

SUMMARY: The document below is the last will and testament, dated 28 July 1574 and proved 2 December 1579, of Sir Edward Fitton (born 31 March 1527, died 3 July 1579), whose granddaughter, Mary Fitton, is conjectured by some scholars to have been the Dark Lady of Shakespeare's *Sonnets*.

The testator was the eldest son of Sir Edward Fitton (d. 17 February 1548) of Gawsworth, Cheshire, by Mary Harbottle (d. 12 December 1556), the daughter of Sir Guiscard Harbottle, slain at the battle of Flodden. See the will of Mary (nee Harbottle) Fitton, TNA PROB 11/39/471; and the Fitton pedigree in *Gossip from a Muniment-Room*, (London: David Nutt, 1898), p. 1 at:

https://archive.org/stream/gri_33125008386944#page/n29/mode/2up/.

The testator was related to the Percys, Earls of Northumberland. The testator's aunt, Eleanor Harbottle (d. April 1567), married firstly Sir Thomas Percy (d. 1537), by whom she was the mother of Thomas Percy (1528-1572), 7th Earl of Northumberland, and Henry Percy (d. 20 June 1585), 8th Earl of Northumberland; she married secondly, about 1541, Richard Holland of Denton, Lancashire, by whom she had no issue. For the Harbottle/Percy pedigree, see Hodgson, John, *A History of Northumberland in Three Parts*, Part II, Vol. II, (Newcastle, 1832), p. 262 at:

<https://archive.org/stream/historyofnortpt202hodguoft#page/262/mode/2up/>.

See also Craster, H.H.E., *A History of Northumberland*, (London: Simpkin Marshall, 1909), Vol. IX, pp. 266-71 at:

<https://archive.org/stream/historyofnorthum09nort#page/266/mode/2up/>.

See also the will of Richard Holland, dated 27 May 1548, in Irvine, William Ferguson, ed., *A History of the Family of Holland of Mobberley and Knutsford in the County of Chester*, (Edinburgh: Ballantyne Press, 1902), pp. 118-19 at:

<https://archive.org/stream/ahistoryfamilyh00hollgoog#page/n240/mode/2up/>.

According to his mother's will, the testator had four brothers, Thomas, Francis, Anthony and George, and two sisters, Mary and Margaret.

The testator's brother, Francis Fitton (d. 17 June 1608), married, in 1587, Katherine Neville (d. 28 October 1596), eldest daughter and coheir of John Neville (d. 1577), 4th Baron Latimer, son of John Neville (1493-1543), 3rd Baron Latimer, by Dorothy de Vere (d. 7 February 1527), sister of John de Vere (1499-1526), 14th Earl of Oxford. At the time of her marriage to Francis Fitton, Katherine (nee Neville) was the widow of Henry Percy (d. 20 June 1585), 8th Earl of Northumberland (see above). See the *ODNB* entries for John Neville, 3rd Baron Latimer, Thomas Percy, 7th Earl of Northumberland, and Henry Percy, 8th Earl of Northumberland, and the will of John Neville, 3rd Baron Latimer,

TNA PROB 11/29/303. For the will of the testator's brother, Francis Fitton, see TNA PROB 11/112/118.

The testator's sister, Mary Fitton (d. 27 July 1591), married Sir Richard Leveson (d.1560). For her will, see TNA PROB 11/78/48. For the will of Sir Richard Leveson, see TNA PROB 11/43/621. The testator's sister, Margaret Fitton, married John Englefield (d. 1 April 1567). For her will, see TNA PROB 11/121/212. For the will of John Englefield, see TNA PROB 11/49/179.

The testator married, on 19 January 1540, Anne Warburton (1 May 1527 - 9 January 1574), the daughter of Sir Peter Warburton of Arley, Cheshire, by whom he had nine sons and six daughters. His sons Edward, Richard, Alexander, William and Francis are mentioned in the will below.

The testator's daughter, Elizabeth Fitton (d.1595), married Sir Thomas Holcroft (d. 20 February 1620). Holcroft became related by marriage to the Cecils when his niece, Elizabeth Manners (1576-1591), the only child of Edward Manners (1549-1587), 3rd Earl of Rutland, and Isabel Holcroft (1552-1605) married Lord Burghley's grandson, William Cecil (1590-1618), in 1589. See the *ODNB* articles on Edward Manners and William Cecil, and the History of Parliament entry for Sir Thomas Holcroft at:

<http://www.historyofparliamentonline.org/volume/1604-1629/member/holcroft-sir-thomas-1557-1620>.

The testator was succeeded by his son, Sir Edward Fitton (d. 4 March 1606), who married Alice Holcroft (d. 4 January 1627), the daughter of Sir John Holcroft, by whom he had four children: Sir Edward Fitton (d. 10 May 1619); Richard Fitton (d. 5 June 1610); Anne Fitton (buried 22 July 1618), wife of Sir John Newdigate (d. 18 March 1610); and Mary Fitton, conjectured by some scholars to be the Dark Lady of Shakespeare's *Sonnets*.

The testator's son, Sir Edward Fitton, (1548/9–1606), was Oxford's steward in Cheshire. For letters from him dated 30 June and 3 July 1578 to Lord Burghley concerning Oxford's manor of North Rode, at the time part of Oxford's wife Anne's jointure, see TNA SP 12/124/55, f. 161, and CP 10/4. For letters from him to Oxford's brother-in-law, Sir Robert Cecil see CP 54/15, CP 54/21 and CP 54/110. See also the *ODNB* article, and the will of Sir Edward Fitton (1548/9-1606), TNA PROB 11/107/223.

For the testator's career in Ireland, see the *ODNB* article. A brass monument in St Patrick's Cathedral, Dublin, depicts the testator, his wife, and their fifteen children.

The testator's servant, Richard Masterson, may have been related to the Richard Masterson who brought a lawsuit in 1585 involving Oxford. See Huntington Library MS EL 5870.

For the testator see also the *ODNB* article and the History of Parliament entry at:

<http://www.historyofparliamentonline.org/volume/1509-1558/member/fitton-edward-1527-79>.

LM: T{estamentum} D{omi}ni Edwardi ffyton milit{is}

[f. 377v] In the name of God, Amen. The eight and twentieth day of July in the 16th year of the reign of our Sovereign Lady Elizabeth by the grace of God Queen of England, France and Ireland, Defender of the Faith etc., and in the year of Our Lord God a thousand five hundred seventy-four, I, Sir Edward Fitton of Gawsworth in the county of Chester, knight, being in good health and perfect remembrance, God be praised therefore, considering nevertheless the certainty of natural death and th' uncertain hour of the same, do ordain, make and declare this my last will and testament in manner and form following:

First I wholly give and commend myself both body and soul into th' hands of Almighty God, to order and dispose as shall please Him to his most honour and my salvation through mercy;

I will, give and bequeath to my son and heir apparent, Edward Fitton, all my lands, goods and chattels, leases, farms, tithes and debts whereof I shall be possessed or whereunto I shall have any title at the time of my death, conditionally that he shall pay all the debts which I shall owe at the time of my death either by specialty or otherwise, and also shall pay to every of his sisters which shall be unmarried at the time of my death four hundred pounds wholly and entirely at the time of their marriage or at such days as the bargain can be made with whom they shall marry, my said son finding and maintaining his said sisters in the meantime till they be married at his proper costs and charges, conditionally also that he shall suffer all his brethren to enjoy quietly and without trouble all those annuities which I have given them by deed in writing, and shall also allow to his brother, William, twenty marks yearly more than his said annuity for seven years after the date hereof if the said William continue so long at his book in Inns of Court, and likewise conditionally that he shall maintain his youngest brother, Francis, at learning at some good grammar school or university till he come to eighteen or twenty years old, and then in Inns of Chancery for two years after the rate of ten pounds by [f. 378r] the year, and at Inns of Court seven years after with twenty pounds by the year including his annuity in the same if the boy do frame accordingly and will continue the same to good effect; otherwise his bare annuity after he cometh to eighteen or twenty years old and shift for himself as please God;

And if my said son, Edward, shall break any part of this my will or go about to defraud the true meaning of the same or any part thereof, then I will all my goods whereof I shall be possessed at the time of my death (my plate and best chain excepted, which notwithstanding I give unto him and to his son, Edward, or what other son shall be his heir to be left by descent as heirlooms to the house of Gawsworth so long as shall please God), shall be divided among my younger sons;

And two parts of my land whereof I shall die seised and have liberty by law to declare my will upon the same shall be to the maintenance and preferment of my said daughters to the value and after the tenor aforesaid, and also for the payment of my debts which I shall owe at time of my death, as well by specialty as otherwise, as aforesaid;

And if my said son will stand to and prove this my will and testament, I ordain and make him my sole executor;

And if he refuse so to do, then I make my executors John Warren of Poynton and Richard Holland of Denton, esquires, and my two brethren, Thomas Fitton and Francis, and my servant, Richard Masterson, who can best instruct the rest of my whole state, to which my executors, if they shall come to the use of that function, I give and bequeath every one of them a horse or gelding to be chosen by them in order as they stand here named of the best I shall have at time of my death;

And further for the better assurance and good advice of my son, Edward, I will that Richard Masterson for the approved truth and honesty which I have for and in [sic for 'found in'?] him shall have a lease for term of his life of John Lathum's(?) house with the ground and all the appurtenances belonging, and also of all that my land which John Creswall or his wife lately enjoyed with all the commodities thereto belonging, upon condition that the said Richard shall manure and make his chief habitation upon the premises or else with my said son, and also shall pay unto Eleanor Redish the sum of forty pounds sterling according to a band which I made to her friends for the same sum, or at such time as my said son, Edward, and my brother [=brother-in-law], Peter Warburton, shall think it most beneficial for her;

Also for the good nature and good qualities which I know and have proved to be in my servant, Thomas Street, I wish his continuance with my son, Edward, and will and require him to keep him with honest entertainment till he can prefer him to an honest man's living by marriage to some good farmer's daughter, or otherwise to a reasonable farm of himself;

In witness whereof I have signed and sealed this for my last will and testament at the Whitefriars near Dublin the eight and twentieth of July in the sixteenth year of the reign of our Sovereign Lady Queen Elizabeth and in the year of Our Saviour a thousand five hundred seventy-four;

If God's will be that I die in Ireland, my desire is if it please him that I may be buried with my wife under the same stone that I have prepared for her, and a table of brass set up in the wall for us both, and if God appoint me to die in England, then in the north aisle of Gawsorth church, and a black stone to be carried hence which is already prepared and lieth at Kettelwell's house, and one portraiture for me and another for her of alabaster laid and made fast upon the same stone;

And no mourning for me, neither of blacks, whether I die in England or Ireland or elsewhere; this [sic?] we live and die all in vanity;

Forasmuch as upon perusal of my last will and testament made the sixteenth day of July Anno a thousand five hundred seventy-four et anno Regni Regine decimo sexto it appeareth that Richard Masterson should pay to the use of Eleanor Reddyshe forty pounds sterling in consideration of a grant to him made of the house and ground in the tenure of the wife of John Lathom, deceased, and of the ground late in the tenure of John Creswall, deceased, lying in Sutton in the county of Chester, I do by these presents not only release the said Richard Masterson of the said sum of forty pounds for that he hath since the making of the same will released me of the payment of fifty-one pounds sterling which I did owe and was indebted unto the said Richard at my coming into Ireland, as by a reckoning signed with my hand may appear, but have also upon further regard of his good service have granted the house and grounds aforesaid to the said Richard and Jane, his wife, and to the longer liver of them, paying the rent and duties accustomed as by my letter of attorney sent to my son, Edward, for the perfecting of their assurance thereof in mine absence may appear;

And forasmuch as I have not only made full promise to my servant, Charles Stanfeld, of the house and ground late in the tenure of Roben Shawe of Aldford after the decease of the longer liver of the said Shawe or his wife, but also directed my son, Edward, to [f. 378v] allow thereof and make assurance, I do hereby will and require that he may stand assured of the same during his life according to my promise although there be no mention of it in my said will;

And also that my said son, Edward, shall give to Eleanor Redysshe towards her maintenance forty pounds sterling in discharge of my bond;

Also I will that my servants, Thomas Fitton and Ralph Oldum, shall be received into my said son's service and have either of them a farm given to them of twenty shillings sterling of the old rent at least during their several lives, paying the rent and duties of tenants;

Also I will that my sons, Richard and Alexander, shall have all my household stuff at Whitefriars devised betwixt them saving such things as I have bidden Richard Masterson to stay for my son, Edward, or give otherwise;

Also I will that my said sons, Richard and Alexander, shall have their annuities during their lives notwithstanding any release heretofore made;

Also I will that Hugh Forkye have a lease of some farm as shall be thought good by Richard Masterson & my wife in recompense of his faithful goodwill to my father;

Signed, sealed and allowed and hereby bind me and my heirs and executors to perform as my father's will and mine this twentieth of July.

Probatum fuit suprascriptum Testamentum ap{u}d London coram venerabili viro Mag{ist}ro Will{el}mo Drurye legum doctore Curie prerogatiue Cantuar{iensis} Mag{ist}ro Custode siue Commissario etc secundo die mensis Decembris Anno D{omi}ni Mill{esi}mo qui{n}gentesimo septuagesimo nono iuramento d{omi}ni Edwardi ffitton militis Executoris in h{uius}mo{d}i testame{n}to no{m}i{n}ati etc Cui com{m}issa fuit Ad{ministraci}o etc De bene etc iurat{o} etc

[=The above-written testament was proved at London before the worshipful Master William Drury, Doctor of the Laws, Master, Keeper or Commissary of the Prerogative Court of Canterbury etc., on the second day of the month of December in the year of the Lord the thousand five hundred seventy-ninth by the oath of Sir Edward Fitton, knight, executor named in the same testament etc., to whom administration was granted etc., sworn to well etc.]