

COKAYNES OF ASHBOURNE.

By H. S. TWELLS.

FOR nearly five hundred years there were Cokaynes in Ashbourne and I set before my readers what the records tell us of their doings for little more than a century. Their tombs are in the church of St. Oswald, king and martyr, in that pleasant town and have been described with scholarly accuracy in this journal by the late Dr. Sadler.¹

What they did as knights of the shire, what Thomas Cokayne, the magnificent, accomplished, how often they were sheriffs, of the book on hunting one wrote, the part a second Thomas played in the founding of the Elizabethan school, where three hundred years after its founding I am glad to have been taught, and how the last of the Ashbourne family, Sir Aston, wrote verse and plays and, crippled by roundhead exactions, was forced to sell his patrimony, I do not write, even in part, but I offer my readers many facts from the fourteenth and fifteenth centuries that I believe will be new to them.

My story, in the main, deals with four Cokaynes, all named John. The first seems to have been only a local worthy, the second may have been a serjeant-at-law as well. His elder son, Edmund, was killed at Shrewsbury fight, and his younger son, John, became a Judge and a man of importance, while Edmund's son, John, did the state good service.

Derbyshire, through the centuries, has not been one of the important English counties. Its contributions to

the loans to the king suggest this was so in the fourteenth and fifteenth centuries. The comparative poverty, the unimportance of its monastic houses at the time of the dissolution confirm this view, and the small number of men the shire furnished to the Elizabethan armies is merely one more fact convincing even a Derbyshire man, "Derbyshire born and Derbyshire bred," like myself, that our standing has not been as high among our fellows as we should desire. The explanation is obvious. Much of the county is almost uninhabitable even to-day.

What it was like two hundred and fifty years ago the curious may gather from Celia Fiennes and, speaking with fifty years experience, I can declare that no Derbyshire farmer who succeeded in escaping from the dreary, bleak, inhospitable uplands to a kinder countryside ever returns to the place of his birth.

Of course, the shire has pleasant oases. Ashbourne is one. To that once beautiful town the Cokaynes came, in 1150 according to a herald's visitation. They were gentlemen of coat armour. This fact I take from Dr. Sadler. Where they came from does not appear.

They were never among the greatest of the English families: never ranked with the Bigods and Clares, Bohuns and Mortimers, or with the newer great houses, Courtneys and Percies, Nevilles and Beauforts, but they played their honourable part in the making of England.

When I began to prepare this article I knew the period of the Cokaynes' usefulness was one I had no knowledge of, and I went to Sir Maurice Powicke and his Oxford helpers hoping to obtain some appreciation of their background. For the individual facts relating to them I turned to the menacing volumes of the *Patent Rolls*, and, though what I have built up may be unsatisfactory, I can claim its foundations are beyond criticism. I did not expect, nor did I find, anything to show what manner of men these Cokaynes were.

I came across no treasure trove like that illuminating phrase one of the FitzHerberts of Norbury used of his bastard daughter: poor wench, but I did find many facts new to me showing, fitfully, how England grew, how the central government tightened its control, wisely using men of the Cokaynes standing, men of local prestige, who knew the local conditions, who knew and were known to those over whom the king placed them. I found the subject fascinating, elusive, tantalising. When I began to write I chose to set out my facts in chronological sequence.

This conclusion has left my paper disjointed. It hops from one subject to another. I hope for forgiveness. The records I must warn my readers deal with two forms of medieval life.

There is much that is what we should call local self-government carried out by Cokaynes who lived, died and were buried in Ashbourne, and there was one John Cokayne who played his part on a national rather than a local stage. Even the Cokaynes whose principal interests were local did not confine their activities to their manors. Three at least were knights of the shire. And now let us turn to the *Patent Rolls*.

For nearly two hundred years after their coming to Ashbourne the name of Cokayne does not occur in the records. During the first half of that space of time the written record was only slowly displacing oral tradition, and then comes, on the twenty-sixth of November 1339, the name I was looking for.

It is spelt Cokyn, and I was amused, for as a child in Ashbourne I only heard of one member of this family. I was told how "old Lady Cokyn," or to be exact, her ghost, walked in the avenue at the back of the Hall: an avenue, by the way, planted late in the eighteenth century when Sir Brook Boothby closed the road that ran in front of his house. This is what I found in the *Patent Roll*.

“Promise to John Cokyn of Ashbourne to pay to him, half at the Purification and half at Easter, seven marks due for threequarters of a sack and five stones of wool taken by Thomas Colle of Shrewsbury the younger and his fellows lately appointed for the same in the county.”

The king made this promise at his palace at Langley. All over England wool was being gathered.

John Cokayne's seven marks was a trifle if compared with the debt Edward III incurred with the Abbot of Glastonbury, let us say, or His Grace the Bishop of London, for the latter's Essex wool was priced at £5 a sack and there were fifty sacks of it.

Prices varied, I note, from less than £4 a sack up to £6. After struggling for an hour with a mass of contradictory figures I imagine that there went six and twenty stone of wool to the sack in 1339.

I leave my readers to draw their own conclusions from the fact that the first recorded news of the Cokaynes links them with the great English industry of wool, an industry connected with, and not divorced from, the land.

In the days when no Englishman dreamt of pleading his conscience as an excuse for performing his obvious but unpleasant duty of defending his own home, the central government called upon each county separately for a certain number of men, a system that was administered locally and continuously until the reign of George III, and as it was for Busaco so it was for Creçy.

The counties were divided into hundreds, the men who carried the scheme through were known as Com-missioners of Array, and six years after his first appearance in the records John Cokayne makes his second entry. He was one of those “whom the king lately appointed to select a number of archers of the county of Derby and to bring them to Southampton, to pass thence in his service, in the company of Henry, Earl of

Derby, and the said commissioners would have brought the same as selected to Southampton, but divers malefactors assaulted the archers when on their way at Derby and killed some." So runs the record, and the king in Council at Westminster appointed a Montgomery, a Meynell, a Blunt and two Ashbourne men, Cokayne and Adams, to inquire into and see that the malefactors of Derby were duly punished. I trust they were.

The year let us remember was the year before Créçy. There are these two and a third mention of this John Cokayne who lived until 1357.

The third reference is an involved story. John Cokayne at first asks for a copy of the evidence in a case dealing with a charge of murder. The victim had been William Sautcheverell of Derby, and Sautcheverell was, of course, Sacheverell. Later there seems to be a doubt whether John Cokayne was charged as a principle or not. The names of the Commissioners appointed to enquire into the matter have a familiar sound for there was a Nicholas de Longford, a Mignill, that is Meynell, and a de la Pole, while among the witnesses were men who took their names from Ashbourne, Mayfield, Alstonfield, Crakemarsh and Rodsley.

After the demand for a copy of the evidence by John Cokayne, there was a summoning of a jury at Ashbourne, an order to the sheriff to present the bodies of the prisoners, of whom there were seven, before the justices at Bradbourne where they pleaded not guilty and put themselves on the county or, in other words, demanded trial. Then came a further order to the sheriff to summon a jury of the Vicinage of Derby at Ashbourne during which time John Cokayne and the others were committed to the sheriff's custody.

Finally, at Ashbourne the prisoners, with the exception of John, son of William le Spencer, were acquitted, and though the sheriff was ordered to bring the culprit

before the justices he failed. John, the son of William le Spencer, was dead.

There is no evidence to show if John Cokayne was implicated in the crime. It is one of those elusive, inconclusive happenings all people who meddle with the medieval records must be familiar with.

The scene changes. One of the events of the Ashbourne year, a life-time ago, was the hiring fair at Christmas known as the Statute fair, the "Statchitts" according to the local pronunciation. At that fair farmworkers, male and female, engaged themselves, for the coming year, the lads putting a bunch of ribbons in their caps once they were fixed up, and this fair was a survival from the Statute of labourers that followed the Black Death of 1348, the greatest plague that ever weakened England.

Following the death of possibly one man in three, or even one in two, labour was very short and the central government tried to prevent a rise in wages by means of restrictive legislation. The number of cases where action was called for and the number of years during which there was need for such action are clear proof of the widespread nature of the trouble.

The cases present few points of dissimilarity or interest and I merely mention them to show that John Cokayne along with Robert Adams of Ashbourne, Justices of the Peace, did their duty in helping to enforce the law of the land for it was to the justices of the peace that the administration of this important matter was left. In truth as an Elizabethan publicist wrote "generally for the good government of the shire the prince putteth his confidence in the justices." May I quote Sir Maurice Powicke?

"Not of an official class the justice of the peace was an official. His personal interests were local yet he obeyed the precise dictates of the central power. As a justice, he maintained in quarter sessions the traditions

of the common law, the ancient administrative order; as a gentleman of the shire he became increasingly conscious of his class and his political independence. As a man trained in affairs, he could criticise with effect; as a man of official instinct he was slow to rebel. In short he was an embodiment of the balance of the English Constitution."

I dwell at some length on this matter for it is here that the Cokaynes rendered, alongside their peers, their principal service to the making of England or so it seems to me.

The *Patent Rolls* next reference to the Cokaynes disclose an important fact in the lives of that family. Ashbourne was, of course, part of the duchy of Lancaster, and in 1359 the king, as overlord, gave "Licence to Henry, duke of Lancaster to grant for life to John Cokayne the town of Ashbourne, county Derby, said to be held in chief, he rendering to the duke and his heirs 40l. yearly."

The bargain between the duke and John Cokayne needed the king's sanction, he being the duke's superior. The arrangement is quite a usual one but the amount to be paid, 40l., for the privilege stresses the importance of the town. To lay down the comparative value of money in 1359 and 1900 is difficult, if not impossible: possibly if we multiply the 40l. by 30 we may not be too far out.

In return for this payment I imagine John Cokayne received the profits of Ashbourne market and Ashbourne fairs. He would hold the court-leet and the view of frankpledge, have the right to administer the assize of bread and ale; the goods of felons and fugitives who had dwelt in the manor would come to him if their goods and chattels were confiscated in the royal courts. One of my firmest convictions is that the history of England has been more continuous than that of any western nation and I cannot abstain from pointing out that the

Cokaynes held the manor of Ashbourne until after the great Rebellion of the seventeenth century. Then after an interval of a few months the Boothbys took over and held well into Victorian times. Again an interval of months and Frank Wright, the ironmaster who built Osmaston Manor, held office until his son sold to the town of Ashbourne. Three families for all practical purposes in five hundred years and no change for the last seventy, surely a confirmation of my belief. This was a commercial transaction of outstanding importance to the Cokaynes and the town. It marks a stage in the growth of the family.

Our next mention of the Cokaynes is of a charitable nature. The date is 1369 and the extract runs, "Licence for 30 l. paid to the king by the Abbot of Darley for the alienation in Mortmain by John Cokayne of Ashbourne and William de Burley, John de Holand of Derby and Robert de Weston, chaplains, of 10 messuages, a mill, 4 shops, 6 cottages, 50 acres of land, 10 acres of meadow and 10/- of rent in Derby held of the king in free burgage as has been found by inquisition taken by Robert de Twyford, escheator, in the county of Derby."

The medieval records have one most distressing habit. They give one a glimpse into a story, a trial perhaps; it promises to be of interest, to throw light on a man's character or the times in which he lived and then the light fails. We are back in the darkness once more. There is no more known and the affair is an unsolved and insoluble mystery. Such is the happening in 1391 that concerns one John Cokayne but which John I cannot determine.

John, duke of Lancaster, the king's uncle, known to us as John of Gaunt, was the injured party, so he claimed, and he alleged that John Cokayne and a Harthill, whose arms may still be seen in the east window of Ashbourne Church, with six other persons "had

committed divers enormous offences against his ministers, officers and servants" in the county of Derby "by lying await to kill them."

What foundation there was for the charge cannot be shown. What happened cannot be shown. All we can prove is that apparently John Cokayne did not lose favour.

We are coming now to a period when to distinguish between one John Cokayne and another bearer of the same name is difficult and where the excellent indices of the *Patent Rolls* are no great help. These indices lump all John Cokaynes together.

When one turns up a reference and finds it deals with some park-keeper in the South Midlands one decides without hesitation that this has nothing to do with the Cokaynes of Ashbourne.

One does not pause over a John Cokayne of Dartmouth who I may say was charged, with other Devonshire worthies, with a little matter of piracy concerning a wine-laden ship from Gascony. One believes this was no Cokayne of Ashbourne though perhaps one smiles, thinking of those heroes of my boyhood, the sea dogs of Devon, whom the Spaniards of Elizabethan days called pirates and who did no more than follow the customs of their ancestors.

Of the Cokayne tombs in Ashbourne Dr. Sadler states the first effigy shows a man clad in the ordinary dress of a gentleman of the period.

One of King Charles' troopers, Symonds, who visited the church when that king passed through the town on his way to surrender at Southwell, kept a diary and, interested in heraldry, recorded what shields were to be seen in the windows of the church. He, writing of the tomb, says that by his attire this John Cokayne was a serjeant-at-law.

This Cokayne had a son, Edmund, killed at Shrewsbury in 1404 as I have said, a son, John, who, born

at Ashbourne, became a judge and founded a junior branch of the family; and a grandson, John, the son of Edmund whose doings at times have puzzled me for they are easily confused with those of his uncle who played his part on a wider stage than Ashbourne and Derbyshire afforded.

I have done my best not to confuse the deeds of the two men but at times it is merely a matter of opinion, a weighing of probabilities, which of the two is responsible for what is recorded. Of these two the elder was a colleague of Judge Gascoines whom Shakespeare portrays as lecturing Falstaff.

The coming of the House of Lancaster to the throne had been brought about by force and like all rule founded by force was threatened with overthrow by force. The German generals tried to bomb Hitler. The French republic, founded on the ruins of the monarchy, were troubled at Thermidor, Floreal Fructidor, Prairial, Brumaire by one *coup d'état* after another. We English have not the phrase *coup d'état* nor the thing these later centuries. But the beginning of the fifteenth century saw Northern England in insurrection and Wales rising to take advantage of England's troubles.

A John Cokayne was called upon to support the king. Whether this was the judge or his nephew I cannot decide.

The royal claim for assistance is as follows and the date is in March, 1406:

“Westminster.”

“Commission to the king's son, John de Lancaster, constable of England, the king's brother, Ralph, Earl of Westmoreland, marshal of England, Henry FitzHugh and the Sheriffs of York, Northumberland and Westmoreland to enquire into the report that many of the king's people of the North pretending to wish to go to the king's son Henry, Prince of Wales, to Wales, to make war

upon the rebels there have lately assembled and gone from the North, arrayed in arms, to Wales to aid the rebels and lest they should be hindered rest at towns and places on their journey by day and ride and labour by night and to arrest offenders and to certify to the king and council."

The phrase relating to travelling by night makes one suspect that there was a trace of panic at Westminster.

A like commission went to the Sheriffs of Cumberland, Nottingham, Derby, Leicester and Lincoln, to men with well-known names such as Leek, Cokayne, Kniveton, Foljambe and de la Pole, and to the bailiffs of Derby and to the mayors and bailiffs of Nottingham and Coventry.

The outcome of the whole business is unknown. The duty I am inclined to think fell upon the younger of the two John Cokaynes as it seems to me to be a matter probably dealt with in each separate locality.

This same year there can be no doubt that it was the elder, with half a dozen others, who had to audit the accounts of the Lord of Furnival "who by the supplication of the Lords Spiritual and Temporal and by the request of the Commons of the Realm" had been released from his office of treasurer for the kings wars and to "make due allowance for payments by him until this date."

John Cokayne, the elder, was entrusted with this and the following duty after he had been appointed a Justice of the Common Bench, "during Pleasure." May I suggest that those two words, "during Pleasure," are significant; suggesting what was a judge's standing in the reign of Henry IV.

The next duty is described by these words: "Commission of Oyer and Terminer to John Cokayne, Nicholas Montgomery, Thomas Frisby and John Foljambe on the complaint of the Abbot of Burton-on-Trent that Thomas

Grisley, Chivaler, John Parker, John Abel of Cauldwell, Robert Bond, Robert Chambelbyn and half a dozen others broke his closes and houses at Burton-on-Trent, in Staffordshire, assaulted him, cut down his trees, fished in his several fisheries, carried off fish, trees and other goods, depastured his grass and assaulted his monks and servants. For half a mark paid into the hanaper."

That is the story. Perhaps I had better make clear a point or two. The Commission of Oyer and Determiner is, of course, simply an order to hear and settle a case, and while John Cokayne's name comes first Montgomery and Foljambe are both local names: so is the first of the accused for Grisley is Gresley and the Gresleys go back, just as the Okeovers do, to a very early period. This Gresley was a man of position for Chivaler is obviously Chevalier and the alternative term, knight, did not come into common use until a little later.

I am sorry, but I cannot give you the results of the enquiry, but let me make one comment. The report ends: "For half a mark paid into the hanaper." This phrase recurs at the end of many extracts I have made. When John Cokayne or perhaps Judge Gascoigne or one or more of their fellows were commissioned to enquire into a complaint there is always the warning note: for so much paid into the hanaper. The word hanaper has faded from the language. It was a receptacle for documents or money and came to be that part of the chancery into which fees were paid for the sealing and enrolling of documents.

In plain English, if you asked for something from the law in 1400 you were expected to pay for it.

The cases relating to land in the records are like the sands of the sea for number, and John Cokayne was called upon to adjudicate in many such. I think one cannot escape from a suspicion in some of them and

one has an uneasy feeling that the monastic orders presented their claims better than the commonalties of the towns and villages, and to that extent they had an advantage.

I had this suspicion as I read the proceedings before John Cokayne where the Abbot of Croyland and the townfolk of two small communitis disagreed as to the rights of common, of fishing and of turbary, or turf-cutting. The abbot had his documents all in order. One went back to the days of King Stephen, two hundred and fifty years before the date of the hearing, and a second going back to the reign of Edward I. The *Patent Roll* dismisses the townsmen's verbal testimony curtly and tells us that there were "many other evidences not mentioned here because of their prolixity."

The result could never have been in doubt. The judges sat in the chapter house of the abbey and the representatives of the towns were ordered to find security in 200l. pledging them not to encroach upon the lands and the fisheries of the abbot.

The range of duties that fell to John Cokayne my readers will perceive was very wide. He was linked with one Nicholas Wootton, mayor of London, the year being 1416, to enquire "touching all treasons, insurrections, rebellions, felonies, misprisions, trespasses and other evil deeds in the said city and suburbs thereof": surely a list of offences to cover most things. This order came to him from Calais by the way.

Much more commonplace is the command to enquire into "wallis and fossatis" which, as the *Rolls* do not explain, I can only guess at as having to do with the maintenance of navigation or drainage, and to this conclusion I am, in part, led by the fact that the majority of these cases Cokayne dealt with were in the Fen country and near by.

Still other duties were the murder cases this judge tried. Here there is one curious fact one cannot gloss

over. Time and again one comes across such entries as is found under May the ninth 1418:

“Pardon to Henry Champion of Wenlynburgh¹ for the death of John Leech as it appears by record of John Cokayne at the delivery at Northampton that he killed him in self defence.”

Times and again I have found such pardons and all for the same reason: the killing had been done in self-defence. What is odd is that I can find no trace where the killing was done, wantonly, wilfully, of malice aforethought, or whatever may have been the legal phraseology of the fifteenth century. The Pardons are recorded. The death sentences are omitted. How many there were I cannot guess.

The defence of the realm was one more of the John Cokaynes' duties.

In 1418 the king was in “foreign parts for the recovery of the inheritance and rights of the Crown” and men were appointed for thirty English counties to see that the Commission of Array was carried through.

The names have a familiar savour each in their own county. For Devon there were Courtneys, Carys, Pomeroyes, Pynes and Ferrers who either still live there or whose names are perhaps associated with some pleasant village. For Derbyshire there were a Cokayne, perhaps not the judge but his nephew from Ashbourne, a Mongumbry, a Perpound, a Fooljambe, and a Fyndeyn, all of whom, in spite of the spelling, one can recognise as belonging to our county.

In these pages, too, one can detect tragedy. The date is in July of 1418 and John Cokayne, the elder, was of the Commission with others to enquire in the county of Northampton “what manors, lands, rents, services, reversions, fees, advowsons and other possessions John Oldcastle, late the husband of Joan, lady of Cobham, had in her right or jointly with her on the day of

¹ Wellingbrough, see *Ekwall*, Dict. Eng. Place Names, Ed.

his forfeiture or the day of divers treasons and felonies committed by him of which he was indicted, viz.: Wednesday after Epiphany in the first year of Henry the fifth." John Oldcastle was dead. The like enquiry was to be made in Norfolk by one of the Pastons and in the city of London by that famous merchant, Richard Whittington. The question of Oldcastle's guilt or innocence does not concern us and we can pass on.

Many of the facts one meets with in the *Patent Rolls* are easy to understand, but every now and again there is a puzzle. For instance, there were two approvers of the gaol at Huntingdon, and my reader will have no doubt noticed, by the way, how great a proportion of John Cokayne's work had to do with the Southern Midlands. Now who and what were the approvers, approvers of a gaol? My friends who know more of this particular period than I do could not help, but illumination came in due course. For a time I thought they must be officials. I was a long way off the mark. The two "approvers" had "appealed," that is accused, certain dignitaries of the Church of high rank, men of the importance of the abbots of Croyland, of Ramsay and Spalding, and accused them of divers treasons in the counties of Norfolk and Lincoln.

The "approvers," John Ock and John Vessey, had, I found, not only made the charges but had guaranteed the correctness of their complaints.

There was a Commission of Oyer and Terminer, one of the county coroners had a say in the proceedings, and so had the sheriff, but the final word rested with John Cokayne.

The court found the abbots not guilty and the other ecclesiastics, who included at least one prior, also went free. The two "approvers" were not so fortunate. They, I discovered, were men who had themselves been charged and had turned what we should to-day call "king's evidence" and had borne false witness. For them there was no pardon.

They were drawn, presumably upon hurdles, from the bridge at Huntingdon, through the town and to the gallows outside the town and there hanged.

We English, by the way, have long since forgotten the word approver. It is, I fancy, still known in Ireland when they don't say informer. Informer describes a well-hated class. My own eighteenth-century fellow townsmen put such a person over their bridge wall, quite a good drop.

I try and not repeat the tasks John Cokayne, the judge, performed, but I feel that the recurrence of labour troubles in his day should be emphasized. The *Patent Rolls* come back to the same strife times and again.

This is the kind of thing one finds: "The bondsmen and tenants in bondage of Thomasina, late wife of William Cary of Clovelly in the county of Cornwall, have withdrawn their due custom and service and leagued to resist her and her officers." That was one matter John Cokayne had to adjudicate upon.

What came of the complaint is not known. Truly my subject leads us to many matters. Outlawry seems far-off punishment but it finds a place in the records.

One Thomas Orme, a Leicestershire man from Twycross, had been under the ban for "not appearing before the justices to satisfy John Child, clerk, of 20l. which the latter recovered against him, and eight marks damages as he was convicted by a jury before John Cokayne, one of the justices of the Bench."

Orme was fortunate in that he earned his pardon by surrendering "to the Fleet prison and when brought to the bar in custody" it was admitted that he had paid his debt and the damages.

The case has no great appeal but that a man should be outlawed for not appearing in what we should look upon as something like a commercial transaction seemed to make the incident worthy of record.

A mere gaol delivery comes next in time among my notes, and so ordinary a duty would not seem worth inclusion in this catalogue of John Cokayne's doings, save for one thing. I have long since given up taking any notice of variations in spelling of the same name, but here there is to be found so amazing a change that I think I should not pass it by.

That Foljamb should masquerade as Folchampe is not startling, but when Warwick in one short sentence should figure twice, once spelt as to-day and then as Warrowyk seems noteworthy.

Time slipped on and, in 1422, a Commission was issued to John Cokayne and James Strangeways, "justices of assize in the counties of Northampton, Leicester, Warwick, Nottingham, Derby, Lincoln and Rutland." If the counties seem akin to our Midland Circuit the justices had business different from anything we hear of to-day.

The justices were to treat, in the king's name, with any of his lieges of these counties willing to occupy the office of the exchange of the mint.

The gaol deliveries appear, by the way, to have been twice yearly and this scrap of information crops up by chance. Still a change of duties. The treasury seems to have needed very regular replenishment.

The Lord of Gray of Ruthyn, John Cokayne and four others were "commissioned to treat among themselves about a loan to be paid to the king for the resistance to the malice of his enemies and the preservation of the rights and safe keeping of the realm and to induce all other secular lieges of the king in the county of Bedford to pay the loan and to certify to the treasurer of England or his deputy."

The loan was guaranteed. It would be repaid out of the third part of a tenth which had been ordained by parliament when that money had been collected at a later date. It was merely an anticipation of revenue expected.

All the counties seem to have been treated alike. The Derbyshire men given this duty included a Montgomery, a Bradshaw, a Foljambe and John Leek.

The appointment of John Cokayne to be justice of the Common Bench my reader may remember was during pleasure, so the extension of the appointment will occasion no surprise, but if during the thirteenth century a clerk in the wardrobe was rewarded by the grant of the rectory of Ashbourne, to the distress of the dean and chapter of Lincoln to whom it had been given by William Rufus, things had changed by the days of Henry IV, for John Cokayne was given a salary of a hundred and ten marks annually as his salary, as a justice, instead of a piece of ecclesiastical patronage. I trust the diversity of the justices' duties will be plain in spite of my presentation in chronological order.

The alien priories had been recently confiscated on the plea that they provided the king's enemies with information, and the next extract from the *Rolls* relates to alleged "wastes, dilapidations, destructions and defects in the church, chancel and chapel of St. Mary Magdalene of the hospital of the Holy Innocents near Lincoln, being of the king's patronage and in the books, vestments, ornaments, and other necessaries of the same, and in certain houses, walls, closes, gardens and other places on the site of the same hospital and elsewhere alleged to have occurred through the carelessness of the masters and wardens in time past, and into dissipations, alienations and detentions of lands, tenements, rents, possessions, tithes, goods and chattels conferred on the said hospital for pious uses and for the wrongful alienation of charters, writings and other muniments of the said hospital and into the consequent diminution in numbers as well of the poor as of the brethren, chaplains and clerks there." A lengthy arraignment.

One wonders what John Cokayne found wrong and

whether this was an isolated case of slackness and neglect or whether it was typical of a decay in zeal.

Next comes a highway case. There were seven commissioners and William Babington's name comes first and John Cokayne's second, and one or other of these two must be present when a decision was to be reached as to who had blocked up and destroyed the king's highway between the towns of Wrastlynworth² and the town of Hongrehatteele³ in the county of Bedford.

I'll move on gladly, for the solution of what the two town's names as spelt in the *Rolls* referred to is more than I can attempt.

A claim by the Bishop of Lincoln and labour unrest once more need not keep us, but evidently there was considerable uneasiness afoot and the men of Devon had been threatened by their ecclesiastical superiors with condign punishment for their heretical opinions.

This case the following strong body of commissioners, consisting of John, earl marshal, John Tiptoft, William Babington, John Cokayne and four others, had to investigate does not seem, however, to have any religious connection but perhaps it is worth recording for the sake of the trades practised by the accused: Complaint was made by the prioress of Hichingbrooke "without Huntingdon that John Foxton, glover, John Dyer, fisher, Roger Smyth, 'smyth,' William Newsham, 'barbour,' Thomas Dixon, 'bocher,' Hugh Bocher, sawyer, Robert Fuller, fuller, John Bailiff, husbandman, Michael Carleton, 'shynner,' William Duran, cordwainer, and John Dunheld, 'chaundler,' all of Huntingdon, and other malefactors arrayed in manner of war" had broken the prioress' closes and done damage to the extent of 40l.

² Wrestlingworth. (Beds.). Ed.

³ Cockayne Hatley (Beds.), East H ~ . and H ~ . St.-George (Ca.) are close together, see P.N. Camb. (pp. 54-5) for a/c. The 1st came to the Cockaynes in 1417 (V.C.H. Bd.) ii, 215. Hungry Hatley was applied to the Ca. Hatleys *Hongry*-1375 Ely, *Hunger*-1429 Cl, *Hungri*-1456 Pat. Ed.

The year was 1425 and 40l. seems a great sum of money for any damage these men could have done.

The fee the lady paid, into the hanaper, was half a mark, six shillings and eightpence, and one sees how the lawyer's fee originated.

A case of assault, where a man's life was despaired of, more trespass by men "arrayed in manner of war" bring us to a legal case of some interest. Not the easiest to comprehend of all the happenings are the legal cases, but I venture to present this one:

This case is complicated it is true. Babington and Cokayne had to review it at the Church of St. Martin's le Grand and decide whether the vicar of All Hallow's, Barking, had been justified in obtaining judgment by one of the sheriffs when the matter should have come before the mayor and aldermen in the Chamber of the Guildhall according to the custom of the city of London. Clearly London had privileges and they had been flouted. This is my interpretation of the somewhat involved legal phraseology of the early fifteenth century.

My reader will have become accustomed to the limitations of John Cokayne's activities as a general thing, but now and again places outside London and the Midlands do creep into the records, and it was with a thought of a well-remembered happy day that I came across a mention of the abbot and convent of Furness, standing on the charming strip between the sea and those Lake hills that keep off the harsh winds. The situation showing one more example, of course, of the good sense with which the monastic orders chose the sites of their houses.

We have come to the end of the entries concerning John Cokayne, justice of the Bench, and what follows from now on must, where the name John Cokayne occurs, refer to his nephew, another John Cokayne; who, like his uncle, was born at Ashbourne, but who, unlike him, is buried there after having, as far as one can tell, lived

in that town all his life and continued the family connection with that Derbyshire centre. A little overshadowed by his uncle this John Cokayne played no inconsiderable part in affairs.

The year was 1430 and evidently the treasury was undergoing a considerable strain. Nottinghamshire and Derbyshire were treated as one unit and the Council issued a commission to men whom we recognise as all belonging to our countryside, men known as Babyngton, Cokayne, Zouch, Willoughby, Vernon, Chaworth, de la Pole. These and the sheriff were to summon the parsons, knights, esquires and other notable persons of the two counties as well as the bailiffs, "good men and commonalties of the boroughs"; "to move and persuade them to lend to the king a notable sum of money for the voyage he proposed to make in April to the realm of France to make a speedy end of the wars there." Speedy ends to wars are the usual prelude to borrowing. "The commissioners are to give security of repayment out of the fifteenth payable on the octave of Martinmas."

The repayments were made in due course. The sums are the proof of the statement I made to begin with that Derbyshire in the fifteenth century was not an important part of the realm.

Let us ponder the following figures and admit the facts. From Westminster on May the nineteenth 1430 the record runs: "Grant by the advice and assent of the lords of the council and by the authority of an act of the last Parliament that the mayor and commonalty of the city of London shall have repayment on the octave of Martinmas next of the sum of 6,666l. 12s. 16½d. lent by them to the king out of the tenth and fifteenth granted by the Commonalties of England in the said Parliament and payable at Martinmas next as follows:

2,364l. 6s. 6d. from Norfolk, 733l. 6s. 8d. from London, 1,428l. 3s. 0d. from Suffolk, 322l. 5s. 0d. from

Middlesex, 942l. 13s. 3½d. from Kesteven, co. Lincoln, 241l. 13s. 1d. from Kent, 200l. os. od. from Rutland, 434l. 5s. od. from Huntingdon."

That was how the Mayor and Commonalty were to be paid out of the taxes raised in these several shires.

Perhaps I had better not summarise but give the full details:

"The like for the following sums to the following respectively: John Cornwall, 'chivaler,' 500l. from Bedfordshire; The Mayor of Salisbury, 72l. from Salisbury; the Prior of St. John of Jerusalem in England, 267l. 9s. 4d. from Cambridgeshire and 65l. 17s. 4d. from Sussex, 333l. 6s. 8d. in all. The Cardinal of England, commonly called the Bishop of Winchester, 1,000 marks from Devon, 500 marks from Surrey, 700 marks from county Southampton, 500 marks from Worcestershire, 500 marks from Cornwall, 800 marks from Somerset, 1,300 marks from Gloucester, 85l. 7s. 10d. from Oxford town, 1,000 marks from Oxfordshire, 500l. from Wilts., 1,000 marks from co. of Cambridge, 800l. from co. Berks., 1,000 marks from co. Dorset, 1,000 marks from co. Sussex, 594l. 19s. 10d. from co. Warwick, and 500l. from co. Buckingham, making 9,950l. 12d. in all. The Mayor of Bristol, 220l. from Bristol and 113l. 6s. 8d. from the tonnage and poundage of the same. The mayor and commonalty of York, 162l. from York city. The feoffees of the duchy of Lancaster, 3,028l. 13s 7½d., viz.: 169l. from co. Bedford, 179l. 7s. 0½d. from co. Southampton, 96l. 10s. 7d. from co. Worcester, 127l. 17s. 4d. from co. Cornwall, 137l. 13s. 7d. from co. Gloucester, 423l. 13s. from co. Hereford, 543l. 4s. 8d. from co. Stafford, 306l. 16s. 4d. from co. Northumberland, 288l. 2s. 9d. from co. Lancaster, 217l. 3s. 11d. from co. Nottingham, and 502l. 18s. from co. Salop."

I am a Derbyshire man and I have put my county last with no comment. The repayments for Derbyshire are

to "John Cokayne, 'chivaler,' 19l. 13s. 4d., and Nicholas Montgomery, 'chivaler,' 20 marks from co. Derby." Let us change the subject.

John Cokayne, one of the justices of the Common Bench, had left a son, Reginald, who held the manor of Berchattele⁴ in Bedfordshire by knight service from John the Duke of Norfolk. Both John and his son Reginald were dead and the widow of the younger man, Beatrice, married one William Melchet.

Beatrice was the "king's widow" and unable to marry without the king's consent. Her son, Philip Cokayne, was under age and as a result there had to be a fine of 80l. paid into the exchequer. The whole incident sounds as if death duties were not as new a device as some Englishmen think to-day.

John Cokayne of Ashbourne was helping in the governing of Ashbourne in the next record in the *Rolls*, and it is clear that in 1434 there was a good deal of unrest worrying the central government. The passage runs: "Commission to William, the Bishop of Coventry and Lichfield, with Richard Vernon and John Cokayne, knights of the shire for the county of Derby, to issue a warrant to the sheriff to proclaim in the next court of the county that the following whose names have been certified into chancery by the said knights of the shire as those of persons who should take the oath not to maintain any peace breakers, should appear before the said commissioners or any two of them and take the said oath."

The names of three hundred and ninety-eight persons follows, including three de la Poles, Ralph Stanley, late parson of Kirk Ireton, and John Steppingstones, chaplain and vicar of Pentrich, two Bradshaws of Tideswell, a Leek from Padley and men from Hurdlow,

⁴ Cokayne Hatley (Bd.) *Burihattele* 1276 Ass; *Beriattele* 1360, 1394 Cl. *Buryhattele* 1499 Ipm. 'Bury is used in its manorial sense, but prefixed instead of the usual suffix.

Rodsley, Swaston, Trusley, Mercaston, Alsop, and both a Babington and a Sacheverell, several from Chesterfield and brasiers, taylor, smiths, ironmongers, shiners, glovers and a few esquires. These men were all under suspicion by the government. There were none from Ashbourne but Ashbourne has always been loyal.

Among those under the suspicion of the central government, living further south, was a John Cokayne, a parker from Kimbolton, but I do not think he was connected with the Cokaynes of Ashbourne. In this same way I doubt whether the next Cokayne named in the *Rolls* is one of the Derbyshire Cokaynes. He is a Thomas, and Thomas is a name that is beginning to appear in the family records, but he was commissioned to enquire into the loss of the goods of certain Genoese merchants in the counties of Devon and Cornwall, and those two counties had been rather out of the limits of our Cokaynes activities.

Possibly my conclusion is incorrect for Thomas Cokayne had to inquire into the oppressions, extortions, misprisions, conspiracies and deceptions practised by the millers dwelling near London, which brings his work more into line.

The miller was the object of mistrust in medieval days and the Derbyshire farmers of my youth declared that every honest miller had a tuft of hair growing in the palm of his right hand.

Here my extracts from the *Patent Rolls* end, and it is to the *Close Rolls* one must turn for the end of the story of these Cokaynes. This John Cokayne died in 1447 and was succeeded by still another John, but one sees that there was one more intervention by the central government before all was settled.

The entry from the *Close Rolls* runs:

“Westminster.

To the escheator in Derbyshire to remove the king's

hand and to meddle no further with 60 messuages, 20 bovates of land, 200 acres of pasture and 40s. worth of rent in Ashbourne, Compton, Parwich, Offcote, Underwood, Sturston, Kniveton, Kirk Ireton and Kings Stern-dale as it is found by inquisition taken by Thomas Babington, late escheator, that John Cokayne, knight, died seised thereof, and that the premises are not held in chief and by another inquisition taken before William Haton, late escheator, that they held of others than the king and that John Cokayne is his son and next heir and is of the age of 16 and more."

So all ended well!