

THE MARKET AND FAIR AT GATESHEAD.

FOILED in their attempt to annex Gateshead to Newcastle, we find the Mayor, Aldermen, and Communalty of Newcastle resorting, almost the very next year, to the rather notorious "York Court" against the usages of the southern borough. An office copy of the depositions is or was in the vestry of Gateshead Church, and their contents form an appropriate appendage to the foregoing paper. The language of the interrogatories is repeated in the answers, and the Gateshead witnesses were so agreed, that the statement of one witness, with the little additions furnished by others, will generally suffice. The evidence is marshalled here under the numbers of the interrogatories, so as to keep that on each subject together, and while technicalities and tautology are struck out, the remaining words of the original are adhered to.

THE MAYOR, BURGESSES, AND COMONALTYE OF NEWCASTLE, *Plaintiffs*,
against RICHARD NATTRES, *Defendant*.

DEPOSITIONS OF DIVERS WYTNESSES PRODUCT AND SWORNE BEFORE THE
LORDE PRESIDENT AND COUNSELL ESTABLISHED IN THE NORTH PARTES
AND EXAMYNYED BY THE EXAMYNER THERE.

DEPOSICIONS ON BEHALF OF RICHARD NATTRES, DEFENDANT.

1. Eborum. 10 Junii 20 Eliz. [1578.] *John Browne* of Gatesyde, marchant, about the age of 46. Doth knowe the complaynant and defendant and the towne of Gatesyde: hath knowne the same by the space of 22 yeres.—Eborum 3 Julii, *Robert Plomptone* of Bowdone, husbandman, fower skore. Hath knowne defendant 12 yeres, and Gatesyde three skore yeres and more.—*Thomas Thomsonsone* of Gatesyde, joyner, 75. Hath knowne defendant about a dosen yeres, and Gatesyde ever synce he colde remember anye thinge, for he was borne there.—*Wyllm. Dixon* of Gaytesyde, butcher, thre skore and thre. Hath knowne defendant 12 yeres, and Gatesyde ever synce he colde remember anye thinge.—*Wyllm. Wyllkinsone* of Gaytesyde, butcher, thre skore and sex. Hath knowne defendant 12 yeres, and Gatesyde ever synce he colde remember.—*Robert Ayer* of Whitborne, husbandman, thre skore and sex. Hath knowne defendant 9 or 10 yeres, and Gatesyde 50 yeres and more.—*Wyllm. Rowesbye* of Whitborne, thre skore and thre. Hath knowne defendant 12 yeres, and Gatesyde all his lyfe synce he was of anye yeres of discretyon.—*Christofer Atkinson* of Whitborne, husbandman, 75.

Hath knowne defendant 12 yeres, and Gatesyde thre skore yeres and more. — *Johne Hutchensone* of Whitborne, husbandman, thre skore and sex. Hath knowne defendant 7 yeres, but Gatesyde these thre skore yeres. — *John Browne* of Gatesyde, pedler, 42. Hath knowne the towne 30 yeres, and defendant 26 yeres.

2. *Browne*. The towne of Gatesyde ys as yt is reported ane antyent towne or broughe belonginge the Byshope of Durhame and his predecessors. — *Plompton*. The towne ys and duryng all examinate's remembrance hath bene ane antyent towne, &c. Hath all his lyf used to resort thither, and hath knowne boroug courtes kept there by the Baylif and Burgesses of the towne in the name of the Byshop of Durham. — *Thomson*. The towne ys and by reporte tyme out of mynde of man hath bene ane antyent towne, &c. Knoweth by that that he was borne there. Is privye that there ys and allwayes hath bene duringe examinate's remembrance borowe courtes, &c. Hath knowne a toll taken within the town [at the south end of the Bridge, *Dixon*] to th' use of the Byshopp. — *Dixon*. Was borne within a myle thereof. There are borow courtes kept there by the Baylyf and Burgeses in the name of the Byshop; besydes which courtes there ar comonlye every fortynighte courtes kept there in the name of the Bishop by the Baylyf and Burgeses. — *Wilkinson*. Examine's knowledge extendeth to 50 yeres, for so long examine hath dwelt in Gatesyde, and for 20 yeres hath bene one of the burgesses. — *Browne*, pedler. Hath dwelt in Gatesyde and resorted thither at tymes 30 yeres. Is now a fre man and one of the Burgesses.

3. *Brown*. Hath sene and harde certayne old and antyent recordes or writings red, whereby yt doth apeare that th' inhabytantes within the towne or broughe of Gatesyde were incorporated by the name of Baylif, Burgesses, and Comonaltye [or by the names of Burgeses, *Interrogatory*], by a Byshop of Durhame, and the same hath bene also ratyfyed and allowed by the successors of the Byshopp. — *Plomptone*. He verlye taketh that th' inhabytants ys and duryng examine's remembrance and by reporte tyme out of mynde hath been incorporate, &c., by a Byshop of Durhame, &c. The inhabytantes have severall companies of sundrye occupatyons which are counted Freemen and Burgesses of the towne, who will not permyt any person that hath not bene apprentyce there to sett up and worke in the towne unles the persone do agree with theme that ar of the occupacion that he is of and with the Baylif [and Burgeses, *Wylkinson*.] — *Thomson*. Ys a Freeman of the towne. Hath sene and harde certayne old writings red, &c. — *Dixon*. For 30 yeres hath bene one of the Burgesses. — *Wylkinson*. Hath sene stalledge moneye taken to th' use of the Byshopp within the towne of persons not fre there. There are Fre men of dyvers companies, whereof examinant is one. — *Browne*, pedler. The inhabytants have a comon seale belonging to the towne.

4. *Browne*. The marchantes, occupyers, handy craftesmen, and others the inhabitantes within the towne duryng examine's knowledge, and by repute tyme out of mynde, have had and used to bye, bargaine, utter,

retayle, and put to sayle in theyre houses and shoppes within the towne or broughe all such wares, marchandices, and goodes as they have used to trade or traficke, and to use all lawfull bargaines [and chivanses, *Plomptone*] at their will and pleasure. — *Plomptone*. Hath bought dyvers things that he stode nede of of the inhabytantes and artificers there.

5. *Browne*. Hath harde yt reported that there hath bene heretofore two market dayes in the weke kept in the towne, enenst the Towle Boothe, and about a crosse which stood there. — *Plomptone*. Hath sene a market or fayer kept wekelye in the towne upon two dayes in the weke, that ys to saye upon the Tewsdaye and Frydaye or Saterdaye, betwene the Toll Bothe and the Pante or condyte there, and at the south ende of Tyne Brige, at a place there called Brige Yeate. — *Thomson*. Hath sene a market kept betwene the Toll Bothe and the condyte or Pante wekely, upon Tewsdaye and Frydaye, upon which market dayes there was breade, beanes, salte, and other thynges solde at the south ende of the Bridge of Tyne, on the south side of a stone called the Blewe Stone. Also hath knowne a fayer kept in the aforesayd places upon the feast daye of St. Peter ad vincula comonly called Lamas daye. — *Dixon*. Hath knowne and sene that there hath bene a market kept weekelye upon the Tewsdaye and Saterdaye, howbeyt although one of the said market dayes was kept upon the Saterdaye, yet Frydaye was accounted the market daye by right. Cannot remember of any fayer that hath been kept there, savinge that allways upon Lamas daye, upon which daye there ys a fayer holden in Newcastle, th'enhabytants of Gatesyde do make all thinges redye and prepare for a fayer in Gaytesyde, and sett out their wares to sale. There ys a Bull Ringe in Gaytesyde and there was also a crosse standinge there which was used to be called the Market Crosse. — *Ayer*. There hath bene a market within the said towne or broughe within these fyfthe yeres wekelye upon the Tewsdaye and Frydaye. There was a fayer kept yerelye upon Lamas daye, throughout the said towne, for upon that daye th'enhabytantes there dyd comonlye prepare for a fayer, and dyvers thynges that daye were broughe thither and there placed to be solde, and solde accordinglye. — *Browne*, pedler. Hathe harde yt reported that there hathe bene a market kepte wekelye twice in the weke upon the Tewsdaye and Frydaye.

6. *Browne*. Dyd never knowe or see any market kept there, and therefore cannot anye further depose, savyng that within these fyve yeres last past he hath sene horses brought to the towne and there sold openlye upon anye daye in the weke about the Toll Boothe, where, by report, the market was kept. — *Plomptone*. Hath sene both corne and cattell and other marchandyces brought and placed within the towne there to be openlye sold within the market in the foresaid places upon the foresaid market dayes thre skore yeres agoo and synce. Howbeyt now of late tyme the market hath not so muche bene occupied with corne and cattell as heretofore examine hath sene the same occupied. About thre skore yeres synce he hath known wheat and bigg, and

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cattell brought and placed between the Toll Bothe and the Pante of condyte, and beanes, and pease, otemeale, and other things brought and placed at the Brigg Yeate and there sold. And as yet there ys corne used to be brought thither and solde there and sometimes cattell. — *Thomson*. Hath sene corne, cattells, and other merchandyces brought and placed upon the market and fayer dayes to be openlye solde in the places aforesayd, where and when exam. hath sene the sayd merchandyces openlye bought and solde. — *Dixon*. Hath sene wheat, rye, bigge, and cattell brought and placed betwene the Toll Bothe and the Pante, to be openlye sold in the said market and solde accordinglye; and peas and beanes, salte, bread, and grotes lykewise at the Brigg Yeate to be openlye solde in the said market and solde accordinglye. — *Wyllinson*. Saythe as is deposed by his cotestis Thomsonsone, howbeyt he hath not sene cattell brought to the market or fayer or solde there. — *Ayer*. To both places he hath sene corne and other goods brought and placed to be openly sold uppon the market dayes. For these 50 yeres hath yerely frequented and used to the towne and the markets, and hath sene bothe corne and other goods brought thither to be openlye solde and solde accordynglye. Hymselfe hath openlye sold corne there. Hath bene at the said fayer [uppon Lamas daye] and bought such thynges as he nedede. — *Rowesbye*. Saythe as Ayer, for himselfe hathe alsoe broughte and sent corne to the said market, and there solde the same and bought such things as he neded. — *Atkinson*. Saithe as Ayer. Hath brought corne to the market and there sold the same. There was used to be solde at the Southe ende of the Bridge, beanes, peas, salte, otemeale, eggs, breade butter, and chese; and betwene the Toll Bothe and the Pante there was solde wheate and bigge, and sometymes there was cattells brought thither to the said market and solde. — *Hutchinson*. As Ayer, and addethe as Atkinsonsone. — *Browne*, pedler. Hathe bene informed by olde men there, there hath bene corne, as wheate and bigge, broughte and placed between the Toll Bothe and the Pante to be solde and there solde, and beanes, peas, salte, otemeale, bread, and other things on this syde the Blewe Stone. Hath heretofore tyme sene a toll takenn at the southe ende of the Bridge by th'enhabytantes of the towne to the use of the Byshop, which toll th'enhabytantes of Newcassell nowe hath in farme of the Byshop.

7. *Browne*. Defendant doth and for these 15 yeres hath inhabyted in the towne of Gatesyde, and all that tyme hath used the scyence and facultye of a marchant and chapman within the sayd towne. [*Browne*, pedler, agrees.] — *Plumpton*, 12 yeres. [The other witnesses agree with him, except Ayer and Hutchinson, who only speak during their knowledge of defendant.]

ON THE PARTYE AND BEHALF OF THE MAYOR, BURGESSES, AND COMMON-
ALTYE OF NEWCASTELL UPPON TYNE, COMPLAINANT.

Eborum. 1 Oct. 20 Eliz. *Nycholas Alleyne*, of Gatesyde, chapman, about the age of thre skore yeres, product, sworn and examined.

1. [Whether the complaynants ar lawfullye seized in theirre demeane

as of fee as in the righte of their corporation of and upon the same towne [of Newcastle]; and of all fayers, towles, and comodyttes to the same belonging; and hold the same of the Queene's Majestye by payenge for the same 100*l.* yerelye for a fee farme:] he cannot certainlye depose, for he is not prevye to their corporation. Useeth to paye toll in Newcastle for all suche thinges as he buyethe there.

2. Duringe tyme of examine's remembrance, which is 30 yeres, and by reporte tyme out of mynde of man, there hath bene wekely two market dayes yerelye in the same towne. And men maye daylye everye daye in the weke by wares at the merchantes' handes there.

3. Hath not knowne anye other markets betwene the said towne and the sea in anye place adjoyning the ryver of Tyne. Howbeit as exam. hath harde yt reported there hath heretofore tyme bene a market kept in Gatesyde, where exam. now dwellethe. And indede at this daye and all the tyme of exam. remembrance, there hath bene open shoppes kept and wares sold openlye out of the same. And exam. usethe to bye any thinge there that he lyst. And [whether by prescription and inquirye, the towne of Newcastle have this priviledge and libertye, that no other persone dwellinge on eyther syde of the ryver of Tyne betwixte the said towne and the sea, sholde kepe any shopp or seller for merchandyces save such persones as dwell in Newcastle] exam. cannot depose.

4. [As to whether exam. hath knowne any fayers or markets kept by the inhabitants of Gatesyde, and by what authoritye, or whether they oughte to kepe any fayers or markets at all there, or to kepe any marchant or draper shoppes therein, or comonlye to sette forthe and offer to sale anye wares], exam. cannot depose, savinge that duringe the tyme of exam. remembrance be hath sene marchants or chapmen and drapers shoppes kept within Gatesyde by th'enhabytants, and dothe and hath comonlye used to sett forth their wares. And as yt is reported there hath bene markets and fayers kept within the said towne.

5. 6. [Whether the towne of Newcastle is seized upon all the same fayers and markets, and oughte to have the libertye and benefite of the same by especyall prescription, and whether exam. hath knowne the inhabytantes of Gatesyde restrayned or forbidden by complainants or their predecessors to kepe any fayers or markets in Gatesyde or openlye to sett to sayle any wares in Gatesyde, or to open or kepe any marchants shopp therein, or to sett forthe any stalls or boothes with anye kind of wares to be solde there: Item, whether the inhabitants of Gatesyde dyd thereupon refuse or leve of to kepe any fayers or markets or to sell or sett to be solde anye wares], exam. cannot depose, savinge that the compts. or their predecessors have forbydden defendant and others of Gatesyde to offer anye wares openlye to be solde, or to open or kepe any marchant's shopp therein. Howbeit the inhabytantes have allways kept open their shoppes and solde their wares and merchandyce in Gatesyde.

7. Th' enhabitants of Gatesyde during tyme of exam. knowledge have used and bene allowed to sell any kynde of wares, &c., and not restrained to sell anye thinge, but do account theme selves in Gatesyde as fre as th' enhabitantes of Newcastle in Newcastle.

8. Cannot depose whether deft. hath wrongfullye sett and levyed a market for all kind of marchandyces within Gatesyde, sytuate upon the banke of the ryver Tyne, betwene the towne of Newcastle and the sea, on everye of the market dayes whereon markets have bene kept in Newcastle.

9. But [referring to Interr. 9, whether hath he by meanes thereof gathered great assemblies of people at the same markets in Gatesyde, and stayed great numbers of people there which were comynge towards the markets in Newcastle] deft. hath kepte open shoppe for these tenn yeres nere unto the Bridge ende, and upon all dayes in the weke hath kept open shop and solde all such kinde of wares as he had, by means whereof defendant's shop is greatlye frequented : and indeede many persons will now bye wares at his shope as well on the market dayes kept at Newcastle as on other dayes.

10, 11. [Whether the markets and fayers in Newcastle by meanes of the markets kepte by defendant in Gatesyde ar greatly hindered or decayed, Item what losse complt. hath sustayned] exam. cannot depose.

12. For 30 yeres hath knowne other inhabytants within Gatesyde bye and put to sale any kind of marchandyce within their houses and shopes.

13. The first marchantes, byers or sellers of marchandyces, that exam. did knowe in shopes or houses within Gatesyde, when he came to dwell there, about 30 yeares agoo or rather more, were Willm. Potts, Willm. Donkin, Tho. Potts, and one Thomas Chambers, and dyvers others, whose names exam. remembrethe not, but as it is reported there hath bene chapmen byers and sellers of wares there tyme out of mynde of man.

At the "humble sute and request" of the defendant, the court "caused her Majesty's signet remayninge with her Highnes' secretarye attendant upon the said Lord Presydent and Counsell" to be set to the copies of the depositions in testimony that they were true.

The York Court fell with the High Commission and Star Chamber, being abolished by the act of 16 Car. 10. Mr. Hudson Turner could find no proceedings of it among the London Record Offices, and doubted whether they were regularly kept, as the Wardens of the Marches transacted much of the business in their several districts. But this would not apply to the records of private causes between parties. Mr. Hodgson, the historian, had occasionally met with decrees

signed by the President, but made nothing out at York about any continuous records, and therefore concluded that "they were destroyed by the liberals in the reign of Charles I.," alluding to the siege of York, when the tower used by the Lord President, and containing the evidences of the religious houses in the North, was blown up. Dods-worth says that the greater part of its contents were removed by one Thomas Thomson, at the hazard of his life, to the Archbishop's archives, but he seems to refer to the monastic charters. (*See Hunter's Three Catalogues*, pp. 73, 94.) We cannot, therefore, hope for the decree in this case.

One of the most important of the ancient records mentioned by the witnesses was doubtless Bp. Pudsey's charter to the Burgesses of Gateshead, printed by Mr. Greenwell in his *Boldon Book*, xl. Bp. Poictou's confirmation, privately printed by Mr. Brockett, gives *portante* instead of *piscante*, and indeed a fisherman might long range the Bishop's riverless forest of Gateshead Fell, before he recovered his payment of a penny in a draught of fish.¹ By these charters, every burgess of Gateshead was to have the same liberty of his burgage as the burgesses of Newcastle had of theirs.

¹ Bourne has a ludicrously inaccurate translation of Poictou's charter. He transforms the "homo portans" into a hog! and "quadriga quæ ad nemus ibit," into "a whey or ox, the which goes to grass!"