

REV WILLIAM SLATER SYKES

YDSO 81/1/1,2,3

Rev. Sykes was curate at Holy Trinity Church, Millom, from 1895 to 1900, he then went on to be the vicar at Eskdale. He was a keen antiquarian and left several note books some of which are held at Whitehaven Archives. It is with the kind permission of Cumbria Archive Centre Whitehaven and CWAAS that we have been able to photograph his books and put them into this format so that the public have better access to them for research purposes.

With thanks to our volunteers who visited Whitehaven Archive to photograph the books: Rosanna Cox, Alison Holburn, Fiona Pervez

YDSO 81/1/1: Volume 1, Chapter III: The Manor Roll of Austhwaite

March 2025

Millom and District Local History Society

www.millomhistory.org.uk

III 6

By permission of the owner, the Manor Roll
of Borker and Austhwaite was loaned to me
with leave to make such extracts as I desired.

W. S. S.

Mannor of

Birkon

Ausfwaite :

1738

Edward Stanley Esquire
Lord thereof .

The only court rolls of Birkin and Austerliss and
Berkeley seem to have been bound up in a thickly with
those of Presbury except the portion dating from 1738.
When the manors were purchased by Lord Muncaster from
Edward Stanley this portion seems to have been detached.
It is roughly backed with Cardboard and is inscribed
Manors of Birkin and Austerliss 1738 - 1888

Manors of Berkeley. 1738.

The first part of the volume 176 pages contains
matters relating to the manors of Birkin and Austerliss
principally Admittances Fines Mortgages and Statutes
of Rents; also sentences of Court Baron and lists of
Tnants and Juries. This is followed by an index of names
with reference to pages of the original text.

Then follow 117 pages of secular records referring to
the Manors of Berkeley

The following notes are extracts from various parts of the
Roll collected under their respective headings and not copied
from consecutive entries.

Note appended to page 1 of the MS.

Fees taken within the said manors of Pousourby, Birkin
Austhuwale and Birky;

Manor of Pousourby. Deed, every parcel	10. 0.
Surrender	3. 4.
Admittance	2. 6.
In Roll.	6.
Holding special Court.	£ 1. 1. 0
	<u>£ 1. 17. 4</u>

Birkin and Austhuwale. The like in this manor. £ 1. 17. 4

Manor of Birky. In roll^d 1. 6. The rest the same. to £ 1. 15. 4

The customary tenants of the manor of Pousourby pay an arbitrary fine not exceeding two years value upon every change of tenant whether by death or alienation. Heriots are due and payable on the death of every tenant leaving a widow.

The customary tenants of Birky pay a twofold penny fine certain; and those of Birkin and Austhuwale

*
a twenty penny fine certain on the change of a Tenant
and also a fine of 10/- on the admission of any stranger,
called an Income fine.

By custom of the manor of Birkin and Austerlands
Heriots are due and payable on the death of every
Tenant leaving a Wid^d. But in the manor of Berleby
they are due on the death of every Tenant whether
married or unmarried or whether of full age or an infant.

From an entry in Pousouby joint Book in the writing
of Edmund Gibson, Steward of the 3 manors in 1741,

Thomas Howson, Steward.

Dec. 14. 1888.

* L.S. The fines in Birkin & Austerlands are 20 times the Customary rent
This is shown in almost every instance in the Ten of the Roll.

Lords of the manor, mentioned as holding courts.

1738. Edward Stanley

d. 1751

1751. George Edward Stanley, a minor, by Melbred his mother.

1769. George Edward Stanley, General Court of Dismission.

1811 Edward Stanley, General Court of Dismission

1864 William Stanley

1888. Lord Manchester.

From other sources.

In 1588. William ffletcher of Moriceby, Gentleman was Lord of Birkin

" 1613 Henry Fletcher of Moriceby, " " " "

" 1715 Edward Stanley - late Lord of the manor " "

" 1715 Jan 25. John Stanley admittid Lord by John Manchester " "
Steward.

Stewards of the Manor

1741 Edm^d Gibson

1761 Ralph Cook. Gent.

1764 Richard John Wordsworth. Gent.

1770 Richard Wordsworth Deputy Steward.

1790 William Benson. Gentleman.

1811. Peter How, the younger.

1830 John Steel, Gent.

1845. Richard Armistead.

1855. William Leembr, the younger, Gentleman.

1875 William Wilkin Leembr.

1888. Thomas Howson.

1894. Alex. Wall.

YD 50 81 / 1 / 1

Suitors.

Judge Lookers.

- 1741 William Rogers
- John Hartley
- 1742 Jonathan Hartley
- Ed: Jackson
- 1745. Henry Hartley
- William Rogers.
- 1748 Henry Hartley
- John Wilson.
- 1751 Joseph Sharpe
- Aaron Atkinson

- Ed: Tyson of Bodin wt
- Joseph Maysen .. Low ground
- John Russell
- John Hartley.
- Ed: Jern
- Ed: Jackson of Red Broad.
- J^r Hartley
- Jos Sharp of Low Bickin
- E^d Jackson of Red Broad.

1769 John Wilson, Bailiff.

1050 81/1/11
Some extracts from the findings of Courts.

1741. We present Ed: Tyson [of Birkwistwale] for plowing up
the mear stones on the side of a close called The Rig
and do amerce him 10. 0.

We present the s^d Ed: Tyson for suffering his fence
to lay down adjoining to Long wall, contrary to a
former order and likewise for suffering his fence to lay
out of repair in ye like close adjoining The Rig aforesaid
and we do amerce him 3. 4^o

We present and find that John Tyson⁺ has not repaired
his fences at Helmiton as he was ordered to do.

Forfeit 3. 4^o

We present the s^d John Tyson for an encroachment upon
part of the d^{ds} waste and do order him to remove and
pull down the same on or before Feb. 2nd next

on pain of 3. 4^o

+ of Birkwistwale

The Rig is No 297 in the Index to O.S. map of 1862. It shows signs
of cultivation in strips. Longwall is No 315. and Helmiton No 320

1742 Hz find John Tyson according to evidence to have
no due to get Brackens in Bracken-herst and we
order that he cut no more. penalty 6^s. 8^d

Jane Fleming complains against John Tyson in plea
of trespass to her damage of 39^s. 11^d. Verdict for Plaintiff
Damage 1^s. costs 2^d. Pledges to prosecute John Doe & R Roe.

Hz order John Tyson. Joseph Mowson⁽¹⁾ and Elizabeth Carter
shall repair Tongue scale moss dyke sufficiently
within 10 days. Penalty 3^s. 4^d each.

Hz order Nicholas Owsen not to burn any Brackens
belonging to Brantrake. Penalty. 13^s. 4^d

(1) Joseph Mowson of Low ground

Tongue scale now marked Tongues Dale. It is close to the disused
farm called Scales. The moss is drained by Smithy mire beck.

1744

We do amerce E^d Tyson of Berkerleye 3. 4
for disturbing John Willous cattle upon the
common of Berkerleye

We do amerce E^d Tyson of Berkerleye in the sum of 3. 4
for unlawfully bounding Dan^e Tysons cattle upon
the common of Berkerleye

We order that the inhabitants of Berkerleye
drive their sheep to the ancient stables as they
have done formerly; and that they feed their
cattle on to that part of the common that belongs
to them as they shall think proper; so that they
disturb no other cattle feeding on the common
in their so driving

Penalty every defaulter. 3^s 11^d. 39. 11

1745. John Tyson complains against John Tyson
in plea of Trespass. Upon the case Damages $39^s 11^d$
Def^t pleads in person he did not assume it.
verdict for Plaintiff Damages $39^s 11^d$ Costs 2^d
Pledges to prosecute. John Doe and Richard Roe
The same complains against the same Damages $39^s 11^d$.
verdict for Def^t. Pledges as before.

Itz order John Tyson of Berke Newgate do carry
and turn the water from his Dungehell along the
antient course into the High Green so that
it may not damage the inhabitants of Berke Newgate
on pain every default $3^s 4^d$

1748.

We order Joseph Mawson and John Tyson of Low Ground to repair their respective shares of the fence between Widow Garth and the Common and make it sufficient to the judgment of the Hedge lookers between the 15th of November and the 15th of March in pain each defaulters. 13^s 4^d

We order the Surveyors of the Highways of Birkin and Austhewate to get Berkerbeck foot bridge repaired between this day and Christmas next.

Prucilly. 39^s 11^d

[The bridge is in Ash Hagg not far from where Stanley Gull creek enters the sea MS-]

1751. We find Elizabeth wife of Nicholas Nicholson to be due to her Father William Fishers estate at Fieldstead in Austhewate of the rent 6/- yearly.

We find that ye farmer at Linbeck mill has not any liberty to put horse, mare, or gelding into Foranrake Cow pasture. And we order that for every offence he shall pay 1^s 6^d 8^d

1754. We find Jonathan Jackson heir to his father
Jonathan Jackson of a Tmenent at Spothow
of 18/- Customary rent.

We find a deed from John Christopherson to John Skelding
and Sawrey Pritt of a Tmenent at Wolcops
of 8^s 8^d Customary rent according to the sale
of Edward Taylor and Nicholas Pritt.

We find that Thomas Jackson shall pay 5/- for
a year rent for a house at Spothow to the
heir of Jonathan Jackson or his guardian.

By the declaration of Edward Jackson we find
he sold two Tmenenti at High Ground to
William Brocklebank about 4 years ago and received
pay for the same. Each Tmenent of 3^s 4^d rent and
2^d Tmenent 6^d Forest mail.

We believe Widow Jackson ought to enjoy half benefit of
Spothow Tmenent. Only one third allowed her being 2nd wife
therefore by custom she had right to no more.

1819.

Whereas it appears unto us that John Tyson of High Ground hath lately encroached upon the waste of the manor by taking up and enclosing a parcel of ground ... adjoining a close called New Close containing about an acre of ~~ground~~ land; and we being disposed to pull down the fence of the enclosure and lay the same to waste; but being applied to by the s^d John Tyson to suffer the same to remain. We have agreed and do hereby agree, by and with the consent and approval of Edward Stanley Esq, the lord, here present in Court, that the same shall continue and remain enclosed and be enjoyed in severalty by him the s^d John Tyson upon agreeing hence forth yearly by year to pay to the Overseers of the Poor of the Township of Austerlitz for the benefit of the poor the sum of 5^s. 0. by half yearly payments; and by his agreeing to accept the same as part of his allotment in case of Inclosure of the waste of this manor.

New Close is no 286. The encroachment may be no 287.

4050 81/1/11
1894

We find that ^{2^d} vicars of Windygap ... has to
the detriment of the occupier of Brantrake passed
over customary land in his occupation for the
purpose of taking sand and gravel from the
river Esk without permission of the L^d of the Manor.
And we also present and find that it is the custom
of the Manor to pay to the Lord thereof the sum
of 4^d per cart load for such sand or gravel
and we direct that in future leave be asked
of the L^d of the Manor and of the occupier of the premises

Birkby.

1742

We find ... a certain parcel of ground called
Stige Tuleck now belonging to^m Robinson. Henry Pearson
Wm Shelding and Margaret Shelding, widow
was formerly divided among the owners; and
several boundary marks and meevstones were set and
fixed for distinguishing the shares...

We find that the share allotted the then owner of that
which Wm Robinson⁽¹⁾ now has was on the south side of the Tuleck

Wm⁽²⁾ Marg^t Shelding north west

Henry Pearson⁽³⁾ middle between the other two.

1. William Robinson of Broad Oak

2. William Shelding .. Scales.

3. Henry Pearson .. Mill Place.

1744 We order John Pearson⁽¹⁾ to repair his fence between
Scalegarth⁽²⁾ and Cragg Inlaek sufficient to stop cattle
and horses before May 1st next. and to turn other land
goods before midsummer. Penally 3. 4^d

We order the stige way between Broad Oak bridge and
the water of Esk belonging the manor of Boreby to be
made good before midsummer next

Penally every person neglecting 3. 4^d

And the way between Gropmans Cragg hall gate and
Linbeck every person the way that belongs to them;
and from Knott End to Broad Oak beck thro the Inlaek

Penally every defaulter. 3. 4^d

(1) John Pearson of Stinning House and Scalegarth.

(2) C. & W. Trans. o. 3. x 11. 254. an arbitration sep. 1501.

Brixley

1746 We amerce Joseph Singleton for not answering and appearing to do suit and service at the Court. 1. 3^s 6^d

We order no person to make a foot path across the Crofts belonging the Tènement called Hinkingshouse; nor across the field called 'march' belonging the Tènement called Ellerbeck. Fine very default. 3. 4^d

1767. No person whatsoever having right of Common upon the wastes within the maner shall ... turn more sheep or cattle on the Common in Summer than they are able to support in their own Tènements during the localer Parcelly. 2. 1. 19. 11.

Other notes. Widows rights.

1746. (Birkby) We find Barbara Pitt wife of Philips Pitt heir to her [father or brother?] William Bibby deceased. And we find Wm Bibby was possessed of $\frac{2}{3}$ rd of the Trenchard and we find that his widow enjoy $\frac{1}{3}$ as her widows right and Barbara Pitt $\frac{1}{3}$ as her right of heirship as provided.

1748 We find Barbary wife of Ph: Pitt heir to her bro: Wm Bibby of the Trenchard called High Stanton.

1866. (Berkie)

Mary Tyson widow of Edward Tyson surrendered all her right to Dower of Free Bench which she has thro' the death of the 5th Edward or which she might acquire on the death of Sarah Tyson, widow, mother of the 5th Edward.

VOS 21/1/11

a heriot.

1856. Berkerhusen no 27.

Isaac Tyson an infant by Mary Tyson, Widow, his mother being eldest son and heir of Edward Tyson deceased

was to take and was admitted as paymaster of a fine of £5. and Inclosure fine 10/- and a Heriot £10.

for no 28 he also paid a fine of £5 and a Heriot £10

29 £ 2. 10

30 £ 2. 10.

some farms now disused.

Cragg. Rent 6/. Forst meal 1.5 fine £6.0.0

1740 Wm Saltthwaite surrendered for use of Wm Rogers

1771. Wm Rogers " " John Vicars

1772 John Vicars, freeholder.

Marshall House. Rent 6/. Fine £6.0.0

1759 John Colson son & heir of John Colson, deceased, admitted.

1778 John Colson alienated to John Vicars

infranchised before 1811.

Piel Nest.

1744. Edward Tyson, surgeon, surrendered to John Sharp

1782 Henry Bateman freeholder

Slate House (Berkthwaite)

1741. Nicholas Atkinson surrendered to the use of Jonathan

Hartley the Slate House rent 1/3 fine £1.5.0

Spotlow Rent 18/. Fine £18.0.0

1751. Thomas Jackson & Elizabeth his wife surrendered
for the use of Jonathan Jackson.

1782 Henry Bateman freeholder

1111
100
farms which became escheat to the Lord.

Howes in Borkley.

Rent 9^s 11^d. Fine 19. 18. 4. Intack Rent 9³/₄. Fine 16. 3.

1749 Nov. 13. Came Philip Tracey and Ann his wife and surrendered that or one of their messuages called Howes to the use of John Pearson who paid £ 10. 14. 7 in the whole

Nov 13. John Pearson surrendered the Tenements like the Leddy of Philip Tracey, Clerk, and Ann his wife for the use of John Parker upon Mortgage subject to redemption and John Parker paid his fine and was admitted

Other messuages follow in later years

1769 John Pearson paid the general fine

1775 " By the finding of the jury of the Customary Court Baron
" we present and find that John Pearson
died without issue and the Tenements of which he
died seised are escheat to the Lord for want of an heir "

1775 The same finding of the court applies to Hinning House, a parcel at Hinning House and Sealegarth - probably the other Tenements referred to held by John Pearson.

4050 81/1/11
Freeholders.

The first list of freeholders occurs in 1772.

Freeholders:

John Vicars for How Poor, Craag, Fieldhead.

Stephen Nicholson for Thwaites and join in Low Place, Melodale

Burkin. John Sharp for Low Burkin.

In 1773 in addition to the above

John Brantwaite for 2 Tmenants at Red Broad.

1782

~~1782~~. Joseph Porter for Red Broad.

Joseph Sharp for 3 Tmenants at Low Ground.

Joseph Sharp for Milkingstead mire.

Henry Bateman for spot head, Pymy Hill, Pict work.

1864. Customary Tmenants still remaining

Wendy gaps. Brantwaite. Burkin Thwaites. Whericep.

Y050 81 / 1 / 1

1806. Martenmas Ruel.

Wine cop 12. 6¹/₂

Harleap Birkin Kewendi 3. 4. Tysons High Ground 6. 8

Tyson .. 6. 8. Vicars Wendy gap 3. 11

Adron 3. 4. Tysons Braut rals 9. 0

Austkewabi Forst money - payable ab Harleap

High Ground 2. 2. Wendy gap 1. 9. Braut rals 3. 1.

1812. Town Term.

Birken p^d each 2 years. Austkewabi p^d every 7th year. Berkby p^d every 7 years

Wine cop. 8. 8. Tysons High Ground 1. 0. 0. Ellerbeck. 6. 0.

(Berkby) Yall 6. 8. Vicars Wendy gap 11. 9. Stäinlin £ 2. 13. 4

.. Wilson 3. 4. Tysons Braut rals 1. 7. 0

- Harleap 3. 4

Mauor of Austhwaite & Birkir

6th June. 1769. The Customary Court Baron & Court of
 Deuission of Geo: Edw: Stanley Esq. Ld of the s^d mauor,
 holden at Dalegarth within & for the s^d mauor on Tues: 6th day
 of June 1769 before John Wordsworth, Gentleman; Steward of the mauor.

Names of Tmenants who hold Tmenants parcel of the s^d mauor
 and who owe suit and service to the s^d court, with the rents due
 & payable from the s^d Tmenants respectively.

Austhwaite.

Names:	Tmenants	Customary rent payable at Whits and Martin	Forest Mill payable yearly at 5 Tmenant Not final	Town Term due every 7 years from 1762 Not final.
1 Jane wife of W ^m Tyson	High Ground	3.4	0. 0. 6 $\frac{1}{2}$	0.5. 0
2 William Tyson	do	3.4.	0. 6 $\frac{1}{2}$	0.5. 0
3 Rayon Atkinson	do	3.4.	0. 6 $\frac{1}{2}$	0.5. 0
4 Thomas Brown	do	3.4	0. 6 $\frac{1}{2}$	0.5. 0
5 Joseph Sharpe	Low Ground	4.6.	0. 8 $\frac{1}{2}$	0.6.9.
6 do	do	4.6.	0. 8 $\frac{1}{2}$	0.6.9.
7 Joseph Sharpe	do	4.6	0 8 $\frac{1}{2}$	0.6.9
8 Hannah wife of Isaac Parkin.	do	4.6.	0. 8 $\frac{1}{2}$	0.6.9.

Name.	Tsmement	Customary Rent payable at Whit-sentide & Martmas	Forest Mail Payable yearly at 3 Termes Not fixable.	Town Term. due every 7 years. Not fixable
9 John Braithwaite	Red Brow.	5.0.	11½	7.6.
10 John Braithwaite	do	5.0.	11½	7.6
11 Joseph Sharpe	Milkinstead mire	3.0	1.11.	12.0
12. John Vicars	How pawa	14.0.	2.5.	1.1.0
13 Wm Rogers	Cragg.	6.0	1.5.	9.0
14 Sarah Vicars	Field Head.	6.0.	1.7.	9.0
15 Edward Garner	Windy Gap.	7.10	1.9.	11.9
16 John Wilson	Marshall House	6.0.	1.5.	9.0
17 Thomas Tyson	Brant rake	9.0	1.6½	13.6.
18. do	do	9.0	1.6½	13.6
19 Stephen Nicholson	Low place in Eskdale	5.0.	—	—
Total		5.12.2.	1.0.6.	8.9.0

It is noticeable that the Customary Rents seem to have been fixed in marks or fractions of a mark. E.g. High Grove ¼ mark each. Red Brow ¼ & ⅕ 7c.

Birker

Name.	Tsuensub	Customary Rent Payable at Mits: 5 Jan Mart:	Town Tax payable every other year.
20 Hannah Nicholson	Spothow.	18. 0.	—
21 Hannah Nicholson	Pruny hill	4. 11.	3. 4
22 Elis th Nicholson. Widow.	Piet Nest	4. 11.	3. 4
23 John Sharp	Low Birker	6. 6.	6. 6.
24 Ruth Hartley	Whin _{crop}	8. 6.	4. 4
25 " "	Under bank	7. 3.	7. 3
26 Sawney Prill	Whin _{crop} .	8. 8.	4. 4
27 Edward Tyson	Birker the wate	5. 0	3. 4
28 John Tyson	" "	5. 0	3. 4
29 " "	" "	2. 6.	1. 8.
30 " "	" "	2. 6.	1. 8.
31 Jonathan Hartley	" "	2. 6	1. 8.
32 " "	" "	1. 3.	10
33 Barbara wife of Jonathan Hartley	" "	1. 3.	10
		£ 3. 18. 9.	£ 2. 2. 5

Birkby.

Customary Tithing.	Tithing.	Customary Rent payable at Michaelmas & Martinmas	Intake Rent at St. James Church.	Tithing Town due every 7 years
1	Linbeck	5. 5.	10.	6. 8.
2	Knottsuch	7. 8.	5 $\frac{1}{2}$	5. 0
3	Cragg.	6. 0	-	8. 0
4	do	7. 7 $\frac{1}{2}$	10 $\frac{1}{2}$	8. 0
5	do	7. 10	10 $\frac{1}{2}$	8. 0
6	Crooklelow	6. 7 $\frac{1}{2}$	6 $\frac{1}{2}$	3. 6
7	do	6. 7 $\frac{1}{2}$	4 $\frac{1}{2}$	3. 6.
8	Greymain	1. 8. 0	2. 8 $\frac{1}{2}$	16. 6
9	Stows.	9. 11	9 $\frac{3}{4}$	10. 0
10	Sealegarth	6. 0	6 $\frac{1}{2}$	6. 0
11	Stanninghouse	1. 6	-	2. 6
12	a parcel of do	1. 6.	-	2. 6
13	Ellerbeck	6. 4	6 $\frac{3}{4}$	6. 0

Township.	Customary Rent	Intack Rent	Town Term
Rougham	3. 11 $\frac{1}{2}$	4 $\frac{1}{2}$	3. 4
do	7. 11	8 $\frac{1}{2}$	3. 4
do	3. 11 $\frac{1}{2}$	4 $\frac{1}{2}$	6. 5
Nether Slainton	14. 1.	1. 3.	14. 0
Dyke.	9. 8.	10 $\frac{1}{2}$	9. 4
Mill Place	3. 11 $\frac{1}{2}$	4 $\frac{1}{4}$	3. 11
do	3. 11 $\frac{1}{4}$	4 $\frac{1}{4}$	3. 10 $\frac{3}{4}$
Broad Oak	7. 11	8 $\frac{1}{2}$	7. 9 $\frac{3}{4}$
Scales	7. 11	8 $\frac{1}{2}$	7. 9 $\frac{3}{4}$
Slainton	8. 11	9 $\frac{1}{2}$	13. 4
do	8. 11	9 $\frac{1}{2}$	13. 4
Hege Slainton	8. 11	9 $\frac{1}{2}$	13. 4
Middle Slainton	8. 11	9 $\frac{1}{2}$	13. 4