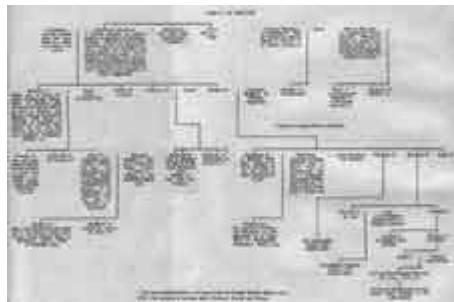


# The Procters of Bordley & Winterburn

An edited extract from JW Morkill's book - *The Parish of Kirkby Malhamdale*



The pedigree of  
**Geoffrey Procter** of Bordley,  
auditor to the Earl of  
Northumberland.

At the opening of the sixteenth century, the Procters were a vigorous race in Craven. At various houses in the township of Bordley, in the parish of Burnsall and at Winterburn, Friarshead and Cowpercote, in the parish of Gargrave, were established substantial families of the name, all tenants of Monastic Houses. It was a common practice of these establishments to lease the more remote portions of their landed property for terms of years at fixed rentals. By renewal of leases such properties were often held by successive generations of one family, a continuity of possession which conferred a measure of territorial importance.

Of such a family, Geoffrey Procter of Bordley, a tenant of the Abbey of Fountains, was the representative. He died in the second half of 1523 or early in the following year, and his long and very interesting will proves him to have possessed a very considerable estate both in lands and goods. In a deed of the twenty-sixth year of Henry VIII (Calton Deeds, 56), he is described as '*Geoffrey Procter auditor deceased*', and from a petition to the monarch last mentioned ("Yorks. Record Series XIV, p152 - Star Chamber Proceedings"), it appears that he was '*auditor*' to Henry, Earl of Northumberland, a position which was perhaps analogous to that of the agent of to-day.

By his will dated '*at Nether Bordley in Craven the tend daye of Jany*' in the sixteenth year of Henry VIII - 1524 (Printed in Test. Ebor, V, 182. Surtees Soc. Vol 79), Geoffrey directs that in case he shall die within twenty miles of his parish church of Rilston, he shall be there buried with his wife. He proceeds to charge his lands in Litton, Owlcoottes, Hawkeswike and Scotthorp in Craven,

*'to the clere yerely valour of iiiii li over and above al charges to th' use and entent to have a*

*preist to say Masse and other divine service in the Churche of Rilston in Craven aforesayd for evermore'.*

Minute instructions follow as to the duties of the priest and the services he is to conduct. A later clause of the Will refers to a chapel at Bordley :

*'Item I will that my son or his heires or other of my childer afore namyd that dwellith in Bordley in tyme commyng have the challes Messe buke and al the vestymentes and other ornamentis belongyng to the chapell of Bordley, and that thei shall duryng there lives gif mete drynke and logyng to a preist continually mynstryng Divine service in the saide chapell; and his wages that will not be had of the inhabitantes w'in the lordship of Bordley to be borne at the costes and charges of hym or them that shallbe dwellyng at Bordley aforesade for the tyme beyng, if he or thei be of habilitie and power soo to doo'.*

To his grandson Geoffrey Proctor, testator gives his '*signeth of gold that haith an hynde gravyn in the printe of it*', and desires that he may '*be putto service to my singular good lorde my Lorde Percy at such tyme as it please his lordship to take hym to his service*'. To his grandchildren Eustace and Henry he gives his '*best salte with a cover of silver parcell gilt XII silver spones, a goblet of silver with a cover parcell gilt and a litle macer withoute a cover, equally to be divided betwixt them*'; to his son Richard '*six silver spoones and the goblett of silver with a cover and the salte of silver with a cover*'; to his grandson Henry his '*best houp of gold*' and one '*houp*' of gold each to Eustace and Cuthbert Proctor, the latter's having a '*septer uppon it*'.

The following direction seems to suggest an excess of zeal on the part of the Abbot of Fountains in safeguarding valuables entrusted to his keeping:

*'And in like wise I will that Richard (testator's son), endevour him to the uttirmost of his power and to gett the best helpe that he can or may to compell th'abbott of Fountance to paye and delyver hym XX li in gold, and the macer and VI silver sponys that my saide suster delyvered to his monke, John Kepas, to kepe, which XX li etc. the said John Kepas, monke, delyvered to the said Abbott, that it may be disposed to my said suster Will'.*

Geoffrey devises his '*farmeholds*' at Bordley to his eldest son Richard, and his lands in Malham, Kirkby, Calton and Hanlith to his grandson Geoffrey, son of his son Robert. He also makes provision for Eustace and Henry, sons of his son William. As supervisors of his will, he names

*'Maister John Norton, of Norton, Esquier, Maister Antony Clifford, Esquier, Henry Marton, Richarde Banke, and John Lamberte, gentilmen'.* The will was proved on 6 July 1525.

After the Dissolution, Bordley was included in a large slice of the lands of Fountains sold by Henry VIII to Sir Richard Gresham (Burton, Monast, p. 143). Ten years later in the fifth year of Edward VI, Sir Richard's son, John Gresham, sold the Bordley estate to John White, citizen and grocer of London for £474 10s 0d (Procter Deeds and Fine Trin. Term, 7 Edw. VI -1553) and in the eighteenth year of Elizabeth (1575-6), White, in turn, sold it for £780 to John Tennant, John Kidd and John Wallock. (Procter Deeds and Fine Trin. Term, 18 Eliz. -1576). Meantime, the Procters appear to have remained in possession of Bordley as tenants of its lay owners, but before the thirty ninth year of Elizabeth (1597) they had acquired the freehold, and it seems probable that the purchase last mentioned was made on their behalf.

In 1597, John Procter, who was possibly a younger son of Richard Procter of Bordley, was owner of the estate. He died on 24 November of that year, and Livery of his lands was granted to his son and heir, Thomas, in the forty-second year of the same reign (Pocter deeds). The grant shows that John held in chief by the service of the hundredth part of a knight's fee, the capital messuage called Bordley Hall, in Nether Bordley, ten messuages, ten gardens, ten orchards, one water corn-mill, two hundred acres of arable land, one hundred acres of meadow, two hundred acres of pasture, two hundred acres of moor, two hundred acres of turbary, and three hundred acres of gorse and heather, with all appurtenances of the said manor or capital messuage in Over Bordley, Nether Bordley, Kirkby, Burnsall and Malham; also the advowson of the Vicarage of Gargrave and three messuages with ten bovates of land belonging to them in the same vill.

The Bordley property is valued by the year at £63 6s 8d and that in Gargrave at £2 135. 4d. Bordley Hall, which by tradition is reputed to have had seven outer doors, has been replaced by a modern farmhouse built in 1749 and no trace of its chapel remains, save the name, Chapel-garth, which appertains to a field adjoining the house on the west. (References to the Chapel occur in the Parish Register of Rilston, for example the following: 1671, Ed. Hebden and Isabel Ayrton married at Bordley Chapel') With the exception of a small portion which was sold to the Leeds and Liverpool Canal Company, the Procters still own the estate.

A contemporary of Geoffrey of Bordley was Thomas Procter of Friar's Head in the township of Winterburn, which he held of the Abbey of Furness. His will, dated on 22 May 1507, directs that he shall be buried in the Church of St. Andrew, of Gargrave, and expresses a hope that the post which he holds under Furness may be bestowed by the Abbot on his son, Stephen. To his wife, Eden, and his said son Stephen, he gives his farm of Friar's Head —*'volo quod Eden uxor mea et Stephanus films meus habeant firmarium meum de Frerehead.'* (Test. Ebor, Vol. V. p. 182 note. Surtees Soc.)

A neighbour of Thomas, of Friar's Head, was Roger Procter of Coppercott (Cowpercote) in the same township, who made his will on 24 March 1516-17, and like Thomas desired to be buried within his parish church of St. Andrew of Gargrave, *'in the sou the ylle wher I was wont to knele and sytt'*. To his son Thomas, he gives his *'Fermolde'* of Coppercotte, and to his son Robert, his

'Fermold' of Newfelde. To his daughters Isabele and Mabele, £6135. 4d. each, '*to be att the rewll and guydyng of Stephen Proctor of Frerhede*'. Towards the '*makyng of the north ylle in Gargrave Churche*' he gives 20/- and '*to a prest to syng fore my soull at Winterburne Chappel XIIs. iiiid.*'. He appoints his sons, Thomas and Stephen, his executors, and '*Sir Henry Clyfford, Knyght*' supervisor of his Will (Test. Ebor, Vol. V. p. 182. Surtees Soc.).

Another contemporary was Ralph Procter, who, by his will, dated on Easter Day 1512, like the others, desires burial in the Church of St. Andrew, of Gargrave, near the grave of his father, '*ex austral! parte prope sepulcrum patris mei*'. As executors he appoints his grandfather Roger Prokter and Sir John Acastre, Vicar of Gargrave ( Test. Ebor, Vol. V. p. 182. Surtees Soc.).

In the absence of direct evidence of the fact it may probably be taken for granted that the Procters of Bordley and those of the adjoining township, Winterburn, were of the same stock. In Winterburn, Flasby, Hetton, Eshton and Airton, the Monastery of Furness had extensive possessions of which some details are furnished by a Rental preserved in the Treasury of the Exchequer at the Chapter House, Westminster, and made for the last Abbot, as under :

Imprimis	Wynterburne Hall,	Vi li.
Item,	Wynterburne Towne,	Xili: Xs : iid.
Item,	Freerhed,	VHili : Ills : ivd.
Item.	Cowpercote et Newfeylde,	VHili: Xs
Item,	Cowhouse cum aliis ibidem,	Vlllli.
Item,	Esctcheton (Eshton), Flasbye, Yareton (Airton),	iXli: iXs.
	<b>Summa</b>	<b>Lili: Xiis : vid.</b>

At the date of the Dissolution, Friar's Head and the manor of Winterburn, with the office of receiver or bailiff of the Abbey's estates in the neighbourhood were held by a certain Gabriel Procter, under a lease granted by the Abbey, seven or eight years previously. Upon the downfall of the Abbey, a powerful and apparently, a not too scrupulous neighbour, the Earl of Cumberland, descended upon Procter and the other tenants of the Abbey and, claiming possession by virtue of a more recent lease forcibly ejected them from their holdings. The tenants with Procter at their head thereupon brought an action against the Earl, alleging his lease to be fraudulent. The interrogatories and depositions of witnesses in the suit are filed with the records of the Court of Augmentation (See Beck's Annales Furnesienscs, pub. 1844) and shed an instructive light on the moral atmosphere of the time. To minds undeterred by the fear of committing sacrilege, the Dissolution of the Monasteries and the somewhat careless distribution of their lands which followed presented rare opportunities of securing bargains. To this end there existed perhaps no surer means than to procure from a doomed house, at an easy rent, a lease of its lands which by a little diplomacy might later on be enlarged to a freehold on terms no less easy. Confronted as they were by a prospect offering little beyond starvation it is small wonder that the monks should have been ready to listen to the overtures of aspiring lessees, from each of whom an immediate payment in cash, by way of '*gressum*' or '*footing*' for the lease could be extracted.

On the death of Abbot Banks, shortly before the Dissolution, a certain monk, by name, Hugh Browne, having possessed himself of the Convent's Seal, affixed its impression to a number of blank sheets of parchment which in return for a suitable consideration he handed to various individuals. That the Earl's lease was written on one of these sheets without the knowledge or consent of the convent, Procter and his friends succeeded in convincing the Commissioners, since a decree restraining the Earl was issued. New leases were granted to Procter and his associates and he was reappointed to his old office of bailiff and receiver of the Abbey's lands now vested in the Crown. In the days of Edward it was not an easy task to enforce an order upon a powerful noble whose stronghold lay in the wilds of Craven; the decree was ignored by the Earl, and Procter, unable to get possession of his lands, in the year 1556-7 again petitioned the Crown for redress. At this period the operation of the law was not only costly but slow. The suit had lasted twenty-one years and had entailed heavy expense, which coupled with his inability to derive any benefit from the occupancy of his manor and land, had seriously crippled Procter's resources. He pleads that:

'by ye reason of this longe sewte and that he cannott quietlye occupye and enjoye accordynge untoe hys leasse made by ye late Kyng Edward ye Sexte under ye Duche Seale and accordyng to a Decree mayde agaynst ye sayde Erie and his tennants' &c. he and his wife and children are 'clerely beggered'. (Calendar to Pleadings Duc. Lanc., 3 &4 Philip and Mary, and Annales Furnesienses) There follows the statement that:

*'ye sayd Gabrielle and hys ancessowres called Proctours successyfely one after another as farmers haythe hade ye sayd manore (Winterburn) by leasse more than tow hunderethe yere and al ye tenandes was put in bye them for when oulde John Proctour dyd first take ye sayde manore by leasse of ye Abbey of Furnes ther was no tenande inabytyng wythin ye sayde manore for the Abbaye had it yn ther owne handes at that tyme'.*

An account of the Procters would be incomplete which omitted some notice of Sir Stephen Procter, the builder of Fountains Hall, who was baptised at Gargrave on 4 May 1562, the son of Thomas Procter of Frearhead. Of his early years nothing is known, but towards the end of the century, his name appears frequently as a litigant and it is from the Caesar Papers and Records of Chancery and Star Chamber cases that most of our information about his remarkable career is derived. An interesting though somewhat resentful sketch of his character and history has already been given by Walbran in Vol. II of his Memorials of Fountains Abbey (Surtees Soc.). Certainly it would seem that misfortune overtook him, if it did not overwhelm him, in his latter years. He must have married early in life and moved, apparently with his father, to Warsill, near Ripon, since, under date 4 September 1584, we find an entry of the burial of *'Thomas fil Stephani Procter generosi de . . . rsheille sepult'* (Ripon Cathedral Register). Stephen's wife was Honor, the daughter of Raphe Greene, who is elsewhere described as *'one of her Majesties Musitions'* (Acts of the Privy Council, 1589). There must have been a considerable family of Procters resident in Warsill at this period, since among the entries in the parish register for the period we find :Baptisms -'19 March 1603 - Tho :son of Elyas Procter de Warsell. This Elyas was

presumably the younger brother of Stephen. The entry of his baptism at Gargrave on 12 March 1564, reads '*Elyas Proctor, son of Thos. Proctor of Frearhead*'

A significant Christian name occurring frequently in these entries is that of Gabriel, found in the heraldic window at Fountains Hall mentioned later. The Fountains estate was purchased by Stephen in 1596 for £4,500 from the heirs-at-law of Sir Richard Gresham, to whom the manor and dissolved monastery had been sold by Henry VIII in 1540 for £1,163. By what means he had amassed the wealth which this transaction clearly denotes, it is at this date impossible to say. Nothing definite is known of his wife's family, but it would appear unlikely that this was the source of his affluence, though she may have been an heiress. The Procters of Friarshead were a family of substance, but Stephen had evidently added considerably to his patrimony. In 1589 Thomas Procter of Warsell and William Peterson had obtained by Letters Patent the grant of a monopoly for the '*making of iron with sea-coal*', but whether or not this enterprise was a financial success is not known.

In this same year a letter from Thos. Windebank to Walsingham refers to Thomas Procter's negotiations with the Emperor of Russia, while in the following year Edward Anlabye complains of the loss occasioned to him 'by reason of the same privilege'. (Cal. State Papers) A further echo is found in the record of a Chancery suit by Sir Edward Fytton v Stephen Procter et al. '*For account respecting partnership —an undertaking for the working of iron with sea-coal and turf, in pursuance of the queen's letters-patent granted to Thomas Procter, esquire, and another, in which plaintiff was to have a concern*'. It certainly seems a plausible hypothesis that Stephen derived some of his wealth from this early smelting undertaking, which, on the death of his father had evidently passed into his hands. By 1596, at any rate, he was enabled to purchase the extensive estate of Fountains and the following year he was made a Justice of the Peace for the West Riding.

The acquisition of Fountains immediately involved Stephen in a series of lawsuits and gained for him the enmity of powerful neighbours, the Mallorys, who were to be a thorn in his flesh till the end of his days. In 1602 he was charged with making slanderous speeches against the Earl of Derby and brought a countercharge of riot in the Court of Star Chamber against the Earl's officers. In a letter to Cecil, John Mallory writes:

*'The pursuit of his trouble is only suggested by Mr Procter, who, in the short time he has been a justice, has bred more faction and sedition than many of our justices have made unity'* (Hatfield MSS. Vol. XII); and later in the same letter: *'his accomplices give out he exceeds all others in credit, which so puffs him up with vain glory that he forgets what he has been'*. The details of Procter's complaint are interesting, especially the reference to his mines: *'that his freehold has been entered upon, his officers assaulted, his goods taken, his coal mines destroyed in one night and a gallows set up in the place, his houses pulled down, etc'*.

Some years later equally violent proceedings became the subject of a suit he brought against Darnbrook and others in connection with 'one horrible riot' committed at his lead mines. From these first legal frays Stephen appears to have emerged unscathed; in fact they seem to have whetted his appetite for litigation. Shortly after the accession of James I he was knighted at the Tower —on 14 March 1604. The following year, on 1 November, he was admitted to Gray's Inn.

His affairs prospered and he proceeded with the erection of a fine new house, Fountains Hall, built with stone from the Abbey hard by: the house, a fine Renascence structure, its front ornamented with figures of the Nine Worthies, was completed at a cost of £3, 000 in 1611.

Whatever his personal convictions may have been, he certainly turned the prevailing religious situation to account, and having procured appointment (31 July 1609) as 'Collector and Receiver of Fines on Penal Statutes' (Cal. of State Papers, James I) zealously hunted out recusants, harbourers of seminaries, and all in the least degree suspect in matters of religion. Such excessive zeal was to prove his undoing, quite apart from any question as to the proper partition of the sums collected. Already in 1602 he had exhibited in the Star Chamber a bill against Sir William Mallory alleging that by his '*countenance and remissness, the county hereabouts had relapsed into disobedience in religion*'. In February 1609, William Falconbridge writes a memorandum of the practice of Sir Stephen Procter, Lady Procter and others against Sir John Mallory (Cal. of State Papers, James I), while on 21 August of the same year, Procter complains to the Earl of Exeter of injuries done to him by Sir John Mallory (Cal. of State Papers, James I). Within twelve months of his installation in his new office, Stephen was accused of '*vexatious abuses in the exercise of his patents*' (Cal. of State Papers, James I).

He had reached the climax of his success and his fall was not long to be delayed. Soon he was proceeded against in the Star Chamber on a charge of '*scandal and conspiracy*' in '*endeavouring unjustly to involve two Yorkshire Knights in trouble about the Powder Plot and for slandering the Lord Privy Seal*' (Cal. of State Papers, James I). Though he was found guilty and sentenced to imprisonment and the pillory, and to pay a fine of £3,000, he was acquitted on appeal, the panel of judges being equally divided (Coke's Institutes). Nevertheless, his ruin was now accomplished and we hear of him no more. In 1619 there was some talk of renewing on behalf of another, '*with certain exceptions and provisoes*', the office formerly enjoyed by Stephen, now apparently living in retirement. His death must have occurred somewhere about this time, but no record of his burial-place has been discovered, though his arms are to be seen in a window of the south aisle of Ripon Cathedral. Administration of his estate was granted on 24 April 1620 to his widow, who, together with four daughters, co-heiresses, survived him. Julie Anne, daughter, and Lacie, son, of Stephen Procter gentleman, who were buried at Gargrave in 1614 and 1618 respectively, were probably the children of a relative and not of Sir Stephen. His brother Elias died in 1621 and his widow Honor in 1626.

Shortly after his death, the Fountains estate was conveyed by his widow and three of his daughters and co-heirs and their husbands, viz. Thos. Jackson of Cowling and Debora his wife, George Dawson of Azerley and Priscilla his wife and Stephen Pudsey of Arnforth and Beatrice his wife, to Sir Timothy Whittingham, for £3,595. On 15 October 1625, Sir Timothy, with Thomas Procter and others, conveyed the property to Humphrey Wharton for £3,500. Finally, on 27 May 1627, Humphrey Wharton and Thomas his son, with Broythwell Lloyd and Honora his wife, another of the co-heirs of Sir Stephen, conveyed the property to Richard Ewens and his heirs for £4,000, his son-in-law John Messenger advancing £2,700 of this sum. Exactly what this curious series of transactions implies it is difficult to say: probably these transfers were to some extent fictitious, but it is certain that with the last of them, the Fountains estate passed from Sir Stephen's heirs for ever.

The central window of the great chamber of Fountains Hall contains a fine display of heraldic glass which dates from Sir Stephen's time. Over fifty shields of impaled arms purport to record alliances of the Procters, and of a number of other families with which it is generally believed the Procters had no connection. Beneath each shield appear the surnames of husband and wife and occasionally the Christian names of their children. It will be noticed that prominence is given to the family of Mirewray, and that in four instances members of that family are described as Mirewray alias Procter, while in the record of Stephen's own marriage, he is described as 'Stephen Procter alias Mirewraye. 'Moreover the same shield of arms, viz. argent, a chevron gules between ten crosses crosslet sable, six in chief and four in base, is given as the arms of both these families, though there is certainly no record of any grant of arms to Sir Stephen, or to any of his immediate ancestors. Who were these Mirewrays? The name is clearly a northern name, a compound of 'rnire' = marshy or boggy land, and 'wra' =corner, angular piece of land. It is much the same as Mirfield, and characteristic of the Cumberland —E. Lancashire — W. Riding area. Thus it is not surprising that we should come across this family in the neighbourhood of Bentham and Clapham. The earliest record we have discovered relates to the year 1231 when Adam de Mirewrae was a witness to an undertaking by Gregory de Burton to pay the monks of Furness four shillings a year (Furness Abbey Couher Book. Vol. II, part 2, p. 481), while the following is a complete list of all the occurrences of this name we have so far been able to trace:—

- 1231 Adam de Mirewrae
- 1247 Hugh de Miriwra
- 1250-1 Hugo de Mirewra
- 1251 John de Mirewra
- 1290 Ralph de Mirwra and Master Adam de Mirwra
- 1301 William de Mirwro
- 1305 Gilbert de Mirewra and Adam, son of John de Mirewra
- 1317 Adam son of Gilbert de Mirewra and Isabella his wife
- 1347 Alan de Mirewra
- 1379 Gilbert de Myrewra

The last of these is taken from the Poll Tax Return of 2 Richard II, under Bentham, and the others are all associated with this district, and with families of distinction such as the Tunstalls, Hornbys, Claphams etc. Now, how can this family, which disappears from history before the end of the fourteenth century, have any connection with the Procters? There are two possible explanations. Either a Procter married an heiress of the de Mirewras, or a de Mirewra younger son, holding an appointment as proctor for the monks of Furness, in course of time adopted his title as his surname. It is significant that the name 'Procter' did not exist as a surname in this neighbourhood until the Abbeys obtained license to lease their properties to tenants and so had to appoint proctors to represent them in the Courts: this, in most cases, occurred about 1350. In the earliest lists of tenants, the surname Procter occurs frequently, and it has been widespread in the Bentham, Newby and Clapham districts ever since. Whatever the truth may be, it is evident that this is the family from which Sir Stephen believed, or wished it to be believed, that he was

descended. But had this family the right to bear arms? The coat in question is given in Papworth and Morant's British Armorials as the arms of Malemayne, Malmaynes, Mereworth or Merworth, William M'Wire but Merwre Harl. MS 6137. The last of these bears such a strong resemblance to Mirewra that it is hardly an unfair assumption to regard it as merely another variant, and since Harl. 6137 refers to the Acre Roll of 1192, perhaps the earliest.

So despite John Mallory's acid, '*he forgets what he has been*', Stephen could reflect with pride that four hundred years before, his crusading ancestor had fought nobly under Richard Coeur-de-Lion. Again, the third of these names supplies the clue to another of the problems presented by the window at Fountains, in which Sir Oliver Mirewraye is described as 'of Tymbridge in the Countie of Kent', for the Mereworts were of Mereworth Castle, about six miles N. E. of Tonbridge. Stephen clearly intended to make assurance of his noble lineage doubly sure, and so adopted the Mereworts as an offshoot of the de Mirewras. With patience, quite a number of the alliances recorded in the window can be traced, particularly the more recent ones such as that of Thomas Procter and Grace, daughter and heiress of Thomas Nowell of Read who died in 1575. The most recent would appear to be Derbye-Oxenford, referring to the marriage in 1595 of Wm. Stanley, sixth Earl of Derby, the nobleman he was alleged to have slandered, and Elizabeth de Vere, daughter of the 17th Earl of Oxford. How Stephen can have been connected with either of these families cannot easily be conceived. Perhaps the whole record was the work of a complaisant herald, and worthy to be compared with that of Dethick and Camden in the contemporaneous case of William Shakspere. It is at least amusing to find a Mirewraye-Mallory alliance included.

**Note:** The above as well as the will of Geoffery Proctor is from [kirkbymalham.info](http://kirkbymalham.info) website to whose collaborators are owed appreciation for their work. Although certain old records and writings are not in copyright, owners of the site have suggested reasonable terms of use related to photos, etc., on the site believed to have copyright issues. Note: Ownership of a photograph does not constitute copyright. The author (i.e.-photographer) of a photograph automatically has copyright, which right may be lost in time due to non-compliance with copyright laws. Read works dealing with copyright laws by period to ascertain whether any particular item's copyright is or can be still in force. - Doug Couch