

ART. XI. – *Medieval Kendal: the first Borough Charter and its connexions.*

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THE economy and settlement of medieval Westmorland still await investigation, and it is perhaps not realized how much documentation there is available, particularly the materials collected by William Farrer and published in the *Records of Kendale*.¹ This is especially true of the early history of the towns, and although Kendal's importance as a regional centre has been described for the early modern period, its medieval history has yet to be elucidated.² The origins of Kendal have partly been obscured by the loss of the first borough charter, a copy of which has recently been rediscovered. The charter, granted by William of Lancaster III (between 1222 and 1246) has long been known, if only from a brief extract made in the sixteenth century.³ The reappearance of a full text of the charter not only throws light on the early history of the borough, but also brings together a 'family' of charter texts which have hitherto been imperfectly known.

The text is to be found in one of the Bellingham Registers at Levens Hall, from a previously uncatalogued box of papers which largely contains vouchers from the time of Colonel James Grahme (1689-1730).⁴ Although Farrer worked extensively on the rich medieval archive at Levens, from which he derived so much of the early history of the Barony, he was unaware of the existence of this volume, and hence of the text of the charter.⁵ The volume, a miscellaneous register of Bellingham deeds and manorial documents, was probably drawn up for Alan Bellingham (died 1672); the text of William of Lancaster's charter occurs on a blank opening and in a hand different from the rest of the compilation, and is preceded by a copy of Peter de Brus' confirmatory charter to the burgesses of Kendal, the original of which still survives.⁶ A footnote below the transcripts reads: *20 of August 1656: these tow had from John Layburne Esq;* Leyburne (died 1663) of Cunswick Hall and Witherslack, was of a long-established local family and may have had the charters in his possession, or merely copies of them.⁷ The charter of Peter de Brus was known to Machell, who described its seal, and William of Lancaster's charter was known to Isaac Gilpin when he wrote on the customs of the Barony of Kendal in the mid-seventeenth century, but the original is not now forthcoming.⁸ The borough archives of Kendal do not survive from before the sixteenth century, though it is likely that the importance of the charters would have been recognised and led to their preservation had they been in that archive, even though their interest was largely historical after the granting of Queen Elizabeth's charter in 1575. Portions of the charter, relating to the boundaries of the borough, were copied (in translation) into the *Boke off Recorde of Kirkkie Kendall*, probably in the 1580s.⁹ This has been the single source of knowledge about the charter, and indeed seems to supply one clause omitted from the text under discussion. The accuracy of the Levens text can also be tested by comparing the transcript of Brus' charter with the original: by and large this is faithful, misreading an abbreviated *vel* for *et* in the first line, twice ignoring the scribe's spelling of *conscessisse* and, more seriously, omitting the names of two witnesses, finally misreading an abbreviated *et* as *cum*. The text given below is not corrected, but is expanded where the meaning is unambiguous.

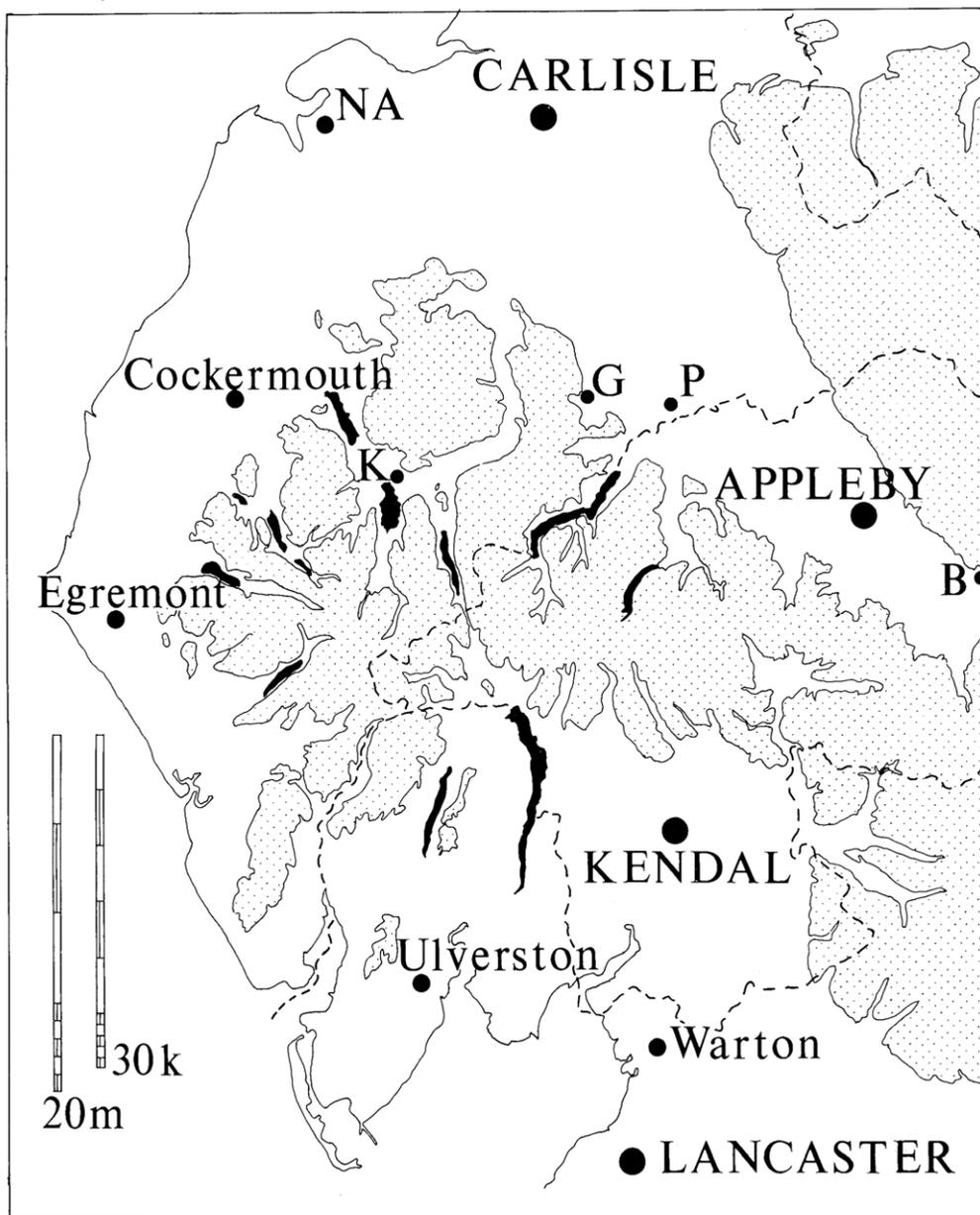


FIG. 1. – Boroughs in Medieval Cumbria (excluding market towns)

KEY	
NA,	Newton Arlosh
K,	Keswick
G,	Greystoke
P,	Penrith
B,	Brough

Old county boundaries are shown and land over 800 ft. (244 metres) is stippled.

The especial interest of the Kendal charter is its relationship to the charters of two small seignorial boroughs in the vicinity: Ulverston in Furness and Warton in Lancashire (Fig. 1). That of Ulverston, though in print since 1774, was omitted from Ballard's *British Borough Charters*, and escaped the editors of the *V.C.H. Lancs.*, but was rediscovered by Tait.¹⁰ Dating from c. 1200, it covers much the same ground as the Kendal charter (of 1222-46); the original charter is lost. Warton's charter of 1246-71 survives only in the fifteenth-century copy which was printed by Miss Bateson;¹¹ not only does it reduplicate material from the other two charters, but it also specifically refers to the customs of the two boroughs. Curiously, another borough charter, that for Cockermouth of 1209-15 has only recently been discovered and shares some features of this group, though it is more closely related to the Egremont charter.¹² Texts of the charters of Ulverston, Kendal and Warton are below set out side by side for the sake of comparison; the remarkable similarity between them is not fortuitous, as the grants were made by successive barons of Kendal.

Gilbert fitz Roger fitz Reinfred, the first baron of Kendal, probably founded the borough of Ulverston by his grant of liberties to his free burgesses there. Ulverston had been granted to Furness Abbey at its foundation, but on the confirmation of the division of the fells in 1196 Ulverston was granted to Gilbert.¹³ Situated next to the mouth of the river Leven, and not far from the landfall of the route over the sands from Cartmel, Ulverston would have been well placed to exploit the Furness peninsula, though in nearby Dalton the monks of Furness had (or were shortly to have) a rival market.¹⁴ The Ulverston charter is largely concerned with regulating the relationship between the burgesses and their lord, as was appropriate for a seignorial borough, rather than granting a comprehensive series of 'liberties' in the manner of a royal charter. It is possible that the subject matter reflected the existing customs of Kendal, but of this there is no information. Gilbert fitz Reinfred himself was a beneficiary of several grants from King Richard, which conferred on him 'full baronial status throughout Kentdale and the outlying members'.¹⁵ In 1189 he was granted a Saturday market in Kendal, and in 1199 a market at Warton.¹⁶ It was Gilbert who confirmed William of Lancaster's grant of Kirkland to the church in Kendal, and then granted the church to the Abbey of St. Mary in York (1204-12), thus beginning the division of the land in Kendal that was to be such a marked feature of its later history.¹⁷

At Gilbert's death in 1220, his son, William of Lancaster III inherited the barony, though it was for a while in the King's hands.¹⁸ At some time before William's death in 1246 he granted to his burgesses in Kendal a charter of liberties, following the terms of the earlier grant to Ulverston, but with added provisions. Unfortunately the attestations do not permit any closer dating of the charter (see further below). Kendal must by this time have been a centre of long standing, as a large primary parish, a nodal centre for routes across the fells, and an important bridging point defended by a castle. No doubt some features of burghal status may already have been present, and there was the market granted in 1189; it is more than likely that William of Lancaster's charter was a confirmation of existing arrangements, or a modification of them, rather than a grant *de novo*.

On the death of William of Lancaster III in 1246 began the division of the barony of Kendal that was to remain throughout the medieval period and beyond. Being without

heirs, his lands were divided between two of his sisters: Peter de Brus III, married to Helewise, received the manor of Kirkeby (Kendal) as his *caput* (the later Marquis and Lumley Fees), and Walter of Lindsey, whose father William was married to Alice, received the manor of Warton (Lancs.) as his *caput* (the later Richmond Fee).¹⁹ Otherwise the Barony was split between them, or at least the income was where the lands were themselves not divided. Peter de Brus granted a charter to the burgesses of his part of Kendal confirming the liberties and free customs they had from his uncle's charter.²⁰ Walter son of William of Lindsey evidently decided to found a borough on his manor of Warton, just north of Carnforth, where the road from Lancaster (the predecessor of the A6) crossed over the river Keer and made for higher ground below Warton Crag. Apart from its position on a through-route, Warton could have had some potential as a port, since the river empties into a channel leading down across Morecambe Bay. Walter's charter, whilst following the general outlines of those for Ulverston and Kendal, is clearly a foundation charter, establishing the size of the burgage plots and their rent. It also specifically notes that the customs of Ulverston and Kendal are to be followed. Here is firm evidence for the aspiration to upgrade a market town to borough status, but unlike the other two there is little evidence for the survival of Warton as a borough in the later middle ages.²¹

We must now turn to the provisions of the three charters, to discover how they compare, and to consider what may have been the purpose of each clause. The order followed is that of the Kendal and Ulverston charters, with material from Warton rearranged as necessary; the divisions are those of the code in *British Borough Charters*, references to which are given in the heading to each section.²² With regard to minor variations between the texts, it should be noted that in no case does an original survive, and that discrepancies may therefore be editorial.

I. Formation of Borough (I 7)

Ulverston	Kendal	Warton
Sciunt tam presentes quam futuri quod ego Gilbertus, filius Rogeri filii Reinfred, dedi, concessi, et per hanc meam presentem cartam confirmavi liberis burgensibus meis de Ulverston in Furnesio, et heredibus suis, has libertates habendas libere de me et heredibus meis	Sciunt omnes tam presentes quam futuri quod ego Willielmus de Lancaster Dedi et concessi et hac presenti Carta mea confirmavi liberis burgensibus meis de Kirkeby Kendall has libertates tenendas et habendas de me et heredibus meis in perpetuum libere et quiete et honorifice	Omnibus presentes litteras visuris vel audituris Walterus filius Willelmi de Lyndesay salutem in domino. Noveritis (me) dedisse concessisse et presenti carta mea sigillo meo impressa confirmasse liberis burgensibus meis de Warton'

Grants of this type were seen by Ballard as being constitutional charters of new boroughs, the word 'confirm' not implying ratification of existing customs, but merely strengthening the 'give and grant'.²³ In this sense, each of the charters could be taken as founding the borough by granting liberties to free burgesses (and without reference to earlier grants). However, it has been suggested above that in the case of Kendal at least the charter is likely to have been confirming or extending some existing arrangements. None of the charters mentions *liber burgus*, which the Ulverston one might well have done had it been a generation later.²⁴

2-3. **Burgage Tenure** (II Ai, A2, A4, A9)

Ulverston

Scilicet quod quisque burgensis
possit capere tot tofta quot
voluerit et vendere ubicunque
voluit et possit

Kendal

Ita: silicet quod quisque burgensis
possit capere tot tofta quot
voluerit et vendere ea cuicunque
poterit

Warton

habere burgagia sua libera quanta
sibi de iure adquirere poterunt in
eadem villa de Warton' habend' et
tenend' sibi et heredibus suis vel
suis assignatis vel eorum heredibus,
exceptis viris religiosis clericis et
Iudeis, de me et heredibus meis
libere et quiete integre et pacifice
cum omnibus pertinentibus suis et
libertatibus infra villam de
Warton' et extra pertinentibus,
exceptis separalibus meis, boscis,
pratis, pasturis et dominicis
videlicet (named woods, pasture
and park) (11) reddend' annuatim
pro quolibet burgagio in se
contenente unam rodam et quatuor
fallas duodecim denarios,
medietatem scilicet ad Pentecosten
et aliam medietatem ad festum S.
Michaelis pro omni servicio et
demanda:

Salvo inde reditu meo, scilicet de
tofto iii denariis

(Salvo inde reditu meo: silicet de
tofta sex denarios per annum)

Here was the central part of the grant, establishing 'burgage tenure' by allowing all property to be held for a fixed rent and with freedom of devise: an essential aspect of the borough. Only Warton speaks of 'burgages', the other two of 'tofts'; at Warton also, devise to religious and Jews was excepted (a common restriction on alienation) and all demesne lands were excluded. The size of the burgage was stated at Warton (where it included four 'falls' in the borough fields) and the rent was at the common rate of 1s.; it was 6d. at Kendal and only 3d. at Ulverston. At Cockermouth the word 'toft' was also used, and the rent was 4d.²⁵

4. **Lord's Justice** (IV A 19)

Warton

(11) salvis domino amerciamentis et
placitis dicti burgi.

Only Warton states what is virtually implied by Ulverston and Kendal, that the lord retained the court in his hands (see also section 12 below).

5. **Rights of Timber** (II A 7)

Ulverston

et quod capiant ad eos
herbergiandum de boscis meis per
visum forestariorum meorum
excepta haia mea de Plumpton cum
suis divisis

Kendal

et quod capiant de boscis meis inter
Kent et Winandermere necessaria
sua sine visu forestariorum meorum:

Warton

(2) Et capient de bosco in communi
de Warton estoveria sua per visum
forestarii mei ad e(di)ficandum

Two clauses concerning woods occur in Kendal and Warton, distinguishing wood (or timber) from dead wood (see also section 18 below). Here the different wording of the three probably amounts to the same thing, i.e. the right to take timber for building houses. The 'necessaries' of Kendal may include the 'necessary houseboot, hedgeboot,

plowboot and cartboot' as listed by Gilpin in his discussion of the woods of the Barony of Kendal in the seventeenth century. He held that houseboot was restricted to taking timber for building a dwelling house, barn, byre or cowhouse, and did not include building 'for pleasure or vain glory'.²⁶ The lord's foresters were required to view in the case of Ulverston and Warton, but this was perhaps felt to be unnecessary with Kendal where the area of woodland was so large; the woods of Ulverston did not include the lord's Hay at Plumpton, on the mouth of the Leven.

6. Rights of Pasture (II A 7)

Ulverston

Et habebunt turbarium et communem pasturam cum hominibus meis de Ulverston usque ad divisas de Pennington, in parte australi; salva haia mea de Plumton, cum suis divisis

Kendal

et quod habeant communiam pasturam ex illa parte de Kent ex qua Haya mea: extra Chopertum, postquam bladum et fenum erunt asportata: alibi communiam pasturam averiis suis cum aliis hominibus meis

Warton

(3) Et eciam concessi eisdem liberis burgensibus meis quod possint habere communam cum catallis suis ex orientali parte dicte ville, post blada et prata asportata, exceptis bladis seminatis et pratis quando defendi debent. Et ex occidentali parte dicte ville cum eisdem catallis, exceptis porcis, a festo S. Martini in yeme usque ad purificationem beate Marie.

The provision for common pasture implies some agricultural interest on the part of the burgesses, whilst at Ulverston and Kendal the burgess rights are equated with the other (non-burgess) men of the manor. At Ulverston there is also a reference to turbary, and a limit of pasture at the southern end of Ulverston towards Pennington, perhaps implying extensive out-pastures in the north end of the parish, towards Coniston (the Hay of Plumpton is again excluded). The transcript of Kendal may have a line missing here, as the translation in the *Boke off Recorde* (which is itself interpolated with commentary) makes two clauses of the last part: "And that they may have comen pasture on that part of Kennt on which his hay is with theis woords (extra coopt) which we take to be without the parke Being then (as we suppos) septid and inclosed *And on the other part of Kennt until Leesbeck comon pasture also* after that Corne and hay betaken or caryed awaye."²⁷ The part here italicised would appear to be from the charter and not part of the interpolation. If that be so, then pasture at Kendal was on the east side of the river below Hay Fell, but outside the covert (either the park, or Hay Fell), and on the west side as far as the northern boundary of the borough (Leesbeck being the same as Horse spout Syke on the Windermere Road in later bounds).²⁸ Restriction to the time after harvest implies that this is provision for grazing in the common arable, though the location of this is made problematical by the possible corruption of the text. Pasture 'elsewhere' may refer to Kendal Fell, above the town on the west. A similar kind of division is apparent at Warton, with arable and pasture on the east of the town, to be grazed after harvest, and common on the west to be grazed from 11 November to 2 February.

7. Limitation of Amercements (IV D 3)

Ulverston

Concessi autem eis quod forisfacturam lingue in burgo sit eis quatuor denariorum et omne aliud forisfacturam sit eis secundum consuetudinem burgorum regis, comitum et baronum que predictae ville vicina sunt

Kendal

Concessi etiam eidem quod forisfacturam lingue sit eis in quatuor denariis et aliud forisfacturam sit eis secundum consuetudinem Burgorum Regis Comitum et Baronum quae predictae villae vicina sunt

Warton

(4) Concessi etiam eisdem quod forisfactura lingue sit eis in quatuor denariis. Et aliter forisfactura secundum consuetudinem vicinorum burgorum

This was a standard feature of borough charters, though curiously only one example is given here, the fourpenny forfeit for abusive language; whilst for others recourse is to be had to the customs of neighbouring boroughs. There is some difficulty here, as the nearest boroughs were Egremont (chartered in *c.* 1202),²⁹ Lancaster (granted the customs of Bristol in 1193 and of Northampton in 1199)³⁰ and Appleby (granted the customs of York in 1181).³¹ Only for Egremont is there a clear statement of the range of forfeits (in an unusually comprehensive seignorial charter), and amongst these we find the fourpenny rate for insults offered to a neighbour's wife. Cockermouth (*c.* 1209-1215) also states limitations on amercements, no doubt derived from Egremont.³² This matter is not the only hint of a relationship between the Egremont and Ulverston charters, which raises the question of which was produced first.

8. Prise of Ale (VI 4)

<p>Ulverston Concessi etiam quod vendant sextarium cervicie carius uno denario quam apud Appelby, et mihi uno denario minus quam vicinis suis</p>	<p>Kendal et quod vendant sextarium cervisiae carius uno denario quam <i>apud</i> Applebye et mihi uno denario minus quam vicinus suis:</p>	<p>Warton (13) Vendent autem mihi et heredibus meis sextarium cervisie minus uno denario quam aliis.</p>
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Whilst not directly mentioning the assize of bread and ale, all three charters make provision for the lord's purchase of ale, the equivalent of the prise of wine demanded or exempted in many boroughs. The general price is fixed above that of Appleby (this is omitted for Warton), but the lord's purchase price is to be below that of other burgesses.

9. Suit of the Lord's Oven (II B 17)

<p>Ulverston Sed furnum et tinctoriam et fulloniam in manu mea retinui</p>	<p>Kendal et quod furnient in furnis meis per easdem convenciones <i>per</i> quas solent furniare in furnis vicinorum suorum</p>	<p>Warton —</p>
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This was a valued source of income, as a potential monopoly of baking by restricting the use of private ovens.³³ At Ulverston the oven was simply retained in the lord's hands, but at Kendal where there can have been no monopoly, the lord's oven was to be used on the same terms as any other; Warton makes no mention of the subject. At Egremont burgesses were permitted to have ovens in their own houses.³⁴

10. Contributions to Aids (II B 11)

<p>Ulverston Et concessi quod aliud auxilium ab eis non exigam quam tale quale alia burga regis, comitum et baronum faciunt per Angliam</p>	<p>Kendal Concessique eisdem quod non exigam ab eis aliud auxilium quam tale quale alia <i>Burga Regis</i>, Comitum et Baronum faciunt <i>per Angliam</i></p>	<p>Warton (5) concessi eciam eisdem quod non exigam ab eis aliud auxilium quam alii burgenses domini Regis et vicinorum faciunt</p>
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In this matter a wide appeal is made in restricting the levy of aids to those generally raised in English boroughs: these were in any case becoming subject to increasing control in the thirteenth century.³⁵ But apart from these national levies, there were the aids

raised within the Barony, such as those specified in the Egremont charter for the knighting of a son, the marriage of a daughter, for ransom or when the baron's knights give an aid.³⁶ At Cockermouth, not more than £5 was to be paid when "an aid is rightly granted in my barony of Allerdale and Coupland".³⁷ The general fines raised in the Barony on the death of the lord or on the change of tenancy remained a matter for dispute down to the eighteenth century,³⁸ and from these the burgesses were probably exempted by the charter, being quit of 'all service and demands' (see Warton above) by payment of their burgage rents.

11. Suit of the Lord's Mill (II B 17)

Ulverston	Kendal	Warton
Et de guagnagio suo proprio multurabunt ad molendinum meum per eandem mensuram sicut et alii homines mei; et eis inveniam molendina ad bladum suum forinsecum ad xxi vas	et quod inveniam eis molendinum ad bladum suum aliunde emptum ad sextumdecimum vas':	(10) Concessi eciam quod sint quieti de multura de blado crescente in toftis eorundem burgensium

The lord's mill might be as jealously guarded as his oven, but these charters introduce an individual feature in distinguishing between multure of the burgesses own and their purchased grain, as is also to be found at Egremont. There the rate was the thirteenth measure for the burgesses own corn, and the sixteenth measure for that purchased.³⁹ Ulverston refers to the rate paid by the 'other men' of the manor, and fixes the 'foreign corn' at the twenty-first measure, whilst Kendal only mentions purchased corn and repeats the sixteenth measure of Egremont (also the rate at Stockport and Manchester).⁴⁰ Perhaps the undertaking to 'find a mill' at Ulverston and Kendal implies the provision of a second mill. In Warton the burgesses were, unusually, quit of multure⁴¹ and there is no reference to purchased corn.

12. The Lord's Justice (IV A 19)

Ulverston	Kendal	Warton
Concessi vero eisdem quod in curia mea poterunt placitare de debitis suis, sine forisfacto.	Concessique eisdem quod poterint platitare in curia mea de debitis suis sine forisfac'	(5) et quod presint placitare in curia mea pro debitis suis sine forisfactura.

This is a rather puzzling clause, whose effect is not clear as to whether it is exempting any forfeit in cases of debt brought in the manorial/borough court, or simply allowing pleas of debt to be brought in the baronial court. A later clause in Warton mentions the latter as the 'chief court' in distinction to the borough court. As these charters do not constitute an independent borough court (which only happens rarely in borough charters),⁴² the existing manorial courts must have continued (explicitly stated in Warton at section 4, above), with their profits returning to the lord. This was clearly the practice at a later date in Kendal where the profits of the court were divided.⁴³ A deed of 1256 at Levens concerning a toft in Kendal refers to a writ of right brought *in curia domini Petri de Brus in eadem villa*,⁴⁴ and not to a borough court as such. Thus the first explanation offered above is perhaps more likely.

13. Agreements with Fullers and Dyers (V B 15)

Ulverston Sed furnum et tinctoriam et fulloniam in manu mea retinui (from above)	Kendal et quod habeant easdem convenciones cum fullonibus et tinctariis meis quas vicini burgenses cum talibus ministris in vicinis burgis habent	Warton (6) Et quod habeant easdem convenciones cum fullonibus et tinctoribus meis quas vicini burgenses in vicinis burgis cum talibus ministeriis habent
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It is perhaps significant that the one trade referred to in these charters should be cloth production, where at least two of the finishing processes were monopolized by the lord. Ulverston simply states the retention of dying and fulling in the lord's hands, where Kendal and Warton merely refer to the agreements made with the lord's fullers and dyers, presumably intending to leave financial arrangements to local custom rather than prescription. References to fullers in borough charters are rare, though again Egremont provides details, with its assize of dyers, weavers and fullers fixed by view of twelve burgesses.⁴⁵

Although no fulling mills are mentioned, this was the means by which the monopoly was operated at a later date, and indeed the Lake District was one of the classic areas where there are early references to the mechanization of the fulling process, though the significance of this is now a matter of some controversy.⁴⁶

14. Limitation of the Lord's Credit (II B 8)

Ulverston et cum crediderint aliquid de suo mihi, si quadraginta dies transierint et debitum eis solutum non fuerit, mihi amplius sua non credent antequam eis fiat solutum	Kendal et cum crediderint aliquid mihi, si 40 dies transierint et debitum eorum iis solut' non fuerit: amplius non credant mihi suam antequam debitum predict' eis solut' fuerit:	Warton (7) Et si aliquid michi crediderint, si quadraginta dies transierint et debitum eis solutum non fuerit, amplius non credent michi sua antequam debitum predictum eis fuerit solutum.
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Regulation of the lord's credit with his burgesses is a standard feature of seignorial charters, and the limit of forty days was widespread, and passed into common law.⁴⁷ The charter of Cockermouth, in a possibly corrupt passage, mentions a limit of forty days, following Egremont.⁴⁸

Assuming that we have a complete text, it would appear that, apart from the list of attestations, Ulverston finishes at this point. (See 21, below)

15. Forced Service as Officials (II B 21)

Ulverston —	Kendal Concessi etiam illis quod nullus burgensis capiet(ur) se invito ad molendina mea vel ad furnum meum custodienda nisi fuerit sua spontanea voluntate:	Warton (8) Concessi eciam quod nullus burgensis se invito capiet(ur) ad molendina mea sive furnos meos custodiendos
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The avoidance of public office is a commonplace of urban history, especially offices that might prove financially burdensome, and the subject appears in several borough charters of the thirteenth century. Perhaps the reference solely to the mill and oven implies that these were the only offices in Kendal and Warton to which burgesses might be called, and that if they had the power to elect their own borough reeve, that office

would also be mentioned here. At a later date the burgesses of Ulverston were exempted from the office of Chamberlain or other burdensome duty, being limited to what 'the burgesses of Kendal do'.⁴⁹

16. Mainprise (IV B 5(a))

Ulverston	Kendal	Warton
—	et Concessi quod nullus burgensis capietur nec imprisonetur cum possit plegios invenire	(9) Et quod nullus burgensis capiet(ur) nec imprisonet(ur) aliqua de causa dum plegios possint et velint invenire.

The taking of pledges as an alternative to imprisonment was a general practice, and regularly specified in borough charters and custumals, where the privilege was also available in cases of homicide.⁵⁰

17. Geld (—)

Ulverston	Kendal	Warton
—	et quod sint quieti de gelda de toftis suis.	—

The occurrence of geld, if danegeld is referred to in Kendal, would be a curious anachronism in the thirteenth century, though it is mentioned in a few other borough charters, especially in Wales and the Marches.⁵¹ Moreover, King Richard's grant to Gilbert fitz Reinfred of Levens and other lands in 1198-9 exempted him from geld, danegeld, noutgeld and horngeld in those lands, in addition to his exemption from noutgeld throughout the Barony.⁵² It is more likely that this geld was a local customary payment, as occurs in the 1274 Inquest *Post Mortem* of Robert de Ros as payable on several manors in his part of the Barony;⁵³ and as Angus Winchester has suggested, it appears to have been payable on sheep, perhaps as the equivalent of cornage, or noutgeld paid on cattle.⁵⁴

18. Rights in Woodland (II A 6)

Ulverston	Kendal	Warton
—	et quod capient mortuum boscum sine visu forestariorum meorum inter magnam viam et Minuet quae via extendit se de Hospitali Sancti Leonardi usque Falbeck et sequendo Falbeck usque in predictam Minuet et sequendo Minuet in descendende usque ad pontem: et ex alia parte de Minuet inter eandem Minuet et magnam viam quae extendit se de messuagio quod fuit Patricij de Skelsmergh usque Witwel et deinde ex transverso per diversas de Skelsmergh usque in Minuet simili modo capient mortuum boscum	(2) Et capient de bosco in communi de Warton . . . Et de mortuo bosco ad arduendum et spinis ad arduendum: salvis michi corulo, glandia, nucibus, et pannagio per totum boscum dicte ville de Warton.

The Kendal charter ends with the regulations for collecting firewood in the vicinity

of the borough, the second part of the charter which, for the description of the bounds, was copied into the *Boke off Recorde* in the sixteenth century.⁵⁵ The area delineated was along the banks of the river Mint, to the north-east of Kendal. The main road to Appleby (the *magnam viam*) runs past Spital to Falbeck,⁵⁶ the now unnamed stream running into the Mint on the bounds between Scalthwaiterigg and Docker (it is also named in the bounds of Docker, 1170-84).⁵⁷ Between the road and the Mint, as far back as the bridge (? Mint Bridge) was the area from which dead wood could be taken (and it is still partly wooded today). Thus bounded, we have the whole of the north end of Scalthwaiterigg, that is the probable edge of the Hay of Kendal, already referred to in the charter (section 6 above). Across the Mint in Skelsmergh, the bounds are harder to identify, though the messuage of Patrick of Skelsmergh is probably Skelsmergh Hall,⁵⁸ and the area described was probably just the opposite bank of the Mint. (*Diversas* is probably an error for *divisas*: bounds.)

The common woods of Warton are not bounded, but would hardly need to be if they approximated to the present cover on Warton Cragg. The grant, whilst allowing the taking of dead wood and hawthorn,⁵⁹ makes exception for hazel, acorns, nuts and pannage.

19-20. Grant of Customs and Demand of Court (I 8) & (IV A 17)

Ulverston

Kendal

Warton

(11) Concessi eciam quod de aliis levibus usibus habeant et teneant secundum usus et consuetudines burgorum de Kyrkeby Kendal et Ulveriston . . .

(12) Et si quis burgensis implacitetur in curia mea capitali de manerio et feodo de Warton', dicti burgenses curiam burgi de eo habebunt, si curiam hora competente postulaverint.

The continuation of Warton has two provisions not found in the other two charters. The burgesses are allowed the 'uses and customs' of Kendal and Ulverston in minor matters. Finally, in the one direct reference to the borough court, the burgesses may not be impleaded in the 'chief court of the manor and fee of Warton' if they demand the borough court, so long as they 'claim their court at a reasonable time'. This is presumably a reference to the baronial court of the now divided Barony of Kendal,⁶⁰ though it may refer to another, non-burghal court for the ordinary villagers of Warton.

21. Attestations

Ulverston

Kendal

Warton

Hiis testibus Gilberto de Lancaster, Gervasio de Aincourt, Adam Garnento, Alano filio Benedicti, Alano filio Ketelson, Willelmo fratre suo, Rogero de Heton, Herberto de Hellhall, Gilberto filio Ade, Willelmo filio Rogeri, Rogero filio suo, Gamello forestario et multis aliis.

Hiis testibus: Domino Petro de Brus: Henrico de Redman, Michael de Furn' Ricardo de Copland: cum multis aliis

Hiis testibus Domino Iohanne de Cansfeld, domino Willelmo Boyvill, Henrico de Redemane, Thoma de Cawpmanwra, Ada de Kellet, Willelmo de Coupmanwra, Ada de Hoton, Iohanne de Wrswyk, Gilberto de Whitby et aliis.

(From West; omitted in Ballard & Tait)

None of the charters can be closely dated within the lordship of their respective grantors (Ulverston 1189-1220; Kendal 1222-46; Warton 1246-71). In the case of Kendal the short list of attestations given on our transcript consists in each case of names probably held by more than one individual. Peter de Brus may have been William of Lancaster's brother-in-law and heir, but had the same name as his father; Henry of Redman of Levens (died 1225) had a son called Henry who in 1259 attempted to reclaim the stewardship of the Lancaster lands;⁶¹ Michael of Furness (*alias* Fleming)⁶² attested a charter with Richard of Coupland concerning land in Levens in 1227-37,⁶³ and one of that name was alive in 1204-15 and in 1249;⁶⁴ Richard of Coupland occurs in 1216 and 1249,⁶⁵ possibly again two individuals rather than one.

The similarity between the three charters made apparent in the above analysis is not surprising given the relationship between the grantors. The whole study of borough charters has demonstrated precisely this dependence on former models for the production of new charters. In the case of the three charters of Salford, Stockport and Manchester, discussed by Tait, there is a clear connexion between the text of each.⁶⁶ But a curious element in our 'family' is that none of them represents the basic framework of the borough in the same way that the Manchester family does, or, to take a nearer example, as the unusually lengthy charter of Egremont does. They are concerned with specific aspects of the relationship between the borough and its lord, but their range is hardly comprehensive and they omit large areas of constitutional and economic organisation which must have been of prime importance to the would-be burgesses. It is more as if they relate to a series of recurring problems or areas of dispute with the lord, or as if they emphasize those aspects which were to be different from previous custom, whilst there is little doubt that several liberties allowed in some boroughs were here kept firmly in seignorial hands.

What is perhaps more surprising is that a charter first applied to Ulverston should be reissued for Kendal some decades later, and then later still be utilised to found the new borough at Warton. The effect of this (as explicitly stated for Warton) was to give each borough the same type of constitution, though a greater element of change might be expected with the passing of time. It is always possible that the wording of the charters was not of enormous significance, that the most important constitutional matters were generally understood and did not need explicit statement, and that the burgesses' need to possess a charter was felt to be more essential than what it contained. Thus by the time that Warton was founded, the copying of the Kendal charter would have carried a much greater implication than the mere words of the charter, by implicitly conveying all the current aspects of the government of the parent boroughs.

The early history and topography of Kendal

The Kendal charter provides important new evidence for the early history of the borough and its topography, though its origins remain obscure. Materials for the history of medieval Kendal are sparse, and made confusing by the divisions of the Barony and thus the lordship of the borough. Following the first division in 1247 on the death of William of Lancaster between Brus and Lindsey, there was a further division in 1307 when the Brus/Ros moiety was split between Ros and Thweng,⁶⁷ leaving the lordship of the barony and borough in the proportions half and two quarters. This involved a

clear separation of some assets (the castle and demesne land went to Ros), and the division of others such as the property rental and income from the perquisites of the market, mills and courts. Not unnaturally this led to disputes, as happened in 1337 over the collection of market and fair tolls and in 1357 over the custody of charters.⁶⁸ The beneficiaries of this divided lordship will no doubt have been the burgesses themselves.

The layout of the town, as evidenced by the earliest large-scale maps, points to the existence of three principal plan elements (Fig. 2): a nucleus by the church including an adjacent castle now represented by the earthworks at Castle Howe; the market place, which as Geoffrey Martin has suggested probably extended across from Finkle Street to Market Place (and was later built over);⁶⁹ finally the regular blocks of burgage plots on each side of Highgate and Stricklandgate, interrupted by the market place, but continuing on Stramongate down to the bridge (and with the small transpontine suburb there). The chronological development of these plan elements cannot be exactly determined. The land round the church may well be the original nucleus, in which case its separate existence as 'Kirkland' from its grant to the church and then to St. Mary's Abbey in York at the beginning of the thirteenth century is instructive, suggesting that already there was some other part of the town to be retained in the lord's hands.⁷⁰ The market grant of 1189 may have been the occasion of the laying out of the market place, and the burgages may have followed on that, since it is perhaps unlikely that they were only laid out with the granting of the charter. The very regularity of the large burgage plots or 'tofts' (later to be closely built over and transected by the 'yards') must nevertheless point to some deliberate act of planning as a seignorial enterprise.

There is some indication of the number of tofts in the original plan. In 1310 William of Ros held at his death 36 tofts paying 6d. (plus 2½ tofts and 3 messuages) as his quarter of the vill; this implies a minimum total of 144 tofts.⁷¹ By 1390 Thomas de Ros similarly held some 52 burgages.⁷² Having excluded Kirkland, this would give a fairly wide frontage for each plot, giving plenty of space for subsequent building and division. One of the primary effects of the charter, the creation of a free land market, would have facilitated the division of the plots over the years.

Outside the built-up area were the fields, pastures and the second castle with its demesnes. There were 160 acres of arable on the demesne in 1274 and 1310 (probably representing its undivided state), and two 'granges' and an ox-house at the latter date.⁷³ The text of the charter may be corrupt where it mentions pasture in the fields after harvest (section 6 above), and it may imply that there were fields on both sides of the Kent. Speed's map of 1611 shows a man ploughing to the north of the castle, and it was the nearby fields in Mintsfeet that were enclosed in 1814.⁷⁴ An agreement of 1331 locates the demesne grange on the east of the Kent, beyond 'Overbridge' (see below), and it may have included the building now known as the 'Castle Dairy'. There were 15 acres of demesne meadow, presumably east of the Kent, in 1310,⁷⁵ and there was some pasture here, but the principal pasture for the burgesses is likely to have been on Kendal Fell to the west of the town, the area shown by Speed with tenter frames on it, and as mapped after enclosure, in 1788.⁷⁶ That the burgesses still had agricultural interests in the 17th century is evidenced by their probate inventories.⁷⁷

The castle itself, relocated on an eminence above the east of the town probably in the thirteenth century,⁷⁸ was in a park (perhaps the 'covert' of the charter) though the 1310 Inquisition refers to a second park as well.⁷⁹ The extent of these is not entirely clear,

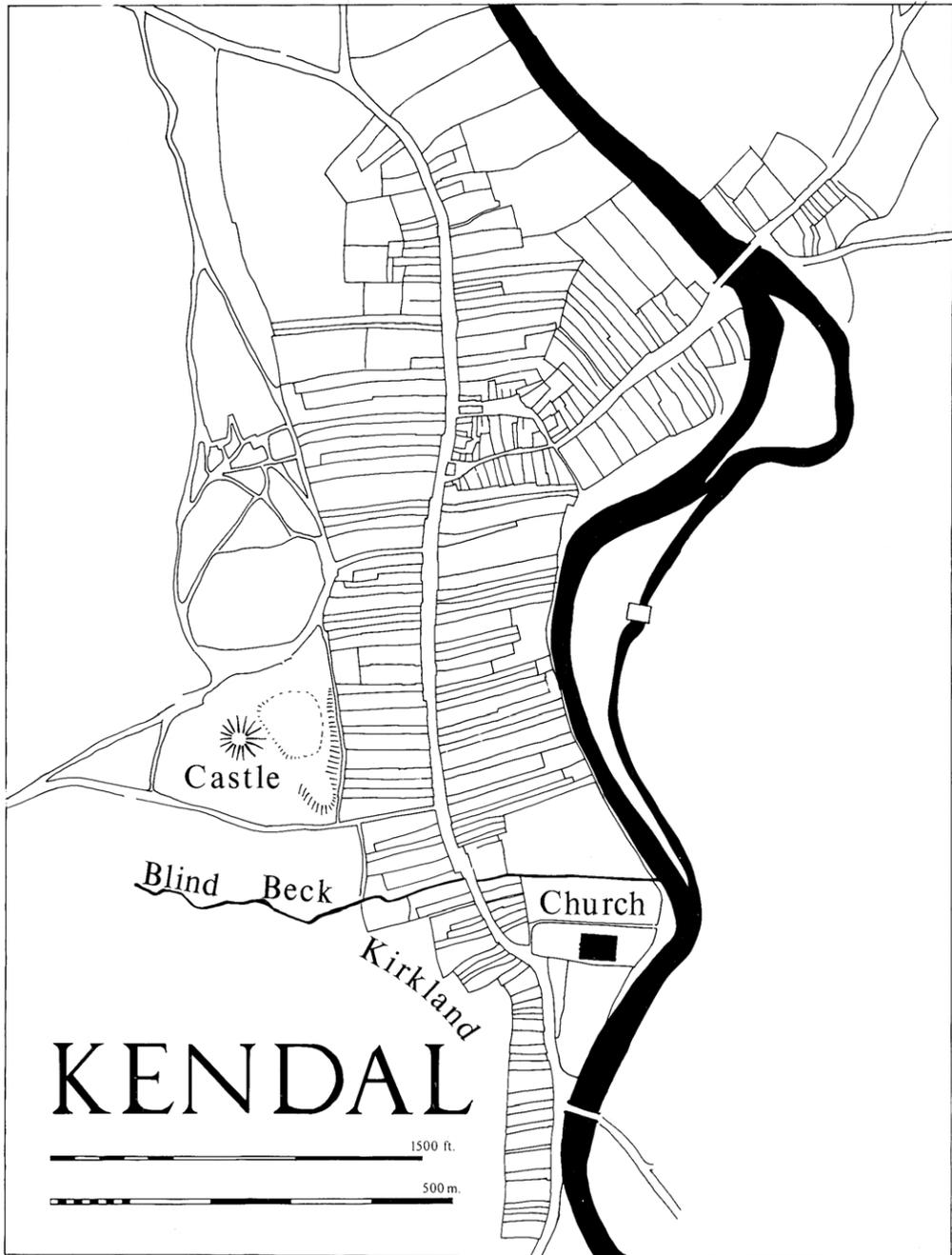


FIG. 2. – Topography of Kendal tenement boundaries from early editions of Ordnance Survey plans.

but it would appear that much of the land to the east of the castle, as far as the bounds of the township of Kendal, belonged together and was later known as the 'Castle Park Lands', being described in the deed of sale of those lands in 1765.⁸⁰ The farms which made up the Castle lands can be identified on the Kendal Corn Rent map of 1835-6⁸¹ and are shown here (Fig. 3), but it would be worth investigating further the hypothesis that these represent medieval demesnes of the castle, with one or more large enclosed parks.

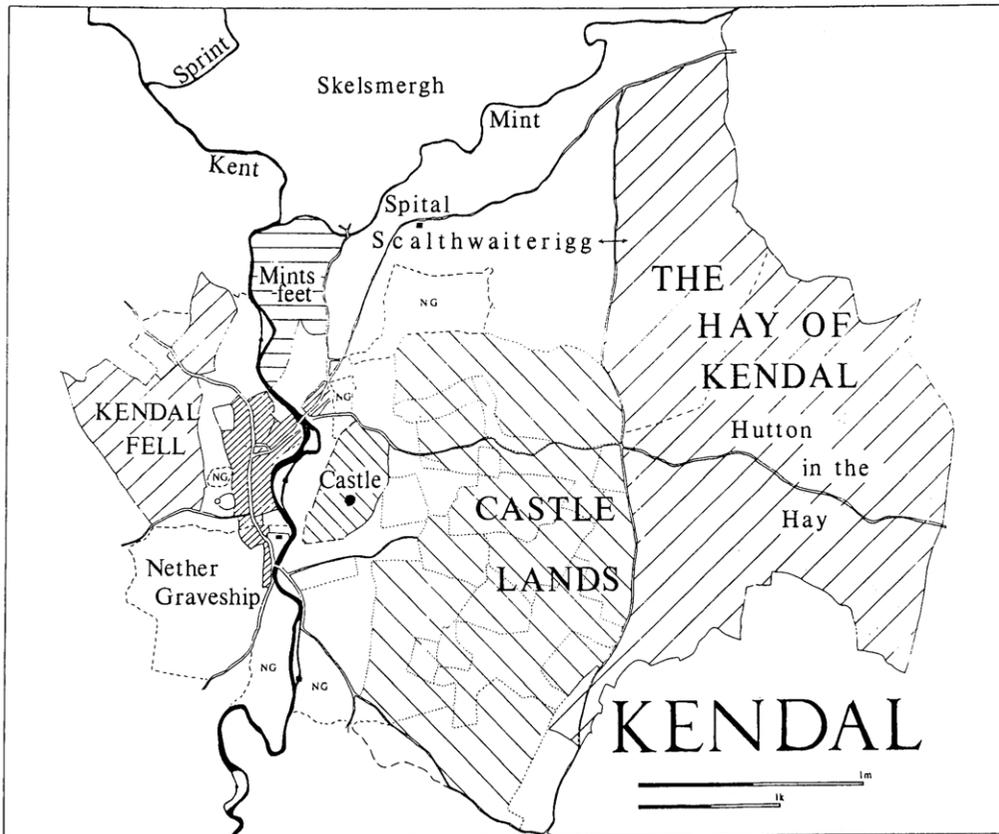


FIG. 3. – The environs of Kendal: the extent of the Borough (including Scalthwaiterigg and Nether Graveship) and part of Hutton in the Hay. Based on early editions of Ordnance Survey plans, with additional material referred to in the text.

Beyond this again to the east was the 'Hay' of Kendal, an enclosed area of park or forest,⁸² being described as 'forest' in 1272.⁸³ Nine hundred acres of the Hay, lying in the townships of Scalthwaiterigg, Hay and Hutton in the Hay were enclosed in 1812-15,⁸⁴ but its extent was probably larger still in the thirteenth century. Much light is cast on the Hay by a settlement made in 1331 between Thomas de Ros and Sir William de Thweng and now preserved at Levens.⁸⁵ The Hay was used by the tenants of Ros in Scalthwaiterigg and Hutton to provide pannage for their pigs, and was used both by

them and by Thweng's tenants in Helsington to provide housebote and haybote. Timber in the Hay was also used by Thweng for building houses and mills in Kendal. The approaches to the Hay were defined as being from Netherbridge towards the castle and so between the parks into the Hay, and from Overbridge by the granges to the Hay (and in at the opening (?) by Oxenholme field). As already mentioned (section 18 above), the Kendal charter allowed burgesses to take dead wood from the north end of the Hay, between the road and the river Mint.

In addition to this large area to the east of Kendal, there was an even more extensive forest to the west, extending as far as Windermere (section 5 above) and from which the burgesses could take timber. The Forests of Westmorland, Kendal and Furness were part of the Barony, though a measure of disafforestation was ordered in 1225.⁸⁶

Some aspects of the economic life of the town are illuminated by the charter: the seignorial mill and oven were retained as a monopoly, and there were arrangements for the price of ale and the agreements with fullers and dyers. Income from mills remained a valuable asset, even when divided, and in 1274 there was a water-mill (half of which, with two elsewhere, being worth 28 marks) and a fulling mill (worth only 8 marks as the tenants of Kentmere no longer owed it suit).⁸⁷ In 1310 the quarter part of the dye-house (*tynctura*) was worth 5s. per annum.⁸⁸ The free market in land, confirmed by the charter, and the provision for settling debts, would probably have involved appearances in court (amongst all the other matters dealt with there). In 1274 the court of Kendal (the half-Barony) was worth £18, whereas the quarter share of the 'perquisites of the court of pleas of the vill and the free court' were worth 6s. in 1310.⁸⁹ The half share of 'stallage and the court of the borough' should have been worth 26s. 8d. in 1324, but was worth nothing 'by reason of the destruction by the Scots'.⁹⁰

The market of the borough is not mentioned by the charter, and dues from this remained part of the seignorial income, divided between the various lords of the borough. Further to the Saturday market granted in 1189, Peter de Brus was granted a yearly three-day fair at Trinity Sunday in 1268, and Thweng and Ros were granted a market and fair in 1309.⁹¹ The latter grant was apparently to the exclusion of the lord of the other moiety of the town, as is shown by the action brought against Thweng and Ros by William of Courcy in 1337, when his servants had been prevented from collecting his share of the market tolls on the occasion of its coincidence with the fair on Trinity eve, when the market tolls were claimed to belong to the fair.⁹² The amount of income from the market is not mentioned.

The reappearance of the text of the Kendal charter has enabled it to take its place in the family of borough charters in the Barony of Kendal, and can further our understanding of the history of the boroughs of Ulverston and Warton, and of the process of the founding of seignorial boroughs. Although the granting of the charter to Kendal may not have occurred at the starting point of the town's growth, it must to some extent reflect that growth, and have helped the development of burghal liberty. Despite the restricted range of its concessions, the ability of the burgesses to act on their own will have been extended further by the subsequent division of the lordship of the borough. The economic growth of the town, so marked by the end of the medieval period, will to a considerable extent have derived from regional factors, but the constitutional climate of the borough was the all-important environment in which that growth was encouraged to happen.

Appendix
Translation of the Kendal Charter

[1] Let all men both present and future know that I, William of Lancaster, have given and granted and by this present charter of mine confirmed to my free burgesses of Kirby Kendal these liberties to have and to hold from me and my heirs for ever, freely, quietly and honorably, thus:

[2-3] Namely that each burgess can take as many tofts as he wishes and sell them to whomsoever he can (saving my rent, namely 6d. a toft each year)

[5] And that they may take what they need from my woods between Kent and Windermere without view of my foresters

[6] And that they may have common pasture on the (same) side of the Kent as my Hay, outside the covert, (*clause possibly omitted here*) after the corn and hay have been taken; elsewhere common pasture for their beasts with my other men

[7] I have also granted them that the forfeit for abusive language be fourpence, and other forfeit be according to the custom of boroughs of the King, Earls and Barons which are near the said town

[8] And that they shall sell a sextary of ale a penny dearer than at Appleby, and to me for a penny less than to their neighbours

[9] And that they shall bake in my ovens by the same agreements with which they are accustomed to bake in their neighbours' ovens

[10] I have granted them that I will not exact from them any aid than such as other boroughs of the King, Earls and Barons pay in England

[11] And that I will find them a mill for their corn bought elsewhere, at (a rate of) the sixteenth measure

[12] I have granted them that they may plead in my court for their debts without forfeit

[13] And that they may have the same agreements with my fullers and dyers as the neighbouring burgesses have with the like traders in neighbouring boroughs

[14] And when they give any credit to me, if forty days have passed and the debt is not paid them, they shall give me no more credit until that debt is paid them

[15] I have also granted them that no burgess shall be taken against his will to keep my mills or my oven, unless it be at his own wish

[16] And I have granted that no burgess be taken or imprisoned when he can find pledges

[17] And that they be quit of geld from their tofts

[18] And that they may take dead wood, without the view of my foresters, between the high road and the Mint, which road extends from the Hospital of St. Leonard as far as Falbeck, and following Falbeck as far as the Mint, and following the Mint down as far as the bridge; and on the other side of the Mint between the Mint and the high road which extends from the messuage which was of Patrick of Skelsmergh as far as Witwell, and across along the bounds of Skelsmergh as far as the Mint they shall likewise take dead wood.

[21] Witnesses: Sir Peter of Brus, Henry of Redman, Michael of Furness, Richard of Copeland; with many others.

Acknowledgements

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Abbreviations

BBC i	A. Ballard, <i>British Borough Charters 1042-1216</i> (Cambridge, 1913).
BBC ii	A. Ballard and J. Tait, <i>British Borough Charters 1216-1307</i> (Cambridge, 1923).
Curwen	J. F. Curwen, 'A Charter of Peter de Brus III, 1246-60', CW2, xix, 113-7 & pl.
Ferguson	R. S. Ferguson, <i>The Boke off Recorde of the Burgh of Kirkbie Kendall</i> , CW Extra Ser., vii (1892).
Gilpin	A. Bagot, 'Mr Gilpin and Manorial Customs', CW2, lxii, 224-45.
Hall	R. Hall, 'An Early Cockermouth Charter', CW2, lxxvii, 75-81.
RK i-iii	W. Farrer and J. F. Curwen (eds.), <i>Records Relating to the Barony of Kendale</i> , CW Record Ser., vols. iv (1923), v (1924) and vi (1926).
Tait	J. Tait, <i>Mediaeval Manchester and the Beginnings of Lancashire</i> (Manchester, 1904).
V.C.H. Lancs.	W. Farrer and J. Brownbill (eds.), <i>The Victoria History of the County of Lancashire</i> , viii (London, 1914).

Notes and References

- ¹ RK i & ii.
- ² R. Millward, 'The Cumbrian Town between 1600 and 1800', in C. W. Chalklin and M. A. Havinden (eds.), *Rural Change and Urban Growth* (London, 1974), 224-5, pls. 9-10; J. D. Marshall, 'Kendal in the late seventeenth and eighteenth centuries', CW2, lxxv, 188-257; C. B. Phillips, 'Town and Country: Economic Change in Kendal c. 1550-1700', in P. Clark (ed.), *The Transformation of English Towns 1600-1800* (London, 1984), 99-132. Dr Winchester is currently working on the origins of Cumbrian towns.
- ³ Ferguson, 127-8.
- ⁴ Levens MSS Box 18M/10, f.24. Box 18, rescued from damp by Mrs O. R. Bagot, was not described in the *National Register of Archives* listing of the Levens (Bagot) MSS in 1956.
- ⁵ Four volumes of Farrer transcripts are preserved at Levens; they were used by Curwen in the preparation of RK i & ii.
- ⁶ See Curwen, and RK i, 8 and pl; original now in Kendal Town Hall.
- ⁷ Nicolson & Burn i, 144-5; RKii, 249; J. M. Ewbank, *Antiquary on Horseback*, CW Extra Ser. xix (1963), 79.
- ⁸ Ewbank, *op. cit.*, 61; Gilpin, 229; its existence is inferred in M. W. Beresford and H. P. R. Finberg, *English Medieval Boroughs: a Handlist* (Newton Abbot, 1973), 176.
- ⁹ Ferguson, 127-8, between items dated Oct. 1584 and Feb. 1584/5.
- ¹⁰ BBC ii, 378, 381-2, from T. West, *The Antiquities of Furness Abbey* (London, 1774), App. vii (unpaginated), taken from an inspeximus (apparently not enrolled) of 12 Aug. 10 Hen. IV (1409), the originals being 'deposited with Mr Benson of Ulverston'; cf. *V.C.H. Lancs*, viii, 348f.
- ¹¹ Mary Bateson, 'The Creation of Boroughs', *E.H.R.*, xvii (1902), 286, 293-5, from British Library MS Lansdowne 559, f.140.
- ¹² Hall, 75-81; for Egremont see Canon Knowles, 'The Charters of the Borough of Egremont', CW1, i, 282-7, and BBC i, *passim*.
- ¹³ J. C. Atkinson (ed.), *The Coucher Book of Furness Abbey*, ii (Chetham Soc. NS 77, 1887), 343-5.
- ¹⁴ *V.C.H. Lancs.*, viii, 313; J. E. Walton, *A History of Dalton in Furness* (1984).

- ¹⁵ RK i, xv, 378-80.
- ¹⁶ RK i, 2: *Rot. Chart.*, 6; *V.C.H. Lancs.*, viii, 165, and see G. H. Tupling, 'Markets and Fairs in Medieval Lancashire', in J. G. Edwards, V. H. Galbraith and E. F. Jacob (eds.), *Historical Essays in Honour of James Tait* (Manchester, 1933), 345-56.
- ¹⁷ RK i, 3, 381-2: Levens MSS Box 12/4 f. 88.
- ¹⁸ RK i, 6: *Excerpta e Rot. Fin.*, i, 47.
- ¹⁹ RK i, 8: *Excerpta e Rot. Fin.*, ii, 7.
- ²⁰ As note 6 above.
- ²¹ *V.C.H. Lancs.*, viii, 165; like Kendal and Ulverston it was not a 'taxation borough' in the fourteenth century, J. F. Willard, *Taxation Boroughs and Parliamentary Boroughs 1296-1336*, in J. G. Edwards et al. (*op. cit.* n.16), 418-28 and tables.
- ²² BBC i and ii (note that the code is partly modified in the latter).
- ²³ BBC i, xlii-xliii.
- ²⁴ J. Tait, 'Liber Burgus', in A. G. Little and F. M. Powicke (eds.), *Essays in Medieval History presented to T. F. Tout* (Manchester, 1925), 79-97; repr. in J. Tait, *The Medieval English Borough* (Manchester, 1936), 194-217.
- ²⁵ Hall, 75, 77; for comparable rents see M. de W. Hemmeon, *Burgage Tenure in Medieval England* (Cambridge, Mass., 1914), 67f.
- ²⁶ Gilpin, 240, 242; Tait, 105.
- ²⁷ Ferguson, 127.
- ²⁸ Curwen, 113, 116-7.
- ²⁹ As note 12 above.
- ³⁰ BBC i, 27.
- ³¹ *Ibid.*; W. Hewitson, 'The Appleby Charters', *CWI*, xi, 279-85.
- ³² Hall, 75 & 77.
- ³³ Tait, 98-100; BBC i, 1 n.1 (see L. M. Midgley, *Ministers' Accounts of the Earldom of Cornwall 1296-7*, *Camden 3rd Ser.*, lxxvi (1942), 99).
- ³⁴ BBC i, 97.
- ³⁵ G. L. Harriss, *King, Parliament, and Public Finance in Medieval England to 1369* (Oxford, 1975), 27-9; see also N. Neilson, 'Customary Rents', in P. Vinogradoff (ed.), *Oxford Studies in Social and Legal History*, ii (Oxford, 1910), 90f.
- ³⁶ BBC i, 91.
- ³⁷ Hall, 77-8.
- ³⁸ E.g. Gilpin, 234f.
- ³⁹ BBC i, 97.
- ⁴⁰ Tait, 98-102.
- ⁴¹ BBC ii, lxxxi.
- ⁴² Tait, *op. cit.* in n.24 (1936), 207; BBC ii, 146.
- ⁴³ E.g. RK i, 13: grant of 1297 (Levens MSS Box A no. 143); *ibid.*, 15: 1310 Inq. P.M.
- ⁴⁴ Levens MSS Box A no. 54 (in hand of Nicholas of Lee, clerk, who wrote Peter of Brus' charter to Kendal).
- ⁴⁵ BBC i, 160 (Egremont), 205 (Perth); BBC ii, 243 (Salford, Bolton & Stockport), 278 (Stirling) and 301 (Warton & Bakewell).
- ⁴⁶ E. M. Carus-Wilson, 'An Industrial Revolution of the Thirteenth Century', *Ec. Hist. Rev.*, xi, no. 1 (1941), repr. in *Medieval Merchant Venturers* (London, 1954), 183-210, esp. 195 and 199-201; E. A. Bridbury, *Medieval English Clothmaking: An Economic Survey* (London, 1982), 2-26.
- ⁴⁷ M. Bateson, *Borough Customs*, ii, *Selden Soc.* 21 (1906), 86; *eadem, op. cit.* in n.11, 286; BBC ii, lxxx.
- ⁴⁸ Hall, 75-6; BBC i, 88.
- ⁴⁹ BBC ii, 130: Roger of Lancaster's charter of 1284 (from West, *op. cit.* in n.10).
- ⁵⁰ *Borough Customs*, i, *Selden Soc.* 18 (1904), 19; *ibid.*, ii, xxiii.
- ⁵¹ BBC i, lxxiv; BBC ii, 18, 255.
- ⁵² RK i, 2, 378, 380.
- ⁵³ Neilson, *op. cit.*, in n.35, 120f; RK i, 133-4.
- ⁵⁴ *Ibid.* (P.R.O. C133/5/10): *de multonibus goldorum (sic) de eodem* (kindly supplied by A. J. L. Winchester).
- ⁵⁵ Ferguson, 128.
- ⁵⁶ A. H. Smith, *The Place-names of Westmorland*, i (EPN Soc. xlii, 1967), 7 & 121.

- ⁵⁷ RK i, 203 & 384-5.
- ⁵⁸ Curwen, 114.
- ⁵⁹ Possibly coppiced hawthorn, O, Rackham, *Ancient Woodland: its history, vegetation and uses in England* (London, 1980), 352-3.
- ⁶⁰ BBC ii, lxxxiv.
- ⁶¹ RK ii, 120.
- ⁶² *V.C.H. Lancs.*, viii, 300-1.
- ⁶³ RK ii, 117.
- ⁶⁴ RK ii, 190 & 309.
- ⁶⁵ RK i, 5-6 & 132.
- ⁶⁶ Tait, cap. III.
- ⁶⁷ RK i, 14: *Cal. Inq. P.M.*, iv, 284, no. 427.
- ⁶⁸ RK i, 19-20, 23-4.
- ⁶⁹ G. H. Martin, 'The Town as Palimpsest', in H. J. Dyos (ed.), *The Study of Urban History* (London, 1968), 164.
- ⁷⁰ As note 17 above.
- ⁷¹ RK i, 15 and note: *Cal. Inq. P.M.*, v, 118, no. 218.
- ⁷² RK i, 30-2: *Cal. Inq. P.M.*, xvi, 413, no. 1023.
- ⁷³ RK i, 15 & 133.
- ⁷⁴ John Speed, 'The Countie Westmorland and Kendale the Cheife Towne Described', in *The Theatre of the Empire of Great Britaine* (London, 1611), reproduced from a later copy in Millward, *op. cit.* in note 2, alongside Todd's map of 1787; W. E. Tate and M. E. Turner, *A Domesday of English Enclosure Acts and Awards* (Reading, 1978), 264 (105 acres); award in Cumbria Record Office, Kendal, WD/RG.
- ⁷⁵ RK i, 15.
- ⁷⁶ Cumbria Record Office, Kendal, WDX/29, by John Todd (Act of 1767: RK iii, 92).
- ⁷⁷ Marshall, *op. cit.*, in note 2, 189.
- ⁷⁸ Excavations by Barbara Harbottle between 1967 and 1971 revealed some evidence of an origin in the thirteenth century: *Quarto* (Quarterly Bulletin of the Abbot Hall Art Gallery) V/4 (Jan. 1968), VI/4 (Jan. 1969), VII/4 (Jan. 1970) and X/1 (April 1972) for the interim reports.
- ⁷⁹ RK i, 15.
- ⁸⁰ RK iii, 309-11.
- ⁸¹ Cumbria Record Office, Kendal, WQR/C8.
- ⁸² Rackham, *op. cit.*, in n.59, 188-91.
- ⁸³ RK i, 176.
- ⁸⁴ Tate and Turner, *op. cit.*, in n.75, 265; Award in Cumbria Record Office, Kendal, WQR/179.
- ⁸⁵ Levens MSS box A no. 58 (original in French).
- ⁸⁶ RK i, 2, 7, 379-80.
- ⁸⁷ RK i, 133.
- ⁸⁸ RK i, 15.
- ⁸⁹ RK i, 15, 134, and see 13, 17, 19.
- ⁹⁰ RK i, 17.
- ⁹¹ Note 16 above; RK i, 9, 15, 23-4: *Cal. Chart. Rolls*, ii, 112 & iii, 130.
- ⁹² RK i, 19-20.