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## HISTORY OF SHIBDEN HALL

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1916

### The Waterhouse Family.

[BY JOHN LISTER, M.A.]

3rd OCTOBER, 1916.

1583—1598.

The history of the hall was brought down in my last paper to the year 1583-4, when, on the 23rd day of January of that year, Master John Waterhouse departed this life. He was duly succeeded by his eldest son, Robert, then over 38 years of age, according to his father's P.M. Inquisition, but as he was, we know, born in July, 1544, he was really over 39.

Robert, the new owner, was a barrister of the Inner Temple, and, probably, by this time, also a Bencher thereof, and, doubtless 'ere this, had been placed upon the Commission of the Peace. We know, at any rate, that either at this date or later he was a county magistrate.

Four years before his father's death, he had entered into the bonds of holy matrimony with Jane Waterton, daughter of Thomas Waterton, Esqre., of Walton Hall, near Wakefield, and they had been married on the 11th April, 1580, at

Wragby Church. Her mother was Beatrix, daughter of Edward Restwoud, of the Vache, Bucks. When Robert succeeded to Shibden Hall he and his wife had already two sons and one daughter. Both of the sons, as their father, in certain notes written by himself tells, were born at Shibden Hall. So that it would appear he was living at the hall, part of the time, at any rate, before his father's death. Mr. Waterhouse himself thus records these births:—

“Edward Waterhous, eldest sonn of Robert Waterhous, of Shibden, was borne, at Shibden aforesaid, the Nenteenthe day of June, Being Saint Garvas Day, in the thre and twentythre yeare of ye reigne of our Soveringe Ladye, Quene Elizabeth, about thre of the cloke in the morninge, 1581.

“John Waterhouse, second sone of ye said Robert Waterhouse, was borne at Shibden aforesaid, the fourtenth day of July, in the four and twentyth yeare of ye reigne of our said Soverigne ladye, Quene Elizabeth, about nene (sic) of the cloke in the night, 1582, who dyed in July, 1584.”

Jane the daughter was born at York, on the 6th December, 1583, and was baptized at St. Michael-le-Belfrey's in that city. The christenings of Edward and of John Waterhouse are recorded in our Parish Church registers, and that of Jane, the daughter, in the baptismal register of St. Michael-le-Belfrey's, York.

They run as follows:—

“Edward, filius Roberti Waterhouse do Shipden, gent.,” 26th June, 1581.

“John, son of Robert Waterhouse, of Shipden, gent.,” 15th July, 1582.

“Jane Watterhouse, daughter to the Right Worshipful Mr. Watterhouse, was baptized the 8th day of December” [1583].

There is a splendid shield of arms blazoned in the glass of the hall window at Shibden, in which are impaled the arms of Waterhouse and Waterton.

This has been finely photographed for us by Mr. Kendall. These arms of Robert and of Jane, his wife, were, of course, placed here by the new owner.

It may not be amiss now to say a word or two about the families with which Mr. Waterhouse's wife, Jane Waterhouse, was connected.

Mrs. Waterhouse had two sisters, Agnes and Frances Waterton, of whom Agnes married, as his second wife—his first being Bridget, daughter of Sir Francis Fairfax—Sir John Cotton Gargrave, of Nostell, only surviving son and heir of Sir Thomas Gargrave of that ilk. Vice-president of Queen Elizabeth's Council in the North, who did good service to Her Majesty in the suppression of the rising of the Earls in 1569. Sir Cotton, the son of Mrs. Waterhouse's brother-in-law, did not possess the talents and ability of his father. He seems to have taken little part in county affairs beyond serving the office of High Sheriff in the year 1583. His son—sad to say—Thomas Gargrave, nephew of Mrs. Waterhouse, was tried and executed at York for the murder of his servant.

The other sister of Mrs. Waterhouse, Frances, married, first, Mr. Morris Vane, but at this date was the wife of Mr. John West, of Burghwallis. Mrs. Waterhouse's aunt, Elizabeth Waterton, was wedded to Edward Percy, and their second son was Thomas Percy, auditor to the 9th Earl of Northumberland, and one of the band of gentlemen pensioners of the court. He is believed to have been—and there seems no reason to doubt it—the Thomas Percy who was summoned to London, in the first instance of the conception of Gunpowder Plot, by Robert Catesby, to whom the original contrivance of the Plot is usually attributed. (Coll. Top of Gen. II., 60.)

So Mrs. Waterhouse, wife of Robert, was, it seems,

#### FIRST COUSIN TO THOMAS PERCY, THE GUNPOWDER CONSPIRATOR,

so active in endeavouring to end rather than to mend the House of Lords.

Mr. Robert Waterhouse's first care, apparently, on succeeding to Shibden Hall, was to erect in the north "quire," otherwise Rokeby Chapel, in our Parish Church, a "fair monument," as Dodsworth, the old antiquary, who visited the church on the 5th April, 1619, describes it, to his father's memory. This bore the inscription: "Here lyeth the body of John Waterhouse, of Shibden, esquire, who departed the fifth day of January, Anno Domini, 1583[4]. Humanus est vitam deridere

quam deplorare." It is more manly to deride life than to deplore it.

This rather reminds one of the irreverent epitaph in Westminster Abbey:

" This life's a jest, and all things show it,  
I thought so once, but now I know it."

Dodsworth seems to have made a mistake in his reading of the day of the month, for we know that Mr. John Waterhouse died on the 23rd, and was buried on the 25th of January. The monument was apparently an altar tomb, and a rough sketch of it is given in Watson's History, taken from a drawing made, he says, by Dr. Johnson [not the dictionary man]. On the top of the tomb lay the figure of a man in armour, holding on his breast a shield, on which were quartered the arms of Waterhouse, with those of Bosvile, his wife's family.

On one side of his head also were on a shield the arms of Waterhouse; on the other the coats of Waterhouse and Savile quartered; on one side of the feet Waterhouse-cum-Savile impaled with Bosvile, and on the other Waterhouse quartered with Bosvile. At the head of the tomb, moreover, were the same arms as those carved on the figure's breast, and a scroll bearing the motto: " Virtus vincit omnia." This fair tomb, alas! was removed in 1700, and seemingly afterwards destroyed when stairs were made to the north gallery.

Regarding another Waterhouse tomb that used to stand in the North Chapel, Mr. Watson, by-the-bye—and it may not be out of place to note the fact here—has accused Wright of an error which he did not make, and, in doing so, the not by any means infallible Watson has committed one of his own. Wright quite correctly—as Mr. Crossley has pointed out—gives the name of Gregory Waterhouse to the figure of this other man in armour, for which Watson substitutes Bryan. \* The inscription on this tomb ran:—" Hero lyeth the body of Gregory (not Bryan, dear Mr. Watson) Waterhouse, of Halifax, gentleman, which departed this life the 14 day of October in the year of our Lord

[Note.]

\* "Halifax Parish Church Inscriptions," by E. W. Crossley.

God, 1589," followed by the same cynical inscription as that on John Waterhouse's tomb, viz:—"Humanus est deridere vitam quam deplorare."

The parish Register of Burials tell us that "Mr. Gregory Waterhouse de Halyfax, gent.," was buried in the church on the 9th Oct., 1589. Gregory was brother of John, and uncle of the new owner of Shibden Hall—Mr. Robert Waterhouse—and he resided at Siddal. There was no one of the name of Bryan Waterhouse, at this date, in the main Waterhouse family.

Mr. Robert Waterhouse, of Shibden, in the year 1584-5 was, we find, elected M.P. for Aldborough, near Boroughbridge, by the freeholders there. This borough received the privilege of sending representatives to Parliament in the last year of Queen Mary—1558—but lost its electoral franchise under the Reform Bill of 1832. The bailiff of the town used to be returning officer, and the voters were all those who paid "scot and lot," or, as we should now say were ratepayers.

Why Waterhouse should have been elected for this constituency is not evident, but David Waterhouse, his brother, in after years, succeeded him. Perhaps Aldborough's M.P. had a hand in or gave a vote for the sanctioning of the formation of an Association to protect the Queen, Elizabeth's life, a measure to which Parliament gave great attention in 1584.

Writing, on the 30th November, 1584, to Sir Francis Walsingham, the Earl of Huntingdon, then President of the Council of the North, mentions his having "received the copy of the instrument of association, for the preservation of Her Majesty's person," and that he had "made divers gentlemen of this country, acquainted therewith, and so from hand to hand it was made known in all parts of this shire." He states further that besides 300 or more gentlemen, who had volunteered to be admitted into this "honourable society, divers other gentlemen who had not come to him at York, in their several wapentakes and magisterial divisions had sealed, subscribed, and sworn thereunto, and he did engross the said instrument in parchment, and admitted thereunto such of the meaner sort of gentlemen and of the principal freeholders, and clothiers about them, as did of themselves sue

to be accepted into that society. So that, especially about Halifax, Wakefield, and Bradford, a great number of that sort have sealed, subscribed, and sworn therunto to the number of 5,300 men," besides the said gentlemen and the Corporations of York and other places.

Doubtless, Mr. Waterhouse, being, as he was, an M.P. and a J.P., was one of those gentlemen who interested themselves in this matter. Halifax, at this time, was noted for its loyalty to the reigning Queen, and Protestant cause, and, in this very year, had been commended to Sir Francis Walsingham by the Archbishop of York as being "a good people and well deserve to be considered." For this reason, as they are very desirous that markets and fairs should be held in their town, he earnestly commends their cause to Walsingham's consideration.

#### MARKETS AND FAIRS.

In Edwin Sandy's (Archbishop of York) letter we ought to notice that he speaks, in his commendation of the Halifax people, of their being "very desirous that markets and fairs should be held in their town," and he earnestly commends their cause to Sir Francis Walsingham's consideration. Whether this was a wish or not of the inhabitants, we know for certain that it was desired by Mr. Waterhouse that letters patent should be granted to him for taking the profits, in the shape of tolls, etc., arising from such markets and fairs. The following correspondence that passed, at this time, on this subject is, I think, of sufficient interest to be introduced here. It is to be found in the "Egerton Papers," and was just referred to but not published by the late Mr. Walker in his "Our Local Portfolio" contributions to the "Halifax Guardian" many years ago.

[Endorsed by Lord Ellesmere—"Mr. Secretary's letter for Mr. Waterhouse for the faire and markett in Hallifaxe."]

"To my verie loving frend Mr. Egerton, Esquire, her Matie's Solicitor.

Sir,—Whereas, the last terme I writt unto you for the makyng of a certayne byll for a mercatt to bee had weekly, and one faire yearly, at Hallifax, in Yorkshire, and in my said letter named the inhabitantes of that towne as the persons to whome

this graunt should passe; so it is that since I doe understand the sayd towne is a parcell of the Manor of Hallifax, and Robert Waterhouse, Esquire, as Lord of the whole manor [is] seased of that towne, Wherefore theise are to pray you to make the sayd bill in such sort as the grawnt of this mercatt and fayre maye passe to the sayd Waterhouse and his heires, wherby his Tenantes in the sayd towns may have benefitt thereof, and he avoyd such prejudice as may, peradventure, growe to his inheritance yf the grawnt weare passed in the name of the inhabitantes in that towne. To which effect the inclosed byll is made readie, which I pray you to allowe of by your hand in case you fynd it to containe nothing prejudiciall to hir Matie. And so I commend you hartely to God. From my howse in London, the xiith of November, 1584.—Your loving frend,  
FRA. WALSHINGHAM."

"The patent then drawn," writes the editor of the volume of the Camden Society [for year 1840] in which these letters appear, "was objected to, and the question was referred to the Master of the Rolls; who prepared another, in which "Mr. Waterhouse's adversary concurred for the settlement of matters in difference. It was transmitted to the Solicitor-General that it might be engrossed and signed by him, and a note of the contents added for the information of the Queen. In the Histories of Halifax, by Watson and by Wright, no information is given respecting the application by the inhabitants or its resistance by Waterhouse. Perhaps, no patent was ever granted in consequence of the dispute, as we are told by modern authorities that the market is held by prescription"

[Indorsed by Lord Ellesmere—"Mr. Waterhouse boke for Halifax Markett."]

"To my very loving frend Mr. Thomas Egerton, Esq., hir Matie's Solicitor General.]

Sir.—Whereas, a good while since, I writt to you for a patent to be made for Mr. Robert Waterhouse to keepe certayne fayres in Hallifax, which you did made readie accordingly for hir Matie's signature; so it is that some objection beeing made agaynst that patent, and the consideration thereof by hir Matie beeing referred to the Master of the Rolles, he hath, after the hearyng of all objections, made a draught of a newe by assent of



Mr. Waterhouse adversarie in this cawse, which draught I send you subscribed by the Master of the Roles, praying you the same may be engrossed and subscribed by you, with some short docket of the effect of the byll. And so I commend you hartely to God.

From the Court the fyrst of December, 1585.  
Your very loving frend,

FRA. WALSINGHAM."

The "adversary" referred to in the last letter may have been Edward Carey, Esquire, the Head Steward of the Manor of Wakefield, whose perquisites in our town would probably have been interfered with had Letters Patent for a market been granted either to the inhabitants or to Mr. Robert Waterhouse. We know, anyhow, that a market had been held here and presumably a fair by ancient prescription long before the date of this correspondence. Complaints were lodged in the Manor Court at Wakefield against persons forestalling the market in Halifax in the time of Henry VIII. There is, however, some further history regarding this subject to follow in the 17th century.

#### THE HARRYING OF CATHOLICS.

At the time when the Bond of Association was being signed, and afterwards, there was much hunting and harrying of Catholics, especially of priests, and Mr. Robert Waterhouse's brother-in-law, Mr. Thomas Waterton, of Walton Hall, seems to have had a very uneasy time of it. It was indeed a bad day for a "conscientious objector."

Mr. Henry Cheek, writing on August 12th, of this year, to the Earl of Huntingdon, says:—

"By our general letters you may perceive the store of priests and seeds of rebellion which are cherished in this country. I was informed by Wortley that they left a bag full of vestments at Thomas Waterton's house, whereupon I directed a commission for taking him and his wife, but before the pursuivants came, they fled."

As one looks to-day at the Waterton Arms in the window at Shibden Hall, one cannot but feel some pity for the brother of Mrs. Waterhouse; who appears to have been guilty of no greater offence

than that of adhering to the old form of faith, in which he had apparently been born and bred.

Mr. Waterhouse's second son, John, died in July, 1584, and was buried at St. Michael-le-Belfrey's, York, as the parish register there records:—"John Watterhous, sonne to Mr. Watterhous, Esq., buried the xith day of July, being of th'adge of two yearcs."

It is evident from this and subsequent entries that the owner of Shibden Hall and his family spent much of their time in the city of York, where they possessed property. We find from Robert's will that he owned a capital messuage in the parish of St. Helen's and St. Wifrid's, in that city.

As was noticed in my previous paper, Mr. Robert Waterhouse had been sole Lord of the Manor of Halifax from about the year 1571, his father, John, having apparently abdicated his partnership in the title in favour of his son.

#### A COSTLY LAWSUIT.

In the very first year [1584] of his ownership of Shibden Hall, Mr. Waterhouse was involved in a law suit with one of his manorial tenants, to wit, Brian Lister, yeoman, of Halifax, son of Gilbert Lister. This was a somewhat interesting case. The legal proceedings connected with it originated first of all in 1578, in the Halifax Manor Court, and thence went up to the Council in the North, and finally to the High Court of the Star Chamber. In September, 1580, the Halifax Court Rolls inform us that Brian Lister in his own person was plaintiff against John Haldesworth in a plea of land, and that John Doe and Richard Roe were named pledges for his prosecution of his suit. "On this," we learn, "the same Brian, according to the custom of the Manor, protests that he will prosecute his complaint in the form and nature of a Brief of our Lady the Queen, of Assize of Novel Disseisin at the Common Law. And he complains that the said John Haldesworth unjustly and illegally has disseised him of a messuage and 3½ roods of land in Halifax within the Liberty and Jurisdiction of this Court, and of which the said Brian was seised in" demesne as of fee by Copy of Court Rolls, etc.

And the aforesaid John Haldsworth in his proper person says "that, in regard to the aforesaid messuage and  $3\frac{1}{2}$  rds. of land in the plaint specified that he hath not disseised the said Brian Lister of the said premises, and he prays that an enquiry may be made by Assize." We do not know exactly what happened when the case came before the Council in the North, but doubtless the Star Chamber was afterwards selected, as a Court free from local influence, and where justice, in those days, could be more effectually obtained.

The Bill of Complaint of Brian Lister addressed to the Star Chamber is preserved in the Public Record Office. The proceedings were taken not only against "Robert Waterhouse, Esquire, now Lord of the said Manor" of Halifax, but also against John Haldsworth and William Haldsworth, yeomen, and John Haley. John Haldsworth was of Blakehill, Northowram, and William was apparently his son, for the register of baptisms at Halifax has the baptism of a William Haldsworth, son of John, of Northowram, on the 4th August, 1544. John Haley was a clerk employed by the Manor Court. The suit, which, as I have said, had previously—viz., in June, 1582—been before the Council of the North, was concerned with the genuineness or otherwise of certain court rolls of the Manor of Halifax relating to  $3\frac{1}{2}$  roods of land and buildings thereon in Halifax, half a rood of which land, that had been taken from the waste, lying near Dean Clough.

The plaintiff, Brian Lister, was son of Gilbert and grandson of another Brian. It appears that this Brian, the elder, had besides his son Gilbert, two daughters, Isabella and Agnes Lister. Gilbert, his son, married Sybil—and he died about six years before his father Brian. Gilbert had a daughter, Jennet, who married George Stancliffe on the 17th July, 1541, and was one of the witnesses, then aged about 70, at the trial.

In his Bill of Complaint to the Star Chamber, Brian Lister, after stating that "divers suits had been moved," by him, "before the Council established in the North," concerning his right and title "in one messuage or tenement and three roods and a half of land customary [i.e., copyhold], holden of the Manor of Halifax, and lying in Halifax, against the two Haldsworths and Robert

Waterhouse, Esq., the lord of the said manor, and John Haley, servant to the said Robert Waterhouse, proceeds in his Bill, addressed to Her Majesty Queen Elizabeth, to charge them in no measured language, as follows:—He alleges that, about four or five years past, of “their sinister, lewd, and naughty dispositions, not having the fear of God before their eyes, nor any due regard to your Highness’ laws, nor fearing the penalties provided, etc., in the laws and statutes of this your realm, etc., they did wittingly, subtly, and falsely forge and make, etc., one Court Roll, giving the same an ante-date of the eighteenth day of October in the sixteenth year of the reign of the late King Henry the Eight, and one copy of the same.”

The alleged forged documents purported to be a surrender on the part of Brian’s father, Gilbert, of the premises in dispute, to the use of Sibil, his wife, for a term of years, with a remainder to his son the petitioner, Brian, who was stated to have been admitted tenant of the premises. “In truth”—alleges Brian—“there was never any such Court Roll, nor any such copy, nor any such surrender, nor any such admittance, forasmuch as the said Gilbert was dead three years before the date of the said copy and Court Roll.”

The petitioner, Brian Lister, then alleges that, after his father Gilbert’s death, he “then being very young,” was inveigled by John Haldsworth into granting to Haldsworth a lease of the premises for certain years. Brian—so he says—“then and yet being a poor and simple person,” did surrender such an estate for years to the said John Haldsworth. He proceeds to allege that the defendants Waterhouse and the Haldsworths, of their “wicked, devilish, and naughty disposition,” intending his “utter disinherison . . . . did wittingly forge two other false Court Rolls . . . . and two copies of the same,” one dated 29th April “in the twenty-fourth year of your Highness’ most happy reign,” and the other the fourteenth October, and in the alleged false rolls it was recited that Brian Lister about the 36th year of King Henry, by Henry Batt, a tenant of the manor, sold and surrendered the premises absolutely to the said John Haldsworth and his heirs in fee, whereas the true surrender was only for a term of 21 years.

The petitioner winds up his Bill of Complaint by praying that subpoenas may be served on the two Haldesworths, John Haley, and Robert Waterhouse. On the 28th October, 1584, Mr. Robert Waterhouse filed his answer to the Bill, and denies in toto the charges made against him by the complainant.

Other documents relating to this—the Star Chamber suit—are the replication of Brian Lister, complainant, to the answer of Robert Waterhouse, Esqre., defendant, and two writs of Commission, issued by the Queen, the first dated 3rd November, 1584, and the second 10th May, 1585.

The former of these is directed to John Dighton, Robert Ramaden, John Boothe, of Shawe, and John Wilkinson, gentlemen, who were deputed to take the Answers at Halifax of John Haldesworth to Interrogatories to be administered to him on behalf of Brian Lister. Then we have Responsions [answers] to Interrogatories made by John Haldesworth of Blakehill, on 21st January, 1584-5.

The second Writ of Commission is directed to Edward Mawde, John Milner, Walter Otes, and Thomas Taylor, gentlemen, directing them to call and examine witnesses at Halifax on the 1st June next [1585] to answer the Interrogatories, dated 10th May, “ministered to them on behalf of Brian Lister.” On the 1st June, 1585, the witnesses summoned on behalf of Brian Lister made their depositions.

The first witness was JENNET STANCLIFFE, wife of George Stancliffe, of Halifax, “about the age of seventy years.” She was the daughter of Gilbert and sister of Brian Lister, and had married George Stancliffe on the 24th June, 1541, as shown by our parish registers. Her mother, she states, was Sibil, who had died in 1545. Her grandfather, Brian, survived her father, Gilbert, about six years, and possessed the 3½ roods and the buildings thereon at the time of his death. Isabella and Agnes Lister, his daughters, occupied the property after Brian’s death for a short time, and her mother, Sibil, purchased of John Waterhouse, who, she thinks, was Lord of the Manor of Halifax, the parcel of common containing half a rood.”

The second witness was JOHN LISTER, of Northowram, “milner,” aged about 74, who con-

firmed Jennet Stancliffe's evidence, but "never heard that any of the Court Rolls or copies had been forged."

JOHN THORNEHILL, of Lightcliffe, gent., about 34 years old, was the third witness.

He says--and his deposition is rather interesting--that he was desired by Brian Lister, the plaintiff, to go to Shirden to search the Court Rolls "to see whether the plaintiff, soon after his father's death, was admitted tenant of the lord as heir to his father of 3½ roods of land, and went there, and John Wilton, of Brighouse, went with him to Shirden, and Robert Waterhouse permitted them to search the rolls from 10th to 29th or 30th, Henry VIII." Says also that "Robert Waterhouse showed him and John Wilton a number of Court Rolls, but does not remember whether he said they were all the Court Rolls between 10th and 29th Henry VIII. He could not find that the plaintiff was admitted tenant in any of them. Says he made another search between 12th or 14th, and 20th Henry VIII, and that he searched a roll of the 16th year twice but could find no courting of the plaintiff in the said roll, and that he heard John Hemingway say that he searched the rolls and there was no such copy as the plaintiff wished to be found in the rolls.

Says "he has seen an order set down before the Queen's Council in the North, dated 28th Nov., 24 Eliz. . . . showing that by the assent of the Counsel of Robert Waterhouse, then defendant, that, on an assize to be brought by the said plaintiff, Robert Waterhouse should plead to the same and that neither he nor the Jury should take any advantage by reason of the plaintiff not being admitted the tenant, but should allow of his supposed seisin." He, like John Lister, had never heard that any of the court rolls or copies had been forged.

JOHN WILTON followed as a witness, and confirmed John Thornhill's evidence.

MARGARET, late wife of John Broadley, of the Carre House, confirmed Thornhill's evidence, but says that Brian was not in possession of the premises when he died.

GEORGE STANCLIFFE, who had married Jennet Lister, deposed that an agreement had been

made between Brian Lister and John Haldesworth that the latter should have a lease of the 3½ roods and buildings for 20 years, and that Haldesworth paid £10 in his presence to Lister for the same about 36 years ago.

ROBERT RAMSDEN, of Halifax, aged about 70, clothier, was quite an expert witness as to the customs of the Manor of Halifax, and the last witness of the number was JOHN RAMSDEN, of Halifax, clothier, about 58 years old, who confirmed Robert's evidence.

One of the Interrogatories put to the witnesses which does not seem to have been answered was:—

“Whether Robert Waterhouse, about the time of the search between the 10th and 20th years [of Henry VIII.] did utter to Gilbert Lister, son of the plaintiff, or any other, the following words, viz.:—‘Thou [meaning the son of the said plaintiff] wilt thou now be satisfied, for thou mayest see here is no such copy as thou would'st have?’ ”

It thus appears from the Interrogatories and evidence that the Court Rolls of the Manor were kept at Shibden Hall, and one of the other questions asked of the witnesses was: “Whether you have been desired by the plaintiff, or any for him, to go to Shipden, to the house of John Waterhouse at Shipden, father of Robert Waterhouse, one of the defendants, to search the Court Rolls of the Manor of Halifax then in their custody?”

We are not told how this suit in the Star Chamber ended, but from the Manor records of after years it would seem that Robert Waterhouse and the Haldesworths gained the day.

In the year 1600, about sixteen years after these proceedings, we find that the matter was still a bone of contention, for though Brian Lister had departed this life, his son Gilbert began a fresh action in the Manor Court and at the Common Law, to recover the 3½ roods of land at or near Dean Clough, but in this case the defendants were neither the Lord of the Manor nor the Haldesworths, but one John Waterhouse, of Crosshill, was sued as the occupier of the premises. The writ to the latter to answer the charge laid by Gilbert Lister, as illustrating the way in which legal actions were taken and dealt with in our local Manor Court, translated from the Latin, runs as follows:

"It is enjoined on the Grave of Halifax and his deputy or deputies that he by view of four tenants of the lord of the Manor of 'Halifax' aforesaid, cause John Waterhouse, of Croshill, to be summoned in regard to three messuages or cottages, one garden, and three roods and a half of land, with their appurtenances in 'Halifax' aforesaid, held of the Lord of the Manor aforesaid by Copy of Court Roll, according to the custom of the same manor; so that he be here at the next Court to be held at 'Halifax' aforesaid for the Lord of the Manor aforesaid to make answer to Gilbert Lister, son of Brian Lister, of a plea on demand of the aforesaid messuages and of all the lands and tenements aforesaid. The manner wherein you shall cause this precept to be executed you are to certify to the Steward of the Manor aforesaid or his deputy there at the Court aforesaid, together with this precept in form aforesaid. And this you shall not omit for any peril incumbent. Witness the aforesaid Steward the fourth day of September, in the forty-first year of the reign of our Lady Elizabeth by the grace of God, of England, France, and of Ireland, Queen, Defender of the faith, etc.

[signed] N. FENAY."

Endorsed on the back we read in English:—

"This precept was executed the 16th day of June, anno 1600, accordinge to the tenor within written, in the presence of Daniell Foxcrofte, Robert Bearstowe, Henry Halle, and James Boythe, foure of the lordes customary tenants of the Manor of Halifax.—John Waterhouse, Debete Grave (sic!)"

It was in this form and manner that law suits were initiated in our Manor Court.

In the year 1585 another son was born to the Lord of the Manor, who was christened John—as appears by an entry in the baptismal register at St. Michael-le-Belfrey's. John Watterhouse, son to Mr. Watterhouse, Esq., baptised the 13th day of May (1585)" and in the following year, 1586, Robt. another son was born at York, on the 23rd September, and baptised at St. Michael-le-Belfrey's. The entry of his christening runs in the register there thus: "Robert Watterhouse, sonne to Mr. Roberte Watterhouse, baptized the 25th September, 1586."



The families of Waterhouse and Milner had, we know, been united by the marriage of Mr. Robert Waterhouse's aunt, Anne Waterhouse, with Mr. John Milner, late of Halifax, but then of Pudsey. A second union was made in or about the year 1586, when Robert Waterhouse's first cousin, Robert Waterhouse, of Harthill, son of George Waterhouse of that ilk, married his cousin Grace, the daughter of John Milner and of the above-said Anne Waterhouse. On this occasion, of course, there was a marriage settlement, and a fine to this effect was passed in Easter Term, 1586, in which Robert Waterhouse, Esq., of Shibden, and Robert Waterhouse, gent., of Harthill—the bridegroom—were plaintiffs, and John Milner, gent., and Robert, his son and heir—Grace Milner's father and brother—were deforciant.

The property settled on the marriage comprised, it appears, four messuages and four cottages, with lands in Calverley Pudsey, Leeds, and Bramley.

In 1588, on the 3rd March, there was yet another son born at York to the owner of Shibden Hall, and "Richard Waterhouse," says the Baptismal Register at St. Michael-le-Belfrey's, "sonne to Mr. Waterhouse [was] baptised the 5th March [1588].

#### READER OF THE INNER TEMPLE.

In 1589, it would appear, that Mr. Waterhouse, must have spent some time in London, for, in the autumn of that year he was elected by his brother Benchers Reader at the Inner Temple. This was a post of much honour and of much expense.

It was his duty, during his term of office, to preside at what were called the "moots" or discussions of the "Utter Barristers," and to deliver the opinion of the Bench on the points mooted. "Utter barristers," according to Herbert [Antiquities of the Inns of Court and Chancery] were such as are called by the Benchers to plead and argue in the society doubtful cases and questions, which are called moots, and, whilst they argue the said cases, they sit uttermost on the forms of the benchers, which they call the "bar." Over these "moots" the Reader, as I have said, presided.

As "Reader," it was expected of Mr. Waterhouse that he, as the manner then was with Read-

ers, should keep a splendid table, entertaining at his own expense the judges, nobility, bishops, ministers of State, and not unfrequently royalty itself. It sometimes cost, writes Herbert, a Reader, as much as £1,000! One can hardly imagine that the income of Mr. Waterhouse could have been equal to so great a strain. Among those of all the other Readers of the Inner Temple, his Arms are to be seen painted on the walls of the Hall there to-day.

In June, 1588, Mrs. Robert Waterhouse had to mourn the loss of her brother-in-law, Sir Cotton Gargrave, of Nostell. He died indebted to Queen Elizabeth in the sum of £2,000 or thereabouts, due from him as receiver of the Queen's revenues in the Honors of Pontefract, Knaresborough, and Tickhill, and other possessions of the Duchy of Lancaster, and his goods were ordered to be seized to the value of that amount. There is a splendid inventory of his furniture and other goods and chattels preserved among the records relating to the Duchy of Lancaster. Lady Anne Gargrave, Mrs. Waterhouse's sister, was examined at this time in regard to these proceedings, and deposed on her oath that there was a deed of gift made by her husband in 1587 of divers goods and chattels to his and her five daughters. Her deposition was confirmed by Edward Beckwith, Sir Cotton's servant, who deposed to the truth of this, having himself written out the deed, "which had been perused by Mr. Robert Waterhouse, counsellor in the law, after it was first drawn and delivered into his [Mr. Waterhouse's] keeping by Sir Cotton, in the presence of the deponent and other witnesses."

In connection with the death of Sir Cotton Gargrave, Mr. Waterhouse's brother-in-law, we may add that on a tomb in the south quire in Wragby Church is or was the following inscription:—

"Here lieth buried Sir Colton Gargrave, Kt., that died the 16th day of June, 1588. He married first Bridget Fairfax, of Steeton, and had issue by her onely [sic] 3 sonnes, Tho., Robert, and John; and after [he] married Anne Watterton, of Walton, by whom he had issue Rich., Robt., John, and daughters Anne, Margaret, Mary, Elizabeth, Priscilla, and Frances, Robert, the 2nd son was slayne at London at 17 years of age. John, his thid, died at his birth."

In Michaelmas term, 1587, there was a Fine passed, in which Robert Waterhouse was plaintiff, and Nicholas Waterhouse, gent., son of Gregory Waterhouse, of Siddal, deforciant, by which was registered the transfer to the owner of our hall of houses and lands in Siddal and Southowram. This may, however, have only been some form of family settlement.

In 1589, however, he purchased, along with Thomas Waterhouse, gentleman, of Braithwell, his brother, a messuage with lands in Ackworth, that seems to have remained in his possession, and is certainly the property in Ackworth mentioned in his will. These were purchased of William and Ambrose Halliley and Victoria, wife of the said Ambrose. This Ambrose Halliley is recorded in the proceedings connected with Sir Cotton Gargrave's affairs as owing to the Gargrave estate £100 on mortgage.

In 1590, Mr. Robert Waterhouse purchased of his cousin, Nicholas Waterhouse, gent. [son of Gregory] and of Elena, his wife, one messuage, 3 cottages, 2 water-mills, and two dams, with land, and 16 acres of land covered with water, in Southowram and Halifax, and a watercourse called Halifax Brook, in the same. This is the description of the property as given in the fine passed at the time.

Besides the property he had inherited from his father, Mr. Robert Waterhouse added considerably, it seems by purchase, to his estate. In fact, if we are to believe what one of his younger sons—Richard—alleged in some legal proceedings, about 40 years later, he rather overdid things in this respect.

These purchases, we are told, amounted to £200 a year, but "his personal estate and the filial portions of his younger sons were much decreased and of little or no value at all." This, however, is an *ex parte* statement. Richard Waterhouse also states that the Manors of Halifax and Heptonstall, one capital messuage called Shabden Hall, divers lands thereto belonging, divers water-corn, and fulling mills, and other lands in the parish of Halifax and a certain pasture ground in Ackworth, were all of them of the value of £800, including the 200 pounds worth of property his father had acquired by purchase.

In 1590, Mr. Waterhouse made a settlement, and entailed his estates in tail male, on his eldest son Edward, with, as the lawyers say, remainders over.

#### THE BAILLIWICK OF HALIFAX.

In 1590-1 the "Bailiwick of Halifax" was granted to Robert Waterhouse by Mr. James Stansfield, so at least Mr. Waterhouse alleges in a certain subsequent legal action. "Bailiwick" meant the area subject to the jurisdiction of a bailiff, and the question at issue was whether there was a separate bailiwick and bailiff for Halifax, apart from the bailiwick and bailiff of Wakefield. The plaintiff in this suit, which engaged the attention of the Duchy Court of Lancaster in 1593 was Sir Geo. Savile, of Thornhill, Knight. His petition is among the records at the P.R.O., London. He recites in his Bill a lease made by King Henry VIII. on 2nd October, 1546, to Sir John Tempest, son of Sir Richard Tempest, of the fee farm of the town of Wakefield, and of the bailiwick of the same town. Sir John Tempest was, in fact, Steward of the Manor of Wakefield—and Halifax, so far as the Tourns and Court Lects were concerned, was part and parcel of that manor—and there were bailiffs appointed by the Steward both at Wakefield and Halifax.

Sir George Savile claimed that the Manor of Halifax had been made by Act of Parliament part and parcel of the Duchy of Lancaster, "since which time the interest of Sir John Tempest came to the petitioner"—and he also alleged that the Liberty of Halifax was not distinct from the jurisdiction of Wakefield, and he denied that there was any such thing as a separate Manor of Halifax, and that it was only "in respect of the jurisdiction which is pretended by the Gibbet Law" that it is distinguished from the Manor of Wakefield, "and not as any divided Manor, or divided and several Bailiwick or Liberty or Fee from the said Bailiwick and Fee of Wakefield." To this Bill, in Hilary Term 1593, Robert Waterhouse replied, alleging the grant to him of this office of bailiff of Halifax, by James Stansfield, to whom the same office had been previously granted by Robert Tempest. Thomas Mitchell, of Halifax, yeoman, and John Draper, of Sowerby, yeoman, joined with Mr. Waterhouse in his Answer to Sir

George Savile's Bill of Complaint, for they were also defendants in the action, and were charged, as deputies of Robert Waterhouse, with "letting" and interrupting, with great disorder and violence, John Murgatroyd, who had been appointed by Savile as his collector of rents, in the execution of that duty. They had also, so it was alleged by Savile, drawn the same Murgatroyd into suits before the Council of the North. How the matter ended I have not discovered. Did Mr. Waterhouse gain the day, and was he successful in proving that Halifax was a separate bailwick from Wakefield, and that, as bailiff thereof, he had a perfect right to appoint Mitchell and Draper as his deputies? If so, it seems somewhat strange that the Tempests as Stewards of the Manor of Wakefield under the Crown, should have had the power to alienate the appointment of Bailiff of Halifax.

In later times the appointment of Bailiff, if it ever, indeed, passed from them, returned to the Lords of the Manor of Wakefield, who, as Wright says in his account of the Gibbet Law, commissioned the Bailiff in Halifax "under the particular seal appertaining to that Manor" of Wakefield, to keep a common gaol for the detention of prisoners awaiting trial.

In 1592 died, at York, Robert Waterhouse's mother, John Waterhouse's widow, and she was buried in St. Michael-le-Belfrey, where there was placed a monument to her memory, of which I have given the inscription in a former paper. The parish register there records that "Mrs. Waterhouse, mother to Mr. Waterhouse, was buryed there the second of May" [1592]. She, as it will be remembered, was the daughter and heiress of Thomas Bosvile, Esq., of Conisboro'.

Another son was born to the owner of Shibden Hall in 1590, whose birth and death are thus recorded by his father:—

"William Waterhous, sixth sone of the sayd Robert Waterhous, was born at Kynsley the fourth day of July, 1590, in the 32 yeare of our most gracious Quene Elizabeth, about 7 of the cloke at night as the Ladye Gargrave informyd me, and he dyed the 17th daye of Novembre, commonlye cawlid the queenes daye, then next followinge, and the daye aftre that, beinge the 18th daye of

Novembre, 33 regne Elizabethhe, dyed the eight Honorable George, Earl Marshall of Eynghande, Gilbert, now Earell of Shrowburie, being of the age of 38 yeares the 20th day of Novembre next after that, as he himself tould me."

George E. of Shrewsbury, whose death Mr. Waterhouse thus records, was, we may remind ourselves, one of the two noblemen commissioned by Queen Elizabeth to announce the sentence of her execution to

#### MARY, QUEEN OF SCOTS,

and, with the Earl of Kent, was on the scaffold when the unfortunate lady was beheaded, on Wednesday, 8th February, 1587. The Countess of Salisbury on one occasion gave Mr. Waterhouse a chain of gold for his son Edward.

In his notes of family births and deaths Mr. Waterhouse, in 1592, records the birth and death of a short-lived daughter, thus:—"Also in Januarie, tricesimo, quarto regine Elizabethhe, the sayd Robert Waterhouse had issue a daughter, who dyed the same daye. She was buried at Yorke, whear she was borne, and was never christenyd."

William, his sixth son, was born at Kinsley, as we have learned, in the township of Hemsworth, where lived the Lady Agnes Gargrave, the sister of Mrs. Waterhouse, and widow of Sir Cotton Gargrave, and one of the daughters of Mr. Thomas Waterton, of Walton Hall, near Wakefield

Under the year 1595, occurs this entry in Mr. Waterhouse's notes:—

"Frances Waterhous, daughter of the sayd Robert Waterhous, was borne at Yorke, the fythe daye of Septembre, 37 regine Elizabethhe, 1595, about 8 of the cloke before none; the forsayd name was agreed upon, being the name of Frances, the wyffe of Matthew Lo. Archbishop of Yorke, and yet afre that the said Frances, being one of the godmothers, altered her purpose, and cawled her Abigall, contrary to my mynde and the mynde of my wyffe, at the fontston, when my sayd daughter was christenyd, and hir name is Abigall and not Frances, who dyed 14 Junii, 1596." In the margin is written "Abigall, should have been namyd Frances. She dyed at Yorke, 14, Junii, 38 Regine

Elizabeth, and was buried in Sant Ellen's Church in Stongat, in the sayd cetye."

This Archbishop was Matthew Hutton, appointed to the See in 1595.

In the Register of St. Michael-le-Balfrey's occurs:—"Abygall Watterhouse, daughter to Mr. Robert Watterhouse, was baptized the vii Sept. [1595]."

On the 20th August, 1596, died Mr. Francis Metham, of Wiganthorpe, younger brother of Sir Thomas Metham, of Metham. This gentleman had married Dionisia, daughter of Sir Thomas Water-ton, of Walton, and she was aunt of Mrs. Waterhouse, of Shibden Hall. Mr. Metham, in his will, which is an exceedingly long document [Printed in Yorks. Arch. Journal, vol. 8], says: "I make and constitute supervisors [of my will] my loving nephew, Robert Waterhouse, of York, Esquire, and my loving cousin John Gurlington, of Hutton, gent., trusting in their good and well-approved friendship towards me, that they will give their best aid and advice to my executors for the well and effectual performance of this my testament according to the just meaning and true intent of the same; and for their pains therein to be taken I give unto each of them five pounds in 'Angells.'"

Mr. Waterhouse's uncle, Francis Metham, was it seems, not altogether reconciled to "The Reformed Faith," for a presentment was lodged against him and his servant, Edward Simpson, at the Archbishop's visitation in 1594, as non-communicants. His elder brother, Sir Thomas Metham, is described by one of Sir William Cecil's correspondents as "a most

#### WILFUL AND OBSTINATE PAPIST.

He utterly refused to come to the divine service or hear it said, to receive the Communion, to come to any sermons, or to read any books except they be approved (as he saith) by the Church of Rome. He refuseth to answer and stand and be tried by the Queen's Majesty Commissioners for causes ecclesiastical." . . . I caused him to be committed to the Castle, where he remaineth and doth harm; yet more would he have done if he might live at large" [Cartwright's Chapters of Yorkshire History.]

Francis Metham, the uncle of Mrs. Waterhouse, was buried in the quire of Terrington Church, near Malton.

The reason why Abigail Waterhouse was buried in St. Helen's Church, Stonegate, York, seems to have been owing to the circumstance that the owner of Shibden had become the possessor of property in that parish and a resident therein. A Fine, passed in Easter Term, 1596, shows that he had become the proprietor of three messuages, two stables, etc., in the parishes of St. Wilfred and St. Helen—bought of Thomas Buskell and others. He had previously, it seems, evidently resided in the parish of St. Michael-le-Belfrey.

Another Fine, passed in Michaelmas Term, of the same year, indicates his purchase of two fulling mills and lands in Southowram from Nicholas Waterhouse, eldest son and heir of Gregory Waterhouse, of Siddal, deceased, and from Elena, wife of the said Nicholas. Nicholas Waterhouse also sold him, apparently about this time, "all that messuage in Halifax called the "Old Hall."

Also we find, from the Halifax Court Rolls, that on the 7th October the same Nicholas Waterhouse, gentleman, surrendered and released to the Lord of the Manor of Halifax, Mr. Robert Waterhouse, all his right and title in a certain close in Halifax called Milne Hill Close, and Jeremy and Toby, Nicholas' younger brothers, on the 15th December, 1597, also released all their interest in the same Milne Hill Close, otherwise called New Garden Close. Toby is described as of Trinity Coll., Cambridge. The brothers Lewis, Jeremy, and Toby Waterhouse on the 15th December, 1597, suffered a seizure to the Lord of the Manor of the following property, and of other premises, which, as they formed matter for great litigation in years to follow, it may be as well to particularise. The property to be seized into the lord's hands consisted of 1 messuage, 1 garden, and 1 croft, in Halifax, near the Four Mills, then in the occupation of William Stancliffe, of 2 closes of meadow called the Milne Closes, in the occupation of Robert Hardy, 1 fulling mill called Brigg Miln, and all goits, watercourses, etc., to the same belonging. Also 2 closes called Over-crawshay and Nether-crawshay, in the occupation of Henry Brigg, near unto the said fulling mill.



The Grave of Halifax, was enjoined to seize these premises into the hands of the Lord of the Manor, Mr. Waterhouse.

#### THE FULLING MILL.

A word or two about the fulling mill and adjacent closes.

From some depositions taken in 1626, about 28 years after the date we are dealing with, we learn that in 1626 this fulling mill used to let at a rent of £21 per annum. The rent was "for the most part paid by half years, and sometimes by quarters, and accounts as to profits sometimes were settled by juries and sometimes by written statements." When the tallies were lost or defaced—as happened in or about 1626—the tenant, we are told, found it difficult to remember the sums paid.

The Stone Dam closes in 1626 were estimated to be worth in rent £6 a year, and the Milne-holme close was rented at the same figure.

The two Crawwellshaw closes in 1626 were also known as the Brow and the Holme. These closes are described as "good ground lying near to the market town of Halifax, and along with the Milne holme, joining upon the water bank called Halifax Brook."

We note that the fulling mill and the two closes called Over and Nether Crawshay, had previously, on the 6th October, been conveyed by Abraham Lister, of Halifax, son and heir of Robert Lister, deceased, to Jeremy and Toby Waterhouse. The fulling mill and the closes Abraham had inherited from Richard Lister, of the Cross, and the fulling mill seems to have been the original fulling mill at North Bridge, which from the "litting," i.e., dyeing business, carried on there had given their name of Litster or Lister to the family.

In 1590, we have learnt that Robert Waterhouse had made a settlement of his estate, whereby he entailed Shibden Hall, the Manor of Halifax, etc., on his eldest son, Edward, in tail male, but, on the 9th February, 1594, he demised the premises lately mentioned—the fulling mill, the Crawshays, etc.—and some other property that he had, during his life purchased, for the term of one hundred years to his younger sons, John, Robert, and Richard,

and he also, out of other lands, granted them an annuity of £40 from the date of his death. The other property besides the fulling mill and the Crawshays, sometimes called the Crown Feres, that Mr. Waterhouse granted for a term of one hundred years to his younger sons, is thus described in subsequent legal proceedings:—

Close of land called the Milneholme, 2 closes called Stone-damme closes, 1 tenement and croft lying on the south side of the great mill dam, and in the occupation of one Stancliffe, 1 close of ground called Coldwell Ing, in the occupation of Robert Boland, situate in Halifax, and 1 close called Broad Ing, in Southowram, in the occupation of Gilbert Drake, and all the messuages and grounds called Widdop Head, in Heptonstall.

Mr. Robert Waterhouse had probably a presentiment that his life was drawing to a close when he made this provision for his younger sons, and he died, apparently, at York on March the 3rd, 1598.

His will is dated on the 10th February previously. An abstract of it runs as follows:—

"Robert Waterhouse, of the City of York, Esqr." —so he describes himself—in this will recites that he has by deed indented of bargain and sale to be enrolled in H.M. High Court of Chancery bargained and sold to Robert Waterhouse, of Hart-hill, county of York, gent., and Thomas Waterhouse, of Braithwell, in the said county, gent., John Milner, of Whitwell, Co. Derby, gent., and to Nicholas Fernley, my servant, their heirs and assigns for ever, all that capital messuage in the parish of St. Ellen's [sic] and St. Wilfred in the city of York, late in the tenure of Thomas Buskell, Esqre., decd., and now in the tenure of me, the said Robert Waterhouse, also a messuage and lands called the Riddinges, alias Hallyley, and all other my lands, etc., at Ackworth, in the Co. of York, on trust to sell and pay debts, etc. To my Cousins Jeremy and Toby Waterhouse [I leave] £100. The residue of my personal estate (except my wife's chain of gold, and one other chain of gold which I have in my custody of my son Edward's which the Countess of Shrewsbury gave him) I give and bequeath to Jane, my daughter, towards her preferment in marriage. The education of my daughter Jane I do appoint to my good sister the Lady Gargrave, and to my said wife. Whereas I

have purchased to me and mine heirs of my cousin, Nicholas Waterhouse,, all that messuage in Halifax called The Old Hall, late in the occupation of William Watnough, and now in the occupation of one Sheppard, one like tenement now in the occupation of Robert Bolland, 2 fulling milnes lying in Southowram, and certain cottages or tenements lying near to the milnes in Halifax aforesaid, all which premises are contained in one deed of assurance made for my said cousin Nicholas Waterhouse unto me, and which I had by deed of Bargain and Sale assured and conveyed to my said cousin Nicholas Waterhouse and his heirs, upon condition that if I do, on the Feast of the Purification of the Blessed Virgin Mary, 1599, pay to the said Robert Waterhouse, of Harthill, John Milner, Robert Waterhouse, of Parkhouse, and Henry Rainer, gentlemen, £400, according to a Bond of £800, made by me unto the said Robert Waterhouse, of Harthill, John Milner, Robert Waterhouse, of Park house, and Henry Rayner, then I and my heirs to re-enter into the said Old Hall, fulling milnes, and last recited premises, which, if I live till that day I purpose to pay, and, if I die before the said day, then I require my said cousins, Nicholas Waterhouse, Robert Waterhouse, of Harthill, John Milner, and Robert Waterhouse, of Parkhouse, and Henry Rayner, that my said cousin, Nicholas Waterhouse would accept to take the said Old Hall, according to the said Deed made by me unto him thereof in satisfaction of the said £400, which I agreed to pay for the same, I having bestowed in the reparations of the said premises (as Richard Harrison, my servant, who had the dealing therein for me, informeth me), £40 at the least, I paying in the meantime, and, therefore, I trust my said cousins will satisfy my said request and deliver to my executors the said £800 Bond, which is made for the payment of the said £400, for the said Old Hall, and other the re-cited premises.

I give to my son Edward Waterhouse, whom, I trust, will be a stay to my house, wife and children, all my books, desiring him to allow what I have set down here or appointed to my three younger sons, his portion of things which I have left him [being] a great deal more than I had left me by my father, I having a purpose to do much more for him if God grant me life. I give to my

wife her gold chain and one convenient bed with the furniture.

The will of Mr. Robert Waterhouse concludes thus:—

I desire my cousin, Robert Waterhouse, of Harthill, to take upon him the education of my son John; and my brother, Thomas Waterhouse, to take upon him the education of my son Richard until their full age. I appoint the aforesaid Robert Waterhouse, of Harthill, Thomas Waterhouse, the said John Milner, my brother Stephen Waterhouse, and said Michael Fearnley executors, and as supervisors my nephew Richard Gargrave, John Bennet, Doctor of Laws, my brothers, David Waterhouse and Philip Waterhouse, Mr. John West my brother-in-law, and my good friend Mr. John Bramhall, of Pontefract. Witnesses, Nicholas Fearnley, Vincent Waterhouse, Richard Harrison, and Edward Clapham. Dated 1st April, 1598.

It may be well to say a word or two in identification of the persons named in the will.

ROBERT WATERHOUSE, of Harthill, cousin of the testator, was son of George Waterhouse, George being second son of the first Robert Waterhouse of Shibden. On the 16th April, 1575, Gregory Waterhouse, of Siddal, third son of Robert, of Shibden let for seven years to this Robert, of Harthill, a large amount of property in Halifax, comprising the fulling mill, called Brigg Mill, The Seedlings, etc., etc., in performance of the payment of £133 6s. 8d., to the said Robert Waterhouse, "for his aid, support, and food," payable at the late mansion house of the said Robert Waterhouse in Halifax, in sums of £20 a year for six years, and 20 marks in the seventh and last year. Thus it seems that £20 a year was considered a good allowance for the maintenance of a gentleman. This Robert of Harthill married Grace, the daughter of John Milner, of Pudsey, and his will is dated 1619.

THOMAS WATERHOUSE, of Braithwell, was the third son of John Waterhouse, of Shibden, and brother of the testator. He founded the important branch of the family of Waterhouse of Braithwell.

JOHN MILNER, of Whitwell, was the brother of Robert Waterhouse, of Harthill's wife, Grace, and third son of John Milner, sometime of Stony-

royd, and later of Pudsey, and of his wife Anne, daughter of the first Robert Waterhouse, of Shibden. Nicholas Ferneley—described as the testator's servant—may have been a Halifax man, and the same Nicholas Ferneley who married Grace Otes on the 29th October, 1590. He acted for Robert Waterhouse as a factotum in the Manor Court.

The cousins—JEREMY and TOBY WATERHOUSE, with whose names we are now familiar—named in the will, were younger sons of Gregory Waterhouse, of Siddal.

Jeremy became a parson, took the degree of B.D., and was Rector of Greystock.

Toby was Gregory's youngest son. He took the degree of D.D., and became Rector of Whitwell, in Derbyshire. There is a brass in Whitwell Church that he placed there in memory of his child, another Toby. The father describes himself thereon as "the youngest son of Gregory Waterhouse, Esq., the youngest son of Robert Waterhouse, Esq., of the Moot Hall in Halifax, in Yorkshire, Esq."

The epitaph that he seems to have composed himself on his four-year-old son is curious, and runs thus:—

"Both life and grace in the sweet babe ran on,  
When sudden death did seem to make their points  
to meet in one,  
But thus on thee did life and grace thy parallels  
attend,  
Whose equal length keeps equal breadth, now never-  
meeting end."

The testator's daughter Jane, to whom the chain of gold given by the Countess of Salisbury was left, married Metham Jackson, of Cadeby, gent.

THE LADY GARGRAVE, to whom the education of Jane Waterhouse is, in conjunction with the testator's widow, committed; we have already met in the course of this paper. She was, we know, Mrs. Waterhouse's sister.

RICHARD GARGRAVE, one of the supervisors of the will, was, perhaps, not one of the best men who could have been chosen for the purpose. He was the son of Sir Colton Gargrave by his second mar-

riage with Mrs. Waterhouse's sister, and he succeeded to the family property after the death of his half-brother Thomas Gargrave, who was tried and executed at York for the murder of a servant of his. Robert, the second son by the first marriage, was slain at London when 17 years of age.

Richard, named in the will, in 1605, served the office of High Sheriff; and it is told of him that as he rode through the streets of Wakefield he "bestowed great largess upon the common people, in congratulation for so wise, peaceful and religious a King as England then enjoyed." He was knighted, but Sir Richard was a gambler and a spendthrift, and, little by little, the great estates upon which he entered were parted with to support his extravagance. Nostel was sold in 1613. Dods-worth wrote of him in 1613 that "he now liveth in the Temple for sanctuary, having consumed his whole estate, to the value of £3,500 per annum at the least, and hath not a penny to maintain himself but what the purchasers of some part of his lands, in reversion after his mother's death, allow him, in hope she will survive his mother, who hath not consented to the sale." Hunter writes: "The rustic moralist still points his counsel with the story of Sir Richard Gargrave, who could once ride on his own land from Wakefield to Doncaster, but was, at last, reduced to travel with the packhorses to London, and was found dead in an old hostelry, with his head on a pack saddle."

And this was the tragic end of our Mr. Robert Waterhouse's nephew, Richard Gargrave.

JOHN BENNETT, Doctor of Laws, of the City of York, another supervisor of the will, was chaplain to A. B. P. John Piers [1588-1594], and was made heir to him in that prelate's will. Out of gratitude he erected a monument at his own expense to the A.B.P. in York Cathedral. Dr. Bennett was one of the Learned Council of the North under the presidency of the Earl of Huntingdon.

Of the testator's brother, DAVID WATERHOUSE, also one of the supervisors, one may have much to say in another paper. Sufficient is it here to note that he was Mr. Robert Waterhouse's youngest brother. He, like Robert, was a barrister of the inner Temple, and was, as his brother had been before him, M.P. for Aldborough in the year 1588-9.

RICHARD HARRISON, one of the witnesses, was a trusted "estate agent"—in modern language—of the Waterhouses, and was a collector of their rents, as his father, another Richard Harrison, had been before him. The family lived at Brackenbed. It may be remembered by some of us that the famous and untrue statement that about the year 1450 there were only thirteen houses in Halifax purports (2nd vol. Parish Registers) to be drawn from "A note taken out of a book of Richard Harrison's, of Wheatley, written by John Waterhouse, of Shibden, in 1566.

Mr. JOHN WEST, the testator's brother-in-law, was one of the West family, of Burghwallis, and had married, it seems, Frances, sister of Mrs. Waterhouse, she being one of the daughters of Mr. Thomas Waterton, of Walton. He was the owner of the manor of Burghwallis, and held the advowson of the church there. HENRY RAYNER, one of the trustees, was of Adwalton, and had married Sibil, daughter of Gregory Waterhouse by his wife Margaret Tempest. She was therefore sister to Nicholas Waterhouse.

PHILIP WATERHOUSE, mentioned as a supervisor of the will, was one of the testator's brothers. He was a Fellow of University College, Oxford, and was buried in Thornhill Church.

The will of Mr. Robert Waterhouse was proved 1st April, 1598, by Thomas, Robert, John, and Stephen Waterhouse, four of the executors.

The usual P.M. Inquisition, taken after the death of tenants of the Crown was held in due course, and the jurors found that he had died seised in fee of and in the Manor of Halifax, with its appurtenances in Halifax, Heptonstall, and Trownfleet; also of a rent of 4s. in Elland, 6d. in Hipperholme, 6d. in Shelf, 6d. in Northowram, 6d. in Ovenden, parcels of the Manor aforesaid; and that he was also seised in fee tail to himself and the heirs male of his body in four messuages [one of these being Shibden Hall], 40 acres of land, 40 acres of meadow, 80 acres of pasture, and 6 acres of wood.

The jurors said on their oath that the Manor of Halifax, with its appurtenances, were held of the Queen in capite by the tenure of the hundredth part of one knight's fee, and were of the net value of £12, and that the aforesaid premises in South-

owram are held of John Lacie, Esquire, as of his Manor of Southowram, by fealty and rent of 11/10 per annum, and are of the yearly value of £4. The said Robert Waterhouse, they said, died on the 3rd March instant.

This Inquisition was taken on the 31st March, 1598, at York Castle, and so seems to show that Mr. Robert Waterhouse had died in that city. In the Burial Register of St. Michael-le-Belfrey's occurs the entry:—"Mr. Waterhouse, the Lawer, was buried in the Hye Quear, vth of March, 1597-8.

Robert Waterhouse, Esquire, son of the Robert of Harthill, I suppose, and John Milner, gentleman, were two of the jurors who made this inquisition.

We have now brought to a conclusion the story of Robert Waterhouse's ownership of Shibden Hall, and all that need be added now is the fact that his widow found some consolation for his loss by marrying as a second husband Mr. Gervaso Rayney.

All I know about this gentleman is that he seems to have had some interest in the Manor of Tong, which he shared with the Tempests. If the allegations in a Bill of Complaint filed by Sir Edward Waterhouse, in the year 1622, can be relied upon, Mr. Gervaso Rayney treated his stepson, the Knight, in a somewhat scurvy fashion.

The chief stewards named in the Rolls as presiding at the Manor Court at Halifax during Mr. Waterhouse's ownership of the Manor were in and before 1585, Robert Brigge, Esq., followed in or before 1588 by Ralph Rokeby, Esq., whose successor was Mr. John Batte, of Oakwell Hall, but Mr. Nicholas Fenay, of Fenay Hall, near Huddersfield, seems to have generally acted as deputy steward, as well as clerk, the various writs, etc., of the Court being signed with his name. Mr. Ralph Rokeby was the author of an interesting account of the Rokeby family.

Robert Brigg, Esq., seems to have been connected with Batley. [Yorkshire Fines, vol. I., p. 290..]

Mr. Robert Waterhouse took a personal interest in the business of the Halifax Manor Court, and there are many notes on the rolls made and signed by him.



The following expenses inter alia were incurred at his funeral:—

“For the ground in the quire” .....	10s.
“Mortuary” .....	10s.
Dues to the Curate and “A penny, called the Head Mass Penny” .....	13d.
“To the Clerk for Burial in the High Quire, viz.: for taking up the stones or a through” .....	3s. 4d.
“For the making of the grave and ringing” .....	3s.
“For the coffin lid, besides the hearse”...	4d.