

SUMMARY: The document below is the Prerogative Court of Canterbury copy of the last will and testament, dated 24 August 1594 and proved 23 December 1594, of Richard Branthwayte, serjeant at law, to whom Oxford transferred his manor of Fingrith by a fine on 30 May 1580, and whom Oxford appointed as one of his officers on 17 September 1580, (see TNA CP 29/2/131/1678/22ELIZITRIN, Item 20, and ERO D/DRg 2/27).

The testator was the eldest of the four sons of John Branthwayte of Norwich by Elizabeth Turner of Essex. See Blomefield, Francis, *An Essay Towards A Topographical History of the County of Norfolk*, (London: William Miller, 1806), Vol. V, pp. 110-11 at:

<http://books.google.ca/books?id=uwUVAAAAQAAJ&pg=PA110&lpg=PA110&dq=%22Richard+Branthwayte%22&source=bl&ots=9gEyzHQtkH&sig=rLuHeoDsl3dGS4p6brGNdd4245I&hl=en&sa=X&ei=aDArVOH-EeGmigLBjoHgBQ&ved=0CEgQ6AEwCQ#v=onepage&q=%22Richard%20Branthwayte%22&f=false>

According to Blomefield, *supra*, the testator married Margaret Bull, the daughter of John Bull of London, by whom he had a son, Richard, and four daughters: Margaret, who married Sir William Spencer; Mary, who married Henry Gilling, gentleman, of Yorkshire; Margaret, who married Robert Marsham of Norfolk; and Elizabeth, who married Sir William Webbe.

However Blomfield appears to be unreliable. According to the will below, Henry Gilling, Robert Marsham and William Webbe were the testator's brothers-in-law, not his sons-in-law, and the testator had another brother-in-law, Oliver Style. Moreover according to the will below, the testator had four sons, Thomas, Richard, John and Ralph, and three daughters, Joan, Margaret and Elizabeth, and according to the History of Parliament, the testator's daughter, Margaret Branthwayte, married, not Sir William Spencer, but Thomas Spencer (c.1586-1622), son of Sir William Spencer. See:

<http://www.historyofparliamentonline.org/volume/1604-1629/member/spencer-thomas-1586-1622>.

In the will below the testator refers to Edward Bull as his brother-in-law, and to Sir John Harte (d.1604), Lord Mayor of London, as his father-in-law. It thus appears that Sir John Harte's first wife was Richard Branthwayte's mother-in-law. Her maiden name is unknown. However it appears she had four children by her first marriage (Edward Bull, Matthew Bull, Margaret Bull and Elizabeth Bull) when she married Sir John Harte. The will of Sir John Harte, dated 3 January 1604, mentions Edward Bull and Matthew Bull and their two sisters as the children of 'my late deceased wife':

*Item I give and bequeath unto Edward Bull and Matthew Bull, the sons of my late deceased wife, and to Mistress Jones, their sister, the sum of ten pounds apiece, to be paid to them within one year next after my decease;*

*Item, I give to Elizabeth Taylor, their other sister, and now the wife of John Taylor, mercer, the sum of thirteen pounds six shillings eight pence, and I do release and forgive unto her said husband and to her the sum of four pounds in money which I lent unto her in his absence;*

‘Mistress Jones’ was the testator’s widow, Margaret (nee Bull) Branthwayte (d. 1 January 1625), who after the testator’s death had married Edward Jones (c.1560-1609), for whom see the History of Parliament entry at:

<http://www.historyofparliamentonline.org/volume/1604-1629/member/jones-edward-1560-1609>.

Two of Richard Branthwayte’s friends and executors, Thomas Spencer of Claredon and Richard Spencer of Offley, appear to have been either the sons or other close relations of Sir John Spencer (d.1586) and his wife, Katherine, the daughter of Sir Thomas Kitson of Hengrave in Suffolk, whose daughters Alice and Elizabeth married Ferdinando Stanley, 5<sup>th</sup> Earl of Derby, and George, 2<sup>nd</sup> Lord Hunsdon, respectively. Another daughter, Anne Spencer, married Robert Sackville, the son and heir of Thomas, Lord Buckhurst, to whom Richard Branthwayte leaves a cup in his will. All three Spencer daughters were acclaimed by the poet Edmund Spenser. As noted above, the testator’s daughter, Margaret Branthwayte, married Sir Thomas Spencer (d.1622), the grandson of Sir John Spencer (d.1586). Another of the executors was the lawyer and politician Nicholas Fuller (1543-1620).

RM: T{estamentum} Richarde Branthwayte

In the name of God, Amen. I, Richard Branthwayte, sergeant at the law, being at this present sick in body but of good and perfect remembrance, the Lord God be therefore praised, but not knowing how long I shall so continue, for as nothing is more frail and uncertain than the life of man, so is nothing more certain and sure than his death, the certain time whereof is only known to the Lord God, who doth call whom and when it pleaseth his heavenly Majesty, and infinitely happy are they whom he doth call to his mercy, I have therefore thought it fit and convenient for me while I have time and perfect memory, to set and dispose that which the Lord of his great goodness hath given me;

First, therefore I do most willingly render and give again into the hands of my most merciful Lord God my soul which he of his fatherly goodness hath given me, most humbly and heartily praying and beseeching him for the most bitter death and passion of my Lord and Saviour Christ Jesus, whereby only I trust to be saved, and for the most tender love that he hath always borne to mankind, that it would please his most heavenly Majesty to forgive me all my sins and to receive my soul into his glory, and place it in the company of his heavenly angels and blessed saints;

My body I desire to be buried in Christian burial in such decent and comely sort as shall be thought fit and convenient by my executors, without any vain or unnecessary charge or expense, most assuredly believing that at the great day of the general resurrection, when we shall all appear before the judgment-seat of my Saviour Christ Jesus, I shall receive it again by the mighty power of God wherewith he is able to subdue all things unto himself, not a corruptible, weak and vile body as it is now, but an incorruptible, immortal, strong and perfect body like unto the most glorious body of my Lord and Saviour Christ Jesus. Oh what a comfort is this, how infinitely are we bound to our most merciful God!

Now as touching the disposition of my lands, goods and chattels which it hath pleased the Lord God of his great goodness to give me, first I do give and bequeath unto my most faithful, virtuous, loving and kind wife, Margaret Branthwayte (to whom and to my poor children I wish the Lord God will be a husband and a father and protector), my dwelling-house at the nether end of Pater Noster Row in London, with all and singular th' appurtenances for and during the term of forty-six years next after my decease (if she shall so long live);

The residue of the said term of years that shall be then to come of the same, I do give and bequeath unto my executors of this my last will and testament, to th' intent and purpose that they shall sell the same for the most and best advantage that they can within convenient time after my decease, and the money thereof coming and growing employ to the performance of this my last will and testament;

Item, I do give unto my said most loving wife four thousand pounds in money, three thousand pounds whereof I do will shall be paid unto her at th' end of one year next after my decease if she be then living, the other one thousand pounds I will shall be paid unto her as soon as it may be received of the sale of my lands, provided always, and my mind is, that the aforesaid legacy of four thousand pounds shall cease if my said wife shall have the manor of Ringwood assured unto her as I have appointed the same in one writing bearing the date hereof containing a declaration of my mind how the said manor of Ringwood and other lands shall be disposed for the performance of my last will, and then I do will and bequeath to my most loving wife five hundred pounds in money together with the said manor in lieu of the said four thousand pounds;

Also, I do give unto her all her own money, my meaning is such money as I have accounted always to be hers, which I take to be three hundred and fifty pounds;

I do also give unto her all her chains, jewels, linens and apparel;

Also I do give unto her all my plate, saving such as I shall by this my last will devise otherwise, and saving the great cup that my honourable good Lord, the Lord Buckhurst, did give unto me, willing me to keep it for me and mine for a remembrance of his love to us, which said cup I do give unto such of my sons as shall be first of the age of one and twenty years next after my decease, and to be delivered unto him at that age and not before;

Item, I do give unto my most loving wife all my household stuff as beds, bedding, linen, pewter, brass, tables, chests, pictures, hangings and all other my household stuff and implements of household whatsoever (excepting the wainscot fixed to my said dwelling-house), not doubting but as she hath been hitherto a most careful, loving and natural mother unto my children, so she will continue the same motherly care, and bring them up in the knowledge and fear of God and in all good learning and education as shall be fit for their calling, and I do most heartily and humbly desire my Lord God for his great mercy' sake to bless, preserve and keep her and them, and to be to them a father and protector;

Also I do give unto my son, Thomas Branthwayte, six thousand pounds to be paid unto him at the age of one and twenty years in money if land be not purchased therewith in the meantime for him according as hereafter is declared, which six thousand pounds and such increase as may by godly, honest and lawful means arise thereby, I do desire should be bestowed in land according to the discretion of my executors or the survivors or survivor of them, and according to the trust that I do repose in them, and the said land to be conveyed to my son Thomas and to the heirs males of his body begotten, and the remainder over for default of such issue to my son Richard and to the heirs males of his body, and for default of such issue to my son John and to the heirs males of his body, and for default of such issue to my son Ralph and to the heirs males of his body, and for default of such issue to my right heirs forever;

Marry, my mind is that the said six thousand pounds nor any part thereof shall be delivered nor they nor any of them shall receive the rents and profits of the same lands until his or their full age of one and twenty years, in which time my will & mind is that my executors shall receive and take the profits of the said lands until my said son shall come to the age of one and twenty years to and for the use and behoof of my said son, giving him in the meantime sufficient maintenance according to the discretion of my said wife so long as she shall live, and after her decease at the discretion of my said executors or of the survivors or survivor of them;

And if my said son Thomas shall not be living when the said land shall be so conveyed as is aforesaid, my desire is that the same may be conveyed in like sort to such one of my sons as shall be then living and eldest at the time of the conveying of the same land, and if none of my sons shall be then living, then to my daughters and to their heirs or to the survivor of them and her heirs, and in default thereof to such person and persons and to his or their heirs as shall be then my next heir;

Item I do give unto every one of my sons and daughters, namely Richard Branthwayte, John Branthwayte, Ralph Branthwayte, Joan Branthwayte, Margaret Branthwayte and Elizabeth Branthwayte, one thousand marks [=£666 13s 4d] apiece, to be paid unto my said sons as they shall severally come to the age of one and twenty years, and to my said daughters at their several ages of eighteen years or days of marriage, which shall first happen;

Item, I give unto my daughter Joan five hundred marks more in augmentation of her portion, to be paid her at her age of eighteen years or day of marriage, which shall first happen;

And my will is that the portion of any of them deceasing before the same be delivered unto him and her shall be equally distributed among the residue of them to whom I have given a legacy of one thousand marks, to be paid unto them as their several legacies of a thousand marks ought to be;

Also, my will is that if my son Thomas shall die before his age of one and twenty years, then I will that the portion of money to him before bequeathed, if it be not before bestowed in land as is aforesaid, to such of my said sons as at the time of the decease of my son Thomas shall be then eldest, and so from son to son according to my intent and meaning which appeareth in this clause;

And I do most heartily pray and beseech my said executors, because my children be very young, that they would use their portions as they may with the fear of God and a good conscience to the profit and behoof of my said children;

My desire also is that every of my children shall be maintained, kept and brought up with part of the profit of their several portions, and I do desire that they may be and remain with their most loving mother, and to be ordered and disposed by her good love and discretion, to whom my mind is that so long as they or any of them shall be with her or at her disposition and appointment, that my executors or the survivors or survivor of them shall allow to my said wife for such of them such allowance as she will require, and in default thereof to be found and allowed by the discretion of my executors or of the survivors or survivor of them;

Item, I do give twenty pounds to be bestowed amongst the poor prisons of Newgate, Ludgate and other prisons in London and Southwark at the discretion of my loving wife;

Item, I will that thirty pounds shall be bestowed in their several cups which I desire may be presented from me to my singular good lords the right honourable Sir John Puckering, knight, Lord Keeper of the Great Seal of England, the right honourable the Earl of Huntingdon, the right honourable the Lord Buckhurst, and other piece of plate of ten pounds to the right honourable my singular good lady, the Countess of Huntingdon, most humbly praying and beseeching them to vouchsafe to accept the same in good part as a poor token of the dutiful love and entire affection that I have always borne unto them, and that as they have been my most honourable friends, so they would vouchsafe to help to protect my poor wife and fatherless children, if occasion shall so require, in their good and just causes, and I do most humbly desire the Lord God to reward them for it;

Item, I do give unto my brother, William Branthwayte, twenty pounds in money and one bill that I have of Mr Washington, esquire, the Register of the Chancery, for the payment of eight pounds per annum during his life for the maintenance of a scholar, and all sums of money that shall rise due by the same bill, and also all the arrearages;

Also, I do give unto my most dear and loving friend, Mr Roger Bromley, esquire, for a remembrance of the honest and true love that hath been betwixt us, one of my best cups, to be chosen by my wife, whereupon I would have his arms and mine to be engraven in it;

Item, I do give unto my most faithful and loving friend, Mr Thomas Spencer of Claredon in the county of Warwick, esquire, my best standing cup, praying him to accept the same as a token and for a remembrance of our old faithful and true love almost from our infancies, and I would have his arms and mine to be [-to be] engraven in it, and my most hearty desire, and the last that ever I shall make to him, is that now I am taken from him, he would bestow his good love and care upon my poor wife and children, for next unto God, I must leave them unto the good love and care of him and such other as I shall make my executors of this my last will and testament;

Item, I do give unto my very loving and good friend, Mr Richard Spencer of Offley in the count of Hertford, esquire, a piece of plate of the value of ten pounds;

Item, I do give unto my good friend, Mr Nicholas Fuller, esquire, a piece of plate of the value of ten pounds;

Item, I do give unto my good father-in-law, Sir John Harte, for a token of remembrance of my love to him, a piece of plate of ten pounds, with his arms and mine to be engraven in it;

Item, I do give unto my brother-in-law, William Webbe of Motcombe in the county of Dorset, esquire, and to my good sister, his wife, and to my brothers Henry and Miles Branthwayte, and to my brother-in-law, Henry Gilling, gentleman, and my sister, his wife, and to my sister Marsham, widow, and to my brother-in-law, Mr Oliver Style, and to every of them gold rings of four marks apiece with an inscription, in them to be devised by my executors, for a remembrance of my love to them;

Also I do give unto my old acquaintance, Mr Rowland Barker, fifty pounds;

Item, I do give unto my old servant, Margery Slater, twenty pounds if my wife shall so think it fit, and to every other servant to whom I do give either wages or liveries four marks apiece;

Now for the better performance of this my last will and testament, and how and in what sort the same shall be performed, I have for some respects forborne to set down in this my last will and testament, and have put it down in writing in another paper, which course I desire that my said good friend, Mr Thomas Spencer, and my executors of this my last will and testament should follow;

And I do constitute and ordain my said friends Mr Thomas Spencer, Mr Nicholas Fuller, Mr Richard Spencer and Mr Roger Bromley (if he will be troubled therewith, which thing

I most heartily desire of him if his health will give him leave) my executors of this my last will and testament, most heartily praying them that they will take upon them th' execution thereof for the help and comfort of my poor widow and fatherless infants;

Item, my debts being paid, which is but three hundred and fifty pounds, which I have in my house and more, I do give the overplus of all such money as will arise of the sale of such lands and by other things as in the aforesaid note I have put down to my son, Thomas Branthwayte, in such sort, manner and form as I have given unto him the aforesaid legacy of six thousand pounds, which I trust will be a good increase of his former portion, and I do desire the same may be also bestowed in land and conveyed in such sort as is before appointed of his other portion;

Item, my mind is that if there be any want to perform this my last will, which I think cannot so fall out, for if Ringwood be sold to that value that I might have had for it, there will be a very great portion for my son more than in particular I have bequeathed unto him, but if it shall fall out otherwise, I will all those defects to be taken out of my son Thomas his legacy in money;

Item, I do give to Mr Morris, the apothecary, five pounds;

I do will also that if my loving wife shall think it fit, that then my brother-in-law, Edward Bull, shall have the three hundred pounds that I had of him for the which I have covenanted to pay thirty pounds yearly during his life, he delivering again the assurance that he hath for his said annuity, or otherwise to continue the payment unto him of the said annuity, which said sum of three hundred pounds, or the thirty pounds per annum, my mind is shall be discharged or paid out of my eldest son's portion;

Item, I do give unto the said Edward Bull one ring of the value of five marks;

In witness whereof to this my last will and testament containing four sheets of paper I have put my hand and seal the four and twentieth day of August in the six and thirtieth year [=24 August 1594] of the reign of our Sovereign Lady Elizabeth, by the grace of God of England, France and Ireland Queen, Defender of the Faith etc. Richard Branthwayte.

Subscribed by the abovenamed Richard Branthwayte in the presence of me William Branthwayte, Thomas Newman.

Probatum fuit Testamentum suprascriptum apud London coram venerabili viro Magistro Willmo Lewin legum doctore Curie prerogative Cantuariensis Magistro Custode siue Commissario vicesimo tertio die mensis Decembris Anno Domini millesimo quingentesimo nonagesimo quarto Iuramento francisci Clerke Notarij publici procuratoris Thome Spencer Nicholai fuller Richardi Spencer et Rogeri Bromley executorum in huiusmodi testamento notarij Quibus

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commissa fuit Administrac{i}o bonorum Iurium et creditoru{m} dicti Def{uncti} de bene et fideliter Administrand{o} &c ad sancta dei Evangelia Iurat{i}.

[=The above-written testament was proved at London before the worshipful Master William Lewin, Doctor of the laws, Master, Keeper or Commissary of the Prerogative Court of Canterbury, on the twenty-third day of the month of December in the year of the Lord the one thousand five hundred ninety-fourth by the oath of Francis Clerke, notary public and proctor of Thomas Spencer, Nicholas Fuller, Richard Spencer and Roger Bromley, executors 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.]