

SUMMARY: The document below is the Prerogative Court of Canterbury copy of the will, dated 19 January 1546 [Old Style], 19 January 1547 [New Style] and proved 14 October 1547, of Edward Underhill (d. 5 November 1546?), father of William Underhill (c.1523 – 31 March 1570), who purchased New Place, and grandfather of William Underhill (d.1597), who sold New Place to William Shakespeare of Stratford.

The testator was the eldest surviving son (his elder brother, Thomas Underhill, died between 1518 and 1520), of John Underhill (d. 29 November 1518?) of Wolverhampton and Agnes Porter (d.1526), the daughter of Thomas Porter. She was the widow of Miles Norwood (d.1516), by whom she had a son, John Norwood, who was the testator's half brother (see below). For the will of John Norwood, in which he mentions his father, Miles Norwood, and his mother, Agnes Underhill, as well as his wife, Eleanor, his son, Thomas Norwood, his daughters Agnes, Joyce, Alice, Elizabeth and Eleanor Norwood, and his brother-in-law, Christopher Westerdale, see TNA PROB 11/18/390.

For the will of the testator's father, dated 16 December 1514 and proved 10 February 1519, in which he mentions his wife, Agnes; his sons William (by his first marriage), Thomas (who, as noted above, predeceased him), Edward and Robert; John Norwood (his wife's son by her first marriage?), see TNA PROB 11/19/199.

For the will of the testator's mother, in which she mentions her son, Edward Underhill, his wife, Margaret, and his two daughters, Winifred and Agnes; her son, Robert Underhill; her daughters, Elizabeth, Susan and Dorothy; her sons-in-law, James Gresley, Humphrey Yonge and Richard Salwey, and Joyce Norwood (her granddaughter by her first marriage?), see TNA PROB 11/22/134.

The testator had a half brother, William Underhill (died c.1544), the son of the testator's father's first marriage to Susan Slade of Maxstoke, Warwickshire. In 1527 William Underhill was granted the wardship of his nephew of the half blood, Edward Underhill, later known as the Hot Gospeller, a relationship which led to friction resulting in the permanent estrangement of the Hot Gospeller's branch (i.e. the Hunningham branch) from the rest of of the Underhill family. See TNA C 82/586, No. 15; and Morrison, F.J.H., *The Underhills of Warwickshire*, (Cambridge: Cambridge University Press, 1932), pp. 33-4, 46. William Underhill married a wife named Alice, but died without issue, naming as his heir the testator's second son, William Underhill (c.1523 – 31 March 1570). For the will of William Underhill (died c.1544), dated 10 August 1541 or 1542 and proved 2 May 1544, see TNA PROB 11/30/88.

The testator had two brothers of the whole blood, Thomas Underhill (d.1518x1520) and Robert Underhill:

\* The testator's elder brother, Thomas Underhill, was still living on 5 September 1518, when he was a party to a deed of trust, but had died before 19 June 1520. See Morrison, *supra*, pp. 43-4. See also Birmingham Archives MS 3145/288615 at:

<http://discovery.nationalarchives.gov.uk/details/rd/b23df2e1-2f76-4655-b59d-3db287fc5b98>.

He married Anne Winter (d.1545?), concerning whose identity there has been some confusion. Her son, Edward Underhill (b.1512, died in or after 1576), the ‘Hot Gospeller’, stated in 1553 that he was a first cousin of Gilbert Winter, who at that time was a gentleman usher to the future Queen Elizabeth. See ‘Underhill’s Narrative’, *Tudor Tracts 1532-1588*, (Westminster: Archibald Constable and Co. Ltd., 1903), pp. 170-98 at p. 171:

<https://archive.org/stream/tudortracts00polliala#page/170/mode/2up>

*Thus standing waiting at the Council Chamber door, two or three of my fellows, the Pensioners, and my cousin german, Gilbert Wynter, Gentleman Usher unto the Lady Elizabeth, stood talking with me.*

*In the meantime cometh Sir Edward Hastings, newly made Master of the Horse to the Queen, and seeing me standing there prisoner, frowning earnestly upon me said, “Are you come? We will talk with you or your party, I warrant you!”*, and so went into the Council.

*With that my fellows and kinsman shrank away from me, as men greatly afraid.*

Gilbert Winter was the son of Roger Winter (d. 6 March 1535) of Huddington, Worcestershire, the son of Robert Winter and Anne Washbourne. See the will of Roger Winter, TNA PROB 11/26/5; TNA C 142/242/75; and Maclean, John and W.C. Heane, eds., *The Visitation of the County of Gloucester Taken in the Year 1623*, (London: Harleian Society, 1885), Vol. XXI, p. 279 at:

<https://archive.org/stream/visitationofcoun00inchit#page/278/mode/2up>.

Since Gilbert Winter was the Hot Gospeller’s first cousin, the Hot Gospeller’s mother, Anne Winter, must therefore have been the sister of Roger Winter (d. 6 March 1535), and the daughter of Robert Winter (d.1506). See also Morrison, *supra*, p. 43.

After Thomas Underhill’s death, Anne Winter married Edmund Lydiard (d.1545?) or Lydyat of Stoneleigh, Warwickshire. See Morrison, *supra*, pp. 44-5; and TNA C 1/495/15, a lawsuit dating from 1518-1529 for profits of land in Hunningham brought by John Daston and Eleanor, his wife, executrix and late the wife of John Norwood, brother of Thomas Underhill, in which Anne is said to have been late the wife of Thomas Underhill and executrix of his will, and now the wife of Edmund Lydyat.

See also TNA C 1/1184/1, a lawsuit dating from 1544-1551 for a debt of Thomas Underhill, gentleman, of Hunningham, Warwickshire, brought by the testator’s sister, Susan Underhill, and her husband, Richard Salwey, against Edmund Lydyat in which Anne/Agnes is said to have been successively the wife of Thomas Underhill and Edmund

Lydyat. Lydyat appears to have died during the litigation, and the lawsuit was then brought by the testator's sister, Susan Underhill, and her husband, Richard Salwey, against Jane Winter, executrix of the will of Edmund Lydyat (see TNA C 1/1316/4-8).

It would appear that the plaintiffs John Daston, and Eleanor, his wife, widow of John Norwood, were John Daston of Dumbleton and Wormington (for whose will, dated 10 March 1531, see TNA PROB 11/24/238), and his wife, Eleanor, and that Eleanor first husband was therefore the testator's half brother, John Norwood. The incised slab commemorating John Daston and his two wives in Wormington church states that he died 23 August 1532, that his first wife, Catherine, died 13 October 1517, and that his second wife, Eleanor, died 20 February 1532 [=1533?]. See:

[andrew.daviel.org/Clayton\\_Book\\_appendix.pdf](http://andrew.daviel.org/Clayton_Book_appendix.pdf).

For the will of John Daston, see also Blacker, Beaver H., ed., *Gloucestershire Notes and Queries*, Vol. III, (London: William Kent & Co., 1887), pp. 668-9 at:

[https://books.google.ca/books?id=9MQxAQAIAAJ&pg=PA668&lpg=PA668&dq=%22John+Daston%22+%22Dumbleton%22&source=bl&ots=TsFo-H\\_ISW&sig=PgNeL-zAjojZNF\\_5TWGMYI4aETo&hl=en&sa=X&ved=0ahUKEwi00q-f-b3JAhVE3GMKHRoOBU8Q6AEIIDAB#v=onepage&q=%22John%20Daston%22%20%22Dumbleton%22&f=false](https://books.google.ca/books?id=9MQxAQAIAAJ&pg=PA668&lpg=PA668&dq=%22John+Daston%22+%22Dumbleton%22&source=bl&ots=TsFo-H_ISW&sig=PgNeL-zAjojZNF_5TWGMYI4aETo&hl=en&sa=X&ved=0ahUKEwi00q-f-b3JAhVE3GMKHRoOBU8Q6AEIIDAB#v=onepage&q=%22John%20Daston%22%20%22Dumbleton%22&f=false).

\* The testator's brother, Robert Underhill of Sherborne St John, appears to have died without issue. For his will, dated 22 March 1527 and proved 14 May 1527, in which he appoints his sister, Elizabeth Underhill, and her husband, James Gresley, as executors, see TNA PROB 11/22/323.

The testator also had three sisters:

\* Elizabeth Underhill, who married firstly John Agard (born c.1491) of Foston Hall, Derbyshire, by whom she was the mother of Clement Agard (1515-1579), who married Eleanor Middlemore, the daughter of Thomas Middlemore of Edgbaston, by whom he was the father of the antiquary Arthur Agard (1540 - 23 August 1615), and secondly James Gresley, esquire, the fifth son of Sir Thomas Gresley (d.1504) of Drakelow by Anne Ferrers of Tamworth Castle. For the pedigree of Agard of Foston Hall, see:

<http://landedfamilies.blogspot.ca/2013/07/54-agard-of-foston-hall.html>

For James Gresley, see his will, proved 17 June 1536 at Lichfield; Morrison, *supra*, p. 41; and *Some Account of Colton and of the Wasteneys Family*, (Birmingham: Houghton and Hammond, 1879), p. 63 at:

<https://books.google.ca/books?id=p9IKAAAAYAAJ&pg=PA63&lpg=PA63&dq=%22Sir+Thomas+Gresley%22+%22Anne+Ferrers%22&source=bl&ots=rXJDUf2QEJ&sig=b276cVPSt-0ZL0h6ChHVW6zjkrI&hl=en&sa=X&ved=0ahUKEwic->

Zqe67HJAhVIQYgKHSK5CgY4ChDoAQgqMAM#v=onepage&q=%22Sir%20Thomas%20Gresley%22%20%22Anne%20Ferrers%22&f=false.

\* Susan Underhill, who married Richard Salwey of Pirton, Worcestershire (for his will, dated 16 August 1550, see TNA PROB 11/34/417).

\* Dorothy Underhill, who married Humphrey Yonge of Croome D'Abiot, Worcestershire. For the will of Humphrey Yonge's sister, Dorothy (nee Yonge) Haddon Saunders Dayrell, see TNA PROB 11/56/39. See also the pedigree of Yonge in Phillimore, W.P.W., ed., *The Visitation of the County of Worcester Made in the Year 1569*, (London: Harleian Society, 1888), Vol. XXVII, p. 153 at:

<https://archive.org/stream/visitationcount02mundgoog#page/n167/mode/2up>.

See also the Underhill pedigree at:

<http://jliptrap.us/gen/underhill.htm>.

See also the pedigree in Underhill, Arthur, *The Staffordshire Underhills in England*, available online; and the pedigree in Fetherston, John, ed., *The Visitation of the County of Warwick in the Year 1619*, (London: Harleian Society, 1877), Vol. XII, p. 31 at:

<https://archive.org/stream/visitationcount01britgoog#page/n54/mode/2up>.

The testator married Margaret Middlemore, the daughter of Thomas Middlemore. There is disagreement as to whether her father was of the Edgbaston or Hawkesley branch of the Middlemore family. According to the will below the testator had four sons by Margaret Middlemore, Thomas, William (c.1523 – 31 March 1570), John and Humphrey, and seven daughters, three of them married, including Dorothy, and four unmarried, Katherine, Elizabeth, Mary and Margaret.

For the pedigree of Middlemore, see Fetherston, *supra*, pp. 332-3 at:

<https://archive.org/stream/visitationcount01britgoog#page/n364/mode/2up>.

For the marriages of the testator's sons, Thomas and William, see Bellew, J.C.M., *Shakespeare's Home at New Place, Stratford-Upon-Avon*, (London: Virtue Brothers and Co., 1863), pp. 353-4 at:

[https://books.google.ca/books?id=psIjAAAAMAAJ&pg=PA355&lpg=PA355&dq=%22John+Congreve%22+%22underhill%22&source=bl&ots=6lQ4H1u4si&sig=tPsmNJ6OnC70jHUvMr-SrHusvtM&hl=en&sa=X&ved=0CC0Q6AEwBGoVChMI\\_PzjoYSdyQIVStVjCh1d4gQV#v=onepage&q=%22John%20Congreve%22%20%22underhill%22&f=false](https://books.google.ca/books?id=psIjAAAAMAAJ&pg=PA355&lpg=PA355&dq=%22John+Congreve%22+%22underhill%22&source=bl&ots=6lQ4H1u4si&sig=tPsmNJ6OnC70jHUvMr-SrHusvtM&hl=en&sa=X&ved=0CC0Q6AEwBGoVChMI_PzjoYSdyQIVStVjCh1d4gQV#v=onepage&q=%22John%20Congreve%22%20%22underhill%22&f=false).

For the inscription to the testator and his wife, Margaret, in Ettington church, see Bellew, *supra*, p. 363:

*Here lyeth buried under this stone Edward Underhill, sometime gentleman of this Town, with Margaret, sometime his Wife: which Edward diseased this world the fifth day of November A.D. M.D.XLVI On whose sollys Jhesu haue mercy. Amen.*

The date given for the testator's death (5 November 1546) on the inscription cannot be reconciled with the dates in the PCC copy of the will below, which state that the testator made his will 19 January 1546 [Old Style], 19 January 1547 [New Style], and that it was proved 14 October 1547.

For the testator's manor of Harbury, see:

<http://www.british-history.ac.uk/vch/warks/vol6/pp103-108>

*In 1529 Robert Corbett conveyed a manor in Harbury to Michael Dormer, (fn. 79) and in the following year Joan Hall, formerly Corbett, widow (perhaps his mother) made another conveyance to Edward Underhill, (fn. 80) who died seised of this manor in 1547. (fn. 81) In 1553 his sons John and William, with Katharine Dormer, widow of Michael, settled the manor on her for life, with remainder to (her fourth son) (fn. 82) John Dormer. (fn. 83) He and his brother William conveyed the manor in 1591 to John Camden, (fn. 84) to whom it was confirmed in 1594 by John Stampe and Isabel his wife, (fn. 85) who was niece and heir of John Dormer. (fn. 86)*

For the Underhill family, see also:

<http://gw.geneanet.org/belfast8?lang=en&p=margery&n=underhill>.

LM: T{estamentum} E{dwardi} Underhull

[f. 367v] In dei nomine amen. In die Sancti Wulstani videlicet Decimo nono die Januarij Anno Domini Mill{esi}mo quingen{tesim}o xlvjto Et Anno Regni d{ic}t{i} n{ost}ri Regis Henrici vitam Dei gr{aci}a Anglie francie et hibernie Regis fidei defensoris et in terra Eccl{es}ie Anglicane et Hibernie supremi capit{is} xxxvijio Ego Edwardus Underhull senior compos ment{is} saneq{ue}(?) memorie non egeo tamen debitis in corpore condo testamentu{m} meu{m} in hunc modu{m}:

In primis lego a{n}i{m}am mea{m} deo om{n}ipotent{i} beate Marie Virgini et o{m}nib{us} sanct{is} corpusq{ue} meu{m} sepiliend{um} vbi Deus disposuerit deo placente in eccl{es}ia vel in cimiterio eccl{es}ie parochialis de Nether Ettington modo in anglic{is} verbis:

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First I give unto my curate taking pains at my burial, saying the service as it is set forth in the manual, rehearsing my name at every place as the letter standeth, 6s 8d;

Item, to other good priests whom he pleaseth to help him, 3s 4d;

Also towards the reparation of the ornaments of the body of the church 46s 8d, to be disposed after the discretion of my wife;

Further more I desire all readers and hearers of this my last will, which I intend by the grace of God not to revoke, to be contented and that is this:

I give unto Margaret, my wife, daughter to Thomas Middlemore, esquire, all my goods movable and unmovable, and it were a hundred times more it would well deserved for the grievous pains she hath taken with me which no man knoweth but God, she and I, trusting that my son, Thomas, will be good to her considering the goodness of me and her in my lifetime, and so I command him of my blessing;

And this order I would were between them: if I leave eight hundred ewes and lambs upon the manor or in my other place being mine, then my wife to take thone half and he thither, and in like manner if there be 120 beast[s], my wife to have thone half and he thother, and so forth according to my covenants, ever my wife being first chooser of her half part in all things;

Now for lack of such number, as but six hundred ewes, and but a hundred beast[s], my will is he should be contented with the moiety of them unto such time as it shall please God to increase and make up the number, and so I trust he shall find a godly and a charitable living;

If he be not [+with?] this contented, then my wife to make the best of all my goods and perform promise as she and her friends shall think convenient;

Somewhat I trust to show my advise to her and her friends in my lifetime if he will not take this order above or trade;

And as concerning all the lands in Staffordshire which I bought of my brother, William, my wife to have it, and my son, William, jointly;

After her decease to the foresaid William and his heirs forever, except the burgagery in Wolverhampton which I give to Humphrey, my youngest son, after the decease of his mother according to the custom of the country, and for default of such issue to Thomas, my eldest son, and for default of such issue to John, for fault of such issue to William, for fault of such issue to the right heirs of me;

As concerning the lands in Harbury which I bought of Joan Hall, widow, sometime wife to Alexander Corbert, and the land bought there of one Hamond of London, my wife to have it, and my son, John, jointly;

After her decease to the foresaid John and his heirs of his body lawfully begotten, for fault of such issue to William, my son, for fault of such issue to Humphrey, for fault of such issue to the right heirs of me, the foresaid Edward;

Also to Humphrey, my youngest son, all the burgagery in Wolverhampton as above is said;

And also to his mother and him all the land in Over Pillarton [=Pillaton?] jointly, which sometime was Robert Halford's, whereof my father hath both fine and recovery, and so gave it to my brother, Robert, and me, and the longer liver of us, for fault of issue of Humphrey to William, for fault of such issue to John, for default of issue of John to the right heirs of me;

All other my lands not here mentioned to the discretion of my wife to order and rule at her pleasure;

For lack of wit and discretion all things above as concerning the lands abovesaid not put in writing according to the law, yet the intent is according to the same that voluntas donatoris in omnibus observetur;

And whereas I have seven daughters, three of them hath been married, whereof one of their husbands, which is Dorothy, is departed her husband truly contended of £40 with her, he leaving her not worth a groat, my will is she to have when it shall fortune her to marry [f. 368r] again £20;

Also to Katherine, Elizabeth, Mary and Margaret, my daughters which were never married, I give to them and every of them £40 apiece if they be ordered by their mother and brethren;

And for anything to give to the poor, I intend by the grace of God and the help of his Blessed Mother and Virgin to do with my hand while I am here, not troubling executor or overseer;

And for further establishment of this my last will and for a quietness to be had concerning my son Thomas his wife's friends and my wife, loath she should be vexed in her age touching the covenants of marriage as to leave them four hundred ewes and lambs, whereof he is satisfied of a hundred couples already, as also threescore beast[s], whereof he hath received six kine, the residue to be ordered as above is said it will be a charitable way, whereat I trust he and his wife's friends will not grudge, considering the goodness of me and his mother in ordering him and all is beyond covenants of my part in the indentures; as he well knoweth, I had little or nothing with the marriage, and leaving such a stock not holpen as is above mentioned;

And where I must leave him 40 marks' lands, whereof his wife to have twenty marks during her life in the name of the whole jointure and dower, that when it cometh whole to

his hands after the decease of me and his mother to depart in four years amongst his sisters, which I think shall have great need, 20 marks, which is five marks a year, he deserveth my blessing it is my will; I will not bind him unto it;

And in like wise William, my son, amongst them all of his twenty marks' land to distribute in four years £6 13s 4d, which is five nobles a year;

Also John of his £6 13s 4d a year to give amongst his sisters in four years four pounds which is 20s a year, I bind none of you to it, but you of your goodness and power to help to perform your father's will to be paid by Margaret, my wife, whom I make my sole executor and executrix of this my last will, and to increase and minish at her pleasure without scrupulosity or gloge [=clog?] of conscience;

And thus here I make a final end and conclusion, beseeching all the world charitably of forgiveness of my extreme behaving and trespasses, as now at this present time and always [+I?] utterly forgive them that hath offended me, trusting to una{m} [sic for 'animam'?] dei and in the mercy of Jesus in the true(?) and triumphant place celestial ibi regnabimus p{er} ip{su}m et in ip{s}o in celesti gaudio in sec{u}la sec{u}lor{um} amen.

Probatum fuit suprascriptum testamentu{m} apud London xiiijto Octobris Anno domini Mill{esim}o quingen{tesim}o xlvij Iuramento Margarete Relicte et executric{is} in h{uius}mo{d}i testamento no{m}i{n}ate ac Approbatu{m} et insinuat{u}m Com{m}isq{ue} fuit admi{n}istrac{i}o etc Dicte executrici De bene admi{n}strand{o} eadem etc Iurat{e}

[=The above-written testament was proved at London on the 14<sup>th</sup> October in the year of the Lord the thousand five hundred 47<sup>th</sup> by the oath of Margaret, relict and executrix named in the same testament, and probated and entered, and administration was granted etc. to the said executrix, sworn to well administer the same etc.]