

SUMMARY: The document below is the Prerogative Court of Canterbury copy of the will, dated 12 October 1537 and proved 26 August 1538, of the judge and legal writer, Sir Anthony Fitzherbert (c.1470 – 26 or 27 May 1538), whose daughter, Dorothy Fitzherbert, was the stepmother of Dorothy Port (d.1607) and Margaret Port (d.1613), who married into families related to Oxford's second wife, Elizabeth Trentham.

The testator was the son of Ralph Fitzherbert (d. 2 March 1484) of Norbury, Derbyshire, and Elizabeth Marshall (d.1490), daughter of John Marshall of Upton, Leicestershire, and Sedsall in Doveridge, Derbyshire. See Burton, William, *Proposals for Printing by Subscription a New Edition of The Description of Leicestershire*, p. 243 at:

<http://books.google.ca/books?id=WolbAAAAQAAJ&pg=PA243&lpg=PA243&dq=%22Robert+Jakes%22+%22fitzherbert%22&source=bl&ots=hLTtgAJRQE&sig=-tewDB9FhLR8heN9WhTlkwo9RJo&hl=en&sa=X&ei=lOMFVNPnk6bRiwKk9oCgCA&ved=0CCMQ6AEwAQ#v=onepage&q=%22Robert%20Jakes%22%20%22fitzherbert%22&f=false>.

For the will of the testator's father, Ralph Fitzherbert, see FitzHerbert, Reginald H.C., 'Will of Ralph Fitzherbert, Esq., of Norbury, A.D. 1483, in Kerry, Charles, ed., *Journal of the Derbyshire Archaeological and Natural History Society*, (London: Bemrose & Sons, 1897), Vol. XIX, pp. 94-100 at:

<http://archive.org/stream/journalofderbysh17derb#page/94/mode/1up>.

For the will of the testator's mother, Elizabeth (nee Marshall) Fitzherbert, dated 20 October 1490, see FitzHerbert, Reginald H.C., 'Will of Elizabeth Fitzherbert, Widow of Ralph Fitzherbert, esq., of Norbury Derbyshire, Dated 20<sup>th</sup> October, 1490' in Kerry, Charles, ed., *Journal of the Derbyshire Archaeological and Natural History Society*, (London: Bemrose and Sons, 1898), Vol. XX, pp. 32-9 at:

<http://archive.org/stream/journalofderbysh20derb#page/n67/mode/2up>.

The testator had six brothers and eight sisters. See Cox, J. Charles, 'Norbury', in *Notes on the Churches of Derbyshire*, (London: Bemrose and Sons, 1877), Vol. III, pp. 229-47 at pp. 236-7:

<http://archive.org/stream/notesonchurcheso03coxjiala#page/237/mode/1up>.

\* John Fitzherbert (d. 24 July 1531), who married Benedicta Bradburne. She was the daughter of John Bradburne of the Hough, Derbyshire, eldest son of Henry Bradburne by Margery Bagot, and Anne Vernon, the daughter of Sir Richard Vernon (c.1390 – 24 August 1451) and Benedicta Ludlow (d.1444). The latter were the grandparents of Sir Henry Vernon (c.1441 – 13 April 1515) of Haddon, Derbyshire, for whose will see TNA PROB 11/18/121). See also Richardson, Douglas, *Magna Carta Ancestry*, 2<sup>nd</sup> ed., 2011,

Vol. IV, pp. 280-2, and the indenture of 1 April 1480 in Cox, J. Charles, *Notes on the Churches of Derbyshire*, (London: Bemrose and Sons, 1877), Vol. II, pp. 412-13 at:

<https://archive.org/stream/notesonchurches00coxgoog#page/n478/mode/2up>.

See also <http://www.discoveringtong.org/tong600/SirRichardVernon.htm>.

By Benedicta Bradburne, John Fitzherbert had a son, Nicholas Fitzherbert, who married Dorothy Longford, daughter of Sir Ralph Longford (d. 1 February 1513), but died without issue, and two daughters, Elizabeth Fitzherbert, who married Sir Philip Draycot (d.1546) of Painsley, Staffordshire, and Anne Fitzherbert, who married John Welles. In his will John Fitzherbert disavowed parentage of Anne. For the 1500/1 marriage settlement of Nicholas Fitzherbert and Dorothy Longford, see SRO D641/5/TS/1/1 at:

[http://apps.nationalarchives.gov.uk/a2a/records.aspx?cat=169-d641\\_3&cid=1-1-3-1-1-1#1-1-3-1-1-1](http://apps.nationalarchives.gov.uk/a2a/records.aspx?cat=169-d641_3&cid=1-1-3-1-1-1#1-1-3-1-1-1).

See also the pedigree of Fitzherbert of Norbury in Grazebrook, H. Sydney, ed., *The Visitation of Staffordshire*, (London: Mitchell and Hughes, 1883), p. 75 at:

<https://archive.org/stream/visitacionofstaf00graz#page/74/mode/2up>.

For Sir Philip Draycot (d.1546), see Lodge, Edmund, *Illustrations of British History, Biography and Manners*, 2<sup>nd</sup> ed., (London: John Chidley, 1838), Vol. I, p. 7 at:

<http://books.google.ca/books?id=UW0EAAAQAQAJ&pg=PA7&lpg=PA7&dq=%22Philip+Draycot%22+%22Fitzherbert%22&source=bl&ots=bWa-BI-raK&sig=iUK1hjlDdRWgP1ZWYuOuxBbvoY0&hl=en&sa=X&ei=STgHVNC8N8WaiwK5uIA4&ved=0CCEQ6AEwAjgK#v=onepage&q=%22Philip%20Draycot%22%20%22Fitzherbert%22&f=false>.

For the will of the testator's eldest brother, John Fitzherbert, dated 22 September 1517 and 12 May 1518, with a codicil dated 3 January 1521, see Cox, J. Charles, 'Norbury Manor House and the Troubles of the Fitzherberts', in *Journal of the Derbyshire Archaeological and Natural History Society*, (London: Bemrose & Sons, 1885), Vol. VII, pp. 221-59 at pp. 226-40:

<http://books.google.ca/books?id=UmhJAAAAYAAJ&pg=PA226&lpg=PA226&dq=%22Will+of+John+Fitzherbert%22+%221517%22&source=bl&ots=z-CvrBwJLY&sig=ORvc0iItc05GZ29Mm4S3bCNDzCI&hl=en&sa=X&ei=77HyU83iKYY9oATI-YCwDQ&ved=0CCIQ6AEwAQ#v=onepage&q=%22Will%20of%20John%20Fitzherbert%22%20%221517%22&f=false>.

The testator's eldest brother, John Fitzherbert, is considered by some to have been the author of two books on husbandry and surveying, 'the first treatises on agriculture in the

English language', although in most sources the authorship of these two works is attributed to the testator.

\* Henry Fitzherbert, a London mercer, who married Elizabeth Goodwin, the daughter of Robert Goodwin, draper.

\* Richard Fitzherbert, a Knight of Rhodes.

Thomas Fitzherbert, Doctor of the Civil Law, rector of Norbury and North Winfield, and precentor of Lichfield. See Cox, *supra*, Vol. I, p. 419.

\* William Fitzherbert, prebend of Hereford and Lincoln, chancellor of Lichfield, and rector of Wrington, Somerset.

\* A sixth brother, who died young.

\* Dorothy Fitzherbert, who married, as his second wife, Thomas Comberford (d. 6 January 1532) of Comberford, Staffordshire, by whom she had four sons and six daughters, including Humphrey Comberford (d. 23 December 1555), who married Dorothy Beaumont, second daughter and coheir of John Beaumont of Wednesbury, Staffordshire. See TNA C 1/769/46; and:

<http://comerfordfamily.blogspot.ca/2007/12/comberford-4-wealth-from-wednesbury.html>.

For the marriage of Dorothy Beaumont and Humphrey Comberford see also Fletcher, W.G. Dimock, 'The Royal Descent of Babington of Dethick, Co. Derby, and Rothley Temple, Co. Leicester' in Jewitt, Llewellynn, ed., *The Reliquary*, (London: Bemrose & Sons), Vol. XXI, 1880-1, p. 237 at:

<http://books.google.ca/books?id=PEkEAAAQAAJ&pg=PA235&lpg=PA235&dq=%22commissio+ad+approbandum%22&source=bl&ots=vv2yNXvWDL&sig=5JfjZ3eNsFZYekZwqptstqSnREw&hl=en&sa=X&ei=Ion3U6SvE4a8jALGmYDIDw&ved=0CBwQ6AEwAA#v=onepage&q=%22commissio%20ad%20approbandum%22&f=false>.

\* Edith Fitzherbert, who married Thomas Babington (d. 13 March 1519) of Dethick, Derbyshire, brother of the Chief Justice, Sir William Babington (c.1370-1454), and eldest son of Thomas Babington and Isabel Dethick, daughter and coheir of Robert Dethick of Dethick in the parish of Ashover, by whom she had nine sons and six daughters, including Sir Anthony Babington (d.1544). Edith Fitzherbert was the ancestress of the Catholic conspirator, Anthony Babington (executed 1586). See the ODNB articles for Sir William Babington (c.1370-1454) and Anthony Babington; and Cox, *supra*, Vol. I, pp. 26-9 at:

<https://archive.org/stream/notesonchurches04coxgoog#page/n66/mode/2up>.

- \* Agnes Fitzherbert, who married Richard Lister.
- \* Elizabeth Fitzherbert, who married a husband surnamed Foljambe.
- \* Margaret Fitzherbert, who married Nicholas (or Thomas) Purefoy.
- \* Alice Fitzherbert, Abbess of Polesworth, Warwickshire.
- \* Two other sisters who may have died young.

Pedigrees of the Fitzherbert family show only a few of the testator's siblings and the 17 children of his grandfather. For a pedigree of Fitzherbert of Norbury said to have been compiled from pleadings, see Metcalfe, Walter C., 'Pedigrees contained in the Visitations of Derbyshire, 1569 and 1611', *The Genealogist*, Vol. VII, New Series, (London: George Bell and Sons, 1891), p. 131, which can be downloaded online at:

[http://fmg.ac/FMG/Scanned\\_Sources/TGB/TGB.htm](http://fmg.ac/FMG/Scanned_Sources/TGB/TGB.htm).

See also the pedigrees of Fitzherbert of Norbury in Grazebrook, *supra*, pp. 72-6.

The testator was predeceased by his eldest brother, John Fitzherbert. From the *ODNB*:

*Norbury and the other family estates were entailed on Anthony under the will of his eldest brother, John, dated 1517, and Anthony moved into Norbury Hall under an inter vivos arrangement in 1526. The settlement, intended to disinherit John's daughters, led to an allegedly riotous altercation at John's funeral in 1531 and a subsequent Star Chamber suit.*

The testator married firstly, in 1507, Dorothy Willoughby, daughter of Sir Henry Willoughby (1451-1528) of Wollaton, Nottinghamshire, by his first wife, Margaret Markham, daughter of Sir Robert Markham (d.1490); she died 5 November of the same year. For Sir Henry Willoughby, see:

<http://www.nottingham.ac.uk/manuscriptsandspecialcollections/collectionsindepth/family/middleton/biographies/biographyofsirhenrywilloughby%281451-1528%29.aspx>.

The testator married secondly, about 1511, Maud or Matilda Cotton (d.1551), the daughter of Richard Cotton (d.1497), son of John Cotton (d.1462/3), who had married firstly the testator's aunt, Joan Fitzherbert, and secondly Mary Pole or Poole. The testator's father-in-law, Richard Cotton (d.1497), the son of John Cotton by his second wife, Mary Pole, married Jane or Joan Brereton (d. 11 May 1517?), the daughter of Sir William Brereton (c.1417-1484?) of Cheshire by Philippa Halse, daughter of Sir Hugh Halse or Hulse. By Joan Brereton, Richard Cotton (d.1497) had eight sons (all of whom died without surviving issue), and four married daughters, including the testator's wife, Maud. The testator's marriage to Maud Cotton brought him 'a substantial inheritance,

including the great house at Hamstall Ridware, Staffordshire'. See 'The Heraldic Shields in the Armorial Hall' at:

<http://www.mkheritage.co.uk/wdahs/thornton/docs/shields.html>.

See also 'Brereton of Brereton and Malpas' at:

<http://genforum.genealogy.com/cgi-bin/print.cgi?brereton::47.html>.

See also 'Brereton' at:

<http://www.thornber.net/cheshire/htmlfiles/brereton.html>.

See also Brereton, Robert Maitland, *The Breretons of Cheshire, 1100 to 1904 A.D.*, (Portland, Oregon: The Irwin-Hodson Company, 1904), p. 71 at:

<https://archive.org/stream/breretonsofchesh00brer#page/70/mode/2up>.

For the marriage of John Cotton and Joan Fitzherbert, see also Cox, *supra*, Vol. I, p. 158 at:

<https://archive.org/stream/notesonchurches04coxgoog#page/n204/mode/2up>.

By his second wife, Maud (nee Cotton), the testator had four sons, mentioned in the will below, and three daughters:

\* Sir Thomas Fitzherbert (c.1517 – 2 October 1591) the testator's eldest son and heir, was a Catholic recusant, and died a prisoner in the Tower at the age of 74. He married, by October 1537, Anne Eyre, the daughter and heiress of Sir Arthur Eyre of Padley, Derbyshire, a marriage arranged by Sir Philip Draycott. See TNA C 1/773/35.

It is possible that Sir Thomas Fitzherbert (c.1517 – 2 October 1591) had earlier married Margaret Pole, the daughter of Sir Arthur Pole (d.1535), second son of Sir Richard Pole (died c. 15 November 1504) and Margaret Plantagenet, Countess of Salisbury. For a discussion of the evidence suggesting that Sir Thomas Fitzherbert (c.1517- 2 October 1591) may have been married twice, see the will of Anne (nee Pickering) Weston Knyvet Vaughan (1514 – 25 April 1582), TNA PROB 11/64/217, whose second husband was Sir Arthur Pole (d.1535); and Camm, Dom Bede, *Forgotten Shrines*, (London: Macdonald & Evans, 1910), p. 22 at:

<https://archive.org/stream/forgottenshrines00cammuoft#page/22/mode/2up>.

For Sir Thomas Fitzherbert see also the History of Parliament entry at:

<http://www.historyofparliamentonline.org/volume/1509-1558/member/fitzherbert-thomas-151314-91>.

See also Cox, J. Charles, 'Norbury Manor House and the Troubles of the Fitzherberts', in *Journal of the Derbyshire Archaeological and Natural History Society*, Vol. VII (January 1885), pp. 221-59 at pp. 242-5:

<http://books.google.ca/books?id=UmhJAAAAYAAJ&pg=PA221&lpg=PA221&dq=%22Norbury+Manor+House+and+the+troubles+of+the+Fitzherberts%22&source=bl&ots=z-CuwEzOi4&sig=DnNKVmUZ4aB8yN9Mer9diENJuks&hl=en&sa=X&ei=JPrU8P0OYbtoATKi4CIBA&ved=0CBwQ6AEwAA#v=onepage&q=%22Norbury%20Manor%20House%20and%20the%20troubles%20of%20the%20Fitzherberts%22&f=false>.

Sir Thomas Fitzherbert was an executor of the will of David Pole (d.1568), Bishop of Peterborough, for whom see the *ODNB* article.

\* John Fitzherbert (d.1590), second son, was fined £10,000 and imprisoned for recusancy and is said to have died in prison of gaol fever. He married Catherine Fleetwood, daughter of Edward Fleetwood of the Vache, Buckinghamshire, by whom he had seven sons: the two eldest died young, the fourth, fifth and sixth entered the priesthood, and the third son, Thomas Fitzherbert (c.1550-1600), who married Elizabeth Westby, daughter of John Westby of Mowbrick Hall, Lancashire, 'played the noble part of betraying his aged grandfather [sic for 'uncle'?', Sir Thomas Fitzherbert, and securing his final imprisonment'. See Cox, *supra*, Vol. VII, pp. 245, 247-8; Grazebrook, *supra*, pp. 73-4, and the History of Parliament entry for Thomas Fitzherbert (c.1550-1600) at:

<http://www.historyofparliamentonline.org/volume/1558-1603/member/fitzherbert-thomas-1550-1600>.

\* Richard Fitzherbert, third son, who fled to the continent at the beginning of the reign of Elizabeth I, and was outlawed. On his return to England he was arrested, and is thought to have died in prison. Two of his three sons were also imprisoned in Staffordshire as recusants. He married Mary Westcott. See Grazebrook, *supra*, p. 74.

\* William Fitzherbert (d.1558), fourth son, who married Elizabeth Swynnerton (d. 4 April 1616), daughter and coheirress of Humphrey Swynnerton (d. 25 August 1562), esquire, of Swynnerton and Hilton, Staffordshire, and Cassandra Gifford (buried 7 January 1570), the daughter of Sir John Gifford (d. 13 November 1556), of Chillington, Staffordshire, by whom he had two sons, the Jesuit, Thomas Fitzherbert (4 September 1552 - 7 August 1640), and Anthony Fitzherbert (who married Mary Heveningham), and a daughter, Anne Fitzherbert, who married Sir Walter Heveningham (died c. 13 January 1536) of Pipe Hall, Staffordshire, (for whose will see TNA PROB 11/171/179).

After William Fitzherbert's death, his widow, Elizabeth (nee Swynnerton) married secondly, Francis Gatacre (d.1590). See TNA E 134/35and36Eliz/Mich13. Elizabeth Swynnerton's elder sister, Margaret Swynnerton, was the wife of Henry Vernon (d. 29 September 1569) of Sudbury, Derbyshire. For his will, see TNA PROB 11/51/409.

See Grazebrook, *supra*, p. 74; the *ODNB* entry for the Jesuit, Thomas Fitzherbert (4 September 1552 - 7 August 1640); and Swinnerton, Charles, 'Notes on the Family of Swynnerton' in Jewitt, Llewellynn, ed., *The Reliquary*, (London: Bemrose & Sons), Vol. XX, 1879-80, pp. 106-8 at:

[http://books.google.ca/books?id=qJs1AAAAMAAJ&pg=PA108&lpg=PA108&dq=%22Margaret+Swynnerton%22+%22George+Wynter%22&source=bl&ots=b3khssdPvF&sig=zSIId4ZTYFNfOWEC6vPU4HaiJbT0&hl=en&sa=X&ei=r-7SU9n8KaP\\_igLs24Bw&ved=0CBwQ6AEwAA#v=onepage&q=%22Margaret%20Swynnerton%22%20%22George%20Wynter%22&f=false](http://books.google.ca/books?id=qJs1AAAAMAAJ&pg=PA108&lpg=PA108&dq=%22Margaret+Swynnerton%22+%22George+Wynter%22&source=bl&ots=b3khssdPvF&sig=zSIId4ZTYFNfOWEC6vPU4HaiJbT0&hl=en&sa=X&ei=r-7SU9n8KaP_igLs24Bw&ved=0CBwQ6AEwAA#v=onepage&q=%22Margaret%20Swynnerton%22%20%22George%20Wynter%22&f=false).

For Sir Walter Heveningham and his sister, Mary Heveningham, see his will, proved 23 May 1636, TNA PROB 11/171/179, and 'Heveningham of Aston' at:

<http://freepages.genealogy.rootsweb.ancestry.com/~heveningham/page23.html>.

See also the pedigree of Gatacre in Grazebrook, George, and John Paul Rylands, eds., *The Visitation of Shropshire Taken in the Year 1623*, Part I, (London: Harleian Society, 1889), Vol. XXVIII, p. 198 at:

<https://archive.org/stream/visitationshrop00britgoog#page/n252/mode/2up>.

For Humphrey Swynnerton see his will, dated 6 July 1561 and proved 9 February 1563, TNA PROB 11/46/89, and the History of Parliament entry at:

<http://www.historyofparliamentonline.org/volume/1509-1558/member/swynnerton-humphrey-1516-62>.

For Sir John Gifford (d. 13 November 1556), see the History of Parliament entry at;

<http://www.historyofparliamentonline.org/volume/1509-1558/member/Gifford-sir-john-146566-1556>.

\* Elizabeth Fitzherbert, who married William Basset (d.1562) of Blore, Staffordshire, and Langley, Derbyshire, who was heavily fined and imprisoned for recusancy. William Basset (d.1562) appears to have been the grandson of William Basset (d. 3 April 1506), by Elizabeth Meverell, the daughter of Thomas Meverell of Throwley, and the son of William Basset (1493 – 31 October 1553) by Anne Cokayne (the daughter of Sir Thomas Cokayne (d.1537) and Barbara Fitzherbert, daughter of the testator's eldest brother, John Fitzherbert (d. 24 July 1531). See Richardson, Douglas, *Magna Carta Ancestry*, 2<sup>nd</sup> ed., 2011, Vol. I, p. 526; and Cox, J. Charles, ed., 'Notes on the Manors of Kirk Langley and Meynell Langley', in *Journal of the Derbyshire Archaeological and Natural History Society*, (London: Bemrose and Sons), Vol. IX (January 1887), pp. 45-54 at pp. 46-7:

<http://books.google.ca/books?id=nt84AAAIAAJ&pg=PA47&lpg=PA47&dq=%22Richard+Byron%22+%22William+Bassett%22&source=bl&ots=lnqHhJOtuw&sig=m62V1Y>

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<http://www.oxford-shakespeare.com/>

f4ZdMdM76IyrEc0XbqX2Y&hl=en&sa=X&ei=aF0GVPrtIsG1iwK1xoHwBw&ved=0CCoQ6AEwAg#v=onepage&q=%22Richard%20Byron%22%20%22William%20Bassett%22&f=false.

See also Cokayne, A.E., *Cockayne Memoranda*, (Congleton, 1869), pp. 23-4 at:

<https://archive.org/stream/cockaynememorand01coka#page/22/mode/2up>.

For William Basset (d. 3 April 1506) see:

<http://archiver.rootsweb.ancestry.com/th/read/GEN-MEDIEVAL/2008-09/1220371775>.

For Sir William Basset (1493 – 31 October 1553) see the History of Parliament entry at:

<http://www.historyofparliamentonline.org/volume/1509-1558/member/bassett-sir-william-1493-1553>.

By William Basset (d.1562), Elizabeth Fitzherbert had a son, William Basset (18 August 1551 – 9 December 1601), whose daughter, Elizabeth Basset (1599-1643), married firstly Henry Howard, third son of Thomas Howard (1561-1626), 1<sup>st</sup> Earl of Suffolk, and secondly William Cavendish (bap. 1593, d.1676), 1<sup>st</sup> Duke of Newcastle, youngest son of Bess of Hardwick. See Cox, *supra*, Vol. VII, p. 246; the *ODNB* entries for Thomas Howard and William Cavendish; and the History of Parliament entry for William Basset (18 August 1551 – 9 December 1601) at:

<http://www.historyofparliamentonline.org/volume/1558-1603/member/bassett-william-ii-1551-1601>.

For William Basset (d.1562) see also Brydges, Egerton, *Collins's Peerage of England*, (London: F.C. and J. Rivington, 1812), Vol. IX, p. 159 at:

[http://books.google.ca/books?id=RBMwAAAAYAAJ&pg=PA159&lpg=PA159&dq=%22Basset+of+Blore%22&source=bl&ots=IeUdQ3zaIN&sig=frGX5\\_4ql0dFmOa\\_gegHHxmrleQ&hl=en&sa=X&ei=wy8FVOfoMMG1iwLk24HwDg&ved=0CCoQ6AEwAw#v=onepage&q=%22Basset%20of%20Blore%22&f=false](http://books.google.ca/books?id=RBMwAAAAYAAJ&pg=PA159&lpg=PA159&dq=%22Basset+of+Blore%22&source=bl&ots=IeUdQ3zaIN&sig=frGX5_4ql0dFmOa_gegHHxmrleQ&hl=en&sa=X&ei=wy8FVOfoMMG1iwLk24HwDg&ved=0CCoQ6AEwAw#v=onepage&q=%22Basset%20of%20Blore%22&f=false).

See also the pedigree of Meverell of Throwley in Grazebrook H. Sydney, ed., *The Heraldic Visitations of Staffordshire*, (London: Mitchell and Hughes, 1885), pp. 211-12 at:

<https://archive.org/stream/collectionsforpt205stafuoft#page/210/mode/2up>.

\* Dorothy Fitzherbert, who married firstly Sir Ralph Longford (d.1543), esquire, of Longford, Derbyshire, who was heavily fined for recusancy. See Cox, *supra*, Vol. VII, p. 246. According to CRU/245, Ralph Longford was 'cousin [=grandson] and heir of the late Sir Ralph Longford' (d. 1 February 1513). See:

<http://discovery.nationalarchives.gov.uk/details/rd/d18df0c6-8e31-42c1-8862-baa58c3cb92e>.

See also the Longford pedigree in Metcalfe, Walter C., 'Pedigrees Contained in the Visitations of Derbyshire, 1569 and 1611', *The Genealogist*, Vol. VIII, New Series, (London: George Bell and Sons, 1892), p. 18, which can be downloaded online at:

[http://fmg.ac/FMG/Scanned\\_Sources/TGB/TGB.htm](http://fmg.ac/FMG/Scanned_Sources/TGB/TGB.htm).

Dorothy Fitzherbert married secondly Sir John Port (d.1557) of Etwall, for whose will see TNA PROB 11/39/245.

\* Katherine Fitzherbert, who married John Sacheverell of Morley, Derbyshire, who was heavily fined and imprisoned for recusancy. His father, Sir Henry Sacheverell (d. 21 July 1558), to whom the testator bequeaths a colt in the will below, was twice married, firstly to Isabel Montgomery (d. 28 March 1548), the daughter of Sir John Montgomery of Cubley, and secondly to Margery Holford (buried 16 October 1553). Sir John Sacheverell had five sons and five daughters, including his heir, John Sacheverell, who married Elizabeth Pierrepont or Pierpoint, daughter of Sir William Pierrepont. See Richardson, Douglas, *Magna Carta Ancestry*, 2<sup>nd</sup> ed., 2011, Vol. III, p. 359; and Cox, J. Charles, *Notes on the Churches of Derbyshire*, (London: Bemrose and Sons, 1879), Vol. IV, pp. 333-4 at:

[http://books.google.ca/books?id=eh9NAAAAMAAJ&pg=PA339&lpg=PA339&dq=%22Sir+Henry+Sacheverell%22&source=bl&ots=oE0t2\\_O-Al&sig=LtJwiY3tXnlu1zUSJJA7tycBoFM&hl=en&sa=X&ei=YRsFVOqPD0-6ogSx2YHYDA&ved=0CBwQ6AEwADgK#v=onepage&q=%22Sir%20Henry%20Sacheverell%22&f=false](http://books.google.ca/books?id=eh9NAAAAMAAJ&pg=PA339&lpg=PA339&dq=%22Sir+Henry+Sacheverell%22&source=bl&ots=oE0t2_O-Al&sig=LtJwiY3tXnlu1zUSJJA7tycBoFM&hl=en&sa=X&ei=YRsFVOqPD0-6ogSx2YHYDA&ved=0CBwQ6AEwADgK#v=onepage&q=%22Sir%20Henry%20Sacheverell%22&f=false).

For the testator's children, see also Harwood, Thomas, ed., *A Survey of Staffordshire Containing the Antiquities of That County, by Sampson Erdeswick, Esq.*, new ed., (London: J.B. Nichols and Son, 1844), p. 278 at:

<http://books.google.ca/books?id=P8M9AAAACAAJ&pg=PA277&lpg=PA277&dq=%22Humphrey+Bradburne%22&source=bl&ots=GdAu470vbN&sig=MAr0PeJ4ZKqSXnS4W9SrUS5w5CA&hl=en&sa=X&ei=zG73U4D5FOTUigLszICQCQ&ved=0CEYQ6AEwBw#v=onepage&q=%22Humphrey%20Bradburne%22&f=false>.

*Sir Anthony Fitzherbert, who had issue Sir Thomas, John, William and Richard. Sir Thomas died without issue; Sir John had issue Thomas (now living), Francis and Anthony, all also living.*

For Sir William Fitzwilliam (c.1490-1542), Earl of Southampton, Lord Admiral, mentioned in the will below, see the *ODNB* article.

For an original spelling transcript of the will, see FitzHerbert, Reginald H.C., 'the Will of the Celebrated Judge, Sir Anthony Fitzherbert', in Jewitt, Llewellynn, ed., *The Reliquary*, (London: Bemrose & Sons), Vol. XXI, 1880-1, pp. 234-6 at:

<http://books.google.ca/books?id=PEkEAAAQAAJ&pg=PA235&lpg=PA235&dq=%22commissio+ad+approbandum%22&source=bl&ots=vv2yNXvWDL&sig=5JfjZ3eNsFZYekZwqptstqSnREw&hl=en&sa=X&ei=Ion3U6SvE4a8jALGmYDIDw&ved=0CBwQ6AEwAA#v=onepage&q=%22commissio%20ad%20approbandum%22&f=false>

LM: Comissio ad approband{um} test{amentu}m D{omini} Anthonij ffitzherbert milit{is}

[GRANT NOT YET TRANSCRIBED OR TRANSLATED]

LM: Test{amentu}m Anthonij Fitzherbert

[f. 159v] In nomine patris et filij et sp{irit}us sancti Amen. I, Anthony Fitzherbert, one of the King's Justices, being whole in body and of perfect remembrance, thanks to Almighty God, make my last will and testament the 12 day of October in the 29<sup>th</sup> year of the reign of King Henry the Eight in form following:

First I bequeath my soul to Almighty God, my Saviour Christ, my Redeemer, and to Our Blessed Lady his Mother, and to Michael, my patron, and to all the holy company of heaven;

And my body to be buried in Christian burial where I die in that parish without great cost but only to poor people, and the residue to be done by the discretion of my executors and other my friends that be with me at my decease;

And to the Charterhouses of Mountgrace and Beauvale, to every of them 40s;

And to every other Charterhouse 13s 4d;

And to the Monastery of Syon 40s;

And to every of the friar-houses of Lichfield, Stafford and Derby 10s to say trentals for my soul;

And to the cathedral church of Lichfield I bequeath five marks to be bestowed as the master and canons think meet to the honour of God;

And I bequeath 40s to amend the highways betwixt Abbots Bromley [+and?] Uttoxeter;

And to Sir Thomas [sic] Fitzwilliam, Lord Admiral, five marks and the best horse or gelding that I have;

And to Humphrey Cotton 5 marks;

Francis Cotton, five marks and a gelding or a [f. 160r] horse of 40s price;

And to every of my household servants a quarter wages besides their wages due;

And to every of my servants that be used to ride with me one heifer of two year old and upward, or else one field colt of that age;

And to every of my godchildren in Ridware 3s 4d;

And to every of [+my?] daughters five marks, and to every of their husbands one ring of gold of 20s price;

And to Sir Henry Sacheverell and to Sir William Basset, to every of them one horse-colt of two years old and above;

And to my son, Thomas, I bequeath him all such heirlooms at Norbury as were left to me as appeareth by my brother's will, and to be of like value, trusting that he will leave like heirlooms to the heir males at Norbury of the Fitzherbert;

And I will that he and his heirs males find a priest at Norbury forever according to my father's mind and to my brother's will for such lands as they have left me and mine heirs males for that intent;

And also I will that he and his heirs males and their heirs males of my body find likewise another priest forever at Ridware to pray for us and our ancestors forever and our successors, and I have left them lands enough for that intent, and if they perform this intent I doubt not but that the heirs males of Fitzherbert shall the lenger continue;

And if they can amortise two chantries in those two churches, I would they did according to my ancestors' mind at Norbury and the other at Ridware according to my mind in Jesus' chapel there;

And I will that every of the said chantry priests have four marks and meat and drink for their stipend;

Also I will that Thomas Fitzherbert, my son, have the best basin and ewer of silver and the least basin & ewer of silver for heirlooms at Norbury and Ridware, and two pots of silver and gilt, and two pots of silver, and two the best salts of silver and gilt, and a dozen of the best spoons of silver, and a standing cup gilt, and to leave them for heirlooms, and ten kine, and a bull, and 8 oxen, and a wain, and the ploughs and other things longing to a

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wain to remain at Ridware for heirlooms, and 12 mares and a stallion, and 6 featherbeds and 6 mattresses, and coverings, blankets, sheets and counterpoints thereunto to lodge honest gentlemen, and to remain at Ridware for heirlooms to the heirs males of Fitzherbert;

And to John Fitzherbert a basin and a ewer of silver;

And to Richard Fitzherbert a basin and a ewer of silver;

To every of them a standing cup gilt;

And to William Fitzherbert three goblets gilt with a cover gilt and a standing cup gilt;

And that every of my younger sons have a dozen of silver spoons if there be so many, and if there be not so many, I would they had them made for them;

And I will that Katherine, my daughter, have four bullocks and four heifers, and two featherbeds and two bolsters and two mattress and bolsters for them, and sheets, blankets and other stuff to make her two good beds if I give her none by my life;

And I will that Dame Mawde, my wife, have all the rule and governance and disposition of my goods not willed during her life, and one hundred pounds thereof to dispose at her pleasure, and to the third part of the residue not bequeathed, and the residue to remain to my three younger sons;

And where I caused Thomas Fitzherbert to surrender the indenture of the farm of the parsonage of Castleton in the Peak to the Abbot of Vale Royal to the intent [-to th' intent] that I and he should have forty years term therein more than was in the old indenture and to take a new lease for term of threescore and ten years, which old lease the same Thomas had by the marriage of the daughter and heir of Sir Arthur Eyre, which Sir Arthur Eyre willed that his bastard son should have five marks yearly of the profits of the same farm, as appeareth by his will, wherefore I will that the same bastard son have the same five marks according to the same will, and the residue of the profits of the same farm I will and require the same Thomas, my son, that John Fitzherbert, his brother, may have the profits thereof during his life, and after his decease Richard Fitzherbert, his brother;

And I will that my farm of Caldon, and the farm that I have of the King, and the Howe grange remain to my heirs males of Norbury;

And I will that the land that I purchased at Whittingon besides Lichfield go forever to keep the obit at North Winfield for my brother Doctor's soul according to his will, and to be made sure therefore as much as may reasonably be devised therefore to stand with the law if I do not assign other lands therefore hereafter;

And I will that my wife, Dame Mawde Fitzherbert, and my three sons, John, Richard & William Fitzherbert, be mine executors, and my son, Thomas, to be overseer of this my will;

In witness whereof to this present writing I have put my seal, written the day and year abovesaid, these witnesses: Sir John Parre, parson of Ridware, Humphrey Cotton, John Pype, Sir Henry Hays, priest, Sir Nicholas Maire and many other;

And I will that the parson have 20s for my mortuary and to pray for my soul, and every other of my priests that I give wages unto one marks besides their wages;

And I will that if my executors think that I have forgotten any person that I should have willed anything unto or that I have willed to any of my servants too little, that they reward them by their discretion;

And where I made one feoffment and estate of all my purchased lands and tenements in the counties of Stafford, Northampton and Warwick and took estate again to me for term of my life, the remainder thereof to my three younger sons for term of their lives as by their deeds thereof made more plainly doth appear, I will that my son and heir confirm their estates and make them sure thereof according to my mind and the deed to them made thereof, and that he deal with them lovingly and help them to his power;

Written the day and year abovesaid;

And by this will I revoke all other my will and testament made before this will be [sic?];

And I will that my cousin, Richard Cotton, have one good ambling colt or one good horse of mine to ride on by the discretion of my wife and my son, Thomas, to be delivered;

And to my cousin, Alice, his wife, one of my best habits with the cloak and hood and the lining and the fur of the same;

Written the day and year abovesaid.

Probatum fuit testamentum suprascriptum defuncti h{ab}entis dum vixit &c xxvj Die mensis Augusti Anno D{omi}ni Mill{es}imo quingentesimo xxxvijjo apud Lich coram mag{ist}ro Daud Pole Cl{er}ico in p{ar}tib{us}(?) &c auct{oritat}e D{omi}ni n{ost}ri Regis Henrici octavi Anglie & ffrancie Regis &c Iurament{o} d{omi}ne Matilde Relicte et executricis in h{uius}mo{di} test{ament}o no{m}i{n}at{e} ac per eundem auct{oritat}e d{ic}t{i} Domini n{ost}ri Regis approbatum et insinuatum Com{m}issa q{ue} fuit admi{n}istracio o{mn}i{u}m et sing{u}lorum bonorum Iuriu{m} et creditorum d{ic}t{i} defuncti p{re}fat{e} executrici De bene & fidel{ite}r admi{n}istrand{o} ac de pleno et fideli In{uenta}rio secundo Die post festum s{an}c{t}e ffidis prox{imum} futur{um} exhibend{o} Necnon de plano et vero compoto reddend{o}

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Ad sancta Dei Eu{a}ngeliat [sic?] Iurat{e} Alijs execut{oribus} in h{uius}mo{d}i testament{o} no{m}i{n}at{is} Renu{n}cian{tibus}

[=The testament of the above-written deceased, having while he lived etc., was proved on the 26<sup>th</sup> day of the month of August in the year of the Lord the thousand five hundred 38<sup>th</sup> at Lichfield before Master David Pole, clerk in [partibus?] etc. by the authority of Our Lord the King, Henry Eight, of England & France King etc., by the oath of Dame Matilda, relict and executrix named in the same testament, and by the same authority of the said our Lord the King probated and entered, and administration was granted of all and singular the goods, rights and credits of the said deceased to the forenamed executrix, sworn on the Holy Gospels to well & faithfully administer, and to exhibit a full and faithful inventory on the second day after the feast of Saint Faith next to come, and also to render a plain and true account, the other executors named in the same testament renouncing.]