

James Acton of Basingstoke, gentleman 1690

Ref: Hants. RO 1690B/01

In the name of God Amen 24th day March 1686/7 in the third year of the reign of King James the Second I James Acton of Basingstoke in the county of Southampton gentleman being in perfect health of body and of sound mind and memory, thanks be therefore given to Almighty God, do make this my last will and testament in manner following (that is to say), **first** and principally I bequeath my soul into the hands of Almighty God that gave it by whose grace I trust through the merits of my Redeemer to inherit everlasting life. **And my** body in hopes of a joyful resurrection I commit to the earth to be buried at the discretion of my executors hereafter named but near to my dear father and mother. **And for** distribution of those worldly goods and enjoyments wherewith God has blessed me I dispose thereof as follows. **First** I will that all such debts as I duly and truly owe to any man be paid and discharged. **Item** I will and bequeath unto my dear brother Edward Acton all that my tenement with two acres of arable or pasture ground thereunto belonging called or known by the name of the Brick Kiln situate in the parish of *Old Basing* in the said county of Southampton, and also all my right, title, interest and property claim and demand whatsoever of, into or out of a mortgage heretofore mortgaged by Robert Kempe of *Old Basing* aforesaid and Jane his wife unto my father of all that my messuage or tenement with all the rights members and appurtenances in the deed of mortgage mentioned situate in *Old Basing* aforesaid as the same now is or late was in the occupation of the said Robert Kempe which said mortgage was long since forfeited, to have and to hold the said Brick Kiln and the said mortgaged premises to the said Edward Acton his heirs and assigns for and during the term of his natural life. **And after** his decease then to the use and behoof of James Acton, son of the said Edward Acton, his heirs and assigns forever.

Item I give and bequeath unto my dear brother John Acton all that my messuage and farm with the lands, tenements and hereditaments therewith all used occupied and enjoyed lying and being in the tithing of Binley in the parish of St Mary Bourne in the said county of Southampton with all evidences and writings touching and concerning the same or any part thereof to have and to hold unto the said John Acton and the heirs males of his body lawfully begotten or to be begotten. **And for** want of such issue then to the use and behoof of my dear brother Edward Acton and the heirs males of his lawfully begotten or to be begotten. **And for** want of such issue then to the use and behoof of my dear brother Michael Acton and the heirs males of his body lawfully begotten or to be begotten. **And for** want of such issue then to the use and behoof of me the said James Acton my heirs and assigns forever.

Item I give and bequeath unto my said dear brother John Acton all that my messuage or tenement wherein I now live with the garden, orchard and outhousing thereunto belonging situate in Basingstoke aforesaid as the same now is in my own possession to have and to hold to the said John Acton his executors, administrators and assigns for and during all the residue and remainder of a term of years upon mortgage yet to come and unexpired.

Item I give and bequeath unto my dear brother Michael Acton all that my manor of Inhurst with the messuage, lands, tenements, hereditaments and appurtenances

commonly called or known by the name of Hansons and now in the possession of John Yates situate, lying and being in Inhurst aforesaid in the parish of Baughurst in the said county of Southampton with all writings touching and concerning the same to have and to hold to the said Michael Acton and the heirs males of his body lawfully begotten or to be begotten. **And for** want of such issue then to the use and behoof of my dear brother John Acton the heirs males of his body lawfully begotten or to be begotten. **And for** want of such issue then to the use and behoof of my dear brother Edward Acton and the heirs males of his body lawfully begotten or to be begotten. **And for** want of such issue then to the use and behoof of the right heirs of me the said James Acton my heirs and assigns forever.

Item I give and bequeath unto Edward Acton son of my brother Edward Acton the sum of one hundred pounds to be put out at interest or otherwise improved at the discretion of my executors and the interest thereof arising to go towards his maintenance till he attain the age of one and twenty years.

Item I give unto Jane Acton the daughter of Edward Acton the sum of fifty pounds and to my godson James Acton, son of Edward Acton, the sum of one hundred pounds to be put out at interest towards their maintenance as aforesaid. **And if** it shall happen that the said Edward Acton, Jane Acton or James Acton to depart this life before they attain to the age of one and twenty years, then my will and meaning is that the part of share of them, him or her shall come to the survivor or survivors of them share and share alike. **Item** I give unto my nephew Edward Meaton, son of Fowler Meaton, the sum of one hundred pounds to be put out at interest or otherwise improved at the discretion of my executors and the interest thereof arising to go towards his maintenance till he attain the age of one and twenty years. **And if** it shall happen that the said Edward Meaton shall decease or depart this life before he shall attain the age of one and twenty years then my will and meaning is that the said hundred pounds shall be paid amongst such other children as my sister Meaton shall have then living towards the maintenance of her said children at the discretion of my executors.

Item I give and bequeath unto my cousin Elizabeth Acton, daughter of my uncle Richard Acton, the sum of ten pounds to be paid by my executors five pounds of which said ten pounds shall be to buy her mourning and a ring with this passage 'Remember I we must all die'. **Item** I give and bequeath unto my maid Mary Mitchiner (if she be living with me at my decease), the sum of fifty shillings to buy her mourning and also to my boy John Browne the like sum of fifty shillings to buy him mourning at the discretion of my executors.

Item I give and bequeath unto my dear brothers Edward Acton, John Acton and Michael Acton and to the survivor and survivors of them forever in trust or the several uses hereafter mentioned all that my estate, right, title, interest and property claimer and demand whatsoever of me to all those five cottages or small tenements situate, lying or being in a lane called Flaxpool Lane in Basingstoke and now in the possession of Joane Martin, John Pink, Robert Green, Richard Allen and Richard Austen.

And my will and meaning further is that such person or persons that shall be then living at my decease and paying my executors hereafter named all such rents that

shall grow due and be in arrears at the next Lady Day or Michaelmas which soever shall first happen after my decease. **That then** and from thenceforth such tenant so paying as aforesaid my will is that he shall enjoy the said messuage that he or *she* dwells in for and during the term of his natural life or her natural life they paying such a proportion of quit rent as shall grow due yearly and every year unto Mr Brocas of Beaurepaire as I have herein my last will and testament equally divided it according to the value of every cottage's rent that I now let. **And if** any such tenant shall refuse to pay that then my will is that my executors shall warn such tenant or tenants out of their several houses that shall so refuse to pay as aforesaid and put in some other honest person that has been accounted an honest man of good report. **And further** my will and meaning is that the survivor of my executors shall and may by his deed indented make such trustees to and for the placing and putting in such person or persons after the decease of such tenant that shall die being a widower or widow or if married then the widow or widower to hold the said cottage so long as he or *she* shall continue sole and unmarried and no longer. **And also** that it shall and may be lawful to and for such trustees and the survivor of them to make such settlement to new trustees for the management thereof and so to continue forever provided always that every tenant that shall so dwell in such cottage as aforesaid shall yearly and every year at his own personal costs and charges or hers keep the same in good repair. **And that** tenant which shall dwell in the house now in the possession of John Pink shall by half yearly payments pay unto Mr Brocas the sum of five shillings during the time he or she shall so dwell in. **And the** tenant that shall dwell in Richard Austen's cottage the like sum of five shillings; the tenant that dwells in Green's cottage three shillings and six pence; and the tenant that dwells in Richard Allen's cottage the sum of four shillings; and the tenant that dwells in Joane Martin's cottage the sum of two shillings and six pence which makes up the sum of twenty shillings being the whole year's quit rent payable yearly and every year forever unto the said Mr Brocas.

Item I give and bequeath unto the town of Basingstoke the two volumes of the Book of Martyrs to be bought by my executors and set up in the church of Basingstoke aforesaid in some convenient place there with chains to the end that any person may read the same and that my name be inserted in the beginning of each book with these words: 'The gift of Mr James Acton'.

Item I give unto the poor of town of Basingstoke ten bushels of wheat to be baked into bread and given away at the discretion of my executors. **All the** residue and remainder of my estate, this my will being performed and my funeral expenses discharged, I dispose of as follows, that is to say three seventh parts, the whole seven parts to be divided, I give unto my dear brother John Acton in condition that he will undergo the greatest trouble in the execution of this my will; two other parts of the said seven parts I give to my dear brother Edward Acton in trust for his three children Edward Acton, Joane Acton and James Acton, the same to be laid out by the said Edward Acton (but not without the consent of my two other executors or the survivor of them) on a purchase or otherwise to be improved for the use of the said Edward Acton, Joane Acton and James Acton or the survivor or survivors of them for and until they shall attain their several and respective ages of one and twenty years. **And then** I will and my meaning is that my said brother Edward Acton shall be accountable to them or to the survivor or survivors of them for the said two seventh parts and the mean profits thereof arising and to arise without any deduction or

abatement whatsoever for or by reason of any matter or thing whatsoever law charges and losses (the said money being put out to be improved by and with the consent of my said executors or the survivor of survivors of them as aforesaid) excepted. **Item** I will and give unto my dear brother Michael Acton the other two remaining seven parts of the said remainders of my estate the whole in seven parts to be divided as aforesaid. **And lastly** I make, constitute and appoint my said dear brothers Edward Acton, John Acton and Michael Acton to be joint executors of this my last will and testament. **In witness** whereof I have hereunto set my hand and seal the day and year first before written.

Signed, sealed, published and declared
to be the last will and testament of
the aforesaid James Acton in the
presence of us

John Petty
Thomas Colhill
Robert Mitchener

James Acton

Probate granted 23 September 1690.

A codicil to be annexed to the last will and testament of James Acton of Basingstoke in the county of Southampton gentleman.

Imprimis to prevent all controversies that may hereafter arise touching or concerning the advowson, free disposition and right of patronage of, in and to the parsonage and parish church of Bentworth I do hereby (to pursue my father and mother's intention) give and bequeath the same to John Petty of the Middle Temple, London gentleman and Richard Burnham of Basingstoke dyer and their heirs to hold to the said John Petty and Richard Burnham their heirs and assigns forever in trust nevertheless to and for the uses, intents and purposes herein after mentioned (that is to say), if Edward Acton my brother the present incumbent shall depart this life or resign the said parsonage and cure, or if any other vacancy or vacancies, avoidance or avoidances of, in and to the said parish church shall happen, then my will and meaning is that Edward Acton son of my said brother Edward Acton being (at or within six months after such next or other vacancy or avoidance), qualified for the same shall be presented thereunto. **And if** the said Edward the son shall happen to die before such avoidance or avoidances or not be qualified therefore then I will that James Acton second son of the said Edward my brother being qualified as aforesaid shall be presented thereunto. **And if** the said James shall likewise happen to die or not be qualified for or refuse the same then I will that all and every other son or sons of the said Edward my brother and of his and their heirs male successively as they shall be in seniority of age and priority of birth and qualified for the same as aforesaid shall be presented thereunto. **And for** want of such son or sons of the said Edward my brother or of his heirs male as aforesaid fit and qualified to succeed him upon the next or (upon any other vacancy or vacancies that shall or may hereafter happen), my will and meaning is that then the said John Petty and Richard Burnham and their heirs shall nominate and present the next of my right heirs that shall happen to be qualified for the same to the said rectory or parish church. **And for** want of such heirs fit and qualified to be presented as aforesaid I will that the said

John Petty and Richard Burnham and their heirs shall stand and be seized of and in the right of patronage as aforesaid in trust for the use of my right heirs forever and to no other use or uses whatsoever.

And whereas I have bargained and sold my Brick Kiln with its appurtenances in *Old Basing* for the sum of eighty pounds, which said Brick Kiln I had in my last will given to my brother Edward Acton, I will that the said Edward Acton shall have in lieu thereof out of my personal estate the sum of eighty pounds over and besides the legacies in my will given him to be paid within six months after my decease.

Item whereas I have agreed with the Deane and Chapter of Winchester for the putting in two lives in reversion into my estate called Withers in Baughurst and paid part of my fine therefore, I give and bequeath as well all my right and power of nominating an putting in two lives as aforesaid as all my tenant right thereunto to my said brother Michael Acton but upon this condition, that he, the said Michael Acton, shall nominate my said brother John for the second life. **And also** shall allow and pay to my said brother Maton's children the sum of three score and ten pounds to be paid within two years after such lives put in to be disposed of for the use of the said children at the discretion of their father and my executors.

Item I will that my brother in law Fauler Meaton and Joanne his wife shall have hold and enjoy the house wherein they now dwell together with the garden and all other the rights, members and appurtenances thereunto belonging, and also all the benefit and advantage thereunto belonging and there out or out of any part thereof or by virtue of the mortgage thereof to me due coming or growing or that shall arise, come or grow during the term I have therein in as large and ample manner as I myself could or should have received and enjoy the same if I were living.

And I will that these presents shall be annexed to my said last will and be construed, deemed and taken to be part of my said last will, and since we have hitherto lived like brethren together in unity and love, and to prevent controversies, I will that if any or either of my brothers or legatees shall go to law with the other touching any matter or thing contained in my said will or in these presents, he or they that shall commence and begin such suit of law shall thereby forfeit all and every the legacy or legacies therein to him by me given and bequeathed. **In witness** whereof I have hereunto set my hand and seal the second day of May in the second year of the reign of our Sovereign Lord and Lady William and Mary by the grace of God King and Queen of England, Scotland, France and Ireland Defender of the Faith etc., AD 1690.

Signed, sealed, published and declared to be a codicil to be annexed to and to be part of the last will and testament of the above named James Acton in the presence of:

Richard Burnham
Robert Michener
Elenora Jones
Aquila Clapshew

James Acton

23 Sept 1690.