

The Eskdale Twenty-four Book of 1587: A supplementary note on the development of the text

The award, drawn up by ‘the foure and twenty sworn men of the lord’s tenants in Eskdale Mitredale and Wasdalehead elected and chosen throughout the said lordship’ appears to have been an attempt to lay out afresh the rules governing the exercise of rights on the common. Its preamble states that it was drawn up ‘for the right commodoty profit and benefit of common and perpetual order and stay amongst all the lord’s tenants’ – in other words to ensure both equitable access to economic resources (‘right commodoty profit and benefit’) and the maintenance of ‘good neighbourhood’ and friendly relations between commoners (‘perpetual order and stay’). There is no explicit statement that the award was rehearsing established custom, though it seems inconceivable that the jury would have completely reorganised existing patterns of use and access to the fell. The award does, however, contain some evidence that it was prompted by current disputes: it explicitly sought to settle a ‘controversi and debate’ between the tenants of two farms at the head of the valley and another controversy between the three tenants of Spout House.

Since no manor court rolls for 1587 nor a contemporary copy of the award survive, it is not known whether the award was copied into the manor court roll or whether it was a freestanding document. Two later recensions of the text are known:

- a copy incorporated into a revised award of 1659, which survives in a copy made by Thomas Tyson of Borrowdale Place in 1794. This version appears to have been kept locally by members of the farming community in Eskdale. In 1921 this copy was in the hands of a local farmer, Towers Hartley of Church House, and had formerly belonged to Edward Tyson of Wha House. It was described as a 24-page manuscript, bound with brown paper, ‘in a good legible hand evidently by a scholar’.¹ This is thought to be the copy from which the photocopy currently in the possession of the Eskdale Commoners’ Association was taken. This version was copied in 1840 into the Eskdale chapel-warden’s account book (Cumbria Record Office, YPR 4/18).
- a copy of the 1587 award, omitting the additional orders made in 1659, made by John Nicholson in 1692, to which was appended the verdict of a manor court jury in 1701, confirming the ‘ancient customs and byelaws’. This copy may have rested with the estate office at Cockermouth Castle but cannot now be traced: a photocopy of it was in the search room at Carlisle Record Office in the 1970s. A manuscript copy of this version, made in 1795 in connection with a lawsuit survives in solicitor’s papers in Cumbria Record Office, D/Ben/3/761.

The copying and re-copying of the ‘Twenty-four Book’ in the early-modern period can be paralleled in the case of similar documents from the manor of Alston Moor in the north Pennines. There, two documents, a ‘paine roll’, listing the manorial byelaws, and a ‘drift roll’, laying out the routes up on to the common grazings (and thus closely comparable to the Eskdale Twenty-four Book) survive. Two copies of each are known. The paine roll survives in a copy ‘drawen furthe’ in 1597 from an

¹ Description by Rev. W. S. Sykes: Cumbria Record Office, YDSO 81/1/2.

old paine roll made in Henry VII's time and in another, copied from the 1597 text in 1692. The drift roll, again drawn from a lost original from the reign of Henry VII, survives in copies of 1683 and the early eighteenth century.² In both manors, the process of copying, confirming and amending reinforces the importance of these documents as the basis of day-to-day management of use rights on the commons. In the case of the Eskdale Twenty-four Book the re-copying in 1794 and 1795 reflects the use of the award in connection with a lawsuit between Joseph Sharpe of Spout House and Thomas Tyson of Borrowdale Place concerning an intake on the fellside, enclosed by Tyson, which Sharpe claimed to have blocked his sheep 'drift' as laid out in the 1587 award.

Where the Eskdale Twenty-four Book is remarkable is in its survival as the touchstone for management of common rights well into the twentieth century. The fact that it was copied into the chapel-warden's account book suggests that the award had in effect been appropriated by the community at large, rather than remaining a strictly manorial document. As manorial control weakened in the early nineteenth century (in the face of enfranchisement of customary tenancies) the manor court became much less active. The copying of the Twenty-four Book into the chapel-warden's account book reflects the shift from the manor to the parish as the key institution of local government and identity.

The Twenty-four Book attracted antiquarian interest as a survival from an earlier age in the early twentieth century. W. S. Sykes, vicar of Eskdale 1900-1904, attempted to reconstruct the sheep 'drifts' laid out in it and Mary Fair, a local antiquarian and daughter of Sykes' successor as vicar of Eskdale, wrote a short article about the award in 1921.³ However, the Twenty-four Book remained more than an object of antiquarian study: its existence was known to the local farming community in the 1960s⁴ and one of the first actions of the newly formed Eskdale Commoners' Association in 1967 was to acquire a copy of the award as they prepared to attempt to coordinate the registration of rights as required under the Commons Registration Act, 1965.⁵

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² The Alston Moor documents are discussed in A. J. L. Winchester, *The Harvest of the Hills* (Edinburgh, 2000), pp. 112, 121 (n. 58), 160-5.

³ Cumbria Record Office, YDSO 81/1/2; M. C. Fair, 'Some notes on the Eskdale Twentyfour Book', *Trans. Cumberland & Westmorland Antiquarian & Archaeological Society*, new series 22 (1922), pp. 73-8.

⁴ Personal knowledge from conversations with Gordon Stagg, Low Place, Miterdale, and Isaac Atkinson, head forester, Forestry Commission, Blengdale and Miterdale, c. 1965.

⁵ Eskdale Commoners' Association Minute Book 1967-1980, p. 7 (min. 9 of meeting held 8 Mar. 1967), p. 12 (min. 3.ix of meeting held 12 Apr. 1967).