

SUMMARY: The document below is the Prerogative Court of Canterbury copy of the will, dated 1 December 1569 and proved 10 April 1570, of William Underhill (c.1523 – 31 March 1570), who purchased New Place, and whose son, William Underhill (d. 7 July 1597), sold New Place to William Shakespeare of Stratford.

The testator was the second son of Edward Underhill (d. 5 November 1546?) and Margaret Middlemore (died c.1559), the daughter of Thomas Middlemore. For the will of Edward Underhill, see TNA PROB 11/31/647. The will of Margaret Middlemore was proved in 1563 in the Bishop's Registry at Worcester (see 'Underhills of Warwickshire', *infra*, p. 130). For the pedigree of Middlemore, see Fetherston, John, ed., *The Visitation of the County of Warwick in the Year 1619*, (London: Harleian Society, 1877), Vol. XII, pp. 332-3 at:

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

See also the pedigree in Underhill, Arthur, *The Staffordshire Underhills in England*, available online; and the pedigree in Fetherston, *supra*, p. 31 at:

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

See also Shirley, E.P., 'The Underhills of Warwickshire' in Nichols, John Gough, ed., *The Herald and Genealogist*, (London: J.G. Nichols and R.C. Nichols, 1865), p. 130 at:

<https://books.google.ca/books?id=dzIUAAAACAAJ&pg=PA130#v=onepage&q&f=false>.

According to his father's will, the testator had three brothers, Thomas Underhill (d. 6 October 1603), John Underhill (d.1601?) and Humphrey Underhill (whose will was proved in 1591), and seven sisters, three of whom were married by 1546/7, including Dorothy, and four of whom were unmarried in 1546/7, Katherine, Elizabeth, Mary and Margaret. According to the pedigree in 'Underhills of Warwickshire', *supra*, p. 130, the testator's sister Winifred married a husband surnamed Wikeley; his sister Anne married Thomas Rowley; his sister Katherine married William Mynors of Blakenhall; his sister Mary married Humphrey Wickham of Thomas or Swalcliffe, Oxfordshire; and his sister Elizabeth married firstly Edmund Bury of Barton-in-the-Heath, Warwickshire, and secondly Thomas Sawyer of Raunds, Northamptonshire. For the will of the testator's eldest brother, Thomas Underhill (d. 6 October 1603), see TNA PROB 11/105/391.

The testator and his brother, Thomas Underhill (d. 6 October 1603), married sisters, Ursula Congreve (d. 13 May 1561) and Elizabeth Congreve (d. 24 June 1603), the daughters of John Congreve of Stretton, Staffordshire, by Dorothy Gifford (buried 29 October 1571), the daughter of Sir John Gifford. John Congreve and Dorothy Gifford had another daughter, Dorothy Congreve, who married the testator's executor, Robert Brokesby of Shoby, Leicestershire. After John Congreve's death, Dorothy (nee Gifford) married Francis Shirley (26 January 1515 - 27 July 1571). For the will of Francis

Shirley, see TNA PROB 11/53/405. See Shirley, Evelyn, Philip, *Stemmata Shirleiana*, 2nd ed., (Westminster: Nichols and Sons, 1873), pp. 61-71 at:

https://books.google.ca/books?id=_vQRAwAAQBAJ&pg=PA98&lpg=PA98&dq=%22Sir+George+Shirley%22&source=bl&ots=Ypu_7ROoCz&sig=sj8NG8q7PnbUR9SFIwai60_mMhM&hl=en&sa=X&ved=0ahUKEwit-bW8j83JAhVGwWMKHUvzDdsQ6AEIRzAI#v=onepage&q=%22Sir%20George%20Shirley%22&f=false.

See also 'Underhills of Warwickshire', *supra*, p. 130, and Bellew, J.C.M., *Shakespeare's Home at New Place, Stratford-Upon-Avon*, (London: Virtue Brothers and Co., 1863), pp. 353-4, 362 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.

By Ursula Congreve, according to the will below, the testator had an only son, William Underhill (d. 6 July 1597), and three daughters, Dorothy, Margaret and Anne.

The testator's son was sixteen years of age at his father's death in 1570, and became a ward of the crown owing to the fact, as mentioned in the will below, that the manor of Idlicote was held in capite. His wardship was purchased in 1571 by his stepmother Dorothy Hatton's brother, Sir Christopher Hatton (see TNA C 66/1074).

After the death of his first wife, the testator married Dorothy (nee Hatton) Newport, the widow of John Newport (d.1566), by whom he had no issue. For her will, see TNA PROB 11/52/36. By John Newport Dorothy Hatton had a son, William Newport (d.1597), who married, as his second wife, Elizabeth Cecil (1578-1646), the daughter of Oxford's brother-in-law, Thomas Cecil (1542-1623), 1st Earl of Exeter. William Newport later took the surname Hatton, and as Sir William Hatton was the heir of his uncle, Sir Christopher Hatton (see the entry for Elizabeth Cecil (1578-1646) in the *ODNB*, and the Wikipedia article on Elizabeth (nee Cecil) Hatton edited by the author of this summary).

There was an earlier connection between the Underhill and Newport families. At Easter 1544 the testator's first cousin, Edward Underhill, known as the 'Hot Gospeller', sold the manor of Hunningham to Richard Newport, gentleman. See Morrison, F.J.H., *The Underhills of Warwickshire*, (Cambridge: Cambridge University Press, 1932), p. 47.

By profession the testator was an Inner Temple lawyer and clerk of assizes at Warwick. He had substantial property holdings in Warwickshire, including the manor of Idlicote which he purchased from Lodovick Greville, eldest son and heir of Sir Edward Greville (d. 24 December 1559). Lodowick Greville was pressed to death on 14 November 1589

as an accomplice to two murders. See Stopes, *infra*, p. 229; and the will of Sir Edward Greville, TNA PROB 11/44/282.

The testator also held a 21-year lease of the manor of Newbold Revel from Thomas Throckmorton (c.1534-1615), son and heir of Sir Robert Throckmorton (d.1581). For Thomas Throckmorton (c.1534-1615), from whom the testator leased Newbold Revel, see Stopes, *infra*, p. 229; the will of William Sheldon, TNA PROB 11/53/79; and the will of Sir Robert Throckmorton, TNA PROB 11/63/176; and:

<http://www.british-history.ac.uk/vch/warks/vol6/pp173-181>.

In 1567 the testator purchased New Place in Stratford upon Avon from William Bott, agent of William Clopton (1538-1592), esquire. In addition to these properties he held the manors of Loxley (which according to Bellew, *supra*, p. 359 he had also purchased from Lodowick Greville) and Barton-on-the-Heath, as well as other houses and lands in Stratford, Hollington, Hardwick, Meriden, Haselor, Drayton and Easenhall. See Stopes, Charlotte Carmichael, *Shakespeare's Warwickshire Contemporaries*, (Stratford upon Avon: Shakespeare Head Press, 1907), p. 228 at:

<https://archive.org/stream/shakespeareswarw00stop#page/228/mode/2up>.

See also:

<http://www.brooksby.org/family/shoby.html>.

For the testator's overseer, Sir James Dyer (1510–1582), whom the testator refers to as 'my most great friend and very good lord and master, Sir James Dyer, knight, Lord Chief Justice of the Common Pleas', see the *ODNB* article. See also 'Dyer' on this website for Sir James Dyer's judgement in a case involving a suit by the Queen against Oxford for the revenues of the lands of the jointure of Oxford's mother, Margery Golding, which he had inherited on 2 December 1568 while a ward.

LM: T{estamentum} Will{el}mi Vnderehill

[f. 95v] In the name of God, Amen. The first day of December in the twelfth year of the reign of our Sovereign Lady Elizabeth etc., I, William Underhill of Newbold Revel in the county of Warwick, gentleman, being whole and of perfect mind and remembrance, thanks be given to Almighty God, make this my testament and last will in form following:

First I give and commend my soul into th' hands of Almighty God, my Redeemer & Saviour, and my body to be buried by my dearly-beloved wife, Ursula Underhill, in the parish church of Nether Ettington in the county of Warwick if it possible [=possibly] may be so, be [=by?] what charge soever my executors shall be at;

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

And as concerning the disposition of all my lands, tenements, and hereditaments, first I leave to descend unto my heir or heirs the third part of all my manors, lands & tenements according to the statute in that case provided, for that my manor of Idlicote is holden in capite;

The residue of all my manors, lands, tenements and hereditaments within the realm of England, together with all my leases, goods, chattels, plate and household stuff whatsoever, except such parcels as hereafter by express name I do give and otherwise appoint, I do give them all wholly to my executors to th' intent that they with the rents and profits of them shall in all points perform and fulfil this my present last will and testament and pay my debts and bring up my children;

And when these same are fully performed and done, together with all manner of their costs, rents, and charges sustained being recompensed, paid and allowed, then I will that if William Underhill, my said son, then be on live and of full age, and hath not or will not marry before th' age of 24 years without the goodwill and liking of my brother, John Shirley, my brother [=brother-in-law] Brokesby, and my brother, Thomas Underhill, my brother Congreve or their heirs or the more part of them, that he, my said son, William, then shall have the residue and remnant of all my stock of cattle, leases, plate, goods and chattels before given in form aforesaid, to have to him and his assigns for evermore, and also the rest and residue of all my manors, lands and tenements given in form aforesaid, to have and to hold the same rest, residue, manors, lands and tenements to him and to the heirs males of his very body lawfully begotten and to be begotten according to the strict order of the common law and not favourably to be construed according to a devise until such time as they or any of them go about to alien or sell the same lands or tenements or any parcel thereof for any longer term than only for term of their lives or of their wives' lives and none otherwise except leases for to be made for 21 years or for three lives to begin from the date of the same leases, and no manner of lease to be made in reversion;

And if it happen that my said son, William, or his issue male to die without issue male of our very bodies lawfully begotten according as is aforesaid, or that they, my son, William, or his said issue of my body or their heirs males of their bodies or any of them go about to alien otherwise than is aforesaid, or that my said son do marry before the foresaid age of 24 years without their consents aforesaid, then I will that his or their estate to be void and be determined, and that then all my lands and tenements to be charged and also to come and remain as hereafter is expressed, that is to say:

I will that every issue female of my very body lawfully begotten now being on live, or the heirs of their bodies if such issue female be then dead, shall have one annuity or yearly rent of twenty pounds to them and to their heirs for evermore to be paid yearly out of all my manors, lands and tenements within the realm of England, with a clause of distress, the same payments to be made by even portions at two most usual feasts of the year to pray for their mother's souls [sic?] and mine, and with condition also that if they or their heirs do alien the same annuity or annuities longer than for the[ir] lives, that then the same annuity or annuities so aliened shall cease and be utterly determined;

Also I will that if my said son, William, or his said issue male die without issue male, as is aforesaid, or that they or any of them do go about to alien otherwise than is aforesaid, then I give to my brother, John, and the heirs males of his very body begotten in form as aforesaid and with like condition and until such time as is aforesaid my manor of Idlicote with th' appurtenances and all my lands & tenements in Idlicote, Loxley and Hollington, rating the same at one hundred pounds yearly when the leases are determined with this condition, so that also he or his heirs do give unto every one of his sons, [f. 96r] except his son and heir, one annuity or yearly rent of four pounds going out of the same manors, lands and tenements for term of their lives with clause of distress and with condition that they nor any of them shall not alien the same;

And then also I do give unto my brother, Humphrey, and to the heirs males of his very body begotten in form aforesaid, and with condition until the time as is aforesaid, all my lands, tenements and hereditaments in Kington, Basset, Hardwick, Barton [=Barton on the Heath?], Meriden, Alspath and Esenell [=Easenhall?] in the county of Warwick, rating the same at fifty pounds yearly when the leases are not [sic for 'out?'], so that he or his heir do give unto every one of his sons, except his son and heir, one annuity or yearly rent of five marks out of the same lands for term of their lives with condition that they nor any of them shall not alien the same;

And also then I do give to my brother, Thomas, until his son, Francis Underhill, my godson, be of the age of 24 years, and then only to the said Francis and to the heirs males of the very body of the said Francis lawfully begotten as is aforesaid, and with like condition and until such time as is aforesaid, all my lands and tenements with their appurtenances in Haselor, Stratford upon Avon and Drayton in the county of Warwick and in the town and parish of Wolverhampton in the county of Stafford, rating the same at £60 yearly when the leases are out, so that my said brother, Thomas, and the said Francis or one of them do grant unto all the rest of my brother Thomas' sons, his heirs only excepted, one annuity or yearly rent of four pounds unto every of them during their lives, with clause of distress and a condition that they shall not alien the same;

If Francis Underhill die without issue male as is aforesaid, then those lands to remain to George, his brother, and to his heirs males of his body in such form and with like condition as Francis had the same;

Provided always that my said lands and hereditaments equally as they are rated as aforesaid & rata pro rata shall be charged with the payment of my said daughters' annuities when they do fall;

And if my brother, Humphrey, die without issue male of his body lawfully begotten, then I will his portion given to him of my said lands shall remain unto Humphrey Underhill, son of my brother, Thomas, and unto Humphrey Underhill, son of John, my brother, and unto the heirs males of their bodies lawfully begotten as is aforesaid, and with like condition as my brother Humphrey had the same;

Also I do give unto every of my daughters, videlicet, Dorothy, Margaret and Anne, and to every of them five hundred pounds apiece to be paid unto them by my executors when they are severally married if my executors will so agree upon the time of payment and so that they do marry and be ruled for their marriage by and with the consent of my brother, John Shirley, my brother Brokesby, my brother, Francis Congreve, my brother, Humphrey Underhill, or their heirs or the more part of them;

And if any of my said daughters happen to die before she or they be married, then I will the portion & portions aforesaid of her or them so dying to survive, remain, come and be equally divided and given to her other sister or sisters overliving if they be ruled in marriage as is aforesaid by the discretion of my said brothers;

Provided always, and for God's sake have care and special regard unto it, that if any of my daughters do marry contrary to my determination and appointment as is aforesaid, or that they do offend and misuse themselves in carnal or adulterous living, and the same duly to be proved, that then I will her and their part and portion so offending before to her given in money, and also her and their said annuity or annuities before given to be frustrate and void & to determine and utterly to lose the same in all respects, anything herein comprised to the contrary in any wise notwithstanding, and then also her and their portion and portions so by the occasion aforesaid to be lost by dishonesty as aforesaid shall be given and bestowed to her other sister or sisters that then honest are & do not offend in the said fact;

Also I will that my daughters be brought up and kept by my executors until they be married upon the profit rising of their portions, but not to diminish her or their portion;

Also I will that my executors shall yearly keep all my grounds stored with cattle as long as the same grounds shall be in their hands towards the performance of my will, and then after that stock to remain unto my said son;

Also I do give unto every of my said daughters one featherbed furnished in all points as sheets etc., and to every of them one goblet new made with their mother's stock, a tablecloth, one dozen of napkins, and one towel;

Also I do give unto William, my son, my signet of gold when he cometh to full age;

And to every of my daughters one silver spoon;

And to Dorothy, my daughter, her mother's wedding ring and a pair of bracelets of gold;

To my second daughter my late most loving wife Newport's wedding ring;

My youngest daughter a little chain of gold and one other of my first wife's rings;

And if William, my said son, die before he be of full age, then I will all my said leases, goods & chattel[s], stock of cattle and plate after my will performed to be given and

distributed amongst my said daughters, if they be ruled as aforesaid, when and after my executors have performed my will, received their charges & paid my debts and legacies, and also if they do live honestly as aforesaid; otherwise she or they that are not ruled or doth live dishonestly to lose her part and portion of her legacy in all respects;

Also I do give amongst the children of my brother, John Underhill, equally to be divided amongst them, twenty marks;

To my sister Dalby's children amongst them £6;

To the children of my sister Wykeham £10;

To the marriage of Martha Rowley, my wife's god-daughter, when she is married and married by the consent of my overseers, £6 13s 4d;

Also I do give amongst the daughters of my sister Mynor £20;

Also I do give to Elizabeth Underhill, my god-daughter, £3 6s 8d;

And amongst the daughters of my sister Wynefryde £20;

And to the daughters of my sister Tawier(?) £3 6s 8d;

Also I do give to William Newport at his full age for his good mother's sake all the plate I had with her, and the most part also of all the household [f. 96v] stuff I had with her, trusting he will prove as good and as honest as his mother was, and will pray for her soul and mine;

Also I do give unto Edward Brokesby, my godson, one old angel and my grey ambling nag I had at Derby;

Also to Francis Brokesby, my wife's godson, one old angel and my bay mare;

My godson, Richard Wykam, one old angel [+and?] my grey nag I had of my brother Tawyer;

And to Frederick(?) Underhill, my godson, one old angel and the little nag I had of John Clement;

Also I do give to my man Hanocke(?) the lease of his house, and do remit unto him £11 which I paid for the fine thereof, and forgive him all the corn he oweth me;

Also I do give unto his wife, being sometime my wife's maid, 40s, and amongst his children 40s for her mistress' sake, to pray for her soul and mine;

And to every godchild that I have other than above recited 20s;

Also I do give to Callow, my man, one annuity of forty shillings yearly during his life going out of my lands, rents and hereditaments wheresoever, with clause of distress & with proviso that he shall be serviceable upon(?) my son, and pleasure him when he shall desire him, and to give him friendly advice, and also instruct my friends and helping [sic?] them in the performance of this my will with his best advise and travail;

Also I do give unto him £6 13s 4d, and Nottingham, my gelding;

To Simon, my man, 40s and twenty sheep;

To Wever(?), my man, 40s and my black trotting nag, and 20s annuity for his life out of my lands, with distress;

To Eleanor, my maid, a cow & 40s;

To Fawkener, my man, 40s and a horse or mare;

To Jackeman, my man, 40s and my bay mare I had of Mr Dymocke, or else 20s in money;

And to every other of my clerks and Astley one colt horse or mare;

To Elizabeth Rogers, 40s;

And every other of my servants, both man and woman, to have their whole year's wages for the year, deducting so much as they have received before my death;

Also I will shall be given to the poor of the parish where I was born during five whole years 12d weekly, and to the poor of the parish where I do dwell weekly for one whole year 12d, and to the poor people of the parish of Honyngham for one whole year weekly 8d, and to the poor of Binton weekly for a year 4d to pray for my soul, my wives' souls and all Christian souls;

Also I do give to the parson of Idlicote 20s to pray for all Christian souls, and do release unto him all covenants, bonds, agreements and demands between us;

Also I do release unto my brother Mynors and to his heirs all such right, title, interest and demand which I have to come of & in the manor & capital mansion house and of and in all lands & tenements in Blakenhall in the county of Stafford;

Furthermore I will that none of my tenants nor their wives during their widowhood, if they be of honest and good behaviour, be put out of their livings;

Provided always & my full will, intent & meaning is that if it shall so happen hereafter and seem very needful by reason of any extremity and great occasion or for a better

commodity that any of my said lands or tenements shall be aliened, leased or sold by my said son or any other otherwise than I have before expressed, that then I will licence therefore be first asked, had and obtained in writing from my brother, John Shirley, my brother Brokesby, & my brother, Francis Congreve, or their heirs under their hands and seals, otherwise my will as is aforesaid still to stand and remain in effect according to my true intent and meaning as is aforesaid, and no alienation then to be made of any of my said lands and tenements otherwise than is aforesaid;

Also I will that if any doubt or question shall or may rise or grow hereafter by reason of any legacy, gift, grant, word or article in this my will before rehearsed for lack of plain explanation for that they are not in all respects at large plainly set forth according to the due form of law and according to my full intent and meaning, therefore my will and mind is that the troth, true and plain interpretation and my meaning & full intent therein and in any such doubt & question shall be at all times and from time to time declared, interpreted, construed and explained by my most great friend and very good lord and master, Sir James Dyer, knight, Lord Chief Justice of the Common Pleas, my brother Brokesby, and my brother Shirley and their heirs and by the overliver of them and their heirs, and their declaration at all times and from time to time in every such question and doubt I will shall stand and be my perfect will, full mind, intent and meaning;

And my desire to them is chiefly to foresee that none of my lands be sold nor done away unless it be through the occasions before rehearsed and by licence as is aforesaid, and also that my daughters do not cast away themselves in marriage;

Also I will that such legacies as my executors think most necessary to be first performed shall be paid and performed in such time as to them shall seem most convenient;

Also I will that all the apparel & wearing linen of both my wives be equally distributed amongst my daughters;

The rest of all my goods and chattels not before bequeathed I give and bequeath unto my said son, William Underhill, and to be paid & delivered when my executors think necessary at such time as he cometh to the age of 21 years with condition as is aforesaid;

And if he die before then, my daughters to have all such goods and chattels as I have given unto him in this my will besides their foresaid legacies upon the condition aforesaid, except one £100 worth of those goods to be given only amongst all the daughters of all my sisters for to pray for my soul, besides the foresaid legacies given by me;

Also I make my executors of this my last will & testament John Shirley and Robert Brokesby, esquires, willing them to bestow upon my funeral as shall please them, and to either of them I do give for their painstaking £3 6s 8d;

Also I do make Thomas Callow, my trusty servant and clerk, one other of my executors;

Also I do make overseers of this my will the foresaid Sir James Dyer, knight, and my natural brothers, Thomas Underhill & Humphrey Underhill, and also my brother Congreve, esquire, to help and assist the due and true performance of this my last will and testament, and do give to the said Sir James Dyer for his pains £10 and my best gelding, and do give to either of my said brothers, Thomas, Humphrey, and Francis, 40s apiece;

Also I do give to the church of Ettington 20s, and to the church of Kerbye [=Monks Kirby?] & Binton for my tithes forgotten 3s 4d apiece;

Furthermore I will in any wise that Richard Walforde be paid in any wise out of hand 30 or £40, if he will have it, for his lease I did get of him in Wilmecote, and I ask God and him forgiveness for that I did not well come by my conveyance(?) from Gilbert;

And this [sic] making an end and taking leave to die to this miserable world, beseeching all the world for charity's sake of forgiveness, desiring them likewise to pray for my soul, my wives' souls and all Christian souls, and put [sic?] no fear but through the mercy of Christ and merits of his passion I shall enjoy with my wives the estate of grace and everlasting salvation, and at the Day of Judgment to rise again with my wives in the bosom of Abraham in the kingdom of God before the throne of his most royal and celestial kingdom, and into whose hands I do commend my soul, most humbly beseeching him to have mercy upon it and to take it to his mercy, and also my wives' souls and all Christian souls, & to bring our souls into that place of rest and eternal and celestial bliss, joy & salvation that never and never shall have end, Amen;

In witness whereof that this is my last will and testament and that I do by the same revoke and renounce all other my testaments where and whatsoever they be or that at any time or times by me were made: hanc meam vltimam voluntatem manu p{ro}pria scripsi p{ro}priu{m}q{ue} nomen meu{m} subscripsi. William Underhill. Roger Brasgyrdle [=Bracegirdle]. Thomas Callowe.

Probatum fuit suprascriptu{m} testamentu{m} Coram Mag{ist}ro Waltero Haddon Legum Doctore Curie Prerogatiue Cant{uariensis} Comissar{io} apud London Decimo die mensis Aprilis A{nn}o D{omi}ni Mill{es}imo Quingen{tesim}o Septuagesimo Iuramento Thome Callowe p{er}sonal{ite}r p{rese}ntis et Iohannis Shirley et Roberti Brokesbye in p{er}sona d{i}c{t}i Thome executor{um} Quibus comissa fuit admi{n}istrac{i}o o{mn}iu{m} bonor{um} etc De bene etc Ac de pleno et fideli Inuen{ta}rio etc exhibend{o} Necnon de plano comp{ot}o etc reddend{o} Ad Sancta dei Eu{a}ngelia Iurat{is}

[=The above-written testament was proved before Master Walter Haddon, Doctor of the Laws, Commissary of the Prerogative Court of Canterbury, at London on the tenth day of the month of April in the year of the Lord the thousand five hundred seventieth by the oath of Thomas Callow, personally present, and John Shirley and Robert Brokesby in the

person of the said Thomas, executors, to whom administration was granted of all the goods etc., sworn on the Holy Gospels to well etc., and to exhibit a full and faithful inventory etc., and also to render a plain account etc.]