

ARTICLES

THE MISSING PRINCES PROJECT – a case study

In Part 3 of this four-part series, Dr Judith Ford transcribes Robert Willoughby's will from 1502 and considers its contents in relation to Robert, his family and executors, and the format of wills during the pre-Reformation period. In offering this transcription on behalf of The

Missing Princes Project the aim is to add to our growing understanding of the figures involved in the events of the project's key period of investigation (1483–6) and of the society in which they lived.

Part 3. TRANSCRIPTION OF THE WILL of Robert Willoughby, 1st Lord Willoughby de Broke

JUDITH FORD

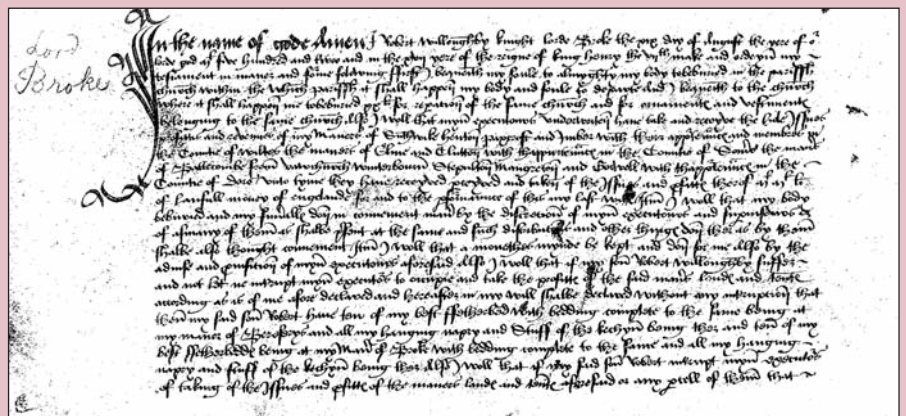
The National Archives, PCC, prob 11/13/393. Proved 25 December 1502

In the name of gode Amen I Robert Willoughby knight lorde Broke the xix day of August the yere of our lorde god M. five hundred and twoo and in the xvij yere of the reigne of king Henry the vij th make and ordeyn my testament in maner and forme following First I bequeath my soule to almighty [God] my body to be buried in the parissch church within the which parissch it shall happen my body and soule to departe And I bequeath to the church where it shall happen me to be buried £xx for reparation of the same church and for ornamentes and vestmentes belonging to the same church Also I will that myn executors underwriten have take and receyve the hole Issues profittes and revenues of my manors of Suthwike Henton Paxcroft and Imber with thappurtenances and membres in the Countie of Wiltshire the manors of Elme and Clutton with thappurtenances in the Countie of Somerset the manors of Battecombe Frome Vawchurch Winterbourn Stepulton Mangreton and Godwell with thappurtenances in the Countie of Dorset unto tyme they have receyved perceyved and taken of the Issues and profittes thereof £MM of lawfull money of englande for and to the performance of this my last will Item I will that my body be buried and my funeralle done in convenient manner by the discretion of myn executors and supervisors as many of them as shalbe present at the same and such distributions and other things done ther as by them shalbe also thought convenient Item I will that a monethes

mynde be kept and done for me also by the advise and permission of myn executors aforesaid Also I will that if my son Robert Willoughby suffer and not let nor interrupt myn executors to occupie and take the profittes of the said manors landes and tenementes according as is of me afore declared and hereafter in my will shalbe declared without any interruption that then my said son Robert have ten of my best ffetherbedes with bedding complete to the same being at my manor of Bereferys and all my hanging napry and Stuff of the kechyn being ther and ten of my best ffetherbedes being at my manor of Broke with bedding complete to the same and all my hanging napry and Stuff of the kechyn being there Also I will that if my said son Robert interrupt myn executors of taking of the Issues and profittes of the manors landes and tenementes aforesaid or any parcell of them that then he have

nothing of my said goods but that they be sold as sone as can be in convenient manner after my decese to help toward the payment of my detts my funerall expenses and the performance of my Will Also I will that all my plate catall and corne be sold as sone as can be in convenient manner after my decese to help toward the payment of my detts my funerall expenses and the performance of my will Also I will that part of the Issues and profittes of my manors of Mitton and Kelmesham with thappurtenances in the Countie of Worcestershire and the manors of Helpryngham Thorplatymer Skedyngton Hekyngton Ledinghall and Swynned with thappurtenances in the Countie of Lincolnshire with all other landes that I have in the same Countie of Lincolnshire that late were to Richard lorde Latymer [sic] shall goo and be employed xx yeres next after my decese to the ffynding of a prest to sing in the

First page of Robert Willoughby's will: TNA PCC prob/11/13/393. Reproduced by kind permission of The National Archives





Above: Seal on a lease, dated 1478, in which Robert Willoughby was one of the parties concerned. The seal image appears to be that of a rudder, a known badge of the Willoughby family.

Below: The underside of the 'rudder' seal, showing clear finger- or thumb-prints.

Kresen Kernow ME/1422. Images reproduced by kind permission of the Archives and Cornish Studies Service



parissh church of Hoke in the Countie of Dorset by the space of the said xx yeres taking and having for his salary every yere x marcs and to the relief and finding of xiiij poure men and women by the said xx yeres every of the same poure men and women to be abyding and recyannt within the said parissh of Hoke or within ij miles of the same and other vij poure men and women to be abyding and recyannt in the parissh of Bereferys in the Countie of Devonshire and the same vij to be of the pourest bondemen and bondewomen and tenantes of the same and the Residue of the issues and profittes of the same manors to be employed and bestowed duryng the same xx yeres as by me hereafter is declared and the said prest and poure men and women to pray for the Soules of me and Blannche my Wif for the soules of my fader and moder the soules of Dame Elizabeth Colshill John Colshill knight John Champernown Elizabeth his Wif Edward Assheton Margaret his wif John Norfolk and of John Prytte late of Bratton in the parissh of Westbury in the Countie of Wiltshire and all cristien soules Also I

will that every of the said prest poure men and women as often as nede shall require be named and appoynted by myn executors then being a lif or the more parte of them or the executors of the survivors of them if they all be decessed And I will that my said Manors Landes and tenementes in the said Countie of Worcestershire after the said xx yeres expired remayn to Edward Willoughby son of the said Robert my son and the heires of his body begotten And for lack of such Issue the same to remayne to the next heires of the lord Beauchamp of whome I purchased the same manors landes and tenementes Also I bequeath to and towarde the reparation and building of the church of Bathe £lx Item I will that the vicare and Brethren of Edyngton have yerely duryng xx yeres next after my decesse v marcs to pray for my soule my faders soule and other soules aforerehersed. Also I bequeath to Antony my younger son £C Item I bequeath to Nicholas my Bastard son C marcs Also I bequeath to Agnes Whitehed for divers considerations £xl Also I bequeath to the said Nicholas and Agnes all my Tynwerkes and all the profittes comyng of the same equally between them to be divided duryng their lives And if any of them fortune to dye thenne to the other of them outlivyng and after the decesse of the said Nicholas and Agnes thenne to remayn to the said Antony my younger son according to a dede thereof made. Item I will that the residue of the profittes and revenues of the said manors landes and tenementes in the said Counties of Lincolnshire and Worcestershire duryng the said xx yeres after the said prest and poure people paid be receyved and delivered to my Broder Edward Willoughby Deane of the Cathedral church of Exeter Thomas Ffrowik the kings serjeant at the Lawe Thomas Greneville knyght William Carannt knight they to dispose the same to in and for such things as I have shewed to every of theym and other to discharge of my conscience Also I will when it shall fortune me to decesse my household servantes have and be paid for their Wagis for ij quarters next folowing my decesse and every ij yomen to have complete bedde that is to say / a materas a coverlet a pair of Blankettes and a pair of shetes Also I will that myn executors take and have their reasonable costs that they shall spende about the executing and

performance of my will Also I will that a prest be ordeyned to sing and say masse in the parissh church where it shall fortune me to decesse and be buried as long tyme as it shall be thought by the discretion of myn executors Also I will that yf the said summe of money that I have appoynted to be receyved of the said manors landes and tenementes be not sufficient to performe my will or ells if any casuell charges or costes happen to be upon myn executors or my goodes or myn said landes and tenementes appoynted to the contentation of the £MM that then they shall take recyve and perceyve the Issues and profittes of the same manors landes and tenementes after they have receyved the summe of £MM till they have therewith fully performed my will and honoured and paid such casuell costes and charges if any such be and if the said £MM be sufficient to pay my detts funerall expenses and to perform this my will and if anything thereof remayned above that thenne I will the residue that remayneth thereof be disposed by myn executors for the welth of my soule as they think most convenient And I desire my eldest son to assist and not interrupt myn executors in performance of my will as he wolde that his own will were and shalbe performed and as he will have my blessing and the trust of the executors of this my will I put to the said Edward Willoughby my Broder Thomas Long knight Piers Beville Richard Whiteley esquires William Menwenyk clerk and Henry Vowell whom I make myn executors and supervisors of the same I make and ordayn Richard Bisshop of Winchester Reynold Brey Thomas Lovell Richard Guldeford knightes and the said Thomas Ffrowik praying and exortyng them and every of them in mercy of Christ and for all the love that they have borne to me and I to them to take the charge upon them without they will do for the relieff of my poure soule to the executing of this my will by the which and it be truly executed I trust my poure soule shalbe the soner releassed of the payne that it shall suffer for the wretched and simple lyf that my body hath lived in this wretched world And I bequeath to every of myn executors and supervisors £iij. vjs. viiijd yerely to have to them and every of them till this my will and testament be performed.

Notes on the will of Robert Willoughby, 1st Lord Willoughby de Broke

Robert Willoughby's will is dated 19 August 1502, four days before his death.¹ The document reflects the desire of pre-Reformation individuals to make a 'good end' by conscientiously discharging earthly and spiritual obligations. The dominant themes of this will are the testator's concern that his last wishes should be faithfully enacted, and his use of real property to finance the performance of those wishes. Willoughby directed that the profits and revenues from certain of his manors, lands and tenements were to be taken for that purpose. The specified property would have been granted by Willoughby to feoffees to hold to the 'use' (benefit) of his will.² The testator's eldest son, the heir at common law to his father's real property, is exhorted not to interfere with this process, but to assist his father's executors 'as he wolde that his own will were and shalbe performed'.

Some of the details regarding Robert Willoughby's last wishes are not set out in his will. The testator asked that four individuals, including his brother, Edward Willoughby, would dispose of any residual money from one of his charitable bequests, 'in and for such things as I have shewed to every of theym and other to discharge of my conscience'. This wording might be interpreted as a reference to something oddly covert, but such statements are to be found in many wills. Some of the group of

'other' people referred to regarding this bequest were, almost certainly, the testator's feoffees, who would have been in possession of written (and, possibly, verbal) instructions that specified Willoughby's intentions. The will of the 2nd Lord (dated 1 October 1521) directs that the designated lands in Lincolnshire and Worcestershire that were to finance this bequest were to continue to be held, 'to the use and performance of the said last wille of the said Lord Broke my fader'. The 2nd Lord's will also refers to a 'certeyn bill written with the hande of the said Lorde Broke my father [sic]' (the deed of feoffment).³

The 1st Lord Willoughby de Broke also employed the device of the use to provide for offspring other than his heir. In addition to monetary bequests, Willoughby's bastard son Nicholas, and a woman called Agnes Whitehed (possibly Nicholas' mother) were left for their lifetimes, 'all [the testator's] Tynwerkes and all the profittes comyng of the same'. After the deaths of Nicholas and Agnes the tin works were to pass to the testator's younger son, Anthony, 'according to a dede thereof made' (another reference to a deed of feoffment).

Those entrusted with overseeing the fulfilment of the terms of his will reflect Willoughby's eminent position in Tudor society. His supervisors were, Thomas Ffrowik, the King's Serjeant at Law, Richard Foxe, bishop of Winchester, Thomas Lovell, Chancellor of the Exchequer, Sir Reginald (Reynold) Bray, Chancellor of the Duchy of

Chancel, much of it fifteenth century, of the parish church of St Giles, Hooke, Dorset. Robert Willoughby left revenue from land for the 'ffynding of a prest to sing in the pariss church of Hoke in the Countie of Dorset by the space of ... xx yeres'.
Photo courtesy of Judith Ford



Lancaster, and Richard Guldeford, Master of the Ordinance. The testator urged these men to ensure that his will would be faithfully performed, 'in mercy of Christ and for all the love that they have borne to me and I to them'. Willoughby's executors had a strong West-country bias. One executor was the testator's brother, Edward, dean of Exeter, and four of the other five named individuals were from Devon or Cornwall.⁴

The concluding section of the document expresses the testator's trust that, should the terms of his will be properly fulfilled, his 'poure soule shalbe the soner releassed of the payne that it shall suffer for the wretched and simple lyf that my body hath lived in this wretched world'.⁵ These exact words may or may not have been chosen by Robert Willoughby. Statements of anxiety about the health of a testator's soul appear in many pre-Reformation wills, and their wording could be influenced by custom, by the scribe of the will, or by another advisor. The formulaic character of testamentary documents means that it is very difficult to pin down the personal views and feelings of an individual testator.

As with most wills, that of the 1st Lord Willoughby de Broke provides an incomplete picture of the testator's last wishes, and of his intentions for the considerable sum to be raised from the designated property. Robert Willoughby was certainly used to raising large amounts of money. In 1485, for example, he provided a bond of £2,000 to Henry VII 'to be paid at Michaelmas or levied etc in Devon', concerning a claim to lands in Staffordshire and Worcestershire.⁶ At the end of 1499 Willoughby had given a bond of £5,000 as surety in the settlement of a dispute with Richard Neville, 2nd Lord Latimer.⁷ Soon after his father's death, the 2nd Lord Willoughby de Broke found himself subject to financial exactions by the Crown. These included bonds for the payment of £400 for the livery of his lands, £600 for some of his local offices, and 700 marks for a pardon for his father's executors.⁸ It is probable that the pardon was granted for fines and arrears of accounts relating to the 1st Lord's office as steward of the household for Henry VII.⁹

Judith Ford graduated BA (Hons) in 1986, and was awarded the degree of Doctor of Philosophy (Open University) in 1992. The title of her thesis was: 'A Study of Wills and Will-making in the

Period 1500–1533, with Special Reference to the Copy Wills in the Probate Registers of the Archdeacon of Bedford, 1489–1533.' She was Research Fellow at the Charles Booth Centre for the History of Social Investigation, the Open University, from 1994 to 1998. From 2007 to 2012 she was Dorset editor for Notes & Queries for Somerset and Dorset and web editor for sdnq.org.uk from 2012 to 2018. She was elected Fellow of the Society of Antiquaries in 2011.

Dr Ford's transcription of Robert Willoughby's will is also available on The Missing Princes Project website at: www.revealingrichardiii.com/langley.html

Notes and references

1. Maskelyne and H. C. Maxwell Lyte, 'Inquisitions Post Mortem, Henry VII, Entries 851–900', in *Calendar of Inquisitions Post Mortem: Series 2, Volume 2, Henry VII* (London, 1915), pp 545–54. British History Online www.british-history.ac.uk/inquis-post-mortem/series2-vol2/pp545-574.
2. The device of the use allowed a landowner to make provision, in his will, for 'younger sons, daughters, bastards ... and ... charge the payment of his debts and legacies on real property ... it was the use and not the legal title which passed on the testator's death.' J. H. Baker, *An Introduction to English Legal History* (1990), p. 288.
3. The National Archives, PCC, prob 11/20/66.
4. *Calendar of Patent Rolls, Henry VII: 1494–1509*, vol. 2 (1916), p. 318. The sixth executor, Thomas Long, is described as being 'of Draycote, co. Wilts'.
5. The word 'sinful' might be expected in this context, but 'simple' could be used to mean 'lowly'.
6. *Calendar of Close Rolls, Henry VII: 1485–1500*, vol. 1 (1955), p. 21.
7. *Calendar of Close Rolls, Henry VII*, vol. 1, pp 357–60.
8. D. A. Lockett, 'The Rise and Fall of a Noble Dynasty: Henry VII and the Lords Willoughby de Broke', *Historical Research*, Vol. 69, issue 170, October 1996, p. 262.
9. See, for example, *Calendar of Patent Rolls, Henry VII: 1485–1494*, vol. 1 (1914), p. 80, entry for March 2, 1486; a 'pardon and release' was granted to the 1st Lord Willoughby de Broke's executors on 10 January 1503/4 and another on 28 September 1505 (both possibly relating to offices held by the testator). *The Calendar of Patent Rolls, Henry VII*, vol. 2, pp 318, 453.