

SUMMARY: The document below is the Prerogative Court of Canterbury copy of the will, dated 23 April 1552 and proved 22 January 1558, of Sir Charles Herbert of Troy, Monmouthshire, whose step-daughter, Frances Baynham Jerningham (d.1583), leased the Jerningham mansion in the Blackfriars in 1580 to George Carey (1548-1603), 2<sup>nd</sup> Baron Hunsdon. See SRO D641/3/E/1/7/2. In 1596, her son, Henry Jerningham (d. 15 June 1619), sold the mansion to Carey. See SRO D641/3/A/8/1. For discussion of the Jerningham property, which adjoined on the south and east the premises later occupied by James Burbage's Blackfriars theatre, see also TNA C 66/768, mm. 23-4.

### ***FAMILY BACKGROUND***

For the testator's family background see the History of Parliament entry at:

<http://www.historyofparliamentonline.org/volume/1509-1558/member/herbert-charles-1503-57>

### ***Testator's parents***

The testator was the eldest son of Sir William Herbert (d.1524) of Troy by Blanche Milborne, one of the daughters and coheirs of Simon Milborne of Tillington. Sir Charles Herbert's mother, Blanche Milborne Herbert, was the 'principal lady of [the future Queen] Elizabeth's household in 1536', and the aunt of one of the Queen's favourite gentlewomen, Blanche Parry (d.1590). See the *ODNB* entry for Blanche Parry; her will, TNA PROB 11/75/180; and the entries for Blanche Milborne and Blanche Parry by Ruth Elizabeth Richardson in the *Dictionary of Welsh Biography* at:

<http://yba.llgc.org.uk/en/s7-TROY-HER-1557.html>

The testator leaves his mother, 'Dame Blanche Herbert, widow', a life estate in his farm called New Grange.

### ***Testator's siblings***

The testator's brother, Thomas Herbert (d. 8 October 1588), married Anne Lucy, the daughter of Sir Thomas Lucy (d.1525) of Charlecote and Elizabeth Empson, the daughter of Sir Richard Empson (executed 17 August 1510). See the *ODNB* entry for Sir Richard Empson, and Dugdale, William, *Antiquities of Warwickshire*, (London: Thomas Warren, 1656)p. 399 at:

<https://archive.org/stream/antiquitiesofwar00dugd#page/398/mode/2up>

See also Burke, John, *A Genealogical and Heraldic History of the Commoners of Great Britain and Ireland*, (London: Henry Colburn, 1838), Vol. III, p. 98 at:

<https://books.google.ca/books?id=yshsAAAAMAAJ&pg=PA98&hl=en#v=onepage&q&f=false>

See also the History of Parliament entry for Sir Thomas Herbert at:

<http://www.historyofparliamentonline.org/volume/1509-1558/member/herbert-thomas-1514-88>

According to his father's will, the testator also had an illegitimate brother, Richard Herbert. See the will of Sir William Herbert, TNA PROB 11/21/327.

## ***MARRIAGES AND ISSUE***

### ***Testator's first marriage***

The testator married firstly Elizabeth, the daughter of Sir Griffith Rhys (executed 1531) of Dynevor, Carmarthenshire, and Katherine Howard (d.1554), daughter of Thomas Howard (1443-1524), 2<sup>nd</sup> Duke of Norfolk. See 'RICE family, of Newton and Dynevor, Carmarthenshire' at:

<https://biography.wales/article/s-RICE-NEW-1500>

For the Rhys family, see also the will, TNA PROB 11/22/332, of Katherine Howard's grandmother, Isabel (nee Worsley) Culpeper Leigh (c.1460 - 18 April 1527), and the Rhys pedigree in Clark, Nicola, 'Dynastic Politics: Five Women of the Howard Family During the Reign of Henry VIII, 1509-1547', Ph.D thesis, University of London, 2013, p. 312, available as a pdf file online.

Katherine Howard's sister, Anne Howard (d. 22 February 1559), married John de Vere (14 August 1499 – 14 July 1526), 14<sup>th</sup> Earl of Oxford. See the Wikipedia article on Thomas Howard, 2<sup>nd</sup> Duke of Norfolk, edited by the author of this summary, at:

[https://en.wikipedia.org/wiki/Thomas\\_Howard,\\_2nd\\_Duke\\_of\\_Norfolk](https://en.wikipedia.org/wiki/Thomas_Howard,_2nd_Duke_of_Norfolk)

By his first wife, Elizabeth, the testator had two daughters:

\* **Joan Herbert**, referred to in the will below as 'my eldest daughter'.

\* **Blanche Herbert**, who married Oliver Lloyd:

*Oliver Lloyd married Blanche, daughter and heiress of Sir Charles Herbert, Knt., of Troy Magna, in the county of Monmouth, son of Sir William Herbert, Knt., of Troy, the natural*

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

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*son of William Herbert, Earl of Pembroke and Lord of Ragland. The old poet, [Thomas] Churchyard thus alludes to Sir Charles Herbert: "Neere the towne (Monmouth) Sir Charles Harbert of Troy dwelt in a faire seate called Troye."*

See Lloyd, W.V., *The Sheriffs of Montgomeryshire*, (London: T. Richards, 1876), pp. 9-10, 92-3, 281 at:

<https://books.google.ca/books?id=e3kHAAAAQAAJ&pg=PA281>

For the author and soldier, Thomas Churchyard (1523?–1604), who entered the service of Oxford's uncle, Henry Howard (1516/17-1547), Earl of Surrey, about 1537, 'and stayed with him as page for four years', and was in Oxford's service in 1591, see the *ODNB* entry and Churchyard, Thomas, *The Worthines of Wales* (1587), (Spenser Society, 1876), p. 16 at:

<https://books.google.ca/books?id=l-hDAAAAYAAJ&pg=PA84>

The testator's daughter, Blanche, may have predeceased him, as she is not mentioned in the will below. For Blanche Herbert, see also:

[http://wiki.whitneygen.org/wrg/index.php/Archive:Visitations\\_by\\_the\\_Heralds\\_in\\_Wales](http://wiki.whitneygen.org/wrg/index.php/Archive:Visitations_by_the_Heralds_in_Wales)

### ***Testator's second marriage***

The testator married secondly Cecily Gage (d.1585), widow of Sir George Baynham, and daughter of Sir John Gage (1479–1556) and Philippa Guildford, the daughter of Sir Richard Guildford (c.1450-1506), by whom he had no issue. For Sir George Baynham and his son, Christopher Baynham (d. 6 October 1557), both mentioned in the will below, see the will of Sir George Baynham, TNA PROB 11/32/282.

For the will of the testator's second wife, Cecily (nee Gage) Baynham Herbert, see TNA PROB 11/68/452.

The testator also had an illegitimate son,:

\* **Watkin Herbert.**

### ***OTHER PERSONS MENTIONED IN THE WILL***

For the testator's executor, Edward Herbert of Chirbury (d. 30 April 1593), see the History of Parliament entry at:

<http://www.historyofparliamentonline.org/volume/1509-1558/member/herbert-edward-1513-93>

For the testator's executor, William Herbert of Coldbrook, Monmouthshire, the son of Rhys Herbert and Elizabeth Browne, the daughter of Sir Wistan Browne of Abbess Roding, Essex, see the History of Parliament entry at:

<http://www.historyofparliamentonline.org/volume/1509-1558/member/herbert-william-iii-1515-79-or-later>

LM: T{estamentum} Caroli Herbert

[f. 139v] In the name of God, Amen. The 23<sup>rd</sup> day of April in the year of Our Lord God a thousand five hundred fifty and two, I, Charles Herbert of Troy in the county of Monmouth, knight, being in perfect mind and memory, make my testament containing therein my last will in manner and form following:

First I bequeath my soul to Almighty God, and my body to Christian burial;

Item, touching my lands and inheritance, I will, bequeath and devise the manors of Wonastow and Saint Wogan's with th' appurtenances, being within the county of Monmouth of the clear yearly value of 40 marks, to Edward Herbert and William Herbert of Coldbrook, esquires, two of mine executors, to be sold to the discharge and payment of my debts whereof I stand charged in arrearage upon an account in Duchy Court and have entered bands together with Christopher Baynham, William Herbert of Saint Julians, John Harley, Edward Herbert, John Frye and Roger Williams, gentleman(?), [f. 140r] for payment thereof at days yet to come, whom I will to be saved harmless by sale of the premises if the money shall rest unpaid at the time of my death;

Item, I will and bequeath that my capital house of Troy with the park, demesnes and all other lands, tenements, reversions, services and rents belonging to the same house lying in the parishes of Mitchel Troy, Cwmcarvan, Monmouth and Penallt, together with my land late Robert Gryffith's [+and?] John More's, and all other my lands set and lying in the said parishes to Joan Herbert, my eldest daughter, and to the heirs of her body lawfully begotten;

And for default of such issue to Watkin Herbert, my base son, and to the heirs of his body lawfully begotten forever;

And for default of such issue to Thomas Herbert, my brother, and to the heirs of his body lawfully begotten;

Item, I will and bequeath that all my lands and tenements which I have set and lying in the parish of Tregaire[=Tredegar?] to the said Watkin Herbert, my base son, and to the heirs of his body lawfully begotten;

And for default of heirs of his body lawfully begotten, to Joan Herbert, my eldest daughter, and to the heirs of her body lawfully begotten forever;

Item, touching the manors of Wonastow and Saint Mogans [sic?] before by me appointed to be sold for the discharge of my debt, I will that if my said debt shall be by any other mean discharged in my lifetime, that then the said manors together with the house of Wonastow and all the appurtenances of the same [+shall be?] to the said Joan Herbert, my eldest daughter, and to the heirs of her body lawfully begotten forever;

And for default of such issue to Watkin Herbert, my base son, and to the heirs of his body lawfully begotten forever;

And for default of such issue to Thomas Herbert, my brother, and to the heirs of his body lawfully begotten;

Item, I will that all manner of implements and household stuff which be and remain in my capital house of Troy shall wholly remain and lie in the same to the use and behoof of Joan Herbert, my eldest daughter, except such stuff and implements as Dame Cecily Herbert, my wife, did bring with her, which I will shall fully and wholly remain to her by virtue hereof;

Item, I will that Dame Blanche Herbert, widow, my mother, shall have that part of my said capital house of Troy wherein she now lieth together with all the stuff and implements in the same to be freely used, occupied and enjoyed for term of her life, and after her decease I will all the said stuff to the above-named Joan Herbert;

Item, I give and bequeath my farm called New Grange in the Moor to Dame Blanche Herbert, widow, my mother, if she happen to survive me, during her life, only paying the rent reserved upon the lease of the same, and the remainder of the years and term thereof after her decease I will to Dame Cecily Herbert, my wife;

Item, where I have the use of certain plate in the right of my wife during her lifetime, I will that in case that the said plate be spent and not forthcoming at the time of my decease, that then my lands and tenements aforesaid bequeathed to my said daughter, Joan Herbert, shall be chargeable to satisfy the executors of Sir George Baynham of so much money as the said plate is valued at, or of so many ounces of plate of the like weight and goodness, which amounteth in all to the value of £90 or thereabouts;

Item, I give to Dame Cecily Herbert, my wife, all my sheep, together with 60 kine now running upon my farm in the Moor;

Item, I give to Watkin Herbert, my base son, twenty milch kine of those that be about my house in Troy;

The residue of all my goods, chattels, debts, lands and tenements I give to the order and distribution of Dame Cecily Herbert, my wife, Edward Herbert of Montgomery, and

William Herbert of Coldbrook, esquires, whom I do make, ordain and appoint my lawful executors;

Written the said 23<sup>rd</sup> day of April in the 7<sup>th</sup> [sic?] year of the reign of our Sovereign Lord King Edward the Sixth. Charles Herbert.

Probatum fuit suprascriptum Testamentum coram Mag<sup>ist</sup>ro Waltero Haddon Legum doctore Curie Prerogative Cantuariensis Commissario vicesimo secundo die Mensis Ianuarij anno Domini Millesimo quingentesimo quinquagesimo septimo Iuramento Edwardi Bygges procuratoris Edwardi Herberte vnius Executorum in huiusmodi testamento nominatorum Cui comissa fuit administracio de bene etc Ac de pleno et fideli Inventario Necnon de plano et vero Computo reddendo Ad sancta dei Evangelia Iurat Reservata potestate alijs Executoribus cum venerunt etc

[=The above-written testament was proved before Master Walter Haddon, Doctor of the Laws, Commissary of the Prerogative Court of Canterbury, on the twenty-second day of the month of January in the year of the Lord the thousand five hundred fifty-seventh by the oath of Edward Bygges, proctor of Edward Herbert, one of the executors named in the same testament, to whom administration was granted, sworn on the Holy Gospels to well etc., and [+to prepare?] a full and faithful inventory, and also to render a plain and true account, with power reserved to the other executors when they shall have come etc.]

[NOTE: Judicial sentence which follows not yet transcribed.]