

SUMMARY: The document below is the Prerogative Court of Canterbury copy of the last will and testament, dated 10 June 1588 and proved 28 March 1593, of Dorothy (nee Cave) Smith Poole, the daughter of Richard Cave (d.1538) and his second wife, Margaret Saxby. The testatrix was related by marriage to Oxford's father-in-law, William Cecil (1520/1), Lord Burghley, through the two marriages of Lord Burghley's sister, Margaret Cecil, whose first husband was the testatrix' nephew, Roger Cave (for his will see TNA PROB 11/69, ff. 347-50), and whose second husband was the testatrix' son, Erasmus Smith.

The testatrix' first husband and the father of her children was John Smith (d.1545?) of Withcote, Leicestershire. For his will, dated 23 October 1543 and proved 13 November 1545, see TNA PROB 11/30, ff. 327-8.

The testatrix married, as her second husband, Henry Poole (d. 3 February 1559), esquire, of Kirk Langley, Derbyshire. For his will, dated 18 April 1558 and proved 17 February 1559, see TNA PROB 11/42A, ff. 303-5. For the History of Parliament biography of the testatrix' second husband, Henry Poole, see:

<http://www.historyofparliamentonline.org/volume/1509-1558/member/poole-henry-ii-1507-59>.

In the 1588 will below, the testatrix names five sons still living, Roger Smith, Francis Smith, Clement Smith, Erasmus Smith and Robert Smith, and a deceased son, George Smith. The 1558 will of the testatrix' second husband, Henry Poole, names, in addition to these, William Smith, Anthony Smith, and Margery Smith.

The testatrix had another son, Ambrose Smith (d.1584), a wealthy London merchant whose granddaughter, Alice Barnham, married Sir Francis Bacon (1561-1626), first cousin of Oxford's wife, Anne Cecil (d.1588). Ambrose Smith is not named in the testatrix' will below, as he had predeceased her. Nor is he named in the will of his stepfather, Henry Poole, unless the name 'Anthony' in the latter will is a scribal error for 'Ambrose'. For the nuncupative will of Ambrose Smith (d.1584), see TNA PROB 11/67, f. 108. For the will of Ambrose Smith's widow, Joan (nee Coe) Smith, dated 21 April 1601 and proved 2 May 1601, see TNA PROB 11/97, ff. 216-17. See also Nichols, John, *The History and Antiquities of the County of Leicester*, Vol. II, Pt. I, (London, 1795), pp. 388-9, and Reade, Compton, *The Smith Family*, (London: Elliot Stock, 1904), pp. 16, 98-100, both available online.

For the Cave family, see Waters, Robert Edmond Chester, *Genealogical Memoirs of the Extinct Family of Chester of Chicheley*, Vol. I, (London: Robson and Sons, 1878), pp. 73-8; and Kimber, E. and R. Johnson, *The Baronetage of England*, Vol. I, (London: G. Woodfall, 1771), pp. 355-65, available online at:

<http://books.google.ca/books?id=EvQfAAAAMAAJ&pg=PA363&lpg=PA363&dq=%22sir+thomas+cave%22&source=bl&ots=kqhp25MXDg&sig=tubvT8->

9TbAKLf8_8oFsIMe201g&hl=en&sa=X&ei=aQgjUJv4E6HoiwLW5oDwBA&ved=0CEkQ6AEwBDgo#v=onepage&q=%22sir%20thomas%20cave%22&f=false.

For Withcote Chapel, in the chancel of which the testatrix directed that she be buried between her two husbands, see:

<http://www.rutlandchurches.co.uk/#/withcote-chapel-leicestershire/4534487546>.

RM: T{estamentum} Dorothee Poole

The will of God Almighty the Father, the Son and the Holy Ghost, three distinct persons and but one God Almighty only, be done upon me now and ever, Amen. I, Dorothy Poole of Withcotte [=Withcote] in the county of Leicester, widow, being by God's permission and goodness at this present in health of body and of good and perfect remembrance, this tenth day of June in the 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., do ordain and make this my last will and testament in manner and form following:

First, as charity moveth me to begin at myself, so with all my heart and power I do bequeath and commend my soul and body to Almighty God, the Father, the Son and the Holy ghost, three persons and one God;

Secondly, I will my body to be buried in the chancel of the parish church at Withcote between my two husbands, and at my burial or within one month then next after [f. 158v] a dinner to be made at Withcote where I would require my brethren, my sisters, my children and others my friends to be present, the whole charges whereof, as also of my funerals, burial and debts, with my rents whatsoever I will they shall be paid by my son, Robert Smith, whom I have evermore heretofore found a most dutiful, loving and natural child to me, and one that always hath of late years for a long season been attendant about and with me, and most careful for the preservation of my health above the rest, and in consideration thereof, and for the performance of the charges above-written, and for the performance of such trust as I repose in him, I have of late made unto him a deed of gift signed and sealed with mine own hand of all my goods, chattels and cattle whatsoever, the date of which said deed I do not perfectly remember, but my old servant, Richard Collebrne(?), and my friend, John Dalby, are witnesses of the same deed;

I have not made any reservation thereby but only of the sum of two hundred marks of lawful money of England to dispose of by this my last will and testament, which said sum my mind and will is now so to dispose of the same by this my last will and testament as I may show myself thankful to God, the giver of all, careful for my family, children and servants which he hath committed to my charge and commanded me to provide for so far as the same will amount;

Also I do by these presents revoke and annul all other wills and testaments by me heretofore devised or made, and do declare and publish that my last will and testament is contained in these presents only;

Item, I do give and bequeath in charitable alms the sum of twenty-five pounds, the which sum of twenty-five pounds was long since before the date hereof and before the day of the date of the said-recited deed of gift made to my son, Robert Smith, delivered into the custody of my son, Erasmus Smith, to perform this part of my will to the poor and needy people, which said sum my will is to be distributed by my said son, Erasmus, within the term of five years next after my decease as hereafter ensueth:

First, I give and bequeath to the needy and poor of Knossen [=Knossington?] parish yearly ten shillings;

Item, to the needy and poor of the parish of Woollstone yearly ten shillings;

Item, to the poor and needy of the parish of Somerby yearly ten shillings;

Item, to the poor and needy of the parish of Halstead and Tilton yearly ten shillings;

Item, to the poor and needy of Branston yearly five shillings;

Item, to the poor and needy of the parish of Brooke yearly 5s;

Item, to the poor and needy of the parish of Egleton yearly ten shillings;

Item, to the poor and needy of the town of Lodington yearly ten shillings;

Item, to the poor and needy of the town of Coleoueton [=Cold Overton?] yearly five shillings;

Item, to the poor and needy that come to Withcote yearly five shillings;

Item, I give and bequeath to the poor and needy people of the hospital near Leicester called the Duke of Lancaster his hospital ten shillings;

Item, I give and bequeath to the poor and needy people near unto Withcote six pair of harden sheets;

Item, to the poor and needy of the town of Foxen yearly ten shillings;

Item, I do give and bequeath to every of my five sons, that is to say, to Roger, Francis, Clement, Erasmus and Robert, to every of them one piece of plate to the value of five pounds apiece with my arms to be graven thereupon, which said pieces of plate I would desire every of my said sons to keep so long as every of them do live as a legacy of a

perpetual remembrance of me in this world, and therefore my will is to have the same pieces of plate made all of one like fashion;

Item, I do give and bequeath to my son, Francis Smith, the sum of twenty pounds, and my meaning is that if he have or receive any cattle of me hereafter or money during my life, it shall be valued and accounted as parcel of the said sum of twenty pounds, so that the sum whatsoever be paid and delivered after the day of the date of this my present last will and testament;

Item, I give and bequeath to Joan Arthur, my old servant, the sum of forty pounds, to be paid to her, or her assigns if she do die within the space of one year next after my decease;

And I do also give and bequeath unto every manservant that shall fortune to be my servant at the time of my death who have served me by the space of one whole year and above the sum of twenty shillings apiece, and to every maidservant that then in like manner shall serve me and hath served so long as is before recited the sum of ten shillings the piece, and such menservants and maidservants as shall then be my servants and have not served me so long as one year, every of them a quarter's wages, and to be paid to every of them within one year next after my [f. 159r] decease;

Item, I do further will and my true intent and meaning is that if at any time hereafter any question, ambiguity, variance or doubts do chance to arise between any party or persons in this my last will mentioned of, for and concerning the exposition, declaration and determination of this my last will and testament or of any article, clause or sentence contained in the same, then I will and it is my very true intent and meaning that all and every such question, ambiguity, variance and doubt shall be deemed, expounded, ordered and adjudged by my brother, Brian Cave, my nephew, Thomas Cave, and my cousin, Thomas Skeffington, esquires, or the greater number of them, or by the survivor or survivors of them, at all times without any further suit or action in the law, and if any person or persons whatsoever in this my last will mentioned do refuse to abide or deny such order, declaration, exposition and appointment of this my last will and testament or of any article, clause or sentence contained in the same, then I will and my true intent and meaning is that every such person so refusing shall lose and have no benefit nor legacy of or by this my last will and testament, but the same to be bestowed amongst my children where my said brother and other my forenamed nephew and dear friends or the most part of them shall think most need;

Item, I do ordain, constitute and make my son, Robert Smith, executor of this my last will and testament, desiring him to see the same fully performed according to my especial trust in him reposed;

And overseers of this my last will and testament I ordain and desire my brother, Brian Cave, my loving son, Roger Smith, my nephew, Thomas Cave, and my cousin, Thomas Skeffington, esquires, and I do give to every of them in token of a remembrance of me and in part of a recompense for their pains, to every one of them one ring of gold to the

value of ten shillings. Dorothy Poole. Witnesses present at the publishing and declaration hereof: Robert Tanfield, John Tanfield, Lewis Thomas the writer hereof.

Memorandum: Paid for a farm for my son George, now deceased, twenty pounds sithence the deed of gift to my son, Robert Smith, which is parcel of the two hundred marks reserved to dispose.

Probatum fuit Testamentum suprascriptum coram venerabili viro Magistro Will{el}mo Lewin legum doc{t}ore Curie Prerogative Cantuarien{sis} Mag{ist}ro Custode siue Commissario vicessimo [sic?] octavo die mensis Martij anno domini iuxta cursum et computac{i}o{n}em Eccl{es}ie Anglicane millesimo quingentesimo [sic?] nonagesimo tertio Iurament{o} Thome Lovell Notarij Publici procurator{is} Robert Smith executor{is} in h{uius}mo{d}i testamento nominant{i} [sic] Cui com{m}issa fuit Administrac{i}o bonorum Iurium et creditorum d{i}c{t}i Defuncti de bene et fideliter administrand{o} &c Ad sancta dei Evangelia Iurat{i}

[=The above-written testament was proved before the worshipful Master William Lewin, Doctor of the Laws, Master, Keeper or Commissary of the Prerogative Court of Canterbury, on the twenty-eighth day of the month of March in the year of the Lord according to the course and reckoning of the English Church the thousand five hundred ninety-third by the oath of Thomas Lovell, notary public, proctor of Robert Smith, executor 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.]