

SUMMARY: The document below is the last will and testament, dated 13 December 1630 and proved 14 November 1631, of Sir John Vere, thought to have been the illegitimate son of Oxford's cousin John Vere (d.1624) of Kirby Hall, eldest brother of Horace Vere (1565-1635). For the will of Horace [Horatio] Vere (1565-1635), Baron Vere of Tilbury, see TNA PROB 11/168, ff. 7-8. For the will of John Vere (d.1624) of Kirby Hall, see TNA PROB 11/143, ff. 510-15.

In his youth the testator was a page to 'His Excellency', Maurice (1567-1625) of Nassau. He served as Lieutenant to Count John Ernest (1582-1617), eldest son of Count John (1561-1623) of Nassau, and was a captain in Flanders for 20 years (see Hinds, Nos. 32, 196). For other documents in the State Papers Venetian mentioning Sir John Vere, see Hinds, Nos. 73, 297, 322, 382 and 579.

The testator leaves an annuity of £30 to his son Edward (of whom nothing further is known), and the residue of his estate to his daughter, Mary, for whom the testator and Robert de Vere (d.1632), 19th Earl of Oxford, had arranged a marriage with the latter's second son. The testator stipulates that in the event of the failure of Mary's issue the residue of his estate is to go to Robert de Vere (d.1632), 19th Earl of Oxford. The testator's daughter, Mary, named as sole executrix in the will, died before she could undertake the execution of the will. Sir Henry Marten of the Prerogative Court of Canterbury then adjudicated the issue of whether a grant of administration of the testator's will should be made to Robert de Vere (d.1632), 19th Earl of Oxford, or to Sir James Pitts, another of the supervisors named in the will, and decided in favour of the former. Accordingly, a grant of administration was issued to Robert de Vere (d.1632), 19th Earl of Oxford, on 14 November 1631. However, within months he, too, was dead. Administration of the testator's will was then granted to Robert de Vere's widow, Beatrix.

Robert de Vere (d.1632), 19th Earl of Oxford, was a second cousin of Oxford's son, Henry de Vere (1593-1625), 18th Earl of Oxford (for the latter's will, see TNA PROB 11/146). According to *The Complete Peerage*, Robert de Vere's parents, Hugh Vere (son of Oxford's uncle Aubrey de Vere and Margaret Spring, the daughter of John Spring of Lavenham, Suffolk) and Eleanor Walsh, the daughter of William Walsh, were married at Castle Hedingham on 23 August 1575. Robert de Vere (d.1632) was knighted on 3 May 1629. He married Beatrice or Bauck (d. 1653/1657), the daughter of Sjerck van Hemmema, of Nufun, Friesland. From 1629 until his death on 7 August 1632 at the siege of Maestricht, he served as Lieutenant-Colonel of an English regiment in the Netherlands under Oxford's first cousin, Horace Vere (1565-1635). His wife and daughter were naturalized on 20 May 1642, and his son Aubrey (1627-1703) succeeded as the 20th, and last, Earl of Oxford. At Aubrey de Vere's death in 1703, the earldom of Oxford, created in 1142, became extinct.

LM: Testamentum Domini Johannis Vere militis

In the name of God, Amen. I, Sir John Vere, knight, sergeant-major to the regiment of the right honourable Sir Horatio Vere, Baron of Tilbury etc., do make this my last will and testament in manner and form following:

First, I bequeath my soul into the hands of Almighty God, and my body to the earth from whence it came;

Item, I give unto the English poor of Utrecht five pounds, and to the English poor of Ammersford the like sum of five pounds, to be paid within six weeks after my decease, and to be distributed at the discretion of the preacher;

Item, I give and bequeath unto my son, Edward Vere, thirty pounds a year during term of his life, and all my apparel except one suit of cloth with gold lace;

Item, I give and bequeath unto Thomas Barcrase, my servant, ten pounds a year during the term of his natural life, and one suit of cloth with two gold laces;

Item, I give unto mine other servants, namely Elizabeth James, Bevill Pollardo, Christopher Neville, Margaret Harris, to either of them five pounds apiece in money, to be paid within six weeks after my decease;

The residue of my goods, chattels, moveables, lands, tenements and hereditaments whatsoever I have or may have, except hereafter bequeathed, I do give and bequeath unto Mary Vere, my daughter, and to the heirs of her body, forever, and for default of such issue of her body, the aforesaid lands and hereditaments, goods, chattels with the use and profit thereof lying and being within the county of Hereford or elsewhere in the realm of England or the Netherlands shall wholly come unto my Lord Robert, Earl of Oxford, and to his heirs, forever, constituting and naming my said daughter, Mary Vere, my sole executrix of this my last will and testament, she taking my debts and paying my debts and discharging the legacies and funeral expenses whatsoever;

Item, my will and meaning is that the aforesaid annuities of thirty pounds yearly and ten pounds yearly before bequeathed unto my son, Edward Vere, and my servant, Thomas Barcrase, shall be well and truly paid unto them every half year, the first payment to begin within one half year next after my decease, and if it shall happen the said annuities or either of them to be behind and unpaid in part or in whole for the space of one whole month after such time as it ought to be paid, that then it shall be lawful for my said son, Edward Vere, and Thomas Barcrase, my servant, his or their assigns, to distrain upon my said lands, and such distresses to take and carry away, and for want of such lawful distress to make re-entry upon my said lands, tenements and hereditaments whatsoever until the said annuity or rent-charge shall be fully paid unto them;

Item, my desire is that the said Lord Robert, Earl of Oxford, shall do his best endeavour to make a marriage between his second son then living, and Mary Vere, my daughter, in time convenient;

Item, I do name and constitute the said Lord Robert, Earl of Oxford, Sir James Pitts of the county of Worcester, and Mr Thomas Stanley, esquire, overseers of this my last will and testament, desiring their loving care and assistance in seeing this my will performed in all and every legacy thereof according to my true intent and meaning;

Item, my will and meaning is that if the said Lord Robert, Earl of Oxford, shall effectuate the said marriage between his said second son and Mary Vere, my daughter, that then the profits of all my lands, tenements and hereditaments whatsoever with goods and chattels within the county of Hereford or elsewhere in the realm of England or Netherlands shall immediately after the day of their marriage come unto them and their heirs forever;

Item, I will and bequeath unto my loving friend, Captain George Berrington, a gilt rapier with scabbard of velvet in Utrecht;

Item, I give and bequeath unto Mary Vere, daughter of the said Lord Robert, Earl of Oxford, my god-daughter, fifty pounds to be paid within two years next after my decease, to buy her a jewel in remembrance of my goodwill and affection unto her;

Item, my will and meaning is that my said overseers shall put out my said lands, hereditaments, goods and chattels (except all such jewels and other my deceased wife's goods which are ordained unto my said daughter by my present appointment) to the best behoof and benefit of my said daughter Mary, and thereof shall bring up an account every second year in writing under their hands, which if they shall refuse to do, I commit the sole trust and charge thereof unto the said Robert, Earl of Oxford;

Item, my will and meaning is that if the said Lord Robert, Earl of Oxford, shall die without heirs male, that then all my said lands [+and] hereditaments shall come unto the next of the name of the family of the Veres;

And I publish and declare this for my last will and testament, revoking all former wills whatsoever;

In witness whereof I have set to my hand this thirteenth day of December anno Domini 1630.

Memorandum: that those words interlined in the margent of this will or elsewhere were interlined before the signing hereof. John Vere. Signed in the presence of Robert Oxenford, George Berrington, Ed. Dudley, Gabriel Bayly, Michael Edmonds.

Decimo quarto die mensis Novembris Anno Domini Millesimo sexcentesimo Tricesimo Primo emanavit Commissio prenobili et honorando viro Roberto Comiti Oxonie supervisorum vnum ac legatario principali nominato in testamento sive ultima voluntate Domini Iohannis Vere nuper in partibus transmarinis militis defuncti habentis &c Ad

administrandum bona iura et Credita dicti defuncti iuxta tenorem et effectum testamenti ipsius defuncti eo quod Maria Vere filia naturalis et legitima ac executrix in eodem testamento nominata antequam onus executionis dicti testamenti in se acceptasset ab hac luce migravit De bene et fideliter administrando eadem Ad sancta Dei Evangelia Iurato Examinatus

[=On the fourteenth day of the month of November in the year of the Lord the thousand six hundred thirty-first, a commission issued to the right honourable and honoured Robert, Earl of Oxford, one of the supervisors and principal legatee named in the testament or last will of Sir John Vere, lately deceased in parts beyond the seas, having etc., to administer the goods, rights and credits of the said deceased according to the tenor and effect of the testament of the said deceased, because Mary Vere, natural and legitimate daughter and executrix appointed in the same testament, died before she could take on herself the burden of the execution of the said testament, sworn on the Holy Gospels to well and faithfully administer the same. Examined]

RM: Decimo nono die mensis Octobris Anno Domini 1632 emanavit commissio prenobili et honorande femine Domine Beatrici Comitisse Dotisse Oxonie Relicte prenobilis et honorandi viri Domini Roberti Domini Vere nuper Comitiss Oxonie defuncti dum vixit administratoris cum testamento annexo dicti Domini Iohannis Vere militis Defuncti ad administrandum bona iura et credita dicti defuncti iuxta tenorem et effectum testamenti huiusmodi per prefatum prenobilem et honorandum virum Dominum Robertum Dominum Vere nuper Comitem Oxonie (iam etiam Demortuum) non plene administrata de bene & iurate provt ex actis huius Curie plenius liquet

[=On the nineteenth day of the month of October in the year of the Lord 1632 a commission issued to the right honourable and honoured Lady, the Lady Beatrix, Dowager Countess of Oxford, relict of the right honourable and honoured Sir Robert, Lord Vere, late Earl of Oxford, deceased (while he lived administrator, with will annexed, of the said Sir John Vere, knight, deceased), to administer the goods, rights and credits of the said deceased not fully administered according to the tenor and effect of the same will by the right honourable and honoured Sir Robert, Lord Vere, late Earl of Oxford (now also deceased), sworn to well etc., as by the acts of this Court more fully appears.]

RM: Sentencia pro valore testamenti Domini Iohannis Vere militis defuncti

1 In dei Nomine Amen. Auditis visis et intellectis ac plenarie et

2 mature discussis per Nos Henricum Marten militem et legum doctorem Curiae Prerogative Cantuariensis

3 magistrum Custodem sive Commissarium legitime Constitutum Meritis et Circumstantijs cuiusdam negotij testamentarij

4 et concessionis administracionis bonorum iurium et Creditorum Domini Iohannis Vere militis nuper in partibus

5 Belgij vltra marinis decedentis cum eius testamento annectendo durante minori etate Marie Vere filiae et

6 executricis nominate in testamento eiusdem defuncti quod coram nobis in Iudicio interpretabilem virum

7 Robertum Comitem Oxonie vnum supervisorum et fidei Commissariorum dicte Marie Vere in dicto testamento

8 nominatorum partem huiusmodi negotium promoventem ex vna et Dominum Iacobum Pitts militem wum(?) dicte Mariae

9 necnon fidei Commissarium et supervisorem in eodem testamento etiam constitutum partem contra quam idem negocium

10 promovetur partibus ex altera nuper vertebatur et pendeat vertiturque adhuc et pendet indecisum rite

11 et legitime procedens Partibusque predictis per earum procuratores coram nobis in iudicio legitime comparentibus

12 Parteque antedicti prenobilis viri Roberti Comitum Oxonie sententiam ferri et Iustitiam fieri pro parte sua

13 Parte vero memorati Iacobi Pitts militis Iustitiam etiam fieri pro parte sua instanter respectue postulantibus

14 et petentibus Rimatoque etiam primitus per nos toto et integro processu alias coram nobis in huiusmodi negotio habito

15 et facto ac diligenter recensito servatisque per nos de iure in hac parte servandis ad nostre Sententiae diffinitive

16 sive nostri finalis decreti prolacionem in huiusmodi negotio ferendam sic duximus procedendum fore et procedimus in hunc

17 qui sequitur modum Quia per acta inactitata deducta exhibita allegata narrata proposita probata pariter

18 et confessata in huiusmodi negotio comperimus luculenter et invenimus partem antedicti prenobilis viri

19 Roberti Comitis Oxonie intencionem suam in quibusdam allegacione et testamento alias in huiusmodi negotio ex parte

20 sua datis et admissis et penes Registrum huius Curie remanentibus deductam Que quidem allegacionem et

21 testamentum pro hic lectis et insertis habemus et haberi volumus sufficienter et ad plenum quoad hic inferius

22 pronuntiamus fundasse pariter et probasse Nihilque saltim effectuale ex parte et per partem antedicti Domini

23 Iacobi Pitts militis in hoc negotio exceptum deductum narratum allegatum exhibitum propositum probatum

24 aut confessatum fuisse aut esse quod intencionem antedicti prenobilis viri Roberti Comitis Oxonie (quoad hic

25 inferius pronuntiamus) elideret seu quomodolibet enervaret Idcirco Nos Henricus Marten miles et legum

26 Doctor Iudex et Commissarius antedictus Christi nomine primitus invocato atque ipsum solum deum oculis nostris

27 preponentes et habentes Deque et cum consilio Iurisperitorum cum quibus in hac parte Comunicavimus matureque

28 deliberavimus prenominatum Dominum Iohannem Vere militem defunctum dum vixit mentis compotem

29 et in sua sana memoria existentem suum rite et legitime ferisse condidisse et declarasse testamentum in hoc

30 negotio exhibitum suam in se continente vltimam voluntatem ac in eodem sive eadem pefatam Mariam Vere

31 suam et dicti sui testamenti sive vltime voluntatis nominasse ordinasse fecisse et constituisse executricem

32 ceteraque voluisse provt in dicto testamento exhibito continetur residiumque omnium bonorum suorum

33 mobilium et immobilium Catallorum iurium Creditorum terrarum tenementorum et hereditamentorum

34 quorumque iacentium et scituatorum in Comitatu Hereford aut alibi sive in Regno Anglie sive in Belgio dedisse

35 legasse reliquisse et disposuisse dicto prenobili viro Roberto Comiti Oxonie post mortem Marie Vere

36 executricis predicte casu quo dicta Maria Vere sine liberis decessur erat [sic for decesserit?] Dictamque Mariam Vere

37 executricem antedictam citra mortem dicti testatoris et antequam onus executionis testamenti dicti

38 defuncti in se suscepit nullis post se relictis liberis mortuo [sic?] obiisse ab intestata proque viribus et valore

39 dicti testamenti exhibiti pronunciamus Administracionemque omnium et singulorum bonorum iurium

40 et Creditorum dicti testatoris predicti defuncti cum dicto suo testamento annectendo prefato prenobili

41 viro Roberto Comiti Oxonie legatario principali in dicto testamento dicti testatoris nominato (ad sancta

42 Dei Evangelia in debita iuris forma prius Iurato) comittendam et concedendam fore de iure debere

43 pronunciamus decernimus et declaramus per hanc nostram Sententiam diffinitivam sive hoc nostrum

44 finale decretum quam sive quod ferimus et promulgamus in hijs scriptis

[=Judicial sentence concerning the validity of the testament of Sir John Vere, knight, deceased.

In the name of God, Amen. We, Henry Marten, knight, Doctor of the Laws, lawfully constituted Master, Keeper or Commissary of the Prerogative Court of Canterbury, having heard, seen and understood, and fully and in a timely manner investigated the merits and circumstances of a certain testamentary matter and grant of administration with will annexed of the goods, rights and credits of Sir John Vere, knight, lately dying in the parts of Belgium overseas, during the minority of Mary Vere, daughter and executrix

named in the testament of the same deceased, which before us in trial between the right honourable Robert, Earl of Oxford, one of the overseers and trustees of the said Mary Vere named in the said testament, the party moving this matter, on the one hand, and Sir James Pitts, knight, [uncle?] of the said Mary Vere, and also appointed a trustee and supervisor in the same testament, the party against whom the same matter is moved by the parties on the other hand, lately being considered and pending, and still being considered and pending undecided, duly and lawfully proceeding by the foresaid parties lawfully appearing by their proctors before us in trial, and the party of the aforesaid right honourable Robert, Earl of Oxford, [+earnestly demanding and petitioning] sentence to be pronounced and justice to be done for his part, the party of the worshipful(?) James Pitts, knight, also respectively urgently demanding and petitioning justice for his part, and we also having first examined the whole and entire process elsewhere before us in the same matter had and made, and having carefully reviewed and paid heed to the law in that regard to be considered in the pronouncement to be made of our definitive sentence or our final decree in this matter, we have thus thought fit to proceed, and we do proceed in this manner which follows:

That by the things enacted, dealt with, exhibited, alleged, claimed, proposed, proved and also confessed in the same matter we well find and discover the party of the aforesaid right honourable Robert, Earl of Oxford, his intention dealt with in a certain allegation and proof at another time in this matter on his behalf given and admitted and remaining in the possession of the register of this Court, which certain allegation and proof, here read and inserted, we hold and we wish to hold sufficiently and at full to have been in like manner established and proved with respect to this we pronounce below, and at all events nothing effectual on the part and on the behalf of the aforesaid Sir James Pitts, knight, in this matter having been or to be excepted, dealt with, claimed, alleged, exhibited, proposed, proved or confessed that might counter or in any way weaken the intention of the aforesaid right honourable Robert, Earl of Oxford (with respect to this we pronounce below), for that reason we, Henry Marten, knight and Doctor of the Laws, Judge and Commissary aforesaid, first having invoked the name of Christ, and also placing and having God alone before our eyes, and by and with the advice of those skilled in the law with whom in this regard we have conferred and in a timely manner consulted, do pronounce [+that] the forenamed Sir John Vere, knight, deceased, while he lived, being of sound mind and memory, duly and lawfully made, composed and declared the testament exhibited in this matter, in itself containing his last will, and in the same appointed, ordained, made and constituted the forenamed Mary Vere his [+executrix] and executrix of his said testament or last will and other things willed as in the said testament exhibited is contained, and he gave, bequeathed, left and disposed the residue of all his goods, moveable and immovable, chattels, rights, credits, lands, tenements and hereditaments whatsoever lying and being in the county of Hereford or elsewhere, either in the realm of England or in Belgium, to the said right honourable Robert, Earl of Oxford, after the death of Mary Vere, executrix aforesaid, in case the said Mary Vere died without children, and [+that] the said Mary Vere, executrix aforesaid, before the death of the said testator and before she had taken upon herself the burden of the execution of the testament of the said deceased, died as an intestate, [+leaving] no relict children after herself, and we do pronounce for the force and validity of the said testament exhibited, and we do

pronounce, decree and declare [+that] the administration of all and singular the goods, rights, and credits of the said testator aforesaid, deceased, with his said testament annexed, ought to be by law entrusted and granted to the forenamed right honourable Robert, Earl of Oxford, chief legatee named in the said testament of the said testator (previously sworn on the Holy Gospels in due form of law), by this our definitive judicial sentence or this our final decree, which we do pronounce and publish in these writings.

1 Lecta lata et promulgata fuit hec Sententia diffinitiva per dictum Henricum

2 Marten militem legum doctorem Curie Prerogatiue Cantuariensis magistrum Custodem sive

3 Commissarium legitime Comstitutum secundo die Iuridico post festum sancti Martini Episcopi die Lune

3 Decimo quarto viz die mensis Novembris Anno Domini Millesimo Sexcentesimo Tricesimo primo

4 in loco Consistoriali infra ecclesiam Cathedralem Divinii Pauli London iudicialiter et pro tribunali

5 sedenti ad petitionem Iohannis Oade notarij publici procuratoris dicti prenobilis viri Roberti Comitiss

6 Oxonie ac in presentia Iohannis Hart notarij publici procuratoris dicti Iacobi Pit militis Super

7 Cuius Sententiae prolacione dictus Oade requisivit me Robertum Erswell notarium publicum

8 tunc presentem ad conficiendum sibi vnum vel plura instrumenta publica ac testes &c presentibus

9 tunc et ibidem magistris Thoma Rives Basilio Wood Thoma Benet et Clero Talbot legum doctoribus

10 Humfrido Lloyd Georgio Cole Thomas Geers et Nicholaio Hunt notarijs publicis dicte Curie

11 procuratoribus testibus &c Examinatus

[=This definitive sentence read, allowed and published by the said Henry Marten, knight, Doctor of the Laws, lawfully constituted Master, Keeper or Commissary of the Prerogative Court of Canterbury on the second lawful day for business after the feast of

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Saint Martin the Bishop [=11 November], on Monday the fourteenth day, namely of the month of November in the year of the Lord the thousand six hundred thirty-first in the consistorial place within the Cathedral Church of St Paul, London, judicially and before a tribunal sitting at the petition of John Oade, notary public, proctor of the said right honourable Robert, Earl of Oxford, and in the presence of John Hart, notary public, proctor of the said James Pitts, knight, upon the pronouncement of which sentence the said Oade requested me, Robert Erswell, notary public, then present, to make ready for him one or more public instruments and witnesses etc. from those then and there present, Masters Thomas Rives, Basil Wood, Thomas Bennett and Clero Talbot, Doctors of the Law, Humphrey Lloyd, George Cole, Thomas Geers and Nicholas Hunt, notaries public, proctors of the said Court, witnesses etc. Examined.]