

**William Oades of Dummer, Rector, 1731**

**Ref: TNA PROB 11/647/85**

**In the Name of God Amen** I William Oades rector of Dummer in the county of Southampton being well in health and of good and perfect memory, God be thanked for the same, do make this my last will and testament in manner and form following **First** I recommend my soul to my most merciful God hoping for eternal life through the merits and mediation of my Lord and Saviour Jesus Christ and I desire my executor hereafter named to bury my body in the church yard of Dummer in such manner as I shall direct in a codicil to be annexed to this my will, and as touching such worldly state as God has blessed me with I give and dispose of the same as follows.

**Imprimis** I give to the vicar and churchwardens of Preston Candover in the county of Southampton the sum of two pounds and ten shillings of lawful money of Great Britain per annum forever in trust for the use and benefit of the poorer sort of children of the said parish to be paid to the said vicar and churchwardens for the time being within ten days at farthest after the receipt thereof to an honest sober and diligent person of the Church of England approved of by them under their hands who shall faithfully instruct six boys or six girls of the said parish of each an equal number if it can be in reading and especially in the principles of the Christian religion set forth in the church catechism without demanding any other payment or reward from their friends or relations. **And my** will is that the said children shall begin to be sent to school in the month of January or June which shall first follow upon the expiration of two whole years after my decease and that the said yearly sum of two pounds and ten shillings shall be paid by my executor to the said vicar or his order by four equal proportions on the four quarterly festivals or within twenty days afterwards and that the first payment be made on or near the first festival day after the said children are sent to school. **But if** it should happen at any time hereafter that so many as six children cannot be found by the said vicar and churchwardens who shall be willing to go to school and learn as above directed yet my will is that the said two pounds and ten shillings shall continue to be paid without any deduction for the use and encouragement of the schoolmaster or school dame provided he or she be willing to teach as many as are sent to him or her by the said vicar and churchwardens not exceeding the number of six on my account of my donation. **But if** at any time after the first settlement of the school there shall be no schoolmaster or school dame in the said parish to instruct the said children as aforesaid for the space of six whole calendar months together then I give to the rector and churchwardens of Dummer in the said County of Southampton the said sum of two pounds and ten shillings per annum forever in trust for the use and benefit of the poorer sort of children of the said parish who shall faithfully instruct six boys or girls of the said parish in reading in the same manner and form as I have given the same to Preston Candover aforesaid. **But if** at any time after the first settlement of the school there shall be no schoolmaster or school dame in the said parish to instruct the said children as aforesaid for the space of six whole calendar months together, then my will is that my said yearly gift of two pounds and ten shillings shall be thenceforth forfeited void and null forever as to the benefit of the said parishes and shall return to the sole use and benefit of those persons who shall be hereafter nominated and appointed in this my will to have and enjoy the annual neat profits of my estate and when all my debts and funeral expenses and other incident charges and such other legacies and gifts

which I may hereafter appoint and bestow in a codicil or codicils hereunto annexed and also all salaries or annual payments already specified to be given or which hereafter shall be given in this my will shall be paid and deducted.

**Then I give** and bequeath the residue of my whole estate both real and personal in all respects whatsoever to the Reverend Master and Fellows of Pembroke College in the University of Oxford and their successors for ever nevertheless and in trust only and for the uses following namely that the annual rents, issues, interest and neat profits of my said estate shall be divided every year into eight equal shares or parts. **And I** will that two of the said equal shares or parts shall be paid yearly to my brother Thomas Oades and the lawful heirs of his body forever. **Item** I will that one of the said equal shares or parts shall be paid yearly to my niece Elizabeth daughter of my said brother Thomas Oades and now wife of my nephew Thomas Hall and to the lawful heirs of her body forever. **And upon** failure of such heirs, to the heirs of the body or bodies of the other child or children of my said brother Thomas Oades if he shall have any according to the usual right and course of heirship forever. **Item** I will that two of the said equal shares or parts shall be paid in yearly to my sister Anne Hall wife of Thomas Hall and the lawful heirs of her body forever. **Item** I will that one of the said equal shares or parts shall be paid yearly to my niece Ann Garret daughter of my sister Anne Hall and to the lawful heirs of her body forever, and upon failure of such heirs to the right heirs of the lawful issue of my said sister Anne Hall forever. **And I** mean by the word heirs such persons according to the customs of England have a right of inheritance in real estates and I limit these my legacies to such heirs only. **And I** further will that if the lawful issue of my said brother Thomas Oades and my said niece his daughter shall entirely fail and be extinct then the share or shares given to them and each of them and their respective heirs shall thence forwards be paid forever to the right heirs of the lawful issue of my said sister Anne Hall. **And also** that if the lawful issue of my said sister Anne Hall shall entirely fail and be extinct then the share or shares given to her and my niece Anne Garret and to their respective heirs shall thence forwards be paid forever to the right heirs of the lawful issue of my said sister Anne Hall. **And also** that if the lawful issue of my said sister Anne Hall shall entirely fail and be extinct then the share or shares given to her and my niece Anne Garret and to their respective heirs shall thence forwards be paid forever to the right heirs of the lawful issue of my said brother Thomas Oades. **For my** positive will is that the six shares or parts given (as above mentioned) to my relations, shall continue entirely to the benefit and interest of my family so long as there is any heir of the lawful issue of my said brother and sister and no longer.

**Item** I will that the said Master and fellows of Pembroke College and their successors forever shall distribute the other two shares or parts of my estates so far as they will go by equal proportions amongst so many servitors or battlers of the poorer sort in the said College as they shall think fit, the allowance of each of them out of this present benevolence not exceeding five pounds per annum. **But if** it shall happen that any person either male or female lawfully descended from my said brother or sister shall come to **you** in poverty by the providence of God having lived regularly and not being chargeable with any notorious and extravagant courses then I will that such person so impoverished during the time that he or she continue poor shall have ten pounds per annum without any deduction out of my estate payable by equal proportions on or near the four quarter days. **And my** will is that no more than

one person so impoverished shall have the benefit of the allowance of ten pounds per annum at one and the same time and that he or she shall enjoy it who is the nearest of kin to my said brother Thomas Oades in priority of blood. **But if** any difference shall arise hereafter between my said legatees and their heirs or between them and the said Master and fellows of Pembroke College for the time being concerning this matter then I humbly refer it to the great prudence of the Worshipful Justices of the Peace of the county riding division or town corporate to which my said poor relation shall belong to be finally decided by them by a majority of votes at the next general Quarter Sessions. **And I** earnestly entreat the said Justices to undertake the said trouble, they being patrons of the poor by the laws of the land. **But if** any one or more of my said relations and their heirs and the said Master and fellows of Pembroke College and their successors shall refuse to comply with the decision of the said Justices then my positive will is that the whole ten pounds per annum with the charges at law shall be paid out of the share or shares of him or her or them and their heirs and successors so long as my poor relation shall live, the rest of my legatees and their heirs or successors being exempted for that time from any part of the payment. **And I** will that a certificate concerning the life and conduct of my said involuntary poor relation under the hands of the minister, churchwardens and overseers of a neighbouring parish in the said county whose church shall be nearest to the parish where my said poor relations dwells may be pleased to decide the controversy, if any shall arise in this affair. **And I** earnestly desire such ministers and officers to make such certificate they being by virtue of their respective offices subordinate guardians and advocates for the poor. **But I** hope that the said Master and fellows and their successors and my said legatees and their heirs will comply with this my will without giving any trouble to the said Justices by considering that the party on whom my benevolence is bestowed is equally related to me with themselves and that poverty is the truest object of humanity although I do not question but the said Master and fellows and my said brother and sister and nephew and nieces will mutually accord concerning the distribution of my estate. **Yet forasmuch** as disputes may possibly arise between the successors of the said Master and fellows and the heirs of my relations after my decease I therefore order if any one or more of them shall not be contented with his, her or their share or shares by me allotted, or shall lay claim to, or detain a greater proportion, then the matter in dispute may be peaceably submitted to the judgement of the reverend and right worshipful the Vice-Chancellor of Oxford for the time being, who being a wise and learned man himself and living in the improvements of reason amongst the most eminent civilians must be a very competent judge in controversies of this nature. **But if** the party or parties concerned shall not acquiesce in the opinion of the said Vice-Chancellor then I will that the opinion of the right worshipful the Recorder of the City of London for the time being under his hand shall be decisive as to the point and that his fee or fees shall be paid out of the share or shares of him, her or them who shall claim or detain a greater proportion of than is allotted.

**But provided** the lawful issue of my said brother or sister shall entirely fail and be extinct in all its branches then in such case and for default of such issue I will that the six equal shares or parts of the yearly neat profits of my estate given and bequeathed to my said relations and their heirs as above directed shall be thence forward become appropriated to the said Master and fellows of Pembroke College and their successors forever in trust only and for the following uses. **Namely** I will that the said Master and fellows of Pembroke College for the time being shall pay ten

pounds per annum forever without any deduction to the vicar for the time being of Preston Candover provided that the said vicarage shall be capable at that time to partake of the Bounty of Queen Anne for the augmentation of the maintenance of the poor clergy. **And the** like sum of ten pounds per annum forever without any deductions to the rector for the time being and his successors of the parish of St Aldate in the City of Oxford now in the patronage of the said College with the same proviso concerning the Queen's Bounty. **And also** the like sum of ten pounds per annum forever without any deductions to the rector or vicar for the time being of any other living which may be then in the patronage of the said College and shall be qualified for the Royal Bounty aforesaid. **But if** the said Master and fellows shall have no other living but St Aldate in their patronage or so qualified then I will that the said ten pounds last mentioned shall be paid forever to the rector or vicar for the time being of some other living so qualified which shall be more near the city of Oxford or shall belong to any other College or shall in the said University to be appointed by them to partake of the benefit of this my benevolence at their own discretion.

**And I** humbly desire that the said Master and fellows to apply themselves to the honourable governors of the Bounty of Queen Anne in order to procure for them an augmentation of the maintenance of the rectors and vicars aforesaid according to the proposal of the said honourable governors and their practice in the like cases. **And I** give a full power to the said Master and fellows to make such agreement or agreements with the said honourable governors by any conveyance or conveyances of my estate or any part thereof or by any other instrument or instruments in writing as shall be necessary. **And when** the allowance of ten pounds apiece for the augmentation of the three livings aforesaid or of so many of them as shall be capable of a joint augmentation of the Bounty of Queen Anne shall be deducted I will that the said Master and fellows and their successors shall pay forever all the overplus of the money remaining out of the neat yearly rents, profits and income of my estate to as many poor scholars as there shall be provision for by an allowance of ten pounds per annum to each of them without any deductions. **I will** that the said Master and fellows for the time being shall have the sole nomination and choice of the said scholars and whosoever is nominated and chosen by them shall be either the son of a clergyman living or deceased who is, or was of mean circumstances attested to be so under the hands of three neighbouring ministers. **And such** I desire to be promoted especially from the counties of Surrey and Southampton or else being the son of a layman he shall have matriculated *plebeii filius* and shall be a servitor batteler and a member of their own College to which I give the preference or of some other College or hall in the said University. **And I** also appoint that every scholar chosen by them out of any other College or hall shall within six weeks after such election come in to reside in Pembroke College and reside there constantly except upon leave of absence for some moderate time upon reasonable occasions. **And I** also order that no-one shall have allowance continued to him after seven years standing in the said University. **I will** that my gift to each scholar be paid by the said Master and fellows for the time being at or near the two most usual Feasts that is to say at the Feast of the annunciation of the Blessed Virgin Mary and Saint Michael the Archangel by even and equal portions and that the first payment thereof be made accordingly on or near the second of the said festivals. **After the** whole annual income is fallen entirely into their hands upon default of issue of my said brother and sister and before the second festival because I would have the income of the first half year kept in bank that regular and timely payments may be made, but

if the said Master and fellows and their successors shall not fill up any vacancy or vacancies within six weeks after the death, forfeiture or removal of any scholar or scholars who shall partake of my benevolence then I will that the reverend principal of Saint Edmunds Hall in the said University may elect any scholar or scholars belonging to his own hall or to any other College or hall *pro ea vice* as often as such neglect shall happen. **And my** meaning is that those poor scholars who partake of the two shares of my estate given in trust to the said master and fellows at my decease shall have their exhibitions augmented to ten pounds per annum without any deductions.

**I will** that my executor or executors shall call in and collect all monies due to me upon any instrument of writing or otherwise but upon six calendar months notice to be given to him or her, to all persons indebted to me upon mortgages, bonds, sealed notes bearing interest or other instruments of writing whatsoever and not before unless the persons so indebted shall be willing to pay in the money sooner. **And that** he or she, together with the advice and concurrence of the said Master and fellows of Pembroke College shall purchase with the said monies so collected some land or government securities. **But my** will is that when there is an opportunity of purchasing an estate or estates of inheritance in fee simple and lying in the county of Southampton or in Oxfordshire, Berkshire or Wiltshire such purchase or purchases shall be then with either part or the whole of my said personal estate and that conveyance or conveyances thereof shall be made to the said Master and fellows of Pembroke College and their successors forever for the use and uses of my will. **And I** would have so much of this my will inserted in the said purchase deed or deeds as shall be thought proper by the Council learned in the law and that there be enrolment of the said deed or deeds in the Court of Chancery and a copy or copies of the said enrolment or enrolments be deposited by the said Master and fellows amongst their college writings.

**I appoint** and constitute my brother Thomas Oades and his heirs to be executor or executors in trust in order to call in and collect all sums of money due unto me and to give a timely account of such sums so collected by them or either of them to the said Master and fellows of Pembroke College and also to do and perform all and all manner of things pertaining to the office and power of such executor or executors. **And I** will that an allowance be made to my said executor or executors to pay an assistant who may be helpful to him or them in collecting the rents and profits of my said estate and in keeping his or their books of account fairly and methodically written and fit for the inspection of such learned men when they are laid before the Master and fellows at the expiration of every year or in some reasonable time afterwards. **And I** humbly desire the Reverend and Right Worshipful Vice-Chancellor of Oxford for the time being forever to be trustee of this my will and I give full power to the Vice-Chancellor to require and oblige my executor or executors and the said Master and fellows of Pembroke College and their successors to make such purchase or purchases of land as aforesaid in a reasonable time. **That** provisional donation to their College may receive the less detriment by accidental losses to which money is most subject I order that the said Master and fellows of Pembroke College and their successors shall deliver yearly to the Vice-Chancellor for the time being an account in writing under the hands of the Master and vicegerent of the said College of the names of the scholars on whom my said bounty is bestowed and of the value of that part of my estate which shall be at their disposal. **I will** that all the

expenses of my executor or executors and trustees for the securing and managing of my estate shall be allowed to him or them out of the same and that he or they shall not be accountable and answerable for any involuntary losses, nor the one for the other of them, nor for the acts of any persons by them employed in which there is no collusion between them and the said persons to lessen my estate and to defeat the purposes of this my will. **And further** I order that a copy of this my will after the same has been proved in the Prerogative Court of Canterbury shall be written in parchment and sent to the said Master and fellows of Pembroke College and also that so many clauses of my said will and of the codicil or codicils to be annexed thereto as respectively concern Saint Edmunds Hall or the parishes of Preston Candover and Dummer aforesaid being written in parchment and sent to the said principal of Saint Edmunds Hall and to the vicar and rector of each respective parish to be kept in the parish chest for the good and information of posterity.

**As I have** lived so I hope to die in close communion with the Church of England as it is now by law established and I pray to God to preserve that excellent constitution. **I hereby** revoke all former wills by me made and declare this to be my last will and testament contained and written in three sheets of paper and in witness thereof I have set my hand and seal to each of the said sheets the twenty first day of September in the fourth year of the reign of our sovereign Lord George the Second by the grace of God of Great Britain, France and Ireland King, Defender of the Faith etc., AD one thousand seven hundred and thirty.

William Oades

Signed sealed published and declared by the above named William Oades rector of Dummer the aforesaid testator as and for the last will and testament the day of the date hereof in the presence of us whose names are here under written who also attested and subscribed the same in the presence of the said testator.

John Thorpe John Hampton John Bassat.

**Whereas** I William Oades rector of Dummer in the County of Southampton have made my last will and testament bearing date on the [missing] day of [missing] in the fourth year of the reign of our Sovereign Lord George the Second AD 1730 I do hereby ratify and confirm my said will and in this codicil annexed thereto make these following additions. **Imprimis** I desire my executor or executors in my said will to bury my body in the church yard of Dummer aforesaid and not in the church nor chancel nor in the church porch but on the north side of the church as close to the said church wall as can be done with conveniency not hurting or damaging the wall of the said church and opposite to the pulpit where it now stands. **If it cannot** be done with conveniency there I desire to be buried towards the church rails northward. **I will** that my funeral be private and frugal without any pomp and that there be a sermon preached at that time without anything said in my commendation.

**Item** I give five pounds to the churchwardens and overseers of Dummer aforesaid in manner following (that is to say), two pounds and ten shillings to be laid out in bread and to be distributed by them amongst the poor of the said parish only who do or do not receive the collection in the afternoon on the third Lord's Day after my funeral.

**And the** other two pounds and ten shillings residue thereof to be paid unto them in

money and distributed by them amongst the poor of the said parish only who do not receive collection in the afternoon of the third Lord's Day after my funeral. **By pounds** and shillings in all places of this codicil and in my last will I mean pounds and shillings of good and lawful money of Great Britain. **Item** I give more two pounds to the said churchwardens and overseers of Dummer aforesaid to be paid unto them within one year after my decease to be distributed amongst the poor of the said parish who are lame, sick or blind especially the very ancient people either men or women.

**Item** I give to my sister Anne Hall my new great folio Bible with the leather case and carpet if she survive me and if it happen ~~that~~ she die before me I give the said Bible leather case and carpet to my niece Anne Garret, daughter of Thomas Hall. **Item** I give five pounds to be laid out on coals or woods in equal proportions in two years for the relief of the poor prisoners for debt in Winchester goal being the county goal for the said county of Southampton to warm them in the severity of winter between the Feasts of All Saints and Lady Day. **I desire** my brother and sister, nephew and nieces to take for their private use and in order to remember me so much of my goods and furniture as they shall think worthy of their acceptance except such boxes and chests as shall be thought necessary for the keeping of my writings. **And the** remainder of my goods and furniture which they shall not accept and my wearing apparel both linen and woollen I give to be distributed amongst my poor relations if any such can be found in one year after my decease or otherwise amongst the poor people of Dummer aforesaid who do not receive collection at the discretion of my executor or executors. **And whereas** I have several sermon notes, manuscripts and paper books placed in diverse boxes with certain inscriptions in the said boxes for the said papers to be burned. **I will** that my executor or executors shall cause the said sermon notes manuscripts and other papers to be utterly destroyed within twenty days at farthest after my decease or sooner if possible that no person whatsoever be suffered to look into those notes or papers.

**I desire** to be put into my grave by two strong young men of Dummer aforesaid of the poorer who can read and are sober and regular in their lives and I give each of them a Bible and leather case in remembrance of me.

**I disannul** all former codicil or codicils whatsoever made by me and do declare this my codicil bearing date as underneath mentioned to be my last codicil it being contained and written in one sheet of paper I have set my hand and seal the twenty first day of September in the fourth year of the reign of our Sovereign Lord George the Second AD 1730 William Oades.

Signed, sealed, published and declared by the said William Oades as and for his codicil annexed unto his last will and testament in the presence of us who have hereunto subscribed our names in the presence of the said William Oades testator.

John Thorpe   John Hampton   John Bassatt

Proved 12 October 1731, probate granted to Thomas Oades, brother.