

Provided always and it is my Will that if my said Estate and premises in Staverton shall come into the profession of my said grandson Philip MICHELMORE under the limitations thereinbefore contained then I charge and make liable the same estate and premises with the payment of one hundred pounds to each and every of my grand children who shall be living at my decease to be paid to them within six calendar months after my said grandson shall become possessed of the said premises.

Also I give unto my said daughter Harriett fifty pounds to be paid to her by my Executor within one week after my decease for her immediate use.

All the rest residue and remainder of my funded property money and securities for money goods chattels leasehold property and personal and testamentary estate and effects subject to the payment of my just debts funeral and testamentary expenses and the legacies hereinbefore bequeathed I give and bequeath unto my Son Thomas absolutely.

Also I give devise and bequeath unto my said Son Thomas his heirs executors administrators and assigns all such freehold and leasehold messuages lands tenements and hereditaments as are vested in me as mortgagee or trustee according to my right title and interest therein respectively upon the tenets and for the ends intents and purposes for which the same respectively are held by me.

And lastly I hereby nominate and appoint my said Son Thomas as the sole *Executor* of this my Will hereby revoking all former Wills by me made. In witness whereof I have hereto set my hand and seal this twenty seventh of November one thousand eight hundred and forty two.

*P Michelmores*

Signed sealed published and declared by the said Testator Philip MICHELMORE as and for his last Will and Testament in the presence of us who at his request and in the presence of him and of each other have subscribed our names as witnesses.

*Elizabeth Grant  
John Sternell*

*Proven* 6th June 1843 by Thomas MICHELMORE the Executor Before the Reverend George Maximillian Slatter Clerk BD Surrogate to the Worshipful George Martin Clerk MA Vicar General to the Lord Bishop of Exeter First duly sworn saving every one's rights. Testator died 18th December 1842.

***This*** Official Copy of the Will of Philip MICHELMORE, extracted from the Registry of the Court of the Bishop of Exeter, was proved London 24th November 1844 before the Judge by the Oath of Thomas MICHELMORE the son the sole Executor to whom Administration was granted Limited so far only as concerned all the right title and interest of him the said deceased in and to a certain sum of one hundred pounds now three and a half per cent annuities and the interest and dividends which now are or may hereafter become due thereon and all benefit and advantage to be had received and taken therefrom in no junction or otherwise vested in him the said deceased as the surviving Trustee in and by two certain indentures bearing date respectively the fourth day of October one thousand eight hundred and eight and the second day of November one thousand eight hundred and eleven having been first sworn by Commission and only to administer.

Also I give unto my said Sons Philip and Charles the sum of four thousand and five hundred pounds sterling to be paid to them by my Executor in three months after my decease upon the following trusts, viz: upon trust to invest the same upon government or landed securities at interest in their own names and with full power to alter and vary the same as often as they shall think fit and to stand possessed of the annual produce thereof In trust for the sole and separate use of my said daughter during her natural life free and independent of any husband with whom she may hereafter intermarry, the said annual produce to be paid into the hands of my said daughter on her receipt alone and which annual produce or any part thereof.

I hereby direct that it shall not be lawful for my said daughter to anticipate charge or incumber and from and after the decease of my said daughter I direct the annual produce of the said trust money to be paid to the husband (if any) of my said daughter (who may happen to survive her) for his natural life and from and after the death of the survivor of my said daughter and husband (if any) then I direct the said sum of four thousand and five hundred pounds stocks funds and securities to be paid and transferred unto and equally between all the children (if any) of my said daughter that may be living at her decease and with the interest in the meantime for their maintenance and support until they shall severally attain twenty one years of age and with benefit of survivorship amongst them in the event of any or either of them dying under that age and unmarried.

But if my said daughter should depart this life without leaving any issue living at the time of her decease or being such and all of them should die under twenty one years of age then I direct the said sum of four thousand and five hundred pounds stocks funds and securities to be paid and transferred unto such person or persons and under and subject to such restrictions and limitations as my said daughter shall at any time or times whatever sole or covert by any deed or Will or Codicil direct appoint give or bequeath the same and in default of such direction appointment gift or bequest then I direct the said trust money stocks funds and securities to be paid unto the person or persons who at the decease of my said daughter or such failure of issue (which shall last happen) shall be of blood and in kin to my said daughter and who either in his her or their own right or in right of his her or their representation would be entitled to the same under the statutes for the distribution of the effects of Intestates in case my said daughter had died intestate and unmarried.

I give and devise unto my Son Thomas all that my farm and estate situate in Staverton and now commonly called Sparkwill and all other my freehold leasehold and copyhold lands and hereditaments in the parish of Staverton to hold the same with their respective appurtenances unto my said Son Thomas his heirs executors administrators and assigns according to the nature and quality of the same premises. But if my said Son Thomas should die without leaving lawful issue living at the time of his decease then I give devise and bequeath the said Estate called Sparkwill and all other my freehold leasehold and copyhold lands in Staverton unto my said grandson Philip MICHELMORE, the Son of my late Son Jeffery and to his heirs executors administrators and assigns but if my said grandson should also depart this life without leaving lawful issue living at the time of his decease then I give and devise the said estate called Sparkwill and all other of my said premises in Staverton unto my said Son Charles his heirs executors administrators and assigns absolutely.

*Extract from the Principal Registry of the Bishop of Exeter the twelfth day of August 1844<sup>1</sup>*

***This is the last Will and Testament of me Philip MICHELMORE*** of Paignton in the County of Devon, Gentleman.

First I give unto my Executor hereinafter named the sum of three thousand and five hundred pounds to form part of my residuary estate and to [be] paid to him within three calendar months after my decease by my Son Philip and with the payment thereof I hereby charge all my lands and hereditaments hereafter devised to my said Son Philip.

Also I give unto my said Son Philip all that my Barton, Farm and lands called Painsford in the Parish of Ashprington, also all my fields and closes of land and premises situate in the Parish of Harberton, and also all that my estate called Hoxworthy to hold all the said several premises with their respective rights incumbers and appurtenances unto my said son Philip his heirs and assigns for ever subject nevertheless to payment of the said sum of three thousand and five hundred pounds to my Executor and also subject to the annuity charges thereon by the Will of my late Father for the life of my Brother Henry and to all arrears thereof at my decease.

Also I give unto my Son Charles the sum of five thousand pounds sterling to be paid to him by my Executor without three calendar months after my decease and if my said Son Charles should die in my lifetime then I direct the said sum of five thousands pounds to be paid to his executors or administrators.

Also I give unto my grandson Philip MICHELMORE the Son of my late Son Jeffery the sum of two thousand five hundred pounds to be paid to him by my Executor within three calendar months after my decease.

Also I give unto my granddaughters (the children of my late Son Jeffery) the sum of two thousands pounds to be equally divided between them and to be paid when and as they severally attain twenty one years of age with interest from the expiration of three months after my decease at the rate of four per cent per annum and with benefit of survivorship amongst them if any or either of them should die under twenty one.

Also I give and devise unto my daughter Harriet all that dwelling house with the gardens and grounds thereto belonging situate in Paignton aforesaid and now in my own occupation to hold the same unto my said daughter her heirs and assigns for ever but if my said daughter should happen to die without leaving issue living at the time of her decease then I give to the said dwelling house gardens and grounds unto my said Son Charles his heirs and assigns for ever.

Also I give unto my said daughter all my household goods and all my personal property of every description (except my money and securities for money) which may be on the premises in which I may be residing at the time of my death for her own absolute use and benefit.

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<sup>1</sup> This transcript has been divided into paragraphs for ease of reading.