

ART. II.—*A Century of "Paines" or Local Government in the time of the Stuarts, as illustrated by extracts from "A Paine Book for the Hamlet of Weathermelock."* By Mr. W. HODGSON, of that place.

Read at Kirkby Lonsdale, June 27th, 1883.

THE parish of Watermillock, anciently written as above, with many variations of the orthography in the parish registers and other authentic documents, is of considerable area. It extends for about six miles along the Cumberland shore of Lake Ullswater, and its breadth varies from two to three miles. Its estimated area according to the Ordnance Survey is 9,735 acres, but this includes, I believe, one-half of the lake along the six miles of foreshore. Watermillock formerly was a chapelry to Greystoke, the Incumbent being styled Perpetual Curate and receiving his appointment from the Rector of Greystoke, as his immediate superior. Some years ago an alteration took place, and Watermillock now ranks as a Rectory in its own right. The late Rev. T. B. Lowry, who died in 1876, was the first Rector.

The following interesting particulars respecting the Glebe Lands &c., are copied from Bishop Nicholson's Visitation.

DUES PAYABLE TO THE RECTOR OF GREYSTOKE.

"Prescriptions. *Impr.* From *Weathermelock*, 2^h paid p^r Curat. Ibid. at Easter."

"Customary Hens. *Weathermelock*, 63. All payable between *Christmas* and *Shrovetide*."

"Chapelries. *Weathermelock. Impr.* One dwelling House with a Stable in the End; and one Garden adjoining thereto. *Item*, One Barn and Byer, with a Hoghouse [i.e. for penning in of Sheep] in the End; all containing about 16 yards in Length. *Item*, Two Closes
(commonly

(commonly called *Kirk-Fields*) by Estimation five acres of Ground. *Item*, One parcel of Ground (lying within *Gowbarrow Park*) commonly called *Priest-Bound*, by Estimation two Acres. *Item*, The Chappell-yard; by Estimation half an acre. The Curate has right of Common, and Liberty to get peats and Turff, both within the Boundaries of *Matterdale* and *Weathermelock*. Every Tenement payes 2^s except *Airay's* two Tenements, which pay but 3^s 4^d. There are 66 Tenements; the prescription whereof amounts to 6^{li} 11^s 4^d, whereof the Curate payes to the Rector of *Greystock* 2^{li} at *Easter*; at which times all the prescription is due. For every marriage there is due to the Curate 1^s. For every burial 1^s, but for the burying of a child 4^d. For churching 9^d."

The "Paine Book" containing a record of the decisions of the *Head Jurie* at their several courts dating from the year 1610, is a small quarto volume in a fair state of preservation considering its age; and is believed to be tolerably complete. On the title page appears the following entry in a clear and legible style of penmanship,

"These paines following to page y^e 35th were copy'd out of several old paine books, Anno Domini 1706, by W^m Dawson, Curat."

This reverend gentleman, who held the curacy from 1706 to 1722, was in all probability a member of a family having considerable landed property in the parish, and a large share of local influence during the 16th, 17th, and 18th centuries. He appears to have been somewhat proud of having achieved the dignity of pastor in his native parish, since there is an entry in the Parish Register of 1706, recording in Latin his entrance into Deacon's Orders. To his thoughtful care the present generation is probably indebted for the preservation of the "Paine Book" in its present complete and interesting condition. The first entry reads thus—

Paines and Penalties laid by the Head Jurie for the Hamlet of Weathermelock, at the court holden the 13th day of October An^o Domⁱ 1610, in y^e eight yeare of y^e Reigne of King James y^e 1st over England, &c.

"The Jurie do finde for the controversie between Richard Nicholson of Town End, Pl^t against Edward Clerk of Langthwaite and Edward Wilson of Bennet Head, for and concerning the water that runs down
the

the outgang; upon the examination thereof, it appears as followeth (viz.) by the oathes of Edward Dawson of Hardengate, George Dawson of Tongue, and John Clerk of Langthwaite, that Edward Wilson and his predecessors for the most part of threescore years have taken the water into their ground; nor any interruption until forty years sithence, that a controversie did arise between the said Edward Clerk and Christopher Wilson, and that the same was by consent of both parties referred to the Head Jurie of y^e L^dship. Whereas old John Dawson of the Hill, old John Wilson of Ulcatrow, and William Burton of Thackthwaite and others that were of y^e Jurie did order that the said Wilson and Clerk should either take it into their fields their several weeks sithence the same hath continued soe, as by y^e oathes of John Clerk of Langthwaite, Edward Robinson of Weathermelock, William Nicholson, Edward Redhead and other Juriors of late, that then ordered that the same sh^d continue as formerly it had done. In consideration whereof they are to keep y^e same water at the outgang, it being the King's Street. And for Richard Nicholson, it doth not appear unto us that any of his ancestors have had use of water, save that John Nicholson by the consent of Will^m Clerk did bring it through Clerk's close for a small time, and never sithence used nor had it."

From the foregoing and many subsequent "Paines" of a similar purport, it would appear that nothing was a more frequent source of strife and annoyance among neighbours than the privilege of water supply, and that too in a neighbourhood where water of excellent quality abounded in almost every inclosure; and therefore the motives that impelled the herdsmen of Abraham and Abimelech to quarrel were absent.

Paines laid by y^e Head Jurie An^o Domⁱ 1613.

"The Jurie then puts in paine that no improvem^{ts} shall be made—Sub pœna xx^s for every default.

The word improvements here used manifestly applied to encroachments or inclosures made upon the commons or waste land within the Manor, which formed a part of the Barony of Greystoke; and of which the Jurie were the jealous, and legitimate guardians. The large amount of penalty imposed marked their sense of the enormity of the offence.

Paines

Paines laid by the Head Jurie An^o Domⁱ 1615.

“That none of Dockeray nor of the inhabitants within Matterdale shall grave any peats on the common fell; but in such places as shall be allowed them, and sett forth to them by some of my Lady’s* officers which are or shall be appointed for that purpose upon paine of every man’s default vis viii^d toties quoties.”

From the above it is clear that nearly three centuries ago the Jury of Watermillock lordship exercised jurisdiction over the fell referred to, which now forms a part of Watermillock stinted pasture. About sixty years ago, when the inclosure of the commons was in contemplation, the people of Matterdale asserted their right to this part of the waste lands, but after much money had been expended in fruitless litigation their claim was rejected. Had the existence of the foregoing resolution and others yet more stringent that will shortly be noticed been generally known, the controversy might have been decided without the worry and expenditure that always attends litigation in such cases.

Item,

“That every one that graves peats upon the said Common-fell or in any other place of our Common, soe bedd their peat potts and set the water out of them, to the end that men’s goods and cattel take no hurt thereby, upon paine of every man’s default vis viii^d toties quoties.”

Item,

“That no young men within this Lords^{pp} shall have more cattel than two upon the Common Pasture in summer, and Ten sheep shall be accounted a cattel under the paine of vis viii^d.”

Item,

“That none shall ride through Oswald Clerk’s, through Wilson’s Inge, and up Penrudinge, iij^s iij^d tot. quot.”

Here probably was a path open to foot passengers only, and limited to certain seasons of the year, as will be seen in several instances in the sequel.

* The Lady Ann Dacre, whose marriage with a son of the Duke of Norfolk, first brought the Greystoke barony into the Howard family.

Paines laid by the Head Jurie An^o Domⁱ 1616.

“That the way in controversie which lyeth in at a place called Stonegapps, which way the Tennents of Sparket claimeth to goe and carry Breckons, and which way is denied to them by Thomas Dawson of Landends the matter is referred to be tried by the Head Jurie of Stainton,* whose names are under-written as may be indifferent and fitting to trye the same

Nomina Juratorum.

viz	Edward Lancaster	}	}	Tho: Bourbank
	Lancelot Storke			John Abbat
	John Watson			Will ^m Miller
	John Hodgson			Lance ^t Thompson
	Will ^m Dawson			Henry Heskett
	Thomas Soulby			John Todd.
	John Wilson			

which sd Jury sworn and charged having mett for that purpose, and duly examined the matter as witness came on both sides, do finde that the way lying in at Stonegapps is no highway for the Tennents of Sparket nor any other, but that their right way with their Breckens is through Bennet Head and down the Tongue Rigg.”

The right of way here claimed by the Sparket people would materially have shortened their journey in each case, and of such importance was it deemed that we shall find the matter again coming to the front, as an amicable arrangement between the contending parties appears to have been effected in 1661.

An^o Domⁱ 1619.

“That Cuthbert Rakestraw shall make such fence for y^e water at his Land Ends that it be not troublesome to the Highway nor to John Smith. Sub pœna iij^s iiij^d.”

Item. “That every one of Dockeray and Matteredale that grave any peats on Common Fell shall bed their peat potts sufficiently, Sub pœna iij^s iiij^d.”

The carelessness of Matteredale folks seems to have rendered necessary a repetition of the injunction issued four years previously.

Item. “That John Smith shall take the water in such course from

* Stainton conjointly with Newbiggin is a township in the parish of Dacre, which abuts upon Watermillock on the North-east.

y^e

y^e Highway that there be no complaint made against him. iij^s iiij^d.”

Item. “That none pull down the waterwares that are made in the Outgang at Bennet Head to keep the water out of y^e King’s street Sub pœna iij^s iiij^d.”

Item. “That none of Westmorland come into any place within my Lord’s liberties to get Breckens or any other fuel. Sub pœna iij^s iiij^d.”

Item. “That none make any way or come by John Willan’s ground above Fell betwixt the Syke and Willan’s on the several times of the year. Sub pœnâ xii^d tot. quot.”

An^o Domⁱ 1621.

“That none shall drive any loose cattel in at John Dawson’s yeate at Hill, and forthe at Syke. Sub pœnâ iij^s iiij^d tot. quot.”

Item. “That Thomas Redhead shall keep the Highway, and not goe through Will^m Wilson’s Highfield. Sub pœnâ xii^d tot quot.”

An^o Domⁱ 1623.

“That none within y^e Lords^{pp} of Weathermelock shall cutt, root or burn any whinns. Sub pœnâ vi^s viii^d.”

Item. “That none shall goe in att y^e Moor End and forthe att Windyhow. Sub pœnâ xii^d.”

An^o Domⁱ 1624.

“That none shall goe through Thomas Hudson’s field at any place. Sub pœnâ iij^s iiij^d tot quot.”

An^o Domⁱ 1627.

“That none shall make a common highway through John Pattison’s Brecken Close between Cove and Langthwaite sub pœnâ for every default iij^s iiij^d.”

Item. “That Thomas Redhead nor any of his servants shall make any common way nor come over Thomas Hudson’s ground or hedges at Morelands, Bower close, or Moss Close, sub pœnâ vi^d tot. quot.”

Item. “That Thomas Redhead nor none of his servants shall stopp or hinder the water course in Thomas Hudson’s Gowdyke* betwixt Thomas Hudson’s Bower Close, and Thomas Redhead’s Bower close Sub pœnâ vi^d.”

Item It is ordered by the Jury that every Tennent of this parish shall sitt in the Church in their own seats that hath formerly been set forth to their Ancestors. And if any have a desire to sitt in the Lady Porch, besides such as have their ancient Rooms therein, they

* Gowdyke : there is some doubt as to the precise meaning of this word, which has been obsolete for more than a century. It is commonly understood to mean the boundary hedge adjoining the common, a signification hardly applicabl in the case before us.

shall

shall sitt there paying yearly for the same to the use of the Church
ij^d p^r Annum.”

“It is ordered that the Churchwardens of this Parish shall not be discharged of their office in any year before the Church Stock be fully answered at the sight and judgment of the Head Jury for the time being.”

An^o Domⁱ 1628.

“That none shall go through the Highfield nor over the out hedge of John Smith of Sparkhead between Lady Day and Michaelmas Day sub poenâ vi^{td} tot. quot.”

It^m “That John Smith, Thomas Dawson of Cove, and Francis Rumney of Melfel, are to bring the water in the right course from the Hart hole to the Old Slime pitts, and we find that they are to carry it to Thomas Dawson’s dike, and then Thomas Dawson is to carry it down the old course. Sub poenâ iij^s iiij^d.”

Ano Domi 1629.

“That for the Water Rail and fleak* at Greening, we find that Edward Wilkinson shall find the Rail-tree, and Thomas Atkinson of Matteredale and John Hellin of Birk close shall either hang a fleak to meet at midwater before mid-April. Sub poenâ every one xird.”

“That John Dobson cast his dyke from the Brigstone to Henry Forrest’s dyke that the water may have free passage. Sub poenâ iij^s iiij^d.”

“That Henry Forrest and Thomas Forrest his son shall alsoe cast their dyke and make their dyke sufficient from the dry hill at Sandbeds head quite through the moss. Sub poenâ iij^s iiij^d.”

“That Thomas Forrest shall not take the water in at Brecken Close; but he shall bring it forth again in his own ground and not to be hurtful to John Dobson’s ground. Sub poenâ iij^s iiij^d.”

“That none shall grave above five cart load of turves for burning or stadeling† above the fell. Sub poenâ iij^s iiij^d.”

“That none shall grave any turves for stadeling or burning beneath the fell, according to the ancient custom. Sub poenâ iij^s iiij^d.”

“We find for a good amongst ourselves that all the inhabitants within the Hamlet of Weathermelock shall amend all the Church ways and all other ways yearly and every year upon the first work day in Christmas, if the day be seasonable, at y^e sight of y^e Constables and Churchwardens for the time being, upon paine of sixpence of every one that maketh default. And alsoe all as aforesaid shall meet and

* A barred waterheck.

† Foundation for a corn or hay mow, to prevent damp rising.

mend

mend the peat way always upon Whitson Wedensday, and every one to meet where his way lyeth, and every one to send a sufficient man to the sight of the constable for the time being, upon paine of sixpence of every one that maketh default. And that the Constable be there upon paine of six pence to see who makes default."

An^o Dom; 1630.

"Whereas there is a complaint made by Henry Watson, Tennent of a Tennement at Benet Head, of Edward Wilson occupier of part of the s^d Tennement, for felling of wood extraordinarily, and we find some default; And we order that hereafter the said Edward Wilson shall fell no wood of the s^d Tennement, but for his needful use at the sight of the Tennent, and the Tennent will not allow him, then at y^e sight of two honest neighbours, upon paine for every default vi^s viii^d."

Item—"The said Henry Watson doth complain of y^e s^d Edward Wilson for letting the houses fall into decay, and we find y^e s^d Edward Wilson hath made default—And we doe order that the s^d Edward Wilson shall either keep the s^d Houses tennentable, or else he shall turne them into the Tennent's hand. Sub pœnâ x^s."

Note here that the word *Tennent* is applied to designate the Lord's tenant, or as we would now call him the proprietor of the customary Estate. The timber on such property—except where it has been specially redeemed—still belongs to the Lord of the Manor, and the *Tennent* can only appropriate it to the needful repairs of his Toft.

Item. "We find that none shall grave any Turves in noe place in y^e Church way, within two yards of either side upon paine of xii^d for every default."

Item

"That none of the house of Gowberry shall come over y^e stile at Edward Walker's Mawend. Sub pœnâ vi^d for every default."

An^o Domⁱ 1631."

Item "We find that James Shepherd is to have and repair the Hedges on both sides the Land at Clarkyeat, and likewise one piece of y^e pasture hedge and keep them in sufficient repair, Sub pœnâ vi^s viii^d, or else to return them to John Dawson and he to do y^e like upon the like paine."

Item "We finde that the Milner of Sparket Miln shall make, and keep his dust hoops sufficient as they ought to be. Sub pœnâ iij^s iij^d."

Item. "We find that none shall tedder any cattell to be hurtful to their neighbour's hedges or ground. Sub pœnâ iij^s iij^d."

Item

Item "We finde that all men hereafter shall ring their swines within three days next after they have warning given them by their neighbours. Sub pœnâ vi^d."

Item "We do finde that no Alehouse keeper shall suffer any children or servants except their own to abide in their house above Eleven o'clock at night. Sub pœnâ every default xii^d."

A very sensible regulation, which implies that Local Option is after all no modern discovery, as many of its advocates would have us believe.

A.D. 1633.

Imprimis. "That none within this Barrony neither Freeholder nor Tennent, nor any other, hereafter shall sell or give any peates to Fforeigners. Sub pœnâ xx^s."

Item. "That none within this Barrony shall keep any swine unringed, sub pœnâ for every swine so unringed iiij^d."

Item "That none within this Barrony shall keep their swine unbowed between Lady-day and Michaelmas, sub pœnâ for every swine so unbowed iiij^d."

Pigs, publicans, and millers form a curious medley of subjects over which the Head Jury were called upon to exercise control.

An^o Domⁱ 1640.

Imprimis. "That Edward Nicholson of Bennet Head shall always have liberty for all his carriages at his Barn End next John Denkin's, and alsoe have Liberty to plough his Head land at any time before the last day of May, so that John Denkin have no loss in his ground in the mean time. And that the s^d Edward Nicholson shall sufficiently maintain the hedges or yeates on both sides of the barn between Lady-day and Martinmas day Sub poena iii^s iiij^d."

Item "That John Denkin shall always have liberty to carry his Hay or other carriages to the Highway from beyond the Back High, giveing Edward Nicholson notice to mow one swaith in his ground, or else to give John Denkin leave to cut one swaith himself. Sub pœnâ iiij^s iiij^d."

Item. "That Oswald Dawson of Thackthwaite shall plowe no further at the Land end called the Butts head adjoining to Nicholson's Tennement then the Jury have sett Meer stones. Sub pœnâ iiij^s iiij^d."

It^m "That neither the Tennent nor the Occupier of the Tennement which Sparket Milne doth stand upon shall eat up y^e grass about y^e s^d

s^d Milne, w^{ch} the Tennents have proved to belong to them to dress their corn, and pasture their horses upon, neither plowe the Land further than the meer stones. Sub pœnâ iij^s iiij^d.”

It^m “That William Dawson shall take the water into the Tongue Rigg forth of John Clerk’s field that it may not be hurtful to John Clerk nor to the Highway as formerly it hath been. Sub pœna vi^s viii^d.”

It^m That John Clerk the Elder shall keep the water in his Gowdyke from Newfield head to the Town Yeate that it be not noisome to the Highway. Sub pœna vi^s viii^d.”

It^m “That John Troutbeck and John Clerk, younger, shall help William Dawson to rake the runner from Spout stone to his own Gowdyke and that William Dawson shall keep the watercourse open as far as his — goeth, so as it may not be hurtful to y^e Highway. Sub pœna vi^s viii^d.”

It^m “That William Dawson shall suffer Thomas Dawson to cast a Gowdyke halfe a yard broad as the Jury has ordered. Sub pœna iij^s iiij^d.”

It^m “That William Dawson shall have the Ash trees at y^e back of Thomas Dawson’s dyke, and that y^e s^d Th^o Dawson shall not trouble y^e s^d Will^m for the same. Sub pœna—

An^o Domⁱ 1652. “That John Greenhow shall make a yeate or Fleake and Barbary Allinson shall wall the Heads, and that the s^d John Greenhow shall use the same without the disturbance of the s^d Barbary. Sub poena iij^s iiij^d.”

It^m “That none shall goe through Wilson’s field at Clerk close head and Caugarthbank head. Sub poena iij^s iiij^d.”

Here it may not be out of place to remark that during the troublous times of the Great Rebellion, and the subsequent usurpation of Cromwell, the functions of the Head Jury and their Court appear to have fallen into abeyance ; or they were possibly abrogated altogether during the Protectorate, as no record occurs again until the year following Cromwell’s death.

An^o Domⁱ 1659.

“We find that John Harryson of Dockeray in Matterdale hath taken and stopped a watercourse to the prejudice of Christopher Wilson of the same, therefore we enjoyne y^e s^d Harryson that he let it have the usual course it used to go in. Sub poena vi^s viii^d.”

An^o

An^o Domⁱ 1661.

Juriors

Christopher Troutbeck	}	Jo: Clerk
Th ^o Dawson		Rich. Dockeray
Ed: Martin		Ed: Clerk
Jo: Clerk		Jo: Dawson
Ja ^s Dobson		Tho. Dawson
Geo Robinson		Will ^m Wilson

“That none go over John Forrest ground called Smiddy Hill between Lady Day and Michaelmass. Sub poena vi^d tot. quot.”

“That Widdow Skilbeck shall cast her Gowdike and make it sufficient between the hard hill in the Brecken Close and the far side of Bringlings as the cast hath gone before, and all before y^e 25th day of March. Sub poena iij^s iiij^d.”

It is agreed between John Dawson of Landends and John Willan of Sparket, thes^d John Dawson is to find the s^d John Willan a sufficient yeat besides his house at Landends, and in consideration of y^e same, the s^d John Willan is content to forsake his way that cometh through John Dawson's grassing dyke. And the Gate at Landends aforesaid is to be sufficient for cart and carriage for John Willan's Breckens onely and for nothing else.”

An^o Domⁱ 1662. Apⁱ 19.

Rich. Wilson	}	Juriors	}	John Dawson
Ja: Dobson				Ja: Redhead
Ed: Clerk				Ed. Castlehow
Jo: Dawson				Tho: Willan
Will ^m Dawson				Jo: Burton
Jo: Denkin				Jo: Willan
Jo: Dawson				Jo: Wilson
Tho. Greenhow				

Imp^s

“We do put in paine that John Dawson of Land Ends shall cast a Guttire at the Redmire foot, and make it sufficient to take the water from Cuthbert Denkin before next Michaelmas, to the sight of two honest men. Sub poena vi^s viii^d.”

Item. “That Edward Robinson of Weathermealock shall cast his Gutter through his Broad Ing sufficient to take the water from George Nicholson, And also he cast his Gowdike from George Nicholson's Landend below the beck to carry water into the afores^d Broad Ing betwixt and Michaelmass next. Sub poena vi^s viii^d.”

Oct 2^d 1662. “We finde John Wilson of Ulcatrow for three Fforeign Cattel xx^d.” It^m

It^m. "We finde Robert Wray of Dacre for two Fforeign Stagges* xx^d."

It^m. "We finde William Idle of Terrel for one Fforeign Stagge x^d."

It^m. "We put in paine Oswald Pattinson shall not hound his neighbours' goods, but make his hedge sufficient. Sub poena iij^s iiij^d."

It^m. "That none of the Tennents of this Hamlet shall take in any to be farmers forth of our own Hamlet, to be chargeable to the same, Sub poena vi^s viii^d."

It^m. "That accordinge to an ancient paine they that grave peats on a fell called Common Fell shall have their rooms sett forth by y^e bailiff of Weathermelock. Sub poena iij^s iiij^d."

It^m. "That Thomas Rumney shall do that neighbourly turne of Assessor like as the rest of his neighbours doth."

As no penalty accompanies this injunction, it was probably considered that the intimation of the Jury's pleasure in the matter would ensure obedience on the part of the recusant.

It^m. "We find Oswald Rumney next heir to his brother Francis Rumney to a Tennement of x^s Rent, according to the custom of the mannor by descent."

The Christian names of Oswald, Cuthbert, and Anthony among gentlemen; and of Agnes, Dorathie, and Barbarie among ladies, seem to have been extremely common in the district. Is the fact capable of probable explanation?

It^m. "That Lancelot Dawson shall cast his Gutter from John Troutbeck's Gowdike at his Gutter forthe of Brodeing to his kill sufficiently Sub poena iij^s iiij^d."

It^m. "We finde that John Troutbeck shall cast his Gowdyke between himself and Lancelot Dawson Sub poena iij^s iiij^d."

It^m. "That John Troutbeck shall not take the water forth of the runner in the Brodeing to the hurt of Lancelot Dawson but to bring it to the right runner. Sub poena iij^s iiij^d."

It^m. "That Lancelot Dawson, John Thompson, Widd. Tomson, Edward Castlehow, William Castlehow, and Will^m Mounsey and Widd. Mounsey on either side do every one of them cutt the wood and earth and dresse the becke, so far as their ground goeth according as the Jury hath sett forth. In paine of every one vi^s viii^d."

* "Stagge" signifies a young unbroken colt or filly. The word continues in common use in this district.

"And

“And if any controversie happen between the s^d parties that they repair to the Head Jury of Weathermelock and the Head Jury of Matterdale.”

In explanation of the foregoing, it may be stated that the *becke* referred to constitutes the boundary between the parishes of Watermillock and Matterdale for some considerable distance. The presentiments of our Jury regarding controversies have been too accurately fulfilled, for, notwithstanding that many and expensive schemes of improvement have been attempted, the beck remains to this day in a condition the reverse of satisfactory.

An^o Domⁱ 1663.

Imp^s “That Richard Grisedale of Dowthwait pull down his improvement* betwixt and Michaelmas next. Sub pœnâ x^s.”

It^m “That John Grisedale of Dowthwait do the like. Sub pœnâ x^s.”

It^m “We find Richard Wilson shall cutt his wood and cast his Gowdike to the sight of two neighbours. Sub pœnâ iij^s iiij^d.”

It^m “That Thomas Redhead shall remove his sheepmark w^{ch} we find to belong to John Wilkinson of Bank House, betwixt and Midsummer. Sub pœnâ vi^s viii^d.”

An^o Domⁱ 1665.

Will^m Castlehow
 Rich: Dockeray
 Ed: Clerk
 Ja: Redhead
 La: Dawson
 Th^o Dawson
 Jo: Thompson

} Jurati {

Will^m Smith
 Will^m Dawson
 Th^o Greenhow
 Jo: Dawson
 W^m Watson
 Jo: Denkin
 Ja: Wilson
 Jo: Willan

Imp^s Which Jury sworn and charged do say being upon their oathes, And have presented and put in paine as followeth :

“Whereas there hath been a controversie betwixt John Willan of Sparkett on y^e one party, and John Dawson of Landends on the other party, about a way and a watercourse, w^{ch} s^d controversie by y^e consent of both the said parties was referred to the s^d Jury, who sett down and order that John Willan shall have a way to carry his Breckens and nothing else According to an order which is under both their hands and seales bearing date the Sixt day of Ffebruary An^o Domⁱ 1658, doing the conditions of the same. Sub pœna vi^s viii^d.”

Item. “Likewise we finde the water to be due to John Dawson, and

* Enclosures or encroachments on the Common land.

all

all the water that falls upon ————— he shall have the benefit of it. And that the said John Willan shall deliver in y^e copy of y^e verdict of a Jury w^{ch} he hath to John Dawson for the water w^{ch} goeth in at John Dawson's Ffell-yeate upon paine of xx^s every presentmt, And never to trouble the said John Dawson for it again, notwithstanding all former verdicts.

An^o Domⁱ 1669. "We put in paine than none shall cut, or burne any whins on Sparket or Thackthwaite pastures, or Greenhow Ffell. Sub pœna vi^s viii^d."

An^o Domⁱ 1671. "That none shall goe up or down John Denkin's Hedge and over at the two Ashes, and soe over Henery Watson's meadow called y^e Nook betwixt May day and Michaelmas day yearly. Sub pœnâ iij^s iiij^d."

It^m "That none occupying y^e Estate formerly Oswald Pattison's (now William Knott's) shall withdraw the water or damne up the Gowdyke belonging to John Denkin, Elder, on y^e Back-high without y^e Leave of y^e s^d John Denkin. Sub pœnâ iij^s iiij^d."

An^o Domⁱ 1672. "That none shall go in at Dobfield & so up to Langthwaite. Sub pœnâ iij^s iiij^d tot. quot."

It^m "That none shall burne, cutt, or carry away any Hedges about Sparket Milln or Kilne. Sub pœnâ xij^s iiij^d tot. quot."

It^m "We put in paine that every man within his own ground shall keep the Water out of the Milne way. Sub pœnâ iij^s iiij^d."

An^o Domⁱ 1676. "That the Constables and Churchwardens and Overseers shall yearly make their Accounts to the Head Jury. Sub pœnâ xv^s."

It^m "That John Wilson keep the water in his Gowdyke, untill it come to Todgilhouse. Sub pœnâ iij^s iiij^d."

It^m "Know all men by these presents that whereas there hath been some controversie between Agness Mounsey of Matterdale Widdow, and Mabel Castlehow, of Greenrow, Widdow, both in y^e county of Cumberland for the total appeasing whereof the whole business hath been referred to John Thompson & Lancelot Dawson by y^e mutual consent of both parties, They being indifferently chosen in the presence of M^r Thomas Parsons to end all differences between y^e s^d parties, And especially that particular difference concerning the water and the Hedge that is betwixt them."

Imp^s "The said Arbitrators do order that the Hedge and Watercourse being divided between y^e s^d parties, they shall either of them make their Hedge sufficient and dress the Watercourse as it is
divided

divided betwixt them: Att or before the 24th day of June next. Sub pœnâ vi^s viii^d.”

It^m “The s^d arbitrators do order the like to be done concerning y^e Hedge & Watercourse between William Castlehow & y^e s^d Agnes Mounsey, That either of them make their Hedge sufficient and dress their Watercourse, according as it is divided between them before y^e 24th day of June next. Sub pœnâ vi^s viii^d.”

The Jury alsoe put in paine, “That Lancelot Dawson, Widdow Thompson and John Thompson Mabel Castlehow and Will^m Castlehow, Will^m Mounsey and Widd: Mounsey shall make & keep their Hedge sufficient and dress their Watercourse sufficiently for the time to come, as it is diuided between them. Sub pœna iij^s iiij^d.”

An^o Domⁱ 1676.

“That John Castlehow shall have a way from his field end to drive his goods over Edward Nicholson’s ground, and out at Breckenrigg yeat to the Common, betwixt S^t Luke Day and Mid-April. Sub pœna vi^s viii^d.”

Item “That John Castlehow shall keepe his hedge & watercourse adjoining to Edward Nicholson’s ground in good repair. Sub pœna vi. s viii^d.”

It^m “That Edward Robinson keepe his hedge and watercourse adjoining to Edward Nicholson’s ground in good repair. Sub pœna iij^s iiij^d.”

Was Mr. Robinson an offender in a less degree, or was Mr. Nicholson’s animosity less excited against him than against his other neighbour, Mr. Castlehow, that the Jury imposed a fine of double the amount upon the latter?

A Domⁱ 1677. “That none of Dacre or of Soulby shall grave any turves for Bedding or Burning within the Lords^{pp} of Weathermelock, Sub pœna vi^s viii^d tot. quot.”

An^o Domⁱ 1678. “That the inhabitants of y^e Township of Thackthwaite doe each of them cutt and dress their Ground adjoining to Coumbeck & make sufficient room for the water where it hath formerly gone between Thackthwaite and great beck betwixt & y^e first day of May. Sub pœna iij^s iiij^d for every default.

It^m “That every Townshipp within the mannor of Watermillock shall keep a Town bull according to the ancient custom. Sub pœna vi^s viii^d for every default.”

Here the modern place orthography appears for the first time.

At

At this point the Jury appear to have enjoyed a Holiday of Seven Years.

An^o Domⁱ 1685. "That George Brown of Lowthwait shall suffer y^e water that riseth at his Garth Head to run the right way where it formerly run until it come to John Sisson's Ground. Sub poena iij^s iiij^d."

It^m "That Richard Nicholson make a sufficient Runner for y^e water called Summer-Sike as his ground lyeth, that it be no damage to Widd: Dawson's Land called Longcroft. Sub poena iij^s iiij^d."

It^m "That Robert Grisdale of Hill shall cast his Gutter by Dubbshead to carry the water down at Roodfoot into the right Runner. Sub poena iij^s iiij^d."

It^m "That none shall lead stones out of Coumb-beck between Thackthwaite kilne and Coumb-head. Sub poena iij^s iiij^d."

It^m "That none grave any fewel in Thackthwait Old Close until further Agreement. Sub poena iij^s iiij^d."

It^m "That none grave any fewel in Breckenbent Moss at Howes head, except they drain it. Sub poena iij^s iiij^d."

An^o Domⁱ 1687. "That Widd: Watson and John Watson her son do keep the water in the right watercourse by their houses, that it be no prejudice to y^e Highway. Sub poena vi^s viii^d."

It^m "That none suffer any Tuppes to go loose upon y^e Common during y^e month of October. Sub poena iij^s iiij^d tot. quot."

An^o Domⁱ 1689. "That George Brown shall not take y^e water arising out of his Garth from the ancient Runners except he keep it in his Ground, y^t it may no way damnify John Sisson's hedge. Sub poena iij^s iiij^d tot. quot."

It^m "That none pull the floud yet out of Knot Milne dam w^{ch} thing is a prejudice to the Lord's milne. Sub poena iij^s iiij^d."

An^o Domⁱ 1690. "We put in paine that Thomas Willan is to keep up his Hedge in sufficient Repair betwixt him and George Robinson at a place called back of Killcroft. Sub poena iij^s iiij^d."

It^m "That William Brown keep up his hedge in sufficient Repair as betwixt him and Thomas Willan at a place called Hineberry-hole and at another place called Draggondale. Sub poena iij^s iiij^d."

It^m "That y^e sd^d W^m Brown do the like betwixt him and George Robinson at a place called behind Killcroft. Sub poena iij^s iiij^d."

An^o Domⁱ 1692. Imp^s "That no inhabitant within the Hamlet of Weathermealock shall entertain any strangers, Travellers or other persons mendicant above y^e space of twenty-four hours (Sabbath day,

or

or other their necessities made apparent to y^e Jury excepted). Sub pœna vi^s viii^d.”

The Churchwardens and Overseers, equally with the Jury—as appears by several entries in the ancient parish registers—exercised a most jealous supervision over every body likely as they phrased it “to become troublesome to the parish.”

Itm “Than none grave any turves or hole any stones in y^e church way. Sub pœna iij^s iiij^d.”

An^o Domⁱ 1693. “That none grave any turves or flax* on the common but to carry them away before Michaelmas. Sub pœna iij^s iiij^d.”

Itm “That John Hudson of Goose Green and William Dawson of Hill do keep the Water in the right runner at a place called Mellbecks. Sub pœna iij^s iiij^d.”

An^o Domⁱ 1694. Imp^s “That John Hodgson repair his pasture hedge and desist his unreasonable hounding. Sub pœna iij^s iiij^d.”

Itm That “John Grisedale of Gowberry Hall doe take y^e water out of the Highway at Cowclose foot that it do not stand in the Highway. Sub pœna iij^s iiij^d.”

Itm “That Willm Brown of Thackthwaite do keepe the water in y^e Coumbeck that it be no prejudice to Widd: Dawson. Sub pœna iij^s iiij^d.”

Itm “That none of Thackthwait do take the water out of George Robinson’s Gowdyke at a place called behind Croft. Sub pœna iij^s iiij^d.”

An^o Domⁱ 1695. Imp^s “That Willm Brown of Thackwait do put his pasture Hedge in sufficient repair before the 24th day of April, & keep it so for the future. Sub pœna iij^s iiij^d.”

An^o Domⁱ 1696. “That John Clerk shall make his hedge sufficient betwixt him & Willm Nicholson’s at a place called Dobfield, and to make his hedge streight betwixt the Ash and y^e Seel† by the beck side, and to keep y^e right runner, & all before the first day of May. Sub pœna iij^s iiij^d.”

Itm “That Willm Brown keep the way at a place called Killcroft Head betwixt the pasture hedge and the Meer stones we have sett. Sub poena iij^s iiij^d.”

* Sods.

† “Seel” is a local word, applied indiscriminately to shrubs or trees of the willow family.

An^o Domⁱ 1702. "That Edward Shepherd shall not disturb nor hinder Christopher Wilson to sett his Ladder in the Lane to thatch his House. Sub poena iij^s iiij^d."

An^o Domⁱ 1705. "That none do pull any Ling or grave any Turves for fewel on Melfel or Greenayfel. Sub poena iij^s iiij^d."

An^o Domⁱ 1706. "That when the Fforeman of the Head Jury gives public notice to his fellows to meet, none of them do absent themselves or refuse to appear at the time and place appointed. Sub poena iij^s iiij^d."

Oct^r 2nd 1706. Memorandum. "That John Brown of Thackthwait has paid Two pounds, Two shillings and sixpence to Thomas Willan w^{ch} s^d sum is y^e Bull Stock; & y^e s^d 2^l 2s 6d is to be paid yearly to their next neighbour upon y^e 21st day of September, & in whose hands the Stock is in they are to find a Bull free for the whole Town, and that within y^e Township."

It^m "We find that Will^m Slee has purchased a Tennentright Estate of Robert Martin scituate at Thackthwait of the yearly rent of xii^s finable Rent."

It^m "We put in paine that the Grass men of Weathermelock do yearly make known to the Head Jury what forreign Cattel they do fold, that the owners thereof may be amerced according to paine. Sub poena vi^s viii^d."

It^m "We put in paine that none do pull any Ling for fewel on Melderside or Riddings. Sub poena iij^s iiij^d."

An^o Domⁱ 1707. Imp^s "It is ordered and put in paine that John Mounsey doe take the water at a place called field head into y^e Watercourse where it was agreed it should run by William Dawson & old John Mounsey as appears to us upon Oath; And to make y^e s^d Watercourse sufficient before the 20th day of March next, to take the water from Will^m Troutbeck, that it do not stand back nor damnifie him, and to keep it so for the future. Sub poena vi^s viii^d tot. quot."

An^o Domⁱ 1709, May, y^e 9th The verdict of the Head Jury.

Nomina Juratorum.

Will ^m Troutbeck	Th ^o Dawson	Will ^m Rumney
Jo: Hodgson	Th ^o Willian	Ch ^r Hudson
Will ^m Taylor	Rich: Barker	Th ^o Jontson
Geo Tomson	Th ^o Greenhow	Ed: Shepherd
		Geo. Clark.

As for the controversie betwixt the Tennents of Thackthwaite and y^e Miller of Sparkhead Mill concerning the repairing of the Mill Dam and the Race, "We find upon Oath upon Notice given by y^e Miller
the

the Tennents of Thackthwait are to make y^e Race sufficient to carry the Water from the Dam to the Trough Head upon condition the Miller give them every time they meet to work it a Pott of ale and a pennyworth of Tobacco as they have had formerly"—“And as for the Dam we likewise find upon Oath that the repairing of the same belongs to the Lord of y^e mannor.”

It^m “We find that Will^m Sutton has purchased a moiety of a Tennement of John Willan scituate at Birkclose of the yearly Rent of vi^s finable.”

It^m “We find George Lancaster next Heir to his father Thomas Lancaster to a moiety of a Tennement scituate at Ulcatrow of the yearly Rent of v^s finable, according to the custom of the mannor by Descent.”

Item. “We find John Greenhow next heir to his father X^topher Greenhow to a Tennement scituate at Sparket of x^s finable Rent according to the custom of the mannor by Descent.”

Oct 12th 1709. “We find John Willan next heir to his father Thomas Willan to a Tennement of xi^{is} finable Rent according to the custom of the mannor by Descent.”

“We put in paine that Will^m Troutbeck of Wray doe dress his Watercourse running down his ground at Hill three quarters of a yard deep and five Quarters wide, and soe keep it all along betwixt Lady Day & Michaelmas yearly, and if it chance to sand up during the said time, to dress it within fourteen days. Sub poena iij^s iiij^d.”

It^m “We find Hodgeson of Dacre for 2 forreign Horses xx^d.”

“We find John Turner of Soulby for 2 forreign Horses xx^d.”

“We find James Wrey for one forreign Horse x^d.”

An^o Domi 1710 (May 8th).

Nomina Juratorum.

John Heylin	Tho Dawson
Th ^o Brownrig	James Tomson
Ant ^y Tomson	Will ^m Greenhow
W ^m Castlehow	John Watson
Will ^m Slee	Ja ^s Hudson
Joseph Wrey	John Skilbeck
Will ^m Dawson	

“We put in paine that as for y^e water running down the spout at John Heylin's door at Birckclose, John Heylin is to have the benefit of it week for week with Thomas Dawson betwixt Michaelmas and May-day, John Heylin beginning his first week on Michaelmas day, y^e said John keeping it from damnifying y^e Highway during his several weeks ;

weeks; and as for the water rising below y^e s^d spout in the Lane head, Thomas Dawson is to keep it in the ancient course from damifying the Highway at all times of the year. And the spout water Thomas Dawson is to keep it out of y^e Highway during his several weeks in the winter time as alsoe at all times betwixt Mayday and Michaelmas yearly. Sub poena iij^s iij^d.”

It would appear as well in the above as in several preceding instances, that to be complainant or defendant in these “controversies” did not disqualify the individual from being a joint adjudicator with his fellow Jurors in a matter that concerned him personally. There can be little doubt that the John Heylin and Thomas Dawson mentioned in the list of Jurors above given were the parties whose disputes the Jury had met to decide.

The above case being the last decided during the life of Queen Anne, brings my labour in transcribing to a conclusion. A few not uninteresting “paines” remain; but since the death of the second George, the services of the Jury have seldom been in requisition. They still meet annually at Greystoke in October; but their duties seem now to be limited in a great measure to deciding claims to the heirship of the several Tenements “according to the custom of the manor by Descent,” and assessing the amount of the Fines consequent on each change of Tenancy.

I cannot refrain from adding an interesting and curious item—viz., the Statement of Accounts of the Parish Overseers, John Brown and Richard Winder, bearing date May 3^d An^o Domⁱ 1713.

	£	s	d
Rec ^d by Asst	3	3	3
Of y ^e Old Overseers	0	9	1
	<hr/>		
In all	3	12	4
Disb ^d			
To Ed. Tom: wife	00	04	1 ^d
Bewsher lasses	00	02	6

Mary

Mary Redhead	00 - 02 - 6
Margart Redhead	00 - 03 - 6
Jas Ousby	00 - 01 - 0
Mabel Hodgeson	00 - 01 - 0
Wid: Grisedale	00 - 02 - 0
Fira: Wilson's clogs	00 - 01 - 0
Jas Redhead	00 - 01 - 0
Ed: Tomson	00 - 04 - 0
Keeping his wife	00 - 00 - 11
For a warrant	00 - 02 - 4
For fetching his wife	00 - 14 - 8
To Ed: Walker	00 - 11 - 0
To Ed: Tomson	00 - 11 - 0
	<hr/>
	03 - 02 - 6

s d

Remaining in Jo: Brown & Nich: Winder Hands 09 10; 6^s 10^d of
w^{ch} to be paid to Jo: Hudson for waiting the assizes, and 3^s 6^d allowed
to y^e curet for writing.