

ART. VII.—*An early Mosser charter.* By Canon W. W. FARRER.

*Read at Barrow-in-Furness, July 10th, 1951.*

IN an Article on a charter of Richard de Lucy (CW2 ii 329 f.), the late Dr W. Farrer quoted from a Plea Roll of 5 John, 1203, in which Richard alleges neglect of duties against two of his tenants, Adam son of John of Briscoe and Adam de Mosser; each comes and acknowledges certain services by ancient feoffment, and puts himself upon the grand assize. The original charter granted by Richard de Lucy to Adam de Mosser has recently come to light, so that the student can compare the statements of both sides in this dispute. The charter, of which a translation follows, is a most interesting addition to our knowledge of early Coupland history and tenures.

Be it known to all persons, present and future, that I, Richard de Lucy, have granted and by this charter confirmed, to Adam of Mosser ("de Moserhe") and his heirs the whole of Mosser with all its appurtenances, bounded by the following bounds; that is to say, along the bounds that extend eastwards between Pardshaw ("Pardishav") and Mosser as far as the stream which comes down from "Ulfscard", up along that stream to the bounds between Thackthwaite ("Thactuaite") and Mosser, along those bounds to the head of "Caypeltrebec", down along "Caypeltrebec" as far as Loweswater ("Lauswater") up by Loweswater to "Dubbes", and so on up as far as the bounds between Sosgill ("Saurescales") and Mosser, and then along those bounds to the moss which is divided (or, the bound) between Pardshaw and Mosser; provided that the aforesaid Adam and his heirs shall till, build, and assart the wood, and make sales and gifts (of land) between "Raysthuaitebec" Pardshaw and "Ulfscardbec", that Adam and his heirs, and their men dwelling in the vill of Mosser, shall till, assart, and build, and make sales and gifts (of land) within the bounds specified; that the aforesaid Adam and his heirs and their men dwelling on the land of Mosser, cannot and shall not till, build or take wood between "Raysthuaitebec" and "Caypeltrebec" but only have

pasture for their live-stock; that no one else shall have it in common with them; but that if anyone else enters within the fenced bounds mentioned on this page, I and my heirs will take our escape-money; that the aforesaid Adam and his heirs, and their men dwelling on the land of Mosser, shall have pasture below "Layroclik" as far as "Becsnarri", except on the cornland and meadows; and that the aforesaid Adam and his heirs will not and shall not prevent Roger son of Edward, or his heirs from building or tilling below "Layroclik"; for him and his heirs to hold of me and my heirs in fee and heritage, freely, quietly, entirely and fully; reserved to me and my heirs (every) hart and hind, wild-boar and wild sow and falcon's eyrie, that is within the above written bounds; (tenants) to do the foreign services belonging to a third part of a vill in Copeland ("Coup-lande"), and to pay each year to me and my heirs for all services belonging to me and my heirs, a rent of one mark of silver, that is half at Whitsun and half at the feast of St. Martin. And I have made a further grant for myself and my heirs, releasing the aforesaid Adam and his heirs, and their men dwelling on the aforesaid land, from "Duretoll" and from (? feeding) of foresters; but the men of the aforesaid Adam and his heirs, dwelling on the aforesaid land, shall find a witness for my foresters and those of my heirs, to give evidence concerning forest crimes, when they are discovered in relation to the neighbouring vill, and to follow them up until the plea is finished in my court or that of my heirs, according to the custom of Copeland; and the men of the aforesaid Adam and his heirs dwelling on the aforesaid land, shall feed a land-serjeant, his man and his horse, in their turn, in common with my fee, and that of my heirs between "Eger" and Derwent ("Derewent"), and shall find a witness for the aforesaid land-serjeant, as far as the next vill, according to the custom of Copeland; all other services, belonging to me and my heirs, reserved; and the men of the aforesaid Adam and his heirs dwelling on the aforesaid lands shall give to me and my heirs toll of all the things that they sell by way of trade. Witnesses Henry son of Arthur; Richard son of Alan; William, Bennet, and Michael, sons of Ketell; Adam of Lamplugh ("de Landploch"); Gilbert son of Gilbert; Adam of Harrington ("de Haverington"); Adam son of Michael.

The margin for fixing the date of the charter is very narrow. It cannot be earlier than 1200, when Richard de Lucy obtained livery of his barony of Egremont, nor later than June 1203, when Adam was before the king's

assize court in London. To help us in this matter we have to note Alan son of Ketell, otherwise known as Alan de Copeland, whose caput was Bootle; he also owned property in the Egremont barony, namely Santon and part of Bolton (Gosforth), as sub feoffee of Vaux of Gilsland. He witnesses as a surety when Richard de Lucy obtains his livery in 1200, but does not appear on charters or other documents after 1202, when his place is taken by his son Richard, who is a witness to the present charter. If 1202 is to be its date, I should prefer to date it early in that year, otherwise Adam would not have had time to default, and to be charged at the king's assize.

Of the other witnesses Bennet or Benedict son of Ketell was the first grantee of Austhwaite (Dalegarth) in Eskdale. William son of Ketell was of Thwaites, Millom; he married a sister of Henry Fitz Arthur of Millom, so that Thwaites may have been her marriage dower.

The tax "Duretol", mentioned in the charter, was interpreted by Dr Farrer as a *through* tax, in the sense of a tax on goods passing through the lordship, or a toll upon goods and merchandise levied from end to end of the country; Canon James Wilson, however, suggested that it was perhaps a tax on every householder's door, "dure" equalling "door" in the vernacular (cf. CW2 ii 332 and iii 416-418).

I have to thank Mrs Wigham of High Lorton for permission to publish this charter, which belongs to her. I would also thank the Deputy Keeper of the Public Records, and Mr R. L. Atkinson, Secretary of the Historical Manuscripts Commission, for having the charter repaired and for supplying a positive photostat (which has been deposited in the Jackson Library at Tullie House), and Mr S. D. Freer, of the Public Record Office, for providing the translation. I am greatly indebted to Miss Mary C. Fair, and to Miss A. M. Armstrong for their advice and help.