

ART. V.—*South and (part of) South-West Cumberland in the Chartulary of St. Bees.* By W. N. THOMPSON.

Communicated at Seascale, June 11th, 1902.

WE shall first deal with the churches which paid pensions to St. Bees, or from which pensions were claimed. These, so far as the present paper is concerned, are the churches of Egremont, Corney, and Whitbeck.

EGREMONT.

When William Meschin gave to St. Mary's Abbey at York the church of St. Bees he restored to it its parish, the bounds whereof were proved by the testimony of good and trusty men to be from Witahova* (Whitehaven) to Chechel (the river Keekle), and by Chechel as it falls into Egre (Ehen), and by Egre into the sea. He gave also to the said church the chapel of Egremont, which was within these bounds. Thus Egremont was once a chapelry in the parish of St. Bees. By 1292, the date of the taxation made by order of Pope Nicholas IV., the chapel has become a church paying a pension of 22s. to St. Bees. But of this change from chapelry to parish the chartulary† gives us no information.

CORNEY.

The church of Corney was given to St. Bees by Copsi in the time of Henry Murdac, Archbishop of York (1147-53). Copsi was lord of Corney, and founder of the

* Perhaps an error in transcription for "Witahoyd" or a Latinized form.

† William, *parson* of Egremund, is witness to a charter, the date of which is about 1250. This I discovered after the above was written.

church. About thirty years and more afterwards his gift was confirmed by Roger his son. There is also a confirmation by Benedict de Penington, whose interest in the manor must have been that of mortgagee.* The *Pipe Roll* of 1185 shows it, where we read that "Benedict de Penington renders account of 3 marks because no pledge has prosecuted his claim." Benedict de Penington was lord of Mulcaster and Penington, and the manor of Corney ultimately passed to the Peningtons, but not yet. There are also quitclaims from Christina de Caupland, who was a daughter of Copsi (*Pipe Roll*, 31 Henry II., 1185), and Waldeve her husband and their heirs, and from Horn fitz Roger.

For thirty years and more the church of Corney had paid an annual pension to St. Bees. About 1185 there seems to have been some dispute concerning this pension, and the matter was referred to the arbitration of the abbot of Jervaulx and William, prior of Bolton. Of their award there is no record, but it is presumed that it was adverse to the claims of St. Bees; and, in the *Taxatio* of Pope Nicholas, Corney is not one of those churches named from which a pension was due. The advowson remained with St. Mary's, York; but the payment of the pension ceased.

WHITBECK.

The church of Whitbeck became appropriated to Conishead Priory, having been given to that house by Gamel de Penyngton in the times of Henry II. (Foster, *Penningtoniana*, No. 4). The monks of St. Bees had also some interest therein; whence it was derived there is nothing to show. All we know is that Wytebec was one of those churches which were confirmed to St. Bees by Archbishop Roger of York when Papal legate. He was made legate in 1164 (Haddan and Stubbs, II., 35*n*), and died in 1181.

* I owe this interpretation to the Rev. James Wilson, of Dalston.

Some years afterwards we find Honorius, archdeacon of Richmond, acting as mediator between Robert de Longo Campo, abbot of St. Mary's at York, and the canons of Kuningesheved in a controversy which had arisen about the church of Witebec. The abbot, with the consent of his chapter and of the said canons, considering the poverty of the house of Kuningesheved, made this composition—viz., he granted for ever to the said canons all right which he had in the church of Witebec for an annual payment of five shillings, to be made to the church of St. Bega. And Thomas, prior of Cunengesheved, and the convent thereof acknowledge that they are bound in this payment in the name of a concord made between them and the monks of St. Mary's at York.

From the witnesses we should take the date to be early in the thirteenth century. Honorius was appointed archdeacon in March, 1198; but he seems to have had considerable difficulty in exercising his office, there being a rival claimant to the dignity, Roger de S. Edmunds, who had obtained a grant of it from the King later in the same year. Honorius occurs as archdeacon in the Fine Rolls for 1205 and 1208. (Le Neve, *Fasti*, ed. Hardy, III., 136; W. Farrer, *Early Lancs. Charters*, 364).

Although the monks of York had given up all claim to the church, they still held certain tithes in the parish of Whitbeck. In 1387 there is a convention whereby they grant and to farm let to the prior and convent of Conyngesheved all the tithes of sheaves which they had been accustomed to take within the parish of the church of Whitbek for ten shillings sterling to be paid for all future time by the said prior and convent every year, at the feasts of St. Martin and Pentecost or within forty days immediately following, to the abbot and convent of St. Mary's or to the prior of their cell of St. Bees, in the name of the said abbot and convent, within the said cell; under a "double penalty," if they made default in whole or in part, to be applied to the fabric of the monastery of

St. Mary at York, the convention or pact still holding good for the future in whole as in part. For the annual payment of which ferm or rent the prior and convent of Conyngesheved bind themselves, their monastery and all their goods, present and to come, spiritual as well as temporal, to coercion and distraint by any judge ecclesiastical or civil. Payment not being made in any term, or within forty days after, to subject them to the pains of suspension and excommunication. Likewise the parties will and grant for themselves and their successors that, so long as this convention or composition is faithfully observed, all other conventions or compositions concerning the tithes within the parish of the church of Witbek put forth between the said parties are null and void; otherwise to stand in full force. This document was dated in the chapter house of St. Mary's at York, under their common seal, on August 13th; and in the chapter house of Cunyngesheved, under their common seal, on September 25th, in the year abovesaid.

At the latter date, also, the prior and convent of Cunyngesheved appoint one of their canons, Nicholas de Washington, to appear as their proctor before the Archdeacon of Richmond (or his official) in the cathedral church of York, or elsewhere within the archdeaconry where his official shall hold his Court, and to acknowledge in their name that they and their house are bound to the abbot and convent of St. Mary's at York in this annual rent of ten shillings, under a penalty of suspension and excommunication if the payment be not duly made.

On October 22nd, 1387, the archdeacon's official, William de Irby, Inceptor in Decrees and rector of Medburn in the diocese of Lincoln, held his Court in the parish church of St. Bees; and Nicholas de Wassington came and publicly acknowledged the obligation of his prior and convent with respect to the church of Whitbeck,

G

in accordance with the tenor of the two foregoing documents, which obligation he solemnly promised in their name to observe. A record of the proceedings (very lengthy) was drawn up by a notary, and sealed by the official.

MORTUARIES.

We come now to two documents relating to the settlement of disputes which had arisen with the abbey of Calder. The first of these is a convention between the prior of St. Bees and the abbot of Caldra upon the third part of the movable goods of the parishioners of the said abbot and convent, found at the time of their death within the limits of the parish of St. Bees.

This is an example of the excessive mortuaries which were exacted within the archdeaconry of Richmond "by the parsons, vicars, and others, such as have benefices and spiritual promotions within the same; as by taking of every person, when he dieth, in the name of a pension or of a portion, sometime the ninth part of all his goods and cattels, and sometime the third part." Such are the words of the preamble of the Statute 26 Henry VIII., Cap. 15, A.D. 1534, which abolished this custom of the archdeaconry, and substituted a graduated scale of fees such as had been enacted a few years earlier for the rest of the kingdom. (Bishop Gibson, *Codex*, 745, 747.)

Controversy upon the subject had already begun between the parties in 1258, in the Chapter of Coupland,* before the official of the Archdeacon of Richmond. At length, A.D. 1268, on Thursday next before the Conversion of St. Paul (January 25th), in full chapter assembled at Egremund, a settlement was arrived at in form below:—viz., Nicholas, prior of St. Bees, for himself and his church and for the abbot and convent of St. Mary's at York,

* The ruridecanal Chapter of Coupland, consisting of the rural dean and clergy, and sometimes of laity also.

granted in perpetuity to the abbot and convent of Calder and their church, that of the movable goods belonging to parishioners of the said abbot and convent which were in the parish of St. Bees at the time of the death of the said parishioners the said abbot and convent shall take a third part of the third, but only in cases where the said parishioners have no fixed abode in the parish of St. Bees. And the abbot and convent of Calder, for themselves and their church of Calder, granted that the said prior and the abbot and convent of St. Mary's for the future may freely take tithe of the whole of the hunting and fishing in the park of Egremund for a certain sum of money, which in that composition the prior of St. Bees paid to the said abbot and convent.

THE PARK OF EGREMUND.

The other document is styled in the rubric an agreement between the prior of St. Bees and the convent of Calder concerning the tithes of Bekermet. These were really the tithes of the eastern side of the park of Egremund: sheaves and the produce of domesticated animals, such as colts, lambs, calves, pigs, &c., grazing and couchant everywhere therein. These seem to have been claimed by the abbot and convent of Calder in right of their appropriation of the church of St. John, Bekermet; but the abbot and convent of St. Mary's at York, as appropriators of the parish church of St. Bees, contended that they and their predecessors, and chiefly by the priors of their cell of St. Bees, had been time out of mind in full, sufficient, and canonical possession or, as it were, right of taking all and singular the tithes both great and small everywhere within the park of Egremund, as well on the east side of the water of Eghen as on the west, and that the whole of the said park is and has been of the parish (*de parochia*) and within the places of tithing of the church of St. Bees for the time aforesaid. Ultimately it was agreed that the abbot and convent of St. Mary's, ir

the name of their church of St. Bees, shall take for ever the tithes abovesaid. It was also agreed that if it happen that cattle belonging to parishioners of St. John's, Bekermet, on account of defect or negligence in their custody and against the will and without the knowledge of the said parishioners, enter the said park, in such wise as is commonly called *Wythoverlepe* and by some *Wytheschape*, and there graze, that of these animals tithe shall not be exacted on the part of the abbot and convent of St. Mary's in the name of the church of St. Bees. If, however, it happen that cattle are agisted or that something is paid for them and their grass, or that they graze in the said park gratuitously by the leave and licence of the lord of Egremund or his agents, whether the said park be closed or not closed, of these tithes* shall be taken *pro rata* for such time as they graze. If the said park should not be closed within four years next ensuing, the abbot and convent of Caldra shall receive and have the tenth fruits issuing from the cattle of the parishioners of St. John's, Bekermet, which shall happen to be depastured in the said park during those four years, paying at the feasts of Pentecost and St. Martin by equal instalments every year of the said four years two silver shillings to the abbot and convent of St. Mary's, York, in recognition of the right and possession of the said abbot and convent and of their church of St. Bees. And the abbot and convent of St. Mary's gave to the abbot and convent of Caldra as an earnest of peace for the future twenty silver marks. This document was done and given at York on Tuesday after the feast of St. Valentine the Martyr (February 14th), in the year of Grace 1326; and given by the abbot and convent of St. Mary's, York, on Sunday in the feast of Blessed Peter which is called

* These were known as tithes of agistment and for guest-cattle taken in.—Bishop Gibson, *Codex*, 706.

Cathedra (February 22nd);* and by the abbot of Caldra on Saturday before the feast of Blessed Peter aforesaid; and by the convent of Caldra on Thursday after the said feast in the year abovesaid.

BETWEEN ESK AND DUDDON.

South Cumberland may be said to take in the country between the Esk and the Duddon, which were also the limits of the seignory of Millom. Mention has already been made of the gift by Godard de Boyvill of the churches of Whicham and Bootle (*Transactions*, N.S., ii., p. 323). Godard de Boyvill (as Godard Dapifer he attests a charter of Ranulf Meschin) was the second lord of Millom. The name of the first lord has not come down to us; all we know of him is from a charter whereby Godard de Boyvill gave (1135-54) to Furness Abbey a carucate of land named Foss, "as well and freely as his father had held it" (*Charters, Duchy of Lanc.*, Box B., No. 154, quoted in Foster's *Penningtoniana* No. 6, and given in full in Beck's *Annales Furnesienses*, p. 118). John Denton (*Cumberland*, p. 11) rightly calls the first lord "— Boyvill." Nicolson and Burn (*Cumberland*, p. 10) have named him "Godart," apparently without any authority, and they have been followed by subsequent writers.

Matilda—or Mahald (Maud)—wife of Godard de Boyvill, gave to St. Bees a place called Aynerset or Anderset. This we take to be Annaside, a hamlet in Whitbeck. Matilda's gift was confirmed about 1150 by David, King of Scots,

* The feast of St. Peter (1) as bishop of Antioch is celebrated on the 22nd February, and (2) in commemoration of his bishopric of Rome on 18th January. The first alone seems to be marked in the calendar, and to be the date intended. Thus the date (*in cathedra Sancti Petri*) in the "inspeximus" of Thomas de Senhows (Gosforth, *Transactions*, N.S., ii., 317) should be February 22nd, and not January 18th. There is another, and more important, correction to be made in the same paragraph. "Rent-charge" should be "rent-service." Thomas de Senhows held Flemynghall and other lands (not specified) in Newton of the abbot of St. Mary's at York and the prior and convent of St. Bees by fealty and an annual rent—the same service by which Adam de Newton and his ancestors had held them.

who now held Coupland. It had previously been confirmed by William fitz Duncan, who also gave the monks an iron mine in his land at Chirnaby,* or Thirnaby, and by Adam fitz Suan. Adam fitz Suan held a large tract of country on the east of the river Eden, and was also a large landowner in southern Yorkshire (Prescott, *Wetherhal Reg.*, p. 39). What his *locus standi* with respect to Annaside was is not obvious.

Henry fitz Arthur, the fourth lord of Millom, frequently appears as a witness in the chartulary of St. Bees, but there is no charter from him.

The fifth lord, Adam son of Henry de Millum, perhaps about 1220, gave a saltpan in Millum.

We next come to a convention made between John de Hodelston and Joan his wife and the abbot of St. Mary's, York, concerning Gresholmes.

It seems that John de Hudelston had disseised the abbot of certain pasture land in Botell (Bootle), and given possession to John de Hale. Thereupon the abbot seems to have brought an action against John de Hale before the Justices for its recovery. And John de Hudelston apparently intervened by proctor and agreed to restore the land or its value to the abbot.

The convention is to this effect:—that John de Hodelston and Joan his wife bind themselves to the abbot and convent of St. Mary's at York, that without craft or fraud they will stand firmly by the convention entered into between the prior of St. Bees and themselves touching Gresholmes, between Hesk and Audene (Duddon) in Coupland, that as soon as they should return to Coupland they would cause the said land to be restored to the abbot

* Not Arnaby (Millom) where, according to Mr. Barlow-Massicks, no iron-ore has ever been worked. "As to 'Chirnaby,'" says Mr. W. G. Collingwood, "I note that Thirneby is an old form for Thrimby, Westmorland; and early forms were Tyrneby and Tiernebi (as if from a Norse Tjörnabær—*i.e.*, Tarn-by). This, if the C is for T, might be a similar name, and the site might perhaps be looked for near a tarn. I have seen Arnolby somewhere for Arnaby—*i.e.*, Arnulfs-bær, or Örnulfs; but not necessarily the Domesday man's."

and convent. "Moreover if it happen that I John de Hudelston, by the present writing bound, am not able to restore *casu interveniente* the said land of Gresholmes to the abbot and convent, I shall cause to be transferred to them other land of like value in Coupland or the value of the said land, to wit, Gresholmes. Also if it happen that I shall go the way of all flesh before the fulfilment of this obligation, my wife Joan, who is bound with me therein, will faithfully observe the said obligation, so that what could not be fulfilled by me may be completed by her." This convention was made at York on the eve of the Conversion of St. Paul the Apostle, January 24th, 1251. Among the witnesses are two monks of St. Mary's.

John de Hudleston seems to have gone "the way of all flesh" shortly after the date of this convention. His wife was the heiress of Millom, and she appears as his widow in a confirmation-charter which she gave to the monks of Holme Cultram, the date of which cannot be long after 1251. This charter is quoted in Jefferson's *Allerdale above Derwent*, p. 138, where the lady Joan is erroneously described as the widow of the "above" John de Hodeliston (*Ibid*, p. 137), the date of whose charter as there given is not, from the sheriff, earlier than 1285; he was her son.

It is clear there were two John de Hudlestons, father and son, whom Jefferson (*Allerdale above Derwent*, p. 156), following Burke's *Commoners*, has rolled into one.

About 1270-80, "John son of John de Hudleston" confirmed the grant of his ancestor Adam fitz Henry de Millum, and gave land in Millum to St. Bees. This was John de Hudleston II., a distinguished man in his day (Purey-Cust, *Heraldry of York Minster*, p. 207), knight banneret, and leader of the men of Coupland in the Scottish wars and forays of Edward I. (Bain, *Cal. Doc. Scot.*)—"in arms at every season" as the Rhyming Chronicler (Roll of Caerlaverock) describes him.

Cecily, Countess of Albemarle, gave or confirmed to St. Bees, in the time of Abbot Clement (1161-84), four caru-

cates of land between Esc and Duden—viz., Kirkesantan and Haveryg and Thueites, with all their appurtenances, and the service of William de Boivill. This service was the annual render of a half-mark of silver, which William de Boivill acknowledges to be due from him on account of the land which he held of St. Mary and St. Bega—viz., Kirchesantan with its appurtenances; and he apportioned this half-mark as follows:—from his brother Gilbert and his heirs four shillings, from his brother Robert and his heirs two shillings, and from his nephew Richard and his heirs eightpence. These were, no doubt, his under-tenants. A relief was also to be paid by the heirs not exceeding one silver mark.

We hear no more of Kirksanton until November 11th, 1288, when Sir William de Boyville, knight, granted and to farm let for the term of ten years to William, prior of St. Bees, and his successors the manor of Kirkesantan with all its appurtenances in mills, rents, woods, &c., and in all its issues, for a certain sum of money which the prior gave to him.

There are several grants in connection with Bootle, to some only of which we need refer here. About 1270 Agnes, daughter of Michael de Corney, clerk (*Michaelis clerici de Corney*), quitclaimed to the monks of St. Bees the land and meadow in Hyton which she held of them, and which they had by the gift of Adam de Hyton. There is also a quitclaim from Anabella, another daughter of Michael de Corney.

About 1250-60 Thomas, son of Robert de Seton, gave four acres in Selekere (Selker).

In the first half of the thirteenth century Benedict, son of William, son of Roger de Seton, granted all the land in Seton which had belonged to his mother Gunilda to Henry, son of Thomas, the parson of Botle, to hold by an annual render of a pair of white gloves.

Henry, son of Thomas the parson, gave this land to St. Bees. He also made other gifts, as "Henry, son of Thomas de Botill," and mentions Christiana his mother.

John de Langliuere about 1250 gave an acre of his demesne in Seton, described as in Odo's Croft, and as having belonged to Richard de Moor. John de Langliuer does not appear to be mentioned elsewhere* than in this chartulary, where he is a very frequent witness. He was a knight, and probably he took his name from the district in Corney, which is variously named in old documents Langliferga, Langliferee, Langler, Langlewerbery (*Penningtoniana*, Nos. 2, 5, 41, 45), and Langlewergh (*Hist. MSS. Comm.*, 10th Report, app., pt. iv., p. 223), and by 1532 has become Langley Park (*Penningtoniana*, No. 86).†

About 1280 Nicholas de Langeton, prior of St. Bees, with the consent of the brethren, granted to Robert de Beverlik, rector of the church of Botil, this acre—which Benedict, son of Aldyche, sometime farmed of them, and had surrendered in full court at St. Bees—to have and to hold to the said Robert and his heirs or assigns, houses of religious and the lords of the fee being excepted, of the priory of St. Bees. Among the witnesses are Mr. William de Langluerie and Roger "of the same place."

Land called Ellerbank, between Wayburthwayt and Brettby (Birkby), was given to St. Bees early in the thirteenth century by Roger fitz Edward. To Alan de Penitone, William fitz Hugh and Roger fitz Edward, by fine at Carlisle, 1st December, 1208 (10 John), Richard de Lucy gave the whole land and fee of Renglas (Ravenglass), which Alan was to hold of Richard de Lucy, and the others under him (*Penningtoniana*, No. 11). William fitz

* He is witness to a charter in Jefferson's *Allerdale above Derwent*, p. 138.

† Mr. Collingwood remarks:—"I am delighted to find that Gresholmes (Bootle) is named: it throws some light on the old ruins there, I think; and Langliferga is a very interesting name which I have often noticed before. *Erg* is, of course, the Irish-Viking equivalent of sæter, chalet; and a Langlif (*Sturlunga-saga*, vii., 22) was the daughter of Harald Maddadson, who became Earl of Orkney in 1135 at the age of five, and died in 1206 (*Orkneyinga-saga*, Editor's Chronology). So that Langlif is a woman's name of the Irish—or Scotch—Norse in the twelfth century. *Erg*hs are often named from women. I have supposed that it was because a lady owned the estate; but possibly it was because the dairy-maid stayed there in summer with the cows, as is done in Norway and the Hebrides to this day. See how it throws light on Pavey Ark—not 'Fiend's altar' but 'Pavia's dairy!'"

Hugh was an early Wayburthwayt ; his father was Hugh fitz Eward, or Edward. Roger fitz Edward appears also as Roger de Renglas ; there are grants to St. Bees by him and his sons Alan and Alexander of land in Ranglas, whose gifts were confirmed by Alice, widow of Yvo the smith, and she speaks of Roger fitz Edward as her uncle.

We shall only mention one point more, the enfranchisement of a serf. Alan, son of Thomas de Penyton, granted to his uncle Alan de Peninton (about 1270), Simon, son of Adam Le White, his serf (*le quite* nativum meum*), with all his family and all his chattels. And afterwards Alan, son of Alan de Penyton, quitclaimed for ever, for the salvation of his soul, to the prior of St. Bees the said Simon, "just as Alan fitz Thomas de Penyton, my nephew, gave him to me." And he was thenceforth free.

* The Rev. James Wilson, of Dalston, writes :—" I think *le quite nativum meum* in the Pennington deed is the original of our surname White. It was a common way of knowing 'natives' or serfs by physical characteristics. Le White often occurs as a surname in local deeds as the equivalent of Albus."