

SUMMARY: The document below is the last will and testament, dated 11 January 1540 and proved 12 December 1542, of John Peyto (c.1478-1542?), esquire, of Chesterton, Warwickshire, a descendant of the Magna Carta baron, Robert de Roos.

The testator was the son of Edward Peyto (c.1457-1487) and Goditha Throckmorton (d.1530/1), daughter of Sir Thomas Throckmorton (c.1412-1472) and Margaret Olney. For the will of Goditha (nee Throckmorton) Peyto, dated 28 December 1530 and proved 30 January 1531, see TNA PROB 11/24, f. 4.

Although most sources state that the testator was the only son of Edward Peyto and Goditha Throckmorton, the online edition of *The Oxford Dictionary of National Biography* has an entry for his younger brother, 'Friar Peto', who came into conflict with King Henry VIII:

*Peto [Peyto], William (c.1485–1558), cardinal, was a younger son of Edward Peyto of Chesterton, Warwickshire, and Godith Throckmorton. . . After graduating BA at Oxford in 1502, Peto was incorporated in the following year at Cambridge, where he proceeded MA in 1505. In 1507/8 he was paid £4 to lecture on mathematics, and seems to have become briefly a fellow of Queens' College in 1511 (probably through John Fisher's patronage), immediately before his ordination to the priesthood on 15 March that year. He had been incorporated MA at Oxford on 16 June 1510 and held the office of university preacher at Cambridge in 1510–11. Peto was vice-warden of the Observant Franciscans at Richmond, Surrey. . . .*

*Nothing further is known of Peto until the time of the divorce crisis, when he was again provincial and apparently also acting as confessor to Katherine of Aragon and her ladies, as well as to Princess Mary. He defended the queen, preaching a sermon before Henry at Easter 1532 in which he denounced those who repudiated their wives, threatened excommunication for the king since flatterers always ruined kingdoms, and observed that princes' affections obscured the truth. Nicholas Harpsfield later claimed that Peto had warned Henry that, like Ahab, dogs would lick his blood. An angry king summoned Peto before him, and Peto flatly told Henry that he would lose his kingdom because of his subjects' opposition. According to Sir George Throckmorton's confession of 1537, Peto offered Henry a detailed refutation of his case, arguing that he could have no other wife while Katherine lived unless he could prove that Prince Arthur had intercourse with her, something the king could not do, as the only evidence was Arthur's 'light word' about having been 'in the midst of Spain'. Peto also insisted that Henry could not marry Anne Boleyn, since he had 'meddled with the mother and the sister' (LP Henry VIII, 12/2, no. 952), probably the origin of Nicholas Sander's famous canard to the same effect. Peto helped to organize parliamentary opposition to the divorce, telling Throckmorton to stay the course for his soul's sake, and in convocation attacked Richard Curwen for having preached in the convent of Greenwich without the brothers' permission—Curwen had by royal order delivered a sermon confuting Peto.*

The testator's first wife, by whom he had two sons, John and William, and a daughter, Joan (a nun at Denny), was Anne Cooke, the daughter of Richard Cooke, a mercer of Coventry. For Richard Cooke, see Guy, John, *A Daughter's Love; Thomas More and his Dearest Meg*, (Fourth Estate, 2008), available online:

*While living in Coventry, John Rastell had skirted the fringes of Lollardy, since what he believed about making the law transparent applied to the scriptures too. His links arose through one of the city's wealthiest grandees, Richard Cook, whose orthodoxy was in doubt after he promised to bequeath his own copies of the English Bible, all handwritten, to his fellow parishioners. Naming Rastell as one of the administrators of his estate, Cook instructed him where to send the Bibles when the time came, before introducing him to his son-in-law, John Peyto, a Warwickshire squire whose family had lived in the county since the time of the Domesday Book. Rastell afterwards became one of Peyto's land trustees.*

For the will of the testator's father-in-law, John Cooke of Coventry, dated 31 October 1507 and proved 30 November 1507, and witnessed by the testator, see TNA PROB 11/15, f. 229.

The testator's second wife was Margaret Baynham, the daughter of Sir Alexander Baynham (d.1524) of Westbury, Gloucestershire, by whom he had three sons, Alexander, Edmund and Francis, and four daughters: Audrey, Anne, Elizabeth and Mary. See Richardson, Douglas, *Magna Carta Ancestry*, (Baltimore: Genealogical Publishing, 2005), p. 657. For the will of Sir Alexander Baynham (d.1524), see TNA PROB 11/21, f. 215. The testator was appointed an executor of the will of Sir Alexander Baynham's widow, Elizabeth (nee Tracy) Baynham (d.1527). For the will of Elizabeth (nee Tracy) Baynham (d.1527), see TNA PROB 11/22, ff. 208-9. For the will of the testator's second wife, Margaret (nee Baynham) Peyto, dated 26 June 1551 and proved 17 August 1554, see TNA PROB 11/37, ff. 43-4. For the Baynham family see also Maclean, J., 'The History of the Manors of Dean Magna and Abenhall, &c', *Transactions of the Bristol and Gloucestershire Archaeological Society*, Vol. 6, 1881-82, pp. 123-209, available online.

See also the descent through the Peyto family of the manor of Chesterton:

'Parishes: Chesterton', *A History of the County of Warwick: Volume 5: Kington hundred* (1949), pp. 42-46. URL: <http://www.british-history.ac.uk/report.aspx?compid=57036>

*John de Warrewyk, who took the name de Loges, died in 1349 and, as his son John, who was living in 1343, had evidently predeceased him without issue, his heir was his daughter Eleanor, who had married John son of William de Peyto; the manor accordingly passed to her on the death of John de Saunderstede in 1353. In 1350 a grant of free warren at Chesterton had been made to John de Saunderstede and his (second) wife Margaret for life, with remainder to the future holders of the manor. Sir John Peyto outlived his wife and died in 1396, when the manor, then valued at £5, passed to their son William. He settled it in 1406 on himself and his wife Joan, who after his death married Sir Robert Corbet and died in 1418, when their son Sir William Peyto inherited it. Sir*

*William played a prominent part in the war with France and was captain of the bastille before Dieppe, where he was taken prisoner in 1443. In 1449 his wife Katherine had licence to mortgage his manor of Chesterton towards his ransom; and in 1451 he mortgaged it to Drew Barentyn and others for £300. He died in 1464, leaving a son John, who rebuilt the manor-house and adorned it with a quantity of heraldic glass, figured by Dugdale. John Peyto died on 14 August 1487, and his son Edward died just a month later, leaving a son John, aged 9. The manor was then held of the king as 1/20 knight's fee; 42 virgates, worth 20 marks, had been settled on Godith (Throckmorton) wife of Edward Peyto, who survived him, and the remainder consisted of 5 messuages and 6 virgates, also worth 20 marks. This John died in 1542, leaving a son John, who went mad in 1553 and died in 1558, having settled the manor on his son Humphrey at his marriage with Anne daughter of Basil Fielding.*

For the will of Humphrey Peyto, dated 15 October 1582, which mentions the testator's son, Francis Peyto, see TNA PROB 11/68, ff. 174-7.

The testator's son, Francis Peyto, 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>.

RM: Test{amentu}m Iohan{n}is Peytoo Armig{e}r

In the name of God, Amen. I, John Peyto of Chesterton in the county of Warwick, esquire, of whole memory and perfect mind, do make this my testament and last will the 11 day of January in the 31 year of the reign of our Sovereign Lord King Henry the Eight in manner and form hereafter following:

First I bequeath my soul to Our Lord Jesus Christ, trusting verily by the merits only of his blessed and most painful passion to enjoy and come to his eternal and everlasting kingdom;

Secondarily, I will my body to be buried in the parish church of Chesterton within the chancel before the high altar, and at the day of my burying I will that there be given 40s to the most needful poor people dwelling most nearest about me, and as for all other things belonging to my said burying, I commit and refer to the discretion of mine executrice;

Also I bequeath to Thomas Wright my servant, 20s;

Further I bequeath to Thomas Pyrry, my servant, 20s;

Also I bequeath to Joan Golding, my servant, 20s, to be paid when she shall be married;

Also I will that Margaret, my wife, shall have and enjoy during her life my lease for the tithe of the parsonage of Harbury during the years that I have in it, and after her decease to leave it to any one of our children between me and the said Margaret begotten whom she will be content to leave it unto;

Moreover I will that all my debts be paid to the uttermost that can be proved of right to be due;

And all other of my goods movable and unmovable not bequeathed and given I do give and bequeath to Margaret, my wife, whom I do make my sole executrice, and William Whorwood, the King's General Solicitor, my supervisor and overseer of this my last testament and will;

In witness whereof I have written my name with mine own hand & set to my seal of arms the day & year above-written.

Probatum fuit sup<sup>ra</sup>scriptum Test<sup>amentu</sup>m coram d<sup>omi</sup>no apud London xijo die mens<sup>is</sup> Decembris Anno d<sup>omi</sup>ni Mill<sup>es</sup>imo quingentesimo quadragesimo secundo Iuramento ffrancisci Peytoo p<sup>ro</sup>curator<sup>is</sup> Margarete Relicte et Executric<sup>is</sup> in h<sup>uius</sup>mo<sup>d</sup>i testamento no<sup>m</sup>i<sup>n</sup>at<sup>e</sup> Ac approbatum et insinuate<sup>m</sup> Com<sup>m</sup>issaq<sup>ue</sup> fuit admi<sup>ni</sup>stracio om<sup>n</sup>i<sup>um</sup> et sing<sup>u</sup>lor<sup>um</sup> bonor<sup>um</sup> &c dict<sup>i</sup> defunct<sup>i</sup> p<sup>re</sup>fat<sup>e</sup> executric<sup>i</sup> De bene &c Ac de pleno et fideli In<sup>uenta</sup>rio &c conficiend<sup>o</sup> Necnon de plano et vero compoto redd<sup>endo</sup> Ad s<sup>an</sup>c<sup>t</sup>a dei Eu<sup>a</sup>ngelia in p<sup>er</sup>sona dict<sup>i</sup> p<sup>ro</sup>cur<sup>atoris</sup> Iurat<sup>e</sup>

[=The above-written testament was proved before the Lord at London on the 12th day of the month of December in the year of the Lord the thousand five hundred forty-second by the oath of Francis Peyto, proctor of Margaret, relict and executrix named in the same

---

testament, and probated and entered, and administration was granted of all and singular the goods etc. of the said deceased to the forenamed executrix, sworn on the Holy Gospels in the person of the said proctor to well etc., and to prepare a full and faithful inventory etc., and also to render a plain and true account.]