

SUMMARY: The document below is the will, dated 3 February 1581, of Oxford's first cousin John, 2nd Lord Darcy of Chiche. Lord Darcy and Sir William Waldegrave jointly entered into guarantees amounting to £5000 for Oxford's debt to the Court of Wards (see TNA C 2/Eliz/T6/48).

RM: Testamentum Domini Iohannis Darcy militis

In the name of God, Amen. The third day of February in the three and twentieth year [=3 February 1581] of the reign of our Sovereign Lady Elizabeth by the grace of God of England, France and Ireland Queen, Defender of the Faith, etc., I, Sir John Darcy, knight, Lord Darcy of Chiche, weak in body but of good and perfect memory (thanks be unto Almighty God), do make and ordain this my last will and testament in manner and form following:

First, I bequeath my soul to Almighty God, my maker, and to Jesus Christ, his only son, my redeemer, by whom and by the merits of whose blessed passion is only my full trust and confidence to have remission of all my sins, and my body to be buried at Chiche, alias Saint Osyth, by my father in such decent, honourable, comely and convenient sort as is meet for my calling, and I will that mine executor hereafter named shall erect and make at the place of my burial within two years next after my decease two decent and convenient tombs, as well for Thomas, Lord Darcy, my father, and the Lady Elizabeth, my mother, deceased, as also for myself and the Lady Frances, my late wife, deceased, meet for our estates and degrees;

And whereas my son and heir apparent, Thomas Darcy, esquire, at my special request and desire hath entered into one recognizance in the nature of a statute staple in the sum of ten thousand pounds to my trusty and well-beloved friends Edmund Pirton, esquire, my brother-in-law, and Francis Harvey, esquire, with a defeasance thereof made bearing the day of the date of these presents for the true performance of this my last will and testament, in consideration thereof, and for the better performance of this my last will and testament, I do give & bequeath unto the said Thomas Darcy my son, as well all the goods, chattels, rights and commodities whatsoever which are(?) or which do any ways belong or appertain unto me, as also all my lands, tenements, hereditaments, rents, services, profits and commodities with all and singular their appurtenances which I have within the realm of England, to have and to hold the same and every part and parcel thereof unto the said Thomas, my son, his heirs and assigns forever in such manner and form and by such estate as I myself now have, hold and enjoy the same;

And my will and meaning is that my said son, Thomas Darcy, in consideration that I have left all and singular the premises unto him, shall, after my body be interred as is aforesaid, pay or cause to be paid all and singular such debts as by law or conscience I do owe unto any person or persons within such convenient time as the same may be done, and at the furthest within four years after my decease;

And I give and bequeath unto my daughter, Elizabeth Darcy, to her preferment in marriage the sun of two thousand pounds of lawful English money to be paid unto her at the age of twenty-three years or at the day of her marriage, which of them shall first happen, or within two years next after every of the same days of marriage or age of 23 years which shall first happen, and my trust and confidence is in her that as I have bestowed an honourable portion of her, so in the bestowing of herself in marriage she will be advised and ruled by her brother, Thomas Darcy, and other our good, wise and discreet friends;

And further my will and mind is that until such time as my said daughter Elizabeth shall have received her portion aforesaid, that for the better maintenance and finding of her meat, drink and apparel according to her degree she shall have and receive yearly by the hands of mine executor or his assigns the sum of one hundred pounds of lawful English money to be paid unto her at the two usual terms in the year, that is to say, at the feasts of th' Annunciation of Our Lady, Saint Mary the Virgin, and Saint Michael th' Archangel by even portions, and the first payment to begin at such of the said feasts which shall first happen next after my decease;

Also my will and mind is that my youngest son, Robert Darcy, shall be kept and brought up in learning at Cambridge or elsewhere until he shall accomplish th' age of twenty-one years (if he do not before marry) as it shall be thought most meetest by the discretion of mine executor, and I will and bequeath towards the bringing up of him in learning yearly during his minority as aforesaid thirty pounds;

Item, I will and bequeath to either of my two younger sons, that is to say, John Darcy and Robert Darcy, two hundred pounds apiece to be paid unto them at their several ages of twenty-one years or at their several marriages first happening, and if it shall happen either of them to die before their said several ages of 21 years unmarried, that then the survivor of them to have his brother's part to be paid to him as his own part should be paid, and if they both shall fortune to die before their several ages or marriages, that then the said several sums to them bequeathed shall remain in mine executor's hands to the performance of this my last will and testament;

Also I will and bequeath unto the said John Darcy, my second son, one annuity or yearly rent of threescore pounds to be issuing and going out of my manor of Southminster alias Sudmyster within the county of Essex, to have and perceive the said annuity or yearly rent of threescore pounds to the said John Darcy and his assigns during the natural life of the said John Darcy, my son, and immediately after the death of the said John Darcy, my son, then I will the liferent of threescore pounds shall remain and be to such woman as it shall fortune the said John Darcy, my son, lawfully to take to wife and have at the time of the death of the said John Darcy during the natural life of the same woman, the said annuity or yearly rent of threescore pounds to begin immediately after my decease, and to be paid at my chief house or mansion-place of Chiche alias Saint Osyth aforesaid at two feasts or days in the year, that is, to wit, at the feast of Saint Michael th' Archangel and

th' Annunciation of Our Lady, or which of them that shall first happen after my decease, by even portions;

And if it shall happen the said annuity or yearly rent of threescore pounds or any part thereof to be behind and unpaid at any of the said feasts in which the same ought to be paid, that then it shall be lawful to and for the said John Darcy and his assigns, and likewise after his decease for the said woman whom the said John Darcy shall happen to take to wife and have at the time of the death of the said John Darcy and his assigns, and likewise after his decease to enter into the said last-recited manor of Southminster alias Sudmyster and there to distrain, and the distresses there so found to lead, drive, chase and carry away, and to and with him, her or them to retain and withhold until such time as the said yearly rent and every parcel thereof then so being behind unpaid, together with all th' arrearages thereof, be fully satisfied & paid;

And if it shall happen the said yearly rent of threescore pounds to be behind and unpaid by the space of eight weeks next after any of the said feasts in which the same ought to be paid, being lawfully demanded at the place last before-mentioned, that then and so often it shall be lawful to and for the said John Darcy and his assigns and the said woman and her assigns not only to enter and distrain in all or any part or parcel of the manor of Southminster for the said annuity or yearly rent of threescore pounds and th' arrearages of the same and every parcel thereof as is aforesaid (if any shall happen to be behind and unpaid), but also for five pounds (nomine poene) over and besides th' annuity or rent of threescore pounds;

Item, I will and bequeath unto the said Robert Darcy, my third and youngest son, one annuity or yearly rent of fifty pounds to be issuing and going out of my manor of Southminster alias Sudmyster aforesaid, to have and perceive the said annuity or yearly rent of fifty pounds to the said Robert Darcy and his assigns during the natural life of the said Robert Darcy, my son, and immediately after the death of the said Robert Darcy, my son, then I will that the like rent shall remain and be to such woman as it shall happen the said Robert Darcy, my son, lawfully to take to wife and have at the day of the death of the said Robert Darcy during the natural life of the said woman, the said annuity or yearly rent of fifty pounds to begin when the said Robert Darcy shall accomplish the full age of twenty and one years or at the day of his marriage (which of them shall first happen), and to be paid at the place and feasts last before-mentioned in manner and form as the said other annuity of threescore pounds is before limited and appointed to be paid to John Darcy, my son;

And if it shall happen the said annuity or yearly rent of fifty pounds or any part thereof to be behind unpaid at any of the said feasts in which it ought to be paid, that then it shall and may be lawful to and for the said Robert Darcy and his assigns, and the said woman whom the said Robert Darcy shall happen to take to wife to [sic for 'and'?] have at the time of the death of the said Robert Darcy and his assigns, to enter into the said manor of Southminster and there to distrain, and the distresses there so found to lead, drive, chase and carry away, and to and with him, her or them to retain and withhold until such time

as the said yearly rent of fifty pounds and every parcel thereof then so being unpaid with all th' arrearages thereof be fully satisfied and paid;

And if it shall happen the said annuity or yearly rent of fifty pounds to be behind and unpaid by the space of eight weeks next after any of the said feasts in which the same ought to be paid, being lawfully demanded at the place last before-mentioned, that then and so often it shall be lawful to and for the said Robert Darcy and his assigns, and the said woman and her assigns, not only to enter and distrain in all and every parcel of the said manor of Southminster for th' annuity or yearly rent of fifty pounds and th' arrearages of the same and of every parcel thereof as is aforesaid (if any shall happen to be behind and unpaid), but also for five pounds (nomine poene) over and besides the annuity or yearly rent of fifty pounds;

Provided always that if it shall happen either of my afore-named two younger sons, viz., John and Robert Darcy, to die before marriage, then I will and my full mind is that the survivor of them two shall, during the natural life of himself and the woman that he shall then have or after take to wife, have, hold and enjoy the like yearly rent as is before given to his brother as a part and legacy during the natural life and lives of him, my son so surviving his brother, and of the woman that he shall then have or after take to wife, with the like authority to himself or her whom he shall have or take to wife and their assigns that his brother had or might have had to distrain for the same in every point and condition as if he had still lived;

Also I will and bequeath unto every of my servants that shall be in wages or stipend with me at the day of my death one year's wages or stipend over and above the wages and stipend that shall be then due unto them & unpaid;

Also I will and bequeath unto William Cook, my servant, for his true and faithful service to me heretofore done, one annuity or yearly rent of three pounds of good and lawful current money of England to be issuing & going out of my manor of Southminster aforesaid, to have, hold, perceive and enjoy the said annuity or yearly rent of three pounds unto the said William Cook and his assigns during the natural life of the said William Cook with sufficient authority to distrain for the same within the said manor of Southminster upon the non-payment thereof;

And further I will and bequeath unto Elizabeth Pirton, my sister's daughter, one hundred pounds to be paid unto her by mine executor at the day of her marriage (if she shall live so long) or within as short time after her marriage as it may be levied;

And for the better advancement and increase of the living of the said John Darcy, my second son, I will and my mind is that Thomas Darcy, my son and heir apparent, appointed the sole executor of this my last will and testament, shall within three months next after my decease make or cause to be made unto the aforementioned John Darcy, my second son, one indenture of lease whereby he shall demise in reversion unto the said John Darcy, his executors and assigns, all that my farm or wick in Southminster aforesaid call Mumsale, with all the lands, pastures and marshes to the same belonging, viz., from

the feast of Saint Michael th' Archangel which shall be in the year of our Lord God one thousand five hundred fourscore and thirteen unto the full end & term of twenty and one years from thence next and immediately following and fully to be complete and ended, yielding and paying therefore yearly to mine heirs the ancient and old accustomed rent that is now yielded and paid for the same, with like exceptions, reservations and covenants as are in the lease now in being granted to (blank) Brocke and (blank) Collins, with further yielding, rendering and delivering yearly for and in the name of provision unto the said Thomas Darcy, my son, and his heirs during the continuance of the said lease in reversion to be granted for one and twenty years, twenty wethers, one boar, and four firkins of butter, for the which he, the said John Darcy, my son, or his assigns is to have such several allowances yearly as the residue of my farmers of my other lands have and are allowed for the like;

Item, I do ordain, make, institute and appoint the aforesaid Thomas Darcy, my son and heir apparent, my sole executor of this my last will and testament, requiring him duly and truly to execute this my last will and testament in every point and condition according to the special trust and confidence I have in him reposed;

And whereas I have by way of communication agreed, bargained and concluded with Henry Windham, esquire, for the demise of the site of all that my manor and demesnes of Elmswell for and upon certain considerations, as in and by certain indentures of covenants yet remaining unsealed more plainly may appear, and have further granted unto him, the said Henry Windham, (for the considerations aforesaid expressed in the said indenture) the keeping of the great park in Saint Osyth in such sort as one John Barners [=Berners?], gentleman, my servant, late held the same, and have also granted unto him, the said Henry Windham, in reversion a lease to be made of fifty and three acres in Norton in the county of Suffolk for so many years as shall upon the determination of the lease of the fifty and three acres now in being be then to come and unexpired in the lease of Elmswell Hall for the like rent and the like provision that is now already paid for the said fifty and three acres, and whereas also I have agreed and bargained and concluded with John Brocke, gentleman, by way of consent and articles of agreement set down and signed, and indentures thereof drawn but not yet sealed, for the devise and grant of a lease in reversion to him to be made of Walton Hall for and in consideration of the sum of four hundred and six pounds thirteen shillings and four pence (in name of a fine, whereof I have already received one hundred and six pounds thirteen shillings and four pence, and the other three hundred pounds to be by him paid at such days and times as we are agreed upon and are set down in the said articles of agreement signed), my full mind and will is that Thomas Darcy, my son and heir apparent appointed executor of this my testament and last will, shall well and truly within convenient time after my decease perform, fulfil, accomplish and seal and deliver the said several before-recited leases and grants to the several parties before-named according to my former agreements, will, mind and intent;

And finally my will and mind is that after my said son, Thomas Darcy, whom I have named th' executor of this my last will and testament, shall either have performed this my last will and testament or else shall have taken such order or made such assurance for the performance thereof as shall be thought good and sufficient by the foresaid Edmund

Pirton and Francis Harvey, esquires, to whom the said bond is made and acknowledged, and also by my trusty and well-beloved friends William Ayloff, one of her Majesty's Justices of the Queen's Bench, William Drury and Robert Forth, two of the Masters of her Majesty's Court of Chancery, and Thomas Darcy of Tolleshunt Darcy in the county of Essex, esquire, or to the more part of them, that then the said recognizance or statute wherein he standeth bound as aforesaid to be cancelled and made void;

In witness this to be my last will and testament I have hereunto subscribed my name the day and year first above-written. Witnesses hereunto: Thomas Cannock, Nicholas Hills, and others. (John Darcy)

Probatum fuit suprascriptum testamentum apud London Coram venerabili viro magistro Willelmo Drurye Legum doctore curie prerogative Cantuariensis commissario etc Decimo quarto die mensis martij Anno Domini millesimo quingentesimo octogesimo Iuramento Edwardi Barker notarij publici procuratoris Domini Thome Darcy militis Domini Darcy filij et executoris etc. Cui commissa fuit administracio bonorum etc. de bene &c. Iurato.

[=The above-written testament was proved at London before the worshipful Master William Drury, Doctor of the Laws, Commissary of the Prerogative Court of Canterbury etc. on the fourteenth day of the month of March in the year of the Lord the thousand five hundred eightieth [=14 March 1581] by the oath of Edward Barker, notary public, proctor of Sir Thomas Darcy, knight, Lord Darcy, son and executor etc., to whom administration was granted of the goods etc., to well etc. Sworn.]