

Two Derby Wills of the XVII. Century.

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THE following wills are transcribed from Probate copies preserved in a bundle endorsed, "The Title Deeds to the House in the Market Place Derby w^{ch} Mr. John Bingham now lives in—1758."

The bequest in each case by way of "principal" or heirloom seems to be made in confirmation of some local custom vesting the best chattel in the heir. Or the words may have been accidentally introduced from some precedent having its origin where a custom of the kind prevailed.

With regard to the house in the Market Place, it is satisfactory to know from a deed of gift made in 1583 that Emmott Holme lived to acquire a vested interest under her father's will. Otherwise the gift over to St. Michael's Church might have involved the property in the worst of the struggle between the claims of mortmain and escheat. The bequests, moreover, for the observance of anniversaries and the like, would only a little later have been entangled in the same trouble as "superstitious" gifts.

The Overseers mentioned in both wills were functionaries charged with the supervision of the executors. But their ordinary powers of counsel and persuasion must have been very inadequate to any effective control, and the office has long since fallen into disuse.

On taylett gowns and other mysteries, *ultra crepidam meam*, I venture no comment.

WILL OF JOHANNE HOLME, WIDOW, A.D., 1506.

In they name of god Amen They viii day of March In the yere of o^r Lorde god MCCCCVI I Johanne holme widow of the pishe of Saynt Michaels in derby of hole mynde make and ordyn my testament contenyng my laste Will in manⁿ & forme foloyng ffyrst I comende my soule to allmighty god to hys blessed mod^r and virgyn oure lady Saynt mary to all Saynts And my body to be buried in they pishe churche of Saynt Michaels of Derby above saide before the alter of o^p lady of they north side of they church there Also I bequeth In they name of my principall my beste gudde as usse and custom ys And I bequeth iiii li wax to brenne about my body in they day of my buriall Also I bequethe ii torches to brenne about my body in they saide day of my buriall my Seventhe day and my twelmothe day with dayes paste I bequeth oⁿ of them to they highe alt^r in my saide pishe churche And anoy to the alt^r of o^p lady aforsaide And I bequethe to they saide highe alter A flaxen And to oure lady alter anoy flaxen shete Moreov^r I bequethe to tha Repacons of my saide pishe church xiii^s & iiii^d And to they Repacons of they pishe churches of Saynt Pet^r and Saynt Werbur of derby and to ey of them vi^s & viii^d And to tha Repacons of Saynt Alkmunde churche iiii^s & iiii^d and oⁿ flaxen shete And to they chapell of o^p lady upon they brigge oⁿ silv^r Ryng & gilte And I bequeth to pstes and clerkes with cond to say Placebo Dirge and comendacone in they dayes of my buriall My seventh day and anniv^rsary day aft^r they Will discrecion and dispocon of my executors And I will that all such pleages as I have Resayved to pleage be Restored to they oners gyffng to my saide executors they money that they lye to pleage for Also I will that S Willi^a key capellane say masses and oy dvine service fo my Saule my husbands saules and my fad^r and moder saules by oⁿ eyre immediately foloyng aft^r my depture to God. Also I bequeth to Willi^a holme my Son my tenement in beste markett in derby lying betwix the tenement of thomas Stox of they weste parte And anoy tene-ment of they saide Thomas of they Este parte and butteth upon

they markt Cross of the South parte to have & to holde they saide the sayde tenement with app^rtenance to hym hys heyres and assignes forev^rmor acording to they testament and last Will of willia^a holme my husbände yeldyng to they lorde of they ffee dew servce and custome—yff my saide Son lyff to he com to xxi yere of age And yf he departe to god befo^r he be fully xxi yer of age as ys before saide—then I will and charge my executors as they shall answer befo^r god they sell my saide tenement w^t thapp^rtenance to the beste profett and avauntage they can and gyff they saide money to tha Repacons of they church of Saynt Michaels in derby my saide pishe church Also I bequeth to Thomas hodwod a violett gown wich was my husbands And to Johane Cartelage my grene gown—And to margaret ffroste my Russet gown And to Agnes Townsynde my tawney kyrtell And to Johane ball my tawney gown—my violett kyrtell—onⁿ mat^oasse ii coverledes & one payr of shetes beside hyr chyldes parte of hyr fad^r goodes wich was betaken me to kepe for hyr Also I bequeth to Annes Irpe my violett taylett gown And to Elisabeth mariott my blak gown And to Johanne Torre my Redd mantell And I bequeth to Richerde hake A chamlett dublett wich was my husbands onⁿ mat^oasse A cov^rlede A payr of Shetes and ii silv^r spones of they leeste soorte ffurthermo^r I bequeth to S Jamys Agarde my son Canon Regular of the monastery of oure lady of tha Dale xx^s & vi yerdes of white wullen cloth A feyther bed A payr of Shetes and iiii. silv. spones And I bequeth Rage my best tipett And to Thomas bartilmew wyff my secunde typett And to Nicholas orcherde wyff my beste bewty cappe And to Rog more wiffe A Ryng of silv^r and gilte And to William Widuson wyff A payr off beydes of Ambur onⁿ stringett And to Elen bentlay they wiff of Thomas bentlay of longlay my greⁿ taylett gown And to S Willia key a payre of flaxen shetes And I bequeth to they making of they clok and chyme in all haloes church of Derby vi^s & viii^d Also I will that all my worteleedes granteleedes and oy leedes be covehyd and caried to my saide hous in beste markt and they to abide & Remayn

there as heyre lomes to tha behove of they said Willia my son
 hys heyres and assignes Except he depart to god undr xxi yer
 of age then I will they shalbe solde w^t my saide hous by my
 executors and gyffen to the Repacone of my saide pishe churche
 as ys befor saide Last of all I bequeth to willia holme my
 saide Son they Residew of my godes above not bequethed my
 dettes payed fyrste of my hole godes and also thys my testame^t
 & last Will in all thynges pformed & fulfilled And I will and
 gyff full power to my executors that they shall sell all suche
 goodes as will pishe or take hurte by long kepyng and to kepe
 the money wiche they be solde for to tha behove of they said
 William holme my son And yf he dye or he com to lawfull
 age as god forbede I will and by thys my last will grnte that all
 my saide goodes be solde by my forsaide executors to fynde A
 sufficient preste to py denotely for my saule so long tyme as
 they will endure Also I ordyn costitute & make Nicholas
 orchorde & Thomas bertilmew my verey & fethfull executors
 desyryng and exortyng them in they name of o^o lorde
 Jhu criste to fulfill this my last will in all thynges as ys before
 saide And also that they will instructe informe and fynde to
 scole tha above saide willia holme my Son of his onⁿ goodes
 And I will that they saide Nicholas & Thomas & ey of them
 have for ther labur xx^s and ther necessary costes made of my
 saide goodes att all tymes they be called or laburde about thys
 my last will & testament And I make they saide thomas horewod
 of thys my last will ovrsear that he having god befor hys een
 see thys my present testament in all thynges fulfilled god
 pleasett And my saule profeted Gyffen att derby the day and
 yer abovesaide These wisse Robert Johnson my curate
 Rog^r more John ffernele Richarde hake John ffecher w^t oy

WILL OF WYLLAM HOWLME, A.D. 1520.

In dei nom Amen In the yere of oure lord god MCCCC &
 XX I wyllam howlme of the pysthe of all haloes in derby feble
 In body and weke of Remebrance make my testament cjteyning
 my last wyll on thys man^r as foloyeth furst I comend my sowle

to god almyghty to oure lady sent mary & to all sents and my body to be buryed In sent Cat'yn quyre in ye church of all haloes aforsayd And my beyst good to be my pryncypall As ye custom ys also I wyll have placebo dirige & masse of Requiem sungn of mayst^r sub deyne w^t iiii vecars & iiii deycyns for my sowle and for All crystn sowlys & v tapurs of ye pson lyght to bren About my body att sayd exequies Also I bequeyeth my howse to elsabeyth my wyff as long as she lyvyth And aft^r ye dycesse of my sayd wyff then I wyll y^t the aforsayd howse Remyne on emott my doght^r to ye heys of hur body lawfully begottn And yff ye aforsayd emott my doght dept unto god or sche cⁿ to lawfull Age then I wyll y^t y^e a forsayd hawse schall Remayne to ye church of sent mychaellys of derby aforsayd the Resydew of all my goodes nott bequeythyd I gyff & beqweyth to elsabeyth my wyff wom I make my exsecutrix ovsears of thys my last Wyll I mak Robert saweyg of bart & Roger more of derby there beyng wyttnessyth S Jhon byrch my gostly fadur thomas hawk Rye Taylear w^t odor