

The Button Files

Newsletter of the Warburton Society

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The Warburton Website: <http://warburtontrees.net>

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The Newsletter

Welcome to the eleventh issue of **The Button Files**.

I am continuing to collect significant posts into Newsletters. I have also taken the opportunity to re-edit the articles and have removed typos and made other minor editorial changes,

The first tranche of posts appeared in Newsletter 10. This is the second group. A third group will appear in Newsletter 12, probably in the New Year, by which time I should be almost up to date. The second selection is as follows:

- **Mary Warburton's Obligation 1719** Ann Cooper asked for my help in deciphering an old document. This article compares my efforts with images of the document.
- **Elizabeth Jane's Tapestry** Photographs and a story about a tapestry made in 1836.
- **Tottington Clan Updated** When I investigated the ancestry of John, The Somerset Herald, I realised he belonged to the Tottington Clan. This article explains how.
- **Nineteenth Century Social Mobility** This is the story of the trial of John Warburton for acting as an apothecary without license, and how he recovered to become a doctor, and the head of a family of doctors.

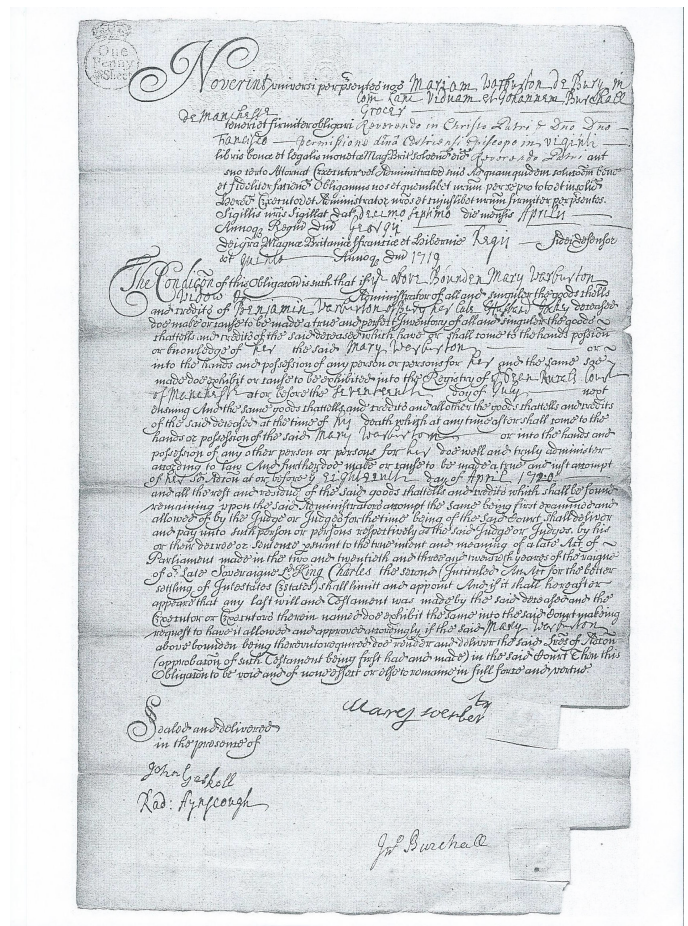
- **The Warburtons of Jamaica** There are a number of Afro-Caribbean Warburtons from Jamaica. How might this be?

Mary Warburton's Obligation 1719

Ann Cooper has sent me an old document and asked for my help in reading it. It turns out to be an Obligation to produce an Inventory, together with the Inventory. It is written in Secretary Hand, and some years ago I did a course in reading this, though I haven't practiced much. It includes a Latin preamble which don't understand, and the body includes some words I have guessed, and some I couldn't decipher, but there is enough to understand the meaning. Below I have included images of the document, and my translation.

In essence the document describes Mary Warburton's Obligation to produce an Inventory of the Effects of Her Late Husband Benjamin.

Mary Warburton Obligation Page 1



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The Latin preamble starts with a reference to Mariam Warburton of Bury, widow, and Johannes Birchall, grocer of Manchester.

It also seems to be a pro-forma document with bits added in a different hand. It seems Mary and John are administrators of the estate, and the document is dated 17th April 1719 in the reign of King George. They are being required to produce an Inventory of Benjamin's effects.

The English part (as best as I can make out) is as follows. Square brackets means a guess I'm not sure of, and ? means I don't know the word. I have used modern spelling, the actual spelling is variable and some words are abbreviated. There is also a complete lack of punctuation:

The Condition of this Obligation is such that if the above bounden Mary Warburton widow Administrator of all and singular the goods chattels and [profits] of Benjamin Warburton of Bury her late husband [lately] deceased does make or cause to be made a true and perfect Inventory of all and singular the goods chattels and profits of the said deceased which have or shall come to the hands possession or knowledge of her the said Mary Warburton or into the hands and possession of any person or persons for her and the same [so] made does exhibit or cause to be exhibited into the Registry of ???1 Court of Manchester at or before the seventeenth day of July next ensuing And the same goods chattels and [profits] and all other goods chattels and [profits] of the said deceased at the time of his death which at any time after shall come to the hands or possession of the said Mary Warburton or into the hands and possession of any other person or persons for her does well and truly administer according to law And further does make or cause to be made a true and ??2 account of her ?3 ?4 at or before the eighteenth day of April 1720 and all the cost and residue of the said goods chattels profits which shall be found remaining upon the said Administrators account the same being first examined and allowed of by the Judge or Judges for the time of the said court shall deliver and pay unto such person or persons respectively as the said Judge of Judges by his or their decree or sentence [pursuant] to the true intent and meaning of a late Act of Parliament made in the two and twentieth and three and twentieth years of the reign of our Late Sovereign Lord King Charles the second Instituted An Act for the better settling of Intestates (estates) shall [limit] and appoint And if it shall hereafter appears that any last will and Testament was made by the said deceased and the Executor or Executors therein named does exhibit the same into the said Court making request to have it allowed and approved accordingly if the said Mary Warburton above bound on being thereunto required does render and deliver the said ?5 of ?4 (approbation of such testament being first had and made) in the said Court Then this Obligation to be void and of none effect or also to remain in full force and ?6

Mary Warburton

Sealed and delivered

in the presence of

John Gaskell

[Rad: Fynscough]

John Birchall

Unknown words (question marks followed by a number):

1 looks like W Dean Rurals and is part of the name of the court.

2 looks like inst and is probably an abbreviated word meaning something like correct.

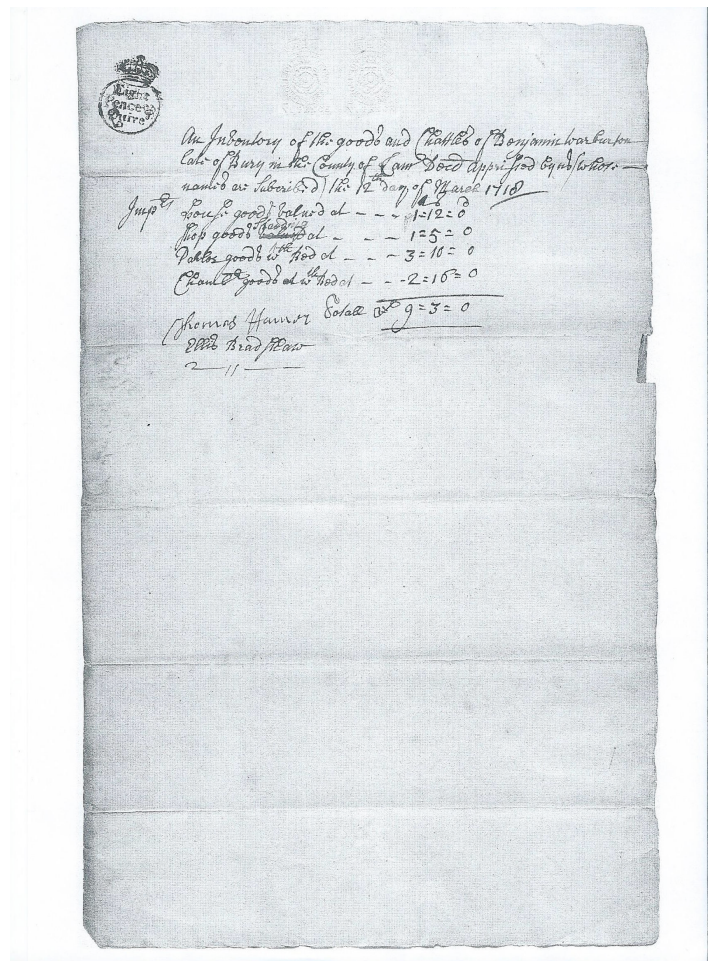
3 looks like sd, may be an abbreviation of said

4 looks like Adcon, seems to refer to the document Mary is required to produce, appears twice in the document.

5 looks like Lros and has a squiggle that suggests it is an abbreviation.

6 looks like rorcue, or rortue, and its meaning complements full force

Mary Warburton Obligation Page 2



Page 2 is in a different hand and is the Inventory Mary was required to produce:

An Inventory of the goods and chattels of Benjamin Warburton late of Bury in the County Lanc[ashire] [deceased] appraised by us whose names are subscribed the 12th day of March 1718 (Note: the Inventory is dated before the Obligation, though only be a month as prior to

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the introduction of the Gregorian calendar in 1752 the year ended on March 24th).

? (I think this means Item)

[Lounge] goods valued at	£1 12s 0d
[Shop] goods ? (valued crossed out and replaced by unknown word) at	£1 5s 0d
[Parlour] goods with bed at	£3 10s 0d
Chamber goods with bed at	£2 16s 0d
Total	£9 3s 0d
Thomas Harvey	
Ellis Bradshaw	

Elizabeth Jane's Tapestry

The following photos were sent to me by Diane Daly.



This is a photo of a poignant tapestry made by Elizabeth Jane Warburton (1821-after 1838). The wording is as follows:

*How happy every child of grace.
Who knows his sins forgiven.
This earth he cries is not my place.
I seek my place in heaven.*

*A stranger is the world below.
I calmly sojourn here.
nor can its happiness or woe.
Provoke my hope or fear.*

*What is there here to court my stay.
Or hold me back from home.
While angels beckon me away.
And Jesus bids me come*

There we in Jesus praise shall join.

*His boundless love proclaim.
And solemnise in songs devine.
The marriage of the lamb.*

The tapestry belongs to Diana's mother-in-law, a great-great niece of Elizabeth, great-grand-daughter of Charlotte Warburton and grand-daughter of Charlotte's daughter, Elizabeth Jane Cliffe, who was evidently named after her aunt.



This photo is believed to be of Charlotte Warburton Cliffe (1818-1917) in middle age. It belonged to Diana's mother-in-law but there is no written indication of the true identity.

Elizabeth Jane and Charlotte were sisters, daughters of Joseph and Grace (nee Bancks) of Rostherne, Cheshire. Joseph was the brother of my great-great-great grandfather William so they belong to the Hale Barns clan.

I can find no record of either Elizabeth's marriage (if she did marry) or death, but the subject of the tapestry poem indicates that she may well have been an invalid in 1838 and may have died at an early age.

Charlotte's husband, Peter Cliffe progressed from Gardener in 1851 to Head Gardener at Tatton Hall, country seat of the Baron (later Earl) Egerton. Evidently he was also involved in the development of Kew Gardens in the late 1800s.

Charlotte died in her 99th year, having lived since she was widowed in the house which husband Peter had had built for his retirement. Unfortunately he died in the 1880s before it was ready. Their unmarried daughter Charlotte left her job as dressmaker and ladies maid to Lady Egerton, a Lady in Waiting to Queen Victoria, to look after her mother, and subsequently also took responsibility for bringing up her niece, Kathleen Bailey, from about the

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age of 6. Kathleen remembered her grandmother Charlotte as a very kind and pleasant person.

Tottington Clan Updated

There is a similarity between Benjamin the father of John the Somerset Herald, and the Benjamin who sits at the top of the Tottington Clan. This clan all descend from Benjamin's son Thomas. The biggest issue is that the biography of John gives Benjamin's dates as 1653-1710 whereas we have the Benjamin in the Tottington Clan dying in 1718.

John's biography also mentioned that Benjamin lived at Elton. Elton is just outside Bury in Lancashire, on the road to Tottington. Baptisms, marriages and burials would most likely be at Bury, St Mary.

Fortunately the images of the Bury, St Mary parish records are now available on Ancestry and it is possible to see the available records. These show that the available records of births and deaths closely fit the description of Benjamin and his family from John's biography, specifically that John was one of 4 boys and 8 children, plus an unnamed infant burial.. The records include Benjamin's own baptism which indicates he was a twin and the son of John. Unfortunately his marriage has not been found, but there are 8 named children including 4 sons plus an unnamed burial, just as described in the biography. In fact four of the named children also died early. Most entries don't refer to Benjamin's abode, but two do say he was from Elton, although the last burial says he was from Bury.

There are records of the burial of a Benjamin in both 1710 and 1718. That in 1710 refers to Benjamin, son of John. Despite the fact Benjamin's father was in fact called John, I believe this is unlikely to be him because the father is normally only included on the burials of children. Therefore the 1718 burial would seem to be a better fit. This is especially so since the Lancashire Wills list says there is a Letter of Administration, and an Inventory for Benjamin of Bury dated 1719. Also it is possible that a grave is still in existence. Many Lancashire wills and the Monumental Inscriptions from the graveyard at Bury, St Mary are on microfilm that can be accessed at Local Family History Centres. Maybe someone could check these out.

It is also interesting that Benjamin was a tenant of Lord Derby. This is the Stanley family who were also the landowners when my ancestors acquired their land in Hale Barns and I have speculated before on whether the occasion for this was the Stanley's support for Henry Tudor. Is this just coincidence?

The baptism records include Thomas, the head of the Tottington Clan. It would seem, therefore, that John's story can be safely added to the Tottington Clan. However John is only known to have had one son, and one daughter. The son seems to have had only one daughter, so if there are any living descendants they are on the distaff side. Indeed the reported sale of his portrait to the College of Arms was by descendants of his daughter Amelia.

Nineteenth Century Social Mobility – an Example

The pictures in this article can also be found in the **Santa Clara** section of the **Gallery** on the website.

The first picture shows Dr Henry Hulme Warburton MD and his wife Catherine sitting in the centre with their three sons behind, and various other family members. It was sent to me by Peter Warburton, a descendant of Henry's brother Edmund. This is the start of the Warburton dynasty in California.



The following picture shows their home. It was sent to me by David Hartland, who is descended from Henry's brother James Pennington Warburton. David has done much research on the doctors of Betley and provided me with lots of information, which he hopes to publish himself some day.



Henry Hulme Warburton, M. D. was born in Betley, Staffordshire in 1819. He was educated at Giggleswick, Yorkshire, England, and trained as a doctor at the London Hospital Medical Institute, and then practised with his father until 1844, when he emigrated to America.

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He practised a while in New York but in the autumn of 1845, he went to New London, Connecticut, and embarked as a surgeon in the whaling vessel *Corea*, under Capt. Benjamin Hemstead. His voyages took him to the northwest coast of North America, the coast of New Zealand, and the Sandwich Islands. In 1847, at San Francisco, he resigned his commission and tried his hand at gold prospecting before settling in Santa Clara in 1848. Here he established his practice, one of only three in the whole of California at that time. He continued to practice for the rest of his life.

He married Mrs. Catherine Pennel, nee Long, a daughter of Peter and Hilah Long in 1855, and had seven children, two of which died in infancy. He visited friends and relatives in England in 1870, and died in 1903, aged 83. The following picture of Henry was also sent by David Hartland.



Henry and his family were significant figures in Santa Clara. Warburton Avenue was named after Henry. His grandson, Austen Den Warburton (1917-1995) was a lawyer and significant local historian who had a park named after him.

Searching the web I found a history of Santa Clara which includes a picture of Warburton's Pharmacy which Henry established in 1860. The picture was taken in 1906, three days before it burnt down. There is also a picture of Henry's office. The office was subsequently moved to Historic Park in San Jose.

Subsequently Dave Besana sent me pictures of two portraits, one of Henry Hulme Warburton MD, and one of his wife Catherine. The portraits were presented to Santa Clara museum by David and his daughter in October 2015



Dave is descended from Henry and Catherine via their son Armond, who is the baby in his mother's arms in the family portrait above.

I was sent the following photograph by Tony Parry. It is of the beautiful and accomplished Miss Selina Pennington Warburton born 1861 in Woore, Staffordshire. The photograph is dated 23 August 1883, in Liverpool.

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Selina

Selina was the niece of Henry Hulme Warburton, being the eldest daughter of his brother Charles Wesley Warburton. Charles was also a doctor. In 1891 she married Dr Frank Parry who may have been apprenticed to Charles. She died childless on August 4th 1912, during an operation for appendicitis. Selina had a sister who had been "shot in the head" but apparently survived, since she went around commenting on the fact.

Frank subsequently remarried and had a family which includes Tony who sent the picture.

Henry's father was Dr John Warburton of Betley. John was born in 1792 the eldest son of Arnold Warburton and Anne Hulme.

In all John had two wives and 16 children, all but 3 reaching adulthood. Henry was the eldest son to reach maturity. John was head of an extensive medical family. His brother-in-law and two nephews, six of his own sons, and three grandsons all became doctors. In addition one daughter and two granddaughters (including Selina) married doctors. The only son who didn't become a doctor became a lawyer.

The following picture is of John taken when he was about 70 years old. He died in his 86th year. It was also sent to me by David Hartland.

Arnold was born into a farming family in Dunham, a township in Bowdon parish, so in two generations the family progressed from farmers to doctors. A clue as to



how this was achieved can be found in an article from the Morning Chronicle of November 4th 1819, the year when Henry was born.

The article, entitled EMPIRICISM, describes an action to recover penalties of £20 against John Warburton for practicing as an apothecary in the town of Macclesfield when not duly qualified to do so.

A trial had taken place the previous spring before the Honourable Baron Garrow at Staffordshire Assizes. This was Sir William Garrow who made his name as an advocate of the adversarial court system, and who is credited with introducing the phrase "innocent until proven guilty". He is known to British TV viewers from the BBC series Garrow's Law which is based on his early life as a barrister. After a period in parliament he was, by 1819 an Assize Judge.

John Warburton had claimed the Judge had misdirected the jury and requested a new trial. The article is based on the report of the Appeal Judges which was read out by Mr Justice Best, and which rejected the appeal.

The background to the trial was an Act of Parliament passed in 1815 which required those practising as an Apothecary to be suitably qualified. The Act included an exemption for anyone who was already practising before August 1st 1815. John's defence was that this was the case and it was shown that he had indeed prescribed remedies to various patients but the Judge's summing up

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had declared that “everyone who practised physic, by running about the country as a quack and empiric” was not entitled to exemption, and the Jury had to decide if John had practised in accordance with the Act’s definition of an Apothecary, the main element being the ability to make up the prescriptions of others.

Much of the report was centred on the evidence of John’s father Arnold and this gives a fascinating insight into the history of the family. Arnold stated he had followed the practise of medicine for 15 years. During cross-examination he was very reluctant to admit his profession prior to that but eventually admitted he had been a farmer, and was the son and grandson of farmers.

In 1804 Arnold was 37 years old. He initially practised in Dunham, and then Stockport before moving to Macclesfield in 1811. In Stockport he had taken his son John into the business. John had originally tried weaving as an occupation, and spent a few weeks in two different factories, but he didn’t like it. He then joined his father in his business whilst he was practising in Stockport, and had now been with him for about 10 years. He attended his father’s patients, administered to them, and took payment.

When in February 1815 Arnold moved again to Newcastle-under-Lyme, he left John to continue his practise in Macclesfield, but later that year had had to call him to help him in Newcastle.

At the time of the trial Arnold had three surviving children, a son and two daughters, and was married to his second wife. His wife had moved with him to Newcastle, while the daughters stayed in Macclesfield with John, until they also moved to Newcastle. John was a principal in his father’s business at Newcastle for over 12 months until he married the daughter of Reverend Pennington and moved to Betley. Arnold then took an apprentice, Master Hayes, who married his daughter Ellen (also known as Elizabeth) in 1817.

Arnold’s first wife was Anne Hulme and they had three girls and three boys. When Anne died Arnold remarried in 1812 to Mary Windless.

Arnold was closely cross-examined. He described himself as a surgeon but proved unable to spell the word. He had learned from his brother-in-law, Dr Hulme who “practised the same as the Whitworth doctors who were regular physicians”. However when asked where the doctors got their degrees, Arnold said they had no degrees and were not physicians, only doctors who doctored cows and other things, and sometimes humans, as had Arnold.

The reference to the Whitworth doctors is probably a reference to the Taylor family who practised in Whitworth, near Rochdale from the 1750s to the 1870s. The first of the family to practise was John Taylor, a blacksmith who gained a reputation for treating animal fractures. It is said that his reputation began when built a tin case to heal a cat’s broken leg. The family later began to treat humans, gaining a widespread reputation as bone-setters. They were also famous for their treatment of cancers using an ointment called ‘keen’. A liquid known as ‘Whitworth red bottle’ was applied to sprains and bruises. By the late

eighteenth century, vast numbers of people were coming to Whitworth to be treated.

In all 18 members of the family practised as doctors, but although they gained an almost mythical reputation, only the later ones were formally trained, and they were considered quacks in some circles.

At John’s trial poor Arnold was forced to admit that he couldn’t make up a medicine from a doctor’s prescription, and although he was aware there were 16 ounces in a pound he did not go by regular weight, but mixed his medicines by hand. Although he bled patients with a lancet he could not name particular arteries.

John’s defence was that he had practised as an Apothecary before August 1st 1815, and his level of skill was irrelevant. However Baron Garrow directed the jury that by the terms of the Act an Apothecary should be able to make up a prescription and the Jury had to decide whether there was any opportunity for John to have learned this skill. He declared that “if it could be shown that John had even been a footman to an Apothecary and afterwards practised before the appointed time he would have taken him to have acquired a knowledge of his profession”. However his only source of learning was his father, “a man more ignorant than the most ignorant that they had ever before examined in any Court”.

The Appeal Judges agreed that Baron Garrow had been correct in so directing the Jury, and so refused the appeal. Mr Justice Bayley had referred to Arnold as a “cow-doctor and a horse-doctor. It was true that such a doctor might administer medicine to biped patients; but his Lordship thought in such a case, the applications of such persons for relief would fairly entitle the defendant to the additional degree of ass-doctor”. This statement produced general laughter in the Court.

Thus a medical dynasty was founded from very inauspicious beginnings. John acquired a proper medical training. In censuses he is careful to identify himself as a Licentiate of the Apothecary Company, who studied at the London Hospital, in addition to his occupation of Surgeon, or General Practitioner. His sons were also properly trained.

It is difficult to assess how effective Arnold’s ministrations were. He seems to have begun with animals, and maybe like the Taylor’s in Whitworth, he had sufficient success to attract human patients. He was also clearly influenced by, and learned from his father-in-law who had a similar practice. It is tempting to think his frequent relocation of his practise was to leave behind unfavourable reactions, but the fact he left John to run his Macclesfield practice, until he quickly needed his help in the new Newcastle-under-Lyme practice suggests he was able attract a fair amount of trade, and he did not leave too much of a mess in Macclesfield.

Arnold only lived three years after the trial so it is unlikely he changed his ways. But it is clear from the census entries that the trial had a major effect on John. At that time he had already started his practice in Betley, where he remained for the rest of his life.

The full article from the November 19th edition of the Morning Chronicle can be obtained from The British Newspaper Archive (subscription required)

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The Warburtons of Jamaica

I had a few friend requests on Facebook from Warburtons in, or from Jamaica. I hadn't realised there were so many Jamaicans with a good old Cheshire name, though I had been aware there were some for a while, since I was contacted by Raswella Warburton.

I replied introducing my Warburton One-Name study, and my interest in the Jamaican clan and its origins. The presence of the name in Jamaica dates back to slavery. Ancestry has slave returns from the early 19th century and these show 2 estates owned by Warburtons, though both had passed into other hands by the time of emancipation. I don't know which English Warburton clans the slave owners belonged to. I know they weren't in my direct line as my ancestors were farming in Hale Barns, Cheshire from before 1600. They could be unknown distant cousins though.

The slaves on the lists usually only had a Christian name, but there are 2 young boys who are also given a surname, Warburton. One is described as mulatto, and the other quadroon. Could one, or both of these boys have grown up and become the ancestor of modern Jamaican Warburtons, or are they simply descended from an ex-slave who adopted his master's surname?

I don't know the answer to that but it might be interesting to find out. Y-chromosome DNA is passed unchanged from father to son, so if those two boys were sons of the slave owner there may still be European y-chromosomes lurking in Jamaica, though I worry that might horrify some.

Have any of the Jamaican Warbrutons got an interest in their genealogy? Have they already researched this issue? Or does anyone want to take it up? I would love to find such a person.

Next Issue

The nest issue will collect more of the articles that have been posted on the website in the last 2 years. Hopefully it will bring me up to date.