

SUMMARY: The document below is the fine of final concord dated one month after Michaelmas 1602 [=one month after 29 September 1602] by which clear title to New Place passed to William Shakespeare of Stratford upon Avon from (Sir) Hercules Underhill (1581-1650).

New Place had been purchased from William Bott in 1567 by an Inner Temple lawyer, William Underhill (c.1523 - 31 March 1570), clerk of assizes at Warwick and a substantial property holder in the county. William Underhill's first wife was Ursula Congreve (d.1561), one of the daughters of John Congreve of Stretton in Staffordshire. His second wife was Dorothy (nee Hatton) Newport (d.1569), the widow of John Newport of Hunningham, and the only sister of Sir Christopher Hatton (c.1540–1591), later Lord Chancellor of England. For her will, dated 9 December 1566, see TNA PROB 11/52/36. Dorothy's son by her first marriage, William Newport (d.1597), was Sir Christopher Hatton's heir, and married Lord Burghley's granddaughter, Elizabeth Cecil (1578-1646).

In 1571 Sir Christopher Hatton obtained the wardship of William Underhill's only son and heir by his first marriage, also named William Underhill, who was 16 years of age when his father died. William Underhill inherited New Place, and sold it to William Shakespeare of Stratford by fine dated 4 May 1597 (see SBTRO ER 27/4a).

At the time the property sold consisted of one messuage, two barns and two gardens with their appurtenances, whereas in the document below there are, in addition, two orchards.

In July 1597 William Underhill was poisoned. He made his will on 6 July, leaving all his lands to his eldest son, Fulke Underhill, and died on 7 July 1597. In 1599, while still underage, Fulke Underhill was hanged for his father's murder. The Underhill estate was forfeited for felony, but was re-granted to Fulke Underhill's younger brother, Hercules Underhill, when he came of age in 1602. By the fine below, Hercules Underhill confirmed the earlier sale of New Place to William Shakespeare of Stratford upon Avon, 'the peculiar circumstances of the case causing some doubt on the validity of the original purchase'.

For the foregoing background see Stopes, Charlotte Carmichael, *Shakespeare's Warwickshire Contemporaries* (Statford-upon-Avon Press, 1897), pp. 227-32, available online. For a facsimile of the fine, see Schoenbaum, Samuel, *William Shakespeare: A Documentary Life* (Oxford: Clarendon Press, 1975), p. 173, and the World Digital Library facsimile at:

<http://www.wdl.org/en/item/11293/>.

This is the final agreement made in the court of the Lady Queen at Westminster one month after Michaelmas in the year of the reigns of Elizabeth, by the grace of God Queen

of England, France & Ireland, Defender of the Faith, etc. from the Conquest the forty-fourth before Edmund Anderson, Thomas Walmesley, George Kingsmill & Peter Warburton, justices, & others faithful to the Lady Queen then there present, between William Shakespeare, gentleman, querent, and Hercules Underhill, gentleman, deforciant, of one messuage, two barns, two gardens & two orchards with the appurtenances in Stratford upon Avon;

Whereof a plea of covenant was summoned between them in the same court, namely that the foresaid Hercules has acknowledged the foresaid tenements with the appurtenances to be the right of the same William, as those which the same William has of the gift of the foresaid Hercules, and he has remised & quitclaimed them from himself & his heirs to the foresaid William & his heirs forever;

And besides the same Hercules has granted for himself & his heirs that they will warrant to the foresaid William & his heirs the foresaid tenements with the appurtenances against the foresaid Hercules & his heirs forever;

And for this acknowledgement, remission, quit-claim, warrant, fine & agreement the same William has given to the foresaid Hercules sixty pounds sterling.

Warwickshire
Examined

1 Hec est finalis Concordia f{a}c{t}a in Cur{ia} d{omi}ne Regine apud Westm{onasterium} A die s{a}n{ct}i Mich{ael}is

2 in vnu{m} Mense Anno regnor{um} Elizabeth{e} dei gr{ati}a Angl{ie} ffranc{ie} & Hib{er}nie Regine

3 fidei defens{oris} &c A conqu{esto} quadragesimo quarto coram Ed{mund}o Anderson Thoma

4 Walmysley Georgio Kingesmyll & Petro Warburton Iustic{iarijs} & alijs d{omi}ne Regine

5 fidelib{us} tunc ibi p{re}sentib{us} Int{er} Will{elmu}m Shakespeare gen{er}osum quer{entem} et

6 Herculem Vnderhill gen{er}osum deforc{iantem} de vno Mesuagio duob{us} horreis duob{us}

7 gardinis & duob{us} pomarijs cum p{er}tin{entijs} in Stretford sup{er} Avon Vnde pl{ac}it{u}m

8 conuenc{io}nis sum{monitum} fuit int{er} eos in eadem Cur{ia} Scil{ice}t q{uo}d p{re}d{i}c{t}us Hercules

9 recogn{ovit} p{re}d{i}c{t}a ten{ementa} cum p{er}tin{entijs} esse ius ip{s}ius Will{elm}i vt ill{a} que idem Will{elmu}s

10 h{ab}et de dono p{re}d{i}c{t}i Herculis et ill{a} remisit & quietclam{avit} de se & hered{ibus}

11 suis p{re}d{i}c{t}o Will{elm}o & hered{ibus} suis Imp{er}p{etuu}m et p{re}t{er}ea idem Hercules concessit

12 p{ro} se & hered{ibus} suis q{uo}d ip{s}i Warant{izabunt} p{re}d{i}c{t}o Will{elm}o & hered{ibus} suis p{re}d{i}c{t}a ten{ementa}

13 cum p{er}tin{entijs} cont{ra} p{re}d{i}c{t}u}m Herculem & hered{es} suos Imp{er}p{etuu}m et p{ro} hac recogn{icione}

14 remissione quietclam{acione} Warant{o} fine & concordia idem Will{elmu}s dedit

15 p{re}d{i}c{t}o Herculi sexaginta libras sterlingor{um}

Warr{uicus}

ex{aminatur}