

1838 Will of William Rice

For the Stamp Office

Copy of the Will of William Rice late of Bratton Clovelly, Yeoman deceased

Sole Executrix Charlotte Rice of Bratton Clovelly, Devon Widow

Proved in the Archdeacon's Court of Totnes 7th June 1838

Effects Sworn under £200

George Farwell Dy Regr

No. 1. For Executors.

Appeared personally Charlotte Rice of the Parish of Bratton Clovelly in the County of Devon and Archdeaconry of Totnes Widow the sole Executrix named in the last Will and Testament of William Rice late of Bratton Clovelly aforesaid Yeoman who died on the twenty first Day of March 1838 and made Oath that he has made diligent search and due enquiry after, and in respect of the Personal Estate and Effects of the said deceased, in order to ascertain the full amount and value thereof; and that to the best of her knowledge, information, and belief, the whole of the Goods, Chattels, and Credits, of which the said deceased died possessed, within the Archdeaconry of Totnes, in the Province of Canterbury, (exclusive of what the deceased may have been possessed of, or entitled to as a Trustee for any other Person or Persons, and not beneficially, but including the Leasehold Estates for years of the deceased, whether absolute or determinable on Lives, and without deducting any thing on account of the Debts due and owing from the deceased) are under the value of two hundred Pounds to the best of this Deponents knowledge, information, and belief. [signed] Charlotte Rice

Sworn on the seventh Day of June 1838 before me [signed] George [?] Coleridge Surrogate

This is the last Will and Testament of me William Rice of the parish of Bratton Clovelly in the County of Devon Yeoman

I give and devise All that my Messuage Hereditaments and Premises situate in the parish of Bratton Clovelly aforesaid called Wrexhill and all other my real Estate whatsoever of which I or my person or persons in trust for me and are or is seised or shall be seised at the time of my decease or which in exercise of any power I am entitled or enabled to appoint devise or dispose of by this my Will with their rights and Appurtenances unto my Brother John Rice and my friend William Wimpey of Bratton Clovelly aforesaid yeomen their Heirs and Assigns To the uses and upon the Trusts hereinafter expressed and contained of and concerning the same that is to say

Upon Trust by Sale or Mortgage of a competent part of my said real Estates to raise and levy the sum of Four hundred pounds which I hereby declare shall be applied in payment and liquidation of the Mortgage debt and Interest due and owing to Mr Millett of Okehampton and the residue thereof in augmentation of my personal Estate and I do hereby declare that it shall and may be lawful for the said Trustees and the Survivor of them and the Heirs and Assigns of such Survivor to sign and give

my receipt or receipts in writing for any Sum or Sums of money shall be advanced to them or him upon any such Sale or Mortgage as aforesaid or which shall become payable to them or him under the trusts of this my Will and that the person or persons paying the same shall not be bound to see to the application or be accountable for the misapplication of the same and particularly that no person advancing money on such Sale or mortgage shall be under any obligation of ascertaining that the same is wanted for the purpose hereinbefore mentioned or be in any wise affected by reason of my person Estate not having been previously got in and applied in payment of my said Debts or by his or their Knowing that the same had not been applied

And subject thereto as to all that Dwelling house with the Garden and the new Enclosure on the eastern side of the House part of Wrexhall Estate aforesaid Upon Trust after the death of my uncle William Rice for my dear Mother Mary Martin and her Assigns during the term of her natural life

And also upon Trust after the death of the said William Rice to pay unto my said Dear Mother and her Assigns during her natural life the annual Sum of Ten pounds and as to all my said real Estate subject as aforesaid Upon Trust to pay the rents and profits thereof unto my dear Wife Charlotte Rice and her Assigns or to permit her to occupy and hold the said real Estate subject as aforesaid for and until my Son William Rice shall attain his age of Twenty one years or in the event of his dying under that age until the youngest of my daughters shall attain the age of Twenty one years, my said Wife thereout maintaining and educating my said children until they shall attain the ages of Twenty one years and when and as soon as my said Son shall attain the age of Twenty one years Their upon Trust to pay and apply my said dear Wife and her Assigns the annual Sum or a yearly rent charge of Forty pounds for and during the term of her natural life

And upon this further Trust when and as soon as my said Son shall attain his age of Twenty one years Upon Trust to pay unto my Daughter Charlotte and her Assigns during her natural life the annual sum or yearly rent charge of Twenty pounds

And upon further trust when and as soon as my Daughter Mary shall attain her age of Twenty one years to pay unto my said Daughter Mary and her Assigns during her natural life the sum of Twenty pounds yearly

Provided always and I do hereby give power to the said Annuitants respectively to recover the said Annuities when in arrea and all Costs and Charges of such Recovery by distress and Sale in like manner and rack rents are recoverable by Law

And it is my further Will that the provision hereinbefore made for my said Wife is to be in line and satisfaction of all Dower or Thirds to which she may be entitled out of any part of my real Estate and in the event of her claiming such dower I direct the said Annuity in her favor to cease

And I direct that the Annuities hereby given shall commence and be payable on the Second usual quarter days of Lady day Midsummer Michaelmas and Christmas after the event on which the sums are to arise shall have happened and that thereafter the same shall be paid quarterly

And from and immediately after my said Son William shall to attain his said Age of Twenty one years I direct my said Trustees and the Survivor of them his Heirs and Assigns to stand possessed of all and singular my said real Estate subject and aforesaid Upon Trust for my said Son William his Heirs and Assigns for ever

Provided nevertheless that in case my said Son William shall die under the age of Twenty one Years without leaving lawful issue him or her surviving then I give devise and bequeath my said real Estate

subject as aforesaid unto my said two Daughters Charlotte and Mary their Heirs and Assigns for ever as Tenants in Common and not as joint Tenants

I hereby give and bequeath unto my said dear Wife her Executors Administrators and Assigns all my Household Goods Farming Stock Chattels and personal Estate whatsoever and wheresoever including the Sum hereby directed to be raised in augmentation of my said personal estate subject to the payment of my just debts Funeral and Testamentary expences

I nominate and appoint my said dear Wife Charlotte Executrix of this my last Will and Testament And I declare my Will to be that my said Trustees and each of them and the Heirs Executors Administrators and Assigns of them and each of them shall be charged and chargeable respectively for such monies only as they respectively shall actually receive by virtue of the Trusts hereby in them reposed notwithstanding their or any of their giving or signing or joining in giving or signing any receipt or Receipts for the sake of conformity and any one or more of them shall not be answerable or accountable for the others or other of them or for involuntary losses

And also that it shall and may be lawful for them with and out of the monies which shall come to their respective hands by virtue of the Trusts aforesaid to retain to and reimburse themselves respectively and also to allow to their respective Co-trustee all Costs Charges Damages and expences which they or any of them shall or may suffer sustain expend disburse be at or be put unto in or about the execution of the Trusts hereby in their reposed or in relation thereto

And it is my Will that my said Trustees shall and do from time to time when and as they shall think proper fell and cut down all such Timber and other Trees as they may think proper to be felled and cut down and do and shall apply the same in repairing my said Estate in any manner they may think fit And shall and may sell and dispose of my timber and other Trees which shall be so felled and cut down to any person or persons willing to purchase the same for such prices as they shall think right and do and shall apply the monies to arise from such sale thereout in or towards satisfaction of the incumbrances which at the time of my decease shall affect my real Estate or which shall affect the same by virtue of any charge made thereon by this my Will or any power herein contained

And the receipt or receipts of my said Trustees or the Survivor of them his Executors Administrators and Assigns for any money payable to them or him by virtue of these presents shall discharge the person or persons paying the sam from being answerable or accountable for the misapplication or non-application thereof or from being obliged to see to the application thereof

And I do hereby declare that if the Trustees hereby appointed by this my Will or to be appointed as hereinafter mentioned or either of them shall happen to die or be desirous of being discharged from the Trusts hereby in them reposed before such Trusts shall be fully executed it shall be lawful for the said Trustees and the survivor of them by any Deed or Deeds to be by him or them legally executed to appoint any person or persons to be a Trustee or Trustees in the stead or place of the Trustee or Trustees so dying or desiring to be discharged as aforesaid

And upon such appointment all the Trust Estates Monies and premises then vested in such Trustees or Trustee shall with all convenient speed be conveyed and assigned so as to vest the same in such new Trustees or Trustee either solely or jointly with such old Trustee or Trustees to such and the same uses upon for such and the same Trusts intents and purposes hereinbefore declared of and concerning the said Trust Estate and Premises or such of them as shall be capable of taking effect

In Witness whereof I the said William Rice the Testator to the three preceding sheets have set my hand and to this fourth and last sheet have set my hand and seal this nineteenth day of March One thousand eight hundred and thirty eight [signed] William Rice

Signed Sealed published and declared by the said William Rice the Testator as and for his last Will and Testament in his presence at his request and in the presence of each other of us who have hereunto set our hands as Witnesses hereto [signed] William W. Gurney of Bratton Clovelly Clerk Thomas Shopland of Bratton Clovelly Yeoman Thomas Rice of Bratton Clovelly Farm Servant

Transcribed by Kim Baldacchino
15 July 2014

The writing on this and three preceding sheets contains a true Copy of the Original Will of William rice late of Bratton Clovelly in the County of Devon, Yeoman, deceased the same having been carefully examined by us [signed] James Willis Jr William Hannaford Clerks to George Farwell Deputy Registrar of the Archdeacon's Court of Totnes

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