

SUMMARY: The document below is the Prerogative Court of Canterbury copy of the will, dated 11 September 1606 and proved 20 November 1607, of Alice (nee Hodgkins) Hoby (d.1607?), sister-in-law of Sir Thomas Hoby (1530-1566), first husband of Lady Burghley's sister, Elizabeth Cooke (1528-1609), later Lady Russell, who signed the petition against James Burbage's Blackfriars theatre. See Laoutaris, Chris, *Shakespeare and the Countess: The Battle That Gave Birth to the Globe*, (London: Fig Tree, 2014), pp. 121, 123, 130, 176-7, 277-8.

The testatrix' daughter-in-law, Katherine Fermor, was the great-niece of Anne Fermor (d.1550), who married Sir William Lucy (d.1551) and was the mother of Sir Thomas Lucy (1532?-1600) of Charlecote, who allegedly prosecuted William Shakespeare of Stratford upon Avon for stealing deer from his park.

The testatrix' daughter-in-law, Katherine Fermor, was also the great-niece of Mary Fermor (d.1573), the first wife of Sir Richard Knightley (1533-1615), prosecuted for his part in the publication of the Marprelate tracts.

The testatrix' daughter-in-law, Mary (nee Tracy) Hoby Vere (18 May 1581 - 25 December 1671), married, as her second husband, Oxford's first cousin, Horatio Vere (1565-1635), Baron Vere of Tilbury.

The testatrix' executor, Sir Paul Tracy, was the son of Richard Tracy (d.1568) and Barbara Lucy, the aunt of Sir Thomas Lucy (1532?-1600) of Charlecote, who allegedly prosecuted William Shakespeare of Stratford upon Avon for stealing deer. Sir Paul Tracy married firstly Anne Shakerley (1563-1615), and secondly Anne Nicholas (d.1625), the daughter of Sir Ambrose Nicholas (d.1578), Lord Mayor of London, who purchased Oxford's mansion at London Stone.

The testatrix' sister-in-law, Magdalen Hoby (c.1519-1574), was the mother-in-law of Ursula Throckmorton (d. 13 August 1601), sister of Job Throckmorton (1545-1601), indicted for his participation in the printing of the Marprelate tracts.

Given the testatrix' connection to Sir Richard Knightley and Job Throckmorton, both of whom were prosecuted for their participation in the printing of the Marprelate tracts, *quare* whether John Hodgkins involved in the printing of the Marprelate tracts was related to the testatrix.

### ***FAMILY BACKGROUND***

The testatrix was the daughter of Henry Hodgkins (by 1522-1570?), esquire, and his wife, Anne. See his will, dated 8 March 1566 and proved 4 February 1570, TNA PROB 11/52/53, and the History of Parliament entry at:

<https://www.historyofparliamentonline.org/volume/1509-1558/member/hodgkins-%28hodgskyns%29-henry-1522-6970>

The testatrix had a brother, Richard Hodgkins, who died before 8 March 1566 leaving several children, including two sons, Anthony Hodgkins and Henry Hodgkins. The testatrix' nephew, Anthony Hodgkins, is referred to in the will below:

*And whereas also I, the said Alice Hoby, am lawfully seised, estated or interessed of and in the rectorie & tithes of Hailes and Didbrook for and during the natural life of my nephew, Anthony Hodgkins, gentleman . . . .*

The testatrix' nephew may be the Anthony Hodgkins, gentleman, married to a wife named Anne, referred to in TNA E 134/41and42Eliz/Mich20.

### ***MARRIAGE AND ISSUE***

The testatrix married, by 8 March 1566, as his second wife, William Hoby the elder (1500-1603), the son of William Hoby of Leominster, Herefordshire, who had two wives by whom he had four sons and three daughters:

**-William Hoby the elder** (1500-1603), the testatrix' husband. For whose will, dated 13 March 1601 and proved 27 April 1605, see TNA PROB 11/105/300. He is said to have been 103 years of age at his death. It appears he died on or about the same date, 19 March 1603, as his son, William Hoby the younger, since in the will below the testatrix refers to 'William Hoby the younger, my son, deceased, who died together with my said husband, his father'. For the inquisition post mortem taken after his death, see TNA C 142/684/21.

William Hoby the elder (1500-1603) married firstly Anne Horswell (d.1559), widow of the versifier of the psalms, Thomas Sternhold (d.1549), by whom it appears he had no issue. For Anne Horswell's epitaph, see Yonge, Charlotte M., *John Keble's Parishes: A History of Hursley and Otterbourne*, (London: Macmillan and Co., Limited, 1898), pp. 32-3 at:

<https://archive.org/details/a615816700yonguoft/page/32>

See also the History of Parliament entry for Thomas Sternhold at:

<https://www.historyofparliamentonline.org/volume/1509-1558/member/sternhold-%28sternell%29-thomas-1517-49>

**-Sir Philip Hoby** (1505-1558), for whom see the *ODNB* entry:

*Hoby, Sir Philip (1504/5–1558), diplomat and administrator, was the first son of William Hoby (d. after 1532), landowner, of Leominster, Herefordshire, and his first wife,*

*Katherine Foster. Sir Thomas Hoby (1530–1566), the courtier and translator, was his half-brother. He came from a Welsh family that settled in Leominster during his father's time. Nothing is known of his education but he was proficient in several foreign languages and was clearly well educated, having probably travelled through Europe as a young man. . . .*

Sir Philip Hoby married, by 1540, Elizabeth Stonor (d. 25 August 1560), the daughter of Sir Walter Stonor (1477 – 8 October 1550), Lieutenant of the Tower, widow successively of Sir William Compton (d. 31 May 1528) of Compton Wynyates, and Walter Walshe or Welshe of Abberley and Elmley Castle, Worcestershire (d.1538), a page of the privy chamber. By her second husband, Elizabeth Stonor had a son, Walter Walshe, and two daughters, Margaret Walshe and Frances Walshe. See the will of Sir William Compton, proved 13 August 1528, TNA PROB 11/23/8; the will of Walter Walshe, proved 2 July 1538, TNA PROB 11/27/281; and the pedigree of Stonor of North Stoke in Turner, William Henry, ed., *The Visitations of the County of Oxford*, (London: Harleian Society, 1871), Vol. V, pp. 143-4 at:

<https://archive.org/stream/publicationshar01socigoog#page/n161/mode/2up>

See also the entry for Elizabeth Stonor at:

[http://www.tudorwomen.com/?page\\_id=707](http://www.tudorwomen.com/?page_id=707)

For Sir Philip Hoby, see also his will, TNA PROB 11/40/348, and the summary at:

<https://www.badseysociety.uk/wills/56040>

See also the inquisition post mortem taken after his death, TNA C 142/115/74.

**-Sir Thomas Hoby** (1530-1566), who on 27 June 1558 married Lady Burghley's sister, Elizabeth Cooke (1528-1609), later Lady Russell. See the *ODNB* entry:

*Hoby, Sir Thomas (1530–1566), courtier and translator, was born at Leominster, Herefordshire, the second son of William Hoby, of Radnor, and his second wife, Katherine, daughter of John Forden. . . .*

*On the death of his half-brother, Sir Philip Hoby, in May 1558 Hoby inherited Bisham Abbey, Berkshire, and on 27 June married Elizabeth (1528–1609) [see Russell], daughter of Sir Anthony Cooke (1505/6–1576).*

For Sir Thomas Hoby's wife, Elizabeth (nee Cooke) Hoby Russell, see the *ODNB* entry, and Laoutaris, *supra*.

**-Richard Hoby** (c.1532 - 11 February 1617?) of Badsey, who married firstly, on 13 May 1560, Elizabeth Bustard, the daughter of Anthony Bustard (d.1568?) of Adderbury, and secondly Margaret, the widow of John Newman. See:

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<https://www.flickr.com/photos/52219527@N00/35751654922>

By Elizabeth Bustard, Richard Hoby had a son, Anthony Hoby, who married Elizabeth Rous. Anthony Hoby is erroneously shown in some pedigrees as the son of the testatrix' husband, whereas he was a nephew of the half blood of the testatrix' husband. See TNA E 355/224 for a grant dated 12 October 1589 by Richard Hoby to Anthony Hoby, gentleman, his son and heir, in consideration of a marriage between Anthony Hoby and Elizabeth Rous, the daughter of Edward Rous of Rous Lench, Worcestershire.

By Elizabeth Bustard, Richard Hoby also had a daughter, Elizabeth Hoby (d. 19 June 1620), who married firstly, in 1587, Thomas Sheldon (1556-1593), son of Ralph Sheldon (d.1586?) of Broadway and Mary Huband of Ipsley; secondly, as his second wife, by settlement dated 16 January 1597, Sir Philip Kighley (1567-1605); and thirdly Charles Ketilby. See the History of Parliament entry for Sir Philip Kighley at:

<https://www.historyofparliamentonline.org/volume/1604-1629/member/kighley-sir-philip-1567-1605>

For the marriage of Elizabeth Hoby and Thomas Sheldon, see also the pedigree at:

<http://earlywelshleigh.blogspot.com/2017/03/sheldon-family-history.html>

For Sir Philip Kighley and Thomas Sheldon, see also the will of Ralph Sheldon of Beoley, TNA PROB 11/121/345.

For the memorial to Richard Hoby, see 'Badsey Church - The Hoby Memorial' at:

<https://www.badseysociety.uk/church/badsey-church-the-hoby-memorial>

-**Magdalen Hoby** (living 1558), who is said to have died in 1574 at the age of 55. She was thus born c.1519, and was likely a sister of the whole blood of the testatrix' husband. She married Thomas Bigg (d.1581) of Norton, Gloucestershire. According to the will of Sir Philip Hoby, they had a daughter, Julian Bigg:

*Item, I will that the daughter of my said sister, Julian, shall at the day of her marriage have the sum of forty pounds.*

See also the History of Parliament entry for their son, Sir Thomas Bigg (c.1554-1614) of Lenchwick, who married Ursula Throckmorton (d. 13 August 1601), the daughter of Clement Throckmorton (d.1573) of Haseley, and sister of Job Throckmorton (1545-1601), indicted in 1590 for his participation in the printing of the Marprelate tracts, at:

<https://www.historyofparliamentonline.org/volume/1604-1629/member/bigg-sir-thomas-1554-1614>

See also:

<https://www.flickr.com/photos/amthomson/34916411511/>

See also Pierce, William, *An Historical Introduction to the Marprelate Tracts*, (London: Archibald Constable & Co. Ltd., 108), p. 214 at:

<https://archive.org/details/anhistoricalint01piergoog/page/n243>

**-Elizabeth Hoby** (d.1551), who married a husband surnamed Parker. She was likely a sister of the half blood of the testatrix' husband.

**-Mary Hoby** (living 1558), likely a sister of the whole blood of the testatrix' husband. She married firstly a husband surnamed Seton, who may have been John Seton, groom of the chamber, for whom see TNA C 1/1060/16:

*Plaintiffs: John SETON, groom of the Chamber*

*Defendants: Edmund GREGORY*

*Subject: Tithes of Cuxham conveyed to defendant by Philip Hobby, gentleman usher of the Chamber. Oxfordshire*

*1538-1544*

By her first husband, Mary Hoby had a son and a daughter:

**(1) Robert Seton** (living 1566). In his will, Sir Philip Hoby leaves a bequest to 'my nephew Seton'. In the list of bequests to servants at the end of the will he is identified as Robert Seton:

*Item, I will to Seton, my nephew, the sum of £20 in money and one gelding with a furniture convenient. . . .*

*Robert Seton £20, by the will.*

In 1566 Robert Seton was in the service of the testatrix' brother-in-law, Sir Thomas Hoby, and his wife, Elizabeth (nee Cooke) Hoby. See Powell, Edgar, ed., *The Travels and Life of Sir Thomas Hoby, Kt., of Bisham Abbey, Written by Himself, 1547-1564*, (London: Royal Historical Society, 1902), p. xx at:

<https://archive.org/details/travelslifeofsir00hobyrich/page/n27>

*Item, for Seton my servant's charges riding in post into England to certify the death of my husband, and returning against with letters, £20*

See also Laoutaris, *supra*, pp. 67-8 at:

<https://books.google.ca/books?id=-I9ECQAAQBAJ&pg=PA75>

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*In the immediate aftermath of this personal catastrophe, neither her trusty servant Robert Seton, nor her brother Edward Cooke, was able to remain by her side. Seton had been dispatched to England to inform Elizabeth I of the terrible calamity, while Cooke hastened to the French King and Queen Mother. . . .*

*Robert Seton's mission to London is listed in Elizabeth's itemization of the costs of travelling to and from Paris, BL, Additional MS 18764.*

At some time after the death of Sir Philip Hoby, Robert Seton brought a Chancery suit against the testatrix' husband. See TNA C 2/Eliz/S19/15:

*Plaintiff: Robert Seton*

*Defendant: William Hoby*

*Claim by descent as son and heir. Third part of the lordships or manors of Roel and Cutsdean.*

**(2) Mary Seton** (living 1558), to whom Sir Philip Hoby left a bequest in his will:

*Item, I will that the daughters [sic for 'daughter'?] of my sister Carter shall at the day of her marriage have the sum of 100 marks.*

Mary Hoby married secondly Brian Carter, by whom she appears to have had no issue. For the will of Brian Carter, proved 3 June 1559, see TNA PROB 11/42B/247. The will is confusingly dated 18 May 1557 in the first year of the reign of Queen Elizabeth, which would be 18 May 1559. In his will, Brian Carter mentions his wife, Mary, her son, Robert Seton, and her daughter, Mary Seton.

Mary Hoby and her second husband, Brian Carter, are mentioned in a quitclaim concerning the manor of Bisham. See:

'Parishes: Bisham', in *A History of the County of Berkshire: Volume 3*, ed. P H Ditchfield and William Page (London, 1923), pp. 139-152. *British History Online* <http://www.british-history.ac.uk/vch/berks/vol3/pp139-152> [accessed 25 August 2019].

*74. Ashmole, loc. cit. In 1559 Brian Carter and Mary his wife quitclaimed the manor, but it is not clear what their interest was (Feet of F. Div. Co. East. 1 Eliz.).*

In one source Mary Hoby is erroneously referred to as the daughter of Sir Philip Hoby. See Baddeley, *infra*, p. 132:

[https://archive.org/details/cotteswoldshrine00badd\\_0/page/132](https://archive.org/details/cotteswoldshrine00badd_0/page/132)

*Sir Philip married Elizabeth, daughter of Sir Walter Stoner, by whom he left no son, but one daughter married to Brian Carter, who had livery of land in the Manor of Rowell (a. I, Eliz.) 1558.*

Several pedigrees, as well as the *ODNB*, are in error concerning the birth order of the four sons of William Hoby of Leominster and the identity of their respective mothers (said to have been Katherine Foster and Katherine Forden or Fordayne). If the testatrix' husband was born in 1500, he was the eldest son of William Hoby of Leominster, and Sir Philip Hoby, born in 1505, was his younger brother of the whole blood. Sir Thomas Hoby was born much later, in 1530, and was a half brother of both the testatrix' husband and Sir Philip Hoby (1505-1558), and a brother of the whole blood of Richard Hoby (c.1532-1617?).

The only pedigrees which correctly show the testatrix' husband as the elder brother of Sir Philip Hoby (1505-1558) are in Baddeley and Powell. See Baddeley, Welbore St. Clair, *A Cotteswold Shrine*, (Gloucester: John Bellows, 1908), pp. 131-2, 139, 140, 143, 150 and 160 at:

[https://archive.org/details/cotteswoldshrine00badd\\_0/page/130](https://archive.org/details/cotteswoldshrine00badd_0/page/130)

See also Powell, *supra*, pp. viii-ix, and pedigree, p. xvi at:

<https://archive.org/details/travelslifeofsir00hobyrich/page/n11>

The pedigrees in Howard, Phillimore and Burke erroneously show the testatrix' husband as a younger son. See Howard, Joseph Jackson, *Miscellanea Genealogica et Heraldica*, Vol. I, (London: Hamilton, Adams, and Co., 1868), p. 143 at:

<https://books.google.ca/books?id=76xBAAAACAAJ&pg=PA143>

See also Phillimore, W.P.W., ed., *The Visitation of the County of Worcester Made in the Year 1569*, (London: Harleian Society, 1888), Vol. XXVII, p. 80 at:

<https://books.google.ca/books?id=ECoeEAAAIAAJ&pg=PA80>

See also Burke, John and John Bernard Burke, *A Genealogical and Heraldic History of the Extinct and Dormant Baronetcies of England, Ireland and Scotland*, 2<sup>nd</sup> ed., (London: Scott, Webster, and Geary, 1841), p. 265 at:

<https://books.google.ca/books?id=HKpfAAAACAAJ&pg=PA265>

For the Hoby window, which identifies several members of the Hoby family, see:

<https://wc.rootsweb.com/cgi-bin/igm.cgi?op=GET&db=bfulgham&id=I34045>

For the Hoby window see also:

[http://www.berkshirehistory.com/churches/bisham\\_monuments.html](http://www.berkshirehistory.com/churches/bisham_monuments.html)

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***Testatrix' children***

By William Hoby the testatrix had two sons and three daughters:

\* **Giles Hoby** (1565 – 23 March 1626), esquire, eldest son, who married firstly Elizabeth Paulet (living 1586), daughter of Lord Thomas Paulet (d.1586) of Cossington, Somerset, second son of William Paulet (d.1572), 1<sup>st</sup> Marquis of Winchester. For the will, dated 26 February 1586 and proved 25 March 1586, of Lord Thomas Paulet, see TNA PROB 11/69/160. For the marriage of Giles Hoby and Elizabeth Paulet, see also:

'Parishes: Bisham', in *A History of the County of Berkshire: Volume 3*, ed. P H Ditchfield and William Page (London, 1923), pp. 139-152. *British History Online* <http://www.british-history.ac.uk/vch/berks/vol3/pp139-152> [accessed 9 June 2019].

For complaints by George Puttenham (1529-1590), author of *The Arte of English Poesie*, concerning 'outrages' committed against him by Lord Thomas Paulet and his followers, see:

<http://www.celm-ms.org.uk/authors/puttenhamgeorge.html>

Giles Hoby married secondly Anne Clerke (d.1630), the daughter of Sir Thomas Clerke of Avington, Hampshire. For the will of Sir Thomas Clerke, dated 12 March 1615 and proved 22 January 1618, see TNA PROB 11/131/53.

\* **William Hoby** the younger (d. 19 March 1603). For the date of his death, see the inquisition post mortem taken after the death of his son, Sir William Hoby (d. 20 November 1623), in Phillimore, W.P.W. and George S. Fry, eds., *Abstracts of Gloucestershire Inquisitiones Post Mortem*, (London: British Record Society Limited, 1893), pp. 67-9 at:

<https://books.google.ca/books?id=a51UAAAAYAAJ&pg=PA67>

William Hoby the younger (d. 19 March 1603) married firstly Katherine Fermor, the daughter of Sir George Fermor (d. 1 December 1612) of Easton Neston, by whom he had a daughter:

-**Alice Hoby** (born c.1600), who married John Sydenham, esquire, of Brimpton, Somerset, the son of Sir John Sydenham (d.1625).

Katherine Fermor's father, Sir George Fermor was the son of Sir John Fermor (by 1516-1571) and Maud Vaux (d. 14 April 1569), the daughter of Sir Nicholas Vaux (d. 14 May 1523), 1<sup>st</sup> Baron Vaux of Harrowden. See the will of Sir Nicholas Vaux, TNA PROB 11/21/178; Richardson, Douglas, *Plantagenet Ancestry*, 2<sup>nd</sup> ed., 2011, Vol. II, pp. 657-8; and the History of Parliament entry for Sir John Fermor at:



<http://www.historyofparliamentonline.org/volume/1509-1558/member/fermor-sir-john-1516-71>

For the 1564 and 1618 pedigrees of the Fermor family of Easton Neston, see Metcalfe, Walter C., ed., *The Visitations of Northamptonshire Made in 1564 and 1618-19*, (London: Mitchell and Hughes, 1887), pp. 19, 87 at:

<https://archive.org/details/visitationsnort00vincgoog/page/n32>

and:

<https://archive.org/details/visitationsnort00vincgoog/page/n100>

Metcalfe's comment concerning the relationship between the 1564 and 1618 Fermor pedigrees erroneously reads: 'Tabulated as in the Visitation of 1564, and continues the decent from George, eldest son of Sir *Thomas*'. It should read: 'Tabulated as in the Visitation of 1564, and continues the decent from George, eldest son of Sir *John*'.

For the Fermor pedigree, see also Blomfield, James Charles, *History of the Deanery of Bicester*, (Oxford: Parker and Co., 1882), p. 122 at:

<https://books.google.ca/books?id=LRTnAAAAMAAJ&pg=RA4-PA122>

For the will of Sir George Fermor, dated 9 August 1611 and proved 6 May 1613, see TNA PROB 11/121/453.

For the will of George Fermor's uncle, Thomas Fermor (d. 8 August 1580) of Somerton, see TNA PROB 11/62/337. See also the History of Parliament entry for Thomas Fermor at:

<http://www.historyofparliamentonline.org/volume/1509-1558/member/fermor-thomas-1523-80>

George Fermor's aunt, Anne Fermor (d.1550), married William Lucy (d.1551), by whom she was the mother of Sir Thomas Lucy (1532?-1600), of Charlecote, Warwickshire. See the *ODNB*:

*Lucy, Sir Thomas (b. in or before 1532, d. 1600), gentleman, of Charlecote, in Warwickshire, was the eldest son of William Lucy (d. 1551) and his wife, Ann (d. 1550), daughter of Richard Fermor of Easton Neston in Northamptonshire.*

Another of George Fermor's aunts, Mary Fermor (d.1573), was the first wife of Sir Richard Knightley (1533-1615), prosecuted for his part in the publication of the Marprelate tracts. See the *ODNB* entry:

*Knighthley, Sir Richard (1533–1615), politician and patron of puritans, was the eldest son of Sir Valentine Knighthley of Fawsley, Northamptonshire, and his wife, Anne, the daughter of Edward Ferrers of Warwickshire. . . .*

*Knighthley married first, in 1556, Mary (d. 1573), the daughter of Sir Richard Fermor; they had three sons and three daughters. His second wife was Elizabeth (d. 1603), daughter of Edward Seymour, duke of Somerset; they had seven sons and two daughters.*

The testatrix' son, William Hoby (d. 19 March 1603), married secondly Mary Tracy (1581-1671), the youngest daughter of Sir John Tracy (d.1591) of Toddington, Gloucestershire, and Anne Throckmorton (d. 21 May 1581). For Mary Tracy, see her will, TNA PROB 11/338/214, and the Tracy pedigree in Maclean, John and W.C. Heane, eds., *The Visitation of the County of Gloucester, Taken in the Year 1623*, (London: Harleian Society, 1885), Vol. XXI, p. 167 at:

<https://archive.org/details/visitationofcoun00inchit/page/166>

By Mary Tracy, William Hoby the younger (d. 19 March 1603) had two sons:

**-Sir William Hoby** (d. 20 November 1623), who died without issue. For his brief will, dated 10 September 1623 and proved 20 November 1623, see TNA PROB 11/142/556. In the will he leaves his lands and leases (apart from Roel and Cutsdean, which he leaves to 'my sister, Alice'), to his mother, Lady Vere, whom he appoints as sole executor. The inquisition post mortem taken after his death states that his next heir was his half sister, Alice (nee Hoby) Sydenham, wife of John Sydenham, esquire, of Brimpton, Somerset. See Phillimore, *Abstracts, supra*, pp. 67-9 at:

<https://books.google.ca/books?id=a51UAAAAYAAJ&pg=PA67>

For Roel and Cutsdean, see:

<http://www.hill-bagging.co.uk/fullmap.php?qu=S&rf=17266>

**-Philip Hoby** (d.1617).

According to the will below, William Hoby the younger (d. 19 March 1603) left a will naming his wife, Mary Tracy (1581-1671), as his executrix. It appears the will is no longer extant.

In November 1607, the widowed Mary (nee Tracy) Hoby (1581-1671) married secondly Oxford's first cousin, Horatio Vere (1565-1635), Baron Vere of Tilbury, the youngest of the four sons of Geoffrey Vere (d. 1572) of Crepping Hall, Wakes Colne, Essex, and his wife, Elizabeth Hardekyn (d.1615), daughter of Richard Hardekyn of Colchester. For the nuncupative will of Geoffrey Vere, see ERO C/ABW 38/187. For the will of Mary (nee Tracy) Hoby Vere, see TNA PROB 11/338/214.

\* **Katherine Hoby** (d. 21 June 1593), who on 9 September 1591 married, as his second wife, William Rogers (c.1534 – 1 September 1593) of Dowdeswell, Gloucestershire, by whom she was the mother of the testatrix' grandson, William Rogers (28 May 1593? – 10 November 1640), whose wardship is mentioned in the will below. For the Rogers pedigree, see Howard, Joseph Jackson, ed., *Miscellanea Genealogica et Heraldica*, Vol. I, (London: Hamilton, Adams, and Co., 1868), p. 260 at:

<https://books.google.ca/books?id=76xBAAAACAAJ&pg=PA260>

See also the Rogers pedigree in Maclean, John and W.C. Heane, eds., *The Visitation of the County of Gloucester, Taken in the Year 1623*, (London: Harleian Society, 1885), Vol. XXI, p. 140 at:

<https://archive.org/details/visitationofcoun00inchit/page/140>

\* **Barbara Hoby** (buried 20 January 1602), who married, in April 1583, Nicholas Wodhull (1564 – c. 8 November 1631) of Thenford, Northamptonshire, son of Fulke Wodhull (1529-1613), esquire, son of Nicholas Wodehull (d. 6 May 1531) and Elizabeth Parr, daughter and co-heiress of William Parr (c.1480–1547), Baron Parr of Horton. See the *ODNB* entry for William Parr, and Richardson, Douglas, *Plantagenet Ancestry*, 2<sup>nd</sup> ed., 2011, Vol. I, pp. 522-3.

See also:

<https://www.wikitree.com/wiki/Wodhull-30>

See also Lipscomb, George, *The History and Antiquities of the County of Buckingham*, Vol. IV, (London: J. & W. Robins, 1847), p. 312 at:

[https://books.google.ca/books?id=\\_t89AQAAMAAJ&pg=PA312](https://books.google.ca/books?id=_t89AQAAMAAJ&pg=PA312)

\* **Elizabeth Hoby** (d.1623), who married George Stratford (d.1623) of Farmcote, Gloucestershire. For the deaths of Elizabeth Hoby and George Stratford in 1623, see the Stratford pedigree in Maclean, *supra*, p. 157 at:

<https://archive.org/details/visitationofcoun00inchit/page/156>

For Farmcote, see:

<https://www.genuki.org.uk/big/Colin/Misc/Stratfords/Stratfords06.html>

## ***OTHER PERSONS MENTIONED IN THE WILL***

***Testatrix' executor, Walter Savage***

The testatrix' executor, Walter Savage (1558-1622) of Broadway, was the son of Francis Savage (c.1524 - 19 August 1557) and Anne Sheldon (c.1528 - 25 October 1619), the daughter of William Sheldon (c.1550-c.1570) of Beoley by his first wife, Mary Willington, the daughter of William Willington (d.1555?) of Barcheston, Warwickshire. For the will of William Sheldon, dated 3 January 1570 and proved 10 February 1572, see TNA PROB 11/53/79. For the will of Francis Savage, see TNA PROB 11/40/349.

Walter Savage married, in 1581, Elizabeth Hall (1561-1648), the daughter and heiress of Richard Hall (d. 22 August 1602) of Idlicote, Warwickshire, and his wife, Joyce Blount, the daughter of Robert Blount (d.1573) of Astley, Worcestershire, and his wife, Anne Fisher. For the will of Robert Blount, dated 3 April 1573 and proved 8 June 1573, see TNA PROB 11/55/263.

Walter Savage and Elizabeth Hall are said to have had seven sons, Richard (1582-1614), Ralph, Charles, Anthony, Francis, John, and Walter, and one daughter, Katherine (wife of John Abbington). However it appears they had another daughter, Philippa Savage (buried 27 November 1644), who married the testatrix' grandson, William Rogers (28 May 1593? – 10 November 1640).

After the death of Walter Savage, Elizabeth Hall married Simon Underhill (baptized 16 November 1589, d.1664) of Idlicote. Simon Underhill was the son of William Underhill (d.1597), who sold New Place to William Shakespeare of Stratford upon Avon in 1597, and the brother of Hercules Underhill (1581–1650), who confirmed the sale to Shakespeare in 1602. See Shirley, E.P., 'The Underhills of Warwickshire', *The Herald and Genealogist*, (London: J.G. Nichols and R.C. Nichols, 1865), pp. 127–32; Morrison, John Harold, *The Underhills of Warwickshire*, (Cambridge: Cambridge University Press, 1932); and Keen, Alan and Roger Lubbock, *The Annotator*, (London: Putnam, 1954), pp. 118-20 and Chart 3.

### ***Testatrix' executor, Richard Daston***

The testatrix' executor, Walter Savage, had a sister, Anne Savage (living 1626), who in 1572 married Richard Daston, Justice of Great Sessions for West Wales from 1604-1619. For his will, dated 2 October 1626 and proved 4 May 1627, see PROB 11/151/622. It appears likely that he is the Richard Daston whom the testatrix appointed as one of her executors.

### ***Testatrix' executor, Paul Tracy***

For the testatrix' executor, Sir Paul Tracy (d.1626) of Stanway, see the Tracy pedigree in Maclean, John and W.C. Heane, eds., *The Visitation of the County of Gloucester, Taken in the Year 1623*, (London: Harleian Society, 1885), Vol. XXI, p. 167 at:

<https://archive.org/details/visitationofcoun00inchit/page/166>

Sir Paul Tracy was the son of Richard Tracy (d.1568) and Barbara Lucy, the aunt of Sir Thomas Lucy (1532?-1600) of Charlecote, who allegedly prosecuted William Shakespeare of Stratford upon Avon for stealing deer from his park. Sir Paul Tracy married firstly Anne Shakerley (1563-1615), and secondly Anne Nicholas (d.1625), the daughter of Sir Ambrose Nicholas (d.1578), Lord Mayor of London, who purchased Oxford's mansion at London Stone. See the will of Elizabeth (nee Shakerley) Elkin Marler Nicholas (d.1583), TNA PROB 11/65/520, and Ripley, Charles Stedman, *The Ancestors of Lieutenant Thomas Tracy of Norwich, Connecticut*, (Boston: Alfred Mudge & Son, Printers, 1894), pp. 67-8 at:

<https://archive.org/details/ancestorsoflieut00ripl/page/66>

As noted above, the testatrix' daughter-in-law, Katherine Fermor, was the great-niece of Anne Fermor, who married Sir William Lucy (d.1551), by whom she was the mother of Sir Thomas Lucy (1532?-1600) of Charlecote, who allegedly prosecuted William Shakespeare of Stratford upon Avon for stealing deer from his park.

### ***John Higford***

There were interrelated branches of the Higford family (often spelled Hugford at the time) in Gloucestershire and Warwickshire.

According to the Rogers pedigree in Howard, *supra*, p. 260, John Higford (c.1551-1612), esquire, of Dixton in the parish of Alvington, Gloucestershire, married Dorothy Rogers, only child of William Rogers (d. 1 September 1593) by his first wife, Anne Compton (buried 13 February 1587), the daughter of Walter Compton of Gloucestershire. John Higford was thus the brother-in-law of the testatrix' grandson, William Rogers (28 May 1593? – 10 November 1640), son of the testatrix' daughter, Katherine Hoby (buried 23 June 1593), second wife of William Rogers (d. 1 September 1593). John Higford's involvement in the wardship of his brother-in-law, William Rogers (28 May 1593? – 10 November 1640), is discussed in the will below. The testatrix' grandson, William Rogers (28 May 1593? – 10 November 1640), married Philippa Savage (buried 27 November 1644), the daughter of the testatrix' executor, Walter Savage (see above).

For John Higford (1551-1612), see his will, proved 19 May 1612, TNA PROB 11/119/498, and the History of Parliament entry at:

<https://www.historyofparliamentonline.org/volume/1558-1603/member/higford-john-1551-1612>

See also the Higford pedigree in Maclean, *supra*, p. 86 at:

<https://archive.org/details/visitationofcoun00inchit/page/86>

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See also TNA C 2/Eliz/H17/40.

For his father, Sir John Higford (1529-1607), see his will, proved 18 November, 1607, TNA PROB 11/110/406, and the History of Parliament entry at:

<https://www.historyofparliamentonline.org/volume/1509-1558/member/higford-john-1529-1607>

For his sister, Margaret Higford, who married, as his first wife, John Higford (1543-1602) of Solihull, eldest son of John Higford (d.1558) and Katherine Heneage, daughter of John Heneage (d.1557) of Towes by Anne Cope (d. 5 February 1588), see the Higford pedigree in Maclean, *supra*, p. 86, and the History of Parliament entry at:

<https://www.historyofparliamentonline.org/volume/1558-1603/member/hugford-john-1543-1602>

See also the History of Parliament entry for John Heneage (c.1485-1557) of Benniworth, Lincolnshire, at:

<https://www.historyofparliamentonline.org/volume/1509-1558/member/heneage-john-1485-1557>

See also the Higford pedigree in Fetherston, John, ed., *The Visitation of the County of Warwick in the Year 1619*, (London: Harleian Society, 1877), Vol. XII, p. 337 at:

<https://archive.org/details/visitationcount01britgoog/page/n368>

For Katherine Heneage, see the Higford pedigree in Maddison, A.R., ed., *Lincolnshire Pedigrees*, Vol. II, (London: Harleian Society, 1902), Vol. LI, pp. 482-3 at:

<https://babel.hathitrust.org/cgi/pt?id=njp.32101072878679&view=1up&seq=117>

John Higford was related to Henry Hugford (d. 13 November 1592) of Solihull, Warwickshire, former Town Clerk of Stratford-upon-Avon, who in 1573 sued John Shakespeare for debt. See his will, TNA PROB 11/80/424, and Fripp, Edgar I., *Minutes and Accounts of the Corporation of Stratford-Upon-Avon*, Vol. II, (London: Dugdale Society, 1924):

p. ix

*Suit of Henry Higford versus John Shakespeare and others, Easter Term (8 April – 4 May), 1573, p. 70.*

p. xiii

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*Pledges were William Reeve and John Stone, and surety for the defendant was John Shakespeare. The writ was granted by the Bailiff, John Wheeler, and signed by the Steward, Henry Higford.*

p. xvii

*Thirteen times during his bailiwick John Shakespeare presided at the Court of Record, supported, save on one occasion, by John Wheeler, and with the legal assistance, no doubt on every occasion, of the Steward, Master Henry Higford (who lived at Solihull, a friend of Edward Aglionby, and as pronounced a Protestant as John Shakespeare or John Wheeler, destined to be presented with them in 1592 for recusancy).*

pp. 1-2 – John Shakespeare, Henry Higford

p. 70:

*Henry Higford, gentleman, of Solihull, sues John Shakespeare of Stratford upon Avon whittawer, John Musshen of Walton D'Eivile, yeoman, and John Wheeler of Stratford upon Avon, yeoman, in plea of debts, and obtains warrants for their arrest.*

For Henry Higford's suit against John Shakespeare, see also TNA CP 40/1355, membrane 7d; TNA CP 40/1356, membrane 1123d; and TNA CP 40/1313, membrane 399 on the Shakespeare Documented website at:

<https://shakespearedocumented.folger.edu/search?s=Higford>

### ***TESTATRIX' LANDS***

For the testatrix' lands, see the will of her father, Henry Hodgkins, *supra*.

For Pinnock and Hyde Farm see also:

<https://www.manorialcounseltd.co.uk/vms-titles/lordship-of-hyde-or-hyde-farm-or-pinnock-and-hyde-or-pinnock-hyde-and-ford-id4502/>

RM: T{estamentum} Alicie Hoby

In the name of God, Amen. The eleventh day of September in the fourth year of the reign of our Sovereign Lord James by the grace of God of England, France and Ireland King, Defender of the Faith etc., and of Scotland the fortieth, and in the year of Our Lord God one thousand six hundred and six, I, Alice Hoby of Hailes in the county of Gloucester, widow, late the wife of William Hoby the elder of Hailes aforesaid, esquire, deceased,

and the sole executor of the last will and testament of the said William Hoby, my said late husband, deceased, being in reasonable good health and of good and perfect memory, for which I give God thanks, and yet nevertheless remembering the uncertainty of this mortal life, do make and ordain this my last will and testament in manner and form following:

First and before all other things I give and bequeath my soul into the hands of Almighty God, and my body to the earth to be buried in such manner as it shall seem best to my executors hereafter named, trusting in and through the merits of Jesus Christ, my Saviour, to receive pardon of all my sins and a joyful resurrection to everlasting and celestial joys;

Item, I give and bequeath the sum of ten pounds of [-of] lawful money to remain in stock forever to the use of the poor inhabitants of the town of Winchcombe in the said county of Gloucester which I will shall be paid and delivered by my executors within one year next after my decease to such of the most substantial men, bailiffs, churchwardens or others of the said town of Winchcombe as to my executors shall seem best addicted or charitably minded to see the same set forth and employed to and for the maintenance and relief of the said poor inhabitants as to my executors shall seem expedient;

And whereas my said late husband, William Hoby th' elder aforesaid, died possessed of goods and chattels amounting in the whole to the value of three thousand two hundred and threescore pounds [=£2260] or thereabout, as [f. 293v] by the inventory thereof appeareth, and so being possessed of the said goods died duly and justly indebted to our Sovereign Lord the King's Majesty and others in the sum of two thousand five hundred and threescore pounds [=£2560] and above, over and above sundry bonds by him, my said husband, and others on his behalf and at his request entered into amounting to the sum of three thousand pounds [=£3000] and upwards, of which said debts aforementioned, funeral charges and certain legacies by him given and bequeathed unto the poor and to certain of his servants and others, I, the said Alice Hoby, have paid and discharged sithence the decease of my said late husband two thousand fifty-six pounds five shillings ten pence [=£2056 5s 10d] or thereabout, as appeareth by my account thereof remaining of record in the Prerogative Court of Canterbury, by reason whereof and of the bonds aforesaid and other debts not yet discharged, very little of my said husband's estate remaineth to satisfy such legacies and other things appointed in and by his last will and testament to remain in stock to the use of the heir of William Hoby the younger, my son, deceased, who died together with my said husband, his father;

Yet nevertheless to the intent my said husband's last will & testament should be performed as well to the heir of my said son, William, deceased, as also to give satisfaction to all others to whom anything of right doth belong according to the purport and true meaning of my said late husband's last will in all points, and to supply of my own goods the defects and want of my said late husband's estate to perform the same;

Whereas therefore the moiety and one half of all the oxen, kine, calves and other kudder(?) beasts, horses, sheep, pigs, bacon, white meat, corn and grain mentioned in the inventory of my said late husband's goods to be at Hailes and Pinnock in the said county of Gloucester are praised to the sum of one thousand four score and ten pounds nineteen



shillings eight pence [=£1090 19s 8d], my will is and I do give, devise and appoint unto such one of the children of my said son, William, deceased, which shall be heir to my said son, William, at the common law at the age of twenty and one years the sum of one thousand and one hundred pounds [=£1100] of lawful money for and in lieu and full recompense and satisfaction of the moiety or one half of the oxen, kine, sheep, corn and grain and other the cattle & goods aforementioned, to remain in stock to the use of the said heir and to be delivered unto the said heir by my executors or such as they shall appoint at the full age of four and twenty years or before if my executors or the most part of them shall so think convenient and see it necessary for the benefit of the said heir;

And whereas by the tenor and intent of my said late husband's last will I, the said Alice, am at liberty to dispose of the greatest part of the moiety or half of implements of household mentioned in the said inventory to be at Hailes aforesaid unto whom I will, plate excepted, yet nevertheless my will is and I do give and devise unto the said heir all the implements of household and husbandry whatsoever at Hailes and Pinnock aforesaid, plate excepted, and except the furniture of my own chamber wherein I now lodge, my maid's chamber, my closet and the linen lying and being in a press in my said maid's chamber adjoining to my own chamber, to be delivered to the said heir at the age of twenty-four years or before according to the discretion of my said executors as aforesaid or the greatest part of them;

And touching the plate aforesaid, whereas by the tenor & intent of my said husband's last will it is meant and intended that his best basin and ewer of silver and gilt, his two livery pots gilt, his two plain gilt salts with the box, two broad gilt bowls, two narrow gilt bowls, one dozen of gilt Germany spoons, one dozen of other gilt spoons, one silver and gilt salt tortoise fashion with the cover, two silver jugs parcel gilt, four silver candlesticks and two other silver salts which I, the said Alice, shall appoint should remain unto the heir of his said son, William Hoby the younger, at the common law, my will also is and I do devise all the said plate aforementioned to remain and be delivered to the said heir accordingly at the age of four and twenty years or otherwise when my said executors or the most part of them shall think best in their discretions;

And further whereas by the tenor and intent of my said late husband's last will and [f. 294r] otherwise his meaning was that the heir of his said son, William, at the common law upon the payment of fifty pounds unto me, the said Alice, or to my executors or such others as I should appoint should have his basin and ewer of silver parcel gilt, his two livery pots parcel gilt, his two silver and gilt bowls, two silver jugs with covers parcel gilt marked with the letters W H, and one dozen of Germany spoons parcel gilt, all which said parcels of plate my will is and I do devise and appoint the same unto the said heir to be delivered by my executors with the rest of the other plate at the age of four and twenty years of the said heir or before when my said executors or the most part of them shall think it best in their discretions, the said heir then paying fifty pounds unto the next heir of my said son, William, at the common law, whosoever the same shall happen to be;

And whereas also I, the said Alice Hoby, have lately purchased to me and to my heirs forever all that messuage or tenement with th' appurtenances lying and being in Hailes

aforesaid commonly called or known by the name of Hailes Inn sometime in the tenure of one Anthony Sutton together with certain several enclosures and other hereditaments thereunto belonging or therewith used, occupied or enjoyed, I, the said Alice, do will & devise the said messuage or tenement called Hailes Inn and all the houses and buildings, several enclosures, lands, tenements and hereditaments whatsoever thereunto belonging or in any wise appertaining unto William Hoby, the eldest son of my said son, William, deceased, and to the heirs males of his body lawfully begotten;

And for default of such issue I will & devise the same to remain unto Philip Hoby, the second son of my said son, William, and to the heirs males of his body lawfully begotten;

And for default of such issue the remainder thereof to the heirs of the body of the said William Hoby lawfully begotten;

And for default of such issue the remainder thereof to the heirs of the body of the said Philip lawfully begotten;

And for default of such issue, then I will the same shall remain unto Alice Hoby, the daughter of my said son, William, and to the heirs of her body lawfully begotten;

And for default of such issue I will the same shall remain to Giles Hoby, my son, and to his heirs and assigns forever;

And whereas Walter Savage, esquire, and my servant, George Townshend, by my appointment have an interest for divers years yet to come in possession assigned unto them of the said messuage or tenement called Hailes Inn and of the several enclosures, lands and tenements thereunto belonging which was done of trust and confidence to the use and behoof of me, the said Alice, and at my charge, I, the said Alice, do therefore will and devise, for that I am desirous to have the said William & Philip, the aforesaid two sons of my said son, William, deceased, to be brought up in learning until they shall accomplish their several ages of one and twenty years and longer if they may be persuaded and holden thereunto, that therefore the trust and confidence aforesaid by me reposed in the said Walter and George to my behoof touching the profits & commodities of the said messuage, lands and tenements aforesaid during the years yet to come shall wholly remain and be employed to the maintenance of the said two sons so long as they shall be at school or at either of the universities to get learning, and afterwards the profits thereof to remain wholly to the use of the said William Hoby, the son of my said son, William, as in the discretions of my executors or the greater part of them shall be thought convenient;

And whereas at a court holden at and for the manor of Pinnock in the said county of Gloucester about the eight day of October last past, I, the said Alice Hoby, by Humphrey Dyke, gentleman, then my steward, did grant by copy of court roll unto George Townshend, Charles Townshend and to the said Philip Hoby all that messuage or farm of Pinnock aforesaid with th' appurtenances and all lands, meadows and pastures thereunto belonging together with the common of pasture for one hundred and forty sheep to go,

pasture and feed in & upon the common downs and fields of Pinnock aforesaid to the said farm belonging, to have and to hold unto the said George, Charles and Philip for and during their natural lives & the life of the longest liver of them successively according to the custom of the manor of Pinnock aforesaid at the old accustomed rent of fifty-four shillings four pence as by the copy of court roll appeareth, which was also done of trust and confidence to the use and behoof of me, the said Alice, during my natural life, and after my decease to such as I, the said Alice, should appoint during the minority of the said Philip, I, the said Alice, do therefore will and devise the said messuage, farm and other the premises with the appurtenances, the woods thereof [f. 294v] excepted, saving sufficient hedge-bote and tinnett to be taken by the appointment of my executors from and after the decease of me, the said Alice, unto the said George and Charles and to the survivor of them until the said Philip shall accomplish the full age of twenty and four years, paying therefore yearly unto the King's Majesty's farmer of the said premises for the time being the old rent of fifty-four shillings four pence of lawful money and to other of my executors the yearly rent of twenty pounds of like lawful money at two feasts or terms in the year most usual, which said twenty pounds, for that I would have the said two sons, William and Philip, to be trained up in learning by some special grave and discreet schoolmaster, my will is that the same together with the profits of Hailes Inn aforesaid shall be altogether employed to that purpose so long as to the discretion of my executors or the greatest part of them shall be thought convenient, and afterward to the only behoof of the said Philip Hoby;

Nevertheless my will is that the said George nor Charles upon their decease shall not pay any heriot, and for that cause shall enter into sufficient bond to the residue of my executors to discharge the premises of all widows' estates claiming from, by or under either of them, or else the said devise to them shall be void;

And whereas at the same court I, the said Alice Hoby, by my steward aforesaid did grant by copy of court roll unto Isabel Hyett, widow, and to the said Charles Townshend and Philip Hoby all that messuage or tenement with the appurtenances called the farm of Hyde with all lands, meadows and pastures thereunto belonging and the common of pasture for two hundred sheep upon Hyde Hill and sixteen beasts in Hailes slade, to have and to hold unto the said Isabel, Charles and Philip successively according to the custom of the manor of Pinnock aforesaid at the yearly rent of forty-two shillings, which was also granted unto the said Charles upon trust and confidence to the use and behoof of the said Philip Hoby when the same should happen to come to the hands of the said Charles, in respect whereof my will is that when the same shall come to the hands of the said Charles after the decease of the said Elizabeth Hyett, that the said messuage, farm and other the premises aforementioned shall remain in the use and occupation of the said Charles until the said Philip Hoby shall accomplish the full age of twenty-four years unless my executors shall think it convenient to deliver the same rather unto the said Philip or to his use, he, the said Charles yielding therefore yearly unto the King's Majesty's farmer of the premises for the time being the old yearly rent of forty-two shillings when the premises shall come to his hands, and also twenty pounds yearly of lawful money during the time the same shall remain in his hands to be paid to my executors to dispose to the use of the said Philip Hoby as in their discretions shall be thought convenient for his best benefit,

the said Charles to be discharged from paying any heriot and giving bond as well for the payment of the said twenty pounds yearly, as also giving bond to other my executors to discharge the same of all widows' estates claiming from, by or under him, or else the said devise to him to be void;

And whereas also I, the said Alice Hoby, am lawfully seised, estated or interested of and in the rectory & tithes of Hailes and Didbrook for and during the natural life of my nephew, Anthony Hodgkins, gentleman, yet living, and whereas also my said late husband in his lifetime obtained and bought of Thomas Hanbury of London, esquire, a lease, estate or interest of the said rectory & tithes for and during the term of thirty and one years at the yearly rent of seventeen shillings and four pence and to pay the curate's stipend or wages of ten pounds thirteen shillings and four pence yearly for serving the cures of Hailes & Didbrook aforesaid to commence and take his beginning immediately from and after the decease of the said Anthony Hodgkins, which conveyance of the said rectory & tithes so made by the said Thomas Hanbury unto my said late husband as aforesaid is sithence by casual means come to the hands of Mary Hoby, my said son's late wife and now widow;

Nevertheless my will is and I do devise and appoint all the estate, right, title, interest and term of years whatsoever which I, the said Alice, now have or shall or ought to have of & in the said rectory and tithes or any part thereof at the time of my decease to remain wholly to my executors from and after my decease to the only use and behoof of the said Philip Hoby for & during all the years, time and term then to come & not expired;

[f. 295r] And whereas my said late husband in his lifetime obtained of our late Sovereign Lady Queen Elizabeth a lease in reversion of the site and demesne lands and woods of the late dissolved monastery of Hailes aforesaid together with her Majesty's lands, tenements and hereditaments of Pinnock Skerne alias Pinnockshire in the said county of Gloucester which is to begin and commence immediately from and after the decease of me, the said Alice, and to have continuance for and during the term of fifty years then next ensuing at and for the yearly rent of one hundred threescore and ten pounds fourteen shillings and eight pence or thereabout;

And whereas also my said late husband in consideration of the marriage of my said son, William, to Katherine, one of the daughters of Sir George Fermor, knight, at the instance and procurement of the said Sir George Fermor and for and in consideration of a great sum of money by him, the said Sir George, paid unto my said late husband for assurances of the said lease unto my said son, William, he, my said late husband, by indenture did assign the said site, demesne lands and other the said premises with th' appurtenances unto the said William Hoby, my son, for and during the said time and term of fifty years if my said son, William, or any issue of his body lawfully begotten so long shall happen to live;

In consideration whereof my said son, William, by the said indenture did covenant for himself, his executors and assigns to and with my said late husband and his executors that he, the said William Hoby, my son, should and would from time to time well and truly

content and pay the said yearly rents reserved upon the said lease at the days limited for the payment thereof, and also that neither he, the said William, his executors nor assigns nor any of them should nor would do any other act or thing whereby the estate and interest in the said lease mentioned should or might be forfeited or otherwise determined, as by the said indenture more at large appeareth, which said site, demesne lands and other the premises with th' appurtenances he, my said son, hath sithence by his last will and testament in writing devised, limited and appointed unto the said Mary, being his second wife and now widow, to hold from and after the decease of me, the said Alice, for and during the minority of William Hoby and Philip Hoby, his two sons which he had by the said Mary, and also during the minority of Alice Hoby, his daughter which he had by Katherine, his first wife, and further hath made the said Mary his executor of his said last will, by means whereof the part of the said indenture sealed by my said son, William, for performing of covenants and preserving of the said lease is sithence by causal means come to the hands of the said Mary;

Now forasmuch as the said site, demesne lands and other the premises with the appurtenances aforementioned are by the last will and testament of my said son to come and remain unto his said children at their full age to hold successively one after another, as by the said will appeareth, in respect whereof she, the said Mary, having interest in the premises and the profits thereof during the minority of the said children, both in law, equity and conscience is chargeable and ought to see the said lease preserved, maintained and upholden from forfeiture to the use of the said children according to the tenor, purport and true meaning of the said indenture and also of her said husband in that behalf;

If therefore the said Mary during my lifetime or before the first day of April next after the date hereof do and shall give unto me, the said Alice, or to my executors such sufficient security as by learned counsel shall be devised as well for the true payment of the yearly rents of the premises reserved upon the said lease of the said site and demesne lands and woods of Hailes at the days and times therein limited for the payment thereof, as also that she, the said Mary, nor any other claiming from, by or under her title shall not do any act or thing whatsoever whereby the premises in the said lease mentioned to be devised shall or may be forfeited or the estate therein otherwise determined;

And also if she, the said Mary, within three months next after my decease shall give unto my executors such sufficient security as shall content them or the most part of them as well for the true payment and answering of the foresaid eleven hundred pounds' legacy by this my last will devised unto the said heir as also for answering & delivery of the said plate, or for every ounce wanting of the said gilt plate five shillings four pence of lawful money and for every ounce wanting of the parcel gilt and white plate four shillings eight pence of like lawful money;

And likewise for preserving, answering and delivery of the said implements [f. 295v] of household and husbandry aforementioned in such sort and at such times and to such persons as my executors or the most part of them in their discretions shall think convenient;

Then my will is and I do devise and appoint that all the said goods, plate, implements of household and husbandry aforementioned, except the furniture of my own chamber and such other things as I have afore excepted, shall after my decease be delivered into the hands and custody of the said Mary to use, preserve and keep during the minority of the said heir or otherwise during such time as to the discretion of my executors or the most part of them shall be thought most best and convenient for the benefit of the said heir;

And if the said Mary shall refuse to secure the lease aforesaid to the use of the said children or to answer the goods and legacies as aforesaid, then my will is and I do appoint that all the said goods, plate, implements of household and husbandry aforementioned shall be preserved in the safest manner for the said heir as to the discretion of my executors or the greater part of them shall be thought best and convenient;

And touching the preservation of the said lease in reversion, my will is and I do desire my said executors to take such course with the said Mary as by order of law, equity or conscience may be had for preservation of the said lease from forfeiture for non-payment of the rent or otherwise as to them or the greater part of them in their discretions shall be thought meet and expedient;

Nevertheless my will is and I do devise & appoint that if the said Mary either in her own right or in the right of either of the children aforesaid or of the heir of my said son, William, or any other of his children or any other person or persons on the behalf of the said Mary and children or either of them shall commence any suit or otherwise seek by any ways or means whatsoever to vex or trouble my said executors or any of them for, upon or concerning anything mentioned in my said late husband's last will or contrary to the true intent and meaning of this my last will, that then every such person & persons on which behalf the said suit is or shall be commenced or by whom or for whose cause my said my executors or any of them shall be so troubled shall lose the benefit of this my last will and testament touching the goods only;

And that then the said goods and legacies by me devised in this my last will shall remain and be at the disposition of my said executors or the most part of them to dispose either unto the party or parties on whose behalf my said executors shall be so troubled or otherwise unto any of my children or children's children as to them or the most part of them in their discretions shall seem meet and convenient;

And whereas the wardship, marriage and custody of the body and lands of my nephew [=grandson], William Rogers, the King's Majesty's ward, was very hard and chargeable to my said late husband to obtain, to his great charges of eight hundred pounds [=£800] and upward over & above three hundred threescore pounds [=£360] and upwards and nine years' travail spent in suits by the sinister practices of John Higford, esquire, who by many covinous means sought not only to defraud the said ward of all his father's goods and chattels which amounted to the sum of seven and twenty hundred pounds [=£2700] and upwards, but also by bonds, statutes and other reckonings to charge the ward's father's debts to amount unto four thousand two hundred threescore and five pounds [=£4265] over and above his goods administered, of all which money so disbursed by my

said late husband he, my said husband, hath sithence received of the said John Higford by decree of the King's Majesty's honourable Court of Wards and Liveries three hundred fifty-eight pounds and twelve shillings [=£358 12s] or thereabouts, and also for profits of the ward's lands not in ward to the value of seven hundred pounds [=£700] or thereabout, whereof is paid to the said John Higford four score & ten pounds [=£90] for six years' annuity of fifteen pounds yearly issuing out of the ward's lands unto the said John Higford during the natural life of Sir John Higford yet living;

Nevertheless for that I would not have the said ward after my decease to be charged with these reckonings and many other which may be objected, nor my executors and him to contend or vary upon reckonings, accounts or demands on either part, my will therefore is and I, the said Alice, do therefore devise and appoint unto the said ward the benefit of his marriage and the issues and profits of all his lands whatsoever I hold of the King's Majesty during the term of his minority, to have unto the said ward from the first day of May next ensuing for & during his minority aforesaid and in lieu and full discharge & recompense of all accounts, reckonings and demands whatsoever depending or that shall or may hereafter [f. 296r] rise between me and him, the said ward, or my executors and the said ward;

And if the said ward shall refuse to accept of this course touching the said accounts, and will stand upon further reckonings and demands with me or my executors or with my servant, George Townshend, for any sum or sums of money, then my will is that the said ward upon such refusal & standing upon further demands shall lose the benefit of this my last will and testament in all respects, and my executors to be then at their liberty to take the benefit of his marriage and profits of his lands aforesaid and other advantages whatsoever for satisfying of his demands;

And whereas I was lately minded to devise unto Alice Stratford, the daughter of my daughter, Elizabeth Stratford, the profits of Hailes Inn with the appurtenances during the minority of William Hoby, my son's son, unto whom I have devised the inheritance thereof, nevertheless bethinking myself that it is most fit the said two sons to be maintained in learning with the profits of their own lands and not to intermingle others therein, my will now therefore is and I do devise unto the said Alice Stratford the sum of two hundred pounds of lawful money to be paid unto my son-in-law, George Stratford, esquire, within two years next ensuing my decease to the use of the said Alice towards th' advancement of the said Alice in marriage;

And whereas by the tenor of my said late husband's last will my son, Giles Hoby, esquire, was to have five hundred pounds, or for three hundred pounds parcel thereof one thousand sheep, as by the said will appeareth, which said five hundred pounds upon my accounts I have said to have paid, which indeed is paid to him and others for him accordingly, nevertheless I do will and devise unto the said Giles one thousand sheep towards the storing of his manors of Rowell and Catsdean of the same sheep that shall be upon Rowell and Catsdean aforesaid at the time of my decease if he, the said Giles, shall be then living, and not otherwise;

And moreover my will is that all persons whatsoever that have entered into any bonds or other specialties for me or my late husband, deceased, shall be discharged and saved harmless of all the said bonds and specialties;

And my will is further that my niece [=granddaughter], Alice Wodhull, shall have one hundred pounds towards her advancement;

And that Philip Hoby and William Rogers, the ward aforesaid, shall have two hundred sheep apiece towards the storing of their grounds of Pinnock and Dowdeswell if my executors shall find my estate and goods sufficient to reach thereunto; otherwise I will that this legacy of four hundred sheep here last mentioned to the said Philip Hoby and the said William Rogers aforesaid shall be utterly void;

All the rest of my goods and chattels whatsoever not herein formerly given and bequeathed, my debts duly paid and my legacies and funerals discharged, I give and bequeath to my nephews [=grandsons], William Hoby and Philip Hoby, whom I do make & ordain to be executors of this my last will and testament when the youngest of them shall accomplish the full age of twenty and four years;

And in the meantime I do make and ordain my trusty and well-beloved friends, Paul Tracy, Richard Daston and Walter Savage, esquires, and for that the said George Townshend and Charles Townshend, his son, are best acquainted with my state and the state of my late husband, deceased, I do join the said gentlemen and them, the said George Townshend and Charles Townshend, together to be executors of this my last will and testament of trust and confidence to the use and benefit of my said two nephews, William Hoby and Philip Hoby, aforementioned;

And for their pains to be taken herein I give and bequeath to every of them the sum of ten pounds of lawful money of England and their reasonable costs and charges whatsoever they or either of them shall spend or disburse in performing or due execution of this my last will and testament;

And whereas the greatest part of the goods and chattels by me in this my last will given and bequeathed are devised to the use and behoof of William Hoby and Philip Hoby, the two sons of my said son, William, deceased, whom I have also ordained and appointed to be executors of this my last will when the youngest of them shall accomplish their full age of twenty-four years as afore is mentioned, by means whereof my friends whom in the meantime I have appointed to be executors of this my last will to the use of the said William and Philip are like or by the common course of the law do stand charged or chargeable to be called by the said William and Philip to accounts of the said goods and chattels at [f. 296v] their age of twenty and four years aforesaid, in regard whereof and for preventing of trouble, charges and expenses that may arise and grow by the mortality of my said executors nominated to the said children's uses in so long time, my will therefore is that my said executors nominated to the use of the said children within one, two or three years next after my decease shall yield a just & true account in the ecclesiastical court where my said will shall be proved of all the goods & chattels as then



are come to their hands by force of their executorship aforesaid, or before their account so made shall in the churches of Hailes and Toddington in the said county of Gloucester or in one of them at the time of divine service call, give notice or warning unto the said Mary Hoby, mother of the said William and Philip, or to Sir John Tracy, knight, their uncle, or to some or one more of their next allied friends to the intent that they or some of them either by themselves or their proctor by them or some of them sufficiently authorized on the children's behalf may hear, understand and take knowledge of the proceedings of the said account;

And if the said Mary and other the children's friends aforementioned shall refuse to hear or take knowledge thereof, then my will is that my executors nominated to the said children's uses shall by themselves, or their proctor by them authorized, proceed to yield and finish their said account;

And if the said William and Philip or any other on their behalf or any other who are to take benefit of [-of] this my last will and testament shall afterward vex, trouble or call my executors or any of them for any other or further account or for a better or greater value of the said goods and chattels or any part thereof more than my said executors shall then charge themselves withal, then my will is that every such person and persons so troubling my said executors contrary to the true intent and meaning of this my last will shall lose the benefit thereof in all respects touching the said goods and chattels, and my said executors or the most part of them to be then at their liberty to dispose of the offender's part thereof unto the rest not offending or otherwise as in their discretions shall be thought convenient;

In witness whereof I, the said Alice Hoby, have hereunto put my hand and seal the day and year first above-written. The mark of Alice Hoby.

Signed, sealed and published in the presence of these whose names are hereunder written. Paul Tracy, Richard Daston, Walter Savage, George Townshend, Anthony Wilson, Job Becke, William White, Thomas Brookes, John Price.

Probatum fuit Testamentu{m} suprascriptu{m} apud London coram Mag{ist}ro Ioh{ann}e Amye legum d{o}c{t}ore Surrogato venerabilis viri d{omi}ni Iohannis Bennett militis legum etiam d{o}c{t}oris Curie Prerogative Cant{uariensis} Mag{ist}ri Custodis sive Com{m}issarij I{egi}time constituti vicesimo die Mens{is} Novembris Anno d{omi}ni millesimo sexcentesimo septimo Iurament{o} Pauli Tracye Richardi Daston et Walteri Savage Armigeror{um} Necnon Caroli Townesend gen{er}os{i} quatuor executor{um} in h{uius}mo{d}i testamento no{m}i{n}ator{um} sub limitac{i}onibus in h{uius}mo{d}i testamento specificatis [-nominator{um}] Quibus com{m}issa fuit administrac{i}o om{n}iu{m} et sing{u}lor{um} bonor{um} Iuriu{m} et creditor{um} d{i}c{t}e def{uncte} de bene et fidel{ite}r administrand{o} eadem iuxta vim formam et eff{e}c{t}um tenore{m} atq{ue} tabulas Testamenti ip{s}ius defuncte durante minori etate respective Will{el}mi Hoby et Philippi Hoby Nepotum ex filio

d{ic}t{e} def{uncte} ac executor{um} in h{uius}mo{d}i testamento no{m}i{n}ator{um} vizt donec et quousq{ue} minor natu eor{un}d{e}m Will{el}mi et Philippi Hoby executor{um} an{te}d{ic}t{or}um vicesimu{m} quartu{m} etatis sue annu{m} plene attigerit et compleverit et non aliter neq{ue} alio modo Ac de pleno In{uenta}rio &c planoq{ue} et vero Comp{ot}o &c iurat{orum} Reservata potestate simile{m} Com{m}issione{m} faciend{i} Georgio Townesend gen{er}os{o} executori in h{uius}mo{d}i test{ament}o vnacum pred{ictis} Paulo Tracie Rich{ard}o Daston Waltero Savage et Carolo Townesend sub Limitac{i}o{n}ibus suprad{ic}tis etiam no{m}i{n}at{o} cu{m} venerit eandem &c petitur{o} admissur{o}

[=The above-written testament was proved at London before Master John Amye, Doctor of the Laws, Surrogate of the worshipful John Bennett, knight, also Doctor of the Laws, lawfully constituted Master, Keeper or Commissary of the Prerogative Court of Canterbury, on the twentieth day of the month of November in the year of the Lord the thousand six hundred seventh by the oath of Paul Tracy, Richard Daston and Walter Savage, esquires, and also Charles Townshend, gentleman, four of the executors named in the same testament under the limitations specified in the same testament, to whom administration was granted of all and singular the goods, rights and credits of the said deceased, sworn to well and faithfully administer the same according to the force, form and effect, tenor and accounts(?) of the testament of the same deceased during the minority respectively of William Hoby and Philip Hoby, grandsons by the son of the said deceased and executors named in the same testament, viz., so long as and until the younger of the same William and Philip Hoby, executors aforesaid, has fully reached and attained the age of twenty-four years, and not otherwise, and [+to exhibit?] a full inventory etc., and [+to render?] a plain and true account etc., with power reserved for a similar grant to be made to George Townshend, gentleman, also named executor in the same testament together with the foresaid Paul Tracy, Richard Daston, Walter Savage and Charles Townshend under the limitations abovesaid, when he shall have come to petition to be admitted the same etc.]