



Reference: **PROB 11/1043/212**

Year of death: **1778**

EDG: **No memorial**

JOHN JAMES HIRTZEL

I **John James Hirtzel of the City of Exeter Merchant** being now in perfect health and of a sound mind make this my last will and testament. In the first place whenever it shall please God to call me from this mortal state I humbly recommend my soul to him that gave me a life and breath and all things beseeching his most gracious Acceptance of it and hoping that through the all sufficient death and sufferings of my redeemer he will be pleased to pardon my manifold sins and blot out my numberless transgressions As to my body I desire it may be exposed to the open air in the room where I shall die during the full space of three days and three nights and then to be buried in a plain and decent a manner in the cave I built in December in the year 1767 at the burying ground in Magdalen Street purchased some years before by the Dissenters with respect to the substance with which it has pleased God to bless me I dispose of it in the following manner first whereas by an instrument or indenture now in my possession dated the 13 day of September 1765 and signed by **Mr John Holmes** and **Mr Samuel Luscombe the younger** it appears and is therein declared that the ffee simple and Inheritance of the dwelling house counting house packing shop and garden together with a piece of Land called the Barbican held by a Lease from the Mayor Bailiffs and Commonalcy of this City for the residue of a term of ninety nine years and by one other Lease from the said Corporation for a reversionary Term of eighty years the whole now and for twelve years last past occupied by me and on the 12 or 13 September 1765 conveyed by **William** and **Edward Collins** to the said **Mr John Holmes** and **Mr Samuel Luscombe the younger** were really bought and paid for with my own Money and that the same were in ffact and bonafide my rightful property Now it is my Will and I do herewith give and bequeath all the said ffreehold and Leasehold premises together with the Rents Profits and Advantages thereof unto **my dear and loving wife Catherine** to be enjoyed by her immediately from and after my decease during her natural life without any a Let or hindrance from the aforesaid Trustees or any of my children after the decease of my wife I will and herewith devise the said ffreehold unto **my eldest son Clement** and to his issue lawfully begotten for ever and likewise the Leasehold during the remainder of the several terms of ninety nine and eighty years Upon condition nevertheless of his or their paying one hundred pounds of lawful money of Great Britain to each of my other four children or their issue lawfully begotten within one year after



it falls into his or their hands but if he or they should refuse to accept the said premises upon this condition then **my second son John James** and his issue lawfully begotten may enjoy the same as above upon the like terms of paying one hundred pounds of like money to each of my other four children or their lawful issue upon his refusal **my youngest son George** next **my eldest daughter Ursula** and Lastly **my youngest daughter Catherine** or their respective issue lawfully begotten are to be offered the the said ffreehold and Leasehold on the like terms of paying four hundred pounds to the other children viz. one hundred pounds to each or to their issue lawfully begotten but in case they should all decline accepting the premises on the aforesaid condition then a public survey for selling the same is to be held after having been advertised three times in the Exeter news papers when and where they are to be disposed of and ----- made over to the highest bidder the produce thereof after deducting the charges is to be equally divided among my said children or their issue lawfully begotten Next I give and bequeath five hundred pounds of like lawful money unto my said wife to be paid her within three months after my decease out of my stock in the Trade now jointly carried on between **Mr John Holmes the younger** and myself for her to enjoy the Income thereof during her life and upon her decease to be equally divided among **my five children Ursula Clement John James Catherine and George** to wit one hundred pounds to each or their lawful issue Item I give and bequeath three hundred pounds of like money to each of my said or to their issue lawfully begotten to be paid them out of my stock in the Trade carried on between the said **Mr John Holmes the younger** and myself when they shall severally have attained the age of twenty one years or within one year of their respective marriages the Interest during that time to go to my said wife to be applied for their Maintenance But if through unforeseen accidents or Misfortunes after the payment of the five hundred pounds to my said wife the remaining part of my said stock should not amount to three hundred pounds to each of my children or their lawful Issue then and in that case a proportionable deduction is to be made from each respective share or if on the contrary my said stock exceed two thousand pounds then I give the overplus to my said wife to be disposed of after her decease as she shall direct by Will As upon the death of **my Mother** about three hundred pounds will fall to my share of this sum I give and bequeath fifty pounds to each of my said five children and the Rest to my wife My gold watch and gold seal with my Coat of Arms I give unto **my son Clement** the gold ring with my Coat of Arms and one plain gold ring unto **my son John James** my Grape gold ring unto **my son George** and the enamelled gold ring I had given me for mourning Mrs Passavant I give unto **my said wife** All my household goods and ffurniture together with the Remainder of all my goods and chattels I give and bequeath unto my said wife for her use during her natural life and



upon her death they are to be divided into five as equal parts or shares as possible for which my said five children or their lawful issue are to draw lots and whatsoever falls to each ones share is to be deemed his her or their property As I am utterly a stranger to the fforms of Law it is probable there may be several things in this Will which a wrangling Lawyer might put a construction upon contrary to the true intent and meaning in prejudice to some of my heirs I here add by way of Recapitulation and as a further explanation that it is my intention that my dear and loving wife shall have the use and enjoyment of my dwelling house Counting house packing shop garden orchard and town wall with all the appurtenances or if she think fit to let them out to rent the Income and Benefit thereof to be applied to her own use and benefit as long as she lives after her decease I intend the said premises should remain in the Male Line as long as there are any in being the eldest son or his lawful issue to have the preference on Condition of his or their paying four hundred pounds upon his or their refusal the other two sons or their lawful issue are to be offered the premises on the like condition of paying down four hundred pounds but if neither of them accept this offer then my two daughters or their lawful Issue are to be offered the premises according to seniority but always with the proviso of their paying down four hundred pounds which sum is to be equally divided among the other four children or their lawful Issue should any one or more of my children happen to die without lawful Issue before they attach the age of twenty one years then his her or their share of what I leave them is likewise to be equally divided amongst the survivors or their lawful Issue Lastly I herewith earnestly entreat **my ffriends Mr John Holmes the younger and Mr Samuel Luscombe the younger** to see this my will put into execution according to the true intent and meaning thereof In witness whereof I have hereunto set my hand and seal the **twenty eight day of May in the year of our Lord one thousand seven hundred and seventy** *John James Hirtzel* signed and sealed in the presence of us *W^m. Blake – Joseph Earle – James Mugford*

On the twenty sixth day of June in the year of our Lord one thousand seven hundred and seventy eight administration with the will annexed of all and singular the goods chattels and credits of the John James Hirtzel of the City of Exeter deceased was granted to Catherine Hirtzel widow the relict of the said deceased and Residuary Legatee for life named in the said Will she having been first sworn by commission duly to administer John Holmes and Samuel Luscombe the executors named having first renounced the execution thereof..