

Will of Horatio Palavicino 1600 (PRO, ref. PROB 11/96 Image 583)

Summary

- Testator: Horatio Palavicino, Babraham, Cambs, knight
- Executors: wife Anne Palavicino, faithful friend John Baptista Justiniano, trusty servant Francisco Rizzo (codicil: eliminate the second as he has emigrated, and the third as he is unsuited to the task)
- Overseers: Gilbert Earl of Shrewsbury, Privy Counsellor Sir Robert Cecil knight, brothers Fabritio Palavicino and John Andrea Palavicino
- Date: 15 March 1595, proved 20 October 1600
- Witnesses: William Cornwallis, Edward Whalley, George Mandicke, Felix Chambers, Robert Smith
- Will:
- £300 to build a new church at Westacre, Norfolk
 - £100 to hospitals of Christchurch St. Thomas and the Savoy and others in London
 - £50 to the poor of Cambridge
 - £20 to the poor of Babraham
 - £300 toward the marriage of Lucrezia Bans
 - £80 to servant Felix Chambers
 - 100 marks among the rest of his servants
 - £20 of plate to John Baptista Aurelis Minister of the Italian church
 - £50 to friend Edward Whalley of Fleet Street
 - £600 to trusty friend John Baptista Justiniano
 - £600 to trusty servant Francisco Rizzo
 - pension due from the city of Genoa to the poor there
 - £300 per year to well beloved daughter Batina Palavicino, and £5000 on her marriage
 - Of £28948 owed by Queen Elizabeth, £1948 belongs to Lady Ursula Walsingham widow the late wife of Sir Francis Walsingham knight her Majesty's late Secretary deceased, and £11782 belongs to well beloved brother Fabricio Palavicino
 - £7237 owed by Queen Elizabeth
 - weapons to sons Henry Pallavicino and Tobby Palavicino
 - son Henry Palavicino to be page to & educated by Gilbert Earl of Shrewsbury his godfather
 - half of stock money debts & of the profits and commodities to son Henry on his marriage or when 25
 - other half to son Toby
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Text

In the name of God amen

1. The fifteenth day of March in the eight and thirtieth year of the reign of our most dread sovereign Lady and excellent Princess Elizabeth by the grace of God of England France and Ireland Queen Defender of the Faith and in the year of our lord God according to the computation of the church of England one thousand five hundred four score and fifteen
2. Sir Horatio Palavicino of Badburgham alias Babram in the County of Cambridge knight
To all people with these presents shall see read or understand sendeth greetings in our lord God everlasting

3. Whereas it hath pleased almighty God of his exceeding liberality and bountiful goodness to enrich me with diverse and sundry household stuff utensils money plate jewels debts sums of money demands leases cattle chattels and goods remaining and being as well in the hands custody and possession of our said sovereign Lady Elizabeth the Queen's majesty aforesaid as also of me the said Sir Horatio and of some other person or persons And for as much as it is a thing very needful requisite and convenient to be looked into provided & foreseen of all men that due regard diligent examination and careful consideration may be by them had taken and used in the disposing of their substance bestowing of their goods and leaving of their possessions to their wife children kindred and friends in such good godly orderly and quiet manner sort quality and degree as that no quarrel debate strife trouble contention or variance may after their deceases be rightfully had stirred or moved for or concerning the same
4. I the said Sir Horatio Palavicino weighing the premises and considering with myself how uncertain the life of man is here upon earth do now therefore in the fear dread & love of almighty God & obedience of my said Prince and her Highness' laws constitute ordain & make this my present last Will and Testament in manner and form following That is to say
5. First and before all things I commend my soul into the hands of almighty God my creator & maker of his dearly beloved son Jesus Christ my saviour and redeemer and of the holy ghost my blessed comforter being three persons & one eternal God assuredly & faithfully believing that by and through the privations blood shedding passion & death of my said Lord & saviour Jesus Christ I shall have forgiveness of all my sins & offences and participate in the celestial joys of His kingdom and my earthly corpse's body I will and appoint to be buried in the parish church of Babram aforesaid in such decent and comely sort & place there as shall please my wife and rest of my executors to appoint for the same
6. Item as touching and concerning all & singular my household stuff utensils money plate jewels debts duties credits rights demands leases cattle chattels & goods whatsoever within this her Highness' realm & dominions of England or else where I give dispose will appoint and bequeath of the same in manner and form as hereafter follows That is to say
7. First I give and bequeath the sum of three hundred pounds for and towards the erecting making & new building of a church at Westacre in the County of Norfolk so as the inhabitants and parishioners there do join together and begin to set men or work for the building thereof within short time after my decease and so also the same church be erected built and finished within three years next after my decease And for want & in default thereof Then I will wish & appoint such part parcel and so much of the said three hundred pounds shall be employed & bestowed for upon and towards the repairing of a decayed & ruinous chapel at Custhorpe? In the county of Norfolk as to my executors hereafter named shall be thought needful requisite or convenient
8. I give and bequeath to the hospitals of Christchurch St. Thomas and the Savoy and to the rest of the hospitals in the city of London and suburbs of the same the sum of one hundred pounds to be paid within six months next after my decease and to be portioned parted & divided to & amongst them at the sight and discretion of my said executors

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9. Item I give and bequeath to the poor people of the town of Cambridge the sum of fifty pounds to be paid to them within six months next after my decease and to be divided & shared amongst them according as to my executors shall seem fit or convenient
 10. Item I give and bequeath to the poor of the parish of Babram aforesaid the sum of twenty pounds to be parted & divided amongst them where & to whom it shall please my executors to appoint and to be paid & delivered unto them within one month next after my decease
 11. Item I give and bequeath unto Lucrezia Bans for and toward her advancement in marriage the sum of three hundred pounds to be paid unto her upon the day of her said marriage with said gift of three hundred pounds proceeds merely from me as an act by me to her done for charity sake and I will and appoint that my said executors shall yearly pay unto her until her said marriage for her better stay and maintenance of living the yearly sum of twenty pounds at two feasts or days in the year that is to say at the feast of St. Michael the Archangel and the Annunciation of our Lady St. Maria the Virgin by even and equal portions
 12. Item I give & bequeath to Felix Chambers one of my servants all my wearing apparel whatsoever both silk and woollen with said wearing apparel I wish to be delivered unto him within one month next after my decease and I will and appoint my executors to pay him the sum of thirty pounds which I have him in my hands And also I give and bequeath to him fifty pounds more to make it up four score pounds the same four score pounds to be paid within the said month after my decease
 13. Item I give bequeath and appoint to the rest & residue of my servants both men and women the sum of one hundred marks to be paid and delivered them within one month next after my decease the same to be parted shared & divided to & amongst them that is to say to some more & to some less after and according to the pleasure sight and discretion of my said executors
 14. Item I give and bequeath to John Baptista Aurelis Minister of the Italian church a piece of plate of the value or worth of twenty pounds to be delivered unto him within one month next after my decease
 15. Item I give and bequeath to my well beloved friend Edward Whalley of Fleet Street London gent the sum of fifty pounds to be paid unto him within one month next after my decease
 16. Item I give and bequeath to my faithful and trusty friend John Baptista Justiniano the sum of six hundred pounds
 17. and to my faithful and trusty servant Francisco Rizzo the like sum of six hundred pounds to be had made and paid unto them within three years next after my decease by four hundred pounds a year i.e. to either of them two hundred pounds apiece And I will wish and appoint that the said two sums of six hundred pounds be levied received had made & ? of & out of the profits of my lands stock & money within the said three years after my decease by the said sum of four hundred pounds a year at the sight and discretion of my said wife and the rest of my executors

18. Item I give and bequeath to the poor of the Italian church within the city of Genova in the parts beyond the seas the yearly rent or pension which I have & am yearly to receive of & from the said city of Genova
19. Item I give will and bequeath unto my well beloved daughter Batina Palavicino the sum of five thousand pounds to be paid unto her at and upon the day of her marriage And I will wish & appoint that the said sum of five thousand pounds shall be levied perceived raised & made of and out of the rents and profits of my lands and my said stock and money by and after the rate of three hundred pounds a year as to my well beloved wife and the rest of my executors shall seem meet and convenient and as in their discretions shall be thought sit and best And I will bequeath & appoint that my said executors shall yearly pay unto her until her said marriage for her better stay and maintenance in living the yearly sum of one hundred and fifty pounds at two feast days in the year yearly that is to say at the feast of St. Michael the Archangel and the Annunciation of our Lady St. Maria the Virgin by even and equal portions the sum to be raised had perceived and made of & out of my said lands stock & money as to my said executors shall seem meet and convenient the same yearly sum to begin presently upon the death or marriage of the said Lady Anne provided always that if the said Batina shall sue of by course of labour to recover obtain or get by & after the death of the said Lady Anne Palavicino her mother any of the lands possessions or inheritances that now be or shall be the lands or inheritances of the said Lady Anne Palavicino situate & being within any of the several provinces in the Low Countries Or if the said Batina shall upon the receipt of the said five thousand pounds refuse to make sufficient release grant & discharge of for & upon all her estate tight & interest which she hath may can & shall have of in or to the said lands and inheritances lying within the said seventeen provinces Then the said gifts and bequests so by me to her given and bequeathed as aforesaid shall cease end and be utterly void to all respects & purposes as though she had never been by me minded or remembered in or by this my last Will or Testament
20. Item whereas the said most excellent Princess my sovereign Lady Elizabeth the Queen's most excellent Majesty aforesaid is & stands indebted unto me in the sum of twenty eight thousand nine hundred forty eight pounds ten shillings six pence of lawful money of England which is a true and just debt for the security and payment whereof I have from her Highness four several bonds or writings obligatory I now by this my last Will and Testament declare that one thousand nine hundred forty eight pounds ten shillings six pence being part & parcel of the aforesaid sum belongs and in right appertains to the Lady Ursula Walsingham widow the late wife of Sir Francis Walsingham knight her Majesty's late Secretary deceased and also the sum of eleven thousand seven hundred four score two pounds sixteen shillings six pence being an other part & parcel of the said debts so as aforesaid due by her Majesty justly belongs & appertains to my well beloved brother Fabricio Palavicino and the rest remainder & residue of the said sum of twenty eight thousand nine hundred forty eight pounds ten shillings six pence amounting to the sum of fifteen thousand two hundred seventeen pounds three shillings six pence in right belongs and appertains to me the said Sir Horatio Palavicino
21. And whereas also my said sovereign Lady the Queen's most excellent Majesty aforesaid is likewise indebted and doth owe me the true and just sum of seven thousand two hundred thirty seven pounds two shillings six pence of lawful money of England for five yearly payments of a certain yearly pension yearly due and payable to me by her Highness I now in most humble wise earnestly crave at her highness' hands that some provision and

order may be had & taken for the payment thereof to my executors within some convenient time after my decease for & towards the maintenance & relief of my said loving wife & children and I do hereby will wish & appoint that as any part or parcel of the said debts or sums of money so due by her Majesty as aforesaid shall be paid or come to the hands of my said executors she my said executor shall answer and pay over unto the said Lady Ursula Walsingham and to my said brother Fabritio Palavicino such share part & portion thereof as rateable for their parts shall to them in right appertain or belong rather for that I the said Sir Horatio did deal & intermeddle with the said sums of money of the said Lady Ursula and my said brother at their request and as one by them put in trust to use my name & not by any means chargeable or to be charged or burdened with the payment of the same or any penny thereof to the said Lady Ursula or my said brother but as I shall and did receive the same of her Majesty

22. I will wish and appoint that all & every such part parcel and so much of the said sum of money as so is or shall be due or owing by her Majesty as aforesaid and which at any time or times hereafter shall be had or received by my said executors and to me rightly belongs and appertains The same shall be by them employed laid forth and discoursed for & upon the purchasing and buying of Manor lands tenements and hereditaments within the Realm of England The one moiety whereof shall be so purchased and bought in the names of the said Lady Anne Palavicino my wife and Henry Palavicino son and heir apparent of me the said Sir Horatio & of the said Lady Anne my wife and of the heirs of the said Henry forever And the other moiety thereof shall be so purchased and bought in the names of the said Lady Anne Palavicino & of Tobye Palavicino second son unto me the said Sir Horatio and unto the said Lady Anne my wife and of the heirs of the said Tobye forever
23. Item I give and bequeath to the said Henry Pallacvicino and Tobye Palavicino my sons all my swords rapiers daggers arms harness and weapons whatsoever equally between them to be divided
24. Item whereas there is remaining and being in the hands custody & possession of the said John Baptista Justiniano and Francisco Rizzo a certain portion and sum of money as appears by a certain book kept by the said Francisco Rizzo which said book is titled or signed by or with this Ire:A and the total of the said sum I have made acquainted & known unto my said loving wife and to the said Edward Whalley in the presence and before the said Justiniano and Francisco I therefore now will wish & appoint that as well all such debts duties and sums of money as I am indebted or do owe unto any person or persons and which be contained in a certain book subscribed by myself as also all other my debts & all other my legacies not before appointed to be paid of & out of my lands stock & money shall be had made taken & paid with of & out of the said portion & sum of Money so remaining in the hands custody and possession of the said John Baptista Justiniano and Francisco Rizzo by my said executors in such manner & form and according as I have set the same down to be paid as well in & by the said book so by me subscribed as is aforesaid as also in and by this my last Will & Testament
25. Item I will and appoint that all such stock of horse sheep cattle & beasts as I have wither at Babram aforesaid or at Westacre in the county of Norfolk shall be sold after my decease by my executors and the money received for the same shall be employed & used to and for the use benefit & behalf of my said children and for such other uses and intents as I shall hereafter in this my Will appoint and set down

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26. Item I will wish and appoint that my said executors within convenient time after my decease shall purchase & buy certain copyhold lands and tenements lying in Westacre in the said county of Norfolk being held of the said manor of Westacre and accounted to be worth about fifty pounds by the year of one Mr. Townesend who is a copyholder thereof if he will sell the same at a reasonable rate & price which said purchase shall be so has & made in the name of the said Lady Anne Palavicino my loving wife for & to the use of her the said Lady Anne for and during the term of her natural life and after her decease then the remainder thereof to the use of the said Henry Palavicino my son & of his heirs & assigns forever
27. Item I give and bequeath unto my said beloved wife all & singular my chains of gold rings pearls and jewels whatsoever & all her apparel and also all & singular such household stuff utensils implements chattels and goods which I have remaining or being with at or in my manor house or houses of Babram aforesaid or at or in my capital messuage or mansion house situate & being within the parish of St. Botolph without Bishopsgate of London And also all & singular my plate whatsoever as well gilt as not gilt The same plate & stuff to be used by my said wife and she to dispose thereof to my said children Henrie Tobye as to her shall seem fit and convenient and my said household stuff & plate I wish will and appoint that as well the said sum of money stock and goods so remaining in the hands and possession of the said John Baptista Justiniano and Francisco Rizzo and the said stock at Westacre and the profits thereof or thereby arising and the said money so to be received for the said stock at Babram and Westacre and all such money as is owing either by John Marshall esquire or by any other person or persons whatsoever shall be had occupied employed and used by my said executors to the best uttermost & most commodity they can to & for the use benefit and behalf of my said sons Henry and Tobye
28. And I will wish & appoint that my said executors shall keep make & set down yearly & every year a perfect account & reckoning in a book in writing of the said stock & money and of all such profit & benefit as shall be reaped made & raised of for or by reason of or for the said stock or money or otherwise how sooner The same book to be had made & kept in such manner & form in all points & respects as the stock & money so remaining in the hands of the said Justiniano and Franciso is now kept ordered and set down in the said book which is titled or signed with this Lre A with things I will and wish to be so readily kept & made to this end & purpose That my said sons may from time to time have & take a perfect & ready view & sight of the said stock money and of the profits thereby or thereof arising or growing
29. Item I will wish and appoint that my said son Henry Palavicino when and as soon as he shall accomplish his age of fourteen years or thereabouts shall be delivered over & committed to the right honourable Gilbert Earl of Shrewsbury his godfather to be his Lord's page whom I earnestly desire him to receive him to attend upon his Lordship both Sundays and holidays and I wish and will that all the rest of the weekdays he may be placed by his Lordship's appointment at some place near his Lordship & not in his Lordship's house and have a tutor to apply him to his book & learning whereby he may readily attain the knowledge of the Latin tongue and also be taught to fence dance and other activities & qualities fit for a gentleman and to have two men and a boy to attend upon him And I do will give & appoint him to have for maintenance of the premises three hundred pounds by year or such other sums as to my said executors shall seem meet convenient & needful the same to be had made raised and paid of and out of the profits of

- my said money and stock or other wise as to my said executors shall be thought most fit & profitable
30. Item I give will devise bequeath & appoint to my said son Henry Palavicino the one moiety & the one half of all & singular my said stock money debts & of the profits and commodities that shall be had made or raised of by reason or in respect of the same stock money debts & profits The same to be paid and delivered unto him by my said executors at & upon the day of his marriage And if he fortune not to marry before he shall accomplish the age of twenty five years then the same to be had made paid & delivered unto him at such time as he shall accomplish the said age of twenty five years
 31. Item I give will devise bequeath & appoint unto my said son Toby Palavicino the other moiety & one half of all & singular my said stock money debts & of the profits and commodities that shall be had made or raised of by reason or in respect of the same stock money debts & profits The same to be paid and delivered unto him by my said executors at & upon the day of his marriage And if he fortune not to marry before he shall accomplish the age of twenty five years then the same to be had made paid & delivered unto him at such time as he shall accomplish the said age of twenty five years
 32. Item I will appoint & provide that if either the said Henry of Toby shall fortune to die or depart this life before they shall have received their said parts and portions so to them by me given willed & bequeathed Then the said part & portion of him so dying shall go remain and be unto him that shall survive and outlive the other And if it fortune both my said sons to die & depart this life before they shall have received their said parts and portions so to them by me given willed and bequeathed in and by this my said last Will and Testament Then I give bequeath and appoint unto my said well beloved wife Lady Anne Palavicino the sum of eight thousand pounds of lawful money of England being part & parcel of the said stock money debts and portions and the rest and residue thereof I give & bequeath unto my well beloved brethren the said Fabritio Palavicino and John Andrea Palavicino and to their heirs
 33. Item I do constitute ordain & make my said well beloved wife the Lady Anne Palavicino and my said faithful friend John Baptista Justiniano and my said trusty servant Francisco Rizzo the sole and only executors of this my last Will and Testament faithfully believing and assuredly trusting that they will do all things that in them lies for the benefit of my children and for the full executing and performing of this my last Will and Testament in all points and respects according as my will mind and intent is and agreeable with the trust which I have and do repose in her chiefly and before all other persons whatsoever
 34. And I do humbly beseech wish & appoint the said right honourable Gilbert Earl of Shrewsbury and the right honourable Sir Robert Cecil knight one of her Majesty's most honourable Privy Council and my said two loving and natural brethren Fabritio Palavicino and John Andrea Palavicino supervisors & overseers of the same earnestly desiring and beseeching them that they will be aiders and assisters to my said executors in the execution of this my last Will & Testament as occasion or need shall require and to be as Patrones Pertecto and defenders of my said wife & children And I give unto the said right honourable Gilbert Earl of Shrewsbury a cup of gold weighing fifty ounces and to the said right honourable Sir Robert Cecil knight a like cup of gold weighing fifty ounces
 35. Item I will appoint and provide that is my said well beloved wife the Lady Anne Palavicino shall at any time or times after my decease espouse marry or take any other

person or persons to her husband that then my said wife shall presently upon her said marriage be utterly & forever hereafter barred excluded secluded & removed from being executrix of this my last Will and Testament and from all accords arts dealings and intermeddlings with any of my said stock or money aforesaid as though she had never been appointed or made executrix of this my said last Will & Testament

36. Item I likewise will appoint and provide that is my said John Baptista Justiniano and Francisco Rizzo or either of them shall depart & go out of this realm of England into any the parts beyond the seas and there do remain or abide above the space of two years Than then they or which of them two shall so depart this realm and do not return hither again before the end of the said two years shall be excluded barred and put from the executorship of this my said last Will & Testament and the execution of the same And shall then afterwards have no further order rule disposition or dealing with my said stock money and premises or any part or parcel thereof
37. Item I will wish and heartily desire that when & at what time or times ? As other my said wife shall marry or as the said John Baptista Justiniano and Francisco Rizzo or either of them shall depart or go out of this realm aforesaid or as they my said executors or any of them shall fortune to die or depart this life That then the rest & residue of my said executors so not marrying not departing this realm and surviving shall by & with the good liking consent & agreement of my said Overseers or of the survivor or survivors of them nominate elect & choose one or more sufficient person or persons to supply the place of such of my said executors as shall marry depart this realm or die as is aforesaid which said person and persons so to be elected named & chosen shall and may help aid & assist my said executors so not marrying not departing this realm and surviving for the good & well ordering ruling managing and governing of my said stock money and premises to the profit of my children accomplishment of my Will and according to equity & good conscience Provided always and my full will mind & intent is and I do wish and appoint That if any manner of ambiguity doubt question quarrel or controversy shall at any time or times hereafter fortune happen or chance to be had stirred provoked or moved by between or amongst all every or any of my said executors or any of the person or persons to whom I have given granted bequeathed willed or appointed any manner of sum of money legacy gift or bequest whatsoever or any of them for touching or concerning any of the said sums of money legacies gifts or bequests or for or concerning any thing in this my last Will & Testament contained Then the same ambiguity doubt quarrel and contention shall be ended derided ordered judged & determined by my said Overseers or some three or two of them unto whom and unto whose judgment order sentence & doom in that behalf to be made ordered & set down I will wish & desire the person & persons so disagreeing quarrelling questioning & falling at contention or strife wholly to refer themselves & their cause And to accomplish stand to perform fulfil and abide the same order judgement sentence doom & award Provided lastly and I will wish & appoint That if either the said Henry or Toby shall fortune to marry before they shall accomplish their several ages of twenty one years that then the said moiety & one half of all & singular the said stock money debts profits and commodities so by me willed appointed or given to him or them so marrying shall not be paid or delivered unto him or them until he or they so marrying shall be of the age of twenty two years anything aforesaid to the contrary thereof in any wise notwithstanding
38. In witness whereof to this my present last Will & Testament I the said Sir Horation Palavicino have set my hand & seal revoking repealing frustrating making void and

annulling all other wills whatsoever before by me had or made And I do by these presents publish and pronounce this to be my last Will & Testament given the day & year first above written In the presence of the parties whose names be endorsed of the back side of this my last Will & Testament Horatio Palavicino sealed subscribed published pronounced and delivered for & as the last Will & Testament of the within named Sir Horation Palavicino in the presence of the persons hereunder written i.e. William Cornwallis Edw. Whalley George Mandicke Felix Chambers Robert Smith

The Codicil

Memorandum

That the fifth day of July Anno Regni due Me Elizabeth quadragesimo secundo Sir Horatio Palavicino knight being of perfect mind & memory before diverse witnesses declared that whereas about five years before that time he had made his will and had appointed John Baptista Justiniano and Francisco Rizzo to be two of his executors his mind and will then was that both of them should be put out of his will & should not be his executors for that the said John Baptista Justiniano was then going beyond the seas again & that Francis Rizzo was an honest man but not fit for that purpose And he then further declared that whereas he had given a legacy to Lucrezia Bans he said she was paid & should have no more and where he had likewise given a legacy to John Baptista Justiniano he said he should not have any because he had had much more of him before or uttered words to the effect above mentioned

Tenore... London 20 October 1600 Anne Palavicino executrix