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THESE are to certify, That *Rebecca Clark*
Daughter of *David Clark*
and *Mary* his Wife, who was Daughter of
Jonathan Sarah Best was Born in *Ironfield*
in the Parish of *Ironfield*
in the County of *Serby* the *Fifteenth*
Day of *May* in the Year *one thousand*
eight hundred at whose Birth we were

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FAMILY HISTORY

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Front cover:

Low Row Independent Chapel ©Clare Pilkington 2023

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From the Principal

Dear Members, Colleagues and Friends:

Early daffodils beckon from the garden as the Institute enters 2023 with many activities in progress. Our educational courses continue to flourish, greatly enhanced by Zoom meetings which seem now to be very much the way of the future.

In these difficult and expensive times even having charitable status does not always guarantee a smooth and comfortable ride – we are crucially short of volunteers for many interesting tasks relating to our document and other collections and would be delighted to hear from anyone who could spare even a few hours a week to assist. Should your affection for the venerable Institute still be strong, we do encourage you to remember us in your will, and now have a page on our website where further details may be found.

In anticipation of the sale of Number 79 and the loss of a quarter of our accommodation, much library moving, sorting and reshelving has been undertaken, but there are many new additions yet to be catalogued including material from our late founder's personal library. We hope to gain funding for a brand new searchable library catalogue and for the digitization of further books and collections. Proceeds from the sale of 79 will be crucial in looking after the rest of our old building and expanding our educational charitable status.

In the meantime (to encourage browsers!) I am including a summary listing, mostly of the principal genealogical material with some updates, but also numerous smaller but important items which are easily overlooked. There are also some smaller sub-sections which bring scattered material together all on one shelf for the specialist. The library is also strong on good runs of journals, particularly the short-lived late nineteenth- and early twentieth-century ones with their many excellent articles.

By the kind permission of Clare Pilkington we are reproducing an abstract of her splendid thesis "Low Row and Feetham in Swaledale" which gained her a very well-deserved Licentiate (L.H.G.) last year. Her text will speak for itself, and we hope very much that others may now be enthused to embark on a similar undertaking. Clare will be pleased to answer any questions on her thesis, and she can be contacted at clare@ladysteps.co.uk.

David Wright, February 2023.

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The IHGS Library : a summary and update. Please also refer to the website listings.

Almanach de Gotha, 1872-1913 *passim*
The Amateur Historian, 1952-1967
The Ancestor, 1902-1905
The Antiquarian Magazine and Bibliographer, 1883; 1884; 1886; 1896
Antiquaries' Journal, 1981-2022 *passim*; Annual Reports 1991-2007
The Antiquary, 1880-1892; 1895-1909
Archaeologia, 1917-1986 *passim*
Archaeologia Cambrensis, 1850-1854
Archaeologia Cantiana, 1858-2021
The Archaeological Journal 1955; 1967-1971
Archives, 1949-1966; 1978-2018 (British Records Association)
Armorial Index, over 100,000 British and foreign armorials
Avotaynu (Jewish Genealogy), 1985-2004
The Armorial, 1959-1969

Bankrupts, 1806 and 1808
Bristol and Gloucester Archaeological Society Transactions, 1991-2017
Bygone Kent, 1980-2006

Calendar for the Committee for Compounding &c., 1643-1660; plus miscellaneous 1348-1377
Calendar of Close Rolls: Henry III, Edward I and Philip & Mary
Calendars of Inquisitions Post Mortem, Henry III and Edward I
Calendar of Miscellaneous Inquisitions, 1219-1349
Calendar of Patent Rolls, Henry III and Edward I (1216-1307)
Calendar of State Papers Domestic, 1642-1656
Canterbury Cathedral Chronicle, 1928-2002; Annual Reports of the Friends 1928-1973
Chancery Proceedings, 1385-1467; 1485-1660 and further
Chetham Society, 1844-1945 *passim*
Church Monuments Society, 1986-2021 *passim*
The Coat of Arms, 1950-2019
Collectanea Topographica et Genealogica, 1834-1843
Court of Requests Proceedings, Henry VII – James I

Dissolutions of Partnerships, 1794-1826

Enrolled Customs Accounts, 1279-1509
Exchequer Deponents, 1559-1806
Exchequer Records: Feudal Aids, 1284-1431
Exchequer Records – the Book of Fees, 1198-1242

Family Histories (*miscellaneous and printed*), extensive holdings
Family Community History, 1998-2004
Family History, 1962-date
The Famine Immigrants (Irish) to New York, Vols. 1-7 (1846-1851)
Foreign Office List, 1932, 1937

The Genealogical Magazine, 1897-1904

The Genealogical Quarterly, 1932-1966 *passim*
The Genealogist, 1877-1922
The Genealogists' Magazine, 1925-2022
Gentleman's Magazine, index of obituaries 1731-1780 and 1795-1837;
 index of marriages 1731-1768 and 1819-1843
Gloucester Record Series, 1988-2016

Harleian Society *County Visitation Series*; and *New Series* 1979-2010
Hatchments in Britain, vols. 1-10
The Herald and Genealogist, 1863-1874
History, 1912-1915; 1943-2005
History of the English-Speaking Peoples, volumes 1-7

The Irish Ancestor, 1969-1986
The Irish Genealogist, 1937-1994

Knights of Edward I, A-Z

The Local Historian, 1968-1991
Local Population Studies, 1968-1984
London Record Society, 1965-2018

The Midland Ancestor, 1883-1887
Miscellanea Genealogica et Heraldica, 1868-1938
 Missing Persons Indexes: *Times*, *Telegraph* and other newspapers, 1903-1966;
News of the World, 1906-1928
 Monumental Brass Society, *Transactions* 1958-2012; *Bulletins* 1972-2012; *Portfolios* Vols.
 VI-VIII

Next of kin advertisements, 1911-1961
Nomina, 1977-2012
Norfolk Genealogy, 1974-1994

Ordnance Survey, reprints of 1801 series for England and Wales

Proceedings in the Court of Star Chamber, 1485-1603
Proceedings of the Society of Antiquaries, London, 1854-1859; 1895-1897; 1899-1901; 1911-
 1920
Proceedings of the Society of Antiquaries, Scotland, 1936-1937; 1939-1940; 1966-2014

The Record Society (Lancashire and Cheshire), 1879-1996 *passim*
Recusant History, 1965-1981; 1996-2014
Return of owners of land: England and Wales, 1875
 Royal Historical Society: Camden Fourth Series, 1964-1980

St George's Chapel Windsor, Reports of the Society of Friends 1947-2002
Surrey Archaeological Collections, 1943-1977
Sussex Archaeological Collections, 1848-2020
Sussex Record Society, 1902-2017

The Topographer and Genealogist, 1846-1858

Unclaimed Dividends, 1780; 1803; 1815; 1823; 1883

Visitation of England and Wales (Arthur Crisp), 1893-1921 and *Notes*, 1897-1915

Who's Who 1878-1998

Who was Who, indexes 1897-2000

Yorkshire Archaeological Journal, 1976-2005

Yorkshire Archaeological Society, 1885-1984 *passim*

Subject sections

Air Force

Archives and Libraries

Army: large collection including the *Army List* 1661-1949; Indian Army List 1857-1939
passim

British and Foreign Royalty

Burke's and Debrett's publications: a magisterial and comprehensive collection on the peerage, gentry and famous people

Church – large collection including *Ecclesiastical Directory* 1828; *Foster's Clergy List 1800-1840*; *Clergy List* 1842-1904; *Crockford's* 1872-1999; Catholic Record Society 1905-1911 and 1965-2006 *passim*; reference works on Catholics and Non-conformists &c

Church Brasses and Monuments

County Collections: Bedfordshire to Yorkshire – extensive collections of PRs, MIs, reference works, pamphlets, guides and much more. Kent, London, Sussex and some other southern counties are well represented.

Crests and Flags

Dictionaries: Latin and most European languages; Oxford DNB (compact version, 1975)

Latin and Palaeography

Law including *Law List* 1812-1958, and many reference works

Manorial and Mediaeval including Phillimore's *Domesday* county volumes, Beds. To Yorks.

Medicine: directories and registers 1780-1990 *passim*; *Doctors' and Surgeons' List* 1780-1957; *Opticians' Register* 1992; *Osteopaths' Register* 1951 and 1991; *Pharmaceutical Chemists' and Druggists' Register* 1892, 1990; *Dentists' Register* 1899, 1912

Navy List 1830-1996 plus reference works

Parliament

Place names and Surnames – complete collection of English Place Name Society volumes and many others

Professional Directories

Street and Trade Directories – magnificent collection of several hundred volumes for the United Kingdom 1700s-1900s

Universities, Schools and Colleges – large collection of Oxbridge and other alumni and registers

Wills and probate – large collection probably complete for B.R.S. and other indexes

* * * * *

Low Row and Feetham in Swaledale by Clare Pilkington, LHG

INTRODUCTION

Swaledale is the most northerly Pennine dale in both the modern county of North Yorkshire and the historic county of the North Riding of Yorkshire. In the west it begins at the watershed between Westmorland and Yorkshire close to Ravenseat, the farm made famous in recent years by Amanda Owen, the Yorkshire shepherdess. In the east, Swaledale joins the Vale of York at Catterick on the Great North Road, the modern day A1, between London and Edinburgh. The River Swale turns south through the Vale to Boroughbridge and the confluence with the River Ure to form the River Ouse, flowing past York, and emerges into the North Sea as the Humber.

Swaledale is still a remote dale today. There are no major centres of population in Upper Swaledale, merely the villages of Reeth and Muker with hamlets and townships every mile or two above the valley flood plain and the vestiges of lead mining communities on the hillsides above. This dale is much narrower than the Yorkshire dales to the south such as Wensleydale or Wharfedale with the only flat land on the valley floor used for meadows. As shown in Picture 1 below, the hillsides are steep, on the north side rising up to plateaux on which small hamlets were built before rising again to the moors. The only available land for building was along the valley floor above the floodplain or on the plateaux. Once the land was enclosed from the moors, most of the fields on these slopes were used for pasture.



Picture 1: Looking east across Nell Tom Close; the narrow valley bottom together with the steep slopes can be clearly seen, on the north side rising to a plateau before rising again to the moor.

Upper Swaledale is virtually co-terminous with the ancient parish of Grinton. This parish was subdivided into four divisions, Grinton, Reeth, Melbecks and Muker: the Grinton division included all the land on the south bank of the Swale; Reeth included all the land on the north bank from Fremington and Reeth to Healaugh; Melbecks stretched from Barney Beck in the east through Feetham and Low Row to the villages of Lodge Green and Gunnerside in the west and Muker covered the top of the dale. However Grinton parish was also split under civil administration by the River Swale, the north bank being in Gilling West Wapentake and the south bank including the village of Grinton being in Hang West Wapentake. Grinton parish was also co-terminous with the three manors of Healaugh Old Land, Healaugh New Land and Muker, all three having one owner from the mid seventeenth century until the abolition of copyhold tenure in 1926.

Lead mining, though outside the scope of this land-based study, formed a major part of Swaledale's economy until the late nineteenth century. In the seventeenth century, Lord Wharton, the contemporary Lord of the Manor, was instrumental in developing the mines above Gunnerside, bringing in expertise from the Derbyshire lead mines. When the Healaugh Manors were sold to Thomas Smith in 1738, the Manor Trustees reserved the mineral rights on the commons and wastes which eventually passed to the Pomfret family. In the late eighteenth century, the mines had a technical problem; the easily reached ore was almost exhausted but to extract lead from deeper beds required expensive investment in the provision of levels, both for access and for draining water from the mines. The Pomfret family retained one mine to develop for themselves and leased the remaining mines to partnerships of other investors. Besides the mines, smelting mills and ore dressing floors also provided employment. The price of lead followed national prices and the national economy; the price rose during the Napoleonic Wars, fell in the post-war depression, recovered slightly then fell again with the depression of 1826. The price was also affected by competition from Spanish lead, reducing Britain's share of exports to Europe.

The evidence from the land based archives indicates that farms were rarely large enough to support a family through farming alone. Most consisted of a few fields which might provide grazing and hay for one or two cows but the family would need a supplementary income to provide extra food and clothing. Although potatoes were grown, there was virtually no arable land so any grain for bread or animal feed would have to be bought from elsewhere. Consequently, the population was very reliant on the prosperity of the lead mines for its livelihood.

This study looks at the eastern part of Melbecks division, the modern day community of Low Row, namely the historic townships of Low Row and Feetham on the north bank of the Swale, with the associated hamlets of Smarber, Blades and Kearton on the hillside above, for the period of 1686 to 1845. These dates reflect the survival of the Healaugh Manor court books from 1686 and the completion of the Tithe Award in 1845. The Tithe Award has been taken as the base as it recorded all the owners, the occupiers, the houses and the fields with their acreage at that date. The 1841 census recorded the members of every household in the community, proving particularly useful where houses were in multiple occupation but not all the tenants were named on the Tithe Award. Nevertheless these two surveys, discussed in chapter 1, have provided the foundation for tracing of the history of the land and its people.

My great grandfather was born in Low Row in 1848. Tracing his ancestry through church registers alone has proved difficult because of the deficiencies of the parish register entries before 1813; baptisms did not include mothers' names, marriages merely stated 'of this parish' and no ages were given for burials thus making ancestry impossible to prove. The chapel registers were more informative but still did not allow clear identification of individuals. With fairly restricted sets of surnames and Christian names, separating and identifying men of the same name has been problematic. A man tended to christen one of his sons after himself but each of his sons would christen a son after their grandfather so, in the third generation, there might be several cousins of the same name of approximately the same age. The problems stemming from the church and chapel register inadequacies are discussed in Chapter 2.

The use of the manorial court books of both Healaugh Old Land and Healaugh New Land to supplement the church or chapel registers was intended to establish family groups and pedigrees. However as the manorial court books actually show a move from owner occupation in the seventeenth century towards ownership by absentee landlords in the nineteenth century, they have not proved to be the panacea for the limitations of the parish registers. Nevertheless there have been many instances when the court books have proved family relationships. Land ownership is discussed in Chapter 3.

Other land records such as surveys, valuations or maps were found to be merely snapshots in time, generally corroborating the evidence of the manorial court books but with no information on family relationships or linkage.

However this study has highlighted a growing group of inhabitants passing into history mostly unrecorded by the land related archives because they were either sub-tenants or members of the wider family living and working on the family land with no legal or financial stake. To denote where this might happen, each chapter concludes by enumerating and evaluating the sources under discussion.



Picture 2: Looking west over the fields above Brockmagill. The houses of Kearton can be seen in the middle distance with the fields belonging to Brownberry behind. The steep slope to the river and the valley floor is on the left.

CHAPTER 1: THE FOUNDATION

This chapter forms the foundation for the rest of this study as it details how the database of landownership was derived from the source documents. The two key source documents were the 1841 Census and the Tithe Award, which for Melbecks was in 1845. Together, the extracts from these surveys for the Low Row and Feetham community provide a sound reference base for showing the evolution of this part of Swaledale over the timescale 1686-1845. In order to show their reliability, each of these surveys will be discussed below.

1.1 The Tithe Award

Tithes were the means by which the Church of England parishes were funded. In an agricultural parish, farmers paid one tenth of their crops, such as hay or corn, and their animal produce, such as milk, eggs and even lambs or calves, to the Church as a Tithe. A national programme in the mid nineteenth century changed tithes from being a produce tax to a monetary one. The opportunity arose when agricultural land was enclosed in the late eighteenth and early nineteenth centuries to allocate a portion to the Church in lieu of paying tithes. However, in parishes where tithes were still due, the Tithe Commutation Act was passed in 1836 to alter the system completely and permanently.

Each parish had its own Tithe Award, produced by government commissioners, with schedules of all property, the Apportionment, and, most importantly, a Map. Three copies of the Award were made, one to be kept by the parish, one by the Bishop and the third by the state. Generally the parish copy is held in the relevant county archives, the Bishop's copy in the diocesan archives (which may or may not be the county archives) and the third copy in The National Archives.

For Melbecks, the Tithe Award was completed in 1845.¹ The parish copy for the Apportionment was a working document and carries many annotations indicating any change of ownership and often changes to occupiers too so the entries can be difficult to follow and understand.

The Apportionment gave the name of the owner, the name of the occupier, the number on the map, the name or description of the land or buildings, what the land was used for, the acreage and amount of tithes payable. Houses and gardens paid no tithes. Prior to 1845, the tithes had been split between the Vicar of Grinton and lay proprietors. In 1845, these lay proprietors were Frances Jane Tomlin and Thomas Bradley, together owning about 23%. The Melbecks fields were almost wholly laid to grass with very little arable land and a couple of small woods.

The areas of land in the Award were given in the traditional measurements of acres, roods and perches. An acre was 4840 square yards, and there were 4 roods to the acre and 40 perches to the rood, giving 1210 square yards to the rood and 30¼ square yards to the perch. This is not to be confused by linear measurements of yards, perches (5½ yards), chains (22 yards), furlongs (220 yards) and miles (1760 yards). So the (square) perch was 1 perch x 1 perch. A rood was 1 furlong x 1 perch. An acre was 1 furlong x 4 perches (or 1 chain). The furlong was related historically to the length an ox team could plough before they needed a rest. A yard is about 0.9 metres. Occasionally in other land records, feet might be used; there were three feet to one yard.

¹ Melbecks Tithe Apportionment and Map, T(PR/GR) 3/2, North Yorkshire Archives

The following figures from the Apportionment relate to the whole township of Melbecks but give an indication of the proportions of the various types of usage:

<i>Arable land</i>	<i>27 acres 0 roods 33 perches</i>
<i>Meadow</i>	<i>1059 acres 2 roods 22 perches</i>
<i>Pasture</i>	<i>329 acres 1 rood 15 perches</i>
<i>Uninclosed stinted pasture (sic)</i>	<i>1730 acres 0 roods 20 perches</i>
<i>Wood lands</i>	<i>5 acres 0 roods 1 perch</i>
<i>Roads, rivers & waste</i>	<i>42 acres 0 roods 0 perches</i>
<i>Commons & moors</i>	<i>6913 acres 0 roods 0 perches</i>
<i>Total</i>	<i>10,106 acres 1 rood 11 perches</i>

Since the common lands and moors accounted for almost 86% of the whole, access to them and the cattles was critical for each household. Of the rest, meadows provided the supply of hay for winter fodder whereas pasture provided grazing for stock. It might also have been less fertile grassland which did not provide good hay. As demonstrated, arable land was a miniscule proportion, less than 0.3%.

As part of the Apportionment there were two separate lists, Schedule A and Schedule B, giving the modus in lieu of the tithe on hay. From the schedules, it is not clear on what value or acreage the modus was based; for example, Mary Armistead with 7 acres paid $\frac{3}{4}$ d yet James Hird with $1\frac{1}{2}$ acres paid 1d and John Hugill with over 5 acres paid $3\frac{1}{2}$ d. Their main tithe values were 3s 10d, 1s 4d and 2s 8d. There does not seem to be a correlation with the quality of the land either; in 1832, Mary Armistead's land was valued at £4 9s $0\frac{1}{2}$ d whereas James Hird's land was valued at £2 17s $3\frac{3}{4}$ d and John Hugill's land at £5 3s $0\frac{1}{4}$ d. This 1832 valuation is discussed in Chapter 5.

In 1845 there were 87 owners in total. The number of actual owner occupiers was only 43 but, of those, 27 were owner occupiers and 18 rented out some of their land whilst occupying the rest. Thus 44 owners were absentee landlords. There were 104 tenants listed and there were 131 houses. Over half the number of houses had no land attached; of these, 9 were owner occupied, 28 were tenanted and 32 had multiple occupancy. The Tithe Award did not differentiate between copyhold land, freehold land or the land belonging to the Lord of the Manor so these ownership categories are amalgamated in the figures above.

This Tithe Award has been used as the starting document for establishing a base from which all other land records can be related. For instance, Mary Ellen Robinson was shown as the owner of Ricket Ing, with John Bell as the occupier. From this, the history of Ricket Ing could be traced backwards in the Manor Court books, when Mary Ellen bought the field, whom she bought it from, and hence back in time to the start of the Manor Court Books in 1686. These entries could then be correlated with other documents such as any appropriate surveys and valuations, the Land Tax entries, any associated parish register entries and Wills.

1.2 The 1841 Census

The Census is arranged under the Registration Districts based on the Poor Law Unions created in 1834, with the Registration Districts sub-divided into Enumeration Districts, each one able to be completed by a single enumerator. T

The references for this area of Swaledale are:

HO 107/1246 ED5 Low Row, Smarber and Blades
ED6 Feetham and Kearton (this includes Park Hall)

Overall, there were 185 households containing 915 people, ED6 being slightly smaller than ED5. As one might expect from such an important mining area, nearly half the households were headed by a lead miner, with a further eleven headed by lead smelters. There were sixteen farmers. Surprisingly 22 householders described themselves as independent; probably most were retired and living on rents or supported by younger members of their family. Tradesmen for stone masonry, joinery and blacksmithy may have been employed by the mine owners, there were three tailors and one shoemaker and several shopkeepers. Haverdale Mill on the south bank opposite Isles employed another fourteen householders in hosiery and carpet weaving. There was only one publican, the Methodist influence perhaps. Many of the people who described themselves as miners or tradesmen would also have had a smallholding, keeping a cow or two, but this was not what they considered their main source of income. In 27 households there were adult lodgers, excluding servants. Servants tended to be young girls, anything from eleven years old upwards, helping with the domestic duties or childcare. There were a further five houses being built and two unoccupied.

Some houses were named in the census schedules, such as Laykin House or Robingate, so it has been possible to add the occupant's name to the house history. The census gave ten households for Brock Bank although there were only five houses in 1845, two pairs and one separate, so each house must have had multi occupancy. However the majority of houses were merely described as being in either Low Row (51) or Feetham (45).

As the descriptions of each district were minimal, it is impossible to know the route the enumerator took, whether he walked the north side of the road followed by the south side for example or whether he dodged from side to side as he went.²

David Sinker has analysed all the Blades and Smarber houses to produce a useful summary of the occupants in the 1832 Valuation, 1841 Census, 1845 Tithes Award and 1851 Census, house by house.³ He found he could not assign houses to four households and had queries over several others in the 1841 Census.

The Census also asked a question on origin; whether a person had been born in Yorkshire or not, requiring a simple yes/no answer. As one might expect, there were very few heads of household who had been born outside the county, eight in total for the two enumeration districts. One was the Congregational Minister who was Scottish and a second the gamekeeper, which was sensible to employ someone from out of the area to avoid favoritism. There was one lead miner, which was surprising, and three employed at Haverdale Mill. The last two had no occupation given.

² ED5: All that part of the Township of Melbecks comprising the Hamlets of Low Row, Smarber and Blades
ED6: All that part of the Township of Melbecks comprising the Hamlets of Feetham and Kearton

³ David Sinker, *Blades/Smarber c1650-c1901*, manuscript 2003, CRONT 1839, North Yorkshire Archives

1.3 Issues Identified

Already, looking at these two surveys, there is a discrepancy between the named occupiers of the houses in the Tithe Award and the number of households in the 1841 Census, 131 houses as against 185 households. Under the Award, 34 houses were identified as having more than one household living there. Most of these houses had two occupiers named, but five had three occupiers and two had four occupiers listed. This gives a total of 174 households known through the Tithe Award. Unless there had been movement out of the Feetham and Low Row community in the four years between 1841 and 1845, there were eleven households who were not recorded in the Tithe Award and therefore must have been sub-tenants or living unidentified in houses of multi occupation.

CHAPTER 2: CHURCH AND CHAPEL RECORDS

This chapter looks at the various churches and chapels which served the Feetham and Low Row community. It discusses the failings of each in identifying people uniquely with regard to the registers for baptisms, marriages and burials and other church or chapel records. Wills are included here because probate was granted through the various church courts during this period; wills can therefore be considered as church records until the State took over all probate functions in 1858.

2.1 The Church of England

The parish of Grinton was very large, extending from the border with Westmorland to the village of Grinton some twenty miles down the river Swale. Such a big parish was obviously unmanageable for both the vicar and his parishioners resulting in a chapel at Muker, upstream from Grinton, which had been licensed for marriages as well as baptisms and burials in 1580, an unusual arrangement for a chapel but very practical in the circumstances. Muker and Grinton kept separate registers, both surviving from about 1640. Prior to 1813, both registers had minimal entries, with just the name of the baby and its father for baptisms and the name of the deceased generally with the relationship to the head of the household for burials. Usually the place of residence was also given because the range of surnames was quite small, the same Christian names were used over and over again within the family groups and there was some need to identify the individual. Marriage entries were quite likely to state 'of the parish of Grinton' for both Grinton and Muker with no further information such as ages of the bride and groom, names of their parents or an occupation. It is therefore often impossible to ascertain exactly which person or family was being referred to for a particular entry.

The cause of death was only included when it was rare. For instance on 12th May 1778 James Spensley of Smarber and Ralph Spensley of Blades were buried at Grinton, the entry annotated with '*Thease was two Brothers kil^d in the Lead Mines at Old gang*' (sic). In another example, on 25th July 1708 Ann Garth of Smarber was buried '*drownd in the river Swale*'.

Grinton and Muker lay in the Archdeaconry of Richmond which was historically part of the Diocese of Chester, not York as one might expect. As a result the records are split with parish registers held at North Yorkshire County Archives but diocesan records such as Bishops' Transcripts and Wills held at West Yorkshire County Archives (Leeds). This is different from the rest of Yorkshire which was in the Diocese of York. Neither set of registers was influenced by the Dade or Barrington method of recording entries in the late eighteenth century.

Both Dade and Barrington entries gave some idea of origin, with Dade in the Diocese of York giving a three generation pedigree for baptisms and Barrington in the Diocese of Durham giving the birthplace of the parents. For a period of about twenty five years, those parish register entries enjoyed a purple patch of information.

The Grinton Parish Registers appear to be in one unbroken sequence from 1640 onwards but close study of the registers reveals gaps, particularly in the 1670s and 1690s and for marriages during the years 1754-9.⁴ The Bishops' Transcripts follow the Parish Register for the seventeenth century with the same missing years but do provide the missing marriages in the 1750s.⁵

Curates were employed at Grinton from 1752 onwards, resulting in the vicars undertaking few of the parish duties. Certainly most of the subsequent marriages were celebrated by the curates and the curates also signed the pages in the baptismal registers. Thomas Lightfoot was the last vicar to be buried at Grinton in 1742.



Picture 3: Grinton Parish Church

Muker Chapel has a complete gap in its registers from 1670 to 1700 and then for a further period of twenty years the marriage entries only gave the name of the groom.⁶ This gap from 1670 to 1700 can be overcome on occasion by using Bishops Transcripts but, as with Grinton, not every year has survived.⁷ The Bishops' Transcripts follow the Parish Registers in not recording the name of the bride for marriages from 1700 to 1720. In 1778 the information in the Muker Parish Register entries improved, giving the mother's name and the father's occupation for baptisms and ages at death for burials. Muker was served by a perpetual curate and from 1808 a curate too.

⁴ Grinton Parish records, PR/GR, North Yorkshire Archives

⁵ Grinton Bishops' Transcripts, RD/RR/130/1, West Yorkshire Archives (Leeds)

⁶ Muker Parish records, PR/MUK, North Yorkshire Archives

⁷ Muker Bishops' Transcripts, RD/RR/241/1, West Yorkshire Archives (Leeds)



Picture 4: Muker Chapel

Such a remote and difficult parish has left almost nothing in the way of parish chest records such as vestry minutes, overseers' accounts or rate books until the mid to late nineteenth century. In other places overseers' accounts are particularly valuable for establishing family relationships, deaths or movement in or out of the parish as the overseers were responsible for payments to the poor and destitute. As they did not want to pay out unnecessarily or to those not entitled to help, the accounts gave details about the people in need. Vestry minutes and rate books are less useful for relationships but do identify parishioners at a specific date.

As a general statement, people living at Lodge Green and Gunnerside and further west tended to use Muker Chapel and people living at Low Row and Feetham and further east used Grinton Church. However researching Swaledale families always involves searching both sets of registers as there was substantial migration within the dale and families might have a historic reason for using one church or the other.

In 1841 a third Anglican church was built at Low Row, Melbecks Chapel, served by a perpetual curate.⁸



Picture 5: Melbecks Chapel

⁸ Melbecks Parish records, PR/MEL, North Yorkshire Archives

During the Commonwealth in the 1650s, marriages were celebrated as civil marriages in Richmond, rather than in the parish church. Details are available for 1653 to 1660, up to the restoration of Charles II.⁹ This register is very useful, giving not only the date of the marriage and the names of the bride and groom but often their parish, their ages and their relationship to the witnesses. This is more information than would have been provided in a parish register of that date and can help to confirm family links and ascertain birth dates prior to the beginning of the parish registers.

2.2 Non-conformism

Swaledale people were receptive to non-conformist ideas from the seventeenth century. Unlike most English parishes, there was no squire or local gentry to dictate behaviour or belief and the vicars and curates were physically remote from many of the people they served. Most householders were also copyholders and men of independent status, not dependent on a landlord for employment or housing. They would also be resourceful, used to solving any problems themselves or with the help of their neighbours. Quaker records began in the 1650s, during the Commonwealth, and survived the persecution of the Restoration era to continue throughout the eighteenth century. Although early records do not survive, many people were Independents, supported by their Lord of the Manor, Lord Wharton, who provided a chapel for their use at Smarber from 1690, after the passing of the Toleration Act in 1688, and an endowment of land in Westmorland to maintain the minister at Smarber.¹⁰

The Toleration Act allowed non-conformist sects to register a meeting house for worship with the local Quarter Sessions. Certainly registers for baptisms with occasional burials in the sequence of entries survive for an Independent Chapel at Low Row from 1766.¹¹ Low Row and Smarber were about equidistant from both Grinton and Muker, thus qualifying under the Five Mile Act of 1665. This Act prevented nonconformist ministers from preaching within five miles of an Anglican church and was part of a package of measures implemented in the 1660s to ensure the Church of England was the official religion. John Wesley is recorded as having preached in the dale on more than one occasion resulting in several Methodist Chapels being built in Low Row, Gunnerside, Healaugh and Thwaite amongst others.¹² Baptisms at Low Row Methodist Chapel were recorded from 1800 although the chapel had been built earlier on land acquired in 1765; burials were recorded from 1828. These nonconformist chapels, often with a small graveyard, were located in the townships between Grinton and Muker or towards the head of the dale above Muker, thus being more accessible to many of the ordinary people than the Anglican churches.¹³

⁹ *Richmondshire Civil Marriages 1653-1660*, edited GW Ware, Volume 101, Yorkshire Parish Register Society, published 1936

¹⁰ R. Fieldhouse & B. Jennings, *A History of Richmond and Swaledale*, Phillimore 1978, pages 336-7

¹¹ Low Row Independent Chapel Baptisms, RG4/3211, The National Archives

¹² Fieldhouse and Jennings, page 347

¹³ The National Archives holds chapel registers for:

Low Row Independent baptisms 1766-1837 and burials 1822-1835, RG4/3211

Low Row Wesleyan Methodist baptisms 1800-37, RG4/3733 and burials 1828-37, RG4/3734

Reeth Independent baptisms 1787-1837, RG4/2750

Gunnerside Wesleyan Methodist baptisms 1802-37, RG4/3347 and burials 1812-37, RG4/3164

Healaugh Wesleyan Methodist baptisms 1820-37, RG4/3013

Keld Independent baptisms 1790-1836, RG4/3232

These are available on www.bmdregisters.org and www.ancestry.co.uk

In the 1829 Return of Places of Worship of Dissenters and Roman Catholics, Melbecks was recorded as having two Methodist Chapels (Low Row and Gunnerside) with 260 members, 1 Calvinist Chapel (Low Row Independent) with forty members, a Quaker Chapel with no members and two Roman Catholics but no chapel. The 1836 return was less specific, merely recording three Dissenting Chapels in Melbecks with no indication of numbers of members. These were probably the Gunnerside Methodist, Low Row Methodist and Low Row Congregational Chapels of the 1829 Return.¹⁴

The Quarter Sessions also had certificates and signatures of dissenting ministers but there were no places attached to each man, the documents were merely dated.¹⁵

All three sets of registers, Quaker, Independent or Congregational and Methodist, were deposited with the Public Record Office, the forerunner of the National Archives, in 1840.¹⁶ Later registers and other records were deposited with North Yorkshire County Archives.¹⁷

Following the history of a family, one may find baptisms in any of the registers; the oldest children might be baptised in Low Row Independent Chapel, later children in Low Row Wesleyan Methodist Chapel, the family might revert to the Independent Chapel or have a child baptised or buried at Grinton Parish Church. People were not fixed in their religious affiliation until much later in the nineteenth century.

For instance, William and Nanny Waller who married in 1790 at Grinton Parish Church had their first five children baptised at Low Row Independent Chapel but the next two baptised at Low Row Wesleyan Methodist Chapel. They lost three children as infants who were all buried at Grinton Parish Church. In another example, Ralph Harker who married Isabel Lee in 1804 at Grinton Parish Church had three children baptised at Low Row Independent Chapel before having a fourth child baptised at Low Row Wesleyan Methodist Chapel. They returned to the Independent Chapel for the baptisms of three more children, the last in 1824.

¹⁴ Returns of Places of Worship of Dissenters & Roman Catholics, 1829 & 1836, QDN, North Yorkshire Archives

¹⁵ Signatures of Dissenting Ministers 1688-1818, QDO(D), North Yorkshire Archives

¹⁶ RG4/3211 Low Row Independent Chapel- baptisms 1766-1837, burials 1822-35

RG4/3733 Low Row Wesleyan Chapel - baptisms 1800-37

RG4/3734 (II) Low Row Wesleyan Chapel - burials 1828-37

RG6/150 Richmond Monthly Meeting including Swaledale -marriages 1776-1794

RG6/736 Richmond Monthly Meeting including Swaledale -births 1776-1794

RG6/746 Richmond Monthly Meeting including Swaledale -deaths/burials 1776-1795

RG6/855 Richmond Monthly Meeting including Swaledale -marriages 1795-1825

RG6/877 Richmond Monthly Meeting including Swaledale -births 1795-1836

RG6/878 Richmond Monthly Meeting including Swaledale -deaths/burials 1795-1837

RG6/1281 Richmond Monthly Meeting including Swaledale - deaths/burials 1658-1694

-births 1651-1691

-marriages 1658-1693

RG6/1429 Richmond Monthly Meeting: Swaledale - marriages 1658-1759

-births 1654-1755

-deaths/burials 1659-1802

RG6/1447 Richmond Monthly Meeting: Swaledale -marriages 1660-1791

-births 1660-1781

-deaths/burials 1663-1810

¹⁷ Low Row Independent Chapel Registers 1766-1920, R/I/LOW/3/1, microfilm 4591, North Yorkshire Archives

Burial Plans of Low Row & Smarber, R/I/LOW 5

However when Isabel died in 1827, her burial took place in the Methodist Chapel as did that of the youngest child in 1830.

2.2.1 The Quakers

Quakers in Swaledale were first mentioned in 1654 with the birth of a son to James & Elizabeth Parkin of Kearton. However the contemporary burials were at Park Hall or Healaugh Park, not Low Row. This early congregation consisted of 6-8 families scattered throughout the dale from Winterings on the south bank, Low Row, Healaugh, Kearton and Blades on the north bank to Marrick downstream from Grinton. The first evidence of a Meeting House in Low Row was in the Manor Court Books of 1733 when William Gorton surrendered the Meeting House to Christopher Simpson and Henry Myers; this surrender also included a burial place. Christopher Simpson took over the whole landholding in 1759 before surrendering to John Raw in 1780.¹⁸ He in turn surrendered to William Thompson and James Thwaite in 1808.

Despite The National Archives catalogue suggesting a complete run of entries from 1654 onwards, there are gaps, particularly for births from 1677 to 1701 and from 1733 to 1776. The late seventeenth century gap corresponds with the gaps in the parish registers making this a very difficult time to research.

The Swaledale Preparatory Meetings in the eighteenth century alternated between Healaugh and Smarber which asks the question whether the Quakers also used the Smarber Chapel as well as the Independents prior to 1733 or whether they met in a Friend's home. Low Row was first recorded as the venue in 1728.¹⁹ The minutes of 1739 at Reeth recorded the completion of the Meeting House at Low Row.²⁰ Reeth had taken over as a venue from Healaugh in 1732.

By the late 18th century the number of Quakers in Swaledale had dwindled to a mere handful, none of whom lived in Low Row or Feetham. The Quaker insistence of marrying partners only from within the Quaker movement would have made life very difficult for the younger members and eventually meant that the Meetings were unsustainable. The recorded marriages suggest that the Swaledale

Quakers often found partners in Wensleydale rather than from within their small congregation. Indeed the minutes of 1727 recorded seven Quakers marrying outside the faith, five of whom were probably members of the same Lonsdale family.²¹

The Meeting House and Burial Ground were sold to the adjacent Independent Chapel in 1899.

¹⁸ Court Baron 2nd May 1780 Healaugh New Land Book I, ZA, North Yorkshire Archives

¹⁹ Minutes of Swaledale Preparatory Meeting 1st March 1728, R/Q/R 1/169, North Yorkshire Archives

²⁰ Minutes of Swaledale Preparatory Meeting 20th May 1739, R/Q/R 1/169

²¹ Minutes of Swaledale Preparatory Meeting 25th December 1727, R/Q/R 1/169, North Yorkshire Archives

2.2.2 Low Row Independent Chapel

In 1690, Philip 4th Lord Wharton fitted up a small building adjacent to his shooting lodge at Smarber Hall above Low Row for the use of Protestant Dissenters in Swaledale. Smarber Hall itself was leased to James Fryer of Paradise in 1653²² and then to Ralph & Cornelius Fryer in 1692 for twenty one years, with a clause giving free ingress and egress to the meeting house for the dissenting minister.²³ This was endorsed by his successor, Thomas 5th Lord Wharton in 1699. The Whartons also endowed the chapel with over two hundred acres of land, Birkett Pasture near Nateby and Low Field or Waller Field near Ravenstonedale both in Westmorland, to maintain the minister at Smarber. This land is still in trust for the Congregational Chapel today.²⁴



Picture 6: The remains of Smarber Chapel with the steep slope up to Smarber itself on the right

However Smarber is a very exposed site on the hillside above the valley floor. Consequently the Chapel was repeatedly unroofed or otherwise damaged, particularly in 1739, and in 1759 it was very nearly demolished. The roof was blown away and the end wall collapsed. Funds were collected for repair over the next twenty years. Eventually a decision was made to replace the Chapel with a new one at Low Row in 1810 as, yet again, the Smarber Chapel was in poor repair. The endowment of land in Westmorland by Lord Wharton to the Chapel was secured by passing successively through the hands of three ministers: John Taylor (ministry 1694-1713) had one daughter who married Timothy Gardener, Timothy Gardener (ministry 1725-1765) had one daughter who married James Benn (ministry 1766-1782) and she made over the estate in trust to the trustees of Lady Hedley's Fund to be managed for the benefit of the congregation. A new trust was created in 1867.²⁵

²² Smarber Hall lease dated 13 September 1653, R/Q/R 2/11/10, North Yorkshire Archives

²³ Smarber Hall lease dated 20 May 1692, ZQH 7/1/43, North Yorkshire Archives

²⁴ Tithe Rent Charge for parish of Nateby, Westmorland R/I/LOW 2/2/3, North Yorkshire Archives
Land Tax Receipts, Birkett & Nateby, R/I/LOW/2/2/4

Receipts for Rents, Waller Field Ravenstonedale & Birkett Pasture Nateby, R/I/LOW/2/2/5

²⁵ Rev JG Miall, *Congregationalism in Yorkshire*, John Snow & Co, London 1868



Picture 7: Low Row Independent Chapel

When the then minister, David Simpson, died in 1808, his Will left a legacy of £50 for the education of poor Melbecks children who attended his chapel, the schooling to be given by John Allason, his successor.²⁶The legacy was applied to adapting and fitting out a new school building in Feetham. Income for the school was provided by the renting of rooms within the building for housing. However the school had severe competition from the Wesleyan Methodist School which forced its closure in the late 19th century.

The registers which began in 1766 are more informative than the Anglican ones; for a baptism, the names of both the father and mother were recorded, together with their township and usually the occupation of the father. Burials from 1822, giving age and township, are included in the sequence rather than in a separate register. As a result of this extra information, families can sometimes be linked to parish register entries, marriages in particular, helping to prove relationships.

2.2.3 Low Row Wesleyan Methodist Chapel²⁷

The first Methodist Chapel was built on land at Pick Hill in Feetham. This can be identified in the Manor Court Books in 1765 as a small piece of land measuring fourteen yards by eight yards one foot given by Anthony Garth to Thomas Garth. It still exists today as an overgrown burial ground behind the Pick Hill houses.

²⁶ Will of David Simpson dated 15 July 1806, Probate 13 May 1808, RD/AP1/163/86, West Yorkshire Archives

²⁷ Low Row Wesleyan Methodist Registers after 1837, R/M/REE, North Yorkshire Archives



Pictures 8 and 9:
Low Row Old Methodist Chapel

In 1790 the land with the Meeting House passed from Thomas Garth to John Birkbeck, a yeoman of Whitaside on the south bank of the Swale, in trust for John Wesley and other people appointed by the Methodist Conference to preach there.²⁸ Unfortunately John Birkbeck died in 1800 and the land with the trust passed to his daughter, Elizabeth, who was less than a year old.²⁹ In 1828 she gave the land with the Meeting House to four Trustees on behalf of the Methodist Society. Further land was bought nearby, about ¼ acre, as a burial ground in 1829 and then in 1844 a third piece of land was bought on which a new Chapel with schoolroom had already been built. The building which stands today was built in 1901 and has been converted into a house.

657 Burial Ground site of Old Chapel³⁰

Size 0a 0r 5p

1845 Tithes Owner Methodist Society Occupier Jonathan Daykin & others

1828/7/11 MC James Spensley Christopher Raw William Martin & William Spensley took from

Elizabeth Simpson late Birkbeck

1800/6/2 MC Elizabeth Birkbeck inherited from father John Birkbeck

1790/5/8 MC John Birkbeck took from Thomas Garth for use of Wesleyan Methodists only

1765/4/29 MC Thomas Garth took from Anthony Garth

²⁸ Court Baron 3rd May 1790 Healaugh Old Land Book K, North Yorkshire Archives

²⁹ Court Baron 2nd June 1800 Healaugh Old Land Book K, North Yorkshire Archives

³⁰ Healaugh Manor Court books, ZA, and the Tithe Apportionment, T(PR/GR) 3/2, North Yorkshire County Archives

663 Burial Ground

Size 0a 0r 38p

1845 Tithes Owner Methodist Society Occupier Jonathan Daykin & others

1829/6/1 MC Thomas Spensley & Robert Cleminson bought for burial ground of Methodist Chapel from John Carter, part of 664

663a Chapel & House

Size 0a 0r 13p

1845 Tithes Owner Methodist Society Occupier Richard Peacock & Lucy Watters

1844/5/27 MC Thomas Spensley & William Pratt bought for Wesleyan Chapel from William Spensley, part of 664



Picture 10: Low Row Methodist Chapel built in 1901

The Methodists were served by a variety of itinerant preachers supplemented by local preachers and class leaders until the appointment of John Rawson in 1821 as minister. The services and sermons were enthusiastic rather than learned and appealed to the mining community who tended to be small or landless tenants or sub-tenants in the area.

By contrast the Independent ministers were educated men who had university or academy training, often Scottish universities as they could not attend English ones without subscribing to the 39 Articles - James Benn, 1766-82, attended Glasgow University, David Simpson, 1787-1807, attended both St Andrews and Edinburgh Universities and John Boyd, 1838-82, attended Edinburgh University whereas Timothy Gardener, 1725-65, attended Whitehaven Academy, John Allason, 1807-35, attended Homerton Academy and Daniel Davis, 1836-7, attended Rotherham College. The 39 Articles were part of the Church of England doctrine, acceptance of which was embedded in the 1661 Corporation Act and the later 1673 Test Act. Anyone aspiring to a profession, entry to a university or election as a local government officer was required to swear an oath and take communion in the Church of England. This would be impossible for any non-conformist but also irrelevant to most of the people of Swaledale.

There were a wide variety of roles within the Methodist Church which could be undertaken by ordinary members of each Chapel. They might become exhorters and, after some training and experience, local preachers. They might be a class leader, holding weekly classes in their own homes – the village of Low Row had three classes in the 1840s. They might become a steward or act as a trustee or they might be a Sunday School teacher which involved teaching reading and writing as well as the Bible. These opportunities might well appeal to those with no hope of advancement at work but with some ability for leadership or desire for intellectual stimulus.

The circuit plans from the 1830s which have survived for the Reeth Circuit show that there were nine different chapels in the dale holding seventeen separate services each Sunday.³¹ This would not have been possible without the services of the local preachers and exhorters.

The status of the men conducting baptisms and burials is not clear from the registers and whether they were resident in Swaledale or itinerant preachers. There were forty three different people conducting baptisms between 1800 and 1837, excluding the minister John Rawson, of whom George Poole, Thomas Key and John Gill identified themselves as Wesleyan Ministers and Isaac Cleminson and John Waller identified themselves as lay preachers (these two were local men). For burials, 1828-1837, there were thirteen different people, including the five previously mentioned for baptisms. Two further ministers were identified, John Raby of Richmond and Robert Fotherick, both of whom had celebrated baptisms but without identifying themselves as such.

Although the first chapel was built about 1765, the baptism registers only survive from 1800 and the burial registers from 1828. The information they give is more detailed than the pre 1813 Anglican registers and very similar to the Independent registers, with baptisms including the names of both parents with township and occupation of the father and burials giving ages, township and often the family relationship. From 1819 the birth date was included in the baptism entry.

2.3 Problems with the registers

A typical problem that researchers have in tracing a family through church and chapel registers alone is well illustrated by the example of John Coates in the 1790s. Between 1780 and 1800 there were four marriages for John Coates at Grinton, three of which were to a bride called Nanny! The brides and grooms were all described as ‘of this parish’. Were there four individuals here or just one?

16 June 1783 John Coates and Jane Spensley
21 May 1792 John Coates and Nanny Eden
10 Dec 1793 John Coates and Nanny Turner
16 April 1799 John Coates and Nanny Swailes

The baptisms for the children of the John-Nanny marriages were split between the Anglican and Independent churches with only one at Low Row Methodist Chapel and surprisingly one at Gunnerside Methodist Chapel.

³¹ Richmond and Reeth Wesleyan Methodist Circuit Plans, ZSC9, North Yorkshire Archives

Grinton: 12 Feb 1803 James son of John Coates of Feetham
 20 May 1804 Thomas son of John Coates of Reeth
 7 July 1806 Ann dau of John Coates of Feetham
 14 Dec 1806 Sarah dau of John Coates of Reeth
 13 Aug 1809 Matthew son of John Coates of Reeth
Low Row Ind: 4 Jan 1797 Mary dau of John and Nancy Coates of Smarber, blacksmith
 29 Oct 1797 Thomas son of John and Nancy Coates of Smarber, blacksmith
 2 Oct 1799 William son of John and Nancy Coates of Smarber, blacksmith
 8 May 1808 Bridget dau of John and Ann Coates of Smarber, blacksmith
 15 Jan 1809 John son of John and Nancy Coat(s) of Feetham, fiddler
 17 Jan 1813 Elizabeth dau of John and Ann Coats (he in Northallerton Gaol
 as an incorrigible vagabond and rogue)
Low Row WM: 13 June 1801 Hannah dau of John and Nancy Coates (no location or
 occupation)
Gunnerside WM: 24 May 1806 Jane dau of John and Ann Coates of Smarber,
 blacksmith

Most of the burials were at Grinton, being prior to 1822 when burials began to be recorded at Low Row Independent Chapel. No burials were found at Low Row Methodist Chapel.

Grinton: 10 June 1793 William son of John Coates of Low Row
 22 June 1793 James son of John Coates of Low Row
 3 Nov 1797 Thomas son of John Coates of Smarber
 5 Oct 1799 William son of John Coates of Smarber
 24 Oct 1806 John Coates of Low Row
 15 Sept 1811 John Coates of Reeth
Low Row Ind: 31 Oct 1828 John Coates age 74
 27 May 1831 Ann widow of John Coates age 57 of Gunnerside

What conclusions can be drawn from these entries?

Firstly there are four different locations: Feetham, Reeth, Smarber and Low Row. Feetham, Reeth and Smarber must relate to the three John-Nanny marriages above because the burials of the two children in Low Row relate to baptisms which occurred before the first John-Nanny marriage in 1792; hence Low Row John must be the John Coates who married Jane Spensley in 1783.

The first baptism for Smarber John was in 1797, that for Feetham John in 1803 and that for Reeth John in 1804, with the 1801 baptism unattributable. Smarber John must have married therefore either Nanny Eden or Nanny Turner but Feetham John and Reeth John could have been party to any of the three marriages. There are gaps of several years between each of the marriages and the first recorded baptism.

The baptism for Nanny Turner has been found at Muker on 9 July 1774, her father being Thomas Turner of Gunnerside, which might suggest that Nanny Turner married Smarber John, using the evidence of the single baptism at Gunnerside Methodist Chapel and the 1831 Low Row Independent burial. Baptisms for Nanny Eden and Nanny Swailes have not been found locally. Eden was not a Swaledale surname but there was a James Eden witnessing marriages in 1774, 1778 and 1779 at Grinton who died at Reeth in 1790 so it is possible that Nanny Eden was related to him, his widow even.

A tentative solution, but not proven, is therefore:

- John Coates and Nanny Eden - Reeth
- John Coates and Nanny Turner – Smarber
- John Coates and Nanny Swailes – Feetham

This example has demonstrated that all possible church and chapel registers need to be consulted in tracing the family history but, even then, it may not be possible to prove relationships.

2.4 Wills

The majority of Swaledale Wills were proved in the Archdeaconry Court of Richmond, Grinton being part of the Diocese of Chester. However, if someone owned land outside the Archdeaconry in other areas of Yorkshire, then their Wills were proved at the Prerogative and Exchequer Court of York. Some local Wills were proved at the Prerogative Court of Canterbury, the highest court in England, either because the testator had land in the south of England or because the executor felt it the most appropriate.

If the deceased person did not leave a Will, then a Grant of Administration might be taken out by the family to ensure legal possession of the deceased's estate. Other documents might be kept with the Will such as Tuition Bonds for the testator's children when they were still minors or Inventories of the deceased's possessions, his personal estate.

Because copyhold land automatically passed to the deceased's heirs through the manor courts, in many cases there was no need for a Will. However, if the copyholder wished to bequeath the land to someone else, a daughter perhaps, or specify which son received which field, then he submitted his Will to the Manor Court before he died, then on his death the Manor Court executed his wishes. Some of the Wills mentioned in the court books have not survived, possibly because they were not submitted for probate; the required action in the manor courts was deemed sufficient. Inheritance through the Manor Court is discussed in Chapter 3.

Some Wills are very informative, giving the names of all the children including the married names of the daughters and listing which fields went to which heir. Other Wills are less useful, merely saying 'all copyhold land' or 'to all my children'. Some Wills refer to 'my dear wife' without actually naming her.

John Clarkson's Will of 1825 not only specified the fields and houses to be inherited by his sons but also gave a brief history:

I give and bequeath to my son Michal Clarkson Two fields at Smarber with two Cattlegates on Low Row Pasture and a Dwelling House with the several Appurtenances thereto belonging Also One Dwelling House late the property of John White and Garth At the west end of the House with one halfpenny rent belonging the same and Also Two fields at Greensykes called Intacks and likewise a Dwelling House belonging the same with all Appurtenances belonging..... late the Property of Simon Harker and now in the Occupation of George Cherry.....³²

³² Will of James Clarkson Probate 11 Aug 1825, RD/AP1/173/61/1, West Yorkshire Archives (Leeds)

In contrast, Charles Lonsdale left a Will in 1810 which was not valid as he did not name any executors. Administration was taken out, naming his widow and four other administrators to execute his Will. Had this not occurred, his wife's name would be unknown; neither were the names of his children included in the Will. He merely bequeathed his estate, unspecified, to his son and daughters in equal shares without listing them and nothing to his wife.³³

2.5 Issues identified

The Swaledale church or chapel registers are not sufficient by themselves to identify individuals accurately in many cases. Although the Independent and Methodist registers provided more information in the baptism entries than did the Anglican ones, this was still not enough for clarity. More confusion can occur because families moved from one nonconformist chapel to another and back again. Sometimes a succession of family nonconformist baptisms can also include one performed at Grinton Church. Almost all burials occurred at Grinton with chapel burial registers only beginning in the 1820s; Grinton parish register entries in general provided the least information of all the registers making it often impossible to say with certainty that an entry pertained to a specific individual.

The Grinton parish registers also have gaps in the sequence of entries, mainly in the late seventeenth century as did Muker, with a large gap in the seventeenth century and no brides' names in the early eighteenth century, all of which can prevent proof of descent.

Many wills identified the wider family, as they included the names of the wife and children and sometimes other relatives but others referred to the family as 'my wife' or 'my children' without naming them. Not all wills have survived or were registered with the appropriate probate court even though they were known to exist.

Wills for this area of Yorkshire may be located in three different places, the Archdeaconry of Richmond, the Prerogative Court of York and the Prerogative Court of Canterbury. Other probate documents such as tuition bonds or letters of administration may also include family relationships. Because much of the land was copyhold, there was no need for a will, with inheritance assured through the manor courts, resulting in many people not writing one.

CHAPTER 3: LAND OWNERSHIP

Land might be owned in any of three ways: freehold, copyhold or land reserved by the Lord of the Manor for his own use. Each produced separate records of ownership and any tenancies. Copyhold land held through the manor was the largest block of the three in the locality with only one instance of freehold land found. This chapter considers both the copyhold and freehold tenure but the records generated by the Lord of the Manor are discussed in Chapter 4.

³³ Charles Lonsdale Admon with Will annexed Probate 22 Nov 1810, RD/AP1/161, West Yorkshire Archives (Leeds)

3.1 The Manor

Grinton parish was approximately co-terminous with the three manors of Healaugh Old Land, Healaugh New Land and Muker. Most of the land north of the river between Grinton and Muker was copyhold whereas much of the land south of the river was freehold. Over the years the River Swale altered its course, mainly after severe storms, so some land was lost on the north bank but other land was gained on the south bank and islands in the river appeared and disappeared. These changes were not always reflected in the Court Books.

Prior to the Reformation, Healaugh Manor was held by the Priory of Bridlington whereas Muker Manor was held by Rievaulx Abbey. A small landholding at Paradise, Low Row, belonged to the Mount Grace Priory.

Date	Owner
1538-40	Crown property
1544	Sir Thomas Wharton, deputy warden of the West Marches (Muker & half Healaugh)
1561	John Molineux (half Healaugh and Paradise)
1621	London merchants (half Healaugh and Paradise)
1635	Philip 4 th Lord Wharton (half Healaugh and Paradise) bought from Sir Thomas Vachell for £3173 7s 6d ³⁴
1696	Thomas 5 th Lord Wharton
1715	Philip 6 th Lord Wharton, 2 nd Marquis and later Duke of Wharton
1722	Court of Chancery invested the Manors with Trustees for payment of the Duke of Wharton's debts.
1738	Thomas Smith of Easby & Gray's Inn bought from the Trustees for £10,500 ³⁵
1773	Thomas Smith of Gray's Inn
1817	Rev Thomas Smith, Rector of Bobbingworth, Essex
1838	Thomas Smith of Charlton Lodge, Dover

Table 1: The Ownership of the Manors

The three manors passed through the hands of very few owners after seizure by the Crown.³⁶ The Wharton family bought Muker and half of Healaugh almost immediately, followed a hundred years later by purchase of the remainder. The manors were sold out of the Wharton family to the Smith family, in whose hands they remained. The table above gives a timeline for the different owners.

³⁴ Arthur Raistrick, *The Wharton Mines in Swaledale in the Seventeenth Century*, page 3, North Yorkshire County Record Office Publication 31, 1982

³⁵ Arthur Raistrick, *Wharton Mines*, page 5

³⁶ R. Fieldhouse and B. Jennings, *A History of Richmond and Swaledale*, Chapter 6, Phillimore 1978 and Healaugh Manor Court Books, ZA, North Yorkshire Archives

Lord Wharton owned the whole of Healaugh Manor from 1635; the original part was called Healaugh Old Land and the new part Healaugh New Land. The distinction was very important as the Old Lands paid a fine of 20 times the annual rent on the death of a tenant or alienation of the property whereas the New Lands only paid a fine of 15 times for the same. However John Molineux in the early seventeenth century had forced some of his tenants to pay an enhanced rent; various legal battles over the requirement or not to pay fines on these enhanced rents were finally resolved in 1685: no fines were due on the enhanced rents on death or alienation.³⁷

The townships of Feetham, Low Row, Smarber, Blades and Kearton were split between the Manors of Healaugh Old Land and Healaugh New Land with no obvious boundary between them. Which field was in which Manor could and does appear quite arbitrary. For instance, Brownsey House with West Barf Intake was part of Healaugh New Land but the field adjacent, East Barf Intake, was part of Healaugh Old Land. Paradise was considered to be part of Healaugh New Land, having been acquired by John Molineux with his half of the Healaugh Manor in 1561.

The court books which have survived are in a complete sequence from 1686 until 1926 when copyhold tenure was abolished by statute. The books each contain the proceedings from all three manors, Healaugh Old Land, Healaugh New Land and Muker, with the courts being held on sequential days. The pages, which are numbered in each book, have wide margins on both sides, giving the place on the left hand, the text of the entry in the middle and the rent and fine on the right. This makes it relatively easy to locate a specific entry. Some books also have indexes by the initial letter of the surname.

In 1690 there was a unique reference to earlier books or court rolls when five brothers challenged the right of their uncle to the whole of his landholding, rather than a half share.

At this court came Thomas Pratt John Pratt Anthony Pratt Michael Pratt and William Pratt sons of Thomas Pratt who was the brother of Anthony Pratt of Kearton and claimed the moiety of Anthony's customary messuage and lands as heirs to their father.

At the court next following held 24th April 1691 Anthony Pratt came in and proved by his neighbours that he only was always in possession ever since his father's death and produced a general Release of the Customary Estate from his brother to him and proved the payment of £37 which is supposed to be the consideration of the said Release.

He alleges that his House being burnt the Copy of the Admittance and other Writings were burnt and the Rolls and Admittance Books of that Court not being found his Lordship is to be acquainted herewith.

That upon search of the Court Rolls belonging to the Manor it did appear by the Rolls in October 1652 that the above said Anthony Pratt was admitted of the whole messuage and lands above mentioned of the yearly rent of 7s 6d and paid the sum of £5 12s 6d in full of his fine for the same.³⁸

As a twist to this reference, there was no subsequent entry relating to land held by Anthony Pratt worth 7s 6d. The only entry for an Anthony Pratt was in 1697 when he passed land in Kearton worth 2s 6d to James Birbeck.³⁹ There were no other entries for an Anthony Pratt until the 1730s when he was inheriting land rather than transferring it.

³⁷ This agreement was written out in full at the front of Healaugh Manor Court Book A, ZA

³⁸ Court Baron 24th April 1690 Healaugh New Land, Book A, ZA, North Yorkshire Archives

³⁹ Court Baron 13th October 1697 Healaugh New Land, Book A

The rents and fines which were recorded in the court book entries from 1686 were never increased; this meant that the rents and fines bore little relationship to the actual value of the land as the 18th century progressed and were virtually meaningless by the nineteenth century. For example, in 1839, in Low Row as part of the Manor of Healaugh Old Land, four fields totalling nearly five acres together with a house and garden were sold for £800, the rent being 7s 4d and the fine £7 6s 8d.⁴⁰

3.2 Money

Prior to decimalisation, monetary values were expressed in pounds (£), shillings (s), pence (d) and farthings ($\frac{1}{4}$ d), where there were twenty shillings to the pound, twelve pence to the shilling and four farthings to the penny.

However another monetary unit has been discovered in use: the plack. There were six of these to the penny. It is unknown whether the plack was a coin in local use or an accountancy fiction to allow the subdivision of property to a deceased copyholder's heirs. The value might be written as 4d 2 placks or it might be written as $4\frac{2}{6}$ d. The last time the plack was used in the Healaugh Court Books was very early in the eighteenth century, about 1703.

The plack was an actual Scottish coin, originally worth four Scottish pennies and then devalued to two Scottish pennies. When James VI of Scotland ascended the English throne in 1603 to become James I of England, the Scottish monetary system was aligned with the English one: twelve Scottish pounds were equal to one English pound. So, as a result, one can see that a plack would be worth $\frac{1}{6}$ of an English penny. It was still being used in Swaledale one century later. However on the Act of Union in 1707, the two monetary systems were brought together and the plack ceased to be legal tender in Scotland. This coincides with its use vanishing in the Court Books.⁴¹

Scottish coins might have been brought by Scottish drovers, bringing cattle from Scotland into England. One of their routes was via Tan Hill Inn, high above Swaledale and Arkengarthdale and south of the cross-country route over Stainmore, the A66, though it is unlikely that the drovers passed through the occupied part of Swaledale itself as they tended to keep away from agricultural land and use the open moor tops.

*Robert Wensley eldest brother and co-heir of Ralph Wensley deceased is admitted tenant of the twelfth part of one messuage and tenement in 12 equal parts to be divided at Feetham of the ancient yearly rent of 1s 6½d one plack. Fine £1 11s 1d and 2 placks.*⁴²

*Thomas Pratt upon the surrender of Abraham Scarr and Jane his wife absente curia the said Jane being solely and secretly examined is admitted tenant of 2 parts of one meadow close called Little Holme the whole into 3 equal parts to be divided in Feetham ancient yearly rent 10 $\frac{4}{6}$ d.*⁴³

*Richard Scarr only son and heir of Jane Scarr his mother deceased since last court is admitted tenant of 1/3 part of one close called Little Holme lieing in Feetham of the yearly rent of 5d 2 plackes.*⁴⁴

⁴⁰ Healaugh Old Land Manor Court Book 5th April 1839, Book O, ZA, North Yorkshire Archives

⁴¹ Ken Elks, *Coinage of Great Britain, part 12 Scottish Coins*, www.predecimal.com/p12

⁴² Court Baron 17th October 1688 Healaugh Old Land, Book A

⁴³ Court Baron 24th April 1700 Healaugh New Land, Book B, ZA, North Yorkshire Archives

⁴⁴ Court Baron 21st April 1703 Healaugh New Land, Book B

Thereafter, the rents were divided into farthings and halfpence, with the sons paying slightly different amounts of rent to make up the whole. The eldest or elder sons paid the most.

Anthony Fryer nephew & one of the heirs of Anthony Fryer deceased is admitted tenant of one half part of a parcel of ground called Horse Garth a moiety or half part of a parcel of ground called Intack at Low Row of the ancient yearly rent of 2d Fine 3s 4d

Fryer Todd nephew & one of the coheirs of Anthony Fryer deceased is admitted tenant of a tenth part of the parcels above of the rent ½d Fine 10d

Ralph Fryer nephew & one of the heirs of Anthony Fryer deceased is admitted tenant ut supra rent ½d Fine 10d

Cornelius Fryer nephew & one of the heirs of Anthony Fryer deceased is admitted tenant ut supra rent ½d Fine 10d

George Fryer nephew etc of Anthony Fryer deceased is admitted tenant ut supra rent ¼d Fine 5d

Joseph Fryer nephew etc of Anthony Fryer deceased is admitted tenant ut supra rent ¼d Fine 5d⁴⁵

3.3 Copyhold Land Transfer

Copyhold land transfers were all recorded at the Court Baron. Typically, there was one Court Baron for each of Healaugh Old Land and Healaugh New Land held each year in the spring but there might be special courts convened at need; these occurred more frequently in the nineteenth century than in the eighteenth century. The Court Books which survive only recorded land transfer despite being headed Customary Court and Court Baron⁴⁶, Court Leet and Court Baron⁴⁷ or Court Leet Court Baron and Customary Court;⁴⁸ very occasionally there might be a list of jurors or there might be a list of infringements of common land but these are rare.

There are no known separate records of Courts Leet or any other records of the Courts Baron. These courts, besides recording the land transfers, would have dealt with infringements against the laws of the manor, such as allowing cattle to stray on to the common fields or not keeping ditches in good repair. There are no surviving laws of the Manor. The courts should also have dealt with minor civil disorder problems such as fighting or verbal abuse. Any major incidents would have been passed to the Quarter Sessions or the Assizes.

There were 4 main types of land transfer:

- Inheritance The relationship was given between the ‘seller’ and the ‘buyer’ which might be parent to child or might be sibling to sibling or some other given familial relationship.

⁴⁵ Court Baron 8th May 1718 Healaugh Old Land, Book B

⁴⁶ Healaugh Manor Court 27th October 1686, Book A, ZA, North Yorkshire Archives

⁴⁷ Healaugh Manor Court 23rd April 1700, Book B

⁴⁸ Healaugh Manor Court 8th October 1733, Book C, ZA, North Yorkshire Archives

Ambrose Garth only son and heir of James Garth deceased since last court is admitted tenant of two messuage houses and the tenements thereto belonging at Blaides of the yearly customary rent of 14s 2d Fine £14 3s 4d⁴⁹

Jacob Spence only brother and heir of Isaac Spence his late brother deceased is admitted tenant of a moiety or half part (the whole into two equal parts to be divided) of one close called Intack and one dwellinghouse and stable thereupon erected at Feetham ancient rent 10d fine 16s 8d⁵⁰

- Surname to Surname The 'seller' and 'buyer' shared the same surname but no relationship was stated

William Pratt upon the surrender of Thomas Pratt in plena curia is admitted tenant of one parcel of ground called Runn at Feetham of the yearly fineable customary rent of 10d Fine 12s 6d⁵¹

- Other There was no obvious relationship between the 'seller' and the 'buyer' though one might become apparent on inspection of the parish registers such as a father giving to his married daughter

John Hudson upon the surrender of George Butterfield is admitted tenant of one messuage or firehouse one garden one parcel of ground called Intack and one parcel adjoining to the said Intack of the ancient yearly rent of 4½d Fine 7s 6d⁵²

- Mortgages The earliest mortgage so described was in 1796 when the size of the mortgage and the interest payable were given, often 4 or 5%. By following a sequence of entries, there were apparently earlier mortgages but they were not described as such in the court books.

To this court came Henry Forster and Joseph Clarkson and took of the Lord 2 dwellinghouses 2 stables adjoining one close called Intack one close called East Ing one close called Runnel one close called Bank one close called High Pear one close called Low Pear several parcels of land called Dubbs and one close called New Close at Kearton ancient rent 18s 4½d which John Forster surrendered out of court on 5 June 1793.... to the use of the said Henry Forster and Joseph Clarkson..... subject to a redemption by the said John Forster on payment by him to the said Henry Forster and Joseph Clarkson of the sum of £400 with interest after the rate of £5 for a £100 for a year to commence from 22 November 1792.....⁵³

⁴⁹ Court Baron 23rd April 1700 Healaugh Old Land, Book B, ZA, North Yorkshire Archives

⁵⁰ Court Baron 26th April 1763 Healaugh Old Land, Book G, ZA, North Yorkshire Archives

⁵¹ Court Baron 9th May 1728 Healaugh New Land, Book B

⁵² Court Baron 20th Oct 1709 Healaugh Old Land, Book B

⁵³ Court Baron 7th June 1796 Healaugh New Land, Book K, ZA, North Yorkshire Archives

The White family owned a house in Feetham which came into the family with the marriage of Ruth Carter and James White in 1715. They might have used it as a source of income, apparently mortgaging it and then redeeming the mortgage twice until it was finally sold in 1833. On neither occasion was the word 'mortgage' used, it has been surmised from the sequence of entries. In each case, it was the son who re-acquired the house after his father's surrender.

Francis Longstaffe upon the surrender of James White and Ruth his wife in plena curia she the said Ruth being solely and secretly examined by the Steward of the said court is admitted tenant of one dwelling house called westernmost house and stable with a croft and garth thereunto belonging at Feetham of the yearly fineable customary rent of 2d Fine 2s 6d⁵⁴
Christopher White upon the surrender of Francis Longstaffe out of court is admitted tenant of one dwelling house and stable at Feetham rent 2d Fine 2s 6d⁵⁵
Simon Alderson upon the surrender of Christopher White is admitted tenant of one dwelling house and stable at Feetham rent 2d Fine 2s 6d⁵⁶
James White upon the surrender of Simon Alderson in open court is admitted tenant of one dwelling house and stable at Feetham ancient rent 2d Fine 2s 6d⁵⁷
To this court came James Alderson and took of the Lord one dwelling house one stable and one garth at Feetham ancient rent 2d which Christopher White surrendered 17 July 1830 out of court in consideration of the sum of £20 to him paid by the said James Alderson... Fine 2s 6d⁵⁸

In the earliest books, the transfer of land from a wife to her husband, or vice versa, took place through an intermediary.

Robert Kirkland upon the surrender of Richard Lownesdale extra curia is admitted tenant of one close called Ox Ing with a cowhouse thereon & one close called Intack at Feetham of the yearly customary rent of 4s 2d fine £4 3s 4d
Elizabeth Lonsdale widow upon the surrender of Robert Kirkland in plena curia is admitted tenant of one close called Ox Ing with a cowhouse thereon & one close called Intack in Feetham of the yearly customary rent of 4s 2d Fine £4 3s 4d⁵⁹

Yet three years later the transfer was completed directly with no intermediary.

Ann Carter widow upon the surrender of Thomas Carter her husband deceased extra curia is admitted tenant of one dwellinghouse & one close called Intack one garth on the foreside of the said house one close called High Close at Kearton of the ancient yearly customary rent of 3s Fine £3⁶⁰

From 1809, the value of the transfer, the consideration, was generally included in the court book entry. Prior to that date, one cannot assume that the land was actually sold rather than given.

⁵⁴ Court Baron 17th April 1730 Healaugh new Land, Book B, ZA, North Yorkshire Archives

⁵⁵ Court Baron 13th May 1747 Healaugh New land, Book E, ZA, North Yorkshire Archives

⁵⁶ Court Baron 9th May 1753 Healaugh New Land, Book E

⁵⁷ Court Baron 10th June 1772 Healaugh New Land, Book H, ZA, North Yorkshire Archives

⁵⁸ Court Baron 28th May 1833 Healaugh New Land, Book N, ZA, North Yorkshire Archives

⁵⁹ Court Baron 9th April 1722 Healaugh Old Land, Book B

⁶⁰ Court Baron 14th April 1725 Healaugh Old Land, Book B

On a house sale, no figure was given for the consideration if the house was below a certain value, generally under 20 shillings, which may refer to its Land Tax or Rate Assessment.

To this court came Francis Place & took of the Lord one dwellinghouse and garden and 2 closes or parcels of land called West Bank and West Close at Feetham ancient rent 2s 4½d which George Miller in consideration of £190 to him paid by the said Francis Place surrendered to the use of the said Francis Place.... Fine £2 7s 6d⁶¹

To this court came James Brown and took of the Lord one dwellinghouse at Low Row (under the yearly rent or value of 20s) ancient rent 1d which James Garth surrendered to the use of the said James Brown..... Fine 1s 8d (no consideration given)⁶²

Yet:

To this court came Simon Harker and took of the Lord one undivided moiety or equal half part of and in one dwellinghouse (late a coalhouse) and stable under the yearly rent or value of 20s at Low Row ancient rent ¼d which David Murton surrendered in consideration of £19 to the use of the said Simon Harker..... Fine 3¾d⁶³

The early eighteenth century appears to have had a boom on property transfers, with a yearly average of eighteen transactions, whereas the late eighteenth century had the lowest average of eight transactions per year. Over the whole period of consideration (1686-1845) there was an average of eleven transactions each year, combining the Old Land and New Land figures. The table below gives details and quantities of the different types of transfer in twenty five year blocks; ‘inheritance’ meaning the relationship was stated whereas in ‘surname to surname’ any relationship was not given, ‘other’ meaning the two surnames were different and no relationship was given and ‘sale’ for transfers after 1809 when the consideration was provided.

	Inheritance	Surname-Surname	Other	Sale	Total
1686-1700 OL	42	14	22		74
1686-1700 NL	24	23	31		78
1701-1725 OL	87	26	95		208
1701-1725 NL	55	30	55		140
1726-1750 OL	48	34	65		147
1726-1750 NL	37	19	40		96
1751-1775 OL	39	40	64		143
1751-1775 NL	29	33	58		120
1776-1800 OL	37	16	50		103
1776-1800 NL	33	16	49		98
1801-1808 OL	14	5	35		54
1801-1808 NL	14	5	27		46
1809-1825 OL	49	3	12	47	111
1809-1825 NL	34	2	4	28	68
1826-1845 OL	57	5	13	60	135
1826-1845 NL	51	2	6	41	100

Table 2: The Number and Type of Transactions in the Court books

⁶¹ Court Baron 5th June 1809 Healaugh Old Land, Book L, ZA, North Yorkshire Archives

⁶² Court Baron 28th May 1810 Healaugh Old Land, Book L

⁶³ Court Baron 6th June 1809 Healaugh New Land, Book L, ZA, North Yorkshire Archives

The table also shows the balance between transfers within the family and to ‘others’ gradually changing from family to ‘others’. Initially two thirds or more of the transfers were to family but, by the nineteenth century, the majority were to non-family.

The figures in the table are distorted to some extent depending on how partible inheritance was recorded. Sometimes the siblings were listed within one entry, on other occasions they had an entry each so a large family might have one entry or they might have five or six entries. This ‘anomaly’ would then be reflected when the inherited land was transferred.

An example of five entries for five brothers for a share of one landholding:

John Raw eldest brother & coheir of Anthony Raw deceased is admitted tenant of the 35th part of a messuage and tenement and the closes called Riddings and the parcel called Half High Close (in 35 equal parts to be divided) in Low Row of the ancient yearly rent of 1d fine 1s 8d
Job Raw second brother & coheir to Anthony Raw deceased rent ¾d fine 1s 3d
David Raw third brother & coheir of Anthony Raw deceased rent ¾d fine 1s 3d
Isaiah Raw fourth brother & coheir of Anthony Raw deceased rent ¾d fine 1s 3d
Joseph Raw youngest brother & coheir of Anthony Raw deceased rent ¾d 1s 3d⁶⁴

But:

To this court came Elizabeth Alderson Margaret Alderson Kitty Alderson Dorothy Alderson Catherine Alderson Eleanor Alderson and Martha Alderson the seven daughters and coheirs at law of Henry Alderson deceased by Kitty Alderson their mother and guardian for this purpose assigned and took of the Lord one dwellinghouse and stable one close called Ricket Ing and one close called Croft at Feetham ancient rent 2s 5d of which the said Henry Alderson died seised..... fine £2 8s 4d⁶⁵

This is an example of seven daughters combined in one entry for the landholding. Interestingly, it shows that ‘Kitty’ was not necessarily a shortened or pet version of Catherine.

Partible inheritance was the norm in the Healaugh Manors, where the sons inherited the land equally. If there were no sons, then the daughters inherited equally. The ownership of the land sometimes came back together again in these circumstances; not all sons married so their brothers inherited their share or one brother might buy out the other brothers. However, shared land might also be parcelled out by agreement so that each brother owned specific fields or houses rather than a part share of the whole landholding. Sometimes the subsequent land transfers would refer to one share as a third share (say) of the whole and the other shares by the specific fields so that it can be very difficult to correlate the court entry with the field names.

James Coates oldest son & one of the co-heirs of William Coates his late father deceased is admitted tenant of a moiety or half part of one dwelling house and of one close called Sandbed one parcel of land called Intack at Low Row of the ancient yearly fineable customary rent of 6d. Fine 10s

⁶⁴ Court Baron 23rd April 1690 Healaugh Old Land, Book A, ZA, North Yorkshire Archives

⁶⁵ Court Baron 6th June 1796 Healaugh Old Land, Book K, ZA, North Yorkshire Archives

John Coates one other of the sons & co-heirs of the said William Coates deceased the same as above – rent 6d. Fine 10s⁶⁶

Mr Matthew Smales eldest son & one of the co-heirs of Mr Matthew Smales deceased is admitted tenant of 1/3 part in 3 equal parts to be divided of several messuages & tenements & several parcels of land situate at Fremington Reeth Park Hall & Feetham of the yearly fineable customary rent of 3s 9½d. Fine £3 15s 10d

Mr Thomas Smales 2nd son & one of the co-heirs of Mr Matthew Smales deceased as above rent 3s 9¼d. Fine £3 15s 5d

Mr Francis Smales 3rd son same as above rent 3s 9¼d Fine £3 15s 5d

Mr Matthew Smales upon the surrender of Mr Thomas Smales his brother in open court is admitted tenant of 1/3 part of several messuages & tenements and several parcels of land at Fremington Reeth Park Hall & Feetham of yearly customary rent 3s 9¼d Fine £3 15s 5d

Mr Matthew Smales upon the surrender of Mr Francis Smales his brother in open court is admitted tenant of 1/3 part of several messuages & tenements and several parcels of land at Fremington Reeth Park Hall & Feetham of yearly fineable customary rent 3s 9¼d Fine £3 15s 9d⁶⁷

Note that Thomas and Francis Smales paid slightly less rent and fines than their elder brother Matthew Smales, 3s 9¼d compared with 3s 9½d to make the total for the whole 11s 4d, the value of the inheritance.

Elizabeth wife of Palmer Nicholson eldest sister & one of the co-heirs of James Fryer deceased is admitted tenant of one third part of a parcel of ground adjoining Stone Horse Park at Low Row rent 6½d Fine 10s 10d

Dina the wife of Daniel Williamson 2nd sister the same as above Fine 10s 10d

Ann the wife of William Moorland 3rd sister the same as above Fine 10s 10d⁶⁸

Care needed to be taken where transfers were from the ‘Elder’ to the ‘Younger’. In most cases these were from father to son but not always. The two individuals might be cousins or uncle and nephew.

George Simpson junior upon the surrender of George Simpson the elder in plena curia is admitted tenant of a moiety of a fifth part in five equal parts to be divided of a parcel of ground called Dubbs and the East part of a parcel of ground called Intake at Feetham of the ancient yearly customary rent of 3d. Fine 5s⁶⁹

In this example George Simpson junior was the cousin of George Simpson senior, although neither baptism has been found, sons of the brothers George and James respectively.

Thomas Cherry the younger upon the surrender of Thomas Cherry the elder is admitted tenant of one close called Call Garth at Feetham rent 1s 4d Fine £1 6s 8d⁷⁰

In this second example, Thomas Cherry the younger was the son of Thomas Cherry the elder who was buried on 2nd January 1756.

⁶⁶ Court Baron 8th May 1738 Healaugh Old Land, Book C, ZA, North Yorkshire Archives

⁶⁷ Court Baron 8th October 1733 Healaugh Old Land, Book C

⁶⁸ Court Baron 20th April 1756 Healaugh Old Land, Book F, ZA, North Yorkshire Archives

⁶⁹ Court Baron 16th April 1713 Healaugh Old Land, Book B, ZA, North Yorkshire Archives

⁷⁰ Court Baron 20th April 1756 Healaugh Old Land, Book F

Copyhold owners did make Wills despite inheritance being automatic from a father to his heirs. On occasion these were submitted to the Court Baron in advance of the copyholder's decease; this process allowed the copyholder to bequeath the land as he wished, to give something to his daughters or to specify which son received which fields. The entry in the Court Books may be the only indication that a Will existed; it may never have been presented for probate or has not survived.

To this court came John Walker a devisee in the last Will & Testament of Margaret Walker deceased and took of the Lord one dwellinghouse one backhouse and two garths at Feetham ancient rent 1d which the said Margaret Walker on 24th July 1796 surrendered out of court..... subject to such trusts as the said Margaret Walker should in and by her last Will and Testament devise direct or appoint.... to the use of the said John Walker..... Fine 1s 8d⁷¹

John Walker was the adult stepson of Margaret Walker and her legal heir was George Kearton, the son from her previous marriage.⁷²

To this court came James Garth the eldest son of Ralph Garth deceased and took of the Lord nevertheless upon the trusts mentioned and declared in and by the last Will and Testament of the said Ralph Garth deceased bearing date 22nd February 1799 one dwelling house and stable one close called East Ing and one undivided moiety or equal half part of a piece of ground called Old Fold at Blades ancient rent 4s 3d which the said Ralph Garth deceased surrendered out of court on 14th February 1799 to the uses of his Will ... to the use of the said James Garth Fine £4 5s 0d⁷³

Ralph Garth was ensuring that all his younger children would be provided for during their minorities. No Will has been found.

To this court came James Raw and Christopher Raw sons and devisees and trustees named in the last Will of George Raw deceased and took of the Lord one mansion House with a garth or garden on the backside and one other garden on the foreside thereof one house called brewhouse one close called Cow Pasture with a cowhouse at the head of it one dwellinghouse in the possession of John Carter one stable thereto adjoining 4 closes called by the names of Nick Joan Close Pickhill Croft and Fothergill Close one dwellinghouse and stable 2 garths one close called Great Holme one dwellinghouse called Coaty House one House called Smithy one close called Old Intack and one close called East Intack at Feetham ancient rent 19s 1½d which the said George Raw late of Feetham deceased on 18th March 1799 surrendered out of court to the use of his last Will & Testament bearing date 18th March 1799 to the use of the said James Raw and Christopher Raw subject to the trusts of the said Will..... Fine £19 2s 6d⁷⁴

In this Will, George Raw left his two adult sons 3/8 shares each of the whole and the remaining 1/4 to his young grandson, John Raw, son of his deceased son George⁷⁵. Under partible inheritance, each of the three sons would have inherited 1/3, with the 1/3 belonging to his deceased son, George, being inherited by his grandson, John. No burial has been found

⁷¹ Court Baron 29th May 1797 Healaugh Old Land, Book K, ZA, North Yorkshire Archives

⁷² Will of Margaret Walker, Probate London 6th May 1797, PCC, PROB11/1291, The National Archives

⁷³ Court Baron 31st May 1802 Healaugh Old Land, Book L, ZA, North Yorkshire Archives

⁷⁴ Court Baron 30th May 1808 Healaugh Old Land, Book L

⁷⁵ Will of George Raw, Probate 1 Oct 1808, RD/API/162/124, West Yorkshire Archives (Leeds)

for George the younger, nor a baptism for his son John. George Raw senior was buried in 1808. John Raw was formally admitted in 1828.⁷⁶

On other occasions, a copyholder might transfer some of his land to his children before his decease, letting the residue be subject to partible inheritance.

For instance, Cornelius Fryer gave a house to his son John on his marriage in 1726, the only one of his sons to have such a gift. On his death in 1741, all his 5 sons received an equal share of his copyhold but John also received a further inheritance of the bakehouse.

John Fryer upon the surrender of Cornelius Fryer his father in plena curia is admitted tenant of one dwelling house containing two low rooms and two chambers over the same with the west door and passage into the said house which the said John Fryer now lives with one stable at the west end and half of one little garth on the backside of the said stable with one little house called a colehouse and one little garth or ladder room on the backside of the house adjoining to the said dwelling house on the west at Low Row of the ancient yearly customary rent of 1d Fine 1s 8d⁷⁷

John Fryer upon the surrender of Cornelius Fryer out of court is admitted tenant of one house called Backhouse at Low Row ancient rent 1½d Fine 2s 6d

James Fryer eldest son and one of the co-heirs of Cornelius Fryer deceased is admitted tenant of one fifth part of a messuage and tenement at Low Row ancient rent 4½d Fine 7s 6d

John Fryer second son same as above rent 4½d Fine 7s 6d

Cornelius Fryer third son same as above rent 4½d Fine 7s 6d

Eli Fryer fourth son same as above rent 4¼d fine 7s 1d

Ralph Fryer fifth son same as above rent 4¼d Fine 7s 1d⁷⁸

Where a wife held copyhold land, her permission was always sought before a transfer could occur. This was completely different from freehold land when a husband took over any property that a wife owned on their marriage and she had no further rights in that property. The wife as copyholder could leave her property to her heirs, who might be different from her husband's heirs. This was particularly true where she married for a second time. Her stepchildren had no claim on her copyhold land. A wife could also acquire a copyholding in her own right.

William Bower upon the surrender of Thomas Milner and Sarah his wife in plena curia the said Sarah being solely and secretly examined of the tenement hereafter mentioned is admitted tenant of four closes of meadow commonly called the four Low Closes with a house thereon in Feetham of the ancient yearly rent of 6s 8d Fine £6 13s 4d⁷⁹

Rachel the wife of Richard Lonsdale upon the surrender of Edward Kearton and Mary his wife out of court the said Mary being solely and secretly examined is admitted tenant of one close or parcel of ground called Ox Ingg and one parcel called Intack with a cowhouse theiron (sic) at Feetham of the yearly customary rent of 4s 2d Fine £4 3s 4d.⁸⁰

⁷⁶ Court Baron 27th May 1828 Healaugh Old Land, Book M, ZA, North Yorkshire Archives

⁷⁷ Court Baron 25th April 1727 Healaugh Old Land, Book B, ZA, North Yorkshire Archives

⁷⁸ Court Baron 11th May 1742 Healaugh Old Land, Book D, ZA, North Yorkshire Archives

⁷⁹ Court Baron 17th April 1694 Healaugh Old Land, Book A, ZA, North Yorkshire Archives

⁸⁰ Court Baron 8th Oct 1733 Healaugh Old Land, Book C, ZA, North Yorkshire Archives

Inheritance followed the blood line; if the copyholder had no children then the inheritance was given to the copyholder's brothers (or sisters if no brothers). However the sons of brothers ie nephews might inherit their father's share if he were already deceased. Equally grandchildren might inherit their father's share where he had predeceased his father, as in a previous example.

James Rudd only son and heir of Thomas Rudd by Ann his wife one of two daughters and coheirresses of William Hutchinson by Elinor his wife which said Elinor was the only child and heiress of Mr Robert Wilson also deceased is admitted tenant of a moiety or half part (the whole into 2 equal parts to be divided) of one dwellinghouse one parlour with a chamber over it one orchard one bakehouse one fourth part (the whole into four equal parts to be divided) of a Garth one moiety or half part of one close called Croft one cowhouse and of one parcel of land called Hen Parrock at Feetham ancient rent 2s 9d Fine £2 15s Elizabeth the wife of Thomas Hutchinson the other daughter and coheirress of William Hutchinson by Eleanor his wife is admitted of a moiety and of a fourth part of the premises above mentioned at the same rent and fine⁸¹

This entry is pure gold in family history terms giving the descent of four generations, together with the names of the husbands of the daughters.

Widows did not automatically inherit from their husbands even where there were no children. If a husband wished to make provision for his wife after his death, then he might transfer land before his death to her use. Existing Wills tended to bequeath the right to live in the family home, the household goods and some income whilst she remained a widow but not the land.

At this court it was presented that Jacob Spence since the last court had departed this life but before his death had by surrender bearing date 13th April 1774 surrendered one close called Intack and one dwellinghouse and stable at Feetham ancient rent 1s 8d to the use of his wife Isabel Spence..... Now at this court came the said Isabel Spence and prayed to be admitted tenant..... Fine £1 13s 4d⁸²

Jacob had one surviving child, a daughter Jane, who was his legal heir and would have inherited the house and land automatically had Jacob not surrendered his land before his death to his wife, Isabel. Jane was a very small child in 1774 so Jacob must have felt this was a better solution for his family. Isabel remarried and had 2 further daughters; all three daughters shared the Spence land on her death.

To this court came Isabel wife of James Newton and Jane Spence the two daughters and Thomas Christopher George and Matthew the four sons of Nanny late the wife of George Heslop another daughter of Isabel Pratt late the wife of Thomas Pratt alias Harker heretofore called Isabel Spence and took of the Lord as coheirresses and coheirs of the said Isabel Spence one close called Intack and one dwellinghouse and stable at Feetham ancient rent 1s 8d which the said Isabel Spence lately died seised.... fine £1 13 4d⁸³

This is another example of the 'gold' in manorial court records; not only does the reader discover what happened to Isabel Spence after the death of her husband, but there is information on her daughters and their husbands and on Isabel's grandchildren.

⁸¹ Court Baron 2nd May 1768 Healaugh Old Land, Book G, ZA, North Yorkshire Archives

⁸² Court Baron 2nd May 1774 Healaugh Old Land, Book H, ZA, North Yorkshire Archives

⁸³ Court Baron 27th May 1816 Healaugh Old Land, Book M, ZA, North Yorkshire Archives

'Buy to let' is not a new concept. Even though the farming land was mostly pasture and much was not of good quality or steeply sloping, many holdings were bought and sold as an investment. One must remember that, during the eighteenth century in particular, there was little opportunity for investment outside land and that, for many landowning families, investment in trade and industry was not considered a suitable activity for gentlemen or for those who aspired to that class. Investment in the lead mines was risky with no certainty of a return and offering possible bankruptcy. These landlords were relatively local, on the whole. Tradesmen from Richmond and farmers from lower down Swaledale, from Catterick, Gilling and Barningham were common. Tradesmen from Swaledale also invested; the Knowles family operated Haverdale Mill (on the south bank of the Swale opposite Isles) in the early part of the 19th century but invested their profits from knitted hosiery and spinning in Swaledale land. Similarly, George Raw who was a tallow chandler had built up a substantial landholding on his death in 1808. Equally the local farmers took the opportunity to buy the land they rented or to increase the size of their holding. Buying a single field or house was attractive to small investors.

Laykin House was named after the Laykin family although they never lived there. The Laykins were yeomen from South Cowton, Richard Laykin buying this landholding in 1784 and his sons inheriting it in 1795. They must have built the house for their tenant although it was not mentioned in the 1795 entry; the only reference was in the Tithe Award.

*At this court it was presented that Joseph Sunter did surrender in open court one close called Brocken Intack one close called Calf Close and one close called West Intack at Low Row ancient rent 5s 7d to the use of Richard Lakin..... Now at this court came the said Richard Lakin and prayed to be admitted tenant of the said premises..... fine £5 11s 8d⁸⁴
To this court came Richard Laking and John Laking the sons and coheirs at law of Richard Laking deceased and took of the Lord one close called Bracken Intack one close called Calf Close and one close called West Intack at Low Row ancient rent 5s 7d..... fine £5 11s 8d⁸⁵*

George Robinson was a surgeon living in Reeth who began buying land in 1819 though most of his purchases date from 1835. There are twelve different entries in the court books for him buying land which was scattered over the whole area, in Smarber, Low Row, Feetham, Blades and Kearton, and only three of him selling. His outlay was £2440 of which he recouped £560 so medicine must have been a very profitable profession. There was no suggestion that he actually farmed the land himself; all the Tithe entries from 1845 show the land being tenanted.

There are two further books from the Healaugh Manor Court which survive: a Will Register⁸⁶ and a Surrender Register.⁸⁷ The Will Register is disappointing because, although its catalogue entry is dated 1788-1867, it contains only one Will written in 1788 with a large time gap until Wills written in the 1840s. It had been hoped that the Register might contain Wills mentioned in the Court Books but not surviving with the other Swaledale Wills at West Yorkshire Archives (Leeds).

⁸⁴ Court Baron 3rd May 1784 Healaugh Old Land, Book I, ZA, North Yorkshire Archives

⁸⁵ Court Baron 1st June 1795 Healaugh Old Land, Book I

⁸⁶ Swaledale Manors Will Register Book, ZA24, North Yorkshire Archives

⁸⁷ Healaugh Manor Surrender Register, ZA28, North Yorkshire Archives

The Surrender Register is much more informative, listing almost every mortgage taken out from 1823 onwards. Some mortgages were recorded in the main Court Books and not listed in this Surrender Register.

The information given for each mortgage contained the names of the mortgagee and mortgagor, a description of the property, where it was situated, the amount of the mortgage, the date it was taken out and in front of whom and lastly the date it was registered. Mortgaged land was often re-mortgaged at relatively frequent intervals; an interval of three or four years was common. Many of those providing the funds were connected with the community in some way – other contemporary copyholders or people who had been copyholders for instance – and there was one mention of a bank. Mortgage values ranged from £20 for a single house to £1500 for Hatters Garth and the associated land but a mortgage of this size was rare; most were under £500.

For example:

<i>Name of Surrenderer</i>	<i>Premises</i>	<i>Situation</i>	<i>Date</i>
<i>John Harland</i>	<i>One Messuage or Dwelling House called the East Dwelling House and one Stable Adjoining and one Moiety or half part the whole into 2 equal parts to be divided of one Garden lying before the said Dwelling House</i>	<i>Kearton</i>	<i>8th August 1834</i>
<i>To whom made</i>			<i>Before whom made</i>
<i>Elizabeth Robinson</i>	<i>One Close called West Close and one Close called Low Close with a Garth on the Backside of the said Dwelling House with the Appurtenances Rent 6s Old Land</i>	<i>£300</i>	<i>Ottiwell Tomlin Steward</i>
			<i>When registered</i>
			<i>28th August 1834</i>

3.4 Freehold Land

There was one block of freehold land within the Feetham and Low Row community at Birk Park, near Kearton and Park Hall. John Freeman bought the land from the Trustees of the Marquis of Wharton in 1733 when the whole of the Wharton estate was put up for sale. John Freeman had no sons so when he died intestate his estate was inherited by his four daughters, Elizabeth, Mary, Rachel and Catherine. As the older three daughters had married, their husbands naturally assumed shared ownership of the estate. The land passed in 1751 to Ralph Close, husband of the eldest daughter Elizabeth, by Lease and Release, from the other three joint owners.⁸⁸ Ralph Close died in 1753, leaving his only surviving brother John Close of Easby as Trustee for his daughters who were minors at the time. In 1765 John Close conveyed the land to Robert Wensley of Richmond.⁸⁹ Robert Wensley almost immediately conveyed a moiety of the land to Thomas Hutchinson of Richmond. In 1772 Thomas Hutchinson bought the outstanding moiety.⁹⁰

⁸⁸ North Riding Deeds Registry, Volume T page 168 number 221, North Yorkshire Archives

⁸⁹ North Riding Deeds Registry, Volume AQ page 367 number 588, North Yorkshire Archives

⁹⁰ North Riding Deeds Registry, Volume AZ page 412 number 682, North Yorkshire Archives

In his turn when he died in 1818, Thomas Hutchinson's heirs were two daughters, Elizabeth who married Thomas Simpson and Martha who married William Metcalfe. In 1834 Elizabeth Simpson who was then a widow sold her moiety to three Richmond gentlemen, Thomas Bradley, James Hutton and Richard Bowes.⁹¹

These registered deeds are very informative, each one giving the history of the ownership of the land with dates for each transaction and giving the names of the current tenants with their rents and the acreage of the landholding. They also included the consideration.

The earliest transaction in 1733 when the land was conveyed from the Wharton Estate was not registered as its date was prior to the opening of the North Riding Deeds Registry in 1735.

3.5 Issues identified

Generally the Manor Court entries identified the specific land or fields when they were transferred from one owner to another. Nevertheless fields could be subdivided, amalgamated or rearranged in layout. The court books sometimes recorded when this happened but not always. The potato patches of the Tithe Award were usually a corner of a field and were never mentioned in the court books. Some field names have changed over time; the names in the court books might not be the same as those in the Tithe Award.

However houses are more problematic and many have proved very difficult to identify with certainty. Many houses were split into two or more, initially to house different branches of the family, but later these subdivisions were often transferred separately outside the family. The subdivision might then have been enlarged and subject to further subdivision. Other buildings were converted into dwelling houses, from stables or bakehouses, but the court records often continued to describe them as their original purpose. Subdivided houses could also be recombined.

Land subject to partible inheritance needs to be considered with care. The easiest option to trace is when the heirs continued to hold fractional shares. The second option is when the heirs might have agreed to share out the land so that each heir received specific fields rather than a fractional share of the whole. The third option which is the most difficult to trace is when the heirs agreed to share out the land but one heir retained the fractional share in subsequent transactions but the other heirs had specific fields.

Land sold to the Lord of the Manor cannot be identified.

CHAPTER 4: OTHER LAND RECORDS

Various documents have recorded the land ownership at a particular date rather than over a period of time. These might be written, as in rentals, or visual, as in maps. All help to illustrate the changing nature of the community and corroborate the manor court and parish register entries. Land Tax is included in this chapter because, although a good sequence of returns exists from 1769 to 1832, the returns did not give relationships between any of the individuals listed.

⁹¹ Indenture dated 28th February 1834, ZHG Box 25, North Yorkshire Archives

4.1 Surveys, Valuations and Rentals

Various surveys of the Manor have survived but are not deposited with the Manor Court books. The earliest is titled *A Rental for the Customary Rents for the two manors of Healaugh belonging to the Trustees of the late Duke of Wharton for Magdalene day 1738*.⁹² This lists all the customary tenants, the copyholders, with their annual manorial rents and the tenants of the Duke's Swaledale landholdings with their annual lease rents, including Smarber Hall and Park Hall. There were 93 copyholders and one freeholder listed, together with Ralph and Cornelius Fryer at Smarber and Thomas Smales at Park Hall renting the Lord's land. This survey would probably have been made for the sale of Healaugh Old Land and New Land and Muker Manors from the Trustees of the Wharton Estates to Thomas Smith. This survey does not name the individual fields.

The earliest mention of Smarber Hall Farm was an indenture between Philip Lord Wharton and Ralph & Cornelius Fryer in 1692 leasing the farm for 21 years for £26.⁹³ The indenture included a clause about Smarber Chapel:

...permission to use the meeting house lately built and licensed according to Law for a dissenting Minister to preach in and of all easements and appurtenances to the same belonging according to the Will and pleasure of the said Philip Lord Wharton with free ingresse egressse and regresse for all and every person and persons whatsoever leading to or from the same.....

The sale in 1738 generated several other documents. The first refers to the tenancies in 1734:⁹⁴

Smarber Hall Farm so called consisting of one Messuage with the appurtenances 2 Large Pasture 5 Meadow fields a small Intack & 20 Pasturegates in Low Row Pasture and common right on the moors and are let together at £26 0s 0d.

In this Farm stands the Conventicle built for the Presbyterians by Philip Lord Wharton which is barely the House and Stable.

Park Hall consisting of a very good mation house (sic) with the stables garden and other good Conveniences and several parcells of Meadows Arable Pasture and woodland with eight Pasture Gates in Feetham Pasture and common right on the Moors let by lease to this Tennant at £40.

Note Mr Smales lease is dated in November 1721 Habendum 1st May 1732 for 31 years at £41 pa.

The next document was dated 1739.⁹⁵ Ralph and Cornelius Fryer had just left their tenancy at Smarber Hall Farm, with 76 acres at £28 0s 0d per annum, and the agent was hoping to increase the rent substantially to more than £40 per annum. Mr Thomas Smales was still the tenant at Park Hall with over 181 acres at £40 0s 0d per annum, with a note added as follows:

⁹² A Rental for the Customary Rents for the two manors of Healaugh belonging to the Trustees of the late Duke of Wharton for Magdalene day 1738, ZHG Box 3, North Yorkshire Archives

⁹³ Indenture dated 20th May 1692, ZQH 7/1/43, North Yorkshire Archives

⁹⁴ A Rental of several Messuages Lands Farms & Mills in Swaledale being the Estate of the late Duke of Wharton deceased at May Day 1734, ZHG Box 25, North Yorkshire Archives

⁹⁵ A Particular of Mr Smith's Estate in Swaledale in the North Riding of Yorkshire dated 21st September 1739, ZHG Box 25

This is held by lease from the late Duke of Wharton for a term of 31 years which expires at May Day 1753. It is worth double and we are in treaty and near a conclusion to buy out the Lease having offered him 300 guineas.

Another document titled *A Particular of Mr Thomas Smith's Estate in Swaledale in the North Riding of the County of York* dated 1740 gave the tenants of Mr Smith's land in Smarber and Park Hall, together with their acreage and the rent they paid.⁹⁶ The tenants were all different from the 1734, 1738 and 1739 Rentals which were consistent, Ralph and Cornelius Fryer in Smarber and Mr Thomas Smales at Park Hall. The Smarber Hall Farm had been split into four, with Smarber Hall Farm retaining 20 acres, a new house having 17 acres, Fryer Intack being listed separately and a single close being rented to a fourth individual. The Park Hall estate had also been split into 3 holdings, with Park Hall house retaining 65 acres, 116 acres let separately without a house and 2 closes to a third tenant. Presumably Mr Smales had accepted the offer and sold his lease back to Thomas Smith. The agent had achieved his aim of increasing the land rental as Smarber now generated £43 pa and Park Hall £83 pa.

In 1760 there was yet another similar document also titled *A Particular of Mr Thomas Smith's Estate in Swaledale in the North Riding of the County of York*.⁹⁷ The rent at Smarber had increased to £44 15s 0d, over the four tenancies. The land at Park Hall had been combined into a single tenancy once more, rental £106 0s 0d, substantially more than Thomas Smales had paid for it in 1739 or the four tenancies of the 1740 document.

	Healaugh Old Land	Healaugh New Land
1734	£44 11s 0d	£53 1s 5d
1760	£45 19s 10d	£52 18s 0d

Table 3: The customary rents paid by the copyholders in the whole of the two manors

Customary rents had remained at their seventeenth century levels and were rapidly becoming unrelated to the actual value of the land. A quick comparison of the commercial rents Mr Smith was receiving for his land, £150 15s 0d in 1760 for 257 acres against £98 17s 10d customary rent for 1500+ acres of copyhold pasture and meadow, illustrates this point.

A complete survey or valuation was carried out in 1812; the document stated that it was recopied in 1830.⁹⁸ When the survey was compared with the owners and occupiers from the manorial court books, it became apparent that the surviving document had been amended and rewritten to the correct information for 1830, and not merely recopied. This survey included most of Melbecks (Feetham, Low Row, Gunnerside and Crackpot), listing all the owners and occupiers with the names of the fields, their acreage, value per acre and total value. The value of each house was also given but not always the occupier.

⁹⁶ A Particular of Mr Thomas Smith's Estate in Swaledale in the North Riding of the County of York 1740, D/HH/6/1/20, Durham County Record Office

⁹⁷ A Particular of Mr Thomas Smith's Estate in Swaledale in the North Riding of the County of York 1760, ZHG Box 25, North Yorkshire Archives

⁹⁸ Melbecks Valuation 1812 & recopied 1830, ZHG Box 5, North Yorkshire Archives

At the time of this survey there were 91 different copyholders and one freeholder besides the Lord of the Manor. Less than half the copyholders occupied some or all of their own land and there were 100 tenants. The whole community had 161 houses. Not all the houses had an occupier's name.

A Tithe survey for the whole of the parish of Grinton was undertaken in 1824 giving the modus payable in lieu of the hay tithe.⁹⁹ For this survey houses were not included, merely the fields with their names. This is a fascinating document because it lists for each field, the actual owners or copyholders' names, the owners' names in which the fields were recorded for Tithe purposes (not necessarily the current owner), the modus value and the acreage. It also recorded the number of cattlegates for each holding. However the column for the owner also recorded some changes of ownership. When all this information was compared with the history of the fields, it could be seen that the two correlated in the majority of cases. This survey was divided into townships, the relevant ones being 'Feetham & Kearton' and 'Low Row & Blades etc' (which included Smarber), with only 64 copyholders and one freeholder besides the Lord of the Manor.

For example, from this survey:

<i>Owner</i>	<i>Field names</i>	<i>Acreage in acres, roods and perches</i>	<i>Name by which Modus is known in the Books</i>	<i>Modus</i>
<i>Thos Hunt To J. Carter</i>	<i>West Field Home Field Horse Garth 1¹/₃ gates</i>	<i>1-3-10 2-0-36 0-3-23</i>	<i>Broaderick Land</i>	<i>1d</i>

From the Manor Court books (acreage from the Tithes Award):

West Field or West Pickhill, size 1a 3r 10p
Holme Field/East Pick Hill, size 1a 2r 3p
Home Field Head, size 0a 2r 15p
Horse Garth, size 0a 3r 35p
 1823/6/2 *John Carter bought moiety from Ann Hunt widow, now owns whole*
 1820/5/29 *Nanny Hunt inherited moiety from husband Thomas Hunt*
 1812/6/1 *John Carter bought moiety from Ralph Broderick*
 1807/6/1 *Thomas Hunt bought moiety from James Broderick*
 1802/5/31 *Ralph Broderick inherited moiety from father Garth Broderick*
 1771/4/8 *James & Garth Broderick inherited from Simon Broderick*
 1762/4/20 *Simon Broderick took from James Simpson*

Even though the Brodericks had sold their land in 1807 and 1812, the modus remained in their name in 1824. Holme Field had been divided into Holme Field and Holme Field Head by 1845. The entry in the survey also recorded the change in ownership from shared Carter/Hunt to wholly Carter.

⁹⁹ An Account of the Different present Proprietors of Lands in the Parish of Grinton with the names of Fields and the quantity they contain taken from the valuations for the Poor Rates of the respective Divisions in which they are situate with the Moduses they are subject to in Lieu of Hat Tithe taken from the Old tithe Accounts 1824, PR/GR 1/6, North Yorkshire Archives

At the end of the survey is a description of how the survey was compiled and by whom:

The foregoing account of Moduses was carefully taken from the account for the year 1793 compared with other accounts of upwards 100 years standing and those of different years down to the present time, by Richard Garth, John Barker and others being a Committee for collecting all the Tithes due to the Rev H. Burdett Worthington Vicar of Grinton for the year 1823 and Anthony Alderson on the part of the Lay Impropiator of the said Tithes and the whole was examined and approved at Public Meetings held for that purpose by the said Anthony Alderson Richard Garth John Barker and others and the proprietors of Lands namely at Muker on the 11th Gunnerside on the 12th and at Reeth on the 13th of February 1824 and copied by order of the aforesaid parties into this Register Book the 26th and 27th days of February 1824 by Anthony Clarkson Clerk for the Tithes.

This explains why the changes of names were included and why the name in which the Modus was recorded might not be the same as the owner. The Committee had used the names of the owners in 1795 and updated the records accordingly. This was such a valuable find in the archives to confirm the accuracy of the land ownership history pieced together from the Manor Court Books.

The last valuation was made in 1832.¹⁰⁰ This repeated the format of the previous survey, giving the names of the owners and occupiers, the names of the fields with their acreage, value per acre and annual value. Houses were again identified and valued but their occupier was not always given. The values of both the land and the houses were much reduced from the 1812/1830 document. For example, in the earlier survey Giant Close in Feetham was valued at 40s per acre whereas in 1832 it was 20s per acre. The houses associated with this field were reduced from £2 10s to £1. Holme Close, also in Feetham, had been revalued from 46s per acre to 25s per acre. Michael Clarkson's land in Blades was reduced from 25s per acre to 15s for one field but 33s per acre to 16s for an adjoining field.

Whether these figures have any correlation with the price of lead and hence the local economy is speculative but suggestive. Production or lead output had fallen at the Old Gang, Surrender,

Blakethwaite and Lownathwaite mines in the 1820s though it increased again at Old Gang from 1832. With miners on lower wages or unemployed, particularly when their pay was only biannual, their ability to pay market rents would be much reduced and the whole community would be struggling to survive. This is the period when the first wave of emigration took place, to Lancashire, County Durham and further afield to America.¹⁰¹

<i>Price per fother in London 1786</i>	£18
<i>1 fother = 2340lbs</i>	1791 £19
	1796 £21
	1806 £41
	1811 £38
	1816 £18
	1821 £23
	1826 £23
	1831 £15
	1836 £25

¹⁰⁰ Valuation of the Lands & Tenements in the township of Melbecks, April 1832, Z 244, North Yorkshire Archives

¹⁰¹ David Morris, *The Dalesmen of the Mississippi River*, pages 11-17, 1989, William Sessions

Like the 1812/30 survey, there were 86 different copyholders and 1 freeholder besides the Lord of the Manor. Forty eight copyholders actually occupied all or at least some of their land and there were 122 tenants, some merely renting their houses with no land. There were 176 houses listed, more than the previous survey so either houses had been sub-divided, houses had been converted from other buildings or there had been some new houses built.

These 19th century surveys provide details of the cattlegates or beastgates attached to each landholding. They were also referred to as ‘stints’. They could occasionally be transferred in ownership separately from the land and could be subdivided but were not always recorded in the manor court book entries. In one extreme example, the Congregational Minister, Rev Allason, had 1/30 cattlegate with his house and garden. What is apparent from the surveys is that how many of the occupiers had land with only one cattlegate; very few had more than two so their main income must have been derived from elsewhere, whether from a trade or from lead mining. Where the land was tenanted rather than owner occupied, the entries might show how many cattlegates related to which fields with the name of the tenant or the cattlegates might be merely listed in the entry as a total. In 1812/1830, each was worth 10s in Kearton Pasture and 14s in Low Row Pasture but in 1832 the value was reduced to 8s in Kearton Pasture and 11s in Low Row Pasture. A cattlegate gave the owner access to the common pasture of either Low Row or Kearton and the moors above and was a vital part of the land use system. Pasturing cattle or sheep on the commons during the summer months allowed the fields to recover from their winter use and to provide a hay crop for the winter feed. However the allowances for a beastgate have not survived, how many cattle, sheep, horses and other livestock formed one beastgate.

The reason behind the later surveys or valuations is unknown, nor for whose benefit they were made. Nevertheless they provide important details for the history of the community.

None of these surveys or valuations has associated maps.

Ownership	1845	1832	1812/30	1824	1738
Copyholders	85	86	91	64	93
Owners who occupied all their property	27	31	38		
Owners who occupied some of their property	18	17	8		
Owners who occupied none of their property	40	38	45		
Number of tenants	96	122	100		
Tenants of freehold land	2	1	1		
Tenants of Lord of Manor	6	6	4		2
Houses					
Total number of houses	131	176	161		
Houses with no land					
Owner Occupiers	9	12	13		
Tenanted	28	76	57		
Multi Occupancy	32				

Table 4: A Comparison of Ownership between the Tithe Award and the Valuations

Excluding the 1824 Tithe Survey, the number of copyholders remained fairly constant throughout the period. Assuming the 1738 copyhold figure reflects the number of holdings, each with a farmhouse, there was a big reduction in the number of copyholders with land by 1824. This is reflected by the number of houses with no land attached in the subsequent surveys. Many of these houses were included in a copyholder's property and rented out. Very few were owner occupied.

The table shows a sizable number of absentee landlords with about half the holdings being owned by people outside the community by the 1830s; this is a big change from 1738 when virtually all the holdings were owner occupied. It is surprising how many local copyholders rented out some of their land by 1832 rather than farming it all.

4.2 Land Tax

The Land Tax returns for Gilling West Wapentake have survived from 1769 to 1832. The returns for 39 years out of a possible 64 are available. Until 1781 only the owners of the various landholdings were given but, from 1782, both the landowners and the land occupiers were recorded. All returns gave the amount of Land Tax payable.

There is a second copy of the 1798 Land Tax return, in class IR23 held by the National Archives, under the Land Tax Perpetuation Act, indicating which landowners redeemed their Land Tax in perpetuity on payment of fifteen years tax.¹⁰²

The National Archives also have Registers of Redemption Certificates in IR24. Access to these registers is given by the reference number against the entry in the IR23 return. On examination, these certificates give the name of the landowner, the amount of the tax, the value of the redemption and how and when they paid, whether by instalments or as a lump sum. What the certificates do not give is a detailed description of the landholdings.

Certificate of Henry Pulleine & Sheldon Cradock Esquires two of the Commissioners of Land Tax acting for the Division of Gilling West in the North Riding of Yorkshire That the messuages land cattlegates etc situate in the division of Feetham in the township of Reeth in the division and county aforesaid the property of Ralph Parke are charged with Land Tax to the amount of two pounds 16/11 ¼ as appears by the Land Tax Assessment of the said township of Reeth for the year 1798

NB The above are charged with a quit rent payable yearly to Thomas Smith Esq of £4 15s3¾d

Also Certificate of a Contract dated first day of May 1799 whereby William Dent Esq and the Reverend William Dealtry Clerk two of the Commissioners for the purpose of the said Acts for the North Riding of the County of York certified that they had contracted with Ralph Parke for the redemption by him of two pounds sixteen shillings and eleven pence farthing Land Tax charged upon Messuages Land and cattlegates situate in the division of Feetham in the township of Reeth in the Division of Gilling West in the said Riding Ralph Park proprietor and assessed at £2 16s 11¼d as appears by the Land Tax Assessment for the said township of Reeth for the year 1798.

¹⁰² 1798 Land Tax Return, IR23/101, National Archives

The Consideration was declared to be so much of lawful money of great Britain to be paid to the Receiver general or his Deputy for the said North Riding of Yorkshire as would be sufficient to purchase one hundred and four pounds and seven shillings and 8 ³/₄ d consolidated three per centum Bank annuities on or before the twenty fifth day of June next

Receipt endorsed thereon 28th May 1799 by John Gray for Messrs Smith and Thompson Deputy Receiver General of the said North Riding for £57 18s 9d cash being in full for the above consideration¹⁰³

The returns for Feetham and Low Row were included under Reeth. They could not be recorded under their parish of Grinton as Grinton village was actually in a different wapentake, Hang West, whereas the villages and hamlets of the north bank were in Gilling West with the River Swale acting as the boundary between the two wapentakes. In the Reeth returns, all the various townships were recorded separately, with the area of this study in three or four listings under Park Hall and Kearton (1), Low Row and Feetham (2), and Blades (3) and Smarber (4). These last two hamlets were sometimes recorded separately and sometimes together.

Generally speaking, the entries were written in the same order for each return. If land had changed hands, then the new entry was written at the end of the grouping. If a landholding had been divided, then the entries were kept together sequentially. Owners who acquired holdings at different times were recorded more than once, in the appropriate place in each list, though sometimes all their landholdings were subsequently combined.

In most cases it has proved possible to correlate the Land Tax returns with the entries in the Manor Court books, though there was often a slight time lag before the Land Tax entry was changed to reflect a new owner. Where a landholding was divided amongst several new owners, the Land Tax entries might remain under one name before being divided several years later; this can only be established by following the sequence of entries in both sets of records.

As the County Justices of the Peace were only involved in collecting the tax, they were not concerned with the true number of tenants or sub-tenants. They were only interested in who paid and how much. Only 76 holdings, each with their owner and occupier, were listed in the 1832 Land Tax return compared with the 85 copyholders and more than 120 tenants in the 1832 Valuation. Some copyholders might have been omitted as their landholding or house was valued too low to be included but the inference is that many people were excluded from the returns.

As an example, the John Coates of Smarber discussed in Chapter 2 was a blacksmith and therefore could be presumed to have some status in the community. He did not appear on any Land Tax return, including those for Smarber, for the period he was working, the 1780s and 1790s. Neither was the John Coates from Low Row nor the one from Feetham recorded.

¹⁰³ Ralph Parke Redemption Certificate, IR24/35/23636, The National Archives

CHAPTER 5: RECONSTRUCTING FAMILIES THROUGH COMBINING SOURCES

Each source examined in this study has different limitations for proving ancestry. By combining the information from each source however, in many cases family relationships can be established. Nevertheless what has become increasingly apparent during the research is the existence of a substantial group of families who were missing from all the land based records and were only recorded in the church or chapel registers. My own family is one of these. As the existing nonconformist registers began some years after the building of the associated chapels, it is quite possible that the earliest registers have not survived. This makes the proof of ancestry very difficult for these families, particularly with the restricted set of Christian names used and the prevalence of individuals with the same name. These particular issues were discussed in Chapter 2.

Where names are common and there are several possible candidates for an individual, the manorial entries can prove descent by following the ownership of land. Because women could and did own copyhold land in their own right, their marriages can sometimes be verified despite the deficiencies of the Grinton parish registers, vital with the register entries having minimal genealogical information. Entries in the court books can also pinpoint when a copyholder died even though the relevant parish register entry did not give an age; that burial entry could have been for an infant, a middle aged man or an octogenarian. The entries can also suggest the existence of a Will when the property was surrendered to the use of a Will prior to the copyholder's death, indicating another line of research. Even so, despite the court book entry, some wills have not survived; perhaps probate was never sought. Wills have their own deficiencies when the testator did not name his family or his fields, merely saying 'my wife', 'my children' or 'my copyhold estate'.

The Healaugh Manor Court records have proved an essential tool for many families. As outlined in Chapter 3, in the best case scenario, a single court entry may provide a several generation pedigree covering spouses as well as direct descendants. This is invaluable and can be easily verified by the use of parish registers but would often be virtually impossible to prove the other way round, particularly where there has been migration from the original parish. In rare instances, the entries gave an 'out of the dale' location for the copyholder. A sequence of manorial court entries could reflect a family's fortunes, large or small, as they bought and sold the land or when they needed a mortgage.

A second group of people impossible to trace are those who appear in the Manor Courts and then, a few years later, disappear without any contemporary records in the church registers. They may have taken up temporary residence in the community or they may have been temporary landlords; there is no way of resolving this.

Because the Healaugh Manors were subject to partible inheritance, with the copyhold being shared amongst all the sons (or daughters), they contain information on the wider family, not merely on the eldest son as with the case of primogeniture. Partible inheritance did not lead to the fragmentation of holdings as one might expect because the shares were often re-combined through further inheritance or from buying out the other heirs. Thus the landholdings remained viable.

Although many of the fields in the Healaugh Manors have their own individual history, the total number of copyholders remained fairly constant throughout the period 1686-1845. However the emphasis of the land ownership changed from wholly local ownership in the seventeenth century to half being rented from absentee landlords in 1845. The Land Tax entries showed that rented land had existed from the 1780s at least but these early landlords tended to be local men working some of the land they owned and renting out the rest. By 1845, the balance in Feetham and Low Row had altered from almost every family having a stake in the land and an interest in its prosperity to a community where only some were still connected with the land; the majority were dependent on the whims of their landlords and employers. With no hope of improving their lives coupled with the uncertainty in the lead mines, people were beginning to migrate out of the dale. The shift in the balance might also be one of the reasons for the popularity of Methodism within Swaledale; this movement allowed ordinary people to feel they could contribute to their chapel and offered scope for leadership whereas both the Independent and Anglican churches were run by educated outsiders.

There was also a growth in the number of houses without land; these families would have been totally reliant on local employment whether in the lead mines, at Haverdale Mill or elsewhere and would have had no safety net of a smallholding had their employer failed. When houses were split to accommodate different branches of the family, a married son or daughter for instance, subsequent transfers meant that one part was often sold outside the family; this would usually be the house with no land. If the number of owner occupied houses without land is subtracted from the number of copyholders in 1845, given that the total number of copyholders and the quantity of copyhold land were constant, the size of the landholdings must have been increased with fewer landowning copyholders. However the evidence indicates that bigger landlords were increasing their holdings as the local copyholders sold up but the other copyholders continued to own the type of smallholdings they had always had.

Other land based sources such as the valuations or taxes described in Chapter 4 do not provide relationship linkage; they offer the ownership or occupier position for a particular moment in time. Their use is primarily for corroboration of the church or manor court records, valuable for showing that any research conclusions are accurate. The sequence of Land Tax returns, like the manor court entries, can indicate the death of a copyholder – when the listing for ‘John Raw’ changed to ‘John Raw’s heirs’ for instance.

The first mention of my own Waller family in Swaledale was in the 1720s; their origins are still a complete mystery. Nevertheless, although they were not copyholders, I have traced them forwards in time to the birth of my great grandfather, John Waller, in 1848 from church and chapel registers. However their brides have proved more problematic as they also came from families missing from the land based records as either copyholders or tenants. Provided that a family had links with the land, their history can usually be pieced together using all the various sources, which would not be possible using the church registers alone, but the limitations of the different sources for landless families cannot always be overcome. This results in many people such as my ancestors remaining elusive; it may never be possible to link these people into family groups.

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