

**Will of Ralph Fitzherbert, Esq., of
Norbury, A.D. 1483.**

By Rev. REGINALD H. C. FITZHERBERT.



IN the *Reliquary*, vol. xxi., 1880-1, is printed *in extenso* the will of the celebrated Judge Sir Anthony Fitzherbert; and in 1885 Dr. Cox contributed to this Journal a full abstract of "the long and remarkable will of John Fitzherbert," Sir Anthony's eldest brother, together with a very interesting list of the heirlooms of Norbury Manor House attached to the said will. By the kindness of Mr Basil T. Fitzherbert, of Swynnerton, who has lent me the original Probate copy, I am now enabled to furnish an abstract of the will of Ralph Fitzherbert, eleventh Lord of Norbury, and father of the abovenamed John and Anthony.

For information concerning the various persons mentioned in this will, readers are referred to that valuable work which no Derbyshire antiquary or genealogist can do without, namely, Dr. Cox's "Derbyshire Churches," especially vol. iii, pp. 229-247, where is also an engraving showing the south side of the testator's tomb in Norbury Church. In Lysons' "Derbyshire," p. ccxxviii., is a plate showing the north side of the same beautiful and remarkably perfect monument. In Dr. Cox's description of this tomb, p. 237, line 7, for "north" read "*south*," and line 11 for "south" read "*north*." Both Lysons and Dr. Cox are in error when they describe this Ralph Fitzherbert as a Knight. Neither

he nor his father Nicholas, whom Dr. Cox calls *Sir* Nicholas, was ever knighted; but, though Nicholas was a knight of the shire, both he and his son Ralph lived and died plain armigers.

The Manor of Norbury was strictly entailed, and Ralph was doubtless but a life tenant of the real estate which he held for only ten years; hence his will is short and somewhat commonplace. It contains, however, certain points of interest, the first of which is the testator's reference to the Church of Saint Barlac.

In "Derbyshire Churches," iii., 246, is the following note:—"Elizabeth Fitzherbert, heiress of Marshall, by her will dated October 24th, 1491, desired to be buried in the Church (?) of S. Barlok in Norbury. The will is not at Lichfield, nor at the Will Office, London, so that we cannot give the exact phraseology. We are, however, inclined to think that the chapel of S. Barlok in the Church of Norbury was intended."

In this note Dr. Cox has marked the word "Church" with a note of interrogation, but there is no doubt about it. The original Probate copy of Elizabeth's will, which is in English, lies before me, and the words are as follows:—"My body to be buried in the Churche of seint Barloke byfore the ymage of seint Nicholas by syde the body of Rauffe Fitzherbert late my husband."

The will is dated 20th October, 1490, not 24th October, 1491, as stated by Dr. Cox. The date 1494, in "Ashbourne and the Valley of the Dove," p. 233, *n.*, is an obvious misprint. From the will now printed it appears that Elizabeth's husband also desired to be buried "in the Church of St. Barlac of Norbury."

By "the chapel of S. Barlok," Dr. Cox probably means the south-east chapel of Norbury Church, in the chief window of which is the labelled figure of "Sanctas Burlok Abbas."

Now, in Lysons' time, 1817, Ralph's tomb stood "under the arch between the nave and north transept" (aisle); and, according to Dr. Cox, his wife Elizabeth's tomb was in the same place, and it does not appear that they ever stood anywhere else prior to that date. But if so, it follows that either the testators' bodies were not buried in that part of Norbury Church specified in their wills, or else that the *Ecclesia Sancti Barlaci* meant some other

place than the south-east chapel only. May it be that when Nicholas Fitzherbert built the south-east chapel, and at the same time built, or rebuilt, the north aisle, these two new parts of the old Church of St. Mary the Virgin were dedicated together to this unknown Saint Barlac or Burlok (?). Or, was the whole of Norbury Parish Church, new and old, re-dedicated to Saint Barlac on the completion of Nicholas Fitzherbert's extensive additions to the fabric (?). There seems to be only one other possible supposition, namely, that at some period prior to 1817, the tombs of Ralph and Elizabeth his wife were removed from the south-east chapel, where they had been first erected, and were re-erected where Lysons found them.

The next point worth notice is that the testator bequeaths to his eldest son, John, not only some of the most valuable of his household goods, but also his best wain, six oxen, six cows, sixty ewes, and a ram. If from this bequest we may draw the inference that John Fitzherbert was at that time (1483) engaged, or likely to engage, in farming, we have in this fact an important piece of evidence bearing on the hitherto undecided question with respect to the authorship of the two books of Husbandry and Surveying, famous as being the first treatises on Agriculture in the English language, and the literary parents of all subsequent works on that subject. Modern biographers and bibliographers have, with hardly an exception, agreed in assigning the authorship of these two books to Sir Anthony Fitzherbert, and every reason which can be urged in favour of this view has been ably set forth by Professor Skeat in the Introduction to the Reprint of the Book of Husbandry edited by him, and published by Trübner & Co. in 1882. As early as 1619, however, a doubt was expressed upon this point, and the writer of these two books was by some supposed to be John Fitzherbert, Sir Anthony's elder brother—an opinion which receives support from the terms of their father's Will.

These two books, whose author's name was certainly Fitzherbert, were first printed in 1523, and the author himself says that he had then "been an householder this forty years and

more"; while Berthelet, who printed the Book of Husbandry again in 1534, and who knew the author well, tells us that he (the author), when he wrote this book, "had exercised husbandry with great experience forty years."

Now, forty years from 1523, the date of the first edition of these two books, brings us to 1483, the very date of the Will now before us, in which the eldest son, John, appears as a man of full age and discretion, and according to the above-mentioned bequest probably engaged in farming, and who certainly succeeded to his father's estates in less than three months after.

John's younger brother, Anthony, was born (as stated by all authorities) in 1470, and would therefore be only thirteen years old in 1483; and if he really wrote these two books, the statements above quoted, made by the author himself and by the printer, Berthelet, could not be true.

Amongst the sisters of the testator Dr. Cox names "Isabella, wife of — Babington" ("Derbyshire Churches," iii., 236.) From this Will it seems probable that Isabella's husband was *Anthony* Babyngton, he being mentioned next after "Isabelle Babyngton sorori mee."

The phrase "in the name of my principal," which occurs near the beginning of the Will, is thus explained in "Jacob's Law Dictionary": "An Heir-Lome, the best Beast, best Bed, Table, &c., which pass to the eldest Child, and are not subject to Partition, are called *Principals*." But for this explanation of the word, one would naturally have supposed this bequest to be a Mortuary.

The testator makes bequests to the fabrics of two Cathedral Churches, six country Parish Churches, a Monastery, and a Priory Church. "In antient Time almost every Person gave by his Will more or less to the Fabrick of the Cathedral or Parish Church where he lived; and Lands thus given were called Fabrick Lands, being ad Fabricam reparandum" ("Jacob's Law Dictionary.")

Since Church rates have been abolished, and Churchwardens

have too often to make bricks not only without straw but without clay, it were much to be wished that this godly custom of our pious forefathers might be revived and become once more the common practice of good and loyal Churchmen.

Abstract of Will of Ralph Fitzherbert, of Norbury, Esq.

Will dated 20 Dec., 1483 (*Die Sabbati proximo ante festum S. Thome Apost.*)

Testator died 2 March 148 $\frac{3}{4}$.

Will proved 16 Jan. (148 $\frac{1}{2}$?).

Leaves soul to God Father Almighty, Blessed Mary, and all his (or her) Saints (*omnibus sanctis ejus*).

Body to be buried in Church of St. Barlac of Norbury.

Leaves, in name of his principal, his best horse.

Leaves 7 lbs. wax to be burnt round his body "in die sepulture mee."

To every Priest assisting at obsequies 4^d

„ Clerk (Clerico) „ 2^d

For his Oblation at Mass "ut necesse est."

To the Fabrics of the Churches of the Blessed Mary at Coventry and St. Cedda Lichfield each 12^d

To the Church of Norbury xx^s viz.

	s.	d.	
To the Priests officiating in the said Church	3	4	} 20/-
To the Fabric of said Church	13	4	
To the Poor „ Parish	3	4	

To the Chapel of Snelleston v^s viz.

	s.	d.	
To the Chaplain		12	} 5/-
„ Fabric of said Chapel	2	0	
„ Poor „ Villa	2	0	

To the Church, Rector, Fabric, & Poor of Villa of Cubbley, & „ Chapel, Chaplain, „ „ „ Marston, to each the like bequest as to Snelleston, similarly divided.

To the Abbot & Convent of Roucester	s.	d.	
	6	8	
„ Vicar of the said Villa		20	
„ Fabric of Church of said Parish	3	4	
„ Poor of said Parish	3	4	
To the Monastery of Crockesden x ^s viz.	s.	d.	
To the Abbot	3	4	} s. 10/-
„ Convent of the said place	3	4	
„ Fabric „ Monastery	3	4	
To the Priory of Callwiche vi ^s viii ^d viz.	s.	d.	
To the Prior and Canon each 12 ^d	2	0	} s. d. 6/8
„ Fabric of the said Church	2	8	
„ Poor „ Parish	2	0	
To the Church of Ellaston v ^s viz.	s.	d.	
To the Vicar of the said Church		12	} s. 5/-
„ Fabric „ „	2	0	
„ Poor „ Parish	2	0	
To John his eldest son the Hangings (Dorsorium) of his hall, with the iron grate (camino ferreo) belonging to the same hall.			
Also the Hangings (Dorsorium) of the new parlour.			
Also the Hangings (Dorsorium) of the chamber situated over the new parlour, with the best bed and its belongings.			
Also his best Waggon, & 6 Oxen, & 6 Cows.			
Also all his best Armour belonging to his own body.			
Also 60 Ewes called Theves, with one Ram.			
To the Prior of the Friar's House in the villa of Derby x ^s to celebrate a trentale for his soul.			
A like bequest for the same purpose to the Abbot and Convent of Crockesden, & to the Revd. (Domino) Thomas Hardding, x ^s each.			
To his son Thomas a feather Bed with its belongings.			
To his daughter Edith a feather Bed and a silver Cup.			
To his daughter Agnes a feather Bed and two other Beds and a silver Cup.			

To Thomas Babyngton and Richard Lyster his sons (in law) and
Isabella Babyngton his sister each an ambling Horse 3 yrs
old.

To Anthony Babyngton 4 Calves and 20 Sheep.

To John Grenehorpe 2 Calves and 12 Sheep called Hogges.

To John Wodde and Thomas Parker each a horse.

To Sir (Domino) John Savage a Cloak (togam).

To each of the servant maids in his house a Calf.

The Residue of his Goods not bequeathed above, his private
debts being paid, he leaves to the disposition of his Executors.

“Et pro intimo amore quem habeo in Elysabet uxorem meam
Thomas Fitzherbertt Thomam Babyngton filios meos et
Henricum Prynce Rectorem de Norbury,” he makes them his
true Executors and appoints John Fitzherbertt his brother to be
Supervisor, “ut ipsi inde ordinent et disponant pro salute anime
mee prout eis melius videbitur expedire. Hiis testibus Johanne
Cooton Ricardo Lyster Generoso et Henrico Gretton Rectore
Ecclesie de Bartton et Aliis.”

