

ART. IX.—*Some early Furness records.* By F. BARNES,  
B.A., F.L.A., and J. L. HOBBS.

*Read at Kendal, September 12th, 1957.*

#### INTRODUCTORY.

THE late Edward Walker was a native of Ulverston and lived there for many years until early in the present century he moved to the Manchester area where he resided for the rest of his life. His keen interest in the history of the Furness district remained undiminished and we came into contact during his later years and commenced a correspondence (in which our member Mr J. Melville also took a share), only terminated by his death in November 1946 at the age of 89.

During his Ulverston days Mr Walker was engaged in the legal profession, and from 1882 until 1902 was deputy steward of ten Furness manors, at first under the stewardship of his father, and afterwards under Thomas Woodburne. It was usual for the stewards to have custody of the manorial records, including in this case, those of the Four and Twenty of Dalton-in-Furness. Some months before his death Mr Walker told me that during the time he had access to these documents he had transcribed a number of entries from earlier records. A typescript copy of his notes was enclosed, with an invitation to make use of the material.

As it appeared to be of value, a copy was deposited in Barrow-in-Furness Public Library Local Collection, and has proved of help to students. Items were also used in lectures, and I hoped it would be possible to publish some of the transcripts locally, but this suggestion met with no success. In 1954, however, Canon C. M. L. Bouch asked me certain questions relating to the powers and duties of the Dalton Four and Twenty, and with my

reply I sent him the Walker MS. He found it of interest and suggested that a selection of the items would be acceptable for *Transactions*. Unfortunately, the matter had to be delayed for various reasons, but the present paper was completed early in 1957.

All efforts to trace the whereabouts of the original records have failed. A check has been made at the Public Record Office but the earliest local records of the type appear to be a series of court rolls of the Manor of Muchland extending from 1603 to 1731, a few items from which were transcribed by the late W. B. Kendall and published in B.N.F.C. xx 86 f. Mr Walker thought that they had passed into private hands, and doubted whether they still existed. If so, this may be an additional justification for putting into more permanent form the information he preserved.

J.L.H.

#### THE FOUR AND TWENTY OF DALTON-IN-FURNESS.

The origin and constitution of this autocratic and self-appointed body (sometimes known as the "Sidesmen"), have been referred to by the late P. V. Kelly (CW<sub>2</sub> xxix 331 f.), who probably had discussed the matter with the late W. B. Kendall, for his beliefs agree with the opinions expressed by the latter in various notes (Barrow Public Library: W. B. Kendall Papers).

From Mr Kendall's remarks it would appear possible that he himself had seen some of the early records, for he pointed out that during the reign of Henry VIII the business transacted by the Four and Twenty remained principally manorial and only slightly parochial, but in the reign of Philip and Mary they were called upon to appoint four road surveyors and to oversee the repairs to the highways, while in Elizabeth I's reign they became the administrators of the Poor Laws. Thus, as their

manorial duties lessened, their parochial duties increased until, on 5 April 1697 they reorganised themselves and became primarily a parochial body, assuming a code of Rules and Orders as recorded in a "*Book given by Thomas Richardson for the use and Benefitt of the Parish of Dalton in the year y<sup>e</sup> 5th of Aprill 1697, being Easter Monday*", which apparently was originally in Dalton Parish Chest, but whose present whereabouts is uncertain; a partial transcript, including the code, made by the late Harper Gaythorpe is preserved in Barrow Public Library. This code as revised on 17 May 1714, is quoted (together with other notes and 18th-century extracts from the records of the Four and Twenty), in *John Tyson: Dalton-in-Furness Local Board. Abstract of Accounts . . . 1887. 99-115.*

The Walker transcripts cover a period from 1573 until 1721, but about half deal with fines on admittance, rents, etc., connected with property transfers and it has been thought unnecessary to include more than a few typical examples. It is of interest that it would appear from the lists of names given, that the Four and Twenty did not always constitute themselves strictly in accordance with their title.

[Note. Mr Walker stated that some of the documents were not easy to decipher, and his difficulty in preparing a typescript clearly was increased by the necessity of working from notes (possibly only pencilled) made about fifty years earlier. His transcripts of the various Latin formulae contain some obvious errors, fortunately never serious enough to obscure the meaning; generally therefore, only the English translations are given. The earliest Dalton record, however, which defines exactly the functions of the Four and Twenty, is so important that an effort has been made to reconstruct the original, but as a check of the accuracy of this reconstruction, Mr Walker's transcript is given here verbatim:

LIBER QUORANDUM STATUTOR. WET NON ORDIN  
 Concordat facte et posit p Johem Preston armig Wet non XXIII  
 Parrochie de Dalton in ffourneis & ani pro Manten Crche  
 pochialis de Dalton predca quam pro re publica et comoditat  
 pochie p'dic. Ao Dom 1573.

die venerib vide XXVI die Octobris Anno Regina ELIZABETH  
 Dei gra Regine Anglie ffrance et hibrnie fidei Defens rn Decimo  
 quinto, Anno Dm. 1573.

Statut et ordin fact et posit per supra nomt Joheni Preston  
 Armigeri Nec non p XXIII pochiers Super facwn sum quor  
 noia hir sub pribunt<sup>r</sup>.]

LIBER QUORUNDAM STATUTOR' NECNON ORD-  
 IN' Concordat facte et posit p' Johem Preston armig'  
 Necnon XXIII Parrochie de Dalton in ffourneis tam pro  
 Manuten' Eccl'ie p'ochialis de Dalton predca quam pro  
 re publica et comoditat' p'ochie p'dic. A° Dom 1573.

die veneris vide XXVI die Octobris Anno Regine  
 ELIZABETH Dei gra' Regine Anglie ffrance et hibernie  
 fidei Defens' &c Decimo quinto, Anno Dni. 1573.

Statut' et ordin' fact' et posit per supranom<sup>t</sup> Johem  
 Preston Armiger' Necnon p' XXIII p'ochianos Super  
 sacmn suu' quor' noia hic subscribunt<sup>r</sup>.

(Register of certain statutes and decrees agreed, made  
 and laid down by John Preston, armiger, and also the  
 Four and Twenty of the Parish of Dalton in Furness, both  
 for the maintenance of the Parish Church of Dalton afore-  
 said and for the government and convenience of the afore-  
 said parish. A.D. 1573.

Friday, 26th October, 15th year of Queen Elizabeth,  
 D.G., Queen of England, France and Ireland, F.D., etc.  
 A.D. 1573.

Statutes and decrees made and laid down by the above-  
 mentioned John Preston, armiger, together with the Four  
 and Twenty Parishioners, whose names, on their oaths,  
 are hereunder written.)

Nicholas fflasbie	} Jur.	Thomas Sand <sup>r</sup> sone Sen	} Jur.
Johes Ric <sup>'</sup> son		Roger Wyld	
Leondus Rawlinson		Rob <sup>t</sup> Colton	
Lawrence P <sup>'</sup> ke		Will <sup>m</sup> Bolton	
Willm Bolton		Jacobus Stainton	
Johes Leece		Edwardus Bolton	
Richardus Ruskyn		Willm Shawe	
Richardus Besbrowne		Thomas Sand <sup>r</sup> son Jnr	
Willm Wells		Matheus Banke	
Richardus Banke		Jacobus Walshma (?)	
Richardus Chamer		Alexand <sup>r</sup> Staynton	
Richardus P <sup>'</sup> ke		Richardus Gaytskall	
Thomas Huddleston		Roger Dawson	
Richardus Hunnt <sup>r</sup>		Roger Gibson	
Johes Nailor		Milo Mount	
		Robtus Whinwaraye	

Ffirst the said John Preston Esquire and the said XXIII pshrs constytuted appoynted and made Church Wardens for this p'sent yere these.

Rob<sup>t</sup> Hartley of . . . . .

Rob<sup>t</sup> . . . . . [illegible]

*Statut vel ordin facte p XXIII.*

ITM. It is ordered that any suche tenn<sup>t</sup> or tenn<sup>t</sup>s as shall well & sufficientlye reapyre and maynteyne their saide howses in all mann<sup>r</sup> rep<sup>r</sup>acons it shalbe Lawfull for the same suche tenn<sup>t</sup> or tenn<sup>t</sup>s so Doinge to assign his or their howses & Lands to one of his children PAYING suche fyne for the same as shalbe appointed by the XXIII for the tyme beinge.

ITM. It is further ordered that when any tenn<sup>t</sup> of the p<sup>r</sup>misses shall Dye seised of anye the said howses & Lands That then his Wife shall have & enjoye the third parte of the same Duriinge her Widoweheade.

PROVIDED alwayes that it shalbe Lawfull at all tymes hereafter for the said XXIII for the tyme beinge to Assign any poore impotent pson A Bedde

rowme in the said p<sup>r</sup>she howses or Anye of theym at their Discrecon upon neede shall require.

FOR THE COLLECCON OF THE CLARKES WAYG.

Whorsver it is ordered by the said XXIII<sup>th</sup> of the pshe That the grave of eny towne w<sup>'</sup>thin the same p<sup>r</sup>she for the tyme beinge shall ffrom hensforthe & yerely at tymes usuall collect and gather the clarks wayg And in Dalton the Churchwardeyns there for the tyme beinge in lyke man<sup>r</sup> to gether the same And the same so collected & geathered to be paid & Deliverd yerely to the churchwardens of the same p<sup>r</sup>she for the tyme beinge.

ITM. That everie one kepinge a fyre w<sup>'</sup>thin the said p<sup>r</sup>she of Dalton (extra ville) shall paye yerely to the wayg of the clerke & Beadsman III<sup>d</sup> except cotagers and they to paye yerely towards the said wage eny of them II<sup>d</sup> And that eny one kepinge A fyre w<sup>'</sup>thin the towne of Dalton shall paye yerely towards the said wages III<sup>d</sup>.

THE NAMES of the XXIII<sup>th</sup> written the

*Last of November 1579.*

John Ric <sup>d</sup> son	}		}		
Will <sup>m</sup> Bolton					
James Gibson					
John Leice					
Alexander Fflasbie					
Lawrence Besbrowne					
Leonard Rawlinsong		Jur.		Rog <sup>r</sup> Dawson	Jur.
Lawrence Parke				Rog <sup>r</sup> Gibson	
Ric <sup>d</sup> Chamber				Ric <sup>d</sup> Gaytskell	
Ric <sup>d</sup> Bankes				Myles Mounte	
Ric <sup>d</sup> Hunt <sup>tr</sup>				Will <sup>m</sup> Ric <sup>d</sup> son	
Robertt Hartley				Will <sup>m</sup> Bolton	
John Winwarey				Robert Winwarey	

AND further it is ordered that Lawrence Parke Alexande<sup>r</sup> fflasbie & Rog<sup>r</sup> Dawson shall goe with the Churchwardens

of Dalton to see that the Church and the Tenntts howses w'thin the town that Doithe Paye Dutie & shall see in what order they are. And if anye Defalte be to make them Tenntably before michaelmas next. And this to be Done before Easter sub pena III<sup>s</sup> IIII<sup>d</sup>.

*Meeting held VIII daye of Ffebruary 1580.*<sup>1</sup>

It is this daye ordered by the XXIIII<sup>ty</sup> that those of the said XXIIII shall Appoynt suche substantiale Churchwardens w'thin their severall birelawes as the(y) will Annswere for. And that one of the said Churchwardens to kepe the money and Another to kepe the booke of their Accompt<sup>t</sup>.

It is ordered by the said XXIIII<sup>ty</sup> that the Churchwardens for the Tyme beinge shall Alwayes make their Accompts upon Michaelmas Daye or w'thin VI Dayes ffollowinge upon paine of eny due VI<sup>s</sup> VIII<sup>d</sup>.

And further it is ordered that Every Noble rent in this prshe shall paye I<sup>d</sup> yerely towards A scolmaister Duringe the terme & space as the XXIIII<sup>ty</sup> shall thinke good And the same to be paid w'thinn two monthes after the scolmaister enter to teache.

And further that no Churchwardens shall have any allowance w'thin this p'she And that they shall have II<sup>d</sup> allowed for getheringe of ye rent & their Expences at the makinge of their Accompt And the clarke to have III<sup>s</sup> IIII<sup>d</sup> for kepeinge the new booke & writtinge the accompt.

*6 January 1581*

It is this p'sent Daye ordered by the XXIIII<sup>ty</sup> sworne for the wealthe of the P'she y<sup>t</sup> no p'sons after this Present Daye Doe feill carrye or Beare out of Any of the quenes Mat<sup>ies</sup> Woods w'thin this p'she Any manner of Woods or

<sup>1</sup> This heading will not be repeated again and dates will be given in modern style.

Underwoods aft<sup>r</sup> the sonne sett or before the sonne Ryse upon payne of VI<sup>s</sup> VIII<sup>d</sup> for evry tyme.

It is also ordered the same Daye y<sup>b</sup> no p'son nor p'sons shall goe into Anye of the Woods aforesaide to the intent to fell carrye or Beare Away Any kynde of Wood or Underwoode upon the Saterdaye or upon the heade courtt or Byerley Daies upon paine of VI<sup>s</sup> VIII<sup>d</sup> for evry offence.

*28 May 1595*

Whereas an order heretofore hath beene sett downe by the XXIIII<sup>ty</sup> that everie one in the p'she without the towne of Dalton keepinge a fyre should pay yearly to the Clark wages IIII<sup>d</sup> and likewise everie wydow IIII<sup>d</sup> except Cottagers and they to pay yearly II<sup>d</sup> and w'thin the towne of Dalton everie one keepinge a fyre to pay III<sup>d</sup> yearly both wydowes and others And whereas Diverse complaints hath beene made against the same order by Diverse poor wydowes and other poore people It is now this present Daie considered of and also ordered by Mr Steward and the XXIIII<sup>ty</sup> That everie tennte w'thin the saide p'she of Dalton (extra ville) shall from henceforth pay yearly to the wages of the Clark IIII<sup>d</sup> except the poorer sort of women wydowes mens sons beinge marryed keepinge a fyre Cottagers and hirds and they to pay yearly towards the said wages everie one of them II<sup>d</sup> And that everie tennte keepinge a fyre w'thin the towne of Dalton shall pay yearly to the said wages III<sup>d</sup> and everie poore wydowe and other byhould II<sup>d</sup>.

*11 October 1600*

It is this present Daie ordered by Mr Steward and the XXIIII<sup>ty</sup> That if any Tennte or occupyer w'thin this P'she Doe refuse to stand to such order as shallbe at anie tyme hereafter sett downe by the Steward and XXIIII<sup>ty</sup> for the weale of this p'she of Dalton That everie Tennte and occupyer refuseinge so to doe shall forfeitt and loose to her Mat<sup>s</sup> use VI<sup>s</sup> VIII<sup>d</sup>.

*4 February 1606*

It is this Daie ordered and agreed by the XXIIII<sup>or</sup> of the prsh of Dalton wch now is That francis Preston of the pkhowse gentleman in consideracon of the buildinge of a fyne howse now in the occupacon of Richard Coulton shall have one halfe Burgage one garth and a Rood of land situat lyinge and beinge in Dalton of the yearly Rent to the pshe of Dalton VI<sup>s</sup> VIII<sup>d</sup> and to the Kings Ma<sup>tie</sup> XVI<sup>d</sup> Which halfe Burgage garth and Rood of land is now in the tenure and occupacon of the said Ric<sup>d</sup> Coulton to the use of Thomas Bowes son of Richard Bowes Deceased he the said Thomas payinge the Rents and Dueties therefore Due and of right accustomed accordinge to certaine orders sett downe heretofore by Mr John Preston Esq<sup>r</sup> Deceased and the XXIIII<sup>or</sup> at that tyme beinge for the parrish howses & landes And that it shalbe lawfull for the said Thomas Bowes to assigne the said halfe Burgage garth and Rood of land to one of his children accordinge to the same orders And further it is ordered and agreed by the same XXIIII<sup>or</sup> wch now is That if the said Thomas Bowes dye before he come to the possession of the saide halfe Burgage garth and Rood of land That then John Bowes brother of the said Thos shall have the saide halfe Burgage garth and Rood of land accordinge to the said orders sett downe for the same prshe howses and payinge the Rents and Dueties and keepinge reparacon accordinge to the same orders Provided alwaies that this order shall not be hurtfull to the said Richard Coulton nor to his Wyfe in the quyett occupacon of the said halfe Burgage garth and Rood of land but that he the said Ric and his (wyfe?) may occupie the same accordinge to the same orders.

*8 July 1607*

It was ordered the Daie and yeare abovesaide by Mr Steward and the XXIIII<sup>or</sup> of this prsh That all the ffarmers of the psch howses in Dalton shall from hence-

forth by appoyntment of the Churchwardens work and Doe such convenient labour for the carriage of such things towards the repairinge of the Church or Church Walles or other matters for the benefitt thereof as they shallbe thereunto indifferently required and called by the saide Churchwardens accordinge to their abilities upon paine of everie one neglecting the same to forfeitt XII<sup>d</sup> to thuse of the Church.

*3 April 1621*

The same Daie it is ordered by the XXIII<sup>or</sup> of this pshe That everie tenant within this parrish or occupyer of a whole tenem<sup>t</sup> shall send unto the Church yearlie upon publique monicon or warninge of the Churchwardens one burthen of rushes for furnishinge the Church accordinge to a former order upon the paine of VI<sup>d</sup> p quolibt Defect And that the Churchwardens yearly for the tyme beinge shall for their severall Byerlayes Delyver unto the XXIII<sup>or</sup> a perfect note of all such as shall offend contrarie to this order upon the ffeast Daie of St. Bartholomew upon paine of VI<sup>s</sup> VIII<sup>d</sup> p quolibt Defect.

The same Daie it is ordered by the saide XXIII<sup>or</sup> That everie Churchwarden called out of the parrish by the Justices of the Peace Official or other Magistrate (not one of the L'bties of ffourneis) for any matter concerninge the parrish in general shall have III<sup>d</sup> allowed for every Daie and no more And that the Churchwardens shall in their account yearly explaine their severall occasions for everie p'ticular journey for the better and more p'fect observacon thereof sub pen VI<sup>s</sup> VIII<sup>d</sup> p quolibt Defect.

*24 February 1628*

Also it is ordered the daie and yeare abovesaide That Richard Tyson shall have and enjoye One Burgage howse and Halfe an Acre of ground belonging to the Church late in the possession of John Casson And that he shall pay for his ffyne XL<sup>s</sup> in manner following vizt at Easter

nexste XX<sup>s</sup> and at Easter which shall be Anno Dom 1630 XX<sup>s</sup>.

*5 June 1655*

It is this day ordered by the foure & twenty that two whole Quindene shall be collected & gathered through this pish by the Churchwardens for repair of ye Church And the same shall be imployed for such necessarie uses about the Church as ye Churchwardens with some of the 24<sup>or</sup> shall think fitt And that such as refuse to pay shall be proceded against according to law.

Also it is ordered that whereas the leades of the steeple are impaired by John son of John Jackson & Ja<sup>s</sup> Lowther servant to Thomas Taylor elder the Churchwardens shall repaire ye saide leades & such charge as shall be expended in repaire thereof shall be paid by them their fathers or masters.

*4 April 1670*

It is ordered by the foure & twenty that Thomas Taylor shall have & enjoy that Burgage howse & acre of land belonging to the Church late in the possession of Willm Taylor his father deceased according to the order of the foure & twenty & shall pay for his fine thirteene shillings six pence.

*14 April 1672*

It is this Day ordered by Mr Steward & the 24<sup>or</sup> of this pshe that the sexton shall have for makeing every grave in the Church & Churchyard IIII<sup>d</sup>.

*5 April 1673*

It is ordered the Day & yeare abovesaid That William Denny shall have all that parish house late in the possession of Richard Postlethwaite of the yearly rent to the parish of III<sup>s</sup> IIII<sup>d</sup> & XVI<sup>d</sup> to the Landlord of the Mannor of Dalton according to the orders of the foure & twenty and shall pay for his fine only VI<sup>s</sup> VIII<sup>d</sup> at Easter nextt in regard that the house is downe.

*20 April 1674*

[Note by Mr Walker: The following item is the only entry of a mortgage and is crossed out as though it was intended to be deleted with the exception of the final clause, which appears to have been left on record.]

Issabell Parke late wife of Lawrence Parke of Dalton Widow in consideracon of the sume of Twenty pounds by her Bill in writinge under her hand & seale bearing date the XXIV<sup>th</sup> Day of November in the one & twentieth yeare of King Charles the second Anno Dmi 1669 Demysed & mortgaged unto James Mayor her Son in law of Dalton cordwainer (by consent of the foure & twenty of the pish of Dalton or the Maior pte of them) All that her Burgage howse and acre of land with thapprtnces To have & to hold from yeare to yeare dureing the non payment of the said Twenty pounds as by the said Bill more at large appeareth which Bill was shewed to the foure & twenty the Day & yeare abovesaid and by them allowed & approved of.

Satisfacon of the above naymd mortgage Confessed and acknowledged by James Mayor above mentioned the XXV<sup>th</sup> day of ffebruary Anno Dom 1682

before me

ANTH. TURNER

Vicar of Dalton.

*12 April 1680 .*

Persons appointed to goe alonge with Mr Turner to collect the voluntary contribucons of the Parishioners towards makeinge upp a certaine Salary for the Schoolemaster.

In Yarleside Bierley

Mr Robt Buskell  
Mr James Hunter

Hawcoate Bierley

Mr Jo. Wilson  
Mr Peter Richardson  
Mr Will<sup>m</sup> Marshall

Abovetowne

Samuel Jackson  
Will<sup>m</sup> Shaw

Dalton

John Gaitskell  
Leonard Gibson  
Richard Postlethw<sup>te</sup>  
Tho. Denison

This Day Ordered by the 24<sup>ty</sup> That the money collected (by the p<sup>'</sup>sons before named) in this pish shall goe towards making upp 150<sup>li</sup> for a Salary of a Schoolmaster for the future. And that every Schoolmaster hereafter to be elected shall before his admittance to be Schoolmaster give bond that hee shall not trouble or sue the foure & twenty or any other of the pish for any further certaine yearly allowance than in p ann the interest of 150<sup>li</sup>.

Mr John Wood is elected Schoolm<sup>r</sup> from the 3rd day of may 1680.

*31 May 1680*

This Day ordered by the 24<sup>ty</sup> That Robert Gibson Sen<sup>r</sup> shall have & enjoy one halfe Burgage house & onset in Dalton w<sup>th</sup> one Rood of Land on ye Backside thereof to him & his heires according to the Last will & Testament of Hen Coward Dated ye 13<sup>th</sup> of february Ano. 1679 being of ye yearly Rent of three shillings & he to pay for his ffine 00<sup>li</sup> 09<sup>s</sup> 06<sup>d</sup> at Whitsuntide next.

*4 January 1688*

Whereas the ancient Vicaridge house of this parish is now much out of repaire and Mr Turner the present Vicar is willing to remove ye same to A fitter place & rebuild A hansome service and Dwelling house instead thereof It is this day ordered & agreed by ye 24<sup>ty</sup> of this parish of Dalton That the present Churchwardens shall w<sup>'</sup>thin their respective Devicons as soon as conveniently may be goe to the severall inhabitants of such Devicons to aske &

desire the voluntary Contributions they will be free & willing to bestow towards the rebuilding the sd Vicaridge House & makeing ye same more usefull and inhabitable.

*16 May 1692*

Its then agreed & ordered by ye Twenty four that Mr Jo: Myers now Schoolmaster shall for the year now next comeing have & receive to his own use all the Parish rents being 2<sup>l</sup> 16<sup>s</sup> 2<sup>d</sup> as an Augmentacon to his sallary for ye year /92.

*29 May 1721*

A Deed then allow'd by the ffour and Twenty of the parish of Dalton ye 19<sup>th</sup> of Nov<sup>r</sup> 1720 made from Willm Browne to Will Skelding of a Parishing house and Onsett and halfe an Acre of Land in Dalton ffields of the Yearly Rent of 3<sup>s</sup> 8<sup>d</sup> And Asses'd for his ffine seven shill<sup>s</sup> and ffour pence.

[Note by Mr Walker: The above is the last entry in this book although there are many blank sheets following.]

#### THE MANOR OF MUCHLAND : RECORDS OF COURTS HELD AT ALDINGHAM IN FURNESS.

[Note: In the typescript of his Muchland notes Mr Walker seems largely to have modernised the spelling, leaving only occasional words indicative of the original.]

HELD FRIDAY next after the FEAST of St. MATTHEW  
in the 25th Year of HENRY VIII [1533].

The Widow of Christopher Brownrigg of Lindal by John Richardson her Attorney complains against Christopher Gardner of Gt. Urswick Thomas Fell of Little Urswick William Hertell Junr. of Adgarlie & John Marshall of Stainton Church Wardens of the Prish Church of Urswick in a plea of debt of 25/- being the stipend of one Robert Brownrigg priest son of the said

Widow which 25/- was due to the Widow by the last Will of the sd Robert.

4th MARCH, 36 HENRY VIII [1544/45].

The Jurors say and present that whereas heretofore unlawful markets have been used to be kept at the Parish Church of Aldyngham and Urswicke upon Sundays and other solemn feasts that from henceforth no such markets shall be kept at the said Churches with nothing that shall be sold there before mass be done and if the Churchwardens of any of the said Churches do suffer the contrary every Churchwarden to loose 4d for every time that they suffer the same to the use of the Church.

23rd MARCH, 37 HENRY VIII [1545/46].

The Jurors put a penalty that none within this Lordship shall keep no Cards in his house under a penalty of 6/8d nor suffer no man servant to play at Cards but in Crysmis within their house under a penalty of 20s and he that playeth to loose 13/4d.

23rd APRIL, 1 EDWARD VI [1547].

The Jurors order that no one within the Lordship shall from henceforth suffer any children or any other man or woman to come into any mans garden to get no fruit under a penalty of 3/4d of their neighbours.

9th MAY, 1 EDWARD VI [1547].

The Jurors say and present Thomas Pole for a slander made upon Edward Park and his Wife and said the said Edward and his Wife put fitch cloths which had been infected with Plague in a house in Broughton to the damage of 6/8d except that he prove her saying to be true.

And stated by Nicholas Atkinson of Stang End because of the statement thereof by the said Thomas Pole had of the said Edward Park for to lay in the said clothes fined except he can prove her saying to be true to levy 6/8d.

19th OCTOBER, 1 EDWARD VI [1547].

Ordered that none within the Manor shall lodge or entertain any evil woman within their dwellings and that a woman named Valafere now wife of George Manseman had so done under a penalty of 6/8d.

9th OCTOBER, 3 EDWARD VI [1549].

Presented that Robert Dobson of Scales hath an unlawful brown dog and that he be hanged or put away in six days under a penalty of 3/4d.

5th FEBRUARY, 1 & 2 PHILIP & MARY [1554/55].

Ordered that if any Tenants in the town of Stanton do hereafter speak any evil words or mischief themselves one with another to forfeit for every time so proved 6/8d & it is to be levied dividedly.

17th MAY, 1 & 2 PHILIP & MARY [1555].

Presented that the Parson of Aldingham called Robert Brokkes for because he would not make cost for the defense of the Parsonage and the Glebe of the same upon a wall which is now cast down by the tempest of the sea the said Parsonage with a Gt. part of the glebe be now like to be destroyed and also the Churchyard & also he detaineth in his hands the King's alms money for the same for the space of four years last past.

2nd JUNE, 1 & 2 PHILIP & MARY [1555].

It is ordered that all manner of persons which be able shall come into Church unto the service of God upon the Holy days in due time or else they to be in the fine to the Church for every time so offending 4d.

3rd JULY, 1 & 2 PHILIP & MARY [1555].

At this Court comes Myles Kytchin & declared in open court & said that John Marshall and his men did say that he did steal a neyt of Dudyn Sand.

And also that John Marshall declareth that Myles Kytchin did call him false thief and that he did steal a

lamb in Plumtter & the Steward hath demanded them severally to keep the peace between the parties upon the pain of 40s apiece.

16th SEPTEMBER, 3 & 4 PHILIP & MARY [1556].

The Jury present William Waller for breaking into the house of Thomas Waller bearing a naked fork in his hands and put the said Thomas his Wife and their child in fear of their lives contrary to the command of the Steward.

5th OCTOBER, 4 & 5 PHILIP & MARY [1557].

The Jury present the tenement of the late Thomas Gardner of Dendron has ppullyd [*sic*] to divers persons contrary to our custom & that the Widow hath not the third part wherefore we find upon our Oaths that the Widow shall from this day occupy the third part that her husband was tenant of without any pain paying saving the Kings & Queens rent.

[no date] I ELIZABETH [1558] Before Rd. Curwen  
& Chr. Gardner.

The Jurors presents that by a tempest of the sea on the 26th March otherwise called Easter destroyed 60 acres of land between the Queens Park called Sea Wood Park and Sery Dyke<sup>2</sup> to the great damage of the Tenants joining to the same & like to decay the Queens Majesty's rent if there be not remedy made for the same.

The Jurors present that the Church Yd wall of aldingham is destroyed with the sd Tempest & if there be not remedy made for the help of the same it shall destroy the Glebe Lands adjoining to the same & the Parsonage in debt of timber & slate. That if there be no remedy made for the same time it will destroy 100 acres of the Meadow called Deep Meadows which is of the rent of £20 by year.

That Seray Dyke is stopped by the sd tempest and it

<sup>2</sup> i.e. Sarah Beck, a boundary in the form of a drainage ditch between Muchland and Plain Furness.

to be scoured by the Tenants of the Manor of Furness before the feast of P & J next by compulsion that hath been betwixt the sd Lordships made in times past by consent of all the tenants of both Lordships.

That Sery Dyke is stopped with the sd tempest and it to be scoured by John Chamber Sr. & John Chamber Jr. before the feast of P & J next under a penalty of 3/4d.

25th SEPTEMBER, 1 ELIZABETH [1559].

It is ordered that the tenants of the Urehend of the town of Urswick shall not drive their beasts to the Nederhend nor the Nederhend to the Urehend till all the corn be in the house upon the pain of every time that they so drive to forfeit 6/8d.

15th OCTOBER, 3 ELIZABETH [1561].

Ordered that no man shall keep no carding in his house nor codying nor peny prike nor nottrakes playing for bread nor nayles under a penalty of 20/-. Those that plays & he that keeps the cards & house 40/-.

7th JANUARY, 13 ELIZABETH [1570/71].

Richard Ashburner to keep the Great Seal & it to be brought into Court at the choosing of the Collector.

19th MAY, 14 ELIZABETH [1572].

We find that every mans arms have been taken forth to the wars & not brought again wherefore if it pleased Mayster Steward it may be commanded that every man to have it ready & his able horse by a day that he likes it.

16th MAY, 16 ELIZABETH [1574].

Present William Sawray Vicar of Urswick for gaming & playing at the cards & dice in his own house upon the Sabbath day in the time of divine service & that he had there accompanied him as well Leonard Corker Edward Jackson & divers others.

Adjourned for a time for consideration.

2nd MARCH, 17 ELIZABETH [1574/75].

It is ordered that where this Lordship is overcharged with valient beggars we do present that neither pipers nor other minstrels nor no young men nor young women nor no other dwelling without the Lordship except they bring a testimonial from a Justice of the Peace what the cause is of their going & the same to be levied by the Officer of this Manor if the Constables do suffer any such to go not punished every time to levy  $3/4d$  & the giver 6d for we consider it does take away the alms that should be given within this Lordship being dwellers here according to the Queens precedents.

14th NOVEMBER, 19 ELIZABETH [1577].

It is ordered that if any person do call the bailiff robber or rever & cannot prove it to be in pain every time so proved  $6/8d$ .

17th MARCH, 33 ELIZABETH [1590/91].

Presented that none within this Lordship shall play at Football Giggles or bowls or any other unlawful games within the same under a penalty of  $3/4d$ .

19th MARCH, 37 ELIZABETH [1594/95].

It is ordered that the Constables of every township within this Manor shall view every mans armour within the several townships before Easter next and to present at the next Leet Court how it is & where decay or want is.

It is ordered that the money that is in the Constables hands shall be employed & put to pay for the dressing of the armour repairing of the Stocks Cuckstoule & other money due for the Lordship & if that be not sufficient then the Assessors to cause so much more as shall supply the want upon notice given to them by the Constable under a penalty of  $3/4d$ . And that the Cuck stool and Stocks be made able before Midsummer next & that every one that shall refuse to pay so much as there shall be assessed to pay as before shall be fined  $3/4d$ .

8th MARCH, 38 ELIZABETH [1595/96].

Presented that William Lindow Vicar of Urswick for saying that Edward Cooke is a forger of mens Wills to be in fine unless he can prove him so to be at the next Court.

Presented Edward Cooke for calling William Lindow Vicar of Urswick thief to be in fine unless my Lord Bishop of Chester and other his Associates have not enjoined him penance for that with the rest of his upprobius words. If he have been once punished then no further are we to proceed herein.

27th FEBRUARY, 41 ELIZABETH [1598/99].

Presented that none within the Lordship shall use any unlawful games or suffer any to be used in their houses. And the Constables within every Township shall build butts within their offices before the 12th day of May next and that all children and servants shall be furnished with bows & arrows by the day aforesaid and shall go to the butts built for that purpose and there to use artillery under a penalty of 6/8d.

Present every ale house keeper within the Lordship shall sell a quart of wholesome ale for 1d according to the form of the Statute.

Present that Edward Cooke said Thomas Ashburners wife dealt with necromancy fined 6/8d unless he can prove it by next Court.

### THE MANOR OF TORVER.

At first Torver was a member of the barony or lordship of Ulverston, but a portion came into the possession of the Flemings of Aldingham, and descending to the Haringtons, appears to have attracted to itself the rest of Torver. Thus in recent times the Manor of Torver has been regarded as a member of Muchland lordship.<sup>3</sup>

Mr Walker noted that the history of the Manor of

<sup>3</sup> *V.C.H. Lancs.* viii 364.

Muchland as given in the Rental prepared in 1738 stated that the several villages as therein set forth "and the 'Chapelry of Torver' belong, most of them entirely, and the rest in part, to that Manor (i.e. Muchland), tho' some of these places particularly Torver at this day (for which a distinct Court Leet and Court Baron are now held annually), were formerly called Manors but in reality they are only Bailiwicks or parts of the said Manor of Muchland." He added that he had thought it worth while to make a copy of some of the papers which refer to the Manor of Torver only, as there were few early separate records.

Mr Walker's copies were made for his own interest, without thought of publication; it is not possible from his notes to allocate the verdicts accurately in a strict chronological sequence; it has therefore seemed best to give together the examples of the introductory "Style of the Court", and then follow these with selected typical verdicts.

#### TORVER.

[In Latin] At a Court of Her Majesty Queen Elizabeth . . . held there on 1st October in the 27th year of her reign [1585] before Richard Braddell, esquire, Steward of the Queen in the County of Lancaster.

Lib'ri tenentes	{	Henrie Comes Darbie
		Willm <sup>s</sup> Fleming Arg
		Jacobus Ambrose gen.
		Matheus Kirkebie
		Johes Torver
		Rowland Atkinson
	}	Johes Willson

	Robrtus Atkinson	} Jur. .
	Johes Greves	
	Xpoferus Greves	
	Thomas Atkinson	
	Xpofer Atkinson de pke	
	Johes Atkinson de pke	
Homag <sup>ii</sup> ibid ]	Richus Croudson	
p. sacrum. ]	Milo Oxenhouse	
	Rudolphus Elletson	
	Leon <sup>r</sup> dus Pke	
	Johes Atkinson de hie stele	
	Johes Croudson	
	Richard Atkinson	
	Richus Taylor de brakenbarrowe	
	Jacobus Atkinson	

TORVR in ffournes.

[In Latin] At a Court of Her Majesty Queen Elizabeth . . . held there on the 19th April in the 29th year of her reign [1587] before James Anderton, esquire, Deputy Steward of Her Majesty the Queen for the said manor, acting for William Curwen, Steward of the said Court.

[The list of free tenants and homagers is almost identical with that of 1585.]

TORVER.

[In Latin] At a Court Leet with View of Frankpledge of her Majesty Queen Elizabeth . . . held there on the 20th October in the 31st year of her reign before James Anderton, esquire, Deputy Steward of William Gerrard, esquire.

[Again the jury show no significant changes, but James Atkinson is designated guard or doorkeeper.] [1589]

TORVER.

[In English] AT A COURT LEET with VIEW OF FRANKPLEDGE of Her Majesty QUEEN ELIZABETH holden 19th day of October in the 33rd year of Her Reign before Jacobus Anderton Armg Deputy Steward of John Gardner Chief Steward there. [1591]

LIBRI TENNTS Henricus Comes Derby  
 Jacobus Ambrose Gen.  
 Willmus Ffleminge Arm  
 Johes Torver Gen  
 Matheus Kirkbie Gen  
 George Johis Wilson  
 Wm. Torver.

## HOMMIGERES

Robtus Atkinson	}	Jur.	Xprs Atkinson	}	Jur.
Milo Oxenhouse		Radulfus Elletson			
Wm. Oxenhouse	}	Jur.	Leonard P'ke	}	Jur.
Johes Atkinson, Hystile			Nichlus Atkinson		
Johes Atkinson, Grenrigge			George Atkinson		
Rowland Atkinson, Undercrag			Rowland Atkinson		
Thomas Atkinson, Sowtersted			Robts Addyson		
Custodie Jury George Brockbanke,			Jur.		

MAN<sup>R</sup>M DE TORVER.

[In Latin] The Court Baron or Customary Court of George Sayer, esquire, now Lord of the said Manor, held there on the 4th October A.D. 1715 before William Simpson, gentleman, Steward of the Court there.

Names of the Jury to enquire on behalf of the Lord of the said Manor.

Edward Parke, Brackenbarrow	}	Jur.	Willm Willson,	}	Jur.
Wm Willson Highsteele			Greavesground		
Edw <sup>d</sup> Parke Jun <sup>r</sup>			Wm Jackson		
Caleb Willson			Antho. Atkinson		
Rich. Parke			Math <sup>w</sup> Carter		
Thos. Parke			Roger Fleming		
			Myles Fleming		
			Edw <sup>d</sup> Atkinson		
			Jun <sup>r</sup> .		
Custos. Wm Atkinson			Jur.		

Cunstabal Edward Atkinson Jur.

Sesors Edward Parke }  
 Roger Whinfeld } Jur.  
 Antony Atkinson }  
 John Ffleming }

Heglokears	William Willson of Brackanbaray William Atkinson of grenrige	} Jur.
Pendar.	John Parke	

## MANOR OF TORVER.

[In English] THE COURT BARRON or CUSTOMARY COURT of the most Noble JOHN DUKE OF MONTAGU Lord of this Mannor holden at Church house in and for the said Mannor on Friday the Fifth day of October One Thousand Seven Hundred Thirty Nine before Myles Brockbank Deputy Steward of William Simpson, Gentleman Steward.

NAMES of the Jury to Enquire for the Lord of the Mannor.

John Jackson of Brigg house	} All sworn	John Atkinson of Bankend	} All sworn
Isace Atkinson		Michall Atkinson	
John Jackson of Bracken Barrow		John Atkinson	
Richard Parke		Ishmaell Wennington	
William Parke		Thomas Flemin	
Luke Brown		William Flemin	
Edward Parke			

Thomas Parke, Door keeper.

Constable	John Jackson of Brackenbarrow for W <sup>m</sup> Parke of Parkground	s ) s )
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Assesors	Tho <sup>s</sup> Willson of Highsteel	s )
	Rich <sup>d</sup> Park of Sunybank	s )
	John Atkinson of Sawterstead	s )
	W <sup>m</sup> Fleming of Scarhead	s )

Hedg lookers	Ephrim Garner Michal Atkinson	s ) s )
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Pinder	W <sup>m</sup> Fleming Church House	s
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(Signed) JOHN JACKSON

A few typical entries for the period 1585 to circa 1591:  
 Qui dicunt et p<sup>r</sup>sente sup sacrum suum qd Jacobus oxen-  
 house mortuus est et qd Johes oxenhouse est frat<sup>r</sup> suus  
 et p<sup>r</sup> here suus tenti Annual Reddend IIIId.

Itm. Ord est p Jur p<sup>d</sup> qd Rich Atkinson & John his sonn  
 shall putt into the milne in torver an able sworn milner  
 before Christenmas Daie next, And that no woman shall  
 kepe the said milne upon payne of XL<sup>s</sup>.

Itm. Ord est that the milner shall skeile no corne in the  
 milne after twelve a clock at noyne for every default XII<sup>d</sup>.

Itm. Ord est That Thomas Atkinson and George Atkinson  
 shall have the gate throughe braken slacke ffrom bore  
 and to lyninge gape unto arnacrage, in suche sorte as their  
 elders occupyed the same upon payne of anie that stop  
 theym to forfyte XL<sup>s</sup>.

Itm the said Jurie do ord<sup>r</sup> that John Atkinson shall  
 sufficiently repayre A barne in his hands at Torver Pke  
 before Whytsonday nexte Sub pe VI<sup>s</sup>VIII<sup>d</sup>.

Ord est that the milne shalbe made tennte able before  
 Christemas next or else the same to be forfayted to the  
 quenes use.

Itm Ord est That the watter between Ornall cragge and  
 Brackenslacke shalbe kept in the right course and all  
 other watters in torver sub pena III<sup>s</sup>III<sup>d</sup>.

Itm We fynd that yt is a Custome yt the ballyf of torver  
 shall make a Courte Dinner at everie Courte in torver to  
 steward clerke and Jurie.

Itm Ord est That the out whele of the milne in torver the  
 Ringe and the meale arke shalbe made able and an able  
 sworne milner shalbe putt into the said milne before the  
 feast of saynt Bartholomew next sub pen XL<sup>s</sup>.

Itm p<sup>r</sup>s y<sup>t</sup> the moult<sup>r</sup> graves shall put in A Lawfull Myln<sup>r</sup>  
 to the milne sworne before the first Day of maye nexte &  
 not kepe it thayme selves nayth<sup>r</sup> to suffer any boyes or  
 under Miln<sup>r</sup> to be in the milne sub pena XL<sup>s</sup> of the mult<sup>r</sup>

grave for the unlawfull miln<sup>r</sup> & for everie Under miln<sup>r</sup> or boyes or any y<sup>t</sup> have nocht to do then III<sup>s</sup> IIII<sup>d</sup>.

Wee p'sent That there is a fyne house fallen in Dekey in the houldinge of Richard P'ke And to be made Tennenteable before the feast of St. Michall next sub pena rod.

[later note] Wee finde the said house Repared & newe Bulded. Ideo dispesd of.

Wee p'sent Thomas Peale to be nexte heire unto whone half of one messuage called Bankend By Surrender made by Rowland Atkinson of the yearlie Rente of xiid.

Wee p'sent John Atkinson of und<sup>c</sup>Crage in A fraie made against Rowland Atkinson by the Evidence and Witenesse of Xpofer Atkinson & Roberte Addyson ideo in fine iis.iiiiid.

Wee Ordeyne That Ricc Atkinson nor John Atkinson of und<sup>c</sup>Crage shall not p'mite nor suffer Edmunde Barker to kepe as Milner the Milne in Torver nor to be no Milner there but to be expulsd & excluded from the said milne before the XIth of November next cominge sub pena XL<sup>s</sup>.

Wee Ordeyne y<sup>t</sup> The saide Ric<sup>d</sup> & John Atkinson shall put in an able sworne Milner in to the Milne in Torver before the XIth daie of November next cominge sub pena XL<sup>s</sup>.

[A note follows] Wee fynd that John & Ric<sup>d</sup> Atkinson haith the not put in any sworne milner Accordinge to this order.

Wee p'sent Edmunde Barker Miln<sup>r</sup> for Stealinge one hupe<sup>4</sup> and a half of Skillinge Corne ffrom Myles Oxenhouse at the Milne as A Petty myrther. [Note] Lett hym be apprehended by the Cunstable & broughte before some Justice of peace.

Wee Ordeyne y<sup>t</sup> noe p'sonne nor p'sonnes shall cast in or

<sup>4</sup> Note by Mr Walker. "Hoop" was an old measure used in country districts, holding a peck. The expression "Petty myrther" is the language of that time denoting "a felony" which was punishable by death.

put into any Runninge waters or welles anie Dead Corpes or carcass of anie maner of bease sub pena vi<sup>s</sup>viii<sup>d</sup>.

Wee ordeyne y<sup>t</sup> Elizabeth Atkinson wyfe of John Atkinson of Torver pke shall not harbor nor lodge Myles Atkinson hir sonne after the feast Daie of St Andrewe next except hie put in two sufficiente sureties in y<sup>t</sup> he shall not at anie tyme hereafter Burne nor breake anie hedges of any p'sonns nor kill nor hurte their goods or Cattle of anie p'sonnes for John Atkinson John Ashburn<sup>r</sup> & James Atkinson have declared unto us y<sup>t</sup> he hath hurte & killed his neighbors goods and broken their hedges and cut downe their Woods to their greate henderannce sub pena XL<sup>s</sup>.

Wee ordeyne y<sup>t</sup> maner of p'son or p'sonnes shall carie w'thout anie house neither daie nor nighte time fyer but suche as shalbe Closlie Covered in A vessell w'thin the space of four hundrethe foute of anie house sub pena XX<sup>s</sup>.

Ord y<sup>t</sup> the Moltergrave shall make able measuers in the Mylne for takinge his towle w'thall viz<sup>t</sup> of ffrom A quarter of grayne to one hupe accordinge to the quantity th<sup>o</sup>f before the feast St bartholomewe next sub pena VI<sup>s</sup>VIII<sup>d</sup>.

[Molter was a toll payable on Malt.]

Wee doe Present Ricu<sup>s</sup> Atkinson of Torver & John Atkinson his sonne for y<sup>t</sup> they have Refused this Somer season to grynde the Cornes & Graynes of the Homigers of this Manor & to take for the same suche Reasonable Towle as was ordeyned & sett downe for them to have by the Othes of XXIIII of the most substancialest of Her Mate<sup>s</sup> Tenents of the Manor of Michelland who weare apointed by Thomas Preston Esquire and James Anderton Steward there & these gents of woor [*sic*] by force of lres unto them directed from the Ryght Ho<sup>ble</sup> Ld Treasurer Althoughe they the saide Ric<sup>d</sup> Atkinson & John his Sonne weare sworne to p'forme the same Award And not thus satisfied but they the said Atkinsons did soe wickedly abuse the said Tennts of Torver as y<sup>b</sup> suche as had ther

Cornes grynded ther they the said Atkinsons did violently take from them for ther molter towle so muche of the grynd Corne so grynded as did amounte to more by thone half than of Right was due unto them & if any did Resist & w'thstand them therin they did stryke & beate them And George Atkinson Wm Wilson senr George Brockbanke Xpf<sup>r</sup> Atkinson Leon<sup>d</sup> Pke Row. Pke junr Ric<sup>d</sup> Atkinson John Atkinson of Grenrige Thoms Newbie Wm Oxenhouse Row Atkinson of bankend Rayfe Elletson Nic Atkinson of howthat & dyverse other homigers ther did upon ther Corporall othes afferme to be true sainge y<sup>t</sup> they weare soe abused as aforesayd sometymes by the said Rich<sup>d</sup> Atkinson the father & sometymes by the said John the sonne Or else at the least they the said Atkinsons did Refuse to grynde ther Corne even at all whearby a great number of the said homigers beinge buyers of ther Cornes & verey poore people weare inforced either to begge or else to have beene famished the scarcetye of . . . this last Sumer was suche by Reason of the wante of water at the most pte of all the Milnes in Lanc<sup>r</sup> Althoughe there was water enoughe at the said milne to have srved all the said homagers & more And the said John Atkinson said when as he was advysed by some of his kinsfolke & fryndes to use himself more orderly he answered sayinge I care not for the Steward nor Jury whoe he then wished had kissed his Briches.

Wee also p'sente himself the said John Atkinson for fallinge & spoylinge her Mate<sup>s</sup> Woods most wilfully & beinge advysed by some of us to forbear so to doe he said & sware y<sup>t</sup> he would fall & take at his pleasure in dispyte of who sayed naye.

Wee p'sente John Atkinson de Milne haithe erected one house upon the Quenes pasture & the same to be removed before the next corte sub pena VI<sup>s</sup>VIII<sup>d</sup>.

Wee p'sent Ric & John Atkinson shall put & bringe one able Milner Into the Milne & he to be sworne before St Andrew day next sub pena XX<sup>s</sup>.