

SUMMARY: The document below is the Prerogative Court of Canterbury copy of the will, dated 26 July 1564 and proved 27 January 1574, of Nicholas Crispe (b. by 1530, d.1564), esquire, who appointed as overseer of his will Cyriac Petit, the defendant in a lawsuit alluded to in the gravediggers' scene in Shakespeare's *Hamlet*.

From the Wikipedia article on Sir James Hales edited by the author of this website:

https://en.wikipedia.org/wiki/James_Hales

In 1558 Hales' widow instigated legal proceedings against Cyriac Petit to recover a lease of land in Graveney marsh which had been made in 1551 to herself and her late husband. Since the coroner had earlier ruled Hales' death to be a felony, the case, Hales v. Petit, turned on the abstruse point of whether the felony, i.e. Hales' suicide, had occurred during Sir James' lifetime or after his death. In 1562 the court ruled in favour of Petit. Plowden published a full report of the case in 1571.^[11] According to Baker Hales v. Petit is "often held up as an extreme example of abstract legal reasoning", and it is considered that Shakespeare alludes to it in the gravedigger's speech in Hamlet.^[12]

First Clown Give me leave. Here lies the water; good: here stands the man; good; if the man go to this water, and drown himself, it is, will he, nill he, he goes,--mark you that; but if the water come to him and drown him, he drowns not himself: argal, he that is not guilty of his own death shortens not his own life.

Second Clown But is this law?

First Clown Ay, marry, is't; crowner's quest law.

FAMILY BACKGROUND

For earlier generations of the Crispe family, see 'Archaeological Notes on Thanet', *Archaeologia Cantiana*, Vol. XII, (London: Mitchell & Hughes, 1878), pp. 329-419 at:

<https://books.google.ca/books?id=HSxKAAAAYAAJ&pg=PA417&lpg=PA419>

The testator was the only child of Sir Henry Crispe (b.1505, buried 24 August 1575) of Birchington in the Isle of Thanet, Kent, by his first wife, Katherine Scott (buried 9 February 1545), the daughter of Sir John Scott (d. 7 October 1553) of Scot's Hall, Smeeth, Kent.

Katherine Scott's brother, the testator's uncle, Sir Reynold Scott (c.1511 - 16 December 1554) married Emmeline Kempe, daughter of Sir William Kempe (1487 – 28 January 1539) by Eleanor Browne, widow of Sir Thomas Fogge (d. 16 August 1512), esquire,

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Sergeant Porter of Calais, and daughter of Robert Browne, esquire. Robert Browne was the brother of Sir Anthony Browne (d.1506), who, by his second wife, Lucy Neville (d.1534), was the great-grandfather of Mary Browne (c.1552-1607), mother of Henry Wriothesley, 3rd Earl of Southampton, the dedicatee of Shakespeare's *Venus and Adonis* (1593), and *The Rape of Lucrece* (1594), and of Thomas Nashe's *The Unfortunate Traveller* (1594). See the will of Sir William Kempe (1487 – 28 January 1539), TNA PROB 11/27/500, the will of Eleanor Browne Fogge Kempe, dated 24 August 1558 and proved 11 December 1560, TNA PROB 11/43/638, and Richardson, *Magna Carta Ancestry*, 2nd ed., 2011, Vol. IV, p. 2.

After the death of the testator's mother, the testator's father married Anne Haselhurst, the daughter and coheir of George Haselhurst, by whom he had four sons (John Crispe, Edward Crispe, Henry Crispe and George Crispe) and two daughters (Anne Crispe, who married Philip Browne, and Jane Crispe, who married a husband surnamed Johnson).

For Sir Henry Crispe, see his will, dated 24 November 1573 and proved 5 November 1575, TNA PROB 11/57/494, and the History of Parliament entry at:

<http://www.historyofparliamentonline.org/volume/1509-1558/member/crispe-%28cripse%29-henry-1505-75>

For a summary of the will of the testator's father see also Mayer, Thomas F. and Courtney B., *The Correspondence of Reginald Pole*, Vol. 4, (Aldershot, Hampshire: Ashgate Publishing Limited, 2008), p. 134 at:

https://books.google.ca/books?id=_daeDoWdQ0cC&pg=PA134

See also the History of Parliament entry for the testator at:

<http://www.historyofparliamentonline.org/volume/1509-1558/member/crispe-%28cripse%29-nicholas-1530-64>

MARRIAGES AND CHILDREN

First marriage

The testator married firstly Frances Cheyney (d. 20 November 1561), the daughter of Sir Thomas Cheyney (c.1485-1558), by whom he had a daughter:

*** Dorothy Crispe.**

For the bequests made to the testator by his father-in-law, Sir Thomas Cheyney, see his will, TNA PROB 11/42B/105.

For the Cheyney family, see also Tyler, Lisa, 'Cheyne of Shurland – Sheppey, *The Journal of Kent Local History*, No. 4 (Spring 1977), pp. 9-11, available online.

In the will below, the testator refers to his 'brother [=brother-in-law] Cheyney'. Sir Thomas Cheyney's second wife was Anne Broughton (d. 15 May 1562), whose father, Sir John Broughton (d. 24 January 1518) of Toddington, Bedfordshire, was the son of Sir Robert Broughton (d. 17 August 1506) by his wife, Katherine de Vere, said to have been the illegitimate daughter of John de Vere, 13th Earl of Oxford. See Ross, James, *John de Vere, Thirteenth Earl of Oxford*, (Woodbridge, Suffolk: The Boydell Press, 2011), p. 187. Anne Broughton's mother was Anne Sapcote (d. 14 March 1559). After the death of John Broughton, Anne Sapcote married secondly Sir Richard Jerningham (d.1525), and thirdly John Russell (c.1485-1555), 1st Earl of Bedford. For the will of Sir Robert Broughton, see TNA PROB 11/15/535. For the will of John Broughton, see TNA PROB 11/19/251. For the will of Anne Sapcote Broughton Jerningham Russell, see TNA PROB 11/42A/512. The inscription on the tomb of Anne Broughton states that she died 16 May 1561. See Rutton, William Loftie, *Three Branches of the Family of Wentworth*, (London, 1891), p. 132 at:

<https://books.google.ca/books?id=YhY5AQAAMAAJ&pg=PA132>

By his second marriage to Anne Broughton, Sir Thomas Cheyney had a son and heir, Henry Cheyney (d.1587), brother-in-law of the testator, who married Jane Wentworth (d. 16 April 1614), the daughter of Thomas Wentworth (1501-1551), 1st Baron Wentworth, but died without issue in 1587.

See Tyler, Lisa, 'Cheyne of Shurland – Sheppey, *The Journal of Kent Local History*, No. 4 (Spring 1977), pp. 9-11, available online.

Second marriage

The testator married secondly Mary Glemham, the daughter of Christopher Glemham (d.1549?), esquire, and Margery Wentworth, daughter of Sir Richard Wentworth. See the will of Sir Henry Wentworth (c.1448 - August 1499) of Nettlestead, TNA PROB 11/12/265, and the Wentworth pedigree in Rutton, William Loftie, *Three Branches of the Family of Wentworth*, (London: 1891), p. 138 at:

<https://books.google.ca/books?id=YhY5AQAAMAAJ&pg=PA138>

The pedigree shows that Sir Richard Wentworth (c.1480 - 17 October 1528) and Anne Tyrrell, the daughter of Sir James Tyrrell (executed 1502), had a son, Thomas Wentworth (c.1500 - 3 March 1551), 1st Baron Wentworth, who married Margaret Fortescue, and a daughter, Margery Wentworth (d.1587), who married Christopher Glemham (d.1549), and that Sir Richard Wentworth's sister, Dorothy Wentworth (d. before 1506), married Sir Robert Broughton (d.1506) of Denton, Suffolk (see above), and that another of his sisters, Margery Wentworth (d.1550), married Sir John Seymour (d. 21 September 1536)

of Wolf Hall, Wiltshire, by whom she was the mother of Queen Jane Seymour. The testator's second wife, Mary Glemham, was thus a second cousin of Edward VI, son of Jane Seymour and Henry VIII.

See also the pedigrees in Gunn, S.J., *Charles Brandon, Duke of Suffolk, c.1484-1545*, (Oxford: Basil Blackwell, 1988), pp. 46-9, and Metcalfe, Walter C., ed., *The Visitations of Suffolk*, (Exeter: William Pollard, 1882), pp. 34-5 and 140 at:

<https://archive.org/stream/visitationsofsuf00harvuoft#page/34/mode/2up>

John Glemham . . . mar. Eleanor, da. and after heir to Sir William Brandon, Kt., and by her had issue, -- Sir John, Kt., son and heir; William, second son; Henry, third son; Katherine, unmar.; Anne, mar. to [Henry] Palgrave; Elizabeth, mar. to (blank) Jeffrey of Stansfield, co. Suffolk, gent., and had issue a da. and heir. mar. to Sir Philip Tylney.

and:

<https://archive.org/stream/visitationsofsuf00harvuoft#page/140/mode/2up>

Christopher Glemham, son and heir of Sir John (see Visitation of 1561) mar. Margaret, da. of Sir Richard Wentworth of Nettelsted in Suff., and sister to Thomas, Lord Wentworth, and had issue, -- Thomas, son and heir; Charles, second son; Elizabeth, mar. to Henry Wentworth, Esq., second son to Thomas, Lord Wentworth; Mary, mar. to (blank) Crisp, of Kent, and, to her second husband, Sir Philip Parker, of Erwarton in Suff., Kt.

For the Glemham family, see also the will of Sir Philip Tilney (d. 8 January 1533), TNA PROB 11/25/71.

OTHER PERSONS MENTIONED IN THE WILL

As noted above, testator appointed as one of his executors Cyriac Petit, a party in the lawsuit alluded to in the gravediggers' scene in Shakespeare's *Hamlet*. For Cyriac Petit, see the History of Parliament entry at:

<http://www.historyofparliamentonline.org/volume/1509-1558/member/petyt-cyriac-1517-91>

In September 1544 Petyt paid £476 for former monastic property in Canterbury and London, in the following year he was given charge of eight Kent manors belonging to the court of augmentations, and in 1547 he attended the funeral of Henry VIII as an esquire. He purchased no further lands under Edward VI, during whose reign he is recorded on only one commission, but in November 1554 Petyt and John Webbe paid £80 for the remainder of a lease at Boughton under Blean, which had reverted to the see of Canterbury (whose temporalities were then in the Queen's hands) on the suicide of Sir

*James Hales, son of John Hales I. That the lease was thus forfeit was unsuccessfully disputed by Hales's widow in the celebrated lawsuit, Hales v. Petit. Petyt and his family were living at Boughton by May 1557, when they acquired further lands at Faversham and Graveney.*⁶

For Sir James Hales, see the *ODNB* entry.

For the monumental brass to Cyriac Petit at Boughton-under-Blean, see Haines, Herbert, *A Manual of Monumental Brasses, Part II*, (Oxford: J.J. and James Parker, 1861), p. 93 at:

https://archive.org/stream/manualofmonument01hain_0#page/92/mode/2up

For the testator's 'cousin', Thomas Keyes (by 1524 – before 5 September 1571), Serjeant Porter, see the *ODNB* entry for Lady Mary Grey (1545?-1578):

Keys [née Grey], Lady Mary (1545?-1578), noblewoman, was probably born at Bradgate Hall, Leicestershire, the youngest of the three daughters of Henry Grey, duke of Suffolk (1517-1554), and Frances Grey, duchess of Suffolk (1517-1559), the daughter of Charles Brandon, first duke of Suffolk, and Henry VIII's younger sister Mary. . . . On 10 or 12 August 1565 Mary secretly married Thomas Keys (or Keyes; d. 1571), the queen's serjeant porter.

For Thomas Keyes' brother, Reginald Keyes, also mentioned in the will below, see the Keyes pedigree in Sherwood, George, ed., 'Keyes, by R.J. Fynmore', *The Pedigree Register*, (London, 1907-1910), Vol. I, pp. 196-8 at:

<http://archive.org/stream/pedigreeregister01sociuoft#page/196/mode/2up>

See also the will of Sir Anthony St Leger, TNA PROB 11/42B/276, whose son, William St. Leger (d.1582), married Isabel Keyes, the daughter of Thomas Keyes, the Queen's Sergeant Porter, and whose granddaughter, Anne St Leger (1555-1536), married firstly Thomas Digges (d.1546 – 24 August 1595), and secondly Thomas Russell, overseer of the will of William Shakespeare of Stratford-upon-Avon. For details of the marriages of Anne (nee St Leger) Digges Russell, see the *ODNB* entries for Sir Warham St Leger and Thomas Digges; the will, dated 10 June 1591 and proved 1 September 1595, of Thomas Digges of St Mary Aldermanbury, TNA PROB 11/86/204; the will, dated 3 October 1633 and proved 5 May 1634, of Thomas Russell, TNA PROB 11/165/424; Richardson, Douglas, *Magna Carta Ancestry*, 2nd ed., 2011, Vol. II, pp. 81-3, and Vol. III, pp. 481-2; Hotson, Leslie, *I, William Shakespeare, Do Appoint Thomas Russell, Esquire*, (London: Jonathan Cape, 1937), pp. 126, 132-40, 203, 210; and Palmer, Alan and Veronica, *Who's Who in Shakespeare's England*, (New York: St Martin's Press, 1999), pp. 209-10, at:

<http://books.google.ca/books?id=6BK1Vu6pw84C&pg=PA209&dq=Thomas+Russell#v=onepage&q=Thomas%20Russell&f=false>

RM: T[estamentum} Nicholai Crispe

In the name of God, Amen. The 26th day of July in the year of Our Lord God a thousand five hundred threescore four:

First, I, Nicholas Crispe, esquire, of perfect mind and memory, bequeath my soul unto Almighty God, and my body to be buried in the parish church of Whitstable;

Item, I give to Mary, my wife, all her jewels and apparel belonging to her body, and all my plate and silver candlesticks saving one basin and ewer of silver and a silver cup embossed which I give to my daughter, Dorothy;

Also I will that my wife shall have a hundred ewes and six kine, ten young, two yearling bullocks as my good father, Sir Henry Crispe, knight, did give her at our first coming hither to keep house here;

Item, I give to my father my cart mares with young hobby and his dame;

Item, I will all my household stuff to be sold towards the payment of my debts saving two beds, th' one of tawny velvet and my green bed which I lie in with all my furniture unto them, which two beds with their furniture I give to my wife;

I give to my wife my best tablecloth with two dozen of my best napkins and a towel belonging unto them;

Item, I will my chain to be sold for the payment of my debts;

I require my brother Cheyney to let my wife have the ground I hired of him in Sheppey for the term of years that he promised me the same;

And I will to my brother Cheyney the custody and bringing up of my daughter, Dorothy, during her minority;

And also I give to my said brother Cheyney my two geldings which I called Wylde Brave and Kempe;

I give my wife first the nags which be her own called Hoselherst Cole and Wingefelde with Dabb Brundishe and Busbridge;

I give my brother Charles one gelding, that is to say, Coleshale;

It is not unknown unto my father, Mr Petyte, and Collens do know of the bullocks in the marsh which be my brother Charles', saving I must have half the game for their feeding, whereof two be sold for six pounds and I have reserved the money;

I shall desire my father to let my wife enjoy Whitstable until Michaelmas next if she like to remain there, and that Collens, Roos and his wife, and John Randall may be chief doers for her;

I make Mr Cyriack Petyte and Mary, my wife, mine executors, and my father and my brother, Charles, my overseers;

I give Collens my trotting mare, Roose and his wife a cow, to John Randall a cow, and for all other stuff remaining here more I will that my father shall have the refusing of it for his money;

I give to Thome [=Tom?] Brewer four of my best ewes going now in Milles marsh and Bernerdes marsh;

As for the rest of my goods, I commit towards the payment of my debts, saving my part of the parsonage of Saint Nicholas which I have by lease, which lease I give among my serving-men, whereof my cook to be one, egally to be divided among them during the term of the same, whereof Collens must have his share;

I mean my retainers nor labourers of household to take no benefit thereby, but only my household serving-men;

I will to all my men and retainers good black coats ready made to their back;

And I will that Reginald Keys shall have the preferment and occupying of my part of the parsonage aforesaid, so he be able once by Hallow-tide [=first week of November] next to put in sureties to the rest of his fellows for so much money as another man will give for it, to be paid at th' Annunciation of Our Lady;

And I will that if any of my serving-men die within the said term, then I will that thother that live to have his or their parts equally to be divided;

Also I give to Reginald Keyes my gelding in Sheppey which they call Graye Richardes;

Also I give to Jacke Bushopp and to Thome [=Tom?] Sotholl my two falcons, and for them to follow them Sir John the nag for Jacke Busshoppe, Cole curtal for Tom Sothall, and for each of them three couple of spaniels, and Jacke to have his choice;

Item, I will give to my father and Mary, my wife, all my right and interest of [f. 8v] the parsonage of Birchington;

Item, I give to my Lady, my mother, the blue bed with all things thereunto belonging;

Item, I will to all my brothers all my apparel;

Item, I give to my father for his painstaking all my armour and weapon, saving that I will that Master Charles Glemham shall have his choice of one of the said armours;

And I give to Mr Ciriacke Petit for his pains Whitefoote, my gelding;

Item, I give to Sergeant Porter my colt in Sheppey in the park;

And I will to mine uncle Crispe, esquire, and his wife, to either of them a mourning gown;

And to my cousin, Thomas Keyes, Sergeant Porter, another;

Item, I give my new arquebus to Thomas Bell with the key, flask and case being now at London;

This is the last will of me, the said Nicholas Crispe, esquire, made the day and year abovesaid as touching my lands and tenements, which lands and tenements is called Bowshall in the parish of Whitstable, and my lands in Sheppey in the parish of Mister [sic for Minster?], which lands and tenements I give to Mary, my wife, and to her heirs forever, upon condition that she pay the £12 to my neighbour Saynte(?) and his brethren yet due for that purchase of Bowshall, and after the £12 paid, my said wife to receive a release from them to her accordingly to this my gift;

Witness at the making of this my will and testament: Sir Henry Crispe, knight, Mr Charles Glemham, gentleman, Reginald Keyes, Edward Awger, Mr William Kinge, priest, John Bishoppe, Thomas Wotton, Anthony Sothack, Thomas Surgeon.

Probatum fuit Testamentum Suprascriptum in Cur{ia} Prerogatiue Cantuarien{sis} apud London Vicesimo Septimo die mens{is} Ianuarij Anno domini Mill{es}imo Quingentesimo Septuagesimo Tertio Iuramento Ciriaci Petit Executor{is} Cui Commissa fuit Administrac{i}o omniu{m} et Sing{u}loru{m} bonor{um} &c de bene &c Iurat{i} &c

[=The above-written testament was proved in the Prerogative Court of Canterbury at London on the twenty-seventh day of the month of January in the year of the Lord the thousand five hundred seventy-third by the oath of Cyriac Petit, executor, to whom administration was granted of all and singular the goods etc., sworn etc. to well etc.]