

## George Houghton of Exeter, Devon

In the Principal Registry of the Lord Bishop of Exeter.

In the Goods of *George Houghton* deceased.

Appeared personally *James Shapland of the City of Exeter Accountant one of the Executors* named in the last Will and Testament of (*with two codicils of George Houghton late of the City of Exeter Gentleman* deceased, and made oath that the said deceased died on or about the *seventeenth* day of *February* 1853 and that the Estate and Effects of the said Deceased, which he in any way died possessed of or entitled to within the Diocese of Exeter, and for or in respect of which a Probate of the said Will is to be granted, exclusive of what the said Deceased may have been possessed of or entitled to as a Trustee for any other Person or Persons, and not beneficially, ~~but including the Leasehold Estates for Years of the Deceased whether absolute or determinable on Lives,~~ and without deducting any thing on account of the Debts due and owing from the said Deceased, are under the Value of *Three Thousand Pounds*, to the best of the Deponents knowledge, information, and belief. (A) And *he* lastly made Oath, that the said Deceased was not possessed of or entitled to any Leasehold Estate or Estates for Years either absolute or determinable on Lives, to the best of *his* knowledge, information, and belief.

Signed by *Jas Shapland*

Sworn on the *fifteenth*

Day of *March* 1853

Before me .... *Cortz(?) Surrogate*

I George Houghton of the City of Exeter Gentleman being in good health of body and of a sound and disposing mind memory and understanding thanks be given to Almighty God for the same but considering the certainty of death and the uncertainty of the time thereof do make and declare these presents to be and contain my last Will and Testament in manner following (that is to say) I give and bequeath unto Henry Matthews of the City of Exeter Druggist the sum of One Hundred pounds. Also I give and bequeath unto Frances the Wife of James Davis of the said City of Exeter Cordwainer the sum of nineteen pounds and nineteen shillings to and for her own use and benefit and not to be subject to the interference debts control or engagements of her said Husband. And I declare that her receipt by her only subscribed shall be a sufficient discharge to my Executors hereinafter named for the same. Also I give and bequeath unto Sarah Widdicombe of Alphington in the County of Devon Spinster Aunt of my late dear Wife Maria the sum of nineteen pounds and nineteen shillings. Also I give and bequeath unto my Servant Ann Newberry if she shall be living with me at the time of my decease but not otherwise the like sum of nineteen pounds and nineteen shillings. All which said several legacies I hereby direct my Executors in Trust hereinafter named to pay to the said several Legatees at the end of the Calendar Months next after my decease. Also I give and bequeath unto my Brother in law James Taylor of Philadelphia in the United States of America Gentleman my Gold Watch with the Seals Key and appendages(?) thereto belonging and usually worn by me. And also my Portrait and the Portrait of his wife with the Frames thereof. Also I

give and bequeath unto William Huxham of Torquay in the Devon Dairyman the Portrait of my late dear Wife Maria with the Frame thereof. Also I give and bequeath to unto William Lee of the City of Exeter Actuary and James Shapland of the same City accountant a Mourning Ring each of the value of Two Sovereigns a piece. Also I give and bequeath unto William Wills of Bridford in the said County Yeoman the Sum of One hundred and sixty pounds secured to me by the promissory note of the said William Wills bearing date the seventh day of March one thousand eight hundred and twenty three and an acknowledgement of the same being due, dated the twenty first day of May one thousand eight hundred and thirty four and also the said Securities and all Interest due from him to me for the said principal Sum up to the time of my death. All my Freehold and all my Leasehold and Chattel Messuages Land Tenements and Hereditaments whatsoever and wheresoever and all my Household Goods and Furniture Implements & Utensils of Household, Household Stock, Wines, Spirits and other Liquors, Plate, Plated Goods Printed Books Linen and China and all my Moneys and Securities for money and the legal Estate of and in all Mortgages and Securities for money debts to me due and owing and Moneys in the Government Stocks or Funds and other public Security and all other my Goods Chattels Rights Credits Real Personal and Testamentary Estate and Effects whatsoever and wheresoever (except and subject nevertheless to and charged with the payment of the several Legacies and to the delivery of such specific Articles and things as are hereinbefore mentioned and also to the payment of my just debts Funeral Expenses and the expenses of proving this my Will) I give devise and bequeath unto the said William Lee and James Shapland their Heirs Executors Administrators and Assigns To hold the same real & personal Estate and Effects (except and subject aforesaid) unto and to the use of the said William Lee and James Shapland their Heirs Executors Administrators and Assigns according to the tenure nature and quality thereof respectively But upon the Trusts hereinafter declared (that is to say) Upon Trust that they my said Trustees and the Survivor of them his Heirs Executors Administrators or Assigns do and shall so soon as conveniently may be after my decease sell and dispose of all and singular my said real and personal Estate either by public auction or by private contract as they see or the Survivor of them his Heirs Executors Administrators or Assigns shall in their or his discretion think proper for making the most money that can be procured for the same and to convey release surrender assign and assure the same to the Purchaser or Purchasers thereof And do and shall convert all other my Estate and Effects into Money and do and shall stand and be possessed of the produce thereof and of the neat and clear Moneys to arise from such Sale and also of the neat and clear Rents issues and profits of the said Premises until such Sale or Sales can be effected and of all other my Moneys Estate and Effects Upon the Trusts hereinafter declared (that is to say) As to one Moiety or equal half part thereof Upon Trust to pay and apply the same unto or for the separate use and benefit of my Sister Mary the Wife of the aforesaid James Taylor (independent of her present or any future Husband and not to be subject to the debts control or engagements) in such manner and for such purposes as she shall have in her lifetime by any note in her own hand writing or by her only subscribed order or direct the same to be paid or as she shall by her last Will and Testament duly executed and attested (notwithstanding her coverture) direct or appoint give bequeath or dispose of the same And as to so much and such part or parts thereof as shall not be applied or disposed of by the said Mary Taylor in her lifetime or by her said Will as aforesaid Upon Trust to pay and divide the same unto and equally amongst the four children of my said Sister Mary Taylor by her former Husband Samuel Thomas who have all attained the age of twenty one years or such of them as shall be living at the time of my decease share and share alike as Tenants in Common and not as joint Tenants their several and respective Executors and Administrators to and for their sole and only proper and absolute use benefit and disposal And as to the other or remaining moiety or equal half part of my said Moneys Estate and Effects Upon Trust to pay and apply the same unto or for the separate use and benefit of my Niece Sarah Wills, the Wife of the aforesaid William Wills (independent of her present or any future Husband and not

to be subject to his debts control or engagements) in such manner and for such purposes as she shall in her lifetime by any note in her own hand writing or by her only subscribed order or direct the same to be paid or as she shall by her last Will and Testament duly executed and attested (notwithstanding her coverture) direct or appoint give bequeath or dispose of the same And as to so much & such part or parts thereof as shall not be applied or disposed of by the said Sarah Wills in her lifetime or by her said Will as aforesaid Upon Trust to pay and divide the same unto and equally amongst all and every of the children already and hereafter to be born of my said Niece Sarah Wills to be lawfully begotten by her present or any future Husband who shall live to attain the age of twenty one years or be married which shall first happen share and share alike as Tenants in Common and not as joint Tenants their several and respective Executors and Administrators to and for their sole and only proper and absolute use benefit and disposal when and if they shall live to attain that age or be married or not otherwise And in case any one or more of the Children of my said Niece Sarah Wills now born and hereafter to be born shall happen to die under the said age of twenty one years and without being married as aforesaid Then as to the share or shares of him her or them so dying under that age and without being married as aforesaid Upon Trust for the Survivors or Survivor of them living to attain that age or be married equally to be divided between them share and share alike as Tenants in Common and not as joint Tenants their respective Executors and Administrators when and as their several original shares will become vested and divisible And in case there shall happen to be only one such child of my said Niece who shall live to attain the age of twenty one years or be married Then Upon Trust for such only child his or her Executors Administrators and Assigns And I hereby declare that all and every of the shares of the children of my said Niece Sarah Wills now and hereafter to be born shall become and be vested Interests in such children respectively on their severally attaining the said age of twenty one years or being married as aforesaid and as such transmissible to their respective Executors and Administrators notwithstanding the deaths of all any or either of them afterwards in the lifetime of their said Mother the said Sarah Wills and the shares of the said four children of my said Sister Mary Taylor or such of them as shall be living at my death shall become vested Interests in such surviving Children respectively at the time of my decease and as such transmissible to their respective Executors and Administrators notwithstanding the deaths of all any or either of them afterwards in the lifetime of their said Mother Mary Taylor And I hereby declare that the respective receipt and receipts alone of my said Sister Mary Taylor and Niece Sarah Wills during their respective lives by them respectively only subscribed shall from time to time be good and sufficient discharges to my said Trustees for the moneys in such receipt or receipts acknowledged to be received and that without the junction signature or consent of their present or any future Husbands And I hereby further declare that all and every the receipts of my said Trustees and of the Survivor of them is Heirs Executors Administrators and Assigns for the Rents issues and profits and for the purchase Money of all and singular my said Messuages or Dwelling houses and for all other the moneys which shall come to their hands by virtue of the Trusts aforesaid shall be at all times hereafter good and sufficient discharges and a good and sufficient discharge to the Tenants Purchasers and other persons paying the same respectively without such Tenants Purchasers or other persons being answerable or accountable for or being obliged to see to or regard the application misapplication or nonapplication thereof or of any part thereof respectively And I hereby authorize and empower my said Trustees from time to time during the lifetime of my said Sister Mary Taylor and Niece Sarah Wills with their consent and approbation and after the death of my said Niece and during the minority of her Children then of the own proper authority of my said Trustees to lay out and invest the respective shares of my said Sister and Niece and of the Children of my said Niece respectively in the said Trust Moneys and premises in the names of my said Trustees in the Government Stocks or Funds of Great Britain or on real Security in England And from time to time to alter vary and change the same as

they shall see occasion and think proper and (sound?) and be possessed thereof and of the Securities for the same Upon the Trusts aforesaid And I hereby declare that in the just and faithful execution of the Trusts contained in this my Will the said William Lee and James Shapland respectively and their respective Heirs Executors and Administrators shall be charged and chargeable only for such Moneys and Effects as they shall respectively actually receive by virtue of the Trusts hereby in them reposed and that they respectively shall not be answerable or accountable the one for the other of them or for the Executors or Administrators of the other of them but each of them for himself and his own Heirs Executors and Administrators Acts deeds receipts payments neglects and defaults only And that they my said Trustees or either of them their or either of their Executors or Administrators shall not be answerable or accountable for any misfortune loss or damage which may happen in the execution of the aforesaid Trusts or in relation thereto (except the same shall happen by or through their or his own wilful neglect or default respectively And also that it shall and may be lawful to and for my said Trustees respectively and their respective Executors and Administrators by and out of the moneys which shall come to their respective hands by virtue of the Trusts aforesaid to deduct retain and reimburse themselves respectively all losses costs charges damages and expences which they or either of them shall or may suffer sustain expend disburse be put at or unto in or about the execution of the aforesaid Trusts or in relation thereunto – And lastly I hereby nominate constitute and appoint the said William Lee and James Shapland whole and sole Executors of this my last Will and Testament (but upon the Trusts aforesaid) hereby revoking all former and other Wills by me at any time heretofor made and I declare this to be my last Will and Testament – And I enjoin my said Executors to inter my remains in a decent manner in the Protestant Dissenting Burying Ground in Magdalen Street in the said City of Exeter by the side of my late dear Wife Maria – In Testimony whereof I the said George Houghton the Testator have to this my last Will and Testament contained in six sheets of paper to the first five sheets thereof subscribed my name and to this sixth and last Sheet thereof subscribed my name and affixed my Seal the twenty third day of September one thousand eight hundred and thirty four –

- Geo. Houghton (Seal) –

Signed sealed published and declared by the said George Houghton the Testator as and for his last Will and Testament in the presence of us, who at his request, in his presence and in the presence of each other have here unto subscribed our names as Witnesses thereto –

- Hen. M Ford – Thos. Simons – Wm. Godfery –

First Codicil to my last Will and Testament of 23<sup>rd</sup> September 1834 – I give to William Huxham of Torquay Dairyman Five pounds – I give to Richard Huxham of Exeter Joiner Five pounds – I give to Rebecca Huxham of Totnes Five pounds – I give to Ann Huxham of Exeter Dress Maker Five pounds – The above Legacies are given to my late dear Wife's Brothers and Sisters as a testimony to her memory.

Witness my hand.

15<sup>th</sup> Sept. 1838

Geo. Houghton

Whereas by my last Will and Testament dated the 23<sup>rd</sup> day of September 1834 and by a Codicil to the same dated 15<sup>th</sup> day of September 1838 I have disposed and bequeathed the Principal part of my Property & Effects – I now by this second codicil give & bequeath as follows, that is to say, 1<sup>st</sup> To my Niece Sarah wife of Wm. Wills of the parish of Bridford in the County of Devon Yeoman my full length profile with the frame and glass – 2<sup>nd</sup> To Charlotte Davis of the parish of Sidwell Spinster & Dress Maker the sum of five pounds – 3<sup>rd</sup> To my servant Ann Newberry two large Silver Table Spoons marked H in a cypher & six silver tea spoons marked with a crest & my profile in (bust?) with the

frame and glass & my Gold fish with the Glass Globe, if in my service at the time of my decease & not otherwise also my birds with their cages – 4<sup>th</sup> To Miss Cordelia Lambert my pair of Globes as a memento of my very sincere regard for her – And I hereby ratify & confirm my Will & first Codicil in every other respect and declare this second Codicil shall be considered & taken as part thereof. In Witness whereof I have hereunto set my hand & Seal this twenty second day of November one thousand eight hundred & forty one -

- Geo. Houghton (Seal) –

Signed sealed published & declared by the said George Houghton the Testator as of for a codicil to his said Will in the presence of us, who at his request & in his presence & in the presence of each other have hereunto subscribed our names as Witnesses.

George Curson Bookseller of High St Exeter – C Curson 17 High Street Exeter

Proved 15<sup>th</sup> March 1853 in the Principal Registry of the Lord Bishop of Exeter by the oath of James Shapland one of the Executors to whom Probate was granted – William Lee the other Executor having in Writing duly renounced – Testator died 17<sup>th</sup> February 1853 – Effects sworn under £3000 -

Ralph Barnes

Dep. Registrar