

SUMMARY: The document below is the Prerogative Court of Canterbury copy of the last will and testament, dated 10 October 1601 and proved 6 November 1601, of Nicholas Brend (d. 12 October 1601), who leased the ground on which the Globe was built by lease dated 21 February 1599 to Richard Burbage (1568-1619), Cuthbert Burbage (1564/5-1636), William Kempe, Augustine Phillips (d.1605), Thomas Pope (d.1603), John Heminges (1566-1630) and William Shakespeare (1564-1616) of Stratford upon Avon (see TNA REQ 4/1/2):

for the said gardens and grounds whereupon the said playhouse & galleries were afterwards builded were demised & letten by the said Nicholas Brend by his indenture of lease tripartite bearing date in or about the 21st day of February in the 41st year of the reign of the late Queen Elizabeth [=21 February 1599] unto Cuthbert Burbage, Richard Burbage, William Shakespeare, the said Augustine Phillips, Thomas Pope, the said John Heminges, one of the said defendants, and William Kempe, to have and to hold the one moiety of the said garden plots and ground to the said Cuthbert Burbage and Richard Burbage, their executors, administrators & assigns, from the feast of the birth of Our Lord God last past before the date of the said indenture [=25 December 1598] unto the end & term of 31 years from thence next ensuing [=24 December 1629] for the yearly rent of seven pounds & five shillings, and to have & to hold the other moiety of the said garden plots & grounds unto the said William Shakespeare, Augustine Phillips, Thomas Pope, the said John Heminges, one of the said defendants, & William Kempe, their executors, administrators & assigns, from the said feast of the birth of Our Lord God then last past before the date of the said indenture unto the said full end & term of 31 years from thence next ensuing for the like yearly rent of seven pounds & five shillings.

FAMILY BACKGROUND

The testator was the son of Thomas Brend (d. 21 September 1598), and his first wife, Margery. For the will of Thomas Brend, see TNA PROB 11/93/316. For the inquisition post mortem taken on 17 May 1599 after the death of Thomas Brend in which the testator is said to have been 37 years of age or more at the time of Thomas Brend's death, see TNA C 142/257/68. In the inquisition the Globe is described as:

one house newly built with a garden to the same appertaining in the parish of Saint Saviour's aforesaid in the county of Surrey aforesaid in the occupation of William Shakespeare and others.

MARRIAGE AND ISSUE

The testator married Margaret Strelley without his father's consent. See Berry, *supra*, pp. 84-5. Although the Strelleys were a well known family, Berry was unable to identify her parents. A pedigree signed by her grandson in 1665 states that she was the daughter of Sir Philip Strelley (c.1557 – 29 September 1607), son of Sir Anthony Strelley and Joan

Baynham, daughter of Sir George Baynham and Cecily (nee Gage) Baynham. See the will of Cecily Gage Baynham, TNA PROB 11/68/452, and the will of Sir Anthony Strelley, dated 16 January 1591 (Borthwick Institute, RPGre261015). Sir Anthony Strelley was knighted on 3 October 1547 at Berwick by Leicester's father, John Dudley (1504-1553), Duke of Warwick (and later Earl of Northumberland). See Shaw, William A., *The Knights of England*, (London: Sherratt and Hughes, 1906), Vol. II, p. 63.

For Sir Philip Strelley, see the History of Parliament entry at:

<http://www.historyofparliamentonline.org/volume/1558-1603/member/strelley-philip-1557-1607>

According to the History of Parliament, Sir Philip Strelley had only one son, Nicholas Strelley, who in 1606 married the daughter of Sir Percival Willoughby, but died without issue. The Strelley properties thus descended to Sir Philip Strelley's brothers. For the marriage, see also:

<https://nottingham.ac.uk/manuscriptsandspecialcollections/collectionsindepth/family/middleton/biographies/biographyofsirpercivalwilloughby%28d1643%29.aspx>

For the pedigree of Sir Philip Strelley, see also Howard, Joseph Jackson, ed., *Miscellanea Genalogica et Heraldica*, Vol. I, (London: Hamilton Adams, 1868), p. 145 at:

<https://books.google.ca/books?id=cs4KAAAAYAAJ&pg=PA145>

Thus, since Sir Philip Strelley had only one son, Nicholas, and since several extant documents (including TNA REQ 2/706) state that Margaret Strelley had a brother, Henry Strelley, it appears (despite the statement in the 1665 pedigree) that Margaret cannot have been the daughter of Sir Philip Strelley (c.1557 – 29 September 1607).

For the Strelley family, see also Kerry, Charles, 'Notes to the Pedigree of the Strelleys of Hazlebach' in *Journal of the Derbyshire Archaeological and Natural History Society*, (London: Bemrose and Sons, January 1892), Vol. XIV, p. 95 at:

<http://books.google.ca/books?id=9Lw1AAAAMAAJ&pg=RA1-PA95>

Margaret Strelley was a 'cousin' of the courtier John Stanhope (c.1540-1621), 1st Baron Stanhope, and his sister, Lady Jane (nee Stanhope) Townshend Berkeley. See Berry, *supra*, p. 85 at:

<http://www.british-history.ac.uk/cal-cecil-papers/vol5/pp207-225>

From Lady Jane Townshend to her brother John Stanhope, gentleman of the Privy Chamber

Let me recommend unto you this bearer, George Sayers, a kind brother-in-law to my cousin Margaret Brend, who hath a cause in the Exchequer Chamber concerning a lease in the North. His cause in my simple opinion is so very clear and good that it deseveith all favour justice may afford; he is matched with a company of clamorous adversaries, who have gone back from their agreement, still keeping both money and possession of the lands from Mr. Sayers, who hath made divers reasonable offers unto them. I heartily desire you so to deal with Sir Robert Cecil or my Lord Treasurer himself, before whom the matter is to be heard, that the poor gentleman in his honest and just cause be not oppressed with the clamours of his adversaries.—From Barbican, 20 May 1595.

The testator's brother-in-law, George Sayers, is mentioned in the will below, and in the will of the testator's half-sister, Judith Brend (see TNA PROB 11/93/303). For the connection between the Stanhope and Strelley families, see also the will of Jane Stanhope Townshend Berkeley, TNA PROB 11/131/287.

Lady Jane (nee Stanhope) Townshend Berkeley married firstly, Sir Roger Townshend (d.1590), who was closely connected to the Howards and also to Oxford (see particularly Oxford's transactions involving Castle Rising, and Townshend's account of the 'street brawl' of 1582 on this website). After Townshend's death, she married Henry Berkeley (1534-1613), Lord Berkeley, whose first wife had been Oxford's first cousin, Katherine (nee Howard) Berkeley (1537-1596), the sister of Oxford's executed first cousin, Thomas Howard (1537-1572), 4th Duke of Norfolk, whose life Oxford had tried to save.

Oxford was the brother-in-law of Sir John Stanhope (d.1611), the nephew of Margaret Strelley's 'cousin', John Stanhope (c.1540-1621), 1st Baron Stanhope. Sir John Stanhope (d.1611) married Katherine Trentham, the sister of Oxford's second wife, Elizabeth Trentham (d.1613). For the wills of Oxford's brother-in-law, Sir John Stanhope (d.1611) and his wife, Katherine (nee Trentham) Stanhope (d.1621?), see TNA PROB 11/117/473 and TNA PROB 11/137/516.

That Oxford's brother-in-law, Sir John Stanhope (d.1611), was close to Margaret Strelley's 'cousins' is shown by this bequest in his will:

To my honourable loving aunt, the Lady Bertley [=Berkeley], and to my two most dear uncles, the Lord Stanhope and Sir Michael Stanhope, though a small, yet a token of my true love, and as my present estate will admit, to each of them I give a twenty shillings' piece of gold to make a ring of to wear for my sake, who did ever truly love and honour them.

In the will below the testator mentions four children, a son, John Brend, and three daughters, Jane Brend, Mercy Brend and Frances Brend, but does not mention his elder son and heir, Sir Matthew Brend, who at the time of the testator's death was aged one year eight months and six days.

After the testator's death, Margaret Strelley married Sir Sigismund Zinzan (d.1663), son of Sir Robert Zinzan (d.1607), for whose will see TNA PROB 11/111/51.

OTHER PERSONS MENTIONED IN THE WILL

The testator's overseer and 'loving friend', Sir Matthew Browne (died c.1603) of Betchworth, Surrey, was the son of Sir Thomas Browne (d.1597) of Betchworth and his first wife, Mabel Fitzwilliam (d.1564?). See Richardson, Douglas, *Plantagenet Ancestry*, 2nd ed., 2011, Vol. I, p. 414. For the will of Sir Matthew Browne, dated 2 August 1603 and proved 19 April 1608, see TNA PROB 11/111/273.

The testator's overseer, John Bodley of Streatham, was the son of Francis Bodley (d.1566), citizen and fishmonger of London, and his wife, Mercy Collett (d. 13 April 1597). After Francis Bodley's death, his widow, Mercy, married, as his second wife, the testator's father, Thomas Brend (d.1598). John Bodley and Nicholas Brend were thus step-brothers. For the will of Francis Bodley, see TNA PROB 11/48/415.

For a discussion of the financial arrangements made by the testator with Sir Matthew Browne, John Collett and John Bodley prior to his death see TNA C 54/1722, mm. 5-7; TNA C 54/1705, mm. 24-5; TNA C 54/1682, mm. 10-11; TNA C 54/1947, mm. 6-7; and Berry, Herbert, *Shakespeare's Playhouses*, (New York: AMS Press, 1987), pp. 87-8.

For the inquisition post mortem taken after the testator's death, see TNA C 142/271/151.

For the final order, dated 8 February 1622, in the lawsuit brought by King James in the Court of Wards by which ownership of the Globe playhouse and other properties in Southwark and in Bread Street in London was restored to the testator's heir, Matthew Brend (1600-1659), see TNA WARD 9/94, ff. 31-3.

For the copy on the Close Rolls of the indenture, dated 21 February 1622, by which the final order of the Court of Wards was carried out, see TNA C 54/2471, No. 15.

For mention of several of the testator's properties in interrogatories in a lawsuit by members of the Brend family against Sir John Bodley in 1622, see TNA C 24/496/114, m. 9.

LM: T{estamentum} Nicholai Brende

In the name of God, Amen. The tenth day of October one thousand six hundred and one and in the three and fortieth 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., I, Nicholas Brend of West Molesey in the county of Surrey, esquire, being sick in body but of good and sound mind and memory, thanks be given to Almighty God therefore, do make and declare my last will and testament in manner and form following, that is to say:

First I commit my soul into the hands of Almighty God, and my body I [+will] to be buried in Christian burial by the good discretion of my executrix and overseers;

Item, I will that all such debts as shall be owing unto me at the time of my decease by any specialties shall be taken, paid and disposed towards the payment and satisfaction of such debts as I shall truly owe at the time of my decease;

Item, I do give, devise and appoint and my will is that all those my six tenements with th' appurtenances lying and being in the town and parish of East Greenwich in the county of Kent, and all that my manor or farm with th' appurtenances called the Mace in the parish of Cudham in the county of Kent now or late in the tenure or occupation of William Blake or of his assigns, and all those my seven messuages or tenements with their appurtenances lying and being in Saint Mary Axe in the parish of Saint Andrew Undershaft near Lime Street in London, and all those my two messuages or tenements with th' appurtenances situate, lying and being in Candlewick Street in the parish of Saint Mary Abchurch in London now or late in the tenure or occupation of William Clarke and William Treherne, and all that my messuage or tenement with th' appurtenances wherein I now dwell situate and being upon Saint Peter's Hill, London, and one other tenement there with th' appurtenances now or late in the tenure or occupation of Thomas Halse, dyer, shall be sold and put to sale by my loving friends, Sir Matthew Browne of the Castle of West Betchworth in the said county of Surrey, knight, and John Bodley of Streatham in the said county, gentleman, or by the survivor of them, within such reasonable time after my decease as they conveniently may, and for the best benefit that they can, at and by their good discretions;

And out of the money that shall arise or come of or by the sale of the said lands, tenements and hereditaments I do give, will and bequeath unto my three daughters, Jane, Mercy and Frances, the sum of one thousand pounds, that is to say, to the said Jane, my daughter, four hundred pounds, to the said Mercy, my daughter, three hundred pounds, and to the said Frances, my daughter, three hundred pounds, to be paid to them at such time as they shall severally accomplish their lawful ages of twenty and one years or be married, which shall first happen;

And my will is that if any of my said daughters happen to die before the accomplishment of her said age or marriage, that then the portion of every of them so happening to die shall remain and be to and amongst the survivors and survivor of them equally and indifferently part and part like, and if two of them die, then the survivor of them to have the whole thousand pounds;

And the rest of such sums of money as shall be raised or made of or by the said lands and hereditaments, I do will and devise to my wife and my son, John, equally between them, part and part like;

And my will is that every of my said daughters shall be allowed by my overseers out of the profits of their profits [sic?] from their several ages of sixteen years until their several portions shall become due unto them respectively the yearly sum of thirty pounds apiece

for and towards their maintenance, and in the meantime to have some reasonable allowance for their maintenance of or by the profits of their portions;

Item, I give and bequeath to my said loving friends, Sir Matthew Browne and John Bodley, my overseers hereunder named, and to Master John Rosse, and my cousin, Ralph Baldwin, forty shillings apiece to make each of them a ring;

Item, I give to Katherine Saires [=Sayres], Marie Maylard, widow, Samuel Sayres, Mercy Seyres [=Sayres], Ralph Baldwin, the son of Ralph Baldwin, my godson, the sum of twenty shillings apiece to make each of them a ring;

Item, I give and bequeath to every one of my servants, both men and maid servants, thirteen shillings and four pence apiece;

Item, I will to Joan Martin, wife of Nicholas Martin, the acre of ground, more or less, now in the occupation of the said Nicholas and Joan, to hold the same to the said Joan and her assigns during her life without any rent therefore to be paid;

Item, I give to the said Marie Maylard, widow, my sister, the sum of one hundred pounds of lawful money of England, to be paid unto her or her assigns by twenty pounds a year, the first payment to be made at th' end of ten years after my decease (if she be living), and so every year after twenty pounds (if she be living) until the whole hundred pounds be paid;

Item, I give and bequeath unto Edmund Godfrey and his now wife during their natural lives and the life of the longer liver of them a house or tenement with th' appurtenances at Brooke End lately erected by the said Edmund upon a parcel of ground of mine at Brooke End, and after their deceases I do give and bequeath the said tenement with th' appurtenances to Edward Godfrey, my godson, and to his heirs and assigns forever, to hold the same for the rent due in respect thereof to the lord of the fee;

Item, I give to my servant Carpenter four nobles more, and to his daughter, Joan, twenty shillings;

Item, to Master George Saires [=Sayres], my brother-in-law, and to Master Doctor Lyster [=Lister] and Master Harlam forty shillings apiece to make them rings;

All the rest and residue of my goods, chattels and debts herein unbequeathed I do give and bequeath to Margaret, my wife, whom I do nominate and make my full and sole executrix of this my last will, and overseers hereof I do name and appoint the said Sir Matthew Browne and John Bodley, praying them and either of them to be assistant to my said executrix for the due performance of this my last will;

In witness whereof to this my last will, being three sheets of paper, I, the said Nicholas, have set my hand and seal the day and year first above-written. Nicholas Brend. Sealed delivered and published by the said Nicholas Brend the day and year first above-written

as and for his last will and testament in the presence of us, John Bodley, Rose Mottershed, Mawdlin Hammon and of me, John Smithe, servant to Robert Banckworth, scriptor.

Probatum fuit suprascriptum Testamentum Apud London coram venerabili viro magistro Iohanne Gibson legum doctor Curie Prerogative Cantuar{iensis} magistro Custode sive Commissario legitime constituto Sexto die mensis novembris Anno Domini millesimo Sexcentesimo primo Iuramento Edwardi Say notarij publici procuratoris margarete relicte dicti defuncti et Executricis in huiusmodi Testamento nominat{e} Cui commissa fuit Administratio bonorum Iurium et creditorum eiusdem defuncti De bene et fideliter Administrand{o} eadem &c Ad Sancta Dei Evangelia Iurat{i} Examinatur

[=The above-written testament was proved at London before the worshipful Master John Gibson, Doctor of the Laws, lawfully constituted Master, Keeper or Commissary of the Prerogative Court of Canterbury, on the sixth day of the month of November in the year of the Lord the thousand six hundred first by the oath of Edward Say, notary public, proctor of Margaret, relict of the said deceased and executrix named in the same testament, to whom administration was granted of the goods, rights and credits of the same deceased, sworn on the Holy Gospels to well and faithfully administer the same etc. Examined.]