

ART. XI.—*Five Strathclyde and Galloway charters—four concerning Cardew, and one the Westmorland Newbigging.* By the Rev. FREDERICK W. RAGG, M.A., F.R.Hist.S.

Communicated April 26th, 1917.

I.—GOSPATRIK'S CHARTER.

THIS was shown to me first in 1902 by Mr. R. H. Bailey of Lowther, whose care for ancient documents cannot be too highly praised, and was copied by me then, and the photograph which now appears in these *Transactions* was at that time taken by my urgent request; for recognizing at once some of its difficulties and its value I felt a mere transcript insufficient. I could not then, however, publish. But after working amongst such Denton deeds as appear to remain at Lowther, and getting these, scattered and separated as they had long been, into some sort of arrangement, I have been able to recognize the charter as one of these deeds, the first of the Cardew series, and I now return to it.

Denton (*Accompt of Estates and Families in Cumberland*) tells us that Cardew was held in the male line from early times * till the last of these owners sold it to a chaplain whom he names Berrington, who transferred it to the Bishop of Carlisle. In the existing charters about this transfer to Bishop de Halton, I do not read the name as Berrington, but in one as Bermton and in another as Bermeton; and the chaplain in question seems to be the John de Bermton mentioned in the Registers of that Bishop, read by the lamented W. N. Thompson in his

* He mentions some personal names of these, Thomas, Stephen, and William; others Adam, Henry, and Aldusa—all de Carthew, occur in the Pipe Rolls of Henry III.

edition of those Registers as Bermton or Berinton,* a priest collated to Denton as rector in 1317, and thereafter accordingly not 'capellanus.' I had the same doubt which Thompson shows about the name, but the two forms set it at rest. It was evidently through the acquisition of Cardew that the charter came into Denton possession. John Denton's account of that acquisition agrees with the documents. Bermeton transferred it to Bishop de Halton, he says, to the use of John Burdon—that is as interim feoffee. John Burdon gave it to his son John Burdon and his heirs, and in default of these to John Denton and his wife Joan and the heirs of their bodies, and it remained in their possession till John Denton's time who wrote the "Accompt," about the last days of Queen Elizabeth.

Denton does not hint why the Bishop of Carlisle was thus chosen for interim feoffee, but we gain a special reason from Pipe Rolls, Cumberland, of 14 Henry III (1230-1 †), and the Placita de quo Warranto. The barony or manor of Dalston under which Cardew was held had been in the immediate tenure of the Crown and was given by Henry III to William Mauclerk, Bishop of Carlisle, to be held by the Bishops as superior lords. Bermton's transfer was simply granting for the time being the immediate as well as the seigniorial possession of Cardew to the superior lord, the Bishop, and the Bishop's re-grant of it could cause no question.

This grant of the overlordship to the Bishops of Carlisle is an important point in the history of a charter so full of puzzles as this which need much thought. The document I have aforetime stated shows clear signs of being a copy of a lost original made by one to whom the letters and the language were strange, and at first, and indeed till lately, I thought it made much later than a very close

* *Episcopal Registers* of Bishop Halton, ii, pp. 30 and 145.

† See F. H. M. Parker's *Pipe Rolls of Cumberland and Westmorland*.

and critical examination of it since has shown it now to be. Were it in the ordinary mediaeval Latin there would have been little difficulty in settling its age, but some of the characteristics of different periods of writing seemed to show themselves in it. The photograph does not reveal all that scrutiny can find; only a very close and careful noting of every stroke of every letter in its pale writing, by the help of a lens, does.

From the photograph Dr. Jenkinson, Librarian of the Cambridge University Library; Mr. Chadwick; Mr. Lapsley; Mr. Craster, Sub-Librarian of the Bodleian; and Mr. Plummer of Corpus Christi, Oxon.; who have most kindly examined it, agree in its being a copy made by one who was not accustomed to the language, and all of them who are palaeographers, in its being a thirteenth century copy. The reasons which occur to me now in concurrence with this judgment I will give later when I come to the wording of the document. I wish first to turn to its substance, merely premising that there is sufficient reason to suppose it fairly representative of the lost original.

Gospatrik the grantor could only be the Gospatrik who, born about 1025, was from 1067 to 1072 Earl of Northumberland and was then expelled and became Earl of Dunbar; one of whose sons, a second Gospatrik, succeeded him as Earl of Dunbar and died 16th August, 1139; another, Dolfin, was lord, in Carlisle, of Cumberland, and another, Waltheof, in Allerdale. Gospatrik mentions Earl Siward in the charter in such a way that we have to conclude that they had aforetime worked in conjunction or in the same continuous spirit. Siward was Earl of Deira from 1038 when Bernicia was in possession of Eadwulf, younger brother of Ealdred, father of Siward's wife. It was only through her descent that Siward her husband became Earl of Deira, and by the murder of Eadwulf that he became Earl of Bernicia and thus of all Northumberland.

Gospatrik, son of an aunt of Siward's wife Ealdgyth and of Maldred brother of Duncan King of Scots, had claim likewise on the female side to either Bernicia or Deira ; but to Cumberland as a sub-kingdom in the old Strathclyde he could succeed, not as an heir of Northumberland but as a relative of the King of the Scots, among whom a son during his father's life, or a younger scion it would seem, held sway as far back as 972 when Malcolm ' rex Cumborum ' attests a charter of King Eadgar to Canterbury Cathedral.* Eadgar had mentioned in the Witenagemot of 970 † having of late overcome ' Scottas et Cumbras et Bryttas '—the two latter being Strathclyde—but these were handed over by him as they had been by Eadred, to the Scots' King to hold under him and to co-operate with him.

Siward having ruled all Northumbria from 1041 to 1055 died, and the earldom was given to Tostig a brother of Harold of England. He was expelled by the Northumbrians in 1066 and a brother of the Earl of Mercia, Morkere, ‡ elected, who submitted to William the Conqueror in 1067 but was soon deposed and replaced by Copsig once a deputy of Tostig. He in turn soon fell the earldom being apparently divided, for Oswulf II one of the Northumbrian family became earl, north of Tyne in 1067, only to fall that year. Then Gospatrik made arrangements with William the Conqueror and obtained Northumberland but was driven out in 1072 ; his claim to this earldom being through his mother, as already mentioned. After his expulsion in 1072, as probably also

* Birch, *Cartul. Sax.*, iii, 448.

† Birch, *Cartul. Sax.*, iii, 557.

‡ As to the reasons for Morkere's election, I suspect that the Ethelgar of Ordericus Vitalis, iv, 1, v, 14 was Ælfgar (father of Morkere and son of Leofric and Godiva of Mercia) and that Ælfgifu, Ælfgar's wife, was daughter of Uhtred and Ælfgifu, and so sister of Ealdgyth, wife of Maldred. This would account for the choice by Northumbrians of the Mercian Morkere and for Siward Barn's connection with Morkere at Ely and his being " tribunus Merciorum." Searle (*A.-S. Bishops*, etc., p. 446) gives Uhtred as father of Æthelgar (Ælfgar?) should it not be father-in-law? This connection would clear up a mystery.

before 1067, only without the title of earl before this, his possession on his mother's side was Dunbar, the remnants of the Northumbrian earldom of Bernicia, in the portion which had been taken by Scotland. Siward's only connection with Cumbria (Cumberland) would be when he on behalf of Malcolm had defeated Macbeth and he and his relative the sub-ruler of Cumbria could work together. This was in 1054-5. The conjunction of the two in granting rights mentioned in the charter is apparently alluded to as in the past, in days when Thore father of Thorfynn was a partaker. So at least I understand the charter—rights which Gospatrik continues and confirms to Thore's son.

Cumberland had a mixture of English and Danes (Anglo-Danes), Scandinavians from Norway, possibly, as well as from the Hebrides and Ireland, and Cymric peoples. A local language in such circumstances loses inflexions or has them confused; words of similar sound in the original separate tongues acquire even a changed meaning, and spelling may become, as it did in later days in England, a matter in which variety delighted, and vowel and consonantal sounds show change. These characteristics one might expect to find, and when they occur, together with misreadings or mistakes in a copy made by a scribe "who imitated what he imperfectly understood," * the result needs careful analysis to make sure how far the substance is representative of the lost deed. But mistakes and misreadings in such a case are limited; for copies of deeds were only made in those times for necessary legal purposes, to ensure inheritance or safety in acquisition. It was not till long afterwards that they were made for antiquarian interest. A flaw in a document could prevent its being valid in court. And when a copy was made, sufficient attestation—as instances yet existing show—was also

* Mr. Plummer's comment.

given to warrant that it was an exact copy.* Not that this eliminated all errors, but that it kept errors within bounds.

One result of my experience has been that the copy, not seldom retaining the shape of the original—I do not say the size—was made line by line to correspond with it. Emendations therefore to be probable are limited to misreadings of letters and conjectures of faded portions made by him who copied, and omissions of words which take up little space—or else of whole lines. For some difficulties there are sometimes, fortunately, aids in parallel phrases and formulas in other deeds.

The transfer of the barony of Dalston, under which Cardew was held, to the Bishops of Carlisle was an occasion when something corresponding to the King's 'Inspeximus' of charters would take place, and when a copy to replace a deed might be granted by the new seigniorial owner, the original being deposited with him. For various reasons this might happen—the copy being allowed by him as equivalent to the original and attested by some accompanying form. If it should turn out then that the conclusions come to by the study of the writing are that it was of that period, it seems reasonable to conclude that this is its date.

The script of the original being one to which the scribe was unused he has copied as nearly as he could most of the letters and made them in his usual way of forming letters, but some capitals of which he felt sure he has made in the fashion of the day; hence the mixture of shapes which range from the time of William I to that of Henry III. The actual period is practically settled after close scrutiny to be the time when the small *a* was made with three strokes: the lower left curve, the longer right curve and the joining of these at the top of the left curve

* This is only literally true in the cases of the smaller private possessions. Powerful bodies or corporations could contest where these could not.

by a third horizontal stroke, and when the tendency to indulge in thick horizontal strokes, bearing on the pen, was in vogue—as the top strokes of the letter *g* show, and when the tendency to keep the curve in the top stroke of the *T* remained, and the ordinary small *f* as written in Latin words was made with a long straight stroke begun with a small curve at the left of the top, and then a curve almost like a *c* added to the right at the top of the straight stroke. This process, though the shape is different, shows itself as that in which the *f*'s in the charter were written; in some cases a straight horizontal stroke at the bottom of the *c* completes the work. All but two are thus formed. This was the time when also *y* had still a dot placed over it in the usual Latin script of charters. These characteristics come together in the early part of the reign of Henry III. And I think we may feel assured then that our copy is of the time when Henry III transferred the Dalston barony to the Bishopric of Carlisle, i.e. 14 Henry III (1230-31).

In working up the whole matter afresh I have returned to my first conviction that the opening word is in the first and not the third person.* Following a suggestion of the editor of the *English Historical Review* I had been induced, not willingly, I admit, to give that up. But all the Anglo-Saxon charters which exist and begin in the third person according to the continental form have the third personal pronoun in the opening sentence, not the first, and the much greater number, from Cnut's days to those of William of Normandy, which begin with the name and have the first possessive pronoun in the same sentence imply the name being in the first as equivalent to "I." One of these† has a Latin copy. The Anglo-Saxon runs: "Cnut Kinge cyde"—the Latin "Ego Cnut rex revelo," which fits the case exactly.

* In this Mr. Plummer agrees.

† Thorpe's *Diplomatorium Anglicum aevi Saxon.*, pp. 332-3.

Then as to those to whom the greeting is addressed. These greetings in all kindred charters were not addressed to the occupants on a separate tenant's land; they were directed to all dwellers in the district or territory where the tenant's land was and were governed by the grantor. I know of no exception to this rule. And those concerned in this matter were they who dwelt in the part of the Strathclyde kingdom named Cumbria or Cumbraland—Strathclyde south of Solway; Cumbrians, who had possessed it and were its chief population still, with whom the newer settlers had become immixed. And I take it that the word "Cōmbres" is for "Cōmbraisc" or "Cōmbresc;" whether for "Commbresc," or "Cōmbresc" I feel uncertain, but I think the latter has something to be said for it because of the old pronunciation of *ou*—like it is now in "youth." This Anglo-Saxon form is well known; its use in the word *Englisc*, has come down to us as "English," in the south. It became "Inglis" in Scotland. I take this as the adjective "Commbresc" also for the additional reason that in the records of these Lake Counties the sign of the genitive is usually missed.* I should hardly have expected it so early but that the omission shows itself in this very charter twice "on Eadread dagan," and "on Moryn dagan."

The formula "on weald on freyð on heyninga" should correspond as well to later expressions in charters as to those of Anglo-Saxon times. In later days it appears in its simplest form as "in bosco" and "in plano," to include land of all descriptions, but with much addition sometimes, as in Huctred's charter which follows. One of Edward the Confessor's to St. Peter of York has "on

* Two of many instances are Emma Nycolwyff and Angnetā Jacwif in a Cliburn rental of 1390. It does not follow that in the original Norse settlements this was so. The names they gave to places at the outset as possessions of persons crystallized in use. It was the after fusion of different tongues which caused this in terms in ordinary usage.

wude and on felde, on mede and on watere." Another of the same King to St. Peter also * has "on wude and on felde be strande and be lande on straete and of straete and on eallan thingan" where the jingle shows that the formula was meant as an easy expression to include all classes. If therefore "on weald, on freyð and on heyninga" is to have the same comprehensiveness, which seems to be intended, "freyð" being the ancient word for wood, and "heyninga" being connected with Old Norse *hegna*, to hedge, from which comes "to hayn" and "hayne" an enclosure in MS. Lincoln A, i, 17 (Halliwell, *Dictionary of Archaic and Provincial Words*) and giving the suggestion "enclosures" for *heyninga*; there is left to correspond with "weald," the Scandinavian *völlyr* and this would include uplands, open mountain-sides and their wooded glens; an unusual meaning for Anglo-Saxon but not very different from the later term "forest" in such districts as Martindale for example.

Next as to the possibility of distinguishing between the peculiarities of the lost original and the alterations which the thirteenth century scribe may have made. He would keep to the sense as far as he understood it, for the reason already given—the validity of the document. Of the two letters which did not come into use in Latin words in charters and were going out of use in English at that time, he has made mistakes in one, not throughout however—þ (w): the other þ (*th*) had not so much gone out of use, as certain of the Lowther charters of later dates show; and indeed the Lay Subsidy Roll of 6 Edward III, 1332, for Westmorland, gives evidence that some of the local compilers of the lists were still using it, and that the official clerk who tabulated the whole for the Exchequer could not understand it. Hence Crakanþorp is turned into Crakarnyrop and Melkanþorpe into Melkanyroph; possibly by that time the top of the þ had been shortened

* Thorpe, *Dipl.*, 368; 414.

Gosprek 7 wece ealle mine pallenas 7 hwilkun andra freo 7 drence þeo wamden on eallum þam landum
 þeo weonon Aðmhele 7 eallum mine kynling freondlice 7 ic eode eow þ mine mynra if 7 full leof þ Chorsyn
 mac Thore þeo swa freo on eallum dyngel þeo þeo mine on Alneðall swa æn 7 mænna þeo oðer ic oðer æn
 mine pallenas on weald on ficed on heyminga 7 æt allum dyngan þeo by eowde forand 7 dromden eo shank
 eo wafu eo polt wadon eo bek 7 port 7 swa weald æt eallbek 7 æt wille þ þeo mæn hidenas mæ Chorsyn æt
 Clarden 7 Clamdeysoch þeo swa freo mæ hem swa ælmon 7 Thore 7 Syrn weonon on Clamdeysoch æn
 7 ne þeo neora mæn swa dromf þeo mæ mæ þe healle weorke eo hem ne ghan fæch se swa þeo weorke
 Syrnand 7 ic hebbe weorðeo hem ætneha swa æn - mæn lofand þeo weorðeo dromden 7 lea hwilkun by þeo
 weorðeo weorðeo þeo swa æt by swa wille mæn weorðeo 7 weorðeo 7 weorðeo 7 weorðeo 7 weorðeo 7 weorðeo
 kynling 7 ætneha 7 ic wille þ Chorsyn heorðe fac 7 far eall 7 eadum eow eallum þam landum : Clarden æn
 Clamdeysoch þ weonon weorðeo Thore on Moxyn dagan fæch mæ bode 7 weorðeo mæn on fæch weorðeo

GOSPATRIK'S CHARTER.

somewhat so as to be nearer the shape of *y*, which in the next century it became as in “*ye*” and “*yt*” for *the* and *that*. At the beginnings of words in the charter the scribe has not mistaken the *þ* (*w*); it is only in the insides of some words and at the ends. In general however the changes likely to be made by the scribe beyond these would not affect the internal parts of the words so much as those inflections left which would give him some intimation of the connection and the sense, and these are very limited, as we shall see. It is evident too that the original must have been fairly legible when copied, or we should not have so much that gives consecutive sense.

I now turn to the transcription of the document and to what occur to me as the best suggestions I can now give of emendations which I hope the parallels I quote will justify. After the transcription and emended text I can I think offer a text which would be nearer the normal Anglo-Saxon had it been written, as it was not, in that. The comparison will help towards interesting conclusions which I have come to about the dialect.

The parchment is 10 inches by $3\frac{3}{4}$ inches, not quite rectangular.

The Text as it stands:

Gospatrick greot ealle mine wassenas & hyylkun mann
 freo & drenges þeo woonnan on eallun þam landann þeo
 weoron Combres & eallun mine kynling freondlycc & ic
 cyðe eoy þ[æt] myne mynna is & full leof þ[æt] Thorfynn
 mac Thore beo swa freo on eallan ðynges þeo beo myne
 on Alnerdall swa ænyg mann beo oder ic oder ænyg myne
 wassenas on weald on freyð on heyninga & æt ællun
 ðyngan þeo bȳ eorðe bœnand & ðeoronder to Shauk to
 Wafyr to poll Wadoen to bek Troyte & þeo weald æt
 Caldebek. & ic wille þ[æt] þeo mann byðann mid
 Thorfynn æt Cardeu & Combedeyfoch beo swa freals
 myð hem swa Melmor & Thore & Sygolf weoron on
 Eadread dagan & ne beo neann mann swa ðeorif [] ehat
 mid þ[æt] ic heobbe gegyfen to hem ne ghar brech seo

gyrth ðyylc Eorl Syward & ic hebbe gecyðet hem
 cefrelycc swa ænyg mann leofand þeo welkynn ðeoronder
 & loc hyylkun bȳ þar byðann geyldfreo beo swa ic bȳ &
 swa Willann Walðeof & Wygande & Wyberth & Gamell
 & Kȳnyth & eallun mine kynling & wassenas & ic wille
 þ[æt] Thorfynn heobbe soc & sac toll & theam ofer eallun
 þam landan on Carðeu & on Combedeyfoch þ[æt]
 weoron gyfene Thore on Moryn dagan freols myd bode
 & wytnesmann on þyylk stow.

Text amended.

Gospatrik greot ealle mine wassenas & hwylcun mann
 freo & ðreng e þeo woonnan on eallun þam landann þeo
 weoron Coṃbres[c] & eallun mine kynling freondlycc,
 & ic cyðe eow þ[æt] myne mynna is & full leof þ[æt]
 Thorfynn mac Thore beo swa freo on eallan ðynges þeo
 beo myne on Alnerdall swa ænyg mann beo oðer ic oðer*
 ænyg myne wassenas on weald on freyð on heyninga &
 æt allun ðyngan þeo byn [on] eorðe boenand & ðeoronder
 to Shauk to Wafyr to poll Wadoen to bek Troyte & þeo
 weald æt Caldebek. & ic wille þæt þeo mann [þe] by-
 ðann mid Thorfynn æt Cardeu & Combedeyfoch beo swa
 freals myð hem swa Melmor & Thore & Sygolf weoron
 on Eadread dagan & ne beo neann mann swa ðeor of
 þeahrt mid þ[æt] ic heobbe gegyfen [þ[æt] he] to hem ne
 ghar brech seo gyrth ðyylc Eorl Syward & ic hebbe
 gecyðet hem swa fre(o)lycc swa ænyg man leofand þeo
 welkynn ðeoronder & loc hwylkun byn [þe] þar byðann
 geyldfreo beo swa ic byn & swa Willann [&] Walðeof
 & Wygand† & Wyberth & Gamell & Kȳnyth & eallun
 mine kynling & wassenas & ic wille þæt Thorfynn
 heobbe soc & sac [&] toll & theam ofer eallun þam
 landan on Carðeu & on Combedeyfoch þ[æt] weoron
 gyfene Thore on Moryn dagan freols myd bode & wytnes-
 mann on þyylk stow.

* oðer for oððe appears in the Anglo-Saxon Chronicle in 1127. Plummer,

† Wigan comes as a personal name in charter V. Compare Weland, a possible variation of Willann.

Translation.

[I] Gospatrik greet all my servants and every man free and dreng that dwell on all those lands that were Cumbrian and all my kindred amicably and I make known to you that it is my wish and my full leave that Thorfynn macThore be as free in all things that are mine in Alnerdale as any man may be either I or any of my servants in regard to open land, forest and enclosed land and with all things that are there found on the earth or under as far as Shauk and Waver and Wampool and on the open land at Caldbeck. And I will that the men that remain with Thorfynn at Cardew and Cumdivock be as free together with him as Melmor * and Thore and Sygolf were in Eadred's days: and let no man be so bold of counsel in regard to what I have given that he in any way break the peace which Earl Siward and I have declared to him as freely as any man living beneath the heaven; and look you whoever there is that abides there let them be geld free as I am and as Willan and Waltheof and Wygande and Wyberth and Gamell and Kenneth and all my kindred and servants. And I will that Thorfinn have soc and sac, and toll and theam over all those lands at Cardew and at Cumdivock that were given to Thore in Moryn's days as a freedom with proclamation and by voucher at that place.

This emendation is what I imagine the text to be which the scribe of the thirteenth century copied. It has differences from normal Anglo-Saxon grammar and spelling which I think must have belonged to the original and not at all likely to have been made by the scribe. Some of these I will take one by one as they occur. There is a tendency to the spelling *eo* for *æ* or *e* as in "greet" for *græet* or *gret*, "weoron" for *waeron*, "leaf" for *leaf*. "*þeo*" is for *se*, "deoron-

* Mælmor, Mr. Plummer says, is Maelmuire, the tonsured slave of Mary, and is Goedelic; and Kenneth is Irish Cinaed.

der" for *daerunder*, "heobbe" for *hebbe*; "mann" seems to occur for *man* and *men*. There is also the ending *un* for *um*, as in "hwylkun" for *hwylcum*, "eallun" for *eallum*; and strangely enough in "hwylkun" (after the word "loc") and in "eallun mine kynling" towards the end, in both of which cases the words ought to be nominative and not dative; and again in "ofer eallun þam landan." There is nothing to account for this repetition of the same characteristic but the possibility of its being a local usage. That these charters in Anglo-Saxon followed the local usage is quite clear to any one who will go through those which are given in Thorpe, and notice the differences which show themselves between those of different provinces granted by the same person. They must have been written by a local scribe in the dialect of the district.

The next thing noticeable is that the plural of the verbs ends in *an* and *ann*. This present tense indicative ending, for the more usual *-ad*, has been recognized as beginning in the East Midlands, among the Anglo-Danes, and hence it has been called the East Midland English. But this after all amounts to no more than that the earliest instances of its being adopted throughout occur in literature remaining of that district. There seem to be signs of its beginning in the Rushworth Gospels—rare enough it is true—and these were Northumbrian. As a theory of how it began I venture to suggest that it was a replacement of the indicative form by the subjunctive, made by the Norse settlers who found it easier not to be too much troubled by forms and moods in the language they found where they settled: they had plenty of grammatical forms of their own. But as it was Anglo-Dane it might easily have reached Cumberland. A characteristic however of that dialect when developed was the participle in *ende*, while the Northumbrian had *ande*, and this we have in "boenand" and "leofand" in the

charter. Now neither at the time of the original nor of the copy should we expect a Midland characteristic (embracing East Anglian) round Carlisle. The charter when vernacular as I have said was addressed to the local people in their tongue. And had the scribe of the thirteenth century altered this to modernize it to his days he would have made the plural of the verbs end in *s* or would have dropped the inflection, approximating it to the Norse. Therefore we are thrown back on to the idea that in this he made no change, and accordingly that this dialect which was afterwards East Midland had begun in the North West in Gospatrik's day.

The change from accusative to dative which the address gives, "Gospatrik greot mine wassenas & hyylkun mann—& eallun mine kynling" is not to be rejected for its irregularity. For an analogous case (Thorpe, p. 333), is that in a charter of Cnut which runs "Cnut cing . . cyde minan biscopan & minum eorlum & ellan minan þegnan," where the middle is dative and the others accusatives; and though this occurs with another verb it is a parallel. "Wassenas" which comes in place of the usual "þegenas" of Anglo-Saxon charters is Keltic: *gwasan* (Welsh) a page, an attendant, a retainer, formed from *gwas*, a servant, which was Breton as well as Welsh, and in fact forms the first syllable of Gospatrik's own name Gwas-Patrik. The variation "freats" may be a misreading of the thirteenth century scribe; "bek" as we know is Norse (a word like it was Anglo-Saxon) transplanted to Normandy as well as England.

The sentence beginning "& ne beo neann mann swa deorif," with the blurred word following, is a difficult one for several reasons. In its midst comes the blurred letter where after very close examination I think it is plain that the scribe began a word with *m*. The remains of a partly expunged letter fits this letter only. He had, I imagine, begun the word "mid" which next follows, by

mistake ; then he appears to have expunged and in doing this somewhat disturbed the word " freals " in the line above, and partly washed out the lower portions of the *a* and *l* and disarranged the lowest portion of the long *s*. The parchment shows this more clearly than the photograph. Then he continued his writing before the parchment was dry. Hence the ink spread. And one mistake often leads to another, though the very fact of this expunging, I take it, shows that he was awake to his work, and instead of writing " þeaht " (which in pure Anglo-Saxon, should have had an inflection *e*), he wrote " þehat," and then went on with " mid " in its proper place. But there is another difficulty in the word preceding. An Anglo-Saxon adjective ending in *if* is, I think, unknown. The *f* too is made differently from all the others save one. What occurs to me as likely is that the *i* in *if* represents a half faded *o*, in *of*, and that the original text had " swa deor of þeaht(e)." There is an example in the Lindisfarne *St. Matthew* which was of course a Northumbrian version in v, 8, " claene of hearte " (pure in heart *). The usual word in the connection is " dyrsti(g) " as in Cnut's charter (Thorpe, 308). But William of Normandy (Thorpe, 439) has " & ne beo nan man swa deort þe hit undo þ[æt] ic hebbe gecydet Criste " (and let no man be so audacious that he undoes what I have declared as given to Christ) in a charter to Beverley. The adjective " deor " is more usual than " deort " and would fit here. As for its first letter being turned into an aspirate *d*, this need not disconcert us ; the aspirate was uncertain enough in the district and occurs in the very name Cardew, written also Carthew, both forms occurring about 1300 A.D.

In the remainder of the sentence it is plain that something has slipped out. " Swa deor " needs a " þ[æt] " to follow—" So audacious that he." This should come after

* The alternative is that this *i* is parasitic, which Mr. Plummer suggests, but I think less likely.

"þeaht" or after "gegyfen." And that it was after "gegyfen" appears to me plain by the words "to hem" which follow. I have looked through very many pages of Anglo-Saxon to try and discover instances of "gifan" being followed by "to." The result of this search, which has included looking through many charters, has been to discover the following law. *Gifan*, *forgifan* (grant), *sellan* (give), *unnan* (bequeath), and *geunnan* (concede) are followed by the dative of the persons to whom the gift is made—as is the case lower down in the charter "gyfene Thore," but when the grant is to a place for the sake of the people therein *to* or *into* follows, as it does in such an expression as "into the hands of." Thus "ic forgyfe . . . to þære halgan stowe aet Scireburnan" (Thorpe, 124),—I grant to the holy place at Shireburn. When it is to a church or a monastery it is also *into* that follows, as in Thorpe, pp. 191, 230, "se biscop gesealde þa hida into þære cyrcean" (gave the hides [land] to the church). But when the saint to whom the church or monastery was dedicated is named as the receiver, the dative returns, as in Thorpe, 368, "ic habbe gegyfen Criste & Sancte Petre into Westminster." It does this also when the community of the religious house is mentioned, as Thorpe, p. 477, "agefe þam hywum," and 579, "ic geann þ[æt] land þam hirede aet Cristes cyrcean"—the family or household.

These examples are of different ages and from different parts of the country and there are plenty more, and in one and the same charter may be found at times instances of the different constructions. "To hem" then cannot belong to "gegyfen," but must belong to the words which succeed them. And this use of "to" is but an expansion of the way in which it is used in "to Shauk to Wafyr, to poll Waðoen & to bek Troyte," which mark the limits of the district within which and towards which the freedom was granted—its boundaries; while "þeo weald aet Caldebek" was within that region, and has the subtle

distinction that therefore "to" is not affixed to it. Breaking the "grīð to hem" (in regard to him) was breaking it in his direction—towards him, in regard to him, and is a kindred use of "to."

The two words by which I supply the omission after "gegyfen" are "þ[æt] he," and take up no space which would disturb the line, i.e. they might very easily have been left out. "Ne ghar brech" as it is, could not have been written by one to whom Anglo-Saxon was his native tongue. The words evidently take the place of "nahwar" or "nahwaer brece" (subjunctive): the *ch* can hardly be a mistake for the indicative singular ending *þ* in this case. And this seems to me to suggest that the writer of the original deed was one who was of Keltic or mixed race and only knew Anglo-Saxon (in a dialect) as an acquired tongue. There is nothing extraordinary in this in such a district.*

"Gyrth" spelt with *th* instead of *ð* or *þ* is another anomaly. But *grīð*, which it represents, was a Norse word, and it is noticeable that all the Norse and some Keltic words in the charter which have that combination *th* in them are not spelt with either *þ* or *ð*, but have *th* separate letters—Thorfynn for example and Thore and Wyberth and Kunyth. Waldeof had become naturalized amongst the Anglo-Danes. This seems to show that the *th* had a different sound, probably harder and stronger, and the different spelling cannot have belonged to the thirteenth century copy, but to the original. "Gyrth" has also the transposition of the vowel and liquid which entered into several place-names in Westmorland, where we find Mebrun and Meburn, Clibron and Cliburn. "Seo gyrth dyylc" has other anomalies; "grīð" in Anglo-Saxon is neuter and "seo" feminine; "þeo," the usual form for "þe" in this charter, would have done, but the

* Though I quote from Thorpe only, I have consulted charters in Kemble's *Cod. Dipl.*, but the quotations from Thorpe seemed sufficient. All tell the same tale.

confusion of genders as well as of cases is quite explainable. "Gecydet" is not the usual form, which is "gecyded," but it reminds one of the Scottish termination "it" for *ed*—e.g., bobbit for bobbed—and moreover it is used in the charter of William of Normandy already quoted (Thorpe, 438). For "ðyylc" (different from "þyylk" in the end of the charter) I can only suggest a fusion of *þe* (which) and *ilca* (the same, which same). *Ilk* still remains in Scotland, and the Lindisfarne St. Matthew, xxvii, 10, has "*þa ilco*" for "those," which would be an antecedent, it is true, but "*þe*" and *þær* "are used in Anglo-Saxon for antecedent and relative.

"Cefrelycc" is a difficulty which appears to show that the thirteenth century scribe nodded for a moment. The "*ce*" can only replace "*swa*" and can only have been possible after the practice was begun of sounding *c* soft before *e*.^{*} This may have caused the slipping out of *c* at the end of "Combresc," and quite possibly the double *c* at the end of the adjectives ("freondlycc" etc. instead of *ce*) to keep the hard sound.

We must not be too particular in all instances in pouncing on Gospatrik's grammar. Here he means the adjective "freely" to apply to the receiver of the grant, but he uses it as if it applied to the giver. "Welkynn" answers to the Anglo-Saxon "*wolcnum*," but this would be rightly dative plural (the clouds or skies), and shows perhaps in the *e* a remnant of an old vowel-change of the plural; and "*þeo*" must be the indeclinable "*þe*," not a feminine, demonstrative; "*ðeoronder*" for "*ðærunder*" again need excite no surprise.

The next sentence is characteristically Anglo-Saxon, except for the "*hwylc*" having the termination *-un*, which could only be used in a tongue imperfectly acquired. A parallel to the phrase is in a charter of Eadward the Confessor, Thorpe, 391, "and loc hwilc bisceop darofer

^{*} This had begun in the tenth century. See the New English Dict. under C.

byð þat hit beo him underþeod ” (and look each bishop that is over it that he have it remain subject to him).

“ Byn þar ” is so extraordinary that something must have been omitted, and the easiest correction and the most natural is the insertion of the relative “ þe ” (who, which), which also would occupy the space apparently left easily and allows “ bȳ,” i.e. *byn*, as in the preceding instances in the charter, to be a part of the verb *to be* all through : i.e. “ byn ” for *beon*, and sets “ bydann ” right.

“ Willann ” I can take most easily for a personal name and not the verb. My reasons are that Willan(n) is known to have existed as a family name from at least the 14th century to the present day in Westmorland, and there is nothing in the earliest records wherein the name occurs to suggest that it was then new ; and that the “ swa ” fits better thus to the general sense.* One has to remember that the greeting is to his “ kynling & wassenas,” and it is somewhat awkward to be telling them that they joined him in willing what he alone had the right to grant. The consent of the eldest son or heir was often expressed, but here, neither Gospatrik who succeeded to his earldom of Dunbar, nor Dolfín who succeeded to the lordship of Carlisle is mentioned. Were witnesses intended thus it would be an isolated example in a charter which is of the type of the usual Anglo-Saxon charters of the eleventh century. “ Swa ” expresses the amount of freedom granted, as enjoyed by himself and those he mentions.

“ Myd bode and wytnesmann ”—by proclamation and the vouching of the official who attested the overlord’s will. This very word *witenesman* is used in Final Con-

* Besides which, to have the dative *eallun* playing the part of nominative, even in this charter with its strange *hyylkun*, would be too extraordinary. The name Willan[n] moreover occurs as a surname in Court Rolls of Mauds Meaburn, in the earliest that I have seen (of 1340) as Welane, in 1412 and in 1473 as Willane. It may be a variant of Weland. It should be remembered that Mauds Meaburn was the possession of Maud de Morville, whose husband’s family, Veteripont, as well as her own father’s had much connexion with Cumberland. Willan occurs as a surname in Cartmel in 1583, and in the Yorkshire border of Westmorland in 1659 ; also in the Kendal *Boke off Recorde* from 1575.

cords, 40 Henry III, Westmorland, for this kind of official appointed by the overlord for court baron, and fed at the expense of the under-tenant when on service in his locality.

"þyylk stoy" is for þyylk stow (i.e. stop), and though it is practically an antecedent to which a relative might follow, þyylk must have had the same origin as "ðyylc" above, possibly with a different sound in the first letter. As a word it remained till Chaucer's days. In both these cases the yy cannot be an error for wy.

One practical conclusion from the charter is a fresh colour given to the *Distributio Cumberlandie* (Prescott, *Wetherhal*, 384). We learn that though Dolfin may have been expelled and Ranulf Meschin have been put into his place, Ranulf's gift of Allerdale to Waltheoff was only a reinstatement or a confirmation of what he must have held under Dolfin, and no new first grant. And all through the *Distributio* we may read something the like behind.

Attempt at producing the charter in more normal form.

Gospatrik gret ealle mine wassenas & hwilc mann freo & drenges þe wunað on eallum þam landum þe waeron Combresc & ealle mine kynling freondlyce & ic cyðe eow þ[æt] min unna is & full leaf þ[æt] Thorfynn mac Thore beo swa freo on eallan þinges þe beoþ mine on Alnerdall swa ænig mann beo oððe ic oððe ænig mine wassenas on weald on freyð on heyninga & æt eallum þingum þe beoþ on eorþe boenende & ðær under, to Shauc to Wafyr to poll Wadoen to bek Troyte & þam wealde æt Caldebec & ic wille þ[æt] þa menn þe bidað mid Thorfynn æt Cardeu & Combedeyfoch beon swa freols myð him swa Mælmor & Thore & Sigolf waeron on Eadreades dagum, & ne beo nan mann swa dyrstig mid þ[æt] ic hæbbe gegyfen þ[æt] he nahwaer brece þæt grid þe Eorl Syward & ic habbað gecyðed him swa freolyce swa ænig manne under wolcnum, & loc hwilc beon þe þar bidað geyldfreo beo swa ic beo & swa Willann & Walldeof & Wygande & Wyberth & Gamell & Kunyð & ealle mine kynling &

wassenas, & ic wille þ[æt] Thorfyn haebbe socna & sac & tol & team ofer eallum þam landum on Cardeu & on Combedeyfoch þ[æt] waeron gyfene Thore on Morynes dagum freols myð bode & wytnesmann on þa ylcan stowe.

II.—CHARTER OF HUCTRED (UCTRED) SON OF FERGUS TO RICHARD SON OF TROITE; BETWEEN 1161 AND 1174, PROBABLY ABOUT 1170.

Huctredus filius Fergusi omnibus hominibus suis et amicis, clericis et laicis, Francis et Anglicis et Galguensibus tam futuris quam presentibus salutem. Sciatis me dedisse et concessisse et hac mea carta confirmasse, concessu Rodlandi filii mei et heredis Ricardo filio Tructe et heredibus suis totam terram de Lochenelo cum rectis divisis suis quibus unquam aliquis eam habuit et tenuit melius et plenius et plenarius, ad tenendum de me et de heredibus meis pro servicio unius militis in feudo et hereditate sibi et heredibus suis et quam diu ego reddam chaan del cro et de defense, ioan dabit mihi per annum pro libero servicio suo octo libras argenti, quatuor ad pentecosten et quatuor ad festum Sancti Martini, et per hoc liber et quietus erit ab omni servicio et consuetudine apud regem Scotie et apud me et heredes meos; et cum liber et quietus fuero del chaan, libere et quiete teneat terram predictam per servicium unius militis. Quare volo et firmiter precipio ut predictam terram habeat et

Huctred son of Fergus to all his men and friends clerical and lay, French and English and Galwegian, as well those to come as those now living, health. Know ye that I have given and granted and by this my charter have confirmed, by consent of Roland my son and heir, to Richard, son of Troite and his heirs the whole land of Lochenelo with (in) its rightful bounds in which any one at any time had and held it to full and complete advantage. To him and his heirs to hold of me and my heirs in fee and hereditary for the service of one knight. And so long as I (have to) render the payment for prosecution of crime (bloodshed) and defence he shall give me yearly for his free service eight pounds of silver, four at Pentecost and four at Martinmas, and by this he shall be free and quit of all service and customary dues with the King of Scotland and with me and my heirs. And when I shall be freed and quit from the payment he shall hold freely and quietly the aforesaid land

huerd' sui f'g' oibz hominibz suis. & amiss' legum. & laicis frangit. & inglicis. & galguesioz. cā fuerit qm p'sentibz
 sal. Scitis me dedisse. & concessisse. & hac mea carta confirmasse. concessu rodlandi filij mei. & heredi. Roca do filio
 fructe. & heredi. suis. totā tām de lochenelo. cū p'cis dūsis suis. qbz unqm aliq's ea habuit. & tenuit. meū
 & plenū. & plenariū adēndū d' me. & d' heredi. meis. p' seruitio unū milis. i. feudo. & hereditate. sibi. & heredi. suis.
 & qm dū ego reddam chaan del cro. & d' desense. i. oām dābū in p'ntū. p'libo seruitio suo. o. ro. libras argenti. un.
 ad p'centosie. & unū. assensū. s. martini. & p' h' lib' & q'et' ep' ab oī seruitio. & s'uetudine. apō rege. scōtie. & apō
 me. & heredi. meos. & cum lib' & q'et' fuero de chaan libe. & q'et' teneat t'ā p'dictā p' seruitiū unū milis. & p'
 uolo. & firmū p'cipio ut p'dictā t'ā habeat. & teneat. cū oibz p'ueniētijs. & lib'antibz. eide t're p'ueniētijs. libe
 & q'et'. i. boscho. & i. plano. i. monast'ij. i. moleūm. i. aq's. i. stagnis. i. pas. i. paschuis. i. p'anagis. i. falluis. in
 harenis. i. p'scharis. i. ius. in seminis. i. menatibz. oīū bestiarū. i. p'ortibz. i. haeribz. ancipitū. & oīū aliar
 iohē nepotē suo. t'erna clerico d' corpenneū. Robo d'ico uice comitis. Robo filio. Berardo. Rando. f'f
 dandū filio. cā. marino. ob fide. nicholao filio d' agano frē suo. h'uone de rochet. Willō filio. j'eboldi
 herbo filio. hugonis. maraschaldi. Willō d' cantelu. andrea d' dūfrees. h'eyu filio. hodardi. Willō cl'ico d'
 louchamaban. Simeone fr'g' p'icaz. marchaldi. gille capbara. Gillebo filio suo. Gillemore albanar. Gille

teneat cum omnibus pertinentiis et libertatibus eidem terre pertinentibus, libere et quiete in bosco et in plano in monasteriis in molendinis in aquis in stagnis in paschuis in pannagiis in sallinis in harenis in piscariis in viis in semitis in venatibus omnium bestiarum in portubus in haeribus ancipitrum et omnium aliarum avium et in omnibus libertatibus et proficuis eedem terre pertinentibus. His testibus. Christiano episcopo Roberto archidiacono suo Gilleberto capellano Johanne nepote suo Thoma clerico de Torpenneu. Roberto clerico vicecomitis, Roberto filio Tructe, Bernardo Flandrensi Willo. et Nicholao nepotibus suis Ada nepote Roberti filii Tructe, Roberto filio Sungeve, Radulpho clerico de Carliol, David filio Teri, Normanno obside, Nicholao filio David Agustino fratre suo, Hivone de Stoches, Willo. filio Renboldi Herberto filio Hugonis maraschaldi, Willo. de Cantelu[p], Andrea de Dunfrees Henrico filio Hodardi, Willo. clerico de Louchamaban, Simone fratre Ricardi Marchaldi, Gille Catphara, Gilleberto filio suo, Gillemore Albanac, Gille Cohel, Macherne cum multis aliis.

by the service of one knight. Wherefore I will and firmly order that he shall have and hold the aforesaid land with all the belongings and liberties pertaining to the same land, in undisturbed freehold: in woodland and cleared land, in minsters and mills in streams in ponds in meadows and pastures in pannages and salt pans in sand banks and fisheries, in roads and ways and rights of hunting all beasts of the chase, in havens, in aeries of hawks and all other birds, in all liberties and profits pertaining to the same land. As witness these:—Christian the bishop, Robert his Archdeacon, Gilbert the chaplain, John his nephew, Thomas the clerk of Torpenhow, Robert the sheriff's clerk, Robert son of Troite, Bernard le Fleming, William and Nicholas his nephews, Adam nephew of Robert son of Troite, Robert son of Sungeva, Ralf the clerk, of Carlisle, David son of Terri, Norman the hostage, Nicholas son of David, Augustine his brother, Ivo de Stoches, William son of Reinbold, Herbert son of Hugh the Marshal, William de Cantelu(p), Andrew de Dumfries, Henry son of Hodard, William the clerk of Lochmaban, Simon brother of Richard the Marshall, Gillecathar, Gilbert his son, Gilmor Albanach, Gilcohel, Macherne, with many others.

This charter's greatest interest is, I think, its dating from the transition period when the old Keltic * services to the sovereign and the superior lords were being changed into the feudal tenure of military service. Skene's history (*Celtic Scotland*, iii, ch. 6) has much dissertation about what went on during this change in Scotland. But it took place not only in Scottish but early English tenures, Anglo-Saxon and Anglo-Danish; and the analogies between the changes in Galloway and in Westmorland and Cumberland are best realized by comparing both.

The old Keltic services were Cáin (Chaan) and Conveth, Feacht and Sluaged. Cáin and Conveth were imposts on produce from land, which was grain from arable, and pigs and cattle from pasture. Cáin was the revenue of the sovereign (beyond that, I suppose, from his private demesne) for his general support and that of his regal position, his court and formal dignity. Conveth was a special application of this in addition, namely supply for the King or his representative in the journeys taken from place to place within his dominions to hear pleas and give judgments and to carry on administration of law. It would now be described as supply for civil service, and the amount due from anyone liable to the tax was for maintenance and hospitality for the night or nights when the King's administrative court was in the neighbourhood of the payer. Like the Cáin it was a current tax, but less in amount. The other services, feacht and sluaged, were in reality one in two names, the Latin equivalents of which were *expeditio* and *exercitus*, that is defence of the realm or the King's service in attack of another sovereign. Put together they were called *servitium Scotticum*. In England they were called hosting and expedition. But I think that "defense" can hardly refer to this.

The change to feudal tenure was to tenure on other

* I use the term Keltic as the general term of those races, which comprised the Cymry, the Gael, the Breton and the Erse, without necessarily implying that all the usages discussed belonged to all alike.

terms than the payment of Cáin and Conveth; namely to possession by duty of military service. In Cumberland and Westmorland this was termed cornage and it carried with it not only homage and fealty to each immediate superior by one and other up to the chief lord, but a small payment made half-yearly in acknowledgment of the superior lord's right. But the old dreng tenures were not all changed to this in these two counties; some were carried on as socage tenures, that is, hereditary tenures held by payment of true rent, "*alba firma*," assayed silver. It does not follow that the owners of these were not liable to military service, but those owning in cornage held their land on the condition of military service only and, I suppose, paid smaller dues on the strength of that. Both tenures were liable to a secondary tax as an intermittent demand called subsidy. The earlier English services were analogous to the Keltic: namely the feorm parallel to Cáin and Conveth, and the fyrd, which was the expedition and hosting.

In the change to feudal service in Scotland, as I understand Skene, the transition was intervalled through the stage of feodiferma, and the feudal service only reached its climax in the times of the Balliols and the Bruces. The transition, feodi ferma, feu-farm, was practically much the same as the socage holding of Westmorland and Cumberland, a perpetual rent for a holding which was heritable, but it was held *in capite*, and certain duties of liability to the expedition and the defence of the realm were attached.

Besides these services and revenues the sovereigns in England and probably Scotland had dues from tolls and such things as mines and saltworks and heriots and proceeds from courts of law and the goods of felons and outlaws, and the penalties exacted on a district for "murdrum" (homicide and blood letting): this last in Keltic seems to have been called *cro*. These dues were supple-

mentary to the expenses of administration and of enforcing the orderliness understood as the King's peace. Whether all these belonged to the purely Gaelic part of Scotland I do not know, but Galloway was a borderland and coast land possessed by different races and dominations, Anglo-Saxon, Anglo-Dane, Norse from Norway probably, and the Hebrides and Ireland, and lastly from Normandy, and all this admixture with the original Gael was likely to result in assimilation from something of all, and as the terms in these charters shew from the latest, Norman French.

In Huctred's charter, Conveth is not mentioned and Chaan has come to be a general word for tax or impost. For it has not only to include Conveth but is applied to the payment for "cro." In the change which Huctred shows he was anticipating, it seems as if he expected the grant from the Scottish King of what in England would be called "sac and soc, and toll and team" and its accompaniments, as granted to the greater barons, amounting to extensive rights of jurisdiction and the profits of these; in which case he would not have to transfer these profits and pay the "chaan del cro" to the Scottish King.

This sets one thinking. In the charter of Gospatrik, which belonged to the region of the Strathclyde sub-kingdom, lying next to Galloway, the earl in possession was able to grant these to a holder under him; this, Gospatrik would do as a scion of the Scottish house, and as ruler of what was Cumbrian, the relics on the English side of Strathclyde. But Huctred's charter, though granting rights and liberties even in salt pans and the chace and aeries and havens (i.e. tolls), as if almost a sovereign, makes no mention of the administration dues, and it looks as though up to that point the lords of Galloway possessed these only in a restricted way and could not grant them out, and were expecting extension of their power.

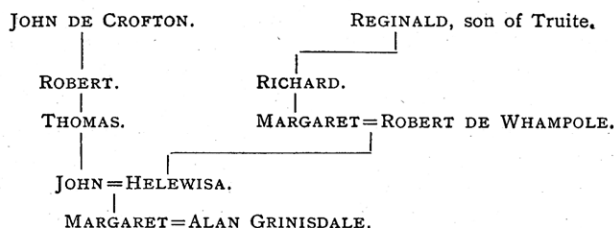
The expression "chaan del cro et de defense, ioan" is difficult. It seems at first to be in two languages if not in three. "Del" coming in the first part suggests Norman French as one of these, but the "de" might be confusion with Latin. I have looked up Gaelic dictionaries in vain to find any word to answer to "ioan" and have come finally to the conclusion that as in other cases of which I have now some proof, this charter must have been one of two copies, the one written for the grantor's custody and his heirs, the other for the grantees, and that the word ioan is a scribal error in copying out. I have found pretty certain evidence that grantors could not always have made sure that the contents of their charters which most of them could not read were accurate in every particular, though the main points were made sure. And the word "ioan" takes the place of an evidently needed "tam diu": probably "ioan" was written instead of "tam," and "diu" was missed. And as the word "cro" stands so clearly for the seigniorial claim to penalties for crime it should be possible to take "de defense" for the claim to the profits of granting defence and legal administration in the courts: these cases were always expensive as those of the appellant were, and implied profits for the rulers. And the whole intention of the sentence is that for these seigniorial profits which Huctred held as a grant from the King he was paying a toll, but hoped to be set free by having the grant as a franchise, and when that happened he would not exact the eight pounds of silver. From Skene and from the Holyrood chartulary I have been able to learn much as well as from Sir Herbert Maxwell and from Agnew's *Hereditary Sheriffs of Galloway*, but nothing to elucidate this point.

Richard son of Troite to whom the charter was granted, was a brother of Robert son of Troite whose name Chancellor Prescott (*Register of Wetherhal*) reminds us occurs as sheriff of Cumberland from 1158 to 1173. Richard's

name appears in the Pipe Rolls of 5 Richard I (1193-4) ; but it does not follow from that that he was living still, only that his debt had not been discharged. His son had seisin of Gamelsby in 10 Richard I which makes his death before then certain. Denton in his "Accompt" shows that he had reason to assume or believe relationship between the families of de Troite and de Karliol. And we may be certain that there was a marriage between them, though we may not be able to give the particulars. A descendant of Hildred de Karliol, though probably not of de Troite, was Cristina de Ireby wife of Robert de Brus (Prescott, p. 147). But a point which strikes me as worthy of notice is that apparently Tructa (Troite) is a woman's name, and if so the instance seems one of the survival of the Keltic custom of carrying down remembrance of relationship, in amongst the predominating Norse and Norman custom of patronymics which surrounded it and extinguished it. Nor is it the only instance I have met with.

Of the witnesses Christian was Bishop of Whitherne from 1154 ; he died in 1186 (Prescott, *Wetherhal*, p. 85). Norman "obses" whoever and whatever he was witnessed also a charter of Adam son of Swain giving Kirk Andrew to Wetherhal, as also did Augustine son of David whose brother attests here (Prescott, p. 311). David son of Turri occurs as a donor of a Galloway church to Holyrood in a confirmation of the gift by John, Bishop of Whitherne and one by William King of Scots to Holyrood (*Charters of Holyrood*, pp. 39, 40). John became Bishop of Whitherne in 1189. Gilbertus capellanus witnesses a charter of Bishop Christian confirming the gift of Dunrod church to Holyrood (*Charters of Holyrood*, p. 20). Gillemore Albanach is witness to a gift by Uchtred son of Fergus and Gunhild, of Torpenneth church to Holyrood (*ibid.*, p. 20). Gillecatfar collectaneus Uchtredi (foster brother of Uchtred) is witness to Uchtred's gift of the church of Colmanele to Holyrood (*ibid.*, p. 19).

The way in which the Denton family acquired this charter and also that of Edward de Brus is given by a pedigree amongst the remaining Denton MSS., I think in the handwriting of one of the Dentons :—



Some of the Grinisdale property was acquired either immediately or after passing through other hands by the Denton family. The Holm Cultram charter came through Whampole, the Huctred charter from de Truite.

III.—CHARTER OF EDWARD DE BRUS, LORD OF GALLOWAY, TO HOLM CULTRAM.

Edwardus de Brus, dominus Galwidge universis Christi fidelibus [visuris] vel audituris salutem in Domino sempiternam. Noveritis me pro salute anime mee et omnium antecessorum et successorum meorum dedisse remisisse et omnino pro me et heredibus ac assignatis meis quietum clammasse religiosis viris, Abbati et Conventui de Holm [Cultram] [et] eorum successoribus illam annuam firmam decem librarum sterlingorum quam reddere solebant d[ominis] d[e]

Edward de Brus, Lord of Galloway, to all Christ's faithful who shall see or hear this, everlasting health in the Lord. Know ye that I, for the health of my soul and of the souls of all my ancestors and successors, have granted, remitted and entirely quitclaimed for myself my heirs and assigns, to the religious, the Abbot and Convent of Holm Cultram and their successors that yearly payment of ten pounds sterling which they were wont to make to the lords of Bothel*

* Or, less probably, Buittle.

B[otil] [pro terris] suis quas habent apud Kirke Wynny in Galwidia in liberam et perpetuam elemosinam ex d[onacione et] concessione Rolandi filii Huctredi et aliorum donatorum : ita quod nec ego dictus Edwardus nec aliquis heredum aut assignatorum meorum nec aliquis alius in dicta annua firma aliquid de cetero exigere potuerimus nec vendicare. In cujus rei testimonium hoc presens scriptum sigilli mei impressione roboravi.

for their lands which they have at Kirkewynny [Kirkgunzion] in Galloway, in free and perpetual alms, by the gift and grant and concession of Roland son of Huctred and other donors : So that neither I, the said Edward, nor any of my heirs or assigns nor any one else will be able to make any claim henceforth in the said yearly payment. In attestation of which I have fortified this present writing with the impression of my seal.

The seal has the early Brus shield, a saltire and chief.

The text in the gaps is restored by the great kindness of Chancellor and Archdeacon Prescott from a copy of the Holm Cultram Chartulary in the British Museum. This charter is not given in the Carlisle copy ; but Huctred's charter in that, Chancellor Prescott tells me, grants the Kirkwynny lands subject to the £10 payment to the lords of Botil. This looks as though the lords of Bothel (or Buittle?) held lands in Kirkgunzion out of which Uchtred's grant was made and that the payment reserved something of their rights. The means by which this charter came into possession of the Denton family I have already alluded to.

IV.—LETTER PATENT OF EDWARD DE BALLIOL, KING OF SCOTS FROM 29 SEPT. 1332 TILL 20 JAN. 1356, CONTAINING A GRANT TO JOHN DE DENTON.

Edwardus Dei gratia rex
Scottorum omnibus ad quos
presentes litere pervenerint

Edward by the grace of God
King of the Scots to all to
whom the present letters come,

salutem. Sciatis nos dedisse concessisse et hac presenti carta nostra confirmassé dilecto valetto nostro Johanni de Denton pro bono et laudabili servicio suo nobis impenso et impendendo forestam de Garnery que fuit Willi Glasguensis episcopi cum pertinentiis inimici et rebellis nostri et que per forisfacturam ejusdem Episcopi ad manus nostras jam devenerit, habendam et tenendam eidem Johanni et heredibus suis de corpore suo legitime procreatis de nobis et heredibus nostris per servitia inde debita et de jure consueta, ac etiam secundum legem et consuetudinem regni nostri Scotie in valore 20 marcarum per annum, et si quid ultra extentam predictam inveniatur nobis et heredibus nostris remaneat. Ita tamen quod dicta foresta cum pertinentiis non sit de corona seu hereditate nostra nec alicui vel aliquibus ante hec tempora per nos donata, ac salvo jure cujuslibet. In cujus rei testimonium huic presenti carte nostre sigillum nostrum privatum apponi fecimus. Datum apud insulam de Estholium xxi die Sept. anno regni nostri sexto decimo.

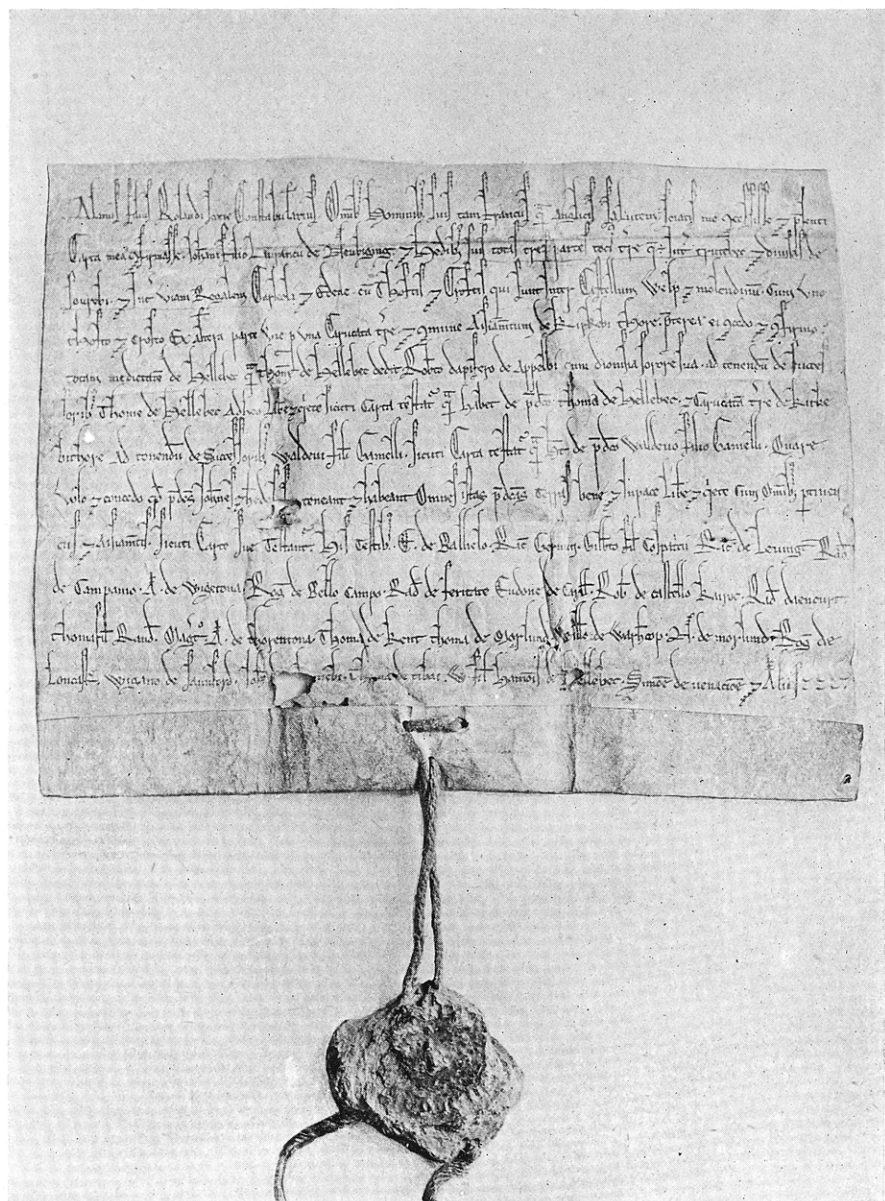
health. Know ye that we have given and granted and by this present charter of ours have confirmed to our beloved servant John de Denton for his good and praiseworthy service, given and to be given, the forest of Garnery which with all its belongings was possessed by William, bishop of Glasgow, an enemy and rebel against us, and which by forfeiture of the same bishop came into our hands: to be had and held by the same John and the heirs of his body lawfully engendered, of us and our heirs by the services therefrom owed and customary, and also according to the law and custom of our Kingdom of Scotland, in value of 20 marks yearly, and if any value beyond this is discovered it shall remain to us and our heirs. Provided also that the said forest with its belongings shall not be crown possessions nor hereditary nor shall have been granted by us before this to any one or more persons; and reserving every one's right. In attestation of which we have caused our privy seal to be affixed to this present charter. Given at the isle of Eastholm on the 21st of September in the 16th year of our reign [1347].

A fine seal; the Scottish lion and bordure, and the inscription "Edwardus dei gratia rex Scotorum."

V.—CHARTER OF ALAN, SON OF ROLAND, LORD OF GALLOWAY AND CONSTABLE OF SCOTLAND, TO JOHN DE NEWBIGGING ; OF DATE BETWEEN 1199 AND 1225.

Alanus filius Rolandi Scotie Constabularius Omnibus hominibus suis tam Franciis quam Anglicis, Salutem. Sciatis me confirmasse Johanni filio Laurantii de Neubiging et heredibus suis totas tres partes totius terre que est inter Trutebec et divisas de Sourebi et inter viam regalem Carleoli et Edene cum thoftis et croftis qui sunt inter Castellum Welp et molen-dinum, cum uno tofto et crofto ex altera parte vie, pro una carucata terre, et commune aisiamentum de Kirkebi Thore. Preterea ei concedo et confirmo totam medietatem de Hellebec quam Thomas de Hellebec dedit Roberto, dapifero de Appelbi, cum Dionisia sorore sua ad tenendum de successoribus Thome de Hellebec adheo libere et quiete sicuti carta testatur quam habet de predicto Thoma de Hellebec et carucatam terre de Kirkebi Thore ad tenendum de successoribus Waldevi filii Gamelli sicuti carta testatur quam habet de predicto Waldevo filio Gamelli. Quare volo et concedo quod predictus Johannes et heredes sui teneant et habeant omnes istas predictas terras bene et in pace libere et quiete cum omnibus pertinentiis et aisiamentis,

Alan son of Roland, Constable of Scotland, to all his men French as well as English—health. Know ye that I have granted and by my present charter have confirmed to John son of Laurence de Newbigging and his heirs the whole of the three parts of all the land which is between the Troutbeck and the boundaries of Sowerby and between the King's highway to Carlisle and the Eden, together with the tofts and crofts which are between Whelp's Castle and the mill, and one toft and croft on the other side of the road ; (to be held) as 1 carucate of land : and the easement (rights) of common of Kirkby Thore. I concede besides and confirm the whole moiety of Helbeck which Thomas de Helbeck gave to Robert, seneschal of Appleby with Dionisia his sister, to be held of the successors of Thomas de Helbeck as freely and securely as the charter which he holds of the aforesaid Thomas de Helbeck testifies, and the carucate of land at Kirkbythore to be held of the successors of Waltheof son of Gamel, as the charter which he holds of the aforesaid Waltheof son of Gamel testifies. Wherefore



CHARTER OF ALAN SON OF ROLAND.

Phot. by Reeds, Penrith.

TO FACE P. 228.

sicuti carte sue testantur. Hiis Testibus. E. de Balliolo, Ric. Gernun, Gilberto filio Cospatricii, Ric. de Levington, Rad. de Campano, A. de Wigetona, Rog. de Bello Campo, Rad. de Feritate, Eudone de Carll., Rob. de Castello Kairuc, Rad. Daencurt, Thoma fil Rand., Mag^{ro} A. de Thorentona, Thoma de Kent, Thoma de Morlund, Willo de Warth-(e)cop, H. de Morlund, Rog. de Loncastra, Wigano de Saunford, Joh. de []nebi, Thoma de Tibai, W. fil. Hamonis de Hellebec, Simone de ventione et aliis.

I will and grant that the aforesaid John and his heirs shall hold and have all the aforesaid lands in good and peaceful tenure free and undisturbed, together with all belongings and easements just as the charters testify. As witness these. E[ustace] de Baliol, Richard Gernon, Gilbert son of Cospatrick, Richard de Levington, Ralf de Campano, A. de Wigton, Roger de Beauchamp, Ralf de Feritate, Eudo de Carlisle, Robert de Castle Carrock, Ralf Deyncurt, Thomas son of Randolf, Mr. A. de Thornton, Thomas de Kent, Thomas de Morland, William de Warcop, H. de Morland, Roger de Lancaster, Wigan de Sandford, John de []by, Thomas de febay, W. son of Hamo de Helbeck, Simon of the hunt and others.

Whelp's Castle in Kirkby Thore is mentioned by Camden as "Wheallep-castle" in *Britannia* (edition of 1600) and is also marked on the map of Westmorland by Moll. Hodgson, born at Swindale, 1780, in his *History of Westmorland* says it was also called the Burwens, and it was, I suppose the remains of the Roman Castra there, probably made use of by Welp, father of Gamel, whose son Waltheoff is one of the owners mentioned in the charter, whom it is tempting to think of as a descendant or of the family of one of the men mentioned in Gospatrik's charter who was settled so little distance away. And the Castra served as his chief messuage on the Roman road, known it seems as the *via regalis*, the highway across North Westmorland to Carlisle.

As to the witnesses, E. de Balliol was, I think, the earlier Eustace; Richard Gernon was the husband of Joan de Morville, daughter of Hugh de Morville, forester of Cumberland from 6 Henry II to about 4 John. Gilbert son of Gospatrik (son of Orm) was Gilbert de Southaie. Richard de Levington succeeded Adam de Levington in 1211. A. de Wigton is Adam de Wigton who died 1225 (Prescott's *Wetherhal*, p. 146). Roger de Beauchamp, second husband of Grecia, whose first husband was Thomas son of Gospatrik son of Orm. Ralf de Feritate was son of Gamel le Brun or Bruneson. Eudo de Carliolo was son of Adam (Prescott, p. 150). Robert de Castel Cairack, the first Robert of the name (Prescott, p. 103). Ralf Deyncurt was son of Gervase, owner of Sizergh. Thomas son of Randolf may possibly be a son of Randolf de Dacre, mentioned in the Pipe Roll of Cumberland of 1212. Thomas de Morland was an incumbent who remained there as late as 1230. William de Warcopp, brother possibly of Alan of the Pipe Roll of 1198. W. son of Hamon de Helbeck, possibly Wido, whose name occurs in the Pipe Rolls of King John.

The date of the charter must be between 1199 and 1225, the succession of Alan and the death of Adam de Wigton. This Thomas de Helbeck of the charter, the first we know of who owned that name, would not have granted a moiety of Helbeck to a daughter on her marriage if he had a son to be his heir, but the terms of the grant leave his "successors" in possession of the manorial rights though they would not have the immediate profits and usufruct of this moiety. The arrangement ultimately would be much like the later Musgrave and Helbeck arrangement, to which I hope to come later; in this the Musgrave manor continued in Musgrave manorial ownership and did not go down to the Helbeck descendants of the Musgrave heiress who married the later Thomas de Helbeck. It is possible that Hamo was brother of the

first Thomas, and that through Wido his son the Helbeck descent was carried on.

THE GALLOWAY LORDSHIP OF NORTH WESTMORLAND.

This charter of Alan son of Roland who succeeded his father as Constable of Scotland in 1199, which Mr. Dayrell Crackenthorp has most kindly had photographed for publication, has an especial interest, inasmuch as it is an overlord's confirmation of grants of land made by two of the manorial lords who were his feoffees to a third manorial lord also his feoffee, and is one of those evidences of the exercise in action of rights of overlordship which were required in the Inquests of Edward I detailed in *de Quo Warranto* to be shown as proof of use. This lordship over North Westmorland I was able only to suggest as being an extreme probability in *Cumberland and Westmorland Transactions*, N.S., vol. xii, 384-5, there being little further evidence of it then than an entry in Assize Roll 981 of a statement of claim to it, with no reasons shown in the Roll and no pleadings recorded. It was the claim to that barony by Margaret de Ferrers, Ela de la Zouche, Elizabeth Countess of Buchan, and Devorgil wife of John de Balliol, against Isabel wife of Roger de Clifford and Idonea wife of Roger de Leyburn, daughters of Robert de Veteripont.

I can now venture from this charter to give it its name as the Galloway Lordship of North Westmorland. Alan, lord of Galloway, the grantor, is shown as exercising this right, which he was able to do as heir to his mother Eva daughter of Richard de Morville; and through Alan the claim set forth on p. 385 of the volume just mentioned. came, and my provisional scheme of the Morville descent receives its justification thereby. Later on, after Alan's time the rights of his descendants in Westmorland seem to have dwindled down to a solitary manor, Mauds Mea-

burn, where the shrunken lordship was carried on, in a sort of purparty between one of them and the Veteripont as late as 6 Edward I, 1278. But there is now sufficient proof of the existence of this lordship, few though the evidences are. They came down in the end to such instances as these :—A claim by John le Fraunceys (C. & W. *Transactions*, N.S., xi, p. 321) to be released from de Balliol service which ought to be done by de Veteripont intermediate between him and Balliol (*Curia Regis Roll*, 142, membrane 18d) ; and the Inquisitiones post mortem of Gilbert le Fraunceys, (a) in 6 Edward I viz.: C. Edward I 18(9) and (b) C. Edward I 33/8 of 11 Edward I. In one of these de Balliol is recognized as in part, in the other as wholly, the overlord.

And the unsettlement of things by King John's action in granting to the Veteripont husband of a Morville, who was not the right Morville heir, the lordship in the guise of hereditary shrievalty may possibly be the explanation of the series of actions in law courts, and of those Final Concords which we find recorded as if to give legal assurance to Veteripont ownership. For instance in 19 Henry III between Hugh and Gilbert de Cabergh and John de Veteripont for common of pasture ; between James de Morton and John de Veteripont for 30 acres of woodland, between Robert de Helbeck and John de Veteripont for the manor of Sowerby and 60 acres in Helbeck ; between Thomas de Musgrave and John de Veteripont for 30 acres in Murton ; and between Thomas and Agnes Boet and John de Veteripont for 9 acres of land in Waitby.

Other claims and agreements are mentioned by Dods-worth and Hodgson ; and we are reminded of the series of similar cases which followed the grant by William de Lancaster the last, to his half brother Roger, not his heir and not of de Lancaster blood, of the barony of Barton in Westmorland, as will be seen in a future paper.

Incidentally, working at this charter has thrown light

on a matter, mentioned in *C. & W. Transactions*, N.S., xi, 321, which was unexplainable then. John le Fraunceys (Assize Roll 1046 of 1251 A.D.) held land also of John de Balliol in Leicestershire, and he held a moiety of the manor of "Soureby in Farnes in Galewayth." From the Chartulary of Holyrood, p. 40, it turns out that there was a deanery of Farennes in Galloway whose dean William witnesses a confirmation by Bishop John of Whitherne of advowsons granted to Holyrood, and it is easy to see from this that Soureby in Farnes was the modern Sorbie in Wigtonshire. This is the only record of a le Fraunceys holding in that county and we can now fairly add this to that of Castle Sowerby in Cumberland as held by that family. These, John de Balliol's possessions, derived from his Scottish descent, in three different parts of Great Britain came to him in different ways. The Leicestershire possession was almost certainly part of the inheritance of Devorgil his wife by her descent from David, Earl of Huntingdon, grandson of David I King of Scotland; the Galloway portion through her descent from Alan lord of Galloway, and the Westmorland portion through her descent from the Morville family whose heiress Roland son of Uchtred, lord of Galloway, had married.

I append (p. 234) a portion of the de Morville pedigree which is necessary to make clear the descent and the claim.

For leave to publish matter contained in this paper, my best thanks are due to the Earl of Lonsdale and to Mr. Dayrell Crackenthorpe; also to Mr. W. Little, Mr. R. Robinson and Mr. R. H. Bailey for kindnesses and help.

[Note to pp. 219, 224. Bernard le Fleming (Flandrensis), witness to Charter II, is mentioned by Denton (*Accompt*, 142) as owner of Leversdale in Gilsland.]

