

SUMMARY: The document below is the Prerogative Court of Canterbury copy of the will, dated 20 January 1526(?) and proved 2 May 1526 of Jane (nee Spencer) Saunders Cope, great-grandmother of Oxford's mother-in-law, Mildred (nee Cooke) Cecil, Lady Burghley, and 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 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.

Through her youngest son, Sir John Cope (see below), the testatrix was the great-great-grandmother of the poet, John Dryden (1631-1700).

FAMILY BACKGROUND

The testatrix was the daughter of John Spencer (d.1496/7) of Hodnell, Warwickshire. Her mother is said to have been Anne Empson, the sister of Sir Richard Empson (c.1450-1510). See the will of John Spencer of Hodnell, dated 15 September 1496 and proved 25 January 1497, TNA PROB 11/11/147, and Betham, William, *The Baronetage of England*, (Ipswich: Russell and Bransby, 1801), Vol. I, p. 87:

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

Jane, daughter of John Spencer of Hodnell, in Warwickshire, Esq. sister and heir of Thomas Spencer of Hodnell, Esq. (and heir to her mother Anne, sister and co-heir to Sir Richard Empson, Knt.).

Betham appears to be in error in stating that the testatrix was the heir of her brother, Thomas Spencer, as the testatrix mentions her brother and his wife, Margaret (nee Smith) in the will below:

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.

For the will of the testatrix' brother, Thomas Spencer, dated 26 January 1532 and proved 30 October 1532, see TNA PROB 11/24/51.

The testatrix also had a sister, Elizabeth Spencer, who appears to have predeceased the testatrix.

The pedigree of Spencer in Fetherston erroneously lists two children of Sir John Spencer (d. 14 April 1522) and his wife, Isabel Graunt, who are not named on Sir John Spencer's monument in Brington church: a son, Thomas Spencer, who died without issue, and a daughter, Elizabeth Spencer, who married John Greville, son of Edward Greville of Milcote. 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/>

It seems these were the testatrix' brother and sister, i.e. her brother, Thomas Spencer, who died in 1532 without issue, and her sister, Elizabeth Spencer, who married Sir John Greville (d. 25 November 1547), eldest son and heir of Sir Edward Greville (d. 22 June 1528), of Milcote in Weston on Avon, Warwickshire. Elizabeth Spencer is known to have 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. However since Elizabeth (nee Spencer) Greville is not mentioned in the will below, it would appear that she had died by 1526, predeceasing the testatrix. See the will of Sir John Greville, dated 7 March 1547, confirmed 20 November 1547, and proved 12 November 1548, 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>

In the will below, the testator also mentions 'my sister Rowley', who may have been a sister of the testatrix married to a husband surnamed Rowley.

MARRIAGES AND ISSUE

Testatrix' first marriage

The testatrix married firstly William Saunders of Banbury, Oxfordshire. For his will, dated 17 October 1492 together with a codicil dated 22 November 1493, proved 29 January 1494, see TNA PROB 11/10/83.

By her first husband, William Saunders, the testatrix had four daughters:

* **Anne Saunders**, eldest daughter, who married, as his first wife, the testatrix' stepson, Stephen Cope (d. 20 March 1534), esquire, of Bedhampton, Hampshire. See the will of Stephen Cope (d. 20 March 1534), proved 12 November 1534, TNA PROB 11/25/240, and Beesley, Alfred, *The History of Banbury*, (London: Nichols and Son, 1841), pp. 79, 219:

<https://archive.org/stream/historyofbanbury00bees#page/78/mode/2up>

* **Isabel Saunders**, about whom nothing further is known.

* **Joyce Saunders**, about whom nothing further is known.

* **Alice Saunders** (d.1510), who married John Cooke (d. 10 October 1515), esquire, of Gidea Hall, by whom she was the mother of Lady Burghley's father, Sir Anthony Cooke. From the *ODNB*:

Cooke, Sir Anthony (1505/6–1576), educator and humanist, was the only son of John Coke or Cooke (1485–1516) of Gidea Hall, Essex, within the liberty of Havering-atte-Bower near Romford, and Alice Saunders (d. 1510), daughter of William Saunders of Banbury, Oxfordshire.

See also Richardson, Douglas, *Magna Carta Ancestry*, 2nd ed., 2011, Vol. IV, p. 141.

In the will below the testatrix leaves bequests to Sir Anthony Cooke and his sister, Beatrix:

Item, I give and bequeath to my son [=grandson], Anthony Cooke, to be delivered by mine executors [f. 50r] five pounds sterling, and a shirt wrought with gold, and a fine sheet.

And also I give [-and give] to my daughter [=granddaughter] Beatrice, sister to the said Anthony, £5 to be delivered to the said Beatrice in like manner.

As well, in a codicil to his will dated 22 November 1493, the testatrix' first husband, William Saunders bequeathed 'to the infant in his wife's womb, if it be a son, all his tailed lands and 100 mark, and if it be a daughter 100 mark'.

It should be noted that considerable confusion has been generated by Chambers' claim that the testatrix and her first husband, William Saunders, had another daughter named Joan (d.1516), who married Richard Lee (d.1499):

Richard married Joan, the daughter of William Saunders of Banbury by Jane or Joan the daughter of Sir John Spencer of Hodnell in Warwickshire.

Chambers states further that after Richard Lee's death, Joan married John Clerk by 1502 or 1503, and died in 1516. However William Saunders's will makes no mention of a daughter named Joan, and the Cooke pedigree in *The Visitations of Essex* on which Chambers partly relies shows William Saunders of Surrey, rather than William Saunders of Banbury, as the father of the Joan Saunders who married Richard Lee. See Chambers, E.K., *Sir Henry Lee: An Elizabethan Portrait*, (Oxford: Clarendon Press, 1936), pp. 7, 8, 251-2; Metcalfe, Walter C., ed., *The Visitations of Essex*, (London: Harleian Society, 1878), Vol. XIII, p. 39; and the will of Richard Lee of Quarendon, Buckinghamshire, TNA PROB 11/12/30.

It thus seems unlikely that the Joan Saunders who married Richard Lee (d.1499) was the daughter of the testatrix and her first husband, William Saunders.

Testatrix' second marriage

The testatrix married secondly William Cope (c.1440 – 7 April 1513), esquire, cofferer to Henry VII. By his first wife, Agnes Harcourt, William Cope had a son:

-Stephen Cope, who married the testatrix' daughter, Anne Saunders (see above). In the will below the testatrix leaves bequests to her stepson and son-in-law, Stephen Cope, and to three of his children by Anne Saunders, William Cope, Elizabeth Cope, and Ursula Cope:

Item, I give and bequeath to my son [=stepson and son-in-law], Stephen Cope, an ouche of gold with a red stone in the midst of the same ouche, with a garter enamelled going about the same ouche, conditionally so that he do not sue nor trouble mine executors for any debt heretofore due nor for no other cause.

Item, I will that William, the son of my said son, Stephen, and Anne, his late wife, have a spoon of silver with a short steel to bear in his purse with his name graven upon the steel of the same spoon for a token and God's blessing and mine.

Item, I give to Elizabeth Cope, my god-daughter a bracelet of ducats and crusados that I was wont to wear about my arm.

Item, to my cousin Ursula, her sister, an Anthony cross with an Anthony bell hanging thereat of gold.

By her second husband, William Cope, the testatrix had three sons:

* **Sir Anthony Cope** (d.1551), for whom see the *ODNB* article. He married Jane Crews, the daughter of Matthew Crews of Pynne in Stoke English parish, Devon, by whom he had a son, Edward, and a daughter, Anne. The testatrix leaves a bequest to 'Master Cruse', who may have been a relation of Jane Crews.

Item, I give to Master Cruse 2 yards and a half of tawny damask.

For the will of the testatrix' son, Sir Anthony Cope, dated 5 January 1551 and proved 2 November 1551, see TNA PROB 11/34/433.

* **William Cope.**

* **Sir John Cope** (d. 22 January 1558), for whom see his will, dated 2 July 1557 and proved 21 May 1558, TNA PROB 11/40/278.

See also Richardson, Douglas, *Magna Carta Ancestry*, 2nd ed., 2011, Vol. I, p. 434, and Beesley, *supra*, pp. 193-4, which, however, reverses the order of Jane Spencer's two marriages. The correct order of Jane Spencer's two marriages is established by the 1496 will of her father, John Spencer, which includes his daughter, Joan, and her second husband, William Cope, in an entail:

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.

For the will of the testatrix' second husband, William Cope, dated 7 February 1513 and proved 24 May 1513, see TNA PROB 11/17/2.

RM: Test{amentu}m Ioanne Coop vidue

[f.49r] In the name of Almighty God, Amen. In the twenty day of January in the year of Our Lord God a thousand five hundred twenty and six, I, Jane Cope, in my pure widowhood, being in perfect and steadfast mind and of whole and good remembrance, do ordain and make my testament and last will in manner and form following;

First I betake and commit my soul to Almighty God, to Our Blessed Lady Saint Mary, and to all the holy company of heaven, and my body to be buried in the Trinity chapel within the parish church of Banbury between the foot of the tomb of William Cope, esquire, my late husband, and the first step going up to the altar in the same chapel;

[NUMEROUS RELIGIOUS AND CHARITABLE BEQUESTS NOT YET TRANSCRIBED]

[f. 49v] Also I give to Anthony Cope, my son, a chain of gold with a tablet of gold hanging thereat, and also my best basin and ewer of silver and parcel gilt of the newest fashion, and also I give him two salts and a cover of silver double gilt 8 square like the fashion of the 2 little salts that I gave him before;

Also I give my said son, Anthony, my best goblet with a cover thereto double gilt, and also my best bowl and a cover thereto of silver and double gilt, and also a silver pot with a lid and a merchant's mark thereupon, and also a dozen of silver spoons with gilt knops 6 square on the ends, and on every end a little pike like a pearl;

Also I give to him all my goods movable that shall remain in my house at Banbury at the time of my departing out of this world, reserving the bedstead and the celure in mine own chamber for standards;

Item, I give to my said son, Anthony, to the making of his pool £20 in form following, viz., at the beginning of the making of the said pool £10, and when it is full made and finished other ten pounds;

Also I give to my daughter [=daughter-in-law], Jane, his wife, a little ouche of gold with five diamonds set therein and four pearls, and also a little chain of gold which I wear daily about my neck, and also a pin purse of cloth of tissue garnished with gold that my son, Anthony, gave me to my New Year's gift;

Item, I give my said daughter, Jane, my black camlet gown with wide sleeves lined with black velvet;

Also I give to my godson, Edward Cope, which is son and heir to my son, Anthony Cope, £10 sterling and a little ring of gold with a pointed diamond set therein and two Anthony crosses of rich clere(?) on the same ring;

Item, I give to Anne Cope, sister to the said Edward, a gown of black cloth furred with grey, and a ring of gold fashioned like bead-stones, and God's blessing and mine to them all;

Item, I give and bequeath to my son [=stepson and son-in-law], Stephen Cope, an ouche of gold with a red stone in the midst of the same ouche, with a garter enamelled going about the same ouche, conditionally so that he do not sue nor trouble mine executors for any debt heretofore due nor for no other cause;

Item, I will that William, the son of my said son, Stephen, and Anne, his late wife, have a spoon of silver with a short steel to bear in his purse with his name graven upon the steel of the same spoon for a token and God's blessing and mine;

Item, I give to Elizabeth Cope, my goddaughter, a bracelet of ducats and crusados that I was wont to wear about my arm;

Item, to my cousin Ursula, her sister, an Anthony cross with an Anthony bell hanging thereat of gold;

Item, I give and bequeath to my cousin, James Harrington, for a token of remembrance a ring of gold with a triangle sapphire set therein, and also I give to him and to his wife towards the setting up of his house forty sheep;

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;

Item, to my sister Rowley for a remembrance a ring of gold with 2 stones set therein, that is to say, a turquoise and a ruby;

Item, I give and bequeath to my son [=grandson], Anthony Cooke, to be delivered by mine executors [f. 50r] five pounds sterling, and a shirt wrought with gold, and a fine sheet;

And also I give [-and give] to my daughter [=granddaughter] Beatrice, sister to the said Anthony, £5 to be delivered to the said Beatrice in like manner;

Item, I give to Master Cruse 2 yards and a half of tawny damask;

Item, I give to every one of my godchildren that be alive to be delivered by mine executors one sheep and God's blessing and mine if they come and ask it within one year next after my decease;

Item, I give Anne Ashwell to her marriage if she abide with me unto Easter 40s;

Item, I will that every one of my servants, that is to say, Richard Smyth 10s, and John Bradley and Thomas Hunt dwelling with me at the time of my departing out of this world if they have dwelled with me the space of one year, to serve out his covenant and to have his whole covenant, and besides that, of my free gift by this my last will, 6s 8d;

Item, I give to John Basforth 20s;

Item, I give to the making of a parclose in the church of Eydon betwixt Our Lady of Pity and the wall behind my pew by me late made in the said church 40s, to be made after the work under the rood in the said church;

Item, I will that mine executors do find an honest priest to sing for the soul of me, the foresaid Jane Cope, for my husbands' souls, for my father and mother's souls, for my children's souls, and for all Christian souls from the time of my departing out of this world unto th' end of 15 years then next following, the said priest to sing in the chapel of the Holy Trinity within the parish church of Banbury, the said priest to have yearly 9 marks by year well and truly to be paid by mine executors at two usual feasts in the year, and also to have every year during the said 15 years once in the year mine obit to be kept in the said chapel, and to have thereat the vicar of the said church with all other serving priests and clerks of the said church, and to be bestowed at the said obit of the said priests and clerks and in alms and light[s] every year 40s;

And by this my last will I will that my lands and tenements in Hanwell which I late purchased of Thomas Ingwarsby, gentleman, and the profits and rents of them be received yearly by th' hands of mine executors, and also my lands and tenements in Banbury and in Neithrop which I late purchased of John Spycer of Banbury, and the rents and profits of them be yearly received by mine executors towards the finding of the said priest and obit to the sum of 12 marks by the year;

If the said lands will not extend to that, I will that it be paid of my goods or else that mine executors do purchase so much land as shall make up the said sum of 12 marks by the year;

Item, I will that if the curate of Banbury will not suffer the said priest to sing in the said church of Banbury, my will is that then he to sing at Oxford or at some other honest place at the discretion of mine executors;

Item, I will that at the end of the said 16 year, my will so performed, that John Cope, my son, shall have and enjoy all my said lands and tenements in Hanwell and also my lands lying in Banbury and in Neithrop, to have and to hold to the said John, his heirs, executors and assigns forever;

Item, I will that after my decease my said son, John, shall have all my whole lease of the farm of Eydon to him and to his assigns during my years unto th' end and term thereof, and also I give, grant and bequeath to the said John Cope all my lease and leases, years and terms in Fernygho in Stocking called Mores Stocking, and in all other that I have or shall have at the time of my departing out of this world for term of years or year, and of all the interest that I have in them;

Item, all my goods and chattels movable and unmovable not given nor bequeathed at the time of my departing out of this world in this my testament and last will I give and bequeath wholly to John Cope, my son, that is to understand, as well all manner goods, chattels as gold, silver, plate with all manner of household that mine is at the time of my departing out of this world not given nor bequeathed in this my testament and last will I give wholly to John Cope, my said son, to th' intent that he shall this my testament and last will well and truly perform and see it truly executed, the which John I do ordain and make mine executor sole;

Also I do ordain and make supervisors of this my testament and last will my son, Anthony Cope, esquire, and Richard Willes of Merston [=Marston?], gentleman, to the which Anthony I do give 5 marks, and to the said Richard Willes other 5 marks, desiring them to diligently see this my will performed and executed;

In witness whereof to this my testament and last will I, the said Jane Cope, have put my seal the day and year above-written, these being present and witness: Sir Henry Hardy, chaplain, Sir Thomas Foxley, chaplain, Robert Keche, Richard Smyth and many other.

Probatum fuit testamentum suprascripte defuncte Coram prefat{is} Com{m}issarijs in eccl{es}ia Cath{edra}li diui Pauli London secundo die mensis Maij Anno D{omi}ni Mill{es}imo quingentesimo vicesimo sexto Iurament{o} Ioannis Coope executoris in h{uius}mo{d}i test{ament}o no{m}i{n}at{i} In p{er}sona Thome Argall notarij pu{bli}ci procura{to}ris sui Ac approbatum et insinuatum Et com{m}issa fuit

admi{n}istracio auct{oritat}e prefatorum R{euerendissi}mor{um} patru{m} o{mn}i{u}m & singuloru{m} bonoru{m} Iuriu{m} & creditoru{m} d{i}c{t}e defuncte prefat{o} executori In p{er}sona d{i}c{t}i procu{rato}ris De b{e}n{e} et fideli{te}r admi{n}istrand{o} Ac de pleno et fideli In{uenta}rio citra festum s{an}c{t}i Ioannis Bapt{ist}e prox{imum} futur{um} exhibend{o} Necnon de plano & vero compoto reddend{o} Ad s{an}c{t}a dei Eu{a}ngelia in debita iuris forma Iurat{o}

[=The testament of the above-written deceased was proved before the forenamed Commissioners in the Cathedral Church of Saint Paul in London on the second day of the month of May in the year of the Lord the thousand five hundred twenty-sixth by the oath of John Cope, executor named in the same testament in the person of Thomas Argall, notary public, his proctor, and probated and entered, and administration was granted by the authority of the forenamed Most Reverend Fathers of all & singular the goods, rights & credits of the said deceased to the forenamed executor, sworn on the Holy Gospels in due form of law in the person of the said proctor to well and faithfully administer, and to exhibit a full and faithful inventory before the feast of Saint Joan the Baptist next to come, and also to render a plain & true account.]