

SUMMARY: The document below is the Prerogative Court of Canterbury copy of the last will and testament, dated 28 January 1582 and proved 16 May 1583, of Mary Denny, wife of Sir John Gates (1504–1553). Sir John Gates was named as an executor in the 1552 will of John de Vere (1512-1562), 16<sup>th</sup> Earl of Oxford, but was replaced as executor by a codicil dated January 28, 1554, having been executed on 22 August 1553 along with John Dudley (1504-1553), Duke of Northumberland, as a result of Northumberland's failed attempt to put his daughter-in-law, Lady Jane Grey, on the throne after the death of Edward VI (see BL Stowe Charter 633-4).

### ***FAMILY BACKGROUND***

For the Denny pedigree, see Rye, Walter, ed., *The Visitation of Norfolk*, (London: Harleian Society, 1891), Vol. XXXII, pp. 101-3 at:

<https://archive.org/stream/visitacionievisi32ryew#page/100/mode/2up>

The testatrix was the daughter of Sir Edmund Denny (d.1520), Chief Baron of the Exchequer, by the second of his three wives, Mary Troutbeck (d. 29 June 1507), the daughter of Robert Troutbeck, esquire, of Bridge Trafford, Cheshire. For Sir Edmund Denny (d.1520), see his will, TNA PROB 11/19/409.

The testatrix had two brothers and three sisters:

-**Thomas Denny** (d.1527), eldest son, for whose will see TNA PROB 11/23/1.

-**Sir Anthony Denny** (1501-1549), for whom see the *ODNB* entry.

-**Grace Denny**, who married John Danyell of Messing. See the *ODNB* entry Thomas Danyell (b. after 1488, d. 1566).

-**Joyce Denny**, who married William Walsingham and was the mother of Sir Francis Walsingham (1532-1590) and Mary Walsingham, the wife of the testatrix' executor and nephew, Sir Walter Mildmay (1520/1-1589). See the *ODNB* entries for Sir Francis Walsingham and Sir Walter Mildmay.

-**Martha Denny** (c.1500-1572), who married Sir Wymond Carew (1498-1549) and was the mother of the testatrix's executor and nephew, Sir Mathew Carew (1531-1618). For Martha (nee Denny) Carew, Sir Wymond Carew and Sir Matthew Carew, see the *ODNB* entries.

### ***MARRIAGE***

The testatrix married Sir John Gates (1504-1553), eldest son of Sir Geoffrey Gates (1484 - 7 May 1526) by Elizabeth Clopton, granddaughter of John Clopton (c.1422-1497), esquire, of Melford, Suffolk, who escaped execution for the conspiracy in which John de Vere, 12<sup>th</sup> Earl of Oxford, was executed, and who requested that John de Vere (1442-1513), 13<sup>th</sup> Earl of Oxford, be one of the supervisors of his will. See the will of John Clopton, TNA PROB 11/11/266, and the entries for Sir John Gates in the *ODNB* and in the History of Parliament at:

<http://www.historyofparliamentonline.org/volume/1509-1558/member/gates-john-1504-53>

For the testatrix' brother-in-law, Sir Henry Gates (d.1588/9), see his will, TNA PROB 11/73/531, and the History of Parliament entry at:

<http://www.historyofparliamentonline.org/volume/1558-1603/member/gates-sir-henry-1515-89>

Another of the testatrix' brothers-in-law, Geoffrey Gates, had died by 1554. For his brief will, dated 12 August 1550 and proved 17 December 1554, see TNA PROB 11/37/210. According to the pedigrees of Walsingham and of Wentworth of Lillingstone Lovell, his wife, Elizabeth (d. 21 July 1596), was the daughter of William Walsingham by the testatrix' sister, Joyce (nee Denny) Walsingham. Elizabeth (nee Walsingham) Gates (d. 21 July 1596) was thus both the testatrix' niece and the testatrix' sister-in-law. Elizabeth (nee Walsingham) Gates (d.1596) married secondly Peter Wentworth (1524–1597) of Lillingstone Lovell, the eldest son of Sir Nicholas Wentworth (d.1553) of Lillingstone Lovell, chief porter of Calais, and his wife, Jane Josselyn (d.1569), the daughter of John Josselyn. For the will of Sir Nicholas Wentworth (d.1553), see TNA PROB 11/39/237. For the will of John Josselyn, see TNA PROB 11/22/61.

The testatrix' sister-in-law, Dorothy (nee Gates) Josselyn (b.1512, buried 2 July 1582), married Sir Thomas Josselyn (b. 1507, d. 24 October 1562), for whose will see TNA PROB 11/47/309. See also her will, TNA PROB 11/65/111.

### ***OTHER PERSONS MENTIONED IN THE WILL***

It appears from the will below that the testatrix had no children, and that all her siblings had predeceased her. The principal beneficiaries in the will are her nieces and nephews.

The testatrix' nephews John Carew, Henry Carew, Wymond Carew, Roger Carew, and her niece, Prudence Bridges, appear to have been the children of the testatrix' sister, Martha (nee Denny), Carew (c.1500-1572), and her husband, Sir Wymond Carew (1498-1549), and the siblings of the testatrix' nephew and executor, Sir Mathew Carew (1531-1618). The testatrix' niece, Prudence Carew, married Anthony Bridges.

The testatrix' nephews, Geoffrey Gates (living 1623) and Anthony Gates, were the sons of the testatrix' brother-in-law, Geoffrey Gates (d.1550?), *supra*.

On 9 July 1580, the testatrix' nephew, Geoffrey Gates (living 1623) of Lincoln's entered into an indenture with his first cousin, Jane (nee Josselyn) Kelton, for the purchase of the 21-year lease of Colne Priory, dated 12 February 1577, made by Oxford to his then receiver, Richard Kelton (d.1578). See ERO D/DPr/175 on this website (available on microfilm as ERO Ph 4/152/5).

The testatrix' nephew, Geoffrey Gates (living 1623), dedicated *The Defense of Military Profession* to Oxford on 23 December 1578. See STC 11683, the *ODNB* entry, and the History of Parliament entry at:

<http://www.historyofparliamentonline.org/volume/1558-1603/member/gates-geoffrey-1550>

Christian Wentworth and Frances Wentworth are referred to by the testatrix in the will below as the daughters of 'my niece Wentworth'. They were thus the daughters of Elizabeth (nee Walsingham) Gates (d. 21 July 1596), mentioned above, by her second marriage to Peter Wentworth (1524–1597). Peter Wentworth (1524–1597) and his wife Elizabeth (nee Walsingham) Gates Wentworth (d. 21 July 1596), had four sons, including Nicholas Wentworth (1561 – 10 April 1613), who on 14 October 1587 married Susan Wigston, daughter of Roger Wigston (c.1537 – buried 28 September 1608), esquire, in whose house, Wolston Priory, the last two Marprelate tracts were printed in July 1589. See the will of Roger Wigston (c.1483 - 27 November 1542), TNA PROB 11/29/275. See also the Wentworth pedigree in Rutton, William Loftie, *Three Branches of the Family of Wentworth*, (London: 1891), pp. 263, 301 at:

<https://books.google.ca/books?id=YhY5AQAAMAAJ&pg=PA263>

The involvement of Peter Wentworth (1524–1597) in the issue of the succession resulted in his death as a prisoner in the Tower. From the *ODNB*:

*Soon after Mary Stuart's execution in 1587, Wentworth drafted A Pithie Exhortation to her Majestie for Establishing her Successor to the Crowne. He hoped to offer it in the parliament of 1589, but, having failed in that ambition, Wentworth lobbied for its presentation to the queen and found himself in temporary confinement once again. He was quite incorrigible, and his meeting with several MPs before the parliament of 1593 to discuss how they might pursue the subject in the Commons turned out to be a fateful decision. Wentworth found himself back in the Tower, and there he remained until his death. . . . Elizabeth was given permission to live with her husband in the Tower where she died in July 1596. Wentworth himself died there on 10 November 1597.*

LM: T{estamentum} D{omi}ne Marie Gate vidua[e]

In the name of God, Amen. The 28<sup>th</sup> day of January in the year of Our Lord God one thousand five hundred eight-one and in the four and twentieth year of the reign of our Sovereign Lady Elizabeth by the grace of God of England, France and Ireland Queen, Defender of the Faith etc., I, Dame Mary Gates, widow, of the parish of High Easter in the county of Essex, being of perfect wit and good remembrance, thanks be given to God, considering with myself the unstableness and brevity of this transitory life in the which I have wandered a long season and how subject I am to death, do now ordain and make this my testament and last will as hereafter followeth, expressly revoking and calling in my will made the sixth day of March in the two and twentieth year [=6 March 1580] of the Queen's Majesty's reign that now is, and also all other former wills by me made at any time soever before this present day, which hereby I declare to be void and of none effect:

First I bequeath my soul to the Almighty God, the Omnipotent Father, and to his Son, Jesus Christ, my Saviour and Redeemer, and to the Holy Ghost, my assured guide and comforter in the vale of misery, whom I confess with heart and mouth to be one God and three Persons;

Also I bequeath my body to the earth to be buried at the discretion of my right trusty and dear friend and nephew, Sir Walter Mildmay, knight, one of the Queen's Majesty's most honourable Privy Council and Chancellor of her Highness' Court of Exchequer, and Mathew Carew, Doctor of Law, one of the Masters of [+the] High Court of Chancery, my trusty and loving nephew, whom I do ordain, make and choose and appoint my executors of this my testament and last will, and my said body to be buried with such costs, charges and expenses to be laid out, disbursed and expended upon and for my funerals as to my said executors shall be thought good and meet, trusting that they and the survivor of any of them will do their endeavour that my will and meaning of this my testament and last will shall be duly performed and kept;

And as touching the disposition and ordering of all and singular my goods and chattels whatsoever, as well movable as unmovable, which my Lord and my God of his goodness hath lent me in this world, I, the said Dame Mary Gates, do thereof dispose, will, ordain and devise in manner and form hereafter in and by these presents expressed, declared or mentioned:

And first I do give, will and devise to Wymond Brugg{es} [=Bridges], the son of my loving niece, Prudence Brugg{es}, fifty pounds of lawful money of England, the same to be delivered to my niece, Prudence Brugges, to remain in her hands and occupation during her natural life;

And also I give, will and devise to my loving nephew, John Carew, a hundred pounds of like money;

And also I give, will and devise to my loving nephew, Henry Carew, forty pounds of like money;

All which several sums of money before willed and given as aforesaid, I will and my mind is that the same shall be to them paid within one year after my decease or so soon as the same can conveniently be levied of my said goods by my said executors or [+the] survivor of them;

Also I give, will and devise unto my loving niece, Mary Davye, threescore pounds of like money, and to Douglas Davye, her brother, my godson, thirty pounds, the same to be paid to my said niece and Douglas Davye at their several ages of one and twenty years, and if it happen any of them to die before the accomplishment of their said several ages of twenty and one years, then the portion of him or her so dying shall accrue and grow to the survivor of either of them;

Moreover I will, give and bequeath to Christian Wentworth, daughter to my niece Wentworth, fourscore pounds;

And also I give, will and bequeath unto Frances Wentworth, sister to the said Christian, forty pounds of like money;

And further I will, give and devise unto the children of my nephew, Geoffrey Gates, now living, fifty pounds, to be divided equally amongst them, the same to be paid so soon as conveniently it may be levied to my said nephew, Geoffrey Gates, to remain in his hands and custody of the use of his said children;

And further I give and bequeath to my said nephew, Geoffrey Gates, as well all the furniture and implements accustomed to the chamber within my dwelling-house of Garnett{es} in the which chamber the said Geoffrey Gates hath heretofore used most commonly to lodge, as also all such hangings as are at the making hereof in the chamber called the Green Chamber within the said house, and which hangings have the Gates arms wrought in and upon them;

And also I will, give and devise to Grace Shelton, daughter to my nephew Daniell, deceased, fifty pounds of lawful money;

Item, I will, give and devise to my true and faithful menservants John Taverner and Thomas Heyward, ten pounds apiece of like money, and to my trusty and faithful woman-servant Johan Birde of like money twenty pounds, and to every of my other menservants forty shillings apiece, and to every other of my women-servants twenty shillings apiece, and to every of my ploughboys thirteen shillings and four pence apiece;

Also I do give to Francis Taverner, John Taverner his son, ten pounds of lawful English money;

Also I give unto Robert Dacres, my godson, one silver cup parcel gilt with a cover, and to Grace Josselyn, my god-daughter, one little silver salt;

And where also my nephew, Wymond Carye [=Carew?], standeth and is bounden to the foresaid Sir Walter Mildmay, one of my said executors, for the true payment of three hundred pounds to the said Sir Walter Mildmay, his executors or assigns, as by the same plainly it doth and may appear, which said bond was made to the said Sir Walter Mildmay upon trust and confidence and in true intent & meaning unto my only use and behoof, the whole benefit and advantage of the said bond I, the same Dame Mary Gates, do in and by this my testament and last will give, appoint and devise to be employed to and for the better performance & execution of this my testament and last will according to my true meaning and intent;

And furthermore for the better execution of this my testament and last will, I will, dispose and devise that my said executors towards the performance of this my testament and last will and of the legacies and everything therein contained according to my true intent and meaning shall take and receive of my nephew, Roger Carew, so much money as he standeth bound to pay unto me for the purchase of Shenfield according unto his bond made unto me in that behalf;

Item, whereas there remaineth in my nephew, Geoffrey Gates, his hands one hundred pounds, residue of four hundred pounds, with other three hundred pounds I have already in my lifetime disposed unto the use and behalf of my nephew, Anthony Gates, brother to the said Geoffrey, which said sum of one hundred pounds remaining in the hands of the said Geoffrey undisposed and due & payable by force of a bond made unto the said Sir Walter Mildmay and Wymond Carew which in true meaning was made unto my only use and behoof, I will and bequeath to be disposed by my said executors towards the performance of this my testament and last will;

And also my further mind and intent is, and I do fully ordain and appoint, that my said executors and the survivor of them shall take and allow to themselves of my debts, duties, goods and chattels, lands and tenements all such charges and expenses as they or any of them shall be at or bestow about the execution or performance of this my testament or last will or any part thereof, or which my said executors or any of them shall sustain, take or be put to by reason of their or any of their executorship;

And the residue, overplus and remanent of my said debts, duties, household stuff, plate, implements of household and cattle and all other my goods and chattels whatsoever by any manner of ways or means to me due or appertaining, my funerals, debts, legacies and all other charges discharged, I do give, will, appoint and devise to be equally distributed and given by my said executors unto my nephew, John Carew, and to my niece, Katherine Mompesson, to whom I do ordain and appoint the same to be paid;

And I do most heartily desire my said executors to fulfil and perform truly and sincerely all things whatsoever specified or comprised herein according to my true intent and meaning as my trust is in them;

And to the intent that my nephew, Doctor Carew, shall take pains truly and justly to execute for his part this my testament and last will in all things according to my true

intent and meaning, I give and bequeath unto him for his pains twenty pounds of lawful English money to be had, levied and taken of my said goods and chattels;

In witness whereof that this [+is] my only true last will and testament and that no other former testament or will doth or shall remain in force and strength, I, the said Dame Mary Gates, have hereto put my seal and subscribed my name the day and year above-written. By me, Mary Gates.

M{emorand}{um}: That the said Dame Mary Gates acknowledgeth and confesseth this to be her last will and testament subscribed with her own hand and sealed with her own seal in the presence of Lawrence Mompesson, John Taverner, Richard Nottige his mark, this is John Smythes Mark, William Motte his mark.

Probatum fuit suprascriptu{m} testamentu{m} apud London coram ven{er}abili viro mag{ist}ro Will{el}mo Drury Legum Doctore curie prerogatiue cantuarien{sis} commissario etc Decimo sexto die mens{is} Maij Anno Domini mill{es}imo quingentesimo octogesimo tertio Iuramento Edwardi Orwell Notarij publici procuratoris Domini Walteri Mildemay militis et Matthei Carewe Legum Doctoris executor{um} in huiusmodi testamento nominat{orum} Quibus comissa fuit administracio bonoru{m} etc De bene etc Iurat{is} ex{aminatum}

[=The above-written testament was proved at London before the worshipful Master William Drury, Doctor of the Laws, Commissary etc. of the Prerogative Court of Canterbury, on the sixteenth day of the month of May in the year of the Lord the thousand five hundred eighty-third by the oath of Edward Orwell, notary public, proctor of Sir Walter Mildmay, knight, and Matthew Carew, Doctor of the Laws, executors named in the same testament, to whom administration was granted of the goods etc., sworn to well etc. Examined.]