

ART. VI.—*A Charter of Peter de Brus III, 1246-1260.* By
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IN “A Boke off Recorde or Register Contayninge all the Acts and Doinges in or Concerninge The Corporation w'in the Towne Kirkbie Kendall etc.,” 1575 (a transcript of which formed volume vii of our Extra Series) there is recorded “a trewe copie of the verdict or p'sentmente of the Jurye for the p'ambulacons,” as follows :—

We ffynd by A dede or evidence made in or by the name of Willm Lancaster (the third of that name) bearinge no date (but he died in 1246) That the free Burgesses of this Burghe of Kirkbie-kendall are granntid to have theis pryvileges or librties to be had and holden of hym and his heires for ever ffrelie quyetye and honorablie that is to say that every Burgesse may take so many tofts (homesteads) as he will yeldinge and reservinge to hym and his heires his rent that is to say vjd by year of every tofte And that they may take of his or the wood (dead wood) Between Kent and wynndermye^e their necessaries wthout the sight of any his forresters And that they may have comen pasture on that pte of Kennt on w^{ch} his hay is (Hay fell between Benson Knott and Helm) . . . without the pke (Kendal Castle Park) Beinge then . . . inclosyd And on the other pt of Kennt vntill Leesbeck (now called Horse Spout Syke) comon pasture also after that (the) Corne and hay betaken or caryed awaye and elswher comon pasture wth other his men And also that they may take dead wood wthout sight of his fforesters between the hie way (Kendal to Grayrigg) and Mynnt (called ‘Dautha’ in 1190, see Cockersand Chart.) w^{ch} way extends by the hospitall of Sancte Leonards vnto fflowbeck* and folowes fflowbeck vnto it come to mynt and folowes Mynt and discends vnto the (Mint) brydge And on the other pt of mynte between the same mynt and the hie way (Kendal to

* In the grant of Docker made by William de Lancaster to St. Peter's Hospital, in York, we find the same boundary, viz:—per rivulum qui est inter Dockarke et Falbeck, usque ad descensum ejusdem rivuli in Mimed (N. & B. i, 159).

Shap) w^{ch} extends it self to the Mesuage Patrikes of Skellmyre (Skelsmergh Hall) vntill Whitwell and frome thence over agaynst and by the bounds of Skellmyre vntill mynt in like man^r to take dead wood.

William de Lancaster, having no issue, devised the manor in two portions ; the first, which included the castle, he granted to his eldest sister, Helwise, and the second, or Richmond Fee, to his younger sister Alice. Helwise married Peter de Brus and their son Peter subsequently became possessed of the first moiety.

The present charter is a confirmation of the last-named Peter de Brus to the free burgesses of his part of Kirkeby in Kendale of all the liberties and free customs which they have by the gift of William de Lancaster his uncle. It is written on a piece of parchment, 6 $\frac{3}{4}$ by 3 $\frac{3}{4}$ inches, with a circular seal of green wax, 2 $\frac{1}{2}$ inches diameter, bearing an equestrian figure ; legend almost entirely defaced.

Omnibus has literas visuris vel audituris Petrus de Brus tercius salutem in Domino. Noverit universitas vestra / me concessisse et hac presenti carta mea confirmasse libris Burgensibus meis partis mee / de Kirkeby in Kendalia omnes libertates, et liberas consuetudines, quas habuerunt de dono / Willelmi de Lancastria avunculi mei, sicut carta ejus testatur, tenendas et habendas illis / et heredibus suis integre bene et in pace in perpetuum, sine contradictione mei vel heredum / meorum, et ego vero Petrus et heredes mei dictas libertates dictis Burgensibus meis / et eorum heredibus warrantabimus, et ut hec

To all who shall see or hear these letters, Peter de Brus III sends greeting in the Lord. Know the whole of you that I have granted, and by this my present charter confirmed to my free burgesses of my part of Kirkeby in Kendale all the liberties and free customs which they had of the gift of William de Lancaster, my uncle, as his charter witnesses. To have and to hold to them and their heirs, wholly, well and in peace for ever, without gainsay of me or my heirs : and I Peter and my heirs will warrant the said liberties to my said burgesses and their heirs, and that this my grant and confirmation of my charter

mea concessio et carte mee confir/matio rata et stabilis permaneat presens scriptum sigilli mei impressione dignum duxi / corroborare. Hiis testibus domino Gilberto de Lanc. Lamberto de Samtona, Ada de He / necast[ria], Alano filio Dolfini, Rogero de Brunolvishefd, Randulfo de Pattona, Johanne de Kentem[ere], Toma de Howys, Nicolao de Lee clerico, et multis aliis.

may remain established and permanent I have considered it worthy to corroborate the present writing with the impression of my seal. These being witnesses:—Sir Gilbert de Lancaster; Lambert de Samton; Adam de Hincaster; Alan son of Dolfin; Roger de Burneside; Randulf de Patton; John de Kentmere; Thomas de Howes; Nicolas de Lee, clerk; and many others.

As to the date of this Confirmation, Mr. William Farrer points out that it must lie between the 20th February, 1247, when the king by his writ caused the manor of Kirkeby, late of William de Lancaster, to be assigned to Peter de Brus for chief messuage (*excerpta e Rotulis Fin. II. 7*) and the 28th September, 1272, when a writ of *diem clausit extremum* was issued to John de Reygate, escheator beyond Trent, to take into the king's hands the lands whereof Peter de Brus had been seised at the time of his death (*Ibid. 582*). Of the witnesses we find that Sir Gilbert de Lancaster was Constable of Kirkeby in Kendale in 1246; Lambert de Samton, descended from a Holderness family and brother of Ingelram the tenant of Firbank in 1235, was dead before 1260; that Adam de Hincaster was a juror in 1254; Ralph de Patton and John de Kentmere were jurors in 1272; Thomas de Howes a juror in 1254 and Nicholas de Lee a juror in 1259. The deed must therefore date somewhere between 1247 and 1260.

The document is now in the possession of Mrs. Graham-Smith, of Yealand Conyers, who has signified her willingness to present it to the Corporation of Kendal, if that body will make adequate provision for its preservation.

This grant of common pasture over Hay Fell and the land which lies between the Grayrigg road and the river Mint, now-a-days represents the parish of Scalthwaiterigg, and from the following Perambulations it will be seen that, at least down to the year 1821, the parish was included within the bounds of Kirkby in Kendal.

The Boundary of 1692, as perambulated 2nd March, 1714 and copied by the jury from time to time until 3rd April, 1821, is as follows —

From the Moot Hall to Blindbeck Bridge (beneath the highway) and from thence up Blindbeck Row to a place called Gilling-greave and so from thence to James Garnett Yeat (opposite the south corner of Underfell) which leads on to the common to a place called Crow Well, from thence to Sheppard Yeat and so by Megg Sharpe to a place called the Lodge House (these names are now lost to us) from thence to Helsfell Wall and so to Samson Grave and so along by the wall to Kettle Well and so in at Blaikbanck and through the Spout Closes to the Horse Spout (on the Windermere road) and from thence on south side of Horse Spout Sike (called Leesbeck in the grant) to Aykeregge End and thence over the ford at the Parrock into Mints Feete and from thence by the (Kent and Mint) riverside to Mintsbridge and so into the Longlands and by the riverside to Laverick Bridge, from thence to Ellinholme (now Meal Bank) and so to Fallbecke Foot (a beck with a steep fall into the Mint) and from thence up to Fallbecke Yeat and so to the Crooked Crag or Bealdmire Brow, from thence to Gowk-Peak (names on the Docker Park western boundary) and so down the Hayfell to the Standing Stone (a dressed stone, now broken in two, 14 yards from the fence and inscribed 'K. K. Blindmoss') from thence down the Hayfell on the east side of the banck to the Hay Close and thence down the lane (Kendal to Oxenholme) to Natland Mill Beck and so into the Pott Close (at Water Crook) and from thence into the Great Gallowbarrow and so throughout the lane into Little Gallowbarrow and so by the riverside to Nether Bridge and up the river on the north side of the bridge to the foot of Blindbeck and so up Blindbeck water race to Blindbeck bridge aforesaid.

The boundary of 1821 is much more explicit.

From Kettle Well in at Blake Bank and through the Spout Closes to Horse Spout and from thence on the south side of Horse Spout Sike to Aikrigg End and so across the River Kent at the foot of the said Sike, formerly described as a ford, into Mints feet and by the riverside to Mints Bridge and so into Longlands from thence by the river Mint side into Ellen Holme and so along the riverside to Fall beck foot and so up to Fall beck Yeat and from thence on the right hand side of the Fence which separates Docker Park from three inclosures lately allotted to the Earl of Lonsdale and which were lately part of Hay Fell and from thence on the right hand side of fence which separates Docker Park from lands lately set out to Christopher Wilson (Benson Knott) to a place called Gowk-Peak and thence along the said wall to Blind Moss and from thence on the right hand side of said Moss to another inclosure belonging to Christopher Wilson and from thence in a straight line to a place called Standing Stone, then along a wall in lands belonging to Christopher Wilson which separates Fields called Woodhouse and Barn Close from fields called Back Field and Back Barn Close, thence across the Turnpike (to Sedbergh) and down a field belonging to William Sleddall (at the junction of the roads on the west side of Peat Lane) thence over the wall about 20 yards to the east of the south-west corner and thence across inclosures belonging to Robert Atkinson, Edward Mattinson and William Bainbridge and in a straight line from the said William Sleddall's field to the road leading to Hay Close, etc., etc.
