

Concerning the Commons & Waste Lands in various Townships in the High Peak.

By CHARLES E. B. BOWLES.

(From MSS. in his possession.)



THE Humble Peticon of S^r Simon Degge Knt. John Shallcrosse Esq^r John Bradshawe Esq^r Henry Bradshawe Esq^r & Samuel Bagshawe Freeholders within the Townships of Bowden Chappell ats Chappell in le Fryth Shallcrosse Ferneleigh and Fairefield within your Mat^{ies} (Majesty's) Mann^r of High Peake in the County of Derby p^rcell (parcel) of your Mat^{ies} Duchy of Lancaster for & on the behalfe of themselves & the rest of the freeholders & others that have right of Comon in the Wastes within the said Townships.

In most humble Manner

Shewing to your Ma^{tie} that your Peticoners and their Ancestors and Predecessors have had right of Comon in and through the Comon & Waste Grounds of your Mat^{ies} said Manor of High Peake within the aforesaid Townships and by an Agreem^t between your Royal father and your Peticoners or those under whome they clayme. Your Royall Father was to improve one Moyety of the said Comons and Waste grounds and your Peticoners and those under whome they respectively clayme were to have the other Moyety of the same granted to them and their heyres and whereas your Royall Brother was graciously pleased to grant his Moyety of the said Comons & waste grounds to Thomas Eyre Esqr who hath divided and sett forth the same and quietly enjoyed

your Ma^{ties} Moyety by virtue thereof and of a decree made in your Ma^{ties} Court of Duchy Chamber at Westm^r and in regard the rest of the Comons & Wast grounds within the said Townshippes remayninge for your Peticoners Moyety might be improved to some considerable advantage if the same were enclosed.

Your Peticoners therefore humbly pray that your Maj^{tie} will bee graciously pleased to graunt to them & their heyres the remaining Moyety of the said Comons & wast grounds within the said Townshippes in trust for themselves & the rest of the Freeholders, & others that have right of Comon therein and your Peticoners as in Duty bound will ever pray &c.

Att the Court att Windsor June the 12th 1687

His Ma^{tie} is graciously pleased to refer this peticon and the paper annexed to Mr. Chancellor of the Duchy of Lancaster to examine the Allegacons thereof and report the state of this case with his oppinion in the matter to his Maj^{tie} who will then declare his further pleasure.

Sunderland.

Lodged with the Chancellor

27 June 1687.

The case of the Freeholders of Bowden Chappell alias Chappell in le Fryth Shallcrosse Fairfeild & Fernely within the Lordpp. Manno^r & Forest of High Peake in the County of Derby parte of the Duchy of Lancaster for the Moyety of the Comons & wast ground within the said Townshippes & Villages.

King Charles the first in right of his Duchy of Lancaster was seized of the Lordpp & fforest of High Peake within which were & are many large wastes.

That the ffreeholders being desirous to bee freed from the fforest Lawes & inconveniences of the fforest and to have the same wastes improved about the year 1639 did peticon King Charles the first to improve the said wastes, and hee consented thereunto And comissioners yssued forth to inquire

what parte thereof might be improved for the Kinge for his right of fforest & soyle & what parte thereof the Tenn^{ts} might have for their right of comon upon which comission it was returned that the King might improve one moyety and the ffreeholders to have the other moyety, and the ffreeholders consented thereunto.

That Kinge Charles the second granted the said Lordp̄p & fforest amongst other things for 99 years in trust for the now Queene Dowager during her life—put pat p tra'o pat.

That Mr. Eyre made a discovery of the premises and the same were leased to him for severall termes of yeares and were afterwards granted to him and his heyres.

That long suites have been prosecuted in the Duchy Court by, and upon the information of Mr. Eyre against the ffreeholders of Bowdon Chapell Shallcross ffairfield & fferneley & other Townes & Villages within the said Lordp̄p & fforest to inforce an execucon of the said Agreem^t & to recover the Kings Moyety of the said Coñons

And thereupon it was decreed in the said Duchy Court that the said Agreem^t for the King to have a moyety of the said wast grounds should be confirmed and that the said Leases & Grant made thereof to Mr. Eyre are well granted & decreed to the said Mr. Eyre according to the purport of the said leases & grant, & that the ffreeholders shall conforme thereunto & permitt the said Mr. Eyre to enjoy the Kings moyety of the said wastes according to the Agreem^t.

That since the pronouneinge of the said Decree the ffreeholders of some of the Townes menconed in the said decree did appeale to the high Court of Parliament to be releived against the said Decree.

That in November 1685 the said Decree was ratyfyed & confirmed by the High Court of Parliament and Mr. Eyre now quietly enjoyes the said moyety of the said Comons & waste ground soe to him leased granted & decreed.

That Mr. Eyre the King's Patentee now quietly enjoyinge the said moyety of the said wastes & coñons divided allotted

& sett forth for the Kings right of fforest & soyle within Bowdon Chappell alias Chappell in le ffryth Shallcrosse ffairfeild & fferneley being some of the Townes & Villages which are comprized within the said Agreem^t the ffreeholders thereof are desireous to procure the other moyety of the said Comons & waste ground to be granted to them & their heyres in satisfacion of their right of Coñon that they may inclose & improve the same.

Depositions on oath.

M^r Attorney Generall by y^e Relacon of Tho. Eyre Esqr
Pet^o

1693. Henry Kyrke & others in Chappel parrish Deft^s
About May y^e Twelfth one thousand six hundred seventy five I Peter Barker of Darly in y^e parish of Darly & County of Derby Gent' maketh oath that hee together wth one Thomas Stubbing did Survey & lay out y^e Wastes and Coñon in Chappel parish in y^e County of Derby into two parts share & share alike according to y^e best of their knowledge & that there is a certaine parcell of Land then claimed both by Chappel parrish & ffairfeild w^{ch} goeth from Durrance Loe to Nunbrookehead & soe wth a straight line to Doveholes & from thence by a straight line to Hobtorrs containeing 18^a.0.30^p or there about & y^t there was nothing then laid out as a thing in differant, & ffurther Deposeth yt one M^r Hegginsbothom of Shalcross & y^e s^d Mr. Eyre being together I then told him y^e same thing

Peter Barker.

Jurat apud Chappel in le Frith in Comit Derby
Vigessimo octavo die Aprilij Anno Reg^o Rs^o et
Rnoe Willi et Marice quinto Annoque Dom 1693
Coram me Laurentio Hollingworth

In the same court on the 10th of May 1693. The following gave their evidence on oath before Laurence Hollingworth John Cooke of Fernelee in the parish of Hope Yeoman aged

79 servant to John Redfearne of Healy in the parish of Chappel had driven "his Masters sheep & other Cattell unto "& upon Corbor or any other of y^e Right of Comons belonging "to ffearefeild ffernelee or Chappel parish" & had never known any disturbance "made for entring Commoning joyntly." Edward Lingard of Chappel in le Frith surveyor, having surveyed "the best part of the Comoning belonging to y^e Relator Thomas Eyre & y^e freeholders in Chapell parish" found that Thomas Eyre had enclosed above 20 acres of the best Land more than he had left "for y^e ffreeholders to equalize it."

Humfrey Marshall of Cowmbshed junior in the parish of Chappel had with Edward Lingard surveyed Lands "lying 10 "chaines length from Castle-Nase South West within y^e Relators "Thomas Eyre fence being part of Bealott Edge & part of Pye "greve Edge containeing twenty acres & upwards to y^e best of "our knowledge" which land "is of that Moyety which his "Surveyor Mr. Peter Barker laid out for y^e Towne" that they had also surveyed "another parcell of Land containing 40 "Acres & upwards from ye Topp of y^e Brinke against y^e "Cowmbshhead feild corner & so to Archers Wall & soe by a "straight line to y^e Womans Crosse & y^e Healy Marsh New "fence w^{ch} said parcell of Comon by severall old Mapps & "all agreeing was laid out for y^e Towne which now y^e Relator "Thos. Eyre claymes."

Ralph Lomas of Hilltopp aged 86 John Green of "ye Coumbs" aged 75 Thomas Bagshaw of Ridge aged 70 "husbandmen of Chappel parrishe" & Roger Daine of Glossop aged 69, swear that they never knew of any disturbance made by Fairfield & Fernelee freeholders for y^e Chapel le Frith freeholders "entring & joyning Co^mon of pasture wth them "from Shorthead, Hobbtors, ye Reapes, & Black Edge, y^e "nearer Ball-greave, & the further Ball-greave, Knowle, & y^e "Durrante Loe, & Nun Brooke, Haagshaw, & Corbor, soe farr "as our right of Comon joynes together till they were "disturbed by y^e Relator Thos. Eyre."

A Meeting was held 28 Feb^r 170⁵/₆ by the Freeholders in the Townships of Bowden & Chapel, for the better management of public affairs, & the following Rules were Agreed to by those whose names are subscribed.

1. Whosoever shall bury any person in Linen contrary to a late Act of Parl^r shall pay 50^{sh} to the Overseers of the poor "w^{ch} shall be disposed on toward y^e putting forth "of a poor child Apprentice pursuant to an order made "18 June 1703 by two Justices of the Peace."
2. That whereas several not only Inhabitants but Parishoners abuse the Commons by putting thereon a greater number of cattle than their proportion of Land will bear whereby others have little or no benefit of the Freeholders part It is agreed that for ye year ensuing & until a better method can be found out that the Co^mons in Bowden & Chappel shall be stinted according to the proportion everyman's Lands will bear viz. 2 sheep to every 20^{sh} Annual Value & 5 Sheep to a beast 1 beast $\frac{1}{2}$ to a Horse & so proportionally for other Cattle.
3. That persons should be chosen vpon Easter Tuesd^y to assist in making Assessments Inspecting Accounts & other such matters.

And if any, whose names appear below should act contrary to the above Agreement 20/ for each offence will be paid by them for the Poor.

Signed by John Shallcross Thos. Bagshaw Henry Bradshaw
 Sam Bagshawe John Carrington W^m Cooper Ger. Buxton
 Geo. Allen Thos. Gee Peter Gascoign Henry Mellor
 Rob^t Thornhill Thos. Meller Nicholas Cresswell Arnold
 Kirk Thos. Moulst Adam Fox Edward Warrington John
 Bennet of Silk Hill Geo. Kirk Thos. Kirk of Whitehills
 Thos. Harrison Ed. Garnet Thos. Kirk [? of the] Hollin
 Nicholas Lumhouse John Morten Anthonie Bluebot Geo.
 Bagshaw Henry Trickett Thos. Barbut.

At a Meeting held 26 March 1706 the following were appointed to inspect the accounts—

For Bradshaw Edge Mr. Ger. Buxton Thomas Gee & John Bagshaw for Bradshaw—For Bowden Edge Nich. Cresswell Thos. Meller—For Combes Edge Henry Kirk & Geo. Allen.

Signed by Rob Ollerinshaw.

Philip Marchington.

1704.

Bowden—Chapell.

We y^e Freeholders within ye Townships & Hamlets of Bowden Chappell &c. within y^e Mannor or Lordsp of High Peak in the County of Derby whose hands are here subscribed do for ourselves severally our several Heires executors & Administrators mutually & reciprocally promise & agree each with other That for y^e perpetual quieting settling & establishing of our Title Interest & demands of in & unto the Moiety of y^e waste & commons wthin y^e said Mannor or Lordsp as they are now set out & sett to us and the rest of y^e ffreeholders of y^e said Town & Hamlets as their shares & proportions belonging to y^e ffreehold estate there so as y^e saide moiety of ye said wasts & commons afore-said may not hereafter in any maner or on any pretence be liable or subject to any claim or demand of Her Majesty's heirs or successors that a grant thereof under the Seale of ye Dutchie of Lancaster shall be forthwith had & procicuted wth w^t convenient speed may be & y^t such grant shall bee made and passed to A B C D E & their heires as to ye sevrall & respective Shares proportion & interest thereof & therein & we do furdur for ourselves severally & our Several heires executors & Administrators likewise mutually & reciprocally Grant & agree each to other to pay our respective shares & proportions of y^e charge of prosecuting & passing y^e said grant according to y^e Rates & proportions we pay

in our Taxes & Assessments for our Lands & Tenements within ye said Townships and Hamlets aforesaid as the same shall be demanded from time to time for the purpose aforesaid w^{ch} said Rates & proportions of and for the said Land & tenements we do hereby mutually and reciprocally agree as aforesaid shall be rated assessed & ley'd from time to time be made by A B And it is further agreed by & between all y^e said parties to these Presents that y^e said A B C D E &c. or the majority of them & their heirs shall & may at their descretion manage & lay out the s^d several sums of money so assesed as aforesaid Provided always that if any sum or sums of money shall be assesed & gathered that shall remain over and above w^{ch} shall be paid to y^e uses aforesaid that then & in such case all such sum or sums of money shall be repaid to y^e P^rsons & Townshipp respectively according as the sums now assessed & gathered—For Witness whereof we have hereunto set our Hands this 4th Day of December Anno Doñ 1704.

Sam^l Bagshaw Geo. Thornhill Thos. Gee John Bennet Thos. Harrison Ar. Kirke Geo. Allen Thos. Kirke Anthonie Ward Tho. Mosley John Bennet [? of] Silkhill James Carrington Anth. Bellet sen^r Robt Bagshaw Robt Morten John Walker Thos. Meller.

Something of a method for stinting the Common within the Chappel Parish for y^e year 1706.

Suppose 5 Sheep to a whole Beast. A Beast and halfe to a Horse so in proportion to all younger cattel & horses And 2 Sheep gates to every Pound according to their accustomed Rents or value of their respective Lands Farms &c. Q. For a man to be hired by the payment of a farthing or $\frac{1}{2}$ ^d for a sheep gate to look that everybody doth right & to drive other sheep away that have no Title there By this means I hope (they) that have not sheep or cattel of their own may dispose of their gates or part of them to others.

Q. If it were not requisite at Lady Day or Mayday to give an Account to y^e Heardsman what Cattel & Sheep be put on, & whose they are, and take care they are marked regularly.

Freeholders part of Common is $973 \overset{A}{.} \overset{R}{I} \overset{P}{.} 9$

One ley is £9 . 6^s . 7^d $\frac{1}{2}$

Wthout Common w^{ch} have no part about £9.

Value of y^e whole Chappel Parish according to y^e Assesment of 1^d per £ is £2160.

Qu. How many Acres to keep a Beast?

Chapel=en=le=frith Enclosures.

From a MS. in the possession of W. H. G. Bagshawe Esq^r of Ford Hall.

Dated 25 June 1711.

Between Adam Bagshawe Radulph Nicholson
George Kirke of Bowden Middlecale Gent
James Cheetham of Mellor & Richard Bagshawe of
Hope Gent.

Adam Bagshaw jun^r of Wormhill Gent
Rowland Swann William Ferne Joseph Fearnle
Johan Dakin Nich. Hill de Fearfield Gent
Edmond Warrington, & Henry Longden of Fearnlee
Arnold Kyrke of Bowden.

The Petitioners set forth that Charles I in the tenth year of his reign was seized in fee of the Manor of the High Peak & of the ancient forest or Chase & that they wishing to be freed from the severity of the Forest Laws & the incomodiousness of Deers lying & feeding in their Corn & Grass & other inconveniences did petition his late Majesty Charles the First to improve the sayd waste, & who accordingly appointed a Commission to say what part to the King & what part to the people.

1640. That the Forest was disforrested & the Deer destroyed
1640 but nothing further was done in consequence of
the Civil Wars. Charles II. granted his share to the
Earl of Chesterfield in trust for Queen Catherine and
Thomas Eyre by some grant from the Queen obtained
1684. them at a Yearly Rent, 1684 including Waste Lands in
Castleton Hope Bradwell Wormhill Bowden Chapel
Shalcrosse Fairfield Fernelee Mellor Thornhill & Aston.
1711. In this tenth year of Queen Anne 1711 the Chancellor
decreed that the Plaintiffs & all other the said Tenants
Freeholders & Copyholders of these several Townships
may for ever hereafter peaceably enjoy their Moiety of
the said Commons &c. and the Soyle thereof.