

SUMMARY: The document below is the Prerogative Court of Canterbury copy of the will, dated 25 September 1589 and proved 27 June 1590, of John Stubbe [Stubbs], author of *The Discovery of a Gaping Gulf* which criticized Queen Elizabeth's proposed marriage to the Duke of Alencon. For the publication of this tract, Stubbe lost his right hand on 3 November 1579, and was imprisoned until 1581. It is possible that John Stubbe and Oxford were in the Tower at the same time, since Oxford was imprisoned shortly after 23 March 1581.

According to Berry:

*At some time between 1572 and 1578, Stubbs married Anne, the daughter of Aubrey de Vere, and by her had at least two sons, Edmund and Francis, and one daughter who married Francis Sharnbourn.*

See Berry, Lloyd E., ed., *John Stubbs's Gaping Gulf with Letters and Other Relevant Documents* (Charlottesville: University Press of Virginia, 1968), p. xxiv.

There is no mention of sons named Edmund and Francis in John Stubbe's will, and the claim that he had a daughter who married Francis Shernborne appears to be based on a misreading of Stubbe's bequest to his wife, Anne, of the wardship of her son, and if Anne predeceases him, his release of the wardship 'unto Francis Shernborne, my son-in-law, himself'. Although the earliest usage recorded in the *Oxford English Dictionary* of 'son-in-law' meaning 'stepson' dates from 1618, it is in the sense of 'stepson' that Stubbe uses the word in his will, since Francis Shernborne was Anne's son by her first marriage to Christopher Shernborne. For the will of Christopher Shernborne, dated 6 July 1575 and proved 27 September 1575, mentioning his wife, Anne, and his son, Francis, see TNA PROB 11/57, f. 271. For the Shernborne pedigree, see Parkin, Charles, *An Essay Towards a Topographical History of the County of Norfolk*, Vol. X (London: William Miller, 1809), p. 358; and Rye, Walter, ed., *The Visitation of Norfolk* (London: Harleian Society, 1891), p. 246, both available online.

There may have been earlier connections between the de Vere and Shernborne families through the FitzLewis family. Moreover Oxford matriculated at Queen's College, Cambridge, in November 1558, and a Francis Shernborne matriculated in the same college in the same year (see Berry, p. 206).

John Stubbe's sister, Alice, married the Puritan leader Thomas Cartwright, and his brother Francis married Anne Coke, the sister of Sir Edward Coke (1552-1634), who was also known for her Puritan convictions. John Stubbe was also a close friend of Lord Burghley's secretary, Michael Hicke (d.1612), and in a letter dated 30 July 1582 commended himself and his wife, Anne, to Michael Hicke's mother, Julian Penn (d.1592), from whom in 1590 Oxford rented rooms at her house on St Peter's Hill (see Berry, p. 119, and Lansdowne MS 68/113, ff. 252-4, 68/114, ff. 255-6, 68/115, f. 257). Another close friend was the lawyer Richard Branthwaite, to whom Oxford sold his manor of Fingrith in 1580 and who was a member of a council of six officers appointed by Oxford

in that year (see Berry, pp. xxiv, 106, 121, Tna CP 25/2/131/1678/22ELIZITRIN, Item 20, and ERO D/Drg 2/27).

From 1585, Stubbe was employed as secretary to Oxford's brother-in-law, Peregrine Bertie (1555-1601), Lord Willoughby de Eresby, and may have resided at Willoughby's house at the Barbican while Willoughby was abroad. He acted as a channel of communication between Willoughby and Burghley on Dutch affairs, as well as overseeing Willoughby's household and financial affairs. He also accompanied Oxford's sister, Mary (d.1624), Lady Willoughby, to the Low Countries in 1588. In 1589, Stubbe went to France with the English force, where he died in February 1590. In his will, written before his departure for France, he appointed Lord Willoughby as supervisor. Three of the witnesses to the will, Colman, Newman and Vaughan, were servants in Lord Willoughby's household (see Berry, p.208), suggesting that Stubbe composed his last will at Lord Willoughby's house in the Barbican. After John Stubbe's death, his widow, Anne, married Anthony Stapley, esquire, who was joined with her in litigation concerning the will of John Stubbe's father (see Berry, p. xxii and C 2/Eliz/C14/57). For the will of Anne (nee de Vere) Shernborne Stubbe Stapley, see TNA PROB 11/129, f. 567. See also the entries in the online *Dictionary of National Biography* for John Stubbe, Thomas Cartwright and Sir Edward Coke.

RM: Testamentum Iohannis Stubbe

In the great and holy name of the Lord our God whom I worship, bless and believe, the Father, Son and Holy Ghost, Amen. I, John Stubbe, S[c]aeva, of Thelveton in Norfolk, gentleman, do in good health of body and quiet of mind declare this my short and last will and testament, utterly renouncing and revoking all former:

First, I will and devise unto Anne, my faithful and right well-deserving wife, all my manor of Thelveton in Norfolk with th' appurtenances, together with all other lands, tenements and hereditaments set, lying and being in Thelveton aforesaid, Dickleburgh, Shimpling Scole alias Osmondiston, Burston and Frenze with their appurtenances and every of them in the said county for term of her life without impeachment of any manner waste or other forfeiture;

And further I devise and give to her all the timber, trees, wood and underwood growing and to grow upon the premises according as heretofore by my deed sealed and delivered immediately before my grant of a rent-charge I gave and devised the same for years to her use dated the ninth of July a thousand five hundred eighty-eight to Sir Robert Jermyn, knight, and Charles Seckford, esquire;

Item, I will and devise unto my said good wife all the said manor of Thelveton with all the premises and all my possession, reversion, right, title and interest therein to be sold by her within five years next after my decease, and the money thereof coming it shall be lawful for her to receive and take and therewithal pay my debts, and whatsoever shall of

the same money remain, she shall and may retain and keep without yielding account to any court of any jurisdiction whatsoever because as I trust her for faithful discharge of my careful debts, assuring me that she will do as a true wife and just executrix, even so after my debts I will vouchsafe all to her, esteeming all too little considering the afflictions which she hath most fellowlike and cheerfully suffered with me and by me;

And I pray my dearly beloved and worthily trusted friends and allies, Sir Robert Jermyn, knight, and Charles Seckford, esquire, mine ancient approved friend my good cousin Sampson Leonard, esquire, and Mr Richard Catlin, my dear friend, and all other to whom I have granted to the use of my good wife either rent-charge, annuity, lease or grant of reversion or whatsoever thing else to her benefit, that they will perform the poor dead man's trust who in like or any other case would have been true to them, and that they will release and set over all their joint and several interests to such as my beloved wife shall name and appoint, for so is my constant intention, and also that they will aid her in payment of my debts and in all other things for her avail;

And here, though I have given her reasonable time to sell the premises, yet do I advise and counsel her to sell them with all speed, as well for more speedy satisfying of my creditors as for some other weighty reasons;

And if her death prevent her sale of all or any part or parcel of the premises according to this my will, then I will and devise that the said Sir Robert Jermyn, knight, and Charles Seckford, esquire, or the survivor of them, shall and may sell the premises or so much as shall be left unsold by my loving wife, and therewith pay my debts, and if they or one of them as aforesaid shall not within two years after my wife's death sell the same so unsold by her to the payment of my debts (wherein I trust and pray them they will not fail me), then I will and devise all the said premises unto such persons as I shall set down in a list or paper bearing date of this present under the title of 'My Creditors' and written and signed with mine own hand and remaining in the black box, and to their heirs until they shall be paid of that which I owe them or that they are bound for me, praying them to think that I had a conscience to satisfy, and if any creditor be forgotten, I pray them not to think amiss, my forgetfulness may not prejudice them, and I know my good wife upon knowledge will content them;

Item, I will and devise that my wife shall sell all my lands holden by copy of the manor of Buxton in Norfolk whereof there is a surrender in the tenants' hands to the use of my will, and that the same sale be to the use of my mother during life, she first putting in sufficient surety within one year after that no manner forfeiture shall be committed, and after her death or for default of her putting in such surety within one year after my death, then immediately to the use of such person or persons as my good wife shall name and appoint under her handwriting within five years after my death, the money thereof coming to be received by my wife toward the payment of my debts, the residue to be to her without account as aforesaid;

Item, I will and devise that my dear wife shall also sell within five years after my death all those lands which I hold by copy of Frettenham in Norfolk, and the money thereof

coming to be to herself and the discharge of my debts as aforesaid, except my brother Edmund Stubbe do pay unto her sixty pound which he oweth to me for purchase of the same, and also obtain and deliver to her cancelled without her charge or expense one obligation of (blank) with condition for payment of sixty-three pounds, as I remember, to one (blank) Dethicke, sometime a maidservant with Mr Henry Cornwallis;

Item, whereas John Luther and Richard Baxter have certain lands in confidence by my nomination holden by copy of Horstead in Norfolk upon the surrender of Francis Woodhouse, I require them to make over their estate when and to whom my good wife shall appoint, and the money thereof coming to be to her and for my debts as aforesaid;

Also that my wife shall sell all those messuage, house and land, free and copy, which I have in Stratton, Hinford and Buxton in the occupation of William Cropley or otherwise, if my heir shall in any point hinder or practice to let the performance of my will;

And if my good wife die before sale as aforesaid of my said copyhold lands holden of Buxton, Frettenham, Horstead or any of them or any parcel of any of them, then my will is and hereby I devise that the same or so much as shall so remain unsold shall be sold by such my creditors, or three of them, as are named in the said list or paper, and the money equally divided amongst them all, or their executors and assigns, for so much as shall then remain unsatisfied;

Item, I bequeath and give unto my good wife to her own use all whatsoever evidences, charters, court rolls, exemplifications, and all whatsoever my writings in my custody or possession or that any way or anywhere belong to me, according as also I have thereof made unto her use a deed of gift under my seal and delivered it as my effectual deed remaining somewhere in my custody;

Item, I give and bequeath to my good wife the wardship of her son (if she survive me), whereof also I think I made heretofore a deed of grant to her use, and if she die before me, then I give and bequeath, release and acquit the same unto Francis Shernborne, my son-in-law, himself;

Item, I give and bequeath to my wife all my goods and chattels whatsoever;

I give and bequeath to my reverend mother, Mistress Ele [=Elizabeth?] Stubbe, all such goods and chattels as by a schedule indented should by her at any time be delivered to me;

Also I remit to her sixty pounds which by indenture between her and me she should long since have paid;

Also I release to her twenty pound which I paid for her to George Rogers long since, with the interests;

Item, I give to her my greatest bible, and one ring of gold to be made with this word, 'mortal', worth thirty shillings;

Being driven to do this in haste upon my sudden journey into France with the most honourable general of the forces of her Majesty to aid the most Christian King against his rebels, I humbly and earnestly pray all favour of every judge or other that may have to do herein according as is by all laws allowed unto a military testament, and my humble desire is that my will and testament may in all points be taken, construed and adjudged in such sense as may sound and make most liberally for the benefit and peace of my wife and for furtherance of the payment of my debts; so is my hearty meaning, last will, and instant suit to all men, even in the name of the everliving Judge of the world;

I pray my kinsfolk and friends not to think much though I remember them not by name with any legacy. I am in haste, and will add some schedule if God permit. Nevertheless, I resolutely, absolutely and fully declare this for my perfect, complete last will, though I shall not add any schedule;

Of this my last will and testament I name, appoint, ordain and authorize my faithful and my most loving and beloved wife, Anne, and my son-in-law, Francis Shernborne, to be my lawful and full executors, assuring myself that my wife will truly represent the very person of her testator, and that I shall still be alive to her though I be dead;

The supervisor of this my testament I am bold to make my most honourable captain and general of her Majesty's royal succours to the French King, the noble Lord Peregrine, Lord Willoughby Eresby, Beck, etc.;

Finally, I protest and contest that I lived and do die the true man and most loyal subject of her most excellent Majesty Elizabeth, by God's singular grace our happy Queen, beseeching her most merciful and royal nature that after my death my most true and well-deserving wife, mine executrix, may find that grace and favour in her Majesty's eyes which, though I could not deserve, I yet would have esteemed for a great blessing on earth;

In witness hereof, and to declare more assuredly that this is my last will and testament, I write, sign and seal the same with mine own left hand and seal the twentieth and fifth day of September in the one and thirtieth year of the reign of our Sovereign Lady Elizabeth etc., and in the thousand five hundred eighty and ninth year of our Blessed Saviour, Christ Jesus born, 1589;

By me, John Stubbe, Scaeva.

[Greek phrase] Valet amici. Spes vicit metum. Gratia dej sum quod sum. I[n] militantem in triumphantem coetum migro. [=Until then. Farewell friends. Hope has conquered fear. Praise be to God, I am what I am. I depart in triumphant and military company.] I rest from sin and from my labours which were the punishment of sin. Mourn not for me.

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Declared by the above-named John Stubbe for his last will in the presence of me, Edmund Coppinger, five and twentieth of September, a thousand five hundred eighty-nine.

And of me, Robert Aske.

I am a witness that this is Mr Stubbe his last will and testament 25th of September, 1589. Morgan Colman.

This present last will and testament containing three sheets of paper, to every of the which the aforesaid John Stubbes, the testator, hath subscribed his name, was by him sealed, subscribed, pronounced, published and declared for his last will and testament in the presence of us. By me, Gabriel Newman, Francis Vaughan, Richard Collins, notary, Thomas Purfoot and William Collins, servant to the said notary. By me, George Lambert.

Probatum fuit Testamentum suprascriptum apud London coram venerabili viro Magistro Willelmo Lewin legum doctore ad exercendum officium Magistri Custodis siue Commissarij Curie prerogatiue Cantuariensis legitime deputato vicesimo septimo die mensis Iunij Anno domini millesimo quingentesimo nonagesimo Iuramento Anthonij Lawe Notarij publici procuratoris Anne Relicte et Executricis in huiusmodi testamento nominate Cui commissa fuit Administracio bonorum iurium et creditorum dicti defuncti de bene et fideliter Administrando ad sancta dei Evangelia Iurate Reseruata potestate similem Commissionem faciendo Francisco Sharnborn alteri Executorum in dicto testamento etiam nominatorum eam cum venerit petitulo in debita Iuris forma Admissuro. examinatum

[=The above-written testament was proved at London before the worshipful Master William Lewin, Doctor of the Laws, lawfully deputed to exercise the office of Master, Keeper or Commissary of the Prerogative Court of Canterbury, on the twenty-seventh day of the month of June in the year of the Lord the thousand five hundred ninetieth by the oath of Anthony Lawe, notary public and proctor of Anne, relict and executrix appointed in the same testament, to whom administration was granted of the goods, rights and credits of the said deceased, sworn on the Holy Gospels to well and faithfully administer, [+with] power reserved for a similar commission to be made to Francis Shernborne, another of the executors appointed in the said testament, when he shall have come to petition in due form of law to be admitted. Examined.]