

SUMMARY: The document below is the last will and testament, dated 31 March 1608 and proved 27 June 1608, of Francis Fitton (d. 17 June 1608), whose great-niece, Mary Fitton, is thought by some scholars to have been the Dark Lady of Shakespeare's *Sonnets*.

The testator's nephew, Sir Edward Fitton (d. 4 March 1606), 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'.

FAMILY BACKGROUND

For a detailed Fitton pedigree, see Earwaker, J.P., *East Cheshire: Past and Present*, Vol. II, (London, 1880), pp. 564-7 at:

<https://catalog.hathitrust.org/Record/000112991>

See also the Fitton pedigree in Rylands, John Paul, ed., *The Visitation of Cheshire in the Year 1580*, Vol. XVIII, (London: Harleian Society, 1882), p. 100 at:

<https://archive.org/stream/visitationofches00glov#page/100/mode/2up>

The testator was the third son of Sir Edward Fitton (c.1500 - 17 February 1548) of Gawsworth, Cheshire, and Mary Harbottle (d. 12 December 1556), the daughter of Sir Guiscard Harbottle, slain at the battle of Flodden. See the will of Mary (nee Harbottle) Fitton, TNA PROB 11/39/471; 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/

Through his aunt, Eleanor Harbottle (d. April 1567), the testator was related to the Percys, Earls of Northumberland. Eleanor Harbottle married firstly Sir Thomas Percy (d.1537), by whom she was the mother of Thomas Percy (1528-1572), 7th Earl of Northumberland, and Henry Percy (d. 20 June 1585), 8th Earl of Northumberland; and secondly, about 1541, Richard Holland of Denton, Lancashire, by whom she had no issue. For the Harbottle/Percy pedigree, see Hodgson, John, *A History of Northumberland in Three Parts*, Part II, Vol. II, (Newcastle, 1832), p. 262 at:

<https://archive.org/stream/historyofnortpt202hodguoft#page/262/mode/2up>

See also Craster, H.H.E., *A History of Northumberland*, (London: Simpkin Marshall, 1909), Vol. IX, pp. 266-71 at:

<https://archive.org/stream/historyofnorthum09nort#page/266/mode/2up>

See also the will of Richard Holland, dated 27 May 1548, in Irvine, William Ferguson, ed., *A History of the Family of Holland of Mobberley and Knutsford in the County of Chester*, (Edinburgh: Ballantyne Press, 1902), pp. 118-19 at:

<https://archive.org/stream/ahistoryfamilyh00hollgoog#page/n240/mode/2up>

Testator's siblings

According to the Fitton pedigree in Earwaker, *supra*, p. 565, the testator had five brothers and seven sisters:

-**Sir Edward Fitton** (31 March 1527 - 3 July 1579), who married, on 17 January 1539, Anne Warburton (1 May 1527 - 9 January 1574), the daughter of Peter Warburton of Arley, Cheshire, by whom he was the father of nine sons and six daughters, including his eldest son, Sir Edward Fitton (d. 4 March 1606) (see below). For the will of Sir Edward Fitton (1527-1579), see TNA PROB 11/61/561.

-**Thomas Fitton** (buried 20 April 1600), esquire, of Siddington, who married firstly Elizabeth Trafford, the daughter of Sir Edmund Trafford and widow successively of George Booth, esquire, of Dunham and Ralph Done, esquire, of Flaxyards. He married secondly Anne Warburton (mentioned in the will below), the daughter of Peter Warburton, son of Sir Peter Warburton. After the death of Thomas Fitton, Anne Warburton married a husband surnamed Wells. It appears Thomas Fitton had a daughter, Margaret Fitton, who married Robert Hyde, son of Hamnet Hyde. See Sheffield City Archives SpSt/264/9, at:

<http://discovery.nationalarchives.gov.uk/details/r/dce48557-9d75-4c02-95aa-6ef0002cb68b>

-**Anthony Fitton**, who died in Ireland.

-**George Fitton**, mentioned in the will below.

-**John Fitton**, about whom nothing further is known.

-**Anne Fitton**, who married, as his first wife, Sir Ralph Egerton (d.1596) of Wrinehill. See Howard, Joseph Jackson, ed., *Miscellanea Genealogica et Heraldica*, Vol. I, 2nd Series, (London: Mitchell and Hughes, 1886), p. 112 at:

<https://books.google.ca/books?id=WVRIAAAAYAAJ&pg=PA112>

Sir Ralph Egerton of Wrynehill, co. Chester married Anne Fitton, sister of Lady Leveson.

-Jane Fitton, who married a husband surnamed Kynaston of Oteley, Shropshire.

-Katherine Fitton, who married John Mere or Meyre (died c.1595), esquire, of Mere, Cheshire, the eldest son and heir of William Mere, esquire, by Dorothy Digby, widow of John Brokesby of Frisby, Leicestershire, and daughter of Sir John Digby (d. May 1533) of Kettleby, Leicestershire. See Richardson, Douglas, *Plantagenet Ancestry*, 2nd ed., 2011, Vol. III, pp. 112-13, and the will of Sir John Digby, to which William Mere was a witness, in Peacock, Edward, 'The Will of John Digby, of Eye Kettleby, Leicestershire, 1529' in *Leicestershire and Rutlandshire Notes and Queries*, Vol. III, (London: Elliot Stock, 1895), pp. 82-5 and 142-5 at:

<https://books.google.ca/books?id=h8kGAAAAYAAJ&pg=PA83>

-Susan Fitton, who married, by settlement dated 22 November 1545, John Poole, esquire.

-Margaret Fitton (d. 29 August 1612), who married firstly John Englefield (d. 1 April 1567), esquire, second son of Sir Thomas Englefield, by whom she was the mother of Sir Francis Englefield (d. 26 October 1631), whom the testator appoints as one of his executors. She married secondly Francis Warren, esquire, but was divorced from him. For the will, dated 10 August 1612 and proved 20 February 1613, of the testator's sister, Margaret (nee Fitton) Englefield, see TNA PROB 11/121/212.

-Mary Fitton, who married William Tatton, esquire, of Wythenshawe, Cheshire. Quare whether this is an error for the testator's sister, Mary Fitton (d. 27 July 1591), who married Sir Richard Leveson (see below).

-Ellen Fitton, who married, by settlement dated 24 August 1537, John Stanley, son and heir of Sir John Stanley of Handford.

It should be noted that the testator's sister, Mary Fitton (d. 27 July 1591), who married Sir Richard Leveson, is not included among the testator's siblings in the Fitton pedigree in *Earwaker*, *supra*, p. 565. However Mary Fitton and her husband, Sir Richard Leveson, are referred to in the will of the testator's mother, *supra*, and in the will below the testator specifically refers to his 'late sister', Dame Mary Leveson:

. . . certain writings and bonds taken between Dame Mary Leveson, my late sister, and George Curzon, esquire, now knight, her son-in-law, and his father upon agreement of marriage had with Mary Leveson, daughter to my said sister, the Lady Leveson . . .

The testator's sister, Mary Fitton (d. 27 July 1591), married Sir Richard Leveson (d.1560), by whom she was the mother of a son and two daughters: Sir Walter Leveson (1551-1602); Mary Leveson, who married Sir George Curzon (d. 1622) of Croxall, Derbyshire; and Elizabeth Leveson, who married William Sheldon (d.1587), second son of William Sheldon (d. 23 December 1570) of Beoley. See the will of Mary (nee Fitton) Leveson, TNA PROB 11/78/48; the will of Sir Richard Leveson (d.1560), TNA PROB

11/43/621; the will of William Sheldon (d.1587), TNA PROB 11/71/283; the will of Sir George Curzon, TNA PROB 11/141/97; and Cox, J. Charles, *Notes on the Churches of Derbyshire*, (London: Bemrose and Sons, 1877), Vol. III, p. 360 at:

<http://books.google.ca/books?id=yx5NAAAAMAAJ&pg=PA360>

The testator's brother-in-law, Sir Richard Leveson (d.1560), was related to William Leveson (d.1621), one of two trustees employed by the Lord Chamberlain's Men, including William Shakespeare of Stratford upon Avon, in the allocation of shares in the Globe Theatre in 1599. William Leveson's grandfather, Nicholas Leveson (d.1539) was the brother of James Leveson (c.1500-1547), father of the testator's brother-in-law, Sir Richard Leveson (d.1560). William Leveson's father, Thomas Leveson (1532-1576) and the testator's brother-in-law, Richard Leveson (d.1560), were thus first cousins. For the will of the trustee of the Lord Chamberlain's Men, William Leveson (d.1621), see TNA PROB 11/137/600.

OTHER FAMILY MEMBERS MENTIONED IN THE WILL

In the will below the testator mentions three nephews, and members of their families:

(1) Sir Edward Fitton (d. 4 March 1606), who married, about 1572, Alice Holcroft (d. 4 January 1627), daughter of Sir John Holcroft (d.1588/9) and Dorothy Bold, by whom he had four children mentioned in the will below: Sir Edward Fitton (d. 10 May 1619), whom the testator appoints as one of his executors and refers to as the heir of the Fittons of Gawsworth; Richard Fitton (d. 5 June 1610); Anne Fitton (buried 22 July 1618), wife of Sir John Newdigate (d. 18 March 1610); and Mary Fitton (1578-1641), thought by some scholars to have been the Dark Lady of Shakespeare's *Sonnets*, wife of William Polewhele.

For Sir John Holcroft (d.1588/9), see Holcroft's Case (1596) in *Cases Collect & Report Per Sir Fra. Moore Chevalier, Serjeant Del Ley*, 2nd ed., (London: G. Pawlet, 1688), at p. 486:

<https://books.google.ca/books?id=cNZIAQAAMAAJ&pg=PA486>

See also the Holcroft pedigree in Earwaker, J.P., ed., *Local Gleanings Relating to Lancashire and Cheshire*, Vol. I, (Manchester: J.E. Cornish, 1875-6), pp. 121-6 at:

<https://books.google.ca/books?id=3u0LAQAAMAAJ&pg=RA1-PA121>

For the monument to Sir Edward Fitton and his wife, Alice Holcroft, see:

<http://humphrysfamilytree.com/Holcroft/index.html>

(2) William Fitton, deceased, and his son, Edmund Fitton.

(3) Richard Fitton, and Richard's sons, Edward Fitton, servant to Sir George Carew (1555-1629), later Earl of Totnes, and Richard Fitton.

The testator also mentions Sir Edward Fitton (d. after August 1643), son of Sir Edward Fitton (d. 10 May 1619), who married Felicia Sneyd, the daughter of Oxford's trustee, Ralph Sneyd, esquire, of Keele, Staffordshire.

MARRIAGE

The testator 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. John Neville, 3rd Baron Latimer, married, as his third wife, Katherine Parr, who later became the sixth wife of Henry VIII. At the time of her marriage to the testator, Katherine (nee Neville) was the widow of Henry Percy (d. 20 June 1585), 8th Earl of Northumberland. 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.

When John Neville (d.1577), 4th Baron Latimer, died without surviving male heirs, his lands came to his four daughters and co-heirs: Katherine Neville (d. 28 October 1596), who married firstly Henry Percy (d. 20 June 1585), 8th Earl of Northumberland, and secondly, the testator; Dorothy Neville (1548-1609), who married Oxford's brother-in-law, Thomas Cecil (1542-1632/3), 1st Earl of Exeter; Lucy Neville (c.1549-1608), who married Sir William Cornwallis (c.1551-1611); and Elizabeth Neville (1545x50-1630), who married firstly Sir John Danvers (1540-1594) of Dauntsey, and secondly Sir Edmund Carey. The marriage of Eleanor Percy, daughter of Henry Percy, 8th Earl of Northumberland, to William Herbert (c.1573-1655) is mentioned by the testator in the will below.

The eldest son and heir of Sir John Danvers (1540-1594) and Elizabeth Neville (1545x50-1630), Sir Charles Danvers (c.1568-1601), was attainted and executed in 1601 for his part in the Essex rebellion, as a result of which the lands which he inherited from both his father and his mother escheated to the Crown. Several of Oxford's extant letters describe his involvement on the Queen's behalf in the Danvers escheat case, and the lands which had descended to Sir Charles Danvers from the Barons Latimer are specifically referred to in a letter written by Oxford to his brother-in-law, Sir Robert Cecil, in January 1602 (see CP 181/99). Sir Charles Danvers' attainder is mentioned by the testator in the will below.

OTHER PERSONS MENTIONED IN THE WILL

For Sir William Slingsby (1563-1634), see the History of Parliament entry at:

<https://www.historyofparliamentonline.org/volume/1558-1603/member/slingsby-william-1563-1634>

For the testator's friend and overseer, Francis Moore (1529-1621) of the Middle Temple, see the History of Parliament entry at:

<https://www.historyofparliamentonline.org/volume/1604-1629/member/moore-francis-1559-1621>

T{estamentum} ffrancisci ffitton

[f. 1r] In the name of God, Amen. The last day of March one thousand six hundred and eight and in the years of the reign of our Sovereign Lord James by the grace of God of England, Scotland, France and Ireland King, Defender of the Faith etc., of England, France and Ireland the fifth and of Scotland the one and fortieth, I, Francis Fitton of Gawsorth in the county of Chester, esquire, being of good and perfect memory and in good health, do make and ordain my last will and testament in manner and form following:

First I bequeath my soul to Almighty God, my Creator, my Redeemer and Saviour, hoping and trusting by the promise of his mercy and through the passion of Jesus Christ to enjoy salvation;

I will and bequeath, remit and pardon to my servant, John Luce the father, who hath served me since Christmas one thousand five hundred ninety-seven, and brought up as a boy in my sister Englefield's house at Englefield, and his now wife hath served my said sister as her waiting-gentlewoman sundry years past, the sum of ten pounds in money which he is now in debt and owing to me and by me lent to him sundry years past towards the storing of a farm he then had in Ashampstead in the county of Berkshire;

And also I do further will and bequeath to him, and by these also release, forgive and make free to him, the said John Luce, a debt of threescore pounds in money which I did lend to him about ten years past towards the buying of a copyhold in Mortimer, being the lands of the Lord Marquess of Winchester, at which time I did then also deliver and freely give unto him other threescore pounds in money towards the help and furtherance of the said John Luce in buying the said copyhold;

And also I do now further bequeath to him a sum of money of five pounds, therewith to buy and to provide two milch kine for the better increase of his wife's dairy there;

Item, I will and bequeath, remit, pardon and forgive to my servant, John Cotton, who hath served me since Hallow-tide one thousand six hundred, as a reward & preferment for his service done to me, thirty pounds in money which I did lend to him at the time he took

his lease of Smith's house in Bosley, and also I do further bequeath to him, remit and pardon a debt of seven pounds in money which I did lend to him sundry years past;

And further I do now bequeath to him, remit and pardon a debt of eight pounds in money which he upon his last account made with me was found to stand and be indebted to me, as by my books appeareth;

Item, I will and bequeath to my servant, Hugh Stanley, who hath served me as my horseman since New-Year's tide one thousand five hundred ninety-nine, twenty pounds in money, and the same I will to be delivered to him within three months next after my decease, and also such of my wearing apparel as mine executors shall think fittest for his wearing;

Item, I do will and bequeath to my servant, Thomas Salle, who hath served me since the (blank) day of May one thousand six hundred and five, a sum of ten pounds in money, and such a suit of my wearing apparel as mine executors shall think fit, if he shall be in service at the time of my decease;

Item, I will & bequeath to my sister, Mrs Margaret Englefield, widow, the cloudy bowpe(?) sapphire which I used to keep as medicinable for eyes, and now being in her custody;

And also I do bequeath to her during her life the use of my two beds, thone of down now in that chamber where myself was used to lie at Holleshotte, and thother of feathers, being in the next inner chamber, upon which two of my servants used to lie, and all furniture and bed-clothes therewith used and pertaining to the same two beds;

And also I do further bequeath to my said sister Englefield likewise during the term of her life the use of all the hangings in those my two late chambers at Holleshotte now as they are there or as I left them at the time I went thence to dwell at Gawsworth;

And I also do further will and bequeath to her, my said sister, the use and occupation for term of her life all those my hangings of tapestry and chairs and stools and virginals, all now being or by me left in the dining-chamber at Holleshotte, and she to have, hold and use all the said beddings, hangings, furniture, chairs, stools and virginals so long as she shall continue her dwelling there at Holleshotte, or during the term of her life if she shall remove her [f. 1v] dwelling from thence to any other house to dwell at, if she shall be desirous so to have them which I do so now in this manner and sort bequeath to her in case (as God forbid), her said son, Francis Englefield, should fortune to decease, his mother living, and thereby she either enforced or thinking good should go to dwell in some other place, and to keep house of herself, as heretofore she hath done many years together;

Item, after the decease of my said sister Englefield, or after her departure from Holleshott in sort as aforesaid, unless she shall be desirous to have the use of those things for her lifetime as aforesaid, my meaning is and I will and bequeath the same beds, bedding and

furniture and all other the furniture of all the said chambers at Holleshott to my nephew, Francis Englefield, esquire, her son, and all coffers and chests of mine now in those chambers unbequeathed, towards the storing and furnishing of his house, he now being yet but a young housekeeper;

And also I do bequeath to him, my said nephew (blank) Englefield all such armour of mine as is now at Holloshott, viz., one horseman's armour with a placket and furniture, one new corslet, black, with his furniture and sleeves of mail;

Item, I do will and bequeath & do forgive and remit to my sister-in-law, Mistress Anne Wells, late wife to my late brother, Thomas Fitton, deceased, she being his sole executrix, the sum of six score pounds in money and due to me by my said brother, Thomas, as his debt to me, and he hath owed the same to me ever since the death of the right Honourable Henry, late Earl of Northumberland, who deceased in anno Domini one thousand five hundred eight-five, about which said debt of six score pounds I have written often to my said brother, and he always in his lifetime confessed and acknowledged the same;

Item, I will and bequeath, remit and forgive unto my brother, George Fitton, sundry sums of money which he is now owing to me, amounting to the sum of one hundred twenty and five pounds thirteen shillings and four pence, the which was by me lent to him in ready money out of my purse long since, and all other debts whatsoever;

And also I do further will & bequeath to him and do remit and forgive to him which he is owing unto me a sum of two hundred pounds in money which I did lend to him in Lent one thousand six hundred, and was by me paid out to his use for his debts by the hands of Mr Hugh Basse and Mr Jeffrey Place of London, scriveners, for the freeing & compounding of my said brother's debts, whereby he might quietly execute and possess his office as Secondary of the Counter in the Poultry in London, which thereby he so did and possess accordingly;

Item, I will and bequeath to my niece, the Lady Anne Newdigate, eldest daughter of Sir Edward Fitton, knight, my late nephew, deceased, in token of my love to her, my new and best Maudlin cup of silver plain white with his cover which is now in my lodging at London;

And also I do further bequeath to her my little case of white plate, being plain and of silver, wherein is couched and contained only four small cups called shells, a salt and a pepperbox, being the cover to the four cups or shells, and also six folding-spoons with joints, all being couched within the same cups or shells, and case, and the same with all his members and appurtenances enclosed in a little round case of leather used by me commonly in my travel for easy carriage, and is fitting and necessary to stand upon her cupboard in her bedchamber, I do will and bequeath to her;

And also I do further will and bequeath to her, my said niece, the Lady Newdigate, my bed, being a bed of down, which now standeth in my bedchamber at London, with a canopy of yellow velvet and curtains of yellow double taffety, and a yellow silk quilt to

the same, and all other bed-clothes & furniture to the same bed belonging, being such & the same as myself did use about my bed when I did lie and lodge there, being now in the house of Mr Thomas Phippes, chandler, near the Savoy in the Strand;

Item, I will and bequeath to my cousin, Edmund Fitton, son and heir to my late nephew, William Fitton, the sum of twenty pounds in money;

And [f. 2r] also I do further bequeath to him a sum of ten pounds in money which I did lend to him at his going into Spain with Sir Richard Leveston [=Leveson] in consideration of a set of viols de la gamba of his late father's, and also a set of recorders and a great cittern, a lute, and a pair of virginals, which were all his said late father's and by him left in my keeping, which said set of viols I did lend to Sir John Danvers, knight, deceased, and were sithence in the hands of Dame Elizabeth Danvers, his late widow, and since then also in the hands of Sir Charles Danvers, knight, her son attainted, by whose fall the said viols may fortune to be lost, but the virginals and lute are ready for him, my said nephew, Edmund Fitton, and also the said great cittern in my own now lodging in the Strand, the Red Cock, near the Savoy, and the said sum of twenty pounds formerly bequeathed to him, my will is shall be delivered to him, my said cousin, Edmund Fitton, within six months next after my decease if the said instruments shall not be delivered to him within that time of the said six months or before safe and sound, which I am greatly in doubt will not be done and so delivered to him, but if he shall so receive back the said instruments, then the said legacy of twenty pounds to him to cease & to be void;

Item, I will and bequeath, do remit & release & forgive to my kinsman, now Sir William Slingsby, knight, a debt of ten pounds in money which I lent to him out of my purse long since then by the name of William Slingsby, gentleman, and his bill of debt for the same is now resting in my keeping, which said bill of debt I do now by these bequeath to him, pardon, remit, forgive & make void, as also the debt;

Item, I will and bequeath to Mistress Elizabeth Luce, now wife to my said servant, John Luce the father, towards the better furnishing of her house in Mortimer, three pair of good ordinary household sheets and one dozen of new flaxen table napkins, and two plain hall table-cloths of the middle sort, all which linens and much [+more?] are now in the keeping of the said Elizabeth Luce and her husband in a great chest of mine at Holleshott;

And I do further bequeath to her one of those my featherbeds with bolsters & bed-clothes thereto belonging, in and upon which beds my servants do use to lodge, and are now in my lodging at London near the Savoy;

And also I do further bequeath to the said Mistress Elizabeth Luce one joined coffer of mine which now is standing and remaining in my now before-mentioned lodging in the Strand at London;

Item, I will and bequeath to my servant, William Bosson, such one of my hackney geldings as mine executors shall appoint, so as he be a good gelding, but yet not my best, for that I mean my best gelding to another good friend of mine, not as a reward to the said

Bosson, but as a token and remembrance of my goodwill to him for that I have formerly done well for him;

Item, I will and bequeath, remit and release and forgive to Dame Alice Fitton, the widow of my nephew, Sir Edward Fitton, knight, deceased, a debt of seventeen pounds in money which she borrowed of me at London in winter one thousand five hundred ninety-seven, her said late husband being then in the country;

Item, I will and bequeath, remit, release and forgive unto Sir Edward Fitton, knight, deceased, my late nephew, his heirs, executors & administrators, all and every sum and sums of money, rents and arrearages of rents which was by the said Sir Edward due and owing to me at the time of his decease, which said sums of money, debts and arrearages of rents are more than I will now speak of, yet none other nor for nor upon any other cause or occasions but only for monies which at his desires he hath had out of my purse, and moneys that I have paid for him at his desires, and rents that I have forborne to call for which was yearly due to have been paid to me;

Item, I will and bequeath to my kinsman, Edward Fitton, son to my nephew, Richard Fitton, who deceased in Ireland, which said Edward doth now attend upon the right honourable Sir George Carew, knight, Lord Carew of Clopton, now Vice-Chamberlain to the Queen's Majesty, the sum of threescore [f. 2v] pounds in money for that I do credibly understand he serveth his lord and master diligently, and carrieth himself honestly and gentlemanly towards all men, and himself in the good opinion of all men that do know him, if he shall be living at the time of my decease;

Item, I do will and bequeath to Richard Fitton, my kinsman, and brother to the last-named Edward Fitton, a sum of forty pounds in money for the like considerations & respect of his good and honest carriage in all places, and in the time he served my nephew, Sir Edward Fitton, knight, deceased, and at all times before and since;

Item, I will and bequeath to my brother, George Fitton, before-named, a sum of money of forty pounds if he shall be living at the time of my decease, and the same to be delivered to him within three months next after my decease, and if any seem to marvel that I do give to him, being my brother, no more than this sum here mentioned, I wish it may be known that this sum is not the only benefit in moneys that I have done for him, as I know himself will confess, and as before in this my will may appear;

Item, I will and bequeath, remit, release & forgive to Henry Hearshe, an old servant of mine dwelling in Bath and heretofore served my honourable Lady and wife Katherine, Countess of Northumberland, deceased, as a groom of her chamber in her lifetime, a debt amounting to the sum of ten pounds in money which I did lend to him upon his bond sealed by himself and his father-in-law, old Perman of the city of Bath;

Item, I will and bequeath to my cousin, Richard Fitton, younger brother to my cousin and nephew, Edward Fitton of Gawsworth, esquire, and son to Sir Edward Fitton, knight, last deceased, all the term and interest I have for term of years in that house or place

commonly called the New Barn near unto Molles Crosse in Gawsworth aforesaid, and also all th' enclosed grounds and pastures that I hold therewith by demise from Sir Edward Fitton, his late father, being parcel of the demesne lands of the manor of Gawsworth, and also all that enclosed ground (being parcel of th' old park) and all mine estate therein which I bought of my cousin, Mr Richard Warren of Sutton, being a term for years;

And if the said Richard shall be contented to yield up to his now eldest brother, Edward Fitton, esquire, all that interest I now give to him in the said New Barn and grounds thereto belonging in Gawsworth, and the said close which I bought of Mr Richard Warren, then and upon that condition I will and bequeath to him, my said cousin, Richard Fitton, all that lease and interest that I have for seven years or thereabouts unexpired in and to the capital messuage or farm called Hartridge farm in Com{itatu} Berkshire, with all grounds, lands and profits thereto belonging that I or mine assign doth now hold, for which I do now receive an yearly rent of fifty pounds of Thomas Curtes, my tenant, and I do pay out of the said farm an yearly rent of eight pounds to Sir Thomas Neale, knight, one of the King's Auditors, he having purchased lately th' inheritance of the said farm, and if the said Richard Fitton will not so do, then my will and meaning is that the said Richard shall not have the said farm of Hartridge, nor any part or profit of the same;

Item, I will and bequeath to my nephew, Mr William Polewhele, who married with my niece, Mistress Mary Fitton, younger daughter to Sir Edward Fitton, knight, deceased, my nephew before in these named, my usual riding sword, being damasked, commonly called a falchion, and also I bequeath to him the best horse or gelding of mine that I shall have at the time of my decease, and the same to be chosen and taken by himself at his own choice to his own best liking as a remembrance and token of my love to him, and to my said cousin, his now wife, I will and bequeath as a remembrance of my love my sugar-box of silver plain white and round, and my silver grater, both which I use to carry with me when I travel;

Item, where I am possessed by lease or leases for years of the demise of Sir Urian Leigh, knight, of the tithes of corn & hay arising within the manor or lordship of Bosley and the townships, hamlets or places called by the several names of North Rode, Sutton, Wincle, Macclesfield Park, Macclesfield Town, and the Borough Macclesfield, Old Withington, Chelford and Askeil, and in the [f. 3r] mill-house which is the inheritance of John Henshawe, gentleman, all which do lie in the parish of Prestbury in the County Palatine of Chester, and whereas I am also possessed by lease for years of the demise of Sir Urian Leigh aforesaid for divers years yet to come of and in the tithes of wool and lamb arising also within the said manor or lordship of Bosley and the said several townships and places of North Rode, Sutton and Wincle, I do bequeath, give and devise all the said several tithes to my nephew, Edward Fitton of Gawsworth, esquire, for all my several terms therein to come, saving six days to myself of every term, if my said nephew shall so long live, and all the said several tithes after the decease of my said nephew I do bequeath, give & devise to Edward Fitton, gentleman, eldest son of my said nephew, if he be living at the decease of his said father, to hold during all my said term, saving two days, if the said Edward, the son, shall so long live, and in case the said Edward, the son,

shall not be living at the decease of his said father or, overliving his said father, shall die before the expiration of the years before limited to him in the said tithes of any of them, then I do give, devise and bequeath the said tithes and all my interest and term therein to such person as at the time of the decease of the overliver of my said nephew and his son shall be heir male to my brother, Sir Edward Fitton, knight, deceased, late Treasurer of Ireland and grandfather of my said nephew now Edward Fitton of Gawsworth, esquire;

Item, I will and bequeath to my said nephew, Edward Fitton, esquire, for term of his life the possession, use and occupation of that my whole leather case of gilded plate, and all the several pieces of plate within the same or thereto belonging, viz., a basin and ewer, four drinking-cups like unto low goblets, six spoons, six trencher-plates, two saucers, two forks and a salt, and a watch or horologe gilded and enamelled, all now in the keeping of my said nephew, Edward Fitton, esquire, saving the said watch or horologe which I have now myself, I do now will and bequeath all the said case of plate and every parcel thereof to Edward Fitton, now son and heir to th' above-named Edward Fitton, esquire, if he then shall be living, and after the decease of the said Edward Fitton, the son, then to his next heir male, and my will, bequest and desire is that all the said case of plate and every parcel thereof, together with the said watch or horologe may remain & be after the decease of the said Edward Fitton, esquire, the father, and Edward Fitton, the son, as an heirloom to the heirs of the Fittons of the house of Gawsworth and to the said father and son, and so from heir male to heir male, and not to be sold or done away to any other person or persons, for which purpose my request also is that my said nephew, Edward Fitton, do make such provision by his will or otherwise as conveniently he may to perform this mine intent, as well in the said lease and leases for years above-mentioned as also in this case of plate;

And also [+I] do give and bequeath to my said cousin and nephew, Edward Fitton of Gawsworth, esquire, my gymmell [=gimmel?] of diamonds and gold like unto a star which I do usually wear in my hat, touching which said jewel I do make the like request and desire unto my said nephew, Edward Fitton, esquire, as before I have done for the leases and case of gilded plate, that he will make such provision by his will or otherwise as conveniently he may that the same jewel may likewise remain as an heirloom to the heirs of the Fittons of the house of Gawsworth before-named;

Also I do will and bequeath, remit and forgive unto my said nephew, Edward Fitton, esquire, all such debts and sums of money as he at this day is owing unto me, being about three hundred pounds, or whatsoever they be, and to me due for none other matter nor upon any other cause but only moneys by me lent to him and paid out for him & for his debts;

Also I do further will and bequeath to him, my said nephew, Edward Fitton of Gawsworth, esquire, all that little store of plate which I have and usually is lying at my lodging at London and unbequeathed, viz., two silver dishes, two silver trencher-plates, six spoons, one large college-jug or pot with his cover, one silver can or tankard with ribs and covered, one tin cup, one trencher-salt, one old slender [f. 3v] Maudlin cup with his cover, being in my study at Gawsworth and not at London;

Item, I do further will and bequeath to him, my said nephew, Edward Fitton, esquire, a sum of money of (blank) for and in respect of my love to him as heir to the Fittons of the house of Gawsworth in which I and many of my ancestors were born, and for his better help to be the better able to stock and to store his demesnes and thereby also to be the better able to live in the like countenance as his ancestors have done there before him;

Item, I will and bequeath a sum of money of ten pounds and also such one suit of my wearing apparel as mine executors shall think fit unto my now servant, James Walkden, who is now but newly come to my service, yet brought up by me in his youth, if he shall continue and be in my service at the time of my decease;

Item, I do will and bequeath unto the poor of the parish of Gawsworth and to the paro [sic] people dwelling in Siddington, Macclesfield and Congleton, a sum of twenty pounds in money for and in such sort to be distributed as to mine executors shall seem convenient;

And my body to be buried in the parish church of Gawsworth, and a fair large stone of alabaster to be laid upon my grave with an inscription graved in brass mentioning, viz., *Here lieth Francis Fitton, esquire, which married Katherine, Countess Dowager of Northumberland, and third brother to Sir Edward Fitton of Gawsworth, knight, deceased, Lord President of Connaught and Treasurer of Ireland;*

Item, I will and bequeath to some poor persons and prisoners such as I have declared my meaning therein to mine executors, and namely to my nephew, Francis Englefield, esquire, a sum of money of fifty pounds, and the same to be distributed within three months at the furthest next after my decease;

Item, I do now by this my last will and testament nominate, constitute, ordain and appoint my two said kinsmen, Edward Fitton and Francis Englefield, esquires, both my dear friends and near kinsmen in blood, to be my executors, and Francis Moore of the Middle Temple, London, esquire, and counsellor at law, mine ancient acquaintance and always my dear friend, to be the overseer of this my last will and testament;

And in token of my love to them, and namely in regard of the pains and troubles that they may have and take about the affairs of this my now will, about which I hope small trouble shall arise, I will and bequeath to my said nephew, Francis Englefield, one piece of plate, viz., a basin and ewer of silver to the value of thirty pounds in money with mine arms graved upon the same with the difference pertaining to a third brother, and the same to be provided with his own privity and allowance touching the fashion of that basin and ewer, and the like piece of plate and of the like value of thirty pounds and with the like arms graved upon the same and for the like considerations I will and bequeath to my said dear friend, Mr Francis Moore, formerly appointed overseer of this my last will & testament;

And my will, request and desire is that my friends in trust will not intermeddle with the evidences, books and writings remaining in my custody as concern not their own legacies

and their own affairs, but that the same be wholly ordered by Francis Englefield and Edward Fitton, esquires, mine executors and near kinsmen in blood, and Francis More, esquire, my very dear friend and overseer of this my last will and testament, to be used or delivered as cause in trust & in equity shall require;

And namely certain writings and bonds taken between Dame Mary Leveson, my late sister, and George Curzon, esquire, now knight, her son-in-law, and his father upon agreement of marriage had with Mary Leveson, daughter to my said sister, the Lady Leveson;

And also certain writings and bonds made between Sir Edward Herbert, knight, deceased, William Herbert, his son and heir, now knight, and Dame (blank) Herbert, widow of the said Sir Edward Herbert, and Henry, Earl of Northumberland, Sir Thomas Cecil, knight, now Earl of Exeter, and William Percy, esquire, and others upon agreement of marriage had with the Lady Eleanor Percy, daughter to Henry, late Earl of Northumberland, deceased;

And also namely certain writings and books made by Sir William Cornwallis, knight, concerning [f. 4r] his wife's jointure, being one of the four daughters and coheirs of Sir John Neville, knight, Lord Latimer, deceased;

And also namely certain writings and conveyances made up in two several boxes lately pertaining to Barnard Dakins and to his ancestors for the lands therein mentioned and by him conveyed absolutely to myself in mine own proper name by the means and procurement of my kinsman, Mr William Polewhele, & yet meant to me now [sic] otherwise but as a friend in trust for the behoof of my said cousin, William Polewhele, and therefore all those said writings and lands late the said Mr Dakins do truly belong to my cousin Polewhele and not to me nor mine heirs nor executors; therefore I do now will, bequeath and devise all those said writings and lands heretofore Mr Dakins' unto my said cousin, William Polewhele, forever;

And whereas of late I have by deed indented estated all my lands and possessions of inheritance after my death upon my said nephew, Edward Fitton of Gawsworth, esquire, and his heirs, as by the said deeds may appear, whereof I have made and sealed three several parts, & have left one of them with my said nephew, Edward Fitton, and one part of the same with my said nephew, Francis Englefield, they both being my executors, and the third part of the said indented deed I do now myself keep in mine own custody, and have made so many several parts of them only to th' end that mine act and manner of conveying the same may with the better assuredness come to light and be publicly known after my decease, and to that end and for that purpose also my will, request and desire is that mine executors and friends in trust or some of them at such times as an office shall be inquired and found after my decease, that then they or some of them will be present at that inquisition and then procure and see that the said deed of conveyance by me so made may be found and set down accordingly in that office;

And all the residue of my goods, chattels and debts unbequeathed, my debts being paid, my funeral discharged, and my legacies performed, I will and bequeath to my said nephew, Edward Fitton of Gawsworth, esquire, having many children, for the better increase of his present estate, he being my next heir in blood and the heir and lord of the house of Gawsworth where myself and many of my ancestors were born, lived, and continued many years and descents;

In witness whereof and that this is my last will and testament as before in these are mentioned, all the same being written with mine own proper hand, have hereunto set my hand and seal the day and year first above-mentioned and appearing. By me, Francis Fitton. Sealed and subscribed in the presence of John Newdigate, William Whithall William Henshawe, Thomas Saull.

I have written and sealed other two parts like unto this agreeing in every point with this to th' intent that some one of these may not fail but come to light after my decease;

And in mine iron-bound chest which standeth in my study at my lodging in the Strand lieth a note of some such bonds and obligations as are at this day due and owing unto me, but the bonds themselves I do use to carry with myself always in a long black box sealed up when I do remove from London, and in the same box lieth also a note in paper mentioning particularly all or many of the said bonds and chief contents thereof;

And one of the said other two parts of these is by me left in the custody of my said nephew, Francis Englefield, esquire, and thother of these is left in the keeping of my said nephew, Edward Fitton, esquire, and both closed and sealed up with mine own seal of arms, and the third is in mine own keeping, and used to be carried with me always when I do remove from any the places of my usual abode. Francis Fitton.

Probatum fuit Testamentu{m} Suprascript{um} apud London cora{m} ven{erabi}li viro D{omi}no Ioh{ann}e Benett Milit{is} legu{m} d{o}c{t}ore Curie Prerog{atiue} Cant{uariensis} Mag{ist}ro Custode sive Com{m}issario l{egi}time constituto vicesimo septimo die Mens{is} Iunij A{nn}o d{omi}ni mill{es}imo sexcent{esi}mo octauo Iuram{en}to Ed{wa}r{d}i ffiton vnus Executor{um} in h{uius}mo{d}i test{ament}o no{m}i{n}ator{um} Cui com{m}issa fuit administratio om{niu}m et sing{u}lor{um} bonor{um} Iuriu{m} et Creditor{um} d{i}c{t}i def{uncti} de bene &c iurat{i} Reservata p{otes}tate &c ffrancisco Englefield alteri exec{utori} &c cu{m} ven{er}it &c petitur{o} &c

[=The above-written will was proved at London before the worshipful Sir John Bennet, knight, Doctor of the Laws, lawfully constituted Master, Keeper or Commissary of the Prerogative Court of Canterbury, on the twenty-seventh day of the month of June in the year of the Lord the thousand six hundred eighth by the oath of Edward Fitton, one of the executors named 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 etc., with power

reserved etc. to Francis Englefield, the other executor etc., when he shall have come etc.
to petition etc.]