

SUMMARY: The document below is the Prerogative Court of Canterbury copy of the will, dated 12 January 1527 and proved 6 June 1532, of Sir John Audley (d. 18 April 1530) of Swaffham Market, Norfolk, whose grandson was a ward of Elizabeth de Vere (d.1537), Countess of Oxford.

FAMILY BACKGROUND

The testator was the son and heir of Sir Humphrey Audley (d.1471), eldest son of Sir James Tuchet (c.1398-1459), 5th Lord Audley and his second wife, Eleanor Holand, the illegitimate daughter of Edmund Holand, Earl of Kent, by Constance, daughter of Edmund Langley, Duke of York, son of King Edward III. Sir James Tuchet (c.1398-1459) was slain at the battle of Blore Heath on 23 September 1459 in command of the Lancastrian forces. His son, Sir Humphrey Audley (d.1471), married Elizabeth Courtenay (d.1493), widow of Sir James Luttrell (d. 17 February 1461) and daughter of Philip Courtenay of Powderham, Devonshire, by Elizabeth Hungerford, daughter of Walter Hungerford, 1st Lord Hungerford. Sir Humphrey Audley (d.1471) and his wife Elizabeth (nee Courtenay) Luttrell Audley (d.1493), had one son, the testator, Sir John Audley, and three daughters, Jane Audley, Elizabeth Audley and Philippe Audley (wife of Richard Hadley). Sir Humphrey Audley was captured following the Battle of Tewkesbury, and beheaded as a traitor on 6 May 1471.

For the foregoing see Richardson, Douglas, *Magna Carta Ancestry*, 2nd ed., 2011, Vol. IV, pp. 218-19; and the pedigree of Audley in Rye, Walter, ed., *The Visitation of Norfolk*, (London: Harleian Society, 1891), Vol. XXXII, p. 10 at:

<http://www.archive.org/stream/publicationsofha32harluoft#page/10/mode/2up>

See also:

<https://groups.google.com/forum/#!topic/soc.genealogy.medieval/8LFsW-BHM8I>

MARRIAGES AND CHILDREN

Testator's first marriage

The testator married firstly, before 10 February 1489, Muriel Brewes, the daughter of Sir Thomas Brewes (d. 17 June 1482) of Little Wenham, Suffolk, by his second wife, Elizabeth Debenham (d.1503). For the will of Elizabeth Debenham in which she leaves a bequest to 'my daughter Audley, the wife of Sir John Audley', see TNA PROB 11/13/418.

By Muriel Brewes, the testator had a son and heir:

* **Richard Audley**, who married Katherine Scrope, the sister of Elizabeth (nee Scrope) Beaumont de Vere (d.1537), Countess of Oxford, second wife of John de Vere (1442-1513), 13th Earl of Oxford.

Testator's second marriage

The testator married secondly (marriage settlement dated 27 January 1507/8), Elizabeth Chedworth, the widow of Thomas Blake (d.1505/6).

The will below indicates that the testator's son, Richard Audley, had predeceased him, leaving a son, John Audley. In 1531 Roger Townshend (d.1551), who had married Amy Brewes, the granddaughter of Sir Thomas Brewes (d. 17 June 1482) by his first wife, Margaret Calthorpe, sold the wardship of John Audley to Elizabeth de Vere (d.1537), Countess of Oxford, for £300, while keeping the wardship of Edmund Audley, John's younger brother, for himself (see Moreton, C.E., *The Townshends and Their World: Gentry, Law, and Land in Norfolk c. 1450-1551*, (Oxford: Clarendon Press, 1992), p. 125). However Richard Audley's son, John Audley, the Countess of Oxford's ward, appears to have died by the time the testator's second wife, Elizabeth (nee Chedworth) Blake Audley (d.1542), made her will on 30 April 1541 (see TNA PROB 11/29/21), leaving the testator's second grandson, Edmund Audley, as the testator's heir.

For the will, dated 30 May 1537 and proved 6 November 1537, of Elizabeth (nee Scrope) Beaumont de Vere (d.1537), Countess of Oxford, second wife of John de Vere (1442-1513), 13th Earl of Oxford, see TNA PROB 11/27/144. The Countess' will contains bequests to two of the testator's children:

Item, I give and bequeath unto my niece Audley a standing cup of silver and gilt with a cover, newly made, weighing 30 ounces di{midium}, di{midium} quarter.

Item, I give and bequeath to my nephew, Edmund Audley, a cup of silver and gilt with the cover, of the value of five pounds in money.

For the testator's daughter, Ellen Audley, and her husband, Thomas Dereham of Crimplesham, Norfolk, see Harper-Bill, Christopher, ed., *Medieval East Anglia*, (Woodbridge: Boydell Press, 2005), pp. 206-7, available online.

RM: T{estamentum} Iohannis Awdeley Milit{is}

In the name of God, Amen. The 12th day of January the year of Our Lord God 1526, I, John Audley, knight, of whole memory being, praised be God, make my testament in form following:

First I bequeath my soul to Almighty God, to Our Lady and all the company of heaven, my body to be buried in the Church of Saint Peter in Swaffham before the image of Saint Helen, to the which high altar I bequeath for tithes and offerings forgotten 10s;

Item, to the church, 10 marks;

Item, I give and bequeath to my wife all my cattle, neat, bullocks, kine, sheep and all my horses and mares, with all my stuff of household and all my plate and hangings, with all the corn growing upon all lands and every parcel thereof;

Item, I bequeath to John Audley, the son of Richard, after the decease of my wife, my testament and last will fulfilled, the sheep's pasture that I late bought of Alpe, and all the lands and houses thereto pertaining under this condition, that he let not nor busy not the performance of this my last will and testament, and if the said John so do, then I will it be sold by mine executors and done for my soul and my friends';

Also I will that mine executors do bestow at my burial £10, and £10 at my thirty day;

Also I give and bequeath to Elizabeth, my wife, the patent of Whinburgh park which I bought of Sir John Heydon, knight, with all the profits coming, growing, made and to be made of the same according to the effect and tenor of the same patent;

Item, I bequeath to Philip Audley, my son, 10 marks to be paid to the said Philip by my said wife during her life;

The residue of my goods not bequeathed I give and bequeath to the said Elizabeth, my wife, whom of this my present testament and last will I make and ordain my sole executrix, and Master Robert Audley my supervisor, these being witness: Ralph Daniel, gentleman, Sir John Ruddech(?), priest, Sir Robert Jekler(?), priest, with many other moo;

Item, I bequeath to the said Elizabeth, my wife, all my purchased lands, to have and to hold to the said Elizabeth during her life, and after her decease to remain to John Audley, son of Richard, upon [+condition?] as is aforesaid, except those lands that I bought of Tybold which I give and bequeath to Elizabeth, my wife, to have and to hold to my said wife and to her heirs for evermore, paying to my son, Thomas Dereham, £30 so that the said Thomas make my daughter Ellen sure of her jointure.

Sexto die mens{is} Iunij Anno d{omi}ni Mill{es}imo quingen{tesi}mo xxxijo D{omi}na Elizabeth{a} Relicta et executrix supran{o}m{i}n{at}{a} in p{er}sona Edwardi Messinger l{ite}rati procuratoris sui in hac p{ar}te etc renunciauit oneri executionis testamenti ip{s}ius defuncti qua admissa Com{m}issa fuit admi{n}istrac{i}o om{n}i{um} et singulor{um} bonor{um} iuriu{m} et creditor{um} predict{i} defunct{i} ad viam intestati decedent{is} dicte D{omi}ne Elizabeth{e} Relict{e} in

p{er}sona procur{ator}is an{te}dicti de bene etc ac de pleno et fideli Inuentario
om{n}i{um} et singulor{um} bonor{um} iuriu{m} et creditor{um} antedict{i}
defunct{i} conficiend{o} etc Necnon de plano et vero Compoto reddend{o} &c ad sancta
Dei Evangel{ia} in p{er}sona pred{i}c{t}i procur{ator}is Iurat{e}

[=On the sixth day of the month of June in the year of the Lord the thousand five hundred
32nd the Lady Elizabeth, relict and executrix above-named, in the person of Edward
Messinger, her learned proctor in that behalf etc., renounced the burden of the execution
of the testament of the said deceased, to whom a grant of administration was made of all
and singular the goods, rights and credits of the foresaid deceased descending by way of
an intestacy to the said Lady Elizabeth, relict, sworn on the Holy Gospels in the person of
the foresaid proctor to well etc., and to prepare a full and faithful inventory of all and
singular the goods, rights and credits of the aforesaid deceased etc., and also to render a
plain and true account etc.]