

Summary: The document below is the Prerogative Court of Canterbury copy of the will, dated 26 October 1498 and proved 11 February 1499, of Sir Robert Fouleshurst (d. 6 December 1498), esquire of the body to Prince Edward, son of Henry VI, and maternal ancestor of Oxford's second wife, Elizabeth Trentham.

### ***FAMILY BACKGROUND***

For St Bertoline's Church in Barthomley, Cheshire, where the testator wished to be buried, and which contains a monument to the testator's ancestor, Sir Robert Fouleshurst 'of Hundred Years War fame', see:

<http://www.barthomleystbertolines.org.uk/our-church.php>.

According to Ormerod, the testator was the son and heir of Thomas Fouleshurst (IPMs dated 1438, 1439). See Ormerod, George, *The History of the County Palatine and City of Chester*, Vol. III, (London: Lackington, Hughes, 1819), pp. 162-6 at:

<http://archive.org/stream/historyofcountyp03orme#page/162/mode/2up>.

Although the testator died in 1498, his inquisition post mortem is confusingly said to have been the subject of a legal dispute 17 years earlier, in 1481. See Thornton, Tim, *Cheshire and the Tudor State 1480-1560*, (Woodbridge, Suffolk: The Boydell Press, 2000), p. 89 at:

[https://books.google.ca/books?id=L-skqOw7QoC&pg=PA315&lpg=PA315&dq=%22Sir+Robert+Fouleshurst%22&source=bl&ots=8s6jkYe3mC&sig=o3wBmYANgx\\_KwKL-3bSdpWWlibk&hl=en&sa=X&ved=0ahUKEwjws\\_HSl\\_\\_VAhUKzGMKHaopAps4ChDoAQg2MAQ#v=onepage&q=%22Sir%20Robert%20Fouleshurst%22&f=false](https://books.google.ca/books?id=L-skqOw7QoC&pg=PA315&lpg=PA315&dq=%22Sir+Robert+Fouleshurst%22&source=bl&ots=8s6jkYe3mC&sig=o3wBmYANgx_KwKL-3bSdpWWlibk&hl=en&sa=X&ved=0ahUKEwjws_HSl__VAhUKzGMKHaopAps4ChDoAQg2MAQ#v=onepage&q=%22Sir%20Robert%20Fouleshurst%22&f=false)

*For example, in 1481 he dealt with a dispute over the inquisition post mortem of Sir Robert Fouleshurst.*

In a footnote, Thornton cites the source for the alleged dispute in 1481 concerning the testator's IPM as PRO, SC 8/344/1262, discussed in Worthington, Paul, 'Royal Government in the Counties Palatine of Lancashire and Cheshire, 1460-1509', (University of Wales Ph.D thesis, 1991), 296. See:

<http://www.history.ac.uk/history-online/theses/thesis/royal-government-counties-palatinate-lancashire-and-cheshire-1460-1509>.

However according to TNA SC 8/344/E1262 on the National Archives website, the testator was living in 1481 (his son is described as his 'heir apparent'), and the document concerns, not the inquisition post mortem taken after the testator's death, but rather 'the

inquisition taken by the escheator of Cheshire concerning the lands that Piers Dutton the younger was seised' of. See:

[http://discovery.nationalarchives.gov.uk/results/r?\\_ep=SC%208%2F344%2FE1262&\\_ds=s=range&\\_ro=any&\\_st=adv](http://discovery.nationalarchives.gov.uk/results/r?_ep=SC%208%2F344%2FE1262&_ds=s=range&_ro=any&_st=adv).

In the will below, Piers [=Peter] Dutton (d. 18 April 1503) is identified as the testator's son-in-law.

The 1481 inquisition was thus taken by the escheator of Cheshire, Thomas Wotton, by writ directed to him on 4 August 1481, and was not the testator's IPM, but rather an inquisition concerning the lands affected by the outlawry of the testator's son-in-law, Peter Dutton of Hatton, father of Sir Piers Dutton (d. 17 August 1545). See *Memorials of the Duttons of Dutton in Cheshire*, (London: Henry Sotheran, 1901), pp. xxi, xxii, 207 at:

<https://archive.org/stream/memorialsdutton00unkngoog#page/n284/mode/2up>.

### **MARRIAGE AND CHILDREN**

The testator's wife predeceased him. Her name is not given in the will below. According to both Ormerod and Earwaker, she was Joan de Vernon, the daughter and heiress of Sir Richard de Vernon of Shipbrook, heir to her mother, Eleanor Hulse. The Whelock pedigree and the inquisition post mortem taken after the death in 1474 of Eleanor Hulse indicate that she was the daughter of Sir Hugh de Hulse or Holes of Raby, and widow successively of Sir Richard de Vernon and Richard de Whelock (d. 27 December 1438). In 1439 Eleanor gave lands in Haslington, Cheshire, as security for the marriage of her daughter, Joan de Vernon, to the testator, Robert Fouleshurst, son and heir of Thomas Fouleshurst of Crewe. On 1 May 1481, Sir Robert Fouleshurst and Dame Joan, his wife, made affidavit concerning the will of Richard Whelock. See Ormerod, *supra*, p. 166, and Earwaker, John Parsons, *The History of the Ancient Parish of Sandbach, Co. Chester*, 1890, pp. 95-7 at:

[https://books.google.ca/books?id=kkMHAwAAQBAJ&pg=PA96&lpg=PA96&dq=%22Sir+Robert+Fouleshurst%22&source=bl&ots=pqTpl5R-s6&sig=hpRy1NrFNJQbjTPrzP6atfcqeYo&hl=en&sa=X&ved=0ahUKEwjws\\_HSI\\_\\_VAhUKzGMKHaopAps4ChDoAQg8MAY#v=onepage&q=%22Sir%20Robert%20Fouleshurst%22&f=false](https://books.google.ca/books?id=kkMHAwAAQBAJ&pg=PA96&lpg=PA96&dq=%22Sir+Robert+Fouleshurst%22&source=bl&ots=pqTpl5R-s6&sig=hpRy1NrFNJQbjTPrzP6atfcqeYo&hl=en&sa=X&ved=0ahUKEwjws_HSI__VAhUKzGMKHaopAps4ChDoAQg8MAY#v=onepage&q=%22Sir%20Robert%20Fouleshurst%22&f=false).

In the will below, the testator mentions by name four sons, William, Richard, Hugh and Robert, and a daughter, Anne. The terms of the will indicate that the testator also had an eldest son and heir, Thomas, and a daughter, Eleanor. The pedigree in Ormerod states that the testator had yet another son, John, but there is no mention of him in the will below. The testator's known children thus appear to have been:

\* **Thomas Fouleshurst**, esquire, eldest son and heir, to whom the testator alludes in the phrase ‘mine heirs’:

*Item, I will all my sons, William Fouleshurst, Richard Fouleshurst and Hugh Fouleshurst, have all such lands and tenements as I have given unto them during their lives, the remains unto mine heirs.*

The testator’s eldest son and heir, Thomas Fouleshurst, died at the age of 52 in the same year as his father. He married a wife named Anne, whose inquisition post mortem is dated 18 June 1524. Thomas Fouleshurst’s heir was his son, Robert Fouleshurst, who married a wife named Jane (d. 12 Henry VIII [=1520-1]), and was slain at Flodden Field on 9 September 1513, leaving two underage sons, Edward Fouleshurst and Thomas Fouleshurst. See Ormerod, *supra*, p. 162, and Hall, James, *A History of the Town and Parish of Nantwich*, (Nantwich, 1883), pp. 28-9 at:

<https://archive.org/stream/historyoftownpar00hall#page/28/mode/2up/>.

The testator’s great-grandson, Thomas Fouleshurst, may have been the Thomas Fouleshurst, esquire, mentioned in a lease dated 24 April 1530. See.

<http://discovery.nationalarchives.gov.uk/details/rd/21699075-d93c-4434-a9a4-1b1d73383c72#2-1-62>

*DWN/2/62 – Thomas Fowleshurst, esquire, of Crewe . . . William Sneyd, son and heir of Richard Sneyd, esquire . . . 24 April 1530.*

\* **William Fouleshurst.**

\* **Richard Fouleshurst.**

\* **Hugh Fouleshurst.**

\* **Robert Fouleshurst**, ‘parson of the church of Barthomley’. According to Ormerod, he is recorded as rector in 1474.

\* **Eleanor Fouleshurst**, who married firstly, Peter Dutton (d. 18 April 1503), esquire, of Hatton, and secondly, in 22 Henry VII [=1506/7], Thomas Leycester of Tabley, esquire. In the Dutton pedigree in Ormerod, Vol. II, her Christian name is given as ‘Elizabeth’, and her first husband, Peter Dutton, is said to have been outlawed for felony in 21 Edward IV [=1481/2], and to have died before 20 Henry VII [=1504/5]. See Ormerod, Vol. II, p. 433 at:

<http://archive.org/stream/historyofcountyp02orme#page/432/mode/2up>.

However according to TNA SC 8/344/E1262 (see above), her Christian name was not Elizabeth, but Eleanor (‘Eleanor, daughter of Sir Robert Fouleshurst, she now being the

wife of Piers Dutton the younger who has been attainted of felony'). See *Memorials, supra*, p. 257 at:

<https://archive.org/stream/memorialsdutton00unkngoog#page/n336/mode/2up>.

Kimber, however, concurs with Ormerod in giving her Christian name as 'Elizabeth'. See the pedigree of her second husband, Thomas Leycester, who died at about 82 years of age c.1526, having married four wives. His son and heir, John Leycester (d.1543) of Nether Tabley, married Lucy Ratcliffe, the daughter of John Ratcliffe, by whom he had a son, William Leycester, who in 1508 married Anne Sneyd, the daughter of Richard Sneyd (d.1537), sister of Elizabeth Trentham's grandfather, Sir William Sneyd (d.1571), but died without issue in the lifetime of his father. Anne Sneyd married secondly, in 1533, Roger Hurleston, esquire, of Chester, and was living at Bradwall in 1544/5. See Kimber, E. and R. Johnson, *The Baronetage of England*, Vol. II, (London: G. Woodfall, 1771), p. 89 at:

[https://books.google.ca/books?id=z6W35JBfgQAC&pg=PA89&lpg=PA89&dq=%22Thomas+Leycester%22+%22Tabley%22&source=bl&ots=A9W1HnygsD&sig=kSRHALbdgOYbD8Q02rYtGrQF64k&hl=en&sa=X&ved=0ahUKEwjXusnM0v\\_VAhUHwFQKHTtdAJMQ6AEIKDAA#v=onepage&q=%22Thomas%20Leycester%22%20%22Tabley%22&f=false](https://books.google.ca/books?id=z6W35JBfgQAC&pg=PA89&lpg=PA89&dq=%22Thomas+Leycester%22+%22Tabley%22&source=bl&ots=A9W1HnygsD&sig=kSRHALbdgOYbD8Q02rYtGrQF64k&hl=en&sa=X&ved=0ahUKEwjXusnM0v_VAhUHwFQKHTtdAJMQ6AEIKDAA#v=onepage&q=%22Thomas%20Leycester%22%20%22Tabley%22&f=false).

See also Helsby, Thomas, ed., *The History of the County Palatine and City of Cheshire*, 2<sup>nd</sup> ed., Vol. I, (London: George Routledge and Sons, 1882), pp. 499, 621 at:

[https://books.google.ca/books?id=DYY1AQAAMAAJ&pg=PA621&lpg=PA621&dq=%22Leycester%22+%22Sneyd%22&source=bl&ots=0wl3DbyDem&sig=QbWlxf1YxnptDmQ1zIRcN5kwTis&hl=en&sa=X&ved=0ahUKEwjWpsKT1v\\_VAhWChFQKHRazBxoQ6AEITTAL#v=onepage&q=%22Leycester%22%20%22Sneyd%22&f=false](https://books.google.ca/books?id=DYY1AQAAMAAJ&pg=PA621&lpg=PA621&dq=%22Leycester%22+%22Sneyd%22&source=bl&ots=0wl3DbyDem&sig=QbWlxf1YxnptDmQ1zIRcN5kwTis&hl=en&sa=X&ved=0ahUKEwjWpsKT1v_VAhWChFQKHRazBxoQ6AEITTAL#v=onepage&q=%22Leycester%22%20%22Sneyd%22&f=false).

See also Richardson, Douglas, *Plantagenet Ancestry*, 2<sup>nd</sup> ed., 2011, Vol. I, p. 384:

[*Sir Randal Brereton (d.1531)*] married Eleanor Dutton, daughter of Peter Dutton, of Hatton, Cheshire, by Elizabeth, daughter of Robert Fouleshurst, Knt.

\* **Anne Fouleshurst**, who married Elizabeth Trentham's great-grandfather, Richard Sneyd (d.1537), for whom see the will of his eldest son and heir, Sir William Sneyd (d.1571), TNA PROB 11/54/430. See also the Sneyd pedigree in Armytage, George J. and J. Paul Rylands, eds., *Pedigrees Made at the Visitation of Cheshire, 1613*, (Record Society for the Publication of Original Documents Relating to Lancashire and Cheshire, 1909), p. 215 at:

<https://archive.org/stream/recordsociety58recouoft#page/214/mode/2up>.

See also Thornton, *supra*, p. 147:

---

*The next deputy justice who can be identified is Richard Sneyd, who appears in 1523 and 1528-9. He was a man with strong local connections. His family originated in Staffordshire at Bradwell and Wolstanton, but his career took him to Chester and by 1512 he was acting in such important private matters as the arrangements for the marriage between Randal, son of Sir Randal Brereton, and Isabel, daughter of Sir Thomas Butler. By 1523 he had married Anne, daughter of Sir Robert Fouleshurst of Crewe. Sneyd too was a functionary of the marcher council: he was appointed attorney to the council under Princess Mary by Wolsey.*

In the name of God, Amen. The 26 day of October in the year of Our Lord God 1498, I, Sir Robert Fouleshurst, knight, make this my last will and testament under this form following:

First I bequeath my soul to Almighty God, Our Lady Saint Mary, and to all the saints in heaven, and my body to be buried in the chancel of the parish church of Barthomley, and my best beast to the said church in name of my mortuary;

Item, I bequeath to a priest to pray for my soul, my wife's soul, and all Christian souls at the said church of Barthomley 24 marks;

Item, I bequeath to the friars of the new castle 10s;

Item, I bequeath to my daughter, Anne Fouleshurst, 20 marks;

Item, I bequeath to my daughter, Anne, a cup of silver, gilt about;

Item, I will all my sons, William Fouleshurst, Richard Fouleshurst and Hugh Fouleshurst, have all such lands and tenements as I have given unto them during their lives, the remains unto mine heirs;

Item, I bequeath to Saint Bartholomew's chapel 20s;

Item, I bequeath 6 torches to the parish church of Barthomley;

Item, I bequeath to Sir Robert Heveld, parish priest of Barthomley, 6s 8d for to pray for my soul and all Christian souls;

Item, I will that my bequests & debts be paid;

The residue that remaineth be divided among my children and servants as mine executors think most expedient by their wisdom;

Item, I will that my house be kept of my costs a month after my decease for all my children and servants to have their meat and drink according to the discretion of mine executors;

Item, I will these be mine executors: my faithful cousin, William Brereton, my son [=son-in-law] Piers Dutton th' elder, esquire, and my son, Mr Robert Fouleshurst, parson of the church of Barthomley, they for to dispose my goods, both that is bequeathed and not bequeathed, after their wisdom for the most weal of my soul and all Christian souls;

Item, if it happen any of these mine executors will not fulfil this my testament according to the law of Almighty God, then I will that he the which contrarieth this my testament stand on no strength;

These witness: Mr Robert Fouleshurst, Sir Robert Heveld, Humphrey Atthyrtton and Thomas Whitney.

Probatum fuit suprascriptu{m} testamentu{m} Coram d{omi}no apud Lamethith vndecimo die mensis ffebruarij Anno d{omi}ni Mill{es}imo quadringe{n}tesimo nonagesimo octauo Iurame{n}to Iohannis Attirton testis ac Mag{ist}ri xpoferi Middleton notarij publici procuratoris &c Ac approbatu{m} et insinuatu{m} &c Et com{m}ssa fuit administracio Will{el}mo Brereton et Mag{ist}ro Roberto ffouleshurst clerico executo{ri}bus in h{uius}mo{d}i test{ament}o nominat{is} in p{er}sona dicti p{ro}curatoris de bene et fidelit{er} ac sub vnanimi consensu & assensu admi{n}strand{o} Ac de pleno & fideli Inue{n}tario Citra f{estu}m Pasche p{ro}ximum futur{um} exhibendo Necno{n} de plano & vero compoto &c Ad s{an}c{t}a dei eu{a}ngelia iurat{is} Res{er}uata potestate similem com{m}issione{m} faciendi alij executori in h{uius}mo{d}i testamento no{m}i{n}ato cum venerit &c

[=The above-written testament was proved before the Lord at Lambeth on the eleventh day of the month of February in the year of the Lord the thousand four hundred ninety-eighth by the oath of John Atherton, witness, and Master Christopher Middleton, notary public, proctor etc., and probated and entered etc., and administration was granted to William Brereton and Master Robert Fouleshurst, clerk, executors named in the same testament, in the person of the said proctor, sworn on the Holy Gospels to well and faithfully and with unanimous consent & assent administer, and to exhibit a full & faithful inventory before the feast of Easter next to come, and also to [+render] a plain & true account, with power reserved for a similar grant to be made to the other executor named in the same testament when he shall have come etc.]