

SUMMARY: The document below is the Prerogative Court of Canterbury copy of the last will and testament, dated 5 September 1584, together with a codicil dated 30 September 1584, proved 4 December 1584, of Richard Lygon of Madresfield, brother-in-law and uncle of Thomas Russell (1570-1634), overseer of the will of William Shakespeare of Stratford upon Avon. For the will of Thomas Russell, see TNA PROB 11/165/424.

FAMILY BACKGROUND

The testator was the eldest son and heir of William Lygon (d. 29 September 1567), esquire, of Madresfield, Worcestershire, and Eleanor Dennis, the daughter of Sir William Dennis of Dirham, Gloucestershire, by his first wife, Anne Berkeley, the daughter of Sir Maurice Berkeley. For the will of William Lygon, see TNA PROB 11/50/246.

MARRIAGES AND ISSUE

Testator's first marriage

The testator married firstly, Mary Russell (d. December 1576), the daughter of Sir Thomas Russell (d. 9 April 1574) of Strensham and his first wife, Frances Cholmley, the daughter of Sir Roger Cholmley (c.1485-1565), Lord Chief Justice. For the will of Sir Thomas Russell, see TNA PROB 11/57/83. By his marriage to Mary Russell the testator became the brother-in-law of her brother of the whole blood, Sir John Russell (1552-1593), for whose will see TNA PROB 11/92/96, and her brother of the half blood, Thomas Russell (1570-1634), the overseer of the will of William Shakespeare of Stratford. After the death of his first wife, Frances Cholmley, Sir Thomas Russell (d. 9 April 1574) married secondly the testator's sister, Margaret Lygon (d.1617). By this marriage the testator became the uncle of both Sir John Russell (1552-1593) and Thomas Russell (1570-1634) aforesaid.

The names of the testator's children in the will below differ significantly from the names given in the Lygon pedigree in Phillimore, W.P.W., ed., *The Visitation of the County of Worcester Made in the Year 1569*, (London: Harleian Society, 1888), Vol. XXVII, p. 91 at:

<https://archive.org/details/visitationcount02mundgoog/page/n105>

The names of the testator's children in the will below also differ significantly from the names given in the Lygon pedigree in Brydges, Egerton, *Collins's Peerage of England*, Vol. IX, (London: F.C. and J. Rivington, 1812), pp. 509-12 at:

<https://books.google.ca/books?id=RBMwAAAAYAAJ&lpg=PA509>

According to the will below the testator had two sons and four daughters, all of whom appear to have been the children of his first marriage to Mary Russell:

* **Sir William Lygon** (1568-1608), eldest son and heir, who married Elizabeth Harewell, the daughter of Edward Harewell of Besford, Gloucestershire. See her will, dated 5 April 1631, and proved 4 May 1631 in the Worcester Consistory Court, and the History of Parliament entry for Sir William Lygon at:

<http://www.historyofparliamentonline.org/volume/1558-1603/member/lygon-william-1568-1608>

* **Edmund Lygon.**

* **Penelope Lygon** (d. 13 January 1596/7), who married Robert Walwyn (died c.1624) of Brockbury, Herefordshire, and Newland, Worcestershire. She is buried at Malvern. See Brydges, *supra*, p. 510, and the pedigree of Walwyn of Wick in Metcalfe, Walter C., ed., *The Visitation of the County of Worcester*, (Exeter: William Pollard, 1883), p. 100, at:

<http://books.google.ca/books?id=jLUEAAAIAAJ&pg=PA100>

and:

'Parishes: Great Malvern with Newland', *A History of the County of Worcester: volume 4* (1924), pp. 123-134. URL: <http://www.british-history.ac.uk/report.aspx?compid=42867>

* **Elizabeth Lygon** (1568-1631), who married firstly, Maurice Gilbert of Witcombe, and secondly Myles Smithe (1554-1624), Bishop of Gloucester. See Hartland, Edwin Sidney, ed., *Transactions of the Bristol and Gloucestershire Archaeological Society for 1920*, (Kendal: Titus Wilson, 1920), pp. 28-30 at:

<https://archive.org/stream/transactionsofbr42bris#page/28/mode/2up>

* **Eleanor Lygon** (born 1575), who married, on 31 August 1606, as his second wife, John Washbourne (1548-1633/4), esquire. Washbourne's first wife was Mary Savage, the daughter of Francis Savage; in 1617 their grandson, William Washbourne (c.1600-1622), was co-purchaser with Shakespeare's fellow Globe shareholder, Henry Condell, of property in Brockhampton. For details see the will of Francis Savage, TNA PROB 11/40/349, on this website.

* **Anne Lygon** (born 1572), who died unmarried in 1604. For her will, dated 7 October 1603 and proved 12 January 1604, see TNA PROB 11/103/29.

Testator's second marriage

The testator married secondly, Margaret Talbot (d. 24 February 1632), the daughter of Sir John Talbot (d. 10 September 1549) of Salwarp and Grafton by his second wife, Elizabeth Wrottesley (d. 10 May 1559), daughter of Walter Wrottesley, esquire. After the testator's death his widow, Margaret (nee Talbot) married secondly Walter Blount of Sodington (d.1590), by whom she had no issue, and thirdly, Sir Arnold Lygon, by whom she also appears to have had no issue. She died 24 February 1632, and is buried in Bromsgrove church. See Richardson, Douglas, *Magna Carta Ancestry*, 2nd ed., 2011, Vol. IV, p. 175; the undated will of Sir John Talbot, proved 11 October 1549, TNA PROB 11/32/544; the will of Elizabeth (nee Wrottesley) Talbot, dated 6 May 1559 and proved 21 February 1560; the will of Walter Blount, dated 7 September 1590 and proved 3 November 1590, TNA PROB 11/76/272; the will of Sir Arnold Lygon of Beauchamp Court, Worcestershire, dated 5 August 1612 and proved 16 November 1612, TNA PROB 11/120/489; and Brydges, Egerton, *Collins's Peerage of England*, Vol. IX, (London: F.C. and J. Rivington, 1812), pp. 509-12 at p. 511:

<http://books.google.ca/books?id=ak45AAAAMAAJ&pg=PA510>

OTHER PERSONS MENTIONED IN THE WILL

The testator named as executors his four brothers-in-law.

The testator's brother-in-law Sir John Russell (1552-1593) married, by 1575, Elizabeth Sheldon, the sister of Oxford's sister-in-law, Katherine Sheldon. See his will, *supra*, and the History of Parliament entry at:

<http://www.historyofparliamentonline.org/volume/1558-1603/member/russell-john-ii-1551-93>

For the testator's brother-in-law and executor William Norwood of Leckhampton, Gloucestershire, who married the testator's sister, Elizabeth Lygon (d.1548 – 16 April 1598), see his will, dated 7 September 1632 and proved 31 May 1633, TNA PROB 11/163/627, and Richardson, *supra*, Vol. III, pp. 24-6.

For the testator's brother-in-law and executor Sir Henry Berkeley of Bruton, Somerset, who married the testator's sister, Margaret Lygon, see Hotson, Leslie, *I, William Shakespeare, Do Appoint Thomas Russell, Esquire* (London: Jonathan Cape, 1937), pp. 21-6, 260 and pedigree chart; Richardson, *supra*, Vol. III, pp. 23-4; the will of Sir Henry Berkeley, dated 30 May 1600 and proved 21 October 1601, TNA PROB 11/98/283; the will of Margaret (nee Lygon) Russell Berkeley, TNA PROB 11/129/781; and the History of Parliament entry for Sir Henry Berkeley at:

<http://www.historyofparliamentonline.org/volume/1558-1603/member/berkeley-henry-ii-1547-1601>

For the testator's brother-in-law and executor Thomas Foliot of Pirton, Worcestershire, who married the testator's sister, Katherine Lygon, see Richardson, *supra*, Vol. II, p. 225 and Vol. III, p. 25.

For the testator's manor of Madresfield, see:

'Parishes: Madresfield', *A History of the County of Worcester: volume 4* (1924), pp. 118-122. URL: <http://www.british-history.ac.uk/report.aspx?compid=42866>

TESTATOR'S LANDS

For the testator's manors of Powick and Clevelode, see:

'Parishes: Powick', *A History of the County of Worcester: volume 4* (1924), pp. 184-192. URL: <http://www.british-history.ac.uk/report.aspx?compid=42877>.

LM: T{estamentum} Rich{ard}i Ligon

In the name of God, Amen. The fifth day of September [f. 333v] in the six 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, Richard Lygon of Madresfield in [+the?] county of Worcester, esquire, being sick in body and yet of perfect memory (thanks be given to Almighty God), do make my last will and testament in manner and form following:

First & principally I commend my soul to Almighty God, trusting assuredly to be saved by the merits and death of his Son, our Saviour, Jesus Christ, and my body to be buried according to the discretion of my executors in decent and seemly manner;

And concerning the disposition and bestowing of such worldly lands, goods and chattels whereof it hath pleased God hitherto to lend me the use, to the end that no contention may after death happen or arise concerning the same, I will and devise in manner and form following, that is to say:

Where I, the said Richard Lygon, stand and am seised to me and my heirs of the reversion of the manor of Redgrove in the county of Gloucester which is holden of our Sovereign Lady the Queen's Majesty by knight's service *in capite*, I mean and intend to suffer the manor of Warndon with the appurtenances in the said county of Worcester, together with all other my lands, tenements, rents, reversions, services and hereditaments in Smyte, Awforton and Tolwardyne in the said county of Worcester, together also with the manor of Clevelode and Bransford in the said county of Worcester with their and either of their appurtenances (except my wood called Frysewood herein devised to my daughter, Penelope), together with all other my lands, tenements and hereditaments in

Clevelode (except the said Frysewood and in Bransford aforesaid), together with my manor of Farley in the said county of Worcester, together also with the rents, reversions and services of all the tenements holden of me by copy of court roll or by indenture being parcel of my manor of Madresfield in the said county of Worcester to descend to William Lygon, my eldest son, in lieu and place and as a full third part of all and singular my manors, lands, tenements and hereditaments with th' appurtenances in the realm of England;

And my said intent and meaning accepted and taken, also I will, devise and bequeath to my beloved wife, Margaret Lygon, my manor of Powick with th' appurtenances in the said county of Worcester together with all and singular my messuages, lands, tenements and hereditaments whatsoever in Powick in the said county of Worcester in augmentation of her jointure, to have and to hold to my said wife immediately after my death for and during her natural life, the remainder thereof immediately after her death to Edmund Lygon, my son, for term of the natural life of the said Edmund;

Also I will, give and bequeath to my said wife such part and portion of my goods and chattels as by indifferent apprisement shall amount unto the value of one hundred pounds, and will that my said wife shall have the election thereof out of all my goods and chattels at her pleasure after such apprisement made;

Also I give to my said wife the like sum of one hundred pounds for and towards the making up of my house already begun at Beauchamps Court, the same sum to be made out of my goods;

Also I give, will and bequeath to Penelope Lygon, my daughter, my said wood called Frysewood within the said manor of Clevelode in the said county of Worcester together with all woods there standing or growing, with free liberty to cut down and carry away the same, to have and to hold to her, the said Penelope, for term of three years next after my death;

Also I give and bequeath to her, the said Penelope, the sum of three hundred pounds to be paid to her at the time of her marriage or when she shall accomplish the age of one and twenty years, whether shall first happen, which sum of three hundred pounds I will shall be made, levied and paid by my executors out of my goods and chattels;

Also I give, will and bequeath to my well-beloved brothers-in-law John Russell, Henry Berkeley, William Norwood and Thomas Foliot my manor of Madresfield with th' appurtenances in the county of Worcester (except the said rents, reversions and services of all the tenements holden by copy of court roll or by indenture being parcel of the said manor of Madresfield), together with all my lands, tenements and hereditaments in Madresfield in the said county of Worcester (except before last excepted), together with my manor of Cromhall in the county of Gloucester, together with all my lands, tenements and hereditaments in Cromhall in the said county of Gloucester, to have and to hold to them, the said John Russell, Henry Berkeley, William Norwood and Thomas Foliot, their executors and assigns immediately from and after my death [f. 334r] for term of twelve

years then next following fully to be completed and ended, to this intent and purpose, that they, the said John Russell, Henry Berkeley, William Norwood and Thomas Foliot of the rents, revenues, issues and profits of the said last mentioned premises shall first content and pay to the said Penelope the sum of one hundred pounds at such time as the other three hundred pounds are limited to be paid her, and afterward to Elizabeth, my daughter, the sum of five hundred pounds of current English money at the time of her marriage or at such time as she, the said Elizabeth, shall accomplish the age of one and twenty years, whether shall first happen, and to the end, intent and purpose that my said brothers-in-law, their executors or assigns shall also content and pay out of the rents, issues and profits of the said last-mentioned premises to Anne Lygon, one other of my daughters, yearly for term of three years next after my death the sum of twenty pounds for and towards her education and maintenance during the said term;

Also I will that my said brothers-in-law shall also, out of the issues and profits of the said last-mentioned premises by them during the said term of twelve years to be received, content and pay to the said Anne, my daughter, the sum of five hundred pounds at the time of her marriage or at her age of one and twenty years, whether shall first happen;

And shall also content and pay to Eleanor Lygon, one other of my daughters, the like sum of five hundred pounds at the time of her marriage or at her age of one & twenty years, whether shall first happen, together with the sum of twenty pounds yearly for the term of six years next after my death for and towards the education and maintenance of her, the said Eleanor, during the said term of six years;

And for the better education of my said daughters, I will and do earnestly request my said brother[s]-in-law that they will from time to time take order for their maintenance, livelihood and virtuous education, not defalking or abating any part of the said sums appointed as is aforesaid for and towards their preferments in marriage;

And further I will that if any of my said daughters shall fortune to die before that she shall accomplish her age of one and twenty years or be married, that then the portion and portions limited to be paid as is aforesaid to the daughter or daughters so dying shall be contented & paid to the said William Lygon, my son, or to such person or persons as at the time of the death of my(?) such daughter shall be my next heir;

And towards the further education of my said daughters I limit and appoint to be received by my said brothers-in-law such part as shall thereunto suffice of the issues and profits of the said last-mentioned premises to them, my said brothers, as is aforesaid devised, as shall arise thereof during the said term of twelve years above the said legacies to them, my said daughters, as is aforesaid devised, and that if there shall remain or be any surplusage of the issues, rents and profits of the premises to be received within the said term of twelve years more than will suffice to pay my said legacies to my said daughters Penelope, Elizabeth, Anne and Eleanor as is aforesaid devised, and conveniently to bring up and maintain my said four daughters until their said several ages or marriages, then I will that such surplusage shall be contented and paid by my said brothers, their executors or assigns, to the said William, my son, or his heirs;

Also I give to my said wife all her own apparel and jewels which hitherto she hath had and used, together with the standing cup of silver being gilt which was given to her at her marriage;

Also I do constitute and make my said well-beloved brothers-in-law, John Russell, Henry Berkeley, William Norwood and Thomas Foliot, my full and whole executors of this my last will and testament, earnestly requesting them to do their endeavour to see the same performed;

In witness whereof I have hereunto subscribed my name and this my present testament have published in the presence of the persons whose names are underwritten. Richard Lygon.

Published in the presence of the persons underwritten the said fifth day of September: Thomas Coventry, Owen Lloyd his mark, Thomas Caver, Edmund Balthropp, Henry Mathew, William Pytts.

Vltimo die Septembris Anno regni D{omi}ne regine Elizabethe dei gracia etc Vicesimo sexto

Item, I give and bequeath, will and devise unto Lawrence Lyll, my servant, a parcel of land [f. 334v] called Woselockes lying and being in the manor of Baldenhall or elsewhere in the county of Worcester now in the occupation of the said Lawrence Lyll, to have and to hold the said parcel of land unto the said Lawrence Lyll, his heirs and assigns, forever;

Item, the intent and true meaning of this my last will and testament is that if my said brothers-in-law, John Russell, Henry Berkeley, Thomas Foliot and William Norwood, their executors or assigns, shall not or may not within the said term of twelve years levy, receive, perceive and take of the rents, issues and profits of my said manors, lands, tenements and hereditaments to them before by my last will and testament devised for the said term of twelve years, and that the rents, issues and profits of the said manors, lands, tenements and hereditaments will not amount and arise within the said term fully to discharge and answer the sum and sums of money given and bequeathed unto my daughters, that then I will my said brothers-in-law, their executors and assigns, shall from and immediately after th' end and term of the said twelve years receive, perceive and take the rents, issues and profits of all my said manors, lands, tenements and hereditaments unto them before devised for and during so long time after th' end and term of the said twelve years as they, the said John Russell, Henry Berkeley, Thomas Foliot and William Norwood or some of them, their executors or assigns, shall or may levy, perceive and take of the rents, issues and profits of the said manors, lands and tenements to them devised the full sum and sums of money given to my said daughters for their advancement and preferment and the education of my children;

Item, I give and bequeath to Thomas Smythe alias Deacon, my servant, the sum of four pounds;

Item, to William Estnor, four pounds;

Item, for the rest of my household servants, for consideration to be had toward them for their service, I do leave it to the discretions of my executors;

Item, I will that all this to be added and annexed unto my said will and to be as part and parcel thereof;

Published in the presence of the persons underwritten the said last day of September. Richard Lygon. Edward Colles, William Savage, Francis Lygon, Henry Mathewe.

Probatum fuit suprascriptum testamentum apud London vnacum codicillo annexo coram venerabili viro mag{ist}ro Will{el}imo Drury Legum Doctore curie prerogatiue cantuarien{sis} commissario etc Quarto die mensis Decembris Anno Domini mill{es}imo quingentesimo octogesimo quarto Iuramento Petri Johnson notarij publicj procuratoris Henrici Barklie Will{el}mi Norwood et Thome ffolliott exequutorum etc Quibus commissa fuit administracio bonorum etc De bene etc Iurat{i} Ioh{an}ne Russell exequat{or} etiam in h{uius}mo{d}i testamento nominat{us} ex certis causis eum et animum suu{m} (vt asseruit) in ea p{ar}te moven{tibus} oneri exequutionis dicti testamenti expresse renunciauit

[=The above-written testament was proved at London together with the codicil annexed before the worshipful Master William Drury, Doctor of the Laws, Commissary etc. of the Prerogative Court of Canterbury, on the fourth day of the month of December in the year of the Lord the thousand five hundred eighty-fourth by the oath of Peter Johnson, notary public, proctor of Henry Berkeley, William Norwood and Thomas Foliot, executors etc., to whom administration was granted of the goods etc., sworn to well etc., John Russell, executor also named in the same testament for certain causes him and his mind moving (as asserted) in that regard, expressly renouncing the burden of the execution of the said testament.]