest therein And I declare that the provisions made  
by my said Will and this Codicil for the benefit of my  
said daughters Mary and Jessie shall be accepted by  
them respectively in full satisfaction and discharge of  
all rights and interests intended for their respective  
benefit by the Settlement made on my marriage with  
their mother and that such Will and Codicil shall be  
considered for that purpose as an exercise of the power of  
appointment by such Settlement conferred upon me And



I further declare that any Settlement which may be made by me during my life time upon such daughters or either of them on their marriage respectively shall be considered and taken in part satisfaction and redemption of the benefits made or intended for them respectively by the said Will, Codicil or Marriage Settlement. In witness whereof I have to this Codicil contained on this and the preceding sheet of paper set my hand this Twenty ninth day of April One thousand eight hundred and seventy six //

Signed by the said Thomas Berry Horsfall as and for a further Codicil to his Will in the joint presence of us who at his request in his presence and in the presence of each other have hereunto subscribed our names as -  
Witnesses

Thomas B. Horsfall

Ed Henry Monckton M. D. Rugeley  
Edward Barnett Ballamour Hall Footman

This is a further Codicil to the Will of me - Thomas Berry Horsfall of Bellamour in the County of Stafford. Whereas my sister in law Annie Margaret Nolan to whom I bequeathed a Legacy of Five hundred pounds has since departed this life Now therefore I desire to put Henrietta Ellis Nolan in the place of her deceased sister as such Legatee and I bequeath such Legacy for her benefit accordingly. In witness whereof I have hereunto set my hand this first day of May One thousand eight hundred and seventy seven //

Signed by the said Thomas Berry Horsfall as and for a further Codicil to his Will in the joint presence of us who at his request in his presence and in the presence of each other have

T. B. Horsfall



hereunto subscribed our names  
as Witnesses

Fred<sup>W</sup>. P. Parker Rector of Colton Staff<sup>1</sup>.  
H. D. Horsfall Liverpool

Folios

115<sup>1</sup>

Proved at Litchfield with eight  
Codicils the third day of April 1879  
by the Oaths of George Henry  
Horsfall Esquire the brother and  
the Reverend Edward Harland  
Clerk the Executors named in the  
Will to whom Administration  
was granted

The Testator Thomas Berrif Howfall was late of Bellamont Hall in Colton in the County of Stafford Esquire - and died on the twenty-first day of December 1878 at Ridgehill Torquay in the County of Devon.  
Under £200,000  
Gimpson & North

*Jeff. Simpson & North*  
*Cal. 40*

Xwerpool

I certify the foregoing to be a correct copy of the original Will and Eight Codicils -

Affidavit of due execution  
of fifth Codicil filed











Reprinted for 15<sup>th</sup> Anniversary Exhibition

7<sup>th</sup> to 9<sup>th</sup> April 2017