

Lyddington Manor History Society

Robert CLARKE, Stone Mason of Lyddington

Will proved 1819

ROLLR DE 73/25

1 This is the last Will and Testament of me Robert Clarke
2 of Lyddington in the County of Rutland Stone Mason, first I give and devise unto my son Hugh
3 Clarke, All that my Freehold Messuage or Tenement lately divided into two Tenements Situate and
4 being in Lyddington aforesaid with the Rights Members and Appurtenances to the same belonging and
5 now in the several occupation of Thomas Brewster and John Dawson Laborers To hold the same
6 unto my said Son Hugh Clarke his Heirs and Assigns for ever. Subject nevertheless to the payment
7 by my said Son Hugh of Two pounds yearly and every year during the minority of my three Sons
8 Joseph William and Thomas Clarke for and towards their support and maintenance until the
9 Youngest of them shall have attained the Age of twenty one years. I give and devise unto
10 my said Son Hugh Clarke and Thomas Pretty of Lyddington aforesaid Farmer and the Survivor
11 of them and the Heirs of such Survivor All those three Copyhold Messuages Cottages or Tenements
12 situate and being in Lyddington aforesaid and now in the several tenures or occupations of William
13 Ruddle William Scattergood alias Rob. and Thomas Gilby And also all that Copyhold piece or
14 parcel of Land containing by estimation or commonly reputed to be four acres and two
15 Roods situate and being in the Lordship or Liberties of Lyddington aforesaid Upon Trust and
16 to and for the intents and purposes following that is to say. . Upon Trust that they the said
17 Hugh Clarke and Thomas Pretty and the survivor of them and the Heirs of such Survivors

18 do and shall yearly and every year during the respective minorities of my said three
19 Sons, Joseph, William, and Thomas Clarke receive and take the Rents Issues and Profits
20 of my said three Copyhold Messuages Cottages or Tenements piece or parcel of Land
21 Hereditaments and premises and apply the same for and towards the support and maintenance
22 of my said three Sons until they shall severally and respectively attain the Age of Twenty
23 one years and in case the whole of the said Rents and Profits shall not be wholly laid out
24 and expended for the purposes aforesaid I do hereby declare my Will and meaning to be
25 that the residue thereof shall be added from time to time to my Personal Estate and
26 when and so soon as the youngest of my said three Sons Joseph William and Thomas
27 Clarke shall have attained his said age of twenty one years then Upon Trust to sell and
28 dispose of the same Hereditaments and premises either by Public Sale or Private Contract for
29 the most that can or may be had or obtained for the same But nevertheless I do hereby
30 declare in case any or either of my said Sons shall be desirous to become purchasers of
31 all or any part of my said Trust Estate that it shall and may be lawful to and for my
32 said Trustees to permit and suffer the same he or they consenting to pay such Values for the
33 whole or any part of the Hereditaments and Premises as he or they may be able to purchase
34 as shall be deemed fair and reasonable by some able and discreet valuer to be my said
35 Trustees for that purpose chosen and that my said Son Hugh notwithstanding his Capacity as
36 Trustee shall have a preference to my other Sons in such Purchase _ And I do hereby direct
37 that they the said Hugh Clarke and Thomas Pretty and the Survivor of them and the Executors and
38 Administrators of such Survivor do and shall stand and be possessed of the money arising from
39 Such Sale or Sales as aforesaid after paying off and discharging such Mortgage incumbrances
40 as the same Hereditaments and Premises may be subject to at the time of my decease and

41 deducting all reasonable expences attending the same. Upon Trust to pay and divide the residue
42 thereof [?such] and among my Sons and Daughters Robert Clarke James Clarke Joseph Clarke
43 Thomas Clarke William Clarke Mary the Wife of John Almond of Lyddington aforesaid Butcher and
44 Elizabeth Clarke, in manner and in the proportions following that is to say. To Robert fifteen
45 Pounds and James five pounds less than the other of my Sons and Daughters, Joseph Thomas
46 William Mary the Wife of John Almond and Elizabeth Clarke upon the division of the money arising
47 from the Sale of my Estate as aforesaid and also the surplus (if any of the Rents and Profits of my
48 said Messuages Cottages or Tenements piece or parcel of land during the minorities or minority
49 of my said Sons Joseph William and Thomas which I direct may be divided amongst them
50 my said Sons and Daughters share and share alike excepting as aforesaid _ I also give and
51 bequeath unto them the said Hugh Clarke and Thomas Pretty and the survivor of them
52 and the Executors and Administrators of such Survivor all and singular my
53 Household Goods Plate Linen and Woollen China and Glass which shall be found in and about
54 My Dwellinghouse after my decease. Also, all the rest residue and remainder of my ready money
55 Securities for the money Personal Estate and Effects whatsoever and wheresoever and of what nature
56 or kindsoever as I may be possessed of or interested in at the time of my decease subject to the
57 payment of my just Debts funeral and testamentary expences and the charges of proving this my
58 Will upon Trust to permit and suffer my said Daughter Mary the Wife of John Almond to
59 take such of my Household furniture as she may select for her own use but also in like
60 manner to permit and suffer my said Daughter Elizabeth Clarke to select in succession such
61 of my said Furniture as she may wish to select for her own use But nevertheless I do hereby
62 declare and my Will and meaning is that such part of my furniture as shall be taken by either
63 of my said Daughters shall be valued by some sworn appraiser and paid for by them to my said

64 Trustees accordingly And in case my said Daughters or either of them should decline taking all or
65 any of my said Household Furniture under the conditions aforesaid I do hereby direct my said Son Hugh
66 Clarke and Thomas Pretty or the Survivor of them or the executors or administrators of such Survivor
67 to sell and dispose of the whole of the residue thereof by Public Auction as soon after my decease as to
68 them shall be convenient And I do further direct that they shall stand possessed of the money arising
69 by the valuation or sale as aforesaid upon trust to pay and divide the same equally between and among my
70 Children that is to say Robert, James, Joseph Thomas and William Mary the Wife of John Almond and Elizabeth
71 Clarke share and share alike And for the better and more effectually facilitating the Sale of the said Copyhold
72 Messuages Cottages or Tenements piece or parcels of land and premises I do hereby declare that the receipt of my said
73 Son Hugh Clarke and Thomas Pretty or the survivor of them or the Heirs of such Survivor shall be a good and sufficient
74 discharge to the purchaser or purchasers thereof for so much and such parts of the purchase money as in such receipt
75 or receipts shall be expressed to be received and that after such receipt or receipts the purchaser or purchasers shall
76 not be answerable or accountable for the application misapplication or nonapplication of the said purchase money _ And
77 I do hereby further direct that my said Trustees shall not be answerable or accountable for any loss that may happen to
78 the said Trust Premises unless the same shall happen through his or their own wilful neglects or defaults and that the one of
79 them shall not be accountable for the acts and Deeds of the other of them but each of them for himself his acts and Deeds only
80 and that it shall be lawful for them my said Trustees out of my said personal estate and trust promise to reimburse
81 himself and themselves respectively all such costs charges and expences which he or they shall or may pay sustain or incur in
82 and about the execution of the Trusts hereby in them reposed and given And lastly I do hereby nominate constitute and appoint my said
83 Son Hugh Clarke and Thomas Pretty joint executors of this my Will In Witness whereof I have hereunto set my hand and
84 seal this twenty first day of May _ One thousand eight hundred and eighteen.

85 *Rob[er]t Clark*

86 Signed Sealed Published and Declared by

87 the said Robert Clarke the Testator,
88 as and for his last Will and Testament
89 in the presence of us who in his
90 presence at his request and in the
91 presence of each other have subscribed
92 our names as Witnesses

93 *Bentley Warren*

94 *Thomas Brown* } *Clerks to Mr Warren*
95 *John Taylor* } *notary of Uppingham*

Probate clause

96 On the ninth day of March in the year of our Lord 1819
97 Hugh Clarke of Lyddington in the County of Rutland and Diocese
98 of Lincoln, Stonemason, one of the Executors named in the within
99 Will was there sworn well and faithfully to fulfil the same,
100 according to law, and that the Goods, Chattels and Credits of the
101 within named Deceased, do not amount in value to the sum
102 of £100

Before me

Henry Kaye Bonney, M.A. Surrogate

Transcribed Brian Stokes, November 2011 from a photocopy of the original paper document

Checked by Rosemary Canadine, February 2012

©LMHS 2012

Key words

Appurtenances (tenements), Buildings, Devisees other than family, Family, Land, Location (Lyddington), Occupants, Valuables