

AN OLD HAZLERIGG DEED
TRANSCRIBED BY MISS A. P. DEELEY, M.A.

WITH A SHORT INTRODUCTION
BY S. H. SKILLINGTON

An Old Hazlerigg Deed

The interesting deed that follows this short introduction was recently presented to the Muniment Room at the Leicester Museum by the Rev. W. G. Dimock Fletcher, whose work upon Leicestershire genealogies is well known to students. It is now printed from a transcription specially made by Miss A. P. Deeley, who has faithfully reproduced the old spelling, except in the case of abbreviated words, which she has extended. The punctuation and the use of capital letters are as in the original text. The document itself is not difficult to understand; but it may be useful to give a brief account of the antecedents and personal career of its signatory, who was a very notable Leicestershire man.

The chief party to the deed, which is dated the 22nd of October, 1659, was Sir Arthur Hesilrige, of Noseley, who succeeded his father, Sir Thomas Hesilrige, the first baronet, in 1629. The Hesilriges came into Leicestershire, towards the end of the fourteenth century, through the marriage of Thomas Hesilrige, of Fawdon, co. Northumberland, with Isabel, the eldest daughter and heir of Margaret Hastings, of Noseley, by her marriage with Sir Roger Heron, knight, who was dead in 1402. (See *Leicestershire Medieval Pedigrees*, by George F. Farnham, pp. 56 and 57, and *Transactions of the Leicestershire Archaeological Society*, vol. xii, p. 228). Mr. Farnham's pedigree shows how Margaret Hastings inherited from the Martivals through her grandmother, Joyce Sadington, sister or (more probably) niece and heir of Roger Martival (d. 1329), bishop of Salisbury, great-grandson of the earliest recorded member of the family, Ralph de Martival, who was dead on the 16th of June, 1220. Sir Arthur Hesilrige, whose signature appears on the deed of 1659, married (1) Frances, daughter of Thomas Elmes, of Lilford, by whom he had two sons and two daughters, and (2) Dorothy, daughter of Fulke Greville and sister of Robert, lord Brooke, the parliamentarian general, who bore him three sons and five daughters. Dame Frances died in 1632, and the second wife, Dorothy, on the 28th of January, 1650-1. Both were buried

at Noseley. Sir Arthur was succeeded in the baronetcy by Sir Thomas Hesilrige, his son by Dame Frances, who married Elizabeth, daughter and co-heir of George Fenwicke, esquire, of Brenkeburne, co. Northumberland. The names of Thomas and Elizabeth appear several times in the deed printed below. Sir Thomas Hesilrige died on the 24th of February, 1679-80, and his wife, Elizabeth, on the 30th of May, 1673. By royal licence, dated the 8th of July, 1818, Sir Arthur Grey Hesilrige, the eleventh baronet, changed the family surname (which until that time had been spelt arbitrarily) to *Hazlerigg*, and so fixed it in its present form.

When he appended his signature to the deed of 1659, Sir Arthur Hesilrige was nearing the end of an unusually active and contentious life, of which there is an excellent account in the twenty-sixth volume of the *Dictionary of National Biography*. It is stated in this that his early political conduct appears to have been mainly determined by the influence of Pym and Brooke, and that, as a staunch puritan, he was bitterly opposed to the ecclesiastical policy of Laud. He represented Leicestershire in the two parliaments that assembled in 1640; he was the proposer of the Militia Bill of the 7th of December, 1641, and was one of the five members impeached by Charles I on the 3rd of January, 1642. In the following June, he was busily engaged in executing the parliamentary commission of array in Leicestershire. He raised a troop of cavalry in Essex's army, fought under Sir William Balfour at Edgehill, became second in command to Waller, and, on the 5th of July, 1643, distinguished himself, at the head of a regiment of cuirassiers nicknamed "the Lobsters", in the victory of Lansdowne.

About this time he gave up his commission and became a recognised leader of the independents in parliament. In the summer of 1647, he allied himself with the army against the presbyterians. At the end of the following December, he was appointed governor of Newcastle, which, on the 1st of July, 1648, he succeeded in holding against Colonel Grey and the Northumbrian royalists. Three months later, he accompanied Cromwell into Scotland, and was entertained with him at Edinburgh by Leven and Argyll.

The writer of the article in the *Dictionary of National Biography* goes on to say that, so long as the Commonwealth lasted,

Hesilrige took a very prominent part in public affairs. He was a member of every council of state elected during that period, and persistently resisted the army's proposal that parliament should delegate its authority to a small, select body of men. Having been appointed one of the king's judges, he refused to act; he also refused to take the engagement retrospectively, though he approved of it. From the day that Cromwell dissolved the Long Parliament, Hesilrige bitterly opposed his government. He declined to pay taxes not levied by parliament, preferring to see his "oxen of value" sold for twenty shillings and forty shillings apiece. In 1654, 1656 and 1659, he was returned to parliament for Leicester. At the beginning of the parliament of 1654, he was "very instrumental in opening the eyes of the young members" to Cromwell's usurpation, but was soon excluded for refusing to take the engagement to the Protector and the new constitution. For the same reason, he was excluded from the parliament of 1656, and his name appears at the head of the list of those who signed the protest. In order to keep him out of the House of Commons, Cromwell appointed him one of the upper house in 1657; but, notwithstanding the pressure put upon him, he declined this honour, and contrived to take his seat in the Commons on the 25th of January, 1658. In the parliament called by Richard Cromwell, he took a still more prominent part in attacking the government. He opposed the recognition of the new Protector, as well as the admission of the representatives of Scotland and Ireland. By 1653, he had become one of the most powerful men in the country. He was a member of the committee of safety, one of the council of state and of the committee of seven for the appointment of officers, and the recognised leader of parliament.

At the Restoration, he presented a petition, urging his innocence so far as the trial and condemnation of the king were concerned; but so strong was the feeling of royalists and presbyterians against him, that it was only by the intervention of Monk that his life was saved. By section 40 of the Act of Indemnity, he was excepted for penalties (short of that of death), to be imposed by a future act to be designed for that purpose. The remainder of his life was passed in the Tower, where he died on the 7th of January, 1660-61.

S. H. S.

The Hazlerigg Deed

(Transcribed by Miss A. P. Deeley, M.A.)

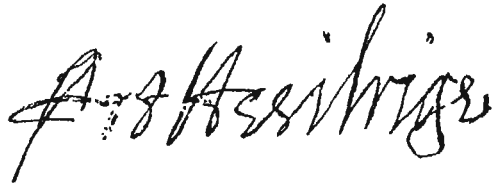
THIS INDENTURE made the two and twentieth day of October in the yeare of our Lord god one thousand six hundred fiftie and nine BETWEENE Sir Arthur Hesselrige of Nosely in the County of Leicester Barronett on the one part And Thomas Hesselrige of Nosely in the sayd County Esquire sonne and heire Aparant of the sayd Sir Arthur on the other part WITNESETH that the sayd Sir Arthur Hesselrige for and in Consideracion of a marriage already had and solemnized betwene the sayd Thomas Hesselrige and Elizabeth Hesselrige his wife one of the daughters and Coheires of George Fenwick of Brenkburne in the County of Northumberland Esquire deceased And for and in consideracion of the summe of foure thousand pownds of Lawfull English money payd unto the sayd Sir Arthur Hesselrige by the sayd Elisabeth Hesselrige which he acknowledgeth to have received And for the settling of a Competent Joynture for the sayd Elizabeth, And for and in Consideracion of the payment of foure score pownds per annum a peece for the mentinance of Dorothy Hesselrige Francis Hesselrige and Mary Hesselrige daughters of the sayd Sir Arthur Hesselrige respectively untill they shall have respectively atayned their severall and respective ages of eighteene yeares, And alsoe for and in Consideracion of the payment of five hundred pownds per annum dureing the naturall life of the Earle of Anglesey, And foure score pownds yearely to Maior George Sedascue and Mary Sedascue his wife dureing their lives and the longer liver of them, And for and in Consideracion of the great debts which the sayd Thomas Hesselrige stands ingaged for and with the sayd Sir Arthur Hesselrige by bond and otherwise, And for divers other good Causes and Consideracions him the sayd Sir Arthur Hesselrige thereunto moveing, HATH granted and by these presents doth grant bargayne sell and demise unto the sayd Thomas Hesselrige his Executours and Administratours all that the Mannor and Lord-

ship of Nosely in the County of Leicester with its rights members and Appurtenances And all that the Mannor or Lordship of Hardwick with the Appurtenances And the Lands farmes and Grounds called or knowne by the name of Hardwick in the Parish of Shankton in the sayd County of Leicester, And all those his lands and hereditaments in Ilston Allias Ilveston in the County of Leicester, And all other his Mannors and lands Tennements and hereditaments within the hundred of Gartree in the sayd County, And all other his Lands and hereditaments whatsoever within the sayd County of Leicester, TO HAVE and to hould the sayd Mannors, Lordships, Lands, Tennements hereditaments and premises above mencioned with their and every of their rights members and Appurtenances unto the sayd Thomas Hessilrige his Executours Administratours and Asignes from the day before the date of these presents unto the end and for and dureing the tyme and terme of ninety and nine yeares from thence next ensueing and fully to be Compleate and ended without impeachment of waist if it shall happen that the sayd Sir Arthur Hessilrige shall soe long live, And to the further intent and purpose that the sayd Elizabeth Hessilrige wife of the sayd Thomas Hessilrige shall and may from and imediately after the death of her sayd husband have and take out of the sayd Mannor and premises in Nosely aforesayd the yearely rent or summe of six hundred pownds of like Lawfull money of England upon the five and twentieth day of March and nine and twentieth day of September yearely by even and equall portions for and dureing all the terme of her naturall life for her Joynture and in Lieu of her dower, the first payment thereof to be made at such of the sayd dayes as shall first and next happen after the decease of the sayd Thomas Hessilrige, And to the intent and purpose that if it shall happen the sayd yearely rent of six hundred pownds to be behinde and unpayd in part or in all at any of the dayes or tymes aforesayd dureing the tyme that the sayd rent is to Continue payable as aforesayd by the true intent and meaneing of these presents That then and from thenceforth upou any default of payment, And soe oft and from tyme to tyme as the sayd Anuall rent or any part thereof shall happen to be Arreere and unpayd at any of the sayd dayes or tymes whereat the same ought to be payd as aforesayd, it shall and may be Lawfull to and for the sayd Elizabeth Hessilrige wife of the sayd Thomas Hessilrige and her Asignes

to whom such rent shall be soe Arreare into the sayd Mannor or Lordship and premises and into every or any part thereof to enter and distreyne And the distress or distresses then and there found and taken to Leade, drive, Chase Carry away impound deteyne and keepe untill the sayd yearely rent soe unpayd And all arerages thereof if any shall happen to be shall be truely satisfied and payd according to the intent and meaneing of these presents,

IN WITNESSE whereof the sayd partyes to these presents their hands and seales enterchangably have sett the day and yeare first above written.

[Signed]

A handwritten signature in black ink, appearing to read "Wm Hesilrige". The script is cursive and somewhat stylized, with a large initial 'W' and 'H'.

[Endorsed] Signed sealed and delivered in the presence of

William Hesilrige
Tho. Norcott
Bartell Byner
Robert Hutchin