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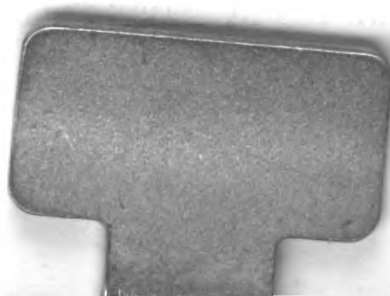
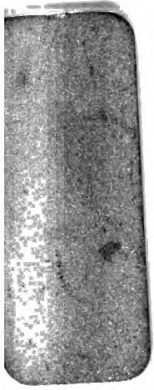


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A P L E A
FOR
AN OLD WILTS CHARITY,
OR
REASONS AGAINST ALIENATION
OF THE
REAL PROPERTY IN UPTON SCUDAMORE,
BELONGING TO
STOCKTON ALMSHOUSE,
ADDRESSED TO THE TRUSTEES,
BY
REV. J. BARON, M.A.,
Rector of Upton Scudamore.

WARMINSTER:
PRINTED BY MARTIN BROTHERS, MARKET PLACE.

G. A. W. 80. 165(11)



TO
THE TRUSTEES
OF
STOCKTON ALMSHOUSE.

MY LORD AND GENTLEMEN,

I learn with much regret that you seriously contemplate the alternative of selling by private contract, if a fair price can be obtained, the small farm at Upton Scudamore which you hold in trust for Stockton Almshouse, and investing the money in the Funds or elsewhere.

Having been resident at Upton Scudamore as Rector for twenty-seven years, I trust you will kindly take into consideration the plea which I wish to lay before you.

I am well able from experience to sympathize with the difficulties of Trusteeship, and do not undervalue the reasons for selling which seem to be plain, simple and urgent, but not conclusive. As far as I am informed, these may be summed up in a management difficulty of a very definite kind, viz., that your small house and homestead buildings are old, requiring expensive repairs, and that you have no repairing fund.

The land, though small in quantity, as compared with neighbouring farms, being about 67 acres including homestead, is on all hands acknowledged to be good in quality and well circumstanced.

I do not presume to call in question anything which has been done by the present Trustees, but take it for granted, and am fully persuaded that they have acted with prudence and faithfulness.

I would beg to state first some general reasons against alienation, and then some which arise from a review of the history of this charity, and from Christian considerations.

1.—Charities and other public bodies ought to be very reluctant to part with real property, because the difficulties in the way of their acquiring it are great and various.

2.—As a general rule those charities and institutions, which, several generations ago, received endowment in money, are now poor, and those which received it in land are now rich.

Bromsgrove School and King Edward's School at Birmingham are thus contrasted, and many other examples might be quoted. The superiority of land over money as an endowment is also illustrated in the history of the charity in question.

The founder, about 1640, gave one thousand pounds, part of which, with the interest accruing, was expended in building Stockton Almshouse of six tenements, subsequently increased to eight, and the greater part of the remainder was invested in land for its support.

The value of the estate at Upton Scudamore is commonly guessed to be now between £4000 and £5000, and the value of the Almshouse and site at Stockton would be a few hundreds in addition. Hence we may fairly say that, by investment in land, £1000 has, in the course of 237 years, become £5000.

The brother of the Founder endowed the stewardship of the Almshouse with a money payment of four pounds a year, charged upon Barnes Close in Stockton, and that is still the amount of that endowment.

These are general reasons against the alienation of the real property of charities or useful institutions, except where some clear and important advantage is gained, but the reasons upon which I would lay most stress, arise from the principle stated in the Founder's Will, still preserved at Somerset House, London, and partly rehearsed in a Deed or Instrument of Foundation, printed at length in Sir Richard Colt Hoare's *Modern Wiltshire*. We there learn that Stockton Almshouse was founded by John Topp, Squire of Stockton, about A.D. 1640, and that his intentions in so doing were noble, Christian, and large hearted, full of the charity which begins at home but does not end there.

It is very clear that John Topp had no intention of founding an Almshouse which should be a kind of local and privately supported workhouse to receive only the very aged and worn out poor of Stockton and Codford St. Mary, and so to save the poor rates of those two parishes.

Having left it to the discretion of his representatives to employ his benefaction to erect some charitable foundation in the County of Wilts or University of Oxford, he specially insists upon the foundation of a charity for poor and needy persons of

the County of Wilts, with preference to his own kin, if such could be found, and to the inhabitants of Stockton and Codford St. Mary.

In former days Almspeople have been selected from other parishes, fitness within the County of Wilts being accounted, a better claim, according to the Founder's Will, than mere local settlement in either of the two favoured parishes with insufficient fitness.

"It appears from an old paper at Stockton House, that in 1685, Luke Allen of Hindon was received into the Almshouse for the default of a kinsman or any one in Stockton or Codford St. Mary better qualified. In 1700 William Yates of Chilmark was admitted for want, &c. In 1704 William Chival of Hindon, and Mary Aubery of Shrewton were admitted for want, &c."*

If the Charity Commissioners, upon proper representation being made to them, decide upon restricting the charity to Stockton and Codford St. Mary, there is not much hope of assistance from without. It would then be simply a matter for the consideration of the present Squire of Stockton, and others interested in the two parishes, whether they choose to do anything to relieve the charity from its present temporary strain. Even so restricted it would be worthy of all support within its own sphere.

Natural religion must account it a right and gracious work that the young and the prosperous should befriend those who have spent their youth and strength in tilling the soil and earning an honest livelihood, while Christianity goes much further and teaches us that it is not only a bounden duty but a most blessed thing, even within the limits of one or two parishes, to nurse Christ's infirm poor, and rock the cradle of declining age.

But, if the principles and wishes of the Founder can be upheld, surely it may be hoped that benevolent persons may be found here and there, to give a donation towards continuing in full efficiency the good work of John Topp. The spirit of charity still lives, and in some directions abounds.

In this neighbourhood we have for some years seen the successful maintenance of a Cottage Hospital at Warminster, by the general charity of the town and neighbourhood, the premises, which are very suitable, being leased, by the Marquess of Bath to the Trustees, at the merest nominal rent.

We have also recently witnessed with much admiration the foundation of a new Almshouse of four tenements for Warminster, by the sole and unassisted charity of a lady now living.

* Hist. of the Parish of Stockton, by Rev. T. Miles, in Wiltshire Arch. and Nat. Hist. Mag., vol. xii. p. 206.

An Almshouse like that at Stockton, even if declared open to the County of Wilts, secondarily to two parishes could not be expected to meet with so much general sympathy as a Cottage Hospital for a large parish and the neighbourhood, but even true Christian charity has its preferences, and perhaps here and there within the County of Wilts, might be found a Christian with archæological or historical bias who would feel a special pleasure in helping a large hearted and time honoured charity out of a difficulty.

But suppose that sufficient donations are not forthcoming from the two favoured parishes upon the narrow basis of recent years, nor from a larger area upon the broader basis of the Founder's Will.

What then is to be done? I venture to say, "anything rather than alienation, except at a very advantageous and fancy price."

Such a price would surely be more likely to be obtained by public auction than by private contract, except the property, or some part of it, were urgently needed by some person.

In this parish we have not one sole owner, nor many small ones, but about eight large owners, and, if none of these should choose to compete, it may be supposed that other bidders would be found outside the parish.

However this may be, my plea is altogether against alienation under present or ordinary circumstances.

If you are to hold real property at all, it is difficult to imagine that you could find a more eligible estate than that which you have in Upton Scudamore. It is more in accordance with the Instrument of Foundation than that which was first purchased by the Trustees, namely Speary Well at Mottisfont, Hants, because it is therein ordered that the land purchased should be near Stockton.

The repair needed to your small house and homestead buildings is the only drawback to your estate, and this is not so formidable as if you had a large house and extensive buildings, or several houses to keep in repair. Experience in this parish leads me to think that you could sell or let on a repairing lease, or even pull down your house and homestead buildings, and still let your land at the same rent as now.

House and homestead are not now so necessary as formerly to the occupation of your quantity of land. Corn is now commonly stacked on the land and threshed there right and sent straight to market.

The moderate sub-division of the parish, which I have

named above, is favourable to such lettings. There are five farms at present in this parish besides yours. During 27 years I have let 23 acres of glebe, arable, without any homestead or building whatever.

Heytesbury Almshouse is, I believe, fairly flourishing and their estate, also situate in Upton Scudamore, was for many years held on lease, homestead and all, by one of our large landowners and underlet by him to the tenant of his own much larger farm. The lease is expired but the estate is still let to the same farmer.

I have never heard of any special difficulty about repairs in this case. When a private owner is pressed by repairs, if he has no reserve fund, spare cash, or convertible property, he does not necessarily sell his estate, but usually, if it is not already too much encumbered, raises the few hundreds that may be necessary on mortgage. This course, if practicable, would be even more objectionable in the case of a charity than of a private owner.

If it be a real case of charity, then charity is the true source of supply for any extraordinary emergency. The case seems to be that with the utmost care and kindness in the management of the charity, you have long been troubled about repairs, for want of a repairing fund. The buildings must have been old and feeble when the Trustees bought the estate about 1840. You have done all that economy could do with your ordinary income. It is said that you have recently expended about £200 in repairs, and that about £500 is still necessary. Many seem to think that when a charity or institution has been founded it must take care of itself for all future generations. In the case of Stockton and other Almshouses there is often plenty of outcry for the charity to be made the most of, that is, to save the poor rates, and some seem scarcely satisfied that the management is in the hands of the Trustees and the Charity Commissioners, but it does not seem to occur to people in general that the good deeds of former generations ought to be supplemented by the alms and benefactions of Christians now living. The greatness and efficiency of our Universities, Colleges, and many other institutions are, in great measure, owing to benefactions, added in succeeding generations to the munificence of founders. Few have the power to be founders, but many are able to make useful benefactions.

In the case of Stockton Almshouse we have no reason to doubt that the Rectors and Squires of Stockton, and all the good Christian people of the two favoured parishes, have from generation to generation shewn much kindness to the Almspeople and other poor, but it is disappointing not to find any other

benefaction recorded in aid of the charity of John Topp, senior, than that of his brother, John Topp, junior, amounting now as then, to four pounds a year for the Steward's salary.

When attention is drawn to the history of the charity and its present needs let us hope that benefactions will come in, and that upon the recent accession of a new Squire, the proposed restoration of the Church, specially respected by the Topp family, the also much needed restoration of the fine old mansion of the Topps, and the rehabilitation of the whole property, the Stockton Almshouse and the present state of its finances will not be forgotten. Could it not be arranged to lighten the burden, so that the Squire of Stockton and those interested in the two favoured parishes should contribute benefactions to maintain in efficiency the six tenements now open and the prebends attached to them, while external aid should be accepted to open for other places in Wiltshire, according to the Founder's Will, the two tenements and prebends now closed?

If contributions are not forthcoming, either upon the narrow, or the broad basis, or a compromise between the two, and no aid can be obtained from the Charity Commissioners, then the true Conservative course appears to be, to carry further and make thorough, the retrenchment you have already begun. Your predecessors appear to have been somewhat too venturesome when in 1714 they directed that all the stock in hand, except £250, should be expended in adding to the building so that the number of dwellings might be increased to eight. You have now closed two of these tenements for lack of funds.

Why should not these two tenements which have an entrance separate from the other six, be let to respectable labourers, or their employers, for the benefit of the Charity? You would thus not only save, as at present, the keep of two Almspeople, but obtain a further addition of about £8 a year to the Charity. You could not displace any of the present Almspeople, as long as they conduct themselves well and comply with the regulations, but why should you not, with the consent of the Charity Commissioners, carry on retrenchment in the same direction, and, if no aid should come in, refuse to appoint any more inmates, and let the tenements at a weekly rent, till the question of repairs to the homestead buildings is disposed of, and the funds in a more satisfactory condition.

By a regulation long subsequent to the Founder's Will no candidate has of late been considered eligible under sixty years of age, and some of the present Almspeople are very old. We learn from Sir Richard Colt Hoare that the Charity appears to have lain dormant from 1641 to 1657, that is 16 years, in consequence of the troubles of the times.

Far better is it that the charity should again, in the reign of Queen Victoria, return into abeyance for five, ten, or fifteen years, till a repair fund has accumulated, or till some benefactions have accrued in the spirit of John Topp, than that his charity should be crippled and impoverished for ever.

In the meantime Stockton and Codford St. Mary would be under the same legal obligation as other parishes to maintain their poor, and it cannot be doubted that there, as elsewhere, Christian alms would be available to eke out the pittance of parochial relief.

I must beg to add that all the plea I have ventured to lay before you is a deprecation of the alienation of eligible real property, at a mere market price, with a view to investment in the Funds, or elsewhere, as a way of escape from the management difficulty of repairs. Change of investment is *per se* objectionable in Trust property, but there is no religious or ethical objection to alienation in this case. The original farm of the Charity, namely, Speary Well, in the parish of Motisfont, Hants, was not bequeathed by the Founder, but purchased by his Trustees in 1657 as an investment. About 1840 it appears that the Speary Well farm was very much needed by a proprietor of that neighbourhood, who was willing to give an exceptionally high price for it. The difference between that price and the ordinary market value was, of course, equivalent to a donation in aid of the funds of the Charity, and enabled the Trustees to acquire in exchange the estate at Upton Scudamore, which is more valuable, more convenient, and more in accordance with the Instrument of Foundation as being much nearer Stockton.

If you should be able to obtain from any of the proprietors of Upton Scudamore or from anyone outside this parish so high a price as to make the sale of your present estate here a clear, important and permanent gain to the Charity, I have nothing more to say than that, as Rector for the time being, I shall regret the severance of the connexion between this parish and so interesting an institution as the Stockton Almshouse, the good work of John Topp, whom I have learned to regard, from the perusal of his Will still extant, as a model Christian layman and Squire, a sayer of good words and a doer of good deeds in evil times.

I have the honour to be,
My Lord and Gentlemen,
faithfully yours,
JOHN BARON.

*Upton Scudamore Rectory,
All Saints Day, 1877.*

APPENDIX.

The Portions of the Will of John Topp, Esq., of Stockton House, Wilts, in 1638, which relate to the Foundation of Stockton Almshouse, with some other particulars.

The Codicil and Probate are added in full.

Extracted from the Principal Registry of the Probate Divorce and Admiralty Division of the High Court of Justice.

In the Prerogative Court of Canterbury.

In the Name of God. Amen. I John Topp, of Stockton, in the Countie of Wilts, Esq., sonne and heire of my father, John Topp, Esq., deceased, and y^e naturale brother of John Topp of Stert and Edward Toppe of Bridmore, Gen., being of perfect disposing mind and memory, glory to God Almighty, doe on this present tenth daie of December in the yeare of o^r Lord God one thousand six hundred thirty eight, and in the fourteenth yeare of the Raigne of our Sovereigne Lord, King Charles, make this my last Will and Testament in wryting. First I commend my soule and bodie to the mercifull providence and grace of the Eternall, condoling my sinnes, imploring His mercy by the meritts of that Imaculate Jesus Christ my onely Saviour and Redeemer in whome my spirits are quickened, trustinge by His grace and power to be quickened at His glorious cominge to everlastinge felicity; Lord, increase my Faith to and in the end. Amen.

Next I will my bodie bee buried in the Church yard att Stockton, so neere as may bee to my Ile on the East part thereof.

Item. I give twenty pounds to bee bestowed by my Executor upon such ornament for the Holy Communion table att Stockton, of silver plate as he shall thinke mete wherein hee shall aske and followe the advice of Doctor Greene or the Parson pro tempore.

Item. I give to the Poore of the Parish of Stockton tenn pounds, to be paid and distributed by twenty shillings a yeare on St. John Baptist Day imediately after Morning Prayer att the Church, by discretien of my Executor, and to the poore of

the Parish of Codford St. Mary, tenn pounds, and to the poore of Hynden tenn pounds, and to the poore of Warminster tenn pounds, and to the poore of Stert tenn pounds, and to the poore of the Devizes tenn pounds, and to the poore of Calne tenn pounds, and to the poore of Saru ten pounds; all the said tenn pounds to be distributed modo forma et tempore as the said tenn pounds to the poore of Stockton, Provided that the Overseers for the said poore doe not in respect hereof abate their owne vsuall distribution as is too common in like cases.

Item. Whereas my purpose hath been and is if God should give me life and opportune leisure (of which I have beene debarred hitherto) to erect some foundacon for the establishinge of a ppetuall charitable vse, but doe much doubt my continuance of days to the end of such a worke. Wherefore I doe now give and bequeath the somme of one thousand pounds to bee bestowed within fower yeares next after my decease for the establishinge of some charitable vse to contynue for ever in the Countie of Wilts or University of Oxford if it shall please my God, the said one thousand pounds to be bestowed and imployed as shall seeme good to my deare friends, Sir Henry Ludlowe, K^t Doctor Alexander Hide, Thomas Hooper of Bovington, Esq., my very good and lovinge Uncle, William Lovington, Esq., Counsellor att Lawe, and Alexander Topp, Gent., my good Unckle or anie fower of them while they all live, and if anie of them die then by all or the greater number of the survivors of them. And I intreate all to take it into serious consultacon so to bee effected as may tend most to the honour of God and contynuance of the worke against bribery and corrupcon fatall mothes and cankers of pious Devotes in Church and Commonwealth; and if it should happen my said trustees not to accord as aforesaid, then all differences of opinion and other doubts to bee reconciled and regulated by the said Lord Bishopp of the Diocesse of Sarum for the time being, and my will is there bee two yeares time of consultacon next after my decease taken in this behalf; and after the end of those two yeares my Executor shall upon halfe a year's pre notice or request pay the said one thousand pounds att such time and place, and to such pson and vse as the said trustees or partyes appointed as aforesaid for the managinge and controlling of the said worke and not dispersed or broken into fragments or fractions. And I will that no excuse or advantage bee taken to divert the said one thousand pounds from the said charitable vse, but if anie thing should happen to hinder the disposition thereof as aforesaid, yet nevertheless my Executor shall att the end of three yeares next after my decease pay the said one thousand pounds for the erecting, establishing, and ppetuall contynuance of some charitable vse consolidated as aforesaid in the Countie of Wilts or Vniversity

of Oxford, such as shall be appointed by the Lord Bishop of the Diocese of Sarum for the time beinge, and by the right noble, most just and by mee most affectionatelie honored Thomas Lord Coventry, Lord Keeper of the Great Seale of England whom I have long and carefully observed to bee an Oracle of Light and goodness, and by that mediation onely (havige noe way meritted) doe humbly intreate his Lordship's favour and care therein accordinge to his accustomed clemency and charity, and if his Lopp. die before the direction and settlement (which God avert) then by the Lord Bishopp of the Diocese of Sarum, and by the Lord Keeper of the great seale of England for the time being. And I will that in the contynuance of the said charitable vse from tyme to tyme for ever, a first and principall regard be had to pfer the poore and needie of my neerest of my blood or kindred, and if there be none such, then such as shall bee of the Countie of Wilts, and more especially of Stockton or Codford St. Marie in that Countie first and before others. And none to have or take benefit of this charitable vse but such as shall bee in trueth poore and needy.

* * * * *

Item. I appoint the thirtie pounds which I promised towards the repacon of St. Paule's Church to be duely paid forthwith.

* * * * *

Item. I give to my servant, Edward Vowles, tenn pounds, and tenn of my best sheepe, at his choice. Item. I give to my apprentice, Vincent, five pounds, and order the twenty shillings given him by my father to be paid.

* * * * *

Item. I give to my servant, George Meret, fortie pounds and twenty bushells of good market wheat and my best cowe. Item. I give to my servant, Wm. Wyndo, tenn pounds and twenty bushells of good markett wheat.

* * * * *

Item. I give to my friend and tenant, James Hix, five pounds, and to his son Stillman, twenty shillings.

* * * * *

I give to my poore almsmen and woemen twentie shillings a peece, and to each of them new gownes and coates respectively.

* * * * *

Item. I give to the said Sir Henry Ludlow, Doctor Hyde, Thomas Hooper, and William Lavington ten pounds a peece, and my Executor to beare all their and other charges in and about their consultations and proceedings for the foresaid charitable vse.

Item. I give to my sister Mervyn and sister Garrard tenn pounds a peece to buy each of them a peece of plate for a remembrance. Item. I give to my brother Mervyn tenn pounds. Item. I give to my sister, wife of my brother, John Toppe, two of my silver tankerds, fellowes. Item. I give to my sister, wife of my brother Edward Edwrd Tooker, Esq^{re} Baronet Cooper, of Dorsetshire, my cozen Mr. William Bennet of Barwik my cozen Mr. Francis Topp Doctor Greene my uncle Geor. Gifford Mr. George Stile Mr. Adam Dogwell and his wife and to the right worthie and my kind conv^{rs}sant there Sr W^m Ellyott Sr Ed. Bullock K^{ts} Mr. Staughton Esqr. late High Sheriffe of Surrey Doctor Morgan Mr. Raynolds Professor of Divinitie Mr. Fountayne Mr. Ludlowe barristers att lawe Mr. Spillman Mr. Constantine barristers att lawe Mr. Drake Esqr. Mr. Ashworth Esqr. to each of them a ringe of thirtie shillings price in token of my love And I will that there shall in full terme tyme bee bestowed att Mr. Adam Dogwell's fiftie shillings att one meale when my said worthie and other my kind Conversants there may most convenientlie meete in remembrance of my love and cheerefull content I vsed to enioye in their sweet society there And I give to Mr. Dogwell in respect of the losse of the benefitt of his ordinary for those two meales twentie shillings. Item. I release to my servant, Francis Morgan his bond of twelve pounds or thereabouts. Item. I give to the poore in the goale at Fisherton Ludgate the Fleete and the Kings Bench five pounds to each. Item. To my servant, Thomas Banston, five bushells of markett wheat and two bushells of markett barley. Item. I give to my Cozen, Tho. Wort, my best cart and wheelles to it and five pounds. Item. To my neighbour, W^m Mundy, twentie shillings, a sillon,* two harrows, and share, and coulter.

* * * * *

Item. I appoint twoe hundred pounds for the erecting of a monument for mee in Stockton Church, or in my Ile if it may bee, and twoe hundred pounds to bee bestowed on my funerall, and twenty pounds in dole to the poore on that daie. And for my monument let my Executor take the advice and direction of Sir Hen. Ludlow and Mr. Haydock, for which Mr. Haydock I give five pounds, and lett there bee an Inscription also on my father's tomb. Item. I give and leave to my wife my copy-

* This word in the original document appears to be hastily written for "sull and." The Anglosaxon word for a plough is 'sulh,' whence "sull" and "sullow" are West Country words for the wooden part of a plough. Compare Halliwell's Archaic Dict. The word in the original may be "~~sullow~~," which, in the office transcript of 1640, appears to be written "fullowe," perhaps meant for "sullowe."—J. B.

sillon
J. B.

hold in Stert, of fifty pounds per ann^m as addition to her joyn-
 ture, and desire her to accept of it as a gift for I could have
 surrendered and bestowed it els where; my brother John must
 discharge Heriott, if anie be due by my father's will, I suffered
 him to hould it on my father's request onely the copy I have.
 Item. I give to my said wife my coach and fower horses and
 her gray nagg, and the browne mare and such furniture of bed-
 ding as I shall leave att my death in my Lodging Chamber and
 thirty pounds in money, and all the provision of victuall in my
 dwelling house, and five quarters of wheat and soe much of
 barley, soe much of oates and soe much of maulte, and I pray my
 brothers not to freiten her but to be kind to her. If shee
 will sojourne for one yeare with my brother John let my Exe-
 cutor pay for it. As for plate and household stuffe, I leave her
 to enjoy her father's, which is a large perte. Item. I give to
 my brother, John Toppe of Stert, my sadle horse called Starr
 and my guilt bason and ewer, and all the vsuall furniture of
 my Chamber called the Hung Chamber, I meane heere onelie
 the Irish stick bed and furniture of needle work, Irish stick
 to it. Item. I give to my wife all the needle worke couch
 needle workes and chaires, stooles and needle worke valence,
 and curtaynes of needle worke and cruell I have. Item. I
 give to my brother John my seale and halfe the crop of all
 graynes on the ground uncutt att my death, at Stockton. Item.
 I give and devise to my brother, Edward Topp, and his heires,
 executors, and assigns, all my lands, tenements, pastures, leases,
 farmes, charter holds and hereditam^{ts} with the appurtenncy in
 Fisherton Dalymore and Baptun in the Countie of Wilts, and
 the share of Banmead, and all that house and tenement in Cod-
 ford St. Mary which William Crouch now holdeth.

* * * * *

I suffered my brother John to enjoy my copyhold and other
 lands in Stert, of lxxxli. p. ann. on my father's request onelie,
 and I now leave him the mayn of my Inheritance which I could
 have otherwise disposed, hee will I hope bee like minded, &c.

* * * * *

And for all the residue of Sir Thomas Hamon's estate I give
 and leave it wholly to my wife and my Executor to bee to her
 accountable for the overplus above fifteen hundred pounds
 received as aforesaid, so I hope shee is now largelie and richlie
 provided for. I pray God shee may dispose of it to her own
 good and His Glory.

* * * * *

Item. I do hereby make my brother, Edward Topp, the
 sole Executor to mee and of this my last Will and Testamt.,
 and I doe will, give, bequeath, and devise to my said brother,

Edward Toppe, all my plate, money, bonds, bills, debts oweinge, legacies paid or unpaid, creditts, household stuffe, thinges in action, goods, chattels, and personal estate whatsoever and wheresoever saving and exceptinge my bequests aforesaid, and saving and excepting that hee shall have no leases made of anie lands in Stockton nor of any lands in Codford St. Mary other than aforesaid, but my brother, John Topp, shall have those leases, they doe as it were attend the inheritance or were made or kept on foote for the betteringe or more assuringe of the title. And so I have done this body of my Will I pray God to give a blessing to it, and that noe strife or division arise about it. There is sufficient in lands and goods to please all parties as I have hereby left or disposed it if they can bee contented. I have sealed this my written Will, written all with my own hand, to a labell at the topp.—John Topp.—Fiat Voluntas Dei Pax in terra Gloria in excelsis, Benedicat Deus qui est et erit in æternum Deus meus Sancta et individua Trinitas. Amen. Hallelujah, Amen. This is the last Will and Testament of me, John Topp, declared and published for my last Will in the prsence of those whose names are vnder written. John Toppe.

Elizabeth Toppe—Elizabeth Toppe—Elizabeth Toppe—Anes Carter—Francis Morgan—John Dowdinge—Alex. Hide—Katherine Grove—Mary Hide—Henry Santloe—Tho. Rose—Rob^t posth. Nicholso—Rob^t Price—Tho. Foote—S. Peyton.

In the Name of God. Amen. Whereas, I, John Topp, have formerly made my last Will in a large bodie endorsed by divers witnesses, now ptlie for explanation of some branch of that Will and partly for addition thereunto, I doe make and ordeyne this my Codicill to stande and bee alsoe a parte of my last Will and Testament, and hereby first I doe declare that my will and meaning is that my brother, John Topp, shall have and enjoy all leases for yeares or otherwise which are or shall bee found or kept on foote touching Stockton farme or any land in Stockton, or touching Codford Farme, or the lands late Smythes or Eyres in Codford, my wives joynture alwaies pferred. Provided alwaies and upon condicon that my said brother doe not oppose or hinder my brother, Edward Toppe, but doe make good and assure to him such lands and leaseholds as I have to him bequeathed. Item. I give to my wife her election of such of my goods as I have not formerly bequeathed to her as shall amounte to the value of twenty marks and no more (bona fide). Item. I give to my good friends—William Lavington, Esqr., all my lawe bookes which are printed in French and one of my Poulton Statutes, and the other Poulton's Statutes to my brother, John Toppe. Item. I give for an ornament for the Communion table at Stockton my paned velvett

and satton coveringe, to be kept whole and vndevided. In witnes whereof I have subscribed my name and sett my seale herevnto, dated the fower and twentieth daie of February, in the yeare of o^r Lord God one thousand six hundred thirtie eight, in the p^rsence of those whose names are hereunder written—John Topp—Edw. Topp—Elizabeth Toppe—Elizabeth Toppe—Fran. Morgan—Rob^t posth. Nicholso—Robert Price—Thom. Foote.

I give to Sands Payton seaven pounds to buy him a dozen spoones to the salte I gave him. I give to Mr. Payton and his wife and his daughter Margaret Rawen, rings of thirty shillings a peece. I give to John Philips the ould man, five pounds or soe much as shall with that I have given him make upp five pounds. I know not whether any thing in my Will bee given Jo. Toppe. I forgive Mr. Dogwell tenn pounds hee oweth mee, and to him and his wife and two daughters, rings of thirtie shillings a peece. Jo. Topp witnes herevnto—William Wheatley—Elizabeth Barefoote.*

Probatum fuit testamentum suprascriptu cum codicillo eidem annex apud London coram venerabili viro Willimo Sames legum doctore Surrogato venerabilis viri Domini Henrici Marten militis legum etiam Doctoris Curie Prerogative Cant. mri custodis sive comissarii ltime constitut. decimo tertio Die millimo sexcentesimo tricesimo nono juxta cursum et computaconen Eccleie Anglicane Juramento Edwardi Topp fratris naturalis et ltimi Dicti defuncti et Executoris in hmoi Testamento nominat cui comissa fuit administraco omnium et singulorum bonorum juri et creditorum Dict. defuncti. De bene et fideliter administrand ead ad Sancta Dei Evangelia jurat.

* N. B.—In the above extracts from the Will and Codicil of John Topp the spelling followed is that of the official engrossed transcript on parchment, now bound up in a folio volume, with other wills of the period. The wills, formerly at Doctors' Commons, are now at Somerset House. The original document, written by the Testator with his own hand on paper is also preserved at Somerset House in a somewhat perishing state. From a comparison of the two documents, it appears that the scribe of former days, who made the official transcript, entirely disregarded the spelling of the original document, and spelt throughout according to his own fancy or official training. John Topp's spelling is that of an educated and refined gentleman in his day, nearly resembling that of the original edition of the authorised version of the Bible. The extracts are of much interest and value in identifying the Founder of Stockton Almshouse, and declaring his intentions, and also in clearing up difficulties and rectifying mistakes in the statements both of Sir R. C. Hoare and of Rev. T. Miles.—J. B.