

Will of John Darke 1814 (PRO, ref. PROB 11/1560 Image 199)

Summary

Testator: John Darke, Barnstaple, Devon, Watchmaker
 Executors: Josias Weeks Druggist James Science Clothier and Joseph Wingyett Hunt Scrivener
 Date: 6 July 1806, proved 14 September 1814
 Witnesses: C. W. Stevens, K. H. Hawkins, William Weeks
 Will:

- £50 and £100 in stocks to son Edward Rolle Darke
- trade tools etc. valued at £50 and £250 in South Sea Annuities to son John
- household goods & furniture, profits from dwellinghouse in Holland St. in Barnstaple, and income from £200 to daughter Sarah wife of William Stanbury Mariner for her lifetime, thereafter all to grandchildren Mary & Betsey Stanbury equally
- £5 each to granddaughters Sarah & Mary Ann daughters of son Edward Rolle Darke, and granddaughters Betsey & Mary Stanbury when 21
- income from dwelling-house in Ilfordcombe to dear wife for her lifetime or until her remarriage, thereafter to daughter Betsey
- £300 in South Sea Annuities and £6 per year out of dwelling-house in High Street Barnstaple where he resides to wife for her lifetime or until her remarriage, thereafter to son William for his lifetime and thereafter to his eldest son
- surplus from above income from dwelling-house in High Street to son William or heirs, failing that to daughter Betsey or heirs, or failing that to son John, he paying £50 to son Edward Rolle and £50 to generate income for daughter Sarah or her daughters
- garden across from workhouse to resident of dwelling-house in High Street
- £200 to executors
- interest on £150 to son William for his lifetime, thereafter to his children, failing that to daughter Betsey
- £200 further to executors
- interest of £200 in South Sea annuities to daughter Betsey for her lifetime, thereafter to her children, if none to son William
- household goods & furniture to children William & Betsey
- hopes son John will take his dwelling-house, live with his mother in law and her two children, assist her in the business & in bringing up his younger children, instruct son William in the business
- quarter of business profits to son John, three quarters to wife for household and children; if John refuses, £250 bequest reduced to £200, and £50 to daughter Betsey
- stable & court in Elephant Lane in Barnstaple to son John
- wife & executors guardians of youngest children

Text

1. This is the last Will and Testament of me John Darke of Barstaple in the County of Devon watchmaker and which will I most earnestly and affectionately request my dear wife & children will in every respect attend to and observe as my last wish & desire to them

2. First I will and desire that all my just debts & funeral expenses be paid with all convenient speed after my decease
3. I give and bequeath unto my son Edward Rolle Darke the sum of fifty pounds to be paid by two instalments in manner following that is to say Twenty five pounds part of the said sum of fifty pounds within six months next after my decease and the sum of twenty five pounds residue of the said sum of fifty pounds to be paid him within one year next after my decease
4. Also I give and bequeath unto my said son the sum of one hundred pounds stock in three per cent reduced bank annuities & now standing in my name
5. I give & bequeath unto my son John Darke so much of my stock in trade tools & utensils thereto belonging as upon a fair & impartial valuation will be of the value of fifty pounds
6. Also I give and bequeath unto my said son John the sum of two hundred and fifty pounds stock now standing in my name in the old South Sea annuities
7. I give and bequeath unto my said son John and my good friend Joseph Wingyet Hunt of Barnstaple aforesaid scrivener the sum of two hundred pounds stock in the three per cent reduced bank annuities & now standing in my name upon the Trusts hereinafter mentioned that is to say Upon Trust that they my said son John and Joseph Wingyet Hunt or the survivor of them his executors administrators and assigns shall and do during the life time of my daughter Sarah the wife of William Stanbury mariner pay apply and dispose of the dividends and proceeds of the said two hundred pounds stock unto or for the benefit of my said daughter or otherwise as she shall direct it being my will and intention that the same or any part thereof shall be had and received by her as income independent of the estate of her present or any other taken husband and so as the same shall not be subject of liable to his control debts or engagements And I do hereby declare that the receipt or receipts of my said daughter shall from time to time notwithstanding her coverture or whether she be sole & married be a sufficient discharge or discharges to my said trustees or the survivor of them his executors administrators or assigns for so much of the said dividends aforesaid of the said two hundred pounds stock as shall be therein expressed or acknowledges to be received and from and after the decease of my said daughter Upon Trust that they my said trustees or the survivor of them his executors administrators and assigns do & shall assign & transfer the said two hundred pounds stock unto my two grandchildren Mary & Betsy Stanbury equally between them share and share alike and in case either of my said grandchildren shall happen to die leaving no issue of her body lawfully begotten then that they my said trustees or the survivor of them her executors administrators or assigns do & shall transfer & assign the said two hundred pounds stock unto the survivor of them my said grandchildren her executors administrators or assigns such transfers or transfer to be made to my said grandchildren or grandchild at their or her respective ages or age of twenty one years and not before
8. And also I give and bequeath unto my said son John and friend Joseph Wingyet Hunt all my household goods & furniture and implements of household now in the use or possession of my said daughter Upon trust that they my said trustees and the survivor of them his executors administrators or assigns shall and do permit and suffer my said daughter to have the use and occupation of the same in such & the same manner as she now hath and from and after her decease Then I give and bequeath the same unto my said two grandchildren equally to be divided between them by my said trustees or the survivor

of them his executors administrators or assigns share & share alike and in case either of my said grandchildren shall happen to die leaving no issue lawfully begotten then I give and bequeath the same unto the survivor of them my said grandchildren her executors administrators or assigns

9. And also I give & devise unto my said son John & the said Joseph Wingyet Hunt their heirs & assigns All that my messuage and dwelling-house with the appurtenances thereunto belonging situate in Holland Street within the borough of Barnstaple aforesaid now in the occupation of Henry Wilkinson as my tenant To hold the same with the appurtenances unto my said son John and friend Joseph Wingyet Hunt their heirs & assigns to the uses & upon the trusts & to & for the ends intents & purposes hereinafter mentioned (that is to say) Upon Trust that they my said son & friend their heirs & assigns shall & do permit & suffer my said daughter Sarah and her assigns to have receive and take the rents issues & profits of the said messuage & dwelling-house to her and their own use and benefit for & during the term of her natural life the same to be had and received to her use as a separate and distinct estate from the estate of her present or any after taken husband so that the same or any part thereof shall not be subject or liable to his control debts or engagements and the receipt or receipts of my said daughter Sarah under her hand without the said William Stanbury her husband and notwithstanding her coverture shall be a good and sufficient discharge or discharges to the tenant or tenants for the time being occupying the said messuage or dwelling-house for the rent or rents thereof & after the decease of my said daughter Sarah then to the use of my said grandchildren Mary and Betsey equally to be divided between them share & share alike as tenants in common and not as joint tenants and the heirs and assigns of my said grandchildren for ever and in the case either of my said grandchildren shall happen to die leaving no issue behind her Then to the use and behoof of the survivor of them my said grandchildren her heirs and assigns forever
10. I give & bequeath unto my two grandchildren Sarah & Mary Ann daughters of my said son Edward Rolle Darke and unto the said Betsey & Mary Stanbury the sum of five pounds each to be paid where and as they attain their several & respective ages of twenty one years or days of marriage which shall first happen together with interest for the same in the mean time after the rate of four pounds per cent per annum to be computed from six months next after my decease to the times of their being severally & respectively entitled to receive the same
11. I give & devise unto my good friends Josias Weeks of Barnstaple aforesaid Druggist James Science of the same place Clothier & the said Joseph Wingyet Hunt & the survivors and survivor of them his heirs and assigns all that my dwelling-house & garden situate & lying at Ilfracombe in the said count of Devon and now in the occupation of John Turtfield as my tenant upon trust nevertheless & to & for the only use & benefit of my dear wife & her assigns for & during so many years as she shall happen to live & remain a widow & shall & do accordingly permit and suffer her & them to have receive & take the rents issues & profits thereof to her and their own use & benefit and from & after her decease or second marriage Then to & for the only proper & absolute use & behoof of my daughter Betsey her heirs and assigns for ever
12. Also I give & bequeath unto the said Josias Weeks James Science and Joseph Wingyet Hunt & the survivors & survivor of them his executors administrators & assigns the sum of three hundred pounds stock old South Sea annuities now standing in my name upon trust that they my last named trustees & the survivors & survivor of them his executors

administrators & assigns do & shall pay apply & dispose of the interest dividends and proceeds thereof unto my said wife and her assigns or as she or they shall direct or require for & during so many years of the natural life of my said wife as she shall happen to live & remain a widow & from & after her decease or second marriage Then I will & direct that the said three hundred pounds stock shall sink into the residue of my effects and be applied therewith to & for such purposes as hereinafter mentioned

13. Also I give & bequeath unto my said wife and her assigns for & during so long time as she shall happen to live and remain a widow one clear annuity or yearly sum of six pounds to be issuing and payable by four equal and even quarterly payments that is to say Midsummer Michaelmas Christmas & Lady Day in ever year out of all that my messuage or dwelling-house situated in the High Street in Barnstaple aforesaid and wherein I now reside the first payment whereof shall be made and begin on such of the said days as shall first & next happen after my decease and I hereby charge and make chargeable my said messuage or dwelling-house with the payment thereof But in case my said wife shall marry again then the said annuity or yearly sum of six pounds shall be no longer paid or payable and this bequest shall become null and of no effect and I do hereby declare my will and mind to be that if the said annuity or yearly sum of six pounds or any part thereof shall be behind & unpaid by the space of twenty eight days next over or after any of the said days or times of payment whereon the same ought to be paid as aforesaid that then & so often it shall & may be lawful to & for my said dear wife provided she be then my widow or her assigns into & upon my said dwelling-house so herein before charged with the payment of the said annuity to enter & distrain and the distress & distresses then & there found to take carry away and impound and impound to detain & keep or otherwise to sell & dispose of the same as in cases of distress taken for non-payment of rent until thereby or therewith or otherwise the said annuity and all arrears thereof if any and charges of such distress or distresses shall be fully satisfied & paid
14. Also I give and devise unto the said Josias Weeks James Science and Joseph Wingyet Hunt all that my said messuage or tenement and dwelling-house with the appurtenances wherein I now reside to hold the messuage or tenement and dwelling-house with the appurtenances unto the said Josias Weeks James Science and Joseph Wingyet Hunt & the survivors & survivor of them his heirs & assigns for ever to the uses upon the trusts and to and for the ends intents & purposes hereinafter mentioned expressed & declared of & concerning the same that is to say upon trust in the first place to set and let the same at rack rent in case the same shall not be out on lease at the time of my decease from time to time during the life of my son William for any term or number of years not exceeding fourteen years in possession but not in reversion remainder or expectancy for the best and most improved yearly rack rent or rents that can or may be obtained for the same & under proper covenants as to repairs & otherwise & out of the rents & profits thereof from time to time to pay and discharge the rates & taxes to become due in respect thereof and also to keep the same in good & tenantable repair & after such payments in respect of taxes and repairs to pay & discharge unto my said wife and her assigns for & during the term of her natural life in case she shall so long continue & remain a widow the before mentioned annuity or yearly sum of six pounds free and clear of and from all deductions whatsoever and from and after such payments in Trust to pay the clear residue and surplus of such rents and profits to & for the only use and benefit of my son William only during the term of his natural life either by monthly quarterly or half-yearly payments as my said last named trustees or the survivors or survivor of them his heirs or assigns shall in their discretion see fit & convenient so as the same be not paid into the hands of any assignee

or to the hands of any creditor with whom my said son William may contract any debt my will & mind being that the same shall be for his personal benefit and from & immediately after the decease of my said son William then subject as aforesaid to the use of the first son of the body of my said son William lawfully begotten & the heirs male of the body of such first son lawfully issuing and for default of such issue to the use of the second third and all & every other the son & sons of the body of my said son William lawfully to be begotten severally successively and in remainder one after the other as they & every of them shall be in seniority of age and priority of birth and of the several and respective heirs male of the body & bodies of all & every such son and sons lawfully issuing the elder of such sons and the heirs male of his body issuing being always preferred & to take before the younger of the same sons and the heirs male of his and their boy and bodies issuing and for default of such issue then subject as aforesaid to the use of all & every the daughter & daughters of my said son William lawfully to be begotten equally to be divided between them share and share alike if more than one to take as tenants in common and not as joint tenants and to the use of the heirs of their respective bodies lawfully issuing and in case there shall be a failure of issue of the body or bodies of any such daughter or daughters then as to the part or share or parts or shares of her or them whose issue shall so fail to the use of the remaining or others or other of them the said daughters equally to be divided between or amongst them and they to take also as tenants in common and not as joint tenants and to the use of the heirs of their respective bodies lawfully issuing and in case there shall be a failure of issue of the bodies of all such daughters but one or if there shall be but one such daughter then to the use of such remaining or only daughter and the heirs of her body lawfully issuing and in default of all such issue then subject as aforesaid to the use of the said Josias Weeks James Science and Joseph Wingyet Hunt their heirs and assigns for and during the natural life of my said daughter Betsey upon this special trust and confidence nevertheless that they my said trustees their heirs and assigns shall and do during the life of my said daughter Betsey pay the rents issues & profits of the same premises unto such person or persons for such uses & purposes as my said daughter Betsey shall alone whether she be sole or married by any writing under her hand from time to time direct or appoint to the intent and purpose that the same or any part thereof may not be at the disposal of or subject to the control debts or engagements of any man with whom she might intermarry but be at her own sole and separate disposal as or separate and distinct estate from the estate of any future taken husband and in default of or until such direction limitation or appointment into the proper hands of my said daughter Betsey or otherwise do and shall permit & suffer my said daughter Betsey to take the rents and profits of my said dwelling-house and premises to & for her own sole and separate use and behoof whose receipt or receipts under her hand shall whether for the time being she be sole or married be a good and effectual discharge to the person or persons who shall pay the same or for so much thereof for which such receipt or receipts shall be given and from and after her decease then to the use of the first son of the body of my said daughter Betsey lawfully to be begotten and the heirs male of the body of such first son lawfully issuing and for default of such issue to the use of the second third fourth and all and every other the son and sons of the body of my said daughter Betsey lawfully to be begotten severally successively & in remainder one after another as they and every of them shall be in seniority of age and priority of birth and of the several and respective heirs male of the body & bodies of all & every such son and sons lawfully issuing the elder of such sons and the heirs male of his body issuing being always preferred & to take before the younger of the same sons and the heirs male of his and their body & bodies issuing and for default of such issue then subject as aforesaid to the use of all & every the daughter & daughters of my said daughter Betsey lawfully to be

begotten equally to be divided between them share & share alike if more than one to take as tenants in common and not as joint tenants and to the use of the several heirs of their respective bodies lawfully issuing and in case there shall be a failure of issue of the body or bodies of any such daughter & daughters then as to the part or share or parts or shares of her or them whose issue shall so fail to the use of the remaining or other or others of the said daughters equally to be divided between or amongst them & they to take also as tenants in common and not as joint tenants & to the use of their heirs of their respective bodies lawfully issuing and in case there shall be a failure of issue of the bodies of all such daughters but one or if there shall be but one such daughter then to the use of such remaining or only daughter and the heirs of her body lawfully issuing and in default of all such issue then subject as aforesaid unto and to the use of my said son John Darke his heirs and assigns for ever he or they paying to my said son the said Edward Rolle Darke the sum of one hundred pounds in manner following (that is to say) the sum of twenty five pounds within six months next after my said messuage or dwelling-house by virtue of the limitations in this my will contained shall come into his hands and possession the sum of twenty five pounds within twelve months then next after the further sum of twenty five within eighteen months then next after and the further sum of twenty five pounds within two years then next after and also paying into the proper hands of the said Joseph Wingyett Hunt his executors administrators or assigns the sum of fifty pounds within nine months next after the said dwelling-house and premises shall so come into the hands and possession of my said son John the same to be by the said Joseph Wingyett Hunt his executors administrators or assigns had and received upon the trusts hereinafter mentioned that is to say Upon Trust that he the said Joseph Wingyett Hunt his executors administrators or assigns shall & do lay out and invest the said sum of fifty pounds in the purchase of stock in some or one of the government funds or securities in the name or names of him the said Joseph Wingyett Hunt his executors administrators or assigns and in the name or names of my said son John his executors administrators or assigns & pay apply & dispose of the clear dividends & proceeds thereof as the same shall arrive become due and be received as also of the capital stock so to be purchased to and for the only benefit of my said daughter Sarah and my said grandchildren Betsey & Mary Stanbury in such and the same manner and upon such and the same ends intents and purposes as are hereinbefore mentioned expressed & declared of and concerning the said sum of two hundred pounds stock three per cent reduced bank annuities so herein before by me bequeathed unto my said son John and friend Joseph Wingyett Hunt upon trust and for the benefit of my said daughter Sarah and her said two children as before expressed provided and my will and mind is that in case my said daughter Betsey or her issue shall by virtue of the limitations contained in this my will come into the possession of my said messuage or dwelling-house last hereinbefore mentioned or into the receipt of the rents and profits thereof I do hereby charge and make chargeable my said dwelling-house with the payment of fifty pounds each to my sons Edward Rolle and John to be paid to them respectively in manner hereinafter mentioned that is to say in case my daughter Betsey shall then have issue within six months next after the same shall come to her or them or she or they shall come to the receipt of the rents or profits thereof and in case my said daughter Betsey shall leave no issue living at the time she shall come to the receipt of the said rents and profits then within six months next after issue shall be born of her lawfully begotten if such child or children or issue shall be living at such period and not otherwise provided also and I do hereby direct my said trustees Josias Weeks James Science and Joseph Wingyett Hunt and the survivors and survivor of them his heirs and assigns that in the setting and letting my said dwelling-house for the term or terms hereinbefore mentioned to give my son John the preference should he be disposed to take the same at

rack rent over any other person under a fair and just valuation to be ascertained by two persons the one to be chosen by my said son John and the other by my said trustees and in case such two persons shall not agree then at such valuation as such two persons and any third person to be fixed on by them or the majority of such three persons shall deem sufficient or meet and in case my said son John shall refuse such valuation Then I leave my said trustees to act as they in their discretion shall think most conducive for the benefit of my said son William

15. And I also give and bequeath unto the said Josias Weeks James Science and Joseph Wingyett Hunt all that my garden with the appurtenances lying nearly opposite the workhouse within the borough of Barnstaple aforesaid and which I purchased for a long term of years of Mr John Exter to hold the same garden with the appurtenances unto the said Josias Weeks James Science and Joseph Wingyett Hunt their executors administrators and assigns for & during all the rest residue and remainder of my estate term and interest therein upon trust nevertheless for the use and to and for the only benefit of such person or persons who for the time being shall respectively be in possession of my last mentioned messuage or dwelling-house under & by virtue of any devise or limitation thereof in this my last Will and Testament contained or otherwise howsoever my will and mind being that the said garden shall during the residue of my term estate and interest therein be held and enjoyed with my said dwelling-house and be no means separated therefrom
16. Also I give and bequeath unto the said Josias Weeks James Science and Joseph Wingyett Hunt the sum of two hundred pounds
17. Also I give and bequeath unto my said late named trustees the sum of one hundred & fifty pounds stock in the three per cent reduced bank annuities and now standing in my name upon the trusts nevertheless & to & for the ends interests & purposes hereinafter mentioned expressed and declared of and concerning the same respectively (that is to say) upon trust that they my said last named trustees or the survivors or survivor of them his executors administrators or assigns shall & do lay out and invest the said two hundred pounds in the purchase of stock in some or one of the government funds or securities in their own names or in the names or name of the survivors or survivor of them his executors administrators or assigns and pay apply & dispose of the clear interest dividends and proceeds thereof together with the clear interest dividends and proceeds of the said one hundred and fifty pounds three per cent reduced bank annuities when and as the same shall accrue become due and be received unto & for the only use and benefit of my said son William as they my said trustees or the survivors or survivor of them his executors administrators or assigns by & with the advice and concurrence of my dear wife shall seem meet and convenient but I do hereby direct and strictly require my said last named trustees and the survivors or survivor of them his executors administrators or assigns not to pay the same into the hands of any assignee or creditor with whom my said son William may at any time hereafter contract any debt my intention being that the interest dividends & proceeds last before mentioned together with the rent & profits of my said dwelling-house as before mentioned shall be for his own personal benefit and for his certain maintenance in all events and not by any means to be in his power to sell assign or in any way to dispose or encumber the same and from & after the decease of my said son William then upon trust that they my said trustees or the survivors or survivor of them his executors administrators or assigns do and shall assign and transfer all & singular the same stock unto and amongst all & every the child or children which my said

son William shall have living at the time of his decease lawfully begotten or after born alive share and share alike and if there be but one such child then to such only child and in case my said son William shall happen to die leaving no issue behind him lawfully begotten or afterwards born alive then upon trust that they my said trustees or the survivors or survivor of them his executors administrators or assigns shall do & assign and transfer all & singular the said stock unto my said daughter Betsey her executors administrators and assigns

18. Also I give and bequeath unto the said Josias Weeks James Science and Joseph Wingyett Hunt the further sum of two hundred pounds
19. Also I give and bequeath unto my said late named trustees the sum of two hundred pounds old South Sea annuities now standing in my name upon the trusts nevertheless and to & for the ends interests and purposes hereinafter mentioned expressed and declared of and concerning the same that is to say upon trust that they my last named trustees or the survivors or survivor of them his executors administrators or assigns do & shall lay out and invest the said sum of two hundred pounds in the purchase of stock in some or one of the government funds or securities in their own names or in the names or name of the survivors or survivor of them his executors administrators or assigns and pay apply & dispose of the clear interest dividends and proceeds thereof together with the clear interest dividends and proceeds of the said two hundred pounds stock old South Sea annuities when & as the same shall arrive become due & be received into the proper hands of my said daughter Betsey for her separate use and not into the hands of any assignee nor of any husband that she shall or may marry nor to the hands of any creditor with whom she may at any time hereafter contract any debt my intention being that the same interest dividends and proceeds shall be for her own personal and separate benefit and for her certain maintenance in all events and not to be in her power to sell assign or in any way to dispose of or encumber the same And I do hereby declare my will to be that the receipt alone of my said daughter Betsey shall whether she be sole or married and notwithstanding her coverture be a good and sufficient discharge to my said trustees for any money they or either of them shall or may pay to her by virtue of the trusts aforesaid and from and after the decease of my said daughter Betsey then upon trust that they my said trustees or the survivors or survivor of them his executors administrators or assigns do & shall assign and transfer all and singular the said stock last mentioned unto and amongst all and every the child and children which my said daughter Betsey shall have living at the time of her decease if more than one share & share alike and if my said daughter shall leave but one child such children or child to be lawfully begotten of her then to such only child and in case my said daughter Betsey shall happen to die leaving no issue behind her lawfully begotten Then upon trust that they my said trustees or the survivors or survivor of them his executors administrators or assigns shall and do assign and transfer all and singular the stock last mentioned unto my said son William his executors administrators & assigns
20. Also I give and bequeath unto my said two children William and Betsey all my household goods & furniture and implements of household except such part or parts thereof as is or are herein before and hereinafter otherwise disposed of by me equally to be divided between them share and share alike according to a fair and impartial valuation my will being that no part thereof shall if possible be sold
21. I hereby strenuously request & hope my said son John will fulfil this part of my will which is that if he will take my said dwelling-house as before expressed at rack rent and

- as long as he continues sole and unmarried will permit his mother in law and her two children to reside with him and will assist her in the business I now follow and in bringing up my younger children and also engage to instruct my said son William in the same business
22. I will and hereby direct that he shall be at liberty to have the use of my tools and implements in the business and also that he shall be allowed independent of what is usually paid to journeymen for work done in the business one quarter part of the clear profits thereof and the other three quarter parts thereof after deducting from the whole the who for the said dwelling-house and other incidental expenses attending the same in the first place I request may be applied by my said wife to discharge as far as it will go her housekeeping expenses and in maintaining the two children she has by me so long as she shall continue & remain a widow and in case my said son John shall refuse or neglect to comply with this part of my Will I do direct and declare that the bequest herein before made by me to him of two hundred & fifty pounds stock old South Sea annuities shall be a void legacy and in the event thereof I give and bequeath unto my said son John the sum of two hundred pounds in the same stock only and the residue thereof being the sum of fifty pounds stock as aforesaid I give and bequeath unto my said trustees Josias Weeks James Science and Joseph Wingyett Hunt and the survivors or survivor of them his executors administrators or assigns in trust for my said daughter Betsey and to be transferred and assigned to her at her age of twenty one years or day of marriage which shall first happen But in case my said wife shall not reside in my said dwelling-house Then I give and bequeath to her one bed performed together with an article of household furniture of a sort to be selected for her benefit by the said last named trustees or the survivors or survivor of them his executors administrators or assigns
 23. Also I give and bequeath unto my said son John the bed performed in which he now sleeps and also the wainscot Burvan now in my lodging room over the shop
 24. I likewise give and bequeath unto my son John the stable & court lying in Elephant Lane in Barnstaple aforesaid now in the occupation of the Reverend Mr Cleton and the Reverend Mr Churchward to hold the same unto my said son John his executors administrators or assigns for and during all my term estate and interest therein he my said son John his executors administrators or assigns paying to the Lord of the Fee of the said premises for the time being the conventional rent charged on that and other reasonable and necessary costs charges damages and expenses whatsoever which they any or either of them shall or may take pay bear sustain or be put unto for or by reason or means of the execution of this my Will or of the trusts hereby in them reposed
 25. And I do hereby nominate constitute and appoint my said trustees Josias Weeks James Science and Joseph Wingyett Hunt executors in trust of this my last Will & Testament
 26. and I do nominate constitute and appoint my said wife so long as she shall continue my widow and no longer together with my said last named trustee guardians of my said son and daughter William and Betsey
 27. and do hereby revoke and make void all former & other will and wills by me at any time heretofore made and do declare this to be my last Will and Testament
 28. And lastly my express will and meaning is and I do hereby order direct and appoint that if any difference dispute question or controversy shall be moved arise or happen concerning

any gift devise bequest or other matter or thing in this my Will given devised or bequeathed expressed & contained then that no suit or suits in law or equity or otherwise shall be brought commenced or presented for or concerning the same but the same shall be referred wholly to the award order and determination of my said trustees for the time being and what they or the major part of them shall direct order or determine therein shall be binding and conclusive to all and every person and persons therein concerned

29. In witness whereof I the said John Darke have to this my last Will and Testament contained in ten sheets of foolscap paper to the nine first sheets thereof set my hand and to this tenth and last sheet thereof set my hand and seal this sixth day of July in the year of our Lord one thousand eight hundred and six

John Darke

Signed sealed published and declared by the said John Darke as and for his last Will and Testament (after the interlineation of the word "pounds" and an erasure in the name "Betsey" in the first sheet the interlineations of the words "either" and her assigns "and their in the second sheet the word "she in the third sheet and erasure on which the word "within" is written in the fifth sheet the interlineation and alteration following "two hundred pounds" and an erasure on the words "and fifty" in the seventh sheet the interlineations of the words "him" together with the rates and taxes for the whole and an erasure in the last line in the eighth sheet and the interlineation of the word "any" in the last sheet in the presence of us who at his request in his presence and in the presence of each other have subscribed our names as witnesses

C. W. Stephens

K. H. Hawkins

William Weeks

Proved at London 14th September 1814 before the Judge by the oaths of Josias Weeks and Joseph Wingyett Hunt two of the executors to whom administration was granted being sworn (by commission) duly to administer power reserved to James Science the other executor