

John Davies of Basingstoke, maltster 1688

Ref: TNA PROB 11/392/138

In the Name of God Amen I John Davies of Basingstoke in the county of Southampton maltster being ill and weak in body but (praised be God), of sound and perfect mind and memory do make and ordain this my last will and testament in manner and form following. **First** and principally I commend my soul into the hands of my Creator and Redeemer who said I am the resurrection and the life and in Him and through Him and by Him I believe that though my body for a time be enclosed in earth yet in due time both soul and body shall enjoy everlasting felicity, I know that my Redeemer lives and that in the day of my resurrection I shall see my Saviour in my flesh this is my hope. **For my** funeral I leave it to my executors hereinafter named, and as for such temporal estate wherewith my Creator has blessed me I do give and dispose thereof as follows.

Item I give and devise unto my son William Davies all that my messuage or tenement and malthouse with all houses, outhouses, edifices, buildings, barns, stables and gardens thereunto belonging and all lands arable, meadow and pasture grounds thereunto belonging with their appurtenances wherein I now dwell commonly called or known by the name of Harwoods and all that my other freehold messuage or tenement situate and being in Basingstoke aforesaid in the street there called Church Street, now in the tenure or occupation of William Knight tobacco pipemaker with the appurtenances and also all that my other freehold messuage or tenement with the appurtenances situate and being in Basingstoke aforesaid at a certain place there called Norden Hill now in the tenure or occupation of John Alexander his assignee or assigns, and also all other my freehold lands and tenements whatsoever to have and to hold the aforementioned freehold messuages or tenements and lands and all other my freehold lands whatsoever not by me formerly settled unto my said son William Davies for and during the term of his natural life. **And after** his decease to the issue and issues of his body lawfully begotten and to be begotten, and for want of such issue then I give and devise the same messuages of tenements, lands and all other the before mentioned premises unto my son John Davies for and during the term of his natural life, and after his decease to the issue and issues of his body lawfully begotten and to be begotten. **And for** want of such to the right heirs of me the said John Davies forever.

Item I give and devise unto my said son William Davies all that messuage or tenement with the appurtenances which I hold by lease situate and being in Basingstoke aforesaid called The Ship now in the tenure of occupation of William Kew his assignee or assigns and also all that my other messuage or tenement with the appurtenances which I hold by lease also situate and being in Basingstoke aforesaid next adjoining to the said messuage or tenement called The Ship and now in the tenure or occupation of William Coleman the younger gent., for and during the time and term of years I have therein now to come and unexpired.

Item I give and bequeath unto my said son William Davies all the wood which shall be in the backside of my messuage or tenement wherein I now live at the time of my decease together also with my colt, my brown gelding, my cow, all my sheep and lambs except twenty sheep which I will my son John Davies shall have and choose

out of them at the next shearing time after my decease when and as soon as they are shorn.

Item I give and bequeath unto my said son William the debt or sum of money to me due from Tobias Lempster upon bond with the whole benefit and advantage thereof being thirty pounds principal money and one other sum of money being twenty pounds with the bond I have for the same from William Simpson and all the benefit and advantage thereof, and also all the bonds and sums of money therein mentioned which I have from Oliver King which are in the hands of Mr Bethell an Attorney at Law in London at the next door to the Seven Stars in St Paul's churchyard and also all those bonds and sums of money therein mentioned due and payable which I have from and upon Thomas Bayly which are now in the hands and custody of John Dandridge a factor at Brook's Wharf, London.

Item I give and bequeath unto my said son John Davies all that my messuage or tenement situate and being in Basingstoke aforesaid in the street there called London Street now in the tenure of occupation of the said Tobias Lempster with the orchard, garden, backsides, houses, edifices and buildings thereunto belonging with their appurtenances together with the little tenement and garden adjoining to the said orchard now in the occupation of Richard Turner his assignee or assigns to have and to hold the same to the said John Davies my son his executors, heirs and assigns during the time and term I have therein.

Item I give and bequeath unto my said son John Davies my grey mare and my silver tankard and all the goods chattels and household stuff which were his mother's at the time of my marriage with her.

Item I will that my mother Barbara Davies shall have paid unto her by my said son William Davies out of the rents and profits of the lands and tenements by me given and devised as aforesaid the sum of ten pounds per annum of lawful English money appointed to be paid unto her by the last will and testament of John Davies my late father deceased. **And** I will that she shall have and enjoy the use of the room in my now dwelling house called the parlour and of all the furniture therein after my decease during her natural life in such sort and manner as she has had and enjoyed the same since the death of my father. **And if** my said mother shall not like or be contented to live and cohabit after my decease with my said son William Davies as she has done with me, but shall be willing and minded to live elsewhere then I will that my said mother shall have five pounds per annum more and over the ten pounds per annum given her by my said father to make the same up to fifteen pounds per annum out of the rents and profits of my lands and tenements by me given as aforesaid to my said son William to be by him paid unto her during her natural life by quarterly payments if she shall desire to have the same so paid.

Item I will that if my said son John Davies shall marry and that my loving wife Jane, his mother, shall not be willing or contented to live with him and his wife but to live and abide elsewhere, then I will that my said son John shall pay unto his said mother forty pounds per annum out of the messuages or tenements and lands herein by me given and bequeathed by quarterly payments.

Item I give and bequeath unto my three grandchildren namely John Thorpe, James Thorpe and Barbara being the children of my daughter Barbara, the wife of my son in law James Thorpe, to each of them twenty pounds when and as soon as they and either of them shall attain and come into his, her or their several ages of one and twenty years. **And if** either or any of them shall happen to die and depart this life before he, she or they shall come to the said age of one and twenty years then I will that the legacy of legacies of him, her or them so dying shall go to the survivor or survivors of them. **And if** all of them shall die under the age aforesaid then I will that all the legacies by me given to my said three grandchildren shall come to and be paid to my said daughter Barbara Thorpe, the wife of the said John Thorpe. **And my** will and meaning is that within three months after my decease the legacies by me hereby given to my said grandchildren shall be paid into the hands of my said son in law, the said James Thorpe my said son in law at and before the payment thereof signing, sealing and delivering as his act and deed in due form of law to my executors herein named a bond or bonds for payment of the several legacies without interest so by me given to my said grandchildren at their several ages of one and twenty years and according to the true intent and meaning of his my will.

And also that he, the said James Thorpe my son in law, shall at the time of the sealing of the said bond and bonds sign, seal and deliver also as his act and deed to my said executor general release of all accounts, suits, debts, debates, trespasses, promises, variances and demands whatsoever from the beginning of the world unto the day of the date of the said release. **And if** the said James Thorpe shall refuse to give and enter into bond as aforesaid and to seal such release, then I will that the legacies so be me given to my said grandchildren shall be and remain in the hands of my said executors until such time as he, the said James Thorpe, will give such bond or bonds and seal such release. **And in** default thereof the same to remain in the hands of my said executors to be by them paid without interest to my said grandchildren at their several ages of one and twenty years as aforesaid.

Item I do hereby constitute and appoint, make and ordain my said two sons William Davies and John Davies joint executors of this my last will and testament, and executors in trust for my said son John Davies during his minority I make and ordain my said loving wife Jane being willing and minded that after my debts are paid and my legacies paid or secured according to the intent and meaning of this my will all my personal estate whatsoever remaining over and above what I have herein before given and bequeathed shall be equally divided between my said two sons and executors William and John Davies. **And it** is my will and my full intent and purpose that if either of my sons William and John Davies shall die without having any child that then all the estate as well real as personal herein by me given to him dying childless shall come to the survivor of them.

Item I will that my said loving wife shall during her life have the chamber in my now dwelling house called the parlour chamber to her use and at her will and pleasure with all the bedding and furniture therein now being and have at all times free liberty of ingress, egress and regress into and from the same for the accommodation of herself and my said son John Davies. **And I** will that if my said wife shall at any time after my decease be willing and minded to make a will and thereby to give and bequeath and dispose of one hundred pounds or any other lesser sum that then and

in such case my executors herein named shall pay the same according to her intent and meaning in such her will so to be by her made.

Item I give and bequeath unto my uncle William Cater twenty shillings to be paid unto him within one month after my decease. **Also I** do forgive him twenty shillings which he owes me for money lent, but if he shall pay the same twenty shillings to me in my lifetime then instead of a legacy of twenty shillings I hereby bequeath unto him forty shillings to be paid as aforesaid.

Item I give twenty shillings per annum to be paid to such persons as shall from time collect and gather monies for the meeting house for the use thereof by quarterly payments to be paid by my executors.

Item I will that if my sons, the said William and John Davies shall die without any issue of their or either of their bodies lawfully begotten, then I will that the youngest daughter of Ivell Stevens of Mortimer in the county of Berkshire yeoman and the daughter of [missing] Porter of Crookham in the said county of Southampton gent., and the daughter of Thomas Heyman of Elvetham in the said county of Southampton yeoman being my kinswomen, to every one of them fifty pounds of lawful money of England to be paid out of the personal estate which my said sons dying both of them without any issue shall leave behind them at the time of their decease.

In witness whereof I have hereunto set my hand and seal this twelfth day of May AD one thousand six hundred eighty eight. Seven sheets of paper.

John Davies

Signed, sealed and published by the said John Davies the testator to be his last will and testament in the presence of us Richard Burnham, John Spencer, Henry Collier.

Proved in the Prerogative Court of Canterbury. Probate granted 20 July 1688 to William and John Davies, sons.