

ART. I.—*Inglewood Forest.* Parts V. and VI. By F.  
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V.—EVENTS AND CUSTOMS RECORDED AT THE EYRE  
OF WILLIAM DE VESCY, 1285.

BY far the largest source of information relating to Inglewood is the great roll of Pleas of the Forest opened on the Morrow of All Souls, November 3rd, 1285. The portion which deals with trespasses of venison, which have already been described, occupies only a third of it, the bulk of the remainder being devoted to administrative matter. It includes a searching enquiry into the state of the forest, and a detailed history of what had taken place within it since the last Eyre, twenty-three years before; \* sometimes touching upon incidents far more remote. The matter is of a miscellaneous character; and for that reason the subjects are introduced almost in the order given them by the original compilers.

First the regarders make their report for Allerdale. Their names were:—Robert de Carleton, Richard Bouche, Thomas de Langrigg, Hugh de Brumfeld, Richard de Boyvill, Elias de Brayton, William de Langrigg, Alan de Seleby, John de Plumland, Walter de Crosseby, Thomas de Louthre and Bartholomew de Uchtresete.†

Most of their presentments are of little interest to the antiquary, consisting of bald facts and figures about enclosures; but at the end some entries occur which deserve

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\* The last Eyre, that of Robert de Nevill, was "in the quindene of St. Michael at the beginning of the forty-seventh year of King Henry"—i.e., at the end of 1262. This is given in the Pipe Roll, 14 Edward I., where a number of rents of assarts are given, with arrears for the twenty-three years to 1285. The Eyre is first noticed in Pipe Roll, 51 Henry III.

† Exchequer T. of R. 5, m. 29.

to be perpetuated. Three men, greatly daring, have tampered with the boundaries of the forest by altering the watercourse of the Shawk while making enclosures. Here are the facts as presented :—

Alexander, the reeve of Thursby, is diverting the watercourse of the Shawk by improving for himself ten falls of land within the metes of the Forest six years back, which is sown with oats, and worth 3d. a year. Total 18d., for which he will answer. And for this land he is in mercy, The land is seized, etc.

From the entry given it seems that Alexander had brought into cultivation a small plot on the western bank of the stream, and to protect it from floods either weired it so well as to turn the lead of the water into the opposite side, or deliberately altered the course. For this offence he loses the land, and a fine is inflicted, in addition to the ordinary rental. \*

William de Mora made one purpresture at Unthank five years ago of half a rood of land, sown with oats, worth 2d. a year ; total 10d., for which he will answer. And he diverts the course of the Shawk in improving that land. For this land he is in mercy, and the land is seized.

Afterwards came Ladies Isabella, Countess of Albemarle, and Alice de Lucy, and rented the said half rood, together with the said ten falls ; and paid the King 4d. Hence let them have and hold, etc., and be permitted to put up one building.

Robert de Rosedewe diverting the water of the Shawk, improved one rood of land on the King's ground, sown with oats for ten years, and it is worth 3d. a year ; total 2s. 6d., for which he will answer. And for the land he is in mercy. The land is seized into the King's hand.

Furthermore the said Robert improved half a rood of wood in the King's land near the Shawk : for which he is in mercy, and the wood is seized into the King's hand.

Afterwards came the ladies aforesaid and rented the rood of land and the half rood of wood at 4d. per annum, providing they make no assart.

And the regard ends with this note :—" And all the regarders of this regard, for bad presentation, are in mercy—20s."

Much more information is to be found in the regard of Inglewood, between Eden and Caldew. The remainder of Inglewood, between Caldew and Shawk, was not subject to the regard. It was made by William de Harlaweston, John de Staffol, Richard de Bello Campo, Nicholas Hunter (Venator, and elsewhere Venur), Adam de Dolphinby and Henry de Dolphinby his brother, Robert de Tympaurun, Simon de Penreddok, Hugh de Talkan, Gilbert Holhege, William Marshall of Edenhall and Richard de Unthank (m. 33).

A number of place-names occur in the succeeding rolls. Among the first entries is a notice that Bricius of Bramwra and the abbot of Holme have twelve acres of land at Bramwra. The passage goes on to quote the boundaries of the abbot's land from the charter given him by Bricius of Penrith,\* who settled here, but giving Seynt Wolfriholm as a reading for the charter's reading of St. Wilfrid-holme.

Then we are told that "Eda, widow of Alexander de Boulton, has one purpresture at Forscalheling." This place-name is given as Fornescaleshaileth in the Pipe Roll for 38 Henry III., when this property was obtained by John de Boulton.

Robert de Hampton, father of Robert de Hampton lately dead, made a purpresture at Creskeldholm.

Geoffrey de Rachton made two purprestures of old in the King's demesne land, one in Le Starmire, which contains two acres of arable land (probably Starnmire, about a mile above Sebergham Bridge, east of the Caldew) . . . . and one at Brackenthwaite, which contains half an acre.

Immediately after this notice comes an entry relating to Robert, son of Ivo, who was Geoffrey's brother; and

\* The name Bricius was common among persons styled "de Penreth." The Bricius who settled at Bramwra was first "Cook" and afterwards "de Penreth." In the pleas we read of Bricius, son of William, son of Walter, living about 1266, and of William, son of Walter, son of Simon de Penreth, giving a descent of four generations; Bricius, son of Roger, son of Stephen; and John, living in 1285, son of Bricius, deceased, son of Edwin.

who seems to have been inseparable from him, even on paper (see p. 23.)

William de Vaux made a purpresture at Fornetoftes of one acre arrenged by Robert de Nevill at 6d. which Lucy de Vaux has.\* And it is found that there is one acre not arrenged, sown with corn, for 24 years past; per annum 12d., of which the sum for the whole period is 24s. For this the said Lucy will answer, the acre not arrenged to be taken into the King's hand. Afterwards the aforesaid Lucy came and rented the acre of land to build a house for herself there, at 6d. per annum. And because she was poor and had taken the vows (*religiosa*) the payment for corn sown, assessed at 24s. is remitted . . . . total amounting to one mark, on the security of Adam de Levington and Ranulph de Vaux.

The prior of Wetheral made a purpresture of old in Akergarth in his own ground, of one acre and a half of arable land. And it is testified that the land there is arable land (*i.e.* outside of the covert). Hence there is no payment (*imbladiamenta nulla*) to be made. For the King has granted to all dwelling in the forest that each man may make profit (*appriuare*) in arable land within arable land.† Hence let the prior have and hold it and be free from fine and payment (*misericordia et imbladiamentum*).

There had been a little unpleasantness leading up to this entry. The following extracts tell the story:—

It is presented by the regarders . . . . that Thomas, prior of Wetheral, had made one purpresture of six acres of land and one of meadow at Wetheral. . . . .

It was directed that the foresters and verderers and regarders aforesaid should go and make a measurement, . . . . Who say as regards the first purpresture of six acres of land and one of meadow that there are not but one acre and a half of land by measure, and it is within Akergarth, and it is arable land within arable land. And therefore the said prior has committed no offence. . . . And therefore all the regarders between Eden and Caldew for their false presentation are in mercy.

As it has been recorded that both the panels of regarders had been in trouble, it may fitly be added here that the

\* She was the widow of William de Vaux.

† The statute speaks of "terra arabilis extra coopertum in terra arabili," which is there rendered "without enclosing the arable land."

verderers had also been found wanting. "And all the verderers, for their bad presentation both of venison and of vert, are in mercy—100s.," is the final entry of the Roll of Vert (m. 28d.).

Notices are given of old purprestures made by Adam Casse at "Appeltregarth" in Sowerby, now held by Robert son of Duncan of Sowerby; by Pavya Braunche at Braunchebank in Brackenthwaite; by Henry de Thrangholm in Thrangholm, and by Jordan de la Cressonere at "Sythehel" in the fee of Blencowe, now held by Thomas de Joneby, living in Newton (m. 33d.). These four entries occur first in the Pipe Roll for 38 Henry III.

Eustace de Balliol, deceased, made a shelter 40 feet in length within the covert of the wood at Leisingby (m. 34).

Robert, bishop of Carlisle, deceased, made a sheepwalk in Mikilgil fourteen years back, without warrant. Bishop Ralph had it now. The same Robert put up another sheepwalk on the hill at Mikilgil, on the side towards Penrith.

John de Capella made a sheepwalk at Mikilgil in the King's forest on his own ground, within the liberty of the King of Scotland.

Henry de Goldington, deceased, made two houses in the King's forest: one at Aspenhoudal, in the land of Edenhall, nine years back, and also a sheepwalk in "le heuedes," sixteen years back, which Adam Turp now holds.

Among other owners, Simon de Hoton is mentioned at Thrangholm, and Adam de Hoton at "Alemby"—now Ellanby. Further it is noticed that

The township of Cumquyntyn, for digging turfs at Wragmire on the King's demesne soil, without warrant, to the loss of the King, and the injury of his forest, is therefore in mercy. And it is directed that the said township shall henceforth dig no turfs (m. 35).

Several following notices concern the prior of Wetheral.

The prior of Wederal has long (*ex antiquo*) had a fishpond at Wederal across the water of the Eden, to the great loss of the forest, and destruction of the wood.

The loss referred to is more clearly indicated in another entry, where this work is said to be enlarged from day to day.

The same prior of Wederhal made a dyke in the King's forest from Sandwath to Drybek, which is in length half a league, and in breadth four feet; it is in the King's demesne soil, and a nuisance to the forest. And because the said prior did this without warrant, let him be in mercy, and the dyke filled up.

Twelve wastes have been made in the demesne wood on Penrith Fell by that township, namely, at Aykelund, Troskhough, Braylund, Staynigil, Brokholes, Fogithweyt and le Scorth (probably Scaws).

The township of Langwatheby made one waste in the King's wood at Leykrigsyke.

The township of Salkild made two wastes in the King's demesne wood at Troscarth and Brounrig.

The prior of Wederhal made two wastes in the demesne wood at Dribek.

The same prior made a waste in the demesne wood in le Bankes above Erminthweyt (Armathwaite).

The township of Carlaton made a waste recently at Hallestede in the King's demesne wood.

The prior of Wederhal made one waste anciently at Hullerhirst (elsewhere Hurrehirst).

The wood of Cumquintyn is recently wasted by William de Leversdal and Eudo de Karleolo, the parceners of that wood (m. 35).

The regarders next report that in the tenth, eleventh and thirteenth years of this reign, tree-trunks had been found containing honey, in each case valued at 4d., for which Alan de Kyrkeby was to account.

Then follows an inquest into the state of the forest and the waste of the herbage, made by twelve verderers and thirty-six regarders. Of the latter, we have the names of the panels representing Inglewood and Allerdale: the twelve forming the third panel are not given, and probably form a survival from the time when the forest of Cumberland included a third bailiwick, that of Copeland Forest. This is what they say (m. 37) :—

John de Swyneburn kept 260 sheep in the forest in the pasture of Penrith for one year without licence. Therefore he is in mercy. (Marginal note: amercement, half a mark).

The township of Soureby and the men of the Raghe (Roe Beck) who are the men of the King of Scotland, graze the land of Braythueyt, Selywra, Welleton, Warnhill and the demesne covert of Middelsooch with all kind of beasts (*averia*), to the wasting of the herbage of 30s. per annum. Hence the sum since the last Eyre for fourteen years is £21 10s. For which the township will account.

Further the said township of Soureby grazes the land of Welleton and Warnhill to the wasting of the herbage of one mark per annum with their beasts, for the same time. Hence the sum is £14, etc.

The township of Scotteby grazes the land of Hescayth and Barroksleghes to the wasting of the herbage of one mark per annum for twenty-three years since the last Eyre. Hence the sum for that time is twenty-three marks, for which the township will account.

The bishop of Carlisle's men in Dalston, Conduvok, Cartheu, Haukesdal and of the Holme (et del Holm) graze the land of Welleton, Warnhill, Great Rosseleye, and Little Rosseleye to the wasting of the herbage per annum of £4 since the last Eyre. The sum for that time is therefore £92. For which the men of the said townships will answer.

The township of Seburgham grazed the land of Warnhill, Welleton, Great Redethweyt and Little Redethweyt, to the wasting of the herbage of one mark per annum since the last Eyre. Total for that period £15 6s. 8d. For which the said township will answer.

Ralph, bishop of Carlisle, has one vaccary in the wood at Byrskawe, situate by the water of the Peytrel, where his beasts have been kept for three years back; they graze the land of Barroksleghes, Ellerton, Thowethueyt (Southwaite), Blakeberithueyt (Burthwaite) and Hescayth, to the wasting of the herbage of half a mark per annum. Total 20s., etc.

John of Sowerby, cowherd of the said bishop, and of bishop Robert, deceased, has had his beasts kept at the said vaccary at Peytrelwra, which grazed the said lands for twelve years back, to the wasting of the herbage of 4s. per annum. Total 48s., etc.

The prior of Carlisle has a vaccary on the Peytrel in the wood of Byrskawe, where his beasts are kept, and they graze the said land to the wasting of the herbage of 10s. per annum since the last Eyre. Total £11 10s., for which he will answer.

Henry Bouman has a vaccary at Swyneslawe in Brisco wood, which is the property of the prior of Carlisle, and his beasts are kept there, and graze the lands aforesaid, to the wasting of the herbage of half a mark per annum since the last eyre. Total £8 13s. 4d., for which the said Henry will answer.

A little calculation will show that the total value of the grazing so taken amounts to over £180—a very considerable sum according to the standard of those days.

The next entry of interest shows the jealousy with which Whinfell Park was regarded. Here there were two deer-leaps—contrivances in the surrounding fence over which, as the name suggests, the deer could leap in, but, though this is not implied in the name, so arranged that they could not leap back—a convenient way of keeping the park stocked, as the deer were constantly crossing the Eamont. The note is explicit on the matter :—

Isabel de Clifford, who is one of the heirs of Robert de Veteripont, has the park of Qwynnefeld, in the county of Westmorland, where there are two deer-leaps which are a nuisance to the forest, because one is less than a league distant from the King's forest of Inglewood, and the other is distant scarcely a league and a half. Of these John de Veteripont, father of Robert de Veteripont, made one, and Robert himself made the second, and lengthened the first so as to be a nuisance to the forest. And it was testified that in the time of the said Robert, the King's deer used to be driven into the park through these deer-leaps, to the great destruction of the King's deer.

That the deer frequently crossed from Inglewood to Whinfell and back is clear from many entries in these records. Judging by the lie of the country, the reason probably was that as they moved southwards over Penrith Fell, which seems to have been a great resort of deer, they found themselves eventually on the remarkable jut of land formed by the Eamont, which bends sharp to the right and then back a short distance below Brougham Castle. Those who use the Edenhall road know how prominently the rise of Whinfell stands out from this point of approach. A glance at the map will show that this was a natural route, as here is the only break in the line of dwellings, Eamont, Penrith, Carléton, and Edenhall beyond. If they then crossed the Eamont to the right, they would reach the present site of Whinfell Park

farm; if to the left, they would gain the park about a mile further up.

And here a few words may appropriately be added about one of the most famous of local stories, which will always be associated with Whinfell; that of the Hart's Horn Tree, and the hunting of the stag by the hound Hercules.

The facts are recorded by the Countess of Pembroke, the last of the Cliffords, in connection with an ancestor in the reign of Edward the Third. The material points are that a stag was found on Whinfell; ran to Red Kirk in Scotland, turned, and regained the park. Romance is added to this remarkable run by its dramatic ending; the stag just mustered strength to leap the fence of the park, only to fall dead on the other side; the hound, Hercules, attempted to follow, but fell back and died outside. The antlers were fixed on a tree close by for a memorial, and the Countess mentions the incident because the tree was dismantled in her day, and moralises "Whereby we may see that time brings to forgetfulness many memorable things in this world, be they never so carefully preserved. For this tree, with the Hart's Horn in it, was a thing of much note in these parts."

But in modern times this memorable thing, the story of Hart-a-grease and Hercules, has been questioned on the ground that it is too wonderful, apparently without even examining the evidence. It is by no means an improbable tale. It is recorded by an undoubtedly honest and careful chronicler; the few details are exactly what might be expected. The hart was found on Whinfell, and if headed away from the hills would take a north-westerly line through Inglewood, probably passing near Penrith Castle. He seems to have gone on without a turn till he reached the Solway, and crossed it, so reaching Red Kirk Point on the opposite shore, facing Rockcliff Marsh. This spot is barely twenty-five miles from the top of Whinfell, a long distance, but far less than some estimates of the run suggest.

Landing at this place, he might be expected to make his way south by way of the hills, and the obstacles in his way would turn him in that direction. The exact route is immaterial; but he would most easily find his way home over the eastern side of Penrith Fell, down to the bend of the Eamont; he probably forded it near St. Ninian's Church, and, leaving Hornby on the left, gained the park near Hart's Horn Tree. Some such explanation seems required to account for the fact that the hart, returning from Scotland, re-entered the park at its further side. The tree was close to the road at the eastern end of the field of which the western boundary is the lane leading to Hornby, about  $3\frac{1}{2}$  miles from Penrith.

Regarding horses at large in the forest, and studs of horses, it is noted that the abbot of Holme Cultram and the prior of Carlisle have horses running there. Of the former it is added:—

The abbot of Holm has his studs in the forest of Allerdale, throughout the whole extent between Caldew and Ellen, and the number is fourscore and upwards, whereby the pasture of the deer is much overburdened. And because it is found that the abbot has his studs there by the King's charter, therefore let him have them duly and in peace.

And regarding the lawing of dogs:—

They are not lawed in the towns of the King of Scotland within the metes of the forest, namely Penrith, Carleton, Salkeld, Scotby, and Sowerby, and in the towns of the liberty of the prior of Carlisle. The lawing of dogs since the forestership came into the King's hands\* is, from Penrith 40s., Salkeld 20s., Scotby a mark, Sowerby two marks. And the towns of the liberty of the prior of Carlisle are outside the regard; hence they are quit of the lawing of dogs by the King's charter.

¶ The usual charge for composition where a dog was found not lawed was 3s. The prior's liberty was exempted from the regard, and therefore from this liability, by

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\* This happened in 6 Edward I.

charter ; but the assessment from the other towns suggests that they had no title to their immunity. A similar evasion was attempted in the case of pannage, and overruled. There is, a little later, a statement that

All agisters and foresters who have swine have hitherto been free of payments for pannage, and this from olden times.

The jury were next asked to name any who had caused the waste or destruction of whins or bracken, and they answered

That the shepherds of Penrith and Salkeld burn the whins for the bettering of their pasture, and take of it estovers at their will. And after burning them, they dig up the sods, to the injury of the forest.

In reply to the question whether there were any mines of iron, lead or tin within the forest, they said

That there are no mines in the forest; but that one miner had licence from Geoffry de Nevill to collect ore by the river Waver in the forest of Allerdale at the rate of fourscore *esperduca* of iron in the year. Price of the iron, one mark ; for this the executors of the said Geoffry will account. And of lead, nothing.

Another point for inquiry follows, which has a significance in view of the subsequent development of the Forest—How much could the King obtain per annum from the herbage in the land ; the answer being that he could obtain much from the demesne lands, especially towards Allerdale, if they were enclosed ; but how much, the jury could not say for certain.

Two questions deal with local usages ; first, what owners, who have demesne woods in the King's forest, take timber in those woods without the supervision of the foresters ; and what men take foxes and hares, and have dogs and greyhounds in the forest. The answers are

That all who have such woods take timber without supervision by the foresters, and this from the olden time.

That all free tenants within the metes of the forest take hares and foxes outside the covert, and have their greyhounds and dogs, and have done this from the olden time.

Towards the end of the pleas is inserted a little episode in the history of Uckmanby. William de Mulcastre, son of Robert de Mulcastre, appeared before the justices and set forth that his men in the hamlet of Uckmanby had always paid half a mark per annum as the accustomed maintenance (*putura*) of the foresters. But under Geoffry de Nevill these men were overcharged at the instigation of Alan de Penyngtow, knight of the said Geoffry, who held Robert de Mulcastre in great hatred by reason of a difference between them. So greatly were they overburdened that all the tenants of the hamlet left their lands and tenements.

The matter was at once set right ; the justices ordered the foresters, verderers and regarders to enquire into the truth of the complaint, and they confirmed it, and relief was ordered accordingly. It is only fair to point out that this oppression had nothing to do with the forest law, but was simply the development of a private feud.

William de Mulcastre also obtained a grant of land at a rental, namely, "Lynthweyt with the marsh, by the following bounds : from Alnewath across to Lynthweyt-rigg and so down to Bakstambek, and then to the Wampool including the fields of Kyrkthweyt by the same bounds, upwards by the circuit of the wood from the water of the Hawk" : it having been found that it would be to the King's gain and the advantage of the forest if this land were rented (m. 32d.).

But the best known of the proceedings at the pleas is that relating to the privileges of the priory at Carlisle, and the incident of the ivory horn. It is recorded in the following terms (m. 36d.) :—

Adam, prior of Carlisle, and the canons of the same house, claim to have in the King's forest of Inglewood these liberties as follows—namely, that the said prior and canons claim for themselves and in right of their church at Carlisle common of pasture for themselves and their men of their entire holding residing within the forest, throughout the entire forest in the King's demesne woods, except in the fence land, for all manner of their beasts. And they claim to

have the whole tithe of venison taken within the forest of Ingelwode, so that they should have that tithe of deer taken ; that is to say, the beast entire with the hide, when it occurs ; and they claim to have tithe of hay, of pannage, afterpannage and agistment ; of foals, calves, lambs, swine, goats, and of all other beasts throughout the King's demesne in the forest aforesaid.

And they claim to have tithe of all manner of fish caught in the lake of Ternwathelan (Tarn Wadling), which is called Laykebrayt. And they claim to have the hides of all kinds of deer (*ferae*) found dead throughout the forest in the forest aforesaid. And they claim to course the hare and the fox with their own dogs outside the covert ; and they claim that they and their men should be free of the lawing of dogs ; and they claim to have charcoal-burners for making charcoal from dead wood lying on the grass wheresoever it be in the King's demesne wood, for their own use. And they claim to have oaks blown down by the wind, if they or their men come upon them before others do so, for their own use, on marking such oaks with their axes as far as the heart of the oak.

Just before the entry relating to Tarn Wadling is a passage which has been scored through, running "And they claim to have tithe of all manner of fish caught in the water of Eden throughout the whole of the King's demesne." Even without this privilege the priory had certainly a handsome endowment, and one which would be far more valuable than when it was first bestowed. But claims of this kind were carefully scrutinised :—

The prior and convent were asked by what warrant or what title they could do this ; and they say that they have used (these privileges) from the olden time by custom and their possession exercised up till now from time out of mind. Further, they produced a certain horn of ivory from their lord Henry, once King of England, their founder, who had given them these liberties with that horn they had.

And since it seemed to the Justices that that horn was not a sufficient warrant without other particular title, they directed the foresters, verderers, regarders, and other honest and lawful men of the forest and the county of Cumberland to inform them upon their oath how and in what manner the said prior and canons had used the said liberties up till now, and by what right. And they say upon their oath that the said prior and canons, and their predecessors, the priors of the said house, have used these liberties up to now, all

and singular, except of the tithe of lucies taken in Terwathelan; but by what right they do not know.

Hence it was granted to the prior and canons that their claim be respite. And meanwhile the matter is to be brought before the King, unless they should have some other particular warrant from the King.

Afterwards came the said prior and convent, and produced the King's writ in these words: E. by the grace of God, to his well-beloved and faithful William de Vescy and his brethren, lately justices in eyre for the Pleas of the Forest in the county of Cumberland, greeting. We charge you that you permit the prior and canons of the church of the Blessed Mary in Carlisle, beloved in Christ, and their men, to use and enjoy the liberties which you have found them to have used, both before yourselves at your said eyre, and before other justices remaining in the same county for the like pleas, within our forest of Englewood from the time of the foundation of that church ever until the present time. Witness Myself at Langeley, the seventh day of February in the fourteenth year of our reign.

Therefore it was granted to the prior and canons that they should make use of all the liberties aforesaid, except that relating to oaks blown down by the wind, and windfall wood, which they claim to have; which is put in respite until they have another warrant thereto from the King.

These proceedings show, amongst other things, how great had been the labour of settling the work accumulated, covering as it did nearly a quarter of a century, as the date of King Edward's writ discloses the fact that the roll was not completed till well on in February, while the justices first sat on the third of November. As to the claims of the priory, it is clear from the record that there was never any serious idea of dismissing them, all that was done being to make certain that they were based on some sort of title, and that the intentions of the pious founder were not exceeded.

Connected with the subject of the priory and its privileges is a document purporting to be a statement of facts occurring a short time after William de Vescy's Eyre. Waste of the grazing and hardships to the small holders were said to have been caused by John de Halton,

steward of the priory; and the liberties possessed in the forest by the community are expressly mentioned as a cause of some of the discomforts alleged by the complainants. Only their side of the story is given, and it would be difficult to make certain what were the rights and wrongs of the case; but the details are probably trustworthy. Here is their account of what happened\* :—

Your men and tenants of Raketon (Raughton) in the forest of Ingelwode complain that whereas they, that is to say, Simon the son of Adam, John his son, Robert son of Richard of Cargou, Henry the son of Henry, Ralph of the Bridge, John Wythman, Walter his son-in-law, William the son of William, Robert le Mareschall, Nicholas son of Richard, William the son of Reginald, Reginald his brother, Ivo de Raghton and John the Clerk, received from W. de Vescy at the forest eyre a land called Ellerton in the said forest to farm, to enclose for the grass and hay to be had there for 40s. to be paid to you annually, they enclosed the land, held it enclosed for one year, received the profit of it, and paid the farm of 40s. Afterwards there came the lord John de Huelton, steward of Carlisle, with many armed men, and they brought many beasts with them, broke the close of the aforesaid land, and trampled and destroyed the hay and grass of the men named. When the said men wished to drive those beasts to the King's fold, as is the custom with beasts found on fence land, the said lord John, the steward, along with the men with him, made a rescue; and so for two years the prior and steward of Carlisle because of their wealth have kept the said land, which is the demesne of the King, by their power and influence, and have their vaccary there, and their beasts in great numbers; and the King's men who received that land at farm are entirely ousted, and the farm of 40s. is reduced to nothing. And therefore they ask for redress for their losses, because these oppressions and injuries are done by William de Barneby, clerk of the lord William de Vescy and his agency.

Endorsement—Karlel contra Priorem Karlil.

The prior had, at the pleas, obtained a grant of fifty-five acres in Ellerton at a rental of 36s. 8d. a year, with permission to surround it with a ditch and a low hedge.

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\* F.P. Ex. Q.R., Bundle 1, No. 14.

The second complaint is more serious, containing as it does a charge of bribery by the prior, gross misconduct by some of the forest officers, and waste of the King's property. The immunity enjoyed by the prior and his tenants is said to result in the collection of the less law-abiding element of the forest anxious to avail themselves of it; the freedom from liability for the escape of beasts being a particular inducement. That the grievance must have been a real one is shown by the willingness of two of the complainants to buy out the prior.

The men of your forest of Ingelwode, that is to say the towns of Soureby, Newelands, Forneskalhaylin and Haythayt, and Geoffrey de Sedburgham and Henry his brother, complain to you of the injuries and oppressions inflicted upon them by the prior of Carlisle, John de Crokedehayk, your verderer, and John de Raghton, your forester, who have entered a certain plot of land which is called Langholm and contains forty-three acres, rendering therefrom to you 42s. per annum through the justices of your forest; and afterwards to the dispossessing of the King, and the great cost and hardship of the aforesaid towns and men, appropriated to themselves from the King's forest, and the pasture of the said towns and men, a space containing two leagues and more, and put up seven houses there, where there used to be none; and there they imparked the beasts of these men, and slaughtered their beasts, namely nine swine belonging to Henry de Sedburgham, valued at 18s.; so that because of these injuries and oppressions they can scarcely live, nor pay the farms due to the King, that is to say £20, unless relief and grace be obtained from you. And all this they do through William de Barneby, clerk of the lord William de Vescy, and Thomas de Hoton, your forester in Plumpton, and this in return for twenty marks which they received from the said prior and the others.

They further complain and say that there is no number to the oaks and other trees wasted and destroyed\* in this place by the prior and the others.

And because the prior and the others have considerably and injuriously appropriated to themselves over and above the forty-

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\* Apparently clearings were being made. To cut out the trees for this purpose would be, in the eyes of those who knew the old system, to "waste and destroy" the trees, the "vert" being the first consideration. But though the process involved what the officials might call destruction of the trees, we may rest assured that not a foot of sound timber was wasted in the modern sense.

three acres rented at 42s., the said Geoffrey and Henry, who are more severely damaged and annoyed in the part consisting of the overplus, agree to give to the King four pounds of silver per annum for the said overplus, provided that the said acres and overplus be measured by trustworthy men, who are not hirelings of the prior or the others.

And because the prior has the tithes of the forest, and on account of the liberties which he claims to have, and because he is quit of (fines for the) escape (of beasts) in the forest, and so are his men; and because he has the fines of his men, he draws to himself those who are rich in live stock (*divites mobilium*) and so many trespassers in the forest, that by reason of the beasts of these rich persons and the trespasses of the evildoers the greater part of the forest is thrown into disorder, and the tenants of the King are supplanted, to the great loss of the King and their own.

They say further that whereas the King had a certain free chapel in the said forest in a place called Sedburgham, and a chantry of one chaplain there for the King and his ancestors, it is now turned into a mother church, worth twenty marks a year; and the chantry has come to an end by reason of the said prior; and there is made a great town where there used to be one house and no more; and by the suppression of the chapel they have appropriated to themselves in the town of Soureby an annual rent of a hundred shillings which is the King's; and that this is true they are willing to verify by the whole country.

Endorsed:—And for all these wrongs they complain against William de Barneby, clerk of the lord William de Vescy, your justice, and Thomas de Hoton, your forester, who did them for twenty marks, improperly received from the prior and the others.

Also:—Karliol—contra Priorem Karliol.

The prior and John de Halton, his steward, had as sureties Henry de Tymparon, William Tirontayl of Birsceyeh (Brisco), Alan son of William de Carleton and William de Birsceye. John de Crokedayk had as his sureties Gilbert Somer of Burgh, John le Fraunceys, William de Quineu (Whinnow) and Richard *filius presbiteri*, of the same. John de Ratthon (Raghton) had as sureties Richard de Ratthon, and Thomas brother of John himself; Robert de Ratthon, father of John, and Ivo de Ratthon.

The de Seburgham family, two members of which

occur in this incident, appears regularly though not frequently in the records of this period, and in the absence of fuller information, presents a difficulty common in old pedigrees, that of distinguishing between a succession of individuals bearing the same name. In the Pipe Roll for 7 Henry III., Geoffrey de Sebergham begins to pay the large annual rent of half a mark for land in Sebergham. In the thirty-eighth year, one of the same name contributes 2s. to an aid, and in the fifty-sixth was a juror at the enquiry into the trespasses committed against the King of Scotland. Probably the last-named was father of Geoffrey and Henry.

In the 26 Edward I. there is an Inquisition post mortem on, presumably, the last-named Geoffrey, who is described as "son of Geoffrey." The jurors give some unusual particulars of his family, stating that he had three sons by his first wife, but that they had gone beyond the seas, and the jurors did not know whether they were living. He had married a second wife, whose name, we learn from the Close Rolls, was Mariota; and his son by her, Geoffrey, who was then seventeen, was recognised as heir.

Henry is noticed in the Pipe Roll for 15 Edward I., where he paid twenty pence to have a purpresture containing an acre and a half, which Adam son of Alice of Sowerby had made, and a rood of land above Sebergham Bridge, no building to be erected. In 1301 he was coroner for Cumberland, and a notice occurs in the Close Rolls directing that a new coroner should be elected, as he was insufficiently qualified,—probably on technical grounds. Neither the disqualification nor Henry himself was removed, however; for in 1307 there is another order to the same effect, for the same reason.

With regard to the general subject matter of this record, it seems undoubted that the prior had a right to be farming at Ellerton and Langholme; beyond this, as to the blame, if any, attaching to the individuals men-

tioned, it is hardly necessary to conjecture in the absence of direct evidence. The antiquary may be well satisfied to have this curious fragment of Sebergham history. The views of the complainants must be taken for what they are worth ; but whether they are justified or not, they are clearly in favour of the rule of the forest law, the old regime of vert and venison, and opposed to innovation, as represented by the prior's progressive agriculture.

#### VI.—THE DE RAGHTON FAMILY, KEEPERS OF THE EYRIES OF GOSHAWKS.

No name is more closely interwoven with the early history of Inglewood than the de Raghtons. They occur, not only constantly, but in almost every possible capacity that the forest could furnish for them. They first appear as owners of Raughton by the serjeanty of keeping the eyries of the King's goshawks in the forest, a service sufficiently interesting to invite attention ; they are found regularly as foresters and verderers ; their oldest members were requisitioned to give information upon questions of boundaries and customs in the forest ; they were pioneers of cultivation in what was then an undeveloped district, being continually engaged in purchasing and improving plots of forest land ; and we know that one at least of the family did good service in the Scotch wars and in France. A good record, but only to be pieced together from the scantiest materials—a name here, a grant here, a payment somewhere else ; for the persistence of the name is equalled by the elusiveness of biographical detail.

Raughton was given by Henry I. to one Edwin. Under Henry II., Unspach had it. Edwin is described as "ancestor" of the later owners, and Unspach\* seems to have been ejected ; but the story only begins with certainty in the Pipe Roll for 28 Henry II., when

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\* Unspach=Ospak (Ospakr), a well-known though not very common Norse and Icelandic name meaning *U-spakr*, unruly, and originally a boy's nickname.

Uchtred and Walter de Ragton pay 5s. for the serjeanty of Unspach. There was a third brother, Henry, but he does not appear as yet.

In the 4 John a fine was made by which Reginald, the son of Uchtred, conveyed to Thomas, the son of Walter, one-third of a carucate of land in Raughton, in consideration of a payment of two marks. In the first year of the same reign, Henry de Racton and his nephews Thomas and Reginald were charged one mark to have the mill at Rachton at a rental of 2s. per annum. The estate itself was held in grand serjeanty.

The Pipe Rolls for the reign of Henry III. introduce a number of persons bearing the family name, but whose relationship is not indicated. In the seventh year Ivo de Rachton acquired land at Brackenthwaite; Stephen de Rachton and Henry, son of Roger, in Raughton. Henry (son of Ralph de Rachton), Henry, Reginald, and Alexander de Rachton obtained land in Raughton in the fifteenth year.

In the twenty-fifth year Ivo de Rachton acquired half an acre near his house, and Geoffrey, his son, and Robert de Racton (another son, though not so described) also purchased land. This branch of the family is constantly noticed. Ivo was a man of importance in the forest, and was one of the jurors at the important inquisition on the privileges of the forester in fee. His sons were valued no less highly, for they were jurors at most of the great forest inquisitions held in Cumberland during the latter part of this reign, and occur, first as foresters, and as verderers in 1267, and appear in that capacity at the pleas in 1285. Four only of the other verderers held office throughout this period—Peter de Eyncurt, Eudo of Skirwith, Thomas de Beauchamp, and Adam de Hoton. The last named lived long, for we read in the Close Rolls of his death in 1300.

But of the de Rachton brothers there is one noteworthy feature—the unbroken comradeship that existed between

**ADVT.**

## **STATESMAN FAMILIES OF IRTON.**

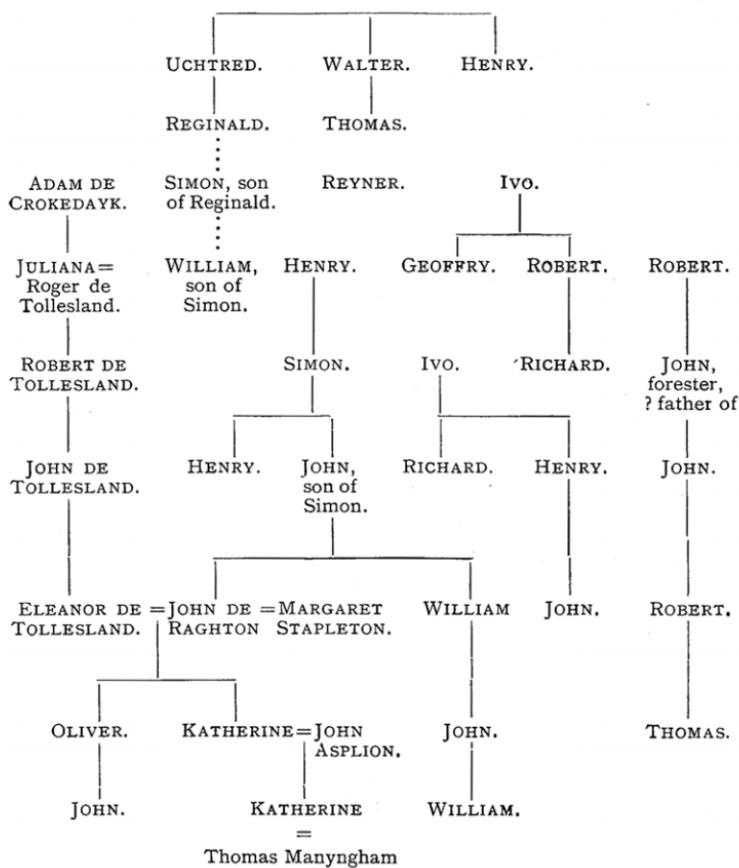
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**Rev. C. Moor, D.D. (Apley Rise, Westgate-on-Sea, Kent) has fuller information concerning these families, which he will supply to those interested, for a nominal fee, to cover the cost of transcription, &c.**

# Pedigree of the de Racton Family, showing the connection with the de Tolleslands.

EDWIN.

UNSPACH.



the two. In the records in which they occur, covering a period of forty-four years, the writer has not met with a single instance in which one brother is mentioned without the other. They attended together as jurors; they bought land at the same time, and usually in the same place; in the Pipe Roll for the 38 Henry III., both purchased land in Brackenthwaite; in 14 Edward I. there is a notice of property acquired by each in Raughton twenty-four years before. No details of their lives are recorded; we know, however, that Robert was a married man, for later we hear of his son Richard, but that is all.

Reverting to the 25 Henry III., we find a notice in the Pipe Roll that Simon, son of Reginald de Rachton, and Thomas, son of Thomas de Multon, had acquired between them a property called Fornetoftes. In the thirty-fourth year, Reyner and Simon de Rachton and Thomas de Multon each pay 3s. to have ten acres from the serjeanty of Rachton. At the pleas in 1285 this property was held by Robert de la Ferte, Simon de Rachton, and Ivo de Fornetoftes. There is nothing to show how it had descended, but as the earlier Simon had Fornetoftes, it seems probable that Ivo was his representative, and the younger Simon, Reyner's. The latter is no doubt the Simon, son and heir of Henry de Rachton, of full age at the time of the Inquisition post mortem in 56 Henry III., but Henry's position in the pedigree is unknown. One of the notices in the pleas contains the following:—

That there have been no goshawks in the King's forest these nine years back; but that Robert de la Ferte, Simon de Rachton, and Robert de Fornetoftes hold thirty acres of land of the King, paying therefore nine shillings a year to the King, and performing only the custody of the eyries of goshawks; and they claim to have tercels in return for the custody (Exch. T.R. 5, m. 36).

The last sentence, the claim to have tercels (male falcons) in consideration for performing this sinecure is very typical of the doubtful titles common at the time; and all the more interesting as, at another part of the

proceedings, the three owners come up again claiming for the same reason to have their pannage for nothing !

It was then asked whether the goshawks had perished through neglect, and the regarders replied on their oath that they had not, nor through any mischance. They also said that the King had two eyries.

Simon de Rachton died about nine years after this, and an inquisition was held, the substance of which is as follows :—

Inquisition held at Carlisle on Wednesday after the Assumption of the B. V. M., 23 Edward I. (after August 15th, 1295), by the oath of Henry de Seburgham, Henry le Marescall, William Asemunderlawe, Richard de Rachton, John de Rachton, Ivo de Fornetoftes, Simon son of Adam, John the clerk of Raughton, Robert le Marescall, Richard son of Robert son of Ivo, Reginald son of Pavia, and William son of William de Geytscal ; who say that the said Simon held thirteen acres in Raghton in chief of the King . . . . and one-fourth of a water mill there . . . . by the serjeanty of keeping the King's hawks (*ancipitres*) in the forest of Inglewood, &c., &c. And they say that Henry, son of the aforesaid Simon, is his next heir, and twenty-two years of age and upwards.

The mention of Simon, son of Adam, a relative, as distinguished from the dead Simon, is of use, as later we have to differentiate between John, son of Simon, and John, son of Simon, son of Adam. Richard, son of Robert, son of Ivo, was no doubt the child of the veteran verderer, the brother of Geoffrey ; Richard and John, together with Thomas de Raghton, were foresters in 1285.

The Patent Roll for 1305 contains a curious entry about one of the family :—

Notification, lest sinister suspicion should arise, that part of the left ear of John, the son of John de Raghton, was torn off by the foot of a horse slipping.

About the same time we read constantly of John, the son of Simon de Rachton, who seems to have added to his estates. In 1319 there is a pardon to him for acquiring in fee without licence from Henry de Rachton three acres of land in Rachton. In 1331 he was appointed during

pleasure to the custody of the King's pasture in the town of Rachton, "which is grievously wasted by persons who should not have pasture there." In 1333 there is a pardon to him for acquiring without licence one and a half acres of land from Henry de Rachton, and from Stephen Stubbe the like. He was also a verderer.

This John de Rachton died about 1340, and an inquisition was held on the Monday after Ascension Day in that year. The jurors were Simon son of Adam de Rachton, Richard son of Ivo de Rachton, John Bateman, Simon de Blencowe, Thomas de Blencowe, Richard de Unthank, Adam de Croft, John Danyman, Ivo Bertyn, Richard Leshay, Nicholas and Robert Stubbe. His possessions included a messuage and three acres of land in Raghton held by the serjeanty of paying 3s. per annum and the custody of one-third part of an eyrey of goshawks, which was the King's, at his own cost, a messuage held in fee of Ivo Bertyn, four acres of the gift of Ranulph Dacre, two acres of the abbot of Holme, and six acres of John, son of Henry, son of Ivo de Rachton, under age. He had also a place called Milneflat containing three acres and held of Henry de Harcla, and an acre of meadow in Castle Sowerby held of Ralph de Nevyll. His heir was his son John, aged twenty-four years.

This John was a man of varied activities. The year he succeeded we read of a payment to John de Rachton, squire of the household, for his wages and robes, and for his wages of war, &c. In this year there is also a grant to him which possesses an interest in connection with the history of Hutton.

The manor of Hutton was held by the service of holding the stirrup of the King's saddle when he mounted his horse in Carlisle Castle, though the origin of the service does not appear in the records of the Hutton family. Here is a clue to it :—

Grant to John de Rachton, King's yeoman, for good service in Scotland and beyond seas of a messuage and twenty-four acres in

Hutton, which came to the King by a felony of Hugh Cressoner, late tenant, to be held by the former service, together with that of holding the stirrup of the King's saddle when he mounts his horse in Carlisle Castle.\*

The connection with the Huttons came some eight years later, when this plot was sold by John de Rachton to Thomas de Hoton.† The custom became annexed to the estate, and survived as a memorial of the prowess of John de Rachton, just as the increased influence of the Stapletons of Edenhall at this time, afterwards transmitted to the Musgraves, was a consequence of his wealth, a large part of which passed to them on his death.

In 1346 John de Rachton received a grant of the reversion of the bailiwick of Gaitsgill as forester, which was then held by Adam de Croft. A year later he was given the bailiwick in Penrith ward previously held by Henry de la Spicerie. This he surrendered in 1350, but was reappointed and held a forestership at his death in 1367. During his time there is a notice of his expenses in carrying certain hawks to the King from Inglewood Forest, showing that the custody of the hawks was not absolutely a dead letter.

This John de Rachton seems to have been the most eminent of his line, but on his death the bulk of his property passed out of the family under peculiar circumstances. The facts were that on his marriage with Margaret Stapleton, daughter of the first William Stapleton of Edenhall, he settled considerable property on himself, her, and her heirs. Whether the eventual result of this extraordinary piece of business was contemplated it is, of course, impossible to tell; but as Margaret had no child, the settled land had to go on his death † to her

\* Patent Roll, 1340.

† Patent Roll, 1348.

† She must have died very young. Her mother, Juliana Turp, was but fourteen in 2 Edward III.; John de Racton's son, by his second marriage, was eight years old in 1368. She must, therefore, have died not later than 1358. At this point the brother, William Stapleton, would be about twenty-one; and assuming that she was older, it is hardly possible that she was the senior by more than a year or two.

brother, although (and this a point which local historians do not notice) he left a family by his second wife. This lady, Eleanor de Tollesland (now Toseland, Huntingdon), was in part a Cumberland heiress, her father, John de Tollesland, being son of Robert, who was the son of Roger who married Juliana, daughter of Adam de Crokedayk, a moiety of whose estate devolved upon this John de Tollesland in his boyhood, on the death of the last of the de Crokedayk line. His heir was his son Oliver, aged eight at the time of his father's death.\* Oliver was in turn succeeded by his son John, who lived till the reign of Henry V.; an inquisition in the fifth year of that reign recording that Katherinè, the sister of Oliver, father of John, was next heir. She married John Asplion. An inquisition on her death, held 15 Henry VI., gives her descent from Roger de Herford—an alternative name of the de Tollesland family—and states that her heir was her daughter Katherine, wife of Thomas Manyngham. In the following year the latter pair conveyed away considerable estates in Cumberland, and their local connection terminates.

There are some notices of William, brother of John de Rachton, Margaret Stapleton's husband; he had a grant for life of Southwaite. Later, John, son of William de Rachton, occurs, and in the reign of Richard II., William, son of John de Rachton, is mentioned.

In 16 Edward III. there was an inquisition on John de Rachton, perhaps the son of John the forester. He had a son Robert, then aged twenty-four; and he, it seems, died eight years later leaving a son Thomas, aged three years.

A Thomas de Rachton was one of the jurors at the

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\* There were two inquisitions, in 43 and 48 Edward III. The jurors at the second were a rather distinguished panel:—Gilbert de Culwen and Robert de Moubra, knights; Gilbert de Cletre, Richard de Kirkbryd, William del Thwaytes, Ralph de Laton, Robert de Mullecastre, Richard de Beaulieu, William Ketyson, Alan de Coupland, Richard de Laton, and Thomas de Croseby.

last survey of the boundaries of Inglewood in 1380;\* one of the name was incumbent of Orton in the reign of Henry IV.

This brings to an end the men of this name who were prominent landowners or officials of the forest. Possibly the younger members of the family had gone further afield, and taken a new local name; the disappearance of the senior line would cause the old one to lose its value. A generation before there had been a number of men, apparently in the prime of life; indeed, much difficulty exists in distinguishing between individuals bearing the same name. There was John de Raghton, a forester; he was the son of Robert, but, it seems, not a brother of Richard, the son of Robert, the son of Ivo, who is not the same as Richard de Raghton the forester. There was John, the son of John de Raghton, who, as we have seen, had a personal disfigurement to identify him to his contemporaries; John, son of Simon de Raghton, distinct from John, son of Simon, son of Adam. But whatever the reason, at the close of the fourteenth century, when the new era of cultivation was dawning on Inglewood, the once indispensable name of de Raghton disappears tamely from the story.

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\* Inquisition held by William de Hoton in *foresta*, deputy of William Latymer, keeper of the forest of Inglewood, on Wednesday the Feast of St Peter ad Vincula, 4 Richard II. (August 1st, 1380). The boundaries of Inglewood are given as elsewhere, the only addition being the words "by its ancient course," interlined between "by the water of the Eden" and "to the place where Caldew falls into Eden" (I.P.M., 4 Richard II., 115).