
Will of John Darke 1825 (PRO, ref. PROB 11/1699 Image 41)

Summary

Testator: John Darke, Barnstaple, Devon, Clockmaker
Executors: Josias Weeks John Bowen and Joseph Wingnott Hunt
Date: 28 April 1825, proved 27 May 1825
Witnesses: J. C. March, Oliver Veale
Will:
- £100 to brother Edward Rolle Darke
- £100 to the female who now resides and cohabits with my said brother and is the mother of several children by him
- £100 to sister Betsy Darke
- £120 to faithful servant Grace Lashbrook
- £15 to friend Josias Weeks
- £20 to friend John Bowen
- £20 to friend Joseph Wingnott Hunt
- £10 to friend William Reed
- £50 to cousin Mary Darke Widow
- £200 upon trust for niece Betsy the wife of Robinson
- £150 upon trust for brother in law William Darke
- £50 upon trust for niece Sally the wife of Chappell
- £50 upon trust for niece Mary the wife of William Prout Bevan
- 2s per week to apprentice Thomas Churchill
- rest equally among children of brother Edward Rolle Darke by the female with whom he now resides and cohabits
- £20 to Mr. Arin Brimson

Text

1. This is the last Will and Testament of me John Darke of Barnstaple in the County of Devon Clockmaker
2. First I give & bequeath unto my brother Edward Rolle Darke the sum of one hundred pounds
3. unto the female who now resides and cohabits with my said brother and is the mother of several children by him the like sum of one hundred pounds
4. unto my sister in law Betsy Darke the like sum of one hundred pounds
5. unto unto my faithful servant Grace Lashbrook the sum of one hundred and twenty pounds
6. unto my friend Mr. Josias Weeks the sum of fifteen pounds
7. unto my friend John Bowen the sum of nineteen guineas
8. unto my friend Joseph Wingnott Hunt the sum of nineteen guineas
9. unto my friend William Reed the sum of ten pounds and
10. unto my cousin Mary Darke Widow the sum of fifty pounds

11. I also give and bequeath unto the said Josias Weeks John Bowen and Joseph Wingnott Hunt the sum of two hundred pounds upon trust and for the sole and exclusive benefit and advantage of my niece Betsy the wife of Robinson and to apply the same as she shall direct so as that the same may at all times be had as a separate and distinct estate from the estate of her present or any after taken husband
12. I also give and bequeath unto the said Josias Weeks John Bowen and Joseph Wingnott Hunt the sum of one hundred and fifty pounds upon trust to pay and apply the same or any part or parts at such time or times in such portion or portions and in such manner to and for the benefit and advantage of my brother in law William Darke as they my trustees or the survivors or survivor of them shall in their or his discretion think proper
13. I also give and bequeath unto my trustees the sum of one hundred pounds upon trust as to fifty pounds part thereof for the sole and exclusive benefit and advantage of my niece Sally the wife of Chappell and to apply the same independent of her husbands estate in any manner as she may direct and as to the other fifty pounds the residue upon trust for the sole and exclusive benefit and advantage of my niece Mary the wife of William Prout Bevan and to apply the same independent of her husbands estate in any manner as she may direct
14. All which several legacies ? shall be paid or retained within two months next after my decease
15. I also give unto my apprentice Thomas Churchill the weekly sum of two shillings for the residue of the term of his apprenticeship not to ease the parish or the payers of the poor rates therein but to be employed in promoting for him additional comforts and I authorize my Executors in trust hereinafter named to retain in their hands a sum of money not exceeding nineteen guineas to be applied for that purpose
16. and the residue of my personal and testamentary estate subject to the payment of my just debts and funeral expenses I give and bequeath unto the said Josias Weeks John Bowen and Joseph Wingnott Hunt upon trust to sell and convert the same into money and to invest the clear residue and proceeds thereof in the names or name of themselves or of the survivors or survivor of them or of the executors or administrators of the survivor of them in ? or one of the Government Stocks or Parliamentary Funds of Great Britain and to alter and vary the same as they or he shall think fit and to stand possessed thereof upon trust to pay and apply fifty pounds principal money parts thereof to and for the benefit and advantage of each and every of the children of my brother Edward Rolle Darke by the female with whom he now resides and cohabits either in binding them his or her apprentices or apprentice or for their his or her advancement in the world as they my trustees or trustee for the time being shall think fit and so subject upon trust to pay the dividends and proceeds of the whole residue of my personal estate unto or permit the same to be retained by my said brother Edward Rolle Darke for his own advantage during the term of his natural life and from and immediately after his decease then to transfer and dispose of the same stocks and securities in such manner and upon trusts to and amongst such one or more of the children or child of my said brother legitimate or illegitimate as he my said brother shall by his last will and testament in writing or any codicil or codicils therein duly executed and attested direct or appoint and for want of such direction or appointment then unto and between my next of kin according to the Statute of distribution of intestates estates and effects

17. Provided my will is and I do hereby direct that my trustees shall not be answerable the one of them for the other of them or for involuntary lapses and that they and each of them shall not only retain to and pay to each other their costs and expenses in discharging the trusts aforesaid but also a reasonable and fair compensation for their and each of their trouble and loss of time
18. Lastly I do hereby nominate constitute and appoint the said Josias Weeks John Bowen and Joseph Wingnott Hunt joint Executors of this my last will and testament
19. In Witness whereof I the said John Darke have to this my last will and testament written on four pages of a sheet of paper set my hand and to this twenty eighth day of April one thousand eight hundred and twenty five

John Darke

Signed sealed published and declared by the said John Darke the testator as and for his last will and testament 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

the words "my niece" "after" "legitimate or illegitimate" being first interlined

J. C. March
Oliver Veale

I the above named John Darke do by this Codicil give to Mr. Arin Brimson the sum of nineteen guineas and do request my brother Rolle to continue his situation in the India Company's service and not to give up or resign the same until regularly and honorably dismissed
Witness my hand the day and year above mentioned

John Darke

Witness J. C. March Oliver Darke Veale

Proved at London with a Codicil the 27th May 1825 before the Judge by the Oaths of Josias Weeks John Bowen and Joseph Wingnott Hunt the Executors to whom administration was granted having been first sworn by ? duly to administer