

NOTES ON NORTH TYNE DALE IN 1279.

NORTH TYNE, in the days of Camden, was looked upon as a *terra incognita*, as a waste of evil repute, the haunt of thieves and border reivers, where no king's messenger had dared to show himself, or to display the symbols of his authority. The description of the condition of this valley at that period, as given in the reports of Sir Robert Bowes and others, amply confirms this view, and exhibits a curious condition of a lawless population inhabiting the border lands of the two rival kingdoms. Here there seems, in the time we speak of, to have been no great ruling power—no feudal lord whose presence overawed the tributaries; but a number of petty freeholders, each securing himself in his fortified peel-house, as best he might, against the incursions of the Scots, or the not less dreaded attacks of his own immediate neighbours. In other parts of England, the feudal power was gradually breaking down, the laws were more respected, and property became more safe; while in Tynedale we have evidence to prove that the state of the country had seriously deteriorated during the 300 years preceding the period we speak of. But, in 1279, the date of the evidence referred to, North Tynedale was a part of the possessions of the Scottish king, and there was consequently not the incentive "to make raids on the Scottish syde," as was the case at a later period.

The regality or liberty of Tynedale was one of the royal manors; and of this district, Wark, where the barony court is still held, was the capital. The old church of Wark stood about a mile north of the town, at the Kirkfield—where the altar-stone, marked with its five crosses, was recently to be seen. In the centre of the village of Wark, there stood formerly an old peel or stronghold, out of which a large portion of the present square was constructed. This, however, was not the site of the courts:—they were held, as in Scotland, on the Mote Hill, a large artificial mound near the town, and on which there are still traces of strong buildings. We are not sure that there was ever a castle on this mound. No mention is made of any such in the *Compotus* of 1289, re-

turned by Thomas de Normanville to Edward I. of England, after the death of Alexander III. But it is there stated that there was a capital messuage and a garden there. It is possible that the old building in the centre of the square at Wark may have been the old prison, for the repairs of the gate of which, the sum of tenpence was paid in 1289.

Cumberland and part of Northumberland was ceded by King Stephen to David King of Scotland; but were resumed by Henry II. in the third year of his reign. Shortly after, however, Tynedale was again granted to William the Lion, to be held under homage only, and *jura regalia* were there enjoyed by the Scottish sovereigns. But of the exercise of these rights—of the modes of procedure at Wark in these early days—of the names of parties occupying land in Tynedale, and holding official positions under the Scottish Crown—very little indeed was known, save in the scattered notices of the Pipe Rolls, and from a few remaining charters, chiefly in the possession of the Swinburne family. It is therefore with the greatest satisfaction that we hail the publication of a most important document relative to this district, among the papers recently edited by the Archæological Institute in the two volumes relating to Northumberland.

The document in question is the Roll of the Justices Itinerant of King Alexander III. of Scotland, of the pleas held at Wark in the 31st year of that monarch's reign. This was the same Alexander who, in 1263, defeated Hakon the Old, King of Norway, at the battle of Largs; and possibly some of the stout soldiers of the North Tyne crossed swords with the Norsemen on that eventful day. In this document we find a most curious picture of the manners and customs of those times—of the tenures of land and the names of the tenants at that distant period—many of whom hold the same lands at the present day. "It represents," observes the Rev. Mr. Hartshorne, the learned editor of the volume in which the *Itter* is published, "the condition of the inhabitants of Tynedale at this period with vivid colouring, and is a valuable history of the district, since it exhibits tenures of land which were then common, the names of proprietors and tenants (names in numerous instances still prevalent), the term of their occupancy, the nature of vassalage, the rights of the Crown and its power of fine and amercement, its prerogative of mercy, the well regulated mode of trial by an assize, and the establishment of a jury—all of which elements of justice are clearly visible in the various entries of this official record. This system of jurisprudence was carried out by the itinerant justices who sat at Wark, with considerable care, as well as with scrupulous attention to prescribed forms and legal usage. These functionaries neither determined contrary to evidence, nor did the jury usurp the duty of the judges."

The judges of the Scottish Crown who sat at Wark in this year (1279), the only one of which a record has been preserved, were Thomas Randolph, Symon Fraser or Frazer, Hugh de Peresby, and David de Thoralde.

The *Iter* itself is, of course, drawn in the rather cramped law Latin of the time; and this perhaps will serve as our excuse for making a few brief extracts and notes on its more remarkable details; and our local acquaintance with the district referred to has been of no small aid in identifying many localities here alluded to. It is possible that some of the details may be more personally interesting to ourselves than to others; but we wish to convey an accurate picture of North Tynedale as it was nearly six hundred years ago. What a fund of curious information is laid bare to us by this fragmentary record of a single year's judicial proceedings at the old Mote Hill at Wark! We learn who were the chief oppressors of the people. We see the deference paid to the office of coroner and to the decisions of twelve jurymen in doubtful cases. The Swinburne holds the lands now possessed by his representative, the venerable President of this Society; while of another powerful family, the De Bellinghams, not a trace now remains in the town that bears their name. It is strange, too, to find how hereditary is the love of the chase in some families—how that Robert Homel or Humble was fined for fishing salmon in close time, when no doubt he was as little able to resist the temptation of securing the lordly fish as his descendants of that name at the present day.

The names of the sheriffs after the last *Iter* were William de Bellingham, John de Swynburne, and John de Warewyke; and of the coroners, John de Schutelington, Gilbert de Grendon, and Odoard de Rideley. Amongst the names of the jurors of Tynedale we find the following:—William de Schepelaw (Shipley), Thomas de Thirlwall, Matthew de Whitfield, and Thomas Bell; while John de Manghan is a juror of Newbrough, and Roger Colstan (Coulson) and Richard Homel are inmates of the prison at Wark. Parties are constantly designated as living on the Wall. Thus, Adam the son of Robert of the Wall (filius Roberti de Muro), Huchtred of the Wall, and Hugh of the Wall, all claim possession of certain lands near Haltwhistle and the Walltown.

We shall now briefly notice some of the various pleas brought against sundry parties for forcible dispossession of land, &c.

William de Swinburne first claims our attention. He was treasurer to Margaret Queen of Scotland; for a letter in his favour from that queen is still extant, recommending our beloved in Christ, William de Swinburne, our treasurer, to the favourable notice of William de Merton, Chancellor of England.

In 1263, William de Swyneburne paid 10*s.*, for rent of land in Old Halgton, Halgton, Halgton Strothers, and Halgton (now Haughton, near Humshaugh). He was evidently a powerful chieftain, and greatly involved in disputes with his weaker neighbours, whose lands he seems to have been disposed to lay claim to at all seasons. We fear that John de Tecket and Joan his wife acted but foolishly when they brought a complaint before the justices at Wark, that William de Swinburne had wrongfully dispossessed them of their free pasturage in Haughton Strother and in Nunewicke, belonging to their free tenement in Simondburn. And William de Swinburne, more learned, doubtless, in the byepaths of the law, calls the attention of the court that their writ is incorrect in form (*viciosum est et peccat in forma*), which the said John and Joan could not gainsay; wherefore they take nothing by their complaint, and remain at the mercy of the court *pro falsa clamore*. A similar action, relating to Haughton, is brought by John Mowbray for pasturage appertaining to his free tenement in Hounshale (Humshaugh)—but with no better success.¹ Symon the Palmer, too, must needs try his hand against the Swinburne in the matter of those same pastures; but he fails like the rest. Again:—William de Swinburne is summoned by Christiana, widow of Hugh de Nunnewike (Nunwick), to obtain her dower of 26 acres of land in Nunwick; but this is soon amicably arranged. Shortly after, John de West Denton appears by his bailiff, William de Swethope, against William de Swinburne, for the unlawfully dispossessing him of 39 acres of land in Haughton. But the Swinburne's good fortune follows him, and he proves that he, by John de Swinburne, had been enfeoffed of the said lands by John of West Denton; and so gains his cause. William de Tynedale acknowledges a debt to the said William de Swinburne of 100 shillings, 20 shillings of which he pays down at once; and he further covenants to pay a half at Pentecost, and the other half of the remainder at the Feast of St. Martin; and should he fail, the bailiff of the barony is to take the same out of his lands and cattle. Such are the scenes on which appears one of the direct ancestors of our venerable President. We see how he acquired lands, and with what success he defended his claims.

Let us turn now to another of the magnates of Tynedale in those days—to a family of which the name alone remains to indicate its former dignity. The De Bellinghams are now represented by an Irish baronet.² They are said to have acquired the Levens estate, near Kendal, about

¹ But see p. xxx. of the record for later notices of these cases.—*Ed.*

² In the record, the name is written Belingjam, indicating exactly the soft pronunciation of *gham* in names of places North of the Tyne, such as Ovingham, &c.—*Ed.*

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1582; but it is not certain at what period they parted with the last acre of their lands at Bellingham.³ They retained some interest in the district to a very late period. The site of their fortalice was probably on the east side of the Hareshaw burn, where an artificial mound is still visible, and is at no great distance from the mill which the De Bellinghams held of the Scottish king, paying for the latter in 1263 the enormous rent of ten pounds sterling. It may be that the chantry chapel of St. Catherine, in the very curious old stone-roofed church of Bellingham, was founded by this powerful family; for William de Bellingham was, with John de Swineburne and John de Warewyke, a sheriff of the regality. To judge from the records of this single *Itter*, William de Bellingham seems to have passed his life in perpetual feud with his neighbours:—and that, not only with the lesser landholders, but with the most powerful of all—the great ecclesiastical dignitaries of Hexham and of Jedburgh. He retracted his complaint against the Prior of Hexham for trespass, but of his “differences” with Nicholas de Prenderlathe, Abbot of Jedworth, we find the fullest and most ample details. The Abbot of Jedworth, or more probably one of his predecessors, had received from the Scottish king the right of pasturage, and a tenement in Euelingjam (now Ealingham)—a farm about two miles from Bellingham. There appears to have been a mill on this property at that time; for it is more than once referred to, though it would be difficult now to fix its site. It is probable that it stood on the very small runner that comes down the valley directly south of Ealingham; and perhaps it was only one of those curious little mills which once existed in this country, and are still to be seen attached to almost every farm in Shetland and Orkney. The mills on the Tyne, however, were of much greater importance. In 1263, not less than 17*l.* a year was paid as rent for the mill at Wark; and in the same year 10*s.* was disbursed for the repairs of the said mill, by altering the course of the Warksburn. The origin of the dispute between the abbot and William de Bellingham was one that is frequent enough in North-Tyne at the present day—viz., a complaint of injury received through the fences of the opposite party on the adjacent land being kept in bad repair. William de Bellingham held at that time the lands and patronage of Hesleyside, which adjoin to Ealingham, and now both belong to one proprietor. The abbot makes complaint that De Bellingham keeps his ditches and hedges (*fossas et hayas*) of Hesleyside in such bad repair, that the flocks and cattle of the said abbot, pasturing at Euelingham, are liable to stray on to the lands at Hesleyside, and there are captured

³ Certain quit rents continued to be paid to the representatives of the Bellinghams, for lands in North Tynedale as late as the year 1774.

and impounded at Bellingham from day to day, to the damage of the said abbot of 20*l.* sterling. De Bellingham replies that the hedges and ditches before the issuing of the writ and since the summer have been as well kept up as they ought to be at those times. The parties agree, Bellingham taking the initiative. As a counter plea, De Bellingham summons the abbot to show cause why he (De Bellingham) should not be entitled to free pasturage for two mares with their foals, for two years, in the abbot's parks at Euelingham; for William de Bellingham asserts that he was in seisin of the said common in the time of King Henry, the father of the Lord Edward, now King of England; and also in the time of the Lord Alexander, now King of Scotland; and that the said abbot deprived him illegally of the said common. De Bellingham may have been a good swordsman and leader of a fray, but he was no match in a point of law with the Abbot of Jedworth. It was responded on the part of the Church that it had been neglected to specify, in the narration, at what time of the year he claimed to have the right of pasturage; nor had he named the period of the year for sending the animals into the abbot's parks. So William de Bellingham lost his plea, and remained at the mercy of the crown, *pro falso clamore*. The amercement was remitted. Another plea set up by De Bellingham against his foe, was, that the Abbot of Jedworth had unjustly detained a chirograph charter, which he had handed to his predecessor for inspection. The abbot defends himself by alleging that there is no specification of the date and place of delivery of the said written document; and that even if this were remedied, the said Nicholas his predecessor was still alive, and that an action would lie against him. De Bellingham loses this plea twice or thrice, the abbot loses his about the insufficient hedges as often; and, wearied out, the parties conclude matters by a fine, as follows:—

“This is the final agreement made between the Abbot of Jeddeworthe on the one part, and William de Bellingham on the other part, before Thomas Randolph and his fellows, justices itinerant at Werke in Tynedale, on the morrow of the Epiphany, in the 31st year of the reign of King Alexander, upon divers contentions there between them moved—viz., on the part of the abbot as regards the repairs of the ditches and hedges of the said William in Heselyside, and also regarding the common of pasture at Heselyside belonging to the free tenement of the said abbot in Euelingham; and on the part of the said William, respecting the annual rent of thirteen bolls of flour and four shillings in silver; and also regarding the pasturage of two mares with their foals of two years in the parks of the said abbot in Euelingham. And that the said William, for himself and his heirs in perpetuity, agrees that he and his heirs shall well and sufficiently, according to the custom of the country,

close and repair his ditches and hedges of Heselyside, from the Mabamsburne towards the east, to Strikeliscloyche (Stirkscleugh), and from Strikelscloyche to the Tyne, under the inspection of two lawful men of Bellingham, two of Euelingham, two of Schutlington (Shitlington), and two of Charleton; and that the said men shall inspect the said hedges and enclosures every year, in the week of Pentecost. And whensoever the said men, or the major part of them, shall decree reparations to be made in the said hedges and enclosures, these shall immediately be done by the said William and his heirs, in the following week, without delay, according to the order of the said men, or of the major part of them.— And the said William, for himself and for his heirs in perpetuity, grants to the said abbot and to his successors, and to their tenants of Euelingham, common of pasture in Heselyside within the said hedges in the open time of the year, for all his flocks, and without the hedges at all times of the year, as appertaining unto his free tenement in Euelingham. But still that his flocks shall lie each night on the east side of Strikeliscloyche (Stirkscleugh).”

De Bellingham also gives up all claim for the annual rent of thirteen bolls of flour and four shillings of silver; as likewise to pasturage in Euelingham for two mares and their foals. And it is agreed likewise that the chirographs that have passed between Nicholas, once Abbot of Jedworth, and predecessor of the present abbot, and the said William, shall remain in full force. “And for this remise and quitclaim, the said abbot hath released and quitclaimed to the said William the common of pasture he possessed for forty mares with their foals of two years in Bellingham, Wardlaw, and Grenacris, reserving to the said abbot and his successors common of pasture in the said vills for forty cows with their calves of one year, according to the tenor of the charter granted by Alan, the son of Wolfen, and grandfather of the said William, to the church of Blessed Mary at Jeddeworthe, and to the canons therein serving God.”

At this time, Adam, son of William de Bellingham, held an oxgang of land and 20 acres of meadow in Charlton. The possession of the Hesleyside pastures does not seem to have brought tranquillity to the rapacious De Bellinghams: for their claims were disputed by other parties—viz., by John de Schutelington and Adam de Charleton, both of whom complain that William de Bellingham had unjustly deprived them of 200 acres of land and meadow at Hesleyside, to which they had free access, with all their cattle, after the grass and hay had been carried home, (*post blada et fena asportata.*) Adam de Charleton asserts that the said pasturage appertains to his free tenement in Little Charlton. William de Bellingham replies that the said tenement of Schutelington was formerly free forest of our lord the king, and that the king approved a certain portion of the said pasture, and bestowed it on the said William. And that, with regard to Adam de Charleton, he never had been seized of the said common pasturage since the king had demised

the said tenement to the said William. The jury, however, to their great honour, decide against the claim of De Bellingham, and that the claims of John de Shitlington and Adam de Charleton are good, as their writs state. Perhaps this is the earliest mention of the family of Charleton obtaining lands in Hesleyside—which they have continued to hold to the present day. The old fortalice at Hesleyside was standing within the memory of persons yet living, as was also the peel at Charleton. Lastly, William de Bellingham is summoned to answer to the king by what title he claims to hold two parts of the manor of Bellingham, which belonged to the ancient demesne of our lord the king. De Bellingham replies that all his ancestors had held the two parts of the manor in question, with all their appurtenances, from time immemorial, under the predecessors of our lord the King of Scotland, by the service of being the foresters of the King of Scotland throughout all his forest of Tynedale, but declines to litigate with the king, and submits the plea to his grace.

Such is an imperfect outline of one year's proceedings at Wark Courts in the matter of the families of Swinburne and De Bellingham; but there are other minor cases of curious interest. Thus, in a plea between Bartholomew de Prat and Robert de Insula (or De Lisle) of Chipchase, relative to rights of pasturage in Knaresdale, it was found that the plaintiff's grandfather had the right of pasturing his flocks as far as Tymberschaweburne, and as much beyond the said Tymberschaweburne as the flocks could return from in a single day, so as they might not pass a night beyond that burne.

The felonies and acts of violence occupy a smaller space in the Wark *Itter* than might have been presumed from the supposed lawless state of the country.

John of Hawelton and Thomas de Thirlwall do not seem to have confined their raids to Scotland; for on the Sunday before the Feast of St. James, in the 18th year of Alexander King of Scotland, they had plundered the good town of Wark of 30 oxen, each of the value of 10s.; 18 cows, each worth half a mark; one bull, worth half a mark; and fifteen other cattle, each of the value of 5s.; besides 200 sheep, both wethers and ewes, each valued at twelve pence; and that the said John of Hawelton drove them to his park at Swyinescholes (Sewingshields), and there unjustly detains them against the peace of our lord the king.

The townships in which robberies and housebreakings occurred were bound to pursue the thieves immediately with hue and cry; and numerous entries occur where such townships are placed at the mercy of the crown for neglect of this their duty. Thus:—"Certain unknown male-

factors broke into the house of Agnes, the wife of William Pulayn, and bound the said Agnes, and Evota her daughter, and thereupon carried away all their goods. Nor is any one suspected beyond the aforesaid malefactors. And the township of Haltwhistle, which did not arrest them, is in misericordia."

Thomas Russell of Playnmellor, slew Robert the son of Auger of Colanwood (Coanwood), in the town of Haltwhistle; and afterwards he fled to the church and abjured the kingdom.

The canny Scots occasionally made a raid over the border, even to the detriment of their then countrymen of Tynedale. Alexander of Lothian, Arthur of Galwichia (Galloway), David of Clidesdale, and Hugh the Carpenter, broke into the house of William de Fenwike in Symundeburne, and bound the said William, and carried off his cattle. There should have been honour among those of the same calling.

Occasionally, the reivers used singular means to avoid pursuit. Thus, when certain unknown malefactors broke into the house of Robert Unthank in Melkridge, in South Tyne, they shut up Alicia his daughter in a chest, (*in quâdam archâ incluserunt*).

The clergy were not always free from the general failing of taking liberties with other men's property.

Thus, Beatrix of Qwitfeld (Whitfield), summoned Thomas the Archdeacon of Northumberland, Master Hugo of Wodehalle, John de Burton, and Thomas of Haydene, chaplain, for robbery and receipt of felony, &c. And the said Master Hugo and all the others appeared, excepting Thomas the Archdeacon; but the testimony of the said Beatrix was not admitted, as it was proved by the bishop's letters-patent that she was excommunicate. The accused, moreover, pleaded that they were clerks, and would not therefore answer to the court.

Again:—Symon the clerk, and Richard Alpendache, clerk, broke open the house of John the Fuller. Richard Alpendache was taken and imprisoned at Wark; but afterwards, at the assize, was delivered over to the bishop as a clerk. William, the clerk of Whitfield, flies the country for stealing of one cow and other evil deeds.

There seems to have been some strange names in Tynedale in those days. May they have not been bynames bestowed on the parties? Adam Aydrunken accidentally upset a boat in the water of Tyne, so that he drowned thereby Beatrice his wife.⁴

At Newbrough, there seems to have been a family bearing the repu-

⁴ The same name occurs in 1 Sur. 269, 273. One of the most amusing illustrations of names in the record is at p. lvi., where the jury find that he who in a writ was styled *Wysman*, was rightly called *Seliman*.—*Ed.*

sive name of Unkutheman (unco' man). Cecilia, the wife of John Unkutheman of Newbrough, destroyed herself, when pregnant, in her own chamber, with a certain razor. The holders of this unlucky name appear to have been unfortunate. William Unkutheman and Elwald de Aldenestone were making a certain dam or fence (*sepem*) in the water of Tyne. And the said William was striking upon a certain stake with a certain mallet, to drive it into the ground, when the head of the mallet flew off, and striking Elwald on the head, deprived him of life. Poor William Unkutheman was taken up and imprisoned for the homicide; but a verdict of accidental death was returned, "et concessa est ei pax," (and peace was conceded to him), says the record.

Bates, the son of William (Williamson), Gilbert Trutte, son of Adam with the Nose (*Adam cum Naso*), who are fled for breaking into the house of Emma of Whitchester.

Sometimes the coroner, who seems to have been of much greater authority in those days, made short work of a thief; as when a certain unknown malefactor stole four geese in the town of Newbrough, and was taken in the act; and by order of Hugo de Ferewithescheles, the coroner, his ear was cut off.

At Bellingham, and further up Tyne, they seem to have dispensed with the coroner on these occasions altogether. Thus, Emma of Waynhoppe (Wenhope near Kielder) was taken for theft at Bellingham, and there decapitated. And it was proved by twelve jurors that the townships of Bellingham, Euelingham, and decapitated her without the coroner. "Wherefore they are at the mercy of the crown."

Again:—The hamlets of Dunclyf (Donkley), Thorneyburn, and Tarsethope, are amerced in 20s. for decapitating a thief without the coroner.

All accidents, too, are presented by the coroner at the assize. Matilda of Sadberg (near Wark) was found frozen to death at Poltadan. William Slipertoppe (Silvertop), was cutting down a certain tree in the wood of Chirdene, and the tree fell and killed him. Agnes, the wife of John Cupe, was killed by a portion of the millstone in the mill at Wark, while getting some corn ground there. But as the mill was the property of our lord the king, no deodand was called for.

Huchtred of Linacres had to pay half a mark for refusing to feed the king's dogs.

Roger Graunge and William Bene are presented for having fished in the lake of Hugh of Grendon (Grindon Lough), by the order of William the Terrier (Terrarius), of Hexham, and against the will of the said Hugh. And the Prior of Hexham is ordered to produce his said canon.

Alexander, the miller of Wark, Richard and Gilbert, the millers of

Euelingham, John, son of John de Nithesdale and Robert Homel, have fished at the forbidden times and against assize.

False appraisement of cattle and goods of felons are constantly noted, and the parties heavily fined.

It is presented by twelve jurors that Alan of Irwin (Irvine?) hath so beaten Gerard of Hesilyside that he was thought to have killed him, and he immediately fled. But the said Gerard still lives; so Alan may return if he will, but his cattle are confiscated for his flight, and are valued at 4s., for which the bailiff will answer.

Such are a few extracts from this remarkable document, culled on a hasty examination, but enough, we hope, to show that herein exists a collection of great local interest, and highly illustrative of the manners and customs of the period.

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