

Will of David Jacobs (1826 - 1903)

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These pages were extracted from the Divorce Petition of Sydney Jacobs and Theresa La Strange.

In the divorce petition it is actually introduced as Sydney's will. It is a transcript provided by the lawyers at the time of the divorce.

The 18 pages given here are pages 35-52 in the divorce petition of Sydney and Theresa

T H I S I S T H E L A S T W I L L of me DAVID JACOBS of Ranelagh Street in the City of Liverpool in the County of Lancaster Merchant Tailor and Clothing Manufacturer which I make this 13th day of November 1901

- 1.- I APPOINT my sons SYDNEY JACOBS and JULIUS JACOBS (hereinafter called "my trustees") to be the Executors and GENERAL TRUSTEES of this my Will and I DECLARE that all the powers authorities and discretions hereby expressed to be vested in or given to my trustees by that or any other description shall be vested in and exerciseable by the said General trustees hereby appointed and the survivor of them or other the Trustees or trustee for the time being of this my Will and every reference herein contained to my trustees shall be deemed to apply to my General trustees and not to separate trustee or trustees of the David Louis Jacob's Fund hereinafter referred to
- 2.- I BEQUEATH to each of my said sons Sydney Jacobs and Julius Jacobs in case he shall prove this my Will and accept the trusteeship hereof the sum of £100
- 3.- I BEQUEATH to my said son Julius Jacobs all my goods chattels and effects which shall at my death be in his house No. 161 Lodge Lane Liverpool aforesaid or any other house of his in which I may at my death be living except the contents of my safe and all goods hereinafter or by any Codicil hereto specifically bequeathed.
- 4.- I GIVE my Watch with the Chain and appendages to my Grandson David Julius Aron if and when he shall attain the age of 13 years And in case he shall not attain the age of 13 years or shall die in my lifetime I give the said Watch and Chain and Appendages to the eldest son of my daughter Kathleen Hannah Aron who shall survive me and who shall attain the age of 13 years And in case there shall not be any such son of my said daughter I give the said Watch and Chain and Appendages to the eldest of my Grandsons who shall be living at the expiration of ten years from the date of the death of the said David Julius Aron
- 5.- I GIVE my signet mourning ring to my Grandson David Henry Jacobs the eldest son of my son Julius Jacobs if and when he shall attain the age of 18 years
- 6.- I BEQUEATH of each of my Grandsons Phineas John Jacobs and Julius Jacobs the sons of my son Julius Jacobs one of my other mourning rings to be selected by my trustees if and when such Grandson

shall attain the age of 15 years

- 7.- I DECLARE that the chattels hereinbefore specifically bequeathed shall be handed over to the specific legatees on their respectively attaining the age hereinbefore prescribed for the vesting thereof and that on such delivery my trustees shall be free from all liability in respect of the same
- 8.- I BEQUEATH the sum of £100 to my Niece Lizzie Friedberg in case she shall be a Spinster at the time of my death to be payable on her marriage in case she shall marry a man professing the Jewish Religion within ten years from my death or at the expiration of such ten years in case she shall then be a spinster but not to be payable in case she marries in my lifetime or in case she within ten years after my death marries a man not professing the Jewish Religion
- 9.- I BEQUEATH the sum of £100 to my late Wifes orphan niece GRACE EVELYN POLAND in case she shall be a Spinster at my death to be payable on her marrying a man professing the Jewish Religion and approved by my Trustees within ten years from my death or at the expiration of such ten years in case she shall then be a Spinster but not to be payable in case she marries in my lifetime or in case she within ten years after my death marries a man not professing the Jewish Religion or a man not approved by my Trustees.
- 10.- I BEQUEATH the sum of £100 to my late Wifes Niece HANNAH BERKOWITZ in case she shall be a Spinster at the time of my death to be payable on her marriage ^{in case} she shall marry a man professing the Jewish Religion within ten years from my death or at the expiration of such ten years in case she shall then be a Spinster but not to be payable in case she marries in my lifetime or in case she within ten years after my death marries a man not professing the Jewish Religion. The legacy of One hundred Pounds to the said Hannah Berkowitz and a like sum of £100 already paid by me to her Sister Juliet Berkowitz represent a sum which was due from their father to me and which was paid to me by the Executors of his Will.
- 11.- I BEQUEATH the sum of £50 to my late Wifes Niece VIOLET POLAND in case she shall be a Spinster at the time of my death to be payable on her Marriage in case she shall marry a man professing the Jewish Religion within 10 years from my death or at the expiration of such ten years in case she shall then be a spinster but not to be payable in case she marries in my lifetime or in case she within ten years after my death marries a man not professing the Jewish Religion

12.- I BEQUEATH the sum of £50 each to my sisters AMELIA FRIEDBERG and Leah Jacobs.

13.- W H E R E A S in the month of August 1897 I invested a sum of £2500 in 2500 fully paid shares of £1 each in the business of J. Goldberg & Son Limited (hereinafter called the "Said Company") wholesale Tobacconists Warehousemen of No. 41 and 43 Paradise Street in the City of Liverpool of which Company I was until very recently the acting Managing Director and I have since acquired £500 Debenture Stock in the same Company AND WHEREAS my object in making the said investments and taking the said Managing Directorship was to obtain for my son Louis David Jacobs the position of Manager of the Office Department of the said Company which position he now holds NOW I HEREBY BEQUEATH to Isidore Baron Berkowitz of Tivoli House Gravesend in the County of Kent Boarding School Proprietor (whom I appoint separate trustee of this my Will for the Purposes of the present clause all my Shares or stock in the said Company belonging to me at my death Upon trust that the said Isidore Baron Berkowitz his executors or administrators or other the trustee or trustees for the time being of my Will for the purposes of this Clause (hereinafter referred to as the separate Trustee or Trustees) shall stand possessed thereof upon the trusts following that is to say :-

(a) The separate Trustee or Trustees shall retain the said shares or stock so long as my said son Louis David Jacobs remains in the service of the said Company and on the termination of such service by death or otherwise shall so soon as reasonably practicable sell the said shares or stock and invest the proceeds in any manner hereinafter authorised

(b) The separate Trustee or Trustees shall pay the income arising from the said shares or stock and the investments for the time being representing the same (hereinafter called the Louis David Jacobs Fund) to Amy Esther Jacobs wife of the said Louis David Jacobs during her life for her separate use without power of anticipation by half yearly payments

(c) After the death of the said Amy Esther Jacobs the separate trustee or trustees shall apply the income of the Louis David Jacobs Fund or so much thereof as he shall think sufficient for the maintenance education finding employment or benefit of such of the children of the said Amy Esther Jacobs by my said son Louis David Jacobs as shall for the time being be under the age of 21 years preference being given to any child or children under the age of 13 years

(d) After the determination of the trusts aforesaid the separate trustee or trustees shall

transfer and pay the Louis David Jacobs Fund and any unapplied income thereof to my General Trustees to be held by them as part of the capital of my residuary estate

14.- I BEQUEATH to my Trustees an annuity of £100 for the term of five years from my death Upon trust to pay the same by equal quarterly payments to the said Amy Esther Jacobs if she shall so long live for her separate use without power of anticipation and from and after her death (in case she dies before the expiration of the said term of 5 years) Upon trust to apply the same or such part thereof as my Trustees shall think sufficient for the purpose for the maintenance education or benefit of such of her children by my said son Louis David Jacobs (if any) as shall for the time being be under the age of 13 years and subject to the trusts aforesaid the said annuity or such part thereof as shall not be disposed of thereunder shall form part of my residuary estate

15.- I EMPOWER my Trustees and the separate trustee or trustees respectively to pay any moneys applicable for the maintenance education or benefit of my infant child under either of the last two preceding clauses hereof to his or her guardian or guardians or any person or persons having the care of such child for the purpose aforesaid without seeing to the application thereof

16.- I BEQUEATH to Hannah Hands the Niece of the wife of my son Julius Jacobs the sum of £20 provided that she shall be a Spinster at the time of my decease

17.- I BEQUEATH the sum of £25 to the New Hebrew Congregation in Hope Place Liverpool aforesaid to be paid to the Treasurer or other public Office of that congregation whose receipt shall be a sufficient discharge for the same such legacy to be added to the invested fund of that Congregation

18.- I DIRECT that all the pecuniary and specific bequests hereinbefore contained shall be free of legacy or other duty

19.- I BEQUEATH the following annuities (namely)

- (a) AN annuity of £250 to my daughter Kathleen Hannah Aron during her life in substitution for the yearly allowance of £200 which I have hitherto made to my said daughter And after her death I bequeath to my Trustees an annuity of £150 so long as any children or child of my said daughter shall be under the age of 21 years and being female also unmarried upon trust to pay and apply the whole or such part or parts as they shall in their discretion think sufficient for this purpose for the maintenance and education of such children of my said daughter as shall for the

time being be under the age of 21 years and being female also unmarried and my Trustees may either themselves so apply the same or may pay the same or any part thereof to the guardian or guardians or person or persons having the care of any such child or children for the purposes aforesaid without seeing to the application thereof and any portion of the said annuity not required for the purposes of the aforesaid trust shall sink into and form part of my residuary estate

(b) I BEQUEATH an annuity of £48 to my sister Amelia Friedberg during her life

(c) I BEQUEATH an annuity of £52 to my Sister Leah Jacobs during her life

(d) I BEQUEATH an annuity of £24 to the said Grace Evelyn Poland if she shall be a Spinster at my death so long as she shall remain a Spinster

20.- I CHARGE the annuities hereinbefore bequeathed primarily upon my freehold premises Numbers 102 and 104 in Market Street and Numbers 2, 4, and 4a in Fountain Street in the City of Manchester and my leasehold premises Numbers 53, 55, 57 and 59 in Ranelagh Street and 82 in Lime Street in the City of Liverpool and I declare that the said annuities shall be paid free of all income tax and all legacy succession or other duties

21.- I DECLARE that the annuities hereinbefore bequeathed to my sisters Amelia Friedberg and Leah Jacobs shall be paid monthly on the first day of each calendar month and all other annuities hereinbefore bequeathed shall be paid quarterly on the usual quarterly days but so that during the first year after my death my trustees may pay such annuities in any other manner as they shall think fit

22.- WHEREAS I had by a former Will made numerous charitable bequests to Jewish and Christian Charitable Institutions Hospitals and Infirmaries (numbering) about thirty but in consequence of circumstances which have since happened and the death duties imposed by 57 and 58 Victoria Chapter 30 and for other reasons I have deemed it necessary to withdraw most of such bequests but I am desirous of benefiting some of the Liverpool Institutions Hospitals and Infirmaries and I purpose continuing to do so during the remainder of my life and I earnestly request my sons Sydney Jacobs and Julius Jacobs out of their private incomes and in equal proportions to keep up (in memory of me) all the annual subscriptions which I have been in the habit of making to Charities but I do not impose any legal obligations upon them in this respect

23.-

INASMUCH as on the marriage of my said daughter I gave to her nearly all my household furniture plate linen china glass books prints pictures and other household effects and sold the residue thereof as I then gave up housekeeping and went to reside with my said son Julius Jacobs and his family It is my wish that in case there shall not otherwise be sufficient funds to pay estate duty on my death that any stocks or shares which I shall at my death hold in any Banking Company in the Liverpool Mortgage Insurance Company or any other Company and my two houses numbered 115 and 117 Hartington Road Liverpool afore said (if not sold) may be sold and the proceeds of sale thereof together with the amount secured on the insurance of my life with the Eagle Life Assurance Company or any other Company be applied pro tanto in discharge of that duty

24.-

I BEQUEATH the goodwill of my trade or business of a merchant tailor and clothing manufacturer and the stock in trade fixtures fittings plant and furniture and effects employed therein and belonging thereto at my death and also my leasehold interest in the premises Numbered 52 and 54 Ranelagh Street and 1 and 2 Ranelagh Place in the City of Liverpool in which the said business is now carried on and the benefit of all contracts subsisting in respect of the said business and all book debts and moneys due to me in respect thereof and the cash in my Office and in any Bank or Banks in which I shall at the time of my death have an account or accounts PROVIDED that such cash shall not exceed the sum of £1000 and that in case of the same exceeding the sum of £1000 the excess shall sink into and form part of my residuary estate) unto such of my said sons Sydney Jacobs and Julius Jacobs as shall be living at my death if more than one in equal shares Subject nevertheless to the Charge hereinafter contained and to their or his indemnifying my estate from all liabilities in respect of the rents of the leasehold premises by this Clause thereof bequeathed to them or him and I direct that my trustees shall out of my residuary estate pay all debts and liabilities due and owing by me at my death in respect of the said business whether for goods supplied or otherwise

25.-

I DECLARE that in case my said two sons Sydney Jacobs and Julius Jacobs shall be living at my death the gift to each of them of a moiety in my said trade and business and other property contained in the last preceding Clause hereof is conditional upon his within one year after my death if they both so long shall live and if required by the other of them entering into Articles of Partnership with such other of them containing the following provisions that is to say :-

(a) That the partnership shall continue during the joint lives of the partners

(b) That neither partner shall become a member or a candidate for a membership of Parliament or of any city county or district Council and that in case either partner shall commit a breach of this provision the other partner may by notice in writing addressed to him expel him from the partnership whereupon such other partner shall pay to the expelled partner the amount of the value of his share in the assets of the said partnership without any allowance being made in respect of goodwill by five equal yearly instalments with interest at four per cent per annum and so that in case of any difference between the said partners the value of such expelled partners share shall be determined by Arbitration under the Arbitration Act 1889 or any statutory re-enactment or modification thereof for the time being in force and in the event of such expulsion the whole of the assets and goodwill of the partnership shall vest in such other partner

AND in case of difference between my said two sons as to the form and contents of such Articles of Partnership the same shall be settled by the president for the time being of the Incorporated Law Society of Liverpool or some barrister or Solicitor nominated by him

26.- In case either of my said sons Sydney Jacobs and Julius Jacobs shall neglect or refuse to enter into such articles of Partnership as aforesaid within one year after my death for any reason except the death of either of such sons before such time then and in such case his share in the goodwill and other property bequeathed by Clause 24 hereof shall vest in the other of them my said two sons Sydney Jacobs and Julius Jacobs provided such other of them shall himself have offered and been ready and willing to enter into such articles and to take all steps necessary to have the terms of such Deed as mentioned in the last preceding paragraph hereof settled

27.- I HEREBY express my earnest wish that my said sons Sydney Jacobs and Julius Jacobs shall if both of them are living at my death carry on the business hereinbefore bequeathed to them at the respective places where the same shall at the time of my death be carried on and in co-partnership during their lives and that neither of them shall associate himself with political or City Council or County Council work and that they shall not add to such business Ladies drapery silk Mercery or Mantle trading and I further express the earnest wish that my said two sons shall not separate one from another for the purpose of carrying on business in competition to one another unless such dissolution is rendered absolutely necessary by my said Sons failing in such business or other imperative cause And I wish

to dissuade as far as possible either of my said Sons from carrying out an idea which may be entertained by either of them that his ability and energy in the particular branch of the business he now supervises for me would justify him in assuming that if he should set up for himself apart from his Brother he would succeed better than if they worked together in partnership And if my said sons should separate one from the other or if either of them should associate himself with political or City Council or County Council work I desire my trustees to let a portion of my Manchester property when unlet for a large tailoring and outfitting establishment.

28.- WHEREAS I was desirous of making charitable disposition out of the rents of my real and leasehold property pending the sale thereof but inasmuch as this would have involved the immediate sale thereof under the Mortmain and Charitable Uses Act 1891 now in lieu of such dispositions I hereby direct that until the time hereinafter prescribed to the closing of the Redemption Fund hereinafter mentioned if my said two sons or either of them shall so long carry on the said business hereinbefore bequeathed that they or he shall out of the profits of such business pay to my Trustees the annual sum of £100 with the payment of which to my trustees I accordingly charge the goodwill and property by Clause 24 hereof bequeathed other than such portion thereof as may be leaseholds and I declare that such charge shall be in the nature of a floating charge and I direct that my Trustees shall accumulate the said annual sum until the closing of the said Redemption Fund at compound interest by investing the same and the resulting income thereof and shall upon the closing of the said Redemption Fund stand possessed of such accumulations upon trust for such charitable Institutions (including Hospitals and Infirmaries and other Charities whether Jewish or Christian) in the City of Liverpool as my Trustees shall select and so that the receipt of the Treasurer or other Public officer of any such Institution shall be a sufficient discharge to my trustees.

29.- I DEVISE AND BEQUEATH all my real estate of every tenure and all my personal estate and effects whatsoever and wheresoever not hereby otherwise disposed of (including as well real as personal estate over which I may have any general power of appointment or disposition by Will) Unto and to the use of my Trustees their heirs executors and administrators respectively according to the nature thereof UPON TRUST that my Trustees shall sell call in collect and convert into money the said real and personal estate and premises at such time or times and in such manner as they shall think fit (but as to reversionary property not until it falls into possession unless it shall appear to my trustees that an

earlier sale would be beneficial) and as to such parts of my real and leasehold estates respectively as are hereby charged with the annuities hereinbefore bequeathed it is my earnest wish that unless absolutely requisite no sale of such parts of my said real and leasehold estates as are subject to the said annuities shall be made during the existence of the same and I hereby give to my trustees the fullest power and discretion to postpone the sale calling in or conversion of the whole or any part or parts of the said premises including leaseholds or other property of a terminable or wearing out nature during such period as they shall think proper without being responsible for loss

30.- I DECLARE that all the net rents profits and income arising from my estate real or personal until the sale calling in and conversion thereof in whatsoever condition or state of investment the same may be and whether consisting of investments of an authorised Character or not (including leaseholds or other property of a terminable or wearing out nature) shall for all the purposes of this my Will and as between all persons interested hereunder and as well during the first year after my death as afterwards be applied as if the same were income arising from the proceeds of such sale calling in or conversion or the investments of such proceeds but that no reversion or other property not actually producing income shall be treated as producing income for the purposes of this my Will and the expression "income of the trust fund" or any other similar expression used in this my Will shall be deemed to include the net rents profits and income arising as aforesaid

31.- I DIRECT that my trustees shall out of the moneys to arise from the sale calling in or conversion or forming part of my said real and personal estate pay my funeral and testamentary expenses and debts (including the business debts hereinbefore directed to be paid but not including mortgage debts on my unsold real or leasehold estates which the trustees decide to keep on foot and the legacies bequeathed by this my Will or any Codicil hereto and make provision for the annuities so bequeathed and pay the duties on any legacies or annuities bequeathed free of duty and shall invest the residue of the said moneys in manner hereinafter prescribed and shall stand possessed of the said residuary moneys and the investments and premises for the time being representing the same (hereinafter called "the trust fund") Upon the trusts and with and subject to the powers and provisions hereinafter declared concerning the same.

32.-

W H E R E A S I am desirous that the income of the trust fund should in the first place be devoted to paying off the mortgages subsisting on my real and leasehold property at my death or any mortgage substituted therefor or to adding an equivalent amount to the capital of the trust fund NOW I DIRECT that the income of the trust Fund be set aside and carried to the credit of a Fund to be called the Redemption Fund from my death until the time hereinafter prescribed for the closing of such Redemption Fund.

33.-

The income carried to the credit of the Redemption Fund shall be held by my Trustees upon Trust that my Trustees shall in the first Place pay off and discharge all mortgages and incumbrances on my real and leasehold property for the time being subsisting and not otherwise paid off or discharged to the intent that the capital value of the trust fund shall be increased to that extent and my Trustees may invest and accumulate such income and apply such accumulations or the proceeds thereof for the purpose aforesaid And my Trustees shall in the second place out of the said income set aside and add to the trust fund sums amounting altogether to the aggregate of the principal moneys (if any) paid off out of the capital of the trust fund or on any sale and not paid off out of the redemption Fund or by means of a fresh mortgage under the power hereinafter contained in respect of any mortgages or incumbrances on my real or leasehold property and the moneys so added to the trust fund shall be invested and shall follow the destination of the capital of the trust fund and be deemed to form part thereof for all purposes to the intent that the capital value of the trust fund shall so far as practicable not be diminished by reason of any such mortgage or incumbrance as aforesaid not having been paid off by means of the Redemption Fund And I declare that when and so soon as the income carried to the credit of the Redemption Fund shall be sufficient to completely carry out the trusts hereinbefore in this present clause contained then the Redemption Fund be closed NPROVIDED ALWAYS that the closing of the Redemption Fund shall in no case be postponed beyond the period of 21 years from my death and in case but for this present proviso the Redemption Fund would not be closed within the said period then and in such case the Redemption Fund shall be closed at the expiration of the said period of 21 years from my death PROVIDED ALSO and I hereby empower my trustees to appoint a chartered accountant or other accountant of good standing to ascertain and certify the date when the Redemption Fund is to be closed and all figures calculations accounts and matters involved in or incidental to the fixing of such date and the certificate of such Accountant shall be binding and conclusive on all parties PROVIDED LASTLY

and I declare that if there shall be no mortgage or incumbrance on any real or leasehold property of mine at my death the time for closing the said Redemption Fund shall be deemed to be the date of my death and this my Will shall be construed and take effect accordingly

34.- I EMPOWER my trustees from time to time to raise on mortgage of my real and leasehold property or any part thereof any moneys required for discharging any existing mortgage or incumbrance on such property or any part thereof at such rate of interest and on such terms as my trustees shall think fit And so that no mortgagee lending money on a mortgage purporting to be made under this power shall be concerned to see that such money is required or that no more money than is required is raised

35.- My trustees shall divide the period between the time for closing the Redemption Fund and the expiration of the 21 years from my death hereinafter in this clause called "the whole period" (if more than 3 years) with further periods (hereinafter called sub-periods) and such sub-period being 3 years except the last which shall only be 3 years if the whole period is a multiple of 3 years and my trustees shall further divide each sub-period into 3 equal parts and shall stand possessed of the income to arise from the trust fund (including the income of the portion thereof representing the Redemption Fund) during such sub-period upon the trusts following

(a) My Trustees shall divide the income arising from the trust fund during the first and third parts of each sub-period into 7 equal shares and shall pay one such seventh share to each of the following 7 persons namely my said sons Sydney Jacobs and Julius Jacobs my said daughter Kathleen Hannah and her husband Benno Aron my grand daughters Juliet Rebecca Jacobs and Rosetta Lizzie Jacobs (the daughters of my said son Julius Jacobs) and my daughter-in-law the said Amy Esther Jacobs

(b) My trustees shall divide the income arising from the trust fund during the second part of each sub-period with 12 equal shares and pay one such equal share to each of the following persons (namely) my Grandsons David Henry Jacobs Phineas John Jacobs and Julius Jacobs (the sons of my said son Julius Jacobs) my grandsons Stanley Jacobs Arthur Jacobs and David Jacobs (the sons of my said son Louis David Jacobs) my grandson Cyril Percy Aron (son of the said Kathleen Hannah Aron) and my grandson Robert Cecil Jacobs (the son of my said son Sydney Jacobs) And my trustees shall pay the remaining 4 of such equal twelfth shares as follows (namely) To my granddaughter Juliet Amelia Jacobs (the daughter of my said son Louis David Jacobs) two of such equal twelfth shares and to my grandson David Julius Aron (another son of the said Kathleen Hannah Aron) the other 2 of such twelfth shares.

In case the whole period shall not exceed 3 years the income during the whole period shall be applicable as it would have been in the last sub-period if the whole period had been more than 3 years

36.- I DECLARE that my trustee shall from and after the expiration of 21 years from my death stand possessed of the trust fund (including the portion representing the Redemption Fund) and the future income thereof In trust for such of my children Sydney Jacobs Julius Jacobs and Kathleen Hannah Aron as shall be living at the expiration of the said 21 years and all or any the children or child then living of such of my last named children as shall be then dead and who being male attain the age of 21 years or being female attain that age or marry if more than one in equal shares as tenants in common but so that the children of any such deceased child of mine shall take equally between them as tenants in common the share only which their parent would have taken had he or she survived the ultimate period of distribution and obtained a vested interest

37.- PROVIDED ALWAYS AND I HEREBY DECLARE that in case either of my said two sons Sydney Jacobs and Julius Jacobs shall at any time during the period of 21 years commencing from my death become a member of or allow himself to be proposed as a candidate for membership of Parliament or of any City County or District Council or shall during the said period of 21 years from my death voluntarily cease or refuse to carry on the business hereinbefore bequeathed then and in every such case the interest of such son in the trust fund shall thenceforth be absolutely forfeited and his interest under clause 35 in the income of the trust fund before the expiration of 21 years from my death (including any share accruing thereto under this present clause) shall vest in and be added equally to the shares of the other persons named in sub-clause (a) of the said clause 35 and his interest in the capital of the trust fund under the last preceding clause hereof (including any share accruing thereto under this present clause) shall vest in and be added to the shares or share of the other persons or person entitled under the last preceding clause hereof if more than one in proportion to their original shares

38.- I HEREBY AUTHORISE my trustees to invest any moneys hereinbefore directed to be invested or in their hands in any manner authorised by law and also by depositing the same in any bank or banks in the City of Liverpool but so that not more than £2500 shall at any time be in any one bank and such deposit shall be deemed to be an investment for all purposes of this my Will and any such deposit may be contained for such time as my trustees shall think fit and I EMPOWER my trustees to vary and

transpose any such investments for or into any of the kind hereinbefore authorised

39.-

I EMPOWER my trustees to manage repair insure and demise for any term of years or tenancy (to take effect in possession or reversion) and for any purpose and at any rent and deal and arrange with the tenants of any of the real or leasehold hereditaments hereinbefore given in trust for sale until the same shall be sold with the same uncontrolled discretion as if my trustees were absolute beneficial owners thereof subject nevertheless to the following options :-

(a) My sons Sydney Jacobs and Julius Jacobs or such one of them as shall carry on the business hereinbefore bequeathed shall have the option to occupy my leasehold hereditaments and premises known as Numbers 53, 55, 57 and 59 Ranelagh Street aforesaid at a yearly rent of £560 so long as they or he shall continue to carry on the same business

(b) I DECLARE that at the expiration of the Leases of my shops and premises being Numbers 102 and 104 Market Street and Numbers 2. 4. and 4a Fountain Street in the City of Manchester and the basements thereunder (hereinafter called my Manchester property) respectively existing at the expiration of ten years from the date of this my Will my said sons Sydney Jacobs and Julius Jacobs if then carrying on the business hereinbefore bequeathed to them or such one of them as shall be carrying on such business shall have the option of taking a lease of the respective portions of my Manchester property as the Leases thereof expire upon the same terms and at the same rent as the Leases are expiring or as near thereto as circumstances will admit and in case my said two sons Sydney Jacobs and Julius Jacobs or either of them shall become entitled to and shall exercise this option I direct that my trustees shall pay to them or him out of the capital of my residuary estate such sum not exceeding £3500 free of legacy duty as my trustees shall in their absolute discretion think sufficient to enable them or him to alter the said premises and to purchase the stock necessary to open the same as a gentlemans and Boy's Tailoring and clothing establishment

40.-

IN case I shall not in my lifetime have completed the re-building altering decoration and fitting up of the premises Numbered 53 to 59 Ranelagh Street and number 82 in Lime Street in the City of Liverpool now in progress I DIRECT my trustees to expend such a sum as they in their absolute discretion shall think sufficient for the purpose of completing such re-building altering decoration and fitting up and I FURTHER DIRECT that as soon as it conveniently can be done after the expiration of 15 years from my death my Trustees shall apply and use their best endeavours to obtain from the Coun-

cil of the City of Liverpool a renewal of the whole of the Leases of my Premises on the North side of Ranelagh Street and West side of Lime Street aforesaid and to pay the necessary fine out of the capital of my residuary estate

- 41.- PROVIDED ALWAYS AND IT IS MY WISH that the number of the general trustees of this my Will shall at all times be kept up to not less than two and that in the event of the number becoming at any time by death or otherwise reduced below that number the vacancy or vacancies shall as soon as circumstances will conveniently admit be filled up so as to restore that number but nevertheless any acts or proceedings of the trustees or trustee for the time being in the interval before the filling up of such vacancy or vacancies shall not be invalidated by reason of the same not having been done
- 42.- I DECLARE that the statutory power of appointing new trustees shall apply to this my Will and I direct that on the first vacancy in the office of general trustee hereof occurring my said son-in-law Benno Aron if living and willing to accept the trusts of this my Will shall be appointed as a general trustee hereof
- 43.- I BEQUEATH to every new general trustee of my Will appointed under the statutory power in that behalf before the expiration of 21 years from my death the sum of £200 free of legacy duty
- 44.- I DECLARE that in case either of my said sons Sydney Jacobs and Julius Jacobs shall forfeit his interest in the capital of the trust fund or the income thereof then and in every such case he shall immediately cease to be a trustee and the trust fund shall be vested in the new and continuing trustees But no purchaser or other person dealing with my trustees shall be concerned to see that either of my said sons have not ceased to be a trustee under this clause
- 45.- I AUTHORIZE my trustees to determine what articles pass under any specific bequest contained in this my Will or any Codicil hereto and whether any moneys are to be considered as capital or income and whether any expenses outgoings or other payments ought to be paid out of capital or income and how valuations are to be made or value determined for the purpose of any case of hotchpot or satisfaction or allotment or appropriation or otherwise and to apportion blended trust funds and to determine all questions and matters of doubt arising in the execution of the trusts of this my Will or any Codicil hereto AND I DECLARE that every such determination whether made upon a question actually raised or implied in the acts or proceedings of my trustees shall be conclusive and binding on all persons interested under this my Will or any Codicil hereto

46.-

I DECLARE that my trustees may exercise or concur in exercising all powers and discretions hereby or by law given to them notwithstanding that they or any of them may have a direct or other personal interest in the mode or result of exercising any such power or discretion but any of my trustees shall nevertheless be at liberty to abstain from acting except as a merely formal party in any matter in which he may be so personally interested and to allow his co-trustees or co-trustee to act alone in the exercise of the powers and discretions aforesaid in relation to such matter.

47.-

AND I LASTLY DECLARE that if any beneficiary under this my Will or any of my relatives in any way connected with any such beneficiary shall question my legal capacity to make the same or shall dispute the validity thereof on any other ground then such beneficiary shall forfeit his or her right to the share interest estate and benefit of and in my estate and effects to which he or she would have been entitled thereunder

IN WITNESS whereof I have to this my last Will contained on this and the fifteen preceeding sheets of paper set my hand the day and year first before written.

SIGNED AND DECLARED by the abovenamed)
David Jacobs as his last Will (the same)
having been first read over to him he)
being blind when he appeared perfectly)
to understand the same) in the presence)
of us both at the same time who in his)
presence and in the presence of each)
other have hereunto set our hands as)
witnesses (the words underlined between)
the 7th and 8th lines of the third sheet)
and the words underlined between the)
32nd and 33rd lines of the thirteenth)
sheet hereof having been first written)
herein)

(Signed) D A V I D J A C O B S

J.F.H. Atkinson

Solicitor

Liverpool.

Wm. Nicholas

His Clerk.

I, DAVID JACOBS of Ranelagh Street in the City of Liverpool Merchant Tailor and Clothing Manufacturer declare this to be a Codicil to my Will which bears date the 13th day of November 1901.

- 1.- I BEQUEATH to my eldest Grandson David Henry Jacobs (son of my son Julius Jacobs) my Gold Sleeve Links free of duty to be handed to him if and when he attains the age of 21 years
- 2.- I BEQUEATH to the Reverend Abraham B. Beer of 17 Mount Street in the City of Liverpool Second Reader to the New Hebrew Congregation in Hope Place in the City of Liverpool the sum of £10. 10. 0 free of duty
- 3.- I GIVE to each of the two nieces of my late wife Esther Poland and Hannah Poland of London daughters of Sidney Poland in case she shall marry within a period of 10 years from my death or in case she shall be living and a Spinster at the expiration of such period the sum of £50 free of duty
- 4.- WHEREAS I have disposed of the shares and debentures in J. Goldberg & Son Limited mentioned in clause 13 of my said Will and I therefore revoke the said clause 13.
- 5.- I REVOKE the provisions of Clause 14 of my said Will whereby I gave an annuity of £100 for a term of 5 years upon trusts for the benefit of my daughter in law Amy Esther Jacobs and her children
- 6.- I REVOKE clause 35 of my said Will whereby I declared certain trusts concerning the income of the trust fund mentioned in my said Will and I direct that my said Will shall be construed and have effect as if the following clause had been substituted for the said claim 35.
- 7.- I DIRECT that my trustees shall during the period between the time for closing the redemption fund and the expiration of 21 years from my death (hereinafter in this clause called "the said period") divide the net income of the trust fund including the portion thereof representing the redemption fund as follows :-
 - (a) My Trustees shall during the first second and third years of the said period (or the whole of the said period if less than 3 years) divide the said income among the persons whose names and descriptions are set forth in the first and second columns of the following table in the shares set opposite to their respective names in the third column of such table.

Name	Description	Share
Sydney Jacobs	My second eldest son	4/20ths
Julius Jacobs	My third eldest son	3/20ths
Kathleen Hannah Aron	My only daughter	1/20ths
Benno Aron	My daughter's husband	1/20ths
David Henry Jacobs	Eldest son of my son Julius	2/20ths
Phineas John Jacobs	Second son of my son Julius	1/20th
Julius Jacobs (Junior)	Third son of my son Julius	1/20th
Juliet Rebecca Jacobs	Eldest daughter of my son Julius	2/20ths
Rosetta Lizzie Jacobs	Second daughter of my son Julius	2/20ths
David Julius Aron	Eldest son of my daughter	2/20th
Cyril Percy Aron	Second son of my daughter	1/20th.

(b) My trustees shall during the residue of the said period after the expiration of the first three years thereof pay twelve 20ths of the said income to my son Sidney Jacobs and the remaining eight 20ths thereof to my said son Julius Jacobs.

8.- In all other respects I confirm my said Will.

I N W I T N E S S &C.

(Signed) DAVID JACOBS.

Witnesses.

J. F. Atkinson

Solicitor,

Liverpool.

J. R. Williams

11 Milliner Street,

Liverpool,

Book Keeper.

IN HIS MAJESTY'S HIGH COURT OF JUSTICE

THE PRINCIPAL PROBATE REGISTRY

B E I T K N O W N that DAVID JACOBS of Ranelagh Street in the City of Liverpool died on the 26th day of April 1903 at 161 Lodge Lane in the said City AND BE IT FURTHER KNOWN that at the date hereunder written the last Will and Testament with a Codicil thereto (a copy whereof is hereunto annexed) of the said deceased was proved and registered in the Principal Probate Registry of His Majesty's High Court of Justice and that Administration of all the estate which by law devolves to and vests in the personal representative of the said deceased was granted by the aforesaid Court to Sydney Jacobs and Julius Jacobs the Sons of the deceased the Executors named in the said Will

And it is hereby certified that an Affidavit for Inland Revenue has been delivered wherein it is shewn that the gross value of the said estate within the United Kingdom (exclusive of what the said deceased may have been possessed of or entitled to as a trustee and not beneficially) amounts to £65301.2. 6)

And it is further certified that it appears by a receipt signed by an Inland Revenue Officer on the said affidavit that £1953. 12. 9 for Estate Duty and interest on such duty has been paid the duty being charged at the rate of £4. 10. 0 per cent.

DATED the 23rd day of November 1903

ROBT. A. PRITCHARD

Registrar.

EXTRACTED by J. F. H. Atkinson, Solr., Liverpool.