

SUMMARY: The document below is the will, dated 27 June 1558, of Oxford's paternal uncle, Thomas, Lord Darcy of Chiche, the husband of Oxford's aunt, Elizabeth de Vere. In the will the testator mentions that he holds a lease of the 16th Earl of Oxford's manor of Wivenhoe, which he leaves to his wife, Elizabeth. A mortgage in the amount of £1000 held by Sir Thomas Dyer (d.1565), father of the courtier Sir Edward Dyer (d.1607), is also of interest since Sir Thomas Dyer's first wife was Frances Darcy, widow of William Thornborough, and in his own will, Sir Thomas Dyer bequeathed to his stepson, John Thornborough, the 'custody, wardship and marriage of Thomas Darcy' (see PROB 11/48, ff. 160-1). Lord Thomas Darcy's ambition, fueled by his kinship to the Protector Somerset, induced him to take part in unpardonable actions against his brother-in-law, the 16th Earl of Oxford, including Somerset's fraud against the 16th Earl, the mutilation of the 16th Earl's mistress, and attempts to prevent the 16th Earl's remarriage (see PRO E 328/403, EL 5870, and SP 10/1/45). Lord Darcy died at Wivenhoe on 28 June 1558. His will was not probated until 14 March 1561, when administration was granted to his eldest son and heir, John, 2nd Lord Darcy of Chiche, the two executors named in the will having renounced its execution.

RM: Testamentum Thome Domini Darcy

In the name of God, Amen. The 27th day of June in the year of our Lord God 1558, I, Thomas, Lord Darcy of Chiche, of the right honourable Order of the Garter, knight, at Wivenhoe within the county of Essex, being of a very good and perfect memory, do declare my last testament comprehending therein my last will in manner and form following:

First, I commend my soul to Almighty God, my creator and redeemer, and as to the interring and funeral of my body, mine estate therein considered, I commit wholly to the order of the holy church and the order of this realm, to be used in all as appertaineth;

Item, I will that Lady Elizabeth, my wife, shall have, receive and take of the issues, revenues and profits of my manor of Claston the More [=Great Clacton?] and Claston the Less [=Little Clacton?] with th' appurtenances during and by all the term of her natural life the sum of one hundred pounds at 2 several terms in every year, that is to say, at the feast of Saint Michael th' Archangel and th' Annunciation of Our Lady by equal and even portions;

Item, I will that my said wife shall have and hold to her and her assigns all that my lease and term of years which I have of and in the park of Bentley, with all and singular those and such commodities and profits as to the same my grant of lease appertaineth except such and all that office of keeper with such other profits and commodities as Christopher Worlich, my servant, hath had and yet hath under me of and in the premises, which keepership with all and singular profits and commodities as the said Christopher hath had

under me I will he shall have, occupy and enjoy during his natural life as of my gift, now as then and then as now;

Item, I give unto my said wife and to her assigns my lease and term of years of and in the house of Wivenhoe with all parks, grounds and other commodities whatsoever which I have in Wivenhoe aforesaid which I have of the grant of the Earl of Oxenford, to have and to hold unto the said Elizabeth and her assigns in as large manner to all intents and purposes as I hold and have the premises, except before excepted;

Item, I give and bequeath unto Robert and Albery, my sons, all that my manor of Little Oakley with the courts and leets with the profits of the courts and leets to the same manor appertaining, together with all lands, meadows, pastures, rents and services with all and singular other the commodities and appurtenances whatsoever, with the advowson of the church of Little Oakley and all other the premises last remembered, to the said Robert and Albery and to the heirs males of their bodies lawfully begotten, and for default of such issue, to John, my son, and the heirs males of his body lawfully begotten, and yet nevertheless I will that if the said Robert and Albery or either of them shall depart that life having no issue as aforesaid, yet that either of them shall by this my will have full power and strength by virtue hereof to make unto their wives or to the wife of either of them an estate without impeachment of waste for term of life of the said wife or wives in the name of jointure of and in all the premises or of and in so much thereof as shall like them to depart within that degree;

Item, I will that my manor of Elmswell and Woolpit with th' advowsons of the churches of Elmswell and Woolpit, together with all the lands, meadows, pastures, feedings, woods and underwoods, rents, reversions and services, together with the courts and leets appertaining to the said manors or to either of them, with all profits that to court and leet appertaineth, and all other royalties, members and appurtenances whatsoever to the said manors or to either of them in any wise belonging or appertaining, shall be sold by William Ayloff, esquire, and John Holt, my servant, gentleman, and the money coming of the sale of the premises, I will it to be employed and bestowed in manner and form following:

First and especially to satisfy and pay unto Sir Thomas Dyer the sum of one thousand pounds for the redemption of such lands as he hath of mine in mortgage for the said sum, and all the residue, deducting the costs, charges and expenses of the said William Ayloff and John Holt which they shall sustain and be at in and about the premises, I will they shall redeem of mine such plate as lieth in mortgage, and pay other my debts and legacies so far-forth as the said sum will amount unto;

Item, where I have appointed my servant, Harry Stapleton, to sell my wood and timber in the park of Alton or Alverton to the value by estimation of six score pounds, of [sic for 'if'] the sale thereof be made, I will the same shall stand in force according to that sale, and if it be not sold, I will the same shall be sold by the aforesaid Henry with th' advice of the said William and John to the most profit that may be conveniently, and the money thereof coming I will it shall be divided after a convenient rate by the order and discretion

of the said William, Harry & John amongst my servants of household, gentlemen, yeomen, pages and grooms, as by their discretion shall seem good;

Item, I will that George Frewell, my servant, shall have to him and his assigns during his life £10 by year out of my manor of Sedmister [=Southminster?] or Sedmester, to be received out of the said manor, and to be paid unto the said George or his assigns by the hands of the farmers or bailie there at the feasts of Saint Michael th' Archangel and th' Annunciation of Our Lady by even portions, and for non-payment the said George to distrain in the premises from time to time as occasion in that case shall be given unto him;

Item, I will that Sir Francis Jobson shall have again the gelding which he gave unto me, and one other of my trotting geldings by the discretion of mine executors, and in like manner I give unto Clement Paston, esquire, the gelding that he gave me, and one other trotting gelding by the like discretion;

Item, I give and bequeath unto Thomasine, my daughter, four hundred marks to be paid at the day of her marriage, which sum of four hundred marks I will mine executors shall pay either of the money which they shall receive of the sale of my manors before appointed to be sold, or else of my moveable goods or the profits of my lands to be received and taken at (blank) of all my manors as the same shall first rise next after my decease of the issues and profits of the said lands;

Item, I give to every gentleman being daily or most commonly attendant upon my person one gelding by the discretion of mine executors;

And of that my will and testament I ordain and make mine executors the abovenamed William and John Holt, these being witnesses.

Decimo quarto die Mensis Martij Anno Domini millesimo quingentesimo sexagesimo Emanavit commissio Domino Iohanni Darcy militi domino Darcy de Chiche filio naturali et legitimo domini Thome Darcy domini Darcy de Chiche preclari ordinis garterij militis defuncti habent &c Ad Administrando bona Iura et credita dicti defuncti iuxta tenorem testamenti huiusmodi eo quod Willelmus Aylof Armiger et Iohannis holte generosus executores in huiusmodi Testamento nominati oneri execucionis testamenti huiusmodi expresse renunciaverunt &c de bene etc. Iuratus

[=On the fourteenth day of the month of March in the year of the Lord the thousand five hundred sixtieth [=14 March 1561] a commission issued to John, Lord Darcy of Chiche, knight, natural and legitimate son of Lord Thomas Darcy of Chiche, knight of the noble Order of the Garter, deceased, having etc., to well and faithfully administer the goods, rights and credits of the said deceased according to the tenor of the same testament because William Ayloff, esquire, and John Holt, gentleman, executors named in the same testament, have expressly renounced the burden of the execution of the same testament. Sworn.]