

CHAPTER IV.

The second known Rector, De Waleton—Sir Robert Banastre—Justices of the Peace—State of the Streets and Roads—Borough Seal—Jews—Value of the Parish Church Living—Wigan, a City of Refuge—Strange Charge against De Waleton and the Burgesses: Their Trial at Lancaster—Wigan deprived of its Chartered Liberties.

THE second known Rector of Wigan, Adam de Waleton, was less eminent than the first, but much more eccentric, and, seemingly, had strange ideas of justice and morality. His trials by jury were a farce, even when compared with those by ordeal. Who he was, or why, or by whom he was presented to the living, is unknown. It is reasonably conjectured that he belonged to the family of that name holding estates in Walton, Wavertree, and Mensom. Whoever he was, it is likely that, even although rector of such a rich living as that of Wigan, posterity would never have heard of him but for his idiosyncrasies which brought humiliation and disgrace on the town, thus immortalising an unenviable, but by no means solitary, example of men's histories being recorded because of their bad actions.

The living at this time had a *charity* connection with the cathedral at Lichfield. Sir Robert Banastre, patron of the parish, stipulated that thirty marks (£20) should be taken from the endowment of the church and applied to the building fund of the cathedral, with ten marks (£6 13s. 4d.), of which sum bread should be purchased for, and distributed to, the poor by the Sacristan, and the remaining twenty marks to be appropriated for the use of the Sacristan. Until 1540, when the diocese of Chester was formed by Act of Parliament, the parish of Wigan was in the diocese of the Bishop of Lichfield; it is now in the diocese of the Bishop of Liverpool.

In the *Notitia Cestriensis*, or Records of the Diocese of Chester, vol. 2, paragraph 2, page 244, it is stated, "It appears by a record of Roger de Yealand, that thirty marks per annum were granted out of the endowment of the Church of Wygan by that nobleman, Sir Robert Banastre, patron of the same, and Mr. Richard Reet, of the same; and it is covenanted that ten marks should be annually paid towards the sustentation of the fabric of the cathedral (Lichfield), ten marks should be

expended in bread for the poor and be distributed by the Sacristan, and the residue should be for the use of the Sacristan; and if at any time the see of Lichfield should be vacant, the Archdeacon of Chester should compel the payment of the said sum. This donation was attested and dated at Lichfield Vith Ides of July, A.D. 1265."

The advowson of the Parish Church of Wigan belonged, until the time of Edward I., to the Banastres; but, between that and 1245, the rectors of Wigan, by some means not recorded, came to be recognised as the lords of the manor, as the charter of that date is given to John Mansel. Whether this title was legally begotten, claimed as an old custom, or usurped, was a disputed point even as far back as 1277, when both parties, claiming to be patrons, went to law, and after three years' consideration of the case Robert Banastre, of Newton, was declared to be the lawful patron of the Parish Church. The judgment of these judges was disputed and revoked two generations afterwards, when the patron was declared to be Robert de Langton, son and heir of the above Robert Banastre's daughter Alice. When Robert de Clyderhou, the rector, died in 1344, John, son of John de Langton, clerk, was presented to the living by the son of the patron, John de Langton. In 1349 John de Winwick was presented to the living by the king, Edward III.

No man could be a burgess and take a leading part in local politics unless he possessed land in the borough. The burghal inhabitants were the men of wealth, and, consequently, those whose favour the king courted. Wigan was the important market town of the district, and must at this period have had improved roads into the town for the convenience of buyers and sellers. All transactions had to take place in the Market Place, otherwise they were illegal, and the merchants liable to heavy fines. The chief reason for this was that the lord of the manor should not be deprived of his tolls and dues, and that no merchant could infringe on the liberties of any other. There was neither policeman nor foot-patrol in the town, but the inhabitants were bound by an Act of Parliament (1285) to have twelve sentinels at every gate from sunset to sunrise, and if any pursuit took place they had the power of calling up the inhabitants to their assistance, that is, of raising the hue and cry. This, of course, caused much inconvenience and expense, and, consequently, the law was but laxly attended to until "justices of the peace" (from *justices de la pèss*) were appointed to go from town to town to enforce its execution. The town watch was originally placed only at the gates more to prevent an attacking enemy entering than to preserve peace, to put down blackguardism, or detect thieves within. Sometimes the watch came out in grand processional order, each one with a large lantern, or cresset, at the end of a long pole. In the sixteenth century the watchman paraded the streets, called the hour, and raised

the hue and cry when chasing a thief, at which call the inhabitants were bound to come out and give chase. In case of fire the town was supplied with leather buckets and a few hand-squirts, and if a fire took place in the winter nights every householder was compelled to hang out a light from his house, so that the streets might be illuminated. It was not until the eighteenth century that lamps, with cotton wicks, were generally hung out on *very dark* nights by the chief inhabitants. The general custom was, however, for those who had occasion to go out after dark to carry each one his own lantern. Doubtless the walls at this time received all necessary repairs, as directed by Act of Parliament in the statute of Winton, or Winchester, requiring that walls should be formed round all borough towns. In the reign of Edward III. no less than three royal orders were issued for paving the villa of Wigan.—(Gregson, page 286). Such orders were necessary, for the streets were unpaved and dangerous for horse and foot passengers, and the rude carts were purposely made strong for their rugged work. There were no carriages, or vehicles, for passenger conveyance. The nobles and rich people travelled on horseback, and goods were conveyed on pack-horses. The country roads were in a most deplorable state, blocked by great boulders in some places and cut up in others by monster ruts. The river was forded by horses near the present Scholes bridge, and large stones were placed at convenient distances, as stepping-stones, for foot passengers. The poor traveller who unfortunately got benighted had either to guide his steed warily on the highway, or gallop as if in a steeplechase over ruts and rocks, regardless of the imminent danger of meeting masked robbers and being stopped by the call of "Your purse or your life." Many people lived to a good old age, without ever going five miles beyond the town boundaries. None travelled for pleasure; chapmen were the great vehicle-bearers of news and gossip. The houses were built of wood and plaster, but were of far more solid construction than those of other towns. The great beams, generally plain, though sometimes rudely carved, stood for ages. Thus the royal orders of Edward III. were crying necessities, and in answer to them the town was paved, and a bridge, for the first time, built across the Douglas at the end of Millgate Street. The country roads, too, were improved for the convenience of merchants and others attending the Wigan Fairs.

The manuscript Prayer Book, or breviary, was attached to a chain fastened in the wall of the church, and protected by a sort of cage-work, so that no person might steal the precious document, for even its market value was very great. The most learned and religious people, who could read, assembled round this, in the fifteenth century, and had the happy satisfaction of reading their own prayers.

All names and symbols have some origin, but what the origin of the Wigan

arms, or borough seal, is, it is difficult to conjecture. The inscription forming part of the seal is "Sigillum Commune Villæ et Burgi de Wigan," the common seal of the town and borough of Wigan. By the Index to Grants in Fee—Record Office, London—it seems that John Anderton was granted the custody of the lesser Seal for Statutes.—(Pat. 16th Ed. IV., No. 5. Duchy of Lancaster). John Anderton was the Clericus Communis, or Town Clerk. The Town Clerk was specially appointed by the Crown as custodian of the seal. Richard St. George, Norroy King-at-Arms, sketched at Wigan in 1613 the Wigan seal inscribed "Edward." These seals, doubtless, were, although they may or may not have been, one and the same seal, but certainly were not the seal now used by the borough. A seal was first granted to John Wynwick by royal charter from Edward III., 1349. That charter says:—"And moreover whereas there has been a frequent concourse at the said borough as well of merchants or others for the sake of trading and otherwise we have granted for us and our heirs to the said John, that he and his successors, parsons of the church aforesaid and lords of the borough aforesaid, may for ever within the said borough have a certain seal by us to be ordained of two pieces as is of custom to be used for recognizances of debts there according to the form of the statutes published for merchants, and that the greater part of the seal aforesaid may remain in the custody of the mayor or keeper of the borough aforesaid, who shall be for the time, or other private man of the greater and more discreet men of the said borough to this to be elected of the assent of the aforesaid John and his successors aforesaid if there shall not be a mayor or keeper there, and that the lesser piece of the said seal may remain in the custody of a certain clerk to be deputed by us there to this according to the form of the statutes aforesaid, and that the said mayor or keeper or other person who shall have the custody of the greater piece of the seal aforesaid and clerk may for the future receive recognizances of debts there according to the form of the same statutes." The most conspicuous part of the present seal is the representation of the old Town Hall, which was built in the time of Henry VIII., when such an architectural structure was one that the inhabitants might justly be proud of. With the exception of the dagger, flag, and cross, the seal is a true representation of the old building, and it is more reasonable to suppose that the seal was made to resemble the building than that the building was made to resemble the seal, and thus the argument is that the present one must be of a much later date than that of 1349. The added parts may have belonged to the original seal; the cross commemorating the connection of the town with the Crusaders, at the time the seal was first granted, especially in relation to the Bradshaigh family.

A more scattered race, and yet more distinct and persecuted, than the Jewish

people never existed. They were the only capitalists who followed the Conqueror from Normandy. They were driven from their own land into every country in the globe, and, like Noah's dove, could find no rest for the soles of their feet. Wherever they were allowed to live they were merely tolerated as necessary evils, for they were bankers and usurers wherever they went. They were literally hunted, like wild animals, out of France in the twelfth century. They sought refuge in England, which at all times has been a freer country than any other, even when its civilisation was at a very low ebb. They, more than any other people, have the power of hoarding up money, seemingly for the mere pleasure of having it. They spread themselves over the country wherever there was money wanted on good security, and seemed to grow rich wherever they went, although they were everywhere denied the benefit of common law. They were found in every market town in the kingdom, appropriating some special part of the town as their own, or the Jewish quarter. Their sign, the three balls, or arms of the Lombards, were conspicuously displayed from their houses, and their money hid in secret chests. Wigan being one of the most important market towns in the kingdom, had also its Jewry in what now remains as the old Jews'-yard, off Millgate. In all likelihood they, too, suffered in the Jewish massacre in the reign of Richard I., when the Jewish streets of most of our great towns are said to have been "slippery with Jewish blood." Nobles and yeomen, or tradesmen in need of ready cash, could only borrow from them, and they generally charged about 45 per cent. interest. They were frequently robbed, always hated and persecuted, and finally banished the kingdom in the reign of Edward I. (1290), and were not allowed to put foot on English soil again until the Protectorate of Oliver Cromwell.

The king was but a vassal of the Popes who often carried out of England more money than they left in it. They were more anxious about the filling of their coffers than the preaching of the Gospel. All the ecclesiastical livings in England were valued in 1291 by order of Pope Nicholas IV., and the income of the Parish Church of Wigan was then found to be £33 6s. 8d., but money had a greater market value then than now. Wheat was six shillings a quarter. A good cow cost the same price; a fat sheep was valued at one shilling; a Christmas goose was worth twopence-halfpenny, and chickens one halfpenny each. A labourer's wages were threepence a day, and the price of a copy of the Bible was the same as the annual income of the Parish Church.

As already stated, the town was a city of refuge for runaway slaves, who, by reason of the feudal rights, were a very numerous class. By this means, and a long exemption from war, the population had much increased, although there is no means by which it can be even approximately stated. Extraordinary powers had been legally granted by the charter to the local governing body, although not greater than

those given to most of the other royal chartered boroughs. The Court of Common Pleas in Wigan, with its empanelled jurymen, could inflict punishments almost as severe as any royal judge. What seem barbarous customs to the present race were then common punishments. On certain convictions in some towns the prisoners were drowned. Convicts were publicly drowned in the moats round walled cities. It is not recorded that the Wigan court had the power of drowning, but it undoubtedly had the power of hanging. The powers of the court were, virtually, unlimited, and yet, because of one case of hanging, through a flagrantly illegal conviction, the borough lost its charter.

The duties, privileges, and powers of both rector and burgesses were distinctly named in the charters. The rector had no right to levy rates or customs on the burgesses, and they, amongst other duties, had to obey and enforce the laws of the land, and grant justice to all subjects of the king tried by them. For either the rector or the burgesses to infringe any of these duties, privileges, or powers was to break their part of the covenant, and so render themselves liable to the cancelling of the charter. The rector had no more right to levy a rate on bread and beer than the Stuarts had to levy the tax of ship-money without the consent of Parliament. Adam de Waleton, the rector, did levy a tax on bread and beer, and for this was liable to have the charter granted to him confiscated. He had the power of taking, trying, and imprisoning any thieves within his own fee; but he was not allowed to take them from the jurisdiction of anyone else. If the felony was committed in another fee and the felon sought refuge within his manor, he could then apprehend and try him in his own court and punish him in his own prison. De Waleton had clearly trespassed on the privileges of the charter, for he had taken assize of bread and beer, and had apprehended culprits beyond his jurisdiction; moreover, he and the burgesses of Wigan, who were jurymen in the cases cited, clearly and wilfully gave most unjust judgment. It was alleged that De Waleton and the jurymen sometimes unduly condemned and sometimes improperly acquitted felons. A case was brought to trial at Lancaster (1292), and De Waleton was arraigned before a jury of twelve knights and seven gentlemen, when a long judgment was given. Justice was said to have miscarried in the case of one Proctor, who had stolen a bull in the Wapentake of Salford, and thus beyond the jurisdiction of the Rector of Wigan. The thief was detected with the bull in his possession, and lodged by the rector's bailiffs in the prison at the Manor House without any warrant. The court was only held once every three weeks, and as it was necessary in this case to remand the accused that further evidence might be obtained, one Crowe, who was then in court, volunteered to become surety for Proctor. The bail was accepted, the prisoner discharged until next court day, three weeks after, at which time Proctor did not appear, and Crowe, the surety, was placed in the dock and tried for the

theft of the bull, and the burgesses found him guilty and hanged him accordingly. For this maladministration of justice the judge, De Waletton, was tried. An additional charge was made at the same court. Another man had stolen a tabard and sword in Preston, and was taken by the rector's bailiff, Matthew le Clerk, with the stolen goods in his possession. He was brought up for trial, but the burgesses of Wigan would not trouble themselves, although they were bound to make a thorough investigation, instead of which they dismissed the case. All the counts were proved against the accused, and the borough and its liberties were seized into the king's hands, and the suitors and burgesses held at the king's mercy. Thus the town lost the liberties and privileges which it had enjoyed for fifty-six years. They were afterwards restored on the application of John Bryn, guardian of John Banastre's lands and heir, who pleaded that De Waletton, being only rector and not patron of the parish, acted without consulting and being advised by his patron, Banastre.—(Placita de Quo Warr., p. 371, 20th Ed. I. Rot. 2d.)

Dalton on the river Douglas, near Ashurst Beacon, was held, according to the Domesday Book, by a Thane named Netred, but afterwards became the property of the lords of Manchester.—(Greslet). Robert de Holland left a knight's fee in Dalton and Parbold, of the barony of Manchester, to Burscough Priory. In 46th Edward III. the manor, or part of it, was held by Sir Robert de Holland, as of the barony of Manchester, and, in the same year, Thomas de Formeby and Alianora, his wife, sued Thomas Marchell for one-fourth of the manor of Dalton, then known as Lathom. In the reign of Edward V. Formeby's heir, who afterwards died of a wound received at Agincourt, possessed the estates by his marriage with Joan, daughter and heiress of Sir Gilbert Haydock. His descendant, Peter Legh, held the manor in 20th Henry VIII., and it was in the possession of Sir Peter Leigh in the 12th Charles I. Ashurst Hall, a large castellated edifice, now used as a farm-house, existed in 1640, at the commencement of the great rebellion. In the Parliamentary list of sequestrations of property in Lancashire of 1643 the name of William Ashurst occurs. Thomas Ashurst was high sheriff of the county in 1694, and William Ashurst, judge of the Court of the King's Bench, was his descendant. The property was sold by Henry Ashurst in 1751 to Sir Thomas Bootle.

I think it well to conclude this chapter with some appropriate particulars of a few of the local families of this period whose representatives are still in the neighbourhood. The information is chiefly taken from their published pedigrees.

No family in this neighbourhood, and very few in England, can trace their pedigrees so far back as the Gerards of Bryn can. Several of their ancestors were married to the daughters of Welsh Princes. They were distinguished for their gallantry in war in the conflicts in France, Ireland, Wales, and Scotland, and the

civil wars of England. They derive their origin from Otho, a rich and powerful lord in the time of King Alfred, who was descended from the Dukes of Tuscany, and, according to Dugdale, was a baron of England in the 16th year of Edward the Confessor. Success attended their family prowess in England and Wales. Walter Fitz Otho, Castellan of Windsor, appointed Warden of the Forest of Berkshire, in which county he had two lordships, as well as twenty-six in other counties, married Gladys, daughter of Rhiwallon ap Cynfyn, Prince of North Wales. Their youngest son, Gerald, or Gerard, Constable of Pembroke Castle, married Nesta, the daughter of Rees, son of Theodore, the Great Prince of South Wales. Their eldest son, Maurice Fitz Gerald, crossed with the Earl of Pembroke to Ireland in 1170, and there distinguished himself as a soldier. William Gerard in the time of Edward II. married Joan, the daughter of Peter de Bryn, of Brynhill, of this county, and had issue one son, Sir Peter Gerard de Bryn, Knight of Kingsley and Bryn.

No local old family has had a more eventful existence than that of Standish. The pedigree is traced back to the commencement of the thirteenth century. Members of the family have been connected with all the important annals of the county and revolutions of the country, and, although sometimes the bitter foes of the reigning dynasties, they have generally been staunch adherents of the Crown and Catholic Church. The lives of the sons named "Ralph" are especially notable. Sir Ralph de Standish usurped the estates of his eldest brother. He had a grant of free pardon under the privy seal for all offences and breaches of the peace, dated 10th April, 1352. Ralph de Standish in 1398, only six years after he had been Sheriff of Lancashire, had a grant of free pardon from the crown. Another Ralph took an active part in favour of the house of York, and had two pardons granted him from Henry VI. In 1485 (1st Henry VII.) Ralph Standish, of Standish Hall, had a general pardon from the crown, after which he lived 53 years. He died in 1538, aged 80 years.

The influential and highly-respected families of Woodcock and Bankes are descendants of John de Hulme, or Holme, who was resident in Winstanley in the time of Richard II. Like all old families, they can claim distinctions for many of their ancestors, especially on the battle-field and in the church. The Woodcocks were united by marriage to the Holmes in 1799, when Elizabeth, fourth and youngest daughter of Edward Holme, was married to Thomas Woodcock, Esq., founder of the Wigan Bank. Geoffrey de Hulme, Knight, eldest son and heir of Thomas de Hulme, of Hulme Hall, is mentioned as tenant of Hulme, in the roll of those holdings under the Earl of Lancaster in 1311. Robert de Hulme, his brother, was one of the Lancashire gentlemen who made an oath at Preston in 1350, before Thomas de Seton and others, touching certain differences between Roger le Ware, Lord of Manchester, and the bailiff of the Duke of Lancaster. Sir William

or Ralph de Hulme, Knight, nephew of the above-named Geoffrey, distinguished himself in the French wars, under the Black Prince, by whom he was knighted. He afterwards served in Spain, and was sent as ambassador to the Court of Castile.

The faringtons of Worden and Ribbleton have been distinguished in the church, in law, and in war, and are at present locally represented by Richard Atherton farington, Esq., of Mariebonne House, Banker, Major of the 4th Lancashire Rifle Volunteers. He was born 27th August, 1837; married 24th April, 1868, to Everilda Mary, third daughter of Henry Woodcock, Esq., Wigan, and of Bolnore, co. Sussex. According to old documents the spelling of the family name varies very much, and that sometimes when written by the same individual, commencing with F, Ph, or ff, and almost invariably with ff in black letter documents. In their pedigrees before the time of Edward II. they are also styled De Mealis. The not unusual custom of adopting the father's Christian name, with the addition of Fitz, meaning the son of, is frequently resorted to. Hugo de Mealis had a son called John Fitz Hugo, whose son was named John de Farington. From the time of Edward II. to the present the name Farington, or farington, has been adhered to. In 1349 Edward III. confirmed a right of free warren on William Farington, and also granted him a licence to make a park in Leyland. In 1359-60 the same William entailed on his younger sons, John, Thomas, and Nicholas, the estates of Northbrook. His eldest son and heir, Sir William, is supposed to be the Farington mentioned in Froissart's chronicles as having served under Edward III. in the French wars in the expedition of John of Ghent, the first Duke of Lancaster, to recover Castile in 1360. In the 22nd year of Richard II. he held one-half of the manor of Leyland, and John of Ghent the other moiety. He had four sons, the eldest of whom died without issue, and the estates passed to his second son, John.

The Thicknesses of Beech Hill, Lancashire, distinguished in the Wigan Parliamentary electioneering conflicts of the last generation, belonged to a family of great antiquity. They were descended from Robert Thicknesse, who was Lord of Barterley, or Balterley, in Staffordshire, in 1274, an estate which was held from father to son for 500 years. Ralph Thicknesse, the only male representative of the family, was drowned in Windermere Lake, 13th September, 1853, and the Rev. Francis Henry Coldwell, the husband of his sister Anne, assumed by royal licence, in 1859, the surname and arms of Thicknesse. They have issue five sons and one daughter.