

SUMMARY: The document below is the Prerogative Court of Canterbury copy of the last will and testament, dated 8 August 1568 and proved 13 May 1571, of Humphrey Hales, whose eldest son, Sir James Hales (d.1589), married Alice Kempe (d.1592), to whom Robert Greene dedicated *Menaphon* in 1589.

The testator was the only son of Sir James Hales (d.1554), whose second wife and widow, Margaret, the daughter of Oliver Wood, mentioned in the will as 'Dame Margaret Hales', instituted the lawsuit of *Hales v Petit* which is alluded to in the gravedigger's speech in *Hamlet*. See the entry for Margaret Wood at:

<http://www.kateemersonhistoricals.com/TudorWomenWi-Z.htm>.

See also the *ODNB* article on the testator's father; the Wikipedia article on the testator's father edited by the author of this summary; and the inquisition post mortem taken after the death of the testator's stepmother, TNA 142/165/132. According to the *ODNB* article, the testator's stepmother died 18 September 1567. However according to the testator she was still living when he made the will below on 8 August 1568.

The testator married Joyce Atwater, the daughter of Robert Atwater of Royton near Lenham in Kent, and by her had five sons and five daughters named in the will below: Sir James (d.1589), Samuel, Humphrey, John, Robert, Abigail, Margaret, Susan, Mary and Elizabeth or Remyge. For the will of the testator's son, Sir James Hales (d.1589), see TNA PROB 11/75/265.

After the testator's death, his widow appears to have married one Clarke. A Chancery suit in 1592 (C 2/Eliz/C7/5) concerning the validity of the will of her son, Sir James Hales (d.1589), appears to have been brought by her as Lady Joyce Clarke against Thomas Kempe, the half-brother of her former daughter-in-law, Alice (Kempe) Hales, widow of Sir James Hales (d.1589).

According to the will below, the testator had a sister, Frances Hales, the wife of Walter Henley, who appears to have been the nephew of Sir Walter Henley [or Hendle] of Cranbrook, Kent, solicitor of the Court of Augmentations, for whose will, proved 31 December 1550, see TNA PROB 11/33/459:

Also I bequeath my messuage or house in Holborn in the suburbs of London called Bangor Place to Walter Hendle, son of Thomas Hendle, my brother, as along as the said Walter and the said Thomas, his father, do both together live

For the will of Sir Walter Henley [or Hendle] see also:

<http://www.kentarchaeology.org.uk/Research/Libr/Wills/Bk49+50/page%20080.htm>.

For the family of Walter Henley, see also Philipott, Thomas, *Villare Cantianum*, 2nd ed., (Lynn: W. Whittingham, 1876), p. 99 at:

https://books.google.ca/books?id=WXhbAAAAQAAJ&pg=PA99&lpg=PA99&dq=%22Sir+Walter+Henley%22&source=bl&ots=INeohe6cSa&sig=mkQDoJupz-XrPTzPs2HMLrzUEEc&hl=en&sa=X&ei=_3VoVe2G15XWoAT4_4OICQ&ved=0CD0Q6AEwCQ#v=onepage&q=%22Sir%20Walter%20Henley%22&f=false.

See also Paravicini, Frances de, *The Early History of Balliol College*, (London: Kegan Paul, 1891), p. 221 at:

<https://books.google.ca/books?id=gxxMAAAAMAAJ&pg=PA221&lpg=PA221&dq=%22Sir+Walter+Henley%22&source=bl&ots=Mofcx7mO9j&sig=-xmyMyaKbdGdvSEx5-rkLiLXwqA&hl=en&sa=X&ei=UHdoVcqlN4uXoQSdz4KoDA&ved=0CCUQ6AEwAzgK#v=onepage&q=%22Sir%20Walter%20Henley%22&f=false>.

RM: T{estamentum} Humfridi Hales

In the name of God, Amen. I, Humphrey Hale[s] of the Dungeon besides the walls of Canterbury, esquire, of whole and entire mind, praised be God therefore, calling to my remembrance the final dissolution of my body and the uncertainty of the time thereof, and to th' intent that, my mind being discharged of worldly cares and business, I might be the readier to addict and give over myself wholly to God his will and pleasure whensoever it shall please him of his mercy to call me hence, and that things set in order I depart this life with more quietness, do make and ordain this my last will and testament:

First, I commend my soul into the hands of Almighty God, from whose justice I do appeal to his mercy, knowing that if he should enter into judgment with his servants there should no creature living be justified in his sight; nevertheless, seeing God's mercy is (as the prophet David saith) over and above all his works, though my sins be never so many and great, yet because his mercy is greater, I will not despair, but will surely trust to be forgiven by asking forgiveness of God the Father with a repentant heart through the blood, wounds and passion of our alone and only Saviour, his son Jesus Christ, who (as Saint John saith) obtaineth grace not by our sins only but also for the sins of all the world, so that for the only merits of Jesus Christ I hope and most steadfastly do trust to be in the number of them whose unrighteousness is forgiven and to whom the Lord will not impute sin, and because I would both live and die in perfect love and charity towards all men, I do forgive them which have offended me, even from the bottom of my heart, as I would God to forgive me, desiring all them likewise whom I have offended any manner of ways to forgive me, even as they themselves hope of forgiveness at God his judgment-seat at the latter day, and if any person can prove truly that I have done to him wrong, or that I owe to him anything, I will that that person which shall be named to be my executor and will take upon him or her th' administration of my goods by force of this my testament shall pay and recompense the same debt or wrong as far as my goods then remaining in my executor's hands will stretch or extend, though the rigour of the law will not enforce my executor thereto;

And as for my body, I will that it be laid in the grave without any pomp, believing assuredly with holy Job that where or howsoever it be laid, or by what means soever it cometh to his end, that yet this body shall notwithstanding rise again at the latter day, and that in this my flesh I shall see God my Saviour who hath redeemed me;

And I ordain and make by this my testament my wife, Joyce Hales, my sole & only executrix so long as she keepeth herself sole and unmarried, and if she shall hereafter marry, then I will that she shall before her marriage stand bound to Mr Sergeant Manwood and to Mr George Maye in one thousand pounds to perform this my will, which bond if she shall refuse to make, then I do ordain James, my eldest son, to be my executor, so that he make the like bond to them for to perform this my will, which if he refuse, then I do desire them to be my executors and to take upon them the charge of the performance of this my will as far as my goods and chattels at the time of my death and the yearly revenues of my lands which I may devise will extend unto;

And as touching my lands and tenements, first I will to my said executrice or to such as shall take on them to be my executors, all my lands and tenements in the county of Oxon now in the occupying of (blank) Foster, esquire, by force of a demise made by Sir James Hales, my father, and me, to John Venor for the clear yearly rent of forty-eight pounds nine shillings & four pence;

And all my houses in and beside Old Fish Street in London, of the clear yearly value of four pounds thirteen shillings four pence;

Item, my moiety of the manor of Northcourse in Netherhardes [=Netherhards?], being about the clear value of four pounds by the year;

Item, seven acres of land in Wynehope field with a little barn, stable and garden-room impaled, lying near the churchyard of Saint Mary Castle, demised by the heirs of Sir Christopher Hales among other lands to one Samuel Browne, of the clear yearly value of 40s;

Item, three acres of land bought of Brodnax, lying in the entry of my close of 26 acres in Saint Mary Church and being parcel thereof, of the clear yearly value of 20s by year;

Item, one messuage with a garden-plot enclosed with pale bought of Streter the younger, baker, which I have now joined to another house and have letten the same, being made but one dwelling, to Robert Bynge, that messuage about the clear yearly value of 13s 4d by the year;

Item, three acres of land joining to other twenty acres of mine in Eleham [=Elham?], with three acres I purchased of one Hogven of Eleham aforesaid, of the yearly value of 6s 8d;

Item, I will to my said executrix, or to such other as shall hereafter take on them to be my executors, my manor of Danecote [=Danecourt?] with th' appurtenances in Boughton,

Blean, Hernhill and Sollinge, the freehold whereof I bought of Walter Henley, gentleman, and of Frances, his wife, being my sister, who had the same of the gift of Sir James Hales, my father, for term of their lives, the remainder thereof after my death to James Hales, my eldest son, being of the clear yearly value of sixteen pounds, besides ten seams of wheat yearly and ten seams of barley which I account most years to be worth both ten pounds, of the which manor of Dane courte [=Danecourt?] with th' appurtenances I will that my executrice shall take the profits during the life of the said Walter Henley of whom I bought it;

And of all the lands and tenements abovesaid I will that my executrix shall take the profits to the use of the performance of this my will until the same be performed;

With the issues and revenues rising of the said lands and with the ready money I shall leave at the time of my death, my debts, funerals and legacies to other than to my children discharged and my children found, first, I will that my executor shall pay, as soon as the same may conveniently be levied, threescore nineteen pounds of lawful money (whereof forty pounds is already paid, as it appeareth by my acquittances) to Matthew Mantell, Mark Mantell, Luke Mantell and John Mantell, sons to Walter Mantell, gentleman, deceased, taking of them a sufficient acquittance thereof, for which sum of £79 I stood bound in a greater sum to Dame Margaret Hale[s], widow, to save her harmless;

Item, I will that my executrix shall pay ten score pounds of lawful money, which sum of two hundred pounds was delivered to me by Robert Atwater, esquire, my wife's father, deceased, to the use of my children, whereof I will that my executrix shall pay to James, my eldest son, when he shall accomplish the age of 21 years, or if he shall accomplish the said age at the time of my death, then I will those £20 to be paid to him immediately after my death;

Item, I will that my executrix shall pay those nine score pounds residue to Samuel, my son; to Abignoll [=Abigail], my daughter; to Humphrey, my son; to Margaret, my daughter; to John, my son; to Susan, my daughter; to Mary, my daughter; to Robert, my son; to Remyge [sic?], my youngest daughter, to each of my said children twenty pounds apiece when they shall severally accomplish the said age of 21 years; if any of them die before their said age, then I will that their portion that so die shall be delivered among them which do survive;

Item, I will that my executrix shall pay to each of my said daughters before-named over and beside those £20 apiece given to them by my said wife's father, nine score pounds apiece to make up two hundred pounds apiece when they shall severally accomplish th' age of 24 years, if it will so soon arise;

Item, I will to Elizabeth, my youngest daughter, other two hundred pounds when she shall accomplish the said age of 24 years, if it will arise of the revenues of my lands before devised;

And if it shall fortune any of them to die before their said age, then I will that their portion so dying shall be delivered among them which survive and accomplish the said age;

Item, I will that my executrix shall pay to the child my wife now goeth withal two hundred pounds if it shall fortune to be a daughter, and shall live to accomplish the said age of 24 years;

And if all my before-named daughters do die before they have received their said portions above limited, then I will that their portions, those ten hundred pounds, shall be equally divided between John, Robert, and the child my wife goeth withal, if it shall fortune to be a son, when they shall severally accomplish the said age, or to such of them as shall live to accomplish the said age;

And if it shall fortune the said John, Robert, my sons, & the child whom my wife goeth withal, being a son, all to die before they shall accomplish the said age, then I will the said thousand pounds to James, Samuel and Humphrey, my sons, to be divided equally at their several ages of 24 years, if the said sum may be so soon levied.

I will to James, my son, my lands in the parish of Ivychurch now in my occupying and in the occupying of Nicholas Salkyn, being of the value of ten pounds by year; my lands in Sellinge next Estinghanger [=Ostinghanger?] park, of the value of five pounds by the year; my lands in Chislet in the occupying of John Helde, of the value of £7 by year; my manor of Maxte beside Dover with th' appurtenances, now in the occupying of William Hamyngton, gentleman, of the value of five pounds by year and the rent thereof about 30s by year; item, my lands, parcel once of the parish of Saint Jacob's, containing fifty acres or thereabouts, being about the value of five pounds by the year, and one acre and one yard of land lying in Winehope field now in the occupying of William Broke [=Brooke?] of the value of 6s 5d by the year; item, twenty acres of land or thereabouts lying at Eleham now in the occupying of (blank) Wylson of Eleham, of the yearly value of 26s 8d, to the said James, to have and enjoy immediately after my death;

Item, I will my manor of Danecourt with th' appurtenances to the said James after the death of Walter Henley according to the conveyance made by Sir James Hales, my father, as well of the said manor as also of the lands before given to James, my son; nevertheless, if it shall fortune Dame Margaret Hales to die, and after the said Walter Henley to die before this my will be accomplished and performed, then do I require the said James, my son, for that he shall be sufficiently advanced by the death of the same Dame Margaret Hales, that he will suffer my executrix to take the profits of Danecourt with th' appurtenances until this my will be performed;

I will to the said James, my son, my messuage called Stopinten within the liberties of the city of Canterbury after the decease of Joyce, my wife, according to the conveyance made thereof unto him by the foresaid Robert Atwater, my wife's father, requiring my said son James further that if the said Joyce, my wife, his mother, do not marry and shall be disposed to dwell at my now mansion house, the Dungeon, after the death of the said

Dame Margaret Hales, that then he would suffer and quietly permit his said mother to dwell in the said house called the Dungeon with him;

Item, I will those lands and tenements above to my executrix willed to perform my will, after this my will performed and accomplished, to the said James, my eldest son, to have and to hold to him and to his heirs upon condition that he shall pay to John and Robert, my sons, and to the child my wife goeth withal, being a son, three hundred pounds, that is, to each of them one hundred pounds when they shall accomplish their said age of 24 years, if the same may conveniently so soon be levied, and if any of them shall die before they shall accomplish ye said age, then I will that they of them which overlive shall enjoy the other's portion;

Item, I will to Samuel, my second son, immediately after my decease, my manor of Jaokye Court and Mydley [=Midley?] with th' appurtenances, lying in Hede and Mydley, now demised to John Sterynger [=Stringer?] & John Mar by several leases, which said manors are so assured to the said Samuel, my son, by conveyance from Sir James Hales, my father, being almost of the yearly value of £40;

Item, I will to Humphrey Hales, my third son, according to the conveyance made by my said father, after the death of Joyce, my wife, my messuage and tenement in Plomsted [=Plumstead?] in the county of Kent, being of the yearly value of £26, the which Humphrey with John, my son, Robert, my son, and the child my wife now goeth withal, if it shall fortune to be a son, I will they shall every of them be kept at school until they shall be meet to be bound to be apprentices in London or shall be set to other trade to get their living according to the discretion of my executrix;

And likewise I will all my daughters before-named and the child my wife goeth withal, being a daughter, be kept in household with my said executrix until their said several age of 24 years, if they shall not fortune to marry before or to be put forth into convenient service to gentlewomen by the discretion of my executrix;

And for this consideration, that my executrix should find meet and drink at her own charge to all my said children except James and Samuel until their said several ages of 24 years, being not put forth as apprentices or to other meet service or married before their said ages, I will to Joyce, my wife, my executrix, one nest of gilded bowls with their cover, two little gilded salts, 12 of the biggest silver spoons of one fashion, 3 gilded hanse-pots, one cruse with a gilded lid given to me by her father, all my geldings, mares and horse-beasts (except my best gelding, which I will to my very friend, Mr Thomas Wotton, at his election, which he shall choose), with all my saddles and trappings, cattle, woods, corn and (blank?), as well sown in the ground as on the lofts or floors in any of my houses being mine at the time of my death, and all her apparel & jewels;

Item, I will to James Hales, my eldest son, all my other leases not before expressed, and also one basin and one ewer of silver, and one great standing cup with a cover, the said cup & cover all gilded, which basin, ewer and cup were John Hales', my grandfather, and given to me by Sir James Hales, my father; item, two fair gilded salts, 10 gilt spoons with

maidens' heads, and my signet or seal of arms, to be delivered to him by my executrix when he shall accomplish the said age of 24 years;

Item, I will all the rest of my goods and chattels not before bequeathed, whereof I will an inventory to be made by my executrix immediately after my death or [sic for 'so'?] that the certainty thereof may be known, to the said James, my eldest son, to be delivered to him by my said executrix, at such time whenas after he shall accomplish the said age of 24 years, he shall pay to my said executrix, his mother, to her own use one hundred pounds of lawful money of England, or otherwise I will they shall remain to my said executrix to her own use forever;

And if my wife shall fortune to die before the performance of this my will, then I will James, my son, to be executor, so that he will enter in bond as is aforesaid, which if he shall refuse or shall fortune to die before the performance of this my will, then I desire the said Mr Sergeant Manwood and the said Mr George Maye to take upon them the charge of this my will and to be mine executors, whom in the meantime I do make supervisors of this my will and testament, willing to the said Master Manwood £6 13s 8d in money, and to the said Mr Maye four pounds in money, desiring them as much as shall lie in them to see and cause my executrix to perform this my will, and further, to take and hear yearly once every year the account of the profits of my lands taken by my said executrix, and therewith to see my debts and legacies paid as soon as it may be conveniently gathered, for the which their pains, if they will be content to take and hear the said account yearly, I will to them yearly forty shillings, that is 20s apiece, to be paid unto them by my said executrix yearly immediately after their hearing of the said account;

Item, I will that if all my sons shall happen hereafter to die, leaving no issue male behind them, then I will all my lands in the county of Oxon, with all other of my lands and tenements which I have purchased and wherein I have an estate of inheritance at the time of my death, to my uncle, William Hales, to him and to his heirs forever, to whom also I will a hoop-ring of gold of the value of 20s or more, to be delivered unto him immediately after my decease;

Item, I will to my cousin, Roose [=Rous?] Herman, a little ring with a death's-head, to be delivered to him immediately after my death;

Item, I will to the poor of Saint Mary Brednexe(?) [=Bredin(?)] parish, where I will my body to be buried at the time of my burial, forty shillings to be distributed among them by the discretion of my executrix;

Item, I will to Mary Skynner, my maid, besides her wages due at the time of my death, 10s;

Item, I will to John Powes, my servant, 10s;

In witness of all the premises, and that this is my very will and testament, I have set to my seal and subscribed my name, dated the 8th day of August in the 10th year of the reign of our Sovereign Lady Elizabeth, by ye grace of God Queen of England, France and Ireland, Defender of the faith &c, 1568, by me, Humphrey Hales.

Probatum fuit h{uius}mo{d}i testamentu{m} Cora{m} D{omi}no Cantuarien{sis} Archiepiscopo apud London xiiijno die Mens{is} Maij Anno D{omi}ni 1571 Iuramento Pauli Whitehorni procuratoris Iacobi Hales Executor{is} in h{uius}mo{d}i testamento no{m}i{n}at{i} &c Cui com{m}issa fuit administrac{i}o &c de bene &c Iurat{i} &c.

[=The same will was proved before the Lord Archbishop of Canterbury at London on the 13th day of May in the year of the Lord 1571 by the oath of Paul Whitehorne, proctor of James Hales, executor named in the same testament etc., to whom administration was granted etc., sworn to well etc.]