

SUMMARY: The document below is the Prerogative Court of Canterbury copy of the will, dated 5 March 1573 and proved 7 November 1575, of Elizabeth (nee Sothill) Drury (d. 19 May 1575), whose father-in-law, Sir Robert Drury, was chief steward and executor to John de Vere (1442-1513), 13th Earl of Oxford.

FAMILY BACKGROUND

The testatrix was one of the twin daughters and heiresses of Henry Sothill (d.1504), esquire, of Stoke Faston, Leicestershire, attorney-general to King Henry VII, and a descendant of King John by a mistress.

The testatrix' mother was Joan Empson, the daughter of Sir Richard Empson (c.1450-1510).

The testatrix' twin sister, Joan Sothill, married Sir John Constable (c.1491 – 1554x6) of Kinoulton, Nottinghamshire, a younger son of Sir Marmaduke Constable (c.1456/7 – 20 November 1518) of Flamborough, Yorkshire. Sir Marmaduke Constable was the eldest son and heir of Sir Robert Constable (4 April 1423 – 23 May 1488) of Flamborough by Agnes Wentworth (d. 20 April 1496), daughter of Roger Wentworth, esquire, of North Elmsall, Yorkshire, by Margery Despenser. See Richardson, Douglas, *Magna Carta Ancestry*, 2nd ed., 2011, Vol. I, pp. 527-8, and Vol. III, pp. 235-6.

See also Richardson, Douglas, *Magna Carta Ancestry*, 2nd ed., 2011, Vol. II, pp. 92-3; the *ODNB* entry for Sir Richard Empson; and *Testamenta Eboracensia*, Vol. IV, (Durham: Andrews & Co., 1869), p. 169 at:

<https://books.google.ca/books?id=XsUKAAAAYAAJ&pg=PA169&lpg=PA169&dq=%22Henry+Sothill%22&source=bl&ots=pNCUlnxxNh&sig=GiAExNTfTKX-Mecf3oPiD9ABsns&hl=en&sa=X&ved=0ahUKEwiXnMC3mKbVAhVHw1QKHdwWD-g4ChDoAQgsMAE#v=onepage&q=%22Henry%20Sothill%22&f=false>

See also the Wikipedia article on Sir Marmaduke Constable edited by the author of this website at:

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

MARRIAGE AND ISSUE

The testatrix married, as his second wife, Sir William Drury (c.1500-1558), eldest son and heir of Sir Robert Drury (b. before 1456, d. 1535) and his first wife, Anne Calthorpe. The testatrix' father-in-law, Sir Robert Drury (b. before 1456, d. 1535), lawyer and speaker of the House of Commons, was chief steward and executor to John de Vere (1442-1513), 13th Earl of Oxford. The names of Sir Robert Drury and his eldest son and

heir, Sir William Drury, appear in the Ellesmere manuscript of Chaucer's *Canterbury Tales* (Huntington Library EL 26 C 09) which was at one time owned by the Earls of Oxford. It is said that Sir Robert Drury received the manuscript as a legacy from the 13th Earl. For a description of the Ellesmere manuscript and the names of members of the Drury family found in it, see Digital Scriptorium, available online at <http://www.scriptorium.columbia.edu/>.

The testatrix and Sir William Drury (c.1500-1558) had four sons, Robert (d.1557), William, Henry (d.1587) and Roger, and thirteen daughters: Anne (d.1561), who married Sir Christopher Heydon (d.1579) of Baconsthorpe; Mary (d.1594), who married firstly, Sir Richard Corbet of Assington, Suffolk, and secondly, on 24 June 1565, Sir John Tyrrell (d.1591) of Gipping, Suffolk; Elizabeth; Frances, who married James Hobart; Bridget, who married Henry Yelverton (d. 26 April 1601), esquire, of Rougham, Norfolk; Winifred; Ursula; Audrey; Dorothy; Margaret; Katherine; Dorothy (again) (d.1602), who married Robert Rookwood; and Elizabeth (again), who married Sir Robert Drury of Rougham. See Richardson, Douglas, *Magna Carta Ancestry*, 2nd ed., 2011, Vol. II, pp. 93-4, and Vol. IV, p. 399.

The testatrix' eldest son, Robert Drury, died in December 1557, predeceasing the testatrix' husband, Sir William Drury, by only a few weeks. The testatrix' second son, Henry Drury (d.1587), is one of the chief beneficiaries of the will below.

The testatrix' grandson, Sir William Drury (1550-1590), inherited the family estates at the age of seven. He was Oxford's associate at court circa 1578-81 (see BL Lansdowne 99, ff. 259a-64b; BL Cotton Titus C.6, ff. 5-6; STC 19974.6, and Segar, William, *The Book of Honor and Armes* (New York: Scholars' Facsimiles & Reprints, 1975), p. 95). Sir William Drury (1550-1590), and married Elizabeth Stafford (d.1600), daughter of Queen Elizabeth's mistress of the robes, Dorothy Stafford (1526-1604). Elizabeth Stafford (d.1600) was herself one of the ladies of the bedchamber from 28 November 1568 until her death, and is referred to in a letter written to Oxford by his estranged wife, Anne Cecil on 12 December 1581: 'For my Lady Drury, I deal as little with her as any can, and care no more for her than you will have me, but I have been driven sometimes for avoiding of malice and envy to do that both with her and others which I would not with my will do' (see BL Lansdowne 104/64, ff. 166-7).

The testatrix died 19 May 1575 and was buried at Hawstead on the following day.

OTHER PERSONS MENTIONED IN THE WILL

The testatrix' two executors, John Heigham (1540-1626) and Robert Rookwood (d.1600), were related to her by marriage. From the *ODNB*:

Sir John Heigham (1540–1626), landowner, was born about July or August 1540, the first son of Sir Clement Heigham (b. in or before 1500, d. 1571), judge and speaker of the

House of Commons, and his second wife, Anne (1505–1589), daughter of George Waldegrave of Smallbridge, Suffolk, and widow of Henry Bures of Acton, Suffolk.

The testatrix' executor, John Heigham (1540-1626), was thus the son of her husband's niece, Anne Waldegrave (1505-1589), the daughter of Sir George Waldegrave (c.1483-1528) and his wife, Anne Drury (d.1572), the sister of the testatrix' husband, Sir William Drury (c.1500-1558).

The testatrix' executor, Robert Rookwood (d.1600), was, as indicated in the will, her son-in-law. The *ODNB* provides the following information on Robert Rookwood (d.1600) in the entry for his son, Ambrose:

Ambrose Rookwood (c.1578–1606), conspirator, was the second of four sons born to Robert Rookwood (d. 17 Feb 1600) of Stanningfield, Suffolk, and his second wife, Dorothea (or Dorothy) Drury (d. 1602), daughter of Sir William Drury of Hawsted, in the same county. The marriage of Robert and his first wife, Bridget Kemp, had also produced four sons, but all predeceased their father without issue, the eldest, Robert, dying of wounds received in the Low Countries and being buried at Gravelines on 9 September 1580.

For information in the foregoing paragraphs, see entries for the Drury family, Dorothy Stafford, John Heigham and Robert Rookwood in the *ODNB*; Richardson, Douglas, *supra*; and Cullum, John, *The History and Antiquities of Hawsted* (London: J. Nichols, 1784), pp. 69, 115, available online.

For the will of the testatrix' husband, Sir William Drury (d.1500-1558), see TNA PROB 11/40/205. For the will of the testatrix' second son, Henry Drury (d.1587), see TNA PROB 11/70/57. For the will of the testator's grandson and heir, Sir William Drury (1550-1590), see TNA PROB 11/86/11.

LM: T{estamentum} D{omi}ne Elizabeth{e} Drurye

In the name of God, Amen. The fifth day of March in the year of Our Lord God 1572 and in the 15th year of the reign of our Sovereign Lady Queen Elizabeth, I, Dame Elizabeth Drury of Lawshall in the county of Suffolk, widow, late the wife of Sir William Drury, knight, deceased, do make and ordain this my present testament and last will in manner and form following, and by the same I do revoke and annul all other wills before this time by me made, so as I would nobody should thereby take any profit or advantage:

First, I give and bequeath my soul to Almighty God, by whose mercy and passion I trust to be saved;

Item, I will that my body shall be buried within the church of Halstead by the body of my said husband according to my degree and by the discretion of mine executors;

And I ordain and make John Heigham, my cousin, son and heir of Sir Clement Heigham, knight, and Robert Rookwood, my son-in-law, esquires, my executors to do & execute all things for me in this my present testament and last will mentioned and contained according to my trust & confidence committed unto them;

And I especially desire my loving cousin, John Pynchon, esquire, to be the supervisor of this my present will, and to call upon my executors for the performance and due execution of the same, to whom I give my bowl of silver and gilt with the cover;

Item, I will and require the said John Heigham & Robert Rookwood, mine executors, that as well mine own debts as also the debts of my said husband which be yet unpaid by me shall and may be paid and reasonably discharged, and this to be paid within as short time as my said executors shall be able to levy the value thereof upon my own goods and chattels and upon such other sums of money as shall be hereafter expressed, willed, limited and bequeathed;

Item, I will that within one year next after my decease my said executors shall bestow forty pounds of lawful money of England to be evenly divided upon five cups of silver and all gilt, that is to say, eight pounds upon each of the same five cups, and shall within the same year give and deliver unto my daughter Corbet one of the same cups, one other unto my daughter Hobart, the third unto my daughter Yelverton, the fourth unto my daughter Rookwood, the fifth unto my daughter Drury, the wife of my son-in-law, Robert Drury;

Item, whereas my son, Henry Drury, according to my devise & appointment standeth bound in one writing obligatory of the nature of a statute staple taken and knowledged before Sir Robert Catlyn, knight, Lord Chief Justice of England, according to the order of the statute made for the recovery of debts in the sum of eight hundred pounds unto Henry Payne and my son-in-law, Robert Rookwood, esquire, and the said Henry Payne and Robert Rookwood have given and granted for them, their executors and administrators, that if the said Henry Drury, his executors, administrators or assigns or any of them after the decease of the said Dame Elizabeth Drury shall well and truly content and pay or cause to be contented and paid the sum of six hundred pounds of lawful money of England or all or so much of the said sum of £600 which I, the said Dame Elizabeth Drury, by this my last will and testament or by any other apparent act, gift or devise in my lifetime shall give, devise, limit or appoint to be paid by the said Henry Drury, his executors and administrators, and to such person & persons and at such days and times and in such order and form as by any such will, gift, devise, limitation or appointment shall be made, limited or appointed by me, the said Dame Elizabeth Drury, that then the said writing obligatory of £800 to be clearly void and of none effect, or else to stand, be and remain in full force, virtue and effect;

And whereas my said son, Henry Drury, is and standeth further bound in one other obligation bearing date the 24th day of March in the said 9th year of the reign of our Sovereign Lady Queen Elizabeth unto the said Henry Payne and Robert Rookwood in

five hundred pounds of lawful money of England, which obligation is endorsed with condition that if the said Henry Drury do pay three hundred pounds of lawful money of England or all or so much of the said sum of £300 to such person and persons at such days and times and in such manner, order & form as I, the said Dame Elizabeth Drury, shall limit and appoint as is aforesaid, over and above such sums of money as the said Henry Drury is to pay by virtue and force of the said writing obligatory of £800, that then the said obligation of £500 to be likewise void and of none effect, otherwise to be and remain in full force and effect, I, the said Dame Elizabeth Drury, for a full and manifest declaration, appointment and limitation of the payment as well of the said sum of £600 as also of the said sum of £300 to be paid by my said son, Henry Drury, his executors, administrators or assigns, in manner and form aforesaid, do give, bequeath, limit and appoint the whole & entire sum of £600, and of the said whole and entire sum of £300 the sum of two hundred and fifty pounds, unto the said John Heigham and Robert Rookwood, my executors, for and towards the payment of my debts aforesaid and for the payment and discharge of such other bequests and legacies as been hereafter expressed, limited and appointed to be paid by my said son, Henry Drury, to the hands of my executors aforesaid to th' use and intent before & hereafter expressed, and at such days and times as is hereafter appointed and limited, that is to say:

Unto my niece, Mary Drury, one of the daughters of my son, Robert Drury, one hundred pounds, to be paid to her by my executors any time within three years next after my decease;

Item, unto my niece, Susan Drury, one other of the daughters of my son, Robert Drury, one hundred marks, to be paid likewise any time within four years next after my decease;

Item, unto my niece, Winifred Drury, one other of the daughters of my said son, Robert, forty pounds and forty marks, to be likewise paid any time within five years next after my decease;

Item, unto my niece, Bridget Drury, one other of the daughters of the said Robert, forty pounds, to be likewise paid any time within six years next after my decease;

Item, unto my niece, Dorothy, one other of the said sisters, forty pounds and forty marks, to be likewise paid any time within seven years next after my decease;

Item, unto my niece, Audrey, one other of the said sisters, forty pounds, to be likewise paid within eight years next after my decease;

Item, I give to Henry Corbet, my godson, six pounds 13s 4d, to be paid within two years after my decease;

Provided always and my full mind and will is that if any of the said sisters decease before the several times of the said several payments to be made to them in manner, order and form as is afore expressed and limited, that then the same several portion or portions of

her or them that so decease shall be equally divided by my said executors between all the residue of the sisters so surviving;

Item, I give to Henry Rookwood, my godson, son of Robert Rookwood, esquire, begotten of Dorothy Rookwood, my daughter, six pounds 13s 4d, to be paid unto him by my said executors at any time within seven years next after my decease;

Item, I will that my said son, Henry Drury, his executors, administrators or assigns, shall within one year next after my decease content and pay or cause to be contented & paid three hundred pounds of the said sum of eight hundred and fifty pounds before limited to be paid by him unto my said executors; the residue of all and the said sum of the said £800 not yet limited and appointed, when and in what order to be paid, I will and my full mind and intent is that the said Henry Drury, my son, shall pay the same to my executors or the survivor of them or the executors or administrators of the survivor of any of them within three years next after the payment of the said £300 towards the payment of my debts and performance of this my last will and testament in manner and form as is before & hereafter appointed, limited, declared and expressed, which said sums of £850 last before limited and appointed to be paid by my said son, Henry Drury, in manner as is aforesaid, shall be in full payment, acquittal, fulfilling and discharge as well of the said bond obligatory of the sum of £800 as is aforesaid of the nature of a statute staple as also of the other bond of £500 wherein the said Henry is likewise bound as is afore declared;

Item, I will that Henry Drury, my son, shall have my land in Lawshall to him and to his heirs forever which I lately bought of the widow Hamonde, allowing and paying therefore unto my said executors within three years next after my decease thirty pounds of lawful money of England, and if the said Henry Drury, his heirs executors or assigns, do refuse to pay the said sum of £30 unto my said executors at or before the time limited and appointed, then I will and my full mind and intent is that my said executors or the survivor of them or the executors of the survivor of them or any of them shall enter and sell the same land, and the money thereof coming to be to the performance of this my last will and testament;

Item, I give to the said Henry Drury, my son, and to his heirs forever my land in Lawshall lying in a close called Mellfelde which I lately bought of Robert Cawston and John Glye the younger, allowing and paying therefore unto my said executors within three years next after my decease three pounds of lawful money of England, and if the said Henry do refuse to pay the said sum of £3 unto my said executors at or before the time limited and appointed, then I will and my full mind and intent is that my said executors or the survivor of them or the executors of the survivor of them or any of them shall enter and sell the same land, and the money thereof coming to be to the performance of this my last will and testament;

Item, I give to the said Henry Drury, my son, and to his heirs forever the two meadows and the little wood which I bought of John Creke lying in Lawshall aforesaid, allowing and paying for the same unto my executors within three years next after my decease eighteen pounds of good and lawful money of England, and if the said Henry do refuse to

pay the said sum of £18 unto my said executors at or before the time limited and appointed, then I will and my full mind and intent is that my said executors shall sell the same to the best advantage, and the money thereof coming to be as is aforesaid;

Item, I will that if my son, Henry, do refuse to pay the said sums for the lands aforesaid as they be limited, and do or may nevertheless claim the said lands contrary unto this my meaning, then I will and my full mind is that he, the said Henry, shall not take any advantage of the bequest of the lands(?) afore bequeathed unto him;

Item, I will that my said executors shall sell all and singular my stuff and implements of household and all other my goods movables and immovables now being and remaining at and in my mansion house of Lawshall where I now dwell or elsewhere, together with all and singular my stock and store of corn and cattle of what kind soever the same be of, to the full performance of this my last will and testament, provided always that my son, Henry Drury, shall have the preferment of all my said stuff and all other my goods and chattels whatsoever in Lawshall last before recited, paying therefore unto my said executors the sum of forty pounds under the price that four indifferent men will price the same at, whereof two to be chosen by my said son, Henry Drury, and other two by my executors, the true payment of all which several sums of money here in this my present testament and last will mentioned and expressed, made and paid by my said son, Henry Drury, in manner and form as is before by me appointed, shall be in full satisfaction, acquittal and discharge of all and all manner of covenants, grants, conditions, bonds, charges and encumbrances whatsoever wherewith or wherein the said Henry Drury, his heirs and assigns, standeth or is bound, charged or encumbered unto me, the said Dame Elizabeth Drury, my heirs, executors or assigns, and also of all manner of estates, assurances or conveyance wherewith the said Henry Drury, his heirs or assigns, might by any manner of means be encumbered or troubled, the several annuities heretofore by me grant unto Henry Drury, Thomas and Robert Drury, sons of my son, Robert Drury, deceased, wherewith the said Henry Drury, my son, standeth charged, always excepted and forprised;

Item, I give and bequeath unto my said son, Henry Drury, my basin and ewer of silver, and that to be delivered unto him by my said executors shortly after my death;

Item, I give and bequeath unto Bridget Jervis, my gentlewoman, £6 13s 4d of lawful money of England, to be paid unto her by my said executors within one year next after my decease, which £6 13s 4d is due unto her by the legacy of my late husband, Sir William Drury, knight, deceased;

Item, I give & bequeath unto the said Bridget Jervis £6 13s 4d over & above the legacy of my said husband, to be paid to her by my executors within two years next after my decease;

Item, I give and bequeath unto my nephew, William Drury, esquire, son and heir of my son, Robert Drury, esquire, deceased, my best and longest carpet, to be delivered unto him shortly after my decease;

Item, I give to the township of Lawshall and the township of Hawstead towards the mending of their highways ten pounds, to be evenly divided between them;

Item, I will that at my day of burial my executors shall send five pounds to the township of Lawshall, to be distributed among the poor people of the same town;

Item, I will likewise that at the same day my executors shall send to the township of Bury £6 13s 4d, to be distributed amongst the poor people of the same town;

Item, I will likewise that my executors shall distribute amongst the poor people of Hawstead five pounds;

Item, I will likewise that my executors, according to their discretion, make some distribution amongst the poor people of some other towns near adjoining as shall seem convenient to the discretion of my said executors;

Item, I give each of my executors for their painstaking in performance of this my will six pounds 13s 4d over and above the charges and expenses which they shall happen to be at about th' administration of this my last will and testament;

Item, I give and bequeath unto my godchildren and grandchildren, Robert Drury and Dorothy Drury, children of my son-in-law, Robert Drury, esquire, of Rougham, to either of them £6 13s 4d, to be paid unto them at any time within seven years after my decease, and if any of those two children happen to die before the time of payment limited, then I will he or she surviving shall enjoy the whole bequest aforesaid;

All the residue of my goods and chattels here not named, recited or expressed, I give and bequeath unto my said executors to order and dispose according to their discretions and as shall seem most convenient to them;

In witness whereof I have hereunto put my hand and seal the day and year first above-written, these being witnesses of the sealing of this said will and of the acknowledging of the same, but they never heard the same read because the said Dame Elizabeth Drury would not agree to have it read before any witnesses. William Drury, Henry Drury, John Thorneton, Henry Froste.

Item, I will that so many blacks be given at my burial as be hereafter expressed, and no other, that is to say, to my son Tyrrell and his wife, to my son Hobart and his wife, to my son Yelverton and his wife, to my son Rookwood and his wife, to my son, Robert Drury, and his wife, to my son, Henry Drury, and his wife, to my cousin, John Heigh{a}m of Barrowe, and coats to those my servants named, that is to say, to George Rokes, William Heywarde, Richard Froste, Henry Froste, and one gown to my gentlewoman, Bridget Jervis, and to my niece, Winifred Drury, and one gown to my niece, Dorothy Drury, and to Anne Rookwood, one of the daughters of my son-in-law, Robert Rookwood. This

appointment of blacks was made xiiij Augusti 15o Elizabeth{e} Regine in presentia mei Ioh{ann}is Heigh{a}m, Roberti Rookwood, Henrici Drury Ric{hard}i Adams, cler{er}ici.

Item, I give and bequeath unto my daughter Rookwood my bedstead wherein she now lieth, with the tester or sparver thereupon, being embroidered, with the valance, and also I give and bequeath unto her my best saddle with the sappers and all kind of furniture thereunto belonging;

Also I give unto my daughter Drury, the wife of my son-in-law, Robert Drury, my next best saddle with the furniture thereunto belonging;

Also I give to Bridget Jervis, my gentlewoman, all the bed and bedstead with all kind of furniture thereunto belonging in which she now lieth, in such plight and sort as the same is at the day of the making hereof, with coverlet, blankets, sheets, bolster and pillows;

These later legacies were appointed by the above-named Elizabeth Drury the last day of December in the 15th year of Queen Elizabeth in the presence of me, John Heigh{a}m, Robert Rookwood;

Item, I bequeath to every one of my servants being my household servants at the time of my decease, both men and maids, others than such as be hereafter named, one quarter wages to be paid unto them within one month after my decease, saving that I will that Elizabeth Birde, my goddaughter and servant, shall have 20s, and Mother Boule 10s, and Alice Pierne(?) 10s, in recompense of the gift before given to my servants.

Probatum fuit testamentum suprascriptum coram mag{ist}ro Will{el}mo Drury legum doctore Curie prerogatiue Cantuarien{sis} com{m}issario apud London septimo die mensis Novembris anno d{omi}ni Mill{es}imo quingentesimo septuagesimo quinto Iuramento mag{ist}ri Edwardi Orwell notarij publici procur{atoris} Ioh{ann}is Higham et Roberti Rokewood Executor{um} in testamento h{uius}mo{d}i no{m}i{n}at{orum} Quibus com{m}issa fuit admin{istrac}io om{niu}m et sing{ulor}um bonor{um} &c De bene &c Ad sancta dei Evangelia Iurat{i}

[=The above-written will was proved before Master William Drury, Doctor of the Laws, Commissary of the Prerogative Court of Canterbury, at London on the seventh day of the month of November in the year of the Lord the thousand five hundred seventy-fifth by the oath of Master Edward Orwell, notary public, proctor of John Heigham and Robert Rookwood, executors named in the same testament, to whom administration was granted of all and singular the goods etc., sworn on the Holy Gospels to well etc.]