

SUMMARY: The document below is the Prerogative Court of Canterbury copy of the Latin will, dated 20 September 1524 and proved 19 November 1524, of Sir Alexander Baynham (d. 25 September 1524) of Westbury-on-Severn, Gloucestershire, whose sister, Elizabeth Baynham Russell Throckmorton, was the great-grandmother of Thomas Russell (1570-1634), overseer of the will of William Shakespeare (1564-1616) of Stratford-upon-Avon.

The testator made two wills, the 1524 will concerning his goods below, and an earlier will of his lands in 1513. For the latter will, see TNA PROB 11/22/256.

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>

PARENTS AND SIBLINGS

Testator's father's first marriage

The testator was the eldest son and heir of Thomas Baynham (d. 16 February 1500) of Clearwell, Gloucestershire by his first wife, Margaret Hody, said to have been the daughter of Richard Hody:

Thomas [Baynham], the son and heir of Robert Baynham . . . married, as his first wife, Margaret, daughter of Richard Hody, one of the King's Justices, and by her had a son and heir named Alexander. He married, secondly, Alice, daughter and heir of William Walwyn . . . By her he had a son, Christopher, heir of his mother, and other children.

Maclean notes, however (*supra*, p. 131), that there was never a Richard Hody who was a justice:

It is so stated in an old pedigree recorded in the Heralds' College in 1582, nevertheless it would seem to be doubtful. There was never a Richard Hody, a Justice, in either of the King's Courts.

It thus appears likely that the testator's mother, Margaret Hody, was the daughter of Sir John Hody, who was appointed Chief Justice in 1440, and died in December 1441. See the *ODNB* entry for Sir John Hody, and the History of Parliament entry at:

<http://www.historyofparliamentonline.org/volume/1386-1421/member/hody-john-1441>.

See also 'Notices of the Family of Hody &c', *Collectanea Topographica et Genealogica*, (London: John Bowyer Nichols and Son, 1841), Vol. VII, pp. 22-31 at p. 25:

<https://books.google.ca/books?id=tL1nsjpJkj8C&pg=PA25>

The two Baynham pedigrees cited above differ as to the number and identities of the children the testator's father had by his two marriages. According to the pedigree in *The History of Dene Magna, supra*, p. 184, the testator's father had only two sons by his first marriage to Margaret Hody:

-Sir Alexander Baynham, the testator.

-William Baynham, who married Eleanor Amerys, the daughter of Richard Amerys [=Damory?]. See the pedigree of Damory in Maclean, *The Visitation of the County of Gloucester, supra*, p. 244 at

<https://archive.org/stream/visitationofcoun00inchit#page/244/mode/2up>

See also Cooke, William Henry, *Collections Towards the History and Antiquities of the County of Hereford*, (London: John Murray, 1882), Vol. III, p. 40 at:

<https://books.google.ca/books?id=t4gcAQAAMAAJ&pg=PA40>

Testator's father's second marriage

The testator's father married secondly Alice Walwyn (d. 10 or 22 October 1518), the only child of William Walwyn (d.1470), by whom, according to the pedigree in the *History of Dene Magna*, he was the father of a son and three daughters:

-Sir Christopher Baynham (d. 22 June 1540), who married Joan or Jane Morgan (d. 11 December 1544), the daughter of Sir Thomas Morgan of Pencoed by Jane Herbert, for whom see the will of his son and heir, Sir George Baynham (d. 6 May 1546), dated 9 June 1546 and proved 4 December 1548, TNA PROB 11/32/282, and *The History of Dene Magna, supra*, p. 149 at:

<http://archive.org/stream/transactionsbris06bris#page/148/mode/2up>

It should be noted that *The History of Dene Magna, supra*, erroneously states on p. 150 and in the pedigree on pp. 184-6 that Sir Christopher Baynham died 6 October 1557. In fact, it was Sir Christopher Baynham's *grandson*, Christopher Baynham, who died on that date. See the inquisition post mortem taken after the death of Sir Christopher Baynham's grandson, Christopher Baynham (d. 6 October 1557), TNA C 142/113/49; a petition of Sir Christopher Baynham's granddaughter, Frances Baynham Jerningham and her husband, Sir Henry Jerningham, dating from c.1540-1544 which states that Sir Christopher Baynham is deceased, TNA C 1/1015/49; and the *History of Dene Magna, supra*, pp. 149-151 at:

<http://archive.org/stream/transactionsbris06bris#page/150/mode/2up>

-Elizabeth Baynham, who married firstly Robert Russell (d. 28 June 1502), esquire, of Strensham, and secondly, as his second wife, Sir Robert Throckmorton (d.1518). For the will of Elizabeth Baynham's first husband, Robert Russell, the son of Robert Russell and Elizabeth Throckmorton (c.1427-1483x4), see TNA PROB 11/13/373. Robert Russell and Elizabeth Baynham were the great-grandparents of Thomas Russell (1570-1634), appointed by William Shakespeare (1564-1616) of Stratford upon Avon as supervisor of his will. For the will of Thomas Russell (1570-1634), see TNA PROB 11/165/424. For the will of Elizabeth Baynham's second husband, Sir Robert Throckmorton, see TNA PROB 11/20/25.

-Isabel Baynham, who married Sir Gyles Bridges (d. 1 December 1511). Their daughter, Florence Bridges (d.1545), married Sir William Morgan (d.1542) of Pencoed, Monmouthshire, said to have been the brother of Jane Morgan, wife of Sir Christopher Baynham (d. 22 June 1540). According to their wills, Florence Bridges and Sir William Morgan had five sons: Sir Thomas Morgan of Pencoed (d. 5 June 1565); Gyles Morgan (d. 9 March 1570); Andrew Morgan, Henry Morgan and Morgan ap Morgan, and two daughters, Alice Morgan and Anne Morgan (see the wills of Sir William Morgan and Florence Bridges Morgan, TNA PROB 11/29/194 and TNA PROB 11/30/367).

-Anne Baynham, who married firstly Henry Clifford, and secondly William Trye (d.1524), the son of William Trye (d. 6 December 1497) and Isabel Berkeley, a descendant of King John. See Richardson, Douglas, *Plantagenet Ancestry*, 2nd ed., 2011, Vol. III, p. 361; and the pedigree of Clifford of Frampton in Burke, John and John Bernard Burke, *A Genealogical and Heraldic Dictionary of the Landed Gentry of Great Britain and Ireland*, (London: Henry Colburn, 1850), Vol. III, p. 66 at:

<https://books.google.ca/books?id=9NDTAAAAMAAJ&pg=PA66>

The pedigree of Wyrall also states that the testator's father, Thomas Baynham, had an illegitimate daughter, Maud (buried 21 December 1563), who married William Wyrall (buried 6 August 1577), gentleman. See the pedigree of Wyrall in the *Visitation of Gloucestershire, supra*, p. 189 at:

<https://archive.org/stream/visitationofcoun00inchit#page/188/mode/2up>

As noted, the Baynham pedigrees differ as to the number and identities of the children of the testator's father, and according to the *Visitation of Gloucestershire*, by his second wife, Alice Walwyn, he had two daughters in addition to the three daughters mentioned above:

-**Agnes or Susanna Baynham**, who married Ralph Butler.

-**Jane Baynham**, who married Fulke Walwyn (d.1509).

Ely Walwyn (d.1616), esquire, a descendant of Fulke Walwyn (d.1509), married Anne Cooke (baptized 16 October 1572, living 1641?), the daughter of William Cooke (d. 14 May 1589), second son of Sir Anthony Cooke (1505 – 11 June 1576), and brother of Mildred Cecil, Lady Burghley. See the will of William Cooke, TNA PROB 11/74/523.

See also Cooke, William Henry, *Collections Towards the History and Antiquities of the County of Hereford in Continuation of Duncumb's History*, Vol. III, (London: John Murray, 1882), pp. 14-18 at:

<https://books.google.ca/books?id=0zxAAAAAYAAJ&pg=PA17>

<https://books.google.ca/books?id=0zxAAAAAYAAJ&pg=PA14>

See also *Transactions of the Woolhope Naturalists' Field Club*, (Hereford: Jakeman and Carver, 1892), pp. 372-3 at:

<https://books.google.ca/books?id=PhoXAAAAYAAJ&pg=PA372>

MARRIAGES AND CHILDREN

Testator's first marriage

The testator is said to have married firstly Margaret Vanne [=Evan?], the daughter and heir of Sir Richard Vanne (see the *Visitation of Gloucestershire*, *supra*, pp. 13-14), by whom he had three sons and a daughter:

* **John Baynham** (d. 6 August 1528), eldest son and heir, aged 36 at his father's death, and thus born c.1488. He married Anne Mathew, the daughter and coheir of Sir David Mathew (d.1504?) of Raider [=Radyr?] by Anne Veale, the daughter and heir of Robert Veale [=le Vele?]. For the Mathew family, see:

<http://yba.llgc.org.uk/en/s-MATH-LLA-1350.html>

John Baynham died four years after his father, and was succeeded by his son, William Baynham (d. 10 August 1568), who married Anne Blennerhassett, said to have been the daughter of Ralph (or Robert) Blennerhasset of Princethorpe, Warwickshire, by whom he had several children. See the Baynham pedigree in the *Visitation of Gloucestershire*, *supra*, p. 15, and *The History of Dene Magna*, *supra*, p. 133:

John Baynham, son and heir of Sir Alexander, did not long survive his father. He died 6th of August, 1528. On the Inquisition taken after his death, it was found that by his deed, dated 5th of Feb., 17th Henry VIII. (1525-6), he had granted to John Arnold an annuity of 40s. for the term of his life for performing the office of Steward of the Manor of Westbury, and that he had settled the same Manor upon trustees to his own use and that of Anne his wife and the heirs of their bodies, and that William Baynham is son and nearest heir of the said John and is aged 17 years. He is not stated to have died seized, either in possession or reversion, of the manors of Magna Dene, Parva Dene, or Ruardene.

William Baynham, son and heir of John, succeeded and died 10th August, 1568.

See also the detailed Blennerhassett pedigree, available online.

* **Thomas Baynham (d.1532)**, who appears to have died unmarried and without issue. For his will, in which he leaves his lands enfeoffed ‘to the use of my cousin, Sir Thomas Baynham, parson of the church of Mitcheldean’, see TNA PROB 11/24/53.

* **James Baynham (d.1532)**, Protestant martyr, who married the widow of Simon Fish. He was burned at the stake at Smithfield on 30 April 1532. See the *ODNB* entry.

* **Margaret Baynham**, who married John Peyto. See her will, TNA PROB 11/37/80, and Richardson, Douglas, *Magna Carta Ancestry*, 2nd ed., 2011, Vol. III, p. 349.

Testator's second marriage

The testator married secondly, Elizabeth Tracy, widow of Edmund Langley (d.1490), and daughter of Henry Tracy (d. 30 June 1501) by Alice Baldington, daughter and coheir of Thomas Baldington, by whom the testator appears to have had only one child, a daughter:

* **Jane Baynham**, who, as stated in the will below, married Robert Wye without the testatrix' consent.

For the inquisition post mortem taken 1 December 1501 after the death of Henry Tracy see TNA C 142/15/106, and the summary in *Calendar of Inquisitions Post Mortem*, Vol. II, (London: His Majesty's Stationery Office, 1915), p. 305 at:

<https://archive.org/details/calendarofinquis02great/page/304>

For the will of the testator's second wife, Elizabeth Tracy Langley Baynham, dated 14 November 1527 and proved 21 January 1528, see TNA PROB 11/22/255.

OTHER PERSONS MENTIONED IN THE WILL

For the testator's brother-in-law and overseer, William Tracy (d.1530), esquire, see the *ODNB* entry:

Tracy, William (d. 1530), landowner and religious radical, was the son of Sir Henry Tracy of Toddington, Gloucestershire, and Alice Baldington, daughter and coheir of Thomas Baldington of Oxfordshire. He was married to Margaret Throckmorton, daughter of Thomas Throckmorton of Corse Court in Gloucestershire. His sister, Elizabeth, was married to Sir Alexander Bainham of Westbury-on-Severn in Gloucestershire, a very prominent member of the county's gentry; their youngest son, James, would be burnt at Smithfield for his evangelical beliefs in 1532. William Tracy was an active member of the Gloucestershire elite, serving as sheriff in 1513 and on numerous commissions of the peace. He was also connected to other prominent families in the county, not only serving as a feoffee of the estate of Sir Alexander Bainham and as an executor of Elizabeth Bainham's will, but also as one of the executors of the will of Dame Joan Huddleston, widow of Sir John, daughter of Sir Miles Stapleton of Norfolk, and granddaughter of Sir Thomas de la Pole. . . .

In the name of God, Amen. The twentieth day of September in the year of the Lord the thousand five hundred twenty-fourth, I, Alexander Baynham, knight, sound of mind and memory but ill in body, make my testament in this manner:

First I bequeath my soul to Almighty God, my Creator, to Blessed Mary, and to all his saints, and my body to be buried in the chapel of Blessed Mary of Westbury;

Item, I bequeath to the high altar of the church of the Blessed Apostles Peter and Paul of Westbury for my tithes by me negligently withheld 20s;

Item, I bequeath to the ornaments of the said church of Westbury ten marks;

Item, I bequeath to whatsoever house of brothers of Gloucester 40s;

Item, I bequeath to Thomas Baynham, my son, one young horse called Leyard;

Item, I bequeath to Joan, my daughter, otherwise called Jane Baynham, two hundred marks of lawful money of England;

The true residue of all and singular my goods, both live and dead(?) above not bequeathed I give and bequeath to Elizabeth Baynham, my wife, whom I make and

ordain to be my true and faithful executrix, and she to dispose for the salvation of my soul as to her shall seem good to the pleasure of God;

And moreover I ordain William Tracy, esquire, to be overseer of this my present testament;

Item, I will that the said Elizabeth, my executrix, find a celebrant priest for my soul for one entire year;

These witnesses: John Staunton, John Pengre, & Richard Peynter, and many others. Given the day and year abovesaid.

The testament of the above-written deceased was proved before the forenamed Commissioners in the Cathedral Church of Saint Paul in London on the 19th day of the month of November in the year of the Lord the thousand five hundred 24th by the oath of Elizabeth, relict and executrix named in the same testament, in the person of Richard Field, proctor etc., and probated and entered, and administration was granted by the authority of the forenamed Most Reverend Fathers of all and singular the goods, rights and credits of the said deceased to the forenamed executrix in the person of the said proctor, sworn on the Holy Gospels to well and faithfully administer, and to exhibit a full and faithful inventory on the second day after the feast of Saint Blaise, Bishop, next to come, and also to render a plain and true account.

[f. 215v]

LM: Test{amentu}m Alexandri Baynam Milit{is}

In Dei nomine amen. Vicesimo Die Septembris Anno D{omi}ni Mill{es}imo quingen-

tesimo vicesimo quarto Ego Alexander Baynam Miles compos mentis et sane memorie tamen eger in

corpore Condo testamentum meum in hunc modum In primis lego animam meam deo om{n}ipotentis Creatori

meo beate marie et om{n}ibus sanctis eius Corpus q{ue} meum sepeliend{um} in Capella b{ea}te marie de Wesbury It{e}m

lego sum{m}o altari eccl{es}ie beatorum ap{osto}lorum Petri et Pauli de Weesbury pro decimis meis per me negligenter

detent{is} xxs Item lego ornamentis dicte eccl{es}ie de Weesbury decem mercas Item lego cuili{be}t domui fratru{m}

Gloucestre xls Item lego Thome Baynam filio meo vnu Iuuenem equum [sic?] vocat Leyard Item lego Iohanne

filie mee alias dicta Iane Baynam ducent marcas legalis monete anglie Residuum vero omnium et singulorum

bonorum meorum tam viuorum quam mortuorum superius non legatorum do et lego Elizabeth Baynam uxori

mee quam constituo et ordino meam veram et fidelem esse executricem Et vt illa disponat pro salute animae

mee vt ei melius videbit placere deo Et preterea ordino Willielmo Tracy Armigerum esse Superuisorem huius

presentis testamenti mei Item volo quod dicta Elizabeth executrix mea Inueniet sacerdotem celebrantem

pro anima mea per vnum annum integrum hijs testibus Iohanne Staunton Iohanne Pengre & Ricardo Peynter et

multis alijs Datum die et Anno supradictis

Probatum fuit testamentum suprascripti defuncti Coram prefatis Commissarijs in ecclesia Cathedrali diui Pauli London xix die mensis Nouembris Anno Domini Millesimo quingentesimo xxiii Iuramento Elizabeth Relicte et executricis in huiusmodi testamento nominatim In persona Ricardi ffelde procuratoris &c Ac approbatum et insinuatum Et commissaria fuit administratione auctoritate prefatorum Reuerendissimorum patrum omnium et singulorum bonorum Iurium et creditorum dicti defuncti prefato Executrici In persona dicti procuratoris De bene et fideliter administratione Ac de pleno et fideli Inuentario secundo die post festum sancti Blasij Episcopi proximum futurum exhibendo Necnon de plano et vero compoto reddendo Ad sancta dei Evangelia in debita iuris forma Iurat