

SUMMARY: The document below is the Prerogative Court of Canterbury copy of the last will and testament, dated 20 July 1586 and proved 4 November 1586, of Francis Smith, mercer, the son of Queen Elizabeth's silkman, Ambrose Smith (d.1584), and his wife, Joan (nee Coe) Smith. For the will of Ambrose Smith, see TNA PROB 11/67, f. 108. For the will of Joan (nee Coe) Smith (d.1601), see TNA PROB 11/97, ff. 216-17.

The testator's brother, Sir William Smith, married Elizabeth Skinner, to whose father, Thomas Skinner (d.1596), Oxford sold his manor of Castle Camps. For Oxford extensive financial dealings with Thomas Skinner (d.1596) see the summary to the latter's will, TNA PROB 11/89, ff. 394-5, in which he leaves a bequest of £300 to 'my daughter, Elizabeth Smith'.

The testator's great-niece, Alice Barnham, married Sir Francis Bacon (1561-1626), first cousin of Oxford's wife, Anne Cecil (d.1588). See the entries for Sir Francis Bacon and Benedict Barnham in the *Oxford Dictionary of National Biography*:

Bacon, Francis, Viscount St Alban (1561–1626) As early as 1603 Bacon had mentioned that he had 'found out an alderman's daughter, an handsome maiden, to my liking' (Works, 10.80). Almost three years later, on 10 May 1606, he married her at Marylebone chapel. She was Alice (1592–1650), a daughter of Benedict Barnham, a wealthy London alderman. Bacon was forty-five, she was barely fourteen.

Barnham, Benedict (bap. 1559, d. 1598), merchant and benefactor On 28 April 1583 Barnham married Dorothy (d. 1639), daughter of Ambrose Smith of Cheapside, silkman to the queen, at St Clement, Eastcheap. A son and three daughters died in infancy. Four daughters survived to marry: Elizabeth married Mervin Touchet, second earl of Castlehaven; Alice, 'a little violent lady' (Spedding, 3.290), became the wife of Sir Francis Bacon in 1606.

The testator's will below confirms the relationships shown in the pedigree of Smith alias Harris in Fetherston, John, ed., *The Visitation of the County of Leicester in the Year 1619*, (London: Harleian Society, 1870), pp. 66-7 which states that Ambrose Smith and his wife Joan (nee Coe) Smith, had three sons and four daughters: Sir William Smith of London, knighted in 1601, who married Elizabeth, the daughter of Thomas Skinner (d.1596), Lord Mayor of London; the testator, Francis Smith, who married the daughter of one Taylor of London; Henry Smith of Withcote, Leicestershire, who married the daughter of Henry Skipwith and sister of William Skipwith of Cotes; Isabel (called Sybil in her father and mother's wills), who married firstly a husband surnamed Lowes [=Lewis], and secondly, a husband surnamed Maynard of Hertfordshire; Elizabeth, who married Martin Calthorpe (1554-1615) of Antingham, Norfolk, the son of Sir Martin Calthorpe (d.1589), Lord Mayor of London; Margaret (d.1596), who married Sir Thomas Wilkes (c.1545-1598), Clerk of the Council; and Dorothy, who married firstly, Benedict Barnham (1559-1598), and secondly, one of Queen Elizabeth's favourite courtiers, Sir John Pakington (1549-1625). See also:

<http://histfam.familysearch.org/getperson.php?personID=I50529&tree=London>.

The testator's wife, Elizabeth Taylor (d.1640), was the only daughter and heir of the wealthy London haberdasher, John Taylor, and his wife, Elizabeth (nee Hatton) Danvers, the daughter and heir of Hugh Hatton and widow of James Danvers. For the will of the testator's father-in-law, John Taylor, dated 13 November 1600 and proved 3 January 1601, see TNA PROB 11/97, ff. 8-11.

At the time of the making of the will below the testator had no issue, but states that his wife is with child. In her father's will, the child is said to have been a son, Francis Smith:

. . . unto Francis Smith, the eldest son of my said daughter, Elizabeth, by Francis Smith, her late husband, deceased . . .

After the testator's death, his widow, Elizabeth (nee Taylor) Smith (d.1640), married Sir Thomas Freke (1563-1633), the son of Robert Freke, Auditor of the Exchequer, who is said to have 'died worth upwards of one hundred thousand pounds' (see Kimber E. and R. Johnson, *The Baronetage of England*, Vol. III, (London: G. Woodfall, 1771), p. 38).

For John Taylor's monument, see Strype, John, *A Survey of the Cities of London and Westminster*:

http://www.hrionline.ac.uk/strype/TransformServlet?page=book3_061

Here lyeth buried the body of John Taylor, Esq; Citizen and Haberdasher of London, who married Berseba, Daughter of Edward Hall, late Citizen and Haberdasher of London, deceased; and had by her one only Daughter, named Elizabeth; First married to Francis Smith, Citizen and Mercer of London, deceased, by whom she had one Son, named Francis Smith. And since married to Thomas Freake, of Serne, in the County of Dorset, Esquire; by whom she hath five Sons and Daughters, now living. He hath given by his Will, 200 Pound in Money, to be delivered and lent to young Men of the Company of Haberdashers; to distribute every Sunday (weekly, for ever) two Shillings in Bread, and the Advantage, to poor Householders of this Parish. And also 20 Pound more for a Stocke, to be yeerly imployed for ever, in buying and providing of Fuell for the same Poore.

For the History of Parliament biography of Thomas Freke (1563-1633), see:

<http://www.historyofparliamentonline.org/volume/1558-1603/member/freke-thomas-1563-1633>.

RM: T{estamentum} ffrancisci Smith

The last will and testament of Francis Smith, mercer, made the twentieth of July 1586. I give unto the poor a hundred pounds;

Unto Mr Fenis a hundred pounds;

Unto Mr Gresham a hundred pounds;

Unto Mr Parvis forty pounds;

I acquit Mr Gamage of a hundred seventeen pounds which he oweth me;

I acquit Mr Bowser of six pounds which he oweth me;

I give to my servant, Richard Heath, a hundred marks;

I give to my sister, Sibbell, a hundred pounds, and in case she marry with Mr William Lewys, I give her one other hundred pounds;

I give to Francis Calthorpe, my nephew, fifty pounds;

I give to my brother, William, two hundred pounds;

I give to my brother and sister Wilkes fifty pounds in plate;

I give to my brother and sister Barnham fifty pounds;

I give to my brother, Henry, two hundred pounds;

I give to my mother a hundred marks;

Item, I give to my sister Calthorpe a hundred pounds;

All these I would have given according to my mind after my debts be paid;

And the rest of my lands and goods I give unto my wife and her child, and do make my beloved wife, Elizabeth, John Taylor, her father, and Peter Osborne, esquire, my executors of this my last will and testament;

I give moreover to James Bookins, my cook, if he shall serve my wife four years, twenty pounds;

By me, Francis Smith. Subscribed and delivered as his will in the presence of us, Thomas Wilkes, Benedict Barnham. By me, Stephen Sone [=Soame], William Lewys, Henry Parviste.

And further my will and meaning is that whereas my wife goeth now with child, if God shall send us issue male, that the residue of all my lands and goods over and besides the legacies aforesaid shall descend, remain or come to my said son, but if the same be a daughter, my will and purpose is that she shall have two thousand pounds for her advancement, to be supplied to the said sum out of my third part if her child's part amount not to so much; otherwise, if her child's part amount to that or a greater sum, that then the whole residue except before excepted be employed by my executors for purchase of lands or tenements for the better maintenance of Withcote, to be conveyed to the next heir thereof accordingly. Francis Smith.

Delivered as his will to be annexed to the body of his said will bearing date the twentieth of July 1586 in the presence of us, Richard Fenys, William Lewys. Per me, Stephen Soane. Thomas Wilkes, Richard Heathe, Benedict Barnham, Henry Parviste.

Probatum fuit testamentum suprascriptu{m} vnacu{m} codicillo h{uius}mo{d}i apud London coram venerabili viro m{agist}ro Will{el}mo Drury Legum Doctore Curie Prerogatiue Cant{uariensis} Mag{ist}ro Custode siue Com{m}issario &c Quarto die mens{is} Novembris Anno D{omi}ni Mill{es}imo Quingentesimo Octogesimo Sexto Iuramento xpoferi Smithe Notarij publici procur{ator}is Elizabethe Smithe Relicte dict{i} def{uncti} executoru{m} vnus in h{uius}mo{d}i testamento no{m}i{n}at{orum} Cui com{m}issa fuit administrac{i}o &c De bene et fidel{ite}r administrand{o} &c Iurat{i} Reservata p{otes}tate similem com{m}issionem faciend{o} Petro Osborne Armigero executori etiam in h{uius}mo{d}i testamento no{m}i{n}at{o} cum venerit &c admissur{o} Ioh{ann}e Taylor executor{e} altero in testamento h{uius}mo{d}i no{m}i{n}at{o} ex cert{is} ca{us}is animu{m} suum in hac parte iuste moven{te} oneri execu{i}o{n}is d{i}c{t}i testamenti iexpresse renuncian{te}

[=The above-written testament was proved, together with the same codicil, at London before the worshipful Master William Drury, Doctor of the Laws, Master, Keeper or Commissary etc. of the Prerogative Court of Canterbury, on the fourth day of the month of November in the year of the Lord the thousand five hundred eighty-sixth by the oath of Christopher Smith, notary public, proctor of Elizabeth Smith, relict of the said deceased, one of the executors named in the same testament, to whom administration was granted etc., sworn to well and faithfully administer etc., with power reserved for a similar grant to be made to Peter Osborne, esquire, executor also named in the same testament, when he shall have come etc. to be admitted, John Taylor, the other executor named in the same testament, for certain causes his mind in that respect justly moving, expressly renouncing the burden of the execution of the said testament.]