

SUMMARY: The document below is the last will and testament, dated 14 November 1527 and proved 21 January 1528, of Elizabeth (nee Tracy) Langley Baynham (d. 19 October 1526), whose sister-in-law, 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. For the will of Thomas Russell, see TNA PROB 11/165/424.

FAMILY BACKGROUND

The testatrix was the daughter of Sir Henry Tracy (died c.1506) by Alice Baldington, daughter and coheir of Thomas Baldington. See the pedigree of Tracy in Britton, John, *Graphic Illustrations with Historical and Descriptive Accounts of Toddington, Gloucestershire*, (London, 1840), available online.

For the testatrix' brother, Sir William Tracy (d. 10 October 1530), mentioned in the will below, 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.

For the testatrix' nephew, Richard Tracy (d. 8 March 1569), see the *ODNB* entry:

Tracy, Richard (b. before 1501, d. 1569), religious activist, was the fourth of five children of William Tracy of Toddington, Gloucestershire (d. 1530), and his wife, Margaret, née Throckmorton, of Warwickshire. Before 1547 he married Barbara, daughter of Sir Thomas Lucy of Charlecote (d. 1525); they had three sons, Paul, Nathaniel, and Samuel, and three daughters, Hester, Susan and Judith. . . .

The Tracys were one of the leading families of northern Gloucestershire, and during the 1520s they and some others in their circle became associated with early protestantism: the reformist martyr James Bainham was Richard's cousin. Richard himself first came to prominence through the affair of his father's will. William Tracy died on 10 October 1530, leaving a will which was a lengthy, uncompromising, and polemical exposition of

his protestant understanding of justification. He was posthumously convicted of heresy by the convocation of Canterbury, and the chancellor of Worcester was ordered to exhume the body. He did so, but he also had the body burnt, and since there was no writ of de haeretico comburendo, this was illegal. Richard Tracy and his mother were the sole heirs and executors of the will (no mention is made of the elder son, also William), and Richard took up the cudgels on his father's behalf. In addition to his understandable outrage at the 'greate & abhominable worldly shame don unto his kyndred in burnyng his roten bones' (TNA: PRO, SP 1/74, fol. 36r), he probably already shared his father's beliefs. He succeeded in having a fine of £300 imposed on the over-zealous chancellor. . .

Tracy's fortunes revived with Elizabeth's accession. . . . He died on 8 March 1569 at Stanway.

See also the inquisitions post mortem taken after the testatrix' death, TNA C 142/46/30 and TNA E 150/361/4, and 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>.

See also *Genealogy of the Family of Lt. Thomas Tracy*, p. 24 at:

<https://books.google.ca/books?id=iFpZAAAAMAAJ&pg=PA24&lpg=PA24&dq=%22Baynham%22+%22Mylle%22&source=bl&ots=QLZDkQ8PPV&sig=dmPkbzsaFyZQCgCTnR0Yyy5uoO4&hl=en&sa=X&ei=FwODVf7QH0LeoASBgoKIBA&ved=0CB0Q6AEwAA#v=onepage&q=%22Baynham%22%20%22Mylle%22&f=false>.

MARRIAGES AND CHILDREN

First marriage

The testatrix married firstly, Edmund Langley (d.1490) of Siddington (near Cirencester), Gloucestershire, whose first wife was Joan Tame, the daughter of John Tame of Fairford, Gloucestershire. It seems likely Edmund Langley's father-in-law was John Tame (d. 8 May 1500) of Fairford, for whom see his will, TNA PROB 11/12/22, and the Wikipedia article at:

https://en.wikipedia.org/wiki/John_Tame.

For the will of Edmund Langley, proved 24 May 1490, see TNA PROB 11/8/327, and the transcript in Phillimore, W.P.W. and Sidney J. Madge, eds., *Gloucestershire Notes and Queries*, Vol. VIII, Part I, No. 77, New Series, (London: Phillimore & Co., 1901), pp. 17-18 at:

<https://archive.org/stream/gloucestershiren810lond#page/16/mode/2up>.

By his first wife, Joan Tame, Edmund Langley had two sons and three daughters:

* Walter Langley (d. 29 October 1501?), eldest son and heir, underage in 1490, who married Anne Hungerford, the daughter of Sir Thomas Hungerford (d.1494) of Down Ampney by Christian Halle (d.1504), the daughter of John Halle (d. 18 October 1479) of Salisbury, but died without issue. Jane Halle, the daughter of John Halle's son, William Halle, married Sir Thomas Wriothesley (d. 24 November 1534), Garter King of Arms, the eldest son and heir of John Writhe (d.1504), Garter King of Arms, while John Writhe's daughter, Barbara Wriothesley, married Anthony Hungerford, the eldest son of Sir Thomas Hungerford (d.1494) and Christian Halle (d.1504). See the will of John Writhe (d.1504), Garter King of Arms, TNA PROB 11/14/125. John Writhe was the great-great-grandfather of Henry Wriothesley (1573-1624), 3rd Earl of Southampton, to whom Shakespeare dedicated *Venus and Adonis* and *The Rape of Lucrece*. See the Hungerford 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), pp. 87-8 at:

<https://archive.org/stream/visitationofcoun00inchit#page/88/mode/2up>.

* Roger Langley, underage in 1490.

* Isabel Langley (d. 7 March 1541), wife in 1490 to her first husband John Lymeryk, likely the son of Thomas Limerick (d.1486) of Stowell, whose sister, Agnes Limerick, married firstly William Tame and secondly Sir Robert Harcourt (d. by 1504). See:

<http://landedfamilies.blogspot.ca/2016/11/240-atkinson-of-stowell.html>.

Isabel Langley married secondly Henry Kettleby, who may have been the Henry Kettleby (d.1508) who was a servant of Prince Henry, and whose monument in West Ham was recorded by Weever. See Lysons, Daniel, *The Environs of London*, Vol. IV, (London: T. Cadell, 1796), p. 262 at:

<https://books.google.ca/books?id=LPxBAAAAYAAJ&pg=PA262&lpg=PA262&dq=%22Henry+Kettleby%22&source=bl&ots=Uzc5PFLB5R&sig=xgIV000UUeMuvlkKAlpbgo8zPtM&hl=en&sa=X&ved=0ahUKEwj0w6CVIJjUAhVGhlQKHRYriDs8Q6AEIjAA#v=onepage&q=%22Henry%20Kettleby%22&f=false>.

Isabel Langley married thirdly Edward Scudamore, for whom see Skydmore, Warren, 'Notes on the Skydmore Era at Burnham, Buckinghamshire: Preface', Occasional Papers No. 27, pp. 9-11, available online.

* Christian Langley, who married firstly Roger Wigston, for whose will, proved 3 February 1543, see TNA PROB 11/29/275, and secondly William Pye.

* Alice Langley, who married firstly Thomas Everdon, and secondly John Huntley.

In his will, Edmund Langley leaves a bequest to ‘my brother William Tracy’, and appoints him as his overseer.

For the Langley family, see the pedigree in Howard, Joseph Jackson, ed., *Miscellanea Genealogica et Heraldica*, Vol. III, 2nd Series, (London: Mitchell and Hughes, 1890), p. 172 at:

https://books.google.ca/books?id=sIIIAAAAYAAJ&pg=PA172&lpg=PA172&dq=%22Edward+Scudamore%22+%22Isabel%22&source=bl&ots=VzrF76RdpP&sig=QIEKJorJNVrLOtwUqHX4_gwPGzE&hl=en&sa=X&ved=0ahUKEwingerg75fUAhXHjFQKHSMTAGEQ6AEIJzAB#v=onepage&q=%22Edward%20Scudamore%22%20%22Isabel%22&f=false.

For the Langley family, see also the pedigree of Huntley 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. 93 at:

<https://archive.org/stream/visitationofcoun00inchit#page/92/mode/2up>.

See also the pedigree of Kettleby in the *Visitation*, *supra*, p. 261 at:

<https://archive.org/stream/visitationofcoun00inchit#page/260/mode/2up>.

See also the inquisitions post mortem taken after the death of the testatrix’ stepson, Walter Langley (d. 29 October 1501?) at:

Maskelyne and H. C. Maxwell Lyte, 'Inquisitions Post Mortem, Henry VII, Entries 551-600', in *Calendar of Inquisitions Post Mortem: Series 2, Volume 2, Henry VII* (London, 1915), pp. 343-380. *British History Online* <http://www.british-history.ac.uk/inquis-post-mortem/series2-vol2/pp343-380> [accessed 29 May 2017].

See also Waters, Robert Edmond Chester, *Genealogical Memoirs of the Extinct Family of Chester of Chicheley*, Vol. I, (London: Robson and Sons, 1878), p. 204 at:

https://books.google.ca/books?id=OaxCAAAAYAAJ&pg=PA204&lpg=PA204&dq=Isabel+Langley+Henry+Ketilby&source=bl&ots=JbvRGeRdZg&sig=ArOy2aNtR1zXWISie xAMT_su3vI&hl=en&sa=X&ved=0ahUKEwjfYHR9ZXUAhXmj1QKHb3ZDrQQ6AEIJjAA#v=onepage&q=Isabel%20Langley%20Henry%20Ketilby&f=false.

See also 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 p. 133:

<http://archive.org/stream/transactionsbriso6bris#page/132/mode/2up>.

Second marriage

The testatrix married secondly, Sir Alexander Baynham (d. 25 September 1524), for whose will see TNA PROB 11/21/469 and TNA PROB 11/22/256.

The testatrix' second husband, Sir Alexander Baynham (d. 25 September 1524), is said to have married firstly Margaret Vanne [=Evan?], the daughter and heir of Sir Richard Vanne (see Maclean and Heane, *supra*, pp. 13-14), by whom he appears to have had three sons and a daughter:

* John Baynham (d. 6 August 1528), aged 36 at his father's death, who 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, *supra*, p. 15, and Maclean, *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.

The testatrix and Sir Alexander Baynham (d. 25 September 1524) appear to have had only one child, a daughter:

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

See also the will of the testatrix' nephew, Sir George Baynham (d. 6 May 1546), TNA PROB 11/32/282.

TESTATRIX' EXECUTOR

The testatrix' executor, John Peyto, was the father of Francis Peyto, who wrote to Lord Burghley on 31 March 1576 mentioning that he had hoped to show Oxford the genealogical chart he was preparing for the Queen when Oxford passed through Milan on his way back to England. For the letter, see TNA SP 70/137, ff. 319-21.

Francis Peyto's genealogical research is mentioned on p. 10 of the second part of *A Conference About the Next Succession to the Crown of England* (1594):

Divers other papers, notes and memories I have seen also, said he, as well touching the succession of those whom I have named as of others, for that Sir Richard Shelley, who died some years ago in Venice, by the name of Lord Prior of St John's of England, had gathered divers points touching these affairs, & many more than he had Master Francis Peyto that died in Milan and was a very curious and well-readen man in genealogies, as may appear by sundry papers that I have seen of his. There want not also divers in England who have travailed much in this business, and I have had the perusing of some of their labours, though I dare not discover their names lest thereby I should hurt them, which were not convenient.

See <http://books.google.com/books?id=kOQbU56suzcC>.

LM: Test{amentu}m D{omi}ne E{lizabeth} Baynam

[f. 208v] In Dei nomine amen. The 14th day of November in the year of Our Lord God a thousand five hundred twenty and seven, and in the 19th year of the reign of our Sovereign Lord King Henry the Eight, I, Dame Elizabeth Baynham, widow, late wife of Sir Alexander Baynham, knight, make my testament and last will as followeth:

First I commit my soul to the mercy of God, and my body to be buried within the parish church of Toddington;

And touching my temporal goods, I have disposed them in my life as methought best afore sufficient witness, money only excepted which I have ordained for my funerals, month's mind and anniversary day, and if anything then shall remain as God will to be ordered shall be the comfort of my soul;

And concerning such charges as my said husband charged me withal, for the strength whereof he made a feoffment hereunto annexed, bearing date at Mitcheldean the 17th day of the month of May in the 5th year [= 17 May 1513] of our said Sovereign Lord King Henry the 8th, and thereupon made and declared his will, and thereby made me his executrix to perform the same, as by the said will likewise hereunto annexed it doth and may appear, the date whereof is the last day of May in the 5th year of the reign of our said Sovereign Lord King Henry the 8th, wherefore I will that mine executors, before other things appertaining to me, ordain that my said husband's will by them be performed, and all that I should have levied to perform the said will if I had lived thereto, I will that mine executors levy and receive, abating only that that is received by me, which will appear by true bills of account and good witness to the same;

Moreover where in my said husband's will it doth appear that I should have levied upon his lands in feoffment two hundred marks for the marriage of Jane, his daughter and mine, so that she were married by mine assent and advice, and the truth is that she married herself hastily and unknown to me so that I had never communication with her husband for a jointure of land that conveniently I ought to have required of him for her, therefore now I will that if her said husband, Robert Wye, will make unto her a sufficient and lawful jointure according to the order of the law by the feast of Saint Michael th' Archangel next for to come after the date hereof of twenty pounds by year over all charges and reprises, according to his promise that he promised my said husband and me that she should be made sure of by one Charles Herbert, to whom he then laboured that she should have been married unto, and of that his own labour to be married to her till the time she should be married truly I knew not, and therefore if the said jointure be made, sealed and delivered by the said Robert Wye to my brother, William Tracy, to the use of the said Jane by the said feast of Michaelmas at the sight and advice of the said William, whom by this present I put in trust, to th' use of the said Jane and of her children, then I will and hold me content that mine executors do levy and pay the said two hundred marks to the said Robert, and if the said Robert no such jointure will make, seal and deliver in form abovesaid, then I will that mine executors do levy the said 200 marks of the said lands and tenements so to me in his said will assigned to levy, and so received, it to retain and cause surely to be kept to the use of the said Jane if it shall happen her to live after the said Robert, and if it shall happen her to die and depart this world afore the said Robert, then I will that the said sum of 200 marks wholly remain to th' use and profit of the children of the said Jane;

And concerning such debts as I have paid for my said husband [+as?] by true bills thereof made annexed to the said [f. 209r] bills of receipt likewise may appear, for th' ordering whereof and also for th' ordering of my funerals, month's mind and anniversary day, and all other to be assigned by my said husband's will to be levied and paid, I will that mine

executors do levy and pay according as I ought and as I have authority to assign them, for th' exercising whereof I constitute, ordain and make the said William Tracy, my brother, and John Peyto, esquires, jointly and severally to be mine executors by virtue of this my present my last will, whereunto I, the same Dame Elizabeth, have set to my seal, these being witness, the said William Tracy, Master Henry Welles, clerk, and my ghostly father, Sir William Tawndy, clerk, my chaplain, and others, the day and year above-written.

Probatum fuit testamentum suprascripte defuncte Coram prefatis Com{m}issarijs in eccl{es}ia Cath{edrali} Diui Pauli London xxjo die mens{is} Januarij Anno D{omi}ni Mill{es}imo quingentesimo xxvijo Iurament{o} executorum in h{uius}mo{d}i test{ament}o no{m}i{n}at{orum} In p{er}sona Ric{hard}i ffelde procu{rato}ris in hac p{ar}te Ac approbat{um} & insinuat{um} Et com{m}issa fuit admi{ni}stracio auct{oritat}e prefatoru{m} R{euerendissi}mor{um} patru{m} om{n}i{um} & singulorum bonoru{m} Iuriu{m} & creditoru{m} d{i}c{t}i defuncti [sic?] prefat{is} executorib{us} In p{er}sona d{i}c{t}i procu{rato}ris De bene & fidel{ite}r admi{ni}strand{o} Ac de pleno et fideli In{uenta}rio secundo die post festum s{an}c{t}i Valentini 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{i}

[=The testament of the above-written deceased was proved before the forenamed Commissioners in the Cathedral Church of Saint Paul at London on the 21st day of the month of January in the year of the Lord the thousand five hundred 27th by the oath of the executors named in the same testament in the person of Richard Field, proctor in that behalf, and probated & 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 executors in the person of the said proctor, sworn on the Holy Gospels in due form of law to well & faithfully administer, and to exhibit a full and faithful inventory on the second day after the feast of Saint Valentine next to come, and also to render a plain & true account.]