

ART. XIII.—*Dispute at Browedge school in Cartmel, 1727.* By JOHN ADDY, M.A., D.Phil.

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BEHIND the prosaic account of the origin of a school, in some official report, may lie valuable evidence concerning the provision for education in an earlier century. One such school is Browedge in Cartmel where a dispute concerning the appointment of a master ended in the case being taken to the Consistory Court of the Archdeaconry of Richmond. R. H. Kirby in *The Rural Deanery of Cartmel* states that Browedge school was originally built by public subscription and endowed by Henry Bigland who left one-tenth of his estate for this purpose.¹ The discovery of a series of documents concerning this school in the parish archives of Cartmel and the chance discovery of the cause papers of the Consistory Court throw new light on this school.²

On 18 May 1685 George Bigland (not Henry) of Bigland in Cartmel made his will, making provision for the erection of a school. “. . . I doe give & devise to the said John Robinson, Michael Barrow, Thomas Barrow & George Kilner & to their heirs my house at Grange . . . upon trust & confidence that they . . . shall convert & turne the yearly benefitt & rent of the said close called Bradal & that yearly rent of my said house at Grange towards the mentenance of a Schoole-master teachinge Schoole near Browedge for ever . . . And it is my Will and mind that my Trustees . . . shall convey & sell this my said close of grounds & my said house at Grange to those that will bona fide give most

¹ R. H. Kirby, *Rural Deanery of Cartmel*, 123 (Ulverston, 1892).

² D.R. Ch. Cartmel parish papers (Lancashire Record Office). Cause Papers Archdeaconry of Richmond, ARR/13/11.

money for the same and with the money arising from thence to buy & purchase other Grounds lying together & more convenient for the said School . . ." The fulfilment of this bequest was made dependent upon the inhabitants doing their share: ". . . and alsoe it is my mind that my heir have the meane profitts of this my close of land aforesaid and of my house at Grange untill the Neighbours & Inhabitants of Browedge or about it have builded erected & finished a new School sufficient to teach in at their own proper costs & charges. . . ." ³

The school was erected by the inhabitants shortly after Bigland's death, and from available evidence appears to have been conducted in an orderly fashion. On 14 April 1724 William Johnson was duly licensed as master by Francis Gastrell, Bishop of Chester, to teach, ". . . *pueros in Schola Grammaticali de Browedge in Cartmell . . . bonis litteris et sanis Moribus, necnon ad Exponendum omnes et Singulos probes Authores Graecos et Latinos seu vulgari sermone editos in Schola praedicta . . . Ludimagister sive Instructor. . .*" ⁴ The form of the licence indicates that the founder intended his school to be a traditional classical grammar school.

However, matters did not proceed smoothly, for in December 1726 there was trouble when William Johnson resigned the school ⁵ and the election of a successor led to a dispute of some magnitude. In mid-December Christopher Whitwell appears to have been elected, for on 1 February 1727 he obtained a licence, to teach in Browedge school, from Samuel Peploe, Bishop of Chester. Not until 8 December did he subscribe to the Thirty-Nine Articles as required by

³ Will of George Bigland. Archdeaconry of Richmond Wills.

⁴ Cause Papers ARR/13/11 no. 17. Browedge School.

⁵ Son of Robert Johnson of Loughrigg, Grasmere, 1703; usher at Hawkshead school 1722-24; master at Browedge 1724-26; deacon at Chester 1726; curate at Satterthwaite 1726/27; usher at Sedbergh from 1727.

the Canons of 1604. Three trustees appear to have been dissatisfied with Whitwell's election and proceeded to make their own election. Accordingly, on 21 December 1726, Thomas Kilner, John Walker and George Robinson, trustees under Bigland's will, met and elected an intruder, Thomas Ellis, as master. In order to legalise the election the trustees obtained the signatures of ten inhabitants, six of whom could not write, to confirm the nomination, but evidence later produced showed that the confirmation of any nomination for master was really vested in the vicar of Cartmel.

Thomas Ellis was refused admission to the school by Whitwell and consequently entered a libel in the Consistory Court at Lancaster against Christopher Whitwell. He alleged that Bigland had appointed John Robinson, Michael Barrow, Thomas Barrow, son of Michael, and George Kilner and their descendants as trustees. The inhabitants had built a school soon after the death of the founder and the salary for the master was £15 per annum. Ellis believed that his election was valid since he was nominated by three trustees, and although Whitwell had a licence from the Bishop of Chester he was nevertheless an unqualified man, ". . . who very much neglected the said School and hath left Browedge and resides in some other part of the Country many Miles distant from Browedge, or goes from place to place and hath not Come or attempted to Come to teach the Children so the intentions of the founder are frustrated. . . ." ⁶

Legal process worked as slowly in the 18th century as it often does today. The taking of depositions from the witnesses who came forward on behalf of Ellis occupied several months. The first stage was to prove that there was such a place as Browedge school and that the building so called was fitted out and used for that purpose. Hence the first evidence concerned the

⁶ Cause Paper ARR/13/11, Doc. 21.

building of the school. Jane Walker of Backbarrow Bridge, aged 84, said that she knew James Maychell the father of John Maychell of Haverthwaite and she remembered the building of the school forty years ago. James Maychell supplied the timber for the building, "... especially the chimney beam ...".⁷

James Rowlandson, a former master at Browedge and then curate of Firbank, stated that when he was master in 1716 the school was out of repair in the seats and was re-seated at the expense of the trustees.⁸ He continued with a description of the interior of the school during his tenure. All that the pupils had to sit upon were stones and one plank. He complained to the trustees who agreed to provide new seats. "The said School was double Seated for the Schollars & a very good pew or Declaiming Desk was made for the master."⁹ That was eleven years ago. Later the roof of the schoolhouse was repaired and half the ceiling underdrawn.

Questions were then asked concerning the part played by the trustees in electing the schoolmaster. William Johnson, usher at Sedbergh school, said that he was licensed to the school in April 1724 on the nomination of the trustees only. When he attended the election the then master, Richard Ashburner presented him with a bill for £3. 11s. which he required Johnson to sign. When he hesitated, the trustees said they would proceed no further with the election until he had done so. Although he was informed the stipend was £15 a year, he never received more than £9. Only three trustees — George Robinson, Thomas Kilner and John Walker — elected him and no other person made any claim to have a voice in the matter.

⁷ *Ibid.*, Doc. 26.

⁸ James Rowlandson, B.A., master at Browedge 1716-18; curate of Firbank 1719-46.

⁹ ARR/13/11, Doc. 27.

Daniel Steele, of Millom Castle,¹⁰ gave evidence, since he had acted as a temporary master for six weeks. He was elected by George Robinson and Thomas Barrow, who acted under Biglands will and informed him that no other person made any claim to have right of nomination except themselves. He did not accept the post as permanent, although this was offered to him, because a far better paid situation was offered to him which he accepted.

James Rowlandson, a former master and now curate of Firbank, said he was elected in 1716 by three trustees, Thomas Barrow, George Robinson and Thomas Kilner, and knew of no others. Like Johnson he never received the full salary but only £13. 12s. Several minor witnesses were called to give evidence. John Maychell of Haverthwaite and John Taylor both stated that their ancestors had given land or money to the school. Margaret Marr was convinced that the nomination of Thomas Ellis was valid and that only three trustees ever nominated the master. The custom of election by three trustees was confirmed by John Kilner, of Sunbrick in Aldingham, who stated that eight years before he had gone with Richard Ashburner of Urswick, who was a candidate, to the election, when the three trustees made the appointment and there was no opposition from any one else.

Edward Walker, of Bouth in Colton, aged 83, said that the schoolhouse was built almost entirely on the common which the inhabitants had agreed to give and partly on land given by William Taylor, who had a small estate next to the schoolhouse. He did not believe that the inhabitants had any right to elect a master. Ruth Robinson wife of Thomas Robinson, carpenter of Cartmel Fell House, said that her first husband,

¹⁰ Daniel Steele son of Thomas Steele of Bastonbank, Whicham, 1691; deacon at Chester 1721; curate of Whitbeck 1721-24; curate of Thwaites Chapel 1724-29; rector of Bootle 1729-64 (died).

Edward Robinson, was the first master of the school when it was built forty-two years before. He was nominated by John Robinson of Newby Bridge, George Kilner and Michael Barrow who were now all dead. At that time only the trustees nominated and not the inhabitants.

It was now the turn of Christopher Whitwell to present his case through John Holmes his proctor. Whitwell entered a set of Articles of Exception in which he attacked the evidence and credibility of the witnesses and the honesty of the trustees. He confirmed what had been stated about Bigland's bequest and that the inhabitants had built a school on part of the common land. He confirmed that Kilner, Walker and Robinson were trustees, the latter replacing Michael Barrow who was dead, and that they were open to accept bribes to nominate him if he would give each of them two guineas.¹¹ Although some of the inhabitants had elected Thomas Ellis without reference to the real trustees, others on 4 February 1727 petitioned that Christopher Whitwell be their master and teach at Browedge.

When the Bishop of Chester licensed Whitwell and refused Ellis, the latter attempted to intrude himself into the post and evict the former. Furthermore, several persons who signed the petition for Ellis were not resident in the parish of Cartmel neither did they own land there. Richard Wright was a parish pensioner on poor relief. John Taylor lived two miles away. Edward Bland had nothing but an old decayed house. Richard Penny lived in Scotland and John Maychell at Haverthwaite while Sarah Taylor only drew the rent from a house in the parish and lived at Hazelrigg some distance away. William Lickbarrow was "lately broke" and Rowland Lickbarrow his son had taken over the house of his bankrupt father.

¹¹ Christopher Whitwell; schoolmaster at Browedge 1726-29; deacon at Chester 1929; curate of Blawith 1729-32; curate at Goosnargh from 1732.

Whitwell continued his evidence by stating that he had been unable to find that any legal right of election and nomination was vested in the trustees. He firmly believed that they had usurped the right of nomination and that Thomas Kilner, John Walker and George Robinson, “. . . with some Sinister View of Lucre & Gain to themselves . . . did take upon them to nominate and elect the said Thomas Ellis . . .”.¹² The nomination was false since the real nomination was vested in the Bishop of Chester as later evidence would prove. There was also a common report amongst the inhabitants of Cartmel that Whitwell was a man of “greater learning” than Ellis and so well qualified for the post.

Since his licensing to the school he had been teaching there but, “at one of which several times the said Thomas Ellis was without any lawful authority teaching in the said School, refused to desist and at several other times when the said Christopher Whitwell resorted to teach in the said School the door was chained up with an Iron Chain so that he could not have any entrance. . .”.¹³ He did intend to teach there as soon as the obstacles were removed. For the time being he resided at Hawkshead seven miles away.

Robert Roskell,¹⁴ formerly of Browedge school, stated that his licence dated 7 July 1709 was granted to him by Francis Gastrell, Bishop of Chester, and was limited by the words, “. . . *ad nostrum Bene placitum tantum modo duraturas* . . .”,¹⁵ no mention being made in it of any right of nomination of the trustees only of the Bishop on the recommendation of the vicar of Cartmel. Whitwell’s licence was exactly worded as his had been. Roskell continued his evidence by stating that when he was appointed twenty-three years before,

¹² Cause Paper R. VII I. 988, Borthwick Institute of Historical Research, York.

¹³ ARR/13/11, Doc. 22.

¹⁴ Robert Roskell, master at Browedge 1702-16; schoolmaster at Cartmel 1716-24; licence to school. CD/PB/Miscell. Leeds City Archives.

¹⁵ ARR/13/11, Doc. 34.

Robinson, Barrow and Kilner conducted the examination. When Johnson resigned in December, both he and Mr Harrison, curate of Firbank, went to the examination. Neither knew him but found him well qualified, and so far as he knew there was no evidence of wilful neglect.

Clement Taylor, yeoman, of Finsthwaite remembered the building of the school forty-two years before and said, "that his . . . father did give the land on which the same was erected & that the said Schoolhouse was built at the expense of the Inhabitants of Browedge . . .".¹⁶ He believed the trustees nominated the master with the consent of the inhabitants. Though he did not know Whitwell personally, he had heard that "he was taken to be a better Scholar than Ellis . . . in the making of Exercise but they were either of them sufficiently qualified to be masters of the said School . . .".¹⁷ He knew nothing at all of the reputed neglect of the school by Whitwell but knew the "School was locked up for a Considerable Time by the Trustees . . .". He had heard that Whitwell commenced duty there in mid April 1727.

It was John Rigg of Hawkshead who produced the vital evidence concerning the alleged bribery. He had been at Backbarrow Bridge in Cartmel on 21 December for the election of a new master, attending at the request of Whitwell. During the evening Robinson, a trustee, called at the house and asked Rigg to come outside. He said he would nominate Whitwell as master that night if he would allow them something for their trouble. Robinson asked Rigg for two guineas and the other trustees called in turn and asked for the same sum. Rigg had also taken the opportunity to question some of the inhabitants who signed the nomination paper for Ellis. John Wright, Edward

¹⁶ ARR/13/11, Doc. 41.

¹⁷ Cause Paper R. VII I. 988, BIHR.

Walker, Rowland Lickbarrow and Margaret Mann all told him that "they subscribed their names to a paper purporting to be an election of Thomas Ellis to be schoolmaster at Browedge . . . by surprise and without due consideration & . . . that the paper signed by 'em might be revoaked & that they had a desire that Mr Whitwell might continue as schoolmaster at Browedge . . ." ¹⁸

Some light is thrown upon the custom of leasing lands in this area. The northern custom was followed of leasing from Candlemas to Candlemas rather than the southern custom of Lady Day to Lady Day. Robert Roskell of Walton Hall, Cartmel, stated that rents for lands were paid on Lady Day and St Andrew's day. He had not seen the petition signed for the election of Thomas Ellis but had heard some inhabitants say they had signed such a testimonial without due consideration and then signed a second to revoke the first. He knew that the trustees had nominated Thomas Ellis to the Bishop, and until he received his licence they had fastened the school door with an iron chain. The trustees had then gone round stating that Whitwell . . . "assisted by persons of bad repute . . . in a riotous manner did break open the same. . . ." ¹⁹ To his knowledge in the past the master had been recommended by the vicar of Cartmel. He, too, cast doubts upon the reliability of Ellis' witnesses.

By this time the case had dragged on until February 1728 when the Commissary of Richmond, William Stratford, decided the case in favour of Whitwell. ²⁰ The trustees were dissatisfied and together with Ellis decided to appeal against the judgment to the Archbishop of York since appeals from Richmond went directly to York and not to Chester. The case was heard

¹⁸ ARR/13/11, Doc. 43.

¹⁹ ARR/13/11, Doc. 49.

²⁰ Consistory Court Act Book, 1719-29. L.R.O. (not foliated).

in the Chancery Court at York in July 1728 before John Audley, Chancellor and Official Principal of the Archbishop. Thomas Jubb the registrar went to Lancaster to inspect the registers and Act Book of the Consistory, including Whitwell's licence.²¹

The documents in the case were copied in full and form a very fat file. The decision was in favour of Whitwell for Ellis failed to produce a valid licence and to refute the charge of bribery.

By 1768 the task of nominating a master had passed into the hands of the select vestry,²² with whom it remained, for the Endowed Charity Commissioners (1894) were unable to discover who was the heir at law of the trustees — only one descendant of the original trustees could be found. In 1896 the inhabitants of Upper Holker called a public meeting to consider the negligence of the master who had been there a very long time. It was resolved to turn him out and appoint a new master. The estate was improved and the entire rent of £30 plus one-tenth of the original bequest was paid as salary.²³

The original building still existed in the early part of last century and had to be enlarged to cope with the increase in the population. The passing of W. E. Forster's Education Act of 1870 led to the building of the school on a new site in 1873/74 and the new school was officially opened on 1 June 1874. The old building was sold in 1876 and some thirty years ago was used as a Sunday school and mission church. Nowadays the building is still used as a Sunday school, and occasional services are held there. The management of the endowment had improved so much that the master was now receiving more than twice the salary paid in 1800.²⁴ There is still a large number of

²¹ ARR/13/11, Doc. 33.

²² Cartmel parish papers, DRCh.

²³ Endowed Charity Commission Report, ii. Lancs., 1899.

²⁴ R. H. Kirby, *Rural Deanery of Cartmel*, 123.

school foundations of which we know but little, but the sorting of the parish papers for the old western deaneries of the Archdeaconry of Richmond is slowly revealing details of many more. It is hoped that someone will find the time and the opportunity to write up more of the history of these educational foundations.