

Copy of the Will of Benjamin Dennis Oxland of HMS Vigilant Seaman, dated 8th August 1778 with Admons. 30th June 1783.

Proved and Granted at the Prerogative Court of Canterbury, a copy of the Will and Admons., is recorded in the Cornwallis Register, Quire numbers: 301 – 348. TNA ref: PROB 11/1105. This hand written entry appears over two facing pages and begins with the words ‘In the Name of God Amen’. The Administration starts three lines from the end of the first page and runs onto the right hand (recto) page, where it was foliated (313) by hand in the upper right hand corner: there also looks to be lines drawn so the clerk could write neatly.

Wills and Admons., were usually proved in the P.C.C. (PROB 11) because of the value of goods, or wages due, but also because of where the person died. Benjamin’s will may have been proved there because he was due wages from the Royal Navy, or because he may have died at sea or abroad.

From the late 16th century the Admiralty had problems with persons impersonating the executors, creditors or next of kin of deceased seaman. Although there were proposals to reduce or stop these practices it was not until 1786 that the Office of Inspector of Wills was set up, three years after the death of Benjamin.

Life at sea was fraught with dangers; seamen wrote Wills to provide for their families were they to succumb to disease, accident, illness or War. Many Wills were printed forms with the details filled in by hand: one cannot tell if this one was and many were witnessed by the Captain of the ship as this one was.

‘Benj~ Dennis Oxland of His Majesty Ship Vigilant seaman being of sound and disposing mind and memory after my decease make publish and declare this my last will and testament..... I commend my soul to God that gave it and my Body to the Earth or Sea as it shall please God to order and as for all my worldly Estate I give bequeath and dispose thereof as followeth... my Dearly beloved father John Oxland of the Parish of Plymstock in the county of Devon vittualler all and Singular my Household Goods and furniture cloaths watches rings and every other {??} which I now possess or may at any time here after likewise my wages Sum and Sums of and {?quantity?} {?winricouts?} Goods Chattels and Estate whatsoever as shall to any ways am owing or belonging unto me at the time of my decease I do give advise and bequeath the same unto the said John Oxland of the Parish and County aforesaid and I do hereby nominate and appoint the said John Oxland my only and Sole Executor of this my last will and testament hereby revoking all former and other wills and testaments and goods of Gifts lyant at any time heretofor made and I do ordain and Witness those present to stand and be for my only last will and testament in witness whatof to this my said will I have set my hand and seal the eighth day of August in the eighteenth year of the reign of Sovereign Lord George the Third.....In the year of our Lord one thousand Seven Hundred and Seventy Eight.....’

Benjamin signed his name in full, the clerk having drawn a circle and placed L S inside it. It is witnessed by R Kingsmill¹ Captain HMS Vigilante and John Whittington Pursers Steward.

The Annexed Administration dated 30th June 1783 tells us that Benjamin’s father John Oxland predeceased his son and Admons., were granted to Ann Oxland widow, ‘the natural and lawful Mother and next of kin’ and ‘soul executor and universal legatee of John Oxland.’ The Admons., imply that Benjamin was still serving on HMS Vigilant at the time of his death in 1783.

Benjamin's Will does not mention a wife or children so he was probably a bachelor. He may also have not had a male sibling as John's Will makes his wife his sole executor. From his list of goods and chattel's one can see that Benjamin owned furniture and household goods, this may mean Benjamin lived independently of his parents or his furniture etc., were in storage of some kind. The Will also lists cloths, watches (plural) and rings from which one could construe he was reasonably well off: watches were luxury items not usually for the ordinary man. The Will does not tell us what rank Benjamin was, but one needs to consider the possibility that an Ordinary Seaman would not have enough spare money to keep a home whilst at sea and/or own watches and rings. One also has to ponder on the possibility that the furniture, household goods, rings and watches may have been inherited. Another explanation could be that the rings and watches were plunder from enemy ships, although I am not sure if the Royal Navy did this: I know that piracy was practiced in earlier history to take plunder and share it amongst the crew, but I am not sure if this continued into the 18th century and is something I may need to research further.

Benjamin's father, John Oxland, is described as a Victuallerⁱⁱ which could mean Grocer, Licenced Victualler (sold alcohol) or an Innkeeper of Plymstock, Devon. Plymstock is both a village, large enough to hold St Mary and All Saints Parish Church, but also an ancient Parish. One cannot know if the Will refers to a residence in the rural village of Plymstock or the more extensive Plymstock Parish which takes in a number of villages and large areas of arable land.

The Will was written during the reign of George the Third ⁱⁱⁱ(1760-1820) when the government was under the Prime Ministership of ^{iv}Lord North (1770 – 1782). Benjamin served on HMS Vigilant at the time of the American War of Independence^v (1775 – 1783) just at the time France entered the war in the summer of 1778 allied to America. On the day Benjamin signed his Will, Captain Cook^{vi} reached Cape Prince of Wales in the Bering straits. Benjamin's Will is signed by Sir Robert Brice Kingsmill 1st Baronet (1730 – 1805) after he had returned to active service as captain of the HMS Vigilant.

HMS Vigilant was a 64 gun third rate, ship of the line, which formed part of Admiral Augustus Keppel's fleet at the battle of Ushant^{vii} (an island off the English Coast) on 27th July 1778, just days before Benjamin wrote his Will. Controversies surrounding the conduct of the officers involved and the indecisive result of the battle rebounded against Kingsmill. He was offered service in the West Indies, but turned it down by resigning his commission. The Will cannot tell us when Benjamin actually joined the ship, but the fleet did return to dock for repairs after the Battle of Ushant so there is a possibility that Benjamin wrote his will as soon as he was assigned to the ship, especially after knowing the damage that Vigilant and others in the fleet has sustained. There is also a possibility that Benjamin was 'impressed'^{viii} – press-ganged by force – which happened up until the early 19th century. Were he a victualler himself he may have been put in charge of the food stores and appropriating supplies.

Although there is a baptism entry (1754) for Benjamin Dennis Oxland in the Plymstock Parish Records and an entry for the burial of John his father on the 18th March 1782 and possibly for Ann on 2nd August 1783 there is not a burial entry for Benjamin. Registers of Seamen's Services (ADM 188) and the Continuous Service engagement books (ADM 139) were not in use at this time and therefore there are no actual seaman's records to view which would answer questions about Benjamin's service. I would like to access the Captain's logs (ADM 51), some logs have lists of crew and I may be able to find out if Benjamin was buried at sea or abroad. The HMS Vigilant's^{ix} Muster Rolls or Pay Books, (ADM 34. 828 & 829) may have entries showing when Benjamin died and what wages were outstanding at his death

and when and to whom it was paid. Other records one could look at are Abstracts of Ships Journals 1736 - 1795 (ADM 7 / 269-575. If he or his father were Freeman there may be voting lists or Apprentice or Freeman's lists available to search.

Benjamin Oxland's Will may not have as much genealogy information as other Wills of its type, but for me, this is a whole new line for my One Name Study of Oxland. Benjamin, John and Ann were previously unknown to me as a family unit and although the line may not continue after the death of Benjamin, it shows me when and where the family had migrated and may eventually assist in finding the origin of the family.

To find out more about the family of Benjamin Oxland I intend to look for Wills and or Admons., for both John Oxland and his wife Ann. Having the burial dates of both has narrowed down the search for Probate at the Court of the Bishop (Consistory) of the Archdeaconry of Totnes, Diocese of Exeter or the PCC. Sadly, there is a possibility that these records were part of the Devon Church Records destroyed by fire and bombings in WWII; it may also be of interest to look for Death Duty Registers.

Other places to look included: Plymstock Manor Survey in 1755 (Bedford records T1258 M/E24 DRO) which includes a map in colour and lists who owned and leased what property: we know that John, Ann and Benjamin were in Plymstock during this period and it may be worth viewing. The Plymstock Church Records (968/PI, 112-22 DRO) may include Rate Books, Church Minute Books, Poor Rates etc. Devon Land Tax Records^x 1780 – 1832 are available on CD and may be worth reviewing. Trade Directories held at the Westcountry Library^{xi} for 1783 and 1784 may include an entry for John Oxland as although he died in 1782 Directories took time to compile, update and correct. Land Tax Records, Poll Books, local newspapers may also be available for Plymstock Devon.

There are more questions than answers when one analysis this Will. Some of those questions may require some research and others may never be answered. The questions I particularly want answers to are, where did Benjamin die; did he have siblings; who were his grandparents and where did they come from? There is a glorious amount of Social History available to flesh out the bones of Benjamin which, time permitting, I will have the opportunity to look at. I do know however, that my starting point, the Will of Benjamin Dennis Oxland, is neutral and reliable and that anything I build from the information held within its two pages have an accurate and impartial foundation.

References.

TNA - Wills of Royal Navy Seamen (1786 – 1862)

<http://www.nationalarchives.gov.uk/documentsonline/seamenswills.asp>

TNA - PROB11 - Prerogative Court of Canterbury wills (1384 - 1858)

<http://www.nationalarchives.gov.uk/documentsonline/wills.asp>

TNA = ADM51 - Captains' logs (1669-1852) <http://www.nationalarchives.gov.uk/records/research-guides/royal-navy-log-books.htm>

TNA - Vigilant Pay Books ADM 34/828 & 829

<http://discovery.nationalarchives.gov.uk/SearchUI/result/list?searchQuery=adm%2034%2F828>

The Plymstock Connection by Ivy M. Langdon. West Country Books ISBN 1-898386-14-5

ⁱ Sir Robert Kingsmill - http://en.wikipedia.org/wiki/Sir_Robert_Kingsmill,_1st_Baronet

ⁱⁱ <http://oxforddictionaries.com/definition/victualer?view=uk>

ⁱⁱⁱ <http://www.history-timelines.org.uk/people-timelines/31-timeline-of-english-monarchs.htm>

^{iv} <http://www.number10.gov.uk/history-and-tour/past-prime-ministers/>

^v <http://www.americanrevolutionarywar.net/>

^{vi} <http://explorenorth.com/library/yafeatures/bl-Cook1.htm>

vii http://threedecks.org/index.php?display_type=show_battle&id=125 The battle of Ushant 27.07.1778 (Vigilant and Robert Kingsmill) - [http://en.wikipedia.org/wiki/Battle_of_Ushant_\(1778\)](http://en.wikipedia.org/wiki/Battle_of_Ushant_(1778))

viii <http://www.nationalarchives.gov.uk/documentsonline/royal-navy-service.asp>

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<http://www.nationalarchives.gov.uk/catalogue/searchresults.asp?SearchInit=0&txtsearchterm=vigilant&txtrestriction=ADM%2031&txtrestriction=ADM%2032&txtrestriction=ADM%2033&txtrestriction=ADM%2034&txtrestriction=ADM%2035&txtrestriction=ADM%2036&txtrestriction=ADM%2037&txtrestriction=ADM%2038&txtrestriction=ADM%2039&txtrestriction=ADM%20119&hdnsorttype=Reference>

x <http://www.aigs.org.au/Sales.htm>

xi <http://www.devon.gov.uk/localstudies/100208/1.html>



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On the 11th Year of our Lord one thousand Seven hundred
and eighty three before the Right worshipful Peter Calvert
Doctor of Laws Master of Requests or Commissary of the prerogative
Court of Canterbury lawfully constituted by the oath of a
Roman oath otherwise called the Hothe of the Doward and
Sole Executor named in the said will to whom admou
was granted of all and singular the Goods Chattels and
Credits of the said deceased having been first sworn by
Commission duly to administer. f. 1

Benjamin
Dennis

Oxland

Benjamin

Oxland

In the Name of God Amen

Benjamin Dennis Oxland of the County of Devon a Gentleman
being of sound and disposing mind and memory and a
considering the dangers of this world and the uncertainty
of this transitory life do for avoiding controversies after my
decease make publish and declare this my last will and
testament in manner following that is to say first I
recommend my Soul to God that gave it and my Body
to the Earth or Sea as it shall please God to order and
as for all my worldly Estate I give bequeath and dispose
thereof as followeth that is to say to my dearly beloved
and lawful Son John Oxland of the parish of Lynnhurst in the
County of Devonshire virtually all and singular my household
Goods and furniture Cloaths wares things and every
other thing whith I now possess or may at any time here
after likewise my wages due and due of others
said Son without Goods Chattels and Estate whatsoever
shall be any way due owing or belonging unto me at
the time of my decease I do give bequeath and bequeath the
same unto the said John Oxland of the parish and
County aforesaid and I do hereby nominate and appoint
the said John Oxland my only and Sole Executor of this
my last will and testament whereby working all former
and other wills testaments and deeds of Gifts by me at any
time heretofore made said I do ordain and certify these
deeds to stand and be for my only last will and
testament In witness whereof to this my said will I have set
my hand and seal the eighth day of August and in the
righteous Year of the reign of our Sovereign Lord George the third
of Great Britain France and Ireland King Defender of
the Faith and so forth and in the Year of our Lord one
thousand Seven hundred and eighty three Benjamin
Dennis Oxland (S) signed sealed and published in the
presence of us N. Kingmill Capt of the Vigilante in
Whittington Pursers Stabard. f. 1

On the thirtieth day of June in the Year of our Lord
one thousand Seven hundred and eighty three Admou
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and Credit of Benjamin Lewis Oxland otherwise Benjamin Oxland late belonging to his Majesty's Ship Vigilant and a

The Reverend
Rudolphus
Ottinga

On this day the 2^d of July 1781. before me Jan Vanda
and Notary public admitted by the Court of Holland as a
witness at Alphen in the presence of the Underwritten
witnesses appeared the above said Mr Rudolphus Ottinga
Minister of the Gospel of Amstaphel dwelling in the
Parish of this Jurisdiction known to me Notary to be the
apparent signifying that he by an act bearing date the
6th of January 1781 paid before me Notary and certain
witnesses by his late wife Lady Catharina van Diek was
appointed for Sole Executor and administrator of all such
Effects as she the Lady appears at the time of her
death may have and leave in the Kingdom of England or
and Great Britain granting to that end to him the
Gentleman appears full power and authority to govern
administer sell and transfer immediately after her the
apparent decease in the said Effects now directed to receive
the consideration money and give Receipts for the same
also the power to Surrogate an another after his decease
in stead the Lady appears requesting further that on the
said act after her decease Letters of administration be
granted in the usual form and as the appears directed
therefore by virtue of the power granted to him by the
said act bearing date the 6th of January 1781 to constitute
appoint and obtain after his decease for his Sole Executors
and administrators of all such Effects as he the appears
at his death may have and leave in the Kingdom of
England and Great Britain Messrs Isaac Tromer Counsellor
of the City of Schiedam and Jacobus Tromer Sheriff of a
Middoom granting to the said Gentleman jointly and to a
part severally such ample large power and authority
as to him the Gentleman appears by the aforesaid act
bearing date the 6th of April 1781 is given and granted and
here above amply inserted in these presents granting to
that end to the above mentioned Messrs Tromer jointly and
to each of them severally likewise full power and authority
to govern administer sell and transfer immediately after
his the Gentleman appears decease all the said Effects
now directed to receive the consideration money and a
give Receipts for the same as also specially the power to
Surrogate an other after their the appears decease in their
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