

SUMMARY: The document below is the Prerogative Court of Canterbury copy of the last will and testament dated 24 April 1587, and codicil dated 13 December 1587, proved 31 July 1598, of Sir John Russell (1552-1593).

The testator's estranged wife, Elizabeth (nee Sheldon) Russell, was the sister of Katherine (nee Sheldon) Trentham (d.1633), the wife of Oxford's brother-in-law, Francis Trentham (d.1626).

The testator's stepbrother, Thomas Russell (1570-1634), named as a residuary legatee in the will, was the overseer of the will of William Shakespeare of Stratford.

For the tempestuous marriage of Sir John Russell and Elizabeth Sheldon, see Hotson, Leslie, *I, William Shakespeare, Do Appoint Thomas Russell, Esquire* (London: Jonathan Cape, 1937), pp. 29 ff.

LM: Testamentum Iohannis Russell

In the name of the Father and of the Son and of the Holy Ghost, three persons and one very God, to whom be all honour, glory and praise forever and ever, amen. The four and twentieth day of April a thousand five hundred eighty-seven and in the twenty and ninth year of the reign of our Sovereign Lady Elizabeth by the grace of God of England, France and Ireland Queen, Defender of the Faith etc., I, John Russell of Strensham in the county of Wigorne [=Worcester], esquire, being at this present whole in body and of good and perfect memory (thanks be unto Almighty God), intending by God's grace shortly to travel into the parts beyond sea, and considering the frailty of man's life and how necessary a thing it is for every good Christian to be in continual readiness for death whensoever it shall please Almighty God to call, do ordain, make and declare this my last will and testament in writing indented under my hand and seal in manner and form following, that is to say:

First I commend my soul into the hands of Almighty God, my Maker, most humbly beseeching him even for Jesus Christ's sake, my only Mediator and Redeemer, to forgive me all my sins and offences, by the merits of whose precious death and passion my only hope and trust is to be saved and to have free remission of all my sins;

And my body I bequeath to the earth without pomp or sumptuousness by the order & good discretion of my executors hereunder named;

And as touching the order and disposition of all and singular my manors, lands, tenements and hereditaments, as well within the counties of Wigorn and Gloucester as elsewhere within the realm of England to me descended or which I now have, and whereof at this day I stand seised and have estate in possession, use, remainder or reversion by and from

my good father, Sir Thomas Russell, knight, deceased, or by and from my good grandfather, Sir Roger Cholmeley, knight, deceased:

First, whereas I, the said John Russell, by one indenture tripartite enrolled in her Majesty's High Court of Chancery bearing date the last day of December in the one and twentieth year [=31 December 1578] of the reign of our Sovereign Lady the Queen's Majesty that now is between me, the said John Russell, on thone party, and the right honourable Francis, Earl of Bedford of the noble Order of the Garter, knight, and one of her Majesty's most honourable Privy Council, and Gilbert Littleton of Bellend in the county of Worcester, esquire, on thother party, did covenant, condescend and agree to and with the said Earl and Gilbert Littleton and either of them, before th' end of the term of St Michael the Archangel next ensuing the date of the said indenture by one or several fines in due form of law to be levied with proclamations according to the statute in that behalf provided before the Justices of our Sovereign Lady the Queen's Majesty of the Common Pleas at Westminster to convey and assure to the said Earl of Bedford and Gilbert Littleton and their heirs and the heirs of either of them the manor of Holme Hall in Stow cum Quy with the appurtenances in the county of Cambridge, and also divers other manors, lands, tenements, rents, reversions, remainders, services & hereditaments with th' appurtenances lying within the said county of Cambridge and in the several counties of Essex, Kent, Middlesex, Surrey and the city of London in the said indenture mentioned which sometimes were the inheritance of Sir Roger Cholmeley, knight, deceased, grandfather to the said John Russell;

And further whereas I, the said John Russell, in and by the said indenture tripartite did covenant, condescend and agree to and with the said Earl of Bedford & Gilbert Littleton and their heirs and the heirs of either of them before th' end of the said term of St Michael by one or several fines in due form of law to be levied with proclamations according to the statute in that behalf provided before the said Queen's Majesty's Justices of the Common Pleas at Westminster to convey and assure to the said Earl of Bedford and Gilbert Littleton and their heirs and the heirs of either of them the manors of Strensham, Berlingham, Defford, Copinsecourte, Great Witley, Little Witley, Peopleton, Spetchley, Dormestone Hall in Hanley and Sutton Sturmy with the appurtenances in the county of Worcester, and also divers other manors, lands, tenements, rents, reversions, remainders, services, boileries, patronages and hereditaments with their appurtenances within the said county of Worcester and in the county of Gloucester in the said indenture specified, sometime the inheritance of Sir Thomas Russell, knight, deceased, father of the said John Russell;

Which fine or fines so then to be levied as is aforesaid and every other fine & fines which should be levied by the said John Russell to the said parties or any of them before th' end of the said term of St Michael of the said manors, messuages, lands, tenements, hereditaments and other the premises should be and remain and the said Earl of Bedford and Gilbert Littleton and their heirs and the heirs of either of them should stand and be seised to the uses, intents and purposes and under such provisos, limitations, conditions and determinations as are in the said-recited indenture tripartite severally specified, limited and declared;

And whereas also in the said indenture amongst other things there are several provisos containing this in effect, that it shall and may be lawful to and for the said John Russell at any time and from time to time during his natural life by writing signed with his hand and sealed with his seal or by his last will and testament in writing to alter, change, diminish, determine or enlarge the said uses of and in the said manors, lands, tenements and hereditaments and premises or any part or parcel thereof at his will and pleasure, and by such writing as is aforesaid or by his last will and testament in writing to limit, give, will and appoint the use and uses of all and singular the premises to such person and persons and for such estate, term & interest as to the said John Russell shall be thought meet and convenient, and that then and from thenceforth the said fine shall remain and be and the said Earl and Gilbert Littleton and their heirs and the heirs of either of them shall stand and be seised to the use and uses of all and every person and persons to whom any use shall be limited or appointed by the said John Russell by any such writing as is before mentioned or by his last will and testament in writing according to such estates and interests as shall be limited or appointed by any such writing or last will as is before mentioned, the said indenture or any other thing to the contrary notwithstanding, as by the same indenture more at large appeareth;

And whereas also after the making of the said-recited indenture one fine was levied in due form of law in the term of the Holy Trinity then next following according to the intent and true meaning of the said indenture;

Now forasmuch as I, the said John Russell, am minded to alter, change & determine the use and uses by the said-recited indenture raised, created, limited, assigned or appointed for and concerning all and every the manors, lands, tenements and hereditaments and other the premises in the said indenture specified and contained and every part and parcel thereof, and the same by these presents to determine, annul and make void forever, and to limit and appoint new uses of the same according to th' effect of the same provisos, and therefore by the liberty, power and authority to me given, reserved or limited by the said provisos contained in the said indenture, I, the said John Russell, by this my present last will & testament in writing do not only determine the use and uses aforesaid, but also do newly limit, give, will and appoint the use and uses of all and every the said manors, lands, tenements, rents, reversions, remainders, services and hereditaments in the said indenture expressed hereafter to be and remain to such person and persons and for such estates, terms and interests as in and by this my said last will and testament shall be specially limited or appointed and not otherwise, that is to say:

First I will and devise the use and uses of all those my manors of Over Strensham and Nether Strensham with th' appurtenances in the county of Worcester, and also of all other my manors, lands, tenements, rents, reversions, remainders, services, woods, underwoods, advowsons, patronages, boileries, mills, court leets, privileges, liberties, franchises and hereditaments whatsoever within the said county of Worcester and within the county of Gloucester aforesaid, and also of all those my manors, messuages, lands, tenements, rents, reversions, services, courts, leets, liberties, franchises and hereditaments whatsoever within the city of London and in the several counties of Middlesex, Essex,

Cambridge and Surrey and elsewhere within the realm of England (except of such manors, lands, tenements and hereditaments parcel of the premises in the said-recited indenture mentioned as by this my last will and testament hereafter shall be specially and particularly otherwise given, devised, limited, or which I have otherwise by any deed or deeds in writing under my hand and seal heretofore aliened, bargained or sold to any person or persons) unto my eldest son, Thomas Russell, to have and to hold the said manors, lands and tenements, rents, reversions, remainders, services and other the premises in the said counties of Wigorne and Gloucester with all and singular their appurtenances and the use and uses thereof (except before excepted) unto the said Thomas Russell and th' heirs males of his body lawfully begotten and to be begotten;

And for default of such issue to John Russell, my younger son, and to th' heirs males of his body lawfully begotten;

And for lack of such issue to Thomas Russell, my brother, and th' heirs males of the body of the said Thomas, my brother, lawfully begotten and to be begotten;

And for default of such issue the remainder thereof to the right heirs of me, the said John Russell, forever;

And to have and to hold the said manors, messuages, lands, tenements, rents, reversions, remainders, services and other the premises in the said city of London & in the said several countries of Middlesex, Essex, Cambridge and Surrey & elsewhere within the realm of England and the use and uses thereof (except before excepted) unto my said son, Thomas Russell, and th' heirs of his body lawfully begotten;

And for lack of such issue to my said son, John Russell, and th' heirs of his body lawfully begotten;

And for lack of such issue to Frances Russell, my daughter, and th' heirs of her body lawfully begotten;

And for lack of such issue to the use of the right heirs of me, the said John Russell, forever;

Also I will and devise to my said daughter, Frances Russell, the sum of two thousand marks of lawful money of England, which sum I will shall be levied, perceived and taken by my executors hereunder named and the survivor of them immediately after my decease of my goods, plate and chattels and also of the rents, issues and profits of all those my manors, lands, tenements, woods, underwoods and hereditaments in the counties of Worcester and Gloucester, and of all those my manors, lands and tenements in London, Middlesex, Essex, Cambridge and Surrey (except before excepted) at the feasts usual by the order and direction of my executors hereafter named, which said sum of two thousand marks I will shall truly be paid to my said daughter at her accomplishment of eighteen years or day of marriage, which shall first happen, and in the meantime the money received to be employed to her best behoof by my executors aforementioned;

And if it shall happen my said daughter to die before the said age of eighteen years or marriage, as is aforesaid, my said son John Russell then living, then I will the moiety of her said legacy of two thousand marks to my said son, John Russell, if he be then living, and if he be then dead, the same moiety shall be employed by my executors to and for the performance of this my will and payment of my debts and legacies;

And as touching the order and disposition of all and singular my goods, chattels, leases, plate, money and household stuff whereof I stand now possessed:

First I give & bequeath to the poor people of Strensham six pounds thirteen shillings four pence, to the poor of Hanley six pounds thirteen shillings four pence;

Item, to the poor of the city of Worcester ten pounds, to be paid within one year next after my decease;

Item, to my nephew, William Lygon, esquire, a piece of plate of six pounds thirteen shillings four pence;

Item, I will that the lease of Harwell wood and my crystal cup garnished with silver, and all arras, household stuff and furniture of household at Strensham, and the wainscot and glass there shall remain as an heirloom to and with the house of Strensham aforesaid, and not to be praised with or as parcel of any of the rest of my goods or chattels, but that my said son, Thomas Russell, if he live, shall have them to his own use, paying and satisfying to his brother and sister their several legacies herein bequeathed according to this my will, or otherwise such as shall be heir to Strensham shall have the same under the like condition;

Item, I give to John Russell, my younger son, two hundred pounds in money and one hundred marks in plate, to be paid him at his full age if he happen not to have the thousand marks before-mentioned in the meantime by the death of his said sister;

Item, to Farley, my bailie, ten pounds;

And of this my last will & testament I do ordain and make my loving and faithful friends, Sir William Russell, knight, and Edmund Colles, esquire, full and whole executors, trusting that they will duly and faithfully execute this my last will and testament in all things according to the trust I repose in them, and I do give to either of them for their pains to be taken herein one hundred marks;

The residue of all my chattels, plate and leases unbequeathed, my debts and legacies fully paid, my will fulfilled and funerals discharged, I wholly give and bequeath to my said son, Thomas Russell;

And further whereas I, the said John Russell, stand at this day indebted to divers persons, and being therefore doubtful whether my goods, chattels & leases not before devised or

bequeathed will sufficiently extend to the satisfaction of my debts & legacies & performance of this my will, which thing I chiefly desire should be done with all expedition convenient without any delay or fraud, therefore I will & devise that if at the time of my decease my goods, chattels, leases, plate and ready money unbequeathed shall or will not suffice to satisfy and pay my debts and legacies and fully to perform this my last will, that then my executors aforementioned and the survivor of them during four years next after my decease, if within the three first years my said son, Thomas Russell, or some sufficient person for him do not become bound to my executors or to the survivor of them in the sum of one thousand pounds for payment of my said debts and legacies and performance of my last will in manner and form before specified, shall have full power and authority by force of this my last will and testament to bargain and sell the inheritance and fee simple of all that moiety of my messuages, lands and tenements in Walworth within the county of Surrey now in the tenure of Jasper Cholmeley, esquire, or his assigns and the reversion and reversions, use and uses of the same or of so much of the said messuages, lands and tenements within the said county of Surrey as to my said executors or to the survivor of them shall be thought needful and requisite to be sold for the payment of my said debts & legacies and performance of this my last will and testament in manner and form before expressed, which said bargain and sale I will my said executors or the said survivor shall make during the term of four years before mentioned without any let, denial or interruption of any person or persons whatsoever;

Also I will and devise the use and uses of all those the manors of Great Witley and Little Witley with th' appurtenances in the said county of Worcester, and also of all the boileries and saltfats in Droitwich within the said county, and the reversion and reversions, remainder and remainders of the same immediately from and after the death of Dame Margaret, now the wife of Sir Henry Berkeley, knight, unto Thomas Russell, my eldest son, to have and to hold the said manors, lands, tenements, boileries and premises last-recited with th' appurtenance to the said Thomas Russell and his assigns during his natural life;

In witness whereof to this my present testament and last will I, the said John Russell, my hand and seal have set to, given the day and year first above-written. John Russell. Sealed and delivered in the presence of those whose names ensue: William Lygon, Owen Lloyd his mark, by me John Greene, Henry Boyle, Francis Bartlet, William Bartlett. *Recognitum coram me Laurence Hussey vno magistrorum Cancillarie dicte domine nostre Regine suprascripto vigesimo quarto Aprilis Anno Regni sui supradicti.*

This codicil indented made the thirteenth day of December in the thirtieth year [=13 December 1587] of the reign of our Sovereign Lady the Queen's Majesty annexed to this my said will above-written subscribed with my hand and whereunto my seal is annexed, I, Sir John Russell, now knight, do declare, ordain and appoint to be parcel of my said last will and testament as ensueth:

Inprimis, whereas I named and appointed Jasper Cholmeley to be one of my executors, and willed to him one hundred marks for his pains therein to be taken, who sithence the

date and writing thereof is deceased, I do now in his place by these presents name and ordain my good cousin, Sir William Russell, knight, to be the executor with the above-named Edmund Colles, esquire, of this my said will and testament, and for his pains therein by him to be taken I will and devise to him the sum of one hundred marks;

And whereas I before in my will have devised to Richard Cholmeley the sum of forty pounds, I do by these presents revoke the said legacy for that I have sithence bestowed on him a thing of better value and benefit;

And whereas by the laws of this realm if God shall take me out of this life and that my son and heir shall be then within the age of one and twenty years there may happen and grow to the Queen's Majesty, her heirs or successors, wardship, for that some of my lands may prove to be holden by knight's service in capite and so wardship belong to her Majesty, my will and mind thereof is that the Queen's Majesty, her heirs or successors, being answered a full third part of so much of my said lands & tenements as shall belong to her Majesty by the laws of this realm for wardship, that thother two parts or residue of my said lands and tenements and the rents, issues and profits of the same shall be to my executors during the minority of my son and heir, and by them shall be received, perceived and taken and converted for and towards the performance of this my last will and testament, and what overplus or residue of the same shall remain and be, I will, devise and appoint the same overplus to my said son and heir to be paid and answered to him by my said executors or the survivor of them within reasonable time after he shall accomplish his full age of one and twenty years;

And my will and mind and intent is that my executors or either of them shall not deal or meddle with the selling or cutting down of any of my woods or underwoods but only to receive the rents or yearly profits of my lands, tenements, woods and underwoods and convert and employ the same according to the true meaning of this my last will and testament;

Item, my will is that all my servants unto whom I do owe any wages unto, that my executors do pay them the said wages within one month after my decease;

Item, I give unto Samuel Butler, my servant, my black gelding, to be delivered him by my executors within one month as aforesaid;

Item, I give unto John Coddington, my chamberlain, twenty pounds, and to my servant, John Pratt, ten pounds, to be delivered them by my executors within one month after my decease;

Memorandum: That the above-named Sir John Russell, knight, did confirm both the will and the codicil hereunto annexed, and did set his seal and subscribed to the same the eighteenth day of September in the five and thirtieth year [=18 September 1592] of the Queen's Majesty's reign that now is to be [+his] last will and testament in the presence of us: Henry Bust(?), Samuel Butler, John Surlie's mark, Edward Knight, Richard Butler

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senior, Nicholas Helifex, John Pratt, John Russell, witnesses to this schedule: Thomas Hanford, Hie(?) Maddocke, Lawrence Smith, signum Edwardi Griffyn.

Probatum fuit Testamentum suprascriptum vna cum Codicillo Apud London coram venerabili viro magistro Iohanne Gibson legum doctore Curie prerogative Cantuariensis magistro custode sive Commissario Legitime Constituto vltimo die mensis Iulij Anno domini millesimo quingentesimo nonagesimo Octavo Iuramento Richardi Stubbs notarij publici procuratoris domini Willelmi Russell militis et Edmundi Coles Armigeri executorum in huiusmodi Testamento nominatorum Quibus commissa fuit administracio etc De bene et fideliter administrando etc Iuratorum

[=The above-written testament was proved, together with the codicil, at London before the worshipful Master John Gibson, Doctor of the Laws, lawfully constituted Master, Keeper or Commissary of the Prerogative Court of Canterbury, on the last day of the month of July in the year of the Lord the thousand five hundred ninety-eighth by the oath of Richard Stubbs, notary public, proctor of Sir William Russell, knight, and Edmund Colles, esquire, executors named in the same testament, to whom administration was granted etc., sworn to well and faithfully administer etc.]