

SUMMARY: The document below is the Prerogative Court of Canterbury copy of the will, dated 6 March 1540 and proved 22 March 1540, of Sir John Port (d. 14 March 1540) of Etwall, Derbyshire, Justice of the King's Bench, whose granddaughters, Dorothy Port (d.1607) and Margaret Port (d.1613), married into families related to Oxford's second wife, Elizabeth Trentham.

### ***FAMILY BACKGROUND***

Sources disagree as to the identity of the testator's father. According to most sources, he was the son of Henry Port (d.1512), mercer of Chester, by his first wife, Anne Barrow, the daughter of Roger Barrow of Chester. See the *ODNB* entry for the testator, and the note to the pedigree of John Port of Ilam in Grazebrook, H. Sydney, ed., *The Heraldic Visitations of Staffordshire*, (London: Mitchell and Hughes, 1885), p. 243, at:

[http://books.google.ca/books?id=gfwcAAAAYAAJ&pg=PA243&lpg=PA243&dq=%22Sir+John+Port%22+%22Richard+Port%22&source=bl&ots=Ki8Q\\_rqECt&sig=r74\\_kVZtMtticRqyios\\_McUv2uc&hl=en&sa=X&ei=fZ4CVKj5GYbCigLd8oGIAQ&ved=0CB8Q6AEwAA#v=onepage&q=%22Sir%20John%20Port%22%20%22Richard%20Port%22&f=false](http://books.google.ca/books?id=gfwcAAAAYAAJ&pg=PA243&lpg=PA243&dq=%22Sir+John+Port%22+%22Richard+Port%22&source=bl&ots=Ki8Q_rqECt&sig=r74_kVZtMtticRqyios_McUv2uc&hl=en&sa=X&ei=fZ4CVKj5GYbCigLd8oGIAQ&ved=0CB8Q6AEwAA#v=onepage&q=%22Sir%20John%20Port%22%20%22Richard%20Port%22&f=false).

See also:

<https://archive.org/stream/oldhallsmanorsa02tillgoog#page/n96/mode/2up>.

See also Bigsby, Robert, *Historical and Topographical Description of Repton in the County of Derby*, (London: Woodfall and Kinder, 1854), pp. 264–9 at:

[http://www.google.co.uk/books?id=68oHAAAAQAAJ&pg=PA264&dq=%22sir+john+port%22&ei=UTAiR\\_K2HIiS6wLxhIDtBw#v=onepage&q=%22sir%20john%20port%22&f=false](http://www.google.co.uk/books?id=68oHAAAAQAAJ&pg=PA264&dq=%22sir+john+port%22&ei=UTAiR_K2HIiS6wLxhIDtBw#v=onepage&q=%22sir%20john%20port%22&f=false).

*The family of Port seems to have been seated, in the fifteenth century, at Westchester, now commonly called Chester. Henry Port, of that place, described as a merchant, was the great-grandfather of Sir John Port, the found of Etwall Hospital and Repton School; and a second Henry Port, of the same place, described as a mercer, was his grandfather. For the latter there is a monument in Etwall Church, recording that he died in 1512, having had by his wife Elizabeth (who, as we learn from other sources, was daughter of (blank) Banowayte, of Flowresbrook), seventeen children.*

See also *Notes and Queries*, 2<sup>nd</sup> Series, Vol. IV, No. 85, August 15, 1857, p. 137 at:

<http://books.google.ca/books?id=0Ls9AQAAMAAJ&pg=PA137&lpg=PA137&dq=%22henry+Port%22+%22Chester%22&source=bl&ots=njlUUEdRcO&sig=IWvtxZ9QsDd4vV9->

YqCFk\_WfZRY&hl=en&sa=X&ei=FqAEVISbDcG2igL65oD4CA&ved=0CC4Q6AEwAw#v=onepage&q=%22henry%20Port%22%20%22Chester%22&f=false.

However Richard Harpur (d.1577?), who married the testator's grand-daughter, Jane Fynderne, states that the testator's father was Richard Port:

*I most strictly charge my said executors, and namely Jane, my wife, to perform and fulfill the several wills of Richard Port, her great-grandfather, Justice Port, her grandfather . . .*

For the marriage of Richard Harpur and Jane Fynderne, see the will of Richard Harpur, TNA PROB 11/59/108; and the Fynderne pedigree in Jewitt, Llewellynn, 'Findern and the Fyndernes', *The Reliquary*, April 1863, p. 196 at:

[http://books.google.ca/books?id=n6Q1AAAAMAAJ&pg=PA194&lpg=PA194&dq=%22Pedigree%22+%22findern%22+%22Thomas%22&source=bl&ots=XizncOxTqd&sig=H6LJzeFJdbJupV4h-iIsqX\\_SFCw&hl=en&sa=X&ei=ul77U7SDBci7ogT\\_1ICoBQ&ved=0CDkQ6AEwBg#v=onepage&q=%22Pedigree%22%20%22findern%22%20%22Thomas%22&f=false](http://books.google.ca/books?id=n6Q1AAAAMAAJ&pg=PA194&lpg=PA194&dq=%22Pedigree%22+%22findern%22+%22Thomas%22&source=bl&ots=XizncOxTqd&sig=H6LJzeFJdbJupV4h-iIsqX_SFCw&hl=en&sa=X&ei=ul77U7SDBci7ogT_1ICoBQ&ved=0CDkQ6AEwBg#v=onepage&q=%22Pedigree%22%20%22findern%22%20%22Thomas%22&f=false).

See also Jewitt, Llewellynn, ed., *The Reliquary*, (London: John Russell Smith), Vol. I 1860-1, p. 256 at:

<http://books.google.ca/books?id=3MI7AQAAMAAJ&pg=PA256&lpg=PA256&dq=%22banowayte%22+%22Flowersbrook%22&source=bl&ots=w9IFW8VXXI&sig=iaj2IGR8ElW3uHk1zJ-kQucvUC8&hl=en&sa=X&ei=c5sEVPO4JaTTiWkDoYHgCA&ved=0CB0Q6AEwAA#v=onepage&q=%22banowayte%22%20%22Flowersbrook%22&f=false>.

It would appear that Flowersbrook was in the city of Chester. See 'On the Peculiar Custom of Licensing the Minstrels of Cheshire', in *The New Monthly Magazine*, Vol. X, No. 58, November 1, 1818, pp. 291-3 at:

[http://books.google.ca/books?id=WicAAAAAYAAJ&pg=PA291&lpg=PA291&dq=%22Flowersbrook%22&source=bl&ots=17tA9banyX&sig=\\_Ksh0-a3pUHGmBRrOBfhBVuehZU&hl=en&sa=X&ei=\\_5wEVJPzK8nXiwKvl4GYBQ&ved=0CCAQ6AEwA#v=onepage&q=%22Flowersbrook%22&f=false](http://books.google.ca/books?id=WicAAAAAYAAJ&pg=PA291&lpg=PA291&dq=%22Flowersbrook%22&source=bl&ots=17tA9banyX&sig=_Ksh0-a3pUHGmBRrOBfhBVuehZU&hl=en&sa=X&ei=_5wEVJPzK8nXiwKvl4GYBQ&ved=0CCAQ6AEwA#v=onepage&q=%22Flowersbrook%22&f=false).

### **MARRIAGES AND CHILDREN**

The testator married firstly Jane or Joan Fitzherbert (died c.1520), the daughter of John Fitzherbert (d.1502), Remembrancer of the Exchequer. Joan Fitzherbert (died c.1520) had married firstly, 14 August 1473, John Pole, son of Ralph Pole (d. 31 May 1492) of Radbourne, Derbyshire, by Elizabeth Moton (d. 26 December 1503), daughter and coheir of Sir Reginald Moton (d. 31 March 1445), esquire, of Peckleton, Leicestershire, son of Sir Robert Moton by his first wife, Margery Mallory, by whom she had a son, German

Pole (1482 – d. 4 January or 3 February 1552), who was heir to his grandfather. Although the *ODNB* states that Jane Fitzherbert died about 1520, Stapleton states, likely erroneously, that both she and her first husband, John Pole, predeceased Ralph Pole (d. 31 May 1492). See Skillington, S.H., *The Manor of Peckleton*, pp. 105-7, and 131-2, available online; Richardson, Douglas, *Magna Carta Ancestry*, 2<sup>nd</sup> ed., 2011, Vol. III, p. 419; the inquisition post mortem of Sir Reginald Moton, TNA C 139/118/17; and the pedigree of Pole in Burke, John and John Bernard, *A Genealogical and Heraldic Dictionary of the Landed Gentry of Great Britain and Ireland*, (London: Henry Colburn, 1847), Vol. II, p. 1050 at:

<http://books.google.ca/books?id=0NEKAAAAYAAJ&pg=PA1050&lpg=PA1050&dq=%22German+Pole%22&source=bl&ots=a7J0jWbAnl&sig=RGSzW0Op886y6D8ep075S4z3CSc&hl=en&sa=X&ei=jTMDVJTWDcaJjALHn4CIBw&ved=0CFMQ6AEwDQ#v=onepage&q=%22German%20Pole%22&f=false>.

See also Stapleton, Thomas, ed., *Plumpton Correspondence*, (London: Camden Society, 1839), pp. 138-9, 162-3, 191, 258 at:

<https://archive.org/stream/plumptoncorrespo04plumuoft#page/138/mode/2up>.

The identity of the testator's mother-in-law, thought to have been a member of the Babington family, has not been definitively established; for a discussion of her identity see the will of the testator's father-in-law, John Fitzherbert (d.1502), TNA PROB 11/13/461, and Jeayes, Isaac Herbert, *Descriptive Catalogue of Derbyshire Charters*, (London: Bemrose and Sons, 1906, p. 148, Nos. 1204-1206 at:

<https://archive.org/stream/cu31924028029050#page/n165/mode/2up>.

By Jane or Joan Fitzherbert (died c.1520), the testator had a son and three daughters:

\* Sir John Port (d. 6 June 1557), who married firstly, in 1531, Elizabeth Gifford, the only daughter of Sir Thomas Gifford (d. 27 May 1560) of Bryn, Lancashire, by his first wife, Dorothy Montgomery, the daughter and co-heir of Sir John Montgomery (d.1513), by whom he had two sons and three daughters, and secondly Dorothy Fitzherbert, daughter of Sir Anthony Fitzherbert (d. 26 or 27 May 1538), and widow of Sir Ralph Longford (d.1543), by whom he had no issue. See his will, TNA PROB 11/39/245.

\* Ellen Port, who is said to have married firstly Edmund Pierrepont or Pierpoint of Holme, Nottinghamshire, and secondly John Babington. See Bigsby, *supra*, p. 264.

Neither of the marriages for Ellen Port given by Bigsby can be easily verified. However several documents mention Edmund Pierrepont, son and heir of Sir William Pierrepont of Holme, Nottinghamshire, who may have been Ellen Port's first husband. Sir William Pierrepont of Holme married firstly Joan Stapleton, by whom he had a daughter, Elizabeth Pierrepont, and secondly Joan Empson, widow of Henry Sothill (d.1504), esquire, and daughter of Sir Richard Empson (beheaded on Tower Hill on 17 August

1510), by whom he had a son, Sir George Pierrepont (d. 21 March 1564), who succeeded his father on 28 August 1533 and married Elizabeth Babington (d. 1543), the daughter of Sir Anthony Babington (d. 23 August 1536) of Dethick, Derbyshire, by his second wife, Katherine (nee Ferrers), widow of Thomas Cotton, and daughter of Sir John Ferrers of Tamworth, Staffordshire. The conspirator Anthony Babington, executed in 1586, was the great-grandson of Sir Anthony Babington (d. 23 August 1536) by his first wife, Elizabeth Ormond, daughter of John Ormond esquire, and Joan Chaworth, daughter and heir of Sir William Chaworth (d. 28 November 1505).

Although no children other than Elizabeth Pierrepont and Sir George Pierrepont are recorded from either of Sir William Pierrepont's marriages, it appears he also had an eldest son and heir, Edmund Pierrepont, who predeceased him. See TNA C 131/105/41; TNA C 131/106/27; TNA C 131/267/13; TNA C 131/267/14 and TNA C 142/140/153; Richardson, Douglas, *Magna Carta Ancestry*, 2<sup>nd</sup> ed., 2011, Vol. III, p. 358; and the History of Parliament entry for Sir George Pierrepont (d. 21 March 1564) at:

<http://www.historyofparliamentonline.org/volume/1509-1558/member/pierrepont-george-1510-64>.

See also the pedigree of Babington in Burke, John, *A Genealogical and Heraldic History of the Commoners of Great Britain and Ireland*, (London: Henry Colburn, 1838), Vol. IV, p. 516 at:

[http://books.google.ca/books?id=KikAAAAAQAQJ&pg=PA513&lpg=PA513&dq=%22Sir+John+Babington%22+%22John+Fitzherbert%22&source=bl&ots=OWizREt0z0&sig=CHuNl0xa\\_dGqjXcYMyFRlfxosAQ&hl=en&sa=X&ei=8AP-U6WtGYb8igKN4oBA&ved=0CCkQ6AEwAg#v=onepage&q=%22Sir%20John%20Babington%22%20%22John%20Fitzherbert%22&f=false](http://books.google.ca/books?id=KikAAAAAQAQJ&pg=PA513&lpg=PA513&dq=%22Sir+John+Babington%22+%22John+Fitzherbert%22&source=bl&ots=OWizREt0z0&sig=CHuNl0xa_dGqjXcYMyFRlfxosAQ&hl=en&sa=X&ei=8AP-U6WtGYb8igKN4oBA&ved=0CCkQ6AEwAg#v=onepage&q=%22Sir%20John%20Babington%22%20%22John%20Fitzherbert%22&f=false)

In the will below the testator refers to Ellen Port as my daughter 'Ellen Bonyng', which might be either a scribal error for 'Babington', confirming her second marriage to a member of the Babington family, or a scribal error for 'Bonington'.

\* Barbara Port, who married John Francis of Ticknall, Derbyshire, son of Ralph Francis and Elizabeth Babington, daughter of John Babington, by whom she was the grandmother of Jane Francis, who in 1602 married Sir Thomas Burdett, 1<sup>st</sup> Baronet Burdett of Bramcote. In the will below the testator appoints his son-in-law, John Francis, as one of his executors. See Madan, Falconer, *The Gresleys of Drakelowe*, (Oxford, 1899), p. 256 at:

<https://archive.org/stream/collectionsforhi01staf#page/256/mode/2up>.

See also:

<http://apps.nationalarchives.gov.uk/a2a/records.aspx?cat=026-d5054&cid=0#0>.

\* Elizabeth Port (called 'Mary' in one manuscript pedigree), who married George Fynderne of Findern, Derbyshire, by whom she was the mother of Jane Fynderne, mentioned in the will below. Jane Fynderne married Sir Richard Harpur (d. 29 January 1577), and was heiress to her brother, Thomas Fynderne (d.1558). See the *ODNB* entry for Richard Harpur; and the pedigree of Fynderne in Jewitt, Llewellynn, 'Findern and the Fyndernes', *The Reliquary*, (London: John Russell Smith, 1863), Vol. III, pp. 185-99 at p. 194:

[http://books.google.ca/books?id=n6Q1AAAAMAAJ&pg=PA194&lpg=PA194&dq=%22Pedigree%22+%22findern%22+%22Thomas%22&source=bl&ots=XizncOxTqd&sig=H6LJzeFJdbJupV4h-iIsqX\\_SFCw&hl=en&sa=X&ei=ul77U7SDBci7ogT\\_1ICoBQ&ved=0CDkQ6AEwBg#v=onepage&q=%22Pedigree%22%20%22findern%22%20%22Thomas%22&f=false](http://books.google.ca/books?id=n6Q1AAAAMAAJ&pg=PA194&lpg=PA194&dq=%22Pedigree%22+%22findern%22+%22Thomas%22&source=bl&ots=XizncOxTqd&sig=H6LJzeFJdbJupV4h-iIsqX_SFCw&hl=en&sa=X&ei=ul77U7SDBci7ogT_1ICoBQ&ved=0CDkQ6AEwBg#v=onepage&q=%22Pedigree%22%20%22findern%22%20%22Thomas%22&f=false)

See also Cox, J. Charles, *Notes on the Churches of Derbyshire*, (London: Bemrose and Sons, 1879), Vol. IV, pp. 22, 30, 310, 314 at:

<https://archive.org/stream/notesonchurcheso04coxjiala#page/30/mode/2up>.

For the testator's unsuccessful litigation against Sir Thomas Elyot (c.1490–1546) resulting from the testator's daughter Elizabeth Port's married to George Fynderne, see Croft, Henry Herbert Stephen, ed., *The Boke Named The Gouvernour Deused by Sir Thomas Elyot, Knight*, Vol. I, (London: C. Kegan Paul & Co., 1880), pp. xxx, xxxiii-iv, xlvi-xlvii at:

<https://archive.org/stream/bokenamedgouverno01elyouoft#page/n33/mode/2up>.

The testator married secondly Margery Trafford (d. 10 May 1540), by whom he had no issue. For Margery Trafford, see her will, TNA PROB 11/28/111.

LM: T{estamentum} Iohannis Port Milit{is}

[f. 29v] In dei nomine Amen. The 6 day of March in the 31<sup>st</sup> year of the reign of our Sovereign Lord King Henry the 8<sup>th</sup> by the grace of God King of England and of France, Defender of the Faith, Lord of Scotland and in earth Supreme Head of the Church of En[g]land immediately under God, I, John Port of Etwall in the county of Derby, knight and one of the King's Justice[s] of his Bench of Pleas before his Highness to be hold [=held], being whole of mind and perfect memory, make this my testament and last will in manner and form following:

First I bequeath my soul to Almighty God, and my body to be buried in the parish church of Etwall aforesaid;

Further I bequeath unto my wife, Dame Margery Port, one hundred pounds of my goods movable being in Lancashire;

Also I bequeath unto Elizabeth Port, daughter unto my son, John Port, one hundred pounds;

And unto my daughters Barbara Francis and Ellen Bonyng, either of them £20 sterlings;

Also I bequeath unto Jane Fynderne and Jane Francis, either of them to their marriage £40 sterlings;

Also I bequeath unto John Francis and William Francis, either of them £20 sterlings;

And to Jane Carleton £10 sterlings;

Also I bequeath unto my curate, the vicar of the parish church of Etwall, and to Robert Lynnase, mine old servant, either of them £20 sterlings;

Also I bequeath and give unto John Compton(?), clerk, in recompense of certain diligence and pains taken with me in my sickness and to pray for my soul after my departing £20 sterlings;

All and singular the which said sums and goods I will shall be delivered and paid by th' hands of mine executors, whom I will shall find a priest to sing and pray for my soul in the church of Etwall by the space of one year next after my departing;

The remains of all my goods and chattels not given nor bequeathed I will that my son, John Port, my brother [=brother-in-law], Thomas Gifford, and my son [=son-in-law], John Francis, esquires, debts and funeral paid and discharged, shall took(?) [sic?] and dispose them as shall seem to them best for the wealth of my soul after their wisdoms and discretions, the which John Port, Thomas Gifford and John Francis I make, constitute and ordain mine executors to execute and accomplish justly and truly this my last will and testament and every part and parcel thereof according to the trust and confidence I have put in them and every one of them, these being witness and present: the said executors, Ralph Fitzherbert, John Compton, clerk, Robert Lynnase, William Hethe, Symond Sterkey, Ralph Holland and divers other.

Probatum fuit suprascriptum test{ament}um coram D{omi}no apud london xxijdo die mensis Marcij Anno D{omi}ni Mill{es}imo quingentesimo tricesimo nono Iurament{o} Iohannis Porte executor{i} in p{er}sona Rad{ulph}i Hollande p{ro}cur{atoris} sui in ea p{ar}te l{egi}time constitute [sic?] De bene et fidel{ite}r admi{n}strand{o} Ac de plano et fideli inventario o{mn}i{u}m &c conficiend{o} Necnon de plano et vero compoto redd{endo} Ad sancta Dei eu{a}ngelia Iurat{i} Reseruat{a} p{otes}tat{e} &c alter{is} executor{ibus}

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[=The above-written testament was proved before the Lord at London on the 22<sup>nd</sup> day of the month of March in the year of the Lord the thousand five hundred thirty-ninth by the oath of John Port, executor, in the person of Ralph Holland, his lawfully constituted proctor in that respect, sworn on the Holy Gospels to well and faithfully administer, and to prepare a plain and faithful inventory of all etc., and also to render a plain and true account, with power reserved etc. to the other executors.]