

SUMMARY: The document below is the Prerogative Court of Canterbury copy of the will, dated 31 January 1532 and proved 30 October 1532, of Thomas Spencer of Hodnell, Warwickshire, whose sister, Jane (nee Spencer) Saunders Cope, 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

The testator was the only son and heir of John Spencer (d. 4 January 1497) of Hodnell by his second wife, Joan or Jane Graunt, one of the daughters of Walter Graunt and Elizabeth Rudinge.

For the will of the testator's father, dated 15 September 1496 and proved 25 January 1497, see TNA PROB 11/11/147. For the Rudinge family see Grazebrook, H. Sydney, *The Heraldry of Worcestershire*, Vol. II, (London: John Russell Smith, 1873), pp. 474-6 at:

<https://archive.org/stream/heraldryworcest01grazgoog#page/n116/mode/2up>

From the pedigree entered at the Visitation of 1569, it appears that John, son of Edmund Ruding, of Martin Hussingtree, was father, by Alice Lyde, his wife, of two sons, Richard, of Martin Hussingtree, and Edmund, of the Wall-house; and that the latter had by Joan his wife, the daughter of William Colles, two daughters, his co-heiresses, Alice and Anne, the former of whom was married to Thomas Grant. But it likewise appears from other sources (Baker's Northamptonshire, I, 109, &c) that a Humphrey or Hugh Ruding, of Wich, had two daughters and co-heiresses: Margaret, wife of John Martin, and Elizabeth, married to Walter Graunt, of Snitterfield, co. Warwick; Margery Graunt, the second daughter and co-heiress of the latter, is stated to have married Humphrey Jenetts, of Feckenham.

In the will below the testator refers to Humphrey Jenetts (spelled 'Genettes' and 'Gennettes' in the will) as his uncle, and it thus appears that the testator's mother, Joan or Jane Graunt, and Humphrey Jenetts' wife, Margery Graunt, were sisters, the daughters of Walter Graunt of Snitterfield, Warwickshire, by Elizabeth Rudinge.

For Humphrey Jenetts and his son and heir, William Jenetts (d.1548), both of whom the testator names as his feoffees, see also:

'Parishes: Feckenham', in *A History of the County of Worcester: Volume 3* (London, 1913), pp. 111-120. *British History Online* <http://www.british-history.ac.uk/vch/worcs/vol3/pp111-120> [accessed 17 October 2019]

See also Grazebrook, *supra*, Vol. I, p. 315 at:

<https://archive.org/stream/heraldryworcest00grazgoog#page/n374/mode/2up>

Humphrey Jenetts, of Norgrove, living about the middle of the sixteenth century, had issue by Margery (nee Grant) his wife, two daughters and co-heiresses, Anne and Elizabeth, the one married to William Cookes, and the other to John Bearcroft of Mere Green.

Testator's siblings

The testator had two sisters:

-Jane Spencer (d.1526), who 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 1/17/2.

The testator and his wife are mentioned in the will of his elder sister, Jane:

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 sister, 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 her father 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>

After the death of the testator's father, the testator's mother, Joan or Jane (nee Graunt) Spencer, appears to have married Henry Smyth, for whose will, dated 24 February 1513 and proved 28 April 1513, see TNA PROB 11/18/7. In his will Henry Smyth speaks of the testator as his 'son' [=stepson?], and in the will below the testator refers to Walter Smyth and Henry Smyth as his 'brothers' [=half-brothers?]. Walter and Henry Smyth are also listed among the testator's feoffees of properties in Northamptonshire in which he leaves his wife a life estate.

The testator's half-brother, Sir Walter Smyth, was murdered on 15 May 1554 by his wife, Dorothy Chetwynd. For an account of the murder, see Richardson, Douglas, *Magna Carta Ancestry*, 2nd ed., 2011, Vol. II, p. 456, and Thomas, William, ed., *The Antiquities of Warwickshire . . . By Sir William Dugdale*, 2nd ed., (London: John Osborn, 1730), pp. 55-6 at:

<http://books.google.ca/books?id=EWhZAAAAYAAJ&pg=PA55>

MARRIAGE

The testator married a wife named Margaret, whose surname is unknown. It would appear that after the testator's death, his widow, Margaret, sued the testator's feoffees in Chancery. See TNA C 1/709/4:

Plaintiffs: Margaret, late the wife of Thomas Spencer.

Defendants: William Devers, William Jennettes, William ap Howell, and Henry Eyre.

Subject: Lands and rents in Staverton, Everton, Badby, Newnham, Napton, Old Hodnell, Ascot (i.e. Chapel Ascote), Chepyng Dosset (i.e. Burton Dassett), Burton Northend and Knightcote (in Burton Dassett), Stretton by Monks Kirby (i.e. Stretton-under-Fosse), Brinklow, and Nether Shuckborough. Northamptonshire Warwickshire. 1532-1538

In the event that he died without issue, which proved to be the case, the testator named Thomas Spencer (d. 17 August 1576) of Everdon, Northamptonshire, as his heir:

Also if it fortune me to die without issue, then I will that Thomas Spencer, 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 relationship between the testator and Thomas Spencer (d. 17 August 1576) of Everdon, see the will of the testator's father, cited above; the will of Thomas Spencer of Everdon, dated 26 June 1576 and proved 22 August 1576, TNA PROB 11/58/322; and the pedigree of Spenser in 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/>

OTHER PERSONS MENTIONED IN THE WILL

For the testator's feoffee, Sir William Spenser (d.1532), see his will, dated 17 June 1532 and proved 8 July 1532, TNA PROB 11/24/12.

For the testator's feoffee, Sir George Throckmorton, see his will, dated 20 July 1552 and proved 5 December 1553, TNA PROB 11/36/298.

For the testator's feoffee, Sir Robert Throckmorton, Sir George Throckmorton's eldest son and heir, see his will, dated 6 February 1581 and proved 17 April 1581, TNA PROB 11/63/176.

For the testator's feoffee, Sir Anthony Cope (d.1551), see his will, dated 5 January 1551 and proved 2 November 1551, TNA PROB 11/34/433.

For the testator's feoffee, Sir Nicholas Strelley (d. 25 August 1560), see Kerry, Charles, 'Notes to the Pedigree of the Strelleys of Hazlebach' in *Journal of the Derbyshire Archaeological and Natural History Society*, (London: Bemrose and Sons, January 1892), Vol. XIV, p. 95 at:

<http://books.google.ca/books?id=9Lw1AAAAMAAJ&pg=RA1-PA95>

Sir Nicholas Strelley, only son of Sir Nicholas and Catherine, daughter of Lord Delaware. He married, first, Sarah, daughter of Simon Digby, Lieutenant of the Tower; second, Ellen, daughter of Sir Thomas Gresley; and, third, Elizabeth, daughter of Sir John Spencer, Kt., by whom he had four sons and four daughters.

For William Danvers of Banbury, who witnessed the testator's will, see:

<http://www.british-history.ac.uk/report.aspx?compid=64507>

C. 7705. Declaration by William Danvers of Banbury, gentleman, that on being brought before the bishop of Ely, chancellor, and Sir Robert Bowes, master of the Rolls, at the suit of Thomas Wylkes, merchant of the Staple of Calais, in Michaelmas term, 6 Edward VI, he recognized his former depositions to them before Master Gosnold, the king's solicitor, and Mr. Smythe, gentleman, and deposed as to the signing of the will of Thomas Spenser of Hodnell and his intent therein. 27 December, 1553. English. Signatures and mark of deponent and witnesses, seal marked W.B., and a note by John Storie of further confirmation of the above by deponent at Banbury, 30 May, 1554. Endorsed, Testemonialles as concernyng Bawdeyn Porter.

For the testator's membership in the Trinity Guild of Coventry see:

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<http://www.oxford-shakespeare.com/>

<http://www.mocavo.co.uk/The-Register-of-the-Guild-of-the-Holy-Trinity-St-Mary-St-John-the-Baptist-and-St-Katherine-of-Coventry/878935/166>

For a contemporary notice of the testator's death see the letter dated 22 October 1532 from Thomas Heritage to Thomas Cromwell:

'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 Hodenell, 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.

LM: T{estamentum} Thome Spenser

In the name of Our Lord God, Amen. The 31st day of January in the year of Our Lord God 1531 and the 23rd year of King Henry the 8, I, Thomas Spenser of Hodnell in the county of Warwick, being of good and whole memory and mind, thanked be God, declare, ordain and make this my present testament and last will in form as ensueth:

First I bequeath and recommend my soul to Almighty God, my Maker and Redeemer, to Our Blessed Lady Saint Mary, and to all the saints in heaven, 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;

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

Item, I make mine executors my wife, my uncle, Humphrey Jennetts, and overseers my Lord of Killingworth [=Kenilworth] and Walter Smyth, my brother [=half-brother?], to see that this my last will be performed;

Item, I will that my goods and chattels be indifferently praised for the value that they be of without favour, and that my wife and the other of my executors see my debts immediately paid that can be proved of truth or any likelihood of truth for fray of lack of remembrance;

My debts and funeral expenses made and done, I will that all the rest of my goods, chattels and debts be divided in three parts, one to my soul's health, and the second to

Margaret, my wife, and the third, if it fortune my said wife to be with child with a son then, he to have the third part to be put in safekeeping till he come to his full age, that is to say the age of 21 years, into the Guildhall of Coventry, that he may have it without trouble;

In like case if it fortune her to be with child with a daughter, that then in like case it may be put in the same assurance that it may be ready to her at her full age, that is to say of 15 years, if she be of good conversation and ordered by the most of her friends;

And if it fortune the said Margaret, my wife, not to be with child, which is to me doubtful, that then the former third part that I had ordained to be for my foresaid child, I will it equally to be divided between my wife and my soul's health in manner and form as hereafter shall be declared and written;

Item, I bequeath to the church of Hodnell that I intend to lie in, 40 marks, to be bestowed by the discretion of mine executors;

Item, I bequeath to Birton 20s to have Mass and dirge, and in like case to Ladbroke other 20s; Napton, 20s; Harbury, 20s; Ufton, 20s; Southawe, 20s; Stockton, 20s; Hardewike, [=Herdewyke?] 20s; Wormleighton, 20s; Compton, 20s; Bishop's Itchington, 20s; Chadson [=Chadshunt?], 20s; Marston, 20s; Rodburne [=Radbourn?], 20s;

Item, I bequeath to Our Lady at the fermerey at Kenilworth 20s to find her light;

Item, I bequeath to the house at Kenilworth £10, and to the house of Stoneleigh 5 marks; item, I bequeath to the house of Nuneaton £5, to th' intent that I may have observance done in every one of these houses, and I bequeath to Saint Mary's house of Coventry in like manner £5;

Also I bequeath to Corpus Christi Guild 40s, and likewise to the Trinity Guild 40s, to have observance as a brother oweth to have;

Also I bequeath to the friars of both orders 20s apiece to have service likewise;

Item, I bequeath to the Guild of Stratford 40s, and to Warwick Guild 20s, to have like as a brother ought to have;

Also I bequeath to every household servant that I have in my house his wages due by covenant, and to every one of them 20s beside, and to William Aphawell [=ap Howell?], my servant, £10, because he hath taken little wages or none;

Item, I will that John Sturriour be kept as long as he lives, meat, drink and cloth honestly;

Also I bequeath to my uncle Jennetts £20 for his labour;

Also I will that if it fortune my said wife not to be with child, I will that she shall have my house of Hodnell for term of her life with all the land, pastures, meadows & waters thereto belonging, and also all the land that I have of mine own inheritance, and also the land that I have of Master Catesby by lease in Old Hodnell and Ascote [=Chapel Ascote], and also all the lands that I have by lease of my Lady Prioress of Nuneaton;

And if it fortune the said Margaret, my wife, to be with child with a son, then I will that she shall have it during the nonage of the child, that is to say, till he be of 21 years of age, and after that to be contented with her £40 that I have made her sure of for term of her life, as plainly appeareth by two deeds indented made betwixt her friends and my [sic for 'me'?] of all the lands, tenements, rents, possessions and hereditaments with their appurtenances which I have in Napton on the Hill, Old Hodnell, Ascote [=Chapel Ascote], Cheping Dorset [=Burton Dasset], Barton [=Burton?], Northend, Knightcote, Stretton near Monks Kirby [=Stretton-under-Fosse], Brinklow and Nether Shuckburgh within the county of Warwick, the which I have caused to be put in feoffment of trust to divers persons, that is to wit, to Sir William Spenser, knight, to Sir Nicholas Strelley, knight, Thomas Ardron [=Arden], esquire, Robert Throckmorton, esquire, Anthony Cope, esquire, Robert Blennerhassett, gentleman, Baldwin Porter, gentleman, to see my will performed of the same;

Also I will that the said Margaret, my wife, shall have after my decease for term of her life all the lands, tenements, rents, reversions, meadows, pastures with their appurtenance which I have in Starton, Everton [=Everdon?], Badby and Rannaham(?) within the county of Northampton, the which I have put in feoffment of trust to divers persons, that is to wit, to Sir George Throckmorton, knight, Walter Smyth, esquire, Robert Throckmorton, esquire, Henry Smyth, gentleman, Humphrey Jenetts, gentleman, William Jenetts, gentleman, Thomas Shuckborough [=Shuckburgh?], gentleman, Robert Blennerhassett, gentleman, Richard Willis, gentleman, Henry Hickes, vicar of Birton, William Dampport [=Davenport?], vicar of Hardewike, to see my will performed of the same;

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;

And if it fortune the said Thomas to die without heirs male, then I will it remain to his second brother and his heirs males of his body lawfully begotten;

And for default of issue male of his body lawfully begotten, to remain to the third brother and to his heirs males of his body lawfully begotten;

And for lack of issue male of his body lawfully begotten, to remain to John Spenser, son and heir of Sir William Spenser, knight, and to his heirs males of his body lawfully begotten;

And for lack of heirs males of his body lawfully begotten, to descend and remain to the next rightful heir by line of blood;

Also I will that my indentures of Hodnell, as well Master Catesby as the Prioress of Nuneaton, be put all three into the house of Kenilworth, and there to be kept to use of this my will and safeguard of mine heirs;

Also I will that my father's obit be kept, and also mine, as I have used to keep it myself;

And I will mine executors shall have an honest priest to sing out the term of 10 years, and he to have 8 marks by the year;

Also I bequeath to the highway betwixt Draper's Bridge [=Deppers Bridge?] and Ascott Helmer £20 to make it substantial for poor men's ease;

Also I will beside the 20 marks that I bequeathed to Saint Helen's church that they cause the churchyard to be paved round about, and see it be kept;

Also I bequeath to all ill ways within this shire that shall be thought most necessary by mine executors in 100 marks to be bestowed within 3 years after my decease;

Also I bequeath to a 100 poor men's daughters the next to Hodnell adjoining a 100 marks to buy them kie to their marriages;

Also I bequeath to my brother, Henry Smyth, £20 to help him forward to sue for his right.

By me, Thomas Spenser.

Memorandum: This testament was read and declared before the said Thomas Spenser, testator, being in good mind and memory, the third day of October the year of Our Lord God a thousand five hundred 32 in the presence of William Davers [=Danvers], esquire, William Jennetts, Henry Hyer[=Eyre] and William Aphowell [=ap Howell].

Probatum fuit suprascriptu{m} testamentum cora{m} mag{ist}ro Rich{ard}o Gwent, decretor{um} doctor{e} prerogatiue eccl{es}ie xpi Cant{uariensis} prerogatiue sede Archie{pisco}pali ib{ide}m vacan{te} com{m}issario xxx die mens{is} Octobr{is} Anno d{omi}ni Mill{es}imo quingentesimo xxxij Iuramento executor{um} in h{uius}mo{d}i testamento no{m}i{n}ator{um} In persona Edwardi Messinger procuratoris sui in hac p{ar}te Ac approbatum et insinuatum Et com{m}issa fuit admi{n}istrac{i}o o{mn}i{u}m et singulor{um} bonor{um} iuriu{m} et creditor{um} d{i}c{t}i defunct{i} prefatis executoribus in h{uius}mo{d}i testamento no{m}i{n}at{is} In persona d{i}c{t}i procuratoris De bene et fideli{te}r admi{n}istrand{o} ead{em} Ac de pleno et fideli Inuentario conficiend{o} Necno{n} de plano et vero comp{o}to reddend{o} Ad s{an}c{t}a dei Eu{a}ngelia iurat{is}

[=The above-written testament was proved before Master Richard Gwent, Doctor of the Decretals [=Canon Law], Commissary of the Prerogative [+Court?] of the Church of Christ of Canterbury [-prerogative] in the archiepiscopal seat there now vacant, on the 30th day of the month of October in the year of the Lord the thousand five hundred 32nd by the oath of the executors named in the same testament in the person of Edward Messinger, their proctor in that respect, and probated and entered, and administration was granted of all and singular the goods, rights and credits of the said deceased to the forenamed executors named in the same testament in the person of the said proctor, sworn on the Holy Gospels to well and faithfully administer the same, and to prepare a full and faithful inventory, and also to render a plain and true account.]