

^ JAMES BANKES AND THE MANOR OF WINSTANLEY,  
1595-1617.

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**A**LTHOUGH the majority of facts contained in this paper were collected some years ago it is recognized that there is considerable field for further research under more normal conditions than the present, when public records become available once more for consultation.

We are concerned with the life history of James Bankes,<sup>1</sup> citizen and goldsmith of London, who by the "industrie and carefullness" of his "yong yeares", or as his critics might say by his sharp business practice, succeeded in establishing himself and his family on a firm social and financial basis for upwards of 300 years.

After a successful career in the capital the goldsmith returned to his native Lancashire, bought the manor of Winstanley in the Hundred of West Derby, in the year 1595-6, and promptly set about the ordering of his manorial acres.

The main portion of these notes consists of extracts from his "Memoranda Book"<sup>2</sup> which records in the writer's own hand transactions in land, advice to his children and surveys of his estate.

To some people the "unctuous piety" with which he gives thanks for his successes compares ill with contemporary opinion. The Rector of Wigan describes him as "of great wealth and riches, and by means thereof grown to be a very proud and insolent man,"<sup>3</sup> and his numerous opponents in various other lawsuits use still more uncomplimentary language. On the other hand, James

<sup>1</sup> The name was spelt Banck, Banc, Bancke, Banckes, Bancks, Bank, Bankes. The latter did not become the standard form used by the Bankes of Winstanley until the end of the 17th century, although James Bankes always spells his name thus in his "Memoranda Book".

<sup>2</sup> The Memoranda Book of James Bankes, 1586-1617; transcribed from the original by J.H.M.B. and privately printed in 1935.

<sup>3</sup> Star Chamber proceedings, 9 May, 40 Eliz. Edward Fleetwood v. James Bankes. (See Appendix v.)

tells his children "yor father was a man unlearned, and God knoweth he dyd his best, but alak, he haid small skill in the world".

His passion for the acquisition of land and his gradual transformation from merchant to squire afford a small instance of the great turnover of land which took place during the sixteenth century.

The desire for land on the part of the rising middle classes, and incidentally the success they made of it, aided by the infusion of new blood and more business-like methods, roused the scorn of contemporary writers, who inveighed against "the citizens and vulgar men"<sup>1</sup> who purchased land from the established gentry, although it has been said that only 330 families can trace their titles to land beyond the dissolution of the monasteries.<sup>2</sup> He is typical of two salient features of the age, land hunger and litigation, acquiring his possessions either "by the purchase of derelict estates by lending to thriftless landowners on the security of their estates, and selling them up when they failed to redeem their bonds, or by buying reversions and mortgages".<sup>3</sup> Litigation over land pursued him throughout his lifetime, and continued in one case four years after his death. It will be seen directly that with a few exceptions James' purchases were all from the impoverished "old order", and two of the transactions were indirectly the outcome of the dispersal of Church lands. There is a somewhat painful similarity between James' activities and the lines of Robert Crowley's "Marchauntes Lesson" (1550):—

" To purchase landes is al theyr care  
And al the study of theyr brayne.  
Ther can be none unthrifty heyre,  
Whome they will not smel out anon.  
And handle him with wordes ful fayre;  
Tel al his landes is from him gone".

But perhaps this is rather unkind!<sup>4</sup>

The name of Bankes is mentioned in various deeds connected with the history of Wigan families, notably "Mr. Thomas Scott's Charters" preserved among the Kuerden MSS., at the College of

<sup>1</sup> Fynes Moryson's *Itinerary* (1894 ed.), Vol. iv, p. 170.

<sup>2</sup> Lord Ernle, *English Farming Past and Present*, p. 85.

<sup>3</sup> J. B. Black, *The Reign of Elizabeth*, p. 219.

<sup>4</sup> Robert Crowley, Works, p. 87. Early English Text Society.

Arms.<sup>1</sup> Adam Bankes was an alderman in 1477,<sup>2</sup> and the election of another Adam as Mayor in 1539 was the occasion of a dispute between the Rector and Burgesses.<sup>3</sup> His will, dated 19 January, 1557-8, is the first Bankes will on record. Adam was a brasier,<sup>4</sup> and bequeathed "to my sonne Humphrey Banke all my pewter moades, with this condition and provision, that he shall permit and suffer my sonnes William and Thomas Banks to cast in them at ther pleasure and libertie at all tymes". Thomas was to "be set to learning in his childhood to the schole, and then to his occupation of pewterers craft wherebie he may be able to get his lyvinge whithall".

It will be seen from the above that the pewterer's craft was already a family occupation, and it continued as such far into the seventeenth century (see Appendix I).

Unfortunately all efforts so far have failed to discover the parentage and birth-place of James Bankes. From a deposition taken at Wigan in 1609-10 it is learned that he was born in 1542,<sup>5</sup> and from the evidence available it is reasonable to suppose that he came of a Wigan family.

About 1569 he was in partnership with another London goldsmith, John Ballett,<sup>6</sup> whose sister Elizabeth he married at St. Vedast's on 6 June, 1575.<sup>7</sup> The partnership with Ballett was dissolved a year later and nothing more is heard of Elizabeth Bankes or any possible children; although an abstract made from a deposition taken in 1592 mentions "a rent charge made to the wife of James Banckes of London, goldsmith, and one of their children during their lives, but the said wife and child died long since."<sup>8</sup> We know James to have had two brothers: William the elder remained in Lancashire, and was Mayor of Wigan in 1579; Humphrey, James' "naturel" brother, flourished as a goldsmith in London.

Although the Tudor goldsmiths had not yet risen to that prominence as bankers which they attained during the succeeding

<sup>1</sup> *Victoria County History, Lancs.*, Vol. iv, p. 82, n. 48.

<sup>2</sup> *Rec. Soc. Lancs. & Ches.*, xxxv, p. 66.

<sup>3</sup> D.L.P., 31. Hen. VIII, Vol. 36, W. 2.

<sup>4</sup> In the subsidy of 36 Hen. VIII, he was assessed at £33 (a really large sum, as these returns were notoriously inadequate.)

<sup>5</sup> D. L. Depositions 55. 25. 2 Jan., 1609-10.

<sup>6</sup> *Chan. Proc. C. 2. Eliz.*, S. 24-57.

<sup>7</sup> *Harl Soc. Parish Reg. St. Anthony and St. Vedast. Also Visitation of Suffolk*, published Metcalf, Exeter, 1882, p. 3.

<sup>8</sup> *Star Chamber proc. Eliz.* Bdle 55.B.11.

century, they were, in company with other wealthy merchants, responsible for very considerable financial transactions.<sup>1</sup> The money-lending side of James' activities brought him in contact with the law on more than one occasion: and it cannot be claimed that his business methods were above reproach. How far he erred on the side of "certaine extreme usury practice" whereof he was accused at one time it is difficult to say; or in what degree he differed from the custom of his day, which has to be taken into account when seeking a true perspective.<sup>2</sup>

It may be that it is James whose name is perpetuated by Ben Jonson in his "Epigrams":

"ON CHUFFE BANKS THE USURER'S KINSMAN.

Chuff, lately rich in name, chattels, goods,  
And rich in issue to inherit all,  
Ere blacks were bought for his own funeral,  
Saw all his race approach the blacker flood:  
He meant they thither should make swift repair,  
When he made his executer, might be heir."<sup>3</sup>

Gentlemen with the names of Manasses Stockden, Didimus Buckland and Scippo Billitt pursue James Bankes through Chancery and Star Chamber Proceedings and Repertories of the Court of Aldermen.<sup>4</sup> The matters in dispute all concern loans, bonds and similar transactions. One of these complaints is worth quoting as it throws light on the collaboration of his brother William away in Lancashire.

In December 1587 Edward Griffine of Dingley, county Northampton, Esq., complained "that about eight years ago he unfortunately became acquainted with James Banckes of London, goldsmith, and about four years ago having occasion to borrow money Banckes offered to lend him £800, but afterwards said the money was his brother's, William Banckes". William insisted that the words "citizen of London" should be put in, and James with Griffin and one John Flower became bound to

<sup>1</sup> Thomas Wilson, *A Discourse upon Usury*. Introduction by R. H. Tawaey.

<sup>2</sup> Harrison writing in 1577 says of usury "a trade . . . now perfectlie practised almost by euerie christian, and so commonlie that he is accounted for a foole that dooth lend his money for nothing". (*Description of England*, Bk. II, p. 242.)

<sup>3</sup> Book IV.

<sup>4</sup> Repertories of the Court of Aldermen, Vol. 19, fo. 206 and 217 b. Acts of the Privy Council, 1589. Sometimes the sums borrowed were surprisingly small. Edward Gorges, gent., was found to owe £5 to James Bankes, in 1580, although this sum would have to be multiplied by twelve or more to reach the modern equivalent.

William Banckes in £1,600, for a loan of £800. After James had received the bond he said the money was in Lancashire, in his brother's custody, and Griffin could send there for it, "a shift commonly used by money-lenders". Griffin sent his servants with James Banckes into Lancashire, but when they came there could get no more than £500, James promising the residue on his return, which promise was never kept, and Griffin put to straits in his payment to others".<sup>1</sup> James is accused of having put the bond for £1,600 in force, but the outcome of the struggle is not recorded. It has been said that usury "after the land question was the most burning social problem of the day", and many a "needy gentleman and thriftless squire" were entangled in tortuous contracts.<sup>2</sup>

In 1588, when funds were being raised to defeat the Armada, James was one of the ten London goldsmiths selected as "meet to lend money" to the Queen. The sum contributed was £100.<sup>3</sup>

The first record we have of any purchase of land by James Bankes occurs during an inquisition into concealed lands in Lancashire held at Leigh in 1598. Apparently "a messuage and four acres of land in Hindley" had been bought by the goldsmith on 3 September, 18 Eliz. (1576) and had been conveyed to his brother William in 1590. These lands the jurors found to "be parcel of the possessions of the late dissolved monastery of Cockersand and of the annual rent of 6d."<sup>4</sup> The finding of the court does not seem to have had an immediate effect, as it was not until 1614 that the Crown granted the land to Edmund Duffield and John Babbington, by letters patent dated 14 January, 12 Jas. 1 (1614-5). It seems, however, to have remained in the Bankes family, as it was bequeathed by Christopher Bankes to his grandchildren in 1657.

The first page in the Memoranda Book records the sale of the manor of Greet on the outskirts of Birmingham by Alexander Avenon.<sup>5</sup>

<sup>1</sup> Chan. Proc. C. 2. Eliz. —, 3-31. Mr. Edward Griffin of Dingley is mentioned in *Helena, Marchioness of Northampton*, C. A. Bradford, pp. 146-7.

<sup>2</sup> Thomas Wilson, *A Discourse upon Usury*. Introduction R. H. Tawney, pp. 2, 39.

<sup>3</sup> Lansdowne MSS., 56. Burghley papers, 1588.

<sup>4</sup> Spec. Comm. and Returns in the Exchequer. Exc. 178. no. 1215. D. of L. P. 1, 1616, No. 226. Patent Roll 12 Jas. 1, pt. 15-1, C. 66, No. 2031.

<sup>5</sup> The quotations from the original Memoranda Book have been modernized in regard to punctuation and use of capitals.

" The eyght daye of October in the xxviij yeare of Quene Elezabeath I James Bankes dyd bye of Alexonder Avenone of Londone, marchant, the maner of Grett, lying in Woster shere wyth in parrish of Yardley, as apereth by the said evedences maid from the said Alexonder unto the same James Bankes, for ever, wyth all such other assurances as ther unto belongeth, the which landes was purchased by Sir Alixonder Avenon, father of the said Alexonder the sone and are to Sir Alixander whom was Lord Mare of the sete of London, whom porched the said manor from King Henre the Eyght upon the sobprese of the Abbes, and so by which mene the landes are houlden in kapete of the Quene and her suckcessor, wheare of theare is yearely to be payd out the tent of the ould rent which is about xxij s. as I take it, which tent is payd by the tenant that hath the leas maid by Sir Alexonder Avenone whom porched the same of the Kyng in a bok, and so possessed it from the Kyng in a bok of on Mr. Throgmorten, whom maid an asinment thereof out of his said boke to Sir Alixonder Avernon and his ares for ever, as the comen youes is in such lyke porchesing of the Kyng or the Quene maid upon such grett sales. The leas was mayd for fyfte yeares by Sir Alixonder Avenon, and at such tymes as I porched the same ther was to com un spent in the leas about xxij yers, and the rent there of is to be payd at the fest of Sint Mychell Earkangell and on ladie daye in lent, or wyth in forte dayes after, ten pond at a pament, the sam is to be payd at the fount stone in Powles Chowch, and for non pament ther of to forfet at evere tym fyfe pondes, and so to destraine for the rent and the forfetoure, for so it is mayd in the les, and forther mor, ther is to be payd by the lord into Mr. Osbornes offis in the Checker for a respytt of omig evere fyft terme vjs. iiijd. And upon evere such pament you shall resaive aquytances for the sam. But in ane wyes soe that you paye this vjs iijd evere fyfe tearme, or other wyse ther wyl be sent fourth of the Exchekker prisis for the same, and so fined evre term thell the sam be payd, for so I have bene sarvid my selfe in this be halfe, you shall fynd all the evedences of this land in a whitt wodden boix, in closed in a whitt lether baig seled up rond about the sell, and all so upon the baig you shall find wrytt wyth myne one hand these wordes, that is to saye, in closed is the evedences of the maner of Gritt, in Woster shere, which cost me in rede money seven hondreth and thre skoure pondes, for the which all prayse, honer and glore be geven to God, amene.

I have sould this said maner to on Henre Gresould, who was tenant to the sam, and I have him and an other bond wyth him in reconosos to paye six hondreth pondes by a hondreth pond a yere in grees, in hole on the second daye of November all wayes "

The *Victoria County History* states that " Grett still belonged to Studley Priory at the time of the Dissolution, and was sold in 1574 to Clement Throgmorton and Sir Alexander Avernon, iron-monger, afterwards Lord Mayor of London. The latter in 1570

settled it on his son and Marjorie his wife. Sir Alexander died in 1580, and in 1586 his son pledged his so-called manor to cover a debt which he owed to a certain Thomas Starkey, and in the same year sold the reversion to James Bankes".<sup>1</sup>

With the expansion of industry and the dawn of the era of "farming for gain" as against the old "subsistence farming" of the Middle Ages, land became the best possible investment.<sup>2</sup> In his native Lancashire James found a fruitful field of operations. Although agriculturally backward, the mineral resources held promise of manifold returns for capital invested, and James sought land where there was "good stor of coles, praies God for the sam".<sup>3</sup>

Here it is necessary to take notice of James' second marriage, to Susan, daughter of William Sherington of London, haberdasher.<sup>4</sup> The actual date eludes us, but there is an entry in the Wigan Parish Register of the burial on 13 August, 1592, of "John the son of James Banckes of Pemberton, gent.", although this may have been a child by his first marriage.

Three of the Sherington brothers, William, Gilbert and Francis, had acquired a considerable amount of land in Lancashire, and like the Bankes were of a Wigan family. In 1568 William had bought lands in Worsley and Wardley Hall;<sup>5</sup> these descended to Susan Bankes, as the heiress of her father, uncles and sisters. She sold the Eccles property in 1601 and "all other inherited lands of Gilbert Sherington elsewhere in Lancashire, together with messuages in Southwark in Surrey" to Katherine, the widow of Francis Sherington<sup>6</sup> and "cousin Roger Downes".<sup>7</sup> Francis Sherington is known as the founder-benefactor of the Wigan

<sup>1</sup> *V. C. H. Worcestershire*.

<sup>2</sup> Harrison, Bk. 1. Chap. xviii. p. 131. J. B. Black. *The Reign of Elizabeth*, p. 212.

<sup>3</sup> "Mining in Winstanley and Orrell". *Trans. Lancs. and Ches. Antiq. Soc.*, Vol. liv. Coal had been worked in the estate by the Winstanleys. The will of Thomas Winstanley mentions "the revenue from my Cole mynes" (1562).

<sup>4</sup> Baptised St. Dionys, 8 Feb., 1564-5.

<sup>5</sup> *V.C.H. Lancs.*, Vol. iv, p. 384.

<sup>6</sup> Francis Sherington married Katherine, "base daughter" of Ralph Worsley of Chester. According to a pedigree constructed by the late Henry Ince Anderton, which is in the possession of the Wigan Public Library, this Ralph Worsley was "lion keeper in the Tower of London by Patent of 24 Dec., 1531, in succession to Sir James Worsley. He purchased lands in Pemberton, Wigan and Winstanley by Fine in Aug. 1546. He died in Nov. 1572, leaving all his lands in Lancashire to his daughter Katherine."

<sup>7</sup> *Winstanley Deeds*. P.L. 17-64. Fines. 44 Eliz. Downes bought out his cousin for £153 6s. 8d. Roger Downes, son of Roger Downes of co. Chester and Elizabeth Worsley, sister of Ralph Worsley of Pemberton. His first wife was Elizabeth, daughter of Miles Gerard of Ince, 1601. She died in childbirth, 1602. Her marriage settlement is amongst the Winstanley deeds.

Grammar School<sup>1</sup> (1597). He was Mayor of Wigan in 1594, and died in June, 1600. The actual land, the rent charge from which formed the basis of the original grant, had been sold him by his nephew by marriage, James Bankes; the sum paid by Sherington being £220 and not £40 as stated in the official Fine.<sup>2</sup>

It is worth while to note in passing that Thomas Bankes of London, goldsmith, son of William and grandson of Adam the Mayor of 1539, was also interested in the foundation of a school in Wigan. In his will dated 13 August, 1594, he leaves "to the Free School at Wigan (where I was born) £30, if it shall go forward in three years, if not, then to Lancashire scholars at Brazenese College, Oxford." He may be regarded as the first benefactor of the Grammar School. He also left "to ten old poor Pewterers in Wigan" £5 10s. each, and "to my master Ballett<sup>3</sup> whome under God I do acknowledge mine only founder, £3 6s. 8d. for a ring".

There had been a school in existence prior to this date, by an agreement dated 1 August, 1576. Six Wigan gentlemen, of whom Alderman William Bankes was one, engaged Peter Carter as Schoolmaster at 20 marks per annum. Peter Carter remained until his salary was not paid owing to the death of two of the subscribers. He took the mastership of Preston Free Grammar School and claimed £17 16s. 2d. for arrears of work at Wigan. He accepted a bond in 1589 and this was enforced by his son in 1592.<sup>4</sup>

Another purchase of land by James Bankes within the parish of Wigan was Sankey House and 24 acres of land in Pemberton, which he bought from Thomas Molyneux of Hawkley in 1581, for the sum of £450.<sup>5</sup> This property, alternatively called Sankey House, the Stone House or the Old Fields, had been the patrimony of the Sankey family of Little Sankey near Warrington until about 1574, when it passed into the hands of relations, the Molyneux's of Hawkley, an adjoining estate. In 1584 a settlement was made between James Bankes and Peter Orrell of High

<sup>1</sup> Rev. G. C. Chambers, *History of the Free Grammar School of Wigan*.

<sup>2</sup> Winstanley deeds.

<sup>3</sup> Probably this was James Bankes' partner, although the *Records of the Worshipful Company of Goldsmiths of the City of London* give the following:—

1581. Thomas Banckes, son of William Banckes of Wigan, Lancs., apprenticed to Humphrey Banckes of London, goldsmith for 8 years. Among the bequests in the will of Thomas Banckes is "40s. to Mr. Humphrey Banckes for a ring".

<sup>4</sup> *History of the Wigan Free Grammar School*, p. 10.

<sup>5</sup> Winstanley Deeds.



Holborn on the occasion of the marriage of the latter's daughter Ellen with Humphrey Bankes, James' brother. This gave rise to a complicated transaction, which is described in James' book:—

"The nint daye of Aprell in the eight and thiert yeare of Quene Elezabeath, I maid a leas to Peter Orrell of a houes in Pemarton, wher opon the said Peter Orrell payd for the sam in biing a tenement in Orrell of him wyth 2 coteles belonging ther un to, abowt the som of on hondreth and fite pondes, and of fines. The sam leise maid I paissed a fine to Raufe Worley of Pemarton to the uces of Francys Sherington dowering the conteneuanes of the said leais, for the said thre lyfes ther in contened, and you shall fynd the said conterpane of the said fine so passed wyth in the boix wher the evedences of the said land is oll together, and ther for my child if it shall please God ever to send the said houes to ane of you, depart no more wyth the sam, for I bought a tenement of the said Peter Orrell and he desavid me ther in at the lest iiij hondreth markes by a cosning devises, alegeng ther was grett store of coles there in, and so I passed my houes in Pemarton for nothing."

A few years later Peter Orrell assigned his interest in the Stone House to Francis Sherington. There is a note in the latter's account book in the Wigan Public Library which reads, "Payde Mr. Banckes for his Christmas rent of the Stone House, xiijs. iiijd." After the death of Francis Sherington, his widow assigned her interest in the lease to the two younger sons of James Bankes, who in his turn made a lease to John, son of Alexander Sherington, and nephew of the departed Francis.<sup>1</sup>

"Mystris Sherington (is now ded, and the sam is les to Jhon Sherington) hath a les of my houes in Pemarton the which she paid for a les for thre liefes the som of tow hondreth thre skowere and ten pondes, the which is better then the rent be twente pondes a yeare, a les for won and twente yeares is worth tow hondreth ponds, and I think it is no mor worth tho she paid so mych.

Unto Peter Orrell whom I sould it un to this les my aunt Sherington hat geven it tow my tew boies Tomas and Raufe, paing forth of the sam tene pondes a yeare durring the lyf of on Domford (Dampont) a cosin of heres".<sup>2</sup>

It would seem reasonable to put the date of James' retirement from active participation in the goldsmith's trade between 1590 and 1592. In a grant dated 21 July, 1590, he is described as "citizen and goldsmith of London" (this grant was of some land

<sup>1</sup> Winstanley Deeds.

<sup>2</sup> D. L. Depositions, 55, 25, 1609-10. Further particulars concerning the Orrell family are given in Appendix II.

in Hindley "lately had by grant of James Browne late of Brinsoppe" to Alderman William). But by 1592 he is "James Bankes of Pemberton in the county of Lancaster, gentleman." In the subsidy of 19 Sep., 1594, he is assessed under Pemberton "in goods £5, paying 13s. 4d."<sup>1</sup>

All these purchases of land led up to James' principal acquisition, namely the manor of Winstanley, from Edmund Winstanley in January, 1595-6. The entry in the Memoranda Book reads:—

"The one and twente daye of Januare in the eygt and thritee yeare of ower soferant lade Quene Elezabeth, I, James Bankes, dyd bye of Edmond Wynstanneley of Prestene in Radnorsher in Wales the manor of Wynstanley, lying in the parrich of Wegan wythin the Conte of Lankester, for the which said maner there was payd in rede money wyth in the spaces of tow yeares, the som of thre thousand and won hondreth pondes, as aperth by the evedences of the said porchas, the which by good helpe you shall fynd in my conteng houes, in a chist wyth a number of owld rityng and evedences toching the said maner, and ollso you shall fynd a fine and a recovere wyth the said evedences from Mr. Edmond Winstaneley, oll of them together in a blak boix covered wyth lethe and seled up to gether, for the which I most homly praies my God for the sam, and for oll His manefowld blessing bestoid upon me, amen."

All that is known at present of the early history of the manor is printed in the *Victoria County History of Lancashire*, vol. 4, under the accounts of Billinge and Winstanley.<sup>2</sup> It would appear that these were once one manor, and a subordinate unit of the Barony of Newton-in-Makerfield, both before and after the Conquest.<sup>3</sup> By 1212 the manor had been divided into three equal portions, the Winstanley area being held by Roger de Winstanley and rated as an oxgang and a third. By 1252 Adam de Winstanley "appears to have secured a practical enfranchisement of his manor."<sup>4</sup>

Thomas Winstanley died in 1562. By 1564 his widow was married to John Bradshaw of Bradshaw Hall, Presteigne. In his will dated 10 December, 1562, Thomas Winstanley granted his estate to feoffees for the use of his wife Elizabeth, until his son and heir Edmund "shall come to the full age of thirty years".

<sup>1</sup> Lay Subs. bdlc 131, No. 258.

<sup>2</sup> *Victoria County History*, Vol. v., pp. 83, 88.

<sup>3</sup> *V.C.H.*, Vol. 1, 286.

<sup>4</sup> *V.C.H.*, Vol. 1, p. 87.

In default of male issue the manor was to go to the testator's brothers James and Edmund respectively. Edmund Winstanley on coming into his inheritance seems to have been an "absentee landlord". He resided "in either Radnorshire or Pembrokehire, and took little heed to his affairs at Winstanley".<sup>1</sup> James Bankes wrote in his book, "for if Mr. Edmund Winstanley haid servd God I haid never bowght his land", which seems to have been left in the hands of his cousin (or uncle) Edmund Winstanley, and his bailiff Robert Atherton.<sup>2</sup> In 1584 the manor was leased to John Crosse of Liverpool for 100 years, but when Edmund married a second wife the lease to Crosse was cancelled.

The extent of the manor at the time of the sale is given in the Fine as:—

50 Messuages . . . .	200 acres of land,
16 Tofts and Cottages <sup>3</sup> . . . .	100 .. of meadow,
50 Barns . . . .	300 .. of pasture,
5 Water Corn Mills . . . .	20 .. of wood,
2 Dovecotes . . . .	300 .. of furze and heath,
50 Gardens . . . .	100 .. of moor,
50 Orchards . . . .	100 .. of turbury. <sup>4</sup>

James Bankes made two surveys of his estate before his death in 1617; the first in 1600 and the second in 1610. A list of the tenants is given, with the acreage of their holdings, with recommendations for a suitable increase above "the owld anchant rent." The amounts of this rent are given in only a few cases. Robert Atherton leased the Cross field at 12d. a year and an increase to £3 was advised. Other differences were from 1 mark (13s. 4d.) to 30s., 3s. to £1, 4s. to 15s. One of the contributory causes of the impoverishment of some of the older established landlords was the inability in many cases to assess rents and fines to meet the rising tide of prices.<sup>5</sup>

<sup>1</sup> Duchy of Lancaster Pleadings, 73, 1, 5. Pedigrees of the families of Winstanley of Winstanley and Bradshaw of Presteigne are recorded in Lewis Dwnn's Visitation, 1597 (pub. Welsh MSS. Soc., Vol. III). It would appear that both Elizabeth and her son Edmund intermarried with the latter family.

<sup>2</sup> D. of L. P., 73, 1, 5, also Winstanley deeds. The name of Mr. William Cross appears among the amerements of the manor court in the years 1615 and 1618. He had been a tenant under Edmund Winstanley.

<sup>3</sup> "Originally a homestead, the site of a house and its out-buildings, often used in the expression Toft and Croft, denoting the whole holding consisting of the homestead and the attached piece of arable land." C. S. Orwin, *The Open Fields*.

<sup>4</sup> These would be Statute Acres, although in the local leases the large or Cheshire measure of 10,240 sq. yds. was used. Winstanley Deeds.

<sup>5</sup> R. H. Tawney, *The Agrarian Problem in the 16th Century*, p. 119.

When the lease fell in, cottages within the demesne and "ring-yard"<sup>1</sup> were to be pulled down when possible and their occupiers "pleased in som other place". This destruction was modified on second thoughts and the cottages were to "be preserved for a colliers house". A different and later hand indicated this policy to be contemporaneous with the expansion within the demesne of the coal works. Great stress was laid on the necessity for consolidating or reconstructing the demesne, which was obviously in process of disintegration, small portions having been leased out to tenants and cottages built. A half share in the proceeds arising from the principal mill had been let to the miller.

Before embarking on the administrative side of his affairs, James Banks followed the fashion of his day and bade his children:—

"harkene and gyve eire my deare cheldre to youre most carfull fathers advices, the which by Godes help is the vere rode waye to eternall lyfe, for ower savoir Christ saith, first seke the Kyndom of Heven and oll thing shall be geven unto you, and ther for my deare cheldrene, in Godes most holye and reverent nam, folow this my derecone, fyrst, evere night whene you go to bed, cowle to gether youer famelye, and sarve God acordyng to the bok of comen praier, for the daye that past is, most homly upon youer knies, desiring the Lord to bles you that night, and for ever more, amen; and so my deare children, in Godes most holye name, evere morning whene you ries sarvefe God privilye in your clossett or chamber, befor you have any conferencies wyth any man whatt so ever, youre self alone, and geive the only Lord of Hevene all praies and thanks, for oll his blesing bestoid upon you, amen; and so desiring God to gid you that daye folowing wyth His most Holy Speritt, wyth wysdom and wytt to gid and governe youer selves in such order and sort, as it may ples God and the world, and in thus doing my deare children ther is now dout but the Lord God of Hevene wyll bowth bles yoe and youres, amen, I praye God."

He goes on to say:—

"And further more my deare children, in all plasus where you shall com in compene be vere silent and youes few wordes, so shall you ples God and the world best, and so lest ofend ane man, and ther for in Gods most holye name never asent tow alter or chang this my derecone, that I have her set you done, and lett my advices be axsetabyll unto you, my deare children in Gods most holyre name so be it, I most hombye bege the same at the hands of God, amen. 1598".

<sup>1</sup> G. H. Tupling, *Economic History of Rossendale* (1927), p. 117.

Advice on land tenure follows. It would seem that James Bankes had it in his mind to alter the established custom of the lease for three lives, with an easy rent and large Fine, to that of a twenty-one year term. In this latter view he anticipates John Holt by 197 years, except that he retains the principle of the Fine.<sup>1</sup>

" My deare children, unto whom it shall pleas God to in joye this power houes of Wynstanley, I would advices you, in Gods most holye nam, that you wold not in any wayes, deale harlye wyth ane tenant other wyes then in this order and sort, that is to saye, I would have evere man to in joye his tenement dowering his les, and his wyfes lyfe, so after to his son if he have ane, and the les being ended I would have you, be caues your rentes is small, and not sofesaint to mantene yor home and fammele, to lett his son that is next unto it, to make him a les of the said farme in this order and sort as her after foloith, that is to saie, if the farme be worth twente ponds a yeare, as there is som, I wold have you to take but sixtene ponds a yeare rent, and so to mak him a les, ether son or dowter that was borne upon the sam farme, paying sixtene pondes a yeare for rent for the sam which is worth twente pondes a yeare, and lyk wyes if a farm shall fawle to you worth sixtene pondes a yeare I wold have you to tak twente markes a yeare, and to mak him lyk wyes a les of the sam farm as above said, ether son or dowter, and so if a farm shall fall that is worth twente marks a yeare, then I wold have you to tak tenen pondes a yeare, and so if a farm shall fawle that is worth tene pondes a yeare, I wuld have you to tak viij li. a yeare rent, and so to full forte sheleng or thirte or twente or tene under the walow or worth ther of of the said farmes, in the nam of God, and to be ver kynd and loving unto your tenantes, and so the wyll love you in good and godly sort . . . and in obsarving this order and rulle bowth you and youer houes shall lyvefe in worshipec and creditt to the glore of God and the joy and comford of yor wyfes and cheldren from aige to aige."

The twenty year term with a Fine is advocated in 1600, and his book contains a list of the holdings with their Fines noted in the margin. " Robart Wynstanley of the sande Forth his tenement conteneth abowt thrit and fife acres and is worth above the anchant rent twenty markes a yeare, so that a leaies is worth to be sould to the tenant 80 ponds, for so I dowe esteme them to be well worth, the which is abowt thre ponds an acar fine."<sup>2</sup>

<sup>1</sup> John Holt, *General View of the Agriculture of Lancashire*, p. 25. "A certain method to excite improvement would be to let farms to men of industry, ingenuity and property, upon reasonable terms, and give leases of 21 years, free from arbitrary covenants; without this nothing can excite a general and effectual improvement." John Holt goes on to condemn the custom of the lease for three lives (pp. 26, 27).

<sup>2</sup> Half a century later this same holding was leased for the term of three lives with a fine of £110, and an annual rent of £1 13s. 4d.





"My deare and loving cheldrene loke vere carfullye un tow this my advartement, in Gods most holye name, that what so ever landes it shall pleaies God tow send you by me youre carfull father, I straittlye charge you in Gods most holye name that you never make ane leais tow ane of youere tenant for ane longger tyme then for twente and on yeare, for so shall you find theare in greatt profitt and gane tord the advancement of yor estaitt. And for that to shall the more mane feast apeare un to you that my counsell is just and trowe, wheare the rent of the maner of Wynstanley is abowt forte markes a yeare, in takyng this my consell you shall mak yearely at the leaist fore skower pondes a yeare in fines, above the anchant rent, and so you shall take nothing but that which shall be resonabyll bowth in the sight of God and the world, and so you shall pleaes yor tenantes and be well spoken of."

This policy was abandoned by 1610, when he is convinced that only by yearly tenancies can his heirs avoid "decayeing yor estaitt."

"My son wheare I have advizaide thie to mak lessus when ane tenement shall fall, I have found it by comon eporrins grettly to the contrare, there for folow this my consell in the name of God for so shalt thou be abyll to livefe if thou feare God in all thi doings, that is tow saie, when ane leaies shall fale to thie, lett the same to the tenant a gane for a yearly rent and in Gods name tak not to mych rent nor yett tow lettell, for a mene is the best, so shalt thow be best abyll to life".

Apparently local custom or prevailing economic conditions prevented these views from being adopted for many generations. Contemporary evidence proves that James Bankes granted leases for three lives. "I have maid a les of this tenement for iii lives, ther for tell the sam be determened you can dow nothing." In actual fact the lease for three lives remained the custom on the manor until the nineteenth century, the tenants holding their land on the principle of mixed tenure. Commutation took place much later in the north than elsewhere in England, and boon services remained the rule on the manor until late in the eighteenth century.<sup>1</sup>

Among the revenues accruing to the lord of the manor were the fines imposed on the granting of a new lease or the renewal of an

<sup>1</sup> Dr. W. Hasbach, *A History of the English Agricultural Labourer*, p. 30. "In the north-west, conditions very much like those of the southern counties in the 10th century endured right up to the end of the 18th". A summary of the tenants' holdings dated 1669 shows that 67 tenants paid £36 4s. 11d. in rent, in kind they were responsible for delivery to the lord of the manor of a total of sixty rent hens, fifty-two capons, and two fat geese. Their service amounted to about 10 days' ploughing, 5 days' harrowing, 78 days' shearing, and 44 days' carting, filling and spreading manure.



existing one; this subject had long been a source of bitter controversy and the basis on which these were computed was not settled finally until 1781.<sup>1</sup> In the lord's defence it may be said that fines were a method of adjusting rents to meet the rising price of agricultural produce, though in some cases the amount was unjust and extortionate, and in the hands of a bad and avaricious landlord the fine was a powerful and vindictive weapon.

It is important to realise the extreme agricultural poverty of the land under review at this date. Heath and waste lands stretched from Derbyshire to the Border; even as late as 1794 there were 108,500 acres of waste land in Lancashire.<sup>2</sup> In the assessment for Ship Money levied in 1644-6 Lancashire and Cumberland come last on the list respectively as the poorest counties (the assessment was at the rate of 1,219 acres to the pound), and this state of affairs continued until late into the century. The enclosure and laying down to pasture of arable land, though favourable to the woollen industry, had been disturbing to rural economy. After 1598, when the price of corn had risen alarmingly, it became a statutory obligation to restore to tillage all land that had been under the plough for twelve consecutive years, "and had been converted to pasture since the first year of the reign".<sup>3</sup> Thus the Government hoped to check the continuation of the enclosure policy with its attendant evils of depopulation and pauperism, and to ensure adequate supplies of grain. But farming was beginning to pay, for the rising price of wheat and all agricultural produce during the latter years of Elizabeth was incentive to increase the yield per acre.<sup>4</sup>

The soil of the manor of Winstanley is described as "sandy, mixed with clay in places, with sandstone rock not far from the surface."<sup>5</sup>

James Bankes was a great advocate of marl as a fertiliser for the land; in fact, he seems obsessed by the idea of its miraculous properties, and loses no opportunity of urging his heir to make full use of the clay. In 1598 he directs him as follows:—

<sup>1</sup> E. Lipson, *Economic History of England*, Chap. IV. John Holt, *General View of the Agriculture of Lancashire*. In 1795 Holt says: "These leases are generally estimated at about 14 years' purchase".

<sup>2</sup> Report of John Holt, Vol. IV, p. 87.

<sup>3</sup> 39 Eliz. c. 2. J. B. Black, *The Reign of Elizabeth*, p. 215. R. H. Tawney, *The Agrarian Revolution in the Sixteenth Century*.

<sup>4</sup> Lord Ernle, *English Farming Past and Present*, p. 81.

<sup>5</sup> *V.C.H.*, Vol. IV, p. 87.

" My deare child . . . I would advices you that wheare there is moreich grond, that when ane shall fawele unto you, that you would marle the said morich grond . . . and after the sam so marled you maye let the sam for a marke an aker at the lest, and the charg of the marling of an acare wyll stand you in fyfe markes ; so that ther by you shall in cres yor rentes in good sort wyth Gods help, and so prospare your tenantes, if you desire not the sam yor selves, the which I think is not best."

Fitzherbert in 1523 comments on the decay of the marling habit, and advises its revival;<sup>1</sup> how far its use had lapsed in Lancashire, if it had lapsed at all, is a matter of conjecture. Continuity of use is certain from 1600 onwards, until in 1795 John Holt declared: "Marl is the foundation of all improvements in this County; and here the husbandman of Lancashire and Cheshire may afford a useful lesson to the rest of the Kingdom; so well are they convinced of the necessity of attending to this primary object that neither labour nor expense deter them from the least vigorous application of it."<sup>2</sup>

Possibly James was inspired by the example of John Wood, one of his tenants:—"his tenement conteneth twente acares, and is worth above the rent twente markes a year; he hath maid of the sam farme a hondreth pondes a yeare by reson he marled the sam of aleven acares of barlye". The Memoranda Book contains many individual directions regarding the marling of certain fields, in one case the estimated increase in the yearly value being from four to ten pounds. The advice to "marle that which was never afor marled, and no more medil not wythall in ane wyes, the charg is grett ther in" was sound, marling being a laborious and expensive performance.

It is worth while to note in passing the comparatively small acreage of woodland recorded in the Fine of 1595. Inclosures, the woollen trade and the growth of industry produced an alarming shortage of timber towards the end of the sixteenth century, salvation being found ultimately by the substitution of coal for timber as a fuel.<sup>3</sup>

The price of grain had risen steadily during the last two decades of the sixteenth century, 1596 and 1597 being famine years;<sup>4</sup>

<sup>1</sup> John Fitzherbert, *The Boke of Husbondrye*, 1523; *The Boke of Suruyng and Improvements*, cap. 32, 1523.

<sup>2</sup> John Holt, *General View of the Agriculture of Lancashire*, p. 120.

<sup>3</sup> In the majority of eighteenth century leases at Winstanley one of the tenant's obligations was "the planting of one oak or ash plant upon every acre."

<sup>4</sup> T. Rogers, *History of Agriculture and Prices*, p. 338.

this rise in corn prices continued during the opening years of the next century. Accordingly James would have his children :—

“ make as mych tillaig as possibyll you all wayes cane, and to gett corne, for ther in is the most profitt of hosbandre, for in bredyng of catell is grett los, and mak tyllaig of yor best land that is good, and ther in yor gane wylbe grettist, for corne is rede mone and cometh ones a yeare, and be allwas as you can marlyng yor grond, lett not anie man parswaid you to the contrare, in Gods most hole name, amen, and in oll yor acones fere God, and he wyll de recke yor a faire, both tord God and the world,  
yor carfull father,

JAMES BANKES.”

He ends his exhortations on husbandry by urging his heir :—

“ in God’s most holye name, be a contenewall marler of yor demane, so shall you ries to good abelete and be abyll to perchas to the in cresing of yor houes, you wyfe and children, fale me not her in, yor carfull and loving father ”.

There is a proverbial verse which runs :—

He who marls sand  
May buy the land ;  
He that marls moss suffers no loss ;  
He that marls clay  
Throws all away.<sup>1</sup>

James Banks made two more purchases before his death, first, the manor of Houghton in the parish of Winwick :—

“ The first daie of october in the second yeare of King James did I bye of Thomas Southworth and John Southworth, his son and aire, a small towene or hamlett coled by the nam of Howton, lying neare un to the town of Wynwyke, of the anchant rent of fiftene pondes and od money, for which I paid for the sam the som of seve hondreth and xx li., besides all other chag that the said Mr. Sotthworth dyd powt me un tow after that I haid boug the sam land, most wrong fully, at the lest forte pondes, so the sam standeth me in 700. This land cost me at the fyrst and last vij hondreth and xx li. oll in rede money, besides all my chargs the which I was putt untow by Mr. Tomas Sothworth ”.

There were divers legal difficulties in connection with this purchase, Thomas Southworth as the heir of a convicted recusant being one of His Majesty’s wards. James, and subsequently his son and heir, was to pay his livery from the Court of Wards, which transaction was not completed until 1621.<sup>2</sup>

<sup>1</sup> Lord Ernle, p. 174.

<sup>2</sup> D. of L.P., 1/227-53.

Secondly, James Winstanley of Blackleyhurst sold some land to his neighbour :—

" The fortene daie of June 1611 James Banks of Winstanley did bye of Mr. James Winstanley of Blakle horst fyfe tenementes, as apereth by the in denture of bargan and saele from the said James Wynstanley, and for the which said fyfe tenes, the said James Bankes paid for the sam the som of fyfe hondreth and xviiij li., six shelengs and viijd. be sides the charg of the fine, which cost vij li., besides my charges to London which cost ten pondes "

The Memoranda Book also gives particulars of " lands in Wystane coled Rod gatt, parsell of the deman, wyth the tenantes as here after foloith ; thes landes I have sold ". This land may have been part of the property of John Travers who was executed in 1586 for his share in the Babington plot, and his lands forfeited.<sup>1</sup> After enumerating the eight tenants James writes :—

" Be sides the tenantes of Wystane is to send evore on of them tow dayes shereing from evre houes tow Wynstanley during ther leaissus, but be caues it is fearre for them tow come, I would have you my son tow tak money of them, that is saie tow grott apices, which som is in money fyfe shelengs iiij, so the som of the rent is of the tenantes in rents and sarvis wyth the mylne and the demane land, which is lett for viij li. a yere, and the mylne fyf nobyles a year, be sides the cole pitt, is in rent twelwe pondes a leaven shelents viijd.

Chiffe rentes in Rod gatt as foloith her after :

George Rachdall his chife rent is rs. 10d.

Elizabeth Cokerom her chife rent is . . . . .

Mr. John Ogells, 4d.

Mr. Peter Wetherbe, 2d.

George Tomlynson, 4d.

Possibly these were those who were not included in the attornment of 24 January, 1595-6 (see Appendix III).

There are no evidences at Winstanley relating to the purchase or sale of this land, and further research among the public records is not possible at the moment, but it would appear from his book that James sold it again before 1610. It is curious that James should have seen fit to part with mineral rights in so important a region as the Prescott colliery district.

James and Susan had five children, four boys and a daughter. The two eldest, William (1593-1666) and Thomas (1595-1651)

<sup>1</sup> The estate of Ridgate in Whiston belonged to Travers (*V.C.H. Lancs.*, Vol. 3, p. 350).

were baptised at Wigan, as was James (1603). Margaret and Ralph may have been born in London. Their father's advice on marriage is addressed to them in 1598 and 1600.

" My vere deare and loving children, in Gods most holye nam, I would advices you to take this my consell, that whene it shall pleaiēs God to in abyll you wyth sofecant yeares of decrecone and strainke of bodye, and also sofeseant of abelete to manetene your estaitt, that then I would advices you in the most holye feare of God to make your choies of such wyefes that fereth God, and are obedeant to the princes laies, and of good parantiage borne, for so shall you ther by be strenkened wyth frendes, and seke to mach your selves wyth dowters and ares as neare as you can, for so by the helpe of God is the sonist waye to in creais your howsus, as mane wyes men have done her to fore, the which I cowld laye yow done by partecolarete, and ther for my deare and most loving childrene, folow this my advices and consell, in what so ever I shall advices you her un to, lett not ane fine wytt parsaid you to the contare, for mane parswageres shall be to advies you som on way and som a nother, but in Gods most holye nam folo non but myne only, lett all sa what the wyll ane waye the can . . . .

And for ther more my dear and eldest sone Wylliam, I would have, if it shall pleais God tow send you issu of yor bodie, that in ane wyes if God send yo a sone to name him James, and so the eldest sone of this houes all wayes to name his eldest son James, and my reson is this, that wher it plesed God tow bles me yor father and that by Gods good wyll and plesner dyd advances my name in the obtening of this maner of Wynstanley."

The two eldest boys appear in the lists of Admissions to Gray's Inn under the date 26 April, 1613. In the same year William married Elizabeth, daughter of Sir Thomas Ireland of Bewsey, lawyer and Chamberlain to Lord Derby, who had amassed a considerable fortune, acquiring the manor of Bewsey in 1597.<sup>1</sup> He also held lands in Southworth, Middleton and the surrounding district.<sup>2</sup> He was knighted by King James I at Bewsey in 1617.<sup>3</sup>

Thomas married Elizabeth, daughter of William Bispham of Billinge, and widow of Edward Cotton of Cotton Hall, Co. Chester. Her eldest brother, Samuel, was one of the physicians in ordinary to King Charles. Margaret became the bride of George Hyde of Urmston in the parish of Flixton near Manchester.<sup>4</sup>

According to his father's wishes Thomas Bankes continued in

<sup>1</sup> *V.C.H. Lancs.*, Vol. 3, pp. 319, 326.

<sup>2</sup> *V.C.H., Lancs.*, Vol. 4, p. 169, n. 18.

<sup>3</sup> Metcalfe, *Book of Knights*, p. 171.

<sup>4</sup> *V.C.H. Lancs.*, Vol. 5, p. 52.

the law and lived in "Scroopes Court, over against St. Andrew's in Holborne."<sup>1</sup> His father had made provision for him during his lifetime, as will be seen from the following:—

"The 8the daye of Julye 1598 I bowght of Denes Hartrig of Essix all his interest that he haid in sevene howsus standyng in Long Lane turning to Smyth Fild at London, the which he haid by the marrig of Sara Sherington dowter of Wyllam Sherrington by a les for a thousand yeares mayd to the said Wyllam Sherrington by on Castell oner of the said lands, and the said les so bowight of Denes Hartrig I only bowght the sam to my second child Thomas Bankes and for his only proferment to manten him to larning, and ther for in the name of God lett no man hender him of the sam after my deses, for my trust is in God that he wybbe an aid to the rest of his bothers if God bles him wyth lyfe, and after the deses of Mr. Denes Hartrig then my son is bot to in joye the on half and during the said les for a thousand yeares which grand les remaineth in the handes of Mr. Denes Hartrig by reson there is eyght housus leing in the sam lane, mor of the said landes, as I tak it, of the rent of 37-6-8, and you shall find the conveances in my evedences maid from Den Hartrig to my son to Masr Bankes, the yearly rent is 24-13-4, and after the deses of Den Hartrig then my son is to have but the on half and his cossins Mr. Jhon Andrus sones the other half, for so was it geven by ther ant Sara Sherrington. wyf to Den Hartrig."

By 1610 a certain discouragement appears in James' notes; the burden of his 70 years and the exertions of his busy life seem to be weighing on him at last, and though he is no longer embroiled in lawsuits with quarrelsome and malicious neighbours he complains:—

"Sines my sone that I did sett downe her in this boock my openine for the good of thie and thi posterrete, I have forther maid consetheracone for the bene fitt of the and thoues that shall com after the, and have found the sam moust for yor good by comon experiench and most sound prouef, to my grett hindrennes and loies, as aperith by my bok of acownt planly to be sine from yeare to yeare as foloith, the greaitt charges that I have bene at in keping sarvantes to dow my hosbanre to my loies and hendernes, there for my son in the name of God folow my consell her in, mak no more tillaig to gett corne then to sarf your houes, for I have bene hendered by keping of sarvantes in getting of corne that I have rather desired to deye then to lyf, for the car not whether end goeth forward so that the have mett drink and wagues; small feare of God is in sarvantes, and thow shall find my consell just and most trew.

JAMES BANKES.

This ad vertes ment was sett downe in the yeare of ower laird God 1610."

<sup>1</sup> Winstanley Deeds.

The last page of his book shows he has handed over the control of his affairs to his wife :—

" Delevered to my wyf to kepe, laist of november, 1610, the sum of tene pondes in a bleder [a bladder].

Ther is more under my bed, thre skower pondes in a hoies of kesre [kersey].

Ther is more in my chist in the contenge houes, a leveve pondes. Resavid all this money again tow the bing of land."

James Bankes died on 4 August, 1617, and was buried the next day in his burial place " between the second and third pillars on the North side of the Middle Isle in Wigan Church ".<sup>1</sup> His will, proved at Chester on 29 October of the same year, and the inventory of his goods, are printed in Appendixes VI and VII.

A pedigree of the Bankes family of Winstanley was recorded by Dugdale in 1664-5. This was signed not by William Bankes of Winstanley but by his cousin Thomas Bankes of Staple Inn. It is here stated that James' elder brother William was in fact his father and the brother of John Bankes of Bank Newton in Craven, Yorks., and that he had settled in Wigan in the reign of Henry VIII. This pedigree is so incorrect in many other details that little value can be attached to it. Nothing has been discovered to support the Bank Newton theory and all available evidence points to a Wigan, possibly Pemberton origin.<sup>2</sup>

In this respect it is of interest to note that Adam Bankes in his will of 1557 bequeaths " xxs. towards the mendinge of the lane betwene the Stonne crosse and ye Laudmaryhead green ". It has been suggested that this stone cross originally stood at the junction of the road from Laudmaryhead Green (now Lamberhead Green) in Pemberton with the Roman road from Wigan to Warrington. The remains of a stone cross consisting of the pedestal and upright shaft were removed during the eighteenth century to their present site in the Goose Green schoolyard.

The coat of arms recorded by Dugdale are " sable, a cross or between four fleurs-de-lys argent, a canton of the second ". This differs slightly from that used by James, in which the cross is plain but bears a crescent gules. The writer knows of only two examples of this coat, one carved upon a stone slab built into the west wall

<sup>1</sup> C. P. L., Chancery Interrogatories, Bdle. 88, 23 Chas. 1, Pt. 2.

<sup>2</sup> *Notes and Queries*, Vol. 169, No. 15 (Oct., 1935), p. 264.

at Winstanley which bears the date 1584 and the initials J.B., and the other portrayed in the top right-hand corner of the portrait of Susan Bankes dated 1622. A possible explanation of the 1584 stone is that it had been brought from the Stone House.

The information available regarding James Bankes' career, helped by extracts from the old Memoranda Book, presents a characteristic picture of the conditions and outlook of his age. The goldsmith-moneylender who ended his days as squire and magistrate<sup>1</sup> exemplifies the rise and foundation of so many families about that date. The reconstruction of the estate on more business-like lines, however, does not seem to have been carried out with a ruthless disregard for the rights of the customary tenants, though this was a not uncommon feature in many parts of the country. If this had been so, surely their grievances would have been turned to account by Roger Rigby in his attempt to unseat his rival.<sup>2</sup> Instances of injustice and hard dealing on the part of a new landlord would have been a very popular cry to raise, and tenants were not always dumb and defenceless in this respect.

The number of holdings increased during the period 1595-1617, both in the 1 to 12 acre and 12 to 50 acre class. James' policy seems to have been to clear the demesne from recent encroachments, and for the re-establishment of those tenants he directs his heir to divide a holding of fifty acres "into foure or fyfe partes, and lett by a yearly rent, and mak there leses for three lyfes, and so shall you find it most to yor profit". That the common waste was nibbled away and converted into arable is evident from a variety of leases citing small areas "inclosed or intended to be inclosed out of moss or heath ground in Winstanley".

Hard dealing was condemned in two instances in his book:—

"At such tymes as I bowg this land coled the maner of Wynstanley ther was a les maid by Edmond Wynstanley of a tenement tow Roger Adlington. . . . This said Roger Adlington torned the said tenant owt of the houes and hir sone, the which brougth the power wedow in tow a meserabyll astaitt and want, to her utter and grett loues and ollmost undoing, ther for my deaire son, at suche tymes as the said tenement shall fawll to yor handes tak the sam into yor owne handes, for the said Roger is a most baid man sondre waies, and so aparranly knowe of oll his nebores, and, as it is thowght, well not mend."

<sup>1</sup> The Lancashire Sessions Rolls record him as a Justice in Oct. 1616 and Jan. 1616/17.

<sup>2</sup> See Appendix IV.



And again:—

“ And lyk wyes ther is a nother tenement wher in won Wyllam Crunes dyd tak over a pore man hed, to his ondoing of him and his wyfe and childrene, wher opon the pore man wyfe dyed for vere grefe. The which Crunes pout them owt by the Shrefe, and so the pore man Barton, whomes name was, was constraned to mak a pore cabin wyth owt the houes, and in forsed to lye opo the grownd a howle wynster, stell in hope of som relife at the said Crunes his hand, but no pete would he geve him in ane sort, and in the be halfe of the power man his nebores in the end releved him wyth begeng. . . . If you can by in this leaies and lett the powere man have the said houes agane . . . so shall you pleaies both God and them. ”

In spite of the legal invective employed against him by his contemporaries James does not seem to have been without consideration for his tenants and a realisation of the obligations of property, while his affection towards his children is sincere. His son William piloted his estate through the perils of the Civil War, during which he adopted a neutral policy, and died at the ripe age of 73, a worthy successor to his “ carfull father ”.

#### APPENDIX I.

##### WIGAN PEWTERERS OF THE BANKES FAMILY.

The metal industry had long been predominant in Wigan and attained priority of place during the seventeenth century, when Wigan pewter acquired national fame. (R. J. A. Shelley, “ Brief notes on the Wigan Pewterers ”, read before the Society of Pewter Collectors, 13 Jan., 1936). In 1555-6 there is a “ Bond from Gilbert Scott of Pemberton, gent, Thomas Gerard of Ince and Ralph Markland of Wigan to Ralph Banc of Wigan, pewterer, in 200 marks that Gilbert shall keep covenant ”. The Treasury calendar for the year 1696 records:—

“ Treasury warrant to Thomas Neale, Master and worker of the Mint, to pay £100 to Gerrard Banks senior and junior of Wigan, Co. Lancaster, for the value of two presses and the charge of bringing them from County Lancs., to Mint at the Tower for the use of the coinage, which presses the said persons have had for many years in their possession for the stamping of pewter ”.

On the occasion of the Coronation of their Majesties King George VI and Queen Elizabeth a piece of Wigan pewter plate was presented to the Corporation bearing the “ touch mark ” of Adam Bancks, and said to be

dated about 1687. Adam Bancks was Warden of the Wigan Pewterers Company in 1687 and 1700, also Mayor of the town in that year. A relation of his, Christopher Bancks, migrated to Bewdley in Worcestershire in 1697, and founded the pewter and brass industry in that town,<sup>1</sup> taking with him the following letter from James Harvyne, Mayor of Wigan:—

Nov. 12th, 1697.

These may certify to all whom it may concern, that Mr. Christopher Bancks of Wigan is a real worker and maker of all sorts of pewter, and that he has served a lawful apprenticeship to the art, mystery and calling of a pewterer, and that he is well affected towards the Church of England as by law established. Given under our hands and seals at Wigan Nov. 12th, in the 9th year of King William III over England, etc., and in the year of our Lord God 1697,

JAMES HARVYNE,

Mayor of Wigan".

There is preserved in the *Bibliotheca Lindesiana* (the Library of the Earl of Crawford, at Haigh Hall, Wigan) what appears to be a draft of a proposed Petition to the Privy Council seeking to erect the Company of Pewterers in Wigan into a chartered corporation. It is headed "The wants and defects in the Pewterers trade at Wigan", and the first paragraph deals with the "Want of power to search and try mettle and to punish abuses" in Wigan and the northern parts of England. It is stated that "by reason of the remoteness of the northern parts from London, the officers of the London Company rarely come north to exercise their authority in trying metal and punishing abuses". These latter have grown up to the detriment of the Wigan trade and the country generally. The Company of Pewterers in Wigan seek power to "search and try mettle, and punish abuses therein, on the North side of the Trent, as the London Pewterers have all England over". Various other clauses follow, and there are appended to the petition the signatures of 78 Wigan Pewterers, which include eight members of the Banckes family, namely, Mr. Thomas Banckes, alderman (Mayor 1680); Robert Banckes baylife peer, Adam Banckes, junr., Warden of the Wigan Company, and Adam Banckes, sen. Burgesses; and William Banckes, Gilbert Banckes, Gerard Banckes and William Banckes, freemen.

## APPENDIX II.

### THE ORRELL-BANKES RELATIONSHIP.

The Orrells of Orrell and Turton had owned land in the Winstanley district from early times; William de Orrell is witness to a release of land in Winstanley in 1402 (Winstanley Deeds). Henry Orrell is mentioned in a suit connected with land in Upholland in 1516 (Ducatus 1, 127).

<sup>1</sup> John P. Burton, *History of Bewdley*, 1883.

William Orrell of Orrell and Thomas his son, Lewis Orrell and Ellen his wife appear respectively in 1561, and 1566. (P. of L.F. of F. 23 M. 193, 24 M. 256, 28 M. 102).

John Orrell of Turton owned land in Winstanley in 1556-7 (D. of L.P., Vol. 73, o.5). "Thomas Orrell of the coal pits" is mentioned in the will of Edmund Winstanley, 1591.

In 1595-6 the Earl of Derby sold the manor of Orrell to Lewis, father of William, Richard, Peter and Ellen Orrell. Lewis appears to have been already a copyholder in Orrell, Dalton and Newburgh. His eldest son William, being "very evilly disposed and of a disorderly life and conversation", was disinherited by his father (D. of L. P. 151, o.3).

Richard Orrell was subsequently induced to part with his patrimony to his brother William on 6 March, 43 Eliz. In the same year both the brothers claim the manor in a suit against the Sheringtons.

Ellen Banckes' brother George Orrell sold houses in Gray's Inn Lane to Humphrey Banckes in 1598, including the house of Peter Orrell and another "lately newe built by the said Humphrey" (Close Rolls. c. 54).

There is a reference to George Orrell, son of Peter, in the Hatfield MSS, to the effect that he was involved in Essex's conspiracy, and charged at the head of his followers in the London rising and was arrested and imprisoned. He is elsewhere referred to as "Captain or Lieutenant Orrell, a follower of the Lord Monteagle, a most desperate rakehell as lives, he dwells in the end of Gray's Inn Lane, a freeholder of £40 the year as some say."

Humphrey and Ellen had two sons, Thomas and William, also goldsmiths. Thomas acquired the manor of Formby from Sir Cuthbert Halsall of Halsall in 1623 "in security for great sums of money lend." (For Sir C. H., see *V.C.H. Lancs.*, Vol. III, p. 195). On his death in 1626 he left money arising from this transaction and "the rent of the Swan Tavern in Holborn" to his second wife Frances, dau. of Geffery Woods of Leigh. The widow subsequently married Edward Croft of Claughton, near Lancaster, and was accused by her late husband's relations of entering into a conspiracy with Robert Blundell of Gray's Inn regarding the Formby property.

### APPENDIX III.

#### ATTORNMENT ROLL OF THE TENANTS OF WINSTANLEY, 1595-6.

"The names of all suche tenantes as came in this presente daye, beinge the xxiiijth of January, and did attorn to hym accordinge to thassurance to hym made to Mr. James Bankes by Edmonde Winstandly esqre, havinge theire estate.

Alexander Orrell did paye by way of attornment jd

*The following tenants similarly* : Richarde Orell, Richarde Winstandley, Lawrence Fayreclough, Wm. Barton of Higherende of the towne, Rauffe

Barton, Tymothy Adlington, Roberte Winstandley the younger, Myles Winstandley, Roberte Winstanley, Willm. Barton de Colepittes, Ux. Jacobi Winstandley, Ux. Henry Gray, Homfrey Atherton glover, James Coales, Roger and Margarett Rayneford, Jhon Hurste, Margery Birchall, James Taylor, John Gaskell, Edmonde Greene, Nicholas Crosorthe, Thomas Chadocke, Homfrey Atherton gent., Homfrey Rylandes, Homfrey Winstandley, Gilbte. Barton, Alice Pemberton, Thomas Orrell, Gilbte. Bibby, Rauffe Bury, Richard Tuynson, John Winstandley jun., Thomas Winstandley, Eilyn Fayreclough, John Winstandley the elder, Edmonde Rylandes, Lowry Fayreclough the late wiffe of Homfrey Fayreclough, John Coales, James Penington, John Fayrehurste, Willm. Penington, Eilyn Clerckeson als. Hyton, Thomas Derbyshyre, Rauffe Hurste.]

All these psons aforewrytten have this present xxiii<sup>th</sup> daye of January, 1595 attorned to Mr. James Bankes and becomen his tenantes by the payement of every of them one penny savinge to them and every of them their lawfull estate which they have, excepte nyne whoe are not summoned, in the presence of us whose names are here under wrytten.

Raufe Worseley

Francys Sheryngton

Hamlet Grene

Robart Marklond

Williame Byrchall

Thomas Pemberton

Adam Banckes

Md. that Edmond Rylandes maid his retorne the xxv<sup>th</sup> daye of Januayre, 1595 beefore this mens names underneth written.

The marke of

Wyllyam Bankes

Bryan Molenex

Adam Banckes "

#### APPENDIX IV.

#### AN ACCUSATION BY JAMES BANKES, CONCERNING A PLOT TO DISPOSSESS HIM OF THE MANOR OF WINSTANLEY, 1606.

D.L. 1/226. (Duchy of Lancaster Pleadings.)

Easter Term, 4 James I. (1606).

No. 28. *JAMES BANCKES v. ROGER RIGBIE.*

21 May, 1606.

Complaint by James Banckes of Winstanley, Co. Lancaster, Esq., that Edmund Winstanley, late of Winstanley Esq., was seized of the manor of Winstanley and lands, etc. there and in Billinge and Orrell, Co. Lancs., and he had divers deeds etc. concerning the same. About eight years ago, for £3,000, he conveyed the same to complainant and his heirs, and the said complainant was seized of the same. But now one Roger Rigby, of Ditton, Co. Lancs., gent, having married the mother of James Winstanley, gent, cousin to the said Edmund, and having a purpose to marry his (Roger's) daughter to the said James Winstanley, and to get the said manor and lands from complainant to James Winstanley, some years ago

went to the capital message of Winstanley, where the deeds were in a chest, making his excuse he came to visit Edmund Winstanley, gent (cousin of the said Edmund) who was then sick there, and who has since died, first making his will and appointing Rigby his executor. Thereupon Rigby again went to the house and wrongfully took away the deeds and evidences and then locked up the empty chest in the said manor house of Winstanley, and still keeps the said deeds so that his son-in-law, James Winstanley, may derive a title to the same after the death of Edmund Winstanley, Esq. He desires the said Roger Rigby may be caused to appear to answer the premises.

Duchy of Lancs. Pleadings 1/227 -52.

16 June, 4 James, 1606.

THE ANSWER OF ROGER RIGBIE, GENT, DEFDT. TO THE  
SLANDEROUS AND UNTRUE BILL OF COMPLT.,  
JAMES BANCKES ESQ.

That in or about the time mentioned in the Bill of Complt. one Edwarde or Edmund Pemberton sent twyse for this defdt. to com to Winstanley House in the lieftime of the said Edmund Wynstanley, and after his decease was sent for to take Cons. about the goods and chattalls of one Edmund Winstanley, gent, who had lived at the said house of Winstanley, and some time was a dealer for the said Edmund Winstanley, Esq., who had made him this Defdt. and the said Pemberton his executors, at which tyme of this Defdt. thether coming the said Edward or Edmund Pemberton and Thomas Pemberton his son acquainted this Defdt. with the will of the said Edmund Winstanley, deceased. And thereupon opened one "chieste" and ther took out certayne bondes and bills and other writings, belonging to the said Edmund Winstanley, being the proper goods of the said Testator and onlie then belonging to this Defdt. and sd. Pemberton, being Executors . . . as this Defdt. thinkethe was lawfull for them to do. As he this Defdt. now remembreth that one Robert Atherton and others of the Tennants of the said Edmund Winstanley Esq. had the charge and keeping of the chiste wherein the evidence of the said Edmund Winstanley were thought to be contained as this Defdt. was then informed by one Robert Atherton without that that this Defdt. made aine purpose to gett the Manor message landes tenents and hereitants from the Complt. to his sonne in lawe James Winstanley, in such form as is in the said Bill suggested and without that that he this Defdt. came to the said message or house of Winstanley for anie other purpose then for the administration of the goods of the said Edmund Winstanley deceased being his lawful Exor.

And therefore prayeth [etc.] 16 June, 4 James.

The following letter is of interest in connection with the foregoing.

(Addressed) To his very Loving Cosine and soe approved Mr. James Banckes Esquire at his house Winstandley.

For all yor courtosies I reste yor detter & at or last being together I

for gotte to move yo in the be haulffe of Anne Winstandley, whoe by her harde fortune is forced to sicke for housse roume, and amongeste all the tenantes of Blackeleyhurste there is not one that will lett her have housse roume for one yere, and for her rentte, that I canne hereof, for I sent her a mongest them, and some I spokke with my sealuffe, but they denyed my, nowe therefor because of her present want, as shee haithe toulde my wiffe that James Winstandley one of yor tenantes is content to lett her have house roume for a yeare and for her rentt, if she canne procure yor consent, the which I hartely praye yo to grante her, and the rather at this my request, and if there be enything I cane pleasure in yo shall command, thus with my commandations to yor bedfellow as to yor sealuffe, I end in hast this 21th of August.

Yor Cosine to command to my smale poure,

ROGER RIGBYE, 1597.

#### APPENDIX V.

#### AN ACCUSATION BY THE RECTOR OF WIGAN CONCERNING THE SEIZURE OF HIS TITHE CORN, 1598.

STAR CHAMBER. Edward Fleetwood *v.* James Bankes *et al.*

Bill of Complaint. Dated 9 May, 40. Eliz.

To the Queen's most excellent Majesty,

In all humbleness complaining sheweth and informeth your most excellent Majesty your loyal and dutiful subject Edward Fleetwood of Wigan, in the co. of Lancaster, clerk and parson of the parish church of Wigan aforesaid.

That, whereas one James Bankes of Winstanley within the said parish of Wigan, gent., did pretend himself to be owner and lord of the manor and lordship of Winstanley in the parish of Wigan, the tithes whereof do belong and appertain to your subject as parson of the said parish Church of Wigan. And your said subject at harvest last past, meaning to gather and inur the tithe corn of Winstanley to his own proper use, and not having any barn or other convenient place to inur or lay the said tithe corn within Winstanley, and the said J.B. there having a convenient barn near to the mansion house of the said J.B. called the Hall of Winstanley, your said subject did, about the first day of August in the 39th year of your highness reign, being about the beginning of the said harvest at Wigan, fully and absolutely agree to and with the said J.B. that your said subject should have and enjoy the said barn to lay the tithe corn of the harvest growing within Winstanley, to hold and enjoy to the proper use of your said subject, so long as the tithe corn or any part thereof should remain unthreshed.

And further also your subject did in like manner agree with J.B. that J.B. should load and carry into the barn the tithe corn to the use of your subject.

In consideration thereof it was likewise agreed that J.B. should have all the straw of the tithe corn for the proper use of him the said J.B. at such time as the corn should be threshed by your subject's appointment.

And accordingly J.B. delivered the key of the barn to your subject and did from time to time load and inur the tithe corn of Winstanley into the barn, for and during the said harvest, according to the bargain and agreement. And your subject so being of the said barn and corn lawfully possessed as aforesaid, the said J.B., being a man of great wealth and riches in that place, and by means thereof grown to be a very proud and insolent man, presuming by his power and greatness to overbear and oppress poor neighbours and to command and dispose whatsoever is theirs at his pleasure to satisfy his proud humour, covetous and greedy disposition, being wholly set upon his gain and lucre, be it by any means whatsoever so unlawful. Whereupon the said J.B. understanding that your said subject's corn being in the said barn was of great value in this last dear year, and that a great sum of money might be made thereof, he, the said J.B. sought by divers subtle and unlawful practices and devices to get the same from your said subject, but in the end, perceiving that the said plots would take no effect according to his wicked desire, thereupon, he, the said J.B. on or about the first day of February last past in the fortieth year of your Majesty's reign, complotted and confederated himself with Susan his wife, and with one Adam Bankes, William Bankes, Ralph Green, Gilbert Barton, Robert Topping, William Dawber, Anne Wood, Jane Scott, Margery Barton, Anthony Blackmore, and Elizabeth Sherington, being persons of very bad and uncivil behaviour and government, and fit to execute any riot or misdemeanour were it never so outrageous, how by force and violence he might get the said corn and possession of the said barn from your subject. According to which plot and combination, in or about the sixth day of the said month of February in the fortieth year of your Highness' reign, the said confederators, understanding that the barn door was open, and only two poorer men, being day labourers hired by your said subject (the one called John Townley and the other Lawrence Nightgall), there threshing of corn in the said barn, thereupon the said confederators, taking the opportunity thereof the said S.B. etc. (as above) and divers other riotous and disordered persons to the number of twenty and upwards unknown to your subject, whose names your subject humbly prayeth that upon further knowledge of them to be had he may have liberty to insert in this present Bill, by the procurement, means, and direction of the said J.B., the 6th day of Feb. at Winstanley aforesaid, assembled themselves together, and being all, or most of them, armed and prepared with swords, daggers, long staves, pitch forks and such other unlawful weapons, as well invasive as defensive, then and there in such riotous and disordered manner did forcibly enter into the said barn upon the possessions of your said subject, and finding the said J.T. and L.N. in God's peace and your Majesty's about their labour threshing of your subject's corn, did then and

there make a most grievous assault and affray with their said weapons, upon the said J.T. and L.N., and did in like manner beat, wound, and evil intreat them to the great effusion of their blood, and extreme peril of their lives, and also with great violence expelled them out of the said barn and took the possession thereof to the use of the said J.B. And the said riotous persons having done their pleasure therein barred up the door of the said barn, to the end that neither your subject nor his servants should enter therein again, and so having effected their wicked purpose therein departed away for that time, whereupon your subject being certified by the said J.T. and L.N. of the said riotous and outrageous dealing committed and done by the said Bankes and the rest of the malefactors, he, your said subject the 9th day of Feb. in the fortieth year of your Majesty's reign sent one Francis Mather, servant unto your said subject, with the key of the said barn, quietly to enter thereinto and to see in what case his corn therein being stood, and to be resolved of the injury and spoil done and committed by the said riotous persons therein, which the said F.M. being come to the barn and entered thereinto in peaceable and quiet manner for the purpose aforesaid, but some of the said riotous persons were, as it seemeth, near, commanded by the said J.B. and Susan his wife, to watch and see whether your said subject or any of his servants would come and enter thereinto, espying the said F.M. your subject's servant in the barn, gave knowledge thereof to the residue of the said confederators, whereupon the said confederators and riotous persons aforesaid did then and there assemble themselves together again, being armed, arrayed, and furnished with like unlawful weapons and did suddenly approach to the said barn, and then and there forcibly break and pull down the door and walls of the same, and finding the said F.M. alone in the said barn (the said F.M. not having there any weapon, save only a walking staff in his hand, being in God's peace and your Majesty's) did then and there most barbarously, violently, and outrageously make an assault and affray upon him, the said F.M., with their weapons, and therewithal did hurt and grievously wound him the said F.M. in divers places of his body, to the effusion of much of his blood and great peril of his life, and also in the most violent and furious manner did thrust the said F.M. out of the said barn by means thereof the said F.M. hardly escaped with his life. And the said J.B. being not satisfied with these abuses and outrages, but continuing still in his wicked and unlawful courses, about two days then following did himself, with divers of the said riotous persons in his company, being armed and prepared as aforesaid, enter into the barn and took possession thereof and likewise also of the said corn, and then caused his said servants to thresh out the same to the use and behoof of him the said J.B. contrary to all right and justice, to the manifest and express wrong of your said subject. [Etc.]

COMMISSION from the Queen. Dated at Westminster 14, July, 40. Eliz. To Roger Rigby, William Stanynought, William Ashurst, of Dalton, and William Lees of Standish, gents., or any three or two of them to examine



the defendants named (except James Bankes) on behalf of Edward Fleetwood.

DEPOSITIONS taken at Wigan, 14 October, 40. Eliz. before the said four Commissioners.

*Susan Bankes* refers to Adam Bankes as her servant, "what her husband said before Her Majestys Justices of Peace at Leigh touching the same (leasing of the tithe corn of Winstanley) she did not certainly remember."

*Elizabeth Sherington* was in the bakehouse.

*William Bankes* deposes that he had discussed with the parson the leasing of the tithe corn of Winstanley to his brother James, which the parson denies; until this controversy he had not heard any talk by his brother, his wife, or his said son Adam, of a bargain with the parson for the inuring and threshing of his tithe corn. He confesseth that he hath been at Standish Leigh and other places with his said brother to accompany him and of purpose to do good in the cause, but with no intent of maintenance.

COMMISSION from the Queen. Dated at Westminster, 12 Feb. 41. Eliz. To Richard Fleetwood, Esq. Roger Bradshaw, William Slynehead and William Stanynought, gents, to examine witnesses on behalf of James Bankes.

DEPOSITIONS taken at Wigan. 20 March, 1598-9, before the said four Commissioners. *John Crosse of Liverpool*, Esq., aged 52 years, deposes that he thinks there was a suit at the common law at Lancaster by Edward Fleetwood against some tenants of Edmund Winstanley, Esq., for carrying away the tithe corn of Winstanley to the use of Edmund Winstanley, and the said suit was appeased by an agreement in writing, subscribed by Edmund Winstanley and by himself and others.

*John Fairclough of Winstanley*, badger, aged 40 years, remembers the said agreement. The tithe of Winstanley corn was formerly granted by the Complainant to John Crosse, Esq. for the use of Edmind Winstanley for a rent of £3 . 6 . 8. Previously 33s. 4d. had been paid for the tithe by Robert Atherton. Within a few years of the agreement for £3 . 6 . 8 the payment was increased to £5, and after to twenty nobles.

*Richard Heaton of Billinge*, husbandman, aged 50.

*Katherine Barton*, wife of *William Barton* of the coal pits, aged 50.

*William Leigh*, clerk, parson of *Standish*, aged 46, was present in the chancel of Standish Church on St. Mathias Day in 40. Eliz. when the Plaintiff and James Bankes were before Edward Standish and John Wrightington, esquires, two of her Majerty's Justices of the Peace, and heard the said J.B. affirm and say that the tithe corn inured in his barn at Winstanley the harvest next before was his own, and that therefore he would justify the taking of the same, whereupon the Pit. then said to the said J.B., "Why then did your wife upon the day when I sent my threshers to the said barn send Henry Gray to me to buy the said corn of me?"

Whereupon the said J.B. then answered, "I will not answer my wife's doings."

*John Wrightington of Wrightington, esq., aged 57.*

*Thomas Pemberton of Winstanley, yeoman, servant to Defednant, aged 31.*

*Henry Gray of Winstanley, yeoman, tenant to defendant, aged three score years.*

*Thomas Dauber of Orrell, husbandman, aged 50.*

*Alexander Ford of Wigan, pewterer, aged 36.*

*Lawrence Nightgall of Pemberton, husbandman, aged 53.*

*John Townley of Wigan, shoemaker, aged 50.*

*Henry Rymer of Upholland, taylor, aged 58.*

*Lawrence Molyneux of Billinge, husbandman, aged 50.*

*Robert Arrowsmith of Pemberton, gent, aged 50.*

*Robert Pemberton, servant to Plt. aged 40.*

*Lawrence Prescott, yeoman, aged 50.*

*John Hearinge, 26.*

*Francis Mather, yeoman, 28.*

*Robert Tompson, clerk, minister of the Church of Wigan, aged 28.*

"About Candlemas last was twelve month, he, this deponent, heard James Banks acknowledge and confess before her Majesty's Justices of the Peace at Leigh, and that upon his oath, that he the said J.B. did agree to and with the Plt. that he, the Plt. should have and use a barn in Winstanley belonging to the said J.B. wherein to inur the Plt's tithe corn that year."

*Edmund Duxbury of Orrell, yeoman, tenant to Francis Sherington of Wardley, esq. aged 80.*

*John Worthington of Pemberton, gent, aged 61.*

*Robert Birchall of Orrell, husbandman, tenant to Francis Sherington, esq. aged 60.*

*Robert Atherton of Winstanley, yeoman, tenant to Deft. and to William Atherton, aged 60.*

DEMURRER AND ANSWER OF JAMES BANKES AND WILLIAM BANKES. Dated 17 May, 40. Eliz. They ask for the Bill to be transferred from the Star Chamber to the Duchy Court at Lancaster.

DEMURRER AND ANSWER OF ADAM BANKES AND RALPH GREENE. Dated 18th May, 40. Eliz. Similar to foregoing. They also deny assault.

REPLICATION OF EDWARD FLEETWOOD to answer of the several Defts. Dated 28 Nov., 41. Eliz.

I have found no record so far of any judgment in this case. Susan Bankes does not seem to have borne the Rev. Tompson any ill-will. In her will dated Feb. 1627-8 we find: "To Mr. Tomson 10s. to preach my funeral sermon." She was buried at Wigan.

## APPENDIX VI.

## THE WILL OF JAMES BANKES, 1617.

C.C.C. Abstract of the Will.

Dated the 13 Maye, 1617, of James Bancks of Winstanley, Co. Lancs., Esq.

To be buried in my burial place in the Parish Church of Wigan. Firste, my debts and funeral expenses to be paide. I give to William Bancks my oldeste sone and his heirs for ever all my messuages, landes, tenements and hereditaments with the appurtenances scituate in Co. of Lancs. or elsewhere in the realme of England, the dower belonging to Susanne Bancks my wyffe onley excepted. I give to the said William Bancks my sone all my deeds (etc.) which concern my lands, tenements, and hereditaments which I bought and purchased, also I give him all my carts (etc.) and all other implements of husbandry, together with one greate sesteron of leade standing in the olde oxehouse, and the frame whereon it standes, also I give him four iron chymmes or grates of iron, etc., one greate bed now placed in the greate chamber over the hall, together with the tables and formes now standing in the hall and parlor, also three greate chestes in the house for meale and meate. I give to my cozen Roger Downes, Esq. one piece of gould of 22s. To my cozen Thomas Bancks of Wigan, Gent, one piece of goude of 22s. To my frend Willm Whitfield 40s.

The rest and residue of my goods, etc. whatsoever to be devyded into three equal partes whereof the first parte I geve to my wiffe, Susanne Bancks. The second parte I geve to Thomas, Rauff, James and Margaret Bancks, my younger children, to be equally devyded amongst them. The third parte shall be divided into two equal partes, whereof one parte I geve to my wyff, Susan Bancks and the other parte to my three children, Rauff, James and Margaret Bancks to be devyded equally betwixt them, and if any dye before they attain 21 years their part to go to the survivor, and if all dye then their parts to go to Susan Bancks my wyffe for ever.

I make my wyffe Susan and my sone Rauff Bancks my Executors and desire my Cozen Roger Downes Esq, and my cozen Thomas Bancks of Wigan and my servant William Whitfield supervisors.

Witnesses: William Bancks, Edward Gaiskell, Gilbert Barton.

26 July, 1617.

Whereas I James Bancks Esq. have herein declared my will nevertheless further my mind is and I give unto James Bancks my youngest sone £60 out of all my goods after my debts etc. paid over his part of goodes formerly given him in my will. Then it is my will that the remaynder of all my goods etc. be devyded as in my will is menconed.

Witnesses: William Bancks, Edmund Gaiskell, William Whitfield.

Proved in C.C.C. 29 October, 1617, by Susanne Bancks, widow of relict and one of the executors within named.

Power reserved for the other Executor within named.

## APPENDIX VII.

## INVENTORY OF THE GOODS OF JAMES BANKES, 1617.

A just and true Inventory of all the goods etc. and debts of James Bancks late of Wynstanley in the County of Lancaster, Esq., deceased, prayesd the 11th daie of Auguste Anno Dni. 1617 by us, Richard Billinge, Christofer Robye, Edmund Winstanley and James Scotte as followeth :—

Imp. twoe yoke of oxen . . . . .	19	3	4
Item. foure yong bollocks . . . . .	11	6	8
„ eighte calves . . . . .	7	10	0
„ seaventeen cowes . . . . .	51	10	0
„ foure heffers . . . . .	11	10	0
„ three mares . . . . .	12	13	4
„ two nagges . . . . .	7	0	0
„ one colte . . . . .	1	13	4
„ in sheepe . . . . .	11	0	0
„ in swyne . . . . .	6	15	8
„ in ducks and henms . . . . .	13	0	
„ in corn growing upon land . . . . .	90	13	4
„ one lead sesteren . . . . .	6	13	4
„ in fellies <sup>1</sup> . . . . .	18	4	
„ in plowes . . . . .	8	0	
„ in tress carte ropes collar and cart sadle and other implemts . . . . .	1	0	0
„ grindstonn . . . . .	2	6	
„ carts waines and wheels . . . . .	4	10	0
„ in racks . . . . .	3	4	
„ in turves . . . . .	1	0	0
„ sledds . . . . .	3	0	
„ in harrowes, yoks, axes, nogers, <sup>2</sup> sawes, hodropps and iron crowe and other imp. . . . .	3	0	0
„ in bords . . . . .	—		
„ one tornell a stand and little piece of wood . . . . .	6	0	
„ in spoks . . . . .	5	0	
„ in malte . . . . .	5	0	0
„ in spades a hack and a howe . . . . .	3	0	
„ in loft tymber, swyne troughes and hewen stones . . . . .	6	0	
„ in boles . . . . .	6	18	0
„ in lytlepeece of timber . . . . .	1	0	
„ a table and formes in Hall . . . . .	1	0	0

<sup>1</sup> The outer rim or circle of a cart wheel. The wooden wheels were made in sections which were termed fellies.

<sup>2</sup> A corruption of the word auger. (These notes are from information supplied by Mr. Philip Ashcroft of Rufford Village Museum.)

Item,	in iron grats . . . . .	3	11	4
"	in one still . . . . .		3	4
"	in three tables and a little shelve . . . . .	1	0	0
"	in one cubbord . . . . .		6	8
"	in a pare of virginnalls . . . . .	3	6	8
"	twoe chires . . . . .		3	4
"	one joynt chire . . . . .		3	0
"	one other chire . . . . .		5	0
"	a forme and three pickters . . . . .		2	4
"	in racketts galborts a crowe a fyre poote a pare of fyre tonges and a shocoe . . . . .		5	0
"	three greate chests . . . . .	2	0	0
"	bords formes and a settle . . . . .		9	8
"	a crab pese and a fiechbord . . . . .		1	0
"	in oate meale . . . . .	1	10	0
"	in flower . . . . .		3	4
"	in grats, barly and dust . . . . .		3	4
"	in pewter . . . . .	9	10	6
"	in braches a gridiron and a pestel . . . . .		5	0
"	two dripping pannes . . . . .		8	4
"	in pann brasse . . . . .	1	16	6
"	in potte brasse . . . . .	3	0	0
"	a ould fryinge panne . . . . .			4
"	an axe for a hucher two kyns a grater . . . . .		1	0
"	in laye . . . . .	12	0	0
"	in tringe vessells . . . . .	3	11	6
"	a throne and two cheese press . . . . .		6	0
"	a salting leade and frame to it . . . . .	2	0	0
"	in earthen potts . . . . .		2	6
"	in bordes and a tronge . . . . .		6	6
"	a saffe . . . . .		2	6
"	a bord a form and shelves . . . . .		9	2
"	one ould cubbord . . . . .		2	0
"	frames to laye beare on with a trough . . . . .		3	0
"	brass cope glass bottles and a baskett . . . . .		3	0
"	one chest . . . . .		2	6
"	two bolles of woode . . . . .		2	0
"	one twilshete and sacke . . . . .	1	0	0
"	one windle and two halfe metts . . . . .			4
"	one whole swingle stock and a trapp . . . . .		10	0
"	cheres and stowles . . . . .		1	6
"	sefes and ridles . . . . .			6
"	noggins dyshes and trenches . . . . .		2	0
"	in salte flesh . . . . .	1	0	0
"	in chestes . . . . .		8	0
"	in hopps and sope . . . . .		16	8

Item.	in boxes and table sheelves . . . . .	3	0
..	in glasses . . . . .	3	0
..	a case and trenchers . . . . .		6
..	in woolen yorn and litle implmts. . . . .		8
..	in bedstockes . . . . .	11	6 0
..	one form and an ould chest . . . . .	1	0
..	one cradle and wiskett a peec of a trunk . . . . .		8
..	in matts . . . . .		2 0
..	in beddinge . . . . .	36	6 8
..	one pillyon . . . . .		2 0
..	in sadle-cloathes . . . . .		4 0
..	one chest and a box within it . . . . .		5 0
..	in boxes, shelves and a chare . . . . .		3 0
..	one ould muskett barell . . . . .		1 0
..	two tables . . . . .		3 4
..	in joynt stowles . . . . .		9 0
..	in chaires and stowles . . . . .	1	7 8
..	two ould carpetts . . . . .		1 8
..	in valance curtains and roods . . . . .	5	17 8
..	one shelf . . . . .		8
..	one joynte presse . . . . .	1	6 8
..	one table and frame . . . . .		2 0
..	one joynte chaire . . . . .		6 8
..	in truncks and chests . . . . .	4	5 0
..	one green carpett . . . . .	1	10 0
..	green velvet pillows and quishons . . . . .	5	0 0
..	pillows and quishons imbrothered . . . . .	7	6 8
..	a cubbord cloath imbrothered . . . . .	3	6 8
..	evearinge cloath . . . . .	1	0 0
..	a turkey carpett . . . . .	1	0 0
..	fyve coverings for quishons . . . . .		10 0
..	in lynen . . . . .	27	10 5
..	two tables more . . . . .		9 0
..	one greene carpett . . . . .		1 0
..	two cheires . . . . .		8 0
..	one greene cubbord cloathe . . . . .		8 0
..	two ould carpetts more . . . . .		3 4
..	in quishons . . . . .	1	18 8
..	one ciprus woode cheste . . . . .	5	0 0
..	one warming panne . . . . .		2 6
..	one looking glass . . . . .		2 0
..	one shelve and skrines . . . . .		1 0
..	in books . . . . .		18 0
..	in seelinge tymber . . . . .		10 0
..	in bords and ashes . . . . .		3 0
..	in a clocke and a bell . . . . .	1	6 8

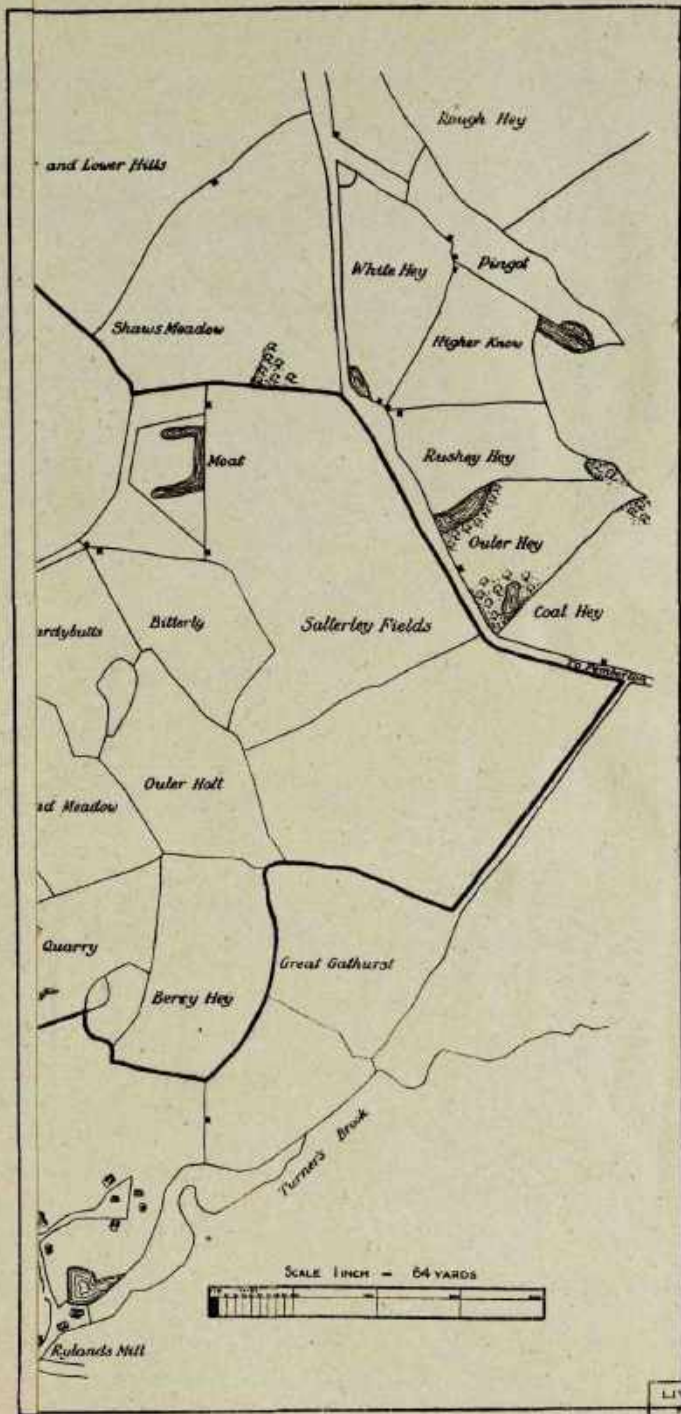
Item.	two shelffes and a form . . . . .	1	6
„	one launthern . . . . .		10
„	more in forms and bords . . . . .	2	6
„	one long ladder and pitchfork . . . . .	2	0
„	a pare of weighs for a gould smith [gold-smith's scales . . . . .	2	0
„	another pare of weights. . . . .	2	0
„	one bruche . . . . .		6
„	Tymer att more mylne and lower mylne . . . . .	5	3 0
„	in flaxen cloth . . . . .		16 0
„	two sadles . . . . .		3 4
„	one goulde ringe . . . . .	2	10 0
„	in plate . . . . .	18	3 4
„	Debt owing unto Testator at the tyme of his death . . . . .	293	0 0
„	in money in the house . . . . .	20	9 0
„	the deced. apparell . . . . .	12	0 0
			<hr/>
		336	12 10
			<hr/>

Exhibited in C.C.C. by the exors.

#### NOTES ON THE PLAN.

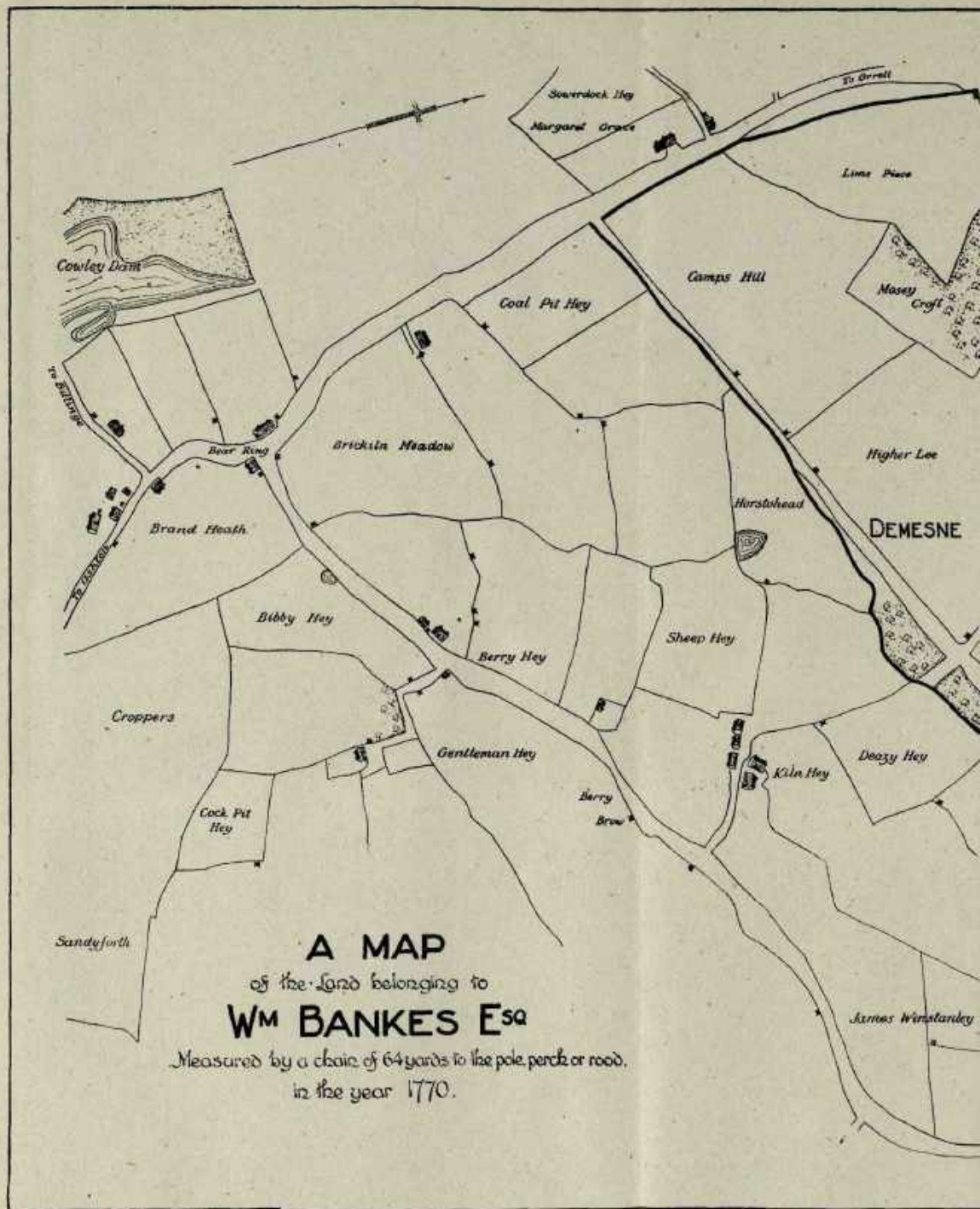
The accompanying plan is taken from an estate map of 1770 and gives a general idea of the position of the manor and surrounding lands. These lay on an easterly slope about four miles south-west of Wigan. The demesne is bounded on the west by "the ancient highway leading from Orrell moor through the lordship of Winstanley to Ashton-in-Mackerfield", on the east by the road from Wigan to Billinge, and on the north-east by the stream known as Smithy or Turner's Brook, which divides Winstanley from Pemberton and Orrell.

The boundaries of the demesne are substantially the same as in 1600. Of the field names the following are mentioned during James' lifetime: the Salterley fields, the Rough hey, the Horstohead, and the Morley Meadow. No doubt John Cowley's holding of twenty acres would be near the Cowley dam of the later period. The high ground stretching from Orrell to the Bear Ring seems to have been almost entirely heath and common ground. It is not so easy to identify the area of the "ring yard" and "the harr houes" ground frequently mentioned in James' book, the former probably lay near to the house and farm buildings, but the latter seems to have been "passed away" by Mr. Winstanley and let to various parties. James instructs his heir regarding the holdings within this area: "at such tymes as the les is ended take the sam into yor own hands, or

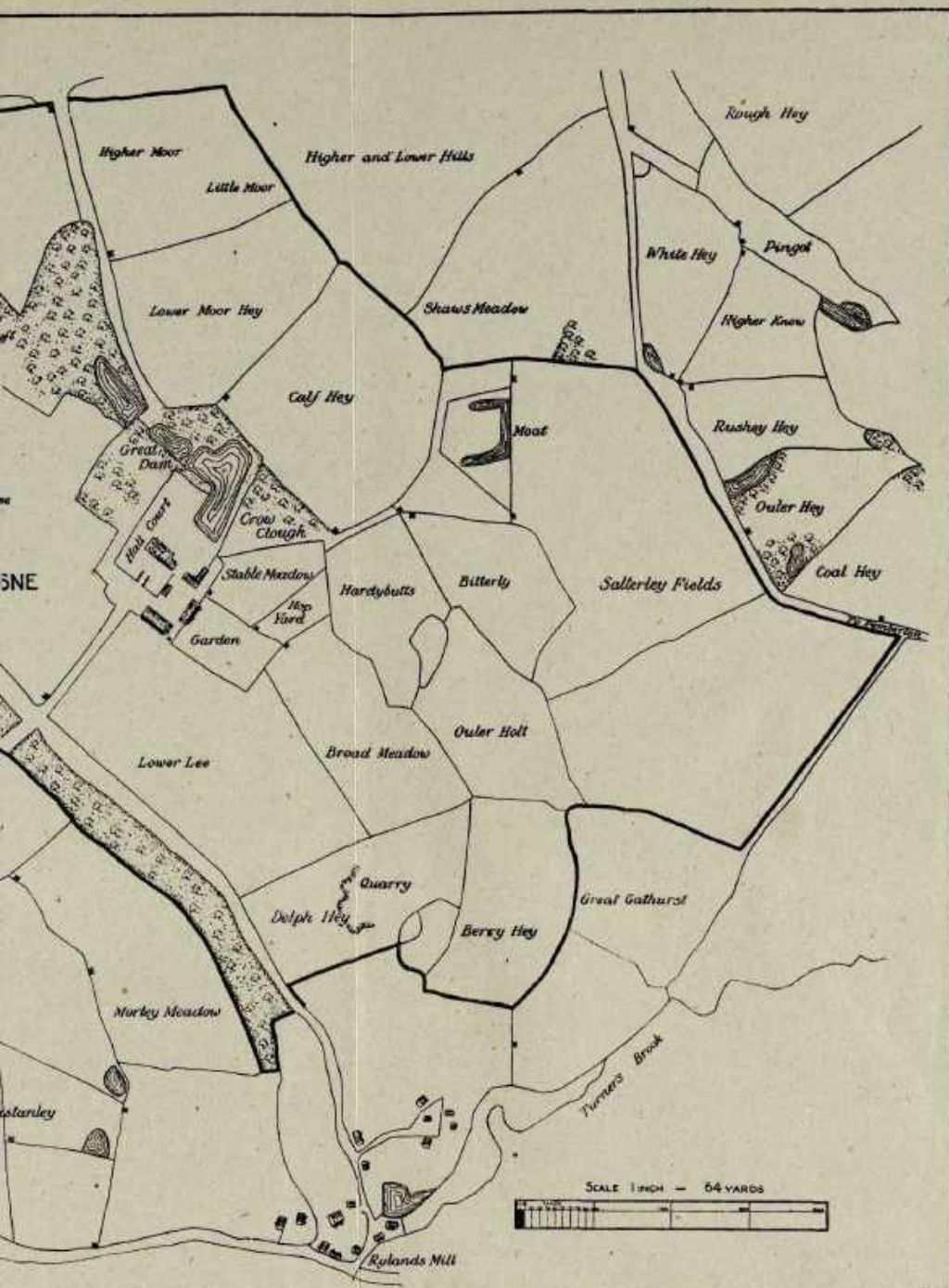


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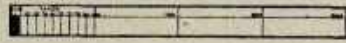


**A MAP**  
of the Land belonging to  
**WM BANKES Esq**  
Measured by a chain of 64 yards to the pole perch or rood,  
in the year 1770.

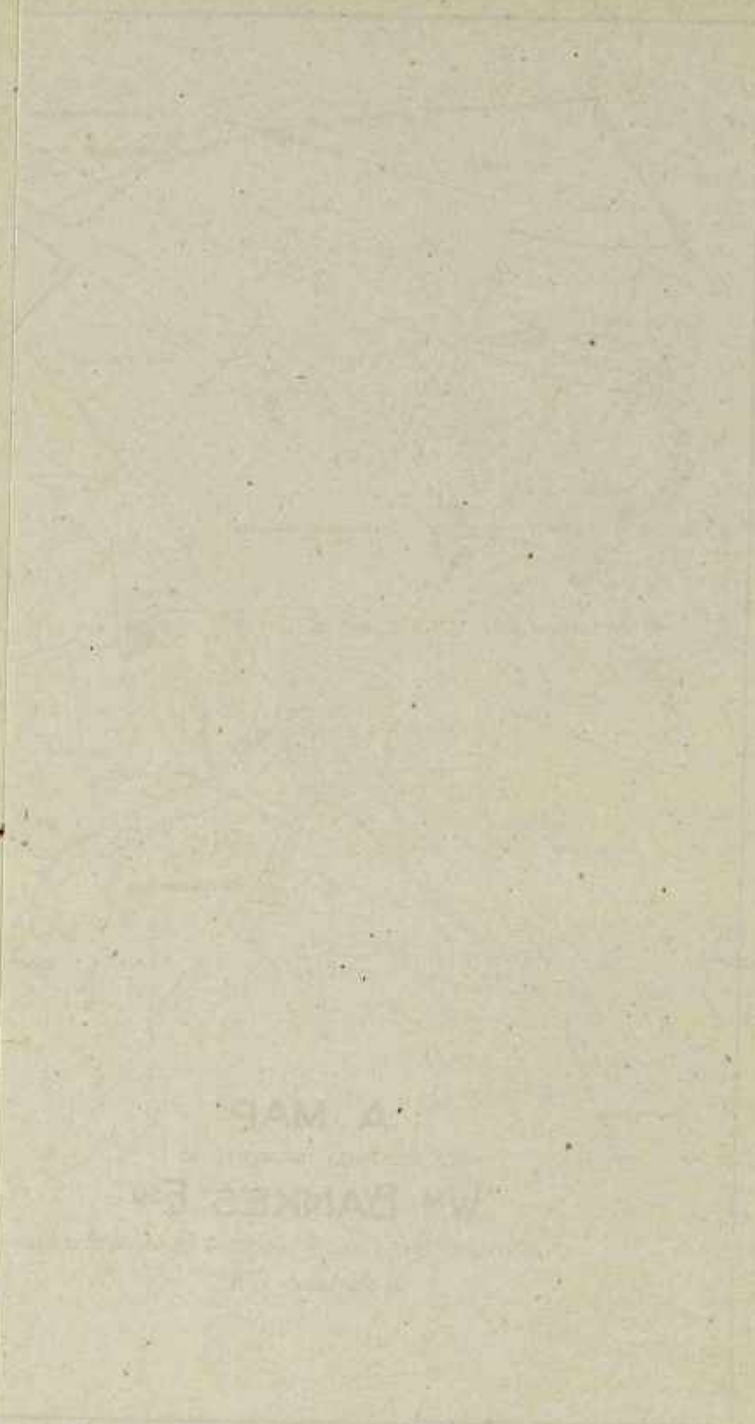


SNE

SCALE 1 INCH = 64 YARDS



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A MAP  
OF THE  
W. BARKER ESQ.  
1850

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otherwise let the sam for a yearly rent, by reson it leeth a myle from you, it was persell of yor demane and all was longed to the hole, I am informed contened a bowt fyfte acares." It is possible that this land lay in the direction of the "Higher and Lower hills", as the Moor Mill, lying west of the Orrell road on Smithy Brook, is known in various deeds as the Harr Mill, and the Harr grounds are mentioned in seventeenth century Bispham deeds.

The field called the Horstohead was also taken from the demesne and did not return within its boundaries until the nineteenth century, when the strip of land contained between the Higher and Lower Lees and the Billinge-Winstanley road was enclosed.

Around Wigan are a number of Homestead moats, a form of protection favoured during the lawless Middle Ages, and in some cases down to Tudor times. One of these moats is situated within the demesne at Winstanley, and like others in the neighbourhood it is square in shape.

The hall is a fair example of the stone-built manor house of the Elizabethan period. Extensive structural alterations were made at the latter end of the eighteenth century, but the basic plan of the traditional Tudor house can easily be traced; the central hall with the parlour opening from it on one side and the "greate chamber over the Hall" remain unaltered. Conforming to the fashion of the day, the house faces east and west. A southerly aspect was to be avoided, "for the south wind doth make evil vapours" according to Andrew Boorde. Although built on higher ground than the site occupied by the old moat, the house is situated on the lower slopes of the demesne. The builders may have agreed with Harrison when he said: "In this island likewise the winds are commonly more strong and fierce than in any other places of the main . . . and inforceth our nobility, gentry and commonality to build their houses in the valleys, leaving the high grounds to their corn and cattle, lest the cold and stormy blasts of winter should breed them greater annoyance".