

ART. IV. – *Charters of Byland Abbey relating to the Grange of Bleatarn, Westmorland.* By  
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IN 1777 Nicolson and Burn in *The History of the Antiquities of the Counties of Westmorland and Cumberland* drew attention to the existence of several original charters of Byland Abbey concerning land in Bleatarn.<sup>1</sup> The whereabouts of these is no longer known, but in his edition of the early documents relating to the knights' fees of the Yorkshire honour of Richmond Sir Charles Clay discussed copies of these charters contained in the cartulary of the abbey.<sup>2</sup> Most of these were issued in favour of the monks by Torphin son of Robert of Warcop and Waitby. Insofar as Clay's interest at that juncture was, naturally, in Torphin's inheritance of the Manfield fee of the Richmond honour, these Westmorland charters were not included in the collection. It is the aim of this article to present an edition of these charters, with notes on the Westmorland benefactors of Byland Abbey, the origins of the monastery's interest in the vill of Warcop and the fortunes of the grants which they received. These Warcop charters, indeed, provide a clear picture of the process by which a religious house acquired and consolidated its interests in a particular area in the period from the twelfth to the fourteenth centuries. Furthermore, although the economic exploitation of areas of Cumberland and Westmorland by certain Yorkshire Cistercian houses, notably Fountains Abbey, has long been recognized,<sup>3</sup> these charters, particularly when read in conjunction with two further sets of Byland charters,<sup>4</sup> indicate that the Byland monks were actively exploiting parts of Westmorland long before their colleagues at Fountains turned their sights towards the countryside around Derwentwater.

The Bleatarn charters occupy folios 11-15 (modern foliation) of the fifteenth-century Byland Abbey cartulary, B. L. Egerton MS 2823. This section is headed at the top of each folio '*Blaterna*' or Bleatarn, the name of the small lake which lies some two miles to the south of Warcop. The cartulary has sustained considerable damage in the past, but fortunately the Bleatarn section has remained unscathed; the handwriting is clear and regular, and, as elsewhere in the cartulary, each charter is prefaced by a rubric in red. In addition to the twenty-two charters some thirty-seven rubrics give notice of further charters which, for reasons unknown, were not entered in the cartulary.<sup>5</sup> Of the twenty-two charters fourteen or fifteen (nos. 1-2, 4-7, 9-10, 12-14, 28, 43-4 and possibly 19) are of twelfth-century date; the latest documents are dated 1331 (nos. 30-31). Most are in Latin with the exception of nos. 32-33 which are in French. Ten are addressed to the archbishop and the dean and chapter of York (nos. 1, 2, 5, 6, 7, 10, 12, 13, 14, 28); one to the archbishop alone (no. 9) and the rest generally. One (no. 30) is stated to have been issued at Byland; three at Warcop (nos. 31-33); two at Appleby (nos. 43-44) and two at York (nos. 10, 13). The attestation of various ecclesiastical officials of the see of York suggests that two further charters (nos. 1, 12) were also issued at York. The remaining charters are witnessed by individuals from the Warcop area.

Byland Abbey was not, of course, the first religious house in Yorkshire to forge links with the area west of the Pennines, an area whose early post-Conquest history remains obscure in comparison with, for example, Yorkshire, since it does not appear in the folios of the Domesday Survey. During the early years of the reign of Henry I (1100-35) the large Benedictine abbey of St. Mary's, York founded a cell at Wetheral (Cumberland) some five miles east of Carlisle,<sup>6</sup> and a second cell was established at St. Bees on the Cumberland coast before 1129.<sup>7</sup> Links of a more personal and transient nature existed for some twenty years between the Yorkshire Augustinian house of Nostell and the newly-founded see of Carlisle whose first bishop, Athelwold, held this office in plurality with the priorate of Nostell.<sup>8</sup> Indeed the very history of Byland itself began at Calder (Cumberland) where the monks of Furness sent a colony in 1134. The story of the burning of Calder Abbey by the Scots, the return of the monks to Furness, their rejection there and their journey across the Pennines to seek aid of Archbishop Thurstan, must rank as one of the better known histories of the Yorkshire abbeys.<sup>9</sup>

Equally famous, perhaps, are the various migrations which the Byland monks made before finally settling at New Byland in 1177. In 1138 they established themselves at Hood, moving to Old Byland in 1142 and to Stocking in 1147. It was during their thirty-year sojourn at Stocking that the monks, under their able and long-lived abbot Roger (1142-96), began to acquire lands within the vill of Warcop, lying roughly mid-way between Appleby and Kirkby Stephen. In one sense the acquisitions made by the Byland monks marked a new departure in the economic development of the religious houses of Yorkshire. Although it could not, of course, be argued that Byland was the first house in Yorkshire to acquire lands in Cumbria, it does appear that it was the first monastery to acquire and consolidate estates which were administered, if not directly from Byland, from the familiar Cistercian home farm, the grange.<sup>10</sup> In contrast to the cells of St. Mary's, which appear to have developed as autonomous units both constitutionally and economically, the granges of Byland like other Cistercian granges were, in theory and certainly in their early history, closely-bound to the mother house.<sup>11</sup> The creation, before 1189, of three granges of Byland in Westmorland, is indicative of the importance of these groups of estates.<sup>12</sup>

The expansion of Byland's estates in Warcop began with the grants made to the abbey by Torphin son of Robert of Waitby and Warcop. Since he and his family and tenants became so closely involved with the fortunes of the abbey, it may prove useful to give a few brief details of the descent of the family.<sup>13</sup> The earliest recorded ancestor of Torphin was Arkil, father of Copsi of Warcop and Waitby. The latter, by his marriage to Godreda, daughter and sole heiress of Hermer Flauncus, obtained for his family the Manfield fee of the honour of Richmond.<sup>14</sup> These two groups of estates formed a single holding under Copsi's son Robert and his grandson Torphin. The precise date of the death of Robert son of Copsi is not known (his last appearance appears to have been *c.* 1148) and his son Torphin entered into possession of his Yorkshire estates some time after 1159.<sup>15</sup> It would appear that the immediate descendants of Torphin were also intimately involved with the abbey as benefactors. By his wife Agnes Torphin had a son named Robert who appears to have predeceased his parents;<sup>16</sup> he should not be confused with the Robert son of Torphin, a tenant of Torphin son of Robert, who, with his uncle Walleve de Berford, gave land in Warcop to Byland (nos. 7, 9, 10, 12, 13). On the death of Torphin son of Robert (1191-94) he was succeeded by his two daughters Agnes and Maud, both benefactresses of the

abbey (nos. 28, 35-6). Agnes married firstly William son of William son of Waldef of Hepple (Northumberland), who issued a charter of confirmation to the monks (no. 27); he was dead by 1198 and in 1200 Agnes married Adam son of Adam Paynel of Broughton (Lincs.) (no. 34). Her sister Maud married four times: firstly Hugh son of Jernegan of the Tanfield fee of the Richmond honour; secondly Nicholas de Bueles; thirdly Philip de Burgh and lastly John de Auno. From Maud were descended the Marmions of Tanfield and Manfield. On the death of Agnes without heirs (c. 1235) her share of the Warcop inheritance passed not to Maud, but to her half brother Conan son of Torphin of Heslington and Kelfield.<sup>17</sup>

In addition to Torphin, Robert son of Copsi had two other sons. Robert son of Robert with his brother Torphin issued a charter of confirmation to the monks (no. 26). Their brother Alan, probably the youngest of the three, became a tenant of the abbey in Warcop (no. 29) and was a benefactor of the same (nos. 37-39). Alan's son or grandson, Richard also granted lands to the monks (nos. 47-50) and Henry son of Richard of Warcop, great-grandson of Alan son of Robert, held lands of the abbey (no. 30) and demised to the monks rent which they paid on certain lands in Warcop (no. 31). If these two last charters are correctly dated, then Henry son of Richard was living as late as 1331.<sup>18</sup>

This family constituted the main body of benefactors of Byland in the vill of Warcop. It is difficult to try to explain the origins of Torphin's interest in the abbey of Byland. Although it is sometimes possible to conjecture the reason why a man chose to endow a particular monastery (its proximity to his own estates, for example, or family or feudal connections with the patron of the house), Byland seems to have had only the most tenuous connection with Torphin: the fact that Torphin held lands in Richmondshire of Earl Conan, patron of Byland's daughter house of Jervaulx.<sup>19</sup> Torphin's interest in Byland is, therefore, less immediately obvious than his patronage of the Richmondshire houses such as Easby, or the Templars, who had a preceptory at Penhill.<sup>20</sup>

Although it is impossible to assign dates to many of the charters in the collection, or even to place the grants in strict chronological sequence, it would appear that Byland began to acquire estates in the period 1158 to 67.<sup>21</sup> It was during these years that Torphin granted the monks half his land in Warcop - a generous benefaction (no. 1). The boundaries were carefully specified: from the west of the river Eden (as the syke descended from Fouldberhill, passed through 'Skermund' and entered the Eden) as far as the old ditch which formed the boundary between Ormside and Warcop; thence as the ditch ascended 'Thurgaberch' and descended to 'Hornegile'. The boundary then ran to 'Wlvesdalebech' across to Crystal Garth, then to the river flowing into Bleatarn, returning to 'Skermund'.<sup>22</sup> It is evident from another charter (no. 10) that the other half of this land was held of Torphin by Robert son of Torphin and his uncle Walleve de Berford; Robert, specifying the same boundaries as Torphin, gave to the monks all his land 'as three parts of that land which I and my uncle held of Torphin son of Robert, which Torphin has also given to the monks all his land contained within the same boundaries, that is, the other half'. This grant was confirmed by Walleve, who added his own portion of the land (nos. 12-13).

The remaining charters of Torphin are not so easily dateable. They may be contemporary with those just mentioned, but from the internal evidence of the documents it is only possible to assign a date of *ante* 1194, the date at which Torphin is known to have been dead. These grants were numerous. The gift of five acres of land in 'Harmshaw'

and Torphin's chief house of the vill of Warcop was accompanied by the grant of freedom from pleas in his court of Warcop and by the significant grant of the advowson of the church. The latter is of interest as a reflection on contemporary Cistercian practice. It is well-known that the Cistercians placed a ban on the acceptance of churches and '*spiritualia*', and there are indications that houses in Yorkshire, as elsewhere, were beginning to break this rule by the end of the twelfth century.<sup>23</sup> What is particularly interesting in the case of Warcop church is that the abbot who accepted the gift, Roger, had previously refused the grant of three churches offered to him by Byland's patron, Roger de Mowbray. This he did, so the Byland historian stated, because he was '*homo scrupulosae conscientiae pro cura animarum*'.<sup>24</sup> Quite what occasioned Roger's change of heart we do not know, but the grant of Warcop church was not effective. Early in the thirteenth century Torphin's daughter Agnes granted the advowson of the church to Easby Abbey, another religious house with which the family enjoyed close connections, and this second grant appears to have been more effective than the first.<sup>25</sup> The monks of Byland evidently did not cede their possession without a struggle, for when Bernard, bishop of Carlisle (1203-14), confirmed the church to the canons of Easby he warned that charters produced by Byland to substantiate their claims were in fact forgeries.<sup>26</sup>

In addition to these grants Torphin gave further lands: half his land in 'Skermund' and 'Harrunes' (no. 4); the whole of Fouldberhill with all the pasture which his aunt held in exchange for eighty-two acres of land which he had previously given them and which he wished to give to Robert son of Peter (no. 5).<sup>27</sup> Before the close of the twelfth century came further grants from Robert son of Torphin comprising all his part of 'Harrunes' and Fouldberhill (nos. 7, 9) and 'Lostrium' (no. 8); and from John Taylbois, a tenant of Robert son of Torphin, of lands and rights which the latter had given him (no. 14). The gifts of Robert son of Torphin were confirmed by Torphin son of Robert and evidently by Robert archdeacon of Carlisle (nos. 11, 17, 18).

By the time Torphin son of Robert died in *c.* 1194 the monks of Byland had established a considerable foothold in the vill of Warcop, and as in many places where monastic expansion was rapid and successful, Byland's land acquisitions did not go unchallenged. Disputes arose in particular over the common pasture between Bleatarn and Warcop which was claimed by Robert son of Peter. The contention was settled by an agreement reached between several interested parties: Torphin son of Robert as chief lord of the vill, Robert son of Peter, the monks of Byland, Walleve de Berford and Robert son of Faith (no. 43). It provided for Robert son of Peter's retention of eighty-two acres of land lying between Huber Hill and 'Maurebergh' and defined the rights of entry and exit into the pasture for the animals of all concerned. The chief protagonist in this case, Robert son Peter, was probably dead by 1196, when his son Robert demised to Byland a spring near the vivary within the common pasture (no. 44).

Byland's acquisitions in Warcop were significant enough by *c.* 1189 for a grange to be established. The precise date of its creation is not known, but it is evident from an *inseximus* of King Henry III that the monks had been confirmed in possession of their grange of Bleatarn by his predecessors Henry II and Richard I.<sup>28</sup> At the same time were confirmed the abbey's other Westmorland granges of Shap and Asby. The Westmorland estates were evidently making a sizeable contribution to the abbey's economy. It is perhaps worthy of note as a point of incidental interest that in establishing these granges the monks of Byland were acting in contravention of the Cistercian statute which forbade

the erection of granges at sites over a day's journey from the mother house (in this case over sixty miles).<sup>29</sup> The grange of Bleatarn was mentioned in the charter of Robert son of Robert son of Peter (no. 44) which provided for the monks to channel water from the spring for the buildings of the grange.

After the close of the twelfth century the benefactions made to Byland in Warcop reflect the general trend in monastic endowments, which is one of marked decrease. Grants did not, however, cease completely. In the very last years of the twelfth century Agnes daughter of Torphin granted to the monks all the land which Walleve de Berford held, two bovates of land, the land known as 'Sigerdehuses' along with her part of the mill (no. 28). Her sister Maud evidently added her part of 'Sigerdehuses' (no. 35) and together they quitclaimed the suit of pleas in the court of Warcop (no. 36). In addition various charters of confirmation were acquired in order to safeguard the interests of the monks: from William son of William (husband of Agnes), Hugh son of Jernegan (husband of Maud) and Adam Paynel, Agnes' second husband (nos. 27, 34). Not long after Agnes had granted the mill to the monks they leased it to her uncle, Alan of Warcop. The date of this grant (no. 29) presents rather a problem. Alan's charter, recited in that of Abbot Robert of Byland, who is recorded in *c.* 1219 and 1229/30,<sup>30</sup> was witnessed by Adam Paynel senior, father of the Adam who married Agnes daughter of Torphin. He died in *c.* 1205.<sup>31</sup> If it is surmised that the '*senior*' is an error for '*iunior*' or simply an addition by a later copyist, there is no difficulty in placing the grant in the period of office of Abbot Robert (*c.* 1219-29), although it would presumably have had to be earlier in this period, as Alan must have been born by *c.* 1148. As it stands, however, the charter is suspect in form. In addition to holding the mill of the monks Alan evidently gave, or confirmed to the abbey, land lying between 'Skermund' and Stocking, and a toft and meadow (nos. 37-39). He may also have been the Alan of Warcop who quitclaimed to the abbey Thomas Causty and his sequel (nos. 57-58).

As was mentioned earlier the exact descent of Alan's line is not known, since the name of his son, the father of Richard and grandfather of Henry, has not been identified. The cyrograph agreements made between Richard son of Alan of Warcop and the abbey may, therefore, refer to the son or the grandson of Alan, the latter being the same Richard who held Warcop of the Clifford family in 1282<sup>32</sup> and who was the father of Henry. These concerned unspecified closes, buildings and vaccaries; waste land near 'Buretregole'; and the '*cultura*' called 'Brakenbergh'. For these Richard evidently paid the monks ten shillings per annum (nos. 48-50).

Apart from the charter of Warin son of Ralph of Musgrave granting the monks land in Stocking, which is probably to be dated to the period *c.* 1250-80 (no. 45), the remainder of the charters given in full concern one carucate of land in Warcop called Ploughland. The origins of Byland's interest in this parcel of land are open to doubt. The earliest charter in the collection relating to Ploughland appears to be that of Thomas de Newton son of Richard who confirmed to the monks the land called Ploughland which Richard son of Ketel had given (no. 24). No charter of Richard son of Ketel was copied into the cartulary, but there are two notes concerning his gift (nos. 23, 25). However, a further note contains a reference to the confirmation of Adam Paynel of the gift of Ploughland made by his wife Agnes (no. 34). It is not therefore known if the gift originated with Richard son of Ketel or with Agnes.

Nor are the remaining four charters relating to Ploughland free from problems. In a

charter dated '*a Warcop le lundy proschein apres le fest de decollation de saynt johan le baptiste en le an du regne le roy Edward le fitz Henry primer*' [4 September, 1273] (no. 32) Thomas son of Thomas de Newton granted and confirmed to Henry de Warcop the twenty shillings rent which the abbey of Byland customarily paid for Ploughland. The charter was witnessed by Richard de Blenkinsop, Thomas of Warcop, sheriff of Westmorland, William de Helton and others. A notification to the same effect bearing the same date was witnessed by the first two witnesses and by William de Covenale in place of William de Helton. There are two major problems here: firstly the date of 1273 would indicate that Henry, if he is to be identified with Henry son of Richard, would have been about three years old at the time the grant was made.<sup>33</sup> Secondly no member of the Warcop family is known to have been sheriff in 1273. While it is true that no sheriffs of Westmorland at all have been identified for the period 1261-75, Thomas de Warcop was definitely not sheriff until 1327. Now it would seem from a later charter of Henry de Warcop that he is indeed to be identified with Henry, son of Richard, for in 1331 he quitclaimed to Byland the twenty shillings rent from Ploughland '*quos . . . habui de dono et concessione Thome de Neuton per scriptum suum*' (no. 31). In this case a date of 1273 would almost certainly be too early. It is, however, difficult to find a plausible explanation of the problem. If, for instance, the scribe omitted a word such as twenty or thirty before '*primer*' i.e. indicating a date of 21 or 31 Edward I [1293 or 1303] – and one would have to assume that the same error was repeated in the second charter – then one would still have the problem of the attestation of Thomas de Warcop (son of the recipient of the grant) as sheriff.

The alternative explanation of these charters is, of course, that they are forgeries. There seems to be less reason to doubt the authenticity of Henry's grant to Byland (mentioned above) of the twenty shillings rent they paid for Ploughland. The grant was dated at Warcop 11 November 1331. By a further charter, dated at Byland 30 November 1331 the abbot and convent demised to Henry the land called Ploughland, seven acres in Thornhow, two acres in 'Staynbothen', three acres in 'Creglistedes', one acre in 'Thistelsete', one in 'Tranmyre' and from the mill one skep of flour and three bushells of malt. This Henry was to hold for forty years or for the term of his life (and he was already about sixty years old) after which it was to revert to the abbey (nos. 30-1). This latter document was witnessed by Robert de Sandeford, sheriff of Westmorland, who indeed held office at that date; Sir John Rossegile, knight and William L'Engleys of Asby (d. 1332) also accord with the chronology of the grant. If these two latter charters are accepted as genuine, as would appear they may be, then it seems as if the *content* of the former two, if not the documents as they stand, may also be accepted.

The Warcop charters of Byland, although in many ways characteristic of monastic charters of the twelfth to fourteenth centuries, are nevertheless illuminating about several features, not only of the history of the abbey but also of the family of Torphin son of Robert son of Copsi. The charters themselves, and the notices of charters now presumably lost, indicate the very wide range of benefactors which the monks acquired in this area. This itself may be symptomatic of the fact that Warcop lay in an area which, in contrast to neighbouring Yorkshire, did not experience the great expansion in number and popularity of religious houses in the twelfth century. Unfortunately the mere notes of grants or confirmations prevent a fuller picture of the pattern of monastic benefaction in this region from emerging. Many of the names of benefactors are, indeed, unidentifiable; but if the

cartulary is to be trusted as to the fact that their charters existed, then the very names if nothing else indicate the great number of people involved in the abbey's territorial expansion.

The material from the Byland cartulary, in conjunction with charters taken from those of Easby and St. Leonard's hospital, York, illustrate the very wide range of interests of the family of Torphin son of Robert, himself a benefactor of all these institutions. Although this is by no means unusual in itself, it was perhaps slightly uncommon for one of Torphin's status; although a notable individual in his own region he does not appear to have been of importance outside Westmorland, unlike, for instance, some of his Yorkshire contemporaries with a similar breadth of interest, like Roger de Mowbray or William de Percy. Yet Torphin, with his daughters, seems to have given over a good proportion of his lands in Warcop to the use of the religious. In another branch of the family the descendants of Alan son of Robert son of Copsi seem to have sustained an interest in the abbey's progress from the twelfth to the mid-fourteenth century.

From the viewpoint of the monastic history of Yorkshire, Byland's exploits in this region of Westmorland seem to mark a particularly ambitious enterprise at a fairly early date. The establishment of not merely one but three granges within a fairly close area — three of the few granges of Yorkshire abbeys situated outside the county by the late twelfth century — indicate that these far-flung estates were treated by the abbey as a serious source of revenue. The acceptance of the grant of the church was, as mentioned earlier, an illustration of the fact that Cistercian houses were, by this time, beginning to ignore the Cistercian ruling that churches should not be accepted. The ultimate fate of this grant, its loss to another abbey, is also illustrative of a fairly common feature of the monastic history of this period, the multiple grant of churches. One might also mention here that the acceptance of the grant of Warcop mill, too, contravened a Cistercian statute, that no mills were to be held except where they could be used for the abbey's grain.<sup>34</sup> Since the monks of Byland soon leased the mill to Alan son of Robert, it could not even be pretended that the mill was held for the use of the *'conversi'* who would have staffed the grange. In fact it went against the spirit as well as the letter of the statute by providing the monks with a source of revenue.

As we have seen, the edition of these few Byland charters has not been free from problems, since at least three of the documents are suspect in form and may well be forgeries. A thirteenth-century bishop of Carlisle, moreover, raised suspicions as to the authenticity of certain of the abbey's charters. In her edition of *Charters of the Honour of Mowbray* Dr. Greenway indicated that several charters of that family issued in favour of the monks of Byland were suspicious in form, and advocated the need for a critical edition of the cartulary.<sup>35</sup> It is to be hoped that in the not too distant future both the documents included here and their content may be set in the wider context of a critical examination of the sources for the history of one of the major Cistercian houses in Yorkshire.

### **A note on the place names**

In addition to the place names within the parish of Warcop, the charters mention a number of places in the vicinity of that vill. 'Ormesheved' (nos. 1, 10, 13) is to be identified with Ormside, 'Rerecrosse' (no. 2) with Rey Cross on the borders of Yorkshire and Westmorland, 'Musegrava' (no. 43) with Musgrave.<sup>36</sup> In Warcop itself 'Faldebergha' (nos. 1, 5, 9, 10, 13) represents Fouldberhill,<sup>37</sup> 'Cressekeldas' (nos. 1, 10, 13, 43) Crystal

Garth; 'Stainmora' (no. 2) Stainmore; 'Hobergha' (no. 43) Huber Hill; 'Plouland', 'Ploghland' etc. (nos. 23, 25, 30-34), Ploughlands; 'Stokkyng' (nos. 37-38, 45) Stocking. 'Felles' (no. 2) presumably represents Fallows Hill. The following have all been identified as archaic place or field names in Warcop: 'Skermund' (Chermund) (nos. 1, 4, 5, 10, 13, 37), 'Thurgarberch' (nos. 1, 10, 13), 'Hornegile' (nos. 1, 10, 13), 'Wlvesdalebech' (nos. 1, 10, 13), 'Harmshow' (no. 2), 'Sigerdehuses' later 'S(h)erdhous(e)(hyng)e' (nos. 28, 35). 'Harrunes' (nos. 2, 4, 7), 'Brimemire' (no. 5), 'Maurebergha' (no. 43), 'Thornhow', 'Staynbothen', 'Greglistedes' and 'Thistelsete' (no. 30) and 'Lostrium' possibly 'Lostrinn' (no. 8) have not been identified.

### Editorial Note

In the transcription of these charters, punctuation and capitalization have been modernized. 'c' has been replaced by the classical 't' in words such as 'exactio' and 'servitium'; 'v' has been used as a consonant and 'u' as a vowel; 'i' has been treated as the equivalent of 'j' and 'j'. Place and personal names have not been extended where the initial letter only is given in the text. Abbreviated place names in adjectival form have been extended and the extension given in round brackets e.g. *Ebor(acensis)*.

All folio references following charters are to the Byland cartulary, B. L. Egerton MS 2823.<sup>38</sup>

1. *Grant by Torphin son of Robert of half his land in Warcop within specified bounds.* [1158-67] Eboracensi archiepiscopo et toti capitulo sancti Petri et omnibus sancte ecclesie filiis Torfinus filius Roberti salutem. Sciatis me dedisse et hac mea carta confirmasse Deo et monachis sancte Marie de Bellal' in perpetuam elemosinam dimidium terre illius de Wardecopp' que comprehenditur per has divisas ab occidentali parte Edene, scilicet, sicut vadit siic ille qui descendit de Faldebergha et transit per medium Skermund' et intrat in Edenam et inde sicut Edena currit usque ad vetus fossatum quod est divisa inter Ormesheved' et Wardecop' et inde sicut ipsum fossatum ascendit et vadit ultra Thurgarberch et descendit in Hornegile et sic sursum per Wlvesdalebech usque exadverso divisarum quas ostendi monachis a Wlvesdalebech versus orientem usque Cressekeldas, et a Cressekeldis sicut rivulus ipse currit a Cressekeldis et cadit in rivulum qui venit de Blaterna et inde sursum contra ipsum rivulum usque ad propinquirem vallem que est ab occidente de Faldebergha et inde per fundum vallis eiusdem usque ad predictum siic de Skermund'. Dimidium ergo totius terre que infra has divisas continetur dedi et confirmavi Deo et sancte Marie et predictis monachis in perpetuam elemosinam propriam, liberam, solutam et quietam ab omni terreno servitio et exactione seculari pro salute anime mee et patris et matris mee et omnium meorum. Ego quoque coram capitulo sancti Petri Ebor' hanc donationem confirmavi et affidavi quod hanc terram quam eis dedi in perpetuam elemosinam liberam de me et heredibus meis fideliter tenebo et warrantizabo contra omnes homines ego et heredes mei. Hiis testibus Roberto decano Ebor(acensi), Iohanne filio Letholdi, Bartholomeo archidiacono et toto capitulo sancti Petri etc.

*rubric:* Carta Torphini filii Roberti de dimidia terre sue in Warcopp' per divisas contentas in eadem.

[fo. 11r]

This charter is mentioned in *EYC* v, 55 where C. T. Clay noted that the presence of Dean Robert and the other two named officials in the witness list indicated a date of 1158-67 for the issue of the charter. It may be presumed that 'archidiaconis' rather than *archidiacono* was intended in the original charter since this would accord with the chronology of archdeacon John son of Letold. The word 'siic' which occurs several times in these charters is a variant of 'sica', 'siccus' or 'siccum' meaning a syke. This is the only charter given in full by Nicolson and Burn (*The History and Antiquities of the Counties of Westmorland and*

*Cumberland*, i, 614-5). The original charter evidently added the following witnesses at the conclusion of the document: "*Murdaco decano Westmerland, Roberto filio Willelmi de Kernebi, Thoma de Colevilla, Gaufrido de Daivilla, Roberto clerico de Manefeld, et aliis multis qui ex altera parte descripti sunt*".

2. *Grant by Torphin son of Robert of five acres of land between "Harmshow" and the river Eden; the chief house of the vill; and the advowson of the church.* [ante 1194]

Ebor(acensi) archiepiscopo totique capitulo sancti Petri et omnibus sancte ecclesie filiis Torphinus de Watheby filius Roberti filii Copsi salutem. Sciatis me dedisse, concessisse et cum hac carta confirmasse Deo et monachis sancte Marie de Beghland' et eorum successoribus pro salute anime mee et omnium antecessorum et heredum meorum in puram et perpetuam elemosinam capitalem domum meam cum omnibus pertinentiis in villa de Warcopp' et quinque acras terre cum pertinentiis in terrura eiusdem ville, scilicet inter Harmshow et Edenam ad capud Harerine del West, una cum advocacione ecclesie eiusdem ville et eandem communan pasture cum omnibus pertinentiis et aysiamentis ad omnia et omnimoda genera animalium suorum omnibus temporibus anni quam pater meus et ego habuimus in Stainmora et in Felles', scilicet per longitudinem magne vie regis que venit de Rerecrosse versus Burgh' sed non ultra viam illam versus meridiem ubique et in omnibus locis usque ad remotiorem divisam commune pasture que pertinet ad Westmerl' versus aquilonem et orientem. Ita quod agistamenta porcorum suorum quocunque loco voluerint fiant et hoc sine foramine et clavo. Concedo etiam et confirmo eisdem monachis in puram et perpetuam elemosinam omnes donationes quas homines mei fecerunt eis quocunque loco et omnia que in futurum habere potuerint de feudo meo. Et ipsi monachi et omnes homines et tenentes eorum sint semper decetero quieti et absoluti de secta placitorum ad curiam meam vel heredum meorum imperpetuum. Ego quoque et heredes mei ac successores nostri omnia predicta manutenebimus et warrantizabimus monachis contra omnes gentes imperpetuum. Hiis testibus Roberto filio Thorphini, Iohanne Taylboys, Walthexo de Bereford', Murdaco decano, Roberto filio Petri etc.

*rubric:* Carta Torfini de quinque acris terre inter Harmshow et Edene et capitale domo sua in Warcop' et advocacione ecclesie et aliis.

[fo. 11r]

It is not possible to date this charter from internal evidence. The donor died in the period 1191 to 1194. Notes concerning the advowson of the church are given above p.32.

3. *Item carta eiusdem de eisdem v acris terre sub eodem numero.*  
(*rubric only*)  
[fo. 11r]

4. *Grant by Torphin son of Robert of all his land in 'Skermund' and 'Harrunes'.* [ante 1194]

Omnibus sancte ecclesie filiis presentibus et futuris Torphinus filius Roberti salutem. Sciatis me dedisse et hac carta mea confirmasse Deo et monachis sancte Marie de Beghland' totam partem meam de Scheremunde et dididium de Harunnes in puram et perpetuam elemosinam, liberam propriam solutam et quietam ab omni terreno servitio et exactione seculari ad faciendum quicquid inde facere voluerint imperpetuum pro salute anime mee et omnium antecessorum et heredum meorum. Et ego et heredes mei hanc donationem predictis monachis manutenebimus et warrantizabimus contra omnes homines imperpetuum. Hiis testibus Willelmo officiali, Murdaco decano et toto capitulo de Appilby, Thoma de Hellebek', Roberto filio Petri, Conano de Asc', Petro Carrou, Unfrido Malkaell', Willelmo filio Willelmi, Roberto de Cabergh' etc.

*rubric:* Item carta eiusdem Torphini filii Roberti de tota parte sua de Skermund et Arunis.

[fo. 11r]

As in the preceding charter the witnesses cannot provide a date for the document, which must therefore be dated to *ante* 1194.

5. *Grant by Torphin son of Robert of the whole of Fouldberhill within specified bounds. [ante 1194]*

Ebor(acensi) archiepiscopo totique capitulo sancti Petri et omnibus sancte ecclesie filiis Torphinus filius Roberti salutem. Sciatis me dedisse et hac carta mea confirmasse Deo et monachis sancte Marie de Bell' totam Faldebergham in puram et perpetuam elemosinam liberam propriam solutam et quietam ab omni terreno servitio et exactione per has scilicet divisas sicut vallis descendit a ductu qui venit de Blaterna et pertransit usque Brimemire et de Brimemire sicut le siic transit per medium Brimemire et descendit in Skermund'. Dedi etiam eisdem monachis communam pasturam totius terre quam noverca mea tenuit inter Faldebergam et Edenam et Skermund' et Edenam extra pratum et bladum. Hec autem omnia dedi eis in escambium octoginta duarum acrarum terre quas dedi Roberto filio Petri de terra quam primitus eisdem monachis dederam et carta mea confirmaveram. Affidavi autem in manu Thome de Colvilla quod ego et heredes mei hec omnia eisdem monachis fideliter tenebimus et contra omnes homines imperpetuum warantzabimus. Hiis testibus predicto Thoma de Colvylla, Radulpho de Beuver', Herberto filio Ricardi, Radulpho de Beverlay.

*rubric:* Carta eiusdem Torphini de Faldebergh' per divisas contentas in eadem et de communa inter Edene et Faldebergh' et Skermund et Edene. Duplicatur.

[fo. 11v]

6. *Confirmation by Torphin son of Robert of all the lands which the monks of Byland had of his fee in Warcop, and of anything which they might acquire in the future; confirmation of their freedom from suit of pleas in his court. [ante 1194]*

Ebor(acensi) archiepiscopo totique capitulo sancti Petri et omnibus sancte ecclesie filiis presentibus et futuris Torphinus filius Roberti salutem. Sciatis me concessisse et presenti carta confirmasse Deo et monachis sancte Marie de B. omnes terras et possessiones quas habent in cartatas (*sic*) et quas rationabiliter potuerint acquirere de feudo meo in terrura de Wardecop' cum omnibus aysiamentis et pertinentiis suis et ut ipsi et fratres sui et omnes homines tenentes terram de ipsis in predicta villa sint liberi et quieti de secta placitorum que ad me et heredes meos pertinent, pro omnibus terris quas habent de feudo meo in eadem villa, et quod non distinguentur nec averia eorum neque catalla hominum suorum capientur pro aliquo defectu vel forisfacto advocatorum suorum quomodocunque teneant terras suas de eis in predicta villa. Hanc autem concessionem et confirmationem feci Deo et predictis monachis in perpetuam elemosinam liberam solutam et quietam ab omni terreno servitio et exactione seculari pro salute anime mee et omnium antecessorum et heredum meorum. Et ego et heredes mei manutenebimus et warantzabimus predictis monachis omnia predicta contra omnes homines imperpetuum. Hiis testibus Ranulpho filio Walteri, Roberto fratre meo, Thoma de Hellebek', Roberto filio Petri, Humfrido Malkael' etc.

*rubric:* Carta confirmationis eiusdem de omnibus terris quas habemus in Warcop' et quas poterimus acquirere et quod nos sumus quieti et homines nostri de secta placitorum.

[fo. 11v]

It is possible that this, being a fairly comprehensive confirmation charter, was issued towards the end of Torphin's life.

7. *Grant by Robert son of Torphin of all his part of 'Harrun'.*

[1158 to 90]

Ebor(acensi) archiepiscopo totique capitulo sancti Petri et omnibus sancte ecclesie filiis Robertus filius Torphini de Warcop' salutem. Sciatis me dedisse et hac carta mea confirmasse Deo et monachis sancte Marie de Beghlanda in puram et perpetuam elemosinam propriam liberam solutam et quietam ab omni terreno servitio et exactione seculari imperpetuum totam partem meam in Harrun in territorio de Warcop' scilicet tres partes medietatis eiusdem Harrun. Hanc autem donationem feci eis pro salute anime mee et uxoris mee Iuliane et pro salute omnium antecessorum et heredum meorum ad faciendum de predicta terra et in predicta terra quicquid ipsi voluerint imperpetuum. Et ego Robertus et heredes mei hanc donationem manutenebimus et warantzabimus

predictis manachis contra omnes homines et feminas imperpetuum. Hiis testibus Murdaco decano, Roberto sacerdote, Galfrido sacerdote, Roberto de Ormesheved' etc.

*rubric* Carta Roberti filii Torphini de tota parte sua de Harrun.

[fo. 11v]

The grantor of this charter issued a further charter to the monks in the period 1158 to 67 (no. 10). The witnesses to this charter, however, particularly Murdac, rural dean of Westmorland, suggest a date later in the century for the issue of this charter.

8. Carta eiusdem de una acra terre et dimidia iuxta culturam super Lostrium.

(*rubric* only)

[fo. 11v]

9. *Grant by Robert son of Torphin of all his part of Fouldberhill.*

[late twelfth century]

Ebor(acensi) archiepiscopo et omnibus filiis sancte matris ecclesie Robertus filius Torphini salutem. Notum vobis omnibus facio me dedisse et concessisse et hac mea presenti carta confirmasse Deo et monachis de Bellanda (*sic*) totam portionem meam terre de Faldebergh' ad tenendam de me et heredibus meis libere et absolute quiete in puram et perpetuam elemosinam et liberam et quietam ab omni terreno servitio et exactione et omnibus secularibus consuetudinibus intrinsecis et extrinsecis pro anima mea et anima uxoris mee et pro anima patris mei et matris mee et pro animabus omnium parentum meorum et animabus omnium antecessorum meorum. Et ego et heredes mei warrantizabimus / [fo. 12r] Deo et predictis monachis terram prescriptam sicut prescriptum est ubique. Valet, Hiis testibus Murdaco decano, Acea sacerdote, Adam (*sic*) sacerdote de Morlunda, Roberto capellano etc.

*rubric*: Carta Roberti filii Torphini de tota parte sua de Faldebergh'.

[fos. 11v-12r]

10. *Grant by Robert son of Torphin of all his land in Warcop within specified bounds.* [1158 to 67]

Ebor(acensi) archiepiscopo et toti capitulo sancti Petri et omnibus sancte ecclesie filiis Robertus filius Torphini salutem. Sciatis me dedisse et hac mea carta confirmasse Deo et monachis sancte Marie de Bell' in perpetuam elemosinam omnem terram quam ego habueram in illa terra de Wardecop que comprehenditur per has divisas, ab occidentale parte Edene scilicet sicut illud siic quod descendit de Faldebergha transit per medium Skermund' et intrat in Edenam et inde sicut Edena currit usque ad vetus fossatum quod est divisa inter Ormesheved' et Wardecop et inde sicut ipsum fossatum ascendit et vadit inter Thurgarbergh' et descendit in Hornegile et sic sursum per Wlvesdalebec usque exadverso divisarum quas ostendi monachis a Wlvesdalebec versus orientem usque ad Cressekeldas et inde sicut rivulus ille currit a Cressekeldis et cadit in rivulum qui venit de Blaterna et inde sursum contra illum rivulum de Blaterna usque ad propinquiorem vallem que est ab occidentali de Faldebergha et inde per fundum vallis eiusdem usque ad predictum siic de Skermund' quod autem dedi eis sicut tres partes illius dimidii quod ego et Wallevus avunculus meus tenuimus de Torphino filio Roberti qui Torphinus etiam totam partem suam que continetur infra predictas divisas scilicet aliud dimidium dedit predictis monachis. Totam ergo hanc partem meam huius terre que infra has divisas comprehenditur dedi et confirmavi Deo et sancte Marie et predictis monachis in perpetuam elemosinam propriam liberam solutam et quietam ab omni terreno servitio et exactione seculari a me et ab heredibus meis pro salute anime mee et patris et matris mee et omnium meorum. Ego quoque coram capitulo sancti Petri Ebor' hanc donationem confirmavi et affidavi quod fideliter tenebo eam et warrantizabo contra omnes homines ego et heredes mei. Hiis testibus Roberto decano Ebor(acensi), Iohanne filio Letholdi et Bartholomeo archidiaconibus,

Willelmo cantore, Swano magistro hospitalis sancti Petri, Ernulfo Sotowama, Symone de Sigillo, Thoma de Ramavilla etc.

*rubric:* Carta eiusdem Roberti de tota terra quam habuit in Warcop' per divisas contentas in eadem etc.

[fo. 12r]

The appearance of the first three witnesses dates this charter to the period 1158 to 67.

11. Attestatio Roberti Carl' archidiaconi de dono Roberti filii Torphini de terra in Wardecop' etc.  
(rubric only)

[fo. 12r]

12. *Confirmation by Walleve de Berford of the donation of Robert son of Torphin of land in Warcop.* [1158 to 67]

Ebor(acensi) archiepiscopo et toti capitulo sancti Petri et omnibus sancte ecclesie filiis Wallevus de Berford' salutem. Sciatis me concessisse et hac mea carta confirmasse Deo et monachis sancte Marie de Bellalanda in perpetuam elemosinam propriam liberam solutam et quietam ab omni terreno servitio et exactione seculari donationem illam quam Robertus filius Torphini fecit Deo et sancte Marie et predictis monachis de terra de Warcopp' sicut carta eius testatur. Hanc concessionem et confirmationem eis facio in perpetuam elemosinam pro salute anime mee et patris et matris mee et omnium meorum. Hiis testibus, Roberto decano Ebor(acensi), Iohanne filio Letholdi et Bartholomeo archidiaconibus et toto capitulo sancti Petri, Thoma de Colvilla etc.

*rubric:* Confirmatio Wallevi de Berford' de donatione Roberti filii Torphini de terra in Wardecopp' etc.

[fo. 12r]

13. *Grant by Walleve de Berford of all his land in Warcop.* [1158 to 67]

Ebor(acensi) archiepiscopo et toti capitulo sancti Petri et omnibus sancte ecclesie filiis Wallevus de Berford' salutem. Sciatis me dedisse et hac mea carta confirmasse Deo et monachis sancte Marie de B. in perpetuam elemosinam omnem terram quam ego habueram in illam terram de Wardecop' que comprehenditur per has divisas ab occidentali parte Edene, scilicet sicut illud siic quod descendit de Faldebergh transit per medium Skermund' et intrat in Edenam et inde sicut Edena currit usque ad vetus fossatum quod est divisa inter Ormesheved' et Wardecop' et inde sicut ipsum fossatum ascendit et vadit ultra Thurgarbergh et descendit in Hornegile et sic sursum per Wlvesdalebec usque exadverso divisarum quas ostendi monachis a Wlvesdalebec versus orientem usque ad Cressekeldas et inde sicut rivulus parvus ipse currit a Cressekeld' et cadit in rivulum qui venit de Blaterna et inde sursum contra ipsum rivulum Blaterne usque ad propinquirem vallem que est ab occidente de Faldebergha et inde per fundum vallis eiusdem usque ad predictum siic de Skermund' quod autem / [fo. 12v] dedi eis quarta pars illius dimidii quod ego tenui de Torphino filio Roberti qui etiam Torfinus totam suam partem scilicet aliud dimidium que continetur infra predictas divisas dedit predictis monachis. Totam ergo hanc partem meam huius terre que infra has divisas comprehenditur dedi et confirmavi Deo et sancte Marie et predictis monachis in perpetuam elemosinam propriam liberam solutam et quietam ab omni terreno servitio et exactione seculari a me et ab heredibus meis pro salute anime mee et patris et matris mee et omnium meorum. Ego quoque coram capitulo sancti Petri Ebor' hanc donationem confirmavi et affidavi quod fideliter tenebo eam et warrantizabo contra omnes homines ego et heredes mei. Hiis testibus Roberto decano Ebor(acensi), Iohanne filio Letholdi et Bartholomeo archidiaconibus, Willelmo cantore, Swano magistro hospitalis, Ernulfo Sotuama etc.

*rubric:* Carta eiusdem Wallevi de tota terra sua quam habuit in Wardecop' per divisas contentas in eadem. Duplicatur.

[fo. 12r-v]

14. *Grant by John Taylbois of all his land which Robert son of Torphin had given him, with the dominium of the said Robert and permission to assart and build on the land.* [late twelfth century]

Ebor(acensi) archiepiscopo totique capitulo sancti Petri et omnibus sancte ecclesie filiis Iohannes Taylebois salutem. Notum sit vobis quod ego Iohannes Taylebois dedi Deo et monachis sancte Marie de Beghlanda et hac carta mea confirmavi in puram et perpetuam elemosinam propriam liberam solutam et quietam ab omni terreno servitio et exactione seculari totam terram meam cum omnibus libertatibus suis quam Robertus filius Torphini dedit mihi et heredibus meis in feudo et hereditate ab occidentali parte de Edena, omnes scilicet terras quas Ulfus Burgensis tenuit de eodem Roberto et totum dominium ipsius Roberti, preter illam totam partem quam Henricus clericus habuit in Langesite. Hec omnia dedi predictis monachis cum omnibus pertinentiis suis in pratis et pascuis in bosco et plano in aquis et molendinis viis et semitis et ceteris omnibus aysiammentis ad sartandum et edificandum et faciendum in eisdem terris et de ipsis terris quicquid idem monachi voluerint. Et ego Iohannes Taileboys affidavi in manu Murdaci decani coram testibus quod hanc donationem tenebo et warrantizabo predictis monachis ego et heredes mei contra omnes homines imperpetuum. Hiis testibus Roberto archidiacono Carleol' et Murdaco decano, Henrico capellano archidiaconi, Roberto capellano de Appilby etc.

*rubric:* Carta Iohannis Taylbois de tota terra quam habuit de Roberto filio Torphini ad sartandum et edificandum cum dominio Roberti filii Torphini.

[fo. 12v]

The donor witnessed a charter of Torphin son of Robert (no. 2) and the latter evidently confirmed to the monks a grant made by John Taylbois (no. 17). The date of the present charter is not easy to ascertain; a Robert archdeacon of Carlisle occurs in the 1150s (*EYC* v no. 169) and he or another of the same name occurs in the Pipe Roll for 1191 (*PR 3 Richard I 55*). The original charter was evidently seen by Nicolson and Burn, (*op. cit.*, i 614) who noted the additional witnesses Umfrey Malus-Catulus and Michael de Hardcle.

15. Carta reddita de eadem terra et dominio etc.  
(rubric only)  
[fo. 12v]
16. Confirmatio Roberti filii Torphini de eadem etc.  
(rubric only)  
[fo. 12v]
17. Confirmatio Torphini filii Roberti de omnibus terris quas habemus de Roberto filio Torphini et Iohanne Tayleboys.  
(rubric only)  
[fo. 12v]
18. Confirmatio eiusdem de donatione illa quam Wallevus de Berford et Robertus filius Torphini homines sui fecerunt nobis etc.  
(rubric only)  
[fo. 12v]
19. *Grant by Eva of Warcop, daughter of Malreward, to the monks of Byland of one cultura of land, two acres and a perch in Warcop.* [late twelfth century?]

Omnibus sancte matris ecclesie filiis ad quos presens scriptum pervenerit Eva de Warcop filia Malrewardi de Appilby salutem. Sciatis me dedisse et concessisse et hac presenti carta mea confirmasse Deo et monachis sancte Marie de Bell(alanda) temporis viduitatis mee illam culturam terre in terrura de Warcop' que iacet circa duas culturas quas ipsi habent de Iohanne Tayleboys ab orientali parte vie que vadit de Edena usque Blaternam, que cultura incipit a terra ecclesie de Warcop et pertingit usque ad eandem viam. Dedi etiam eis et confirmavi duas acras terre et unam perticatam in toftis ab occidentali parte terre quam ipsi habent de Ricardo Trodherai. Hanc autem

terram dedi Deo et predictis monachis in puram et perpetuam elemosinam propriam liberam solutam ab omni terreno servitio et exactione seculari ad faciendum quicquid inde facere voluerint imperpetuum pro salute anime mee et patris et matris mee et omnium antecessorum et heredum meorum. Et ego affidavi pro me et heredibus meis quod nos manutenebimus et warrantizabimus predictam terram prefatis monachis fideliter et sine malo ingenio contra omnes homines imperpetuum. Hiis testibus Gervasio capellano de Warcop', Galfrido senesc(allo) de Watheby etc.

*rubric:* Carta Eve de Wardecop filie Malrewardi de i<sup>a</sup> cultura in Warcop et de ii acris et i<sup>a</sup> perticata terre etc.

[fo. 12v]

20. Confirmatio Galfridi filii Eve de eadem.

(rubric only)

[fo. 12v]

21. Carta Alani filii Wygan de dimidia carucata terre in Wardecop reddendo annuatim v s(olidos) pro omni servitio etc.

(rubric only)

[fo. 12v]

22. Carta Girardi filii Roberti de i tofto et crofto in Wardecopp' etc.

(rubric only)

[fo. 12v]

23. Carta c(yrographi) Ricardi filii Ketelli de i carucata terre in Warcop que vocatur Plouland' reddendo xx s(olidos) et faciendo forinsecum servitium et servitium dominis terre.

(rubric only)

[fo. 12v]

24. *Quitclaim by Thomas de Newton son of Richard of one carucate of land in Warcop called Ploughland which Richard son of Ketel gave.* [mid-late thirteenth century]

Universis Christi fidelibus presentem cartam visuris vel auditoris Thomas de Newton' filius et heres Ricardi de Neuton' salutem in domino sempiternam. Noverit universitas vestra me dedisse concessisse confirmasse et presenti carta quietam clamasse a me et heredibus meis imperpetuum Deo et beate Marie et abbati et conventui de Bellal(anda) pro salute anime mee patris et matris et omnium antecessorum et heredum meorum totam illam carucatam terre quam Ricardus filius Ketelli dedit eis in Warcop que vocatur Ploulande cum omnibus pertinentiis suis in bosco et plano in viis et semitis in pratis pascuis et pasturis in aquis stagnis vivariis et molendinis in moris mariscis et brueriis et in omnibus aliis asiamentis et libertatibus in omnibus rebus et locis prope et procul infra villam de Warcop et extra sine aliquo retinemento tenendam et habendam dictis abbati et conventui et successoribus suis vel eorum assignatis in liberam puram et perpetuam elemosinam solutam et quietam ab omni terreno servitio intrinseco et extrinseco exactione seculari et demanda quibuscunque que dicta terra a quocunque exigi poterunt imperpetuum. Et ego Thomas et heredes mei dictam carucatam terre in Warcop que vocatur Plouland' cum pertinentiis suis in omnibus sicut predictum est dicti abbati et conventui et successoribus suis vel eorum assignatis contra omnes gentes manutenebimus warrantizabimus adquietabimus imperpetuum et defendemus. Et ut hec mea donatio concessio et quietam clamatio perpetue firmitatis robor obtineat presentem cartam eisdem feci et tradidi sigillo meo signatam. Hiis testibus dominis Ranulpho de Dakerr', Thoma de Musegrave, Ricardo de Crepinges etc.

*rubric:* Queta clamatio Thome de Neuton' filii Ricardi de carucata terre quam Ricardus filius Ketelli dedit etc.

[fo. 13r]

The witnesses suggest a date for the issue of this charter in the middle or late thirteenth century.

25. Carta Ricardi filii Ketelli de Plouland' pro xx solidis.  
(rubric only)  
[fo. 13r]
26. Confirmatio Torphini filii Roberti et Roberti fratris eius de tota donatione Wallevi de Berford etc.  
(rubric only)  
[fo. 13r]

The original charter was noted by Nicolson and Burn (*op. cit.*, i 615). The witnesses were recorded as William son of William, Thomas de Hellebeck, Robert son of Peter, Conan de Ask, William son of Robert de Ascabi, Gilbert and Adam his brothers, Richard English, William his son, Robert de Helton, Richard son of Maud, Gilbert his son, Robert son of Copsy and John his brother. The date must be *ante* 1194.

27. Confirmatio Willelmi filii Willelmi et Hugonis filii Gernagan consensu Agnetis et Matildis filiarum Torphini sponsarum suarum de omnibus terris quas habemus de Torphini filii Roberti in Westmerl' et de donatione Wallevi de Berford etc.  
(rubric only)  
[fo. 13r]

William son of William was dead by 1198. It is quite possible that the charter was issued after Torphin's death *c.* 1194.

28. *Confirmation by Agnes daughter of Torphin for the monks of Byland of all that part of her land which Walleve de Berford held and of the two bovates which Geoffrey Ruffus and Gille held of Walleve; confirmation of the land called 'Sigeridehuses' and of her part of the mill.*  
[1198 to 1200]

Ebor(acensi) archiepiscopo totique capitulo sancti Petri et omnibus sancte ecclesie filiis presentibus et futuris Agnes filia Torphini de Watheby salutem. Sciatis me dedisse et concessisse et presenti carta mea confirmasse Deo et monachis sancte Marie de Bellalanda totam partem meam de terra quam Wallevus de Berford' habuit in dominico in Warcop et illas duas bovatas terre cum pertinentiis quas Galfridus Ruffus et Gille tenuerunt de eodem Wallevo in predicta villa et totam partem meam terre illius que vocatur Sigeridehuses cum toftis et croftis cum messuagiis et redditibus et communiis plenarie in boscis et planis in pratis et pasturis in viis et semitis et in omnibus aliis aysiamentis et libertatibus infra villam et extra sine ullo retinemento. Dedi etiam predictis monachis totam partem meam in molendino de Warcop. Hec omnia autem dedi et concessi Deo et predictis monachis tempore viduitatis mee in perpetuam elemosinam liberam solutam et quietam ab omni terreno servitio et exactione seculari ad faciendum inde libere quicquid voluerint imperpetuum, pro salute anime mee et omnium antecessorum et heredum meorum. Et ego affidavi quod ego et heredes mei manutenebimus et warrantizabimus predictis monachis istam donationem contra omnes homines imperpetuum. Hiis testibus Thome de Hellebek, Willelmo filio Roberti, Iohanne Tayleboys etc.

*rubric:* Carta Agnetis filie Torphini de Wateby de tota parte sua de terra quam Wallevus de Berford habuit in dominico et de ii bovatis et de tota parte eius de Sitherildhous' et de parte sua molendini de Warcop faciendo forinsecum servitium etc.

[fo. 13r]

The presence of John Taylbois in the witness list indicates that the charter was issued during Agnes' first widowhood, between the death of William son of William (1198) and her marriage to Adam Paynel (1200).

29. *Surrender in fee farm by Robert, abbot of Byland to Alan son of Robert of all the right which the monks possessed in the mill of Warcop of the gift of Agnes daughter of Torphin.* [c. 1219 to 29, possibly spurious]

Sciant presentes et futuri quod ego Alanus filius Roberti de Warcopp' recepi cartam domini Roberti abbatis de Bellalanda in hec verba: Notum sit omnibus presentibus et futuris quod nos Robertus abbas de Bella(landa) et eiusdem loci conventus dimisimus ad feodi firmam Alano filio Roberti de Warcopp' filii Copsi totum ius nostrum et clamium quod habemus in molendino de Wardecop ex

dono et concessione Agnetis de Morevyle filie et coheredis domini Torphini filii Roberti filii Copsi de Watheby tenendum et habendum eidem Alano et heredibus eius de nobis et successoribus nostris bene et pacifice imperpetuum reddendo inde nobis et successoribus nostris annuatim unam skeppam farine et tres buscellos brasei ad festum sancti Martini in hyeme pro omni servitio ad nos pertinente. Et in huius rei testimonium presenti scripto sigillum /fo. 13v] nostrum apposuimus. Hiis testibus Gikello priore, Anketino suppriore, Orm de Appelby cellerario, Uspak' de Langeton' socio suo et toto conventu nostro. Et ego Alanus filius Roberti predicti in testimonium huius rei presentem scriptum sigilli mei appositione roboravi. Hiis testibus Adam Paynel seniore, Roberto filio Waldevi, Willelmo de Morevill', Willelmo de Morlund etc.

*rubric:* Transcriptum carte Roberti abbatis de B. dimissionis ad feodi firmam totum ius et clamium quod habuimus in molendino de Warcopp'.

[fo. 13r-v]

For problems connected with this charter, see above p. 33.

30. *Indenture made between Henry de Warcop son of Richard and the abbey by which the monks demised to Henry the land called Ploughland and lands in Thornhow, 'Staynothem', 'Greglistedes', Tranmyre; and a skep of flour and three bushells of malt from the mill; to hold for forty years or for the term of his life.* Byland, 30 November 1331.

Hec indentura facta inter religiosos viros abbatem et conventum de B. ex parte una et Henricum de Warcop filium Ricardi de Warcop ex altera testatur quod dicti abbas et conventus dimiserunt predicto Henrico terram eorum que vocatur Plouland' in territorio de Warcop cum suis pertinentiis et vii acras terre in Thornhow et duas acras terre in Staynothem et iii acras terre in Greglistedes et i acram prati in Thistelsete et i acram bosci et prati in Tranmyre et unam skeppam farine in molendino de Wardecop et iii bussellos brasei in eodem molendino cum aysiamento pasture propriis animalibus ipsius Henrici in pastura de Blaterna extra prata et blada. Tenendum et habendum eidem Henrico tantum a die confectionis presentis indenture usque ad finem quadraginta annorum proximo sequentium plenarie completorum bene et pacifice de nobis et successoribus nostris. Widelicet etiam et concedit predictus Henricus pro se heredibus executoribus et assignatis suis quod si dictus Henricus infra predictum terminum quadraginta annorum in fata decesserit quod extunc omnes terre predicte cum pertinentiis suis et cum farine brasio et aysiamento pasture predicte eisdem abbati et conventui et successoribus suis sine aliquo contradictione impedimento vel reclamacione heredum predicti Henrici executorum assignatorum seu aliorum quomodocunque integre et plenarie revertentur. Nec heredes ipsius Henrici nec executores nec assignati sui quicunque post mortem predicti Henrici in predictis terris et tenementis cum suis pertinentiis nec in farina braseo et aysiamento pasture predicte aliquid iuris vel clamii exigere vendicare poterunt imperpetuum, vel habere salvis tamen executoribus ipsius Henrici catallis post mortem ipsius Henrici in dictis tenementis inventis pro voluntate sua infra proximum annum post mortem ipsius Henrici ammovenendis. Datum apud Bellamlandam die sancti Andree apostoli anno domini m<sup>o</sup>ccc<sup>mo</sup> xxxi. In cuius rei testimonium partes alternatim partibus huius indenture sigilla sua apposuerunt. Hiis testibus domino Iohanne de Rossegile milite, Willelmo le Engleys de Askeby, Roberto de Sandeford, vicecomiti Westmerl' etc.

*rubric:* Cy(rographum) Henrici de Warcop de Plouland' et aliis ac de una sceppa farine et iii bussell(is) brasei in molendino etc.

[fo. 13v]

31. *Quitclaim by Henry of Warcop of 20s rent which the abbot and convent of Byland paid for Ploughland.* Warcop, 11 November 1331.

Universis tam presentibus quam futuris pateat per presentes quod ego Henricus de Warcop filius Ricardi de Warcop dedi concessi et a me et heredibus meis imperpetuum quita clamavi Deo et beati Marie et abbati et conventui de B. et eorum successoribus illos xx<sup>s</sup> solidos annui redditus quos mihi reddere solebant pro i carucata terre que vocatur Ploghland' in territorio de Warcopp quos quidem xx solidos annui redditus ego Henricus predictus habui de dono et concessione Thome de Neuton'

per scriptum suum quod scriptum eisdem abbati et conventui una cum aliis munimentis que habui de predictis xx solidos annui redditus mentionem facientibus reddidi in die confectionis presentium. Hanc quietam clamationem feci dictis abbati et conventui et eorum successoribus pro salute anime mee heredum et omnium antecessorum meorum in liberam puram et perpetuam elemosinam imperpetuum ita quod nec ego Henricus nec heredes mei nec aliquis alius aliquo modo vel colore in dictis xx solidis annui redditus aliquid ius vel clamium decetero qualitercunque habere potero vel poterimus in futurum. Et ego predictus Henricus et heredes mei dictum redditum xx s(olidorum) dictis abbati et conventui et eorum successoribus contra omnes homines warantizabimus et imperpetuum defendemus. In cuius rei testimonium sigillum meum presentibus est appensum. Datum apud Warcop in festo sancti Martini in hyeme anno domini m<sup>o</sup>ccc<sup>mo</sup>xxxi.

*rubric:* Quieta clamatio Henrici de Warcop de xx<sup>ii</sup> solidis pro Plowland etc.

[fo. 13v]

32. *Enfeoffment of Henry of Warcop and his heirs of 20s rent per annum from Ploughland, by Thomas de Newton.* Warcop, 4 Sept. 1273 possibly spurious.

A touz iceus qi cest escript orrunt et verrent Thomas de Neuton' saluz en Dieu.<sup>a</sup> Sachez moy aver done et grante et par cest escript conferme a Henry de Warcop et a ses heires et a sez assignez le vont sould' de rent le queux l'abbe de B. et le covent de mesme le lieu solaynt rendre pur un coltu qe est apelle Ploghland' en la ville de Warcop. A tener et aver et a resceyver du ditz abbe et covent ausi cum lez ditz abbe et le covent solaynt [fo. 14r] rendre a moy et a mez predecessos, et voille et grante par ceste escript que le dit abbe soyt entendant ensemblement ob covent a dit Henry et a ces heires en la forme qe il ount este a moy et a mes auncetres issi qe ie Thomas ne mes heires ne nul homme de par moy eu la dit rent riens devers lez abbe et le covent desornevant pouvis chalanger ne demander mes entierment la dit rent demorge au dit Henry et a sez heires et a sez assignez ausi cum moy et mes auncetres la dit rent solaynt prendre et aver. En tesmoigne de quel chose ay mys moun seal. Par icelles testmoignes Ric(hard) de Blenkansop, Thomas de Warcop donccques viscount de Westmerland', Will(ia)m de Helton' et altres. Done a Warcop le lundy proschein apres le fest de decollation de saynt Iohan le baptiste en le an du regne le roy Edward le fitz Henry primer.

*rubric:* Feoffamentum Henrici de Warcop per dominum de Newton' sibi factum.

[fos. 13v-14r]

<sup>a</sup> Dien in MS.

For problems connected with this charter and the one following, see above p. 34.

33. *Notification by Thomas de Newton of the preceding grant.* Warcop, 4 September 1273 possibly spurious.

A noblez gentz et sages l'abbe de Byland et le covent du mesme le lieu Thomas de Neuton' saluz en Dieu. Par ce s[sachez]<sup>a</sup> qe ie ay done et grante et par moun escript conferme a Henry de Warcop et a cez heires et a sez assignez tout cel rent de vynt south' la quel rent vous soloyez rendre a moy et a mes auncetres pur un coltur' qe est apelle Plughland' en la ville et en la suyle de Warcop vous pree et vous mant<sup>b</sup> qe al dit Henry desornevant et a sez heires et a sez assignez cum en payant la dit rent et en faisant les services de droit duys et costomez com vous soloyez faire a moy et a mes auncetres soiez entendantz et respoyanz issi qe ie ne mez heires ne nul homme de par nous rien devers vous ne devers lez voz desornevant rien pourroins chalangey<sup>c</sup> ne demander. En tesmoigne de quel chose a cest escrip ay mis moun seal. Par iceux tesmoignes Ric(hard) de Blenkansopp', Thomas de Warcopp' dons viscount de Westmer', Will(ia)m de Covedale etc. Done a Warcop le lundy proschein apres la fest de decollation de seynt Iohan Baptist en le an du regne de Roy Edward le fitz Henry primer.

*rubric:* Attestatio nobis facta per dominum de Neuton' de dato Henrici de Warcopp' etc.

[fo. 14r]

<sup>a</sup> The symbol here appears to be *Ss* with an omission mark. The meaning is not at all clear, but the sense seems to demand a verb with the meaning *know*. The construction seems to require an imperative; *sachez* has therefore been conjectured. <sup>b</sup> possibly *manç*. <sup>c</sup> *chalanger* is probably intended here.

34. Confirmatio Ade Paynell' de donatione Agnetis filie Torphini uxoris sue de Ploghland'.  
(rubric only)  
[fo. 14r]  
Adam Paynel was the second husband of Agnes whom she married in 1200.
35. Carta Matilde filie Torphini filii Roberti de parte sua in Sitherildhus' faciendo forinsecum servitium dominis etc.  
(rubric only)  
[fo. 14r]
36. Carta quiete clamationis Agnetis de Morvyle et Matildis de secta placitorum quas ad ipsas vel heredes suos pertinent.  
(rubric only)  
[fo. 14r]
37. Carta Alani de Warcopp' de terra que iacet inter pratium de Chermund' et culturam de Stokkyng.  
(rubric only)  
[fo. 14r]
38. Carta eiusdem de i acra terre inter culturam de Stokkyng et dimidiam carucatam suam.  
(rubric only)  
[fo. 14r]
39. Carta Alani filii Roberti de Warcop de i tofto et prato quod iacet ad capud dicti tofti usque rivulum qui descendit (per mediam villam *interlined*).  
(rubric only)  
[fo. 14r]
40. Carta Ade filii Galfridi de Watheby de ii bovatis terre in territorio de Warc' illas scilicet quas Willelmus filius Huck etc.  
(rubric only)  
[fo. 14r]
41. Confirmatio Galfridi de Watheby patris predicti Ade de eisdem ii bovatis terre.  
(rubric only)  
[fo. 14r]
42. Carta Ricardi de Hipleswell' de uno tofto et crofto in Warcop scilicet que iacent inter domum Torky et culturam domini.  
(rubric only)  
[fo. 14r]
43. *Agreement between Torphin son of Robert, Robert son of Peter, the monks of Byland, Walleve of Warcop and Robert son of Faith concerning the claims which Robert son of Peter made to common pasture between Bleatarn and Musgrave. [Appleby, ante 1194.]*

Hec compositio pacis facta est inter Torphinum filium Roberti et Robertum filium Petri et monachos de Beghland' et Walleve de Warcop et Robertum filium Fidis de calumpnia quam Robertus filius Petri habuit de communi pastura inter Blaternam et Musegravam quod pro pace ista remanebunt Roberto filio Petri in proprium octoginta due acre terre scilicet a spina super Hobergham intransversum del siic subtus Maurebergha usque ad ductum versus Musegravam et a predicta spina totum remanebit monachis in proprium versus grangia et usque ad ductum iuxta capellam per divisas quas fecerunt et perambulaverunt, et averia Roberti nusquam et numquam infra has divisas intrabunt, nec averia monachorum infra proprium Roberti. Robertus etiam habebit unum exitum averiis de Musegrava super Maurebergham inter culturam monachorum et vallem subtus Hobergha a divisis quas fecerunt et perambulaverunt iuxta pratium et inde habebit Robertus communem pasturam usque ad vivarium et inde usque ad viam super Cressekeld' que

vadit versus Appilby et usque ad quadrariam et inde ad caput vivarii per divisas quas [fo. 14v] perambulaverunt et fecerunt. Totum hoc erit in communem pasturam averiis de Musegrava et averiis monachorum, sed monachi arabunt culturam iuxta fossatum molendini usque ad vivarium sicut perambulaverunt et divisas fecerunt, et habebunt culturam suam super Maurebergh' et pratum in proprium sicut habuerunt ante istam compositionem, et nichil amplius arabunt. Et averie de Musegrava in hiis locis numquam intrabunt, et Torphinus et Robertus coram comprovincialibus adfidaverunt quod ipsi et heredes eorum tenebunt hanc compositionem fideliter et sine malo ingenio imperpetuum. Set si contigerit quod averie de Musegrava intrent in proprium monachorum dabunt unum denarium pro xx<sup>ti</sup> averiis secundum consuetudinem provincie. Similiter dabunt monachi si averie eorum intrent proprium Roberti. Hec compositio facta fuit in curia domini regis apud Appelby coram Willelmo filio Huel' ballivo et Murdaco decano et Thoma de Hellebek' et ceteris probis hominibus qui tunc fuerant ibi presentes.

*rubric:* Compositio cy(rographi) pacis et concordie inter Torphinum filium Roberti et Robertum filium Petri ex una et nos et Wallevum de Warcop et Robertum filium Figys (*sic*) ex altera de calumpnia quam Robertus filius Petri habuit de communi pastura inter Blaterne et Musegrave. In ista carta divide bene exprimuntur.

[fo. 14r-v]

This charter is mentioned by Nicolson and Burn (*op. cit.*, i 615-6). The other witnesses were noted as Thomas son of Gospatrick, Robert de Kabergh, John Taillebois, Conan de Aske, William de Askeby, Richard English, Henry de Cundale, Stephen de Tyrnaby, Roger Winknel, Robert son of Richard, William de Lathes, Thomas his brother, Hubert Clerk, Michael de Harclay, Walter his son. The terminal date for the issue of the document is provided by the death of Torphin son of Robert.

44. *Agreement between the monks of Byland and Robert son of Robert son Peter by which the latter demised to the monks the spring within the common pasture of the monks, for one silver mark.* Appleby, Whitsuntide 1196.

Hec est conventio inter monachis sancte Marie de B. et Robertum filium Roberti filii Petri scilicet quod predictus Robertus dimisit perpetue predictis monachis quendam fontem qui surgit in austro iuxta vivarium predictorum monachorum de se et heredibus suis in communi pastura predictorum monachorum. Et predictus Robertus concessit sepredictis monachis ducere aquam prefati fontis sub terra ubi voluerint cum conductionibus suis ad omnes officinas grangie sue et si forte conductiones predictae aque frangant que currit a predicto fonte, predicti monachi reparabunt eas sine causa et impedimento predictae pasture predicti Roberti et heredum suorum. Predicti siquidem monachi dederant predicto Roberto filio Roberti unam marcam argenti in principio huius conventionis. Hec conventio facta est aput Appilby anno ab incarnatione domini M<sup>o</sup>C<sup>mo</sup>XC<sup>mo</sup>vi ad Pentecosten. Hiis testibus Hugone filio Gernegan, Willelmo filio Roberti de Askeby, Ricardo Anglico, Willelmo filio eius, Waltero filio Durandi etc.

*rubric:* Carta cy(rographi) Roberti filii Roberti filii Petri de fonte iuxta vivarium de Blaterne et de conductu habendo de eodem.

[fo. 14v]

45. *Grant by Warin son of Ralph de Musegrave to the monks of Byland of all his land in Stocking.* [c. 1250 to 80]

Sciunt omnes tam presentes quam futuri quod ego Warinus filius Radulphi de Musegrave dedi concessi et hac presenti carta mea confirmavi Deo et beate Marie et abbati et conventui de Bellalanda ibidem Deo et sancte Marie servientibus totam terram meam quam habui in illa cultura que vocatur Stokkyng' in territorio de Warcop' pro salute anime mee et antecessorum meorum. Habendam et tenendam predictam terram in puram et perpetuam elemosinam dictis abbati et conventui et eorum successoribus de me et heredibus meis cum omnibus pertinentiis libertatibus et aysiamentis predictae terre pertinentibus. Et ego vero prenomatus Warinus et heredes mei predictam terram cum pertinentiis predictis abbati et conventui et eorum successoribus contra omnes homines et feminas warrantizabimus. Et in huius rei testimonium huic scripto sigillum meum

apposui. Hiis testibus Thoma de Helleb', Iohanne de Morvyll', Alano de Cabergh' militibus etc.

*rubric:* Carta Warini filii Radulphi de Musegrave de tota terra sua in cultura de Stokkyng' in territorio de Warcoppe.

[fo. 14v]

Sir John de Moreville died c. 1280; Sir Thomas de Musegrave senior died in 1301 and Alan de Cabergh in 1289/90: Washington, *Early Westmorland M.P.s.*, 58-69

46. Confirmatio Bernardi episcopi Carleon(ensis) de omnibus terris et possessionibus nostris in diocesi sua.  
(rubric only)  
[fo. 14v]
47. Carta cy(rographi) inter nos et ecclesiam de Warcopp' de i libra incensi solvend(a) annuatim pro quibusdam decimis.  
(rubric only)  
[fo. 14v]
48. Cy(rographum) inter nos et Ricardum filium Alani de Warcopp' de clausuris suis edificiis et vaccariis sicut habuit in principio conventionis reddendo nobis annuatim quatuor solidos.  
(rubric only)  
[fo. 14v]
49. Carta cy(rographi) eiusdem de vastis iuxta Buretregile reddendo nobis tres solidos annuatim.  
(rubric only)  
[fo. 14v]
50. Carta cy(rographi) inter nos et Ricardum de Warcopp' de quieta clamatione totius iuris nostri in cultura que dicitur Brakenbergh' reddendo nobis iii s(olidos).  
(rubric only)  
[fo. 14v]
51. Carta cy(rographi) inter nos et magistrum Willelmum de Coldyngtona de terra quam habemus ex dono Thome capellani de Warcopp' reddendo nobis iii d(enarios) et ob(ulum).  
(rubric only)  
[fo. 14v]
52. Carta Thome capellani de Warcop de dimidia carucata terre in eadem.  
(rubric only)  
[fo. 14v]
53. Carta redditus Gyrardi filii Roberti de eadem.  
(rubric only)  
[fo. 14v]
54. Carta cy(rographi) Willelmi filii Thome capellani de duabus bovatis terre escambiatis etc., reddendo nobis annuatim vi solidos.  
(rubric only)  
[fo. 14v]
55. Carta obligationis eiusdem de uno tofto et crofto escambiatis.  
(rubric only)  
[fo. 14v]
56. Carta Willelmi filii Willelmi de Herlyngtona de Helya nativo suo et sequela eius. Duplicatur.  
(rubric only)  
[fo. 14v]
57. Carta quiete clamationis Alani de Warcop de Thoma Causty et sequela eius.  
(rubric only)  
[fo. 15r]

58. Carta eiusdem de Thoma Causty et sequela eius.  
(rubric only)  
[fo. 15r]
59. Carta quiete clamationis Roberti de Hellebek de omni clamio et iure que habuit versus Radulphum de Hogleig et sequela eius.  
(rubric only)  
[fo. 15r]

## Notes and References

- <sup>1</sup> J. Nicolson and R. Burn, *The History and Antiquities of the Counties of Westmorland and Cumberland*, 2 vols. (London, 1777) vol. i, 614-18.
- <sup>2</sup> *Early Yorkshire Charters (EYC)* v, ed. C. T. Clay, Yorkshire Archaeological Society Record Series (YASRS) extra series ii (1936), 55-59.
- <sup>3</sup> W. P. Haskett-Smith, 'Fountains Abbey and Cumberland', CW2, xxi (1921), 152-58.
- <sup>4</sup> See F. W. Ragg, 'Charters to St. Peter's York and to Byland Abbey', CW2, ix (1909), 252-70. These charters relate to Byland's possessions in Asby. A third set of Byland charters relating to Shap (B. L. Egerton MS 2823 fo. 44 r-v) are illegible in many places due to damage sustained by the MS.
- <sup>5</sup> Since these rubrics, minimal though the information which they contain may be, are nevertheless of interest as revealing the extent of Byland's benefactions in this area, they have been included in the edition of the charters and are numbered in sequence.
- <sup>6</sup> D. Knowles and R. N. Hadcock, *Medieval Religious Houses in England and Wales* (2nd edn. London, 1971) 80.
- <sup>7</sup> *Ibid.* 75.
- <sup>8</sup> See, for instance, J. C. Dickinson, 'Origins of the Cathedral of Carlisle', CW2, xlv, (1946), 134-43.
- <sup>9</sup> The history of the foundation and early history of Byland is recounted in the twelfth-century '*Historia Foundationis*' of the abbey, written by its third abbot Philip. The '*Historia*' is printed in W. Dugdale, *Monasticon Anglicanum (Mon. Ang.)* re-ed. J. Caley, B. Bandinel and H. Ellis (6 vols. in 8, London, 1817-30), v, 349-53.
- <sup>10</sup> On the Cistercian grange see, for example, C. Platt, *The Monastic Grange in Medieval England: a reassessment* (London, 1969) and with reference to Yorkshire, R. A. Donkin, 'The Cistercian Grange in England in the twelfth and thirteenth centuries, with special reference to Yorkshire', *Studia Monastica* vi (1964), 95-144.
- <sup>11</sup> The cells of St. Mary's, for instance, kept their own cartularies: see *The Register of the Priory of St. Bees*, ed. J. Wilson, Surtees Society cxxvi (1915); *The Register of the Priory of Wetherhal*, ed. J. E. Prescott, CW Record Series (1897).
- <sup>12</sup> For further details of the Westmorland granges see below.
- <sup>13</sup> This section relies heavily on the notes provided by Clay in *EYC* v, 55-9.
- <sup>14</sup> *Ibid.*, 55. Hermer was a tenant of Earl Alan II of Richmond (1089-93).
- <sup>15</sup> Earl Conan restored Torphin to the estates of his great-grandfather Hermer in the period 1159 to 71, probably early in that period: *ibid.*, iv, no. 55. It need not be assumed that Robert son of Copsi lived until after 1159; the word 'restored' ('*reddidisse*') might suggest that Torphin was, for example, emerging from his minority.
- <sup>16</sup> *Ibid.*, v, no. 149. In this charter, dated 1162 to 94, Torphin and his wife Agnes made a grant to Easby Abbey '*pro anima filii nostri Roberti*'. Although the use of '*pro anima*' rather than '*pro salute anime*' does indeed suggest that Robert was dead by the time of the issue of the charter, it is not conclusive. However, the charters issued by Robert son of Torphin, particularly no. 10, clearly indicate his status as a tenant of Torphin son of Robert.
- <sup>17</sup> *Ibid.*, v, 57. As Clay pointed out, the fact that Conan son of Torphin did not succeed to the main estates of his father indicates that he was probably illegitimate or the son of an earlier marriage. Conan made a grant to St. Peter's hospital, York, which was witnessed by Peter son of Torphin, probably his brother: *ibid.*, no. 161.

- <sup>18</sup> G. S. H. L. Washington, *Early Westmorland M.P.s 1258-1327*, CW Tract Series xv (1959) 82-5, provides details of the careers of Henry de Warcop and his son Thomas. It is noted that Henry's last recorded appearance was in 1324, and that he appears to have been succeeded by his son shortly afterwards.
- <sup>19</sup> The patron of Byland was Roger de Mowbray.
- <sup>20</sup> For grants of Torphin to the Premonstratensian house of Easby, founded by Roald, constable of Richmond, see *EYC*, v, nos. 149-51, 154. Torphin was almost certainly the Torphin who endowed the Templars with land in Brough: B. A. Lees, *The Records of the Templars in England in the Twelfth Century* (British Academy Records of Social and Economic History, ix, 1935) 127-8.
- <sup>21</sup> The reasons for dating this and the following charters are generally given in the notes to the individual charters, except where the documents present particular problems of authenticity.
- <sup>22</sup> For notes on the place-names see p. 35f.
- <sup>23</sup> *Statuta Capitulum Generalium Ordinis Cisterciensis*, ed. J. M. Canivez, i (Louvain, 1933) 15. There is evidence that the Yorkshire Cistercian houses were accepting the grants of churches. Kirkstall Abbey, for instance, appropriated the church of Barnoldswick as early as the period 1147 to 53: *EYC*, iii, no. 1471.
- <sup>24</sup> *Mon. Ang.*, v, 351. It is interesting to note that, according to the chronology of the 'Historia' Abbot Roger refused these churches while the house was still Savigniac and therefore not bound by Cistercian statutes.
- <sup>25</sup> B. L. Egerton, MS 2827 (cartulary of Easby), fo. 5r-v, fos. 299v-302r. The abbey of Shap evidently gained an interest in the church at a later date, since in the fourteenth century the abbey was involved in a dispute with the vicar of Warcop over rights of presentation: York Borthwick Institute of Historical Research, Cause Paper CP E104.
- <sup>26</sup> B. L. Egerton, MS 2827, fo. 301v. This statement by Bernard may, of course, be taken to indicate that the charter by which Torphin granted the church to Byland was itself a forgery. There seems to be no internal evidence to suggest that this was the case. It was quite common for churches to be granted to more than one religious house, particularly as the rights of the rector were generally safeguarded, and there could consequently be a considerable lapse of time between the grant itself and the recipient actually taking possession of the benefice.
- <sup>27</sup> The land is presumably that mentioned in no. 43.
- <sup>28</sup> *Calendar of Charter Rolls 1226-1257*, i, 314.
- <sup>29</sup> Canivez, *Statuta*, i, 14. Abbeys were allowed to establish granges 'non tamen ultra dietam'. This was enacted to allow monks to visit the grange without having to spend the night away from the abbey.
- <sup>30</sup> Abbot Robert occurs in 1219, *The Cartulary of Sallay Abbey*, ed. J. McNulty, YASRS 87, 90 (1933-34), i, 61-62, and in 1229/30, *Yorkshire Fines 1218-31*, ed. J. Parker, YASRS 62 (1921), 125.
- <sup>31</sup> *EYC*, vi, 265.
- <sup>32</sup> Washington, *Early Westmorland M.P.s.*, 84 n. 1.
- <sup>33</sup> *Ibid.*, 83.
- <sup>34</sup> Canivez, *Statuta*, i, 15.
- <sup>35</sup> D. E. Greenway, *Charters of the Honour of Mowbray 1107-1191*, British Academy Records of Social and Economic History, n.s. i, 1972, lxxv.
- <sup>36</sup> English Place Name Society, *The Place Names of Westmorland*, ii (1967), 89, 73, 60.
- <sup>37</sup> *Ibid.*, 82-88, for place and field names in Warcop.
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