

SUMMARY: The document below is the last will and testament, dated 3 April 1551 and proved 30 October 1557, of Mary (nee Harbottle) Fitton, whose great-granddaughter, Mary Fitton, is conjectured by some scholars to have been the Dark Lady of Shakespeare's *Sonnets*.

The testatrix was the daughter of Sir Guiscard Harbottle, 'slain in a hand-to-hand encounter with James IV at the battle of Flodden', and Jane Willoughby, the daughter of Sir Henry Willoughby of Wollaton, Nottinghamshire. She had a brother, George Harbottle (d. 20 January 1578), who married Margaret Ogle, the daughter of Ralph Ogle, 3rd Baron Ogle, but died without issue. She also had an elder sister, Eleanor Harbottle (d. April 1567), who married firstly Sir Thomas Percy (d.1537), by whom she was the mother of Thomas Percy (1528-1572), 7th Earl of Northumberland, and Henry Percy (d. 20 June 1585), 8th Earl of Northumberland, and secondly, about 1541, Richard Holland of Denton, Lancashire, by whom she had no issue. For the Harbottle/Percy pedigree, see Hodgson, John, *A History of Northumberland in Three Parts*, Part II, Vol. II, (Newcastle, 1832), p. 262 at:

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

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

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

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

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

The testatrix married Sir Edward Fitton (d. 17 February 1548) of Gawsworth, Cheshire. See the Fitton pedigree in *Gossip from a Muniment-Room*, (London: David Nutt, 1898), p. 1 at:

https://archive.org/stream/gri_33125008386944#page/n29/mode/2up/.

According to the will below, the testatrix had five son, Edward, Thomas, Francis, Anthony and George, and two daughters, Mary and Margaret.

The testatrix' eldest son, Sir Edward Fitton (born 31 March, died 3 July 1579), married, on 19 January 1540, Anne Warburton (1 May 1527 - 9 January 1574), the daughter of Sir Peter Warburton of Arley, Cheshire. His marriage settlement is referred to in the will below. For the will of the testatrix' son, Sir Edward Fitton, see TNA PROB 11/61/651.

The testatrix' son, Francis Fitton (d. 17 June 1608), married, in 1587, Katherine Neville (d. 28 October 1596), eldest daughter and coheir of John Neville (d.1577), 4th Baron Latimer, son of John Neville (1493–1543), 3rd Baron Latimer, by Dorothy de Vere (d. 7 February 1527), sister of John de Vere (1499-1526), 14th Earl of Oxford. At the time of her marriage to Francis Fitton, Katherine (nee Neville) was the widow of Henry Percy (d. 20 June 1585), 8th Earl of Northumberland (see above). See the *ODNB* entries for John Neville, 3rd Baron Latimer, Thomas Percy, 7th Earl of Northumberland, and Henry Percy, 8th Earl of Northumberland, and the will of John Neville, 3rd Baron Latimer, TNA PROB 11/29/303. For the will of the testatrix' son, Francis Fitton, see TNA PROB 11/112/118.

The testatrix' daughter, Mary Fitton (d. 27 July 1591), married Sir Richard Leveson (d.1560). For her will, see TNA PROB 11/78/48. For the will of Sir Richard Leveson, see TNA PROB 11/43/621.

The testatrix' daughter, Margaret Fitton, married John Englefield (d. 1 April 1567). For her will, see TNA PROB 11/121/212. For the will of John Englefield, see TNA PROB 11/49/179.

LM: T{estamentum} D{omi}ne Marie ffytton

[f. 306v] In the name of God, Amen. The third day of April in the year of Our Lord God a thousand 51 and in the 5th year of the reign of our Sovereign Lord Edward the 6th by the grace of God King of England, France and Ireland, Defender of the Faith, and in earth of the Church of England and also of Ireland etc., I Dame Mary Fitton, widow, late wife of Sir Edward Fitton, knight, deceased, being of perfect mind & remembrance, considering the fragility and mutability of this present life and [+that?] every man's life shall be determined by death natural, doubting the uncertain time thereof, make my testament and last will as followeth:

First I bequeath my soul to Almighty God which hath the same redeemed with his most precious and painful passion, trusting faithfully by the merits of the same passion remission of my sins & to be one of the everlasting life;

Also I will my body to be buried in the parish church of Gawsworth where my late husband and other his ancestors do lie if it please God that I do decease within the space of twelve miles to the same;

Also I, the said Dame Mary Fitton, will that in case it happen or fortune Dame Elizabeth Warburton, widow, or th' executors or administrators of Sir Peter Warburton, knight, deceased, and of Dame Elizabeth Warburton or any of them or any other person or persons by the assent, procurement or agreement of them or any of them at any time or times hereafter do suffer or procure to be done any suit, vexation, trouble or encumbrance to or against th' executors of my said late husband, Sir Edward Fitton, or mine executors or administrators or any of them or such sureties which standen bounden for the said Sir Edward Fitton concerning such covenants as the said Sir Edward did bind himself and his

executors to do and perform as in a pair of indentures bearing date the first day of December in the 31st year of the reign of our late Sovereign Lord King Henry th' Eight of most famous memory made between the said Sir Peter Warburton, knight, and the said Dame Elizabeth of thone party, and the said Sir Edward Fitton, knight, and me, the said Dame Mary of the other party, as by the same indentures amongst divers other things therein contained it may more at large plainly appear, that then as well all my debts which I shall owe or be indebted to any person or persons at the time of my decease shall be paid with the issues, rents, revenues and profits of two parts of all such my lands and tenements with th' appurtenances in three parts to be divided which be hereafter expressed and specified, that is to say, some lordships called Hamerdyne, Filsham, Curtislye and Morley in the county of Sussex, also one other lordship called Sutton upon Trent in the county of Nottingham, and also one other lordship called Gales in Dawton Travers according to the King's most honourable statute, by the which statute I and all other the King's subjects have liberty to declare our wills for payment of debts or otherwise as in the same statute more plainly appeareth, as also mine executors and administrators and the executors and sureties of my said late husband, Sir Edward Fitton, and every of them from time to time at all and every time and times hereafter shall with the said 2 parts of my said lands and tenements in 3 parts to be divided as is aforesaid be always saved, discharged and kept harmless from such vexation, suit, trouble or encumbrance as is aforesaid, and that mine executors from time to time when and as often as they or any of them do fortune to be so troubled, sued or vexed as is aforesaid of, for or concerning such matters and causes as shall be laid or objected against them or any of them for any matter or cause of mine or otherwise concerning the premises, shall then have, hold, occupy, manure and enjoy the said 2 parts of my said lands and tenements in three parts to be divided together with th' issues, rents, revenues and profits coming and growing yearly of and in the same 2 parts of my said lands and tenements in three to be divided as is aforesaid until such time and times as mine executors and every of them shall be discharged, saved and kept harmless concerning the same [f. 307r] according to the true intent and meaning of this my testament and last will;

And forasmuch as it is the full mind and will of me, the said Dame Mary Fitton, that my debts shall immediately after my decease be truly paid, therefore I will that mine executors shall of the whole of my goods lay down and pay all my debts immediately after my decease upon condition that if there be none such suit, vexation nor trouble at any time hereafter as is abovesaid, that then my said debts shall be paid of my goods only, and not to be paid of the said 2 parts of my said lands and tenements in three parts to be divided;

And if there happen any such suit, vexation or trouble to be had at any time or times hereafter as is aforesaid, that then mine executors shall see that the same debts and other things above specified in these presents be truly paid, done, fulfilled and performed of the said 2 parts of my said lands and tenements in three parts to be divided as is aforesaid, and then my goods not to be charged therewith according to the true intent and meaning of this my testament and last will above specified;

Also I, the said Dame Mary, will that in case the executors or administrators of Sir Peter Warburton, knight, nor any of them nor my son, Edward Fitton, at any time or times hereafter do not nor procure to be done any vexation, suit or trouble to or against th' executors of the same Sir Edward Fitton, knight, or any of them, that then my son, Edward Fitton, esquire, after my decease shall from thenceforth have, hold and enjoy all such tithe corn of Bosseley and Roode during the residue of such term of years after my decease as shall be then unexpired, as by sufficient writings which I have taken the same tithe corn it may at large more plainly appears;

Provided alway and it is the will of me, the said Dame Mary, that if it fortune that th' executors or administrators of the said Sir Peter Warburton or any of them or the said Edward Fitton, my son, or any person or persons by the assent, procurement or agreement of them or any of them at any time or times hereafter do vex, sue or trouble me, the said Dame Mary, or any other of th' executors of the said Sir Edward Fitton, knight, or mine executors or any of them, that then the said Edward Fitton, my son, shall not from thenceforth have, hold, occupy nor enjoy the said tithe corn of Bosseley and Roode nor any part or parcel thereof, but that then and from thenceforth Thomas Fitton, Francis Fitton, Anthony Fitton and George Fitton, my sons, shall have, hold, occupy and enjoy all and singular the said tithe corn of Bosseley and Roode aforesaid during the residue of such said term of years, right and interest as I have taken the same as is aforesaid;

Also I will and bequeath to my daughter Leveson a little silver cup with a cover gilt;

Also I give and bequeath to Thomas Fitton, my servant, a featherbed, a bolster, 2 blankets, 2 coverlets, a pair of flaxen sheets and one pillow and pillow-bere;

Also I give and bequeath to Sir William Fitton, chaplain, a wich-house in the middle wich after my decease now in the holding of Randolph Vernon & Margaret, his wife, to have and to hold all the said wich-house of six leads after my decease to the said Sir William for and during all such term of years and interest as I, the said Dame Mary, have or ought to have therein in case the said Sir William so long do live, and if the said Sir William do decease within the said term of years, then I will that such priest or priests as shall say Mass or divine service at the chapel of Sudington(?) shall have, hold and enjoy the said wich-house for and during all the residue of the said term of years, so that the said Sir William or such said priest shall yearly pay or cause to be paid therefore to our Sovereign Lord the King the yearly rent therefore due and of right accustomed according to the true intent and meaning of these [f. 307v] presents;

Also I give and bequeath to the said Sir William Fitton a mattress, a bolster, two blankets, two coverlets and one pair of sheets;

Also I will and bequeath to Edmund Draycote £10 of money, and the same to be taken of the residue of my goods by the discretion of mine executors, and the same ten pounds to be in the custody of Otewell Shalcrosse to the use, preferment and profit of the said Edmund Draycote until such time as the said Edmund shall come to and be of th' age of

twenty years, and then the same £10 with the profits thereof to be delivered into the said Edmund Draycote at his request;

Also I, the said Dame Mary Fitton, will that mine executors shall immediately after my decease with the residue of my goods and chattels pay or cause to be paid yearly to Joyce Wudnutt or to her assigns or lawful attorney during the life of William Warde of Arderley th' elder one yearly rent of 26s 8d of lawful money of England at the feasts of the Nativity of Saint John Baptist and Saint Martin the Bishop in winter or within 20 days after every of the said feasts yearly next ensuing by even portions if it be asked, for the which yearly payment of 26s 8d to be paid to the said Joyce, her executors or assigns, during the life of the same William Warde th' elder, I, the same Dame Mary Fitton, stand bounden to the said Joyce by sufficient writing obligatory in the sum of £40 of lawful money of England;

Also where I, the said Dame Mary Fitton, have laid down of mine own proper goods the sum of £62 towards the payment of the debts of the said Sir Edward Fitton, my late husband, as by sufficient writing doth more plainly appear, I will that mine executors shall take and receive of the issues, rents and profits of the residue of the two parts of the lands of my late husband, Sir Edward Fitton, knight, the sum of £62 14d or so much thereof as shall fortune to be behind unreceived at the time of my decease, which said sums to to be received and taken by mine executors I will and bequeath to Margaret Fitton, my daughter, to her preferment in marriage or otherwise in case she be not married in my lifetime, and if she be married in my lifetime, that then the residue of the said sum of £62 14d to be bestowed for the wealth of my soul by the discretion of mine executors to such poor folks, householders having small children, and to poor maidens towards their marriages, being my neighbours nigh adjoining, and to other poor folks by the discretion of mine executors in that behalf as they think needful;

And also I will that after the costs of my burial and bringing home, my debts, legacies and bequests be done, paid and performed, that then the residue of all my goods and chattels movable and unmovable heretofore not bequeathed shall wholly remain and come to my said 4 sons, Thomas, Francis, Anthony and George, amongst them to be equally divided at their request by the discretion of mine executors, except such part or parcel as it shall fortune that I shall give or bequeath otherwise at the time of my decease;

Also where it is specified in a pair of indentures made between the said Sir Peter Warburton, knight, and Dame Elizabeth, his wife, of the one party, and the said Sir Edward Fitton and me, the said Dame Mary of thother party, that it shall be lawful and at the liberty of me, the said Dame Mary to give and assure by my last will or otherwise to such person or persons as shall please me lands, tenements and hereditaments of the yearly value of 20 marks, parcel of mine inheritance, to have and to hold to such person and persons only for term of 10 years next following the time of the decease of me, the said Dame Mary, as by the same indentures of marriage amongst divers other things therein contained more at large it may and doth appear, I, the said Dame Mary Fitton, in consideration thereof do give, grant and bequeath to Francis Fitton, George Fitton and Anthony Fitton, my sons, all and singular those my meses, lands, tenements and

hereditaments with all and singular their appurtenances in Horton in the county of Northumberland which now be or [f. 308r] late were in the joint or several tenures holdings or occupations of Robert Delavale, Thomas Peerson, Thomas Johnson, Clement Raye, Robert Bayly, George Galande nad John Dudden, to have and to hold all and singular the said meses, lands, tenements and other the premises with their appurtenances in Horton aforesaid to the said Francis, George and Anthony, my sons, to the proper uses & profits of the same Francis, George and Anthony for term of 10 years next immediately ensuing after the decease of me, the said Dame Mary, fully to be complete and ended;

Also I ordain and admit my son-in-law, Sir Richard Leveson, knight, Sir Richard Mainwaring, knight, Francis Chorleton, esquire, William Moreton, esquire, and Otywell Shalcrosse, yeoman, to be my true and lawful executors of this my testament and last will to be performed and accomplished according to the true intent and meaning of the same as my especial trust is in them in that behalf, all other will or wills afore this time made by me, the said Dame Mary Fitton, otherwise than this my present testament and last will above expressed to the contrary in any wise notwithstanding;

In witness whereof I, the said Dame Mary Fitton, to this my present testament and last will have set to my seal and subscribed my name the day and year first above-written. Witness: Francis Newton, Thomas Fitton senior.

Probatum fuit h{uius}mo{d}i testamentu{m} suprascript{um} Coram Mag{ist}ro Will{el}mo Cooke Legum Doctore Curie Prerogatiue R{euerendissi}mi in xpo p{at}ris et D{omi}ni D{omi}ni Reginaldi Cant{uariensis} Archiep{iscop}i custode siue Commissario penultimo Die Mensis Octobris Anno d{omi}ni Mill{es}imo Quingen{tesim}o vij Iuramento Richardi Luson milit{is} et Otewelli Shalcrosse executor{um} in h{uius}mo{d}i test{ament}o no{m}i{n}at{orum} &c Quibus com{m}issa fuit &c De bene &c ac de pleno Inventario &c Necnon de plano comp{ot}o reddend{o} ad s{an}c{t}a dei Eu{a}ngelia Iurat{is} Res{er}vata p{otes}tate &c Richardo Maynwaringe militi et Will{el}mo Moreton Armingero executorib{us} quoq{ue} &c cum venerint ffrancisco Chorleton quoq{ue} executore etiam demortuo

[=The same testament above-written was proved before Master William Cooke, Doctor of the Laws, Keeper or Commissary of the Prerogative Court of the Most Reverend in Christ, Father and Lord, the Lord Reginald, Archbishop of Canterbury, on the penultimate day of the month of October in the year of the Lord the thousand five hundred seventh by the oath of Richard Leveson, knight, and Otwell Shalcrosse, executors named in the same testament etc., to whom administration was granted etc., sworn on the Holy Gospels to well etc., and [+to prepare] a full inventory etc., and also to render a plain account, with power reserved etc. to Richard Mainwaring, knight, and William Moreton, esquire, also executors etc. when they shall have come, Francis Chorleton, also executor, having died.]