

EXTRACTS
FROM
EARLY NORFOLK WILLS,

COMMUNICATED
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ONE OF THE SECRETARIES OF THE SOCIETY.

THE Registers of Wills of the Archdeaconry of Norwich commence about the year 1470. Those prior to the Reformation will, I think, be found interesting, not only to the antiquary, but to the general reader; containing, as they do, the testamentary dispositions of the great body of yeomen and tradesmen of a large part of the County of Norfolk and City of Norwich during that period. Few of this class are to be found in the more copious stores of the Diocesan Court, which, however, appear to have so sated the appetites of our county historians, that the registers in question do not seem to have been touched by them.

Every Will in these Registers, until about 1520, almost without exception, contains, in the first or testamentary portion, very large bequests for church purposes—to the parish church for forgotten offerings, to its repairs, to the lights in it, to the guilds connected with it, to the priests for funeral services to be there performed, and frequently further sums for its adornment. Then the various religious houses are thought of, the lepers' houses (which had each an establishment of priests pertaining to it), and the anchorites and anchoresses in greatest repute; and very often, where it can be by any means afforded, further masses are to be performed, and pilgrimages to popular shrines are required, to make more certain of the soul's repose.

After this, the wife and family of the testator come in for a portion of his goods and chattels: beds and furniture of all descriptions are in these bequests detailed with a painful minuteness, showing the great value of chattels in those times. Amongst the following extracts will be found one, giving a life-estate in a *spruce chest*, with "divers remainders over."

Next follow the devises of land, most generally accompanied with a prayer, "in the name of God" or "in the name of Jesus," beseeching that the testator's feoffees will make a lawful estate in such lands, to his executors or devisees. A very large proportion of these devises are conditional, on masses and lamps being paid for and sustained out of the rents and profits: in many cases absolute sales are directed, in order to provide funds for such purposes.

The residuary estate is, almost invariably, ordered to be distributed in masses and deeds of charity, to the "most pleasure of God and profit of my soul."

There can be no doubt that very many of these Wills were the manufacture of Ecclesiastics, and that even in those not actually written by them, they exercised considerable influence over their construction.

"The duties of their office called them to the bedside of the sick, who frequently (as is usual at all times) deferred executing this solemn act to that season, when the mind, intent upon futurity, was little anxious about the disposition of temporal riches, except as the means of purchasing that happiness, which it was thought they could procure in another state. Even if the sick man had wished to decline the interference of a Religious, he could scarcely have done it; for his physician was ordered by an ecclesiastical law, first, effectually to persuade him to call for the physicians of the soul, that when his patient had taken spiritual cure, he might with better effect proceed to bodily medicines; and laymen were often to be dissuaded from making their wills without the

presence of a parish priest, as they desired their wills to be fulfilled.”*

The Guilds so constantly bequeathed to were Societies of persons confederated together for the common cause of trade, charity, and religion. They were exceedingly numerous: Taylor, in his *Index Monasticus*, enumerates 909 in this county, at the time of the Reformation.

To quote again from Sir John Cullum—“The little Parochial Guilds were sometimes so poor, that they could not afford to have a room of their own, but met at the members’ houses. In general, however, they were in a better condition, and possessed or hired a house near the church, which was called the Guildhall, or Church-house. This situation was convenient for them, as their business was to pray as well as eat. They consisted of an alderman, brethren, and sisters: the parson of the parish and the principal persons of the neighbourhood were generally members. They had lands, received legacies, &c.: they frequently met; but their grand assembly was on the day of their patron saint, when they went to church and offered up their prayers at his altar for all the members of the society both living and dead. From this Saint they took their distinction, as St. Thomas’s Guild, St. John’s Guild, &c. They bestowed annual salaries on the poor, received travelling strangers, and did other acts of charity as far as their revenues allowed. Their meetings were crowned by a dinner, and ended frequently in a manner not very consistent with their beginning.”

Some of the Guilds in the larger towns, Norwich, Yarmouth, Lynn, &c., were very wealthy and influential. “The bill for giving their possessions to the king, when sent to the Lower House in 1547, was much opposed by the burgesses of Lynn, who represented that their borough could no longer maintain their churches and other public works,

* Sir J. Cullum’s *History of Hawsted*, p. 14.

if the rents belonging to the guilds were transferred to the king. The Act passed, upon a pledge being given that the Guild Lands should be afterwards restored. This was the last Act of Henry VIII. and was put in execution by his successor; but the promise, as was easy to be foreseen, was very ill performed: many of these revenues were seized under the plea of their being free chapel or chantry endowments." *

I fear I have already occupied too much space with these remarks. I must not, however, omit to express my thanks, for the permission given, and the facilities afforded me, for making these extracts.

HENRY HARROD.

John Dewe, Aylsham. 1478.

Lego utriq̃ luī [lumini] Ste Cruċ & Ste ma^e, xij*l*. It. lego repaċon nove capelle Ste marie, xij*l*. It. lego gilde Sti Petri unū sampler rubij color divino cultui in ecclīa pdcta mancipatur̃.

Etheldreda Coneys, Aylsham, Widow. 1480.

Lūi [lumini] sti Crucifixi iċm, viij*l*. Itm, lūi bte marie, xij*l*. Itm. lego repaċon Capelle bte marie in orient, xij*l*.

[The church at Aylsham was built by John of Gaunt, Duke of Lancaster, in 1371. Blomefield says the *south* transept was dedicated to the Virgin Mary, and was "fitted up new," in 1489. Can this be the "New Chapel," and "Chapel in the East," above referred to?

The revenues left for the support of lamps and candles, must have been of considerable profit to the Church. Not only the images of saints had lights burning before them, but the graves

* Index Monasticus, p. xvii.

of those who could afford it were beset with them, either occasionally or constantly. The dirty vapours issuing from these lights, begrimed the very objects they were designed to embellish; “*fæda nigro simulacra fumo.*”—Cullum’s *Hawsted.*]

William Balle, Elsing. 1480.

I wull and bequeth to have ij dñise pylgrymes for me to seynt Thoñs of Caunterbery, And 1 pylgryme to seynt Thoñs of Westaker.

[These vicarious pilgrimages were at this time exceedingly common. They appear to have originated with the Crusades, the first preachers of which recommended them. At first no one could be sent but of a rank equal to the testator.—*Test. Vet.*]

John Snellyng, Tunstall. 1480.

[I bequeath] in dette I owe to Geffrey Fawgone, *xixd.* Also I owe to Herry Smith of Mowton, *vjd.* To John Doke of Ranhm, *ijs. viijd.* To Purke of Beyton, *xxd.* To Fryre of Acle, *vd.* To Syr John Pakfeld for letage, *iiijd.* To Roberd Snellyng, for v copyll of sparrys, *xd.* To the same Roberd for iij pecys of Tymbyr, *xijd.* To the same Roberd for Splontys, *vijid.* Also I woll have iij certeyns sunge in Tunstale Chirche.

Robert Paston, Wiveton. 1482.

Lūi sup pelvē corā crucifixo ibm, *vijid.* It. lego lūi de le torchys* ibm, *vjd.* It. repaçon capelle bē marie in Cimiñio, *vjd.* It. cāpanis in cāpanili ibm, *iiijid.* It. repaçon capelle Ste Trinit^s sup pontē, *vjd.*

[He requires his feoffees “in nōie Jhu” to make a lawful estate in his lands to his devisees.

I can meet with no account of the chapel on the bridge above referred to.]

* Henry Maykyn, of Wendling, 1482, bequeaths “on to the torchys of the comon lyght *vijid.*”

Margaret Stannow, al's Colet, Aylsham, Widow. 1487.

I bequeth to the lyte of our Lady in the same Chyrch [Aylsham], xij*d*. Itm. I bequeth 1^{li} of waxe to a candell, to be brente be forn the ymage of o^r lady in the chapell in the East ther. Itm. I bequeth to the sustentacon of the lyght, brenyng be forn the patyble upon the perke, in the same chyrche, xij*d*. . . . Itm. I wyll that myn executors, after my deth, fynd & susteyn 1 lampe, brenyng be forn the sacrament both nyght and day, in the same chyrch of Ayle-shm̄, w^t myne godys, as hath been be for tyme, be the space of an hole yer. . . . Itm. I bequeth to ich hous of the Fryers in Norwich, iij*s*. iij*d*. Itm. I bequeth to yche hous of lepers, at the synguler gats of Norwich, xij*d*. Itm. I bequeth to the ancesse at Seynt Julyans in Norwich, xij*d*. Itm. I bequeth to the Nunes of Carow by Nor̄, v*s*. viij*d*., equally among them to be devyded. Itm. to the Systers of Normans in Nor̄, I bequeth xv*d*., equali to be devyded among them. . . . Itm. I bequeth to Margaret Orwell 1 peyer of bedys gawded w^t gold. Itm. to Alys Howerd 1 peyer bedys of Awmbr.

[The "*Patyble upon the Perke*" was the rood upon the perch or loft.

The *Friars of Norwich*: there were four orders, Black, Gray, White, and Austin Friars. They assisted the sick (says Sir Wm. Dugdale) in making their testaments, which accounts for their appearing so often in them.

The "*Leper Houses at the Syngular Gates*" were five in number : namely, at St. Bennet's, St. Stephen's, St. Austin's, Magdalen, and St. Giles' Gates.

The *Anchoress of St. Julian's* was a frequent legatee in Wills of this period: her cell was at the north-east corner of the churchyard of St. Julian, Norwich.

The *Nuns of Carrow* were of the Benedictine Order, and their employment was, for centuries, the instruction of the daughters of the neighbouring nobility and gentry. In 1273, Gregory X.

restrained the nobility from crowding this nunnery with more sisters than its income could support.—*Index Monasticus*.

Sisters of Normans were located in Norman's Spital, St. Paul's, Norwich: so called from Norman, a monk, the first master and a good benefactor. After 1429, the Hospital consisted of a Procurator, Master, Wardeness, and fourteen poor Women.—*Ibid.*]

John Robyns, Wiveton. 1487.

I bequeth to the house of our lady gild in Wyveton, vis. viij*d.* . . . I bequeth to the repaçon of our ladyes Chapell in Weveton Chyrche yerd, ijs. . . . Item, to the repaçon of the south ele in the same chyrch, iijs. iiij*d.* Itm. to the lyght of Sent Loy in the same chyrch, xx*d.*

Robert Marsham, Stratton next Hevingham. 1488.

Itm. lego sustentaçon luī [luminis] alti crucifixi bte marie & Sti John, xxs. Itm. luī Ste Trinitat, xij*d.* Itm. luī bte marie, xij*d.* Itm. luī Ste Margar, vj*d.* Itm. luī Ste Anne, vj*d.* Itm. luī Sti Nich. Epi., vj*d.* Itm. luī Sti John Bapte, vj*d.* Itm. luī Sti Thome mātyr, vj*d.* Itm. luī Sti Xpofori, vj*d.* Itm. luī Sti Erasmi, vj*d.* Itm. luī Sti Jacobi, vj*d.* Itm. luī Ste Kafine, vj*d.* Itm. luī Ste Pefnille, vj*d.* Itm. luī Ste Sythe, vj*d.* Itm. luī Sti M^s Arch^s, vj*d.* Itm. lego unā candelam sup candelabrū in magna cancella in honor omī Scor^r pce, xij*d.*, ardent usq̃ fine in dea cancella añ sacrū altar^r.

[It will be seen by the above extract that in the small church of Stratton Strawless, were altars with lamps constantly burning in honour of no less than fifteen saints; and that, in addition to all these lamps, there was a large candelabrum in the chancel. This Will was proved in 1490, by Margery his wife and the other executors named in it: it contains bequests to two sons, Thomas and James.

There occurs in the same Register a Will of another of this family, namely, of William, one of the sons of John Marsham, senior, and brother of John Marsham, Sheriff and afterwards

Mayor of Norwich, who are named executors in the Will. It is dated 1497, and contains bequests to his brothers John, Thomas, Robert, and James, and to Agnes his sister. He died the same year.—See Blomefield's *Norfolk*, Vol. VI. p. 333.]

Katherine Gilberd, North Burlingham. 1489.

My body to be beryed in the Stepyll of Seynt Andrew of Byrlyngghm foreseyd, besyde myn husband. . . . Itm. I bequeth to the churche of Seynt Andrew forseyd a boke most necessary to Godds švice, of the p̄ce [price] of x mr̄ [ten marks], to be had wyth in the space of ij yers of my discese, if it may be had. . . . Item, to the making of the Stepyll of Strumpeshaugh 1 combe malte.

[*A book of the price of ten marks*, or about £100, according to the present price of money.]

John Deconson, Elsing. 1489.

I bequeth . . . for my mortuarie my best beste. . . . Item, I bequeth to the peynting of the tabnacle of seynt John Bapte, ij cumbe of malte. I beqweth to Katīne Deynes . . . a ʒ of bedys of geet [beads of jet] of x in y^e num^o. . . . Item, I beqweth to S Stephyn Hewett a ʒ of bedys of corall, x in y^e num^o, gaudyde w^t sylv^r. Itm. I beqweth to Willm Hewett, a Normndy Bylle [a Normandy bill.]

[*A Mortuary* was a gift left by a man at his death to his parish church, for the recompense of his personal tithes and offerings not duly paid in his lifetime. So early as Henry III.'s time, it was rivetted into an established custom; insomuch that the bequest of a mortuary was held to be a necessary ingredient in every testament of chattels.

Pair of Beads. A set of strung beads, used as a mechanical help to ascertain the number of their prayers. Sometimes they were called Paternosters. A pair, or set, consisted of various numbers of pieces, from thirty to seventy, and perhaps more; besides that every tenth was succeeded by one larger and more

embellished than the rest: these larger ones were called *gaudes*. The *gaudes* were for Paternosters, the common beads for Ave Marias.—Sir J. Cullum's *Harvested*.]

William Herward, Cawston. 1490.

I beqweth . . . to the Plowlyght of Sygate, xij*l*. Itm. to ich other plowlyght in Cawston and dawnce of the same town, v*l*. Itm. to the Dawnce of Sygate, xij*l*. . . Itm. I wyll that Rich. Pekok have forgeffnes of xl. vjs. viij*l*.

[On the front of a wooden gallery at the west end of Cawston church is an Inscription, running in a single line, of which Mr. Dawson Turner has kindly furnished me with a copy:—“**God spede the Plow and send us ale corn enow our purpose for to make at crow of cok of ye Plowlete of Sygate: | Be mery and glade war good ale yis work mad.**”]

William Clerk, Merton. 1491.

I bequeth to the help and p̄fyte of the townshp of Marton aforeseyd, iiij m̄rc. And yf yt so be that my dute [debt] may be gotyn and had of Robt. Carman, I wyll that than the sayd townshp shall have v m̄rc. Item, I bequeth to Cysly Symond a Cowe, or ells [else] vjs. ther for.

Roger Short, Wells next the Sea. 1495.

Lego luī vocat de le plowthlyth [plough light] eiusd̄m eccl̄ie, vjs. viij*l*. Itm. lego luī vocat Sowlemslyth [soul mass light] eiusd̄m eccl̄ie, v*l*. Itm. volo q^d execut mei sustineāt lūi sup̄ ptm̄ coram crucifixo ac om̄b̄s Stis & bte marie virginis Scōr petr̄ & leonardi & bto henr sexto p̄ spaēm un̄ An̄ durāt post mē deceſs cū quart̄iis candelis. . . . Itm. lego hospitali, vocat chapell of the Feld, in Norwiċ, xxs.

[Henry VI. *died* in the Tower 21st May, 1471. His image at St. Leonard's Priory on Mousehold was of great note, and visited by pilgrims from far and near, “some of whom,” says Blomefield, “affirmed they were, and many others hoped to be, cured of

their diseases." There was a light burning before his image in Horstead church, Taverham Hundred; and his portrait is one of the four sainted kings on the Screen in Barton church.]

John Colyn, Wendling. 1497.

Itm. I bequeth to my lord the abbott of Wendling, to pray for me & to be in all good thyngs good helper to myn executors, vjs. viij*d*. Itm. I bequeth to S^r Roger my gostely fader, x*d*. . . . Itm. I bequeth to the repaçon of Seynt Kateryn Chapell [Fransham] ijs. to be payed in repaçon be my executors. . . . Itm. I bequeth to Fryer Spark of Norwich, for a trentall to be songe for my sowle, xs.

[It was the custom of the period to appoint some influential person supervisor of the will; in this case the testator retains the services of the Abbot of Wendling.

A Trentall, or Tritennale, was a thirty days' mass for the dead: that of Gregory the Great was in most common use.—*Fosbrooke*.]

Thomas Beell, Ellingham Parva. 1497.

To the makying of the South wyndowe, vjs. viij*d*. Also to the makying of a new Caher, vjs. viij*d*. Also to the peyntying of the Tabernakyll of Seynt Petyr, xx*d*. Also I bequeth an half acr of londe lying at nether Styte, by the londe of Tho^ms Beele on the Est pte; And a Rode of londe by the seyde londe of Tho^ms Beele, of the west pte; to have a lampe kepte brening in the Chaunsell by fore the sacrament, in due tyme ppetuall; w^t this condiçon, that Willyam my son shall kepe it terme of his lyf; And aft the decease of the seyde Wylliam, I wull the town shalhave the seyde londe, to kepe ther w^t the seyde lampe.

Juliana Drake, Carrow. 14 Henry VII.

Lego Dame Mgery Woodhows, my goddowter, vjs. viij*d*. Item, to x ladyes, eche of them xx*d*. . . . Item, for Henry

Wellys and Julyan his Wiff, to the iiij orders in Norwiċ, evy howse xld. Item, to the repaċon of the chirche of Stratton, xld. Item, to the chirche of Redhm̄, for the sowle of Henry Wellis, xld. . . . Item, to the chirche of Botisdale, for Petir Dasche and Alice his wiff, vjs. viijd. . . . Item, at my Twelmonyth mende, for my dyryge and masse, to y^e pōresse [prioress of Carrow], viijd. And to ev^y Lady iiijd., And to ev^y preste iiijd., in the same place. . . . Also I wull that my executors shall receyve all such money as William Drake owyth me, And iiij m̄rc that my lady Frense oweth me. . . . Also I bequeth to a preste to synge a masse at Scala celi at Rome, for my Sowle and all cresten Sowles, iiijjs.

In Noīe Dei Amen. I, William Dager, w^t gode mynd and wyth my hand make my testament and last will. I bequeth my sowle to the fadyr, the son, and the holy goost, and all my worldly godys to my wif Alys, the wich of this my seyde testament and last will I mak myn executrix. My body to the herth. My detts to be payed be my seyde wif; and my detts and goods meveabyll and onmeveabyll to the use of my wif, and a trentall the day of my beryeng. And to ley on me a grave stone in tokenyng my karkas. And whan my body and my sowle depts, than to have the sowle bell to ryng for me, in tokenyng callyng to god for help. And now thys bereth wytnesse of my last will. Amen.

[Proved at Walsingham, 29th July, 1500.]

Robert Wooderove, Citizen of Norwich, Cook. 1501.

Item, I bequeth to Will Woderove a brass pot called Munford's. Itm. I bequeth to the same Will a maser w^t a brode bonde, and a prynt of Jhus in the botom, and vj sylver spones w^t square knoppes gilt, and other ij sylver spones w^t Akorns gilt.

[*Maser*, a bowl; so denominated because originally made of

maple wood, having the rim tipped with silver. Subsequently it was made of plate, retaining the generical name, and was used to contain mulsum, hydromel, or metheglin.]

Margaret Alleyn, St. Bennet's, Norwich, Widow. 1502.

I bequeth to William Alleyn my son, vis. viij*l*. Item, I will that the said William shall have my spruse cheste duryng his lyve. And aft^r his deceasse, I will that Margerye Alleyn my goddowghter shall have it, unto hyr own ppyr use. And if the said Margerye dye, or that hyr Father decessith, thanne aft^r the dethe of hir fader, I will that the eldeste of his children lyvyng shall have it.

Margaret Alleyn, Elsing. 1503.

Itm. I bequeth unto that mistree unto me, the Sacrament of the Church, iij*l*. Itm. I bequeth unto our Lady of Pety 1^{li} of waxe, to be made of v small tapers, to brenne by for hyr. Itm. I bequeth unto Seynte Sprytte 1^{li} waxe, to be made of v small tapers, to brenne be for hym. Item, I wull the Cowe that is in kepyng of John Sesyly of Lyng be my mortuary, if that it may be had oute of his hands.

Joan Thurlock, Cley next the Sea. 1505.

Item, I bequeth a slevid surplesse for the p̄son or the p̄ish prest to were in the švice of god. Itm. I bequeth an Awter Cloth to the Hey Awter. . . . Itm. I will that myn executors do make a Crosse of Tree be twix thys and the church, if so be they may gete the ground of s̄m gode man to set the crosse on, and ther to have a restyng stole for folkys to syt on.

[*A Cross of Tree*, a wooden cross.]

John Colyns, Hunworth. 1506.

I bequeth to the repācon of the p̄close ov^r the rodeloft unto the roof of the seyð church [of St. Lawrence at Hunworth]

xls. . . . Itm. I bequeth to evy church in Holt Hundred, xld. Itm. to the sepulcre lyght of Hunworth, vjd. . . . Itm. I woll that myn executors p'vey a table of Alabastr of the story of our lady and sent Anne her moder. Itm. to shete new the lede on that Chapell of our lady and sent Anne, in the seyde church of Honeworth. . . . Itm. I desir and make maist' John Heydon squier, supvisor of this my testament and my last Will, and I bequeth hym xls. for hese labor and supvision herof.

[The John Heydon here named was the eldest son of Sir Henry Heydon, and was afterwards, at the coronation of Henry VIII., created a Knight of the Bath.]

Peter Payne, Norwich, Pewterer. 1509.

To the repaçon of y^e chirche of all seynts of Fybryggate in Norwiche, ijs., or iijs. iiijd. if it may be borne. Itm. to the emendement of the chirche of seynt Clement in Norwiche, xxd. Itm. I bequeth to the chirche of seynt mary unbrent, in Norwiche, xijd. . . . Itm. I will that Edmund Payne my son have my tenement in Norwiche, in the parysche of seynt Margarete, And also my *Grange* in the same parisshe. . . . Itm. I woll that my tenement in Norwiche, in the parisshe of all seynts, *late brent*, be solde by myn executours.

[On the 4th June, 1508, there occurred a lamentable fire, which burnt two days and a night, and almost "utterly defaced the city." All Saints parish is noted in Blomefield as one that suffered most severely.]

Reynold Crosse, Norwich, Labourer. 1515.

I bequeth to the makynge of a newe Canope to the same Chirche, xxs. (St Austen.) Item, I bequeth to the repaçon of the tapres, vjd.

[*Canope*, supposed to be the Umbraculum, under which the Host was carried in the procession on Palm Sunday.]

Margaret Norman, Norwich, Widow. 1516.

My body to buryed in the churche of seynt John att the gate in Berstrete, by my husband Edward Norman, on whos sowle Jhu have m̄cy. . . . Item, I will that myn executors shall by, or cause to be bought, a cope to the same chirche, to the valo^r of iiiij^{li}, and ther, in the same chirche, for to continue and reste, as long as it may endure, as an ornament. Item, I will have a seculer preste, for to synge for my sowle, and my frends sowles, the space of oñ hoole yer. And this is my mynde, that S^r Skypp, Bachelor, beynge in Cambrige, shall have this yeres švice, toward his exhibiçon. And if that I departt befor that he shalbe prested, he shall synge for me and my frends, his firste masse, in seynt Joh̄is Chirche forseid; and so for a yer aft his fyrste masse syngynge, for to contynue att Cambrigge, for his incressyng, and lernynge, and preynge for me and my frends; and if the seyd S^r Skypp be prested before my deceasse, that he shall have the seid yeres švice to his exhibiçon, at the sigm̄ent of myn executors, he wantyng exhibiçon; And if it fortune that he may have exhibiçon sufficient, by the charyte of any other good man or woman, than I will have a seculer preste of good name and fame for to synge in Seynt Joh̄is Chirche, for me and my frends, the space of the said yer. Item, I will have a trentall of xxx^{ti} masses at my buryall day, orelis as shortely as it may be aft^r. I will have as shortely as it may be doon aft my deceasse, for to have iij masses songe att Westmynster ther, called scala celi. Itm. I bequeth to the blyssed trinite of crysts chirche, that is, my moder chirche in Norwiche, a crucyfyx of sylver and gylte, wych is upon my best bedys [beads]. Item, I bequeth to the hows of the wyght freres in Norwiche, xij*℥*. Item, I bequeth to the pres [prioress] of Carrowe, iiiij*℥*, and to eiche nunne, beynge in the same place, ij*℥*. Itm. I bequeth to my lady Ancres of seynt Edwards, xij*℥*. . . . I will that the surgēn shalbe payed y^e xs. that

is owynge to hym, kepynge his p̄myse [promise] that he shall make Peter Syer hool of his disease. . . . Item, I geve my sepultur candell to the cōm̄n light, condiçonally that it shalbe made for the xijj candell. . . . Item, I make and ordeyn wellbeloved to me S^r Richard Skypp, sup̄visor of this my seyde testament and last will, that he shall geve good counsell and cōforth [comfort] to my executors befor̄n named.

[Sir Richard Skippe was parish priest of St. John's, Ber street.]

In dei noīe Amen. The xxixth day of the monyth of marche, in the yer of our lord God m^{le} ccccxvi, as on that day and tyme, William Tredway, of the pariche of Seynt Edward in Connesford Warde, in the City of Norwiche, he beyng of hooll mynde and p̄yk remembraunce, before the hower of deth, made his last will and testament by moyth, be fore credebill p̄sonys to wittnes heryng under namyd, he, lyftyng up his hartt, and cōmendynge his sowle to almighty god his maker, and to all the holy compeny of hevyn; And he bequethed his body to be buryed in the holy Cimitery and chercheyerd of Seynt Edward aforeseid. And he yaff and bequethed to the hey autyer y^r, for his tithes and offeryngs forgoton, vjd. Item, to the repaçion of the same chirche, xijd. Where as the seid William seid his tyme was butt shorte, he, seyng theis words upon his owne mynde and fre will, gaff and bequethed to margaret his wiff all his goods movable, w^t all his detts wīche was owynge and growynge to hym in Norwiche, and other place, w^t all his utensiles and stuff of howseld. . . . The wiche Will, as afore rehersed and declared, is nuncupatyve, and made in the psens of theis psones folowynge, to wittnes, Syr Thomas Tanner, his gostely father, curatt of the seid chirche of Seynt Edward, Sir William Devey, William Wasteney, Edmund Clerke, and other,

both men and women, beyng ther p^sent, y^e day and tyme
aforseid.

[This mode of making a will, then very common, and which had existed for centuries, was annihilated by the late Wills Act, except in the case of soldiers and sailors. The following notices respecting Nuncupative Wills may therefore be interesting. Generally, personalty only passed by such Wills, but, in some places customs existed, relics of the old Saxon Institutions, enabling lands to pass under them, until the Statute of Frauds, 29 Car. II. c. 3.

That statute laid down very strict regulations as to the form and manner of making these Wills, which were enforced by the Courts to the very letter.

Sir Henry Ellis extracts, from the *Doomsday Book*, the following remarkable instance of a Nuncupative Will, made under the authority of the old Saxon Laws, and confirmed by the usual jurisdiction, the Shire or County Court. "This manor (Escelic in Worcestershire) the same Walwin, in the time of King Edward, bought of the Bishop of Chester for the lives of three men. He, when infirm and drawing nigh his life's end, and his son the Bishop of Li. being called, and his wife and several friends, said, this land of which I bought from the church, I will that my wife shall hold while she lives, and after her death, let the church of which I had it, take it again; and may he who detracts from this be excommunicated. That this was so done, the superior men of the whole county bear witness."

The Will of William the Conqueror was nuncupative, and is handed down to us in the following old rhymes.

"He gaf his eldest son Normandy,
And to the secund Engeland truly,
To the thirdd his goods mevable;
This was hold firme and stable."

He was, however, more charitable than he is here given credit for, as he gave a considerable portion of his money in hand to churches and the poor. The Will was confirmed by the assembly called by Rufus after the old Saxon manner. The Statute of Frauds before alluded to laid the axe to the root: these Wills

had for many years prior to that time been decreasing in number, and after it, although numerous attempts were made to set up oral deathbed declarations as Wills, the instances have been exceedingly rare where a Nuncupative Will has been established.

One of the principal cases which gave rise to the Statute of Frauds (*Cole v. Mordaunt*) was a very remarkable one, and is thus stated in a note in the 4th Volume of Vesey's *Reports*, p. 195.

"Mr. Cole at a very advanced age married a young woman, who during his life did not conduct herself with propriety. After his death she set up a Nuncupative Will, said to be made *in extremis*, by which the whole estate was given to her, in opposition to a written will, made three years before the testator's death, giving £3000 to charitable uses. The nuncupation was proved by *nine* witnesses. Upon the appeal to the delegates from the sentence of the Prerogative Court in favour of the written will, Mrs. Cole offered to go to a trial at law in a feigned action, submitting to be bound by the result. Upon the trial at the bar of the Court of King's Bench, it appeared that most of the witnesses for the nuncupation were perjured, and that Mrs. Cole was guilty of subornation. After that she applied for a Commission of Review; and upon that occasion Lord Nottingham said, 'I hope to see one day a law, that no written will should be revoked but by writing.'"

But perhaps the most interesting case connected with this subject on record, is that of the alleged Nuncupative Will of Milton, made the year in which he died, 1674. His widow (being his third wife, Elizabeth Minshull) endeavoured to set it up; and his younger brother Christopher and his two servant maids, Elizabeth and Mary Fisher, were the witnesses. It was contested by his three daughters by his first wife, who were described by it as undutiful, and were cut off with a very small portion of his property. The cause came to a regular sentence, which was given against the will on three grounds: 1st. There was no solemn bidding of those present, to notice that the words he was going to deliver were to be his will. 2ndly. The three witnesses spoke to different declarations. And 3rdly. They were

not made in his last sickness. No doubt seems to have been cast on the testimony of the witnesses. Administration of his effects was decreed to the widow, which let the daughters in to a share in the property.—*Jurist*, 1839.]

LETTER OF PRIVY SEAL,

DATED THE 14TH JANUARY, 1611,

WHEREBY KING JAMES I. REQUIRES OF ROBERT WARD, OF WALCOTE, ESQ.
THE LOAN OF TWENTY POUNDS;

COMMUNICATED

BY RICHARD WARD, OF SALHOUSE, ESQ.,

HIS HEIR AT LAW, THE EIGHTH FROM HIM IN LINEAL DESCENT.

THE following brief extract from the *Constitutional History of England* and the few accompanying remarks, it is hoped may not be considered misplaced on the present occasion, as calculated to throw light upon the annexed document.—“By the abrupt dissolution of Parliament in 1610, James was left nearly in the same necessity as before; their subsidy being by no means sufficient to defray his expenses, far less to discharge his debts. He had frequently betaken himself to the usual resource of applying to private subjects, especially rich merchants, for loans of money. These loans, which bore no interest and for the repayment of which there was no security, disturbed the prudent citizens, especially as the council used to solicit them with a degree of importunity at least bordering on compulsion. The House of Commons had in the last session requested that no one should be bound to lend money to the King against his will. The King had answered that he allowed not of any precedents from the