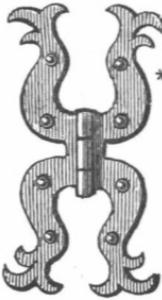


Norbury Manor House and the Troubles of the Fitzherberts,

By Rev. J. CHARLES COX. Illustrated by GEORGE BAILEY.



ENRY DE FERRERS founded the Priory of Tutbury about the year 1080; the manor and church of Norbury, in the county of Derby, forming part of the endowment.† But in the year 1125, the Priory gave Norbury in feefarm to William Fitzherbert, at a yearly rental of 100s.‡ From this date the Fitzherberts held the Norbury manor as tenants of Tutbury Priory up to the year 1444, when Nicholas

Fitzherbert, and Ralph, his son and heir, gave to Thomas Gedney, Prior of Tutbury, all their lands at Osmaston, together with other lands at Foston and Church Broughton, in exchange for the reserved rent of 100s., and for all other services due to the Prior out of the manor of Norbury.§

By letters patent, dated September 4th, 1252, Sir William Fitzherbert, fourth lord of Norbury, obtained a grant of free warren over his manor of Norbury. At the *Quo Warranto* pleadings at

* This initial letter is an ancient hinge, from the doorway of the Oak Parlour of the Manor House.

† Dugdale's "Monasticon," vol. i. p. 354.

‡ Tutbury Chartulary, chart. 88.

§ Ibid, chart 39.

Derby, in 1330, Sir John Fitzherbert, sixth lord of Norbury, established before a jury this resisted right of free warren that had been granted to his grandfather.* Sir William Fitzherbert, seventh lord of Norbury, paid half a mark in 1377 for procuring a confirmation charter of this free warren.†

Sir Henry Fitzherbert, fifth lord of Norbury, who came into his inheritance in 1267, married the daughter of Ralph Chaddesden. He was living in 1310, but the exact date of his death is not known. His stone effigy, in chain armour, occupies the centre of the chancel of Norbury church.* Towards the end of his life he rebuilt the Manor House in stone on a large scale, consisting of two courts. Previous to this, it had probably been throughout a timbered or half-timbered dwelling. The court of the original Manor House was sufficiently spacious to permit of the high-road from Yeaveley to Ellaston passing through the centre. This road from the Preceptory of the Knights Hospitallers at Yeaveley, crossing the Dove just below the Manor House of Norbury, by a ferry and also by a foot and packhorse bridge, and leading to several Staffordshire Abbeys of importance, would be one of considerable traffic for a country district, and we are not surprised to find that Sir Henry Fitzherbert sought to close or divert the road before beginning the enlargement of his house. An Inquisition was held in 1301 to decide on the expediency of permitting the closing of this road, and the jury reported favourably;‡ but it was not till four years later that he obtained the royal license to effect this, on payment of forty shillings, and on condition of making another road through his own lands equally commodious for travellers.§ The road that he then made was probably the one now used, which turns off to the west just in front of the Manor House, and closely skirts it.

Of this Manor House, as built by Sir Henry, the Great

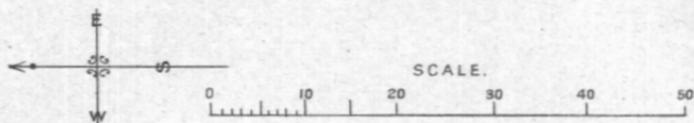
* Quo Warranto Rolls; Derby 4 Edw. III., wherein the previous grant 36 Henry III. is recorded.

† Charter Rolls, 51 Edw. III., rot. 25.

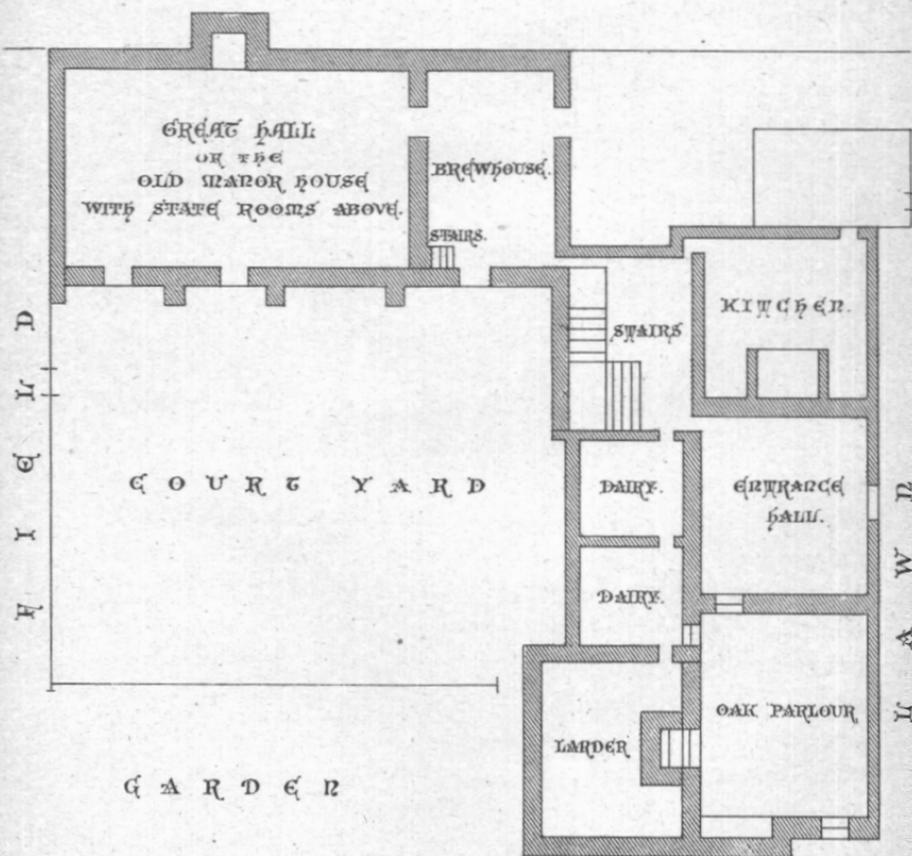
‡ Chanc. Inq., 29 Edw. I., No. 68.

§ Charter Rolls, 33 Edw. I., rot. 15.

NORBURY · MANOR · HOUSE.



C O U R T Y A R D

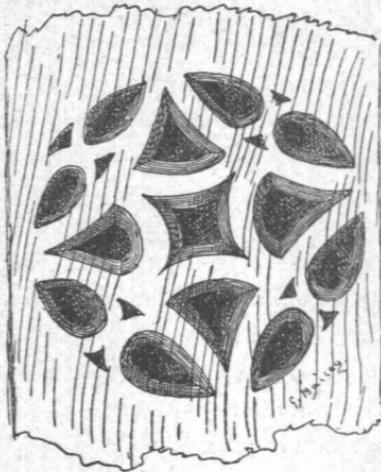


Ground Plan. 1384.

Hall, and chief or state rooms above, still remain, though only used as stabling or store rooms. There is but very little domestic work left in England of so early a date. There are sufficient remains of the old buildings, and traces of the foundations to establish the fact, that Norbury Hall of Edward I.'s reign consisted of two large courts, the outer one being the larger, with the buildings round its three sides chiefly used for farm purposes, for stabling, and for the lodging of retainers. The main block of the present buildings (Plate XV.), of which we shall presently speak, formed the south side of this outer court, and through it was a communication into the inner or domestic court. On the east side of this inner court was the Great Hall, with the principal apartments over it, as shown on the ground plan, and of which the west elevation is also given from a photograph by Mr. Keene (Plate XVI.). This building is generally described as "the chapel," a title to which it has not even a single pretension. It was originally divided (as it now remains) into two stories, the floor division corresponding with the outer moulding or string-course. The two blocked-up upper windows are obviously original. There are sufficient traces in the interior masonry to show that the lower story, or hall, had no doorway to its west front of any size, but was originally lighted on that side by three square-headed windows, equi-distant between the buttresses. The chief entrance was at that time at the south end of the Hall, and immediately above this was the entrance doorway to the state rooms. Both of these interesting door-ways are shown on Plate XVII. The large chimney of the Hall was on the east side. The present west door-way of the Hall is of good Perpendicular design, and may, without doubt, be assigned to Sir Nicholas Fitzherbert, tenth lord of Norbury, who was so extensive a re-builder of the church. He died in 1473. The arms on the shields over the door-way are too defaced to be in any way decyphered. Strange to say, the door, as we believe, is actually older than the door-way. The door has been moved here from some inner door-way; no outer door would have been pierced

with circular openings, such as the two in this door, with no provision for their being closed. We take it that this is wood-

work of Sir Henry's time. This reduced sketch of one of these circular openings, shows that it is of Decorated design.

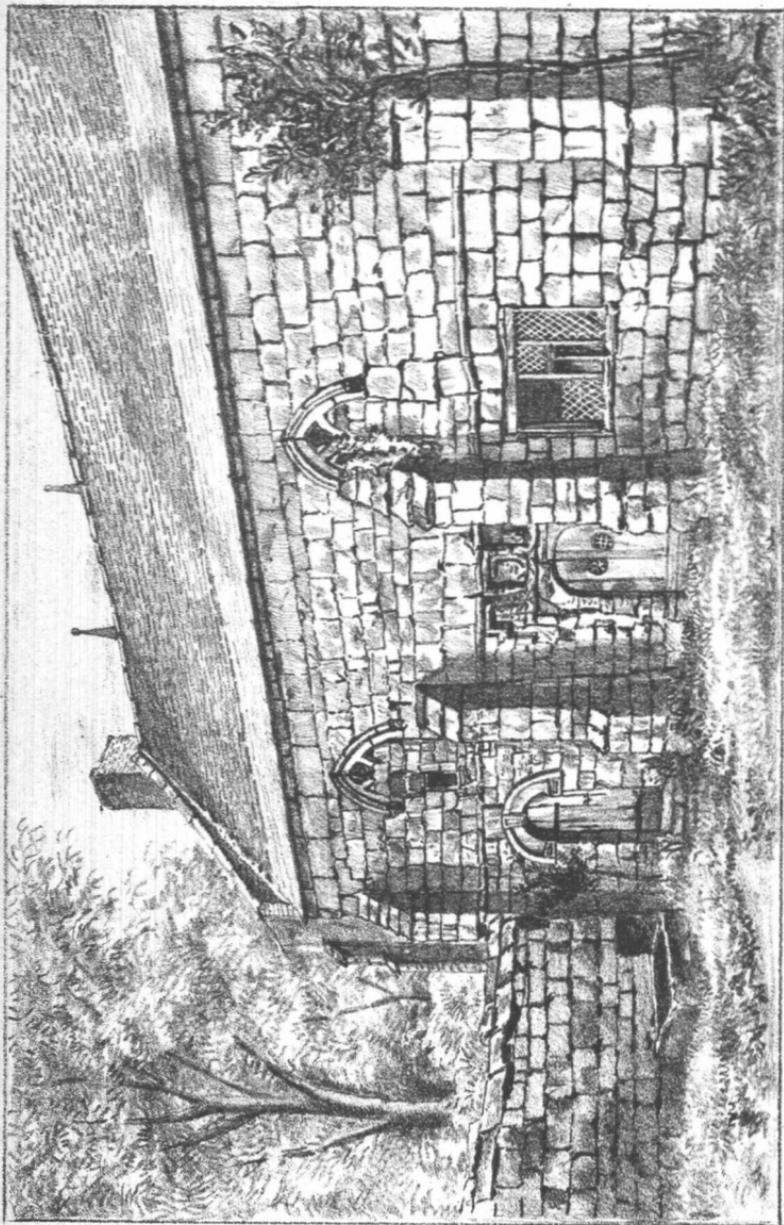


Looking at Plate XVI., we see the close proximity of the church, for two of the tower pinnacles show over the ridge of the roof. There are traces, both on the church, and at the north end of the Hall building, of a probable connection that at one time existed

between this block of the Manor House and the parish church. It was very likely a bridged connection, giving private access to the south-west chapel of the church; if so, this work would be done about 1500 by John Fitzherbert, twelfth lord of Norbury, and grandson of Sir Nicholas, who completed the Perpendicular alterations of the church, including the south-west chapel.*

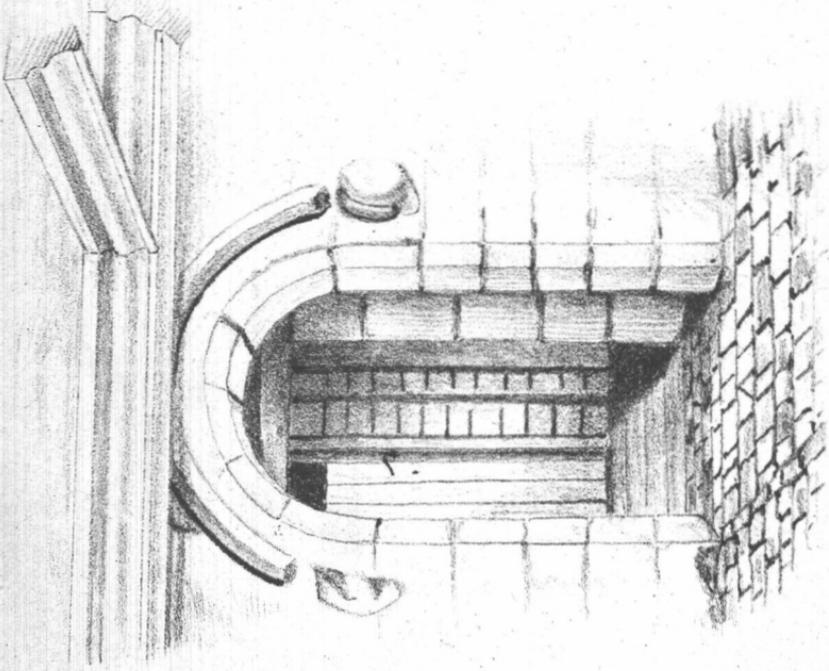
Sir Nicholas appears to have made extensive alterations in his ancestral home. To his date belong the well-moulded beams of the flat roofs of the rooms of both stories communicating with the south end of the Great Hall building. These beams are shown on Plate XVII. cutting off the upper part of the hood-mould to the doorway to the hall, and the subjoined sketch of a beautifully foliated square boss is in the roof of the room leading into the upper state rooms, over the chamber marked "Brewhouse" on the ground plan.

* For full account of Norbury Church and its monuments, see *Churches of Derbyshire*, vol. iii. pp. 219-246.



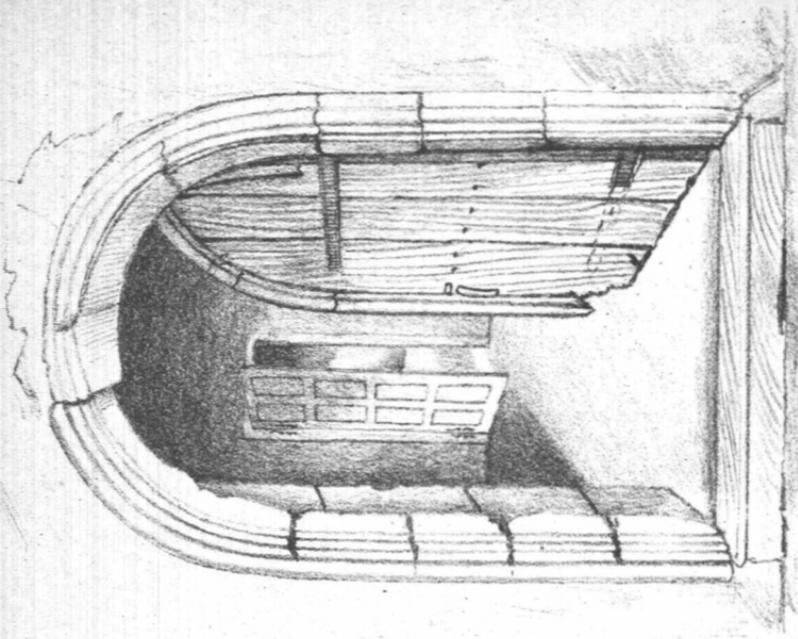
OLD BUILDING, NORBURY MANOR, DERBYSHIRE.

From a Photo. by R. Keene.



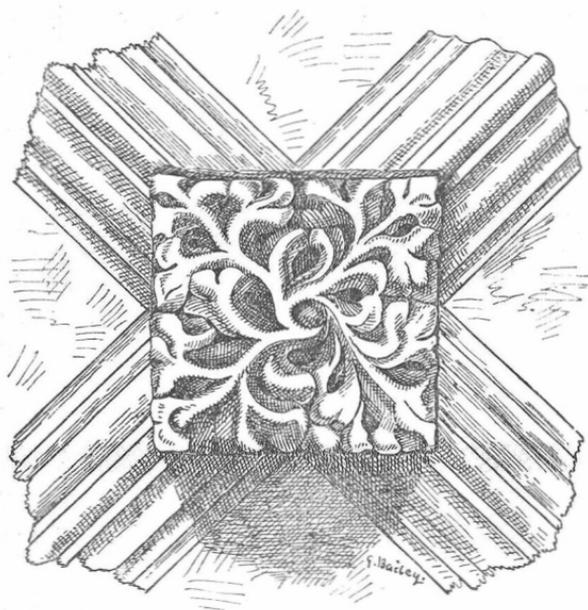
ENTRANCE TO GREAT HALL.

NORBURY MANOR HOUSE.



ENTRANCE TO STATEROOMS.

Wain



On the east side of what was the large outer court of the Manor House, on the right hand as you approach the present house, is a long barn, the lower story of which is used, as perhaps was originally the case, for a cow-house. It

might be passed almost unnoticed from that side, having been refaced. But from the east it shows at once signs of antiquity. The upper part is half-timbered, and built on massive beams slightly projecting over the masonry. The ends of the three principal beams are somewhat roughly carved; one bears a quatrefoil, another a grotesque head, and the third is represented in this sketch.



It has been conjectured that the old part of this barn dates from the time of Sir Nicholas Fitzherbert, in the second half of the fifteenth century. But, after careful thought and study of the comparatively little that is known with precision of domestic architecture, we have come to the conclusion that parts of this old barn, as well as the Great Hall, go back to the end of the reign of Edward I.

John Fitzherbert, twelfth lord of Norbury, died on the vigil of St. James, 1531, and is buried in the south-west chapel of the nave of Norbury church, which chapel, as well as other parts of the church, he had built. He does not appear to have interfered with the fabric of the Manor House, otherwise than in the probable connection between the house and the church, to which allusion has already been made. An Inventory of Heir-looms, attached to his Will, gives a valuable insight as to the furnishing of a country gentleman's house of that date.

There is a copy of the long and remarkable will of John Fitzherbert entered in the Episcopal Registers of Lichfield under the year of his death.* As it is unique in its provisions, and noteworthy throughout, the major part of it is reproduced *literatim*, as well as the Inventory. There are only one or two notes given as to the different members of the family mentioned therein, as a reference to the accompanying pedigree (reverse of Plate XIX.) will fully explain the different relationships.

He begins his Will, dated September 22nd, 1517, after leaving his body to be buried in the parish church of Norbury "under the newe made arche benethe the Steple or els where God shall otherwyse dispose it," with a variety of small ecclesiastical bequests, which probably procured his testament the place that it occupies in the Diocesan Records. He leaves thirteen pounds of wax to be used in as many tapers "abowte my herse," two tapers to burn night and day upon the herse till the seventh day was past.

Every man, woman, and child at the burying to have a farthing

* "Lichfield Episcopal Registers," vol. xiv., ff. 106—111. For an abstract of this will I am indebted to my friend, Mr. H. Palmer Welchman.

white loaf and a penny of silver. On the seventh day after, both priests and clergy to have on the same manner, and the poor folk as before.

To the Cathedral Churches of Our Lady at Coventry, and of St. Chad, at Lichfield, 12d. each. To Darley Abbey, for requiem, 10d. To Blackfriars Derby, Burton Abbey, Convent of Tutbury, Croxden, Deulacres, Repton, Ulverscroft, Lichfield Friars, Stafford Friars (both orders), 10d. each for a trentall of masses.

To the Eremites, or Austin friars of Newark, and to every house of that order in England, and to every Charterhouse (*i.e.*, Carthusian Monastery) 10d. for same. To the Abbot of Rocester 12d., and to every chantry there 4d. To the ringers of bells there 8d. To the Prior of Colwich 12d. To every chantry there 4d. To the ringers there 6d.

After providing for the payment of just debts, the testator proceeds with his bequests.

To Norbury Church 20 marks to buy a cope of velvet, and a vestment branched of one colour.

To making the stone bridge at Rocester, if made of mason work, 40s. ; to be bestowed in getting up the sandstone out of the water, and laid upon the ground to give men courage to perform the remainder.

To every servant their full wages, and (except priests) to have "6 ewe shepe hoggs if I decease before Christmas, such as then be shorne, at their own choice ; the longest service to have first choice, and so on by order ; and if I decease after they be shorne, and before Christmas, then to have the same sixe shepe called theaves."

The said priests 13s. 4d. to say *dirige* each evening, and a mass on the morrow.

To his daughter Elizabeth, a little goblet of silver and gilt, with a cover, and his black beads ; a feather bed, bolster, pair of sheets, 2 blankets, a coverlet, a covering of verdure,* " the worst mattress of five the best a bolster," a pair of sheets, 2 blankets, 2 coverlets, 1 of white, another of color, the best beneath the hall.

* *Verdure*, an old term for tapestry.

To the Prior of Ulverscroft 2 other beds.

To Elizabeth, 2 young oxen, 2 young kine, a two-year-old bullock, 2 more aged, 2 two-year-old heifers, and 60 young ewes or theaves.

Twenty shillings to redeem poor debtors of Nottinghamshire and Staffordshire.

Bardon Park, taken for 12 years from Marquis of Dorset (one year gone), to be held by executors for his stock; these to be sold at end of lease, and disposed as most profitable for the three souls of his executors.

All servants to be kept on at Norbury for 40 days at usual wage.

All manors, tenements, reversions, and services in the counties of Derby, Leicester, and Stafford, as follows:—

Manors of Norbury, Roffington, Seddesalle, Foston and Snelston, with the advowson of Norbury, to be recovered by John Fitzherbert, clerk,* Humphrey Fitzherbert, Thomas Combreford, and Thomas Purefoy, and also parcels of the above to be recovered against Henry, William, and Anthony Fitzherbert, his brothers. Recovery to be made of manors, etc., in Upton and Stoke, in county of Leicester, for purposes hereafter declared. All his Staffordshire manors in the lordships of Cheadle and Dilhorne to go to his daughter Elizabeth and her heirs.

“And for default of such issue male of my body lawfully begotten then I will for divers causes and considerations, and specially for that that Anne Welles wieff of John Welles of the Hoar Crosse is not my daughter as I perfectly know will take it upon the perill of my soule at the dredfull day of Juegment and wold not that wrongfull begoten heires nor those that be not of my blode shulde inherit my manors nor any parcell thereof, I will that in as mucche as the Manor of Norbury and Roffington hath continued in my name this cccc. yeres and more or there about and wold that it so shold doo and continue if it

* This John F. was of the Somershall branch of the family. He was appointed to the vicarage of Dovebridge in 1520, and rector of Norbury in 1535. He held both preferments till his death in 1551.

pleased God. Therefore I will that all the said manors with thadvowson of Norbury and all lands, etc., in Norbury, Roffington, Calton, Snelston, and Prestwood, and 13½ acres and rode of land in Cubley lieing next to the nether corner of my park on the south side, etc., wholly to remain under and come to my brother Anthony Fitzherbert, Sergeant at the law, then to Henry, then to Humfrey Fitzherbert of Uphall in co. Hertford, then to heirs male of daughter Elizabeth Draycott wife to Philip Draycott son and heir of John Draycott, Knight.

“To this intent that if she have heyr male unmarried at the tyme of my decesse. Then the said c li shalbe bestowed and employed to the getting of a gentlewoman Inheritable to Lands and to be maryed to hyr son and heyr or to such lynyall heir male of her body as at that tyme shall fortune to be unmarried and yff she or her heir male have after heyr female then to by or gett an heyr male to hyr and to mary them toged^r after the lawe of holy church. And if soo be the sayd lynyall heyr male or heyr gen^l be married at such tyme as the said remainder may fortune to fall Then I will that the sayd somme of c li remayne in the hands of the sayde feoffees and recoverers for the tyme being or be layd in to some Abbey or put in to some oder such keping to the same Intent by the advyse of my recoverers and feoffees or the mor pte of them that the next heyr male or heyr female of her body unmarried may have and will geyte such a maryage wher wyth her lands may be amended and encreased and when such a mariage ys got and had then the said c li to be payed for the same per me J. F.

“The other c li. to be bestowed and Employed to the use of the heyr male unmarried of my brod^r Henry Fitzherbert to thys intent that he ys a gentleman aud a younger brod^r and I wold that the name shold contynewe in worship according to our degree. That with the sayd c li ther myght a gentlewoman Inheritable to land be bought for the sayd heyr male and mary them togedur after the lawe of holy church.”

The £200 is to be free of all tythe and interest.

If Henry or his heirs male break or dispute this will, he is not

to have the £100 which is then to pay: 1st, the expense of the suit; and 2ndly, to make highways and other charitable works at the discretion of his executors.

If Anthony dies without heir male, then Henry (having already received the £100) is to pay back to Anthony's heir £100 and £100 to heir general of his daughter Elizabeth who fortunes at that time to be unmarried, for the purposes above mentioned.

If Henry gets the £100 first, and entail afterwards, he is to pay back to Elizabeth's heir £100 for same purposes, and £100 to make roads between Norbury and all the market towns next adjoining and other villages thereabout, with the help of the said towns and villages, "that the sayd c li may goo the further."

Cousin Humfrey is to pursue the same course.

"Provided all way that if my sayde Brod^r Henry decesse without issue male of hys boddy lawfully begotten then I will the sayd c li that shuld goo to the preferment of hys heyr male shall go to the performance of my will, payment of my detts, makyng of the hie ways and such charitable works."

And if his daughter Elizabeth gets the remainder and afterwards the entail, she is to return £100 to heirs of last in possession, and make the highways or bestow in "exebion of por scholars that be disposed to lerne and specially to the mariage of meydons wared in Catal^{*} and gyffen them and in such other charitable works."

In case of the trustees dying, the last two are to appoint others "of next kin and friends of those in the remainder or other sadde and discrete persons."

The present holder is to keep up the estate, and the trustees are to see that it is done and to pay themselves for their trouble.

"And also I will that all those that shall fortune to be myne heyr male of my body or heirs male by vertue of thys my will or heirs generall shall dayly and yerely fynd an honest prist at Norbury to singe and pray for my soole and all my ancestors sooles and all Chystin sooles and for the prosperitie and good lyff

* "Wared in Catal," *i.e.* spent in chattels or movable goods.

of all thoos that shall come here after and inherit as heir male or heir generall by vertue of this my will and for their sooles when they be dead. And also to fynd a lamp brennyng both day and nyght in the Chancell of Norbury before the Sacrament and also yerely to make a dowle every Sunday in Lenten that is to say to every housholder in Norbury, Roffington and Snelston that be tenant or heyr after shall be tenant to my heirs males or to myn heyres generalles by vertue of this my will if that they wyll come to Norbury Church or send one of their howse and fetch yt, and of ther charitie to say a pater noster and an ave maria for my soole and all Crystin sooles, too farthyng lovys two whyte herrings and if herryng whyte or redde faile and be not salt then to pay to every person soo wantynge herryngs for every ii herryngs ob * in sylver. And in lyke manner yerely oon Ester evon halff a fatt oxen or nyghther about to be cut in peses and to every of the said tenants to be given ii farthyng lovys and a pese of the seyde beff the which shall be better than a penny in value or else iid. in sylver."

In case of the heir failing to perform these alms, then the trustees are to take the estate and provide all the charities until he finds surety as to his compliance.

In case the heir attempts to alienate any property, the heir presumptive is to succeed at once.

Joyntures to be provided for wives, but not to exceed a third part of value.

Muniments of entailed estate to be kept by the heir—of all other lands to be given to Elizabeth Fitzherbert.

The heir to bear the arms "descended to me from my father, without any differance as heyr male to the Manor of Norbury, but not to bear my mothers arms without his differance." Cousin Humfrey not to bear any part of my mother's arms "for he is not comyn of her."

Daughter Elizabeth and heirs to bear the whole arms of my father's mother "without any differance bycause she ys a woman and heyr generall to my father of those lands that he had that

* That is a farthing.

were not tailed to the heyr male and also in the remaynder of all the whole lands for want of issue male, and also she is heyr generall to my mother of all the lands dyscended to me from her per me J. F."

And if Elizabeth is not contented, and sues the executors or breaks this will, then she is to have "non of the c li nor no parte of them," but the £100 is to pay for the defence of the suit vexations or troubles, and any thing left to go to make highways and other "meritorious deeds." "And they that brek thys my sayd will to ronne in the damige of the censure of all holy church."

Elizabeth and her husband to find surety for £500 for keeping the directions of this will.

"And furthermore I will whereas Bennett my wyff hath been of lewde and vile disposicion and cowde not be content with me but forsaken my houshoolde and company and lyffed in other places wher yt plesed her and yet doeth to my greate rebuke and hyrs both, wherefor in my concience she hath forsaken her right title and interest of her dowery and joynture or of any parte of my moveable goods, but yet not withstanding that my fader whose soole God p̄don promised that she shuld have tenpounds in Lands. Wherefore I will that myn heyr male by vertue of thys my gyfftes shall pay hyr yerely x pownds in money or ells Lands during hyr lyff yf she be of any better disposicion in her age then she hath ben in hyr youth and as for any moveable goods she hath non synce she hath byn noo getter of them and therfor shall she be no spender of them for I have clerely gyven them all away in my lyff. per me, J. F."

He grants to his heir the use and profits of all goods and chattells of Norbury Manor as "heyr lomes" to pass from one heir to an other.

The heir to find sureties for keeping up the heir looms, all the goods "booth quick and dead to be presed by wise men that can skill thereof," and the inventory to be annexed to the will, of which the heir male was to have a copy, and also his daughter Elizabeth, the executors keeping a third which was to be delivered to the feoffees after the execution of his will.

The executors and surveyors to have full power to construe any apparent contradictions in the will, "or the most pte of them the which every man afrt my reason and consyence may well perceyve and considr what I meyne by the same."

He appoints his brother Anthony, his cousin Richard Cotton, and his servant Cristofer Abell executors.

And his brother Doctor,* and his well-beloved nephew Anthony Babyngton to be overseers.

And for reward each is to have 5 marks and one of his best young horses.

And the recoverers to have each a young horse and all their expenses out of the estate.

Witnesses :—Sir John Draycott Knight, Philip Draycott his son, Roger Bentley parish priest of Norbury, William Botham chantry priest of Norbury, Robert Whythalgh chantry priest of Norbury, Sir Roger Roose parson of Ridware Hampstall, William Marshall priest, Ralph Parker priest, William Whythalgh, Robert Gerves, Henry Cotton, Hugh Cowper, and Richard Clerke of Ridware aforesaid, Nicholas Browne of Abbot's Bromley, and many others.

Written at Norbury, and sealed and signed by John Fitzherbert, May 12th, in 10th year of Henry VIII. Delivered to Richard Cotton.

To this will a codicil was added on January 3rd, in the 12th year of Henry VIII.

Therein he recites that, whereas his former will left £200, £100 to heir of Henry, and £100 to heir of his daughter Elizabeth, now therefore—"Insomuch as my Broder Henry hath no heyr male nowe being alyve nor non ys lyke to have, wherfor yf he soo dye havng no issue male then I will that that hundred pounds rest unpayde. No payment thereof to be made to any man for any other cause, the premisses in the will aforesayd not withstanding. And the sayde hundred pounds the which I bequethed to the heyr male of my sayde daughter Elyzabeth to the intent aforesayde in the sayde will. Now I remembryng that the

* Thomas Fitzherbert, D.C.L., Rector of Norbury (up to 1518) and North Wingfield, and precentor of Lichfield.

sayde heyr male shall have sufficient lvyng what of the lands that shall discende to hym after the deceسه of hys fader. And also of lands and tenements, rents, reversiones, and services that be now myn that shall com to hym after the deceسه of my daughter hys moder, wherfor I will that the sayd hundred pounds bequethed to the sayde heir male be bestowed and imployed to the bying of a gentlewoman inheritable to lands and tenements and to be marydd unto the second son of my sayd daughter Elyzabeth yf he be to marye at the tym of my deceسه and if he be maryed befor by myn assent and have issue male befor my deceسه or after then will the said hundred pounds goo to the mariage of hys heyr male to the same intent befor said yf so be that I have not payd the same to hym or hys heyr male befor. And yf yt fortune my said daughter Elyzabeth to have but on son or but to have Daughters all onlly then I will that the said hundred pounds rest unpayd and no payment to be ther made to any person the premisses not withstanding per me J. F."

Another codicil to the will is to the following effect :—

"And also I will that every one of my owne servants man woman and chyld of what condicion they be of to have a full wage paid them for as much as they have servyd at my deceسه." Each servant was to have 6s. 8d.; and the priest 13s. 4d. to say a trentall of masses. "And whereas long before the tyme I covenanted and bargaynyd with John Basseford of Bradley Ash that Anthony Basseford son and heyr apparant of the said John Basseford should by grace of God wed and take to wyffe Jane Fitzherbert my bastard daughter as is more playneley specified in a payre of Indentures of Covenante of maryage between the said John Basseford and me, whereas for the ijd tyme he hath varied frome the said covenante and a new agreement made to pay at certen days to me the foresaid John Fitzherbert or to my executors or assignes fourty pounds of lawfull money whiche as yet he hath neither kept nor performed none of the said days of payment thereof, whereupon I wyll my feoffies in that behalf shall constreyne receyve and take the yerely value of the rent specified in the said Indenture of Covenante betwyxt hus or ells xl li. of money with

the arrears to the use & maryage of Jane Fitzherbert my bastard daughter. I remit thys matter to my broder Justice for he knows hit frome the beygnyng to the indying praying hym to be good to the poor wenche."

Also, he gives to Nicholas Abell an "amblyng" mare and a trotting mare, and to his Brother Justice six coloured and six white mares, and two stallions, and their foals as heir looms.

"Also I wyll that Jane Fitzherbert my bastard daughter have all such stuff of household as I have at the parsonage.

"Also I wyll have my executors make a table of-the trinitie* on the altar benethe the stepull and a litle coffer benethe the arch of the same chapell for the ornaments belongyng to the same.

"Also I wyll that my exors make restitution to John Cowhopp of Roddsley for wrong done by me xxs." Other small bequests are :—To make Ellaston bells, 20s.; to make the chantry house, 20s.; to our Lady of Eveley and St. Stephen, of Hatton, 3s. 4d. each ; to Sir Nicholas Dakin, of Clysseton, 10s., to say mass, etc. ; to make Welen (?) Bridge, 10s. ; to Brother Justice, the best chamlet gown, and a piece of velvet lately bought at London ; to Philip Draycott, a piece of black chamlet, from London ; to — Mellor, a heifer, beside his own cow. "And when afore tyme for diverse causes and grudges that I hadd agaynst my said brother Anthony Fitzherbert I had put hym out of my wyll & wold not that he shuld be any of my Executors for the which causes notwithstanding I wyll specially of all men y^t he shalbe my principall executor & put hym most in trust to execute thys my wyll for in my conscience he & his heyres be most worthy to do for me." Cousin Roland Babington† and Cousin John Fitzherbert, Vicar of Dovebridge, were the other executors, to have five marks, and a young horse each, and all their expenses.

* This means a carved or painted reredos emblematical of the Trinity. The usual way of representing the Trinity at this date was by a venerable seated figure for God the Father, bearing in front of Him the Son on the Cross, with the Holy Spirit in the form of a dove, resting on one of the arms of the Cross.

† Roland Babington was, strictly speaking, nephew, and not cousin of the testator ; but the term "cousin" was used to imply almost any relationship. Roland was one of the younger brothers of Anthony Babington, mentioned elsewhere in the will, and fourth son of Thomas B., of Dethick, by his wife Edith, sister of the testator.

Then follows a long list of heir-looms, referred to in the will, which is, in fact, an inventory of all the better furniture of the Manor House. The device of making almost all his chattels heir-looms, giving them in his life-time to one of his executors, and then resuming the use of them on loan, was a cunning device to out-wit his wife, and was probably suggested to John Fitzherbert by his astute lawyer brother, Sir Anthony.

THE HEIRLOOMS OF NORBURY MANOR HOUSE.

"These be they hirr lomes ordained and gyffen by me John Fitzherbert pertaining to the manor of Norbury and delivered to Ric Cooton oon of my executors that he may deliver them according to my will after my decese and I have taken theym again to kepe during my lyff naturall.

FOR THE HALL.

Hanging of lynnyn cloth stayned or such odur as shall fortune to be there at the tyme of my decese.

A cupborde with the covering of the same.

A long paynted borde with trestylles.

Two table dormands* and bankes † there being.

Three formes whereof two be fast in the earth.

A chymnery ‡ and a fyre forke of yron.

A cage and a byrde if there be any at that tyme.

IN THE OVER PARLOURE.

All the hangynges and the bankes as they be there used.

A cupborde with the clothe to the same.

A borde and two trestiles those most used.

A coveringe to the same borde.

Syxe the best cuffhyns.§

Two andyrons and a fyre chovel of yron.

A payre of tables and the men.||

A forme and too throwen ¶ stoles.

* *Tables dormant* were the fixed high tables of the hall, in contradistinction to the moveable ones of boards and trestles. The term is found in Chaucer.

† *Bankes* are lengths of wood cut square for any purpose; here they signify the legs of the tables dormant.

‡ *Chymnery*, i.e. fire-place, or moveable grate, sometimes placed upon the open hearth.

§ *Cuffhyns*, i.e. coffins, coffers, or chests.

|| *A payre of tables*, was an expression used to signify a standing chess-board.

¶ *Throwen stoles*, i.e. stools that were turned, differing from the ordinary rough cut stool or bench.

IN THE BUTTERY.

The best borde cloth of Drapre.
 Too the best towels of drapere.
 Sixe napkyns flaxen.
 Too the best salters of silver and and gylt uncovered.
 Too the best gobletts of silver and gylt.
 Twelve the best silver sponze.
 A drynkyng horne garneshed with sylver and gylte.
 The best bassen and ewer of silver.
 Sixe the best candlestycks of laten.
 All the bredde being in the buterye.
 Sixe the grette ale combes.
 A chipping knyff and a rondelet of venagar.
 A gymlet and a rondelet of verges.*
 All the boords, peyrchis, and shelves there used.
 Too the best borde clothes of flaxen an elne brode.
 Too the best borde clothes of canvas yarde brode.
 Too the best towels of flaxen and too of canvas.
 A tonne of silver and gylt with a cover to the same.

IN THE KYCHYN AND OTHER HOUSES OF OFFICE.

The best brasse pott and the theyrde pott.
 The best brasse pan and the theyrde pan.
 Too the best yron broches and too gooberds (*sic*) [? cupboards.]
 The best garneshers † of pewter vessells.
 The best ladle and skewer.
 A frying panne and croiset.‡
 A chafyng dishe and a colander of laten.
 A payr of tongs and fyre fork.
 A brasen mortar and a pestell of yron.
 A pair of mustard quons § and a stone mortar.
 Too pott hoks and ij pott cheynes.
 A pair of wafer yrons || and a brandreth ¶ of bras.
 A skellett ** and a water chafer.

* *Rondelet of Verges*, i.e. small cask of verjuice.

† A *garnish* means a complete set, usually of twelve, of plates, saucers, etc. To *garnish* originally means to place the proper set of crockery, or other ware, upon the table.

‡ A *croiset* is a small drinking vessel.

§ A *quon* is a small hand-mill, specially made for the grinding of mustard.

|| That is irons for cutting out and stamping the breads and bread material for the Blessed Sacrament.

¶ *Brandreth*, a metal tripod for fixing over the fire.

** *Skellett*, small metal pot with a long handle, a kind of saucepan.

A flesh hok and a dressing knyffe.
 A flesh pot and grydyron.
 A verges presse and a bagg of heyr.
 Too kneding troghys and ij mulling bords.
 A bulting pipe and a bulting clothe.*
 A fromes and a mashe fat with a sylling fatte.
 The best soorte of leyde in forme.
 A mayle syve and a clensing syve.

Foore the best seckes and a betewall ;† a stepefatte and an heyr. A churne with the staff, iiij mylkyng bolls and ij great and ij smal size chese fatts of divers sorts.

per me John Fitzherbert.

IN THE CHAMBERS ABOVE THE HALL.

Six the best fedur bedds and bolsters above the hall.
 Sixe the best materesses and bolsters wheresoever they lye.
 Sixe the best coverings to beds above the hall.
 viij the best coverletts above the hall, whereof iiij of them to be of colours and iiij whyte.
 xii. the best blankets above the hall whereof ij be fustyon.
 xij paire of shets whereof iiij payre of the best iiij payre mayde of flaxen and iiij payre of the best canvas whersoever they lye.
 vj the best pillowes with theyre beres. ‡
 All the hangying bedds spervers § and bedstocks above the hall.
 All the hangyns in every chambre above the hall.
 All the cupboards with theyre coverings and a carpet above the hall.
 ij old chayres and iiij oder thrown stoole wheresover they be.
 All the boords foriner and trestles above the hall.
 The best rayment belonging to my body of everything one.
 ij the best cofers with lock and keys.
 All maner of harnes and weppons for the war.
 All maner of booyes shafts arrows and quyvers.
 All my books of Latin, French, and Englishe.
 A frame to make quysshyns || in.
 A tente to make tappestrie worke or to mende it.
 A tente to make matres in.
 A warping stock and a hanging lom'. [loom]
 The Evidence Cofer and all the evidence belonging to my eyr male according to my will.

* A sifting tub and a sifting cloth.

† A *betewall*, that is a "beatwell," betle or hammer.

‡ *Bere*, a pillow case.—Chaucer.

§ *Sperver*, or *sparver*, the canopy or wooden frame at the top of the bed.

|| *Quysshyns*, *i.e.* cushions.

All things that ys pynde fast gerth fast and nayled fast not to be pryed but goo as parcel of the manor.

FOR HUSBANDRY AND OTHER THYNGES NECESSARY.

Sixteen the best oxen draying togeder in ij drayhtes.

vij drawing yoke and ij cop yoke yroned.

ij the best plowes wth cutters and shares.

Syxe Iron bynnes and ij peyre of cleveyes.*

ij axes ij hatchets and ij heging bylls.

ij horse harrowes yroned and ij pyke forks.

The best bull and xx the best kyne and as many calves as sowke upon them at the time of my decesse and after y^e vij day past.

iiij Steeres and ij heyfors of ij yeres age.

All these to be of the best of those sorts, and a bull calft.

ij the elder boores and ij the eldest sowes.

ij boreys of a y^r old and ij sowes of the same age and as many piggs as sowke upon them after the vij day be past.

ij boore pygge and ij sowe pygge of the yongest sorte yf there be any ordered to be reyred.

ii c [200] of the best ewes, vj schore to the hundreth, and as many lambs as sowke upon them at my decesse.

The best horse next my mortuary saddled bridlyd horse . . . bootes and spurrys.

Eight rammes and iiij ram hoggs of the best.

Twelve quarters of wheyte.

Eight quarters of rye.

Twelve quarters of barley.

vij quarters of oytes.

xij quarters malt.

xx^{ti} quarters pese, vij stryke to the quarter.

A shovel, a spade, a muke fork, and muke hoke.

A croe of yron and a mattok.

A matt and ij yron wegges.

All such stuff at the mylne as the mylner Deyly occupieth.

And if any of these be lost or goon I will that my executors buy such other and to deliver them as heyre loomes.

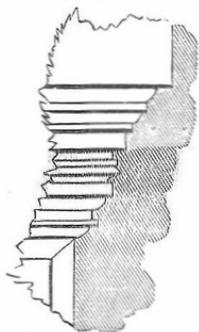
Per me Johannem Fitzherbert.

Per me Johannem Fitzherbert de Norbury armigerum et ipsa manu mea scripta."

Sir Anthony Fitzherbert, who succeeded his brother, as thir-

* *Cleavy*, a species of draft iron for the plough.

teenth lord of Norbury, was born in 1470. In 1511 was called to the bar as serjeant-at-law; in 1516 he was knighted; and in 1522 he was made one of the Justices of the Common Pleas. He was considered the greatest lawyer of his day, and was pre-eminently distinguished for his probity. He published various standard legal works, and other smaller ones on husbandry. He is said to have been the only man who dared to rebuke, not only Cardinal Wolsey, but even the King himself, on the subject of the alienation of church lands. He died in 1538, and on his death-bed solemnly enjoined his children under no pretext to accept grants or become purchasers of monastic property.* Sir Anthony was possessed of an ample professional income, and during the seven years that he held the Manor House, is said to have spent much money on the fabric. We believe that he re-built, or at all events,



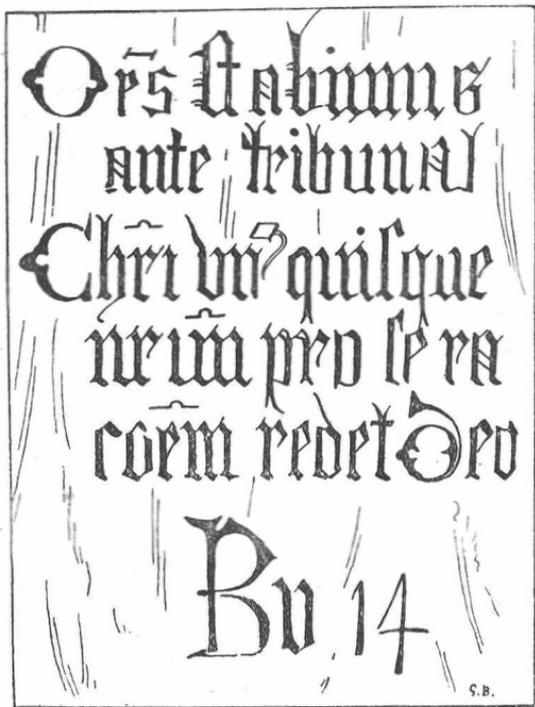
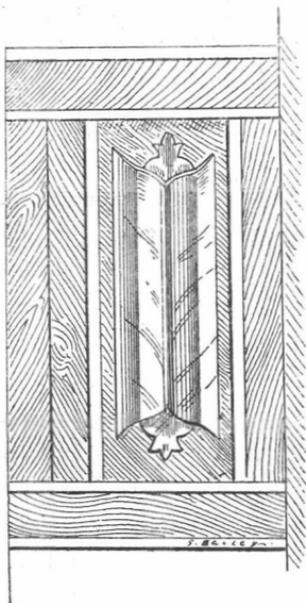
re-fitted the central block of building between the two courts, which is all that now remains (except the Great Hall) of the former extensive mansion. Undisputed tradition has assigned to an upper apartment, over the room marked "larder" on the ground plan, the name of "Sir Anthony's Study," and a private letter of the family, written in 1703, records the then belief that he wrote the various texts with which the panels are in many places covered with his own hand.

We believe that the panelled oak wainscoating of this upper study, as well as of the oak parlour on the ground-floor, were put in by the Judge. It is, however, only right to say that a good authority to whom we submitted the drawing of these panels, etc., pronounced them 15th century, in which case they would be part of the work of Sir Nicholas. At any rate, whether the panelling was placed there, as well as the texts or not, by Sir Anthony, it is likely that this room had been used before the

* For a full account of the interesting palimpsest brass to Sir Anthony's memory, see Vol. IV. of these Transactions, pp. 48-57.

Judge's day as an up-stairs sitting-room, and is probably referred to as the "Over Parlour" of John Fitzherbert's will.

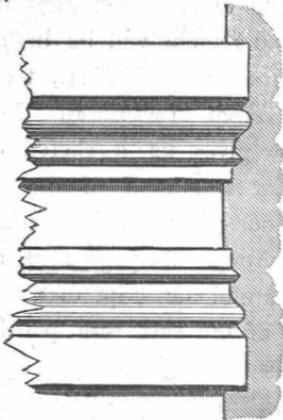
The deeply recessed character of the panelling of the Study, and its general arrangement will be better gathered from Plate XVIII., than from any verbal description. Mr. Bailey also gives us a sketch of the peculiar treatment of one of the four door panels, and a section of the mouldings (see page 240), as well as a careful transcript of a text upon one of the east wall panels, which gives a good idea of the style of lettering. [*Omnes stabimus ante*



tribunal Christi unusquisque nostrum pro se rationem redet Deo Ro. 14.

These black letter texts are painted lightly on the wood-work upon a great number of the panels, and several are now very indistinct. The version from which the texts are taken is the Vulgate. Upon one panel is a death's head, and below it *memento*

mori, the only exception to simple lettering. Here are two other of the texts:—"Principium sapientiæ timor dñi. Pro. 9;" also, "Qui audit et nō facit similis est hōi edificanti domū suā terra sine fūdamento. Luc. 6." The size of the Study is 19 ft. by 14 ft. 6 in.



The Oak Parlour down-stairs is also panelled in a remarkable reticulated way, as will be seen on Plate XVIII. The small doorway in the south-west corner, which communicates direct with the outer air, is represented standing open, and shows the substantial character of the masonry on that side of the building. In the room marked "larder" on the plan, at the back of the Oak Parlour, in the wall to

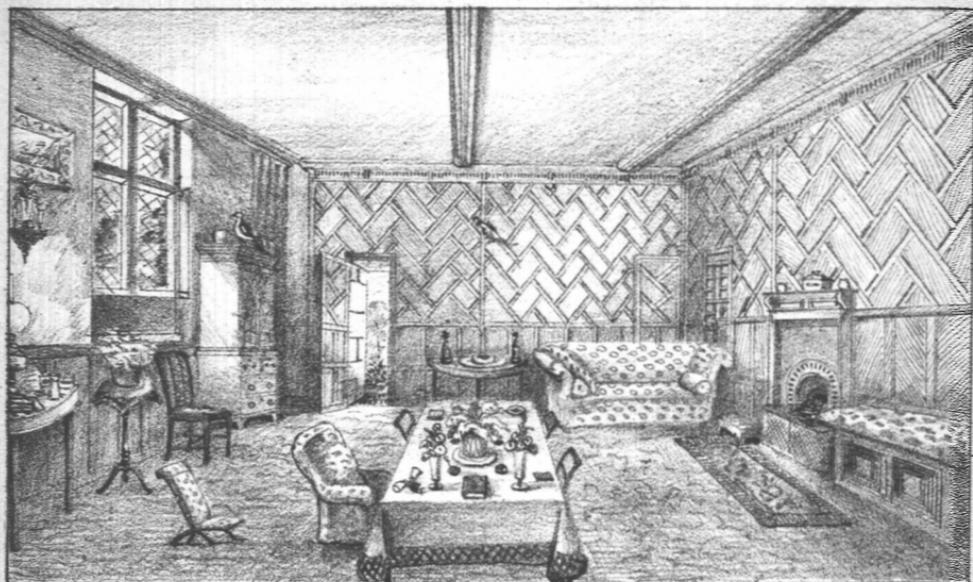
the west, are traces of old foundations. Probably the lower part, that piece of the east wall which runs from the larder angle, to where it turns at right angles a little before the outer door of the



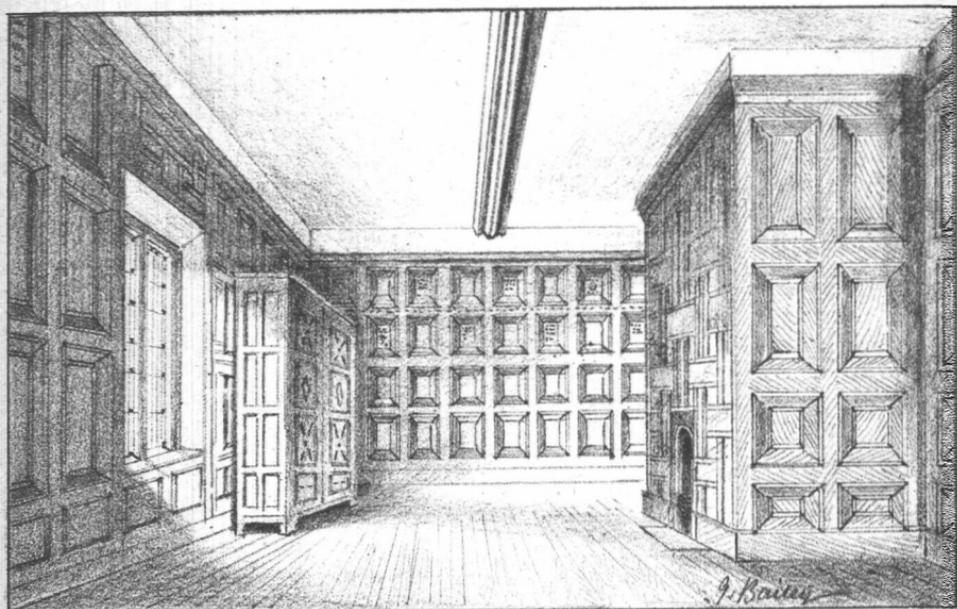
oak parlour, is another part of the house built by Sir Henry, *temp.* Edw. I.

These wood-cuts of sections of the panelling of the Oak Parlour, and of the massive beam in the ceiling, will interest those who study old wood-work.

The eldest son of Sir Anthony was Sir Thomas Fitzherbert, the whole of whose latter years were embittered by the Elizabethan persecution, dying a prisoner in the Tower. His wife, being the daughter and heiress of Eyre, of Padley, brought him a rich estate. His contribution to the beauties of his ancestral home seems to have been chiefly heraldic, for he filled the windows of the Great Hall, as well as those of the principal apartments, with the blazonry of his ancient family and their numerous important alliances. In the year 1581, Lawrence Bostock, who seems to have been in the employ of the College of Arms, though not one of their regular



OAK PARLOUR. NORBURY MANOR HOUSE.



"SIR ANTHONY'S STUDY." NORBURY MANOR HOUSE.

heralds, took notes of the very numerous coats that were then in the windows of Norbury Manor House. The sparse, but interesting remains of this once profuse display of rich heraldic glass, are now to be found in the south windows of the apartments marked "Entrance Hall" and "Kitchen" on the plan, and there are also some valuable sixteenth century roundlets of picture glass, representing the months, in the window of the staircase. All this glass has been described, and still better illustrated by my friend, Mr. Bailey, in the fourth and fifth volumes of our Society's Transactions.

This is not the place or time to dwell upon the general facts of the Elizabethan persecution of the Recusants, that is, of those who adhered to the Roman Catholic faith, and refused to attend the public worship of the Establishment; nor to say what State excuse, if any, there might be for a general policy of outrageous and long-continued oppression, before which the short-lived and fierce Marian persecution absolutely pales in comparison. Suffice it to say that this page of our national history has been generally slurred over, through ignorance or wilful suppression of the truth, by most of our historians. The facts are beyond dispute; they are to be found at our Public Record Office, and are supported by abundant other contemporary evidence. As we have written elsewhere, carefully weighing every word,* almost every persecution, short of death,† was resorted to immediately after Elizabeth's accession; the Recusants were everywhere harassed by fines, forfeitures, and imprisonment, in order to compel their attendance at church. Where the local magistrates were lax in their efforts, special commissioners, armed with the fullest powers immediately from the crown—powers which, in their free use of torture, as well as in other respects, more closely

* Here, and in some other subsequent paragraphs, I quote from a recent article of my own that appeared in the *Church Quarterly*, entitled "The Elizabethan Martyrs."

† Death was soon added to the other penalties by the legislation of 1571 and 1584. At least 183 individuals suffered the awful death of being hung, drawn, and quartered (they were cut down to be quartered whilst still sensible), for their religious belief during the reign of Elizabeth. From this number all those who had any complicity with "plots" are excluded.

resembled the Inquisition than anything hitherto established in England—visited the disaffected districts, or had the delinquents summoned before them in London. This phase of the persecution was specially severe between 1561 and 1563, particularly in Derbyshire and Staffordshire.

Early in the year 1561, Sir Thomas Fitzherbert was sent as a prisoner to the Fleet, London, by these special commissioners. Among his fellow-prisoners were Dr. Scott, ejected Bishop of Chester, Dr. Cole, ex-dean of St. Paul's, and Dr. Harpsfield, ex-archdeacon of London. Sir Thomas's Derbyshire relatives, John Draycott and John Sacheverell, were at the same time in other London prisons, all for the crime of recusancy.

On July 12th, 1563, Grindal, then Bishop of London, writing to Cecil, says:—"Sir Thomas Fitzherbert is a very stiff man. We had a solemn assembly of commissioners only for his case, when Mr. Chancellor of the Dutchy was present, and there concluded to let Mr. Fitzherbert be abroad upon sureties, if he would be bound in the meantime to go orderly to the church, without binding him to receive the Communion. That Sir Thomas refused."

A return by Thomas Bentham, Bishop of Coventry and Lichfield, to the Privy Council of those in his diocese "openly known not to come to church," describes Sir Thomas Fitzherbert as "a gentleman of great wealthe and countenance, as well in Staffordshire as in Derbieshire, and in myne owne Judgement no lesse worthe in Landes and goodes of the yere than in markes." And this return was made in 1577, after he had already suffered severely from fines, and from the bare-faced robbery of his cattle (whilst he was in gaol) by agents of the Government. Sir Thomas was actually imprisoned by the commissioners for thirty years, with only three brief intervals of freedom; was dragged about from gaol to gaol, now in the Fleet, now in the county gaol at Derby, now at Lambeth, and now in the Tower, in which last State prison he finally died in 1591, at the age of 74.

No means were neglected to try and secure his conviction for offences that were termed treason; but though accused of

complicity in several alleged plots,* nothing could ever be proved against him except his non-attendance at church. So loyal was he to Elizabeth in matters temporal, that notwithstanding the heavy and repeated fines to which he had been subjected, he volunteered to supply double the contribution demanded of his estate on the approach of the Spanish Armada. It will be within the mark to say that he was deprived of two-thirds of his estates. By his marriage with Anne, daughter and heiress of Sir Arthur Eyre, he came into possession of the valuable manor of Padley, in the parish of Hathersage. Sir Thomas having no children, and almost all his Elizabethan life being spent in bonds, his next brother, John Fitzherbert, resided at the mansion house at Padley, and received the rents of this and the Norbury estates. On Candlemas-day, 1587, the house at Padley was searched for priests; two were found concealed, Nicholas Garlick and Robert Ludlam. These priests were taken to Derby Gaol. On July 25, 1588, Garlick and Ludlam (together with a third priest seized elsewhere) were hanged, drawn, and quartered, and their heads and quarters fixed on poles in prominent places about the county towns, solely for the crime of being Roman priests; whilst John Fitzherbert was confined at Derby and in other prisons for the rest of his life, finally dying of gaol fever. Richard Fitzherbert, the next brother of Sir Thomas, resided at the principal seat of the family, at Norbury. When his brother was first imprisoned by the Episcopal Commissioners, at the beginning of Elizabeth's reign, Richard escaped to the Continent, and was formally outlawed. On matters becoming rather quieter, Richard Fitzherbert returned to Norbury, and lived for a brief time peaceably in that retired village. But the spies reported his return, and the Privy Council, not trusting the Earl of Shrewsbury, the Lord-Lieutenant of the County, despatched one Thorne, a notorious pursuivant of the roughest character, to effect his capture.

* See appendix at the end of this article of Interrogatories from the commissioners, administered by torture when he was in prison, to try and prove his complicity in a northern rising in 1586. It is painful to have to state that both Archbishop Grindal and Archbishop Whitgift were in favour of torture being applied to Romanists, as can be proved in their own handwriting.

“Thorne practising to apprehend Mr. Richard Fitzherbert used this policy. To Norbury, where he knew this gentleman lay, came three lame supposed beggars, one man, two women, among divers others that there had alms, and when all were served as accustomed, these three continued still crying and craving more alms, as seeming more needy. The good gentleman going down himself at their pitiful cry to give them some money, the man beggar arrested him, laying hands on him to carry him to an officer, and threw the gentleman down. With this noise his friends within came out to rescue him. The beggar seeing that, having a dagg (pistol) ready charged at his girdle, offered to discharge it at Mr. Fitzherbert’s breast, but it went not off. Thereupon the beggar, beaten, let fall his dagg and went a little way off, where Thorne expected his return with hope of prey. The dagg, then taken up by one of that house, went off itself without hurting anybody, albeit there were many present.”*

Thorne sent his version of this affair to the Privy Council, and soon after Richard Fitzherbert was apprehended by a strong body of armed men, and placed in prison, where he remained for several years, and we believe died. Two of Richard’s three sons were also imprisoned in Staffordshire for recusancy. William Fitzherbert, the remaining brother of Sir Thomas, married Elizabeth, daughter and co-heiress of Humphrey Swinnerton, of Swinnerton, from whom are descended the Fitzherberts, who now own that property. William happily died in the year of Elizabeth’s accession, and thus escaped persecution, but his daughter and two sons were all at different times in prison. His eldest son, Thomas, who was in gaol in 1572, after his wife’s death became a Jesuit father; he was a well-known controversial writer, and died at Rome in 1640, at the age of 88.

The three sisters of Sir Thomas Fitzherbert were Elizabeth, Dorothy, and Catherine, who were respectively married to William Bassett, of Langley, Ralph Longford, of Longford, and John Sacheverell, of Morley, all of them gentlemen of distinguished ancestry and considerable property in the county of Derby. All these were repeatedly and heavily fined, Bassett and Sacheverell also enduring long terms of imprisonment, whilst two of the ladies were given into the private custody of staunch conformists in the

* Morris’ “Troubles of our Catholic Forefathers,” third series. This is a quotation from a contemporary MS.

county, and compelled to pay for their own maintenance in those families.

Returning to Candlemas-day, 1587, we find that though John Fitzherbert was not in the house at Padley at the time of the apprehension of the priests, Anthony, his seventh son, was present. Anthony was therefore also taken to Derby gaol, where he was seriously ill of the gaol fever that kept constantly breaking out there, and after nearly two years' detention set at liberty, but only to be again apprehended when in London. As to the other children of John Fitzherbert, the two eldest sons died in their youth, the fourth, fifth, and sixth sons entered into holy orders in the Church of Rome, and Thomas, the third son, played the noble part of betraying his aged grandfather, Sir Thomas Fitzherbert, and securing his final imprisonment. The husbands of three of the five daughters of John Fitzherbert—viz., Thomas Draycott, Thomas Barlow, and Thomas Eyre—all suffered fines and imprisonment for simple recusancy. Maud, the wife of Thomas Barlow, was also imprisoned in the pestiferous Derby gaol for several years, and her sister, Jane Eyre, was given into the private custody of Mr. Sale, rector of Weston-on-Trent.

An old MS. pedigree of the Eyre family, and another independent MS., *temp.* James I., establish the following extra piece of villany in the case of poor John Fitzherbert. He was condemned to death for harbouring priests, and the estates of Padley were confiscated for a like reason; but it was intimated that his life might be saved if the then most enormous sum of £10,000 could be raised. His son-in-law, Thomas Eyre, of Holme Hall, sold his manor of Whittington, and, with the help of others, gathered together the whole sum. It is said that it was also stipulated that John Fitzherbert should be set at liberty, but, as this was a secret transaction, the recipients of the money could not be brought to task, and he died in prison.

Thomas Fitzherbert was duped into conforming to the Church of England, and into the betrayal of his grandfather and other of his relatives and former friends, by the wiles and instigation of that prince of villains, and favourite tool of the Privy Council,

Richard Topcliffe. Topcliffe persuaded young Thomas that if he would turn informer, his influence would be sufficient to procure for him the Padley and other forfeited estates. Shortly before his death in the Tower, Sir Thomas Fitzherbert made a will by which he disinherited his grandson Thomas; but Topcliffe was on the look-out, obtained access to his cell, found the will, carried it off to Archbishop Whitgift, and with his sanction it was destroyed.* Thomas thus by fraud inherited that which remained of the Norbury and other unforfeited lands; but it is satisfactory to find that, after prolonged litigation, he did not succeed to the valuable manor of Padley, which actually for a time fell into the hands of Topcliffe, and the brief remainder of his life was brimful of misery and crime. It is even most satisfactory to learn that Topcliffe also reaped no advantage from Padley, which was taken from him just when he was meditating there ending the last days of his active but ever evil pilgrimage.

Dr. Jessop, in pointing to the connection of Topcliffe with the persecution of the Norfolk recusants, has justly said—"I cannot bring myself to dwell very much upon him, and I am reserving myself for an article upon him and his misdeeds when some learned doctor of philosophy shall undertake to edit a Biographical Dictionary of Rogues and Murderers; then I shall be ready for the task of writing the masterpiece of the volume." His awful cruelty to Father Southwell, and other victims who were handed over to him to torture as he pleased, the seduction (if not worse) of the daughter of one of his important prisoners by a hideous bribe, and the subsequent forcing her to turn informer against her own kindred, these and other sickening crimes have been already placed on record against him; but we doubt if the infamous nature of his transactions against the Fitzherberts is not the crowning point of Topcliffe's iniquity. There was no depth of degradation to which the man could not stoop, as is shown by the wholesale accusation of unnatural crimes that he preferred against

* In the the oldest Act Book of the Probate Court of Lichfield is an entry for administering the goods of Sir Thomas Fitzherbert (treated as an intestate), taken out by his nephew Thomas as nearest of kin, under date October 10th, 1591.

certain tenants of the Earl of Shrewsbury who were holding Padley, and keeping him out of that which he affected to regard as his own. The ruins of Padley and of the chapel attached to the manor house still remain; but it was never tenanted for more than a few months after the legal murder of the priests in 1588. The property has changed hands with great frequency; and the site itself, upon which last century there was both a murder and a suicide, is now threatened with destruction by a projected railway line. A curse seems to cleave to the spot, as though the very spirit of Topcliffe impregnated the place. For cringing cant and fawning hypocrisy, Topcliffe had few equals; he claimed to be a strong Puritan, and in the midst of his sickening cruelty and sensuality, found time to plead in favour of the "silenced ministers."

We give two letters of Topcliffe's, written towards the end of his life to the Earl of Shrewsbury, which are somewhat favourable specimens of his style; letters that have never before seen the light.

"Rt honorable Earl now your Lordship hath written to me that my longe letters have not bene tedyooss to you to reade when I have written to you at lengthe comfortable newes of my simple services doone to your Lordship ageynst y^r Cuntry Enemyes & how I did encounter those clamorous complayntts to o^r laite Queen (gone to God) in yo^r behalfe, desyringe mee to contynewe that kinde of longe wrytinge: Now gyve mee leave (I besitche yo^r Lordship) to bee somewhat tedyooss in a cawse that dothe concerne myne undoinge, because I did receive no answer from your Lordship of my last lre syntte you by Mr. Fenton, one who honoureth you, and seemethe to loove mee, for I was then loathe, & still am so, that any person, but a well wisher to us boathe should know that yo^r Lordship (whome I have honored halfe a houndreade yeares above all men now lyvinge, and under whose forefahers my Ancestors have maide prooffe of theyre loyall affectyons to their Sovereignes, & trewe loove to the Earles of Shrewsburye) sholde now go about to offer to heave mee (with yo^r streingthe) out of Padley, a delightfull solytary playce in whiche I tooke threefoulde the more pleasure for the nighnes of it unto 3 of yo^r cheefe usuall howses, so there I thought that I sholde (in my oulde dayes) take comfortte in yo^r Lo: precence, In any tyme of discomfortte suche as tyme dothe Breede, And as I did wryte therein, so now I trust that no practizinge Enemye of myne shall intresse yor L. to offer to mee that requytall for my longe lovinge you Eather for their reveindges against mee or for their own gaynings;

for suche feugetyve chaindges w^{ch} Broakers do not wyshe Padley to yo^r L. for dewty or loove, but for other dyvices. And if I had not known in my hartte that there is a God, who will cawlle myghtye & meane unto an accompt, how they heappe upp lande to lande, howses to howses, and also Townes to Townes, & often Townes to one howse, I colde have hadd foother footte houlde in Hadersedge, Norbury, Ridwayre, & in all those staytlye maners & parkes, Then anye purchazer as yet hath. And with bitterness of soule some purchazer will buy his bargayne dearlye. For Padlaye I did knowe that it was no partte of Fitzharberts Ancyent Inheritaunce, but gyven to S^r Thomas, & to him by Dame Ane Fitzharbert, and Thomas Fitzharbert did assure it to me & to my heires: I dearly paicinge for it & for the resedewe adioynge to it, partly with my pursse with Adventewrs with chardges, & with above seaven yeares toylle & travell for him. I therefore hoape that your lordship whome God hath blessed with so meanye thowsande pounds of staytlye lands synce I did first knowe you, and synce yo L. did first loove me as entyrellye as you did any gentillman in England (if eather worde or writinge may be believed) and of your loove I have founde tayste; that you will contynewe yo^r good opynyon of mee & suffer mee to enjoye with your favore Padley & the resedewe assewrid unto mee: To whome I can proove good Queane Elyzabeth the intreated yor Lordships favour & assistance under grant of her Counsellers hands in the defence of my right unto Padley, when you were fyrst Erle. And if your lordship will vouchsayffe to lett me knoove your resolve & answer to that letter last sentt by Mr. Fenton, By your lett^r I shall (with dewty) resolve myselfe to that coorse of lyffe whiche shall best beecume mee, for whiche purpose, if y. L. had stayed but toowe dayes longer I had waytted upon you at Sheffilde or at Woorsoppe to have desyred to knowe whereunto truste or to dispayre. And often cropedout fowlle abuses there used at Padley (whose fortune soever it shalbe to enjoye it) it woulde bee a very honourable & charytable partte for posteryte if y. L. wolde gyve chardge unto some gentillman of distenssion who is neere adjoynge to that howse ffor refoormacyon of toowe fowlle abuses whiche be usedd in that howsse of Padlaye synce the tyme of those contencyons, & never so fowlye as in these toowe times that your Lordship's servantt and possessyon-keepers have bene Resyant there: The one is that those fewe, pleasant, & needfull woodds of all sortts, grate & smale (that Ravens have leafte unspoylde) maye bee now preservedd & kept frome distruction (Woodde beinge so daynty in that playce). The other abuse is that viij or tenne continuall fyrés & I thinke so many househouldes of inmaytts, sutche and of so badd conversacyon as Spainished Clarke & Chaindge Dawkyns have bene known to bee, may not bee contynewally keppt, & norreshed there as in tyme past, feugetyve traytors, hoaremongers, Bawdds, & like abhomynable persons have hadd habytacyon & refuidge, like a Soadome or Saynctuary of fylthyness. Whereof if your Lordshipp had knowen I doubt not but you would have seene Reformacyon, as y^r honour hath mayde one

prooffe in yo^r memorye. And if your Lo: will resolve mee now directly & plainely your Lre. by this bearer y^r pleasure, & therein unto what I shall trust I shall honor you the more, wishinge that I maye still have occasyon to honor yo^r most, from my solitary Sumerley y^e xx of February 1603.

y^o Lordship's aunyent honorrerr

As ye Lorde Godd dothe know

RIC. TOPCLYFFE.*

“Right honorrable the dewty that I have so longe carryed to yo^r noble howse & the honest Ladye I professed to you in yo^r youthe Can (in mee) hardlye yett bee slackedd, which had taken suche houlde in my hartte & so have I shown likely dyvers tymes synce I have fonde many showes of alteracon on yo Lorschep. But I will still bee plaine Topclyffe And if I colde do any-thinge to prove that the Ancyent honor I dertermyned to you is not of my partte given over by any unkindness offerred to trye mee you were like to fynde mee more honest Then any nombur of flattererres & Scowthers I hearinge that the Queans Ma^{tie} that now is dothe come to yo Lo: house to Woor-soppe parke shortlye & as yett the tyme unknown to mee I (not lyke a faun-ninge Curre, I but beinge & bearringe for my Cognizanc a Gentill white hownde Syttinge, Reddy & Cayffringe with his Taylle upon his backe, To abyde all Tryalls) do sende to yo: Lo: for oulde Looove the best & highest fallowe deare, that it is Sumerly parke, or (I thinke that is in Lyncolnshire) Wildefedd, and I have sentte your Lordship therewith iiij pyses of the best stagge that I have seene (of a wilde deare) in whittson weeke, Bayked by a Cooke y^t Learned Cunnyng in yo. noble fathers howsse, when ye Skottish Queen did remayne with that Erle, And if I hadd known the Certen day of thys good Queen bee cominge to your Lordship I would have sentte your lordship some yonge Heronsaws out of the nestes which well Baked is excellent meatte coulde or hotte & better than roasted, And if your Lordship like to have some yonge hearron saws against the day of your Lordships doinge if your Lordship will comande this Bearer to bringe somme quick hearronsaws to Woorsoppe to you, suche as Bee then unfloun I have gotten these handy to bringe to your Lordship. But I colde have sent you a C. and if I sholde thinke that your Lordship would tayke my coortesye as a flatterye I wolde haytte my selfe for doinge like a Genti’ll hownde as I am, in my hartte and so trustinge your Lordship will repute mee in humble sorte as dothe become the parte of a playne friende, I end at my solitarie house Summerly and reddey to ryde towards Doncaster, This Wednesday the xvi of June 1603.

“Yr. Lordships playne faythfull

“well wysher

“RIC. TOPCLIFFE.”†

* The Talbot MS. Papers, at College of Arms, M. 184.

† The Shrewsbury MS. Papers, at Lambeth Library, vol. v. f. 141.

A specimen of Topcliffe's handwriting, which affords a further proof of his remarkable notions of spelling, remarkable even in those days of capricious orthography, occurs in the facsimile of the Fitzherbert pedigree (Plate XIX.) that he drew up for the use of the Council. Richard Topcliffe, of Somerby, Lincolnshire, was of excellent family, and was specially proud of his sixteen-quartered coat. This placed him above the ordinary run of priest-hunters or pursuivants. He was on terms of intimacy and friendship with several of the Privy Council and had no difficulty in obtaining private interviews with the Queen, and receiving instructions immediately from her. Among the State Papers is a rough copy of Topcliffe's pedigree in his friend Lord Burleigh's own hand; and the emblazoned genealogy of Topcliffe was one of those with which the Lord Treasurer decorated the cloisters of Theobald in conjunction with the highest in the land. The close connection of a man of this character and calibre with the Government of the day, is one of the saddest and most humiliating features of the inner life of the court of Elizabeth. Such an intimacy is, however, after all, well worthy of a Council who could actually coolly endorse the letter of a traitor priest, offering to murder a co-religionist, specially obnoxious to the Government, with a poisoned Host, and who could continue to correspond with such a miscreant, and to act upon his information.*

Nor did the persecution of the Fitzherberts extend merely to the members of the family. The severe laws of this reign were strained to the utmost with respect to their tenants, and when the ordinary laws could go no further, the arbitrary power of Commissioners, or powers specially delegated to pursuivants of the Privy Council, were brought into play against them. Several of their Staffordshire tenants died in the gaol of that county; whilst the Derby gaol, a specially pestilential place, built over the town sewer, and subject to constant epidemics of

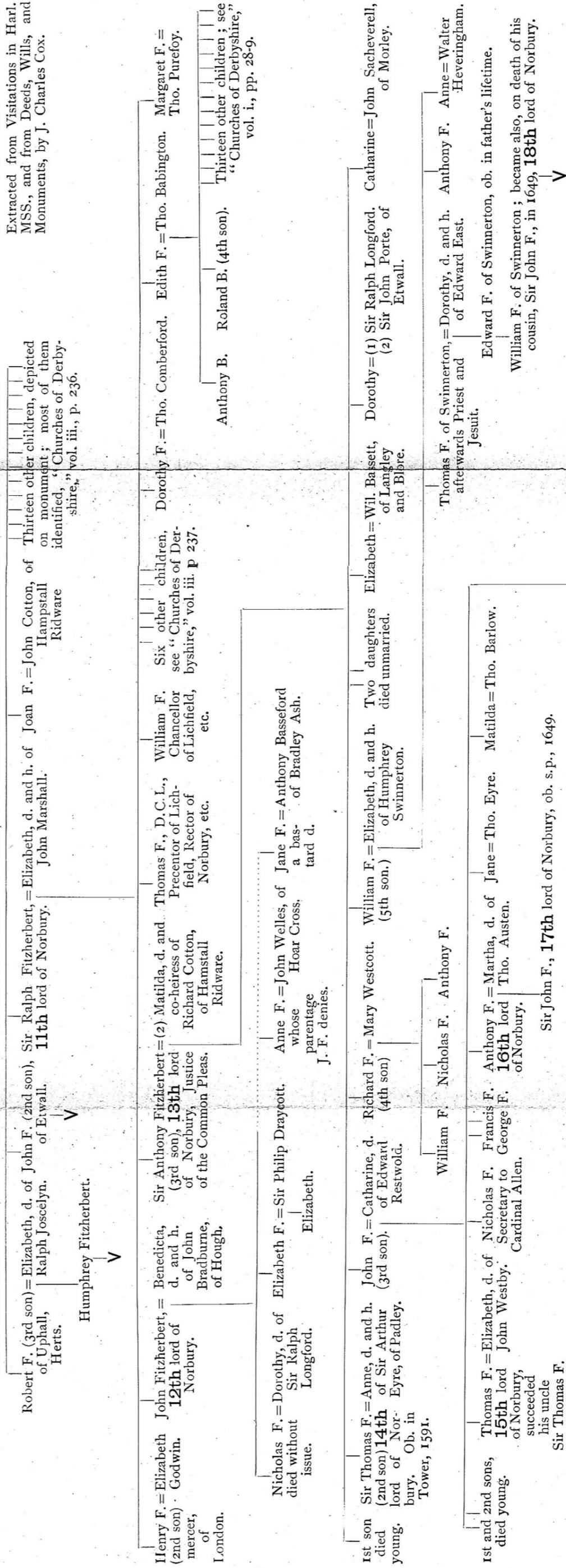
* *Dom. State Papers*, Eliz. 251, No. 49; the letter is addressed to Sir Robert Cecil, Burleigh's son, the Secretary to the Council.

PORTION OF PEDIGREE OF

FITZHERBERT OF NORBURY

(to illustrate Will of John Fitzherbert, ob. 1517, and the Elizabethan persecution of that family).

Sir Nicholas Fitzherbert, = (1) Alice Bothe; (2) Isabel Ludlow.
10th* lord of Norbury.



* Sir Nicholas is usually described as 11th lord of Norbury, but this is an error, for Sir William F., the first mentioned of the Pedigrees, and father of William, to whom the Priory of Tutbury gave the manor in 1125, was not of Norbury. This explains the change in the numbering of all the lords of Norbury mentioned in this Pedigree.

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gaol fever,* proved fatal to many of their tenants of that shire. From the Talbot Papers. in the College of Arms, we take the following letter from the Privy Council to the Earl of Shrewsbury :—

“ We have been thoroughly acquainted with the great care and diligence your Lordship hath used in the apprehension of Richard Fitzherbert, Martin Audley, Richard Twiford, and the rest, and do yeeld you very hearty thanks for the same. And likewise do pray your Lordship that by vertue of your Lieutenancie you authorize Edward Thorne (with such assistance of your Lordships servants or others as you shall think fitte) to apprehend one Alice Rolston, keeper of Sir Thomas Fitzherberts house at Norbury, and also one Thomas Coxson, keeper of the said Sir Thomas his Parke at Ridway, and such other persons from time to time as the said Thorne shall give notice unto your Lordship, and as in your great discretion shalbe thought fit: to dispose of the said two persons so to be apprehended according to such instructions as in that behalf the said Thorne hath received from us—and so not doubting of your Lordship’s performance hereof, we comit your good Lordship to the sauf protection of God. From the court at Windsor this xxi September 1590.

“(Signed) C. HOWARD, BURLEIGH, HATTON, HUNSDON,
KNOLLYS, WOLLEY, FORTESCUE, HENEAGE.”†

Two years later, there is evidence that seven of the Norbury tenants were outlawed for recusancy, or rather for not appearing to answer to their summonses at the Derby assizes for this offence. Probably they had a wholesome dread of the noisomeness of the Derby gaol.

Poor old Sir Thomas Fitzherbert at last succumbed to his almost perpetual imprisonment, dying in the Tower on October 3rd, 1591,

* A letter from Sir John Manners to the Earl of Shrewsbury, dated from Haddon, July 24th, 1589, contains the following reference to Derby gaol :—
“ Furthermore forasmuche as the Gaole at Darbie is infected with sickness & the Semenary Clayton nowe deade & dyvers others verie sicke I woulde be gladd to understande your lordship’s pleasure, yf you thought it convenient that I shoulde take bonde of some of the sylmpler sorte of recusants for their appayrance at the nexte Assizes.”—*Talbot MSS. G. 482.*

Topcliffe, when for his own ends he was trying to show the kindness that he had done to young Thomas Fitzherbert, speaks of having rescued him from imprisonment in “ that foule hole Darby gaole yt allwayes stanke and bredde corruptshun in the prisoneres.”—*Chancery Proceedings as to Padley, Topcliffe v. Fitzherbert*; *Pub: Rec: Office.*

† *Talbot MSS. I. 83.*

aged 74. For thirty years he had never seen his much loved home at Norbury, that he had done so much to beautify. His next brother John was supposed to look after the estates, but his own imprisonment and constant harassing did not permit him to be a very competent overseer, and the perpetual fines made it almost impossible to execute even the most necessary repairs. It was now that the decay of the fair Hall of Norbury began. John Fitzherbert died the year before his brother, and his unnatural son Thomas (though Topcliffe tried to get Norbury as well as Padley) came to the manor of Norbury in succession to his uncle. On the death of Thomas without issue, Norbury passed to his brother Anthony.

The following letter, written by Anthony Fitzherbert when in Derby gaol, is not very creditable to the sixteenth lord of Norbury, for we know that he resumed his Romanism almost immediately on his release; but for this he had to pay a longer term of imprisonment in a London gaol. But we must not judge him too harshly, Derby gaol seems to have been enough to unnerve any one, and Anthony had seen his father rot away there, but a few months before he wrote his letter. This letter, like most of those we have quoted, is now for the first time published:—

“Right honorable & my verie good Lorde I most humblie beseeche your honor to comyserate my poore & distressed estate, remaynyng heere a prysoner wthin the Gaole of Darbye by yo^r Lps comittment and direction from the Lls of her Ma^{tie} most honorable previe counselle, And forasmuche as I have been examyned before yo^r Lp of diuvers articles & have answered thereto, so as I truste yo honor dooth well pceive me no medler in matters of state, but only mysledd in poyntes of Religion, wherein I have been housled upp from my infancy (never tasting any other pape) but nowe more & more weighing within my self and duely considering yo most honorable admonyntions & sage counsayle wherewith yo Lp did psuade me, which hath taken deepe roote in me, and moved me more than any durance of ymprysonment or terror of Lawe coulede ever have doon, So that nowe my good Lord I well percrive my owne blyndness and acknowledge myself to have too too (*sic*) longe wandered in the darkesome night of ignorance never escryng any daye light before, Therefore I most humble beseech yo Lo (for charities sake) to be a meanes to the most honorable LLp of Her Ma^{tie} previe counsell for my enlardgmt, For my truste is their hono^r will be as mercyfull to me as they have been to others in like case as

greate offenders as I am. And yf yo honor will this once be compassionate you shall be an eye witnes that I will conforme my selfe & come to the Church as I pmysed yo honor, and avoyde the company of all such dangerous psons, as your Lo. gave me warnyng of, and beare myself hereafter, like a most loyall and obeydent subject: Pdon me my Ho: good Lord (I humblie beseeche yo) my unfortunate boldenes for the streightness of this place, and most odyous for manye causes, which the lothesome and unsaverye smelles and the combersome companions wch be hether remytted for all vyces, wherewith I am pestered, doo so daylie encrease the manye infirmities of my weake bodye with some other more speciall and pticular causes, wch I made known to yo^r Honor at my beinge wth you, as, unlesse I fynd yo Honor to stand my good Lord, I shall rather wishe a short & spedye deathe, than so weary & consuming a lief, my full confydence is y^t your Honors goodnes will not be unmyndfull of me, And I shall praye to God for yo^r honors happie felycitie and daylie increase of all honors ffrom the Gaole of Derby, the xxi of Maye 1591.

“Y^r Ho most bounde in all duity,

“ANTHONY FITZHERBERT.”*

To this Anthony Fitzherbert, by his wife Martha, daughter of Thomas Austen, was born an only son, Sir John Fitzherbert, seventeenth lord of Norbury, who died issueless in 1648. From this date Norbury was no longer the residence of the Fitzherberts. The Manor passed to William Fitzherbert, of Swinnerton, third in descent from William, a younger son of the Judge, who married the heiress of Swinnerton, which was henceforth their chief residence.

Another doorway in the west wall of the Great Hall, distinctly shown on Plate XVI., has the date 1682 over the keystone, flanked by the initials R. W. There are other letters below, but they cannot all be decyphered. This gives the probable date of an extensive reconstruction and diminution of the size of the Manor House, and of the replanning and making habitable of the present block of buildings now used as a farm residence. But this building has been partially re-cased with brick, and still further modernised at a later period. The family of Maskery have been the yeoman tenants of all that remains of this ancient hall of the Fitzherberts, almost ever since the lords of Norbury ceased to reside there. To the courtesy of Mr. Maskery, the present tenant,

* Talbot MSS. H. 289.

we are much indebted—tenant, but alas no longer tenant of the Fitzherberts, for Mr. Fitzherbert, of Swinnerton, has sold the manor of Norbury; and the ancestral home, with all its pathetic memories, is no longer connected with this time-honoured name.

APPENDIX.

(*State Papers Domestic*, Eliz. Vol. 194, No. 75.)

INTERGATORIES to be mynstred to Sur Thomas ffytzharbert
Knichte and others his pepell.*

Inp̄mis whether he weare not withe Thomas Pearce late Earll of Northounberland at his house at Toplift amouiethe afore the Rebelyone in the Northe and there had conferaunce withe him aboute the same Treasons.

Itm̄ whether he weare not withe Sur John Neveill at his howse a lytt'yll frome Yorks woulde and thear had lycke conferaunc̄ withe hime.

Itm̄ whether he dyd not appoynte his tenaunts in the peake to be in a redynes for the same purpose.

To prove this Thomas Coxson Richard Bobbeit James
Hoope & Mery Scoot with others.

Inp̄mis whether he weare not pryve and consinge to the late treasons of ffraunce Ro^lsonne and John Haull.

Itm̄ whether he dyd not hime selfe or his sarvaunt or sarvaunts by his appoyment or comaunds leand the aforesaid Haull horses from tyme to tyme aboute the same practycees one beaye called Loxley and one blacke called Dreacott withe dyves others frome his howse [at] Norbury.

Itm̄ whether the saide Haull dyd not resorte to his Howse No, burie whylle this treasons weare in workinge and thear confared withe dyves prestes aboute the same treasons wiche Sur Thomas hathe ever meantenide since the Q. maties reainḡ and doiethe dailie meatine dyves at this Instance.

To prove this John Bodyley Marteyn Audley Richard
xper Robsonne Bobbeit John Rolsonne withe others.

Inp̄mis whether he weare not consintinge or pryvie to the laste consperice of Anthonie Babington auganste the Q. M^{ties} parsonne and the whole state of this Reame.

Itm̄ whether he had anye secreit confaraun̄ withe the said Anthonye

* These Interrogatories were drawn up by Richard Topcliffe from information, either real or feigned, that he said he had received from spies.

Babingtone or anie of his fellowes Jesuiets semanaries or massinge prestes touchinge the same praictyses and treasones at anie tyme whylls he dyd macke his abode at Hampsted hearby Londone when he was at the counsellis comaundy laste.

Itm whether his Keper or Keppers dyd not after the apprehencio of the saide Babyngton or Emeadyatlie before receve into his parke of Rowlaye by his espesyall comaundymnt and letter the 17th daye of Auguste 6 gyldings one fellye and a mare with her coult by one Edmunde Drelicot uncll to said wife of Babingtone wheareof theare were three ryddyne Exstreamlie leane viz . tow beayes and a whyt the othes but younge horses savinge the mare wither her foolle and the all were fetched out of the parke the laste daye of September by an oulde farminge mane and took unto Mr John Dreacot of Paynstylea father in lawe to Babington and this Edmund Dreacot a recusante and his brother Mr John Dreacot wither all his.

To prove this Wyllyame Abell his bealyfe Thomas Coxson
his keper with others.

Itm whether he haiethe not for the speaces of these 16th yeares and more kept in his howse at Norbury massinge prestes and now doith to saye sarvyse thear deallie.

Itm whether he doieth not kepe in his howse at this Instance fowre prestes viz. Sur Richard Arnolde Abrahame Suttone Robarte Greay and one francis* by sydes daylie recusants and all other sorts of papyest.

Itm whether he doieth not Releayve daylie and ever haith done boieth Jesueytes semynaris and massinge prestes and now doieth kepe howse onlye for the meatenas of such psons and ever haiethe done.

Itm whether all his sarvaunts boieth men and women be not Recusantes as also reconcyllid and vowied papestes so to contynue.

Itm whether father Parsons the Jesuyte † did not preache and saye mase at his howse at Norbury and whether that all his howsheolde pepell boieth men and women did not receve at the same tyme wither dyvers others.

* Richard Arnold (*alias* Audley) was a young priest, son of one of the Fitzherbert humble tenants of Hamstall Ridware. Abraham Sutton, was one of three brothers, all Roman Catholic Priests, of Burton-on-Trent; William, threatened with imprisonment, escaped on board ship, and was drowned off the coast of Spain, 1590; Robert was martyred at Stafford, July 27th, 1588; Abraham, for many years a tutor to the Fitzherberts, passed about two years in Derby gaol. Robert Grey was another tutor-priest of the young Fitzherberts; he was imprisoned both in London and at Derby, and was under torture by Topcliffe; he at last escaped to France. John Francis was a friar of the Repton family of that name; he is several times mentioned by the Continental spies in their letters to the Council.

† Robert Parsons, the learned Jesuit Father, was an active proselytizer with Father Campion in 1580, but he was never in England after 1581, though the spies sometimes suspected his presence. He died at Rome in 1610.

Itm whether he haieth not kepe howse this 20th years spaces as well duringe his Imprysom̄ as his abode at Londone by comaundyme . . onlie for the relyfe of Jesuyets semaryes and massinge prestes and other recusauntis his servaunts and tenaunts and straingers and haieth more resorte of suche to his howse Norbury then ever he had since her Majestes reaine.

Itm whether the moste of his tenaunts be not recusaunts or almoste all in genyrall other weayes be nether lyckes or loves or truste anye of them yf the doe not as he doieth yf he be never so ny kyne to hyme.

Itm whether he haithe had the popes pardones brougnt hime at anye tyme and whether he and his howseholde have received the comunion uppone the same pardons and howe oftene and howe longe sytheances.

Itm that Sur Thomas haithe for these 20th years spaics looked for alteracio frome yeare to yeare and frome mychelmes to Mechelmes and saide it woulde chainge ether by the Q. maties death or by some forrayne poware arvinge heare or by the Q. of the Scotts her advancment to the crowne and thear by he assuredlie looked for great advancment and callinge.

To prove these to be trewe all his sarvaunts and tenaunts

withe these under wryttine

Mr Richarde fytzharbert

Mr Edmunde Drelicot

John Bodeleay

Xpor Roulesone

Martyne Audleay

Richard Bobbiet

John Roulesone

Wyllyame Shawe

Richard Twyforde

Thomas Coxson

Thymothy Browne

George Cooke

Thomas Arnolde

William Knowles

John Collpar

Raffe Assone

William Pocker

Richard Alsoupe *

* Everyone of the witnesses named in this list, and throughout the Interrogatories, who were expected to prove the charges, were, without exception, either relatives or tenants of Sir Thomas Fitzherbert, and were every one prosecuted for recusancy. It is not likely that much could have been made of such witnesses, even if the charges were true, unless torture was applied.

John Haucksworthe alles Baker this is he that did geve his tennants in the
 peaick warninge to be reddie and aw . . . recusaunts besydes thear wyfes
 and chylderine and sarvaunts bysydes a hundriethe * more if I did saie
 towethowsande it weare not all that ar his tenaunts withe theare sonnes and
 dawghters and servaunts.

(Endorsed)

Articles ed against
 Sr Thomas Fitzherbert.
 About y^e rebellion in
 the North.

(Oct^r 1586?)

* This word is written over an erased "thousande," which is a proof of the
 ridiculously vague way in which Topcliffe drew up even his most formal
 charges.