

SUMMARY: The document below is the Prerogative Court of Canterbury copy of the will, dated 23 August 1634 and proved 30 October 1634, of Sir Eustace Harte, the second husband of Oxford's sister, Mary de Vere (d.1624).

Mary de Vere's first husband was Peregrine Bertie (1555-1601), Lord Willoughby d'Eresby. The final years of the marriage were difficult. The couple separated before 20 April 1600, with Lady Willoughby being granted an allowance of £300 per annum.

Before 2 June 1605 Mary married, as his first wife, Sir Eustace Harte of London. According to the *ODNB*, the couple separated shortly after. However they are mentioned, apparently as husband and wife, in a letter dated 22 July 1611 written by Oxford's widow, Elizabeth Trentham, to Sir Robert Cecil and Lord Henry Howard (see TNA SP 14/65, ff. 76-9):

*Besides many other base and unworthy shifts they have made to procure money (which as yet are kept secret from me), Hunt hath been a principal instrument to borrow and mortgage jewels of my Lady Willoughby, his aunt, worth £700 or £800, which they pawned for two hundred pounds or thereabouts, for which his pension in the Exchequer is now assigned to Sir Eustace Harte till £300 be paid him, Hunt's host and hostess' son-in-law being the only witnesses to the deed of assignment.*

Moreover according to the Sessions Rolls, they were still living together on 5 February 1613/4 when certain individuals 'broke into the house of Sir Eustace Harte' in Clerkenwell, 'alarming the Lady Mary Willoughby, wife of the said Sir Eustace Harte and all his household'. See Le Hardy, William, ed., *County of Middlesex. Calendar to the Sessions Records*, New Series, Vol, 1 (1935), pp. 336-70, and:

<http://www.british-history.ac.uk/report.aspx?compid=82315>

Lady Willoughby's death is mentioned in a letter dated 4 December 1624 from John Chamberlain to Sir Dudley Carleton (see TNA SP 14/176/15).

Sir Eustace Harte was knighted at Whitehall on 23 July 1603. He is listed among the Adventurers for Virginia in 1620 (see Pinkerton, John, *A General Collection of the Best and Most Interesting Voyages and Travels in All Parts of the World*, Vol. XIII, (London: Longman, 1812), p. 134, available online). At some point during his reign, King James I granted a pardon to Sir Eustace Harte 'for all adulteries and incontinencies'. See:

<http://hansard.millbanksystems.com/commons/1837/feb/08/municipal-corporations-ireland-adjourned>

*It would be found in the 2nd vol. of State Trials, 739, and a portion of it was in these terms:—THE PARDON OF SIR EUSTACE HARTE. "James Rex.—Omnibus ad quos, &c. salutem.—Sciatis, quod nos de gratiâ nostrâ speciali, ac ex 327 certâ scientiâ et mero motu nostro, pardonavimus, remisimus, et relaxavimus, ac per præsentem, pro nobis,*

*hæredibus et successoribus nostris, pardonamus, remittimus et relaxamus, Eustatio Harte, de villâ de Southampton, militi, omnia et singula crimina et offensas, adulterii, fornicationis, et incontinentiæ, quoscunque per ipsum Eustatium Harte cum aliqâ muliere, sive aliquibus mulieribus, ante datam præsentem, ubicunque, quandocunque, quomodocunque et qualitercunque, facta, commissa, vel perpetrata."*

Sir Eustace Harte married secondly, on 25 January 1628, Jane (b. c. 1587, d. 22 April 1671), the daughter of John Evelyn of Kingston and Godston in Surrey, and widow of Sir Anthony Benn (1569/70-1618), Recorder of London. By her first husband, Anthony Benn, Jane Evelyn had a daughter, Amabella (1607-1698), who married Henry Grey (bap. 1594, d. 1651), 10<sup>th</sup> Earl of Kent. It is unclear whether she is the Amabell Dowse mentioned by the testator in the will below as his 'daughter-in-law', i.e. step-daughter.

Sir Eustace Harte died 18 September 1634 without issue, leaving his property to his widow, Lady Jane, and to the children of his brother, Henry Harte. For the manor mentioned in the will below, see "Topographical Account of Tootingham in Norfolk", *The Gentleman's Magazine and Historical Chronicle From January to June 1819*, Vol. 89, Part 1, (London: John Nichols, 1819), pp. 25-6 at:

<https://books.google.ca/books?id=QaBJAAAAYAAJ&pg=PP9>

Lady Jane Harte died in 1671 aged 83. There is a monument to her in Flitton Church erected by her daughter, Amabella, Countess Dowager of Kent (see "Account of Flitton Church, Bedfordshire", *The Gentleman's Magazine and Historical Chronicle from January to June 1821*, Vol. 129, Part 1, (London: John Nichols, 1821), pp. 393-4, available online).

RM: T{estamentum} Eustacij Harte Militis

In the name of God, Amen. The three and twentieth day of August one thousand six hundred thirty-four, and in the tenth year of the reign of our Sovereign Lord Charles by the grace of God King of England, Scotland, France and Ireland, Defender of the Faith etc., I, Sir Eustace Harte of London, knight, being at this present in health of body and of good and perfect mind and memory (thanks be given to Almighty God), do make and declare this my present last will and testament in manner and form following, that is to say:

First and principally I commend my soul into the hands of Almighty God, my heavenly Father, and of his Son, Jesus Christ, my only Saviour and Redeemer, by whose precious death and resurrection I only hope to be saved and to inherit everlasting life, and my body, when it shall please God to call me out of this transitory life, I commend the same to the earth to be buried in decent and seemly manner, but with as little pomp and solemnity as may be, at the discretion of Dame Jane, my loving wife, with th' advice and assistance of my loving kinsman, Anthony Bouchier and William Rich;

And for th' ordering and disposing of such lands and tenements and other worldly goods and substance as it hath pleased God of his goodness to bestow upon me in this life, I order, give and dispose the same as followeth:

Inprimis, I give and bequeath to the said Dame Jane, my wife, my two dozen of gold buttons set with diamonds, and my jewel of gold in the fashion of a feather, set also with diamonds;

Item, I give and bequeath to the said Dame Jane, my loving wife, all my plate for the furnishing of her chamber, and I also give to the said Dame Jane, my wife, all my linen, both fine and coarse, of what sort soever;

Item, I give and bequeath unto my beloved wife, Dame Jane, my manor of Tottington cum Stanford and Mortimers with the lands, tenements and hereditaments thereunto belonging situate, lying and being in the county of Norfolk for all the term of years therein to come (if she so long live), which I hold for divers years yet to come by a lease thereof conveyed to me by Sir George Heneage, knight, charged nevertheless with the several annuities or rentcharges hereafter mentioned, which I will that my beloved wife, Dame Jane, shall during her life satisfy and pay, and retain the surplusage of the rents of the said manor to her own proper use;

Item, I give and bequeath unto my nephew, Richard Harte, third son of my brother, Henry Harte, one annuity or yearly rentcharge of twenty pounds of lawful money of England to be issuing and going out of my said manor and lands of Tottington cum Stanford and Mortimers aforesaid, and to be paid to the said Richard Harte or his assigns during all my term of years which shall be to come in the said manor & lands at my decease (if the said Richard shall so long live) at two feasts or terms in the year, that is to say, at the feasts of Saint Michael th' Archangel and th' Annunciation of Our Lady, Saint Mary the Virgin, or within one and thirty days next after every of the said feasts by even and equal portions;

Item, I likewise give and bequeath unto my nephew, John Harte, one annuity or yearly rentcharge of twenty pounds of lawful money of England to be likewise issuing and going out of the said manor and lands of Tottington cum Stanford and Mortimers aforesaid, and to be paid the said John Harte or his assigns during all my term of years which shall be to come in my said manor and lands at my decease (if the said John Harte shall so long live) at the two feasts or terms in the year, that is to say, at the said feasts of Saint Michael th' Archangel and th' Annunciation of Our Lady Saint Mary the Virgin or within one and thirty days next after every of the same feasts by even and equal portions;

And as concerning the reversion or remainder of my said term of years of and in the said lease of the said manor and premises after the death of the said Dame Jane, my wife, I give and bequeath the same unto my nephew, Richard Harte, aforesaid, and from and after the decease of the said Richard Harte, then I give & bequeath the said reversion of and in the said lease unto my nephew, John Harte, for term of his life, and if it shall

happen the said John Harte to die before th' expiration of the said term in the said lease, then I give and bequeath the reversion of the said lease and premises unto my nephew, George Harte, for term of his life, and if the said George Harte shall happen to die before th' expiration of my term in the said lease, then I give and bequeath the said reversion of the said lease and premises unto my nephew, Merrick Harte, for term of his natural life, and if the said Merrick Harte shall happen to die before th' expiration of my term in the said lease, then I give and bequeath the reversion of the said lease and premises unto my nephew, Thomas Harte, for term of his natural life, and if the said Thomas Harte shall happen to die before th' expiration of my term in the said lease, then I give and bequeath the said reversion or remainder thereof unto my nieces, Anne Harte and Mary Harte, daughters of my said brother, Henry Harte, and to their assigns;

And if it shall happen the said several annuities or yearly rentcharges of twenty pounds or either of them to be behind and unpaid by the space of one and thirty days next over or after any of the feast-days before mentioned for the payment thereof, that then or at any time after it shall and may be lawful to and for the said Richard Harte and John Harte and either of them, their and either of their assigns, respectively into the said manor and premises in the said county of Norfolk into any part thereof to enter and distrain from time to time for the several annuities aforesaid or either of them, and to retain and withhold the distresses until the said several annuities and either of them and the arrearages of them and either of them (if any shall be) be unto them, the said Richard Harte and John Harte, respectively or their respective assigns fully satisfied and paid, or otherwise to take such due course by law for the recovery thereof as shall be for the best advantage of them, the said Richard Harte and John Harte and either of them, their and either of their assign or assigns;

Item, I will and devise that if my said nephews, Richard Harte and John Harte, or either of them, happen to be under the age of one and twenty years all the time of my decease, then the said several annuities of twenty pounds bequeathed to them severally as aforesaid shall be paid to my said good kinsmen, Anthony Bouchier and William Rich, for the better maintenance of my said nephews, Richard Harte and John Harte, and when my said nephews, Richard Harte and John Harte, shall attain to their several ages of one and twenty years, my will and mind is that my said kinsmen shall pay the said several annuities which they shall receive to my said nephews, Richard Harte and John Harte, respectively, together with such benefit or profit as they, my said kinsmen, shall make thereby;

Item, I give and bequeath unto my said nephew, Richard Harte, the lease of my messuage and garden with th' appurtenances commonly called the house or chamber of Diana or the Rosamundi situate in the parish of St Benet Huda near Paul's Wharf in London which I hold by lease of the Dean and Chapter of St Paul in London for divers years yet to come by virtue of an assignment thereof to me made by and from Mrs Mary Barker, widow, and all my estate, term and interest therein, but my will and mind is that the said Dame Jane, my loving wife, shall hold and enjoy the said messuage and garden with th' appurtenances during all my term therein (if she shall so long live), she, the said Dame

Jane, paying the rent reserved upon the said lease and all rents and annuities due and payable or issuing out of, for or in respect of the said messuage with th' appurtenances;

And my will and mind is further that it shall and may be lawful for my said nephew, Richard Harte, at any time after my decease to surrender the old lease now in being, and to take a new lease of the said messuage with th' appurtenances for any longer term therein as he can compound and agree as tenant of the premises with the said Dean and Chapter and their successors for the time being of the same, willing and desiring my said nephew, Richard Harte, upon the obtaining of such new lease to make a lease unto the said Dame Jane, my wife, of the said messuage and premises for so many years, if she shall so long live, as at the time of such surrender shall be to come and unexpired in the old lease now in being;

And if it shall happen the said Richard Harte to die before the said Dame Jane, my wife, then I give and bequeath the said lease of my said house unto my nephew, John Harte, and all my estate, interest and term therein;

And if the said John Harte shall happen to die before my said loving wife, Dame Jane, then I give and bequeath the said lease and premises unto my nephew, George Harte, and all my estate and interest therein;

And if the said George Harte shall happen to die before my said loving wife, Dame Jane, then I give and bequeath the said lease & premises unto my nephew, Merrick Harte, & all my estate and interest in the said premises;

And if the said Merrick Harte shall happen to die before my said loving wife, Dame Jane, then I give and bequeath the said lease and premises and all my estate and interest therein unto my nephew, Thomas Harte;

And if the said Thomas Harte shall happen to die before my said loving wife, Dame Jane, then I give and bequeath the said lease and premises and all my estate, interest and term therein unto my said nieces, Anne Harte and Mary Harte, and to their executors and assigns;

And I do hereby declare that my true intent, will and meaning is that it shall and may be lawful for my said nephew, John Harte, or for any other of my said nephews or nieces to whom as aforesaid by this my will I have devised, limited or bequeathed the said lease, messuage and premises with th' appurtenances as they shall succeed one another at any time after my decease to surrender the old lease now in being unto the said Dean and Chapter or their successors for the time being, and to take a new lease of the said messuage and premises for such longer time or term therein from the said Dean and Chapter as he or they can compound, obtain or get from the said Dean and Chapter or their successors, provided and always reserving unto my said loving wife, Dame Jane, an estate for her life in the said messuage and garden during the residue of the term of the lease now in being which at the time of such surrender or surrenders shall be to come and unexpired (if she live so long);

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Item, I give and bequeath unto my said nephew, Richard Harte, the sum of five hundred pounds in money, but my will is that during the life of my said wife, Dame Jane, she shall have and receive the benefit thereof, and I do hereby signify and declare that my will and mind is that the said five hundred pounds shall not be paid unto him until after my wife's decease;

Item, I give and bequeath unto my said nephew, John Harte, the sum of one thousand pounds, but my will and pleasure is that during the life of my said wife, Dame Jane, she shall have and receive to her own use the benefit and profit that shall accrue, grow or arise thereby;

Item, I give and bequeath to the rest of the children of my said brother, Henry Harte, which shall be living at the decease of the said Dame Jane, my loving wife, the sum of five hundred pounds to be equally divided amongst them;

Item, I give and bequeath unto my loving daughter-in-law, Mrs Amabell Dowse, my red bed and all the furniture thereunto belonging;

Item, I give and bequeath to my loving sister-in-law, Mrs Elizabeth Evelyn, the little yellow bed with all the furniture thereunto belonging;

Item, I give and bequeath to my loving brothers-in-law, Mr George Evelyn and Mr John Evelyn, to each of them ten pounds apiece for a small remembrance of my love, entreating them and desiring them both that they will have care for the putting forth of my money for the benefit of my loving wife, Dame Jane;

Item, I give and bequeath to my sister Burredge ten pounds;

And I also give unto my sister Ellen Murdocke other ten pounds;

Item, I give unto my goddaughter, Barbara Huett, twenty pounds, to be paid to her father, Robert Huett of St John's in the county of Middlesex, gentleman, and by him to be disposed to her behoof until the day of her marriage or until she shall attain unto the age of one and twenty years, which shall first happen, and then my will is the said twenty pounds shall be paid unto my said goddaughter by her said father, but if the said Barbara happen to die before the time of her marriage or accomplishment of her age of one and twenty years, then my will is that her said father shall have the said twenty pounds to his own proper use;

Item, I give to my servant, James Wilson, twenty pounds;

Item, I give and bequeath unto my loving kinsmen, Anthony Bouchier and William Rich, ten pounds apiece;

Item, I give and bequeath unto the poor of the parish of where I shall be dwelling at my decease five pounds, to be paid to the churchwardens of the said parish to be by them distributed amongst the said poor according to their discretions;

Item, I give and bequeath unto my kinsman, Robert Harte, now at the Bermudas, ten pounds, to be paid unto him at his age of one and twenty years;

Item, I give and bequeath to Ann Farlam, my cook-maid, five pounds;

The rest and residue of all and singular my money, plate, jewels, debts, household stuff and all other my goods and chattels not herein otherwise given and bequeathed, my funerals being discharged and my debts and legacies being paid and performed, I wholly give and bequeath the same unto the said Dame Jane, my loving wife;

And I do make, constitute and appoint my loving wife, Dame Jane, and my good brothers-in-law, Mr George Evelyn and Mr John Evelyn, esquires, executors of this my last will and testament;

And I do nominate and appoint the said Anthony Bouchier and William Rich to be overseers of this my last will and testament, in whom I repose such trust and confidence that they will be assistant with their best advice to see the same faithfully performed and kept;

In witness whereof to this my last will and testament I have set my hand and seal, given the day and year first above-written. Eustace Harte.

Memorandum: That this present will being written in sixteen leaves or sheets of paper having a parchment label with red wax fixed to the top of them, the before-named Sir Eustace Harte did subscribe his name to the last sheet of the said will, and did set his seal to the wax fixed upon the said label, and did publish and declare that this his said will should stand for and be his last will this present three and twentieth day of August one thousand six hundred thirty and four in the presence of us who have hereunto subscribed our names. Per me Peter Cook, George Allestrye(?), scrivener, & John Bostock, scrivener.

Probatum fuit testamentum suprascriptum apud London coram venerabili viro Mag<sup>ist</sup>ro Thoma Gwynne Legum Doctore Surrogato venerabilis et egregij viri D<sup>omi</sup>ni Henrici Marten militis Legum etiam Doctoris Curiae Prerogativa Cantuariensis Mag<sup>ist</sup>ri Custodis sive Com<sup>m</sup>issarij l<sup>egi</sup>time constituti tricesimo die mens<sup>is</sup> Octobris Anno D<sup>omi</sup>ni mill<sup>es</sup>imo Sexcen<sup>tes</sup>imo tricesimo quarto Iuramento D<sup>omi</sup>nae Ianae Harte Relictae dicti defunct<sup>i</sup> et vnus executoru<sup>m</sup> in h<sup>uius</sup>mo<sup>d</sup>i testamento nominatae Cui com<sup>m</sup>issa fuit Administratio omnium et singulorum bonorum iurium et creditorum dicti defuncti de bene et fideliter administrando eadem ad sancta dei Evangelia Iurat<sup>e</sup> reservata potestate similem

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Com{m}issionem faciendi Georgio Evelyn et Iohanni Evelyn alteris executoribus in testamento predicto nominatis cum venerint eandem petitur{is} ex{aminatus}

[=The testament above-written was proved at London before the worshipful Master Thomas Gwynne, Doctor of the Laws, Surrogate of the worshipful and distinguished Sir Henry Marten, knight, also Doctor of the Laws, lawfully constituted Master, Keeper or Commissary of the Prerogative Court of Canterbury, on the thirtieth day of the month of October in the year of the Lord the thousand six hundred thirty-fourth by the oath of Lady Jane Harte, relict of the said deceased and 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 on the Holy Gospels to well and faithfully administer the same, with power reserved for a similar grant to be made to George Evelyn and John Evelyn, the other executors names in the foresaid testament, when they shall have come to petition the same. Examined.]