

SUMMARY: The document below is the Prerogative Court of Canterbury copy of the will, dated 6 May 1580 and proved 12 November 1580, of Sir John Thynne (d. 21 May 1580), the builder of Longleat, whose eldest son and heir, Sir John Thynne (c.1551 – 21 November 1604), married Joan Hayward (bap. 28 August 1558 – d. 3 March 1612), the daughter of Sir Rowland Hayward (d. 5 December 1593), Lord Mayor of London, whose mansion, King's Place in Hackney, was purchased by Oxford's second wife, Elizabeth Trentham. For Elizabeth Trentham's purchase of King's Place from the executors of Sir Rowland Hayward, see TNA C 66/1476, m. 19 on this website.

The testator appoints Oxford's father-in-law, Lord Burghley, as one of the overseers of his will, trusting that he will 'take it in hand in respect of the friendship that hath been between us of old'.

The testator was the eldest son of Thomas Thynne of Church Stretton, Shropshire, by Margaret Eynns, the daughter of Thomas Eynns of Church Stretton. His younger brother, William Thynne, mentioned in the will below, married Margaret Fisher, the daughter of John Fisher, but died without issue on 14 March 1584 and was buried in Westminster Abbey. See Botfield, Beriah, *Stemmata Botevilliana: Memorials of the Families of De Boteville, Thynne, and Botfield*, (Westminster: J.B. Nichols and Sons, 1858), p. 59 at:

<https://archive.org/stream/stemmatabotevill00botfuoft#page/n81/mode/2up>.

The testator was the nephew of William Thynne (d. 10 August 1546), editor of the first collection of the works of Chaucer and father of the herald and antiquary Francis Thynne (c.1545–1608), who spent some of his early years at Longleat, and continued Holinshed's *Chronicle* after Holinshed's death in 1580. See the *ODNB* articles on William Thynne and Francis Thynne, and the will of William Thynne (d.1546), TNA PROB 11/31/263.

The testator married firstly Christian Gresham, the daughter of Sir Richard Gresham (c.1485 – 21 February 1549) and sister of Sir Thomas Gresham (c.1518-1579), by whom he had three sons and three daughters.

Sir Henry Neville (c.1520-1593), the testator's feoffee and executor, was the testator's nephew by marriage, Neville having married, as his first wife, Elizabeth Gresham (d. 6 November 1573), granddaughter of Sir Richard Gresham (c.1485 – 21 February 1549), and daughter of John Gresham (d.1560) and Frances Thwaytes (d.1580). See the *ODNB* articles on Sir Richard Gresham and Sir Henry Neville; the will of Sir Richard Gresham, TNA PROB 11/32/429; the will of Frances (nee Thwaytes) Gresham, TNA PROB 11/62/471; and the pedigree of Gresham in Howard, Joseph Jackson and George John Armytage, eds., *The Visitation of London in the Year 1568*, (London: Harleian Society, 1869), Vol. I, p. 15 at:

<https://archive.org/stream/visitationoflond01cook#page/14/mode/2up>.

See also the Wikipedia article on Sir Richard Gresham edited by the author of this summary at:

[http://en.wikipedia.org/wiki/Richard\\_Gresham](http://en.wikipedia.org/wiki/Richard_Gresham).

The testator married secondly, about 1566, Dorothy Wroughton (d.1616), the daughter of Sir William Wroughton of Broad Hinton, Wiltshire, and his second wife, Eleanor Lewknor, by whom he had five sons. For the testator's father-in-law, Sir William Wroughton (d. 4 September 1559), see the History of Parliament entry at:

<http://www.historyofparliamentonline.org/volume/1509-1558/member/wroughton-sir-william-150910-59>.

After the testator's death, Dorothy (nee Wroughton) married Sir Carew Raleigh (d.1550–1625/6), elder brother of Sir Walter Raleigh (1554-1618), who had been the testator's gentleman of the horse. See the *ODNB* article on Sir Walter Raleigh.

For the testator's brother-in-law and feoffee, Sir Thomas Wroughton (d. 4 June 1597), see the History of Parliament entry at:

<http://www.historyofparliamentonline.org/volume/1558-1603/member/wroughton-thomas-1540-97>.

The testator's executor and feoffee, Richard Kingsmill (d. 24 September 1600), was also related to the Wroughton family, having married Alice (nee Fauconer), the widow of Thomas Wroughton (d.1557). Richard Kingsmill's daughter, Constance, married Sir Thomas Lucy, the son of Sir Thomas Lucy (d. 7 July 1600) of Charlecote, from whose park William Shakespeare of Stratford upon Avon is alleged to have poached deer.

As noted above, the testator's eldest son and heir, Sir John Thynne, married Joan Hayward, the daughter of Sir Rowland Hayward, Lord Mayor of London. See the History of Parliament entry for Sir John Thynne at:

<http://www.historyofparliamentonline.org/volume/1558-1603/member/thynne-john-1550-1604>.

See also the *ODNB* article on Joan (nee Hayward) Thynne; her will, TNA PROB 11/119/253; and Botfield, *supra*, pp. clxxvi, clxxviii-clxxx at:

<https://archive.org/stream/stemmatabotevill00botfuoft#page/n417/mode/2up>.

See also O'Day, Rosemary, *The Routledge Companion to the Tudor Age*, (New York: Routledge, 2010), at:

<http://books.google.ca/books?id=PgKSouk9fHUC&pg=PA1590-IA65&lpg=PA1590-IA65&dq=%22Tillesworth%22+%22Caus+Castle%22&source=bl&ots=9f6cEK0c87&si>

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<http://www.oxford-shakespeare.com/>

g=qKrgxZdtbnWLqVi1dNTRNWqkS3A&hl=en&sa=X&ei=hJ\_jU\_uhKMXaoATck4HA  
Ag&ved=0CB4Q6AEwAA#v=onepage&q=%22Tillesworth%22%20%22Caus%20Castl  
e%22&f=false.

See also the Thynne papers at Longleat:

<http://apps.nationalarchives.gov.uk/a2a/records.aspx?cat=2238-th&cid=1-3-1&kw=hercy#1-3-1>.

Walter Berington, whom the testator appoints as one of his executors, appears to have been the testator's steward. See TNA C 2/Eliz/B31/48.

For a summary of the testator's will, see Botfield, *supra*, p. ccliv at:

<https://archive.org/stream/stemmatabotevill00botfuoft#page/n515/mode/2up>

The Latin *sentencia diffinitiva* preceding the will has not been transcribed, nor have two marginal notes concerning administration of the will.

LM: T{estamentum} D{omi}ni Ioh{ann}is Thinne militis

[f. 349r] In the name of God, Amen, so be it. The sixth day of May in the year of Our Lord God a thousand five hundred and fourscore, I, John Thynne of Longleat in the county of Wiltshire, knight, being in good health and perfect memory, praise be unto Almighty God, and knowing there is nothing more certain to man than death, [f. 349v] nor anything more uncertain than the hour of death, do make this my last will and testament in manner and form following:

First I bequeath my soul to Almighty God, my Redeemer and Saviour Christ Jesus, by th' only merits of whose death and passion I trust to be saved, and my body to be buried in honest manner within the parish church of Longbridge Deverill in the said county of Wiltshire without any manner of pomp or ceremony, which I account but vain;

Item, I will and bequeath and devise unto Dame Dorothy Thynne, my wife, after my debts paid, the third part of all my plate and household stuff at Longleat aforesaid and Corsley in the said county of Wiltshire, the same third part to be divided, sorted, assigned and set forth in severalty from th' other two parts by th' executors and overseers of this my last will and testament, or by two of them, and to be to her delivered within a convenient time after my decease, so that she claim no part of my goods and chattels by any custom or usage in any place within the realm of England;

Item, I will, bequeath and devise th' occupation, usage and custody of all the residue of my plate and my hangings, bedding, pewter, brass and other household stuff, and also of all my implements of household whatsoever being in my houses at Longleat and Corsley

aforesaid in the said county of Wiltshire, and also, after this my will and testament preformed, of all my stocks and store of sheep which I have or at the time of my death shall have on my farms in Longbridge Deverill and Monkton Deverill in the said county of Wiltshire, to him, her or them of my blood that next after my death shall or ought lawfully to have the freehold in law or possession of my said house at Longleat by force or virtue of any lawful assignment, conveyance or assurance thereof made or to be made by me in my lifetime or that shall happen to have the same house justly by descent in law of inheritance as next heir in blood to me, the said Sir John Thynne, and for want of such conveyance or assurance during such time, after this my will performed, that he, she or they shall or ought lawfully to have the freehold in law or possession of my said house at Longleat aforesaid by any of the ways or means afore recited;

And I will, devise and bequeath that after that time th' occupation, usage and custody of all the said residue of my said plate, hangings, bedding, pewter, brass and other household stuff and implements of household whatsoever not given in my lifetime nor bequeathed to my said wife and the said stocks and store of sheep shall from time to time forever be renewed, remain and be heirlooms to such person and persons for the time being as shall or ought to have the freehold in law or possession of my said house at Longleat by any of the ways or means aforesaid;

Provided always and my will is that until this my will be or may be performed without fraud or covin, and also at all times after when it shall happen at any time hereafter any of the persons that at any time or times hereafter shall or ought to have the freehold in law or possession of my said house at Longleat aforesaid to be within and under th' age of twenty and one years, that then my executors of this my last will and testament and the survivors or survivor of them and the executors of the survivor of them shall have the custody and keeping of all that the residue of the said plate, hangings, bedding, pewter and brass and other household stuff and implements of household whatsoever and of the said stock and stores of sheep renewed until such time as this my will be or may be without fraud or covin performed, and further until such time as such person or persons so being under th' age of twenty and one years shall accomplish the age of twenty and one years or die under th' age;

And that the profit growing, rising or coming of the said stocks and stores of sheep during such minority clearly above the charges of well keeping and using of the said hangings, bedding, pewter, brass and other household stuff and implements of household and of the said stocks and stores of sheep shall be employed to the performance of this my will, payment of my debts and of my legacies;

And further I will that immediately after my death, or within the space of one month next and immediately after, an inventory indented tripartite be made of all and every the said residue of my plate, bedding, pewter, brass and other household stuff and implements of household not given in my lifetime nor bequeathed to my said wife, and of the said stocks and stores of sheep, thone part whereof to remain with my executors, another part thereof to remain with my overseers, and the third part thereof to be affiled to my will and to

remain of record with the probate of my said will in th' hands of th' ordinary or other ecclesiastical judge before whom my said will shall be exhibited and proved;

And whereas by my writing or deed indented tripartite made between me, the said Sir John Thynne, Dame Dorothy Thynne, my wife, [f. 350r] on the first part, and Sir Harry Neville, knight, Richard Kingsmill, John Colles, my brother, William Thynne, and Thomas Ashe, esquires, of the second part, and Sir Thomas Wroughton, knight, brother-in-law to me, the said Sir John Thynne, of the third part, bearing date the four and twentieth day of October in the nineteenth year of the reign of our Sovereign Lady the Queen that now is, I have assured and conveyed certain manors, lands, tenements and hereditaments in the counties of Wiltshire, Somerset, Gloucester, Oxford, Salop [=Shropshire] and Kent, and also certain houses in the cities of London, Bristol and Westminster unto the said Sir Harry Neville, Sir Thomas Wroughton, knights, Richard Kingsmill, John Colles, William Thynne and Thomas Ashe for the term of divers years, as in and by the said deed appeareth, to the intent the said Sir Harry Neville, Sir Thomas Wroughton, knights, Richard Kingsmill, John Colles, Thomas Ashe, William Thynne, esquires, the survivors and survivor of them, the executors, administrators or assigns of them or the survivor of them, shall with the issues and profits of the said manors, lands, tenements and hereditaments during the said term satisfy, content and pay my debts and perform the legacies given by this my last will and testament, and also to employ and bestow the same to such other uses and purposes as by my last will and testament I do or shall appoint, as by the same deed more at large appeareth,

Now my will and intent is that the said Sir Harry Neville, knight, Richard Kingsmill and John Colles, esquires, John Thynne and Francis Thynne, my sons, and Walter Berington, gentleman, and the survivor or survivors of them, the executors, administrators or assigns of them or the survivor of them, with as convenient speed as they may after my body brought in earth, shall with the issues and profits of the said manors, lands, tenements and hereditaments truly content and pay all such debts and duties as I owe in right or conscience to any person or persons;

And after the same debts paid, shall with the issues and profits thereof satisfy and perform the legacies by this my last will and testament given and bequeathed at such time and in such manner and form as by the same will is appointed;

And after to bestow and employ the issues and profits thereof to such other purposes as hereafter in this my last will shall be limited and appointed;

Item I give and bequeath to the said Dame Dorothy Thynne, my wife, the sum of three hundred pounds of lawful English money, and all her apparel, ornaments and jewels, so that she make no claim to any other part of my goods and chattels not to her given by this my last will and testament;

Also I give unto the same Dame Dorothy, my wife, thirty kine, one bull and one hundred of my ewes at Corsley that shall be there at the day of my death, the foresaid sum of three

hundred pounds to be paid to her within two years next after my decease and the said cattle to be delivered presently upon my death;

And also I give and bequeath to the same Dame Dorothy, my wife, for the term of thirty years, the same time to begin immediately after my decease if the said Dame Dorothy so long do live, all those my tithes of corn and hay that shall happen to grow, renew and increase yearly in the parish of Corsley in the county of Wiltshire belonging to the prebend of Warminster otherwise called the prebend of Luxfield, paying therefore yearly during the said term of thirty years if the said Dame Dorothy, my wife, so long do live after the decease of Thomas Wightman, clerk, to the successors of the said Thomas Wightman, prebendaries of the same prebend, one yearly rent of ten pounds of lawful English money at two terms in the year, that is to say, at the feast of St Michael th' Archangel and th' Annunciation of Our Lady by even portions, as by the covenants of a lease thereof I stand bounden to pay;

Also I further will and devise and by this my last will and testament declare that my will and intent is that the said Sir Harry Neville, knight, Richard Kingsmill, John Colles, John Thynne and Francis Thynne, my sons, and Walter Berington or the survivors or survivor of them, by the oversight, counsel or advice of the overseers of this my last will and testament or by the oversight, counsel or advice of the survivors or survivor of them shall within two years after my debts paid and th' other legacies of this my will for my children's preferment performed, or as soon as my executors or the survivors or survivor of them shall or may conveniently save and collect together of the said issues and profits of the said manors, lands, tenements and hereditaments to them or some of them assured for the purpose and intent afore declared so much in money as shall amount or come unto the sum of five hundred pounds of lawful English money, and they, the said Sir Harry Neville, knight, Richard Kingsmill, John Colles, John Thynne and Francis Thynne, my sons, and Walter Berington or the survivors or survivor of them, the executors, administrators or assigns of them or the survivors or survivor of them, shall by the oversight, counsel and advice aforesaid, so soon and with as much expedition as conveniently may be and as behovefully, profitably and justly as may be, bestow the same [f. 350v] five hundred pounds and also the sum of one hundred pounds of lawful English money due unto me by John Bridges of Kingswood, cloth-man, for the fine of a tenement with th' appurtenances in Kingswood aforesaid, the which said hundred pounds and the profits made thereof, if any shall be, my will and intent is shall be likewise together with the said five hundred pounds bestowed by the said Sir Harry Neville and th' others in buying of land in fee simple, which land so bought shall be conveyed and assured unto th' use of the said Harry Thynne, my son, and of the heirs males of his body lawfully begotten;

And for default of such issue to th' use of Charles Thynne, my son, and of the heirs males of the body of the said Charles Thynne lawfully begotten;

And for default of such issue to the use of Edward Thynne, my son, and of the heirs males of the body of the said Edward Thynne lawfully begotten;

And for default of such issue to the use of William Thynne, my son, and of the heirs males of the body of the said William Thynne lawfully begotten;

And for default of such issue to the use of Egremont Thynne, my son, and of the heirs males of the body of the said Egremont Thynne, my son, lawfully begotten;

And for default of such issue to th' use of th' heirs males of me, the said Sir John Thynne, on the body of the same Dame Dorothy Thynne lawfully begotten;

And for default of such issue to the use of the right heirs of me, the said Sir John Thynne, forever;

And my further will and intent is that in and by the said assurance and conveyance to be made of such lands to my sons next afore named there to be contained and specified conditions, limitations of uses or other matter sufficient in law to restrain and keep the said Harry Thynne, Charles Thynne, Edward Thynne, William Thynne and Egremont Thynne and every of them and the heirs males of their and every of their bodies lawfully begotten from discontinuing, alienating or other letting, setting or charging of the same land otherwise or in any other manner than tenant in tail may lawfully do by a statute made in the two and thirtieth year of the reign of the late king of famous memory, Henry the 8<sup>th</sup>;

And also that in the same assurance and conveyance there may be likewise matter sufficient in law to restrain and keep all and every heir male of my body on the body of the said Dame Dorothy lawfully begotten or to be begotten, their or either of their heirs males lawfully begotten or to be begotten, from discontinuing, alienating, letting, setting or charging of the manor of Kingswood with their appurtenances in the said counties of Wiltshire and Gloucester otherwise or in other manner than tenant in tail may do by the statute aforesaid, upon condition or pain that the person or persons offending or doing contrary to the true meaning of my will and intent concerning the same shall lose th' estate and interest for his life only of, in and to the land by this my last will and testament limited to be bought as afore showed, and that the next heir male of the whole blood to any of my said sons aforenamed to have and enjoy the same;

Also I give and bequeath to Elizabeth Thynne, my daughter, the sum of two thousand marks of lawful England money;

Also I give and bequeath unto Katherine Thynne, my daughter, the sum of one thousand marks of lawful England money;

Also I give and bequeath to Gresham Thynne, my daughter, the sum of one thousand marks of lawful English money;

Also I give and bequeath to every other of my daughters that I shall have living at the time of my death not being by me or by my means in my lifetime bestowed in marriage or otherwise advanced the sum of one thousand marks of lawful money of England, that

is to say that every such daughter shall have the sum of one thousand marks of lawful English money;

Also my will and intent is that every of the said several sums of money bequeathed severally to every of my said daughters shall be paid unto them severally in the days of their several marriage or at their several ages of twenty and one years;

Also I give and bequeath unto Dorothy Colles, the daughter of my son-in-law, John Colles, and of Anne, my daughter, the sum of one hundred pounds of lawful money of England, the said sum of one hundred pounds to be paid to the said Dorothy Colles in the day of her marriage or age of twenty and one years;

Item, I will that the said Sir Henry Neville, knight, Richard Kingsmill, John Colles, John Thynne, Francis Thynne, my sons, and Walter Berington always from time to time as soon as they or any of them shall get into his or their custody of the profits of my lands to him or some of them assigned for the performance of my will any convenient sum or sums of money toward the payment of the sums devised by this my will to my daughters as before is specified shall from time to time put the said convenient sum or sums of money so gotten as [f. 351r] [-as] aforesaid in safekeeping to remain towards and for the payment of the said several sums of money to every of my said daughters to whom I have by this my last will and testament bequeathed any sum or sums of money as aforesaid;

And my will is that the said sums of money so collected as aforesaid shall for the time be by the discretion of my said executors and overseers or by such as so shall have the same employed and converted to the increasing of every legacy to my said daughters according to her sum or sums to her bequeathed;

Also I will that the said Sir Harry Neville, knight, Richard Kingsmill, John Colles, John Thynne, my said son, and Walter Berington and the survivor or survivors of them shall allow yearly unto every of my said sons, Francis Thynne, Thomas Thynne, Harry Thynne, Charles Thynne, Edward Thynne, William Thynne, Egremont Thynne and every of them and every other of my sons which shall be living at the time of my death, John Thynne only excepted, the sum of twenty pounds of lawful English money yearly to be to them and every of them paid at four terms in the year, that is to say at the feast of the Birth of Our Lord God, th' Annunciation of the Blessed Virgin Mary, the feast of St John Baptist, and the feast of St Michael th' Archangel by even portions to be paid for and toward their and every of their exhibition and maintenance in learning and for and towards their and every of their meat, drink and apparel, so that every of my sons shall have yearly for his exhibition the sum of twenty pounds to be paid as afore is showed until every of them shall severally accomplish his full age of twenty and one years and have the living or preferment by me to him given in possession, and the said Sir Harry Neville, knight, Richard Kingsmill, John Colles, John Thynne, Francis Thynne, my sons, and Walter Berington and the survivor or survivors of them to be allowed thereof in their account;



Provided always and my meaning is that from and after such time as my said son, William Thynne, shall come to and be of th' age of twenty and one years, then my will and meaning is and I do give and bequeath to the said William one annuity or yearly portion or profit of one hundred marks of current English money to be paid him during his life out of and from th' issues and profits of those my manors, lands, tenements and hereditaments so assured and conveyed to the said Sir Henry Neville and th' others aforesaid at four terms in the year, that is to say, at the feast-days of th' Annunciation of Our Lady, St John Baptist, St Michael th' Archangel and the Nativity of Our Lord God by even portions;

Also I give and bequeath to Egremont Thynne, my son, one annuity or yearly portion or profit of forty pounds of current English money out of the lands and tenements aforesaid to be paid to him during his life at the feast-days of th' Annunciation of Our Lady, St John Baptist, St Michael th' Archangel, the Nativity of Our Lord God by even portions, the same annuity to begin after he shall be of twenty-one years of age;

And also I will that the said Sir Harry Neville, Richard Kingsmill, John Colles, John Thynne, Francis Thynne, my sons, and Walter Berington and the survivor and survivors of them do also allow yearly to every of my daughters that shall be living at the time of my death and not married, except to my daughter, Elizabeth Thynne, the sum of twenty pounds of lawful money of England yearly to be to them and every of them paid at four terms in the years [sic], that is to say at the feast of the Birth of Our Lord God, th' Annunciation of the Blessed Virgin Mary, the feast of St John the Baptist and the feast of St Michael th' Archangel by even portions to be paid for and towards their and every of their maintaining in learning, meat, drink and apparel, so that every of my said daughters, except my said daughter Elizabeth Thynne, shall have yearly for her exhibition the sum of twenty pounds to be paid as aforesaid until every of them be bestowed in marriage;

And I give to the said Elizabeth Thynne, my daughter, until she be bestowed in marriage or have her legacy or portion in money bequeathed unto her the sum of thirty pounds of lawful English money to be to her paid at four terms in the year, that is to say at the feast-days of th' Annunciation of Our Lady, St John the Baptist, St Michael th' Archangel and the Birth of Our Lord God by even portions;

And the said Sir Harry Neville, Richard Kingsmill, John Colles, John Thynne and Francis Thynne, my sons, and Walter Berington and the survivor or survivors of them or the most part of them to be allowed thereof upon their account;

Provided always that there be no deduction made out of the legacies by me given or bequeathed to any of my said daughters, but that every of them at her time may receive it entirely and wholly with the profits made thereof, if any shall be, [f. 351v] according to my meaning before expressed;

And moreover my will and intent is that if it happen any of my said daughters to whom by this my last will and testament I have given or bequeathed any sum or sums of money to depart out of this life before the legacy, part or portion in money bequeathed unto her

or them that shall so fortune to die ought to be paid to her or them that shall so fortune to die, that then the legacy, part and portion in money bequeathed to her or them that so shall fortune to die and the gain and increase thereof, if any be, shall remain to my other daughters or daughter that shall happen to be then living not being by me or by my means in my lifetime or afterwards bestowed in marriage or otherwise advanced;

And in case they or she of my said daughters that shall happen to be then living be bestowed or advanced in my lifetime or afterwards before they or she that shall so fortune to die do decease, then the legacy, part and portion in money bequeathed to them or her that shall so fortune to die and the gain and increase thereof, if any be, shall remain to my executors for and towards the performance of this my will and testament;

And if it happen that all my said children to whom I have given and bequeathed any money by this my last will and testament do die before every of them shall receive their bequests, then I will and bequeath two thousand pounds of lawful money of England to be by the discretion of my executors and overseers or the survivor or survivors of them or of some of them employed and bestowed to and about the foundation of a free school and an almshouse to be by them erected and made in the town of Longbridge Deverill in the said county of Wiltshire, the same free school and almshouse there perpetually to endure, and also to and about the buying of lands to be given to the maintenance of the said free school and almshouse and the schoolmaster of the said free school and of the poor people that shall be in the said almshouse;

Also I will that my executors in as convenient time as they may after my death shall new build or new make or cause to be builded and new made a convenient tomb for me and my said late wife within the parish church of Longbridge Deverill in the county of Wiltshire aforesaid according to a plot thereof made and signed with my own hand and by me to be left with this my will, and if no such shall be left, then to cause it to be made in such form and manner as my executors may best learn what was my determination concerning the same or otherwise as they think good;

And further I will that the said Sir Harry Neville, Richard Kingsmill, John Colles, John Thynne, Francis Thynne, my said sons, and Walter Berington and the survivors or the survivor of them shall retain, possess and enjoy all and every the said manors, lands, tenements and hereditaments and other the premises to them or some of them assured for term of years as aforesaid until the[y] or some of them shall or may have without fraud or covin of and by the profits, revenues and commodities that shall or may rise, come or grow of the same fully and perfectly paid my debts and performed the legacies by this my will given and performed all other the intents of this my will;

Provided that after the same done and performed, that he or they to whom the said manors, lands, tenements and hereditaments and other the premises shall, may or ought by the recited deed of conveyance and assurance descend, remain, accrue or come, after this my last will performed, shall or may enter into all and every the said manors, lands, tenements and hereditaments and to possess and enjoy the same according to the recited conveyance and the true meaning thereof;

And finally my will and intent is that my said son, John Thynne, being my eldest son, and he, she or they of my blood that after my death shall or ought immediately to have the freehold or inheritance of my house at Longleat aforesaid and of other my manors, lands, tenements and hereditaments by force or virtue of any lawful conveyance made by me in my lifetime, or that shall happen to have the same justly by descent of inheritance as next heir to me, the said Sir John Thynne, by the common laws of this realm of England, shall within one half year next after that he, she or they shall have right or title to have the freehold in law or possession of my said house and other my manors, lands, tenements & hereditaments & that he, she or they shall accomplish th' age of twenty and one years, shall stand and become bounden by statute or recognizance to my executors or the survivors or survivor of them in the sum of five thousand pounds of good and lawful money of England, the condition and defeasance whereof shall be to this end, purpose and effect as followeth, that is to say, that if he, she or they and their heirs and assigns and the heirs and assigns of every of them do suffer all and every person and persons and their assigns to whom I have or shall hereafter grant, demise or let any lands, tenements or hereditaments for life or lives, year or years, be it by copy of court roll or by indenture, quietly to hold, possess and enjoy the lands, tenements and hereditaments so to them by me letten or to be letten during every of their estates according to th' intent, [f. 352r] grants, true purport and meaning comprised in the same indentures or copies to them granted as aforesaid, so that they and every of them do truly fulfil, observe, perform and keep all and every the covenants, grants, articles and agreements which on their and every of their parts are to be performed, observed, fulfilled and kept contained in the said indentures or copies, and so that the said copyholders do observe the customs of every of the said manors whereof he or they shall be a copyholder or copyholders, and so that the indenture holders do [-do] make no forfeiture of their estates, and also if he, she or they, their heirs and assigns and the heirs and assigns of every of them, within one quarter of a year after the date of the said statute or recognizance by him, her or them to be made to my executors or to the survivors or survivor of them or to th' executor of the survivor of them as aforesaid, shall make and execute upon reasonable request and at the costs and charges of the lessees or some of them all such estate and estates for life or lives, year or years, as shall be testified to him, her or them by two honest and sufficient witnesses to be promised by me in my lifetime to be made and not by me lawfully made or executed in my lifetime to my children and to every such person and persons to whom I have or shall in my lifetime receive any sum or sums of money for and in the name or names of a fine or income or incomes for that intent. to make or cause to be made to any such person or persons any estate or estates for life or lives, year or years, of, in or to any lands, tenements or hereditaments which by course of inheritance or other conveyance shall descend, remain, be or come to him, her or them which so shall become bounden as aforesaid, the same estate or estates to be made according to the true meanings and conclusions between them or either of them and me before agree upon, with like conditions and reservations as I accustomedly do use to put in leases or demises by me made or letten, or else in default thereof shall well and truly content and pay within one quarter of a year after refusal so to do unto every such person and persons to whom any such demise ought to be made by the true intent and meaning of these presents all and

every such several sum and sums of money as I have or before my death shall have received of them for that intent and purpose and as much more;

And also that he, she or they and every of them, their and every of their heirs and assigns, shall and will permit and suffer Francis Thynne, Thomas Thynne, Harry Thynne, Charles Thynne, Edward Thynne, William Thynne and Egremont Thynne, my sons, severally, quietly and peaceably to have, hold, occupy and enjoy all and every such annuities, lands, farms, tenements & hereditaments which I by any my deed or deeds in writing or by this my will and testament have to them severally assured or conveyed, bequeathed, devised or appointed or hereafter shall convey, limit, bequeath or appoint according to the true intent, purport and meaning of me, the said Sir John Thynne, expressed in any such deed or deeds or within this my last will or as it may be truly, justly and uprightly construed, deemed, understood or collected by the same, every of them severally paying yearly the yearly rents as he is rated to pay by the same deed or deeds at the times and seasons and by such portions as in and by the same my said deed or deeds is or are limited and appointed, and doing the reparations as in and by the same deed or deeds are severally limited, that then the same statute or recognizance to be void and of none effect, otherwise the same to stand, be and remain in full strength and virtue;

And further I will and devise and my intent is that he, she or they that shall refuse to be bounden by statute or recognizance as aforesaid according to the true intent and meaning of this my last will and testament shall lose all the benefit and advantage that he, she or they may or ought to receive by this my last will and testament, and that then all the devises, bequests and legacies to him, her or them herein bequeathed shall be void and of none effect, and that he, she or they to whom the freehold of my said house at Longleat and of other my manors, lands, tenements and hereditaments next after my death shall or ought to descend, remain or be by force or virtue of any lawful conveyance made by me in my lifetime or by descent of inheritance as next heir to me, the said Sir John Thynne, if my said son, John Thynne, or he, she or they of my blood that so shall make refusal to be bounden had not been living at the time of my death, shall have, hold and enjoy all and every the said devises, legacies and bequests to my said son, John Thynne, or to him, her or them of my blood by this my last will and testament devised, so that he, she or they become bounden to my said executors according to th' intent, purport and effect before in this my last will limited and appointed;

Also I will and my intent is that if the said statute or recognizance of five thousand pounds to be made or knowledged upon or with condition or [sic for 'of?'] [f. 352v] defeasance in manner and form aforesaid shall be forfeited, that then the benefit of the forfeiture thereof shall be and go towards the performance of this my last will and testament and to the satisfying and paying of such sum and sums of money as I shall happen to receive of any person or persons for or in the name of a fine or fines, income or incomes, for th' intent to make or cause to be made to any person or persons any estate or estates for life or lives, year or years, of or in any lands, tenements or hereditaments that shall not be by me to him or them made or executed in my lifetime, and which estate or estates he, she or they forfeiting the said statute or recognizance aforesaid shall refuse to make and execute according to my true intent, will and meaning before expressed;

Also my further will and intent is that the lease of the farm of Buckland which I made to Richard Cabell, gentleman, in trust shall be and remain to th' use of Edward, my son, even according to the estate and meaning of the leases made to the rest of my younger sons, and in no case to sell the same away, and that the said Richard Cabell do make over the said lease in form aforesaid immediately after my decease, and if my son, Edward, shall happen to die before he come to full age, then th' use of the same lease to remain to my son, Thomas Thynne, to have and to hold the same to him, the said Thomas, and his assigns even according to th' estate and meaning of the leases made to the rest of my younger sons, and in no case to sell the same away;

Also my will is that if my said son, Thomas, may not quietly enjoy the manor of Kingston Deverill by virtue of a deed of conveyance thereof to him made for so long time and according to th' estate and interest to him granted, then my said executors shall assign and appoint unto the said Thomas, my son, as much in value out of my other lands for the continuance of th' estate granted to him by conveyance of and in the said manor called Kingston Deverill;

Also my will and intent is that if any of my children or any other to whom I have given anything by my last will and testament do or shall contend or strive one with another of them about any legacies or any other thing contained in the same will, and will not or shall refuse to be ordered by my executors or the most part of them, then the party so refusing to stand to th' order as aforesaid shall forfeit and lose the benefit that he or they so refusing should have by the same will;

And my further will, meaning and intent is that if any one of my executors named in my last will shall refuse to be my executor, then I will that Thomas Thynne, my son, shall be in his place that shall so refuse;

And if any more than one shall refuse, then my other sons according to their elder years that be younger than Thomas shall supply the place of any of my named executors refusing as aforesaid;

Provided always if all my named executors refuse or forsake to take upon them to be executors of this my last will and testament and to execute and perform the same, then I will and ordain my sons, Thomas Thynne, Harry Thynne, Charles Thynne, Edward Thynne, William Thynne and Egremont Thynne, my executors of this my said last will and testament, and they to have the like authority for th' execution of this my last will and testament and the performance thereof as my forenamed executors had or should have had if they had not refused to be executors of this my said will and testament;

And also I give and bequeath to my brother, William Thynne, one annuity or yearly portion of forty pounds to be paid him yearly during his life out of those my lands and tenements appointed for th' execution of my last will and testament;

Also I will and bequeath unto Francis Thynne, my son, all my books and my crappowe at Todeston [sic for 'crapaud or toadstone'?] to be delivered him presently after my death;

Also my will and intent is that next after my daughter Elizabeth's portion of two thousand marks paid unto her, that my wife's legacy of three hundred pounds shall be next paid her, and so every child to be paid next after according to their elder years, my debts being first paid;

Also my will and desire is to be buried at Longbridge Deverill in the said county of Wiltshire, and a tomb there to be made for me, and one hundred pounds to be bestowed to the building thereof according to my former devise;

Also I give to every of my menservants that shall be my men at the time of my death a blue coat and a half year's wages over and above their wages then due to them and every of them;

Also I give and bequeath all my goods and chattels not before bequeathed by this my last will and testament to my executors for and toward the finding of my house and household servants for one quarter of a year after my decease, and after the same by them to be employed and bestowed for and toward the performance of this my last will and testament;

And of this my last will and testament I ordain and make Mr Harry Neville, knight, Richard Kingsmill, John Colles, my son-in-law, Richard [f. 353r] Mawdeley, John Thynne and Francis Thynne, my sons, and Walter Berington, gentleman, mine executors;

And also I give and bequeath to every of my forenamed executors except the said John Thynne and Francis Thynne, my sons, taking upon him or them the full execution of this my last will and testament twenty pounds of lawful English money over and above all other charges about th' executing of this my last will and testament, which charges to them in all I will also to be allowed upon their account;

Provided always and my further will, meaning and intent is that if my said son, John Thynne, whom I have ordained and made one of my said executors of this my last will and testament, will take upon him the due sole and only execution of the same, then my meaning is that he, my said son, John Thynne, shall have th' only and like authority for th' execution of this my will and testament and performance thereof as my forenamed executors and he together jointly or severally should have had if he, my said son, John Thynne, did not or would not take upon him to be sole executor of this my said will and testament, so as he with good sureties with him will stand and become bounden by statute or recognizance to th' others my forenamed executors or the survivors or survivor of them in the sum of ten thousand pounds, the condition and defeasance whereof shall be to th' end and purpose and effect afore showed;

And further that if he do well and truly execute and perform all th' intents of this my will according to the true meaning and purport of me, the said Sir John Thynne, expressed in

the same will, and do not willingly or wittingly offend or do contrary to the true meaning and intent concerning the same, that then the same statute or recognizance to be void, otherwise the same to stand, be and remain in full strength and virtue;

Also I ordain and make the Lord Treasurer of England, whom I trust will take it in hand in respect of the friendship that hath been between us of old, Sir Amyas Paulet, knight, and Richard Cabell, gentleman, my overseers of this my last will and testament, whom I join with my executors for the execution of the same my will and testament;

And I also give and bequeath to every of my forenamed overseers, except the Lord Treasurer, in recompense of their pains and travails to be taken in seeing th' execution of this my will the sum of ten pounds of lawful English money, and to the said Lord Treasurer I give and bequeath towards his pains the sum of twenty pounds of like lawful money. John Thynne.

Memorandum: That these words 'of them' in the second leaf, the second page and three and thirtieth line, and these words 'at such time and in such manner and form as by the same will is appointed' in the third leaf, the first page and seventh line, and these words 'out of the lands and tenements aforesaid' in the sixth leaf, the first page and nineteenth line, and these words 'the same annuity to begin after he shall be of twenty and one years of age' in the sixth leaf, the first page and three and twentieth line, and this word 'time' in the eighth leaf, the first page and fourth line, and this word 'same' in the eighth leaf, the first page and fifth line, and this word 'all' in the ninth leaf, the second page and eleventh line, were interlined with my consent in my lifetime. John Thynne. This is my last will containing twelve leaves in the whole. John Thynne.

Probatum ac per S{e}n{tenc}iam diffinitivam Approbatum et insinuatam fuit testamentum suprascriptum Apud London Coram mag{ist}ro Will{el}mo Drury legum Doctore Curie Prerogative Cantuarien{sis} Commissario Duodecimo Die mensis Novembris Anno D{omi}ni Mill{es}imo Quingentesimo Octogesimo Iuramento xpoferi Smithe Notarij publici procuratoris Ioh{ann}is Thynne Ac vnus executorum in h{uius}mo{d}i Testamento no{m}i{n}at{orum} Cui commissa fuit Administrac{i}o &c De bene &c Ad Sancta Dei Evangelia Iurat{i}

[=The above-written testament was proved and by the definitive sentence probated and entered at London before Master William Drury, Doctor of the Laws, Commissary of the Prerogative Court of Canterbury, on the twelfth day of the month of November in the year of the Lord the thousand five hundred eightieth by the oath of Christopher Smithe, notary public, proctor of John Thynne and [sic?] one of the executors named in the same testament, to whom administration etc., sworn on the Holy Gospels to well etc.]