

SUMMARY: The document below is the Prerogative Court of Canterbury copy of the undated last will and testament, proved 2 September 1586, of Roger Cave (d. 26 July 1586), who married Margaret Cecil, sister of Oxford's father-in-law, William Cecil (1520/1-1598), Lord Burghley, and whose first cousin, Sir John Huband, held a share in the Stratford tithes purchased in 1605 by William Shakespeare of Stratford upon Avon.

FAMILY BACKGROUND

For the Cave family, see Waters, Robert Edmond Chester, *Genealogical Memoirs of the Extinct Family of Chester of Chicheley*, Vol. I, (London: Robson and Sons, 1878), pp. 73-8 at:

<https://archive.org/stream/genealogicalmem01wategoog#page/n110/mode/2up>.

See also Kimber, E. and R. Johnson, *The Baronetage of England*, Vol. I, (London: G. Woodfall, 1771), pp. 355-65; and the Cave pedigree in Crisp, Frederick Arthur, ed., *Visitation of England and Wales*, Vol. 8 (1909), pp. 122-8 at:

<https://archive.org/stream/visitationofengl29howa#page/122/mode>.

The testator was the grandson of Richard Cave (d. 20 April 1538) by his second wife, Margaret Saxby, and the son of Sir Thomas Cave (d.1558), for whose will see TNA PROB 11/41/34. For other members of the testator's family, see the will of his uncle, Sir Ambrose Cave (d. 2 April 1568), TNA PROB 11/54/122.

The testator's mother was Elizabeth Danvers, the daughter and coheir of Sir John Danvers (d. 30 October 1508?) of Waterstock, Oxfordshire, and his wife Margaret Hampden, daughter of William Hampden of Hartwell, Buckinghamshire, and the granddaughter of Sir William Danvers (1430?-1504), Lord Chief Justice of the Common Pleas, by his wife Anne Pury (d.1530/1), daughter and heiress of John Pury of Chamberhouse, Thatcham, Berkshire. For the Danvers family, see Macnamara, F.N., *Memorials of the Danvers Family of Dauntsey and Culworth*, (London: Hardy & Page, 1895), pp. 154-5, 169, and 175-88 at:

<https://archive.org/stream/memorialsodanve00macn#page/186/mode/2up>.

Elizabeth Danvers' sister, Dorothy Danvers (d. 16 May 1558), married Nicholas Huband (d.1554), and was the mother of the testator's first cousin, Sir John Huband (d. 24 December 1583), who held a share in the Stratford tithes purchased in 1605 by William Shakespeare of Stratford Upon Avon. See the will of Sir John Huband, TNA PROB 11/66/331, and:

<http://hubandfamily.com/ipsley.html>.

MARRIAGE AND CHILDREN

The testator married, on 24 November 1561, Margaret Cecil, the sister of Oxford's father-in-law, William Cecil (1520/1-1598), Lord Burghley.

After the testator's death, his widow, Margaret (nee Cecil) Cave, married the testator's first cousin, Erasmus Smith, son of the testator's aunt, Dorothy (nee Cave) Smith Poole, and her first husband, John Smith (d.1544) of Withcote, Leicestershire. For the will of Dorothy (nee Cave) Smith Poole, see TNA PROB 11/81/254. For the will of her first husband, John Smith (d.1544) of Withcote, dated 23 October 1543, see TNA PROB 11/30/610.

For the testator's sisters-in-law, Anne White and Elizabeth Alington, see the will of their mother, Jane Cecil (d.1587), TNA PROB 11/72/303.

Two of the testator's daughters were married at the time he made his will: Elizabeth Cave, wife of Walter Bagot (see *Memorials of the Bagot Family*, (Blithfield, 1824), p. 53, available online); and Margaret Cave (d.1594), wife of William Skipwith (d. 3 May 1610) (see Richardson, Douglas, *Plantagenet Ancestry*, 2nd ed., 2011, Vol. III, p. 220).

For the testator's manor of Waterstock, which was inherited through the family of his mother, Elizabeth Danvers, see:

'Parishes: Albury (with Tiddington)', *A History of the County of Oxford: Volume 5: Bullingdon hundred* (1957), pp. 8-14. URL: <http://www.british-history.ac.uk/report.aspx?compid=101877>.

LM: T{estamentum} Rogeri Cave

In the name of God, Amen. I, Roger Cave of Stanford in the county of Northampton, esquire, being of whole and perfect memory, thanks be unto God, do ordain and make this my last will and testament in manner and form hereafter following:

First, I bequeath my soul unto Almighty God, my Maker and Redeemer, through the merits of whose death and passion I faithfully and steadfastly believe that I shall inherit the kingdom of heaven;

Item, I will that my body be buried within Our Lady's chapel in the parish church of Stanford aforesaid nigh unto my [f. 348r] father his tomb, or else within the same;

Item, I will that my executors shall suffer Margaret, my wife, to have and enjoy th' occupation and profits of six hundred ewes and twenty rams now pasturing in Swinford quarter in High Stormesworth, being parcel of her jointure, the same sheep to be sorted

and delivered unto her by my said executors during the time and so long as she shall live sole and unmarried, and if it happen that she do hereafter marry, then I will that my said executors shall have th' occupation and profit of the same six hundred ewes and 20 rams, and enjoy the profits and commodities of them to the use of my will during the life of the said Margaret, and after her decease the same stock of sheep to remain to my heir male and to be delivered by my executors;

Item, I will that my executors within one month next after my decease shall pay or cause to be paid and delivered unto the said Margaret, my wife, forty pounds of lawful money of England given unto her by good mother-in-law, Mrs Jane Cecil;

Item, I will that the said Margaret, my wife, shall have the use and occupation of all such standards and implements of household during her life which I have at the mansion house in South Kilworth in the county of Leicester, she leaving the same at the time of her decease there to remain to my heir male then living;

Item, I will that my executors within one quarter of a year next after my decease shall make an equal dividend of all my plate and furniture of household remaining at Stanford, to be divided into three parts, one part whereof to be delivered to the said Margaret, my wife; the second part to my son and heir, Thomas Cave; the third part to my son, William Cave, my said son William Cave his part to remain with my executors until he come to th' age of 21 years or else be married, to be employed and used by my executors for the benefit of my younger children at the parsonage house at Stanford, except all my armour and weapons, which I give to my sons, Thomas Cave and William Cave, to be equally divided by my said executors between them;

Item, I give and bequeath to my said son, William Cave, five hundred pounds of lawful money of England, to be paid and delivered unto him by my executors either at the day of his marriage or else at th' age of 21 years, and until he be paid the same I will that he be kept and found sufficiently by my said executors;

Item, I give and bequeath to my son, Cecil Cave, five hundred pounds of lawful English money, to be paid and delivered unto him by my executors at the day of his marriage or else at his age of 21 years, and until he be paid the same I will that he be kept and found sufficiently by my said executors;

Item, I give and bequeath to my son, John Cave, five hundred pounds of lawful money of England, to be paid and delivered unto him by my executors at the day of his marriage or else at his age of 21 years, and until he be paid the same I will that he be kept and found sufficiently by my said executors;

Item, I will that my executors pay or cause to be paid unto my said son[s], Thomas Cave, William Cave and Cecil Cave and John Cave at the several days of their marriages the sum of twenty pounds apiece of lawful money of England given unto them by the will of their grandmother, Mrs Jane Cecil, and delivered into my hands by her in her lifetime;

Item, I will that my executors shall deliver unto my said son, Cecil Cave, at his day of marriage or else at his age of 21 years one basin and ewer of silver parcel gilt given unto him by his grandmother, Mrs Jane Cecil, with her arms and scutcheon upon the same, and likewise delivered by her unto me;

And if any of my sons, William Cave, Cecil Cave or John Cave, happen to decease before their several ages of 21 years or marriages, then I will that his or their part or portion so deceasing shall be equally divided amongst my said younger sons before-named;

Item, I give and bequeath to my daughter, Frances Cave, five hundred and twenty pounds of lawful money of England, whereof twenty pounds was given her by her grandmother, Mrs Jane Cecil, to be paid unto her by my said executors either at the day of her marriage or else at her age of 21 years;

Item, I give and bequeath unto my daughter, Dorothy Cave, five hundred and twenty pounds of lawful money of England, whereof twenty pounds was given to her by her grandmother, Mrs Jane Cecil, to be paid unto her by my executors either at the day of her marriage or else at her age of 21 years;

And until they be paid the same, my will and true intent and meaning is that [f. 348v] my said daughters, Frances Cave and Dorothy Cave, shall be well and sufficiently kept, found & brought up virtuously and in the fear of God by my said executors, and if it fortune either of my said daughters to decease before their several marriages or before they do accomplish the age of 21 years, then I will that so much of her or their parts or portions as shall remain unpaid shall be paid and delivered to her other sisters then living by my said executors;

Item, I give and bequeath unto my son, William Cave, and to the heirs males of his body lawfully begotten th' entire manor of Waterstock in the county of Oxford, together with the advowson, patronage and free gift of the rectory and parsonage there, with all and singular th' appurtenances whatsoever thereunto belonging or in any wise appertaining now assured unto him by deed under my hand and seal, and for default of such issue to remain to my son, Cecil Cave, and to the heirs males of his body lawfully begotten, and for default of such issue to remain to my son, John Cave, and to the heirs males of his body lawfully begotten, and for default of such issue to remain to my eldest son, Thomas Cave, and to the heirs males of his body lawfully begotten, and for default of such issue to remain to the right heirs of me, the said Roger Cave, forever, my said son or sons and their heir male or males aforesaid or any of them paying yearly all such annuity or annuities as shall be rightfully due, issuing or going out of the said manor of Waterstock or out of any part or parcel of the same;

And whereas my good mother [=mother-in-law], Mrs Jane Cecil, hath heretofore purchased certain lands and tenements in Daventry in the county of Northampton of one William Halliwell there, and hath assured the said land and tenements to my said son, William Cave, as by the same conveyance more at large it doth and may appear, my said

mother her earnest request and my will is that my son, William Cave, immediately after he shall accomplish th' age of 21 years, shall make or cause to be made a good, sure, sufficient and lawful state of inheritance of all the said lands and tenements in Daventry aforesaid unto my sons, Cecil Cave and John Cave, and to the heirs of their bodies lawfully begotten, in consideration and full recompense whereof I have assured the manor of Waterstock unto my said son, William Cave, and the heir males of his body lawfully begotten;

Item, I give and bequeath to my son[s], Cecil Cave and John Cave, all such leases, interest and term of years which I have or shall have at the time of my decease in Lillborne and Daventry in the county of Northampton, they and every of them paying yearly the rents due for the same, and also I give unto them all my lands and tenements in Daventry aforesaid lately purchased of William Halliwell there after the decease of my mother Cecil, me, and my wife;

Item, I will that my executors shall during the term of fourteen years next and immediately after my decease have and enjoy the use, occupation and possession of certain of my pastures and closes in High Stormesworth or Stormesworth in the county of Leicester called Walcote quarter, Westerhill quarter and Little Field quarter, with certain closes and meadows thereunto belonging called Howse close, Barlye close, Thorney close, Ingrams close, Rayles meadow, Barnhill meadow and the two hop-yard closes or meadows, with all manner of my cattle there being at the time of my decease, requiring and charging them and every of them with the revenues, issues and profits issuing, rising, growing and coming and yearly renewing or to be taken of the same to keep and find competently and sufficiently all and so many of my children as shall be unmarried at the time of my decease in all things, my son and heir, Thomas Cave, only excepted, and also to content and pay all such legacies and bequests as be contained within this my last will and testament, and after my will performed, my legacies and debts paid, and my children preferred and set forth in marriage accordingly, and the said term of 14 years not fully expired and ended, then I will that [-with] the revenues, issues and profits yearly growing and coming of all my said pastures, closes, meadows and cattle shall be employed and bestowed to and upon such and so many of my children as shall have most need thereof by the discretion of my executors and overseers or the more part of them;

Item, I give unto all my yeomen servants in current money twenty shillings apiece over and besides their wages and their liveries;

Item, I give to all my other servants, shepherds and maidens in current money thirteen shillings and four pence apiece over and besides their wages and liveries;

Item, I will that my executors shall keep my household servants together for one quarter of a year next after my decease, if they may be suffered so [f. 349r] to do, at my cost and charges, they and every of them doing their duties as appertaineth, and then every one of them to have their wages and liveries due, and my bequest and legacy paid unto them, and so to depart, as many of them as my executors shall think meet and convenient;

Item, I will that my executors shall bestow in blacks at my funerals or month's day one hundred pounds of current money or more or less at their discretion, that is to say, in good blacks for gowns to be delivered to the right honourable my Lord of Burghley; my mother-in-law, Mrs Jane Cecil; my wife; my sister White; my sister Alington; Sir Thomas Cecil, knight; my brother, Edward Cave; my brother, John Bowes, my sister Hunt, my sister Meering; my sister Dasset; my sister Skeffington; all my sons, Thomas, William, Cecil and John Cave; all my daughters, Elizabeth, Margaret, Frances and Dorothy; all my executors and overseers; and in blacks two coats to all my yeoman servants, in sermons and alms to the poor so much as my executors shall think meet and convenient at their discretion;

Item, I do give and bequeath to my sons, William Cave, Cecil Cave and John Cave, and to the longer liver of them a lease signed and sealed with my hand and seal for the term of 21 years, to begin from and after my decease of the parsonage house at Stanford with all manner of tithes and commodities thereunto belonging, as by the same lease more at large it doth and may appear;

Item, I will that my executors shall have the safe custody and keeping and bringing up of my ward, Vincent Randall, with the lease of the Queen her Majesty's third part of his lands which I have during his minority, with all such allowances as I am to be allowed and paid yearly out of the Courts of Wards and Liveries, my said executors paying yearly the rents due to her Majesty and performing all such other covenants as I stand bound unto in consideration of the said ward and lease of his living;

And further my will is that my said executors or any one of them in due time shall make lawful tender of either or one of my said two daughters, Frances Cave and Dorothy Cave, in marriage to and with the said Vincent Randall, with whom if he refuse then to marry, then my will is that my said executors or the survivor of them shall take such advantage and remedy against him as the law in such case hath provided and appointed, the commodity and proffitie [sic?] and profit whereof my will is shall be equally divided amongst such of my daughters as shall be then unmarried, for whose wardship, marriage and lease of living I paid unto Sir Thomas Cecil, knight, and to Mr Thomas Horseman, gentleman, the sum of four hundred pounds of good and lawful money of England;

And of this my last will and testament I do ordain and make my executors my sons, William Cave, Cecil Cave and John Cave, and my nephew Thomas Skeffington of Skeffington, my cousin Thomas Cave of Baggrave; William Cave of Pickwell, and Edward Boughton of Cawson, esquires, desiring and charging them and every of them as they and every of them will answer before God to see this my last will duly and truly executed and performed according to the true intent and meaning of the same, and to the said Thomas Skeffington, Thomas Cave and William Cave and Edward Boughton aforesaid, and to every of them that shall or will take the pains to see this my will to be duly and truly executed, I do give and bequeath to him or them twenty pounds apiece of current money of England;

And th' overseers of this my will I do ordain and make the right honourable and my very good Lord of Burghley, the Lord Treasurer of England, Sir Thomas Cecil, knight, my sons-in-law, Walter Baggett [=Bagot] and William Skipwith, and my cousin, William Cave of Baggrave, esquires, desiring them to be aiding and assisting unto my executors and to see this my will to be duly and truly performed accordingly, and to any or every of them that shall or will take pains herein, I do give and bequeath to him or them five pounds apiece of current money of England, desiring and requiring them and every of them to be aiding and assisting to my younger sons, my executors, and to be good unto all my said daughters;

And my will is that my executors or the survivor of them at th' end and term of 14 years next after my decease shall leave and yield up all my said pastures and closes appointed to and for the performance of this my last will to be stocked and stored with twelve hundred ewes, forty rams and five hundred barren sheep, as wethers, hoggerels or suchlike, to be delivered by them to my heir male, and so to remain from one heir male to another upon the same pastures and closes;

Item, I will that my executors shall presently after my decease enter upon and take all my other sheep, beasts, horses, geldings, mares and colts whatsoever they be or shall be of mine, with all manner of corn, grain, beans, peas, hay and suchlike within the manor of Stanford and Downe in the county of Northampton, or within the manors of Stormesworth [f. 349v] and Boresworth [=Bosworth?] in the county of Leicester (except before excepted) to be employed and bestowed to the payment and performance of this my last will and testament;

The residue of all my goods, chattels and debts not bequeathed, after my funerals, legacies and debts paid & my will performed in all things, I give and bequeath the same to my said sons, William Cave, Cecil Cave and John Cave, and to their assign or assigns, to be equally divided amongst them and the survivor of them or any of them, provided always and my will is that if any suit or suits be attempted against any of my said executors for any cause or matter contained in this my last will and testament, then I will that all the charges and expenses in and about the same shall be sustained and borne with the issues, revenues and profits of such pastures, closes and cattle as I have heretofore appointed to and for the performance of this my last will and testament, and not to be borne of any part of his or their own proper goods etc.

And further my will is that all ambiguities or doubts that shall or may arise hereafter at any time upon this my last will and testament or upon anything therein contained shall be ordered, judged and finally determined by my said executors and as many of my overseers as my said executors shall take to them without any further suit or trouble in the law, and if they or any of them or any other person or persons by their procurement or otherwise attempt the law and refuse the order by my said executors and overseers as is aforesaid, [+or?] commit any private act or acts contrary to the true meaning of this my last will and testament without th' assent and consent had and obtained before in writing under the hands of the more part of my said executors, then I will that he, she or they that so doth shall take no benefit of this my last will and testament;

Item, I will that my executors shall take and make a true and perfect inventory of all my goods, chattels and debts within forty days next after my decease;

Item, I will that my executors or the survivor of them do yearly pay all such annuity or annuities as I stand bound to pay and perform, as well in and by my grandfather Mr Richard Cave his will as also in and by my father, Sir Thomas Cave, knight, his will, as by the same wills joined together in one book more at large it doth and may appear, and also that my said executors do pay & perform yearly all such annuity or annuities as hath been heretofore granted by me to any person or persons;

Item, I will that my executors or the survivor of them shall yearly make one account for and during the term of 14 years next ensuing after my decease at the rectory or parsonage house at Stanford aforesaid unto my cousin, Mr Francis Morgan of the Middle Temple, unto my very friend, Mr Steven Harvey of Northampton, gentleman, or to either or to one of them which my said executors shall appoint, of and for all such yearly issues, profits and commodities as shall yearly arise, come and grow, as well of such pastures, closes and grounds named and appointed to and for the performance of this my last will and testament as also of all such stock of cattle whatsoever remaining and being or that shall remain and be at the time of my decease or at any time after during the said term of fourteen years, and of th' increase thereof, and of the yearly revenues, issues and profits rising, coming, growing or remaining or that shall come, rise, grow or renew of and upon the same pastures etc., the said Francis Morgan and Stephen Harvie or either of them having sufficient horse-meat, man's meat and lodging at their coming, to be provided for at the costs and charges of my said executors yearly at one time of the year;

And for every account that they or either of them shall take, finish and engross and deliver the same so engrossed unto my said executors or to the survivor of them, I do give unto him or them forty shillings in current money, to be paid unto him or them yearly during fourteen years that shall perform the same by my said executors;

And my will is that my said executors during the term of 14 years next after my decease shall keep house at the parsonage house of Stanford aforesaid, and there shall educate and bring up my said younger children virtuously in the fear of God;

Item, my will is that Margaret, my wife, shall put in sufficient sureties and good bonds to be bound unto my said executors, before she do receive six hundred ewes and twenty rams, to deliver the said ewes and rams according to the true intent and meaning of this my will;

[f. 350r] Item, I will that my executors shall make an equal dividend of the surplusage of all my debts and goods not bequeathed to be equally divided among my three younger sons, William Cave, Cecil Cave and John Cave, or to the survivor of them;

Item, whereas I have appointed in this my will that my executors should keep house at the parsonage of Stanford, I do desire the same to be at their election and discretion, and not otherwise. Roger Cave.

Probatum fuit h{uius}mo{d}i testamentum coram mag{ist}ro Will{el}mo Mowse Legum doctore Surrogat{o} mag{ist}ri Will{el}mi Drury legum etiam Doctoris Curie prerogative cant{uariensis} mag{ist}ri Custodis sive Commissarij Secundo die mens{is} Septembris Anno D{omi}ni 1586 Iuramento Petri Johnson no{tar}ij pu{bli}ci procuratoris Thome Skeffington Thome Cave Will{el}mi Cave et Edwardi Boughton executor{um} in h{uius}mo{d}i testamento nominat{orum} Quibus commissa fuit administrac{i}o &c De bene &c Iurat{i} Res{er}uat{a} p{otes}tate similem com{m}issionem faciend{o} Will{el}mo Cave Cicilio Cave et Iohanni Cave executoribus in h{uius}mo{d}i testamento nominatis cum venerint &c admissur{is} Deinde decimo tertio die mens{is} Septembris 1595 com{m}issa fuit consimilis administrac{i}o dicto Will{el}mo Cave filio et executori in d{i}c{t}o test{ament}o no{m}i{n}at{o} De bene &c in persona Thome Cushwood(?) notarij publici procur{ator}is sui &c iurat{i} S{e}c{un}do Iunij 1600 prefatus Cecillus Cave (rest of line illegible)

[=The same testament was proved before Master William Mowse, Doctor of the Laws, Surrogate of Master William Drury, also Doctor of the Laws, Master, Keeper or Commissary of the Prerogative Court of Canterbury, on the second day of the month of September in the year of the Lord 1586 by Peter Johnson, notary public, proctor of Thomas Skeffington, Thomas Cave, William Cave and Edward Boughton, executors named in the same testament, to whom administration was granted etc., sworn to well etc., with power reserved for a similar commission to be made to William Cave, Cecil Cave and John Cave, executors named in the same testament, when they shall have come etc. to be admitted.]

[=Then on the thirteenth day of the month of September 1595 a similar grant was made to the said William Cave, son and executor named in the same testament, sworn to well etc. in the person of Thomas Cushwood(?), notary public, his proctor etc.]

[=On second June 1600 the forenamed Cecil Cave (rest of line illegible)]