

# The 'lost' Ladies of Middleton



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## Introduction

It is all too easy to overlook the role of Middleton's manorial women given the nature of late mediaeval and early modern records. Where there are accounts, the focus is often on the inheritors of land, the soldiers, the churchmen and the statesmen. But the documents that survive for Middleton do give us some insight into the lives of the de Middleton, de Barton and Assheton women. When they could, these ladies of the manor took hold of the reins of power, both secular and religious and not only wielded significant influence, but were interesting and occasionally disturbing individuals, feuding, prosecuting and sometimes killing. They seem to leap out of the rather dry documentary references that survive from assize courts and marriage agreements with just a little 'reading between the lines'.

The Victorian historians and antiquaries of Lancashire - the Chetham Society, Canon Raines, Colonel Fishwick, Baines and others - did remarkable work in finding, translating and recording mediaeval and early modern manuscripts concerning Lancashire. The history of mediaeval Middleton, as one of many interesting but small townships, was only partially recounted however. For example, Baines's *History of Lancashire*, mentioned only two eras of the de Middleton family in the late 12<sup>th</sup> century and in the 14<sup>th</sup> century when the last male de Middleton died. John Dean wrote a charming and more detailed if romanticized account in his *Historical Middleton* published in 1907. Dean was assisted by the 'the greatest publishing project in English local history', the Victoria County History, which was started in 1899. *A History of the County of Lancaster: Volume 5*, edited by William Farrer and J Brownbill was in preparation as Dean was writing the Middleton book and he had access to early drafts. As he noted in his chapter on *The Ancient Lords of the Manor*, very little had been written up to that time on the life of the mediaeval township. Now the Victoria County History is on line as is Baines's work, offering the modern researcher the opportunity to carry out a desk-based survey of the Middleton manuscript references and to reinterpret them.

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## The 'lost' Ladies of Middleton

In this paper, I will focus on the lives of Middleton's ladies, the chatelaines of the manor and the heiresses, from the 13<sup>th</sup> to the 16<sup>th</sup> centuries. They are:

- Hawise de Middleton (c 1175-after 1240) and her sister in law Helewise
- Agnes de Hulton (c 1285-c 1350) and her daughter Maud de Middleton (1304-c 1350)
- Margery Barton (c. 1425-c 1480)
- Elizabeth Davenport Assheton (c. 1540-1607)
- Margaret Assheton Davenport (1544-1609)

## Hawise de Middleton (c 1175-after 1240) and Helewise de Middleton

In the search for the earliest mediaeval ladies of Middleton, one has first to find which men they were related to, which can be challenging. In England, giving the eldest son his father's Christian name was a commonplace practice up until quite recently. This custom makes it hard to distinguish different individuals of the same name when records of their birth and death are missing. Four de Middleton lords of the manor in the 12<sup>th</sup> to 14<sup>th</sup> centuries bore the name Roger, with three living one after the other. To simplify matters, the few historians who have written about them call them Roger I, II, III and IV. Even the thorough John Dean in his 1907 history was unsure how many there had been when he drafted a family tree for *Historical Middleton* published in 1907. He also chose not to speculate on dates for the twelfth and thirteenth century lords of the manor, but I have been tempted.

The earliest named de Middleton was **Alexander de Middleton** who Dean places in the first half of the twelfth century within seventy five years of the Norman Conquest.<sup>i</sup> We know the death year of Alexander's son **Roger de Middleton I** (c 1155-c 1226) as in 1226 his widow was designated as '*of the king's gift*', meaning that the king - Henry III - could choose her next husband.<sup>ii</sup> There is no way of knowing exactly how old Roger I had been, but a birth date of 1155 would allow him to be about 21 in 1175 when he first appeared in the records, making a grant of land.<sup>iii</sup> In 1193, we learn more about his ambitions when he was fined for his share in a rebellion. De Middleton was a supporter of John, Count of Mortain, better known as the notorious Prince John, Richard the Lionheart's younger brother and later king himself. '*A child who has had evil counsellors*' was how Richard kindly described John when the 'child' was aged 27. Roger I was the first but not the last lord of Middleton to involve himself in affairs of state. He would have been in his early 40's when Richard fined him for treason, but must have kept his head down after as this is the last record we have for him.

When Roger de Middleton died in 1226, he left as his widow **Hawise (or Avice) de Middleton** (c 1175-after 1242). As there is no record of how old she was at his death in 1226, she may have been Roger's second and therefore much younger wife. If born in around 1175, she could have been a not unusual fifteen, twenty years Roger I's junior, when they married so she may have been the mother of two sons, the heir **Robert de Middleton** (c 1190-by 1242)<sup>iv</sup> and Alan who is known by a reference in 1230 to grants made by Roger de Middleton and Alan his son to the monks of Stanlaw, an abbey the family continued to have links with.<sup>v</sup>

Records show that Hawise also had a sister-in-law, Roger I's sister, Helewise (Eloise). What can we know beyond the bare facts about Hawise and Helewise? Their husband and brother was an ally of King John and so would have spoken French, the language of the court. Both ladies had French names – Avice and Eloise – that the Lancashire clerks

sometimes anglicized. Day to day, they would have spoken English, but not the language we are used to hearing. They would have used French words mixed into it to talk to each other, words often connected with lifestyle and the things that cost money and were about display of power: foods served at table, the legal system, clothing, buildings. Their serfs would have kept pigs and sheep, but when the meat reached the high table, it became 'porc' and 'mouton', pork and mutton. If a man committed a 'crime', he would be taken to 'court' for 'justice' and unless he was shown 'mercy', his 'sentence' might be 'prison': all six French words taken from thousands within the legal system. At home, the ladies may have sung the round 'Sumer is icumen in' written down in the early 13<sup>th</sup> century and may also have known this little poem which we can just about understand now:

*Mirie it is, while sumer ilast,  
With fugheles song,  
Oc nu necheth windes blast,  
And weder strong.  
Ey! Ey! What this night is long!*

If Hawise was a younger woman and not the mother of Roger's sons, she could have been in her 30's when she became 'of the king's gift'. Even at over 50, an upper class widow was a valuable commodity throughout the late Middle Ages as a new husband would gain a life interest in any inherited property and income from her dowry. For property-owning widows, this loss of wealth meant that choosing a new husband or whether to remarry at all was a significant moment in her life. Freed by death, widows sought to gain control of body and property and from the late 12<sup>th</sup> century onward, this became easier as they could opt to choose their own new husband or even remain unmarried, on payment of a fee to the crown or their feudal lord. Recourse to the courts on both parts was common and that is how we know about what went on.

Magna Carta of 1215 expressed the woman's right thus:

*No widow shall be compelled to marry so long as she wishes to live without a husband, provided that she gives security that she will not marry without our consent if she holds of us...<sup>vi</sup>*

'Us' in this case was the king. Hawise de Middleton would have been fined if she remarried without consent or for not marrying a suggested suitor. If a widow married for love of her free choice, the king or feudal lord could seize her dowry property so she and the new husband would still have to pay up to get back in their superior's good books. Even before the Magna Carta, it seems that the government was not interested in controlling widows, but rather sought to maximize income from the wealthy and landed, male or female.

*Evidence from royal records shows that the widow ... had gained by the early thirteenth century effective freedom to choose her husband. Thus the control of*

*marriage by the king had become more of a revenue raising measure than an attempt to force widows to accept a particular or any husband.* <sup>vii</sup>

Widows often held significant property in land and houses. There is such a record of Hawise holding in her own right four out of six oxgangs of land in Pilsworth in the parish of Middleton, along with two men, Aylward Brand and Robert son of Blethyn <sup>viii</sup> after her son Robert de Middleton died in 1242. At Easter 1243 Roger II, probably her grandson, made a complaint about this land on her behalf. <sup>ix</sup> His aunt, Helewise, had an intriguing early connection with St Leonard's. The Victoria History has this account:

*About 1240 Robert de Middleton released to his aunt Helewise a 'land' called Henginde Chader (Hanging Chadder in Thornham) given by her brother, Roger, in free marriage, to hold in free alms of the parsons serving God in the church of St. Leonard of Middleton, rendering 4 l. yearly on the altar of St. Leonard. ... The land had been 'bounded to God and the church of St. Leonard'...* <sup>x</sup>

This looks like an early example of the practice of the lord of the manor setting land aside for the church in exchange for control over the appointment of clergy. This right to control the local church's clergy was known as the 'advowson' (from Latin 'advocatio'). It included the right of the lord or his lady to present a cleric, often a university graduate, to the diocesan bishop for consideration as vicar or rector. The lands provided an income for the church and for the cleric, often a younger son of the manor. The worth of this patronage varied with the times. In 1291 the value of the rectory was given as £13 6s. 8d., but fifty years later when the Black Death claimed lives and wealth, the value had fallen dramatically to £4. 8s. 10d. Helewise was granted this land in her lifetime by her brother, Roger I, and then her nephew, Robert, who in 1240 may have known he was close to his own death and was ensuring the family's affairs were in place.



*Hawise and Helewise, her sister in law, would have worn a 'surcote' with long sleeves*

The long-lived Hawise and Helewise, outliving Robert, their son and nephew, would have had the money to dress well to emphasise their status. At the turn of the 12<sup>th</sup> century a lady would have worn simple linen underwear but a more costly '*chainse*' or long underdress with close fitting sleeves, over which she wore a '*surcote*', an overdress of heavier material. Colours would have been bright - red, green or yellow - but only for members of the gentry and above. Sumptuary laws forbade other classes from breaking into the ranks of the well born through spending their money on costly clothes. The lady's headdress was complicated: the hair braided and pinned up with a coif over it, a band round the chin and over the head called a '*barbette*' and, on top, a veil or maybe a '*fillet*' which was a cap or hat.



*An early 13<sup>th</sup> century queen in a barbette and rather big fillet*

The ladies may have lived on beyond the 1240's and into their 70's, but there is no further record of them. We can assume Hawise remained a widow and guarded her own rights supported by her grandson, **Roger de Middleton II** (c 1220-c 1297).

## Agnes de Hulton (c 1285-c 1350) and Maud de Middleton (1304-c 1350)

It is guesswork to attribute dates to the 13<sup>th</sup> and early 14<sup>th</sup> century Roger de Middletons because there is so little personal information about them. Hawise's grandson, **Roger de Middleton II** (c 1220-c 1297), may have lived as long as the century, dying in its final decade in his 70's. There is no helpful record of a marriage to anchor him in time and no named wife. Furthermore, given the available documentary references, a speculative **Roger III** (c 1250-after 1306) is needed to fill the time gap between generations where records don't offer much help. Roger III, if he existed at all, died soon after 1306 and was possibly succeeded by **Roger de Middleton IV** (c 1275-1322). We know one fixed date, 1306, as an exchange of properties is documented when a probable son of Roger III, one Robert de Middleton (c 1270-1311), became Prior of Stanlaw Abbey, and formally gave up his land rights to his 'lord', Roger de Middleton whose son, also Roger, witnessed the charter.<sup>xi</sup> Whether the de Middletons in question were Rogers II and III, or Rogers III and IV, is unclear.

If there were four Rogers, then it was probably Roger IV who married **Agnes de Hulton** (c 1285-c 1350) sometime around 1300. We know the bride was a sister of Adam de Hulton<sup>xii</sup> from a contemporary record from Rivington. The manor of Hulton was near Bolton and Hulton Hall, built there in the 13<sup>th</sup> century, was demolished as late as 1958.<sup>xiii</sup> The Welsh founders of the Hulton family were Iorwerth and Madoc ap Bleiddyn (or Blethyn), expelled from their home country in the 1160's. The de Hulton family had links with the de Middletons as far back as Hawise de Middleton who may even have been a de Hulton herself.



*Young Agnes de Hulton may have dressed like the lady in this German illustration c. 1300*



Church records help a little. In 1297, a Roger de Middleton (II or III?) presented his son, John, as rector of St Leonard's to the Bishop of Lichfield. John de Middleton (c 1270 -1328) died on 2 June 1328 and there are two records concerning him during his life time, the first in 1302 as witness to a charter alongside Roger (either his father or brother) and 'Robert the younger', maybe the Prior of Stanlaw. The second record is rather less expected. In 1306, rector John de Middleton was charged with killing Henry, son of Alexander Collop, and was sent for trial. There was some unrest in Lancashire around this time: Welsh soldiers returning from the Scottish wars of Edward I were attacked in Wigan. Might intruders into his parish have tempted rector John to the recourse of killing?

To evade trial in a secular court, a clergyman had to prove he was in orders so John pleaded '*benefit of clergy*' that as a clerk '*he could not plead without his ordinary*': an '*ordinary*' was a lawyer appointed by the Bishop. The jury found that he was '*in no wise guilty*,' and he was freed.<sup>xiv</sup> Being the lord of the manor's son may have helped as much as benefit of clergy. Which of the jurors would presume to find against his lord's close relative and not worry about his own future?

Agnes de Hulton, was probably the daughter of Iorwerth's grandson, Richard de Hulton and his wife, Margery de Radcliffe, and would have been in her early teens when she came to Middleton. From 1302 onwards rapidly gave birth to at least six children, all daughters. She would have become a widow in her 30's as the writ for Roger's inquisition post mortem (Inq. p.m. 16 Edw. II, no. 49) was issued on 18 August 1322. The value of the manor was £7 2s. 6d, held by Roger jointly with his wife. The writ is our evidence that Roger's heirs were his daughters, Ellen then aged twenty, **Maud de Middleton** (1304-c1350) aged eighteen, Alice sixteen, Margaret twelve, and Margery nine: a sixth daughter Joan was born later. As early as nine years before in 1313, in the absence of the son who never arrived, the parents Roger and Agnes had decided to make their second daughter, Maud, the sole heiress.<sup>xv</sup> Quite why this happened and Ellen was not to inherit is unclear, but the pressure to maintain the manor and properties as a single unit, the practice of primogeniture, was great. The daughters were also given the advowson of the church in the same order, with Maud preceding Ellen, although in practice their mother Agnes clung on to it for many more years after Roger IV died. The younger daughters, Margaret and Margery, appear to have died early without issue, as in 1350 Maud, Ellen, and Alice were still described as the co-heirs. Much strife was to follow the parents' living will.

Given her marriageable age and attractive status as heiress, Agnes' daughter Maud must have married very soon after her father's death in 1322. Her match was a Yorkshire gentleman, **Thomas de Barton** (c. 1300 -c. 1340) of Fryton in Ryedale, who became the progenitor of the Barton line in Middleton. Maud and her husband were to have six sons, John, Roger, Adam, Thomas and William before 1329 and Robert sometime after that date.

<sup>xvi</sup> If they had daughters, they have not been recorded. Thomas de Barton was an interesting choice because Maud's mother, Agnes de Middleton, who had been a widow

only briefly, had remarried by 1324<sup>xvii</sup> and to a member of the same family, Sir John de Barton of Fryton (c 1270 -1328), a newly widowed judge and landowner.



*Maud de Middleton may have dressed like this lady of the mid 14<sup>th</sup> century*

How were the two de Barton men related? Were they father and son, brothers, or uncle and nephew? Was the pair of marriages a strategic move by Agnes to make a double claim on any lands?

John de Barton was, according to the Dictionary of National Biography, the king's lieutenant in Yorkshire and a member of the itinerary court constituted by Edward I around 1300. He was first married to Lucy Butterwick and had a son, Adam. Lucy was arraigned for adultery in 1312 but the couple stayed together until at least 1322 when her father gave them land. John de Barton had bought the manor of Fryton in 1301 and it must have passed to Thomas and Maud as it remained in the Barton and Assheton families down to Richard Assheton who sold it in 1562.

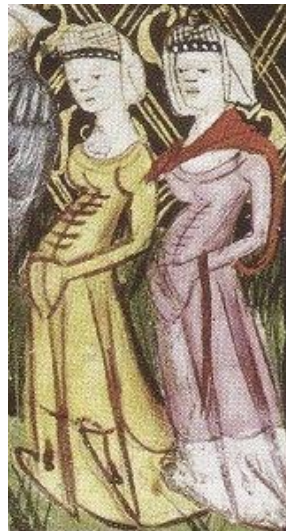
Ellen, the daughter passed over by her parents, married a more obscure man, Roger de Harwood, from near Bolton. His family had lost ownership of their manor and lands through strong arm tactics in the 13<sup>th</sup> century and the Harwood family may have ended in several daughters and co-heirs.<sup>xviii</sup> It is because of this kind of risk that Agnes and her husband fixed on Maud as the single inheritor, but at the cost of family strife. It is possible that they chose a man with a weaker hold on his own inheritance for Ellen to redouble her dependency on them and any decisions they made for her.

To form a better picture of these ladies of Middleton in the 1320's and 1330's, let's consider how Agnes and Maud would have spoken and dressed. English by this time was the language of the court as well as of the people. It was the language Chaucer wrote his

poetry in rather than French. These late 14<sup>th</sup> century lines from the Lord's prayer are recognisable to a modern reader:

*Our fadir that art in heuenes  
halwid be thi name  
Thi kingdom cumme to  
be thi wille don  
as in heuen and in earthe*

As ladies, Agnes and Maud may have spoken French and certainly dressed in courtly fashions. Both were ladies from the gentry class and so would have been allowed to dress according to their status. Sumptuary laws strictly governed what people of different strata could wear so the privilege and rank of the aristocracy could be maintained, and the prosperous bourgeoisie could be kept in their place. In particular, women were not to wear clothing above the rank of their fathers or husbands. Certain fabrics, such as velvet, silk, ermine, or sable fur were prohibited to 'commoners'.



*Form fitting sleeves, low cut bodices, gorgets and veils and a fashionable 'tilt'*

Under her gown, a younger lady like Maud would have worn a linen or silk chemise, which was a loose fitting smock-like dress. Over that would be a kirtle which is a dress made of separate bodice and skirt. Over the kirtle, she may have worn a variety of different kinds of overgowns. The sleeves would have been form fitting and long, perhaps to her knuckles. These long sleeves would have been laced or buttoned in place to the bodice. The neckline of this era was becoming wider and lower, and may even have revealed a little cleavage.

Over the top she would wear a surcoat which may have been worn loose or laced. Later in the 14th century, surcoats became shorter, ending at the waistline, and were often form fitting to reveal a small waist. A belt was commonly worn, hanging low on the hips. These belts, or girdles, could be quite ornate. Sumptuary laws forbade commoners from wearing

a silver girdle, so clearly the nobility were using their belts to show their rank. These belts could be quite fine and even encrusted with jewels.

She would have worn hose, though usually only to the knee, and leather shoes, which in the 14th century would have had a pointed toe. These shoes were generally for indoor use; if going outdoors, she would put on wooden pattens to avoid getting wet feet. On her head a lady would wear some sort of covering. A married lady's veil would be more modest, possibly including a gorget, which wrapped around the chin and covered the neck. Being a lady, she would most likely wear a veil made of silk.

Women were seen as highly sexed and it was expected that widows would need to remarry. So it was with Agnes. Sir John de Barton didn't survive long because by 21 July 1328, she was a widow for the second time. As patron of St Leonard's and in her own name, that year she presented a new rector, Thomas de Newbold,<sup>xix</sup> to the Bishop of Lichfield. This was the first of four times she exercised the power of advowson, the later ones falling in 1339, 1340, and 1343.<sup>xx</sup>

In the very same rather busy year of 1328, Agnes probably married her third and last husband, John de Malton (? - ?), another Yorkshire gentleman. She had no further children by the second or third matches. That year too, the de Malton couple put Agnes' dower lands into trustees' hands, ensuring they were safe in the case of a third widowhood. A few years later, in 1336, Agnes, in her role as widow of long-dead Roger de Middleton, released to her daughter Maud her right to lands in Meadowcroft, Lynalx, Birtle, Ainsworth and Ashworth in the vill of Middleton.<sup>xxi</sup> It is likely that Maud had also become a widow that year with the death of Thomas de Barton and needed the income from her lands. She re-emerges in the records of 1342, married to John de Ainsworth, something of a tearaway as his later history would show. They had a son, John, in 1341.

In 1337, Agnes and de Malton her husband had done a deal with a relative, William de Radcliffe in which she leased the manor of Middleton to him for 47 marks a year excepting the advowson and also 40 shillings of silver to Robert de Radcliffe, a later rector of Middleton. The advowson was a power Agnes was to exercise many times in her lifetime. She appointed a new rector after the death on 2<sup>nd</sup> June 1328 of old John de Middleton, cleric and murderer, a relic of the 13<sup>th</sup> century and the distant days of Roger III. After he had gone following tenure of over 30 years, the turnover was rather more rapid. Thomas de Newbold, appointed in 1328, lasted eleven years and ended his tenure in the middle of a dispute with Agnes. A complaint dated 1340 stated that Thomas de Newbold, rector of Middleton, together with her grandson Geoffrey de Harwood, son of Agnes' eldest daughter Ellen, and others, had broken into her close – her private garden - at Middleton.<sup>xxii</sup> The close must have been attached to a 13<sup>th</sup> century hall house, possibly one that Agnes had beautified and updated in her time, using the income from her dower lands in Middleton manor and the profits from two further marriages. This original manor house could have been the core of the historic Middleton Hall or it may have been a different

house, close to the church and the rectory, forming a typically mediaeval tightly knit grouping of buildings.

Geoffrey as a teenager was an odd companion in riot for the older man Newbold so there must have been a motivation beyond drunken affray. It would have been strange for Agnes' appointee to openly challenge her, but he may have sympathised with Ellen's unacknowledged inheritance rights. Geoffrey would have been unnerved by Agnes' gift of lands to Maud in 1336 followed by Maud's second marriage and new son, an addition to the existing six, but with a living father, John de Ainsworth. Rector Newbold's death on 10<sup>th</sup> November 1339 must have rapidly followed: could the break in have been violent and his death from the after effects? By 23 December 1339, Agnes as 'Agnes de Middleton' had presented a new rector, Richard de Downton<sup>xxiii</sup> who scarcely served for six months. On 16 June 1340, he too died and in October Agnes, again as 'de Middleton' presented yet another rector, Robert de Radcliffe, almost certainly a scion of the eponymous gentry family Agnes had arranged a land deal with in 1337.<sup>xxiv</sup> As with the previous incumbent, Robert's tenure was short. By 6 October 1343, he had resigned – it may be that the atmosphere in Middleton was too stressful for him<sup>xxv</sup> – and Agnes was soon to present yet another rector, Richard de Beckingham.<sup>xxvi</sup> Agnes' reversion to her manorial married name may mean John de Malton had made her a widow for the third time or that she was restating her legal position as a defence against the de Harwoods.

The court battles within the family continued. In 1342 Maud complained that her trees at Middleton had been cut down and carried off,<sup>xxvii</sup> probably a skirmish in the fight over ownership of Middleton lands. A younger sister, Joan, died unmarried around 1344 and Maud and her husband claimed her share, 'a messuage (and) 80 acres of land' and were then formally challenged in court by Ellen who claimed that Joan's portion should have passed to her.<sup>xxviii</sup> In 1347 Agnes and Maud were again at odds with Ellen. Maud's eldest son, **John de Barton** (c. 1324-c. 1355), would be about 21 in 1346; according to the records that is when he held the knight's fee in Middleton as heirs of the de Middletons. As he claimed his manorial rights so Ellen and Roger de Harwood might have wanted to restake their claim on behalf of their children. In 1347, Agnes took sides again and made a counter claim against her daughter Ellen, presumably to maintain the 'single inheritance' status quo established in 1313.<sup>xxix</sup> A second younger, unmarried sister Alice, third down the line, must have died as she made a grant in early 1348 to Maud and her husband, John de Aynsworth, amounting to a third of the estate.<sup>xxx</sup> It may not be reading too much between the lines to postulate that the couple pressurised the dying woman to make her property right over to them, excluding Ellen de Harwood.

The flow of records mentioning Agnes and Maud suddenly stop at the end of the 1340's. The plague now known as the Black Death entered the north of England around February 1349: the Archbishop of York issued a warning to priests in the diocese that month. On 4 December 1348, Middleton's rector had made some sort of exchange of benefices

(*'Institucio ecclesie de Middleton ex causa permutacionis'*) with Richard de Blythe (de Blida), vicar of Blythe in the diocese of York. Richard de Blythe was presented as rector not by Dame Agnes as the previous four had been, but by Maud's son, John de Barton.<sup>xxxii</sup> This may simply mean that John as lord of the manor had taken over the advowson from his grandmother and not necessarily that she had died. By 19<sup>th</sup> February 1351, however, the Bishop of Lichfield acting as sole patron *'collated'* - that is he took over - the advowson and confirmed the Middleton clerk, Richard de Cotheworth (or de Cudworth), as new rector *'due to lapse of time'*. As de Cotheworth was a clerk, he must have been acting rector after the death of Richard de Blythe and he resigned before the start of June the same year.<sup>xxxiii</sup> As the Bishop had appointed in 1351, it may be that young John de Barton had died, but there are two or three pieces of evidence that point to his survival until at least 1355.

The exchange of benefices affected the fates of the two rectors. Rector Richard de Blythe must have died after a bare year in Middleton sometime in 1350, but a monk of the name of Richard de Beckingham had a cell in the abbey of Monkwearmouth in 1362-3 so he may have survived. Rector de Cotheworth resigned after a few months and a new permanent rector, William de Longeley, was appointed in June 1351. The Duke of Lancaster presented him *'by virtue of the forfeiture of the patronage by John de Aynsworth, the owner of the manor of Middleton'*.<sup>xxxiii</sup>

If John de Aynsworth was Maud's widower and therefore claimed lordship, how many of the de Middleton family had died by mid 1351? Even though it is recorded that old Agnes was a defendant in a case brought in 1353, her name may have remained on a complaint after her death as sometimes happened, more likely in those chaotic times. Supporting evidence for her death is that in 1350, Maud's son, John de Barton of Rydale, had taken up the challenge for the Middleton properties against his mother and step-father:

*John de Barton of Rydale in 1350 claimed thirty messuages, 200 acres of land, &c., in Middleton, held by John de Aynsworth, Maud his wife, and John their son. It appeared that the elder John received two-thirds of the estate claimed with Maud his wife, and the other third by grant of her sister Alice, with life remainder to Robert son of Thomas de Barton*<sup>xxxiv</sup>

Maud's sons Roger, Adam and William are not mentioned, and may also have died by 1350. Five sons of Maud and Thomas de Barton had been listed in 1329, but only John, Thomas, and a sixth and youngest, Robert, born after 1329, are named in property disputes. The youngest, Robert, had been given *'life remainder'* of the third of Maud's estate received from Alice and held by Aynsworth, further proof that the other brothers were dead. A Thomas de Barton possibly one of Maud's sons appeared as defendant in a plea respecting lands in Middleton in December 1355 so may have survived.

It is not clear how long the battle between Maud's eldest son and her widower went on. John de Aynsworth seems to have stayed in control of the Middleton estate in the name of his son, John, until June 1351 when he was outlawed for the death of one Adam, son of Ellis

de Knowles. The manor was taken into the Duke of Lancaster's hands, as appears by an inquiry held in 1366 when after a year and a day it was to be given to William, son of John de Barton of Rydale, and others. <sup>xxxv</sup> Maud's widower, John de Aynsworth, was still living, and the duke in possession, in 1382, but must have died soon after this, as Ralph de Barton presented to the rectory in 1386. <sup>xxxvi</sup> Young John de Aynsworth, seems to have been no better than his father as he too was outlawed for debt in 1373. <sup>xxxvii</sup>

John Dean, a man of his time, knew of a long standing tradition repeated by Baines that there was a '*sepulchre of a family of the name of Maud*' whose members were buried in St Leonard's in the north wall. Bishop Durnford (rector from 1835-70) had called it the '*founder's tomb*'. When he read the Victoria County History research that there had indeed been a Maud de Middleton, Dean speculated somewhat romantically about her life and how her mother Agnes and Maud kept each other company in their lonely widowhood, the pair representing '*the last of the ancient Saxon house of Middleton*':

*Maud herself ... became a widow ... so that for a long period of some nineteen years she had dwelt in close companionship, and for the greater part of the period in the still more sympathetic bonds of a common widowhood, with her aged mother, the last and remnant of an ancient name and ancestry.... Is it not natural that Maud, the widow, in this her latest bereavement, and in the greater solitude following upon it, should desire to perpetuate the memory of her parents and of her ancestry?*<sup>xxxviii</sup>

The reality was quite different. Unlike most Victorian wives, these were women who exercised power and had some freedom. Maud and Agnes were drawn together not by shared loss but by a common enmity against Ellen and her family. They didn't spend their lives in mourning, but remarried at the earliest opportunity, in Agnes' case, twice. For three decades Agnes was so actively involved in the life of the church that she may have chased off more than one rector given their rapid turnover. She was single-minded and fierce in her defence of the decision to award all lands and rights to Maud and her successors to the detriment of all her other daughters. She fought Ellen through the courts to ensure her children did not get the reversion and probably browbeat two unmarried daughters to leave their portions to Maud.

Dean developed a more tangible speculation linked with what he describes '*a recess in the (north) wall 2 ft. 2 in. deep and 6 ft. 6 in. wide under a fourcentred arched head 4 ft. high, and raised above the floor 13 in., containing a coffin slab with a foliated incised cross*'. He describes how there had once been '*a small brass of a hooded female with inscription under*' and that

*There is nothing to indicate whom the brass commemorated or whether it has any connexion with the recess underneath, but the latter is popularly styled the 'founder's tomb,' and there is a tradition that the original north aisle was built by Maud Middleton early in the 14th century, and that she was buried under the north wall.*<sup>xxxix</sup>

If Agnes died first sometime in 1350, Maud could have commemorated her mother by erecting her tomb. Yet if Maud and her sons Roger, Adam and William also died soon after in swift succession, they may have been buried there in the 1350's alongside Agnes. The villainous John de Aunsworth could even have been the man who built the *'founder's tomb'* before he was chased out of Middleton!



## Margery Barton (c. 1425-c 1480)

Margery Barton was the wife of Ralph Assheton, Middleton's most nationally significant figure until the namesake general in the 17<sup>th</sup> century Civil Wars. She was the Barton heir to the manor and properties of Middleton and her inheritance came via a tortuous route that historians have had difficulty disentangling. She was probably the great-great-great-great granddaughter of Maud de Middleton and Thomas de Barton, and due to multiple deaths in the male line right through the late 14<sup>th</sup> and most of the 15<sup>th</sup> centuries, she inherited the entire estate. It eventually passed to her son who became the first Assheton heir.



*Ladies in mid 15<sup>th</sup> century dress (French)*

The actual lives of the Bartons and the Asshetons of the fifteenth century are lost except for a few notes in church and secular records. However in *'The Lancashire Witches'* (1849), the Manchester novelist W H Ainsworth in describing Middleton Hall as it once was, wrote of its

*'great gallery...hung with portraits of stiff beauties...among whom was Margaret (sic) Barton, who brought the manor of Middleton into the family (with) ...frowning warriors beginning with Sir Ralph Assheton...the founder of the house...and ending with Sir Richard Assheton...one of the heroes of Flodden'.<sup>xi</sup>*

As a friend of the antiquaries of the Chetham Society, it may be that Ainsworth visited the Hall in the 1840's before it was demolished and saw these portraits himself before they were removed and sold. A portrait of Margery Barton would be a surprising and interesting

object as English portraiture was a rare thing in the fifteenth century. Portraits were made in the 1470's of King Edward IV and Queen Elizabeth Woodville and from the 1480's of Richard III, but most only tend to survive in later copies. Sir Ralph Assheton was a senior courtier so it is not impossible that he and his wife had theirs made. Where they are now, if they ever existed, is unknown.

The rector or 'clerk' from 1402 onwards was Robert de Hopwood, probably son of Geoffrey de Hopwood, the head of the other ancient landowning family in Middleton.<sup>xli</sup> John Dean proposed that there were two Robert de Hopwoods as what was to be an incumbency of 60 years seemed improbable. Whichever one he was, in 1439 Rector Robert de Hopwood performed the marriage of teenaged Margery Barton and **Ralph Assheton** (c. 1425-c. 1487). Margaret was the granddaughter and heir of lord of the manor Richard Barton, and her father, John, had predeceased her.

In 1450 St Leonard's would have witnessed the christening of Margery's eldest son, **Richard Assheton** (1450-1507), who eventually inherited the Middleton manor. Rector Hopwood was still living in 1457, but it seems that by 1462 his unusually long service had ended. Records show that the Bishop of Lichfield enquired that year into '*a certain Richard Barton having presented Sir John Barton, priest.*'<sup>xlii</sup> If the old rector had died, Richard, also close to his death in 1466, must have been sorting out a career and an income for one of his Barton family members, possibly a grandson. Due to primogeniture, landowners at this time and later had to make special financial arrangements for sons other than the first one, and good marriages and dowries for all their daughters.

The Asshetons seem to have performed some sort of sleight of hand regarding the inheritance of the Middleton manor and lands. By 1480 the greater part of the Middleton estate was held by Sir Ralph Assheton and Margery his wife. The descent of the manor of Middleton from the Bartons to the Asshetons seems to have been complete by 1483 when Richard III was on the throne. It was recorded that the king's close ally, Sir Ralph Assheton, held the manor of Middleton in the right of his wife.<sup>xliii</sup> It seems that a number of agreements to parcel up property had been made by Richard Barton in 1457 when he made grants of land to other relations. Richard's widow Alice had lands granted to her early in 1466, which means he had died by this date. However by 1480, the greater part of the Middleton estate was held by Sir Ralph Assheton with Margery's widowed mother, Margaret or Margery Barton (nee Byron), hanging on to a few messuages as her dower.

During Richard III's brief monarchy, Sir Ralph Assheton became one of the most powerful men in England. The king drew his trusted circle from the men he had worked with as Duke of York when he was based in Yorkshire in the 1470's managing the north for his brother, Edward IV, and Assheton was prominent among them. To consolidate power as king, he gave his northern allies the confiscated lands of defeated southern enemies: '*Richard used eight men in Kent, all drawn from a tightly knit group of northern gentry....Ashton quickly became the most significant...*'<sup>xliv</sup> Sir Ralph's fate after the king's death has never been

clear. He was still living in 1485, according to the Calendar of Patent Rolls of that year and he seems to have taken part in the Battle of Stoke of 16 June 1487 along with other Yorkists such as Richard III's close friend, Francis Lovell. The fireplace from Middleton Hall now in the Olde Boar's Head bears the date 1587: is it possible that his great great great grandson chose to commemorate the centenary?

Back in Middleton, as the Barton family was succeeded by the Asshetons, so rector John Barton was succeeded when he died (probably) in 1492 by one of Sir Ralph's sons, Mr Edmund As(s)h(e)ton (c. 1450's-1522). Some genealogies list rector Edmund as Sir Ralph's grandson and son of Sir Richard, but the dates make that unlikely; Edmund Ashton would have been a small boy in 1492. When Margery died in about 1480, her son, Richard, now heir married Isabel Talbot the same year at the unusually late age of 30. By 1483, Richard and Isabel had an heir, another **Richard Assheton** (1483-1549), later to become the celebrated knight of Flodden Field. In 1484 Sir Ralph gave his heir a lease of twenty years on the manor of Middleton, making him become in effect lord of the manor and by 1487, Richard Assheton had made his peace with the new monarchy when he obtained a general pardon from Henry VII, eventually inheriting in 1494. Proving himself loyal to the Lancastrian monarchy, he was knighted in 1497 for his services in the Scottish wars under Lord Strange.<sup>xlv</sup> He died in 1507 in his late 50's.

Records for Margery Barton in the 15<sup>th</sup> century are strangely a lot thinner than those of some of her ancestresses who, dare one say, were lucky enough to be widowed and therefore of no one's 'gift' but their own.

## Elizabeth Assheton (1540-1607)

A sudden death occurred in Middleton in mid July 1563. Mr. Richard Assheton, lord of the manor, died unexpectedly aged only 27. This may have been no ordinary early death. His widow, Elizabeth, was later tried and convicted of murder. She was not imprisoned or executed, dying decades later. What had happened?



*A portrait of a contemporary lady, 1560's: widow Elizabeth Assheton may have dressed in this way*



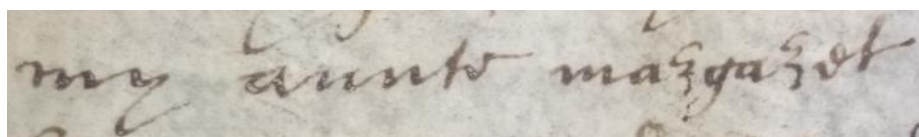
*A portrait of a contemporary gentleman, 1560's: Richard Assheton might have dressed like this*

The background to the death was normal enough: old lords died, sons married, bred, succeeded and died in their turn. The blond grandson of the notorious Sir Ralph Assheton, **Sir Richard Assheton** (1483-1549) is well known, portrayed at demure prayer in the 'Flodden' window. He was a distinguished warrior, who famously took his company of archers to the Battle of Flodden in 1513. A man of his times, he probably made a good profit from the battle, seizing four knights captured there including a senior member of Scottish King James' court, Sir John Forman, and also Alexander Barrett, Sheriff of Aberdeen. Even though he handed them over to the English general, the ransoms would have come to him. About the same time, in 1514, Assheton received a royal pardon for all '*riots, illicit detainments and assemblies*' committed before 4 March that year so his civic behaviour may not have been particularly pure beforehand. <sup>xlvi</sup>

His eldest son, Mr. **Richard Assheton** (1511-1550) married Anne Gerard and had two children, Anne (1530-?) and the heir, **Richard Assheton** (1536-1563). The children's mother died when they were infants and Mr. Assheton remarried and had two daughters, Dorothy (1543-1573) and **Margaret** (1544-1609) whose story is told later. Strange as it seems to modern minds, old Sir Richard and his son had taken a mother and daughter as second wives. On 19 October 1541, aged 58 and almost forty years after his first marriage (his wife, Ann Strickland, had died at an indeterminate date), '*Sr. Richard Assheton, Kt. and Dame Anne Bellingham*' married at St Leonard's. She was the widow of Sir Robert Bellingham of Burnehead Hall in Westmoreland and was in her 50's when she re-wed: there was no issue from this Assheton marriage. A month later, Mr. Richard Assheton had married Dame Anne's younger daughter, Katherine, as his second wife. The ladies had with court connections which may have influenced their choice as brides. <sup>xlvii</sup>

When old Sir Richard's grandson was in his early teens, four major life events happened close together: two deaths and two marriages.

In January 1549 death came for the hero of Flodden, in his 66<sup>th</sup> year. A year later, the new lord, Mr. Richard Assheton, arranged the marriage of two of his children to a sister and brother from the Davenport family of Bramhall in Cheshire. On the same day, 6<sup>th</sup> February 1550, 14-year-old Richard agreed to marry 10-year-old Elizabeth Davenport and 6-year-old Margaret was betrothed to William Davenport, Elizabeth's brother. <sup>xlviii</sup> The marriage 'indentures' (documented agreement of settlements) for the child couples survive in the Assheton papers at Manchester Central library. <sup>xlix</sup> Decades later, the young couple's son recorded their provenance in a note on backs of the heavily folded manuscripts: '*marriage of my father*' and '*my uncle Davenport and my aunt Margaret*'.



*'My aunt margaret' – note written by Sir Richard Assheton (1558-1617)*

In the nuptial agreement, the lord of the manor Mr. Assheton made over the freehold of Middleton Hall and some lands to Elizabeth Davenport on her marriage:

*...a capital messuage, called Mydleton Halle, with gardens and orchards, and a small park, called the Litle Parcke, containing 2 acres, and closes or parcels of land in Middleton, called Beareleighs, the Bothoms and the Hills.*<sup>i</sup>

The properties were to be managed by four gentlemen, one of them Mr. Assheton's younger brother, Rector Robert Assheton (1515-1563), to *'have and to hold them...to the use of Elizabeth Davenport for life'*<sup>ii</sup>

Within a month of making this agreement with the Davenports, Mr. Assheton was writing his own will and by early August 1550, he too had died.<sup>iii</sup> He was only 39 and presumably had spent all his life in the great soldier's shadow only to outlive him by a mere eighteen months. He was buried with his ancestors on 6<sup>th</sup> August at the parish church. Rector Robert Assheton conducted the funerals for his father and brother had conducted a pair of marriages for the same two men just nine years earlier.

In the late summer of 1550, teenaged Richard and his 10-year-old Davenport bride were unexpectedly the new lord and lady. Richard attained 'livery of the estate' aged 21 in 1558, the year that Queen Mary died and Elizabeth I came to the throne. That same year his son and heir, another **Richard Assheton** (1558-1617) was born when Elizabeth was about 18 and some time later, a second son, John, who was still alive in 1617 when the diarist Nicholas Assheton records going hunting with him.<sup>liii</sup> Nothing is known of the couple and their relationship, but there are two interesting notes on Assheton's property interests. In 1562, the year before his death, Richard Assheton sold the manor of Fryton to Sir John Atherton of Slingsby.<sup>liv</sup> This was property descended to the Assheton family from Agnes and John de Barton in the early 14<sup>th</sup> century so its sale may indicate shortage of money, or simply a reorganizing of his property portfolio, as in summer 1563, a few days before his death, Richard granted to trustees the manor and church of Radcliffe, which he had recently inherited. He left it for the use of his second son, John.<sup>lv</sup>

Little else is known, mostly due to what seems to have been the effacement or blurring of records from the family history. Only by linking statements, hints and omissions from a range of documents from the 1560's to the early 1600's can a chain of events be formed. The salient starting point is that Mr. Richard Assheton died on 17 July 1563, aged 27 and the two key documents are the 'Inquisitions post mortem'.<sup>lvi</sup> An inquisition was a form of feudal enquiry required by law to be undertaken into the death, estate and heir of one of the monarch's tenants-in-chief, made for fiscal purposes. The inquisition was led by an 'escheator' in the county where the deceased held land and a jury of twelve gentlemen. Two survive for Richard and Elizabeth Assheton, one for 1580 when the heir had reached twenty one and the other for 1607 when she finally died. These documents<sup>lvii</sup> carry useful

information about the events of 1563. The first historical record of her conviction for murder is in the 1580 inquisition:

*Elizabeth Davenport... was widowed on 17 Jul 1563 by the death of Richard Assheton, esq, the son, and was later convicted of murder, and is still living in Garstang.*

‘The son’ means that the dead man was the son of the earlier Richard Assheton who died 1550 and who had made the property over to Elizabeth.

The language is cryptic. She was widowed and then convicted of murder, but it is not clear whether the death of the husband and her conviction were linked. The March 1607 inquisition which followed Elizabeth’s death in February that year was entitled ‘Elizabeth Asheton alias Bradburne, widow’. <sup>lviii</sup> Laconically, the document notes that ‘... Elizabeth was seised in freehold of the aforesaid messuages, &c, and afterwards took to her husband at Middleton Richard Asheton, the son...’ and that ‘Afterwards Elizabeth was convicted of felony and murder’.

To clarify the situation the inquisition states:

*Elizabeth Asheton otherwise Bradburne, and Elizabeth, late wife of Richard Asheton, were one and the same person. She died at Middleton, 17 Feb., 4 James [1606-7], remaining up to her death under conviction of felony and murder.*

She had moved back home from Garstang near Preston and had acquired another name: was Bradburne simply an alias to hide her true identity, or had she remarried? It is almost certain that any second husband would have been named in the official document, as the marriage and second widowhood would have been pertinent to her status as a property owner; in addition, no record of such a marriage can be found in Lancashire or anywhere else between 1563 and 1607. It is still unclear though whether or not Elizabeth made herself Richard’s widow that is, killed him.

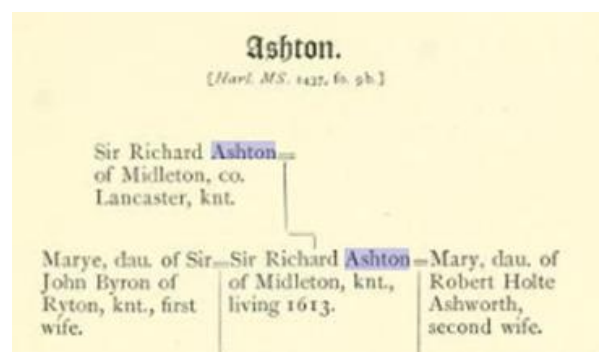
There are some other links in the chain of evidence. Under normal circumstances, the heir’s mother would receive custody, but Elizabeth did not become the guardian, a fact which supports the case for her as her husband’s killer. In April 1564, the queen awarded ‘the custody of the body and marriage’ of the 6-year-old heir, Richard, to her Attorney General, Gilbert Gerard, ‘with an annual rent of £13 6s. 8d. out of the manor of Middleton’. <sup>lix</sup> In a way, the little boy was ‘of the Queen’s gift’ as his ancestress Hawise had been in the 13<sup>th</sup> century: he had to buy back the wardship when he reached twenty-one as part of his ‘knight’s service’. <sup>lx</sup>

Further proof that Richard and Elizabeth’s fates were intentionally obscured is held in another set of documents covering the fifty years following his death. From 1530 to 1688, a series of tours of inspection called ‘Heraldic visitations’ was undertaken by Kings of Arms (or



by heralds as their deputies) throughout England, Wales and Ireland. Their purpose was to regulate and register the coats of arms of nobility, gentry and boroughs, and to record pedigrees.<sup>lxi</sup> In the 19<sup>th</sup> and early 20<sup>th</sup> centuries, the Chetham Society and the Record Society published these visitation records for the Counties of Lancaster and Cheshire with extensive editorial notes. The relevant ones for the Assheton case are for Lancaster in 1533, 1567 and 1613.

The short family tree in the 1613 visitation has 'Sir' Richard Ashton (sic) at its head showing his son Sir Richard Ashton, twice married and still living in 1613, but no wife/mother is recorded: Elizabeth Davenport was written out of the records. It is highly unusual for wives and mothers of significant gentry families, such as the Davenports, not to be named.



*1613 Visitation family tree (extract)*

The Chetham Society editor comments further that the 1567 and 1613 trees are not linked:

*No descents of the Ashetons of Middleton are given in continuation of this line in the Visitation of 1567. That of 1613 gives three generations without explaining the connecting link.*<sup>lxii</sup>

The 1580 and 1613 Cheshire visitations to the Davenports also have key details missing or inaccurate regarding the Assheton-Davenport marriage. Their son, the then Sir Richard Assheton, may have colluded with the heralds to obscure Elizabeth's existence and the accompanying shame. The Chetham Society editors did not notice this anomaly even though the records of the two inquisitions post mortem for Richard and Elizabeth Assheton were available. Later John Dean's history completely overlooked this period of the Assheton family history, opting instead to celebrate the passing and funeral rites of the unhappy couple's son in 1617.

Let us assume Elizabeth did murder her husband. Poison was the common method for women to use: they had access to preparation of food and no physical force was needed. Suspicion of murder by poison occurred elsewhere close to the Davenport family. Elizabeth's younger sister, Katherine, married William Bulkeley of Beamaris in 1558. His father died in 1572 and William accused his 26-year-old stepmother, Agnes, of poisoning



him. It seems she had been having an affair. She underwent a long period of investigation and even a trial, but was acquitted. Two other gentry murders of the era were made into popular dramas, with input by Shakespeare: *Arden of Faversham* (1592) and *A Yorkshire Tragedy* (1608). In both these cases, the murderers were put to death.

The relationship between the Asshetons and the Davenports seems not to have been affected by the murder as close relations continued. In 1570, Katherine Bellingham, widow of Richard Assheton (1511-50), married for the third time aged over 60 to Sir William Davenport (1521-76), who was her daughter Margaret's father-in-law and, bizarrely, father of Elizabeth Assheton.<sup>lxiii</sup>

There is no other record of Elizabeth Assheton's death or of her burial. Why was she convicted but not imprisoned or executed? Why did she live in Garstang and when did she return home to live in Middleton? Was she reunited finally with her sons?

We may never know.

## Margaret Assheton Davenport (1544-1609)

Margaret Assheton of Middleton, granddaughter of the Flodden hero, was just six when she was promised in marriage to ten-year-old William Davenport in 1550. Margaret and her teenaged half-brother, Richard Assheton,<sup>lxiv</sup> married another sister and brother, becoming each other's in laws. The settlement not only fixed the future life of this tiny girl but - slightly chillingly to modern minds - also insured against her early death. Margaret's father, Mr. Richard Assheton, promised her sister Dorothy as a backstop bride in case she died before the wedding.<sup>lxv</sup> Ironically, it was the children's father who died that very year, 1550, only one year after his own father. The 'spare' daughter Dorothy lived to wed a Hoghton of Hoghton Tower, near Preston, and Margaret and William Davenport probably married in 1560.<sup>lxvi</sup>



*Effigy of an elderly English lady c. 1610: Margaret may have dressed like this in old age*

Nothing is known of Margaret or the wider families' reaction to the death of her brother Richard Assheton in summer 1563, probably at the hands of his wife. It was effectively hushed up as described in the previous section. The Assheton and Davenport families had to deal with this shameful episode at the same time as they had to make some very real and hard choices about their future as subjects of the queen. Did they dare to continue the pious ways of their ancestors and remain faithful to the Roman church, risking social opprobrium, imprisonment and possibly death, or would they conform?

One member of the Assheton family chose to take that risk: Margaret Assheton Davenport. She had been married into a conformist gentry family. In the 1540's and 50's, Margaret's father-in-law, William Davenport, had been circumspect enough to support the men of

power closest to Henry VIII. In one of the skirmishes against Scotland that later became known as The Rough Wooing (1543-1551),<sup>lxvii</sup> Davenport was knighted for his part in the burning of Edinburgh in May 1544. Edward Seymour, Queen Jane Seymour's brother, and John Dudley, Lady Jane Grey's father-in-law, led the English contingent in Scotland: fiercely ambitious Protestants very close to the throne, these two men were put to death for conspiracy, the latter by Queen Mary in 1553 as the state returned to Catholicism. Keeping on the right side of power let alone history was hard for the gentry in those days of '*great social and intellectual upheaval*'.

Elizabeth 1's government enacted the 1559 Act of Uniformity which imposed fines on all who refused to attend Church of England services at their parish church. Holders of public office and many others were required to swear an oath of loyalty to the Sovereign as head of the Church and records were kept of people who did and didn't take these Oaths of Allegiance. Catholics could not accept the monarch as head of the Church, and so could not be loyal subjects in the eyes of the law. Subsequent laws imposed numerous penalties and fines for non-attendance at Church of England services, for which there are equally numerous records, and practising Catholics were effectively barred from inheriting land, entering the professions or taking up civil or military office. These punishments were not always strictly enforced however.<sup>lxviii</sup>

Levels of non-compliance with the new Church of England varied within the English gentry, but in Lancashire there were high levels of the most marked form, known as recusancy. 'Recusants' refused to compromise at all with the new national church unlike 'non-communicants' who attended church but refused to take communion or 'schismatics' who took communion but kept true to the old religion in their hearts.<sup>lxix</sup> Open recusancy flourished most in the west of Lancashire, least in Salford Hundred where Middleton lies, according to returns made on the eve of the Civil War in 1642. The Catholic gentry played a crucial role in the survival of the old faith. A Manchester preacher in 1641 commented that:

*Great men have followers of their Vices, as of their persons, and when they please to be Idolatrous, their children, servants, tenants, their poore kinred...will to the Masse with them*<sup>lxx</sup>

Almost nothing is known of Margaret's husband William Davenport who inherited Bramall Hall in 1576, but he is likely to have been compliant with the new order like his father and his elder sons. To access power, a man had to take the 'Oath of Supremacy', acknowledging the monarch as head of the English church and as Sir William Davenport, the eldest son, became the High Sheriff of Cheshire and a commissioner of the Hundred of Macclesfield, he must have acceded. The second son, Sir Humphrey, also complied and became an MP, prominent lawyer and Lord Chief Baron of the Exchequer.

However, Margaret Davenport lived her life differently. By the age of 37, she was no longer living at Bramall Hall or even as a wife: she seems to have stopped having children in the mid 1570's. That year, the Privy Council ordered a search for her outside her Chester diocese: she had almost certainly fled to Westmoreland because in 1572 she had inherited her mother's estates in Kirby Lonsdale. By 1583, the Chester authorities were recording the county as her hideout. Her family was, as the report noted, '*greatlie infected with popery*'.<sup>lxxi</sup> When her husband died in 1585, Margaret's younger children may have moved to Westmoreland with her, their lives stamped by their mother's determination to remain true to the old faith.

It was expensive to be a recusant.

*Legally, the financial penalties ... were savage. Under an act of 1581 convicted recusants could be fined £20 for every month they stayed away from the Anglican Church... By an act of 1587 Catholics defaulting on payment could have all their goods and two-thirds of their lands seized by the crown.*<sup>lxxii</sup>

In 1591, six years after she became a widow, Chester Assizes indicted Margaret for absence from state-approved church attendance and fined her heavily. A widow could access property at her husband's death when a will was executed and the government could, depending on the case, seize two thirds of widow's jointure for her recusancy. Margaret lost dower land worth '66s. 8d.' a year in 1592 and between Michaelmas 1594 and March 1595, she was fined the significant sum of £6 13s. 4d. She could only afford to suffer these penalties because she had her own property and income through the Bellingham estates.

Greater hazards than loss of income awaited zealous Catholics - charges of treason and punishment by death:

*(The) Act Against Jesuits and Seminarists (1585), (27 Eliz.1, c. 2) commanded all Roman Catholic priests to leave the country in forty days or they would be punished for high treason, unless they swore an oath to obey the Queen. Those who harboured them, and all those who knew of their presence and failed to inform the authorities would be fined and imprisoned for felony, or where the authorities wished to make an example of them, they might be executed.*<sup>lxxiii</sup>

The Spanish threat to England diminished after the defeat of the Armada in 1588, although the assassination of Elizabeth remained a constant threat. A terrible fate awaited any priest caught and condemned for practicing his faith. About 200 English Catholics perished between 1584 and 1603, of whom the great majority were priests

The Roman Catholic church created training opportunities for sons of gentry families and others who could afford to move abroad. The Royal English College of Valladolid was founded by the English priest Robert Persons in 1589, with the permission of England's

great enemy, Philip II. Over twenty graduates became martyrs in England, six of whom were canonized.

Margaret's family was certainly 'infected'. A son, John, may have trained as a Catholic priest in Spain, the most dangerous path any young recusant man could take at this time. A John 'Damford', born in Cheshire in 1576, enrolled at the English seminary at Valladolid, Spain, around 1600 and died there soon after ordination. The name Davenport was then pronounced 'Dampor' so this slight misspelling of the family name confirms that it was probably he.<sup>lxxiv</sup> A Peter Davenport aged about 30 in 1600, became a Jesuit in 1603, dying four years later. Notes taken at the time in Spain recorded Peter's mother as Catholic and the father as 'schismatic', that is, an Anglican which fits with Margaret and William Davenport. They had a son called Peter in 1572, so circumstantially he could have been the brother of John Davenport and a Jesuit priest.<sup>lxxv lxxvi</sup>

In their hearts, many people regretted the traditional Catholic practice, but increasingly few dared to follow it openly. Margaret had defied her marriage family, the Davenports, who remained Protestant, and with at least two of her sons, had chosen to follow the old faith and pay large sums of money as a result. She had struck out by herself and lived far from her Lancashire home, possibly for the rest of her life, over 30 years. Her Bellingham inheritance was unable to support further recusants as it went to her eldest - conforming - son when she died in 1609.<sup>lxxvii</sup> As with many previous generations of Assheton women before her, when the opportunity presented itself, women seized their independence.

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<sup>i</sup> John Dean, *Historical Middleton* (Oldham: 'Standard' Printing Works, 1907), p. 56

<sup>ii</sup> 'Avicia que fuit uxor Rogeri de Midelton est de donacione domini regis, et nichil tenet de domino rege'. Liber feodorum. *The book of fees, commonly called Testa de Nevill, reformed from the earliest MSS* (London: HM Stationery Office, 1920), p. 367

<sup>iii</sup> 'Townships: Middleton', in *A History of the County of Lancaster: Volume 5*, ed. William Farrer and J Brownbill (London, 1911), pp. 161-169. *British History Online* (BHO) <http://www.british-history.ac.uk/vch/lancs/vol5/pp161-169> [accessed October 2018].

<sup>iv</sup> 'His son Robert succeeded, but was dead in 1242, when his heir held the knight's fee in Middleton, part of the dower of the Countess of Lincoln in 1242.' 'Townships: Middleton' (BHO)

<sup>v</sup> 'Townships: Middleton', footnote 14, (BHO)

<sup>vi</sup> J.C. Holt, *Magna Carta* (Cambridge: 1965), pp. 318-21

<sup>vii</sup> Sue Sheridan Walker, *Feudal Constraint and Free Consent in the Making of Marriages in Medieval England: Widows in the King's Gift Saskatoon: The Canadian Historical Association, 1979*, p. 98. <https://www.erudit.org/fr/revues/hp/1979-v14-n1-hp1114/030837ar.pdf>

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viii 'Townships: Middleton', (*BHO*). Interestingly the Hulton manor was held at this time by the Bartons, who took over the Middleton manor in around 1320 when Roger and Agnes' heiress married a de Barton.

ix 'At Easter 1243 Roger son and heir of Robert made complaint respecting the third part of four plough-lands in Middleton—Pilsworth, Thornham, Ainsworth, and Birtle... The 6 oxgangs in Pilsworth were held by Avice widow of Roger de Middleton (4), Aylward Brand (1), and Robert son of Blethyn (1)...' 'Townships: Middleton', footnote 14, (*BHO*) with reference to the Byron Chartulary, Edw. I, 64.

x 'Parish of Middleton' in *A History of the County of Lancaster: Volume 5*, ed. William Farrer and J Brownbill (London, 1911), *British History Online* <http://www.british-history.ac.uk/vch/lancs/vol5/pp> 151-161 [accessed October 2018], Footnote 6

xi Dean, p xxx

xii A late 13<sup>th</sup> c MS refers to Agnes as a sister of Adam de Hulton. 'Townships: Middleton', footnote 24, (*BHO*) reference to the year 1285 in Towneley MS. GG, no. 2055.

xiii 'Hulton family of Hulton Park' in JISC Archive hub, <https://archiveshub.jisc.ac.uk/search/archives> accessed October 2018.

xiv 'Parish of Middleton', footnote 38 (*BHO*) reference to Assize R. 422, m. 3.

xv 'In 1313 Roger de Middleton and Agnes his wife made a settlement of the manor, the remainders after the death of Agnes being, in default of male issue, to their daughters in succession-Maud, Ellen, Alice, Margaret, Margery, and Joan, in 1313, in Middleton'. 'Townships: Middleton', (*BHO*).

xvi 'In the following year Richard de Whitlegh and Alice his wife, Henry the Mouner of Thornton and Ellen his wife, and Robert son of Robert de Thornton did not prosecute their claim for land in Middleton against John de Malton and Agnes his wife, Thomas de Barton, Maud his wife, and John, Roger, Thomas, Adam, and William, their sons'. 'Townships: Middleton', (*BHO*), footnote 24.

xvii 'John de Barton and Agnes his wife were plaintiffs in 1324 in respect of a messuage and land in Middleton'. 'Townships: Middleton', (*BHO*), footnote 24.

xviii William Farrer and J Brownbill (ed.), 'Townships: Harwood', in *A History of the County of Lancaster: Volume 5* (London, 1911), pp. 268-270, footnote 5, (*BHO*)

xix Presumably of Newbold in Rochdale

xx 'Townships: Middleton', footnote 24, (*BHO*)

xxi 'Townships: Middleton', footnote 24, (*BHO*)

xxii 'Townships: Middleton', footnote 24, (*BHO*)

xxiii Downton is a parish in Wiltshire

xxiv He was son of Robert de Radcliffe, and a clerk. The patron is described as widow of Roger de Middleton. 'Parish of Middleton', footnote 41 (*BHO*)

xxv His 'resignation letter was quoted in full and witnessed by the rural dean of Manchester at Manchester on Monday 6 October'. Research notes of the late Colin Gilbert.

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<sup>xxvi</sup> Richard of Beckingham is recorded as 'keeper' of a cell between October 1362 and February 1363 at Monkwearmouth. David M Smith, Vera C.M. London, *The Heads of Religious Houses: England and Wales, II. 1216-1377* (Cambridge University Press: 2001.), p. 111

<sup>xxvii</sup> 'Townships: Middleton', footnote 24, (BHO)

<sup>xxviii</sup> 'Townships: Middleton', footnote 26, (BHO)

<sup>xxix</sup> 'Townships: Middleton', footnote 24, (BHO)

<sup>xxx</sup> 'Townships: Middleton', footnote 28, (BHO)

<sup>xxxi</sup> Letter to Richard de Blida, chaplain, 'admitting him and instituting him to the church of Middleton on presentation of John de Barton, lord of Middleton' by the authority of the Bishop of Lichfield and Archbishop of York, 4 December 1348. Research notes of the late Colin Gilbert.

<sup>xxxii</sup> '*Collacio ecclesie de Midilton*'. Letter to Richard de Cotheworth, clerk, collating to him the church of Middleton in the bishop's collation due to lapse of time, and instituting him therein. Wybunbury [near Crewe] 19 February 1351. Mandate. Research notes of the late Colin Gilbert.

<sup>xxxiii</sup> '*Institutio ecclesie de Middelton*'. William de Longeley, clerk, admitted to the church of Middleton and instituted on presentation of Henry, Duke of Lancaster, patron in this turn by virtue of the forfeiture of patronage by John de Aynsworth, the owner of the manor of Middleton. The vacancy arose on the resignation of Richard de Endworth.' Bishop's Ichington, 3 June 1351. Research notes of the late Colin Gilbert.

<sup>xxxiv</sup> 'Townships: Middleton', footnote 28, (BHO)

<sup>xxxv</sup> 'Townships: Middleton', footnotes 27 and 30 (BHO). William son of John de Barton was defendant in 1363 and plaintiff in 1367, in suits respecting tenements in Middleton.

<sup>xxxvi</sup> 'Townships: Middleton', footnote 27, (BHO)

<sup>xxxvii</sup> 'Townships: Middleton', footnote 27, (BHO)

<sup>xxxviii</sup> Dean, p. 62

<sup>xxxix</sup> Dean, p. 62

<sup>xl</sup> W H Ainsworth, *The Lancashire Witches* (Manchester: pub 1848), pp. 331

<sup>xli</sup> 'According to Mr. Harland he was a son of Geoffrey de Hopwood, and occurs as rector down to 1457: Baines, Lancs. (ed. 1868), i, 479.' 'Townships: Middleton', footnote 49, (BHO)

<sup>xlii</sup> '1402 Robert de Hopwood appointed rector, patron the King, Lich. Epis. Reg. vii, fol. 88; a clerk. The king presented on account of the minority of Richard son and heir of Ralph Barton. Hopwood was still rector in 1443 and 1448'. Research notes of the late Colin Gilbert.

<sup>xliii</sup> 'Townships: Middleton', footnote 39, (BHO)

<sup>xliv</sup> Malcolm Mercer, *The Medieval Gentry: Power, Leadership and Choice during the Wars of the Roses* (London: Bloomsbury Publishing, 2010) p. xx

<sup>xlv</sup> 'Townships: Middleton', footnote 47, (BHO)

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<sup>xlvi</sup> *Remains Historical and Literary connected with Lancaster and Chester: Visitation of Lancashire and Cheshire, 1533, vol.98* (Manchester: Chetham Society, 1876), p.59.

<sup>xlvii</sup> 'Elizabeth Bellingham (c.1507-1553+) is said to have known Kathryn Parr when they were children in Westmorland. She came to court when Kathryn married Henry VIII to be one of her waiting gentlewomen. It appears that Elizabeth's youngest daughter, Mary, was born at court and her godmother was Princess Mary, Kathryn Parr's stepdaughter, later Queen Mary'. Kate Emerson, *A Who's Who of Tudor Women*.  
<http://www.tudorwomen.com/>

<sup>xlviii</sup> Another sister, Katherine Davenport (1543-1573), married Richard Bulkeley in 1558. He later accused his stepmother of adultery and of poisoning her husband, Sir Richard Bulkeley, in 1572. She was tried for *mudre* and acquitted.

<sup>xliv</sup> Assheton papers (GB124.E7/5/1/27 and GB124.E7/6/1/7).

*Lancashire inquisitions returned into the Chancery of the Duchy of Lancaster: and now existing in the Public Record Office, London : Stuart period, James I, Vol 1.* (Chetham Society: 1879-80), pp. 75-6

<sup>li</sup> *Ibid.*

<sup>lii</sup> Probate on this will was only awarded in 1560, further encouraging the Chetham Society editors to confuse Mr. Assheton with his son and assuming that the 'bastard son John' named in the will was the younger Assheton's second child. He only had one almost certainly.

<sup>liii</sup> Rev F R Baines (ed.), *The Journal of Nicholas Assheton*, (Manchester: Chetham Society, 1848),

<sup>liv</sup> 'Parishes: Hovingham', in *A History of the County of York North Riding: Volume 1*, ed. William Page (London, 1914), pp. 505-511. *British History Online* [accessed October 2018].

<sup>lv</sup> 'Radcliffe was in 1561 purchased ...by Richard Assheton, lord of the adjoining manor of Middleton.'  
'The parish of Radcliffe', in *A History of the County of Lancaster: Volume 5*, ed. William Farrer and J Brownbill (London, 1911), pp. 56-67. *British History Online* <http://www.british-history.ac.uk/vch/lancs/vol5/pp56-67> [accessed October 2018].

<sup>lvi</sup> 'An Inquisition post mortem (abbreviated to Inq.p.m. or i.p.m., and formerly known as an escheat)[1] (Latin, meaning "(inquisition) after death") is an English medieval record of the death, estate and heir of one of the king's tenants-in-chief, made for royal fiscal purposes. The process of making such inquisition was effected by the royal escheators in each county where the deceased held land. The earliest inq.p.m. was made in 1236, in the reign of King Henry III (1216–1272), and the practice ceased c.1640, at the start of the Civil War, and was finally abolished by the Tenures Abolition Act 1660, which ended the feudal system.' Wikipedia

<sup>lvii</sup> 1) Inquisition post mortem, 14 Apr 1580, MS. GB124.E7/6/2/1 Manchester Libraries, Information and Archives, and 2) *Lancashire inquisitions returned into the Chancery of the Duchy of Lancaster : and now existing in the Public Record Office, London : Stuart period, James I, Vol 1.* (Manchester: Chetham Society, 1879-80), pp. 75-6

<sup>lviii</sup> *Ibid.*

<sup>lix</sup> 'Townships: Middleton', footnote xx, (*BHO*)

<sup>lx</sup> 'If one held an estate in knight's service ... if one was unable to serve (as with a male under twenty one) then the king reclaimed that land until one was able. For boys who married, ... or who literally bought their own



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wardships from the king or queen, wardship ended earlier'. Holly Brewer, *By Birth or Consent: Children, Law, and the Anglo-American Revolution in Authority* (UNC Press Books: 2005, p. 233)

<sup>lxi</sup> [https://en.wikipedia.org/wiki/Heraldic\\_visitation](https://en.wikipedia.org/wiki/Heraldic_visitation) Wikipedia

<sup>lxii</sup> *Remains Historical and Literary connected with Lancaster and Chester: Visitation of Lancashire and Cheshire, 1533*, vol.98 (Manchester: Chetham Society, 1876), p.62-3

<sup>lxiii</sup> Katherine's second husband had been Sir William Radclyffe of Ordsall (d. 1568)

<sup>lxiv</sup> Margaret and Dorothy were the children of Mr. Richard Assheton's second marriage to Katherine Bellingham in 1541. Katherine's mother, Dame Anne Bellingham, married old Sir Richard – aged 58 – as his second wife in the same year.

<sup>lxv</sup> Assheton papers GB124.E7/5/1/27 and GB124.E7/6/1/7, Manchester Libraries, Information and Archives.

<sup>lxvi</sup> G. Ormerod, *History of the County Palatine and City of Chester* (London: 1882)

<sup>lxviii</sup> National Archives <http://www.nationalarchives.gov.uk/help-with-your-research/research-guides/catholics/#4-catholics-and-recusancy>

<sup>lxix</sup> B. G. Blackwood, *The Catholic and Protestant Gentry of Lancashire during the Civil War period*, (Historical Society of Lancashire and Cheshire:date?), p. 2, <https://www.hslc.org.uk/>

<sup>lxx</sup> The epistle dedicatory to *Three Sermons preached at the collegiate church in Manchester (1641)* quoted in *Ibid.* p.3

<sup>lxxi</sup> K. R. Wark, *Elizabethan Recusancy in Cheshire* (Manchester: Chetham Society, 1971)

<sup>lxxii</sup> Blackwood, p. 6

<sup>lxxiii</sup> Wikipedia

<sup>lxxiv</sup> Blackwood, p. 6

<sup>lxxv</sup> Ed. E Henson, *Registers of the English College at Valladolid. 1589-1862* (Catholic Record Society, London: 1930)

<sup>lxxvi</sup> K. R. Wark, *Elizabethan Recusancy in Cheshire* (Manchester: Chetham Society, 1971) Appendix II, p. 175

<sup>lxxvii</sup> Inquest taken at Kendall 5 April 1615, 13 James I (1615)