

ART. XXII.—*Notes on a Charter of Richard de Lucy (about 2 John)*. By W. FARRER.

RICHARD DE LUCY, of Egremont, had livery of Copeland in A.D. 1200, as appears by the following entry in the Fine Roll of 1 John, *m* 9* :—

Richard de Luci, son of Reginald de Luci gives to the lord King 300 marks to have his land in Copland and Cautebige (Caldbeck) which is in the King's hands and to marry himself where he would and to have the reasonable part which belongs to him of the land which he claims against Baldwin, Earl of Albemarle and his wife, and against Robert de Curtenay and Alice his wife. The term at Easter next after the coming of the King to England from Normandy 100 marks, and at the three following Exchequers 200 marks. For this fine he shall be acquit of his relief, and Richard himself is surety for 100 marks upon the whole of the land. The Sheriff of Carlisle is commanded to let him have his land, having taken good security for the other 200 marks, and to send word to the King.

Sureties by their letters patent for 200 marks to be rendered at the three next Exchequers after the King's first coronation—

Richard de Umframvill	of 20 marks.
Hugh de Morevill (of Burgh on Sands)	of 20 marks.
William de Stutevill (of Drigg)	of 40 marks.
William son of Ranulf (baron of Greystock)	of 10 marks.
Nicholas de Scoton (Stutevill ?)	of 20 marks.
also Hugh de Morevill	of 20 marks.
Thomas, son of Gospatric (of Workington)	of 10 marks.
Henry son of Arthur (of Millum)	of 10 marks.
Robert de Lonpope (of Lamplugh)	of 5 marks.
Alan son of Ketell (Hensingham and Alanby)	of 10 marks.
Robert de Hauogniton (of Harrington)	} of 5 marks.
Ralph de la Flete (of Egremont ?)	
Anketin son of Dinand † (of Egremont ?)	of 5 marks.

* *Rotuli de oblatis et finibus*, Record Com., 1835, p. 45.

† "Anketil, son of Durant," witnessed Richard de Lucy's second charter to the burgesses of Egremont; his son, "Richard, son of Anketil," witnessed both charters.—*Transactions*, Cumberland and Westmorland Ant. and Arch. Society, i., pp. 282-6. There is a charter of the latter in *Monasticon Anglicanum*, vol. v., p. 606b.

Alan de Comerton (of Cammerton)	of 5 marks.
Ulf, son of Edward (of Ulpha)	of 5 marks.
William de Mordring (of Whitbeck)	of 5 marks.
Ralph Corbet (of Birkby)	of 5 marks.
Gerard de Ratithwaut (of Raisthwaite ?)	of 5 marks.
Alan de Peminton (of Muncaster & Pennington)	of 5 marks.
Geoffrey de Talentis (of Tallentire)	of 5 marks.
Adam de Levinton (of Levington)	of 5 marks.

[Sum total 215 marks.]

Most of these sureties, it will be noted, were the tenants of lands in the barony of Egremont and in its member, the manor of Millum. It is unnecessary to enter into the details of this fine with reference to Richard de Lucy's claim against the Earl of Albemarle, who had married Hawise, widow of William de Mandevill, Earl of Essex, and daughter of William de Fortibus, Earl of Albemarle, by Cecily his wife, daughter of William Fitz Duncan, and Robert de Courtenay and his wife Alice de Romilly, as their connection with the barony of Egremont and liberty of Cockermouth is well known.

In Trinity term, 5 John, 1203, we find Richard de Lucy taking action in the King's Court to enforce the observance of customs and services due to him by his tenants, as detailed in the following record of the plea:—

Richard de Lucy seeks against Adam, son of John, that he shall perform the services and customs which he ought to do for the free tenement which he holds of him in Breseko (Briscoe), to wit that he ought to receive and entertain and feed his five foresters when they come to him and to find for them suit* to testify to illdoings in his forest. Further the said Richard says that he ought to have four Land-serjeants, keepers, to wit, of the peace of the country, namely two on the one side of Egene (Ehen) and two on the other side of that water of Egene, and those two who shall be on that side of the water where hē (Adam) dwells, he (the said Adam) ought to entertain and feed, and to find for them suit to testify to evil deeds against the peace (*ad testandum malefacta pacis*). Moreover he claims from him (Adam) and from the men of his land for all their cattle

* *i.e.*, persons who will bear witness in court.

and all their goods, wherefrom toll ought to arise, which have been sold, wheresoever they shall be sold, so that such toll ought to be carried to his Castle of Egremunt before the next Sunday after the sale has been made. But if it be detained beyond the Sunday, they shall be in their forfeiture and shall render the toll to him.

Whereupon Adam comes and acknowledges to him the services and customs which his land owes and has owed since the conquest of England, to wit that he ought to be his (Richard's) forester *se terciio* (*sic*) by ancient feoffment at his own proper cost, and ought to receive and entertain and feed one Land-serjeant on the one side of the water in common as it may happen to him [*i.e.* when his turn comes to do so], to wit on that side of the water where he dwells. He also acknowledges that from his men he [the said Richard] ought to have toll of all their goods sold, from which toll ought to arise, but he himself ought to be acquit for all his own proper goods sold. He also acknowledges that he ought to keep watch upon the sea (*awaitam maris facere**). He puts himself upon the grand assize of our lord the King. It is considered that the grand assize shall be thereupon made.

The same Richard seeks against Adam de Moserg all the customs and services which he was exacting from the aforesaid other Adam, for the tenement which he holds in Moserg (Mosser). Who comes and acknowledges all the customs and services which the aforesaid Adam has acknowledged, except watching of the sea which he denies. In like manner he puts himself on the grand assize of our lord the King, &c.

The same Richard also seeks against Adam de Lamplough (Lamplugh) all the customs and services which he claims above, for the tenement which he holds of him in Morton (Murton). Who comes and says that he holds his land by cornage and not by serjeanty of the forest, &c.†

Other similar suits probably follow, but at this point the roll is mutilated. Perhaps one of them was Reginald, son of Adam of Braystones, near Beckermet, whose customs and services were the subject of a deed now preserved in the Hornby Chapel Library, of which a translation is appended :—

Know all men present and to come that I Richard de Lucy have quit-claimed from me and my heirs Reginald, son of Adam, and his

* Commonly called "seawake."—*Monasticon Angl.*, v., p. 609b.

† *Abbreviatio Placitorum*, Record Com., p. 42b.

heirs and their men of Duretoll. And the men of the said Reginald and his heirs ought to feed (*debent pascere*) at his Turn one "Landsergent" and his men, and his horse between Eger (the river Ehen) and Duden (the river Duddon), with common right of Braithestaines (Braystones), and for the said Landsergent there ought to be found witnessmen unto the next town (*testes usque ad proximam villam*) according to the usage (*usum*) of Caupeland, saving other services belonging to me and my heirs. Also the men of the said Reginald, and of his heirs ought to give to me and my heirs toll (*tolonium*) of all the goods (*res*) which they sell in merchandise. And I have granted to the said Reginald and his heirs that they may (*possint*) freely assart and build within their right divisions, saving to me and my heirs hart and hind, wild boar and sow and hawk (*cervus et cervina, aper, leia, et ancipiter*) when any shall be there. These being witnesses, Alan son of Ketell, William son of Ketell, William de Jonebi, Michael son of Ketell, Robert de Wiletune, Adam son of Ketell, Robert chaplain of Egermund, Gilbert son of Gilbert, Richard son of John, William de Plumlund.

A large tag remains, but the seal is broken off.
[Endorsed]—Beckermet; [also later] "veri ould."

In the first clause Richard de Lucy acquits Reginald and his men of Duretoll, a term as to the meaning of which the writer has not been able to find any recorded explanation. A suggestion, however, occurs in the reference to toll in the pleading quoted above. The derivation appears to be from the A.S. *þurh*, old Northumb. *þerh*, old High German *durh*, Eng. *through*, in the sense of a toll for the passage of goods *through* the lordship, or a toll upon goods and merchandise levied from *end to end* of the country (cf. *thoroughfare*). Thus we find it recorded in the Coram Rege Plea Roll of Hilary term, 11 Edward I., 1283, that—

The jury say that John de Brittany, Earl of Richmund, has *thorough-tole* of all passing through his liberty in Barnard Castle both of the men of Yorkshire and others. How much he ought to accept for each kind of animal is declared [in the record of the plea].*

* *Abbreuiatio Placitorum*, p. 205.

Braystones is a hamlet in the township of Lowside Quarter, ward of Allerdale-above-Derwent, and lies three miles to the south of Egremont. When one of the four land-serjeants—or, as they are called in some records, gryth-serjeants, *i.e.*, keepers of the peace—made his tour or turn round the district on his side of the river Ehen, Reginald and his men were called upon by custom to feed him and his horse, and some of them to go with the serjeant on his round through their district to view any offences against the King's peace or the lord's rights, and forthwith to bear witness to such offences at the time appointed for trying and determining the same. This was described as doing "bode and witness," and the men who accompanied the land-serjeant were called "witnessmen." When the officer arrived at the next town or vill the obligation upon the men of the last town was fulfilled so far as it related to the duty of accompanying the officer and viewing offences.

The clause relating to toll has been dealt with. Finally Richard de Lucy granted liberty to Reginald and his men to break up the waste land—the district was clearly within the precincts of the forest—and to set up buildings, but all venison was strictly reserved to the lord and his heirs.

Among the witnesses are the names of four of those who attested the well-known charter of liberties which Richard de Lucy granted to the burgesses of Egremont (*Transactions*, Cumb. and West. Ant. and Arch. Society, *i.*, p. 282). The identification of their names can only be tentative, but the following is suggested as probable. Alan, son of Ketel, tenant of Hensingham, who has been named above, and William his brother (*Denton's Cumb.*, p. 59); William de Joneby, *not identified*; Michael, son of Ketell, a younger son of Ketell of Ulpha; Robert de Wilton, *not identified*, he attested both the Egremont charters; Adam, son of Ketell, lord of Newton in Allerdale; Robert, chaplain of Egremont; Gilbert, son of

334. NOTES ON A CHARTER OF RICHARD DE LUCY.

Gilbert, the latter being probably Gilbert de Dundraw, lord of Distington; Richard, son of John, *not identified*; William de Plumlund, probably at this time lord of Plumland.