

Will of Edward Rolle Darke 1836 (PRO, ref. PROB 11/1761 Image 17)

Summary

Testator: Edward Rolle Darke, Bow, Middlesex, India Company's Civil Department
Executors: Sarah Brand otherwise Darke
Date: 20 May 1825, proved 29 November 1836
Witnesses: Marianne Hunt, James Chamberlin
Will: - estate of brother to be divided among his children:
legitimate children Mary Ann the wife of William Prout Bevan and Sally the wife of John Chappell by his wife (unnamed)
but not her children "Thomas and James I positively declare are not mine nor was either of them begotten by me but they are bastards and aliens from my blood in the strongest sense and manner of the words"
illegitimate children William Matilda Thomas Mary and Sally by Sarah Brand better known as Sarah Darke
- all personal estate to Sarah Brand otherwise Darke

Text

1. This is the last Will and Testament of me Edward Rolle Darke of the parish of Bow in the County of Middlesex of the India Company's Civil Department
2. of which Will I have called two parts to be written both of the same tenor effect and form
3. whereas my brother John Darke late of Barnstaple in the County of Devon Clockmaker deceased did in and by his last will and testament bearing date on or about the twenty eighth day of April now last past after bequeathing the several pecuniary legacies therein mentioned give and bequeath all the residue of his personal and testamentary estate subject to the payment of his just debts and funeral expenses unto Josias Weeks John Bowen and Joseph Wingyett Hunt all of Barnstaple aforesaid upon trust to sell and convert the same into money and to invest the clear residue and proceeds therein in the names or name of themselves or of the survivors or survivor of them or the executors or assigns of the survivor of them in some or one of the Government Stocks or Parliamentary Funds of Great Britain and to alter and vary the same as they or he should 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 my children by the female with whom I then resided or cohabited either in binding them him or her apprentices or apprentice or for their his or her advancement in the world as the same trustees or trustee for the time being should think fit and so subject upon trust to pay the expenses or proceeds of the whole or residue of the said testators personal estate unto or permit the same to be received by me the said Edward Rolle Darke for my own advantage during the term of my natural life and from and immediately after my decease then to transfer and dispose of the same stocks and securities in such manner and upon such such trusts to and amongst such one or more of my children or child legitimate or illegitimate as I should by my last Will and Testament in writing or any Codicil or Codicils thereto only excepted and attested direct or appoint and for want of such direction or appointment then unto and between his my said brothers next of kin according to the statute of distribution of intestate estates and effects in and of his will my said brother appointed the said Josias Weeks John Bowen and Joseph Wingyett joint executors in trust and whereas my said brother departed this life on or about the fifth day of this instant May and the said Josias Weeks John Bowen and Joseph Wingyett Hunt duly proved the said will by commission from the Prerogative Court of Canterbury before the Revd Henry Richards

of Barnstaple aforesaid on the seventeenth day of this present month and whereas there are two children by my wife namely Mary Ann now the wife of William Prout Bevan Cooper and Sally now the wife of John Chappell Mariner whom I acknowledge legitimate the other children she has born namely Thomas and James I positively declare are not mine nor was either of them begotten by me but they are bastards and aliens from my blood in the strongest sense and manner of the words and whereas owing to the unpleasant and peculiar circumstance in which I was placed through the misconduct and gross improprieties of my wife being driven from my native home and made to suffer contumely poverty and distress I several years since sought and obtained comfort and consolation in the society of a female named Sarah Brand now better known by the name of Sarah Darke and by her I acknowledge five illegitimate children named respectively William Matilda Thomas Mary and Sally

4. now I the said Edward Rolle Darke in pursuance and execution of the power and authority given to me in and by the hereinbefore in part ? last Will and Testament of my said brother John Darke deceased do by this my last will and testament in writing on my duly executed and attested direct and appoint that they the said Josias Weeks John Bowen and Joseph Wingnott Hunt or the survivors or survivor of them or the executors or administrators of the survivor of them shall from and immediately after my decease stand possessed of and interested in the monies stocks funds and securities in or upon which the then residue of my said brothers personal estate and effects shall consist or be then inverted upon trust for my before named children legitimate and illegitimate namely the said Mary Ann the wife of William Prout Bevan and Sally the wife of John Chappell as well as the said William Matilda Thomas Mary and Sally my children by the said Mary Brand otherwise Sarah Darke to be equally divided between them share and share alike as tenants in common the share of each of them to be vested at twenty one years and then to be paid or transferred with benefit of survivorship between them as to their original and also any additional shares in case any of them shall die under the age of twenty one years and I direct that the dividends or monies arising from the portion or share of each of them my before named children shall be applied in or towards his or her maintenance from the time of my decease until the same portion or share shall become payable
5. And all my own personal and testamentary estate and effects whatsoever and where so ever subject to the payment of my just debts and funeral expenses I give and bequeath unto the said Sarah Brand otherwise Sarah Darke her executors administrators and assigns and
6. I do nominate constitute and appoint her the said Sarah Brand otherwise Sarah Darke sole Executrix of this my last will and testament
7. In Witness whereof I the said Edward Rolle Darke have to this my last will and testament written on two sheets of paper to the first sheet thereof set my hand and to this second and last sheet set my hand and affixed my seal this twentieth day of May in the year of our Lord one thousand eight hundred and twenty five

E. R. Darke

Signed sealed published and declared by the said Edward Rolle Darke the testator as and for his last will and testament in the presence of us who at his request and in the presence of each other have subscribed our names as witnesses

Marianne Hunt
James Chamberlin

Proved at London the 29th November 1836 before the Worshipful John Hayyard Dr of Laws and Surrogate by the Oath of Sarah Brand otherwise Darke Spinster the sole executrix to whom admn was granted having been first sworn duly to adm