

SUMMARY: The document below is the Prerogative Court of Canterbury copy of the will, dated 5 April 1621 and proved 20 June 1621, of Joan (nee Martyn) Smith (baptized 24 June 1561, d.1621), half sister of Humphrey Martyn (d.1587?), the addressee of the *Langham Letter* which describes Leicester's entertainment of Queen Elizabeth at Kenilworth in the summer of 1575. See the Langham page on this website.

FAMILY BACKGROUND

For the testatrix' family background, see the Martyn pedigree in Howard, Joseph Jackson and George John Armytage, eds., *The Visitation of London in the Year 1568*, (London: Harleian Society, 1869), Vol. I, p. 2 at:

<https://archive.org/stream/visitationoflond00cook#page/2/mode/2up>

For the testatrix' family background, see also the pedigree of Martin of Long Melford in Corder, Joan, ed., *The Visitation of Suffolk 1561*, Part I, (London: Harleian Society, 1981), p. 275.

See also the Martyn pedigree in Howard, Joseph Jackson and George John Armytage, eds., *The Visitation of London in the Year 1568*, (London: Harleian Society, 1869), Vol. I, p. 2 at:

<https://archive.org/stream/visitationoflond00cook#page/2/mode/2up>

See also the Martyn pedigrees in Metcalfe, Walter C., ed., *The Visitations of Suffolk*, (Exeter: William Pollard, 1882), p. 52 at:

<https://archive.org/details/visitationssuff00cookgoog/page/n66>

and p. 152 at:

<https://archive.org/details/visitationssuff00cookgoog/page/n164>

Testatrix' father

The testatrix was the daughter of Sir Roger Martyn (d.1573), Lord Mayor of London. Sir Roger Martyn was born in Long Melford, Suffolk, the eldest son and heir of Lawrence Martyn (d.1518) and Elizabeth Cheke. He had a successful career in London as a mercer and member of the Company of Merchant Adventurers, and served as alderman, sheriff, and in 1568, Lord Mayor. For the will of Sir Roger Martyn, see TNA PROB 11/56/48.

Sir Rogert Martyn married firstly Lettice Pakington (d. 23 December 1552), the daughter of Humphrey Pakington (d.1556) and Elizabeth Harding (d.1563). For the will of Humphrey Pakington, see TNA PROB 11/38/212. For the will of Elizabeth (nee Harding) Pakington, see TNA PROB 11/46/444. For the death of Lettice Pakington, see Hughes Clarke, A. W., ed., *The Registers of St Mary Magdalen Milk Street 1558-1666 and St Michael Bassishaw London 1538-1625*, (London, 1942), p. 137.

Testatrix' mother

The testatrix' mother was Sir Roger Martyn's second wife, Elizabeth Castelyn, the daughter of the London merchant William Castelyn (buried 19 April 1545), and widow of the mercer Thomas Knolles (d.1551). By her first marriage, Elizabeth Castelyn had two sons, Thomas Knolles and Samuel Knolles. For the will of William Castelyn, see TNA PROB 11/32/39. For the will of Thomas Knolles, see TNA PROB 11/34/212.

Elizabeth Castelyn had three brothers, Edward Castelyn (buried 19 November 1585), Thomas Castelyn (d.1595), for whose will see TNA PROB 11/86/392, and John Castelyn (1539-1621), who married the testatrix' half sister, Martha Martyn (see below).

Testatrix' siblings

By her father's first marriage to Lettice Pakington, the testatrix had two brothers and two sisters of the half blood:

-Humphrey Martyn (d.1587?), who on 11 November 1572 married Alice Pullison, the daughter of Thomas Pullison, Lord Mayor of London in 1584. See Chester, Joseph Lemuel and George J. Armytage, eds., *The Parish Registers of St. Antholin, Budge Row, London*, (London: Harleian Society, 1883), Vol. VIII, p. 22 at:

<http://books.google.ca/books?id=wzfvAAAAMAAJ&pg=PA22>

According to Sutton, in 1576 Humphrey and Edmund Martyn and their step-uncle, Thomas Castelyn (d.1595), were among seventeen mercers involved in a loan from the Queen. See Sutton, Anne F., *The Mercery of London*, (Aldershot, Hampshire: Ashgate Publishing Company, 2005), p. 483.

In May 1576 the queen proposed to hand over to the city £160,000, which was 'to remain in store' for the service of the realm, and to be lent out for at least one year on interest, no one taking more than £500 and no one less than £50. Seventeen mercers offered to take a total of £3,475, of whom one was a customs official and one a courtier.

AC 1560-95, ff. 296-97 list presented to mayor: Thomas Bates £500; Richard Barnes, Thomas Colshill, Humphrey Martin £300 each; Henry Champion (a courtier rather than a mercer), Matthew Field, Anthony Walthall, William Barker and Edmund Martin £200

each; Edmund Smith £150; John Flower £125; Thomas Egerton, Edmund Hogan, Thomas Castleyn, Thomas Cordall, Ellis Hanmer and John Phipps £100 each.

The date of Humphrey Martyn's death can be estimated from a grant of the rectory of Islington. On 13 December 1584 the London mercer, John Cheke, and Isabel, his wife, and Humphrey Smythe of the Inner Temple and Anne, his wife, granted Humphrey Martyn the rectory and parsonage of Islington. See Lambeth Palace Library COMM/11B/11.

See also TNA CP 25/2/172/29-30ELIZIMICH, and:

A P Baggs, Diane K Bolton and Patricia E C Croot, 'Islington: Churches', in *A History of the County of Middlesex: Volume 8, Islington and Stoke Newington Parishes*, ed. T F T Baker and C R Elrington (London, 1985), pp. 88-99. *British History Online* <http://www.british-history.ac.uk/vch/middx/vol8/pp88-99> [accessed 11 July 2019].

In 1548 [Sir Ralph] Sadler was licensed to grant the rectory and advowson to Thomas Perse or Percy of Islington, (fn. 32) who in turn was licensed in 1565 to sell the rectory to Roger Martin, alderman of London, and Humphrey his son. (fn. 33) Humphrey Martin sold it in 1582 to John Cheke, (fn. 34) but Percy had retained some interest because he was involved in a dispute with Humphrey Martin over a tenement called the Grange belonging to the vicarage of Islington, as was his son Jerome in 1586. (fn. 35) In 1587 Percy, Martin, and Cheke surrendered to Humphrey Smith of the Inner Temple a house, 2 gardens, an orchard, and 45 a. of the rectory, with all tithes and offerings and the advowson. (fn. 36)

Sir Roger Martyn's will was proved on 28 January 1574, with administration granted to his second wife, Elizabeth, and to his eldest son, Humphrey Martyn. Both died before administration of the will was complete, and on 6 February 1588, administration was granted to Sir Roger Martyn's second son, Edmund Martyn. The above-noted transaction involving the rectory of Islington establishes that Humphrey Martyn was still alive in 1587. However he had died by the time of the grant of probate to Edmund Martyn on 6 February 1588. It thus appears that 'Humphrey Martyn, mercer', the addressee of the *Langham Letter*, had just become head of a prominent London merchant family after the death of his father at the time of the original publication of the *Letter* in 1575, and had died before the letter was republished in 1590.

-Edmund Martyn (d.1596), for whom see his will, TNA PROB 11/87/460. He married a wife named Frances, whose maiden name is unknown, and had a son, Roger Martyn, and possibly another child born posthumously.

-Susan Martyn (living 5 January 1583), who on 22 November 1568 married Robert Bye (d.1582), second son of Gilbert Bye (d.1546) of Basingstoke, Hampshire. Robert Bye was a London mercer, and a member of the Company of Merchant Taylors. For the marriage, see Chester, Joseph Lemuel and George J. Armytage, eds., *The Parish*

Registers of St. Antholin, Budge Row, London, (London: Harleian Society, 1883), Vol. VIII, p. 19 at:

<http://books.google.ca/books?id=wzfvAAAAMAAJ&pg=PA19>

By Robert Bye, Susan Martyn had two sons and three daughters. Her daughter, Martha Bye, is mentioned in the will below.

-Martha Martyn, who married the testatrix' uncle, John Castelyn (1539-1621). For her will, dated 27 October 1625 and proved 13 January 1626, see TNA PROB 11/148/66. For the will of John Castelyn, see TNA PROB 11/138/191.

By her mother's first marriage to Thomas Knolles, the testatrix had two brothers of the half blood:

-Thomas Knolles.

-Samuel Knolles.

By her parents' marriage the testatrix had two sisters of the whole blood:

-Mary Martyn (baptized 20 November 1557, d.1574), who on 8 June 1573 married Alexander Denton (d.1578?) of Hillesden, Buckinghamshire. For the will, dated 2 January 1577 and proved 27 June 1578, of Alexander Denton in which he appoints Sir William Cordell (d.1581) and 'my Lady Martyn' as overseers, see TNA PROB 11/60/379. For the will of Sir William Cordell, see TNA PROB 11/63/590.

-Anne Martyn (baptized 4 April 1563), who on 8 June 1579 married Sir Anthony Culpeper (1560-1618) of Bedgebury, Kent.

For further details concerning the testatrix' siblings of the whole and half blood, see the will of the testatrix' father, Sir Roger Martyn (d.1573), TNA PROB 11/56/48, and the will of the testatrix' mother, Elizabeth (nee Castelyn) Knolles Martyn, TNA PROB 11/65/430.

MARRIAGE AND ISSUE

In 1593 the testatrix married Anthony Smith (c.1563-1611) of Campden, Gloucestershire, the son of Thomas Smith (d. 31 October 1593) by his second wife, Katherine Throckmorton (d. 25 July 1574), the daughter of Sir George Throckmorton (d.1552) and widow of Robert Winter (d.1549). See Gwilt, Charles Perkins, *Notices Relating to Thomas Smith of Campden and to Henry Smith, Sometime Alderman of London*, (London: George Woodfall, 1836), p. 11, and the Smith and Throckmorton pedigrees, pp. 56, 78 at:

<http://books.google.ca/books?id=eScAAAAAQAQAJ&pg=PA56>

Thomas Smith's first wife was Elizabeth Fitzherbert (d. 1 December 1559). See the will of John Fitzherbert (d.1502), Remembrancer of the Exchequer, TNA PROB 11/13/461:

Eustace Fitzherbert, grandson of John Fitzherbert (d.1502), Remembrancer of the Exchequer, had two daughters and coheirs, Joan and Elizabeth. Elizabeth Fitzherbert (d. 1 December 1559) married firstly Edward Smyth, a younger son of Sir John Smith of Cressing Temple, Essex, Baron of the Exchequer, and secondly, about 1539, Thomas Smyth (d. 31 October 1593). After the death of Elizabeth Fitzherbert, Thomas Smyth married Katherine Throckmorton, the daughter of Sir George Throckmorton (d.1552) and widow of Robert Winter (d.1549), by whom he had seven sons and seven daughters, including Anthony Smith (d.1611) of Campden, Gloucestershire, who married Joan Martyn (d.1621), daughter of Sir Roger Martyn (d.1573), Lord Mayor of London.

For the monument to Thomas Smith and his two wives, see Taylor, C.S., ed., *Transactions of the Bristol and Gloucestershire Archaeological Society for 1901*, Vol. XXIV, p. 54 at:

<https://archive.org/stream/transactionsofbr24bris#page/54/mode/2up>

See also Bartleet, S.E., 'The Manor and Borough of Chipping Campden', in Maclean, John, ed., *Transactions of the Bristol and Gloucestershire Archaeological Society for 1884-85*, (Bristol, C.T. Jefferies and Sons), Vol. IX, pp. 134-95 at pp. 161-70:

<https://archive.org/stream/transactionsofbr09bris#page/162/mode/2up>

According to the inquisition post mortem taken after Anthony Smith's death, on 20 March 1602 Thomas Russell (who was later overseer of the will of William Shakespeare of Stratford upon Avon), conveyed to Smith lands in Broad Campden. See the will of Sir George Throckmorton, TNA PROB 11/36/298, and Gwilt, *supra*, p. 12. For Thomas Russell, see McManaway, James G., *The Authorship of Shakespeare*, (Folger Shakespeare Library, 1962), p. 25 at:

<http://books.google.ca/books?id=c52SjdRjFPIC&pg=PA25&lpg=PA25>

According to Gwilt, the testatrix' husband, Anthony Smith, was likely a first cousin of Henry Smith, salter and alderman of London, and his sister, Joan Smith, who married Henry Jackson. The London alderman, Henry Smith, died at his home in Silver Street on 3 January 1628, aged 79, and was buried 7 February 1628 in the chancel of the church at Wandsworth. See Gwilt, *supra*, p. 48, and the pedigree, p. 56, at:

<http://books.google.ca/books?id=eScAAAAAQAAJ&pg=PA8&lpg=PA48>

According to the pedigree in Gwilt, *supra*, p. 56, the testatrix had two sons and three daughters:

* **Thomas Smith**, who may have predeceased the testatrix, as he is not mentioned in the will below.

* **Henry Smith**.

* **Grisagon Smith**.

* **Mary Smith**.

* **Elizabeth Smith**.

OTHER PERSONS MENTIONED IN THE WILL

Thomas Martyn is unidentified. He may have been the son of the testatrix' half brother, Edmund Martyn (d.1596).

The testatrix' cousin, William Hammerton, was the son of the testatrix' aunt, Bennet Castelyn (buried 29 January 1585), who married William Hammerton. For Bennet Castelyn Hammerton, see the will of the testatrix' mother, Elizabeth (nee Castelyn) Knolles Martyn, *supra*.

For the testatrix' nephew, Sir Thomas Denton, see the will of the testatrix' mother, *supra*. For one of the Chancery suits mentioned by the testatrix in the will below see TNA C 2/JasI/H11/52.

For Baptist Hicke (1551?-1629), 1st Viscount Campden, see the *ODNB* entry. According to the *ODNB*, he was a close friend of Lord Burghley's son, Sir Robert Cecil. His elder brother, Sir Michael Hicke (1543-1612), was Lord Burghley's secretary.

LM: T{estamentum} Joanne Smith

In the name of God, Amen. The fifth day of April in the years of the reign of our Sovereign Lord James by the grace of God King of England, France and Ireland, Defender of the Faith etc., the nineteenth and of Scotland the four and fiftieth, I, Joan Smith of London, widow, late wife of Anthony Smith, late of Campden in the county of Gloucester, esquire, deceased, being weak of body but of good and perfect mind and memory, thanks be therefore given to Almighty God, and considering with myself the uncertainty of this transitory life and that nothing is more certain than death nor more uncertain than the hour of death, do therefore make and ordain this my testament declaring herein my last will in manner and form following, viz.:

First and principall[y] I commend my soul into the hands of Almighty God, my Maker, and of his Son, Jesus Christ, my only Saviour and Redeemer, assuredly and steadfastly

believing through his merits, death and passion to have remission and forgiveness of all my sins and iniquities and to be partaker of his eternal kingdom prepared for his elect;

And my body I commit to the earth from whence it came, in hope of a joyful resurrection, to be buried at the discretion of my executrix hereafter named;

And as concerning such estate of goods and chattels whereof I shall die possessed of or interested in my own right, I give and dispose of the same [f. 388r] in manner following, that is to say:

First I give and bequeath to my son, Henry Smith, a basin and ewer of silver parcel gilt and two livery pots of silver parcel gilt, and my best damask tablecloth and a dozen of napkins to it and a towel, a diaper tablecloth and a towel and a dozen of diaper napkins;

Item, I give and bequeath to my daughter, Grisagon, two beer pots with covers of silver parcel gilt, two salts with covers of silver gilt, a plain bowl of silver white and six silver spoons, a damask tablecloth and a towel, and a diaper tablecloth and a towel and a dozen of diaper napkins to them, a featherbed and bolster, a pair of blankets and a striped rug, two pair of sheets and two pair of pillow-beres, two alcamy(?) dishes and four pewter dishes, a brass pot, and a pair of virginals, and two joint-stools;

Item, I give and bequeath to my daughter, Mary, two salts of silver white and half a dozen of silver spoons, two alcamy(?) dishes and four pewter dishes, a little brass pot and two joint-stools, the viol she hath now in her keeping, a featherbed to the bolster she already hath of mine, and a pair of blankets and a green rug, a pair of sheets and a pair of pillow-beres, a diaper tablecloth and another plain tablecloth and a dozen of plain napkins;

Item, I give and bequeath to my cousin, William Hammerton, twenty shillings in money;

Item, I give and bequeath to my cousin, Thomas Martyn, twenty shillings in money;

Item, I give and bequeath to my cousin, Martha Bye, twenty shillings;

Item, I give and bequeath to my servant, Henry Mills, five pounds of lawful money of England;

All which legacies before-mentioned to be paid by my executrix hereafter named within one year after my decease;

Item, as concerning all such sum or sums of money, benefit and advantage whatsoever which shall be recovered and obtained of and from Sir Thomas Denton, knight, and one Sir Baptist Hicke, knight, or either of them upon or by reason of any suit or suits now depending in his Majesty's High Court of Chancery against them or either of them by me and my said children commenced and which rightfully belongeth unto me for my part and portion therein, and also all the rest and residue of goods and chattels whatsoever by me

unbequeathed, I give and bequeath unto my daughter, Elizabeth Smith, whom I make and ordain the sole and only executrix of this my present last will and testament;

And I do utterly revoke and annul all and every other former testaments, wills, legacies, bequests or executors or executrices by me in any wise before this time had, made, named, ordained, willed or bequeathed, and I will that this my present last will and testament with all the legacies, bequests, executrix or things by me in any wise herein made, named, ordained, willed or bequeathed shall stand, remain and perpetually abide as for my present last will and testament, and none other or otherwise;

In witness whereof I, the said Joan Smith, to this my present last will and testament containing two sheets of paper besides this last sheet have put to my hand at the lower end of thother two sheets and have put my hand and seal to this last sheet and have also to the label fixed on the top set my seal. Given the day and years first above-written, 1621. Joan Smith.

Read and published, subscribed, sealed, acknowledged and delivered by the said Joan Smith for and as her last will and testament in the presence of us, Lewes Bye, servant to John Rye, scrivener, Thomas Hopkins, Robert Owen.

Probatum fuit testatmentum suprascriptum apud London coram magistro Arthuro Duce legum doctore Surrogato venerabilis viri Domini Iohannis Bennett militis legum etiam doctoris Curie Prerogatiue Cant{uariensis} magistri Custodis sive Commissarij legitime Constituti vicesimo die mens{is} Iunij Anno Domini Millesimo sexcentesimo vicesimo primo Iuramento Elizabethe Smith filie naturalis et legitime dicti defuncti et executric{is} in huiusmodi testamento nominat{e} Cui Com{m}issa fuit administratio bonorum iurium et creditorum dicti defuncti De bene et fideliter administrand{o} &c Ad sancta Dei Evangelia Iurat{e}

[=The above-written testament was proved at London before Master Arthur Duce, Doctor of the Laws, Surrogate of the worshipful Sir John Bennet, knight, also Doctor of the Laws, lawfully constituted Master, Keeper or Commissary of the Prerogative Court of Canterbury, on the twentieth day of the month of June in the year of the Lord the thousand six hundred twenty-first by the oath of Elizabeth Smith, natural and legitimate daughter of the said deceased and executrix named in the same testament, to whom administration was granted of the goods, rights and credits of the said deceased, sworn on the Holy Gospels to well and faithfully administer etc.]