

## Contents

No.53 August 2024

### Society News

Forthcoming visit to Carlisle Cathedral	1
Our programme for 2024	2
Message from the chair	3

### Meeting Reports

Visit: Crosthwaite Church and its graveyard, Keswick, 27 April	3
Talk: 'John, Jane, Dorothy, and William; creating the Marshall Estates in the English Lakes' 13 June	5

### Articles

Childhood memories of Palace How, Brackenthwaite	8
The lost St Helen's House, in Cockermouth	12
Tenantright in Loweswater and Lorton in the sixteenth century	20

## Society News

### ***An Invitation to Members to Carlisle Cathedral and Precinct, 10 October.***

The Society has arranged a special tour of Carlisle Cathedral for a group of up to 25 for Thursday 10 October, from 2 p.m.

The cathedral, the earliest parts of which date to the founding of St. Mary's Priory during the reign of Henry I in 1122, has had a fascinating history, which we will learn about on the tour. It has been built and rebuilt in multiple phases and been witness to the many notable events in English and Scottish history. Edward I held parliament in Carlisle in 1307. George Fox, founder of the Quaker Movement, preached in the cathedral in 1653.



**The Cathedral's magnificent east window, circa 1350. Photo Andrew Chamberlain**

Jacobite prisoners were held in the nave in 1745-6 and in 1797 Walter Scott married Charlotte Charpentier in the cathedral. The U.S. President Woodrow Wilson visited in 1918 and Elizabeth II distributed Royal Maundy money in the Cathedral in 1978.

The tour will take approximately an hour and a half, and will take us round points of interest in the cathedral and the grounds, where we will also have the opportunity to visit the Prior's Tower, built by Prior

## Our future programme 2024

<b>Postponed to 2025</b>	'Getting to know John Peel: an American's impression of Cumbria's past.'	Dr Christopher Donaldson
<b>12 Sep 2024</b>	'A place in history: three locations with a fascinating past.' From Ambleside Oral History Group.*	Judith Shingler and Alison Peak
<b>10 Oct 2024</b>	Visit: Guided Tour of Carlisle Cathedral. 2 pm plus tea.	See page 1
<b>14 Nov 2024</b>	'The rise and fall of Maritime West Cumberland.'	Alan Bell

**\*Please note that we will be not be creating and placing posters for this popular event, to judge whether posters increase visitor numbers sufficiently.**

Talks are at 7.30 pm in the Yew Tree Hall, are included in membership and are open to visitors at £4 at the door, with refreshments. Talks are also streamed live to members using Zoom but are not recorded. Other activities may be added.

### Officers and Committee 2023/4

President: Professor Angus Winchester    Financial Examiner: Dr Ian Shaw

Andrew Chamberlain <i>Chairman</i>	07815 422092 <i>ldflhschair@gmail.com</i>	Charles Lambrick <i>Vice-chair,</i>
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Lena Stanley-Clamp <i>Secretary</i>	01900 336542 <i>ldflhs.secretary@gmail.com</i>	Fiona Lambrick
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Dr Derek Denman <i>Treasurer, Wanderer</i>	01900 829097 <i>derekdenman@btinternet.com</i>	Gloria Edwards
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### Other contacts

Mary Baker, *Membership*, [ldflhs.subs@gmail.com](mailto:ldflhs.subs@gmail.com)

The **next issue** of the *Wanderer* will be published on 1 November 2024. Please send any short items to the Editor, Derek Denman, by 1 October.

The *Wanderer* is published by the Lorton & Derwent Fells Local History Society, 19 Low Road Close, Cockermouth CA13 0GU.

<http://derwentfells.com>    <https://facebook.com/Lortonlocalhistorysociety>  
L&DFLHS Archive: <https://derwentfells.org.uk>

Senhouse in the early sixteenth century. After the tour, we will have tea/coffee and traybakes at the Fratrty café.

The tour will be led by local historian and cathedral guide, Jim Palmer, and the cost of the tour and refreshments is £10 per head.

Places will be allocated on a first come, first served basis and once you have been

notified that you have a place, payment can be made directly to the Society online, or by cash.

If you would like to join us, please let me know at the following email address – [ldflhschair@gmail.com](mailto:ldflhschair@gmail.com) – giving participants' names.

I look forward to seeing you there!  
*Andrew Chamberlain*

## ***Message from the chair***



Dear members,

Welcome to August's edition of *The Wanderer* and following the AGM, my first as the new chair of Lorton & Derwent Fells Local History Society. I would like to take this opportunity to thank Charles and colleagues, including our many volunteers, for all they have done for the Society and I look forward to delivering an exciting and varied programme of activities through the balance of this membership year and into the next with the new committee.

Special thanks go to Sandra Shaw, our outgoing Hon. Secretary, and Hugh Thomson, who is stepping down as Financial Examiner, for all they have done to support the Society, along with a big welcome to our new committee member, Gloria Edwards, and to Ian Shaw, who has replaced Hugh as examiner.

Amongst the articles in this edition of the *Wanderer* you will find a write up of Derek Denman's excellent talk of 13 June, which followed the AGM and was entitled 'John, Jane, Dorothy, and William: creating the Marshall Estates', which was well received and prompted a flurry of questions at the end.

Looking forward, we have two further talks to look forward to this year: 'A Place in History', presented by Judith Shingler and Alison Peak, of the Ambleside Oral History Group, on 12 September, and 'The Rise and Fall of Maritime West Cumberland' which will be presented by Alan Bell, of Drigg Local History Group and West Lakes U3A, on 14 November.

In addition, we have organised a visit to Carlisle Cathedral and its precinct on 10 October, which I'm sure will prove very interesting and for which we have 25 places.

I look forward to meeting you at one of our forthcoming events and hope you have a wonderful summer!

Andrew

## **Meeting Reports**

### ***Visit to Crosthwaite Church and its graveyard, Keswick 27 April***

On a bright, albeit cool, afternoon at the end of April twenty-four Members gathered outside the wrought iron gates of St Kentigern's Church, Crosthwaite, in readiness for a guided walk around the graveyard and in the church itself, that Lena Stanley-Clamp had organised. Mark Hatton was to be our guide, and his enthusiasm and knowledge for what was to be seen in both proved boundless.

After providing a brief introduction to the history of the church's site and of the building itself, Mark led the party into the graveyard to examine various of the gravestones and tombs. He pointed out that while graveyards are often regarded as gloomy, melancholy, places the headstones and other memorials are often celebratory in their intent and in what they record - to perpetuate the memory of the departed by being read and enjoyed by future generations. Certainly, in the past



**Mark Hatton presents a grave-marker, photos Lena Stanley-Clamp**

fineness of the carving precision and the hardness of the stone those memorial inscriptions are particularly well preserved.

As Members wandered among the trees on the crest of the natural mound on which the graveyard is situated, gazing at headstones and memorials to left and right, they made their way past what seemed like a virtual forest of slate Celtic crosses before walking on to that commemorating the life of Edith Rawnsley, wife of the famous Canon Hardwicke Rawnsley, well-known as one of the National Trust founders and as vicar at Crosthwaite for 34 years.

(if not since the advent of photography and electronic media) they are likely to be the most if not only accessible visible record of the lives of many people, whether notable or not.

Mark showed Members a varied selection of the headstones in the section of the very extensive graveyard that is nearest the church, providing much interesting historical information about the persons whose lives and deaths are literally carved in stone. He pointed out examples of symbolic features on several tombstones. And he also drew to attention the exquisite carving on slate executed by successive members of the local Bromley family of stonemasons, not only for other bereaved families but also for members of their own family. He made the point that slate is a particularly hard stone in which to carve with the precision achieved by the Bromley dynasty, and because of the

Before entering the church itself, Mark showed the party the tomb of poet Robert Southey (1774-1843) near the west end, which had been restored in recent years at the instigation of the Brazilian government. This came as somewhat of a surprise until Mark explained that Southey had been the first person to write a history of the country, in three volumes, following its gaining independence from Portugal. Consequently, he was held in much respect there.

Once inside the church, heavily restored in the 1840s by architect George Gilbert Scott, Mark showed the party the fourteenth century font, and pointed out the notable quality of the furnishings, including the fine set of candelabra produced, along with other features, at the instigation of the Rawnsleys from the Keswick School of Industrial Arts that they had founded.





#### **The group outside St Kentigern's**

What had been a most instructive and interesting guided walk, for which Mark was heartily thanked, Members rounded off their visit by having a cup of tea in the nearby Crosthwaite parish room where Lena was also thanked most warmly for arranging an excellent Society outing.

*Charles Lambrick*

#### ***Talk: 'John, Jane, Dorothy, and William; creating the Marshall Estates in the English Lakes' 13 June.***

Derek Denman shared some of his extensive knowledge of the Lake District's physical and cultural history in an interesting talk on the collaboration between John Marshall, a Yorkshire industrialist with a very large fortune, and William Wordsworth. The two men were worlds apart socially, politically and temperamentally, but nevertheless they worked together to shape the local area's landscape and protect it where they could from the encroachment of what we would

now call 'development', forcible change in pursuit of profit.

The relationship between the two men came through the lifelong friendship of Dorothy Wordsworth and Jane Pollard, who had met when children. When her mother died, Dorothy was sent to stay with an aunt in Halifax where she met Jane at the school they both attended. The two women corresponded throughout their lives and Dorothy's letters to Jane are an important resource for students of the Wordsworths. Jane married John Marshall in 1795 and so the connection with William was established, and then preserved, through their friendship.

John Marshall was the country's most successful flax spinner. He had adapted the inventions which revolutionised the cotton industry to the working of flax and made an enormous fortune during the Napoleonic wars, becoming one of the wealthiest men in England. He was a Member of Parliament, a reformer, a utilitarian and a manufacturer – perhaps the combination of attributes most likely to repel Wordsworth. A staunch opponent of the Tory Party, he was also a passionate democrat and a dissenter with a belief in



**John Marshall in 1802, by John Russell**

scientific progress, yet their friendship flourished in the years between their first meeting in the 1790s until Marshall's death in 1845.

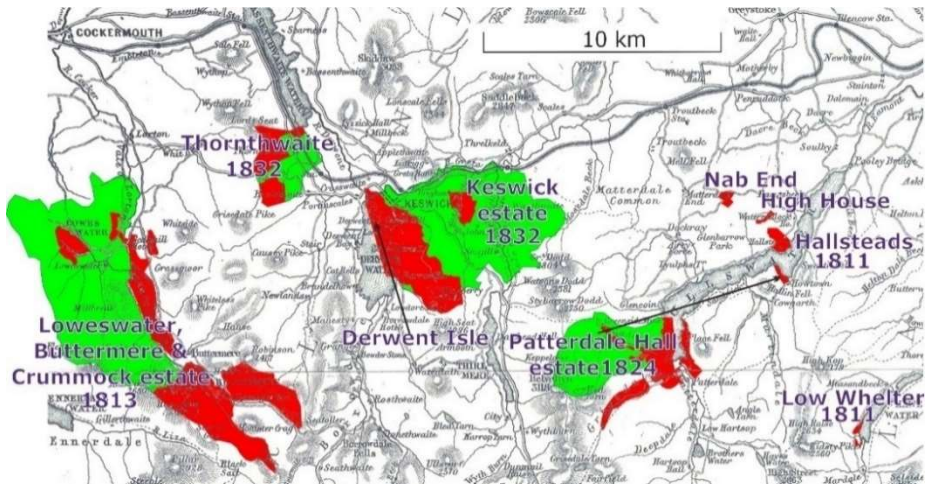
What brought them together was a love of Nature, in particular of the natural beauty of the Lakes and by 1807, following a visit to Grasmere by the Marshalls, they were conferring on aspects of Wordsworth's work on a new *Guide to the Lakes*, first published in 1810. In it, Wordsworth set out what would become a blueprint for conservation which is with us still in its essentials. Our interventions will inevitably involve changing what is already there or replacing what has been lost, but the changes they bring will restore what was lost, or they will harmonise with what natural processes would bring about anyway. John Marshall bought into this and – a factor which no doubt would have reconciled William to his objectionable politics – would be willing

over time to invest huge sums of money in it.

The Marshalls wanted a summer residence in the Lakes – Jane's health would benefit from it – and they began by leasing a mansion on Ullswater. By 1815 they had acquired Low Whelter on Haweswater (subsequently deluged for the sake of the reservoir) and built Hallsteads, their Estate at Ullswater. Meanwhile, John was buying land in the Buttermere, Crummock and Loweswater valleys. The estate was created in three stages: first, the manor of Loweswater, owned by a Cockermouth family, which had been stripped it of all its timber. Sara Hutchinson, Wordsworth's sister-in-law, wrote approvingly of Marshall's planned improvements and Holme Wood came into being. Next, the Buttermere estate was bought from the Duke of Norfolk, and by

1815, Marshall owned a large part of the Buttermere and Crummock valleys, extending from High Crag across to Scale Hill and Loweswater. Here, Marshall was prevented from planting (on the eastern slopes of Melbreak) by opposition from the local tenants. Finally, in 1824, Marshall bought the Scale Hill Inn and a number of properties on Buttermere and Crummock.

Marshall carried on buying throughout the following decades and became increasingly involved in the politics of conservation, notably of the Keswick woods. Owned by the Royal Greenwich Hospital since 1735, they were under constant threat of being sold and cut down for timber. The Hospital's directors protected the woods against its Receivers until 1831 when the First Lord of the Admiralty gave approval for the sale of the timber. Marshall stepped in to purchase them, the woods were saved and the development of housing towards the lake was prevented.



**The Marshall Estates in the Northern Lakes by 1845. Green shading indicates lordship.**

Marshall acquired the Hospital's manors of Castlerigg & Derwentwater and Thornthwaite, and the freehold Keswick Estate of 1000 acres. This would turn out to be his finest achievement as a conservationist, protecting the area from development and from building of the sort despised by Wordsworth, who spoke out against the danger of having '*the most beautiful and commanding sites..... broken up for paltry cottages, rows of lodging houses, and inns with stables etc.,*' An aerial photograph shows very clearly how the new town was kept away from the approaches to the lake and confined to the banks of the river Greta to the north.

By 1845 Marshall and his four surviving sons owned 6000 acres costing the enormous sum of £200000. The daughters made do with generous dowries but no property of their own. Sadly, perhaps, by the time his grandchildren were of an age to inherit, they had learned to think rather slightly of the family's origins and how its wealth had been acquired – a common enough pattern of the time as younger generations were educated into a class above that of their parents, often seen in

novels of the period, in Elizabeth Gaskell and Anthony Trollope.

Derek concluded his impressive talk with some reflections on the history of the Lake District's place in the nation's cultural as well as physical landscape. The industrialist and the poet collaborated in what was essentially a private enterprise conducted for the public good. Preserving the aesthetic integrity of the region was a big part of this – visitors had been celebrating its beauties for a century or more by the time John Marshall had completed his work. But another aim motivated them: to protect the cultural life of the area by preventing the disruption of its inhabitants' way of life in the pursuit of commercial gain. Later in the century by the time of the creation of the National Trust, this responsibility would be taken into public hands. Derek Denman's talk brought to our attention the important role played by individuals such as John Marshall in seeking to protect what we still value about this part of the world.<sup>1</sup>

*Tim Stanley-Clamp*

<sup>1</sup> See also Derek Denman, 'Materialising Cultural Value in the English Lakes, 1753-1845. A study of the responses of new land owners to representations of place and people'. (2011)

## Articles

### ***Childhood memories of Palace How, Brackenthwaite***

by Sheila Drewery

I was the youngest of three siblings, there was Kathleen, the eldest, Susan the middle one and myself.

My parents were: Mary Annie Cunningham and Leslie Leo Cunningham, my Mother being a native of Cockermouth and my Father a native of Workington.

Palace How was basic as energy went and living too. We had gas mantles, and Bottogas. Electricity came in, I believe the year we left, which was 1960. It was a privileged upbringing, albeit very hard at times with the snow in Winter and the droughts in the Summer. In the winter we had to melt the snow as our water was frozen. I remember my Mother making pans of tatie ash for the men digging the snow out at our lane end. We had an old pump outside which I believe was connected from a water source in the hills, not sure about this though. In the Spring, we had the daffodils and in late Spring we could open our front door and smell the bluebells from the wood.

My Father looked after the animals we had. He bred Pheasants then let them go and he would go out into the wood and shoot them. He also bred Hens, I think Red Island Hens and Bantams. We also had nanny goats, oh dear they did like eating clothes dangling from the clothes line outside. They were in the back field.

There were the pigs too, they were friendly, one used to give me a ride on its back. In the big stable we bred Pedigree Labradors and those not sold went to be trained as blind dogs and Police dogs. We had Mick a Golden Lab and Jet a Black Lab. At the back of the big stable we had bales of hay, we loved playing in there.

My Mother ran the local village Post Office from Palace How, those were the days when telegrams were delivered mostly by Kathleen on her bike. My Mother had been in the Post Office for many years and during the war years worked in the Liverpool Telephone Exchange which was underground. She was receiving the D Notices. My Father was in the Home Guard, he suffered badly with his chest as he had had TB when he was younger.

As well as running the Post Office my Mother was taking in bed and breakfast people, some of which were sent down from Scale Hill when they were full. In the Summer months my Father would go and serve behind the bar at Scale Hill Hotel. I

**Leslie Cunningham with his three girls and the postman. Photos, Cunningham family.**







**Marriage of Leslie Leo and Mary Annie Cunningham**

remember once we had a party of horse-riders, the horses were tethered in the top stable.

It was hard graft for my Mother, no hoovers, fridges, washing machines then. She used to put the carpets onto the line and beat them, no easy task for a slightly built lady. Of course we had the Dolly Tub but that was hard work. I used to help lay the table for the people staying in the dining room etc.

Somewhere, in between all my Mother's hard work, she still found time for the local Amateur Dramatics, my Father was the Stage Manager at one point. I remember testing my Mother on her lines whilst she was ironing and Rev Geoffrey White calling, he was in the Amateurs too. We did have some laughs with these lines.

Palace How was built in 1671, it was a solid building with outbuildings. It had a chemical toilet which my father used to empty in the far corner of the back field. We had a wonderful supply of rhubarb every year there!

We had the old tin bath which was filled with pans of warm water in front of the fire, and our hair rinsed with water from the pans. I reckon this is where I got my fear of water as I could not stand water going over my face until I was 40. Then of course the tin bath had to be emptied by two people as it was heavy. Our fridge, was a cold pantry with slate shelves and slate floor and a wooden shelved unit with mesh door.

I remember how cold this was. All my Mother's baking went there to cool, and my goodness, her baking was wonderful. In fact my memories of smells of Palace How are home baking, daffodils, bluebells and pigs.

On the landing upstairs at Palace How, we had what we called the room above the kitchen, this was like Pandoras box. The three of us slept in the front bedroom which had a Priest Hole, it had a door on the wall and I believe the steps went into the room above the kitchen. Those were the days when we carried candles to bed. When Kathleen was older she moved out of the front bedroom and moved to the far bedroom, there were steps up to this room. The middle room was used by Mother and Father. I always liked the stairs as there was a deep window sill half way down the stairs you could sit on and admire the view of the Hows etc.

Downstairs, there was the kitchen with Dolly Tub, later on a Bottogas cooker, previous to that my Mother used the fire range which produced some lovely baking. We also toasted bread on a toasting fork, those were good days. The Post Office area was in the front of the house, had its own entrance door, and doorbell. The Post Office was a small area within a larger room. The counter was not that big. It was stone floored which must have been cold to stand on. There was an area where her



### **Kathleen, Sheila, and Susan**

Post Office Forms were kept. The other part of the room had shelving and housed the piano. My Mother was a marvellous pianist and we enjoyed joining her at Christmas singing Christmas songs stood round the piano.

My Mother also sold postcards of the area, in fact I have the original Friths hanging display with three postcards on, one showing my Father stood at the lane end with the huntsman and his hounds. The Post Office area was out of bounds to us.

The Dining Room was my favourite space which was always kept neat and tidy, there was artwork on the wall which I always liked as a child and I often wonder who bought these when we left. I still like art so it definitely made an impression on me. One was an oil painting of a water carrier, the other one was a small painting of a horse carrying coal. We had a lovely sideboard too and dining table and chairs. Then there was the inner boards which we closed at night to keep the draughts out as well as the curtains over the windows.

There was the main living quarters with a very old dark dresser from floor to ceiling, this had deep cupboard spaces at the bottom and when we played hide and seek we hid in there. I believe this was sold separately from the house, but may be wrong. We had an acid radio which was played all the time, as well as listening to the Archers and Desert Island Discs, we also had a gramophone. Our heating came from the Triplex-type range and this used wood and coal as well as an open fire.

I always remember how we held newspapers over the front of the fire for it to start burning, as children we never thought anything of it or saw the dangers. We used to have to go over to Corn How for our milk, no lights along our lonning or the road to the Farm. The three of us as children used to walk down to Crummock, walk to Church on a Sunday, Geoffrey White keeping the bells ringing until we had arrived. I loved the Sunday School and being in the Choir. Loved it at Christmas Time going round the village and going back to the Rectory for refreshments. We never saw the danger of walking along those narrow roads.



**Annie Cunningham at Palace How**

Nowadays, I am sure children and mothers have to think twice about walking along narrow roads.

The back kitchen was next to our living room, it had a big window overlooking the back field and fells. It was very basic it housed the Bottogas oven, Dolly Tub a table and kitchen cupboard unit.

We were never short of fruit as at the top of lonning, into the yard was an orchard with gooseberries, raspberries, black and red currants, as well as apples, then further up the yard there was a stepped building in the front field which was the hen house. Always, woken by the cockerel every day. The hens roamed around too and we used to go and collect hens eggs in the hedges, no sell by date on these, but still here to tell the tale! We loved looking for eggs. They did lay them in strange places. We used to have the

Pheasant hutch and rabbit hutch in the front field, sometimes these were attacked by foxes.

The land consisted of Palace How wood, the front field, meadow and back field, these fields often housed other peoples' cows or sheep. In the back field there was a beck which had frog spawn and tadpoles swimming about. There were yellow and blue irises growing alongside the beck. The nanny goats were in the back field. We also had several cats, which was a good thing as they would catch the field mice that would come into the house.

Now I am not sure how many know but in Palace How wood there is a Crag called Tingle. As a child I used to go and sit on it and chatter to it. I wrote a poem about it years ago. It is named on a map of the wood.

I will at some point dig out the correspondence from the National Trust re the sale of Palace How

wood to them and the map of the wood. The wood has so many memories to us, as kids we used to play cowboys and Indians and hide and seek, listening to the wood peckers and other birds as we played. In the back field we had a see saw. I have a photo of the three of us on this, will have to look for this. Also, we had a big tree which a swing was attached to and also a tree house was built half way up in it. From the back field we could see the Buttermere road and we used to count the charabancs we could see travelling to Buttermere.

The saddest thing about leaving Palace How was that we were just told we were moving, no discussion. It has always been a big loss to me that is why I always try and visit Loweswater when I can. I will be back in ash form when my time arrives so my poem Back to my Roots will have gone full circle!

## ***The lost St Helen's House, in Cockermouth***

by Gloria Edwards

A few months back I was asked by a local town Councillor whether the Heritage Group knew anything about a house called St Helen's that he'd seen mentioned in Bradshaw's Descriptive Railway Hand-Book of Great Britain and Ireland (first published in 1863). Bradshaw mentions just three properties, one of which is St Helen's. Thinking this would be a relatively straightforward piece of research, I set to on the task but soon discovered things were more complicated than I had first anticipated.

All that remains today of the original St Helen's, an eighteenth century property, is a section of wall that enclosed the house and gardens, at the far end of St Helen's Street, where it joins Castlegate Drive near Cockermouth School. The earliest evidence of the property I have found so far is on a plan dated 1810 (below) found amongst the donated items from J Bernard Bradbury. It is a plan related to a later land dispute. This clearly shows St

Helen's and a large estate covering Hulland Close, extending all the way across to Strawberry How, with the name the Rev. John Benson written across it.

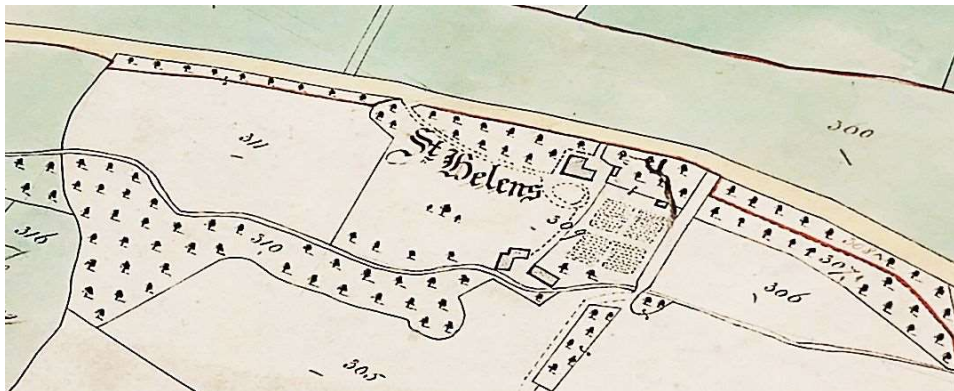
### **The Benson family and St Helen's House**

A Benson family tree shows that Thomas Benson (born 1747 in Egremont) married Elizabeth Baynes of Cockermouth. He was a solicitor in Cockermouth, and appears in the 1790 Universal Gazetteer as one of several Attorneys in the town. It is highly likely that it was Thomas who was responsible for the building of St Helen's House (or Mansion, as it appears in some sources) since, upon his death in 1807 it was his son, the Rev. John Benson who inherited the property and large estate (as evidenced on the 1810 plan). The Benson family owned St Helen's for around 100 years, although it was rented by other people at various times. The 1839-40 Tithe Map shows Robert Benson, solicitor (one of the Rev. Benson's sons) as the owner, with a Major James Steel in occupation.

Rev. Benson had died in 1831 but in 1827 St Helen's and the Strawberry How Estate







had been offered for sale in five lots (Cumberland Pacquet, 5 June 1827) where it was reported that the Rev. Benson had owned the estate 'for the past twenty years' (i.e. since the death of his father Thomas). Altogether there were:

*503 acres 'of valuable Arable, Meadow and Pastureland, including about 38 acres of thriving plantations, the greatest part of which have been planted about 30 years, together with an excellent dwelling house fit for the residence of a genteel family (now inhabited by the proprietor) and all other necessary Stables, cow houses and thrashing machines, one of which goes by horses, and the other by water, and all other outbuildings necessary for the occupation of the same, all of which are now and have been for the last 20 years in the possession of the proprietor and are in an improved state of husbandry, and laid out in convenient Inclosures, and fenced with good quickset hedges and at great expense.*

The five Lots were: (1) Strawberry How Farm (202 acres, including farmhouse and outbuildings) (2) Langton Barn and Hulland Closes (202 acres) (3) 26 acres of grazing land (4) fourteen acres of grassland with barn (5) House with garden, orchard, two stables and loose boxes for hunters, and about 22 acres, ground divided into paddocks with hovels for horses, together with six acres of plantations for ornament and shelter to the House.

#### **Detail from the Cockermouth Tithe Map, 1840, TNA/IR/37/45**

It is unclear whether all of these Lots sold but Strawberry How farm (207 acres) was offered to let, along with the Farm at St Helen's and Langton Barn (226 acres) in 1833 (Cumberland Pacquet, 27 August 1833).

Solicitor Robert Benson (1807-1858, son of the Rev. Benson) had married Elizabeth Knight in 1831 at Bridekirk. Her family lived at The Mount in Papcastle. Interestingly, Elizabeth was one of triplets (two girls and a boy) christened at Bridekirk on Christmas Eve 1804. Amazingly, all the triplets seem to have survived. Elizabeth's father Thomas was an acquaintance of John Dalton with whom he corresponded on astronomy. Sadly, Elizabeth died in 1844. Robert married again in 1849, another Elizabeth (Elizabeth Sarah Rudd), and there were four daughters from that marriage. All the girls grew up at St Helen's. There is a description of the house when it was offered to let on 1 March 1847 in the Cumberland Pacquet: 'Furnished residence to let for one year or term of years, completely furnished. Dwelling house at St Helen's - Dining room, drawing room, a small breakfast room, 5 good bedrooms and servants rooms, with garden and greenhouse, Stable and coach house and other out-offices'.



**A Ewbank family photograph**

Another benefactor mentioned within the same tribute was Robert's uncle Richard who lived at Hassness, Buttermere. Major General Richard Benson, C.B. bequeathed to the Institution the whole of his valuable library, together with the sum of £100. When Cockermouth's Carnegie Library was opened in 1904, all of those books were transferred to the Library from the Mechanics' Institution.

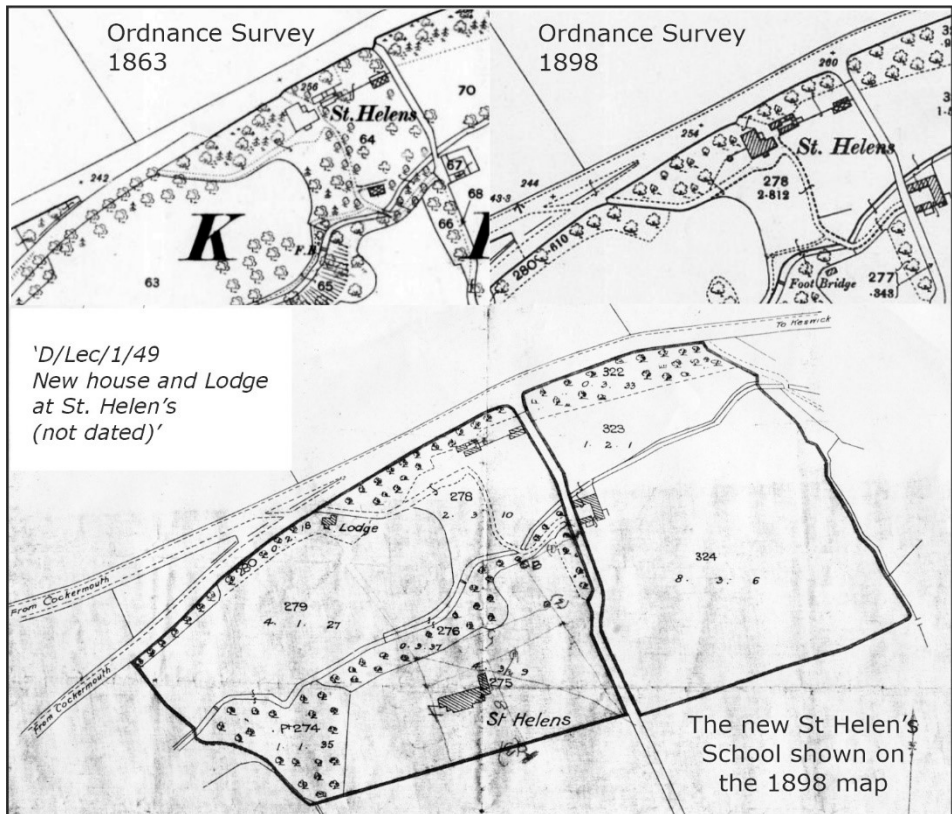
The youngest of Robert and Elizabeth's daughters, Julia Helen (born in 1858), married Rev John Ewbank in 1883, and their three children were born in Cockermouth (presumably at St Helen's) in 1884, 1886 and 1889. By 1891 they had moved to Boltongate Rectory, and the image shows the Ewbank family in later years with Julia seated far right. Julia died in 1956 aged 98 in Grasmere. The

Robert Benson was a solicitor in the town for many years. He was also Principal Founder of the Cockermouth Mechanics' Institution, serving as its President for nearly thirteen years. When he died in 1858 tribute was paid to him as a benefactor:

*Endowed with the spirit of Benevolence, and with a mind eminently vigorous, candid and independent, he was throughout life the consistent advocate of civil and religious liberty: the kind friend of the poor, and the zealous and liberal supporter of every movement for promoting the intellectual elevation, ameliorating the social condition and providing for the religious wants of all within the sphere of his influence.*

two boys sitting on the grass at the bottom of the image are the youngest sons of Julia and John: John Walter and Leonard. Both boys were destined to die on the battlefields of WWI: John Walter at Cambrai in 1917, and Leonard at Ypres in 1916. Both boys were educated at St Bee's School. John Walter passed out at Sandhurst military academy, whilst Leonard went to Oxford. John Walter was awarded the Military Cross with palm and the Croix de Guerre for his brave actions during WWI.

Towards the end of the nineteenth century the Benson family's ownership of St Helen's was coming to an end, and the house appears to have been rented out to various people over several years. Mr J H Jefferson with wife Elizabeth and two



daughters, Mary and Rheda, were there in 1891. In Bulmer's Directory of 1901 Joseph Hugh Jefferson J.P., wine merchant, was listed as being at St Helen's and Hundith Hill, but by 1911 he and his family were occupying Hundith Hill, and the Watson family was renting St Helen's Mansion.

Another building close to St Helen's House was St Helen's Cottage, situated on the lane that leads up to Annfield Farm. The Cottage is still there. In 1901 it was occupied by a coachman - Tom Rennison and his wife Jeanie. In 1911 it was Reuben Nicholson (chauffeur), his wife and a groom at 'St Helens' (probably St Helen's Cottage).

#### **The old St Helen's School**

Research has revealed that there was an early private school at St Helen's, under

the charge of Mary Archer Jefferson (no apparent connection between her and the later Jeffersons of Hundith Hill). Mary was a Quaker, and her school operated from the early years of the nineteenth century, well before the building now located on the hill within the Wyndham Caravan Park appeared, and where the better-known St Helen's School was established at the beginning of the twentieth century. It is probable that Mary was a tenant of St Helen's, although she might also have used another building on the site.

Mary's school was established in Spring 1818. An advert in the Cumberland Pacquet (13 July, 1819) describes the school as expanding since its opening the previous year. It was a provision for 'Female Education', with fees for board and instruction at £35 per annum - 'No

## Ladies' Boarding Establishment

St Helen's

Near Cockermouth, Cumberlan

The Course of Education, in this  
Seminary,

Embraces a large field of Useful and  
Polite Acquirements, and combines  
sound Literary Instruction with the  
usual routine of Ornamental  
Accomplishments.

The Teachers are all resident in the  
house. St Helen's is a substantial  
mansion, beautifully secluded by  
Plantations of considerable extent. Its  
distance from Cockermouth is about  
Half a Mile. A Covered Conveyance is  
kept for the Accommodation of the  
School.

St Helen's, 6th Mo. 11th, 1836

The school seems to have thrived over  
several years, with additional teaching  
staff being employed.

Then in March 1837 St Helen's appears to  
have been put up for sale or let. An advert  
in the Carlisle Patriot offered a Mansion  
House: for Genteel Family, Garden, Coach  
House, Stables and Cow House, 27 acres  
of Wood and Arable Land. A month later  
an advert in the Cumberland Pacquet  
announced that Miss Archer was removing  
to Allanby House at Flimby, Maryport  
where she intends to open a Ladies'  
Boarding School. One part of that advert  
referred to the availability of a Suite of  
Apartments at St Helen's suitable for a  
governess with an intention to open a  
General Day School, and to whom Miss  
Archer's Preparatory School might be  
transferred. By 1842 Allanby House was  
up for sale and Mary Archer was moving  
yet again, this time to Flimby Lodge. In  
the 1851 census she was there as  
Superintending Teacher with several  
members of teaching staff, including her  
sister Elizabeth. Mary died in 1856.

Entrance Fees, nor any Charge for Fire'.  
Subjects offered were:

Reading, English Grammar, Writing and  
Arithmetic, Geography and Use of Globes,  
Delineation of Maps and Elements of  
Astronomy, French, Book Keeping, History  
and Biography

### **The new St Helen's School (see the plan on page 15)**

Towards the end of the nineteenth century  
the Misses Libbetter (Hilda Mary and  
Bertha) had opened a school - the Harford  
Boarding and Day School for Girls and  
Little Boys. This was on Cockermouth  
Main Street, the end building of the

## **Harford Boarding and Day School, FOR GIRLS AND LITTLE BOYS, MAIN ST., COCKERMOUTH.**

Owing to Increase in Numbers a Boarding House has been added within  
Two Minutes' Walk of the School.

**PRINCIPALS ... THE MISSES LIBBETTER.**

Assisted by a Strong Staff of Highly Qualified Resident Mistresses  
and Visiting Masters.

Pupils Prepared for the Public Examinations. Daily Gymnastics. Special  
Attention to Music and Art Work. Older Pupils may Specialise in Preparation  
for Careers. A Kindergarten for the Younger Children. Students' Training  
Department. **PROSPECTUS ON APPLICATION.**



# Harford Boarding and Day School for Girls and Little Boys,

71, Main Street,  
COCKERMOUTH.

PRINCIPALS :—The MISSES LIDBETTER,  
assisted by a Strong Staff of highly-  
qualified Resident and Visiting Mistresses.

## HOURS OF ATTENDANCE:

MORNING — 9 to 12-15.

AFTERNOON—2 to 4-45.

Junior School—9 to 12-15.

2 to 4-0.

No school on Saturday.

Each day begins with a simple Bible-reading  
and hymn.

2

present-day Terrace Bar attached to the  
Trout Hotel (see advertisement page 16).

The school thrived and at some point  
extended or moved to Norham House for  
a while, before moving on to a new  
building at St Helen's. It was known as  
Harford School, St Helen's, and  
presumably the Harford part of the name  
was dropped  
at some  
point for  
simplicity –  
on the OS  
map (1923)  
it is clearly  
labelled as  
St Helen's  
School.

The Misses  
Lidbetter  
came from a  
Quaker  
family. Their  
father  
Robert  
Martin

Lidbetter was a former Head Master of the  
Friend's School at Wigton, as was his  
father before him (Martin Lidbetter), who  
was described as the 'oldest schoolmaster  
of the Society of Friends, 33 years  
Superintendent and Head Master of the  
Friends' School at Wigton'. In 1890 the  
Martin Lidbetter Presentation Fund had  
been set up by Josiah Hall of Cockermouth  
for people to show their appreciation.  
£100 was to be presented to Martin and  
his wife Eliza, along with a 'solid silver tea  
service', and people were encouraged to  
attend the School at Wigton for a day of  
celebration with refreshments. Martin  
died in 1901, leaving son and grand-  
daughters carrying on the teaching  
tradition.

It is hard to give a precise date for the  
opening of Harford School at St Helen's, It  
seems that the school premises were  
owned by the Leconfield Estate and so  
must have been rented by Miss Hilda  
Lidbetter. Electoral Registers for 1911  
and 1912 show the Misses Lidbetter at  
Harford School, Main Street. The move  
must have been made soon after that.  
There is an image of Harford School,  
Cockermouth, 1916 (see below), but it is  
not clear whether that is taken in town or  
at St Helen's. By the time of the 1921  
census Hilda was listed as Principal of a  
Private School for Girls at St Helen's.





**The exterior of the school at St Helen's, a view of a classroom, and the pupils, all in 1919.**

**Images: Cumbria Image Bank**



In the Methodist Minutes of Conference for 1933 and 1937 St Helen's was listed:

**A METHODIST SCHOOL IN  
THENORTH OF ENGLAND**

GIRLS' BOARDING SCHOOL,  
recognised as efficient byThe Board  
of Education, in an unrivalled  
situation in its ownGrounds.  
Graduate Staff. Many examination  
successes.

Excellent health record. Fees  
Economic and Inclusive.

[Private Swimming Pool in the School  
Grounds (1937)]

TWO ENTRANCE SCHOLARSHIPS  
OFFERED

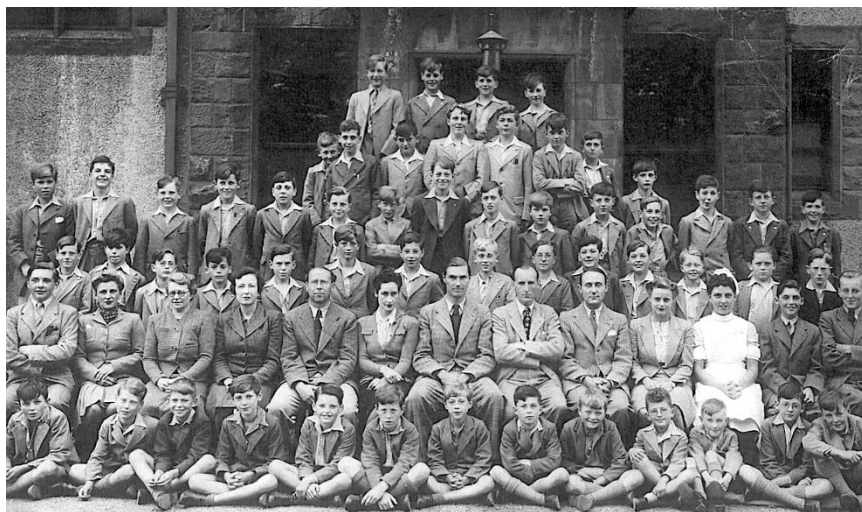
ST. HELEN'S, COCKERMOUTH  
PRINCIPAL: Miss WHEELER

By the time of WWII St Helen's stood empty, meaning that Belmont School, the preparatory section of Mill Hill School in London, was able to evacuate all its children to the safety of Cumberland for the duration of the war, under the Headship of Mr Chatterton (see image below of 1943). The boys of Mill Hill School were evacuated to St Bees. Contact has been made with some of the boys who spent time at St Helen's during

the war years and there are several interesting accounts of their adventures, with grim accounts of being made to swim in a swimming pool, open to the elements in the leafy grounds at the bottom of the hill near where the Lodge now stands.

In the post-war years Mr Chatterton returned to St Helen's as Headmaster of a Boys' Preparatory School, which had a different name by 1956 - Wyndham House School. The previous Headmaster had been a Mr Bladderwick. By 1962 the school was admitting girls too, and the Headmaster was Mr Kenneth Daniels. The Leconfield Estate had sold the house to Mr Daniels in 1964. Wyndham House School closed in 1969 when it amalgamated with Lime House School (Dalston, Carlisle), and Mr Daniels applied for planning permission to create a caravan park on the site. Permission was given for that to happen in 1969. The Daniels family were still living in Wyndham House in 1971, but by 1973 the Wyndham Caravan Park had come into existence.

(My thanks to Robert Baxter [Cumbria Archives], Linda Macdonald [a former pupil] for help in finalising the timeline of Wyndham House, to Cumbria Archives for Image Bank pictures and copy maps, and to people who allowed me to copy photographs).



# **Tenantright in Loweswater and Lorton in the sixteenth century**

by Derek Denman

The early transition in England from feudalistic to capitalistic agricultural production was a subject of great interest to twentieth-century economic historians. By contrast, France retained feudal agricultural practices until the revolution. How was the change in England connected with the eighteenth-century agricultural revolution, which presaged early industrialisation?

The historical debate was strongly political. Some found a class conflict, where grasping manor lords forcibly reduced their manorial tenants to leaseholders and wage-labourers, while others considered that the tenants had adequate protection in law to withstand abuse.<sup>1</sup> Whatever the perspective, there were important economic changes in the sixteenth century which accelerated developments. These were compounded by Henry VIII. He created a large capitalistic market in the property of the dissolved monasteries, and he worsened economic instability and inflation through his debasements of the currency from 1526.

The main debate was centred on the Midlands, where leasehold became the norm and the manorial tenants lost their claims to any equity in their tenements. In the North of England, however, manorial agricultural land was often held by a form of holding known as tenantright, which included a practice of inheritance. In the North of England there was a struggle between some lords of manors and their

manorial tenants over what was or was not custom. In this struggle, focused on Westmorland in 1625, the law did indeed enable the tenants to sustain their claim to customary entitlement to a large share of the equity in landholdings, and other rights, and to buy and sell their property rights in the market.<sup>2</sup> The lords were not completely unsuccessful in imposing leases in Cumberland and Westmorland, but in our area tenantright was retained.<sup>3</sup>

This article will identify local records, within the Honour of Cockermouth, which demonstrate that tenantright was well established as practice in the early sixteenth century, leading to a general recognition by the lord in 1525 of inheritance as a right in the Percy Honour of Cockermouth, and therefore the *de facto* custom. It will then investigate how the Lords and tenants of Loweswater and Lorton engaged in disputes involving tenantright in the court of Chancery.

## **1. Northern tenantright before 1537**

Rather than attempting to write a new summary of tenantright here, I quote Angus Winchester's distillation of numerous studies, as presented in *The Harvest of the Hills*, in the context of development up to 1700:-

*This [customary tenantright] was similar to a copyhold of inheritance, giving tenants a security and freedom akin to freehold in buying, selling and devising, but encumbering it with a range of dues to the lord, the most significant of which were the fines payable on a change of tenant and on the death of the lord. In origin, such tenures appear to have developed out of the servile tenures of the medieval period, through the*

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<sup>1</sup> R H Tawney, *The agrarian problem in the sixteenth century*, Longmans, London, 1912; Eric Kerridge, *Agrarian problems in the sixteenth century and after*, London, Allen & Unwin, London, 1969, provides a comprehensive description of the relevant property law, with a critique of Tawney.

<sup>2</sup> Bouch and Jones, *The Lake Counties, 1500-1830*, Manchester University Press, 1961, pp.

63-78, gives a brief account of dispute over tenants' rights.

<sup>3</sup> See Nicky Gregson, 'Tawney revisited: custom and the emergence of capitalist class relations in North-East Cumbria, 1600-1830', *Economic History Review*, 1989, pp.18-42 for a study of leasehold versus customary; S J Watts, *Tenant right in early seventeenth century Northumberland*, *Northern History*, vi (1971).



*granting of life-leases, whereby land was granted for the life of the tenant during the lord's lifetime. ... Customary tenantright ensured the survival of a traditional society of small owner-occupiers.*<sup>4</sup>

That is probably uncontentious, but within it the timing of the development of the practices associated with tenantright, and of whether and when they became established and recognised as custom, is a matter of debate and of continued research, particularly in the sixteenth century. Custom was a part of the law, together with common law and statute law, and was administered through the manor courts. Each manor had its own customs, and those customs developed within manors. So that 'the custom of the manor' was an accumulated and evolving set of rights, based on *de facto* practices within the manor.

The records of practice were principally the manor court proceedings, and challenges to alleged customs relied on access to the records of past practice, and local inquisitions. For a practice to become an established custom, no specific time period was laid down, but it became usual in the sixteenth century for a tenant to claim a custom if 'the memory of man knoweth not to the contrary'. That formed a basis for inquisitions and for petitions in Chancery, under common law.

A factor which helped to justify the right of inheritance was that the tenants were obliged to provide military service to the Crown on the Scottish borders at their own expense. The Union of the Crowns in 1603 rather weakened that argument, and by the time that a genaral judgement was made in 1625, by the Chief Justice of the King's Bench, the Westmorland tenants relied on proving a custom of inheritance,

without an original justification, and were successful.<sup>5</sup>

The most comprehensive and authoritative study of the development of tenantright in north-western England in the sixteenth century was made by Richard Hoyle and published in 1987. Hoyle established that the defining feature of northern tenantright was not military service, but the cessation of the tenancy on the death of the lord, if earlier than that of the tenant, and the obligation of a tenant to pay a fine to be admitted to a tenement by the new lord.<sup>6</sup> This type of tenure, and the developing 'general fine' of all the manor's tenants on the death of the lord, was found only in the northern counties.

Hoyle's extensive research supported a statement which seems to claim general validity: 'Tenant right may well be laudable, but it was not ancient, and so could not be a custom'.<sup>7</sup> Hoyle's article noted that tenantright existed in places in the 1520s, but he considered that it had not been established for long enough to become custom, before it was pragmatically adopted through interactions between lords and tenants in the sixteenth century. That would mean that leases would have prevailed at least up to the mid fifteenth century, without a systematic practice of inheritance and, presumably, with the lord able to set commercial rents. This article will not look back before the records of the 1470s.

This lack of antiquity and of custom was recently questioned by Philippa Harrison in a study of Crosthwaite Parish, an area which lay partly in the Percy's Honour of Cockermouth, including the manor of Brundholme which contains the parish church.<sup>8</sup> See Figure 1. This present study is wholly contained geographically within the Percy's Honour of Cockermouth, and

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<sup>4</sup> Angus J L Winchester, *The harvest of the hills*, Edinburgh University Press, 2000, p.16.

<sup>5</sup> See Bouch and Jones, *The Lake Counties*, for an account.

<sup>6</sup> R W Hoyle, 'An ancient and laudible custom: the definition and development of tenant right in

north-western England in the sixteenth century', *Past and Present* 116 (1987), pp. 24-55, p. 26.

<sup>7</sup> Hoyle, 'An ancient and laudible custom', p.52.

<sup>8</sup> Philippa Harrison, *Mountain Republic*, Head of Zeus, 2021, Appendix 2.

similar questions arise. However, Hoyle avoided using the records of the Percy manors because he understood that they formed the basis of the work of another unidentified scholar.<sup>9</sup> The records considered here in this small study were not seen by Hoyle in his far more comprehensive study of north-west England. He used secondary sources, finding evidence of general fines on the Percy Estates around 1500, and he acknowledged that 'the principles of tenant right were therefore understood on these noblemen's estates [Percy and Clifford] half a century before ... the lesser gentry'.<sup>10</sup>

### **Thomas Denton and northern tenantright in 1536.**

In his *Perambulation of Cumberland, 1687-1688*, Thomas Denton connected tenantright with the need for border service and the performance of it. That was no longer required, and therefore tenantright should have been judged invalid. He also claimed that tenantright dated back only to the demands of the tenants in the Pilgrimage of Grace in 1536, 'hoping thereby to have first erected a custome, which they then gave the denomination of a tenantright custome & themselves the name of customary tenants'.<sup>11</sup>

Denton referenced Speed's *History* of 1611 which quoted the demands of the commons, or the common people, but Denton did not quote Speed, implying that Speed wrote that the rebels 'in open rebellion did force their landlords to seale certain grants to them for their tenantrights'.

Speed quoted the full demands of the commons in 1536, i.e. the common people, in the instructions to their emissary, Sir Thomas Hilton, including:

*Also that the landys in Westmorland, Cumberland, Kendale, Dentsyd, Furnes, and the Abbeis lands in Yorks, Worsaidyshire, Kerbyshire, Nenerdale, mayne bee Tenant Right. And the lord to have at every change two yeeres rent, in the name of a agarsumme [gressom], and no more, according to a grant now made by the Lords to the Commons under their seales, and this to be done by Act of Parlement.*<sup>12</sup>

The aims of the commons included the retention and general application of tenantright, not some unknown and undefined new practice, and they wished to limit the gressoms, or entry fines, to two years manorial rent. The extent to which tenantright was or was not a custom, established over time, was not included in Speed. Nor did the relevant demands of the commons, as included by Denton further on, refer to tenantright as justified by custom, a word not used.<sup>13</sup> This article will demonstrate that these demands aligned with the existing practice in the Percy Honour of Cockermouth.

## **2. The Honour of Cockermouth 1472-1534**

By the 1520s the Honour of Cockermouth had been in the hands of the Percy family, Earls of Northumberland, for over one hundred years, quite long enough to establish customary rights. As shown in Figure 1, in the 1520s the Honour included most of Loweswater, Thackthwaite, Brackenthwaite, and Buttermere, but only part of Lorton. Most of Lorton village was held as small freehold manors within the superior Percy manor of Derwentfells, and those tenement holders were manorial tenants of the freeholders, not of Derwentfells manor. However, those tenants had the use of Derwentfells

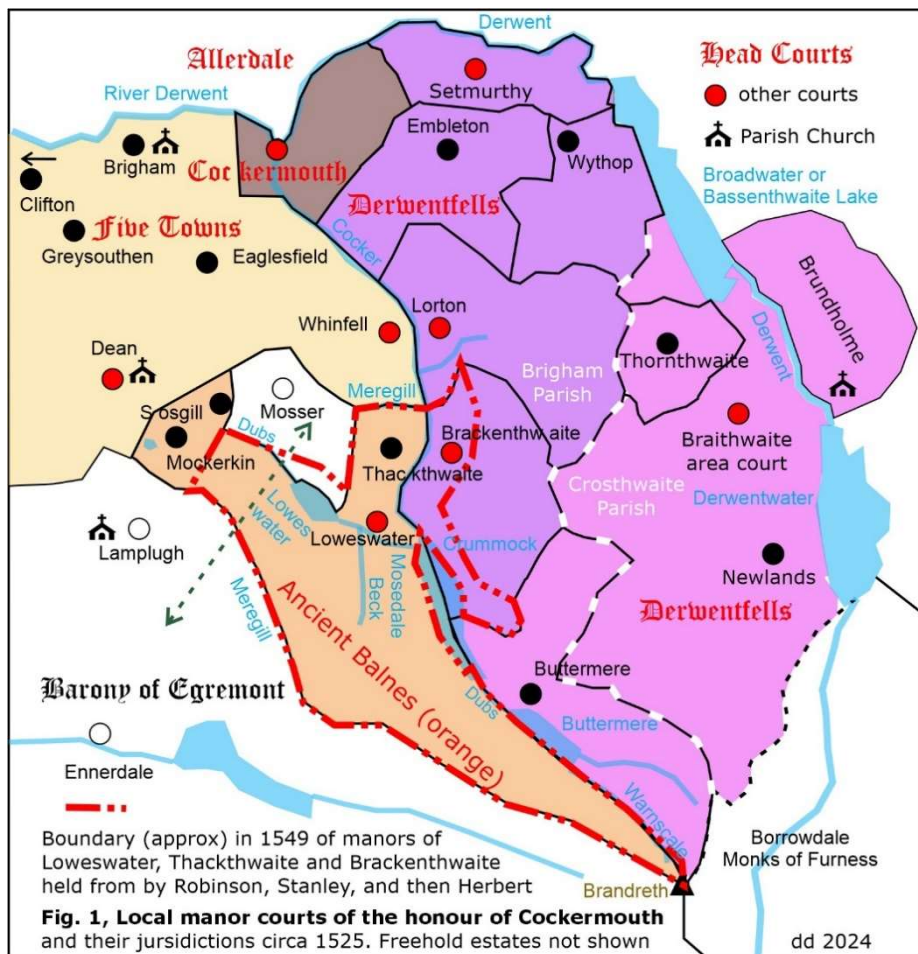
<sup>9</sup> Hoyle, 'An ancient and laudible custom', p.28, note 4.

<sup>10</sup> Hoyle, 'An ancient and laudible custom', p.28

<sup>11</sup> Angus Winchester, Ed., *Thomas Denton; A Perambulation of Cumberland 1687-1688*, Surtees Society, 2003, pp.475-6.

<sup>12</sup> John Speed, *History of Great Britaine*, 1611, p.775

<sup>13</sup> Winchester, *Thomas Denton*, p.481.



Common, for which they answered at the courts of the Honour of Cockermonth.

Concerning the recognition of northern tenantry, J M W Bean wrote in 1958:

*Second, it is clear that before 1537 no form of 'tenant right' as yet existed on the Percy estates. ... There is no suggestion of this practice in the description of 1537 [for the northern estates]. Moreover, the formula by which the tenements were granted in*

the 1520s – ‘ad terminum vite sue et vite ipsius Comitis’ contains no mention of the tenant’s heirs. In practice, of course, tenements would tend to be held by the same family over several generations, descending from father to son. But before 1537 there is no indication that the lord yet admitted the right of a son to succeed to his father’s holding according to the dictate of manorial custom.<sup>14</sup>

<sup>14</sup> J M W Bean, *The Estates of the Percy Family, 1416-1537*, OUP, 1958, p.57 (also p.65 is similar)

That seems a curious statement. While denying that tenantright existed it appears to describe rather well the practices of tenantright as existing for several generations, a period which might create a right by custom. Hoyle notes that 'J.M.W. Bean found that the in the 1520s the Percys were using the classic form of tenant-right demise *ad terminum vite sue et vite ipsius Comititis*'.<sup>15</sup> This article will show that the lord did admit a well-developed right, and not just the practice, of tenant inheritance in and after 1525, contrary to Bean's statement.

### **Evidence from the Manor Courts**

There is a rare survival in the Leconfield archive of many rolls of the Court Baron and Court Leet for the Honour of Cockermouth, from 12 Ed. IV to 18 Hen. VIII, 1472-1534. Those were fully and competently transcribed and translated long ago, beyond the memory of man or woman, and now form a valuable and accessible source for many studies.<sup>16</sup> The courts were usually presided over and recorded by the lord's steward, or seneschal, and the verdicts would be given by a jury of tenants. These court records do not contain the actual surrenders and admissions of manorial tenants, which might be the role of a *Court of Dimissions*, whose records for this period do not survive.

The full court records in this sequence have been examined from 1472 for evidence of tenantright practice and custom in the head courts and sub-courts of Derwentfells, Five Towns, and Loweswater, as shown in Figure 1. There are occasional early verdicts concerning tenements which shed light on practice.

There was one exceptional process in 1525, which recognised and recorded tenantright as a right throughout the honour. The verdicts have been examined for all 21 manor courts between 19 April and 1 May. There were 25 cases in the

courts of manorial tenements requiring demission for which the verdict identified the person holding the right to be the next tenant, transcribed usually as *het ius tenet* (he has or holds the right).<sup>17</sup> All but one of these 25 appeared to follow a death and identified a family heir with an acknowledged right to inherit, customary tenantright. One was an alienation. The demissions were not made at this court but would have followed.

The court of April/May 1525 worked through the various manors over a number of days, as usual, attended by tenants and swearing-in juries appropriate to the jurisdiction. On 19 April Papcastle and Broughton, no cases of tenantright; on 20 April Dean and Whinfell, no cases; on 21 April Lorton, three cases, Brackenthwaite, no cases, and Setmurthy, three cases; on 22 April Loweswater, two cases; on 24 April Braithwaite, seven cases; 25 April capital courts of Cockermouth, Derwentfells, Five Towns, Allerdale, no cases; 27 April Aspatria one case, Crosby, no cases Whitehall no cases, Birkby two cases; 28 April Capital Court Wigton, two cases; 29 April Westward, no cases; 1 May Uldale, no cases, Caldbeck three cases.

### **Tenantright demissions at Lorton, 21 April 1525**

*Court held at Lorton, 21 April 1525, before Roger Laussels Esq, Geoffrey Lancastre, Senechal, William Danby the Lord's attorney, and Edward Edgore, the lord's commissioners being there present.*

*The tenement late in the tenure of James Wynder is in the hands of the lord of the farm 13s-1d to demise and James Iredale by right of his wife daughter of the said James has the tenants right thereof. Also they say that an improvement called Scalgill late in the tenure of George Steill and Thomas Wattson is likewise in the hands of the*

<sup>15</sup> Hoyle, 'An ancient and laudible custom', p.28

<sup>16</sup> CASW/D/Lec/299T, Honour of Cockermouth manor court rolls, 1472-1534, transcription and

translation; originals at Cockermouth Castle not seen for this article.

<sup>17</sup> D/Lec/299T, f.456, pp.45-56

*lord and the farm is 2s and that John Steill and Thomas Wattson have the tenant right of it. ... Also they say that the lords tenement late in the tenure of John Cass is in the hands of the lord rendering for farm 13s-8d and that James Casse has the tenant right.*<sup>18</sup>

These three cases were clearly verdicts advised to the lord, by the jury, on the basis of an agreed practice of tenantright, including inheritance rules. The three properties were all manorial holdings in the township of Lorton, in the manor of Derwentfells. The Wynder and Casse tenements were half tenements of Low and High Armaside respectively, where tenants were recorded by 1368.<sup>19</sup> The tenement at Skalgill was a more recent enclosure of land from Derwentfells common, near the later New Bridge.

#### **Tenantright demissions at Loweswater, 22 April 1525**

Loweswater, Mockerkyn, and Thackthwaite had been separated from the barony of Egremont in 1230 and were held by Alan de Multon, directly of the King, to be joined with the Honour of Cockermouth by Anthony de Lucy in the fourteenth century.<sup>20</sup> Despite that difference from Lorton, tenantright was acknowledged by the court in 1525, including inheritance from father to son.

*To this Court came Peter Burnyate and said there is a tenement of the lord in Mokar [Mockerkyn] late in the tenure of Christopher Person now dead the farm of which is 7s 8d in the hands of the lord to be demised and William Person his son has the tenant's right thereof.*<sup>21</sup>

In the case of Loweswater, there were two records where widows had tenure of property once held by their husbands on the basis of 'freebench', or widow's customary rights under tenantright. They may have lost their rights due to

miscarrying, that is having children who invalidated their widow's rights:

*Also they say that the wife of Robert Jakson lately a widow has brought forth offspring and the tenement is in the lords hands to be demised and it renders to the lord for farm 9s a year by estimation and Reginald Jakson has the tenant right to the said tenement. ...*

*The wife of John Dicson of Watterend lately the lords widow has come to childbirth by common report and the tenement there is in the hands of the lord to be demised and it renders to the lord for yearly farm 8s and she has 4 daughters.*<sup>22</sup>

#### **Further cases in 1525 and 1528**

The many further cases of inheritance in April/May 1525 shed further light on the detail of the rules of inheritance in the Honour. During the progress of that court there seems to have been a general resolving of issues outstanding from the past. In particular, and possibly related to the recorded acknowledgement of tenantright, there were many cases of properties which had been taken in from the lords common and held at no rent for some years, now being identified and quantified, presumably to be regularised. Many incursions from other lordships were to be charged for back rent, in one case for 75 shillings.

There were a few later cases of verdicts according to tenantright, but only one at Lorton, on 3 September 1528:

*The half of one tenement in Nether Lorton late in the tenure of Thomas Peill is in the hands of the lord to be demised the farm of which is 3 [missing] and John Peill his son has the tenant's right and the right title to the said half tenement after the death of the wife.*<sup>23</sup>

<sup>18</sup> D/Lec/299T, f.456, p.48

<sup>19</sup> Angus J L Winchester, *Landscape and society in medieval Cumbria*, John Donald, Edinburgh, 1987, p.147

<sup>20</sup> Bain, *Calendar of documents relating to Scotland*, no.1106, 1230.

<sup>21</sup> D/Lec/299T, f.456, p.52

<sup>22</sup> D/Lec/299T, f.456, p.54

<sup>23</sup> D/Lec/299T, f.310, p.51



This property can be identified as Kirkgate End. The freehold manor of (Low) Lorton, first recorded in 1230, had been subdivided among three co-heirs and one sixth had escheated to the superior lordship of Derwentfells, probably by 1437.<sup>24</sup> It is unclear whether this record refers to the half-tenement now represented by Packhorse Cottage, or that represented by Lorton Hall Lodge.

The reference to 'after the death of the wife' again recognised freebench as custom. Common law allowed a widow a third interest in her deceased husband's freehold property, and that arrangement often applied to copyholds of inheritance and tenantright. Sometimes it was one half, as in the Dean and Chapter of Carlisle's manor of Lorton and Allerthwaite in 1649, which included High Lorton.<sup>25</sup>

The above examples show that in 1525 and 1528 tenantright, including inheritance, was well established and was now recognised as custom for the Percy tenants throughout the manors of the Honour of Cockermouth. Bean's assertion that 'it is clear that before 1537 no form of 'tenant right' as yet existed on the Percy estates' was mistaken.

#### **Rights of tenants to alienate manorial property**

The rights of inheritance determined the next tenant in the case of the death of the tenant, but that did not necessarily give the tenant a right to alienate all or part of the tenement within his or her lifetime, whether by sale, gift, exchange, or mortgage, and to require another person to be admitted as tenant, with rights such as the use of the lord's common. Only with those rights could there be a capitalistic market in manorial tenancies, which was the case by the mid-seventeenth century.<sup>26</sup>

There were few entries relating to demission of manorial property in the Court Baron and Court Leet before 1525, and even fewer which suggest an alienation. The tenement would need to be surrendered to the lord by one living tenant for the use of another, who would be admitted by the lord on payment of an entry fine, or gressom. Even if an alienation had taken place, the question of whether it was standard practice amounting to a right, or whether lord had granted exceptional permission, cannot be answered.

Three early cases arose because of disputes between tenants resulting from what could be failed sale agreements, coming to the court for breach of promise or contract:

[Court of Derwentfells, October 1476]:  
*Thomas [ ] complains of William Peyrson in a plea of deceit for that the deft promised to him his tenement when he demised it as it was adjudged to him the plttff by the arbitrator and he did not have it to the damage of 30s deft denies wherefore an inquisition plttff recovers 12s by the inquisition therefore deft in mercy [lost the case].*<sup>27</sup>

[Court of Five Towns, October 1477]:  
*Peter Wilkinson complains of William Dicson Ullak in two pleas of debt for 40s and 40d promised to him for 1 tenement in Ullak deft admits the debt.*<sup>28</sup>

[Court of Derwentfells, 16 May 1505]:  
*The wife of Miles Fischer complains of Hugh Fischer John Hudson and Peter Hudson his pledges in a plea of breach of contract for that he promised the said plttff £6 6s 8d for the goodwill of a tenement late in the tenure of the said plttff and did not fulfil [the contract] whereby damages 40s deft appears and denies the said contract whereupon an*

<sup>24</sup> Angus Winchester, *Landscape and society* p.146.

<sup>25</sup> CASC/DCHA/8/8/8, f.98, customs. Fines on descent or alienation before 1649 were mostly arbitrary and not more than seven years old rent, some five, some less.

<sup>26</sup> C E Searle, 'Custom, class conflict and agrarian capitalism: the Cumbrian customary economy in the Eighteenth century', *Past and Present*, no.110, 1986, pp.106-133.

<sup>27</sup> D/Lec/299T, f.240, p.4

<sup>28</sup> D/Lec/299T, f.269, p.13

*inquisition by the oath of [13 names] who say that the debt is in the wrong and have assessed the damages as £6 6s 8d and therefore the debt is in mercy.*<sup>29</sup>

Those could be alienations between living tenants, which had gone badly leading to disputes at the court leet and baron. It would be reasonable to assume that only a small percentage of alienations troubled this court, and that by the 1470s there would have been much larger numbers of successful alienations in a court of *dimissions*.

A very few successful alienations were noted or effected in the manor court. Two complex surrenders were noted at the Lorton court in April 1525:

*Surrender of tenement in Buttermyr. Be it remembered that Thomas Newcom of Buttermyr [brother of Jak Newcom of Rannerdale who had murdered Robert Thomson in 1516<sup>30</sup>] surrendered into the hands of the lord all the appurtenances of a tenement [rights attached to a tenement, such as use of the lord's common] belonging to the lord called [name omitted] to the use of John Thomson now dead. ...*

*To this court came Joanna late the wife of James Wynder and surrendered into the hands of the lord one half of her tenement [i.e. half of her one of the two tenements at Low Armaside, Lorton, in Derwentfells manor] to the use of James Iredale and Janet daughter of the said wife provided that they shall only occupy the third part of the whole tenement until a certain day in the future and after the term of the life of the said wife the same James shall have the whole tenement.*<sup>31</sup>

In the above two alienations the right of the tenant was not made explicit. Only in one of 25 cases in 1525 did the right to admission as a tenant derive from an

alienation, at the Braithwaite court on 24 April 1525:

*Also they say a half tenement of the lord in Rogersset (in the lord's hands) late in the tenure of Henry Fischer is in the lord's hands to be demised and renders to the lord yearly 7s 2½d and Thomas Mayson has the tenant's right to the same by the surrender of the said Henry.*<sup>32</sup>

It seems that by the 1470s the practice within the Honour of Cockermouth allowed alienation by tenants, including by purchase, but there is insufficient information to define the scope or limitations of permitted alienations.

### **The Percy position in 1525**

Why were the tenants' rights in the Honour of Cockermouth suddenly acknowledged in the manor courts by the fifth earls' steward in 1525? In 1525 inflation was in its early stages, currency debasement was in the future, as was the break with Rome and the Pilgrimage of Grace of 1536/7. The answer may be connected with two policies of Henry VIII, the raising of funds for the intended war with France and the reigning in of the power of the fifth Earl of Northumberland in the North of England.

In February 1524/5 Francis I had been defeated and captured, and Henry decided to invade France. The Amicable Grant, adopted by March, was intended to raise £800,000 to fund the war. Lacking parliamentary consent, Wolsey constructed it as an enforced gift. It followed an earlier enforced loan of £250,000 which had not repaid. The tenants would 'give' at least five percent of the value of their goods, ie their stock, which would not fetch good prices in those circumstances. Though the grant failed without risings in the North, the threat to

<sup>29</sup> D/Lec/299T, f.247, p.16

<sup>30</sup> Derek Denman, 'The Newcom families of Rannerdale and around, 1472-1537: yeoman

murder and state executions', *L&DFLHS Wanderer*, August 2023

<sup>31</sup> D/Lec/299T, f.456, p.49

<sup>32</sup> D/Lec/299T, f.456, pp.55-6

the tenants was real through April and May.

The second crown initiative was the re-establishment of the Council of the North, where the North began at the River Trent. According to Reid, 'the restoration of the Council in the North came about simply as part of the policy of securing closer control over the outlying parts of the realm which was forced on the Crown by the resistance offered in 1523 and 1525 to the heavy taxation required to meet the cost of the wars with France and Scotland'.<sup>33</sup>

The Council of the North was a court of equity, which could supervise and override the application of common law. As such it was the court to which disputes concerning property would be brought, though its records have not survived.

An obvious choice for the King's Lieutenant would have been the Earl of Northumberland, but he was snubbed in favour of Henry Fitzroy, the six years' old illegitimate son of the King, who was ennobled as Duke of Richmond, endowed with lands, and created a household at Sherriff Hutton Castle, near York, by 12 June 1525. This 'enabled Henry and Wolsey to entrust the government of the North to those 'new men', the knights and lawyers, who were to the Tudors their natural allies against the survivors of the old nobility'.<sup>34</sup>

One can imagine why, in April 1525, the fifth Earl might wish to consolidate his bond with his power-base of tenants in the North, by recognising their rights to inheritance, which cost him nothing. That connection, however, is simply an hypothesis.

Moving forward to 1536-7, the demands of the rebels were for the general

application of tenantry, existing in Cockerthorpe from 1525. The demand for grossoms not exceeding two years' rent equals the amount said to be paid in Loweswater in the time of Henry VIII.<sup>35</sup> Roger Lascelles, or Lassels, of Breckenbrough, who presided over the above Cockerthorpe courts for the lord in 1525, and was steward to the sixth earl in 1528, was one of the principal Percy retainers. He was with Sir Thomas Percy, when sworn by the Richmond rising in October 1536.<sup>36</sup>

### 3 Inflation in the sixteenth century.

During the sixteenth century inflation reduced the value of the lords' income from their manors and acted as a driver of increasing disputes between lords of the manor and their tenants. Figure 2 shows that the long period of inflation started in around 1520 and averaged two per-cent per-annum for the rest of the century.<sup>37</sup> That is normal in the context of a modern capitalistic and industrial economy, where an annual inflation rate of two per-cent is considered optimal to stimulate growth. However, when inflation started to bite in the 1520s, it followed 150 years of stable prices.

The Europe-wide causes of inflation included, firstly, population growth, which increased demand. Secondly, the influx of silver and gold from new mines and from the Americas through Portugal, which increased the money supply and reduced the purchasing power of the coinage. The debasements of the coinage by Henry VIII from 1526 made inflation worse.

#### The effects of inflation

The problem for manorial lords was that with previous stable prices, the rental income from the manors often was fixed or became fixed, and could not be raised

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<sup>33</sup> R R Reid, *The King's Council in the North*, Longman, 1921, pp.101-2.

<sup>34</sup> Reid, *King's Council*, p.102.

<sup>35</sup> Hoyle, 'An ancient and laudable custom', p.39

<sup>36</sup> *Letters Patent, Henry VIII*, vol.4, p.2043; Reid *Council*, p.134, R Hoyle, *The pilgrimage of*

*Grace and the politics of the 1530s*, OUP, 2001, p.225, n.50.

<sup>37</sup> See D C Coleman, *The economy of England, 1450-1570*, OUP, London, 1977, for a good account of inflation, and for the base graph for figure 2 here, p.21.

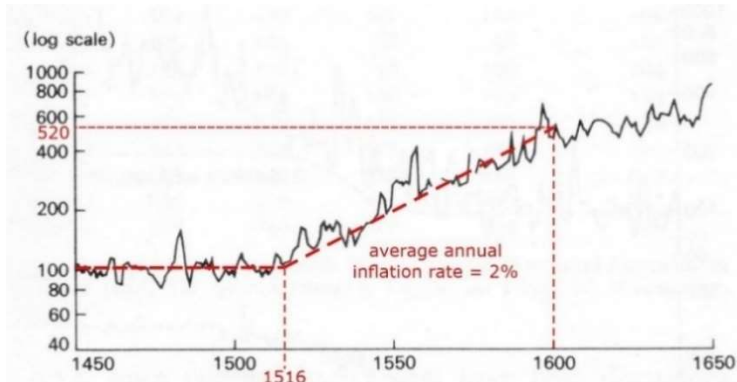


FIG. 2 Price index of a composite unit of consumer goods in southern England, 1450-1650 (1451-75 = 100)

with inflation. Manorial rents may derive in part from the commutation of feudal service obligations to a small fixed rent-charge of a few shillings per annum, and/or from life leases.

As inflation steadily increased from the 1520s, the rental income of manors steadily reduced in purchasing power, which meant also that the sale value of a manor would not increase with inflation. Henry VIII resolved his income problem from the royal estates by confiscating the monastic lands, about a third of the total, and by selling much of that to a new class of manorial lords, creating a capitalistic market in land and manors. The ownership of tenanted land was the source of personal status, and many aspiring men took up the opportunity, maybe borrowing at interest to do so.

Much ex-monastic land was let to tenants who did not have copyhold of inheritance, and so rental income could be increased with inflation. This was not so in our local area, where the ex-monastic land, such as High Lorton, was held by tenantry, and consequently manorial incomes were reduced in real terms by inflation. By 1649 the ancient manorial rents in High Lorton, received by the Dean and Chapter of

Carlisle, were only 4.5 percent of the market-value rents, and with no general fines payable because the lord never died.<sup>38</sup>

The effect of inflation on fixed-rent manorial tenants depended on the productive capability of

their holdings. The subsistence-level peasant family, producing sufficient for its own consumption, would be little affected, while the holder of a larger manorial tenement, employing labourers and producing a surplus of grain and wool for the market, would see his income rising much faster than his costs. The cost of labour only doubled over this period. Overall, most fixed-rent tenants would increasingly benefit from inflation, to the detriment of the lord and the labourers. Those with tenantry held, in effect, an increasing equity in their feudal tenements, which they might wish to be able to trade or mortgage in the developing property market.

#### Tactics of the lords

Given that inflation worked for the tenants and against the lords, it was for the lords to seek ways of recovering their income from the increasing surplus of the tenants.

There were a number of options for the lords if the tenants would not voluntarily accept leases-for-years:

**Denying the right of inheritance** in the manor was the most effective, in that on the death of the tenant the property could be leased to a chosen tenant on new commercial terms.

<sup>38</sup> Analysis of survey of the manor of Lorton and Allerthwaite, 1649, at CASC/DCHA/8/8/8, f.95.

**Increasing the entry fine**, or gressom, on the change of tenant. By custom or practice these might be fixed, say as two years' manorial rent, or were arbitrary, which gave to lord an opportunity to take a much larger fine based on the current market rent.

**Increasing the general fine** on the death of the lord, and applying a general fine to a change of lord by alienation, or purchase.

**Enclosure of the commons** for use by the lord for pastoral farming, or to rent.

**Enforcement or denial of customary rights**, such as in the use of the lord's mill and the use of timber.

#### 4. Local cases in the Court of Chancery

During the sixteenth century a number of cases relating to tenantry in Lorton and Loweswater were heard at the Court of Chancery in London, under the Lord Chancellor of the day. This court could not award a customary manorial tenancy to a claimant, because that action was proper to the manor courts only. However, cases against people, and their actions in applying the law of custom, could be brought under the common law and could be reviewed in equity by the Council of the North, whose records are lost. Some property cases progressed to the Court of Chancery as a higher court of equity. It would then be up to the manor court to make any correction to tenancy or practices.

Cases related to denial of custom in the local Percy manors do not appear at Chancery, probably because custom in demissions of property was honoured in the manor courts. Denial of inheritance would have undermined the attachment of the tenant families to the Earl, whose

power in the North, at least up to the rebellion of 1569, depended on a loyal, armed, tenantry. Rather, the Honour of Cockermouth increased entry fines in moderation, to extract some of the tenants' increasing surplus.<sup>39</sup>

The disputes which came to Chancery mainly concern the ex-Percy manors of Loweswater and Thackthwaite, which were sold or granted in the 1540s, when the Honour of Cockermouth was in crown.

##### Low Lorton circa 1530

In Low Lorton one third of the old manor was held as freehold by the Winder family, and had been let to manorial tenants, as a very small manor. During the time of Sir Thomas Moore as Lord Chancellor, 1529-32, William Bell, the son of Alyn Bell, petitioned the court to detain the deeds for two tenements in Lorton which had been held by Alyn Bell.<sup>40</sup> These, claimed William, should have come to him as heir, but instead had come into the hands of John Gyle and Richard Wynder, who had no right to them. No other parties were mentioned, and so it would seem that William Bell had claimed tenantry of inheritance of property in the Winders' third of Low Lorton, which tenements had gone to John Gyle.

In 1505 Richard Wynder, aged eleven, had inherited the freehold estate in Lorton, worth 66s 8d per annum, from his father, William.<sup>41</sup> Richard Wynder and Alan Gyle appeared as horsemen in the muster roll for border service in 1535.<sup>42</sup> The Gills were of Bridgend in 1517.<sup>43</sup> It is likely that it was Richard Wynder, in the 1530s, who was denying the tenantry of his tenants on their deaths, and was thereby taking in hand the small part of the land on which to create his house and grounds in Low Lorton, now Lorton Hall.<sup>44</sup> The other small lords in Low Lorton sold the freeholds to

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<sup>39</sup> Bean, *Percy Estates*, pp.67-8, summarises stable rents and increasing fines from the second decade of the 16 C.

<sup>40</sup> TNA/C1/611/17

<sup>41</sup> D/Lec/299T, f.192, p.10

<sup>42</sup> See Angus Winchester, 'The muster roll for Lorton Township, 1535', *L&DFLHS Newsletter*, No.6, Sep 1995.

<sup>43</sup> D/Lec/299T, f.357, p.50, Court at Lorton

<sup>44</sup> See Derek Denman, 'A history of Lorton Hall, the estate, and its owners', *L&DFLHS Journal* No.59, Feb. 2017.



their tenants in the later sixteenth century.

#### **Loweswater and Thackthwaite.**

In 1531 Henry Percy, sixth Earl of Northumberland, gave his lands into the keeping of Henry VIII, for Henry Percy's nephew to inherit in due course. After the Pilgrimage of Grace in 1536-7 Henry VIII decided that he had the right to dispose of the lands as he pleased, and in 1545 sold most of the old manor of Balnes to Richard Robynson, priest.<sup>45</sup> This sale included Loweswater, Thackthwaite, the common, and the freehold of Birkness, but not Mockerkin and Sosgill, which remained in crown until restored to the seventh Earl by Mary I in 1557.<sup>46</sup> In 1549 Robynson also gained the ex-monastic property in Loweswater, which was the Kirkstile tenement and the Shepegate on the common, together with the manorial tenements in Brackenthwaite. Tenantright on these manors had been recorded in 1525, as shown above.

#### **The Robynsons and their tenants, 1545-62**

Robynson had been a recorded as a chaplain in Loweswater, and became the chantry priest at Brigham, from which position he was ejected by the Earl of Northumberland, circa 1532. Robynson has been interpreted rather unsympathetically by Clark, but he clearly evidences one of the new men raised up by Cromwell for the King.<sup>47</sup> The low payment of £190 in 1545 for the confiscated Percy manors, after allowing for £54 pension rights and a year's unpaid income from his chantry property, clearly set Robynson up against the Percy interest.

Coming from a Loweswater yeoman family, and having other sources of funds, Richard Robynson did not need to extract

more from the surplus of his tenants in Loweswater and Thackthwaite. On his death in 1549 he bequeathed his manors to his young nephew, John Robinson, and numerous personal items to the tenants of Loweswater.<sup>48</sup>

A statement in the 1590s by the Percy tenants of Mockerkin and Sosgill recounts the history of the enclosure of a common called the Holme, by Loweswater Lake, of which they had use:

*But that in the tyme of King Edward the sixth nyne of the tenants of Loweswater aforesaid (the mannor of Loweswater being passed by King Henry the eight in the latter end of his reigne to one Richard Robinson Clarke and your lordships said tenants predecessors being then tenants to King Edward the ...) did improve and take in by inclosure a parcell of ground called the holmes being parcell of the said comons of Loweswater and within a quarter of a year after such inclosures the same was pulled down agayne by the predecessors of your lordships said tenants of Mockerkyne and Sokelle by the commandment of the Kings' officers ....*<sup>49</sup>

The significance of this statement is that it was neither Richard nor John Robynson who between 1547 and 1553 enclosed part of the common for their own use as lord, but rather that nine Loweswater tenants were permitted to do so for a manorial rent, presumably to create a stinted pasture similar to those alongside Crummock.

in January 1556/7, as a royal ward under Mary I, John Robynson had to sue out of wardship on coming of age.<sup>50</sup> This cost £291, and it may be as security for a loan that in 1557 he made over to Thomas

<sup>45</sup> CASW/D/WM11/160/1, Letters Patent of Henry VIII granting the Manor of Loweswater to Richard Robynson, clerk - 23 Aug 1545

<sup>46</sup> *Calendar of Patent Rolls, 3 Ed VI*, 19 Jul 1549

<sup>47</sup> M A Clark, 'Richard Robynson, clerk, chantry priest of Brigham', *TCWAAS 1988*, pp.97-106,

<sup>48</sup> TNA/prob/11/32/557, will of Richard Robynson or Robinson, Clerk.

<sup>49</sup> Alnwick Castle Archives, X.II.3, box 10, petition from tenants of Mockerkin and Sosgill c.1597.

<sup>50</sup> CASW/DWM/160/2, Indenture pursuant to suing out of wardship: Court of Wards and Liveries to John Robinson, cousin and heir to Richard Robinson, clerk, deceased - 27 Jan 1556

Stanley the manor of Brackenthwaite and the ex-monastic property.<sup>51</sup>

One Chancery case survives from John Robynson's lordship, between 1556-8, when Nicholas Heath was Lord Chancellor under Philip and Mary.<sup>52</sup> Symond Jackson of Thackthwaite, son of Robert Jackson, complained that he was heir to his late father, but that Peter Peerson of Burneyate had immediately taken possession without any right to the tenement. Burnyate was the lost farmstead below below High Nook, which was High Burnyate.<sup>53</sup> Jackson had no support from the lord, 'John Robynson, gentleman', and required that they should be summonsed to show the deeds and other records.

There is no further information on this case, but it is notable for the language in which tenantry is claimed and justified, in a form which was becoming standard for such cases and was presumably written by an attorney familiar with the form. Robert Jackson was 'lawfully possessed by forme of a tenant righte tyme wherof the memory of man is not to the contrary, and have always done their duties ... And served the lords of the said honor or manor of Loweswater ... in the warre in Scotland or otherwise with horse harness and weapons'. In the case of the death of the tenant 'the said next heir [was] to be admitted tenant thereunto according to the custom of the said manor'.

#### **Disputes with Thomas Stanley, 1562-71**

In his will, Richard Robynson appointed Thomas Stanley of Dalegarth as guardian of John Robynson during his minority, until 1555, as lord of Loweswater,

Thackthwaite and Brackenthwaite. Thomas Stanley was an Assay Master at the Royal Mint from 1545, and instrumental in the 'great debasement' of the currency of 1541-51, which was a factor in creating the highest period of price inflation.<sup>54</sup> John Robynson became a goldsmith.

Thomas Stanley's career survived Philip and Mary and continued under Elizabeth, and through the re-coinage programme. After an investigation of his personal finances, particularly during the rule of Mary, he was brought down in 1571, and died in that year.

In May 1562 Thomas Stanley purchased the manors of Loweswater and Thackthwaite from John Robinson. Clarke mentions only the £14 12s 6d, paid to the Court of Augmentations as the cost of the licence to alienate property held of the King, and considered that Robinson was cheated or bribed.<sup>55</sup> Clarke was presumably unaware the purchase price was £1,500, which appears to be a reasonable sum, from which a purchaser might expect an annual income of around £70.<sup>56</sup> Stanley already held the right to the manor of Brackenthwaite and the monastic property.

The history of the Holme, stated by the Mockerkin tenants in the 1590s as above, attributes the following actions to Thomas Stanley:

*Afterwards the said hamlette of Mockerkyne and Soskelle came unto Lord Thomas then Earle of Northumberland your honorable uncle [1557-1572] and one Mr Stanley being then lord of the manor of Lowsewater*

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<sup>51</sup> CASW/DWM/160/3, Feoffment of the Manor of Brackenthwaite by John Robinson of Loweswater, gent., to Thomas Stanley citizen and goldsmith of London - 7 Oct 1557

<sup>52</sup> TNA/C1/1443/11, Jackson versus Peerson

<sup>53</sup> John Burnyate of Burnyate was recorded in 1521, D/Lec/299T, f.307, p.32.

<sup>54</sup> See 'Thomas Stanley (Royal Mint)', [https://en.wikipedia.org/wiki/Thomas\\_St Stanley\\_\(Royal\\_Mint\)](https://en.wikipedia.org/wiki/Thomas_St Stanley_(Royal_Mint))

<sup>55</sup> M A Clark, 'Richard Robinson, clerk, chantry priest of Brigham', *TCWAAS* 1988, pp.97-106, p.103.

<sup>56</sup> CACC/DLAW/1/240, John Robinson of London, goldsmith, to Thomas Stanley of London, gent, for £1500, manors of Loweswater and Thackthwaite.

[1562-71] aforesaid did inclose the said ground againe called the holmes and made earnest request unto your honours said uncle or to his officers for to permitt and suffer the said inclosure to stand up for to feed his oxen untill he had builded a house to keep his court in. And offered to give unto a gentleman of worship dwelling neare thereby being then officer to your lordships said uncle £3 for his favour and friendship to suffer the inclosure to stand: But within a yeare and a half after the inclosure thereof the same was pulled down againe by your lordships said tenants.<sup>57</sup>

Thomas Stanley was intending to improve his income from his £1500 purchase, in this case by inclosing the common for his own use as pasture, setting himself against his Loweswater tenants as well as the Percy tenants of Mockerkin.

#### **Stanley's cases at Chancery, 1562-71**

Records remain of three cases which Thomas Stanley brought to the court of Chancery, against his Loweswater and Thackthwaite tenants, in the time of Sir Nicholas Bacon, as Chancellor in the first part of Elizabeth's reign.

One Chancery case confirmed his enclosure of the Holme, though not by name, which he claimed as his demesne land. It was a close of 40 acres, or a third of the present size of Holme Wood. He complained of:

*William Haryson the elder Willm Haryson the yonger and Harry Haryson, who ... hath wrongfullye and without any just right or tytle entered into the sayd close or pasture and broke down a certayne walle ... compassyinge the sayd close or pasture in foure places ... and then and there did beate one John Turner Servant of your sayd oratour so that he was put in feare and danger of his lyffe, And by no mennes will permyt nor suffer your sayd orator to occupye and enjoy the sayd close or pasture ... nor to ... make*

*newe agayne the said wall and causeth one Willm Iredall and John Myrus to tumble downe greate stones from one hill adjoyninge unto the said wall and ... [made] a greate gate in the said wall with these greate stones ...*<sup>58</sup>

Thomas Stanley asked the court to detain the deeds of the Harrisons, probably his tenants of adjacent Watergate in Loweswater, by which they claimed the right to occupy the Holme. He vexatiously asked the Court to summons the Harrisons to appear before it in London. We have no answer to Stanley's complaint, but we know that he was unsuccessful.



**Medallion of Thomas Stanley, 1562**

In the same period Stanley sought to bring to the Court of Chancery William Burnyeat, of Loweswater, who occupied two farms which Stanley considered were his freehold, not manorial tenancies. Stanley being:

*lawfully seased in hys demeane as of fee ... in one messuage or tenement with the appurtenancies situated and being in Losewater ... called and known by the name of Kyrkestyle of ten acres of lande meadow and pasture ... And of one other messuage or tenement and 30 acres of land and meadow and pasture wyth the appurtnances in Losewater ... . So ... dyverse evidences dedes charters scripture wrytinge and myuniments of your sayd orator concerning the*

<sup>57</sup> Alnwick Castle Archives, X.II.3, box 10, petition from tenants of Mockerkin and Sosgill c.1597.

<sup>58</sup> TNA/C3/160/22 Stanley versus Haryson

*premisses be casually com to the handes custody and possession of one Willm Burneyate who ... not onely forcibly entered into the sayd messuage or tenement into all other the premisses and the appurtenancies. But also doth daily wasted consumed & destroyed the woode ...*<sup>59</sup>

The Kirkstyle tenement, in Loweswater, had belonged to the Priory of St Bees as their freehold since the twelfth century, and it had come to Richard Robynson in 1549. Before 1549, the tenant may have held by tenantright from the Priory, or possibly as a leaseholder. Peter Burnyate was of the Kirkstile in 1525.<sup>60</sup> The 'acre' mentioned could be the customary acre, which was sixty per-cent larger than the statute acre. So, the second un-named tenement was a substantial farm, and may have the same monastic origins. It could have been part of Kirkgate Farm, which may have been developed from the Priory's 'Shepegate'.

The 'casual' acquisition of deeds by Burnyate suggests that the manor court had admitted him in the past, and Stanley would challenge the validity of that admission, on the basis that the tenements were his freehold and not tenantright. William Burnyate answered this complaint to the court with a competently written Attorney's reply, the Burnyate's being a very capable and ambitious family. Burnyates were in Loweswater by 1479.<sup>61</sup>

Burnyate claimed that the lands were not sufficiently defined by Stanley to be able to respond fully, and he gave a general answer. He was a poor man holding the whole of his estate, as had his ancestors, in Stanley's manor of Loweswater by the 'Laudable Custom of tenant right ... held tyme out of mind to serve the Queen with

horses and harness in her service in the warres against the enemy in the west marches of England ...'. His deeds had been properly issued by Stanley's manor of Loweswater, from which Stanley had taken the issues and profits, and he was ready to answer to such complaints at the manor court of Loweswater.<sup>62</sup>

Probably at the same time as the complaint against William Burnyate, Thomas Stanley made a similar complaint against Lancelott Fysher of Thackthwaite, who he claimed had similarly occupied a tenement in Loweswater of sixty acres, a very large holding, which Stanley claimed as his freehold and, by implication, not customary as part of his manor of Loweswater. The property was unidentified.<sup>63</sup>

The format and content of Lancelott Fysher's answer was substantially the same as that of William Burnyate, the two complaints being claims of freehold ownership of three tenements in the 1560s, totalling 100 acres of enclosed land plus rights on the common.

In all the above cases Thomas Stanley did not challenge the existence of tenantright within the manor of Loweswater, but rather challenged the application of customary rights to land within the boundary of the manor which he considered as his freehold to lease, whether by lordly enclosure of the common, or by acquisition of monastic freeholds, or ancient demesnes. This would be consistent with the manor having been a Percy manor before the 1540s, within which tenantright was acknowledged. In Maulds Meaburn, in 1569, Stanley did attempt to impose leases, but was forced to accept tenantright.<sup>64</sup>

<sup>59</sup> TNA/C3/163/16, Stanley versus Pyreson (alias William Burnyate), complaint of Thomas Stanley.

<sup>60</sup> D/Lec/299T/f.456, p.50

<sup>61</sup> Thomas Burnyate was fined at the Loweswater court in 1479, D/Lec/299T/f.269, p.45

<sup>62</sup> TNA/C3/163/16, Stanley versus Pyerson (alias William Burnyate), p.2., answer of William Burnyate

<sup>63</sup> TNA/C3/163/15, Stanley versus Fisher.

<sup>64</sup> Hoyle, 'An ancient and laudable custom', p.47, referencing CASC/D/Lons/L/MM/4.

### **The lordship of Sir Edward Herbert, from 1571 to 1592**

In 1570 Thomas Stanley's daughter, Mary, married Sir Edward Herbert, 1544-95, politician, landowner, and of Powis, Wales. In 1571 the manors of Loweswater, Thackthwaite, and Brackenthwaite came to Sir Edward Herbert through his wife. The local connection between the lord and his manor was now lost, and it is probably safe to assume that the interest of the lord was only financial, as a landowner.

Edward Herbert permitted another attempt to enclose the Holme, when, according to the Mockerkin tenants: 'one Peter Hudson pretending some title to the said ground from the said Sir Edward Herbert and intending to build a house upon the said ground soe inclosed and was ready to set it up'. This was again thrown down on the orders of the Earl of Northumberland.<sup>65</sup>

It is clear that Sir Edward Herbert tried to extract more income from his manors by exploiting both entry fines and the general fine, though Sir Edward was not willing to die to collect that. 'In 1579 Chancery was informed by the tenants of Loweswater that they were obliged to pay ten years rent for their fines, when in the time of Henry VIII they had only paid two years'.<sup>66</sup> Edward Herbert then attempted to take a general fine on the change of lord by alienation, or sale, the trigger being the change of lord, without requiring a death. In 1583 he created a technical change of ownership to Thomas Herbert, gent, of his manors of Loweswater, Thackthwaite and Brackenthwaite, plus his other Cumberland property.<sup>67</sup> He used the device of the 'feet of fines' to evidence the transfer, an ancient process by which a fictional legal disputes was created

between the parties and the judgement decided and recorded ownership.

The fact that ownership was returned to Sir Edward suggests that this tactic did not work. Certainly, by the early nineteenth century it was the custom of the manor that a general fine was paid only on the death of the last general admitting lord, which avoided the possibility that the manor could be sold to a very old or sick lord, whose death would trigger a general fine.

During 1592-3, Sir Edward Herbert and Mary sold the freeholds of twenty of the tenements in Brackenthwaite to their tenants, and the remainder of that manor plus the manors of Loweswater and Thackthwaite to Anthony Patrickson of Stockhow in Ennerdale, raising a little over £2,000.<sup>68</sup>

### **Dispute between tenants over tenantright, under Sir Edward Herbert**

The above has illustrated the change from a feudal relationship in Loweswater, Thackthwaite, and Brackenthwaite under the Earls of Northumberland to a financial and contractual relationship under Sir Edward Herbert. A dispute at Chancery over inheritance under tenantright, between two rival owners of a Loweswater tenement, illustrates some of the issues arising from applying feudal systems to capitalistic ownership.

In the time of Sir Thomas Bromley as Lord Chancellor, 1579-1587 and noted for presiding over the trial of Mary, Queen of Scots, David Wilson complained that 'Phillip Burneyate of Lowsewater' had entered a tenement in the Manor of Loweswater which should have come to David as eldest son and heir of Matthew Wilson, deceased.<sup>69</sup> The tenement was not

<sup>65</sup> Alnwick Castle Archives, X.II.3, box 10, petition from tenants of Mockerkin and Sosgill c.1597.

<sup>66</sup> Hoyle, 'An ancient and laudable custom', p.39, referencing TNA/Req2/40/73.

<sup>67</sup> DWM/11/160/4, Exemplification of fine levied Trinity 1583, between Thomas Herbert, gent.,

querent and Edward Herbert and Mary Herbert his wife, deforciant - 19 Jun 1584

<sup>68</sup> DWM/11/160/6, Feoffment of the Manor of Loweswater by Sir Edward Herbert of Powis Castle, Montgomeryshire, knight, and Dame Mary Herbert his wife, to Anthony Patrickson of Stockhow, Cumberland, gent. - 2 Nov 1593

<sup>69</sup> TNA/C3/220/20, Wilson versus Burneyat.



identified, but in 1518 the Wilsons were of Crabtreebeck and in 1521 the Burnyates were of Burnyate, below the present High Nook.<sup>70</sup> The disputed property may well be Crabtreebeck, which was part of the estate of a later Burnyeat, with 'Thrushbank, High Nook and High Iredale [Thackthwaite]'.<sup>71</sup>

The interest in this case is in the fact that David Wilson had lived for many years in Hackney, Middlesex, and that this was a challenge to the proceedings of the manor court some twenty-five years previously. David claimed that the court had assumed that he was dead, and that Matthew's brother, James, had claimed the tenant right on that basis. But Philip Burnyate took possession based on a claim that David was not dead but in hiding, (perhaps a fugitive). David Wilson asked the court to subpoena Philip Burnyate to appear, in London.

Philip Burnyate gave a written answer, which is now in poor condition. He claimed to be an old and poor man residing in Loweswater, who was not in a position to appear in court in London. The name Philip, however, was most unusual before and after 1554-8. He answered, in effect, that the property had been tenantright of Matthew Wilson, but that in the 'second and third year of King Philip and Queen Mary', 1555-6, when John Robinson was lord, the tenancy (or the inheritance) was remitted to the lord (perhaps because David had left and forfeited his inheritance rights by some felony).<sup>72</sup> Alan replied restating his case, but it seems clear that the complaint could only be resolved in the manor court.<sup>73</sup> Possession by the local Burnyates was nine-tenths of the law of custom.

The case is interesting in that the practice of tenantright, if ancient, was matched to a feudal relationship between a lord and his tenant families working on, effectively,

family holdings in a settled community, where a continuity of family owners was required to work the land continuously and to provide both agricultural and military service to the lord. Where the customary heir was distant, and leased the land to a farmer through a contractual relationship, the effectiveness of the local manorial systems tended to be compromised.

## 5. Conclusion

This article has shown that in the extensive Percy Honour of Cockermouth, the right of the tenants to inherit their tenements, and not simply a practice, was systematically acknowledged in the manor courts in April 1525. Further, that the court rolls going back to the 1470s are consistent with the practices of tenantright, including alienation and widow's rights. Whether, in 1525, tenantright could have been successfully challenged as not ancient and therefore not custom cannot be proved from these surviving records. However, the fact that lord and tenants agreed and that there was no known legal challenge at the time means that customary tenantright applied in the honour from 1525, at least.

The role of inflation in generating conflict between lords and tenants was important from the 1520s, in that with fixed rents the lords lost while the tenants benefitted. Overall this seems to have been managed harmoniously within the Honour of Cockermouth, perhaps because of a common interest of lord and tenants against imposed change. The tenants had their tenantright confirmed and the lord sought to recover some of his old share of the tenant's surplus through the increase in arbitrary fines. It was from within the small freeholdings and the manors sold by Henry VIII that disputes came to Chancery in the sixteenth century.

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<sup>70</sup> D/Lec/299T, f.357, p.54, Wilson; f.307, p.42, Burnyate.

<sup>71</sup> Angus J L Winchester (Ed) *The Diary of Isaac Fletcher, 1756-1781*, CWAAS 1994, pp.420-1.

<sup>72</sup> TNA/C3/220/20, answer of Philip Burnyate.

<sup>73</sup> TNA/C3/220/20, replication of David Wilson.