

SUMMARY: The document below is the Prerogative Court of Canterbury copy of the will, said to date from September 1604, of Nicholas Saunders (d. 7 April 1605), esquire, of Saint Martin's in the Fields, London, whose nephew, Sir Maurice Berkeley, was the half brother of Thomas Russell (1570-1634), overseer of the will of William Shakespeare of Stratford upon Avon.

Sir William Cornwallis mentioned in the will below may have been Sir William Cornwallis (c.1549 – 13 November 1611) who purchased Oxford's interest in the mansion of Fisher's Folly.

The PCC copy lacks the usual probatum clause. However the National Archives online catalogue states that the will was proved 26 June 1605.

The testator should not be confused with Nicholas Saunders (c.1532 – 17 December 1587) of Ewell, Catholic recusant, for whose undated will, proved 18 January 1588, see TNA PROB 11/72/42.

The testator was presumably the Nicholas Saunders of Uxbridge who was granted licence to travel on 20 June 1576. See E 157/1, f. 1:

*Nicholas Sanders of Uxbridge in Middlesex for 3 years, 20th Iunij 1576 anno 18th domine Regine*

### ***FAMILY BACKGROUND***

For the testator's family background see the History of Parliament entry at:

<https://www.historyofparliamentonline.org/volume/1558-1603/member/saunders-nicholas-i-1605>

The testator was baptized 19 July 1552 at St Margaret's, Uxbridge, the only son of Thomas Saunders (d.1565) of Uxbridge, Middlesex, and Elizabeth Wolman. For the will of Thomas Saunders, see TNA PROB 11/48/283.

The testator had three sisters:

-**Anne Saunders**, baptized 12 April 1542 at St Margaret's, Uxbridge. On 31 July 1564 at St Stephen's, Coleman Street, London, she married Edward Nalson of Hillingdon, Middlesex, by whom she appears to have had no issue. For the will of Edward Nalson, dated 27 March 1584 and proved 23 May 1584, see TNA PROB 11/67/108.

-**Elizabeth Saunders**, baptized 28 September 1549 at St Margaret's, Uxbridge, buried 25 April 1612 at St Bartholomew's by the Royal Exchange, London. On 26 May 1567 at St Margaret's, Uxbridge, she married, as his second wife, William Onslowe, gentleman. He

was buried 10 February 1613 at St Bartholomew's. For William Onslow, see his will, dated 19 January 1609, TNA PROB 11/121/9, and the History of Parliament entry at:

<https://www.historyofparliamentonline.org/volume/1558-1603/member/onslow-william-1612>

*4th s. of Edward Onslow of Onslow, Salop by Anne, da. and h. of Richard Houghton. m. (1) a da. of one Kynaston; (2) Elizabeth, da. of Thomas Saunders of Uxbridge, Mdx., sis. of Nicholas Saunders, ?2s.*

**-Margery Saunders**, baptized 4 December 1543 at St Margaret's, Uxbridge. See her will, TNA PROB 11/146/44.

Margery Saunders married firstly the London mercer, Robert Wolman (d.1571), who appears to have died without issue. For his will see TNA PROB 11/53/53.

Margery Saunders married secondly John Leigh (d. 19 or 20 January 1576), esquire, son and heir of Ralph Leigh (d. before 1563), younger son of Ralph Leigh (d. 6 November 1509), esquire, and Joyce Culpeper. John Leigh (d. before 1563) was a legatee in the will of his uncle, Sir John Leigh (1502-1564?), half brother of Queen Katherine Howard, Oxford's friend, Sir George Howard, and Margaret Howard, the mother of Oxford's one-time friend and later bitter enemy, Charles Arundel (d.1587). For the will of Sir John Leigh (1502-1564?), see TNA PROB 11/48/372.

By John Leigh, Margery Saunders had a son and a daughter:

**(1) Sir John Leigh** (c.1575 – 6 January 1612), who married Elizabeth West.

**(2) Frances Leigh**, who married Edward Morgan.

For Margery Saunders' second marriage see Richardson, Douglas, *Plantagenet Ancestry*, 2<sup>nd</sup> ed., 2011, Vol. III, pp. 277-9.

Margery Saunders married thirdly Sir William Killigrew (d. 23 November 1622), fifth son of John Killigrew of Arwennack, Cornwall and Elizabeth Trewinard, daughter of James Trewinard, by whom she had a son and two daughters:

**(1) Sir Robert Killigrew**, for whom see the *ODNB* entry:

*Killigrew, Sir Robert (1579/80–1633), courtier, was born in Lothbury, London, the son of Sir William Killigrew (d. 1622), courtier, and his wife, Margaret (d. in or after 1623), daughter of Thomas Saunders of Uxbridge, Middlesex, and grandson of John Killigrew of Arwennack, Cornwall, and his wife, Elizabeth Trewennard. William Killigrew and his brother, Henry Killigrew, made their fortunes at Elizabeth I's court. William, though less influential than Henry, acted as a diplomatic courier, became a groom of the privy chamber by 1576, farmed the fees from sealing writs in queen's bench and common pleas*

(from 1578), and was treasurer of the chamber in 1595. He held various offices in Cornwall and Devon, and sat in parliament for Grantham (1571), Helston (1572), Penryn (1584), Fowey (1593), and the county of Cornwall (1597). Knighted by James I at Theobalds on 7 May 1603, he was MP for Liskeard in 1604 and Penryn in 1614 and chamberlain of the exchequer in 1605–8. In 1594 he was granted an eighty-year lease by the crown for the manors of Hanworth and Kempton in Middlesex. He died at his town house in Lothbury, London, on 23 November 1622, and was buried at St Margaret, Lothbury.

**(2) Katherine Killigrew**, who married Sir Thomas Jermyn.

**(3) Elizabeth Killigrew**, who married Sir Maurice Berkeley (c.1577-1617), for whom see the History of Parliament entry at:

<https://www.historyofparliamentonline.org/volume/1604-1629/member/berkeley-sir-maurice-1577-1617>

*b. c.1577, 1 1st s. of Sir Henry Berkeley† of Bruton and Margaret, da. of William Lygon of Madresfield, Worcs. and wid. of Sir Thomas Russell† (d. 9 Apr. 1574) of Strensham, Worcs.; bro. of Sir Henry Berkeley\*. 2 educ. Queen's, Oxf. 1590, aged 13, BA 1593; M. Temple 1594; 3 vol. Cadiz expedition 1596; 4 embassy, France 1598. 5 m. by 1597, Elizabeth, da. of Sir William Killigrew I\* of Hanworth, Mdx., 5s. 2da. 6 kntd. 27 June 1596. 7 suc. fa. 1601. d. 1 May 1617. 8*

The testator's nephew, Sir Maurice Berkeley, was the half brother of Thomas Russell, overseer of the will of William Shakespeare of Stratford upon Avon. Thomas Russell was the son of Sir Thomas Russell (d. 9 April 1574) of Strensham and his second wife, Margaret Lygon (d.1617), the daughter of William Lygon (d. 29 September 1567) by Eleanor Dennis, the daughter of Sir William Dennis of Dirham, Gloucestershire. After the death of Sir Thomas Russell, Margaret Lygon married Sir Henry Berkeley (d.1601), by whom she was the mother of Sir Maurice Berkeley. See Richardson, Douglas, *Plantagenet Ancestry*, 2<sup>nd</sup> ed., 2011, Vol. II, p. 407, and Richardson, Douglas, *Magna Carta Ancestry*, 2<sup>nd</sup> ed., 2011, Vol. III, p. 23. See also the will of Sir Thomas Russell (d. 9 April 1574) of Strensham, TNA PROB 11/57/83; the will of Margaret (nee Lygon) Russell Berkeley (d.1617), TNA PROB 11/129/781; and the will of Thomas Russell (1570-1634), TNA PROB 11/165/424. See also Hotson, Leslie, *I, William Shakespeare, Do Appoint Thomas Russell, Esquire* (London: Jonathan Cape, 1937), pp. 21-6, 29, 112-13, 124-7, 203, 210, 260 and pedigree chart.

See also the pedigree of Berkeley of Bruton, Somerset, in *Visitation of England and Wales*, Vol. 9, 1911, p. 155 at:

<https://archive.org/stream/visitationofengl30howa#page/154/mode/2up>

For Margery Saunders' third marriage, see her will, dated 22 May 1623 and proved 14 June 1625, TNA PROB 11/146/44; *Plantagenet Ancestry*, *supra*, Vol. III, pp. 278-9; the

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will of Sir William Killigrew, TNA PROB 11/140/505; and the Killigrew pedigrees in *Journal of the Royal Institution of Cornwall*, Vol. IX, 1886-1889, (Truro: Lake and Lake, 1889), p. 179 at:

<https://books.google.ca/books?id=3OAKAwAAQBAJ&pg=PA181>

For Margery Saunders, see also the entry at:

[http://www.tudorwomen.com/?page\\_id=707](http://www.tudorwomen.com/?page_id=707)

### ***ISSUE***

The testator had an illegitimate son, Nicholas Councill, by Dinah Hutton, perhaps the wife of the testator's servant, Henry Councill. In the will the testator entrusts the care of his son to his brother-in-law, Sir William Killigrew, and his nephew, Sir Maurice Berkeley.

### ***OTHER PERSONS MENTIONED IN THE WILL***

Sir William Cornwallis mentioned in the will below in connection with 'thirteen heads of white marble and nine pounds in money, one diamond ring worth one hundred pounds and a chest of agates' may have been Sir William Cornwallis (c.1549 – 13 November 1611) who purchased Oxford's interest in the mansion of Fisher's Folly in the parish of St. Botolph's, Bishopsgate in 1588. For his will see TNA PROB 11/84/441.

For Sir Peter Vanlore (c.1547–1627), merchant and moneylender, see the *ODNB* entry.

LM: T{estamentum} Nich{ola}i Saunders

In the name of God, Amen. I, Nicholas Saunders, esquire, of the parish of Saint Martin's in the Fields, being sick in body but perfect in mind and memory, do make this my last will and testament in manner and form following:

First I bequeath my soul into the hands of the Almighty God, and my body to the earth;

Next, of that little substance that God hath left me, I do give unto that little boy that is in my house commonly called by the name of Nicholas Councill, which notwithstanding, he is in truth my son, and for that I do hope his virtues by good bringing up will redeem my offences, and in regard I do give unto him four thousand pounds to be levied of my goods and debts;

And further I do give to Dinah Hutton five hundred pounds;

And to Henry Cancell, my man, one hundred pounds, and twenty pounds that I owe him;

And to Bennett, the poor maid of the kitchen, twenty pounds;

I do further give to Anne Scot, sister of Dinah Hutton, one hundred pounds;

And to Marie Hutton twenty pounds;

And for the rest to be divided between Sir John Leigh, Sir Robert Killigrew, my niece Bartle [=Berkeley] and my niece Garman [=Jermyn];

And for my executors I do ordain my brother [=brother-in-law], [f. 311r] Sir William Killigrew, and my nephew, Sir Morrice Bartle [=Maurice Berkeley], unto whose hands I do deliver my poor child to be brought up in virtue and learning as he in his discretion shall think meet, not doubting of my most dear niece's loving care herein;

And as for the profits of his portion as it may be received in, I do give to the executors till such time as the said Nicholas Councill alias Saunders shall come to the years of twenty and one year, which will be in the year of Our Lord God one thousand six hundred twenty and one, the tenth of May, allowing him, after he shall come to the age of fourteen years, four score pounds a year;

And if shall fortune that he shall die, as God forbid, before he be of age, then I do give all his portion to my two nephews and nieces before mentioned, equally to be divided, all my debts and legacies first to be paid;

And if he live and receive his portion, he shall give out of it to Dinah Hutton, his mother, if she be then living, five hundred pounds more;

And to Henry Councill, if he be then living, for waiting on him, a hundred pounds.

Teno{r} schedulee in S{ente}n{c}ia ex parte d{omi}nor{um} Killigrew et Barkley lata menc{i}onata sequitur

And of such things and legacies as Nicholas Saunders of the parish of Saint Martin's in the Fields in the county of Middlesex did will, devise and dispose of about one, two or three days before his death in April 1605, partly agreeing to and declaring his former will made in or about September 1604, partly adding to the same, and partly altering and changing and varying from the same as followeth, viz.,:

He willed and appointed that Nicholas Councill alias Saunders in the said testament named, whom he acknowledged to be his son, should have four thousand pounds of lawful English money;

And if his estate would not thereunto extend (his debts and legacies paid), then to have three thousand pounds or two thousand pounds;

And that if the said child should die before he came to full age, that then his said portion to remain unto the nephews and nieces of him, the said testator;

And that the said child should remain and be in the tuition and bringing up of the said Sir Maurice Berkeley and his wife;

And that the [+said?] Dinah Hutton in the said testament named should have five hundred pounds, Henry Councill a hundred pound, Bennett Discipline, the maid of the kitchen, twenty pounds;

And that the said Sir William Killigrew and Sir Maurice Berkeley should be his executors;

And that Anne Scot, to whom in his said testament made in writing in September 1604 he had given one hundred pounds, should have only fifty pounds;

Also that all debts due by him should be first paid that appear upon specialties;

Item, that his said brother [=brother-in-law], Sir William Killigrew, should take into his hands those goods of his, the said Nicholas Saunders', which were then in pawn in the custody of Richard Glandvile;

Item, that the like course should be taken with his other goods remaining in the hands of Peter Vanlore;

Item, he willed and appointed that Sir William Killigrew should take into his hands one agate and two rubies and other goods of his, the said Nicholas Saunders', which then were in the hands of Richard Cheyney or of Mr Browne dwelling in Paul's Churchyard, paying the fifty pounds and consideration for which the said agates [sic] and rubies lie;

Item, that Sir William Killigrew should take into his hands a jewel and a pearl of his, the said Nicholas Saunders', being in the custody of Abraham Vankendor, the jewel being of forty-two diamonds, the pearl of fifteen pounds' value, paying forty-two pounds;

Item, whereas there was then in the hands of Sir William Cornwallis thirteen heads of white marble and nine pounds in money, one diamond ring worth one hundred pounds and a chest of agates, the said Nicholas Saunders willed and appointed the same [f. 311v] all and singular to be delivered into the hands of the said Sir William Killigrew, the said Sir William paying Sir William Cornwallis one hundred pounds which was all, as the said Nicholas then said, was due by him to the said Sir William Cornwallis at midsummer then next following.

[Probatum clause lacking.]