

SUMMARY: The document below is the Prerogative Court of Canterbury copy of the will, dated 11 July 1635 and proved 2 February 1636, of Dorothy (nee Heveningham) Vernon Townshend (buried 15 July 1635), whose second husband was the son-in-law of Sir Rowland Hayward (d. 5 December 1593), from whose executors Oxford's second wife, Elizabeth Trentham, purchased Kings Place in Hackney. For the will of Sir Rowland Hayward see TNA PROB 11/83/228.

FAMILY BACKGROUND

Although sources differ as to the names of the testatrix' father, her references to 'my sister Fitzherbert' and 'my brother, Sir Walter Heveningham' in the will below establish that she was the daughter of Christopher Heveningham (died c.1573) of Aston, Staffordshire, only son of Erasmus Heveningham (c.1515-c.1560), fifth son of Sir John Heveningham (d. 5 August 1536) of Heveningham, Suffolk, and Ketteringham, Norfolk, by Alice Shelton, the daughter of Sir Ralph Shelton (c. January 1431 – 16 July 1497) of Shelton, Norfolk. The testatrix was thus distantly related, through the Sheltons, to Queen Anne Boleyn. For the will of Sir John Heveningham, dated 10 June 1531 and proved 28 August 1536, see TNA PROB 11/25/561.

Erasmus Heveningham married Mary Moyle, the daughter of Walter Moyle of Kent by Isabel Stanley (1505-1558), the daughter and sole heiress of Sir John Stanley (1481-1514) of Pipe, Staffordshire. For Isabel Stanley and Walter Moyle, see TNA C 1/518/15, TNA C 1/527/42, TNA C 1/541/88, and TNA C 1/1001/49-53. It would appear that Walter Moyle was the third son of John Moyle (d. 21 November 1495) of Eastwell, Kent, by Anne Darcy d. 24 November 1501), the daughter of Sir Robert Darcy (c.1420 - 2 November 1469) of Maldon, Essex, and Elizabeth Tyrrell (for the will of Elizabeth Tyrrell, proved 24 January 1507, see TNA PROB 11/15/363). See Richardson, Douglas, *Magna Carta Ancestry*, 2nd ed., 2011, Vol. III, p. 217.

For Erasmus Heveningham and Christopher Heveningham, see also:

<http://www.genealogy.com/users/s/t/l/Rosemary-St-legermay-Surrey/FILE/0018page.html>

For Isabel Stanley, see also:

<http://www.genealogy.com/users/s/t/l/Rosemary-St-legermay-Surrey/FILE/0007page.html>

The testatrix' mother was Dorothy Stanley (d.1587), a Catholic recusant. She is said to have been the daughter of William Stanley and Margaret Comberford, daughter of Thomas Comberford. See Grazebrook, H. Sydney, ed., *The Visitation of Staffordshire*, (London: Mitchell and Hughes, 1883), p. 52 at:

<https://archive.org/stream/visitacionofstaf00graz#page/52/mode/2up>

The testatrix' brother, Sir Walter Heveningham (c.1552-1636), married Anne Fitzherbert, the daughter of William Fitzherbert (d.1558), fourth son of Sir Anthony Fitzherbert (c.1470-1538), Justice of the Common Pleas, by Elizabeth Swynnerton (d. 4 April 1616), aunt of the testatrix' first husband, Henry Vernon (d. 21 June 1592). The testatrix' sister, Mary Heveningham, married Anne Fitzherbert's brother, Anthony Fitzherbert. For the relationship between the Fitzherberts and the testatrix' first husband, Sir Henry Vernon, see his will, TNA PROB 11/80/156. See also the nuncupative will of Sir Walter Heveningham, dated 13 January 1636 proved 23 May 1636, TNA PROB 11/171/179, and:

<http://www.genealogy.com/users/s/t/l/Rosemary-St-legermay-Surrey/FILE/0018page.html>

See also:

<http://freepages.genealogy.rootsweb.ancestry.com/~heveningham/page23.html>

See also the pedigree of Heveningham in *Collections for a History of Staffordshire*, Vol. V, Part II, 1884, p. 172 at:

<https://archive.org/stream/collectionsforpt205stafuoft#page/172/mode/2up>

MARRIAGES AND ISSUE

Testatrix' first marriage

The testatrix married firstly Henry Vernon (d. 21 June 1592) of Hilton, Staffordshire, by whom she had an only daughter:

* **Margaret Vernon** (d. 3 January 1656), who married Sir Edward Vernon (d.1657). For the testatrix' first husband and her daughter, Margaret Vernon, see his will, TNA PROB 11/80/156, and Armytage, George J. and W. Harry Rylands, eds., *Staffordshire Pedigrees*, (London: Harleian Society, 1912), p. 228 at:

<https://archive.org/stream/staffordshireped00dugd#page/462/mode/2up>

Testatrix' second marriage

The testatrix married secondly, in 1594, as his second wife, Sir Henry Townshend (d. 8 December 1621), Justice of Chester, the third son, and one of the twelve children, of Sir Robert Townshend (d.1556/7), Chief Justice of the Council in the Marches of Wales and Chester, and Alice Poppy. See 'The Townshend Family' at:

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

<http://home.worldonline.co.za/~townshend/history1.htm>

Sir Henry Townshend's first wife was Susan Hayward (buried 31 May 1592), daughter of Sir Rowland Hayward (d. 5 December 1593), Lord Mayor of London, by whom he had four sons and three daughters (for whom see his will, TNA PROB 11/138/558). See also the History of Parliament entry at:

<http://www.historyofparliamentonline.org/volume/1604-1629/member/townshend-sir-henry-1537-1621>

For the testatrix' second marriage, see also 'The Early Townshends of Rainham', *supra*.

The wardship of the testatrix' daughter, Margaret Vernon, was granted to the testatrix' second husband, Sir Henry Townshend (d. 8 December 1621). See *The Archaeological Journal*, (London: 1851), Vol. VIII, pp. 192-4 at:

http://books.google.ca/books?id=YnY_AAAAQAAJ&pg=PA193

According to Cox, the testatrix and her second husband, Sir Henry Townshend (d. 8 December 1621), were the 'villains' in plots against the testatrix' brother-in-law, John Vernon (d. 8 July 1600), and his wife, Mary (nee Littleton), widow of Walter Vernon of Houndhill, Staffordshire, described in verse by John Harestaffe. See:

Cox, J. Charles, ed., 'The Rhymed Chronicle of John Harestaffe', in *Journal of the Derbyshire Archaeological and Natural History Society*, (London: Bemrose & Sons, 1888), Vol. X, p. 75 at:

<http://books.google.ca/books?id=Yd84AAAAIAAJ&pg=PA75>

The patient, forgiving, but determined heroine of Harestaffe's song is Mary, daughter of Edward Littleton, the wife of (1) Walter Vernon, of Houndshill, and then of (2) John Vernon, of Sudbury. The villain of the plot, though to some extent Justice Townshend, is also chiefly played by a woman, Dorothy, the daughter of Sir Anthony [sic] Heveningham, and wife of (1) Henry Vernon, of Hilton, and of (2) Sir Henry Townsend. It is remarkable that the name of Dorothy does not once occur in Harestaffe's rhymes, nor does he give any clue to her family.

For a lawsuit brought by the testatrix and her second husband against the testatrix' brother-in-law, John Vernon (d. 8 July 1600), see:

C 2/Eliz/T8/56

Plaintiffs: Henry Townshende and Dorothy Townshende his wife, and others, their under-tenants

Defendants: John Vernon, Robert John Chawlnor, John Mannors and Roger Roe

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Subject: To protect the plaintiffs' tenants in possession against oppressive suits at law of the defendants' tenants in reversion. Messuages, lands and premises situate in the Peake [Peak District], Derbyshire, and known by the name of The Farm of Haselbache alias The Lordship of Haselbach [Hazlebadge]

By her second husband, the testatrix had an only son:

* **Henry Townshend** (1601-1663), who married firstly Elizabeth Acton, one of the four daughters and co-heiresses of Sir John Acton (d.1621) of Elmley Lovett, Worcestershire, and secondly Dorothy Bright, daughter of Henry Bright, Canon of Worcester, and widow of John Dobbins. See 'The Early Townshends of Rainham', *supra*, and:

<http://home.worldonline.co.za/~townshend/history1.htm>

Sir Henry Townshend's youngest son, Henry, married a daughter of Sir John Acton of Elmley Lovett in Worcestershire, which estate and house he inherited from his father-in-law and remained the seat of his descendants down to the eighteenth century. Henry Townshend, of Elmley Lovett, kept a diary which is often quoted as the most important Worcestershire source on the civil war. One of Sir Henry Townshend's daughters, Mary, married Sir Philip Cromwell, uncle of the Lord Protector of England, Oliver Cromwell. One of her sons, Philip Cromwell, was killed at Bristol in September 1645 fighting for the Parliamentary cause against the King. However, and as so often happened during this dark period in English history when brother fought against brother, another of her sons, Thomas, fought on the opposing Royalist side. The family, like so many others was divided by the civil war, indeed Henry Townshend of Elmley Lovett was a Royalist Commissioner.

See also Grazebrook, H. Sydney, *The Heraldry of Worcester*, (London: John Russell Smith, 1873), Vol. I, pp. 3-4 at:

<http://books.google.ca/books?id=8lMBAAAAQAAJ&pg=PA4>

Robert Parry (1563-c.1613) was a servant of the testatrix' second husband, Sir Henry Townshend (d. 8 December 1621), and in 1595 dedicated to him a prose novel entitled *Moderatus: The Most Delectable and Famous History of the Black Knight*. See the *ODNB* entry for Robert Parry.

See also 'The Townshend Lineage' at:

<http://home.worldonline.co.za/~townshend/lineage.htm>

In 1614 the testatrix was accused of forging the will of Sir Randle Brereton (d. 8 May 1611). See 'The Townshend Family', *supra*:

An interesting reference to Sir Henry Townshend's second wife is contained in the State Papers of June 1614 where it is recorded that Dorothy, Lady Townshend, and others

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were fined £3000 for their part in forging the will of Sir Randall Brereton. It is recorded that Sir Henry refused to pay the fine as he said that he took no part in the offence, however the order was given that to "maintain the authority of the Star Chamber, power be given to levy the fine on the goods and chattels of Sir Henry Townshend on behalf of his wife." Sir Henry sought to recover from the other defendants their share of the fine, but these actions were stayed until he had made payment of the fine in full. These circumstances do not appear to have hindered Sir Henry's career as he was elected as Member of Parliament for Ludlow, Shropshire in the same year that the fine was levied and remained Deputy Justice of Chester until his death in December 1621.

See also Brereton, Derek P., 'Brereton Wealth and Scheming at the Time of James I' at:

<http://www.brereton.org/star2.htm>

RM: T{estamentum} D{omi}nae Dorothee(?) Townsend

[f. 196r] In the name of God, Amen. The eleventh day of July Anno Domini one thousand six hundred thirty-five, I, Dame Dorothy Townshend of Elmley Lovett in the county of Worcester, widow, being weak in body but of perfect, solid and sound disposing mind and memory (glory be given to God therefore), do make and ordain this my present last will and testament in manner and form following:

And first I commend my soul into the powerful hands of Almighty God, and to Jesus Christ, my Sacred Saviour and Redeemer, by whose alone merits and mercy I do certainly assure myself to be saved eternally, and to be made one of his elect and chosen children to glorify God in heaven;

And touching my temporal goods wherewith it hath pleased God of his gracious goodness to bless me, to the intent that no controversy may hereafter arise touching the same, I do give and bequeath to my daughter, Margaret, wife to Sir Edward Vernon, knight, my best gown and kirtle of rose colour and waistcoat of cloth of silver, and my carnation satin petticoat embroidered, my cloak and safeguard of grogram laced, and my velvet saddle studded with silver and all the furniture belonging to it;

Item, I do give and bequeath to my said daughter, Margaret, only to have the use of them during her life, these jewels following, videlicet, my pearl chain and one pointed diamond ring encompassed with diamonds, my best border, my necklace of pearl, and neck jewel set with rubies, all which jewels I lent her and now she hath in her custody or possession already;

And after the decease of the said Margaret, I do give and bequeath the said pearl chain and best border to Dorothy Browne, my grandchild, daughter of the said Margaret;

Item, I give and bequeath to Marie Vernon my said pointed diamond ring encompassed with diamonds;

Item, I give to Margaret Vernon, my grandchild, my said necklace of pearl, and to Grace Vernon the said neck jewel set with rubies, she being my grandchild also;

I give more to the said Dorothy Browne my gold grommet petticoat and waistcoat;

Item, I further give and bequeath to my said daughter, Margaret, all my diaper and damask tablecloths, towels, [f. 196v] cupboard cloths and napkins, and all my Holland and flaxen tablecloths, cupboard cloths, towels and napkins, and also five pair of flaxen sheets and all my flaxen pillow-beres, and other linens, all which linens aforesaid are now being in one chest standing in my best chamber at Hilton Hall in the county of Stafford;

And all those my pewter dishes and pewter, being in the whole number thirty-nine pieces of pewter, which now are in the closet at Hilton Hall aforesaid;

And all my other pewter dishes and pewter there, being in all twenty pieces of pewter, now in the possession or occupation of Robert Whitegrave, gentleman, at Hilton Hall aforesaid;

Also my four brass pots and three kettles and other vessels and instruments of brass, in number eleven, now being in the storehouse at Hilton Hall aforesaid;

And also other my pots, pans and kettles and other vessels of brass, in number six, now in the use and occupation of the said Robert Whitegrave;

And also all those my five(?) beds, and all my bedsteads with all the furniture belonging to them now in the possession of the said Robert Whitegrave;

And all my stools, chairs, carpets, curtains, hangings, trunks and chests, table-boards and frames, and all my iron vessels and wooden vessels, and all other my household stuff and goods now in the possession or use of the said Robert Whitegrave at Hilton Hall aforesaid, and also one great leaden cistern and my brewing furnace and all wooden vessels belonging thereunto;

Item, I do give and bequeath to Henry Townshend, my grandchild, eldest son of my son, Henry Townshend, my bedstead varnished with green and gold, and one black velvet tester and valence with a piece to hang at the bed-head wrought with needlework flowers embroidered, and one chair, two stools and a long cushion of the same work, and one tawny cloth carpet embroidered with flowers, being in length about four yards, now in the keeping or possession of Thomas Mason at Hilton Hall aforesaid;

Nevertheless my will is that my son, Henry Townshend, shall have the use of the said goods during his life;

Item, I give to my sister Fitzherbert my black damask gown;

Item, I give to Isabel, the wife of Thomas Mason, my scarlet petticoat;

Item, I give to my servant, Elizabeth Skrymsher, my black mohair gown;

Item, I give to my servant, Thomas Mason, one silver parcel gilt can;

And to my servant, Thomas Turner, ten shillings;

To my servant, Thomas Davies, ten shillings;

To my servant, Ellis Goodman, twenty shillings;

Item, my will and meaning is and I do give and bequeath all the afore-mentioned legacies and bequests unto my said daughter, Margaret, and her children upon the conditions following videlicet, that if she, my said daughter, Margaret, and her husband, Sir Edward Vernon, or either of them or any other person by their procurement or consent shall commence or cause to be commenced hereafter any suit in any court whatsoever against my aforesaid son, Henry Townshend, for any goods, cattle or chattels which I have already given him or shall hereafter give him by deed or otherwise which are not herein aforementioned to be bequeathed, or if my said daughter, Margaret, and Sir Edward Vernon, her husband, shall any further prosecute their suit now depending in His Majesty's High Court of Chancery against me and my son, Henry Townshend, and my brother, Sir Walter Heveningham, after my decease for the claim or challenging of any maintenance pretended to be due and payable from me to my said daughter, Margaret, and Sir Edward Vernon, and also if my said daughter, Margaret, and her said husband, Sir Edward Vernon, shall upon their demand and receipt of those my goods aforesaid bequeathed to my said daughter and her children as aforesaid refuse to seal and deliver to my said son and brother or their executors, administrators or assigns a general release of and from all [f. 197r] manner of dues or demands whatsoever pretended to be due unto them from me, my executors or administrators;

And likewise if my said daughter, Margaret, and her said husband shall refuse to pay (without suit or law) the sum of one hundred and forty pounds within six months after my decease to my said son, Henry Townshend, the said moneys having been long sithence due and payable from them, the said Margaret and her husband, unto my said son, being the remainder of a greater sum, as by special deeds and conveyances for true payment of the said moneys it doth and may appear;

Then the said legacies and bequests as touching my said daughter, Margaret, and her children shall be utterly void and of none effect;

And then I do hereby give and bequeath all those my goods given and bequeathed unto them so as aforesaid unto my son, Henry Townshend, and his heirs forever;

And for the better performance of this my said last will and testament I do make and ordain my said son, Henry Townshend, my sole executor of this my present last will and testament;

And I do hereby revoke all former wills and testaments by me heretofore made or published;

Item, I give and bequeath to the poor inhabitants of the parish of Elmley Lovett forty shillings, to be disposed to their use at the discretion of my executor and the parson of the said parish. Dorothy Townshend.

Published and declared to be the last will and testament and also sealed and subscribed by the above-named Dame Dorothy Townshend in presence of these witnesses whose names are subscribed: Elizabeth Cressell [=Cressett?], Edward(?) Best, clerk, William Cookes, cleric{um}, Ellis Goodman, John Stringer's mark.

Probatum fuit Testamentum suprascriptum apud London Coram venerabili viro Domino Henrico Marten milite legum doctore Curie prerogative Cant{uaraensis} magistro Custode siue Commissario legitime constitut{o} secundo Die mensis ffebruarij Anno Domini iuxta cursum et computac{i}onem Ecclesie Anglicane millesimo Sexcentesimo tricesimo Quinto Iuramento Henrici Townshend filij Dicti defunct{i} et Executoris in huiusmodi Testamento nominat{i} Cui Commissa fuit administrac{i}o omnium et singulorum bonorum iurium et creditorum dicti defuncti De bene et fideliter administrand{o} eadem ad sancta Dei Evangelia Coram magistro Edwardo Best Clerico vigore Commissionis in ea parte al{i}us emanat{e} Iurat{i}

[=The above-written testament was proved at London before the worshipful Sir Henry Marten, knight, Doctor of the Laws, lawfully constituted Master, Keeper or Commissary of the Prerogative Court of Canterbury, on the second day of the month of February in the year of the Lord according to the course and reckoning of the English church the thousand six hundred thirty-fifth by the oath of Henry Townshend, son of the said deceased and executor named in the same testament, to whom administration was granted of all and singular the goods, rights and credits of the said deceased, sworn on the Holy Gospels to well and faithfully administer the same before Master Edward Best, clerk, by virtue of a grant in that respect elsewhere issued.]