

## 1840 Will of Philip Hearn

No 5 For the Stamp Office

Copy of the Will of Philip Hearn late of Bratton Clovelly Devon Yeoman deceased

Executor Henry Hearn of Bratton Clovelly Devon Yeoman

Proved in the Principal Registry of the Lord Bishop of Exeter the 25<sup>th</sup> day of November 1840

Died 16<sup>th</sup> November 1840

Effects sworn under £20

Ralph Barnes Dep Registrar

For Executors.

In the Goods of Philip Hearn, Yeoman deceased.

Appeared personally Henry Hearn of Bratton Clovelly in the County of Devon Yeoman Sole Executor named in the last Will and Testament of Philip Hearn late of Bratton Clovelly aforesaid Yeoman who died on the Sixteenth Day of November 1840 and made Oath, that he hath 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 his Knowledge, Information, and Belief, the whole of the Goods, Chattels, and Credits, of which the said Deceased died, possessed within the Diocese of Exeter, (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, and without deducting any thing on Account of the Debts due and owing from the Deceased,) are under the Value of Twenty Pounds to the best of the Deponent's Knowledge, Information, and Belief. And the Deponent lastly made Oath, that the said deceased was not possessed of, or entitled to any Leasehold Estate or Estates for Years, whether absolute or determinable on a Life or Lives, to the best of the Deponent's Knowledge, Information, and Belief. [signed] Henry Hearn

Sworn on the Twenty fifth Day of November 1840 before me [signed] J Fisher [?]arwin M A Surrogate

This is the last Will and Testament of me Philip Hearne of Bratton Clovelly in the County of Devon Yeoman

I give and bequeath unto my dear Wife Grace Hearn to and for her own absolute use and benefit all and every the goods and chattels that shall at the time of my decease, be in and upon the Dwelling house in which we now reside upon Swaddle Down Estate in the said parish of Bratton Clovelly and Erected by James Crocker

I give and devise unto my Eldest Son John Henry Hearne all my right Title and Interest which I now have or hereafter shall have of and in all that Messuage Tenement and Premises called or commonly known by the name of Forda Mills situate in the Parish of Wolfardisworthy in the said County To hold the same unto and to the use of him my said Son John Henry Hearn his Heirs and Assigns for ever

I also give and bequeath to him my said Son John Henry Hearne the Sum of One hundred pounds Sterling money to be paid to him by my Executor hereinafter named at the end of twelve calendar months next after my decease

I give devise and appoint all that my Freehold Estate called or commonly known by the name of Swaddle Down situate in the said parish of Bratton Clovelly together with the rights members and appurtenances thereunto belonging to the uses following that is to say

As to for and concerning the said Dwelling house thereupon in which I now reside and built by James Crocker as aforesaid and also one third part of the same Estate To the use of my said Wife for and during her life without impeachment of waste

As to for and concerning the remainder part of the said Estate during the life of my said Wife and the Entirety thereof after her decease with the rights members and appurtenances thereunto belonging To the use of my youngest Son Henry Hearn and his Assigns during his life without impeachment of waste and after his decease, To the use of his such eldest Son lawfully issuing and for default of such Issue To the use of the second third and every other Son and Sons of my said youngest Son Henry Hearne lawfully to be begotten severally successively and in remainder

And in default of such Issue To the Use of all and every the Daughter and Daughters of my said youngest Son Henry Hearne lawfully begotten in equal shares if more than one and as Tenants in Common and the several and respective Heirs of the body and bodies of all and every such Daughter and Daughter lawfully Issuing

And in default of such Issue To the use of my own right Heirs for ever and for the purpose of preserving the contingent remainders hereunbefore created from being destroyed I give devise and appoint the said Estate called Swaddle Down with its appurtenances hereby limited[?] to any person or persons during the term of his or her natural life, immediately after the determination of that Estate by forfeiture or otherwise during his or her respective life time, unto and to the use of Henry Hearne of Langtree in the County of Devon Yeoman and John Webber of Meeth in the same County Yeoman and their Heirs during the life of the Tenant for life whose Estate shall so determine In trust for him or her and by the usual means to preserve the contingent remainders expectant or dependant thereupon from being defeated or destroyed.

And as to all the residue and remainder of my real and personal Estate and Effects of every description of which I may die seized or possessed or over which I now have any disposing power and not hereinbefore specifically or otherwise disposed of I give devise and bequeath the same unto my youngest Son the said Henry Hearne To hold unto and to the use of him my said youngest Son Henry Hearne his Heirs Executors Administrators and Assigns for ever, Subject nevertheless of the payment of my just debts and my funeral and Testamentary Expenses and also subject to the

payment of the Legacy of One hundred pounds hereinbefore given and bequeathed to my Eldest Son John Henry Hearne

And I appoint my said Youngest Son Henry Hearne to be Executor of this my Will for his own use and benefit, And I hereby revoke all former Wills by me at any time heretofore made Dated this twenty fourth day of October in the year of our Lord one thousand eight hundred and forty. [signed] Philip Hearn

This Will consisting of two sheets of paper was signed by the said Testator Philip Hearne as and to be his last Will and Testament in the presence of us, who in his presence and in the presence of each other have subscribed our names as Witnesses thereto [signed] Henry Churchward of Okehampton Devon Thomas Roberts Bratton Clovelly

Transcribed by Kim Baldacchino

10 July 2014