

DATED 7th October 1942

re JOHN WILLIAM PEARSON deceased

re ANNIE ELIZABETH PEARSON deceased

DEED OF CONFIRMATION

relating to a messuage or farmhouse
closes of land and premises known as
Hoggerston Hill situate at Laverton
in the County of York.

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Edmundson & Gowland, RIPON

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This DEED OF CONFIRMATION is made the *Seventh* day

of October One thousand nine hundred and forty two BETWEEN THOMAS KIRKLEY of Crosshills Grantley near Ripon in the County of York Farmer of the first part FREDERICK STOCKTON GOWLAND of the City of Ripon Solicitor and WILLIAM WATSON of Redmire Farm, Grantley aforesaid Farmer of the second part the said THOMAS KIRKLEY and the said FREDERIC STOCKTON GOWLAND of the third part W H E R E A S:-

(1) By a Deed of Conveyance on Sale dated the Seventeenth day of October One thousand nine hundred and twenty nine and made between Mary Emma Tennant and Robert Percy Tennant of the one part and John William Pearson and Annie Elizabeth Pearson his wife of the other part a messuage or farmhouse with the outbuildings closes pieces or parcels of land occupied therewith and commonly known by the name of Hoggerston Hill situate in the Township of Laverton in the County of York and containing in the whole Eighteen acres or thereabouts and more particularly described in the Schedule thereto were conveyed unto the said John William Pearson and Annie Elizabeth Pearson his wife as joint tenants in fee simple. _____

(2) The said John William Pearson by his Will dated the Eleventh day of September One thousand nine hundred and thirty four appointed his wife Annie Elizabeth Pearson and the parties hereto of the second parts executors and trustees thereof and gave and bequeathed all his property both real and personal to his Trustees In trust as to his real estate to receive the rents and profits thereof and to keep the same in tenantable repair and to pay the balance of such rents and profits to his said wife during her life and from and after the decease of his said wife as to his farm called Hoggerston Hill he devised the same to Harriet Barker of Grey Green Farm, Dallowgill near Ripon aforesaid in fee simple. _____

(3) The said John William Pearson died on the Twentieth day of October One thousand nine hundred and thirty four and his said Will was proved by the executors therein named in the Principal Probate Registry on the Eleventh day of December One thousand nine hundred and thirty four. _____

(4) The Trustees under the Will of the said John William Pearson administered the estate on the assumption that he was absolute owner of the said farm known as Hoggerston Hill whereas in fact his widow on his death had become entitled as absolute owner thereof as survivor in a joint tenancy. _____

(5) The said Annie Elizabeth Pearson by her Will dated the twenty first day of February One thousand nine hundred and thirty six after appointing

the said Thomas Kirkley and Frederic Stockton Gowland executors and trustees thereof and making certain devises and bequests not affecting these presents gave and bequeathed the residue and remainder of her real estate Upon trust to sell the same and out of the proceeds thereof to pay her just debts funeral and testamentary expenses and legacies therein specified and to pay the balance remaining in their hands unto the said Thomas Kirkley absolutely. _____

(6) The said Annie Elizabeth Pearson died on the Twenty third day of February One thousand nine hundred and forty two and her said Will was proved by the said Thomas Kirkley and Frederic Stockton Gowland in the Principal Probate Registry at Llandudno on the First day of April One thousand nine hundred and forty two. _____

(7) Since the death of the said Annie Elizabeth Pearson it has been ascertained that she was in fact absolutely entitled in law to the premises hereinbefore mentioned in fee simple and therefore the said property did not pass under the hereinbefore in part recited Will of the said John William Pearson and is now vested in the executors of the said Annie Elizabeth Pearson. _____

(8) The said Thomas Kirkley being of the opinion that the said John William Pearson and Annie Elizabeth Pearson at the dates of their respective Wills believed that the said farm known as Hoggerston Hill had been conveyed to the said John William Pearson alone and that the devise of the said farm by the said John William Pearson expressed the wishes of the said John William Pearson and Annie Elizabeth Pearson is desirous of giving effect to the said devise as hereinbefore expressed. _____

(10) The said Thomas Kirkley and Frederic Stockton Gowland and executors under the Will of the said Annie Elizabeth Pearson have made provision out of other portions of her residuary estate for the payment of the debts funeral and testamentary expenses and legacies charged on the residuary estate and have not assented to themselves as trustees for sale. _____

NOW THIS DEED WITNESSETH and the said Thomas Kirkley hereby DECLARES:-

(1) That his legal estate in the said property known as Hoggerston Hill to which he is entitled as aforesaid shall go and devolve in such manner as may be requisite for legally confirming the interest capable of subsisting as legal estates expressed to have been created by the Will of the said John William Pearson which would have been legal if those interests had in the first instance been validly created. _____

(2) The said Thomas Kirkley having regard to his conviction of the intentions of the said John William Pearson and the said Annie Elizabeth

Pearson at the dates of these respective Wills is desirous of waiving any claim which he may have as residuary devisee of the said farm known as Hoggerston Hill and of giving effect to the devise of the said farm. _____

(3) The said Thomas Kirkley hereby authorizes and directs the Executors of the said John William Pearson to make such assent in respect of the said farm known as Hoggerston Hill as may be necessary or expedient for carrying out the said devise contained in the said Will of the said John William Pearson deceased and hereby covenants with the parties of the second and third parts with a view to giving the parties of the second part a full and sufficient indemnity (but not further or otherwise) that he the said Thomas Kirkley and his successors in title will duly observe the provisions contained in the Will of the said John William Pearson and that he will keep the parties hereto and each of them and their and his executors and administrators indemnified against all actions proceedings damages claims and demands in respect of the said covenants and aforesaid. _____

IN WITNESS whereof the said parties to these presents have hereunto set their hands and seals the day and year first herein written. _____

SIGNED SEALED and DELIVERED by the }
said Thomas Kirkley in the presence }
of *Thos H Hardisty* }
Clerk with Messrs Edmundson
& Gowland, Solicitors, Ripon

Thomas Kirkley

SIGNED SEALED and DELIVERED by the }
said Frederic Stockton Gowland in }
the presence of }
Thos H Hardisty

F Stockton Gowland