

SUMMARY: The documents below is the Prerogative Court of Canterbury copy of the will, dated 31 May 1513 and said to have been proved 21 January 1527 [=1528?], together with a feoffment in Latin dated 17 May 1513, 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 1513 will concerning his lands below, and a 1524 will concerning his goods, TNA PROB 11/21/469. The will of the testator's goods was proved 19 November 1524. However the probatum clause for the 1513 will of his lands below is lacking. The National Archives online catalogue states that it was proved 21 January 1527. However it seems more likely it was proved 21 January 1528, the date on which the will of the testatrix' widow, Elizabeth (nee Tracy) Langley Baynham, was proved.

For the inquisition post mortem taken after the testator's death, see TNA C 142/48/102.

It appears that the testator, 'now purposing by the grace of God to go over the sea into France in the said King's wars and services', made the will of his lands below on 31 May 1513 in accordance with a feoffment of his lands dated 17 May 1513. Both the will and the feoffment are referred to in the will, dated 14 November 1527 and proved 21 January 1528, of his widow, Elizabeth (nee Tracy) Langley Baynham, TNA PROB 11/22/255:

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 [=31 May 1513] 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.

In the will below the testator names his wife, Elizabeth, his two younger sons, Thomas Baynham and James Baynham, and a daughter, Jane Baynham. The testator's eldest son and heir, John Baynham (d. 6 August 1528), is not mentioned. For further details concerning the testator's family background, marriages and issue, see the will of his goods, TNA PROB 11/21/469.

RM: vlti{m}a voluntas Alexandri Baynam M{ilitis}

[f. 209r]

To all Christian men to whom this present writing shall come, Alexander Baynham, knight, sendeth greeting in God everlasting. Know you that where I, the said Alexander, late being only seised and possessed to me and to mine heirs of divers lands and tenements in the counties of Gloucester and Hereford, thereof enfeoffed by my deed William Tracy, esquire, John Whittington, esquire, Thomas More, clerk, Richard Wye, William Throckmorton and Thomas Baynham, gentlemen, of and in all my said lands and tenements with their appurtenances set and lying in Mitcheldean and Little Dean, Newenham, Ruardean, Estbach within the parish of English Bicknor within the Forest of Dean and in the county of Gloucester, and of and in all my lands and tenements with all and singular their appurtenances set and lying in Colrugge, Russheley, Aston Ingham and within the parish of Ledbury in the county of Hereford;

To have and to hold all the foresaid lands and tenements to the said William, John, Thomas, Richard, William and Thomas and to their heirs to th' use of me, the said Alexander, and mine heirs for th' intent thereupon to declare my last will and intent, which feoffment appeareth more plainly by a deed bearing date at Mitcheldean aforesaid the 17th day of May the fifth year [=17 May 1513] of the reign of King Henry the 8th, by the force of the which deed livery and seisin was made by one William Hunteley, attorney, to deliver such seisin to the said Thomas More, clerk, in the name and for all the said feoffees as well within the county of Gloucester as within the said county of Hereford according to the order of the law afore divers discreet and substantial witness being present at every of the said liveries, whose names appeareth plainly upon the backside of the said deed of feoffment;

I, the said Alexander, now purposing by the grace of God to go over the sea into France in the said King's wars and services according to the said King's appointment and commandment, therefore for th' intent to ascertain all Christian men, and in especial my said feoffees, of my last will and intent touching all my said lands and tenements, in this manner and form following I make, declare, publish and notify my will & intent concerning the premises:

In the name of God, Amen etc. First I will that after my decease Dame Elizabeth, my wife, have and enjoy the third part of all my said lands & tenements for her dower during her life according to the law, and that mine heir assign to her the said third part within a month next after sure knowledge had of my death;

Also I will that the said Dame Elizabeth, my wife, have, hold and enjoy during her life parcel of the said lands and tenements to the yearly value of 20 marks above all charges besides the lands which she shall have for her dower, to th' intent to find therewith Thomas and James, my younger sons, to their learning or otherwise as she shall think best and most convenient;

And I will that a certain parcel of land called Cromwals [=Cormeilles?] land lying in Mitcheldean and all my lands and tenements lying in Ruardean and Estbach in the county

of Gloucester and all my lands and tenements lying in Colrugge and Russhleley in the county of Hereford, which said parcels are to the yearly value by estimation of £10 by year, be parcel of the said lands and tenements of the yearly value of twenty marks which the said Dame Elizabeth shall have during her life to th' intent afore rehearsed;

Also I will that after the decease of the said Dame Elizabeth, my wife, all the said lands and tenements called Cromwals lands lying in Mitcheldean and all other my said lands and tenements lying in Ruardean, Estbache, Colrugge and Russhleley wholly remain to James, my youngest son, to have and to hold to him for term of his life;

Also I will the said Dame Elizabeth, her executors and administrators, have, enjoy and possess parcel of the said lands and tenements to the yearly value of 100s over and above all charges besides her dowry and the said lands and tenements to the yearly value of 20 marks, to th' intent to find Jane, my [f. 209v] daughter, till such time as the said Jane shall with the grace of God be married;

Also I will that the said Dame Elizabeth, my wife, have and enjoy and possess all my residue of my said lands and tenements, besides her dowry, the said 20 marks' land and the said land to the value of 100s, for th' intent to levy of [+the?] profits thereof one hundred pounds of money, which said money I will shall be bestowed and disposed by the said Dame Elizabeth for the payment of my debts to such person and persons to whom by any manner of mean I stand indebted;

Also I will that if it happen the same Dame Elizabeth to die afore she hath levied the said sum of £100, that then her executors or administrators, whatsoever they shall be, shall have, enjoy and possess all the said residue of my said lands and tenements besides the said 20 marks of land and the said 100s of land for th' intent to levy thereupon the said sum of money, or as much as resteth to be levied at the time of the death of the said Dame Elizabeth, in like manner and form and for the same intent as the said Dame Elizabeth should have done if she had lived by force of my above-written will and intent;

Also I will that immediately after that the said Dame Elizabeth or her executors or administrators or any of them hath levied the said sum of £100 of the profits of the said lands and tenements for the said intent, that then they shall retain, have and enjoy and possess all the said residue of my said lands and tenements beside the said dowry, the said 20 marks' land, and the said 100s land by year to levy thereof 200 marks of money, which I will shall be disposed by the said Dame Elizabeth, her executors or administrators, upon and for a convenient marriage of the said Jane to whatsoever and what time it shall be thought most meet and convenient by the said Dame Elizabeth, her executors or administrators;

Provided alway that if the said Jane die afore she be married or will not be married by th' advice and assent of the said Dame Elizabeth, her executors or administrators, that then the said 200 marks of money shall be disposed and bestowed by the said Dame Elizabeth, her executors or administrators, for the weal of my soul and my friends' souls as they shall think most meet in their discretion;

Also I will that after all my said will executed, performed and done according to my true meaning and intent, that then all my said lands and tenements wholly remain to my right heirs forever;

In witness whereof I have sealed this present writing with my seal of arms, given the last day of May the 5th year of the reign of our Sovereign Lord King Henry the 8th. By me, Alexander Baynham.

Know all people present and to come that I, Alexander Baynham, knight, have given, granted and by this my present charter confirmed to William Tracy, esquire, & John Whittington, esquire, Thomas More, clerk, Richard Wye, William Throckmorton and Thomas Baynham, gentlemen, my lordships of Magna Dene and Parva Dene with all and singular their members & appurtenances, and all my lands & tenements, rents, reversions & services, meadows, grazing lands & pastures, woods and underwoods with the appurtenances in Magna Dene and Parva Dene [+in?] the foresaid Newenham, Ruardene, Estbache within the parish of English Bicknor and within the Forest of Dene in the county of Gloucester;

And also all my lands & tenements, meadows, grazing lands, pastures, rents, reversions and services, woods & underwoods with their appurtenances in Colrugge, Russhley, Aston Ingham with the parish of Ledbury in the County of Hereford;

To have & to hold the foresaid lordships with all and singular their members and appurtenances and all and singular the foresaid lands & tenements, meadows, grazing land & pastures, rents, reversions & services, woods & underwoods with their appurtenances to the forenamed William, John, Thomas, Richard, William & Thomas, their heirs & assigns, forever of the chief lords of that fee by the services thereof due and of right accustomed;

And I, the foresaid Alexander, & my heirs will truly warrant & forever defend by these presents against all men the said lordship with all their members and appurtenances and all lands and tenements, rents, reversions and services, meadows, grazing lands, pastures, woods & underwoods aforesaid with all & singular their appurtenances to the forenamed William, John, Thomas, Richard, William and Thomas, their heirs & assigns;

And moreover know that I, the forenamed Alexander, do make, ordain, constitute & in my place possess my(?) beloved in Christ John Briggeman & William Hunteley my true & lawful attorneys jointly and severally to take possession for me & in my name of & in the foresaid lordships, lands, tenements, rents, services & reversions, meadows, grazing lands, pastures, woods & underwoods with all and singular their appurtenances;

And after such possession thereof taken & had, then for me & in my name to deliver full & peaceful possession & seisin to the forenamed William, John, Thomas, Richard,

William & Thomas, or one of them attorney in that respect, according to the tenor, force, form & effect of this my present charter thereof made, approving now & in the future all & whatsoever my foresaid attorneys shall do or either of them shall do in my name in the premises;

In testimony of which thing I have affixed my seal of arms to this my present charter. Given at Magna Dene the foresaid seventeenth day of May in the fifth year of King Henry the Eighth.

Witnesses to the delivery of seisin at Magna Dene in the County of Gloucester: John Woodward, gentleman, Sir Thomas Pyrke, Thomas Brayn, John Mason, Thomas Elly, Henry Coke, Thomas Colrugge, harper, John Pengre & others present at the time of the delivery of seisin aforesaid at Colruge in the county of Hereford.

Sciant presentes et futuri q{uo}d Ego Alexander Baynham Miles dedi

concessi et hac presenti Carta mea confirmaui Will{el}mo Tracy Armigero & Joanni

Whittington Armigero Thome More Cl{er}ico Richard Wye Will{el}mo Throkmerton et

Thome Baynham gentilmen Dominia mea de magna Dene et parua Dene cum om{n}ib{us} et

singulis suorum membris & pertinen{t}ijs Ac om{n}ia terr{e} & ten{amen}ta mea reddit{us} Reuers{iones} & s{er}uic{ia} prat{a} Pascua{s}

& pastur{as} boscos et subboscos cum suis p{er}tin{entijs} in magna Dene et p{ar}ua Dene predict{is} Newenham

Rardene Estbache infra p{ar}ochiam de Englisshe Byknore et infra forestam de Dene in Com{itatu} glouc{estrie}

Necnon om{n}ia terr{as} & ten{emen}ta mea prat{a} Pascua{s} pastur{as} reddit{us} Reuers{iones} et s{er}uic{ia} boscos & subboscos

cum suis p{er}tin{entijs} in Colrugge Russhaley Aston Ingen infra p{ar}ochiam de Ledbury in Com{itatu} hereford

h{ab}end{um} & tenend{um} predicta Dominia cum om{n}ib{us} et singulis eorum membris & p{er}tinen{t}ijs Ac om{n}ia et

singula predict{a} terras & ten{emen}ta prata pascua{s} & pastur{as} reddit{us} Reuers{iones} & s{er}uic{ia} boscos & subboscos

cum suis p{er}tin{entijs} prefat{is} Will{el}mo Ioanni Thome R{i}cardo Will{el}mo & Thome hered{ibus} & assign{atis} eorum

imp{er}p{etuu}m De Capital{ibus} d{omi}nis feod{i} ill{ius} p{er} s{er}uic{ia} inde debit{is} et de iure consuet{a} Et ego vero predictus

Alexander & hered{es} mei predict{a} Dominia cum om{n}ib{us} suorum membris et p{er}tinen{tjis} Ac om{n}ia terr{as} et

ten{emen}ta reddit{us} Revers{iones} et seruic{ia} prat{a} pascua{s} pasturas boscos & subboscos predict{a} cum om{n}ibus &

singulis suorum p{er}tinen{tjis} prefatis Will{el}mo Ioanni Thome Ricardo Will{el}mo & Thome hered{ibus} & assign{atis}

eorum contra omnes gentes Warantizabimus & imp{er}p{etuu}m Defendemus p{er} p{rese}ntes Et vltorius sciatis

me prefatum alexandrum fecisse ordinasse constituisse & in loco meo posuisse Dilectos mihi(?) in

xpo Ioannem Briggeman & Will{elm}um Hunteley meos veros & l{egi}timos attorn{atos} coiunctim & diuisim

ad possessionem capiend{um} pro me & no{m}i{n}e meo de & in predict{is} Dominijs terr{is} ten{emen}tis redditib{us} s{er}uic{ijs}

& Reuers{ionibus} prat{is} pasc{uis} pastur{is} bosc{is} & subbosc{is} cum om{n}ib{us} et singulis suoru{m} p{er}tinen{tjis} et post h{uius}mo{d}i

possessionem sic inde capt{am} & h{ab}it{am} deinde pro me & no{m}i{n}e meo plenam & pacificam possessionem &

seisinam prefat{is} Will{el}mo Ioanni Thome Ricardo Will{el}mo & Thome vel eor{um} vni in hac p{ar}te attorn{to}

deliberandum secundum tenorem vim formam & effectum huius p{rese}ntis Carte mee inde confect{e}

Rat{um} & grat{um} h{ab}ent{um} & h{ab}itur{um} totum & quicquid predict{i} attornat{i} mei no{m}i{n}e meo fecerint vel eor{um} alter{i}

fecerit in premissis In Cuius Rei testimoniu{m} huic presenti Carte mee Sigillum meu{m} ad Arma

apposui Dat{um} apud magna Dene predict{um} Decimo septimo die mensis Maij Anno
regni Regis

Henrici octavi Quinto

Testes deliberacionis seisine apud magna dene in Com{itatu} gloucestre{ie} Ioannes
Woodward gen{er}os{us}

d{omin}us Thomas Pyrke Thomas Brayn Ioannes Mason Thomas Elly Henricus Coke
Thomas

Colrugge harp{er} Ioannes Pengre & al{ij} fuerunt p{rese}ntes temp{or}e
deliberac{i}o{n}is seisine predict{e} ap{ud} Colruge

in Com{itatu} Hereford