

ART. III.—*Englewood*. By T. H. B. GRAHAM, M.A.,
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AT the date of the Norman Conquest, the tract of country lying immediately southward of Carlisle consisted, to a great extent, of ancient woodland.

It contained so many *tuns* (farmsteads) erected by chance intruders of Anglian origin, that it had acquired the distinctive name of Englewood. The Conqueror and his successors on the throne were quick to perceive that its ranges of timber trees and leafy undergrowth furnished a natural sanctuary for deer, so they constituted the whole tract a forest. Its population was not displaced, but all the inhabitants of the tract were rendered subject to irksome restrictions which the term forest implied, and were not allowed, without special permission, to do any act which might, directly or indirectly, molest the king's wild deer.

In medieval times, the term forest denoted a *definite* tract of country, suitable for the strict preservation of animals *ferae naturae*, especially deer, and regulated for the king's sole benefit by a peculiar system of law, the Law of the Forest, which was rigidly enforced by royal officers specially appointed for the purpose (*Select Pleas of the Forest*, edit. Selden Society, p. ix).

The Law of the Forest was the outcome of the king's mere will and pleasure (Pollock and Maitland, i, 156). His rights in the Forest were for the first time defined by the *Assize of the Forest*, 1184, held at Woodstock, *temp.* Henry II (Maitland, *Constitutional History*, p. 13).

The term assize (*assisa*) seems to mean (1) a sitting of the king and his barons, and (2) the ordinance made at such a sitting (*Ibid.*, p. 12).

The *Assize of the Forest*, 1184, is printed by Stubbs (*Select Charters*, p. 150).

Again, on November 6, 1217, the infant King Henry III, was made to issue the *Charter of the Forest*, intended to modify the said *Assize of the Forest*, 1184 (*Select Pleas of the Forest*, edit. Selden Society, p. xciii). An English translation of that charter is furnished *Ibid.*, p. cxxxv.

But let it be stated here, once for all, that neither of the above-mentioned royal ordinances affected the particular forest which is the subject of the present article.

To return to Englewood. Henry I had given the "barony" of Allerdale below Derwent to Waldeve son of Gospatric (*Sheriff's Return*, 1212, printed in *Victoria Hist.*, Cumb., i, p. 421).

But one day, when Henry II was staying as a guest at Holm Cultram Abbey, Alan son of the said Waldeve surrendered to the king a part of his said barony which adjoined Englewood, together with all his own rights of hunting therein (*Chronicon Cumbriae*). Henry II accordingly created that part a forest and *annexed* it to Englewood, so that it subsequently appears in the guise of the West Ward of that ancient royal hunting ground. Its area will be defined later on.

It is a fallacy to suppose that kings of Scotland occasionally possessed the right of hunting within Englewood. That right was always the prerogative of the king of England, and could be acquired only by express delegation from him. For instance, when King David occupied Cumberland, from 1136 until his death in 1153, he did so (or at any rate professed to do so) only on behalf of the rightful heir to the crown, namely, Henry son of the Empress Matilda, afterwards Henry II (*Trans.*, N.S. xxvi, pp. 283-4).

And again, in 1242, when Alexander II of Scotland became tenant of six royal manors, which lay within Englewood (see *Trans.*, N.S. xxii, p. 108) he did not

possess any right of hunting in the same, unless it were by express delegation from his feudal superior Henry III.

It is instructive to marshal some facts, which reveal the status and condition of Englewood from time to time.

In 1192, Roger Goki was fined ten shillings, for committing waste, by making a mill where he ought not to have done so. He paid 17 pence and was forgiven the balance by the king's writ (*Pipe Roll*, 3 Richard I) and, on March 1st, 1215, King John granted to Holm Cultram Abbey the hermitage of St. Hilda in the forest of Englewood, together with the clearing (*landa*) which the said Roger Goki, late hermit, held there; the monks might cultivate it, or hold it in pasture, as they pleased. He agreed to their having a vaccary there for 40 cows, with pasture in the forest and with calves up to two years old, and as many horses and oxen as were needed for the cultivation of the clearing. They were to be quit of escape and entertainment of the king's foresters, except at their own free will (*Holm Cultram*, edit. Grainger and Collingwood, p. 76).

In 1235-6, the sheriff reported that John and Philip, king's huntsmen, had been sent with their staghounds (*canes cervaricii*) to take 100 stags (*cervi*) in the forest of Englewood, for the king's benefit, and had received 5 marks apiece by the king's writ (*Pipe Roll of Henry III*, edit. Parker, p. 57).

In the Parliament of 1290 (18 Edward I) Ralf, bishop of Carlisle, sought to recover from the prior of Carlisle the tithes of two newly-assarted plots (*placeae*) of land in the forest of Englewood, one of which was called Linthwaite and the other Kirkthwaite, and alleged that they belonged to the bishop, because those plots lay, forsooth, within the limits of his parish church of Aspatria, and because he and his predecessors had been accustomed to receive tithe of *pannage* (pasture for swine) from them, before they had been brought into cultivation, and while they were still covered with wood (*bosco coopertae*) until the prior obtained

a writ from the king's justice of the Forest beyond Trent and unjustly deprived him of that tithe.

The prior, on the other hand, asserted that the tithes of Linthwaite and Kirkthwaite belonged to himself and his church of Blessed Mary, because King Henry *vetus* (that is to say Henry I, founder of the priory of Carlisle) granted to his church and to the canons there tithes of all lands which the same king and his heirs should have brought into cultivation (*in culturam redigere fecerint*) and made a feoffment to his church of those tithes, and in token of such feoffment gave to his church the ivory horn which he still possessed.

Whereupon Master Henry de Burton, parson of the church of Thursby, alleged that the tithes of Linthwaite and Kirkthwaite belonged to himself, because those two plots lay, forsooth, within the limits of his own parish, and he and his predecessors had always been in possession and receipt of the great and small tithes of those plots, in right of his church of Thursby, until the prior and others, in the current year, unjustly deprived him of the same, by virtue of the said writ.

However, it was argued on behalf of the king that the tithes in dispute belonged to the king as of right, and to nobody else, because the said plots formed part of his forest of Englewood, which was extra-parochial.

Hearing of the cause was adjourned for fuller inquiry (*Rotuli Parliamentorum*, vol. i, p. 37). After protracted litigation, the king established his title to the premises, but, on December 5, 1293, for the welfare of the souls of himself, Eleanor sometime his consort, his ancestors and heirs, made a *fresh grant* to the prior and canons of St. Mary Carlisle of all tithe arising from assarts in the forest of Englewood, and other small parcels of waste land lying outside the limits of any parish, the title (*advocatio*) to which the king recovered, before Hugh de Cressingham and his fellow justices last in eyre in the county of Cumber-

land, against John, bishop of Carlisle, the prior of St. Mary Carlisle and Alan, parson of Thursby, respectively, and also all tithe to arise *in future* from other clearings (*landi*) or extra-parochial places assarted within the same forest (*Cal. Pat. Rolls*, 22 Edward I, p. 55).*

(a) *The original Forest of Englewood.*

A very important perambulation of the Forest of Englewood was made in the summer of 1300 (28 Edward I) and was ratified by the king at Lincoln on February 14 following. It is contained in a contemporary document cited as *Forest Proceedings, Ancient; Chancery 30*.

It can be easily traced on the Ordnance Survey. Its ambit embraced the whole City of Carlisle, part of Thursby, all Castle Sowerby, part of Ellonby and Blencow, the whole of Penrith and all the western bank of the river Eden. The following paragraph contains a synopsis of Parker's reading of the said *Forest Proceedings, Ancient; Chancery 30* (printed in *Trans.*, N.S. v, p. 39) and Nicolson and Burn's reading of the same document (vol. ii, p. 522) when it was possibly in better condition than it is to-day.

Beginning at Caldew Bridge, outside the City of Carlisle, along the great metalled highway (*magnum iter ferratum*) towards the south to Thursby; and from Thursby, along the same highway, through the middle of the town of Thursby to Waspatic Wath, situate upon the bank of the river Wampool; and so from Waspatic Wath upstream along Wampool to the place where Schauk (now called Chalkbeck) falls into Wampool;† and so from that place *upstream to the head of Chalkbeck*;‡ and then (overland) straight to the head of Bouland Beck (now called Bowten Beck) and so descending the last-mentioned beck to the water of Caldbeck; and so by that water descending to the place where Caldbeck falls into the river Caldew and so following the Caldew *upstream* to Brigwath; and so by the highway (*magnum iter*) of Sowerby to Stanewath beneath *Castellarium de Sowerby*; and so by the metalled highway ascending to Mabel Cross; and so ascending to the hill of Kenwathen (or Kenwatlan); and from

* The wording of the original document is slovenly and hardly intelligible. The draftsman could not see the wood for the trees, and nearly lost his way.

† Chalkbeck and Wampool form in fact one continuous waterway.

‡ Nicolson and Burn omit these important words.

that hill descending by the oft-mentioned highway through the middle of the town of Ellonby; and so by the same highway through the middle of the town of Blencow; and so by the same highway to Pallet;* and so descending by the same highway to Eamont Bridge; and so from that bridge descending along the bank of the river Eamont until it falls into the river Eden; and so descending along the river Eden to the place where Caldew falls into Eden; and from that place *ascending* to Caldew Bridge, outside the gate of the City of Carlisle.

Waspatric Wath, frequently mentioned in this narrative, was situate at the point where the highway from Carlisle to Wigton crosses the river Wampool.

Caldbeck is the little stream, which flows through Caldbeck village and joins the river Caldew a mile further downstream. Then the boundary of the forest turned up the river Caldew to Brigwath, which was a ford at the site of the bridge, which to-day connects the parishes of Caldbeck and Castle Sowerby. Stanewath was the ford across Gilcambon beck. *Castellarium de Sowerby* is a latinized form of Castle How, the name applied to an adjacent hill. The manor of Sowerby did not contain a medieval castle,† but the hill may possibly have exhibited vestiges of a *tun*, constructed in days of yore by the Angles, who bestowed their name upon Englewood, Sebergham Castle, another obscure place-name in the immediate neighbourhood, may have had a like origin.

Ranulf Meschin, in Henry I's reign, gave Sowerby to Ranulf de Vallibus (*Chronicon Cumbriae*) and, in 1186, his successor, Robert de Vallibus, owed ten years' rent for *Castellum de Sowerby* (Henry II's *Pipe Roll*). The positions of Mabel Cross and Pallet Hill are shown on the county map contained in Hutchinson's *History of Cumberland*.

(b) *The annexed Forest of Allerdale, otherwise West Ward.*

On the same occasion, namely, in the summer of 1300, a perambulation was made of the adjacent Forest of

* Pallet Hill is shown on the Ordnance Survey.

† See *Trans.*, N.S. xxii, p. 114.

Allerdale, otherwise called the West Ward of Englewood. It is contained in the said contemporary document, cited as *Forest Proceedings, Ancient; Chancery* 30. That perambulation proceeded from Waspatic Wath, along the same route as in the previous instance, until it reached the head of Bowten Beck, where it diverged.

The following paragraph contains a synopsis of Parker's reading of *Forest Proceedings, Ancient; Chancery* 30 (printed in *Trans.*, N.S. v, p. 41) and Nicolson and Burn's reading of the same document (vol. ii, p. 138).

The jurors say that Alan son of Waldeve, formerly lord of Allerdale, gave to King Henry II, great grandfather of the now king, Edward I, the soil and herbage of the free chase (*libera chasea*) of Allerdale by these bounds. From Waspatic Wath ascending to the place where the Chalkbeck falls into the Wampool; and so from that place to the head of Chalkbeck; and from that place to the head of Bouland Beck;* and from that place to Randulf Seat; thence to the head of Thornthwaite Beck; and from that place to the place where Thornthwaite Beck (now called Thackthwaite Beck) falls into the river Waver; and from that place ascending to the highway between the king's land† and the land of Waverton; and so between the king's land and the land of Wigton; and so from the land of Wigton to Troutbeck; and from Troutbeck into the Wampool; and so along the Wampool upstream to Waspatic Wath.

Randulf Seat is the eminence called "Seat" on the Ordnance Survey, and situate 3 miles east of Caldbeck village. Thornthwaite head is a mile north of Seat; and Thornthwaite beck (now called Thackthwaite beck) flows northward into the river Waver near Ile Kirk, the supposed site of St. Hilda's hermitage.

The expression "land of Wigton" is misleading. It does not mean the vill of Wigton, because that was obviously included within the ambit of the perambulation, but it denotes a larger area namely the barony‡ of Wigton,

* Parker omits these words.

† King's land is a synonym for royal forest.

‡ The technical term "barony" or "honour" used in local documents seems to denote an aggregate of territorial units, such as vills or manors (*Trans.*, N.S. xxvi, p. 383, note).

which Waldeve son of Gospatric, lord paramount of Allerdale in Henry I's reign, had given to Odard de Logis, better known as Odard the Sheriff (*Chronicon Cumbriae*). That *barony* embraced not only the vill of Wigton, but also those of Waverton, Blencogo, Dundraw, Kirkbride and Oulton (Nicolson and Burn, vol. ii, p. 190).

Odard and his descendants were mesne lords of Wigton (under Allerdale) for two centuries, and assumed the territorial surname "de Wigton" (See Pedigree of that family *Trans.*, N.S. xxvii, p. 41).

These two perambulations of 1300 doubtless followed routes, which had been familiar to inhabitants of the countryside for many generations. They define the area of (a) the original forest of Englewood and (b) the much smaller forest of Allerdale, otherwise West Ward, annexed thereto by Henry II. Those two areas together formed a *permanent central region*, upon which every temporary accretion of afforested land was made to hinge.

To give an example of such temporary accretion. A perambulation was made in 1219, *temp.* Henry III, of certain territory immediately abutting upon the permanent central region. It is relevant to the present subject only so far as it helps to identify the position of several localities mentioned above.

It is cited as *Forest Proceedings, Ancient; Chancery* 17, and is translated into English by Parker in *Trans.*, N.S. v, p. 43. It was apparently made in pursuance of Henry III's said *Charter of the Forest*, 1217 (see *Select Pleas of the Forest*, edit. Selden Society, p. xciv) and proceeded by the following route.

From Pallet to Blencow; then through the middle of the town of Ellonby; and so by the highway to Mabel Cross near Sowerby; and so below the "old castle at Sowerby" to Brigwath over the river Caldew; and so down the river Caldew to the place where the Caldbeck falls into the Caldew; and so ascending the water of Caldbeck to the place where the stream called Bounelande sike (now Bowten Beck) falls into the same water of Caldbeck; and

so up Bounelande sike to the moss above Whitewra; and so ascending to Randulf Seat (*Trans.*, N.S. v, p. 43).

Edward I died in 1307, and the palmy days of Englewood, as a hunting ground, terminated. A new era dawned, when the reigning sovereigns increased their revenue by assarting large stretches of the ancient forest and granting them, by letters patent, to lessees for life or for terms of years, who were required to improve them by cultivation, or by pasturing domestic cattle upon them, but were forbidden to do any act, which might hinder the free passage and comfort of the king's deer. The names of many such assarts occur in *Trans.*, N.S. xxiii, p. 36.

Parker was our pioneer in the exploration of Englewood. His intimate acquaintance with its geography and archives was remarkable. He contributed to our *Transactions* a series of brilliant papers dealing with its long and complicated history. The small sketch-map, drafted by our President and exhibited in *Trans.*, N.S. v, at p. 34, forms the key to his conclusions, and upon those conclusions the present article is based.

The jurors, who made the great perambulation of 1300, were concerned with the *royal forest* and nothing else. They did not allude to lands which lay within the ambit of the perambulation, but which were occupied by subjects of the king, because the royal prerogative overlapped all subsidiary titles. For example, the jurors did not take cognizance of the great manor or "barony" of Dalston, which Henry III, had in 1230 (see *Trans.*, N.S. xxii, p. 2) bestowed upon Walter Malclerk, bishop of Carlisle and his successors in title for ever.