

*The Last Will and Testament  
Of John Hawkins  
of Oaksey  
Will Proved  
5<sup>th</sup> August 1815*



Probate Court of London  
Original reference  
Will Dated 13<sup>th</sup> January 1814

|                   |           |      |                              |
|-------------------|-----------|------|------------------------------|
| <b>Testator:</b>  | Hawkins   | John | Yeoman of Oaksey             |
| <b>Executors:</b> |           |      |                              |
| Hawkins           | Leonard   | Son  | Joint Trustee                |
| Hawkins           | Thomas    | Son  | Sole Executor                |
| Pitt              | Cornelius |      | Of Cirencester Joint Trustee |
| Pitt              | Joseph    |      | Of Cirencester Joint Trustee |

| Beneficiaries      |             | Relationship to testator | Other Information           |
|--------------------|-------------|--------------------------|-----------------------------|
| Surname            | Given Names |                          |                             |
| Hawkins            |             | Grandsons                | Sons of Thomas Hawkins      |
| Hawkins            |             | Grandsons                | Sons of Richard Hawkins     |
| Hawkins            | Eleanor     | Wife                     |                             |
| Hawkins            | Elizabeth   | Grand Daughter           | Daughter of Richard         |
| Hawkins            | Leonard     | Son                      |                             |
| Hawkins            | Mary        | Daughter                 |                             |
| Hawkins            | Richard     | Son                      |                             |
| Hawkins            | Thomas      | Son                      |                             |
| Hitchings          |             | Grandchildren            | Children of John and Hannah |
| Hitchings          | Hannah      | Daughter                 | Wife of John                |
| Hitchings          | John        | Son in Law               | Husband of Hannah           |
| Holtham            | Ann         | Daughter                 |                             |
| Oatridge           | Ann         | Grand Daughter           | Daughter of Eleanor         |
| Oatridge           | Eleanor     | Daughter                 |                             |
| Oatridge           | Eleanor     | Grand Daughter           | Daughter of Eleanor         |
| Oatridge           | Hannah      | Grand Daughter           | Daughter of Eleanor         |
| <b>Witnesses</b>   |             |                          |                             |
| Bever              | George      |                          | Of Cirencester              |
| Calliff            | William     |                          | Of Oaksey                   |
| Ratcliffe          | Charles     |                          |                             |
| <b>Other Names</b> |             |                          |                             |
| Malmesbury         |             | Lord                     | Previous owner of property  |

I John Hawkins of Oaksey in the County of Wilts Yeoman do make this my last Will and Testament in manner following that is to say I give & devise all my messuage lands Tenements & hereditis situate in the parish of Oaksey aforesaid which I purchased of Lord Malmesbury with all appurts to my son Thomas and his assigns for his life without impeachment of waste & from & after the determination of that Estate by forfeiture or otherwise in his life time I give the same to Cornelius Pitt of Cirencester Esq & his heirs during the life of my said son in trust to support in the usual manner the contingent Estates hereinafter limited or given & to permit him my said son & his assigns to receive the rents & profits thereof for his lifetime & from & after the decease of him my said son I give the same to his first son and the heirs of his body lawfully issuing and in default of such issue I give the same to the second third fourth and all & every other son & sons of him my said son Thomas severally successively & in remainder one after another as they or any of them shall be in seniority of age & to the heirs of the body & bodies of such son & sons lawfully issuing

provided always that it shall & may be lawful to and for my said son Thomas by any deed or deeds to be by him executed in the presence of & attested by two or more credible witnesses to charge the said messuage lands Tenements & Credits hereinbefore devised or any part or parts thereof with the payment to himself his Exors admors & assigns or to any other person or persons at his pleasure of such principal sum or sums of money not exceeding in the whole the sum of three thousand pounds and either with or without interest for the same & at such time or times as he my said Son shall think fit

or otherwise to raise borrow and take up at interest any sum or sums of money not exceeding in the whole the sum of three thousand pounds for securing the repayment thereof or for securing the monies with which the said hereditis and premises or any part thereof shall be so charged as aforesaid by any such deed or deeds to be executed by my said son & attested as aforesaid to grant or devise the same hereditis & premises or any of them to any person or persons whomsoever for any term or terms of years by way of mortgage & to be subject to a proviso to be therein contained for making void the same term or terms upon payment of the monies thereby secured & so nevertheless that no person or persons entitled in remainder or reversion after the decease of my said son Thomas shall be liable on coming into possession to pay more than the principal monies secured & one years interest thereof it being my will that he my said son shall pay and keep down such interest during his life & as to all the said messuage lands Tenements & hereditis with their appurts in default of issue of all and every the son and sons of my said son Thomas but subject to the power of charging & mortgaging hereinbefore given to him

I give & devise the same to my son Richard & his assigns during his life without impeachment of waste & from & after the determination of that Estate by any means in his life time then I give the same to the said Cornelius Pitt & his heirs during the life of him my said son Richard in trust only to support contingent Estates but to permit him my said son Richard to receive the rents & profits thereof for his life and from & after the Decease of my said son Richard I give the same to his first & other sons severally and successively one after another as he & they shall be in seniority of age & to the heirs of the body and bodies of such son and sons respectively and in default of such issue I give the said messuage lands hereditis and premises unto & to the use of the heirs & assigns of him my said son Richard forever

provided and it is my desire that my said sons Thomas & Richard as they shall severally become possessed of my said messuage Lands & hereditis hereto before devised to them successively as aforesaid shall allow my wife Eleanor Hawkins to reside in my said messuage & to have the use of the room therein in which she sleeps & shall afford her a proper & necessary maintenance therein during her life but in case my said sons or either of them should decline so to do then I give to my said wife and her assigns during her life one annuity or yearly sum of forty pounds by equal quarterly payments the first payment to be made on that day three months next after my decease & I charge my real Estate with the payment of the said annuity and give to her my said wife and her assigns the usual powers of distress & entry & possession of the rents and profits thereof when the same shall be in arrears

I give devise & bequeath my leasehold messuage lands tenement and hereditis situate at Minty in the said County of Gloucester with the appurts to my son Richard his Exors admors & assigns owing all my Estate term & interest therein

I also give to my said wife the use of such of my household Goods and furniture plate linen & items as she shall make choice of for her life and I give to my Daughter Mary the furniture of the room I now sleep in subject to my wife's right to the use thereof for her life as aforesaid I give to her my said Daughter Mary the legacy or sum of one thousand and two hundred pounds to my Daughter Ann Holtham the sum of three hundred pounds for her own sole and separate use

exclusive of her husband & her receipt to be a good discharge for the same to my son in law John Hitchings the sum of one hundred & fifty pounds and to my son Richard Hawkins the sum of one hundred pounds also to my son Leonard Hawkins the sum of one hundred pounds all which said pecuniary legacies I direct shall be within a twelve month after my decease

I give to my Grand Daughter Elizabeth Hawkins daughter of my son Richard Hawkins fifty pounds & to my Grand Daughters Ann Oatridge Eleanor Oatridge & Hannah Oatridge the sum of forty pounds a piece at their respective ages of twenty one years or marriage which shall first happen but without interest in the mean time but it is my will that the same not be vested or transmissible to their respective representatives till payable

I give to my said sons Leonard and Thomas Hawkins and Joseph Pitt of Cirencester Esquire the sum of five hundred pounds in trust to place out the same in the funds or at interest upon Government or real security which said funds and securities they may vary or alter as they shall think fit and to pay the dividends & interest thereof & also so much and such part or parts of the principal from time to time to my said Daughter Eleanor Oatridge for her own sole & separate use exclusive of her husband and not to be subject to his Debts or controul and her receipt from time to time to be a good discharge and from & after her decease then in trust to pay the principal thereof or so much thereof as shall be so unapplied as aforesaid to all and every her child and children equally to be divided between or among them if more than one share and share alike as and when he she or they shall respectively attain the age of twenty one years or be married which shall first happen and should any or either of them die under that age without having been married then I direct that the share or shares of him her or them so dying shall accrue and be paid to the survivors or survivor or others or other of them at the like age or marriage which shall first happen

and it is my will that this provision of accrue shall extend as well to the accruing as original shares & if no more than one such child should attain the age of twenty one years or be married then I direct the whole thereof to be paid to such child & if any such child or children attain the age of twenty one or be married & afterwards die in the life time of their said mother it is my will that his her or their portion or portions share or shares shall notwithstanding be considered as vested and shall go to his her or their respective Exors admors & assigns and I further direct my said Trustees and the survivors and survivor of them & their Exors and admors of such survivor to pay or apply at their or his direction all or any part of the portion or share or respective portions or shares of such child or children for or towards his her or their respective maintenance & education till such portion or portions share or shares become payable but without prejudice to their said mothers right to the interest thereof for her life as aforesaid unless with her consent and I empower my said Trustees & the survivors & survivor of them & the Exors and admors of such survivor to pay and apply the whole or any part of the principal of such portion or portions share or shares for apprenticing or placing out such child or children respectively to or in any trade business or profession or for his her or their advancement in marriage or other benefit or advantage altho' the same be not then payable but without prejudice unless with consent as aforesaid

I give to my said sons Leonard & Thomas and the said Joseph Pitt the sum of four hundred pounds upon under and subject to the like trusts directions powers & provisoes and clauses for the benefit of my said Daughter Hannah Hitchings & her child and children as are herein before expressed respecting my said Daughter Eleanor Oatridge and her child and children as to the said sum of five hundred pounds and in the same manner and as fully to all intents and purposes as if the same were here repeated & set down with a substitution of the name of my said Daughter Hannah Hitchings wherever the same occurs for that of my said Daughter Eleanor Oatridge also I give to Thomas and Leonard sons of my said son Richard Hawkins fifty pounds a piece also to Mary Ann Eleanor & Elizabeth Dairs of my Daughter Ann Holtham twenty pounds a piece to be paid them respectively at twenty one or marriage which shall first happen but without interest

provided always that in case my chattels & personal exclusive of the household goods & other things which my said Wife shall make choice of as aforesaid and the household goods & furniture herein before given to my said Daughter Mary shall not be sufficient to pay the several legacies and sums of money herein before given & also my debts and funeral and Testamentary Expenses I hereby charge the messuages lands and hereditis herein before given to my said son Thomas Hawkins with the payment of the deficiency

provided always & it is my will that if & as when & as soon as any of my said Trustees Leonard Hawkins Thomas Hawkins & Joseph Pitt or any person or persons becoming a trustee or trustees pursuant to this present provision shall die decline

refuse or become incapable to act in the trusts and powers herein before delegated to them then a new trustee or new trustees shall be appointed for his her or their places & stead by the continuing trustee or trustees who shall thereupon assign the trust monies and estates so as that the same may be compleatly vested in the continuing & new trustees upon the subsisting trusts aforesaid respecting the same and such new Trustees shall have the same power and authority to act in the said Trusts as if he or they had been hereby appointed and it is my will that all & every the said Trustees hereby appointed and to be appointed as aforesaid shall be intitled to all the indemnities usually given to trustees on similar occasions

and I give devise & bequeath all the rest residue & remainder of my real & personal Estates property and Effects whatsoever and wheresoever unto my said son Thomas and whom I appoint sole Exor of this my will In witness whereof the said Testor John Hawkins hath hereunto set & subscribed his hand and seal that is to say to the first five sheets his hand & to this sixth & last sheet his hand & seal the thirteenth day of January one thousand eight hundred & fourteen

----- *John Hawkins* -----

Signed sealed published & declared by the said Testator John Hawkins as and for his last Will and Testament in the presence of us who in his presence and in the presence of each other have hereunto subscribed our names as witnesses thereto the word five on the third line from the top of the fourth sheet having been first written on an Erasure

----- *Charles Ratcliffe* ----- *William Calliff* *Oaksey* ----- *Geo Bever* *Cirencester* -----

Proved at London 5<sup>th</sup> August 1815 before the Worshipful Samuel Pearce Parson Doctor of Laws & sworn by the oath of Thomas Hawkins the son & sole Exor to whom admon was granted being sworn to admin