

SUMMARY: The document below is the last will and testament, dated 31 July 1607, with a codicil dated 29 November 1607, confirmed 12 December 1607, proved 18 December 1607, of John Preston, who purchased the Tabard Inn of Chaucer's *Canterbury Tales* from Robert Mabbe, whose brother, John Mabbe, purchased Oxford's manors of Gibcrack and Little Yeldham. For pleadings in a Chancery suit between the testator and Robert Mabbe over ownership of the Tabard Inn, see TNA C 2/Eliz/M8/53.

For an article on the association of members of the King's Men with The Tabard, see Carlin, Martha, 'The Bard at the Tabard', *Times Literary Supplement*, 24 September 2014:

<http://www.the-tls.co.uk/tls/public/article1462934.ece>.

In the will below the testator bequeaths the Tabard Inn to his grandson, Philip Barnard, the son of the testator's daughter, Dorothy Preston, who married firstly a husband surnamed Tylney, by whom she had a son, Philip Tylney; secondly, John Barnard, by whom she had at least two children, Philip Barnard and John Barnard; and thirdly, Sir Thomas Williams.

The testator's grandson, Philip Barnard, was a lawyer of Furnival's Inn and Lincoln's Inn. See Baildon, W.P., ed., *The Records of the Honourable Society of Lincolns Inn: The Black Books*, (Lincoln's Inn, 1896), Vol. I, p. 128 at:

<http://babel.hathitrust.org/cgi/pt?id=mdp.35112104016904;view=1up;seq=144>.

5 May 1599 Philip Barnard, of London, gentleman, of Furnival's Inn

See also mention of Philip Barnard in an entry dated 18 June 1607 in Baildon, W.P., ed., *The Records of the Honourable Society of Lincolns Inn: The Black Books*, (Lincoln's Inn, 1898), Vol. II, p. 106 at:

<http://www.mocavo.com/The-Records-of-the-Honorable-Society-of-Lincolns-Inn-the-Black-Books-Volume-2/334707/156>.

For the will of the testator's nephew, William Kynge of Lincoln's Inn, proved 27 May 1609, in which he mentions his 'uncle Preston', his 'cousin Philip Barnard', and his house in St John's Street in the parish of St Sepulchre (the street in which the testator had formerly resided, according to the documents below), see TNA PROB 11/113/473.

Most of the witnesses to the will below are mentioned in the will of the testator's nephew, William Kynge. Julyan Reynolds was William Kynge's sister, and had first been married to a husband named Wallis; Adrian Wallis, who witnessed the testator's will, may have been her son. John Hastie and Richard Kirby are both mentioned in the will of William Kynge as his servants, and Kynge bequeaths Kirby ten of his law books.

RM: T{estamentum} Iohannis Preston

[f. 358r] In the name of God, Amen. I, John Preston of the borough of Southwark in the county of Surrey, gentleman, being in perfect mind and remembrance, praise be given to Almighty God therefore, knowing certainly that all flesh must return to the earth from whence it did come, and that my house of clay must be dissolved, but how soon Almighty God doth [f. 358v] only know, preparing myself therefore towards that voyage I have thought good for the better preparation thereunto, meaning hereby to settle and establish the estate of all my messuages, lands, tenements and hereditaments which I have in possession, reversion, remainder or in use or otherwise within the realm of England, and to dispose of all my leases, household stuff, plate, jewels, money, goods, chattels and cattles whatsoever;

First I do revoke, annihilate and make void all or any former will or wills whatsoever heretofore by me made touching or concerning my said messuages, lands, tenements and hereditaments or any of them, or my leases, goods, debts or chattels whatsoever, and I do publish and declare this to be my only true last will and testament;

First I do will, give and devise unto Philip Bernard of Lincoln's Inn in the county of Middlesex, gentleman, one of the sons of my daughter, Dame Dorothy Williams, wife to Sir Thomas Williams, knight, and late wife of John Bernard, gentleman, deceased, all that my messuage and inn called the Taberd alias the Tabrett with th' appurtenances situate and being in the parish of Saint Saviour's in Southwark aforesaid in the said county of Surrey, and one garden thereunto belonging, and also all that my messuage or tenement thereunto adjoining called the Abbot's Lodging with a backside and a garden thereunto belonging situate, lying and being in Southwark in the said parish of Saint Saviour's in the said county of Surrey, and all other my lands, tenements and hereditaments within the said county of Surrey;

And also all my messuages, lands, tenements and hereditaments situate, lying and being in the towns, fields, parishes and hamlets of Barking, Dagenham and Little Ilford in the county of Essex or elsewhere within the said county of Essex;

And also all my messuages, lands, tenements and hereditaments with all and singular their appurtenances situate, lying and being in St John's Street in the parish of Saint Sepulchre in the said country of Middlesex or elsewhere within the said county of Middlesex;

And also all other my messuages, lands, tenements and hereditaments within the realm of England;

To have and to hold all and singular the said messuages, lands, tenements and hereditaments with all and singular their appurtenances to the said Philip Barnard and the heirs of his body lawfully to be begotten;

And for default of such issue, if William Kyng of Lincoln's Inn in the(?) county of Middlesex, gentleman, nephew to me, the said John Preston, shall be living in this mortal life at the time of the decease of the said Philip Barnard without issue of his body begotten as aforesaid, then to the said William Kyng, his heirs and assigns, forever;

But if the said William Kyng shall depart this mortal life before the said Philip Barnard, then after the decease of the said Philip Barnard without issue as aforesaid, to the use of the right heirs of me, the said John Preston, forever;

And for the disposition of all my said leases, household stuff, plate, jewels, money, goods, chattels and cattles whatsoever, after my debts paid, funerals discharged and legacies performed, I do will, give and devise the same to the said Philip Barnard and William Kyng, whom by these presents I do make my executors of this my last will and testament with this trust and confidence especially by me reposed in the said William Kyng, that he will make no gain, benefit or advantage by this executorship to his own use but for the benefit of the said Philip Barnard, and to perform such legacies as he knoweth my will and meaning is to have paid and performed;

In witness whereof unto this my last will and testament indented I have unto both parts hereof set my hand and seal this last day of July in the year of the reign of our Sovereign Lord James by the grace of God King of England, Scotland, France and Ireland, [f. 359r] Defender of the Faith etc., viz., of England, France and Ireland the fifth and of Scotland the one and fortieth, Anno{ue} Domini 1607. Signum d{i}c{t}i Ioh{ann}is Preston. Sealed and delivered in the presence of us, Adrian Wallis, Julyan Reynolds, John Hastie and Richard Kirby. The mark of the said John Hastie.

A codicil to be annexed to the last will and testament of John Preston

Whereas I, John Preston of the parish of Saint Saviour's in the borough of Southwark and county of Surrey, gentleman, have by my last will and testament bearing date the last day of July in the year of the reign of our Sovereign Lord James by the grace of God King of England, Scotland, France and Ireland, Defender of the Faith etc., viz., of England, France and Ireland the fifth and of Scotland the one and fortieth and in the year of Our Lord God one thousand six hundred and seven, given, willed and devised all my leases, household stuff, plate, jewels, money, goods, chattels and cattles whatsoever after my debts paid, funerals discharged and legacies performed to my grandchild, Philip Barnard, and my nephew, William Kyng, and have made them my executors of my said last will and testament, with trust and confidence specially by me reposed in the said William Kyng that he will make no gain, benefit or advantage by this executorship to his own use but for the benefit of the said Philip Barnard, and to perform such legacies as he knoweth my will and meaning is to have paid and performed, as in and by my said testament appeareth;

Now for the better manifestation of my mind and intent therein, I have thought fit to signify and express that for certain causes and considerations me especially moving, I do by these presents revoke all legacies, gifts and bequests concerning my leases, household stuff, plate, jewels, money, goods, chattels and cattles whatsoever given and bequeathed in my said last will and testament unto the said William Kyng, and so to be held as revoked to all intents and purposes, and do by these presents give, will and devise all my said leases, household stuff, plate, jewels, money, debts, goods, chattels and cattles whatsoever wholly unto the said Philip Bernard, my grandchild;

Signifying further that I have named and appointed the said William Kyng a co-executor of my said last will and testament in trust and confidence only for the good of the said Philip, and to be aiding and assisting unto him in all things and not otherwise, and that the said William Kyng shall not dispose of any my goods, chattels, cattles or credits to his own use, neither pay nor receive anything to or of any man concerning my estate but only with the privity, good liking and consent and to the best use, profit and commodity of the said Philip Bernard, assuring myself that the said William Kyng will faithfully and justly perform my desire and will to the best use, profit and behoof of the said Philip according to this my meaning and intent as my trust is in him;

In witness whereof I have hereunto set my hand and seal given the 29th day of November in the year of the reign of our Sovereign Lord King James of England, France and Ireland the fifth and of Scotland the one and fortieth, 1607. The mark of John Preston. Subscribed, sealed and delivered by the said John Preston as his codicil to be annexed to his last will and testament in the presence of us, viz., John Hart, notary public, Thomas Bate, John Bernard.

RM: Confirmatur per Sententiam Diffinitivam Latam(?) 2 septembris (illegible) 1609

Memorandum: That the said John Preston, the testator, being of perfect mind and memory, did again the twelfth day of December 1607, between the hours of six and seven in the afternoon of the said day, acknowledge, ratify and confirm the said codicil so made the nine and twentieth day of November last past as his act and deed, and willed the same should be annexed to his last will and testament and to be had and reputed as part and parcel thereof, and said that whereas this day, being the twelfth of December aforesaid in the forenoon, he acknowledged his said last will and testament dated the last day of July last past before John Hone, Doctor of Laws, [f. 359v] one of the Masters of the Chancery, that his mind and intent was to have ratified and confirmed the same codicil before the said Doctor Hone but that the said codicil was not then in the house;

And further said that he would not have any legacies paid but such as Philip Barnard, his grandchild, and one of the executors named and appointed in his said will and testament should think fit and convenient in his discretion, which premises he so acknowledged, confirmed and willed in the presence of us, viz., John Harte, notary public, the mark of William Dirrant, William Lane, John Bernard.

Probatum fuit Testamentum suprascriptum vnacum Codicillis annex{is} apud London coram venerabili viro D{omi}no Iohanne Bennett Milite legum d{o}c{t}ore Cur{ie} Prerogatiue Cantuariens{is} Magistro Custode siue Comissario l{egi}time constituto Decimo octauo die mens{is} Decembris Anno Domini millesimo sexcentesimo septimo Iuramento Philippi Bernard vnus executorum in eodem testamento nominat{orum} Cui commissa 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 vigore Commissionis in hac p{ar}te emanat{i} Iurat{o} Reservata p{otes}tate similem Commissionem faciend{i} Will{el}mo Kyng alteri executorum in eodem testamento etiam nominat{orum} eam cum venerit petitur{o} in debita Iuris forma admissur{o}

[=The above-written testament was proved, together with the codicils annexed, at London before the worshipful Sir John Bennet, knight, Doctor of the Laws, lawfully constituted Master, Keeper or Commissary of the Prerogative Court of Canterbury, on the eighteenth day of the month of December in the year of the Lord the thousand six hundred seventh by the oath of Philip Bernard, one of the executors named in the same testament, to whom administration was granted of the goods, rights and credits of the said deceased by force of a grant issued in that respect, sworn on the Holy Gospels to well and faithfully administer etc., with power reserved for a similar grant to be made to William Kyng, another of the executors named in the same testament, when he shall have come to petition to be admitted the same in due form of law.]