

## TESTAMENTARY CURIOSITIES.

## NUNCUPATIVE WILLS.

I PROPOSE in this paper to introduce to my readers a class of wills of peculiar interest and novelty—I mean those which were made by word of mouth, or, in a single word, nuncupatively. They were generally executed by persons in some emergency, or in the extremity of sickness, when writing materials could not easily be obtained, and the testator entrusted the disposition of his property to the memory of the bystanders. Before the reign of Elizabeth such documents are rarely to be met with. They are generally brief, but they are very interesting. The prodigal, the profligate, and the careless come before us. Here is a poor person who is stricken with the plague, and fears the too common end of that awful and now unknown complaint. Here is the labourer arrested by the hand of death in the midst of his employment, and anxious only for the weal of his wife and children. Here is the worldly-minded man, who is summoned from his counter to the grave, and whose thoughts in the very hour of death are fixed upon his farm and merchandise. And here, again, comes the aged man before us with all his childish petulance and distrust, brooding still over some imaginary wrong, and speaking his bitter words from the very gates of the grave. How many little miniatures are here before us, speaking likenesses of those who are now among the dead. How much do they recall to us—how many memories from the dead—how many warnings to the living!

Here is the account of an old man's deathbed.

*Memorandum*, That Richard Watson of Catton in the Countie of Yorke, yoman, beinge sicke of bodie but of perfite remembrance, sente for William Speighte of the said towne, upon Saterdag, the xvth day of October, Anno Domini 1575, betwene vij and ix of the clocke at nighte or therabouts, to be a witnes of his laste will and testamente: wher at his comminge the said William asked the said Richard Watson how he did, and the said Richard awnswered and said, "sicke," and further said, "Thes folkes do troble me, wolde they lette me alone I wolde open my mynde to yowe and John Johnson;" the said Speighte aunsweringe said, "Richarde, I will tarrie with yow a good while, you shall have leysure enoughe, lette the folkes goe furthe, and putte the candle from your eyes and se yf you can sleep a litle, and I will come to yowe

agane." And then the said William wente oute of the celler into the fier house and tarried furthe aboute thre quarters of an ower, or therabouts: after which tyme he called for the said Speighte and the said John Johnson, who wente into the celler to hym, and the said John Johnson said, "Goodman Watson, hear is Mr. Speighte and I, what is your mynde?" the said Richard Watson answering said, "The false preiste haythe deceived me." The said Speighte then awnswering said, "Richarde, wherein." Then the said Richarde aunsweringe said, "They say I have gyven my childe nothinge," poynting his hand to a litle girle called Eliz: Foxton, whom he was grandfather unto, then standinge by the said Speighte, which girle he had broughte upp from her infancie, which girle of custom did call hym father, and he called her his childe of like custome, and which girle, as it is notoriouslie knowen, he loved above all other. Then the said Speighte aunsweringe said, "Richarde, what do you give her?" The said Richard Watson then aunsweringe said, "I give her my howse and the four crofts to yt." Then quoth the said Speighte, "Richarde, and what els do you give her?" Then the said Richarde Watson aunsweringe said, "Even all." Then the said Speighte aunsweringe said, "Richard, is it not your will and playne meaninge that your wife and this childe shalbe your executors, and that they two shall have the bennefitte of your goods?" Then the said Richarde Watson aunsweringe, as it semed with a more gladnes of mynde for the expressinge of the premisses, sayinge, "Yes, yf yt were worthe ten thowsand millions." Then and ther beinge presente the said William Speighte, John Johnson, Alice Speighte, wife of the said William Speighte, Isabel Harison, Anne Rodley, John Rodley, Richarde Caid, Vid. Smeton, Margaret Mathewe, wife of Henry Mathewe, John Smeton, and Roberte Clarke yonger, and diverse others. And after the said will was thus ended and maid, ther came in Isabell Smeton, wife of John Smeton and mother in lawe to Roberte Clarke the yonger, and said, "Goodman Watson, I pray God comforthe yowe and sende us mery metinge," or suche lyke wordes in effectt, to whom the said Richarde Watson aunsweringe said, "They budd have all, they budd neide have all," meaninge his wyfe and that childe, as they that were presente did understande him, and the said Smeton wyfe aunsweringe agayne said, "And very good reason."—[Pr. 31 Dec., 1575.]

As a contrast to this, I shall give you that of a young man, one of the Richmondshire family of Laton, which was made in 1577. He was probably in the extremity of his sickness when—

"Taking his father, John Laton, by y<sup>e</sup> hande, he said, Father, I do knowe all y<sup>t</sup> I have came by you, and by your good meanes, and therefore I frelie leave it and geve it all to you."

Poor young man! he was the heir apparent to a good estate, and his father's eldest son. From his inventory we learn that his only property was his dress, valued at 13*l.* 6*s.* 8*d.*, a jewel of gold, prized at the some-

what large sum of 10*l.*, and six horses, which were worth 30*l.* But we gather from the same document that there was owing to him the large sum of 570*l.* 10*s.* Surely, without any great amount of ingenuity, we may fill up the picture, and place before us the gallant, gay young gentleman in the golden days of Elizabeth, free-handed to a fault, and unkind only to himself. He was probably fond of a little racing too, for Richmondshire was a dangerous neighbourhood, and we find that he was the owner of six horses. I have seen several articles of attire of the Elizabethan age, which have descended with the representation of the family of Laton into the possession of the present Chancellor of Durham. Very fair they are, and sparkling with embroidery; and I can well imagine what a gallant show young Laton would make when he appeared attired in them, and decked with his golden jewel, upon the great race course upon Gaterley Moor, which is close to his own residence. What a contrast it is to turn from this to the few affectionate words which he uttered on his deathbed to his sorrowing father, who had summoned two of his old servants to listen with himself to the last words of their youthful master.

Here is another deathbed scene.

“These wordes followinge Rauffe Byerly of Tuddo, deceased, of perfit reason and memorie, spoke and said to Raufe Watson and Henrye Rychardson, his neighbors, the night before he dyed, viz. vij<sup>mo</sup> die Octobris, Anno Domini 1573, at which tyme lyeng secke in his forehouse at Tuddo, willed his bodye to buryed within the churche of Brauncepethe as nighe his father and mother as convenientlie myght be, and willid his wyffe to make an arvaill dynner for hym, and incontynentlie after he had spoken theis wordes, the hickcoupe troubled him so core that the aforesaid Rauffe Watson and Henrye Rychardson hard hym speake no more in this world.”

The testator had barely time to say where he wished to be buried, and to desire that there should be a dinner at his funeral, before he became speechless. Few people who have witnessed a deathbed can fail to know what the hiccough means.

I shall now give you a few instances of wills which were made when that fearful and devastating epidemic, the plague, was raging.

*Memorandum*, That Nichols Hedlie of Tanfield, finding him selfe scant well, said unto me, Robart Archar, curate of Tanfield, and to Thomas Browen, parishe clarke there, these words, “My wyll ys, that yf I showld catche this new sickenes, or yf God showld call upon me, then my will ys that my brother Thomas Hedly shall have my lease of Tanfield during my tearme, yeres and interest.” These words he spake

in my howse the ix daie of Novembre, 1587, And in his syckenes confessed to hys syster Barbary Hedlye, alias Sotherne, alsoe. By me, Robert Archer, curate of Tanfield—Thomas Brown.

*Mz.* That Bryane Gule, lait of Blackwell, within the parische of Darneton, about the second or thirde weeke in Lent, last past, then being sicke, but of perfect mynde and memorie, and being asked by one Thomas Addie, to whome he wovld give his goods if he died, the said Bryane answered and said, that "he wovld give all his goods, if it weare more, to Mr. Garnett and Mrs. Garnett," (meaning Mr. Bartholmewe Garnett and his wiffe,) and said, "it was all to litle for them, for they had bene his and his wives succor in ther sicknes:" And about one or two dayes after he died, then and ther being presentt the said Thomas Addie, nowe dead, William Wild, Thomas Kendall, Elizabethe Lyne, and others.—[Pr. 1597, June 25.]

Aug. 3, 1604. Barbarey Errington of the city of York, spinster, being sick and a plague sore risen upon her, being asked by her mother howe she would give her porcion, she aunswered, she would give all to her father and mother. Her mother said "They neded it not," therefore asked her if she would give Elizabeth Tebb x*l*. She aunswered 'Noe, she gave me noe warme drinck when she demaunded, therefore she should not have soe much," but her mother said she should give her 10*l*.

Thursday evening, July 3, 1623. Edward Buckle of Yorke, glover, willed that his two apprentices or servants, John Robinson and Thos. Hunter, should have all his apperell (except his two gownes) and willed withall that they would see two glasses of phisicke or oyntment which he had from the doctors to be satisfied and paid for.

The next instance is still more curious. The testatrix was a person bearing my own name, and lived at Richmond, in Yorkshire. On Sunday afternoon, the 18th of May, 1645, between three and five, her house in Bargate being shut up on account of the plague, she sent for her lawyer, who stood below her in the street while she made her will to him from the open casement. On the following Saturday, the testatrix having died in the interim, her will was proved, the writer of the will informing us that he himself and every legatee in that document had been shut up in their own houses whilst the pestilence was raging. Those who have read the fabled narrative of Defoe, and have looked into the annals of the plague, can form some notion of the terror and consternation of those days, when the cross marked in red upon the doors told the wayfarer that the hand of death was within the house. Bitterly, indeed, did the little town of Richmond suffer from its violence. Three-fourths of its population were destroyed. The sufferers were interred upon the north side of the church, and these fearful visit-

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ations were remembered even at the close of the last century, for even at that time, curiously enough, every one refused to be buried upon that side of the church, "for fear they should let out the plague."

The following copies or extracts from nuncupative wills are thrown into chronological order, and given without comment. They are derived from many sources, and none of them have been printed. Large additions might be made to the list.

*Memorandum*, That I, Francis Birnard, lait of Knaresbrughe, Esquiere, beyng of perfect mynde and memoire, upon the xxv<sup>th</sup> day of November, being Mundaye, and about xj, xij, or one of the clocke the same daye, beyng mov'd by his cosing Richard Hudson to make his will, did answere that he had maid his will, and had mayd his brother Richard Birnard his sole and full executor, and had geven hym all his leases and goods, and to his brother William Birnard xx*li.*, and to his brother Edmund ij*li.*, and to his sister Susan lxx*li.*, and to Bell Lingham Crokesnabbe his farme. After which words, stayinge, he said "but I shall charge hym (meaninge his executor) verry sore," and then required he might have rest to slepe. And after about thre of y<sup>e</sup> clocke, after the gyfte of a lease to Myles Burnet and his wife of their farme, beinge moved agayne by y<sup>e</sup> above named Richard Hudson to declare further, yf he would, towching his will, he declared and sayd agayne, "That his will then was that his brother Richard should have all his leases, and be his sole executor." And, after about five of y<sup>e</sup> clocke, being moved by Mr. Nettelton to make a further declaracion of his mynd for y<sup>e</sup> gyfte of xx*li.* to his brother William, yt shuld be xx*li.* by yeare. And for how manye yeares, he said these wordes, or y<sup>e</sup> like in effect, "xx*li.* y<sup>e</sup> yeare, that is muche, stay, maisters, I am not able to expresse my mynd."—[Prob: 18 December, 1582.]

An. 1586. *Memd.* That y<sup>e</sup> fiftē daie of April, John Greane, lyinge at y<sup>e</sup> poynte of death, did aknowledge himself to owe unto Alis Greane his sister xjs., and his will was that his wyffe showld paye unto her (if hit pleased God to take him hence) that said xjs., and ix*s.* more, so xx*s.* in the whole. Then I demandid of him what other depts he awght, and he wold name non particuler to me save his rente, but said as for other depts his wyffe knew thereof and wolde pay all. Now his will was that Cicle his wife should have his goodes and paye his depts withall, and to live upon, etc. More in this behalf I can not testifye, for I was called sodenly to him and he was nigh spent when I cam to him, yet of perfect remembraunce to my perseveraunce, and I departed not from him so longe as any lyffe remayned in him. Per me Thomam Brugendm' curattum de Richmond.

*Memorandum.* That the xix<sup>th</sup> daie of Februarye, 1586, Ralffe Ewrie of Edgnoll, within the dioces of Durham, esquier, beinge sicke, did of him selfe will his father-in-law, Thomas Turner, to tarrye a little, and he wold make his will, the which the said Thomas Turner willed him

to doo, where uppon the said Ralffe Ewrie beinge of perfett minde and memory, by worde of mowthe said as followethe: "I have no lands, but all my goodes, bothe moveable and unmoveable, I give unto my wiffe," meaninge Barbara his wiffe; and then did the said Thomas Turner saie unto him the said Ralffe Ewrie, "Is there non other unto whome you will give any of your goodes?" who answered and said, "Never one peny of my goodes will I give to anye but to my wiffe onlie." Then there beinge three wittnesses, viz., Thomas Turner, Ralffe Wawen, and Leonard Jackson.

1587. About Mychaelmas. George Lampleughe of Cockermouth, Esquier, beinge sicke in his bodie and myndfull of his mortalitie, said, "All that I have whatsoever I give unto Elline my wyfe, thinkinge that they are all over little for her, and yf I had more she should have yt."

Nov. 7, 1608. Henrie Lindley, Knight, of Middleham Castle, to be buried in the church or chancell of Middleham. To Jeronima my wife and ladie all my parks and possessions of Middleham and the Castle of Middleham, &c., for her life. Witnesses, Sir Charles Wren, Knight, Henrie Paget.

On the same day, aboute one quarter of an houre after, he gave to his nephew Edward Hoppie 60*l.* out of Wodroffe in Kent during all the terme of his lease thereof, which request was then in the lityme of the said Sir Henrie Linley putt in writing. On the same day, aboute eleven of the clocke, he did give to his servant John Sarkey 100*l.*; and, a little after, he did give to John Coxo his servant the lodge in the west parke of Middleham, &c., for his life; and, about one o'clocke, he gave to Wm. George, Lawr: Fishenden, and Thomas Denison, 40*l.* each, and to Thos. Todd, 20*l.* A little after he gave to his sister, Mrs. Stuble, 50*l.*, and on the same day he gave to everie one of his women servants 5*l.* each.

April 11, 1611. Robert Best of Kepeswick, labourer, left all to his wiffe Barbarie Best, charginge her to pay all his debts and to bring him honestly furthe att his buryall, and thereupon called for drinck and willed Thomas Nelson to drincke with him.

About 19 March, 1609. Wm. Franckelande of Glaisdale, par. Danby, left his farme, &c., to Agnes his wife, whether she would marie to the said farme or give consent that her sonne Thomas should marrie to the same.

Aug. 5, 1622. William Bethell of Yorke, gent., said that he had given all to Elizabeth his wife, and she and noe other should have all that ever he had to be at his dispose; whereat Wm. Knight replied, sayinge that "Sir Walter Bethell, kt., would expecte to have some thinge after his death, and might trouble and molest his said wife for the same," to which the said Wm. answered that Sir Gualter Bethell, kt., nor any of his, should ever have any parte of his goods.

March 13, 1621.2. Amer Walton of Tadcaster—beinge demaunded by Dorothis Beane whether he would give anie legacie or anie parte of his goods to any of his freinds, replied and said, that his wife Katherine should have the lease of his house and all that small goods that hee had, affirmeinge that it was all to litle for her maintenance, she beinge both ould and laime.

The maner in what words Mr. Edward Conyeres of Hoppon did make in worde his last will and testement, uppon the submission of his sone Ro: Conyeres, to him of his knees, the fourth day of March, 1622, in the pressint of Thomas Bradforth, Robert Conyeres, his wyfe Thomason Conyeres, Ed: Ogell, Richard Haine, and Jane Horsly, in maner and forme following:—

First he begune to relat how all was his and comed by his meanes, and that the full power was in him to dispose as he pleased, and it was answard both by his wyfe and otheres ther pressent, that it was trew all was his and comed by his meanes; then he replied that his wyfe showld have the thirdes of all his landes dewering his lyfe, and that she showld have the hulf of all his goods and chatalles, movabell and unmovable, and that the boy, meneing his granchyll, Edward Conyeres, showld have tene powindes a yere, and that his said wyfe showld have the tewession of the boye, and that the said boy, Ed. Conyer, should have the inheritance of his landes after his father, Ro: Conyeres his death. Whear-upon Tho. Bradforth, his wyfe, and his son Ro: did all give him thanks, and Thomas Bradforth called for the former will, which was syned and sealed, and asked the said Edward Conyeres whether he showld pull of the seall thearof from his former will, and he answared, "Yes;" whear-upon the said Thomas Bradforth, in the sight of the said Ed. Conyeres, did according to his mynd pull from the former will the seall therof and therew it in the fyre, and so canselled the forsaid will to make it frustrat, and this was all doune in the pressint of us whose names and markes ar hearunto set, the day and year first above written. Tho: Bradforth, Thomazin Conyers, Robert Conyers, Edward Ogell, Richard Haine, Jane Horsly.

Robert Phenicke, gent., late of Scarborough. On Monday and Tuesday, 29th and 30th March, 1624, beeing in the house of Ann Tole of Thorneton, and then aged and weake in bodie through divers infirmities, taking occasion to speake of Thomas Salvin of Thornton, gent., whom hee acknowledged himselfe to be greatlye affected unto, in regard of divers kind passages and freindship betwixt them, did voluntarielye saye, that hee did give unto the said Thomas Salvin, gent., tenn peeces, meaneing thereby tenn poundes, and did further saye that hee would make him and that hee should bee as his child at the tyme of his death, meaneing thereby that hee should have all or the most parte of his estate, as the witnesses who were then present and heard his said speech did verilie beleve and conceive thereof; and the rather for that the said deceased did reiterate and use the same words in the town of Scarborough, some five or six weeks before his death.

1625. George Atherton of Foxton, being visited with sicknes, about two or three daies next before his death, beeing in his chamber at Foxton, did say that hee did not well knowe what his filiall and childes porcion and rights was, but he gave it freele to his mother, sayeing further of his said mother, and acknowledging that hee had often offended her, and thereupon craved pardon at her handes, and did entreat her that shee would cause a bridge to be made and laid over Barton Sike to helpe poore people over the becke when the water was upp and high, which otherwise would cause the poore people to goe farr about.

1625-6. 29 March. Thos. Bower, curat of Treeton, Notts. To his cozen Wm. Bower and his son an English Testament with singinge psalmes. To sunderie younge folkes certaine Englishe bookes, and his will was further that all his godchildren should be remembered with somethinge.

1626. Raiphe Thriske of Skitby, clerke, aboute Cristenmas two yeares before his death. To his godsonne Raiphe Thriske his purse and his ring and all his bookes. All the rest he gave to his brother Thomas Thriske, and said "all was to little for him," sayeing, "he might have layd in the streete but for him;" and upon the day wherein he dyed, viz., upon Sunday the vth of March last, he sent for the said Thos. and gave him the key of his chist and bayd him give him a capp, and said that he gave him the said key in possession thereof.

1627. 15 April. John Dowthwaite of Westhome, the younger, gent., beeing sick in bodie, did say "I give all whatsoever is due unto me unto my grandmother," sayeing further, "yea, if it were a thousand times more, God defend, who should have it else?"

1627. May 16. Jennet Acy of Kirkeby, spinster. She did give to Peter Acye one bee stall, and to his two girles one redd whie in the Would carr to make them a cowe betwixt them. To Wm. Acy her two acres of land with the arders. The rest she did give to the said William Acy her brother, and tooke him by the hand and said "Billie, thou art worthie to have it all."

1635. Apr. 9. Robert Spender of the cittie of York, being sick in body, but of perfect remembrance, was demaunded by Frances Killingworth of the said cittie, widow, how he ment to dispose of the meanes God had lent him in case he should dye of that sicknes, and whither he would make a will in writeinge or noe, his answeare was, that for other will he would make none saveing that he did give his silver buttons to his sonn Thomas if he were liveing, if not then to his sonn Francis. And he dyed the 12 of Aprill.

*Memd.* That Anthony Midleton, gent., late of Hartelpoole, who departed this life about fower months since, did about 7 or 8 years or



thereabouts next before his death make his last will in writing, and signe and seale it in the presence of John Heath, Esq., Mrs. Margery Linsey, and George Middleton, gent., and it was delivered to the said Mr. Heath to be kept by the directions of the said testator, but the same since is accidentally lost, and for the present cannot be found; and in that last will was given to Geo. and Eliz. Middleton, children of Mr. Geo. Middleton, one of the witnesses aforementioned, being his kinsman, 20 m<sup>ks</sup> a peece, and the said Mr. George Middleton averreth that to the best of his now remembrance he gave to his dau. Dor. Middleton 100%, and he nominated Mrs. Jane Middleton, who was then his wife, but afterwards dyed before the said testator, sole executrix.—Geo. Myddleton.—[Pr. 30 Jul. 1649, and adm. to Dor. M. his dau.]

1660. July 4. William Calverley of Newcastle-upon-Tyne (for which town he was M.P.), dying in the parish of St. Andrew's, Holburn, said, "Brother Ralph (speaking unto his brother, Mr. Ralph Grey, then present), I will that you have a care of my said mother, Mrs. Barbara Grey of Newcastle, for I give all unto my said mother, and tell her I am her dutifull son."

1671-2. 20 March. Richard Tothall, late chaplin of His Majesties shipp the Crowne Eriggott, batchellour, being att the house of Captaine John Tonge, in the parish of St. Gyles in the Feilds, in the county of Middlesex, and in his perfect minde and memory, but ready to goe aboard the aforesaid shipp or friggott, did say, "If I dye before my returne I doe give all that I have in the world either bookes, money, or pay, to my nephew John Tonge, my sister's sonne, and make him my heire."

1672. April 3. Katheren Gilpin of Kentmere Hall, Westmerland. "My will is soone made, for all that I have I give and bequeath to my maid Jane Hodgson, and she to see me buryed in Lord Parke's (*sic*) quire in Kendall Church, and all dues to be paid for the same."

1673-4. March 1. John Stoope of Gateside, co. Durham. "If it please God I never returne (hee being takeing a voyage to sea), my will is that all I have in this worlde shall be equally divided amongst yow my executors," meaning Thos., Tomasin, Anne and Alice Stoupe, his brothers and sisters.

1673-4. March 16. Susanna Topham, par. St. Giles in the Feilds, widow, being asked whether the 50% which remained to her of the house in Yorkshire, which she had given to Edward Nicholson, a minor, should goe to him, she said "Ai," and being asked further whether shee did intend her two daughters to have her personall estate, she said, "Ai, ai, all but my wedding ring to my sonne."

1674. 31 August. Mr. Henry Lascells of Ayrholme, par. Hovingham, gen. Eight dayes before his death, haveing formerly made his will in

writing, did call for it, which being brought unto him, he declared that the same was contrary to what he had promised his wife upon marriage, and therefore he would and did destroy and cancell it, and gave all he had to his wife.

1673. Latter end of July. Mr. George Shuttleworth, merchant, in England, sometimes of Aysterley, co. Lancaster, and lately residing at Stockholme in the kingdom of Sweedland. His nephew Wm. to be his exr., paying such legacies to his kindred, frinds, and a free schoole in Lancashire, as he had made knowne to Mr. Thos. Frere and Mr. Wm. Smith, English merchants residing with him at Stockholme.

1673-4. Jan. 23. Henry Gill of Benwell, in the chapelry of St. John's, Newcastle-on-Tyne. "All that I have I give to my wife, and neither the Gills nor the Bells shall have one groate of my estate."

Nor must the ladies be forgotten, for they could make nuncupative wills as well as their lords. With them, frequently, the only thing to be left was their wedding-ring or some article of apparel. One of the most interesting and affecting documents of the kind that I ever met with is the following :—

"Upon Mounday, after twelve of the clocke at night, 21 June, 1630, Agnes Gascoigne of Otley, widdowe, lyeing sicke, upon the sicknesse whereof she dyed, sent for John Risheworth, gent., her brother, to come to speake with her, he being then at the house of Anthonie Hirst of Otley, who then presently came to her where she lay, and said, 'Sister, I pray you be good to your servants,' to which she answered, 'What would you have me to doe?' to which he replied, 'I would have you to give to Alice Gascoigne 10*l.*, to Ester (meaning Ester Streete) 5*l.*; and to Anne (meaninge Anne Laicocke) 40*s.*;' to which she answered and said, 'Yes, with all my hearte.' And further she said, 'I give either of my cosen Hoppeys (meaninge Nicholas and Mathew Hoppey, gent.), 5*s.*; and I forgive you, brother Risheworth, all that is betwixt us, and I make you my whole executor of all that I have. And soe, good brother, lye your cheeke to myne,' which he accordingly did, and then she said 'Good night.' Whereupon the said Mr. Risheworth tooke a cup and drunke to her, and she then drunke and pledged him."

What parting could be more affecting? It may perhaps seem strange that the wine cup was introduced, but the brother and the sister were following what was then the custom, when they drank to their happy meeting in another world.

Sondaye, Dec. 15, 1605. Margaret Strangwayes of Galley Greene, par. Smeton, widow. All to Anne Cooke, her sister's daughter, whom she had brought up in her house, and her children, and did say, "Good wives and good maides, for the passion of Christ, remember this, I doe

give my lass (meaninge the said Anne Cooke) and her children my house and all that I have."

June 3, 1623. Alice Hall of Long Riston, widow. All that now I have I give to my sonne Richard, saieing farther, that if it had beene fiteene tymes as much she did thinke it to litle, and hereupon did deliver unto the said Richard a redd flecht cowe.

1631. 23 Oct. Marie Rider, alias Swift, late of Armthorp, and late wife of Robert Rider, Esq., and dau. of Sir Roberte Swifte, kt., late of Doncaster, deceased. She did give to Eliz. Hill of Mizen, her beaver hat with a Gould band, and a cambricke apron then upon her, whether it should please her to accept of. The rest to her loving freind, Francis Gresham of Arinthorpe.

When we have such examples as these among the lower grades of society, we must not forget that some of the noblest in the land set them the example. I can give you instances among the peers spiritual as well as temporal—so common was it to defer the making of a will to the very close of even a long life, or to make it depend upon a few words, perhaps hastily spoken, many years before.

Such an instance have we in Emmanuel Scrope, the Lord President of the Great Council in the North. He had been recently elevated to a higher grade among the peers of England, by the title of Earl of Sunderland, but he left no son to carry on his honours after him, and the title expired, as it began, with him. He had been in a decline for a long while, which was considerably accelerated by a blow which he had received whilst he was playing at the then popular game of football. He languished for some time, and died in the autumn of 1630, the last noble in his illustrious house.

The will of Jane Countess Dowager of Shrewsbury was made in the same way in 1625. She was one of the coheiresses of the baronial family of Ogle, so renowned in Border warfare, and was allied in marriage with Edward Talbot, the eighth and last earl of Shrewsbury of the ancient line. She requested that her body should be interred at Westminster by her lord's side. The residue of her estate, after a few trifling legacies, she bequeathed to her only sister the Lady Cavendish, her executor, and in conclusion she kissed her sister's hand, and said, "I doe seale this my last will with my lippes."

Through that sister the castle of Bothal and the lordly inheritance of the Ogles has descended to the Ducal house of Portland. She was at that time a widow, and had made her own will in the preceding year, not hastily like her sister, but slowly and discreetly as became a lady of her rank and greatness. In it she had left a cup of gold to her dear

sister of Shrewsbury. There is, however, many a slip between the cup and the lip. Lady Shrewsbury never lived to receive this token of the love of her only sister, who followed her to the tomb in the stately Abbey of Westminster. They were a pair of noble-hearted sisters. They had suffered and they had lived together. Each had deserted the North for a Southern home. "They were beautiful in their lives, and in their deaths they were not divided."

Another instance, and the last that I shall give, is a person of high rank and greatness—the Primate of England—Dr. George Mountaigne, the Lord Archbishop of York. He came to York in 1628, having presided over three of our English sees before that time. It will seem strange that he was ever removed to York, as the celebrated Dr. Mead, in a letter which describes the ceremony of his translation, says of the new Primate, "His Grace of York carries death in his face, and looks as though he c<sup>d</sup> not live twelve monthes to an end. He was brought and carried forth in his chaire, being both lame and deaf." The learned doctor's fears were too well founded, for the Archbishop, as Fuller the historian tells us, was "scarce warm in his church before he was cold in his coffin." Exactly four months after this letter was written, the new Primate died. The only will he left behind him was one which he executed by word of mouth in the preceding year, when he was Bishop of London. The whole of his estate was given to his brother, with the exception of two interesting legacies; "he willed and bequeathed 100*l.* unto and amongst the poore people of Cawood, where he was borne, and hee also gave and bequeathed fower rings unto fower little girles whome his lordshipp had used to call his wives." Who these little girles were we cannot now discover, but it is not unreasonable to suppose that they lived at the place of his nativity. He had risen from a low degree to a high estate. Fifty years before his death he was a poor country lad, running about Cawood with his companions and schoolmates, and those days seem to have been well remembered by him. In the church of his native place his bones, according to his desire, were laid. A tablet on the wall still marks the place of his interment. He is the only worthy of whom that little town can boast, but it may well be proud of Archbishop Mountaigne.

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