

MEDIEVAL COSSINGTON

A NARRATIVE BASED UPON THE
RESEARCHES OF THE LATE
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BY
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PART III

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CHAPTER V

THE circumstances in which Thomas Babington acquired a considerable landed estate at Cossington in 1549 are set forth in the first chapter of this narrative. As two years have elapsed since that chapter was published, it may be useful to recapitulate here what was said in it concerning the members of the Babington family who were associated with Rothley, the next village to Cossington on the west, in the second quarter of the sixteenth century. It will be remembered that the Knights Hospitallers, in succession to the Knights Templars, were established at Rothley in 1313, and remained there until their suppression in 1540; and that about the middle of the fifteenth century they made Old Dalby, instead of the Temple (manor house) at Rothley, the residence and headquarters of their preceptor or commander. While this arrangement lasted, as it did until the end of the Hospitallers' tenure, the manor house, demesne lands and rectory of Rothley were let out to farm. Such was the state of things in July, 1524, when, by a charter dated at Clerkenwell, "Thomas Docwra, prior of the hospital of St. John, and the brethren of the same Order granted to Anthony Babington, esquire, the office of supervisor, feodary and governor of all their lands and tenements and of the courts of Dalby and Rothley, co. Leicester as also in co. Lincoln, to be held of the said Anthony or his sufficient deputy for the term of Anthony's life, and especially within the soke of Rothley, at a remuneration of forty shillings yearly, payable June 24, with full powers of doing whatever of right belongs to the said office, especially in the soke of Rothley". The relationship of Anthony to the other Babingtons connected with Rothley and Dalby has not been ascertained, but there can be no doubt that he was of their kin. The other and, from our point of view, more important members of the family associated with Leicestershire at this period were Sir John Babington, the Turcopolier of the Hospitallers, and his brother Humphrey, who were respectively the second and fifth sons of Thomas Babington, of Dethick, co. Derby. Humphrey Babington was

the father of the*Thomas who became the first of the Babington manorial lords of Cossington and Rothley.

According to the late Dr. J. Charles Cox, Sir John Babington, who died in or before 1533, was appointed to the preceptorship of Rothley and Dalby in 1526. A few years earlier, we find him acting as "common treasurer of the religion of St. John of Jerusalem in England", and his name appears several times in a series of accounts printed by Mr. Farnham in the appendix of his paper on Rothley. These relate to the year beginning on the 24th of June, 1522, when Sir John held office in this capacity, and are headed thus :—

The accounts of all and singular the bailiffs, collectors, farmers and other ministers of the preceptories of Dalby and Rotheley with members, late in the hand of the venerable Brother Thomas Newport, bailiff of the Eagle and preceptor of the preceptories aforesaid, and now in the hand of the common treasurer of the religion of St. John of Jerusalem in England from the time of the death of the said late preceptor, who died 24 February, 1522, in the peril of the sea in the parts of Spain [when, as another reference to him shows, he was on his way towards Rhodes], namely, from the feast of the Nativity of St. John the Baptist, 14 Henry VIII, until the same feast then next following, 15 Henry VIII, namely for one whole year.

The bailiffs for this year were Thomas Dilke and Andrew Nowell, the latter of whom appears in our first chapter as a lessee of some of the Hospitallers' properties, and as a tiresome and obstructive litigant. In at least one of the items of the accounts themselves, which have not hitherto been drawn upon in this paper, Sir John Babington is given his full style, as above; but in most of them he is called by such abbreviated forms of it as "Brother John Babington the treasurer", or "the treasurer of the religion". One of the longer items, under the sub-heading : "Farm of the Site of the Manor with the Demesne Lands", may be quoted here, as it usefully supplements what was said in our first chapter about Sir John's younger brother, Humphrey, the fifth son of Thomas Babington of Dethick :—

And [they, the two bailiffs, answer] for £9 0s. 16d. of the farm of the manor or site of the preceptory of Dalby together with all the tithes of Dalby aforesaid, so now let

to Humphrey Babington by an indenture dated [the date is not filled in]. To have and to hold from the feast of the Nativity of St. John the Baptist.....until the end of the term of years then next ensuing and fully to be completed, paying at the feast of the Purification B.V. Mary and St. Barnabas the apostle by equal portions [the rents of Grymston and Wylloughby belonging to the said manor being altogether reserved], and the said farmer and his assigns shall find one chaplain to celebrate the divine services in the church of Dalby aforesaid during the said term and also shall find Sir John Plumtre chaplain there, and shall pay to the said Sir John for wages together with his clothing 53s. 4d. and meat and drink and the keep of one horse during the term aforesaid. And the said farmer shall find meat and drink for the bailiff of the lord there or his deputy for the collection of the rents, or 40s. yearly, and further shall find him an honest lodging during the said term, and the same farmer shall pay the costs and expenses of the lord on his coming twice a year and the costs and expenses of the Steward and Receiver as often as it may happen to be necessary for them coming to superintend and examine the said preceptory with its members. And further the same farmer shall repair, keep and maintain all the houses in thatching with straw and plastering and roofing with tiles, and maintain the closes and ditches at his own proper cost and expense during the term aforesaid. So now let to the said Humphrey Babington yearly.

We do not know how long this tenancy continued; but on the 24th of June, 1529, the prior and brethren of the Order granted to the same Humphrey Babington a lease for twenty-nine years of the site of the manor [*i.e.*, the manor house, called the Temple] of Rothley, with the buildings and certain demesne lands pertaining to it, at a yearly rent of £6 13s. 4d. Humphrey died in November, 1544, and was succeeded by Thomas Babington, his eldest son, who five years later purchased their manor of Cossington from John Mershe, esquire, and Alice, his wife. The lease of Rothley Temple and the demesne lands attached to it expired in 1558. How the whole of the Rothley manor formerly held by the Hospitallers, with certain other properties acquired by Sir Ambrose Cave, ultimately came into the possession of

Thomas Babington in June, 1565, is told in the first chapter of this paper.

Considerable light is thrown on the long connection of the Babingtons and their enterprising friends with the Hospitallers and their various estates by what is said by Dr. J. C. Cox in his interesting account of the preceptory of Yeaveley and Barrow-on-Trent in the second volume of the *Victoria County History of Derbyshire*, pp. 75-77 :—

In the township of Stydd in the parish of Shirley, which originally formed part of the manor of Yeaveley, was a preceptory or commandery of the Knights Hospitallers, which was usually known as the preceptory of Yeaveley, though the *alias* of Stydd was sometimes substituted or added; and latterly, when the other possessions of the order in Derbyshire had been added to it, it became known under the joint appellation of the preceptory of Yeaveley and Barrow.

The camera of Barrow was annexed to the preceptory of Yeaveley about the year 1400. Dr. Cox proceeds :—

In a chartulary relative to the lands of the Hospitallers in England there are numerous references to the joint preceptory of Yeaveley and Barrow between the years 1503 and 1526. In 1504 William Darel the preceptor leased all fruits, rents, appurtenances, tithes, oblations, and advowsons pertaining to the joint preceptory to Thomas Babington of Lea [a hamlet of Dethick] for three years at £26 2s. 11d. per annum, subject to the annual payment to the prior of Tutbury of his pension of £3, and 40s. to the steward of the prior's court, and 13s. 4d. pension to the bishop of Carlisle. The lessee was also to find a priest to celebrate in the preceptory chapel at Yeaveley. In 1509 Brother John Babington, preceptor of Yeaveley and Barrow, leased the preceptory to Thomas Babington of Lea and to Anthony Babington of Kingston (his son and heir) for one year at £26 2s. 11d., but for the second and third years at £72. It was subject to the same payments and to the exercise of honourable hospitality within the preceptory. On 24 April, 1516, there was a renewal from John Babington as preceptor to his father Thomas Babington; and in 1522 to Edward Rhoche, preceptor of Temple Brewer, and to Humphrey Babington. In 1526

Ambrose Leyton succeeded Sir John Babington in this preceptory, and leased it conjointly to Sir John (who had obtained the much more lucrative preceptory of Dalby and Rothley), and three others for two years at £26 2s. 11d., and for the third year at £90. At the same date Thomas Docwra, grand prior of England, granted to Ralph Pemberton, yeoman of Barrow-on-Trent, a twenty-nine years' lease of the rectory of Barrow at a rental of £20. There was clearly a great falling-off in the sixteenth-century administration of the Hospitallers' preceptories as compared with [that of] the fourteenth century.

When the *Valor Ecclesiasticus* of 1535 was drawn up Sir Ambrose Cave was the preceptor of Yeaveley and Barrow. He is described as personally occupying the manor-house of 'Yeveley Stydde' and the adjacent lands, which are returned as of no value beyond the sustentation of hospitality, the distribution of alms to the poor who came there, and the support of a chaplain to administer the sacraments and sacramentals to all comers, and to celebrate mass for departed benefactors. In default of more precise information as to the income of the preceptory, the Commissioners adopted the highly unusual course of giving the names of those for whose souls the chaplain said mass on the different days of the week.

Another return of the reign of Henry VIII gives the gross income as £107 3s. 8d., and the clear value as £93 3s. 4½d.

Some interesting particulars of members of the Babington family whose names appear upon the rolls of the Knights Hospitallers are given in the late Mr. T. H. Fosbrooke's chapter on the preceptory of Rothley (*L.A.S. Transactions*, vol. xii, pp. 6 *et seq.*) These particulars are derived from a pamphlet called *The Babingtons, Knights of St. John*, by Mr. J. T. Clarke, F.S.A., who in 1840 went to the island of Malta for the specific purpose of searching the archives there. Mr. Clarke found that six members of the family had been enrolled as Knights of the Order, and that five of these were active after 1530, when Malta became the headquarters of the Hospitallers, who had recently been expelled from Rhodes by the 'Turks. The oldest and most important of these five was Sir John Babington, second son of

Thomas Babington of Dethick. Mr. Fosbrooke says:—"The date of Sir John's entrance into the Order is not known. Certainly in 1505 he had not attained to any of its dignities. Before the year 1522, he was farmer of the preceptory of Temple Bruer, co. Lincoln. On 3 July, 1526, his name appears in the aforesaid book of minutes, in which he is described as Commander of Dalby and Rothley and treasurer of St. John in England. In 1527-8 Sir John became prior of the Order in Ireland, but almost immediately exchanged this office for the office of Turcopolier with the Commandery of Dinemor. The office of Turcopolier was peculiar to the Tongue [= national division of the Order] of England and ranked in England next to the prior..... In 1531, Sir John obtained for himself the office of bailiff of Eagle, co. Lincoln, then vacant, and resigned the office of Turcopolier." The other four Knights of the family were Sir John Babington, the younger, who in 1528 was described as a nephew of the Turcopolier, and in 1531 signed the minutes; Sir James Babington, who with Sir Ambrose Cave and twelve others "came forth from England with Sir William Weston [who succeeded Sir Thomas Docwra as prior of the Order in England in 1527]" in 1524, signed the minutes several times, and died in 1528; Sir Philip Babington, third son of John Babington, of Ottery St. Mary, who was "received to be of this noble religion in 1531" and "left hys banner and like an apostate without any licence left" early in 1540; and Sir Nicholas Babington, who signed the minutes in 1532, 1533, 1534 and 1539. The Babingtons of Ottery St. Mary were a junior branch of the family. Among the documents printed in Mr. Farnham's appendix (*ibid.*, p. 92) is a record headed:—"Rotheleye: View of Frankpledge with great court of Thomas Dokwray, prior of the hospital of St. John of Jerusalem in England, in the time of Henry Babington, kt., preceptor of the same, held 4 October, 17 Henry VIII, A.D. 1525".

The facts set out above go a long way towards proving the soundness of two of the three inferences drawn at the end of our first chapter. These were that it was through his brother, Sir John Babington, who was then preceptor of Dalby and Rothley, that Humphrey Babington in 1529 took the Temple (manor house) and demesne lands at Rothley upon a lease of twenty-nine years; and that it was because of this tenancy that Thomas Babington, Humphrey's son and heir, became interested in the

manorial estate at Cossington which he purchased five years after his father's death. That the third inference, which attributed to Thomas Babington and his son the deliberate intention of founding a Leicestershire branch of the family, was not very wide of the mark will appear, I think, as we go along.

The evidence of Thomas Babington's purchase of the Cossington estate in 1549 consists of two legal records of which the following are Mr. Farnham's abstracts:—

Rothley MSS. Charter by which John Mershe, of London, esq., and Alice, his wife, one daughter and heir of William Gresham, late citizen and mercer of London, in accordance with certain agreements made between them and Thomas Babington, of Cossington, co. Leic., esq., dated 7 May, 3 Edward VI, 1549, have granted to Thomas Babington their manor of Cossington with its members and appurtenances, and all the messuages, lands, tenements, meadows, woods, rents, *etc.*, which the vendors have in Cossington, to hold to Thomas Babington, his heirs and assigns for ever, of the chief lords of the fee by the right and accustomed service, and they appoint Edward Vincent, gent., and William Humphrey, gent., their true and lawful attorneys to deliver seisin of the above manor, *etc.*

Dated 18 May, 3 Edward VI, 1549.

Fine. Quindene of Easter, 3 Edward VI, 1549. Between Thomas Babington, esq., plaintiff, and John Mershe, esq., and Alice, his wife, daughter and heir of William Gresham, late citizen and mercer of London, defendants of the manor of Cossington and 10 messuages, 4 cottages, 300 acres of land, 100 of meadow, 200 of pasture and 20s. rent in Leicester and Cossington. In consideration of the sum of £232 10s. 0d. the defendants granted the manor and lands to Thomas Babington.

William Gresham was probably related to Sir Thomas Gresham, founder of the Royal Exchange, and may have been his uncle; for in 1546 a William Gresham sold to his brother, Sir John Gresham, a younger brother of Sir Thomas's father, the family seat at Holt, co. Norfolk, which Sir John converted into a free grammar school (*Dict. Nat. Biog.*). Edward Vincent was the husband of Thomas Babington's sister Margery, and the son and

heir of George Vincent, of Peckleton, co. Leicester, to whom the manor of Potters Marston was granted by Henry VIII in May, 1541 (Burton's *Leicestershire*, 2nd ed., 1777, p. 209, and *Leics. A.S. Transactions*, vol. xii, p. 174). William Humphrey was presumably a relative of Thomas Babington's wife, Eleanor, daughter of Richard Humphrey, of Barton Segrave, co. Northants. (*Leics. A.S. Trans.*, vol. xii, p. 60).

There seems to be no doubt that the properties in Cossington thus conveyed to Thomas Babington represented, at any rate for the most part, the moiety of the old Boteler manor that had descended through the Meishams, the Wautons and the Germans to its subsequent owners. The compiler of the Babington abstract of title, who may have been Thomas Babington's son Matthew, having traced the descent to the John German who married Joan, daughter of Geoffrey Poutrell of Ratcliffe-on-the-Wreake, says that "John German, the son, and Joan, his wife, had issue five daughters, Joan Doyley; Isabel Blythe; Alice Gillot; Elizabeth Butler and Margot who died without issue". He then proceeds :

Raffe Butler, husband to the said Elisabeth, did, together with the said Elisabeth, 21 Edward IV (1481) let and grant to Anthony Butler, their son and heir, and to one Thomas Chaumbleyn, of Cosington, his manor called "St. German's manor" excepted to the said Raffe and Elisabeth, *inter alia*, his Court Baron [the court that was incident to every manor and could not be severed from it] and all his chief rents, with the court issues, profits and emoluments of the said court, which appeareth by a copy of the said lease in paper noted on the backsyde with my father's own hand, as many other pieces of evidence touching this matter are..

Also the said Raffe, did before that, *viz.*, in the first year of Edward IV (1461) betake and let to farm to J. B. of Cosington, husbandman, his manor called "St. German's manor" in Cosington aforesaid for certain years, which also appears by a like copy of lease noted likewise in my father's own hand. And from him to Gresham see the re-assurance from Willyamson to Strelley 31 Henry VIII (1540), and the conveyance from and his wife to Thomas Babington, 3 Edward VI (1549) for a manor and the fine.

The last reference to John German, junior, occurs in a charter of the 26th of September, 1453, by which John Somerville granted to Ralph Butler "one plot and a cottage lately built in Cosington, between the land of John German and land of William Crispe". At this time he was nearing his end; for in October, 1477, Margaret German (presumably the "Margot who died without issue" of the Babington abstract) leased "all her moiety of a watermill and a moiety of a fulling mill under one roof in Cosington, as also her separate fishing in a water called the Sore, together with the moiety of the willows growing there on the pond called le Milnedame and the moiety of the pond, to Thomas Gillot for a term of ten years. These mills, *etc.*, were among the properties granted to John German, his son and heir, and Joan, his wife, and their joint issue, by John German, senior, in 1412, by a charter cited in its proper order in the last chapter, which was devoted to the Meisham—Wauton—German descent. From the Babington abstract of title, we learn that by 1461 the "St. German's manor" had passed to Ralph Butler, the husband of Elisabeth, one of the five daughters of John German, junior; and that in 1481 Ralph and Elisabeth were living, and had a son and heir named Anthony. There are no later records of Anthony Butler and his parents; so it is impossible to say when the family's connection with Cossington came to an end. For nearly sixty years after 1481, no documents relating to the manor that descended from the Meishams, though the Wautons and the Germans, are available.

We have now to deal with a series of abstracts, which show the course by which the manor and lands came into the possession of Thomas Babington in 1549:—

Common Pleas Plea Roll 1107. Mich., 32 Henry VIII, 1540, no. 120, Leyc.: William Gresham, of London, mercer, demands against Nicholas Strelley, knight, 6 messuages, 3 cottages, a watermill, 300 acres of land, 40 of meadow, 40 of pasture, 6 of wood and 20s. rent in Cosington and Leicester, as his right—Nicholas came and called to warrant John Kyrkeby, gent.

Fine. Oct. Hilary, 32 Henry VIII, 1540. Between William Gresham, merchant of London, plaintiff, and Nicholas Strelley, kt., and Elisabeth, his wife, and John Kyrkeby, gent., defendants of 6 messuages, 3 cottages, a

watermill, 300 acres of land, 40 of meadow, 40 of pasture, 6 of wood and 20s. rent in Cosington and Leicester. Right of William and his heirs, and the plaintiff gave the defendants £100.

Rothley MSS. Charter by which John Williamson, son and heir of John Williamson, late alderman of Nottingham, gave and confirmed to Nicholas Strelley, of Strelley, co. Notts., kt., all those manors, messuages, lands, *etc.*, in the towns and fields of Leicester and Cosington, co. Leic., which the said John Williamson, his father, lately bought of the said Nicholas Strelley, and which Nicholas Strelley bought of John Kyrkby, gent., to hold to Nicholas, his heirs and assigns for ever.

Dated 14 February, 31 Henry VIII, 1540.

Ibid. This writing indented made between Sir Nicholas Strelley, of Strelley, co. Notts., knight, and William Gresham, citizen and mercer of London, witnesseth that whereas the said Nicholas, by his indenture dated 7 Dec., 31 Henry VIII, bargained and sold unto the said William, his heirs and assigns, all those his manors, messuages, lands and tenements in Leicester and Cosington, co. Leic., which the said Nicholas lately purchased of John Kyrkby, gent., for which it is agreed that William Gresham should only pay at the rate of 20 years' purchase. Know ye that Sir Nicholas has received of William Gresham £40 sterling at the former date, and now £40 in full value of the said premises.

Dated 17 February, 31 Henry VIII, 1540.

Ibid. Charter by which Sir Nicholas Strelley, kt., remised and quitclaimed to William Gresham, citizen and mercer of London, in his peaceful possession now being, all his right in 6 messuages, 3 cottages, a watermill, 300 acres of land, 40 of meadow, 40 of pasture, 6 of wood and 20s. rent in Cosington and Leicester.

Dated 14 February, 32 Henry VIII, 1541.

The last two abstracts in this short sequence (1540—1541) are those of the charter and the fine of 1549, already quoted at length in this chapter, by which John Mershe and Alice, his wife, daughter and heir of William Gresham, conveyed their manor of

Cossington, with all the messuages, lands, tenements, meadows, woods, rents, *etc.*, which they had in Cossington and in Leicester, "to hold to Thomas Babington, his heirs and assigns for ever, of the chief lords of the fee by the right and accustomed service", in consideration of the sum of £232 10s. 0d., paid to them by the said Thomas.

The next abstract in Mr. Farnham's collection relates to a property in Cossington known as "le Grange", the site of which is not known :—

Rothley MSS. To all the faithful of Christ, *etc.*, Elisabeth Mussine, of Cosington, co. Leicester, one of the daughters and heirs of Joan Mussine, deceased, late the wife of Thomas Mussine, of the same, yeoman, greeting. Whereas John Butler, my relation, of Cosington, husbandman, formerly, by the space of 8 years, undertook great expenses during my life, as by certain indentures made between me and him dated 1 December, 5 Edward VI, 1551, Know ye that I have remised and altogether for me and my heirs have, in consideration thereof, for ever quitclaimed to the same John Butler, his lawful heirs and assigns for ever, now in his possession being, all my right and title in a moiety of a messuage or tenement called "le Grange" in Cosington, and in all other my lands, tenements, *etc.*, in Cosington which descended to me by hereditary right from Joan Mussine, my mother.

Considering the vagaries of spelling at this period, Thomas Mussine, the father of Elisabeth, may have been the Thomas Muston who was taxed six shillings, on goods assessed at twelve pounds, in the Lay Subsidy of 1524. John Butler cannot at present be identified.

The following abstract gives the substance of a deed which, though no date is attached to it, was probably executed not much later than 1549 :—

Rothley MSS. Indenture by which Hugh Hollyns, gentleman, in consideration of £70, grants and conveys to Thomas Babington and his heirs all that his purparty and portion of the manor of Cosington with the appurtenances, and also his purparty and portion of other things in the said indenture mentioned.

From a later document, to be cited in due course, it may be gathered that the estates known respectively as Gresham's manor and Hollyns's manor together constituted the manor of Cossington purchased and held by Thomas Babington, *i.e.* the manor that came down from the Meishams to the Germans.

A document in the Rothley collection at the Leicester Museum Muniment Room, for the reference to which I am indebted to my wife, tells us that in 1554 Thomas Reeve and George Cotton obtained a grant from the Crown of "a messuage or tenement in Cosington in the tenure of Matthew Knyghtley, rector; a croft in Cosington in the tenure of Alexander Palmer; the advowson of the rectory of Cosington". Immediately after they received legal possession of these properties, which were part of the forfeited estates of Henry Grey, duke of Suffolk, Reeve and Cotton reconveyed them to Thomas Babington. The consideration was £337 7s. 1½d. This appears to have been the last substantial purchase made by Thomas at Cossington.

On the 24th of June, 1565, as was related with antecedent particulars in our first chapter, Sir Ambrose Cave conveyed to Thomas Babington, esquire, of Cossington, and to Humphrey, son and heir apparent of the same Thomas, "all that his manor of Rothley as quoted in the licence, and also the several purchases which Sir Ambrose had made, namely, a yearly rent of £7 3s. 10d. and all services as well of free tenants as of customary tenants in Rothley, also his rectory and church of Rothley with its rights, members and appurtenances, together with all tithes, oblations, emoluments and profits and commodities to the same rectory appertaining, in as full and ample a manner as Sir Ambrose held them. And, lastly, Sir Ambrose appointed Thomas Duport and Edward Vincent, esquires, as his attornies to deliver full and peaceful possession of the manor, *etc.*, to Thomas Babington and Humphrey Babington, who took possession of the manor of Rothley, *etc.*, on 7th December, 1565, in the presence of William Temple, gentleman, Gawen Phillips and many others."

Thomas Babington died on the 28th of October, 1567, and was buried in Rothley church. He was succeeded at Rothley by his eldest son, Humphrey, and at Cossington by his son Matthew.

Matthew Babington, who, as we have seen, succeeded to his father's Cossington estates in 1567, lived on until February, 1616,

when he died without issue. The document that tells us most about his position as a landowner is the record of the inquisition taken seven months after his death, of which the following is Mr. Farnham's abstract :—

Inquisition p.m. Matthew Babington. Series ii. File 353-86. Taken at Leicester on 21 Sept., 14 James I, 1616. The jury say that Matthew died seised of a messuage, 4 cottages, 5 tofts, 5 crofts, 5 gardens, and 6 virgates of land, now or late in the tenure of William Burdet, clerk, and of a meadow called "the Swaythes", containing 2 acres in Kibworth Harcourt and one swayth of grass in Smeeton, now or late in the tenure of John Bussard, and of 3 acres in Twiford in the tenure of John Oxen, and of 6 acres and 3 or 4 parcels of meadow in Cosington in the tenure of Arthur Smyth and Katherine Colley, and of a messuage and virgate of land in Hatherne in the tenure of Edward Boyer, bought by Matthew Babington from William Whitmore of London.

Matthew Babington was also seised in his demesne as of fee of the manor of Cosington called "Gresham's" and "Hollyns" manor in Cosington, and of the advowson of the rectory of the church of Cosington; also of a messuage and 2 virgates of land in Cosington in the tenure of John Elmer, clerk, late in the tenure of Adrian Babington, clerk, also of 4 messuages, 7 cottages, 11 tofts, 11 crofts, 11 gardens, a dovehouse, a watermill, a windmill, and 14 virgates of land in Cosington; and of another messuage in Cosington in the tenure of William Chamberlin, and 2 cottages in Cosington, in the tenure of William Judd and Roger Walker; and a close in the tenure of Henry Kilbie; and a close called South holm and 2½ virgates of land in Cosington. On 20 Dec., 8 James I, 1610, in consideration of a marriage between Matthew Babington and one Margaret Burrough, the above properties were settled to trustees for uses.

Matthew Babington died on 10 Feb. last without issue.

Thomas Babington is kinsman and next heir of Matthew and aged 39 and more. Margaret, the relict of Matthew, survives at Cosington.

We have no means at present of identifying the lands and properties in Cossington mentioned in the latter parts of the first and second paragraphs of this record; but it is reasonable to suppose that some of them came from the old Somervill—Willughby manor, which Sir Francis Willughby was selling to various persons in the last decade of the sixteenth century. Several abstracts of documents relating to properties purchased from Sir Francis are printed towards the end of our third chapter. Numerous references to Matthew Babington will be found in Mrs. Skillington's sequel, on post-medieval Cossington; so there is no necessity for me to say more about him here. It will be more to the purpose to cite two abstracts concerning an estate in Cossington that until 1595 was part of the Somervill—Willughby manor :—

Fine. Easter, 37 Elisabeth, 1595. Between Ralph Whalley, esq., plaintiff, and Francis Willoughby, knight, and Elisabeth, his wife, and Percival Willoughby, esq., defendants of the manor of Cossington and a messuage, a cottage, a dovehouse, 2 gardens, 2 orchards, 150 acres of land, 100 of meadow, 40 of pasture, 2 of wood, 100 of furze and heath, 6s. 8d. rent and free fishing in Cossington. Right of Ralph.

Inquisition p.m. Thomas Hulse. Series ii. File 735-122. Taken at Leicester on 15 Sept., 13 Charles I, 1637. The jury say that Thomas died seised of a messuage, a cottage and 3 virgates of land, meadow and pasture in Cossington, held of Ralph Whalley, as of his manor of Cossington, in free and common socage, by fealty, suit of court and rent of 6s. to Ralph Whalley.

Thomas Hulse died on 20 April, 5 Charles I, 1629.

Henry Hulse is his kinsman and heir aged 17 years and 8 months.

The Whalleys were lords of the manor of Norton-by-Galby (King's Norton), co. Leicester. The Ralph who bought the Cossington estate from Sir Francis Willughby was grandfather of the Ralph whose name occurs in the inquisition post mortem of Thomas Hulse. Mr. Farnham prints an interesting extract from a Chancery record near the end of his Norton-by-Galby abstracts in *Leicestershire Medieval Village Notes* :—

Chancery Proceedings, Series ii, 418-136, 20 May, 1637. (Extract) Plaintiff: William Whalley, of Norton by Galby, co. Leic., gent., on his own and on his infant son's behalf. That whereas one Ralph Whalley, esq., deceased, your orator's late grandfather, being seised in his demesne as of fee of the rectory or parsonage impropriate of Norton, and of the tithes of grain and hay, and also of 10 messuages, 10 cottages, and 16½ yard land of land, meadow and pasture in Norton, lately inclosed and converted into pasture; and of one messuage with ¾ yard land in Galby; and also of the manor of Cussington and of divers lands and tenements there; and also of a messuage and divers lands in Great and Little Shepey, a messuage in Leicester, and a messuage in Long Eaton, co. Derby, *etc.*

Ralph Whalley, so seised, having issue 4 daughters, namely, Anne, his eldest daughter, married to one William Ghest, now dead; Elisabeth, his 2nd daughter, who is now dead, and who was married to one Edward Goodman, of Blaston, esquire; Frances, his 3rd daughter, now also dead, married to William Whalley, esq., deceased, father of your orator; and Joan, his 4th daughter, who was married to Nicholas White, also dead. And your orator's father, having issue by his said wife 3 sons, namely, Ralph Whalley, your orator's elder brother; your orator, William Whalley; and Jeffrey Whalley, your orator's younger brother.

The said Ralph Whalley, the grandfather, being anxious to settle the said estates in his name and blood, about 30 years ago, by his deed, did convey and assure the said estates to trustees, to the use of himself for life, with the remainder unto the said William Whalley, your orator's father, until such time as the said Ralph Whalley, your orator's elder brother, should accomplish 21 years of age, and then to the use of the said Ralph for his life, and then to his issue male; and for want of such issue then to the use of your orator for his life, and his male issue.

William Whalley and Frances, his wife, father and mother of your orator, are both dead. And the said Ralph Whalley, your orator's elder brother, has only one son,

and he the said Ralph is now a widdower well stricken in years and not like to have any more children, and if the said son should die, the estate would come to your orator and his sons, but so it is, that the said Ralph Whalley, Philip Ghest, William Goodman and Whalley White, combining and confederating together, have got the aforesaid deed into their possession, and want, if possible, to deprive your orator of his reversion, *etc.*

N.B.—Ralph Whalley died on 9 Dec., 1638, leaving an only son, William Whalley, aged 8 years. Nichols says in his *History*, ii, p. 731, that this boy William died young and was succeeded by his next brother, also William. This is evidently a mistake. William Whalley was Ralph's only son, and William was succeeded by his uncle William, the plaintiff in the above Chancery suit. William Whalley, the son, probably died in October, 1644.

The Hearth Tax Roll shows that in 1666 there were two Whalleys living at Norton: William Whalley, esquire, who was taxed on twelve hearths, and Mr. Stanhope Whalley, who was taxed on ten hearths. Edward Whalley, the regicide, was a member of this family.

The latest abstract concerning the Babingtons in Mr. Farnham's Cossington series is this:—

Fine. Quindene of St. Martin, 10 Charles I, 1634. Between Theophilus Cave, esq., and Eustace Burneby, esq., plaintiffs, and Thomas Babington, esq., and Katherine, his wife, and William Babington, esq., defendants of the manors of Rothley and Cossington and 37 messuages, 6 mills, 2 dovehouses, 37 gardens, 30 orchards, 500 acres of land, 140 of meadow, 380 of pasture, 50 of wood and 300 of furze and heath in Rothley and Cossington and of the rectory of Rothley and all tithes in Rothley and the advowson of the vicarage of the church of Rothley and of the advowson of the church of Cossington.

Consideration £1000.

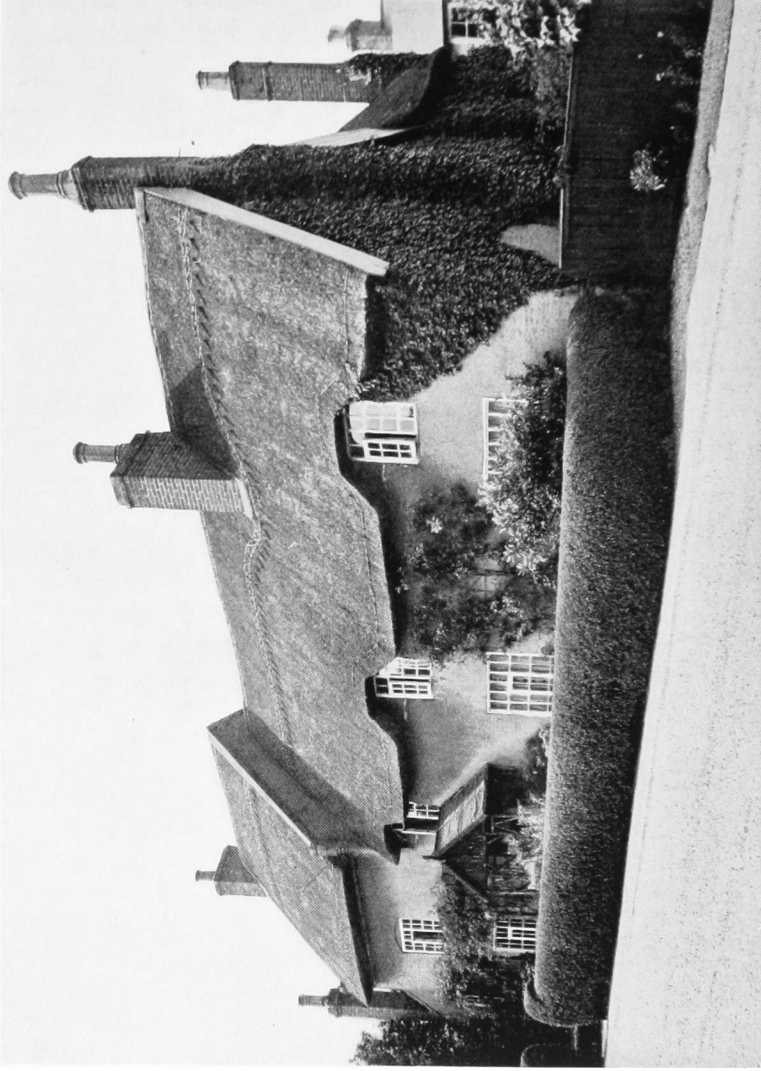
The above fine was levied for the purpose of securing Thomas Babington's title to the properties enumerated in the record, and his right of selling and entailing them. The document recording the subsequent regrant to trustees to uses is missing. A useful

description of this method of conveying land is given in Mr. Arthur Underhill's chapter on Law in *Shakespeare's England* (Oxford, 1917), vol. i, pp. 405-6 :—

A Fine was somewhat similar to a recovery, but the action was stopped before judgement by a collusive compromise. It was used mainly to enable married women to join with their husbands in selling the fee-simple property of either. Except by means of a fine, a husband could not sell his own property free from his wife's contingent right to dower; and she, on the other hand, could not sell her own property at all, being under coverture.

The impossibility of selling freehold land free from the widow's right to dower without going to the expense of a fine, led to various devices intended to prevent the right ever attaching. In later times this barring of dower was effected by an elaborate and highly technical system of uses and powers operating under the Statute of Uses, and this method lasted down to the reign of William IV. But in Shakespeare's time the usual method was for a purchaser of land to take the conveyance not to himself alone, but to himself and several friends (as trustees for him) in joint tenancy, dower only attaching to lands held by one person solely. When one of these joint tenants died, his place was filled up by another person, and so the property never became vested in a sole owner. This plan was adopted when Shakespeare purchased his Blackfriars property. Sir Sidney Lee conjectures that this was done for the purpose of depriving Shakespeare's wife of dower, but to a conveyancer it is clear that it was necessary in order to enable him to mortgage the property (as he did the next day) without the expense and delay of a fine.

Thomas Babington was the son of Humphrey Babington and the nephew of Matthew, whom he succeeded at Cossington. He married Katherine, daughter of Humphrey Kendall, of Smythesby, and died on the 17th of September, 1645. He was also lord of the manor of Rothley, which he inherited from his father in 1611.



OLD HOUSE IN COSINGTON, POSSIBLY PEPPERS'