

ON THE EARLY MUNICIPAL HISTORY OF NEWCASTLE.

IN the present paper I purpose to confine my attention entirely to the *municipal* history of Newcastle. Its general history, indeed, is almost a blank, from the foundation of the castle till the reign of Stephen, with the exception of the incidents which connect it with the rebellion of Robert de Mowbray in the reign of William Rufus; and these belong rather to the history of the castle than the town. The narrative of our local annalists during the reign of William the Conqueror rather requires retrenchment than additions. Brand, on the worse than doubtful authority of Warburton, describes three expeditions of that king into Northumberland, in 1068, 1070, and 1072; whereas none of our early historians give us the slightest reason to suppose that he ever crossed the Tyne, except in the last of these years. The story of the destruction of Monkchester, and the defeat of Edgar Atheling on Gateshead Fell, are gratuitous fictions, unsupported by a particle of evidence.

The municipal history is not free from obscurity; but the ready access which is now afforded to public documents of every kind, enables us to investigate it, at the present day, under circumstances much more advantageous than formerly. Of these I shall avail myself in endeavouring to trace the progress of the municipality from its original institution till the establishment of the mayoralty, applying myself in the first instance to ascertaining the latter epoch with as much precision as possible.

Our list of mayors commences with the year 1251, and it has been generally assumed that the office originated in that year. From an inspection of the public records, however, it is clear that there was a mayor of Newcastle at least eight years earlier. In the 28th of Henry III. we find the mayor of Newcastle and Robert de Crepping acting as custodes of the castle; and a writ is preserved in the *Originalia* of that year (A.D. 1243), directing them to sell the corn and wine there deposited, and to account for the proceeds at the Exchequer. In the Pipe Rolls of the same year they are accordingly charged with 40 quarters of corn and 245 casks of wine—the former valued at 8*l.*, the latter at 479*l.* 8*s.* 7*d.*

We know from the charter of the 18th of Henry III., to be referred to by and by, that no mayor existed in 1233; and having ascertained the existence of that office ten years later, we have fixed the era of its establishment in some one of the intermediate years; but beyond this we have no accurate data to guide us.

Dismissing, then, this branch of our investigation, let us next inquire what was the nature of the municipal government, and who were the presiding officers, before the chief authority of the corporation was vested in the mayor. With this view, let us first refer to the statements of those who have preceded us in the same inquiry.

“Whatever government,” says Bourne, “was in this town in the times of the Saxons and Danes, it is certain that after the Conquest it was governed by bailiffs.” Brand, on the authority of Hardyng, dates the existence of Newcastle as a borough or corporate town from the reign of William Rufus; but he acquiesces in the view of his predecessor, that from the time of its incorporation the civil government was administered by bailiffs, while the privilege of electing mayors was conferred upon the burgesses by Henry III.

We find, however, from the “Laws and Customs of Newcastle” in the reign of Henry I., that the chief civil officer at that period was the provost (*præpositus*); and in the Pipe Rolls of Henry II., we have frequent mention of Gerard, the provost of Newcastle. Anskitel, the provost of Newcastle, occurs somewhat earlier in the same reign, in a grant from Roger de Merley to the priory of Durham.

But we have no notice whatever of bailiffs. The important charter granted by King John to the burgesses of Newcastle, in his 17th year, still recognizes the provost as the chief magistrate of the town, and confers upon him a concurrent jurisdiction with the sheriff of Northumberland in cases of violation of the municipal privileges.

The earliest record of bailiffs of Newcastle is found in the Close Rolls of the 7th of John; but here they are expressly described as bailiffs of the *port* of Newcastle, and not of the *town*. They were, in fact, revenue officers, appointed to collect the customs of the port—a branch of the national income which then first became of importance. In the reign of Henry III., the bailiffs of Newcastle frequently occur, without any designation connecting them specially with the port; but they never appear in any character inconsistent with their position as fiscal officers, nor have we any evidence of their discharge of magisterial functions. On the election of a mayor they still continued to be appointed as before, whilst the office of provost was certainly abolished. The mayor, in short, superseded the provost, and not the bailiffs, the duties of mayor

and provost being identical, and the only apparent distinction between them consisting in this—that the former was elected by the burgesses, whilst the latter was appointed by the Crown. As the customs increased in importance as a branch of revenue, the bailiffs were relieved of a portion of their duties by the appointment of customers or collectors; and finally, at the commencement of the fifteenth century, they were superseded in their remaining functions by a sheriff—who, like the mayor, was chosen by the burgesses.

In a previous paper, I have drawn attention to Hardyng's account of the establishment of the borough by William Rufus, and his statement that, having liberally contributed to the settlement of the burgesses, "he franchised them to pay a free rent out." This expression has been construed by Brand to mean that he granted them the borough in fee farm; but such was certainly not the case, for the Pipe Rolls supply us with abundant evidence that instead of being held by the burgesses in fee, it was held for more than a century after, by successive sheriffs of Northumberland, during pleasure. In the 2nd of John, the burgesses made a strenuous effort to obtain a grant in fee, and proffered one hundred marks and two palfreys for a charter conferring that boon—which was actually granted, but subsequently repudiated. The charter, after the usual enumeration of the titles of the grantor, runs thus:—"Know that we have delivered to farm to the burgesses of Newcastle upon Tyne, the ville of Newcastle upon Tyne, for sixty pounds in number, which used to return fifty pounds in number, to have and to hold," &c.; &c. Brand says:—"It is observable that 50*l.* is called in this charter the ancient fee farm of Newcastle;" but this is an error. In the entry on the Pipe Rolls, indeed, by which the charter is superseded, the 50*l.* is called "the antient farm;" but this is explained by the context to mean, not the "antient fee farm," but the ancient farm or rent paid by the sheriff. The entry is as follows:—"The men of Newcastle upon Tyne proffer one hundred marks and two palfreys for having the ville of Newcastle upon Tyne in their own hands, by the old farm—namely, 50*l.* and 10*l.* of increment—and for having confirmation of their liberties, which they have by the charter of Henry, the king's father. But afterwards it was ordered by the king's writ, which is in the mareshal's forule, that neither the above farm nor the increment shall be exacted from them, because the king has granted to the sheriff that he shall answer for the farm of the said ville, as he used before the increment was imposed." At the same time, the "men of Corbridge" and the "men of Rothbury" severally bargained to hold their respective manors at the ancient farm and increment; but there is no pretence for saying that in either of these cases

the ancient farm was a fee farm ; for we know directly the reverse, both having been held from year to year by the sheriff. The arrangements with these two manors, and similar ones with Newburn, the city of Carlisle, and the several Crown manors in Cumberland, were all equally disregarded.

Are we, then, to reject Hardyng's evidence? or, if not, how are we to understand the term, "free-rent," if it does not mean fee-farm rent? These questions will be answered by a reference to the details of the foundation of a town *de novo*, which are fortunately still on record:—not indeed in the reign of William Rufus, but as early as that of Edward the First—the town of Winchelsea.¹ Here we find that the site of the town was not granted as a whole, in fee farm, but that it was divided into plots, which were apportioned amongst the burgesses, and a specific "free-rent" reserved from each. It is very remarkable, that not only does the term "free-rent" occur in the report of the commissioners appointed to superintend the transaction, but the very expression "franchised," which is used by Hardyng, occurs in precisely the same sense in their instructions, under which they are to set out, "franchise, and fix a rent on" the several sites. Under this system, each burgess would pay a definite free-rent for his own tenement; but the aggregate amount would fluctuate with the number of burgesses—the sheriff, during his tenancy, having the benefit of any increase. This beneficial interest would, of course, be transferred in perpetuity to the burgesses under a fee-farm; and hence the anxiety with which they sought to obtain this object. At length their persevering efforts were crowned with success; and in the year 1213 (11th of John) they obtained a charter, under which the borough was granted to them in fee-farm;—not, indeed, at the ancient farm of 50*l.*, or with an increment of 10*l.* only, but at the advanced rent of 100*l.* per annum—such sum to be paid by their own hands into the Exchequer, without the intervention either of the sheriff of Northumberland or the constable of the castle. This mention of the constable of the castle arises from this circumstance: That when Roger Fitz-Richard held the office, he had assigned to him a salary of 20*l.*, which was paid to him yearly, from the 4th to the 21st of Henry II., by the sheriff, out of the farm of the borough. His successors, instead of this salary, had the manor of Newburn assigned to them during their tenure of office, of the assessed yearly value of 50*l.*, until the 2nd of John, when that manor was granted in fee to Robert Fitz-Roger, then sheriff, under the reserved rent of 30*l.*, to be paid to the constable of the castle.

¹ Printed by Mr. Parker, in vol. ii. of Domestic Architecture.

Besides the burgage tenements, there were within the borough three pieces of land which were granted by David King of Scotland, during the occupation of Newcastle by the Scots in the reign of Stephen, to the nuns of St. Bartholomew, the brethren of the Hospital of Newcastle, and to Gervase the physician. After the recovery of the northern counties by Henry II., the validity of David's grants was not acknowledged, although for some time the occupiers were unmolested. At length, in the 12th year, as we learn from the Pipe Rolls, these properties were seized by the Crown as escheats, and farmed by the sheriff. In the charter of the 2nd of John, which bears date the 9th of February, no notice is taken of them; and it seems to have been understood that they were not included in the grant of the borough, as they had not been held under the ancient rent by the sheriff. Accordingly on the 12th of the same month a second charter was granted, reiterating the substance of the first, and including a concession of these escheats in fee, at the same rents which had been paid by the sheriff—namely, 2*l.* 11*s.* 0½*d.* for the first parcel, 1*l.* 19*s.* 5*d.* for the second, and 1*l.* 0*s.* 0½*d.* for the third, giving a total of 5*l.* 10*s.* 6*d.*

The second charter, as well as the first, is enrolled in chancery; but both were equally repudiated, and the escheats were granted four years afterwards to Kempe, the king's ballister or engineer, in compensation for his services until he could be provided for in marriage. They were again included in the grant of the borough in the 14th year; but no rent was reserved, as they had to be applied in compensating those burgesses whose tenements had been taken from them, in extending the defences of the castle and forming a moat. Out of this grant are reserved "the rents, prizes, and assizes of the port," as was usual in all similar cases.

If any written charter was granted to Newcastle, either by William Rufus or his successor, Henry I., no trace of it is to be found; but it is not the less certain that in the reign of the latter the burgesses were in possession of important and well defined privileges. These are enumerated in a document which has descended to our time, under the title of "The Laws and Customs which the Burgesses of Newcastle upon Tyne had in the time of Henry King of England, and which they ought to have." It is in the nature of an inquisition or report as to laws and customs already established, and not of a prospective grant. There can be little doubt that it was the result of an inquiry instituted by David King of Scotland, or by his son Henry Earl of Northumberland, in the reign of Stephen, as it is certainly the foundation of the celebrated *Leges Burgorum* enacted by the former for the government of his four boroughs

of Edinburgh, Roxburgh, Berwick, and Stirling. It served, also, as a model for the charters granted by Hugh Pudsey, Bishop of Durham, to his burgesses of Gateshead and Sunderland, and by the Archbishop of York to those of Beverley.

Two ancient transcripts of the Laws and Customs of Newcastle are preserved :—one amongst the Tower records of Henry II. ; the other in the cartulary of the monastery of Tynemouth, in the possession of the Duke of Northumberland. Brand had only access to the latter copy, which is exceedingly faulty and inaccurate, the sense in one instance being altogether perverted by the change of a single letter. This mistake occurs in a clause which provides for the recovery of debts due from a non-burgess to a burgess, and which commences with these words :—“If a burgess shall have lent,” the expression in the Tower copy being *accommodaverit*. In the Tynemouth transcript a different expression is employed—conveying, however precisely the same meaning, if correctly written—*adcredaverit* ; but by substituting an *e* for a *c*, the scribe has produced the word *aderedaverit*, which Brand naturally enough renders, “If a burgess shall have inherited ;” an interpretation, however, entirely inconsistent with the context. The phraseology of the two MSS. differs in many respects ; and in some instances the perusal of the Tynemouth copy may aid us in understanding the other.

David seems to have established, in general terms, the laws and customs of Newcastle within his boroughs, and then to have ascertained, as far as possible, what those laws and customs were, by inquisition. Cases, however, must have frequently arisen which were not provided for under any of the articles reported by the inquest ; and in such cases it was natural that the parties who were thus left in doubt as to the legal solution of a difficulty, should apply to the constituted authorities in Newcastle for information. That such was the case in several instances, we know on surer ground than plausible conjecture. In the valuable edition of the Acts of Parliament of Scotland, published by the Record Commission, will be found several important provisions of law, communicated from time to time by the burgesses of Newcastle to various Scotch boroughs, in answer to their applications for instruction. These applications were not confined to the four boroughs incorporated by David, but included others from towns in the North of Scotland, to which this code must afterwards have been extended. In the same volume of Scotch statutes will be found, in convenient juxtaposition for comparison, the *Leges Burgorum* and the Laws and Customs of Newcastle.

To the Tynemouth copy of the latter is appended an interesting table

of tolls and dues. This is not comprised in the Tower MS., but was adopted by David, with some trivial alterations, and is annexed to the *Leges Burgorum* under the following title:—"Assisa David Regis Scottorum, facta apud Novum-Castrum super Tinam." The *Leges Burgorum* themselves are not expressly stated to have been made at Newcastle.

Henry II. granted a charter of liberties to the burgesses of Newcastle. No copy of it now exists; but its tenor is known from a confirmation charter by King John, the immunities conceded being freedom from tolls, pontage, and weighage dues, and all customs in respect of all goods which the burgesses could identify as their own in any part of the kingdom.

King John's charters to Newcastle are numerous—of which three were granted in his second year, the confirmation charter of the liberties conferred by his father, and the two charters respecting the fee-farm. The first two were tested at Newcastle—the third at Alnwick. Besides the hundred marks and two palfreys proffered as a consideration for the charters, the "men of Newcastle" greeted the presence of their sovereign amongst them by the tender of forty marks and two palfreys as a welcome. The charter of the 11th year, by which the fee-farm of the town was ultimately secured, was tested at Stockton on the 5th of February. By another charter, of uncertain date, not now in existence, John conferred the privilege of an annual fair for two days at Lamas.

Besides the charters enrolled on the Chancery records, there is at the Tower a large bundle of original grants of fairs. This bundle I have caused to be examined, to ascertain whether it contained this grant of a fair to the burgesses of Newcastle; but without success. That such a grant was made in this reign, appears from a charter of Edward II., by which the duration of the fairs is extended from two days to twenty-eight.

In his 17th year, and within a few months of his death, John granted the comprehensive charter under which, besides the acquisition of many important privileges, and the confirmation of all which had been previously obtained, a merchant's guild was established. This charter was tested at Durham on the 28th of January.

In the 18th of Henry III., the burgesses had a charter confirming their privileges, as they enjoyed them in the preceding reign, without the addition of any new ones.

Besides these charters, the burgesses of Newcastle obtained from the Crown, during the same period, several special privileges, for which, on each occasion, they rendered a pecuniary equivalent.

In the 17th of Henry II., they paid seven marks, that two smithies (fabricæ) might stand during their pleasure. In the 4th of John, they paid twenty marks for liberty to buy and sell webs of cloth. In the 14th of John, they rendered four palfreys, that they might be excused from an amercement of one hundred marks, to which they were liable under the forest laws. In the 19th of Henry III., they paid one hundred marks for the privilege that in future no Jew should reside amongst them. Besides these occasional payments, and over and above their annual rent, they were subject to many heavy exactions, under the name of dones, aids, and tallages. The following is a complete list of such as were levied in the reigns of Henry II., Richard I., and John :—

4	Henry II.,	a done	20 m.
5	"	ditto	£40
7	"	ditto	£10
9	"	ditto	10 m.
11	"	ditto	40 m.
14	"	an aid for the marriage of the king's daughter	60 m.
23	"	an aid	40 m.
33	"	a tallage	60 m.
7	Richard I.,	an aid for the king's ransom	100 m.
8	"	ditto	100 m.
10	"	a tallage	100 m.
1	John,	a tallage	100 m.
8	"	ditto	£92 13 4
15	"	ditto	£212
	Reign of Henry II.		£203 6 8
	Richard I.		200 0 0
	John		398 0 0
			<hr/>
			£801 6 8

During the reign of Henry III., there were thirteen tallages, ranging in amount from forty marks to 120*l.*, and producing altogether 980*l.*:—viz., anno 3, 40*m.*; 7, 120*l.*; 11, 100*l.*; 14, 100*l.*; 19, 100*l.*; 23, 100*m.*; 25, 100*m.*; 31, 100*m.*; 34, 100*m.*; 37, 100*m.* 40, 100*l.*; 45, 100*l.*; 53, 100*l.*

Having had occasion to notice the escheats which were granted to the burgesses of Newcastle, it may not be amiss to recapitulate such other properties within the borough as came to the Crown by escheat or otherwise, during the reigns of Henry II., Richard, John, and Henry III.

In the 21st of Henry II., we first meet with the house of Gospatric, for the rent of which, for two years, the sheriff pays 5*l.* 8*s.* 6*d.*, being at the rate of four marks annually. The same rent is paid yearly until the 31st year, when 1*l.* 0*s.* 8*d.*, only is accounted for; and no further payment occurs. The house seems to have been applied to some public purpose; for three years afterwards we find a charge of 16*l.* "for building a stone house, which is amongst the escheats in the king's hands;

and no return in the shape of rent was ever received after this large expenditure.

In the 6th of Richard I., the house of William the moneyer was escheated; and produced a mark annually. In the 10th of Henry III., it was occupied by Fitz-Alan at the same rent. In the latter year another house, late the property of the same William, produced two marks, being in the occupation of Emma de Benham, with the wardship of the heirs of Hugh Bennet. In the 12th year, the rent of the former house is raised to 1*l*. William the moneyer was the lessee of the mines of Cumberland, and was indebted to the Crown an enormous sum for arrears of rent. Both houses remained in the hands of the Crown, and produced twenty shillings and two marks per annum respectively, till the end of the reign.

From the 5th of Henry III. till the end of the reign, the sheriff accounts for the rent of the two houses of Walter the dyer and William Fitz-Hugh, the former producing sixpence and the latter twopence annually.

Two messuages in Newcastle were held of the Crown by Philip de Ulecot in the reigns of John and Henry III., as appurtenant to his offices of coroner and forester of the county of Northumberland. After his death, in the 5th of the latter reign, his sisters paid a fine of twenty marks for livery of his estates, including these two messuages.

In the 41st of Henry III., several parties, who occupied parcels of land in Newcastle for which no rent had been previously paid, were charged with an annual payment. Jordan the clerk was charged forty shillings for the current year, and ten for the five years preceding. Walter the smith two shillings, and twelve shillings arrears for six years. William de Coventry 2*s*. 6*d*., and fifteen shillings arrears. Master Robert de Hampton and Jordan the clerk, half a mark for rent of a parcel of land. The same Robert de Hampton two pence for the rent of another parcel of land adjoining the gaol of Newcastle.

In the 55th year, the men of Newcastle paid a mark for the rent of a certain field called "Le Frythe"² for the current year, and a mark for the year preceding, the field being held by them during the king's pleasure.

Most of these escheats are doubtless incapable of being assigned to any particular locality, and an enumeration of them may possibly be deemed superfluous. One however, at least, affords some data for iden-

² The name of the Forth down to the 17th century. The crown title to this ancient scene of municipal festivity was kept on foot to the close of the same period. Its history is minutely detailed in Extracts from the Municipal Accounts, in Richardson's tracts.—*Ed.*

tification; and the inspection of old deeds may possibly lead to further discoveries. When Gray wrote his *Chorographia*, he tells us:—"In the middle of the Side is an antient stone house, an appendix to the castle,³ which in former times belonged to the Lord Lumleys, before the castle was built, or at least coetany with the castle." Surely we have here the identical stone house built on the site of the mansion of Gospatric. It was the boast of the Lumley family that they were of the kindred of the Saxon earls of Northumberland, amongst whom the great Gospatric held so distinguished a position; and although we cannot assign a place in the Lumley pedigree to "Gospatric of Newcastle,"⁴ the presumed owner of this mansion, who flourished in the reign of Henry I., there is ample space for his introduction into the pedigree, without unduly crowding the time-honoured stem.

JOHN HODGSON HINDE.

³ In Gray's MS. corrections to his *Chorographia*, printed in the first report of our Society, the words "an appendix to the castle" are cancelled, and the description "in the head of the Side" added at the end of the paragraph. During the recent destruction of houses at the Head of the Side, a large oblong stone building, with windows of the 14th century, was revealed behind the shop of Mr. Dickinson, the tobacconist, (No. 128 on Oliver's plan), and Mr. Ventress secured sketches of it.—*Ed.*

"The kings of England reside at the Side, an appendage to the Castle, since called *Lumley Place*, being afterwards the habitation of the Lords Lumleys."—*3 Pen-nant's Scotland*, 306.⁴

⁴ 31 Hen. I. Gospatricus de Novo Castello debet 20m. argenti ut purgaret se de iudicio ferri per sacramentum. Between 31 Hen. I. (1130-1) to 1174, 43 years elapsed. In the latter year "the king (of Scotland) had very soon the castle of Appleby. There were no people in it, but it was quite unguarded. Gospatric fitz Horm, an old grey-headed Englishman, was the constable; he soon cried mercy" (*Jordan Fantosme*). In 21 Hen. II., at the end of 1175, the sheriff of Northumberland accounts for the rent of the house of Gospatric de Novo Castello, newly escheated, in respect of two years. In 22 Hen. II. (1176), Gospatric fitz Orm accounted in the Westmoreland Pipe Rolls for 500 marks americiament, because he yielded the king's castle of Appleby to the King of Scots. In 1179 he had reduced this sum to 20 marks. In the roll of 1183 his name is wanting. In 1185 the sheriff of Northumberland accounts for half a year's rental of the house of Gospatric and we hear of it no more, unless it be the stone house made at Newcastle in 1138, which house is in the king's hands *inter escheatas*.

If Gospatric of Newcastle and he the son of Orm were identified by these entries, it would seem probable that the house was seized as security for the fine, and after the debtor's payment, or death before payment, was, for some time, occupied by the king, who caused its dilapidations to be amended by a new structure. Gospatric's father Orm was son of Ketel, and is said to have married Gunilda the daughter of Earl Gospatric, and originated the Curwens.

But if the identity could be established, it does not follow that Gospatric is altogether severed from the Lumley pedigree. The pedigrees prepared for Lord John Lumley, who provided the fictitious effigies and portraits for his ancestors, do indeed identify Uctred de Lumley with Uctred the son of the murdered Lyulph. Yet there is no evidence of this; the chronology requires another generation, and Lord Lumley's own evidences begin with Uctred son of Orm. The Lumleys of Great Lumley descended from Uctred, but the Lumleys of Lumley Castle perhaps descended from his brother Osbert.—*Ed.*