

SUMMARY: The document below is the Prerogative Court of Canterbury copy of the will, dated 25 September 1589 and proved 27 April 1590, of William Hervey (buried 8 July 1642), third husband of Mary (nee Browne), Countess of Southampton, mother of Henry Wriothesley (1573-1624), 3rd Earl of Southampton, to whom Shakespeare dedicated *Venus and Adonis* and *The Rape of Lucrece*.

Probate of the testator's will below took place under unusual circumstances. According to Tighe:

Late in 1589 [the testator] sailed as leader of a privateering voyage which came to grief in the Azores in May or June 1590, when he was taken prisoner. At the end of that year he procured his removal to Lisbon, where he was held to ransom. His release was being negotiated in November 1591, and by the end of the year he was back in England. On 25 September 1589, before his departure from England, he had made a will in order to provide for the division of the profits of the voyage and the satisfaction of his few debts should he not return. The cost of the preparations for this 'adventure' (as the will called it) came to £5,018 [sic], of which all but £814 [sic] was Hervey's own, and thus it was he who in all likelihood was the director of the voyage. He must have been reported dead before word of his captivity reached England since the will was proved April 1590.

See Tighe, W.J., 'The Herveys: Three Generations of Tudor Courtiers', p. 11, available as a pdf file online.

After his return to England, the testator married twice, and lived until 1642.

In 16 December 1637, the testator made another will, TNA PROB 11/206/10, which was proved 1 November 1648 by his daughter, Elizabeth Hervey.

CONNECTIONS TO THE EARLS OF OXFORD

The testator was a descendant of Jane Drury, whose second husband, Sir William Carew (d.1501), was the son of Sir Nicholas Carew (1409?-1448?) by Joan Courtenay (born 1411-1414, d. before 3 August 1465). After the death of Nicholas Carew, Joan Courtney married, as her second husband, by licence dated 5 October 1450, Sir Robert Vere (d.1461), younger brother of John de Vere (1408-1462), 12th Earl of Oxford. Edward de Vere (1550-1604), 17th Earl of Oxford, was a direct descendant of Robert Vere (d.1461) and Joan Courtenay. See Richardson, Douglas, *Magna Carta Ancestry*, 2nd ed., 2011, Vol. I, pp. 401-3; Ross, James, *John de Vere, Thirteenth Earl of Oxford (1442-1513)*, (Woodbridge, Suffolk: The Boydell Press, 2011), p. 18; and the will of Sir William Carew, TNA PROB 11/12/390.

FAMILY BACKGROUND

For the testator's family background, see the *ODNB* entry and the 'Hervey Family Tree', available as a pdf file at:

<https://www.ickworthchurch.org.uk/hervey-family>

Testator's paternal grandparents

The testator was the grandson of Sir Nicholas Hervey (d. 25 August 1532) and Bridget Wiltshire, the daughter of Sir John Wiltshire (d.1526), and widow of Sir Richard Wingfield (d. 22 July 1525). For the will of Sir John Wiltshire, see TNA PROB 11/22/71. For the will of Sir Richard Wingfield, see TNA PROB 11/22/51.

Sir Nicholas Hervey and Bridget Wiltshire had three sons and two daughters, including the testator's father, Henry Hervey (see below):

(1) Anne Hervey (d. 27 August 1605), who married George Carew, (1497/8 - 1 June 1583), Dean of Exeter, the third son of Sir Edmund Carew (c.1464 – 24 June 1513) and Katherine Huddesfield. Sir Edmund Carew, a descendant of Robert de Vere, 3rd Earl of Oxford, was knighted at Bosworth, and was slain by a cannonball while sitting in council at the siege of Therouanne. See Richardson, Douglas, *Magna Carta Ancestry*, 2nd ed., 2011, Vol. I, p. 404, and the *ODNB* entries for Sir Edmund Carew, and George Carew, Dean of Exeter. By George Carew, Anne Harvey had two sons and two daughters:

(i) Sir Peter Carew, eldest son, slain in Ireland 25 August 1580, who married Audrey Gardiner, the daughter of William Gardiner (1522-1558), by whom he had a son, Peter Carew, who died young, and a daughter, Anne Carew, his only daughter and heir, who married firstly William Wilford, son and heir of Sir Thomas Wilford of Kent, and secondly Sir Allen Apsley (whose wife she was in 1606, according to her grandmother's monumental inscription). According to the *ODNB* entry for Sir Allen Apsley, however, Anne Carew was the widow of a husband surnamed Bell when she married Apsley as his second wife. For her first marriage to William Wilford, see the monumental inscription in Romford church for her grandmother, Anne (nee Hervey) Carew (d. 27 August 1605) in Howard, Joseph Jackson, ed., *The Visitation of Suffolk*, (Lowestoft: Samuel Tymms, 1871), Vol. II, p. 158 at:

<https://books.google.ca/books?id=LCgAAAAAQAAJ&pg=PA158>

For William Gardiner, see the will of James Bacon, TNA PROB 11/55/374, and the History of Parliament entry at:

<http://www.historyofparliamentonline.org/volume/1509-1558/member/gardiner-william-1522-58>

(ii) George Carew (29 May 1555 – 27 March 1629), Earl of Totnes, second son, who married, on 31 May 1580, Joyce Clopton (baptized 1562, d.1637), eldest daughter and

coheir of William Clopton (1538-1592), of Clopton near Stratford upon Avon, Warwickshire, owner of New Place, later purchased by William Shakespeare of Stratford. Both George Carew and his wife, Joyce Clopton, are buried in Holy Trinity Church, Stratford. See the *ODNB* entry, and the pedigree of Clopton in Fetherston, John, ed., *The Visitation of the County of Warwick in the Year 1619*, (London: Harleian Society, 1877), Vol. XII, p. 110 at:

<https://archive.org/stream/visitationcount01britgoog#page/n136/mode/2up>

(iii) Mary Carew (d.1604), who married Walter Dowrish, esquire, son and heir of Thomas Dowrish of Devonshire. See the *ODNB* entry for George Carew, Dean of Exeter, *supra*.

(iv) Elizabeth Carew, who died an infant.

(2) Henry Hervey (1526 – 22 December 1589?), Gentleman Pensioner and Sergeant of the Buckhounds, who married Jane Thomas, daughter of James Thomas of Llanvihangel, Monmouthshire, by whom, according to the pedigree in Howard, *supra*, p. 140, he was the father of the testator and seven daughters (named in the will below). For the will of Henry Hervey, see TNA PROB 11/75/226.

(3) Mabel Hervey, who married Charles (or John?) Brokesby of Lincolnshire.

(4) George Hervey, Constable of Maryborough Castle 1578-1604, who married Frances Gardiner, the daughter of George Gardiner of Buckinghamshire, and died in Ireland.

(5) Sir George Hervey (10 August 1605) of Marks Hall, Essex, Lieutenant of the Tower of London, who married Frances Beckwith, the daughter of Sir Leonard Beckwith of Selby, Yorkshire, and Elizabeth Cholmley, the daughter and coheir of Sir Roger Cholmley. See his will, TNA PROB 11/106/73, and the History of Parliament entry at:

<http://www.historyofparliamentonline.org/volume/1604-1629/member/hervey-sir-george-1533-1605>

See also the pedigree of Beckwith in Burke, John and John Bernard Burke, *A Genealogical and Heraldic History of the Extinct and Dormant Baronetcies of England*, (London: Scott, Webster and Geary, 1838), p. 51 at:

<https://books.google.ca/books?id=K1kBAAAAQAAJ&pg=PA51>

For the children of Bridget (nee Wiltshire) and Sir Nicholas Hervey, see also the Hervey pedigree in Howard, *supra*, pp. 139-40, 192 at:

<https://books.google.ca/books?id=LCgAAAAAQAQAAJ&pg=PA192>

For the marriages of the testator's seven sisters named in the will below, see the pedigrees in Howard, *supra*, pp. 140, 193, according to which:

-Elizabeth Hervey married either Christopher Rennet, or Charles Kennet of Fysham, Dorset.

-Elizabeth Hervey married James Courtenay of Northampton, or of Southampton.

-Mary Hervey married (Sir) William Jones.

-Frances Hervey married Thomas Evelyn of Long Ditton, Surrey; by his first wife, Thomas Evelyn was the father of Jane Evelyn, who married Sir John Bodley of Streatham, landlord of the Globe playhouse from 1601-1622. See the will of Sir John Bodley's father, Francis Bodley, TNA PROB 11/48/415, the will of Thomas Evelyn, TNA PROB 11/130/558; and the pedigree of Evelyn in Brayley, Edward Wedlake, *A Topographical History of Surrey*, (London: David Bogue, n.d.), Vol. V, p. 27, at:

<https://books.google.ca/books?id=mbcHAAAAQAAJ&pg=PA27>

-Anne Hervey married John Wheeler of London.

-Eleanor Hervey married either William Rennell, brother to Christopher, or William Kennet of Dorset.

-Bridget Hervey.

For a detailed discussion of the Harvey family of this generation, see also Hervey, Arthur, *A Paper Read Before the Archaeological Institute of Suffolk*, (Lowestoft: Samuel Tymms, 1858), pp. 75-85, 105 at:

<https://catalog.hathitrust.org/Record/005820752>

After the death of Sir Nicholas Hervey, Bridget Wiltshire married thirdly Robert Tyrwhitt (d. 10 May 1572) of Mortlake, Surrey, and Leighton Bromswold, Huntingdonshire, for whom see Richardson, *supra*, p. 559; and the History of Parliament entry at:

<http://www.historyofparliamentonline.org/volume/1509-1558/member/tyrwhitt-sir-robert-i-1504-72>

MARRIAGES AND ISSUE

Testator's first marriage

The testator married firstly Mary (nee Browne) Wriothesley Heneage (d.1607), Countess of Southampton, mother of Henry Wriothesley (1573-1624), 3rd Earl of Southampton, to

whom Shakespeare dedicated *Venus and Adonis* and *The Rape of Lucrece*. The Countess appointed the testator's first cousin, George Carew, Earl of Totnes (see above), as executor of her will. See her will, TNA PROB 11/110/388; the *ODNB* entries for the 2nd and 3rd Earls of Southampton; Richardson, Douglas, *Magna Carta Ancestry*, 2nd ed., 2011, Vol. I, p. 45; and the entry for Sir William Hervey in Cokayne, George Edward, *The Complete Peerage*, Vol. VI, (London: St Catherine Press, 1926), p. 516, and:

<http://archive.org/stream/cu31924092524374#page/n143/mode/2up>

Testator's second marriage

The testator married secondly, on 5 February 1608, Cordell Annesley (d. 23 April 1636), daughter and coheir of Brian Annesley (d.1604) of Lee and Kidbrooke, Kent, gentleman pensioner to Queen Elizabeth, by Audrey Tyrrell (d. 25 November 1591), the daughter of Robert Tyrrell (d. 16 October 1555), esquire, of Birdbrook, Essex, and his wife, Joyce. Audrey Tyrrell was the sister of Richard Tyrrell (d.1566), Warden of the Fleet, who mentions Audrey and her two husbands in his will, TNA PROB 11/48/637:

I will that whereas my brother-in-law, Brian Annesley, doth owe unto me the sum of fourscore pounds of lawful money now due to be paid, that the said Brian shall keep in his own custody the said sum of fourscore pounds as my gift without any suit or action to be had or commenced for the same by mine executors or the executors of mine executors against the said Brian, his heirs, executors or administrators, to the intent that the said Brian, his executors or administrators, shall pay and deliver unto Brian, his son, at his accomplishment of twenty and one years, the sum of forty pounds, parcel of the said sum of fourscore pounds, and to pay to Grace, his daughter, other forty pounds, the residue of the said sum of fourscore pounds, at what time she shall be married, and not before;

Also I further will that whereas it is agreed between my said brother-in-law, Brian Annesley, and Audrey, his wife, my sister, and me, that in consideration they shall deliver into the hands of mine executors one deed of grant of annuity to be cancelled which she hath for term of her life of fifty pounds by the year, made and assured unto her by her late husband, Ambrose Willie [=Wolley?] in the name of her dowry issuing and going out of all the lands and tenements of the said Ambrose within the county of York, as by the same deed appeareth, in consideration whereof I do will, give and bequeath unto the said Brian and Audrey during the life of the said Audrey forty pounds by the year of good and lawful money of England issuing and going out of my manor of Backenho within the county of Bedford

For Brian Annesley, see his will, TNA PROB 11/104/286. See also his monument, which names his wife, his three daughters and their husbands, in Heath, Charles, *Monmouthshire: Historical And Descriptive Accounts Of The Ancient and Present State of Tintern Abbey*, (Monmouth, 1806), pp. 7, 15 at:

https://books.google.ca/books?id=ydplX3_4zP8C&pg=RA4-PA7

See also the *ODNB* entry for the testator, and the entry in Cokayne, George Edward, *The Complete Peerage*, (London: St Catherine Press, 1926), Vol. VI, p. 516, and:

<http://archive.org/stream/cu31924092524374#page/n143/mode/2up>

It should be noted that *The Complete Peerage* erroneously states that Audrey Tyrrell was the daughter of the Warden of the Fleet, whereas, as noted above, she was the daughter of Robert Tyrrell (d. 16 October 1555), esquire, of Birdbrook, Essex, and his wife, Joyce, and the sister of Richard Tyrrell (d.1566), Warden of the Fleet.

By Cordell Annesley, the testator is said to have had three sons and four daughters.

See also the History of Parliament entry for Sir William Harvey at:

<http://www.historyofparliamentonline.org/volume/1604-1629/member/hervey-sir-william-i-1565-1642>

OTHER PERSONS MENTIONED IN THE WILL

Elizabeth Knollys mentioned in the will below was the daughter of Sir Francis Knollys (1511/12–1596) and Katherine Carey (c.1523–1569), the daughter of William Carey of Aldenham, Berkshire, and Mary Boleyn, sister to Queen Anne Boleyn. Her sister, Lettice Knollys, married firstly Walter Devereux, 1st Earl of Essex, by whom she was the mother of Robert Devereux, 2nd Earl of Essex, and secondly Queen Elizabeth's favourite, Robert Dudley, Earl of Leicester. In the *ODNB*, Elizabeth is erroneously identified as 'Cecilia':

Knollys had at least seven sons and four daughters [including] Cecilia, maid of honour to the queen, [who] married Sir Thomas Leighton, captain of Guernsey.

Thomas Gerard mentioned in the will below was the eldest son of Sir Gilbert Gerard (d.1593), Master of the Rolls.

For Sir William Hatton (d.1597), nephew and heir of Sir Christopher Hatton (c.1540–1591), see the *ODNB* entry for the latter.

For Sir Francis Harvey of Cressing Temple, see the History of Parliament entry at:

<http://www.historyofparliamentonline.org/volume/1558-1603/member/harvey-francis-i-1534-1602>

For William Purvey (d. 23 August 1617) of Wormley, see Newcourt, Richard, *Repertorium Ecclesiasticum Parochiale Londinense*, (London: Benjamin Motte, 1708), p. 913 at:

See also:

<http://www.british-history.ac.uk/vch/herts/vol3/pp487-490>

RM: T{estamentum} Will{el}mi Haruey

[f. 191r] In the name of God, Amen. Inasmuch as man can give no better testimony of his quieted and contented mind than by the well ordering and provident disposing of such matters and affairs as in this life he is necessarily enforced to be busied about, I, William Harvey of Chessington, one of her Majesty's gentlemen pensioners, minding and by all means seeking the pacification and quiet repose of my mind and conscience, not little thereunto moved with the consideration of my intended voyage unto the sea, having to further me in it many adventures which I would according to right should be satisfied, and yet my own adventure with th' increase and revenues to it belonging to be disposed to whom I wish best unto, do the five and twentieth of September in the one and thirtieth year of the reign of our Sovereign Lady Queen Elizabeth etc. ordain, publish and set forth this my last will and testament in manner and form as followeth:

First I commend and commit my soul unto the tuition of the Almighty God, my Creator and Redeemer, and my body unto the earth or else where it shall please God and good friends to appoint it;

And whereas the whole sum of the charge of my shipping and necessaries appertaining thereto amounteth to two thousand and eighteen pounds of English money, whereof there is adventured with me eight hundred and seven pounds, as shall plainly appear to my executors by a note of their names and sums written by mine own hand, and the rest being of my own adventure, I will that the increase and revenues belonging to it shall be divided into parcels and bestowed as I shall here set down:

First I will that the profits and revenues belonging unto one hundred pounds of my adventure shall presently after the coming home of my shipping be paid unto Elizabeth Knollys, now wife of Sir Thomas Leighton, knight (if she then live);

Item, I will that the profits and revenues belonging unto four score pounds more be then presently paid unto my sister, Eleanor Harvey, now wife to William Keynell;

Item, I will that the profits and revenues belonging unto four score pounds more thereof shall be then presently paid unto my sister, Frances Harvey, now wife to Thomas Evelyn;

Item, I will that the profits and revenues belonging unto four score pounds more thereof shall be then presently paid unto my sister, Elizabeth Harvey th' elder;

Item, I will that the profits and increase belonging unto four score pounds more thereof shall be then presently paid unto my sister, Elizabeth Harvey the younger;

Item, I will that the profits and increase belonging unto four score pounds more thereof shall be then presently paid unto my sister, Mary Harvey;

Item, I will that the profits and increase belonging unto four score pounds more thereof shall be then presently paid unto my sister, Anne Harvey;

Item, I [f. 191v] will that the profits and increase belonging unto four score pounds more thereof shall be then presently paid unto my sister, Bridget Harvey;

Item, I will that the profits and increase belonging unto forty pound thereof shall be then presently paid unto Thomas Gerard, now eldest son unto the Master of the Rolls;

Item, I will that the profits & increase belonging unto fifty pounds more thereof shall be then presently paid unto John Harvey the elder, now dwelling at Alvington in the Isle of Wight;

Item, I will that the profits and increase belonging unto forty pounds more thereof shall be then presently paid unto Francis Harvey of Cressing Temple, one of her Majesty's gentlemen pensioners;

Item, I will that the profits and increase of forty pounds more thereof shall be then presently paid to William Purvey of Wormley in the county of Hertford, gentleman;

I will that the profits and increase of four score pounds more thereof shall be equally divided and paid unto four of my servants, whose names are Augustine Clerke, William Cromwell, Thomas Burted and Christopher etc.;

What remaineth else of my adventure, goods and chattels I will it be equally divided between the Lord Wentworth that now is, Sir William Hatton, and my brother-in-law, William Keynell, whom I ordain and make my sole and only executors of this my last will and testament;

In witness whereof I have hereunto set my hand and seal the day and year above-written. William Harvey. Witnesses to this will and testament: Anthony Harvey, John Harvey this is the younger's hand.

Vicesimo septimo Die mensis Aprilis Anno Domini millesimo quingentesimo nonagesimo probatu{m} fuit h{uius}mo{d}i testamentum coram Mag{istro} Iohanne Hone legum Doctore Surrogat{o} venerabilis viri Magistri Will{el}mi Lewin legum etiam Doctoris ad execuc{i}endum officiu{m} Magistri custodis siue Comissarij Curie Prerogatiue Cantuarien{is} l{egi}time deputat{i} iuramento Anthonij Lawe notarij publici procuratoris honorandi viri Domini wentworth vnus Executoru{m} in h{uius}mo{d}i testamento nominat{orum} Cui commissa fuit Administrac{i}o

bonoru{m} iurium et creditoru{m} d{i}c{t}i Defuncti de b{e}ne et fideliter
Administrand{o} ad sancta dei evangelia Iurat{o} Reseruat{a} potestate similem
commissionem faciend{i} ceteris Executoribus cum venerint tam petitur{is} in debita
iuris forma Admissur{is}

[=On the twenty-seventh day of the month of April in the year of the Lord the thousand five hundred ninetieth the same testament was proved before Master John Hone, Doctor of the Laws, Surrogate of the worshipful Master William Lewin, also Doctor of the Laws, lawfully deputed to exercise the office of Master, Keeper or Commissary of the Prerogative Court of Canterbury, by the oath of Anthony Law, notary public, proctor of the honourable Lord Wentworth, one of the executors named in the same testament, to whom administration was granted of the goods, rights and credits of the said deceased, sworn on the Holy Gospels to well and faithfully administer, with power reserved for a similar grant to be made to the other executors when they shall have come to petition in due form of law to be admitted.]