

IV.—DOCUMENTS RELATING TO AN INCIDENT AT NEWCASTLE AFTER THE BATTLE OF FLODDEN.

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I am indebted to Mr. Edward Bateson for transcripts from the Public Record Office of the annexed documents relating to Newcastle-upon-Tyne at a period following the battle of Flodden. In their incidental reference to that event, their illustration of manners, customs and social conditions, and their inclusion of the names of burgesses of our town, considerable interest attaches to them.

The originals are deposited in the Exchequer, among proceedings of the Court of Requests, and a reference in the documents explains why the case had been taken to that tribunal. As to this, it may serve here to quote a description of one of the functions of a branch of the Exchequer: 'As by a fiction almost all sorts of civil actions were at a later period allowed to be brought in the King's Bench, in like manner, by another fiction, all kinds of personal actions might be prosecuted in the Court of the Exchequer.'¹ From this it will be seen that the complainant, in the case about to be given, did not proceed by an action at common law, but preferred his petition in the superior court. And to this circumstance we may attribute the preservation of his appeal in the highly dramatic wording of the aggrieved appellant—'Walter Loveday esquier, capteyn of the Mary Kateryne of London.'

Let me further remind you in anticipation that Flodden, described in the document as 'lately wonne,' was fought on 9th September, 1513. It was 'called the Battle of Flodden

¹ S. R. Scargill-Bird, *Guide to Public Record Office*, 1891, p. xx.

by the Scots, from their camp being a few days on that prominent position, and Branxton Moor by the English, from having been fought to the south, near that village.'² In the document it is accordingly referred to as 'Branxton felde.' The valuable character of the ordnance captured by Surrey is indicated by the names of the officers and the strength of the guard left in charge of it on the field and as convoy firstly to Etal castle.³ King James's train of artillery, chiefly drawn by oxen, had consisted of twenty-two pieces of ordnance, including 'seven fine culverins, from the sameness of their make called by the king *the seven sisters*,' with 'four sacres, six serpéntines, besides other pieces, as fair ordnance as hath been seen'; all had been captured. Early in the following year the Scottish ordnance was safely bestowed within the walls of Berwick. The subsequent disposal of this great spoil was to be attended with no small amount of toil and trouble. Mr. Welford tells us, under date of 10th March, 1514, just six months after the engagement, 'Dacre writes to the king from Kirkoswald. Has received the king's letters commanding him to bring by land to Newcastle, in all haste, the ordnance taken at the last field against the Scots, to avoid the danger of sea-passage from Berwick. The deputy and council of Berwick refuse to allow the ordnance to be carried over Berwick bridge without command from the king. If the king is resolved upon it he should direct "fereful" letters of command to the persons named in a schedule. Had written to the priors of Durham and Tynemouth, and to the mayor of Newcastle, for horses and gear for the carriage of the ordnance, and is under obligation to re-deliver and pay for them. Loveday has written to him that he has arrived with his ships at Newcastle to receive it by command of the Admiral. Has

² R. White, *Arch. Ael.*, 2nd series, vol. III. p. 225.

³ *Ibid.* For details of the action itself see also Dr. Hodgkin, 'Battle of Flodden,' and C. J. Bates, 'Flodden Field,' *Arch. Ael.*, vol. XVI. pp. 1 and 351.

bid him remain till the ordnance came.⁴ But the difficulties of transport, even in the hands of so vigorous a person as Lord Dacre of the North, whose activities remind one of the alertness and ubiquity of Hotspur himself, were not to be overcome, even in face of the royal command for 'all haste.' On March 10th the good ship 'Lady Kateryne' was lying in the Tyne, ready to embark her precious cargo. But her captain, 'Walter Loveday, esquier,' looked in vain all through that month for Dacre and the artillery. Easter day fell on April 16th that year, but Loveday yet paced the deck where his vessel lay anchored. Ascension day, occurring May 25th, had come and still Loveday waited in vain. He had, however, by this time entered into the stir and movement of the town, where befel the mischief proverbially awaiting the idle hand. It was now 'the Saturday next after Ascension day' and Captain Loveday and his brother William were on shore mingling with the throng in Newcastle streets, as it seems, when the series of adventures occurred about to be narrated in our first document.

It remains for me to add a word respecting the persons named herein. Of these, the defendant in the case, was John Brandling, referred to as 'John Branlyng aldremen and late maire of the said towne.' He had been mayor of Newcastle in the first year of Henry VIII. and in 1512, and was elected to the office twice subsequently. He was progenitor of a line long connected with the interests of the town and district. In Mr. Welford's words: 'The Brandlings were undoubtedly a race of strong-minded and courageous men, who, from the beginning of the sixteenth century down to our own day, helped to make local history, and to impress their works and ways upon successive generations of North-country people.'⁵

⁴ R. Welford, *History of Newcastle and Gateshead*, vol. II. p. 39.

⁵ Welford, *Men of Mark 'twixt Tyne and Tweed*, vol. I. p. 370.

Thomas Horsley, 'aldreman,' who appears upon the scene, became mayor at Michaelmas of that same year, and was re-elected in after years four times. He was master of the fellowship of merchants in the town and a man of substance. When Surrey, before the battle, made rendezvous with his army at Newcastle, Horsley assisted in supplying mounts, and in the list of captures by mosstroopers on the field of Flodden occurs the entry of five horses and mares restored by Dacre's orders to Thomas Horsley 'for himself and neighbours.'⁶ In life Thomas Horsley achieved renown as a public-spirited citizen; in death he wrought for himself an enduring memorial, devising his lands for founding the Grammar School of Newcastle-upon-Tyne.

Although the name only occurs here incidentally, we may not forget the services of Dacre and his mosstroopers on the field of Flodden. It was his task now to convey the seven culverins, or 'seven sisters' as they were called, with their accompanying fifteen pieces of artillery. On the field itself it had been his, with his thousand borderers, to act as path-finder to Surrey through bogs and morasses, relied on by the enemy as impassable. Lord Dacre died in 1526; and his altar-tomb in the choir at Lanercost, enriched with the noble heraldry of the families of which he was representative, is with us to this day.

. And now let Captain Walter Loveday speak for himself:—

In most [lame]ntable wise complayning shewith unto your highnes your true and faithfull seruannt Walter Loueday esquier capteyn of the 'Mary Kateryne' of London that where by your most high commandement your said suppliaunt with the said ship sailed to Newcastell uppon Tyne to conveye suche ordenance as was lately wonne obeyned and gotten of the Scotts at Branxton felde and thenne remaynyng at Berwyk from whens the Lord Dacres by your commandement shuld have conveied the same ordenance unto the said towne of Newcastell to be deliuered unto your said suppliaunt he for to have conveied the same from thens unto your porte of London by water And so it was most gracious soueraigne lord that one

⁶ *Arch. Ael.*, vol. xvi. p. 372.

George Carre a Scotte cam from Scotland as a spy sent by one Dan Carre and there in the same towne craftely solde lether in the said towne in the market as he had bene an Englishe merchaunt and your said suppliant hauyng notice and being aduertised thereof sent for the said Scotte to come to the house of one Edward Bartram a Burges of the said towne to speke with hym whiche so did whereuppon the said Scotte examyned by your said suppliant in the presence of the said Bartram and diuers oder whether he were a Scotte or not whiche he denyed utterly to be and thenne further examyned at last he confessed to be a Scotte borne and that he was sent from Dan Carre in Scotland unto England whereuppon afterward uppon long and further examynacion your said suppliant hauyng parfite knowlage that he was a Scotte arrested hym and seasid hym as his prisoner and his goods whereuppon sute was made unto your said suppliant by one Rauf Thomson to haue hym uppon surety to baile and that he shulde be forthe comyng at whose sute and at the request of the said Bartram your suppliant was content that the said Thomson shuld haue the keping of his said prisoner saufly to deliver hym agayne unto your said suppliant the morowe thenne next folowyng and after that one John Branlyng Aldreman and late maire of the said towne of his extorte power toke away the said Scotte prisoner of your said suppliant from the said Thomson as he was going and conueyng hym home to his house in the same towne whereuppon your said suppliant and William Loveday his brother and Chrystofer Ffynter they thenne and there being in Godds pease and yours your said suppliant nor his brother hauyng no wepon uppon theym and the said Christofer comyng with theym in company went with theym unto the market where the said Branlyng was and grete company with hym that is to sey the Saterdag next after Ascension Day last past and thenne and there sayyng openly these words Maister Branlyng it is shewed to me ye haue taken my prisoner George Carre a Scotte whiche denyed and said he had not and hauyng this conuercacion your said suppliant perceived and sawe where his prisoner stode behynde the said Branlyng sayyng here is my prisoner behynde you I pray you let me have hym ageyn whereunto he in a grete fume annswerd and saide Thou gettest none here and not so hardy in thy hed thou meddle with hym and ferther sayyng that long felowe thy brother had words of me in an ale house wherewith I am not content and he shall repent hym. To whom your said suppliant said he is a gentilman and in som place he wolbe taken your felowe with as good a man as ye be And he in grete malice said and annswerd that nother your said suppliant nor his said brother shuld be his felowe in that towne whereunto your said suppliant saide that in some place he shuld be his better and in this altericacon one George Burwell kynnesman unto the said Branlyng violently ranne uppon your said suppliant and pulled his shirte and his cheyne thenne being aboute his nek in sundre which cheyne they

toke from hym—And thenne the said Branlyng bad stryke whereuppon the servaunt of the said Branlyng stroke your said suppliaunt with a staffe upon the hed so grevously that he therewith felle unto the grounde and then and there was in grete dispaire of his life and had bene utterly slayne and destroyed by the said Branlyng and Robert Myllet and others his adherents and company yf one Thomas Horseley an aldremen of the same towne had not bene [*sic*] and on this he not this content but of his farther malice and crueltie felonously thenne and there he and his said evill disposed company murdred and slewe the said William Loveday his brother and brought your said suppliaunt to pryson where he remayned untill such tyme that the said Branlyng had conveyed a servaunt of his oute of the towne whiche amongst oder thenne as the said Branlyng reports slewe the said William Loveday and the said Branlyng is of suche might and grete power in the same towne that alle is there done at his commandement and rule so that it boteth not nor availeth to make any labour or sute ayenst the said Branlyng and his servaunts there for to have theym condignely punysshed by thorder of your lawes for alle is there ordred as he wille In consideracion of the premysses that it may please your highnes in the fortheryng of justice and punysshment of the cruell murderers and offenders in the premysses to command one of your servaunts of armes to go to the said Branlyng and in your most gracious name to commande hym and suche his servaunts offenders with hym to appiere before your grace and your most honorable Counseile to aunswer to the premysses and further to doo and suffer as shalbe thought according to right equitye and your lawes and thus for the love of God and in the way of charite. And your said suppliaunt shalle daily pray to God for the preservacon of your most roiall astate long to endure.

To this 'lamentable complaint' the defendants file an answer, suggestive of the proverb that 'One story is good till another is told.' Here, then, is the other story:—

The seyd John George and Robert Millett saye that the seyd bill is insufficient and uncerteyn to be answered unto and the matre therein conteyned untruly fayned and imagyned oonly to put to vexacion and troble the seid John George and Robert. And the matre therein conteyned if it were true as it is nott is determinable at the comon lawe and not in this court whereunto they prayen to be remytted and the advantage to theym thereof saved And for declaracon of troughe towchyng the premysses the seyd John Branlyng seith that the Saturday next after the Ascencion Day last past their was a proclamacon in wrytyng send by the lord warden to the mayer and alderman of the seid town of Newcastle to thentent to make proclamacon that euery person their able shuld be redy within an howres

warnyng to rescue Norram Castell if nede requyred after which proclamacon had and made in the seid town the seid John Branlyng comyng homeward from the seid proclamacon to his howse seeyng the seid George Carr Skott selling lether in the marktett their. To whome the seid Branlyng demaunded wheir he was borne for that he suspected hym to be a Skott which Carr aunswerred and said he was an Englysshman and born at Harbottell and, after long communycacon had, the seid Carr confessed and seid he is a Skott And then the seid Branlyng requyred of hym if he had eny save condit which Carr seid he had license of the seid lord warden and then the seid Branlyng seid for that he shewed no save condit of the seid lord warden he seased the seid Carr untill such tyme he knewe the seid lord wardens pleasure by force whereof the seid Branlyng keppt the seid Carr in his howsse and dyned with hym the seid Saturday. And after dinner the same day the same Branlyng stondyng at his dore in godds peace and the kyngs there beyng in company with hym the seid George Burwell and oon Thomas Robson of Exham merchant and no moo and they so stondyng in conversacon togeder the seid Walter Loveday send to the seid Branlyng by oon of his servannts this message [*sic*] folowyng Syr my maister bidde you send hym his prisonar which ye toke in the marktett today To whom the seid Branlyng seid I have non of his to my knowlege. And the seid servannt answered and seid if ye send hym nat ye shall repent hit and so departed and incontynent the seid Walter Loveday William Loveday Christofer Fenton and others came to the dore of the seid Branlyng wheir he found the seid Branlyng stondyng with the seid too personnes as is aboue rehersed and no moo seeyng these words his hond beyng on his dagger Ye haue a prisoner of myne to whom the seid Branlyng seyde I have non of yours I haue oon which I toke in the marktett today which I intend to kepe untill I knowe the lord wardens pleasure And then the seid Walter Loveday seyde yf the seid Skott had nat belonged to me ye wold not a medle with hym To whom the seyde Branlyng seyde I pray you Mr. Capptenn leve such words to whome the seid Walter Loveday seid many high and unhittege [*sic*] words by reson wherof the people in the marktett gathered to a gret nombre round about and the seid Branlyng seeyng the seid nombre gathered and because he knew that dyvers of that towne bare the seid Walter Loveday displeasure for that he made dyvers frays and too some day a litle before whereuppon the seid Branlyng for fere the seid Walter Loveday shuld make a newe fray he rounded hym in his eere and seid to hym Mr. Cappten I pray you depart and wee shall comen the mattre at more leysure and the seid Branlyng turned from hym intendyng to have gone into his howse and then the seid Walter Loveday with violence pulled hym ayen And then the seid George Burwell for dred the seyde Walter Loveday wold have strokyn the same Branlyng leyde his hond of the seid Walter and putt hym from hym as lawfull was for hym to do and the seid Branlyng Burwell

and other cried peace and commanded peace to be keppt in the kyngs name by reson of whos wisdom patience and policey this mattre thus was pacified and the seid Walter Loveday and his company departed. And forthwith the seid Branlyng and other justice of peace went to church and the commons theym folowed at whiche tyme and this departyng the seid William Loveday had no hurt. . . . to the knowlege of the seid Branlyng and shortly after came oon Thomas Horseley alderman and shewed that the seid William Loveday was hurt and that he was stryken in a by lane by oon William fulbery and then the seid mayre and aldermen commaunded the shreve and other to serch and attach the seid fulbery which incontyent made serch and coud nat fynd the seid fulbery for he immediatly departed the towne and never was seen sens with outt that the seid Walter Loveday attached the body of the seid George Carr and withoutt that that [*sic*] the seid Raff Thomson had the keypyng or toke to bayle the seyde George Carr and withoutt that that the seid John Branlyng of his extort power toke away the seid Carr prisoner of the seid Walter Loveday. [The other allegations in the Bill are then denied, and George Barwell confirms Brandling's evidence and] seith that when the seid Walter Loveday pulled ayen the seyde Branlyng when he intended to have gone in to his howse the seid George Burwell for that he was the kings constable for dred the seid Walter wold have stroken the seid Branlyng he leyde his hond upon the seyde Walter and putt hym from hym as lawfull was for hym to do, etc.

As far as our documents reveal, the episode ends here. Though a mere passing incident it is vivid in its reality and suggestive in its detail, whilst its dramatis personæ pass before us not as mere picturesque figures but as living and speaking men.

If the crushing and disastrous action at Flodden left the Scottish nation defeated they were yet unsubdued. That reprisal was feared is evident from the reference to the Lord Warden's proclamation that every able townsman should be ready within an hour's warning to march to the rescue of Norham castle if need required. It will be seen that the capture of the entire field ordnance of the Scottish army was a prize of war so great as to make an attempt at its recovery highly probable. Dacre's

² Exchequer, Treasury of the Receipt, Proceedings of the Court of Requests; bundle 3, No. 125, Hunt's Calendar.

task was thus a hazardous one. The twenty-two pieces of artillery though safe within the walls of Berwick were yet on the confines of the Border. To leave the fortifications was to turn his park of artillery into a long straggling line of guns, tempting attack as it defiled along the roadless lands of the eastern coast of Northumberland. This might well explain procrastination in the setting forth of Dacre's convoy.

Meanwhile Captain Walter Loveday of the good ship 'Mary Katerine' had tarried idly in the Tyne, waiting week by week for the arrival of his valuable cargo and incurring the displeasure of the townsmen 'for that he made dyvers frays.' That is by the way; the interesting point is his assertion of authority as a king's officer, although within the jurisdiction of the municipality, and his assumption of claim to the prisoner as of right. On the other hand, that the paramount authority of the municipality within its own bounds was successfully maintained we owe to the firmness of the mayor of that day and his colleagues.

For the rest, the documents reveal the whole scene to us in the words of its actual spectators and participators in a manner dramatic of itself. We can realize it all to the life; the market-place and its guileless-looking leather seller; John Brandling, the mayor, whose keen eye sees through the imposture as he passes; the plausible protestation of the culprit; his conviction and arrest as a Scottish spy; his courtly treatment as a guest at the dinner table by his worship; John Brandling at his own door 'in God's peace and the king's'; the insolent message demanding the prisoner, followed by Loveday's arrival in person with his brother and the rest and their wrangle at the door; the gathering crowd of townsmen, angry and eager to have it out with this swashbuckler and his crew, biding their time till night gave opportunity; the dark by-lane where William Loveday, alone and seeking further evil, was met by William Fulbery;

the momentary gleam of steel as Fulbery's dagger is flashed and plunged into his adversary's heart. As the assassin escapes the curtain falls and our drama is over.

By way of appendix, another document from the same source, may here be given :—

To the king our souerayne lorde in his most humble wyse shewithe and complaynethe to your moste exelente Highnes your poore servante and dayly bedeman Pfrances Hastynge that whereas your saide servante by her dede indentyd beryng date abowte fiftene yeres nowe passed for the sum of cccclx*li*. sterl: to be paid unto hym at certeyne dayes as in the said indentures amonxt meany other thynngs more playnly doth appere ded bargayne sell unto the Right Honorable the lorde Dacres of the Northe all that his lordshippe or manner of West Matfyne within the county of Northumberland of whiche said cccclx*li*. the saide lorde Dacres hathe contented and paid to your saide servante cccc marks sterl: by the hands of oon James Lawson of Newcastle merchanteman. So it is moste gracious soveraign lorde that albeit your saide poore servaunte hathe permytted and suffred the saide lorde Dacres and his assignes to have and enjoy the saide lordshippe without lette or interruption yet the residue of the said cccclx*li*. which is cc mks. and lx*li*. the saide lorde Dacres nor yet the saide lawson hathe not contented and paid to your saide servante notwithstanding though they have therunto dyuers tymes required. And for as moche moste gracious lord your poore servante hathe no bill obligatory wher by he may have his remedye agenste the saide lord Dacres or the saide lawson by the order of your graces comon lawes for that also your saide servante be dyuers occations is fallen in pouertie he is not able to sue for his remedye consernyng the premisses by the order of your saide graces comon lawe. In consideration wherof may it pleas your moste exelente highnes the premisses tenderly considered to grante your graces lettres of privi seale to be directed unto the saide lorde Dacres and unto the saide James Lawson commandyng them and euery of them by vertue therof personally to appere before your graces counsaile and not departe unto suche tyme they have made answere to the premisses and further to abyde and stonde to suche ordre and direction consernyng the same as by your highnes and your saide moste honorable counsaile shalbe thought to stonde with right equitie and good conscions and your saide poore servante shall dayly pray as he is moste bounden to doo unto god for to presarve your most royall majestie in moste fortunate estate and prosperite long to enduer. [No date, but temp. Hen. 8.]

⁸ Proceedings of the Court of Requests, Hunt's Calendar, bundle 4, no. 138.