

SUMMARY: The document below is the Prerogative Court of Canterbury copy of the nuncupative will, made 6 July 1597 and proved 9 August 1597, of William Underhill (d. 7 July 1597) of Idlicote, Warwickshire, owner of New Place in Stratford upon Avon. William Underhill sold New Place to William Shakespeare in 1597, and his second son, Hercules Underhill, confirmed the sale in 1602.

The testator was the only son of William Underhill (d. 31 March 1570) and his first wife, Ursula Congreve (d. 13 May 1561), youngest daughter of John Congreve, esquire, of Stretton, Staffordshire. According to his father's will, the testator had three sisters, Dorothy, Margaret and Anne.

After the death of the testator's mother, Ursula Congreve, the testator's father married Dorothy Hatton (d.1569), widow of John Newport (d.1566) of Hunningham, Warwickshire, and sister of Sir Christopher Hatton, by whom he had no issue. By John Newport Dorothy Hatton had a son, William Newport (d.1597), who married, as his second wife, Elizabeth Cecil (1578-1646), the daughter of Oxford's brother-in-law, Thomas Cecil (1542-1623), 1st Earl of Exeter. William Newport later took the surname Hatton, and as Sir William Hatton was the heir of his uncle, Sir Christopher Hatton (see the entry for Elizabeth Cecil (1578-1646) in the *ODNB*, and the Wikipedia article on Elizabeth (nee Cecil) Hatton edited by the author of this summary). For the will of the testator's stepmother, Dorothy (nee Hatton) Newport Underhill, see TNA PROB 11/52/36.

The testator was sixteen years of age at his father's death in 1570, and became a ward of the crown. His wardship was purchased in 1571 by his stepmother Dorothy Hatton's brother, Sir Christopher Hatton.

When he came of age in about 1575, the testator inherited his father's estates. Shortly thereafter he married a cousin, Mary Underhill (buried 10 November 1590), daughter of Thomas Underhill (d.1603?) of Ettington, Warwickshire, by whom he had five sons and three daughters:

- * Fulke Underhill (baptized 28 January 1578, d. 21 March 1599).
- * Hercules Underhill (1581-1658).
- * Timothy Underhill (d.1658) of Idlicote.
- * Ludowick (or Lewis) Underhill, citizen and haberdasher of London, living 1607.
- * William Underhill (baptized 6 March 1588, d. 1656) of Ludlow, who married Hester Parker (1601–1641), daughter of Samuel Parker of Ludlow, mercer.
- * Simon Underhill of Idlicote, (baptized 16 November 1589, d.1664), who married Elizabeth Hall (1585–1638), widow of Walter Savage (d.1622) of Broadway, and daughter of Richard Hall of Idlicote.
- * Dorothy Underhill (baptized 18 May 1579).
- * Elizabeth Underhill (baptized 10 November 1585, buried 25 November 1585).
- * Valentine Underhill (baptized 17 February 1587), who married John Bolt [=Bott?].

In 1579 the testator was imprisoned for recusancy, 'but being able to give an explanation to [Lord] Burghley was soon released'. In 1581, by reason of pressing financial circumstances, he was granted licence to alienate lands in Hollington and Meriden. In 1587 he was appointed escheator for Warwickshire and Leicestershire. In 1590 his wife, Mary, died. She was buried at Idlicote, and after her death he settled his estates in trust on his eldest son and heir, Fulke Underhill.

In Easter term 1597 he sold New Place to William Shakespeare for £60 by final concord dated 4 May (see SBTRO ER 27/4a). At the time of the sale the property consisted of one messuage, two barns and two gardens with their appurtenances.

In July 1597 he was poisoned at Fillongley near Coventry. Before his death he made a nuncupative will on 6 July, naming as executors George Shirley (1559-1622) and Thomas Shirley of Staunton Harold, Leicestershire. He left all his lands to his eldest son, Fulke Underhill, £200 apiece to each of his younger sons, and £500 apiece to his daughters Dorothy and Valentine. He died 7 July, and was buried with his wife at Idlicote.

Although Fulke Underhill was not at first suspected of having poisoned his father, 'either through his own confession or the evidence of others, his guilt afterwards became known', and in 1602 the Court of Exchequer appointed a commission to 'obtain an account of the possessions of Fulke Underhill of Fillongley, county Warwick, felon, who had taken the life of his father, William Underhill, by poison'. According to Schoenbaum, he was hanged at Warwick in 1599 and attainted for felony, whereby his estates escheated to the crown, which regranted them to his brother, Hercules Underhill, when he came of age in 1602. In Michaelmas term 1602, Hercules Underhill confirmed the sale of New Place to William Shakespeare by final concord; in order to obtain clear title, Shakespeare paid a fee equal to one quarter of the yearly value of the property, 'the peculiar circumstances of the case causing some doubt of the validity of the original purchase'.

The testator's second son and eventual heir, Hercules Underhill, married Bridget Carleton, sister of Dudley Carleton, 1st Viscount Dorchester, and daughter of Anthony Carleton by his second wife Joyce Goodwin, but had no issue. At Hercules Underhill's death at Idlicote in 1658 his heir was his nephew, William Underhill, who was later knighted, and married Alice Lucy, daughter of Sir Thomas Lucy (1583x6-1640) and Alice Spencer (c.1594–1648), and great-granddaughter of Sir Thomas Lucy (d.1600), from whose park at Charlecote tradition claims Shakespeare poached deer.

For the foregoing see Bearman, Robert, 'Shakespeare's Purchase of New Place', *Shakespeare Quarterly*, (Winter 2012), vol. 63, no. 4, pp. 465-86; Fetherston, John, ed., *The Visitation of the County of Warwick in the Year 1619*, (London: Harleian Society, 1877), vol. XII, pp. 30-1, 45; McClure, Norman Egbert, *The Letters of John Chamberlain*, (Philadelphia: American Philosophical Society, 1939), Vol. I, pp. 140, 173, 241, 260–1, 266, 415, and 579; Morrison, John Harold, *The Underhills of Warwickshire*, (Cambridge: Cambridge University Press, 1932), p. 145; Schoenbaum, Samuel,

‘Shakespeare: Text, Subtext and Context: All That is Known Concerning Shakespeare’ in Dotterer, Ronald, ed., *Susquehanna University Studies*, (Selingsgrove, Pennsylvania: Susquehanna University Press, 1989), vol. 13, pp. 15-30 at p. 17; Schoenbaum, Samuel, *William Shakespeare: A Compact Documentary Life*, (New York: Oxford University Press, 1977), p. 234; Shirley, E.P., ‘The Underhills of Warwickshire’, *The Herald and Genealogist* (London: J.G. Nichols and R.C. Nichols, 1865), pp. 127-32 at p. 130; Stopes, Charlotte Carmichael, *Shakespeare's Warwickshire Contemporaries*, (Stratford upon Avon: Shakespeare Head Press, 1907), pp. 227-32; Turner, William Henry, ed., *The Visitations of the County of Oxford*, (London: Harleian Society, 1871), vol. V, pp. 122-5, 215; Williams, Sarah, ed., *Letters Written by John Chamberlain During the Reign of Queen Elizabeth*, (Westminster: J.B. Nichols and Sons, 1861), p. xiii; and the ODNB articles on Sir Thomas Lucy (c.1532-1600), Sir Thomas Lucy (c.1594–1648), and Alice Spencer (c.1594–1648).

See also the Underhill pedigree in ‘The Staffordshire Underhills in England’, available as a pdf file online.

The testator’s executors, Sir George Shirley (23 April 1559 – 27 April 1622) and Thomas Shirley, were the sons of John Shirley (1535 - 12 September 1570), who had been the executor of the testator’s father. See Lower Easington; *Its Manor House and Church*, (London: Chiswick Press, 1869), p. 20 at:

<https://archive.org/stream/lowereatingtonit00shir#page/20/mode/2up>.

Sir George Shirley (23 April 1559 – 27 April 1622) of Ettington, Warwickshire, and Staunton Harold, Leicestershire, was thirteen years of age when he succeeded his grandfather, Francis Shirley (26 January 1515 - 27 July 1571). His wardship was granted to Henry Mackwilliam (c.1532 – 27 December 1586), and his wife, Lady Mary Cheke (d.1616). For the will of Henry Mackwilliam, see TNA PROB 11/70/244.

Sir George Shirley married, by settlement dated 21 February 1587, Frances Berkeley (d.1595), the second daughter of Henry Berkeley (1534-1613), 7th Baron Berkeley, by his first marriage to Oxford’s first cousin, Katherine Howard (d. 7 April 1596), the daughter of Oxford’s aunt, Frances de Vere (d.1577), and her husband Henry Howard (1516-1554), the poet Earl of Surrey. Sir George Shirley was called, in his time, ‘a great recusant’. See Shirley, Evelyn, Philip, *Stemmata Shirleiana*, 2nd ed., (Westminster: Nichols and Sons, 1873), pp. 82-8 at:

https://books.google.ca/books?id=_vQRAwAAQBAJ&pg=PA98&lpg=PA98&dq=%22Sir+George+Shirley%22&source=bl&ots=Ypu_7ROoCz&sig=sj8NG8q7PnbUR9SFIwai60_mMhM&hl=en&sa=X&ved=0ahUKEwit-bW8j83JAhVGwWMKHUvzDdsQ6AEIRzAI#v=onepage&q=%22Sir%20George%20Shirley%22&f=false.

See also Foley, Henry, *Records of the English Province of the Society of Jesus*, (London: Burns and Oates, 1879), Vol. V, p. 476 at:

https://books.google.ca/books?id=o_8UAAAAQAAJ&pg=PA476&lpg=PA476&dq=%22Sir+George+Shirley%22&source=bl&ots=hZkTMhoxij&sig=ZJjoC1WA2z9hRhhuKY73Mcion50&hl=en&sa=X&ved=0ahUKEwit-bW8j83JAhVGwWMKHUvzDdsQ6AEINjAE#v=onepage&q=%22Sir%20George%20Shirley%22&f=false.

See also:

<http://www.findagrave.com/cgi-bin/fg.cgi/page/gr/fg.cgi?page=gr&GRid=130626799>.

The testator is mentioned in an early draft will made by Sir George Shirley. See *Stemmata Shirleiana*, supra, p. 100 at:

To my cousin, William Underhill of Idlicote, esquire, the sum of £150.

RM: T{estamentum} nuncupatium Will{el}imi Vnderhill

[f. 474r] In the name of God, Amen. William Underhill of Idlicote in the county of Warwick, esquire, being of perfect mind and memory, did as well in the sixth day of July Anno Domini 1597 as at divers other times, or at least once in the time of his sickness whereof he died, make & declare his last will and testament nuncupative in manner and form following, or the like in effect, viz.,:

First, he revoked all former wills and testaments by him made or declared, and willed that his daughter, Dorothy, should have for her part five hundred pounds and all her jewels, and that his younger daughter named Valentine should also have other five hundred pounds;

Likewise he willed that his eldest son, Fulke Underhill, should have all his lands, and that in regard thereof, if he lived, he should be chargeable to perform all such promises and grants as shall at any time hereafter appear to be made by him, the said William Underhill, in his lifetime for which he hath received money;

And further he willed that if the said Fulke Underhill should happen to die, then his next heir that shall inherit should be chargeable to perform the same his promises and grants;

Also he willed that every of his other sons should have two hundred pounds apiece;

Likewise he, the same William Underhill, declared that he had owing unto him two thousand pounds for the which he had specialties, and that one Master Basset ought unto him threescore and ten pounds for which he had nothing to show;

Lastly he constituted and appointed Master George Shirley, esquire, and Master Thomas Shirley, his brother, his executors of the same his last will and testament, and humbly desired that it would please them to take upon them the execution thereof;

And this his said last will and testament he so made and by word declared in the presence of divers credible witnesses.

Probatum fuit Testamentum nuncupatiuum suprascriptum apud London coram Magistro Iohanne Amie legum Doctore Surrogato venerabilis viri Magistri Will^{el}imi Lewyn legum etiam Doctoris Curie Prerogatiue Cantuariensis Magistri Custodis siue Commissarij legitime constituti Nono die mensis Augusti Anno Domini Millesimo Quingentesimo Nonagesimo Septimo Iuramento Alexandri Serle notarij publici procuratoris Georgij Sherly armigeri et Thome Sherly Ex^{ecuto}rum in huiusmodi testamento nominatorum Quibus commissa fuit administratio bonorum iurium et creditorum dicti defuncti de bene et fideliter administrand{o} &c ad sancta Dei euangelia iurat{i}

[=The above-written nuncupative testament was proved at London before Master John Amy, Doctor of the Laws, Surrogate of the worshipful Master William Lewin, also Doctor of the Laws, lawfully constituted Master, Keeper or Commissary of the Prerogative Court of Canterbury, on the ninth day of the month of August in the year of the Lord the thousand nine hundred ninety-seventh by the oath of Alexander Serle, notary public, proctor of George Shirley, esquire, and Thomas Shirley, executors named 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 etc.]