

## IS THE CATHEDRAL WITHIN THE CITY OF DURHAM?

THE Castle of Durham defends the land approach to a fortified enclosure, all the other walls of which have the Wear flowing below them. To the founder of Framwellgate Bridge (Bp. Flambard) this fortification owed great part of its strength, and the Place Green its beauty. "Urbem licet hanc natura munierit, muro ipse reddidit fortiorem et augustiorem. A cancello ecclesiæ ad arcem usque castelli producta muro construxit longitudine. Locum inter ecclesiam et castellum, quem multa occupaverant habitacula, in patentis campi redigit planitiem; ne vel ex sordibus contaminatio, vel ex ignibus ecclesiam attingerent pericula." And the builder of Elvet Bridge, to whom the burgesses of Durham owed their first charter, emulated his predecessor in the Castle also. "Murum quoque a porta aquilonari usque ad australem novum fecit."

In this "stately close," which, in Leland's opinion, "alonely might be called the walled town of Durham," stood the church and cloister, which of themselves were "very strong and fair," the various buildings of the monastery and afterwards of the college of Dean and prebendaries, the churches of Saint Mary-le-Bow and Saint Mary-the-Less, and a street immediately parallel with the eastern wall, of houses of military tenants holding by their defence of the castle. Shut out locally and by its use from the houses of the burgesses (which themselves were partially defended by a second line of fortification, running from Elvet Bridge by the "Porta de Clayport,"<sup>1</sup> to the north side of St. Nicholas' Church, and so again to the river, by the neck of the peninsula), the enclosure was free from the Mayor's jurisdiction. The massive Bailey-gate, or gaol, which stopped his worship's progress, stood across the street where the line of demarcation ran. Within the close an inner wall confined a still more distinct locality, approached by another gateway out of the Bailey, which not only was free from the Mayor's juris-

<sup>1</sup> In 1347 we have a message "juxta portam de Clayport ex opposit. Eccles. S. Nicholai," having the message of John de Raby on the south, and "the wall of the Borough of Durham on the north.—See *Sur. iv., ii., 162.*

diction, but was also extra-parochial,<sup>2</sup> and this, comprising the college and the church, the clergy contended was not within the city or its suburbs, or the jurisdiction of the Incorporated Companies. The burgesses denied the privilege, and treated the wall of the larger close as the "ancient city<sup>3</sup> wall," ignoring the distinction of the castle walls. The claim for exemption of the lay-houses of the Baileys, which were not within the smaller enclosure, was thought to be of still more doubtful validity. The defendants in the following suit had heard that they were within the suburbs, though not within the city or liberty of the Mayor.

Boldon Buke is brief and obscure, for the tenancies of Hatfield's Survey would not have arisen, but the latter document places it beyond doubt that in the 14th century, the Borough of Durham, which then as in Pudsey's time, was at farm, did not comprise the Baileys, the tenancies of which are set out; and the exception went further than the enclosure, for it comprehended various tenements (never called burgages) to the north of it, in Sadlergate and other places in the moat<sup>4</sup> which had existed across the peninsula, but was now, like the moat of Newcastle, appropriated for domestic purposes.<sup>5</sup> So the Convent, in enumerating their possessions in 1446, mention the Borough of Durham distinctly from Old Borough,<sup>6</sup> Saint Giles' Gate, and the North and South Baileys. Bp. Pilkington incorporated Framwellgate with the city, but no mention of the suburbs is made. Neither is there any in Bishop Matthew's charter. The curriers in their bye-laws, indeed, use

<sup>2</sup> Another small extraparochial place marks the site of the gaol.

<sup>3</sup> The word City was used in two senses. In its confined sense, it was the Borough. The Burgus of Hatfield, like the Civitas of Boldon Book, was at farm, yet in both cases the whole of Durham was not included. The exceptions of the mills and bakehouse in Boldon Book are remarkable. In its wider and popular sense, it included the town generally. In this paper, where the boundaries of the city are in dispute, the word is used in its confined sense.

<sup>4</sup> Sadler Street is sometimes called Northgate Street. Reginald Sesse conveys "Unam sceldam in Vico Sellarii, contin. septem pedes in lat. juxta viam regiam et septemdecim pedes in longit. versus Motem Castri."—"Unam celdam super solarium Reginaldi Sesse in Vico Portæ Borealis et in longit. versus Motam Castri.—*Sw.* iv., ii., 164. This last property was perhaps not on the Castle Mote, and did service to the Borough and the Bishop. Sadler Street seems to have derived its appellation from a Ralph Sadeler, mentioned in Hatfield's Survey as a former owner of property in it.

<sup>5</sup> 1670. Robert Smyth of the city of Durham, gent., and Anne his wife, Nicholas Palmer, stone mason, and various other persons (all described as not of the city, but as of Elvett in the county of Durham), dug stones in a piece of land called le Banks, alias *le Motesyde*, in the city of Durham, so near to a house belonging to Samuel Martin, clerk, called le Gardenhouse, alias *le House on the Wall*, that the same house and a party wall of stone enclosing its garden, fell down. Martin brought suit and had a verdict.—*J. J. Wilkinson's MSS.*, vi., 29. The Moteside Lane (Forster's Plan, 1754,) runs from the Old Gaol to Silver Street, outside of the Castle Wall.

<sup>6</sup> Given by Carileph to the Convent as "terra ex occidentali parte Dunelmi ultra aquam de Were usque aquam de Brun." The boundaries, as fixed by Bp. Bek, are given in 4 Sur., ii., 135.

the word, and the question arises, not whether they or any other company could so enlarge their district, for their powers only extended to the premises of Bishop Pilkington's charter, but whether if, in the event of their obtaining the Bishop's confirmation, his power of creating boroughs would aid them. If it would, the intent of the word "suburbs" would be an open question, but it is believed that the power would not avail. Most of the houses in the Baileys were held by the honorable tenure of castle-ward. We find holders by military service obtaining licences to erect boroughs and having confirmations of them, but it is inconceivable that a military holding could, at the caprice of the Lord, be degraded to a burgage tenure.

If the case were so with ordinary tenants, much stronger would appear to be the position of the owners of the Church and College. They held an imperium in imperio. Bishop Walcher endowed them with possessions, with all the liberties in them that the bishops had in their own lands; and Bp. Carileph, on their removal to Durham, gave them Elvet and other lands free from all episcopal service. The King released to them the rights of the Crown in all their lands, present or of future acquisition, and the Bishop confirms the King's grant of a court, with all royal customs which were granted to St. Cuthbert by the kings of England. Elvet was given to the monks for the express purpose of having 16 houses of merchants for their own use, and in the Bishop's confirmation of the court, the words "infra burgum et extra" are used. Under these words or subsequent powers as to the "*New Borough in Elvet-halch,*" conferred by Bishop Pudsey, the Prior had a Borough in Elvet, the remainder of his grant there being called the Barony of Elvet. Colclingham says that Pudsey had erected the Borough himself and yielded it up, on finding that it of right belonged to the monks. The suburb of Elvet had been burned by Cumin, and perhaps Carileph's Borough perished, if, indeed, it ever existed under that *name*. Can the burgesses of Durham, who also procured a charter from Pudsey, have already coveted the possession of the new foundation of Elvet? The case much resembles that of Newcastle and Gateshead.

I am not sure that there ever was an *old* Borough of *Elvet*. By another charter of Carileph, the monks had acquired property on the north-west of Durham, which became the Prior's "*Old Borough of Durham.*" The charter granting it only mentions the *church* of Elvet and the township of Shincliffe. One would almost suspect an equitable exchange, but rightly or wrongly the monks held both estates. The *New Borough in Elvet-halch* perhaps alluded to the Prior's *old* one rather than Pudsey's chartered one in Durham, for though the latter may have had an exist-

ence prior to his grant of extra liberties, the style of the Old Borough of (not Elvet or the Priory, but) Durham, seems to point to a still earlier foundation.

By Pudsey's charter the Prior's right to have a Borough of Elvet was indisputable, and although the Bishops did occasionally exercise high regal prerogatives touching the Prior's lands, the power as to burghal privileges was gone by Bishop Pudsey's grant to the Prior himself. Yet the Companies of Durham, through that undefined word "suburbs," stretched their jurisdiction to Elvet.

The right of the Monastery to the Cathedral and the Cathedral Close was not conferred by express words, but arose by implication from the assignment of the Abbot's seat and the decanal power to the Prior, the introduction of the monks to their dwellings, and long possession. The acquisition would come under the words "ad honorem et ob amorem Sancti," and confer the immunities granted by the charters. Henry VIII.'s charter of re-foundation gave all the site and precinct of the Monastery, and all the Church there, with their ancient privileges, to the Dean and Chapter, and the situation within the Castle conferred an additional claim to exemption from the restrictions of the Borough.

But, whatever were the rights of the parties, a place like Durham could scarcely maintain a double set of Companies, and the Freemen who chanced to live in Elvet would be but too glad, in spite of their clerical lords, to unite with their neighbours of Durham. Elvet, by degrees, came to be considered as a suburb. Gowland, who appears to have been engaged for the Freemen, in the case which will presently be particularly set out, notes a decree of the Durham Chancery, between 1531 and 1586, to the effect that "New Elvet is in the city of Durham."<sup>7</sup> In another, between 1609 and 1630, which restrained one not free from exercising the trade of a mercer in Elvet, it was held to be "in the suburbs."<sup>8</sup> And in a third, between 1661 and 1670, against a foreign tailor, the issue had been whether Hallgarth in Elvet (the very *caput baroniæ*) was within the limits of the Corporation.<sup>9</sup>

The Castle precincts waged a longer contest. Sometime after 1671, it was decided that the "North and South Balys were within the City, and bound to grind at the Bishopp's Mills."<sup>10</sup> At Hatfield's Survey the "toll of the mill" was leased with the Borough, but as the soke of the

<sup>7</sup> Lib. C. 217.—Gowland's Praxis Curiarum Dunelm, in J. J. Wilkinson's MSS.

<sup>8</sup> Lib. G. 106.—Ibid.

<sup>9</sup> Lib. L. 364, 391.—Ibid.

<sup>10</sup> This is from Gowland's Index, but he is more brief in the note to which the index refers, "Bishopp's Durham Mills. North and South Baileys within the custom. Lib. M. fo. 244, 285."

mill was not necessarily co-extensive with the Borough, the case was not conclusive. In 1676 or 1677, the meaning of the word City, as used untechnically by a testator, came into question. The Mayor and Aldermen had refused to pay to the churchwardens and overseers of the two parishes of the North and South Baileys a proportion of Baron Hilton's charity, which was bequeathed to the City poor generally. Whether the Mayor and his brethren considered that "City" did not include "suburbs," or did not extend their jurisdiction with the same avidity as the Companies, or were paying the complainants in their own coin, their strict and unjust interpretation in such a case was not allowed. A decree went against them, and the victorious churchwardens of the North Bailey "charged 8s. they drunke in blew clarett to the poore's accompt."

The extension of the Hilton Charity to the Castle precincts is mentioned in the following brief, which relates to the innermost or Cathedral Close. It is without date, but the omission is supplied by a minute of the contribution of 1*l*. by the Company of Carpenters and Joiners to the City Masons, "to prosecute the suit in Chancery then depending against the Country Masons, for working in the College in Durham." The date of that is 8 June, 1699.<sup>11</sup> It was not the first time that the Companies had united against the Church when buildings were rising in the stately close by the help of foreign hands. The County House, upon the Place Green, was, it appears, built by a Quaker of Auckland, John Langstaffe, one who had been concerned in Sir Arthur Hesilrig's alterations at Auckland, who had, in 1662, acted as prophet and professor, but who, two years afterwards, demolishes his previous constructions at Auckland, and afterwards is continually employed by the same patron, the Bishop. In 1670 he had got into a scrape, by inventing a scheme of leasing the coal of Auckland Park to the Bishop's son-in-law and one of his officers, a scheme likely to be smoky and offensive to future bishops, and one which Cosin refused to carry out. Two years is a short period for the reduction of a fanatic, and Mr. Raine, in his *Auckland Castle*, naturally enquires, "Had the Bishop converted him by dint of argument or the promise of a job?" Surely we may accept the latter explanation as the truth, for here we have him as "a Quaker, whose goods Bishop Cozens had seized, but who told him he should be no loser, for he should build the County House—and he (the Bishop) would keep him harmless" against the Freemen. The Freemen feared the successor of their incorporators, and were inactive, if not silent, and the Bishop's indemnity

<sup>11</sup> Sur. iv., ii., 23.

was never called into exercise, though he may have had to pay in another shape. The subscriptions hoped for from the Companies failed, and it is not difficult to divine the cause. On 18 April, 1664, the Carpenters and Joiners "agreed that nothing be given to the building of the County House, as is by my Lord Bishop desired," and on 18 April, 1665, the Cordwainers "refuse to give any further assistance towards building the New County House."

The meeting of the Skinners on Skinners' Hill, the dates given to lanterns in the choir, to the font, and some of the woodwork in the Cathedral, the Bishop's Library, woodwork in the Chapter's Library, and renovation of the Castle, with other curious details, will also present themselves in this document.

It only remains to be noted that Bp. Egerton granted a new charter of incorporation, the old one having legally run out through the quarrels of the citizens. He recites the preceding charter of Bishop Matthew, and extends the residence of the electors and elected to the arts, mysteries, and faculties residing in the said [referring to the former charter] City of Durham and Framwellgate, *or* the several parishes of St. Nicholas, St. Mary-le-Bow, and St. Mary-the-Less, *or* the extra-parochial places of or belonging to the Castle of Durham, and the College or Cathedral Church of Durham, *or* the parochial chapelry of St. Margaret, the Borough of Framwellgate, *or* the several parishes of St. Oswald and St. Giles, *near* the said City of Durham and Framwellgate." The charter only professed to revive the old one, the byelaws contemplated were only to extend to the Mayor, Aldermen, and Communalty of "the said City of D. and F.," and all trades, &c., "within the said City of D. and F." The extended limits only cure the defect of the old charter by which the residence of an alderman within the City of Durham, at the time of his election, was an indispensable qualification. The new district was formed by the advice of the Bishop's Attorney-General.<sup>12</sup>

It does not, therefore, appear that the precincts of the Castle and possessions of the Prior there and in Elvet formed any portion of the Borough or City (in its burghal sense) of Durham, until the application of the Municipal Corporations Reform Act, which abolished the monopoly of the Companies.

HENRY LAMBTON, Esq., Attorney general to the Lord Bishop of Durham, on the relation of Nicholas Rowell and John Wilkinson, Wardens; Mathew Brown and John Johnson, Stewards; Thomas Buchanan and Thomas Watson, Searchers of the Company of Free-

<sup>12</sup> See Hutch. ii., 41.

Masons, Rough-Masons, Wallers, Slaytors, Pavers, Plaisterers, and Bricklayers,<sup>13</sup> in the City of Durham and Suburbs of the same; as well on behalfe of the Bishopp as the Relators, *Informant*. ROBERT THOMPSON the elder, and ROBERT THOMPSON the younger, *Defendants*.

INFORMACION. (1.) The City of Durham is an ancient City, and hath had diverse ancient suburbs thereunto adjoineing and belonging. Which City and suburbs have in them many ancient Companies, created and confirmed<sup>14</sup> by the Bishopps of Durham, and have had their continuance by succession for many yeares, time whereof, &c., amongst which the said ancient Company hath been for all the said time and yet is one. (2.) And have by the like time, once in the yeare, *i. e.* on or about the feast day of St. Andrew, assembled to elect two Wardens, two Stewards, and two Searchers out of the Company, to governe the said Corporacion for one year. Which Wardens, Stewards, and Searchers have been a Corporation and had power to plead, be impleaded, make, constitute, and ordaine wholesome laws for the better government and order of the said Corporacion, and for the punishment of offenders against the said Corporacion, whether Freemen of the said Corporacion or foreigners. (3.) The Company being much oppressed by forreigners and strangers, at their request Thomas [Morton] Bishopp of Durham, by his letters patents (16 April, 1638, 10 Car. and 6 transl. *Episcopi*) under the Great Seal of the County Pallatine, did confirme the laws, ancient customes and usages of the Corporacion, and (*inter alia*) this ancient custome is confirmed:—"That noe person which hath not served his apprenticeshipp within the said City or suburbs shall set upp to work at the said craft or trade within the said City or suburbs, or any part thereof, until such time as he hath compounded with the Wardens, Stewards, and Searchers of the said trade; and hath paid and satisfied unto the Bishopp of Durham for the time being the summe of 40*s.* for his agreement; and to the Wardens, Stewards, and Searchers of the said trade for the use of the said trade, 3*l.*; and shal alsoe pay to the said Wardens, Stewards, and Searchers 20*s.*, to be distributed by them for the reliefe of the poor decayed brethren of the said trade and occupation, upon paine of forfeiting to the Bishopp of Durham for the time being 40*s.*; and to the said Wardens, Stewards, and Searchers, for the use of the said trade and craft, 3*l.*, to be recovered and levied as is thereafter expressed." And it is thereby alsoe provided that all the fines, forfeitures and forfeitures shal be sued for by the Wardens, Stewards, and Searchers in the Burrough Court within the City of Durham, before the Maior, or in this court; and that such suit as shal be begun in their time may be proceeded in by them and not abated by the choice of any new Wardens, Stewards, and Searchers. (4.) The relators were duly elected. (5.) Defendants not free or admitted into the Company but strangers and forreigners, in contempt of the said antient custome have several times

<sup>13</sup> See Surtees, iv., ii., 24.

<sup>14</sup> The "Rough Masons, Wallers, and Slaters" were incorporated by Bp. Hutton in 1594. Bp. James confirmed the byelaws of the "Rough Masons, Wallers, Slaters, Paviors, Tylers, and Plaisterers" in 1609. Their arms are entered in the Visit. of 1615.

wrought at the trade within the City and suburbs, especially about December last, without making composition, whereby they have respectively forfeited to the Bishopp 40s., and to the relators 3*l.*, which have been demanded and they requested to desist using the trade, yet they have refused, and say they will use it in despite of the Bishopp and the custome. (6.) That defendants may answer, &c., may shew cause against relief, may be restrained, &c., the relators pray subpoena.

ANSWERES. (1.) It may be true that the City is an ancient City, &c., and have several ancient Companies, &c. (2.) Know not that the relators' fellowship is one, or that they have mett to choose Wardens, &c. Are advised they have noe power to make lawes to bind or punish strangers or foreigners. But, for anything they know to the contrary, any foreigners or strangers who served an apprenticeship for seven years according to the statute, might exercise their trades within the City or suburbs. (3.) Know not that Thomas Lord Bishopp of Durham by letters patents confirmed any lawes, &c.; but if such be, refers to it. Are advised the same is against the liberties of the subject, and contrary to the lawes of this kingdome. (4.) Know not that the relators were duely elected or qualified. (5.) Neither served apprenticeships within the City or suburbs, nor are free thereof, but served to the trades of mason and bricklayer seven years within the county according to the statute, and are enabled to exercise their trade by law. Deny that they at any time, in contempt of any such ancient usage as in the informacion, wrought within the City or suburbs. Till the exhibiting of the informacion they had not any notice of such usage, and it not thereby appearing how farr the City or suburbs extend, they cannot directly answer whether they have exercised their trades within them. Did not in December last or at any other time exercise their trades in any place which to their knowledge or beleife is within them: save 28 years ago, and not since, Robert Thompson senior wrought at Mr. Neile's house in the North Baly, which he beleives is not in the City or liberty of the Maior. Hath heard but knows not that it is within the suburbs. Noe action hath been brought against him till this informacion, and the relators not being chosen till St. Andrew day last, the informant is not entituled to proceed against him. He wrought in noe place which to his knowledge or beleife is in the City or suburbs. Deny they were requested to desist using the trade contrary to the pretended ancient custome, or that they give out that they use the trade as often as they have occasion in despite of the Bishopp and the pretended ancient custome, or that they will take noe notice thereof. Have not compounded. Deny they have to their knowledge forfeited any money or that the money pretended to be forfeited was demanded of them. (6.) As the forfeitures are to be sued for before the Maior or in this court, the Attorney Generall ought not to proceed in this court for the penalties payable to the trade; for if the information be dismissed they can have noe costs, as they might against the Wardens, &c., upon a bill exhibited by them alone. Deny combination and traverse.



THE RELATORS' PROOFS.—Knows the city of Durham and suburbs, the streets called the North and South Baley, the Colledge or Prebendaries' houses, and hath known them for seventy years and upwards, and Elvett Bridge<sup>15</sup> and New Bridge<sup>16</sup> for all the said time. And all his remembrance there is and hath been a Blew Stone<sup>17</sup> on Elvett Bridge; which parts the City and suburbs. The said streets and the Colledge and Prebends' houses are all within the ancient City wall, and the liberties and privileges of the Freemen of the said city were always reputed to extend to all the said places. Noe forreigners nor outmen (not being Freemen) could have liberty to work of their trades within the said street or Colledge, or within any part thereof, unlesse employed by a Freeman. Twenty years since he was servant to Mr. Marmaduke Blakiston, one of the Prebendaries, and his Prebend's house in the Colledge being out of repaire, he employed nonfreemen, or outmen, to repaire the same. But the Freemen insisted on their privileges, and obstructed them, and either sued them, or threatened to sue them; and, as Hugh Rowell, a Freeman, declared, forced them to desist. And afterwards employed Hugh Rowell to finish the work. (*Richard Rashall*, 87 yeares, speaks for 70 yeares. *John Robinson*, aged 93, speaks for 70 yeares. *John Bar-raclough*, 50 yeares, for 40 yeares a labourer to the masons, and frequently wrought at the Colledge houses. *Richard Oates*, for 56 yeares speaks to several old men (masons) worke at the repaire of the Colledge houses. But never any forreigners. *William Reed*, for 60 yeares, and was labourer above 30 yeares agoe about repaireing severall Prebends' houses, which he names, and never any forreigners wrought there but under Freemen. The inhabitants in the two Baley's have right on the City Common, and the poor there have part of Hilton's Charity given to the city. *Richard Brown*, for 50 yeares, to the same effect. *Arthur Smith*, for 50 yeares, to the same effect. *John Baker*, for 50 yeares, to the same effect, and never knew but Freemen repaire the Colledge houses or New Bridge, but Freemen, (but the defendants). *Ralph Jackson*, to the same effect for 50 yeares, and 30 yeares a labourer to masons who wrought in the Colledge. (*Note.* Baker and Jackson are the defendants' witnesses.) *Michael Belley*, for 50 yeares, to the same effect. The Skinners and Glovers meet on Skinners' Hill, beyond New Bridge, and soe takes that bridge within the city<sup>18</sup> privileges, and wrought at Dr. Adams' house (now rebuilding by the defendants) 40 yeares agoe, and at several other Prebend houses. *William Bell*, for 3 yeares.)

Relators' trades have been incorporated (ut credit) beyond memory, and proves their meeting and choosing officers many yeares, and the

<sup>15</sup> Elvet, as before stated, was the manor of the Convent, and partially a Borough.

<sup>16</sup> New Bridge adjoined the southern point of the walls. The present Prebend's Bridge is a little lower down the stream.

<sup>17</sup> At the termination of the two-thirds of the bridge belonging to Saint Nicholas' parish. The blue stone was a common mark of boundary, witness Tyne and Tees Bridges over the water-boundaries of the palatinate.

<sup>18</sup> This scarcely follows. The City might surround the walled close without comprising the river.

relators being chosen last St. Andrew day for a yeare. Hath been their clerke many yeares, and entered their orders. (*Mr. John Wood. John Barracleugh, to the same effect. Arthur Smith.*)

A yeare agoe, two of Thompson junior's servants were workeing at Dr. Dobson's house in the Colledge, and notice being given to the Warden of the relators' trade, he sent one of the Stewards to discharge them from workeing and threatened to sue them. Thompson came immediately to the Warden, desired him to passe it by, and not put them to trouble, for he knew not that the Colledge was within the Freemen's Liberty, otherwise he would not have presumed to have sett his men at worke there, and he would give him any satisfaccion therefore. Both the defendants two yeares since for about three months together wrought about the New Bridge, and deponent was a labourer under him. About Martinmas gone a yeare Thompson junior flagged a kitchin for Dr. Pickering at his house in the Colledge at 3s. a yard, and deponent was his labourer and dressed and fitted the flaggs at Dr. Adams his house in the Colledge, where the defendants are workeing, and have wrought for several months last past, saith 8 or 9 months. (*Thomas Richardson. Edward Stout. Arthur Smith, to the same effect. The ladders stood in the North Baley, and the labourers served him that way. Thomas Johnson, to the same effect, and was a labourer at Dr. Dobson's house for Thompson, and acquainted the Dr. before he went to the Warden to submitt. William Bell. John Barracleugh.*)

In July, 1696, Thompson junior wrought at the trade of a mason in deponent's house in the South Baley, in mending the topp of an oven and an hearth, but took nothing for it. (*Mr. Thomas Wharton.*)

Twelve months agoe Thompson senior for 3 or 4 dayes together wrought and helpt to repaire Elvet Bridge, for which deponent paid him (he being the undertaker for bridges in the county of Durham). Heard him say that he had wrought severall yeares by times in Durham at several places above the Gaol gates without interrupcion by the Freemen. (*John Hedley.*)

The Skinners keep their head meeting on Skinners' Hill beyond New Bridge, believes beyond memory. Hath been their clerke 23 yeares. (*Henry Rutledge. Michael Belley ut supra.*)

THE DEFENDANTS' PROOFES.—Hath known the Cathedral and Colledge 65 yeares, which, or a great part thereof, is built about with a wall. For what use or intent it was built first, knows not. The Deane and Prebends have repaired on their parts several times soe farr as their gardens, orchards, or houses extend that joine on the wall. How farr the wall extends or they repaire knows not, or whether it was to seperate the Colledge from the City, but exempt from the Maior's jurisdiction. Mr. Bowes—The Colledge hath great gates and a wall, and the Deane and Chapter's porter locks the gates at 10 o'clock every night, and lets none passe but such as he knows. A paire of stocks are kept there for the punishing offenders in the Colledge. Ergo, the Church and Colledge noe part of the City. The Maior exercises noe jurisdiction there. *Thomas Simpson. Mr. [Cuthbert in dorso] Bowes, speaks for 20 yeares.*

*Humphrey Stevenson*, 60 yeares. The Colledge reputed a distinct place. Neither City, suburbs, or any parish, kept a constable there. Maior hath noe jurisdiction. Once [did] ride the bound' down the Baly, but stopt at the gates, in Oliver's time. (*Mr. John Rowell*, for 40 yeares. The Church and Colledge are inclosed round with a wall, and the Deane and Chapter repaire both at their charge. *Abel Longstaffe*, to the wall, but knows not to what purpose.)

(*Nota [in margine.]* The town wall is one side, and the churchyard wall two sides, and the houses the other side. They have great gates they enter by into the Colledge, but that is noe argument of exemption: then every gentleman's house in a city, or the City Halls in London, must be noe part of the city.)

Knows not or ever heard, it reputed that the Colledge was within any of the parishes or suburbs of Durham, but extra-parochial, and paid noe parish taxes, soe beleives it to be independent on the Maior or Corporacion. *Mr. Rowell*—He is the Deane and Chapter register, and perused diverse ancient grants of great exemptions priviledges and endowments made to the church by diverse Kings of England and Bishoppes of Durham, now in their custody. (*Thomas Simpson. Mr. Bowes. Mr. Rowell.*)

(*Nota.* The Maior never did claime priviledge or jurisdiction above the gaol.<sup>19</sup> But that is not the question, but whether the Freemen's priviledges extend, and that they touch not. Let them produce the grants and see if any exempt from the Freemen's priviledges, for the words are only generall.)

Both the Bishopp and Deane and Chapter have at worke men not free. Thirty three yeares since *John Brasse*, a Freeman, had undertaken to build some lanthornes in the Cathedral Quire, and employed *James Hull*, *John Fairelasse*, *William Hogg*, *Thomas Sharper*, *Henry Wallas*, *John Heron*, and others, noe Freemen, to worke at that worke. Twenty nine yeares since *Hull* and *Todd* built the font, and they employed men not free, and never were disturbed. *Hull* undertook several other bargaines with the Dean and Prebends for their houses, doors, and woodwork in the Cathedrall, and he employed several servants not Freemen; and at the Deanery, *Dr. Grey's*, *Dr. Basire's*, and several other prebends' houses; the Bishopp's Library and the Hall in the Castle for nine years together; without any interrupcion from the Freemen. (*James Hull. Thomas Parkinson* speaks to *Hull* and *Todd's* workeing in the Cathedrall, and *Thomas Brown* a Freeman, but whether under *Hull* knows not. *Thomas Simpson* to *Hull's* workeing and *Taylor*, a forreigner. Surveyed the work. *Humphrey Stephenson. Mr. Bowes. Mr. Rowell. Edward Hodshon.*

(*Nota.* .....mbers any.....the Prebends' houses.)

Twenty years agoe *Christopher Crawforth* wrought plumbers' work (and his two sons) at the Cathedrall (and noe Freemen), and three or four dayes mending the Deanery leads: fifteen yeares agoe at *Dr. Brevint's* house: and eight years agoe he wrought at the Deanery with-

<sup>19</sup> The Bailey Gate.

out interrupcion : and twenty years agoe at the County House and Gaoſ. Soe Mr. Rowell beleives they may employ who they please to work at the Church or Colledge. (*Christopher Crawforth, Thomas Parkinson, Mr. Rowell* to the same effect, and that 13 years agoe forreigne joiners wrought at the Dean and Chapter's Library in the Colledge.

(*Nota*..... plumber then in Durham.....but two or three of them, and they.....d not wage warr.)

(*Ralph Jackson*, Int. 5 [the defendants' own interrogatory], a labourer about the Church and Prebend houses 40 years and never knew any but Freemen work there except William Heaviside and Edward Lambton, who wrought under Christopher Shacklock, a Freeman, at Dr. Grey's house.)

Beleives there is noe such custome in the City that none but Freemen have liberty to work in the Cathedral and Colledge. Beleives the Bishopp, Dean, and Prebends may employ who they please. (*James Hull. Hum. Stephenson* saith to the same effect. But, as remembers, Freemen have been all along employed about the Colledge Houses.)

The Castle re-building was undertaken by Christopher Skirrey, a Freeman, and none wrought there but who he employed. The stone worke of the County House was built by John Langstaffe, a Quaker, whose goods Bishopp Cozens had seised, but told him he should be noe looser, for he should build the County House. Langstaffe said he could not for the Freemen. The Bishopp said he would keep him harmlesse, and soe he went on and built it. But the Library and Castle were built or undertaken by Skirrey and his partners. (*Ralph Jackson* to Int. 7 [as to Skirrey.] *William Reed*, to Langstaffe's building the County House. *John Baker. George Becroft. Tho. Simpson*, Int. 7, and to Langstaffe's rep.... *Wm. Douthwaite* to the same and to the workem.... and building a place at the end the Library, and he and other forreign.... employed under him, and noe interrupcion. *Humphrey Stephenson. Abel Longstaffe*, to Langstaffe's repairinge the County House.)

(*Nota*.....cannot be witnesses for the relators; soe forreigners (workemen) cannot be for the defendants, they swearing for their own advantage, for to destroy the City priviledges, that they may work there as Hull, Crawforth, Douthwaite, and Longstaffe. None of their witnesses speaks to above 33 years workeing and that in the Cathedral, few to the Colledge. Nay, their own witnesses Jackson and Stephenson say, noe forreigners wrought there. As to the County House, the Bishopp promised to indempnify him, and the Freemen would not contest with the Bishopp whom they have their confirmacion from, and soe great a man.)

New Bridge stands without the City walls, and always repaired by the Deane and Chapter, but whether with Freemen or forreigners knows not till two yeares since the defendants and their servants rebuilt the same for the Dean and Chapter, but whether the Freemen's priviledges extend thereto know not. Beleives the Maior hath noe jurisdiction there. Mr. Bowes—Thomas Rowell a Freeman askt 300*l.* for rebuilding the bridge, and the defendants did it for 140*l.* and 10*l.* more if it was done to Mr. Bowes' satisfaccion. (*Thomas Simpson. Mr. Bowes.*)

The Hall garth in Elvet belongs to the Dean and Chapter, who keep their courts there, and is part of two of the Prebends' corps, which for his remembrance (60 years) hath been reputed a privileged place from the City, and forreigners Henry Morris and John Baister wrought publicly there without interrupcion : and White a taylor, what interrupcion he met with cannot tell.

(*Nota* .....th is answered.....White.)

W. HYLTON DYER LONGSTAFFE, F.S.A.