

SUMMARY: The document below is the Prerogative Court of Canterbury copy of the will, dated 15 September 1496 and proved 25 January 1497, of John Spencer (d. 4 January 1497) of Hodnell, Warwickshire, the ancestor of Sir Edward Greville (1564-1621), lord of the manor of Stratford, mentioned in Richard Quiney's letter dated 25 October 1598 to William Shakespeare of Stratford upon Avon (see SBTRO ER 27/4).

The testator's daughter, Jane Spencer, was the great-grandmother of Oxford's mother-in-law, Mildred (nee Cooke) Cecil, Lady Burghley, and the great-grandmother of Lord Burghley's long-time servant, Sir Walter Cope (1553?-1614), who employed Shakespeare's fellow Globe Theatre shareholder, Cuthbert Burbage (1564/5-1636).

FAMILY BACKGROUND

For the Spencer pedigree, see Fetherston, John, *The Visitation of the County of Warwick in the Year 1619*, (London: Harleian Society, 1877), Vol. XII, pp. 284-5 at:

<https://archive.org/stream/visitationcount01britgoog#page/n310/mode/2up/>

There is considerable confusion concerning the testator's immediate family. However much of what Collins has to say is confirmed in the will below. See Collins, Arthur, *The Peerage of England*, (London: R. Gosling and T. Wotton, 1735), Volume II, Part I, pp. 226-7 at:

<http://books.google.ca/books?id=ITw-AAAACAAJ&pg=PA226&lpg=PA226>

The testator had an elder brother, William Spencer, and a younger brother, Thomas Spencer, both of whom, according to the will below, predeceased the testator:

-William Spencer, said to have been of Radbourn, Warwickshire, married Elizabeth Empson, one of the sisters of Sir Richard Empson (d.1450-1510), by whom he was the father of Sir John Spencer (d. 14 April 1522) of Snitterfield, Warwickshire, the testator's nephew, executor and residuary beneficiary in the will below, as well as a younger son, Thomas Spencer, and a daughter. According to the will of Sir John Spencer (d. 14 April 1522), his mother, Elizabeth Empson, was still living in 1522. For the will, dated 12 April 1522 and proved 16 June 1522, of Sir John Spencer (d. 14 April 1522), see TNA PROB 11/20/348.

-Thomas Spencer married Margaret Smyth of Wold or Old, Northamptonshire, cousin and heir of John Smyth (d. 10 March 1497). See C 142/13/140, and *Calendar of Inquisitions Post Mortem . . . Henry VII*, Vol. II, (London: Her Majesty's Stationery Office, 1915), p. 160 at:

<https://archive.org/stream/calendarofinquis02grea#page/160/mode/2up>

According to the will of Sir John Spencer (d. 14 April 1522), the testator's younger, brother, Thomas Spencer, had several sons by Margaret Smyth. Nothing appears to be known of any of these sons apart from the eldest, William Spencer of Badby, who married Agnes Heritage, sister of John Heritage (c.1470-c.1536), and daughter of Roger Heritage (d.1495) of Burton Dassett, Warwickshire. William Spencer of Badby and Agnes Heritage had three sons, Thomas Spencer (d. 17 August 1576); John Spencer of Thame (who married Alice Wilmer, sister of William Wilmer); and Giles Spencer (who married a wife whose name is unknown, by whom he had two daughters, Millicent and Susan); and three daughters, Julian Spencer (died c.1558) (wife of William Wilmer (d.1551) of Ryton-on-Dunsmore, Warwickshire, son of Richard Wilmer, for whose will, dated 22 June 1527 and proved 12 July 1527, see TNA PROB 11/22/370); Margery Spencer (wife of Thomas Judkyn of Weedon Bec, Northamptonshire, son of Robert Judkyn (1485-1534) of Brixworth); and Agnes Spencer (wife of Thomas Higginson of Berkswell, Warwickshire, for whose will, dated 29 November 1573 and proved 10 February 1574, see TNA PROB 11/56/81). See the pedigree of Spencer of Everdon in Metcalfe, Walter C., ed., *The Visitations of Northamptonshire Made in 1564 and 1618-19*, (London: Mitchell and Hughes, 1887), p. 48, 196 at:

<https://archive.org/stream/visitationsnort00vincgoog#page/n62/mode/2up>

See also Collins, *supra*, p. 226; the *ODNB* article on John Heritage; Lee, Peter, 'Nuneaton and the Earls Spencer' in *Nuneaton Family History Group Newsletter*, 1997, p. 8, available online; and Foster, Charles Wilmer and Joseph J. Green, *History of the Wilmer Family*, (Leeds: Goodall and Suddick, 1888), pp. 19, 24, at:

<https://archive.org/stream/historyofwilmerf00fost#page/n47/mode/2up>

According to an inscription in Everdon church, the eldest son of William Spencer and Agnes Heritage, Thomas Spencer (d. 17 August 1576) of Everdon, married Dorothy Spencer (d. 14 September 1575), the daughter of Sir William Spencer (d. 22 June 1532) of Wormleighton by Susan Knightley, the daughter of Sir Richard Knightley (d. 8 December 1534) of Fawsley, Northamptonshire, by whom he had five sons and seven daughters, of whom seven died as infants. The only surviving son and heir William Spencer, married Elizabeth Milney, but died without issue, leaving his four married sisters, Dorothy (wife firstly of George Cope, esquire, and secondly of Gabriel Pulteney, esquire), Susanna (wife of John Temple, esquire), Mary (wife of Richard Wallop, esquire), and Catherine (wife of Thomas Browne, esquire), as his coheirs. See the will of Thomas Spencer of Everdon, dated 26 June 1576 and proved 22 August, 1576, TNA PROB 11/58/322; the will, dated 22 January 1529 and proved 10 February 1535, of Sir Richard Knightley, TNA PROB 11/25/292; the will of Sir William Spencer (d. 22 June 1532) of Wormleighton, dated 17 June 1532 and proved 8 July 1532, TNA PROB 11/24/12; and Collins, Arthur, *The English Baronetage*, (London: Thomas Wotton, 1741), Vol. I, pp. 202-3 at:

<http://books.google.ca/books?id=R2QUAAAAYAAJ&pg=PA202>

Thomas Spenser (d. 17 August 1576), was named as heir in the will of Thomas Spenser (d.1532) of Hodnell, who died without issue:

Also if it fortune me to die without issue, then I will that Thomas Spenser, son and heir of William Spenser of Badby, shall have and enjoy the same terms and all the said lands to him and to his heirs males of his body lawfully begotten.

For the will of Thomas Spenser (d.1532) of Hodnell, dated 31 January 1532 and proved 30 October 1532, see TNA PROB 11/24/51.

Shortly after Thomas Spenser (d. 17 August 1576) of Everdon was named as the heir of Thomas Spenser (d.1532) of Hodnell, Thomas Heritage, brother of Agnes Heritage (see above), wrote to Thomas Cromwell suggesting that his kinsman, the heir Thomas Spenser (d. 17 August 1576) of Everdon, should marry the widow of Thomas Spenser (d.1532) of Hodnell. See:

'Henry VIII: October 1532, 21-25', *Letters and Papers, Foreign and Domestic, Henry VIII, Volume 5: 1531-1532* (1880), pp. 615-619. URL: <http://www.british-history.ac.uk/report.aspx?compid=77496>

1461. Thomas Heritage, Priest, to Cromwell. Your building goes as well forward as any I have seen. Another of the best of the Spensers, named Thomas Spenser, of Hodnell, is dead, and has made my cousin, Thos. Spenser, that was with you, his heir. If I thought he might have your good counsel, I would communicate with the said Thos. Spenser's wife, to marry my said kinsman, for considerations I forbear to write, because letters keep no counsel. Please let Ralph Sadler, or some other of your clerks, write me three or four words. 22 Oct.

However, as noted above, the heir, Thomas Spenser (d. 17 August 1576) of Everdon, married Dorothy Spenser (d. 14 September 1575) of the senior branch of the Spenser family.

As indicated in the will below, the testator also had sisters who, together with their children, were living at the time the testator made his will.

MARRIAGES AND ISSUE

Testator's first marriage

The testator is said to have married firstly Anne Empson, the sister of Sir Richard Empson (c.1450–1510). See Betham, William, *The Baronetage of England*, (Ipswich: Russell and Bransby, 1801), Vol. I, p. 87:

<http://books.google.ca/books?id=5ikwAAAAYAAJ&pg=PA87>

The testator appoints his friend, and brother-in-law by his first marriage, Sir Richard Empson (c.1450–1510), as a supervisor of his will. For Sir Richard Empson, see the *ODNB* entry.

Testator's second marriage

The testator married secondly Jane Graunt, the daughter of Walter Graunt of Snitterfield, Warwickshire, and Elizabeth Ruding. In the will below, she is referred to as both Jane and Joan. For Walter Graunt and Elizabeth Rudinge, see Burke, Bernard, *A Genealogical and Heraldic History of the Landed Gentry of Great Britain & Ireland*, 5th ed., (London: Harrison, 1871), Vol. II, p. 896 at:

<http://books.google.ca/books?id=H65CAAAAYAAJ&pg=PA896>

For the Ruding pedigree, see Urban, Sylvanus, *The Gentleman's Magazine*, (London: John Nichols, 1796), Vol. LXVI, Part I, pp. 217-19:

<http://books.google.ca/books?id=Wac2AQAAMAAJ&pg=PA217>

After the testator's death, Jane Graunt married secondly Henry Smyth (d. 25 February 1513), esquire, for whose will see TNA PROB 11/18/7, and thirdly a husband surnamed Stafford. See the inquisition post mortem taken in August 1515 after the death of 'Joan Stafford, late the wife of Henry Smith, esquire', TNA C 142/30/123, and the copy at the Shakespeare Birthplace Trust, DR 10/1887, at:

http://collections.shakespeare.org.uk/search/archive/dr101887-official-papers-miscellaneous-inquisitions-post-mortem/search/everywhere:joan-stafford/page/1/view_as/grid

Testator's issue

In the will below the testator mentions a son and two daughters:

* **Thomas Spencer** (d.1532), who was about six years of age in 1499, the date of the inquisition post mortem taken after the testator's death. See *Calendar, supra*, p. 160 at:

<https://archive.org/stream/calendarofinquis02grea#page/160/mode/2up>

The testator's son, Thomas Spencer, can be identified as Thomas Spencer (d.1532) of Hodnell, who married a wife named Margaret, but died without issue, an identification established by the instructions for burial given in their respective wills. In the will below the testator gives these directions for his burial:

My body to be buried in the chancel of the parish church of Saint Helen of Hodnell by the image of Our Lady there set.

Similarly, Thomas Spencer of Hodnell directs that he be buried in the same church, near his father:

My body to be buried within the chancel of the parish church of Saint Helen of Hodnell before the image of Our Blessed Lady there set, and next in enjoining(?) to my father.

See the will of Thomas Spencer (d.1532) of Hodnell, TNA PROB 11/24/51.

* **Jane Spencer** (d.1526). According to some sources she was the daughter of the testator by his first wife, Anne Empson. See Betham, *supra*, and Round, J. Horace, 'The Rise of the Spencers', *Studies in Peerage and Family History*, (New York: Longmans Green, 1901), pp. 279-329 at p. 325:

<https://archive.org/stream/studiesinpeerage02rounuoft#page/324/mode/2up>

Jane Spencer married firstly William Saunders (d.1493?) of Banbury, Oxfordshire, for whose will see TNA PROB 11/10/83, and secondly William Cope (d.1513), for whose will see TNA PROB 11/17/2. The testator's nephew, Sir John Spencer (d. 14 April 1522), purchased the lordship of Wormleighton from his cousin Jane's second husband, William Cope (d.1513). See Round, *supra*, p. 288:

<https://archive.org/stream/studiesinpeerage02rounuoft#page/288/mode/2up>

The testator's son, Thomas Spencer (d.1532), and his wife are mentioned in the will, TNA PROB 11/22/125, of the testator's daughter, Jane (nee Spencer) Saunders Cope:

Item, I give to my brother, Thomas Spencer, for a remembrance a ring of gold with an image of Our Lady graven thereupon with a double wreath and graven with letters and branches round about.

Item, I give to my sister [=sister-in-law], his wife, for a remembrance a ring of gold with a turquoise set therein.

As noted above, the testator's daughter, Jane Spencer, was the great-grandmother of Oxford's mother-in-law, Mildred (nee Cooke) Cecil, Lady Burghley, and the great-grandmother of Lord Burghley's long-time servant, Sir Walter Cope (1553?-1614), who employed Shakespeare's fellow Globe Theatre shareholder, Cuthbert Burbage (1564/5-1636). See her will, TNA PROB 11/22/125; the *ODNB* articles on Sir Walter Cope and Cuthbert Burbage; and Barnett, Richard C., *Place, Profit, and Power; A Study of the Servants of William Cecil, Elizabethan Statesman*, (Chapel Hill: University of North Carolina Press, 1969), pp. 50-1.

* **Elizabeth Spencer**, who was less than 14 years of age when the testator made his will. She married Sir John Greville (d. 25 November 1547), the eldest son and heir of Sir Edward Greville (d. 22 June 1528) of Milcote in Weston on Avon, Warwickshire, by whom she had a son, Edward Greville, and a daughter, Isabel Greville. Elizabeth Spencer had died by 1 September 1527, the date of a settlement concerning the marriage of Sir John Greville to his second wife, Eleanor Verney, the daughter of Sir Ralph Verney of Pendley in Tring, Hertfordshire. See the will of Sir John Greville, TNA PROB 11/32/252; Richardson, Douglas, *Magna Carta Ancestry*, 2nd ed., 2011, Vol. II, p. 268; and the History of Parliament entry for Sir John Greville at:

<http://www.historyofparliamentonline.org/volume/1509-1558/member/greville-john-1492-1547>

Although the Spencer pedigree in Fetherston names Elizabeth Spencer and Thomas Spencer as the son and daughter of the testator's nephew, Sir John Spencer (d. 14 April 1522) and his wife, Isabel Graunt, it seems these were actually the testator's children, i.e. his son, Thomas Spencer, who died in 1532 without issue, and his daughter, Elizabeth Spencer (d. before 1 September 1527), who married Sir John Greville (d. 25 November 1547). See Fetherston, *supra*, pp. 284-5 at:

<https://archive.org/stream/visitationcount01britgoog#page/n310/mode/2up/>

OTHER PERSONS MENTIONED IN THE WILL

The testator's nephew and executor, Sir John Spencer (d. 14 April 1522), resided at Hodnell while the testator's son, Thomas (d.1532), was underage. See Round, *supra*, pp. 287, 289, 326, and S.H.A.H., *Ladbroke and its Owners*, (Bury St. Edmunds: Paul & Mathew, 1914), p. 357 at:

<https://archive.org/stream/ladbrokeitsowner00hervuoft#page/378/mode/2up>

For the testator's feoffee, Edward Raleigh (d.1508), esquire, whose daughter, Bridget Raleigh, married Sir John Cope (d.1558), youngest son of William Cope (d.1513) by the testator's daughter, Jane (nee Spencer) Saunders Cope, see his will, dated 25 August and proved 20 September 1508, TNA PROB 11/16/108, and Richardson, Douglas, *Magna Carta Ancestry*, 2nd ed., 2011, Vol. I, p. 433-4.

TESTATOR'S LANDS

For the testator's lease of the manor of Hodnell (spelled 'Hodenhull' in the will), see TNA C 1/71/4 and:

'Parishes: Hodnell', *A History of the County of Warwick: Volume 6: Knightlow hundred* (1951), pp. 114-116. URL: <http://www.british-history.ac.uk/report.aspx?compid=57108>.

The latter source states that the testator died 4 January 1497 'seized of 20 virgates in Ascote', citing his inquisition post mortem (*Cal. Inq. p.m. Hen. VII*, ii, 245). However the same source states that:

This manor, with land in 'Howkes next Astcoytt', was sold by Thomas Spencer and John and Giles, his brothers, in 1546 to Sir John Seyntlowe and so came, as already mentioned, to Thomas Wilkes. This Thomas Spencer was the son of John Spencer who had died on 4 January 1497 seised of 20 virgates in Ascote.

The statement that the Thomas Spencer involved in the 1546 sale was the son of the testator appears to be in error, as the Thomas Spencer involved in that sale is said to have had two brothers, John and Giles, and the testator makes no mention in his will of any son other than Thomas. The Thomas Spencer involved in the 1546 sale would appear to have been Thomas Spencer (d. 17 August 1576) of Everdon, who had brothers named John and Giles.

RM: Testamentum Joh{an}nis Spencer

[f. 39r] In dei nomine Amen. The 15 day of September the year of Our Lord God 1496 and the 12 year of the reign of King Henry the 7th, I, John Spencer of Hodnell in the county of Warwick, being of good and whole mind and memory, thanked be God, declare, make and ordain this my present testament and last will in form as ensueth:

First I bequeath and recommend my soul to Almighty God, my Maker and Saviour, to Our Blessed Lady Saint Mary, and to all the saints of heaven, my body to be buried in the chancel of the parish church of Saint Helen of Hodnell by the image of Our Lady there set;

Item, I bequeath for my principal and mortuary as the right of holy church requireth;

Item, I will that mine executors immediately after my decease and my debts that I owe of right paid and my funerals expenses made, that they without delay as soon as conveniently may be, divided [sic for 'divide'?] and depart all my goods, chattels and debts into three parts:

The one part whereof I will that Joan, my wife, shall have to her proper use and behoof;

The second part to be divided and departed into other 3 parts, and 2 parts thereof I will that my son, Thomas, shall have to his proper use, to be delivered him when he is of full age when he can well demean it, that is to say, at the age of 21 years;

And the 3rd part of the same second part divided out the first 3 parts I will that my daughter, Elizabeth, shall have to her proper use, to be delivered her when she shall come

to the age of 14 years if she then be married by th' advice of her friends, or else at any time after the 14 years;

And if the said Thomas, my son, decease without issue of his body begotten or he come to the age of 21 years, then his 2 parts of the said second part to him afore granted to be delivered to the said Elizabeth, his sister, if she then live;

And if the said Elizabeth decease afore that she shall come to the age of 14 years, the said Thomas, her brother, then being in life, then her portion aforenamed to be delivered to the said Thomas;

And if the said Thomas and Elizabeth decease and die both afore that they shall come to their said ages afore limited, then their both parties to be disposed be [=by] th' advice of my executors and supervisor of this my present testament in alms-deeds for the weal of my soul and the souls of my father and mother and my friends' souls, as in relieving my next kinsfolks, and part toward the marriage of young maidens next to me of the same my kin, and in making of highways, and to poide [sic?] people, and in other charitable deeds and works of mercy as shall seem best and most necessary to my said executors by their discretions;

And as to the first third part of all my said goods, chattels and debts over my said wife's part and children's parts, I will that thereof and of that part my debts, my funerals expenses and legacies and bequests be paid, performed and fulfilled, and the other 2 parts above limited to my said wife and children be kept, had and delivered wholly to them in manner and form as afore is [f. 39v] expressed;

And as touching my legacies and bequests, they to be performed in manner as followeth:

I will that every priest that shall be at my dirge and say a Mass for my soul 12d, and every clerk there being 4d;

Item, I will that mine executors provide and ordain an honest and virtuous priest to sing and say Masses, placebo and dirges and other divine service within the University of Oxford, and daily pray for my soul, the souls of my father and mother, and my children, and that to be continued by the space of 10 years next after my decease, and the same priest to have yearly for his salary and toward his exhibition to increase in virtue and cunning, 7 marks;

Item, I bequeath to every of the churches hereafter following, that is to say, of Ladbroke, Southam, Stokedon [=Stockton?], Napton, Lodvon(?), Mawston [=Marston?], Stoneton, Wormleighton, Priors, Hardewike [=Herdewyke?], Fenny Compton, Birton, Bishop's Itchington, to the chapel of the same, Chesterton, Harburbury [=Harbury?] and Ufton, to every of them 20s to pray for my soul;

Item, to the reparations of the new works in the habite(?) of Nuneaton £10;

Item, to the reparations of the new works of the monastery of Combe £6; 13s 4d;

Item, to the reparations and works of the monastery of Evesham £10;

Item, to reparations and works of the parish church of Bainbury [=Banbury?] £6 13s 4d;

Item, I bequeath to George Catesby, esquire, £33 6s 8d;

Item, I bequeath to my nephew, Thomas Spencer, son of William Spencer, £20, whereof was £17 of his father's bequest and the residue of my gift and bequest;

Item, to my niece, his sister, £20 in like wise to be had of her father's bequest and mine;

Item, I bequeath to every of my sisters that shall be on life at my decease 20s, and to every of their children then being in plain life 6s 8d;

Item, I bequeath to Sir John Bourman, my priest, £6 13s 4d to pray for my soul for a year next ensuing after my decease;

Item, I will that every of my servants, man and woman, abiding with mine executors the year next after my decease have their several wages, and over that to have in reward to every of them 6s 8d;

Item, I bequeath to the Trinity Guild in the city of Coventry 20s to have the observance done there for me as is accustomed for a brother of the same Guild, and in like wise and for like cause other 20s to Corpus Christi Guild in the same city;

Item, to either house of friars in the said city 20s in like wise and for like case [=cause?];

Item, to the Guild of Warwick in like wise and for like cause 20s;

Item, to the friars in Warwick in like wise and for like cause 20s;

Item, I bequeath to the church of Badby 20s;

Item, I will that such portions as afore be limited and assigned to my son, Thomas, and daughter, Elizabeth, as hastily as it conveniently may be after my decease shall be delivered into the Chamber of London or else into the Trinity Guild of Coventry by the discretion of mine executors and supervisors of this my present testament, there surely to be kept to the use of my said son and daughter with good surety, to be delivered at their said ages or otherwise if any of them die as afore is specified, and that there be taken sufficient sureties for the safekeeping of the same portions and delivery again thereof in form rehearsed by the discretions of my said executors;

And of this my present testament I make and ordain mine executors the said Jane, my wife, Walter Grant, her father, and my nephew, John Spencer, and I bequeath to every of them for their labours £20;

And over this, I make and ordain supervisors of this my said testament to help to strength th' execution of the same and to comfort, order, aid and assist my said executors and children my dear, trusty and well-beloved friend, Richard Empson, esquire, to whom I bequeath for his labour about the same a 100 marks;

Item, I make and ordain another supervisor of this my said testament to help to strength th' execution of the same in form afore rehearsed my son-in-law, William Cope, to whom I give and bequeath for his labour £100;

Item, I bequeath and give to the making and reparations of the highway betwixt Drapers Bridge [=Deppers Bridge?] and a Scote [=Ascote?] Elme £40;

Item, I bequeath to the making of the highway at Bainebury town's end £40;

The residue of all my goods, chattels and debts above not bequeathen, I will that after my bequests and debts and funerals expenses be wholly performed, that then it to be divided and departed by my said executors into three parts, of the which I will that Thomas, my son, have 2 parts, and Elizabeth, my daughter, have the third part;

Item, I give and bequeath to Thomas Whalley of Southam my best gown;

Item, I bequeath to Agnes Newport, my servant, £3 6s 8d.

Item, this is the last will of me, the said John Spencer of foresaid [sic?], and upon [f. 40r] all my lands, tenements, rents, possessions and hereditaments with their appurtenances that I have in the counties of Warwick, Northampton and elsewhere within the realm of England, and the which I have put in feoffment of trust to divers persons, that is to wit, Edward Raleigh, knight, Thomas Knight, clerk, and Robert Hauberke, to th' intent to perform my will of the same:

First I will that Jane, my wife, shall have all my lands, tenements, rents and services with their appurtenances in [+the?] town and fields of Napton for term of her life, the remainder thereof after her decease to Thomas, my son, and to the heirs of his body lawfully begotten, and for default of such issue to remainder [sic?] to other persons successively as hereafter shall be declared of other lands and tenements following;

Item, I will that all th' issues and profits of all my lands, tenements, rents, reversions and services with their appurtenances in Old Hodnell, Ascote [=Chapel Ascote], Chepyngdorsett [=Burton Dasset], Byrton, Northend, Ruyghcote(?), Wormleighton, Stratton besides Monks Kirby [=Stretton-under-Fosse] in the county of Warwick, Throp, Northon [=Northampton?], Welton, Enderby, Badby, Newnham and Staverton(?) in the

county of Northampton, and of all other my lands and tenements which any person or persons to my use have in fee simple within the realm of England, be taken, reared, perceived and received by my said executors and by them to be employed to the honest finding, sustenance and keeping of my said son and daughter during their nonages, and during that same time they to be in the keeping, rule and governance of my said executors, and by them to be set forth to their learning of virtuous cunning and good manners if God will give them such grace to attain it, and after their said exhibition and finding thereof so had, the residue of the said issues and profits received of all my said lands and tenements be egally divided between my said son and daughter;

Also after the said sums of money levied, reared and perceived of the issues and profits of the lands and tenements aforementioned, then I will that my said feoffers shall make an estate of the said lands, tenements, rents, reversions and services and of the reversions of the lands and tenements in Napton which I have limited to my said wife for term of her life as is afore expressed, to my son and to the heirs of his body lawfully begotten;

And for default of such issue to remain to Elizabeth, my said daughter, and to the heirs of her body lawfully begotten;

And for default of such issue to remain to Joan, my daughter, wife of William Cope, esquire, and to the heirs males of her body lawfully begotten;

And for default of such issue to remain to John Spencer, son of William Spencer, and to the heirs males of his body lawfully begotten;

And for default of such issue to remain to the heirs males of Thomas Spencer, my late brother;

And for default of such issue the remainder to the right heirs of me, the said John Spencer, for evermore;

And over this, where I, the said John Spencer, have and hold the manor of Hodnell Goze and divers lands and tenements in Old Hodnell and Ascote [=Chapel Ascote] in the county of Warwick for term of years by several writings under the common seal of the Prioress and convent of the house of Nuneaton and the seals of William Catesby, esquire, and John Risley, knight, which terms I have ordained for my son, Thomas, to occupy, and so I will he shall have and do in the form following, nathless for divers considerations moving me, and for that I understand well my said wife shall have many charges and much business with my said son, Thomas, and daughter, Elizabeth, his sister, and especially if she fortune to live sole after me unmarried, and that I well consider that she during that time will have most tenderness upon them whiles she liveth at her liberty and not under none other husband, and also during that time it beseemeth her to have the more honest substance to maintain herself and to defend my said children and best will see to their profits, therefore I will that my said wife have, hold and occupy the said terms to her own profit, use and avail after my decease during the time and as long as she shall life [=live] sole unto the time my said son come to his full age of 21 years, yielding and

paying therefore yearly to the lords of the same the rents thereof due and performing all covenants comprised in the indentures of the leases of the same;

And if it fortune my said wife after my decease again to be married afore that my said son come to the age of 21 years, then I will that John Spencer of Snitterfield, my nephew, enter into the same manor of Hodnell Goze, lands and tenements in Old Hodnell and Ascote, and the [40v] terms of them to have, hold, occupy and enjoy unto the time my said son come to the age of 21 years, yielding and paying therefore yearly to the lords of the same their several rents reserved due and accustomed and to my other executors yearly to be egally divided between my said son and daughter;

And at such time as my said son shall come to the age of 21 years, then I will that my said son enter into the same manor of Hodnell Goz lands and tenements in Old Hodnell and Ascote, and the said John Spencer of Snitterfield thereof put out, and the terms of the same to have to him and [+his?] assigns during the residue of all the said terms;

And if it fortune my said son, Thomas, to die afore he come to the age of 21 years, which God defend, then I will that all the same terms of [+the?] same manor, lands and tenements come and be to Elizabeth, my said daughter, after she shall be of the age of 14 years or at any time after she be married, to have to her and her assigns during the residue of all the said terms;

And if it happen the said Elizabeth, my daughter, to decease or she come to the age of 14 years, which God defend, then I will that all the same terms of the said manor, lands and tenements remain and grow to John Spencer, son of William Spencer, my nephew, and to his assigns during the terms of the same.

Probatum fuit suprascriptum testamentum coram domino Apud Lameth vicesimo quinto die mensis Ianuarij Anno Domini Mill^{esi}mo CCCC nonagesimo sexto iuramento D^{omi}ni Iohannis Bornam Capellam Iohannis Smyth gen^{er}osi et Thome Walley testium ac approbatum et insinuatum Et com^missa fuit administracio o^{mn}i^um et singulorum bonorum et debitorum dicti defuncti Iohanni Spencer Executori in h^{uius}mo^di testamento no^miⁿat^o De bene et fideliter administrand^o eadem Ac de pleno et fideli Inuenta^{ri}o citra f^{estu}m Sancti Daud proximo futur^o exhibend^o Necnon de plano et vero compoto &c reddend^o Res^{erua}ta potestate alijs executorib^{us} cum ven^{er}int in forma iur^{is} admissur^{is}

Quibus quide^m executoribus viz Iohanne Spencer & Waltero Graunte Comissa fuit coⁿsimilis admiⁿⁱstracio auct^{orit}ate dicti Reu^{erendissi}mi xpo p^{at}ris Nono die mensis Marcij Anno d^{omi}ni supradicto p^{er} quedam(?) magistrum Thomam Knyght clericu^m com^mission^em(?) &c

[=The above-written testament was proved before the Lord at Lambeth on the twenty-fifth day of the month of January in the year of the Lord the thousand four hundred

ninety-sixth by the oath of Sir John Bornam, chaplain, John Smyth, gentleman, and Thomas Whalley, witnesses, and probated and entered, and administration was granted of all and singular the goods and debts of the said deceased to John Spencer, executor named in the same testament, sworn on the Holy Gospels to well and faithfully administer the same, and to exhibit a full and faithful inventory before the feast of Saint David next to come, and also to render a plain and true account, with power reserved to the other executors when they shall have come in form of law to be admitted.]

[=To which same executors, viz., Joan Spencer & Walter Graunt, a similar grant was made by the authority of the said Most Reverend Father on the ninth day of the month of March in the year abovesaid, by which Master Thomas Knyght, clerk, the grant(?) etc.]