

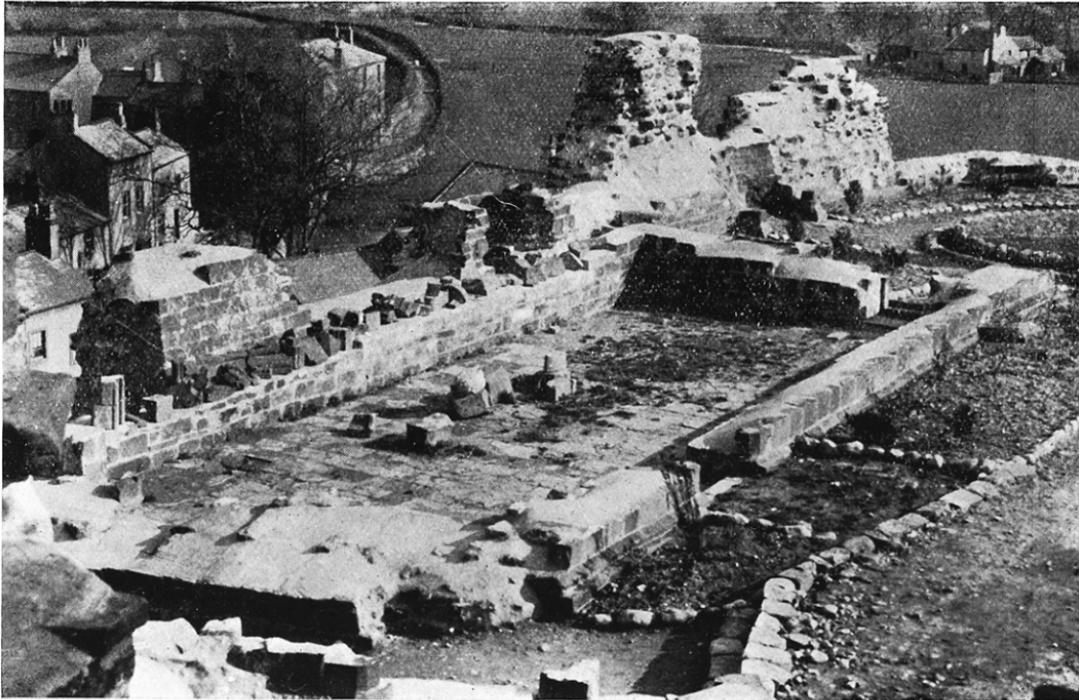
ART. III.—*The Manor Court of Egremont.*

By CÆSAR CAINE, Vicar of Cleator.

*Read at Carlisle, April 24th, 1914.*

IN course of the excavations recently carried out by the direction of Lord Leconfield at Egremont Castle, among other objects of interest, the foundations of an oblong rectangular building were laid bare. This building was not part of the original castle, but was built within the castle ruins, and contiguous to one of the original outer walls. That this building was put up within the ruins is evident to the most casual observer, because the outer wall contains the remains of a fine fireplace, which, of course, must have passed out of use before the wall of the inner building could have been built up before it. These foundations represent the Manor Court of the Lordship of Egremont. Originally this Court was held in the old Norman Castle. Then when the castle fell to decay, a Court House was built within the castle enclosure. There it stood, amid ruins which represented the decay of many mediæval things, itself bearing down to this modern age the customs and practices of ancient local law.

The building was not quite regular in shape. The longer sides were not equal, possibly owing to the intrusion of portions of the older building, which impedimenta were not removed, by the later builders. The dimensions of the recovered foundations are :—Inside—North, 18 feet 2 inches ; South, 18 feet ; East, 43 feet 10 inches ; West, 39 feet 3 inches. Outside—at the corners : North, 23 feet ; South, 24 feet ; East, 54 feet ; West, 47 feet 6 inches. These measurements show that the foundations vary from about 2 feet 6 inches to 5 feet in thickness. In old engravings, such as Lysons' (1816), the roof of this Manor Court



EGREMONT CASTLE; FOUNDATIONS OF THE COURT-HOUSE, FROM THE NORTH.

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House may be seen, rising above the crumbling walls of the castle..

I have made a study of this venerable institution, by searching the Rolls of the Court, preserved at Cockermouth Castle, and my duty is to select and arrange some of the facts which I have collected. My paper possesses, at least, this merit, that it is the first attempt to give a consecutive account of what was once a most important local institution, but which is almost forgotten and unknown to-day, outside a small circle of estate officials.

This Manor Court was of great antiquity, for no manor came into existence after 1290. The origin of the manor Courts goes back to the origin of the manors themselves. Most unfortunately there are no records of this Court earlier than the time of Charles I. But in the Bailiff's Accounts, preserved among the muniments of Cockermouth Castle, I have traced references to the operations of this Court in the time of Edward IV.

There was one great peculiarity about the Manor Court of Egremont. It was not held for *one* manor in particular. The Lord of Egremont held the Manor Court at Egremont Castle for all manors within a given area. The manors subject to this court comprised a huge district which may be said to extend, roughly, from the river Derwent to the river Esk. Generally speaking, the manors comprised within this area did not hold a court within their own borders, but appeared at the court of the Over-lord at the Castle.

There were really three courts:—1, Court Baron; 2, Customary Court; 3, Court Leet. The Court Baron was the small debt court of the freeholders. The Customary Court was the court of the customary-hold tenants. The Court Leet was a court of record, a court for the appointment of officers, and a court for the punishment of minor offences. The president of the Manor Court was the Over-lord, and in his absence his steward presided.

The town of Egremont was not subject to this court, having a court of its own, known as the Borough Court. The manner of calling this court was as follows, the year 1745 being taken for this example :—

MANOR AND LORDSHIP OF EGREMONT.

These are to will, and require you to give public notice within the said Manor, that the Court Leet, and View of Frankpledge, with the Court Baron of the Most Noble Lord Charles, Duke of Somerset, etc., Lord of the said Manor will be holden at the Castle of Egremont in and for the said Manor on Tuesday, the thirtieth day of this Instant April at Ten of the Clock in the Forenoon.

And that you warn all Tenants of and Residents within the said Manor that do owe suit and service to the said Courts, that they be, and appear at the time and place aforesaid, then and there to perform the same.

And likewise that you summon twenty and four honest and lawful men of the said Manor that they be and appear at the Time and Place appointed, to enquire for our Sovereign Lord the King, and of all such Matters and Things, as to the said Courts do appertain ; and that you yourself be then and there also present :

And have you there the Names of such Persons as you shall have so summoned together with this Precept.

Given under my hand and seal this eighth day of April in the year of our Lord God 1745.

Ewen Christian  
Deputy Steward. L.S.

To Mr. John Peile,  
Bailiff of the said Manor.

The places whose affairs came under review at the court at Egremont Castle were numerous. They were of two classes :—

I.—Those represented by appointed and authorized persons. These were originally called “attorneys” but the word became corrupted into “Turneymen,” “Turnamen,” “Turnemen,” “Turnsmen,” and “Turnmen.” The last of these corruptions became the settled form of the word—Turnmen. They presented all complaints upon which the Court had to adjudicate. If there were no case



EGREMONT CASTLE ;  
the Manor Court foundations, showing the fireplace in the original castle-wall (*Vide* p. 76).

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to submit to the Court they responded to the name of the Manor when read out, "All's well." The following members of the over-lordship of Egremont were represented by Turnmen:—Muncaster; Drigg and Carleton; Irton and Santon; Bolton; Gosforth; Haile; Newton and Ponsonby; Workington and Winscales; Lamplugh; Murton, Moser, Whillimore, Widdicar, and Moresby; Kelton; Cleator; Frizington and Arlecdon; Distington and Rottington; Wilton and Braystones; Calder and Beckermest—(Copied from the list for 1707).

2.—There were certain tenants, who were not represented by Turnmen. They were expected to appear at the Court in person, and answer to the call of their names. This arrangement applied to Carleton; Colderton; Middletown; and various tenants in Gosforth, Raven-glass, Drigg and Wilton. From these two lists it is apparent that in the same under manor there would be tenants who were represented by Turnmen at the Over-lord's Court, and other tenants whose obligation it was to appear personally. To these two classes a third must be added.

3.—The following three Manors held their own courts, and did not appear at the Castle by attorney:—(a) Netherwasdale; (b) Eskdale, "Mitredale" and Wasdalehead; and (c) "Kennyside." Originally the courts for these manors were held within each respective manor, and occupied three days, but as this was found inconvenient an arrangement was made whereby the Kenniside and Eskdale juries agreed to attend at the Strands in Netherwasdale, and the business of the three courts was all done in one day. This practice continued until a few years ago, when Kenniside, finding it difficult to secure a jury at Netherwasdale, got permission to hold its court at Egremont. This was, however, again changed, and now the three courts are held as originally in their respective manors, Kenniside at Ennerdale Bridge, Netherwasdale at the

Strands, and Eskdale in Eskdale. In these three manors, cases in which the verdicts of the local juries were disputed were reheard before the jury of the Head Court at Egremont.

The address delivered to the court upon its assembly defines its business, and therefore is of real interest. I shall therefore reproduce in full. I may add that the address is not read, or recited in full, now, but there are many living who can remember its use in the court.

Gentlemen,

What you are, by your oaths, obliged to enquire upon is reduced to two heads: and they are either of such things as are here enquirable and presentable only, and not punishable, or else of such things as are both presentable and punishable in this Court. The first head includes the more capital offences, such as petit Treason, Felonies, and the accessaries [*sic*] therein. For these offences though they are presentable in this Court, yet they are not punishable here, but the presentment must be certified into some superior Court, where the offenders are to be prosecuted and punished according to law.

The second head takes in offences that are both presentable and punishable in this Court, and they are such as these.

FIRST, you are to enquire of the bloodsheds, if any person, within the jurisdiction of this Court Leet, hath wilfully or maliciously drawn blood, from the person of another, it is here punishable.

NEXT, you are to enquire whether the Constables have truly presented all things belonging to their Offices, and particularly whether they have discharged their duties, in arresting of felons, pursuant to Hues and Cries, according to Law; and in apprehending of rogues, vagabonds, and sturdy beggars.

And you are to take notice that there ought to be a pair of Stocks kept in repair in every village, for securing of idle and disorderly persons, and the vill shall be amerced; and you are to enquire whether any Pound Breaches of cattle, or any rescues, have been made, and into all manner of affrays and breaches of the peace, riots, routs, and unlawful assemblies.

You are also to enquire whether any persons do keep ale-houses without licence; or having licences do suffer disorders to be committed in their houses, and to present such offenders.

You are to enquire if any make use of guns, dogs, etc., not qualified by Law.

If any victuallers have conspired together to sell their victuals but at any certain prices, or have put up for sale any victuals not wholesome for any man's body, or if any labourers or artificers have combined together to work but at certain rates or on certain times, or shall refuse to complete the work they have begun and undertaken. they are here punishable.

If any persons have used false weights or false measures, or double weights or double measures, that is, a great to buy by, and a small to sell by, in deceit of the people, it is also punishable in this Leet.

A tanner having put to sale any leather before it be legally searched and sealed, or any insufficient leather, not being thoroughly wrought, tanned, and dried, is here to be punished.

You are to make diligent enquiry into offences committed by forestallers, and regraters. 1. A forestaller is one that buys corn, or other provisions, that is carrying [being carried] to the fair, or market, to be sold [so as to be sold] before it be brought into the fair and market. 2. An ingrosser is one that buys corn growing upon the ground (otherwise than by demise and grant) or any butter, or cheese, or other victuals, with an intention of selling the same again, for unreasonable profits. 3. A regrator is one that buys corn, or other dead victuals, in open fair or market, and the same doth sell again in some other fair or market, within four miles of the same place. All these are punishable in this Court.

Strict enquiry ought to be made of cottages erected contrary to Law. Now the Law is, that if any one shall set up a cottage without laying four acres of land to it; or the allowance of the Lord of the Soil, and the Justices of the Peace in open Sessions; he shall forfeit ten pounds for so doing, and forty shillings a month for the continuance of it. And, if any owner or occupier of a cottage shall suffer any inmates, or more families than one to co-habit therein, he shall forfeit to the Lord of the Leet ten shillings per month.

You are to inspect and examine into your Highways and Bridges, how they are repaired and mended, and whether the several persons concerned therein have done their due services towards the same; and if the hedges be kept in due repair, and the ditches, adjoining, be kept low and scoured as they ought; for defaults therein this Court may set a fine upon offenders.

If any footpath to Church, mill, or market, be denied, that hath

been an ancient and accustomed way ; or if any house, wall, hedge, or ditch, be erected or made in the King's highway ; or any water-course stopped, or turned thereunto, or out of its ancient course ; if any scabbed horses, carrion, dung, or other offensive thing, be laid in, or near, to the highway, or any other nuisance whatsoever, to the annoyance of the King's subjects ; it is here presentable and punishable.

You are to take notice what officers within the Precinct of this Leet ought to be now discharged of their respective offices, and to present the names of other fit persons to serve in their places.

You also have it in charge to enquire into, and present such things as relate to the Court Baron of your respective manors, and they are either between Lord and Tenant or between Tenant and Tenant.

First, you ought to enquire what advantages have happened to the Lord since the last Court, either by Escheat or Forfeiture, as if any freeholder hath committed felony, and thereof hath been lawfully convicted, the King shall have his year and a day, and afterwards his land shall fall to the Lord by Escheat ; and if a Bastard hath purchased any land, and be dead without issue of his body, lawfully begotten, he can have no heir by law, so that the Lord shall have his land by Escheat.

If any customary Tenant hath committed felony, and thereof be committed, it is a forfeiture of his customary Estate. And if any customary Tenant hath leased out his customary Estate, without and by the Lord's licence, for more than a year and a day, it is a forfeiture of his customary Estate.

Where any customary Tenant hath suffered the buildings upon his customary Estate, to ruin, to decay, and to fall down, for want of reparation, or hath committed waste in felling timber-trees, without assignment, or lopping them at unreasonable times in the year, whereby they die, in cutting fruit-trees, or timber-trees for firing, they are forfeitures of his customary Estate, and if any customary Tenant, having two customary Estates, hath impaired the one to improve the other, it is a forfeiture of the customary Estate so impaired. If any customary Tenant refuse to do suit of Court, or to be sworn of the Jury, or to make presentment after he is sworn on the Jury, or to pay rent to his Lord, or to perform the services due to the Lord, these are all of them forfeitures of his Estate.

You are to enquire whether there be any freeholder dead, or that hath aliened his Estates, or any customary Tenant dead since the last Court, or before, and his death not yet presented, what

hath happened to the Lord upon his death, and who is the next Tenant.

You are also to enquire whether there be any rent, service, or custom, withheld from the Lord ; or any of the Lord's lands be unjustly kept from him ; whether any boundaries or landmarks between one Lordship and another, or between Tenant and Tenant, have been removed, or any encroachment hath been made upon the Lord's waste, or any trespass upon the Lord's royalties.

If any houses want repairing, hedges, gates or stiles want repairing, or ditches want scouring, or if any (has) prejudiced his tenement by carrying the compost or manure there made to other lands to the impoverishing of his tenement, you are to present the same.

You are to enquire of estrays, as where any strange beast comes into a Lordship, and is not claimed in a year and a day, it falls to the Lord of the Manor as an estray.

And you shall enquire whether the orders of the last Court, or any preceding Court, have been duly observed or not, and wherein and by whom any default hath been made.

You are likewise to enquire whether the several Tenants be now here to do suit of Court, and to amerce those who have made default in their appearance.

And if there be anything else that concerns the Lord's interest, or anything else unjustly done, or omitted between Tenant and Tenant, you have it in charge to present it.

To this address I add a few brief items, which illustrate the procedure of the Court.

#### PROCLAMATION ON OPENING THE COURT.

All manner of persons that owe suit and service at this Court and View of Frankpledge of our Sovereign Lord the King together with the Court Baron of the Right Honourable . . . . . Earl of Egremont and Baron of Cockermouth, holden here this day, draw near and give your attendance.

#### PROCLAMATION BEFORE CALLING THE COURT.

You good men that are returned on the Jury to enquire for our Sovereign Lord the King, and the Lord of this Court Leet, answer to your names.

#### OATH OF THE FOREMAN OF THE JURY.

You, as foreman of this Jury, together with the rest of your

fellows, shall diligently enquire and true presentment make of all such things as shall be given you in charge, and are here enquirable. The King's Counsel, your own, and your fellows', you shall well and truly keep ; you shall present nothing out of hatred or malice, nor conceal anything through love, fear, or affection ; but in all things you shall well and truly present, as the same shall come to your knowledge, without partiality, according to the best of your skill and judgment. So help you God.

#### OATH OF THE REST.

The same oath that A.B. your foreman hath taken on his part, you, and every of you, shall truly and well observe, and keep, on your parts. So help you God. (The Jury took this oath four at a time.)

#### OATH OF AFFEERORS.

You shall well and truly affeer \* and affirm the several amerements here made, and now to you read over ; you shall spare no one out of love, fear or affection ; nor raise or enhance any one out of malice or hatred, but impartially shall do your duties herein. So help you God.

#### DISMISSION OF THE COURT.

All manner of persons that have this day made their appearance, or that have anything to do at this Court, may from henceforth depart, and give their attendance again, upon a new Summons.

#### CONSTABLES' OATH.

You shall well and truly serve your Sovereign Lord the King, and the Lord of this Leet, in the office of Constable, for the year ensuing, or till another be appointed in your stead. So help you God.

#### THE TURNSMEN'S OATH : OF A PARTICULAR PARISH.

You as Turnsmen for the Township or division of . . . . shall well and truly present all such offences as have been committed within the said District, since the last Court, without prejudice or partiality. So help you God.

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\* "Afeer, to fix or settle the amount of an amerement, to assess. Afeeror, he that affeers." (*New Eng. Dict.*).

The Turnmen sometimes failed to appear on the assembling of the court, for which omission and neglect the inhabitants of the manor concerned were fined. When this contempt of court was repeated the fine was increased. In 1773, Cleator, Arlecdon, and Frizington were all at fault in this matter, and the respective fines were 13s. 4d., 6s. 8d., and 10s. My own parish, or more correctly Cleator Manor, was particularly wayward:—

- 1780. Cleator fined 6s. 8d.
- 1792. Cleator fined 10s.
- 1810. Cleator fined 15s.
- 1813. Cleator fined £1.

The Rolls of the Manor Court give lists of the jury for respective years, but as a rule the places from which the jury are drawn are not named. The year 1717 is an exception to this, and the name of each jurymen is followed by the name of the manor from which he came. I append this list, with satisfaction, for it is specially interesting to have both personal and place names:—

Jury, Michaelmas, 1717.—William Benn de Blackhow; John Robertson de Whitehaven; William Grayson de Woodend; John Fryars de Calder; John Pow of the same; Hen. Batemen of the same; John Hudson de Gosforth; John Lowthwaite de Gosforth; William Singleton de Drigg; John Cupidge de Drigg; Joseph Hunter de Drigg; John Sharp de Wath; John Barns de Cleator; Thomas Williamson de Carleton; Isaac Milikin de Carleton; John Shepard de Rodersyke; William Borradale de Middle Coulderton; Thomas Ponsonby de Upper Coulderton; Darcy Curwen de Beckermeth; Gyles Russell de Beckermeth; John Hunter de Egremont; John Benson de Sniling (? Snellings); John Cook de Grains.

Strangely there are only twenty-three names here!

The question has often been raised as to when the court ceased to meet at the Castle. One fact appears certain, viz.: that the court met there until a late date in the eighteenth century. In 1789, and about that date,

the court is spoken of as being held at both the Castle or an inn, and after that date the Castle is mentioned no more. I have met with old people who have told me their grandfathers have told them, in their young days, that part of the old Court House in the Castle was roofed, and that the jury met there to be sworn in, and afterwards retired to some inn to transact their business. The inns which have been used for this purpose are—The Globe, The Red Lion, The Wheatsheaf, The Central and the King's Arms.

I will now give a few items from the Manor Rolls. They represent a large number of manors between Workington and Ravenglass. They are selected (1) to show the geographical extent of the jurisdiction of this Court ; and (2) to show the great variety of cases adjudicated upon by this Court.

## EGREMONT.

1710. We do find Anthony Patrickson of Skailgill Gent. sole purchaser from Henry Fox Junior of all that customary messuage tenement etc. by virtue of his deed indented bearing date 24th day of April 1677 commonly called and known by the name "Mordin Parkes"\* situate, lying, and being in the lordship of Egremont of the yearly rent of 13s. 10d.

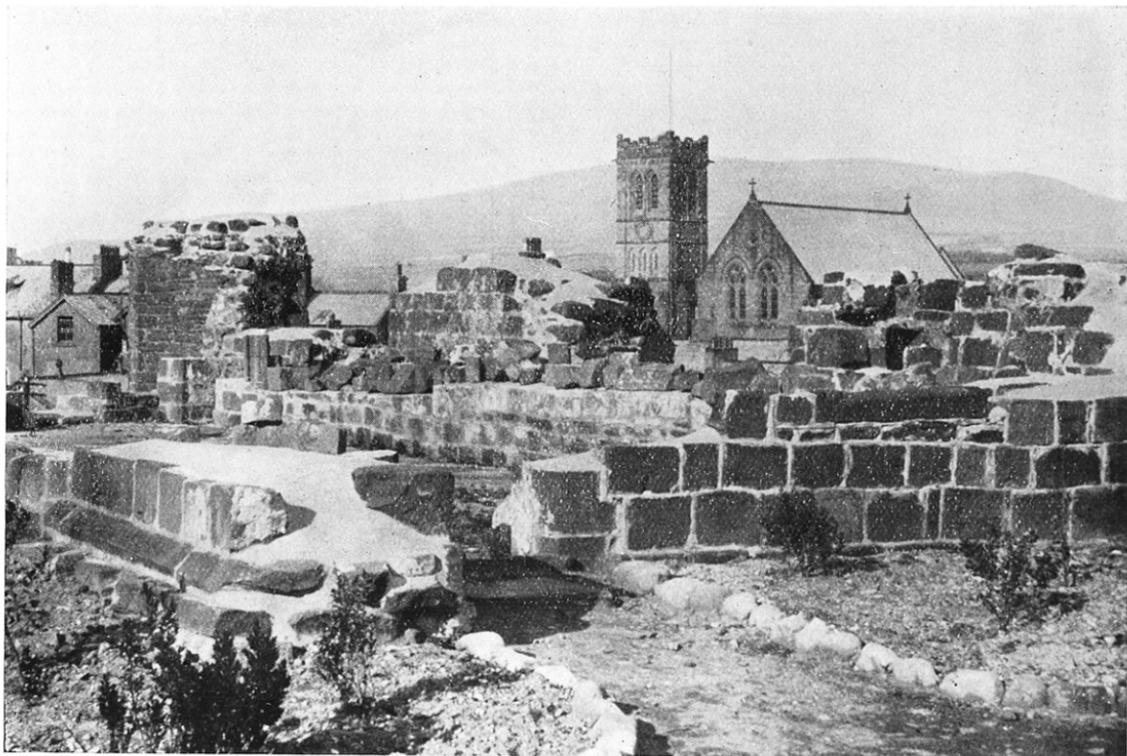
1747. W. H. Todd presents Simon Grason of Wood End for not hanging a gate leading from Wood End to Big Rigg Moor. If not amended before the 6th of May we amerce him at 3s. 4d.

## GOSFORTH.

1641. Whereas complaint was made of the decay of a bridge at Blengbrowe in the parish of Gosforth, which is quite out of repair, we do order that the inhabitants of the said Parish shall make the same sufficient before the four and twentieth day of July next upon pain of xxs. and likewise that the said township of Gosforth shall turn the water into his right course at Blenge Bridge before the said time upon like pain.

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\* Mordaunt Park.



EGREMONT CASTLE; FOUNDATIONS OF THE COURT-HOUSE, FROM THE SOUTH.

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## DRIGG.

1681. Nicholas Thomson of Drigg presents John Gaitscall of Drigg parish, for not repairing his beck brow joining on to the River of Irt, we do amerce him 6s. 8d.

1777. We present Daniel Gaitskel of Bell Hill for making a garden on the common of Drigg Carleton Moor (near the place where the late Duke of Somerset held a fair) of about 24 yards square, he having no land adjoining to it, for which we amerce the said Daniel Gaitskel in the sum of 5s.

## RAVENGLASS.

1693. We do find William Johnson of Ravenglass heir-apparent to his father William Johnson late deceased, being of the yearly fineable rent of five shillings.

## IRTON.

1760. We find George Irton Infant, eldest son and heir of Samuel Irton Esq., deceased, for the Manor of Irton and Sainton (Santon) of the yearly quit rent of 7s. 6d.

## CALDER.

1682. We do find John Hudson of Calder, heir to Robert Taylor, of a messuage and tenement called and known by the name of Benn Place, being a quarter of the above named tenement to be and remain to his heirs for ever.

## WILTON.

1697. We do find Jane the wife of Ferdinando Croudson, heir to her brother John Ponsonby deceased of one estate in Wilton and another estate in "Midel" Coulderton within the Lordship of Egremont.

1679. The Turney-men of Wilton and Braystones present Thomas Wood for his "laine" being in decay at Town End. Amerced 3s. 4d.

## PONSONBY.

1644. We do order that the township of Ponsonby shall amend two "peeces of waie" betwixt New Mill and Calder Bridge before Martinmas next upon pain of xxs.

## CORKICKLE.

1710. We do find Mary Addison, widow, heir to her father William, of all that messuage and tenement and customary estate situate lying and being in Corkecle. Rent 3s. 4d.

## ARLECDON.

1752. We present Edward Wilson of "Arleckdon" upon the oath of John Walton for suffering his hedges to lay (lie) down, for which we amerce him in the sum of 13s. 4d.

## FRIZINGTON.

1729. The attorney men of "Phrisington" present William Dunston for putting hogs upon "ower comon" (our common). Amerced 13s. 4d.

## LAMPLUGH.

1681. Upon the evidence of Mr. John Fletcher of Moorside : That Frances, the wife of Peter Fisher of Gill in Kelton in the parish of Lamplugh, for hindering and molesting Henry Jenkinson in leading his hay and other vestures from a close called The Meadow Shawe, to his own dwelling at Gill, being his usual and accustomed way, and therefore, we do amerce the said Peter Fisher and Frances his wife. 6s. 8d.

1730. Debora Bebe presents Joseph Fleming younger, in Lamplugh, for pulling up her wood in her water course for which we amerce the said Joseph Fleming 13s. 4d.

## MORESBY.

1681. The Turneymen of Moresby do present Bridget Graison, widow, and John Younghusband, for unlawful hounding upon the common. We do amerce each of these 6s. 8d.

## DISTINGTON.

1644. We order that William Parke shall "putt awaie" Janet Curwen before Christmas next upon pain of xxs.

We order that the water course be "shorne" both sides below "Leasy-Bridge" at the road of Distington before Christmas next upon pain of xxs.

1689. James Richardson presents the wife of William Dickinson of "Dissington" for a slander saying that he had cheated her husband and her of six or "seaven" pounds. Amerced 3s. 4d.

The said James Richardson presents Cuthbert Johnson for a slander in saying that he was a cheating rogue and had been a cheater from his cradle. Amerced 6s. 8d.

1695. The Turnemen of Distington present Richard Harrison of High House in the Parish of Distington for suffering his head hedge to go out of repair, and for unlawfully hounding their goods upon the common. We do amerce him in 3s. 4d.



## WORKINGTON.

1718. We "americy" the township of Workington for the want of a Turneyman, 13s. 4d.

1729. We find "Elderd" Curwen, Esq. for lands at Workington, Winscales, and Harrington, heir to his brother, Henry Curwen Esq.

1756. The Turneymen of Workington present Matthew Cragg, Robert Steel, and Allen Wilson for Pinfold out of repair. Each amerced 13s. 4d.

I have now to add one or two reflections.

1.—Our predecessors possessed an excellent organization for the well-being of their community. In some quarters it is a practice to laugh at the "good old times," and to regard the first adjective as mere sarcasm. But, there is a sense in which the words are invested with a very real meaning.

2.—In some ways, the administration of justice was more effective than at the present time. Society was more cohesive, and the dispensation of punishment was more paternal. As one goes over the old records he feels as though a racial, almost tribal ethos or atmosphere presides over every phase of life.

3.—One absorbs the idea that the old agricultural life was sweeter and cleaner morally, than that of our congested industrial populations. Life was more natural certainly, and less artificial, than among our cosmopolitan communities.

In a word, the world went very well in those old days, and our departures and changes have not been, all and always, improvements.