

ART. III.—*Why Alston is in the Diocese of Durham, and in the County of Cumberland.* By R. S. FERGUSON, F.S.A.

Read at that place, July 10th, 1884.

THE parish of Alston is situate, locally, in the Franchise of Tindale; it is the most southerly parish of the deanery of Corbridge, once part of the diocese of Durham; but now, since 1882, part of the bishopric of Newcastle. It lies on the eastern water-shed of England, and its rivers, the Nent, the Ale, the Blackburn, the Gilderdale-burn, and the South Tyne pour their waters into the North Sea. and not into the Solway Frith, as do the rivers of the rest of Cumberland: it lies, where I wish Carlisle did, at the back of the Helm Wind: its inhabitants speak a different language from what we do in the rest of Cumberland—to give but one instance,—what we call a *beck* they call a *burn*, and you may note on the Ordnance map of our route to-morrow that the streams running east from Hartside Fell, are all *burns*: these running west are all *becks*: its parish church is dedicated to a Saint to whom no church in the diocese of Carlisle is dedicated, viz: to S. Augustine: it naturally, that is by all the laws of geography, belongs to the county of Northumberland, from which county alone is it accessible without crossing a mountain pass. Yet the parish of Alston is part of the county of Cumberland, to which it has access only over a *col*, whose summit, as we shall painfully learn to-morrow, is 1,900 feet above the level of the sea.

This is no modern anomaly: had it been a thing of yesterday, done by a modern act of Parliament, I might have groaned, but I should not have wondered at it, or at anything in these days, when new bishops and new archdeacons grow up, like mushrooms, in districts defined by a railway

railway time table, to the utter confounding of ancient historical boundaries and ancient historical associations! But this is a time honoured anomaly: in 1292, at a trial at Carlisle, there was produced proof that William de Saham and John de Metingham, justices itinerant, with the sheriffs of Cumberland and Westmorland, had made a perambulation between Aldeneston and Tynedale, and found by the oaths of knights and other good men that the manor moor and waste of Aldeneston, were wholly in Cumberland. The *Valor Ecclesiasticus* of Pope Nicholas IV., made in 1291, shows that Alston was then in the diocese of Durham. So we thus have proof that in the 13th century, or 600 years ago, there prevailed this same anomalous condition of things that exists to this day. In seeking to elucidate its origin, we must go into somewhat obscure questions, relating to the early history of the Borders.

To avoid prolixity and the retelling of an oft told tale, I will, for this evening, assume that this Society is a learned one, and that its members have availed themselves of the many opportunities which have been presented to them of becoming acquainted with their early history.

On the dismemberment of the great kingdom of Northumbria by the Danes, in the 9th century, Carlisle and the district round it, or Carliol, fell neither to English nor Danish rule. It turns up incorporated with Strathclyde proper, and with Galloway under the name of Cumbria. In 924 occurred the events which brought about the *Commendation to England of Scotland and Strathclyde*, when not only Northumbria, including the Lothians but the Scots and Picts of Scotland, and the Britons of Cumbria chose Edward the King of the English, to be "*Father and Overlord.*" In 945, Dunmail, "the last king of rocky Cumbria" fell out with his overlord, Eadmund the Magnificent, king of the English, who at once took his kingdom from him and granted it, in 945, to Malcolm I., king of Scotland, as a feudal benefice in the strictest sense. Until Cumbria was
dismembered,

dismembered, it continued in the possession of the royal line of Scotland, held as a fief under the English king, either by the king of Scotland himself, or by a near relation, usually by the *Tanist* or proximate heir.

For many years nothing is on record relating to Cumbria, except that in A.D. 1000 it was laid waste by the English. In the middle of the 11th century both Cumbria and Strathclyde were in the hands of Malcolm Caenmore, but about 1070 Gospatrick, Earl of Northumberland, severed the district of Carlisle, or all Cumbria south of the Solway, from Malcolm's dominions, and handed it over to Dolphin, supposed to be the Earl's son. In 1092 the Red King came north with a large army, drove out Dolphin, and made the district of Carlisle part of the English kingdom. Henry I. made it an English bishopric and an English earldom, but he reassumed the earldom, and then split the earldom of Carleolum, the English barony of Kendal, and the strip that intervened between them, into two counties, Carloli and Westmorland, and these two counties are accounted for by their sheriffs, in the oldest Pipe Roll known,—the solitary one of 31 Henry I [1130-1]. In this Pipe Roll the burgesses of Carlisle render an account into the Exchequer of 100s. for the old rent of the silver mine; and in the same year William the son of Hildret, the sheriff of Carlisle, or Carloli, also accounts to the Exchequer for the rent of the silver mine for "this past year." That this silver mine was at Alston is proved by subsequent records which show that in the books of the Exchequer the silver mine at Alston, and those in the vicinity, stood as the *Silver Mines of Carlisle*, a nomenclature which would naturally arise through the rent being accounted for by Carlisle officials.

We thus have, from the very earliest time of his making an appearance in history, the sheriff of Carleol, or Cumberland, dealing with the rents of the mine at Alston, and Alston appears ever since to have been part of this county.

Was

Was then Alston part of the British kingdom of Cumbria? No: positive evidence exists that it was not. When Edward I. was considering his claims upon Scotland, he directed the various religious houses throughout the kingdom to furnish him with all the information in their possession, historical or documentary, bearing on the ancient relations between England and Scotland. Among the returns from the monastery of Carlisle is the following statement as to the boundaries of the kingdom of Cumbria at the time of its dismemberment *circa* 1070. *That district was called Cumbria, which is now included in the bishoprics of Carlisle, Glasgow, and Whitherne, together with the country between the bishopric of Carlisle and the river Duddon.* As there is no pretence for saying that Alston was ever in the bishopric of Carlisle, we have here positive proof that it never was part of the British kingdom of Cumbria, which was dismembered in 1070. Yet in 1130-1, or sixty years later, we find the sheriff of Carliolum, or Cumberland, dealing with its revenues, or at any rate with the revenues of its mines.

How comes this? We must turn our attention to the district in which Alston is geographically and ecclesiastically situate; the district on the eastern side of the great water-shed, while Cumbria was on the western. In 1130-1 that district was not, as now, in the county of Northumberland: between the counties of Cumberland and Northumberland there then intervened the franchises of Tyndale and of Hexham, in which the chief lords had all taxes and civil jurisdiction, and the King of England's writs could not run within them. The franchise of Hexham belonged to the Archbishop of York; with it we have nothing to do, but it was not made part of the county of Northumberland until 1572. The franchise of Tyndale [comprising the parishes of Alston, Knaresdale, Kirkhaugh, Whitfield, Simonburn, and part of Haltwhistle] owned the king of Scotland for its chief lord, who held it of the English
crown

crown ; it was not made part of the county of Northumberland until 1495. For the origin and history of the franchise, and how the king of Scotland came to own estates and seignorial rights in England, I must refer you to Hodgson's Northumberland ; but the king of Scotland held this, not as a part of his kingdom of Scotland, but as an estate in England, and he did homage for it to the king of England ; and, although within it the king of Scotland exercised every other royal prerogative, the title of the crown of England was still paramount as regarded the ores impregnated with precious metal.*

The position seems curious, but we can easily imagine the Queen of England having private family estates and seigniories in Germany, in which the Emperor of Germany might own the mines, and in respect of which she might be sued in the German courts.

From the *Placito de quo warranto* we find that in 1280, Robert de Veteripont, the holder of the manor of Aldeneston was called upon to prove his title, and the king of Scotland was also called upon to show why he claimed diverse liberties in the manor of Aldeneston, which is *de antiquo dominico corone domini regis [Angliæ] infra comitatum suum Cumbriæ*. The king of Scotland pleaded he was entitled to these liberties as royal prerogatives by immemorial use, but produced no documentary evidence, and the jury declared Robert de Veteripont an intruder. Robert must have died soon after this, for Edward I., in 1282, made the following grant of the manor to his son Nicholas de Veteripont.

Rot. Pat., 10 Edw. 1., m.9. Pro Nicholo de Veteriponte de manerio de Aldeneston Rex omnibus, &c., salutem. Sciatis quod cum nos in *curia nostra* coram nobis per iudicium ejusdem curiæ nostræ recuperassemus versus Robertum de Veteriponte manerium de Al-

* Mr. Hodgson thinks the kings of Scotland may have acquired these estates by the marriage of David the First with Maud, daughter of Waltheof, son of Siward, Earl of Northumberland in the time of Edward the Confessor.

deneston

deneston cum pertinentiis *ut de comitatu nostro Cumbriæ*. Nos ad instantiam dilecti nepotis nostri Alexandri, filii magnifici principis Alexandri regis Scotiæ illustris prædictum manerium cum pertinentiis Nicholao filio et hæredi prædicti Roberti concessimus habendum et tenendum sibi et hæredibus suis *de prædicto domino rege Scotiæ* et heredibus suis in perpetuum per servitia inde debita et consueta. Salvis nobis et hæredibus nostris *minera de Aldeneston, minariis, et libertate eorundem mineræ et minariorum*, quæ nobis et hæredibus nostris plenarie retinuemus. Et volumus et concedimus pro nobis et hæredibus nostris, quod manerium prædictum de cetero sit de libertate dicti domini regis de Tindale. *Ita quod minarii ejusdem mineræ nobis et hæredibus nostris respondeant de minera illa sicut hactenus respondere consueverunt*. In cujus, &c., teste rege apud Cestr,' iij die Julii.

Spite of this grant, Nicholas de Veteripont had to stand, in 1292, a new trial at Carlisle, under a *quo warranto*, and the proceedings, which are lengthy on the record, resulted unfavourably for him, but the king ordered the judgment to be reversed, and commanded the sheriff of Cumberland to put Nicholas in possession of the manor.

The wording of the grant of 1282 is peculiar. The Crown is stated to have recovered the manor of Aldeneston and the pertinencies as of our county of Cumberland. It is granted to Nicholas "to hold to *himself and his heirs* of the foresaid lord, the king of Scotland, reserving to us (i.e. the king of England) and our heirs the mine of Aldeneston the miners and the liberty of the same mine and miners which we have retained for ourselves and our heirs in as full a manner as possible. And we will and grant for us and our heirs that the said manor for the future shall be held of the franchise of Tindale of the said lord the king of Scotland."

Thus we get what the royal prerogative reserved by the crown of England was, viz.: the mine of Alston, the miners, and the liberty of the mine and miners, which would be a district within the manor of Aldeneston, in which neither the king of Scotland nor his subfeudatory had any rights.

From

From the following extract from the *Placita de quo warranto* we learn somewhat as to the liberties claimed by the miners. They claimed that the justices of the king in their *iter* or circuit through Cumberland should go to Arneshowe in Aldeneston to hold pleas of the crown touching the said mine ; but the right seems to have fallen into disuse. No doubt for fiscal reasons the judges may have gone at some time or other.

Mineratores de Minera de Aldeneston sumoniti fuerunt ad respondendum domino Regi de placito quo warranto clamant quod justiciarii domini Regis itinerantes in comitatu isto veniant apud Arneshow in Aldeneston ad placita Corone domini Regis mineram prædicam tangencia illuc placitanda sine licencia et voluntate domini Regis et progenitorum suorum Regum Angliæ, &c.

Et Mineratores veniunt et dicunt quod a tempore quo justiciarii primo inceperunt itinerare in partibus istis ipsi et omnes predecessores sui mineratores ejusdem minere semper usi sunt hujusmodi libertate absque aliqua temporis interruptione. Et hoc petunt quod inquiretur per patriam. Et Wilhelmus Inge pro domini rege similiter. Ideo fiat inde jura, &c. Nichil hic de jura quia totaliter amiserunt libertatem suam ad placita de Corona.

It appears from other records that the miners paid the king 10 marks annually for their liberties. What these liberties were we learn partly from an account in Coke's *Institutes*, as to "the liberties of the silver mine of Aldeneston" by which it appears that in Michaelmas term 1290 Patric-Of-the-Gite and 26 other miners at Aldeneston were empleaded by Henry de Whitby and Joan his wife for cutting down their trees at Aldeneston by force and arms, and carrying them away, to the value of £40. On which the miners said that they held the mine of Aldeneston to farm of the lord the king and that this is a privilege of their mine that the miners of it can cut wood to whomsoever it may belong, nearest and most convenient to the silver vein of the mine, which they may happen to find and to take as much of that wood as they please to roast and smelt the ore of such mine. Henry and Joan did not
dispute

dispute the right but contended the eight miners had taken too much wood, and £40 of wood in the 13th century must have been a large order.

In 1350 the royal commissioners, Thomas de Seton and John de Mowbray, held an enquiry at Penrith, into the liberties of the miners of Aldeneston. The jury found That the miners of Aldeneston formerly dwelt together in their *shelis* and when they did so and were exercising their calling of mining, they used and had these liberties, customs, and immunities, namely,—of choosing there among each other and from themselves, one *coroner* and one baliff, called the *king's serjeant*, which coroner for the time being had cognizance of all pleas as well concerning felonies or trespasses, debts contracted and all other matters among themselves, there arising concerning themselves, and likewise the power of hearing and determining all such matters: and they say that the king's baliff made all executions among them respecting themselves and servants enjoined upon him in the form aforesaid: and further, that the present miners, while then dwelling together and exercising their calling of miners by following their mining wherever it may, and by dwelling together in their *shelis* ought to use and peaceably enjoy all the aforesaid liberties and customs: but if they be dispersed in different places, then, thus separated from one another, they ought not to use or enjoy the liberties aforesaid. And they say that while thus dwelling together and following their mining occupations, they and their predecessors have enjoyed these privileges for a time beyond all memory, sending therein annually to the king at the exchequer at Carlisle 10 marks.

This proves clearly that the miners were a people distinct from the agricultural or pastoral inhabitants of the district. I have no doubt they were a colony of German miners brought to work the mines, and settled in the king of Scotland's franchise of Tyndale, under the royal protection of the English king as paramount lord, paying their dues to the nearest officer of that crown, who happened to be the sheriff of Cumberland, and so the district, though not part of the kingdom of Cumbria, came to be part of Cumberland.

And the German names of Aldenstain or Alston, and Gerrard's Gill probably mark the *shelis* of the free miners.