

ART. IX.—*Inglewood Forest*. Part II. By F. H. M. PARKER, M.A.

Read at Darlington, September 14th, 1905.

IN a previous paper on Inglewood I endeavoured to give some idea of the great area covered by the Cumbrian forest in early times. In addition to the official surveys there is a deed in existence which affords information on the same subject, and well deserves inclusion in the history of Inglewood. It forms part of a private collection, and was transcribed by our vice-president, the Rev. James Wilson, who kindly supplied me with a copy. It is based on the perambulation of the reign of Edward the First, with which it should be compared. The record of the latter is much defaced, but another survey, given in apparently identical terms, was made in the following reign. This is much better preserved, and may be used for the purpose of reference. Omitting the bounds of Inglewood and Allerdale, which have been given elsewhere, its contents are as follows :—*

Inquisition held at Penrith in the Forest of Inglewode on Friday next before the Feast of St. Dunstan the Bishop, the ninth year of Edward (the Second), by Robert de Umfraivil, Earl of Anegos (Angus), Warden of the King's forests north of the Trent, according to the writ attached to this inquisition, and the sworn testimony of Adam Armestrange, Adam Lempley, John de Leisingby, Patrick Bouche, Walter Mumby, Thomas de Dokwra, Roger de Latun, Robert de Stirkland, Thomas Franceys, John son of Alexander, John de Coupland, and Alexander de Capella: who say on their oath that the last perambulation in the Forest of Inglewood was

* Forest Proceedings, Ancient, Chancery, 75. Instructions to hold this perambulation are given in No. 70, but the matter is not of special local interest.

made by John de Lithegrynes and his colleagues, beginning at the bridge over Caldeu (here follow the bounds of Inglewood).

And they say that whatever is contained within these boundaries was the demesne forest of King Henry, great-grandsire of King Edward, father of King Edward now reigning, and remained in the forest by that perambulation. And that Alan, the son of Waldeve, once Lord of Allerdale, gave to King Henry, great-grandsire of Edward, father of the King, hart and hind, the roe and the boar between Shauk and Alen, as Alen falls into the sea; and the same Alan gave to King Henry the soil and herbage of Allerdale in free chace, that is to say (here come the bounds of Allerdale forest).

And they say that by the said perambulation the following towns were placed outside the forest: Wygeton, the town of Waverton with its woods and open ground (*campus*); the town of Boulton, with its woods and open ground, the town of Brumfeld with its outskirts, woods and open ground; the town of Ucmannby with its open ground; the town of Aspatrik with its open ground; the town of Kirkbrid; and Ulveton, with its woods and open ground; the town of Crosseby with its open ground; Alenbank with its open ground; the town of Dundragh with its outskirts in the open ground; the town of Blencogou with its fields; the town of High Crosseby with its open ground; one moiety of the town of Blenco facing Graystock.

But the deed referred to goes beyond this, for it mentions in addition that these places were once within the forest (*prius fuerunt in foresta*). This is particularly important in the case of High Crosby; for, while the surveys already mentioned show that the other places mentioned came within the areas appropriated by Henry the Second, the forest records show no evidence that High Crosby had ever been included.

Ville de baronia de Allerdale in comitatu Cumbrie que posite sunt extra forestam regis per perambulationem eiusdem comitatus anno regni regis xxviii^o que prius fuerunt in foresta, videlicet,

Villa de Boulton que est in manu domini Regis nunc per escætam per mortem Galfridi de Moubray de Scotia.

Item, villa de Assepatrik que est Thome de Lucy.

Item, villa de Ukemanby que est Willelmi de Mulcastre.

Item, Alta Crosseby que est in manu domini regis ratione terrarum de Cokermouth que fuerunt comitis de Albemarl.

Item, villa de Neuton que est Thome de Neuton.

Item, villa de Bromfeld que est Ade del Crokedayk et parcen-
ariorum suorum.

Item, quinque ville de baronia Johannis de Wygton, videlicet,
Wygton, Waverton, Blencogou, Dromdrawe, et Kirkbride.

II.—HOW ROGER DE LANCASTRE KEPT THE FOREST.

During the later years of Henry the Third the history of Inglewood possesses special—we may almost say international—interest, owing to the cession of certain manors* within it to the King of Scotland. An important result of this arrangement was that certain rights of common and other privileges which the inhabitants had always enjoyed in the jealously guarded forest were now exercised by the tenants of a foreign sovereign. The situation was a strained one, and the tension was not relieved by the strong views on the subject held by Roger de Lancastre, the seneschal of the northern forests, who evidently thought that everything that the tenants got from the forest was a regrettable enrichment of the Scottish monarch at the expense of his own royal master. He acted accordingly, and the state of affairs must have been exceedingly uncomfortable, especially for the commoners, the last scene in the drama being a judicial enquiry at Carlisle on behalf of the King of Scotland. As will be seen presently, a great deal of interesting information was elicited about the various customs and privileges of the manors; and, what is also of value, a record is made of other supposed rights alleged on behalf of these manors, and repudiated by the jurors.

Even before this an inquisition had been held on one of the matters which form a subject of complaint, the enlargement of Plumpton Hay by carrying the eastern boundary out as far as the Carlisle road. What the object of this innovation was is not stated; but considering the efforts made to carry it out, and the annoyance it

* Penrith, Sowerby, Salkeld, Langwathby, Scotby, and Carlatton.

caused to the men of Penrith, it is hard to avoid a suspicion that one object was to harrass the King of Scotland.

Two inquisitions were held on the subject. The first, which gives some particulars of the common rights, runs as follows:—

Inquisition:* by what metes and bound a perambulation can be made up to the King's highway from Penrith to Carlisle, and whether it would be to the loss and prejudice of the rights of anyone in those parts; and whether the king can by that perambulation enclose the place for the enlargement of Plumpton Hay, and take it from the said highway to the preserved lands within his demesne without causing injury or not; and if it should be to the injury or prejudice of others, to what injury or prejudice; made by the king's directions and his writ at Maiden Castle† in the Forest of Englewode on Saturday next after the Assumption of the Blessed Virgin Mary, the fifty-second year of King Henry, before Roger de Lancastre, then seneschal of the forests beyond Trent and William de Dacre, then Sheriff of Cumberland, and others faithful, etc. by Gilbert de Wyrkinton, Patrick de Ulvesby, Robert de Molecastre, Richard de Laton, Robert de Hampton, John de Ireby, Thomas de Cletergh, Robert de Ravenewyth, John de Karleolo, Henry de Staveley, William de Karleolo, the younger, Richard le Fleming, Gilbert Le Fraunceys, knights; Robert de Warthewyk, Thomas de Derwentwater, Robert de Wyterig, John de Denton, Thomas de Neuton, John de Terriby, Henry de Threlkeld, Robert de Vallibus, Alexander de Ribbeton, Adam de Langerig, Ralph de Lanplou, William de Boyvill, Robert de Arthureth, Robert de Ethardby, Richard Buche, Adam de Plumlund, Robert de Crogelyn, Jordan de Graungeis, Adam de Thoresby, Thomas de Ermithuayt, Adam Turp of Edenhal, Roger Leydetere, freemen of the county of Cumberland; Patrick le Brun, Peter de Ayncurth, Alan de Brumfeld, Gervase de Tynpaneron, Simon de Hoton, Eudo de Schirewith, Thomas de Bello Campo, Geoffrey son of Ivo, Robert son of Ivo, Adam de Hoton, Adam Armestrang and Gilbert de Blenecrayt, verderers; who being sworn say on their oath that a perambulation can be made between the highway and the King's preserved lands, and that he can enclose the place for the enlargement of his park at Plumpton, because the land (*fundus*) is the King's own: but not

* *Inq. ad quod damnum*, File 2, No. 38.

† Maiden Hill near Penrith.

without loss and prejudice to others in those parts, because the township of Leysingby has common in the herbage in the place mentioned, over a length, by estimate, of two leagues, and a breadth of eighty perches, according to the forest perch; and the beasts of the said township come in summer to the water of the Petrell, which is between the place and Plumpton Hay. Also the township of Penrith, which belongs to the King of Scotland, has common in the herbage within a part of that place, on each side of the water of the Peytrell, for a length of half a league and ten perches, according to the forest perch. But whether the King of Scotland has been enfeoffed of that estate they do not know.

Another inquisition* was held at the same place on Thursday next after Michaelmas in the fifty-second year of the same reign, and a jury decided that the King could enclose the land in accordance with the provision of Merton.

Next came the investigation of the grievances alleged to have been sustained by the King of Scotland. It will be seen that in each article the Scottish representatives stated their claim, and the manner of its infringement; the jury then, after carefully eliminating the speculative parts of the claim, decided whether an injury had been done or not :—†

The King of England directed his beloved and faithful Robert de Nevill and John de Reygat to enquire by the oath of honest and lawful men of Cumberland, what persons, with Roger de Lancastre, late seneschal of the Forests north of Trent, and the servants and men then under him, and others of the county, did trespasses, wrongs, injuries, and oppressions to the King of Scotland and his men in Penrith, and to hear and determine these trespasses. This inquisition was held at Carlisle, the Saturday after the conception of the Blessed Mary, the 56th year of King Henry, by the sworn testimony of Robert son of Walter, Robert de Molecastre, Gilbert le Francays, Richard de Laton, Patrick de Ulvesby, Knights; Robert de Tillioll, William Armestrang, Henry de Vallibus, Thomas de Neuton, Alan de Brumfeld, Robert son of Bernard, Richard de Stokys, Henry de Sabulonibus, Robert de Buthecastre, Thomas de

* Forest Proceedings, Ancient, Chancery, 15.

† Forest Proceedings, Ancient, Chancery, 16.

Blaterne, John de Riberdby, Thomas le Venur, Robert de Crogelyn, Henry de Salkeld, Geoffrey de Ragton and Robert his brother, William de Mora, Adam de Tynemue, Geoffrey de Seburgeham; who on that Saturday appeared before the said Robert and John at Carlisle. And there were present the Abbot of Melrose, the lord Eymur de Makeswell, Sheriff of Dumfries (Dumfries), the lord Richard de Bykerton, the lord Alexander de Syntem; William de Swynburne and John de Swynburne, deputies of the King of Scotland in Cumberland; who assented to the inquisition and the jury named, and exhibited for the King of Scotland the trespasses, &c. in this form:

Firstly: that Roger de Lancastre, Forester of Engilwode, dispossessed the King of Scotland and the men of Penreth of 300 acres of land, and caused them to be inclosed as part of Plumpton Park; and still holds them; and because the men of the manors wished to protect their pasture there, the said Roger caused them to be imprisoned, to their great loss.

But the inquisitors say thus: that the King sent a writ to Roger de Lancastre, then seneschal of the forest of Inglewood, that he should enquire by means of knights whether he could enclose Plumpton Hay up to the road leading from Carlisle to Penrith without causing loss or prejudice to anyone. And the knights came to that place on a certain day, both from the liberties and from the whole county; and said on their oath that the place between the King's highway and the water of the Petrell is the King's own ground, and that he can enclose that place with Plumpton Hay; but not without causing loss and prejudice. For the King of Scotland and Thomas de Multon and others had common to the water of the Petrell. And that inquisition was made and sent under the seals of the knights to the King's court.

Then Roger had another mandate from the King, to hold a further enquiry whether he could enclose the said place according to the provision of Merton. And the King's faithful servants said in the first inquisition that the place was the King's own ground; and the knights and other faithful servants said in the second inquisition by the mandate of the King that he could enclose that place according to the provision of Merton, unless he had made some further grant to the king of Scotland by his charter, which would prevent his making that enclosure.

Hence they say that injury has been done to the king of Scotland by Roger de Lancastre, seneschal of the forest, and his foresters to the amount of 20s. since the time mentioned, because the manor was given him by the king of England's mandate, etc., at high valuation without drawback and as freely as the King of England

held it before. And he is entitled to the holding free. Therefore the matter is for the judgment of the King of England and his Council.

Item, that Roger de Lancastre made a perambulation at Peterelwra (Wreay) and Barrokmosse within the forest, and treats the land there as preserved, though the men of Scotby had common there with all their beasts without hindrance time out of mind.

But they say that the men of Scotland never had common there, except on their paying the forester. Hence Roger de Lancastre could lawfully enclose it.

Item, that Roger and his foresters imparked the water at Plumpton, so that the animals from Penrith cannot get to the water within their common; wherefore they are dying from thirst.

They say that injury has been done to the king of Scotland to the extent of 20s. in addition to the other damage, in the same manner as before, because the water enclosed is within the place already mentioned.

Item, while all the men in the manors used to have a supply (liberationem) of wood from Englewode each seventh year to renew and repair their houses and fences, and for their other needs, and though they brought a writ for the purpose from the King of England to Roger de Lancastre, he declined to move in the matter. Hence they have had no supply of wood these fifteen years past.

They say that they never had the supply without the special mandate of the king. Then the men of the king of Scotland lately brought a mandate from the King of England to Roger de Lancastre on two occasions, and at the last writ Roger caused the verderers to report (visum facere) on their having estovers. And they made their report and said that the repairs in the manors of the King of Scotland required for renewals 334 oaks by the greater hundred.* And, because it seemed to Roger that this would greatly waste the forest, he put off the work, and has not yet done it, causing loss of £4 2s. 1d. To the judgment of the King of England, because within the forest.

This passage throws a sidelight on the motives by which the seneschal of the forest was actuated. The fifteen years during which the manors went without wood cover the period during which they had been lost to the English crown; the needful supply of oak timber would

* *Per majus centum.* The "greater hundred" is understood to mean one hundred and twenty.

seriously affect the forest. The impression produced is that Roger was a man of great, but perhaps indiscreet, loyalty, who would guard what he supposed to be his sovereign's interests, even at the cost of neglecting orders and branding himself as a petty tyrant. It is also worthy of note that the claims and complaints on the Scottish side were considerably exaggerated.

Item, whereas the men of the King of Scotland in Soureby have always had common with their beasts within the cover of the forest of Engelwode without hindrance, Roger and the foresters seize the beasts within the cover, and fine the men so heavily at the pleas of the forest that they do not dare to come within the cover.

They say that they have never had common outside their own bounds; and that if they have been found with their beasts outside their bounds, they have been seized, whether within the cover or without, and attached at the pleas of the forest.

Item, if it happens that a horse, ox, or other beast escapes from the care of the herdsman within the forest, and the foresters capture them, they cannot redeem them except they pay for each horse 6d. and for each ox 4d.

They say that in the time of Eustace de Bayllol when he was seneschal of the forest that custom was imposed of taking 6d. for each horse, as often as it was found on preserved land. Further, Roger de Lancastre continued that custom, as much with the men in the country as in the manors, during his term of office. Also they say that before the park was enclosed, Roger de Lancastre took, by means of his foresters, 1d. for each beast, and afterwards 4d., before it was enclosed, for the beasts of the King of Scotland's men when found within the limits of the perambulation of the park. Hence a wrong has been done causing loss to them. Before the King, because within the forest.

Item, Roger de Lancastre caused a place to be enclosed within the common pasture of Penrith, called Byrkemire, and let it at a rent to Thomas de Capella, thereby manifestly ousting the king of Scotland (*ad manifestum exheredacionem Regis Scocie*).

They say that the said Thomas de Capella had seisin of Byrkemire by a mandate of the King of England, directed to William de Dakyr, then Sheriff of Cumberland, and by that sheriff he had entry. Afterwards came Roger de Huntercombe (?), then bailiff of the King of Scotland, and prevented Thomas from making profit from it (*appruimentum inde facere*) until he rented the place Byrkemire from the King of Scotland at twelve pence a year; and Thomas

gave Roger de Huntercumbe, the bailiff of the King of Scotland half a mark for having entry.

Item, whereas the men of the said manors used always to have dead wood, whether lying on the ground or standing dry, wherever it was, Roger de Lancastre and his foresters prevented them taking away any wood, unless lying on the ground.

They say that the men of the manors never had dead wood, unless on their paying * the seneschal of the forest; for dead wood has always been the seneschal of the forest's time out of mind; except in the manor of Soureby, the men of which have some wood. To the judgment of the King.

Item, whereas any persons in the said manors used to have one cartload of alder and birch wood that was dead, for making and repairing their ploughs and waggons once in each year, and to pay a penny to the forester for each load, they are entirely prevented by Roger and his foresters, so that they get nothing, and lose the upkeep of their houses.

They say (in corresponding form that this is true) and they are wrongfully hindered by the foresters of Roger de Lancastre to a loss of 5s.

Item, Roger de Lancastre and his foresters seize the swine of the manors outside the cover in their common pasture and near their enclosures during fawning time, † where they have always been accustomed to feed their swine at all seasons of the year without hindrance, they now interfere with and seize them; and as often as they can seize the swine, they take from each herd ‡ the best pig for the use of Roger de Lancastre.

They say that all swine whether from the manors or the whole of the country are always taken alike throughout the entire forest during fawning time, that is, a fortnight before the Feast of St. John Baptist and a fortnight after; and for each herd † the seneschal has been used to take one pig. And in Plumpton Hay swine are taken on any day of the year on which they are found, and they take one pig from each herd. But if a single sow is found with her pigs she has been allowed to go unhindered. And this has been custom time out of mind.

Item, that Roger and his foresters take the swine of the said men,

* *Nisi pro suo dando senescallo*, etc. a curious phrase. Between the last two words is interlined, "namely one mark per annum, and this from the time of Thomas de Multon."

† The word thus rendered can only be guessed. It is first written *Falnosia*, then *fonnosia*, and in Forest Proc. A.Ch. 85. *fonatio*.

‡ *sundro*. There appears to be no authority for this word, but "herd" fits the sense.

whereas they have always been used to feed their swine in the woods of Englewode, both in cover and open ground, as in their common excepting the land of Plumpton.

They say as before.

Item, they say that Roger and his foresters took the horses of the men of Penrith in that part of their common pasture which was lately enclosed within the park, before that place was so enclosed, and took for each horse twelve pence, and took other beasts likewise in the same place, and imparked the place and took for each beast one penny.

They say that before that place was enclosed Roger and his foresters took from the men of Penrith twelve pence for each horse, and for other beasts a penny; and this unjustly, to a loss of 5s.

Item, they say that the said Roger and his foresters made attachments within the liberty of the King of Scotland, and this is to the ousting of the king of Scotland, and against the tenor of his charter.

They say that the foresters and verderers ought to make attachments of vert and venison in the manors, saving this, that any bailiff of the King of Scotland should be advised by the foresters, so that he may be present at the attachments if he desire to attend. And if he does not come, the attachments should be made in the usual way according to the custom of the forest.

Item, they say that when any man of the manors looks for his beasts within the forest, the foresters demand security from them (devadiant eos) and remove them to prison, unless they effect their redemption with the foresters.

They say that if surety has been demanded from anyone, an injury has been done in this to the king of Scotland, to his loss.

Item, whereas the King of Scotland ought, according to the tenor of his charter, to have the amercements of what ever kind, for every manner of forfeiture both from pleas of the forest and from all other pleas before whomsoever they be held, the bailiffs of the forest amerce men at their pleas of the forest, and this at the simple statement of the foresters, without other suit or proof, and extort the amercements from these men. Thus the King of Scotland receives nothing, and that though the King of England sent his writ to the seneschal and the other servants of the forest, to allow the king of Scotland and his bailiffs to receive these amercements.

They say that the King of Scotland ought to receive every kind of amercement of vert and venison, and of all pleas determined before the Justices in Eyre. But the king of Scotland has never been accustomed to receive amercements arising from the escape of beasts or the like.

Item, that though the foresters of Engilwode or the other officers

shall not enter the manors of the king of Scotland, according to the tenor of his charter, either for eating or drinking or entertainment, nor any other purpose except only for making attachments of pleas relating to the forest, and this under the view of the bailiff of the King of Scotland, if when notified he wishes to attend, yet in the time of Roger de Lancastre they continually spend time there, receive entertainment, make attachments without summoning the bailiff, seize the men of these manors within their own houses, arrest and imprison them at their will; and this is to the great loss of the king of Scotland and the manors, and manifestly against the tenor of his charter.*

They say that the foresters ought not to enter the manors for the purpose of eating or drinking, or of entertainment, without the will of the men of the manors, otherwise than others in the country in a market town; nor should they make attachments otherwise than as set forth in the article above. And if the foresters have done otherwise during the time of Roger de Lancastre, the king of Scotland has been injured thereby.

Item, whereas all the men of the manors have had free fishery in all waters within the lands of the King of Scotland, they are hindered during the time of Roger de Lancastre by himself and his foresters, and if found fishing they are seized and imprisoned.

They say that they have been accustomed to fish in all waters within the lands of the King of Scotland, and should be allowed to do so; and that they are hindered by the bailiffs of Roger de Lancastre in their right; and that their seizure is unjust, and a loss.

Here we come to the end of the complaints lodged against the forest officials, and come to some grievances alleged to have been caused by various property owners. The first is directed against the Lady of Gilsland, Maud de Multon, the heiress of Vaux of Gilsland. History shows her to have been a somewhat determined person, one hardly likely to tolerate anything in the nature of an encroachment; but here it is not shown that she exceeded her rights in any way.

Item, that though the men of Karlaton should have common of pasture both by day and by night, in Kynheure and Northescaw,†

* Close Roll, 15 Hen. III. m. 15, contains writs to Thomas de Multon and B. de Insula expressly forbidding the entertainment of the foresters at the charge of the men in King's desmesnes in Cumberland.

† Now Northsceugh and King Harry. They lie west of the road from Cumrew to Ainstable.

which is part of the land of the Lady of Gillisland, they are hindered by her bailiffs, so that they cannot agist their cattle on that pasture by night, but are attached at the pleas of the Lady.

They say that the men of Carlaton should have common on Kynheure and Northescou during the day, but have always been stopped by the bailiffs of the lady of Gillisland when they were found agisting at night. But as to whether this was lawful or not they can tell nothing.

Whereas the manor of Scotby, which is the King of Scotland's, lies close by the Prior of Carlisle's manor of Henriby, and the beasts from Scotby come at all times in the year upon the plains of Henriby, the servants of the Prior take for each beast one penny, or make attachments at the court of the Prior, though in times past they took but one hen with three eggs* as often as they were there.

They say that in the time of the King of England who now reigns, though the manors were in his hands, the beasts from Scotby when they came upon the fields at Henriby were seized and handed over on pledge and surety to the court at Henriby, to answer for the beasts. Similarly in the case of beasts from Henriby and Carleton to Scotby. At length the Prior and one John de La Mor, then bailiff of the manors for the King of England, thought it would be well to provide some other remedy between them; and they agreed that the men of Scalby† should give a penny for each beast, a penny for four pigs, and a penny for ten sheep, and the same for the beasts of Henriby and Carleton to Scotby.

Item, whereas the men of the King of Scotland in Cumberland are toll-free through the whole of England by the charter of the King of England, the Burgesses of Carlisle extort this from the King of Scotland's men in the aforesaid manors, and this is to the ousting of the King of Scotland and contrary to the tenor of his charter.

They say that the men of the King of Scotland ought to be quit of toll for all that they buy for their own use in any place, unless they buy anything to form merchandise. And whether anything has been exacted from them as toll for what they buy for their own use they do not know.

* *Unam cokam cum tribus ovis*. The above appears to be the only satisfactory rendering. *Coka* suggests a cock, and *una coka* a hen. But the authorities come no nearer than a haycock, and this cannot be reconciled with the eggs. Another meaning is a pig (French *cochon*), does not fit the context, in spite of the association between bacon and eggs. Even the translation suggested is a curious form for the payment for the pasturing of cattle to take.

† *Sic*.