

SUMMARY: The document below is the last will and testament, dated 3 April 1551 and proved 30 October 1557, of Mary (nee Harbottle) Fitton (d. 12 December 1556), whose great-granddaughter, Mary Fitton, is thought by some scholars to have been the Dark Lady of Shakespeare's *Sonnets*. Mary Fitton was the daughter of the testatrix' grandson, Sir Edward Fitton (1548/9-1606), who was Oxford's steward in Cheshire.

FAMILY BACKGROUND

The testatrix was the daughter of Sir Guiscard Harbottle (d.1513), 'slain in a hand-to-hand encounter with James IV at the battle of Flodden', and Jane Willoughby, daughter of Sir Henry Willoughby (d. 11 May 1528) of Wollaton, Nottinghamshire, by his first wife, Margaret Markham, daughter of Sir Robert Markham (d.1490), and granddaughter of Sir Robert Willoughby (d.1474) by Margaret Griffith (d.1491), the daughter of Sir John Griffith of Wychnor in Tatenhill, Staffordshire and Burton Agnes, Yorkshire, by Katherine Tywhitt, daughter of Sir Robert Tyrwhitt. See the will of Sir Henry Willoughby, dated 7 May 1528 and proved 1 July 1528, TNA PROB 11/22/542; Richardson, Douglas, *Plantagenet Ancestry*, 2nd ed., 2011, Vol. II, pp. 132-4; and the biography of Sir Henry Willoughby (d. 11 May 1528) at:

[https://www.nottingham.ac.uk/manuscriptsandspecialcollections/collectionsindepth/family/middleton/biographies/biographyofsirhenrywilloughby\(1451-1528\).aspx](https://www.nottingham.ac.uk/manuscriptsandspecialcollections/collectionsindepth/family/middleton/biographies/biographyofsirhenrywilloughby(1451-1528).aspx)

The testatrix had a brother and an elder sister:

-George Harbottle (d.1528?). He is said to have been an infant at his father's death, and was still a minor in 1525. A lawsuit dating from 1515-1518 refers to him as 'George Harebotell, a ward of the King, son and heir of Wychard (Gwychard) Harebotell' (see TNA C 1/416/30). At some point his wardship was acquired by Sir Henry Willoughby. See TNA STAC 2/21/41, a Star Chamber suit brought by Henry Willoughby against Henry, Earl of Northumberland, concerning the wardship of George Harbottle. See also Dendy, Frederick Walter, *An Account of Jesmond*, (Newcastle-Upon-Tyne: R. Robinson & Company, 1904), p. 82 at:

<https://archive.org/stream/archaeologiaael08unkngoog#page/n114/mode/2up>

George Harbottle married Margaret Ogle, the daughter of Ralph Ogle (d. 16 January 1512?), 3rd Baron Ogle, and Margaret Gascoigne, the daughter of Sir William Gascoigne (d. 12 March 1487) of Gawthorpe, Yorkshire, by Margaret Percy, daughter of Henry Percy (slain at the Battle of Towton, 29 March 1461), 3rd Earl of Northumberland, but died without issue. For Sir William Gascoigne and Margaret Percy, see Richardson, Douglas, *Plantagenet Ancestry*, 2nd ed., 2011, Vol. II, p. 142. Several Exchequer documents indicate that George Harbottle had died by 1528 (see TNA E 150/230/14, TNA E 150/1080/3, and TNA E 150/743/4).

For George Harbottle, see also Brydges, Egerton, *Collins's Peerage of England*, Vol. II, (London: F.C. & J. Rivington, 1812), pp. 285, 308 at:

<https://books.google.ca/books?id=LoFlAAAAcAAJ&pg=PA285>

-Eleanor Harbottle (d. April 1567). She married firstly Sir Thomas Percy (d.1537), by whom she was the mother of Thomas Percy (1528-1572), 7th Earl of Northumberland, and Henry Percy (d. 20 June 1585), 8th Earl of Northumberland, and secondly, about 1541, Richard Holland of Denton, Lancashire, by whom she had no issue. See TNA C 1/1133/44, a lawsuit dating from 1544-1551 in which she is described as the wife of Sir Richard Holland, and granddaughter of Sir Ralph Harbottle. For the Harbottle/Percy pedigree, see Hodgson, John, *A History of Northumberland in Three Parts, Part II*, (Newcastle, 1832), Vol. II, p. 262 at:

<https://archive.org/stream/historyofnortpt202hodguoft#page/262/mode/2up>

See also Craster, H.H.E., *A History of Northumberland*, Vol. IX, (London: Simpkin Marshall, 1909), pp. 266-71 at:

<https://archive.org/stream/historyofnorthum09nort#page/266/mode/2up>

See also the will of Sir Richard Holland, dated 27 May 1548, in Irvine, William Ferguson, ed., *A History of the Family of Holland of Mobberley and Knutsford in the County of Chester*, (Edinburgh: Ballantyne Press, 1902), pp. 118-19 at:

<https://archive.org/stream/ahistoryfamilyh00hollgoog#page/n240/mode/2up>

For Sir Thomas Percy, 7th Earl of Northumberland, and his wife, Anne Somerset, see the *ODNB* entries and the will of Lucy Somerset (c.1524 - 23 February 1583), TNA PROB 11/65/170.

MARRIAGE AND CHILDREN

The testatrix married Sir Edward Fitton (d. 17 February 1548) of Gawsworth, Cheshire. For the marriage settlement, dated 2 October 1524, made between Sir Henry Willoughby (see above) and John Fitton, see Nottingham University Library, Mi 6/170/140 at:

<http://discovery.nationalarchives.gov.uk/details/r/58c1b2d6-a7b7-418d-b8e7-55de4e3f90d5>

For a detailed Fitton pedigree, see Earwaker, J.P., *East Cheshire: Past and Present*, Vol. II, (London, 1880), pp. 564-7 at:

<https://catalog.hathitrust.org/Record/000112991>

See also the Fitton pedigree in Rylands, John Paul, ed., *The Visitation of Cheshire in the Year 1580*, Vol. XVIII, (London: Harleian Society, 1882), p. 100 at:

<https://archive.org/stream/visitationofches00glov#page/100/mode/2up>

See also the Fitton pedigree in *Gossip from a Muniment-Room*, (London: David Nutt, 1898), p. 1 at:

https://archive.org/stream/gri_33125008386944#page/n29/mode/2up/

Testatrix' children

For details of the testatrix' children and their marriages, see the Fitton pedigree in Earwaker, *supra*, p. 565, and the will of the testatrix' son, Francis Fitton (d. 17 June 1608), TNA PROB 11/112/118. See also Emerson at:

http://www.tudorwomen.com/?page_id=685

Mary married Sir Edward Fitton of Gawsworth, Cheshire (d. February 17, 1548), by whom she had thirteen children: Susan, Edward (March 31, 1527-1579), Margaret (c.1529-August 29, 1612), Mary (d. July 27, 1591), Ellen, Anne, Katherine, Jane, Thomas, Francis (1540-June 17, 1608), Anthony, George, and John.

In the will below, the testatrix names five sons, Edward Fitton, Thomas Fitton, Francis Fitton, Anthony Fitton and George Fitton, and two daughters, Margaret Fitton (unmarried) and Mary Fitton (d. 27 July 1591), who married Sir Richard Leveson (d.1560). In the pedigree in Rylands, *supra*, p. 100, the testatrix' daughter, Mary Fitton, is described as the wife of 'Sir Richard Beison of Billishill', an erroneous transcription of 'Sir Richard Leveson of Lilleshall'.

The testatrix' eldest son, Sir Edward Fitton (31 March 1527 - 3 July 1579), married, on 17 January 1539, Anne Warburton (1 May 1527 - 9 January 1574), the daughter of Sir Peter Warburton of Arley, Cheshire. His marriage settlement is referred to in the will below. See his will, TNA PROB 11/61/561, and the *ODNB* entry. See also the *ODNB* entry for his eldest son, Sir Edward Fitton (c.1548-1606), the father of Mary Fitton (1578-1641), thought by some scholars to have been the Dark Lady of Shakespeare's *Sonnets*. Sir Edward Fitton (c.1548-1606) was Oxford's steward in Cheshire. For a letter dated 30 June 1578 from Sir Edward Fitton (c.1548-1606) to Lord Burghley concerning Oxford's manor of North Rode, at the time part of Oxford's wife Anne's jointure, see TNA SP 12/124/55, f. 161. For another letter from Fitton to Lord Burghley dated 3 July 1578 mentioning Oxford's manor of North Rode, see CP 10/4. Fitton also wrote several letters to Sir Robert Cecil concerning Oxford's daughter, Elizabeth Vere (1575-1627), and her husband, William Stanley (1561-1642), 6th Earl of Derby. See CP 54/110, CP 54/15 and CP 54/21.

The marriages and issue of two of the testatrix' daughters, Katherine Fitton and Anne Fitton, are discussed below:

* **Katherine Fitton** married John Mere or Meyre (died c.1595), esquire, of Mere, Cheshire, the eldest son and heir of William Mere, esquire, by Dorothy Digby, widow of John Brokesby of Frisby, Leicestershire, and daughter of Sir John Digby (d. May 1533) of Kettleby, Leicestershire. See Richardson, Douglas, *Plantagenet Ancestry*, 2nd ed., 2011, Vol. III, pp. 112-13, and the will of Sir John Digby, to which William Mere was a witness, in Peacock, Edward, 'The Will of John Digby, of Eye Kettleby, Leicestershire, 1529' in *Leicestershire and Rutlandshire Notes and Queries*, Vol. III, (London: Elliot Stock, 1895), pp. 82-5 and 142-5 at:

<https://books.google.ca/books?id=h8kGAAAAYAAJ&pg=PA83>

By John Mere, Katherine Fitton had two sons and five daughters:

-**William Mere** (born c.1546?), eldest son, who married Parnel Davenport (born c.1546, buried 6 October 1608 at Rosthorne, Cheshire), widow of William Newton (buried 13 February 1574) of Pownall in Wilmslow, Cheshire, and daughter of John Davenport by Jane Massey, daughter of Richard Massey of Tatton. See 'Descendants of Orme Davenport of Davenport, England', pp. 26, 36, available online. See also Earwaker, J.P., *East Cheshire*, Vol. I, (London, 1877), p. 124 at:

<https://books.google.ca/books?id=VwMcAQAAMAAJ&pg=PA124>

For William Mere, see also the will of the testatrix' daughter, Mary Fitton Leveson, TNA PROB 11/78/48. See also TNA WALE 30/24, a lease dated 7 September 26 Elizabeth [=1583/4] made by Sir Edward Fitton of Gawsworth to William Meyre, son and heir apparent of John Meyre of Meyre, Chester; and TNA WALE 30/34, an indenture dated 10 November 33 Elizabeth [=1590/1] between William Newton and his wife, Margaret, and William Meyre, son and heir apparent of John Meyre, and Parnell, wife of William Meyre and mother of William Newton.

-**John Mere** of Beobridge in Claverley, Shropshire, who married Isabella Berdmore, widow of Richard Elliot of Lusdon, Shropshire, and daughter of William Berdmore of the Beech.

-**Mary Mere**, who married William Domville (1565 – 16 May 1624), gentleman, of Lymm, Cheshire. William Domville was a younger brother of both John Domville (d. 18 October 1593), who married Alice Mere, the daughter of William Mere of Mere, esquire, and Gilbert Domville (d. 1 December 1607), who married Margaret Sneyd, the daughter of Sir William Sneyd (d.1571). See the will of Sir William Sneyd, TNA PROB 11/54/430, and the Domville pedigree in Ormerod, George, *The History of the County Palatine and City of Chester*, 2nd ed., Vol. I, (London: George Routledge and Sons, 1882), p. 582 at:

<https://books.google.ca/books?id=DYY1AQAAMAAJ&pg=PA582>

See also 'Hugh Domville' at:

<http://www.dumville.org/people/hd1000.html>

-**Margaret Mere**, who married William Newton (c.1569-1598), son of William Newton (buried 13 February 1574) by Parnel Davenport (born c.1546, buried 6 October 1608), and grandson and heir of William Newton (d. 4 May 1574) by Katherine Mainwaring, the daughter of Sir John Mainwaring of Over Peover. See the marriage of William Mere, above, and Earwaker, *supra*, p. 124.

-**Elizabeth Mere, Ellen Mere, and Anne Mere**, of whom nothing further is known.

See also the Mere pedigree in Ormerod, George, *The History of the County Palatine and City of Chester*, Vol. I, 2nd rev. ed., (London: George Routledge and Sons, 1882), p. 469 at:

<https://books.google.ca/books?id=DYY1AQAAMAAJ&pg=PA469>

* **Anne Fitton** married, as his first wife, Sir Ralph Egerton (d.1596) of Wrynehill. See Howard, Joseph Jackson, ed., *Miscellanea Genealogica et Heraldica*, Vol. I, 2nd Series, (London: Mitchell and Hughes, 1886), p. 112 at:

<https://books.google.ca/books?id=WVRIAAAAYAAJ&pg=PA112>

Sir Ralph Egerton of Wrynehill, co. Chester married Anne Fitton, sister of Lady Leveson.

See also *Debrett's Baronetage of England*, 5th ed., Vol. I, (London: C. and J. Rivington, 1824), pp. 44-5 at:

<https://books.google.ca/books?id=v9gGAAAQAQAJ&pg=PA45>

Hugh Egerton, of Wrynehill, who m. Margaret, daughter of John Dutton, esq., who d. in 1505, leaving issue, Ralph, Robert, and Richard Egerton, prebendary and canon of Lichfield and rector of Enfield, d. in 1537. Ralph, the eldest, d. 7 May 1522, m. Isabel, da. and heir of Robert Hill, of Hounhill, esq., by whom he was father of John (who d. 1 June 1529), having m. Agnes, da. of sir Walter Griffith, of Wichnor), and William Egerton, of Betley, father of another Ralph; the last male heir of which branch was James Egerton, esq., who d. 13 April 1687, being only son of Randolph Egerton, esq., major-general of cavalry to Charles II., and lieutenant-colonel of king Charles II's own troop of guards, who d. 20 Oct. 1681. Sir Ralph Egerton, of Wrynehill, knt., son and heir of John, m. Anne, da. of Sir Edward Fitton, of Gausworth, and d. in 1596; he was succeeded by his son Edward.

See also the Egerton pedigree in Rylands, John Paul, ed., *The Visitation of Cheshire in the Year 1580*, (London: Harleian Society, 1882), Vol. XVIII, p. 98 at:

<https://archive.org/stream/visitationofches00glov#page/98/mode/2up>

For the marriage of John Egerton (d. 1 June 1529) and Agnes Griffith, daughter of Sir Walter Griffith, see also TNA C 1/413/34, in which ‘Randal’ appears as an alternate Christian name for ‘Ralph’.

Sir Ralph Egerton (d.1596) married twice. His first wife, as noted above, was Anne Fitton, who was living in 1586/7 (see TNA C 147/253), but appears to have died shortly thereafter. By Michaelmas 1589, Sir Ralph Egerton (d.1596) had married a wife named Alice. See *A Descriptive Catalogue of Ancient Deeds in the Public Record Office*, Vol. V, (London: His Majesty’s Stationery Office, 1906), p. 544:

A. 13590. Indenture of fine in the octave of St. Michael, 31 Elizabeth, between John Holte and Robert Sidway, querents, and Ralph Egerton, knight, and Alice, his wife, deforciant, of the manors of Wrynehill alias Wryneford, etc. viz., whereas Ralph holds the said manors, &c. for life, with remainder to the said Alice for life, they grant them to the said John and Robert, and John’s heirs, for Ralph’s life, with remainder to Francis Fytton, esquire, for sixty years, if Alice live so long: consideration, 1, 400l.

See also a release dated 18 January 1596 at p. 117, *supra*:

A. 11254. Release by Dame Alice Eggerton, widow, late the wife of Sir Ralph Egerton of King’s Bromley, William Yerdeley of Yerdeley and Ralph Thicknes of Balterley, gentlemen, to Edward Eggerton, in consideration of 32l. of their right in a capital messuage etc., as demised to the said William and Ralph, 10 April 30 Elizabeth [=10 April 1588], by the said Sir Ralph, then of Wrynehill, cos. Stafford and Chester, and the said Edward Eggerton, his son and heir apparent, for eighty years then next, if the said Dame Alice so long lived, by way of increase of her jointure if she survived the said Sir Ralph. 18 January 38 Elizabeth [=18 January 1596]

A lawsuit in 1601, Wells v. Fenton, also confirms the marriage of Sir Ralph Egerton (d.1596) to a second wife named Alice:

Sir Ralph Egerton, seised in fee, levied a fine to the use of himself for life, and after to the use of his wife who should be at the time of his death, for life, remainder to Edward Egerton in tail. Sir Ralph Egerton takes to wife Alice; he and Alice his wife by fine, reciting that he is tenant for life, remainder to the said Alice for life, give it to a stranger in fee, who renders it to the husband for life, remainder to Fenton for sixty years, remainder to the right heirs of the husband. The husband dies; the said Alice, being then his feme, survives, and disclaims to have any thing in the land. Edward Egerton enters, and lets to the defendant

See Leach, Thomas, *Reports of Sir George Croke*, 5th rev. ed., (Dublin: I. Lynch et al, 1791), pp. 826-7 at:

<https://books.google.ca/books?id=v1NHAAAAYAAJ&pg=PA826>

Children of Sir Ralph Egerton (d.1596) by his first wife, Anne Fitton

It appears that Anne Fitton and Sir Ralph Egerton (d.1596) had two sons, Edward Egerton, and George Egerton, and three daughters, Margaret Egerton, Frances Egerton, and Anne Egerton. All but George are mentioned in the will of their aunt, Mary Fitton Leveson (d. 27 July 1591), TNA PROB 11/78/48:

Item, I give and bequeath to my nephew, Edward Egerton, esquire, one fair standing cup of silver double gilt with a cover double gilt, the same which I bought of his father, Sir Ralph Egerton, knight, to remain in token of my goodwill to him and [-and] Wrinehill house.

Item, I give and bequeath to my niece, Margaret Egerton, the sum of forty pounds of good current money towards her preferment, to be paid within one year next after my decease.

Edward Egerton, esquire, my nephew.

Item, I give to my niece, Margaret Egerton, one like ring;

Mrs Margaret Egerton, my niece.

Item, I give to my niece, Frances Egerton, one like gold ring;

Mrs Frances Egerton, my niece.

Item, I give to my niece, Anne Arblaster, one like gold ring.

In her will, Mary Fitton Leveson also mentions ‘Ralph Egerton, my godson’, and ‘Ralph Egerton, gentleman’, whose relationships to her are unclear.

As noted, Sir Ralph Egerton (d.1596) and Anne Fitton had two sons and three daughters:

-Edward Egerton, eldest son and heir. He is said in the pedigree in Rylands, *supra*, p. 98, to have been aged 25 in 1580, and was thus born c.1555. He was granted livery of his lands, including the manor of Wrinehill, in 1596/7 as “Edward Egerton, esquire, son and heir of Sir Ralph Egerton, knight, deceased” (see TNA C 147/11). See also a quitclaim dated 18 April 1596 made by Edward Egerton esq., son and heir of Randle Egerton, late of Wrynehil Kt., deceased’, Cheshire Archives DCH/D/322. See also a Chancery suit brought by ‘Edward Egerton, esq.’ against Elizabeth, Countess of Shrewsbury (Bess of

Hardwick), Lady Arabella Stuart, Sir William Brereton and Percival Willoughby which contains a detailed pedigree, TNA C 2/Eliz/E5/1.

Edward Egerton died without issue, perhaps in 1532/3, if an inquisition post mortem taken in that year relates to him. See TNA C 142/495/90. See also Lysons, Daniel and Samuel Lysons, *Magna Britannia*, Vol. II, (London: T. Cadell and W. Davies, 1810), p. 365 at:

<https://books.google.ca/books?id=skdBAQAAMAAJ&pg=PA365>

He appears to have been the Edward Egerton involved in extensive litigation with his relative, Sir Roland Egerton, concerning the will (see TNA PROB 11/131/827) of the latter's father, Sir John Egerton (d.1614). For a discussion of the dispute, including Edward Egerton's bribery of Sir Francis Bacon, see Gardiner, Samuel R., *History of England from the Accession of James I to the Outbreak of the Civil War, 1603-1642*, Vol. IV, (London: Longmans, Green, and Co., 1883), p. 61 at:

<https://books.google.ca/books?id=wC1HoIHON8kC&pg=PA62>

For a discussion of the dispute, see also the History of Parliament entry for Sir Roland Egerton at:

<http://www.historyofparliamentonline.org/volume/1604-1629/member/egerton-sir-roland-1574bef-1581-1646>

It appears documents concerning the case are among the Ellesmere MSS at the Huntington Library. See:

<http://www.oac.cdlib.org/findaid/ark:/13030/c8mw2nvw/dsc/>

Also papers concerning other legal cases, including those of: Roland and Bridget Egerton v. Edward Egerton (EL 5719-5725).

-George Egerton, second son. Indentures dating from c.1586 mention George Egerton as the second son of Sir Ralph Egerton (d.1596). See TNA C 147/75), and:

'Deeds: C.7901 - C.8000', in *A Descriptive Catalogue of Ancient Deeds: Volume 6*, ed. H C Maxwell Lyte (London, 1915), pp. 537-553. *British History Online* <http://www.british-history.ac.uk/ancient-deeds/vol6/pp537-553> [accessed 9 August 2017].

C. 7989. Indenture, dated 20 December, 29 Elizabeth [=20 December 1586], witnessing that Sir Ralph Eggerton of Wrynehill, knight, and George, his second son, have demised to Thomas Hulme, husbandman, for 10l. and the surrender of a former lease, a messuage, land and common in the occupation of the said Thomas in Newbold Astberye, with liberty to marl the land and clear it of brushwood, for twenty-six years; rent, 14s. 3d. and two capons at Christmas, the best beast as a heriot, and suit to the court and mill

of Newbold Astberye; the lessee to do repairs, receiving great timber and having housebote, hedgebote, ploughbote, and cartbote, to serve the lessor in the queen's wars, to pay in proportion to his rent whenever the lessor is commanded to provide men for war, and to bring to the lessor's house at Wrinehill a quarter of barley yearly. English. Seal.

Endorsed with signatures of witnesses.

C. 7993. Assignment by Thomas Brooke of Brookhowse Green in Smalewoode, yeoman, to John Lownes, for 85l., of a lease granted by Sir Ralph Eggerton of Wrynhill, knight, and George his second son, to William Sabshead of Newcastle under Lyme, co. Stafford, servant to Sir Ralph, of a messuage in the occupation of the said John in Newbold Astburie for forty years from the death of the said John at a yearly rent of 40s. payable to Sir Ralph for his life, then to the said George for his life, and afterwards to the heirs of Sir Ralph. 20 June, 33 Elizabeth [=20 June 1591]. English. Mark. Seal, marked P.B. Endorsed with names of witnesses.

-Anne Egerton. She appears to have been the Anne Egerton of Wrinehill baptized 12 May 1561. She married, on 4 February 1589, Thomas Arblaster, gentleman, of Longdon. Their son, Edward Arblaster, was baptized 16 November 1589. See Adams, Percy W.L., ed., *Betley Parish Register*, pp. 17, 33, 34 at:

<https://archive.org/stream/betleyparishregi00pari#page/32/mode/2up>

-Margaret Egerton. As noted above, she is mentioned in the 1591 will of her aunt, Mary Fitton Leveson, *supra*, but nothing further appears to be known of her.

-Frances Egerton, who married, on 17 January 1577, at Madeley, Ralph Egerton (d. 17 April 1610), esquire, of Betley. For their children, see his will, TNA PROB 11/116/142.

LM: T{estamentum} D{omi}ne Marie ffytton

[f. 306v] In the name of God, Amen. The third day of April in the year of Our Lord God a thousand 51 and in the 5th year of the reign of our Sovereign Lord Edward the 6th by the grace of God King of England, France and Ireland, Defender of the Faith, and in earth of the Church of England and also of Ireland etc., I Dame Mary Fitton, widow, late wife of Sir Edward Fitton, knight, deceased, being of perfect mind & remembrance, considering the fragility and mutability of this present life and [+that?] every man's life shall be determined by death natural, doubting the uncertain time thereof, make my testament and last will as followeth:

First I bequeath my soul to Almighty God which hath the same redeemed with his most precious and painful passion, trusting faithfully by the merits of the same passion remission of my sins & to be one of the everlasting life;

Also I will my body to be buried in the parish church of Gawsworth where my late husband and other his ancestors do lie if it please God that I do decease within the space of twelve miles to the same;

Also I, the said Dame Mary Fitton, will that in case it happen or fortune Dame Elizabeth Warburton, widow, or th' executors or administrators of Sir Peter Warburton, knight, deceased, and of Dame Elizabeth Warburton or any of them or any other person or persons by the assent, procurement or agreement of them or any of them at any time or times hereafter do suffer or procure to be done any suit, vexation, trouble or encumbrance to or against th' executors of my said late husband, Sir Edward Fitton, or mine executors or administrators or any of them or such sureties which standen bounden for the said Sir Edward Fitton concerning such covenants as the said Sir Edward did bind himself and his executors to do and perform as in a pair of indentures bearing date the first day of December in the 31st year of the reign of our late Sovereign Lord King Henry th' Eight of most famous memory made between the said Sir Peter Warburton, knight, and the said Dame Elizabeth of thone party, and the said Sir Edward Fitton, knight, and me, the said Dame Mary of the other party, as by the same indentures amongst divers other things therein contained it may more at large plainly appear, that then as well all my debts which I shall owe or be indebted to any person or persons at the time of my decease shall be paid with the issues, rents, revenues and profits of two parts of all such my lands and tenements with th' appurtenances in three parts to be divided which be hereafter expressed and specified, that is to say, some lordships called Hamerdyne, Filsham, Curtislye and Morley in the county of Sussex, also one other lordship called Sutton upon Trent in the county of Nottingham, and also one other lordship called Gales in Dawton Travers according to the King's most honourable statute, by the which statute I and all other the King's subjects have liberty to declare our wills for payment of debts or otherwise as in the same statute more plainly appeareth, as also mine executors and administrators and the executors and sureties of my said late husband, Sir Edward Fittton, and every of them from time to time at all and every time and times hereafter shall with the said 2 parts of my said lands and tenements in 3 parts to be divided as is aforesaid be always saved, discharged and kept harmless from such vexation, suit, trouble or encumbrance as is aforesaid, and that mine executors from time to time when and as often as they or any of them do fortune to be so troubled, sued or vexed as is aforesaid of, for or concerning such matters and causes as shall be laid or objected against them or any of them for any matter or cause of mine or otherwise concerning the premises, shall then have, hold, occupy, manure and enjoy the said 2 parts of my said lands and tenements in three parts to be divided together with th' issues, rents, revenues and profits coming and growing yearly of and in the same 2 parts of my said lands and tenements in three to be divided as is aforesaid until such time and times as mine executors and every of them shall be discharged, saved and kept harmless concerning the same [f. 307r] according to the true intent and meaning of this my testament and last will;

And forasmuch as it is the full mind and will of me, the said Dame Mary Fitton, that my debts shall immediately after my decease be truly paid, therefore I will that mine executors shall of the whole of my goods lay down and pay all my debts immediately after my decease upon condition that if there be none such suit, vexation nor trouble at

any time hereafter as is abovesaid, that then my said debts shall be paid of my goods only, and not to be paid of the said 2 parts of my said lands and tenements in three parts to be divided;

And if there happen any such suit, vexation or trouble to be had at any time or times hereafter as is aforesaid, that then mine executors shall see that the same debts and other things above specified in these presents be truly paid, done, fulfilled and performed of the said 2 parts of my said lands and tenements in three parts to be divided as is aforesaid, and then my goods not to be charged therewith according to the true intent and meaning of this my testament and last will above specified;

Also I, the said Dame Mary, will that in case the executors or administrators of Sir Peter Warburton, knight, nor any of them nor my son, Edward Fitton, at any time or times hereafter do not nor procure to be done any vexation, suit or trouble to or against th' executors of the same Sir Edward Fitton, knight, or any of them, that then my son, Edward Fitton, esquire, after my decease shall from thenceforth have, hold and enjoy all such tithe corn of Bosseley and Roode during the residue of such term of years after my decease as shall be then unexpired, as by sufficient writings which I have taken the same tithe corn it may at large more plainly appears;

Provided alway and it is the will of me, the said Dame Mary, that if it fortune that th' executors or administrators of the said Sir Peter Warburton or any of them or the said Edward Fitton, my son, or any person or persons by the assent, procurement or agreement of them or any of them at any time or times hereafter do vex, sue or trouble me, the said Dame Mary, or any other of th' executors of the said Sir Edward Fitton, knight, or mine executors or any of them, that then the said Edward Fitton, my son, shall not from thenceforth have, hold, occupy nor enjoy the said tithe corn of Bosseley and Roode nor any part or parcel thereof, but that then and from thenceforth Thomas Fitton, Francis Fitton, Anthony Fitton and George Fitton, my sons, shall have, hold, occupy and enjoy all and singular the said tithe corn of Bosseley and Roode aforesaid during the residue of such said term of years, right and interest as I have taken the same as is aforesaid;

Also I will and bequeath to my daughter Leveson a little silver cup with a cover gilt;

Also I give and bequeath to Thomas Fitton, my servant, a featherbed, a bolster, 2 blankets, 2 coverlets, a pair of flaxen sheets and one pillow and pillow-bere;

Also I give and bequeath to Sir William Fitton, chaplain, a wich-house in the middle wich after my decease now in the holding of Randolph Vernon & Margaret, his wife, to have and to hold all the said wich-house of six leads after my decease to the said Sir William for and during all such term of years and interest as I, the said Dame Mary, have or ought to have therein in case the said Sir William so long do live, and if the said Sir William do decease within the said term of years, then I will that such priest or priests as shall say Mass or divine service at the chapel of Sudington(?) shall have, hold and enjoy the said wich-house for and during all the residue of the said term of years, so that the said Sir William or such said priest shall yearly pay or cause to be paid therefore to our

Sovereign Lord the King the yearly rent therefore due and of right accustomed according to the true intent and meaning of these [f. 307v] presents;

Also I give and bequeath to the said Sir William Fitton a mattress, a bolster, two blankets, two coverlets and one pair of sheets;

Also I will and bequeath to Edmund Draycote £10 of money, and the same to be taken of the residue of my goods by the discretion of mine executors, and the same ten pounds to be in the custody of Otewell Shalcrosse to the use, preferment and profit of the said Edmund Draycote until such time as the said Edmund shall come to and be of th' age of twenty years, and then the same £10 with the profits thereof to be delivered into the said Edmund Draycote at his request;

Also I, the said Dame Mary Fitton, will that mine executors shall immediately after my decease with the residue of my goods and chattels pay or cause to be paid yearly to Joyce Wudnutt or to her assigns or lawful attorney during the life of William Warde of Arderley th' elder one yearly rent of 26s 8d of lawful money of England at the feasts of the Nativity of Saint John Baptist and Saint Martin the Bishop in winter or within 20 days after every of the said feasts yearly next ensuing by even portions if it be asked, for the which yearly payment of 26s 8d to be paid to the said Joyce, her executors or assigns, during the life of the same William Warde th' elder, I, the same Dame Mary Fitton, stand bounden to the said Joyce by sufficient writing obligatory in the sum of £40 of lawful money of England;

Also where I, the said Dame Mary Fitton, have laid down of mine own proper goods the sum of £62 towards the payment of the debts of the said Sir Edward Fitton, my late husband, as by sufficient writing doth more plainly appear, I will that mine executors shall take and receive of the issues, rents and profits of the residue of the two parts of the lands of my late husband, Sir Edward Fitton, knight, the sum of £62 14d or so much thereof as shall fortune to be behind unreceived at the time of my decease, which said sums to be received and taken by mine executors I will and bequeath to Margaret Fitton, my daughter, to her preferment in marriage or otherwise in case she be not married in my lifetime, and if she be married in my lifetime, that then the residue of the said sum of £62 14d to be bestowed for the wealth of my soul by the discretion of mine executors to such poor folks, householders having small children, and to poor maidens towards their marriages, being my neighbours nigh adjoining, and to other poor folks by the discretion of mine executors in that behalf as they think needful;

And also I will that after the costs of my burial and bringing home, my debts, legacies and bequests be done, paid and performed, that then the residue of all my goods and chattels movable and unmovable heretofore not bequeathed shall wholly remain and come to my said 4 sons, Thomas, Francis, Anthony and George, amongst them to be equally divided at their request by the discretion of mine executors, except such part or parcel as it shall fortune that I shall give or bequeath otherwise at the time of my decease;

Also where it is specified in a pair of indentures made between the said Sir Peter Warburton, knight, and Dame Elizabeth, his wife, of the one party, and the said Sir Edward Fitton and me, the said Dame Mary of thother party, that it shall be lawful and at the liberty of me, the said Dame Mary to give and assure by my last will or otherwise to such person or persons as shall please me lands, tenements and hereditaments of the yearly value of 20 marks, parcel of mine inheritance, to have and to hold to such person and persons only for term of 10 years next following the time of the decease of me, the said Dame Mary, as by the same indentures of marriage amongst divers other things therein contained more at large it may and doth appear, I, the said Dame Mary Fitton, in consideration thereof do give, grant and bequeath to Francis Fitton, George Fitton and Anthony Fitton, my sons, all and singular those my meses, lands, tenements and hereditaments with all and singular their appurtenances in Horton in the county of Northumberland which now be or [f. 308r] late were in the joint or several tenures holdings or occupations of Robert Delavale, Thomas Peereson, Thomas Johnson, Clement Raye, Robert Bayly, George Galande and John Dudden, to have and to hold all and singular the said meses, lands, tenements and other the premises with their appurtenances in Horton aforesaid to the said Francis, George and Anthony, my sons, to the proper uses & profits of the same Francis, George and Anthony for term of 10 years next immediately ensuing after the decease of me, the said Dame Mary, fully to be complete and ended;

Also I ordain and admit my son-in-law, Sir Richard Leveson, knight, Sir Richard Mainwaring, knight, Francis Chorleton, esquire, William Moreton, esquire, and Otywell Shalcrosse, yeoman, to be my true and lawful executors of this my testament and last will to be performed and accomplished according to the true intent and meaning of the same as my especial trust is in them in that behalf, all other will or wills afore this time made by me, the said Dame Mary Fitton, otherwise than this my present testament and last will above expressed to the contrary in any wise notwithstanding;

In witness whereof I, the said Dame Mary Fitton, to this my present testament and last will have set to my seal and subscribed my name the day and year first above-written.
Witness: Francis Newton, Thomas Fitton senior.

Probatum fuit h{uius}mo{d}i testamentu{m} suprascript{um} Coram Mag{ist}ro Will{el}mo Cooke Legum Doctore Curie Prerogatiue R{euerendissi}mi in xpo p{at}ris et D{omi}ni D{omi}ni Reginaldi Cant{uariensis} Archiep{iscop}i custode siue Commissario penultimo Die Mensis Octobris Anno d{omi}ni Mill{es}imo Quingen{tesim}o vij Iuramento Richardi Luson milit{is} et Otewelli Shalcrosse executor{um} in h{uius}mo{d}i test{ament}o no{m}i{n}at{orum} &c Quibus com{m}issa fuit &c De bene &c ac de pleno Inventario &c Necnon de plano comp{ot}o reddend{o} ad s{an}c{t}a dei Eu{a}ngelia Iurat{is} Res{er}vata p{otes}tate &c Richardo Maynwaringe militi et Will{el}mo Moreton Armingero executorib{us} quoq{ue} &c cum venerint ffrancisco Chorleton quoq{ue} executore etiam demortuo

[=The same testament above-written was proved before Master William Cooke, Doctor of the Laws, Keeper or Commissary of the Prerogative Court of the Most Reverend in Christ, Father and Lord, the Lord Reginald, Archbishop of Canterbury, on the penultimate day of the month of October in the year of the Lord the thousand five hundred seventh by the oath of Richard Leveson, knight, and Otwell Shalcrosse, executors named in the same testament etc., to whom administration was granted etc., sworn on the Holy Gospels to well etc., and [+to prepare] a full inventory etc., and also to render a plain account, with power reserved etc. to Richard Mainwaring, knight, and William Moreton, esquire, also executors etc. when they shall have come, Francis Chorleton, also executor, having died.]