

**Will of Elizabeth Fitzherbert, Widow of
Ralph Fitzherbert, Esq., of Norbury,
Derbysire, Dated 20th October, 1490.**

Contributed by Rev. REGINALD H. C. FITZHERBERT,
Rector of Somersal Herbert.



THE document printed below (from the original Probate Copy in possession of B. T. Fitzherbert, Esq., of Swynnerton Park, Staffs.) is at once a Will and a Deed of Appointment; the Will ending with the word "above written," and the Deed of Appointment commencing with the word "Furthermore."

It is interesting on account of the many articles of domestic use and of dress mentioned by the testator; and it also supplies some information useful for genealogical purposes. The original Will appears to be lost. The testator was the only daughter and heir of John Marshall of Upton and Sibbesdon, co. Leicester, Esquire.

The question as to what the testator meant by "the Church of Saint Barloke" has been already discussed in this *Journal*, vol. xix., pp. 95-96. On the whole, it appears probable that "the Church of Saint Barloke" may have been the Chapel at the east end of the north aisle of Norbury Church, and not the south-east Chapel. It is true that the latter contains a figure of St. Barloke in the window; but most of the stained glass in Norbury Church has been moved from its original position;

and as the windows of the north aisle and south-east Chapel are of the same size and shape, the glass may have been removed from the former to its present position in the latter. Who this Saint Barloke was has not yet been found out.

We learn from this Will that in the year 1490 the testator's youngest son Antony (afterwards Sir Antony Fitzherbert, Justice of the Common Pleas) as yet had "no part of his father's goods but his bare finding" only; and his eldest brother John is directed to pay him the sum of five marks per annum "towards his exhibition at Court" (*i.e.*, his studies at Gray's Inn), "upon condition that he continue his learning at the same." This is strong evidence that Antony was not that "Master Fitzherbert" who in 1523 wrote the books of Husbandry and Surveying, and who had then been an householder and exercised husbandry for forty years. (See *Journal D. A. & N. H. S.*, vol. xix., pp. 96, 97; also an article on this subject in the *English Historical Review* for April, 1897).

I subjoin a list of certain words in the Will the meaning of which may not be apparent to all readers, with their explanation as given in *Halliwell's Dictionary*, and *Giles Jacob's Law Dictionary*, etc. :—

To the forgeyng = ad fabricandum, ad fabricam reparandum ;
fabricare = to forge.

Raucester = Rocester, Staffs.

Crokesdon = Croxden, Staffs.

Derley = Darley Abbey, near Derby.

Bredpayne = probably a mistake for bedpayne, *i.e.*, counterpane.

In bredde = in breadth.

My daughter Benct = Benedicta Bradburn, wife of testator's eldest son, John Fitzherbert.

Elne brodde = ell broad, the width of an ell.

Bordcloth = tablecloth

A maser = a bowl or goblet.

A nutte harnesssed = a silver-mounted coco-nut.

Tuke = "tewke, to make purses of, trelis" (*Halliwell*); apparently a kind of net or gauze.

Sey = a delicate serge or woollen cloth.

Pounced = ornamented with punch work, repoussé.

A garnesse = a garnish, *i.e.*, a complete set or service of vessels.

Brandyron = same as andiron, *i.e.*, hearthdogs (*Halliwell*); but query = brandreth, *i.e.*, an iron tripod to support kettle or pot over fire.

Landeyron = "landern, a grate" (*Halliwell*).

Throwne leed = turned lead, a round leaden vessel.

Thrown stoles = turned stools.

Stepyng fate = steeping vat.

Yeleyng fast = ale vat, brewing tub.

Ale lomes = ale tubs.

Purfled = ornamented, trimmed.

Cowedron = Cauldron.

Yrne = iron.

Scom^{er} = skimmer.

Skelett = a long-handled metal pot.

Broche = spit.

Puke = a colour between russet and black.

Shankes = fur from the legs of animals.

Iche, ichon = each, each one.

Medful = profitable.

Co-maundre = Commandery of the Knights of St. John.

Wared in bredde = laid out in purchase of bread.

Suete = suit.

** *Ihs Marie filius.* **

"In Dei noie. amen. the xxth day of the moneth of Octobr̄ the yere of our Lord God m.cccc.lxxxx. I Elizabeth ffitzerbert Wydowe, stidfast of mynde & of good remembraunce make my testament in this wyse: furst, I bequeth my sole to almyghty god. And to the blessed virgyn our Lady saint Mare. And my body to be bured in the Churche of saint Barloke by fore the ymage of saint Nicholas by syde the body of Rauffe ffitzerbert late my husbond orels in the Chauncell of Sebestian fast by my ffather & Mother, by the advyse & discrecion of myñ executours. Also I bequeth in the name of my Pryncipall as the mañ & custome asketh. Also I bequeth to eÿy Prest beyng at my bereyng that is to witte at my durgee & att my

masse iiij^d. & to eÿ clerk ther beyng j^d. Also I bequeth in wax to be brennte abowte my body in the day of my beryng vi li. in weght. Also I bequeth to the Cathedrall Churches of our lady of Couentre & of seint Chadde of lychefeld to ayther of theym xij^d. Also I bequeth to the fforgeyng of the Curche of Sybbedon vj^s. viii^d. Also I bequeth to the fforgeyng of the Church of Yoxall iij^s. iiij^d. also I bequeth to the fforgeyng of the Curche of Duffeld iij^s. iiij^d. Also I bequeth to Calwych xij^d. And to the Paroch Church of Raucestf xij^d. Also I bequeth to the abbotte & couent of Crokesdon to p^{ay} for my soule for a Trentall to be song & seid of them x^s. Also I bequeth to the Priour of the ffreres of Derby & to the Couent to p^{ay} for my soule. And to syng & say a trentall x^s. Itm, I bequeth to the abbot & couent of the abbey of Derley to p^{ay} for my soule for a trentall to be seid for my soule x^s. Also I bequeth to the fyndyng of a Prest to p^{ay} for the soule of Rauffe ffitzherbert late my husband & for my soule xti of money be syde the rent of Calton. Also I bequeth to vij Prestf at the trust & dispocicion of myn executours to p^{ay} for my sole xlvj^s. viij^d. that is to wytt to eÿ Prest vj^s. viij^d. to say Placebo & derige eÿ nyght & masse on the morowe duryng that yere And eÿ Prest to be assigned to his day by myn executours. Also I bequeth to John ffitzherbert myn eldest son the best standyng Pece of syluer w^t a coÿ, the best standyng salt of syluer w^t a coÿ. Also my best tabull clothe of dyapur w^t ij the best Towells & iiij of the best napkyns & the best bredpayne (*sic*) & the best Payre of shetes of iij webbes in bredde. also to my Doughter Benet my best gurdyll & an newe brasyn mortar & a Pestell. also I bequeth to Henr' ffitzherbert my son xl^s. in money & to hys wyffe a peyre of shetf of iij webbes also I bequeth to Thomas ffitzherbert my sone a Goblet of syluer w^t. a coÿ a peyre of flaxen shetf elnebrodde, iij kuschyns, a short bordcloth of diapur w^t. ij short towelles of dyapr'. also I bequeth to Richard ffitzherbert my sone xl^s. in money. Also I bequeth to Will^m ffitzherbert my sone A maser w^t. a bande of syluer & gylt A nutte harnessed w^t syluer & gylt w^t. a coÿ of syluer & gylt iij Spones of Siluer of the xij. a peyre of flaxen shetf elnebrodde, ij blankettf, ij coÿlett^f a betf & a wors. A materes w^t. a Bolster of fethers. A Browed Chest at Pollesworth & a white hangyng bedde that is in the old Chambur. Also I bequeth to my sone Antony ffitzherbert a flatte pece of siluer, iij syluer spones of the dosen, a peyre of flaxen shetf elne brodde, ij blankettf, ij coÿlett^f A betf & a wors. A materes a bolster And the blake Chest in the Parlour A white hangyng bedde that is in the Parlour, also I bequeth to Edithe Babyngton my Doughtur my Best Prym, a Curtyll of blake Tuke and a ryng of gold w^t. Images. And Anne Babyngton her Doughter A gowne clothe & a Curtell & a peyre of shetf yerd brod & an heyfur Calfe of ij yere. Also I bequeth to Margery Purfrey my doughter a ffthurbed w^t a bolster in the Chambr

ij blanketts ij Coulett^f on' is of rede in the Chambr w^t. a colyng of red sey. A white hangyng bedde in the same Chambr & a Pelowe. Also a materes w^t. a bolster w^t. the hangyng of red sey in the best Chambr. also a peyre of shet^f flaxen yerd brod. also a bord cloth of diapur w^t. a long towell of diap— that come from Norbury iiij napkyns of diapur & a coupayne, a pleyne Bord clothe of flaxen a yerd brod. also a hempyn bord clothe w^t. ij towels of Canves. Also a syluer pece Pounced w^t. a Coñ. iiij syluer spones iij of the xij & on of the other. the litull broken salt seler of syluer. iij Cusshynes, the Chest that stond^f in the maydys chamber. also half a Garnese of Pewt^r vessell of the worste sworte, ii candulstyk^f a bet^f & a worse a basyn & an ewer and the gretyste Brasse Potte conteynyng viij galons. a gret panne conteynyng xxiiij Galons, and the lesse Poñ conteynyng vj galons, And the lasse fyre dysshe, a grete brandyron, a spyt of iij yerd^f in leght a grete landeyron, a newe throwne leed, also ij Throwen stoles, a stepyng fate, a yeleyng fast, & ij ale lomes. Also I bequethe to Dorathe Cumberford my doughter a fetherbed w^t. a bolstur, ii blanket^f, ii shet^f of elne brodde, iij coulett^f, & a hed shete, ij Pelowes, a grene hangyng bed that is at Duffeld, also iiij materes w^t. iiij bolsteres ij blanket^f, ij shetes of elne brod, ij coulett^f, the hengyng of grene saye in the Parlour w^t. a colyng of grene saye for the bedde, also iij payre of Canvas shet^f, a borde cloth of Diapur that is at Pollesworth w^t. ii Towels of the same a pleyne bord cloth of flaxen elne brode, w^t the Towels of the same, ij hempyn bord clothes, w^t ij hempyn towels, vj napkyns of diapur, also my violet gowne furred w^t greye a long goune purfeld w^t damaske: a flat sylu Pece w^t a coñ And the second salt seller w^t vj siluer spones iij of the xij^{em} & iij other, yf ther be so mony, vj kusshynes, also the Chest that was at Wellesborowe, and a Paynted Chest, And a steyned bedde, & iij throwen stoles, And a grete fatt, also a garneshe of Pewter vessell & iij leedes in forme that byn at Duffeld. Also a Basyn & a laver, the Newe holowe basyn, w^t a lytyll bason and ij . . . candylstykk^f a bet^f & a wars, also a grete Pott conteynyng vj gallons, & a lytyl Potte conteynyng a galon, a Cowedron bounden w^t yrne conteynyng iiij galons, a grete Panne conteynyng xxⁱⁱ galons, a Panne conteynyng vj galons, a brasyn ladyll w^t a brason scoñ, & the lasse skelett. Also I bequeth to the seid Dorathe ij Rakkes of yrne to roste w^tall, ij lytyll Anndyrnes that are occupied in the Parler chymney, An yrne broche iij yerd^f & a quarter in leght, w^t a brand yrne. Also I bequeth to Angnes Lyster my Doughter my longe Puke goune purfeld w^t shankes, & a Peyr of flaxen shet^f yerd brodde, and to Richard Lyster a gowne clothe of violet. Also I bequeth to Thomas Babyngton a gowne clothe of violet. Also to Robert Jakes x^s. for a gowne clothe & to his wyffe a rounde gwene Purfeld w^t damaske. also to Sir Henry Prynce person of Norbury x^s. for gowne clothe. also to Sir Hugh and gefferey my chappellens eñy of them

a blake gowne cloth. And Sir John Savage a peyre of flaxen shetes. also to John Grenehep my s^uant a gowne clothe blake w^t a peyre of hoseclothe w^t a blake trotynng horsse. Also to Henry skotte a gowne clothe blake, And to e^uy of theym a calfe of this yere. Also I bequethe to Johan Scatergoode my s^uant a peyre of canvase shetf & to Cecile my s^uant a smok of myn owen orellf ix^d to bye her oⁿ w^t. Also to Alice my s^uant a borde clothe canvas, & a Calfe, Also to Thomas Janyn my s^uant a shert a gowne clothe, a Bonett, also to e^uy other of my howsehold s^uants Iche of them, a shepe. Also where it is so that my sonnes Will^am & Antony as yet have no p^tie of their fathur goodf but their bare fyndyng, I wull that e^uy of them have x m^ars of my godys that is to witt x m^ars apece for suche p^te as they ought for to haue hadde of ther fathers godys & the resydewe I bequeth unto myn eldys son and heire. also I bequeth to John Lyster a bullock of ij yere age, And a gowne clothe & fustyon to make hym a cote. Also I bequeth to Bradfeldf wyffe a gowne of black ffurred w^t shankf, & to hym a gowne cloth, the price v^s. And for a bedde by the discrecion of myn executours. Also to the old vicar of Duffeld v^s. viij^d. also I will that all suche goodf as I have bequethed any money or other goodf abyde the dely^uance & payment of the same to suche tyme as myn executours mey conveniently selle suche goodf and catellf as I have syned, that the sell the same to the best intent w^oute eny hast or hynderauns of the same. The resydue of my goodys oⁿ this not bequethed, I putt vnto John ffitzherbert, Thomas Babyngton, Thomas ffitzherbert my sonnes, & Robert Jakes whom I ordeygn & make my true & lawfull executours, that they as I truste thame dispose my seid goodis & catelles as they thynk moste medfull to my solle. Also I bequeth to Ichon of my seid executours xx^s for their labours Thes witnesses Thomas Purfrey Sir Nicholas Irpe pⁱsche Preste of Sybbeston Sir Hugh Pemburton w^t other. Yeven at vpton the yere & day aboue wryton // fforthermore wher' I by my dede beryng date at Norbury the xth day of the moneth of february the furst yere of kyng Richard the iij^{de} enfeffed John Purfrey, Robert Jakes Thomas Powtrell Thomas Babyngton & Ric^d Lyster in fee of all my Maⁿes Meses landf tenementf renttf & s^uice w^t their ap^pten^ancf whiche wher s^utyme John Marshals my ffather in vpton & stoke w^tin the countie of Leycestr' Sedsale in the Countie of Derby, Calengewodde & Roddelowe in the Countie of Stafford of confidens & truste to p^forme my wylle. And after that by my dede triptite indented beryng date the last day of Decem^br in the yere of our lord god m^cccc. lxxxiiij. & the ij^{de} yere of the regⁿ of kyng Richard, Declared my wille to my seid feoffees opon the same ffeoffament as well for the mariage of my Doughtours as for other estates aff^t to be made of the same, the whiche wille & estates to be made, I revoke and adnulle by this my last wille, And will that it in all thyngf stond as voide & of non effect & that the seid dedes indented be cancelled

in whose handſ that eñ they come. And that my feoffes ſtand & be ſeased of the ſeid Manſ landſ & tenementſ to my behove duryng my lyffe, & aft̄ my diſcease that they make ſuche eſtate to myn eldeſt ſone & heir' of the ſame as diſcended to me fro my father for ſuche eſtate as diſcended to me, I wull ſhal be made to hym & in non other mañ changed by taill nor other wyſe. but I wull all way that ſuche wyll as my huſbond Rauffe fitzherbert made, ſtand, & be in his ſtrenght this my will not w^tſtodyng. Also where my ſeid huſband by his laſt wyll wold that landſ & tenementſ in Norbury & Roſſyngton to the yerely value of xx^{te} m^{ars} ſhulde be diuided among his yonge ſuñes for terme of lyffe, And that diuiſion to be hadde by the diſcreſcion of his executours as in his ſeid wille more playnly appereth, of the whiche executours, I am oñ—this is myn advice & counsell And aſſent that the ſeid xx m^{ars} be diuided vnder this forme, that is to witte, that my ſonnes Henry Richard Will^{am} & antony have nowe forthw^t eñy of them v m^{ars} to the tyme the ſeid Richard be p^{er}ferred to ſū cōmaundre, And aft̄ my diſcease I wull that my ſonne John ſuffer my ſeid ſonnes peſable to haue iiij oxgangſ of land purchesed by my ſeid huſband & me in ſedsall, orelles that he make them ſure for terme of thir lyves And landſ & tenementſ to the yerely value of iiij m^{ars} oñ all charges at the lib^{erte} of the ſeid John And when the ſeid Richard my ſoñ is p^{er}ferred to a cō^{ma}undre or yf he diſcease by fore that tyme, then I wull & gyffe myn aſſent that the ſeid landſ of the whiche the ſeid Richard ſhall take the p^{er}fett be diuided in this forme, that is to witt xxvi^s. viij^d. to the ſeid Will^{am} for ̄me of his lyffe & liijs. & iiij^d. to the ſeid Antony my ſonne for terme of his lyffe ſo that my ſeid ſone Henry ſhall haue for ̄me of hys lyffe landſ & tenementſ to the yerely value of vj m^{ars}, Will^{am} for ̄me of his lyffe viij m^{ars}, And Antony for ̄me of his lyffe x m^{ars}. Also I require my ſeid ſoñ John fitzherbert that he make vnto my ſoñ Antony a ſufficient & lawefull graunt of landſ & tenementſ, or elles of rentſ to the cler' yerely value of v m^{ars} toward his exhibicion att court appon condicion that he contynue his lernyng at the ſame & elles to hold hym content w^t x m^{ars} when it ſſalleth, the whiche ſo to do & p^{er}forme, my ſeid ſoñ John hathe p^{er}myſed before my ſonnes Thomes Babyngton Thomas Purfrey the ſeid Antony fitzherbert Robert Jakes & other. Also I wull that my ſeid feoffes retenne & kepe in their handſ landſ & tenementſ to the yerely value of xx^s. to fynd an obet yerely at Norbury for my ſeid huſbondſ ſoule, my ſoule, our fathers & Mothers & all criſten ſoules. And that the ſeid xx^s. be diſpoſed in this wyſe :—fuſt to eñy Preſt ther' being at derige & maſſe iiij^d. And to eñy cherk (*sic*) ther being j^d. And that at remaineth oñ at eny tyme to be wared in bredde & diuided among the pore pichons of Norbury by the diſcreſcion of my ſeid ſoñ & heir' & curate of the Church for the tyme ther being. And yf eny contrarneſſe difficulte or doute fall in conſtruction or expoſicion of eny pts of this my wille, I wull that the ſame

be construed & defmēd by John ffitzherbert, Thomas Babyngton, Thomas ffitzherbert, Thomas Pufrey & Robert Jakes whiche knowe the true meanyng, & the intente of me in the pmisses. And I exourte me & also charge all my seid sonnes that they & eūy of them hold them content acordyng to this my wille w^oute makyng forther stryffe suete or debate for the same as they wull haue godd[^e] blessyng & myn, & awoide the con^trie.”

Probatu approbatu & infirmatu (*sic*) fuit presens testm Corā nobis Magistro Johi Shermā Officiali dñi Archidiaconi leices^r in ecclia sci Martini dēe ville leicestrie p^omo die mē^s Augusti Anno dni sup^ascript Comissa q^u est administ^rcō bonoꝝ dc^m test^r cōcernēc^m executorib³ supscriptis in forma juris juratis & p eosd^m admiss^r.

(Endorsed) “Vltima Voluntas

Elizabeth ffitzherbert.”

