

## Norfolk Wills.

COMMUNICATED BY

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In the Registry of the Archdeacon of Norwich is a thick volume of Copies of Wills, having this memorandum upon a leaf at the beginning of it:—

“This Registry contains the Wills of persons who dyed as well within the Archdeaconry of Norfolk as within the Archdeaconry of Norwich; and also some Suffolk Wills. In it are to be found the Wills of very many persons of the highest rank and best families in this County.

“May it be carefully preserved.

“A. NORRIS, *May 6, 1769.*”

Before taking notice of the Wills contained in it, I would say a word with reference to the Probate of Wills at this period.

The Rolls of Parliament are very obscure as to the authority to whom this power was delegated: continual references were made on the subject to a Committee of the Commons; Bills for regulating the proceedings were frequently brought in, forwarded some stages, and then gave way to some fresh one; and it was not until 1659, *January* (1660) that a Bill was passed, vesting the authority in certain persons, styled Judges of the Court for Probate of Wills and Granting of Administration.

By the Registers of the Archdeacon of Norwich, I find that on the 28th October, 1650 (the Wills having been up to that day proved by virtue of the authority of the Commissary or Official of the Archdeacon) the Memorandum of Probate was to the following effect:—

“Custodes Libertatis Angli Authō Parliamenti notū facimus universis quod apud Norwicū coram dilecto frō Clere Talbot legū dtore Probatum fuit, &c.”

Clere Talbot having been the Commissary of the Archdeacon.

So it continued until the 24th March, 1652 (1653 N. S.)

The first Will in the volume I have mentioned has this Note of Probate:—

“This Will was proved at Westminster, before the Judges for Probate of Wills, the 3d day of June, 1653; and administration, &c., committed to J. B., executor, being in due forme of lawe sworne, &c., by vertue of a Commission, &c.”

They all bear a similar note of probate until the 2nd May, 1660; and a few at the end of the book were proved before by virtue of the authority of the Commissary or Official of the Archdeacon, in the June of that year.

One Nicholas Browne appears to have been the Registrar at the time the ecclesiastical power was superseded, who remained quietly proving Wills under the authority of the “Keepers of the Liberties of England” until that last source of emolument was removed: he then seems to have employed himself as a notary, and in making copies of all Wills he could get hold of, before their transmission to London. If we are to believe an entry he has made in an Induction Book, he was an enthusiastic Royalist; but he was a prudent man, and held his peace until the return of Charles the Second, when he made an entry in the Induction Book, the use of which had ceased in April, 1650.

Ab hoc tempore cessavit Archidiaconus in Ecclesiastica Beneficia Inducere; Rege enim Serenissimo CAROLO Angliæ, eo nomine, primo, perfidia Oliverii Cromwellii proditoris abominandi, et non sine detestatione nominandi (hinc illæ lachrymæ!) decollato Dictus Cromwellius Regalia impudentissime usurpavit et omnis ordo tam in ecclesia quam republica deinceps subversus est, &c.

And, after much more in the same strain, he adds—

Sed DEUS OMNIPOTENS tandem e cœlo in servos suos respexit eorum<sup>9</sup> miseriæ intolerabilis misertus, Regem ñrum Carolum Secundum (vel invitâ vi fraude et malitia omnium inimicorum suorum confæderatorum et humana opinione invincibilium) ad imperium suum Regale mirifice reduxit, &c.

And among many other sublime acts and restorations, not the least was restoring, after ten years' deprivation,

NICHOLAUS BROWNE, Registrarius;  
who adds, "Gloria Deo in excelsis!"

To this Nicholas Browne, therefore, we are indebted for this valuable volume of Wills, which, besides containing a transcript of Bishop Hall's Will, has those of very many of "the highest rank and best families in the county."

Among the names are, Sir Edward Astley, Thomas Coke, Esq., Martin Calthorpe, Martin Fountaine, Sir Thos. Pettus, Bedingfield, Berney, Flowerdew, Gawdy, Gleane, Guybon, Jermyn, Jerningham, Knyvett, Playters, Rookwood, Talbot, Townshend, &c. &c.

These Wills give no idea whatever of any turbulence or commotion: most of them are carefully and legally worded, provisions made for families, strict and elaborate devises of estates; in fact, but for the Note of Probate at foot, no sign of any violent change in the order of things would be observable.

One feature, however, is strongly marked: a strong religious feeling appears through the great majority of them; and this distinguishes them from those in the Registers immediately preceding and following them. I do not mean to say that there is any want of proper feeling apparent in the earlier or later Wills; but there are not those elaborate confessions of faith,—those fervent expressions of reliance on Heaven, and of a desire to dispose of worldly estate in a manner most pleasing to God.

We shall look elsewhere in vain for such a bequest as that in the following—

The last Will and Testament of M<sup>rs</sup> Katherine Tuthill, late of the City of Norwich, deceased.

For my body, I desire it may be decently buried, without any unnecessary charge at all. . . . . And as all my life I hated to see a solemne meeting without some good to the spectators, I desire therefore there should be a sermon for the profit of the Livinge, and to be performed, if possible, by one of these as I shall name, Mr. Sherman, Mr. Cocke, or Mr. Watson; and he that preaches to have forty shillings for his paines, and not to say any thing at all of me, for nothing can be said but that I was a sinner; and the wages of sin is death, but the gift of God is eternal life, through Jesus Christ our Lord.

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*Richard Ferrer, Thurne. 1644.*

I will that my dead body be handsomely trussed up in a black bullock's hide, and be decently buried in the church-yard of Thurne aforesaid, at the Chancell's end there. . . . . In Witness, &c. And thus I take my leave of the world. Deo Gloria, Amicis gratia, mihi miserecordia. Amen.

R. FERROR.

In the name of God, Amen. I, Gregory Ellis, of Major Robert Swallowes troope, a private soldier, being sicke in body but well in minde, and being mindeful of the frailty of this mortall life, doe hereby will and bequeath unto my brother John Ellis, of Northrepps, his two youngest sonnes now in being, All my money that I now have or is due to me for my arreares of pay for my late service in Scotland, and whatever els shall appeare due to me from any person whatever by bond or bill or otherwise. It. I give unto my aforesaid brother John Ellis, all my silver buttons and a silver hatband. It. I give unto my sister in lawe, namely, my brother John Ellis his wife, two peeces of gould, one being a two and twenty shilling peece, the other a twenty shilling peece; and also a Ring of Haire. It. I give unto John Ellis, sonne to my aforesaid brother John Ellis, all my clothes, linnen and woollen, and whatever els I have at my aforesaid brother's house not else disposed of. It. I give my horse, and the saddle, bridle, pistols, and houlsters thereto appertaining, to be sould, and the money to defray the charges of my buriall. It. I give unto William Sprint, my loving friend and fellow soldier in the same troope, all my cloths, lynnen and woollen, which are now p̄sent with me; and three Roes Skinnes I also give unto the aforesaid William Sprint. It. I give unto George Clarke, my fellow soldier in the same troope, one Staggs Skin. In Witness whereof I have this 17 of Feb. 1654, set my hand and seale.

[Proved 16th June, 1655.]

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Robert Wildman, of Wimondham, in the County of Norfolk, Turner, on the 20th January, 1653,—“knowing that I am naturally ordained of God's creation to dye and to depart from this transitory life, minding to set an order of my goods

and chattels, to the intent there should be no variance nor strife for the same after my decease,"—makes his last Will.

I commend my soule unto Almighty God, and to his only sonne Jesus Christ and unto the holy Ghost, three persons and one God, most humbly beseeching the most holy and blessed Trinity to have mercy upon my soule, and to pardon and forgive me all my sinnes, soe that after this transitory and mortall life, I may, through the meritts of Christ his passion, rise with the elect, having the eternal life and fruition of the Godhead, according to my true faith in that behalfe. \* \* \* \* \*

The Testification of Nicholas Spillman, corporal, and William Whitaker, private soldier, both of Major Swallows troope in Commissary-General Whalley's regiment, concerning the last Will and Testament of Robert Wildman, late of the same troope, a private soldier, declared by him to them the 5th day of April, 1655, when being sicke in body but well in minde, and since deceased at Ruthen Castle in Baggenoth, Scotland. \* \* \* \* \*

[Will and Codicil proved 4th Feb. in the year of our Lord according to English accompt 1655.]

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*August 13th, 1656. Norfolk.*

Some directions received from the mouth of Richard Copeman, of Stalham, Esq., towards the disposing of his temporall Estate, by me, John Benton, of Ingham, Clerk: gives Est<sup>s</sup> at Stalham, Sutton, Hickling, and Ingham, to Susan his wife, for life, and then to John his brother, in fee. Pecuniary legacies (£100 each) to Mary Bridgwell, of Gt. Yarmouth, his sister; to Prudence Griggs, of Gt. Yarmouth, his sister; and to Frances Copeman, his sister, and Sarah Copeman, his sister; and Anne Colman, of Gt. Yarmouth, his sister; to

Thomas, his brother, his Est<sup>e</sup> at Thimblethorpe, in fee. "And he giveth five pounds to the poore of Stalham, and five pounds to the poore Christians of the Church gathered in and about Ingham."

"Ita testor JOHN BENTON."

The substance of what is above written, w<sup>th</sup> most of the circumstances, he spake to me a little while before he dyed, declaring them his will and minde concerning his temporall estate.

THOMAS KNYVETT, his Physitian.

[Proved 10th Sept. 1656.]

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*Dr. Joseph Hall, Bishop of Norwich.*

In the name of God Amen. I, Joseph Hall, Dr. of Divinity (not worthy to be called B. of Norwich) considering the certainty of death and the great uncertainty of life, have thought much in the state of my wonted health to make my last Will and Testament in manner following. First, I bequeath my Soule into the hands of my Faithful Creator and Redeemer, not doubting but that he will receive it to mercy and crowne it with glorie. My Body I leave to be interred w<sup>th</sup>out any funerall pompe, at the discretion of my executor, w<sup>th</sup> this onely monition, that I do not hold God's house a mete repositorie for the dead bodyes of the greatest Saint. My worldly estate I will to be thus disposed: Imprimis, my house and groundes w<sup>th</sup> the appurtenances lying and being within the City of Exeter, neare to the Southgate of the said City, I give my eldest Sonne, Robert Hall, Dr. of Divinity, and to his heres for ever. To my Sonne Joseph I give and bequeath (having Surrendred\* into the hands of Mr. Reve, of Waltham, Steward by Patent to the right Höble the Earle

\* Entered into the Court Rolls at the Court Baron held July 13, 1649.

of Carlile, all my Coppyholds within the mannor of Swardston to the use of my last will) all my copyhold lands and tenements lying and being in Swardston, within the parish of Waltham holy Crosse, to have and to hold to him and to his heires for ever. Likewise to my said Sonne Joseph I give and bequeath the remainder of yeares which I have from my late deare Lord of Norwich in a Tenement lying in the said Waltham, over against the Church there, wherein Marmaduke How now dwelleth. Moreover to my said Sonne Joseph I give and bequeath all that free land with the appurtenances w<sup>h</sup> I have in Much Bently in the County of Essex, w<sup>th</sup> the edifices thereto belonging. And whereas I am informed that the Custome of that Mannor is such that the Coppyhold lands, except they be formerly Surrendred into the hands of the Tenants to other uses, Do in course descend upon the youngest Sonne, My Will is that my Sonne Samuel (upon whom it will fall) doe speedily surrender that copyhold and the Tenements thereto belonging to the use and behoof of my said Sonne Joseph and his heires for ever. Item, To my Sonne George I give and bequeath all those Lands and Tenements which I have and possesse in Mulbarton and the parts adjacent, now in the occupacon of my Tenant John Money, To have and to hold to him and his heires for ever; Also to my said Sonne George I give and bequeath all that terme and remainder of yeares which I have in the Dwellinghouse wherein I now remain, and the groundes thereto belonging, with all the appurtenances, to be entred upon by him within three months after my decease. Provided always and my will and charge is upon the blessing of a father to my said Sonnes Robert, Joseph, and George, that (except they be necessitated by the times or the exigencies of their own particular estate, for the true reality of which necessity I lay weight on their consciences in the Lord) that they do not alienate, sell or put away, Lease or lett the said Lands and Tenements to them generally bequeathed to the hands of strangers, but that (in



case of their deceasing without issue) they leave the said Lands and Tenements (after the life of their severall wives) to the next brother that hath issue, or to the children of their Sister in default of such issue. To my Sonne Samuel Hall, whoe is yet only of all my Sonnes blessed with any issue, I will and do give and bequeath all those my lands and tenements, with their appurtenances, situate, lying, and being in the parish of Totnesse, in the County of Devon, all which I had of the purchase of Phillip Holditch the elder, of Totnes aforesaid, merchant, with the Lands I bought there of Jeffrey Barber, To have and to hold to him and to his heires for ever. Provided allways that he and his heires shall pay to my Sonne-in-Law, Gascoigne Weld, the remainder of that marriage portion w<sup>sh</sup> is yet oweing by bond to him the said Gascoigne, and which shall appeare upon account still due unto him to make up that entire sum then agreed upon, whish is well knowin my said executor: Item, I give and bequeath to my said Sonne Samuel my Librarie, Onely I will that my sonne Robert and George (whom I know to be well furnished in that kinde) shall have the selection of twenty bookes betwixt them, w<sup>sh</sup> they shall pitch upon; for my paper bookes I will that those whch conteyne the Notes of my Sermons shall be divided betwixt my Sonnes Robert and George, the rest of them I bequeath to my Sonne Samuel. Withall my will is, that the papers in my little black Trunke, conteyninge letters of intercourse with forreine Divines and some sermons and tractakes, shall not be medled with or disposed without the joint consent of my seid three sonnes, whom I thanke God I have lived to see Learned, iudicious, and painfull divines. To my Sonne-in-Law, M<sup>r</sup>. D<sup>r</sup>. Peterson, Deane of Exeter, I give that curious flappe which was given me by M<sup>r</sup>. Rawlins, and one faire gilt bowle with a cover, for a remembrance of my deare affection to him. My Golden Medall which was given me by the States of the Netherlands for my applause at the Synode of Dort, I give and bequeath

to the Male issue of any one of my Sonnes (if any such be) according to the order of their birth, or in default thereof to Joseph Weld, the Sonne of my daughter, as a memoriall of that worthy imployment. Moreover to my Sonne Robert Hall I give two hundred pownds, and to him and his worthy Consort I give and bequeath one faire gilt Basen and Ewre of Noremburgh worke. To my Sonne Joseph I give two hundred pownds; To my Sonne George Hall I give two hundred pownds; To my grandchildren, the Sonnes and daughters of my sonne Weld, I give to each twenty pownds; To my grandchilde Elizabeth Hall I give three hundred pownds; To my grandchilde Mary Hall I give one hundred pownds; To each of my servants that shall be dwelling with me at the time of my decease I give three pownds; To Margaret Hatley I give twenty pownds; To Peregrine Pond I give twenty pownds; To the poor of Higham I give ten pownde to be distributed according to the discretion of the Churchwardens and Overseers; To the use and benefit of the poore at Ashby de La zouch I give thirty pownds, to be paid within three months after my decease and their notice; To the poore of Norwich twenty pownds. Divers other particular Legacies there are which I bequeath to severall persons conteyned in a schedule hereto annexed, signed with my hande and seale, which I require and charge my executor to see carefully and punctually performed. And of this my last will and testament, conteyned in two sheets of paper, I doe make and ordaine my Sonne Samuel Hall my full, lawfull, and sole Executor, not doubtinge of his true fidelity therein; and doe desire and appoint my beloved Sonne-in-Law, Gascoigne Weld, and my loving friend and neighbour, Mr. George Bayfield, to be overseers thereof, giving to my said Sonne my Golden Medall wsh was given me by Mrs. Goodwin; and to Mr. Bayfield one piece of plate, vizt., one Silver Tankard. And that this is my last will and testament I doe publish and declare, subscribinge the same and affixing my seale

Manuell, this 21<sup>th</sup> day of July, in the year of our Lord God, 1654.

JOS. HALL, B. N.

Published, Signed, and sealed in the prsence of us, Geo. Bayfield, Peregrine Pond, Edmond Camplin, Margaret Hatley, Athanasius Ferrer, John Reeve.

Memor., that all the words inserted or altered in the severall places of this will are written and done by my owne hand, and are by me accordingly published as part of my will, Aprill 28, 1656, In the prsence of Peregrine Pond, Margaret Hatley, Edmond Camplin.

JOS. HALL, B. N.

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*Nathaniel Knyvett now resid<sup>s</sup> at Intwood, Co. Norfolk.*

Nathaniel, only son.

Elizabeth, eldest daughter.

Adriana.

Margaret London, his daughter.

Item, whereas there is a great debt of Mr. Will<sup>m</sup>. Collmer that broke the Specialtyes, and account whereof lyes in the hands of my Cosin Ralphe Bressy, I will my sonne and desire my Cosin Ralphe Bressy to use their best endeavours for to recover and get what they can of the said debt, wch is about eleven thousand gilders. And whats<sup>r</sup> shall be got or recovered to pay it to the Lady Anne Pettus, whoe was sole executrix to Sir Thomas Pettus, to whom the money did belong.

Item., I give to my daughter Eliz<sup>th</sup> the pearl necklace she wears and the other Jewells that are in her owne keeping, the two gilt Cupps her mother will<sup>d</sup> to her and the small gilt bote cupp. I give her . . . . one of my harpesecons, she to take her choice. I give unto her also halfe of my Purce-

line, and the Cupbord in her owne Chamber. . . . . The Toys that are in my Low Closett I will to be divided, but Betty the greatest share. . . . I give to Adriana her mother's gold chaine and the silver sugar boxe and spoone. . . . I desire my sonne to let her have such conveniencyes as be necessary for her private use, and that he be kind to all his sisters, but especially to have a great care of Adriana. The Unicorn's horne \* I will should be kept by my sonne, but his sisters to have the use of it upon their request.

Speaks of his ever hon<sup>d</sup> Sister, the Lady Anne Pettus.

[Dated 5th October, 1650. Proved 17th December, 1659.]

\* *Unicorn's Horn*.—Item unum cornu unicorni stans fixum in magno lapide.—York Inventory: Dugdale's *Monasticon*, VI. 1205.

A gentleman of great descent, richly married, and of fine estate, showed me on a time a piece of Unicorn's horn (sea Unicorn), as much as the cover of a great salt cellar, which was then standing upon the table before dinner, was about at the bottom; the piece of Unicorn horn having a crucifix graven upon it, and a gap in one of the quarters, where part had been cut or scraped away for curing infirmities. I desired to know of him where he had it, but he refused to tell it me; till, after some pressure, he discovered to me that, in his travels beyond the seas, he came to a nunnery, where the nuns, in courtesy showing him the relics of their house, he, whilst they heeded him not, slipt this into his pocket and brought it away.—Spelman's *History of Sacrilege*, New Edition, p. 261.

Item, Delyvered unto his majestie the same day, of the same stuff, a greate piece of a unicorne-horne, as it is supposed.—Glastonbury *Inventory of Goods*, &c., delivered to the King, Henry VIII., 1st October, thirtieth year: *Monasticon*, Vol. I. p. 65.