

SUMMARY: The document below is the Prerogative Court of Canterbury copy of the will, dated 15 April 1611 and proved 23 June 1612, of Thomas Baynham (d. 2 October 1611), esquire, of Clearwell, Gloucester, whose daughter married William Throckmorton, a first cousin of Mary (nee Tracy) Hoby Vere, wife of Oxford's first cousin, Horatio Vere, Baron of Tilbury.

FAMILY BACKGROUND

For the Baynham family see the pedigree in Maclean, John, ed., 'The History of the Manors of Dene Magna and Abenhall' in *Transactions of the Bristol and Gloucestershire Archaeological Society for 1881-82*, Vol. VI, (Bristol, C.T. Jefferies), pp. 123-209 at pp. 184-5:

<http://archive.org/stream/transactionsbris06bris#page/184/mode/2up>

See also the Baynham pedigree in Maclean, John and W.C. Heane, eds., *The Visitation of the County of Gloucester Taken in the Year 1623*, Vol. XXI, (London: Harleian Society, 1885), p. 14 at:

<https://archive.org/stream/visitationofcoun00inchit#page/14/mode/2up>

Testator's parents

The testator was the third son of Sir George Baynham by his second wife, Cecily Gage. For the will of Sir George Baynham, see TNA PROB 11/32/282.

Testator's siblings

For the testator's siblings, including his sisters, Philippe Connocke and Dorothy Morgan, mentioned in the will below, see the will of the testator's mother, Cecily Gage Baynham Herbert (d.1585), TNA PROB 11/68/452.

Two of the testator's sisters married into the Strelley family. The testator's sister, Joan Baynham, married Sir Anthony Strelley (1528-1591), son of Sir Nicholas Strelley (d. 25 August 1560), while the testator's sister, Anne Baynham, married Sir Anthony Strelley's brother, John Strelley. Neither sister is mentioned in the will below. However the testator leaves bequests to several members of the Strelley family:

Item, I give to Joan Strelley, who dwelleth with Mr Robert Messenger in Gloucester, forty pounds, to be delivered to my cousin Anthony Throckmorton, to her use, to be employed by him to her best advantage.

Item, I give to the 2 sons of Nicholas Strelley, my nephew, deceased, which he had by Joan Aylewey, twenty pounds to be divided between them at the discretion of my executors.

Margaret Strelley, whose parentage is obscure, but who was likely related to the family of the testator's sisters, married Nicholas Brend (d. 12 October 1601), who leased the ground on which the Globe was built by lease dated 21 February 1599 to Richard Burbage (1568-1619), Cuthbert Burbage (1564/5-1636), William Kempe, Augustine Phillips (d.1605), Thomas Pope (d.1603), John Heminges (1566-1630) and William Shakespeare (1564-1616) of Stratford-upon-Avon. See the will of Nicholas Brend, TNA PROB 11/98/348.

MARRIAGE AND ISSUE

The testator married Mary Winter, the daughter of the naval administrator, Sir William Winter (c.1525–1589) of Lydney, for whom see the *ODNB* entry and his will, TNA PROB 11/73/383.

By Mary Winter, the testator had two daughters:

* **Joan Baynham**, who married John Vaughan.

* **Cecilia Baynham**, who married Sir William Throckmorton (1579-1628), second son of Sir Thomas Throckmorton (1539-1607), and grandson of Sir Thomas Throckmorton (d.1568). William Throckmorton was knighted in 1611. He is said to have wasted his estate.

The testator's son-in-law, Sir William Throckmorton, was a first cousin of Mary Tracy (1581-1671), youngest daughter of Sir John Tracy (d.1591) of Toddington, Gloucestershire, by Anne Throckmorton (d. 21 May 1581), daughter of Sir Thomas Throckmorton (d.1568). Mary Tracy married firstly William Hoby the younger (d. 19 March 1603), and secondly Oxford's first cousin, Horatio Vere (1565-1635), Baron Vere of Tilbury. See the will of William Hoby the elder (1500-1603), TNA PROB 11/105/300. There was an earlier connection between the Baynham and Tracy families. The testator's great-uncle, Sir Alexander Baynham (d. 25 September 1524) married, as his second wife, Elizabeth Tracy (d. 19 October 1526), the daughter of Henry Tracy (d. 30 June 1501) and sister of William Tracy (1461? - 10 October 1530). See the *ODNB* entry for the Throckmorton family, the will of Sir Alexander Baynham, TNA PROB 11/21/469, and the will of Mary (nee Tracy) Hoby Vere, TNA PROB 11/338/214.

For Mary Tracy, see also the *ODNB* entry, and:

http://www.tudorwomen.com/?page_id=709

Mary Tracy (May 18, 1581-December 25, 1671) was the daughter of Sir John Tracy of

*Toddington, Gloucestershire (d.1591) and Ann Throckmorton (d. May 21, 1581). In 1600 she married William Hoby of Hailes Gloucestershire (d.c.1602), by whom she had two sons, Philip (d.1617) and William (d.1623). In November 1607 she married Sir Horace or Horatio Vere (1565-1635), a soldier, and followed him to the Netherlands in 1608. On July 24, 1624, he was created baron Vere of Tilbury. They bought an estate at Clapham, near Hackney. By then they had five daughters, the two eldest born in the Netherlands: Elizabeth (d.1683), Mary (c.1611-1669), Catherine (1612/13-1641+), Anne (1617/18-1665), and Dorothy. Vere suffered a stroke while at dinner with a friend and died within two hours. He was buried in Westminster Abbey on May 8, 1635. His will, dated November 10, 1634, left the bulk of his estate to his "most loving wife." She continued to live at Clapton until she inherited Kirby Hall from her brother-in-law's widow. Lady Vere was a patron of puritan ministers and had a wide correspondence. For a time in 1643, she served as parliamentary governor of two of Charles I's children, Elizabeth and Henry. In 1645, she was granted £1000 by Parliament as part of the £2500 owed her late husband by the state. John Geree dedicated *Might Overcoming Right* (1649) to her and her daughter, Anne Fairfax. Biography: Oxford DNB entry under "Vere [née Tracy; other married name Hoby], Mary." Portraits: engraving by F. H. Van Hove; portrait by William Larkin, c. 1615.*

See also the Tracy pedigree in Britton, John, *Graphic Illustrations, with Historical and Descriptive Accounts, of Toddington, Gloucestershire*, (London, 1840), p. ii at:

<https://archive.org/details/graphicillustrat00brit/page/n73>

OTHER PERSONS MENTIONED IN THE WILL

For the testator's brother-in-law, Sir George Huntley (d. 22 September 1622), who married Eleanor Winter, see the History of Parliament entry for his grandfather, George Huntley (by 1512 – 31 December 1580) at:

<http://www.historyofparliamentonline.org/volume/1509-1558/member/huntley-george-1512-80>

George Huntley (by 1512 – 31 December 1580) entertained Queen Elizabeth at Frocester on 10 or 11 August 1574. See Cole, Mary Hill, *The Portable Queen*, (Amherst: University of Massachusetts Press, 1999), pp. 187, 216. For the will of George Huntley, proved 27 January 1581, see TNA PROB 11/63/31.

The testator's 'cousin, Anthony Throckmorton', esquire, has not been identified.

RM: T{estamentum} Thome Bayneham

[f. 406r] In the name of the Blessed Trinity, the Father, the Son and the Holy Ghost, Amen. I, Thomas Baynham of Clearwell in the county of Gloucester, esquire, being weak and feeble of body yet of good and perfect memory, I thank Almighty God, calling to remembrance that death is the inevitable end of all mankind and that nothing is more uncertain than the hour of death, am willing, for the continuance of natural and entire love between my two daughters, their husbands and children and for the disposition of all such goods, cattle, chattels, household stuff, jewels, plate and ready money with such debts that are due and owing unto me and that God of his merciful goodness hath bestowed upon me, to make and declare my last will and testament, and therefore do by these presents make, publish, ordain and declare my last will and testament in manner and form following, viz.:

First and principally I yield, give and commend my soul to Almighty God, the gracious Maker and Redeemer of the same, most humbly beseeching him to have mercy upon me and to forgive me all my sins and iniquities, and as it hath already pleased him to shed his precious blood for me upon the Cross, so it will please him to vouchsafe that that great grace, mercy and favour showed unto me may not be in vain towards me, but that I may be a partaker thereof, and after this life have place amongst his saints and elect in heaven;

For my body, I bequeath it to the earth from whence it came, and desire it may be buried in the chantry chapel of the church of Newland without pomp or pride to be used at the funeral thereof;

In primis I do devise, will, give and bequeath the sum of one hundred pounds to the poor of the parishes of Newland, St Briavels, Huersfield [=Hewelsfield?], Ruardean and Abenhall by the discretion and allotment of my executors and to be distributed weekly by the churchwardens of each parish at the discretion of my said executors;

Item, I give to the reparation of the church of Newland four pounds;

Item, I give to the reparation of the church of Ruardean forty shillings;

Item, I give to the reparation of the church of Abenhall forty shillings;

Item, I give and bequeath to Philippe Connocke, my sister, and wife to William Connocke, gentleman, £200;

Item, I give and bequeath to Dame Cecily Throckmorton and to Joan Vaughan, my two daughters, all that money that is in the glass chest whereof Anthony Throckmorton, esquire, hath the key by my delivery, desiring him in their presence equally to divide it betwixt them as I trust him;

Item, I give to Anne Throckmorton, my grandchild, one hundred pounds;

Item, I give to Elizabeth Throckmorton, her sister, one hundred pounds;

item, I give to Thomas Throckmorton, my godson, one hundred pounds;

Item, I give to John Vaughan, my grandchi[l]d, one hundred pounds;

Item, I give to Thomas Vaughan, my godson, one hundred pounds;

Item, I give to Joan Strelley, who dwelleth with Mr Robert Messenger in Gloucester, forty pounds, to be delivered to my cousin Anthony Throckmorton, to her use, to be employed by him to her best advantage;

Item, I give to my sister, Mrs Dorothy Morgan, one of my best great gilt goblets;

Item, I give to my said cousin, Anthony Throckmorton, my gilt sack cup with the cover;

Item, I do forgive to my servant, John Trigge, five pounds which he oweth me by bond;

Item, I do give to John Davies, my servant, five pounds;

Item, I give to William Coxe, my servant, £10, and all my wearing apparel except my best gown and my taffeta cloak guarded with velvet, which gown I give to my son Vaughan, and the cloak to my daughter Vaughan;

Item, I give to Alice Hall, my servant, twenty marks and all my linen she hath in keeping which I use to wear;

Item, I give to Leonard, my man, five pounds;

Item, I give to every other of my household servants one whole year's wages over and above that shall be due to them at my decease;

Item, I give to Eleanor Vayne five pounds;

Item, I do devise and appoint that Margaret Broye and Alice Kidwellin shall enjoy the house wherein they now dwell at for the term of their lives without paying any rent;

And I do ordain and appoint that the same house shall forever hereafter be used and employed as an almshouse for 2 poor women, being widows, to inhabit and dwell in without paying rent, the same widows to be chosen always forth of Clearwell, if any such shall be, or otherwise forth of the parish of Newland by the choice and appointment of such my heirs as shall hereafter inhabit in and be owners of my manor house of Clearwell;

And my will is that my heirs who shall dwell in and be owners of my said house shall forever be at the charges for the reparation of the said house as need shall require from time to time;

Item, I give and bequeath to (blank) Byrte twenty shillings;

Item, my [f. 406v] will is that whereas Griffith Morgan, my man, holdeth of me certain lands called the Clayes at the yearly rent of 40s, that he shall enjoy his term to come in the same lands without paying any rent at all;

Item, I give to Anne Kyrle, my niece, five pounds;

Item, I give to the 2 sons of Nicholas Strelley, my nephew, deceased, which he had by Joan Aylewey, twenty pounds to be divided between them at the discretion of my executors;

Item, whereas I have disbursed the sum of eight hundred pounds with my son-in-law, Sir William Throckmorton, upon and towards an ironwork, my will and intent is that one hundred pounds yearly arising of the profits and commodities thereof, if so much shall arise to my part, shall be bestowed yearly upon the poor at the discretion of my executors so long as the same work shall or may endure, and if the profits shall in any year fail to arise to so much, then my will is that so much as shall arise shall be bestowed as aforesaid, and the overplus that shall be arising from time to time above the said yearly sum of one hundred pounds, if any shall be, my will is that the same shall come and be wholly to my said son, Sir William Throckmorton, to whom I do give the said stock of £800;

Item, my will is and I do give and bequeath to my said son, Sir William Throckmorton, all such sums of money as I heretofore have lent him, and I do hereby forgive, release and acquit him of all debts that he now oweth me;

Item, all the rest of my goods, cattle, chattels, plate, jewels, ready money, household stuff and debts owing unto me I do devise, will, give and bequeath the same to my said sons-in-law, Sir William Throckmorton and John Vaughan, to be equally parted and divided between them;

And I do ordain, nominate and appoint the said Sir William Throckmorton and John Vaughan executors of this my last will and testament, desiring and also requiring them in all and every point to perform the same as my trust is in them;

And further my will is that they, my said executors, shall particularly enter into bonds of two thousand pounds to my overseers of this my will with condition to perform the same, and that they shall not by any means willingly wrong one the other in receiving, taking or dividing my said goods, cattle, chattels, plate, jewels, money, household stuff or debts or any part thereof;

Item, I do nominate and appoint my loving brothers-in-law, Sir Edward Winter and Sir George Huntley, knights, to be overseers of this my last will, and do desire them to take pains with my said sons-in-law for the due performance;

And my will is and I do desire that my said executors shall within one month at the farthest after my decease enter into the said bonds to my said overseers;

Also my will is that my said executors shall defray all such charges as my said overseers shall any way be at or put unto for or concerning their parts in travel expenses, suits or otherwise by reason of being overseers of this my will;

In witness whereof I have hereunto put my hand and seal and subscribed my name the fifteenth day of April Anno Domini one thousand six hundred and eleven. By me, Thomas Baynham.

Witnesses at the subscribing and sealing hereof the day and year above-written. Richard(?) Kyrle, John Goughe, William Coxe, John Davies, Griffith Morgan.

Probatum fuit testamentum suprascriptum apud London coram venerabili viro Domino Iohanne Benet milite legum doctore Curie prerogatiue Cantuariens{is} Mag{ist}ro Custode siue Com{m}issario legitime constituto Vicesimo tertio die mensis Iunij Anno Domini millesimo sexcentesimo duodecimo Iurament{o} D{omi}ni Will{el}mi Throgmorton militis et Iohannis Vaughan Executorum in eodem Testamento nominat{orum} Quibus comissa fuit Administrac{i}o bonorum Iurium et Creditorum dicti defuncti De bene et fideliter Administrand{o} &c ad sancta dei Evangelia vigore Comissionis in ea parte al{ias} emanat{e} Iurat{is}

[=The above-written testament was proved at London before the worshipful Sir John Bennet, knight, Doctor of the Laws, lawfully constituted Master, Keeper or Commissary of the Prerogative Court of Canterbury, on the twenty-third day of the month of June in the year of the Lord the thousand six hundred twelfth by the oath of Sir William Throckmorton, knight, and John Vaughan, executors named in the same testament, to whom administration was granted of the goods, rights and credits of the said deceased, sworn on the Holy Gospels to well and faithfully administer etc., by force of a grant in that behalf issued at another time.]