

SUMMARY: The document below is the Prerogative Court of Canterbury copy of the last will and testament, dated 3 April 1574 and proved 9 February 1575, of Sir Thomas Russell (c.1520 - 9 April 1574) of Strensham, father of Thomas Russell, overseer of the will of William Shakespeare of Stratford.

### ***FAMILY BACKGROUND***

For the testator's family background, see:

'Parishes: Strensham', in *A History of the County of Worcester: Volume 4*, ed. William Page and J W Willis-Bund (London, 1924), pp. 202-208. *British History Online* <http://www.british-history.ac.uk/vch/worcs/vol4/pp202-208> [accessed 28 September 2020].

*William Russell followed, and was succeeded by his son Robert, who was holding the manor in 1428 (fn. 57) and 1431, (fn. 58) and married Elizabeth daughter of Sir John Throckmorton. (fn. 59) She was holding the manor with her husband in 1433–4, when it was conveyed by them to John Throckmorton and others for purposes of settlement. (fn. 60) The manor, described as having been forfeited by John Russell in 1461, (fn. 61) was granted to the king's kinsman Richard Nevill, Earl of Warwick, in 1462. (fn. 62) On 7 June 1471 Elizabeth Russell of Strensham, widow, received a general pardon for all offences committed before 5 June last, (fn. 63) and the manor must have been restored to her, for in 1483–4 a warrant was issued to hinder all persons from hunting in the park of Strensham without her special licence, the king (Richard III) desiring to have the park replenished with game. (fn. 64) She settled the manor by her will on her son Robert, and enfeoffed Robert Throckmorton and others for execution of this settlement and for providing portions for the sons and daughters of Robert Russell. (fn. 65) Robert, who married Joan daughter of Sir Kinard de la Bcere, succeeded to the manor, and was followed at his death in 1493 by his son Robert, who married Elizabeth daughter of Thomas Baynham (fn. 66) and died in 1502. (fn. 67) Robert's son John, who then inherited the manor, married Edith Unton. (fn. 68) In 1523 he and his son Thomas were appointed surveyors of the lands of the bishopric of Worcester. (fn. 69) He died in 1556, (fn. 70) and was succeeded by his son Sir Thomas Russell (knighted in 1549), (fn. 71) who in 1557 made a settlement on his wife Frances daughter of Sir Roger Cholmeley, and in 1572 settled Strensham on his son John at the marriage of the latter with Elizabeth daughter of Ralph Sheldon of Beoley. He died at Worcester on 9 April 1574 (fn. 72) and was succeeded by his son John, afterwards Sir John, who suffered attainder, his lands being granted in 1588 to Walter Coppinger and others. (fn. 73) Sir John's lands were, however, restored before he died in 1593. (fn. 74)*

### ***Testator's great-great-grandparents***

The testator was the great-great grandson of Robert Russell (d.1461?) and Elizabeth Throckmorton (c.1427-c.1483), daughter of John Throckmorton (d.1445) of Fladbury, Worcestershire. See the will of John Throckmorton, TNA PROB 11/3/531, the *ODNB* entry, and Wedgwood, Josiah C., *History of Parliament*, (London: His Majesty's Stationery Office, 1936), pp. 851-2 at:

<https://archive.org/details/in.ernet.dli.2015.210096/page/n923/mode/2up>

### ***Testator's great-grandparents***

The testator was the great-grandson of Robert Russell (d.1493) and Joan de la Bere, the daughter of Sir Kynard de la Bere.

### ***Testator's grandparents***

The testator was the grandson of Robert Russell (d. 28 June 1502), esquire, of Strensham and Elizabeth Baynham, the daughter of Thomas Baynham of Clearwell, Gloucestershire, and sister of Sir Alexander Baynham (d.1524). For the will of Robert Russell, see TNA PROB 11/13/373. For the will of Sir Alexander Baynham, see TNA PROB 11/21/469.

### ***Testator's parents***

The testator was the only son of Sir John Russell (1493/4 – 15 August 1556) by Edith Unton, the daughter of Sir Thomas Unton of Wadley, Berkshire. See the History of Parliament entry for Sir John Russell at:

<http://www.historyofparliamentonline.org/volume/1509-1558/member/russell-john-i-149394-1556>

## ***MARRIAGES AND ISSUE***

### ***Testator's first marriage***

The testator married firstly Frances Cholmley, the daughter of Sir Roger Cholmley (c.1485-1565), the illegitimate son of Sir Richard Cholmley (d.1521) of Thorndon on the Hill, Yorkshire, Lieutenant of the Tower of London, who died leaving no legitimate issue. Sir Roger Cholmley was Chief Justice of the King's Bench, and the founder of Highgate School. By his wife Christiana Hurst (d.1558), a widow whom he married about 1518, he had two daughters, Elizabeth Cholmley, who married firstly Sir Leonard Beckwith (d. 7 May 1555?) of Selby, Yorkshire, and secondly Christopher Kern of Kern, Somersetshire, and Frances Cholmley, who married the testator. See the will of Sir

Roger Cholmley, dated 30 April 1565 and proved 4 July 1565, TNA PROB 11/48/205, the *ODNB* entry, and the History of Parliament entry at:

<http://www.historyofparliamentonline.org/volume/1558-1603/member/cholmley-sir-roger-1495-1565>

By his first wife the testator had a son and daughter:

\* **Sir John Russell** (1552-1593), who married, by 1575, Elizabeth Sheldon, the daughter of Ralph Sheldon (d.1613) of Beoley. Elizabeth Sheldon was the sister of Oxford's sister-in-law, Katherine Sheldon. See the will of Sir John Russell, TNA PROB 11/92/96; the will of Ralph Sheldon, TNA PROB 11/121/345; the will of Katherine (nee Sheldon) Trentham, TNA PROB 11/163/485; and the History of Parliament entry at:

<http://www.historyofparliamentonline.org/volume/1558-1603/member/russell-john-ii-1551-93>.

\* **Mary Russell**, who married, as his first wife, Richard Lygon (d.1584) of Madresfield, the brother of the testator's second wife, Margaret Lygon (d.1617). For the will of Richard Lygon of Madresfield, see TNA PROB 11/67/499.

### *Testator's second marriage*

The testator married secondly Margaret Lygon (d.1617), the daughter of William Lygon (d. 29 September 1567) and Eleanor Dennis, by whom he had one son:

\* **Thomas Russell** (1570-1634), the overseer of the will of William Shakespeare of Stratford upon Avon, who married firstly, at Bruton on 7 September 1590, Katherine Bampffield (d. by 1596), the daughter of Hugh Bampffield, esquire, of North Cadbury, Somersetshire, and Cecily White, by whom he had two daughters, Margaret and Jane Russell, who died young, and secondly, on 26 August 1603, Anne St. Leger (1555-1636), widow of Thomas Digges (c.1546 – 24 August 1595), and daughter of Sir Warham St. Leger (1525?–1597) by Ursula Neville (d.1575), fifth daughter of George Neville, 5<sup>th</sup> Baron Bergavenny. See the *ODNB* entries for Sir Warham St. Leger and Thomas Digges; the will of Thomas Digges, TNA PROB 11/86/204; the will of Sir Warham St Leger, TNA PROB 11/91/61; and the will of Thomas Russell, TNA PROB 11/165/424; and Palmer, Alan and Veronica, *Who's Who in Shakespeare's England*, (New York: St Martin's Press, 1999), pp. 209-10, at:

<http://books.google.ca/books?id=6BK1Vu6pw84C&pg=PA209&dq=Thomas+Russell#v=onepage&q=Thomas%20Russell&f=false>

After the testator's death, Margaret Lygon married secondly, Sir Henry Berkeley (d.1601) of Bruton, by whom she had three sons, Sir Maurice Berkeley (1577 – 15 January 1617), Henry Berkeley, and Edward Berkeley.

For the foregoing see also Keen, Alan & Roger Lubbock, *The Annotator*, (London: Putnam, 1954), p. 118 and Chart 3; Hotson, Leslie, *I, William Shakespeare, Do Appoint Thomas Russell, Esquire* (London: Jonathan Cape, 1937), pp. 21-6, 29, 112-13, 124-7, 203, 210, 260 and pedigree chart; Richardson, Douglas, *Magna Carta Ancestry*, 2<sup>nd</sup> ed., 2011, Vol. II, p. 82, and Vol. III, pp. 22-4 and 482; Phillimore, W.P.W., ed., *The Visitation of the County of Worcester Made in the Year 1569*, (London: Harleian Society, 1888), Vol. XXVII, pp. 90-1; the will of William Lygon, TNA PROB 11/50/246; the will of Sir Henry Berkeley, TNA PROB 11/98/283; the will of Margaret (nee Lygon) Russell Berkeley, TNA PROB 11/129/781; and the History of Parliament entry for Sir Henry Berkeley at:

<http://www.historyofparliamentonline.org/volume/1558-1603/member/berkeley-henry-ii-1547-1601>

For further details of the testator's life, see the History of Parliament entry at:

<http://www.historyofparliamentonline.org/volume/1558-1603/member/russell-sir-thomas-1520-74>

#### ***OTHER PERSONS MENTIONED IN THE WILL***

Francis Brace (d. 2 July 1599), who witnessed the testator's will, travelled on the continent at the same time as Oxford (see TNA E 157/1, f. 1), and was a suitor to the widowed Anne Digges before the testator's son, Thomas Russell, married her (see above). See Hotson, *supra*, pp. 112-13, 131-3, 138, 161, 203, 211-13; the will of Francis Brace's father-in-law, Robert Purslow, TNA PROB 11/74/162; and the History of Parliament entry for Francis Brace at:

<http://www.historyofparliamentonline.org/volume/1558-1603/member/brace-francis-1599>

For the testator's father-in-law, Sir Roger Cholmley (c.1485–1565), Chief Justice of the King's Bench, see the *ODNB* entry:

*Cholmley, Sir Roger (c.1485–1565), judge, was the illegitimate son of Sir Richard Cholmley (d. 1521) of Thorndon on the Hill, Yorkshire, sometime lieutenant of the Tower of London, who died without legitimate issue. . . . About 1518 he married a widow, Christiana Hurst, who died in 1558. They had two daughters. It was probably the absence of a male heir that turned his mind to charitable enterprises, and in 1562 he founded what is now Highgate School.*

In his will, dated 30 April 1565 and proved 4 July 1565, TNA PROB 11/48/205, Sir Roger Cholmley appointed as one of his executors Sir William Cordell (d.1581), Master of the Rolls, who was later one of the five trustees appointed by Oxford in an indenture of 30 January 1575 prior to his departure on his continental tour. See ERO D/DRg2/25.

For Sir Roger Cholmley, see also the History of Parliament entry at:

<http://www.historyofparliamentonline.org/volume/1558-1603/member/cholmley-sir-roger-1495-1565>

### **TESTATOR'S LANDS**

The testator bequeathed his lease of the manor of Alderminster, situated four miles from Stratford upon Avon, to his wife, Margaret, for 21 years, remainder to their son, Thomas Russell. At the time Alderminster was in the county of Worcester, but is now part of Warwickshire. In the will below Alderminster is spelled variously Aldermerston, Aldermarston, Aldermearston and Aldermearstone. See:

<http://www.britishplacenames.co.uk/sp2348-alderminster-warwickshire>

On 3 December 1538 the abbot of Pershore Abbey leased the manor and parsonage of Alderminster to the testator's father, Sir John Russell, who continued to hold the lease from the Crown after the dissolution of the Abbey. In 1560 Queen Elizabeth granted the manor itself to Sir Nicholas Throckmorton, who at his death in 1571 left it to his second son, Arthur Throckmorton (c.1557 – 21 July 1626), a friend of Oxford's. Thomas Russell thus became Arthur Throckmorton's tenant. See Rowse, A.E., *Raleigh and the Throckmortons*, (London: Mamillan & Co. Ltd., 1962), pp. 77, 99, 276-7, and the History of Parliament entry for Arthur Throckmorton at:

<http://www.historyofparliamentonline.org/volume/1558-1603/member/throckmorton-arthur-1557-1626>

For the Russell lease of Alderminster and the grant of the manor to Sir Nicholas Throckmorton, see also:

'Parishes: Alderminster', in *A History of the County of Worcester: Volume 4*, ed. William Page and J W Willis-Bund (London, 1924), pp. 7-12. *British History Online* <http://www.british-history.ac.uk/vch/worces/vol4/pp7-12> [accessed 2 December 2019].

According to a Chancery suit, TNA C 22/419/32, m. 3, when the testator's son, Thomas Russell, married Anne (nee St Leger ) Digges in 1603, the lease of Alderminster had eight or nine years left to run, i.e. until 1611 or 1612. About 1603 it appears Thomas Russell sold the remainder of his term in the copyholds to Sir Arthur Throckmorton for £1400; however he was still living at the manor itself on 10 January 1611. See Hotson, *supra*, p. 284.

LM: T{estamentum} Thome Russell Mil{it is}

[f. 59v] In the name of God the Father, the Son, and of the Holy Ghost, Amen. The third day of April 1574 in the sixteenth year of the reign of our Sovereign Lady Elizabeth by the grace of God Queen of England, France and Ireland, Defender of the Faith etc., I, Sir Thomas Russell of Strensham in the county of Worcester, knight, being sick in body and perfect and whole of mind, memory and remembrance, thanks be given to Almighty God, considering and weighing the ambiguities, doubts and questions that daily do rise and be after the death of such as do die intestate, do ordain and make this my last will and testament in manner and form following:

First and principally I commit my soul to Almighty God and to his infinite mercy, believing most firmly without doubt or mistrust that by his grace and the merits of Jesus Christ, his only Son, and by the virtue of his passion, bloodshedding & resurrection I have and shall have free remission of my sins and resurrection of body and soul, and this only do I account sufficient for the salvation of my soul without any work or works, and my belief is that there is but one God which was and is the God of our fathers Abraham, Isaac and Jacob, and one mediator between God and man, which is that immaculate lamb, Jesus Christ, so that I except [=accept] now in heaven or in earth between me and God but that only Son, the highest Jesus Christ, in whose promises I have laid up my hope and trust through his grace never to swerve;

And as for my body, to be buried where it shall please my executrix or where it shall please God to appoint;

And as concerning the order and disposition of all my goods and chattels movable and unmovable and of all and singular my manors, messuages, lands, tenements and hereditaments with their appurtenances within the realm of England whereof I may by the laws and statutes of this realm make and declare my last will and testament in manner and form following:

First I give and bequeath to Dame Margaret Russell, my well-beloved wife, th' use, occupation and profit of my lease of the manor and lordship of Alderminster and the tithes of the said manor and lordship with their appurtenances and all the lands, tenements, [f. 60r] meadows, leasows(?), pastures, feedings, profits, commodities and advantages whatsoever comprised and specified within the same lease, the use, occupation and profit of the lands and tenements in Strensham aforesaid only excepted;

And also I do give to my said wife the use, occupation and profit of all my goods and chattels in Alderminster aforesaid of what kind, nature or condition soever they be of, to have the use, occupation and profit of the said manor, tithes, parsonage of Alderminster and th' use, occupation and profit of my goods and chattels at Alderminster with all other the premises with their appurtenances of what nature or condition soever they be of, to

have to my said wife and to her assigns for the term of one and twenty years next and immediately following my death if my said wife do so long live;

And after the death of my said wife or expiration of the said twenty and one years, which of them shall first happen, my will is that the said lease of the manor and parsonage of Alderminster with their appurtenances and all my lands, tenements, profits and commodities comprised within the said lease with all my goods and chattels being in Alderminster, the lands and tenements in Strensham only excepted, shall remain to my son, Thomas Russell, and to th' heirs of his body lawfully begotten;

And for default of such issue, the said parsonage and manor of Alderminster with their appurtenances whatsoever to remain to John Russell, my [-my] son and heir apparent, and to his executors forever;

Also I give and bequeath to my said wife and to her assigns forever in silver and gilt plate as hereafter followeth, that is to say, my lesser pair of silver pots which are parcel gilt, one nest of bowls which are double gilt with a cover to the same belonging which were my father's, Sir John Russell, knight;

Item, I give and bequeath to my said wife and her assigns forever one nest of doubt gilt goblets with their cover which were Sir Roger Cholmley's, one nest of white bowls with a cover, one little white bowl with a cover to the same belonging, one chafing-dish of silver, one spice-box of silver, my best gilt silver salt, one other trencher-salt of silver gilt with a pepperbox standing upon the same;

Also I give and bequeath to my said wife and her assigns forever all my spoons, as well gilt as ungilt, saving four, which four do appertain and belong to the tun, one dozen of silver plates, whereof six to be of the best I have and thother six to be of the meaner sort;

Item, I give and bequeath to my said wife one basin and one ewer of silver parcel gilt to be taken at the choice and free election of my said wife;

Item, I give and bequeath to my said wife and her assigns th' use and profit of my pasture in Claynes which I bought of Gilbert Lyttelton, gentleman, for so many years as my said wife shall happen to live, and after my said wife's death my will is that John Russell, my son and heir apparent, shall have to him and his assigns forever all the residue of my said lease and term of years that are to come of and in the said pasture lying in Claynes;

Also I give and bequeath to my said wife and her assigns forever all my goods and chattels of what nature, kind or condition whatsoever they be of, with all the corn and grain upon the ground growing or standing or severed from the ground of what kind soever it be of that I have at Witley (the great boards, great forms and other standards of household in the kitchen and brewhouse there and one bay stoned horse there only excepted), which great boards, great forms and other standards of household in the kitchen and brewhouse last excepted my will is that my said wife shall have the use and occupation thereof during her life, and after my said wife's decease I will that the said

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great boards, great forms and other the standards of household in the kitchen and brewhouse shall remain to John Russell, my son and heir apparent, and his assigns forever;

Item, I give and bequeath to my said wife and her assigns forever all my lease, interest and term of years that I have to come unexpired in a lease of a pasture lying at Home bridge;

Item, I give and bequeath to John Russell, my son and heir apparent, and his assigns forever all my goods and chattels movable and unmovable of what kind, nature or condition soever they be of that I have at Strensham in the said county of Worcester before by me not bequeathed or given;

Item, I give and bequeath to my said son, John, his executors and assigns forever all my lease, interest and term of years that I have in the parsonage of Pybleton in the county of Worcester;

Item, I do also give and bequeath to my said son John, his executors and assigns forever all my lease of Horwell wood and all my estate, right, title and interest that I have therein;

Item, I give and bequeath to my said son, John, in silver plate as followeth: one great pair of parcel gilt pots, two nests of gilt bowls with their covers, four silver candlesticks, one dozen of fair parcel gilt plates of silver, half a dozen of silver plates parcel gilt of another sort, two basins and two ewers of silver to the same basins belonging, being parcel gilt;

Item, I give and bequeath to my said son, John, his executors and assigns forever one tun of silver cups, being eight in number, with two salts of silver, thone with a cover, the other without a cover, which two last-recited salts are belonging to the said tun, and four spoons to the said tun belonging also;

Item, I give and bequeath to my said son, John, his executors and assigns one fair crystal cup which [f. 60v] remaineth in the tower of Strensham aforesaid, and two silver salts gilt;

Item, I give and bequeath to my said son, John, and to his assigns forever my bay-coloured stoned horse which is now at Witley;

Item, I give and bequeath to my said son, John, his executors and assigns forever all my interest, state and term of years that I have yet to come of and in one meadow or pasture lying in Powick called Swyne leasue [=leasow?], and all my interest, state and term of years that I have to come and not expired in all those lands and tenements in Strensham aforesaid now in the tenure or occupation of Richard Butler or of his assigns and that lately did belong to the late-dissolved monastery of Pershore, the same John, his executors and assigns paying therefore yearly to such person and persons that shall have the great main lease of the manor and parsonage of Alderminster the yearly rent which the said Richard Butler payeth for the same lands;



Item, I give and bequeath to my son, Thomas Russell, his executors and assigns forever all my stock of sheep and other cattle now being at Broad Campden in the county of Gloucester;

Item, I give and bequeath to Frances Lygon, my daughter Lygon's eldest daughter, one hundred pounds to be paid her by my executrix when she shall accomplish the age of twenty years or at her marriage if she happen to marry before she shall accomplish the said age of twenty years;

Item, I give and bequeath to Mary Russell, the younger daughter of John Russell late of Witley, deceased, fifty pounds to be paid unto her by my executrix when she shall accomplish the age of twenty years or be married, which of them shall happen first;

Item, I give and bequeath to every one of my household servants that be gentlemen or yeomen two years' wages apiece, to be delivered unto them by my executrix within one half year next after my decease;

Item, I give and bequeath to Martha Sheldon ten pounds towards her preferment in marriage in consideration of her long service, to be delivered unto her by my executrix within one half year after my decease;

Item, my will is that my executrix shall pay and deliver unto twenty maidens' marriages twenty marks, that is to say, to every one of them thirteen shillings and four pence, which legacy was appointed to be paid by me by the last will and testament of Sir Roger Cholmley, knight, deceased;

Item, for the assuring and paying of all my debts and legacies I will that my executrix shall have, perceive and take five hundred and fifty pounds to me due by Ralph Sheldon of Beoley in the county of Worcester, esquire, for the marriage of my said son, John;

Also I do give to my executrix my manors of Brilingham [=Burlingham?] and Coppyns Court in the said county of Worcester, to have to my said executrix and her assigns until such time as my said executrix shall levy and perceive of the rents of the said manors of Brylingham and Coppyns Court three hundred pounds for the full answering of my debts and legacies;

And also my will is that whereas the above-named Ralph Sheldon, esquire, doth owe unto me five hundred and fifty pounds, which said five hundred and fifty pounds is not to be paid unto me, neither to my executrix, in case my said son, John, shall not marry and take to his wife Elizabeth Sheldon, th' eldest daughter of the said Ralph Sheldon, according to certain indentures of covenants made between me, the said Sir Thomas Russell, knight, of the first part, and the said Ralph Sheldon of the second part, and the said John Russell of the third part, or should die before he should espouse and take to his wife the said Elizabeth Sheldon, which if any of them should happen (which God forbid) either by the death of my said son, John, or by the death of the said Elizabeth, or by the disagreement

of the said John or Elizabeth, or by any other ways or means the said marriage cannot or should not take place, then for the payment and performing of my debts, legacies and funeral expenses and the repayment of the said three hundred pounds to the said Ralph Sheldon, esquire, if my said son, John, of his own proper goods and chattels shall refuse to repay to the said Ralph Sheldon the said sum of three hundred pounds and five hundred and fifty pounds to my executrix for the payment of my debts, legacies and funeral expenses, then I give and devise to my executrix the said manors of Byrlingham and Coppyns Court with their appurtenances, to have and to hold to my said executrix and to her heirs forever to sell, and the money of the said sale and alienation coming and rising to employ and bestow upon the repayment of the said three hundred pounds to the said Ralph Sheldon and other my debts, legacies and funeral expenses;

Item, my will is that old Humphrey (blank) shall have his finding with my wife during his life, or else the said Humphrey to have forty shillings yearly according to one old patent or grant unto him made by my father, Sir John Russell, knight;

Also my will is that neither my said wife neither my said son, John, shall make frustrate or void my [sic for 'any?'] grant, lease or copy by me heretofore granted and made for term of years, life [f. 61r] or lives, and if any of them shall so do, then my will is that all the legacies and bequests by me to her or him so given shall be utterly void, and the said legacies shall remain and be to thother that shall not make frustrate or void any lease, grant or copy heretofore by me made or granted;

The rest of all my goods and chattels not bequeathed and given by this my last will and testament, my funeral expenses, charges and debts being paid, made and done, I give and bequeath to Dame Margaret, my well-beloved wife, whom I make and ordain by this my last will and testament my sole executrix.

Witnesses hereunto, Thomas Russell, Francis Brace, Francis Walsh, Thomas Harwell, William Norwood, Thomas Lygon.

Probatum fuit testamentum suprascriptum coram mag{ist}ro Will{el}mo Drewry legum doctore curie prerogatiue cantuarien{sis} commissario apud London nono die ffebruarij Anno domini Mill{es}imo quingentesimo septuagesimo quarto Iurament{o} m{agist}ri Edwardi Orwell no{ta}rij pu{bli}ci procuratoris D{omi}ne Margarete rel{i}c{t}e et executric{is} in h{uius}mo{d}i testament{o} no{m}i{n}at{e} Cui comissa fuit admi{n}istrac{i}o omniu{m} et singulor{um} bonor{um} &c de b{e}ne &c Ad sancta dei Evangelia Iurat{i}

[The above-written testament was proved before Master William Drury, Doctor of the Laws, Commissary of the Prerogative Court of Canterbury, at London on the ninth day of February in the year of the Lord the thousand five hundred seventy-fourth by the oath of Master Edward Orwell, notary public, proctor of Dame Margaret, relict and executrix

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named in the same testament, to whom administration was granted of all and singular the goods etc., sworn on the Holy Gospels to well etc.]