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- III. Chester's Triumph in Honor of her Prince, as it was performed upon St. George's Day 1610, in the foresaid Citie. Reprinted from the original edition of 1610, with an Introduction and Notes. Edited by the Rev. THOMAS CORSER, M.A. pp. xviii, 36.

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- IX. The Norris Papers. Edited by THOMAS HEYWOOD, Esq., F.S.A. pp. xxxiv, 190.

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- XI. The Coucher Book or Chartulary of Whalley Abbey. Vol. II. pp. 339-636.
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- XV. The Holy Lyfe and History of Saynt Werburge, very frutefull for all Christen People to rede. Edited by EDWARD HAWKINS, Esq. pp. xxviii, 10, 242.

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REMAINS  
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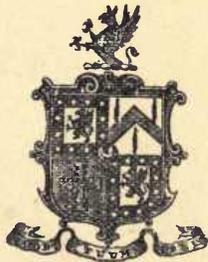
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ANNALS  
OF  
THE LORDS  
OF  
WARRINGTON  
FOR THE FIRST FIVE CENTURIES  
AFTER THE CONQUEST.

WITH HISTORICAL NOTICES OF THE PLACE AND  
NEIGHBOURHOOD.

BY  
WILLIAM BEAMONT, Esq.

"Where by the Mersey's willow margent peers  
Walintun's forded town and manor seat,  
Whose fane there vow'd to sainted Elfin's name,  
Of yore aspires beside the forted mound  
At head of its throng'd hamlet's antique street,  
Fronting the pass which Thelwall's watch defends.  
Or from its vicinage, where Bewsey's isle  
Its moated hall by verge of bowery woods  
Lifts over Dallam's meads."

(*Afred*, a poem, by John Fitchett, esq. B. 44.)

PART II.

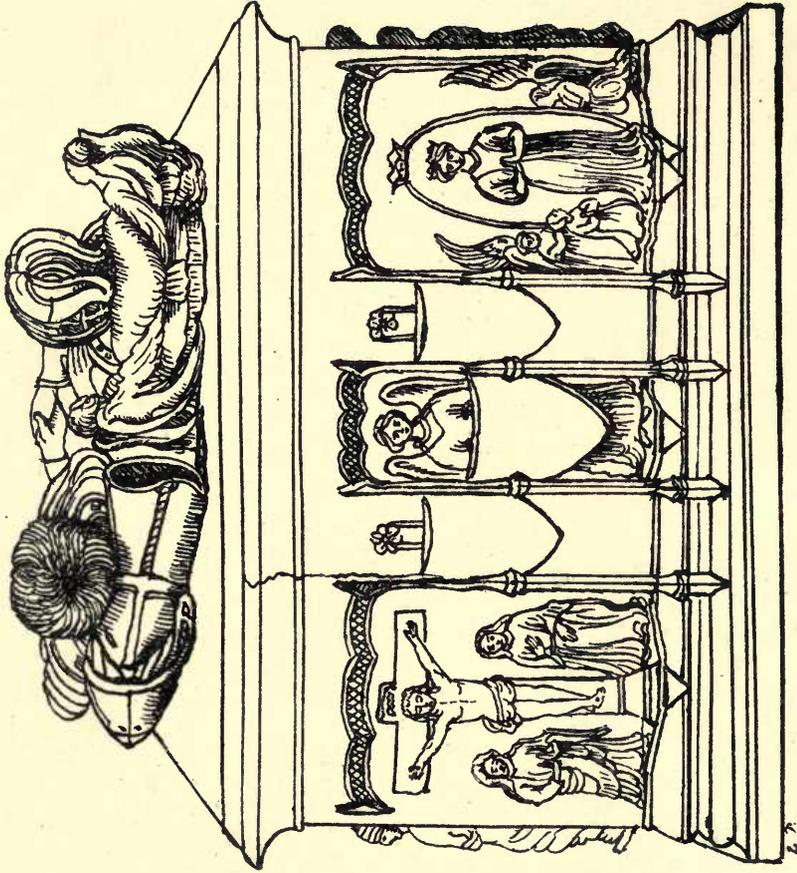
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THE BOTELER TOMB.  
WEST END.

## CHAPTER XVIII.

SIR JOHN FITZ SIR JOHN LE BOTELEK,  
THIRTEENTH BARON.

JOHN BOTELEK, afterwards sir John Boteler, the son and heir of sir John and dame Isabella, appears from his mother's inquisition post mortem to have been born on the 12th March 1429.

On or about the 18th August 22 Henry VI. (1444), when he was about 15 years of age, he appears to have married Margaret the daughter of Peter Gerrard esquire of Kingsley and Brynn in Cheshire, who, as he had purchased his wardship, bestowed him in marriage on his own daughter without consulting his inclinations. A deed of the above date relating to lands in Crophill-Boteler is expressly said to be made *ad requisitionem Johannis Boteler filii et hæredis Johannis Boteler militis*. By another deed of the same date Thomas Haryngton esquire, son of sir William Haryngton the surviving trustee of the Boteler estates, granted to Peter Gerrard esquire, William Massey of Rixton esquire, and Thomas Massey and Gilbert Halsall clerks, the manor of Crophill-Boteler and all other hereditaments which sir William Haryngton and his co-tenants had received by the gifts of sir John Boteler deceased. To this deed sir William de Plumpton, William the clerk of Gedlyng, Thomas de Musters and others are witnesses. (Lord Lilford's *Deeds*.) Thomas de Haryngton, who was afterwards knighted, is the same person who at a later period is mentioned with so much honour for his services at Crottoy and in other parts of France. (*Rot. Par.*, vol. v.

p. 191.) He is the same person also who was joined with sir Thomas Stanley in a commission to muster and array the Lancashire and Cheshire men for war. (*Acts of the Privy Council*, vol. vi. pp. 95, 130.) He afterwards joined the earl of Salisbury in his rising, and with the earl's two sons was taken prisoner at Blore, and was sent from thence to Chester castle. His end at last was sad, for in the battle at Wakefield, where both he and his son were engaged, his son fell in the field, and he himself having been mortally wounded died the next day. (*Hist. Richmonds.*, vol. ii. p. 250.)

An assessment made upon the Lancashire towns in 25 Henry VI. (1448), which seems to have been submitted to commissioners to moderate it before its final adoption, may serve to give us some idea of the comparative consequence of these towns at that time. By this assessment, which is as follows, Lancaster appears to have been the most and Warrington then the least considerable place in the county :

The Wigan assessment of	4 <i>l.</i> 0	was reduced to	1 <i>l.</i> 10 0
Liverpool	„ 3 0	„	0 13 4
Warrington	„ 3 0	„	0 10 0
Manchester	„ 3 7	„	0 13 4
Preston	„ 3 10	„	1 5 0
Lancaster	„ 4 0	„	1 17 0

Sir John Boteler had received the honour of knighthood before the 2nd July 26 Henry VI. (1448), for in a deed made and dated at Bewsey on that day he is styled knight. By this deed sir Thomas Haryngton, Thomas Dutton, Hamon le Mascy of Rixton esquires, Thomas Mascy parson of Warrington, Richard Mascy, John Holcrofte and Thomas Pemberton esquires, appointed Hamon Naylor to be their attorney to receive from sir John seisin of all his lands which by his charter he had that day granted them. (Dodsworth's *MSS.*) In this charter there occurs the word "defendebo" (*I will defend*), which has about it a fine smack of canine Latinity. (*Bold Deeds.*)

During sir John Boteler's minority his lands had probably suf-

Justice of Com. Pleas 7th 1448

ferred from waste and neglect, to repair which on the 2nd August 26 Henry VI. (1448) the king granted him 100*l.* in money which had been forfeited to his majesty by the bail (*manu captores*) of Peter Ardern, who had failed to produce him before the duke of Suffolk and sir Thomas Stanley, the king's justices at Chester,— at the court next before the feast of Holy Trinity 25 Henry VI. (1447). The grant is expressly stated to be made towards the building and repairing of sir John's messuages, lands and tenements. (*Cheshire Recognizance Rolls.*)

Meanwhile the fever of abduction of women had not only not died out but had reached the height of an epidemic in the year 1437. On the 4th December in that year writs were issued to the sheriffs of London and of twenty-four English counties, setting forth that the king had been informed of the gathering of "great routs and divers conventicles of misgoverned men, by whom divers and great robberies, rapes of women, burnings of houses, manslaughter, and many other great riots and inconveniences had been committed, the which assemblies chiefly consisted of such persons as would not labour for their sustenance, but rather desired to live in idleness, and go well arrayed and fare delicately, withouten they have any possessions wherewith to maintain such estate as they show." For suppressing which disturbances copies of the statute of Winchester were furnished to the sheriffs, and they were enjoined to see its provisions strictly carried out. (*Privy Council Proceedings*, vol. xxvi.) But ill manners proved too inveterate to be eradicated by a royal proclamation and an obsolete statute; and, notwithstanding both, outrages such as that which lady Boteler had suffered from still continued to be perpetrated in defiance of the laws. In 1439 dame Margaret Malefaut was forcibly carried off and compelled by threats to marry Lewis Leyson. (*Archæol. Cambrensis*, 1852, pp. 210, 211.)

In 31 Henry VI. (1452) Edward Lancaster gentleman, at the head of a band of forty persons, feloniously entered the house of dame Joan Beaumont, widow of sir Henry Beaumont in Glamor-

ganshire. Lancaster, placing her on horseback behind one of his men and making her fast to him with a towel, brought her to a church where there was a priest waiting to marry her to the said Edward. When the priest would have had her say the words of matrimony she refused to say them, and said she was contracted to Charles Nowell esquire, and was therefore his wife. But the priest said that for fear of his life he durst do no other than marry her to Lancaster, and so she was by coercion wedded to him; and like lady Malefaut and lady Boteler she prayed for a remedy against her wronger. (*Parl. Rolls*, vol. v. pp. 14, 269.) The measure which the mild king adopted to prevent this great evil proved ineffectual, and until the helm of state was grasped by the firm hand of Henry VII., who in his third year obtained an act of parliament to prevent it and to visit such offenders with condign punishment, it continued to prevail.

On the 23rd September 26 Henry VI. (1447) sir John Boteler sent Robert Whitelawe to Eccleshale to receive holy orders, when, as the register expresses it, he was ordained a priest *ad titulum Johannis Boteler militis et baronis de Weryngton*; on the 18th May 26 Henry VI. (1448) on the same title Henry Herdman was ordained a subdeacon; and on the 26th September and 26th December following he was ordained successively a deacon and a priest at Lichfield. (*Lichfield Register*.) These long journeys, which the clergy from this neighbourhood were forced to take for holy orders at all seasons of the year, made large demands on their time and resources in that age.

Sir John seems to have been fond of having the clergy about him, for on the 26th December 1447 he sent Richard Sefton to Lichfield to be ordained deacon on his title; and on the 8th March 1448 Sefton became a priest on the same title. (*Ibid.*) But perhaps sir John who was now so soon to attain his majority was only providing himself with the three chaplains, which the law then allowed a baron to retain. These chaplaincies were sought to enable the clerk to have a dispensation to hold more livings than one.

The next year (28 Henry VI. 1449), though not of age, sir John was elected a knight of the shire for the county of Lancaster, then almost a province, having for his colleague sir Thomas Stanley of Lathom, who on the 20th January 34 Henry VI. (1456) was summoned to the upper house as the first baron Stanley. (*Hist. Lan.*, vol. i. p. 315.) It was in pursuance of an act passed in this reign that a freehold of forty shillings first entitled a man to vote for knights of the shire. Sir John Boteler however did not long wear his parliamentary honours: he retired on the new election in the next year, and sir Thomas Haryngton was chosen in his place. Sir John probably took Sefton his chaplain with him to London. At all events his presence in parliament enabled him to do himself justice; for in one of the acts of resumption passed that year, which were frequent in those unsettled times, to enable the crown to reclaim grants which had been improvidently made, sir John procured an exemption to be inserted in it in his favour, that it "should not be prejudicial to or of any grant made unto him by the king, of view of frank-pledge to be holden within his manor of Beausee, and in the towns of Weryngton, Sonky and Burtonwoode, as parcels of the same manoyr, which the king had granted to him upon certeyn precedents allowed in ayer to his aunceters of longe tyme paste." (*Hist. Lan.*, vol. iii. p. 656.)

The house of Bewsey having considerable possessions in the Fylde country had long stood in the relation of friends and patrons to the neighbouring cell at Lytham, a dependency of the great Benedictine priory of Durham. The Botelers indeed might almost be called the second founders of the cell, since William fitz Almeric le Boteler had released to its inmates all his lands in Lytham and the pasture of Kellmergh as early as the year 1268 (*Hist. Lan.*, vol. iv. p. 411), and his descendants had ever since continued to show them acts of kindness and friendship. This early and long-continued relationship between the Botelers and the cell, the prior and convent of Durham did not forget. They were grateful to the house of Bewsey and were willing to

show their gratitude, not by returning their gift of houses and land or other temporal possessions in kind, but by granting them such spiritual privileges as they had to give, which in that age of vicarious religion were very highly valued. Accordingly in the year 1450 sir John Boteler knight and dame Margaret his wife received from them letters of fraternity, in which their kindness to the cell at Lytham being acknowledged, they were declared members of the priory and convent of Durham, admitted of their fraternity, and made partakers of the benefit of all their masses, prayers, fastings, watchings and labours, and assured on paper, that for them after death the same masses and prayers should be offered and said as for any other members of the order. (*Durham Obituary Roll*, p. 111, Surtees soc.) These letters of fraternity were very expansive in that age. Sometimes they were made to a single person; at another time, as in sir John Boteler's case, they included a husband and his wife; at other times they were made to a husband and wife and all their children by name; and in the case of William de Plessetis, his executors actually procured for him such letters of fraternity after his death. (*Madox's Formulæ Anglic.*, p. 314) There was almost always added at the end of them a form of absolution in terms which must be called daring if not absolutely profane. In sir John Boteler's day these contrivances, which were accounted a sort of amulet, found great favour.

Sir John Boteler's prudence, for which he is entitled to be commended, was shown in several ways. He lived in an age when there was great faith in letters of this sort, an age when the followers of St. Francis boasted that he had received

"a grant from heaven on high  
That whoso wore his cord should never die;"

and the Carmelites proclaimed that their founder St. Simon Stock had received from the Virgin herself a scapular, with the express assurance that whoever died in it should escape eternal condemnation; and when almost every other religious order

boasted the possession of similar privileges, need we wonder that sir John Boteler believed in their efficacy, and so believing enrolled himself and his wife in the brotherhood of the priory of Durham? He showed his worldly prudence also in the care he took to choose a wife for his son and the pains he was at to see him married in his lifetime. In the times in which sir John lived all lands were held either from the king or some other feudal superior, and when the owner died leaving an infant heir, the feudal superior stepped in and claimed his wardship until he had attained the age of 21, and, if he happened to be unmarried at his father's death, his marriage or the right to marry him. This guardianship and marriage were most valuable perquisites, and like the ordinary subjects of property were both saleable and transferable to the best bidder. Margaret Paston in 1481 left her son William c. marks to buy so much land as might be had for that sum, or else to buy a ward to be married to him if any such might be had. And a few years later sir John Cornwall bequeathed to his son Richard the wardship of Margaret Lowthe, which he had bought of the duke of Norfolk, to marry her himself if they were both contented; but if not, then he willed that Richard should have the wardship and marriage of her with all the advantages and profits belonging to it. Hence there arose an impatience in parents to have their heirs married in their lifetime, and to effect this they often entered into contracts, the provisions of which seem to us now to be very strange. In 1468 there was a contract that William Morris, then 9 years old, should marry Catherine Bold then aged 4, which marriage in due time took effect. (Ormerod's *Miscel. Palatina*, p. 28.) And sir Thomas Venables agreed that Thomas his son and heir should marry Elizabeth daughter of sir William Breerton, or, in case of her death before the marriage, such other daughter of the said sir William as should be thereafter appointed; and in case of the death of the said Thomas the son before the said marriage, then such other son as should be the heir of the said sir Thomas should marry the said Elizabeth or other daughter, and so on from son to son and daughter to daughter.

In the year 1452 sir John Boteler having lost his wife Margaret Gerrard, who had left him a son about 5 years old, he himself being then only 22, looked round for a wife for his son, and his choice having lighted on Anne daughter of sir John Savile, the following settlement was made: "This writying indented made between John Botiller knyght on the one p'tye and John Sayvell knyght on y<sup>e</sup> other p'tye, beres withnesse that it is aggreed, accorded and granted by y<sup>e</sup> saied p'tyes in y<sup>e</sup> fourme ensuyng, that is to say y<sup>t</sup> y<sup>e</sup> saied John Boteler grants to the sayd John Sayvelle that John sone and heyre apparent of y<sup>e</sup> same John Boteller knyght, shall by the G'ce of God have & take to wyfe Anne y<sup>e</sup> doghter of y<sup>e</sup> saied John Sayvell before y<sup>e</sup> fest of y<sup>e</sup> nativite of our Lord Ihu Crist next suyng y<sup>e</sup> date of this writing. And y<sup>e</sup> same John Boteller knyght shall make, or els make to be made to y<sup>e</sup> saied John his sone and Anne, before y<sup>e</sup> saied fest, a laghfull & sufficient estate of landes & teñtez to y<sup>e</sup> yerely value of xl. marks of all charges and reprise; in place convenable at y<sup>e</sup> ovsight of St Thomas Haryngton knyght, to have & hold the same landes and teñtez w<sup>t</sup> y<sup>e</sup> apptenance to the sayd John y<sup>e</sup> sone and Anne and to y<sup>e</sup> heres of y<sup>e</sup> body of y<sup>e</sup> same John y<sup>e</sup> son laghfully geten w<sup>t</sup>oute . . . of y<sup>e</sup> saied Anne, and for defaute of such issu y<sup>e</sup> remayner y<sup>e</sup>reof after theyr deceesse to y<sup>e</sup> saied John Botiller knyght and his heires, and y<sup>e</sup> same John Botiller knyght grauntes y<sup>t</sup> all y<sup>e</sup> landes and teñtez whereof he or any other p'sone or p'sones is possessed or seised to his use y<sup>e</sup> day of y<sup>e</sup> makyng of this p'sent writing shall immediately after y<sup>e</sup> deceesse of y<sup>e</sup> same John Botiller knyght descend, remayne, come, revert or fall to y<sup>e</sup> saied John his son and to his heires w<sup>t</sup>oute discontinuance, alienacōn and encombrance of accōn or charges y<sup>e</sup> of to be made, done or granted by y<sup>e</sup> same John Botiller knyght or by any other by his comawndement in tyme to come, except for y<sup>e</sup> performyng of y<sup>e</sup> cov'n'ntes comphended in this indentur. Also y<sup>e</sup> saied John Botiller knyght granted y<sup>t</sup> all y<sup>e</sup> landes and teñtez whereof any p'sone or p'sones be nowe possessed or seised for terme of lyfe y<sup>e</sup> revsion or remaynder thereof to y<sup>e</sup> saied John

Botiller knyght belongyng shall immediately after y<sup>e</sup> deceſſe of ſuch p<sup>er</sup>ſone or p<sup>er</sup>ſones ſo havyng thaym for t<sup>er</sup>me of thayr lyfes, and after y<sup>e</sup> deceſſe of y<sup>e</sup> ſame John Botiller knyght decend, remayne or rev<sup>er</sup>te to y<sup>e</sup> ſaid John y<sup>e</sup> ſone and to his heires w<sup>o</sup>ute any charge y<sup>e</sup>reof hereafter by y<sup>e</sup> ſame John Botiller knyght to be made or granted. Except alway y<sup>t</sup> it be laghfull to y<sup>e</sup> ſaid John Botiller knyght to be bounde for hymſelf or for his frendes for y<sup>e</sup> ſuerte of peace, or for other cauſes reaſonable ſo y<sup>t</sup> y<sup>e</sup> ſaid bonds be nought made by fraude nor to th<sup>e</sup>ntent to charge y<sup>e</sup> ſaid landes and teñte; ne any p<sup>er</sup>cell y<sup>o</sup>f; and alſo except that y<sup>e</sup> ſaid John Botiller knyght ſhall have at his lib<sup>er</sup>te p<sup>er</sup>cell of y<sup>e</sup> ſaid landes and teñte; to y<sup>e</sup> yerely value of c<sup>li</sup> to diſpoſe and graunte at his will, that is to ſay, to his wyfe or childer mulier geten, if he have any wyfe in tyme to come thereof, to y<sup>e</sup> value of <sup>xx</sup><sub>iiij</sub><sup>li</sup> yerely for t<sup>er</sup>me of thaire lyfe, and ſuch ſvunte; as hit ſhall pleaſe hym to y<sup>e</sup> value of xx<sup>li</sup> yerely for t<sup>er</sup>me of thayr lyfes, ſo that y<sup>e</sup> ſame landes and teñte; after y<sup>e</sup> deceſſe of ſuch wife, child or ſvant having thaym or any p<sup>er</sup>cell yerof for t<sup>er</sup>me of thayr lyfes; and after ye deceſſe of y<sup>e</sup> ſame John Botiller knyght remayne, r<sup>er</sup>verte or fall to y<sup>e</sup> ſaid John y<sup>e</sup> ſon and to his heires. Except alſo the right and title of dower of any of y<sup>e</sup> ſaid landes and teñte; which hereafter may belong or p<sup>er</sup>teyne to any wyfe which y<sup>e</sup> ſaid John Botiller knyght happes to take in time to come, the which landes and teñte; ſo to be had in dower after y<sup>e</sup> deceſſe of ſuch tenaunt in dower ſhall immediately decend, r<sup>er</sup>rt, remayne, or come diſcharged to y<sup>e</sup> ſaid John y<sup>e</sup> ſon and to his heires. Alſo y<sup>e</sup> ſaid John Botiller knyght grauntes to y<sup>e</sup> ſaid John Sayvell that he ſhall have y<sup>e</sup> rule and gov<sup>er</sup>naunce of y<sup>e</sup> ſaid John y<sup>e</sup> ſon and Anne, and thaym kepe, fynde and ſuſteyne in all thynges to thaym neceſſaries and competent; to thayre degree unto y<sup>e</sup> tyme y<sup>e</sup> ſame John y<sup>e</sup> ſon come to y<sup>e</sup> age of xvij. yere if he lyfe to that tyme. Alſo y<sup>e</sup> ſame John Sayvell ſhall have rule and gov<sup>er</sup>naunce and take y<sup>e</sup> p<sup>er</sup>fettes of landes and teñte; to y<sup>e</sup> yerely value of xx<sup>li</sup> p<sup>er</sup>cell of y<sup>e</sup> ſaid landes and teñte; to y<sup>e</sup> yerely value of xl. marcs whereof eſtate ſhall be

made to y<sup>e</sup> said John y<sup>e</sup> son and Anne in y<sup>e</sup> forme biforesayd fro' y<sup>e</sup> day of y<sup>e</sup> espousals had betwix y<sup>e</sup> said John y<sup>e</sup> son and Anne unto y<sup>e</sup> time y<sup>e</sup> said John y<sup>e</sup> son come to y<sup>e</sup> age of xiiij. yere, if y<sup>e</sup> same John and Anne lyf to y<sup>t</sup> time. And y<sup>e</sup> said John Botiller knyght shall have y<sup>e</sup> rule and gov<sup>n</sup>ance and take y<sup>e</sup> p'fettes of landes and te<sup>n</sup>tez to y<sup>e</sup> yerely value of x. marcs residues of y<sup>e</sup> said landes and te<sup>n</sup>tez to y<sup>e</sup> yerely value of xl. marcs by vij. yere next suing y<sup>e</sup> said espousals w<sup>t</sup>oute disturbance of y<sup>e</sup> said John Sayvell and Anne, and th'to y<sup>e</sup> same John Sayvell shall be bounden to y<sup>e</sup> said John Botiller knyght in xli<sup>i</sup>. And after y<sup>e</sup> same vij. yeres y<sup>e</sup> said John Sayvell shall have y<sup>e</sup> rule and gov<sup>n</sup>ance of all y<sup>e</sup> said landes and te<sup>n</sup>tez to y<sup>e</sup> yerely value of xl. marcs, and thereof take y<sup>e</sup> p'fettes unto y<sup>e</sup> tyme y<sup>e</sup> said John y<sup>e</sup> son come to y<sup>e</sup> age of xvij. yere, if he and y<sup>e</sup> said Anne lyfe to y<sup>e</sup> same age. And y<sup>e</sup> said John Sayvell w<sup>t</sup> v. sufficient p'sones w<sup>t</sup> hym shall be bounden to y<sup>e</sup> said John Botiller knyght in Dcc. marcs by statute m'chaunt obligacion or reconysance at y<sup>e</sup> elecion of y<sup>e</sup> said John Botiller knyght, w<sup>t</sup> defesance upon condicion y<sup>t</sup> if it happe y<sup>e</sup> said Anne to dye lyfyng y<sup>e</sup> said John y<sup>e</sup> son before y<sup>e</sup> tyme y<sup>e</sup> same John come to y<sup>e</sup> age of xvij. yere, that from then y<sup>e</sup> said John Sayvell shall make y<sup>e</sup> said John y<sup>e</sup> son to be delivered and restored to y<sup>e</sup> said John Boteller knyght, noght wedded and w<sup>t</sup>oute laghfull affiance to be made by y<sup>e</sup> same John y<sup>e</sup> son to take any other woman to wyfe by y<sup>e</sup> p'curyng, making, counsell or assent of y<sup>e</sup> said John Sayvell. For y<sup>e</sup> whiche marriage astate and inheritance to be made and hade in the forme above said, the said John Sayvell shall pay to y<sup>e</sup> said John Botiller knyght y<sup>e</sup> day of y<sup>e</sup> said espousals ccc. marcs; and also y<sup>e</sup> same John Sayvell w<sup>t</sup> sufficient p'sones w<sup>t</sup> hym shall be bounden to y<sup>e</sup> said John Botiller knyght in cccc. marcs by statute m'chant obligacion or reconysance at y<sup>e</sup> eleccion of y<sup>e</sup> said John Botyller knyght in y<sup>e</sup> forme y<sup>t</sup> follows, y<sup>tt</sup> is to say, to pay w<sup>t</sup>in a yere next suyng y<sup>e</sup> said espousels c. marcs, and w<sup>t</sup>in another yere then next suyng c. marcs, and w<sup>t</sup>in another yere then next suyng c. marcs, and

w<sup>t</sup>in another yere the next suyng c. marcs, y<sup>e</sup> residues of y<sup>e</sup> same cccc. marcs. And also y<sup>e</sup> said John Botiller knyght and sufficient p<sup>'</sup>sones w<sup>t</sup> hym shall be bounden to y<sup>e</sup> said John Sayvell in cccl. marks by statute m<sup>'</sup>chant obliga<sup>ç</sup>on or reconysance, at y<sup>e</sup> elec<sup>ç</sup>on of y<sup>e</sup> said John Sayvell, w<sup>t</sup> defesance opon condicion y<sup>t</sup> if it happe y<sup>e</sup> said Anne to dye w<sup>t</sup>oute issu of hir body geten by y<sup>e</sup> said John y<sup>e</sup> son before tyme y<sup>t</sup> she come to y<sup>e</sup> age of xvij. and no such issu beyng in lyfe y<sup>e</sup> tyme of hir deth, y<sup>t</sup> then y<sup>e</sup> said John Botiller knyght shall pay to y<sup>e</sup> said John Sayvell or to his executors cccl. marcs. w<sup>t</sup>in iij. yere next suyng y<sup>e</sup> dethe of y<sup>e</sup> said Anne. Also y<sup>e</sup> said John Botiller knyght and other sufficient p<sup>'</sup>sones w<sup>t</sup> hym shall be bounden to y<sup>e</sup> said John Sayvell in ccc. marcs, by statute m<sup>'</sup>chant obliga<sup>ç</sup>on or reconysance at y<sup>e</sup> elec<sup>ç</sup>on of y<sup>e</sup> said John Sayvell, w<sup>t</sup> defesant; opon condicion that if y<sup>e</sup> said John Sayvell make y<sup>e</sup> said John y<sup>e</sup> son at his pleyne age of xiiij. yere to come before y<sup>e</sup> ordinaire of y<sup>e</sup> Cathedrall chirch of Yorke or his officers, juges in his Court Christian at Yorke, then y<sup>t</sup> y<sup>e</sup> said John Botiller knyght make y<sup>e</sup> same John his son, bfore y<sup>e</sup> same ordinaire; or juges there, to confesse and knowledge y<sup>e</sup> said espousels to be gode and effectual in lagh of y<sup>e</sup> Chirch, and the same John y<sup>e</sup> son at that tyme to agree and assent to y<sup>e</sup> same espousels or else, and no divorce be had in tyme to come betwix y<sup>e</sup> said John y<sup>e</sup> son and Anne at y<sup>e</sup> suite of y<sup>e</sup> same John y<sup>e</sup> son, that then y<sup>e</sup> same statute m<sup>'</sup>chant obliga<sup>ç</sup>on or reconysance to be void, and els stond in strengthe and vertue. Also y<sup>e</sup> said John Botiller knyght and other and sufficient p<sup>'</sup>sones w<sup>t</sup> hym shall be bounden to y<sup>e</sup> said John Sayvell in <sup>M</sup>ij.<sup>li</sup> by statute m<sup>'</sup>chant obliga<sup>ç</sup>on or reconysance at y<sup>e</sup> elec<sup>ç</sup>on of y<sup>e</sup> same John Sayvell, w<sup>t</sup> defesance of condi<sup>ç</sup>on that if y<sup>e</sup> said John Botiller knyght make all y<sup>e</sup> said landes and te<sup>n</sup>te; to descende, come, fall, remayne or rev<sup>t</sup>e to y<sup>e</sup> said John y<sup>e</sup> son and his heires in y<sup>e</sup> ma<sup>n</sup> and forme as is above specified and rehersed, that then the same statute m<sup>'</sup>chant obliga<sup>ç</sup>on or reconysance of <sup>M</sup>ij.<sup>li</sup> be void, and els stande in his strengthe and vertue, and that all y<sup>e</sup> suerte; opon y<sup>e</sup> p<sup>'</sup>tye of y<sup>e</sup>

said John Botiller knyght shall be made, and also y<sup>e</sup> said espou-  
sel; on y<sup>e</sup> p'tye of y<sup>e</sup> said John y<sup>e</sup> son shall be hade and in y<sup>e</sup>  
forme bifore said p'formed upon resonable request thereof made  
by y<sup>e</sup> said John Sayvell, y<sup>e</sup> said John Botiller knyght bindes  
hym by this wryting to y<sup>e</sup> said John Sayvell in D<sup>li</sup>. Also y<sup>e</sup> said  
John Sayvell knyght bindes him by this wryting to y<sup>e</sup> said John  
Botiller knyght in D<sup>li</sup> that y<sup>e</sup> same John Sayvell shall make y<sup>e</sup>  
suertes; to be made on his p'tye to y<sup>e</sup> said John Botiller knyght.  
And also pay y<sup>e</sup> same John ccc. marcs y<sup>e</sup> day of y<sup>e</sup> said espou-  
sel; hade in y<sup>e</sup> maner and forme as is before rehersed upon  
resonable request thereof made by y<sup>e</sup> said John Botiller knyght.  
And if it happe y<sup>t</sup> any article or thyng conc'nyng thies  
p'misse; by lagh or conscience owe or be necessarie to be cor-  
rected, amended, added or amenused, y<sup>e</sup> said p'ties agrees and  
grauntes that such thynges, necessaries, shall be correct. and  
amended, added or amenused by y<sup>e</sup> advice of y<sup>e</sup> said Sr Thomas  
Haryngton and such counsell as he will take to hym, after y<sup>e</sup>  
true entent of y<sup>e</sup> covenante; as aforesaid, and as gode feyth and  
conscience requires. In wittnesse of which thynges the p'tyes  
above said to y<sup>e</sup> p'ties of this indented wrytinges enterchaunge-  
ably have putt to thayr seal; . Writen y<sup>e</sup> xij<sup>th</sup> day of August  
the yere of y<sup>e</sup> reigne of Kyng Henry sext, after y<sup>e</sup> conquest of  
England, y<sup>e</sup> xxx<sup>th</sup>" (1452). (*Bold Deeds*, Whitaker's *Ducatus  
Leod.*, 312, and Dodsworth's *MSS.* 142, p. 236.)

As the above deed contains some particulars which give us a  
curious insight into a contract of marriage at that time, and as it  
is moreover an early specimen of English, it has been thought  
best to give it *in extenso*.

The *fiancée*, Anne Savile, a granddaughter of Sir William  
Gascoigne the intrepid judge who committed the prince of  
Wales to prison, was of a good Yorkshire family seated at  
Howley, a place so remote from Bewsey that, considering the  
state of the roads and the tediousness of travelling at that time,  
we wonder how the alliance was brought about. But Jane, the  
daughter of sir Thomas Haryngton, sir John Boteler's uncle and

trustee, had married Anne Savile's brother, and it was this probably which led to the connection. (Tonge's *Visitation of Yorksh.*, p. 79, Surtees soc.) The price which sir John Savile paid for the marriage was 300 marks, and he was to have the rule and governance of the young couple, and to take and sustain them until the infant bridegroom was seventeen, for which he was to have 20*l.* a year until he was seven years old, and afterwards 40 marks a year: the bridegroom was then not more than five years old. If the bride died before the bridegroom was seventeen, he was to be restored to his father unmarried and unaffianced to any one else. The fulfilment of the contract was to be secured by an arrangement anything but simple, a series of bonds and counter bonds, which were quite in character with the law business of the time.

But alas! all this contrivance for continuing the family house proved of no avail. John Boteler, the child who had been thus espoused, died not long after without the marriage being ever completed, and Anne Savile afterwards became the wife of sir Roger Hopton.

Having lost one of his former chaplains, probably by death or promotion, sir John Boteler took steps to supply his place, and in the year 1452 he presented to the bishop for holy orders Henry de Burton, who on the 4th March was ordained a sub-deacon and on the 3rd June following a deacon at Lichfield, *ad titulum Johannis Boteler militis.* (*Lichfield Register.*)

This was a year of much bustle and business in the house at Bewsey. Besides contracting to marry his son, sir John, having purchased from sir Geoffrey Mascy of Tatton and Worsley and William Mascy his brother the wardship and marriage of Geoffrey, William's son and heir apparent, contracted to marry him to his own daughter Isabella. (Sir Peter Leycester's *MSS.*, *liber C.* pp. 204*a*, 206.) The contract was afterwards carried into effect, and there was issue of the marriage a daughter Joan, who married William Stanley, son and heir of the unfortunate sir William Stanley who lost his head by laying his

ungrateful monarch and master under too great a weight of obligation. A shield of arms, Mascy *new* and *old* empaling Boteler, still remaining on one of the Brereton tombs in Eccles church, commemorates this marriage.

Soon after these double espousals of his son and daughter, about the Christmas following, sir John conveyed to sir Thomas and sir Richard Haryngton knights, Thomas Dutton and Hamon le Mascy esquires, Thomas Mascy parson of Warrington, and Richard Mascy, John de Holcroft and Thomas Pemberton esquires, the whole of his manors and lands in Lancashire and all his manors of Exul in Warwickshire and Grafton in Wiltshire. This grant, which bore date 1st January 1453, was followed by a letter from the grantees bearing date the 20th of the same month, by which they appointed Thomas de Westby and Thomas de Holcroft esquires their attorneys to receive from the grantor seisin of the lands on their behalf. The letter is witnessed, amongst others, by sir Richard de Molyneux knight and William de Haryngton, Thomas Gerard, Richard Booth and Thomas Penketh esquires.

The Christmas of that year saw the halls of Bewsey crowded with friends and guests assembled to keep the season and honour the espousals of the young people. What amusements they would find in a country house at that time we can only conjecture. Outside the house there was not sufficient variety in the farming to interest a curious visitor. There were no model farms, no new implements, no prize animals or overgrown turnips to show and excite wonder; and the only food for the land, which the tumbrel and the wain had to carry to the fields, was either marl or the produce of the farm yard and stable, except perhaps burnt ashes or roots, which were occasionally strewn on the land, and have left the name of Burntearth or Brandearth on so many fields. Neither guano nor artificial composts were then known. There were, however, the sports of hawking, hunting, fishing, and some others to draw out the visitors and tempt them to occupy their mornings abroad; then

within doors there was the fool who, in virtue of his motley and his cap and bells, had "as large a charter as the wind" to shoot his wit at whom he pleased, whilst they who most felt his shafts must seem not to be hurt at all. Then again there was the game of shovel-board, the predecessor of billiards, which Falstaff had in his mind when he bade Bardolf "quoit Pistol down like a shove-groat shilling." There was mumming also in the hall, and dancing to the music of the tabor and pipe in the evenings; and if the visitors stayed long enough, there might chance to be the less refined amusement of a bull bait or a bear bait.

Sir John seems to have been prospering in his affairs, for we find him at this time purchasing and adding to his estate in Warrington some of the lands of his neighbour Richard Patten, a good name still happily no stranger to the place (*Warrington in 1475*, p. 92), and on the 11th February 1456 he made another purchase of lands in Sankey from William de Cartwright. (*Bold Deeds.*)

Nearly a century before this a Boteler of Bewsey, induced it is expressly said only *caritatis intuitu*, had been mainly instrumental in building a bridge over the river Mersey at Warrington (Rymer's *Fœdera*, vol. iii. p. 740, 741); and ever since it had been the desire of his descendants to maintain and keep up this useful means of communication with Cheshire and the South. John Boteler, the gallant soldier who had fought at Agincourt, thought of it when he was dying, and when he made his will on the 22nd February 1420, only a short time before his death, he left the sum of 20 marks expressly *ad reparationem pontis de Weryngton*. (See the will in the *Lambeth Registry*.) The like zeal for the same object lingered with the Botelers still, and again broke out into act on the 16th January 1453, when the pope's legate, William Booth archbishop of York and a native of this neighbourhood, Robert bishop of Durham, and William bishop of Carlisle, at the instance, we believe, of sir John Boteler, who had recently strengthened his influence at the northern metropolis

by espousing his son to the daughter of a great Yorkshire house, issued their letters granting to all Christian people, as well of the province of York as of every diocese whose bishop should allow and approve of those letters, who, truly and contritely confessing and repenting of their sins, should out of the goods which God had given them, graciously contribute, bequeath, or assign some part of them, or in any other manner extend a helping hand towards the great and costly work of building and erecting anew at Weryngton, in the diocese of Lichfield and Coventry, the bridge over *the great and rapid water which was commonly called The Merce*, which flows in a swift course to and from the sea, and which, both for the inhabitants and strangers who had occasion to travel that way, was troublesome and dangerous to cross. (*York Reg. of Archbp. Booth, 1576.*) Had not similar letters been obtained from Canterbury this indulgence would have been incomplete, but the influence of archbishop Booth and sir John Boteler availed to procure such letters from the archbishop of Canterbury, which are believed to be in the registry of that province. These letters of indulgence, in order to obtain money for a public purpose by the Church's authority, were the forerunner of the now obsolete means of raising money by Church briefs. Both these modes differ from a modern subscription list which answers the same purpose. The subscription list has more vanity in it, but the indulgence has a more mercenary look. We do not know what the proceeds of the indulgence in money and services from the faithful amounted to towards building the bridge, but the new structure would bear witness to the result. If the contributions were large; the bridge with its hermit's chapel which stood upon it would be finished in its entirety; but if otherwise, all that was ornamental would be discarded, and some part of the work would be scantied or omitted. The abutments and piers would probably be of stone, and the rest of the work would be of wood, while, as is the case of all our old bridges, the roadway over it would be narrow. The bridge stood nearly if not quite on the site of the present one, and the

street by which it was approached, and which had been paved ever since the paving charter was obtained in 5 Edward II., was called "New street." (*Warrington in 1465*, pref. p. li. Chetham soc.) At the time of which we are speaking this street, then far narrower than its successor the present Bridge street, which is still narrow enough, was lined with wood and timber houses having overhanging roofs and upper storeys impending over the lower, as if the two sides of the street meant to salute one another. With these projections above and below, the houses seemed shaking hands below and knocking noses above. The shops in the street had open fronts without glass and projecting penthouses overhead, which gave occasion to Massinger to complain that streets so built were as dark as a room in Bedlam. Rows of these quaint old houses must have given to New street in sir John's time an appearance far more picturesque than our street architecture of the present day can boast of. The traveller who has ever visited the French city of Lisieux may form some idea of it, for there he may still see a whole street of black and white framed houses, no two of which are alike, with quaint projecting gables, overhanging roofs and storeys, hip knobs for antefixes, and fronts with grotesque carvings, — a sight to gladden an antiquary, give scope to the pencil of an artist like Prout, or fire the imagination of another "Dr. Syntax in search of the Picturesque."

It was a peculiarity of the times in which sir John Boteler lived that nearly all the lands in England were then placed in trust, and that very few of the acred landholders held estates in their own names. The advantage of this was twofold: first, it admitted of greater flexibility in subjecting the lands to the varying circumstances of a family settlement and to the disposal of the lands by will; and secondly, it afforded the advantage of exempting them from forfeiture in some of the many casualties which were common in that age of strife. One of these sad occasions (the war of York and Lancaster) was now in its birththroes, and, we are told, sir Thomas Haryngton, the Boteler trust-

tee, feeling the danger, and prudently "remembryng hymselfe of the grete werres of his time, and not knowing how God would dispose thame, by th' advice of many of his kinsmen and frendes made a feffment at his castle at Hornby of all his landes to William Booth the archbishop of York, Ihon th' erle of Shrewsbury, Ihon lord Clifford and divers others, to th' intent that for the same lords war myghty and in consorte with y<sup>e</sup> contrari p'tie they should be faire meaynes, if God fortunyd y<sup>e</sup> feld in y<sup>e</sup> sayde werres to goo ageyne that p'tie that y<sup>e</sup> sayd sir Thomas was opon, and yf y<sup>e</sup> lawe happened to procede as well ageyn hym as oder and he be attaynted, shode safe hys landes unforfeted." (Whitaker's *Hist. Richmonds.*, vol. ii. p. 261.)

For the same reason sir John Boteler, as we have seen, had occasion to call upon a number of his friends to act as his trustees, which shows the respect and esteem in which he was held, and he in return was called upon to do the same office for his friends and neighbours. In this way we find him on the 20th May 33 Henry VI. (1454) associated with William Haryngton and Nicholas Millington esquires, as the trustees of sir William Assheton for his estates in Croston and Maudesley. (*Trafford Deeds; Lancashire Chantries*, vol. ii. p. 173, Chetham soc.) The Haryngtons, either for good or evil, seem to have been at this time the Boteler guiding star. The marriage of sir John's son with Ann Savile had been their work, and sir John himself being now a widower, sir Thomas Haryngton his uncle and trustee took upon himself to find him a wife out of a family connected with his own. Sir William Haryngton had been the friend, fellow-soldier and trustee of John seventh lord Clifford, and in the house of Dacre, to whom the Cliffords were allied, he sought and found an eligible match for sir Thomas his son. (Collins' *Peerage*, vol. vi. p. 517; Whitaker's *Hist. Richmonds.*, vol. ii. p. 250; Dodsworth's *MSS.*) And now sir Thomas in his turn found a second wife for his nephew sir John Boteler in the person of Isabella the daughter of Thomas lord Dacre of Gillesland. This alliance however, which took place about the year 1454,

was but of short continuance. It could never have been happy, and was soon after rudely put aside by a divorce. On the 24th November 1458, in pursuance of a matrimonial suit at Lichfield, the marriage of sir John Boteler and "Isabella Dacars" of the parish of Weryngton was set aside and declared void, "by reason of a former marriage which Isabella *per verba de præsenti* had contracted in the month of May 1453 with Thomas late lord Clifford." (*Lichfield Register*.) There is however some difficulty in reconciling this record without supposing that there was a mistake in the names. Thomas lord Clifford, who fell in the first battle of St. Albans, on the 22nd May 1455, in all the family pedigrees is stated to have married Joanna Dacre the daughter of Thomas lord Dacre of Gillesland; and we can hardly doubt that this was so, seeing that the contract for it bearing date 1st August 2 Henry V. (1414) and all the circumstances of it are given with such minuteness as to impart to it an appearance of authority. (Whitaker's *Hist. Craven*, p. 246.) Yet the record calls the wife of Thomas late lord Clifford not Joanna but Isabella. In old records the Christian names of the parties, and especially those of women, were often confounded. Isabella is frequently Elizabeth and *vice versa*; but the only probable solution of the matter here is, either that Thomas lord Clifford having wooed and won Isabella, had faithlessly transferred his affections to and afterwards married her sister Joanna, or that the historian has miscalled the true Christian name of his wife. In any case the record gives us a rare instance of a marriage set aside for a precontract after the death of the precontracting husband. If Joanna and Isabella were not really the same person, we can only account for the heirs of Joan succeeding to the Clifford estates by the application of a well known rule of law, that the issue of a marriage *de facto* cannot be bastardized after the death of either parent. The faithless Thomas Clifford on his mother's side was the grandson of Hotspur, whose impassioned admiration of honour our great bard has immortalised :

“By heaven ! methinks it were an easy leap  
 To pluck bright honour from the pale-faced moon,  
 Or dive into the bottom of the deep  
 Where fathom line could never touch the ground  
 And pluck up drowned honour by the locks,  
 So he that doth redeem her thence might wear,  
 Without corrival, all her dignities.”

On the 14th March 37 Henry VI. (1459) a fine was levied at Lancaster, in which sir John Boteler knight, Thomas Dutton and Nicholas Byron esquires, and John Perte chaplain recovered against Isabel late the wife of John Dacre knight the manor of Laton and twenty-four messuages, seven hundred and twelve acres of land, thirty-five acres of meadow, six acres of wood, and one thousand acres of turbary in Burtonwood. (*Lancaster Records.*) These lands were certainly a part of the Boteler estate, but who Isabella Dacre was or what connection she had with them does not appear, unless her late husband, on sir John Boteler's marriage with the now divorced Isabella, had become his trustee, and by his death she had become his representative.

That worst of all wars, a civil war, had now fairly broken out between the houses of York and Lancaster; the first battle had been fought at St. Albans. It had not as yet however, in our northern parts, suppressed all the “shews of peace;” for on Monday next after the Invention of the Holy Cross in 37 Henry VI. (9th April 1459), in the mayoralty of Robert Houghton, the great gathering or festival of Preston guild took place, and sir John Boteler, as his father had done on the eve of the battle of Agincourt forty-four years before, attended and had his name duly entered on the roll amongst the foreign burgesses. (*Guild Rolls.*) Neither foreign nor domestic war can wholly quench the natural desire for amusement; nay, at such times such an evil seems to give a greater taste and zest for it.

On the 16th August 37 Henry VI. (1459), possibly in consequence of the recent dissolution of his marriage, sir John Boteler

desired to change the trustees of his estates; and thereupon the old trustees, sir James Pykeryng, sir William Plumpton, sir John Seymour knights, and John Haryngton and John Boteler of Eccleshall esquires, conveyed the manor of Laton and the Boteler lands in Burtonwood to Thomas Pylkyngton, Nicholas Biron, William Balderston, Thomas Dutton, Peter de Werburton and John Dawne esquires, and John Perte chaplain, the new trustees. (*Bold Deeds.*)

The war of the Roses however was now drawing Lancashire into its vortex. Towards the end of August 1459 nearly four thousand men were assembled at the earl of Salisbury's castle at Middleham in Yorkshire, ready to march southwards under his leading, to overawe the king and assert the rightful claim of the house of York to the throne. Even in its enlarged dimensions the castle of the Nevilles could not, for a few days only, conveniently house and accommodate so large a host; but our ancestors were a hardy race, and the great body of these men were probably content to sleep on rushes or straw spread about the hall and the outbuildings. This daring force setting out on its march advanced through Craven to Manchester, where their numbers being swelled by the addition of one thousand men from the duke of York's Yorkshire estates, they passed by way of Congleton and Newcastle-under-Lyne to the neighbourhood of Market-Drayton, where they arrived on the evening of the 22nd September. Salisbury's movements, though sudden and secret, had not yet been so secret as to prevent his finding an opposing force prepared to meet and resist him. Lord Audley, who had hastily mustered the flower of Cheshire, was waiting at Blore to stay his further passage; and on the next day Sunday, the feast of St. Tecla, there was fought the battle of Blore, in which, by an act of strategy which according to Hume was unique in that age, Salisbury was victorious, and Audley and about two thousand four hundred of his host were left dead on the field. Sir Thomas Haryngton the uncle and trustee of sir John Boteler, who, as might have been expected from what has been already mentioned,

had ranged himself under the banner of Salisbury, was taken in the battle and sent prisoner to Chester castle. The strife was so deadly that the poet tells us it confounded the ties of blood and kindred, and the nearest relations fought on opposite sides :

“There Dutton Dutton kills, a Done doth kill a Done ;  
 A Booth a Booth, and Leigh by Leigh is overthrown ;  
 A Venables against a Venables doth stand ;  
 A Troutbeck fighteth with a Troutbeck hand to hand ;  
 There Molineux doth make a Molineux to die,  
 And Egerton the strength of Egerton doth try.”

(Drayton's *Polyolbion*, song xxii.)

On the assembling of parliament shortly afterwards, attainders were exhibited against William Stanley, a kinsman of sir John Boteler, and Robert Bould his near neighbour ; and if the king had not prevented it lord Stanley, who had hovered about the battle without joining either party, would have been impeached. Sir John Boteler was not a retainer of the Stanleys, and if he was at the battle he was most probably there on the loyal side to support the monarch on the throne. But to sir John Boteler the battle was fraught with important domestic consequences.

Amongst those whom the poet enumerates as having fallen at Blore was sir William Troutbeck of Dunham-on-the-Hill, a member of a Cheshire knightly family, whose inquisition post mortem informs us that he died on Sunday next before the feast of St. Michael the archangel 38 Henry VI., that is on St. Tecla's day, 23rd September 1459. (*Chesh. Inquisitions.*) Sir William, who was born on the 20th July 1435 and was only in his twenty-fifth year when he died, affords another instance of the early age at which young people were then united, for he had married Margaret the eldest daughter of Thomas first lord Stanley, by whom he had a son of his own name, born on the 2nd August 1449, who was consequently 10 years old at his father's death. Sir John Boteler and sir William Troutbeck, both of them young men, the former

being a few years the elder, had stood fighting together on the same side at Blore, where sir John very possibly was cased in the armour worn by his ancestor at Harfleur. Their families were intimate, dame Margaret, late the wife and now the widow of sir William, being sir John's own cousin. Of the danger to which young widows without a protector, especially if they were rich, were exposed in those unquiet times, the story of her mother-in-law dame Isabella Boteler affords a striking instance. When his fellow-soldier fell at his side sir John Boteler, we may well suppose, would compassionate his near relative the widow in her bereavement, and his compassion was succeeded by a warmer feeling; and very shortly afterwards, as we find by this entry which bears date 23rd January 1459, *secundum computationem ecclesiæ Anglicanæ* (that is 1460), she had agreed to give her hand to sir John Boteler as her second husband, and a dispensation then issued for a marriage between *Dñs Joh'es Boteler miles et Dña Margareta nuper uxor Dñi Willi' Troutbeck in tertio et tertio gradu.* (*Lichfield Register.*) The relationship between the knight and the lady to which the words *tertio et tertio* refer, and which means merely that they were own cousins, was made out as follows: they were both descended from sir Nicholas Haryngton, sir John being his grandson through his mother and dame Margaret being his granddaughter through his daughter, who had married the second sir John Stanley of Lathom.

But some explanation why it was necessary for the Church so specially to intervene on the marriage between two own cousins of equal rank who had agreed to unite their destinies, seems to be needed here. A Spanish proverb has it that truth stands on two legs, but a lie only on one; and we have a saying that a fallacy has not a leg to stand on. Somehow or other, however, we are continually meeting facts which stagger our faith in these wise old saws, for, as we often see, the Spaniard's lie on one leg stands for a time as firmly as dame Partlet on her's, while many a fallacy floats about society as safely as the story of those birds of Paradise which, having been deprived of their legs,

are supposed from that circumstance never to have had any, but to have been always floating in the air. All error being spurious, falsehood in some shape or other must be one of its parents; yet there are some errors which carry their heads high, and in their ubiquity and longevity seem almost to defy truth itself. One of these very long-lived errors is the saying that first cousins may, but second cousins may not, lawfully marry with each other. In a late number of *Notes and Queries*, a correspondent asked whether a marriage with a second cousin was illegal, and their issue illegitimate; while, as he said, a marriage between two first cousins would have been legal and the issue legitimate. Several answers to the enquiry were given, one of which asserted that a marriage either with a first or second cousin was legal; and another, while admitting that a marriage between two persons who were either first or second cousins to one another was good, denied that any first cousin might marry his or her *first cousin once removed*, and gave as his reason for it that such a marriage would be like a marriage between uncle and niece or aunt and nephew, which would be decidedly illegal. We have seen that sir John Boteler and his third wife dame Margaret were own cousins; let us see, therefore, how the law then stood and how it stands now as to this matter. In England there are two modes of computing the degrees in which any two persons are related—one by the canon law, and the other by the Roman or civil law. The canon law begins at the common ancestor and reckons downwards, and in whatever degree the two persons, or the most remote of them, is distant from the common ancestor, that is the degree in which they are related to each other. Thus, Titius and his brother are related in the first degree, for from the father to each of them is counted only one degree. Titius and his nephew are related in the second degree, for the nephew is two degrees removed from the common ancestor, namely his own grandfather, the father of Titius. The civil law, on the other hand, reckons upward from either of the persons related to the common ancestor, and then downwards again

to the other, reckoning a degree for each person, both ascending and descending; so that, according to this computation, Titius and his nephew who, as we have seen, by the canon law are related to each other in the second degree, in the civil law are only related in the third degree. The matter in short stands thus: the civil law takes the sum of the degrees in both lines, the canon law takes only the number of degrees in the longest line. Hence, when the canon law, which was in force here until the Reformation, prohibited all marriages between persons related to each other in the seventh degree, this prohibited all marriages within the fourteenth degree of the civil law. But as our law at present only prohibits all marriages between collaterals who are related to each other within the fourth degree, all who are in the fourth or any higher degree are permitted by it to marry. First cousins are in the fourth degree, and therefore they may marry, and nephew and great aunt or niece and great uncle are also in the fourth degree, and may intermarry; and though a man may not marry his grandmother, it is certainly true that he may marry her sister. (Blackstone's *Commentaries*.) At a time when all marriages were regulated by the canon law, second cousins by its mode of reckoning were more nearly related than first cousins are by the civil law; and it was probable some traditional remembrance of this state of things gave rise to the popular fallacy that though first cousins may, second cousins may not intermarry. Selden long ago noticed this error in his *Table Talk*, and gave a similar explanation of its origin; but error, if it have no legs, has heads like the hydra, and no sooner is one head slain than another springs up in its place.

On the 8th March 1460 Richard Kellermergh was ordained a deacon and William Herdemon a priest at Lichfield, upon sir John Boteler's recommendation and patronage. The names Kellermergh and Herdmon are both found in the Boteler rent rolls, and his tenants were of the class from which they came. (*Lichfield Register*.)

Kellermergh is a name derived from one of the Boteler estates,

and Herdmon's name—a good one for a pastor—came from his family's occupation.

On or about the 12th April 1460 the marriage sanctioned by the foregoing dispensation of the Church was duly solemnized, most probably at Chester, and dame Margaret Troutbeck then became sir John Boteler's third wife, Herdmon and Kellermergh the new-made priest and deacon being probably present and assisting at it; and on the same date certain estates in Laton and Burtonwood were settled on sir John and lady Margaret, with remainder to his heirs. (*Inq. p. m.*)

In the year 1450 sir John Boteler had procured for himself and his then wife letters of fraternity from the priory at Durham; but he had now another wife of the same Christian name as the first, and in the year 1460, very shortly after his last marriage, and probably in the September of that year, he obtained from the same house fresh letters of fraternity for himself and dame Margaret his wife. (*Durham Obituary Roll*, p. 111, Surtees soc.) The form of prayer offered up in the house for those who were thus admitted to this fraternity during their lives, which is worth translating, is as follows:

“O God, who through the grace of the Holy Spirit dost pour into the hearts of the faithful the gift of charity, grant unto Thy servants and handmaids, our brethren and sisters, for whom we entreat Thy mercy, health of mind and body, that they may perfectly love Thee, and with all their heart perform those things which are pleasing to Thee, through Christ our Lord.” After death this form was of course varied. (*Hist. Birch Chapel*, p. 218, Chetham soc., and Fosbroke's *Brit. Monachism*, p. 173.)

This was a busy year for sir John. He had scarcely obtained his new letters of fraternity from the parent house at Durham, when a dispute arose in the dependant cell of Lytham, of which he was seneschal. One of the fitz-Rogers had founded the cell between the years 1189 and 1199 (Ormerod's *Miscellanea Palatina*, p. 111), and the Botelers, who had possessions near, had been its benefactors and in a way its second founders. Sir John's

deputy as seneschal of the cell at this time was one William Singleton, who, at the instigation of William Easby a discontented monk, and a priest, sir Harry Billington, who was probably the parish priest, seems to have misconducted himself; and this led to a correspondence which shall be given at length.

The cell at Lythom, a dependency of the priory at Durham, was supplied with its inmates from the parent house, and the monks, being from time to time called home to Durham, thus saw in turn both sides of the kingdom, the east and the west, and doubtless found the change agreeably diversify the monotony of their cloister life. Like the other monks, the prior of the cell was originally removable at the will of his superior, but in the year 1443 pope Eugenius, by a bull which the king afterwards confirmed, made the head of the house of Lythom so far independent of his brother at Durham as to be irremovable except for cause. (*Hist. Lan.*, vol. iv. p. 410.) The head of the house at Durham at this time was prior John Burnby, a man of some note and of a strong will. He had been professor of divinity and warden of Durham college in Oxford, and twice or oftener he had represented his priory in the general or provincial councils of the Benedictines. In the year 1456, after a sharply contested election, rather a novel thing in that age, Burnby had been elected prior of Durham, and on that occasion the prior and Easby, his now refractory monk, had voted on the *same side*, Easby having voted *against* Burnby, and the latter having voted *against himself*. Prior Burnby was still in office when the dispute respecting Easby and the rest arose. (*Durham Obituary Roll*, vol. xiii. p. 97, Surtees soc.) The prior's letters show him to be a man who knew the value of order, and would enforce it in the houses under his rule regardless of any offence it might give. His first letter addressed to sir John Boteler is as follows:

“To the Right Reverent Sire Jon Butlere.

“Right Reverent Sire: I commende me to you, and for so mych as I am enformed y<sup>t</sup> there hath been now late straunge rewle in our celle at Lethom such as I never hard of in no place

belonging to us, by William Syngilton ageyns myn honesty and ryght and ageyns y<sup>e</sup> ease and welle of y<sup>e</sup> place throug'h't stirryng of our brothere of myn callyd William Easby beyng there and oon Sir Hary Byllyngton, prest of the same place, therefor by y<sup>e</sup> advyce of my brethr'n and counsell I have ordeyned and fully determined to revoce my said brothere home to oure monastery, and the said William Syngilton and Sir Henry preste utterly to be dischargett of any rewle or interesse in that place or owght that belongeth therto wherein I pray you that yhe wyll se that this my will be noth letted in no wyse. And also that oure said place be nott ourechargett othrewise yan was wountt ne hurt in no maner of ryghttis ne libertis pertenyng therto, y<sup>t</sup> I have no cause to compleyn to highere estates. And our Lord Ihu preserve you fro' adversities. Writyn at Duresme the xix. day of Octobre 1460.

Your owne brothere

JON PRIOUR OF DURESME."

(*Durham Register*, vol. iv. p. 137.)

Upon this letter Easby was recalled to his monastery at Durham, and Singleton, who was a country gentleman and could not be so disposed of, was deprived of his office; while sir Harry Billington, who was probably Patrick's successor as the parish priest at Lythom, held his place for life. (*Hist. Lan.*, vol. ii. p. 505, Harland's ed.) The first letter was therefore very shortly followed by another, which gives us a further insight into Singleton's conduct. The letter, in which the word *ragman* (the name of a particular kind of roll) occurs, is as follows:

"Right worshipfull Sr: I recomende me unto you. And for as much as William Syngilton hath written to me now of late, and made a *ragman* to be send for certayn gentilmen of y<sup>e</sup> country, accusing y<sup>e</sup> Priour of Lythom of diurse and grete defaultes, and ouer that he hath garrid oyer men in grete nombre to be sworne after him for y<sup>e</sup> accusacion of dan John his brothir, as it affereth, in diverse articles sende unto me, the which as I undistonde procedith only of grete malice and noght of good zele,

but utterly to have yaim discharged, in blymisshing of his consciens and distayvenyng (*sic*) of worshipp, for aftir as he hath rule yar undir you afor tyme, it were his part for to support yaim in right, and to resiste y<sup>e</sup> grete malice of all othir y<sup>t</sup> wolde yaim any hurt, wharfor this mater by your good discrecion affectuously considered, I pray you hertfully, for wele of the said place, to see for a remedy and to put him in silence; and also y<sup>t</sup> it might like you diligently for to enquire of yair conversacion, and to certifye me by wrytyng agayn, after consciens, lyke as ye fynde, so y<sup>t</sup> I may by y<sup>e</sup> good avyse of my counsaill order a remedy and make a reformacyon, yf nede be, as my full trist is in you. And Almighty God haue in his blissid kepyng. Writen at Duresme ye xij. day of Novembre [1460].

JOH V<sup>r</sup> PRIOUR OF DURESME.

To the right worshipful Sr and my full  
hertfully welbeloved frend sr John Butiler knight."

But the disease which had broken out in the cell was so virulent that a strong hand was required to quell it; and in this emergency the prior could think of no better man to whom to have recourse for help than sir Thomas Haryngton, sir John Boteler's uncle and trustee, whose house at Hornby was at no great distance from Lythom, and his aid was accordingly invoked. Sir Thomas had but recently escaped impeachment and imprisonment, or perhaps still worse consequences, for the part he had taken at Blore. And to this the prior touchingly alludes in his next letter; but, alas! his congratulations and his prayers, as we shall shortly see, were alike vain. Sir Thomas was an infatuated Yorkist, for which party another host was now secretly mustering in which he had determined to take part. The prior's letter to him is as follows:

"Right worshipful Sr: I recomende me onto you. Thankyng God that ye are past the trouble y<sup>t</sup> ye wer in, and praiyng God for your good prosperite, beschyng you to be a good maistre and frende onto my brethren at Lethum, and for asmuch as yer hath ben straunge rule ther of late, untendir and unright-

full demeanaunce by Willyam Syngilton y<sup>t</sup> S<sup>r</sup> John Butiler made his deputy ondir him in the stywerdis office, as y<sup>e</sup> Priour yer can enforme you more plainly, therfor I besche you to lete y<sup>e</sup> Priour and his felaws come to your presence at a leysir, and here yaim, counsell yaim and comforth yaim, and when ye knaw y<sup>e</sup> case how it is, that I may be councelid by your wisdome how y<sup>t</sup> I might ordeyne a remedy in tyme to come. And God have you in his blissid keeping. Written at Duresme uppon Saynt Andrew day [30th November 1460].

JOHN Y<sup>e</sup> PRIOUR OF DURESME.

To y<sup>e</sup> worshipfull s.

S<sup>r</sup> Thomas Haryngton knight."

Are we to apply to the prior the old rule of *noscitur a sociis* and infer from his great intimacy with sir Thomas Haryngton the Yorkist that he had himself the same proclivities? His prayers for sir Thomas's "good prosperite" proved unavailing. The times were troublous. The civil war was at fever height, and there were fought no less than three great and bloody battles in little more than a year. Hardly a month after the prior's letter to him, sir Thomas again drew his sword in the cause of the duke of York, and he and his son fighting for it, on the 31st December, perished with their princely leader in the bloody battle at Wakefield. His hope of aid from sir Thomas being thus taken away the prior had recourse to the celebrated sir William Stanley, at that time also a Yorkist, whom he appointed to be his seneschal at Lythom in sir John Boteler's place, and he thereupon sent the latter the following *supersedeas* from his office :

"Richt worshipfull S<sup>r</sup>: I recomende me to you. Please it you to will that, for certain causes moveyng me, and at y<sup>e</sup> stirryng of diverse of my good Lordis that hath so advised me, I have chargid S<sup>r</sup> Will. Stanley with y<sup>e</sup> stywerdshipp of Lethum, and sith it is so I must nedis discharge you of y<sup>e</sup> same office, warefore I besche you, as you were chargid in y<sup>e</sup> same office by my myssive lettre withoute any oyer autentice or patent lettres, so ye will take this my myssive lettre as a sufficient discharge,

in the whilk I discharge you of the said office for cause abqv rehersed. And God have you in his blissid keypyng. Writen at Durerme ye sext day of Septembre [1461].

JOHN Y<sup>e</sup> PRIOR OF DUREME.

To y<sup>e</sup> worshipfull Sir John Butiler knight."

After this letter, although in the letters of fraternity to him and his lady from the priory of Durham the value of his services had been so recently acknowledged, sir John's connection with Lythom ceased.

The rectory of Mobberley, a living belonging to the Troutbecks, having fallen vacant, sir John and lady Boteler on the 1st June 1460 presented Hamon Leycester to be the new rector. (*Lichfield Register*, vol. xii. p. 99.)

By letters patent of the 8th January 2 Edward IV. (1463) the king granted to sir John and lady Boteler the wardship and keeping of William son and heir of sir William Troutbeck knight, with the marriage of the same son, the keeping of all his manors, lands, tenements, rents, reversions, services, advowsons of churches, and other inheritances, possessions and commodities, with their appurtenances, wheresoever they were within the realm of England, as well within the county of Chester as in other places. (*Rot. Par.*, vol. v. p. 530; *Inq. p. m. Chesh. Records.*)

The Troutbeck possessions were not wholly confined to Cheshire, as appears by another inquisition post mortem taken at Watford; for sir William held the manor of Oxeye-Richard in Hertfordshire, and he also held lands in Shropshire and other places. It was perhaps the scattered nature of the estates which rendered the letters patent necessary; and either because these had not then been obtained, or because sir William had a brother John in holy orders who perhaps expected the living of Mobberley, or for some other unknown reason, the presentation was for a while disputed; but Hamon Leycester at last obtained the living, and died rector in 1492.

Amongst the possessions of sir William Troutbeck was the custody of the garden and orchard of Chester castle, which he

held by the strange service of supplying the earl's table with kale from it, from Michaelmas to Lent, in return for which he received 4*l.* 11*s.* 3*d.* yearly, or 3*d.* a day, from the chamberlain. (*Hist. Chesh.*, vol. ii. p. 27.) According to the record the custody of the castle ditch included a certain *resting tre* and the residue of all the apples *post primam escutionem arborum*, a custom not very unlike that to which Isaiah alludes, as "the gleaning grapes when the vintage is done." As guardians of sir William's heir sir John and lady Boteler undertook and performed this garden service the first year after sir William's death. (*Chesh. Records.*)

But they had not acquired the Troutbeck wardship to allow it to remain idle or unproductive, and it soon produced a different crop from that of the kale garden, a plentiful crop of marriages. William the eldest son and heir of sir William by Margaret, late his wife and now the wife of sir John Boteler, at the age of 11 was affianced to Jane the daughter of sir John by Margaret Gerard his first wife; while Adam a younger son of sir William married Margaret, sir John Boteler's daughter; and his eldest surviving son and heir apparent William, born 25th November 1450, was affianced to sir William's daughter Jane.

Sir John was now 33 years of age, and, happy in his new alliance, he believed that in thus marrying his children he had provided for their happiness, which he might himself live to see, while he had at the same time strengthened the foundations of his ancient house. But, alas!

"Struimus in diem sed nox venit."

Danger is often the nearest to us when we think it the farthest off.

On the 26th February 2 Edward IV. (1463), as we learn from his inquisition post mortem, sir John Boteler was called to his rest, and dame Margaret, who had so lately lost her first husband at Blore, was now suddenly bereft of her second lord whom she had so lately married. As to the immediate cause of sir John's death, where he died, or under what circumstances, we are left

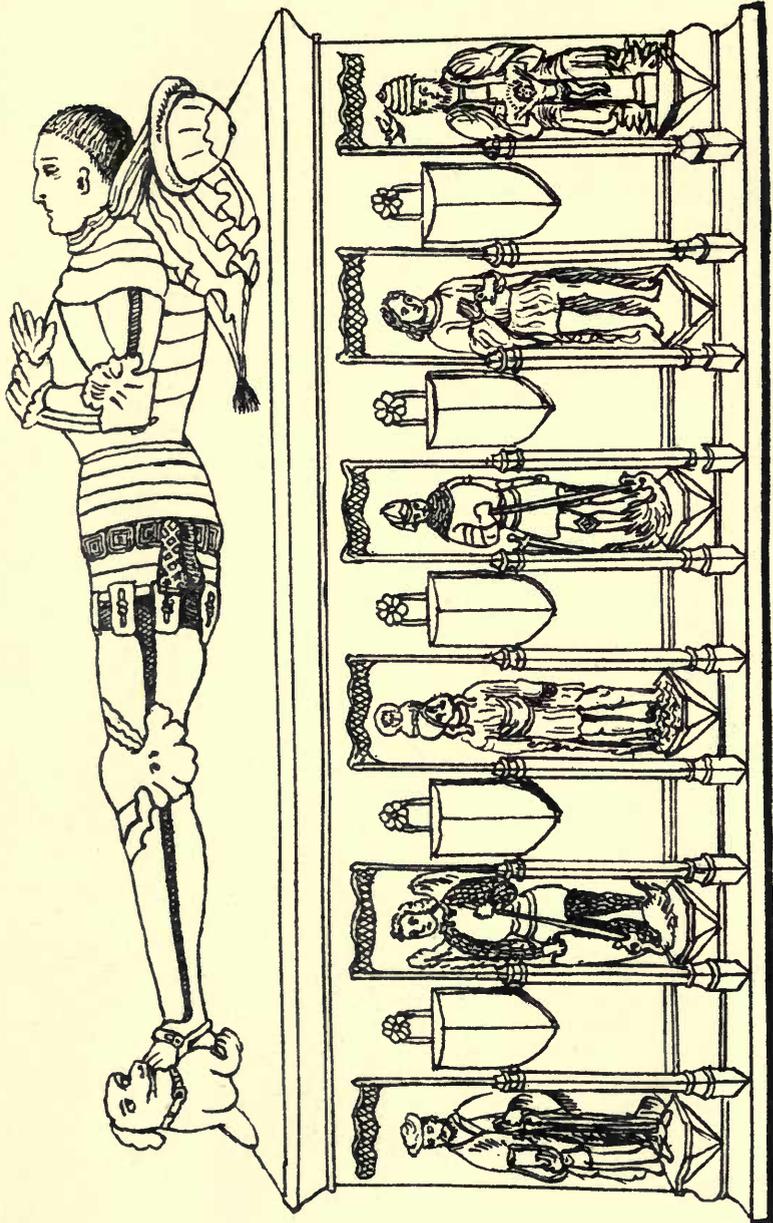
in perfect ignorance ; and though the Botelers had lately been a short-lived race, his grandfather having died at the age of 40 and his father at 28, while he himself was still a young man, we are naturally curious to know whether he met his death by violence or whether he died peacefully in his bed. He had been a consistent Lancastrian, which, now that a Yorkist prince sat on the throne, might excite against him the rage of that party. He may have been a too forward soldier, and so may have met death honourably in the field ; or he may have fallen in some popular outbreak or private feud, for in his days the times were out of joint. In January 1463 as the Yorkists were besieging Alnwick, Warwick their leader saw the Lancastrians coming to its relief, whereupon he drew up his forces to meet them. Meanwhile lord Hungerford the son of Breze and some other knights sallied out of the place, and having cut their way through the besiegers joined the Lancastrians, when they both forthwith marched away and the town was surrendered. (Lingard's *Hist. Eng.*, vol. v. p. 240.)

The times were full of trouble. In the battle of Hexham, where the Lancastrians suffered a defeat in the very year of sir John Boteler's death, a John Boteler was among the prisoners taken and beheaded after the battle. The editor at first thought he had discovered in this sir John, the knight of Bewsey ; but on further inquiry it appeared that the prisoner was a landed gentleman of Hoke in Somersetshire, who though of the same name was of quite another family. (Rapin's *Hist. Eng.*, vol. i. p. 599 ; *Warkworth Chron.*, p. 4, Camden soc. ; *Liber Niger Scacc.*, vol. ii. p. 498 ; *Calendar Ing. p. m.*, p. 357.) In 2 Edward IV. Henry duke of Exeter and one hundred and forty others were attainted and disinherited ; and shortly afterwards the earl of Orford, his son Aubrey, William Terrill and John Montgomery esquires, with several others, being detected of treasonable designs, were at different times beheaded on Tower hill. (Stowe's *Chron.*, 1462.) In none of these troubles however does it appear that sir John Boteler was implicated ; but one of the Paston letters, dated at

Holt castle in Denbighshire 1st March 1463, seems to point to what might possibly be the occasion of his death. In this letter the writer says: "The commons in Lancashire and Cheshire were up to the number of ten thousand, but now they be down again, and one or two of them was headed at Chester on Saturday last." Now if the date of this letter be really the 1st March 1463, as an historian supposes, it is very singular that the rising and suppression mentioned in it should synchronise so exactly with the day of the death of sir John Boteler; and it may therefore be very well supposed that in attempting to guard the Troutbeck house and property in the neighbourhood of Chester, he may have made himself obnoxious to the rebels and have fallen beneath their fury. (Baines' *Hist. Liverpool*, p. 185.) But tradition, which as we shall see hereafter has been busy about the occasion of sir John Boteler's death, has given a very different account of it. Sir John, as we learn from his son's will, was buried in the Boteler chantry in the parish church of Warrington under an alabaster tomb, on which repose the effigies of himself and one of his wives.

The manor house at Bewsey, from which sir John's remains were carried to their last resting place in the family chantry was not the brick structure which now stands there, but was probably one of the houses of that period, a framed structure of oak with panels of an ornamental pattern, filled in with brickwork or plaster and coloured white and black. It had gables and a porch, and a square tower of stone to which if the house were attacked the owner might retreat in the last extremity. The porch and the gables were ornamented with barge boards and finials, and the tower was battlemented. The great hall was entered from the porch through an opening in the screen which divided it from the rest of the house. It was open to the rafters of the roof, which were arranged so as to make a pattern on the ceiling. Long windows with narrow slits and stone mullions, extending nearly along the whole front, seemed designed to let in light by stealth and keep out intruders. The great oak door,





THE BOTELER TOMB.  
NORTH SIDE.

studded with nails and well secured by bolts, had in it a small wicket through which the porter might reconnoitre strangers before they entered. Around the house flowed a broad moat filled with water from the Sankey, then a lucid stream abounding with fish and the resort of great numbers of waterfowl. The only access across the moat was by a drawbridge, which was kept constantly raised except when the warder had orders to lower it. But the moat, the drawbridge, the window-like slits, the door double-barred and studded, and the battlemented tower were all marks of insecurity, and proved that in that age the saying that "an Englishman's house is his castle" was true only in a metaphor. The felon thief might be kept out by the narrow openings in the windows; and the other appliances might sometimes but not always prove a defence against stronger and more daring marauders. Still the house embosomed in its woods, with the rooks cawing over it and the herons flying lazily home from a fishing excursion, was a picturesque object which harmonised with the prospect and bespoke the residence of a knightly race. The alabaster tomb in which sir John Boteler was laid, although stripped of its memorial scroll, one of those acts of Vandalism against which queen Elizabeth in the second year of her reign issued a proclamation, still remains and is so remarkable as to deserve more than a passing notice.

In the Troutbeck chapel in St. Mary's church at Chester, until it was destroyed by the falling in of the roof some years ago, there was a monument of the same kind erected a little after the Boteler tomb, which if it had been spared would have thrown light on that in the Boteler chantry. Upon the Chester tomb lay the effigy of sir William Troutbeck in his helmet and a rich suit of armour. Round the helmet there was a border of pearls and stones, and on the front the words *Jesu Nazarennus Rex*. The plates and edges of all the armour were curiously wrought, and round the knight's neck there was that collar of *esses* which has proved such a puzzle to the antiquaries. In one hand he held his

gauntlet, and in the other his wife's hand. Under his feet was a lion couchant, and beneath the head was a mantled helmet with a wreath of trouts and a moor's head upon it. Beside the knight lay the effigy of his lady, her head richly attired and veiled, and wearing a blue gown with a short surcoat of black. At her feet was a lamb, and two angels supported the cushions under her head. The series of empalements round the tomb plainly showed that the figures sleeping upon it were sir William Troutbeck who fell at Blore and dame Margaret whom that battle made a widow. On the Boteler tomb lying side by side are the recumbent effigies of the knight and his lady. The knight's uncovered head reposes upon his helmet with its scarf or kerchief pleasaunce, not much softer to rest on than the pillow which Henry V. in the night before Agincourt deplored should be the only support under the head of his faithful soldier sir Thomas Erpingham :

"A good soft pillow for that old white head  
Were fitter than the churlish soil of France."

The knight has a plentiful crop of hair which is formally cut short, as if a circle had been placed on the head and all the hair cut off which had escaped beneath the edges. A well padded head would relieve the pressure of the helmet and deaden a blow falling on it, but long hair would interfere with the free motion of the head within it. The knight is clad in plate armour, with a skirt of mail which appears beneath the tassels on his thighs, and a kind of narrow ornament like lacework which runs down the edges of his armour greatly serves to enrich it. His sword and dagger, now no longer remaining, once hung on opposite sides from a jewelled and highly ornamented belt. He wears the spurs of knighthood, and his feet rest upon a crouching hound. His right gauntlet lies on his breast supported by his left hand, while his right hand clasps that of his lady. He has a ring on the middle finger of the right hand, like that in the effigy of king John at Worcester, which is supposed to denote that the wearer had been a widower. The lady is represented

in a close-fitting dress made long and falling in folds over the feet. It is sleeved to the wrists, and confined at the waist by a rich girdle with a buckle, from which a pendant ornament hangs down on the right side. Her head is attired in the reticulated mitre-shaped cap, of which the type may be seen in sir John Den-gayn's monument engraved in the *Oxford Brasses* (pl. lxxxvii). Fashion, over which the Graces do not always preside, was as capricious then as now. From the top of the head-dress there hangs a short fall or veil. Her head reposes on a double cushion which two angels with well-imagined effort are endeavouring to support. She has a triple chain round her neck, and depending from it by another chain there hangs an *Agnus Dei*. She has a ring on her wedding finger, another on the small finger of the same hand, while on her thumb there appears the very inconvenient appendage of a thumb ring. In the old office of marriage, according to the use of Sarum, the bridegroom was first to put the ring on the bride's thumb, then on her forefinger, then on her third finger, and finally on the fourth or wedding finger, at the same time invoking the Holy Trinity. The ornament on lady Boteler's thumb was a relic of this practice, which could not have been wholly extinct in Butler's time, since in his *Hudibras* he numbers it among the foolish outcries of the time :

“Others were for abolishing  
That tool of matrimony, a ring,  
With which th' unsanctified bridegroom  
Was married only to a thumb.”

The lady's right foot rests upon a lamb and the left upon a diminutive dog. If the lady's effigy be meant for sir John's last wife, Margaret Stanley, she enjoys the singular honour of being commemorated on two tombs—on that of her first husband as well as on that of her second; but the monument in its details is still more singular. Proceeding round the tomb from left to right are six saintesses, each in her separate niche, standing as if to keep watch like ministers of grace: (1) St. Faith;

(2) the blessed Virgin as the *Mater dolorosa*; (3) the Magdalen; (4) St. Catherine; (5) St. Margaret, the lady's name saintess; and (6) the blessed Virgin as the *Mother of mercy*. On the knight's side are representations sculptured (1) of the Holy Trinity; (2) St. John the Baptist, the knight's name saint; (3) St. George; (4) St. Christopher; (5) the archangel Michael; and (6) St. Thomas or St. James. This monument to sir John and lady Boteler, as a whole, is unique in its details; at least there is no other that we know of like it in England.

By his wife Margaret Gerard sir John Boteler had issue:

(1.) John his eldest son, who married Ann Savile and died without issue in his father's lifetime.

(2.) William his eldest surviving son and successor, who married Jane, daughter of sir William Troutbeck.

(3.) Margaret, who married Adam Troutbeck, and became by him an ancestor of the earls of Shrewsbury.

(4.) Jane, who married William Troutbeck, from whom she was divorced by sentence at Lichfield on the 3rd July 1491, because the parties were related in the fourth degree *linealiter*. (*Lichfield Register*.)

(5.) Isabella, who married sir Geoffrey Mascy, son of sir William Mascy of Tatton and Worsley, by whom she had a daughter Jane, who married William Stanley, son of the unfortunate sir William Stanley who was put to death by Henry VII.

(6.) Elizabeth, who married Hamon Mascy of Rixton.

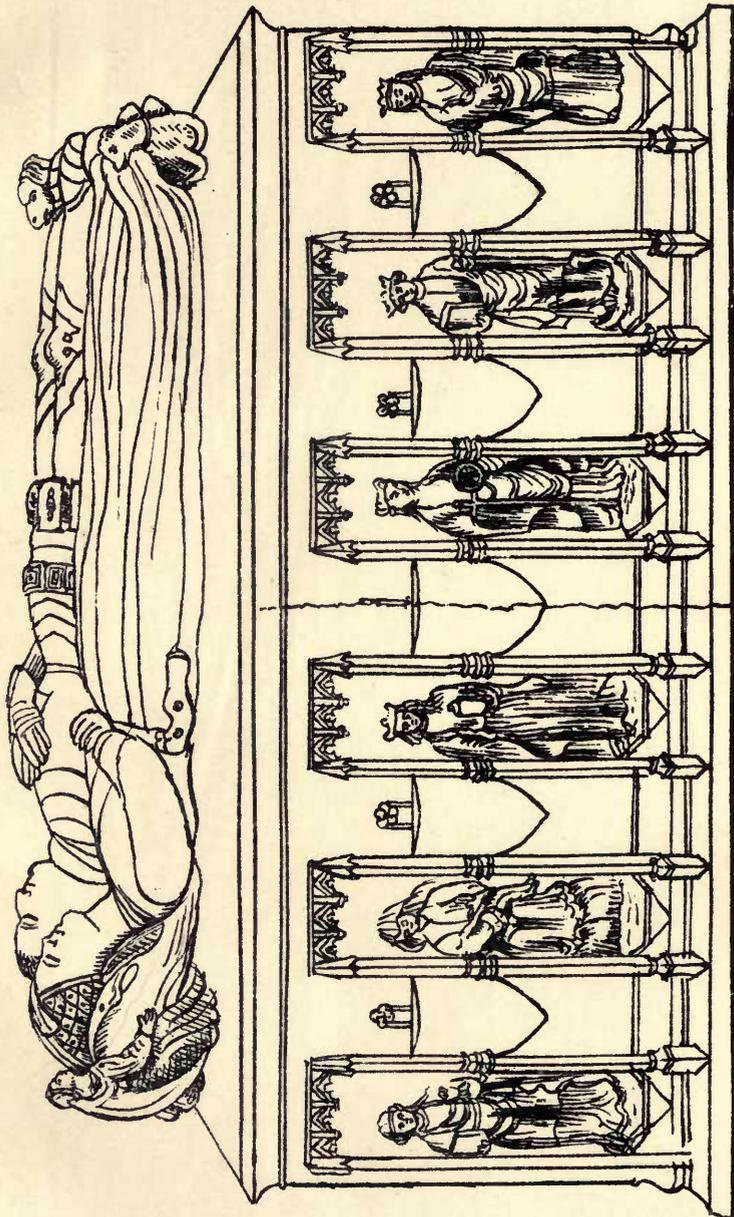
By his wife Elizabeth Dacre he had

(7.) Nicholas, who (in consequence perhaps of his mother's divorce) was considered illegitimate, and who left a daughter, the wife of Thomas Rixton of Sankey.

By his wife Margaret, the widow of sir William Troutbeck, sir John's only issue was

(8.) Thomas Boteler born in 1461, who ultimately succeeded to the family estates.

Dame Margaret Boteler survived her husband and afterwards married for her third husband Henry lord Grey of Codnor;



THE BOTELER TOMB.  
SOUTH SIDE.

L.R.



but history has been busy in finding for her several other husbands besides the three whom she actually did marry. She is said to have married sir William Poole of Poole and sir William Torbock of Torbock ; but the Margery Stanley who married Torbock was a daughter of the house of Alderley, and the alleged marriage with Poole originated in a mistake, probably arising out of some unexplained confusion as to that William Poole the outlaw, of whom mention has been made. (*Harl. MSS.*, No. 1536 ; *Hist. Lan.*, vol. iv. p. 9.) Henry lord Grey, who was rather more than 30 years of age when he married dame Margaret Boteler, was devoted to the study of alchemy, the chemistry of that age, and he obtained in 3 Edward IV. the king's license to practise the transmutation of metals "by his philosophical skill." His appearance, we may imagine, would be like the rest of his brotherhood, who it is said had "bleared eyes, lean cheeks, threadbare clothes, and fingers stained and black with corrosives," and if so, it could not have been by his good looks that he won a fair lady's hand ; but perhaps he was as yet only a learner in his art, and had not attained the full rank of his profession when he sued and won dame Margaret as his bride. Dugdale, though he gives many particulars of him, says "how he sped in his pursuit of alchemy I cannot tell." (*Baronage*, p. 712.) But certain it is that he obtained from Edward IV. and Richard III. grants of land for his great services, and to the latter monarch at least he showed his gratitude, for we read :

"The lord Grey of Codnor in his armour bright,  
The lord Bowes made him bowne,  
The lord Audley was fierce to fight,  
And all said Richard should keep his crowne."

(*Bosworth Field, Percy Ballads*, vol. iii. p. 244.)

He died without issue in the reign of Henry VII. (1496), and by his will, proved 28th October in that year, he left money to a priest to pray for the soul of dame Margaret, who had died in or before the year 1492. (*Nichols' Hist. Leicesters.*, vol. iii. p. 863.)

But lady Margaret was not his only wife, for after her death he married secondly, Catherine, daughter of the duchess of Norfolk, and thirdly, another Catherine, daughter of the earl of Devonshire. (*Reliquary*, 1862-63, p. 197.)

Monogamy seems to have been the *exception*, and triplicity in *marriage* the rule in that age, for lord Grey had three wives, and his wife Margaret three husbands; but unless history does his lordship injustice, lord Grey's conduct was not such as to increase the domestic happiness of any of his wives, and if what we read of his morals be true dame Margaret could not have lived happily with him. (*Ibid.*) Sir John Boteler also, it will be remembered, had three wives.

Dame Margaret's marriage with her third husband did not make her less vigilant in preserving the rights of her first husband's family, and in the Act of Resumption which passed in the fourth year of Edward IV. she took care to have inserted in it a reservation of that grant of the Troutbeck wardship which is contained in the letters patent already mentioned. (*Rot. Parl.*, vol. v. p. 530.)

By sir John Boteler's inquisition post-mortem, taken at Warrington on the 24th July 1464, he appears to have died on the 26th February 1463, and it was found that his son William, born on the 25th November 1450, was his heir.

The estates of Laton and Burtonwode, the latter of which was held in socage of the Ferrars family at the rent of a penny a year by a grant made more than 200 years before, were to be lady Margaret's for her life; and as she had besides both a jointure and her dower from the Troutbeck estates, she must have been a rich dowager.

## CHAPTER XIX.

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*SIR JOHN FITZ SIR JOHN LE BOTELEK,  
CONTINUED.*

WE have before observed that a great mystery hangs over the cause, circumstances and immediate occasion of the death of sir John Boteler, and among the *Dodsworth MSS.* (vol. cxiii. fo. 14) in the Bodleian library there is preserved an old tradition concerning it which tells a tragic story of the manner in which sir John came to his end. "Sir John Boteler, knight," thus the story runs, "was slaine in his bed by the Lord Standley's procurement. Sir Piers Leigh and Mister Willm. Savage joininge with him in that action, curruptinge his servants, his porter settinge a light in a windowe to give knowledge upon the water that was about his house at Bewsaye when the watch that watched about his howse at Bewsaye where your way to . . . . (*i.e.* Bold) comes, were gone awaye to their owne homes and then they came over the moate in lether boates and soe to his chambre where one of his servants called Hontrost (Holcroft) was slaine, being his chamberlaine, the other brother betrayed his m<sup>r</sup>. They promised him a great reward, and he going w<sup>th</sup> them a way they hanged him at a tree in Bewsaye Park. After this Sir John Boteler's lady pursued those that slewe her husband, and indyted xx. men for that sarte (or assault), but being marryed to Lorde Gray, he made her suites voyd, for which cause she parted from her husband, the Lorde Graye, and came into Lancastershyre and sayd if my Lord wyll not helpe me that I may have my wyll of mine enemies, yet my

bodye shall be berryed by him, and she caused a tombe of alabaster to be made where she lyeth upon the right hand of her husband, Sir John Butler." There is in the same collection another account which professes to give the cause of the murder. "The occasion of the murther was this: the king (Henry VII.) being to come to Lathom, the Erle of Derby, his brother-in-law, sent unto hym a messenger to desire hym to wear his cloath at that tyme, but in his absence his lady said she scorned that her husband should wayte on her brother, being as well able to entertayne the kynge as he was, which answer the Erle tooke in great disdayne and p'secuted the said Sir John Butler with all the mallice that co'wd be, and, amongst other things, the said Sir John had a ferry at Warrington which was worth c. marks by the yeare unto hym, ther beinge then no bridge, and the erle comynge to go to London, the sayde Sir John would not suffer hym to passe, but forced hym to go about by Manchester. Whereupon the Earle bought a piece of land of one Norris, of Warrington, by which means he was privileged to get claye to ram with all, and on the other side he bought land, and so builded the bridge at Warrington on bothe sides, being his owne land, and the said Sir John Butler after the bridge was builded did, notwithstanding, exact and take toll and taxe of all passengers as before, whereupon the Earle caused y<sup>e</sup> king to make itt free. For this and all such like discontents they tooke armes one against another, and Sir Pers Legh and William Savage that sided with the Earle made trenches upon Warrington Heath, which were to be seene not long since, before y<sup>e</sup> inclosing of y<sup>e</sup> said heath, so in the end duryng that uprore they corrupted his servants and murdered hym in his bedd. Hys lady at that instant being in London, did dreame the same night that he was slayne, that Bewsaye Hall did swym with blood, whereupon she presently came homewards and heard by the way the report of his death." To this account a few notices from other sources may be added. An old note in the Legh pedigree informs us that sir Peter

Legh, knight banneret and priest, son of Peter Legh by his wife Mabel Croft, was made a "knight banneret by Edward IV. in his wars at Berwick, and in his youth took to wife Ellen the daughter of sir John Savage knight, and being 56 years of age and having lived twenty years a widower, was made a priest and built Disley chapel in 1524;" and another old note in the *Shakerley Papers* informs us further that this "sir Peter slew sir Thomas Butteler of Bewsey knight, and for the same was forced to build Disley church for his penalty at his own cost and charges, 1527;" while from other sources we learn that sir Peter was at great pains to obtain a pardon from the crown of all the crimes and offences known and unknown which he had ever committed. The pardon was general, but there is no mention made in it of the Bewsey murder. (*Warrington* in 1465, pref. xv. *in notis*, Chetham soc.)

No wonder therefore that a native bard, who sang the story in no unworthy numbers, should have made it the subject of his verse and so clothed it with a deep interest.

In his *Bewsey*, a poem of great merit, the author, the late Mr. Fitchett a much respected inhabitant of Warrington, after detailing some circumstances of the struggle which the assassins in their assault on the house had to make before they could reach the knight's chamber, proceeds thus :

"Tradition tells a faithful negro brav'd  
Singly their savage rage and bold opposed  
Their passage to the room where thoughtless slept  
His dearly honour'd master, till at last,  
O'erpowered by numbers and o'erwhelm'd with wounds,  
Alas ! he nobly fell !  
Meanwhile a serving maid, with pious guile,  
Bore in her apron artfully concealed  
The infant heir, and many a danger brav'd,  
Sav'd him uninjured from the ruffian's sword,  
The negro's valour favouring her escape."

In the story as we have given it above it will be seen that there

are a few variations, and that it is in some respects inconsistent with itself. Sir Thomas and not sir John Boteler is in one place made the victim of the outrage, and a traveller who visited Warrington church and described the tomb at the end of the last century adopts this opinion. (Pennant's *Tour from Downing to Alston Moor*, p. 20.) On the other hand a magazine writer, by a license which far exceeds that of a poet, makes the wife of the murdered knight not a Stanley but an Isabella de Holland. ("The Lady of Bewsey," a tale in the *National Magazine*, 1837.)

An eminent Warrington antiquary, Dr. Robson, through his not having seen the settlement made on the marriage of sir John Boteler and Ann Savile, which we have given *verbatim*, has fallen into the error of supposing that it was sir John himself and not his son who married her; and another writer has added to this mistake by supposing that Ann Savile survived sir John and was the lady who was made a widow by his murder. (Introduction to the "Ballad of sir John Butler," bishop Percy's *MS.*, fol., vol. iii. p. 266; Burke's *Family Romance*, vol. ii. p. 78.) These and similar mistakes show the difficulty in which the subject is involved.

Again the original story and the tradition noticed in the poem of *Bewsey* differ also in other respects; the latter makes the negro and not one of the brothers Holcroft fall in the defence of his master; and it also introduces the touching fact of the servant evading the porter with the infant heir concealed in her lap, an incident which a modern poet, the author of another Boteler legend, has taken advantage of and has improved. The traitor who guarded the gate and let out the servant with her concealed burden is represented as asking afterwards for his promised hire, when he received this answer:

“Where is the gowd?’ said the grim portér,  
 ‘The gowd ye sware unto me?’  
 ‘We’ll give thee all thine hire,’ said they,  
 ‘We play not false like thee.’

They counted down the red, red gold,  
And the porter laughed outright ;  
'Now we have paid thy service well  
For thy master's blood this night.

Thy master's blood thou hast betrayed.

We've paid thee thy desire ;

But for thy treachery to us

Thou hast not had thine hire !”

(Roby's *Traditions of Lancashire.*)

And then his fellow ruffians at once hanged him up on the nearest oak in the park, and thus he died as well as his brother the chamberlain, yet their deaths were not alike, for the one died with honour but the other died a traitor's death.

At the supposed time of the murder sir John Boteler was a young man, only just entering upon life. He was but lately married, and had an infant son by his wife Margaret which had been born to him only a few months before, and yet he was snatched away as it were in a moment, and we know not how. But there in his chapel is his beautiful alabaster tomb ; there is the hall at Bewsey, which until lately had a moat round it ; there is the oaken floor stained with his blood, said to be ineffaceable ; and there is the outhouse where the maid hid the infant heir after escaping from the scene of the murder ; and lastly, in the Boteler chantry there is a statue of the faithful negro resting near his master. With all these helps and the instinctive love we all have for the marvellous, is it wonderful that the story of the Boteler tragedy should have met with such general acceptance ?

In that age murder was a crime which seemed to be but little accounted of, and was often treated as a matter for which money would atone, as the following instance, which is only one among many that might be cited, abundantly shows :— Richard Southworth the lord of that place and Ellyn Southworth widow, both neighbours of sir John Boteler, having a controversy concerning the death of William Southworth, Ellyn's husband, who had been killed by Richard the lord of Southworth, agreed

to refer it to sir Thomas Stanley knight, who, thinking this grievous crime might be atoned for by money, on the 11th November 1450 made an award by which he ordered the man slayer to pay 20*l.* to William's widow, and also ordered that upon her receiving it neither she nor any of her servants should sue or implead Richard any further. (Dodsworth's *MSS.*)

Under these circumstances and when public and private feuds were so rife as to be matters of everyday occurrence, and when the law was too much like a spider's web, which lets great flies through it but is death to the little ones, we are disposed to expect that sir John Boteler did not die peacefully in his bed; and nothing seems more natural than that being a consistent Lancastrian he may have incurred some Yorkist resentments, and have been sacrificed by a confederacy of some of those who, though his private friends, were his political enemies.

But before we pursue the story further it may be well to explain what was meant by the invitation to wear her brother's cloth, which lady Margaret so scornfully rejected, and which is alleged to have been the immediate cause of her husband losing his life; after which we shall notice the recently recovered Boteler ballad of bishop Percy's manuscript volume.

The reader will recollect how Lancelot Gobbo praised Basanio as a master who gave "rare new liveries," and how when Lancelot entered his service his order was :

"Give him a livery  
More guarded than his fellows."  
(*Merchant of Venice*, act ii. sc. 2.)

Now what was meant when sir John Boteler was invited to wear the Stanley "cloth" was a livery of this kind, to be worn according to a practice then in use and which had begun long before.

In the time of Edward III., when men were unruly and the law was weak, many unquiet spirits in England professed what some practise even now :

“The simple plan  
That they should take who have the power,  
And they should keep who can!”

And this gave rise to great men and others retaining such of their neighbours as were willing to take service with them and wear their livery, which implied an obligation that in all their enterprises they were to join with their retainers without nicely weighing whether the quarrels were just or not. But as time wore on struggles between these liveried retainers who without scruple were to serve and assist their masters, and the law which was to protect all, became more frequent. Before the accession of Richard II. the practice of retainers having grown to be a great evil had led to frequent breaches of the peace, and by an act passed in the king's first year, the legislature ordained that no livery whatever should be given to any man for the maintenance of quarrels (then a frequent result of liveries), or for other confederacies, upon pain to suffer fine and imprisonment at the king's pleasure. In this statute “esquires” (a title here occurring for the first time in our statute books) are mentioned as amongst the class of persons who were in the habit of being thus retained and liveried. And still further to restrain the practice by another act passed in the eighteenth year of the same reign it was enacted that no yeoman or other person of lower estate than an esquire should use or bear the livery of any lord unless he was menial and familiar, and continually dwelling in his lord's house. But evils, like ill weeds, take a long time to eradicate. The use and abuse of liveries still continued, and in the eighth year of Edward IV. another and more stringent act was passed (in which the lawyers do not appear in good company), by which it was enacted that no person was to give any livery to or retain any other than his menial servant, *or man learned in the law*, on pain to forfeit c<sup>s</sup> a month. But the law must have been still flagrantly evaded, for the aspiring Gloucester, in allusion to his brother's queen, scornfully remarks,

“I think it is our way,  
If we will keep in favour with the king,  
To be her men and wear her livery.”

(*Richard III.*)

Before the reign of Henry VII. there had been some laxness in administering the law, and the king, who had ever an eye to his exchequer, and saw in the fines for infringing the law of liveries a means of replenishing it, in his nineteenth year procured a fresh statute to be passed (when the men of law still appear in poor company) by which it was ordered that the several acts against liveries should be strictly put in force ; and it was further enacted that no person should give a livery to any other person save to such as he gave household wages, or to his menial (or as the statute has it his *manual*) servant, or to his officer or man learned in the law, under a penalty of five pounds a month.

This statute was not allowed to lie idle ; and though, the law being now stronger, a retinue of friends in livery was no longer resorted to for purposes either of offence or defence, but was rather a matter of show and state, the king saw in it a means to raise money from his subjects ; and he was even suspected, through his creatures Empson and Dudley, of entrapping his nobles into a breach of the law that he might be enriched by their fines. (Bacon's *Henry VII.*) But avarice was not among the many faults of his son and successor, Henry VIII., and the only statute in his reign which affected liveries is one passed in his first year, from which we learn that gentlemen might then be serving men, for by it all serving men under that degree are expressly restricted from wearing short gowns.

After the king's death liveries for state and show seem to have been much affected by great people, and sir William Holles coming to attend the coronation of Edward VI. set an early example of it, bringing with him a retinue of fifty followers, many of them gentlemen, but all wearing a blue coat and badges, the ordinary costume of retainers and serving men in that day. (Aikin's *Memoirs of Queen Elizabeth*, vol. ii. p. 319.) On the 18th

May 1553, sir Henry Sidney, having first obtained the king's license for it, clothed fifty gentlemen and yeomen, his retainers, in his livery. (Collins' *Introd. to the Sidney Papers*, pp. 83, 84.)

On the 8th August 1553, Edward earl of Derby made his progress in state from Lathom to London, attended by not less than eighty persons in velvet and 218 yeomen in liveries. (Collins' *Peerage*, vol. iii. p. 71.) And in the next year the earl of Pembroke procured the royal license to retain and give liveries to thirty men at his will and pleasure over and above such persons as attended on him. (Aikin's *Memoirs of Queen Elizabeth*, p. 268.)

It was a frequent practice among the great to put their servants in the commission of the peace, whence it often happened that a livery covered the back of a justice. This practice was so objectionable that queen Mary on her accession tried to obtain an act to prevent it, but she was unsuccessful and the evil continued some time longer.

So far from livery being considered derogatory in the time of James I. it was then quite common for gentlemen in Lancashire not only to appear in the livery of their neighbours, but to perform in that attire many of a servant's offices on state occasions or during a royal progress. (*Notes and Queries*, p. 146 August 14th 1852, and p. 473 November 12th 1853.)

The instances which have been cited of this wearing another's "cloth" will explain the meaning of the invitation out of which grew the alleged cause of the Bewsey tragedy. The reader who desires to know more on this subject will find it treated of in the authorities subjoined: Stowe's *Survey*, pp. 32, 33, ed. 1842; Douce's *Illustrations of Shakspeare*, vol. ii. p. 334; Royal Progresses, *Quarterly Review*, 1829.

Great however as may appear the mystery of this tragedy in the account as it has come down to us in Dodsworth's story and the traditions which linger about the old house, the recovery of the ancient ballad of "Sir John Butler," recently published by the Early English Text society from bishop Percy's folio *M.S.* (vol. iii. p. 210), has increased rather than lessened our wonder and per-

plexity. The able editor of the ballad (Dr. Robson) is of opinion that we have it only in a fragmentary state, and if so we may regret with him that it has not come down to us entire, as it might then have helped to clear away some of the mists which still hang about the story. In its present form the ballad (which from its style can be of no very ancient date) gives no account of any previous feud or quarrel having existed between sir John Boteler and his neighbours, but opens abruptly thus :

“ But word is come to Warrington,  
 And Busye hall is laid about,  
 Sir John Butler and his merry men  
 Stand in ffull great doubt.  
 When they came to Busye hall  
 Itt was the merke midnight,  
 And all the bridges were up drawn  
 And never a candle light.  
 There they made them one good boate  
 All of one good bull skinn ;  
 William Savage was one of the ffirst  
 That ever came it within.”

After this the party (it is not said of how many it consisted) are transported over the moat two at a time, when sir John's daughter, becoming aware that the house was being invaded for some ill purpose as she feared, raises an outcry intended to give her father warning of the danger :

“ Waken you, waken you, deare ffather,  
 God waken you within ;  
 For here is your uncle Standlye  
 Come your hall within.”

Conscious that some great danger is impending sir John expresses his fears that 100*l.* in gold will not suffice to buy out his ransom that night ; and then there follows a demand by the invaders from the daughter to know where her father is :

“Where is thy father, Ellen Butler,  
Have done and tell it mee.”

But to serve her father she temporises, whereupon they insist upon seeing him :

“Now nay, now nay, Ellen Butler,  
ffor so itt must not be ;  
For ere I go forth of this hall  
Your ffather I must see.”

The uncle Stanley and William Savage are the only persons who have yet been named, and it is probably the former who here speaks. They then search the hall, and at length find the ante-room of the knight's chamber, to which Holcroft his chamberlain, who is guarding the door, opposes their entrance :

“ffair him fall little Holcroft,  
Soe merrily he kept the dore,  
Till that his head from his shoulders  
Came tumbling downe the ffloore.”

Sir John is then called upon by sir Piers Legh to yield himself, whereupon he exclaims :

“I will yeelde me to my unckle Stanlye,  
And neere to ffalse Peter Legh.”

Seeing her father's danger, Ellen Butler cries out for a priest to housel and shrive him, and

“Then bespake him, William Savage,  
A shame's death may he die !  
Sayes he shall have no other priest  
But my bright sword and mee.”

The knight we are left to presume was then slain by William Savage, for the ballad now turns to speak of the knight's wife, who was away at the time of the murder :

“The ladye Butler is to London rydden,  
Shee had better have been at home ;

She might have begged her owne married lord  
Att her good brother John."

This John might be either a Stanley or a Haryngton. The scene then changes, and the ballad next informs us that, lying in her bed in London, lady Butler had dreamed that her husband lay swimming in his blood, and that she then set out to ride with all speed to Bewsey, but meeting on the way three Kendal men, and asking of them their tidings, she hears the heavy news that her lord, "the worthiest knight in merry England," has been slain. Whereupon, after bewailing her lord's death, and lamenting that she should see Bewsey hall no more, she no further continues her journey, but returns towards London ; and then the ballad thus proceeds :

"Now lady Butler is to London againe  
In all the speed might be ;  
And when she came before her prince  
She kneeled low downe on her knee :

'A boone, a boone, my leege,' shee sayes,  
'ffor God's love grant itt mee !'

'What is thy boone, lady Butler,  
Or what wold thou have of mee ?

What is thy boone, lady Butler,  
Or what wold thou have of me ?'

'That ffalse Peeres of Lee and my brother Stanley,  
And William Savage, and all may die.'"

Then the prince, by whom we are to understand king Edward IV., addresses lady Butler thus :

"Come you hither, lady Butler,  
Come you ower this stone ;  
Would you have three men ffor to dye,  
And all for the losse of one ?

Come you hither, lady Butler,  
With all the speed yee may ;

If thou wilt come to London, lady Butler,  
Thou shalt go home lady Gray."

It will be observed that there is a great variance here between the ballad and the prose version of the story, for while the latter makes lady Boteler return to Bewsey hall the former expressly says she never did return, but on hearing of her loss went back at once to London.

Sir Piers Legh, Mr. William Savage, a Stanley who in the ballad is not called either a lord or a knight, but by a strange confusion in one place is said to be the uncle of sir John and in another the brother of his wife, Holcroft the chamberlain, sir John and lady Boteler, lord Grey afterwards her husband, (which identifies lady Boteler with Margaret Stanley, sister of the first lord Derby, the only Stanley who ever married a Boteler), appear both in the ballad and in Dodsworth's story. The leather boat in which the confederates crossed the moat appears also in both accounts; but the ballad omits all mention of the faithless porter and the light he set in the window to guide them; on the contrary it says:

"Itt was the merke midnight,  
And all the bridges were up drawn,  
And never a candle light."

The ballad introduces a new personage not heard of before, sir John Boteler's daughter Ellen; but it says nothing of the negro servant, the infant heir, or the maid who so successfully eluded the porter and aided in the child's escape. It says nothing either of the indictment or the appeal, both of which appear prominently in the prose version of the story.

The story although tragical does not seem at first to be wholly improbable, and though there are variations in the mode in which it is told, there may be a foundation for the story of some murder having been committed, although the time, the confederates and the circumstances may be all incorrectly given.

Let us then proceed to examine the particulars a little more in detail.

Sir John Boteler, as we know from his inquisition post mortem, died on the 26th February 1463, at which time Thomas second lord Stanley, brother of dame Margaret sir John's wife, was the head of the house of Lathom, but until the 27th October 1485, when he was created earl of Derby, there was no earl of that name. The Stanley, in the ballad as we have observed before, has no title of either knight or lord, but the prose version calls him both lord Stanley and earl of Derby, which may be owing to the prose story having been written long after the Stanleys had won the earl's coronet. One circumstance in the prose story enables us to approximate the date of its authorship, for it tells us that before the heath was enclosed the trenches made by the conspirators on Warrington heath might be seen, which of course implies that the story was written after the enclosure. Now we know from two ancient surveys made in 1585 and 1593 that the heath had not then been enclosed, and there is reason to believe that the enclosure did not take place until some years after the beginning of the next century, which will bring the date of Dodsworth's story to about the year 1625, or very nearly to his own time. Thomas second lord Stanley and afterwards first earl of Derby, about 1472 lost his first wife Eleanor Neville, whom he had married before 1463; and very soon afterwards he married Margaret countess of Richmond, who was his wife in 1473, when they both obtained from the priory of Durham the coveted letters of fraternity in which she is expressly called the earl's wife. It is true that the king and queen *did* come to Lathom to visit his mother, but this was not until the year 1495, which was more than thirty years after the death of sir John Boteler and more than three years after the death of dame Margaret his widow, which happened in or before 1492. We fortunately possess an account of the route taken by the royal party on their way to Lathom, and from it we find that on the 27th July 1495 they were the guests of the abbot of Vale

Royal at Darnhall. On the 28th, passing over the bridge just then built in their honour at Warrington, they went through the town to Winwick, where they were received by James Stanley the future bishop of Ely, its then rector. On the 30th they reached Lathom, where they were cordially welcomed by their host and hostess, the king's noble mother and the earl her husband. On Monday the 3rd of August they visited the earl at Knowsley his other seat. The next day they rested in or near Warrington, most probably at Bewsey, and on the 5th they passed on to Manchester, from which place they turned their steps directly towards London. (*Excerpta Historica*, p. 107.) The Botelers seem never to have either owned or claimed to own the tolls of Warrington bridge until after the time of the second lord Derby. Of these tolls the Byrons were the owners, and lord Derby did not make the bridge free in his lifetime, for by his will dated in 1504 he left a sum of money to his executors for the express purpose of buying off the tolls and making the bridge free. Mr. William Savage, who is represented as playing so conspicuous a part in the drama of the murder, was the eighth son of that sir John Savage who married Catherine, lord Derby's second sister, who died in 3 Edward IV., and he was therefore that lord's nephew. At the time of the alleged murder he must have been only a child of a few years old. Sir Thomas Boteler, whom more than one authority makes to be the murdered person, died on the 27th April 1522, and the earl one of his alleged murderers, died in 1504, or eighteen years before him, which completely disposes of the question of sir Thomas being the murdered person, and of the earl being his murderer. The second earl of Derby also died before sir Thomas Boteler.

Sir Peter Legh, knight banneret and priest, who was born in 1455, and died on 11th August 1527, was only eight years old in 1463, the date of sir John Boteler's death, a most improbable age for any one to be a confederate in a murder. The clerical habit assumed by sir Peter in his later years, which has been ascribed to a feeling of remorse for his share in the murder, may be sup-

posed to have had a different origin. His wife Ellen Savage, William's sister, whom he lost in 1492, had several brothers who rose to high office in the church, and one of them, Thomas Savage, bishop of Rochester in that year, afterwards died archbishop of York. Long after the death of his wife sir Peter submitted to the tonsure, to which in his search for comfort some gleams of ambition may have contributed to induce him to submit. The general pardon which he obtained from the crown was then a common precaution, to which all men who had estates thought it prudent to resort, and no inference can be drawn from it of his being more guilty than his neighbours. Instead of being instrumental in the murder, we find him not long before his decease attending sir Thomas Boteler in his clerical character and administering to him spiritual comfort. Sir Peter is buried in Winwick church under a brass, which, among such memorials, is almost unique, for upon it he and his wife are represented side by side, and sir Peter, who has a shaven crown, wears his priestly vestments over his sword and spurs and knightly armour.

That portion of the tradition which tells us that sir John Boteler's heir was an infant at the time of the murder, and was carried away concealed in the maid's lap, must be dismissed as a fable, for although sir John by his wife Margaret had an infant son born only a few months before, it was not that child, but his son William Boteler, then twelve years old and already married, who was really his heir.

With reference to the negro's part in the story, and the black statue in the church which is said to commemorate him, if this depends upon the statue we must dismiss it altogether from the account, for the statue, which is of dark stone but not black, lying under one of the two founder's arches on the north side of the chapel, is certainly not that of a man but of a woman, and is probably the statue of dame Alicia Boteler, the widow of a former sir John Boteler, the founder of the chapel, whose figure once probably occupied the other arch; for although sir William his son, who died at Harfleur, found a grave in the friary, we

know from the will of John his other son, who was usher of the chamber to king Henry V., that he was buried in the chapel. These double arches on the founder's side are not unusual, and they occur, amongst other places, in the Savage chapel at Macclesfield.

It may be remarked that lady Boteler, the widow of the murdered man, according to the prose story, indicted twenty of his murderers, and also lodged an appeal of murder against them. An indictment for murder or other felony, which is a public prosecution in the name of the sovereign, is a process which continues, and is in full use still; but the appeal of murder, a remedy of a private nature as ancient as *magna carta* and confirmed by 25 Edward I. c. 34, was allowed to the widow of a murdered man, and which was in full force in lady Boteler's days, exists no longer, having been abolished in the present century. While an appeal of murder as supplementary to an indictment continued in use, the widow was allowed a year and a day to commence it, in consequence of which it became customary, until the law was altered by Henry VII., not to try homicides until the expiration of that time, and in the meantime to allow them to go out on bail, which, as might be expected, led to many abuses. (Blackstone's *Comm.*, vol. iv. pp. 314, 315.) The re-marriage of a widow within a year and a day, though it would abate her appeal, would have no effect upon the indictment, of which neither she nor the king would have any power to stop the progress, although the king might pardon the offender even after he had been convicted and sentenced. Lady Boteler's appeal, the story tells us, was avoided by her marrying Henry lord Grey within the year of grace, and it is intimated that by it the indictment was also set aside, which however it could not be.

In her first grief lady Boteler resolved, as we read, to share her husband's tomb, and we have no reason to doubt that then she sincerely intended it. At that time however lord Grey (who was the object of her own free choice, and was not, as the ballad says, thrust upon her by the king) had not won her hand, and

afterwards it is hardly likely that her first resolution to rest by her husband would be carried out; nay, it is probable that she found a grave elsewhere, since her son's will (though it expressly calls the chapel his father's burial place) makes no mention of her body being buried there, which, had it been so, he scarcely would have omitted.

The circumstances which have now been mentioned incontestably show that if sir John Boteler the husband of Margaret Stanley was murdered, he was not murdered for refusing to wear the Stanley livery on the occasion of the royal visit to Lathom, which did not happen until three years after his wife Margaret's death, and until more than thirty years after his own. They show also that sir Peter Legh the priest and William Savage were boys of tender age at the time of the alleged murder, and consequently could have taken no part in it. With regard to the only other actor in the tragedy, Thomas second lord Stanley afterwards earl of Derby, and the suit and quarrel about the bridge and the bridge tolls, it has been already shown that the report could not be true. If we can even suppose that lord Derby *did* take part in the murder of sir John Boteler for some other cause and not for this, such a supposition would be most improbable, since we find that he and sir Thomas lived on the most friendly terms, and that when sir Thomas came of age and re-settled his family estates, he limited the first estate in remainder, after the limitation to himself and his heirs, to the earl of Derby in fee, which we can hardly suppose he would have done if he had been his father's murderer. But the spots of blood on the floor of Bewsey hall, which add a miracle to the mystery of the murder — how are we to account for them? We have it on our great poet's authority that

“Murder, tho' it have no tongue,  
Will speak with most miraculous organ;”

and if the spots at Bewsey are the blood shed in 1463, we have indeed an illustration of it; for the present house at Bewsey was

not then built, and it follows therefore that the spots must have haunted the floor and come there from an earlier house.

Upon the whole matter it is fair to conclude that though a foul murder was committed upon the lord of Bewsey, it is probable that the murdered man was not sir John Boteler who died in 1463, but his father who died on the 12th September 1430. This last Boteler *had* (though his son had not) a daughter named Ellen, who was old enough to raise an alarm when her father was attacked, while he was actually nephew by marriage to the second sir John Stanley of Lathom, who survived him. It was upon his widow Isabella that the outrage led by William Pule (whom lady Boteler in her petition describes as an outlaw for man's blood shed) was committed, and it is not a violent presumption to suppose that the blood so spilt was the murder of lady Boteler's husband at Bewsey. If the records of the crown court at Lancaster should ever be indexed and made accessible, the mystery of the Boteler murder may be cleared up.

The ballad of Bewsey having occupied so much of our attention we here print it *in extenso*.\*

\* THE BALLAD OF BEWSEY.

“ BUT word is come to warrington,  
& Busye hall is laid about ;  
S<sup>r</sup> Iohn Butler and his merry men  
stand in full great doubt.

when they came to Busye hall  
itt was the merke midnight,  
and all the bridges were vp drawn,  
and neuer a candle Light.

there they made them one good boate,  
all of one good Bull skinn ;  
Will. Sauage was one of the first  
y<sup>t</sup> euer came itt w<sup>h</sup>in.

hee sayled ore his merry men  
by 2 and 2 together,  
& said itt was as good a bote  
as ere was made of lether.

'waken you, waken you, deare ffather,  
 God waken you w'hin!  
 for heere is yo<sup>r</sup> vnclē standlye  
 come yo<sup>r</sup> hall w'hin.'

'if y<sup>t</sup> be true, Ellen Butler,  
 these tydings you tell mee,  
 a 100<sup>li</sup>. in good redd gold  
 this night will not borrow mee.'

then came downe Ellen Butler  
 & into her ffathers hall,  
 & then came downe Ellen Butler,  
 and she was laced in pall.

'where is thy ffather, Ellen Butler?  
 haue done, and tell itt mee.'

'my ffather is now to London ridden,  
 as Christ shall haue p<sup>t</sup> of mee.'

'Now nay, Now nay, Ellen Butler,  
 ffor so itt must not bee;  
 ffor ere I goe fforth of this hall  
 yo<sup>r</sup> ffather I must see.'

thé sought y<sup>t</sup> hall then vp and downe  
 theras Iohn Butler Lay;  
 thé sought y<sup>t</sup> hall then vp and downe  
 theras Iohn Butler Lay;

ffaire him ffall, little Holcroft!  
 soe Merrilye he kept the dore,  
 till y<sup>t</sup> his head ffrom his shoulders  
 came tumbling downe the floore.

'yeelde thee, yeelde thee, Iohn Butler!  
 yeelde thee now to mee!'

'I will yeelde me to my vnclē Stanlye,  
 & neere to ffalse Peeter Lee.'

'a preist, a preist,' saies Ellen Butler  
 'to housel and to shriue!

'a preist, a preist,' saies Ellen Butler,  
 'while y<sup>t</sup> my father is man aliue!'

then bespake him will. Sauage,  
 a shames death may he dye!  
 sayes, 'he shall haue no other preist  
 but my bright sword and mee.'

the Ladye Bulter is to London rydden,  
 shee had better haue beene att home,

shee might haue begged her owne married Lo:  
att her good Brother Iohn.

& as shee lay in leeu London,  
& as shee lay in her bedd,  
shee dreamed her owne married Lo:  
was swiminge in blood soe red.

shee called vp her merry men all  
long ere itt was day,  
saies, 'wee must ryde to Busye hall  
w<sup>th</sup> all speed y<sup>t</sup> we may.'

shee met w<sup>th</sup> 3 Kendall men  
were ryding by the way:  
'tydings, tydings, Kendall men,  
I pray you tell itt mee!'

'heauy tydings, deare Madam!  
from you wee will not Leane,  
the worthyest K<sup>t</sup> in merry England,  
Iohn Butler, Lord! hee is slaine.'

'ffarewell, ffarwell, Iohn Butler!  
ffor thee I must neu<sup>r</sup> see.  
ffarewell, ffarwell, Busiye hall!  
for thee I will neuer come nye.

Now Ladye Butler is to London againe,  
in all the speed might bee;  
& when shee came before her prince,  
shee kneeled low downe on her knee:

'a boone, a boone, my Leege!' shee sayes,  
ffor gods loue grant itt mee:'

'what is thy boone, Lady Butler?  
or what wold thou haue of me?

what is thy boone, Lady Butler!  
or what wold thou haue of me?'

'y<sup>t</sup> ffalse Peeres of Lee, and my brother Stanley,  
& will. Sauage, and all, may dye.'

'come you hither, Lady Butler,  
come you ower this stone;  
wold you haue 3 men ffor to dye,  
all ffor the losse of one?

come you hither Lady Butler,  
with all the speed you may;  
if thou wilt come to London, La: Butler,  
thou shalt goe home Lady Gray.'

"ffinis."

## CHAPTER XX.

*SIR WILLIAM BOTELEK, FOURTEENTH BARON.*

SIR WILLIAM BOTELEK, who succeeded his father in the barony of Warrington and the other large estates of his family, was about 13 when his father died, having been born on the 25th November 1450. To prevent his hand being put to sale he had been married in his father's lifetime. (Sir John Boteler's *Inq. p. m.*) The earl of Warwick, who had been mainly instrumental in seating king Edward IV. on the throne, soon afterwards conceived a great hatred towards him, the friendship between monarchs and those who have helped them to the throne being seldom lasting. The rupture originated with the king, who, having sent him to treat for his marriage with a foreign princess, not only repudiated the engagement but, even without his knowledge, married lady Elizabeth Grey. After a time Warwick gladly listened to the overtures of the ex-queen Margaret of Anjou, who solicited him to espouse the cause of her husband king Henry VI. "Warwick," says Fuller, "stormeth that he had taken so much pains about nothing, and was highly sensible of the affront, seeing that a potent arme is not to be employed about a sleeveless errand. He resolves revenge, and because he could not make *her* queen whom he desired, he would make *him* king whom he pleased." (*Church History*, 1463.) This resolution being taken he marched an army into Lancashire, and there endeavoured to induce lord Stanley to join him; but that lord, though he had married Warwick's sister, had too lately escaped impeachment for showing his Yorkist predilections at

Blore easily to forget the Yorkists, especially when they were the party in power. (*Hist. Lan.*, vol. i. p. 137.)

In the year 1465, when he was simply called an esquire, William Boteler was in possession of the family estates, and in the *Legh Rental* which gives us this information, he is called "Willielmus Boteler armiger filius et hæres Johannis Boteler militis." (*Warrington in 1465*, Chetham soc.) This rental, by giving us the number of houses, enables us to estimate what was the population of Warrington at this time. The Leghs, it appears, had seventy-three houses and the Botelers twice that number, which, allowing six to a house, would make the population one thousand three hundred and fourteen persons.

In the year 1469 Warwick had so far succeeded that he had actually made king Edward IV. his prisoner and had him confined at Middleham, but on the eve of William Boteler's coming of age the Lancastrians, who had just sustained a disastrous defeat at Barnet, were about to make a convulsive effort to retrieve their loss and re-seat king Henry on the throne. It required all the high spirit of his queen to bear up against the loss the king's cause had just sustained in the field at Barnet, where the earl of Warwick, its chief pillar and support, had fallen.

On the 14th April 1471 the queen, having landed at Weymouth, mustered and marched an army to Tewksbury, and was there joined by a number of the king's Cheshire and Lancashire friends. (*Harl. MSS.*, 2111.) By coming into Cheshire before the battle of Blore she had powerfully increased the Lancastrian interest, and had roused in the country an enthusiasm in favour of her husband. The head of the house of Doddington, sir John Delves, espoused her cause very heartily. His family, which was very ancient, claimed kindred with those of the house of Arragon, who were of his name and who, after the Catalans, had a share in the government of immortal Athens. (Gibbon's *Decline and Fall*, vol. vii. pp. 7, 80; Murray's *Handbook of Turkey*, p. 70.) Sir John was one of those who, won by the queen's influence, had gladly received from her hands the cognizance of the "silver swan," and

under the banner of lord Audley had marched in her cause to Blore and taken part in that bloody strife, where upwards of two thousand men of the best blood of Cheshire, amongst whom was sir John's great leader lord Audley, were left dead on the field. Sir John survived to lament the loss of his leader, and was afterwards sent in charge of sir John and sir Thomas Neville, two of lord Salisbury's sons who had been taken prisoners in the battle, with directions to lodge them safely in the castle at Chester. After her husband's reverses at Northampton in the following year the queen was again in Cheshire, where she was once more received with the favour which a queen struggling against difficulties in the cause of a husband and a son might expect from the brave men who were her friends. On this occasion it is said she and her son, the young prince of Wales, narrowly escaped being made prisoners near Chester by a follower of the house of Stanley.

It was likely that in any "well-foughten field" where he had the opportunity of choosing his commander, sir John would choose, as he did at Blore, to range himself under lord Audley's banner, for between that leader's family and his own there was an old association involving protection on the one side and loyalty on the other, the origin of which, as told by Froissart (vol. i. p. 224), is so striking that although long we venture to give the story entire :

"After the battle of Poitiers the Black prince inquired of those knights who were about him after lord James Audley, and asked if any one knew what was become of him. 'Yes, sir,' replied one of the company, 'he is very badly wounded, and is lying in a litter hard by.' 'By my troth,' replied the prince, 'I am sore vexed that he is so wounded. See, I beg of you, if he be able to bear being carried hither; otherwise I will come and visit him.' Two knights directly left the place, and coming to lord James told him how desirous the prince was of seeing him. 'A thousand thanks to the prince,' answered lord James, 'in condescending to remember so poor a knight as myself.' He then

called eight of his servants and had himself borne in his litter to where the prince was. When he was come into his presence the prince bent down over him and embraced him, saying: 'My lord James, I am bound to honour you very much, for by your valour this day you have acquired glory and renown above us all, and your prowess has proved you the bravest knight.' Lord James replied: 'My lord, you have a right to say what you please, but I wish it were as you have said. If I have this day been forward to serve you, it has been to accomplish a vow that I had made, and it ought not to be thought so much of.' 'Sir James,' answered the prince, 'I and all the rest of us deem you the bravest knight on our side in this battle; and to increase your renown and furnish you withal to pursue your career of glory in war, I retain you henceforth for ever as my knight, with five hundred marcs of yearly revenue, which I will secure to you from my estates in England.' Sir James then replied to the prince: 'God make me deserving of the good fortune you bestow upon me.' At these words, being very weak, he took his leave of the prince, and his servants carried him back to his tent. When he was again in his tent he sent for his brother sir Peter Audley, and some other knights his relations, and also for the four esquires that had attended upon him that day, and addressing himself to the knights he said: 'Gentlemen, it has pleased my lord the prince to give me five hundred marcs as a yearly inheritance, for which gift I have done him very trifling bodily service. You see here these four esquires, who have always served me most loyally, and especially in this day's engagement. What glory I may have gained has been through their means and by their valour, on which account I wish to reward them. I therefore give and resign into their hands the gift of five hundred marcs which my lord the prince has been pleased to bestow on me in the same manner that it has been presented to me. I disinherit myself of it and give it to them simply and without a possibility of revoking it.' The knights promised to bear witness of the gift, and prayed heaven to reward him for it."

One of the four "squires" whom their leader thus so nobly rewarded was no other than John Delves of Doddington, the direct ancestor of this sir John Delves, whose family, as an honourable augmentation in memory of Poitiers, still bear the Audley fret, the right to wear it having been given by Audley to his squire at the same time as the pension.

When however troops were mustering before Tewksbury sir John Delves, though he could no longer follow the banner of his former gallant leader, still loved the house of Lancaster, and in king Henry's cause he hastened to make an offer of his lance. He took with him to the contest, where a crown was the stake, his son and heir apparent of his own name, and most probably sir William Boteler, who had now been knighted and whose wardship he seems to have purchased. Warwick, who had been a host in himself, was no longer there, and without him the battle was sure to be fought at a disadvantage for Lancaster; but the queen had a lion heart, and her party did not desert her. Her host fought bravely and well, and the battle (which if we except Bosworth was the last battle of the Roses) was bloody; but victory at length declared for the Yorkists. The young prince of Wales the heir apparent to the crown, "the angel with bright hair dabbled in blood" who appeared to Clarence in his dream, and who has since appeared to thousands of the readers of Shakspeare not in a dream, was stabbed to death in the field, and the queen's last hopes were scattered for ever. Of those who died in the field and those who died afterwards there exist two rolls. In the first of these occurs sir John Delves, and in the second John Delves esquire his son, of whose fate a poet thus takes notice :

"Young Delves his father's fate had scarcely known,  
When he was summoned to receive his own."

Sir John fell in the battle and the son afterwards lost his head by a stroke of the headsman's axe. He was amongst the prisoners who were at first pardoned, for the king entering the church of Tewksbury with his sword drawn was met by a

priest with the host, who barred his further passage until he had granted his pardon to all the prisoners in the church, who after this might all have escaped. Trusting in the pardon however they remained in the church from Saturday until Monday, and were then beheaded. (Dugdale's *Pedigree of the Broughtons*, in the possession of the family.)

Sir John and his son were first buried at Tewksbury, but were afterwards disinterred and re-buried at Wybunbury. (Leland's *Collectanea* in the Bodleian.)

Neither of the two bloody lists mentions sir William Boteler, unless he be meant by the person who occurs in the latter list as sir William Votary; in which case there is a discrepancy between the date of his death and that given in his inquisition post mortem, which states him to have died on the 8th June 1471, little more than a month after the battle; and leaves us to presume that there is either some mistake in the inquisition, or that he fled from the battle wounded, and "like a stricken deer" came home to die. (Brooke's *Visits to Fields of Battle*, p. 131; *Archæologia*, 13th April 1820.)

Like most of the old inquisitions post mortem that of sir William Boteler makes no allusion to the place or the occasion of his death. In this respect the inquisition on his ancestor who died at the siege of Harfleur is equally silent. Sir William's inquisition, which has been fortunately preserved by Dodsworth (*MSS.*, vol. cc. pp. 407, 2014) and which we give at length in a translation, is as follows:

"An inquisition taken at Weryngton on Monday next before the feast of the annunciation of the blessed Virgin Mary, in the 12th of Edward IV. (23rd March 1472), before sir John Pilkington knight the escheator, by the oath of sir William Haryngton knight, Henry Hoghton, Thomas Norrays and others, who say that sir William Boteler knight did not hold any lands or tenements within the county of Lancaster, because they say that sir John Boteler knight, father of the aforesaid William and of one Thomas Boteler who is yet living, gave by his char-

ter to sir Thomas de Haryngton knight, Thomas de Dutton, Hamon le Mascy de Rixton, Thomas Mascy parson of Weryngton church, Richard Brown vicar of the church of Pulton, Richard Mascy, Thomas de Pemberton (since deceased) and John Holcroft and their heirs, all his manors, messuages, mills and lands within the county of Lancaster, by virtue whereof they were seised of the same in their demesne as of fee. They say also that the said Thomas Boteler is the brother and next heir of the said William, because they say that one Hugh Bachelor chaplain, by a certain fine dated at Westminster on the morrow of our Lord's ascension, in the 14th year of Edward III. (26th May 1340), granted the manors of Eccleshall in the county of Warwick, and the manors of Laton Magna, Laton Parva, Bispeham, Warthebrek and Merton Magna, and all his lands and tenements in Atherton, Westley, Penyngton, Bold, Lydegate, Thornton, Culcheth, Egargarthe, Tildesley, Glasebrook, Bedford, Halsall, Ince and Windhull, and the manor of Great Sonkey, and one-third of the manor of Weryngton to one William Boteler and Elizabeth his wife for their lives; with remainder to Richard Boteler and Joan his wife and their heirs; with remainder to John the brother of the said Richard and his heirs; which same William and Elizabeth died, and Richard and Joan died without heir, and [the lands] remained to the said John brother of the said Richard and his heirs. They say also that one Henry Bowre chaplain, by a certain other fine dated at Westminster on the octave of St. John the Baptist's day, in the 6 of Edward III. (1 July 1332), granted to [the said] William Boteler and Elizabeth his wife and their heirs, 40 messuages, 440 acres of land, 20 acres of meadow, 300 acres of wood, 400 acres of turbary, and two parts of a mill at Burtonwoode and two parts of the manor of Weryngton, and the advowson of the church of the same manor, and all other his manors and lands not contained in the above fine; which same William had issue the aforesaid Richard and John, and died, and the said Richard died without heir. Afterward the aforesaid John, as the brother and heir of the aforesaid Richard, entered into

and was seised of all the aforesaid premises, and was thereof seised in his demesne as of fee ; which same John had issue sir William Boteler knight his son and heir and died ; which same William had issue sir John Boteler knight his son and heir and died ; which same John had issue sir John Boteler knight his son and heir ; which same John had issue the aforesaid sir William Boteler knight, in this writ named, and Thomas the brother of the same William ; and the aforesaid William died without heir, and the aforesaid Thomas is yet living and his next heir, and is of the age of ten years. And that the aforesaid William died on the eve of the Holy Trinity in the eleventh year of Edward IV."

The statute of Westminster the 2nd, commonly called the statute *de donis conditionalibus*, passed in 12 Edward I. (1285), was the first statute which created entails by which land in England was rendered inalienable by the tenant in tail except for his own life. This statute, which until now had been in full force, was at this time about to receive its death blow, not by another act of parliament but by the construction put upon it by the judges in Westminster hall ; who having observed the ill effect of the law of entails in cramping the free transfer of land decided in Taltarum's case in 12 Edward IV., the very year in which the above inquisition was taken, that an entail might be destroyed by a common recovery, a process of law in which the tenant in tail, in order to destroy the entail, suffered some one to recover the land from him in a feigned action at law. This explanation seems in place here after the long deduction of title and pedigree which has just been given in sir William Boteler's inquisition post mortem.

After the death of his ancestor, who died at Harfleur aged about 40, sir William Boteler was the third of his race in direct succession who had died in early manhood, his grandfather having died at 28, his father at 34, and now he himself, the youngest of the three, had died on the very eve of his coming of age ; thus three generations had come and gone in less than seventy years.

But such mortality was perhaps not uncommon in those troublous times. Having died without issue sir William was succeeded by his brother Thomas.

His widow Johanna, a daughter of the house of Troutbeck, to whom he was married in his father's lifetime, survived him and afterwards married William Griffith. (*Harleian MSS.*, 1505, fol. 132*b*.)

## CHAPTER XXI.

*SIR THOMAS BOTELER, FIFTEENTH BARON.*

SIR THOMAS BOTELER, who succeeded to the family estates on the death of his brother although only 10 years of age, was probably already contracted in marriage to Margaret the daughter of sir John Delves, whom he afterwards married. This contract of marriage was probably the result of the purchase by sir John of the marriage and wardship of Thomas Boteler in the lifetime of his brother. Sir John's death in arms against the king at Tewksbury has led to an opinion that the wardship then devolved by forfeiture to the crown (*Lanc. Chantryes*, vol. i. p. 57, *in notis*), and though there is no absolute proof of this, the circumstance, which in itself seems probable enough, is strengthened by what took place after it had been found by sir William Boteler's inquisition post mortem that all his father's lands had been vested in trustees by a deed of feoffment, and that he had in reality left no lands. In the belief that sir William had died a traitor's death the crown would naturally be disappointed at not reaping the fruits of his treason in the shape of either a forfeiture or a profitable wardship. Accordingly, on the 22nd August 1474, there issued a commission *ad melius inquirendum* directed to sir Peter Legh and sir Thomas Gerard knights, Richard Bold, James Scaresbrick and John Hawardyn esquires, and the high sheriff of Lancashire, which, after reciting sir William's inquisition post mortem and that the king desired to be more fully certified of the premises, commanded the commissioners to inquire for what cause and to what effect and

purpose the feoffment mentioned in the inquisition was made, and whether or not by fraud or collusion in order to exclude the king from the custody of the lands and the marriage of the heir of sir John Boteler, sir William's father; and whether sir John, of his own authority and without the license of sir Thomas Haryngton and the other trustees, did make any demise or lease of any of the premises, or any way dispose thereof as of his own fee. The result of the inquiry it is to be presumed was satisfactory, for on the 29th November following the commissioners received a *supersedeas* commanding them to surcease from their inquiry, and to proceed no further in the matter. (*Original Commission*, Duchy office.) The inquiry thus instituted strengthens the supposition that sir William Boteler died, as we have supposed, at Tewksbury.

Lord Stanley, who was now treasurer of the king's household, had married that noble lady, Margaret countess of Richmond. She was a great patroness of learning, and her husband's halls of Lathom and Knowsley became the favourite resort of many of the learned. Hugh Oldham bishop of Exeter and William Smith bishop of Lincoln were amongst those who resorted there, and owed to the countess some part of their rise to stations of dignity and usefulness. Hugh Oldham, sprung from the Lancashire town of his name, sleeps in Exeter cathedral under a sumptuous tomb, which is a sort of phonetic hieroglyphic figured over with owls, suggesting the bishop's name without the necessity of spelling it. He founded the Manchester grammar school, and died in 1520; and it was his example that sir Thomas Boteler, the countess's nephew by marriage, who had known him at Lathom, followed in founding the grammar school at Warrington. Farnworth, where bishop Smith was born and where his house may yet be seen, is still nearer to Lathom. He was a great benefactor to the neighbourhood and one of the founders of Brasenose, and sir Thomas Boteler had doubtless known him also at Lathom.

On the same day that the inquisition on sir William Boteler

was taken at Warrington (22nd March 1472) another inquisition was taken on Henry Halsall esquire, a feudal tenant of the Botelers. It was found by this that he held his lands "de Jacobo Harington, (Waltero Wrotesley?), Johanne Assheton militibus, Thomâ Pilkington, Roberto Harington militibus, Thomâ Byrom personâ eccl. de Werington, Henrico Herdman chaplain, Thomâ Hawardyn et Thomâ Holcroft," as of the manor of Weryngton by knight's service, and that he died on the 20th July 1471. It is remarkable that this inquisition mentions neither sir Thomas or any other Boteler, probably because the inquisition on sir William, although dated the same day, was not taken after but before it.

The king, possibly to secure in his interest his great subject lord Stanley who had married a Lancastrian wife, in the year 1474 retained his lordship to serve him for one year in his wars in France with forty men-at-arms and three hundred archers; and as in those times young men carried a lance at an early age, it is likely enough that sir Thomas Boteler formed one of lord Stanlèy's retinue on this occasion. (*Collins' Peerage*, p. 55.)

A second inquisition of the Halsall estates, probably because some of them had been found to be omitted from the first, was taken at Ormskirk on the 15th June 1479, and by this it was found that their owner died on Sunday next after the assumption of the Virgin, 18th August 11 Edward IV. (1471), a date which varies by nearly a month from that of his death as stated in the former inquisition, and shows not only that an inquisition was not infallible, but strengthens the presumption that the date of sir William Boteler's death as given in his inquisition was not the true date. In the case of his ancestor who died at Harfleur, as we have before remarked, the date of his death as given in the inquisition differs from that on his tomb. The second Halsall inquisition also found that he held the manor of Halsall from James Haryngton, John Assheton, Robert Haryngton and Thomas Pilkington knights, and Thomas Hawardyn (the Boteler trustees), as of their manor of Weryngton by knight's service.

For the number of plots, real or imaginary, the year 1479 was remarkable even in those unquiet times. To remove his brother and make the way more open for himself, the cruel, ambitious and intriguing Gloucester, who, while he was hastening on his brother's death, thus soliloquised upon it with bitter irony :

“Go tread the path that thou shalt ne'er return,  
Simple plain Clarence; I do love thee so  
That I will shortly send thy soul to heaven!”

And so Clarence was drowned in a wine butt, and some others on very slight grounds were put to death for treason. Those recent trials and the political convulsions of the time made many men (particularly those of the Lancastrian party, of which there were many in Lancashire) fearful for their safety, and great numbers of the Lancashire gentry applied for and obtained from the crown letters of general pardon, which they might use as a shield if they should be accused. (Dodsworth's *MSS.*)

The Botelers had ever been active in maintaining and supporting the bridge over the Mersey at Warrington. In the year 1453, as we have seen, they had invoked the aid of the Church to assist in forwarding the good work of its reparation, and now when it again needed repair they again resorted to her for aid. On the former occasion, when such aid had been readily granted, William Booth a native of this neighbourhood was archbishop of York; and now when, singularly enough, his brother Lawrence Booth occupied the same archiepiscopal seat, it was as readily granted; for on the 1st July 1479 he issued his letters of indulgence granting to every person who, after due contrition and repentance, should contribute towards the repair of the bridge a forty days' indulgence. But the entry of this indulgence is so curious for its Latinity that it deserves to be given in full: *Indulgentia 40 dierum pro constructionem (sic) pontis juxta villam de Weryngton super le merse.* (*York Fabric Rolls*, p. 240, Surtees soc.) Indulgences of this kind sprang from the power of

the keys which the Church then assumed to possess of remitting the punishment due to sin. Such an indulgence as this was a work of charity, of which, without paying for it, the public derived the benefit; but in point of duration and extent it bore no proportion to that indulgence engraved on the brass over Roger Legh's grave in the Savage chapel at Macclesfield, which promises that for saying certain *aves* and a *credo* the pardon shall be xxvi. thousand years and xxvi. days!

The priory of Lytham, an object dear to the Botelers as being almost an offspring of their house, had been blown down by a hurricane of wind, and the prior and his brethren set about rebuilding it. They thought wisely however of their church first, and as soon as that was finished they obtained from the archbishop of York a license to have service in it, and the entry of this license is so remarkable for its Latinity as to show that the scribe was either ignorant or negligent: *Licentia* (13th August 1479) *priori et fratribus de Lethom ad celebrandum in capella noviter edificata quia monasterium venementibus ventorum turbibus totaliter destructa est.* (*York Fabric Rolls*, p. 240, Surtees soc.)

On the 25th November 20 Edward IV. (1480) the family deeds mention for the first time the name of Thomas Boteler's wife, who was then assured of her jointure by a grant from Henry lord Grey and the other family feoffees to her and her husband of fifteen messuages and two tenements in Great Sankey. (Sir Thomas Boteler's *Inq. p. m.*) The next day Thomas Boteler and Margaret his wife, described as the daughter of sir John Delves knight, appointed Thomas Massey and Isaac Cokeson as their attorneys to receive for them seisin of the manors of Exul in Warwickshire and Grafton in Wiltshire. (Kuerden and Dods-worth's *MSS.*)

On the 2nd June 21 Edward IV. (1481), while Thomas Boteler was still under age, by a deed dated at Warrington, Henry lord Grey (his stepfather), master James Stanley archdeacon of Chester and rector of Warrington (his mother's brother), Ralph

Longley warden of Manchester college, Robert Fouleshurst, Thomas Gerard and William Haryngton knights, John Byron, Richard Langton, Alexander Houghton (Elizabeth Troutbeck's husband), Robert Shireburn the elder of Stanyhurst, Richard Townley, John Mainwaring son of William Mainwaring and Thomas Norris esquires, and John Pert rector of the church within the castle of Codnover (lord Grey's seat), released to Thomas Boteler all their right and title of and in all the Boteler manors and hereditaments in Lancashire, Warwickshire and Wiltshire, which they had lately acquired by the feoffment of John Holcroft deceased. Thomas lord Stanley, his mother's brother, and his son George Stanley lord Strange (both of whom are immortalized in the drama of *Richard III.*), were amongst the witnesses to the deed, which shows that a good understanding was then existing between Thomas Boteler and his mother's family. (Lord Lilford's *Deeds.*)

On the 4th July 22 Edward IV. (1482) Thomas Boteler must have been of full age, for on that day he sued out his patent, dated at Lancaster, and which at the end has this addition, "per ipsum regem de datâ predictâ auctoritate parliamenti," by which he had granted to him special livery of the lands of his late father sir John Boteler, and of sir William Boteler his late brother. (Original in lord Lilford's *Deeds.*)

In August of the following year the duke of Gloucester, at the command of the king, advancing towards Scotland, laid siege to Berwick and took that town on the 26th. The castle however still held out, and, unwilling to lose time upon it, the duke left lord Stanley in command of the right wing of the army consisting of four thousand men to prosecute the siege, while he himself marched on to Edinburgh. On this occasion lord Stanley numbered many Lancashire men in his host. One of them, sir Peter Legh of Bradley in Burtonwood, on the surrender of the castle, was knighted and made a banneret at Hutton Field, and it is not improbable that his neighbour, Thomas Boteler the lord of Bewsey, a place very near to Bradley, was there also.

(Hall's *Chron.*, fol. 2430; Rapin's *Hist. Edward IV.*) The duke of Gloucester gained golden opinions in the north by his popular manners and social qualities in this expedition; but either in his going or returning from it some jealousy seems to have sprung up between the rival commanders, and two or more encounters are said to have taken place between their men, and in one of these which took place near Salford bridge, when lord Stanley's men had the advantage, they took one of the duke's banners, of which a rhyming chronicler thus takes notice :

" Jack of Wigan he did take  
The duke of Gloucester's banner,  
And hung it up in Wigan church  
A monument of honour."

(Glover's metrical ballad cited in Miss Halhead's  
*Life of Richard III.*, vol. ii. p. 67.)

Hanging up banners for tokens goes back to the Psalmist's time or before.

On the 28th February 22 Edward IV. (1483), being now of age and in full possession of his estates, Thomas Boteler executed a new family settlement by which he limited the estates first to himself in tail, then to Thomas lord Stanley in tail, and afterwards to the right heirs of his father sir John Boteler. (Lord Lilford's *Deeds.*)

King Edward IV. died on the 9th April 1483, and on the 5th June following Thomas Boteler of Bewsey, his half brother William Troutbeck, and forty-seven other persons were summoned to be in London to receive knighthood in honour of the coronation of the young king Edward V., which was fixed for the 22nd June following. "All was prepared for the coronation, wild-fowl for the banquet and dresses for the guests" (Stanley's *Westminster Abbey*, p. 72); and the knights elect were required to be in London four days before the coronation, which, considering what followed, was ominous. The summons, which we give at length because it is curious, ran as follows :

“Trusty and wele beloved, we grete you well, and by the advise of our dearest uncle the Duc of Gloucestre, protectour of this our royaume during our yong age, and of the lords of our counsell, we write unto you at this tyme willing and nathesle charging you to prepare and furnishe yourself to receive the noble order of knighthood at our coronation, which by Godd’s grace we entende shall be solempnized the xxii. day of this present moneth, at our Palays of Westminster, commanding you to be here at our Toure of London fore days afore our coronation, to have communication with our commissioners concernyng that matter, not failing hereof in anywise, as ye entend to please us and ye will answer. Geven the v. June 1483.” (Rymer’s *Fœdera*, vol. xii. p. 185.)

It was at this meeting of the council, and while it was still deliberating on the order for the coronation, that the scene so vividly described in the drama took place, when the protector suddenly and abruptly ordered lord Hastings to execution; at which scene Thomas Boteler’s uncle lord Stanley was present. (*Richard III.*, act iii. sc. 4.) If, as is probable, Thomas Boteler and his companion knights elect were then in London, they had great reason to be thankful that they were only knights and not of a rank to be present at the council board. But, alas! on the 22nd of June, the day when the coronation should have taken place, the young king lay in the arms of death filling a secret grave, and the usurper, Gloucester, hastened to change the order for his nephew’s coronation into a preparation for his own. On the 4th of July, two days before that event, he made seventeen knights to grace the ceremony (Miss Roberts’ *Houses of York and Lancaster*, vol. ii. p. 360), and the ill omen implied in Thomas Boteler’s summons was made sadly too plain.

One of the protector’s pretences for setting aside the young king Edward V. was that he was illegitimate and not born in lawful matrimony, by reason that his father before, and at the time of, his marriage with his queen Elizabeth Grey, was already married by a pre-contract *per verba de presenti* to lady Eleanor Boteler, daughter of the famous John Talbot earl of Shrewsbury and the widow of sir Thomas Boteler, a son of Ralph lord Boteler

of Sudeley. (Miss Roberts' *Houses of York and Lancaster*, vol. ii. p. 338.) This lady, who died in 1466, was a great benefactress to Corpus Christi college, Cambridge, but except in name she was in no way connected with the Bewsey family. The attempt to prove this marriage by pre-contract was worthy of its author's audacity, but it failed as it deserved, and he resolved to take by force the crown he could not obtain by fraud.

Holding fast by his old family attachment to the house of Lancaster Thomas Boteler either did not obey the protector's summons to London, or — for which all honour be to him — he declined the proffered knighthood, for when we next hear of him he still appears without any knightly prefix. He may have heard of lord Stanley's dreaming of the boar and its tusks, by disregarding which ominous warning lord Hastings lost his head (Holinshed's *Chronicles*.)

On the 18th October 1483, the same day on which the duke of Buckingham first raised the standard of revolt and appeared openly in arms against the king, Edward Plumpton, lord Strange's secretary, wrote a letter in which he says: "People in this country be so troubled in such commandment as they have in the king's name and otherwise marvellously that they know not what to do. My lord Straung goeth forth from Lathom upon Munday next with X.M. [ten thousand] men, whether we cannot say. The duke of Buckingham has so many men as yt is sayd here that he is able to go where he wyll, but I trust he shall be right withstanded and all his malice and els were great pyty." (*Plumpton Papers*, pp. 44, 45, Camden soc.) The editor of these papers adds that the near approach of lord Strange with his ten thousand men doubtless mainly contributed to the dispersion of the duke's forces and the crushing of the rebellion. It was this forwardness also on the part of lord Strange that probably induced the king at this juncture to set lord Stanley at liberty. (Miss Roberts' *Houses of York and Lancaster*, vol. ii. p. 340.) This account of lord Strange's conduct, though it differs from the view given of it in the drama of *Richard III.* which our great bard derived

from the chroniclers, is very probably true; and it may have been one of the reasons which led the king in the following year to constitute lord Strange one of his commissioners to raise forces in Lancashire and Cheshire. (*Hist. Lan.*, vol. i. p. 429.) We have not the muster roll of the great host which marched with lord Strange, but if we had it is probable that the name of Thomas Boteler, although its leader's cousin, would not have been found in it. On the other hand his family trustees were consistent Yorkists, and shortly after this time three of them, sir James and sir Robert Haryngton and sir Thomas Pilkington, ranged themselves and fought on the side of the usurper. (*Ibid.* vol. i. p. 438.)

The political aspect of the times was disturbed. Distrust sat beside the king on his usurped throne. Faithless himself and distrusting all about him, the king put little faith in his servants; and though lord Stanley was the steward of his household he procured an act of attainder against his wife the good Margaret of Richmond, who, as a Lancastrian, was an object to him of suspicion, and her life hung by a thread.

But notwithstanding the darkness of the political horizon there was time at Bewsey for "marrying and giving in marriage," and in 3 Richard III. (1485) sir Richard Bolde knight and his son and heir apparent Henry Bolde esquire, near neighbours of the Botelers, granted by their charter to Thomas Boteler, whom they expressly style esquire, the wardship and marriage of Richard Bolde, son and heir apparent of the said Henry Bolde, and directed that at the will and pleasure of the said Thomas Boteler he should, within thirteen years then next, take to wife Margaret Boteler his daughter; and it was agreed that if the said Richard should die before the marriage then that Togher (Toucher) Bolde his brother should marry her, and that, upon either of such marriages taking place, a suitable estate should be made to the marriage trustees, three of whom were to be Richard Delves clerk, Thomas Hawarden and Thomas Massy. (Dodsworth's *MSS.*) A contract like this shows how young people's hands were then disposed of, and how little their affections were consulted in the

matter. This contract, and probably as a consequence of it, was followed by a charter in which Thomas Boteler granted to sir Richard Bolde knight, and Henry Bolde, John Byrom, and Henry Egerton, his manor of Warrington, the advowson of its parish church, and all other his manors in Warrington, Burtonwood, Little Sankey and Laton. (*Kuerden MSS.*, p. 60.)

Being now in full possession of his estates Thomas Boteler felt some of that instinct which lord Bacon somewhere says leads men to desire to acquire and retain full dominion over their property for life, and to be able to restrain and direct its use ever after. Influenced by this feeling, and with a prudent desire to preserve the possessions of his ancient house in the same line in which they had so long continued, Thomas Boteler was minded to make a family settlement. In his time however, when all lands were held in trust, it required some circuitry to effect this. The lands were first to be conveyed to one or more persons, usually some of the family friends, who then became apparently, but only apparently, the *legal* owners, while the use and interest in them remained in the grantor, whose directions they were bound to fulfil. This first grant was generally followed by a second one declaring the trusts on which the trustees held the lands, which in general were either for the purpose of a family settlement or to perform the grantor's will; for until 32 Henry VIII. a man could not devise his *lands*, though he might dispose of the use of them, so that the trustees were a sort of flexible conduit pipe to convey the uses of the owner's property in what way soever he wished.

As the head of his house Thomas Boteler in pursuance of his purpose now proceeded to get in from all the family trustees and vest in himself the whole of the Boteler estates, which he effected by a grant dated the 18th July 3 Edward III. (1485), in which John Crosse, Robert More and Ralph Blacklache chaplain released to him all their right and title to certain manors of which he had enfeoffed them in Lancashire, Wiltshire and Essex (the Bedfordshire estates for some reason are not mentioned).

This deed was witnessed by Thomas lord Stanley and his son George lord Strange (two historic characters who within a few short weeks were to appear on a very different scene, the field where a crown was to be lost and won), and by sir Edward Stanley, sir Richard Bolde and Peter Warburton esquire. (*Bold Deeds; Gent. Mag.*, 1863, p. 349, where these deeds are printed *in extenso*.) The presence of lord Stanley, Thomas Boteler's uncle, and lord Strange his cousin, among these witnesses, who must have come from a distance to Bewsey where the deed bears date, again shows that then at least there was no ill-feeling between them and him.

On the same day that Thomas Boteler thus re-acquired the family estates he granted the whole, except the fifteen messuages and two tenements in Sankey, his wife's jointure, to Robert Fouleshurst, Thomas Gerard, William Haryngton and Alexander Houghton knights; and Henry Bolde, John Byron and Hugh Egerton esquires, and Richard Delves and John Longton clerks, upon trust to perform his will. (*Bold Deeds*.) According to the fashion of the times, to which allusion has already been made, this deed was followed by another dated the next day, by which Thomas Boteler granted to the same trustees his manor of Warrington with the advowson of the church and the manors of Burtonwood, Great Sankey, Little Sankey, Laton Warbreck, Marton and Bispham, to hold the last four manors to Thomas Boteler and Margaret his wife for life in jointure, with remainder to Thomas Boteler in fee, subject to a proviso in case of his death within sixteen years for the payment of xx. marcs out of lands in Burtonwood and Sankey to one Hugh Boteler for life, and for the payment out of the rest of the lands at the end of the same sixteen years of the grantor's debts and legacies, and also for employing some part of the residue for his children, and the rest for the benefit of his soul, and if the living of Warrington should fall vacant within the same sixteen years, that Margaret Boteler's brother, Richard Delves, should be presented to it. These trustees were chiefly

relations or family connections of the Botelers. Sir John Byron, the second of them, was the son of that Nicholas Byron who married Alice, Thomas Boteler's aunt, and was therefore his cousin ; but the kinship which he claimed with sir Robert Fouleshurst, the first of these trustees, whom he also calls his kinsman, must have been of a remote nature, for although Fouleshurst seems to have been not an uncommon name at Warrington where one Nicholas Fouleshurst was a chaplain in 18 Edward III., yet no other connection between the Botelers and the Fouleshursts has been traced except by a marriage between the latter and the Asshetons who were allied to the Botelers — a relationship which savours of that proverbial kinship between those domestic articles the sieve and the riddle, which are both bound with rims from the same wood. But blood is thicker than water, and in those days the ties of kinship extended very far, and let us hope the circle of the affections widened with them.

By some inadvertence for which we cannot account Thomas Boteler in his will speaks of this last deed as made on "Friday next before St. Margaret's day 3d Richard III.," which would really make its date not the 19th but the 15th of July 1485. These discrepancies when they occur in old charters are a fruitful source of perplexity to the antiquarian inquirer.

On the 9th March 1485 a Thomas Boteler of Coventry (Exul one of the Boteler possessions was within the limits of that city) was cited before the bishop for openly maintaining "quod non erant nisi duæ viæ ad cœlum et ad inferum, et quod nullus sustineret aliquam pœnam post mortem Christi pro aliquo peccato quia Christus moriebatur pro peccatis nostris. Item quod nullum est purgatorium quia quilibet immediate post mortem transit ad cœlum vel ad inferum. Item quod quilibet decedens in fide Christi et ecclesiæ qualitercunque vixerit salvabitur. Item quod orationes et peregrinationes nullius sunt effectus et in nihilo possunt ad obtinendum cœlum. Item quod quando presbyter ascendit in pulpitem 'scivit' quid ipse vult dicere ita bene sicut ipse presbyter."

This man, who was not one of the Bewsey family, though he had not found his way to the truth, was one of those whose minds had been stirred by the religious questions then afloat, and was one of the early rebels against Rome. On being cited to answer for his offence before the bishop he recanted his errors and was absolved. (*Lichfield Register*.) He does not appear to have been one of that association of Christian brotherhood to which Richard Boteler belonged who was persecuted in 1525. (Foxe's *Martyrs*, vol. iv. p. '78; Froude's *Hist.*, vol. ii. p. 26.) Nor does it appear that he had the Christian courage either of his fellow citizen Lawrence Saunders, who was burned for heresy (Foxe's *Martyrs*), or of that other Thomas Boteler, who was captured and made a slave by a Sallee rover at the age of 14, and who some time after effected his escape and made his way to Paris, where having been found begging he was required either to renounce his Protestantism or be sent to the galleys, when he bravely chose the latter alternative. (*Cotton MSS.*)

In the beginning of the year 1485 Thomas Boteler was appointed a justice of the peace for the county of Lancaster, and in the commission he was still styled an esquire.

Notwithstanding the king's well-known character for bravery and military skill, and his recent suppression of Buckingham's rebellion, men could not be blind to his crimes, nor could these fail to make him unpopular; and hence in 1485, as the hope again revived of displacing him and seating Henry of Richmond upon the throne in his place, the Lancastrians once more took heart, and at Milford where Richard II. had landed to lose a crown Henry of Richmond now landed to challenge it from another Richard. The Leghs of Bradley, Thomas Boteler's next neighbours, were Yorkists by inheritance, and sir Peter Legh who four years before had succeeded his grandfather and was now the head of his house, had borne a lance in the wars before Berwick under the present king when he was duke of Gloucester, and had been made a banneret by the duke's hand at Hutton Field in 1482; and, as if that were not enough, the

king immediately after his accession granted him an annuity of ten pounds a year for his life, for which he probably looked in return to have his future services. (*Harl. MSS.*, cat. i. p. 261.) His ancestors had always held the Yorkist side, and he held to the king also as his old commander in arms, who, notwithstanding the ill odour of his memory in history, lord Bacon tells us was popular in our northern parts, where "the remembrance of him lay like lees in the bottom of men's hearts, and if the vessel were but stirred it would come up." (*Hist. Henry VII.*, p. 67.) There was still therefore a Yorkist as well as a Lancastrian party in Lancashire, and when men were mustering in arms under lord Stanley and his son lord Strange, and when the leanings of these leaders were known to be Lancastrian, Thomas Boteler buckled on his armour to join them, and on the 22nd August 1485 when a crown was the stake, he was doubtless present at Bosworth to see it lost and won, near to that spot where an inscription on a well in the field from the pen of a learned scholar, commemorates one of the last acts of king Richard's life :

"Aquâ ex hoc puteo haustâ  
Sitim sedavit  
Ricardus tertius rex Angliæ  
Cum Henrico comite de Richmondâ  
Acerrime atque infensissime prælians  
Et vitâ pariter ac sceptro  
Ante noctem cariturus  
xi. kal. Sept. mcccclxxxv."

Either on the field at Bosworth or at the coronation shortly afterwards Thomas Boteler won the right to wear his knightly spurs, and henceforth he is no longer styled an esquire but sir Thomas Boteler knight. Sir William Troutbeck, the first husband of sir Thomas Boteler's mother, had shed his blood at Blore in the cause of Henry VI., and now his son of the same name, sir Thomas Boteler's half brother, was present and fought at Bosworth for Henry of Richmond, who then became Henry

VII. (*Rotuli Parl.*, vol. vi. p. 320.) This fact we learn from a petition which he presented shortly afterwards, in which he tells us that from his ancestors, who had held it for more than two hundred years, he had inherited the manor of Oxhey in Hertfordshire, a property which adjoined and perhaps jostled too nearly the king's manor of More. King Edward IV., like the monarch in Israel of whom we read, cast a longing eye upon the property of his neighbour subject, and the latter though unwilling to part with it was not willing to incur the Jezreëlite's fate, and having more of the willow than the oak he at length reluctantly surrendered to the king his ancestral possession. After the new king's accession William Troutbeck petitioned to have his property restored, and the king graciously acceded to the petition.

The new king was hardly seated on the throne before it was threatened by Lambert Simnel, who, pretending to be the duke of Clarence's son the earl of Warwick, a Yorkist prince, challenged as his that which the king had so lately won. After marching into the very heart of the kingdom, the claimant's army confronted the king's host at Stokefield on the 16th June 1487. Lord Strange, who was again in the field on the king's side, had brought with him, we are told, "a great host enough to have beaten all the king's enemies only of the earl of Derby's folkes and his own." (*Plumpton Papers*, 89, 90, Camden soc.) Edward Plumpton, lord Strange's secretary, who was with his master in the battle and gives us this information, writing afterwards from Lathom, says, "I have given my servant the black horse that bore him from the field;" an incidental notice, which reminds us of one of Wellington's postscripts to his despatches, in which he tells us that the French had taken prisoner Tom Waters, the best earth-stopper in the army. The king was again victorious, and history gives us a list of more than sixty persons who were knighted on the field after the battle. Amongst these were Henry Bolde, sir Thomas Boteler's near neighbour, and the petitioner of Oxhey, William Troutbeck, sir Thomas's

half brother. (Brooke's *Battle Fields*, p. 177.) Sir Thomas, although he was probably in the battle, is not mentioned in the list, because his services had been previously acknowledged and rewarded.

It is remarkable that another Thomas Boteler, the queen's chamberlain, the earl of Ormond, and no kinsman of the house of Bewsey, was at this time a correspondent of Margaret of Richmond, and a letter from her to him has been printed in the *History of Lancashire* (vol. i. p. 450).

But in those days as now there were other offenders besides rebels to be restrained by a strong arm, and magistrates being needed to enforce the law, the knight of Bewsey in 3 Henry VII. was again put into the commission and made a justice of the peace. He was known to be a safe and good man, though he had not then acquired the characteristics ascribed to the justice by our great bard :

"In fair round belly, with good capon lined ;  
With eyes severe and beard of formal cut,  
Full of wise saws and modern instances."

The 13th January, 5 Henry VII. 1490, seems to have been a red-letter day in the Bewsey annals, for sir Thomas, attended by the honourable Thomas Hawardyn lieutenant-justice of Chester under the earl of Derby, and lord Strange, Hamon Penketh, Richard Birkenhead, Henry Garnet esquires, and others, with his steward Henry Doker as master of the ceremonies, then sat to receive the homage of some of his tenants and feudal retainers. Amongst these was a Randle Sankey who did homage and paid x<sup>s</sup> for the relief of a carucate of land (one-tenth part of a knight's fee) in Little Sankey, which his father of the same name, then lately dead, a descendant probably of that John Sankey who fell at Agincourt, had held under the house of Bewsey. Another tenant, Hugh del Bruche, of the neighbouring hamlet of that name, who had lately succeeded to the lands his father Henry del Bruche held in Sankey and Orford, next appeared and did

homage; afterwards came Richard Ratcliffe who paid his relief, but for some reason had his homage respited to a future occasion; and then two other tenants, John Ratcliff and Mathew Sale, appeared, paid their relief and did fealty, but did no homage, probably because they were not tenants by knight's service. (*Homage Roll* in possession of lord Lilford.) The gathering of these feudal tenants was probably followed by a banquet in the hall.

Although letters and letter writing were then much less frequent than they have become since, especially now when the penny and half-penny postage has so infinitely increased the number, there is one letter dated at Warrington which has come down to our time, and we give it as a rarity, though there is nothing remarkable in its contents. The letter is as follows:

“To the right worshipfull and my good master Sir Robert Plompton, knight.

Right worshipfull sir: I comend me to you and yt is so, that I am through with my brother Edward touching Haveray Parke, [a place near Knaresborough] and hath made a pare of indentures betwixt you and me touching the same; and now at our Lady Day in Lent next comyng, ther is to be pay'd due to me viij<sup>li</sup>, which I trust your mastership wil be redy at that day, and any service yt list you comand me. I am yours, as knowes God who keepe you. At Warrington the last day of August, 1490.

Your DAVY HERVY.”

(*Plumpton Papers*, Camden soc.)

The Plompton or Plumpton to whom the letter was written was a far-off cousin of the Botelers, and it was probably written either at Bewsey or at the rectory in Warrington, where Richard Delves the rector was then living. The writer, David Hervy otherwise Griffith, was a connection of sir William Griffith who had married the widow of sir Thomas Boteler's brother William, and was father of that sir William Griffith who in 15 Henry VIII. was one of the Boteler feoffees. David Griffith or Hervy, who was lessee under the crown of the fee farm of Liverpool in

1503 and was mayor of that borough, was one of those Welsh friends who followed the fortunes of Henry of Richmond, and sped like him in his new home. (Baines' *Hist. Liverpool*, pp. 201, 202, 234.)

On Monday next before the feast of Mary Magdalen, 18th July 6 Henry VII. (1491), when sir Thomas Boteler was staying with the earl of Derby at Lathom, Randle Culcheth attended to do homage to his liege lord for his manor of Culcheth, and he did his homage and paid 10s. 10d. for his relief in the presence of the earl of Derby. (Lord Lilford's *Deeds*.)

A charter witnessed by sir Thomas Boteler on the 20th August 6 Henry VII. (1491) gives him an addition to his title, and calls him "Baroune de Weryngton." (*Ibid.*)

On the 30th April 7 Henry VII. (1492) John Holcroft, for Holcroft the sister manor of Culcheth, attended at Bewsey and there did homage to sir Thomas Boteler his chief lord, and paid 10s. 10d. for his relief in the presence of Henry Byrom, Richard Worthyngton, Thomas Ashton, Thomas Elham and sir Simon Byrom. (*Ibid.*)

Between the Botelers and their neighbours the Leghs there had long been a rankling sore respecting a part of the Boteler estates which was claimed by the Leghs, and which was said by the Botelers to have been unjustly alienated. The law, "like Pharaoh's chariots when the wheels were off," has been often said to move heavily; and in mediæval times, when a remote prescription was the only statute of limitation, and the law maxim that "it is the state's interest to have suits quickly ended" was lost sight of, litigation had often a very long life. When Falstaff so humorously proposed to himself to amuse prince Hal with an account of justice Shallow, he said: "I will keep him in continual laughter the wearing out of six fashions (which is four terms or two actions)," he evidently meant that two terms, or about half a year, was then the ordinary length of a common law action; but this limit fell very short of the truth in that age, for many suits about land outlasted not terms merely but reigns.

Thomas Hulle and others, whose ancestors had been dispossessed of lands in Edgerley in Shropshire in the reign of Henry VI., were still prosecuting their suit to recover them in the reign of Henry VII. The dispute about lands too between the Leghs and the Botelers, which as we shall see hereafter had already been very long lived, was now about to assume a definite shape and to come before the courts for decision.

On the 20th February 8 Henry VII. (1493) "sir Thomas Boteler knight," as the court entry informs us, "paid our lord the king vi<sup>s</sup> for a fine to have a writ of formedon in the descender against sir Peter Legh knight;" and at the same time a similar entry informs us that "sir Peter Legh knight, Peter Gerard and Lawrence Dutton paid our lord the king xiii<sup>s</sup> iiii<sup>d</sup> for a fine to have a writ of formedon in the descender against sir Thomas Boteler knight." (Dodsworth's *MSS.*, 87<sup>000</sup>, 119, 120.) These writs of *formedon* were processes of law framed to bring before the courts the title of lands entailed under the statute of Westminster the 2nd, commonly called *de donis conditionalibus*.

Before the days of sir Thomas Boteler Lancashire had rarely been honoured with a royal visit, and it had still more rarely seen a royal visit of a peaceful and social character paid by any of our sovereigns to his northern subjects. Except king John, who for a short time was at Lancaster and Liverpool, no monarch save for a warlike object had for a long time been seen in our northern parts. King Edward I. on his march to Scotland had probably past this way, and his son king Edward II. we know came to Liverpool in pursuit of the adherents of Thomas of Lancaster. Henry IV. on his way to seek the crown probably skirted South Lancashire at the head of his small but increasing host. In the war of the Roses Henry VI., seeking to make friends to his cause, was for a short time in Cheshire and possibly in Lancashire also; and he was certainly in concealment in North Lancashire after the battle of Hexham, shortly before he was seized and betrayed by his disloyal subject Talbot of Bashall. Richard III., while duke of Gloucester and before he usurped the crown, marched through

Lancashire to Berwick, and it is said was the guest of sir Peter Legh of Bradley. Unlike all these however, Henry VII., when he had been ten years king and his seat on the throne seemed secure, came with his queen Elizabeth of York in the year 1495 into Lancashire on a visit of peace, and to pay his good mother Margaret countess of Richmond and her husband the earl of Derby at Lathom a dutiful mark of attention. To facilitate the royal journey the earl built a new bridge over the Mersey at Warrington, and the royal party, who had been the guests of the abbot of Vale Royal the previous night, arrived at Warrington on the 28th July 1495 and were the first to pass over the bridge and so to celebrate its opening. No chronicler has told us how and by whom and with what ceremony they were received at the bridge; but the high sheriff (who he was at that time, owing to a defect in the lists, we do not know) we may imagine would be waiting with his retinue in their best liveries on the confines of his county; the earl of Derby and his people, wearing the Stanley badge, would also be there to welcome their sovereign. When the king and queen first set foot on his manor sir Thomas Boteler and his tenants in the Stanley livery would not be absent; and he would probably be attended by the rector sir Richard Delves and his clergy, and by sir Richard Browne the prior of the hermit-friars and his brethren. There would be music and banners, and the usual acclamations of the crowd who were sure to be collected in great numbers on the occasion. The king was attended by a hundred footmen, whose pay was 6*d.* a day, and after the usual greetings of welcome and an address had been presented to him on his entrance into this part of his duchy of Lancaster (one of the oldest possessions of his house), the royal party passed on to Winwick, where they were received by the rector James Stanley, the earl of Derby's brother, afterwards bishop of Ely. In the king's train were two female minstrels who sang before him at Lathom, and received vi<sup>s</sup> viii<sup>d</sup> for their hire (*Hist. Lan.*, vol. i. p. 451); from which it appears that the value of minstrelsy had risen more than a third since Alianor

Rede and Alice de Wherlton, two of Edward the Second's minstrels, sang before him the song of "Simon de Montfort" and were paid for it iv<sup>s</sup>. (Hunter's *Tract on Robin Hood*.) The king, as Henry of Richmond, when he arrived in England brought with him Bernard André, an Austin friar of Toulouse, whose cowl did not stifle his devotion to the Muses. He was a poet, and the king having made him his laureate probably brought him with him also to Lathom. André endeavoured to repay his debt to the king by writing his life, a work which the master of the rolls has lately published. There was no doubt a great gathering of the county people at Lathom to do honour to the king's visit, and probably among them came sir Thomas Boteler in the Stanley livery.

As the king and queen were returning home they came the first night to Warrington, where on the 4th August they were the guests either of sir Thomas Boteler at Bewsey, or of sir Richard Delves the rector, whose father and brother had both died at Tewksbury for the house of Lancaster, which established his claim to be remembered by the now head of that house. On the 5th of August the royal party proceeded towards Manchester, attended by sir Thomas Boteler and his tenants to the boundaries of the manor, where with many wishes for their safety during the remainder of their journey he bade them farewell.

In the next year Gilbert Sale of Bedford gentleman, forgetting his rank and its obligations, committed a felony and tacitly admitting his guilt fled to avoid its consequences. His flight was followed by his outlawry, and on the Sunday next before St. Luke's day 16th October 1496 (Sunday does not seem to have been accounted in such cases a *dies non* in law), an inquisition was taken at Warrington before lord Strange, Andrew Dimmock, John Cutt and others, by which it was found that at the time of his outlawry the fugitive was seised of five messuages, one hundred acres of land and meadow, forty acres of pasture, three acres of wood, and ten acres of moor, in Bedford, all held under sir Thomas Boteler as of his manor of Warrington,

and that the value of the whole was five marcs a year. (Lord Lilford's *Papers*.) The object of this inquisition was to secure to sir Thomas as the tenant's feudal lord the profits of all the lands until the outlawry should be reversed.

It was a rare thing in old times for a man in full health to make his will. There was a superstition that making it would shorten life, and to talk to him of it was like sounding his death knell; but sir Thomas Boteler, who had no such superstitious feeling, on the 2nd February 12 Henry VII. (1497), when he was in perfect health and about 35 years of age, showed his prudence by making his will. In it he says, "Considering the uncertain mortality of man, and for the health of my soul and the payment and contentation of my debts, I make my will as follows: First, I will that my wife Margaret shall enjoy all such lands as I and she hold jointly of the gift of my feoffees, and also such other lands as she is either solely or jointly seised of for her life, and also that she shall have assigned to her by my feoffees one third part of all my other lands in the name of her dower. I also will that out of the profits of certain other lands, my feoffees shall pay my debts, and give to every one of my daughters who shall be unmarried and of good governance, and shall at my decease be guided and ruled by their mother and my feoffees, ccc. marcs, but if any of them shall die under 21 and unmarried then her portion shall cease. If any of my daughters shall be unmarried at my decease and be of good governance to the age of 29 years, then I will that at that age she shall receive the ccc. marcs. After these sums are levied I will that the feoffees shall stand seised of the lands to the use of my heirs according to the old entails. I further will that an honest priest shall be found for seven years from the time of my decease to sing for my soul and for the souls of all my ancestors and all Christian souls, and for that service shall receive vii. marcs a year. I will also that my younger sons, if I have any such, shall each receive xx. marcs a year for his life." (Lord Lilford's *Papers*.) Making his will did not shorten sir Thomas

Boteler's life, for he lived many years afterwards and made several other wills before he died.

The king's besetting sin, which made him seek to swell his money bags in a trading spirit and by means which were derogatory to his high office, was the unkingly vice of avarice. Before the notorious Empson and Dudley were in office, his ministers often played the part of spies and informers, and to fill the king's coffers entrapped his nobles and others into breaches of the penal statutes for the sake of the penalty accruing from them to the exchequer. Speaking in a later age of the rising against king Charles I., sir Harry Vane said, "We took arms lest the king should be the king of mean subjects, or we the subjects of a mean king." Either their long intestine wars had made the people willing to have peace at any price, or the subjects of Henry VII. had not the same spirit and had not risen to the true dignity of their position. One of the means with which the king thought fit at this time to harass his subjects was issuing writs of *quo warranto*, a process by which all who exercised any royal franchise or rights of the crown were called upon to show openly in court by what title they claimed them. In 13 Henry VII. (1497) as we are told by an historian, these writs flew about like hailstones in a storm. (Baines' *Hist. Liverpool*, p. 201.) By one of them addressed to sir Thomas Boteler he was summoned to appear at Lancaster and show cause by what right he claimed and held his markets at Warrington. He appeared and pleaded to it "that one William Boteler, formerly of Warrington, of whom he was cousin or kinsman and heir, was seised of the manors of Warrington and Laton with the appurtenances, and of 500 acres of land, 200 acres of meadow, &c.; and that the same William in 22 Edward I. (1294), being summoned to Lancaster to show by what authority he claimed to hold a market at Warrington, appeared, and then and there produced and showed forth a certain charter of king Henry III., the then king's father, dated in the forty-first year of his reign, whereby he granted the same William a weekly market on

Wednesday at his manor of Laton and that the same king Edward I. granted to the same William a weekly market on Wednesday at his manor of Warrington, and that the same William died seised of such markets, and that after his decease the same markets descended and came to the said Thomas Boteler, as cousin and heir of the said William, that is to say, as the son of John, who was the son of John, the son of William, the son of John, the son of William, the son of the aforesaid William Boteler the lord of Warrington." (Dodsworth's *MSS.*)

The statement here given of the family pedigree, it may be observed, is incorrect in setting out their descents, for not only does it omit more than one William at the beginning, but it seems to confound sir Thomas's brother William, his immediate predecessor, with William Boteler the first grantee. Part of this confusion however may be owing to the incorrectness of Dodsworth's transcript. The writ of *quo warranto*, though it did not disturb sir Thomas Boteler's title to the market, had the effect the king principally intended, for it alarmed him into obtaining the year but one after a new exemplification of his ancient charters, which of course rained a few drops of gold into the king's exchequer. (Dugdale's *Hist. of Warwickshire.*)

It will be remembered that in the year 1411 sir William Boteler settled upon his son John Boteler certain estates in the counties of Wilts, Essex and Bedford. Since that time until now we have not heard anything of the Essex portion of the estates; but in 14 Henry VII. (1498) we find sir Thomas Boteler, with a view probably to some family settlement or perhaps a sale, passing his moiety of the manor of Chalkwell in Essex to Reginald Pegge and Richard Wyatt, which a few years after was followed by another fine levied to the same persons, in which dame Margaret the wife of sir Thomas joined. (Morant's *Essex*, vol. i. p. 297, and *Fines*, 14 and 24 Henry VII.)

In 17 Henry VII. (1501) John Massy did fealty to sir Thomas Boteler for his ancient family holding in Rixton, and on the 18th June 19 Henry VII. (1504) Mathew Sale, who had done fealty

and paid relief on the 13th January 5 Henry VII. (1490), now appeared and did his respited homage "in the parler" at Bewsey hall before William Bretherton the venerable vicar of Frodsham (who had been presented to that living on the 4th June 1452), William Mainwaring esquire, George Legh gentleman, and many others. (*Homage Roll*, lord Lilford's *Papers*.)

The ancient manor house of the Botelers at Bewsey, a memorial of ages long gone by, still remains to link the present with the past. The original house which has already been mentioned had outlived many generations since it was first founded in the thirteenth century, and had secured respect to its roof tree by many ancestral associations. Four of sir Thomas Boteler's immediate predecessors in the estate, whatever might have been their wishes or inclinations, had lived in times too bustling and were too short-lived to find leisure to add to or improve their old house. None of them could take up the saying of the prophet and apply it to himself, "Thou shalt build up the foundations of many generations, and thou shalt be called the repairer of the breach, the restorer of the paths to dwell in." (*Isaiah* lviii. 12.) It was reserved for sir Thomas their successor in happier times to supply this deficiency. Before he had attained the meridian of life the war between the Roses had ceased, the red rose and the white were united and the reign of peace seemed restored. His estate too had greatly risen in value; he was filling an important position in the county, and he had a numerous and increasing family; he therefore felt the necessity for more room than his old house afforded, and he decided to enlarge it; and although no chronicler has told us when or by whom the addition was made to the old house, which is all that now remains to us of Bewsey hall, we shall not be wrong in ascribing it to sir Thomas Boteler and to the reign of Henry VII., to which its style of architecture and the family circumstances just mentioned all point. Arley hall (which stood on the site of the new house of that name, which is such a noble monument of its owner's taste) had been rebuilt

in 1490 by "Wise" Piers Warburton, one of sir Thomas Boteler's near neighbours and friends, and it was not unnatural that he should follow his friend's example. Three centuries, or the age of Nestor, seem to measure the duration of an ancient manor house, as twice that time is about that of a country church. When sir Thomas Boteler determined to add to his house it contained a great hall, which had probably a bartizan tower or turret, a room called "the parler" in which the knight often sat to receive the homage of his tenants, a domestic chapel, a buttery, and a pantry, both of them just opposite the hall, a kitchen and a cellar, a day-house and a brew-house, with various sleeping chambers, from one of which, as we have seen, dame Isabella Boteler had been ruthlessly carried off by William Poole. To these sir Thomas now added one great chamber or gallery, measuring fourteen yards by seven; four other smaller chambers; and an additional kitchen and buttery, which last two seem to speak of more frequent visitors and more social hospitality than the old house had known. The great gallery which sir Thomas added has massive walls and large mullioned windows, and it is upon the floor of this room, to which the ascent is by two or more flights of stairs, that the mysterious blood stains (one of which is shaped like a foot) are shown. All the additions directly adjoined and abutted upon the old house and of course stood like it within the circuit of the moat. (*Bewsey Survey* taken in 1587.) The old house had been built principally of timber and plaster, but sir Thomas determined that his additions to it should be of brick, the more lasting material, which was just then coming into use. From the Roman era to the reign of Richard II. this material, except when Ralph Stratford in 1348 used bricks, which were probably not of the same form as ours, for enclosing the ground at the Charter house where the citizens who died of the plague were buried, bricks had been but little used in England. In the reign of Henry VI., however, we have regular contracts entered into between two brickmakers and the monks of Bury St. Edmunds for making bricks for that monas-

tery (Dugdale's *Monasticon*); and in the same reign Ewelme palace in Oxfordshire, and the beautiful castle of Hurst Monceaux in Sussex, were both raised of that material, as was also Oxburgh hall in Norfolk, in the course of the following reign. (*Quarterly Review*, vol. xc. p. 492; *Notes and Queries*, Jan. 31, 1857, p. 95.)

Sir Thomas Boteler does not appear amongst the knights of the shire up to 17 Edward IV., from which time to 33 Henry VIII. the returns seem to be lost. (*Hist. Lan.*, vol. i. p. 316.) Choosing to dwell among his own people he probably did not seek the honours which would have drawn him from home and perhaps taken him to court; but he was in the commission of the peace, was much and deservedly trusted, and had his full share of public business. In 19 Henry VII. (1503), when the commons had granted the king a subsidy and collectors were appointed to receive it, sir Thomas Boteler was the first of the eight knights and gentlemen who were appointed to collect its Lancashire portion. (*Rot. Parl.*, vol. vi. p. 535; *Hist. Lan.*, vol. i. p. 456.)

The next year, 20 Henry VII. (1504), John Massy esquire of Rixton, having as we have already seen sworn fealty, now did homage to sir Thomas Boteler for his manor of Rixton, in the presence of sir John Bothe knight, and others. The ceremony probably took place and was followed by a feast in Rixton hall, Hollinfare, the chief manor place of the tenant where sir John Bothe from "over the Mersey" was invited to meet sir Thomas Boteler. About the same time Oliver Culcheth and Hugh Southworth did homage for their lands in the presence of sir Richard Bolde and Hugh Boteler. (*Homage Roll* in lord Lilford's possession.) On the 22nd December of the same year William Blundell paid his relief, and John Sale of Bedford and John Tyldesley of Tyldesley, two of sir Thomas Boteler's other tenants, did homage to him for their lands. (*Ibid.*)

The next year a new honour awaited him, for the king, by letters patent on 6th March 1505, then addressed him as

“Thomas Boteler miles pro corpore nostro,” and granted him “pro servitiis ante hac tempora impensis et in posterum impendendis,” the office of chief forester of the forests and chases of Simonswood, Croxteth and Toxteth, and parker of Toxteth and Croxteth with their herbage and pannage, and the stewardship of Liverpoole with the guidance and governance of all the king’s men, tenants and bailiffs within all or any of the said towns. (Kuerden’s *MS. volume*, p. 118, Chetham lib.) The forester was sworn to preserve the vert and venison and to attach and present all offenders.

On the 12th August 20 Henry VII. (1505), Robert son of William Blundell, John Molyneux of Melling, Richard Carleton of Thornton, and John Lount of Lount, now Lunt, in Sefton (a very old possession of the Botelers, being mentioned in Mathew Vilars’ early charter) appeared and did homage to sir Thomas Boteler, their liege lord, for the lands which they held under him. The ceremony took place in the great hall of the priory at Warrington, where sir Thomas, attended by his seneschal and by his chaplain sir William Plumptre, his kinsman Hugh Boteler, Thomas More, and many other friends, among whom probably was sir Richard Browne the prior with some of his chapter, sate in state to receive them. We may imagine the tenants clad in plate and mail entering the hall and the bystanders making way for them; they advance towards sir Thomas, lay aside their swords, unclasp their helmets, and with heads uncovered kneel down before him. Then after the bailiff has thrice cried “Oyez,” each tenant, placing his clasped hands between those of sir Thomas, repeats after the seneschal this profession of homage: “Know ye, sir Thomas Boteler knight, my liege lord, that I do become your man from this day forward to the end of my days for life, and members and worldly honour, and will bear you true faith for the lands I hold of you, saving only the faith I owe my sovereign lord king Henry.” Sir Thomas then stooping from his seat kisses each liegeman on the cheek, after which each of them places his hand upon the

Gospels and slowly repeats after the seneschal the following oath: "I do swear that I will be true and faithful to you sir Thomas Boteler knight, my liege lord, and that I will bear you true faith and fealty for the lands and tenements I hold of you, and will truly do and perform the customs and services I owe you, so help me heaven and all the saints;" and then kissing the book he rises from his knees, and the bailiff having again thrice cried "Oyez" the ceremony is over. (Kuerden's *MS.* vol. p. 118.) This ceremony, in some of its features, reminds us of that scene in which Eliezer, placing his hand under Abraham's thigh, swore to him not to take a wife for Isaac from the daughters of Canaan.

These were times when writing was far from universal even among landed squires, for in the year 1506 when George Ather-ton of Atherton, who afterwards married one of sir Thomas Boteler's daughters, had occasion to sign a bond to sir Thomas, he does not subscribe it in the usual way with his name, but by his initial thus: "Per me G——" (Lord Lilford's *Deeds.*)

In this year also the provost and scholars of the college of St. Nicholas in Cambridge released to sir Richard Bold 20s., part of an annuity secured by his bond in connection with the Bold tithes, in which bond sir Thomas Boteler seems to have been his surety. (Dodsworth's *MSS.*)

In the next year there was a full crop of homages. On the Epiphany 21 Henry VII. (1506), Robert Lawrence of Clayton in Amounderness did homage to sir Thomas at Bewsey for his lands in Little Laton before dame Elizabeth Houghton the daughter of sir William Troutbeck, sir William Plumptre, Henry Faryngton esquire, Thomas Bretherton esquire under-sheriff of Lancashire, Richard Rixton gentleman, and many others. (*Homage Roll.*) On the 28th June in the same year (1506) Robert Worsley esquire did homage and performed his suit to sir Thomas Boteler "in the parler" at Bewsey for the lands he held by knight's service in Pennington before sir William Plumptre chaplain, Thomas Hawarden learned in law, and many others. (*Ibid.*) And the same year Bartholo-

mew Holcrofte, Thurstan Tildesley (the same who was afterwards member for Lancashire), Henry Halsall, John Ashton of Penketh, Hamon Bruche, Hamon Ashton of Glazebrooke, who paid 6s. for his relief, Thomas Whitehull, Henry Yorescolles, and Henry Sale of Bedford, did homage before Hamon Bruche esquire, Richard Massey and William Penketh chaplains, and Oliver Berdsley the rich Warrington draper whose widow married a Leicester of Tabley. (*Homage Roll*.)

In the same year Thomas Norris of "Orphord," did homage for his lands in Warrington, Orphord and Magna Merton. (*Ibid.*)

These ceremonies of homage and fealty, of which we have given so many instances, were now fading away, and that change which a living historian has so eloquently described was fast coming upon the English world. "The paths trodden by the footsteps of ages were broken up; old things were passing away, and the faith and the life of ten centuries were dissolving like a dream. Chivalry was dying, the abbey and the castle were soon to crumble to ruins, and all the forms, desires, beliefs, together with the convictions of the old world, were passing away never to return. A new continent had risen up beyond the western sea. The floors of heaven, inlaid with stars, had sunk back into an infinite abyss of immeasurable space, and the firm earth itself unfixed from its foundations, was seen to be but a small atom in the awful vastness of the universe. In the fabric of habit, in which they had so laboriously built for themselves, mankind were to remain no longer." (Froude's *Hist. Eng.*, vol. i. p. 51.)

Thomas Stanley the first earl of Derby, the builder of the bridge, never forgot his munificent work but remembered it with affection to the end, and in making his will on the 28th July 1504, only a very short time before he died, he provided two funds, one for buying off the tolls and making the bridge free, and the other for establishing and keeping it in repair for ever. Three hundred marcs (200*l.*) were to be employed in purchasing the rent and tolls of the bridge, to the intent that the passage

should be free for all people for ever, and five hundred marcs (333*l.* 6*s.* 8*d.*) for making up the said bridge, that no further toll or farm should be there asked. (Collins' *Peerage*, vol. iii. p. 62.) But it will be well to inquire shortly what these tolls were, and how and when and with whom they first originated.

During the Roman occupation of Britain, when the Mersey was the boundary between the provinces of Flavia and Maxima, Warrington (where the river first became fordable, being the highest point to which the tide flowed) was the key of the province of Maxima, and from this time and through all the Saxon period the passage there over the Mersey was effected by a ford. The genius of trade, manufactures and commerce had not then selected South Lancashire for her peculiar home, and no bridge was needed

"To call o'er the stream th' admiring south to see  
The pomp and pride of northern industry."

The ford, which was at some distance from the present bridge, entered the river at a point opposite the highway called Washlane on the Latchford side. For nearly a century after the Norman conquest, or until the year 1153 when king Stephen granted the lands between the rivers Ribble and Mersey to Randle Gernons earl of Chester, there was little territorial connection between the earldom of Chester and South Lancashire. A parchment charter however, though coming from a king, was not always enough in those days to confer a solid title to a territory; but although his successor confirmed the grant which Stephen had made, Randle Gernons survived his grant too short a time to make use of it; and Hugh Cyveliok, who succeeded him in 1160 and died in 1183, was either too long a prisoner to the king, or had too much trouble with his own affairs, to derive much benefit from the lands between the Ribble and the Mersey. In the vigorous hands of his son and successor Randle Blundeville however, the bond between Cheshire and Lancashire was drawn closer, and the latter became a valuable possession to its new owner. In

order to connect the two sides of the Mersey still more closely together a ferry boat was then probably established and added to the ford; and about the year 1195 the earl, by his charter, desirous of placing the passage over the Mersey in strong and firm hands, granted the right of passage over the river between Thelwall and Runcorn to Hugh Boydel of Dodleston, one of his stalwart vassals, who was lord of the manor of Latchford, and who repaid the earl's confidence by rendering him able service in his wars, and particularly in the defence of the Welsh border. The ancient ford with its boat (now a Boydel possession) continued for some time to be the only mode of passing over the river at Warrington; but before 33 Edward I. (1305) a bridge—how or by whom erected, though it is believed by the Botelers, we do not know—had been built near the site of the present one, for it is then mentioned in several ancient charters. (*Warrington in* 1465, p. 89, *in notis*, Chetham soc.)

In 1308, when John le Boydel granted the Warrington hermit friars a free passage for their wains through Latchford, he certainly gave them the right to pass into Warrington by this bridge (*Hist. Chesh.*, vol. i. p. 447), which is next referred to in the paving charter of the 5th July 3 Edward II. (1310), and which was probably constructed of wood, the material of which down to the time of Richard II. the bridge over the river Ribble at Preston was certainly built. (*Patent Rolls*, 4 Richard II.) In the year 1338, the exclusive privilege enjoyed by the Boydels of conveying passengers over the Mersey was again recognised in a charter by which William the son of John Boydel (whose cross-legged effigy is now in the Warrington museum) grants to his son William all "his right of passage with all the profits and advantages thence arising through the 'eghes' (heys) in Latchford for the term of his life." (Sir Peter Leycester, *liber C*, p. 287.) And when William died, 23 Edward III. (1349), it was found by his inquisition post mortem that he held a certain passage in Latchford with a fishery which was worth xiii<sup>s</sup> iv<sup>d</sup> yearly. (*Hist. Chesh.*, vol. i. p. 446.) In the

year 1365, in consequence of some invasion, these Boydel transit privileges seem to have been questioned; for on the 11th October in that year Richard de Whyteleghe the high sheriff of Cheshire and other persons associated with him were commissioned to arrest all such persons and their boats as made passage across the Mersey in places not before accustomed. (*Chesh. Recogn. Rolls.*) And in the year following the renowned Black prince, as earl of Chester, appointed and authorised commissioners to arrest and send to Chester castle all such persons as so made unauthorised passage across the Mersey between Runcorn and Cross ferry. (*Hist. Chesh.*, vol. i. p. 446.) The latter of these limits is now Cross street, Stretford, which retained that name to the year 1577. (*Hist. Lan.*, vol. ii. p. 261.) Before the 6th July 38 Edward III. (1364), the first bridge over the Mersey at Warrington had perished, either by the slow hand of time, the violence natural to the age, or the force of some sweeping land flood; and sir John Boteler the lord of the manor, and others associated with him, who were willing to give time and money for such a work, received the royal authority to re-build it, and the old bridge was then probably replaced by a more substantial structure of stone. (*Rymer's Fœdera*, vol. iii. pp. 740, 741.) Some jealousy of the new work, proceeding either from the Boydels the owners of the tolls or from some other source, would seem from the language of the royal commission to have threatened its progress.

On the 1st October 6 Richard II. (1382) the princess of Wales demised Latchford (and it is presumed the tolls) to Alan de Rixton during the minority of Thomas son and heir of William fitz Howell. (*Chesh. Recogn. Rolls.*) And on the 9th January 20 Richard II. (1397) the king demised to Robert de Holden the passage of the *bridge* of Weryngton, with the fishery called Lacheford Yorde, then in the king's hands by reason of the death of the above Thomas, who was called Thomas Boydel, during the minority of Robert his son and heir. (*Chesh. Recogn. and Patent Rolls.*) This exclusive right of the Boydels to con-

duct passengers over the Mersey at Warrington and to receive a toll for it, of which we have now seen the origin, was not likely to escape question in an age when all rights were so frequently questioned in writs of *quo warranto*; and accordingly, in the year 1497 and the reign of a greedy monarch when such writs were showered down so plentifully, Henry Byrom and Constance his wife and James Holte and Isabella his wife (who represented the Boydels) were summoned by one of those writs to appear at Chester and show by what authority they claimed their franchise and right of passage over the Mersey. Having appeared in obedience to the writ they pleaded that they had "chiminum" through Latchford, and its "heys" (probably the eyes or meadows) as far as the water by Weryngton; and that they had also passage over the Mersey, for which they claimed to demand and take for every man and horse passing the river one halfpenny, for every loaded horse one halfpenny, for every laden wain or cart drawn by two horses 4d., for every twenty beasts of burden 4d., for a hundred heifers or sheep 4d., for twenty unbroken horses or mares 4d., and so on in proportion for any greater or less number. (*Warrington in 1465*, p. 88, *in notis*; *Hist. Chesh.*, vol. iii. p. 444) This plea was allowed, and they seem to have remained in undisputed possession of their franchise until after the death of the first earl of Derby, when the three hundred marcs left by him to buy off the tolls raised up a new claimant in the person of sir Thomas Boteler, who as the lord of the manor of Warrington now, for the first time in the history of his family, thinking perhaps that he was entitled to receive at least a portion of the purchase money, advanced a claim to some part of the tolls. The three hundred marcs set apart for the purchase seem inadequate for the purpose when we consider that without reckoning any tolls at the higher rate, the tolls from nine thousand six hundred passengers (not by any means too great a number to be supposed to pass the river in the year) at the lowest rate would realise yearly 20*l.* Under these circumstances the earl's trustees, especially when a new

claimant had intervened, found the task imposed upon them to be no easy one, and an appeal was now made to the law by James Holte and Isabella his wife and Constance Byrom widow (her husband having died since the Cheshire *quo warranto*), who having filed a bill in the duchy court of Lancaster to establish their right, averred by the bill that they and their ancestors time out of mind had been peaceably seised of the "weys" (ways) in Lachforde, and the "hees" (heys either enclosed or "eyes" as the low meadows are sometimes called) in Lachforde, together with the passage over the Mersey between Runcorn and Thelwall [and Weryngton] in the county of Lancaster, with all commodities and profits thereto belonging; that this their title had been allowed in the Cheshire *quo warranto*, and that, until sir Thomas Boteler made pretence and title to a part, their right had never been disputed; that they had been used to take of every man on horseback riding and passing by that way and water one halfpenny, of every horse laden one halfpenny, of every laden cart or wain 4*d.*, and for every twenty "rether bestes" 4*d.*, and for every twenty coltes 4*d.*, for every hundred sheep 4*d.*, and so after the same rate if the cattle were fewer or more, for which toll they said they were charged *with maintaining and repairing* a bridge called Weryngton bridge, where the passage was used; that they had peaceably enjoyed the toll without interruption, for that no cattle or cart could come that way but to their great ease, speed, and nearest way, through their several grounds; that by reason of the commandment of the king's council they had now forborne taking the said toll and profits, but they prayed letters missive to the king's justices at Lancaster, there to make due search and inquisition whether the king had any title or interest in or to the premises, and if the plaintiffs' right should be duly found that they might be restored to their inheritance. The Boydels are never heard of as the builders or supporters of the bridge, and though they rested their right to the tolls upon it, they must have been remiss in this part of their duty.

In another bill the same plaintiffs alleged seisin as before "of the passage over the water of Mersey running betwixt Lancashire and Cheshire anendst the town of Weryngton as well when a bridge had stood in the said water as when the said passage had been kept with boats" until lately, when the said passage had been seized into the king's hands by reason of a *quo warranto* sued by him against the plaintiffs at Lancaster in the 21st year of his reign. The plaintiffs founded their claim upon an alleged grant of the said passage given to their ancestor by the "earl of Chester, at that time lord of the said passage, not only for the safe conduct of all manner of people that should fortune to pass over the said water, but also for the great care that they shou'd have to pass over their several ground from anendst the town of Weryngton into [unto] a place called 'Wyllers Pool,' which is almost a mile in length, and that when they had been sued for the said franchise they had had allowance thereof after the custom of Cheshire." (*Duchy Records.*) The approach to the ford on the Cheshire side was certainly through the enclosed lands of the Boydels, and it was probably this which gave rise to Latchford causeway being repaired, not by the public but by some private landowners, *ratione tenuræ*, until a recent period, when the county of Chester, for a consideration, relieved them from it and took the repairs upon itself. Nor was this the only ferry thus approached, for the ferry at West Bank led until lately through private lands in the same way. Sir Thomas Boteler seems for the time to have bowed to the king's command, but not without a protest, for he shortly afterwards renewed his claim to the passage and toll of Weryngton bridge, and in a proceeding in the duchy court he alleged that he was seised of the manor of Weryngton with the appurtenances, to which the said passage and toll belonged, and had belonged to him and his ancestors time out of mind as appendant thereto. And he showed that whereas the king had lately caused it to be proclaimed, and commanded that all persons should have free passage over Weryngton bridge on horseback and on foot,

and with all manner of carriages, and with horses and carts, wains, drift of cattle, and otherwise, without paying any toll, and that the bridge should thenceforth be free, the petitioner would in no wise disobey such commandment, albeit he had good and lawful title to have the said toll, as he could prove by evidence, and he prayed the council to take order herein according to right, law and conscience. (*Duchy Records.*) Wilderspool, which the plaintiffs mention in their claim, is a very ancient name, for it occurs in a charter of 1189, and also in a charter of 1308. (*Arley Deeds* and sir Peter Leycester *liber C. 139a.*)

How the rival claims were satisfied we have not ascertained. It is probable however that sir Thomas Boteler did not make out his case; and it is at all events certain that the bridge was declared free, and the three hundred marcs let us hope were not withheld from his rivals. The opening of the bridge not only drew closer the two neighbour towns situated on opposite banks of the Mersey, and made unnecessary the markets and fairs at Latchford, for which the Boydels had obtained charters, but also opened through Warrington a ready access to many other towns and places, both on the north and the south, while

“With each and all old Mersey’s ford town still,  
Holding communion freely at her will,”

both gave and received benefit by the mutual intercourse which the bridge promoted.

At this period sir Thomas Boteler’s life seems to have been fruitful in litigation, which, as no man loves law-suits for themselves except at the circuit table, where “more plaintiffs and more defendants” is a popular toast, could not fail to trouble a man of his prudent character. Scarcely had the bridge controversy ended when his right to the homage of Henry Halsall for his lands in Halsall was questioned; sir Thomas had received the homage in the twenty-first year of the king’s reign, and as the only alternative offered to a suit at law was an arbitration, the matter was referred to such a tribunal, and the arbitrators

found and accordingly awarded that Henry Halsall was sir Thomas's tenant, and that he was undoubtedly entitled to his homage. (Lord Lilford's *Deeds*.)

It has been already mentioned more than once before that there was an angry dispute between the Botelers and the Leghs about some of the Boteler lands which were claimed by both, and that on 20th February 8 Henry VII. (1493), in order to bring the matter to an issue, the two parties were preparing for a serious struggle at law by suing out cross writs of *formedon* against each other. Since that time twelve years had passed, and all the while the suits had been "dragging their slow length along," to the great weariness of all parties, which disposed them the more readily to listen to the advice of friends and agree to an arbitration. The grievance out of which the quarrel arose was an old one, dating from so far back as the early part of the reign of Edward III. In the year 1338 Richard, the eldest son of sir William and dame Elizabeth Boteler, married Joan the daughter of Thomas de Dutton, and upon the marriage sir William settled a third part of his estates in Bradley, Burtonwood, Great Sankey and Weryngton, expectant on his own or his wife's decease, upon the young couple and the issue of their bodies, and in case they should die without issue, upon John Boteler, sir William's second son, and the heirs of his body. Richard died without issue, and his wife Joan having survived him and thus become entitled to the estates for her life, married a second husband, John de Haydock, by whom she had issue, who after her death claimed and retained the estates. This was a great maim of the old Boteler inheritance, who, taking up the words of Hotspur, might justly complain that from all their land it had cut

"A huge half moon, a monstrous cantle out."

The law maxim, "*interest republicæ ut sit finis litium*" (it is the state's interest to have an end to suits), was then unseconded by any statute of limitation, or the seeds of a dispute sown so long ago would hardly have taken such a time to ripen. But

the family animosities though they had smouldered long had not yet burnt out. The arbitrators to whom the parties referred their differences were the celebrated Wolsey archbishop of York and Ralph Delves and Laurence Townley esquires, whom the parties met by appointment at the archbishop's palace at Scroby on the 23rd September 21 Henry VII. (1505), attended by master Fairfax serjeant-at-law and master Bryan Palmes a learned counsel, who in the proceedings against sir Thomas Gerard in 1515 is called a justice of assize. Sir Thomas Boteler produced the settlement, and showed the circumstances under which he laid claim to the lands. His adversary sir Piers Legh, who had inherited his title to the disputed lands from Joanna de Dutton through her second husband John de Haydock, in order to prove his right showed a charter of sir William Boteler under his seal of arms, bearing date 33 Edward III. (1359), by which he released unto the said John and Joan de Haydock and the heirs of the said John, all his right in and to all the lands, tenements, rents and services whereof the said John and Joan were on that day seised or possessed in Bradley, Burtonwood, Great Sankey and Weryngton. And he also showed another deed of the same sir William under his seal of arms, bearing date about 41 Edward III. (1366), by which he released unto the said John and Joan and the heirs of the body of the said John, all his right in and to all the homages, rents and services of certain tenants therein named in Bradley, Burtonwood, Great Sankey and Weryngton, being the same rents and services then claimed by the said sir Thomas Boteler. And he further showed the copy of an action of detinue which the said John de Haydock and Joan his wife sued out against one William Moston, in which they demanded of the said William one of the same deeds of release which he said had been delivered to him by the said John and Joan and the said sir William Boteler upon certain conditions; whereupon a *scire facias* being prayed against the said sir William, he then sent the said William Moston his sufficient warrant to deliver it to them, which warrant, and all and every part of

the said two deeds of release except the dates, were seen by the said sir Thomas Boteler and his counsel. Moreover, before the said arbitrators and learned men, the said sir Piers also showed a release with a collateral warranty descended upon the said sir Thomas Boteler, of and for all and every the premises in question, (but) by or to whom or when such release was made, they (the said arbitrators or learned men) would in no wise utter or express. Nevertheless the said Ralph Delves showed thus much unto the said sir Thomas Boteler, that is to say, that the said collateral warranty was made by one Margaret, daughter of sir John Boteler knight, the said sir William's son, who was married to one Atherton or Ardern. It appears that in or about 1338, at a time when entails were indestructible and entailed lands must descend *secundum formam doni* in the very line of the limitation and were confined to the heirs which the settlement or charter prescribed, sir William Boteler, on the marriage of Richard his eldest son, settled certain of his lands to descend, after the death of himself and his wife, on Richard and his bride for life, with remainder to the heirs of their bodies, and in default of such issue to his second son John Boteler and the heirs of his body, and with the ultimate remainder to himself in fee. Now, according to this, and as the law then and for a very long time after stood, the successive estates to the heirs of the body of Richard and John were indestructible, and it would seem that nothing that sir William could do ought to have affected them. But in opposition to the claim which sir Thomas Boteler as the lineal heir of sir William Boteler's second son John, and the undoubted heir of the estates under the entail, now set up, sir Piers Legh pleaded that although the entail was really created as alleged, sir William Boteler had twice subsequently released the estates with a warranty which would bind all his descendants, and moreover that one of John Boteler's daughters had given a collateral warranty which also bound them. Now, the principle of a warranty was this, that the person warranted, if a lineal descendant, although he might recover the estate, was liable under the warranty to make up and

pay back its value to the recoveree. This, which was a new way of making the son answerable for the father, was not very just, especially when he who had given the warranty had himself only a limited and restricted estate in the settled lands. But collateral warranty barred the right of the settler or his heir in tail, even when the suitor was not lineally descended from him and took no estate under him, which like "putting ratsbane into his mouth," was more unjust still.

On the 24th July 22 Henry VII. (1507), the archbishop and his brother arbitrators, believing perhaps that they were bound to decide according to strict law, and might not listen to equity, or

"To do a great right do a little wrong,"

awarded that the title to the estates was with sir Piers Legh, and thus confirmed the alienation of which sir Thomas so justly complained. (*Bold Deeds.*) But at the same time they either found or suggested a surer mode of ending the family animosities and staunching the old feud, for on the 24th July 22 Henry VII. (1507), a marriage was arranged to take place between Thomas Boteler, sir Thomas's eldest son and heir apparent, and Cecile, one of the daughters of Piers Legh esquire, sir Piers' eldest son and heir apparent. The settlement, which bore date on the above day, and was made between sir Thomas Boteler knight and Thomas Boteler his son of the one part, and sir Piers Legh knight and Piers Legh his son of the other part, after reciting that to appease all grudges, variances, discords and debates existing between the parties and their ancestors, and to make a final peace, increase and continuance of love and favour between them, their kinsfolks and friends, it had been agreed by the mediation and request of Thomas archbishop of York and Rauf Delves and Lawrence Townley, mediators and arbitrators indifferently named and chosen by the assent and agreement of the said parties, that a marriage should be had before the feast of St. Michael then next between Thomas Boteler the son and

Cecile, one of the daughters of the said Piers the son, or if the said Cecile should die before such feast, then that the said Thomas the son should marry Anne, the said Piers's other daughter; and it was further agreed that the said sir Piers and Piers his son should keep the said Anne unmarried and unaffianced until the said Cecile should attain the age of 14 years. The settlement contained many other provisions which, though usual enough at that time, appear very strange to us now. (*Legh Papers.*) John Butler, one of the judges of the court of common pleas, who does not appear to have been connected with the house of Bewsey unless he were of the kindred house of Merton, was appointed supervisor of the settlement. Nothing could seem to have been better devised for ending all family differences between the two houses than this marriage of their heirs. "*Mais l'homme propose et Dieu dispose,*" and the best arranged plans often fail and all the wise designs of their contrivers come to nought; and so, alas! it happened here, where the good ends proposed by this marriage were doomed to be disappointed. Piers Legh the son, who at the time of this marriage had only two children, his daughters Cecile and Anne, his presumptive heirs, soon after took a second wife and had a son born, which cut off all Cecile's hopes of succeeding to the Legh inheritance.

We have before said that sir Thomas Boteler was an active justice of the peace, and we find him present and acting in that character at Warrington on the 30th November 1507, the charter day of the winter fair, a day not unlikely to breed quarrels; and a warrant which he then issued in pursuance of his office against a gentleman for intending violence, an offence which persons of the same rank would avoid now, has come down to us; and, as such instruments are rare, we translate it from the Latin and give it *in extenso*:

"Thomas Boteler knight, one of the keepers of the peace of our lord the king assigned to keep the peace in the county of Lancaster. To the sheriff of the same county, and to Thomas Ollier and Simon Madur, constables of Kenion and Lowton,

greeting. Whereas Robart Rysley hath come before me, and on his corporal oath hath affirmed that he fears loss of life and members from William Holland, late of Kenion in the county of Lancaster, gentleman. Therefore I command you and each of you that you or one of you attach the said William by his body, so that you or one of you have his body before me or some one of my fellow justices of the peace of the county aforesaid, to find sufficient surety to keep the peace towards our lord the king and all his subjects, and especially towards the said Robart Rysley. And if he shall refuse this, then that you or one of you cause him to be safely conveyed to our lord the king's gaol at Lancaster, there to remain until he shall comply. And this you are in no wise to omit at your peril, and have there this precept. Dated on the feast of St. Andrew the apostle in the twenty-third year of king Henry VII."

In a certain recent lively story the writer tells us of an alderman of Beetlebury who, returning from a convivial meeting a little depressed by some contradiction he had experienced, stopped opposite the statue of a benefactor of the borough standing in the public market place, and, taking advantage of the occasion, proceeded to address the statue thus: "Ah!" said he, "you lived in the good old times which are departed, and which we shall never see again." "What and when," asked the statue, "were the times of which you speak, Mr. Alderman?" "Why," said the latter, "the times of George II." "Did you never hear how in those days," said his interlocutor, "the young pretender led an army through Beetlebury, and once in going and a second time in returning levied heavy contributions on the inhabitants, not sparing the mayor and aldermen?" "Well, but," said the alderman, "the times of his father George I. were better, and no hostile force profaned Beetlebury then." "True," replied the statue; "but the Scots came to Preston, and the king's forces which were sent to meet them were quartered at Beetlebury, and left in the borough (where some people called them caterpillars) as bad a name as the pretender had left before."

The alderman went through several other reigns, but the statue had always the better of him ; and at last he was obliged to confess that the "good old times" lost much of their attraction when viewed from a modern stand-point through the vista of the past. The "laudator temporis acti" will generally find that as a beautiful landscape derives many of its charms from distance, so the lives of our ancestors do not appear so even and so enviable when we examine more narrowly the annals of their history.

We have no reason to think that sir Thomas Boteler was more litigious than his neighbours, but it is evident that he did not escape his share of litigation.

In the year 1508 another law question awaited and galled sir Thomas, who, by reason of Hamon Bruche, lately deceased, having held of him by knight's service and a rent certain his capital mansion or chief place of Bruche, and his lands in Weryngton, Sankey and other places, was entitled to the wardship and keeping of the body and lands of Richard the said Hamon's son and heir, had now had this seemingly undoubted right called in question by John Massie of Rixton esquire and Hamon Massie of Sale esquire, John Duncalfe and Richard Bold gentlemen, and Lawrence Balfront chaplain, Hamon Bruche's feoffees ; but after some preliminary controversy the parties agreed and swore upon the holy Gospels to abide the award of William Hondeforde and Richard Sneyde esquires, their arbitrators. These gentlemen, having entered upon the matter on the 1st July in the above year, found that the said Hamon Bruche, being greatly in debt while his children were under age, enfeoffed the said John Massie and the rest in all his lands to the intent that they should perform his last will, which will the arbitrators found good as to a part but invalid as to the rest ; wherefore they awarded that the said feoffees should deliver to the said sir Thomas Boteler 40s. yearly for his own use during the nonage of the said Richard Bruche, and that they the feoffees should occupy the remainder without prejudice to the dower of Dowce Bruche mother of Hamon and of Elizabeth his late wife. (*Hale Deeds.*)

The marriage of sir Thomas Boteler's son with one of the presumptive heiresses of the house of Legh, which had now taken place, seemed to sir Thomas to make a difference in his family circumstances; and on the 22nd February 23 Henry VII. (1508) he made a codicil to his will, by which, after noticing that all the original feoffees of his estate except one were dead, and that Richard Delves the sole survivor at his request had lately appointed sir Edmund Trafford and eighteen others to be his new feoffees, he directed them to stand seised of all his estates to the use of himself and his heirs, and to accomplish and fulfil the covenants contained in his son's marriage settlement, and also to perform his last will. It appears that the possibility of Piers the son having issue male had not escaped him, for he directs that if such an event should happen then that the said sir Piers should pay him vii. c. marcs in vii. years next following the birth of such issue male, if such issue male should so long live; but if it should die, leaving none other such issue living, then that sir Thomas's executors should repay the said sir Piers the whole or so much of the said vii. c. marcs as he should happen to have received. There is in the codicil also a provision that if the wife of sir Thomas Boteler's son or her issue should succeed to all the Legh estates (except Lyme) the executors of sir Thomas should pay to the executors of the said sir Piers the sum of iv. c. marcs. It is evident from all this that in contracts of marriage mercenary considerations are no modern novelty.

Shortly after making his will sir Thomas (whether especially reminded by it of the nearness and importance of the concerns of eternity or only in compliance with a general custom of the time, or else desirous to drop a few coins into the coffers of a religious house) on the 22nd June 1508 procured from the priory of Durham letters of fraternity for himself, by which, with all the benefits of the house, their prayers and suffrages, he obtained a grant of absolution; and on the 9th August following he purchased the same privileges for the honourable lady Margaret Boteler his wife. (*Durham Obituary Roll*, p. 115, Surtees soc.) This indulgence

was not quite so extensive as that which John abbot of Abingdon, on the 6th June 1475, granted to Henry Hoghton esquire and Ellen his wife, and William, George, Arthur and Ellen, their children, which gave them plenary absolution from all their sins. (Dodsworth's *MSS.*) But there can be no doubt that had sir Thomas desired it his letters of fraternity might have been made comprehensive enough to embrace his family.

On the king's demand for two reasonable aids in the twenty-fourth year of his reign, one for making his eldest son a knight and the other for marrying his eldest daughter to the king of Scotland, the parliament, who saw the discontent which levying them would occasion, compounded for them by offering the king a sum of 40,000*l.*, and sir Thomas Boteler was the first of the eight gentlemen named to collect the Lancashire portion of these aids. (*Hist. Lan.*, vol. i. p. 450.)

In those times the finger of prerogative was very heavy. A man might incur the forfeiture of his whole estate through his outlawry in a personal action by an unconscious breach of some forgotten penal statute, and no gentleman thought himself safe without obtaining from the crown from time to time a general pardon as his protection. In these pardons the name, address and style of him who obtained them were expressed with ingenious variety, and very often in more ways than he had ever used, by which he was pardoned of all imaginable and almost unimaginable crimes, both great and small, known and unknown, which it was thought possible he might have committed. Sir Thomas, who in his letters of fraternity had lately obtained what was then thought a spiritual protection could not disregard what was temporal, and as the king's life was now drawing to a close, sir Thomas thought it wise to sue out on the 3rd February 24 Henry VII. (1509) one of these general pardons, "per nomen Thomæ Butler militis, alias dicti Thomæ Butler de Bewcyc in com. *Cest.* militis, alias dicti Thomæ Butler de Hexallys in com. Warwick militis, alias dicti Thomæ Boteler nuper de Exal in com. civitatis Coventriæ militis, alias dicti Thomæ Boteler de

Weryngton militis." (Lord Lilford's *Deeds*.) It will be observed that he is here called Thomas Boteler of Exal in Coventry, and if he had been the Thomas Boteler of Coventry, his namesake who was charged with the crime of heresy, this pardon might have covered his offence.

On the 22nd April 1509 (and not as his tomb has it on the 21st) king Henry VII. breathed his last, and his son king Henry VIII., yet uncorrupted by habits of self-indulgence, at the age of 18 ascended the throne, to the general satisfaction and great joy of the nation, who breathed more freely now that the late reign was over.

Sir Thomas Boteler, whose property near Lytham was large, had certain lands adjoining those which the priory there, then a cell of the priory of Durham, enjoyed by the gift of his ancestors. On the 28th April, in the first year of the new reign (1509), according to the allegations in a suit commenced only a few days after the king's accession, Thomas Boteler late of Weryngton knyght, William Bamburgh late of Laton and John Bispham alias Jenkynson late of Bispham (the two last being probably only sir Thomas's tenants) were charged with having committed a trespass *quare clausum fregit* on the lands "in Lethom" of Thomas prior of the cathedral church of Durham. The defendants appeared by their attorney, William Brettaugh, and pleaded that the lands in question were part of a large tract of one thousand acres called the Hawes, which was the soil of the said sir Thomas Boteler, and that what the last two defendants had done they had done as his servants. "The law's delay" was then no fable, and the cause, after lingering nearly ten years, at last came on for trial at the Lancaster Lent assizes in 10 Henry VIII. (1518) before a special jury, when the verdict was probably in favour of the defendants, since we afterwards hear no more of the charge.

On the 4th April 1 Henry VIII. (1510) Thomas Boteler, who lived much among his own people, was a witness to a reconveyance of his lands to sir John Warburton from his feoffees. (*Arley Deeds*, box 2, No. 1.)

On the 18th August 3 Henry VIII. (1511) we again meet with him amongst the justices of the peace who attended the sessions at Lancaster. In the list of those who attended with him are the names of the earl of Derby, sir Edmund Trafford, sir Peter Legh and ten others; an array which would suffice for a quarter sessions now and was surely more than sufficient to discharge the business then. (Dodsworth's *MSS.*)

Homages, though becoming more rare, had not yet quite disappeared, for on the 14th December 3 Henry VIII. (1511) Richard Rixton gentleman did homage to sir Thomas in the parlour at Bewsey, probably for his lands in Sankey, before Thomas Shirewood counsel, learned in the law, William Bruche and sir William Plumtre chaplain. (*Hale Deeds.*)

On the 22nd March 3 Henry VIII. (1512) sir Thomas Boteler again attended the sessions at Lancaster in his capacity of justice of the peace. He may have been the chairman of the sessions; but at all events his attendance shows his devotion to the duties of his office which, as it involved a journey from Bewsey to Lancaster in the winter, required a sacrifice which would have deterred one less earnest in the discharge of an onerous duty. (*Ibid.*)

On the 18th May 4 Henry VIII. (1512) Thomas Middleton of Haverbrek in Westmoreland with a party of lawless followers having forcibly disseised sir Thomas Boteler of some of his lands in Yeland Conyers and Dalton, he proceeded against them, when their offence being proved he prosecuted them to outlawry, and to avoid worse consequences they probably fled. (Dodsworth's *MSS.*, vol. clxvii. p. 165.)

In 4 Henry VIII. (1512) sir Thomas was sued by the king on a recognizance for one thousand marcs. How or when, or on what account he had contracted such a debt we are not informed; but the result proved how wise had been his forethought in securing his general pardon, for he now pleaded such pardon and was discharged. (Lord Lilford's *Deeds.*)

In the same year, when the parliament granted the king a sub-

sidy of one-fifteenth (a tax which was regulated by the value which had been put upon cities, boroughs and other places in 8 Edward III. 1334), the earl of Derby was appointed one of the collectors, and next to him and as one of his coadjutors occurs the name of sir Thomas Boteler. (*Statutes at large.*)

The next year we have sir Thomas appearing in the amiable character of a peacemaker between sir John Warburton and sir William Boothe, two of his neighbours who were at feud. The two knights had had a controversy as to the right to cut turfs on Warburton moss, and at the instance of sir Thomas Boteler and sir Richard Bold knights, and William Honford and Laurence Merbury esquires, sir John Warburton agreed, and by his deed 6th May 5 Henry VIII. (1513) of his free mind gave them full license to cut two hundred loads of turfs on the said moss, in such place as the said sir William Boothe had lately cut them, and to give them to the said sir William Boothe and none other. (*Arley Papers.*) This deed was probably contrived by sir Thomas Boteler, whose beautiful autograph is attached to it, as a device for making peace between two neighbours.

The healing of this family quarrel at home was quickly to be followed by a storm-cloud of war abroad. The king, in prosecution of the war against France, was now in the Netherlands besieging Tournay ; and the Scots, then no good neighbours to the English, as is remembered in the old distich,

“ If that you in France would win  
You must with Scotland first begin ;”

which, whether true or false, did not make the two countries better friends. The Scots thought the war between England and France a good opportunity for attacking the former, and the result produced ill feelings which are not yet quite obsolete.

Sir Walter Scott tells us that once when he and his daughter were travelling in Northumberland she was taken suddenly ill at Wooler near Flodden, and a doctor was sent for, in whom sir Walter, to his surprise, recognised one of his old gardeners at

Ettrickford ; upon which he asked him how long he had practised physic, and intimated to him that his practice might be dangerous. The doctor however told him he need not fear, for that he confined his practice to two simples, *calomy* and *lodomy*. But this, so far from assuring sir Walter, led him to express his fears that it was likely he would be poisoning some of the king's English lieges. "Weel, weel," added the doctor, "never mind, 'twill take a good many to make up for Flodden."

In the summer of 1513 the Scots were known to be making large musters of troops, for the supposed purpose of compelling the king of England to yield the demands of his brother-in-law James IV., which, if the two monarchs had not been both alike imperious, might have been settled without a quarrel. Alarm at these preparations and the thoughts of a Scottish war immediately fired the ardour of the north of England and roused Lancashire to enthusiasm, where, as the rhyming chronicler has it, they mustered

"From Warton unto Warrington,  
From Wigan unto Wyersdale,  
From Wedicar to Waddington,  
From Ribchester unto Rochdale."

Sir Thomas Boteler and most of his neighbours summoned their retainers and burnished and made ready their arms and armour.

The war note being sounded met with a ready response ; the tenants and retainers everywhere mustered in obedience to it, and hot haste and the hurry of preparation disturbed for a time the usual quiet of Bewsey. No muster roll of sir Thomas Boteler's contingent has come down to us, nor do we know its numbers ; but it was doubtless far inferior to that of another Boteler of his name though not of his house, John Butler abbot of Vale Royal, whose force amounted to three hundred men, which, with the assistance of his two esquires George Holford and John Bostock, were led to the field by the abbot himself.

The force consisted principally of archers, and we may perhaps conceive an idea how these were armed and attired from the group represented in the window of Middleton church, where each man carries on his left shoulder a bow with the string relaxed, and at his back a large sheaf of arrows. (*Hist. Whalley*, pp. 525, 526.) These were the staple weapons at that time, and the patriarch Jenkyns, in his old age, used to tell how in 1513 he carried a whole load of them to the army near Northallerton ; some of which were perhaps manufactured at Warrington, where, as we know from the parish register, they continued to be made down to the year 1613, exactly a century later. By the abbot's presence in the host he lent the sanction of religion to the cause, and in fighting their shafts his archers would "bend their bows of double-fated yew." The Lancashire archers were famed for drawing their arrows to the head.

After mustering under the banners of their respective leaders the forces from these parts marched, as we learn from an old rhyme, first to Hornby castle :

"From Lancashire and Cheshire, too,  
To Stanley came a noble train  
To Hornby, from whence he withdrew  
And forward set with all his train.

If any seem abased to be  
That we in battle should be beat,  
Cheshire and Lancashire, with me,  
Shall give the Scots the first onset.

Next went sir Bold and Boteler brave,  
Two valiant knights of Lancashire,  
Then Bruerton bold and Bygod brave,  
With Warcop wild, a worthy squire."

At Hornby the Lancashire and Cheshire forces, not the least important part of the army, placed themselves under the command of sir Edward Stanley, who had the leading of one wing, and from thence they marched to the North. The abbot of

Vale Royal was not the only ecclesiastic in the host, for sir Thomas Boteler was attended by his chaplain sir William Plumtre (*Lanc. Chantries*, vol. i. p. 60, Chetham soc.); and another chaplain, William Clayton incumbent of Clitheroe, who was also in the host, though a non-combatant, returned home wounded. (*Ibid.* p. 141.) If Henry Taylor the Middleton chaplain went with his people, his name must be added to the list of ecclesiastics who were at Flodden, where, as we know from *Marmion*, services such as theirs were in much request for far higher and holier purposes than fighting.

The approach of a battle always brings solemnizing thoughts. On the day of the conflict at Flodden the morning broke with a great wind, and we may imagine the Scottish king as he looked forth upon the scene holding converse with one of his courtiers, after the manner of Henry IV. with his son before the battle of Shrewsbury :

*King Henry.* How bloodily the sun begins to peer  
Above yon busky hill, the day looks pale  
At his distemperature.

*Prince Henry.* The southern wind  
Doth play the trumpet to his purposes,  
And by his hollow whistling in the leaves  
Foretels a tempest and a blustering day !

The two armies joined battle on the 9th September 1513, and the contest was fierce and furious, for both sides performed wonders. The first report was that the Cheshire men being overpowered had slightly wavered, which report it is said — as ill news has swift wings — reached Tournay before the true result of the battle was known, and lord Derby gave way to a passionate outburst of lamentation over his friends (sir Thomas Boteler amongst them) whom he supposed to have fallen ;

“Farewell Boteler and sir Bold,  
Sure you have ever been to me !”

The position of the Lancashire and Cheshire men was in the right wing under lord Edmund Howard, with whom were sir Thomas Boteler, sir Ralph Brereton, sir John Lawrence, sir Richard Bold, sir John Booth (sir Thomas's near neighbours), and Robert Warcop a Yorkshire esquire from Hull, who in another ballad is also named as in sir Thomas's company :

“Sir John Gower and sir Walter Griffin drew near,  
With sir Thomas Boteler and Mr. Warcop.”

One of the ballads says :

“Lancashire, like lions,  
Laid them about.”

And another strongly commends the Lancashire and Cheshire archers, and with this agrees the old tablet formerly suspended in Bolton church :

“The bolt shot well, I ween,  
From arblast of yew tree green,  
Many nobles prostrate lay  
On the glorious Flodden day.”

The battle having swayed to and fro for some time sir Edward Stanley led his famous charge, the very agony and turning point of the battle, after which victory declared for the English, but with no loss of honour to Scottish valour and conduct. The numbers slain on both sides were nearly equal, but the Scots lost far more of their men of rank than did the English. The latter however lost sir John Boothe, sir Bryan Tunstall of Thurland, sir Thomas Venables the baron of Kinderton, sir William Handford of Handford (whom we so lately saw engaged with sir Thomas Boteler as a peacemaker), sir Edmund Savage the mayor of Macclesfield, Robert Fouleshurst esquire of Crewe, Thomas Maister-son esquire of Nantwich, John Bostock esquire of the retinue of the abbot of Vale Royal (*Hist. Chesh.*, vol. ii. p. 72), James Holt esquire of Stubbley, Robert Bebbington esquire of Bebbington, with William, Randle, James, John and Charles his nephews (an

unusual mortality in one family), John or Thomas Sankey one of sir Thomas Boteler's archers, great numbers of Macclesfield men who fell with their mayor; and as we know from the brass on his tomb at Letheringham, sir Anthony Wingfield

“At Flodden did bravely fight and die  
Of Wingfield's sons the famed sir Anthony;  
But death he counted mickle gain sith he  
Over the Scot did gain the victory.”

Edward Fitton esquire of Gawsworth and Thomas Maisteron (a young man aged 18, who probably surrendered when he saw his father fall) were made prisoners by the Scots.

But the English loss was as nothing compared with that of their enemy, amongst whom there fell the archbishop of St. Andrew's, thirteen earls, two bishops, two abbots, fifteen lords and chiefs of clans, five peers' eldest sons, La Motte the French ambassador, the king's secretary, and last and saddest of all their king himself, who commanded in person and fell amidst a host of slain. We are told by a Scottish historian that “the names of the nobles of his country who fell were too numerous to recapitulate, and that there were few families of note who did not lose one or more relatives, while some had to bewail the loss of all.”

The Scottish loss was so enormous that Flodden might be said to have proved to Scotland another *Cannæ*.

Patriots bewailed it, and poets sang dirges over it; but no wail for Flodden expresses more feelingly the general sympathy which pervaded the nation than the lament in this homely ballad written in the dialect of the country:

“I've heard them liltin', at the ewe milkin',  
Lasses a' liltin', before dawn of day;  
But now they are moaning on ilka green loanin';  
The flowers of the forest are a' wede awae.  
At bughts in the morning, nae blithe lads are scorning;  
Lasses are lonely, and dowie, and wae;

Nae daffing, nae gabbing, but sighing and sabbing,  
 Ilk ane lifts her leglin, and hies her awae.

In har'st at the shearing, nae youths now are jearing ;  
 Bandsters are runkled, and lyart or gray ;  
 At fair or at preaching, nae wooing, nae fleeching ;  
 The flowers of the forest are a' wede awae.

At e'en in the gloaming, nae younkers are roaming  
 'Bout stacks, with the lasses at bogle to play,  
 But ilk maid sits dreary, lamenting her deary —  
 The flowers of the forest are a' wede awae.

Dool and wae for the order, sent our lads to the border !  
 'The English for ance, by guile wan the day :  
 The flowers of the forest, that fought aye the foremost,  
 The prime of our land, are cauld in the clay.

We'll hear nae mair lilting, at the ewe milking ;  
 Women and bairns are heartless and wae :  
 Sighing and moaning, on ilka green loaning —  
 The flowers of the forest are a' wede awae."

(*Minstrelsy of the Scottish Border*, vol. iii. p. 131.)

Sir John Stanley of Handford was knighted on the field ; sir Thomas Boteler's pennon became a banner and he himself a banneret, by which title he is soon afterwards named.

The readers of this history must long since have come to the conclusion that far from having any dread of the law our ancestors, judging from their frequent law suits, must have taken delight in it. Nor were the litigants in these suits generally of the commoner rank, being for the most part gentlemen who, having received more education than the former, might have been expected to be more just and wiser. A story told of a late wealthy baronet in a northern county informs us that, being jealous of his rights and watchful over them at every turn, he made a point of laying by a large sum out of his income every year to provide a law fund, by which he might push his rights to the utmost and defend them against all invaders, some of whom

were no doubt deterred by the fear of his long purse. "Next to music," he said, "law was one of the most expensive luxuries in which a man could indulge." Our ancestors can hardly be suspected of being influenced by the notions of this eccentric baronet; but either the law was then less settled and the rights of property less respected, or perhaps the law was a civil game in which they indulged as a stimulant when the voice of war had been silent too long and the temple of Janus being shut men had begun to cry out upon the times as too quiet.

Sir Thomas Boteler as we have seen had had his share of law suits, and generally, if not always, the right was on his side; and now another, to which he was unjustly provoked, awaited him. Sir Thomas was the feudal superior of Thomas Blundell who had lately died, leaving James his son and heir within age, by which sir Thomas became entitled to his wardship and marriage. Of these valuable privileges William Molyneux esquire, without any right as it appears, attempted to deprive him, until sir Thomas vindicated his title to both by suing out a writ of ravishment of ward, which it is presumed put an end to all further claim. (*Patent Rolls* and *Dodsworth's MSS.*, vol. lxxxvii. fol. 169.)

In the year 1515, while sir Thomas was living as usual quietly in his own house at Bewsey, labouring under an attack of sickness, of the nature of which, though it might be the result of his fatigues or his wounds at Flodden, we are not informed. It appears however that on the 14th April in that year, while he was thus stretched on a sick bed, he received a visit of sympathy from his neighbour sir Piers Legh, now become a priest, who probably administered to his sick friend the consolations of religion. (*Proceedings in the Duchy court against sir Thomas Gerard.*)

On the 27th May in the same year sir Thomas, calling himself guardian in chivalry of the body of Gilbert the son and heir within age of Oliver Culcheth of Culcheth (who had probably fallen at Flodden), sold the said Gilbert's marriage for fourscore marcs (26*l.* 13*s.* 4*d.*) to Thomas Longley parson of Prestwich,

Robert Longley and Robert Longton esquires, and Piers Longton gentleman; and it was expressly agreed that Gilbert should marry and take to wife whom he would at his own pleasure and whenever he should think it convenient; and if he should die before he were married to any gentlewoman, then Thomas his brother should have the same privilege. (*Culcheth Charters*.) We manage things in England better now, where marriage is more a matter of choice than of barter; but in France, where marriages are often the work of a marriage broker or brought about by advertisement, there is seldom much personal choice; but a recent story shows that even their rule is not without its exceptions. It is said that an English lady living in Paris, being not disinclined to marry, made known her wishes to a broker, who informed her he knew a bachelor in search of a wife who was the very man to suit her. A meeting of the parties was accordingly appointed; but when the gentleman made his appearance the lady found he was a second Falstaff in goodly protuberance of person — in fact, that he was what Colman describes as “two single gentlemen roll’d into one” — whereupon she made her curtsy and retired, telling the broker that she had understood the gentleman was a *single* man, and that in England it was a crime to have two husbands at the same time.

On the 29th June in the same year sir Thomas gave evidence of his piety and of his grateful sense of the services of an old servant, for on that day he joined his son in executing to sir Anthony Fitzherbert serjeant-at-law (the celebrated law writer, who afterwards became a judge of the common pleas and was one of the judges who sat on the trial of queen Anne Boleyn), Tucher Bold and Thomas Babington esquires, and Thomas Blounte chaplain, a grant of all that his advowson of the parish church of Warrington, to the end that on the next avoidance they should present thereto his well-beloved priest and chaplain sir William Plumtre, for the good love, zeal and favour he bore him, and to the intent that he should remember him in his daily prayers. (Lord Lilford’s *Deeds*.)

Sir Thomas must at this time have been living within his income and saving money, for in this year he was a buyer of land, and we find him paying money to Oliver Berdisley the rich Warrington draper (whose widow married an ancestor of the celebrated antiquary sir Peter Leycester of Tabley) for the purchase of a house in the High street in Warrington, situate near the tenement of Thomas Sankey, which was lately in the tenure of William Gray the baker. (Lord Lilford's *Deeds*.)

By a charter dated the 1st February 7 Henry VIII. (1516) in which sir Thomas Boteler is expressly called a "banneret," he and his wife dame Margaret grant to Robert Beconsal clerk, almoner to the queen (if by this Katherine of Arragon be meant her almoner had no sinecure), George Boothe, Randle Brereton, Henry Kighley, Henry Faryngton, Richard Mitton, Edward Aston, Richard Bold and Thomas Babyngton esquires, William Boothe son and heir apparent of George Boothe, and Thomas Blounte, Ralph Alleyne and William Plumtre chaplains, the manor of Laton and lands there and in Magna Merton, Warbrek and Bispham, of which the said sir Thomas had lately been re-ineffoed by sir Robert Fouleshurst and others, and the manor of Exhale and lands there and in Folkeshull in the county of Warwick, and certain lands in Great Sankey, which with other lands he had received by the feoffment of Henry lord Grey and others, to hold to the use of the said dame Margaret his wife for life; and afterwards to fulfil his will according to a schedule thereto annexed, in which schedule it is declared that after the death of the survivor of them the said sir Thomas and dame Margaret the feoffees should hold the lands to the use of Thomas the son of sir Thomas, according to the old evidences, but the feoffees out of the lands granted might enable his said son to jointure a wife. (Dodsworth's and Kuerden's *MSS.*, in which sir Thomas has the title of banneret; *Bold Deeds*.)

In the same year when parliament granted the king a subsidy sir Thomas was one of those who were appointed to collect the Lancashire portion of it. His name occurs next after those of

the earl of Derby and lord Monteaule, under whom sir Thomas had served at Flodden on that day when "Stanley's proud eagle soared high" and sir Edward Stanley won his coronet. (Dods-worth's *MSS.*, vol. lxxxvii. p. 170.)

About this time, or soon after, difficulties (which if they did not originate in the recent difference about the bridge tolls were aggravated by it) arose between Thomas second earl of Derby and sir Thomas Boteler, which showed that the latter possessed a true English spirit, and that where he had to assert or defend a right, neither a high title, power in high places, nor a long purse could daunt him. The quarrel at length led sir Thomas to file a bill of complaint in the duchy chamber, the particulars of which as they appear in it deserve to be given at length. Sir Thomas alleged that Gilbert Skarysbryk, who was seised of the manor of Egargarth, held it of him by homage, fealty, escuage and rents certain and uncertain, of which service and rents he (sir Thomas) was seised at the hands of the said Gilbert by his tenant, and that being so seised the said Gilbert died within the homage of the said sir Thomas, by virtue whereof the wardship and custody of Thomas the said Gilbert's son and heir (who was within the age of 21 years) and the wardship of the said manor or lordship belonged to him the said sir Thomas Boteler; but that the earl of Derby "of his might and high power" wrongfully seized and took away as well the wardship of the body of the said Thomas Skarysbryk as of the manor of Egargarth and thereof deforced the said sir Thomas; that the matter by mutual consent was submitted to arbitration, when the arbitrators having perfectly seen, examined and determined as well the title of the said sir Thomas as of the said earl, decided, since it clearly appeared to them by evidence that the said manor was holden of the said sir Thomas by knight's service, that the said sir Thomas ought to have the ward thereof, and as to the wardship of the body "they took time for further advisement," and thereof they so certified the said earl by letter; that he the said sir Thomas, leaving for the present his further suit for such award of the body, afterwards

entered into the said manor and distrained for the rent behind since the said Gilbert's death, whereupon divers of the tenants forcibly rescued the said distress and violently expelled him the said sir Thomas out of possession of the said manor, and after such rescue and expulsion the said earl married the said ward to a bastard daughter of his own ; and that upon further continual suit made by the said sir Thomas to the said earl, and at the especial instance and request of the said lord Monteagle and others, the said earl agreed and was content to abide the award of four other persons, namely, sir Richard Bolde and sir Henry Halsall knights and Henry Faryngton and Thomas Hesketh esquires, as well concerning the ward of the said manor as concerning the value of the marriage of the body of the same ward, whereunto he the said sir Thomas on his part agreed. And that the same arbitrators awarded that the said earl should peaceably and quietly have and enjoy the ward and custody as well of the said minor, as be quit against him the said sir Thomas of the said marriage, and that the said earl, as the value of such marriage, should pay him the said sir Thomas the sum of 40*l.*, and that the said award should not be prejudicial or hurtful to the title of the said sir Thomas, and that to such award and to a certain bill the said earl as well as the said sir Thomas set their hands. Nevertheless and notwithstanding such award, the said earl still wrongfully and to the said sir Thomas's great hindrance, open wrong and oppression, forcibly kept possession of the said manor, and would not though often requested, suffer him to enter thereon ; neither would he pay him the said 40*l.* And the said sir Thomas further alleged that he had, and was always used to have, a yearly fair at his manor of Weryngton on the feast of the translation of St. Thomas the martyr (that is the Warrington summer fair, which, until the style was altered in the last century, was always held on the 7th of July, the day of the saint's translation, but the popular feeling having then clung to the original day and refused to alter it, the fair has ever since been kept on the 18th July); that in such fair holden on the said

saint's translation in the eighth year of the king's reign (1516), the said earl by one John Barnys his servant bought sixteen yoke of oxen, and the toll being demanded of him by the said sir Thomas's servants and ministers appointed by him to take such toll, and he refusing to pay it, the said officers distrained one of the said oxen and kept it as a distress for the same ; whereupon the said earl sued forth a writ out of the chancery of the king's duchy within the said county, because he knew as well his might and power in the county as that all the learned men of the same shire were *retained and feed* by him, that by force of the said writ such ox was suffered to be replevied, and that afterwards at the next sessions at Lancaster the said sir Thomas was called upon ; but when he trusted to have had some learned counsel assigned him, and when he required some of the learned men then present to be his counsel, they one and all refused to be of counsel against the said earl, whereupon he the said sir Thomas required the king's justice to assign him counsel. But the said justice was unable to cause any of the learned men there to be his counsel to make his answer and avowry in the said cause, so that he could make no good answer either in this or the former matter ; and that he, considering the said earl's malice towards him, and his power, friends and adherents, would be without remedy at common law within the said duchy, to his great hindrance, utter disherison and undoing, unless the king's favour were showed him in this behalf, wherefore he prayed that the said earl might be called to answer the premises. To this, relying perhaps on his court influence, or believing with the poet that

“ In the corrupted currents of this world  
Offence's gilded hand may shove by justice,”

the earl put in a short reply, in which, without denying or impugning sir Thomas Boteler's statements, he merely prayed that the matters might be left to the determination of the common law. (*Original proceedings in the duchy office.*) Let us hope that in this expectation his lordship was disappointed, for sir Thomas

ever afterwards quietly enjoyed the franchise of the fair without interruption ; and let us also hope that the justice his manliness deserved was done him in the case of the Skarysbryk wardship. But we may be permitted here to give a short account of this powerful opponent and kinsman of sir Thomas.

Thomas second earl of Derby, grandson of the first earl and son of the historic lord Strange, succeeded his grandfather in 1504, and in the same year, when the king (Henry VII.) made a treaty with Maximilian I. and induced some of his nobles to join him in a bond for its due performance, the earl became his surety for fifty thousand crowns. But the treaty came to nought, and so while he served his money-loving master, the act cost him nothing and perhaps advanced his own interests. In 1513, as we have already seen, he was with the king at Tournay when the news arrived of the wavering of some of the forces at Flodden and drew from him the lamentation over his friends whom he supposed to have fallen. At the second battle of the Spurs, fought near Courtray in the same year, he distinguished himself and acquired some renown by his gallantry. In 1520, when the emperor Charles V. visited England, the earl by the king's command bore the sword of state before him and the emperor as they rode from Dover to Canterbury. On the 13th May 1521 he was one of the six earls who tried and condemned to death the duke of Buckingham, who four days afterwards uttered on the scaffold that touching farewell to his friends :

“ You that loved me  
And dare be bold to weep for Buckingham,  
Go with me like good angels to my end ;  
And as the long divorce of steel falls on me,  
Make of your prayers one sweet sacrifice  
And lift my soul to heaven !”

The earl, who was not one of the friends to whom this was uttered, only survived the duke's death six days, having been gathered to his fathers at an early age on the 23rd May 1521.

After this short sketch of his career we may well wonder at

the earl's bold attempt to overbear and defy the law. Too much elated by royal favour he overrated his power, which intoxicated him and made him overbearing; but in his conduct towards sir Thomas Boteler we may see the ill condition of society and of the law itself at that juncture.

In his celebrated speech on the amendment of the law, which has since produced excellent results, the late Mr. Brougham told the house of commons that in a cause which came on for trial at the Carlisle assizes, arising out of a disputed election for Westmoreland, one of the parties, sir James Lowther, had retained every barrister on the circuit, and so left his opponent without a single counsel to assist him. No mischievous invention fails to find imitators, and sir James seems only to have followed the bad example set him so long ago by the earl of Derby. It is to be hoped that the earl as scrupulously paid the fees of the learned counsel he had retained as Mr. Brougham expressly tells us sir James Lowther most honourably did.

On the 14th November 8 Henry VIII. (1516) sir Henry de Kighley came to Bewsey and paid as his relief one-third of a knight's fee for the lands in Inskip, which he held under sir Thomas Boteler. (Kuerden's *MSS.* in the herald's college, vol. vi., where several other homages are recorded.) Sir Henry, a descendant of that sir Richard who, with other heroes, shed his blood and died on the great field of Agincourt, paid his relief amounting to *1l. 13s. 4d.* in angels of gold. This coin, worth *8s. 4d.*, which was first issued by Henry IV. (of which sir Henry so paid four), is the same over which Falstaff made so merry when taunted by the chief justice with following the prince of Wales "like his evil angel." "Not so, my lord," replied the fat knight; "for your ill angel is *light*, but I hope he that looks upon me will take me without weighing."

In the year 1516 sir Thomas Boteler, now being 56, had by his years and his habits of observation gained considerable knowledge and experience, and was very near that age which the Romans thought first fitted a man to sit in the curule chair

as a senator. When occasion required it he was "bold as bold could be;" and when the clarion sounded to arms he had heard and obeyed its call, and marched with the host to Flodden. He was now however resting on his laurels and living quietly at Bewsey in the midst of his large family, enjoying the respect of his neighbours and devoting himself to the duties of his rank and station. Active in the discharge of his public duties as a magistrate, he was equally active in performing the less public but not less useful duties of a peacemaker between his neighbours; and when quarrels arose, as they too often did, and these not seldom ended in an arbitration, he was frequently called upon to sit and act as a judge. He seems never to have served the office of high sheriff, and so far as we know (for the Lancashire returns to parliament from 17 Edward IV. to 33 Henry VIII. are lost) he never represented the county as a knight of the shire; all these public employments, which would have detained him long from his quiet home, he seems to have studiously shunned. Had he wilfully ignored or refused to discharge his duties to his county and neighbourhood, we might perhaps have supposed him taking up and uttering the wish of Horace:

"Hoc erat in votis; modus agri non ita magnus;  
Hortus ubi et tecto vicinus jugis aquæ fons,  
Et paulum silvæ super his foret."

"A home for me with just sufficient land,  
A garden with a springing well at hand,  
Back'd by a grove with gentle breezes fann'd."

But as a feudal *seigneur* he knew the duties of his station, and had no desire to shrink from them.

We have before intimated that after the marriage of Margaret countess of Richmond with lord Stanley (afterwards earl of Derby), which took place about the year 1473, her lord's abode became the resort of numbers of the good and wise, while many promising young scholars who repaired thither for education were maintained at her expense. To direct their studies she

brought down Thomas Westbury, a learned Oxonian (a person of his name was abbot of Norton in 1453, but he could hardly be the same). Under the direction of the countess and the teachers she chose, Lathom and Knowsley became a Lancashire *Academy*, where with the wisdom of the ancients the scholars might learn better wisdom than Athens ever knew, except in that short interval when St. Paul made it known to her sages and wise men as he stood and spoke on the Areopagus. Amongst those who frequented her halls when sir Thomas Boteler was young were William Smyth and Hugh Oldham, both of whom having given promise of talent their patroness is said to have maintained at her own expense. Of these men, whom we have mentioned before, we may be allowed to give a short account here, to prove that the discernment of their patroness was as just as her encouragement of learning was liberal.

William Smyth was born at Farnworth, five or six miles from Knowsley, in the year 1460, only a few months before sir Thomas Boteler. His patroness's care of him continued to the end of her life, and seconded by her influence his merits secured him the station he attained. In 1492 he was made bishop of Lichfield, and thence in 1495 he was translated to Lincoln. In 1507, remembering the help he had himself received, he showed his grateful sense of it by founding a grammar school in his native place of Farnworth; and in 1511 he and sir Richard Sutton became joint founders of the Lancashire college of Brasenose, Oxford, in which he secured great benefits to students from Lancashire in general, and more especially to those of his own neighbourhood. After a busy life, in which he obtained very deservedly the reputation of being ever the zealous patron of learning, he died on the 2nd December 1513.

Hugh Oldham, who was nearly of the same age as Smyth, was born in the Lancashire town from whence he took his name, and, like his fellow-student, he owed his preferment to his merit and the judicious influence of his patroness. In 1501 he became bishop of Exeter. He was said to be a man of more zeal than

knowledge and more devotion than learning. He was a great patron of Corpus Christi college, Oxford, and was to have been one of its founders; but when Fox his colleague would have made it a house of monks he declined to co-operate, and insisted that it should be rather a house for scholars, saying that monks were but a sort of buzzing bee whose state would not endure long, but that scholars brought up "in learning would be profitable always." In 1510, "for the love he bore to the county of Lancaster, where the children have pregnant wits but have mostly been brought up rudely and idly, and not in virtue, cunning education, literature and good manners," he founded the grammar school at Manchester. The bishop died on the 25th June 1519. Portraits of both these prelates are given in the *History of Lancashire*.

It is probable that Erasmus, who was certainly consulted by the countess, paid a visit to her at Lathom or Knowsley. Sir Thomas Boteler, lord Stanley's near kinsman, lived much with him as an honoured guest, and in the learned society then distinguishing Lathom and Knowsley and the converse enjoyed there, none but a dull learner could fail to profit. From his beautiful autograph we know that his handwriting was very good; and this, while all books were in manuscript, was an art which would make the reading of them an easier task. When every book had to be written and was consequently expensive, it was not so easy as it is now to fill the shelves of a library; but at Lathom and Knowsley there would always be at least some manuscript volumes, and our ancestors, who could read, happily understood the value of that maxim, "multum legendum est non multa," by which they became fuller scholars and more thorough masters of the books they had. But sir Thomas Boteler lived in the dawn of that day which saw the discovery of printing, and he was enabled to enrich his mind by those stores of learning, the numerous books in Latin, French and English, which issued from the press of Caxton, and by which, while curiosity was excited, readers as well as works were rapidly multiplied.

If sir Thomas Boteler in his rural retreat needed any other indoor amusement besides reading books, which the new art was then fast multiplying, he and his guests might resort to that ancestor of modern billiards, the game of shovel-board. At Bewsey the shovel-board stood with its one end fronting the great hall window, where glowing with emblazonry were the arms of the Botelers and their alliances, amongst which were conspicuous the shield *azure* with the bend *or*, and the six covered cups of the same, impaled with the shield *argent* and the lion rampant *gules*, the origin of which has puzzled the heralds so much. The board at which the game was played was a strong table about nine yards long and about three or four feet wide. About three inches from its upper end and parallel to the edge a line was drawn across it, and at the distance of four feet from this was drawn another line. At the lower end of the table opposite to these two lines the players stood, each having four flat weights of metal which they pushed or shoved from them alternately, and the skill of the play, which required great nicety, was to give the weight a sufficient impetus to carry it beyond the mark nearest to the edge; for if it was impelled so strongly as to fall from the table into a trough placed for its reception, that throw was not counted; if it hung over the edge, without falling, it counted three towards the player's game; if it lay between the line and the edge it counted two; if on the line but not up to the edge, but over the first line, it counted only one. A throw which did not reach the first line did not count at all. When there were two players the game was generally eleven, but when four or more persons played the number might be extended. There is a story told of prince Henry the son of James I. playing at this game with his tutor, which is worth repeating as an example of princely submission to authority, like that of prince Hal when rebuked by the chief justice. The prince while he was playing changed several of the pieces, upon which the tutor, desirous to make him observe rules even in trifles, told him he did ill to change so often; and there-

upon taking a piece in his hand and saying *he* could play well enough without changing, threw it on the table; yet not so well but the prince, smiling thereat, said: "Well thrown, sir." Whereupon, master Newton telling him he would not strive with a prince at shovel-board, he answered: "You gownsmen should be best at such exercises, being not meet for those that are stirring." "Yes," quoth master Newton, "I am meet for whipping boys." And hereupon the prince answered: "You need not vaunt of that which a ploughman or a cart-driver can do better than you." "Yet I can do more," said master Newton; "for I can govern foolish children." The prince, respecting him, came from the further end of the table and smiling said, while he passed by him: "He had need be a wise man himself that could do that." (*Strutt's Sports and Pastimes*, pp. 297-299.)

In the busy year 1516, dame Ellen Southworth having a dispute with some of her neighbours, all parties agreed to leave the matter to arbitration, and sir Thomas Boteler was chosen as the arbitrator to settle the matter. (*Dodsworth's MSS.*)

In 9 Henry VIII. (1517), when John de Radcliffe esquire of Culcheth died, it was found by an inquisition post mortem that he had held his lands and tenements in Culcheth of sir Thomas Boteler by knight's service, and that he paid him for them *iiij<sup>li</sup> iiiij<sup>s</sup>* a year as rent. The finding of the knight's name in so many of these inquisitions shows how numerous his feudal tenants were, and how great his perquisites from them must have been.

In the same year we have another of those marriage agreements, which as we have seen were so frequent in feudal times, when hands were bartered without the consent of those most concerned. In this case, by an indenture dated 20th May, "the right worshipful sir Thomas Boteler knight, guardian of the body and lands of Richard Ryseley son and heir of Robert Ryseley," agreed with sir John Yrelande knight, "touching the warde and marriage of the said Richard, now being in nonage and in the custody of the said sir Thomas," as follows: First, the said sir Thomas was content and did agree and grant to the said sir John

that, by the grace of God, the said Richard should marry and take to wife Alice Yreland, daughter of the said sir John, before the feast of St. James the apostle next coming, and in like manner the said sir John covenanted and granted that the said Alice, by the grace of God, before the said feast should marry the said Richard. The said sir Thomas further covenanted to assign and deliver to the said sir John lands and tenements (that is of the ward's own) to the yearly value of x. marcs over all charges, parcel of the inheritance of the said Richard in Culcheth or Weryngton, to hold to the said sir John to the use and finding of the said Richard and Alice during the nonage of the said Richard ; for all which the said sir John covenanted and granted to pay to the said sir Thomas fourscore pounds in manner following, namely, on the day of the said marriage xxvii<sup>li</sup> xiii<sup>s</sup> iiiii<sup>d</sup>, and x. marcs at the feast of St. Martin in winter then next, x. marcs at the feast of the nativity of St. John the Baptist then next, and so yearly x. marcs at either of the said feasts, or within xl. days then next following, until the sum of liii<sup>li</sup> vi<sup>s</sup> viii<sup>d</sup> residue of the said lxxx<sup>li</sup> be fully paid. But it was provided that if the said Alice should die without issue by the said Richard living at her decease and inheritable before any of the said days of payment, that then all the payments behind and not then due should cease to be made. The said sir John also covenanted and granted "to keep and find the said Richard and give him meat, drink and clothing, and other things competent and necessary to him according to his degree until he should come to and be of the full age of xxi. years." And further, for the more sure payment of the said liii<sup>li</sup> vi<sup>s</sup> viii<sup>d</sup>, residue of the said fourscore pounds, the said sir John covenanted and granted that he and two sureties would be bounden to the said sir Thomas in eight several obligations each for the sum of x<sup>li</sup> payable at the days before specified, with a condition that if the said Alice should die without issue by the said Richard living at her decease and inheritable, then such obligations should be void. (*Hale Papers.*)

Sir Piers Legh knight and priest having laid claim to a tene-

ment of sir Thomas's near Bradley, he and sir Piers referred their dispute to William Stretforth abbot of Vale Royal and John Malbon abbot of Norton, who, having taken evidence upon it, on the 14th August 10 Henry VIII. (1518) signed their certificate that the property belonged to sir Thomas. (*Bold Deeds.*)

Disputes in old times seem to have been so frequent and so long lived that even the Red sea, that proverbial receptacle of certain troubles, had they been consigned to it, would not have held them all. Before the battle of Flodden, as we lately saw, sir Thomas Boteler assisted to allay a strife about Warburton moss. The ghost of the old dispute however had now risen again, and in order to lay it sir Thomas and his neighbour sir John Holcrofte, on the 25th October 12 Henry VIII. (1520), were made arbitrators by sir John Warburton high sheriff of Cheshire and George Boothe esquire, to settle the question of their rights upon the mosses of Warburton and Dunham and the boundaries between them. (*Arley Deeds*, box 12, No. 5.)

Besides making peace between friends sir Thomas seems not to have been behind in works of charity. On the 24th April 12 Henry VIII. (1520) he headed a petition soliciting subscriptions towards building the steeple of Lymm parish church. Nothing more clearly shows the commencement of the decline of the Church's old influence than the introduction of this new mode of raising money for such a purpose. A century before, a papal bull or the promise of an indulgence or an absolution would have sufficed to obtain the necessary funds; but it was now no longer so. That sir Thomas took so prominent a part in the matter shows that age and the snow on his forehead had not cooled his religious feelings. Sir Thomas headed the petition and was followed by sir Piers Legh knight, sir John Werburton knight, sir William Molineux knight, sir George Holford knight, Thomas Legh, Robert Reddish, James Dumbell, Randle Clayton esquires, and William Wilme and John Leigh gentlemen, sir Roger Leigh parson of Lymm church, sir Richard Cumberbach our Lady's priest and overseer of the work and sir John Perseval parish

priest of the same church. The subscribers join in desiring "a charitable contribution towards a steeple now in building at Lymm church whereof our blessed Lady is the founder, where there are three priests to pray for the benefactors." Matthew Leigh and Reynold Leigh were made the collectors, and empowered to receive the contributions of the charitable and well disposed. (Sir Peter Leycester, *liber C.* 264.) The subscription list we must suppose was successful, for an inscription which was lately on the top of the steeple shows that it was built the next year. It is now showing signs of age, from which we may see what was the usual duration of such a building erected by our ancestors in old time.

Upon the marriage of sir Thomas's son with Cecile the daughter of Piers the son of sir Piers Legh, the latter, according to a practice of the time, covenanted with him to make him certain periodical payments in consideration of the settlement he had made upon the married pair. One of these payments became due in 13 Henry VIII. (1520), and it was then made upon the altar of our Lady in the friars' church at Warrington, in the presence of Richard Slawright the prior, and the discharge for it was signed by sir Thomas Boteler thus: "p me Thomã Boteler militẽ," and sealed with the knight's signet, which has a single covered cup and the letters "T. B."

Sir Thomas Boteler, who had shown his prudence by making a new will or altering an old one from time to time as his circumstances altered, was now approaching his grand climacteric; and he seems to have thought that his end was not far off, and that, like a wise man, he should set his house in order and be prepared to meet it. His old neighbour sir Piers Legh, who made his will about the same time, appears in this respect to have been of the same opinion. The attachment to the hermit friars which sir Thomas had felt through life remained with him to the end. On the 16th August 12 Henry VIII. (1520) he signed his will, the exordium of which is so solemn that we propose to give that and a few other parts of it *verbatim*, with an abridged account of the rest. It is as follows:

“In the name of God, amen. I, Thomas Boteler knight, hole in bodie and mynde, having in good and deliberate remembrance that the lyfe of man is mortall and of necessitie must determyne and have an ende, and that the hower and tyme of death is uncertaine and much dreadfull; willing thereforr to be in a readinesse at all times when it shall please God my saivour to call me from this transitorie and wretched worlde, ordeyne and make my will and testamente, as well anendst and for the dispoçiōn of my landes as for and anendst my godes and chattels, in manner and forme as followethe. First, I bequeithe my soul to Almighty God my redeemer and to his blesside mother oure ladye, and to all the holy companye of all saynts in hevене, and my bodie to be buriede, if it please Godd, in the parochē churche of Weryngton before the ymage of oure ladye in Boteler’s chapell, in the buriall of myne ancestors nere my father, and I will that a *ston* or *convenyente* tombe, with Scripture graven thereupon, be laide upon me by the discrecion of my executors. Also I bequeathe for my mortuarye my best quike beste;\* and it is my mynde and my will that my buriall charges be made, had and done after my degre and as shall stande with good manners, withoute anie pompe or pride, as foloithē, that is to witte, I will that foure and twenty pore men, wheche shall holde xxiv. torches the tyme of th’observants of my buriall, shall have every of theme a white gowne, and the same torches to be made newe at my costs; and that every persone comyng to my said buriall willing to have *dool* shall have a penny, desiring every of them to say a *Pater noster*, and *Ave Maria* and *Credo* for my soul;† and that every preste

\* The bequest of a great man’s best live beast as a mortuary, which was then usual, would now stagger some of our great lovers of the chase and agriculturists who have racers or hunters, or prize bulls or high-bred cattle. Under such a bequest the heir of the owner of “Beeswing” would have stood aghast at the thought of being asked either to give it up or redeem it at one or two thousand pounds.

† The dole for which sir Thomas thus made provision was originally an alms distributed at funerals to procure repose for the donor’s soul. Alas! how vain if it was meant by this to propitiate the Eternal Judge. It is not necessary to say, with some, that it was

saying *Dirige* and masse as they shall be appointed shall have xii<sup>d</sup>, and every clerk syngyng and doing service at my said burying to have iv<sup>d</sup>. Also I will that a dynner shall be ordeyned at my costs for such persons my kynnesmen and other prests as shall come to my said burying. Also I will that there shall be foure trentalls of Saynte Gregory\* said for my soul at London at *Scala Cæli*† by

the first dole that caused the death of Ananias and Sapphira; but it is easy to see that an indiscriminate distribution of alms at a funeral was sure to draw together crowds of the undeserving, and to produce scenes utterly unbecoming such solemn occasions. The legislature saw this evil, and an act was passed in 27 Henry VIII. (1536, c. xxv.), only a few years after the date of sir Thomas Boteler's will, which, after reciting that "inconveniences oftentimes have and daily do chance among the people by common and open doles, unto which there most commonly resort many persons who have no need of the same," enacted that no manner of persons should make any common dole, or give any ready money in alms otherwise than to the common boxes and common gatherings for the putting in due execution of the good intents and purposes contained in the act (against vagabonds and beggars). But a bad habit proved stronger than an act of parliament, and doles survived it not only (as Mr. Southey tells us) to the time of the civil war (*Common Place Book*, 3rd series, pt. ii.) but much longer. There are persons now living who remember the distribution of a dole at the funeral of vicar Alcock of Runcorn, where loaves of bread being given instead of money, some by being more active than others got several loaves, when others who more needed them got none. In Warrington the memory of this practice of giving doles is preserved in the name of Dolman's lane, one of the well-known streets near the centre of the town.

\* The mass of St. Gregory, one of a great number of masses which had distinctive names, was so called from being celebrated according to the ritual of that saint, who was the first to introduce litanies into the service of the Church; the motive of which was probably the alleged miracle of angel voices being heard singing in the air while the Virgin's image was being borne in procession. (Hampson's *Medii. Ævi. Cal.*, vol. ii. p. 247.) St. Gregory, who was called the apostle of England because he sent Augustine here, has been called also "the worst bishop of all that went before him, and the best of all that came after him." He introduced into the Latin Church the well-known chants after him which are called "The Gregorian." He died in the year 604. (Brady's *Clavis Calendaria*, vol. i. p. 247.) Sir Thomas Boteler's preference for this saint's mass is probably referable to the connexion of his name with St. Augustine's mission.

† The original chapel of *Scala Cæli* (the stairway to heaven) was erected at Rome over the sacred stairs removed thither from Jerusalem, and said to have been once pressed by our Lord's feet. In 1444 John Ratcliff left 40*l.* to a chaplain to go on pilgrimage to Rome, and there celebrate a trental of masses for him in *Scala Cæli*.

four several priests, suche as my said executors or the more part of theym shall think convenient to celebrate the same. Also I bequeithe to twenty several parochie churches in Cheshire and Lancashire as shall be thought most convenyente by my saide executors, to every of theym x<sup>s</sup>. Also I bequeithe fyve markes

In this chapel there was a space fitted up like a theatre, with the stable of Bethlehem, and *dramatis personæ* in it as large as life. (*Notes and Queries*, p. 354, 1861.) The chapel referred to by sir Thomas Boteler however, which was originally erected at Windsor, was removed at the instance of Henry VII. in the year 1504 to Westminster, and the number of its priests was then increased from seven to ten. Margaret countess of Richmond, the king's mother, obtained from the pope an indulgence, in virtue of which all who heard mass there were to receive the same remission of sins as those who frequented the original *Scala Cæli* at Rome; which, without any papal bull, might very well be, for devout prayers from believing hearts will have the same efficacy every where. The chapel of *Scala Cæli* at Westminster, being the newest religious novelty, was popular at that time and came in for the bounty of many testators, but it was sufficient for sir Thomas that it was in favour with his patroness the countess. Alice Nichols, who died in 1515, left a sum of money to purchase five masses of the five wounds of our Lord in the chapel of *Scala Cæli* at Westminster (*Notes and Queries*, p. 110, 7th August 1858); and Henry lord Marney in 1523 ordered a trental of masses to be said for him in the same chapel. The Virgin was addressed by the name of *Scala Cæli* in Polidore's formula for exorcising the possessed, in this short and beautiful hymn which was sung in her honour :

“Salve mater salvatoris!  
Fons salutis, vas honoris!  
Scala Cœli, porta et via!  
Salve semper, O Maria!”

Hail! mother of th' incarnate word,  
Thou gracious handmaid of the Lord;  
Thou stair of heav'n, thou gate and way,  
O Mary! ever hail! we say.

In another age a monk, Simon of Swineshead, relied upon the virtues of the *Scala Cæli*, as these his last words before he died show :

“To send me to heaven go ryng the holy belle,  
And syng for my sowle a masse of *Scala Cæli*,  
That I may clime up aloft with Enoch and Eli.”

The *Scala Cæli* so increased in fame that numbers of chapels of the same name were set up in other places. The Austin friars at Norwich and Boston had each such a chapel, and the Franciscans at Abrojo in the time of Charles V. called their whole convent by that name.

in money to be gyven to the use of the parochie church of Weryngton, and ten markes in money to be geven to the pore frere howse of Weryngton towards the reperaçōn and ornaments of the same, after the discrecion of my saide executors. And where I, the saide sir Thomas, have delyvered by indenture tripartrite into the custody and kepyng of the right reverend father in God John th' abbot of Whalley\* that now is 500 markes in gold, savelie to be kept to myn use and to be disposed at my pleasure, it is my full will and mynde that myn executors shall have the dispōcion and orderinge of the saide summe of 500 markes to purchase and obteyne lands and tenements or rents to the yerelie value of ten pound above all chardges, or as much thereof as shall be unprovided and unpurchased by me the saide sir Thomas, and therewith to founde a free grammar scolle in Weryngton to endure for ever, and to susteyne and bere the chardges of the same, and the residue of the said 500 markes which shoulde remayne after the saide landes purchasede, and all costs and chardges conseryng the said foundaçōn of the saide grammar scole made and had, I will that myn executors shall have the disposicōn thereof to dispose for my soule and my wyfe's soule, and for the mayntenance of this my presente testament. And it is my will that my executors during their several lyves, and after their decease that my heires from tyme to tyme shall denominate, name and appoynte an honeste preste, groundely lernede in grammar, to be maister of the saide scole, whiche shall saye masse, pray and do dyvine service at the saide parochie church of Weryngton for the soule of me the saide sir Thomas, dame Margarete my wyffe, myn ancestors, and myn heires after their deceases; and that all statutes and ordinances concernyng the foundaçōn of the saide scole shall be made and establyshede by me and myn said executors."

\* John, abbot of Whalley, was the unfortunate abbot Paslew who was executed before the door of the house where he was born on the 12th March 1537, for having joined in the pilgrimage of grace the year before. (*Whitaker's Hist. Whalley*, p. 82.)

The testator then refers to the indenture of the 29th June (7 Henry VIII.) and charges his son Thomas, on his blessing, to see it faithfully observed. In the next clause, by which he directs that all his tenants to whom he had made any promise of leases or terms should have his promises faithfully carried out, he shows his strict love of justice. He then confirmed his wife's jointure and directed that she should have her dower; and after reciting the indenture of marriage of his son already referred to as being the indenture of marriage made between himself and his son and sir Piers Legh and his son Piers, and also the indenture made in 3 Richard III. and the intention therein, declared that his feoffees should hold certain scheduled lands to pay his debts and give each of his daughters three hundred marcs towards her marriage. He willed that his unmarried daughter Dorothy should also have three hundred marcs for the same purpose, provided that she should not claim a child's part of his moveable goods. He willed that his servant Ralph Aleyn should have for his life two messuages in Great Sankey of the value of xxvii<sup>s</sup>; and reciting that he had granted an annual rent of xx<sup>s</sup> a year to Richard Sneyde\* for his life for his counsel to him, he willed that the said annual rent should be paid to him from a messuage in Great Sankey. He also willed that sir William Plumtre should enjoy for life certain lands in Crophill-Boteler of the value of viii<sup>li</sup> xiiii<sup>s</sup> i<sup>d</sup>, for which he was to do divine service, and to pray for the souls of himself and his wife and all Christian souls, until he should be promoted to a benefice of the yearly value of xx<sup>li</sup>.† And, after reciting that he had enfeoffed divers persons

\* Richard Sneyde, who was of the Middle temple, was recorder of Chester and four times member of parliament for that city. He was an executor of sir Richard Sutton, one of the founders of Brasenose, and in 14 Henry VIII. (1523) he was appointed the king's attorney for Cheshire.

† Sir William Plumtre, though he outlived both his patron and Richard Delves the then rector of Warrington, never became rector of that living. At the time of his patron's death he was rector of Thornton-le-Moors, and he continued rector there more than fifty years. He died about the 15th November 1545.

in all his manors and lands for the uses contained in the above indenture of marriage and in his former will, he strictly charged all his feoffees, as they would answer the same at the day of doom, not to make any estate of any of his manors and lands unto his said son, but to hold and stand seised thereof to such uses as were rehearsed in the same indenture of marriage and his said former will, so that all the premises might descend to the heir of the body of his said son Thomas; and in default of such issue, to such person as should happen to be his heir according to the old entail. He also willed that his executors should have the residue of all his moveable goods, cattle, debts and wards, after payment of his funeral expenses and their own charges, to dispose of the same for the health of his soul; and he appointed his right well-beloved wife dame Margaret Boteler, Randle Pole clerk,\* Anthony Fitzherberte,† Richard Sneyd and William Plumtre to be his executors; and the worshipful Robert Bekonsawe the queen's almoner, and sir Humphrey Conynsby knight the king's chief justice, to be overseers of his will. The will was at first witnessed by Randle Pole parson of Hawarden, Thomas Southworth esquire, Hamnet Haryngton, Thomas Holt, John Birken-

\* Randle Pole, clerk, was parson of Hawarden and fellow of the Collegiate church at Manchester. If, as is probable, he was of the family of Poole of Poole, he was a kinsman of that William Poole who as we have seen so outrageously visited Bewsey and carried off the lady Isabella. In 1512 Randle Pole was a trustee of the Culcheths. In 1514 James Stanley bishop of Ely appointed him a supervisor of his will; and in 1517, when the dispute between Werburton and Boothe respecting Werburton moss had again cropped up, he and George Bromley, lieutenant-justice of Chester, and several other gentlemen were appointed arbitrators to settle it. (*Arley Deeds.*)

† Sir Anthony Fitzherbert has been already referred to. If he wrote the *Boke of Husbandrye*, which was printed in 1532 and was the first book on practical agriculture ever printed in English; and if he also wrote *The Surveying of Lands*—(*Rural Economy in Yorkshire*, p. 68, *in notis*, Surtees soc., where however the judge's share in these works is questioned)—he and sir Thomas Boteler were alike in their love of agricultural and country pursuits. The judge, who was one of the visitors of Furness abbey before the dissolution, and of whose signature a *fac-simile* may be seen in the *Annales Furnesienses*, died in 1538, and was buried under a tomb which is still preserved in the fine old church of Norbury, near Rocester in Staffordshire.

hed,\* sir William Plumtre, sir Richard Slawright prior of the freres in Weryngton, Edward Birkenhed and Thomas Bradshagh. The testator's prudent caution, which was a part of his character, was evinced by the unusual number of witnesses called in to attest his will, and by the precaution he took to have it read and confirmed on the 19th September following before sir Humphrey Conyngsby the chief justice, his son Thomas Boteler and William Sergeant. The will is authenticated by the testator's signet, with the impression of the cup and his initials, and signed by him with the mark of the cross.

In his desire to found a grammar school at Warrington the will shows that he had not been slow in his preparations to follow the good example set him by his former fellow students, bishops Smyth and Oldham, who had founded such schools at Farnworth and Manchester. He now took a further step towards accomplishing his design, and, at his instance and expense, his chaplain sir William Plumtre and his servant Ralph Alyn purchased to his use and in further performance of his will, certain lands, that is to say, of John and Hugh Chaydok and John son of Alexander Tyldesley land in Chaydok within Tyldesley, and of sir James Heypey priest a messuage and lands in Weryngton; and on the 27th February 13 Henry VIII. (1522) he made a fresh codicil to his will by which, after reciting these purchases, he willed that the feoffees should stand seised thereof to the use of the foundation of such free grammar school as was comprised in his will, and that the same lands should by the advice of his executors and their counsel (learned in the law) be made sure to the same use. And he also willed that his feoffees, after performing his will, should at the reasonable request of his executors make a sufficient and lawful estate of the lands comprised in the schedule to his will, to the yearly value of xx<sup>li</sup> above all charges to the use of John Boteler, youngest son of his son Tho-

\* John Birkenhed is possibly the person of his name who is buried at Harrow, (Weever's *Funeral Monuments*, p. 300.)

mas Boteler, for the term of his life, with a proviso that during the life of his said son Thomas he should yearly receive to his own use x. marcs, parcel of the same xx<sup>li</sup>. And after reciting that he had given by his will to his priest sir William Plumtre vi<sup>li</sup> xiv<sup>s</sup> i<sup>d</sup> out of lands in Crophill-Boteler for his life, upon certain conditions in his will comprised, he declared that if the said sir William should be promoted to a benefice of the value of xx<sup>li</sup> or should die within xx. years next after the testator's decease, then some other honest priest should be named by his executors to do divine service as mentioned in his will, who should have yearly vii. marcs out of the said lands for his service. He willed also that his son Thomas Boteler should have his chain of gold with the cross and the stone therein; also his side furred gown and the standing cup and the cover that "my lord of Derby gave me," upon condition that he shall be kind and loving to his mother, and suffer his executors peaceably to perform his will, and should assist them should any other person trouble them; and on the further condition that he should claim none other of his goods but such as the executors should be content to give him. Also he willed that his wife dame Margaret should have the following articles of his plate: First, one of the great standing pots of silver; item one of the basins and ewers bought of Lawrence Starkey; item two salts and a cover all gilded; item the standing cup and the cover all gilded; item the *xiii*. spoons of the apostles. Also he bequeathed to sir Randle Pole the other great pot of silver, and a salt with a cover parcel gilded with drops. Also to sir Richard Bold an ewer of silver. Also to George Both esquire the other basin bought of Lawrence Starkey. Also to Randle Brereton a salt parcel gilded with drops. Also to Thomas Southworth the one salt with a cover which was "my lady Massie's," and six of the silver spoons that were "my lady Massie's." And also to Henry Kighley the other salt without cover and six silver spoons which were "my said lady Massie's." Also to Dorothy Boteler his daughter the old standing cup with the cover. Also to sir William Plumtre a goblet and a cover

which was "my said lady Massie's." Also he bequeathed to Clemence Holt towards her marriage xl<sup>s</sup>. Also to Johanna Bulling xxvi<sup>s</sup> viii<sup>d</sup>. And all the residue of his plate not before bequeathed he gave to his executors to be disposed of for the health of his soul.

His plate chest seems to have been unusually rich, and his legacies of parts of it to almost every member of his family, and the terms in which he speaks of them, show his affectionate relations with them.

Sir Thomas who since the will just recited, which proved to be his last, had probably languished on a sick bed, quietly expired at Bewsey on the 27th April 1522, in the 62nd year of his age. We may imagine some of the circumstances of his funeral as he was borne from the old house to his place of burial. In the gloom of night we see the procession led by the twenty-four beadsmen in their white cloaks, each with his flaming torch, emerging from the deep portals of Bewsey, the light of their torches in the darkness of the night reflected from the moat making their white cloaks whiter by contrast, and shedding a picturesque light upon the scene and its surrounding objects. We hear the creak of the ancient drawbridge as it descends to allow the procession to pass, and we see the pall bearers with the coffin silently crossing over it. We hear the priests chanting the *Dirige* and *De profundis*, and their echoing strains taken up and prolonged by the deceased's numerous family and kinsmen and his still more numerous tenantry and friends. The procession winds slowly over Warrington heath, once the scene of the alleged compact which cost a Boteler his life; it enters the streets of the town which are quiet but not unfrequented, for the townsmen are gazing silently on that which now holds the body of their long-loved friend; and at length we see the procession ranged beside the family vault in their ancient chapel in the parish church. Presently the solemn rites are ended, the weeping friends cast a last look at the remains, and they who have taken part in paying this tribute of respect

to the deceased then disperse, as the echoes of the *Miserere* fall faintly on their ears and its last wail at length dies away.

Sir Thomas's will was first proved at York by sir William Plumtre on the 17th October 1522, and by Richard Sneyde, dame Margaret Boteler and Randle Pole at the same place on the 30th of the same month. His instructions as to the memorial to be placed over him were faithfully fulfilled. A marble slab with the symbols of the Evangelists in brass at the four corners, the remains of which are now in the Warrington museum, was placed over him; and when Dodsworth visited the parish church on the 31st March 1625, he tells us he then saw there the arms of Boteler and Delves paled, with this inscription: "Pray for the souls of sir Thomas Boteler knyght and dame Margarete his wife, which had one sone and eight daughters, viz., Thomas married Cecile daughter to Piers Legh, Margarete married to sir Richard Bold knyght, Elen to John Bagote, Elizabeth to George Bothe, Isabell to Randle Brereton, Anne to George Atherton, Cecile to Henry Kyghley, Margerie to Thomas Southworth, and Dorothy. Thomas dyed the xxvii. day of Aprill A<sup>o</sup> M<sup>o</sup>VXXII."

In the east window he says he also saw these arms of sir Thomas and dame Margarete Boteler, namely: "Boteler *azure* a bend between six covered cups *or*, quartered with *argent*, a lion rampant *gules*."

"Delves paled with *argent*, a chevron *gules* fretty *or*, between three delves *sable*," and below it the following inscription: "Orate pro aīa Thomæ Boteler militis et pro bono statu dnæ Margarete Boteler viduæ ac Thomæ Boteler armigeri ac omnium filiar. dictæ Margaretæ. Quæ Margareta hanc fenestram fieri fecit. A.D. M. quingentesimo xxiiiij."

(1.) Of the good knight's only son, Thomas Boteler, we shall have to give a full account hereafter, and in the meantime we may add a few words respecting the other children.

(2.) Margaret, who married Richard Bold (afterwards sir Richard Bold) of Bold, survived her husband, and was living a widow in 23 Henry VIII. (1531). He died in 20 Henry VIII.

(3.) Ellen married John Bagot, son and heir of John Bagot of Blithefield in Staffordshire.

(4.) Elizabeth married sir George Booth of Dunham, who died 25th October 1531. Sir William Plumtre, her father's chaplain, left her a legacy of three silver spoons.

(5.) Isabel was the second wife of sir Randle Brereton of Malpas.

(6.) Anne first married George Atherton of Atherton esquire, who died 10 Henry VIII. (1518). By his will he directed his wife to have a jointure; and he left 40s. a year for fourteen years to an honest priest to pray for his soul in Leigh church, and twenty marcs to the building of the steeple and bells of the same church, and other moneys to various charities. After her first husband's death Anne married Lawrence Starkey of Stretton esquire, who in 11 Henry VIII. (1519) was the king's receiver-general for Lancashire. (*Duchy Calendar of Pleadings*, vol. ii. p. 24.) He probably fell into difficulties owing to his receivership, as we find from sir Thomas Boteler's will that he had acquired some of the Starkey plate.

There were three other daughters, Cicely, Margery and Dorothy.

(7.) Cicely married Henry Kyghley esquire of Inskip.

(8.) Margery, who married sir Thomas Southworth of Samlesbury knight, after he had been divorced from his first wife Ann Stanley. (*Lichfield Register*, vol. xiii. p. 57.) A dispensation for his marriage with Margery Boteler, to whom he was related in the fourth degree, was obtained on the 10th January 1518. (*Ibid.*) Sir Thomas was the founder of the more modern part of Samlesbury hall. (*Hist. Whalley*, p. 430.) He was at Flodden, and in one of the Flodden ballads an allusion is made to him as

“The sad Southworth that ever was sure.”

In 17 Henry VIII. (1526) sir William Plumtre, as sir Thomas Boteler's executor, sued him for detaining a casket of money. (*Duchy Calendar*, p. 128.) He died at Samlesbury in 29 Henry

VIII. (1537), or, according to Dodsworth, in the following year. (*Hist. Whalley*, p. 420; Dodsworth's *MSS.*) His son and heir John Southworth, afterwards the celebrated recusant, was not quite 20 years old when his father died.

(9.) Dorothy married John Boothe esquire of Barton in 17 Henry VIII. (1527) after her father's death. Her will, dated 7th August 1543, and the will of her husband are printed in the *Lancashire and Cheshire Wills* (vol. i. p. 14 and vol. iii. p. 54, Chetham soc.) She was his second wife.

The usual inquisition post mortem after sir Thomas Boteler's death was taken at Newton on the 4th July 14 Henry VIII. (1522), by which it was found that at the time of his death he was not solely seised of any lands, but that he held the manor of Weryngton from the king of his duchy of Lancaster, as two knights' fees at xxvi<sup>s</sup> a year above reprises and of the value of lxxx<sup>li</sup>; the manor of Burtonwood as above in socage for one fee at the rent of i<sup>d</sup> and of the value of lxxxiv<sup>li</sup>; and the manors of Great and Little Laton, Merton, Warbreck and Bispham of the king as above for one fee of the value of lx<sup>li</sup>; that he also held lands in Ribelton, Stainal, Stalmine, Hamelton and Freckleton in socage of the value of xv<sup>li</sup>, but of whom they were held the jurors did not know; that he held lands in Preston of the king as of his duchy in burgage of the value of vi<sup>s</sup> viii<sup>d</sup>; that he held five messuages and two tenements in Great Sankey of the value of vi<sup>s</sup> vi<sup>d</sup>, but of whom they were held the jurors did not know; and it was found that Thomas Boteler his son and heir was then of the age of 28 years.

Having followed sir Thomas to the grave we may be allowed to recall a few of the public acts which the Botelers (of whose first settlement at Warrington the exact date is not known, though it certainly goes back to the early Norman monarchs) effected for the good of the place. Soon after the Conquest Roger of Poitou was in possession of the whole of Warrington, and from him or some of his successors the Botelers afterwards acquired it.

The parish church of St. Elfin, which, when they first came to Warrington, the Botelers found was a humble structure of wood, after a time required renewing and enlarging; and this, their earliest work, of which the traces were discovered when the church was recently rebuilt, was a more durable structure, better fitted for its purpose, and more capable of accommodating the population. What assistance, if any, was rendered to the work by papal or other bulls and indulgences we do not know; but the main effort to raise it doubtless was made by the Boteler the then lord of the manor, who had his seat upon the moat hill close by the site. Until the middle of the thirteenth century this church continued the only place of public worship at Warrington; but at that time the Botelers brought there a body of hermit friars of the order of St. Augustine, gave them a small endowment and built them a house, where for nearly three centuries they continued to minister religious services to the people, and helped to keep alive the glimmering flame of learning which then burned but darkly.

On the 20th October 39 Henry III. (1254) William le Boteler, sir Thomas's direct ancestor, obtained the king's charter to hold a fair at Weryngton on the eve, the day and the morrow of the translation of St. Thomas the martyr, which was the first charter for holding a fair at Warrington. The charter, we may be sure, was not obtained without some cost in money and trouble; but what its value was to the people we shall understand better if we consider that at that time the roads were bad and travelling dangerous, which made it easier to bring goods to seek customers than for the latter to seek them, and that a fair always drew to it a concourse of strangers whose money could not fail to enrich the town. The summer fair had answered its purpose so well that on the 7th November 5 Edward I. (1277) William le Boteler obtained another charter for a yearly fair of eight days, to be held in the winter on the eve, the day and the morrow of St. Andrew the apostle and for five days after, and for a weekly market on Friday at his manor of Weryngton. (The change in the day

of the week from Friday to Saturday, the present market day, may possibly have been one of the results of the change of style which took place in the last century.)

The market must have answered its founder's expectations, for on the 20th May 13 Edward I. (1285) he obtained the king's charter for another weekly market at Weryngton to be held on Wednesday, and also for extending the time of the summer fair from three days to eight.

In 1292 sir William Boteler granted his tenants their local *magna carta*, which was supplemented in 1300 by their charter to him. The originals of both these charters are in the Warrington museum.

The Botelers next saw the desirableness of making a better access to Warrington on the south and west sides by erecting bridges; and on the 5th July 3 Edward II. (1310) the king granted his charter authorising William le Boteler of Weryngton and Robert le Norays to receive certain specified tolls for five years towards repairing and sustaining the two bridges of Weryngton and Sankey; whence it is fair to presume that the Botelers had been instrumental in erecting them.

Two other charters of the 21st May 15 Edward II. (1322) and the 16th March 12 Edward III. (1338), which were also obtained by the Botelers, show how early they saw, as well for health as convenience, what the value was of clean well-paved streets. These charters enabled William le Boteler and his officers for a limited period to levy tolls towards paving the town.

On the 6th July 38 Edward III. (1464) John le Boteler, Geoffrey de Werburton and Mathew de Rixton, induced only, as the charter has it, by a motive of charity, rebuilt in a substantial manner the bridge over the Mersey at Warrington, the former one having either failed through age, or, which is more probable, having been swept away by a winter's flood.

The clergy of Warrington up to this time had been too few for their work, and one of the Botelers, desirous to supply the defici-

ency, now founded and endowed a chantry in the parish church, and placed a priest in it to do divine service.

This enumeration of some of the public acts of the Boteler family brings us to their great work, the foundation of the free grammar school, a work for which as we have seen sir Thomas had provided the funds in his lifetime. His motives and the pious objects he had in view in it were thus stated, by his direction, in his own words when the work was completed after his death: "Sir Thomas," says the foundation deed, "calling to his good remembrance that in the county and shire of Lancaster be very few schools of grammar whereby men's sons might learn grammar, to the intent that thereby they might the better learn to know Almighty God and to serve him according to their duties, by virtue whereof they might the better avoid and eschew all vices and use good manners; thinking also inwardly in his heart that through the grace and goodness of Almighty God many poor children and young men applying themselves to learn grammar, which is the original ground and fountayn out of which doth proceed and spring the very mean and plain way to come to the clear understanding of good liveing, might approach to such knowledge of the light of grace that they might happen to be the very clear lanthorn of good example in vertuous living to all the country thereabouts, to the good encrease and use of virtue and expulsion of all vices." (From Mr. Marsh's excellent account of the *Foundation and History of Boteler's Free Grammar School at Warrington.*)

The wise and pious founder of the school who thus eloquently stated his motives and object, showed that it was not mere good nature — that passive benevolence which the poet Armstrong has called by a hard name — that induced him to undertake it :

"Virtue and sense I mean not to disjoin,  
Virtue and sense are one, and trust me still.  
A faithless heart betrays the head unsound,  
Virtue (for mere good nature is a fool)  
Is sense and spirit with humanity."

Sir Thomas Boteler's benevolence, unlike that spurious kind which costs nothing, was *active* and far-sighted, costing him both time and thought and money. In founding the school he had in view the spread of those great civilizers, religion and learning, and by these he hoped to benefit his time and neighbourhood. A great monarch on the birth of his son once thanked heaven that he had been born when he could have Aristotle for his tutor, and that greater son lived to own his large debt of gratitude to his tutor and to call him his second father. The sayings of these two wise heathens show their sense of the value of education; but sir Thomas Boteler knew that one wiser than either of them had said: "In the morning sow thy seed, and in the evening withhold not thine hand; for thou knowest not whether shall prosper either this or that, or whether they both alike shall be good." The founder probably thought as in laying the foundation of his school he was following the example set him by two good men, his friends bishops Smyth and Oldham, so his own example would probably find imitators. Had he been permitted however to cast his eyes down that long vista of three centuries and a half which have since elapsed, it would have saddened his spirit to find not only that his free grammar school still continued the only foundation of its kind in Warrington, but that, until quite recently, the nation had taken no heed to the warning which says that "for the soul to be without knowledge it is not good." But we, who see the dawning of a more hopeful day, if we look backward through the same long vista and see sir Thomas Boteler's old foundation standing like a beacon on a hill, may thankfully call to mind that under the teaching they received there from a Shaw, an Owen or a Bayne, statesmen, lawyers, divines, scholars and others in their vocations have risen to eminence and usefulness, and that one amongst them, a grateful poet, has sung in graceful numbers the praises of "Bewsey," the founder's home; while looking round upon our cotemporaries we find amongst them many of those we most esteem who have been indebted to its

grammar school for the scholarship which has led them to honour, usefulness and success. Ought we not then to hold in reverent honour the name of sir Thomas Boteler, the founder of the free grammar school at Warrington?

## CHAPTER XXII.

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*SIR THOMAS BOTELETER (THE SECOND),  
SIXTEENTH BARON.*

THOMAS BOTELETER, son of sir Thomas and dame Margaret Boteler, following the custom which his family had adopted for the last four generations, continued to omit to use the prefix "le" before his name. He was born in 1495, and when he was scarcely 12 years of age he was a party to the contract of the 22nd February 23 Henry VII. (1508), by which he was to marry Cecilia the daughter of sir Piers Legh and granddaughter of that sir Piers Legh knight and priest who is commemorated by the beautiful and almost unique brass in Winwick church. The sums of money stipulated to be paid by this contract were paid as we have seen on the altar of our Lady in the friars' church at Warrington.

Before this time the marriage, which is incidentally noticed in the *Cheshire Recognisance Rolls* of the 22nd June 20 Henry VIII., had been solemnized, and Cecilia became the mother of Thomas Boteler's children. Unhappily however this marriage, by which the families of Boteler, Gerard and Legh became connected, was afterwards dissolved by a sentence pronounced at Lichfield. (*Lichfield Register*, vol. xiii. p. 57.) When it was contracted, Cecilia, the eldest daughter, had the expectation of succeeding to her father's estates, an event which, by re-uniting the dissevered portion of the Boteler estate, would have effectually staunched the old family feud; but her father having afterwards become a widower and married a second wife by whom he had a son, the pleasing hope of a re-union of the estates was dis-

pelled, and may have been one cause of the dissension which ultimately led to the separation of Thomas and Cecilia Boteler.

On the 9th September 5 Henry VIII. (1513) at the battle of Flodden, where almost all the accounts mention sir Thomas Boteler with honour, it is probable enough that his son, who was of the age at which young warriors then longed to flesh their maiden swords, was also present.

Fights of another kind however were common at that time, and the cock-pit (a very ancient institution) where these took place had charms in Thomas Boteler's eyes. One of the admirers of such struggles traces them back beyond the Christian æra, and it is said Dorking fowls were introduced into England by the Romans for no other purpose. The two sons of Severus, as we read, quarrelled over a fight of this kind; nor indeed was anything more likely to breed a quarrel than taking pleasure in seeing two of these birds fight, where

“One's a broken wing, the other  
Has a gash'd and mangled thigh;  
Choked with blood and wildly gasping,  
Quivering on the ground they lie.”

It is small recommendation of the sport that king John loved it, and that in a return of the royal hunting establishment the sheriff of Lancashire puts down as part of it two hundred and sixty game cocks. (Baines' *Hist. Liverpool*, p. 86.) Another king of the same name but of a different realm, king John of France, is said to have beguiled the tedium of his long imprisonment in England by indulging in this ancient but cruel sport (*Notes and Queries*, p. 506, 1852); and a later monarch is said to have paid his master of the cocks a salary equal to that of two of his chief secretaries of state. From all this we may see how popular in high places this cruel amusement once was. The word *gallus*, which in Latin means both a Frenchman and a cock, gave rise during the French wars of Edward III. to the cruel school-boy sport of throwing at cocks on Shrove Tuesday, when every bird

that was killed was supposed to represent an enemy overthrown, and thus the innocent bird was made to suffer for the ambiguity of its name. It would seem that Thomas Boteler, who in his youth affected cock-fighting, had been with some gentlemen his friends to Manchester in the early part of 1515 (at least this appears to be the year) where they saw the bishop of Ely, who appointed with them to have a cock-fight at Winwick every Saturday.

That the bishop, who was no other than James Stanley the brother of the first earl of Derby, and was always "armis quam libris peritior," should take part in promoting such a sport is quite in accordance with his character. He had formerly been rector of Winwick, and he fixed the meetings to take place there because he was familiar with the place. On the Saturday in Easter week, being the 14th April in the above year, after the bishop the promoter of the sport had been dead only a fortnight, as Thomas Boteler and some gentlemen his friends and others were at Winwick engaged at the cock-fight, sir Thomas Gerard knight, accompanied by Robert Worsley the younger, Hugh Hyndley, Robert and Edmund Gerard and Thomas Stanley gentlemen, William Leche and Humphrey Burchell yeomen, and others to the number of eighty persons, without any just cause riotously assembled themselves in the highway at Winwick, about a quarter of a mile from where the fight was and between it and Thomas Boteler's house, and there purposely lay in wait for him. This was observed by sir John Southworth who, suspecting mischief, accosted sir Thomas Gerard, and after telling him that Thomas Boteler had given him no cause of complaint, endeavoured to divert him from his purpose. Heedless of all intreaty however, he exhibited great anger, "cast off his shoes," bade his companions "quit themselves like men," and commanded them, whatever became of himself, to make sure of Thomas Boteler. After vainly endeavouring to engage sir John Southworth to take part with him, some of his men, by his express command, riotously seized two of Thomas Boteler's party and so ill-treated

them as to endanger their lives, while another aimed and shot an arrow at one of Thomas Boteler's men, which might have killed him. It seemed indeed that sir Thomas, if he had not been "letted" by sir John Southworth and his friends, would have slain Thomas Boteler; and sir Thomas's men openly cursed themselves for not setting upon him at first when they were "big enough" to have done their wills. Of all this Thomas Boteler made complaint in the duchy chamber. (*Proceedings in the Duchy chamber*, 7 Henry VIII.) To this complaint sir Thomas Gerard replied that there having been variances between him and one James Gerard his uncle, and it having been agreed that master dean of the king's chapel (the bishop of Ely), and others the king's servants should examine the same, they directed sir Piers Legh and sir John Southworth to act for them; whereupon they ordered sir Thomas and his said uncle to come before them at Winwick on the above mentioned Saturday, upon which day he sir Thomas, accompanied only by seventeen of his household servants, in a peaceful manner came to Winwick, where one Thurstan Clare, a servant of Thomas Boteler shot an arrow at him and his servants and put them in fear of their lives. (*Ibid.*) No two stories could be more unlike in the first instance than the complainant's and the defendant's, but in the end and after the examination of witnesses who proved the facts to be as stated by Thomas Boteler, sir Thomas admitted the truth of his complaint, and suffered judgment to go against him. (*Ibid.*)

Some incidents and traits which came out on the hearing give us no favourable opinion of the times or the actors in these proceedings. Sir Thomas Gerard's party it was proved bound their hats on their heads with their garters as if preparing to fight; and sir Thomas, speaking of Thomas Boteler, said more than once that he "would warm his buttocks at the cock-fight." The barbarous sport in which Thomas Boteler was engaged seems not to have been thought unbecoming the clerical character, for several priests were present and taking part in it, two of whom Thomas Boteler sent to sir Thomas Gerard to appease

him. These ambassadors, who did their best to pacify him, offered him and his company, amongst other things, one half of the best places if they would come and witness the cock-fight. (*Proceedings in the Duchy chamber*, 7 Henry VIII.) Thomas Boteler the complainant was at this time not more than 20 years of age.

The building which was erected for cock-fights at Whitehall in the time of Henry VIII. having come to be the arena where the privy council sat to hear nice questions of law, which were but fights of another kind, afterwards resumed its original name of *The cock-pit*. Roger Ascham loved a cock-fight, and Stowe tells us that in his time "cocks of game were cherished by divers men for their pleasures, much money being laid on their heads." But then even a *bear-bait* was "thought fit sport for ladies." At a later period the old knights and their chaplains quarrelled and made friends over a game at bowls, where the rubbers, if not less numerous, were less exciting. Cock-fights, which by an ordinance of parliament on the 31st March 1654, were put down and absolutely forbidden, were again permitted after the Restoration under licences, which were obtained from sir Henry Herbert the master of the revels; and by degrees the old love of the sport revived until it again became general. In the course of the present century however more just views have prevailed as to its lawfulness; and even before the passing of the act of 12 and 13 Victoria for abolishing it (which does honour to the present reign) the cock-pit at Newton, a place very near to the scene of the old assault on Thomas Boteler, its day being over, had been converted into a school, and was visited by the author of the amusing story of *Sam Slick* in the company of the writer of this account.

On the 18th July 9 Henry VIII. (1517), by a deed of settlement made between sir Peter Legh knight and priest and Piers Legh his son and heir apparent of the one part, and sir Thomas Gerard knight of the other part, it would seem that Piers the son married sir Thomas's daughter, and that either the same or

another sir Thomas married a daughter of Piers the son, while Cicely, Thomas Boteler's wife, was Piers the son's half-sister, from whence it follows that the three families of Boteler, Legh and Gerard were at this time nearly connected. (Will of sir Peter Legh, *Legh Deeds*.)

Thomas Boteler at this time either trespassed upon, or, which is more probable, claimed title to, the herbage and pannage of Halton park, and in 12 Henry VIII. (1520) he and John Farrington were sued by Thomas Aston, who disputed their title. (*Duchy Calendar*, p. 127.)

Sir Thomas Boteler having died on the 4th July 14 Henry VIII. (1522) his son Thomas succeeded to the family estates, but, although he was then aged 28, subsequent events proved that he had too soon lost the sage counsel of his good father. From a passage in his will his father seems to have had a foreboding of some evil, and to have feared that his son's character would prove too yielding for his position. The passage runs thus: "And whereas by my several deeds indented I have enfeoffed divers and many persons in all my manors, lands, tenements, revencions, and hereditaments, whatsoever they be, to and for such uses and intents as are contained in the said indenture and in my former will enrolled. Now I do will and straitly charge all and every my feoffees and their heirs as they shall answer before Almighty God at the dreadful day of doom, that neither they nor any of them do make any estate, gift or re-feoffment of any of my said manors, land, tenements, rents, or hereditaments unto my son Thomas, but that they by all ways do endeavour themselves so substantially therein that the use of all and every the premises may descend and come to the heirs of the body of my said son Thomas lawfully begotten, and for default of such issue to such person or persons as shall happen to be mine heir according to the old deed of entail thereof made, all jointures of a wife or wives for term of their lives only excepted." And to the same effect is this passage in a codicil to the will: "Thomas Boteler, my son, after my decease shall have my chain of gold, with the

cross and stone therein." (If this was a collar, it may have been the so-called collar of "*esses*" which an antiquary thinks derived its name from the first letter of the word *sanctus* thrice repeated in addressing the Holy Trinity.) "Also my side furred gown and the standing cup and the cover that my lord Derby gave me, upon condition that my son shall be kind and loving to my wife, and suffer mine executors peacefully to perform my will, and if any other person should trouble them he to assist and aid them; and furthermore to claim none of any other goods but such as my said executors shall be content to give him."

"Like leaves on trees the race of man is found,  
Now green in youth, now withering on the ground."

One generation passes away and another succeeds. It is but a short time since we saw sir Thomas Boteler taking great pains to secure an eligible match for his son, and now, the father being dead, the son takes equal pains to find a like alliance for his son, though the latter at that time was an infant only a few years old. In 14 Henry VIII. (1522) an indenture was made between Thomas Boteler esquire and Edmund Trafford esquire, for a marriage to be had between Thomas Boteler the son and heir apparent of the said Thomas Boteler esquire, and Alice the daughter of the said Edmund Trafford.\* The bridegroom's father covenanted that he would make to Anthony Fitzherbert, Ralph Longford, Henry Trafford clerk and William Trafford a sure estate of lands of the value of xl. marcs for the term of the life of the said Alice; and in pursuance of such covenant and at the request of Thomas Boteler the father his feoffees, sir William Griffith knight, Alex-

\* Edmund (afterwards sir Edmund) Trafford, the bride's father, died in 21 Henry VIII., and his son, another sir Edmund, Alice's brother, who was a zealous promoter of the doctrines of the Reformation, is honoured with a copy of verses in Richard Robinson's *Golden Mirror*. A sermon on the marriage of the daughter was preached by his chaplain William Mascy, fellow of one of the colleges at Oxford and afterwards rector of Wilmslow; and Henry Trafford, who was also a rector of that place, is commemorated by a monument in the church there, and a further account of him will be found in the *Proceedings of the Lancashire and Cheshire Historic Society* (pp. 135-138, 1848).

ander Radcliffe knight, Richard Wrotesley, Humphrey Oker and George Colwiche\* esquires, made a feoffment of lands in Warrington of the above value to the use of the said Alice, according to the covenants contained in the same indenture. (Lord Lilford's *Deeds*, and Trafford pedigree in *Hist. Lan.*, vol. iii. p. 110.)

Thomas Boteler, who seems to have been much in the king's confidence, and had been already appointed keeper of his park at Halton (*Duchy Calendar*, pp. 127, 128), was about this time appointed receiver of all his honours, manors, lordships, castles, lands and tenements within the county palatine of Lancaster, and also in the county of Chester, and the lordship of Bowland in the county of York, parcel of the duchy of Lancaster; and on the 12th February 14 Henry VIII. (1523) Edward Aston of Heywood in Staffordshire and several other persons, at Thomas Boteler's special request and desire, became jointly and severally bound with him to sir Richard Wingfield and sir Thomas More (afterwards the celebrated chancellor) in the sum of 2000*l.* to the king's use, conditioned to be void if the said Thomas Boteler should justly account to the king's auditor, and pay all moneys due from year to year as long as he should be in the above office. (Lord Lilford's *Papers*.)

One of the court rolls of the manor of Warrington at this time, though it contains no record of the infliction of the tumbrel, the cuckstool or the scold's bridle, punishments not unknown to the country, gives us a glimpse of the other business then transacted in this domestic court, and affords an insight into some traits of the manners of our ancestors. The record calls the court the view of frank-pledge of Thomas Boteler esquire, lord of the manor, and his feoffees sir William Griffith and others, held there on the 6th October 1523.

It is in Latin, but we give its substance in a translation. It begins by stating that inquiry being then made on behalf

\* George Colwiche was of an ancient family seated at the place of his own name in Staffordshire. Anthony, one of the family, sued Thomas Boteler in 21 Henry VIII. on a claim respecting Sankey mills.

of the lord of the manor by the oaths of Richard Tailiour (the first master of the grammar school), George Hughson, Ralph Alleyn, Randle Pierpoint, William Moyle, Roger Herdman, Ralph Abram, William Bold, Thomas Hawrobyn, Lawrence Clerke, Ralph Houghton, Richard Penkethman, Thomas Worsely, and John Robynson (in all fourteen persons), they presented as follows :

Hugh Berdesley who for challenging William Breche to fight, in the county of Chester, was fined *iii<sup>s</sup> iiiii<sup>d</sup>*. [This person, who in one character or another appears on the court roll no less than six times, must have been either very unfortunate or very quarrelsome.]

Ralph Abraham [was he the same who was one of the jury ?] for an assault and affray on Thomas Byrch's servant man was fined the same sum.

Richard Tetlow for an assault and affray and drawing the blood of Hugh Berdysley was fined *vi<sup>s</sup> viiii<sup>d</sup>*.

Richard Penketh for an assault and affray on Hugh Berdisley was fined *iii<sup>s</sup> iiiii<sup>d</sup>*.

John Henmere for a like assault and affray on Hugh Byrdisley was fined the same sum.

Thomas Bell, Richard Plumbe, Thomas Clarke, John Makynson, John Mather, Thomas Worseley [was this the same who was on the jury ?], David Wynington, Lawrence Platte, Thomas Hawkys, and William Falkner, having their beasts left loose once in Arpley were each fined *iiii<sup>d</sup>*.

Hugh Byrdisley for not cleansing his ditch of the length of eighty yards was fined *viii<sup>d</sup>*.

The suitors of the lord's court being his free tenants, or those who held of him by knight's service, who were called to do suit according to their tenure were :

The heir of the earl of Derby, who by reason of his being under age did not appear.

Sir William Molyneux knight being called and failing to appear was amerced *xiii<sup>d</sup>*.

Sir Henry Kyghley knight was amerced for the same vi<sup>d</sup>.

Sir Thomas Gerard knight was amerced for the same xii<sup>d</sup>.

Sir Thomas Southworth knight the same xii<sup>d</sup>.

Sir William Stanley of Hooton knight the same xii<sup>d</sup>.

Thomas Halsall esquire the same xii<sup>d</sup>.

Thurston Tyldesley esquire the same xii<sup>d</sup>.

Gilbert Kylchett esquire for the same vi<sup>d</sup>.

John Holcroft esquire for the same vi<sup>d</sup>.

James Pemberton for the same xii<sup>d</sup>.

Henry Sale was found to be under age.

James son of Henry Blundell was amerced xii<sup>d</sup>.

Richard Tarleton for the same xii<sup>d</sup>.

Robert Molyneux of Mellyng for the same xii<sup>d</sup>.

The heir of George Ford was found to be under age.

Richard Ashton esquire being called and not appearing was amerced xii<sup>d</sup>.

John Harden the same xii<sup>d</sup>.

Richard Longtre the same xii<sup>d</sup>.

Arnold Atherton the same xii<sup>d</sup>.

James More chaplain the same xii<sup>d</sup>.

The heir of John Sonkey (son of him who fell at Flodden) was found to be under age and a ward of the lord of the manor.

The heir of Peter Danyell was found to be under age.

The suitors of the lord's court being his free tenants, or those who held of him by knight's service, who appeared to do suit according to their tenures were :

Sir Robert Radcliff knight, lord Fitzwalter, who appeared by attorney.

Richard Rysley esquire appeared in person.

Thomas Longley clerk and others, feoffees to perform the last will of George Atherton, appeared by letter of attorney.

The heir of John Masey of Ryxton was in ward to the lord.

Richard Holcroft esquire appeared in person.

Thomas Both esquire and Alicia his wife appeared by attorney.

Richard Bruch esquire appeared in person.

Hugh Shottilworth appeared in person.  
 John Sale for his lands in Bedford appeared.  
 Hamo Ashton of Glasbroke appeared.  
 Edward Longley's lands and tenements were in the lord's hands.  
 George Starkey appeared in person.  
 Nicholas Kenacres the like.  
 Richard Tyldesley of Garret appeared.  
 William Sale appeared in person.  
 George Ireland appeared by the king's writ (*per breve domini regis*).  
 John Ashton of Penketh appeared.  
 Henry Hurst sick and appeared by attorney.  
 Elizabeth Ardern appeared.  
 Thomas Penketh of Penketh appeared.  
 Thomas Ryxton appeared in person.  
 Brian Ley appeared in person.  
 Henry Slyned appeared in person.  
 Gilbert Whittell appeared in person.  
 Richard Blackhurst appeared in person.  
 John Parre being sick appeared by attorney.  
 The heirs of James Care appeared.  
 John Newport and others, feoffees of John Byrom's will, appeared.  
 John Fernehed appeared.  
 Thomas Norres appeared.  
 Edward Arosmyth appeared.  
 Richard Sutton had the lord's licence not to appear.  
 John Byrkenhed the same.  
 Robert Paver appeared.  
 Thomas Yarwode appeared.  
 The heirs of Richard Shagh appeared.  
 John Moile and James Milson were sworn constables.  
 Richard Kyngeley and John Bonell, burleymen of the town.  
 Ralph Aleyn, Laurence Clerk, Laurence Eighes and Hugh Acson were sworn tasters of bread and beer and judges of assize.

John Penkethman and William Fawkener were sworn burley-men for Church street.

Nicholas Bate was sworn burleyman for Sankey. (Lord Lilford's *Papers*.)

The constables, the police of that day, and the lord's other officers were sworn in at this court. The tasters of bread and ale and the judges of assize were to see that those articles were of proper quality, and that the assize concerning them as to price and weight of bread was duly kept. The burley-men, *i.e. boor or peasant law men*, were assessors of damages for trespass, and had charge of the fences and ditches of the manor. Besides the fines imposed as above there were often others inflicted for disobeying the lord's officers, for selling fish of insufficient size, for forestalling the market, for laying filth on the highways, and for not making a proper ditch when commanded by a jury of twelve men. In some respects the powers of this domestic court, particularly in the matter of fences and trespasses, might be invoked with advantage now.

The pinner or keeper of the pinfold (the officer who gives the title to one of Greene's *dramas*) is not mentioned in this record.

About this time Thomas Boteler appears to have parted with Crophill-Boteler, a very old possession of his family in Nottinghamshire, which should have been especially dear to him because it had its distinctive name from his house. The property is found soon afterwards in the possession of sir Henry Wyatt, one of the king's household, to whom it most probably passed either to satisfy the cravings of some hungry courtier or to relieve Thomas Boteler's pecuniary necessities. (Thoroton's *Notts.*, vol. i. p. 193.)

In the same year Thomas Boteler received the king's command directing him to inquire into the foundation, patronage and other particulars of various churches in the hundred of Salford. (*Duchy Calendar*, vol. ii. p. 29.) What was the immediate occasion of this inquiry or what was its precise object nowhere appears.

His receivership proved, as it was likely to do, but the beginning of trouble. He fell into debt, and so falling he resorted to the money lenders, which increased his difficulties. There were times in England when money lending and the trade in money was almost confined to the Jews; but that people in king John's reign having undergone great persecution and suffered more than they deserved, the Lombards (to whom we owe the three gilt balls of the pawnbrokers) and others in the north of Italy were encouraged to enter into competition with them, and before the end of Henry the Third's reign they had obtained a firm footing in England as money lenders and exchangers. (*Archæologia*, vol. xxviii. p. 207; *Bolden Book*, Glossary, p. lii., Surtees soc.)

In 1256, when the king applied to certain merchants in Lucca to lend him money, they wrote to him civilly declining to do so, and stating their reasons. (*Fifth Report on Public Records*, p. 92.) In 1281 one Alexander Norman de Luic was master of the mint in Dublin. In 18 Edward I. his countrymen there, the *mercatores de Luk de Societate Ricardorum*, having sustained injury, the result perhaps of some jealousy, complained to the king and their complaints were inquired into the following year. (*Documents illustrative of English history in the Exchequer*, p. 121.) In 27 Edward I. an indenture was made between the king and the merchants *de Societate de Lucca* (*Ancient Calendars of the Treasury*, vol. i. p. 103), which probably related to the purchase which the executors of his late consort the good queen Eleanor had made from the merchants of Lucca of three hundred and fifty gold florins, each worth four marcs, with which to gild her statue in the Confessor's chapel at Westminster. (*Athenæum*, p. 1090, 1849.) In 19 Edward III. one Percival de Perch de Luk was the king's moneyer. (*Rot. Parl.*, vol. ii. p. 452.) Amongst the goods of Richard II. which were found in Haverford castle there were 25 draps d'or de d'vses suytes dount, 4 de cipre et les autres de Lukes. (*Ancient Calendars of the Treasury*, vol. iii. p. 358.) Henry V., whose exhaustive wars made him a great money borrower, took up two hundred marcs from Paul de

Milan, a merchant of Lucca. (Nicolas' *Agincourt*, p. 22.) Henry VIII. employed one Jerom Bonvix, probably a Lucchese, as one of his correspondents at Rome in the year 1509. (*Cotton MSS.*, 509.) And at a later period we have the following entry: "Paid to John Parker yeoman of the king's robes, for certain silks sold unto his Grace by Anthony Bonvice, merchant stranger, viij<sup>li</sup> xvij<sup>s</sup> viij<sup>d</sup>." (*The King's Household Book*, p. 82.)

This account of the Lucca merchants will explain how in the next deed one of them comes to appear as Thomas Boteler's associate. This deed, dated 30th June 16 Henry VIII. (1524), which was made between the most reverend father in God, Thomas Wolsey lord cardinal, legate *a latere* and legate archbishop of York, primate and chancellor of England, sir Henry Wyatt knight, treasurer of the king's chamber, sir Andrew Windesore knight, and sir John Daunce knight, on the king's behalf, and with his express knowledge, assent and commandment of the one part, and Thomas Boteler of Busey in the county of Lancaster, esquire, and Lawrence Bonvixi merchant of Luke, of the other part, after reciting that the parties thereto of the latter part were indebted to the king in 386*l.* 13*s.* 4*d.*, witnessed that, for certain considerations, the king was content to take from them, and they therefore engaged to deliver, certain velvets, satins, silks, malvesees, and other merchandises, namely, yearly before the feast of All Saints for six years, whereof 1530 was to be the first and 1540 the last:

300 yards of black Genoa velvet, at 12*s.*

236 $\frac{1}{4}$  yards of crimson ditto in grain, 13*s.* 4*d.*

150 yards of black satin and tawney satin, 9*s.*

271 $\frac{1}{2}$  yards of ditto ditto, 7*s.*

The value of all which it was stated would amount to 500*l.* And should also deliver yearly during the said years other silks, woollen cloths, linen cloths, furs, and other wares, which should amount in value every year to 1500*l.* Upon receiving which articles, to the value of 2000*l.* yearly during the first five years, the parties of the former part covenanted to pay to the parties

of the latter part every year 1333*l.* 6*s.* 8*d.*, and to place the remaining 666*l.* 13*s.* 4*d.* to their credit, and so extinguish yearly that amount of the original debt.

The parties of the latter part further covenanted that a recovery should be suffered by Thomas Boteler and George Colewiche esquires, of the manors of Burtonwood, Laton, Sankey and Weryngton, and of one hundred messuages, two hundred cottages, four thousand acres of land, one thousand acres of meadow, two thousand acres of pasture, two thousand acres of moor, one thousand acres of wood, and 40*l.* of rent, all which it was covenanted should be of the yearly value of 193*l.* 6*s.* 8*d.*; and the parties of the latter part also further covenanted that this recovery, when suffered, should be for the better assuring the fulfilment of the terms and conditions of the above deed.

The deed contains stringent provisions to meet the event of the parties of the latter part failing to keep their covenants, from one of which provisions we learn that the value of a butt of Malmsey wine landed near the tower was then 3*l.* 6*s.* 8*d.* (*From a copy of the original in the Warrington museum.*)

The extinction of the debt it would appear was to be accomplished in this manner :

Five yearly payments of 2000 <i>l.</i> each would be .....	£10,000 0 0
From which two-thirds being de- ducted .....	<u>6,666 13 4</u>
There would remain to be re- tained on account of the debt .....	3,333 6 8
Upon payment of the sixth and re- maining instalment of.....	2,000 0 0
The parties of the former part cove- nanting to repay .....	<u>1,466 13 4</u>
Which last sum, being deducted, would leave a sum to be placed to the debtor's account sufficient to extinguish the whole debt .....	<u>533 6 8</u>
	<u>£3,866 13 4</u>

How Thomas Boteler came to owe the king so large a sum after he had been his receiver for only a single year, does not appear, but it is easy to understand how Laurence Bonvixi came to be his surety, and how so circuitous a way of discharging the king's debt came to be resorted to. The Lucca merchant had silks to sell, and the profit to be derived from the sale was sufficient to induce him to pledge his credit for the debt. The money lender in L'Avare, instead of money, made his unfortunate victim take some strange articles from him which were not so likely to be useful as the silk of Bonvixi, as, *un trou madame, et un damier avec un jeu de l'oie, renouvelé des Grecs, fort propres a passer le temps lorsque l'on n'a que faire, plus un peau d'un lézard de trois pieds ei demi, remplie de foin, curiosité agréable pour pendre au plancher d'une chambre.* (Molière's *L'Avare.*) And the government of Edward VI. were accustomed to borrow money with a condition that certain wares of fustians and diamonds should be purchased of the lenders. (Froude's *Hist. Eng.*, vol. v. p. 449.)

To secure still further the king's debt an almost seven-fold cord seemed to have been thought necessary. It was agreed that the debtor should enter into a recognizance of record, and accordingly on the 3rd July in the above year Thomas Boteler acknowledges himself by statute to owe to the king a sum of 4,000*l.*, with a condition to be void on the fulfilment by him and Bonvixi of the terms before agreed on. (*From a copy in the Warrington museum.*)

The contemporary copy of the foregoing instruments now in the Warrington museum has a curious history. It appears to have been carried by the English Benedictines at the Reformation to their house at Lamspring in Germany, and to have been brought from their archives by the late rev. Dr. Molyneux who gave it to the learned Dr. Robson for the museum.

In the margin of both instruments the word "vacat" has been written in a cotemporary hand, and to each this memorandum is subjoined :

"Irrotulamentum istarum indenturarum pretextu warranti

manu regis signati ac dilecto et fideli consiliario suo Roberto Southwell militi custodi rotulorum cancellariæ suæ directi ideo istud irrotulamentum cancellatur et dampnatur.”

As a still further security for the king's debt Thomas Boteler covenanted to suffer a recovery; which does not mean such a recovery as a witty lawyer once told a doctor he would never allow his patients to suffer, but a form of conveyance of land by record. On the 27th August 16 Henry VIII. (1524) such a recovery was duly suffered, and by it sir Henry Wyatt, sir John Dautesey, and Thomas Englefield the king's serjeant-at-law, recovered from Thomas Boteler and George Colewiche the manors of Burtonwood, Laton, Sankey and Weryngton, as belonging to the same, with the several lands before particularized, to the king's use and for the more effectually securing to his grace what was due to him. (Lord Lilford's *Deeds*.)

Thomas Boteler's marriage with Cecilia Legh, which was intended to make peace between the two families, failed to produce the desired effect. The old sore being once more re-opened blood again flowed out, which in 16 Henry VIII. (1542) resulted in an action by Thomas Boteler and his tenants in Burtonwood against sir Peter Legh knight and priest, his wife's grandfather, Lady Gerard and their tenants, for obstructing his right of way from Bradley acre, a place near sir Peter's hall there, to Winwick church. (*Duchy Calendar*, vol. ii. p. 26.)

In the same year Thomas Lawrence appears to have held lands in Laton of the value of iv. marcs, in frank marriage of sir Thomas Boteler of Beause knight. (Dodsworth's *MSS.*) How and when this estate in frank marriage was created nowhere appears; but if Dodsworth is correct, which probably he was not, Thomas Boteler is here called "knight" for the first time.

In the following year (1525) when an attempt was made to stretch the king's prerogative by forcing a tax called a benevolence, which *ex vi termini* ought to be free, it was resisted, and the experiment not succeeding it was thereupon abandoned. (Froude's *Hist. Eng.*, vol. i. p. 32.) At a later period when the

king extorted such a benevolence from the London clergy with impunity, they were too weak to resist him. (*Ibid.* vol. ii. p. 143.)

In the same year Thomas Boteler was one of the company invited to be present at the marriage of Thomas Gerard to Jane, daughter of Peter Legh esquire, and sister of his wife Cecilia (*Legh Papers*); from which it would seem that the angry quarrel he had had with sir Thomas Gerard was forgotten and laid asleep on the occasion.

Thomas Boteler's father, as we have said before, had purchased estates and made provisions for founding a grammar school at Warrington; but as he did not live to see his design completed, it remained for his son and successor to carry the good work into effect, and this was accomplished on the 16th April 1526, a day and an event to be ever had in grateful remembrance in Warrington. By an indenture then made between Thomas Boteler esquire, sir Thomas's son and heir, of the first part; dame Margaret late his wife, Ranulph Pole clerk, Richard Sneyde esquire and sir William Plumtre chaplain, sir Thomas's executors, of the second part; sir Richard Bolde and fifteen other knights, esquires and gentlemen (four of whom had married daughters of the testator and were the intended feoffees of the school), of the third part; and sir Richard Taylor clerk, schoolmaster of the intended new school, of the fourth part;—after reciting sir Thomas's first intention in the words which have been already given, the said Thomas Boteler his son and heir and his said executors, as well as the said sir Richard Bolde and others his co-feoffees, considering the blessed mind and good purpose of the said sir Thomas in the premises and intending the perfect accomplishment of the same, did ordain, establish, and make a free grammar school, to be kept and holden for ever in Warrington aforesaid. By this deed, and another which is referred to in it, a house in "Back-lane" (the present School-lane) and a croft adjoining were set apart for the use of the schoolmaster, and were to be called "The School-house of Warrington," and lands in Lancashire and Cheshire were at the same time vested in feoffees for the use of

the master; and thus was accomplished sir Thomas Boteler's pious intention to provide a means whereby "many poor children and young men might approach to such knowledge of the light of grace that perchance they might happen to be the very clear lantern of good example in virtuous living to all the country thereabouts to the good increase and use of virtue and expulsion of all vices."

On the 22nd November 19 Henry VIII. (1527) Richard Delves, rector of Warrington, died; and although sir William Plumtre, sir Thomas Boteler's faithful chaplain, was still living, and it had been sir Thomas's express wish that he should succeed Delves if he survived him, on the 6th December 19 Henry VIII. Thomas Maria Wingfield clerk was presented to the living by the executors of sir Richard Wingfield, one of the king's servants, to whom Thomas Boteler the patron had probably been under the necessity of selling the next presentation for a sum of money to relieve his pecuniary wants. (*Lichfield Register.*) The venerable antiquary, Camden, who knew this rector, says he was one of the few men he had known who used two christian names, but he makes no remark on the peculiarity that one of them was a female name.

On the 10th October 20 Henry VIII. (1528) Thomas Boteler exhibited his grant of the advowson of Warrington at the court of Lichfield, and entered a caveat against any person whomsoever claiming the right to present to the living, which looks as if he feared some attempts at usurpation. (*Ibid.*)

On the 1st August 21 Henry VIII. (1529), when he was still called only an esquire, he took from rector Wingfield a lease of the rectory, parsonage and tithes of Warrington to the use of dame Margaret his mother. The rector may have been an absentee, and dame Margaret, who soon afterwards was in possession of the adjoining moat-hill and swine-croft, was most probably inhabiting the rectory. (*Lord Lilford's Papers.*)

The year 1530 must have been an unhappy one in the Boteler annals, for Thomas Boteler, being in London early in that year,

had a complaint made against him by one Ralph Heaton, who stated that, being in the house of John Woodward one of the serjeants of London, he heard that Thomas Boteler esquire, with five or six of his servants, were lying "in wait to murder and slay him" (strong language like this seems to have been then not uncommon); "that when he espied him with his sword half drawn, he, Ralph, having in his hand a bag of groats, ran upon him, upon which they both fell in at a doorplace, when he, the said Ralph, escaped from the said Thomas, who with his servants also ran away." This reminds one of the old *jeu d'esprit* on the earl of Chatham :

"Earl Chatham with his sword drawn  
 Stood looking for Sir Richard Strahan,  
 Sir Richard longing to be at him,  
 Stood waiting for the Earl of Chatham!"

After this, Ralph said that when he had met all such of his friends as he could trust he went to a tavern called the Cardinal's hat, without Newgate. This place, which was not a very creditable one, is mentioned by a reveller in later times :

"Yea, my merry mates, and I too  
 Oft to the Cardinal's Hat do fly to."

But in the times of which we are writing it was kept by one Bobyll, from whom cardinal Wolsey had once bought xxviii. gallons of "Tennysse wine" at fifteen pence the gallon. (*Notes and Queries*, p. 326, 1859.) The sign was not more creditable than the place, for it adorned also one of the stews in Southwark. When Ralph Heaton and his friends had mustered at the Cardinal's hat he sent word to Thomas Boteler's lodgings, which were near, that he was there if he would have any thing to do with him, but the said Thomas would not come forth. The said Ralph meeting him the next day asked him why he had dealt so ill with him overnight, and he denying that he had done so, the said Ralph told him he lied falsely like a knave,

and, though like a knave he had dealt with him, he would have nothing to do with him *then*, but would have him "by the book," that is, he would sue him at law in Easter term then next. (*Duchy Calendar*.) Thomas Boteler in this transaction may have been more sinned against than sinning, and his character ought not to suffer from the unconfirmed statement of his violent accuser. It had been better for him, however, not to have been found either in the company of Ralph Heaton or of a London serjeant, who, let us hope, was not one of those ministers in buff who were the dread of Falstaff, because he knew they sometimes administered "the portion of imprisonment in respect of poverty."

In the same year he was sued, as the king's receiver, for detaining an annuity, which may have been either the result of his poverty or that the claim was not just. (*Duchy Calendar*, p. 212.)

In the same year Edward Aston his surety, who had now become sir Edward Aston knight, filed a complaint in the duchy chamber, stating that, upon view of Thomas Boteler's account for this year, he was found to be in arrear 963*l.*, for which with 52*l.* 17*s.* 4*d.*, probably for interest, sir Edward had been sued, and had incurred 10*l.* in costs, wherefore he prayed that Thomas Boteler who, as he alleged, was then present in London, might be commanded under a great pain to appear at a certain day before the king's council of the duchy, in the duchy court at Westminster to answer the premises. (*Ibid.*)

In the same year Thomas Boteler sued John Smyth for enticing away his servant and stealing his horse, two offences of a very different character, the one civil and the other criminal, which would now be followed by very different consequences. (*Ibid.* p. 141.)

Thomas Boteler's right to take toll corn in the market at Warrington was this year disputed by one Robert Hatton, very probably the same person of whom we shall hear more hereafter as sir Robert Houghton chaplain. (*Ibid.* p. 144.)

This year also he had two disputes with the Legh family. In the one he and others were sued by his father-in-law Peter Legh

for interrupting him in his right of common on Dallam moss; and in the other the same plaintiff sought to establish the boundary between his lands and those of Thomas Boteler. (*Duchy Calendar*, p. 209.)

In the same year a disagreement arose between him and his neighbours the Bruches, and on the 31st March he, with sir Thomas Southworth of Samlesbury (who subscribes with a mark instead of his name) and Roger Bradshaw of Haigh, signed a bond agreeing to submit all matters between him and his tenants and Richard Bruche esquire to the award of sir William Leyland knight, sir Alexander Osbaldeston knight, Henry Harington esquire and Edward Molyneux clerk. (Lord Lilford's *Deeds*; *Duchy Calendar*, p. 142.) This, like most other quarrels in that age, proved to be long-lived.

In the same year he was sued by the prior of Lytham on the old dispute respecting their mutual rights in Lytham and Marton. (*Duchy Calendar*.)

In the same year he and sir William Molyneux having been appointed to adjust the accounts of dame Margaret Bolde widow, under the will of sir Richard Bolde knight, her late husband, deceased, and Tucher Bolde brother of the said sir Richard, by an indenture dated the 11th June in this year, allowed dame Margaret 22*l.* 2*s.* 9½*d.* which she had paid towards the preferment in marriage of Elizabeth and Anne, two of sir Richard's daughters, and found that she had in hand 490*l.* 0*s.* 4*d.* towards the preferment of his other daughters in convenient marriages. (Dodsworth's *MSS.*)

On the 1st March 23 Henry VIII. (1532) he was required to sign another bond to abide the order and award of sir Alexander Radcliff and sir William Leyland knights, in the matter in dispute between himself and Richard Bruche. (*Legh Papers.*)

On the 26th March in the same year, probably in consequence of being again pressed for his debt to the king, Thomas Boteler conveyed certain lands to sir William Plumtre to enable him to receive and pay 100*l.* a year to the king's use. To the deed of

conveyance there was attached a schedule, in which some of the tenants and tenancies enumerated are as follow :

Ricardus Taillor capellanus for the scole house, xix<sup>d</sup>.

Willielmus Jacson pro molendino ventritico, xxvi<sup>s</sup> viii<sup>d</sup>.

Dña Margareta Boteler p Mote hill and Swyne croft, xxv<sup>s</sup>.

Georgius Corlas p una shoppa, vii<sup>s</sup>.

Nicholas Corlas p una shoppa, vi<sup>s</sup> viii<sup>d</sup>.

Ricardus Arrowsmith p una shoppa, vi<sup>s</sup>.

Ricardus Ireland p una shoppa, iv<sup>s</sup>.

Henricus Boardman p shoppa under y<sup>e</sup> cross, iii<sup>s</sup>.

Willielmus Alrede the same.

Margeria Barbor p parva shoppa juxta crucem, xiii<sup>d</sup>.

Galfridus Chery p Mercer's bothe.

Thomas Hall and Thomas Middlehurst p una piscaria super Merse, iii<sup>s</sup>.

Thomas Lacheford p una piscaria, ii<sup>s</sup>.

Thomas Yate p una piscaria vocata Anglesey fishe yard, xviii<sup>s</sup>.  
 [This yard, which let for more than three shops, is stated in a return of 1 and 2 Philip and Mary, to be near the Bridge end. (*Duchy Calendar of Pleadings*, p. 137.) The fish yards in this schedule with others, some of which were not in Warrington but which still paid rent to the duchy, are mentioned in the same return. These were Penketh yard, Old yard, Sonkey yard, More's yard, Walton yard, New yard and Cresbroke. *Ibid.*]

Henry Tyler p Penkethe fish yard, xiii<sup>s</sup>.

Robertus Dunbabyn p Sonky mouthe, viii<sup>s</sup>.

Hugo Worsley p incroachment, vi<sup>d</sup>.

Thomas Nores p Mersche, iiiii<sup>d</sup>.

Robertus Hill p molendino equino, x<sup>li</sup> vi<sup>s</sup> viii<sup>d</sup>.

Arthurus Norreis p comite Derbei p terris quæ quondam fuerunt Willi. Garnett, xi<sup>s</sup> x<sup>d</sup>.

The kyrke lands in the tenure of William Derneluff, viii<sup>d</sup>.  
 (Lord Lilford's *Deeds*.)

The signature of Thomas Boteler to this deed bears a remark-

able resemblance to his signature as a witness to his father's will, and to that of the surrender of Furness abbey (*Annales Furnesienses*, pp. 324, 352), but it differs both in form and spelling from that attached to the power of attorney he afterwards gave to Penketh.

In 24 Henry VIII. (1532) he and dame Margaret his mother were again sued by the prior of Lytham on the old subject, the invasion of his rights in Laton and Marton. (*Duchy Calendar*.)

At the herald's visitation in 1533 Thomas Boteler appeared and entered his pedigree and arms, the former of which is printed and the latter tricked in the herald's book. (*Chetham Miscellany*, vol. i. p. 14.) Aske's rebellion was now at hand, and the heralds were engaged on a field of arms of another sort, in which the Lancaster herald had a dangerous part to play. (Froude's *Hist. Eng.*, vol. ii. p. 147.)

In the same year he was still engaged in the old litigation with his neighbours the Bruches. (*Duchy Calendar*, pp. 142, 160.)

About this time, probably in honour of the king's marriage with Ann Boleyn, he was knighted, and became sir Thomas Boteler the second; and feeling what has been aptly called

"The sacred bond of grateful breasts,"

he granted to his faithful chaplain Nicholas Taylor, for the good services he had performed for him, two houses in Great Sankey for life, he rendering yearly a rose on midsummer-day, if it were demanded. This grant, which was dated on the 20th December 1533, was made the occasion of gracefully airing sir Thomas's new title.

In 25 Henry VIII. (1534) sir Thomas was appointed high sheriff of Lancashire, an office which he was still filling in 26 Henry VIII. (1535), for in that character he then sued Thomas Pomfret and others for interrupting the king's process. (*Duchy Calendar*, p. 201.)

An act of 28 Henry VIII. passed this year fixed the prices of wine and beer as follows: strong beer 1s. the gallon; French

or German wine 8*d.* the gallon; Spanish and Portuguese wine 1*s.* the gallon.

It is to this time of sir Thomas's life that we must refer the arms *azure*, a bend *or* between six covered cups *or*, assigned to him by Gwillym. (Gwillym's *Heraldry*, p. 310; Glover's *M.S.S.* No. 834, p. 2, in the Ashmolean museum.)

In the same year (1534) sir Thomas's necessities led him to part with Exul, another ancient possession of his family, which was sold for a money consideration to Julius Nethermill, an alderman who had passed the civic chair of Coventry in 1523, and whose death was commemorated by a laboured Latin epitaph which began thus: "Hic jacet Julianus Nethermill, prostratus." (Dugdale's *Warwickshire*, pp. 114, 796; *Antiquities of Coventry*, pp. 19, 114.)

The old quarrel with the Bruches was once more revived at this time, and on the 5th November in the above year sir Thomas Boteler and Richard Bruche esquire entered into a general bond for referring all their differences to John Birkened esquire, learned in the law, and John Grymesdiche, son of Thomas Grymesdiche of Hallam. (*Lekh Papers.*)

In a deed dated 18th December 27 Henry VIII. (1536), and which sir Thomas seals with a signet bearing the impression of a single covered cup, his mother dame Margaret is mentioned as being still alive.

But signs which now appeared in the political horizon portended danger to the old faith, and more immediately to the greater religious houses in allegiance with Rome. Having done the work for which they rose these once useful institutions had now fallen into the decrepitude of old age, and the outcry raised against them threatened to overwhelm them in one common ruin. Two years before this time the house of the Austin friars at Warrington, founded by the piety of sir Thomas's ancestors, had bowed before the blast and been desecrated and forsaken; but when its possessions came to be sold under the statute of 27 Henry VIII. c. 28 (1536) which abolished all the lesser mo-

nasteries, sir Thomas refused to play the spoiler, and that part was left for his neighbour Thomas Holcroft, a wholesale dealer in such properties, which in his hands soon wasted away and left no blessing behind them. But the storm which had begun with the smaller houses did not rest there.

On the 9th June 1534, after the bishops and other ecclesiastics had sworn to acknowledge the king as head of the Church, and the pope's name had been ordered to be erased from the mass books, as well as from all other books in the churches wherein it was mentioned, the king addressed a circular to the sheriffs of each county directing them to see his orders on this subject strictly observed. (Froude's *Hist. Eng.*, vol. ii. p. 229.)

Sir Thomas Boteler was then high sheriff of the county, and it was probably owing to that circumstance that he was present with the earl of Sussex\* the king's lieutenant, sir John Byron, and sir Anthony Fitzherbert the king's justice, an executor of the late sir Thomas Boteler's will, to witness the surrender of his abbey by Roger abbot of Furness on the 5th April 1537. (West's *Furness Abbey*, p. 169, *et seq.*) We have no evidence that Furness lay under any of those grave charges which were proved against some of the other great monasteries. Its sins were political rather than moral, its greatest fault being that the monks had listened without reproof, if not with approbation, to the prophecies of the nun of Kent and in particular to her prophecy that "the *decorate* rose should be slain in his mother's belly," which Delphic oracle the monks interpreting, perhaps according to their wishes, understood to mean that the king's grace should die by the hands of the priests. (*Ibid.* p. 165; Froude's *Hist. Eng.*, vol. ii. p. 165*n.*)

Sir Thomas Boteler's pecuniary embarrassments meet us at this time in various forms. On the 27th October 29 Henry

\* Lord Sussex, then the king's lieutenant, was Robert Ratcliff, the son of that lord Fitzwalter who was put to death for taking part with Perkin Warbeck. But in that age hate was not hereditary or the king would hardly have offered, or he have accepted, so responsible an office under the crown!

VIII. (1537) he leased the advowson of Warrington for sixty years to William Bruche "citizen and merchant tailor" of London and Hamlet Shawe, by whom it was afterwards assigned to Richard Penketh for no other purpose as it would seem than raising money. (*Lichfield Register*.)

On the 2nd June 30 Henry VIII. (1538) the king granted sir Thomas a lease of the moss at Upholland, with some other portions of the late dissolved priory there, for a term of twenty years. (Dugdale's *Monasticon* under Holland.) Sir Thomas had not hitherto stained his hands by dealing in abbey property. Did he, when now consenting to it, plead the Mantuan's excuse, "my poverty and not my will consents"? When his namesake Thomas Boteler, abbot of St. Peter and St. Paul at Shrewsbury, surrendered his monastery to the king's commissioners on the 24th January 1539, a John Waryngton occurs in the list of his monks. Almost from the Conquest, when Roger of Poictou gave part of the great tithes of Warrington to that abbey, there had been a connection between it and Warrington, and this may have led this monk to make his profession there; though the abbot, notwithstanding his name, does not appear to have been of the Bewsey family.

This year sir Thomas leased to Henry Kirkby gentleman the site of his manor at Laton in the county of Lancaster, then in the possession of dame Katherine Kirkby the lessee's mother, and another of the family possessions thus melted away. (Dods-worth's *M.S.S.*)

In 31 Henry VIII. (1539) sir Edward Keble clerk, calling himself parson of Warrington, filed a bill of complaint in the duchy chamber against sir Thomas Boteler, alleging that sir Thomas being the patron of that church and disposed about three years before to present him to it, which was then vacant by the resignation of Thomas Maria Wingfield, desired him to seal to him a lease of the parsonage for the term of sixty years, reserving yearly to him the said sir Edward a rent of 40*l.*; that upon such desire and request he, before his admission, institution and

induction, sealed such a lease, and was afterwards admitted, instituted and inducted to the said church and lawfully made parson of the same. That before he actually entered into the said parsonage sir Thomas, for the sum of 186*l.* 13*s.* 4*d.* whereof he received 124*l.* 6*s.* 8*d.* in hand, bargained and sold his said pretended term and interest in the said parsonage to one William Bruche of London and Hamlet Shawe, who, by colour of the same bargain, entered into the said parsonage; and, with a view to having the said lease set aside, the complainant then alleged that it was not good in law nor effectual to bind him, since, at the time of making it, he had no interest in the said parsonage; and he further complained that a tortious possession had been taken of the lease of the said parsonage lands, and that an illegal execution had been entered on a recognisance. (*Duchy Calendar*, Henry VIII. 5*n d.*, *k* 1.) Wingfield, Keble's predecessor in the rectory, probably unable to keep pace with the reformed doctrines, had resigned his benefice about November 1537, for on the 8th of that month Keble was appointed to succeed him. However unfair his patron's conduct had been in extorting the lease Keble, who knew it at the time, was certainly not blameless in afterwards seeking to set it aside for the reason he assigned.

Although sir Thomas made use of the services of William Bruche of London and confided in him as his trustee, he still continued on bad terms with the rest of the family, as we know from some proceedings contained in the *Duchy Calendar* of 1540.

It is evident that sir Thomas Boteler enjoyed the good opinion and esteem of his neighbour, Thomas Rixton of Much Sankey, gentleman, for when he made his will on the 16th January 1540 he appointed him (calling him "his good master") to be one of his executors. (*Lancashire and Cheshire Wills*, vol. ii. p. 256.)

The dispute between the Bruches and sir Thomas Boteler now assumed another feature, and became the war of their servants. Humphrey Wood and Thomas Starkey the servants of sir Thomas, and it is presumed by his command, had taken and detained one Richard the son of Randle Harp, whereupon the

said Richard and Randle, by Richard Bruche esquire, having given the necessary security, sir William Leyland knight, high sheriff of Lancashire, on the 13th September 32 Henry VIII. (1540), issued his warrant to the bailiff of West Derby and the constables of Warrington commanding the said Humphrey Wood and Thomas Starkey to appear at Lancaster to answer the charge; which charge it would seem was then referred to the award of sir William Leyland and sir William Norreys knights, whose award sir Thomas Boteler, on the 21st of the same September, entered into sureties faithfully to observe. (*Duchy Calendar*, pp. 142, 160.)

In 33 Henry VIII. (1540) sir Thomas Boteler was sued by Peter Legh for not rendering him a service called Godspeny, the exact nature of which does not appear; \* and the following year saw him involved in another suit with the same family respecting their mutual claim to some lands in the neighbourhood. (*Duchy Calendar*, vol. ii. pp. 64, 74.)

In imitation of the great feudal lords of mediæval times the pope claimed, and used to receive, from every archbishop, bishop and other ecclesiastical person the first year's profits (called the first fruits) of his benefice after he was appointed to it, and also one-tenth of such profits every year afterwards. The valuation of all benefices for this purpose, called the taxation of pope Nicholas, was first made in the year 1291, and according to it the first fruits of the rectory of Warrington were rated at 13*l.* 6*s.* 8*d.* and the tenths at 1*l.* 6*s.* 8*d.*, and this valuation continued in force until 26 Henry VIII. (1534-1535), when a new valuation was made and the first fruits were raised to 40*l.* and the tenths to 4*l.*, thus showing that the value of the living had increased more than threefold in little more than two hundred years. The right to receive both the first fruits and tenths being afterwards transferred from the pope to the king, there would seem to have been at first some remissness on the king's part in collecting these

\* Some of the farm tenants of Furness abbey are mentioned as paying only a "God's penny." (*Annales Furnesienses*, p. 15.)

dues, which most probably arose either from their being in a state of transfer from the pope to their new owner or from sir Thomas Boteler's circumstances being weak. These first fruits were really due from the clergyman who was presented; but most probably the obligation to pay them on the presentation of sir Edward Keble was thought to belong to his assignees under the lease, as they were sued for them in the court of first fruits, and on the 28th June 34 Henry VIII. (1542) had a decree pronounced against them for the sum of 36*l.*; after which, on the 4th October next, the following receipt was given: "Received of John Riseley of Culcheth gentleman, to the king's use, 9*l.* sterling, being  $\frac{1}{4}$  part of 36*l.* for the first fruits of the parsonage of Warrington." Signed "John Rok." (*Hale Deeds.*)

The year 1540, within which the last instalment of sir Thomas Boteler's large debt to the crown was to be paid, had come and gone, and sir Thomas and his surety, having kept their covenants and duly paid such instalment, were now entitled to their *quietus*. For this it would appear that sir Thomas had applied to the king, and on the 4th October 34 Henry VIII. (1542) an indenture was made between the "most excellent and victorious prince Henry the Eighth, by the grace of God king of England, France and Ireland, defender of the faith, and on earth of the Church of England and also of Ireland the supreme head," of the one part and sir Thomas Boteler of Bewsey of the other part; by which, after reciting the indenture of the 30th June 1524, the recovery suffered and the recognisance and statute staple acknowledged in pursuance thereof, and that the king by reason thereof was not only seised in his demesne, as of fee to his own use of and in so much of the manors and lands comprised in the said indenture as the sum of 3866*l.* 13*s.* 4*d.* would amount to at the rate of twenty years' purchase; but also was justly entitled to have of the said sir Thomas the several sums of 4000*l.* mentioned in the said recognisance and statute staple; yet that of his "ample and infinite goodness and special grace, and in consideration of the good and faithful service the said sir Thomas had

heretofore rendered," his majesty was pleased to grant and did thereby grant that he would do and suffer all reasonable acts and things for re-conveying the said manors and lands to the said sir Thomas, his heirs and assigns, and also for releasing and discharging him of the said debt of 3866*l.* 13*s.* 4*d.* and cancelling the said indenture, recognisance and statute staple. In return for all which sir Thomas covenanted that, within two months after such re-conveyance should be so made, he would convey to his said sovereign lord the king, for an estate in fee-simple, a pasture called Dallam meadow, another meadow called the Over-end of the Plekks, another meadow called the Colt's hey meadow, a pasture called Dallam sparth, the messuage and lands in the occupation of James Rogerson, all which several premises were situate in Burtonwood; a pasture called the Hollyns, two water mills in the occupation of Thomas Sonkey, a meadow called the Carre meadow, another meadow called the Fayrelands, several messuages and lands in the occupation of William Honte, George Elam, William Henryson, William Hardeman the elder, William Hardeman the younger, Alice Hardeman widow, Henry Hasyllwall, John Hardeman, William Bullyng, Richard Golden, Thomas Barrowe, John Porter, Thomas Oliverson, James Twen-brok, John Oliverson, Richard Barowe and Thomas Haryson, which said several other premises were situate in Great Sonkye; and all which said premises the said sir Thomas Boteler covenanted should be and remain of the yearly value of 50*l.* 12*s.* (*Bold Deeds.*) This deed is authenticated by the king's sign manual, and is sealed with the great seal of England. (*Ibid.*)

The divorce between sir Thomas Boteler and his wife Cecilia had taken place before this time, for in the last deed his wife is expressly called dame Elizabeth. This lady, sir Thomas's second wife, was the daughter of sir Edward Sutton and the widow of John Huddleston.\*

\* Dame Elizabeth's father in 1502 was tried before the lord steward for felony committed in the county of Stafford (Collins' *Peerage*, vol. i. p. 70), and in the year 1508 was lord of Tussingham in Cheshire (*Westminster Papers*). He was the son of that

Sir Edward Keble, whom we so lately saw contesting the lease of the Warrington parsonage which he alleged to have been extorted from him, and which it would seem was set aside on the 10th March 34 Henry VIII. (1543), executed a new lease of the same premises to Richard Penketh, son and heir of John Penketh of Penketh gentleman and John Grimsditch gentleman (elsewhere called sir Thomas Boteler's counsel learned in the law) for two hundred years from the 25th March then next, reserving a rent of 20*l.* a year. (Lord Lilford's *Deeds*.) On the 14th of the same month of March this lease was confirmed by John lord bishop of Chester the ordinary, and sir Thomas Boteler the patron of the living; and on the 25th June 3 Edward VI. (1549) by the dean and chapter of Chester. This anxiety for confirmation seems to betray a consciousness of something wrong; though, when the lease was referred to in a subsequent suit, it was admitted without disguise or reprobation that Penketh and Grimsditch, the nominal lessees, were no more than trustees for the patron.

On the 5th April 34 Henry VIII. (1543) the king by letters patent under the seal of the duchy, after reciting the indenture of the 30th June 16 Henry VIII. (1524), the debt thereby secured, and the recovery, recognisance and statute staple therein mentioned, acknowledged himself to be satisfied of his debt, re-granted

lord Dudley who ruined himself by usurers and was cozened out of his estate. (Dugdale's *Warwickshire*, p. 305; Gwilym's *Heraldry*.) He was literally turned out of Dudley castle by his rigorous creditor, and as he loitered about the Dudley market place the people gave him the name of *Lord Quondam*. (*Athenæum*, p. 476, 8th October 1870; *Hist. Chesh.*, vol. ii. p. 331.) John Huddleston, dame Elizabeth's first husband, was of Sawston in Cambridgeshire, which his family, who sprung from Hutton John, and Millom in Cumberland, acquired in 1496 on a partition of the Neville estates. The Huddlestons still reside at Sawston, which is a fine old place four miles from Cambridge, having the royal arms above the house door. John Huddleston, one of the family, was much trusted by queen Mary. (Fuller's *Worthies*, p. 168.) Christopher Huddleston, the correspondent of Leycester from Emden in 1580 was another (*Cat. Cotton MSS.*, p. 276); and so was John Huddleston who saved the life of Charles II., and afterwards became his confessor and reconciled him to Rome. (*Notes and Queries*, pp. 395, 438, 1856.)

to sir Thomas Boteler the several manors of Burtonwood, Laton, Sonkey and Warrington, and commanded the keeper of the public rolls to cancel the indenture and the several instruments therein mentioned; which last circumstance sufficiently explains why the word "vacat" occurs, which we have before referred to as being written on the copies. (*Bold Deeds.*)

But although sir Thomas had satisfied the king, his necessities were not ended, and to relieve them we find him on the 8th April, only three days after the restitution of his lands, conveying Laton, another of his ancient family possessions, to John Browne, citizen and mercer of London, for five hundred marcs. (*Bold Deeds.*) There being a doubt whether this grant was or was not sufficient, in consequence of the king's letters of restitution being only under the seal of the duchy and not under the great seal, queen Mary afterwards confirmed this grant to Browne's assignee. (*Hist. Lan.*, vol. iv. p. 423.)

Like Schiller's *Lay of the Bell* this history is a kind of moving panorama of life. In 15 Henry VIII. we saw sir Thomas Boteler contracting to marry his son, then an infant of tender years, to Alicia Trafford. Marriages between young people whose united ages did not exceed ten years were then not uncommon, but this marriage was either never consummated or Alicia was dead or had been divorced; for in or before 1543 his same son had married Eleanor the daughter of John Huddleston esquire.

On the 4th May in that year an indenture, duly enrolled in the exchequer, was made between sir Thomas Boteler knight of the one part, and Thomas Boteler esquire, his son and heir apparent, of the other part, by which, after reciting that through the mediation of the right honourable sir Anthony Brown, knight of the most honourable order of the garter and master of the king's horse, the said parties were pleased to covenant and grant as follows, that is to say: The said sir Thomas agreed that all and singular his manors and hereditaments in Weryngton, Burtonwood and Great and Little Sonkey, should after his death remain to his said son, his heirs and assigns, discharged of all incum-

branches, always except and foreprized the hereditaments in Burtonwood and Great Sonkey of the yearly value of 50*l.* 12*s.*, which by the indenture of the 4th October 34 Henry VIII. he had conveyed to the king; and also certain hereditaments which should be appointed to dame Elizabeth his wife for life for her jointure; and also certain other hereditaments of the value of 40*l.* a year, which he might thereafter please to appoint for life for the preferment of his children or servants, or the payment of his debts and legacies. The said sir Thomas also covenanted that he would make to his said son Thomas Boteler and his said wife Eleanor, for their lives and the life of the survivor of them, a sufficient estate in his hereditaments in Warrington of the yearly value of 33*l.* 6*s.* 8*d.* by way of jointure for the said Eleanor; and also that, if the king's majesty should re-grant unto him the said sir Thomas and his heirs those lands and tenements of the yearly value of 50*l.* 12*s.*, which he had sold to his highness for 1000*l.* to be paid within the term of ten years, that is to say, every year 100*l.*, then he would pay the said 100*l.* during the said ten years, if he should so long live, towards redeeming such lands; and lastly, as if recalling the solemn warning recorded in his father's will, sir Thomas covenanted that he would not at any time thereafter do any act by which the said manors and hereditaments should be aliened from the right heirs of his said son. (*Bold Deeds.*) Sir Anthony Brown knight, who appears here as the mediator between sir Thomas and his son, is said by Collins in his *Peerage* to have been standard-bearer to king Henry VII., and if so his years and station well befitted him for the office of a peacemaker.

Sir Thomas having by the indenture of 4th October 1542 agreed to convey to the king lands in Burtonwood and Great Sankey of the yearly value of 50*l.* 12*s.*, a fine for carrying this agreement into effect was levied at Lancaster on the 19th August 35 Henry VIII. 1543. (*Ibid.*)

The dispute with the Bruches seems to have been chronic, and the suits arising out of it must have burned like a blister. On

the 31st August 35 Henry VIII. (1543) Henry Bruche as lessee of Warrington parsonage had sued sir Thomas Boteler concerning the tithes of the said parsonage, and on that day sir Thomas entered into a bond to appear in the duchy chamber and abide the judgment of the court thereon. (*Duchy Calendar*, vol. ii. p. 77, and *Legh Papers*.)

Discontented with his treatment in the affair of the proposed marriage of the prince of Wales and the young queen of Scotland, and with the evident leaning of the Scottish court towards Rome in opposition to him, the king in the early part of the next year declared war against Scotland, and having invaded it, his forces entered and plundered Edinburgh on the 8th May 1544, and afterwards re-embarked for England. In this inglorious attack, which was rather a raid than a campaign, many of the Lancashire men were present, among whom were some of sir Thomas Boteler's near neighbours; but it is a satisfaction to believe that neither sir Thomas nor his son took part in it. (*Henry's Hist. Eng.*, vol. xi. p. 348.)

Either the law must have been very unsettled or our ancestors must have been of a litigious, refractory temper, for every transaction at this time seems to have given rise to more than one lawsuit, so that the lawyers at the circuit table had no need to drink as a toast, "more plaintiffs and more defendants;" or if they did their wish was answered. On the 8th May in the above year sir Thomas Boteler knight and his said son, for a valuable money consideration, conveyed lands in Great Sankey to Elizabeth Statham in fee, who very soon afterwards became the wife of Morice Denys, and before the end of the year both of them joined in suing sir Thomas Boteler for a forcible entry upon and a tortious possession of a messuage and lands in Sankey, part perhaps of the very property he had just conveyed to her. (*Lord Lilford's Papers*; *Duchy Calendar*, p. 204.)

But this suit respecting property was now followed by another of a more disagreeable sort arising out of a family quarrel. Thomas Molyneux, the son of Roger Molyneux of Hawkley

in Pemberton, a member of a good Lancashire family, had married Elizabeth, sir Thomas Boteler's daughter, and a variance having arisen she left her husband and returned home to her father's house. The world was no wiser then than it is now, and the language of even the gentry was far less measured than it should be. Instead of prudently resolving "to wash his foul linen at home" Thomas Molyneux rushed into court, and in 37 Henry VIII. (1545) filed a bill in the duchy chamber, in which, alleging that the said sir Thomas had gotten possession of the said Elizabeth and did keep her to his great scandal and infamy, openly declaring that he would — her; that for remedy thereof; and that he might have his said wife's company the complainant on the day of the assumption of the Virgin (15th August) at Warrington, where the said sir Thomas then dwelt, required the assistance of his kinsfolk to the intent that he might demand his said wife; and that after he and his uncle, one Richard Gerard, had made divers requests to that effect, sir Thomas did, in a most violent manner, after putting him out of his house, place his hand on his dagger and demand with an oath, "Is there no man here that will strike this man down?" and that thereupon one Thurstan Southworth gave the plaintiff such a stroke upon the head with a pykefork that he fell to the ground, while Randle Shaw, another of sir Thomas's servants, forcibly took away his gelding which was worth 6*l.* 13*s.* 4*d.*

In answer to this complaint, sir Thomas, after stating that the plaintiff and his wife had kept house together in a tenement which was part of their marriage settlement until the said Roger Molyneux, under colour of a lease which he claimed to have from the plaintiff, wished the said Elizabeth to quit the said tenement, and that she not being willing to do so, the said Roger, out of his malice and displeasure, had slanderously reported that she was of evil governance and conversation, and had committed adultery with one John Hyndley; that, upon such slander so had, the said Elizabeth minding to declare her honesty in that

behalf made her purgation according to the laws ecclesiastical, and afterwards sued out a citation against the said Roger, and being in fear of her life if she continued in the said tenement, she left it and came to the house of her uncle Thurstan Southworth with whom she lived two years, during which she pursued her suit against the said Roger in the court Christian and obtained judgment against him. Sir Thomas further stated that as her father, and greatly coveting that she should be with her husband, he often moved her to return, but that believing the slander so raised up had been so raised by her husband's consent, she was not willing to do so and therefore remained with him. He further stated that, being minded to persuade her to return to her husband, he caused her to leave his (the said sir Thomas's) house, whereupon one sir John Atherton knight, at the request of her husband, proposed to him (sir Thomas) that the said husband and wife should be separated; that by the mediation of the said sir John, it was agreed not only that there should be a divorce between them, but that all necessary arrangements consequent thereon should be made between him (the said sir Thomas) and the said Roger; that believing after such agreement that such divorce would take place and he should be charged with maintaining his daughter, he (the said sir Thomas) caused her to repair to one of his houses about a mile from his own dwelling, and there to be at meat, drink and lodging with another of his daughters. Sir Thomas most indignantly denied the infamous charge of misconduct with his own daughter which her husband had imputed; and he further stated that on the day in question when the plaintiff came to him as he had stated, Richard Gerard spoke these words to him: "Whether will ye go forward with the agreement made before sir John Atherton or no?" To which he answered that if the said Roger Molyneux on his part had part performed his promise made to sir John Atherton, that the said agreement would ere that time have been fulfilled; after which the plaintiff demanded to have his wife, to which he (sir Thomas) answered that he should

not have her, not only because her action against the said Roger was then depending undetermined, but for other good causes. After which, followed by the plaintiff, he went peaceably to his own dwelling-house in Weryngton, where, having no mistrust of danger and having his back to the plaintiff, and with neither dagger nor weapon about him, the said plaintiff, who had his dagger ready drawn, would have murdered and slain him had not Robert Redyche, one of his (sir Thomas's) company, drawn the plaintiff back forth of the door of the house. (*Duchy Calendar.*)

According to a practice which was then almost universal, sir Thomas Boteler filed a cross bill against the complainant and his confederates. (*Ibid.*)

In the end Thomas Molyneux, whose quarrel with his wife seems to have been aggravated by injudicious friends, was divorced from her, when some of his friends were indicted for the riot, and the rest were silenced by writs of privy seal. (*Ibid.*) That is, we suppose, by prerogative writs in the star chamber, by which the king dealt more summarily than at the common law with rioters and some other offenders.

These law proceedings however draw up a veil which exposes in a painful light both the manners and language of our ancestors. We would willingly believe that knights and gentlemen would have refrained from the violence, and from the use of such language as we have seen described, as well in the former quarrel at the cock-fight as in the charge which Roger Molyneux made against sir Thomas Boteler. The language then used, and which smacked of a coarseness perhaps not uncommon in the time of the court poet Chaucer, has now happily been banished from the mouths of the educated classes. Let us hope that ere long it will descend still lower until it finally takes its departure from society altogether.

The dealings between sir Thomas Boteler and the crown were not yet ended, for in 1545 the king made him a grant of some of his Lancashire lands; probably a part of those he had formerly conveyed to the king in Burtonwood and Great Sankey. The

exact nature of this grant can only be ascertained however by reference to the original deed, of which two parts seem to have been enrolled in the exchequer. (Jones's *Index to the Exchequer Record*, 37 Henry VIII., Rot. 40.)

The lease of the parsonage of Warrington for two hundred years which was made to Penketh and Grimsditch, instead of to sir Thomas the patron, was intended to conceal (what however it hardly did conceal) the fact that they were only trustees for him in the matter; and on the 2nd October 37 Henry VIII. (1545), when concealment seemed no longer necessary, even this flimsy covering was withdrawn, and the lease was absolutely conveyed to sir Thomas Boteler, who the next day made a lease of the parsonage-house with the tithe-corn of Warrington and its hamlets, with the Swine croft and the Mote hills pasture, which seem to have been thought necessary for the more convenient occupation of the parsonage-house, to John Grimsditch for the term of thirty years. (Lord Lilford's *Deeds*.)

On the 15th November 1545, sir William Plumtre, the faithful friend and chaplain of sir Thomas's father, died in a good old age at his rectory of Thornton-le-Moors, having never attained to the rectory of Warrington, which the good old knight his master had destined for him.

Morice Denys and his wife, late Elizabeth Statham, sold and conveyed their Sankey lands to one Walter Bucler, who on the 1st January 38 Henry VIII. (1547) exchanged them with the king "for some other lands in Sankey." A few years later when these lands had again become the Boteler property, an attempt was made, on some not very intelligible ground, to claim them as *concealed lands*. (*Ibid.*)

King Henry VIII. died on the 28th January 1547. He had made sir Thomas Boteler the receiver of some part of his rents, his forester of Simonswood, his commissioner to inquire into the Salford churches, and to witness the surrender of the abbey of Furness, and besides bestowing these offices upon him, had been in many other respects his friend; but it may be doubted whe-

ther the saying of Shallow to Davy, "a friend in court is better than a penny in purse," did not prove a snare to sir Thomas, and lead him into debt by heaping on him some offices for which he was not fit.

In 1 Edward VI. (1547) sir Thomas, who on many occasions had availed himself of the services of Richard Penketh as his trustee and confidential adviser, made him a grant by which calling him his servant he authorised him to act as his attorney. (Lord Lilford's *Deeds*.) Penketh, whom his master thus called "his servant," seems to have well deserved the confidence reposed in him.

In the next year the peace of Warrington being disturbed and the lord of the manor's franchise interrupted, led to a suit in which sir Thomas Boteler complained of one sir Robert Houghton chaplain, and others. This person, the contemporary of Robert Halle the chaplain of the Boteler chantry, and the chantry priest of St. Anne of the foundation of Richard Delves at Warrington, whose profession should have made him a lover of peace, is said to have been a man "much addicted to strife and contention;" a character which by his conduct at Haydock on another occasion he seems to have well deserved. (*Lancashire Chantries*, Chetham soc.) Sir Thomas, after setting out in his complaint that amongst other liberties granted to his ancestors, lords of the manor of Warrington, they had the right to attach by their bailiffs any person who there made an affray, and to bring him to the court house and there detain him until he found reasonable sureties to answer for such affray, complained that the said Robert Houghton made such an assault and affray at Warrington upon one Assheton, spinster, and that thereupon his bailiff Randle Shaw resorted immediately to the said sir Robert, and having attached him by his body, gently moved him to go with him to the court house, there to put in sureties in the form aforesaid; whereupon the said sir Robert, together with Richard Bruche, John Raddyshe and other riotous persons to the number of ten, made an assault upon the

said bailiff, and then in a most riotous manner departed out of the said town, not only in breach of the lord's franchise but to the evil example of all others in time to come. That sir Robert and his accomplices might not go unpunished, the king, at the request of sir Thomas Boteler, ordered his writ of privy seal to issue against them. (*Duchy Calendar.*) The name of Randle Shaw the bailiff is the same that occurs in the celebrated old Warrington ballad of "Naunty Grace's mare," which may help us to fix its probable date.

In the *nomina ministrorum* about this time sir Nicholas Taylor, sir Thomas's old chaplain, appears to have been nominated by him to some clerical office. *Ex stipendio Thomæ Boteler militis* are the words of the appointment, which may mean that he was made curate of Warrington, of which he afterwards certainly became rector. (*Lancashire Chantries*, Chetham soc.)

Sir Thomas Boteler's last days must have been embittered by the conduct of his eldest son, who in 3 Edward VI. (1549) filed a bill against him in which, after reciting the settlement made upon him of the lands of the value of 36*l.* 6*s.* 8*d.* on his marriage, he charged his father with unjustly keeping back a sum of 3*l.* 13*s.* 4*d.* a year, being the improved value of a part of the land. In a second bill filed the same year he charged his father with a breach of marriage covenants in preventing his tenants from grinding corn at his town mill, and, out of his displeasure at the plaintiff, with forbidding him and his tenants to get clay, as they had used to do, from the commons. (*Duchy Calendar.*) Sir Thomas on his part complained that as he and some of his servants were *drinking and making merry* in the house of Isabel Clerk at Warrington on the 23rd June 1540, his son Thomas with Richard Bruche and others, having swords and daggers drawn, entered the said house, and not only called his servants foul names and challenged them to come out and fight, but struck at and would have murdered one of them if they had not been separated. (*Ibid.*)

Sir Thomas had at least two illegitimate children, a son Henry

and a daughter. The daughter was suitably married to Thomas, son of John Davenport of Davenport. (*Hist. Chesh.*, vol. iii. p. 40.) With regard to the son, it was proved in a suit some years afterwards that his father made a will and left him the lease of Warrington parsonage, but having some fear on his death-bed that his title might not be safe, he, with the advice of his friends, put such will and the lease and assignment of the parsonage and also a covenant for an annuity of 40s. into a casket which had two locks, and delivered it to John Grymsdych to be kept for the said Henry Boteler. One of the witnesses in the suit, who described himself as a servant in husbandry labouring for the said John Grymsdych in his business at Grymsdych hall, stated that coming home one evening his master told him and a fellow servant that he was rid of a foul piece of work, and being asked what work, he said he had set over the parsonage of Warrington to Anthony Sherrington.

The testator's will was not proved, and perhaps was never seen after his decease, as administration of his effects as to an intestate was taken out after an interval.

Sir Thomas Boteler's days being now near their close a short review of his career may not be out of place. He was scarcely 20 years of age at the time of the riot at the Winwick cock-fight, and if he knew, as we know from other sources, that his father was then stretched on a bed of sickness, we must think that a love of pleasure out-weighed with him both a sense of duty and the feeling of affection for his father. If he gambled at the cock-pit it is easy to account for his moral feelings being dulled. In his days agriculture, orcharding and horticulture were receiving more attention from country gentlemen than they had done hitherto. In the middle ages kitchen gardens were held in small account, and vegetables and herbs were rare at the tables either of the rich or the poor; but about the time of Henry VII. they came more into use. (*Duncomb's Survey of Hertfordshire*; *Southey's Common Place Book*, 3rd series, p. 30; *Turner's Domestic Architecture in England*.) Fitzherbert his

father's executor had written a work on husbandry, and Richard Penketh his faithful servant had an orchard so well stocked that, when he afterwards sold his house, he expressly reserved "all and every the graffes, plants and young trees of fruit there growing." (*Warrington in 1465*, p. xl.) But it nowhere appears that sir Thomas Boteler had imbibed this innocent taste or spent any money upon it, or that might have helped to account for his being in debt. Many of his contemporaries shared in that gorgeous scene, *The Field of the Cloth of Gold*, where we are told "*Plusieurs y portèrent leurs moulins leurs forêts et leurs prez sur leurs épaules.*" (*Martin du Bellay Coll. Mem.*, vol. xvii.) If sir Thomas joined the crowd there, it must have involved him in some expense; it is more probable however that his love of the cock-pit helped to embarrass him, especially if it was followed by its usual attendant, the great money-eater, gambling. At all events we still find him deeply steeped in debt. Almost within a year of his father's death he sold one of the earliest possessions of his family, Crophill-Boteler, and the proceeds passed into the deep gulf which drained his purse dry. Six years later we find him unable to pay his debt to the king, and ungenerously suffering sir Edward Aston his surety to be sued for it. In 1534 Exul, another ancient Boteler possession, floated away as Crophill-Boteler had done before. Less than a *decade* sufficed to squander each instalment of his estate, and in 1543 Laton, another ancient possession, passed out of the family rent roll, and very shortly after it was followed by a portion of Great Sankey.

The money for which sir Edward Keble rector of Warrington and his patron had sold the extorted lease, like all the rest, melted away and left its owner aground as before, with the taint of its corruptness still remaining. The granting of such a lease was not the less simoniacal because the practice, as we learn from an old writer who inveighs against it, was then common: "If our greedy patrons," he says, "will hold us to such hard conditions as they commonly do, they will make most of us work

at some trade as Paul did, and at last turn taskers, maltsters, costermongers, graziers, and sell ale or worse, as some have done." (Burton's *Anatomy of Melancholy*.) But base as the practice of making such leases was, the bishops were ever ready to confirm them; it may well however excite our special wonder that when Keble's lease for two hundred years to his patron afterwards came on for discussion before a court of law it called forth no reprobation, and was allowed to run its full course to the end, and to expire at last only by effluxion of time on the 10th March 1743.

When sir Peter Legh knight and priest, one of sir Thomas's contemporaries, directed his executors to take the issues and profits of certain lands for a term of ten years, and further directed that such "issues and profits should be conveyed to the monastery of St. Werburgh at Chester, and there put in safe keeping in a substantial coffer, locked, to be there standing and remaining at his costs and charges, and that each of his five executors should have a several lock and key upon the same" (*Warrington in 1465*, p. xiii, *in notis*, Chet. soc.), he showed small confidence in the integrity of the five gentlemen of his own rank and selection who were his executors; and in this respect he was imitated by sir Thomas Boteler who treated his trustees with the like distrust. Good faith is the rule, and want of it the disgraceful exception, among gentlemen now; and the old-fashioned plan of securing honesty by a plurality of locks and keys, and only opening the money chest when all the holders are present, only lingers now amongst our sick clubs and friendly societies, and on the trial of the pyx in the exchequer, where the chest cannot be opened without the presence of a plurality of the key-keepers.

The birth of Henry Boteler and his sister was a moral stain on sir Thomas's character, which brought its own punishment :

"The Heav'ns are just, and of our present vices  
Make instruments to scourge us."

The education of Henry Boteler had been so neglected that he could not even write his own name.

The quarrel with his son-in-law Thomas Molyneux was rather sir Thomas's misfortune than his fault; it were to be wished however that the family annals had not been stained with its coarseness. But the quarrel with his son, and his admission that at a time when he must have been advanced in years he was drinking and making merry at a tavern, do not raise our respect for either him or his son. When this quarrel arose sir Thomas could hardly fail to feel some remorse on recollecting how he had himself forgotten his father's advice.

The age for founding chantries and religious houses in the evening of life as an atonement for sins of omission was now past; but sir Thomas showed, by acknowledging his chaplain's services and granting him an annuity and afterwards giving him preferment, that he was not without a regard for religion and religious men.

Up to sir Thomas Boteler's time the progress of the family had been "bold and forth on." Thus far their star had been steadily climbing, and they might fairly have claimed for their motto, "*Excelsius.*" Notwithstanding his numerous family of daughters his father had suitably provided for them all, and had laid by a munificent sum wherewith to found the grammar school. But with his son the family began to decline, and their star, which had taken four centuries to reach the zenith, under him, despite the fair inheritance to which he had succeeded and the offices which he had obtained through the royal favour, threatened to descend far more suddenly than it had ascended slowly.

Sir Thomas (the second) at the age of 55 was called to his rest on the 15th September 1550. His inquisition post mortem, taken on the 25th March following, finds that he held Warrington cum pertinentiis de rege *duce* pro II. feod. ac redd. xxvi<sup>s</sup> viii<sup>d</sup>, et 1<sup>li</sup> cum in val. cvi<sup>li</sup>, certain tenements in Sankey "de quo ignor." It was valued at lxxx<sup>li</sup> when his father died, so that it had risen xxvi<sup>li</sup> or more than a fourth in the interval. "Item man. de Burtonwood cum pert. de rege *duce* per fid. pro I. feod. et reddit.

1<sup>d</sup> val. xxiv<sup>li</sup>." It was valued at lxxiv<sup>li</sup> when his father died, but some parts had been since alienated. (*Duchy Calendar*, vol. ii. p. 21.)

Sir Thomas Boteler had issue by his wife Cecilia Legh :

(1.) Thomas his eldest son and heir, who succeeded him.

(2.) John the second son, who is mentioned in the codicil to his grandfather's will, 27th February 13 Henry VIII. (1522), where he directs that his feoffees "shall make him a sufficient estate of lands to the yearly value of xx<sup>li</sup> for the term of his life." This John could not be the John Boteler who was abbot of Vale Royal in 15 Henry VIII., nor was he perhaps the John Boteler who was presented to the rectory of Warrington on the 27th April 1574; but he might be the John Boteler of Dunstable who was the second husband of Elizabeth daughter of John Poole (*Hist. Chesh.*, vol. ii. p. 235; Poole pedigree); and he was almost certainly the John Boteler who was a witness to the lease of Sankey mills in 1 Edward VI., where he styles himself "gentleman."

(3.) Margaret, who married Thomas Holford of Holford esquire, who died in 1569. (*Ibid.* vol. i. p. 495.)

(4.) Elizabeth, who married Thomas son of Roger Molyneux of Pemberton, from whom she was divorced.

(5.) Jane, who married Robert Yardley of Crew, who in 9 Elizabeth (1567) appears to have sued Thomas Boteler for a debt on simple contract, which Thomas Boteler pleaded that he had paid. (*Duchy Calendar*.)

(6.) Dorothy, who married Thomas the son of Richard Assheton of Penketh. (*Harleian MSS.*, fol. 33b 1468, and fol. 17, 1549.)

## CHAPTER XXIII.

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*SIR THOMAS BOTELER (THE THIRD),  
SEVENTEENTH BARON.*

THOMAS BOTELER esquire, afterwards sir Thomas Boteler (the third), was born in the year 1516. In 1522, when he was only 6 years old, his father, by the contract already referred to and which is also mentioned in the Trafford pedigree, agreed to give him in marriage to Alice Trafford, a young lady about his own age. (*Hist. Lan.*, vol. iii. p. 110.) But Alice either died or the marriage was not consummated, or the two parties were divorced, for on the 4th May 35 Henry VIII. (1543) he married Eleonora the daughter of John Huddlestone of Sawston in Cambridgeshire, whose widow his father had married the year before. His own marriage with Eleonora is referred to in the bill which he filed against his father in 3 Edward VI. (*Ducatus Lan.*, p. 313.)

In the first year of Edward VI. (1547) he held some office of honour about the court, and was one of the king's gentlemen pensioners, but what was the exact nature of his office we do not know. (Lord Lilford's *Papers*.)

In the same year he made a lease of Sonkye mills to Thomas Sonkye of Little Sonkye for twenty-one years, rendering the yearly rent of 6*l.* 13*s.* 4*d.*, "and also three hundreth *stycke eles* in season at getting tyme of the yeare, to be delyvered yearely betweene the Nativitie of the Virgin and All Saints." (Lord Lilford's *Deeds*.) The *sticha anguillarum*, or stick of eels, consisted of twenty-five of that fish hung upon a stick. (Fosbroke's *Encycl. of Antiq.*, vol. i. p. 381.) In this case the eels were no

doubt supplied from Sankey brook, where, alas! no such fish or any other is now to be found.

The courtly office he held gave no assurance of Thomas Boteler's courtly manners, for in the same year John Butler "of the city of Bristow, physician," filed a complaint against him, in which he stated that on the 14th November 1547, as he was on his way between Warrington and Hallome in Cheshire to minister to one of his patients, Richard Doncaster, servant to Thomas Boteler, son and heir apparent of sir Thomas Boteler knight, by special procurement of his master and of one Lawrence Leighe, did lie in wait for him purposing to murder him, and having made an assault upon him did sore beat and wound him, saying at the same time, "Thou whoreson, thou hast undone my master and shalt never undo more, but shalt die." In their answer the defendants denied any conspiracy, but Doncaster admitted meeting the complainant and striking him a stroke with his dagger, whereby he was little or none the worse; and in his justification he alleged that he so struck the complainant because he had defamed his mother and caused sir Thomas Boteler to remove her from her farm, and while she was on her knees before sir Thomas entreating him to be her good master concerning the premises, he had taken a pot of ale and cast it in her face. (*Duchy Calendar*.)\* We have seen that Doncaster admitted having used his dagger. The custom of carrying weapons which, contrary to the old law, was universal at this time, when the nobility carried swords and the commonalty in general daggers, was, as might be expected, productive of frequent acts of violence.

If Thomas Boteler took part in the outrage committed by his servant, we should be rather disposed to believe him guilty of the ill behaviour to his father and his servants, of which we have heard before as having occurred at a time when his father's life was drawing to a close.

\* Was this Dr. Butler the same who about this time hindered Lawrence Chaderton, a Lancashire man, from taking his degree at Cambridge because he was a puritan? (*Ware's Foundations of Manchester*, vol i. p. 134.)

Thomas Boteler seemed to be unable to keep out of a court of law. He had only just escaped from a criminal charge, when in 4 Edward VI. (1550) he found himself involved with several others in a civil action, at the suit of James Starkey and his wife, respecting the title to lands in Burtonwood. (*Duchy Calendar*, vol. ii. p. 109.)

In the year 1552, when the king called a parliament, Thomas Boteler was returned and sat as knight of the shire for Lancashire, having at first Richard Houghton and afterwards sir Robert Worsley for his colleague, the former having probably died during the session. (*Hist. Lan.*, vol. i. p. 316.) In this which was the last parliament of Edward VI. and which sat until the king's demise on the 6th July 1553, a new liturgy was authorised, the mass was prohibited, and other advances were made towards establishing the reformation. But when a new parliament, the first of the next reign, was called on the 5th October in the same year, Thomas Boteler was not returned again, probably because knowing the queen's leaning towards popery he did not offer himself for re-election.

On the 12th July 1 Mary (1553) lord Derby mustered twenty thousand men and marched with them to support the queen's cause against Northumberland. (Froude's *Hist. Eng.*, vol. vi. p. 18.) The four hundred and thirty men raised this year in West Derby hundred, and of which Thomas Boteler was one of the eleven commanders, probably formed a contingent of this force; towards which Warrington and Orforth cum Sonkye found seven men, Woolston cum Fernehead six, Burtonwood six, and Ryxton cum Glasbroke six. (*Proceedings Lanc. Lieutenancy*, vol. i. p. 2, Chet- ham soc.)

On the dissolution of the chantries under Edward VI. sir Robert Houghton, the late disturber of the fair and of whom so bad a character was given in the proceedings then taken against him, was awarded a pension of 5*l.* a year (*Lanc. Chantries*, vol. i. p. 64); but when the queen restored the chantries he probably resumed his old place at Warrington. (*Hist. Lan.*, vol. i. p. 500.)

In the same year Thomas Boteler was sued by Richard Penketh for slandering his title. (*Duchy Calendar*, p. 280.) Penketh had been his father's servant and friend. Let us hope that this was not the son's reason for quarrelling with him.

On the 7th August in the same year Dorothy Booth, widow, made her "loving cosin Thomas Boteler" a supervisor of her will, and left him "a riall of gold" as a legacy. (*Lancashire and Cheshire Wills*, vol. iii. p. 57.)

On the 20th November 1354 Keble was put out of the rectory of Warrington because the change of religion under queen Mary was not acceptable to him, and he would not conform to it. (*Hist. Lan.*, vol. i. p. 500.)

In the year 1556 sir Nicholas Taillior the rector of Warrington died, and shortly afterwards his brother Richard, the first master of the grammar school, repaired to Bewsey and there waited on Thomas Boteler, whom he found sitting on a form in the court of his house talking with one Henry Blackshawe, when he gave him certain writings which he had with him, and which he said his brother had told him were true copies of the leases belonging to the rectory and parsonage of Warrington, and charged him to deliver into no hands but his. Thomas Boteler received the writings, and after thanking the bearer for them, observed that it was more than he knew of before. (Lord Lilford's *Papers*; *bill to perpetuate testimony*.)

On the 25th September 1557 Bewsey was visited by Norroy, the herald at arms, who allowed its owner, by whom he had been courteously received, these family arms, viz: 1st and 4th *azure*, a bend between six covered cups *or*, for Boteler; 2nd and 3rd *argent*, a lion rampant *gules*, for Lostock; and for crest, an unicorn, his front feet raised and in full speed *argent*, armed, hooped, maned, tailed, and bearded *or*, about his neck a scarf *argent*; which arms are said to have been afterwards confirmed.

England being this year in some fear of a Scottish invasion, the earl of Derby on the 29th September wrote a letter to the earl of Shrewsbury, the king and queen's lieutenant of the North,

apprising him that he had a force of five thousand Lancashire and Cheshire men ready to march to support him. His lordship gave the names of all his captains except those of his own retinue, and unless Thomas Boteler was one of these he was left without a command on this occasion. (*Whitaker's Hist. Whalley*, p. 533.) Fire-arms had not yet wholly displaced either defensive armour or the weapons of the middle ages. Of the fourteen hundred men whom the metropolis sent forth about this time, eight hundred, armed in fine corselets, bore the long Moorish pike; two hundred were halberdiers, wearing a different kind of armour called Almain rivets; and the gunners or musketeers were equipped in shirts of mail, with morions or steel caps. (*Miss Aikin's Memoirs of Elizabeth*, p. 274.) The arms of the earl of Derby's force probably were of a similar picturesque character.

On the 17th November 1558 queen Mary breathed her last, and the bells of London pealed merrily in honour of the glad advent of her sister and successor, Elizabeth.

In January 1559 a force of two hundred soldiers and two hundred and sixty-seven pioneers, which had been raised in Lancashire, were appointed to serve the queen's majesty at Leigh "under the conduction of Thomas Boteler esquire and others." (*Proceedings Lanc. Lieutenancy*, p. 20, Chetham soc.) If this force was only to muster at Leigh in Lancashire it was but a summer parade; but it was more probably intended to go to Leith there to serve in the Scottish war than to Leigh.\* (*Froude's Hist. Eng.*, vol. vii. p. 189.)

\* It may have been to collect money to pay the expenses of this expedition that the amount mentioned in the following receipt was intended :

"M<sup>d</sup> that I Adam Hylton w<sup>th</sup>in the countye of Lanckester esquire, beinge highe collector to the Quenes Majestie of the hundreth of Weste Derbye, have received and hadd upon the daye of the date hereof of Rondulphe Bate and Hughe Smythe of Poolton and Woolson, beinge constabells of the sayd townes, the some of xxij<sup>s</sup> viij<sup>d</sup> for the sytens and teñtes due to her Grace at the daye of the making herof. In wyttnes wherof I the sayd Adam have herunto put my sheale and subscribid my name the xij<sup>th</sup> day of Janewarye in the thridd yere of the reigne of o<sup>r</sup> sov'ange ladye Elizabeth, by the grace of God Quene of England, France and Irelande, Deffender of the faythe," &c.

On the 8th February following he purchased from Randle Worsley the remainder of his term and interest in twenty or more acres of land in Great Sankey, which the queen had granted to Randle for twenty-one years. (Lord Lilford's *Papers*.)

In consequence of the new act for establishing religion, the queen in this year appointed commissioners to visit every diocese and see its provisions carried out; and by another act passed contemporaneously all such religious houses as had been re-erected and set up by the late queen were suppressed; and all roods and other images in churches were to be taken down and committed to the fire. In some places also the copes, vestments, altar cloths, books, banners, sepulchres and rude lofts were burned. (Holinshed's *Chron.*, pp. 1184-1185.) It was at this time probably that the image of the Virgin at Great Budworth was consumed in the vicar's oven; and at the same time, to save it from a similar fate, the chasuble which is described as found in the old staircase of Warrington church in the year 1824 in the *Journal of the Royal Archæological Institute*, 1870, No. 106, p. 135, was probably walled up and hidden.

About this time Thomas Boteler must have married his third wife, Thomasina, of whose family not even the name is known; but on a plate attached to a pillar of the church of St. Andrew, by the wardrobe, London, we have this record of her death:

"The 29th October 1573 deceased Thomasina, the wife of Thomas Boteler of Bewsey, in the county of Lancaster, esquire." Underneath the inscription is this line:

"Via omnis carnis hodie mihi cras tibi."

(*Harl. MSS.*, fol. 39, No. 3610; Stowe's *Survey*, fol. 641, ed. 1618.)

In a letter written by Cole to Bale he mentions that in 1559 all Manchester was then afflicted with a pestilential fever. (Bale's *Scriptores Britannici; Notes and Queries*, p. 127, 1862.) Holingworth mentions a great sickness of which very many died as having occurred in Manchester in 1565. This pestilence, which

is probably that alluded to by Cole and of which we hear nothing at Warrington, is thought to have been brought by the English army from Newhaven. (*Hist. Lan.*, vol. i. p. 510.)

Thomas Boteler's son and heir apparent being now ten years old his father, according to the custom of that age, thought fit to seek him out a wife, and his choice having fallen upon Jane Brooke, daughter of the first sir Richard Brooke of Norton, a marriage contract was entered into on the 20th March 6 Elizabeth (1563) by which he covenanted that at some time not then fixed his son should marry the young lady. The contract contains a schedule of the Boteler property which was to be settled, from which the following particulars are extracted :

One wynd mill with the appurtenances, then or late in the tenure of William Aston, xxxvi<sup>s</sup> viii<sup>d</sup>.

All those shoppes, stalls or boothes, called the Draps' boothes, xxxv<sup>s</sup>.

All those shoppes, stalls or boothes, commonly called the Mercers' boothes, viii<sup>s</sup>.

All those edifices, howses, buildings, shoppes and stalls, commonly called the new shoppes, xxvi<sup>s</sup> iv<sup>d</sup>.

All those edifices, buildings, shoppes or stalls, commonly called the shoppes under the cross [in the Market place], x<sup>s</sup> viii<sup>d</sup>.

One other shopp erected and standing under the Court howse, xl<sup>s</sup>.

Certeyn other shoppes or stalls, commonly called the new Drapps' boothes, iiiii<sup>s</sup>.

But, alas! the marriage thus contemplated, like many others in that age, was never consummated; and, as we shall afterwards see, it was set aside by a decree of divorce in the ecclesiastical court at Chester. In the meantime the great prominence given in the property to be settled to houses, shops, and stalls or booths, the value of which depended so much upon trade, seems to show that the trading interest in Warrington was then rising in importance. Tranio's interest was of a like kind when he boasted that he was able to settle upon his wife

“Three great argosies, besides two galliasses  
And twelve tight gallies.”

(*Taming of the Shrew*, act ii.)

A chronicler at this time informs us that formerly the accommodation even in the principal inns of our towns was very deficient, but that towards the beginning of the queen's reign it had so much improved that the inns in Lancaster, Preston, Wigan and Warrington were well furnished with “naperie, bedding and tapestrie.” “Each comer,” he says, “is sure to lie in clean sheets wherein no man hath lodged since they came from the laundresse. If the traveller be on horseback his bed doth coste him nothing, but if he go on foot he hath a penny to pay for the same; but whether he be horseman or footman, if his chamber be once appointed, he may carie the kaie with him as of his owne howse as long as he lodgeth there.”

On Monday next after the feast of St. Bartholomew, 28th August 6 Elizabeth (1564), Thomas Boteler levied a fine to William Aston and John Spofforth and the heirs of the said William of fifteen messuages, ten cottages, twenty tofts, three hundred acres of land, one hundred acres of meadow, two hundred acres of pasture, one hundred acres of wood, three hundred acres of moor, one hundred acres of moss, one hundred acres of turbary, two hundred acres of furze and heath, and a rent of two pounds of pepper in Great Sankey. (Lord Lilford's *Deeds*.)

The old dispute of more than two centuries standing between the Botelers and the Leghs, respecting that fair portion of the Boteler inheritance which was carried off by Johanna de Haydock, had once more broken out, and been referred to the right worshipful John Walshe one of her majesty's justices of the common pleas and Nicholas Powtrell serjeant-at-law, who on the 29th August 6 Elizabeth (1564) ordered and awarded that Thomas Boteler should do all necessary acts and things for making secure to sir Peter Legh all the lands and hereditaments in Warrington, Great Sankey, Little Sankey, Overford and Burtonwoode, then in the occupation of the said sir Peter and late in the occupation of

Peter Legh his father; and wherein the said Thomas Boteler or his ancestors claimed or challenged any title since the *first* [or former] award made to the said sir Peter Legh, so that the same acts and things did not extend to release any seigniories or other royalties going out of the same lands and hereditaments, nor to extinguish the right of the said Thomas Boteler and his heirs to the waste grounds thereof. On the day following (30th August 1564) an indenture was made between the said Thomas Boteler and the said sir Peter Legh, whereby in order to carry out the said award the said Thomas did covenant with the said sir Peter to levy a fine to him of fifty messuages, twenty cottages, forty tofts, one dovehouse, three water milnes, fifty gardens, one hundred orchards, five hundred acres of land, five hundred acres of meadow, six hundred acres of pasture, three hundred acres of wood, one thousand acres of moor, one hundred acres of turbary, one hundred acres of moss, and five hundred acres of heath and lynge, in Warrington, Burtonwoodde, Great Sonky, Little Sonky and Overford. And for the more plain understanding of the uses of such fine it was covenanted that it should be to confirm the possession of the said sir Peter in the capital messuage of Bradley in Burtonwoodde, and in all and singular other the manors and hereditaments then in sir Peter's possession, which had descended to him from his said father, in Warrington, Greate Sonky, Little Sonkie, Overforde and Burtonwoodde. (*Bold Deeds.*)

On the 12th April 7 Elizabeth (1565), by another deed made between Thomas Boteler and sir Peter Legh, it was declared that as to certain of the lands therein specified the fine so levied to Aston and Spofforth should remain to the use of the said Thomas Boteler and his heirs, to enable him to convey and assure to the said sir Peter a rent of 5*l.* 12*s.* and two pounds of pepper to be yearly issuing out of the same lands for ever, according to the purport of the award which had been made thereon. (*Lord Lilford's Deeds.*)

The costume of our ancestors, far different at that time from the sombre dresses of our day, was splendid both in colour and

material. "Gowns of velvet or satin, richly trimmed with silk, furs or gold lace; costly gold chains and caps, or hoods of rich materials, adorned with feathers and ouches, decorated on all occasions of display the persons not only of nobles and courtiers, but also of their crowds of retainers and higher menials, and even of the plain substantial citizen, while the female attire was proportionably sumptuous. (Aikin's *Memoirs of Elizabeth*, p. 246.)

One Slynehead, a landowner, who held his land by knight's service in Much Sankey and Culcheth of Thomas Boteler, having died about this time, leaving an infant son Thomas Slynehead his heir who was unmarried, the right to his marriage and wardship devolved on Thomas Boteler as his signior, who on the 18th September 7 Elizabeth (1565), for a money consideration, contracted to sell such marriage and wardship to Richard Watmough of Makelhead in Sutton, to hold the same to him so and in such wise that the said ward should be married at the grantee's will and pleasure, but without any disparagement, that is to say, not any one beneath him in station. (Lord Lilford's *Deeds*.)

At the herald's visitation held by Flower in the year 1567 Thomas Boteler, calling himself baron of Warrington, again entered his pedigree and had his arms allowed. (*Chetham Miscellanies*, vol. i. p. 18.)

In the same year sir Edward Fitton, writing to the bishop of Chester, informed him that all the gentry of Lancaster from Warrington all along the sea coast, except Mr. Boteler, were of the popish faction and withdrew themselves from religion. (*Hist. Lan.*, vol. i. p. 513.) And on the 20th December in that year the recorder of Chester is said to have stated that there were five hundred Lancashire men, of the best sort, who had sworn not to come at the communion or receive the sacrament during the queen's reign; that these people greatly rejoiced at the news of the king's coming (meaning Philip of Spain), as if it would enable them to take order for setting up their popish kingdom and rooting out all Lutherans and heretics. (Froude's *Hist. Eng.*, vol. ix. p. 173*n*.)

At a visitation made by the bishop of Chester in the following year many of the Roman Catholics signed an agreement to submit to the new settlement of religion; but Thomas Boteler's kinsman, sir John Southworth the celebrated recusant, absolutely refused to sign any but a qualified submission. (*Hist. Lan.*, vol. i. p. 512.)

In the year 1569 when the earls of Northumberland and Westmoreland took up arms and rose in rebellion to restore the old faith, they addressed a letter to the earl of Derby requesting that he would join their standard and procure them such aid as he could to effect "their honourable and godly enterprise." (*Ibid.* vol. i. p. 516.) To encourage their followers the rebel earls reported in their own neighbourhood that his lordship would join them; and for a time sir Francis Leek seems to have had misgivings whether the earl would not take part in the movement, for in one of his letters to Cecil he remarks, as if mistrusting the earl, that "all the keys of Lancashire do not at present hang at the earl of Derby's owlde gyrdell." (Sir C. Sharpe's *Memoirs of the Rebellion in 1569*, p. 374.) The rebel earls however were much mistaken in reckoning on lord Derby's support, for without hesitating a moment he instantly sent on their letter to the queen (*Hist. Lan.*, vol. i. p. 517), and he and his county to the end maintained their allegiance unshaken. Before the end of the year however the rebellion had received from the queen's forces such a check that the two earls its leaders fled into Scotland, and the rebellion, though not extinguished, seemed fatally scotched. A great poet not long since deceased, availing himself of an incident in this "rising of the North," has made of it a touching episode in its history. Norton of Rylstone hall in Yorkshire, in whose breast there burned the same zeal for religion that had animated the followers of the "pilgrimage of grace," in order to indicate that his aims were the same as theirs raised and carried the banner of the Five Wounds. He was the father of eight tall sons, all of whom except Francis the eldest shared his views; and this son, though he had embraced the reformed faith and

would gladly have recalled his father to his allegiance, was yet determined to follow him to the field, and there to render him in any extremity such aid as a non-combatant could yield. The poet thus describes the welcome with which the arrival of this Norton contingent was hailed by the rebel commanders :

“ Now joy for you and sudden cheer,  
 Ye watchmen upon Brancepeth towers ;  
 Looking forth in doubt and fear,  
 Telling melancholy hours !  
 Proclaim it — let your masters hear  
 That Norton with his band is near !  
 The watchmen from their station high  
 Pronounced the word, and the earls descry  
 Forthwith the armed company  
 Marching down the banks of Wear.  
 Said fearless Norton to the pair  
 Gone forth to hail him on the plain —  
 ‘ This meeting, noble lords, looks fair,  
 I bring with me a goodly train,  
 Their hearts are with you, hill and dale  
 Have helped us : Ure we crossed and Swale  
 And horse and harness followed ; see  
 The best part of their yeomanry !  
 Stand forth, my sons ; these eight are mine,  
 Whom to the service I commend ;  
 Which way soe’er our fate incline  
 These will be faithful to the end.’ ”

(Wordsworth’s *White Doe of Rylstone*.)

But, alas ! the fate of Norton and his sons was sad. He and seven of them died by the headsman’s axe at York ; and the eldest, bound by a promise to his dying father to lay the rebel banner on St. Mary’s altar at Bolton, was hastening to accomplish his purpose, when he was overtaken and slain by a party of sir George Bowes’ horse, the banner found upon him being alone held to be sufficient evidence of his treason.

The rebellion, says the historian, had "flashed in the pan," and lord Derby and the Lancashire men had not been required to take any part in its suppression. They mustered but did not march. But the next year a demand of troops, armour and money being made in Lancashire, the county readily responded to it. Amongst the great number of others in West Derby hundred who certified what men and arms they were able and willing to supply appears the name of Thomas Boteler, and his certificate with his autograph have been preserved and engraved. (*Hist. Lan.*, vol. i. p. 518.) The queen also issued letters to Richard Ashton, her Lancashire collector of loans by privy seal, who on the 8th December 1570 made a return of those who had lent as well as of those who had refused to lend her majesty money. (*Harl. MSS.*, p. 17, No. 2219.)

While the fire of the late rebellion was still smouldering the queen's council were by no means asleep, and by their direction on the 10th July 12 Elizabeth (1570) a search was made after all suspected favourers of the rebel earls, when more than thirteen thousand persons were apprehended, many of them priests and ecclesiastics, whom the defeat of the northern earls had scattered over the country. (*Ibid.*) Thomas Boteler, who was high sheriff of Lancashire this year, must have felt his office to be one of more than ordinary responsibility and anxiety. (Lord Lilford's *Papers.*)

The next year when the queen called a parliament to meet on the 2nd April 1571, the two knights sent up by the county of Lancaster were Thomas Boteler and John Radcliff. If she could have followed her own inclination the queen would willingly have been spared the calling of a parliament at this time; but as the exchequer was empty, and she had no other means to fill it, parliament was a disagreeable necessity, and she was therefore compelled to meet her "faithful commons." When they met she would have restrained them by her prerogative from discussing any but certain prescribed subjects, but they would suffer no such restraint, and her majesty had the good sense not to insist upon it. The tongue of the house was therefore

loosened, and Mr. Nagg and Mr. Pistor and many others (some of whom had names as odd, but whom no contemporary Hansard has commemorated) showed how bold and outspoken the members were. Neither Thomas Boteler nor his Lancashire colleague is recorded to have spoken, though they doubtless saw and heard many a lively scene and amusing debate in this spirited session. (Froude's *Hist. Eng.*, vol. x. p. 192 *et seq.*)

In the year 1574 a general military muster of the whole kingdom was made, and Thomas Boteler was returned as ready to furnish the following men and arms for the queen's service :

Light horsemen .....	ii
Corselets .....	iii
Coats of plate or Almain rivets .....	iiii
Pikes .....	iii
Long bows [so that this essentially English weapon was not yet antiquated] .....	iii
Sheafs of arrows .....	iii
Steel caps .....	iii
Calivers [the weapon that Falstaff bade Bardolph put into Wart's hand] .....	iii
Morions [conical skull caps with a rim round them, which derived their name from the Moors by whom they were invented] .....	iiii

(Gregson's *Fragments*, p. 20; *Hist. Lan.*, vol. i. p. 523; *Proceedings Lanc. Lieutenancy*, pt. i. p. 37, Chetham soc.)

This quota appears on comparison to have exceeded that of most of the other Lancashire gentlemen.

On the 27th April in the same year Thomas Boteler presented John Butler to the rectory of Warrington. Who this John Butler or Boteler was, or whether he was the patron's uncle of that name, has not been ascertained.

On the 24th October following Edward earl of Derby died at his house at Lathom, "a nobleman," says Camden, "so renowned for his munificence that when he died hospitality in England died with him;" to which he adds, that "then came in great bravery

of building to the marvellous beautifying of the realm but to the decay of manners," which the great antiquary valued more. The earl, who had served four sovereigns and lived in peace under them all, was both a poet and a warrior, and none of his illustrious house was more remarkable than he. His body was borne to the family resting place at Ormskirk on the following 4th December, when Thomas Boteler, one of the mourners, joined sir Peter Legh in offering up the deceased's sword. An account of the funeral and the elaborate hearse which was used at it has been preserved, and may be seen in several works. (*Bloxham's Monumental Architecture*, p. 100; *Seacome's Hist. of the House of Stanley*, pp. 59-61; *Collins' Peerage*, vol. iii.)

About the end of the same year Thomas Boteler married a fourth wife, Anne Norreys, daughter of Edward Norreys of Speke; and on the 5th January 17 Elizabeth (1575) he conveyed, by a post-nuptial settlement, all his hereditaments in Warrington, Burtonwood and Great Sankey to Edward Norreys and his heirs to the use of the said Anne for life, in the name of her jointure, with remainder to such further uses as were set forth in the settlement. (*Lord Lilford's Deeds*.) And on the 10th March 19 Elizabeth (1576) he conveyed the parsonage of Warrington to William Harington and Robert Charnock for similar uses for the benefit of his said wife.

In the year 1575 there happened a circumstance of the Boteler history which is somewhat mysterious. Sir George Boothe, as we have seen, had married Elizabeth, daughter of the first sir Thomas Boteler, and between the two families there had ever since existed the intimacy of kinship. Edward Boteler, the only son of Thomas Boteler (the third), whose marriage with Jane Brooke contracted twelve years before had not yet been consummated, was at this time 22 years of age, and for no consideration that appears unless it was as he stated, for the establishment and continuance in his blood of the manors, messuages, lands, tenements and hereditaments of his father and himself, and for the provision and advancement of such child as God might send him,

and for the preferment and advancement of his kinsman William Boothe, by an indenture of the 25th October of the above year covenanted that he and his heirs and assigns should and would immediately after the date of the said indenture stand seised of and in all and singular the manors and lordships of Bewsey, Burtunwodde, Great Sonkie and Penketh; and of and in the barony of Warrington, and the patronage, advowson and presentation of the church of Warrington; and of all and singular manors, messuages, lands, tenements and hereditaments, rents, reversions and services in Bewsey, Burtonwoode, Greate Sonkie, Little Sonkie, Penketh, Culcheth, Warrington, Leighe, *Gosenorth* and *Chippinge* in the county of Lancaster, and in *Rudheath* and *Arrowe* in the county of Chester [the last four of which already formed part of the endowment of the grammar school and were no part of the proper Boteler estates], or elsewhere in the realm of England, wherein the said Edward Boteler had or might lawfully claim to have any estate or inheritance in any wise to his use and to the heirs of his body thereafter lawfully to be begotten by any such woman as he should marry and take to wife after divorce lawfully had in due form of law between him and Jane his then wife, and for default of such issue to the use of the said William Boothe, his heirs and assigns, for ever. And on the same day the said Edward Boteler became bound to the said William Boothe in the sum of 4000*l.*, with a condition to be void on his keeping and performing the matters and things contained in the foregoing deed. Edward Boteler, as a further security to the said sir William, also acknowledged to him a statute of the same amount. Unless it was expected that his divorce from Jane Brooke, on which Edward Boteler's mind was fully bent, would be facilitated by this deed, bond and statute, all of which bore date in the same year as his father's settlement on Anne Norreys and appear to have been made without his knowledge, it is difficult to see what, except ruining himself, he could expect from it.

Since we last heard of Thomas Boteler he had received the

honour of knighthood, and when (in consequence of some sudden alarm) a meeting of the magistrates was held at Ormskirk on the 30th January 1577 to decide upon the proper sum to be assessed upon the county for making ready three hundred men at an hour's warning, he attended the meeting as "Sir Thomas Boteler knight." (*Proceedings Lanc. Lieutenancy*, vol. i. p. 86, Chetham soc.)

In the same year, while the country was disturbed and Drake by sweeping from the sea the ships of Spain was rendering indirect but effectual aid to the Low Countries in their struggle against that country for freedom, a wit of the time thus replied to a querulous complaint against the queen :

"O Fortune! to old England still  
Continue such mistakes,  
And give us for our *kings* such *queens*,  
And for our *Dux* such *Drakes*!"

The reform of religion had at this time in some parts of Lancashire been but very imperfectly carried out, and besides the general want of a preaching clergy, some of those who should preach did but set a bad example in their lives, if we may judge from the presentment made by the churchwardens of Singleton against their minister at the visitation of the diocese of Chester in the year 1578, when they reported that "the Church service was not done in due time, that the minister kept no house, did not relieve the poor, was not diligent in visiting the sick, did not teach the catechism, preached no sermons, churched fornicators without requiring them to do penance, made a dung-hill in the churchyard, had lately kept a tippling house, and did other enormities."

In the year 1579 sir Thomas Boteler, having for the first time become acquainted with the dealings which had taken place between his son and sir William Boothe, set himself to repair the mischief that had been done; and on the 25th of June of that year sir William, "for divers good causes and considerations, and

especially for certain sums of money in which sir Thomas stood bound to him by his writing obligatory, with a condition endorsed to content and pay him the same," re-granted to sir Thomas his heirs and assigns all and singular the manors and lordships, lands, rents, services and hereditaments mentioned and comprised in the conveyance of the 25th October 1575. This deed had evidently been prepared with great care under the eye of Thomas Egerton, afterwards the celebrated lord chancellor Ellesmere, who among several other gentlemen was one of its subscribing witnesses. Afterwards, by two other deeds, both dated the same day, sir William bargained and sold to sir Thomas the said writing obligatory and statute referred to in deed of 25th October 1575 and the sum of 4000*l.* thereby secured, with power to sue for the same in sir William's name. (*Bold Deeds.*)

By another deed of the same date Edward Boteler, who had obtained a reversionary lease of the lands in Great Sankey, of which sir Thomas in 1559 had taken a lease from the Crown for twenty-one years, joined sir William Boothe his assignee in conveying such reversionary lease to sir Thomas Boteler. (Lord Lilford's *Deeds.*)

This attempt of his son thus to alienate the family property most sensibly affected sir Thomas, who foresaw in it the danger of the possessions of his ancient house slipping away and being dissipated. No sooner therefore had he re-purchased the property than, with a view to avert such a danger, he made a lease of the whole of his estate for a term of ten thousand years to his daughter Elizabeth, to commence from the death of his son without issue. Something of what the old knight's forebodings were we may learn from the evidence given in the chancery suit which took place after his death to set aside this lease. One of the witnesses, John Hall, aged 22, deposed that at the time of delivering the lease, sir Thomas having sent for his daughter Elizabeth into his chamber, she came and kneeling down before him asked his blessing, which he gave her and then gave her the lease, and prayed God "that she might well enjoy it;" to which he added

that if he should leave his land to his son he feared he would make it away. The witness, who had lived with sir Thomas four years, said that although he was sometimes angry with his daughter Elizabeth he had a good liking to her. Another witness said he heard sir Thomas say he cared more for her than for both his other children. (Lord Lilford's *Papers*.)

Sir Thomas seems to have had an auspicious outset in life, for when on the death of his father he entered upon his family inheritance, he was basking in court favour as one of the king's gentlemen pensioners, and he afterwards rose to still higher honour. He was once high sheriff; twice in critical times he was knight of the shire of the county of Lancaster; nor were his services confined to civil offices, for he served also in a military capacity. More than once he commanded portions of the Lancashire levies, and on other occasions he was returned as having men, arms and armour, ready for the public service; and in the end he received knighthood at the hands of his royal mistress, queen Elizabeth. He early embraced the principles of the Reformation, and he kept in his library that book which in those changeful days it was sometimes dangerous to be known to possess, an English Bible; and the only picture which hung in his chamber was that of the Saviour.

When sir Edward Keble, who shared his Protestant principles, and for that reason had been deprived of the rectory of Warrington, his successor was not presented to the living by sir Thomas but by Grimditch and Penketh, whose principles were then probably not so settled. Sir Thomas was loyal to queen Elizabeth, and her portrait had a place of honour in his house at Bewsey. The lease of the Warrington parsonage, which had cost his father a troublesome law suit, was corrupt in its origin, and a taint clung to it which justly embittered his own and his father's last hours. His great inherited and acquired advantages, and the knowledge he had that the inheritance of an honoured name casts but a lurid light upon him who forgets to uphold its dignity, should have stimulated sir Thomas to a life of

watchfulness and circumspection worthy of his ancient name. But forgetting this, he was early involved in a charge of assault on his namesake, the Bristol physician; and the quarrel between him and his father, and his son's attempt to alienate the family inheritance,—sad signs of that evil denounced against a house divided against itself,—were ill omens for the future of the Bewsey race. The star which was “westering” at his father's death was not stayed in its descent by sir Thomás, whose end, disturbed and troubled to the last by the waywardness of his son, occurred on the 22nd September 21 Elizabeth (1579). His sun went down in a dark cloud. If he died, as Dodsworth says he did, at Woolston, he was probably staying with John Hawarden, his kinsman and friend and sometimes his adviser, who was then living there, and who, when he himself died, found a grave in the chancel of Warrington church, where his tomb and arms were long after seen and described by Randle Holme. (*Harl. MSS.*, No. 2129, fol. 73, art. 164.) Sir Thomas, though not an old man, being only in his 64th year, had yet attained a greater age than any of his predecessors since the fourteenth century, so that the family must be held to have been a short-lived race.

Sir William Boothe, who had caused sir Thomas such grief by his dealings with his son, survived him but two months; he died on the 29th November in the same year, and his will was proved at Chester on the 16th December following. (*Lanc. and Cheshire Wills*, vol. ii. p. 65.) The earl of Leycester, who had almost the gift of ubiquity, as soon as sir William was dead hastened to obtain from the queen a grant of the wardship and marriage of his infant heir. (*Kimber's Baronetage*, vol. i. p. 28.) It seems remarkable that sir William and sir Thomas, who had so lately had such painful dealings together, should have descended to the grave almost at the same time.

Sir Thomas Boteler's inquisition post mortem, taken at Warrington on the 7th April 22 Elizabeth (1580), found that he died seised in his demesne as of fee of and in the manors of Burtonwood, Warrington, Sankey Magna, Sankey Parva and Overford,

with the appurtenances; and of thirty messuages, one hundred acres of land, forty acres of meadow, sixty acres of pasture, with the appurtenances, in Bedford, Pynington and Leigh, parcel of the manor of Warrington, and of forty *free fisheries* in the water of Mersey; and of certain homages, fealties and services, and a rent of 14*l.* 6*s.* 8*d.* in Windle, Bold, Penketh, Sankey Magna, Sankey Parva, Warrington, Ryxton, Astley, Glasebrook, Culcheth, Atherton, Tildesley, Bedforde, Aghton and Inse-Blundell; and also that he held the said manors of Warrington, Parva Sankey and Overford with their members and appurtenances, together with the said messuages, lands and other premises in Bedford, Penington and Leigh, parcel of the said manor of Warrington, of our lady the queen as of her duchy of Lancaster, as and for two knights' fees, a rent of 1*l.* 6*s.* 8*d.* and one pound of cumin; and further, that he held the manor of Burtonwood with its members and appurtenances of our lady the queen as of her said duchy in socage, that is to say, by fealty and a rent of one penny. But of whom or by what services the manor of Sankey Magna with its appurtenances and the residue of the tenements in Sankey Magna were held, the jury were ignorant and did not know; but they found that the manor of Warrington and Orford with the appurtenances, and the free fisheries, rents and services in the several villis expressed and specified were worth per annum beyond reprises 66*l.*; that the manor of Sankey Magna with the appurtenances was worth 6*l.* 16*s.* beyond reprises; and that the manor of Burtonwoode with its members and appurtenances, and the residue of all and singular the premises there, were worth per annum 50*l.* beyond reprises.

Warrington, which when his father died was valued at 106*l.*, had now fallen to 66*l.*; but Burtonwood, which was then valued at 24*l.*, had in the meantime risen in value to 50*l.* These values probably only represented the amount of the relief payable to the crown by sir Thomas's heirs.

Sir Thomas as we have already seen died intestate, and his widow dame Anne Boteler with his daughter Elizabeth adminis-

tered to his estate, and on the 22nd October 21 Elizabeth (1579) exhibited an inventory of the effects, from which the following few particulars are extracted. After mentioning his crops of corn and hay, his stock of sheep, calves and swine, the hackney and other horses are mentioned, of which he had a score besides small horses. These are mostly honoured with names, some of which it is not difficult to see the origin. Thus we have a dun nag called Davy, one bay hoby, one grey gelding called Norreys, one called Black bay, one roan gelding, one bay gelding called Holcroft, one called Bald (perhaps Bold) croft, one white feet mare, one little black mare, one bay mare for sir Thomas's own saddle, one sorel mare, one big black mare, a gelding called White Holcroft, a young dun gelding, a gelding called Bay Worsley, a gelding called White Dutton, one sorel called *Doncaster* (sir Thomas had a servant of this name), a bay curtail nag, a nag called Blackbeard, a pied colt and a grey mare. Then there were fourteen pairs of flaxen sheets, some hangings of *dornyx* (this was a cloth which had its name from being made at Deornick, the Flemish name for Tournay), one pair of short velvet hose, one satin doublet, a taffeta doublet without sleeves, a pair of long velvet breeches, a riding cloke lined with unshorn velvet, a guarded cloth cloke with sleeves, a Spanish leather jerkin, a long gown of silk grogram, another gown of wrought velvet, a velvet cloke lined with buckram, a short furred camlet gown, an old blue riding cloke, a taffeta doublet, a pair of boots, a cross-bow with the keeper, three bags of turves, and six loads of coals valued at 6s. 8d.

To the list of the above articles there is appended an inventory of other goods of sir Thomas, which the administratrixes say had come to their knowledge, but were detained by Edward Boteler, whom they had sued for the same. Amongst these were the lease of the parsonage of Warrington, the last year's tithe-corn and hay of the same parsonage, certain old corn remaining in Burtonwood barn, and certain other corn which was at the said parsonage at sir Thomas's death, four bays

of hay at Bewsey, one other bay of hay in the parsonage barn, two stacks of hay in Bewsey park, the lease of a chantry called Boteler's chantry in Warrington, twenty-four cows with two bulls, six of the best oxen, six other oxen, eight three-year-old steers, thirteen *twynter* heifers, eight other *twynters*, fourteen stirks, one little odd stirk, eleven score and eleven felled timber trees in the park, old timber lying in the court and about the house at Bewsey, eight pairs of flaxen sheets, an *English Bible* with other books valued at 4*l.*, a *clock* and bell valued at 4*l.*, the silk tester of a bed with three curtains of moccadowe (a kind of woollen stuff made in England in imitation of velvet, which is mentioned in the act of 23 Eliz., c. 9), a *picture of Christ* in sir Thomas's chamber, the queen's picture valued at 3*s.* 4*d.*, a pair of playing tables, a *scare* joined table in the stand in the park, the hide of the cow killed *at the burial* (of sir Thomas), forty hard and dry cheeses, two bowls with a silver cover, three other silver bowls, one other little silver bowl, a silver cup with a broken cover, one silver gilt pot, one stone pot garnished with silver and gilt, two leathern jacks, eleven drinking glasses, eight water glasses, a silver toothpick, a pair of black Jersey stockings, a satin doublet, a white canvas doublet, a side cloth gown, a taffeta hat, a black felt hat, three large velvet caps, two other velvet caps of a lesser sort, *eight vestments*, *two copes* of velvet and silk *fair embroidered* (relics of the old worship?), two pieces of testers and hangings of velvet and silk, three corselets and their furniture, fourteen coats of plate, eight or nine calivers, one case of pistols, a case of daggers, three hangers or skenes, three bucklers, one drum, twenty-one badges of silver (with the Boteler arms?), an obligation for 40*l.* owing by Richard Eaton and James Marbury, about 6*l.* in money that was in sir Thomas's purse at his death, 6*d.* of milled money (coined after the new mode, consisting of very small pieces), and some money in another purse, a bill of 10*l.* owing by Adam Egge, two pairs of swans, the honey and wax of certain hives, a blackbird and her cage bought by sir Thomas in London, a bill for 20*l.* owing by John Wooton of

London. (*Lanc. and Cheshire Wills*, vol. ii. p. 120, Chetham soc.)

This inventory, which is curious for the insight it gives into the furniture of an old house, its armour and dresses, is remarkable also for its omissions. It contains no mention of any crockery or earthenware, of any trenchers, plates or carpets, any beer or wine, carriages of any kind, any hounds or dogs, any gamefowl, any geese or other fowls except swans, or any deer in the park. There are silver cups with covers and other plate; but there is no mention in it of the gold chain which his grandfather had so carefully bequeathed to the father of the deceased.

Lady Anne Boteler, who had married sir Thomas not long before his decease, survived him many years and married sir Philip (or according to Dr. Ormerod sir Thomas) Draycot of Paynesley in the county of Stafford, and in 3 James I. (1606) she was still living. (*Hist. Lan.*, vol. iii. p. 775; *Proceedings of the Liverpool Historic Society*.) It might be thought, as there is no mention made of her in the proceedings about the lease, that she was not with her husband at his death; but as she was one of the persons who afterwards administered to his effects, we may assume that if she was absent when her husband died, her absence was only temporary.

Sir Thomas Boteler (the third) had four children, all born of his second wife, Eleanor Huddleston :

(1.) Edward, his only son, who succeeded him.

(2.) Margaret, who first married William Basset; and afterwards John, third son of Robert Mainwaring of Warton. (*Hist. Chesh.*, p. 96, under Merton.) This John obtained a grant of the grammar school lands under the pretence that they were "concealed." These grants of concealed lands proved so irritating to her subjects that queen Elizabeth, for avoiding the trouble and charge growing by them, issued a proclamation enabling all persons to compound for the security of their estates. (*Harl. MSS.*; *Cotton MSS.*, No. 608, p. 15.) John Mainwaring is mentioned as one of the creditors of Richard Bold in a deed of the 28th February

2 James I. (*Bold Deeds*.) Margaret was living and joined her second husband in a feoffment of the school lands on the 28th June 8 James I. (1610.)

(3.) Elizabeth married sir Peter Warburton, who was made a justice of the common pleas on the 25th November 43 Elizabeth (1600), and was afterwards made an "eques auratus." He sat on the trial of the gunpowder conspirators (27th January 1606), and died at Grafton hall on the 7th September 1621. (Jardine's *Gunpowder Plot*, p. 139; Foss' *Lives of the Judges*; Marsh's *Warrington Grammar School*.) Next to the founder he was the greatest benefactor of the grammar school, and by his energy, devotion and professional skill he rescued its estates from misappropriation and restored them to the school. On the 9th July 1582 Elizabeth his wife had a grant from the earl of Leicester of 20*l.* a year from his manor of Long Itchington (St. Wulfstan's birth-place). Elizabeth, who was sir Peter's second wife, died without issue in 1598. (*Hist. Cheshire*; Laneham's *Letters*; *Journal Ar. Inst.*, p. 1, 1863.)

(4.) Eleanor, who took her mother's name, died in London, and was buried in St. Helen's church (Stowe's *Survey*, p. 65, ed. 1852); but this Eleanor may have been a Boteler of Sudley.

## CHAPTER XXIV.

*EDWARD BOTELER ESQUIRE, EIGHTEENTH BARON.*

EDWARD BOTELER, who was born in 1553 and who probably owed his Christian name to the prince in whose reign he was born, succeeded to the barony of Warrington on the death of his father, sir Thomas Boteler (the third). In 1563, as we have already seen, his father contracted to marry him to "Jane or other daughter of sir Richard Brooke of Norton, knight." How little the young people's affections were consulted in a matter which most of all concerned them will appear from the open form of the contract, which was to marry Jane or one or other of her sisters.

On the 19th July 1575 queen Elizabeth paid her great visit to her favourite Leycester at Kenilworth, which Scott has immortalised in his novel of that name. Edward Boteler, who was then 22 years of age, and was acknowledged by Leycester the queen's host as his kinsman, was probably one of the guests who attended the splendid pageants and gorgeous entertainments which then took place, and which, costing 1000*l.* a day, must have drained the earl's purse like a quicksand. Edward Boteler's purse, perhaps taking the infection from it, grew sickly upon it too. If so we can understand why on the 25th October following he came to sell, by the deeds which we have already seen, all his family estates after the death of his father to sir William Boothe.

On the 24th December 1576 the queen granted him a lease for twenty-one years of the manor of Great Sankey, and the rever-

sion of certain other lands there, then in lease for twenty-one years to Randle Worsley. Edward Boteler, who was to pay 30*l.* a year for these lands, finding that some of his under-tenants would not pay him their rents, in order to compel them, filed a bill in which he prayed relief against them.

On the 21st June 1579, as we have already seen, sir William Boothe re-granted to sir Thomas Boteler all the family estates which he had acquired from his son Edward; and on the 25th of the same month he and his son, in consideration of the sum of 122*l.* 13*s.* 4*d.*, assigned to sir Thomas the lease of the Sankey lands and all interest and advantage under it.

Sir Thomas, who had greatly at heart the Norton alliance which he had contracted for his son, went often there; and on one occasion, in the year 1570, he went there and took with him his son, who was then about 17 years of age. In early times in England it used to be said:

“To rise at five, to dine at nine,  
At five to sup, to bed at nine,  
Will make a man live to ninety-nine.”

In Elizabeth's days however the dinner hour was noon; but her cousin lord Hunsdon used to say he would never dine until one, for he did not know that some of his friends might not be coming twenty miles to see him, and it would be a shame to have dined before they arrived. The hours of meals were now altered however, for when sir Thomas, intending that the young couple who were already affianced should solemnise their marriage, brought his son to Norton, a great supper was prepared in the hall at three o'clock in honour of the occasion. But Edward Boteler, whose consent to the contract had never been asked, most ungallantly refused to complete the marriage; whereupon lady Brooke, the young lady's mother, who had given up her own room for the bridal chamber, was heard to say, “I pray Edward Boteler may lead a good [long] life before I quit my bed for him again;” and the young lady who had been thus slighted indig-

nantly declared that as Edward Boteler had refused her then, so she would ever after refuse him. In the year 1579 she promoted a suit for a divorce, and after a delay of some months the marriage seems to have been set aside and the parties separated. (*Proceedings in the Ecclesiastical Court at Chester.*)

We have already seen how greatly his son's conduct had distressed sir Thomas, and how much his attempt to alienate the family property without his knowledge had pained him. In addition to what the old knight said when he signed the lease to his daughter Elizabeth for ten thousand years, another witness, Peter Hill, sir Thomas's servant, said that he heard him say the lease was made to the intent that his son might not sell the land, "that he had no liking of him," and that he doubted "whether his son had not already done what in him lay to make his estate away." (*Evidence in the chancery suit after sir Thomas's death.*) Though incapable of making a right use of the Boteler inheritance Edward Boteler was very impatient to enter upon it, and no sooner had his father breathed his last than he entered upon and took possession of his estates. His conduct was a striking comment on his father's gloomy forebodings. The witness, Peter Hill, further said: "On the morning that my master departed out of this world I had in my keeping the lease to his daughter Elizabeth, which I thought to bring and give up to some friend of hers, for I saw her in such a plight for grief and the loss of her father that she had no care for herself, and what with weeping and lamenting for her father, as she had great cause to do, she was in such extremity that she was not able to stand. But that on the same morning, as soon as it was possible, his son Edward came with Mr. Bolde, when Nicholas Penketh gave them all my late master's keys, which they took and then perused all his writings, his daughter Elizabeth being present, but in such extremity through loss of her father that all who saw her thought she would not continue long after him. Her grief and sickness then forced her to take her bed, and perceiving that everything would be sought for against her I went into the park, which was my office; whereupon I was sent

for by two or three persons in great haste, and in the end one William Scotte found me and said I must come and speak with his master; upon which I came to Bewsey, where Mr. Edward Boteler met me in the court and, addressing me, said: 'Peter Hill, I understand that you have in your keeping writings that I must have; pray you, let me have them quickly.' I answered that I thought I had none that were belonging to him. 'Yes,' he said, 'you have,' and he looked very angry. I then said I had writings of Mrs. Elizabeth Boteler's which I had brought to a friend of hers, and that if he would let me go to her I would make further answer; to which he replied, 'Go your ways' quickly, and let me have them.' I then went to her, and she sent for Mr. Hawarden and Mr. Richard Bold, and the latter having advised her that her father was not in a state [meaning an "estate"] to make such a lease, and that it was therefore not worth a penny; and having assured her that her brother would be as good to her as the value of it, she gave up the lease to her brother, saying as she gave it up, 'Brother, my father gave me this lease for my preferment, and I give it to you, if it were better, trusting that you will be a good brother to me;' to which he answered, 'As ye deserve so shall you have.'" (Lord Lilford's *Papers*.)

We doubt whether the advice given by Mr. Bold in answer to Elizabeth Boteler's appeal was the wisest, and subsequent events lead us to doubt whether such advice was wholly disinterested, since it appears that if not then he was soon afterwards in the service of the earl of Leycester; for in the year 1593, when lord Derby had charged the celebrated earl of Essex with taking Richard Bold and some other of his people into his service, Essex replied that he had known Bold when he served the earl of Leycester, and that by the recommendation of sir Thomas Gerard he was afterwards induced to take him into his own service. (*Legh Papers*.) The form of the earl's retainer, which was probably the same by which he retained Bold, ran in this high style: "Robert, earl of Leycester, baron of Denbigh, &c., her majesty's lieutenant and captain-general of all her army

and forces in these parts, and governor-general of all the provinces and cities united and their associates in the Low Countries, sendeth greeting: Know ye that for the good opinion we have of the fidelity of this gentleman, George Leycester our servant, we have appointed him captain of one hundred and fifty footmen, and Hugh Starkey (servant to our good friend sir Christopher Hatton knight, vice-chamberlain to her majesty) his lieutenant, giving him full power and authority by virtue hereof, not only to receive them into his charge but also to make choice of all other officers of the same band, and them and every of them to conduct and employ in her majesty's service against the enemy, Spaniards and malecontents; willing and requiring all colonels, captains and other officers to be aiding to the said captain Leycester in all things that shall concern this service. Given under my hand and seal at Amersford [in Utrecht] the 5th day of May 1586. R. Leycester." (Sir Peter Leycester's *liber C*, 302.)

In the year 1579, three months after sir Thomas Boteler's death, Peter Hill and Giles Horwich, by a deed dated 30th December in that year, sold to John Hall all their interest in the remainder of Warrington after the decease of Edward Boteler. As both Hill and Hall were examined in the suit about the lease to Elizabeth Boteler, one cannot help suspecting that besides that lease there were other, if not surreptitious yet suspicious, deeds made by sir Thomas or his son, and that either Hill or Hall was the creature of Leycester or of some other person in the matter. (Lord Lilford's *Deeds*.)

Aware that the existence of his sister Elizabeth's lease for ten thousand years might cause his own title to the family estates to be questioned, Edward Boteler determined if possible to set any doubt on that point at rest by immediately levying a fine with proclamations, which was intended to bar all other claims and make his own title good by non-claim; and accordingly on the 20th May 22 Elizabeth (1580) he covenanted to levy to Richard Bold and Henry Eccleston a fine on which proclamations should be had of the manors of Burtonwood, Warrington, Great Sonky,

Little Sonky and Overford, and of all the messuages, burgages, mills, lands, tenements and hereditaments, rents, reversions and services lying in the said places, and in Bedford, Penington, Leigh and Lydeate, to the use of himself and the heirs of his body lawfully begotten, with remainder to such uses as he should appoint. (*Bold Deeds.*)

Edward Boteler, now evidently under the influence of that mysterious figure whose dark shadow had affrighted and filled his father with evil forebodings, determined before taking the last fatal step to collect and concentrate in himself all the scattered portions of the family estates, and with that view on the 8th May 23 Elizabeth (1581) he obtained from Richard Bold and Henry Eccleston a release and re-conveyance to himself of all their interest, as his father's trustees, in the old lease of the Warrington parsonage. (Lord Lilford's *Deeds.*)

In some of Leycester's visits to Chester, of which he was chamberlain, he probably called at Bewsey, and had seen where a

"Venerable mansion rears

Its aged front in rude majestic state  
Tow'ring, and such as erst our artless sires,  
More studious of convenience and of ease  
Than labour'd elegance, admired and prized."

(From *Bewsey*, a poem, by T. Fitchett, esq.)

On the 9th May 23 Elizabeth (1581), by an indenture made between the earl (calling himself Robert earl of Leycester, baron of Denbigh, knight of both the most honourable orders of the Garter and St. Michael, master of her majesty's horse and one of her highness's most honourable privy council) and Edward Boteler esquire, the latter for divers good considerations, and especially in consideration of the great good will and favour that he and his ancestors had daily found and received of the earl, and for the great desire he (Edward) had to leave his possessions, lands and tenements for and towards the better maintenance of the earl in honour, and as a token of thankful acceptance of his

lordship's former benefits bestowed upon him and his ancestors, and in consideration that he the said Edward was cousin to the earl and of his blood, and in consideration that the earl would do his best endeavour within one year next ensuing to obtain a good and sufficient demise, lease or grant of her majesty's lands, tenements and hereditaments in Great Sankey for the term of forty years at least, to commence immediately after such term or estate as he then had therein, for the yearly rent of 30*l.*, or else a more ample and larger estate than the said term of forty years; and within three months after the said lease, demise, grant or estate so obtained, should grant and convey the same lands, tenements and hereditaments to the said Edward Boteler for so many years as should expire in his lifetime. He the said Edward covenanted at the next Lancaster assizes to levy a fine with proclamations to Richard Bold and John Nuttall of his manors of Burtonwood, Warrington, Great Sonky, Little Sonkie and Overford, and of all the messuages, burgages, mills, lands, tenements and hereditaments, rents, reversions and services situate in those places, and in Bedford, Pynnington, Leighe, Egergarth, Lydiate and elsewhere in the county of Lancaster, wherein the said Edward Boteler at any time since the death of his late father had had any estate of inheritance; and would also at the same assizes suffer a writ of entry *sur disseisin* &c. to be had by Henry Eccleston and Thomas Latham esquires against him, upon which, after declaration, he would make default and suffer judgment to be had against him for all the same manors and lands. And the said Edward Boteler did further covenant that such fine and recovery should be to the use of the said Edward Boteler and the heirs of his body by any woman whom he should thereafter espouse and take to his wife; and for default of such issue to the use of the said earl his heirs and assigns for ever. The deed then contains a power for Edward Boteler to appoint any part not exceeding one half of the lands, except the house and demesne of Bewsey, to any wife whom he should thereafter marry for her jointure for life. (Oldys has remarked on this

power in the *British Librarian* for May 1787.) Also a power to jointure a son's wife; also a power to appoint 20*l.* a piece to younger sons for life; also a power to appoint 40*l.* for the preferment of his sisters, servants and other friends for life; also a power to appoint a gross sum of 500*l.* a piece to his daughters; also a power to appoint 1000*l.* for payment of his debts; and afterwards a power to grant farm leases. Then follow these unusual—not to say strange—provisions, that is to say: Provided always that if the said Edward should happen to be taken prisoner in the wars of our sovereign lady the queen's majesty, her heirs or successors, beyond the seas or in Scotland, and should be detained for his ransom, and if the said Edward for his ransom should give by any his writing any of the said lands (except Bewsey and the demesne) for the payment of such his ransom not exceeding the yearly value of 60*l.*, then the same last-mentioned lands should be to the use of the vendees thereof; and it was further provided, that if the said Edward Boteler should happen to commit any offence for which he should be arraigned and put to trial for his life, and should be of any such offence indicted according to the form of the common law, and should sell any of the said lands except as aforesaid for obtaining his pardon and procuring his enlargement, so as the lands so to be sold did not exceed the yearly value of 40*l.*, then such lands so to be sold should be to the use of the vendees for ever. (*Bold Deeds.*)

Both parts of the foregoing deed, which is in duplicate and has been prepared with extreme care, are witnessed by Richard Bold, H. Cholmley, Arthur Atye, John Nuthall and Peter Warburton.\*

\* Two of these, Richard Bold and John Nuthall, have been mentioned before. Arthur Atye graduated at Merton college, Oxford, on the 14th April 1569, and was afterwards fellow of Merton and principal of St. Alban's hall. In 1572, when he was elected public orator of the university, he wrote to inform Leycester of his election. In 1579 he was Leycester's secretary and corresponded with sir Philip Sidney, who calls him "honest Atye." Afterwards he corresponded with Leycester when he was in the Low Countries. In 1585 he was member for Liverpool, and in 1587 he was

By another deed made on the 9th May 23 Elizabeth (1581) between the said earl of Leycester of the first part, Edward Boteler of the second part, and Richard Bold, Hugh Chomley, Henry Eccleston and Thomas Egerton (afterwards the celebrated lord chancellor Ellesmere) of the third part, Edward Boteler for the considerations set out in the previous deed of the same date conveyed to Richard Bold, Hugh Chomley, Henry Eccleston and Thomas Egerton the parsonage of Warrington to the use of himself for life, with remainder as to one half to the earl for the remaining term in the lease; and as to the other half to the use of the heirs of the body of the said Edward Boteler by any woman whom he should happen to marry for her life, with remainder to the earl, but with power for Edward Boteler to appoint this same half to any person for life. (Lord Lilford's *Deeds*.)

On the 12th May 23 Elizabeth (1581) Edward Boteler appeared before sir Christopher Wray, chief justice of England, and acknowledged himself bound by a recognizance to owe the earl of Leycester 6000*l.*, with a defeasance of the same date making such acknowledgment and recognizance void upon Edward granting the earl as well all his manors of Burtonwood, Warrington, Great Sankey, Little Sankey and Overford, and all messuages, burgages, mills, lands, tenements, rents, reversions and services within the same, and within Bedford, Pynnington, Leighe, Egergarth, Lydiate, and elsewhere in the said county of Lancaster, whereof or wherein Edward Boteler then or at any time since the death of sir Thomas Boteler knight, his father, had any estate of inheritance, to the uses contained in the indenture of the 9th day of May (23 Elizabeth), made between the earl of the one part and Edward Boteler of the other part; as also all messuages of Edward Boteler within the county of Chester, to the use of the said Edward Boteler and the heirs of his body which he should

appointed Leycester's agent to the States-General. (Wood's *Fasti*, vol. i. p. 93.) Cholmeley and Warburton were most probably Leycester's lawyers, and prepared the deed at his expence.

have on the body of any woman whom he should thereafter espouse, and for default of such issue to the use of the earl, his heirs and assigns for ever. (*Ibid.*)

On the 6th July 24 Elizabeth (1582) the earl granted Margaret Boteler, sir Thomas's other daughter, an annuity of 40*l.* a year, to be issuing out of the several closes, part of the Boteler estate, called Bewsey hill, Kinne hill, Coltes-hay meadow and Dallam meadow, to commence after the death of her brother Edward without heirs of his body lawfully issuing; and on the 9th of the same month of July, by articles of agreement made between the earl, sir Gilbert Gerard master of the rolls (who sat as one of the judges on the trial of William Davison), Edward Boteler and Elizabeth his sister, the earl and Edward agreed to grant to Elizabeth, out of the said manors of Burtonwood and Warrington a yearly rent charge of 50*l.* a year for six years then next, and also another rent charge of 33*l.* 6*s.* 8*d.* to be paid to her until the 4th July 1599, with a proviso that the same should cease if she died before her marriage. According to this deed the earl was also contented to grant to Elizabeth for her maintenance a rent charge of 20*l.* for four years then next ensuing, to be issuing out of his own lands; and for her better preferment, and of the earl's mere and honourable disposition, he also agreed to grant her a yearly rent charge of one hundred marcs, to be issuing out of the aforesaid manors, and to commence from Michaelmas next after her brother's death without lawful issue of his body, and to endure for five years then next following, with a proviso that if she should happen to die without lawful issue of her body in her brother's lifetime then such grant should be void. And in consideration of the premises she covenanted to release the earl and her brother from all actions, and also that the lease made to her by her father should be given up to her brother, and that an order to that effect should be made in the duchy court. And after reciting that Richard Penketh and John Grymsditch had assigned unto sir Thomas Boteler, the said Edward's grandfather, all their term in the rectory and parsonage of Warrington,

and that it was pretended that the same sir Thomas made his last will and testament and thereof appointed the said Gilbert Gerard one of his executors, but that no such will had ever been proved, the said Gilbert, being the survivor of the said executors, was contented at the earl's request to refuse probate of the same before the ordinary, and he therefore covenanted to do so accordingly. (Lord Lilford's *Deeds*.) It seems strange that the same fate should await the wills both of Edward Boteler's father and his grandfather, and that both alike should be suppressed. It does not speak well for the law which could thus permit such solemn instruments never to see the light.

On the 23rd August 24 Elizabeth (1582) Edward Boteler entered into a covenant to make Richard Bold and John Nutal tenants of the freehold for suffering a common recovery of all the Boteler manors and lands to the uses mentioned in the deed and defeasance of the 9th May 1581, by which, in the event of Edward Boteler dying without heirs of his body born of such wife as he should thereafter marry, the earl of Leycester was to take the whole of the Boteler property absolutely as his own. (Lord Lilford's *Deeds*.) On the 25th August Edward Boteler enfeoffed the above persons of all his lands in pursuance of the above covenant. (*Ibid.*) On the 27th November 1583 he released the earl, Sherburn, Bold, Lathom and Nutal of all actions. (*Ibid.*)

In the year 1582 there was a suit at Lancaster between Thomas Norreys, Edward Boteler and others, as to the interest which lady Anne the widow of sir Thomas Boteler took under her settlement; and on the 24th August 24 Elizabeth (1582), probably as the result of this suit, lady Anne, describing herself as late the wife of sir Thomas Boteler knight, deceased, released to her stepson Edward all the right, title, estate and interest which she had of and in all and every the messuages, lands and hereditaments whatsoever in the manors of Warrington, Burtonwood and Sankey Magna, which she claimed to hold for her life with reversion to the said Edward Boteler, subject to the payment of a yearly sum of six hundred marcs, payable half-yearly at the feast of the

exaltation of the Cross and the nativity of St. John the Baptist. (Lord Lilford's *Deeds*.) Lady Anne subscribed this deed not with her name but with the mark of a cross (×). Are we to suppose from this that she, a gentlewoman born of an ancient house, was so ill educated as to be unable even to write her name?

Ever since the year 1565 the earl of Leycester had been chamberlain of Chester. When he visited the city in 1583 he was received with such state as no other earl of Leycester, not even his renowned predecessor Simon de Montfort, who was earl of Chester as well as of Leycester, ever received. On his arrival on the 3rd June, accompanied by the earls of Derby and Essex and lord North, he was met by the gentry of the county with their trains to the number of fifteen hundred horsemen. Arden however, one of the Cheshire men, incurred his displeasure by refusing to wear his livery on this occasion. (Aikin's *Memoirs of Elizabeth*, p. 130.) The mayor and his brethren and all the commonalty of the city met him at the cross, and the next day he was entertained by them at dinner and presented with a silver gilt cup, in which were forty angels of gold. (*Hist. Chesh.*, vol. i. p. 199.) If, as is probable, Edward Boteler was one of those who attended his sumptuous kinsman and courtier on this occasion, it may be inferred that, being so near, he would receive a return visit at Bewsey.

The Boteler affairs, sufficiently complicated already, were destined to be further entangled by another set of mysterious deeds. The Reformation and the dissolution of the religious houses, with the numerous escheats and forfeitures for treason, had set many a needy courtier on the scent to obtain grants of concealed lands; that is, of lands which were either concealed or forfeited, or were supposed to be held for superstitious uses, and therefore forfeit to the crown. Sir James Crofte of Croft castle in Herefordshire, who was one of these "watchers and waiters," had passed through a life of strange vicissitudes. In the reign of Edward VI. he filled the high post of lord deputy of Ireland. In the first year of queen Mary's reign he was tried, found guilty

and sentenced to death for taking part in Wyatt's rebellion; but his sentence was commuted, and after being kept some time in prison he was pardoned and set at liberty. In 1557 he was made a member of the council for the North, and was highly commended in his office by lord Shrewsbury the president. Under queen Elizabeth he became controller of the household and one of her privy council; and while he was controller he favoured the Austrian marriage. In 1559 he was much employed in the queen's Scottish affairs; and in 1566 he was mentioned as one of the friends whom the earl of Leycester would study to advance, which was quoted as one reason why the earl's marriage with the queen should be opposed. He was an active member of the court which tried William Davison, was one of the judges who sat on the trial of the queen of Scots, and a commissioner of the Low Countries. (*Cotton MSS.*, 85, 388; *Lansdowne MSS.*, *passim*; *Papers concerning Ludlow Castle*, 209; *Criminal Trials in the Library of Entertaining Knowledge*, vol. i. p. 75; Froude's *Hist. Eng.*, vol. ix; *Cumnor Place*, p. 73.) The vicissitudes of his fortune had taught sir James the craft of looking out for means to improve his estate, and he asked from the queen and probably through Leycester's influence obtained on the 10th August 1583 a grant of full power by himself or his sufficient deputy, from time to time within four years then next, "to search, try and find out what manors, lands and hereditaments, which as well by any attainder, forfeiture, escheat or conviction, as by any other way or means had descended or come to her majesty or any of her noble progenitors, and were then concealed, detained or unjustly withholden;" and her majesty gave him and his deputy, from time to time within the said term, to and for his own use and for such sum as to him should seem good, power to compound with any person who then had and enjoyed the premises so concealed, as well for the issues and profits as also for a sufficient grant of the concealed manors and lands to be made by her majesty. And the queen did further grant to the said sir James that if any person within the space of six months then

next, and after process should have been awarded out of her majesty's court of exchequer or duchy of Lancaster, at the relation of the said sir James touching the demand of the premises so concealed and not compounded for, it should be lawful after such six months for the said sir James, for such sums as he should think good to accept, to compound with any person touching the granting to such other person of any such manors or lands, with the arrearages. (*Lord Lilford's Deeds.*)

On the 16th May 26 Elizabeth (1584) the earl of Leycester and Edward Boteler conveyed to Edward Boughton and Richard Bold all the estates in which Edward Boteler, since the death of sir Thomas his late father, had any estate of inheritance. The consideration for this deed is expressed to be as well a competent sum of money as other valuable considerations, but what the sum of money was is not mentioned. (*Ibid.*)

The next day (17th May 1584), by an indenture made between the earl of the first part, Edward Boteler of the second part, and Edward Boughton and Richard Bold of the third part, the parties of the third part covenanted with those of the other two parts that they would suffer Thomas Duddefey and Arthur Atye before the 30th September then next, by a writ of entry *sur disseisin en le post*, to recover against them the manors of Burtonwood, Warrington, Great Sankey, Little Sankey and Overford, and all and singular the lands and messuages there, and in Bedford, Pynnyngton, Leighe, Egargath, Lydiate, and elsewhere in the county of Lancaster wherein Edward Boteler at any time since the decease of sir Thomas Boteler knight, his late father, had any estate or inheritance, to the use of Edward Boteler for life *sans waste* with remainder to the use of the said earl of Leycester, his heirs and assigns for ever. (*Ibid.*)

In this deed are repeated the provisions and powers as to Edward Boteler jointuring his own or his son's wife, and as to making leases, raising money to ransom him from the enemy and procuring his pardon from the crown if convicted of any crime, that are contained in the deed of the 9th May 1581; but

in this deed there is no estate limited to Edward Boteler's heirs, and for the first time he takes under it nothing but a bare life estate.

This recovery was duly suffered at the Lancaster assizes on the 24th of August following, and in it were comprised the manors of Burtonwood, Warrington, Pynnington, Overford and Little Sankey, with the appurtenances; and two hundred messuages, four mills, two hundred gardens, two thousand acres of land, four hundred acres of meadow, two thousand acres of pasture, two hundred acres of wood, three thousand acres of furze and heath, and 12*l.* of rent, with the appurtenances, in Burtonwood, Warrington, Pynnington, Overford, Little Sankey, Great Sankey, Bedford, Leigh, Lidiate, Bold, Windle, Glasebroke, Penketh, Egregarth, Ryxton, Culcheth, Halsall, Ince-Blundell, Thornton juxta Sefton, Atherton, Tyldesley, Treford [Trafford] and Aigh-ton. (Lord Lilford's *Deeds*.)

It is observable that Trafford, one of the places named and which occurs in some of the oldest Boteler rent rolls but had long since disappeared from them, appears again here; thus showing the care of Leycester not to leave out anything to which the house of Bewsey had ever any title. The Trafford referred to was a place of that name in Lancashire, which has since been absorbed either in Newbold or some other neighbouring place.

Thomas Duddeley, one of the trustees in this recovery, was a relation of Leycester's and one of those who corresponded with him during his stay in the Low Countries. (*Lansdowne MSS.*, l. 66; *Davison's Life*, p. 25; *Leycester Correspondence*, *passim*, Camden soc.)

The earl now counted himself fully secure of his succession to the Boteler estates; and on the 6th February 28 Elizabeth (1586), by an indenture made between him (in which he is described by all his titles, including that of lieutenant and captain-general of her majesty's army and forces in the Low Countries) of the one part, and Edward Boughton, Thomas Duddeley and John Croke the younger, esquires, of the other part, after reciting that Edward

Boteler, by good and sufficient conveyance in the law stood seised in his demesne as of freehold for the term of his natural life of the manors and hereditaments so often already mentioned, with immediate remainder to the said earl in fee, and also reciting that one Gabriel Blyke esquire and Margaret his wife stood seised in like manner for their lives and the life of the survivor of the manor of Twynynge with the like reversion to the earl in fee (and which he had doubtless acquired as he had the Boteler inheritance); it was witnessed that the earl having resolved how and in what sort the said manors should continue as well during his life as after was desirous that they should continue to such of his name and blood as were thereafter expressed, and "for the great love and every affection which he bore unto his well-beloved Robert Duddleley his base-born son, and for his advancement and the advancement of his issue male, and for other good and great considerations," the said earl did grant to Edward Boughton and others all the said manors and hereditaments to the use of the earl for his life; with remainder to the use of the said Robert Duddleley and the heirs male of his body lawfully begotten; with remainder to such uses as the said earl should direct by his will; with the ultimate remainder to his own right heirs for ever. It is further provided that the lease of Warrington parsonage and the tithes of Woolston and Poulton, which the earl had bought, should remain as far as possible to the same uses; but the earl reserved power to revoke the whole of such uses by any writing under his hand. This deed is attested by Leycester's step-son the celebrated earl of Essex and Arthur Atye his secretary. (*Bold Deeds.*)

In the year 1585 as Creighton the jesuit was passing into Scotland with certain papers which he was charged to deliver there, he was overtaken by some Netherland pirates, upon which he tore up the papers and threw them overboard. Strange to say however they were carried by the wind back into the ship, when being taken up and pieced together they disclosed a fresh design of the pope, the Spaniard and the Guises to

invade and subdue England. Taking advantage of the occasion and desiring to make the most of it, Leycester got up and promoted an extensive voluntary association of the queen's subjects, in which they pledged themselves to defend her against all her enemies both foreign and domestic. Edward Norris, John and Thomas Holcroft, Richard Bold and Edward Boteler, with many others of their neighbours, were amongst those who signed the declaration of the Lancashire branch of the association. (*Hist. Lan.*, vol. i. p. 551; *Proceedings of Lanc. Lieutenancy*, Chetham soc., where a copy of the declaration is given.)

In or before October 1586, Edward Boteler married Margaret Maisteron daughter of Richard Maisteron of Nantwich, one of an ancient burgher family of long descent, who though they had little or no landed estate enjoyed a high position in Cheshire, having often served their sovereigns in war and earned the gratitude of their fellow townsmen by their munificence, as an epitaph on their tomb records, one of them having almost rebuilt the town of Nantwich after it had been destroyed by fire.

The exact date of Edward Boteler's marriage, although search has been made for it at Nantwich, has not been found.

By an indenture dated 31st October 28 Elizabeth (1586), made between Edward Boteler of the one part, and Margaret his wife of the other part, Edward Boteler under the powers given him by the indenture of the 17th May 26 Elizabeth (1584) and, as he expressed it, out of the tender love and affection which he bore to his wife, did appoint to her in jointure all such of the lands as were mentioned in the schedule thereto annexed, with a proviso that the appointment should be void upon his tendering to her ten shillings within his chapel on the north side of the high church in Warrington in the presence of three witnesses. (Lord Lilford's *Deeds*.)

This deed, which must have been executed with much form and circumstance, is attested by no less than seven witnesses, and the schedule to it, which is long, contains messuages and lands in Warrington, Overford, Burtonwood and Great Sankey,

all which with the tenants' names and their rents, the latter amounting altogether to 66*l.* 6*s.* 3*d.*, are particularised. If this provision was intended to be carried out the jointure would have been sufficient in amount; but the proviso at the end is strangely at variance with the "tender love and affection" for Margaret which it professes as its consideration. Can anything indeed be a greater mockery than a provision for a wife which might be avoided at any time by the tender of ten shillings? So unhallowed a tender must have profaned the holy place where it was made. With such an *in terrorem* clause in it Margaret Boteler might have asked of such a settlement, what is it "but to keep the word of promise to our ear and break it in our hope"?

The hunt for concealed lands once begun did not long want followers. Amongst these was one Walter Spendlow who hunted with sir James Crofte's pack, and by an indenture of the 14th November 26 Elizabeth (1584), between sir James Crofte of the first part, and Walter Spendlow of London gentleman of the other, sir James by virtue of his power under the queen's grant to him of the 10th August 1583, and in consideration of the great good will he bore him, made the said Walter his deputy to search, try and find out concealed lands in the counties of Lancaster, Derby, Chester, Leicester and York—a tolerably extensive hunting ground. (Lord Lilford's *Deeds*.) But there were others in the field on the same track and at the same time, two of whom were Theophilus Adams and Thomas Butler, both of London, gentlemen. Adams is well-known as an extensive dealer in concealed lands (*Index to Lansdowne MSS.*, part i. No. 86, p. 61), but who Thomas Butler was we have not discovered. On the 2nd August 27 Elizabeth (1585) these two worthies obtained from the crown to themselves and their heirs a grant of all the messuages and lands late of sir Thomas Boteler deceased, lying in Burtonwood, Magna Sankey and Parva Sankey, paying for the same a rent of twenty shillings a year, with a proviso that the grant should be void if the lands had not been concealed on the 24th July 12 Elizabeth (1570),

at which time a former and more general grant of all such lands seems to have been made to lord Wentworth, whose heir, so far as the Boteler lands were concerned, was now willing and had signified his readiness to forego all his claim under it. (Lord Lilford's *Deeds*.) In 1570 the rising of the earls of Northumberland and Westmoreland had caused great anxiety and uneasiness in Lancashire, but neither then nor at any other time had sir Thomas Boteler's loyalty been for a moment suspected; how or why, therefore, there should have arisen any pretence of concealed lands in his case we are at a loss to conceive. We may fairly suspect however that this grant to Adams and his companion was meant to be another link in the coil which was being gradually wound about the house of Bewsey, whose last surviving male representative meanwhile little dreamed of the danger he was in and which was so soon to overwhelm him.

On the 6th December 1585 the queen's lofty favourite, Leicester, who though great was not good and consequently enjoyed few if any men's love, set out for the first time on his mission to the Low Countries, leaving no regrets behind him. Not long after his departure there appeared in London, unheralded by trumpets or any flourish of pomp, a man worthy of immortal honour and whose name will be remembered as long as our language lasts, while his renown will extend over countries far beyond those where that language is spoken — William Shakespere!

Edward Boteler's rôle was now complete. Though only 32 years of age, he had lived long enough to ruin himself and hasten the downfall of his ancient house. Within a few weeks after his marriage, within less than a month from the date of his marriage settlement, and within a much shorter time after the making of his will, at which time he was in perfect health, the end came and he was carried to the family chapel for burial. His will, made on the 2nd November, was proved at Chester on the 28th of that month, and therefore, although the exact date of his death is not known, it must have happened in the

short interval between the above two dates. When sir Philip Sidney, a man of a character the opposite of Edward Boteler's, died, his body was not committed to the earth for nearly four months; no such posthumous honour however awaited Edward Boteler, and his remains were doubtless speedily if not hastily consigned to the grave.

Hitherto on the death of any of the barons of Warrington an inquisition post mortem had been always held to ascertain what lands he held, of whom they were holden and by what services; but when Edward Boteler died, who had taken pains to strip himself before "he went to bed," he held no lands and the old custom was therefore unnecessary. No inquisition followed his death, but there was instead what sir Peter Leycester would have emphatically called an *altum silentium*. When the Norman conqueror of England was asked to give up in his lifetime part of his possessions to his eldest son Robert, he replied that he "did not mean to take off his clothes until he went to bed." Edward Boteler on the contrary, by his deed of the 17th May 1584, had in his lifetime stripped himself not of part only but of his whole inheritance; and therefore, when he died, there was nothing left to descend to his heir, nor no relief to be paid either to his superior lord or to the crown. The will which he made however, and which was afterwards proved by two of the executors at Chester, is in some respects so remarkable that we give it *in extenso*; and we shall afterwards give a few observations which suggest themselves upon it. It runs thus:

"In the name of God the most highe undoubted and glorious Trinity, the Father, the Sonne, and the Holie Ghost. Forasmuch as certaine it is y<sup>t</sup> every man is subjecte to death and that y<sup>e</sup> time thereof is most uncertaine, therefore as I thincke it is the dutie of e<sup>v</sup>ry discrete Christian to foresee and p<sup>r</sup>vent all those things y<sup>t</sup> in anie wise maie troble and disquiet the minde of man, especially when death shall approche and terriblie assault hime; for then ought hee cheeflie to fixe and fasten his minde upon the most excellent goodnes and mercie of God w<sup>ch</sup> he

undoubtedly showeth to all repentant mindes; and forasmuch as the disposition of vile and transitory things being deferred to the last tyme doe trouble and disquiet the mind and soule of man that itt cannott then entirelie call uppon God for his infinite mercie, wherein he ought att all tymes most cheeflie to trust and to take most coumforth and consolation: therefore I, Edward Butler of Bewsey in the county of Lanç esquier, being in quiet of mynde, health of body and p̄fette remembrance, God I thancke therefore, doe make and ordayne my last will and testament in man<sup>n</sup> and forme followinge: first I bequeth and most humblie commit and geve my soule to God Almighty the father of all consolation who has geven most mercifully his dearely beloved sonne Jesus Christ to the most painefull death of the crosse for the redemcion and eternall salvation of all mankinde, and to my saviour Jesus Christ both God and man who is the true owner and lord of itt, for by his death hee hath most justlie purchased itt from the captivitie of death and hell, and to the Holy Ghost God eternall with the Father and the Sonne, most humblie beseeching th' Almighty through the p̄cious and most meretorious death of Christ that I may live both bodie and soule after the last daie of his judgment w<sup>th</sup> his chosen and elect people. Further my will is my bodie to bee buried within my chappell att the highe church of Warrington, where my auncesters have bene usually buried. Item I geve for and towards the erecion of a toumbe of Allabaster to be set ov<sup>r</sup> mee one hundreth pounds; and for further distribucon of the rest of my goods, cattells, chattels, and other debts dewe and owinge to me, I geve the same to my executers hereafter named for and towards the discharge of my funerall, payment of my debts and legacies hereafter mencioned and to noe other intente in any wise. Further I geve and bequeth to Margrett my wife that the p̄rsonage howse of Warrington, gleebe lands, gardens and all edifices to the same belonginge, togeather with the moietie or one halfe of all the tythes and other p̄fetts belonginge to the same p̄rsonage duringe the life of the said Margarett, the great barne onelie excepted,

payinge and discharginge yerelie therefore th' one halfe of all the rents and all other duties payable for the same. Further to my said wife I geve the rev<sup>o</sup>con of all such and so manie yeares as at the tyme of my de<sup>o</sup>case shall be unexpired of one lease graunted to mee by her m<sup>o</sup>tie of certaine lands and tenem<sup>o</sup>ts in Great Sonkey, payinge the accustomed yearelie rent to her m<sup>o</sup>tie or her successors for the same. Provided alwayes and itt is nev<sup>o</sup>thesse my full will and intent that if I fortune to have issue of my body lawfully begotten, that then as well the said p<sup>o</sup>sonage howse of Warrington with all gleebe lands, gardens and edifices to the same belonginge, together with the moitie or one halfe of all the tythes and other p<sup>o</sup>fetts to the said parsonage appurtayninge, as also the rev<sup>o</sup>con of the said lease to me graunted by the quenes m<sup>o</sup>tie that now is, shall remayne and be to the use of my first begotten sonne or daughter duringe all such tearme as I have in and to the same, anythinge in this present will contayned whatsoever to the contrary in any wise notwithstandinge. I<sup>o</sup>m I geve to M<sup>r</sup> Richard Masterson of the Noun'wich esquire fourtie pounds in money. I<sup>o</sup>m I geve to my s<sup>o</sup>vant Randall Rixton of Great Sonkey ge<sup>o</sup>n fourtie pounds in money. I<sup>o</sup>m I geve to John Wakefield scholem<sup>r</sup> of Warrington fourtie pounds in money. I<sup>o</sup>m I geve to my s<sup>o</sup>vant John Warburton of Bromefield ge<sup>o</sup>n twentie pounds in money. I<sup>o</sup>m I geve to my servant Ri<sup>o</sup>c Bridge ge<sup>o</sup>n twenty pounds in money. I<sup>o</sup>m I geve to my s<sup>o</sup>vant William Bradford twentie pounds in money. I<sup>o</sup>m I geve to my servant Nicolas Bate tenne pounds in money. I geve to my servaunte Henry Barrowe of the Cawsey bridges, if hee fortune to o<sup>o</sup>rlive mee, twentie pounds in money. I<sup>o</sup>m I geve to my servant William Cowp, if he fortune to o<sup>o</sup>rlive me, tenne pounds. I geve to my s<sup>o</sup>vante Rauf Erlame, if he fortune to o<sup>o</sup>rlive mee, tenne pounds. I<sup>o</sup>m I geve to James Curren my s<sup>o</sup>vaut tenne pounds. I<sup>o</sup>m I geve to all the rest of my servinge men wich have continued in my service three yeares together, to e<sup>o</sup>vry such of them five poundes in money. And to the rest of my servinge men that remayne with me att the time of my death to e<sup>o</sup>vry of them

fourtie shillings in money. Also I geve to every workeman and woman servant which shall continue with me at my decease and to eÿry of them twenty shillings in money. And the rest of all my goods nott hearetofore bequeathed I geve to the above-named Margaret my wife. And of this my p̄sent will and testament I ordayne, make and constitute the said Margaret my wife, Richard Maisteron of the Nauntwich aforesaid in the countie of Chester esquier, Randell Rixton aforesaid of Great Sonkey within the countie of Lan<sup>r</sup> geñ, and John Wakefield of Warrington afsd schoolm<sup>r</sup>, my faithfull, trusty and lawfull executors, most earnestlie prayinge and deepelie charginge theme and eÿry of theme as they will answeare the contrary at the daie of God's generall judgment that they will see this my will p̄formed, and the legacies, and bequeathes in the same conteynede duly executed accordinge to the trust in them reposed. Last of all, I utterlie revoke, dissable and dissanule all former wills, gifts, legacies and bequeasts by mee hearetofore made or p̄tended to be made. In witness wheareof I the said Edward Butler have put my hande and sealed the same with my seale of armes the seaconde of November in the xxviii. year of the reigne of our gracious soÿraigne ladie Elizabeth, by the grace of God of England, France and Ireland quene, defender of the faith, &c. Signed, sealed, and as the deed of the w<sup>th</sup>in named Edward Butler esquire, deli<sup>u</sup>ered in the p̄sence of us: Richard Masterson, Randolphe Rixton, Jō Warburton, Richerd Bruch, Nicholās Bate, Williã Bradford, John Wakefield. 2<sup>do</sup> die Novembris, 1586."

As the glory of the house of Bewsey may be said to have departed when the first sir Thomas Boteler the founder of the grammar school died, so the last spark on the hearth-stone of Bewsey may be said to have gone out when Edward Boteler the last baron of Warrington of his house and its last male representative ended his short but strange and incongruous career. He was a weak man, easily led and from first to last was consistent in nothing but in his inconsistency. At the age of seventeen, having refused to marry Jane Brooke, a lady of suitable rank

whom his father long before had contracted that he should marry, he yet took no step to have the espousals set aside, and when this was afterwards done, it was done not by him but at the instance of his espoused wife some six or seven years after and when he had been some years of age. Secretly and unknown to his father he stripped himself of the reversion of all the family estates expectant on his own decease without issue and transferred it to a distant kinsman. If he had gambled, lost money at play or in the cock-pit, or been in debt, of which however there is no evidence, the money value of such a reversion must have been small indeed, and its sale therefore could not to any considerable extent have relieved him, even if he had received its full price, which as that nowhere appears serves only to make his conduct more mysterious. Afterwards when, to repair the mischief he had done, his father had repurchased the inheritance and taken such means as he thought would effectually prevent him repeating his attempt to alienate the family property, scarcely were his father's eyes closed before he, who had so lately shown how little pride he had in the family estate and how little he valued it, took steps to set aside his father's precautions and levied a fine to establish his own title to the estate against all claimants. The names of the two *conusees* in this fine show that they were but the nominees of some dark person who held Edward Boteler in his potent spell, and the next year when he absolutely transferred the reversion of the whole family estates expectant on his decease without issue to the earl of Leycester in fee, it became clear who it was whose shadow had been over him. The deed of transfer to the earl contains two very extraordinary provisions which are made to seem as if they proceeded from the earl's mere grace, one enabling Edward Boteler to raise a limited sum for his ransom if he should be taken prisoner in war, and the other enabling him to raise a like sum to purchase his pardon if he should be tried and convicted of any crime, neither of which contingencies, but especially the last, was very likely to happen. This deed,

the first link in the chain which was to bind Edward Boteler's hands behind him, was most ably drawn up under the earl's own eye and was witnessed by five of his friends; but to make any such deed valid and effectual in the law either a good or valuable consideration was essential, for as justice must be drawn from pure fountains and *ex turpi contractu non oritur actio*, so no action will lie on a *nudum pactum* or a bargain without mutuality. A *good* consideration is that of blood or natural affection, as when a man grants land to a near relative; a *valuable* consideration may be either money, marriage, or the like. But certainly on the making of this deed no *valuable* consideration passed from the earl to Edward Boteler, and the parties were not nearly enough allied in blood to make the relationship between them any *good* consideration. Their kinship, which was very slight indeed, arose only in this manner: through his mother, Eleonora, Edward Boteler was the great-grandson of sir Edward Sutton, a far-off cousin to that sir Richard Sutton whose wife was the daughter and heiress of the lord Dudley who had the melancholy honour to bring home for burial the body of Henry V. after his premature death in France. In memory of this event sir Richard took the name of Dudley, which was borne by all his descendants afterwards, and among them by Robert Dudley earl of Leycester, except at those times when it suited him to call himself Sutton. When the earl's lawyers were drawing up the conveyance to him from Edward Boteler they were evidently at a loss how to make out a sufficient consideration for it, and they had to look very far for one which was even at all colourable. At first they put it on the earl's good will and favour shown to Edward Boteler and his ancestors, a fact of which there is no evidence, the earl's name until these transactions having never once appeared in the Boteler annals. Secondly, they alleged Edward Boteler's desire to maintain the earl in his dignity, and to show him his thankfulness for the benefits he had received: as to maintaining the earl in his dignity it was but little that Edward Boteler could do, and of the benefits, if any, which he had received from the

earl the evidence is entirely wanting. Thirdly, it is pleaded that the earl was his cousin and of his blood; but we have seen how remote this kinship was, and we know also that Edward Boteler had at this time two sisters, besides many other relations much nearer in blood than his eighth or more remote cousin the earl. Fourthly and lastly, Edward Boteler's hope that the earl would use his influence to procure an extension of the term in his lease from the crown of the Sankey lands, which is alleged as a consideration, was in reality no consideration at all; though it aptly illustrates that old definition of gratitude which makes it to consist not in thankfulness for the past but in the hope of favours to come.

The earl, having set his prey and keeping his eye steadily fixed upon it, left nothing undone that the best legal talent and the most active vigilance could achieve to complete his design upon Edward Boteler. To his sister Margaret, as if her brother's dying without heirs of his body was an assured fact which must happen, the earl granted an annuity to commence upon that event; and with her brother's concurrence he granted to his sister Elizabeth other annuities out of the Boteler lands and one out of his own, to commence at more immediate periods.

On the 22nd August 1582 Edward Boteler suffered a recovery of his estates to the uses limited by the indenture of the 9th May 1581, and so helped to forge another link of his chain.

As yet Edward Boteler in all his transactions with the earl had been allowed to reserve to himself an estate for life with remainder to the heirs of his body. It was the earl's policy to proceed by degrees; but the bands drawn about Edward Boteler were now to be further tightened. By a new deed, made on the 17th May 1584, he granted to the earl all his estates immediately after his own decease, reserving nothing to himself but a bare life estate, and with the same illusory provisions about ransom and pardon as before.

The two dealers in concealed lands, Adams and Butler, hunting in a couple like two sleuth-hounds, having obtained a grant

of the Boteler lands as "concealed," next appear upon the scene. That these persons as well as sir James Crofte were set upon their odious trail by the earl appears plainly by their afterwards conveying to him all their interest in such lands, and by the notorious alliance existing between him and sir James Crofte. The aim of all three seems to have been to draw another coil round Edward Boteler which was to catch him if he escaped that inner one which the earl had already drawn about him.

Unlike his ancestors Edward Boteler seems never to have filled any public office or employment. He signed, indeed, the declaration of loyalty to the queen in 1585, but he only did this, like most others, at the suggestion of Leycester.

As in other things so in his last will Edward Boteler was inconsistent. Faith in the saints had vanished at the time he made it, and if the profession of his faith which it contains was more sound, his practice was as widely at variance with the piety and prudence it professed. Deprived by his own act of the power to leave Bewsey as a residence even for his wife, he gives her instead the rectory house of Warrington and one half the tithes of the parsonage for her life, and also his reversion of the lease of the Sankey lands, with a proviso that if he should have issue the rectory house and half the tithes with the reversion of the Sankey lands should be to the use of his first son or daughter for all his term therein; a proviso which, if he had left issue, would have made the gift to his wife a mockery and have deprived her of all benefit under the will except the residue of his estate, which is given to her absolutely and unclogged with any proviso; but the existence of any such residue was but an idle dream. He very justly directs that his debts should be paid, and he generously leaves legacies to all his servants; but he was neither just nor generous in omitting all mention of his sisters and leaving them neither a legacy nor a remembrance; and, as if resolved to be inconsistent to the end, after he had been all his life bent on ruining his family name, he leaves a sum of 100*l.* to erect an alabaster tomb to preserve his name and memory in the family

chapel. All the seven witnesses to the will, three of whom are also executors, take legacies under it. Wakefield, who was one of the executors and who survived the testator twenty years, was not a man whose morals, in his later years at least, should have recommended him as a pattern. We do not know whether the testator's debts and legacies were ever paid, but the alabaster tomb was certainly forgotten, and his body seems to have been committed to the grave in the family chapel without even an epitaph to mark the place.

Before concluding our account it may be well to recall a few of the events of Edward Boteler's life and history. On the 28th November 1579, barely two months after his father's death, sir William Boothe, to whom he had bargained to sell his inheritance, was carried to the grave at the early age of 39, and the earl of Leycester, who had the eyes of Argus and the arms of Briareus, and who, like Cataline, was *alieni appetens sui profusus*, immediately procured from the queen a grant of his son's wardship, which, as the son was young and the estates were large, must have been of great value. The earl, who had an unbounded stomach for obtaining gifts and grants from the crown which he was more ready to obtain than to pay for, was at this time indebted to the queen for such grants in many thousand pounds. Edward Boteler, after stripping himself in Leycester's favour of every portion of his inheritance except a mere life estate, in or about the month of October 1586 was married to his second wife Margaret Maisteron, and on the 31st of that month he made such a settlement upon her as his crippled means still allowed. On the 2nd November, being then in perfect health, he made his will, and lo! in a very few weeks or days more he was carried to the grave! Leycester, who on the 17th October had lost his heroic nephew sir Philip Sidney by death, embarked to return home from the Low Countries on the 21st November 1586, arrived after a short passage in England, and on the 23rd November was at Richmond. (Cardinal Allen's *Siege of Deventer*, p. xx, Chetham soc.) There is no evidence that he was either

at Bewsey when Edward Boteler breathed his last or that he came there soon afterwards, but the rapidity with which one step succeeded another to put him in possession of the coveted inheritance of Bewsey cannot but excite our wonder!

What were the precise circumstances which brought on Edward Boteler's end so suddenly as to make his death more mysterious than that Bewsey tragedy which cost one of his ancestors his life, we do not know. Surrounded by his numerous servants and with the means of every comfort about him he died in his own house; and if, as it is hard to believe after recalling the events of his last few years, he died from natural causes, the end of the drama seems passing strange and full of mystery! He died without issue\* leaving his second wife surviving, who afterwards married sir John Gibson of Welborn.

In obedience to our summons the barons of Warrington in long array have now appeared before us in succession, as they lived and died, and as each of them has crossed the stage we have gleaned something of his history. "In some of its essential members history dies as generations of men pass off the stage. If we could call up some of the actors in the times of which we have been treating and were allowed the opportunity of proposing to them the proper questions, we might have been able to give a fuller portraiture of the men of whom we have been writing." (Godwin's *Commonwealth*.) But as we cannot call up such witnesses, and as the Botelers have left no family chronicles, each baron of Warrington, instead of being clothed in flesh, appears as a mere *trama figuræ*. Sufficient of their history

\* Although it is quite notorious that Edward Boteler left no issue by either of his wives, a pedigree in the office of Ulster king at arms in Dublin has provided him with numerous children both male and female by his wife Jane Brooke, to whom it has given a long line of descendants. But this mistake in the Boteler pedigrees is by no means singular, for the pedigrees of the Botelers in the *Harleian Collections* assign to them descendants they never had, who in this way become *autochthones* or *fili nullius* of a kind unknown to the law.

however has been given to show that in their day they did not occupy a vacant niche or live wholly in vain. Little sovereigns in their own time and neighbourhood many of them took pains to improve their hereditary domain. They founded churches, religious houses and chantries, provided priests and clerks to minister in them, exercised charity to the poor, and on fitting occasions opened the halls of Bewsey in hospitality to their neighbours. They granted charters of liberties to their tenants and gave them improving leases of their lands, made bridges over the streams and paved roads on their estates, and established fairs and markets; by which and other means of a like nature, as years rolled on, hamlets grew into villages and Warrington from a village became a flourishing town, in which as the head of their barony they built and endowed a grammar school, the great benefit of which the place still enjoys. But their activity though it began at home did not end there, for we find their names constantly on the roll of those who served their country as well in peace as in war. They bore their part in the great councils of the nation and buckled on their armour to defend it. Of sir William and sir John Boteler, who served in France under Edward III., the stirring episode so vividly given by Froissart has been repeated in these pages. Another sir William sailed to France with Henry V., and if the enemy whom no man can meet and vanquish had not encountered and struck him down in the camp, he might have shared in the glories of Agincourt. The first sir Thomas Boteler, who saw his house attain its greatest splendour, marched and fought with those who dethroned the usurper Richard at Bosworth; and his name and prowess on another well-foughten field, the field of Flodden, have found a place of honour in the ballad records of the day. With him, when he was gathered to his rest, the sun of his house began to wane. To climb is difficult, to fall is easy, and the grandeur of a house which it had taken fifteen generations to build up was ruined and destroyed in three.

“It is a reverent thing,” says Bacon, “to see an ancient castle

or building not in decay, or to see a fair timber tree sound and perfect; how much more reverent then is it to behold an ancient family which hath stood against the waves and weathers of times." And if this be so the fall of a house like that of Bewsey, after flourishing for centuries in honour, cannot pass away without exciting melancholy emotions. A chronicle which had so long walked hand in hand with time, linking by its associations the present with the past, has engaged a large share of our thoughts and gained upon our affections; and we grieve over its extinction as we should over the death of a Nestor, whose life in reality and not in fable had extended over three centuries or more. We mourn deeply to lose our old acquaintance; but in the case of Bewsey our sorrow for its fall is mixed with deep regret that the rays of its last sunset should have been shed upon one so unworthy of his ancestry as Edward Boteler; and that he, the last scion of a noble race, should have so tamely submitted to be the dupe of a daring and designing man, who, professing to be his friend, sought only to enrich himself by his ruin.



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- 347; is at Stokefield, 349; again made a justice of peace; receives homage from his tenants, *ib.*; his dispute with the Leghs renewed, 352; makes a new will, 355; adds to his house, 359; receives homage from his tenants, 360; made forester of Simonswood and other parks, 361; receives other homages in state, 361, 362; his arbitration with the Leghs and marriage of his son with Cecile Legh, 374; issues his warrant as a magistrate, 375; claims the wardship of Hamon Bruche's heir, 377; makes a codicil to his will, 378; obtains letters of fraternity for himself and his wife, *ib.*; appointed to collect the subsidy, 379, 382; sues out a general pardon, *ib.*; is sued for a trespass by the prior of Lytham, 380; attends the sessions at Lancaster, 381; is sued by the king for 1000 marks, *ib.*; is a peacemaker between two neighbours, 382; takes part in the battle of Flodden, 383; claims and obtains the Blundell and Culcheth wardships, 389; labours under an attack of sickness and is visited by sir Piers Legh, *ib.*; rewards an old servant, 390; purchases lands, 391; makes a settlement of his estate; is appointed to collect the subsidy, *ib.*; has a suit with the earl of Derby, 392; receives Henry de Kighley's homage, 396; his education under Margaret of Richmond, 397; educated at Lathom and Knowsley, 399; amusement of the shovel board at Bewsey, 400; wardship of Richard Risley, 401; aids in building Lymm steeples, 403; makes a new will and leaves money to found the Warrington free grammar school, 406; his children, 414-16; his funeral, 443; his *ing. p. m.*, 416; the public acts of his family enumerated, 417-21.
- Boteler, sir Thomas, second (16th baron), succeeds to the estates, 422; his marriage dissolved, *ib.*; probably at Flodden, 423; at the cock-fight at Winwick, *ib.*; succeeds to the family estates on his father's death, 427; contracts to marry his son, 428; appointed the park keeper of Halton and other places, and made receiver for the king, 429; the mode of securing his debt to the king, 435; carries into effect his father's intention to found the grammar school at Warrington, 439; takes a lease of the rectory from Wingfield, 440; has a quarrel with Ralph Heaton, 441; is sued by sir Edward Aston, *ib.*; submits his dispute with the Bruches to arbitration, 443; sells Exul, 446; conveys lands to sir William Plumtre to pay the king 100*l.* per annum, 443; enters his pedigree at the herald's visitation, 445; is knighted; is made sheriff of Lancashire, *ib.*; as sheriff of Lancashire ordered to see the pope's name erased from all service books, 447; is present at the surrender of Furness abbey, *ib.*; leases the advowson of Warrington to William Bruche for 60 years, 448; leases the manor of Laton to Henry Kirkby, *ib.*; is sued by rector Keble, 449; has a dispute with the Bruches, *ib.*; is sued by Peter Legh for not rendering a "God's" penny, 450; the king engages to reconvey to him his estates; pays the debt, 452; marries his son to Eleanor Huddleston, 454; levies a fine to the king of lands in Burtonwood and Great Sankey, 455; some of his neighbours at the plunder of Edinburgh, 456; sells lands to Elizabeth Statham; his quarrel with Thomas Molyneux, *ib.*; receives a grant of lands in Burtonwood and Great Sankey, 459; takes an assignment of the lease of the parsonage, 460; his franchise interrupted by sir Robert Houghton, 461; his son files a bill against him, 462; his illegitimate children, 463; his will not proved; his character reviewed, *ib.*; his death, 468; his children, 469.
- Boteler, sir Thomas, third (17th baron), succeeds his father, 468; marries Eleonora Huddleston; makes a lease of Sankey mills, *ib.*; John Butler's charge against him, 469; is returned as M.P. for Lancashire, 470; marches with lord Derby and 20,000 men to the north, *ib.*; sued by Richard Penketh for slandering his title, 471; has a legacy of a riall under Dorothy Booth's will, *ib.*; in command of a body of soldiers, 472; makes a settlement on his son's expected marriage, 474; distressed with his son, 495.
- , Thomas, of Exul, cited for heresy, 345.
- , William, or Pincerna (5th baron), succeeds as fifth baron of Warrington about 1176, 39; in ward to Radulf f.

Barnard, 39; law suit with his sister Albreia, 41; defendant in a suit at law in 1 John, *ib.*; and produces one Wigan to fight for him, 42; had a benevolence *inter homines comitis*, 41; pays xii. marcs in 1196 to be excused crossing the seas with the king's army, *ib.*; pays three scutages on viii. knights' fees, 44; found to hold viii. fees in 1207; *circa* 1205 called William Butilarius; witnesses Hugh Bussel's charter, *ib.*; requested by the king to assist with others in putting Lancaster castle in repair, 46; receives prest money in Ireland, 47; in arms for the king at Canterbury in 1213, 48; receives certain of the forfeited lands, *ib.*; marries Ada de Furneys several years before 1216, 49; assessed to the "Mungmin Scutage" (?) for Werinton and Laton, *ib.*; ordered to attend the king and report what had been done as to giving seisin to the abbot of Dieu la cresse, 49; followed the earl of Chester in adhering to king John, 50; was a witness to the earl's great charter to his barons in 1218; paid for a licence to agree; in 9 Henry III. paid four marcs for Crophill, &c.; appointed to collect the fifteenth in 10 Henry III.; paid William Ferrars for sac fee xi<sup>s</sup> x<sup>d</sup>, *ib.*; accounted for viii. fees in 1228 and 1230, 52; witnesses two deeds; probably rebuilt Warrington church, *ib.*; between 1227 and 1233 confirms lands in Lytham to the monks of Durham, 53; dies soon afterwards; his children mentioned, *ib.*

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made sheriff and governor of the honour of Lancaster and the castle, 71; witness to the gift to his brother Richard, *ib.*; grants and confirms land to Thurgatton priory, 78, 79; William and his brother Richard witness the grant of Hole, *ib.*; his estates seized by the king after the battle of Evesham, 80; grants land to his fool, *ib.*; grants to Hugh de Hindley the marriage of Gilbert de Culcheth's heirs, 81; releases to the prior and convent of Durham certain rights in Lytham and Kellernmergh, *ib.*; reacquires from the house of Thurgatton the advowson of Warrington, 83; vouches Henry de Lee's account, 85; witnesses a Chester charter in 1269, *ib.*; obtains from prince Edmund an acquittance of 105 marcs in part of 900 marcs, the purchase money of Burtonwood, 87; confirms Thomas de Bethum and his wife's grant of the Howes; grants 40s. a year to the abbey of Cockersand, *ib.*; witnesses a release to the same abbey, 88; a dispute between him and William de Bolde, *ib.*; in 1277 obtains the king's charter for a weekly market and a yearly fair of eight days at Warrington, 89; grants to Robert f. William de Bold a right of common in Bold wood, 91; Robert de Stanton and he settle a long standing law suit, 92; summoned to march against the Welsh rebels in 1282, *ib.*; an account of his pay, 93; in 1285 obtains a charter for another weekly market and another yearly fair of eight days and a grant of free warren at Warrington, 95; granted in 1285 land in Depsthreleche to Richard Eccles, and confirmed lands to Cockersand abbey, 96; grants a burgage in Warrington to Whalley with an exemption from toll, 97; witnesses the grant of a market to Burscough priory; summoned to a military council at Gloucester, *ib.*; summoned to show his rights by a *quo warranto* in 1292, 98; makes default in appearing to Eustace Catesbethe's summons, 101; is summoned by Radulf de Werington and Alicia his wife, *ib.*; agrees with Tho. de Shottesworth about his suit of court, 102; makes a great charter to his Warrington tenants, *ib. et seq.*; is sued by Robert de Sankey and has judgment given against him, 114; is summoned to meet the king in parli-

- ament, and afterwards to cross the seas with him, 114; makes an appointment with Richard de Culcheth who was about to cross the seas, 115; in 1296 witnesses several important deeds, 117; is again summoned to parliament in 1297, *ib.*; witnesses several charters in 1297, 118; in 1298 he witnesses an agreement between Henry de Lee and William f. Henry de Clifton, 119; in 1299 again summoned as a peer of parliament, *ib.*; found to hold lands under Edmund the king's brother in 1297, 118; is summoned to Newcastle to perform military service, *ib.*; some of his acts enumerated, 126; his effigy mentioned, 126-27; his children, 127-28; grants an important charter as to service at his court to Thomas de Holcrofte and Johanna his wife in 1300, 121; and the same to Gilbert de Culcheth, *ib.*; attends the siege of Caerlaverock, 123; summoned to appear with horse and arms at Berwick in 1301; grants land in Warrington to William f. Henry de Huddleston in 1302, *ib.*; married Dionysia daughter of Henry de Lostock, and after her death he gave the abbey of Cockersand 20 acres of land to pray for her soul, 124; he died in 1303, *ib.*
- Boteler, sir William fitz Henry (8th baron), succeeds sir William his grandfather in 1304, 133; was in the expedition to Scotland in 1305, 134; grants land to Robert Tayt and Amicia his wife in 1307, *ib.*; leases land to Richard late servant of William Parker, 135; acquires land from Gilbert Eguarin and others, 136; in 1309 commanded to hasten to York to assist the Scottish marchers; is found to hold lands under the earl of Lincoln, *ib.*; in 1310 obtains a grant of tolls for five years towards maintaining Warrington and Sankey bridges, and a list of the articles tolled is given, *ib. et seq.*; grants land to his cook and his carver in 1313, 141; pardoned for his share in the rising against Gaveston, 142; grants land in Burtonwood to Ralph le Cartwright and Alice his wife for their lives, 143; obtains a paving charter in 1321, 144; he and Sibilla his wife levy a fine in 1320, *ib.*; summoned to meet the king with horses and arms at Newcastle-on-Tyne, 151; again summoned to meet the king at York, 152; grants land to John le Parker and Joan his wife; grants land to Henry and Alyne del Forrest; leases Richard le Boteler's estates to Cecilia, Richard's mother, during his minority, *ib.*; grants land to Adam Dun, 153; is named first in the sheriff's return of Lancashire knights, *ib.*; leases lands to various persons, 154; he and Sibilla his wife reserve Emma Ward's purparty of lands, *ib.*; he is found to have held lands under Thomas of Lancaster, 155; not summoned with the other Lancashire knights to march with the king of Scotland, 156; grants various leases; receives Gilbert de Southworth's release of commons, *ib.*
- Boteler, sir William fitz William (9th baron), born about 1309, succeeds on his father's death, 161; mentioned in the settlements in 1328; in 1329 he gives land to Mathew de Southworth; joins his mother Sibilla in a grant, *ib.*; demises land to Robert and Richard Grangos, 163; releases land to Gilbert de Haydok; the priory of Thurgatton appears among his tenants, 161; demises land to Adam de Southworth, 162-63; marries Elizabeth de Argenteyn, 163; obtains a release of right of common from William Muskull and Amota his wife, 164; makes with his wife Elizabeth a settlement of his estate, 164-165; gives land to the hermit friars, 167; obtains a release from Adam del Twisse, 168; confirms a grant of his mother Sibilla; releases lands to Gilbert and Richard de Haydok; is summoned to meet the king at Newcastle, *ib.*; is commanded to elect a hundred hobblers, 169; uses a signet with a single cup to authenticate his deeds, *ib.*; commanded to be at Newcastle to march against the Scots, 170; grants lands to Cocker-sand abbey; commanded to raise 1500 archers and march with them to Scotland, *ib.*; grants lands to Gilbert de Haydok and confirms a grant made by his mother, 171; obtains another paving charter from the crown; marries his son Richard at an early age to Joanna de Dutton; makes a new settlement by fine, *ib.*; releases land to Henry and William de Haydock for their lives, 172; makes a lease to Richard de Rixton and his son, *ib.*; serves in the Scottish wars,

- 175; grants lands to Henry del Forrest, 180; makes a settlement, 181; holds lands under Henry earl of Lancaster, *ib.*; grants lands to his son Norman, 182; sits on an assize commission, 183; releases to John de Haydok and Joan his wife, 184; grants lands to John de Wynwick; has a licence to choose his confessor, *ib.*; found to hold lands under Henry duke of Lancaster, 186; releases lands to John and Joan de Haydok, and delivers the release to William de Moston as bailee, 188; obtains a licence to have an oratory in his house, 189; confirms Blanche meadow to the friars, *ib.*; dies, 193; his character, 193-98.
- Boteler, sir William fitz John (11th baron), succeeds his father, 226; attends Henry IV.'s coronation; is made a knight of the Bath; the banquet referred to, *ib.*; marries Elizabeth Standish, 227; elected a knight of the shire, 228; grants a fishery in Sankey brook to the parson of Winwick, *ib.*; takes the property of Thomas Dokesbury who had fled, 229; receives a commission to arrest Roger Dalton; acts as a justice of the peace, *ib.*; marries his son to Isabella Haryngton and settles estates on them, 230; sells lands at Nuneaton, *ib.*; indentures with the king for a voyage to France, 231; the indentures described, 232; contracts with the sheriff to find 50 archers, *ib.*; with his men-at-arms and archers, who are all named, joins the king in August 1415, 233; sets sail for France, 234; took part in the capture of the bulwark of Harfleur, 237; dies at Harfleur, 239; his effigy in the priory church, 241; an account of the sum paid to his executors after the battle of Agincourt, 245; his widow's dower assigned, *ib.*; their children, 247; settles estates in Essex, Wiltshire and Bedfordshire on his son, 249; separates from his wife of the Houghton family, 250.
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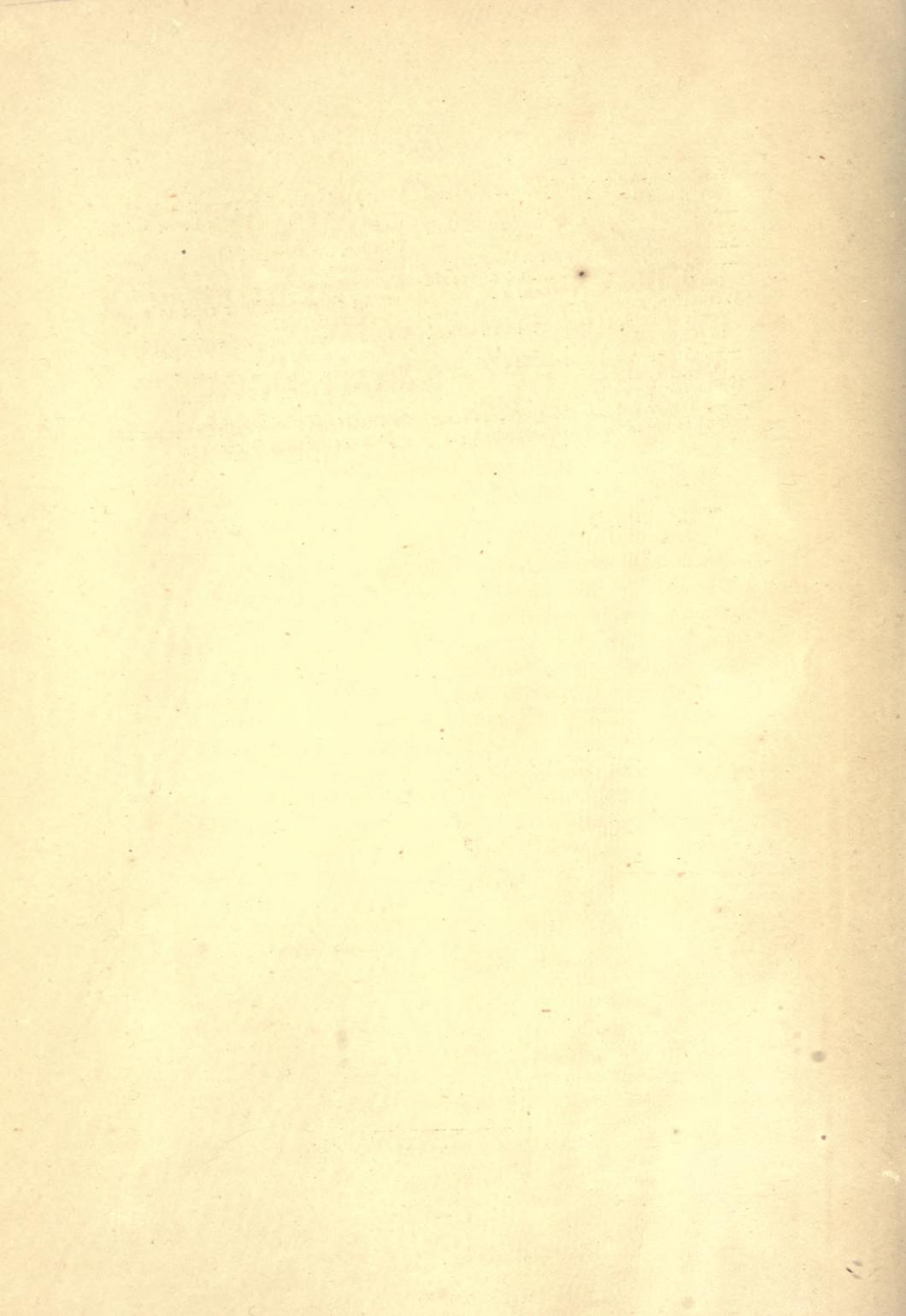
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# The Twenty-ninth Report

OF THE

## COUNCIL OF THE CHETHAM SOCIETY,

*Read at the Annual Meeting, held, by permission of the Feoffees,  
in the Audit Room of Chetham's Hospital, on Thursday,  
the 21st of March, 1872, by adjournment from  
the 1st of March.*

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THE Council have to regret that, owing to various interruptions and circumstances over which they have had no control, some delay has arisen in bringing out in regular series the publications of the Society; but as all the works now due and those for the year 1872-3 are in rapid progress of completion, it is confidently expected that the volumes in arrear will be speedily issued, and that in future there will be no just ground of complaint as regards the regularity of the delivery of the works to come.

In one respect the delay has been attended with benefit, as it has enabled the Council to obtain two important additions to vol. 83, being the third volume for the year 1870-71, and which comprises the *Venables Papers*, contributed by the late LEE P. TOWNSHEND, Esq., and *Lady Bridget Egerton's Confession*, supplied by Sir PHILIP DE MALPAS GREY EGERTON, Bart., M.P., and which were fully noticed in the report of the Council for the year 1870-71.

The first of these additions is *The History of Warrington Friary*, edited by WM. BEAMONT, Esq. Great praise is due to the learned and accomplished editor for the persevering industry with which he has brought together from so many various sources the very interesting particulars relating to the rise, progress, decline and fall of this religious house of the Hermit Friars of the order of St. Augustine at Warrington, of which little before had been known. Those who wish to become acquainted with the habits, rules, observances and peculiarities of the Friars of the Mendicant-

orders will meet with much valuable information in this history, which is told in the attractive manner which characterises the editor's compositions. It affords us a vivid picture of the Black Friars of Warrington, who flourished there for nearly three hundred years, and exercised no small influence during the period of their stay, and whose ancient gateway remained standing till nearly the close of the last century.

The remaining addition to vol. 83, and which with the three contributions before mentioned forms vol. 4 of the *Chetham Miscellanies*, is *A Kalender conteyning the names of all such gent. and others as upon her Maty's pryve seales have paid there money to the handes of Sir Hugh Cholmondley, knyghte, collectr of her Hyghnes loane with<sup>in</sup> the countie of Chester together with the severall somes and daies of receipt*, 1597, from the original document in the possession of R. H. WOOD, Esq., F.S.A. This very curious return, made by Sir Hugh Cholmondley the younger, and which is signed by him, is historically valuable, as it gives the sums in which the various landed proprietors of Cheshire were assessed towards the close of Queen Elizabeth's reign, in aid of the expenses of the war in Ireland under writs of the Privy Seal, and shows, by a sort of graduated scale, the relative territorial importance of the families in that county. *Chetham Miscellanies*, vol. 4, is accompanied by a portrait of General Venables, and four illustrations of *The History of Warrington Friary*.

Vols. 84 and 85, in the series of publications, being the first and second vols. for 1871-72, consist of *The Visitation of the County Palatine of Lancaster made by Sir William Dugdale, 1664-5*, edited by Canon RAINES, F.S.A. This work, with the first *Visitation* of 1532, which is in progress under Mr. LANGTON's editorship, will complete the series of *Lancashire Heraldic Visitations*, in which it is scarcely necessary to observe Sir WILLIAM DUGDALE's holds a very high place, both from its extent and from his fame and character as an herald. With all deductions on account of obvious mistakes and deficiencies in several of the pedigrees it forms a most valuable contribution to the family history of Lancashire, and without which it would labour under insuperable difficulties. The *Visitation* has been printed from a transcript most carefully made by the late THOMAS WILLIAM KING, Esq., F.S.A., York Herald, from the original in the Herald's college, but which his sudden and lamented death prevented his entirely completing. The pedigrees, however, left deficient in his transcript are supplied from a volume in Canon RAINES's *Lancashire MSS.*, which on comparison is found to contain the same pedigrees as are comprised in *Sir William Dugdale's*

*Visitation*, without any variation of importance. For the circumstances attending the *Visitation* and its general features, as well as for particulars regarding Sir WILLIAM DUGDALE himself, who was, as is well known, of Lancashire derivation, the Council have great pleasure in referring the members to Canon RAINES's very interesting Preface, which all who read would only wish to have been longer.

Vol. 86 in the series of publications, and the third vol. for 1871-2, consists of *Annals of the Lords of Warrington*, by W. BEAMONT, Esq. Part I.

In this elaborate historical survey of the succession of the lords of Warrington will be found everything which Mr. BEAMONT's extensive research has enabled him to collect in reference to the lines of De Vilars and Pincerna, or Boteler, in more modern style Butler, in whose hands the lordship of Warrington remained for upwards of four hundred years. He has given additional life and spirit to his *Annals* by the passages of general history and the illustrations of ancient manners which he has introduced in the course of his work, which, though the subject may appear to be purely antiquarian, will be read with an interest rarely conceded to accounts of what may be styled the minor territorial lords of the kingdom. The second part, which will complete the *Annals*, will form the first volume for the year 1872-3.

The Council cannot conclude their report without adverting to the great loss which the Society has sustained by the recent death of their much respected and valued printer, Mr. CHARLES SIMMS, and who had been connected with it in that capacity since its formation. The scrupulous care, the constant attention and zealous interest which he uniformly displayed in endeavouring to render the Chetham series of publications inferior to none in typographical excellence and correctness, and his obliging willingness on all occasions to undertake any labours, however irksome or arduous, which might render it more useful or complete, will be long and gratefully remembered by those whose official and editorial duties afforded them the best opportunities of fully appreciating his merits and services in promoting the success and assisting to sustain the reputation of the Chetham Society.

The publications contemplated, or in progress, are:

1. *Annals of the Lords of Warrington*. Second and concluding part. Edited by WILLIAM BEAMONT, Esq.

2. *Collectanea Anglo-Poetica*, Part 5. By the Rev. THOMAS CORSER, M.A., F.S.A.

3. *Sir William Dugdale's Lancashire Visitation in 1664-5*. Edited by the Rev. CANON RAINES, M.A., F.S.A.

4. *The Register of the Manchester Free Grammar School, with Notices and Biographies of distinguished Scholars.* Edited by the Rev. J. FINCH SMITH, M.A., Rector of Aldridge. Vol. 3.

5. *The Lancashire Visitation of 1532.* Edited by WILLIAM LANGTON, Esq.

6. *History of the Ancient Chapel of Stretford, in Manchester Parish, together with Notices of the more ancient local Families.* Edited by JAMES CROSTON, Esq.

7. *Worthington's Diary and Correspondence.* The concluding part. Edited by JAMES CROSSLEY, Esq., F.S.A., President of the Chetham Society.

8. *Documents relating to Edward third Earl of Derby and the Pilgrimage of Grace.* By R. C. CHRISTIE, Esq., M.A.

9. *Correspondence of Nathan Walworth and Peter Seddon of Outwood, and other Documents and Papers in relation to the building of Ringley Chapel.* Prepared for press by the late ROBERT SCARR SOWLER, Esq., Q.C.

10. *A Selection from the Letters of Dr. Dee, with an introduction of Collectanea relating to his Life and Works.* By THOMAS JONES, B.A., F.S.A., Librarian of Chetham's Library.

11. *Poem upon the Earls and Barons of Chester,* in 62 octave stanzas, from an ancient MS. belonging to John Arden, Esq., of Stockport, believed to have been written by Richard Bostock of Tattenhall, gent.; a copy of which is in a MS. volume written by the Rev. John Watson, rector of Stockport, M.A., F.S.A., and from this the present transcript was taken.

12. A republication, with an introductory notice of, *A true Narrative of the Proceedings in the several Suits in Law that have been between the Right Hon<sup>ble</sup> Charles Lord Gerard of Brandon, and A. Fitton, Esq., by a Lover of Truth.* 4to, printed at the Hague, 1663; and the other tracts relating to the same subject.

13. *Selections from the Correspondence of Sir William Brereton relating to affairs in the county of Chester during the Civil Wars.* From the originals contained in seven large folio volumes in the British Museum.

14. *A Collection of Ancient Ballads and Poems, relating to Lancashire.*

15. *Diary of John Angier, of Denton, from the original Manuscripts, with a reprint of the Narrative of his Life published in 1685 by Oliver Heywood.*

16. *A Selection from Dr. John Byrom's unprinted Remains in Prose and Verse.*

17. *A new Edition of the Poems Collected and Published after his Death, corrected and revised, with Notes, and a Prefatory Sketch of his Life.*

18. *Hollinworth's Mancuniensis.* A new edition. Edited by CANON RAINES.

19. *A Volume of Extracts, Depositions, Letters, &c., from the Consistory Court of Chester, beginning with the Foundation of the See.*

20. *Extracts from Roger Dodsworth's Collections in the Bodleian Library at Oxford relating to Lancashire.*

21. *Annales Cestrienses.*

22. *Chetham Miscellanies.* Vol. 4.

23. *A General Index to volumes XXXI. to LX. of the Publications of the Chetham Society.*



THE TREASURER IN ACCOUNT WITH THE CHETHAM SOCIETY,

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	£ s. d.
2 Subscriptions for 1865-66 (23rd year), reported in arrear at last meeting.	
2 Collected .....	2 0 0
3 Subscriptions for 1866-67 (24th year), reported in arrear at last meeting.	
3 Collected .....	3 0 0
11 Subscriptions for 1867-68 (25th year), reported in arrear at last meeting.	
11 Collected .....	11 0 0
16 Subscriptions for 1868-69 (26th year), reported in arrear at last meeting.	
14 Collected .....	14 0 0
2 Outstanding.	
19 Subscriptions for 1869-70 (27th year), reported in arrear at last meeting.	
15 Collected .....	15 0 0
4 Outstanding	
42 Subscriptions for 1870-71 (28th year), reported in arrear at last meeting.	
23 Collected .....	23 0 0
19 Outstanding.	
12 Subscriptions for 1871-72 (29th year), reported at last meeting.	
136 Collected .....	136 0 0
46 Compounders reported in last statement	
2 New Compounders .....	20 0 0
48	
154 Arrears	
<u>350</u>	
9 Subscriptions for 1872-73 (30th year), paid in advance .....	9 0 0
1 Subscription for 1772-73 (30th year), reported at last meeting.	
1 Subscription for 1873-74 (31st year), reported at last meeting.	
1 Subscription for 1874-75 (32nd year), reported at last meeting.	
1 Subscription for 1875-76 (33rd year), paid in advance .....	1 0 0
1 Subscription for 1876-77 (34th year), paid in advance .....	1 0 0
Books sold to Members .....	11 13 4
Dividends on Consols .....	7 6 4
Interest from the Bank .....	6 18 6
	<u>£260 18 2</u>
Balance from last statement ...	313 8 8
	<u>£574 6 10</u>

	£ s. d.
1871.	
April 21 R. Sims,	
Attending at College of Arms and Record Office .....	1 1 0
June 27 County Fire Office, Insurance .....	5 5 0
Sept. 4 Copy of Dugdale's Visitation .....	30 0 0
Oct. 24 Do. Do. ....	30 0 0
Dec. 8 Do. Do. ....	30 0 0
Feb'y. 29 Balance in the Bank .....	<u>£ 96 6 0</u>
	<u>478 0 10</u>
	<u>£574 6 10</u>

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ARTHUR H. HEYWOOD, Treasurer.



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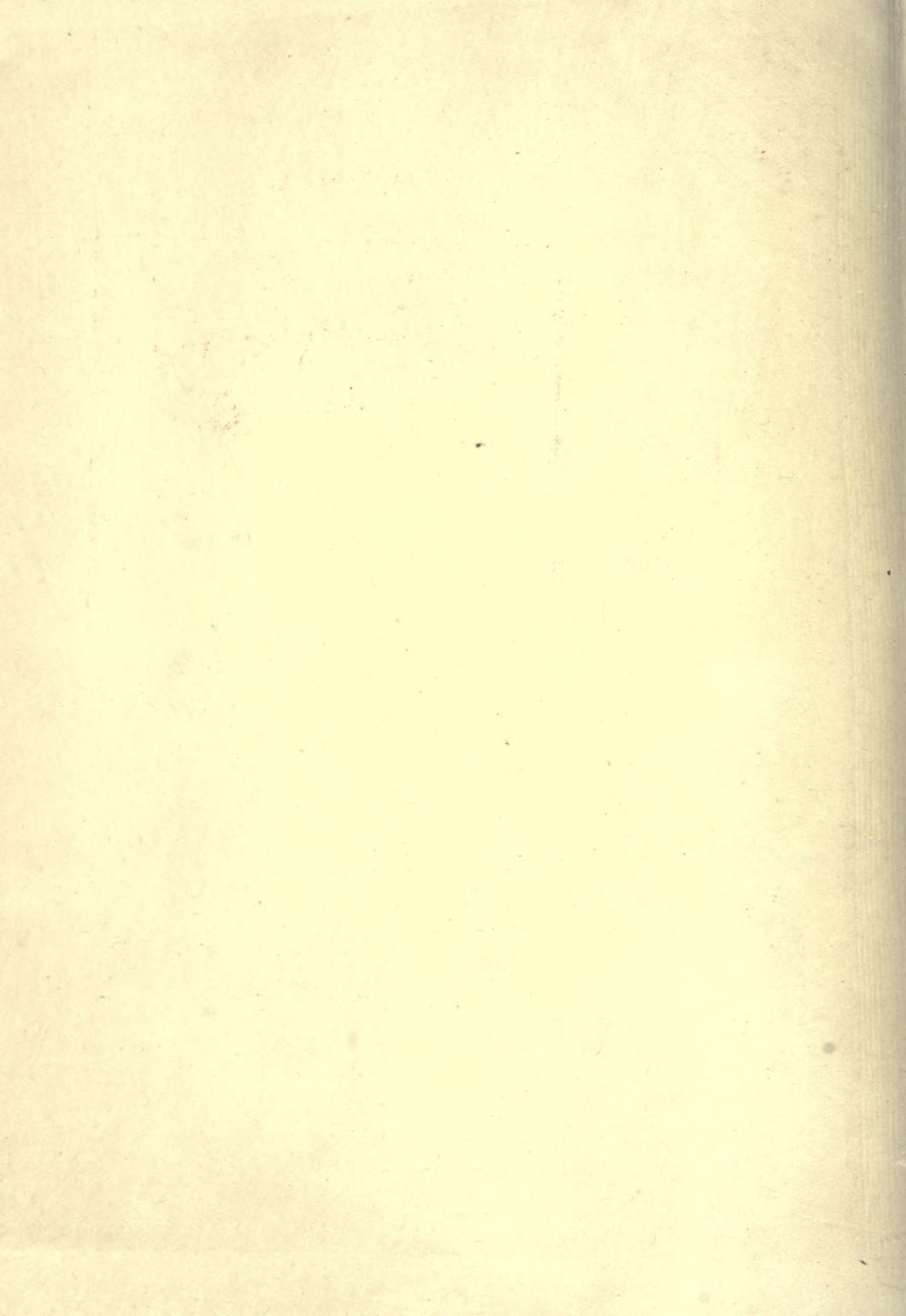
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