

SUMMARY: The document below is the Prerogative Court of Canterbury copy of the undated will, proved 23 July 1594, of Eleanor (nee Haselrigge) Clerke, wife of Bartholomew Clerke (c.1537 – 15 or 16 March 1590), TNA PROB 11/75/199, to whose Latin translation of Castiglione's *The Courtier* (*Balthasaris Castilionis Comitibus De Curiali siue Aulico*) Oxford contributed a Latin epistle dated 3 January 1572 (see STC 4782).

Oxford's Latin epistle was praised in 1578 by Gabriel Harvey in *Gratulationes Valdinenses* (see STC 12901):

Go, Mars will see you in safety and Hermes attend you; aegis-sounding Pallas will be by and will instruct your heart and spirit, while long since did Phoebus Apollo cultivate your mind with the arts. Your British numbers have been widely sung, while your Epistle testifies how much you excel in letters, being more courtly than Castiglione himself, more polished. I have seen your many Latin things, and more English are extant; of French and Italian muses, the manners of many peoples, their arts and laws you have drunk deeply. Not in vain was Sturmius himself known to you, nor so many Frenchmen and polished Italians, nor Germans.

As noted above, the testatrix married Bartholomew Clerke, for whose will see TNA PROB 11/75/199.

Prior to her marriage to Bartholomew Clerke, the testatrix had been the wife of Thomas Smythe (d.1576), esquire, of Mitcham, Surrey, Clerk of the Green Cloth. In his will, Thomas Smythe names three sons, George Smythe, Edmund Smythe and Edward Smythe, and three daughters, Mary Smythe (wife of Edward Brabazon), Eleanor Smythe and Mary Smythe the younger, as well as a 'daughter-in-law, Macklyn Selye'. See his will, TNA PROB 11 58/306; and Jewitt, Llewellynn, ed., *The Reliquary*, (London: Bemrose and Sons, 1877-8), Vol. XVIII, pp. 141-2 at:

<https://books.google.ca/books?id=NJo1AAAAMAAJ&pg=PA143&lpg=PA143&dq=%22Edward+Bellingham%22+%22Clerke%22&source=bl&ots=8juBD5yLSv&sig=wE7SVbumzMuHwNhQvUJd2kuR5xc&hl=en&sa=X&ved=0ahUKEwi7hJKlmYrMAhVI6GMKHavuDOQQ6AEIQjAJ#v=onepage&q=%22Edward%20Bellingham%22%20%22Clerke%22&f=false>.

For Edward Brabazon, see:

http://www.termonfeckinhistory.ie/the_brabazons_of_rath_36.html.

See also 'Mitcham Mills (Later Grove Mill and Crown Mill), Mitcham', available online:

[B]y his will proved in 1576 [Thomas Smythe] bequeathed two-thirds of his properties in Mitcham to his wife "Ellynore", and one-third to his eldest son George. After his wife's death, her share was to go to George. A year later Eleanor married Bartholomew Clerke,

and her property passed to him, but reverted to Eleanor after his death in 1589. Eleanor Clerke died in July 1594, and bequeathed her share of the Mitcham mill, and other properties, to her son George Smythe, in accordance with her first husband's will.

In the will below the testatrix mentions four of the children of her first marriage: George Smythe, Edmund Smythe, Eleanor (nee Smythe) Borne and Mary Smythe the younger.

By Bartholomew Clerke, the testatrix had a son, Francis Clerke, and a daughter, Cecily Clarke (buried 12 June 1629), who on 26 January 1595 married Sir Edward Bellingham. See *Sussex Archaeological Collections*, Vol. XXXVI, (Lewes: Sussex Archaeological Society, 1888), p. 73 at:

https://books.google.ca/books?id=C68xAQAIAAJ&pg=PA73&lpg=PA73&dq=%22Edward+Bellingham%22+%22Clerke%22&source=bl&ots=VZ6KqzUsMX&sig=Oy4HTJjYTB6oShRFsyqzE4r_Q8I&hl=en&sa=X&ved=0ahUKEwi7hJKlmYrMAhVI6GMKHav uDOQQ6AEILjAE#v=onepage&q=%22Edward%20Bellingham%22%20%22Clerke%22&f=false.

For the testatrix' brother-in-law and overseer, Francis Clerke, see TNA HCA 30/1039; and Baker, J.H., *Monuments of Endlesse Labours: English Canonists and Their Work, 1300-1900*, (London: The Hambledon Press, 1998), p. 72 at:

https://books.google.ca/books?id=SjoiMNpqSG4C&pg=PA72&lpg=PA72&dq=%22Francis+Clerke%22+%22Bartholomew&source=bl&ots=dOO9Th-ItI&sig=cKo3tj1Gm8yQkLxsKxEoYHZIu_I&hl=en&sa=X&ved=0ahUKEwjBg-eo4fPLAhUCnIMKHYaSB0kQ6AEILTAE#v=onepage&q=%22Francis%20Clerke%22%20%22Bartholomew&f=false.

For the testatrix' overseer, Nevell Good, see 'St Leonard Shoreditch Baptisms 1558-1640' at <http://ist-socrates.berkeley.edu/~ahnelson/PARISH/baptisms.html>:

William Goode s Nevell Goode 22 Nov 1588

For a decree dated 27 November 1595 concerning litigation brought by the testatrix' brother-in-law, Francis Clerke of Clapham, against the testatrix' son, George Smythe of Mitcham, and the testatrix' brother-in-law, John Haselrigge of Wandsworth, see TNA C 78/124/10.

LM: T {estamentum} Ellenore Clerke

[f. 96v] In the name of the eternal God, Amen. I, Eleanor Clerke of Clapham in the county of Surrey, widow, make this my last will and testament in manner and form following, that is to say:

First I bequeath my soul to Almighty God, and my body to be buried in the chapel lately by me builded in Clapham churchyard near my late dear husband, Bartholomew Clerke, esquire, deceased;

Item, I give to my son George Smythe's son, Thomas Smithe, my godson, the lease of the Queen's mill in Wansworthe [=Wandsworth?], and his father the benefit thereof during the minority of the said Thomas;

Item, I give to my daughter, Mary Smithe, for the better preferment in marriage with her to make her portion already bequeathed her five hundred pounds;

Item, I give to my son, Francis, the benefit of his marriage freely;

LM: Confirmat{ur} p{er} S{ente}n{c}iam Diff{initivam} lat(?) 2il(?) Edi(?) 1594

Item, I give the custody of my son, Francis, to my brother, John Haselrigge, and the lease of the third part of the manor of Clapham, charging my said brother, as he will answer before the tribunal seat of God, to deal honestly and faithfully with him and for him;

Item, I give to my daughter, Cecily, four hundred pounds to be paid her within three months after her marriage;

Item, I give to my daughter, Eleanor Borne, fifty pounds;

Item, I give to George Smithe, my son, and my brother, John Haselrigge, to the use [+of?] my son, Edmund Smithe, my lease of the Downe, to do for him as they in conscience shall think best, charging them to have care of him;

Item, I give to my said son, Edmund, the sum of one hundred pounds to be employed by my executors during the space of five years, and afterwards paid [f. 97r] unto him, and the benefit thereof to be employed to his use and paid unto him yearly upon condition that he claim no interest in the Queen's mills at Wansworthe;

Item, I give to the poor men's box in Clapham five pounds;

Item, I give to Elizabeth Trowell, now kept by me in my house, forty pounds;

Item, I give to every of my servants one year's wages;

Item, I constitute and ordain my executors of this my last will my son, George Smithe, and my brother, John Haselrigg, charging them to see this my last will performed;

I make my overseers my brother [=brother-in-law], Francis Clerke, and Nevill Good, and I bequeath to either of them one ring of a death's head of the value of forty shillings apiece; Eleanor Clerke. William Payne, John Smithe, the mark of John Welles.

Memorandum: That the three and twentieth day of July 1594 this will was found in the little black trunk of the said Eleanor Clerke standing at her bed's feet, being found locked, and opened in the presence of us, John Worsapp, William Payne, John Smithe. The mark of John Welles. The mark of John Powis. The mark of Edmund Royden. The mark of William Copeman.

Probatum fuit Testamentum suprascriptum apud London Coram Venerabili viro m{agist}ro Thoma Creake Legum Doctore Surrogato Venerabilis Viri m{agist}ri Will{el}mi Lewyn Legum etiam doctoris Curie Prerogatiue Cant{uariensis} Mag{ist}ri Custodis siue Com{m}issarij L{egi}time deputati Vicesimo tertio Die mens{is} Iulij Anno D{omi}ni Mill{es}imo Quingentesimo Nonagesimo Quarto Iuramento m{agist}ri Thome Lovell notarij publici procuratoris Georgij Smithe filij naturalis et L{egi}timi dict{i} defunct{i} et Ioh{ann}is Haselrigg executorum in h{uius}mo{d}i Testamento no{m}i{n}at{orum} Quibus commissa fuit administrac{i}o etc De bene et fidel{ite}r administrand{o} Ad sancta Dei Evangelia Iurat{is}

[=The above-written will was proved at London before the worshipful Master Thomas Creake, Doctor of the Laws, Surrogate of the worshipful Master William Lewin, also Doctor of the Laws, lawfully deputed Master, Keeper or Commissary of the Prerogative Court of Canterbury, on the twenty-third day of the month of July in the year of the Lord the thousand five hundred ninety-fourth by the oath of Mr Thomas Lovell, notary public, proctor of George Smithe, natural and legitimate son of the said deceased, and John Haselrigge, executors named in the same testament, to whom administration was granted etc., sworn on the Holy Gospels to well and faithfully administer etc.]