

# **An Introduction to The Manorial Courts of Settle and Giggleswick**

**Michael Slater**

## **The manorial court system**

Cnut, king of all England, a Dane, adopted the highly efficient administrative system developed by the Anglo-Saxons. This led to the manorial court system. The Court Baron dealt mainly with internal matters of the manor, strictly manorial rights, including infringements of the lord's rights, agrarian disputes and changes of tenancy. Agricultural policy for the open fields, pastures and wastes were discussed and decided by all involved. It had no power to deal with criminal acts.

Criminal jurisdiction could be granted to a trusted lord by the Crown. The most important function was the View of Frankpledge by which tenants were held responsible for the actions of others within a grouping of about ten households. The court, when exercising these powers, gained the name of 'leet', hence the franchise was of Court Leet. The word 'leet' is an ancient one and possibly derives from the Anglo-French word '*litte*' meaning a list (of tenants and their misdemeanors).

The lord was the chairman of manor courts, or if he was an absentee landlord, then his steward or bailiff presided. The attendees in the courts were the tenants of any status over 12 years old. In our area it became customary for the two courts, Baron and Leet, to meet together. They were held twice a year in Settle and Giggleswick. There was no regular day of the week when the courts were held but it appears that Tuesday, market day in Settle, was usually avoided. Wednesday was the most common day for Settle, followed by the Giggleswick court later that same day or the day following. Only three times, in 1580, 1590 and 1596, were the courts held on a Monday in Settle. The day is not mentioned in the preamble and has to be calculated from the given date. The early records are usually in Latin (at least in part), in rolls or papers or books. The courts gradually lapsed after 1600 and the church Vestry (of twelve or twenty-four men) took over many responsibilities representing all the ratepayers of the parish.

We do not know where the Settle or Giggleswick courts met. The large numbers of people involved suggests that Giggleswick parish church may have been the only suitable place.

## **The Settle and Giggleswick manorial lords and records**

Richard de Percy created the manor of Settle and passed it to his son Henry de Percy of Cleatop in 1258. Roger of Poitou, Earl of Lancashire, was banished in 1102 but it is probable that Giggleswick manor passed from him and was added to the Percy fee. Hence both manors became part of the Percy land-holdings. The Clifford family later inherited the lordships by way of marriage since Henry Clifford, 11th Lord Clifford and 1st Earl of Cumberland, married Margaret Percy, daughter of the 5th Earl of Northumberland, and they inherited when the 6th Earl of Northumberland died in 1537. Henry the 12th Lord and 2nd Earl (1517-1569) (buried in Skipton), had sons George, 13th Lord and 3rd Earl (1558-1608), and Francis 4th Earl (1559-1641). Many years later the Earl of Burlington and Cork inherited the estates, followed by the Dukes of Devonshire based at Chatsworth House in Derbyshire. Henry, George and Francis (12th, 13th and 14th Lords) are those noted in the early extant records. The

people who owed suit to the overlords were the knight service tenants, i.e. the gentry and the free tenants who had bought manorial rights, as in Langcliffe in 1591. Knight service tenants of the Percy fee were liable to attend the honorial courts (like a sheriff's or county court) held in Gargrave and Gisburne. The boundaries of Settle and Giggleswick manors appear to be contiguous with modern civil parish boundaries.

The survival of manorial documents is a matter of chance and they are not complete. Settle and Giggleswick papers are held at Chatsworth House, home of the Devonshires, and some of those for Giggleswick (including an incomplete record for 1420, YAHS DD 121/112/22) are held in Leeds University, loaned by the Fattorini family of Skipton Castle, previous stronghold of the Cliffords, Lords of the Honour of Skipton. There are also a few records for the higher honorial court held in Gargrave for the wapentake of Staincliffe judging more serious crimes – for debts above 40s in particular or if use of force was alleged [TNA SC 2/211/129 to 135].

For Settle we have three books for the early years (Chatsworth). The first Court Book contains records for 1547 to 1553 (Edward VI), 1553 to 1554 (Mary Tudor), and 1554 to 1558 (Mary and Philip of Spain). A second Court Book ranges from 1579 to 1598 (Elizabeth) and a Third Book 1598 to 1605 (Elizabeth and James 1st of England, 6th of Scotland). So we have a large set with a missing period of 1558 (accession of Elizabeth) to 1578. There are further documents held at Chatsworth for later years.

For Giggleswick the bound papers held in Leeds range from 1579 to 1598 as for the Second Book for Settle. Chatsworth hold a further set for 1610 to 1673.

Because the records are now tightly bound in books, digital images are difficult to make. Translation from much-abbreviated Latin is required and the handwriting can be difficult to decipher. However, much translation work was done by Brooke Westcott paid for by Roy Price and further work has been carried out limited to the first pages for each court session and the lists of tenants. The records for Edward VI, Mary Tudor and Mary and Philip have been translated by Simon Neal, including pages provided in Latin along with translation, which is helpful to others working with such documents. The results are to be found in [www.dalescommunityarchives.org.uk](http://www.dalescommunityarchives.org.uk). Further effort is obviously required to achieve a comprehensive accurate version of some of these documents.

### **The personalities**

The stewards and the clerks of the courts were intimately connected with the lords, as educated men, lawyers, skilled employees, servants and friends. They lived not far from Settle and Giggleswick and had local land holdings. The preambles to court proceedings name the stewards and perhaps deputies and clerks.

### ***The Lords***

Henry Clifford, 11th Lord Clifford and 1st Earl of Cumberland (1493-1542) inherited the Percy manors in 1537. He was a contemporary of Henry VIII who became a close friend. He is buried in Skipton church.

Henry the 12th Lord and 2nd Earl (1517-1570) (buried in Skipton) had sons George, 13th Lord and 3rd Earl, and Francis 4th Earl. He was studious and addicted to books.



**Henry Clifford**



**George Clifford**

George Clifford, 3rd Earl of Cumberland, 13th Lord (1558-1605) was son of the 2nd Earl by second wife Anne Dacre [Whitaker, 1878]. He was a brilliant mathematician and a proficient navigator, making expeditions far overseas. A public hero but a spendthrift, bad husband, adventurer, and privateer. Money was lost in horse racing and jousting. He left London in April 1602 to return to his northern estates, which were suffering from neglected administration. Things needed tightening up if he was to 'make the most of his resources' [Spence, 1959. p. 106/7]. He died in 1605 with no male heir, therefore his brother Francis became 4th Earl.

Francis Clifford (1559-1641) became 4th Earl in 1605. He was MP for Westmorland, then for Yorkshire.

From about 1595 onwards William Ingilby and William Ferrand were feoffees in trust of the Lord of the Manor. The will of Henry the 2nd Earl had executors including Sir William Ingleby Knight of Ripley and William Ferrand, groom of the 2nd Earl's chamber. In the will of George the 3rd Earl it is stated that: 'And where I have formerly assured divers of my manors, lands and tenements in the County of York to my well-approved friends, Sir William Ingleby, and to William Ferrand, my late servant, and to their heirs ....' [TNA PROB11/108/59].

Francis Clifford (later 4th Earl) requested that William Ferrand of Skipton be granted a coat of arms in consideration of 'fidelity and good service of himself and all his ancestors to our house ever since our possession of Skipton Castle for this 300 years' [Whitaker, 1878].

### ***The Stewards***

The Steward had considerable power over tenants. Sir Ingram Clifford (c1518-1579) was the 2nd son of the 1st Earl and Margaret Percy [Whitaker, 1878]. He acted as chief steward from 1547 for a few years. Christopher Marton worked with him for many years as steward and is noted as 'Gent. Steward skilled in writing'. He continued in the job until 1557 and acted as deputy chief steward for 1585, and 1587 after Edmund Eltoftes died in 1586. The Marton family came from Marton near Skipton. The manor of Marton was granted to him in 1581 by George, the 3rd Earl.

From 1558 onwards Francis Clifford is occasionally named as chief steward, acting for his brother George, with Edmund Eltoft(es) acting as his deputy until 1582. Eltoftes was then steward until his own death in 1586. Edmund Eltoftes was of Farnhill and probably the brother of John Eltoftes who was a Roman Catholic and Inner Temple lawyer employed by the family of the Henry the 2nd Earl [Spence, 1959]. He was buried in Kildwick in 1586 [Kildwick parish register].

Lawrence Lyster (*various spellings*) as deputy chief steward in 1588 was of the family of Listers who lived in Gisburn and Thornton. He was probably the Laurence Lister of Mydhope living in 1585.

Anthony Wright, gent., was George the 3rd Earl's solicitor. He served as steward for many years up to 1600. 'Anthony Wright gent of Lincoln's Inn and Nesfield in Craven' [Spence, 1959. p.81].

In 1601 Peter Watson of York was appointed by Francis Clifford as Steward of the Courts in Craven, and was requested to have a special care of the tenures and profits and to safeguard the woods, which Francis had heard were greatly spoiled. Strangers were to be brought in, rather than the known and tenant-trusted local gentry, to tighten up on administration, resources and profits [Spence, 1959. p. 107].

### **The Tenants**

After the pre-amble, the free tenants, due only to pay rent to the lord, were listed first, presumably the better-off, with a note of whether they attended or made an excuse. They were fined a few pence after lack of attendance on three separate occasions. In Settle they number about 15 in 1547 to near 30 in 1605 suggesting that prosperity was increasing. In Giggleswick there were about 9 free tenants in 1579 rising to 23 in 1598.

The tenants-at-will, subject to rents and some services to the lord, were then listed with a record of any fines. The fines of 1d or 2d paid regularly were for cutting firewood and trespass in the lord's wood, essentially an agreed fee for the privilege.

#### *Tenants-at-will*

*Relict of Anthony Knolles & William Knolles pro amput virid & oia ij d*  
(*Widow of Anthony Knolles etc. for cutting greenwood and other things 2d*)

The numbers of tenants-at-will were about 70 rising to 80 for Settle and 60 for Giggleswick at the end of Elizabeth's reign. These figures are useful in making estimates of population since an average of about 4.5 persons per family is an accepted figure. The other value of the list of names is for family research if treated with care. Of the tenants about 10 to 20% are women, essentially all widows – just a few noted as wives in their own right perhaps. There are a very few sub-tenants listed in later years.

There are 76 'families' (i.e. same surname) listed as tenants, free and at-will, in the 1579, 1589 and 1599 lists. There is little change in the surnames, with only 2 to 4% new names appearing decade by decade. This is suggestive of stable conditions with little movement of people in or out of the two manors.

### **The Jurors**

Twelve to fourteen men were sworn in as jurors, varying for each court sitting. They were all tenants-at-will sitting in judgement of disputes of all kinds. Some names of tenants never appear.

### **Officers of the Lord**

Each manor had its own elected officials - bailiff, bylawman, constable, herd, Overseer of Houses, Overseer of the Poor, pindar, hayward (ME haye=hedge), woodward. In the Settle lists of tenants-at-will one person is usually noted as an officer of the lord (bailiff), with no fine due. Richard Altham served from 1548 to about 1551. He died in 1562. Henry Tenant, gent., is named from 1556 to 1604, with Christopher Lawson being his deputy on a few occasions. Henry Tenant of Cleatop, gent., was frequently infirm, and 'decrepit' for several years. He was buried in 1604 leaving £5 for a bull and stoned horse for the use of inhabitants of Settle. In Giggleswick Thomas Bankes held the post of officer of the lord from 1578 to 1598. The parish register shows a burial of Thomas Bankes of Giggleswick in 1606 and in the register he is noted as having children from 1558 onwards, so could have been born about 1540 and became the bailiff aged about 40 or even before.

There were also affeerers, a set of four who decided the fines for different offences against the bylaws. The word comes from Latin 'afforare' – to assess or fix a fine. For Giggleswick some names occur many times; a different set of four was chosen in any year. Richard Brashey, Thomas Dockrey, Oliver Newhouse, George Lawson, Thomas Pailey, Richard Armitstead were frequently named. The Overseers of Houses were also in sets of four, with Henry Tomson, George Lawson, Christopher Cockett and Thomas Browne serving over a period of 10 years, then Thomas Braishey, Roger Carre, Rawlin Falthropp and James Jaikes for at least five years.

### **Finance**

For the 24th April 1583 Settle court expenses are listed as follows:

*To the rental on 23rd (compilation) 2s 8d*  
*For dinner on the same day 4s 4d*  
*For dinner on the 25th 2s 4d*  
*To the rental 26th day 15d*  
*For hay and fodder of the Steward's horses 9s 4d*  
*For hay and fodder of Master Danbye's horses 6s 2d*  
*For hay and fodder of the Clerk of the Court's horses 4s 8d*  
*For hay of the bailiff's one horse in the same place 15d*  
*Service of the Jury of Settle 14d*  
*Total 53s 6d*  
*Giggleswick expenses in general, and fees 30s*  
*Therefore to make this bill now Settle*  
*Expenses Eltoftes 5s 10d*  
*Jury 14d*  
*Expenses Danby 16s 6d*

The phrase 'It is extracted' is then used.

Edmund Eltoftes was chief steward on this occasion. Master Danbye was perhaps clerk of the court. It seems that travel from Skipton and other local places required more than one horse – probably for an accompanying servant.

For 14th April 1591 we have a detailed list of the expenses for Giggleswick court, held on the same day after the Settle court.

*First for the dinners in the same place on the same day of A. Heles, clerk of the court, Henry Tenaunt, gent., Thomas Bankes, Richard Somerscale, Adam Armitsted, Richard Robinson, E. Heles, Christopher Lawson, George Somerscale - 3s (i.e. 4d each)*

*Item for the breakfasts on the 15th day of A. Heles, Thomas Bankes, T. Heles, George Somerscale, Richard Somerscale, Thomas Howson, Richard Robinson, Adam Armitsted, Richard Pate, Thomas Dickon – 4s (i.e. less than 5d each)*

*Item for ale at various times and lunch of the clerk of the court and others on the same day – 16d*

*Item for horses' hay and fodder – 18d*

*Item in payments to servants – 6d*

*Item for the ale of 14 jurors – 14d (i.e. 1d each)*

While some of these persons are officers, Richard Somerscales and George Somerscales are just free tenants in Settle, Thomas Howson is a tenant-at-will in Settle. Adam Armitsted, Richard Robinson, Thomas Dickon and Richard Pate cannot be accounted for. Why are there also T.(maybe E) and E. Heles? (Heles=Ellis?). Where did Francis Clifford have his dinner – the Bell Inn or perhaps at the vicarage? He did not claim expenses! Ten persons must have stayed overnight since they had breakfast on the 15th April but no claim for accommodation is made. How much did bed and breakfast cost in those days?

The income for each court session was around 10s to 14s from the small fines for collecting firewood but much more came from fines for more serious offences and a profit was certainly made for the lord. In October 1557 the sum of fines, mainly for cutting firewood, was 13s 11d. The sum raised from amerancements (fines for breaking bylaws) was 59s 5d. The expenses were 5s 1d. The net income was typically just a few pounds a year, almost insignificant as far as the lord was concerned. The major source of income was rent and gressums (fines imposed on change of tenant) amounting to many tens of pounds per year.

### **Court business**

Presentments and pleas were made to the court and considered by the jury who presented verdicts and fines. In 1590

*The corn mill is in decay for want of a great timber, viz. the water wheel for one Axiltree, the mylne Crooke & ilves, one tree for plantes for the lowther, one ... for a Still wher the mylne stones do ly, the mylne Clowse or forbay for want of ... for bordes decaied etc.*

[Settle, May 1590]

Such is the language and difficulty of understanding some of the text written in English.

Many complaints concerned agricultural matters such as uprooting trees, rights of way, pasturing animals without permission, trespass of animals on other tenants' lands and crops.

There were many allegations and counter-claims for damage made between two parties, grievances on both sides leading to dispute in the court.

*Thomas Brayshey against Thomas Remyngton re trespass - theft of dung and lime*  
*Thomas Remyngton against Thomas Brayshey re debt re hemp, oil and tallow*  
*Thomas Brayshey against Thomas Remyngton re debt re tallow*  
[Giggleswick, April 1596]

Of the complaints made in the courts, small debts for all manner of things were very common. Typical debt disputes concerned manual labour, money lent, woollen cloth and yarn, linen, canvas, animals, tallow, malt, oats, barley, beans, peas, cheese, clothes, shoes, boots, coal, straw, thatch, hay.

*Anthony Knolles seeks of William Watkinson junior in a plea of debt 18d, which he owes to him for woollen cloth bought from the same complainant. The defendant acknowledges the aforesaid debt.*  
[Settle, May 1553]

*Amercement 4d - Adam Pailley against Richard Coykson senior owes 4s 4d for wollen cloth etc Whereupon the defendant acknowledged all the debt and is amerced.*  
[Settle, June 1558]

The lack of coin in circulation might have been an issue, but it seems common that small money loans were made without written agreement and payment for goods was not 'cash on the nail'. Bearing in mind populations of several hundred persons in each manor, fewer than about 10% were making representations every year. The names of offenders did not always appear in the tenant lists so may have lived in another manor. There were tenants known as 'resiantes' meaning resident tenants-at-will for those who lived on their holdings and were not absentee. Some persons might not have been manorial tenants, such as servants.

Bylaws were made and specific orders were made to make some actions or lack of action to put something right an offence – penalties, called pains, were laid down.

*A pain is imposed that no tenants or inhabitants of Settle, nor anyone else, will make or dig any holes or gutters in the common ways or in the vill of Settle, unless they immediately fill in the said holes, under pain of each one of 3s 4d.*  
[Settle, October (?) 1552]

*Pain imposed, under great peril, not to dry and break the flax and hemp in the mansion house and adjoining land, whether by day or by night with candles. 3s 4d*  
[Giggleswick, October 1592]

### **The End Game**

Later records exist up to the later 1700s but from 1639, shortly before civil war, we also have lists of church wardens, overseers of the poor and constables being drawn up and it appears that the church Vestry (of twelve or twenty-four men) took over some responsibilities for the inhabitants of the parish.

Brayshaw [1932] says that the power of feudalism in Craven declined rapidly after the Dissolution of the Monasteries and was in full decay by the end of the 16th century. Jessel [2012] also states that manors declined into relics soon after 1600, although still functioning. The lords claimed certain rights from the tenants, but gave them in return a sure protection against all outsiders. Some tenants had some share in manorial rights, or even all rights as in Langcliffe. Legally, local government was in the hands of justices of the peace appointed by the Crown, but in Giggleswick parish there were no justices resident or interested in the district. As lords of manors lost control members of the important families took over management of local affairs, as school governors, church wardens, members of the vestry of 24 and acting as overseers and bylawmen for the parish. In the 1800s parish councils came into being and lords of the manors then completely lost control of tenant affairs.

## Sources

### *Specific*

Spence, R. T., 1959. PhD thesis, University of London. '*The Cliffords, Earls of Cumberland, 1579-1646.....*'. <https://discovery.ucl.ac.uk/id/eprint/1317784/>

Spence, R. T., 1959. PhD thesis, University of London. p 107. Source: Althorp-Cumberland Papers 13/3/1601-2.

Brayshaw, T. and Robinson, R.M., 1932. *A history of the ancient parish of Giggleswick*. Halton & Co., London.

Clifford, George, 1605. Will. TNA PROB11/108/59.  
[http://www.oxford-shakespeare.com/Probate/PROB\\_11-108\\_ff\\_3-4.pdf](http://www.oxford-shakespeare.com/Probate/PROB_11-108_ff_3-4.pdf)

Kildwick parish register <https://archive.org/details/parishregisterso47kild>

Staincliffe Court Rolls, 1650-1653. TNA SC 2/211/129 to 135

Whitaker, 1878.

[www.dalescommunityarchives.org.uk](http://www.dalescommunityarchives.org.uk)

### *General*

Bennett, H. S., 1987. *Life on the English Manor : A study of peasant conditions 1150-1400*. Alan Sutton, Gloucester.

Clifford, D.J.H., 1990. Ed. *The diaries of Lady Anne Clifford*. Alan Sutton, Stroud.

Cumbrian manors.

<https://www.lancaster.ac.uk/fass/projects/manorialrecords/manors/index.htm>

Jessel, C., 2012. *Law of the manor*. Wildly, Simmonds & Hill.



Stuart, D., 1992. *Manorial Records*, Phillimore.