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Front cover: The milked cow vignette on the Grindle map – Two Legal Maps from Shropshire).

SHROPSHIRE DUCK DECOYS

By PETER BROWN

Duck decoys were adapted ponds used to lure ducks to where they could be caught in nets or traps – often by a ‘decoyman’. They were common features of country estates throughout the post-medieval period, eventually beginning to go out of use in the later 19th century, with the growth of game-shooting and the decline of those country estates. Although largely a feature of eastern and coastal counties, decoys are known from across the Midlands. This study presents a corpus of the knowledge for the six decoys recorded for Shropshire, plus one neighbouring example just across the Welsh border in Montgomeryshire. Two of the Shropshire decoys are notably early examples, dating from the late 17th century. A particular feature of the study is the 17th-century litigation connected to the decoy at Whittington, where neighbours sought to disturb the ducks from afar, creating complex legal arguments that are satisfyingly well documented.

Most people today are unfamiliar with duck decoys, which once numbered hundreds across England and Wales and contributed greatly to the rural economy, supplying fowl to country houses and the wider population.

The technical details of the design, construction and operation of decoys are fully covered in the classic work by Payne-Gallwey (1886)¹ and in later works by Whitaker (1918),² Dennison and Russett (1990),³ Heaton (2001)⁴ and Heaton (2016).⁵ In brief, a decoy pond is an artificially-created or modified pool of water, often square or rectangular in outline, with curved ditches (called pipes) leading off. The wildfowl were first encouraged onto the pond and then lured up the pipes to be netted.

The tradition of constructing decoy ponds appears to have begun in the medieval period, with simple designs for nets and traps. Classic decoy ponds originated in Holland and were introduced into Britain during the 17th century. The name ‘decoy’ comes from the Dutch *eendenkooi* meaning a duck cage.

Decoys were generally located in the low-lying areas of England (there were none known in Scotland but some in Ireland), with a bias towards the eastern counties (mainly Suffolk, Norfolk, Essex and Lincolnshire). They also existed in large numbers in other wetland and coastal areas, as well as on some rivers and streams. The high-

point of activity was during the 18th and early-19th centuries when large numbers were built, although many decoys fell out of use during the later-19th and 20th centuries, when the growth of duck shooting as a sport became popular and the country houses declined.

The number of decoys constructed is not known with certainty, because they have not all been identified and catalogued in some areas. The total number recorded for England and Wales by Payne-Gallwey (1886) was 188,⁶ but this is an underestimate as research is still bringing other examples to light.⁷ The subsequent decline in numbers was summarised by Gilbert (1941),⁸ who recorded the losses after Payne-Gallwey’s time as the Fens were drained further. Payne-Gallwey found only 44 decoys still operating in Britain in 1886, with a further three in Ireland. Whitaker found only 21 decoys operating in 1918,⁹ of which ten had ceased to function by the time Gilbert wrote in 1936,¹⁰ one of which being the Oakly Park decoy near Ludlow. The only decoys Gilbert reported as still being in full use were at Borough Fen (Northamptonshire), Fritton (Suffolk), Orwell Park (Suffolk) and The Grange (Essex). Additionally, he reported that the decoy at Orierton (Pembrokeshire) had been reconditioned in 1934 but was used exclusively for ringing purposes.

According to Heaton, there were only four working decoys left in Britain in 2001:¹¹ Borough Fen (near

Peterborough), Berkeley New Decoy (Gloucestershire), Boarstall Decoy (Buckinghamshire) and Abbotsbury Swannery (Dorset).

SHROPSHIRE DECOYS

For Shropshire, Payne-Gallwey recorded only three decoys having been built in the county.¹² Those were at Oakly Park near Ludlow, Sundorne Castle north east of Shrewsbury and on the river Perry near Whittington. In later notes in his own copy of his book he refers to additional decoys at Hawkstone Hall in north east

Shropshire and Onslow Hall, about 6km west of Shrewsbury.¹³

The present author has extended the study to include the decoy at Lymore Hall near Montgomery, which is the only decoy known in Montgomeryshire. It falls just outside the Shropshire border, but its similarities with the Oakly Park decoy suggest that its classification is better suited to the Shropshire decoys, rather than being treated as the isolated example for Montgomeryshire.

The earliest decoy in Shropshire is only known from a single reference in 1668 to a decoy somewhere near Ludlow. All six of the other decoys were attached to

To face page 93.

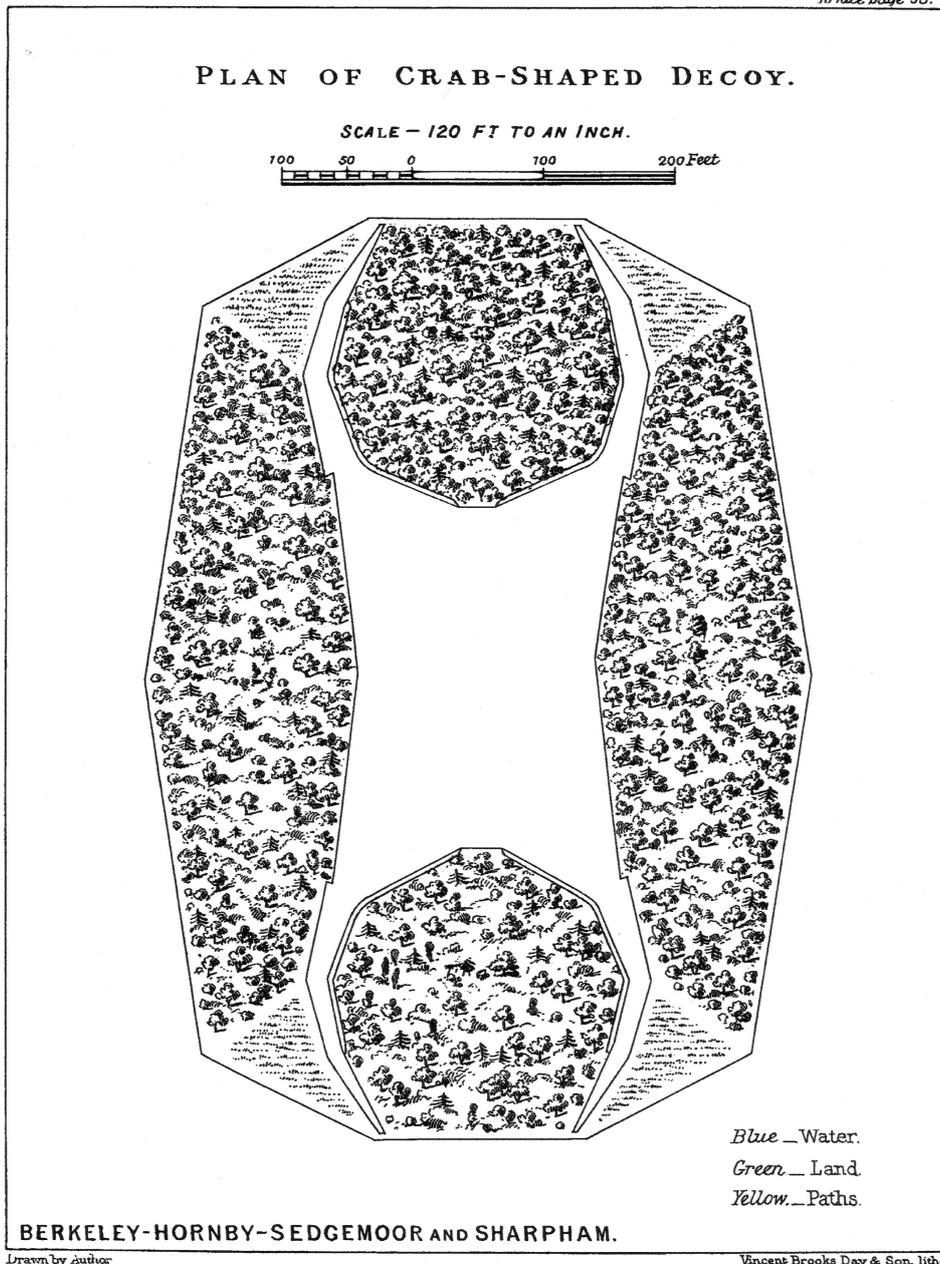


Figure 1. An example of a crab-shaped decoy drawn by Payne-Gallwey, showing four pipes and the area surrounded by trees. For an early drawing of a decoy see Stukeley.¹⁴

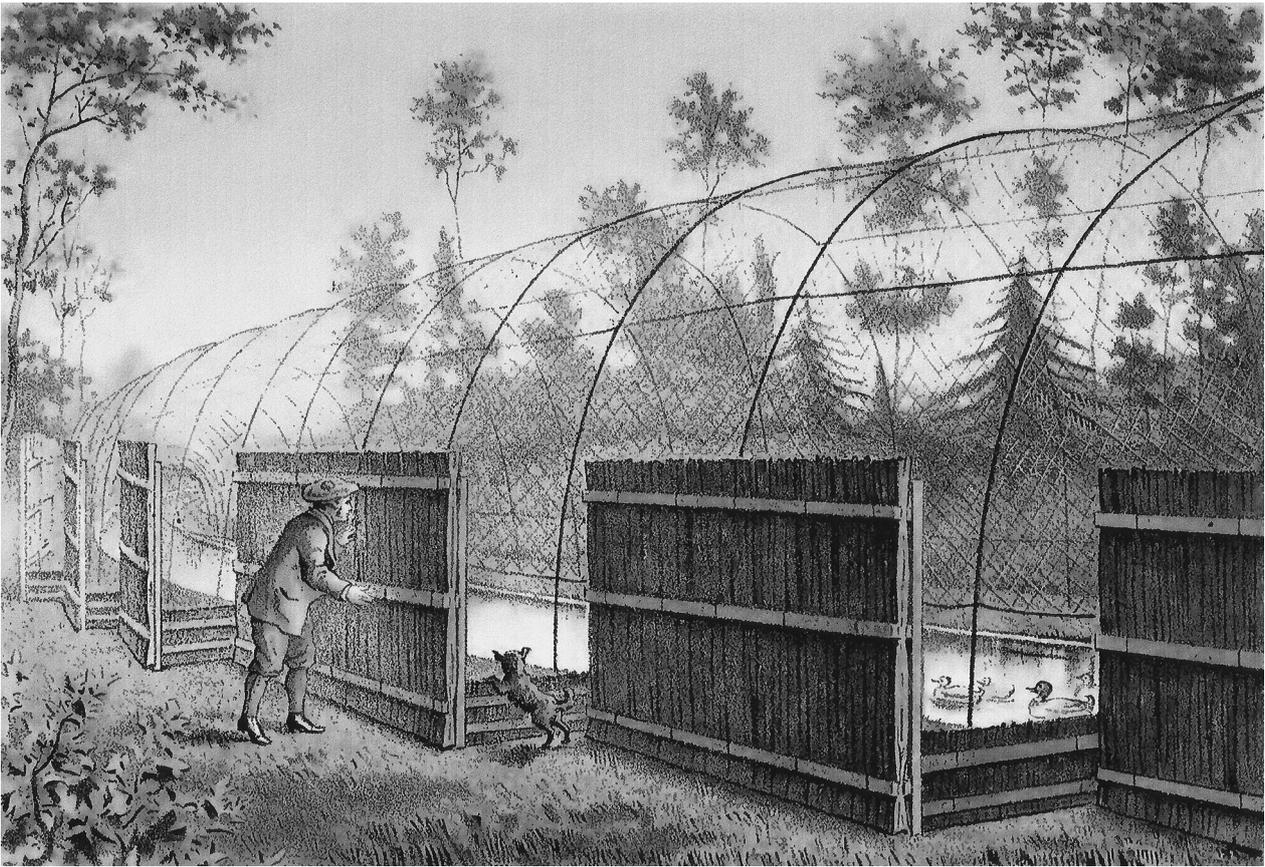


Figure 2. Illustration of a decoy in use from Payne-Gallwey (1886).

country estates. Whittington was the second-oldest decoy and served the Lloyds of Aston at their seat at nearby Aston Hall but was some kilometres away on the river Perry. In the 1760s Aston Hall was given a designed landscape by William Emes, but the decoy was not moved nearer to the Hall.¹⁵

Onslow Hall was an experimental, single-pipe decoy built by Payne-Gallwey in 1889, while the Hawkstone decoy was recorded by Payne-Gallwey as a primitive, single-pipe decoy in 1889. These are individual decoys that cannot be easily classified with the other examples.

Three of the decoys – Lymore Park, Oakly Park and Sundorne – are examples of late-18th-century

landscaping. Each appears to have been built as an element of a designed landscape or following this soon afterwards. Sundorne was adjacent to a long pool, while Lymore Park and Oakly Park were similar designs in pond chains.

The decoys included in this study are summarised in Table 1. Before examining the decoys individually, mention should be made of several other sites that have been referred to as duck decoys but have been discounted for the purposes of this study because they show no convincing evidence of pipes (Table 2).

Table 1. Decoys described in this study

Name	Dates	NGR	Pipes	Context
Hawkstone	Operating in 1886	SJ 567 295	1	Primitive device at end of winding lake in hall grounds
Lymore Hall (Monts) near Ludlow	c.1802 – 1900? 1668	SO 232 958 ?	5 ?	In pool chain near hall ?
Oakly Park	By 1796 – before 1936	SO 462 763	4	In pool chain near hall
Onslow Hall	1889 – 1960s?	SJ 432 129	1	On pool next to hall
Sundorne	1780? – after 1890	SH 524 151	3	Close to winding lake in hall grounds
Whittington	1674 – 1770s?	SJ 353 295	4	On river Perry, isolated from Aston Hall

Table 2. Sites discounted as decoys

Name	NGR	Description
Big Egg Coppice, Attingham Park ¹⁶	SJ 556 097	Described as a duck decoy in an earthwork survey but appears to be just a duck pond in the designed landscape, to lure ducks for shooting. ¹⁷
Hoptonheath ¹⁸	SO 381 770	Pond in grounds of Heath House, 0.5km S of Hoptonheath. Marked on 1904 O.S. map as 'Decoy Pond' but shows no evidence of pipes and there are no other references.
Squilver, Wentnor ¹⁹	SO 375 974	Triangular and circular ponds recorded during 2016 survey on the Long Mynd, but there is no evidence that they were actually duck decoys.
Walcot Hall ²⁰	SO 353 853	The grounds of Walcot Hall show elaborate landscaping for the Clive family from the 18th and early 19th centuries. The ponds include one called 'the duckery' but it is not clear whether they had any pipes. There are no documentary references, but see the recent survey evidence. ²¹
Wentnor ²²	SO 412 940	Ponds NW of Pole Cottage on the Long Mynd. Referred to as decoy ponds but thought to be duck ponds for shooting. Created by the Earl of Powis around 1900.
Pickmore Pool, Burlington	SJ 780 110	This was not a classic decoy and has never been referred to as such. A map of c.1738 in the Shropshire Archives shows the area around Burlington Pool and at the shoreline is what appears to be a four-sided trap for catching ducks. ²³ This was a form of trap described as being common on Midland estates although by their nature they rarely leave any physical evidence. ²⁴

Hawkstone

The estate at Hawkstone was developed throughout the 18th and 19th centuries by the Hill family, to create an extensive landscape with a residence, follies, caves and elaborate landscapes.²⁵ Sir Richard Hill commissioned William Emes to add water features to the landscape, and in 1786 he designed a 3km-long winding lake called the River Hawk, to the west of the hall.

Little is known about the decoy at Hawkstone, but we do have a reference to it in Payne-Gallwey's notes in his own copy of his 1886 book: 'Hawkstone Castle, Shropshire – (Lord Hills) – small decoy pipe – worked with falling net from hut with long wire – on large lake in park – very primitive contrivance'.²⁶

This can probably be identified with the feature at the southern end of the Hawk Lake, shown on the 1881

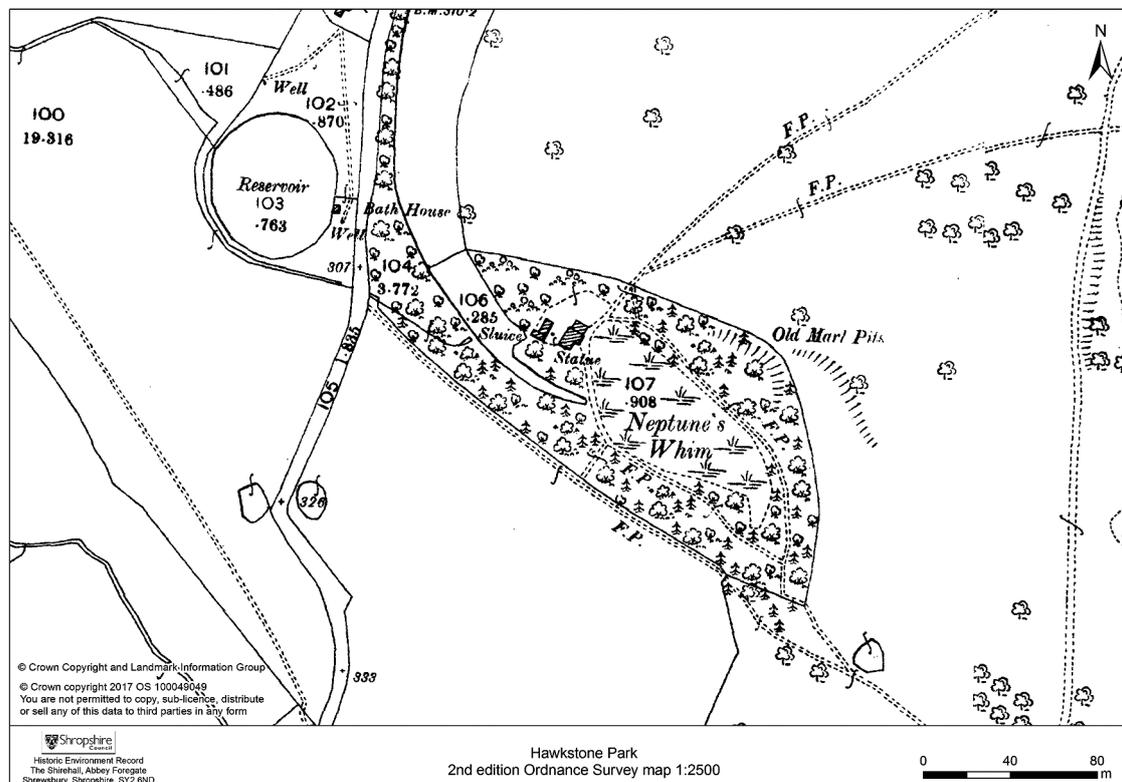


Figure 3. Hawkstone decoy from the O.S. 2nd edition of 1881.

OS map (Figure 3), in the area marked as Neptune's Whim where there had been a marl pit. The end of the lake appears to turn into a single pipe adjacent to two structures (one apparently a statue) but does not extend quite as far as a small fish pond.

No other references to this decoy have come to light.

Lymore Park (Montgomeryshire)²⁷

Lymore Hall and its park sit just across the Welsh border in Montgomeryshire, the park having the only known duck decoy in that county. The hall was built by the Herberts in the 1670s, with pools already existing in the parkland before this:

18th-century improvements to the parkland included the creation of ... two lakes – Upper Pool and Lower Pool – formed by earthen dams at the springs which feed a stream running northwards, parallel with Offa's Dyke, to meet the Camlad at Caemwgal. A duck decoy was built above the Upper Pool between the late 18th and early 19th centuries.²⁸

The design of the decoy and its context in a pool chain show some similarities with Oakly Park, which appears to have been built a few years earlier in the later-18th century. The two estates also share family connections with the Herberts and Clives, providing the opportunity for the second decoy (probably Lymore Park) to have been influenced by the Oakly Park example.

Payne-Gallwey described the decoy as follows:

Lymore Hall, within 200 paces of the mansion, and about half a mile from the county town of Montgomery, at Lymore Hall, the property of Earl Powis, is a pool of 2 acres, surrounded by plantations, where a Decoy was constructed about the year 1802. It has three pipes, two facing the north and one facing the south. Comparatively few fowl, however, are captured, the average "take" every season for the last ten years, within the present keeper's knowledge, being not more than fifty couple.²⁹

The Ordnance Survey maps of 1883 show that it had five pipes rather than three. It was not mentioned by Whitaker in 1918, as the house had been deserted by 1904 and was demolished in 1931.³⁰

Near Ludlow

A single reference to a decoy 'in Shropshire' survives in a letter dated 8 May 1668 sent to Francis Willughby (1635–1672) – the famous ornithologist – at his home Wollaton Hall in Nottinghamshire. The author of the letter was Sir Henry Barnard (Willughby's father in law) who was with Sir John Brydges at Ludford near Ludlow, when they were 'carried' by Mr Thomas Talbot to see a bird that can now be identified as a nightjar – the first reference to the bird from Shropshire – that had been caught in a 'tunnell nett'.

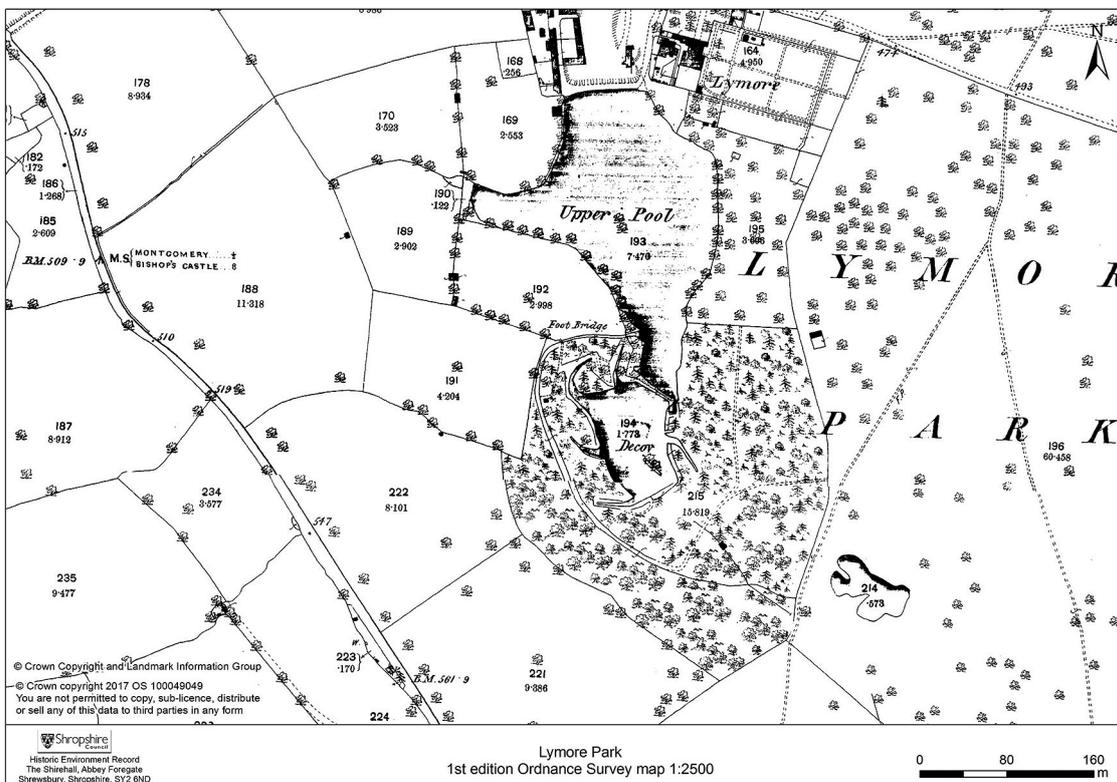


Figure 4. Lymore Park decoy, O.S. 1st edition, 1883

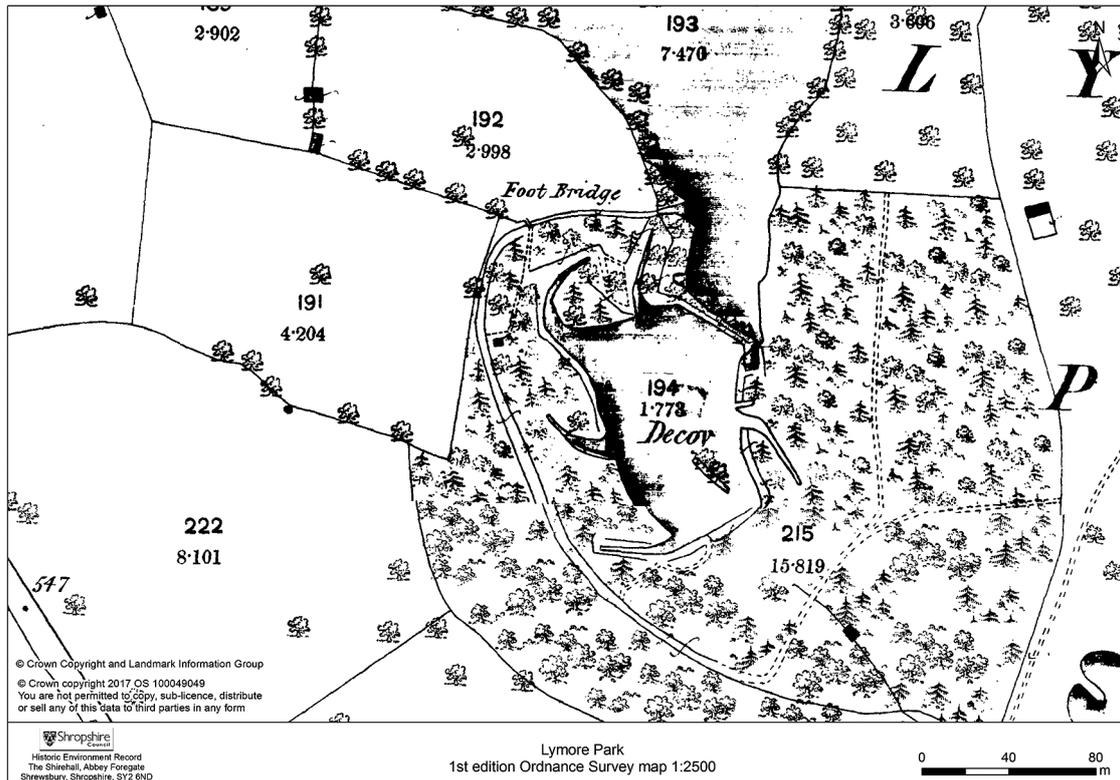


Figure 5. Lymore Park decoy (detail), O.S. 1st edition, 1883

Unfortunately the location of this decoy has not been identified, but this can be confirmed as the earliest known reference to a duck decoy in Shropshire.

Upon Monday last coming from the bowling-green Mr Thomas Talbot carried Sir James and my self to his house to shew us a strange bird which was caught the night before in a tunnell nett. He refused to give it to Sir James, but I presume he will have hon^r to present it to your self promising to keep it till you come. It was almost as big as a Cuckow, long wings as a Martin, speakled like a Woodcock, a sharp little bill or beak, the eyes standing backward as big as an Owles, with long hairs on each side of the beak like a ratt, with some white feathers on each wing. The like if it hath not been seen by any of the oldest faulkners.³¹

Oakly Park³²

The Oakly Park estate is at Bromfield, roughly 3km north-west of Ludlow, where the former lands of a Benedictine priory were converted into a park and residence by the Herberts, and later Lord Clive's family from the 1760s.³³ The designed landscape was mainly 18th-century work, much of it overseen by William Emes between 1774 and 1781, before he was also engaged for similar work at Hawkstone.

It is not certain when the chain of pools that included the decoy was constructed, but Payne-Gallwey referred to a map of 1796 that showed it. The Oakly Park accounts for 25 March 1808 record a payment for 'assisting the Gamekeeper at the Decoy. Fishing, Watching poachers etc. on the estate in the yr ending'.³⁴ On the same date (Lady Day) the annual accounts for 1808 record 'Paid barley for Ducks at the Decoy £14 9s 10½d'.

The accounts for 1823–4 record the following payments:³⁵

1823	April 20	Richard Hodson	Iron for the Decoy	£24 9s 4d
1823	October 31	Thos Plant	Decoyman for the keep of a Dog	£2 0s 2d
1824	May 31	Richard Ridgley	Iron work for the Decoy	£0 1s 10d
1824	October 14	Richard Hodson	Sundries for the Decoy	£0 12s 8d

Payne-Gallwey's account of this decoy in 1886 is as follows:

The Decoy here is the property of Lord Windsor, and of some antiquity, being marked in a map of 1796. It covers an area of about five-and-twenty acres, and has four pipes. Originally there were but two pipes, but in 1834 two others were added by the late Hon. Robert Clive.

The present Decoyman, who has been at Oakley about ten years, states, that the average number of ducks taken annually is from 110 to 120. His father was Decoyman before him for more than 30 years, and he says they used to take many more in the first years that his father was there, but owing to some large pool on another property above the Decoy being done away with, they did not get so many birds afterwards.³⁶

Payne-Gallwey later added the following note about the Oakley decoy 'Oakley – pipes 40 yards × 18 feet – average 100 birds'.³⁷

The decoy was still operative when Joseph Whitaker researched his own book some 30 years later and the colourful account of his visit is as follows:

In walking to the decoy, Mr. Bruce showed me a splendid oak, great in girth, long in bole, and with a grand spreading top. It is a magnificent specimen of a grand old English tree, and now at its very best. Close by are the ponds, one of which is the decoy. The River Teme runs through them. The nearest to the decoyman's cottage is called the Upper Pond, and is about 6 acres in extent; then comes the Decoy Pool, 3½ acres, with some nice reed beds at one end; then the middle one, this is the largest, just over 9 acres; and

the fourth is the lower pond, 2½ acres. The Decoy Pool is a perfect one for its purpose, large enough, but not too big, surrounded by a plantation of 13 acres, in which are some grand trees, especially silver firs. These are very tall and of great girth, and here and there big Scotch firs, long in the stem, clean of bark and ruddy in colour. It was cold, but the sun shone and birds sang. The decoy has four pipes – north, south, east and west. Here they are called *Flues*. Nowhere else have I heard this name used for a pipe. They are shorter than any I have seen, and are from 52 to 54 yards long, and do not cover so much water as in other decoys. The hoops are of iron, fastened to oak posts, and the covering string nets. The screens are of reeds, and not more than 5 feet high, less in some places. The entrance of pipes is about 9 feet high and 16 feet wide. The exposed parts of the banks have reed screens, and on the head of pond spruce boughs drawn through rails. No dog is used. There were nine mallards on the water. No doubt their partners were sitting in the bracken in the park, and I saw two pairs of coots. The decoyman, who had joined us, pointed out a bird on the water on the far side of the next pond, and said there is a Spanish goose, the first we ever had here. I

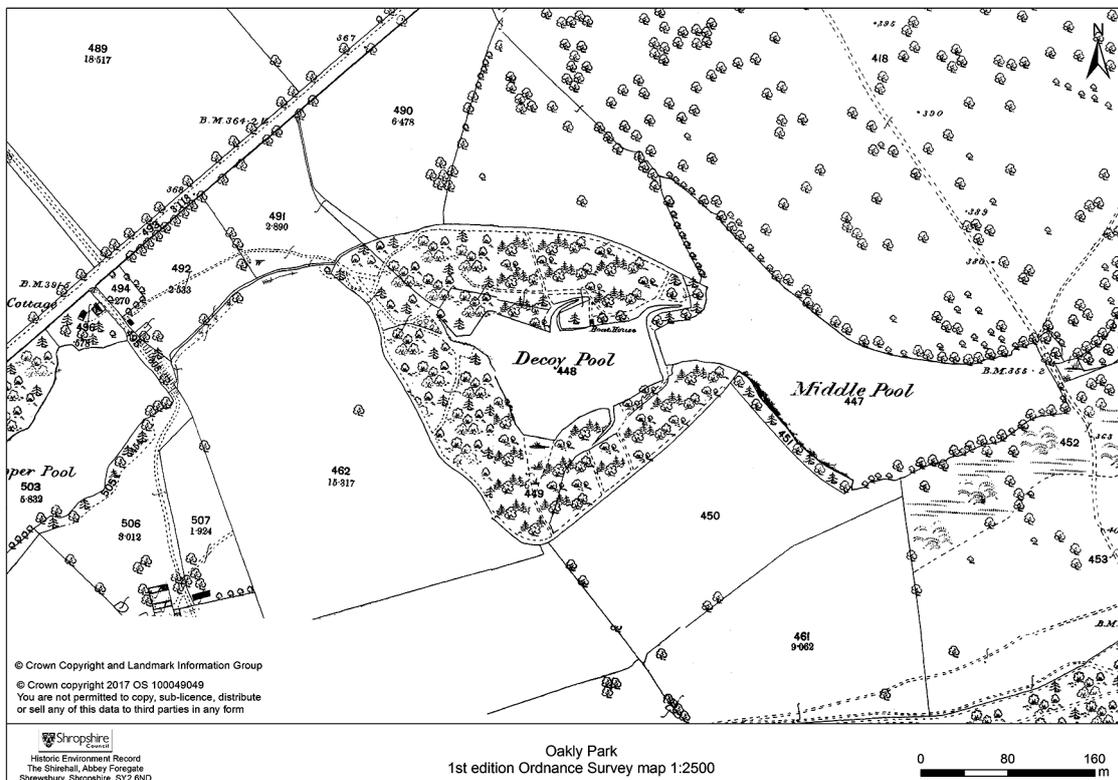


Figure 6. Oakley Park decoy, O.S. 1st edition, 1885–6.

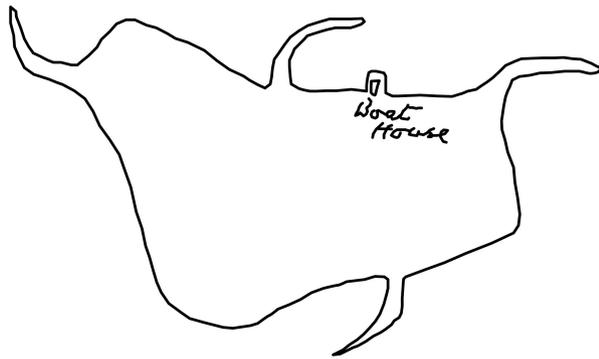


Figure 7. A sketch of the Oakly Park decoy in Whitaker (1918).³⁸

put my glasses on it, and saw it was a great-crested grebe. I was surprised, partly at the wonderful name given it, and also that it was the first they had ever seen, and the place such a likely one. After a delightful hour we left this interesting spot, and I was pleased to have seen another of the now only too few decoys in England, and I felt much indebted to Mr. Bruce for his kindness in giving me the opportunity of doing so.³⁹

Oakly Park is thought to be the only duck decoy anywhere to have used the term 'flues' for the pipes.⁴⁰

A mallard ringed at Slimbridge on 11 September 1950 was recovered at Oakly Park decoy eleven days later, on 22 November.⁴¹

Onslow Hall⁴²

Onslow Hall stood west of Bicton and around six kilometres west of the centre of Shrewsbury. It was rebuilt by Edward Haycock in 1820, while its landscape was embellished between the second half of the 18th century and the first decade of the 19th century.⁴³ To the west of the Hall an ornamental lake was created before 1827, with a long pool created to the east of the Hall by 1881. The Hall itself was demolished around 1957.

The peanut-shaped lake west of the Hall was given a decoy pipe in 1889, with the work 'superintended' by Payne-Gallwey, who described it as '...the best made decoy pipe in England', which 'cost more than any other pipe'. This was done for his friend Col. C. Wingfield, who died in 1891.⁴⁴ Payne-Gallwey also drew a sketch plan of the decoy (Figure 8).

This decoy was not recorded by Whitaker in 1918, but it was visited by Andrew Heaton in 2003, when he produced the following notes:

Known as Round Pool.

One pipe – quite a few hoops and cross-struts and some wire netting still left, though sections crushed by fallen trees

Last used in 1960s (?)⁴⁶

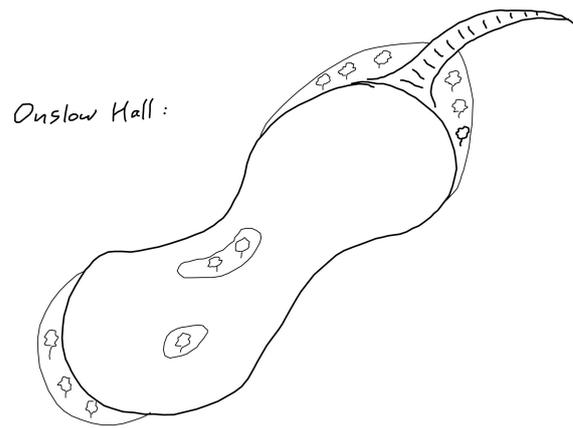


Figure 8. Plan of the decoy at Onslow Hall by Payne-Gallwey.⁴⁵

Sundorne Castle⁴⁷

Sundorne Castle was built in 1766 by Robert Mylne for John Corbet, while the grounds were laid out sometime between the building of the hall in 1766 and the first record of the park in 1806, when they were well-established. Further development of the landscape took place throughout the 19th century, but the house and landscaped grounds are now lost.⁴⁸

Sundorne Pool was a 60-acre serpentine lake lying west of the hall, described as 'new made' in 1777, with a boathouse added before 1880. Payne-Gallwey estimated its age in 1886 at around 100 years.

The 1882 OS maps show what appears to have been the decoy on a feeder stream to the west of the pool in a copse. The pond is unusually small, but there are two shapes that look like small pipes. The feature was just visible on the 1st edition OS maps of 1882 but by 1902 this had disappeared apart from the western pipe, presumably through silting.

Payne-Gallwey recorded the decoy as follows in 1886:

There is a Decoy here on the property of the Rev. J. D. Corbett. It consists of 3 pipes, attached to a lake of 30 acres, and was constructed some 100 years ago by John Corbett, the famous fox-hunter. The Decoy is 500 yards from the Castle. The takes are not large, as the Decoy is only used to supply the table of its owner.⁴⁹

A few years later, he added the following notes: 'Sundorne – small pipes, 45 yards x 15 feet – badly constructed: head hoop and show place level with one another. Feed with bruised wheat. 1890 – 120 birds including 36 at one time'.⁵⁰

It is recorded that in 1878 a sheldrake was killed on the pond.⁵¹

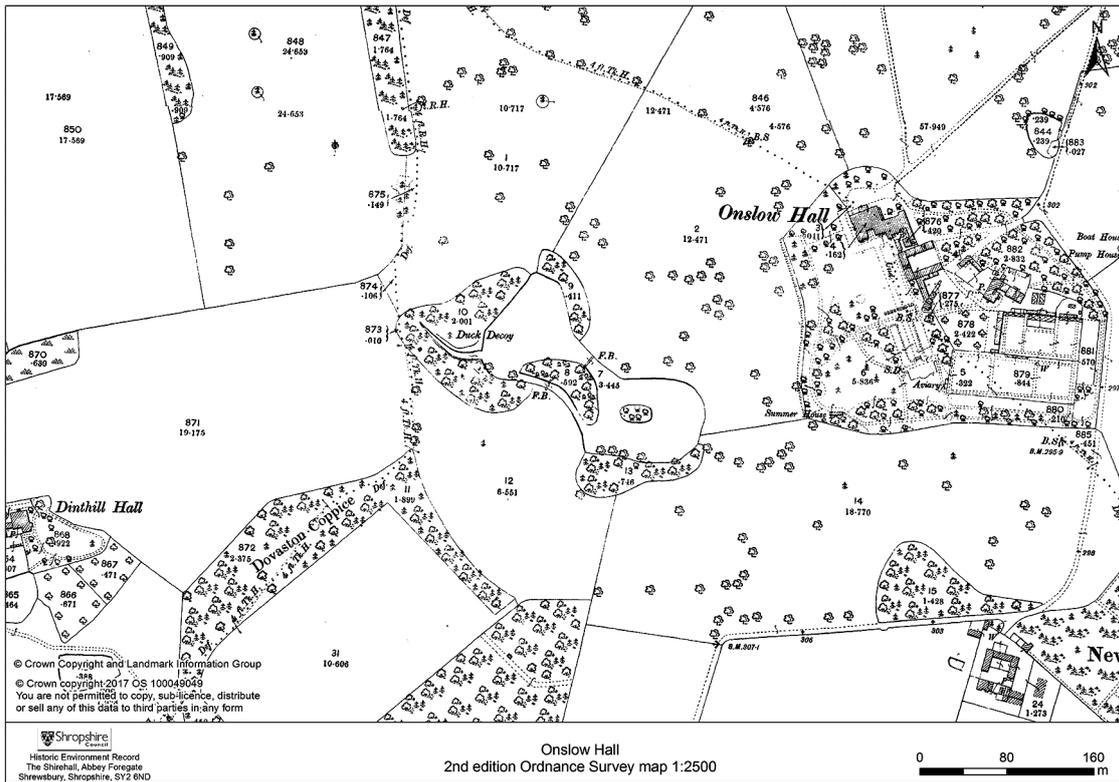


Figure 9. Onslow Hall decoy, O.S. 2nd edition, 1902.

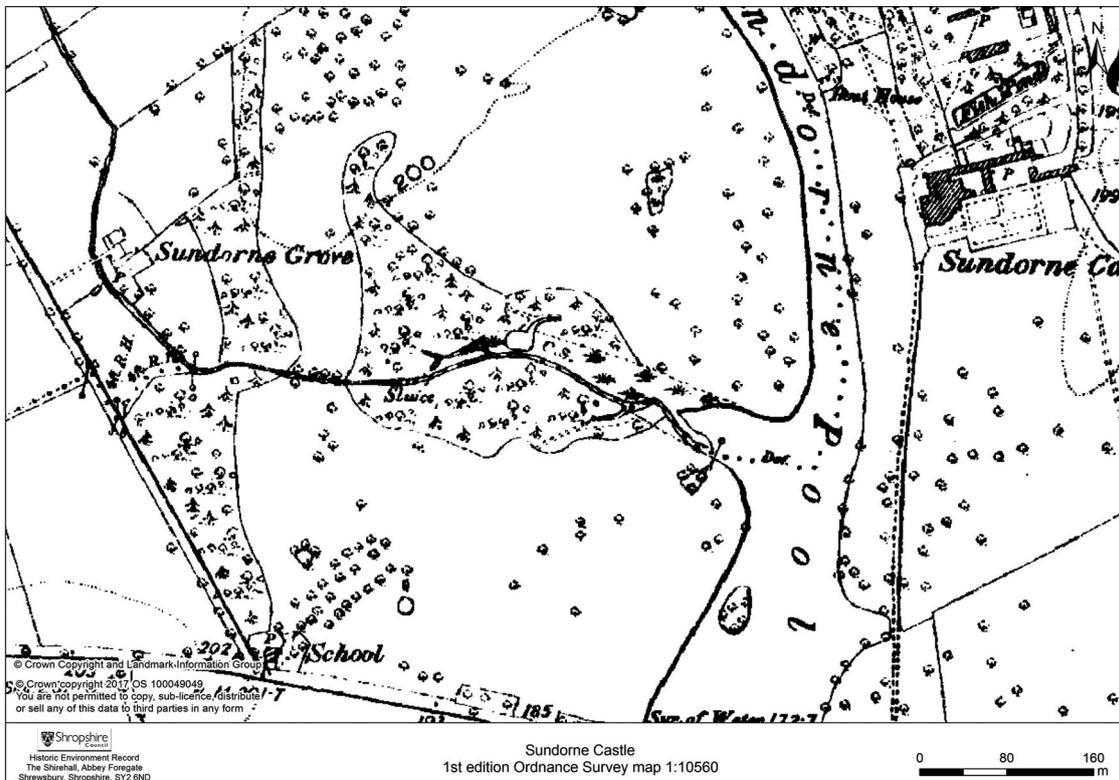


Figure 10. The decoy at Sundorne, shown on the 1882 O.S. map, where what appears to be the remains of the decoy and two pipes can still be seen in the cove adjacent to the stream.

Whittington⁵²

The second-oldest of the Shropshire decoys was the one built by Thomas Lloyd on the river Perry, about two miles south east of Whittington, which we know from litigation (see below) was constructed around 1674. We also have a reference in the Chirk Castle Accounts that in 1685, Captain Owen was paid 5 shillings 'to give L[or]d Whittington's man that brought a present of wild Fowle from ye Decoy'.⁵³

Payne-Gallwey later described the decoy as follows:

Aston Hall. – There are the remains of a four-pipe Decoy here on the estate of Colonel Richard Lloyd of Aston Hall, Oswestry.

The Pool is 3 miles from Aston Hall, and 2 from Whittington. It is placed in an angle between the River Perry and the Ellesmere Canal, on part of a large tract of marsh land known as Baggy (or Boggy) Moor, and through which the River Perry flows. The Decoy is a quarter of a mile distant from both the canal and the river. Its age is about 200 years, but it has not been in use for the last 80. It was made by Thomas Lloyd, Esq., of Aston, who died in 1692.

The pool consists of 1 acre, 2 roods, 6 perches.

There are no records of its successes.⁵⁴

Although we do not have any detailed records of the operation of the decoy, we do have a note written by Richard Mytton around 1781:

It has been said that the Decoy below Babinswood, was supposed to have been made at the joint expense of the principal inhabitants round the neighbourhood, and that every person who contributed to the work, had a right to send for as many ducks as he pleased at the fixed price of a shilling a Couple; the Decoyman had originally no other wages than what he got by selling the Ducks that he caught; his appointment was left to the discretion of the Lord of the Manor of Whittington.⁵⁵

Only a few years earlier, the Whittington Parish Registers for 18 April 1776 had recorded the burial of Andrew Williams, aged 84,⁵⁶ who had been baptised on 18 December 1692 as the son of 'Andrew Williams, of Babies wood'.⁵⁷ He was described at his death as 'Decoyman under the Aston family, at the decoy, in this parish, above 60 years'. His epitaph, also reprinted by Payne-Gallwey⁵⁸ and Heaton,⁵⁹ has become a classic record of decoy life.

Here lies the Decoyman who lived like the otter
Dividing his time betwixt land and water

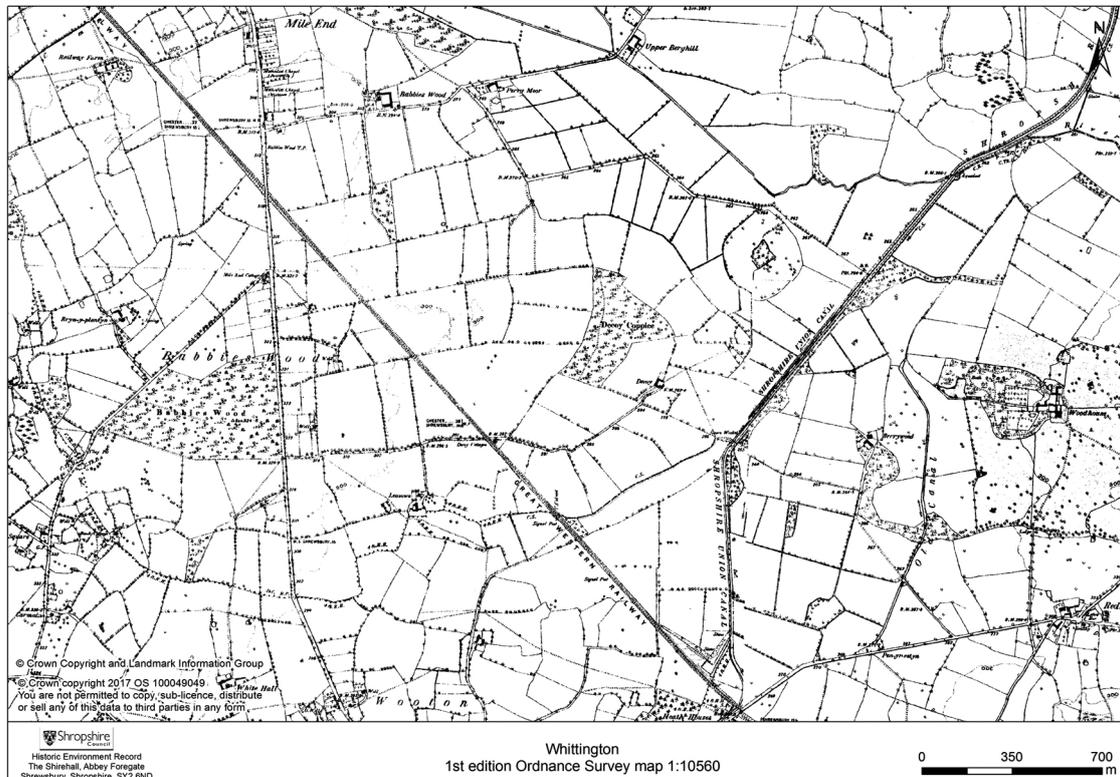


Figure 11. Location map of the Whittington decoy near Babbinswood and Pevers Moor, seen in the top right-hand section by the river Perry, in a circular enclosure. O.S. 1st edition, 1874.

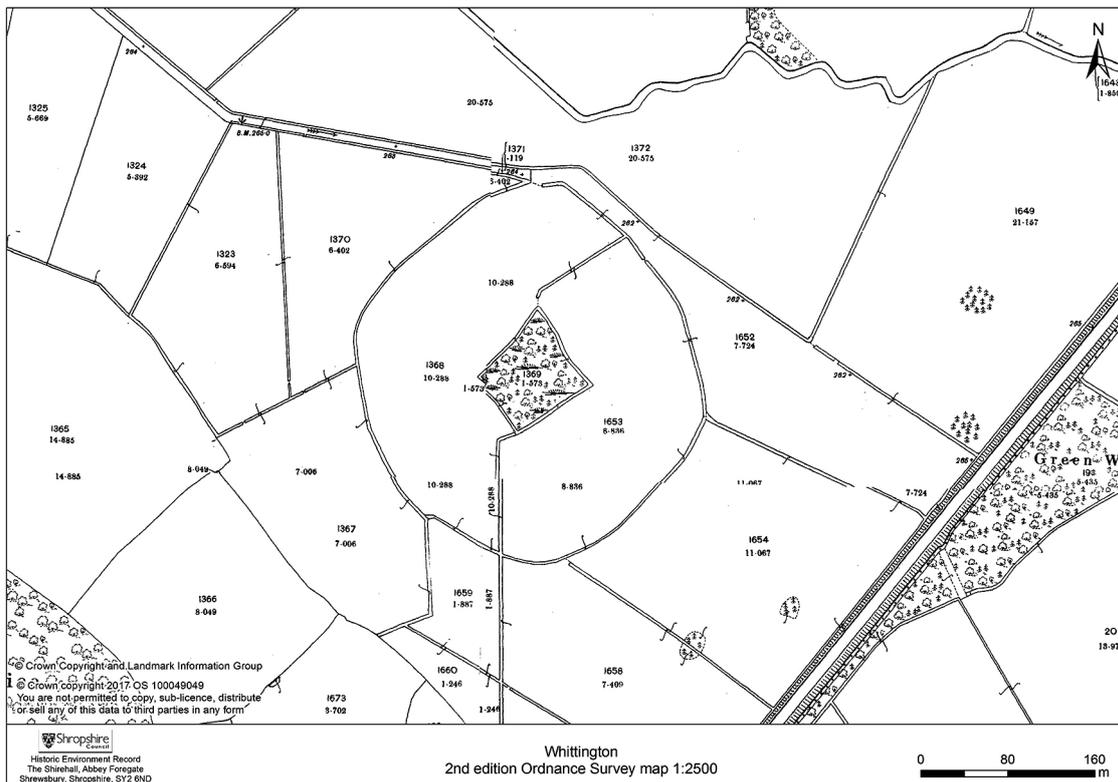


Figure 12. Details of the Whittington decoy from the O.S. 2nd edition of 1889–90.

His hide he oft soak'd in the waters of Perry,
 Whilst Aston old Beer his spirits kept cheery.
 Amphibious his Trim, Death was puzzled, they say,
 How to dust to reduce such well-moisten'd clay,
 So Death turn'd Decoyman, and decoy'd him to land,
 Where he fix'd his abode 'till quite dried to his hand,
 He then found him fitting for crumbling to Dust,
 And here he lies mould'ring as you & I must.

They also record that he had 'retired to Whittington upon a Freehold he had purchased with the perquisites of his place from the Decoy for a few years before his death'. He was living at 'a tenement and lands of Lloyd's called the Decoy' in 1742–3.⁶⁰ This was later known as Decoy Farm, but often abbreviated to just 'the Decoy'.

The middle of the 18th century saw several dealings between Lloyd and Mytton regarding the rights of common in the manor, including the area around Babbins Wood.⁶¹ This was soon followed by a 1776 scheme of John Mytton's to drain 'the common under Babinswood in view of the new cut proposed in the river Perry in the township of Berghill, Shropshire'.⁶² The adjustments to the river Perry by Mytton may also have related to the landscape improvements at Halston in the 1760s and 70s, including a lake created from a by-passed length of the river Perry between 1773 and 1778.⁶³ It is not clear if the decoy continued to function effectively after this time.

The evidence above suggests that the decoy was still functioning in the 1770s and this view is supported by Payne-Gallwey, who stated in 1886 that 'Its age is about 200 years, but it has not been in use for the last 80', suggesting that it ceased to operate before 1806.⁶⁴ This date is further supported by Archdeacon Plymley's correspondent Mr Edward Harries – writing in the late 1790s or early 1800s – whose report suggests that the decoy could have ceased to function by perhaps as early as the 1780s.

"About 20 years-ago there were large tracts of lands (Baggymoor, and other moors from near Boreatton to St. Martin's) in the Winter usually covered with water, but which are now, in consequence of enclosures and drainage, at no great expense, rendered of considerable value. Hither wild-fowl of all sorts usually resorted, and astonishing quantities were annually taken at the decoy near Whittington, the property of Mr. LLOYD, of Aston, but which, from the above improvement, has been deserted by the ducks, &c. and has been suffered to go out of repair, never again, probably, to be appropriated to its former use. The lands have been laid dry by large open ditches, which have served as fences. The grass is of a coarse nature, but where paring and burning

have been adopted, these meadows have amply paid for the improvement, so that all the farmers who have such land are treating it in the same manner".⁶⁵

Whittington litigation

A lesser-known feature of the Whittington decoy is the range of legal disputes during its early years of operation. The 'Law of Decoys' was discussed in some detail by Payne-Gallwey, who described the circumstances where it was possible to disturb a decoy without needing to trespass on the owner's property. In that case, he states 'Though Decoys have no special Act for their safety, yet they are protected by Common Law from wilful damage, whether it be to the Decoy, its nets and fences and other accessories, or to the ducks in it.'⁶⁶

In the case of Whittington, the Aston Hall Estate Records contain documents examining the legal issues concerning 'a certain p[ar]cell of land called pevers moore which as yet hath time out of mind lain open and uninclosed'.⁶⁷ Citing an Act of 14 Elizabeth, the Lord of the Manor had granted several fee farms and grants for the yearly rent of 3 shillings and 4 pence, but for 20 years past the tenants of the township of Berghill had neglected to pay the rent, while still enjoying the benefit of pasturing their cattle there. It was further argued that unlike the nearby 'great waste or common of Babies wood' [Babbinswood], Pevens Moor was the Lord's own land and he was entitled to 'improve upon pevers moore and justified the making of a decoy there'.

A document dated 19 February 1676/7 is a covenant by Barkley Jones and John George of Berghill, not to disturb the decoy 'from their own Landes in Bergil'.⁶⁸ The two are also named in a separate document addressed to the Lord High Chancellor of England, which provides a draft for a case against certain freeholders of Berghill.⁶⁹ This was finalised in a bill of complaint in Chancery, dated 19 June 1678.⁷⁰ The bill was brought by Thomas Lloyd of Aston and his wife Sara against various named freeholders of Berghill and related to Pevens Moor 'upon part of which ye orators have about 4 yeares ago created & made a coy or decoy for the taking of wilde ducks and other wilde ffowle' for the use of the orators' house and family. Referring also to the expense involved, the case details the 'shooting of gunnes & doinge other Artes' privately and in the night time, as well as efforts to trespass and damage the decoy.

Litigation regarding the Whittington decoy was also described by Payne-Gallwey as follows:

In the Aston pedigree the following note occurs on the page which records the death

[in 1692] of Thomas Lloyd, the constructor of the Decoy:—

"Mr. Thomas Lloyd made a Decoy on the moor for taking wildfowl, and Mr. Mytton, of Halston, built a forge close by on the opposite side of the River Perry, for the purpose of disturbing the ducks for shooting at them, for which a bill in Chancery was afterwards preferred against Mr. Mytton by Mr. Lloyd."

Mr. Lloyd won the lawsuit from Mr. Mytton (ancestor of the famous Jack Mytton), and both parties rode up to London to give their evidence.⁷¹

These details differ from a separate account of the dispute, which states that it was Robert Lloyd – Thomas's son – who brought the action against Mytton. The original letter does not appear to survive, but an 18th-century copy of it does,⁷² together with another undated copy in the notebook of William Lloyd compiled from 1808–13.

If I am not mistaken I have before acquainted you with my neighbour Mr Mytton's disturbing my decoy, which he still continues to do, he has this last summer on his own land near adjoining built a new house on purpose to prejudice it, & keeps a man there constantly to make a noise every morning and evening to frighten them.

He likewise comes there frequently himself and shoots off his gun up in the air ten or a dozen times with no other intent, but purely out of malice & illnature. This usage I think is not to be borne any longer.

I have therefore given orders for a Bill in Chancery to be preferred against him, in order to obtain an injunction if you think it advisable when it is drawn. W Boycott will wait upon you for your perusal & approbation.

R. Lloyd.⁷³

The surviving documents therefore present a confusing picture. Both the Chancery records and the Aston Hall Estate Records describe an action in the late 1670s by Thomas Lloyd against freeholders for trespass and disturbing the decoy with a gun, when a Bill was certainly filed. Payne-Gallwey quotes the Aston pedigree as his source for claiming that it was Mr Mytton who disturbed the decoy with a gun and that Thomas Lloyd pursued a successful action in Chancery against him. The third version – in the Aston Hall Collection – suggests that it was Thomas's son Robert Lloyd who planned the action against Mytton, which must have been after Thomas's death in 1692. We cannot be certain which version is accurate, but there is

no indication in the Chancery records or elsewhere that case law was established for disturbing decoys, which took place just a few years later.

The case law regarding decoys was firmly established in the case of *Keeble v. Hickeringill*, which was heard in the Court of the King's Bench in 1707 before Chief Justice Holt. Rival decoy owners in Essex competed to attract ducks, with one firing a gun to disturb the ducks on the other's decoy. Chief Justice Holt upheld the claim, stating that 'where a violent or malicious act is done to a man's occupation, profession, or way of getting a livelihood; there an action lies in all cases'.⁷⁴ This famous case is still important case law and is much studied in law schools around the world. A decoy owner's rights to protection from wilful disturbance were also upheld in a similar case in 1810 (*Carrington v. Taylor*). From a Shropshire perspective, it is unfortunate that it is not the Whittington decoy and the Lloyd family that hold the honour for the establishment of the case law regarding duck decoys.

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