

SUMMARY: The document below is the Prerogative Court of Canterbury copy of the last will and testatment, dated 15 November 1597 and proved 23 May 1598, of William Lewin. Among the testator's bequests is one to Oxford:

*Item, I give unto my special good Lord, the Earl of Oxford, in token of my duty toward his Lordship, another hundred ounces of gilt plate or fifty marks in money, to be delivered unto Mr Young, one of his Lordship's gentlemen, to buy the said plate of fashion to his Lordship's best liking.*

The testator accompanied Oxford on the first part of his continental tour in 1575 (see TNA SP 70/133, ff. 198-9; TNA SP 70/134, ff. 186-7; and TNA SP 70/134, ff. 238-9). Although Oxford left Lewin in Strasbourg, their relationship does not appear to have been irreparably damaged. Oxford later sold a manor to Lewin (see TNA C 54/1145, Part 25; TNA CP 25/2/131/1684//24ELIZIHIL, Item 13; and BL Add. Ch 5981). Oxford also granted Lewin and two other trustees a commission to increase the rental values of the properties by which the Earls Colne grammar school was funded and to place a qualified schoolmaster there as required, although Oxford later revoked the commission on 3 December 1593 for non-performance (see Merson, A.D., *Earls Colne Grammar School, Essex*, (Colchester: Benham & Company, 1975), p. 20).

## ***FAMILY BACKGROUND***

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

The testator was the grandson of John Lewin of Cuffley, Hertfordshire, and Elizabeth Mery, sister of the London grocer, William Mery (d.1574). See the will, TNA PROB 11/31/559, of William Mery, in which he states that his sister, Elizabeth Mery, was the mother of Edmund Lewin:

*Item, where my nephew, Edmund Lowen, was indebted unto me in the sum of two hundred pounds, which debt I have remitted and forgiven unto the same Edmund upon condition that the same Edmund, his executors or assigns, shall pay yearly to my sister his mother, the sum of ten pounds during her natural life half yearly.*

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

The testator was one of the five known children of Edmund Lewin and Julian Goche, the daughter of William Goche of Broome, Norfolk, and Clifford's Inn, feodary of Essex and Hertfordshire. For William Goche, see Ives, E.W., 'The Common Lawyers in Pre-Reformation England', *Transactions of the Royal Historical Society*, (Cambridge: Cambridge University Press, 1968), Vol. 18, pp. 145-73 at p. 151:

<https://www.jstor.org/stable/3678959>

See also:

'Henry VIII: Pardon Roll, Part 3', in *Letters and Papers, Foreign and Domestic, Henry VIII, Volume 1, 1509-1514*, ed. J S Brewer (London, 1920), pp. 234-256. *British History Online* <http://www.british-history.ac.uk/letters-papers-hen8/vol1/pp234-256> [accessed 26 November 2020].

*Wm. Goche or Gouche, of London, Brome, Norf., and Clifford's Inn, g. or yeoman, 21 May.*

The testator's cousins, Elizabeth Lewin and Thomas Lewin, had served Queen Elizabeth in her youth.

According to the *ODNB*, the testator owed his advancement to Oxford's father-in-law, Lord Burghley, and may have been a tutor to Oxford's first wife, Anne Cecil. According to the same source, Oxford made Lewin receiver of his revenues; however there appears to be no evidence that Lewin ever served Oxford in any capacity.

### ***MARRIAGE AND ISSUE***

The testator married Anne Goldsmith (d. before 31 March 1604), the daughter of Francis Goldsmith (d.1586) of London and Crayford, Kent, whose 'beauty and virtues Gabriel Harvey praised in the dedication to Lewin of his Ciceronianus in 1577'. See the *ODNB* entry for the testator.

By Anne Goldsmith, the testator had three sons named in the will below and several daughters not mentioned by name, including:

\* **Thomas Lewin.**

\* **Justinian Lewin** (1586-1620). From the *ODNB*:

*Justinian, Lewin's second son and eventual heir, born in 1586, was admitted of Gray's Inn on 8 February 1603, became gentleman of the privy chamber to James I, and was knighted on 14 March 1604. He died on 28 June 1620. By his marriage on 14 May 1607 to Elizabeth, daughter of Arthur Capel of Little Hadham, Hertfordshire, he had an only daughter, Elizabeth. His widow married, second, on 18 March 1623, Ralph, Lord Hopton.*

\* **John Lewin.**

\* **Anne Lewin** (d.1645), who married Sir Lawrence Washington (1579-1643) of Garsden, Wiltshire, Registrar of the Court of Chancery. See the *ODNB* entry.

\* **Katherine Lewin**, who married James Paget of Northamptonshire. See the *ODNB* entry, and the will of Robert Isham (d.1564), TNA PROB 11/50/333, in which he mentions his 'sister Paget'.

\* **Judith Lewin**, who married Sir John Isham (1582-1651), 1<sup>st</sup>, Baronet of Lamport, son of Thomas Isham (1555-1605) and Elizabeth Nicholson (d.1621), the daughter of Christopher Nicholson of Cambridge, Kent. See 'Genealogy of the Isham Family' at:

<http://www.mikesclark.com/genealogy/isham.html#ti1>

By Sir John Isham, Judith Lewin was the mother of Sir Justinian Isham and the diarist Elizabeth Isham, for whom see the *ODNB* entries. For Elizabeth Isham, see also:

<https://warwick.ac.uk/fac/arts/ren/researchcurrent/isham/texts/>

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

The testator appoints as his principal overseer John Whitgift (1530/31?-1604), Archbishop of Canterbury, and as assistant overseers Thomas Byng (d.1599), Dean of the Arches, Dr. Daniel Dunn, Judge of the Audience Court of Canterbury, and Thomas Hammond, brother of the civil lawyer, John Hammond (1542-1589/90).

Martha Luther mentioned in the will below was the sister of the testator's wife, Anne Goldsmith. In his will their father, Francis Goldsmith (d.1586), mentions his daughters, Anne and Martha, and leaves an annuity of £10 'to my daughter Martha Luther', and a standing cup gilt to 'my daughter Lewyn', 'and to her little sons, Thomas and Justinian Lewin, each of them a gilt spoon'. In a codicil, he leaves 'unto my son-in-law, Mr Doctor Lewin, and to my son-in-law, Anthony Luther, and to my four sons, Francis, Clement, Nicholas and Thomas' cloth for mourning cloaks (see TNA PROB 11/69/267).

On 31 March 1604 administration was granted to the testator's stepbrother, Anthony Luther, the testator's widow and first executrix Anne (nee Goldsmith) Lewin having died. The testator's will and other documents indicate that he had a very close relationship with his 'brothers' Anthony Luther and Richard Luther. The Luther family of Essex is said to have been related to the reformer, Martin Luther, although this claim is doubtful. The precise family relationship between the testator and his 'brothers' Anthony and Richard Luther has not been documented. It seems likely that after the death of her first husband, Edmund Lewin, the testator's mother, Juliana (nee Goche) Lewin, married Thomas Luther. However in his will dated 21 March 1586, Thomas Luther names his wife as 'Philippa', and a fine in Trinity term in 1576 indicates that Thomas Luther and Philippa had married by that date (see TNA CP 25/2/130/1663/18ELIZITRIN, Item. 10). It would thus appear that Juliana (nee Goche) Lewin Luther died young, and that the testator was brought up by Thomas Luther with his own sons, Richard and Anthony. The will of Thomas Luther, TNA PROB 11/69/284, dated 21 March 1586, contains this clause:

*The rest of my goods and chattels not mentioned in this my present last will and testament nor in the schedule thereunto annexed I give and bequeath to my sons, Richard and Anthony, whom I make and ordain executors of this my present last will and testament, and my said well-beloved son-in-law, William Lewin, Doctor of the Civil Laws, and my good brother-in-law, Thomas Gooche of Roxwell in the county of Essex, gentleman, I ordain my overseers thereof, giving unto my said son-in-law for his pains therein to be taken twenty pounds, and to my said brother-in-law for his like pains therein to be taken the sum of twenty nobles.*

Alternatively, it is possible that the name of William Lewin's mother was Philippa, not Juliana, and that Philippa Goche was first the wife of Edmund Lewin and then the wife of Thomas Luther.

RM: T{estamentum} Will{el}imi Lewin legum Doctoris

In the name of God, Amen. The fifteenth day of November in the nine and thirtieth year of the reign of our Sovereign Lady Elizabeth by the grace of God of England, France and Ireland Queen, Defender of the Faith etc., and in the year of Our Lord God one thousand five hundred ninety-seven, I, William Lewin of Otterden in the county of Kent, Doctor of the Civil Law, Judge of the Prerogative Court of Canterbury, and one of the ordinary Masters of her Majesty's High Court of Chancery, being at this present of perfect mind and memory, but otherwise subject to infirmities of body, and thereby put in remembrance by the merciful warning of God of the frail and transitory state of man in this life, do make and ordain this my last will and testament in manner and form following, that is to say:

First I commend and commit my soul into the merciful hands of God the Father, my Creator, and of his Son, Jesus Christ, my only Redeemer and Saviour, and of the Holy Ghost, my Sanctifier and Comforter, three persons but one eternal and everliving God, trusting assuredly by the free mercy of God through the passion of Jesus Christ and by his only mediation to be saived;

Secondly, my body I commit unto the earth, and I will that a convenient tomb be made for me within one year after my death in the north side of the chapel belonging to my house within the church of Otterden over against the tomb that now standeth on the south side of the said chapel for Mr Saintleger [=St Leger] according to the discretion of mine executor;

Thirdly, I give unto the poor twenty pounds, to be distributed by the discretion of my wife at Otterden and the parishes next adjoining, and at Milton, Iwade, Bobbing, Upchurch and Shoreditch;

Also I give the sum of twenty marks unto Christ's College in Cambridge to buy a standing cup of silver and gilt for the use of the said college, and other twenty marks to

be distributed among poor scholars of the same house by the discretion of the Master and of the more part of the Fellows, whereof I will that five marks shall be paid to William Power;

Also I give unto sundry my friends and servants as in a schedule to be annexed to this my last will and testament shall hereafter be particularly expressed;

Touching the disposition of my lands, leases and other chattels, goods and credits, I give and bequeath them as hereafter followeth:

First I give and bequeath unto my most dear wife, Anne Lewin, the use and occupation of all my lands, tenements and hereditaments whereof and wherein I have any estate of inheritance or for years within the county of Kent, saving and excepting all my woods and underwoods whatsoever, to have and to hold the same unto my said wife until such time as Thomas Lewin, Justinian Lewin and John Lewin, my sons, or any of them or any of the heirs males of their bodies lawfully begotten inheritable to my lands by force and virtue of this my last will and testament, shall accomplish the full age of one and twenty years, if the said Anne, my wife, shall so long keep herself sole and unmarried after my decease, to this end, intent and purpose, that my said wife shall in consideration thereof keep, bring up and maintain all my children during her widowhood except such of my sons as shall be placed at either of the Universities or at the Inns of Court or beyond the seas, whom I will shall be then maintained out of the yearly issues, profits and revenues of my lands and leases which are elsewhere than in the county of Kent;

Item, I will and bequeath unto my said wife my lease at Holywell in the county of Middlesex to use of and dispose to her best benefit;

Item, I will that my said wife shall have and enjoy during her widowhood severally all the rooms in the second and third story of that [f. 1v] part of my house at Otterden southwardly where we and our children have used to lie, with the wainscot, beds and furniture of that part, and that she shall and may likewise during her widowhood enjoy the new sellors [=sollars?] northwardly, parcel of the said house, and the little parlour lately ceiled, with free passage to and from the same, and the reasonable use of the kitchen, back-house and brewhouse, parcel of the said house, together with sufficient fuel for her spending, and also the keeping of three kine for the summer-time in the great meadow at Otterden, and for the winter-time at the parsonage barn in Upchurch in the said county of Kent, and also the keeping of [+one?] gelding for her own saddle at Otterden and in my marshes at Iwade in the said county of Kent, praying and requiring my sons and the heirs males of their bodies, when they or any of them shall enjoy my said lands, to furnish her with other geldings when she shall have occasion to use the same;

Item, I do farther give and bequeath unto the said Anne, my wife, the use and occupation of all other my lands, tenements and hereditaments whereof and wherein I have any state of inheritance or for term of years lying and being elsewhere than in the said county of Kent, to have and to hold the same to the said Anne, my wife, until such time as my said

sons, Thomas, Justinian and John, or any of them or any of the heirs males of their bodies lawfully begotten inheritable to my lands by force and virtue of this my last will and testament shall accomplish the full age of one and twenty years if the said Anne, my wife, shall so long keep herself sole and unmarried, to the uses, intents and purposes hereafter ensusing, that is to say, that the rents, revenues and yearly profits of the same my lands, tenements and hereditaments last before mentioned shall be employed and bestowed on such of my younger children and in such manner and form as in this my last will is hereafter mentioned;

Item, I give and bequeath to Anne Lewin, my wife, one annuity or yearly rent of four hundred marks of lawful money of England issuing & going out of all my lands, tenements and hereditaments in the said county of Kent or elsewhere, saving and excepting my manor-house at Otterden, my house at Holywell, and the said parsonage barn at Upchurch, the said great meadow in Otterden, and the said marshes in Iwade, to have and to hold the same to the said Anne Lewin, my wife, for and during the term of her natural life, if she, the said Anne, shall so long after my decease keep herself sole & unmarried, to be paid at the two feasts or terms in the year most usual, that is to say, at the feast of the Annunciation of Our Lady Saint Mary the Virgin and Saint Michael the Archangel by equal and even portions, the first payment thereof to begin at such of the said feasts which shall next and immediately happen after the said Thomas, Justinian and John Lewin, my sons, or any of them or any of the heirs males of their bodies begotten inheritable to my lands by force and virtue of this my last will and testament shall accomplish the full age of one and twenty years;

But if my said wife shall happen to marry any other person, then and from thenceforth I will the said annuity or yearly rent of four hundred marks to cease and determine, and then I only give and bequeath to my said wife one annuity or yearly rent of three hundred marks issuing and going out of all my said lands, tenements and hereditaments in the said county of Kent or elsewhere, except before excepted, to have and to hold the said annuity or yearly rent of three hundred marks to the said Anne Lewin, my wife, for and during the term of her natural life, to be paid at the two most usual feasts or terms as aforesaid by even and equal portions, the first payment thereof to begin at such of the said feasts which shall next and immediately happen after such time as the said Anne Lewin, my wife, shall take or be espoused to any other husband, and that [+then?] the said annuity or yearly rent of four hundred [f. 2r] marks shall be determined or ceased;

And if it shall happen the said annuities or yearly rents aforesaid or either of them to be behind or unpaid in part or in all by the space of forty days over or after any of the said feasts or days of payment wherein the same ought to be paid according to my true intent and meaning aforesaid, then & from thenceforth I will that my heirs and assigns shall content and pay to the said Anne Lewin, my wife, for every such default of payment the sum of ten pounds of lawful money of England for and in the name of a pain;

And I do also will that in case the said annuities or either of them, or the said penalties to be forfeited in the name of a pain or any of them, shall be behind and unpaid in manner and form as aforesaid, that then and from thenceforth it shall and may be lawful to & for

the said Anne, my wife, into all and singular my said lands, tenements and hereditaments before mentioned to enter and distrain, as well for the said several annuities or yearly rents and either of them during the continuance of the same according to the true intent and meaning of this my will, and for the arrearages of them and of either of them, as for the said sums of ten pounds so from time to time to be forfeited in the name of a pain, and the distress and distresses then and there taken to impound, detain and keep until she shall be as well of the said annuities or yearly rents and of either of them, and of the arrearages of them and of either of them, as of the said sums and penalties to be forfeited in the name of a pain, fully satisfied, contented and paid;

Moreover I give & bequeath to my said wife her chain of gold and all her jewels and apparel, praying her notwithstanding after her death to bestow the said chain and jewels amongst my daughters at her own discretion;

Also I give to her, my said wife, my coach and coach-horses, all my corn and stock of cattle except such as I shall hereafter dispose of, the household stuff she now uses at Holywell except such as is mentioned in an inventory of household stuff, plate, armour and other furniture appointed to remain unto mine eldest heir male together with my house at Otterden;

Also I give to my said wife the reasonable use of all the said household stuff and furniture appointed for my house at Otterden, and of all my plate and armour, until such times as my said sons, Thomas, Justinian & John, or any of them or any of the heirs males of their bodies inheritable to my lands according to the intent and true meaning of this my will, shall accomplish the full age of one and twenty years if she, my said wife, shall so long continue my sole widow, and after the said accomplishment of the said age or ages, then my said wife to have the reasonable use of these parcels of plate following, viz., the three less white bowls of silver, the three deeper gilt bowls, the taller gilt salt, the round white salt, one Maudlin cup gilt with a cover, one dozen of new silver spoons with gilt heads, a beer-pot of silver with a cover, and one caudle-cup of silver, over and above the use of other things before to her devised during her widowhood;

Provided nevertheless and my will is that in case the said Anne, my wife, do not within two months next after my decease, and before her intermarriage with any other person, well and sufficiently by her deed in writing under her hand and seal release unto my eldest heir male then living all her title and interest of dower into(?) all and singular my lands, tenements and hereditaments whereof she shall [+be?] by and after my decease dowable, and [+as?] by learned counsel in the law to be named by my overseers of this my last will and testament or the more part of them or the survivors of them shall be reasonably advised, that then she shall lose and forfeit the benefit and advantage of this my last will and testament and of all and singular the legacies and bequests by me in this my last will given and devised unto her, in which case I will that such part as should come to the benefit of my said [f. 2v] wife shall be equally divided amongst my three sons or the survivors of them;

And concerning the inheritance of all my lands, tenements and hereditaments in the county of Kent and elsewhere whereof and wherein I have or stand seised of any estate of inheritance or any other to my use, I give and devise the same to my son, Thomas Lewin, to have and to hold the same unto my said son, Thomas, and to the heirs males of his body lawfully begotten, and for default of such issue the remainder thereof to Justinian Lewin, my second son, and to the heirs males of his body lawfully begotten, and for default of such issue the remainder thereof unto John Lewin, my third son, and to the heirs males of his body lawfully begotten, and for default of such issue the remainder thereof to the heirs of the body of my said son, Thomas, lawfully begotten, and for default of such issue the remainder thereof to the heirs of the body of my said son, Justinian Lewin, lawfully begotten, and for default of such issue the remainder thereof to the heirs of the body of my said son, John Lewin, lawfully begotten, and for default of such issue I will and devise the same to my daughters and to the heirs of their bodies lawfully begotten, the remainder thereof to my loving brethren, Richard Luther and Anthony Luther, and to the heirs of their bodies lawfully begotten equally between them to be divided, and for default of such issue, in case the Masters, Fellows & scholars of Christ's College in the University of Cambridge shall procure a sufficient licence, therefore I will and devise the remainder thereof to the said Masters, Fellows and scholars of Christ's College in the said University of Cambridge and to their successors forever;

And I earnestly require and strictly charge as well my said sons and my daughters and the heirs of their bodies and my said brethren and the heirs of their bodies that they seek not to cut off the remainder which I have left or intended by this my last will and testament to leave in the Masters, Fellows and scholars of Christ's College aforesaid, neither that they alien any part of my said lands without manifest and urgent cause except they purchase other lands of so great or greater value, limiting like remainder unto the College aforesaid;

Provided nevertheless and my will is that in case my son, Thomas Lewin, shall happen to die without heirs males of his body lawfully begotten and shall happen to have issue female of his body begotten, then I will that they which shall be in the next and immediate reversion or remainder of my said lands shall content and pay unto the daughter or daughters of my said son, Thomas, as followeth, that is to say, if the said Thomas have one only daughter that shall happen to live until she shall be married, then unto the said daughter so living to be married the sum of one thousand marks; if more daughters which shall live to be married, then to every of the said daughters so living to be married five hundred pounds apiece at or upon their several days of marriages or within six months then next after;

And I do further will that in case my said son, Thomas, shall happen to die without heirs males of his body lawfully begotten, and in case my said son, Justinian, shall happen to die without heirs males of his body lawfully begotten and shall happen to have issue female of his body begotten, then I will that they which shall be in the next and immediate reversion or remainder of my said lands shall content and pay unto the daughter or daughters of my said son, Justinian, as followeth, that is to say, if the said



Justinian have one only daughter that shall happen to live until she shall be married, then unto the said daughter so living to be married the sum of one thousand marks; if more daughters which shall live to be married, then to every of the said daughters so living to be married five hundred pounds apiece at or upon their several days of marriages [f. 3r] or within six months then next after;

And I do further will that in case my said son, Thomas, shall happen to die without heirs males of his body lawfully begotten, and in case my said son, Justinian, shall happen to die without heirs males of his body lawfully begotten, and in case my said son, John Lewin, shall happen to die without heirs males of his body lawfully begotten and shall happen to have issue female of his body begotten, then I will that they which shall be in the next and immediate reversion or remainder of my said lands shall content and pay unto the daughter or daughters of my said son, John Lewin, as followeth, that is to say, if the said John have [+one] only daughter that shall happen to live unto she shall be married, then unto the said daughter so living to be married the sum of one thousand marks; if more daughters which shall live to be married, then to every of the said daughters so living to be married five hundred pounds apiece at or upon their several days of marriages or within six months then next after;

And I do further will and devise that in case the said several sums of money before by me limited and appointed to be paid to the daughters of my said sons, Thomas, Justinian and John, be not satisfied and paid according to my true intent and meaning herein before mentioned, then I will that it shall and may be lawful to and for the daughters of my said sons, Thomas, Justinian and John, to enter into all & singular my lands, tenements and hereditaments before by me entailed, and the same to have, hold and enjoy until such time as they shall of the issues and profits thereof have had and received the said several sums of money before by me to them severally devised and bequeathed and no longer, anything before mentioned to the contrary in any wise notwithstanding;

And concerning the issues and profits of all my lands, tenements and hereditaments which are lying and being elsewhere than in the said county of Kent, together with the issues and profits of my woods & underwoods lying and being in the said county of Kent, and the issues and profits which my said wife shall forego in the said county of Kent by her intermarrying with any other person, together with all such ready money and credits which I shall leave at the time of my decease excepting such as hereafter I shall happen to dispose, I will and devise that they shall be distributed as followeth, that is to say, to every of my daughters which shall live to be married and which shall be married with the advice, counsel and consent of her mother then living and continuing a widow in her own power, or if my wife shall then be married or departed this life, with the advice, counsel and approbation of the more part of my overseers then living, shall be paid the sum of one thousand marks of lawful money of England at the several days of every of my daughters' said marriages or within six months next after at the furthest, but if any of my said daughters shall marry otherwise without such advice, counsel, consent or approbation as is aforesaid, then I only give to every of my said daughters otherwise marrying the sum of two hundred marks;

The residue of the said yearly profits of all my said lands, tenements, hereditaments and leases last mentioned, and also of my ready money and credits, I will shall be equally divided between my two younger sons for their better advancement and preferment, saving that I will my wife, over and besides the charges of my funerals, shall have one hundred pounds beforehands [sic?] for her better provision and the maintenance of my children and family until other revenues shall come in, and my son, Thomas, when he shall accomplish his full age of one and twenty years and be fully in his own power, shall have two hundred pounds for the better furnishing himself towards house and other charges which will then grow upon him;

And for the further and better execution of this my last will and testament I do make and ordain the said Anne, my wife, the sole executrix of the same for so long time as my said wife shall keep herself sole & unmarried, upon condition nevertheless that before she take upon her the execution of this my last will and testament or prove the same, and before such time as she shall take upon her the receipt and employment of the profits of my said lands and [f. 3v] tenements, good and chattels, ready money, bonds, specialties and credits before mentioned or any of them to the value of one hundred pounds, otherwise than for the necessary charges of my funerals, that the said Anne, my wife, shall enter into bond of the sum of five thousand pounds unto my brother, Anthony Luther, to the use of my children, with condition thereupon to be endorsed that she, my said wife, shall do her best endeavour to perform this my last will and testament according to my true intent and meaning in the same my will mentioned and expressed; and also that she, my said wife, before she contract or solemnize matrimony with any other person, shall in the presence of my overseers or of the more part of them then living make unto my said brother, Anthony Luther, if he be then living, or if he be then dead, to my brother, Richard Luther, or such others as are hereafter mentioned, in case my said brother, Richard, shall be then dead, a true and perfect account of all the ready money, credits, revenues, profits and other goods and chattels hereby devised for the education, maintenance and advancement of my said children or of any of them which shall or without her default might before that time have come to her hands or possession,

And also that the said Anne, my wife, shall before her intermarriage with any other person deliver and pay unto my eldest son then living, in case he shall then have accomplished the full age of one and twenty years and six months and shall be thought fit to my overseers then living or the more part of them or of the survivors of them to take charge of the said premises, or otherwise unto my said brother, Anthony Luther, if he shall be then living, or if he be then dead, unto my brother, Richard Luther, or if he shall not be then living, then to my overseers or to the survivors of them, the surplusage and overplus of all and singular the issues and profits of all my said lands, tenements and hereditaments devised for the education, maintenance and advancement of my children as aforesaid, as also the surplusage of all such ready money, credits, goods and chattels, bonds and specialties which shall appear upon the finishing of her said account to remain in her hands, custody or possession, or in the hands, custody or possession of any other to her use or by her delivery, or which she might otherwise than by her own default have had or received by force and virtue of this my last will and testament and her authority by the same;

Item, I further will that in case my said wife shall fortune to marry or depart this life before such time as my said sons, Thomas, Justinian and John, or any of them shall accomplish the full age of one and twenty years, or shall refuse to enter into such bond to my said brother, Anthony Luther, as aforesaid, then I will and devise that such legacies, gifts and bequests before by me in this my last will & testament given, limited or bequeathed to my said wife for and towards the education, maintenance and advancement of my said children shall cease, determine and be utterly void, and then I will and bequeath the same unto my brother, Anthony Luther, if he be then living, and if he be dead, then to my brother, Richard Luther, for and during the like term and estate as before I have devised the same to my said wife, to this end, intent and purpose, that they and either of them shall well and truly content and pay all such sum and sums of money, & educate and bring up my said children, and in all and every point perform & accomplish this my last will and testatment in such manner and form as I have before by this my said last will and testament limited and appointed my said wife to do, perform and execute,

And then also for the better performance & execution of the premises I constitute and appoint my brother, Anthony Luther, & after his decease my said brother, Richard Luther, my sole and only executor of this my last will and testament until six months next after my said sons, Thomas, Justinian and John, or one of them shall have accomplishehd the said age [f. 4r] of one and twenty years;

And I further will that after six months next after my said sons or any of them shall accomplish the said age of one and twenty years, that then the eldest of them then living and accomplishing the said age of one and twenty years and six months shall be my sole and only executor to the full performance and execution of this my last will and testament as aforesaid if my said eldest son for the time then being shall seem fit to my said overseers or to the survivor or survivors of them or the more part of them, & not otherwise;

Item, I give unto my said son, Thomas, when he shall accomplish the full age of one and twenty years and be in his full and absolute power, all my leases & terms of years whatsoever except the lease of Holywell house and of the orchards and gardens thereto belonging before given unto my wife;

And if God call my son, Thomas, before his accomplishment of the said age (to whom I beseech the Lord to grant long life, if it be his good pleasure), then I give such leases and terms as I have of any lands or tenements in the county of Kent unto my second son, Justinian, and the residue elsewhere being unto John Lewin, my third son, and I will, as occasion shall require, that the said leases be renewed to such uses and intents as are herein purposed by me, if by any means the same may so conveniently be done;

And I give also unto my said sons, Thomas, Justinian and John, as they shall severally inherit my said house at Otterden, all such household stuff, plate, armour and other furniture & utensils as are contained and specified in one book or inventory thereof made,

entitled 'An inventory of household stuff, plate, armour and other furniture appointed to remain to my eldest heir male with my house at Otterden in Kent', save only such reasonable use of the same or of any part thereof as before in this my last will and testament I have limited and appointed to my said wife;

Item, I will unto my three sons all my books, and that to every of them such of my said books shall be delivered as shall be fittest for him considering the profession he shall make or the study wherewith he shall be most delighted, and the books in the meantime to be inventoried and safely kept, and to be delivered as the capacity and towardliness of my sons shall require;

Item, I will that in case my wife shall marry or depart this life during the minority of my second son, Justinian Lewin, that then he shall be committed to the tuition, government and direction of my especial good friend, Mr Doctor Dunn, to be brought up in the study of the civil law at All Souls' College in Oxford (if it so may be), wherein I very humbly pray the furtherance of my Lord's Grace of Canterbury and the good help of the said Mr Doctor Dunn, and I also will that such allowance shall be made for the education of my said son, Justinian Lewin, in reasonable and competent manner as the said Mr Doctor Dunn be no way charged therewith;

And I will that the said Mr Doctor Dunn, if it so please him, shall have my chamber and lodgings in the Doctors Commons, paying for the same and for the furniture thereof as my overseers or the more part of them shall think fit, and I very heartily pray the said Mr Doctor Dunn that in case my said son, Justinian, shall by progress in study and by his degree be fit to succeed him in the same lodging when the said Mr Doctor Dunn shall leave the same, that my said son may then have his good furtherance therein, allowing rateably and proportionably as the said Mr Doctor Dunn shall do, the wearing of the furniture considered;

Moreover I will that if my said wife shall marry or die during the minority of my third son, John Lewin, that then my brother, Anthony Luther, shall have the tuition, government and education of him with like competent allowance, if it please my said brother to accept of him, whom my desire is to have brought up in good learning, & if it so please God to dispose his heart in the study & profession [f. 4v] of divinity, being my tenth child and wished by me from his nativity to be detunated [sic] unto the Lord in that service and profession if by my persuasion it might so be without constraint, and if he shall prove of that towardness, gravity and stayedness as he shall seem fit for that calling, the judgment whereof I specially leave unto my Lord's Grace of Canterbury if it shall please God that his Grace so long live, as I heartily wish, or otherwise unto my said brother;

And if my wife shall happen to die before my daughters shall be bestowed in marriage, then I commit them and every of them not so bestowed unto the tuition and government of my brother, Anthony Luther, and to my sister, Martha Luther, his wife, with such competent allowance for their maintenance as aforesaid;

Item, I give unto my two brethren, Richard and Anthony Luther, a couple of geldings of my breed, to be chosen by them next after choice made by my Lord's Grace of Canterbury or such gentlemen as it shall please his Grace to appoint to choose for him;

And I also give unto my said two brethren my two armours which were made for mine own body, the one of pistol-proof and the other against sword and dagger;

Item, I will that two of my youngest horse-colts and two of the best of the younger mare-colts be kept in my marshes for my son, Thomas, and the colts that shall hereafter come of those young mares, to the end he may have a breed of horses when he shall accomplish his full age, and I will that the two grey nags which have been given unto him shall be likewise kept for him, or otherwise be at his disposition;

And my will and mind further is that if shall happen my said brothers, Anthony Luther or Richard Luther, at any time hereafter by the former limitation and appointment of this my last will and testament to become my executor or executors thereof, and thereby shall take and receive into their or either of their hands, custody or possession any of the revenues, profits, money, credits, specialties or bonds appointed hereby for the maintenance and advancement of my said children or any of them, and that after such their or either of their receipt or receipts my said sons, Thomas, Justinian and John, or any of them shall have accomplished the full age of one and twenty years and six months, and shall be by my said overseers or the survivor or survivors of them or the more part of them thought fit to be the executor or executors of this my will as afore is thereby limited, that then within three months next after mine eldest heir male shall have accomplished the full age of one and twenty years and six months and be thought fit by my overseers as aforesaid to be executor of this my will, and shall have taken upon him the execution thereof, my said brother, Anthony, and my said brother, Richard Luther, and either of them taking upon him or them such receipt or execution, or the executors or administrators of either of them that shall take upon him such receipt or execution, shall make unto my said eldest heir male in the presence of my overseers or of the survivors of them or of the more part of them or of the survivors of them a true account of all his and their receipts, employments and payments, and also true delivery of such sums of money, credits, revenues, profits and goods, bonds and specialties as after due allowances made shall be found upon their said account then to remain in their or either of their hands;

Provided always and my meaning and desire nevertheless is that either of my said brethren shall and may pay such legacies to any of my daughters as shall happen to be due during the minority of mine eldest heir male or before the end of three months next after the accomplishment of the full age of mine eldest heir male, and upon his accounts be allowed and discharged thereof;

And my earnest desire further is that over and above the sums of money devised to my daughters for their legacies (which I wish should be delivered into the hands of some worshipful and substantial company of London, as part thereof on the day of the date of this will now is), whatsoever shall be thought will remain for my younger sons shall be employed by my executor for the time being in the purchase of lands, leases, rents,

charge or other like profits as [f. 5r] any fit occasion shall serve for the use and commodity of my said younger sons, which I will they shall accept of;

And mine eldest heir male, upon the account to him to be made, shall likewise give allowance thereof, who then if to my overseers or to the more part of them then living he shall seem fit, shall receive into his hands the said premises remaining upon the account of either of my said brethren;

And likewise, if to my said overseers or to the more part of them then living shall seem fit, afterward during the minority of my younger sons shall receive the revenues and yearly profits which shall grow and renew thereof between the time of such account and the accomplishment of the full ages of my said younger sons;

And what portions shall be then unpaid to any of my daughters, I will my said eldest heir male shall also receive into his hands, or good specialites for the same, and shall solely or with sureties enter several bonds unto such of my said daughters then unpaid for whom he shall receive money or such good specialties, and unto my younger sons for their several portions, as to my overseers or to the survivors of them or to the more part of them or of the survivors of them shall be then thought fit;

Which if he shall then accordingly perform, I do, for the better execution of the premises and also to the end he may take benefit of such bonds and recognizances as have been made unto me for assurance of the lands whereof I have by this my will devised the reversion and inheritance unto him, ordain him also my executor, so that he do not intermeddle until his accomplishment of the full age of one and twenty years and six months and until bonds entered as aforesaid, in regard of his want of experience in matters of this moment and weight;

The principal overseer of this my will I do make & most humbly beseech to be my most singular good Lord and Master, the Lord Archbishop of Canterbury his Grace, to whom I do give as a token of my duty and love two of the best geldings that I shall have at the time of my death and the horse-litter which I lately bought and never occupied, or else one hundred ounces of gilt plate at his Grace's choice, most instantly beseeching his Grace to be good Lord unto my sons, whereof the eldest is his Grace's godson by confirmation and the youngest at the font, and also to be aiding unto my wife and the rest of my children with his godly authority and countenance as their just and honest causes shall require;

And as assistant overseers, for the ease of his Grace's pains, I heartily desire to be my special good friends Mr Doctor Byng, Dean of the Arches, Mr Doctor Dunn, Judge of the Audience of Canterbury, Mr Thomas Hammond, brother of Mr Doctor Hammond, late deceased, and mine own two brethren before named until the conditions respectively shall happen whereby either of them shall become mine executors, as is before mentioned;

And albeit I know no cause that my son or heir after my decease should become her Majesty's ward, nevertheless I humbly beseech my Lord Treasurer to grant the wardship

of him unto my wife and my brother, Anthony Luther, to the use of my said son or heir, in case my said son or heir shall be found to be her Majesty's ward, hoping that his Lordship of his ancient goodness and favour toward me will be pleased to grant this my last and most humble and earnest suit, to whom I will, as a token of my duty toward his Lordship, one hundred ounces of gilt plate, for the buying whereof in fashion to his Lordship's liking I will there shall be fifty marks delivered to his Lordship's steward;

Item, I give unto my special good Lord, the Earl of Oxford, in token of my duty toward his Lordship, another hundred ounces of gilt plate or fifty marks in money, to be delivered unto Mr Young, one of his Lordship's gentleman, to buy the said plate of fashion to his Lordship's best liking;

Item, I give unto my very good Lord the Lord Bishop of Rochester my ring of gold with [+a?] death's-head engraven;

[f. 5v] Item, I give unto the Dean, Judges and Advocates of the Arches ten pounds, to be bestowed in a dinner and in some piece of plate as to their discretions shall seem best, and to the Registers and Procurators of the Arches, to be bestowed upon a dinner after my funeral, five pounds, and I heartily pray the Advocates and Proctors of the Arches that if in the execution of mine office I have seemed somewhat strict unto them, that they will impute it to the desire I had that causes might proceed in a just, orderly and speedy course;

Item, I will that in case my wife shall intermarry with any other person before my daughters shall be bestowed in marriage, that then for the education of every of my said daughters not so bestowed in marriage there shall be allowed twenty marks yearly or such greater portion when they shall be marriageable as to my overseers or to the survivors of them or to the more part of the survivors of them shall be thought fit, to be placed with their mother if my said overseers or the more part of them shall think fit, regard being had of the quality of the person with whom my wife shall so marry, or otherwise to be placed with my brother, Anthony Luther, and my sister, Martha, his wife, as to my said overseers shall seem more convenient;

Item, I give to my said sister, Martha Luther, twenty nobles to buy her a diamond or such other jewel as herself shall best like;

Touching my funerals, albeit for mine own part I can well like to be carried down to Otterden by mine own brethren and my wife's brethren & such of my assistant overseers as shall please to travel, and by my faithful friend, Mr John Lawe, Actuary of the Prerogative Court wherein I serve, and by mine own servants and some few other servants of the persons aforesaid, and there to be buried without more solemnity, except only the entertainment of such near neighbours as shall resort thereunto, and the distribution of the money before given to the poor, with a sermon to be made by Mr Doctor Walsall, my dear friend, at the time of my burial, and a sermon to be yearly made by Mr Browne, parson there, on Saint Stephen's day in Christmas time, with the distribution of forty shillings to the poor of that parish at every such sermon until mine

eldest heir male shall accomplish the full age of one and twenty years, and succeed in my place to do good unto the poor, nevertheless in regard of the place wherein I have served my Lord's Grace of Canterbury, I humbly submit the order of the funerals unto his Grace, humbly praying his Grace that the charge may be moderated in regard that it is to be defalked out of my younger sons' portions, for whom I have yet made very small provision except out of the revenues and credits and other profits before limited unto their use;

What friends I specially desire to have mourning apparel bestowed upon, besides those before named, if I shall be buried about London I purpose to set down a note if it please God to grant time and opportunity;

Lastly, because I am doubtful how safely my wife may keep such ready money, credits and revenues as are formerly appointed to come to her hands during her widowhood, therefore I do will and ordain that all such ready money, credits, revenues and profits as are before assigned to the education and advancement of my children, and all bonds and specialties which now are or hereafter shall be made for the same, shall be bestowed and kept in mine iron chest under three locks and keys, whereof the greater to be kept in the custody of my wife, and other two [+in the?] several custodies of Mr Doctor Dunn and my brother, Anthony Luther, in such safe house and place as they shall agree upon, or in default of their agreement, to the more part of the residue of my overseers, so that as any competent sum of money now is or hereafter shall be received amounting to one hundred pounds, it may be bestowed in the same chest by [f. 6r] their several privities and consents, and as any sum of money shall be disbursed to the like value it may thence be desumed and taken out by their like privities and consents, and upon some tripartite note indented to be kept between them for the more certainty of the account before mentioned in this my will, the order and course whereof I reserve unto them and to the good direction of my Lord's Grace of Canterbury and the residue of the assistant overseers. William Lewin.

The schedule to be annexed to the last will and testament of me, William Lewin, Doctor  
of the Civil Law

Inprimis, where I lately bought and purchased of Sir John Petre, knight, and others the reversion of one capital messuage or tenement situate in Walbrook within the city of London, late Sir Richard Baker's, knight, deceased, my will and mind is that Anne, my well-beloved wife, if she shall fortune to be living when the said reversion shall fall, and be then or at any time during her life destitute of a dwelling-house, that then she, my said wife, shall hold and enjoy the same messuage or tenement for and during her natural life, suffering my son, Thomas, to have and enjoy three or four several convenient rooms & lodgings in the said messuage for his convenient use during her said estate;

And for mourners, if my Lord's Grace think it expedient that the funerals be kept here, I will that all my assistant overseers have mourning gowns, that my faithful friend, Mr John Lawe, have a mourning gown, that my wife and her children and her waiting-



woman have mourning gowns, that my sister, Martha Luther, and her waiting-woman have likewise mourning gowns, and the wife of my brother, Richard Luther, have likewise a mourning gown, my brother, Francis Goldsmith, and his wife and Clement Goldsmith and his wife have mourning gowns, that my brother, Nicholas Goldsmith and Thomas Goldsmith have mourning cloaks, that all my menservants have mourning cloaks, and some of better cloth as they serve near about me;

I will also that every of my assistant overseers together with my brother Francis and my brother Clement Goldsmith have one servant apiece allowed to mourn in mourning cloaks, and so many morning gowns for poor folks as shall seem good to my executor, not exceeding twenty in number;

And I require Robert Hewer to be a helper to my wife, brother and son, both in gathering and paying my rents, and I give him for the time he shall so be employed twenty nobles yearly;

Also I humbly beseech my Lord's Grace of Canterbury to prefer John Lear, my servant, unto a procuratorship in the Arches so soon as may be, he having served in divers good places and enabled himself thereunto, that there may be one among the procurators of his Grace's courts wherein I have served his Grace that may be preferred by my means and may, if it so please God, have cause to remember me hereafter, and I heartily desire Mr Doctor Byng and Mr Doctor Dunn to use their best means unto his Grace for my said servant in this behalf;

And I beseech his Grace that Thomas Swaine, my man, be not put from his place, having it by commission under my Lord's Grace's name and exercising it honestly as hitherto he hath done;

And if Francis Stransham, my servant, shall be willing to continue with my wife in service and afterward with my son in such honest and faithful manner as he hath done lately with me, I will he shall [+have] six pounds thirteen shillings four pence a year wages paid yearly for his better maintenance, [f. 6v] and if it shall please God to call Robert Hewer, then he to be used in the receipt & payment of my rents, my former instructions being taken from Robert Hewer;

And where by my will I have given my wife over and besides the charges of my funerals the sum of one hundred pounds to bear her charges till the next rent day, I do now give her one hundred pounds more, to the end she may be in no want;

Also I will that my evidences be kept in the two cypress chests, whereof I will that my wife shall keep of each chest one key and my brother, Anthony Luther, another, and that the chests with the evidences shall be delivered to my eldest heir male when he shall accomplish the full age of one and twenty years and six months, except my overseers or the more part of them shall think otherwise. William Lewin;

Item, I will that there be bestowed of my right worshipful friends, Sir Edward Wotton and Sir Drew Drury, knights, or either of them, one ring or gem of gold of three pounds' price as a poor remembrance of my hearty love and true affection unto them, beseeching them and either of them to continue their loves and good affection to my wife and children as they have heretofore done unto me;

Item, I will there be bestowed of two such gentlemen of my Lord's Grace of Canterbury as his Grace shall nominate and appoint, of either of them a mourning cloak, and upon Mr Doctor Walsall and Mr Browne, parson of Otterden, of either of them a mourning gown.

Probatum fuit Testamentum suprascriptum vna cum Codicillo apud London coram venerabili viro Magistro Iohanne Gibson legum Doctore Curie Prerogatiue Cantuariensis Mag{ist}ro Custode siue Commissario legitime constituto Vicesimo tertio die mensis Maij Anno D{omi}ni Millesimo Quingentesimo Nonagesimo Octauo Iuramento Alexandri Serle notarij publici procuratoris Executor{is} Cui commissa fuit administratio bonorum Iurium et creditorum dicti defuncti De bene et fideliter administrand{o} eadem iuxta tenore testa{men}ti eiusdem def{uncti} &c Ad sancta Dei Evangelia Iurat{e} Ex{aminatur}]

[=The above-written testament, together with the codicil, was proved at London before the worshipful Master John Gibson, Doctor of the Laws, lawfully constituted Master, Keeper or Commissary of the Prerogative Court of Canterbury, on the twenty-third day of the month of May in the year of the Lord the thousand five hundred ninety-eighth by the oath of Alexander Serle, notary public, proctor of the executor, to whom administration was granted of the goods, rights and credits of the said deceased, sworn on the Holy Gospels to well and faithfully administrer the same according to the tenor of the testament of the same deceased etc. Examined.]

Vltimo die mens{is} Martij Anno D{omi}ni mill{es}imo sexcentesimo quarto probatum fuit test{ament}um suprascriptum apud London cora{m} m{agist}ro Ioh{ann}e Amy(?) legum doctore surrogato ven{er}abilis viri Ioh{ann}is Benet milit{is} et legum doctoris Curie Prerogatiue Cant{uariensis} m{agist}ri custodis siue Comissarij sede Archie{pisco}pali Cant{uariensis} vacante(?) l{egi}time constituti iuramento Ioh{ann}is Heard notarij publici procur{ator}is Anthonij Luther f{rat}ris n{atu}ralis et l{egi}timi(?) d{i}c{t}i def{uncti} et executoris in d{i}c{t}o test{ament}o no{m}i{n}ato Cui comissa fuit administrac{i}o &c De bene &c iurat{i} pro eo q{uo}d Anna rel{i}c{t}a et executrix test{ament}i d{i}c{t}i def{uncti} ab hac luce migravit.

[=On the last day of March in the year of the Lord the thousand six hundred fourth the above-written will was proved at London before Master John Amye, Doctor of the Laws, Surrogate of the worshipful John Bennet, knight, and Doctor of the Laws, lawfully constituted Master, Keeper or Commissary of the Prerogative Court of Canterbury of the vacant Archiespiscopal Seat of Canterbury, by the oath of John Heard, notary public,

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proctor of Anthony Luther, natural and legitimate brother of the said deceased and executor named in the said testament, to whom administration was granted etc., sworn to well etc., Anne, relict and executrix of the testament of the said deceased having died.]