

Cover: Declaration of Trust dated 12th January 1841

Between Messrs Loosemore and Quick with Messrs Way and Gale and Uxors

924B/F3/15b

Inside cover

Memorandum. The within mentioned sum of one thousand and one hundred pounds and twenty three pounds twelve shillings and ten pence part of the mortgage money on Mr Morrish's premises in the share of the said Elizabeth Waye And the sum of one thousand pounds within mentioned and one hundred and seventy three pounds twelve shillings and ten pence also part of the said mortgage money on Mr Morrish's premises in the share of the said Eleanor Gale. Witness our hands

Witness Tho Tucker

Robert Loosemore. J F quick G P Waye Elizabeth Waye Henry Gale Eleanor Gale

Signed sealed and delivered by the within named Robert Loosemore John Fraine Quick Henry Gale and Eleanor his wife in the presence of Tho Tucker

Main document

This Indenture made 12th day of January 1841 Between **Robert Loosemore** of Tiverton in the county of Devon Gentleman and **John Fraine Quick** of the same place surgeon (Trustees acting under and by virtue of the last will and testament of **John Cowlen** late of Sampford Peverell in the said county gentleman deceased of the one part and **George Pidsley Waye of Tiverton** aforesaid Yeoman and **Elizabeth his wife** and **Henry Gale of Tiverton** aforesaid Gentleman and **Eleanor his wife (which said Elizabeth Waye and Eleanor gale were two of the daughters of the said John Cowlen)** of the other part Whereas the said John Cowlen by his said last will and testament in writing bearing date the thirty first day of May 1828 duly executed and attested after appointing certain freehold and leasehold estates comprised in and settled by his Marriage Settlement under a power therein contained for that purpose gave devised and bequeathed unto the said Robert Loosemore and John Fraine Quick their heirs executors and administrators respectively all and singular the residue of his messuages lands tenements and real estate whatsoever and wheresoever whether freehold leasehold or copyhold which he then was or at his death should be seized or possessed respectively of or in any manner beneficially entitled to or interested in either in possession reversion remainder or expectantly and whether at Law or in Equity or over which he then had or at the time of his decease might have any disposing power And also all his ready money and monies vested in the public stocks or funds or on real and personal securities and all his goods chattels and personal estate and effects whatsoever not thereinbefore disposed of To have hold receive and take his said real and personal estate and premises and every part thereof unto and to the use of the said Robert Loosemore and John Fraine Quick their heirs executors administrators and assigns respectively according to the several natures or legal qualities thereof And his will further was that he did thereby direct that the said `Robert Loosemore and John Fraine Quick their heirs executors administrators and assigns should sell and dispose of his real estate by public auction or private contract and should collect get in and convert into money all his personal estates and effects an out of the monies which should come to their hands by virtue of the Trusts of that his will should pay all sums of money owing from him at the time of his decease on mortgage bond note simple contract or otherwise And also his funeral and testamentary expenses and subject thereto should lay out and invest all the surplus Trust monies which might come to their hands as aforesaid in their or his names or name in the purchase of a competent share or shares of any of the Parliamentary stocks or funds of Great Britain (except determinable annuities) or at interest upon real security in England and should either permit the sums of money which at the time of his decease should be vested on mortgage or Government securities or any part thereof to remain in the actual state of investment in which the same at the time of his decease or at the discretion of them the said Robert Loosemore and John Fraine Quick their executors administrators and assigns should sell transfer and dispose of such of his monies stocks funds and securities as might be invested on Government securities or any part thereof for such price or prices as they or he should think fit and should lay out and invest the monies arising therefrom in their name or names as thereinbefore directed respecting the surplus monies of his estate

and effects and should from time to time alter vary and transpose the same monies and the security upon which the same might be invested And should stand possessed and interested in all and singular the said Trust monies and estates thereby devised and bequeathed and the rents interest dividends and annual produce thereof upon the Trust thereafter declared concerning the same (that is to say) inter alia As to for and concerning one undivided equal sixth part or share of the said Trust monies and estates upon Trust that they the said Robert Loosemore and John Fraine Quick and the survivor of them his executors administrators and assigns should during the life of the daughter Elizabeth (now the said Elizabeth Waye) pay and apply the rents interest dividends and annual produce thereof upon certain Trusts therein mentioned for the benefit of his said daughter without anticipation and separate and apart from any man she might marry after the decease of the said daughter upon certain Trusts for the benefit of the child or children of his said daughter Elizabeth... .. advancement in the world maintenance and education of such child or children and with a benefit of ... between them and in default of any children of his daughter lawfully begotten then with certain ... for the benefit of the survivors or survivor of his daughters as therein declared And as to for and concerning one other individual equal sixth part or share of the said Trust monies and estate upon trust that they the said Robert Loosemore and John Fraine Quick and the survivor of them his. Executor administrators and assigns should during the life of his daughter Eleanor (now the wife of the said Henry Gale) pay and apply the rents interest dividends and annual produce thereof upon certain trusts therein mentioned for the benefit of the said daughter Eleanor without anticipation and separate and apart from any man she might marry and free from his debts and control and after her decease upon certain trusts for the benefit of her child and children born in lawful wedlock with powers of raising sums for the advancement in the world maintenance and education of such children and with a benefit of ... between them and in default of any children of his said daughter Eleanor lawfully begotten then with certain trusts over for the benefit of the survivors or survivor of his daughters as therein mentioned And Whereas the said John Cowlen departed this life soon after the execution of the said will without having altered or revoked the same and the same was duly proved by the said Robert Loosemore and John Fraine Quick the executors thereof in the Archdeacons Court at Exeter on the eighteenth day of July 1828 And Whereas the said Robert Loosemore and John Fraine Quick have in execution of the powers and Trusts repared in them by the said recited will sold and disposed of the real estate of the said John Cowlen deceased and collected got in and converted into money all his personal estate and effects and after paying in thereout all his debts and personal and testamentary expenses as directed by the said recited will have at the request of the said George Pidsley Waye and Elizabeth his wife and Henry Gale and Eleanor his wife invested the two sixth part or shares of the said Elizabeth Waye and Eleanor Gale in the residue of such estate and effects and which part or shares amounted to the aum of one thousand one hundred and seventy three pounds twelve shillings and ten pence each on the following securities (that is to say) the sum of one thousand one hundred pounds part thereof on a mortgage of a freehold house and premises called the White Horse Inn (sic) now belonging to Mrs Charlotte Goodland the sum of one thousand other part on a mortgage of freehold lands and hereditaments in Tiverton aforesaid the property of Mr John Morrish such last mentioned sum of two hundred and forty seven pounds five shillings and eight pence being part of a sum of three hundred and twenty pounds ... or mortgage as aforesaid on the last mentioned security And Whereas the said George Pidsley Waye and Elizabeth his wife and Henry Gale and Eleanor his wife have requested the said Robert Loosemore and John Fraine Quick to execute a Declaration of Trust stating that the said respective sums of one thousand pounds one thousand and one hundred pounds and two hundred and forty seven pounds five shillings and eight pence so invested on the said respective mortgages as aforesaid are the Trust monies of them the said Elizabeth Waye and Eleanor Gale and their present shares of the residuary estate and effects of the said John Cowlen deceased and which they the said Robert Loosemore and John Fraine Quick have consented to do in manner hereinafter contained Now This Indenture Witnesseth that in pursuance of the said agreement and in order to carry the same fully into effect and in consideration of premises they the said Robert Loosemore and John fraine Quick do hereby for themselves their heirs executors and administrators covenant promise to the said George Pidsley Waye and Elizabeth his wife and Henry Gale and Eleanor his wife and their respective executors and administrators that the said respective sums of one thousand pounds one thousand and one hundred pounds and two hundred pounds and two

hundred and forty seven pounds five shillings and eight pence so invested on mortgage as aforesaid in the names of the said Robert Loosemore and John Fraine Quick are the parts shares of them the said Elizabeth Waye and Eleanor Gale of and in the estate and effects of the said John Cowlen deceased to which or to the interest and annual income or produce of which they are at present entitled under the ... in part recited will and that they the said Elizabeth Way and Eleanor Gale are entitled to the same in equal portions and that they the said Robert Loosemore and John Fraine Quick and the survivor of them his heirs executors administrators and assigns shall and will stand possessed of and interested in the said respective sums of money and of and in the securities upon which the same are now invested or upon which the same or any part thereof shall from time to time with the consent of the said Elizabeth Waye and Eleanor Gale if living hereafter be invested and the interest and annual income or produce thereof upon and for the several trusts and for the ends intents and purposes declared and contained in the said executed will of the said John Cowlen deceased respecting the said daughters Elizabeth Waye and Eleanor Gale and their respective children and in default of such children as in the said will is particularly expressed and upon no other trust whatsoever In Witness whereof the said parties to these presents have hereunto set their hands and seals this day and year first above written (all signed)