

AQUE
in the Chester county pleas,
CHES 29/1–22
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The Mersey

The *Mersey* (esteemed the second of the Cheshire rivers) is formed by the junction of the Etherow and Goyt. The *Etherow* rises near Woodhead, at the junction of the counties of York, Derby, and Chester. From its source it forms the boundary, for some distance, between Cheshire and Derbyshire, the parish of Mottram being on the Cheshire side; it then enters this county, between Compstall-bridge and Marple-bridge, at its conflux with the *Goyt*, which rises in Macclesfield forest, and during a course of about nine miles is a boundary between Cheshire and Derbyshire, passing on the Cheshire side Taxall, Whaley, Disley, and Marple. At the above-mentioned conflux, the united rivers take the name of the Mersey, which passes near Chadkirk, between Offerton and Bredbury to the town of Stockport; from thence to Liverpool, it forms the boundary between Cheshire and Lancashire; passing on the Cheshire side, the parishes and townships of Cheadle, Northenden, Ashton, Carrington, Partington, Warburton, Thelwall, Latchford, Lower-Walton, and Runcorn.

The Mersey, where it meets the tide-water, opposite Warrington in Lancashire, is only forty yards wide: at Runcorn-gap, where it communicates with the Trent and Mersey, or Grand-trunk, and the Duke of Bridgewater's canals, its width is three hundred yards; below the gap it immediately extends itself into a grand estuary of three miles in width, receiving in its course the navigable river Weever from Northwich and Frodsham. In its course northward, from Runcorn it gradually diminishes for six miles, and opposite Liverpool its width is only three quarters of a mile, but it forms a fine channel, at least ten fathom deep at low water, very commodious for shipping; at the distance of about five miles, measuring by the Cheshire coast, it falls into the Irish sea, by two or three different channels, much incommoded by sands, but the passage is rendered secure by means of various land-marks, buoys, and light-houses and the excellent system of pilotage, established by the Liverpool merchants. The Cheshire parishes of Eastham, Frodsham, Ince, Bromborough, Bebington, and Wallasey, extend to the banks of the Mersey. The whole course of this river is forty-four miles.⁷

1:136 [1 June 1260]

The River Mersey formed the boundary between Cheshire and Lancashire for much of its length, this also being the 'Lyne', 'Lyne' or *limen* between the palatinates. At this period it was possible for miscreants under the age of 21 to avoid punishment by abjuring the fatherland, i.e. permanently removing themselves by crossing the Mersey or by taking the road to Stafford.

Wilkin de Horton had been accused of felony and theft by J. de Horton, but 'on the supplication of the whole county' he was allowed to abjure the country and he took the road across the Mersey.

T^rminat^r

*Memor' quod Wilkin de Horton' appellat^s fuit de feloniam & lat^ocinio p^r .J. de Horton'.
quia inf^{el} etatem fuit ad supplic'oem Tocius Com' obiuravit pat^ram viam cepit ult^a M^rse.*

1:183 [13 July 1260]

Thomas de Lymm and Cecilia his wife brought this action against Robert son of Beatrix, for having harmed them by constructing a stank (a dam or weir). Robert was their tenant in Lymm and in some way had thereby, they claimed, impeded their customary easement in the water of Mersey. Robert denied that he had raised the stank in the place stated. The matter was put to an assize,

⁷ *Magna Britannia: Cheshire* pp. 419-420.

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which found that Robert had indeed raised the stank to their nuisance; and he was amerced; and 12d damages awarded against him.

t^rminatur

Thom' De Limme & Cecilia vxor eius u^rsus Rob' fil' Beatricis p breue de vi recenti de stangno iniuste leuato ad nocum'tu' &c' p^rtib^s c^pentibus idem Rob' exigit ad q^ale nocum'tu' actores p^rd'ci querunt^r d'cm stangnu' e'e leuatum. ad q^a fuit respons' q'd cum d'cs Rob' tenens sit d'cor Thome & Cecilie in villa p^rd'ca id'm Rob' p stangnu' p^rd'cm ip'os impediuit & vetiuit quod co'mod' suu' fac^re nequeuit in Aq^a de m^rse sic' pⁱus fac^re consueuer't An' stangni p^rd'ci construcc'om. It'm p^rd'cs Rob' dicit quod n'llm stangnu' leuauit loco quo d'ci actores conquerunt^r. & ex h' ptes se ponunt in vered'co ass' que dicit quod d'cs Rob' d'cm stangnu' leuauit ad nocum'tu' &c' & id'o id'm Rob' in m'ia. & d'ci actor' recupant sess' Dampna .xij. denar'

1:199 [13 July 1260]

Mabilla Slater was taken with stolen goods; because she was under age she abjured the fatherland, and took the road across the Mersey.

Me^d quod Mabill' Sclat^r capta cum latrocinio eo quod infra etatem fuit obiurauit patⁱam. viam cepit vlt^a m^rse

10:194 [17 June 1298]

Robert de Tatton, who had brought a writ of assize of novel disseisin against Roger del Broom, for having diverted a course of water, did not prosecute.

Rob's de Tatton', qui tulit br'e assise no. dis. de cursu aque diu^rso, u^s. Ric'm del Brom, no' p^s'. I'o ip'e & pleg' sui de p^s', in m'ia.

The 'course of water' is not identified, but was perhaps a stream running into the Mersey, because at the same sitting Richard del Broom sued Robert and Margery his wife for division of the waste in Northenden (on the left bank of the Mersey) with Hugh del Broom and Richard de Mollington. The matter was adjourned, at the request of the parties, to the next court, but disappears from the record.

10:220 [17 June 1298]

Ric's del brom sequit^r u^s. Rob'tm de Tatton'. & Marg'iam m'rem ei^s de p^rticipacio'e vasti in Northworthe[n cu'] Hug' del brom & Ric's de Mulynton'. & p^rd'ci Rob's & Marg'ia sunt sum'. & h'nt diem vsq' ad p^rx'm Com' p^rce [p^rtiu']

17:279 [15 March 1306]

A girl drowned by accident in the Mersey. The four townships responsible for presenting the incident (Legh, Lymm, Warburton and Grappenhall) paid a shilling each to be excused from appearing.

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iiij.s'.

D villatis de Leye Lymme, Werberton' & Gropenhale pro. lic' co'morandi &c' ne ven' ad p^rsent' infortuniu' cuiusdam puelle subm^rse in aqua de Mersee

17:671 [27 September 1306]

..... le Calf of Chester drowned by accident in the Mersey. Two townships responsible for presenting the incident (Carrington and Timperley) paid two shillings each to be excused from appearing.

Carinton' & Timp^rlegh' p li. Comorandi domi ne venire't ad Com' ad p^rsent'a'd' [infortunium de] le Calf de Cestr' subm^rso in aqua de Merse iiij. sol'.

20:635 [9 July 1308]

Adam de Hawarden killed Richard son of Robert Orm at night in Warrington (in Lancashire) in the house of Agnes de Wogan. Adam and Agnes, together with Dode Bornytheued and Cecilia wife of the Porter of Wigan afterwards threw the body into the Mersey, where it was found by one John de Ryxton, presumably on the Latchford side of the river. The coroner of Bucklow hundred, together with the townships of Latchford, Grappenhall, Thelwall and Appleton, reported this to Cheshire county court, stating that Adam was living in Chester. The court therefore ordered the mayor and sheriffs of Chester to produce Adam before the next county court.

However, the townshipmen of Thelwall then protested that they should not have been called to make this presentment, because Thelwall is not close to the townships of Latchford, Grappenhall and Appleton. Certainly, the modern township of Thelwall is a little up-river of Latchford. Thelwall was thereafter normally one of the *quatuor villate* (with Grappenhall and Appleton) that presented with Latchford (20:394, 409); and previously had counted Latchford among its own *villate annexe* (with Lymm and Grappenhall; 17:578). Despite this, the townshipmen of Thelwall now claimed that they had never acted as an adjoining township to Latchford, Grappenhall and Appleton — but that Walton had. The later townships of Higher and Lower Walton were in Runcorn parish, and indeed adjoined Appleton, Grappenhall and Latchford; but, for one reason or another, Walton does not appear as a township in these early county court rolls.

The justice ordered the coroner of Bucklow to henceforth include Walton among the townships adjoining Latchford, Appleton and Grappenhall, and that Thelwall should henceforth appear with the three adjoining townships (not specified) with which they normally appeared. For this privilege (which was never apparently acted upon) the township of Thelwall was to pay the court 5s.

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Id'm Coronator [de Bulkelowe] & similit' quatuor villate scilic' Lacheford Gropenhale Thelewal & Apilton' p'sent' q'd Ad' de Hawarthyn occidit noctant' Ric'm fil' Rob'ti Orm in villa de Warington' in domo Agn' de Wogan Et postea d'cus Ad' & ip'a Agnes & Dode Bornytheued & Cecil' vx' le Porter de Wygan iactaueru't ip'm in aqua de M'see & de bon' ip'or ignorantur eo q'd d'cus Ad' man' in Cestr' Id'o prec' est Maiori & vic' Cestr' q'd cap' eu' si &c' Et saluo &c' Ita q'd h'eant corp^s eius ad px' Com' &c' Et de p'd'cis Agn' Dode Cecil' prec' est vic' & seruientib^s Cestris' q'd cap' eos si inuent' &c'. Inuentor Joh'es de Ryxton' Et non male creditur

Et sup hoc villat' de Thelewale dicit q'd villata illa no' est p'pinq'or villatis de Lacheford Gropenhale & Appelton' nec' cu' villat^s illis ad aliq'm p'sentac'oem de huiusmodi casib^s em'gentib^s ecia' Coronatore vel ad Com' Hucusq' venire solebant licet p co'pulsione' Coronatoris inde ven'nt. Immo villata de Walton'. que est p'pinq'or p'd'cis villat^s semp acten^s cu' eis ad hi^s p'sentac'oem facienda'. Et petu't q'd p'sentac'o modo p co'pulsione' Coronatoris p eos f'ca vertatur eis alias in p'iudiciu'. Et testatu' est in pleno Com'. q'd villata de Walton' p'pinq'or est aliis villat^s & solita cu' eis ad huiusmodi p'sentac'oem faciend' venire. I'o p'ceptu' est Coronatori. q'd decet'o ad hi^s p'sentaco'es cora' eo faciend'. villata' de Walton' cu' p'd'cis. villat^s de Lacheford Gropenhale & Appelton'. Et p'd'cam villata' de Thelewalle cu' aliis trib^s villatis p'pinq'orib^s sibi adiace'tib^s cu' quib^s solita est venire &c' Et p hi^s gr'a h'nda p'd'ca villat' de Thelewalle dant d'no Reg'. v.sol'. ppl'. Rob'i Gocelyn.

21:859 [2 September 1309]

Margery who was wife of Robert son of Ughtred claimed as dower from Agnes who was wife of Thomas Cocus [Cook] a third part of two messuages (later altered to one messuage), of a bovate of land and of a fishery in the Mersey every week from 9 o'clock on Saturday to 9 o'clock on Sunday, in Thelwall.

Agnes appeared, together with her new husband, William de Thelwall; and called to warrant Reginald son of James de Poole. She said that James de Poole gave the premises to Thomas Cocus and to herself, Agnes, by a charter, which she produced. Reginald confirmed that the charter was his father's, and then called to warrant Robert brother and heir of Roger de Monte Alto [Mold]. Eventually Margery dropped the case, and was amerced 12d.

21:859 [2 September 1309]

p' e'

Marg'ia que fuit vx' Rob'ti fil' Vghtredi op. se u's^s. Agn' que fuit vx' Thome Coci de pl'ito t'cie ptis duor Mesuag' vni^s bouate terre & cuiusdam piscar' q^alibet septimana ab Hora diei nona diei sab'i vsq' ad Hora' nona' diei d'nice +de Mersee+ cu' p'tin' in Thelwall quas clam' vt dotem &c' Et p'd'ca Agn' no' venit Et sumo'ita &c' Judic' p'd'ca t'cia ps capiet' in manu' d'ni R^s & dies &c' Et ip'a sumoneat' q'd sit ad px'm Com' &c'

22:18 [7 October 1309]

Marg'ia q' fuit vx' Rob'i fil' Vlctredi petit vers^s Agn' q' fuit vx' Thome coci t'cia' ptem duor mesuag' & vni^s bouate terre cu' p'tin' in Thelwall & de quadam piscar' qualib'

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septimana ab hora nona diei sab'i vsq' ad hora' [nonam] die d'nice [cum ptin' in Thelwall] vt dotem &c'

Et p^rd'ca Agn' venit & petit inde visu' & h'eat — Et dat^s est eis dies vsq' ad px'm Com' &c'

22:218 [30 December 1309]

Marg'ia que fuit vx^r Rob'i fil' Vghtredi petit u^s Agnet' que fuit vx^r Thom' Coci tercia' ptem vni^s Mesuag', vnius bouat' t're & cuiusdam piscarie in aqua de Merse qualibet septimana ab hora nona sabb'ti. vsq' horam nonam diei d'nice. cum ptin' in Thelewall vt dotem &c'. vnde nich'. h'et &c'

Et p^rd'ca Agnes venit. Et ip'a simul cu' Will'o de Thelewalle viro suo. voc' inde ad warant'. Reginald' filiu' Jacobi de Pulle. Et sum' in eodem Com'. Hea't eu' hic ad px'm Com' &c'.

22:485 [31 March 1310]

M^arger' que fuit vx^r Rob'ti fil' Vghtredi petit. u^s. Agn' que fuit vx^r Thom' Coci t'ciam pte' vni^s Mes' vni^s bouat' t're & cui^sdam piscarie qualib' septim' ab hora nona diei sabb'i vs' ad horam nonam diei d'nice in aqua de Mersee cu' ptinenc' in Thelewall vt dotem &c'

Et p^rd'ca Agn' ven' & alias voc' inde ad warr^m Regin' fil' Jacobi de Pulle qui modo ven' p sum' & petit s' ostendi p quod ei warrantizare debeat &c'.

Et p^rd'ca Agn' dicit, q'd quidam Jacobus de Pulle p'r p^rd'ci Regin' c^s heres ip'e est dedit p^rd'ca ten', vnde p^rd'ca M^arger' pet' t'ciam pte' cuidam Thom' Coco viro suo & eid'm Agn', habend' & tenend' eisd'm Thom' & Agn' & her' ip'ius Thom' de Capit' d'nis &c', & obligauit se & her' suos ad warr' eid'm Thom' & Agn' & her' ip'ius Thom' p^rd'ca ten' &c'.

Et pfert q^amdam Cartam sub no'ie ip'ius Jacobi que hoc id'm testat'

Et p^rd'cus Regin' cognouit Cartam esse f'cam p^rd'ci Regin' p'ris sui & ei warr' in for^a p^rd'ca. Et vlt'ius voc' ad warr^m Rob' fr'em & her' Rog'i de Monte alto & su'm' in eod'm Com'

22:590 [12 May 1310]

M'ia.xij.d'

M^arger' que fuit vx' Rob'ti fil' Vghtredi que tulit br'e de dote. u^s. Agn', que fuit vx^r Thom' Coci no' est p's', id'o ip'a & pleg' sui de ps' scil't Thom' de Dauenport & Simon de Honford in m'ia. Et p^rd'ca Agn' inde sine die