

Original Documents.

NOTES ON A COLLECTION OF EIGHT EARLY DOCUMENTS
RELATING TO YORKSHIRE, EXHIBITED AT THE
MONTHLY MEETING OF THE ROYAL ARCHÆOLOGICAL
INSTITUTE IN MARCH, 1879, BY MR. D. BROWN, Q.C.

By Joseph Bain, F.S.A. Scot.

I. ROGER DE MOUBRAY.

Grant by Roger de Mubrai to Roger, son of Haldanus de Berlai, and his heirs, whereby the granter confirms the "confirmation donation and relaxation" which Ricardus de Morevilla made to him (illi), viz., of the "tenura" which he holds in "Wudehusum," &c., viz., 3 carrucates of land in Wudehusum, for as much foreign service as pertains to the 8th part of a knight's fee. The witnesses are Robert the chaplain of Roger de Mubrai, Robert de Mubrai, Richard de Moreuilla, Ralf de Beiaueir the steward of Roger de Mubrai, Hamund Beler, Robert Beiaschamp, Adam Luvel, Robert le Norreis, Robert de Trehamtun, William de Tikehil, Ranulf de Rigetun, Edward de Tikehil, Peter the clerk of Roger de Mubrai, Adam de Corneure and Robert his brother, Berard the son of Lewin, the son of Colling, Thomas son of Berard, Robert de Cundi.

This document is finely written. A fragment of the large equestrian seal in red wax remains, shewing the granter, with sword in his right hand and shield on his breast. The helmet, shield, and surcoat, the last reaching to the ground, are covered with crosses. The forepart of the horse and legs of the rider are gone. ". . . Molbrai," is all that remains of the inscription.

There is, however, a perfect seal of Roger de Mubrai among those exhibited in the British Museum, attributed to Stephen's reign, evidently from the same matrix as that now described.

II. NIGEL DE MOUBRAY.

"Nigellus de Mubrai," to all his men "Francis et Anglis," greeting. Has restored to John, son of Robert de Daivila, all the land which was his father's, as freely as ever Robert, his father, held it of the granter's father, performing the service to the granter as contained in his father's charter. The witnesses are Roger de Saint Martin, Ralph de C'mavel, . . . , Ralph de Bealveer, Nicholas de Beelun, Adam Luvel, Robert de Chast . . . , Richard Bacun, Walter de Daivila, Hugo de Munfort, Nicholas de Daivila, Eudo de Daivila, Roger de Daivila, William de Daivila, William Malerbe, and many others, clerks and laics.

This is a very small document, $4\frac{3}{8}$ inches by 3 inches.

The equestrian seal, in yellow wax, is perfect. A warrior riding to the

sinister side, in chain mail apparently. The shield and saddle (or saddle-cloth, for it is not large enough for a housing) seem charged with frets. The horse has a breast-plate. *Legend* :—" + Sigillum Nigelli de Molbrai."

According to Sir H. Nicolas (*Courthope's Hist. Peerage*), Nigel was the son and heir of Roger de Mowbray, and died in 1191. This family were great benefactors to the abbey of Byland, Roger, indeed, being its founder, in 1140. (*Burton, Monasticon Ebor.*) The families of Malebisse, Davila, de Riparia, named as witnesses in these deeds, were also benefactors.

III. ROBERT LUVEL.

"Robertus Luvel filius Ade Luvel de Broctun," to all the sons of Holy Mother Church, greeting. Has released and quitclaimed to William Engeram and his heirs all his right in the land of "Dale," and has sworn touching the holy relics (*tactis sacrosanctis*) and taken (*interposui*) his oath. The witnesses are Adam the parson of Ellere', Walter, Hugo, Adam, chaplains, Robert de Eueringham, William Salvain, Walter de Grimest', William de Galmet', Ricolf his brother, Geoffry Malcovenant, Walter de Camera, Walter de Sourebi, Richard de Riparia, Richard de Grimestun, Simon de Blancansop, Roger de Bollebi, Bobel, and many others.

This is also a small document, about $4\frac{1}{2}$ inches each way, and in fine preservation. The seal, a small round one, in red wax, appended to four silk tags, is tolerably perfect. A warrior galloping to the sinister, with sword drawn. The boss of the shield distinct. His surcoat is fretty, or it may be simply chain mail. *Legend* :—"✠ SIGILL. . . OBERTI. LUVEL."

IV. WALTER ABBOT OF BYLAND.

"Walterus Abbas de Bellalanda et Conventus" to all sons of Christ, greeting. Have quitclaimed and confirmed to William Eng'ram and his heirs these two bovates of land which the granters have in Dale of the gift of Richard Malebisse, which charter they have restored to William. The witnesses are Thomas then prior of Bella landa, Gib' the cellerar, Adam the "socius" of the cellerar, Ingeler the "custos" of the work of the church, Gilebert the master of the "conversi," Henry Redeman sheriff of York, Hugo de Magnebi, Henry de Siltone, Robert clerk of the sheriff, and others.

Size, $6\frac{1}{2}$ by $2\frac{3}{4}$ inches. Clearly written. Small seal of purple wax, vesica-shape, representing an ecclesiastic in cope, standing, with pastoral staff in his right hand and a book in his left. *Legend* :—"✠ Sigillum Abb . . . Bel . . . Land . . ."

V. INDENTURE BETWEEN WILLIAM ABBOTT, OF KIRKSTALL, AND WILLIAM DE BERLAY. (1343.)

An indenture between William Abbot of Kyrkehall and his Convent, on one part, and William de Berlay son and heir of Sir Richard de Berlay knight, on the other part. The Abbot and Convent quit claim to William and his heirs all their right and claim in the service "unius precarie"¹ of twenty-three men, which precaria the said William and his

¹ Precaria, a service so called because compulsory on the tenant.

men of Wodosme are wont to find and do to the said Abbot and Convent at their manor of [Co]mpton annually in autumn—also their right to pasture 300 sheep in the common pasture of Wodosme—William de Berlay and his heirs on the other hand renouncing to the Abbey all his right in the common pasture of Compton londe for his oxen of his manor of Wodosme, and in the fields of Compton and Rigton, and in Mydelwod and Lange Wode. He also grants to the Abbot and Convent and their successors for ever, one “chyminum” of road, 40 feet in breadth, on the west part of Compton londe, vizt. from Monkesflatt on the north as far as Gamelthwayt leghes on the south, for the purpose of driving out and back all their beasts and their carriages and doing their other business &c. with power to them to enclose the road with hedges or ditches as seems best. (The deed is here a little worn and illegible. The witnesses are not persons of note.) “Walterus de Haukesword, Willelmus de Laysingeroft,” and one or two others, can be read. Dated at Compton “in festo Sancti Marci Evangli, Anno Dni Milio . . . Regis Eduardi tercij post conquestum septimo decimo.”

One seal in green wax attached, that of the Abbey; obverse, round; the Virgin crowned, with the Holy Child on her knee, seated under a canopy. The legend gone, all save a letter or two. “. . . De Ky . . .” Reverse, vesica shape, an ecclesiastic with pastoral staff in right hand, enclosed in foliage. . . . “Kykstall” appears on the margin.

The Berlays do not appear among the benefactors of Kirkstall in Burton, *orac. Mon. El.*, but are among those of the Priory of Drax.

VI. WILL (IN THE FORM OF ENDENTURE) OF SIR JOHN COLVILL OF THE DALE KNIGHT “Y^t DYED IN NORMANDYE.”

This is an interesting document. It is an endenture in Norman-French, between Sir John Colvill of Dale Knight, and his uncle, Thomas Fulthorp, son of William Fulthorp, “Chivaler,” and seems to be a will and entail of lands by Colvill. He grants to the two Fulthorps, Johan Bannastre, chaplain, . . . Welsale, clerk, Thomas Crathorne, Esquier; and others, the manors of Erynclyff and Hesterton, co. York. On the narrative that he has devised and granted to Sir Robert Ogle, Sir Alexander Lound, Thomas Newsome, and Thomas Robeis, the manors of Bodell and Spyndilstoun, co. Northumberland, he declares his will thus: “If he dies without heir begotten of his body, then his ‘enfeffez’ of Erynclyff and Hesterton shall establish a chantry in the Parish Church of Erynclyff, and mortify 10 marks of land or rent out of said manors, to pay a priest to chaunt daily for ever there, for his soul & that of Isabell his wife and his ancestors & heirs and all Christians; and that by advice of James Strangways, William & Thomas Fulthorp, and Christoffer Boynton; and for the ‘costages & expensez’ attending this, & for payment of his debts, his said ‘enfeffez’ in Erynclyff & Hesterton shall take the rents & profits thereof for 3 years after his death. After which they shall make a settlement of said manors on the younger son of John de Wandeforde Esquire, on the condition that he use & take the ‘surnoun’ of Colvill to him & the heirs male of his body issuing; And if he refuse to take the surname of Colvill, the estate shall be settled on John Colvill, son of William Colvill, son of ‘Monsieur Philip Colvill

¹ The land of “Wodosun” is probably the same as “Wudhusum” in the first charter. There is still a Woodhouse near Leeds in the neighbourhood of Kirkstall.

Chivaler' to him & the heirs male of his body begotten, and failing issue male of the said John Colvill son of William, & the younger son of Wandeforde abovesaid, Eryncliff & Hesterton to return to the granter's right heirs for ever."

The granter also seeing he had leased (?)¹ to John Schypley, Esquire, all his rights in the manors of Thymmylby, Syggeston and Romigeton, yet after certain preliminaries, ordains his executors to give "estat arcrmayn" thereof to Schypley and Alice his wife, to have and hold to them and their assigns for Alice's life; the testator's will being that if he dies before his return "all hostel," (to his house) the manors of Siggeston and Romigeton after Alice's death shall return to his right heirs; and Thymmylby, in like manner, shall revert to Thomas Fulthorp, his uncle, and his heirs for ever. And his 'enfefez' in the manors of Bodell and Spyndilston aforesaid shall make estate thereof to Isabell, his wife, for her life. The testator and Thomas Fulthorp affix their seals, 27th of April, 6th of Henry V (1418).

One seal, a round one, in red wax attached to the tag. The shield couche has three roundels in chief and a plain fesse. The crest seems to be a dragon with two legs. From its mouth depends a scroll, "Droit d(ieu?)." "S. Johis Coluyll. de Dale. Milit.:" is the legend round the shield. The will is much faded and difficult to decipher. On the back is marked—

"Will of S John Coluyll
"v^t died in Normandye."

"Colville of the Dale" is a familiar figure to us in the historic play of Shakespeare (*Henry IV, 2nd part, Act iv, Sc. iii*), as the famous rebel who surrendered to Falstaff in Gaultrees Forest, and was ordered to York for execution with his confederates by Prince John of Lancaster, according to the poet. This would seem, however, to be a figment of the poet's fancy, for Sir John, like his more famous fellow-soldier Falstaff, would appear to have been in Henry V's service in the French wars, and died there.

In the *Esch. Rolls. Ing. p.m.*, printed in Hodgson's *Northumberland*, vol. i, part iii, p. 54. A^o 30 Edw. I, in this entry; "Robertus de Colevill. Spindlestan unum messuag' v-xx et xviii acr terre xv bondag' &c. Botel vi bondag' &c." In the Testa de Nevill (ib. p. 210) under the Barony of Vescy, Philip de la Ley and William de Colevill hold equal halves of Spinlistan and Bodhill. The family was thus of old standing in that county. Spindleston I take to be the scene of the ballad of the "Laidley Worm" of Bamborough, which had its dwelling in Spindleston Crag. Bodell, now Budle, is opposite Holy Island.

VII. ADMISSION BY THE PRIOR OF MOUNT GRACE, OF JOHANNA BIGOD AND HER HUSBAND TO THE BENEFITS OF THAT RELIGIOUS HOUSE.

Brother John, the most humble prior² of the House of the Assumption of the most blessed Mary the Virgin "in Monte Gracie" of the Cistercian Order, Diocese of York, and the Convent, to their beloved in Christ Johanna Bigod. Grant her in life and death full participation in all the

¹ The word is partly illegible from a blot.

² Wilson according to Burton, (*Mon. Eborac*).

benefits of their house, viz., in masses, prayers, contemplacions, fasts, vigils, abstinences, alms, sacred meditations, and spiritual exercises whatsoever. That on her death being notified to the Chapter, the "beneficium" customary for brothers and friends of the house shall be said for the safety of her soul. Moreover, they graciose admit the soul of John Bigod her husband to the same benefits. Done in the Chapter House under their common seal, 15th July, 1520."

The seal in red wax, considerably mutilated, remains. The upper compartment, vesica-shaped, represents the B. V. Mary crowned, standing in the attitude of prayer, her hands clasped on her bosom. Four angels, two on each side, have once supported the compartment, two of whom are entire, and the fragment of another. In the compartment below, a bishop seated, with mitre and pastoral staff, appears in the act of benediction. The inscription gone, except a few letters.

VIII. INDENTURE BETWEEN JOHN PRIOR OF MOUNT GRACE AND ARTHUR PRESTON OF FYLBURGH FOR LEASE OF LANDS IN YORK CITY.

An indenture (in vernacular) made the 20th December, 30th of Henry VIII, "in ert h the supreme heyd of the Churche of Englonde," by which John, Prior of the Monastery of the Assumption of our Lady of Mount Grace and the Convent, "lets and dymyseth to Arthure Preston of Fylburgh in the Countie of the Citie of York Esquyer" all their messuages, lands, tenements, rents, reversions and services with appurtenances in Fylburgh Candwath, Helaygh and Catterton in the Countie of the Citie aforesaid, from the Feast of the Annunciation of our Lady next following the date thereof for the term of 21 years; for the rent of £9 3s. 4d. sterling. There is a provision for the Prior and Convent to distrain if the rent shall be unpaid at any of the terms of payment, the Feasts of Saint Michael the Archangel and the Annunciation of our Lady. And if it shall remain unpaid for four months after either of the said "Fests," the Prior and Convent to have power to re-enter "and posseid and enjoy as in their former estate." They append their seal to the part of said "indenturez remanyng with the said Arthure."

The same seal as in last, in green wax, the upper part more perfect, is affixed. On the back is a smaller oblong seal—an ecclesiastic seated under a canopy, with pastoral staff in left hand, in the act of benediction.