



Durham
University

Durham University Library

Catalogue of Rivington School papers

Date range of material: 1639-1860

Durham University Library
November 2016

Contents

Preface	iii
Introduction	1
Catalogue of material:	
Heighington.....	2
Hetton le Hole.....	6
Sedgefield.....	7
Silksworth.....	8
Wharnley Burn.....	17
Whickham.....	18
Wolsingham.....	19
Solicitor's accounts with Rivington School.....	21

Preface

Creation of catalogue

The finding aid was created by EMF. Keyed and markup in SGML RIH, August 1996.

Contact details

Durham University Library: Archives and Special Collections

Palace Green

Durham

DH1 3RN

England

Telephone: 0191 334 2972

Email: PG.Library@durham.ac.uk

URL: <http://www.dur.ac.uk/library/asc/>

ark:/32150/s1v979v308c/PDF

Introduction

Collection title: Rivington School papers

Reference code: GB-0033-RIV

Dates of creation: 1639-1860

Extent: 135 items

Repository: Durham University Library, Archives and Special Collections

Creator: papers relating to legal cases over land endowed to the school

Language of material: English

Content

The papers which were sent to Durham are concerned only with properties belonging to the school in the county of Durham and do not contain any accounts or material relating to the school itself.

The papers listed here contain a 20th century copy of Christopher Leven's grant of the above mentioned annuity to Pilkington from lands in Hetton le Hole (No. 30) and some material relating to the lands at Sedgefield (Nos. 31 and 32), Wharnley Burn (Nos. 85 and 86), Whickham (Nos. 87 and 88), Lynesack (No. 89) and Wolsingham (Nos. 90-96). Most of the collection, however, falls into three groups:

1. Papers arising from lawsuits in the 17th century over the lands in Heighington (Nos. 1-29).
2. Papers from similar lawsuits over the rent charge on lands at Silksworth (Nos. 33-84).
3. Papers from an abortive attempt in the 19th century to sell property in Wolsingham to its tenant Mr Surtees (Nos. 90-135).

The lawsuits, which in both cases began about 1638 or 1639 and were not concluded until 1662 or 1663, reflect the problems encountered by the school in enforcing their rights. In the case of Heighington there was some doubt as to the school's title as the inhabitants of the township disputed the right of the Bishop to grant these lands to the School. At Silkworth the School's right to the rent charge was undisputed but, as the Middleton family had disposed of part of the lands on which the charge was laid, there was a dispute as to who was liable to pay the annual sum of £6.13.4d. By the time the case was settled, 24 years after George Middleton refused to pay any more, it was estimated that his son should pay the school £433.0.4d. for rent arrears, damages and costs.

By the mid 19th century the school's Governors had sold many of the lands in Durham and invested the proceeds elsewhere. However, the attempt to sell Mr Surtees his lands at Wolsingham was frustrated by the refusal of the Charity Commissioners to sanction the sale, apparently because of objections raised by Revd. Thomas Sutcliffe, vicar of Rivington and later a Governor of the School.

The School

Rivington School, near Horwich in Lancashire, was founded by James Pilkington, Bishop of Durham 1561-1577, its Charter of Foundation being dated 13 May 1566. On 6 September 1574 he endowed the school with annuities, copyhold lands and revenues to the value of £27.9.6d. most of which were in the county of Durham: annuities of £6.13.4d. from Christopher Leven's lands in Hetton le Hole, and £6.13.4d. from George Middleton's lands in Silksworth; copyhold lands and rents from Lynesack, Sedgefield, Wolsingham, Whickham, Heighington, Redworth, Stockton, Auckland and Stanhope.

Accession details

The Rivington School Papers were presented to Durham University Library by the Headmaster of Rivington and Blackrod Grammar School in 1938.

Arrangement

The papers are grouped according to place, and then arranged chronologically. Numbering is consecutive throughout the collection, but in order to preserve the chronological sequence, it appears during the Silksworth section that the numbering has gone awry, owing to the re-integration of an original file of papers into the list. This is explained at the point where it starts.

Form of citation

The form of citation should be GB-0033-RIV, or the collection title Rivington School papers, and the *reference number*.

To order items in the searchroom, use the collection reference code(s), derived by removing the repository code (GB-0033-), followed by the reference number. Citing the section of the finding aid is useful.

Bibliography

The History of Rivington and Blackrod Grammar School, Margaret M. Kay (1931): written using these papers, and other books and papers all then kept by the school.

Heighington

Papers in the case of Rivington School v. John Richmond and John Teward, concerning copyhold property of the Bishop's manor of Auckland in the parish of Heighington (viz.): a cottage and a garth called Apegarth, and a close called Cathedral Frith.

RIV/1 Undated

Petition by the Governors of Rivington School to Thomas (Morton) Bishop of Durham complaining that the inhabitants of Heighington have refused to accept a new lease of Cathedral Frith, copyhold land held by the said Governors and formerly let to the inhabitants for periods of 21 years and divided proportionally.

Signed by the Governors: Robert Shaw, Alexander Fielding, Nicholas White, Robert Ainsworth, Humphrey Nightingale, Thurstan Bradley.

Bishop Thomas (Morton)'s reply, dated 7 October 1639, that the school could lease the land to any one of the same town.

Paper 1f.

RIV/2

Attached to 1.

Memorandum that, after it had been explained to the Bishop that no-one in the town would take the lease because of the opposition of Martin Richmond, the Bishop replied that the land may be let to any one who would take it.

1 piece.

RIV/3

Draft of the above Petition (No. 1).

Paper 1f.

RIV/4 12 October 15 Charles I (1639).

Copy memorandum in the court for the manor of Heighington recording a lease, out of court on 26 September 1639, by the Governors of Rivington School to John Wheatley of Wolsingham of two third parts of land called Cathedral Frith for 21 years at a rent of 26s. 8d.

Paper 2ff.

RIV/5 Trinity Term, 1654.

In the Upper Bench at Westminster (Roll 769).

Certified copy of Record relating to an Action in Ejectment to try the title to 4 messuages, 16 acres of arable land and 16 acres of meadow in Heighington (Cathedral Frith), with judgment for the plaintiffs.

Examined 13 July 1658 and 23 November 13 Charles II (1661).

12ff.

RIV/6 August 1658

Thomas Tenman v. John Richmond at Durham.

Brief for the plaintiffs in an action in Ejectment on a lease of a messuage and premises in Heighington called Cathedral Frith, granted by the Governors of Rivington School.

Paper 2ff.

RIV/7 After 1658

Draft brief for the plaintiffs that after a hearing at the Rolls 27 November 13 Charles I (1637) and 2 trials in 1654 and 1658 the case should be set down for a final hearing.

Paper 1f.

RIV/8 23 October 1659

In Chancery.

Bill of Complaint.

31ff. Damaged.

RIV/9 4 May 1660

Joint and Several Answers of John Richmond and John Teward.

26ff.

RIV/10

Plaintiff's Replication.

Paper 5ff.

RIV/11

Depositions of witnesses for the plaintiffs taken at Durham 10 April 13 Charles II (1661), viz.:

George Trotter of Redworth, yeoman.

George Shawter of Great Aycliffe, yeoman.

John Morland of Elvet, gent.

Christopher Rayne of Redworth, yeoman.

Christopher Baynes of School Aycliffe.

Thomas Tenman of Wolsingham, butcher.

Francis Crosby of Elvet, gent.

George Kirkby of Durham, gent.

Certified 27 June 1662.

ff.43-53 Interrogatories.

54ff. Some damaged

RIV/12

Depositions of witnesses for the defendant John Richmond, taken at Durham, 10 April 13 Charles II (1661), viz.:

George Shawter of Great Aycliffe, yeoman.

Robert Wilkinson of Heighington, yeoman.

Edward Ramforth of Aycliffe School, yeoman.

Ralph Gaulborne of Hull upon the Hill, Lancaster, gent.

Francis Crosby of Elvet, gent.

ff.28-37 12 interrogatories.

37 ff., badly damaged.

RIV/13 12 April 1661

Undertaking given by John Richmond to take no further action in the case until after the end of May.

Signed and witnessed.

1 piece.

RIV/14 8 May 1661

Attached to No. 13.

Letter from Richard Hartley in Manchester to Major Thomas Willoughby, one of the Governors of Rivington School, giving his opinion that the subject for arbitration will be the profits from the two third parts of Cathedral Frith which he calculates to be £7 or £8 a year in arrears for 17 or 18 years, plus the winter pasture for the other third part, and that the defendants' case for having the title referred (to arbitration) will not succeed; with caution not to let his opponents know this.

Paper 2ff.

RIV/15 12 May 1661

Letter from William Morley, John Richmond, George Morley, Anthony Atkinson, Lammerick Tewart and Francis Tewart at Heighington, to the Governors of Rivington School to arrange a meeting between the parties at Cartmel, Lancashire, on 23 May. Paper 2ff.

RIV/16 27 November 13 Charles II (1661).

At the Rolls.

Copy of Order that a new trial should be held on an issue to be settled by Sir William Child.

Paper 4ff.

RIV/17 Trinity Term 14 Charles (1662).

Draft statement of the Issue in the case of Richmond v. Rivington School accepted by Sir William Child, 28 June 1662.

15ff.

RIV/18

Brief for the Governors of Rivington School in a suit brought against them by John Richmond to recover 40 shillings said to have been promised by them to John Richmond, 27 December 13 Charles II (1661), if it should be found that they do not have good right and title to the messuage called Apegarth and 2 parts of the close called Cathedral Frith in Heighington.

Paper 2ff.

RIV/19

More detailed Brief for the Governors in the suit brought against them by John Richmond.

Paper 3ff.

RIV/20 15 October [1662].

Affidavit by Thomas Willoughby that in pursuance of the Court Order of 27 November [1661] he was at Durham for the duration of the Assizes, 28 July - 4 August, with witnesses ready for a trial, but that despite repeated requests the defendant Richmond refused to bring the Record and go to trial.

Paper 1f.

RIV/21, RIV/22 and RIV/23

3 copies of Brief containing abstracts of Bill, Answer, Depositions and the School's title, for hearing in Chancery, Monday 24th November [1662?].

21 and 22: 7ff each. 23: 6ff. (damaged).

RIV/24 Hillary Term 14 and 15 Charles II (later altered to Easter Term 15 Charles II)(1663).

Declaration in an action in Ejectment (Hodshon v. Raine) at the Exchequer.

Paper 1f.

RIV/25

Brief for the plaintiffs in an action in Ejectment (John Hodshon v. John Raine) on a lease by the Governors of Rivington School to John Hodshon, dated 7 January 14 Charles II (1663), of 1 messuage, 5 acres of land and 5 acres of meadow, called Apegarth on the north side of Heighington.

Paper 1f.

RIV/26

The same as No. 25, with additional notes.

Paper 1f.

RIV/27 March 1663.

Affidavit by Ralph Goulborne that on 17th March he served John Richmond with copies of a writ of Execution of the Court's decree of 24th November 1662, the Report made by Sir Mondiford Bramston 10 February 1663 and an Order of 12 February 1663 ; and that the defendant refused to comply with the said order.

Unsigned.

Paper 2ff.

RIV/28 30 May 15 Charles II (1663).

Copy of Writ ordering John Richmond to pay the Governors of Rivington School £215 according to the decree in Chancery of 20 May.

1 piece.

RIV/29 23 October 15 Charles II (1663)

(1) Thomas Tenman

(2) Thomas Willoughby of Horwiche, Lancs.

Surrender in the Halmote Court for the manor of Heighington by (1) to (2) of all rights in respect of two third parts of a tenement called Cathedral Frith which (1) holds by lease from the Governors of Rivington School.

Parchment 1 m.

Hetton le Hole

RIV/30 26 July 15 Elizabeth (1573).

- (1) Christopher Leven of Hetton in the Hole, gent.
- (2) James [Pilkington] Bishop of Durham.

20th century translation of Grant by (1) to (2) of an annuity of £6.13.4d. charged on 50 burgages, 50 messuages, 20 cottages, 100 crofts, 2 dovecots, 100 gardens, 20 orchards, 600 acres of ploughland, 200 acres of meadow land, 600 acres of pasture, 40 acres of wood, 200 acres of fresh enclosure and heath rated at £10 in Hetton in the Hole.

Signed and sealed (1).

Endorsement: Above rent charge sold to Hon. F. Bowes Lyon, trustee of the will of F.L. Barrington Sep.11/06 [1906?] for £170.

Typescript 4ff.

Sedgefield

Papers in the case of William Lambert, gent. v. Nicholas Chipchase, John Chipchase and others.

RIV/31 Hillary Term 14 Charles I (1639).

In Exchequer.

Bill of Complaint by Nicholas Lambert, gent., that during his minority the defendants entered into and possessed lands in Durham and Yorkshire which he had inherited by virtue of a deed of trust made by his grandfather 35 Henry VIII (1543/44) ; the said lands being at Owton, Seaton, Seaton Carew, Hartlepool, Sedgefield and Shocklock Hall in Durham, and Bempton, Leventhorpe, Marske, Lasenby, Thornton, Pickeringlithe, Tocketts Brotton and Redcar in Yorkshire.

14ff.

RIV/32

Joint and Several Answers of Nicholas and John Chipchase that they hold their lands at Sedgefield (viz.): 1 messuage and 2 bovates, by virtue of a lease dated 10 July 11 Charles I (1635) from the Governors of Rivington School.

12ff.

Silksworth

Papers in the case of Rivington School v. George Middleton, Anne Booth (later Lionel and Anne Maddison), Isabel Booth and others, concerning a rent charge of £6.13.4d. laid on lands in Silksworth.

Nos. 38-57 form the contents of a file of 19 Orders and a report in Chancery dated from 3 May 1637 to 30 October 1662. To preserve the sequence of litigation the documents are fully described in their appropriate chronological position with others relating to the suit.

RIV/33 8 December 1638

Letter from George Middleton to Robert Ainsworth and the rest of the Governors of Rivington School saying that he has not paid the rent due to the school because it was charged on a farm called Lewin's Farm, which was sold by his father and is now in the possession of the wife and heir of Abraham Booth (Isabel and Anne Booth); suggesting ways in which the school might recover the money and requesting that if they commence a suit against him the following should also be named as defendants: Isabel and Ann Booth, the wife and daughter of Abraham Booth, John Smith, George Wilson, William Wanless and William Reed all of Silksworth, yeomen, and Thomas Glenn of Seaton, yeoman.

Paper 1f.

RIV/34

Answer of George Middleton Esq. sworn at Colchester 15 June 15 Charles I (1639). Examined 11 July 1660.

9ff.

RIV/35

Joint and Several Answers of Isabel Booth widow, Anne Booth, John Smith, Thomas Glen, William Read, George Wilson and William Wanless.

Sworn at Colchester 15 June 15 Charles I (1639).

13ff. (damaged)

RIV/36

Depositions of witnesses on behalf of the plaintiffs, taken at Wolsingham 2 September 18 Charles I (1642) :

Ann Grimwell wife of William Grimwell of South Side,
John Wheatley of Wolsingham, butcher
Thomas Seaman of Wolsingham, butcher.

f.10: Deposition of Christopher Hall of Silksworth, taken at Durham 3 September 18 Charles I (1642).

ff.14-19: 8 interrogatories.

19ff.

RIV/37

Depositions of witnesses on behalf of the defendant George Middleton Esq. taken at Durham 29 September 18 Charles I (1642) :

Anthony Middleton of Hartlepool, gent.

Gilbert Middleton of South Shields, gent.

Ralph Middleton of South Shields.

f.13: Depositions taken at Alnwick:

Henry Whitehead of Bulmer, Northumberland, gent.

Katherine Selby of Houghton, widow.

Adam Middleton of Ellington, Northumberland, gent.

ff.26-9: 4 interrogatories.

29ff. (damaged; last folio missing).

RIV/38 13 May 24 Charles I (1648)

Order that the defendants Isabel and Anne Booth should be subpoenaed to show cause why they should not consent to go to trial at York (if there is no Assizes at Durham) and to give securities to George Middleton for the payment of the arrears should it be found that their tenements are liable to pay the rent charge.

Signed John Sandford.

Paper 4ff.

RIV/58 13 May 24 Charles I (1648)

Another copy of No. 38, signed per Henry Scobell, Dep. Reg.

Paper 2ff.

RIV/59 26 June 24 Charles I (1648)

Order that the defendants Booth should be subpoenaed as directed in the above Order of 13 May 24 Charles I (1648) (Nos.38 and 58) and that the defendant Middleton should also be subpoenaed to show cause why he should not for the present pay a moiety of the arrears to the plaintiffs and that the court would then decide whose fault it was that the said Order of 13 May had not been performed.

Paper 2ff.

RIV/60 4 November 24 Charles I (1648)

Order granting the defendants 14 days further to show cause why the case should not proceed to trial according to a previous Order of 31 [sic] June 1648, on the grounds that the defendants live in Durham and their solicitors will not be in London until the latter end of the Term.

Paper 2ff.

RIV/61 24 November 1651

Affidavit by Thomas Willoughby of Horwich, Lancashire, gent., one of the Governors of Rivington School that on 23 June 1651 he and Alexander Feilden left copies of 2 Court Orders and a decree dated respectively 28 November 24 Charles I (1648), 28 November 1649 and February 1649/50, at Silksworth Hall, the dwelling house of George Middleton, ordering him to pay the rent and arrears due to the School, and that they met him in Durham City the following day and again demanded payment, but that he has still not paid.

Paper 1f.

RIV/39 23 November 1654

Order in response to Middleton's claim that he has been unable to go to trial as directed by the Orders of 28 November 1649 and 21 November 1648 because the plaintiffs have refused to show him relevant deeds but that he is willing to pay a moiety of the arrears: ordered that a Master of the Court should direct the Issue according to the former Orders, that all process for contempt should be stayed and that Middleton should pay the moiety of the arrears.

Signed: Robert Dod, Registrar.

Paper 2ff.

RIV/62

Brief for the plaintiffs on a Bill of *Revivor* following the death of George Middleton [September 1655 - Surtees *History of Durham I*, p.245)], in which proceedings are taken against his heirs and trustees, viz.:

his son George by his Guardian, Francis Middleton;
Elizabeth Middleton, widow and executrix;
John Heath, trustee;
John Tempest, trustee;
Henry Smith, trustee

in addition to Lionel Maddison and his wife Anne, (late Anne Booth) and Isabel Booth. The Brief explains the circumstances of the *Revivor* and contains abstracts of the original Bill, Answers and Depositions, Orders dated 23 May 1647, 26 June 1648, 28 November 1648, 24 November 1649, 28 November 1649, 11 February 1649/50, 4 November 1653, 10 February 1653/54 and 24 November 1654.

Paper 6ff.

RIV/63 17 May 1659

Order that the defendants be subpoenaed to show cause why they should not perform the order of 23 November 1654, and that the names of Lionel Maddison, his wife Anne (late Anne Booth), Isabel Booth, John Smith, George Wilson, William Wanless, William Read and Thomas Glen should be inserted into the plaintiffs' bill of *Revivor*.

Signed: William Goldesbrough.

Paper 2ff.

RIV/64 18 May 1659

Copy of writ of *scire facias* in pursuance of the above Order of 17 May 1659 and setting 14 June as the date for the next hearing.

Paper 2ff.

RIV/65 1 July 1659

Writ for execution of Orders dated 28 November 1649, 17 May 1659 and 22 June 1659.

1 membrane

RIV/66 and RIV/67

2 copies of the above writ (No. 65)

2ff each.

RIV/68 [August 1659]

Affidavit by Ralph Goulborne concerning the service of copies of the writ of execution of 1 July 1659 on John Heath, John Tempest and Francis Middleton, and his attempts to serve a copy on Elizabeth Middleton and Henry Smith, 3 and 4 August 1659 ; with his account of John Heath's response that neither he nor George Middleton would pay until the Court had decided.

1f

RIV/40 7 July 1660

At the Rolls.

Order reviewing the case up to the Bill of *Revivor* and directing that the defendants are to admit the rent charge and that a new trial should be held at the next assizes in Durham to determine whether the rent charge should be paid from the lands of Middleton or Booth, with permission to make use of the depositions of witnesses who have died since the case began.

Signed: John Sandford. Deputy Registrar.

Paper 4ff.

RIV/69 Trinity Term, 1660 (Roll 1228).

Draft statement of the Issue in an action *In Replevin* at Durham brought by George Middleton against Rivington School to determine whether the rent charge was laid upon his lands or those of Lionel Maddison; referred to Edm. Peirce in pursuance of 2 Orders dated 25 July and 7 July 1660 and accepted by him.

17ff.

RIV/70 Trinity Term, 1660 (Roll 1227).

Draft statement of the Issue in an action *In Replevin* at Durham brought by Lionel Maddison against Rivington School to determine whether the rent charge was laid upon his lands or those of George Middleton; referred to Edm. Peirce in pursuance of 2 Orders dated 25 July and 7 July 1660 and accepted by him.

17ff.

RIV/71

Brief for Rivington School, defendants in an action *In Replevin* at Durham brought by Lionel Maddison.

Paper 1f.

RIV/41 24 November 12 Charles II (1660).

At the Rolls.

Order following the verdict of the last Assizes at Durham that the rent charge was laid upon the lands of the defendant Middleton, directing that the cause should be set down for the next term to determine whether the plaintiffs may have the court's decree to enable them to receive the said rent.

Signed per John Sandford, Deputy Registrar.

Paper 2ff.

RIV/42 28 November 12 Charles II (1660).

In Court.

Order that the defendants Lionel Maddison, his wife Anne, Isabel Booth and their tenants John Tempest, John Heath and Henry Smith should be dismissed with costs; appointing a Master of the Court to tax their costs.

Signed per Robert Dod, Deputy Registrar.

Paper 2ff.

RIV/43 3 December 12 Charles II (1660)

Order that the above order of 28 November 1660 be discharged and unless the plaintiffs' cause is heard next term on the equity reserved their bill will be dismissed with costs.

Signed: William Goldesbrough.

Paper 2ff.

RIV/44 15 January 12 Charles II (1661)

Order refusing to direct a new trial as requested by the defendants but giving them leave to request the same again at the next hearing to determine whether the plaintiffs should have a verdict.

Signed per Henry Devenish, Deputy Registrar.

Paper 2ff.

RIV/45 5 February 13 Charles II (1661).

At the Rolls.

Order, after hearing the defendant Middleton's arguments for a new trial, that the case should be heard by the Master of the Rolls Saturday 16th February.

Signed William Goldesbrough.

Paper 2ff.

RIV/46 16 February 13 Charles II (1661).

At the Rolls.

Order that Middleton should bring a feigned action against Maddison and Booth at the summer assizes at Durham to determine whose lands are charged with the rent; that the plaintiffs' deeds should be available to the defendants and that, since the depositions have been lost, copies of them should be made records and used in the said trial; meanwhile Middleton and Maddison are each to pay half the rent and arrears due to the school, to be computed by Dr Bird, and give mutual sureties to reimburse each other when the matter has been determined.

Signed per Henry Devenish, Deputy Registrar.

Paper 2ff.

RIV/47 1 March 1660/61

Report of Dr Bird that the arrears of rent due to the school for the past 23 years amount to £153.13.4d. and that Middleton and Maddison are each to pay half this amount to the school on 10 April next.

Signed: T. Byrde.

Paper 2ff.

RIV/72 1 March 13 Charles II (1661)

In Chancery.

Writ for the execution of the above Order of 16 February 13 Charles II (1661) for the payment of £153.6.8d. to the plaintiffs, being 23 years rent in arrears:

the defendants George Middleton (by his guardian Francis Middleton) and Lionel Maddison are each to pay half the said sum pending a trial in a feigned action to be brought by Middleton against Maddison and Booth to decide on whose lands the said rent is chargeable.

Parchment 1 m.

RIV/48 5 March 13 Charles II (1661)

Order confirming the above order of 16 February 1661 despite objections from the defendants Maddison and Booth.

Signed per John Sandford.

Paper 2ff.

RIV/73 15 March 13 Charles II (1661)

Writ of Execution in respect of the above Orders of 16 February and 5 March 1661.

Parchment 1 m.

RIV/74

Copy of the above Writ of Execution (No. 73).

Paper 2ff.

RIV/75 18 April 1661

Affidavit of Thomas Willoughby, one of the Governors of the school, that he served the defendants Middleton and Maddison with the two Orders of 16 February 1661 and 5 March 1661, and showed them the writ of Execution, but that, despite his waiting at the house of John Heslop in Durham all day on 10 April 1661 the defendant Maddison refused to pay his moiety of the arrears or give security for the same.

Paper 2ff.

RIV/76

Letter from George Middleton (to the Governors of the School) proposing that he should take action at law (against Maddison) at his own charges if they will send him their evidences as to title and drop all actions against him in Chancery and promising to pay the arrears and future rent if his suit fails; with assurance that he will give a good bond to this effect.

Paper 1f.

RIV/49 1 July 13 Charles II (1661)

At the Rolls.

Order that Maddison and Booth must pay their half of the rent arrears and proceed to trial with Middleton at Durham Assizes according to the Order of 26 (16?) February, or they will be ordered to pay all the arrears and damages plus the annual rent of £6.13.4d. from their three farmholds called Lewin's Land in Silksworth and the plaintiffs' costs; all of which is to be computed by Sir Justinian Lewyn, Master of the Court.

Signed: William Goldesbrough.

Paper 2ff.

RIV/77 1 July 13 Charles II (1661)

The same (as No. 49).

Signed: John Sandford.

Paper 2ff.

RIV/50 22 July 1661

Report of Sir Justinian Lewyn that the defendants Maddison and Booth should pay the plaintiffs £433.0.4d., being the total of rent arrears, damages and costs.

Signed: Justinian Lewyn and William Goldesbrough.

Paper 2ff.

RIV/78 22 July 1661

The same (as No. 50).

Signed: Justinian Lewyn.

Paper 2ff.

RIV/51 22 July 13 Charles II (1661)

Order confirming the Report of Sir Justinian Lewyn made in pursuance of the above order of 1 July 1661.

Signed: John Sandford, Deputy Registrar.

Paper 2ff.

RIV/52

The same (as No. 51).

Signed: William Goldesbrough.

Paper 2ff.

RIV/79 8 October 1661

Affidavit of Lionel Maddison, gent. that he was given no notice of the hearing at the Rolls 16 February, that he never consented to a new trial on a feigned action to be brought against him by Middleton nor to pay half the arrears and give sureties as to the rest; and that the verdict (in the trial at Durham) was given for him after full evidence and not by default as supposed in the Order of 16 February.

Paper 2ff.

RIV/53 9 October 13 Charles II. (1661)

Order confirming the above Order of 28 November 1660, whereby the defendants Maddison and Booth were dismissed with their costs and discharged from all payment in respect of the rent of £6.13.4d.

Signed per Robert Dod, Deputy Registrar.

Paper 2ff.

RIV/54 23 October 13 Charles II (1661).

Order directing a new trial on the former issue to determine whether the rent charge was laid upon the lands of Middleton or Maddison; meanwhile Middleton should pay the plaintiffs the arrears damages and costs amounting to £433.0.4d. and Maddison should offer sureties to reimburse Middleton if the case goes against him.

Signed per John Sandford, Deputy Registrar.

Paper 2ff.

RIV/80

Notes relating to "inconveniences" which would be suffered by the plaintiffs as a result of the Order of 23 October 1661, and request that, since a new trial can not be held at Durham until the following summer, the matter should be tried at York and that this trial should be final.

Paper 1f.

RIV/56 3 December 13 Charles II (1661)

Order confirming the Order of 23 October 1661 that pending a new trial Middleton should pay the plaintiffs £433.0.4d. and that Maddison should offer sureties in the event of the case going against him; and ordering that the new trial should be held at the assizes for the county of York.

Paper 2ff.

RIV/57 14 January 13 Charles II (1662)

Order that, at the request of the defendant Maddison the new trial should be held at Durham and not at York.

Paper 2ff.

RIV/81 27 October 1662

Affidavit by George Middleton that he and his solicitor were unable to find the deed dated 16 Henry VIII (1524/25) showing clearly which lands were charged with the rent of £6.13.4d. until after the last trial at Durham Assizes, and that he has discovered another material witness: Mr Daniel Gill.

Paper 2ff.

RIV/55 30 October 14 Charles II (1662)

Order that the defendant Middleton should produce a deed in court dated 16 Henry VIII (1524/25) which he claims to have discovered after the trial at Durham in 1660, after which the court will decide whether to order a new trial.

Signed per John Sandford Deputy Registrar.

Paper 2ff.

RIV/82

In Chancery.

Brief for the plaintiffs arguing against further delays:

outlining the progress of the case 17 May 1637 to 30 October 1662 and describing the plight of the school and hardship to the neighbourhood, deprived of its only free grammar school as a result of this long and expensive suit.

Attached:

11 November 16 Henry VIII (1524)

Copy of deed recently produced by George Middleton in his defence:

- (1) Robert Lewing of Newcastle upon Tyne, merchant, and his wife Margaret.
- (2) Gilbert Middleton of Newcastle upon Tyne, merchant, (1)'s father in law.

Bargain and sale by (1) to (2) of one third part of the manor of Silksworth including three tenements leased for 21 years from Martinmas 8 Henry VIII (1516) at a rent of £6.13.4d.

Consideration: £14.13.4d.

Paper 1f. each

RIV/83 24 November 14 Charles II (1662)

Draft verdict that the rent charge should be paid from Middleton's lands on the grounds that the lands sold by his grandfather to John Booth, from whom Maddison derives his title, were sold with a covenant that they were free of all encumbrances; and order that Middleton should pay arrears, damages and costs to the plaintiffs and also Maddison's costs.

Paper 4ff.

RIV/84 31 July 1802

Durham Court of Pleas - *In Replevin*.

Order directed to William Robinson and his attorney Thomas Maynard giving a list of deeds and writings relating to lands in Silksworth which he will be required to produce in the action of William Robinson Esq. plaintiff v. Rivington School and Thomas Gore.

Paper 1f.

Wharnley Burn

RIV/85

Extracts, undated, from the Lanchester Enclosure Award relating to the lands of Thomas Raw gent, viz.:

freehold and leasehold lands at Wharney Burn and 2 copyhold properties called the Birks, and Toddhills.

Paper 3ff.

RIV/86 27 May 1803

Certified extract from the Enclosure Award for the parish and manor of Lanchester, 13 June 1781, relating to the allotment granted to the heir or devisee of Thomas Raw in respect of lands at Wharney Burn held by lease from the Governors of Rivington School.

Certified by William Shafto, deputy auditor of the Bishop of Durham.

Paper 6ff.

Whickham

RIV/87 and RIV/88 1794

(1) The Governors of Rivington School, viz:

Richard Pilkington of Howick.

Richard Mason of Howick

John Kershaw of Rivington

Alexander Gerrard of Anglezark

Thomas Longworth of Folds

Thomas Smith of Rivington

(2) Luke Brown of Whickham, grocer

Unexecuted lease and release by (1) to (2) in respect of premises at Whickham, viz:

2 cottages and a garth formerly in the possession of Elizabeth Bland, and the garth before the church.

Consideration: £80.

Each document has 6 seals but no signatures.

Parchment 1 m.

Wolsingham

RIV/89

Abstracts of leases of copyhold land belonging to Rivington School in the townships of Lynesack and Softley in the manor of Wolsingham, viz:

2 leases dated 15 June 1743 each of a moiety of a tenement called Hastlewell

- a) to Henry Coates and his son Joseph of Lynesack;
- b) to Michael Perkin of Lynesack, gent.;

and one lease dated 18 May 1782, to Robert Surtees of Redworth, Esq. and Crozier Surtees of Heighington, of a messuage, land at Salterburn known as the Gill and allotments awarded to George Surtees in the Hamsterley Enclosure Award.

Endorsement: note that a copy was sent to Mr Weldon 15 July 1826.

Paper 3ff.

RIV/90 20 October 1800

Letter from W. Bates of Wolsingham to John Fisher at Rivington concerning property belonging to Rivington School in Wolsingham and asking if he could purchase his own home and garden, at present rented from the school at 13s. p.a., for £30.

Paper 2ff.

RIV/91 8 March 1802

Letter from W. Bates of Wolsingham to Alexander Gerrard at Rivington concerning the distress against Whit. Pearson, one of the school's tenants, for non-payment of rent and the bad state of the farm, asking that his brother should be allowed to take it over; with note that the Bishop's Agents are also going to distress against Whit. Pearson for non-payment of the Bishop's rent for 9 years amounting to £10.14.2d.

Paper 2ff.

RIV/92 22 November 1834

Letter from John Greenwell of Southside to Robert Andrews Esq. at Rivington Hall informing him that he has collected the year's rents due May 1834 from properties in Durham, viz:

at Hetton le Hole, Softley and Wolsingham;
with other information concerning the said properties.

Paper 2ff.

RIV/93 19 November 1838

Account in respect of water work done by the proprietors of land adjoining the river Wear at Wolsingham, viz.:

the Countess of Coventry, John Cook, Joshua Garthwaite and Rivington School.
1 piece.

RIV/94 25 August 1841

Copy of notice given by Roger Gerrard and ... Gaskell, two of the Governors of Rivington School, to inform the school's tenants in Durham of their intention to collect the rents on or about 1 September next.

1 piece.

RIV/95 13 January 1845

Letter from Luke Wilson of Copley to Roger Gerrard at Anglezark concerning rents at Wolsingham.

Paper 2ff.

RIV/96 18 September 1852

Letter from Luke Wilson of Southside (Lynesack and Softley) to [Robert?] Andrews concerning the purchase of some land by Mr Wooler of Wolsingham, and information about rents he has received.

Paper 1f.

RIV/97 - RIV/103 26 November 1857 - 19 July 1858

Correspondence between O.B. Wooler, solicitor in Darlington, and William Longworth, one of the Governors of Rivington School, concerning the sale to Mr Surtees of lands at Lynesack and Softley at present held by lease from the school:

6 letters from Wooler to Longworth, including a copy of a letter from Bowser & Ward, solicitors for Mr Surtees at Bishop Auckland.

1 letter from Longworth to Wooler.

7 pieces, 2ff. each

RIV/104. - RIV/110 24 January 1859 - 8 November 1859.

Correspondence between O.B. Wooler and William Longworth concerning interest payable to Rivington School by Mr Surtees and the completion of the sale of lands to him:

6 letters from Wooler to Longworth and draft of 1 reply.

5 pieces 1f. each. 2 pieces 2ff. each.

RIV/111. - RIV/118 21 January - 17 May 1860

Correspondence between O.B. Wooler and William Longworth concerning objections to the sale of land to Mr Surtees made to the Charity Commissioners by Revd. Sutcliffe:

7 letters from Wooler to Longworth, and draft of 1 reply.

7 letters 2ff. each. 1 draft, 1f.

RIV/119 23 July 1860

Letter from Frederick Charles Wace of St John's College, Cambridge to William Longworth acknowledging receipt of a postal order to pay the printer's bill for examination papers for Rivington School and thanking him for various kindnesses.

Paper 2ff.

RIV/120

Enclosure with 119:

Printer's Bill - receipted.

1 piece.

RIV/121 3 September 1860

Letter from C.G. of [Rivington] School to William Longworth informing him of his intention to call for his yearly interest on 10 September.

Paper 2ff.

RIV/122 - RIV/132 3 September 1860 - 9 January 1861

Correspondence concerning the refusal of the Charity Commissioners to sanction the sale of land to Mr Surtees and financial matters arising from this decision:

5 letters and 1 receipt from O.B. Wooler to William Longworth;

3 drafts from Longworth to Wooler;

2 letters from Messrs. Bowser & Ward to Wooler.

8 letters 2ff. each. 2 letters 1f. each. Receipt: 1 piece

Solicitor's accounts with Rivington School

RIV/133

Account of Messrs. Stanton & Jones for October and November 1856.

Receipt dated 13 March 1857.

Paper 2ff.

RIV/134

Account of Messrs. Stanton & Jones for April 1857.

Receipt dated 24 December 1859.

Paper 1f.

RIV/135

Account of Octavius B. Wooler for 31 August 1859 to 8 October 1860.

Paper 4ff.