

Prerogative Court of Canterbury and related Probate Jurisdictions: Will Registers,
PROB 11/907/252.

*The Will of John Vivian of the Parish of Camborne in the County of Cornwall,
Gentleman, written 5 Dec 1764, proved 27 Mar 1765.*

In the Name of God Amen

I John Vivian of the Parish of Camborne in the County of Cornwall Gentleman being weak and infirm in body but of a sound Mind Memory and Understanding and calling to Mind the certainty of death and the Uncertainty of Life and being willing to settle my Worldly Affairs do make this my last Will and Testament hereby revoking all former Wills by me at any time made First I recommend my Soul into the Hands of Almighty God my Creator beseeching His most Gracious Majesty to accept thereof in and through the all sufficient Meritts of my Compassionate Redeemer Jesus Christ and my body to be decently interred at the discretion of my Executor hereinafter named Also I give devise and bequeath unto **my** dearly beloved **Wife Julian Vivian** all that my Tenement or Estate called Camborne Veor within the Parish of Camborne aforesaid and the Rents Issues and Profits thereof for and during the Term of her natural life only In case my Right and Interest therein shall so long continue Subject to the yearly Rents Payments and other Outgoings issuing and Payable out of the same I also give unto my said Wife such part and Sort of my household Goods as she shall think proper to make choice of and take in order to furnish a dwelling house for herself not exceeding the Sum of Eighty Pounds English Money in Value Also I give and bequeath unto my said Wife Julian Vivian one Annuity or clear yearly Rent Charge of thirty Pounds lawfull English Money to be paid her in four equal quarterly Payments out of my Messuages and Premisses called Treswithan in Camborne aforesaid which I hereby subject and render lyable to the Payment thereof and to a distress for the same in case of Non Payment thereof by my Executor hereafter named during the Term of her natural life the time to commence on the day of my death and the first Payment thereof to be made at the End of the three first Calendar Months thence next ensuing Also I give and bequeath unto my said Wife Julian Vivian and to **my Brother Johnson Vivian** Gentleman and the Survivor of them his or her Executors and Administrators One half part or Share of and in all that my Copper Trade with the houses Implements Materials and Appurtenances therein belonging and three other half Parts or Shares thereof which four half Shares or Parts when first taken up or purchased cost me in or about Two Thousand Pounds Being five hundred Pounds is one half Part or Share thereof One half Share thereof or one fourth Part In Trust to and for the sole Use benefit and behoof of my Son John Vivian and the three other half Shares thereof or three fourth parts In Trust to and for the sole and only Use benefit and behoof of **my Five daughters** namely **Mary the Wife of Mr. James Tippet** **Julian Vivian Ann Vivian Jane Vivian** and **Elizabeth Vivian** Share and Share --?-- in equal Proportion But in case either of my said daughters shall happen to die unmarried before her Attainment of the Age of twenty one Years that then the Part or Share of either of my said daughters so dying in that manner Shall be equally divided between the

Survivors of them or go to the Survivor of them her Executors or Administrators And it is my Express Will and direction that the said three half Shares or Parts given my said Brother and Wife for the use of my said five daughters and the profits arising from the same or from any dividend made in the said Copper Trade shall in no wise be subject to the Controul or Debts of the Husbands or Husband of all any or either of my said daughters but shall from time to time be carried on and Managed in the names of the said Johnson Vivian and Julian Vivian and the Survivor of them his or her Executors or Administrators to and for the Sole and separate use of my said five daughters as is herein before mentioned whose Receipts and directions therein shall from time to time be deemed and taken as Valid and sufficient to my said Brother and Wife and the Survivor of them his or her Executors or Administrators for the same which Legacy or Legacies are to commence at the time of my death Also I give and bequeath unto my said Brother and Wife the Sum of two hundred Pounds lawfull English Money to be paid them within Six Months after my decease by my Executor hereafter named In Trust and to and for the Sole use and benefit of **my said Son John Vivian** Also I give unto **my son Johnson Vivian** all that Estate of Inheritance which I lately purchased of the heirs devisees or Representatives of Mr. Blight late of Bodmyn deceased called Levadden within the Parish of Bodmyn with all the household Goods and Stock now in the Possession of my said Son Johnson Vivian To hold to him and his heirs and Assigns forever and fifty Pounds to be paid him by my Executor three Months after my decease I give and bequeath unto my said brother Johnson Vivian and my said Wife Julian Vivian and to the Survivor of them his or her Executors or Administrators one Annuity or clear yearly Rent Charge of fifty Pounds lawfull Money of Great Britain to be paid them by quarterly Payments of my which I hereby Subject and render lyable to the Payment thereof and to a distress for the same in case of Non Payment thereof by my Executor hereafter named in equal Shares and Proportions the first Payment thereof to be made at the End of three Months next ensuing the day of my death In Trust and to and for the sole and peculiar Use benefit and Advantage of my said five daughters Mary Tippet Julian Vivian Ann Vivian Jane Vivian and Elizabeth Vivian to be paid them in Ten Pounds each yearly by equal Quarterly Payments as before mentioned during their natural Lives respectively for their Sole and separate use Benefit and beehooft (exclusive of any Husband or Husbands they have or shall or may have) whose Receipt or Receipts (exclusive of their said Husband or Husbands) shall be a full and sufficient discharge for the same which Payment of fifty Pounds yearly is to continue and be made yearly during the natural life or lives of said five daughters and Ten Pounds yearly thereof to decrease or be abated on the death of either of them Also I do declare that I intend that Legacies hereby given my said Wife is in full Satisfaction and Barr of all Such Dower and th--? as she may be otherwise intituled unto out of all or any my Messuages Lands Tenements and hereditaments and I hope it will be accepted and taken by her as such Lastly All my Messuages Lands Tenements and hereditaments whatsoever and wheresoever I hereby give and devise unto **my Son James Vivian** his heirs and Assigns forever And all the Rest Residue and Remainder of my Goods Chattels and Personal Estate whatsoever and wheresoever I give devise and bequeath unto my said Son James Vivian whom I hereby nominate

and appoint whole and Sole Executor of this my last Will and Testament Subject nevertheless to the Payment of all my just Debts and to the Payment of the several Annuities Legacies and Bequests hereby made and every and either of them In Witness whereof I have set my hand and Seal to this my last Will and Testament containing or written on two Sheets of Paper each Paper or Sheet thereof being signed and Sealed by me and Published and declared the same as and for my last Will and Testament this fifth Day of December in the year of our Lord One Thousand Seven hundred and Sixty four. John Vivian. Signed Sealed Published and declared by the said Testator John Vivian and for his last Will and Testament in our Presence who have subscribed our Names as Witnesses thereto in his Presence and at his Request A. Angove, Jas. Keigwin, Jno. Trevethan.

This Will was proved at London the twenty Seventh day of March in the year of our Lord One thousand Seven hundred and Sixty five before the Right Worshipfull George Hay doctor of Laws Master Keeper or Commissary of the Prerogative Court of Canterbury lawfully constituted by the Oath of James Vivian, the Son of the deceased and Sole Executor named in the said Will To whom Administration of all and Singular the Goods Chattels and Credits of the said deceased was granted he having been first sworn by Commission duly to Administer.