THE FRIAR-PREACHERS OR BLACK FRIARS OF YARM.

By the Rev. C. F. R. PALMER.

The family of Brus or Bruce, sprang from Robert de Brus, "a noble knight of Normandy," who served Duke William in the conquest of England, and became possessed of the Castle of Skelton in Cleveland, the Manor of Yarm, etc., in Yorkshire, Annandale in Scotland, and before the end of the reign of William the Conqueror, held wholly or in part no less than ninety-four lordships in the north, east, and west Ridings in the county of York, and great territories beyond the Tweed. He (or rather his son, for it seems very improbable that a warrior of Hastings should survive for seventy-five years) founded the Augustinian Priory of Guisborough, and died in 1141. Of the two sons of Robert de Brus, the younger, Robert, received from his father Annandale and other Scotch possessions, and became progenitor of the royal family of Bruce of Scotland whilst the elder, Adam, continued in the lordship of Skelton, and held the English domains. From this Adam sprang three lords of the name of Peter, in regular descent and immediate succession; of whom Peter the third took to wife Hillaria, eldest daughter of Peter de Malolacu (Mauley), the royal ratification of the marriage being granted September 27th, 1236, but had no issue. This last Peter de Brus was a justice-itinerant, succeeded to the family estates in 1241, on the death of his father, paying the fine for the relief of his inheritance, November 15th, and closed his life September 18th, 1272, leaving as his coheirresses his four sisters, of whom the second, Lucy, wife of Marmaduke de Tweng, inherited the manor of Yarm.

It was during the time of Sir Peter de Brus the third and Hillaria his wife, sometime about the year 1260, that the Friar-Preachers settled at Yarm, through the patronage and munificence of that nobleman, and doubtless with the active concurrence of Lady Hillaria. He granted them a toft in the south part of the town, where they established themselves; and after they had dwelt there for a short time, he made the formal donation of the land to them by the following charter.

"Sciant omnes tam presentes quam futuri, quod ego Petrus de Brus tercius, pro salute anime mee et Hillarie uxoris mee, et omnium predecessorum nostrorum et successorum, dedi et coneessi, et hae presenti carta mea"

1 Pat. 21st Henry III, m. 2.
2 Rot. fin. 25th Henry III, m. 18.
3 Inquis. post mort. 56th Henry III, No. 22 manca. Rot. fin. 56th Henry III, m. 4 (3).
4 But the following extract from Pat. 9th Edward III, p. 2, m. 27, clears up the question: "Petrus de Brus tercius, quondam dominus mauresii de Carleton in Calne, tenet dictum manerium in capite, anno millesimo ducentesimo sexagesimo quinto."
confirmavi, Deo, et beate Marie, et Fratribus de Ordine Predicatorum apud Jar' commorantibus, totum illud Toftum cum pertinencias, quod jacet in australi capite ville de Jar', inter toftum domini Prioris de Gisoburgh ex parte boriali et le Casteldik ex parte australi, et unde capud occidentale buttat super viam regiam, que ducit per median villam de Jar', et capud occidentale [orientale] buttat super banceum de These: Et quod quidem Toftum Walterus Lesceby quondam emit de Ricardo Brunton: Terendum et habendum dictis Fratribus de me et heredibus meis, in puram et perpetuam omosinam, libere, quiete, pacifice, cum introitibus et exitibus, et omnibus aliis aysiamentis dicto Tofto pertinentibus. Ego vero Petrus de Brus et heredes mei dictum Toftum cum omnibus libertatibus et aysiamentis dicto Tofto pertinentibus predictis Fratribus contra omnes homines warantizabimus, acquietabimus, defendemus imperpetuum. Ut autem nec mea donacio, concessio, et presentis carte mee confirmacio perpetuum robur optineat, pro me et heredibus meis presenti scripto sigillum meum apposui in testimonium. Hiis testibus, Rogero de Brus avunculo meo, Rogero do Thokotes, Johanne de Burtona, militibus; Willielmo de Malteby, Johanne de Thokotes tunc senescallo meo, Roberto de Braythewath, Johanne de Aula, Willielmo de Elleton, Willielmo de la Hou, Willielmo de Aula, burgensibus de Jar', et aliis."

This toft must have been small in extent; for even after several increases to their domains, the Friars held less than twelve acres of land. These additions occurred at intervals of time, by several grants, but what relation some of those grants may bear to each other cannot now be traced with accuracy.

John de Levington gave a plot of land lying between the rivulet of Skytering and land belonging to the Friars, and extending from the kingsway of Jar' to the water of Teyse. This grant, Marmaduke de Tweng, lord of Danneby, and Lucy, his wife, confirmed, for the weal of their souls and the souls of their ancestors and heirs; and gave leave for it to be enclosed with a wall corresponding with the old wall of the Friars' outward enclosure.

John de Levington, son and heir of Roger de Levyngton, for the sake of God, the Blessed Mary, and all Saints, gave and confirmed to the Order of Friar-Preachers, and more especially to those dwelling at Jar', and serving God there, all his land lying between their site and a small plot which he once held of the Abbey of Jornvall, and extending from the kingsway to the water of Teyse, and abutting on the same site; to be held in pure, free, and perpetual almoign, free of all secular service.

The same John de Levyngton gave and quitclaimed to the Order and the Friars at Jar', that plot which he once held of the Abbey of Jorwell,

1 Pat. 8th Edward II, p. 1. m. 24; per inspex.
2 Ibidem. "Hii testibus, d'no Willielmo Danel, d'no Willielmo de Resell', d'no Adam de Setum, militibus, Johanne de Aula de Jar', Willielmo fratre ejus, Johanne de Helton de Jar', Willielmo de le Hou de Jar', Nicholao Herre de Jar', et aliis multis."
and lay between the site he had already given them and the water or rivulet of Skitering, extending in length from the kingsway of Jar towards the water of Tyse, and abutting on the land once belonging to John de Meynil, and now to the Friars: to be held by the rent of 20d. a-year to the Abbey, for all service and secular demands.

John de Aslakeby, a burgess of Yarm, and Petronilla, his wife, had a royal mortmain-license, Jan. 20th, 1301-2, to assign 5a. of land in Jarum to the Friars, for enlarging their plot. By the inquisition taken previously, Aug. 13th (by writ of June 23rd), it was found that this licence could be given, "si homines pedetes de patria et de Jar' habeant quandam semitam per escalaria inter terram predictam et aquam de Teyse;" that William le Venator, son of Richard, of Castell-Levington, had feoffed John and Petronilla in the land for their lives, and then the heirs of John or their assigns, to be held of the lord by the yearly rent of 1d. only; that William le Latimer, the younger, was lord of the fief; and that the land was worth 4s. a-year in all issues. Arrangements being doubtless made for the right of the foot-passengers, John de Aslakeby, with the consent of Petronilla, his wife, for the weal of the souls of themselves, their ancestors and successors, and all the faithful, granted to God, B. Mary His mother, B. Dominic and All Saints, and to the Friar-Preachers of Jar' and their successors, in pure and perpetual almoign, the croft called Ribaldcroft in the territory of Jar', lying between the kingsway and the water of Tayse, and extending from land of St. Nicholas' Hospital on the south to the ditch called le Casteldik on the north: which croft John and Petronilla had purchased of William, called the huntsman, son of Richard, venator of Castellevington. This grant, William le Latymer, lord of Jar', and Lucy, his wife, confirmed, for the weal of the souls of themselves, their ancestors and successors, and of all the faithful dead.

In the quitclaim of John de Levington, it appears as if John de Meynell had given some land to the Friars. John Menell, of Myddleton, was really one of the founders of this place. The Hiltons, lords of Hilton, and afterwards the Meynells, ranked amongst the benefactors. The patronage passed from Marmaduke de Tweng, husband of Lucy de Brus, who died before 1289, to Lucy his grand-daughter (being daughter


2 Pat. 30th Edw. 1, m. 33.


5 Ibidem. "Hiis testibus, dominis Nicholao de Menyl, Arnaldo de Percy de Kildale, Johanne de Menyl, Roberto Guwer, militibus; Willielmo de Aslakby, Willielmo Venatore, Johanne de Malteby, Rad. le Lester, Walerio le Steynesby, Johanne de Aslakby, Willielmo Wygger, Thoma de Swayneby, et multis aliis."

6 Inquis. p. m. 16th Edward I, no. 96.
of Robert de Tweng, who died v. p.), born at Kylton in Clyveland, March 26th, 1279, and died in January, 1346-7. This Lucy had for her first husband, William le Latimer, the younger, from whom she was divorced in 1312 for adultery, and she took as her second husband, or paramour, Nicholas de Meynell, of Hilton, on whom and their issue she settled her inheritance. Their only daughter Elizabeth was married to John d'Arcy, into whose family Yarm passed. From the Meynills, of Hilton, sprang the continuous line in which the Manor is now vested.

These lands then, which we have described, formed the site of the house and church, the churchyard and homestead of the Friars. The edifice was probably erected by the munificence of patrons and benefactors: Henry III, December 17th, 1266, gave ten good oaks (quercus) out of the forest of Galtres; and these were probably for building purposes. It is remarkable that the church was not finished for more than forty years. The Archbishop of York issued a commission, May 3rd, 1308, to the Bishop of Whithorne, to dedicate the church of the Friar-Preachers of Yarm, which then had been lately built. It was dedicated to the B. Virgin Mary; the house accommodated between thirty and forty religious.

A royal confirmation was granted, September 6th, 1314, of Peter de Brus the III's gift, Marmaduke de Tweng's confirmation of the gift of John de Levington, John de Levington's gift and his quitclaim, John de Aslakeby's gift, and William le Latymer's confirmation of the same.

In after-times only one addition was made to the lands. By writ of August 24th, 1392, an inquisition was taken on the 28th, at Ebor' by which it was found that Thomas Ingilby might assign three messuages in Jar' to the Friars, in order to enlarge their homestead. These messuages were held of Philip Darcy, chevalier, in burgage and the yearly service of 1d. for one of them, and 4d. for the other two: Philip held them of the King by unknown service, and they were valued a-year in all issues at 6s. 8d. clear. The mortmain-licence, for which they paid the fine of two marks, was issued September 22nd, and enabled the Friars to complete the purchase.

This was one of the thirty-three houses of Friar-Preachers to each of which the executors of Queen Eleanor of Castile gave 100s., that sum being paid to F. William Hothum, provincial, shortly after Michaelmas, 1291, by Robert de Middleton, for Jarum.

As the Blackfriars was the only house of religious in this town, it is probable that when Edward I and Edward II made an abode here, they took up their quarters in this house. Edward I passed through Yarm in November, 1299, and on December 4th, he sent 10s. to the Friars from Durham, for one day's food. Edward II staying here, July 29th, 1319, gave an alms of 11s. to the thirty-three Friars, also for a day's food.

When Edward I proposed his expedition into the Holy Land, the Friar-Preachers and Minors were actively employed in forwarding the interests of the crusade. The Archbishop of York, September 4th,

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1 Claus. 51st Henry III, m. 10.  
3 Pat. 8th Edward II, p. 1, m. 24.  
5 Pat. 16th Richard II, p. 1, m. 21, Rot. orig. ro. 42.  
6 Rot. (garder.) liberat. pro regina, etc., 19th, 20th Edward I.  
7 Lib. quotid. contrarot. garder. 28th Edward I.  
8 Lib. garder. 13th Edward II. Additional MSS., cod. 17362.
1291, published his intention of preaching in the matter on the ensuing feast of the Holy Cross (September 14th) in his own cathedral, and enjoined these friars in his diocese to follow his example, and send three, or at least two, of their numbers to their various stations. At this time, the Convent of Jarum had preaching-stations at Alverton, Jarum, and Tresk.¹

In 1302, it was alleged that some "malefactors" entered the close of the convent, threw down walls, broke doors, carried off timber, and other goods and chattels to the value of 100s., and beat and wounded the prior's servants. The Prior, October 28th, obtained a writ of oyer and terminer directed to three justices, John de Lythegreyns, John de Insula, and Arnald de Percy, three or two of them, in order to bring the matter to the judgment of the proper court.² There was probably a claim to some land, perhaps to that just acquired of Aslakby. Another similar writ was issued, October 4th, 1304, addressed to the justices, Hugh de Louthre and Adam de Middelton, against those who had broken into a close of the convent and trampled down and consumed grass to the value of 40s., by pasturing cattle there.³

During the disastrous wars with Scotland, the Archbishop of York, January 14th, 1314-5, desired the Prior of the Friar-Preachers of York to enjoin the preachers of his Order, and especially the Prior of Jarum, to preach with all speed against, and denounce as excommunicated, Sir Robert de Bras and the Scotch, who were horribly devastating the northern parts of the kingdom, destroying alike churches and manors, and to stir up the people for their common defence by resisting the invaders; with the grant of forty days' indulgence to all who thus protected their church and country.⁴

F. Edmund de Clif, prior, bought victuals from the royal household, about the middle of October, 1322, for 8l. 6s. 8d.⁵ Of this debt, Edward III pardoned the Friars, June 16th, 1329, 12 marks (8l.)⁶ This king also gave the (twenty-eight) Friars, June 4th, 1335, 9s. 4d. for a day's food, and 20s. towards repairing their cloister.⁷

F. Robert Heron "de ordine predicatorium de Jar," was ordained subdeacon, December 22nd, 1341, in the chapel at Aukeland, by the Bishop of Durham.⁸

F. William de Foxton was probably a religious of this house, for to him (although he was not her confessor) Lucy, wife of Sir Bartholomew de Fanacourt, by will dated January 6th, and proved March 1st, 1346-7, bequeathed "robam meam de burnet cum omnibus APParatis." This was Lucy de Tweng, lady of Yarum, and Fanacourt was her fourth consort. Henry de Percy, by will dated September 13th, 1349, and proved March 12th, 1351-2, bequeathed 6l. sterling to the Friar-Preachers of Pontefract, Lancaster, Yarum, and Newcastle-on-Tyne, in equal shares. William, Lord Latimer, by will dated July 10th, 1380, and proved May 31st

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¹ Reg. archiep. Romani, fol. 28 b.
² Pat. 30th Edward I, m. 6d.
³ Pat. 32nd Edward I, m. 4d.
⁵ Irrot. comp. de recept. magne garder. temp. Edward II et Edward III, ro. 15.
⁷ Contrarot. garder. reg. de expens. forensec, 8-9th Edward III.
following, devised to the Friar-Preachers at Yarum 10l. sterling; also
"un vestiment enbroute oye mes armes, come ils sont a Gisburn, pour
prayer pour moy." John Percy, of Kildall, August 9th, 1382, bequeathed
6s. 8d. to the Convent of Friars of Yarum. William Manbrey, of
Colton (in Ainsty), in July, 1391, bequeathed "un grand plome q'est a
Jarum, del valu par estimation, de v marc' a les Freres aloiques, pour
trentalls chanter pour mon alme et Eliza ma femme jadys." Sir Brian
de Stapilton, by will dated May 16th and proved June 26th, 1394,
bequeathed to the Friars of Beverley, Scadeburgh, Doncaster, and
Pontefract, Richemonde, Yarum, Allerton, and Cordelle, to each Order,
13s. 4d.1

F. John Leeke had the license of the master-general, April 1st, 1393,
to go to the Roman Court and elsewhere at his will, but only with a
companion of the Order. And in 1397, being then of the Convent of
Yarum, he was assigned by the master, July 14th, after two years from
the present date, if he could obtain that grace from the University of
Oxford, "ad concurrendum in lectura seniorum, cum alio ibidem
ordinarie legente." 2

F. Robert Olyvere, of Ybarom, was ordained deacon March 2nd,
1397-8, by Oswald, Bishop of Witherne, suffragan of the archbishop, in
the parish church of St. Martin, Conyngstrete, York; and priest June
1st following, by the same prelate, in the parish church of St. Michael in
Berefrid, York.3

Sir Richard le Seron, knight, Lord of Bolton, August 2nd, 1400,
bequeathed 20s. to the Friars of Jarum. Jane, widow of Sir Donald de
Hesebriy, by will dated December 1st, and proved on the 31st, 1400,
bequeathed 40s. to the Convent of Friars of Jarum. Isabel, widow of
Sir Walter Faulconbergh, knight, by will made April 9th, and proved
July 1st, 1401, bequeathed five marks to the Friars of Jarum. Sir
Thomas de Boynton (of Acklam), knight, by will dated July 28th, and
proved September 6th, 1402, bequeathed 13s. 4d. to the Friar-Preachers
of Yarum. Sir John Conyers, of Ormesby in Cleveland, knight, by will
dated June 2nd, and proved July 14th, 1438, bequeathed 20s. to the
Friars of Yarome, to pray for his soul. Sir Thomas Faulthorp, knight,
one of the justices of Common Bench, by will dated August 13th, 1456,
and proved May 3rd following, bequeathed 20s. to the Prior and Convent
of Yarum.4 Sir Ralph Fitz-Randall, knight, by will of January 20th,
1457-8, and proved on the 31st, bequeathed 15s. to the three Orders of
Friars at Yarom, Allerton, and York, to be divided between them in
equal portions.5 Robert Crathorn, of York, gent., by will dated
March 8th, 1464-5, and proved on the 18th, desired that for his soul, an
obit should be celebrated in Crathom church and another at the Friars of
Yarom. Robert Dale alias Flesshower, of Magna Fencots, by will dated
April 15th, 1470, and proved March 12th following, bequeathed 5s. to
the Friars of Yarom. Dame Jane Boynton, of Yarum, by will proved
February 7th, 1488-9, gave her body to be buried in the quere of the
friers at Yarum.6

1 Testamenta Eboracensia.
2 Ex reg. mag. gen. Ord. Rom. asser-
vato.
4 Test. Ebor.
5 Wills, &c., of Archdeaconry of
Richmond (Surtees Soc).
6 Graves' History of Cleveland, p. 69.
An interesting list of other interments is given as follows:—

"Copy of an ancient note from the prior of Yarum, of burials there.

Domina Eva, quondam ux. Domini Henrici filii Hugonis, sepulta fuit coram altari in medio gradu.

(N.B. Filia Johannis Bulmer.)

Hugo, filius Domina Eva, ad caput Domini, in inferiori gradu.

Thomas, filius ejusdem, juxta eum versus aequiloneum.

Rob't's de Hilton, in eodem gradu, versus australarem.

(And all yese sees of the progeny of the Hiltons.)

Domina Maria, quae fuit ux. Domini Nicholai de Menell, in capitulo beat. Katerinae.

Hugo de Menell, quondam dominus de Hilton, in cimiterio. Alicia, quondam ux. ejusdem Hugonis, juxta eum. Rob't's de Menell, juxta dictam Aliciam.

Johannes de Menell, juxta dictum Robertum. Sibilla, quondam ux. juxta dictum Johanneum.


Johannes de Hilton, Dominus de Hilton, jacet in capitulo beat. Katerinae.

Isabella, ux. ejus juxta eum.

And all yese gentilmen be in the freers of Yarum.

Lord John Menell of Myddleton was one of the foundanoners of this place of Yarum."

The Priory of Yarm seems to have been destroyed by the agency of William Blytheman, of York, who was one of the most active of the royal commissioners for the suppression of religious houses in the northern parts of the kingdom. It was surrendered December 21st, 1538, by the prior, five priests, and six novices, some of whom seemed to have tried to express their reluctance to act in the matter by writing their names in an extraordinary manner scarcely to be deciphered, except by the aid of other documents. These names are Myls Wylcok, prior; Wyll'm Repon prest, Hynry Henmayss prest, Ihon Wawker prest, Jon Telzarson prest, Xp'e Symson prest; Robert Halle, Wyll'm Robyson, Robert Robson, Christoferus Smyth, Robert Teyllyoer, and Wyll'm Chapman, novicii. According to "A certifike of the valines of the Relygeous houses of Yorkshire, Northomberland, and ye bishoprike of Derham," made upon their dissolution, Bryan Layton was left keeper of this house; value of the possessions, over and above reprises, 8s.; number of religious, the Prior and eleven brethren; value of the household stuff, 106s. 8d.; given to the Prior, 20s.; and to the Friars, 54s. 4d.; leaving a balance of 32s. 4d.; remaining, forty fodders of lead and two bells; no wood or underwood; 49 oz. of church-plate, etc.: no debts owing to or by the house.

The utensils realized such a small sum, because the Friars had been obliged to sell a great part of their valuables for the maintenance of the

1 Of Hilton, in Cleveland; living from 1203 to 1280.
2 Sister and heiress of Adam de Hilton.
3 Son of Hugh and Alice, and living in 1306.
4 Sibilla de Skiringham, living in 1306.
5 Dodsworth's MSS., vol. xiv, p. 76; Graves' Cleveland, p. 70.
6 Surrenders of Monasteries, Yarome, Blackfriars: no. 272.
7 Harl. MSS., cod. 604, fol. 104.
house. Bryan Layton, Esq., bought all that remained. The lead was from the roof of the church and other buildings, and the bells were estimated to weigh about 8 cwt. The plate consisted of two chalices weighing 32 oz., twelve spoons of 9 oz., and three mazer-bands of 8 oz., all of silver, which were sent to the King's jewel-house. As to the sum of 54s. 4d. doled out to the unpensioned Friars, 6s. 8d. was given to Repoone, 10s. to Hynemershe, 5s. each to Symeson, Walker and Taylorson, 3s. 4d. each to Hall, Robertson, Tayllor, Robson, Smith, and Chapman, and 16s. each to Martin Maleson and William Hyndemarshe, who were probably servants.1

The seal attached to the act of surrender is still in a good state of preservation. It is a vesica-shaped, and in red wax, 2in. by 1½in.; under a double canopy two figures standing, on the right the B. Virgin Mary, on the left the Archangel Gabriel, from whose hand a label is pendent, bearing the words, AVE MARIA; on the ground between the figures, a vase of flowers; below a demi-figure praying: legend around, SIGILLVM COVENTV8 FRA. PREDICATORVM b' LARV'.

All the buildings were left standing for some time. The lands of the late Convent were as follows:

Site with churchyard, orchards, gardens, and a close called Aks, or Oks, between the stone-wall and the highway on the W., and the Tease on the E., containing altogether 8a., late in tenure of Christofer Conyers, Esq. 33s. 4d.

A close, called Castell Close, or Fryer Close, on the W. of the site, in tenure of Gawyn Conyers, containing 2a. 13s. 4d.

A small cottage and garden adjacent on the N. of the last, and next the little stream Scitterik, in tenure of Geo. Harkay. 16s.

Three cottages under one roof, with three gardens, near the last; one let to John Dawson for 2s. 8d.; another, late to Robert Carre, now to Janette Blackewell, widow, for 4s.; and the third to Tho. Hodgson, for 5s. 11s. 8d.

A cottage in the middle of the town, W. of the road, with a small garden adjacent, in tenure of Gawyn Conyers, gent. 5s.

Three cottages under one roof, near the Tease and Sketereik Brigge, leased by the Prior, December 8th, 1528, to Alexander Calverd, for the term of forty years. 8s.

Total yearly value, 72s. 8d.2

Bryan Layton, who was of Norham, co. Durham, obtained a royal lease, March 1st, 1539-40, including all except Calverd's cottages, for twenty-one years from the last Michaelmas, at the rent of 3s. 4s. 8d., great trees and wood being excepted and also such buildings as the king might order to be razed.3 John Warde was collector of the rents till 1546, after which Robert Layken took his place. Calverd's cottages became void at Christmas, 1546, through the crown not supplying timber, and remained so till the whole was sold.4

The particulars for sale were made out, February 3rd, 1551-2, for John Wright, servant of Sir Robert Bower, knpt., and March 1st, 1552-3, for

1 Ministers' Accounts, 29-30th, Henry VIII, no. 197.
2 Ministers' Accounts, 30-31st Henry VIII, No. 196.
3 Enrolments of leases, Miscellaneous
4 Ministers' Account, 38th Henry VIII, 1st Edward VI, No. 75.

Books of Court of Augm., vol. cxxii. fol. 93b.
Simon Welbery (of Castle Eden, Durham) and Christofer Morland (of Pyttenton, in the same county), yeomen, the purchase-money being fixed at 79l. 10s. The grant was made, March 25th, 1553, to Welbury and Morland, and their assigns for ever, to be held as of the manor of East Greenwich, by fealty only, in free socage, and not in capite. There are now no traces of the ancient buildings left, at least above-ground. The lands have passed into the possession of the Meynells, lords of the manor of Yarm. A commodious mansion has been erected on the site of the house, which is still distinguished by the name of the Fryerage, now the residence of Mrs. Spencer. On the death of Edward Thomas Meynell, Esq., March 17th, 1870, the estate passed to his uncle, Edgar John Meynell, Esq., of Old Elvet, Durham, one of the judges of the County Courts.

Seal of the Friar Preachers of Yarm.

1 Particulars for grants, 7th Edw. VI.
2 Pat. 7th Edward VI, p. 7, m. 13.
3 Much of the mason-work of the cel- lage of the present mansion is ancient; and the cemetery may yet exist below the surface of the soil.