

SUMMARY: The document below is the Prerogative Court of Canterbury copy of the will, dated 10 September 1558 and 12 May 1559 and proved 28 May 1559, of Anthony Wayte, gentleman, of Clapham, Surrey, who appears to have been related to William Wayte (d.1603), who on 29 November 1596 obtained a writ requesting sureties of the peace against William Shakespeare of Stratford upon Avon and the theatre owner, Francis Langley. See TNA KB 29/234 at:

<https://shakespearedocumented.folger.edu/resource/document/langley-writ-court-kings-bench-writ-attachment-against-william-shakespeare>

### ***FAMILY BACKGROUND***

Although the testator's family background is unknown, the will below suggests that he was related to the Wayte family of Wymering, Hampshire. William Wayte (d.1448) of Wymering had a son, Edward Wayte (1443?-1508), who in his will mentions four sons and two daughters:

**(1) Richard Wayte** (d.1508?), eldest son and heir, who appears to have died without issue. See his will, TNA PROB 11/16/145, in which he mentions his brothers, Robert, William and Simon.

**(2) Robert Wayte.** He appears to have been the second son, and to have died without issue.

**(3) William Wayte** (d.1561). He appears to have been the third son, and if so, would have been heir to his elder brother, Robert, and to his younger brother, Simon.

**(4) Simon Wayte** (d.1518) of Southwark, Surrey. He appears to have been the fourth son, and to have left a will. See Hampshire Record Office 1518B/41, the will of Simon Waite (Waight), esquire, of St Mary Magdalen, Southwark, Surrey. For the inquisition post mortem taken after his death, see TNA C 142/33/83. TNA C 1/595/20 indicates that he had a daughter and heir, Joan Wayte.

**(5) Margery Wayte.** In her father's will she is referred to as Dame Margery, suggesting she was married when her father made his will in 1508, and that her husband had been knighted.

**(6) Joan Wayte.**

See the inquisition post mortem taken after the death of William Wayte (d.1448), TNA C 139/130/9; the will of Edward Wayte, TNA PROB 11/16/47; and the inquisition post mortem taken after the death of William Wayte (d.1561), TNA C 142/131/181.

The testator's connection to the Wayte family of Wymering is attested to by the statement in his will that he was granted lands in Hilsea by his cousin, William Wayte (d.1561) of Wymering:

*And to my cousin, yea, my most loving cousin, William Wayte of Wymering, I freely give and bequeath to him and his heirs all those lands which I have in Hilsea in the county of Hampshire if he please to take the same, or else to such other as my said cousin shall appoint, for from him they came and to him my will is they shall return again with most hearty thanks. . . .*

The testator's cousin, William Wayte (d.1561) of Wymering, married Anne Mompesson (d.1571?). For the will of Anne Mompesson, see TNA PROB 11/53/286.

For Wymering, of which the testator's lands in Hilsea likely formed a part, see:

'Parishes: Wymering', in *A History of the County of Hampshire: Volume 3*, ed. William Page (London, 1908), pp. 165-170. *British History Online* <http://www.british-history.ac.uk/vch/hants/vol3/pp165-170> [accessed 18 November 2020].

*In 1448 William [Wayte] died leaving it to his son Edward, then aged five, (fn. 25) from whom it passed to Simon Wayte, who died in 1518, leaving a brother and heir William. (fn. 26) The latter died in 1561, leaving Wymering and other lands in Hampshire and the Isle of Wight to be divided among his six daughters and coheirs, Eleanor the wife of Richard Bruning, Mary the wife of William Cresswell, Honor who had married her cousin William Wayte, Margaret the wife of Henry Perkins, Elizabeth who had married Richard Norton, and Susan married to William Wollascot. (fn. 27)*

For William Wayte (d.1561) and Anne Mompesson (d.1571?), see also the will of William Pounce (d. 5 July 1525), TNA PROB 11/21/561.

In the will below the testator also mentions a connection to the Wayte family of Cornwall. His cousin, William Wayte of Cornwall, may have been the son of John Wayte (d.1554) of St Genys, Cornwall, for whose will see TNA PROB 11/37/147.

For the Wayte family, see also TNA KB 29/234, and the pedigree at p. 50 in the printed copy of Hotson, Leslie, *Shakespeare versus Shallow*, (London: The Nonesuch Press, 1931). The pedigree (which is not reproduced in the online edition) shows William Wayte (born c.1554, buried 29 August 1603) as the son of Edmund Wayte (buried 6 December 1557), leather-seller of London, by his second wife, Frances Luce (buried 1 January 1576), daughter of Robert Luce (d.1556?) and his wife, Katherine (d.1558). The pedigree also shows that Frances Luce had a brother, John Luce of Newington, Surrey, and two sisters, Sara Luce, who on 31 August 1573 married Martin Manley, and Elizabeth Luce, who married John Bullard. The relationships in the pedigree appear to be derived from TNA PROB 11/68/322, a judicial sentence in Latin dated 22 May 1585 which is transcribed, but not translated, in *Shakespeare Versus Shallow*, pp. 215-16 at:

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<https://archive.org/details/in.ernet.dli.2015.501331/page/n241/mode/2up>

See also TNA KB 29/234 , *supra*.

### *Testator's siblings*

In the will below the testator mentions a sister, Winifred (nee Wayte), and her daughters, Mary and Dorothy.

## **MARRIAGES AND ISSUE**

### *Testator's first marriage*

Although the name of the testator's first wife is unknown, it seems likely she was the daughter of the London merchant tailor, Francis Myrre (d.1551), for whose nuncupative will see TNA PROB 11/34/480. In the will below, the testator refers to William Slywright as his 'brother', and also refers to his 'brother Mory'. A document dated 1551 suggests that William Slywright's first wife was Eleanor Merie, the daughter of Francis Merie, merchant tailor of London. See Kent History and Library Centre U1590/T8/1 concerning an annuity of £5 payable by 'Francis Merie, citizen and merchant tailor of London to William Slywrighte alias Slyverick of Grays Inn, Middlesex, for the life of W.S. and his d. Eleanor'. It thus seems likely that the testator and William Slywright were brothers-in-law through their respective marriages to daughters of Francis Myrre.

By his first wife, the testator a daughter:

\* **Elizabeth Wayte** (d. 26 December 1571), who married firstly the London grocer, Henry Mynge, whose 1558 will, TNA PROB 11/41/4, contains the following bequests:

*Item, I will to the poor people dwelling in the parish of Clapham in Surrey 40s to be distributed amongst them by the discretion of my father-in-law, Mr Anthony Wayte, and other sage men of the same parish.*

*Item, I will to Edward Worsop and John Worsop five pounds equally to be divided between them, and to either of them a black gown.*

*Item, I will and bequeath to William Slywright, gentleman, five pounds, and to him and his wife, to either of them a black gown, desiring also the same William to assist my wife in all her affairs and business.*

By Henry Mynge, Elizabeth Wayte had one son:

**(1) Anthony Mynge** (d.1561), mentioned in the will below. See also the pdf file on the Mynge family available online at:

<http://www.mingayhistorywebpages.com/JAM%20BOOK%20PDF/Index%20and%20Pages%201%20to%20595.pdf>

After the death of Henry Mynge, Elizabeth Wayte married secondly, in 1559, as his second wife, the London merchant tailor, John Traves (d. 19 February 1570). For the will of John Traves, see TNA PROB 11/52/148. For the judicial sentence concerning the estate of Elizabeth (nee Wayte) Mynge Traves, see TNA PROB 11/54/112.

Thanks to Karen Sims for information concerning Elizabeth Wayte.

### ***Testator's second wife***

By 1540 the testator had married secondly Lettice Ireland (d.1584). See Dallaway, James, *A History of the Western Division of the County of Sussex*, (London: T. Bensley, 1815), Vol. I, p. 49 at:

<https://books.google.ca/books?id=0VvMAQAAMAAJ&pg=RA2-PA49>

*Fleshmonger leases to Anthony Wayte, of Clapham, in Surrey, gent., and Lettice, his wife, Cowdry farm, in Byrdham. . . Dated Nov. 2, 1540.*

Lettice Ireland was the widow of John Worsop (d.1538). See the will of John Worsop, TNA PROB 11/27/356, and the will of Lettice (nee Ireland) Worsop Wayte, TNA PROB 11/67/318.

### ***OTHER PERSONS MENTIONED IN THE WILL***

As noted above the testator refers to William Slywright (d.1578) as his 'brother', and appoints him as one of his overseers. By his second marriage to Joan Collett, William Slywright was the son-in-law of Humphrey Collett (d.1558) of St Saviour, Southwark, whose daughter, Mercy Collett (d. 13 April 1597), son, John Collett, and grandson, Sir John Bodley of Streatham, were involved in the early operation of the Globe theatre. For the will of William Slywright, see TNA PROB 11/60/518.

### ***MENTION OF THE TESTATOR IN THE WILLS OF OTHERS***

The testator is mentioned in the will of John Worsop (d.1538), *supra*:

*And [f. 178r] after the decease of the said Anne, Elizabeth and Katherine, I will that the said messuage or tenement called The Windmill with the appurtenances shall be aliened and sold by Sir John Gresham, knight, Anthony Wayte, gentleman, and Robert Nicolles, citizen and brewer of London, or by their executors or the lengest liver of them to the*

*most profit and advantage that they can, and the money coming of the sale [-of] thereof I will shall be distributed, given and disposed among the children of the said Anne, Elizabeth and Katherine, and Robert Clerke, son of Audrey, my daughter, by the discretion of the said Sir John, Anthony and Robert or the survivors of them. . . .*

*Item, I will that the said Geoffrey and John shall have all my precedent books and all other my books necessary to mine occupation if the same Geoffrey and John do continue at the same occupation in London, and to be given unto them by the discretion of Anthony Wayte, gentleman. . . .*

*And Sir John Gresham, knight, the foresaid Anthony Wayte and Robert Nicolles, citizen and brewer of London, supervisors and overseers. . . .*

The testator and his second wife, Lettice, are also mentioned in the will of Sir Richard Gresham ('my cousin Wayte of Clapham and his wife'). See Leveson Gower, Granville, *Genealogy of the Family of Gresham*, (London: Mitchell and Hughes, 1883), p. 75 at

<https://books.google.ca/books?id=9ZQNAAAAQAAJ&pg=PA75>

The testator is also mentioned in the will of Sir Thomas Pope (c.1507-1559). See Mayer, Thomas F. and Courtney B. Walters, *The Correspondence of Reginald Pole*, (Aldershot, Hampshire: Ashgate Publishing Limited, 2008), Vol. 4, p. 426 at:

[https://books.google.ca/books?id=\\_daeDoWdQ0cC&pg=PA426](https://books.google.ca/books?id=_daeDoWdQ0cC&pg=PA426)

LM: T{estamentum} Anthonij Wayte

In the name of God, Amen. I, Anthony Wayte of Clapham in the county of Surrey this present Saturday the tenth of September in the year of Our Lord God a thousand five hundred 58<sup>th</sup>, being whole of mind, thanks be unto Almighty God, do make this my last will and testament in form following, committing my soul chiefly to Almighty God, our Father in heaven, whom I most humbly beseech for his great mercy' sake and for the blood of his most dear Son, Jesus Christ, our Redeemer and Saviour, to vouchsafe(?) to make the same partaker of that inestimable glory prepared for all his, beseeching Jesus Christ, our most merciful Saviour, to be an advocate unto our most loving Father for the remission of my sins, and the most Blessed Virgin Mary, with all the holy company of heaven, to be humble intercessors for the same;

And my body I will to be buried within my parish church of Clapham aforesaid without any pomp other than convenient sepulture shall require;

And I give towards the reparations of my parish church twenty shillings;

And to every maiden within my parish, I do mean serving-maidens, 3s 4d;

[f. 174r] Item, I give to every godson and god-daughter within my parish six shilling eight pence, to be given unto them within five days after my burial;

And to every householder 2s;

And to all young menservants and to all other inhabiting within my parish the day of my death 12d;

And to every of the inhabitants' daughters there, and there being the day of my decease, 12d, which all I will to be distributed within five days after my burial;

Item, I will that my wife, as after her [sic?] death she shall show herself to have loved me, to procure a lease to be made by her and Edward, her son, unto William Aunsell for one and twenty years, and that of all those lands which he now occupieth without any fine or over-rent, to the which William Aunsell in consideration and recompense of his labour and pains taken in mine affairs I do forgive him of the debt he oweth me twenty pound, willing him nevertheless after my decease to use no less diligence in my wife's affairs, I do mean in my woodsales and other carriages there [+as?] in my lifetime he hath done in mine;

Item, I do forgive unto John Warefelde three pounds of the debt he oweth me;

Item, I forgive to Arthur Taylour of Lambeth 20s of the debt he oweth me;

Item, I give to every widow within my parish 2s;

Item, I give to James Lemer(?), my servant, five pound, and will further that on this side Christmas next be delivered unto him twenty pound being part and parcel of the debt which I do owe unto the Provost and Fellows of Oriel College in Oxford, and the residue of their debt I will to be repaid unto them as time shall conveniently serve;

Item, I give to Joan Harryson, my maiden, 20s;

Item, I give to Margery Butter 20s;

And to her mother 20s;

And to Bess, Anthony Mynge's keeper, ten shillings;

Item, I give unto Mary and Dorothy, my sister Winifred's daughters, to each of them fifty marks to be delivered unto them at their age of 17 years or their day of marriage if they marry before that age;

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And if any of them or both die before their marriage or that they come to the age of 17 years, then I will that that portion of her that dieth shall accrease, remain and come to Lettice, my wife, to dispose in godly works as she shall please;

Item, I forgive my brother[=brother-in-law?] Mory [=Merie?] and his executors the £24 7s(?) 6d which by obligation is due unto me;

Item, I give and bequeath unto my most loving daughter, Elizabeth Mynge, widow, one hundred pounds;

Item, I will that Lettice, my wife, shall take, perceive and enjoy to her own use all such interest, title, profit, commodity or rent which hath(?) or at this present is due unto me or hereafter shall be due by reason of a bargain and sale made between me and William Castell th' elder of Glatton in the county of Huntingdon and coming and growing out of all the lands, tenements & hereditaments of the said William Castell th' elder in Glatton aforesaid;

Item, I give to every widow in Clapham aforesaid 6s 8d;

Item, I give and bequeath amongst my brethren which been captives within the prisons of London, and to the hospitals within the same city, £4 10s;

And amongst the poor prisoners of the Fleet 3s 4d;

Finally, if any doubt of speech or understanding shall fortune to rise or be moved upon any article, word, clause or sentence of this my last will and testament or upon any matter therein contained, then I will two or three unlearned husbandmen of my parish of Clapham aforesaid to interpret my meaning as they or two of them shall think in their conscience;

And that they which moveth any such question shall stand with their judgment contented, and not to seek interpretation thereof at the learned men of law nor enter thereupon in suit of law, nor to do any other act or acts to frustrate the same although the law be in their side, which if they or any of them do or attempt to do there(?), I will and my very mind is that every such person and persons which so shall assay to infringe and break any article, clause, word, sentence or meaning of this my last will as is aforesaid shall lose the benefit of their bequests to them or any of them given by this my last will and testament;

Item, I give and bequeath unto the two Counters, I mean the two prisons there of London, 10s;

And to the prisoners within the Counter of Southwark, if any be there, five shillings;

Item, I give and bequeath unto my loving brethren, the Warden and Friars of Greenwich, desiring them to pray for me, £3 6s 8d;

Item, to my cousin, William Wayte of Cornwall, I forgive as well all his own debt as his father's;

And to my cousin, yea, my most loving cousin, William Wayte of Wymering, I freely give and bequeath to him and his heirs all those lands which I have in Hilsea in the county of Hampshire if he please to take the same, or else to such other as my said cousin shall appoint, for from him they came and to him my will is they shall return again with most hearty thanks, to whom also I do give for a remembrance of his gentleness my ring of gold with an emerald;

And I give unto my hearty loving brother, William Slywright, my ring of gold with a fair large sapphire in the same, desiring my said brother and my said cousin, William Wayte of Wymering, to be my overseers, which shall not, I trust, be burdens unto them, for as I can remember I am indebted but to two persons;

Item, I do owe unto Paynell, the parson of Honey Lane, for one year or twain, I cannot well tell, for a pension of a prebend which I became surety to pay, and the priest dead, 6s 8d payable at Michaelmas every year, which Paynell liveth, which yet I suppose I should not pay, for first he would I should resign his said prebend freely, and what time I had promised the same freely I take God to record, and then required his assent, he refused without a yearly pension, whereupon rather than I would break my promise, assented to give him during his life 6s 8d yearly, which yet I think the statute will me not to pay because, as I suppose, the same prebend called Soyford was not past a mark clear a year, and that was taken over and above the third part of the true value was void, and all bonds made upon the same void, notwithstanding if he be so much without conscience to crave the same, let him rather be paid than I charged ;

Finally, all my debts, leases, goods and chattels, my debts to other and legacies contented and paid, I freely give unto Lettice, my well beloved wife, to her own proper use, whom I do ordain and make of this my last will and testament, as whom I do most trust, my sole and only executrix;

And thus our Lord God Almighty, our [f. 174v] most merciful Father, have mercy upon me, whom I take to record that this is my last will and testament, and all other before made utterly to be void and of none effect;

In witness also whereof I have written the premises with mine own hand and put my seal the day and year first above-written. Laus Deo. Ita est. Per me Anthony Wayte.

Item, more I will shall be added to my will these things hereafter mentioned in the 12<sup>th</sup> day of May Anno Domini 1559:

Imprimis, I give unto Edward Worsop, my son-in-law [=stepson] and his heirs forever the patronage of the parish church of Clapham in the county of Surrey, to have and to hold as



aforesaid to the said Edward and to his heirs forever more, and my wife to have and enjoy it during her life;

And more concerning gowns or rings to be given to my friends, I refer wholly to the discretion of my executrix, Lettice, my well-beloved wife;

Item, for such legacies as I have in my will given to certain householders, servants and godchildren in Clapham parish, those to be void forasmuch as already I have given it in my lifetime, and also to widows and maidens and to the Counters and prisons and friars;

Touching the lease which in my said will I charge my wife to make unto Aunsell, as now I refer the same to my wife either to do it or leave it undone as unto her seemeth best;

My body to be buried in the said parish church where it shall please God to call me out of this world;

Item, a legacy of twenty pound given to my servant James to be void for that it is already paid to him. Per me Anthony Wayte.

Probatum fuit suprascriptum Testamentum vnacu{m} Codicillo eiusdem coram Mag{ist}ro Waltero Haddon Legum doctore Curie p{re}rogatiue Cant{uariensis} Custode siue Com{m}issario sede Archi{episco}pali Cant{uariensis} iam vacan{te} xxviiio die mens{is} Maij Anno d{omi}ni Mill{es}imo quingentesimo quinquagesimo nono Iurament{o} Petri Johnson procuratoris Letice Rel{ic}t{e} et executric{is} in h{uius}mo{d}i Testament{o} no{m}i{n}at{e} Cui Com{m}issa fuit administrac{i}o o{mn}iu{m} et sing{u}loru{m} bonoru{m} d{ic}t{i} defunct{i} &c Ad sancta dei Eu{a}ngelia in p{er}sona d{ic}t{i} procuratoris Iurat{e}

[=The above-written testament was proved, together with a codicil of the same, before Master Walter Haddon, Doctor of the Laws, Keeper or Commissary of the Prerogative Court of Canterbury, the Archiepiscopal seat of Canterbury now being vacant, on the 28<sup>th</sup> day of the month of May in the year of the Lord the thousand five hundred fifty-ninth by the oath of Peter Johnson, proctor of Lettice, relict and executrix named in the same testament, to whom administration was granted of all and singular the goods of the said deceased etc., sworn on the Holy Gospels in the person of the said proctor.]