

SUMMARY: The document below is the last will and testament, dated 4 March 1616 and proved 17 March 1606, of Sir Edward Fitton (d. 4 March 1606), whose daughter, Mary Fitton, is conjectured by some scholars to have been the Dark Lady of Shakespeare's *Sonnets*.

The testator was the son of Sir Edward Fitton (born 31 March 1527, died 3 July 1579) and Anne Warburton (1 May 1527 - 9 January 1574), the daughter of Peter Warburton of Arley, Cheshire. According to the monument to his parents in St Patrick's Cathedral, Dublin, he had eight brothers and six sisters. See the will of his father, TNA PROB 11/61/561; and the Fitton pedigree in *Gossip from a Muniment-Room*, (London: David Nutt, 1898), p. 1 at:

https://archive.org/stream/gri_33125008386944#page/n29/mode/2up/.

The testator's uncle, Francis Fitton (d. 17 June 1608), mentioned in the will below, married, in 1587, Katherine Neville (d. 28 October 1596), eldest daughter and coheir of John Neville (d.1577), 4th Baron Latimer, son of John Neville (1493–1543), 3rd Baron Latimer, by Dorothy de Vere (d. 7 February 1527), sister of John de Vere (1499-1526), 14th Earl of Oxford. At the time of her marriage to Francis Fitton, Katherine (nee Neville) was the widow of Henry Percy (d. 20 June 1585), 8th Earl of Northumberland (see above). See the *ODNB* entries for John Neville, 3rd Baron Latimer, Thomas Percy, 7th Earl of Northumberland, and Henry Percy, 8th Earl of Northumberland, and the will of John Neville, 3rd Baron Latimer, TNA PROB 11/29/303. For the will of the testator's brother, Francis Fitton, see TNA PROB 11/112/118.

The testator's aunt Mary Fitton (d. 27 July 1591), married Sir Richard Leveson (d.1560). For her will, see TNA PROB 11/78/48. For the will of Sir Richard Leveson (d.1560), see TNA PROB 11/43/621. The Sir Richard Leveson mentioned in the will below in connection with a loan in 1602 was likely Sir Richard Leveson (d. 2 August 1605), grandson of Sir Richard Leveson (d.1560). For the will of Sir Richard Leveson (d. 2 August 1605), see TNA PROB 11/106/91.

The testator's aunt, Margaret Fitton, married John Englefield (d. 1 April 1567). For her will, see TNA PROB 11/121/212. For the will of John Englefield, see TNA PROB 11/49/179.

The testator married Alice Holcroft (d. 4 January 1627), the daughter of Sir John Holcroft, by whom he had four children: Sir Edward Fitton (d. 10 May 1619); Richard Fitton (d. 5 June 1610); Anne Fitton (buried 22 July 1618), wife of Sir John Newdigate (d. 18 March 1610); and Mary Fitton, conjectured by some scholars to be the Dark Lady of Shakespeare's *Sonnets*. For letters from the testator to Sir Robert Cecil dated 5 August 1600 and 22 April 1601 mentioning his daughter, Mary Fitton, see CP 81/15 and CP 85/172. See also the *ODNB* entry for the testator's daughter, Mary Fitton:

. . . [by 1600 Sir Edward Fitton's daughter, Mary] had become the mistress of William Herbert (1580–1630), also styled Lord Herbert, eldest son of Henry Herbert, second earl of Pembroke. When she was revealed to be pregnant the following January, the queen's wrath fell on the maids' chamber as a whole, and Mary was committed to the care of Lady Hawkins. By 5 February 1601 her lover, now third earl of Pembroke, had confessed his responsibility, but Cecil reported that 'he utterly renounceth all marriage' (Brewer and Bullen, 4.20) and predicted that they would both go to the Tower. In March Pembroke was sent to the Fleet prison, where he remained for some weeks, while Mary gave birth to a son, who died soon afterwards.

The testator's brother-in-law, Sir Thomas Holcroft (d. 20 February 1620), husband of the testator's sister, Elizabeth Fitton (d.1595), became related by marriage to the Cecils when his niece, Elizabeth Manners (1576-1591), the only child of Edward Manners (1549-1587), 3rd Earl of Rutland, and Isabel Holcroft (1552-1605) married Lord Burghley's grandson, William Cecil (1590-1618), in 1589. See the *ODNB* articles on Edward Manners and William Cecil, and the History of Parliament entry for Sir Thomas Holcroft at:

<http://www.historyofparliamentonline.org/volume/1604-1629/member/holcroft-sir-thomas-1557-1620>.

The testator was Oxford's steward in Cheshire. For letters from him dated 30 June and 3 July 1578 to Lord Burghley concerning Oxford's manor of North Rode, at the time part of Oxford's wife Anne's jointure, see TNA SP 12/124/55, f. 161, and CP 10/4. For letters from him to Oxford's brother-in-law, Sir Robert Cecil, see CP 54/15, CP 54/21 and CP 54/110. In the Cecil Papers, both CP 54/15 and CP 54/21 are stated to have been written by 'Edward Mylar'. However the late Peter R. Moore discovered that 'Mylar' is a misreading of 'ffyton'.

For the testator, see also the *ODNB* article, and the History of Parliament entry at:

<http://www.historyofparliamentonline.org/volume/1558-1603/member/fitton-edward-1548-1606>.

LM: T{estamentum} d{omi}ni Edwardi ffitton milit{is}

[f. 151r] In the name of God, Amen. I, Sir Edward Fitton of Gawsworth in the county of Chester, knight, being of perfect memory, praise be to the Almighty for the same, do make my last will and testament in writing declaring my desire touching the salvation of my soul and disposing of my body and of my temporal blessings of lands, tenements and hereditaments and goods, chattels, debts and credits in manner and form following:

First humbly beseeching God the Creator to forgive me all my sins and offences for his Son, my Saviour and Redeemer, Jesus Christ, his sake, and not to impute unto me mine

unrighteousness, but to make the merits, death and passion of this, my Saviour, my salvation and his righteousness my justification, I do from the botton [sic] of mine heart bequeath my soul to God, my Maker, which gave it me, and do acknowledge that there is no mean given to man for salvation but the foundation of his infinite mercy already laid, which is Christ Jesus, for whose sake I beseech God the Father to receive the same my soul into eternal felicity;

My desire is that my body may with [f. 151v] decent funeral without pomp receive sepulchre in the church of Gawsworth aforesaid among mine ancestors, and that such portion of money may be then bestowed among such poor as mine executors shall think fit;

Whereas there is certain money due to be paid for the land in the county of Lancaster, my will and mind is that my dearly beloved wife, the Lady Alice Fitton, my brother [=brother-in-law], Sir Thomas Holcroft, knight, and my son, Edward Fitton, or two of them shall sell all mine hereditaments in the realm of Ireland, and in their default my uncle, Frances Fitton, esquire, for as much money as they or he can get for the same, and pay therewith what is due for the said land in Holcroft or so much as will be had for the same;

And my meaning is that my said wife shall enjoy the same land in Holcroft fully, freely and absolutely according to my true meaning, which in this case is best known to my said brother, Sir Thomas Holcroft, assuring myself that he will see this truly performed and with all good conscience as my trust is in him above all other;

And lest these hereditaments in Ireland will not suffice to raise so much money as is behoveful in this behalf, whereas the manor of Boseley in the county of Chester is now the only thing which remaineth conveniently to supply this defect, my mind and desire is that my wife and son, Edward, and the survivor of them by the advice and direction of the said Sir Thomas Holcroft and Francis Fitton shall demise for two lives or one and twenty years such parcels thereof as shall suffice to supply this defect;

Whereas also I and my said uncle, Francis Fitton, were bound for the payment of two hundred pounds taken up by Mr Holland, the scrivener, for the said Thomas Holcroft and at his request, which I have paid, I thought fit to mention the same as a debt due unto me;

[LM: Sir Edward Fitton by Sir Thomas Holcroft's means upon the bond of Francis Fitton, Sir Richard Leveson & others borrowed £200 about the feast of All Saints 1602 by the means of Mr Holland, the scrivener. Sir Thomas Holcroft did after borrow of Sir Edward Fitton £200, & received it at the hands of Richard Fitton, son to the said Sir Edward. This Sir Edward on his deathbed did declare, and willed Sir Thomas Holcroft should pay the same £200 to Holland or where it is due, and to see that bond discharged, and hath paid the interest due for the same to Holland before Sir Edward Fitton's death.]

[LM: The remembrance here made of this £200 in Sir Edward Fitton's will is mistaken. It should have been thus set down as the marginal note above showeth, these being witnesses. A. Reston, Francis Fitton, John Pyle, Henry Fitton.]

And lest I should be worthily blamed for omitting the memory of mine other children, I do here declare that my son, Richard Fitton, is provided as much as mine estate can respectively bear, and yet did I intend to augment the same provision but that my said wife desired me to leave him to her consideration, which I do with desire that she will be his good mother;

Also I will that mine executor within one year after my death shall give to the Lady Anne Newdigate a bowl or piece of plate of silver of six pounds thirteen shillings four pence or thereabouts with mine arms in color thereupon and these words under them, videlicet, *The gift of Sir Edward Fitton*;

And the like bowl of like value and with mine arms and inscription unto my daughter, Mary Fitton;

Also my will and meaning is that my said son, Edward, shall in convenient time after my death demise unto Richard Fitton, my kinsman and servant, any farm or tenement with the lands and tenements belonging to the same situate and being within the manor of Gawsworth aforesaid for the term of one and twenty years to begin from th' expiration of such lease as is hereof in being, so that the same farm do now yield the yearly ancient rent of thirty shillings or thereabouts, and the same rent to be reserved upon such lease so to be made to the said Richard Fitton;

Also my will and meaning is that my said son, Edward, shall in convenient time after my death demise unto George Brereton, my servant, any farm or tenement with the lands and tenements belonging to the same situate, lying and being within the manor of Gawsworth aforesaid for the term of 21 years to begin from th' expiration of such lease as is thereof in being, so that the same farm do now yield the yearly ancient rent of twenty shillings or thereabouts, and the same rent to be reserved upon such lease so to be made to the said George Brereton;

Also my will and meaning is that my said son, Edward, shall in convenient time after my death demise unto Roger Pott, my servant, any messuage or tenement with the lands and tenements belonging to the same situate, lying and being within the manor of Gawsworth aforesaid for the term of twenty-one years from th' expiration of such lease as is thereof in being, so that the same farm do now yield the yearly ancient rent of thirteen [f. 152r] shillings four pence or thereabout, and the same rent to be reserved upon the same lease so to be made to the said Roger Pott;

Also I give and bequeath unto my servant, Henry Fitton, five pounds;

Also I give and bequeath unto my servant (blank) Mothershead, five pounds;

Also my desire is that George Cooke be kept during his life, and also that Ralph Oldham continue porter and have his keeping;

Also I give and bequeath unto my said well-beloved wife, the Lady Alice Fitton, all my goods whatsoever within the realm of England;

And lastly I do make, constitute and ordain my said well-beloved wife, my said uncle, Francis Fitton, and my said son, Edward Fitton, executors of this my last will and testament;

And I do hereby frustrate and make void all other former wills and testaments which heretofore I have made, and my pleasure is that this only shall stand and remain my last will and testament;

The fourth day of March Anno domini one thousand six hundred and five.

Signed and acknowledged in the presence of Richard Fitton, John Pyle, and Henry Fitton.

Probatum fuit huiusmodi Testamentum apud London decimo septimo die mens{is} Martij Anno D{omi}ni iuxta Cursum et Computac{i}o{n}em eccl{es}ie Angligane mill{es}imo sexcentesimo quinto Coram d{omi}no Iohannis Bennett milit{is} legum doctore Curie prerogatiue Cant{uariensis} m{agist}ro Custode siue Commissario l{egi}time Constitut{o} Iuramento d{omi}ne Alicie ffiton rel{i}c{t}e et vnus Executorum in testamento predictorum Cui Comissa fuit Administracio bonorum Iurium et Creditorum eiusdem defuncti De bene et fideliter Administrand{o} &c in p{er}sona sua ad sancta dei Evangelia Iurat{e} Reservata p{otes}tate similem Comissionem faciend{i} ffrancisco ffiton et Edwardo ffiton executoribus etiam in huiusmodi testamento nominat{is} Cum venerint seu eorum vterq{ue} venerit eandem in debita Iuris forma petitur{is} admissur{is}

[=The same testament was proved at London on the seventeenth day of the month of March in the year of the Lord according to the course and reckoning of the English Church the thousand six hundred fifth before Sir John Bennet, knight, Doctor of the Laws, lawfully constituted Master, Keeper or Commissary of the Prerogative Court of Canterbury, by the oath of Lady Alice Fitton, relict and one of the executors named in the testament aforesaid, to whom administration was granted of the goods, rights and credits of the same deceased, sworn on the Holy Gospels in her own person to well and faithfully administer etc., with power reserved for a similar grant to be made to Francis Fitton and Edward Fitton, executors also named in the same testament, when they or either of them shall have come to petition to be admitted the same.]