

ART. I.—*Law Ting at Fell Foot, Little Langdale, Westmorland.* By H. SWAINSON COWPER, F.S.A.

Read at Fell Foot, September 5th, 1889.

THE remarkable legislative system in use among Scandinavian nations in early times has attracted the notice of not a few writers; at the same time the subject has not received the attention it merits, and I am not aware of any single volume entirely devoted to it.*

The system put generally was this: each nation or province was cut up into several—generally three or four—main divisions, and these were again subdivided.† In each of these an open air assembly called a *Ting* was held which ranked as follows:—

1. The Parish *thing*; the lowest.‡
2. The Provincial, district, or intermediate *thing*. This was sometimes a circuit court; in Shetland and Iceland, called a *thing soken*.
3. The National, called the law or *al-thing*.

* Much information on the subject will be found in the following works:—

Hibbert.—*The Tings of Orkney and Shetland, Archæologia Scotica*, vol. iii.

Worsæ.—*The Danes and Norwegians in England*, pp. 158, 296, 332, &c.

Wilson.—*Prehistoric Annals of Scotland*, p. 113.

G. Lawrence Gomme.—*Primitive Folk Moots*.

Train's *Hist. of the Isle of Man*, i, 271.

Mallet's *Northern Antiquities*.

† These divisions varied both in name and number: according to the *Landnama* book, Iceland was cut up into *fjordings* or quarters; each *fjording* contained three or four *thing-sokens*, and each *thing-soken* three *godardar* or *parish things*. The main divisions in Shetland were also called *thing-sokens*. The Ridings of Yorkshire and Lincolnshire Worsæ considers the equivalent of the S. Norwegian *Tredinger* or thirds of petty kingdoms, in each of which was held a *Treding thing* to which disputed causes were referred from the district (or parish) *thing*. Cumberland and Westmorland are divided into *wards*, which may represent the jurisdiction of the *middle thing* or *soken*. In the less Scandinavian parts of England, the divisions are *Hundreds*. Another form of division found in the Danish parts of England is the "*Waþentake*." Worsæ surmises that this word may be derived from the Danish *Vaubentag* or *Vaubentarm* (sound or clashing of arms) that being the manner that assent to a proposition at the *ting* was made. Hibbert however states that a *Waþenting* or general inspection of arms was held within three weeks after the *al-ting*.

‡ The Parish *thing*. In Shetland these were presided over by officers called "*foudes*." Shetland in old charters is called a "*foudrie*." Query: has the "*Pile of Foudrie*" generally called Piel Castle near Barrow any connection.

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At these *things* local affairs were discussed, justice administered, and laws promulgated. A right of appeal also lay from the lower to the upper courts as at the present day to the court of appeal and the lords.

This system seems to have prevailed in a similar form over a considerable part of Northern Europe; traces of it are found abundantly in Norway, Orkney, Shetland, Scotland, Man, and wherever as a matter of fact the Norwegians, and Scandinavians generally, extended their influence.

“The Danes and Norwegians in Northern England settled their disputes, and arranged their public affairs at *Things* according to Scandinavian custom. . . . There were incontestably in the Danish parts of England certain large or common *Thing* meetings, which were superior to the *Things* of the separate ones. . . . A law of King Ethelred (Thorpe; *leges et instit. Anglo. Sax.* glossary *Lakman*) which seems to have been promulgated for the five Danish burghs and the rest of the Danish part of England orders that there shall be in every wapentake a gemot, or *Thing*.*”

These courts, the sites of many of which are still to be identified by their names,† took place as I have said, in the open air, often doubtless at some well known tree or stone which would serve as a rendezvous; often also no doubt at some stone circle, which, especially if concentric, would be admirably suited for the purpose. Yet sometimes it was considered necessary to erect an earthen mound of peculiar form upon which the court held its sitting.

“Not unfrequently the fences of a ting were concentric; the intent of which was to preserve among the different personages of a ting, a proper distinction of rank. The central area was always occupied by the laugman and ‘those who stood with him;’ and the outer spaces by the laugrettmen, out of whom the duradom was selected, the contending parties, and the compurgators.” ‡

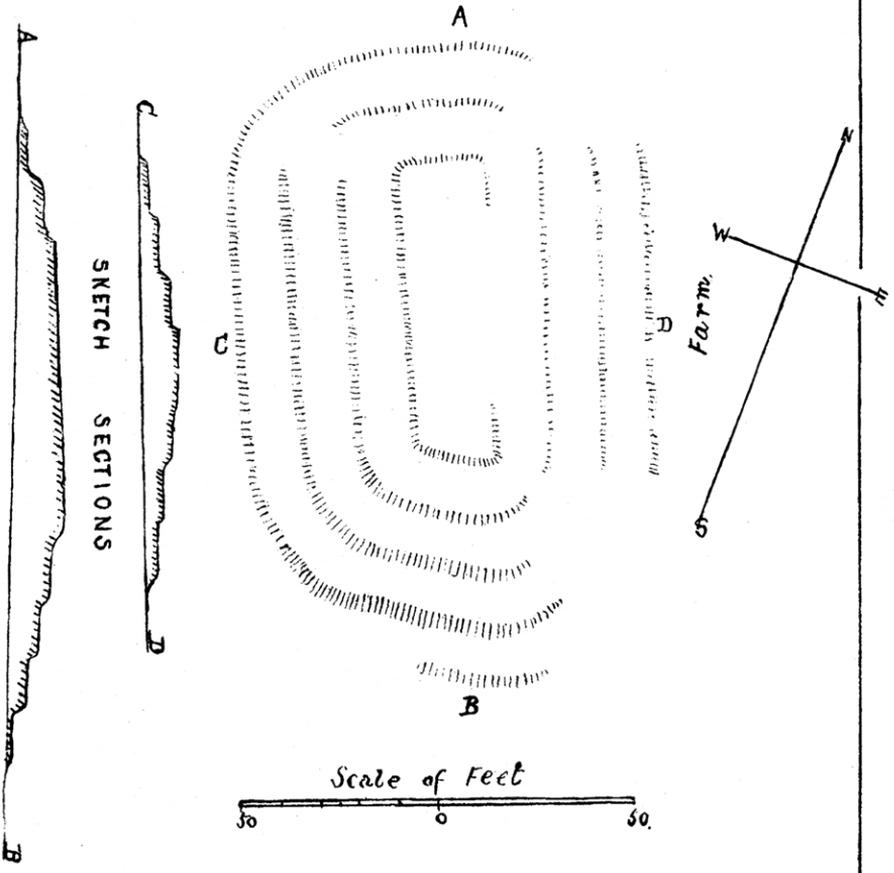
* Worsæ: *The Danes and Norwegians in England* p. 158-9.

† *Tingvall* in Iceland, *Tingvold* in Norway, *Tingwall* in Shetland, *Thingwall* in Cheshire, *Dingwall* Co. Ross, *Tinwald* in Dumfriesshire, *Tynwald* in Man, *Dingsted* in the Dutchy of Oldenburg, &c., &c.

‡ Hibbert, *ut ante* p. 141.

Now

LAW TING
LITTLE LANGDALE
WESTMORLAND.



Now the typical example of a mound specially erected for the purpose and the one which will immediately occur to the members of this society is the Tynwald hill in Man ; this may be said to be still used for its original purpose, and so much has been written about it, that it is here only necessary to describe it.

The Tynwald Mount is circular in plan, 240 feet in circumference, and rises by four circular platforms or steps each 3 ft. higher than the one below : the breadth of the lowest is 8 ft., the next 6 ft., the third 4 ft., and the summit 6 ft. in diameter. In former times the whole was surrounded by a ditch and rampart of rectangular form in which was contained the chapel of St. John.*

Let us now compare the mound before us. It consists of an oblong quadrangular platform (the E. side of which is 75 ft., the W. 70 ft., the N. 21 ft., and the S. 19 ft.), surrounded and approached by stepped platforms all of which are of the uniform breadth of 14 ft. On the N. side there are two of these, on the W. three, and on the S. four. The east side has apparently had the same number as the west, but they are partly destroyed or obliterated by a row of ancient yew trees, and by the farm buildings.

The bank of the summit is in places indistinct, as on the east side, especially at the north end. The surrounding terraces are best marked at the south-west corner, where the natural level of the ground is lowest, and here the lowest bank seems about 4 feet high, the next about 2 ft., and the total height at this corner from 10 to 12 ft. The banks seem chiefly formed of earth, but at the south-east corner, where they are partially destroyed, they are stony. The ground upon which the mound is placed rises to the north, and falls to the south ; but the terraces and banks of the mound itself rise gently to the south.

*Worsæ: *Danes and Norwegians*, p. 296. Britton and Brayley: *Beauties of England and Wales*, vol. iii, p. 290.

Now

Now here it will be noticed, there is a decided variation from the Manx hill, in as much as its plan is an irregular oblong instead of circular. It also covers very much more ground than the Tynwald.

Nevertheless the general scheme of a central space surrounded and approached by parallel stepped platforms is exactly carried out; and in spite of its somewhat different form and the singular fact that no tradition with respect to its origin exists, I venture to suggest that we have here a Scandinavian *Lawmount* or *Ting*, of similar character and belonging to the same period as the Tynwald hill in Man.

Supposing this surmise to be correct it is difficult to guess how large a district would be under the jurisdiction of this court. Both Westmorland and Cumberland are divided into wards, which not improbably represent the judicial divisions. Langdale is in Kendal ward; there is besides every reason to believe that this part of the country was subdivided into small districts, and perhaps the four Westmoreland wards each held a *Thing* to which these smaller assemblies were subordinate. Troutbeck near Windermere was divided into three hundreds or constable wicks, each having its own constable, carrier, and bull.* These are perhaps the remains of an ancient Scandinavian subdivision.

The mound is immediately behind the farm house of Fellfoot, at the head of Little Langdale, and therefore close to the commencement of the pass by Hardknott and Wrynose into Cumberland. It may be readily conceived that at the period when it was constructed there would be no road of importance in the valley, except the Roman one leading over the pass; indeed it may be said there is very little else now. As a matter of necessity therefore the inhabitants of the district constructed the *Thingstead* here in

* Clarke's Survey of the Lakes, p. 134.

a place of ready access to all who should have to attend court.

From the evidence of its position then, as well as the actual size of mound, I should be inclined to imagine that the district under its jurisdiction may have been considerable. Thus it is placed at the base of a series of mountain passes, so that litigants and others could approach from Cumberland by the Hardknott pass, from Great Langdale and Grasmere through that of Blea Tarn, from Elterwater, Skelwith, and Ambleside by the Little Langdale valley, and from Yewdale, Coniston, and Hawkshead by Tilberthwaite.

I am not aware if any significant name is attached to this mound, or the field it is in, but the place names in the vicinity are abundantly Scandinavian. Slight mention of it will be found in one of a series of papers on the Hawkshead district by the late A. Craig Gibson and published in the proceedings of the Lancashire and Cheshire Historic Society, new series, vol. 8, and I believe also in his book entitled "*Ramblings and Ravings round Coniston Old Man.*"

APPENDIX.

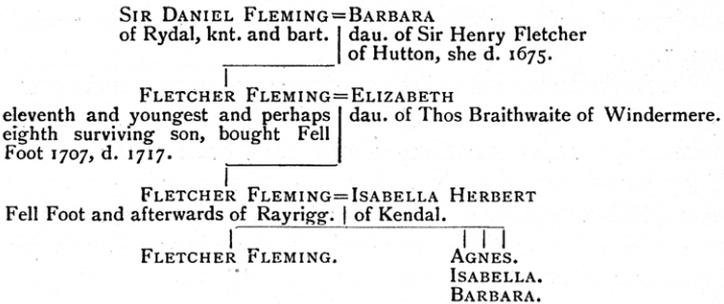
FELL FOOT HOUSE—On the front of this picturesque mountain homestead may be observed a wooden panel, bearing the Fleming fret with a cross moline, and the crest, a serpent nowed. Mr. George Brown of Troutbeck has favoured me with the following information upon the subject.

"The estate still belongs to the Flemings of Rayrigg; it was purchased in 1707 by Fletcher Fleming who was the youngest son of Sir Daniel Fleming of Rydal, Knight, and brother of Sir William. This Fletcher resided at Fell Foot until his death in 1716; he left a widow and an only son also named Fletcher. The mother and son continued to live there until the son purchased Rayrigg in 1735, from Thomas Philipson (in whose family it had been for many generations). After purchasing Rayrigg, the younger Fletcher appears to have gone to live at it.

The arms over the entrance door will probably have been placed there by the first Fletcher Fleming, as shown by the cross moline in the fret on the arms, which is a mark of cadency for an eighth son, which he would be considered, as two of his brothers died infants."

Sir

LAW TING AT FELL FOOT.



NOTE BY THE EDITOR.—It would be well to ascertain if any tradition exists of a fair ever having been held at this place, or if the fell shepherds ever had a meeting place here for the purpose of exchanging wandering sheep: such would be some evidence in favour of this mound having been once a "Law-Ting." The mound seems more or less natural, but improved by art, and the field, in which it is situate is known now as "The Orchard." It may be suggested that terraces are cultivation terraces, but it seems improbable that such would be continued round the cold side of the mound.