

SUMMARY: The document below is the Prerogative Court of Canterbury copy of the will, dated 6 June 1539 but not proved until 27 January 1558, of Henry Mackwilliam, whose stepfather, Sir Robert Tyrrell, was controller of the household to John de Vere, 13th Earl of Oxford

FAMILY BACKGROUND

The testator was the son of Edward Mackwilliam (died c.1499?) and Christian Hartshorn (d.1505/6), daughter and heiress of John Hartshorn of Bedfordshire. According to one source, he was their only child:

<http://www.stambourne.com/StambourneParishHistory/Chapter3.html>.

After his father's death, his mother, Christian, married Sir Robert Tyrrell, controller of the household to John de Vere, 13th Earl of Oxford. See the will of Sir Robert Tyrrell, TNA PROB 11/15/683; Ross, James, *John de Vere, Thirteenth Earl of Oxford (1442-1513)*, (Woodbridge, Suffolk: The Boydell Press, 2011), pp. 198-9; and Richardson, Douglas, *Magna Carta Ancestry*, 2nd ed., 2011, Vol. I, p. 15.

MARRIAGES AND CHILDREN

First marriage

The testator married firstly Anne Spelman, daughter of the judge and law reporter, Sir John Spelman (c.1480-1546), by whom he had a daughter, Elizabeth Mackwilliam (d.1569), who married Sir George Colte (d. 23 March 1578) of Long Melford, Suffolk. Sir George Colte and his wife, Elizabeth Mackwilliam, were witnesses to the testator's will (see below). See also the will of Sir George Colte's father, John Colte (d. 22 October 1521), TNA PROB 11/20/285. See also the *ODNB* article on Sir John Spelman; the will of Sir John Spelman, TNA PROB 11/31/37; and *Transactions of the Essex Archaeological Society*, Vol. II, New Series, (Colchester: W. Wiles, 1884), p. 110 at:

https://books.google.ca/books?id=Uhc5AQAAMAAJ&pg=PA108&lpg=PA108&dq=%22edward+mackwilliam%22&source=bl&ots=eX3HUhOnvE&sig=qTKL29Ff_hsp3VcL6xTt9hcUpu8&hl=en&sa=X&ei=18P3VIO-IZHboATYyYLoDA&ved=0CCQQQ6AEwAQ#v=onepage&q=%22edward%20mackwilliam%22&f=false.

See also Wright, Thomas, *The History and Topography of the County of Essex*, (London: George Virtue, 1836), Vol. I, p. 640:

<https://books.google.ca/books?id=SgQVAAAAQAAJ&pg=PA640&lpg=PA640&dq=%22Sir+Thomas+Lucy%22+%22Leyes%22&source=bl&ots=pNRle27AgR&sig=dBgKIshd>

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

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uwaTww&hl=en&sa=X&ei=JbL4VLSyCMiSoQSx9IL4DQ&ved=0CB8Q6AEwAA#v=onepage&q=%22Sir%20Thomas%20Lucy%22%20%22Leyes%22&f=false.

Second marriage

The testator married secondly a wife named Ele, whose identity is difficult to establish. According to the History of Parliament, she was Ella or Elizabeth Leyes, the daughter of Sir John Leyes. See:

<http://www.historyofparliamentonline.org/volume/1558-1603/member/macwilliam-henry-1532-86>.

According to Wright, she was Ele Leye, the daughter and heiress of John Leye of Leyes, by Anne Lucy, the daughter of Sir Thomas Lucy. If so, her maternal grandfather would appear to have been Sir Thomas Lucy of Charlecote, in whose will, dated 31 July 1525 and proved 24 July 1527, provision is made for the marriages of his three daughters, including his eldest daughter, Anne. See the will of Sir Thomas Lucy, TNA PROB 11/23/4; *Transactions, supra*; Wright, *supra*; and the Lucy pedigree in Dugdale's *Antiquities of Warwickshire* at p. 399:

<https://archive.org/stream/antiquitiesofwar00dugd#page/n9/mode/2up>.

By his second wife, the testator is said to have had two sons and three daughters:

* The eldest son, Henry Mackwilliam, was a gentleman pensioner at the court of Queen Elizabeth. He married Mary Hill (d.1616), daughter and co-heiress of Richard Hill, esquire, and widow of the scholar Sir John Cheke, tutor to Edward VI and brother-in-law of Lord Burghley, whose first wife was Mary Cheke (c.1520–1544). He jousting against Oxford in a tournament at Westminster on 1-3 May 1571 (see Segar on this website). By Mary Hill, Henry Mackwilliam had a son, Henry Mackwilliam (b. 15 July 1568), and five daughters, for whom see his will, TNA PROB 11/70/244, and the History of Parliament entry at:

<http://www.historyofparliamentonline.org/volume/1558-1603/member/macwilliam-henry-1532-86>.

* The second son, Edward Mackwilliam, appears to have been the Edward Mackwilliam who was a gentleman retainer of Oxford's father, John de Vere, and was bequeathed £10 in his will. For the will of John de Vere, 16th Earl of Oxford, see TNA PROB 11/46/247.

* The testator's three daughters by his second marriage were Anne Mackwilliam, wife of Arthur Stourton (buried 11 February 1558), for whom see the History of Parliament entry; Mary Mackwilliam, wife of Arthur Kighley; and Frances Mackwilliam, wife of Humphrey Shelton. See Wright, *supra*.

There are certain anomalous aspects to the will:

(1) According to the source noted above, the testator was an only child, yet administration was granted, according to the probate clause, to his brother, also named Henry. It thus seems possible that there is an error in the probate clause, and that administration was granted to the testator's son, Henry, rather than to the testator's brother, Henry.

(2) Neither of the two sons which the testator allegedly had by his second wife is specifically named in the will, although in one clause the testator bequeaths a bed 'to every of my children, both sons and daughters'. It thus seems possible that the testator's two sons were the children of his first marriage to Anne Spelman, and had already been provided for during the testator's lifetime.

(3) The will was not proved until almost two decades after the testator's death, by which time the testator's second wife and executrix, Ele, had married John Tyrrell, had had four children by him, and had herself died. For the will of John Tyrrell, see TNA PROB 11/40/73.

RM: T{estamentum} Henrici Mackwill{ia}m

In dei nomine amen. The 6th day of June in the year of Our Lord God 1539, I, Henry Mackwilliam of Stambourne in the county of Essex, esquire, and within the diocese of London, being of whole mind and perfect remembrance, thanked be Almighty God to whom I bequeath my soul, and my body to be buried within the chancel of Stambourne at the high altar end;

Item, I bequeath to the high altar for my tithes negligently forgotten 5s;

Item, I will there be bestowed and distributed in Ridgewell, Stambourne and Birdbrook every year 6s 8d in alms among poor people by my wife during her life, and after her decease to be done by my heirs and owners of Stambourne Hall so long as the law will it suffer in like manner as I have used it to do myself in times past;

I bequeath to every of my three daughters fifty pounds to be paid to them at the days of their marriages so that they marry afore they have accomplished th' age of 20 years; if not, to be paid to them when they attain severally to th' age of 20 years;

Item, I give to Thomas, the boy of my kitchen, a bullock;

Item, I will that my obit be kept every year by my wife during her life in Stambourne church, and to be bestowed by her the sum of 4s;

Item, I will all my debts shall be paid by my executors, whom I make and ordain Ellen, my wife, sole executrix;

Item, I will that Thomas Murrelles, gentleman, shall have £6 13s 4d, he to be a helper, aider and counsellor with Elle, my wife;

I make Mr Thomas Danyell of Sudbury my supervisor, he to have for his labour 20s;

I will that John Lee, my servant, shall have £5 in money;

I will have a priest to sing for me by the space of a quarter of a year, he to have for his stipend 33s 4d;

I give to my daughter Colt my carpet that lieth on the cupboard in the great chamber and the three cushions with the roses that were of her mother's making;

I give to John Potfeelde 10s;

I give to Mary Cornwall 10s;

I give to Alice Warren 5s;

I give to every of my children, both sons and daughters, a bed and all things that belongeth thereto at the discretion of my wife, to be delivered them at their marriages or when they attain th' age of 20 years;

All the residue of my goods not bequeathed, my debts paid, my will performed, and my funerals deducted, I give it wholly to Elle, my wife;

Of this my last will these be witness: George Colte, esquire, and Elizabeth, his wife, Sir Thomas Tyrrell, clerk, Sir Thomas Moore, clerk, Bachelor of Divinity Harry Norton, John Potfeld, John Lee and other.

Vicesimo septimo Ianuarij Anno d{omi}ni Mill{es}imo quingentesimo qui{n}quage{si}mo septi{m}o Emanauit com{m}issio Henrico Mackwill{ia}m ar{miger}lo [sic?] fr{atr}i naturali et l{egi}timo d{i}c{t}i defuncti ad viam intestat{is} deceden{tis} eo q{uo}d Ela Rel{i}c{t}a eiusdem defuncti anteq{ua}m on{er}is executionis d{i}c{t}i testamenti in se assumpserit ab hac luce migrauit &c De bene &c Ac de plene et fideli Inventario &c Necnon de plano et vero compoto &c iurat{o}

[=On the twenty-seventh of January in the year of the Lord the thousand five hundred fifty-seventh a grant issued to Henry Mackwilliam, esquire, natural and legitimate brother of the said deceased, by way of an intestacy, for that Ele, relict of the same deceased, died before assuming the burden of the execution of the said testament etc., sworn to well

etc., and to [+prepare] a full and faithful inventory etc., and also [+to render] a plain and true account etc.]