

SUMMARY: The document below is the Prerogative Court of Canterbury copy of the will, dated 31 October 1502 and proved 12 May 1503, of John Fitzherbert (d. 18 November 1502), Remembrancer of the Exchequer, whose great-granddaughters, Dorothy Port (d.1607) and Margaret Port (d.1613), married into families related to Oxford's second wife, Elizabeth Trentham.

The testator was the second son of Nicholas Fitzherbert (d. 14 November 1473) of Norbury and his first wife, Alice Booth, the daughter of Henry Booth of Harleston, Derbyshire, and Isabel Fynderne. See the pedigree of Fynderne in Jewitt, Llewellynn, 'Findern and the Fyndernes', *The Reliquary*, (London: John Russell Smith, 1863), Vol. III, pp. 185-99 at p. 194:

http://books.google.ca/books?id=n6Q1AAAAMAAJ&pg=PA194&lpg=PA194&dq=%22Pedigree%22+%22findern%22+%22Thomas%22&source=bl&ots=XizncOxTqd&sig=H6LJzeFJdbJupV4h-iIsqX_SFCw&hl=en&sa=X&ei=ul77U7SDBci7ogT_1ICoBQ&ved=0CDkQ6AEwBg#v=onepage&q=%22Pedigree%22%20%22findern%22%20%22Thomas%22&f=false

After the death of Alice Booth, Nicholas Fitzherbert married secondly Isabel or Elizabeth Ludlow. According to the inscription on his monument, Nicholas Fitzherbert had eight sons and five daughters by his first wife, and two sons and two daughters by his second. Cox gives the names of eleven of these children:

* Ralph Fitzherbert (d. 2 March 1484) of Norbury, eldest son and heir, who married Elizabeth Marshall (d.1490), by whom he had seven sons and five daughters, including the judge and legal writer, Sir Anthony Fitzherbert (c.1470 – 26 or 27 May 1538), for whose will see TNA PROB 11/27/312. The testator was overseer of the will of his elder brother, Ralph Fitzherbert (d. 2 March 1484); see FitzHerbert, Reginald H.C., 'Will of Ralph Fitzherbert, Esq., of Norbury, A.D. 1483, in Kerry, Charles, ed., *Journal of the Derbyshire Archaeological and Natural History Society*, (London: Bemrose & Sons, 1897), Vol. XIX, pp. 94-100 at:

<http://archive.org/stream/journalofderbysh17derb#page/94/mode/1up>.

* The testator, John Fitzherbert (d.1502) of Etwall, second son.

* Robert Fitzherbert (d.1515) of Uphall in Braughing, Hertfordshire, third son, who married Elizabeth Josselyn, the daughter of Ralph Josselyn (d.1525) of Sawbridgeworth, Hertfordshire, by whom he was the father of Humphrey Fitzherbert, who in 1515 married Dionyse Elveden (b.1492), the daughter of Henry Elveden (d.1493), and granddaughter and heir of Henry Elveden (d.1498). See:

'Parishes: Braughing', *A History of the County of Hertford: volume 3* (1912), pp. 306-317.
URL: <http://www.british-history.ac.uk/report.aspx?compid=43621>

Thomas Grey and his wife Katherine . . . conveyed the manor [of Uphall] to Ralph Josselin and others. This seems to have been in trust for Robert Fitz Herbert, for he died seised in 1515. His son was Humphrey Fitz Herbert, who married Denise Elveden.

See also the will of John Josselyn (d.1525) of High Roding, Essex, brother of Ralph Josselyn, who provides in his will for prayers for ‘the souls of Robert Fitzherbert and Elizabeth, his wife’, TNA PROB 11/22/61; and the inquisition post mortem of Robert Fitzherbert, TNA C 142/30/95.

* Roger Fitzherbert, fourth son.

* William Fitzherbert, fifth son.

* Joan Fitzherbert, who married, as his first wife, John Cotton (d.1462/3) of Hamstall Ridware, Staffordshire, by whom she had 15 children. After the death of Joan Fitzherbert, John Cotton (d.1462/3) married Mary Pole or Poole, by whom he was the father of Richard Cotton (d.1497), who married Jane or Joan Brereton, the daughter of Sir William Brereton of Cheshire, by whom he had eight sons (all of whom died without surviving issue) and six daughters, four of whom married, including Matilda or Maud Cotton (d. 1551), who married the testator’s nephew, Sir Anthony Fitzherbert (d. 26 May 1539) (see above), and Isabel Cotton, who married firstly John Bradburne, and secondly William Basset. See ‘The Heraldic Shields in the Armorial Hall’ at:

<http://www.mkheritage.co.uk/wdahs/thornton/docs/shields.html>.

Little, citing Stebbing Shaw, *History of Staffordshire*, I, 157, states that Joan Fitzherbert was John Cotton’s second wife, and that she died in 1502. See Little, Andrew George, ed., *Franciscan History and Legend in English Mediaeval Art*, (Manchester: Manchester University Press, 1937), Vol. 19, p. 114 at:

http://books.google.ca/books?id=JarnAAAIAAJ&pg=PA114&lpg=PA114&dq=hamstall+ridware%22+%22tomb+of+John+Cotton%22&source=bl&ots=sH-DmpkvzL&sig=Pv2yo01QuBhhqFv5gWuCoaEFRHU&hl=en&sa=X&ei=_Hf3U9OrGOHWiwKg0oGwCg&ved=0CBwQ6AEwAA#v=onepage&q=hamstall%20ridware%22%20%22tomb%20of%20John%20Cotton%22&f=false

The large altar tomb of John Cotton, who died 1462, and his second wife, Joan (daughter of Nicholas Fitzherbert of Norbury), who died 1502, is decorated with small painted shields, cut in relief, commemorating their fifteens sons and daughters.

* Elizabeth Fitzherbert, who married Edward Crosby of London, merchant.

* Edith Fitzherbert who married Thomas Babington (d. 13 March 1519). Cox, *infra*, p. 236, calls her ‘Isabel’ and doesn’t provide the Christian name of her husband; however in his will, dated 24 February 1519, Thomas Babington requests burial ‘in the parish church of Ashover near my wife Edith’, and later in the will provides for prayers for the souls of

‘Edith and Margery, my wives’, establishing that her Christian name was Edith. Edith Fitzherbert’s husband, Thomas Babington (d. 13 March 1519) was the eldest son and heir of Sir John Babington (slain fighting for Richard III at the Battle of Bosworth by Sir James Blount, Provost Marshal), and Isabel Bradburne (d. 18 March 1486), daughter of Henry Bradburne of Bradburne and the Hough in Ashbourne, Derbyshire, by Margaret Bagot. Isabel Bradburne’s brother, John Bradburne, married Anne Vernon, daughter of Sir Richard Vernon (c.1390 – 24 August 1451) and Benedicta or Bennet Ludlow (d.1444), grandparents of Sir Henry Vernon (c.1441 – 13 April 1515) of Haddon, Derbyshire, for whose will see TNA PROB 11/18/121. See ‘The Pedigree of the Family of Babington of Dethick and Kingston’ in *Collectanea Topographica & Genealogica*, (London: John Bowyer Nichols and Son, 1843), Vol. VIII, pp. 324-9 at:

http://books.google.ca/books?id=5yoAAAAAQAAJ&pg=PA325&lpg=PA325&dq=pedigree+of+Bradburne+of+the+Hough&source=bl&ots=DCYcspvq1O&sig=DRF_1UFRau8LmBIEjUxXkJyI4Y&hl=en&sa=X&ei=cc70U7-QFif7iwKy7ICoCA&ved=0CC8Q6AEwAw#v=onepage&q=pedigree%20of%20Bradburne%20of%20the%20Hough&f=false.

* Dulcibella Fitzherbert.

* Anne Fitzherbert.

* Millicent Fitzherbert, who became a nun.

For the foregoing identification of the children of the testator’s father, Ralph Fitzherbert, see Cox, J. Charles, ‘Norbury’, in *Notes on the Churches of Derbyshire*, (London: Bemrose and Sons, 1877), Vol. III, pp. 229-47 at pp. 233, 236-7:

<http://archive.org/stream/notesonchurcheso03coxjiala#page/236/mode/1up>.

The pedigrees of the Fitzherbert family show only a few of the children of the testator’s father, Ralph Fitzherbert. For a pedigree said to have been compiled from pleadings, see Metcalfe, Walter C., ‘Pedigrees contained in the Visitations of Derbyshire, 1569 and 1611’, *The Genealogist*, Vol. VII, New Series, (London: George Bell and Sons, 1891), p. 131, which can be downloaded online at:

http://fmg.ac/FMG/Scanned_Sources/TGB/TGB.htm.

See also *The Topographer for the Year 1790*, (London: Robson, 1790), Vol. II, p. 226 at:

<https://archive.org/stream/topographercont01unkngoog#page/n255/mode/2up>.

See also the pedigree of Fitzherbert of Norbury in Grazebrook, H. Sydney, ed., *The Visitation of Staffordshire*, (London: Mitchell and Hughes, 1883), pp. 72-6:

<https://archive.org/stream/visitacionofstaf00graz#page/72/mode/2up>.

The testator married twice, and was survived by his second wife, a widow named Joan, whose maiden name has not been established. Nor was the identity of her first husband known until now. However from several interrelated wills it appears to the author of this summary that she was the widow of the London grocer, Benedict Trotter (d.1496), by whom she had a daughter, Dorothy Trotter (d.1545), who married John Lake (d.1522), and that she was an ancestor of the Lord Protector, Oliver Cromwell. For the evidence establishing that the testator's second wife, Joan, was the widow of Benedict Trotter and the mother of Dorothy Lake, see her will, dated 3 February 1541 and proved 22 March 1541, TNA PROB 11/28/447.

The identity of the testator's first wife has also not been definitively established, although it appears that her maiden name was Babington. The testator states in the will below that his first wife was buried in the conventual church of Saint Bartholomew in West Smithfield, London. She is identified in various pedigrees as Margaret Babington, the daughter of Robert Babington; as Dorothy Babington, the daughter of William Babington (by Cox, *supra*, p. 236, citing Harl. MSS 1,537); and as Joan Babington of Kiddington (by G.T.C., citing Harl. MS. 6594, p. 167). See G.T.C., 'The Pedigree of the Family of Babington of Dethick and Kingston' in *Collectanea Topographica & Genealogica*, (London: John Bowyer Nichols and Son, 1843), Vol. VIII, pp. 324-9 at:

http://books.google.ca/books?id=5yoAAAAAQAAJ&pg=PA325&lpg=PA325&dq=pedigree+of+Bradburne+of+the+Hough&source=bl&ots=DCYcspvq1O&sig=DRF_1UFRau8LmBIEjUxXkJyjI4Y&hl=en&sa=X&ei=cc70U7-QFif7iwKy7ICoCA&ved=0CC8Q6AEwAw#v=onepage&q=pedigree%20of%20Bradburne%20of%20the%20Hough&f=false

See also the pedigree of Babington in Burke, John, *A Genealogical and Heraldic History of the Commoners of Great Britain and Ireland*, (London: Henry Colburn, 1838), Vol. IV, p. 513 at:

http://books.google.ca/books?id=KikAAAAAQAAJ&pg=PA513&lpg=PA513&dq=%22Sir+John+Babington%22+%22John+Fitzherbert%22&source=bl&ots=OWizREt0z0&sig=CHuNl0xa_dGqjXcYMyFRlfXosAQ&hl=en&sa=X&ei=8AP-U6WtGYb8igKN4oBA&ved=0CCkQ6AEwAg#v=onepage&q=%22Sir%20John%20Babington%22%20%22John%20Fitzherbert%22&f=false

The pedigree of Babington of Kiddington in Turner, p. 147, states that the testator (identified in the pedigree as John Fitzherbert of Etwall, Derbyshire, Remembrancer of the Exchequer), married Dorothy Babington, the daughter of William Babington, esquire, and Helen Illingworth, the daughter of Richard Illingworth (d. 25 April 1476), Baron of the Exchequer, made Knight of the Bath at the coronation of Edward IV. It thus seems likely that the testator's first wife, and the mother of his children, was Dorothy Babington. See Turner, William, *The Visitations of the County of Oxford*, (London: Harleian Society, 1871), Vol. V, p. 147 at:

<https://archive.org/stream/visitationsofcou05turnrich#page/n165/mode/2up>.

See also the pedigree of Illingworth in Rice, Robert Garraway, 'On the Parish Registers of SS. Peter and Paul, Mitcham, Surrey' in Jewitt, Llewellynn, ed., *The Reliquary*, (London: Bemrose & Sons), Vol. XVII, 1876-77), p. 140 at:

http://books.google.ca/books?id=oCNAQAAMAAJ&pg=RA1-PA140&lpg=RA1-PA140&dq=%22Baron+of+the+Exchequer%22+%22illingworth%22&source=bl&ots=z3mzw9eb_Z&sig=q0S53Sbo-twavL835UUflrO8bz0&hl=en&sa=X&ei=he_0U7rhIurCigLA8oD4CA&ved=0CBwQ6AEwAA#v=onepage&q=%22Baron%20of%20the%20Exchequer%22%20%22illingworth%22&f=false.

The pedigree of Babington in Turner, *supra*, pp. 145-6, also records another marriage of John Fitzherbert of Etwall, this one to Joan Neville, the daughter of Sir Thomas Neville of Rolleston, Derbyshire, said in the pedigree to have been the third son of Sir Ralph Neville of Raby by Margaret Babington, the daughter of Sir William Babington, Chief Justice. It is thus possible that the testator's second wife was Joan (nee Neville).

Nichols similarly identifies Sir Thomas Neville of Rolleston with the Nevilles of Raby, and cites Harl. MS. 810, f. 15, which states that:

Thomas Neville, of Holt, eighth in male descent from Henry Lord Nevill 1153, temp. Hen. II. married the daughter of Justyce Babyngton, and had issue three sons and seven daughters.

See 'Additions to the Pedigree of the Family of Babington', in Nichols, John Gough, ed., *The Topographer and Genealogist*, (London: John Bowyer Nichols and Son, 1846), Vol. I, pp. 259-79 at p. 266:

<http://books.google.ca/books?id=CBwIAAAAQAAJ&pg=PA266&lpg=PA266&dq=%22Sir+Thomas+neville%22+%22Rolleston%22&source=bl&ots=uGyzrf7E3B&sig=Z4qNTWBSvVThcBwnvksL0qxAEqo&hl=en&sa=X&ei=GAb6U8XxGIqiiL4ooGQDw&ved=0CC0Q6AEwAg#v=onepage&q=%22Sir%20Thomas%20neville%22%20%22Rolleston%22&f=false>.

However doubt is cast on the alleged marriage of Sir Thomas Neville of Rolleston and Margaret Babington, and on Sir Thomas Neville's connection with the Nevilles of Raby, by the fact that Elizabeth Babington, a daughter of the Chief Justice, married Thomas Neville, esquire, of Rolleston, although Elizabeth Babington's husband is said to have been the son and heir of *Sir Robert Neville*, son and heir of Sir William Neville of Rolleston by Elizabeth Fencote, daughter and heiress of Sir Thomas Fencote. For Sir William Neville, see the History of Parliament entry at:

<http://www.historyofparliamentonline.org/volume/1386-1421/member/neville-sir-william-1338>.

According to Richardson, Thomas Neville (died c.1480), esquire, of Rolleston, Derbyshire, son and heir of Sir Robert Neville (d. before 1428) by Alice Longford, daughter of Sir Nicholas Longford (d. 31 August 1401), married Elizabeth Babington, daughter of Sir William Babington (c.1370-1454) of Chilwell, Nottinghamshire, Chief Justice of the King's Bench, by Margery Martell, daughter and heiress of Peter Martell, by whom he had four sons, and eight daughters. See the *ODNB* entry for Sir William Babington, and Richardson, Douglas, *Plantagenet Ancestry*, 2nd ed., 2011, Vol. II, pp. 440-2, 618, and *Magna Carta Ancestry*, Vol. III, p. 37 at:

<http://books.google.ca/books?id=8JcbV309c5UC&pg=RA2-PA37&lpg=RA2-PA37&dq=%22Sir+Robert+Neville%22+%22fencote%22&source=bl&ots=kvhKPRLV83&sig=fSWpuPW97yS5RLACCIEBrdJhBX4&hl=en&sa=X&ei=cTL6U7e6JsKsjAKisIFI&ved=0CDUQ6AEwBA#v=onepage&q=%22Sir%20Robert%20Neville%22%20%22fencote%22&f=false>.

Nichols provides evidence which connects the testator, as a Remembrancer of the Exchequer, with the Babingtons. He states that Robert Babington (d.1464), fourth son of the Chief Justice, married Maud Archis, the daughter of Roger Archis, by whom he had a son, William Babington of Kiddington, esquire, who married Ellen Illingworth, daughter of Sir Richard Illingworth, Chief Baron of the Exchequer; and a daughter, Joan Babington, called also 'Mary' and 'Margaret', who married John Fitzherbert, of Etwall, Remembrancer of the Exchequer.

Nichols states further that William Babington and Ellen Illingworth had a daughter, Dorothy Babington, who married John Fitzherbert of Etwall, Derbyshire, 'who appears to have been her first cousin'. As noted above, the pedigree in Turner, *supra*, also states that the testator married Dorothy Babington.

See Nichols, *supra*, pp. 267-9.

Nichols goes on to state that 'the pedigree here is obscure'. However despite the confusion and obscurity, the pedigrees suggest that there was a connection between the testator and the Babingtons of Kiddington, and that at least one and perhaps both his wives were members of that family. This likelihood is strengthened by this statement in the *ODNB* entry for Sir William Babington, Chief Justice:

The chief justice's influence probably also explains the marriage of his brother Thomas to one of the two daughters and coheirs of Robert Dethick of Dethick in Derbyshire. The Catholic conspirator, Sir Anthony Babington (d. 1586), was a direct descendant of this marriage in the male line.

As noted above, the testator's sister, Edith Fitzherbert, married Thomas Babington (d. 13 March 1519), the grandson of Thomas Babington and Isabel Dethick. See:

<http://www.rotherhamweb.co.uk/genealogy/babington.htm>.

According to the Fitzherbert pedigrees, the testator had a son, Henry, who predeceased him, and three daughters, Jane (or Joan), Barbara and Sophia:

* Henry Fitzherbert (erroneously called 'John' in some sources), who married Cecily Molyneux (d. 7 July 1502?), the daughter and heiress of John Molyneux (d.1473), by whom he had a son, Eustace Fitzherbert (d. 16 September 1518), mentioned in the will below. According to the testator's inquisition post mortem taken 11 January 1503 Eustace Fitzherbert was 11 years old on 'the feast of All Hallows last,' [= 31 October 1502], and was thus born 31 October 1491. After the death of Henry Fitzherbert, Cecily (nee Molyneux) married John Josselyn (d.1525) John Josselyn of High Roding, Essex, receiver-general of John de Vere (1442-1513), 13th Earl of Oxford, and one of the executors of the Earl's will. For the will of John Josselyn, see TNA PROB 11/22/61. Eustace Fitzherbert had two daughters and coheirs, Joan and Elizabeth. Elizabeth Fitzherbert (d. 1 December 1559) married firstly Edward Smyth, a younger son of Sir John Smith of Cressing Temple, Essex, Baron of the Exchequer, and secondly, about 1539, Thomas Smyth (d. 31 October 1593). After the death of Elizabeth Fitzherbert, Thomas Smyth married Katherine Throckmorton, the daughter of Sir George Throckmorton (d.1552) and widow of Robert Winter (d.1549), by whom, according to Bartleet, *infra*, he had seven sons and seven daughters, including Anthony Smith (d.1611) of Campden, Gloucestershire, who married Joan Martyn (d.1621), daughter of Sir Roger Martyn (d.1573), Lord Mayor of London. However according to another source, Thomas Smyth had five sons and four daughters by his first wife, Elizabeth Fitzherbert, and two sons and two daughters by his second wife, Katherine (nee Throckmorton) Winter. See Taylor, C.S., ed., *Transactions of the Bristol and Gloucestershire Archaeological Society for 1901*, Vol. XXIV, p. 54 at:

<https://archive.org/stream/transactionsofbr24bris#page/54/mode/2up>.

See the testator's inquisition post mortem, TNA C 142/16/81 (Derbyshire); and *Calendar of Inquisitions Post Mortem*, (London: His Majesty's Stationery Office, 1915), Vol. II, pp. 399-400 at:

<https://archive.org/stream/calendarofinquis02grea#page/398/mode/2up>.

See also the inquisitions post mortem of Eustace Fitzherbert, TNA C 142/33/62 and TNA C 142/33/135; the will of Sir George Throckmorton, TNA PROB 11/36/29; the will of Sir Roger Martyn, TNA PROB 11/56/48; and Bartleet, S.E., 'The Manor and Borough of Chipping Campden', in Maclean, John, ed., *Transactions of the Bristol and Gloucestershire Archaeological Society for 1884-85*, (Bristol, C.T. Jefferies and Sons), Vol. IX, pp. 134-95 at pp. 161-70:

<http://books.google.ca/books?id=izQGAAAQAQAJ&pg=PA162&lpg=PA162&dq=%22John+Fitzherbert%22+%22Cecily%22+%22Josselyn%22&source=bl&ots=5zznar9MqR&sig=K5NpcfuDvWIRGwHrn8FNcGW1xQ4&hl=en&sa=X&ei=VvTzU5->

[XAoK3iwKxyoEY&ved=0CCgQ6AEwAg#v=onepage&q=%22John%20Fitzherbert%22%20%22Cecily%22%20%22Josselyn%22&f=false](http://books.google.ca/books?id=eScAAAAAQAAJ&pg=PA8&lpg=PA8&dq=%22John%20Fitzherbert%22%20%22Cecily%22%20%22Josselyn%22&f=false).

See also Gwilt, Charles Perkins, *Notices Relating to Thomas Smith of Campden and to Henry Smith, Sometime Alderman of London*, (London: George Woodfall, 1836), pp. 2-12 at:

<http://books.google.ca/books?id=eScAAAAAQAAJ&pg=PA8&lpg=PA8&dq=%22Henry+Fitzherbert%22+%22Eustace%22&source=bl&ots=itmPECRenK&sig=J1RVQzuq9jUXDee35Jcr9txa2tA&hl=en&sa=X&ei=3gf2U4KCNcL2igLi3YCYCQ&ved=0CCEQ6AEwAQ#v=onepage&q=%22Henry%20Fitzherbert%22%20%22Eustace%22&f=false>.

See also TNA C 1/1068/29:

Short title: Smyth v Port

Plaintiffs: Thomas SMYTH and Elizabeth his wife, great-granddaughter and heir of John Fetzharbart, King's remembrancer.

Defendants: John PORT, esquire.

Subject: Manor of Ash and messuages, land and mills there and in Etwall, Thurvaston (?), Trusley and Hilton. Derbyshire

* Jane or Joan Fitzherbert (died c.1520) who married firstly, 14 August 1473, John Pole, son of Ralph Pole (d. 31 May 1492) of Radbourne, Derbyshire, by Elizabeth Moton (d. 26 December 1503), daughter and coheir of Sir Reginald Moton (d. 31 March 1445), esquire, of Peckleton, Leicestershire, son of Sir Robert Moton by his first wife, Margery Mallory, by whom she had a son, German Pole (1482 – d. 4 January or 3 February 1552), who was heir to his grandfather. Although the *ODNB* states that Jane Fitzherbert died about 1520, Stapleton states, likely erroneously, that both she and her first husband, John Pole, predeceased Ralph Pole (d. 31 May 1492). See Skillington, S.H., *The Manor of Peckleton*, pp. 105-7, and 131-2, available online; Richardson, Douglas, *Magna Carta Ancestry*, 2nd ed., 2011, Vol. III, p. 419; the inquisition post mortem of Sir Reginald Moton, TNA C 139/118/17; and the pedigree of Pole in Burke, John and John Bernard, *A Genealogical and Heraldic Dictionary of the Landed Gentry of Great Britain and Ireland*, (London: Henry Colburn, 1847), Vol. II, p. 1050 at:

<http://books.google.ca/books?id=0NEKAAAAYAAJ&pg=PA1050&lpg=PA1050&dq=%22German+Pole%22&source=bl&ots=a7J0jWbAnl&sig=RGSzW0Op886y6D8ep075S4z3CSc&hl=en&sa=X&ei=jTMDVJTWDcaJjALHn4CIBw&ved=0CFMQ6AEwDQ#v=onepage&q=%22German%20Pole%22&f=false>.

See also Stapleton, Thomas, ed., *Plumpton Correspondence*, (London: Camden Society, 1839), pp. 138-9, 162-3, 191, 258 at:

<https://archive.org/stream/plumptoncorrespo04plumuoft#page/138/mode/2up>.

Jane or Joan Fitzherbert married secondly Sir John Port (d. 14 March 1540), by whom she had a son, Sir John Port (d. 6 June 1557) and three daughters, for whom see the will of Sir John Port, TNA PROB 11/28/58.

* Barbara Fitzherbert, who married Sir Thomas Cokayne (c.1479-1537) of Ashbourne, Derbyshire, grandson of John Cokayne (d. 23 December 1504), esquire, and son of Thomas Cokayne, esquire, of Ashbourne by Agnes Barlow, daughter of Robert Barlow of Barlow, Derbyshire, by Margaret Delves, daughter of Henry Delves, by whom she had three sons (Francis Cokayne (d. 5 August 1538), esquire, who married Dorothy Marowe, only child of Thomas Marowe (d.1505), sergeant at law, by Isabel Brome, Anthony Cokayne, and Thomas Cokayne), and three daughters (Jane Cokayne, who married Vincent Lowe, esquire, of Denby, Derbyshire; Anne Cokayne, who married Sir William Bassett; and Elizabeth Cokayne, who married Robert Burdett, esquire). See the inquisition post mortem of John Cokayne (d. 23 December 1504), taken 12 June 1505, in *Calendar of Inquisitions Post Mortem*, (London: His Majesty's Stationery Office, 1915), Vol. II, pp. 527-9 at:

<https://archive.org/stream/calendarofinquis02grea#page/526/mode/2up>.

See also the will of Thomas Marowe, TNA PROB 11/14/514; and Richardson, Douglas, *Magna Carta Ancestry*, 2nd ed., 2011, Vol. I, p. 526 and Vol. III, p. 57 at:

http://books.google.ca/books?id=8JcbV309c5UC&pg=PA526&lpg=PA526&dq=%22Barbara+Fitzherbert%22+%22Thomas+Cokayne%22&source=bl&ots=kvhKJRHO7a&sig=0mujwCUCncYKKvE6_bePj1n68VQ&hl=en&sa=X&ei=UvjwU4a0J9K7oQTE6oD4Dg&ved=0CCIQ6AEwAQ#v=onepage&q=%22Barbara%20Fitzherbert%22%20%22Thomas%20Cokayne%22&f=false.

For Sir William Bassett, see *The Topographer*, *supra*, p. 322 at:

<https://archive.org/stream/topographercont01unkngoog#page/n359/mode/2up>.

See also Cox, Charles J., *Notes on the Churches of Derbyshire*, (London: Bemrose and Sons, 1877), Vol. II, pp. 384-5 at:

<http://books.google.ca/books?id=0FwvAAAAMAAJ&pg=PA385&lpg=PA385&dq=%22Barbara+Fitzherbert%22+%22Thomas+Cokayne%22&source=bl&ots=FhbP9ofhKQ&sig=DLJoTiX9aEmihyiSTggTSN3H6wQ&hl=en&sa=X&ei=UvjwU4a0J9K7oQTE6oD4Dg&ved=0CE4Q6AEwDA#v=onepage&q=%22Barbara%20Fitzherbert%22%20%22Thomas%20Cokayne%22&f=false>.

See also Cox, *supra*, p. 328 at:

<http://books.google.ca/books?id=Wh5NAAAAMAAJ&pg=PA328&lpg=PA328&dq=%22Sir+Richard+Vernon%22+%22haddon%22+%22Cokayne%22&source=bl&ots=zOIwAUOx8U&sig=LiKXrI5Hz93PEQPbTKCvk0zut->

E&hl=en&sa=X&ei=Hv3wU5vuF4v5oATz84GwDg&ved=0CCgQ6AEwAg#v=onepage&q=%22Sir%20Richard%20Vernon%22%20%22haddon%22%20%22Cokayne%22&f=false.

See also Brydges, Egerton, *Collins's Peerage of England*, (London: F.C. and J. Rivington, 1812), Vol. VII, p. 400 at:

<http://books.google.ca/books?id=gx0wAAAAYAAJ&pg=PA400&lpg=PA400&dq=%22Sir+Richard+Vernon%22+%22Benedicta%22+%22Cokayne%22&source=bl&ots=X8sgaxgB38&sig=ax3r5hEXJs7Fj7I3bYObmaweEDQ&hl=en&sa=X&ei=BgHxU5KuO9jroATs84CABw&ved=0CEAQ6AEwCA#v=onepage&q=%22Sir%20Richard%20Vernon%22%20%22Benedicta%22%20%22Cokayne%22&f=false>.

See also Metcalfe, Walter C., 'Pedigrees contained in the Visitations of Derbyshire, 1569 and 1611', *The Genealogist*, Vol. VII, New Series, (London: George Bell and Sons, 1891), p. 131 at:

http://fmg.ac/FMG/Scanned_Sources/TGB/TGB.htm.

* Sophia Fitzherbert, who married John Copwood of Totteridge, Hertfordshire, referred to as 'my son Copwood' in the will below. See the will of John Copwood, proved 26 June 1542, TNA PROB 11/29/133; and a lawsuit in which John Copwood and Sophia, his wife, were sued concerning repair of a messuage in Totteridge, see TNA C 1/839/73. In 1547 Sophia (nee Fitzherbert) Copwood was sued in the Court of Common Pleas by Elizabeth Cokayne, widow, executrix of the wills of both Thomas Cokayne, esquire, and Lady Barbara Cokayne, widow, of Poley, Warwickshire; see TNA CP 40/1131, image 235d at:

http://aalt.law.uh.edu/aalt1/H8/CP40no1131/bCP40no1131dorses/IMG_0235.htm

According to the pedigree of Copwood made during the 1572 Visitation of Hertfordshire, John Copwood and Sophia (nee Fitzherbert) had two sons and three daughters: William Copwood, who married Jane Brockett, the daughter of John Brockett of Brockett Hall, Hertfordshire; Richard Copwood; Rose Copwood, who married William Heton, merchant-tailor of London; Audrey Copwood, who married Sir James Hawes (d.1582), Lord Mayor of London in 1574; and Anne Copwood, who married Thomas Chapman (d.1561), draper of London (for whose will see TNA PROB 11/44/346). See *Transactions of the London and Middlesex Archaeological Society*, (London: J.B. Nichols and Sons, 1864), Vol. II, p. 79 at:

<http://books.google.ca/books?id=j5IxAQAAIAAJ&pg=PA79&lpg=PA79&dq=%22John+Fitzherbert%22+%22Copwood%22&source=bl&ots=bzjDDR7aDT&sig=IUin-XGtM2Juea--fgAfhpDgMKw&hl=en&sa=X&ei=1TbwU7qLM5DZoATE3YCoBw&ved=0CBwQ6AEwAA#v=onepage&q=%22John%20Fitzherbert%22%20%22Copwood%22&f=false>.

For the marriage of William Copwood and Jane Brockett, see also Brockett, Edward J., *The Descendants of John Brockett, One of the Original Founders of New Haven Colony*, (East Orange, New Jersey, 1905), p. 266 at:

<https://archive.org/stream/descendantsofjoh00inbroc#page/n301/mode/2up>.

For the marriages of Rose Copwood and William Heton, and Audrey Copwood and Sir James Hawes, see Howard, Joseph Jackson and George John Armytage, eds., *The Visitation of London in the Year 1568*, (London: Harleian Society, 1869), Vol. I, pp. 7, 59 at:

<https://archive.org/stream/visitationoflond01cook#page/58/mode/2up>.

For Jane Brockett's brother, John Brockett (d. 24 March 1558), see his will, TNA PROB 11/40/218, and the History of Parliament entry at:

<http://www.historyofparliamentonline.org/volume/1509-1558/member/brocket-john-151314-58>.

See also the pedigree of Fitzherbert of Norbury in Grazebrook, H. Sydney, ed., *The Visitation of Staffordshire*, (London: Mitchell and Hughes, 1883), p. 74 at:

<https://archive.org/stream/visitacionofstaf00graz#page/74/mode/2up>.

For further references to the testator and his widow, Joan, see TNA C 1/987/10 and TNA E 210/9639

For Robert Blagge (d. 13 September 1522), who witnessed the testator's will, see the *ODNB* article. Blagge served as the testator's clerk, and on 16 December 1502 succeeded the testator as Remembrancer of the Exchequer. He married firstly Katherine Brown, the daughter and heir of Thomas Brown (or Brune) of Kent; secondly Mary Brooke, daughter of John Brooke (c.1512), 7th Baron Cobham (d. 1512), by Margaret Neville, daughter of Edward Neville, Lord Bergavenny.

The testator's executor, John Chauntrell, may have been distantly related by marriage to the testator. The testator's grandson, Sir John Port (d. 6 June 1557) (see above), married, as his second wife, Dorothy Fitzherbert, daughter of Sir Anthony Fitzherbert (d. 26 or 27 May 1538), and widow of Sir Ralph Longford (d.1543). Sir Nicholas Longford of Longford, Derbyshire, who died 1 October 1415 at the siege of Harfleur, married a wife named Alice. In 1416 his widow, Alice, married William Chauntrell. See Richardson, Douglas, *Magna Carta Ancestry*, 2nd ed., 2011, Vol. III, p. 358.

The testator states in the will below that he was executor of the will of his 'cousin Richard Willoughby', who would appear to have been Richard Willoughby of Wollaton, who married Anne Leek and died without issue in 1471. See the will of Richard Willoughby (where the name of the executor 'Johanni Fitzhoward' may be a misprint for

‘Fitzherbert’) in *Testamenta Eboracensia*, (Durham: Andrews and Co., 1865), Vol. III, pp. 170-2 at:

<https://archive.org/stream/testamentaebora05claygoog#page/n181/mode/2up>.

The testator also states in the will below that he was executor of the will of his ‘cousin Oudby’, who may have been Walter Odeby. See Jeayes, Isaac Herbert, *Descriptive Catalogue of Derbyshire Charters*, (London: Bemrose and Sons, 1906, p. 148, No. 1203 at:

<https://archive.org/stream/cu31924028029050#page/n165/mode/2up>.

For Richard Willoughby see also:

<http://www.nottingham.ac.uk/manuscriptsandspecialcollections/collectionsindepth/family/middleton/biographies/biographyofrichardwilloughby%28-1471%29.aspx>.

RM: T{estamentum} Iohannis ffitzherbert

[f. 158r] In the name of God, Amen. The last day of October in the year of Our Lord God a thousand five hundred & two, I, John Fitzherbert, Remembrancer to the King our Sovereign Lord in his Exchequer, being in whole mind & of perfect memory, ordain and make this my present testament and last will as well concerning my manors, lands and tenements and other mine hereditaments as my movable goods and chattels in such manner as hereafter followeth:

First I bequeath my soul to Almighty God, my Saviour and Maker, and my body to be buried in the parish chapel within the conventual church of Saint Bartholomew in West Smithfield of London in that place there where the body of my first wife was buried, and I will that my funeral expenses be provided for after the discretion of mine executors;

Also I will that Joan, my wife, shall have my manor of Ash in the county of Derby with all the appurtenance belonging to the same, to have and to hold to her and her assigns for term of her life, the reversion thereof after her decease to go to mine heirs;

Furthermore I will that the said Joan, my wife, have all my lands and tenements that I have in Hackney in the county of Middlesex, to have and to hold to her and to her assigns only for term of her life, the house the which I bought of Leters Austen(?) with th’ appurtenance lying in Humberton Street of Hackney aforesaid and with the close belonging to the same only except, the which house with th’ appurtenance and close to the same belonging I will that the foresaid Joan, my wife, have and hold to her and to her heirs forever if this my last will and testament may be performed with my goods without sale of the same with other lands;

Moreover I will that the said Joan, my wife, and her assigns have and occupy all such lands as I have be [=by] lease for years of the Bishop of London in the said town of Hackney in the county aforesaid only for term of her life, if the years of the said lease so long endure;

Furthermore I will that the foresaid Joan have and occupy all my house within Saint Bartholomew's close where I now inhabit that I have by lease for years as long as she will dwell therein herself, and after when she doth no lenger inhabit and dwell therein, I will that the years of my lease over expired be sold for the performance of this my said testament and last will;

Also I will that my son [=son-in-law], John Port, have all such lands & tenements that lately I sold to him in the towns or villages of Etwall, Burnaston, Hilton and Trusley in the said county of Derby, to have and to hold to him and to his heirs forever for such duty as he hath paid and yet part thereof is to me due to my behoof;

And furthermore I will that all such persons as be enfeoffed in any of my lands or tenements here afore rehearsed, that they well and truly stand feoffees(?) and seised of the same, and that they make release, feoffment, perform and execute this my last will at all such seasons when they shall be reasonably required to the same;

Also I will and bequeath to the foresaid Joan, my wife, all such goods as I have that was hers afore the time that I married her;

And further I will that of the residue of my movable goods and chattels that all my debts be well and truly content and paid, that is to weet:

To Joan, my wife, for money(?) of her portion to me delivered £140;

And to the performance of my sister Crosby's last will, to whom I was executor, £40 or thereabout;

And also to the performance of my cousin Richard Willoughby's testament and last will, to whom I was executor, £30 or thereabout, the which remaineth in my hands to the [f. 158v] same intent, and all other sums due to or for the said Mr Willoughby if any be received my mine assigns or executors, I will they be bestowed to the said intent;

And also £40 or thereabout that I am indebted to my cousin Oudby, to whom I was executor, I will be restored;

Also to Master John Chauntrell, parson of Saint Peter's in Cheap, £10;

Also I will that mine executors reckon and agree with the Abbess of the Minories without Aldgate of London, and all such debts and duties as to them be due I will they be well and truly content and pleased;

Also to all other my creditors such debts and duties as to them by right or conscience can be thought by mine executors due, I will that without long delay of the said residue of my said movable goods they be truly content and paid;

Also I bequeath to my son [=son-in-law] Copwood £20 upon such condition as hereafter followeth, that is to weete, that if my said son Copwood well and gently behave him to mine executors, not claiming or challenging by custom or by any other means any other duty than is bequeathed him in this my present testament, that then my executors receiving of him for their discharge such a general acquittance as they shall devise, I will that they deliver the foresaid £20 as is afore rehearsed;

Also I will that Thomas Nuttall shall have 20s in full recompense of such duties as he claimeth;

Furthermore, if it so be that the foresaid residue of my movable goods and chattels be not sufficient to content my debts and legacies with my funeral expenses, then I will that the reversion of all my lands & tenements that I have in Hackney except that tenement with the appurtenance & with the close belonging to the same as is afore rehearsed, the which I have bequeathed to my wife and to her heirs forever, with such years remaining after my said wife's decease in the lands and tenements that I have be [=by] lease for years of the Bishop of London, the which my said wife shall hold for term of her life as is afore rehearsed, I will shall be sold by Master John Port and Mr John Chauntrell to the most advantage at any season when they shall think it expedient and profitable, and that Eustace Fitzherbert, my son's son and mine heir, be preferred to the buying thereof afore any other if he or his friends will give as much ready money therefore as any other will, and with the money thereof coming I will that all the residue of my debts & legacies with other charges be fully content and paid;

Moreover if the said residue of my movable goods and chattels with all the money coming of and for the foresaid reversions of all my lands and tenements in Hackney as is afore rehearsed, if it be sold be not sufficient and enough fully to content my debts and funerals and to pay my legacies, then I will that the part of my wife's moveable goods to my said wife in this present testament bequeathed should content and pay the residue of my debts, so that first and afore all that all such debts and duties that my said wife oweth or is bound either by the law or in conscience to perform by the reason of execution of her first husband's testament be first of the said part in this testament bequeathed fully content and paid;

Of this my present testament and last will I ordain and make Joan, my said wife, Master John Port, my son, Master John Chauntrell, parson of Saint Peter's in Cheap, and Mr Robert Blagge mine executors.

Tenore p{rese}ntium Nos Rogerus Churchē decretorum doctor p{re}rogatiue Eccl{es}ie xpi Cant{uariensis} custos Ac ven{er}abilum Religiosorum q{ue} vnoru{m} Prioris et

Capituli eiusdem Ad quos omnis et omnimoda Iurisdiccio spiritalis et ecclesiastica que ad Archiepiscopum Cantuariensis pertinuit sede plena Ipsa sede iam vacante notorie dinoscitur pertinere commissarius in hac parte sufficienter et legitime deputatus Notum facimus vniuersis quod duodecimo die mensis Maii Anno Domini Millesimo Quingentesimo tercio Apud London probatum fuit coram nobis ac per nos approbatum et Insinuatum Iohannis Fitzherbert defuncti presentibus annexum habentibus dum vixit et morte sue tempore bona in diuersis diocesis parochiis Cantuariensis Cuius preteritum ipsius testamento approbatio et insinuatio ac administrationis bonorum et debitorum suorum commissio necnon compoti calculi siue racionij administrationis huiusmodi auditio finalis que liberatio siue dimissio ab eadem ad dictos priorem et Capitulum et non ad alium eis inferiore iudicem de iure preterrogatiua et consuetudine nostris ac Ecclesie xpi Cantuariensis hactenus quiete pacifice et inconcusse in hac parte vsitata et obseruata legitime que prescriptis dinoscuntur notorie pertinere Commissaque fuit administratio omnium et singulorum bonorum et debitorum dicti defuncti Ioanne Relicte et Iohannis Porte executoribus in huiusmodi testamento nominatim De bene et fideliter administratio eadem Ac de pleno et fidei Inuentario omnium et singulorum bonorum et debitorum huiusmodi conficiendo Et nobis citra festum Penthecosti proximum futurum exhibendo Necnon de plano et vero compoto calculo siue racionio in ea parte reddendo Ad sancta dei Evangelia in debita Iuris forma Iuratim Datum die mensis Anno Domini et loco predictis Alijs executoribus in huiusmodi testamento nominatim eius executionis eiusdem in se assumere refutantibus

[PROBATUM CLAUSE NOT YET TRANSLATED]