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Cover Illustration: Castleshaw Roman Fortlet as it may have appeared around AD 120
- drawn by Graham Sumner.

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RENEWED INTEREST IN THE CASTLESHAW ROMAN FORTS

Norman Redhead¹

Introduction

There have been no archaeological investigations at Castleshaw Roman Forts since the mid-1990s when the Saddleworth Historical Bulletin reported on the work of Greater Manchester Archaeological Unit (GMAU) in discovering the remains of extra-mural settlement beside the south gate of the Roman fortlet. But in the last two years interest has been rekindled. This article will describe recent initiatives and research and look at the future potential for further archaeological excavations at this fascinating Roman site, which is surely the jewel in the crown of Saddleworth's marvellous heritage.



Aerial View of the Castleshaw Roman Forts (GMAU Archive)

GMAU

However, we start first of all with some sad news. At the end of March, the University of Manchester closed the Greater Manchester Archaeological Unit. The Unit was based at the University for 32 years. It was responsible for the major excavation and restoration project at Castleshaw Roman Fortlet from 1984-9, and carried out research investigations on the Roman extra-mural settlement in Daycroft Field as well as Medieval iron smelting above Castleshaw Upper Reservoir in the early 1990s.

¹ Heritage Management Director (Archaeology), Greater Manchester Archaeological Advisory Service, University of Salford.

GMAU published a number of articles on the archaeology of the Castleshaw Valley as well as producing a monograph on the Roman Fortlet excavation.² In the mid-1990s, GMAU split into two. A separate field unit (the University of Manchester Archaeological Unit - UMAU) was created to undertake commissioned work including commercial archaeology, research and community projects. UMAU was closed down in summer 2009. Meanwhile, GMAU focused on maintaining the Historic Environment Record on behalf of the people of Greater Manchester and its ten planning authorities. It also provided archaeological advice, particularly on planning applications, but also on archaeology policy, managing and presenting archaeological and historical sites, and engaging communities and schools with their local heritage. GMAU's last act was to complete the four year long Greater Manchester Historic Landscape Characterisation Project, which mapped and described changes to the landscape of Greater Manchester over the last 200 years, and culminated in a popular publication 'Slices through Time'.³

In 2009 several former UMAU staff, under the Directorship of Dr Michael Nevell, set up a new but smaller field archaeology research unit team called the Centre for Applied Archaeology (CfAA) at the University of Salford. In April of this year, a new archaeology advisory service to AGMA was also established at the University of Salford - this being the Greater Manchester Archaeological Advisory Service, headed up by Norman Redhead, formerly Director of GMAU. Over the last three years funding difficulties have had a considerable impact on established archaeological organisations in Greater Manchester and elsewhere,⁴ but I am pleased to report that Salford University and AGMA are committed to supporting the archaeological advisory service for the next few years.⁵

Background to the Roman Forts

Turning to Castleshaw Roman Forts, it is useful to set out the chronology of the site before continuing with a description of recent initiatives. The first military presence was established by Agricola in AD 79 in the form of a turf and timber Fort, of 1.2 hectares, housing an auxiliary cohort of infantry guarding the main trans-Pennine highway which linked the legionary Fortresses of Chester and York. This Fort was abandoned in the mid - AD 90s but the site was re-occupied about ten years later by a small Fortlet, 1950 sq. m. in size, which in turn was abandoned in the mid - AD 120s when Hadrian's Wall was established. The Fortlet was built over the top of the earlier Fort but was only a third of its size. It was unusual in layout in that it was not like most Fortlets which tend to just house barrack blocks. Castleshaw had only one barrack of six rooms which would have held less than 50 men, yet there was an oversized granary which would have fitted well in a standard Fort. By AD 120 the

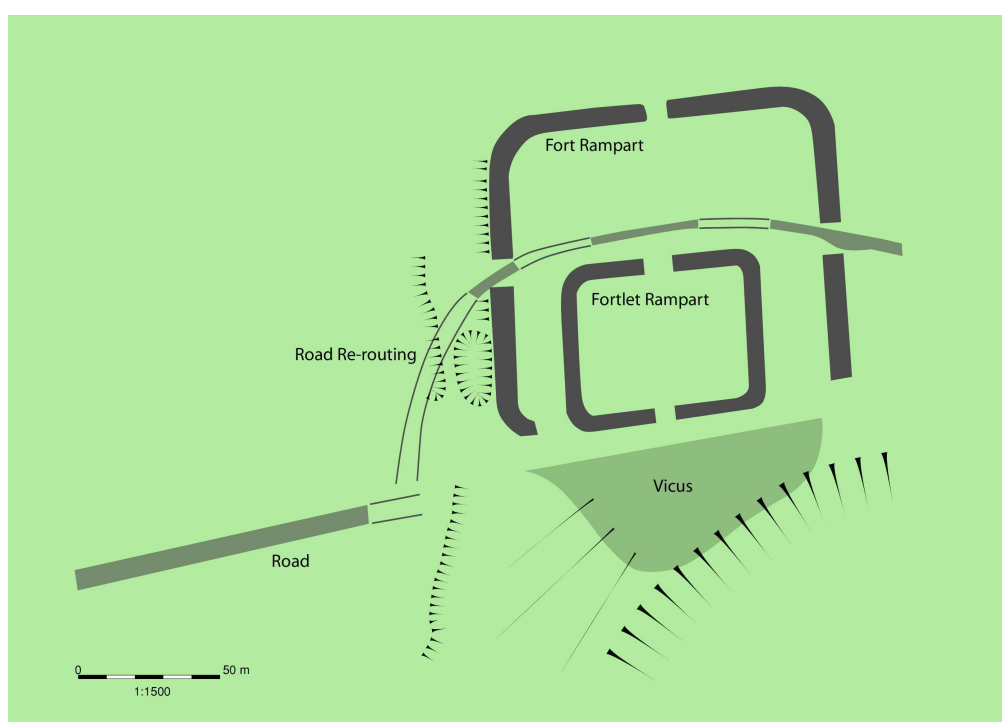
² Walker J., (Ed), *Castleshaw: The Archaeology of a Roman Fortlet*, Greater Manchester Archaeological Unit Monograph, 1989.

³ Mitchell L & Redhead N (Eds), *Slices Through Time: Greater Manchester's Historic Character Revealed*, Greater Manchester's Past Revealed Issue No. 5, Greater Manchester Archaeological Unit (2012), available as a pdf at http://www.agma.gov.uk/cms_media/files/gm_historic_landscape_project.pdf

⁴ Redhead N., *The State of Local Government Archaeology*, Current Archaeology, Issue 267. June 2012.

⁵ Details of GMAAS and CfAA can be found at: <http://www.salford.ac.uk/built-environment/research/applied-archaeology/greater-manchester-archaeological-advisory-service>.

granary had been increased in size by about a third and a civilian settlement (or *vicus*) was established outside the south gate. This appears to coincide with the main road being diverted round the north side of the Fortlet, angling through the former Fort's west and east gates. We believe the Fortlet had two possible functions. Firstly, it could have been the nerve centre of a standard cohort, with all the buildings you might expect in the central range of a Fort such as granary, headquarters, commander's house, and workshop, but with most of the troops outstationed in the surrounding hills. Secondly, it might have acted as a supply and control centre, run by an Imperial administrator (*beneficiarius*), and used as a stopping off point for messengers and officers crossing the Pennines as well as being a store for food taxes taken from local people. GMAU's excavation found four phases of timber buildings, two for the Fort underlying two for the Fortlet. The timber buildings would have had a relatively short life span.



Plan of the Castleshaw Roman Forts (GMAU Archive)

Archaeologists undertook excavations at the site on several occasions through the 20th century. Wrigley and Buckley (1897-8)⁶, Bruton (1907-8)⁷, Rosser (1957-61)⁸, and Thompson (1963-4)⁹ have left their mark on the site. In particular the early 20th century explorations had resulted in unsightly spoil heaps that masked the original remains of the Fortlet. The 1984-9 project focused on the Fortlet because the remains were so unintelligible to visitors; it was also a manageable size for the project to take

⁶ Wrigley A., *The first excavations of the Roman Camp at Castleshaw*, Songs of a Moorland Parish with Prose sketches, 1912, pp. 298-314.

⁷ Bruton F.A., *Excavation of the Roman Forts at Castleshaw, Second Interim Report*, 1911.

⁸ Petch J.A., *Castleshaw 1957-61*, Lancs. & Chesh. Antiq. Soc., Vol. 71, 1961, pp. 163-5.

⁹ Thompson, F H, *The Roman Fort at Castleshaw, Yorkshire: Excavations 1957-64*, Trans. Lancs. & Chesh. Antiq. Soc., Vol. 77, 1974, pp. 1-13.

on. GMAU's work was supported by a team from Oldham MBC, who ran the landscaping project. A Working Party, Chaired by Prof Barri Jones, steered the project through to successful completion. Dave Start directed the project on behalf of GMAU and was supported by archaeological supervisors, with the work being undertaken by Community Programme trainees and volunteers.

1989 saw the completion of the Castleshaw Roman Fortlet excavation and landscaping project. Large, open area excavations and targeted trenching through the defences allowed an interpretation of the layout of the fortlet. This informed the restoration of the site so that, in 1989, a visitor could observe a 1.5 metre high earthen rampart representing how the defences may have looked when first discovered by Percival in 1752,¹⁰ before ploughing reduced the ramparts. The archaeology inside the Fortlet was covered with 30 cm. of top soil to protect it and then the principal building lines were laid out as turf mounds. They included a granary, headquarters, commander's house, workshop, barrack block and oven. Four interpretation boards were set up; two on a stone plinth at the south-west corner of the Fort and two on a stone plinth on the site of the Fortlet north gate. Finally, there was a major exhibition at the end of the project at Saddleworth Museum, attended by over 11,000 people.



One of the worn out Interpretation Boards (GMAU Archive)

¹⁰ Percival, T, *Observations on the Roman colonies and stations in Cheshire and Lancashire*, Philosophical Transactions of the Royal Society, Vol. 47, (1751-2), pp. 216-30.

Recent Initiatives

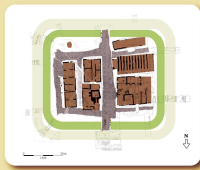
By 2010 the boards were starting to wear out; they had not suffered vandalism but exposure to extreme weather had taken its toll so that the text was becoming unreadable.

Concern at the condition of the boards, and that of the Fort and Fortlet site generally, led to the Castleshaw Working Party being re-formed in 2010 to tackle the gradual deterioration of the monument. Members include representatives of Oldham Council, Saddleworth Historical Society, Saddleworth Archaeological Trust, English Heritage, the landowner (United Utilities), the Castleshaw Education Centre, Saddleworth Museum, and the County Archaeologist. The first task was to replace the four information boards and funding for this was made available from United Utilities and the Pennine Prospects Watershed Landscape Project. The opportunity was taken to rewrite the boards, bringing them up to date with archaeological field work carried out

The Fortlet

Downsizing the Roman presence

You are standing in the north entrance of the "fortlet", built around AD 105 inside the ruins of the earlier, larger fort. It was used for about 20 years and then abandoned. Before they left, the soldiers demolished the ramparts and dismantled the buildings. During its short life its original timber structures were rebuilt, and in some cases enlarged, and the extra-mural settlement was added. In around AD 125 Hadrian's Wall was under construction. It's possible that the Castleshaw garrison was sent north again, to help build a new imperial frontier.



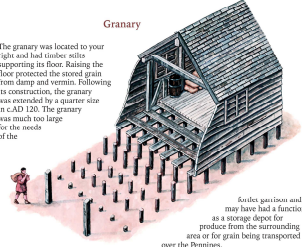
Site plan

What use was a fortlet?

The fortlet held no more than 60 men. Much of the available space was taken up by administrative and storage buildings, including a big granary. It may have been a commissary fort, a centre for organising and controlling supplies. This would also help explain the growth of the civilian settlement. Another interpretation is that it served as the nerve centre of a standard fort, with most of the troops outstationed to guard roads across the Pennine valleys.

Granary

The granary was located to your right and had timber pillars supporting its floor. Raising the floor protected the stored grain from damp and vermin. Following its construction, the granary was extended by a quarter size in c AD 120. The granary was much too large for the needs of the fortlet.

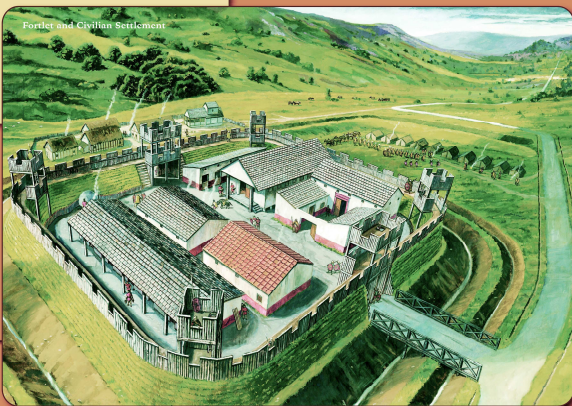


Granary

What did the fortlet look like?

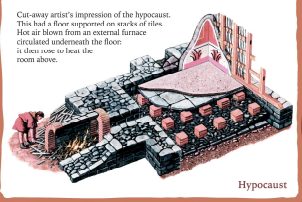
The fortlet was defended by a turf rampart on stone foundations, and two surrounding ditches. The rampart was four times higher than it is today. There were wooden towers at the corners, and gateways to north and south. The gap in front of you was the southern gate. On your left was the Commander's house, with under-floor heating in one room, and a workshop. Behind these was the barracks block, with an oven nearby. The large courtyard building on your right was the headquarters, or a hostel for messengers and officials. Beyond was the granary and further on a narrow building with a well.

Fortlet and Civilian Settlement




Fortlet and Civilian Settlement

Cur-away artist's impression of the hypocaust. This had a floor supported on stacks of tiles. Hot air blown from an external furnace circulated underneath the floor - it does not go into the room above.




Hypocaust

A hypocaust, discovered in 1907 and re-excavated by the Greater Manchester Archaeological Unit in the 1980s. Excavation showed that the hypocaust was remodelled in c AD 120 when the original flue (right-hand side of this picture) was blocked up and a new flue built. During remodelling a new floor and floor supports (tiles) were also constructed. This was probably part of the commander's house.



Stone oven

A stone oven found in the south-eastern corner of the fort. It was used to bake bread and cook other food. This photograph was taken during Francis Boscawen's 1807 excavation of the fortlet.



Stone oven

One of the New Interpretation Boards (Castleshaw Working Party)

in 1994-6 when a Roman settlement was discovered outside the south gate of the fort. Additionally, the artist Graham Sumner was commissioned to produce new paintings of how the Fort and Fortlet may have looked. The boards have been redesigned and the plinths they sit on have been altered to make them easier to read. Please do visit

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the site to see the new boards which were formally opened by the Mayor of Oldham in May 2012.

The next task for the Working Party was to facilitate the production of a Conservation Management Plan (CMP) for the site.¹¹ This was generously funded by English Heritage, with support from Oldham Council, Saddleworth Parish Council and the Watershed Landscape Project. The CMP, which was undertaken by Northern Archaeological Associates, looked at the history of archaeological investigations, the nature of the archives and where they are held, how the archaeology has informed our understanding of the Roman occupation, and what research questions could be addressed in the future. It has also described how the site is used and by whom, how people feel about it, and how the forts might be better presented and managed in the future. Interestingly, many people enjoy the special tranquillity of the place and wish for this to be maintained.

One of the key findings was that there should be a project on the earlier Agricola Fort site similar to the one undertaken on the Fortlet by GMAU in the 1980s. The Fortlet is well presented, with a rampart about 1.5 m. high and internal building arrangements marked by grass mounds. However, the larger fort is covered with depressions, spoil mounds and long grasses and rushes, so that it is difficult to interpret and provides considerable trip hazards. A programme of new investigation and presentation of the fort remains is called for.

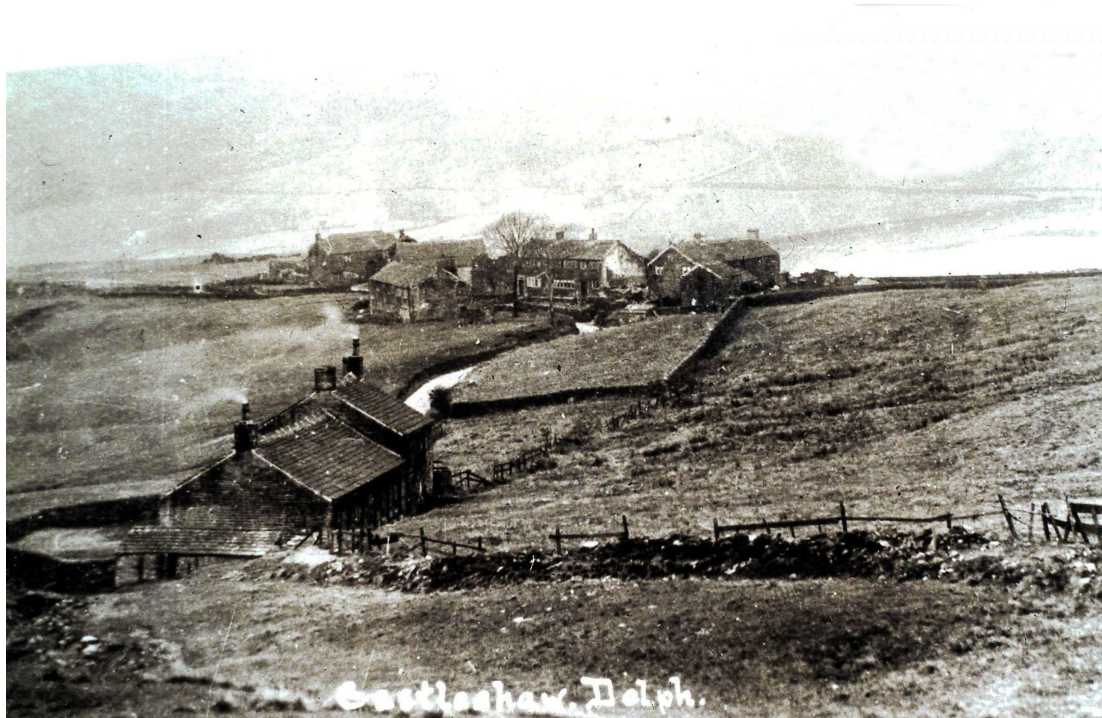
Armed with a range of action plans and recommendations set out in the Conservation Management Plan, it is now possible to set about re-engaging with this wonderful archaeological site. There are a whole host of research questions to stimulate this. Some of the key themes are:

- How little we understand the layout of the original Roman Fort, built for Agricola's campaign against the Brigantes in AD79.
- The 1980s dig showed tantalising evidence of an earlier Fort predating the Agricola one – can we find out more about this?
- The settlement outside the south gate dated to the Fortlet phase at around AD120 – did it extend to the north and east of the Fortlet and is there any evidence for settlement in the fort phase?
- There should be a bath house, parade ground and cemetery for the fort, but where are they?
- We do not fully understand the road layout or defences for the Fort, nor indeed the layout and function of internal buildings.
- Both Bruton and Thompson noted that they could not find a ditch on the eastern side of the Fort, even though this is the flattest and most vulnerable side of the defences. Did they just miss the archaeological evidence or is there another reason such as the presence of a military annex?

As well as the Roman period, further investigations could also be targeted to shed more light on the medieval and post-medieval development of Lower Castleshaw hamlet, which lies adjacent to the Forts site. Today there are only a handful of buildings but in the 19th century there were many more. There were weavers cottages, farmsteads, outbuildings, and a school. Historic mapping shows the extent of the settlement and we are lucky enough to have some late 19th century photographs

¹¹ The CMP can be found on the website www.castleshawarchaeology.co.uk.

(Peter Fox Collection) which show buildings long since disappeared. Some of these date back as far as the 17th century. It will be interesting to investigate the buried remains to examine the form, function and date of some of these buildings, which themselves may overly Roman remains given their close proximity to the Roman Forts.



View of Lower Castleshaw hamlet c. 1890 (Peter Fox Collection)

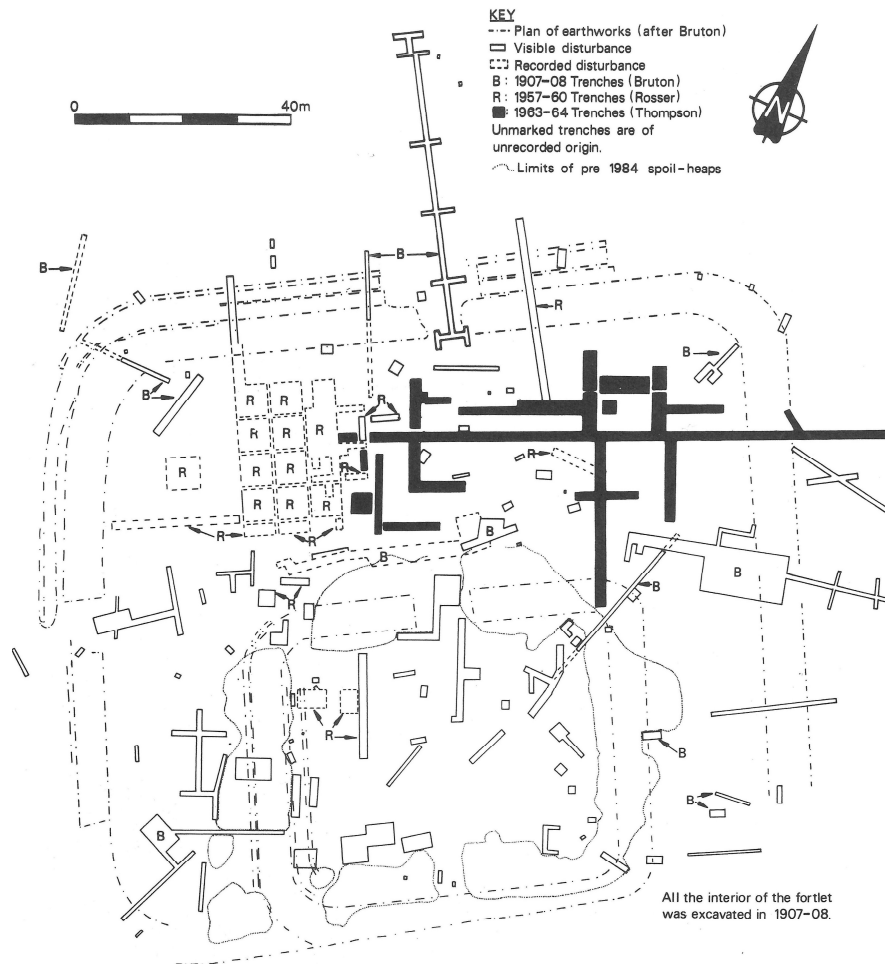
During the GMAU excavations of the Fortlet it became obvious that there had been considerable Prehistory activity at the site. Over 40 worked flints were found scattered in the (later) Roman deposits; some of these belonged to Mesolithic tools or weapons dating between 10,000 and 6,000 years ago, but there were also Early Bronze Age arrow heads from around 3,500 years before present. In the early 1960s, within the fort, Thompson excavated a pit full of Beaker pottery sherds.¹² These are now in Manchester Museum. They indicate a domestic site of early Bronze Age date. Almost certainly the pit did not exist in isolation; the Romans may have removed most traces of a potential prehistoric settlement here but it will be worth investigating around the pit area to see if we can glean any more evidence for the character of Prehistoric activity here.

Excavation Strategy

An essential first stage in taking forward further investigation in and around the Fort is to determine an excavation strategy. There are so many research questions and such a large area to look at that it is important to prioritise and focus on the best places to do archaeology. This will be led by research questions and the desire to better understand the archaeological remains, but also by the need to identify

¹² Thompson, F H, *The Roman Fort at Castleshaw, Yorkshire: Excavation, 1957-64*, Trans. Lancs. & Chesh. Antiq. Soc., Vol. 77, 1974, p. 3.

appropriate areas where the local community can take part in excavation. Furthermore, much of the site is protected through being a Scheduled Monument and careful justification will need to be given to the Secretary of State and English Heritage for excavation.



Old Excavation Trench Plan (GMAU Archive)

In drawing up a strategy the site falls naturally into two parts: that within the Scheduled area which includes the Fort and its immediate environs, and that outside, principally to the north and east of the Fort site.

Within the Scheduled area it has been possible to identify key features to explore by re-excavating old archaeology trenches. This technique involves emptying out old backfill, cleaning the base and straightening the sides so the sections can be recorded properly. It is an effective way of providing lots of archaeological information, causing minimal damage to the Monument whilst allowing re-interpretation of previous excavations. When GMAU started their project in 1984, one of the first things they did was to map all the visible trenches from previous excavators. As you can see from the illustration these were numerous. Thompson's trenches were well recorded but unfortunately others were not so, including Rosser's extensive excavations for which we have very few records. Even Thompson's recording probably assumed a single phase of Fort. It is possible that by re-recording some of

his trenches we can find new evidence for multi-phasing, including for extra-mural Fortlet activity on the site of the early Fort.

It is proposed to re-excavate the following trenches:

- two Thompson trenches at right angles to each other that bisect the north-east quarter of the Fort and include the eastern defences,
- Thompson's trench in the area of the Bronze Age beaker pit, to look for further Roman remains but also potential underlying prehistoric features,
- an area covering part of the site of Rosser's box style trenches, in the hope that the baulks left between his trenches have survived and will contain features and deposits,
- the sites of the north and east gates which have been extensively excavated in the past but for which we have only sketchy plans (from Bruton's work),
- the line of the Roman road exiting the north gate so that we can understand its composition and direction,
- the loop road exiting the Fort's east gate as shown on Bruton's plan,
- a former excavation trench of unknown origin still visible and cut at right angles across the east rampart and assumed ditch or ditches.

One new trench is suggested within the Scheduled area, this being across the site of a former house and barn lying on the west side of Dirty Lane. This once formed part of Lower Castleshaw hamlet. It is hoped that excavation will reveal foundations and floors relating to the buildings but it may also uncover underlying Roman deposits.

Outside the Fort area, there are several specific and more general areas of archaeological potential. Most of these relate to the line of the Roman road and its borders as it drops down from Millstone Edge to the Roman Forts. Not only do we wish to examine the character and level of survival of the main Roman road but we wish also to look at the strips of land bordering it for evidence of burials, shrines, mausolea, and other structures of Roman origin. The other roads are of interest as well, particularly the loop road and the line of the north gate road. Favourable sites will also be examined for evidence of the bath house. But the intention is to investigate the origins of Lower Castleshaw as well. There are several former farmsteads, outbuildings, cottages and field boundaries that will repay investigation to help us establish a better understanding of the late medieval and early post-medieval evolution and character of the settlement.

The Future

But how do we take the project forward? Obviously one of the key issues will be funding of activities. There is tremendous potential for the project to attract Heritage Lottery Funding, which would enable the local community to participate in excavating, understanding and presenting the site. Several thousand school children already visit the site each year, via the Castleshaw Centre, but it would be fantastic if they could undertake some hands-on archaeology. They are the future protectors of our heritage so it is so important to encourage them to get involved with and appreciate their local heritage at an early age. Archaeology fits so many areas of the school curriculum and above all is a fun way to learn! Funding support will be needed for a small team of archaeologists to train local volunteers in excavation techniques, recording, finds processing and reporting, as well as to oversee education activities. There would be opportunities for scores of volunteers to get involved but there is also a duty to properly record, conserve and report on the archaeology.

Archives from previous excavations are an issue in that they are scattered across several museums (Manchester, Oldham, Saddleworth, and Tolsen). An archives project could look at digitising the archive to provide on-line access to the material. Exhibitions of the finds and history of investigation could be created to tour local museums.

The Friends of Castleshaw Roman Forts

The key is for the people of Saddleworth to get involved; not only to help manage the site and raise funds but also take part in the investigations. A new group called the Friends of Castleshaw Roman Forts has been established to take this on. The objectives of the Friends are:

1. to promote the advancement of education by developing public interest in all aspects of the archaeological and environmental heritage of the Castleshaw Roman Forts,
2. to support the implementation of the Conservation Management Plan for the site,
3. to help to address short term issues relating to preservation and enjoyment of the Castleshaw Roman Forts Scheduled Monument,
4. to support approaches to researching and presenting the archaeology/history of the Castleshaw Valley.

A committee has been formed over the last few months and is busily setting up a Membership Form, organising a guest speaker programme for next year, and looking at ways to engage the local community in the project as well as raising funds for archaeological investigation and management of the site. It is pleasing to note that a website has been established and is already full of information¹³. Several archaeology reports and publications relevant to Castleshaw's archaeology are now available to download or view, as are minutes of the meetings and a programme of events. The committee would welcome anybody who would like to help out in this exciting new project or support the aims of the Friends by becoming a member. A group of Friends volunteers, led by the author, have already started to investigate potential archaeology areas outside the Scheduled Monument. Reports on their work can be seen on the Friends website and will appear in future issues of the Bulletin.

¹³ www.castleshawarchaeology.co.uk

EARLY SADDLEWORTH RECORDS - 6

The Subinfeudation of Shawmere

Victor Khadem and Mike Buckley

There are only four extant, contemporary thirteenth century charters relating to Saddleworth, three of which are printed below. There are a number of other grants and agreements, but these are to be found in later chartularies and their accuracy and completeness is far from beyond doubt.¹ Furthermore, the majority of these other deeds relate to ecclesiastical and monastic lands, rights and privileges, whereas these three deeds are secular subinfeudations.² They represent grants from the lord of the manor, Robert de Stapleton, to two members of the de Staveley family. The first two are to one Robert, described in the first charter as ‘son of Simon’ and in the second as ‘le Brun’. The third is to Richard son of Robert de Staveley. Later documentation shows that the Staveleys held what would later become known as Shawmere, and the three grants reveal how they acquired a significant portion of this estate.³

The deeds offer unique insights into seigniorial rights in Saddleworth and how they were exercised, the development of the landscape, particularly in relation to enclosure, and agricultural practise during the thirteenth century. These are subjects which require a significant amount of further study, and, when used in conjunction with other documentary evidence for both Saddleworth and neighbouring districts, the three deeds will help to elucidate these themes more fully. The purpose of this article, however, is more limited. After discussing the provenance of the deeds, it will aim to summarise their content, distinguishing as clearly as possible the land granted, though there is a degree of ambiguity in this respect owing to the number of lost place-names used in the documents. For clarity, maps have been included to summarise the conclusions drawn in this respect. Like most deeds of the thirteenth century, the charters are undated, and therefore an attempt will be made to ascribe an approximate date to them. Finally, footnotes to the translations will outline the significance of the place-names used in the deeds, and give some biographical details of the named witnesses.

The Provenance of the Charters

The charters are in an uncatalogued bundle of 10 deeds in the Wentworth-Woolley Hall Papers in the Special Collections at Leeds University Library; the Papers were deposited in 1946 by Commander Ewart Brotherton.⁴ The vast majority of the

¹ These relate to the lands of Whalley Abbey, Roche Abbey and Nostell Priory. For transcriptions and translations see M. Buckley, ‘Early Saddleworth Records 1’, *Saddleworth Historical Society Bulletin*, (*SHSB*), Vol. 39, No. 2, pp. 51-56; M. Buckley, ‘Early Saddleworth Records 3’, *SHSB*, Vol. 39, No. 4, pp. 93-98, and M. Buckley, ‘Early Saddleworth Records 2’, *SHSB*, Vol. 39, No. 3, pp. 72-75.

² By subinfeudating land, a new tenure was created. The grantee was able to sell the property, and his heirs were able to inherit it. However, recognition of the feudal overlordship of the original grantor was owed by the grantee and his heirs and assigns through an annual rent (chief rent) and a variety of services and obligations.

³ M. Buckley, ‘“Seeing Through a Glass Darkly” – An Outline of the Early History of Saddleworth’, *SHSB*, Vol. 39, No. 4, pp. 35-40.

⁴ University of Leeds Special Collections MS [Deposit] 1946/1 Box 4; for full details of the Wentworth-Woolley Papers, see University of Leeds Special Collections Handlist 9.

Wentworth-Woolley collection is comprised of the personal and estate papers of the Wentworth family, the bulk of whose estate was in the vicinity of their seat, Woolley Hall, south of Wakefield. However, a substantial (though incomplete) set of manorial documents relating to Saddleworth is also to be found in the collection as a result of the Wentworths' descent from the Farrars, the last manorial lords of Saddleworth.

The three charters are the only early documents in the Wentworth-Woolley Papers relating to Shawmere, however they must have been part of a much fuller title which subsequently became dispersed or lost. An idea of the original extent of this title can be gleaned from an agreement of 1408, in which Sir Hugh Standish agreed to lend Sir William de Harrington 'sixteen writings of feoffment and release concerning lands and tenements of the Shaw in the county of York' as evidence for a forthcoming court case.⁵ The three charters printed below were most probably included in these sixteen 'writings', and it may be at this point that the first endorsements on them were made.

Although Shawmere was not part of the manor of Saddleworth during the medieval period, it was reintegrated in 1606 and 1611 when William Ramsden, the then manorial lord, purchased it from the Radcliffes of Ordsall.⁶ By virtue of this, Ramsden would have received the title deeds then in the possession of the Radcliffes. This is shown to be the case by a note made by the seventeenth century antiquarian Roger Dodsworth, who, on 23rd February 1629, saw amongst the 'writeings of John Ramsden Kt. of Langley' a grant of messuages and lands in 'Whicke, and in Sadleworth Fryth' to Alexander de Radcliffe and Agnes his wife dated 1430/1.⁷ The whereabouts of this deed is, at present, unknown.

Only one other Shawmere charter is known to exist – an entail of 1293, now in the Whitley-Beaumont Collection at the West Yorkshire Archive Service, Kirklees.⁸ By this deed, 'messuages, lands and tenements in Sadilworthe frith in the Vill of Quicke' were settled on Robert de Staveley and his children.⁹ Like the three grants from Stapleton, the entail is endorsed with the signature of Humphrey Davenport, a lawyer engaged by Sir John Ramsden during the 1620s, implying that at this time it was in the possession of Ramsden, and still together with the three grants made by Stapleton. How, why and when the entail came into the possession of the Beaumonts is unknown. Although they were kinsmen of the Ramsdens they are not recorded as having any landed interests in Saddleworth.

Aside from the grant seen by Dodsworth there are deeds which must have existed that are now untraced. There are only fines extant for the purchase of Shawmere in 1606 and 1611, though there would have also been deeds conveying the estate. Furthermore, the three charters do not deal with all the land associated with Shawmere in later centuries – notably, the area to the west of the Tame, which included what would become the Halls, Gibbs, Frenches Mill and Shawhall estates, is entirely unrepresented, though evidence from the first grant suggests the Staveleys

⁵ Lancashire Archives, DP 502/1/9/2.

⁶ W. Brigg (Ed.), 'Yorkshire Fines for the Stuart period, Vol. I, 1-11 James I, 1603-1614', *The Yorkshire Archaeological Society Record Series*, Vol. 53, pp. 8 & 163.

⁷ *The Yorkshire Archaeological and Topographical Journal*, Vol. 8, p. 12.

⁸ West Yorkshire Archive Service, Kirklees, DD/WBD/X/63.

⁹ This Robert was the son of Richard de Staveley, the grantee of the third charter, and grandson of Robert, the grantee of the first and second charters.

may already have had land there (see p. below).¹⁰ The absence of at least one further early grant is evidenced by the fact that the accumulated chief rents of the three extant grants only amounts to 10s 2d - by 1590, the estate was liable to pay 17s 8d.¹¹

The Three Charters

The first charter is a grant of 'two parts of land' and rights from Robert de Stapleton to Robert son of Simon de Staveley. The boundary of the first 'part' of land granted is clear, comprising of the most southerly section of Shawmere. It was bounded on the north side by the Tame, on the east by Wharlow Clough, on the south by Wharlow, and on the west by Shadworth Lane (see Figure 1). Staveley was also granted the rights to the wood within this holding, meaning he was able to freely manage and profit from the valuable resources of timber there. Over the second area, Staveley was only granted common pasture, the boundaries of which are described as being to the west of Wharlow Clough and south of Combesbrook (the medieval name for what is now known as Chew Brook). The pasture followed Combesbrook to the head of the 'Sutstrinde' ('south stream'), which appears to have been the description for the tributary south of Greenfield Brook, and what is shown on nineteenth century maps as being a continuation of Chew Brook. Two further rights were granted by this charter. In Stapleton's own woods, Staveley was granted pannage for his pigs. Thus, during autumn his pigs were allowed to graze on the 'mast', that is, the acorns, beech-nuts and other nuts lying on the ground. In return, he was obliged to give Stapleton every tenth pig at pannage. The second right gave Staveley's beasts access to the common pasture 'by the Tame upwards towards the north'. By limiting the point of entry and exit to the section of the Tame flowing between its confluence with Combesbrook and Shadworth Lane, this area of common pasture must have been located exclusively to the west of the Tame. Rather than being granted the right to the common pasture, Staveley was simply allowed entry and exit, implying that he already had common rights over this pasture. If this were the case, it is likely that he had also been subinfeudated land there (for which no charters survive). Indeed, it is logical that the earliest grant made to the Staveleys would have included the Shaw Hall estate. Certainly by the end of the fourteenth century, this was at the centre of the Shawmere estate, being where the 'manor house of Shaw' (the residence of the Staveley's descendants).¹² As with all known grants by Saddleworth's manorial lords during the thirteenth century, Stapleton retained his hunting rights without reservation.

Both the palaeography and the names of the witnesses suggest that the first charter dates from early in the first half of the thirteenth century. A charter relating to land in Newton, Cheshire, is of considerable help in dating it owing to the fact that Robert Ruffus de Staveley, Robert son of Adam and Nicholas de Treton all witnessed both charters and that the grantor of the Newton charter, Thomas de Burgh, witnessed this

¹⁰ Estates numbered 145, 125, 132, 73 and 76 on the manorial map of 1770. M. Buckley, *et al.* (Eds.), *Mapping Saddleworth, Volume II*, (Uppermill, 2010), pp. 62 & 64-5.

¹¹ Charters relating to Fernlee and common pasture rights associated with Grasscroft confirm the fixed nature of chief rents owed for freehold tenements in Saddleworth. V. Khadem, 'Early Saddleworth Records 4 – Miscellaneous Charters in the Raines MSS', *SHSB*, Vol. 40, No. 3, pp. 75-76 & 78. For the amount in 1590 see P. Hurst, *Sadleworth Garsomes, Geld Rents and Gould*, (Uppermill, 2011), p. 2.

¹² Nottinghamshire Archives, DD/FJ/16/620.

first Staveley charter. Furthermore, Robert de Staveley, the grantee, was also a witness to the Newton charter. Barraclough has dated it to between 1211 and c.1225, and suggests that a date nearer to 1211 is more likely.¹³ A date of the earliest part of the thirteenth century is also suggested by the presence of Matthew de Glothuit who witnessed a charter pre-dating 1211 in which William de Stapleton confirmed the tithes of Saddleworth to Rochdale.¹⁴ That it was Robert, and not his father William de Stapleton who made the grant is also significant. Farrer states that William died in c.1220, and so it seems likely that Robert made this grant shortly after inheriting the manor of Saddleworth.¹⁵

It is clear that Stapleton's next grant was made subsequent to that discussed above, because amongst the witnesses, Robert Ruffus de Staveley is replaced by his son, Richard. However, the overlap in named witnesses between this second charter and the Godley charter indicates it must have been made at approximately the same time. Thomas de Hollingworth, Hugh de Treton and Nicholas de Treton all appear on the Godley grant. If, in this second charter, the surname 'Stretun' is a mistake by the scribe, and meant to read 'Treton', then all three witnessed both grants. As with the first charter, the grantee, Robert de Staveley, was also a witness to the Godley grant.¹⁶ Further evidence of a date of the 1220s is found in the chartulary of the Priory of St. John of Pontefract, whose editor, Holmes, ascribed approximate dates to many of the deeds therein contained. Hugh de Treton witnessed charters dated c.1225 and c.1226, whilst the writer of this second charter, Norasio, clerk of Bramley, witnessed a grant along with Robert de Stapleton and his father William, pre-dating 1218 and another deed of c.1220.¹⁷ Continuity from the first Stapleton grant can be observed in the names of grantee, grantor and the witness, Nicholas de Treton.

By the second grant Staveley acquired both the land and rights to the woods in the moiety (half) of 'Brithfotemedehirst' (Bridfordmeadowhurst). The boundary of Bridfordmeadowhurst went from Knotthill Lane as far as the Tame at Delph, and then followed the river south to Thurston Brook, along which it ascended up to the moor. The western boundary is not detailed, however, because the moor appears to have been the boundary of the land granted, it probably followed what in the seventeenth century was described as the 'Ring Ditch'. In addition, Staveley was granted common of pasture for as many beasts 'as pertain to that land'. His pasture rights covered an area similar to that of grants of the mid-thirteenth century, though was slightly more restricted in that the eastern boundary went from Stabley Clough to Golbourne Clough rather than following the higher contour which was limited by Broadstone and Whitebrook in Hawkyard (See Figure 4). The charter is the only one of the thirteenth century which explicitly states that the grantee was to allow Stapleton, his heirs and his men, to enjoy common of pasture over the land he had been granted. Stapleton was, however, exempted from exercising this right over arable land when corn was growing there.

¹³ For a facsimile, transcription and discussion of this charter see G. Barraclough, *Facsimiles of Early Cheshire Charters*, The Record Society of Lancashire and Cheshire (1957), pp. 42-44.

¹⁴ M. Buckley, 'Early Saddleworth Records 1', *SHSB*, Vol. 39, No. 2, p. 51.

¹⁵ W. Farrer (Ed.), *Early Yorkshire Charters*, Vol. 3, (Edinburgh,)1916), p. 293n.

¹⁶ Barraclough, *op. cit.*, p. 42.

¹⁷ R. Holmes (Ed.), *The Chartulary of St. John of Pontefract*, Vol. I, The Yorkshire Archaeological Society Record Series, Vol. 25, 1898 (printed 1899), pp. 281-284.

The third grant was made to Robert's son, Richard and was comprised of four separate parcels of land, to which were associated both rights and obligations. The boundaries of the first two areas of land, the 'Brithforthemedwehirst',¹⁸ (Bridfordmeadowhurst), and the 'Brithforthemedewes',¹⁹ (Bridfordmeadows), are only defined by their former tenure, being the land which 'Andrew de Syolver once held of me [Robert de Stapleton]'. Sholver's land in the Bridfordmeadowhurst must have consisted of at least part, if not all, of the half of the Bridfordmeadowhurst which had not been granted to Robert de Staveley by the second charter. As such it almost certainly included the land to the east of the Tame, covering what later became the Gatehead estate. On this side of the river, it may also have included the land south of the medieval freehold at Dobcross, which was later the Walk Mill estate.²⁰ The Shawmere land east of the Tame alone does not contain enough land to make up a moiety of the land granted by the second charter, and therefore it probably also contained the western portion of Tamewater, as the land ascends the hillside. The Bridfordmeadows, as opposed to the 'hurst' (i.e. the wooded, hillsides), must have been on lower lying ground, and they were presumably in the vicinity of the ford implied by the place-name. The two major fords crossing the Tame in this area were located at the site of the present bridges at Delph and Tamewater.²¹ The fact that one Nicholaus de Bradfordmeduis was assessed for goods in the Lay Subsidy of 1297 shows that an early settlement existed there.²² Because there is no evidence of a settlement site on the Shawmere portion of Delph until the eighteenth century, the strong implication is that Bradfordmeadows lay at what is now known as Tamewater. Thus, the meadows would have been surrounded by the hurst, and would have been comprised of the fertile fields around the River Tame, north of Tamewater (see Figure 3).

Although the other two parcels of land granted to Staveley - the 'new land' ('de incremento') and the Threefoldsayes - are defined, it is difficult to be categorically certain of their location as a result of the number of lost place-names used to describe their boundaries. However, using what is known about the extent of Shawmere in subsequent centuries, as well as place-name evidence, a satisfactory idea of where the land lay can be attained.²³

It is clear that the two parcels were contiguous for they shared a common boundary feature, 'William's Spring' ('Fontis Willelmi'). The description of the Threefoldsayes clearly indicates it was some sort of enclosure, whilst the place-name elements would suggest it included three streams or tributaries.²⁴ Assuming that it lay

¹⁸ Also spelt 'Brithforthemeduehirst'.

¹⁹ Also spelt 'Brithforthemedue'.

²⁰ Estate numbered 138 on the manorial map of 1770, M. Buckley et al., *Mapping Saddleworth, Volume II*, op. cit., p. 45.

²¹ See footnote 56 below.

²² V. Khadem, 'Early Saddleworth Records 5 - The Lay Subsidy of 1297', *SHSB*, Vol. 40, No. 4, pp. 114-115.

²³ The western boundary of Shawmere abutting Quick Moor is shown on the 1625 map of Quick Moor. M. Buckley et al., *Mapping Saddleworth, Volume II*, op. cit., pp. 12-15. The first map to fully delineate the boundary is the Vestry Map of 1822, M. Buckley et al., *Mapping Saddleworth, Volume II*, op. cit., pp. 62 & 64-5.

²⁴ See footnote 71 below.

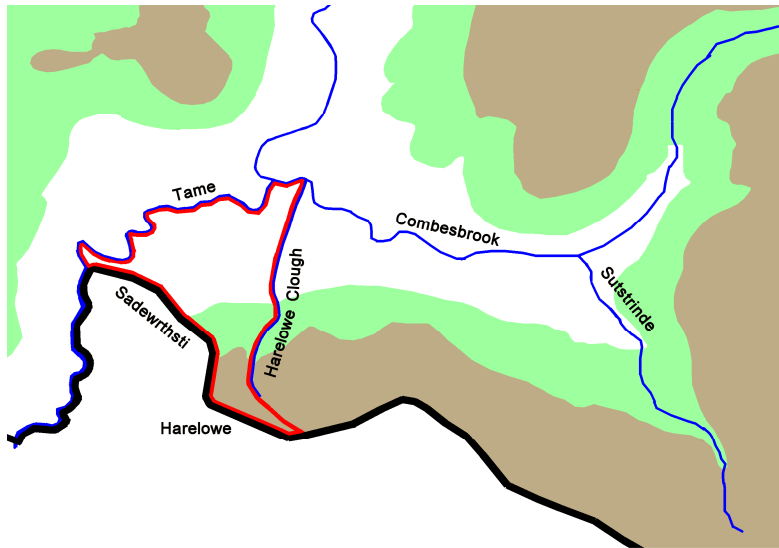


Figure 1 Land granted to in the First Charter

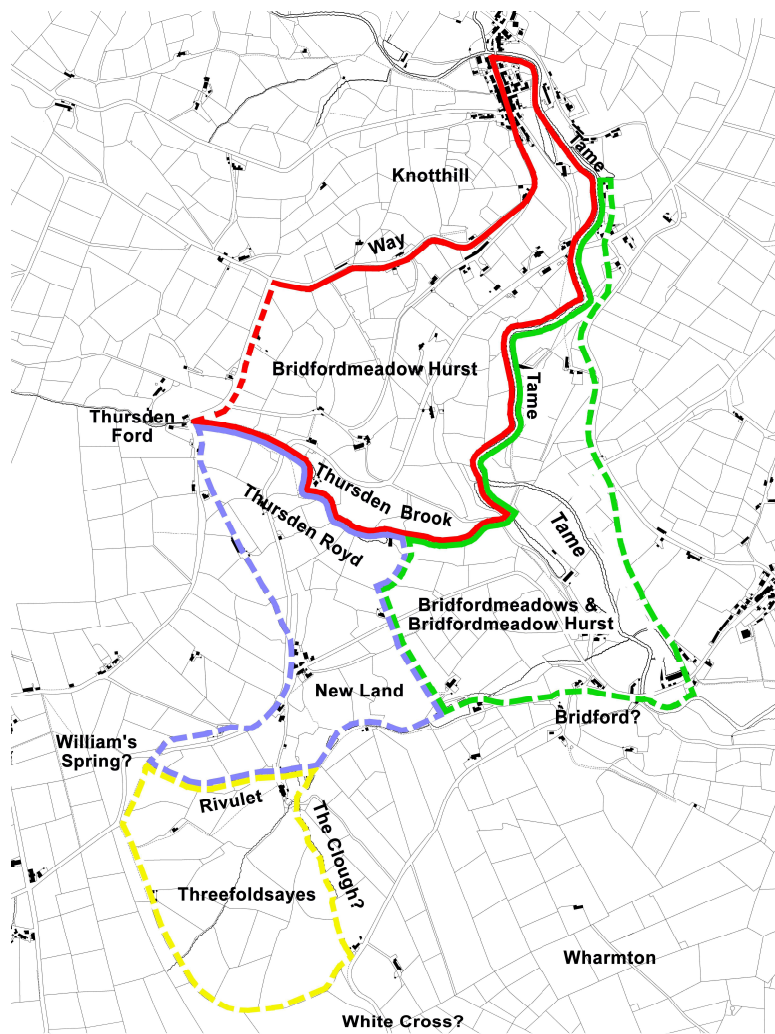


Figure 3 Land granted in the Second and Third Charters

Figure 2 Areas of Common Pasture referred to in the First Charter

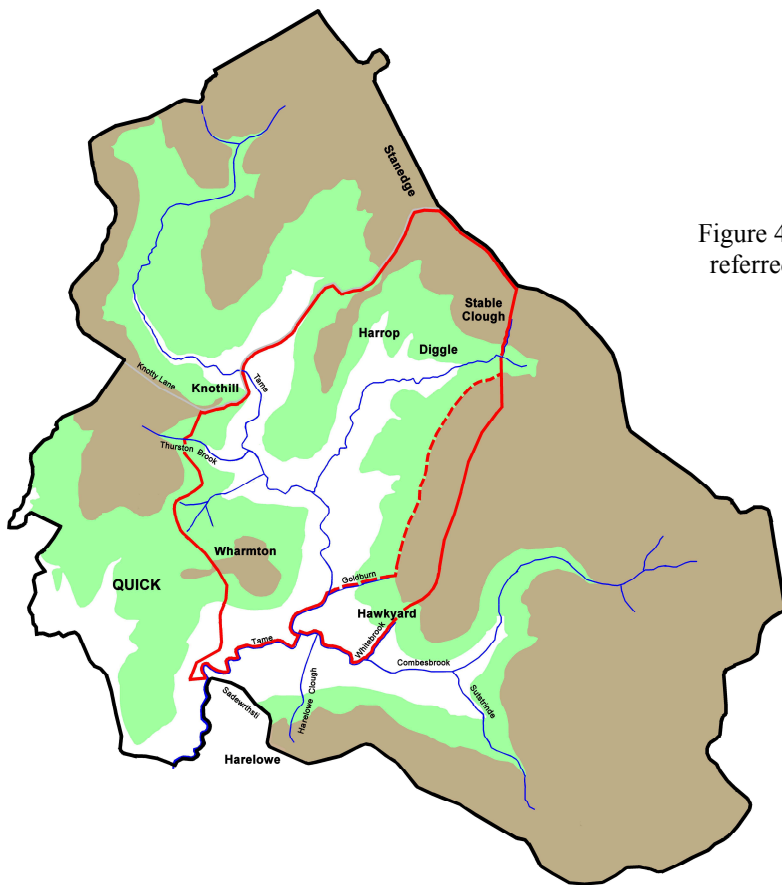
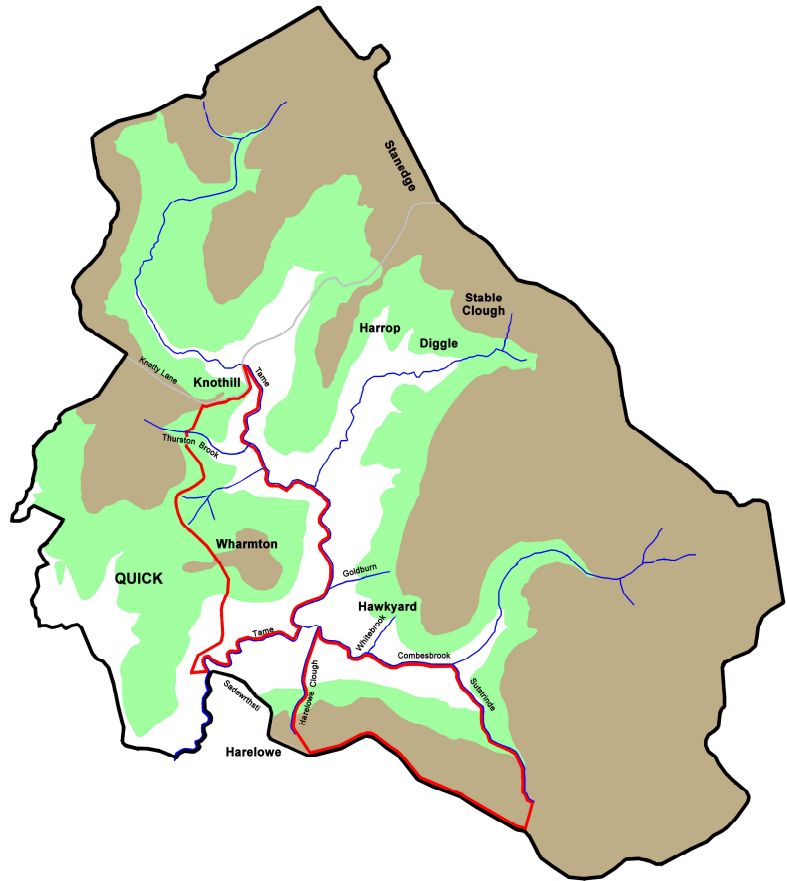


Figure 4 Areas of Common Pasture referred to in the Second and Third Charters

within the later boundaries of Shawmere, the only credible location is the land to the south of Upperhouse in Wallhill, which on a map of Quick Moor in 1625 is shown as a circular enclosure called Roundhill.²⁵ William's Spring would appear to be the spring shown on the 1851 6" Ordnance Survey Map just below Upperhouse.²⁶ South of this are two further tributaries. The 'Clough nearer the white cross towards the west' must have been the furthest round of these, running from Wharmton past Wade Hill into the first tributary, 'William's Spring', exactly as the deed describes. Furthermore, this clough was both an ancient and significant feature, forming the boundary between the enclosed land and the moor in 1625. Described as being closer to this clough than the other tributaries in the Threefoldsayes, the location of the white cross would most likely to be on, or close to, the junction of Burnedge Lane and Dry Clough Lane, two medieval routes over Wharmton.²⁷

The 'new land' is described as being between Thursdenrode (Thursden Royd) and William's Spring as far as the ford of Thursden. Before attempting to identify where this was, it is worth taking note of the term 'de incremento'. It variously appears as 'echyng', 'heche', 'encrease', and 'encresyng' in the English register of the land of Godstow Nunnery, Oxfordshire. Although its specific meaning is not defined, Clark has suggested that lands described as being 'de incremento' were probably 'proportionate shares, assigned to the holdings of a township, of land brought under cultivation or enclosed as permanent meadow, at a date later than the allocation of the strips in the original common fields'.²⁸ However, Burrill's *Law Dictionary* simply says the term describes 'a parcel of land enclosed out of common or waste ground', and the *Dictionary of Medieval Latin from British Sources* defines it as 'newly acquired land, intake'.²⁹ If Clark's definition is relevant to this charter, then the sense would appear to be that the 'new land' was specifically associated with the established holdings within the lands which Andrew de Sholver had held; however, if it were intended to have a more general meaning, then the term is simply employed to distinguish it as being land which had been more recently brought under cultivation than other enclosures in the area.

The location of the 'new land' appears to have been on the hillside above Tamewater. The first boundary feature, the Thursden Royd, probably covered the fields around Thurston Brook. The place-name element 'royd' normally denotes a 'clearing in a

²⁵ Buckley *et al.*, *Mapping Saddleworth Vol. II*, p. 15.

²⁶ M. Buckley, D. Harrison, A. Petford, *Mapping Saddleworth, Vol. I*, (Uppermill, 2007), pp. 55-56.

²⁷ An undated boundary description of Quickmere, (which in all probability is a forgery, though a composite of boundary features referred to in a variety of earlier sources) quoted in 1623 by witnesses deposing in favour of Lady Elizabeth Boothe in her dispute over the extent of her ancient rights in Quickmere, refers to 'the whyte oke or the place where the same Oake stood in the south or west side of wearneton'. From the other features described in this boundary the white oak would be in the same position as the white cross. The original deed would originally have been in Latin, and it is possible that the person responsible for its translation mistook the Latin for 'white cross', 'crucem', for 'white oak', 'alba quercus'. The National Archives (TNA), C 22/740/3. Indeed, there was no such species existed in England at this time – *quercus alba* are native to eastern North America.

²⁸ A. Clark (Ed.), *The English Register of Godstow Nunnery near Oxford, Part I*, (London, 1905), p. lii.

²⁹ A.M. Burrill, *A Law Dictionary and Glossary, Vol. 2*, Second Edition (New York, 1870), p. 65; R.E. Latham, D.R. Howlett & R.K. Ashdowne (Eds.), *Dictionary of Medieval Latin from British Sources, Vol. 1*, (British Academy: Oxford, 1975-1997), p. 1313.

wood', but in Saddleworth a more specific meaning seems to be appropriate, for the majority of 'royd' field-names abut streams or rivers. The presence of a field named the 'New Ridd' in this area in 1770 helps support this contention.³⁰ As has been discussed above, the next boundary feature, William's Spring, lay to the south of Upperhouse, Wallhill. The final feature, the 'ford of Thirsden' was almost certainly where the old Roman Road crossed Thurston Clough Brook (above the later turnpike road). There was another ford crossing Thurston Brook further downstream towards the Tame, though this, unlike the ford further up the valley, was not on a major, arterial route. Between William's Spring and the ford, the boundary presumably followed the Ring Ditch described in the early seventeenth century, which marked the division between the enclosed land and the moor.

The rights and obligations attached to this third grant are the most extensively detailed of any Saddleworth charter of the medieval period. Common pasture was granted to Staveley and his men larger than that which was granted in the earlier charters – it is identical to the common pasture annexed to the glebe of Saddleworth, granted in the years prior to 1247. Staveley was explicitly granted the rights to both the land and wood in the Threefoldsayes, and, it is implied that he had the same rights in the other three parcels of land, for he was permitted to 'profit from the wood growing' there. Staveley's rights to timber were supplemented by being granted access to Stapleton's woods of 'Harope' 'Digel below Stablicloh', (Stabley Clough) 'Quernedone' (Wharmton), and an area which has not been identified, 'Herkingstede'. As with the first charter, he was given the right of pannage in Stapleton's woods, in return for a payment of every tenth pig. Staveley was also obliged to give to his feudal lord one seventeenth of the corn he and his tenants would grind at the manorial mill of Saddleworth.³¹ Finally, as was customary, all the hunting privileges associated with the free chase in Saddleworth were reserved to Stapleton.

A date of the mid-thirteenth century seems appropriate for the third grant. The palaeography is consistent with this, and it is at this period that the grantee first appears in the written record.³² The witness William de Lelay appears in the Fine Rolls along with Richard de Staveley in 1249-50 and was amerced, along with Staveley, in the Yorkshire Eyre of 1251-1252.³³ Robert son of Gilbert de Quick is first recorded as witnessing Adam de Crompton's quitclaim to the Abbot of Roche in 1247, and, along with Alexander de Staveley, he acted as a pledge for Stapleton's

³⁰ A.H. Smith, *English Place-Name Elements Part I*, English Place Name Society, Vol. 25 (Cambridge University Press, 1956), p. 86. For the 'New Ridd', see field numbered 154d on the manorial map of 1770, Buckley *et al*, *Mapping Saddleworth Vol. II, op. cit.*, p. 44.

³¹ This is the first reference to a corn mill in Saddleworth. It presumably remained on the same site of the manorial mill in the early modern period, at Uppermill. The portion of corn taken by the lord varied between manors. In Knutsford, Macclesfield and Congleton he was entitled to a twentieth, at Salford an eighteenth, and at Stockport and Manchester, a sixteenth. J. Tate, *Medieval Manchester and the Beginnings of Lancashire*, (Manchester, 1904), pp. 100-101.

³² He witnessed all the quitclaims to the Abbot of Roche in 1247, M. Buckley, 'Early Saddleworth Records 3', *SHSB*, Vol. 39, No. 4, pp. 93-98.

³³ TNA C 60/47, m. 6. This can be found online at <http://frh3.org.uk/content/calendar/roll_047.html> accessed 4th September 2012. For the Eyre, TNA JUST 1/1047 m. 5d. This can be found online at <http://aalt.law.uh.edu/AALT4/JUST1/JUST1no1047/bJUST1no1047dorses/IMG_2046.htm> accessed 4th September 2012.

clerk, John de Smetheton in 1250.³⁴ Further dating evidence might be afforded by the fact that the Bridfordmeadows and Bridfordmeadowhirst are described as having been *formerly* held of Stapleton by Andrew de Sholver. This might imply that Sholver had died, as early fourteenth century records show that messuages in Saddleworth were held by leases for lives rather than for years.³⁵ If this were applied to Sholver's holding then the deed must post-date the last known reference to him in October 1246.³⁶ An upper limit for the charter's date is 1260 when both Robert de Stapleton and the witness William de Stapleton are recorded as being dead.³⁷

Conclusion

Being the most complete and extensive set of charters relating to Saddleworth during the thirteenth century, the three grants are crucial to understanding the district in a period where relatively little documentation survives. On one level they distinctly show how the bulk of Saddleworth's most extensive freehold, Shawmere, was constructed – in a piecemeal fashion, over at least two generations. Furthermore, the deeds help contextualise the Staveleys, undoubtedly the most important family in the district until the turn of the fifteenth century. Owing to their detail, the charters will also be of broader value. When read against similar, contemporary documents, they will help reveal manorial customs and tenurial change. Importantly, they will also prove fundamental to understanding how resources such as timber were managed, the way in the which the most important aspect of thirteenth century Pennine agriculture, the common pasture, was developed over time, and also how Saddleworth's status as a private hunting domain impacted on both the lord and his tenants.

³⁴ M. Buckley, 'Early Saddleworth Records 3', *SHSB*, Vol. 39, No. 4, p. 97; V. Khadem, 'Early Saddleworth Records 5 – The Peak Forest Eyre c.1250-1', *SHSB*, Vol. 41, No. 1, pp. 29-30.

³⁵ This is best illustrated by the survey of Saddleworth dated 1322 where a contemporary marginal notes states that the messuages with land are held by free tenants for life, TNA, SC 6/1145/21. A lease of c. 1300 states that the land was held for the life of the tenant, Lancashire Archives, DDL/569.

³⁶ J. Parker (Ed.), *Lancashire Assize Rolls: 4 John - 13 Edward I*, Record Society of Lancashire and Cheshire, Vol. 47, (1903), pp. 7, 9, 29 & 37.

³⁷ C.T. Clay (Ed.), *Three Yorkshire Assize Rolls*, Yorkshire Archaeological Society Record Series, Vol. 44, pp.103-105.

First Charter - Robert de Stapleton to Robert son of Simon de Staveley

Parchment, 5³/₈"x5³/₄", pendant seal attached to the bottom centre of the document, the seal now missing.

Endorsed on the reverse: '5; T? com; A Bundry; H Davenport,³⁸ schagh'.

Sciant presentes et futuri q[uod] ego Rob[ertus] de Stapelt' dedi et concessi et hac presente carta mea confirmavi Rob[erto] fil[io] Sim[onis] de Staveleia et h[er]edibus suis p[er] homagio et s[er]vi[ci]o suo

duas p[ar]tes t[er]re q[ue] [est] de Harelowecloht usq[ue] in Combebroc et de Combebroc us[que] in Thame et de Tham[e] usque in Sadewrthesti et de Sadewrthesti sursum usq[ue] ad Harelowe.

Infra has divisas p[re]dict[us] Rob[ertus] de Stavel' faciet commodu[m] suu[m] de t[er]ra et de bosco

et ext[ra] has divisas predictus Rob[ertus] de Stavel' dabit decimum porcu[m] ad pannagiu[m] de illis porcis qui inveniunt[ur] in p[er]sona p[re]dicti Rob[erti] de Stapelt' post die S[anc]ti Michael[is] usq[ue] die S[anc]ti Andree

et sic[ut] Combebroc cadit in Harelowclo[ht] habebit commune[m] pasturam sursu[m] ex aust[ra]li p[ar]te Cu[m]bebroc us[que] ad Sutstrindde et de Sutstrinde sursu[m] tam longe q[ua]m Rivulus durat

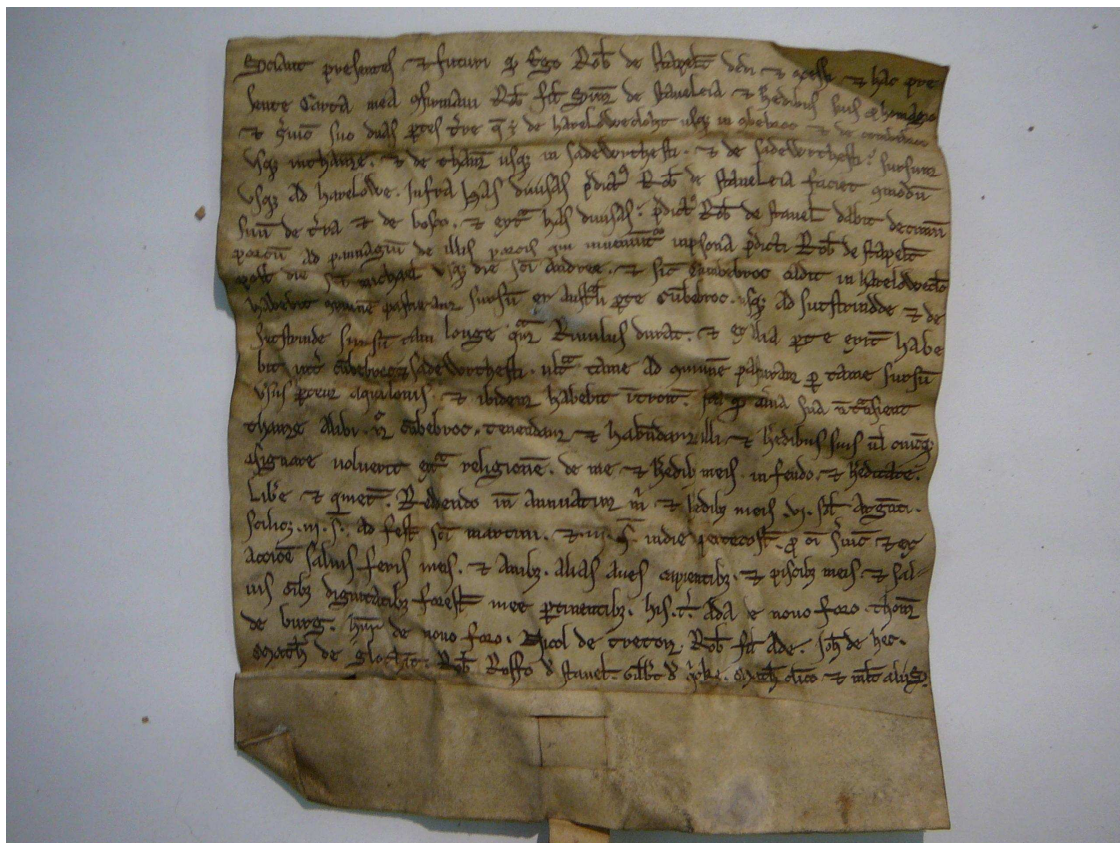
et ex alia p[ar]te exitu[m] habebit int[er] Co[m]bebroc et Sadewrthesti ult[ra] Tame ad commune[m] pasturam p[er] Tame sursu[m] v[er]sus p[ar]tem aquilonis et ibidem habebit i[n]troitu[m] Ita q[uod] av[er]ia sua n[on] t[ra]nsient Thame alibi n[ec] Cu[m]bebroc

Tenendam et habendam illi et h[er]edibus suis v[e]l cuic[um]q[ue] assignare voluerit ext[ra] religione[m] de me et h[er]edib[us] meis in feudo et h[er]editate lib[er]e et quiet[e] Reddendo in[de] annuatim m[ichi] et h[er]edibus meis vj sol[idos] arg[en]ti scilicet iij s[olidos] ad festu[m] S[anc]ti Martini et iij s[olidos] in die Pentecost[e] pro o[mn]i servic[io] et exactio[n]e

salvis feris meis et avibus alias aves capientibus et piscibus meis et salvis omnibus dignitatibus forest[e] mee p[er]tinentibus

Hi[is] t[estibus] Ada de novo foro, Thom[a] de Burg, H[er]nrico[de novo foro, Nicol[ao] de treton, Rob[erto] fil[io] Ade, Joh[ann]i de Het' Math[eo] de glothit', Rob[erto] Ruffo d[e] Stavel', Gilb[er]t[o] de Q[ui]cke, Math[eo] clerico et multis aliis.

³⁸ In all probability this is the signature of Sir Humphrey Davenport, a lawyer of national note, who was engaged by Ramsden to help with the division of Quick Moor in 1625. John Rylands Library, Cornwall-Legh Mss., 1056f. For further details of his career see *Oxford Dictionary of National Biography*, (Oxford University Press 2004), article under 'Humphrey Davenport.'



First Charter - Robert de Stapleton to Robert son of Simon de Staveley
(Mike Buckley Collection)

Translation

Know present and future that I Robert de Stapelt' give grant and by this my present charter have confirmed Robert son of Simon de Staveleia³⁹ and his heirs, for his homage and service,

two pieces of land, that is from Harelowecløht⁴⁰ to Combebroc⁴¹ and from Combebroc to Thame and from Thame to Sadewrthesti⁴² and from Sadewrthesti upwards to Harelowe,⁴³

within these boundaries the said Robert de Staveleia shall profit from the land and the wood,

³⁹ With his brother Robert (Ruffus), he witnessed Thomas de Burgh's grant of land in Newton. Barraclough *op. cit.*, pp.42-43.

⁴⁰ Wharlow Clough.

⁴¹ Chew Brook.

⁴² Sadewrthesti served as the boundary between Mottram and Saddleworth, and is now known as Shadworth Lane.

⁴³ Wharlow.

and outside these boundaries the aforesaid Robert de Stavel' shall give the tenth pig at pannage from those pigs which are found in the mast⁴⁴ of the said Robert de Staplet' from the day of St Michael⁴⁵ to the day of St Andrew,⁴⁶

and he shall have common pasture where Combebroc flows down to Harelowcloht, on the south side of Cumbebroc upwards to Sutstrindde⁴⁷ and from Susstrindde upwards as far as the stream continues

and he shall exit from the other piece [of land] between Combebroc and Sadewrthesti, across the Tame to the common pasture by the Tame, upwards towards the north, and in the same place shall have entry so that his cattle shall not cross the Thame elsewhere nor cross Cumbebroc.

To have and to hold to him and his heirs, or to whomsoever he wishes to assign, except a religious house, from me and my heirs in fee and inheritance, freely and quietly, rendering annually to me and my heirs six shillings of silver, that is to say three shillings at the festival of St Martin and three shillings on the day of Pentecost, for all services and demands,

reserving to me my beasts of the chase, birds which catch other birds, my fish and all privileges belonging to my forest.

These being witness Adam de Novo foro,⁴⁸ Thomas de Burg,⁴⁹ Henry de Novo foro,⁵⁰ Nicolas de Treton,⁵¹ Robert son of Adam,⁵² John de Het, Mathew de Glothit',⁵³ Robert Ruffus de Stavel',⁵⁴ Gilbert de Quicke,⁵⁵ Matthew the Clerk and many others.

⁴⁴ This could also be translated as the 'mast season'.

⁴⁵ 29th September.

⁴⁶ 30th November.

⁴⁷ For a discussion as to its location see p. 77 above. The two place-name elements are 'suoer' or 'suoerne' meaning 'south, southern or southerly', and 'strind' – a stream. A.H. Smith, *English Place-Name Elements, Part II*, (Cambridge 1956), pp. 169-170 & 163-164. The name is analogous to the 'North Clough' and 'South Clough', the two tributaries of Diggle Brook.

⁴⁸ 'Novo foro' appears more commonly as 'Novo Mercato' in contemporary records, and is rendered 'Newmarket' in English. Adam was a leading Yorkshire knight who held four knights' fees in the Honour of Tickhill, two knights' fees of the earl de Warenne, and three knights' fees of the earl of Lincoln. He fought with King John in Ireland in 1210, however by 1213 he had fallen out of favour to the extent that not only was he imprisoned at Corfe Castle, but his two sons were taken as hostages until March 1219. Nonetheless, from 1215 onwards he is recorded as taking an active part in local justice, and he regularly appears as a witness to both secular and monastic grants. For pedigrees and details of the Newmarket family see R. Holmes (Ed.), *The Chartulary of St. John of Pontefract, Vol. II*, The Yorkshire Archaeological Society Record Series, Vol. 30, (1902), pp. 585-593; C.T. Clay, *Early Yorkshire Charters, Vol. VIII*, Yorkshire Archaeological Society Record Series, Extra Series Vol. 6 (1949), p.140-149; and *Oxford Dictionary of National Biography*, (Oxford University Press 2004), article under 'Adam of Newmarket'. Adam was evidently affiliated with Robert de Stapleton to some degree – in a deed relating to land held by a Yorkshire family in Lincolnshire he immediately precedes Stapleton as head of the witness list. Lincolnshire Archives, MON 3/27/23.

⁴⁹ The Burghs originated in Burrough, Cambridgeshire. Under the earls of Richmond they held four knights' fees in Cambridgeshire and the honour of Richmond, Yorkshire. In addition to lands elsewhere in Yorkshire, they held estates in Norfolk, Suffolk, Cumberland. The witness Thomas de Burgh was the son of another Thomas (d. 1199) who had added to the Burgh patrimony by inheriting the lordship of Longdendale, Cheshire as well as the Yorkshire manors of Cawthorne and Walton through his wife, Sarah, daughter and heiress of William (d. 1211) and Amabel de Neville. Thomas (the witness) was a grandson of Ismania, daughter of Roald the Constable of Richmond, grandfather of the first named witness to the second charter. He died without children in 1234, and was succeeded by

Second Charter - Robert de Stapleton to Robert le Brun de Staveley

Parchment, 6½"x4½", pendant seal attached to the bottom centre of the document, the seal wrapped in textile but in fragments.

Endorsed on the reverse: '2; A Bunday;schagh ij^s; H Davenporth'.

Sciant presentes et fut[ur]i Quod Ego Rob[er]t[us] de stapeltun Dedi et Concessi et hac mei presenti Carta confirmavi Rob[er]to Le brun De staveley p[ro] homagio et servicio suo Medietatem toti[us] terre De brithfotemedehirst Cum bosco et aliis p[er]tinentiis sicut via Extendit Int[er] Knothil et Tome. et p[er] Tome Decendendo usq[ue] In thursedenebroc. et p[er] thurse-Denebroc sursum usq[ue] ad Moram.

et Comune[m] pasturam De Sadelwrthe. ad tanta avaria q[ua]nta ad tantam t[er]ram p[er]tine[n]t Infra has divisas. silicet De knothil sicut via extendit usq[ue] staneg et Ita usq[ue] ad stablicloih De Diggel et Ita usq[ue] ad goldeburne et Ita usq[ue] ad divisas De La q[ui]ke S[ibi] et heredib[us] suis

Habendam et Tenendam De Me et De Meis heredibus In feodo et hereditate lib[er]e et q[ui]ete et honorifice

his brother, Philip. For an account of the Burghs see, J.W. Walker, 'The Burghs of Cambridgeshire and Yorkshire and the Watertons of Lincolnshire and Yorkshire', *Yorkshire Archaeological Society Journal*, Vol. 30, (Leeds, 1931).

⁵⁰ Henry of Newmarket was the younger brother of Adam. Like his brother, he fought with the king in Ireland in 1210. In 1218 he gave the king 40 marks to marry Frethesenta Paynell daughter of William Pagnell of Hooton Pagnel and widow of Geoffrey Luterel. He held land in Barnborough, Yorkshire, as well as the advowson of the church there. He regularly appears alongside his brother in deeds of the first half of the thirteenth century. He died between 1230 and 1239. Holmes, *The Chartulary of St. John of Pontefract*, Vol. II, *op. cit.*, p. 594; and Clay, *op. cit.*, p. 148.

⁵¹ This surname originates from Treton near Rotherham. Along with his brother, Hugh (see footnote 61 below), he witnessed the grant of land in Newton by Thomas de Burgh. Barraclough, *op. cit.*, pp. 42-44. He was clearly closely allied with the Newmarkets, for, as Sir Nicholas de Treton, he witnessed a grant to the Preceptory of Newland by Ralph of Newmarket, and witnessed an agreement between Maud, countess of Warrene and Sir Adam of Newmarket in 1246. E.W. Crossley, 'The Preceptory of Newland', *Miscellanea I*, Yorkshire Archaeological Society Record Series, Vol. 61 (1920), p. 61; H.C. Maxwell Lyte (Ed.), *A Descriptive Catalogue of Ancient Deeds*, Vol. 5, (HMSO, 1906), A. 11128. The best example of the proximity of the two families is an early thirteenth century deed relating to Thorne in which Adam and Henry of Newmarket appear as witnesses alongside the brothers Nicholas and Hugh de Treton. Clay, *op. cit.*, p. 176.

⁵² Owing to the considerable overlap in the parties and witnesses in the this charter and the Newton charter (discussed on pp. 77-78 above), this Robert son of Adam can probably be identified as the Robert son of Adam who witnessed Thomas de Burgh's charter, and the Robert son of Adam Godley who received one sixth of Godley from his brother, William. Barraclough, *op. cit.*, p. 44.

⁵³ Glodwick. As well as witnessing the grant of the Saddleworth tithes prior to 1211 (see p. 78 above), he witnessed an undated charter by which the Traffords acquired a quarter of Chorlton, Lancashire. J. Booker, *A History of the Ancient Chapels of Chorlton and Didsbury*, Chetham Society, Vol. 42 (1857), p. 245.

⁵⁴ He appears with his brother (and namesake), Robert, in Thomas de Burgh's grant of land in Newton. Barraclough, *op. cit.*, pp.42-43. In a charter which must date from the earliest part of the thirteenth century, as Robert son of Simon de Staveley, he was granted lands in the manor of Ashton by Orm de Ashton. W. Bowman, *England in Ashton-under-Lyne*, (Altrincham, 1960), p. 90.

⁵⁵ Quick in the parish of Saddleworth, which at this time was probably tenurially independent from the manor of Saddleworth. He witnessed Robert de Stapleton's grant of the Saddleworth glebe in c.1240. Buckley, 'Early Saddleworth Records - 1', *op. cit.*, pp. 53-54.

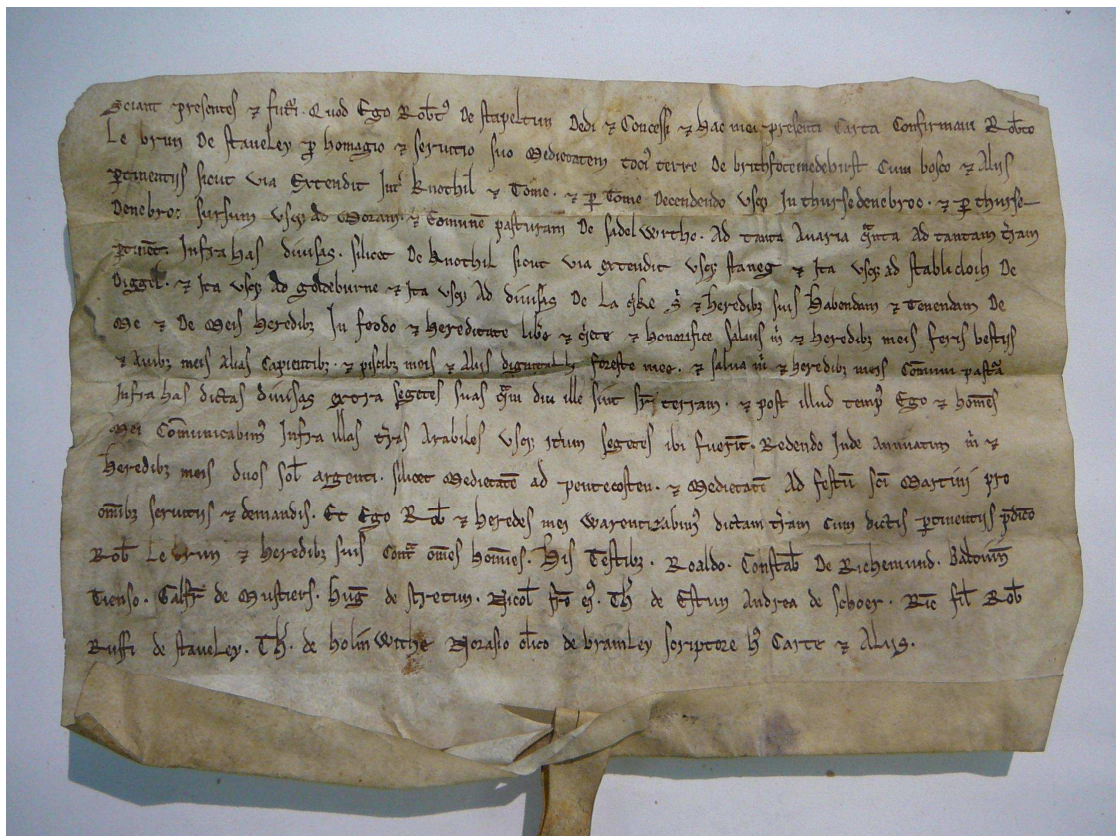
salvis m[ihi] et heredib[us] meis feris bestiis et avib[us] meis alias capientib[us]. et piscib[us] meis et aliis dignitatib[us] foreste mee

et salva m[ihi] et heredibus meis Com[m]uni past[ur]a Infra has dictas divisas extra segetes suas q[ua]m diu ille sint s[upe]r terram. et post illud temp[us] Ego et ho[m]ines Mei Com[m]unicabim[us] Infra illas t[er]ras arabiLes usq[ue] it[er]um segetes ibi fueri[n]t

Redendo Inde annuatim m[ihi] et heredib[us] meis duos sol[idos] argenti silicet Medietate[m] ad pentecosten. et Medietate[m] ad festum s[anc]ti Martini pro om[n]ib[us] servitiis et demandis.

Et Ego Rob[ertus] et heredes mei warentizabim[us] dictam t[er]ram cum dictis p[er]tinentiis p[re]di[c]to Rob[erto] Le brun et heredib[us] suis cont[ra] om[n]es homi[n]es.

His Testib[us]. Roaldo Constab[ulario] De Richemund. Balduin[o] Tienso. Galfr[ido] de Mustiers. Hug[o] de Stretun. Nicol[ao] fr[at]re ei[us]. Th[oma] de Estun. Andrea de Schoer. Ric[ardo] fil[i]o Rob[erti] Ruffi de Staveley. Th[oma] de Holinwrthe. Norasio cl[er]ico de bramley scriptore h[uius] Carte et aliis.



Second Charter - Robert de Stapleton to Robert le Brun de Staveley
(Mike Buckley Collection)

Translation

Know present and to come that I Robert de Stapeltun give, grant, and, by this my present charter, have confirmed Robert le Brun de Staveley, for his homage and service, half of all the land of Brithfotemedehirst,⁵⁶ with the woodland and other appurtenances, along the way between Knothil and Tome, and along the Tome descending as far as Thursedenebroc,⁵⁷ and by Thursedenebroc upwards to the moor

and as many cattle as pertain to that land [in] the common pasture of Sadelwrthe, within these boundaries, that is to say, from Knothil as the way extends to Staneg and thus to Stablicloih of Diggel, and thus to Goldeburne, and thus to the divisions of the Quike, to him and his heirs,

to have and to hold of me and my heirs in fee and inheritance, freely, quietly and honourably,

saving to me and my heirs, my beasts of the chase, my birds which catch other birds, my fish, and other privileges of my forest.

and saving to me and my heirs the common pasture within these said boundaries outside the area where the crops are growing and after that time I and my men will share in those arable lands until again the crops will be there.

Paying in respect thereof annually to me and my heirs two shillings of silver, that is, the half at Pentecost and the other half at the festival of St Martin, for all services and demands.

And I, Robert, and my heirs, will warrant the said land, with the said appurtenances, to the aforesaid Robert le Brun and his heirs, against all men.

These being witnesses: Roald Constable of Richemund,⁵⁸ Baldwin Tienso,⁵⁹ Geoffrey de Mustiers,⁶⁰ Hugh de Stretun,⁶¹ Nicholas his brother, Thomas de Estun,⁶² Andrew

⁵⁶ This place-name, now lost, combines four elements. The first two, 'bridford' have been the subject of an article by Carole Hough, who (whilst acknowledging that the paucity of evidence makes it difficult to be sure) suggests that the first element could be from the Old English *byrd*, 'a board, a plank'. As such, the two elements would describe a ford where planks or posts were used to improve the crossing. C. Hough, *The Place-Names Bridford, Britford and Bridforth*, Nottingham Medieval Studies, 39 (1995), pp.12-18. The third element, 'maede', refers to meadow, whilst 'hyrst' implies a 'wooded eminence'. A. Smith, *English Place-Name Elements, Part 2*, (Cambridge, 1956), p. 31; and A. Smith, *English Place-Name Elements, Part 1*, (Cambridge, 1956), pp. 276-277.

⁵⁷ Thurston Brook.

⁵⁸ Roald was the hereditary constable of Richmond Castle, Yorkshire, and possessed the largest holding Richmondshire, the 'Constable's Fee', comprising of 13 knights' fees. He succeeded his father Alan in 1201, paying the king 300 marks and 3 palfreys to inherit and take 'the custody of the Castle of Richmond as his right'. Having sided with the barons in their revolt against King John he was deprived of his office and his son was taken prisoner at Richmond. However, Roald was soon restored on the condition that the king should not be 'further molested by occasion of the war between the king and the barons'. By 1247 he had been succeeded by his grandson, another Roald. W. Page (Ed.), *A History of the County of York, North Riding: Vol. I*, (Victoria County History, 1914), pp. 232-236.

⁵⁹ Also 'le Tyas' and 'Teutonicus'. His principal seat was at Lead, near Tadcaster. Through his marriage to Margery, widow of Gilbert de Notton, he acquired Farnley (which later took the epithet 'Tyas') and Woodsome, Yorkshire, and a considerable portion of Butterworth in Rochdale. *Yorkshire Archaeological and Topographical Association Journal*, Vol. 7, (1882), pp.131-133; W. Farrer & J. Brownbill (Eds.), *A History of the County of Lancaster, Vol. 5*, (Victoria County History, 1911), pp. 213-222. In the 1230s he witnessed three grants made by John de Lacey, earl of Lincoln to Stanlaw;

de Schoer,⁶³ Richard son of Robert Ruffus de Staveley,⁶⁴ Thomas de Holinwrthe,⁶⁵ Norasio clerk of Bramley,⁶⁶ the writer of this charter, and others.

Adam and Henry de Newmarket, from the first charter, also witnessed these deeds. W.A. Hulton (Ed.), *The Coucher Book of Whalley Abbey, Vol. 1*, Chetham Society, Vol. 10 (1847), pp. 36-37 & 72-74; and W.A. Hulton (Ed.), *The Coucher Book of Whalley Abbey, Vol. 2*, Chetham Society, Vol. 11 (1847), 393-394. Contemporary gravestones of Baldwin and Margery survive at St. Mary's, Lead.

⁶⁰ This Geoffrey has not been identified, however, he may be a member of the family of 'Musard' from Richmondshire, who were kinsmen of Roald the Constable. Page *op. cit.*, pp. 232-236.

⁶¹ It seems probable that 'Stretun' should be read as 'Tretun' – other contemporary documents show that Hugh and Nicholas de Tretun were brothers, and Nicholas' appearance in the first charter associates the Tretuns with Stapleton's charters. During the 1220s, Hugh witnessed four charters relating to the Priory of Pontefract. Holmes, *The Chartulary of St. John of Pontefract, Vol. 1, op. cit.*, pp. 244 & 251; Holmes, *The Chartulary of St. John of Pontefract, Vol. 2, op. cit.*, pp. 460 & 463. Described as 'parson of Tretun' he witnessed Thomas de Burgh's grant of land in Newton, and also a grant of land in Thorne. Barraclough, *op. cit.*, pp.42-44; Clay, *op. cit.*, p. 176.

⁶² Ashton. He was the son of Orme and held the manor of Ashton. He granted land in Ashton to the Byrons and Staveleys. W. Bowman, *England in Ashton-under-Lyne*, (Altrincham, 1960), pp.128-129.

⁶³ Sholver borders Saddleworth and was in the township of Oldham. The third charter shows that Andrew de Sholver had held land in the Bridfordmeadowhurst and Bridfordmeadows. However, he was probably not resident there, because at the Lancashire Assizes of 1246 he was appointed as one of the jurors for Salford Hundred. At those assizes he brought several legal suits in an attempt to recover land. In conjunction with Alward Tagun and Roger de Pilkington, the two other Sholver landholders, he made an unsuccessful attempt at claiming five acres in Sholver from Thomas de Chaydock and John his brother. The three also brought a plea of *novel disseisin* against the abbot of Roche (whose lands lay in Hilbrighthope, Saddleworth) for 40 acres of land in Sholver. After proceeding to the York assizes in the following year, their plea seems to have failed, and Robert de Pilkington (possibly on behalf of all three plaintiffs), quitclaimed all his interests in Hilbrighthope which lay to the west of the Tame. The three successfully claimed that Robert de Stapleton and others had disseised them of 20 acres of land in Sholver. This, like the case brought against the abbot, would appear to be a boundary dispute. On his own, Sholver brought another plea of *novel disseisin* against the abbot, this time for common of pasture in a wood in Sholver. J. Parker, *A Calendar of the Lancashire Assize Rolls, Part 1*, The Record Society for Lancashire and Cheshire (1904), pp. 7, 10, 29, 37 & 60. For a transcripts and a discussion of the quitclaims to the abbot of Roche see M. Buckley, 'Early Saddleworth Records – 3', *SHSB, Vol. 39, No. 4*, (2009). Sholver witnessed an undated quitclaim by Geoffrey de Chetham to Adam de Wyndhull of land in Crompton. Hulton, *op. cit.*, p. 164. He is also recorded as bearing witness to Thomas de Assheton's grant of land in Ashton to Richard de Byron, and a release of land near Failsworth, which Bowman dates to before 1220. W. Bowman, *op. cit.*, pp.128-129.

⁶⁴ Richard Ruffus was probably a member of the Staveley family who remained at Staveley in Mottram. Although there are no contemporary records prove this, there is evidence that he held estates outside Cheshire which in later centuries belonged to the Staveleys of Staveley. He partitioned his land at Fernlee, Saddleworth, in two, granting half to his brother Ralph. V. Khadem, 'Early Saddleworth Records', *op. cit.*, pp.73-77. He also is recorded as having held land in Ashton. Bowman, *op. cit.*, p. 90.

⁶⁵ Hollingworth in the manor of Mottram, Cheshire. By the fourteenth century Hollingworth was a mesne tenancy on the manor held by a family of that name, but whether that was the case at this period is uncertain. Thomas de Hollingworth witnessed Thomas de Burgh's Newton charter, and a grant from Thomas de Godele to Thomas Fabro of land in the vill of Godley. Barraclough, *op. cit.*, 42-43; Society of Antiquaries, London, SAL/MS/551/3.

⁶⁶ The Stapletons had landed interests in Bramley. M.L. Faull & S.A. Moorhouse (Eds.), *West Yorkshire: an Archaeological Survey to A.D. 1500, Part 2*, (West Yorkshire Metropolitan County Council 1981). Norasio witnessed charters with the Stapletons (see p. 78 above), and may have been the 'N. Clerk' who witnessed William de Stapleton's grant of the tithes of Saddleworth, pre-dating 1211. M. Buckley, 'Early Saddleworth Records – 1' *op. cit.*, pp. 51-53.

Third Charter - Robert de Stapleton to Richard son of Robert de Staveley

Parchment, 9¼"x6", pendant seal attached to the bottom centre of the document, the seal now missing.

Endorsed on the reverse: '3; Carta de ...haye et de breffor me deus Schagh ij^s ij^d; A Bunday; H Davenporth'.

Sciant presentes et futuri quod Ego Rob[ertus] de Stapletona dedi concessi et hac p[re]senti carta mea confirmavi Ricard[o] fil[io] Rob[erti] de Stavele et heredib[us] suis vel cui assignare voluerit exceptis viris religiosis [words erased] et capitalibus d[omi]n[i]s Feod[i] p[ro] homagio et servic[i]o suo

Totam t[er]ram meam in Brithforthemedwehirst Et in Brithforthemedewes quam Andr[eas] de Syolver quandoque de me tenuit

Et de inc[re]mento totam t[er]ram iacentem int[er] Thyrsedenrode et fonte[m] Will[elm]i et de fonte Will[elm]i usq[ue] ad vadu[m] de Thyrsedene

et totam t[er]ram cu[m] bosco de Threfoldsayes p[er] has divisas subscriptas videlicet de fonte Willi' usque ad su[m]mu[m] Cap[u]d de Threfoldsayes Et sic circuend[um] Threfoldesaies usq[ue] Le Cloht p[ro]pinqius alba cruce v[er]sus occidente[m] Et sic descended[um] usq[ue] in Ryvulu[m] fontis Will[elmi]i

Tenend' et h[abe]nd' d[i]cto Ricard[o] et heredib[us] suis sicut p[re]script[um]

Et cu[m] Communi pastura de Sadeluurth p[er] istas divisas Subscriptas av[er]iis suis et hered[um] suor[um] et hominu[m] suor[um] manentiu[m] sup[er] p[re]dictas t[er]ras scilicet de Cnottilgate usq[ue] Stainhegge Et de staynhegge usq[ue] stablicloth de Dygel Et de stablicloth de Dygel usq[ue] ad su[m]mum cap[u]d de Wytebrok in Haekesherd' et de Wytebrok usq[ue] Cumbesbrok Et de Cumbesbrok usq[ue] ad aq[ua]m de Tame descended[um] usq[ue] ad divisas del quike Et p[er] divisas del quike usq[ue] ad viam de Cnothil

Et predict[us] Ricard[us] et heredes vel assignati sui assarttabunt et comoda sua facient de nemore crescente In Brithforthemeduehirst Et in Brithforthemedue Et de p[re]dicta t[er]ra cu[m] inc[re]mento

Licet Etiam Eid[em] Ricard[o] et heredib[us] suis vel assignatis suis omnia com[moda] sua fac[er]e de p[re]d[ic]tas t[er]ra et nemore de Threfoldsayes p[er] p[re]dictas divisas includend[um] Eamd[am] fossato quando voluerit

p[re]t[er]ea predict[us] Ricard[us] et heredes sui et assignati et ho[m]i[n]es sui capie[n]t ad Edificand[um] et ad ardend[um] et ad claudend[um] in boscis meis de Harope et de Digel sub Stablicloh Et in Quernedone Et in Herkingstede cum Lib[er]o introitu et Exitu

Ite[m] p[re]dict[us] Ricard[us] et heredes sui vel assignati sui dab[un]t m[i]hi et heredib[us] meis septimum decimum vas de blado suo quod molent ad molendinu[m] meu[m] de Sadeluurth

dab[un]t Etiam m[i]hi et heredib[us] meis decim[um] porcu[m] per pannag[ium] de om[n]ib[us] porcis suis qui inventi fuer[un]t in nemore meo int[er] fest[um] S[anc]ti Mich[aelis] et fest[um] S[anc]ti Andr[ee]

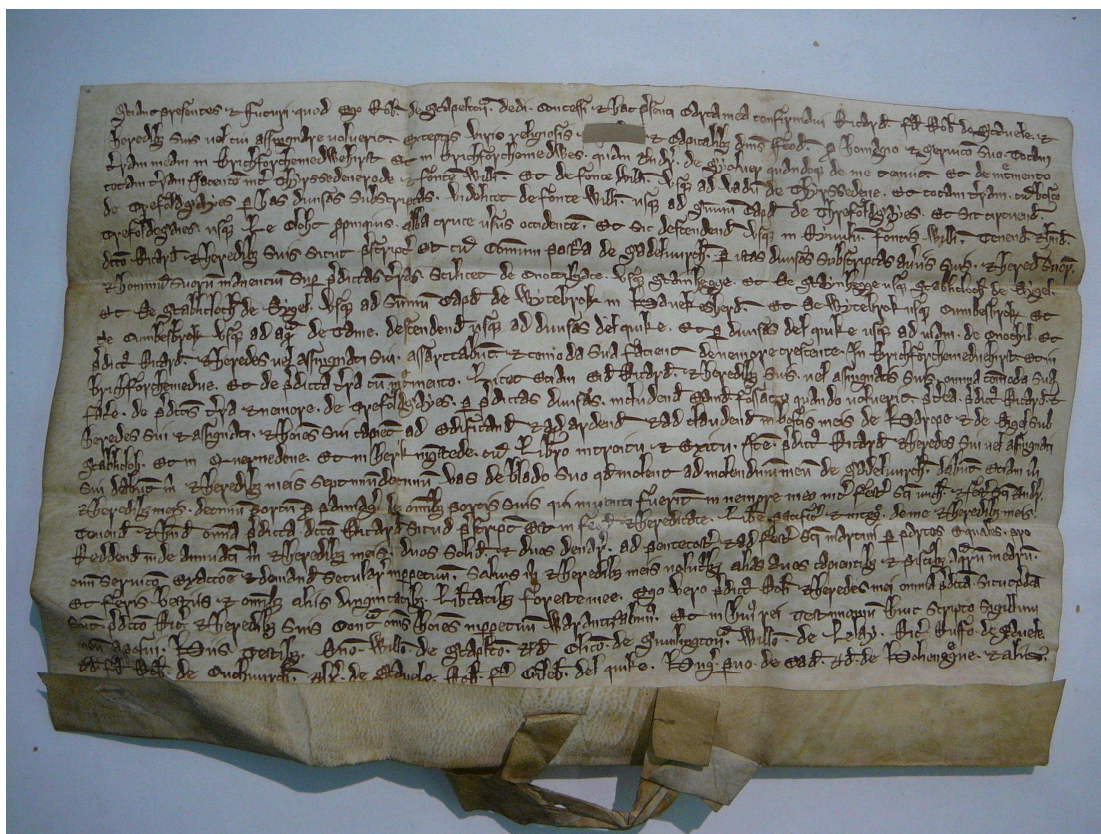
tenend' et habend' om[n]ia p[re]dicta d[i]cto Ricard[o] sicut p[re]script[um] Est in feod[o] et hereditate Libere pacific[ere] et integ[re] de me et heredib[us] meis Reddend[o] inde annuatim m[ihi] et heredib[us] meis duos solid[os] et duos denar[ios] ad pentecost[em] et ad fest[um] S[anc]ti Martini per partes Equales pro om[n]i servic[i]o exact[i]o[n]e et demand[is] secular[ibus] inp[er]petuu[m]

Salvis m[ihi] et heredib[us] meis voluc[ri]b[us] alias aves capientib[us] et piscib[us] aq[ua]ru[m] mearu[m] Et feris bestiis et om[n]ib[us] aliis dingnitatib[us] Lib[er]tatib[us] foreste mee

Ego vero predict[us] Rob[ertus] et heredes mei omnia p[re]d[i]cta sicut p[re]d[i]cta suo p[re]d[i]cto Ric[ardo] et heredib[us] suis cont[ra] om[n]es ho[m]i[n]es inp[er]petuu[m] Warantizabim[us]

Et in hui[us] rei testimoniu[m] huic Scripto Sigillum meu[m] apposui

Hiis testib[us] D[omi]no Will[elm]o de Staplto'. Ad[a] Cl[er]ico de Suinlington'. Will[elm]o de Lelay. Ric[ardo] Ruffo de Stavele. Ad[a] fil[i]o Rob[erti] de Cuichurch. Al[e]x[andro] de Stavele. Rob[erto] fil[i]o Gileb[erti] del quike. Hug[one] p[ar]vo de Ead[em]. Ad[a] de Holieneg[re]ve et aliis.



Third Charter - Robert de Stapleton to Richard son of Robert de Staveley (Mike Buckley Collection)

Translation

Know present and to come that I Robert de Stapleton have given granted and by this my present charter have confirmed to Richard son of Robert de Stavele⁶⁷ and his heirs, or to whom[ever] he wishes to assign, excepting religious houses [words erased] and the chief lords of the fee, for his homage and service,

all my land in Brithforthmedwehirst and in Brithforthemedewes⁶⁸ which Andrew de Syolver⁶⁹ once held of me.

And from the new land all the land lying between Thyrsedenrode⁷⁰ and William's spring as far as the ford of Thyrsedene.

And all the land with the wood of Threfoldsayes⁷¹ according to these boundaries, that is to say, from William's spring upwards to the top of Threfoldsayes and so around Threfoldsayes towards the west, as far as the Cloht⁷² nearer the white cross,⁷³ and so descending to the rivulet of William's spring.

To have and to hold to the said Richard and his heirs as written above.

And with the common pasture of Sadeluurth for his cattle and those of his heirs and his men dwelling on the above said lands, by these boundaries, that is to say, from Cnottilgate to Stainhegge and from Staynhegge to Stablicloth of Dygel and from Stablicloth of Dygel upwards to the head of Wytebrok in Hauekesherd and from Wytebrok to Cumesbrok and from Cumbesbrok to the water of Tame, descending to the divisions of Quke and by the divisions of Quike to the way of Cnothil.

⁶⁷ He had a close association with Robert de Stapleton, witnessing his grant of the Saddleworth glebe in c.1240, and being the only witness to appear alongside him in all the quitclaims made to Roche Abbey in c.1247. M. Buckley, 'Early Saddleworth Records – 1', *op. cit.*, pp. 53-54; M. Buckley, 'Early Saddleworth Records – 3', *op. cit.*, pp. 95-98. He appeared with the witness William de Lelay as surety for Ughtred de Bradshaw of Lancashire in 1249-50, and along with Lelay, was one of the Agbrigg jurors amerced for concealing confiscated goods. TNA, C 60/47, M. 6; TNA, JUST 1/1047, m. 5d. In 1254 he was pardoned by the king for the deaths of John son of Herbert and William de Doddewurth. *Calendar of the Patent Rolls, Henry III, Vol. 4*, (HMSO, 1908), p. 353. In a court case between Roald le Botiler (one of the heirs of Robert de Stapleton) dated 1303, Richard claimed that his grandfather, Richard (the grantee of this charter), had purchased the 8 acres of meadow in Saddleworth which was in dispute. The court found in favour of Botiler. TNA, KB 27/173, m. 34.

⁶⁸ See footnote 56 above.

⁶⁹ See footnote 63 above.

⁷⁰ Thursden Royd. For a discussion of its location see pp. 82-83 above.

⁷¹ This is an interesting place-name which seems to consist of two key elements. 'Threefold' simply indicates something which was three in number, whilst 'ayes' might come from the Old English 'ea' meaning 'a river, stream' (in some Danelaw place names the 'e' is replaced with an 'a'). Smith, *English Place-Name Elements, Vol. 1, op. cit.*, pp. 142-143. An analogous place-name is the Twofoldhee in Castleton, Rochdale. The association with streams or rivers, is confirmed by a grant of land to Stanlaw Abbey by Adam, clerk of Castleton, which describes one of the boundaries as ascending the 'dead water' (*mortuam aquam* - presumably a dried up river) 'which is called Twofoldhe'. W.A. Hulton, *The Coucher Book of Whalley Abbey, Vol. 2*, Chetham Society, Vol. 11 (1868) pp. 607-608. The location of the Threfoldsayes is discussed on pages 79 & 83 above.

⁷² Clough.

⁷³ See page 82 and footnote 27 above.

And the said Richard and his heirs and assigns shall assart and take their profit from the wood growing in Brithforthmeduehirst and Brithforthmedue and from the aforesaid land with the new land

It is also permitted for Richard, and his heirs and assigns, to profit from the aforesaid land and wood of Threfoldsayes within the said boundaries, enclosing the same by ditch as he wishes

Moreover the aforesaid Richard and his heirs, assigns and men, will take [wood] for building, burning and enclosing in my woods of Harope and Digel below Stabilcloh and in Quernedone⁷⁴ and in Herkingstede with right of entry and exit.

Next the said Richard and his heirs and assigns shall give to me and my heirs the seventeenth measure of corn they shall grind at my mill of Sadeluwrth.

they shall also give to me and my heirs for pannage the tenth pig of all his pigs which will be found in my wood between the Festival of St Michael⁷⁵ and the festival of St Andrew⁷⁶

To have and to hold for ever all the aforesaid as is written above, to the said Richard, in fee and inheritance, freely, peaceably, and wholly, of me and my heirs, and rendering thus to me and my heirs two shillings and two pence at Pentecost and at the feast of St Martin, in equal parts, for all services, exaction and secular demands.

Saving to me and my heirs birds which catch other birds, the fish of my waters, beasts of the chase, and all other priveleges and liberties of my forest. Truly, I the said Robert and my heirs, will warrant the said Richard and his heirs all the aforesaid, just as said, against all men for ever.

And in witness if this, to this writing I have attached my seal.

These being witness, Sir William de Staplto',⁷⁷ Adam clerk of Sunlington,⁷⁸ William de Lelay,⁷⁹ Richard Ruffus of Stavele, Adam son of Robert de Cuichurch,⁸⁰ Alexander de Stavele,⁸¹ Robert son of Gilbert of the Quike,⁸² Hugh Little of the same, Adam de Holieneg've⁸³ and others.

⁷⁴ Wharmton.

⁷⁵ 29th September.

⁷⁶ 30th November.

⁷⁷ He was the younger brother of Robert, who, in the middle of the thirteenth century was granted all the land in the vill and territory of Bramley which he had by the gift of his mother, Lady Emma. The Leeds Library, Wilson's Pedigrees, p. 224. He was described as being of Bramley in 1250 when he was amerced half a mark for not appearing before the Yorkshire assizes. TNA Just 1/1047 m.3d. Owing to his relatively small landed interests, his designation as 'sir' might be accounted for by the fact that he was a priest – in a grant made by John de Wridelesford to Kirkstall Abbey which he witnessed with his brother Robert, he is described as 'parson'. W.T. Lancaster & W.P. Baildon, *The Coucher Book of the Cistercian Abbey of Kirkstall*, The Thorseby Society, Vol. 8, p. 282. He had died by 1260, when his two daughters, Katherine and Sybil, claimed land from their cousin, John, the son and heir of Robert de Stapleton. C.T. Clay, *Yorkshire Assize Rolls, op. cit.*, pp. 103-105.

⁷⁸ Swillington, Yorkshire.

⁷⁹ See footnote 67 above.

⁸⁰ Whitkirk, Yorkshire.

⁸¹ Described as 'son of Robert Ruffi de Stavel' of Sadelwrthe' when he acted as a pledge for Robert de Stapleton's clerk in c.1250. As such he was brother to the witness Richard Ruffus de Staveley, and

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first cousin of the grantee. V. Khadem, 'The Peak Forest Eyre c.1250-1', *SHSB, Vol. 41 No. 1*, pp. 29-30.

⁸² Presumably the son of the same Gilbert who witnessed the first charter. He first appears when witnessing the quitclaim of Robert de Crompton to the abbot of Roche in c.1247. M. Buckley, 'Early Saddleworth Records – 3', *op. cit.*, p. 97. When acting as a pledge for Stapleton's clerk in c.1250, he was described as being 'of Saddleworth'. V. Khadem, 'The Peak Forest Eyre', *op. cit.*, pp. 29-30. He witnessed Richard Ruffus' grant of Fernley, and was one of the named parishoners of Saddleworth who made an agreement with Stanlaw Abbey relating to the maintenance of Saddleworth Church. V. Khadem, 'Miscellaneous Charters', *op. cit.*, pp. 76-77; M. Buckley, 'Early Saddleworth Documents – 3', *op. cit.*, p. 54-55. He must have been an elderly man, when, with his son, Gilbert, he brought a plea of *mort d'ancestor* against Robert son of Richard de Quick in 1290. TNA JUST 1/1288, m.3d.

⁸³ Hollingreave in Saddleworth.

PUBLICATIONS

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