

John Clark Will

* [10] - Is the tenth line on the actual document.

This is the last Will & Testament Of me John Clark of Shorne, Ridgeway in the Parish of Shorne in the County of Kent. Gentleman, which I make in manner, that is to say, I appoint my beloved wife Eliza Clark and my dear daughter Avice Clark and Rebekah Clark joint executrixes.

Here of I direct that my mortal remains be decently interred also I direct that all my just debts funeral and testamentary charges and expenses be paid as soon as conveniently may be after my decease.

I give and bequeath unto my said wife Eliza Clark. All my household goods, furniture, plate, linen and [10] china, wines, liquors and other consumable stores. And also my clothes and wearing apparel absolutely. And also I give, and bequeath, to my said wife Eliza Clark, a cash legacy of fifty pounds, to be paid to her out of the first monies coming into the hands of my said Executrixes.

I give and bequeath to my sister Mary, the wife of Thomas Child, the sum of twenty pounds. In case my said sister should from my Account books, or otherwise, appear so indebted to me at my decease. Then I direct the sum of money in which she shall appear so indebted to me or to my estate shall be set off against her legacy in part or full satisfaction there of according to the amount.

If the debts shall [20] exceed the legacy, then the legacy shall be deemed in part payment of such debt, and the balance shall be claimed by my Executrixes of my said sister as part of my Estate.

I devise all my real estate, whatsoever and wheresoever, unto my said wife Eliza Clark, and daughters Avice Clark and Rebekah Clark in fee simple during the natural life of my said wife.

Upon the trusts hereinafter declared. Concerning the same and subject as aforesaid, I give and bequeath all the residue of my personal estate and effects, whatsoever and wheresoever, not hereby otherwise disposed of unto them the said Eliza Clark, Avice Clark and Rebekah Clark.

Upon trust to sell and convert into money by [30] public or private sale, or otherwise and at such time or times and generally in such manner as they, the said Eliza Clark, Avice Clark and Rebekah Clark or the survivors, or survivor, of them or their executors or administrators of such survivor or other the trustees, or trustee, for the time being of this my will (hereinafter referred to as "my trustees") shall deem expedient.

All such of my personal estate, not hereinbefore specifically bequeathed, as shall not consist of money or Government or real securities and to collect and get in the residue thereof.

And as to the moneys thereby arising upon trust to lay out, and invest the same in their names, upon Government, or real [40] securities of, or in England with full power from time to time to alter, vary and transpose at the discretion of my trustees for the time being.

As well the stocks and securities, wherein such investments may be made, as any other stocks or securities of, or to which, I may be possessed, or entitled, at the time of my decease into any other stocks funds or securities of a like nature.

And I do hereby direct my trustees to stand seized of my real estate. Hereinbefore devised during the life of my said wife, as aforesaid, and to stand possessed, as well, of the [50] stocks, funds and securities of which I may die possessed.

As also of those which may be so purchased, and taken as aforesaid, and which stocks, funds, and securities of which I may be possessed, or so purchased, or taken, and of all my moneys and other personal estate until sale conversion, calling in, and investment, are hereinafter mentioned, or referred to generally, as "the trust funds".

Upon, and for, the trust intents and purposes, hereinafter expressed and declared concerning the same. That is to say, as to all that my dwelling house, with the outbuildings, plantation, garden and appurtenances thereunto belonging situate at Shorne, Ridgeway aforesaid.

And now in my own occupation upon trust for my said wife. For her life, for her sole and separate use, and benefit, subject nevertheless to here keeping the said dwelling house, and buildings in good and tenantable [60] repair. And insured from loss or damage by fire, and the said garden and plantation, well cropped and cultivated. And the trees therein properly pruned and cherished.

And subject thereupon trust, to receive and take the rents and profits of my said real estate. And the dividends, interest and annual produce of the trust funds, as and when the same shall arise, and become due. And thereout to pay the costs of repairs, insurance commission, on the collection of the rents and other outgoings, affecting the said trust premises respectively.

And subject thereto, upon trust, to pay to my said wife during her life one annuity or clear yearly sum of one hundred and fifty six pounds by equal monthly [70] payments. In each year the first payment thereof to be made at the end of one calendar month next after my decease and a proportionable part thereof from the last day of payment to the day of her death. To be paid to her executors or administrators, and as to the residue of the said rents and profit dividends, interest and annual produce upon trust to invest the same. And the income thereofin, the names of my trustees in manner herein, before directed as to the net produce of the residue of my personal estate so as to accumulate by way of compound interest in the meantime and from and after the decease of my said wife.

I dispose of my estates, and properly as follows, that is to say I give and devise, the said [80] dwelling house at Shorne, Ridgeway aforesaid in which I now reside and dwell. With the outbuildings, yard and appurtenances, thereunto belonging. And also on a half part of the plantation and garden, used therewith, being the right hand side of the pathway, leading straight from the said dwelling house to the summer house, inclusive of the said pathway, and summer house as hereinafter mentioned, and with liability to pay one half part of the costs of keeping same respectively in repair.

To the use of my dear daughter Eliza Jane, the wife of Mr Henry Gibson, for her life. For her sole and separate use and benefit. Free from marital control, subject to her keeping the said dwelling house, and buildings in good and [90] tenantable repair. And insured from loss, or damage fire, and the said plantation and garden well cropped and cultivated.

And the trees therein properly pruned and cherished and on the death of the survivor of them my said wife and daughter the said Eliza Jane Gibson I give and devise the said dwelling house with the outbuildings yard and appurtenances. And the said half part of the plantation and garden pathway and summerhouse (subject as aforesaid) unto my trustees upon trust to sell the same and after payment of all expenses.

Relating to this present trust to pay and divide the clear residue of the monies produced by such sale unto and equally between all the children of [100] my said daughter Eliza Jane Gibson who shall be living at the decease of the survivor of herself and my said wife and who shall then have attained or shall afterwards attain the age of twenty one years.

Or if girls marry under such age, and if there shall be only one such child who shall attain a vested interest in the said clear balance of purchase money. Then the whole to be paid to such one, and I give and devise all those my two cottages situate at Shorne, Ridgeway aforesaid. And near or adjoining my said dwelling house, with the outbuildings, and appurtenances thereunto respectively belonging, and also the other or remaining half part of the said plantation and garden. Being the left [110] hand side of the said pathway, with the free use of the said pathway, and summer house, but on condition and subject, to her and their paying one half part of the costs and charges, of keeping the same respectively in repair and good order, and condition.

And to the use of my dear daughter Sophia Waters the wife of Mr Alfred Waters (if she shall survive my said wife) in fee simple. But in case my said daughter Sophia Waters shall die in the lifetime of my said wife then I devise the same hereditaments last mentioned unto my trustees upon trust. To sell the same, after payment of all expenses relating to this present trust.

To pay and divide the clear moneys, produced by such sale, unto and equally, between all her [120] children living at the decease of my said wife.

Who being a son or sons shall attain the age of twenty-one years or being a daughter or daughters shall attain that age or previously marry.

And if but one such child shall attain a vested interest therein then the whole to be for such one and in case my said daughter Sophia Waters should die in the lifetime of my said wife and should not leave any child or children who shall take a vested interest under the limitation lastly hereinbefore contained then I devise the said hereditaments lastly hereinbefore contained.

Then I devise the said hereditaments lastly hereinbefore devised unto and to the use of such of my other daughters living at the decease of my said wife [130] in fee simple as tenants in common and not as joint tenants.

I give and devise all those my three dwellinghouses situate numbers 2, 3 and 4 North Street, Poplar in the County of Middlesex, with the outhouses ground and appurtenances thereunto respectively belonging unto and to the use of my said daughter Avice Clark (if she shall survive my said wife) in fee simple.

But in case my said daughter Avice Clark shall die in the lifetime of my said wife, then in case she marries, then I devise the same hereditaments, last mentioned, unto my trustees, upon trust, to sell the same. And after payment of all expenses relating to this present trust, to pay and divide the clear moneys produced by such sale unto and equally between [140] all her children living at the decease of my said wife who being a son or sons shall attain the age of twenty one years.

Or being a daughter or daughters shall attain that age, or previously marry. And if but one such child shall attain a vested interest therein then the whole to be for a such one and in case my said daughter Avice Clark should die in the lifetime of my said wife and should not leave any child or children who shall take a vested interest under the trust lastly herein before contained.

Then I devise the said hereditaments, lastly herein before devised, unto and to the use of such of, my other daughters living at the decease of my said wife in fee simple as tenants in common and not as joint [150] tenants. And I give and devise all those my three dwelling houses adjoining those last mentioned situate numbers 5, 6 and 7 North Street, Poplar aforesaid with the outhouses ground and appurtenances thereunto respectively belonging unto and to the use of my said daughter Rebekah Clark (if she shall survive my said wife) in fee simple.

But in case my said daughter Rebekah Clark shall die in the lifetime of my said wife then, in case she marries, I devise the same hereditaments last mentioned unto my trustees upon trust to sell the same and after payment of all expenses relating to this present trust to pay and divide the clear moneys produced by such sale unto and equally between all her children [160] living at the decease of my said wife who being a son or sons shall attain the age of twenty one years or being a daughter or daughters shall attain that age or previously marry.

And if but one such child shall attain a vested interest therein then the whole to be for such one . And in case my said daughter Rebekah Clark should die in the lifetime of my said wife and should not leave any child or children who shall take a vested interest under the trust lastly hereinbefore contained then I devise the said hereditaments lastly hereinbefore devised unto and to the use of such of my other daughters living at the decease of my said wife in fee simple as tenants in common and not [170] as joint tenants.

And I give and devise all that my dwelling house situate number 18 (formerly number 8) Shepherd Street, Devon Road, Bromley, in the said County of Middlesex with the outhouses around and appurtenances thereunto belonging unto and to the use of my two daughters the said Avice Clark and Rebekah Clark.

If both of them are single and unmarried at the time of the decease of my said wife in fee simple as tenants in common and not as joint tenants. But if only one of them shall then be single and unmarried then I devise the same hereditaments unto and to the use of such single one in fee simple. And if both of them my said daughters Avice Clark and [180] Rebekah Clark shall be married at the time of the decease of my said wife then I devise the same last mentioned hereditaments unto and to the use of them my said two daughters Avice Clark and Rebekah Clark in fee simple as tenants in common.

And as to all that my dwelling houses situate number 15, Pleasent Row, Maidstone Road, Rochester in the said County of Kent, with the outhouses ground and appurtenances thereunto belonging. And all the rest residue and remainder of my real estate, I devise the same to my trustees upon trust to sell the same by public or private sale for such price or prices and generally in such manner as my trustees shall think best.

And as to the moneys [190] arising therefrom, and all and every, the stocks, funds, and securities, I may be possessed of or which may be purchased and taken as in hereinbefore directed, and all other my residuary trust estate upon trust.

To pay and divide, the same unto, and equally, between all and every, my said daughters Eliza Jane Gibson (subject as hereinafter mentioned), Sophia Waters, Avice Clark, and Rebekah as shall be living at the death of my said wife or of myself, if I should survive my said wife, and the child or children or any or either of them who may then be deceased such child or children of any deceased daughter of mine taking only (if more than one in equal shares and if but one then the [200] whole to such one) the part or share which his her or their deceased mother would have taken if living and to the share of my said daughter Eliza Jane Gibson.

I direct my trustees to stand possessed, thereof upon trust, to invest the same in their names and to pay the dividends interest and annual produce arising therefrom unto my said daughter Eliza Jane Gibson during her life and on her death to divide the corpus of such share or what shall then be remaining thereof unto and equally between all her children living at her decease.

And who shall attain the age of twenty one years, or if girls marry under such age, and if but one then the whole to be for such one [210] and I hereby empower my trustees to pay to my said daughter Eliza Jane Gibson such part of the capital of her share (hereinbefore directed to be invested during her life) as she may require not exceeding in any one year the sum of one hundred pounds.

I declare that all moneys liable to be invested under this my will may be invested in or upon any stocks funds or securities authorised by law as investments for trust funds.
And I also declare that my trustees may with the consent in writing of any life tenant under this my will during her life and after her decease at their own discretion raise any part or parts not exceeding together one moiety of the expectant share of any [220] grandchild of mine under this my will and apply the same for his or her advancement preferment or benefit as my trustees shall think fit.

I empower my trustees, or trustee, for the time being, to compound or to allow time or accept security for payment of any debt due to my estate and to satisfy all demands against my estate whether supported by strictly legal evidence or not and to settle and adjust all accounts between me and any other person as they he or she shall think fit and to refer any matters in difference to arbitration and generally to manage the said trust Estates as they he or she shall think best.

And I also declare that all statutory powers and provisions for the [230] appointment of new trustees subject as hereinafter mentioned or otherwise made incident to the office of trustees shall take effect in regard to this my will and the trusts thereof the same as if incorporated herein and that the power of appointing new trustees conferred by statute shall for the purposes of this my will be vested in my said wife during her life.

And I declare that no trustee or trustees shall be liable for the acts or defaults of his her or their co-trustees or co-trustee nor for involuntary losses and that they respectively may retain and pay to themselves or each other out of the said trust estate all costs charges and expenses incurred in relation to the trusts hereof.

And hereby [240] revoking all former wills, I do declare this only to be, and contain my last will and testament.

In witness thereof I the said John Clark testator have each of the six sheets of my will set my hand this ninth day of April in the year of our Lord one thousand eight hundred and eighty six.

Signed by the said John Clark the testator and by him declared to be his last will and testament in the presence of us present at the same time who in his presence at his request and in the presence of each other have hereunto subscribed our names as witnesses thereto –

Adoephus J. W. Stephens Solicitor Chatham

Edward I. Harnden his clerk

[250] On the 24th March 1890 Probate of this Will was granted to Avice Clark and Rebekah Clark, spinsters, two of the Executrices.

Gross Value of Personal Estate £1,246.6.3