

The Mickleton Lease 1607

Contents

1. Introduction
2. Brief summary of Lease
3. Background history
4. Brief history of the Bowes family
5. What was the manor of Mickleton
6. The forest and chase of Lune
7. How Estates were organised
8. Interpretation of the Lease
 - Why did Talbot Bowes grant the lease?
 - General points about the lease
 - What did the 4 yeomen get for their money?
 - What were the leasehold tenants' rights?
 - What did the lease reserve for the landlord?
9. Historical context
10. Tables of lands and original tenants
11. List of names of tenants
12. Photographs
13. Conclusion
14. Glossary
15. Acknowledgements

The Mickleton Lease 1607

Introduction

2007 marks the four hundredth anniversary of the signing of the one thousand year Mickleton Lease. Many properties in the parishes of Mickleton, Lunedale and Holwick are affected by the lease and this seems like an appropriate moment in history to review the document and attempt to interpret it and put it into context. Few alive today will be around to mark the five hundredth anniversary!

Original spellings have been used and the modern interpretations given where it is felt these helps to clarify. Words written in *italic* have a definition or an explanation in the glossary at the back of the booklet.

The aim of this booklet, hopefully, is to enlighten and to stimulate further research. To this end a number of sources and ideas of where to find more information are suggested at the back. This document should be viewed as a work in progress.

Whilst every effort has been made to verify information in this booklet, accuracy cannot be guaranteed.

The end of the sixteenth and early years of the seventeenth century was a time of exploration and settlement of the Atlantic coastlines of North and South America and the Caribbean islands, by both the French and English. The Dutch and Spaniards were at war and there was plague, flood and conspiracy on our own shores. It is unlikely that much of this impacted on the people of Teesdale although the castle at Barnard Castle had been besieged in 1569 and Sir George Bowes, the (soon to be) Lord of the manor of Mickleton and Lune, had distinguished himself defending it in the name of Queen and Protestantism.

For many centuries the river Tees represented a far more important boundary than now. From Norman times until 1836 the area between the Tyne and the Tees was the Palatinate of Durham, ruled over by Prince Bishops. Barnard Castle was an exception and in the early 1600 belonged to the Crown. The river was a border and the bridges at Middleton, Eggleston and Startforth were all known as county bridges. Until 1st April 1974 land to the south of the river was in the North Riding of Yorkshire, now part of the statutory authority of County Durham, however, this area remains still within the dioceses of Ripon and Leeds.

The Mickleton Lease 1607

Brief summary of Lease

What?

A *leasehold* tenancy for 1000 years, agreed between members of the Bowes family, ancestors of the current Strathmore family, and four local *yeomen* farmers. The yeomen paid £1569-5/- to the Bowes family for the lease, which will revert to the 'lord' in 2607.

Where?

The lease includes land within the parishes of Mickleton, Lunedale and Holwick. ('The *Townships*, Hamlets, Villages and fields of Mickleton, Kelton, Brigg Bank, Bowbank, Thringarth, within the Forest and Chase of Lune and Holwick'). *See the table of named properties and the map.*

When?

The Lease was signed on 4th November 1607 during the reign of James I. ('this *indenture* made in the 5th year of the Reign of our Sovereign Lord James, by the Grace of God, King of England Wales and Ireland, Defender of the Faith, and of Scotland').

Who?

The signatories to the Lease were;

- Talbot Bowes of Chelsea in the county of Middlesex, Lord of the Manors of Mickleton, Lune and the Forest or Chase of Lune in the county of York
- Agnes Bowes, wife of Talbot Bowes
- Thomas Bowes, a *Gentleman Pensioner to his Majesty*, brother of Talbot Bowes
- John Bowes, brother of Talbot Bowes

On the one part and

1. William Dent of Mickleton, 'in the county of York, yeoman'
2. John Stephenson of Mickleton 'as aforesaid, yeoman'
3. Laurence Dent of Turnerholme 'in Lune, in the said county of York, yeoman'
4. John Bales of Greengates 'in Thringarth in the said County of York, yeoman'

On the other part.

Why?

It was a means of raising capital, providing an annual income and releasing the landlord from the costs of repairs and upkeep. This was a time of steep price increases and wages were not keeping pace.

How?

The Lease was granted to the original four yeomen signatories who then *assigned* land to the others named on the lease. (*See the list of names of assignees*). The landlord retained hunting, quarrying and mining rights. The tenants were given very wide ranging rights over their properties and lands although rights to graze animals on the common land were strictly controlled.

The Mickleton Lease 1607

Background history

The manor of Mickleton and Lune has been held by three families since the Norman Conquest; first the Fitz Hughs who held it from the Breton earls of Richmond and Counts of Brittany from about 1071.

The Fitz Hughs held lands and castles at Ravensworth and Cotherstone. Fitz meant 'son of' and initially the family name varied from generation to generation- e.g. Sir Henry Fitz Hervey was the son of Sir Hervey.

The last member of this line, Baron George Fitz Hugh died without direct heirs and his estate passed to his aunt, Lady Feinnes, and his cousin Thomas Parr. Thomas had a son, William, Marquess of Northampton, and a daughter Catherine who became the last queen of Henry VIII. On the death of William in 1571 the estate was sold to the Bowes, later Bowes- Lyon family, who are now the Earls of Strathmore. (1) Few other local landowning families have survived so long,

A brief history of The Bowes family

The Bowes family has held lands in County Durham since 1307 when an ancestor received the manor of Streatlam. The mythical origin of the Bowes family holds that the name came from Bowes Castle where a cousin of the Earl of Richmond, Alan the Black, was said to have been appointed Captain of the Tower of the castle and where he supposedly provided five hundred archers, (*see the coat of arms*). In fact the keep of Bowes Castle did not exist until the mid 12th century.

The name is derived from a bow in the River Greta, and the first man known by the name in this area was Sir Adam Bowes, sheriff of the Bishop of Durham, a successful lawyer and *Chief Justice in Eyre*. He married the heiress of the Traine family sometime before 1310, thus acquiring the Manor of Stainton and Streatlam.

The ownership of Stainton and Streatlam remained with the Bowes family until 1767 when Mary Eleanor Bowes, the heiress of George Bowes, married the 9th Earl of Strathmore, of the Lyon family. The family has since been known as Bowes-Lyon and its most renowned member was the late Queen Elizabeth the Queen Mother who spent some of her childhood at Streatlam.

Although there was certainly a manor house on the site in the time of the Traines, Sir William Bowes, in the 15th Century, is said to have rebuilt it from its foundations in the French style. How like John Bowes who in the 19th Century built his massive Bowes museum in the style of a baroque French Chateau.

Talbot Bowes was the second generation of the family to hold the manor of Mickleton. As already noted, it was Sir George who bought it in 1571. He was the important Protestant who had defeated the Earls of Northumberland and Westmorland in their attempt to bring Mary Queen of Scots to the English throne in the Rising of the North in 1569. Having defended Barnard Castle in a siege in that same year, he returned to find his manor at Streatlam had been ransacked by the Roman Catholic rebels. Unlike Sir George who was very much a local man, Talbot, his son, although a *burgess* and MP of Richmond, Yorkshire is said to have had

The Mickleton Lease 1607

his main residence at Chelsey (Chelsea) in London. Talbot was living there in 1607, although later documents describe him as Sir Talbot Bowes of Streatlam.

- (1) Sir George married twice, having four sons and three daughters to his first wife and five sons and three daughters to his second wife, Jane Talbot. Talbot was the second son of this marriage. "Talbot was baptized at Albrighton, 25th Nov 1560, was at the university of Cambridge, in 1579: of Chelsea 1608: of Gray's Inn in 1611: afterwards of Eggleston Abbey and Aske and, latterly, of Streatlam. He was returned eight times to Parliament, for the borough of Richmond.(Yorks.) He entertained King James I at Aske: and was knighted by that monarch 24th April 1617. He was master and keeper of the chases within the Lordship of Barnard Castle, and steward of the castle. He married Agnes, daughter of Thomas Warcop, of Smardale, Co. Westmorland. He died childless, and was buried at Barnard Castle, 14th Feb 1637-8".(2) (According to Surtees, vol. 4)

Talbot was to become important in the area for his attempts to obtain an MP for Barnard Castle. Members of Parliament had existed since the 13th Century, but Durham county had been excepted since it was in the *Prince Bishopric of Durham* and the bishops had always objected. However, despite Talbot Bowes influence, the attempt in the 1620s failed and Barnard Castle did not have an MP until after the Restoration in 1660. Barnard Castle was a candidate for having its own MP because Talbot Bowes was seen as a moderating force and also because it had always been independent of the Prince Bishops. In the first decade of 1600s, Barnard Castle was owned by James I son.

footnotes

1. On 18th June 1583 George Fenis, alias Fynes, Lord Dacre signed a *quit claim* to the Manor of Mickleton in favour of Dame Jane Bowes, widow of Sir George Bowes, knight, and Talbot Bowes, seventh son of Sir George.
2. Talbot Bowes died 14th Feb 1637-38, the date is not uncertain but reflects the change in the calendar. In Great Britain, the new calendar was adopted in September 1752. In order to deal with the discrepancy of days, which by now had grown to eleven, it was ordered that 2nd September 1752 would be immediately followed by 14th September 1752. This led to crowds of people on the streets demanding, 'Give us back our 11 days!' It also explains why our financial year starts on 5th April. The official start of the year used to be Lady Day (25th March), but the loss of eleven days in 1752 pushed this back to 5th April.

What was the manor of Mickleton and Lune?

Manors varied widely in size. A typical *manor* consisted of a village and its lands (a territorial unit termed a 'township' across northern England) a manor might cover land in more than one township. The lord could be the king, a baron, or knight or even minor landowner. The manor of Mickleton and Lune approximated to the present day parishes.

The name 'manor' first came into general use in the Domesday Book of 1086, a massive survey ordered by William the Conqueror. Its purpose was to inform the King of the landowners who had now taken over the land from the Anglo- Saxons. It was also used to make a new assessment of the geld, the first direct tax ever made on the land, although in this respect it was less successful.

In the Domesday account the township of Mickleton included 6 carucates of land (notionally 720 acres of arable land) to be assessed to the geld and was a league (1 ¼ miles) long and ½ league (over ½ mile) wide. Lonton included Holwick and Parkend wood and had 1 carucate taxable to the geld (120 acres of arable land) and scrubland or underwood 3 leagues (nearly

The Mickleton Lease 1607

four miles long) and 1 league broad (1 ¼ miles broad),

In the Domesday Book the south side of Teesdale seems to have been part of Gillingshire but in AD990, before the Norman Conquest, was part of Gainford estate granted by St.Cuthbert to the Earls of Northumbria. These small shires, as they were known, were part of an organisation, secular for taxation and also ecclesiastical, which goes back earlier still.

Lonton was held under the Fitz Hughs by the earls of Greystok (Greystoke) whose under tenants, the Rokebys, sold it to the Bowes in 1571.

Parts of Holwick and Crossthwaite were also held by the Earls of Greystok and then by the Earls of Carlisle who sold the latter to the Bowes in 1766.

The Forest and chase of Lune

Medieval forests were never more than partly wooded and often included moor, heaths, and fens rather than woodland. The term 'forest' had a legal meaning: it referred to an area that was under forest law (with its own courts and officials known as verderers) in which deer and other game could be killed only by the forest owner. Originally, only the King had such lands, known as royal forest, yet hunting areas both north and south of the Tees seem to have been known as forests by the 13th century.

Parts of the forest were set aside for grazing other livestock, either by being let out to rent or by the exercise of rights on the common. Forests were not devoid of settlement, but could contain villages, hamlets, farmsteads and cottages within their bounds. The chase was a hunting area allowed by royal charter, the private equivalent of a royal forest. Chases were larger than deer parks and were not enclosed by ditches and palings.

There was a deer park at Thringarth, encompassing the areas still known as East and West Park. The park walls, with their cyclopean stones are completely different from modern dry stone walls and can still be seen. A ditch dug alongside the wall effectively increased its height. (*See photographs and map*)

How Estates were organized

The difference between landholding in the 17th century and today is that it was based on *siesin or* land holding rather than absolute ownership. In 1607 everyone still held land in a 'feudal ladder' from the king; possession seemed to be more important than ownership. However, society and ideas were changing; the bargain and sale was replacing charters of *feoffment*; leaseholders could transfer their land, and even copyholders, usually described as tenants at will, were protected by the royal courts.

In most estates there were at this time at least four types of tenant.

- (1) Freeholders either owned the land outright or held it by lease for one or more lives (for example, his own life or for the lives of other people named in the lease). There were freemen paying only small rents and doing few, usually honorary, *services for the lord*. They were not responsible to the lord's *manor court* in the way other tenants

The Mickleton Lease 1607

were. Since the *Dissolution of the Monasteries* many freeholders had bought former monastic land and become *gentry*.

- (2) Leaseholders were becoming more numerous. A lease might be for 21 years, three lives or for a longer term. Long term leases were only common from the 17th century onwards; earlier they had not been considered legal. Leaseholders still paid considerable rents, and sometimes paid *finer or gressums* when they succeeded to their lands.
- (3) Copyholders were the descendants of the unfree *villein tenants* of the Middle Ages who had often paid heavy rents and done substantial service for the lord. By the 17th century they did few services except suit of mill (Atkinson's Mill at Mickleton) where they had to have their corn ground, and repair it when necessary (although this was disputed), and suit of lord's manor court where offences in the common fields, game parks of Lunedale, nuisances, affrays, and general behaviour against the customs of the manor were fined.
- (4) Reziantes were those who lived in the townships (later civil parishes) but did not hold land. They might be ex-tenants or landless labourers.

In Teesdale, freehold tenants' names were listed in the manor courts whether or not they attended. Many of the freeholders and even some of the leaseholders would not be resident in the manor. These lists enable estimates of population to be made, but there is no way of being certain how many people were living in each village.

The Mickleton Lease

Why did Talbot Bowes grant the lease?

Granting the lease meant Talbot obtained immediate capital, an annual income and furthermore was released from the landlord's responsibility of the costs of property repairs and upkeep. During the period 1540- 1640 inflation was very high but wages did not keep pace. The result was that anyone on fixed incomes was in severe financial difficulty. Those landowners who, behaving in a capitalist way, were keen on raising rents might succeed, while paternalistic landlords who identified with their tenants would suffer along with them. Perhaps Talbot Bowes was acting in a similar way to the Crown which, in 1611, sold off Barnard Castle and its Teesdale estate to the City of London.

General points about the lease

The original document is held at the Record Office at County Hall, Durham. There may have been several copies made. Partial transcripts were made in the nineteenth century and in the twentieth a complete version was prepared for the Land Registry to aid property conveyance. Transcripts are usually accurate but they may omit part of the original documents if these are not necessary for their purposes.

There does not appear to be a plan or map of the lands included in the lease, although rumours abound of the existence of one.

It is understood that the rents, which had remained fixed, ceased to be collected in the late 1950s because the cost of collection became uneconomic. The Lease required the rent to be paid in two 'even and equal portions' on 22nd July, Saint Mary Magdalene Day and 30th November, The Feast of Saint Andrew the Apostle.

The Mickleton Lease 1607

Interpretation of the Lease

What did the 4 yeomen get for their money?

The four yeomen, William Dent, John Stephenson, Laurence Dent, and John Bales, to whom all the 'messuages, farmhold, tenement with appurtenances, closes and parcels' were originally leased and whose names appeared in later deeds even into the eighteenth century, paid the relatively large sum of £1,569-5-0d for tenements in Mickleton, Thringarth, Bowbank, Kelton, Lune and Holwick and assigned the properties to the tenants named in the lease as their under tenants under the Bowes. These four acted on behalf of Talbot Bowes and may have been salaried agents although only further research would determine this.

The four lessees (the yeomen) and their assignees had the full right of use over the property, tenements and lands and would be *acquitted* by Talbot Bowes and his heirs of disputes over these and other legal matters which had previously been granted by Talbot Bowes' father, Sir George Bowes. They would be free from the 2d rent and a robe claimed out of this manor by Ralph Spence yearly.

It is unclear why the tenants had to pay this previously or why Ralph Spence, who appears to have been a Yorkshire gentleman, was claiming a robe from Mickleton manor.

What were the leasehold tenants' rights?

The lease states that it was for the use and benefit of the four yeomen and their assignees (the other named holders of buildings and land) on the lease. They had 'common of pasture and with their goods and cattle within the stinted pastures of the several townships of Mickleton, Lune, Thringarth, Bowbank, Holwick, Kelton and within the forest and chase of Lune in those parts where it had been the custom. They could winter their stock on the farm holds or on the common moors or wastes at Dovecragg (Dow Crag), Hagill (Hargill) beck and Bleybeck (Blea beck) and in the forest and chase of Lune in those parts where it had been accustomed'. They also had the right to collect peat (*turbary*) and *ling*.

Talbot Bowes granted to them the right to woods, underwoods and hedgerows growing on their farmholds or lands and to dig clay, mortar or gravel on the same in order to build or repair their farmholds fences, walls, banks or dikes apart from Readecarrbank (Red Carr bank) on the south of the Tees between Croft Yoke and the Icarron beck and Brigg bank (Lune's Bridge) on the south of the Lune between Coach house (Cotthouse) and the Corn Mill which were reserved for the Bowes family.

They could *alienate* their property, or build upon it without getting permission of the lord. Hence much rebuilding occurred and paradoxically, because of the lease, some properties were rebuilt early so that older sections of building survive in this area than in other parts of the dale.

During the term of the 1000 years Talbot Bowes, his heirs or assignees promised not to improve or enclose the common moors or waste to the east of Dovecragg, Hargill beck or Bleybeck saving to the Bowes the forest and chase of Lune. The landlords reserved the right

The Mickleton Lease 1607

to make improvements or enclosures within the manor providing that they left sufficient common pasture for the lessees and their assignees.

Tenants of the 1000-year lease, unlike in a lease for life, paid no fine or gressum to the lord when one tenant died and the next one took over.

What did the lease reserve for the Landlord?

Talbot Bowes retained, for himself his heirs and assigns, hunting, quarrying and mining rights and he could collect the rents laid down if he wished. He retained yearly rents and a fine or gressum of three years rent at the death of either himself or his heirs. Tenants were to perform *suit* at the Lord's mill at Mickleton or any other mills built within the lordship during the term of the lease. If any of the rents were not paid within the time appointed, Talbot Bowes, his heirs and assigns might *distrain* on the lands and drive away or impound stock until the rent was paid.

Talbot Bowes' decision to lease much of his estate for 1000 years meant that those named in the lease were in a better position than many tenants on other estates. They still paid fixed annual rents, but they could transfer or convey their property, as evidenced from many deeds from the 17th century.

The Mickleton Lease 1607

Historical Context

James I of England/ VI of Scotland was the first monarch to rule the Kingdoms of England and Scotland at the same time.

He became the king of England, in 1603, upon the death of the childless Elizabeth I.

He survived the Gunpowder Plot which aimed to blow up the monarch and Houses of Parliament on 5th November 1605. Guy Fawkes was one of a group of Catholic conspirators, led by Robert Catesby.

When the flag was initially introduced, in 1606, it was known simply as "the British flag" or "the flag of Britain". The first use of the name "Union" appeared in 1625.

The Gunpowder Plot was one of several unsuccessful assassination attempts against James I.

1607

Dutch fleet destroys Spanish fleet anchored in the Bay of Gibraltar.

In 1607, Shakespeare's eldest daughter, Susanna, married Dr John Hall.

Shakespeare's brother, Edmund died in 1607

The Dutch and Spaniards are fighting the Eighty Years War 1568-1648.

Spain is declared bankrupt.

Captain John Smith, (above) establishes the first settlement in Virginia in what is now the United States of America.

Pocahontas, the daughter of a Native American chief, saves Smith's life in this year.

God Save the King'-the British National Anthem is first sung.

The Newton Rebellion–

40-50 peasants are killed by the Tresham family who own the land. The riots are against enclosure of common land in Newton, Northamptonshire.

Plague in England 1603

France begins to settle Acadia-its first north American colony and also in French Guiana, 1604

Ostend is captured by Spanish forces ending a three year siege. 1604

English colony founded in Barbados 1605

First part of Don Quixote published 1605

Hurricane shipwrecks 'Sea Venturer' en route to Virginia. Survivors become first English settlers on Bermuda. 1609

Hans Lippershey demonstrates the world's first telescope– 1608

Quebec city founded 1608

Galileo Galilei demonstrates his first telescope. 1609

World's first newspaper published in Strassburg, 1605

Rembrandt is born 1606

Old Bushmills Distillery is founded in Bush Mills, County Antrim, Ireland in 1608

Shakespeare wrote most of his best known tragedies during the period 1601-1608. Hamlet, Othello, King Lear, Macbeth, Antony & Cleopatra and Troilus and Cressida.

1611 authorised version of King James bible

When the flag was initially introduced, in 1606, it was known simply as "the British flag" or "the flag of Britain". The first use of the name "Union" appeared in 1625

The Mickleton Lease 1607

Tables of lands and original tenants showing rents payable

Mickleton & Kelton Rent	Name	Lunedale, Bowbank, Thringarth	Name	Holwick	Name
Beckstones, The Strand 2/4d	William Dent	Brigg Bank, Laithkirk 40/4d	William Dent	Mizzes 6/6d	John Tinckler
Bull Common 2/8d		Bowbank 23/8 1/2d	John & Robert Rayne	Well Head 7/-	John Jordan
Coatthouse-Cotehouse? 16/10d	William Tinckler	Bowbank 11/5 1/2d	John Preston	Lang Rigg/ Dale Head 6/7d	James Tinckler
Kelton 10/-	Charles Jackson	Bowbank 19/1 1/2d	Edward Raine	Long Rigg Head 12/-	Simon & William Robinson
Kelton 10/-	Nicholas Jackson	Bowbank 8/8d	Richard Rayne		
Lane Rigg Head, Kelton 10/-	William Dent	Bowbank 16/4d	James & Margaret Dent	Town Fields 10/-	William & John Leekely
		Greengates 11/6 1/2	John Bales		
<i>Town Fields</i> 26/7d	William & Grace Rayne	Saddlebour 15/10d	John Parker/ Perkin?		
Town Fields 10/7d	Edward Newby	Low Nuke, 12/4d Thringarth	John Rayne the elder		
Town Fields 17/91/2d	John Rayne the younger	Low Nuke, 13/6d Thringarth	Christopher Bayles		
Town Fields 20/3 1/2d	Thomas & George Rayne	Low Nuke, Thringarth 24/6 1/2d	William Hugganson Thomas Perkin		
Town Fields 2/8d	Matthew Rayne	Thringarth 36/3d	Michael & Agnes Rayne		
Town Fields 6/4 1/2d	Nicholas Dent	Thringarth 11/6 1/2d	Laurence Rayne		
Town Fields 9/3 1/2d	John Longstaff				
Town Fields 36/9 1/2d	Robert Rayne	Corneside, Lune 5/-	Robert Dent		
Town Fields 9/5d	Christopher Dent	Sleights	Common of pasture		Continued pge 12

The Mickleton Lease 1607

Mickleton & Kelton	Name	Lunedale, Bowbank, Thringarth	Name	Holwick	Name
Town Fields 9/6d	Thomas Longstaff	North Withes, Lune 17/3d	Charles Jackson		
Town Fields 9/5d	Michael & Edward Longstaff	Withes Hill, Lune 23/5d	James Dent		
		Low Withes, Lune, 3/9d	Charles Jackson 9 1/2 pasture <i>gates</i> +1/2 calf gate on Sleights		
Town Fields 9/5d	Simon Longstaff John Longstaff	Low Withes, Lune 8/9d	James Hutchington 9 1/2 pasture <i>gates</i> +1/2 calf gate on Sleights		
Town Fields 24/7d	John Raine the elder	Nettlepot, Lune 34/6 1/2d	Christopher & Robert Dent		
Town Fields 8/9d	Christopher Snayth	West Grassholme Lune ,20/10d	James Dent		
Town Fields 49/4 1/2d	Christopher Oxnerd	High Selset Lune 34/10d	Richard Bayles		
Town Fields 9/4d	Michael Horne	Low Selset Lune 33/8d	James & Simon Bayles		
		Turnerholme Lune 26/2d	Robert Dent		
		Turnerholme Lune 23/4d	George Dent		
Town Fields 9/4d	John Stephenson	Turnerholme Lune 31/10d	Robert & Laurence Dent		
Town Fields 3/11 1/2d	John Dent	Turnerholme Lune 5/10d	John Parkin & George Dent		
Town Fields 17/6d	Robert & Matthew Thomson	Low Wimagill Forest & Chase 22/1 1/2d	Laurence Garthstall		Continued page 13

The Mickleton Lease 1607

Town Fields 13/3 1/2d	Edmund Rayne	Low Wimagill 19/2d	James Dent		
Town Fields 17/5 1/2d	Michael Tinckler	Scarr House 14/10d	Peter Horne 3 beast <i>gates</i> in the Frith		
		Blackehouse 17/10 1/2d	Michael Dent		
Mickleton & Kelton	Name	Lunedale, Bowbank, Thringarth	Name	Holwick	Name
Town Fields 17/5 1/2d	Micheal & Isabell Dent	Blackehouse 21/4d	Christopher Dent 2 beast <i>gates</i> in the Frith		
Town Fields 22/9 1/2d	John & Ralph Harker	Hargill Beck	Common of pasture		
Town Fields 6/-	James Temple	Blaybeck	Common of pasture		
Town Fields 11/2d	John Horn	Dowcragg	Common of pasture		
Town Fields 21/4d	William & Michael Longstaff				
Town Fields 11/2d	Michael Rayne				
Town Fields 4/7 1/2d	Thomas Longstaff younger				

The Mickleton Lease 1607

List of tenants named on the lease

	John Bales
Agnes Rayne	Lawrence Rayne
Christopher Bayles	Richard Bayles
Christopher Dent	Robert Dent
Edmund Rayne	Michael Rayne
Edward Longstaff	Michael Longstaff
Edward Newby	Christopher Oxnerd
George Dent	Michael Dent
George Rayne	Simon Robinson
James Bayles	Simon Bayles
James Dent	Margaret Dent
James Hutchington?	Charles Jackson
John Harker	Ralph Harker
John Horn	Peter Horne
John Leekley	William Leekley
John Longstaff	Michael Longstaff
John Longstaff	Thomas Longstaff
John Parker	John Parkin
John Raine (elder)	Edward Raine
John Rayne	Michael Rayne
John Rayne the younger	Thomas Rayne
John Stephenson	James Temple
John Tinkler	Robert Tomson
Matthew Tomson	
Michael Horne	William Huggauson?
Michael Tinckler	William Tinckler
Nicholas Jackson	John Jorden
Robert Dent	James Dent
Robert Rayne	Richard Rayne
Thomas Perkin	John Preston
Thomas Rayne	George Rayne
William Dent	Michael Dent
William Dent	Lawrence Garthstall
William Longstaf	Simon Longstaff
William Rayne	Grace Rayne
William Robinson	Christopher Snaith

The Mickleton Lease 1607

Conclusion

The lands covered by the lease remain subject to it, although the landlord and tenant can agree to terminate the lease at any time. This is known as a surrender of the lease. It is possible to look back over the last 400 years and observe many changes. There are a number of families remaining in the area that are directly descended from those named on the lease and a few who still hold the original documents and land. Throughout that time the land has either passed through the generations, usually from father to eldest son, or been sold by one family to another.

The original parcels of land have been bought and sold many times over and amalgamated or sub-divided at will. Being part of the lease does not appear to affect the conveyance of either farms or dwellings in the Mickleton lease area. The properties are bought and sold in a similar way to freehold properties and it does not appear to deter buyers. A number of farms and other properties have reverted to the Strathmore estate. Sir John Bowes, for one, bought back some of the leases in the early 1800s, the fulling mill at Mickleton in 1813, several properties in Lunedale including Scarr Head, Wythes Hill, Soulgill and East Close and also at Thringarth.

There is very little evidence of buildings dating back to 1607, when they became part of the lease. As the lease gave the tenants the responsibility for the upkeep of the buildings and lands it is clear that many families became prosperous enough to renew their dwellings at some stage. The majority of the buildings subject to the lease date from the 18th & 19th centuries. These were relatively prosperous times in the dale before the collapse of the lead mining industry. However, further investigation into why some holdings were taken out of the lease and bought back by the Strathmore family might reveal a different understanding.

It is mere speculation as to what may happen over the next six hundred years before 'the heirs of Talbot Bowes and the lessees or their assignee or assignees' meet in 2607 to terminate the one thousand year lease. However, it may help to put this time scale into perspective if it is remembered that 2607 is as far in the future as 1407 is in the past, and that was a full two hundred years earlier than the time of Talbot Bowes.

Glossary

alienate to transfer or convey, a title, property, or other right, to another: *to alienate lands*.
apurtenance, property (as an outbuilding or fixture) or a property right (as a right of way) that is incidental to a principal property and that passes with the principal property upon sale or transfer

aquitted released from obligation, penalty, etc.; free, clear, or rid

assignee Individual to whom a title, claim, property, interest, or right has been transferred/assigned.

burgess: The holder of land or house within a borough.

Categories of estates:

Freehold estates: rights of *ownership*

- (1) fee simple (fee simple absolute)—most rights, least limitations, indefeasible
- (2) fee tail—inalienable rights of inheritance. It was also possible to have "*fee tail male*," which only sons could inherit. Land subject to these conditions was said to be *entailed* or *in tail*. The restrictions themselves were *entailments*.
- (3) conditional, defeasible, or determinable fee—voidable ownership
- (4) life estate—ownership for duration of someone's life.

Leasehold estates: rights of possession and use but not ownership.

The lessor (owner/landlord) gives this right to the lessee (tenant).

There are four categories of leasehold estates:

- (1) estate for years (tenancy for years)—lease of any length with specific begin and end date
- (2) periodic estate (periodic tenancy)—automatically renewing lease (month to month, week to week)
- (3) estate at will (tenancy at will)—leasehold for no fixed time or period. It lasts as long as both parties desire. Termination is bilateral (either party may terminate at any time) or by operation of law.
- (4) tenancy at sufferance—created when tenant remains after lease expires and becomes a holdover tenant, converts to holdover tenancy upon landlord acceptance.

Dissolution of the Monasteries.

Henry VIII took his most decisive step against the power of the church in 1538. First the small, less powerful houses had their property confiscated and their buildings blighted (made unsuitable for use). They were followed the next year by the large houses.

Some of the monastery buildings were sold to wealthy gentry for use as country estates.

Henry sold the monastic lands for bargain basement prices; such was his need for ready cash. The real beneficiary of the Dissolution was not the king, but the new class of gentry who bought the lands.

Monastic libraries full of priceless illuminated manuscripts were destroyed, with little or no regard for their value.

distrain. vb. Law. seize goods in default of payment. distraint, n.

© From the Hutchinson Encyclopaedia. Helicon Publishing LTD 2007.

Feoffment: also known as enfeoffment.

The Mickleton Lease 1607

It is the total relinquishment and transfer of all rights of ownership in land from one individual to another. A feoffment in old England was a transfer of property that gave the new owner the right to sell the land as well as the right to pass it on to his heirs.

Under the feudal system, **enfeoffment** was the deed by which a person was given land in exchange for a pledge of service.

Extract from the Yorkshire Fines

1599

John Estorfte, esq., and John Malyverer, esq. transfer to *Ralph Spence*, gent. The Manors of Barden and Hawxwell and 10 messuages with lands in the same.

Ralph Spence was a Yorkshire gentleman

Gressom (Gressum) a fine paid to a feudal lord on entering a property

Gate also referred to as a stint. This was a means of regulating the number of animals allowed to graze on a common or unfenced area of pasture or moorland. Each farmstead was allotted a number of gates or stints and these equated to specific numbers of cattle sheep or horses.

Indentures Agreements were normally written out three times on a single sheet of parchment - two copies side by side and one copy across the bottom of the sheet, separated by an indented or wavy line. The purchaser kept one copy; the seller the other and the final copy - 'the foot of the fine' - was kept by the court as a central record of the conveyance. It was a means of having title registered to guard against subsequent fraud or forgery as copies if this three piece jig-saw would only fit together if genuine. (This definition is taken from The National Archives Research Guide no. 140)

Justices in Eyre of the Forest.

All the pleas of the forest were heard and determined before Justices specially assigned to hear the same by the King's commission. These Justices issued their warrants to the Sheriff of the county and the Chief Wardens of the forests to summon before them on a certain day named everybody who held land within the forest, and finally the Sheriff was ordered to be present in person on the same day with all his bailiffs to execute the process of the Court, &c. The function of the Chief Justice in Eyre was not so much to try offenders against the Forest Laws, as to fix the fines and punishments of those who had been previously convicted at the Forest courts known as Swanimotes and Forest Eyres.

Lessee A person to whom a lease is granted, known as a tenant.

Lessor An entity that leases an asset to another entity.

Ling is a type of heather suitable for thatching.

Livery of seisin referred to the ceremony by which the transferor conveyed property to the recipient pursuant to a conveyance. To successfully convey a fee interest in the property, the doctrine requires the physical transfer of a piece of the ground, twig, key, or other symbol on the premises in the presence of witnesses.

The Mickleton Lease 1607

Livery of seisin could refer to either:

- *livery in deed*, whereby the parties actually went on to the land, and the transferor symbolically delivered possession of the land by handing over a twig or a clump of earth to the recipient, or
- *livery in law*, whereby the parties went within sight of the land and the transferor telling the recipient that possession was being given, followed by the recipient entering the land. (Wikipedia)

Lord services included these most common types

Labour Service- the work you were expected to do for your lord on his land e.g. some tenants in Lunedale had break up stones and repair the main road.

Week-work- these were the days during the week when you had to work for your lord

Boon-work- these were additional days which villagers had to work for the lord during busy times such as harvesting or ploughing.

The Manor

The land within a manor broadly fell into two types:

1. demesne land: the land farmed directly on behalf of the lord himself as a 'home farm';
2. tenant land: land granted out to tenants who farmed it on their own behalf, paying rents and services to the lord in return for their use of the land.

Manor Courts

Manor courts were held 'for lord and neighbourhood', their principal functions being the preservation of the rights of the lord, on the one hand, and the regulation of relations between tenants, on the other. The latter function merged into dealing with breaches of the peace, and a third strand in the work of the court leet was their public role of dealing with criminal affairs and carrying out the various statutory obligations laid on them.

There were two main types of manor court, the court baron and the court leet. On many manors by the late-medieval period courts baron, dealing largely with minor pleas, were held every three or four weeks, while agrarian business was dealt with at the court leet and was held twice each year, in Spring and Autumn

Manor courts were an important source of income for the lord. Money flowed into the lord's coffers from most aspects of the courts' proceedings, particularly in the form of ameracements from people infringing byelaws and the lord's rights and entry fines when tenancies changed hands.

The three-weekly meetings of courts baron was in decline by the 16th century. The work of the manor court may be divided into three main areas:

- providing a record of changes of tenancy by recording surrenders and admittances to copyhold land. In manors with much copyhold or customary tenantright land, although transfers of such land by death or alienation continued to be recorded on verdict sheets of the manor court, a separate court of dimissions was sometimes held to provide a more formal record of the transfer and of the entry fine paid to the lord.

The Mickleton Lease 1607

- making byelaws and punishing wrongdoers (orders and presentments). Byelaws (pains) and more specific orders aimed to uphold the lord's privileges and 'good neighbourhood' (neighbourly relations) within the manorial community. Those offending against the orders and byelaws made by the manor court, or breaking the King's peace or statutes which fell under the jurisdiction of a court leet were 'amerced' or fined.
- hearing pleas between tenants of the manor in cases of alleged debt, trespass, etc. These minor civil cases often formed the bulk of business at courts held between the head courts, the customs of the manor often requiring tenants to bring such pleas to the manor court rather than any other body.

The steward would summon the court by instructing manorial officers to fix a notice to the church door or have it read out in church. While in theory all men over 12 attended each court, it is likely that in practice only the manorial officers, offenders, jurymen, witnesses, litigants and pledges and those involved in land transfers came to the court.

Although the manor court was the lord's court, and everything was done in his name, it was usually presided over by his steward, who was appointed by the lord, or the steward's deputy. In addition to the steward, there were other officers of the court. The bailiff was responsible for matters relating to the manor as a whole, especially freeholders, the agent of the lord of a manor, who collects his rents, etc. The bailiff was responsible for inquisitions, for the amounts owed at the two courts leet, for suits of court, fealty and respite of service, failing to appear at court and manorial offences relating to freeholders.

Other officers of the court,

- (1) graves, were elected annually from amongst the copyholders, The graves were responsible for making presentments, for entry fines of land within their graveships and for ameracements and distrains.

closes were elected, one for each vill, or township, to keep the peace. They were assisted by "sworn men" to help them compile their six-monthly report to the court leet. This consisted of an account of various offences committed within the village, or "nothing to present", brought before the jury.

closes and graves were also responsible for collecting the lord's rents. During the medieval period, graves also supervised labour services on the lord's desmesne. After each court session, the roll records the sum to be paid to the lord from that session, with subtotals "upon" the bailiff and the graves, and therefore the sum that each is to ensure reaches the lord's steward.

There was an annual reckoning around Michaelmas by the bailiff and graves, in which rents, court profits and sales of produce were accounted, along with expenses of the manor for the year, and presented to the steward for audit.

Additional officers were

1. pinders for rounding up stray animals,
2. foresters for protecting the lord's forest against encroachment and poaching,
3. aletasters to check the quality and price of ale, and

The Mickleton Lease 1607

4. heywards to watch over crops.
5. Constable, an officer of the peace for a vill or parish.

The Business of the Court

While the steward or his deputy presided over the court, he did not judge. Decisions were made by a jury of twelve elected copyholders, sworn. In any contested case, unless an agreement was made outside the court, an inquisition would be held in which the jury would make a decision and then apply a penalty in accordance with the custom of the manor. Juries were made up of local men, who had usually lived their lives in the manor, and so were considered to have the necessary knowledge to judge the matter concerned and to be familiar with manorial custom. It was possible for the steward to intervene if he felt the lord's interest was at stake, but custom was a powerful force.

The terms of the tenancy were recorded as being "according to the custom of the manor". This form of tenure became more secure by the sixteenth century. As villein status had altered greatly by this stage, the tenure of copyhold land came to be regarded by the royal courts as similar to freehold. The recording of land transfers in the manor court roll, with a copy held by the tenant, became increasingly important for tenants as a record of their right to the land. Copyhold land transferred permanently tends to be described in much greater detail, similar to the title deeds of freehold lands, by the 17th century.

The court also offered arbitration in disputes between individuals (debt, trespass, detention or breach of agreement). Each case was brought by a plaintiff, and both the plaintiff and defendant would often produce named pledges, especially in the medieval period, to stand surety. Most defendants were allowed three summonses, three distrains (for failing to appear) and three essoins (excused absences) before being required to defend the case, so that cases could be pending for months. The jury would finally decide the outcome, but many times the case was agreed out of court before the final stage was reached; if so, there was still a fee to be paid for licence to agree.

Messuage, a legal term, equates to a dwelling-house and includes outbuildings, orchard, curtilage or court-yard and garden. *messuage* derives from the Anglo-French *mesuage* (holding), probably a corruption of popular Latin *mansio*, whence modern French *maison* (house), from *manere* (to dwell).

The piece, or parcel is the exact term to define a field, it constitutes the elementary division of the ground, it is a whole patch of land belonging to only one owner. This term is also employed in the land register to indicate the various units of ground, distinguished by their limits and their owner, in rural medium like urban. Their regrouping forms the compartmental one.

Pensioner to His Majesty; anyone in receipt of a pension granted by the sovereign for their personal services to the Crown, or by the performance of duties to the public, or by their useful discoveries in science and attainments in literature and the arts, have merited the payment from their sovereign and the gratitude of their country.

Prince Bishops of Durham held unique power in the land between Tyne and Tees, the last vestiges of those once held by the kings and earls of Northumbria. Ultimately the Bishops answered to the kings of England, but their powers in Durham were very similar to those held by the King of England in other parts of the country.

The north east England history pages

The Mickleton Lease 1607

Bishops of Durham were thus given powers enabling them to; - hold their own parliament, - raise their own armies, - appoint their own sheriffs and Justices, - administer their own laws, - levy taxes and customs duties, - create fairs and markets, - issue charters, - salvage shipwrecks, - collect revenue from mines, - administer the forests - and mint their own coins. Indeed the Prince Bishops lived like kings in their castles or 'palaces' at Durham City and Bishop Auckland.

*Read more about the Prince Bishops in the [Timeline](#)
www.northeastengland.talktalk.net*

quitclaim deed is a term used in property law to describe a document by which a person (the "grantor") disclaims any interest the grantor might have in a piece of real property, and passes that claim to another person (the grantee). A quitclaim deed neither warrants nor professes that the grantor's claim is actually valid. Quitclaim deeds are sometimes used for transfers between family members, gifts, or to eliminate clouds on title, or in other special or unusual circumstances.

A **shire** is an administrative area of Great Britain. The first shires were created by the Anglo-Saxons. Shires were controlled by a royal official known as a "shire reeve" or sheriff.

Historically shires were sub-divided into wards or hundreds the term probably referred to a group of 100 hides (units of land required to support one peasant family). In the areas of Danish settlement these units were usually called 'wapentakes', the word derived from an assembly or meeting place, usually at a cross-road or near a river, where literally one's presence or a vote was taken by a show of weapons.

Besides being divided into three Ridings, East, North and West (a Riding being derived from the Norse word "thridding," meaning a third part) Yorkshire was further sub-divided into Wapentakes Mickleton was in the North Riding and the Gilling West wapentake

Suit: Attendance.

A **tenement** (from the Latin *tenere to hold*), in law, is anything that is held, rather than owned. This usage is a holdover from feudalism, which still forms the basis of all real-estate law in the English-speaking world. The thing held is called a tenement, the holder is called a tenant, the manner of his holding it is called a tenure, and the superior is called the landlord, or lord of the fee.

Townfields; A term used in the north of England when referring to the 'open-fields' of a township, particularly those relatively small open fields of upland areas.

Township; the smallest unit of local government, of ancient origin. In many parts of England parishes formed a single township, but where parishes were large e.g. in the Pennines, they were often subdivided into townships. In the 16th century townships or civil parishes were given responsibilities for the poor and the highways. They were also units of taxation. Townships survived until the creation of Urban and Rural District Councils in the late 19th century.

turbary is a piece of peat land from which turf may be cut for fuel. By extension, the word may be applied to the material extracted from the turbary. Turbary, which is more fully

The Mickleton Lease 1607

expressed legally as *common of turbary*, is the right to cut turf from a turbary on a common or in some cases, another person's land.

Villein A peasant who, under the feudal system of land tenure that prevailed in Europe in the Middle Ages, gave dues and services to a lord in exchange for land. Villeins were not slaves, and were named as freemen and freewomen in medieval documents, but they were not free. They and their land and possessions belonged to the lord of the manor. They were not free to leave the manor, and they were subject to a large number of obligations required by the lord, including work on the lord's demesne two or three days a week, additional work at harvest, and the payment of manorial dues. In many places they also had to pay for the right to brew ale, bake bread, and grind corn at the lord's mill.

After the mid-14th century, as the effects of the Black Death led to a severe labour shortage, their status improved. By the 15th century villeinage had been supplanted by a system of free tenure and labour in England, but it continued in France until 1789.

a '**yeoman**', by the 15th century, was a farmer of middling social status who owned his own land and often farmed it himself. Yeoman farmers were originally a class of British or English landholding (freehold and copyhold) farmers in the late 14th to the 18th century. The amount of land owned and the wealth of the English yeoman farmer varied from place to place. Many were prosperous, mixed with the minor gentry and some even rented land to gentleman landowners. Yeoman farmers were called upon to serve their sovereign and their country well after the Middle Ages, for example in the Yeomanry Cavalry of the late 1700s and later Imperial Yeomanry of the late 1890s.

Most yeomen farmers had servants or labourers with whom they would work if they had the means to afford such services. The term Yeoman Farmer was later used to distinguish them from Gentleman Farmers, who did not labour with their hands.

Some yeomen had more wealth than the minor gentry, but remained classed as yeomen by choice rather than by necessity. Often it was hard to distinguish minor gentry from the wealthier yeomen farmers, and wealthier husbandmen (householders) from the poorer yeoman farmers.

The Concise Oxford Dictionary, (edited by H.W. & F.G. Fowler, Clarendon Press, Oxford, 1972 reprint, p.1516) states that a Yeoman is "a person qualified by possessing free land of 40/- annual [feudal] value, and who can serve on juries and vote for a Knight of the Shire. He is sometimes described as a small landowner, a farmer of the middle classes."

The Mickleton Lease 1607

Acknowledgements

The Heritage Lottery Fund has enabled parishes throughout the country to research their local history and the Time Lines project, based around the seven parishes in the Mid Teesdale Partnership area, is one of the groups which have received funding.

The Time Lines project has supported several groups interested in various aspects of the history of the area, the 'Mickleton Lease' being one of these.

Thanks are due to the following for their contributions:

W.Lorne Tallentire, researcher

K Fairless

Margaret Dent, editor

M Pinkney

Strathmore Estates

Durham County Record Office

Mid Tees Project Partnership, Time Lines Group

Durham Rural Community Council

Mosaic Publishing

Photographs:

G Russell

Teesdale Mercury

C Sanderson

N Browne

J Whitfield

M I Stoddart

D Collinson

A Sayer

M E Dent

Internet sites including

Wikipedia, The National Archives Research Guide, Hutchinson 'Dictionary of Difficult Words', Victoria County History on line

British History on line

enquiries@historylearningsite.co.uk

Reference books

Basic Facts about Family History in Yorkshire, by Pauline M. Litton, published by the Federation of Family History Societies, price £1.70 UK, £2.00 O/s surface, £2.60 O/S air, from the FFHS Publications Dept, 2-4 Killer Street, Ramsbottom, Bury, Lancs BL0 9BZ.

Surtees County History

1569 Rebellion of the North, Editor Sir Cuthbert Sharp (out of print)