

ART. II.—*The Manor of Hutton John in 1668.* By the
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Read at Carlisle, April 15th, 1909.

IN the article on the Penruddock kist (these *Transactions*, N.S., vol. ix.), a reference was made to the tenure case between the successive lords of the manor and the tenants of Hutton John. An important stage in this long controversy was the umpirage of Sir George Fletcher in 1668. At the Carlisle Assizes, in the summer of 1667, the judge had declared that the differences could be compromised by some gentlemen of the county. With the consent of both parties, Sir Philip Musgrave, Kt. and Bart., and Sir John Lowther, Bart., were chosen as arbitrators. Both contending parties entered into a bond for £1,000 to perform the terms of the arbitration. These two gentlemen accepted the responsibility, and took great pains to accommodate the differences, but failing to do so they elected Sir George Fletcher, Bart., of Hutton-in-the-Forest, to be the umpire, who under instructions from the Assize judge was to make a final award.

Sir George Fletcher's award, dated March 3rd, 1668, which forms the basis of this article, is in the Penruddock kist. Its fairness of judgment is evident, even after such a long lapse of time.

He ordered the actions for false imprisonment brought by Edward Rakestraw, John Todhunter, Lancelot Rookin, and William Todhunter against Mr. Hudleston and Mr. William Richmond to cease, in consideration of which these four tenants were to receive £3 each before the end of the year. Certain actions of trespass and ejectionment had been brought by the lord against Ralph Hayes, Thomas Wilkinson, Thomas Thompson, Thomas Slee, and Thomas

Atkinson, because Hayes, Thompson, and Atkinson had refused to pay their fines, and Wilkinson and Slee had no estate in their tenements, being merely farmers without the license of the lord, which was contrary to custom. Sir George Fletcher ordered these actions to cease. John Slee, father of Thomas, had license under the hand of the lord to let any part of his tenement for five years, which period had not yet expired. Thomas Thompson produced an acquittance in full of all fines due to the lord. Thomas Wilkinson had not made any lease of his tenement, only for one year. For the tenement held jointly by Hayes and Atkinson the sum of £5 had been offered, or after the rate of a twenty-penny fine. Mr. Hudleston had, however, refused this, and stood upon £6. The award declared that Hayes should pay before August 1st the sum of £8 in full of all fines, for the tenement and for his costs of suit.

With regard to the general fine claimed on the death of Thomas Hutton (the last of the Huttons at Hutton John), the award declared that none was due from John Todhunter, Adam Bird, John Brown, John How, and Thomas Thompson, for Todhunter, Bird, and How had their admittances from the first Andrew Hudleston and had paid their fine,* and Brown and Thompson had produced acquittances which upon presentation were acknowledged by the lord. Concerning the tenement of John Noble a special reference is made. From a sentence in the "Postscript" of Noble's funeral sermon, we gather that he had two estates in the manor. The different payments and services in the schedules attached to the award would bear out this statement. He had one tenement (probably Garth Head, Penruddock), which gave him the privileges of a freeholder. Andrew Hudleston claimed this as his own freehold, declaring that Noble

* The three Andrew Hudlestons in this case were (1) 1603-72, (2) 1637-1706, (3) 1669-1724.

was merely tenant-at-will. Noble produced a deed which proved that for forty-six years—*i.e.*, from 1622—the tene-ment had been occupied and enjoyed by his ancestors, having been transferred to them by James Richardson. During the whole of that time there had been no fine, town-term, or boon services, and the only claim that the lord had upon the heritage was a payment of one shilling yearly and suit of court. This was confirmed by the award.

The next point to which the award refers is the important one of the gressome or running fine. It appears from another document that a deed was entered into on April 14th, 14 Queen Elizabeth, between Thomas Hutton and the tenants. This fact was brought out in the 1699 Bill of Complaint by Andrew Hudleston the third, and we have only his explanation of the deed. According to him, the tenants agreed to pay Thomas Hutton a seven years' gressome, beforehand, and for ever afterwards, to be paid from Candlemas 1576, but (through carelessness, it is suggested) the fact was overlooked that, according to the custom of the manor, a general fine was due on the death of the lord. There is direct evidence to prove that the running fine agreed upon from 1576 was in lieu of the general fine, and Sir George Fletcher is also clear upon this matter. He ignores the general fine, and orders the gressome to be paid every seven years from February 2nd, 1667. The boon services were to remain unaltered, according to the custom of the manor. They are given in detail in the schedules attached to the award. A concession was made which, on account of the scarcity of money and the high rate of interest, was undoubtedly to the advantage of the lord. It was stated that if the lord preferred money to kind, the amounts were to be at the following rate:—A day's ploughing, 2s.; mowing, 8d.; shearing, 4d.; harrowing, 8d.; a day's looking (watching?) of corn, 4d. The question of the lord's corn was next considered. The tenants were ordered to carry and re-

carry the lord's corn to Hutton Mill,* that is, as much corn as he should use in his own hall. A later document states that the custom of the manor was for the tenants of Stoddah to take the corn to the mill, and the tenants of Penruddock to take it back to the manor house. For every neglect of this duty the sum of twopence had to be paid. Nothing is said about the grinding of the corn, but as there is no reference to a miller, the probability is that the tenants had also to grind the corn. The tenant had also to take so many horse-loads of salt in turns from the salt-pans to the manor house, according to the demands of the household ; but the lord had to bear the charges.

With respect to the claim of the lord upon the personal services of the tenants, the award declared that each tenant must ride for the lord, not exceeding one day's journey in the year, the lord to bear reasonable charges.

The interesting question of heriots and widows' estates was next taken into consideration. Judging from the customs of other manors, we are inclined to think that the advantages to the tenants of Hutton John were by comparison rather considerable, bringing about a distinct break in the feudal system. The paragraph is somewhat obscure, but our interpretation is as follows. The use of the word "alienation" in the award evidently applied to the tenement where it was not willed to the widow. She, however, was entitled to a third, and upon this she must pay a parcel-heriot. This was a disadvantage, as the widow's right was usually exempt. If any widow married or miscarried, by which she forfeited her widow's estate, the heirs (who by custom, after the death of the ancestor, should pay a fine for the whole tenement) were to have the benefit of the forfeiture, and not the lord. This was a decided advantage, and gave the tenant what in many manors the lord had long enjoyed, but to which, apparently, he was not entitled in the manor of Hutton John.

* The mill still remains, but is now a picturesque ruin.

With regard to the getting of stones and the cutting and felling of wood, the tenants could use their own quarries for their own use ; but the license of the lord was necessary before the quarry of another could be used.* This applied also to the cutting of timber, which was permitted for houseboot, hedgeboot, plowboot and cartboot.

The last item in the award had reference to Hutton Mill farm-rent. It was declared that no fine had ever been paid for the rent of the mill, and that the sum paid had only been for the grinding of the corn, or as it is termed, "the mitigation of multure." Besides these services every whole tenement had to pay one hen, and every draught had to give a day's plowing upon the demesne land. Every tenant who kept a cart or a wain had to pay for each tenement a cartload or a wainload of peats.

This award differs greatly from the claims of the third Andrew Hudleston as set forth in a retrospective document in 1703. The differences between the one and the other are those between a tenant-right and a tenant-at-will tenure. In the one, the rights of the tenant and the custom of the manor are recognised and respected. In the other, the will of the lord predominates. In the 1703 document the lord insisted upon arbitrary fines, instead of fines certain. His view of the seven years' gressome was that it was an arbitrary fine, and not in lieu of the general fine. He demanded a greenhew fine and a swine's-penny, both of which were apparently not due to him. He claimed a day's personal service from the tenants, at their own charges, when required. He particularly repudiated the decision of the award with respect to widows' estates, claiming them as his own in the event of re-marriage or mis-carriage. It may be added here, however, that in 1704, after an appeal to the House of Lords by the third Andrew Hudleston, the award of Sir George Fletcher was upheld.

* There are several quarries in the manor. One of these, Gospelhowe, evidently derived its name from the Nonconformists of the village, probably from the Quakers. D

The award is a valuable directory of the manor of Hutton John in the year 1668. It is unfortunate that the names of the tenements are not specified, and we are only able to state them approximately. The names of some of the tenants occur more than once, and this, we presume, means that they possessed several tenements. The size of the tenements might possibly be estimated from the fines and services, but this would be an uncertain method of calculation, as the conditions of tenure were apparently mixed. The schedules of charges relate to the following items: gressome, lord's rent, mill rent, shearing, mowing, harrowing, weeding and peats. We find that on the basis of the gressome and the lord's rent, the largest tenements were held by John Edmondson, Adam Bird, John Bird, Edward Hawell (or Howell),* John Noble, John Harrison, Henry Winder, John Todhunter, William Castlehow, John Slee, John Parker, James Wilkinson, John Jack, Thomas Thompson, and Anthony Watson. The approximate amount for gressome, lord's rent, and mill rent is £56, in addition to the following service: days of shearing, 204; mowing, 39; weeding, 39; total, 321 days. The sum of £56 does not seem a large amount from a modern point of view, but we may well ask where on this round earth were the tenants to get it from? When we read that in 1650 the rent of Hutton John was £5 6s. 8d.; that the lord himself in that year found an inconvenient rival in Sir Christopher Martin of London, who was able to outbid all others for the manor to the extent of £40; that in 1651 the lord was paying a debt of £47 by an instalment of £15; that at the Restoration, less than seven years before this award was made, the gentry of Cumberland were starving—when all these things are on authentic record, the sum of £56 yearly must have been a serious matter to fewer than fifty tenants who had supported with purse and pike the Civil War, and who now had to face

* Horwell is a third form of the name.

the severity of the Restoration period. Another burden was felt in the services. The award stated that at the election of the lord money could be demanded in lieu. The advantage of this on the social side was that it gave the tenants a chance of emancipation by permitting them to hire, and freeing them from what hitherto had been one of the servile conditions of their tenure. The grave disadvantage was that it gave the lord an additional weapon were he so disposed to use it. He had simply to decline payment in kind, and he made the conditions more difficult. The rate of interest had been legalised from the time of James I. at 8 per cent., and from documentary evidence we know that this was the current rate in Cumberland at the time of the award. To decline the labour of their hands, the best asset which most of them possessed, and the produce of their tenements were legal but severe forms of imposition. To demand payment in money, which could only be obtained by a journey to Penrith, a rate of 8 per cent. and the cost of a bond was a way of making the terms of the award troublesome.

The award of Sir George Fletcher was a memorable document in the history of the Hutton John struggle. It was by no means a compromise. It was a clear statement of that which since 1632 the tenants had claimed. It was accepted but not fulfilled by the second Andrew Hudleston, and it was vehemently contested by his son, the third Andrew, who succeeded him in 1672, until it was ratified nearly fifty years after the date when it was made.

The following list is probably the only extant directory of the manor of Hutton John in 1668. It is possible that the Manor Court Rolls and the Muster Roll may be in existence, but if so they are not available at present.* The amounts of rents and services which appear in the award

* Mr. Ferdinand Hudleston writes :—" There are, to my certain knowledge, one or two Muster Rolls of the time of Elizabeth and a book of pains and penalties of the manor."

are omitted, and the names of the tenants are not inserted more than once.

STODDAH, BERRIER, &C.

Grave, John, Todrig. Q.*

Todhunter, William, Stoddah Gate (?). Imprisoned in the Fleet in 1637.

Harrison, John, Berrier.

Langhorn, Thomas, living in Helton, Westmorland, in 1672. Probably the persecutor of Henry Winder (these *Transactions*, N.S., v., 156).

Slee, Thomas, Motherby.

Rookin, Lancelot, Watermillock (?)

Winder, Henry, Greenclose (these *Transactions*, N.S., v., 155).

Castlehow, William, Watermillock.

How, John.

Heskatt, Alex., Todrig

Hayes, Ralph.

Hodgson, Ambrose, Becksis, and in 1675 of Penruddock.† Q.

Jack (Jacques), John, Berrier; "an ancient and substantial family." † P.

Parker, John, Whitbarrow, admitted 1643.

Wilkinson, James.

Slee, Richard, father of William and Agnes Slee. Q.

PENRUDDOCK.

Slee, John, The How; "an eloquent Quaker" (*Friends' Journal*, p. 149, July, 1909).

Thompson, Thomas, probably Penruddock Head. P. (?)

Watson, Anthony.

Hodgson, Cuthbert, Low Garth. Q.

Dawson, Oswald.

* The letters P and Q after the name signify "Presbyterian" and "Quaker."

† He was probably a descendant of Robert Hodgson, the "walker," who died in February, 1588, and after whom Hodgson Hill was possibly named, as it led down to his cloth mill. The tenement in 1699 was known as "Goat" (or "Gwoat"), and the name remains to this day. We are inclined to think that this is a corruption of "Coat" or "Coat How," which at Grasmere was the name of a cloth mill (these *Transactions*, N.S., viii., 188).

‡ So described in 1624 in the Greystoke parish registers.

- Todhunter, James.
 Rakestraw, Edward. A small cottage behind the present "Rakestraws" still stands, which was probably the home of Edward.
 Noble, John, Garth Head (these *Transactions*, N.S., v., 159). P.
 Tod, Rowland.
 Slee, John, Loogate, Penruddock. Brother of Rev. Anthony Slee, M.A. (these *Transactions*, N.S., v., 161).
 Bird, Adam. A branch of the Birds of Brougham. P.
 Slee, Thomas.
 Parker, James.
 Todhunter, John. Q.
 Benson, Thomas. A branch of the Bensons of Great Salkeld (these *Transactions*, N.S., viii., 52).
 Dawson, Thomas, Hutton John? Q.
 Jack, John, Penruddock Head. Admitted 1643. P.

MOTHERBY AND GREYSTOKE GILL.

- Edmondson, John.
 Bird, John, son of Adam Bird. P.
 Horwell, Edward. A direct descendant was the late Rev. John Hawell, M.A., vicar of Ingleby Greenhow, near Middlesborough.
 Rooking, Christopher, Watermillock?
 Cannon, John. Sometimes employed by Thomas Parsons, steward of the barony of Greystoke.
 Parker, John.
 Birkett, John.

NAMES UNCLASSIFIED.

- Booser, Lancelot. Later forms of the name are Busher, Bewsher, and Bowsler.
 Robinson, William.
 Sisson, William, of Walloway Green.
 Robinson, Thomas, Todrig, bailiff of Hutton John.
 Maugham, Thomas.
 Harper, Thomas, Berrier?
 Edmondson, Elizabeth, widow of John Edmondson.
 Atkinson, Thomas.

The actual state of affairs in the manor at this time

can only be realised by remembering that the dynamic at work was religion. The first Andrew Hudleston, at the Restoration, placed a slab in the manor house, which had a double cross on it, together with the famous words of the Emperor Constantine—"In hoc signo vinces." He was described in the Commonwealth records as "a Papist in arms." It was not until the Revolution that the family became Protestant. The religious views of the tenants may be seen from an article on the Quakers of Greystoke in the journal of the Friends' Historical Society for July, 1909.
