

of April 1838 by James Smith of the Town and
County of Newcastle upon Tyne Draper, and Robert
Faile of Darvishield, near Elsdon, in the County of
Northumberland Farmer, the Executors, to whom
Administration was granted, they having been
first duly sworn before The Reverend Robert
Green, Clerk, Master of Arts, a Commissioner
in this behalf lawfully appointed, faithfully to
execute and perform the same as usual. /.

Ejects sworn under £ 800.

Marsden ^{per}

Joseph Davison.

Deputy Reg^r.

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DPRI III 838) F112

1838 F1

Will of Edw^d Fail
late of the Town and
County of Newcastle upon
Tyne Schoolmaster, dec^d.

(Reg^d)

This Will was proved at Durham on the 2nd day
of

1838/ F111
Robt. Greek, Surrogate

This is the last Will and Testament of me
Edward Faill, of Newcastle upon Tyne, Schoolmaster.
I give and bequeath all my estate and effects whatsoever
and wheresoever, which I shall die possessed of, interested
in, or entitled to, unto James Smith of Newcastle upon
Tyne Draper, and Robert Faill of Dargshield in the
County of Northumberland Farmer, their executors
administrators and assigns, upon trust to dispose
thereof according to the directions hereinafter contained.

Firstly, I direct that my debts and funeral and
testamentary expenses shall be paid as soon as
conveniently may be after my decease. Secondly,
I direct that my trustees shall permit my wife Jane
Faill to have the use of my household furniture, plate,
linen, and china, whilst she shall continue my widow.

Thirdly, I direct that in case my wife shall marry
again, such part of my household furniture, plate, linen,

and china, as belonged to her prior to our marriage shall be delivered to her by my trustees. Fourthly, I direct that my trustees shall, at their discretion, either continue, on the then existing securities, all or any of the sums which shall be outstanding at the time of my decease, or call in the same, and either sell my shares in the Northumberland and Durham District Banking Company, the Newcastle Subscription Water Company, the Newcastle Insurance Company, the Newcastle upon Tyne and North Shields Railway Company, the Bransbling Junction Railway Company, and the Great North of England Railway Company, or any of them, or in any other company or undertaking, or pay the calls which may be made

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3 in respect of all or any of such shares, and shall invest all moneys arising from the calling in or sale of any of my property, in or upon such government or real securities as they shall think proper, with power, in their discretion, to vary such investments, from time to time, for any other investments of a similar description.

4 Fifthly, I direct that my trustees shall permit my wife, she continuing my widow, to receive the net annual income actually produced by my trust property, howsoever constituted or invested. Sixthly, I direct that my wife, during her widowhood, shall, out of the income to be so received by her, maintain, educate, and bring up my children, being sons, until the age of twenty one years, and, being daughters, until that age or marriage, and shall also maintain such of my daughters as, being of that age, shall not be or have been

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married. Seventhly, If during the widowhood of my wife,
any of my children, being sons, shall attain twenty one years,
or, being daughters, shall marry, I direct that my trustees
shall have power, in their discretion, to raise, by such
means as they shall judge expedient, out of my trust
property, for each such child, the whole or any part of
the value of his or her contingent portion, to be applied
towards his or her advancement in life in such manner
as my trustees shall think most beneficial. Eighthly,
I direct that (subject to the preceding clauses) my
trustees shall hold my trust property for the absolute
use of my child, if only one, or all my children equally,
if more than one, who, being a son or sons, shall attain
the age of twenty one years or die under that age
leaving issue, or, being a daughter or daughters,
shall attain that age or marry. Ninthly, I
direct that my trustees, after the death or marriage
of my wife, shall apply the whole, or so much as

may be due
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I will that
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Signed and published
10 Presence of
Edw. J. G.

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1898/F/12

... and shall invest
... sale of any of
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... shall permit my wife,
... the net annual
... trust property,
... Sixthly, I direct
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they shall think fit, of the income of the contingent portions
of my children for the time being entitled to contingent
portions, as a common fund for their maintenance, education,
and bringing up, in such manner as my trustees shall
deem expedient, accumulating the surplus income in
aid of the said common fund; and the income and
accumulations ultimately unapplied shall follow
the destination of the capital whence the same shall
have arisen. Tenthly, I direct that my trustees
shall have power, in their discretion, after the death
or marriage of my wife, to raise, by such means
as they shall judge expedient, out of my trust
property, the whole or any part of the value of the
contingent portion of each or any of my children,

such of my
shall not be or have been
the widowhood of my wife,
shall attain twenty one years,
I direct that my trustees
shall raise, by such
means, out of my trust
the said sum or any part of
it, to be applied
in such manner
as may be most
beneficial. Eighthly,
(see my clauses) my
estate for the absolute
use of my children equally,
and my sons shall attain
the age of twenty one
years or daughters,
and so forth. Ninthly, I
direct that my trustees
shall do so much as

and apply the same for his or her advancement
in life. Eleventhly, I direct that my trustees
may deduct and mutually allow to each other all
disbursements and expenses incident to the
execution of my will, and shall be responsible each
for his own acts and defaults only, and irresponsible for
losses occurring without wilful neglect or default.
Twelfthly, I direct that the trusts and powers
hereinbefore confided to my trustees herein named, may
be executed by the trustees or trustee for the time
being of my will. Thirteenthly, and lastly,
I appoint the said James Smith and Robert Faill
to be trustees and executors of my will; and I appoint
my wife, she continuing my widow, and, after her
death or marriage, the trustees or trustee for the time
being of my will, to be guardian or guardians of
my infant children. In witness whereof I
have hereunto set my hand, this sixth day
of October one thousand eight hundred and thirty seven.

Signed and published in the presence of
Edwards Baill.
Wm. R. Deas, Solicitor, Newcastle.
Edw. Charlton, Bookseller, Newcastle.
10709000