

ART. XVII.—*Witherslack Church and Manor.* By the
Rev. F. R. C. HUTTON, M.A., Vicar of Witherslack.

Read at the Church, September 19th, 1900.

I.—THE CHURCH.

THE present church of St. Paul's, Witherslack, dates from 1664, though it was not consecrated until 1671, but there was a chapel of some kind in the township before that period, though probably not on this site.

There is a farm called Kirket Nook in the east valley, but there is no trace or tradition of anything ecclesiastical attaching to it except the name. There is also in this west valley a hill on the road to the hamlet of Town End called Priest Hill, and near to it was an enclosed meadow—now done away—called Priest Field ; but we have here again nothing but the name.

Nicolson and Burn (I. 231) state that the old chapel stood 20 yards south of the hall, and that the minister was paid a sum of 20 nobles yearly by the inhabitants. Part of this was paid by some of the parishioners of the adjoining parish of Heversham for their convenience. But they ceased to do so on the building of the present chapel, presumably because it was now no more convenient to them than their own church, which would point to the old chapel being at any rate in the east valley. Against this it is argued that Peter Barwick in his life of Dean Barwick states that he "restored" the chapel, but on the other hand the tablet over the door simply says he "built this chapel," and also if he only rebuilt it on its present site, the burial ground must have already existed, which it certainly did not, the primary object in Dean Barwick's will being to provide a burial ground.

We conclude, therefore, that probably the ancient chapel was somewhere in the east valley, and was also probably the chapel of the hall.

The first and indeed only mention of this chapel is in the Stanley papers of the Chetham Society, vol. ii., lxxxvi. note. A Mrs. Mabel Preston, a widow, was married by desire of the Earl of Derby to a Thomas Harrington, steward of his manor of Beetham, on August 3rd, 1581, at Beetham, but from ecclesiastical court proceedings instituted it appeared that she had already a husband in Geoffrey Osbaldiston of Osbaldiston, "the words of matrimony were proved to have been spoken before credible witnesses in the chapel of Witherslack, in the parish of Beetham, in June, 1580."

A piscina, now in Lord Derby's possession, belonged to the chapel by the hall—it was dug out of the wall at the back of the fireplace of the hall a few years back, when some repairs were being made. There is also at a farmhouse at Beckhead an octagonal stoup about 15 inches deep and 12 inches in diameter, which some have believed to have been the font. This old chapel was standing until a few years back. Its site is now occupied by farm buildings. Nothing of interest was found when it was pulled down.

In 1662, John Barwick, Dean of St. Paul's and native of the place, left the bulk of his money by will to Witherslack, and so the present church was built and schools endowed (cf. Nicolson and Burn and Life of John Barwick by Peter Barwick).

The registers date back to 1671, the chapel being consecrated by the Bishop of Chester (in whose diocese this portion of Westmorland then was) on June 22nd, 1671. But on the first leaf are a number of baptisms, four burials and two marriages quite distinct. Most of the baptisms are previous to 1671, and three of them are 1629, 31, 32. From the registers we note that:—

John Brockbank was minister from 1671 to 1712; previously he had been incumbent of Ingleton from 1667.

Richard Jon signs from 1713—1742, when his burial is recorded.

John Hunter, 1743—1778, when his burial is recorded.

John Dawson, 1778—1843.

F. S. Woodcock, 1844-45.

Thomas Marshall Postlethwaite, 1846—1888.

George Rubie, 1888-9.

John Compton Butterworth, 1884-95.

There is one centenarian, Robert Strickland, died 1762, in his 103rd year.

Note on p. 65, by Rev. John Dawson.

Let me here note that in the year 1783 an Act was passed for levying a tax of threepence upon all weddings, baptisms, and burials, which took place the 1st October the same year. Paupers excepted.

This Act, being unpopular, was repealed 1814.

The Coats of Arms of Lord Derby and Dean Barwick, with cherubs, now in the north and south windows, were originally in the east window.

The hatchments are those of Dean Barwick, and his brother, Dr. Peter Barwick; the right to add the Red Rose of Lancaster to his arms being the only reward he had from Charles II., besides that of appointment as court physician, for his loyalty and sufferings on behalf of the Stuarts.

II.—THE MANOR.

The Manor of Witherslack is mentioned in 1340 as belonging to John de Harrington, who obtained charter of free warren.

On attainder of the Harringtons the manor was granted by Henry VI. to Sir Thomas Broughton, of Broughton Tower. He was mixed up in the attempt made by the pretender, Lambert Simnel, to seize the

Crown. Simnel landed at Pile of Fouldrey on June 4th, 1487, with Martin Swartz, Lord Lovel, the Earls of Lincoln and Kildare, and about 7,000 German and Irish troops. At Ulverston Sir T. Broughton and his retainers joined them. They marched as far as Stoke-on-Trent, when they were hopelessly defeated, and many were slain. Sir T. Broughton, however, Camden tells us, escaped to his Manor of Witherslack, where he lived a long time hidden by his tenants. There he died, and was buried in the thick woods adjoining; his grave being known in 1599. Sir Daniel Fleming also states that his grave was to be seen in his day, 1700. About 1825 two relatives of James Stockdale's rode over to Witherslack Hall to investigate the matter. The farmer's wife took them some distance from the house and pointed out as near as she could the place in the woods where the grave was; but so thick was the undergrowth and thorns that they could not see the exact place. So Stockdale in *Annales Caermoelesenses* (p. 21). Mr. Michael Hodgson, aged 70, tells me that he remembers hearing of a place near the hall when he was a lad, called "The Sepulchre," but he never saw it, and the present tenant of the hall farm, who had been there 30 years, says he had often searched for it. About two years back there was some little excitement about a kind of vault that was found, but it turned out to be only a natural hole in the rocks.

On attainder of Sir Thomas Broughton, Witherslack was amongst the manors granted to Lord Stanley on Bosworth Field. It remained in the possession of his family until the great rebellion, when it was seized by Cromwell and conveyed to John Leybourn of Cunswick, for £130. (Burn and Nicolson).

With regard to the Leybourn family we have various notes in Sir D. Fleming's MSS.

January 25th, 1663.—Given in the house at Levens, being at my cousin John Leyburne's funeral, 4/.

August 17th, 1672.—Spent this day in Crosthwaite, as I came from my cousin Thomas Leyburne's funeral, who dyed yesterday, and was buried at Betham.

January 5th, 1679-80.—This day John Leyburne, of Witherslack, Esq., was carried from thence to Beetham Church and there buried, who died on the 3rd inst. unmarried, and whose heires are his sisters and heire male his uncle James Leyburne, now dwelling in France.

A curious question here arises. John Leyburne was buried at Beetham. The family were certainly subsequently Papist; was he one? At any rate, on October 9th, 1678, his house at Witherslack was searched on the accusation. What was his father? Would Cromwell have sold an estate to one not a strong Puritan? The family suffered considerably from their religious beliefs towards the end of the century:—1692, all Geo. Leyburne's houses above value £5 to be seized: 1696, Ap. 10, he writes to Sir Daniel Fleming:—

I earnestly request that I and my family may not be sent to gaol. We have had sad experiences of it already. I am infirm and cannot travel. No one can give any information about any of us. If it must be, at least let us be sent to a gaol in our own country.

Another question; what was the relation of these Leyburnes in the holding of the property to the Earls of Derby? Originally, we find that from a paper put in by Lord Derby's steward, amongst the law-suit papers between Lord Derby and the tenants of Witherslack, 1735-45, John Leyburne was bailiff and steward, 1628-1638. Then the next paper is the accounts of John Leyburne, of Witherslack, 1638-41, as though he then had possession here. But what was that possession? In 1662 we have in the Fleming MSS. a complaint from Lord Derby's tenants at Witherslack with reference to the Beethwaite Green Causeway. In 1671 the land for the churchyard and school was allowed by Lord Derby upon the common land. From the same MSS. :—

I. (D. F.) prevailed this day August 12th, 1684, with the Earl of Derby and my 3 cousins, Layburnes of Witherslack, to refer their differences unto my Lord Chief Justice's arbitration (Jefferies).

Also from the law-suit papers with the tenants we find that in 1672 and 1703 they willingly paid their customary fines to the Earls of Derby, their law suit arising from the break in the Stanley succession, and their belief that Sir Edward Stanley of Bickerstaffe had no legal rights as Lord of the Manor. The Earls of Derby then remained Lords of the Manor. But what was the exact position of the Leyburnes? In 1743, the Leyburne family having failed in coparceners, one of whom had died without issue, the other married to a Dr. Witham of Yorkshire, having a son John, the Earl of Derby claimed the estate in virtue of a settlement of Act of Parliament, first, upon the Stanleys of Eynsham, and then upon the Stanleys of Lancashire. The first branch being extinct, Lord Derby claimed as next-of-kin, and at the Assizes at Appleby a special verdict was found on this point—whether a recovery suffered by one of the Leyburnes was properly executed or not. On appeal to the House of Lords the question was decided in favour of his lordship. In 1755, an ejectment was brought by the heir-at-law on the Layburne side against his lordship. A jury was summoned from Westmorland to hear the cause tried at the bar of King's Bench in 1759, and whilst in pursuance thereof the original settlement was found whereby it appeared that the estate was limited and settled as aforesaid to the Withams and not to the Layburnes, and case on that issue was at an end.* (Nicolson and Burn, I. 230).

I should be glad of any suggestions that would throw light on the legal relationships of the two families. Did, *e.g.*, the Stanleys simply mortgage the property for £130 to the Layburnes so long as there were direct male heirs showing manorial rights? Or, how was it that they resumed the manorial rights but not the property of Witherslack after the Restoration?

* I am indebted to Mr. J. S. Slinger for several of these notes.

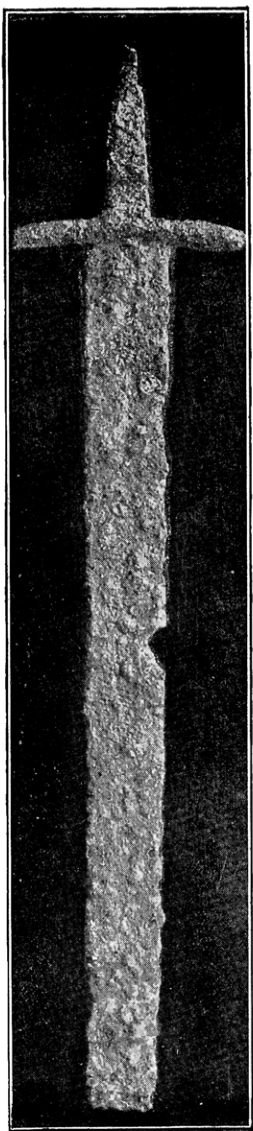
The old pack-horse track from Ulverston to Kendal ran right past the church—you may track it from Towtop—to Whitbarrow. On the route, just on the far side of Yewbarrow stood a house or inn called the Coppick. Here, tradition says, a man came with the plague and died; the inmates also sickened and died. The neighbours were too terrified to come and nurse or even bury them, and the house was left until eventually it formed and still forms—with great trees growing out of its ruins—their natural sepulchre. The chapel rate is still paid on that house.

Subsequently to the pack-horse time came the mail coaches, which also came past the church and up Towtop, the farmer at Kay Moss making quite a living by keeping horses to drag the coaches up the hill. The house just below, with its large stables, was a halting place. It was called the "Spa" Inn, for not a mile away was a "Holywell," which, as far back as 1656, was noted chiefly for its laxative qualities. The steps to the well may still be seen, but the spring has long since been spoilt.

On the other side of Yewbarrow is an old house called Nether Hall, probably one of our oldest houses. The walls are 5 feet thick, and the principal rafters of the roof start not from the top of the wall, but from the ground—"crocheted principals" a joiner here has told me they are called. Atkinson in his *Forty Years in a Moorland Parish* has a photograph of one such. He says "it is plain that the side walls were an afterthought, and entirely foreign to the idea and construction of the original dwelling."* As to the date of the 5 feet side walls, with their mullioned windows, I should think 1500-1600 would be the latest possible, so these old rafters carry us back to a very different state of affairs.

Just across the Blaycrag Bridge you get into Lancashire, and there is a little knoll called "The Gallows Hill."

* See Mr. H. S. Cowper's *Hawkshead*, pp. 146-149 (Ed.)



THE WITHERSLACK SWORD.

[The band across the hilt is merely a wire to secure
the sword in its present case.]

(TO FACE P. 193.)

In the *Cartmel Register*, 1576, Ap. 10 we note that :—

Richard Taylor was buried, who suffered the same day at Blakragge Bridge End for murtheringe wilfullye Richard Kilner of Witherslack. (*Annales Caermoelesenses*, 551).

My old churchwarden, Mr. Michael Hodgson, informs me that he had heard that when a man was thought to have deserved death he was hurried off as soon as possible into the adjoining county, where the execution might be carried on unobserved by the officers of this county.

So the neighbourhood of Blaycrag Bridge used, I believe, to be a favourite haunt on Sundays of cockfighters.

The sword of which an illustration (from a photograph by Wilson of Grange) is given, was found in a bed of sandy gravel at the foot of Whitbarrow Scar, 8 feet below the surface. The place is one which up to now is continually flooded in the winter, and it may have been swept down in some great flood, though from no great distance, as the watershed is only about half a mile to a mile away. Unfortunately no responsible person knew of the find until some little time after, but they declared there was nothing else,—no knob, nor any sign of any other portion of the sword. There is no trace of gilding or ornament. Total length 2 feet; breadth of handle 5 inches.*

* With this compare the Viking or Anglo-Saxon swords from Ormside and Hesket tumulus, now in Tullie House, as examples in our district of a well-known type. (Ed.)