

ART. IV.—*Deeds of the Parish of Crosthwaite* [1571-1636].
By MADELEINE ELSAS.

THE four deeds of Crosthwaite, hereunder, deal with the administration and division of government of the parish between the vicar, the churchwardens and the eighteen men, as decreed by the ecclesiastical commissioners. Document No. 1, of 1571, deals in particular with the election of the eighteen men, their duties and authority, as also that of the churchwardens, the schoolmaster's revenue, the use of school stock, and finally, the transformation of the Roman Catholic church of Crosthwaite into the reformed church of England, giving very detailed particulars. Document No. 2, of 1636, is concerned with a violent dispute and law suit as to the appointment of a schoolmaster by the eighteen men, the dismissal of the same by the eighteen men, and his remaining in office, after being dismissed, with the approbation and assistance of the Bishop of Carlisle and others. This document throws much light on the power and influences of the personalities of the time. Documents number 3 and 4, both 1636 or *c.* 1636, are merely collaterals of number 2.

The Government of a parish by the "Eighteen men," is a procedure frequently to be found in the larger Cumberland parishes though the number of men may vary. They form a Select Vestry governing by immemorial custom.* On examining the records of parishes mainly in the Northern half of the County it appears that "Sixteen Men" are the most frequent, appearing in

* *Webb's, English Local Government* mentions "The Four-and-Twenty" and "The Twelve" as occurring in Northumberland and Durham and suggests that their origin may be connected with land tenure.

Arthuret, Dalston, Hesket-in-the-Forest, Holme Cultram, Kirkbride, Kirkclinton, Sebergham and Wigton, and "Twelve Men" are found at High Head, Wetheral and Wreay.

These records have been partly transcribed, all literal transcriptions are placed between inverted commas, and partly abstracted. In the abstracted parts repetitions, legal verbiage and relatively unimportant details have been omitted and the spelling mostly modernised, but, as far as possible, the original phraseology has been retained.

The records form an early section of a larger collection of Keswick School title deeds and are the property of the Governors of Keswick School. They are at present in the custody of the Clerk to the Governors, J. H. Oglethorpe, Solicitor, and are housed in a safe in his office in Keswick.

(I) 31 Oct. 1571.

Commissioners' Decree.

Richard, Bishop of Carlisle, Henry Lord Scroope of Bowlton, Lord Warden of the West Marches of England for against Scotland, Symon Musgrave, kt., Richard Dudleye, esq., Gregorye Scott and Thomas Tookye, clerk, canons and prebendaries of the cathedral church of Carlisle, Commissioners.

Recites:—Complaint made by certain churchwardens, sworn men and other parishioners of Crosthwaite, within the diocese of Carlisle against Gawine Radcliffe, parish clerk of Crosthwaite, and others the eighteen men and parishioners.

Decree:—That yearly upon Ascension day at three of the clock in the afternoon, immediately before evening prayer, the vicar of Crosthwaite, the 18 sworn men, the churchwardens, Sir George Radcliffe "of the house at Derwentwatter" knight, the sealer and receiver of the Queen's Majesty's portion at the mines one of the chiefest of the company and fellowship of the partners and offices of the "minoralls" then "resyant" [resident] at Keswick and within Crosthwaite, the bailiffs of Keswick, Wythburn, Borrowdale, Thornthwaite, Brundholme, and the "Foster of Derwenfells," or so many of them as shall be then present . . . "shal assemble together at Crosthwaite church and elect 18 men for the

year to come and also the churchwardens, and those shall be holden and reputed lawfully and sufficiently elected." The Vicar or oldest of the 18 men to have the casting vote, in case of equal voting; and any man, who refuses to take office after election, to be fined 40s. "to the use of the parishe and increase of the stocke of the schoole," and that he "further be subiect to suspencon or excommunication at the arbitrament of the Ordinarye."

The names of the 18 men and churchwardens to be registered in the Register book and a breviat* of the names delivered to the parish clerk. The clerk to warn them to be at the church the Sunday following election. Vicar or Curate to call the names and administer the Oath.

Oath:—to faithfully administer the office, the stock and the money accruing, at end of year to render an account and give money in hand to successor and not to act without the consent of the majority. If any of the 18 men come not to be sworn, they shall be sworn on the following Sunday and if then they do not come the Ordinary shall send process against them. Accounts for each year to be receipted by the 18 men of that respective year only. Churchwarden's accounts [*lines partly illegible, ?* to be verified at Crosthwaite church], Vicar of Crosthwaite to be chief auditor of the accounts of the 18 men and of the Churchwardens. The 18 men to have full lawful authority as hitherto [*unspecified*] provided no man to serve two years successively. The Vicar, on the Sunday after Ascension day, to call by name, the churchwardens chosen for the following year and minister to them the oath.

Oath:—to faithfully execute the office, to "detect and present" evil livers, etc. to the [Kings and Parliaments, *intercalated*] Queen's Majesty's Commissioners for Causes Ecclesiastical or to the Ordinary, to see good order kept at the church, to provide, at the charge of the parish, bread and wine for the holy communion, and to give up a full account on Sunday after Ascension day next and hand over to successors money in hand, goods & books. Churchwardens to keep an "Indented inventorye betwene them and the parish clerke and charge to the dalye use of the church or Divine service appertaining which beinge so committed to the Clerks custodye shall by him be answered and made good to the parishe from tyme to tyme."

"And we, havinge had consideracion for the better maintayning the Common and free schole at Crosthwaite which we fynd to be

* *breviate*—brief statement.

supported of the Commodities accrevinge of and upon certaine stocks of moneye put forth to use in the said parishe, which some are not great, nor fullye sufficient, to maintaine and support a learned and industrious scholmaister their, have for the enlarginge and increasinge of the said scholmaisters stipend & salarie DECREED constituted and ordayned That whereas everye fyerhouse within the said parishe of Crosthwaite hath tyme out of mynd, and yet doth yeeld, and by thinhabitants therein yearly ijd. is payed for the Clerks wages over and besides certaine ordinarye Fees for nightwatch, buryalls, weddings, and over and besides certaine annuall benevolences of lams wooll eggs and such like which semeth to growe up to a greater some yearly then is competent for a parishe clerks wages and stipend. The xvij men of the said parishe shall this yeare and so forth yearly forever hereafter receyve collect gather and take up the said yearly contribucion of ijd. of everye fyre house, to the use of the said free schole and to the augmentinge of the scholmaisters stipend & salarye, paying yearly on the sonday next after the feast of the Ascension unto the parishe clerke Gawyne Radclif and his successers [*sum has been erased but part legible* " forty six shillings and eight pence "] lawfull Englishe money, for his wages out of the said Contribucion of ijd. of everye house. And employinge the remainder to the scholmaisters use whereof we will that they yeeld a full accompt yerly at their generall accompt. And yet nevertheles the parishe clerke shall still yearly receyve take to his owne use as he hath bene accustomed heretofore all other dutyes fees and benevolences savinge onlye the contribucion of ijd. of everye house which we will the xvij men shall receyve and paye out of the same yearlye XLVIs. viijd. to the clerke as is aforesaid."

The parishioners to pay the 2d. under pain of censures of the church by the Ordinary upon the recusants. The 18 men to use the school stock to the best advantage recommending that if " the said some were levyed and payed over to purchase of a yearly annuitye or rent charge of some free and good Manors or Lordshippes . . . there might be had about XVI li. yearly annuitye " but nevertheless referring it wholly to the discretion of the 18 men.*

The 18 men and the churchwardens to provide for the church of Crosthwaite two fair large communion cups of silver with covers,

* An unabbreviated version of the remainder of this document is given in V.C.H. Cumberland, ii, 79-80. Ed.

one fine diaper-napkin, for the Communion and Sacramental bread, two fair pots or flagons of tin for the wine, to buy with the money they shall receive with the [specified] church goods they shall sell, and if money is insufficient they are to levy a tax.

They are to sell, alienate and put away all Popish reliques and monuments of superstition, i.e.: two pyxes of silver, one silver paxe,* one cross of cloth of gold which was on a vestment, one copper cross, two chalises of silver, two " Corporase Rases,"† three hand bells, the iron‡ whereon the pascall stood, one pair of censures,§ one ship, one head of a pair of " censures," 29 brasen|| or latten¶ candlesticks, two brasen candlesticks of 6 quarters long, one holy water tankard of brass, the canopies which hung and that which was carried over the sacrament, 2 brasen or Latten Chrismatories, the veil cloth, the sepulchre cloths, the painted cloths with pictures of Peter and Paul and of the Trinity. This to be done before first December next and an account rendered to the Ordinary, under the subscription of the vicar of Crosthwaite, three of the 18 men, and the three churchwardens, before the sixth day of December next. Also 4 vestments, 3 tunicles, 5 " cheseables,"** and all other vestments belonging to the church and its chapels to be defaced, cut in pieces and, if they will serve, made into a covering for the pulpit and " quissons."†† And likewise the " alkes"‡‡ and " amysies"§§ to be sold and linen cloths for the communion table and a covering of buckram fringed for the same to be bought; also to buy decent communion cups of silver or tin for the chapels, before Christmas next.

We do also decree that all parishioners of this parish of Crosthwaite, being of years of discretion and instructed in the principles of the Christian faith, shall openly communicate at

* *pax*—a tablet with a projecting handle behind bearing a representation of the Crucifixion, etc., which was kissed by the officiating priests and congregation at Mass.

† *Corporase rases*—probably a mis-spelling of *corporas cases*. *Corporas*—the linen cloth on which the Body of Christ is consecrated.

‡ ? Scon for sconce.

§ *Sensures*—*censer*—vessel in which incense is burnt .

|| *brasen*—obs. brazen, made of brass.

¶ *latten*—a fine kind of brass.

** *cheseables*. *chasuble*—a sleeveless mantle . . . worn over the alb and stole by the celebrant at mass.

†† *quissons*—cushions.

‡‡ *alkes*—a mis-spelling of alb, the long white robe worn under the chasuble.

§§ *amysies*—for *amice*—a piece of fine linen oblong in shape which the priest who is to say mass rests for a moment on his head and then spreads on his shoulders.

least thrice in their parish church yearly, whereof Easter to be one time. And at all such communions the deacons and ministers of chapels of the parish shall come and help the vicar and curate.

The 18 men and churchwardens to erect a decent perclose* of wood to be placed without the "queare" door [*giving full measurements*], wherein morning and evening prayer shall be read. And that they also furnish the perclose with all books convenient for the same, that is to say "a Bible of the largest volume, one or two Communion bookes, iiij psalter bookes, the two tomes of the homilies, the iniunctions, the Defence of the apologie, the Paraphrasies in Englishe or in stead thereof Marlorate upon the Evangelists and Beacons Postill, and also iiij psalter bookes in metre."

We decree also that from henceforth there be no divine service publicly said nor any bells rung on any abrogate holidays nor any concourse of idle people to the church or chapels on such forbidden days, that is to wit: on the feast days of All Souls, or the evening and night before, on St. Katherine, St. Nicholas, Thomas "Beckett," St. George, the Wednesdays in Easter and Whitsun week, the Conception, Assumption and Nativity of our Lady, St. Lawrence, Mary Magdalen, St. Anne, or such like, which are forbidden to be kept holiday by the laws of this realm.

And we command that hereafter none use, to pray upon, any "beads, knottes, portasses, † papisticall and superstitious Latin primers or other like forbidden or ungodly books," commanding the vicar, curate and churchwardens to present offenders. We command that there be no communion said at the burial of the dead, nor for any dead nor any months, minds or anniversaries.

All which orders and decrees we decree forever to be observed, by virtue of the Queen's Highness Commission, under pain of fines and imprisonment to the violaters thereof.

[Great Seal of Bishop of Carlisle; missing].

[2 membranes, pinned together].

(2) Exemplification, 21 May 1636; Decree, 16 Feb. 1615/16.

Exemplification of Commissioners' Decree, of Record in the files of the Chancery.

Wm. Hutton, kt., Jn. Fleminge, Hen. Blencowe, Jn. Lowther,

* *perclose*—for *parclose*—a partition, screen or railing . . . in a church enclosing an altar, a tomb, etc., or separating a chapel.

† *portas*—a portable breviary.

and Geo. Fletcher, esqs., Commissioners to enquire into the misemployment of Charity money.

Jury:—Chas. Appleby, Geo. [*Surname illegible*] Wm. Scott, Edw. Radcliffe, Rob. Vange, Jn. Williamson, Jn. Asbrige, Lancelot Simson, Rich. Shipard, Christ. Walles, Jn. Grave, Rich. Grave, and Christ. Wrenne.

The jurors present " that there hath bine a Grammar schoole within the parishe of Crosthwat . . . tyme whereof the memory of man knoweth not the contrary, and . . . there hath . . . bine by an ancient custome . . . eighteene men yearlie elected by the preceeding eighteene sworne men . . . sworne by the Vicar or Curate . . . which eighteene sworne men . . . have allwaies elected a certaine number of taskers . . . to taske . . . to a reasonable some toward the maintenance of the said schoole . . . who have bine allwaies sworne by the said Vicar or Curate . . . and the said eighteene sworne men . . . likewise have allwaies by prescription and ancient custome . . . used . . . to choose place and displace the schoolemaster of the said schoole and to reteyne him for longer or shorter tyme as they thought fitt and to discharge and remove him upon anie iust reasons knowne to themselves without cause shewing, if in their discrecions they doe should thinke fitt . . . wherein the Bishoppe and ordinarie of the Diocesse his Commissary nor Chancellor nor anie other Ecclesiasticall Ministers have not of right had anie other interest power or authoritie then by the Canons and Ecclesiasticall lawes of this realme is lawfully permitted and generallie allowed by the Ecclesiasticall jurisdiction to other ordinaries in their severall jurisdictiones over all the schooles in this kingdome to approve the ability and fitness of the person elected to be schoolemaster for the executing of that office and funcccion only. And the said jurors doe further find . . . by the testimony of living witness of the age of ninetie yeares or thereabout and by the generall consent . . . that divers of the parishioners . . . for . . . maintenance of the said schoole gave . . . somes of monie . . . amounting with the some which was the ancient scholestock unto one hundred fortie eight pound two shillings three pence halfpenny . . . delivered over unto . . . the said eighteene sworne men . . . to the use of the said schoole & competent yearly stipend might be raised and paid . . . unto such schoolemaster . . . [*Recites Commissioners' Decree, as in 1*]. That the . . . monie . . . hath bine employed and used accordingle, but now . . . the fifteenth daie of June one thousand sixe hundrd and foureteene [*the said 18 men*] hired . . . one Thomas Garth to be schoolemaster . . . for one halfe yeare

. . . and . . . then to departe if they or the more parte of them should . . . dislike . . . him . . . And that they before the end of the said halfe yeare . . . for divers grosse offences and negligences committed by the said Garth and now proved unto the said jurors, which they purposelie forbear to mencion . . . the greater number of the said eighteene did lawfullie discharge the said Garth . . . notwithstanding the said Garth intruded himselfe into the said schoole . . . by the Countenance meanes and assistance of Henry now Lord Bishoppe of Carlisle and Giles Robynson his brother now Vicarr of the said parishe of Crosthwaite who . . . pretended to have the power of collacion placing and displacing of the schoolemaster . . . And by colour thereof and of the authoritie of the highe Commission Ecclesiasticall wherein the said Lord Bishoppe is a Commissioner and sometimes as Justice of Peace, which place the said Lord Bishoppe likewise houldeth in that Countie, And sometimes by colour of the power Ecclesiasticall as ordinarie, they the said Lord Bishoppe, Giles Robynson and Henry Woodward Chancellor to the said Lord Bishoppe and Thomas Garth have diversley interrupted and hindred the Governement of the said schoole, imployment of the said stocke, . . . and forcibly kept the said Garth in possession of the said schoole by the space of halfe a yeare . . . and the said Lord Bishoppe committed thirteene of the eighteene sworne men to prison for disobeying their orders for the continuance of the said Thomas Garth in the said schoole and other causes appearing in his Warrant for the comittment . . . untill by severall orders and mocions by the Justices of Assizes of that Countie and the Justice of the Court of Common Pleas the said eighteene sworne men were inabled to place schoolemaster there. And the said jurors doe further find . . . that the Company of the mynes Royall gave twenty pound and Rabigunda Hetchstetter fouretie shillings, and John Maxwell five pound, Master Duthe twentie shillings and Richard Cambden twentie shillings to the use of the said schoole . . . and delivered . . . the same . . . to Masters Daniell Hetchstetter and Emanuell Hetchstetter now deceased, whose executor Joseph Hetchstetter is to be paid unto the said eighteene sworne sworne [*sic*] men who have had the use thereof by the space of foure yeares last past and have not imployed the same accordinglie nor delivered the same over unto the said eighteene sworne men to the use of the said schoole according to the trust in them reposed. And the said jurors doe further finde . . . that John Stanger of Ullacke in the said parishe, sometimes one of the eighteene sworne men, hath in his hand twelve pound

fiftie one shillings sixe pence . . . and John Williamson of the New Hall . . . late deceased . . . had in his hand foure pound eight shillings . . . The residue of all which schoole stocke wee doe find to be in the hand . . . of Anthony Radcliffe, Marmaduke Radcliffe, John Williamson, Gawen Williamson, Hughe Studdarte, William Dover, John Adamson, John Grave, John Wrenne, John Woothvatts, John Braythwate, Edmond Fisher, John Fisher, Hugh Towson, Christofer Lancaster, Edward Birkett, William Braythwate and Robert Ball the eighteene sworne men now being, and [? to] be carefully employed according to the will and minde of the first founders and donors thereof. Upon due examination of all which . . . we the said Commissioners . . . doe order and decree that the eighteene sworne men of the said parishe . . . shalbe . . . the sole and onlie governors of the said schoole and schoolestocke, and that the Vicarr or his Curate shall minister unto them their accustomed oathe . . . and likewise unto the taskers to be elected by the said eighteene sworne men duellie to proceede in their taxacion for the maintenance of the scholestocke . . . and that the said eighteene sworne men . . . shall have the sole and onlie power and authoritie of ellection collacion placing hiring and displacing of the said schoolemaster . . . and that the lord Bishophe of the diocesse his Chauncellor nor the Viccar . . . have not . . . any power . . . in the elleccion of the said eighteene sworne men but onlie that the Viccar or Curate shall minister unto them their accustomed oathe . . . nor in the elleccion placing or displacing of the said schoolemaster nor in the government of the said schoolestocke . . . And wee doe further order that the Lorde Bishophe or his Chauncellor shall approve of and give allowance to such person to teache and be schoolemaster as is now and hereafter shalbe elected . . . the said person . . . being a man sounde in religion sufficiently learned for that place and of good life and conversacion and iustlie approveable. And wee doe alsoe determine and order that the said discharge of Thomas Garth from being schoolemaster, given by the said eighteene sworne men shall stand firme and be of force . . . and that soe much monie as was paid unto the said Thomas Garth after his discharge, . . . which was not due for the time of his service before the discharge, that the said Thomas Garth shall before Easter next repaie the same . . . And that hereafter neither the present schoolemaster, whom wee doe well approve of . . . neither any other . . . shall hereafter exercise any other office in the said parishe . . .”

Samuel and Joseph Hetchstetter to repay the £29, and publish the day of repayment in the church. The 18 men to disburse the same on a rent charge to purchase a competent stipend for the schoolmaster and John Stanger of Ullock, Master Hen. Woodward the Bishop's Chancellor and all those who have any part of the stock in hand to repay the same before Easter next.

[Signed:—Digg. H.].

[Great Seal of England; missing].

[Endorsed:—In exemplification at the request of Lancelott Relfe, gentleman. Hoskins]. [First part in Latin].

[2 membranes, held together with tape].

(3) 21 May, 1636 ["anno 1637," written in by a later hand]. Writ of execution, of a Decree upon the Statute of charitable uses for the inhabitants of Crosthwaite in the County of Cumberland.

King Charles to Isaac Singleton, clerk, vicar of Crosthwaite, and to the vicar or curate for the time being, and Daniel Hetchstetter and eighteen jurors, to execute the Decree [*as in 2*] under pain of £50.

[Recites part of Decree, as in 2, and Statute of 43 Elizabeth].

[Signed:—Digg. H.].

[Great Seal of England, imperfect impression]. [Endorsed:—Writ of execution . . ., as above. Hoskins]. [Latin]. [1 membrane].

(4) Translation of 3 above, c. 1636.

[Endorsed:—published and ordered and made formerly by the County by a certain Inquisition].

[1 folio].

[I should like to express my appreciation to H. W. Howe, Esq., M.A., Headmaster of Keswick School, and to the Governors of the School, for kind permission to publish these records.]