

## VI.—ALSTON MANOR PAINE ROLL.

By RICHARD WELFORD, M.A., a vice-president.

[Read on the 31st July, 1912.]

Without in any way attempting to deal with the difficult question of manorial rights, customs and privileges, it may be interesting to consider one branch of the subject, and to ascertain under what pains and penalties the tenants of a local manor held their lands. The customs of English manors are so varied and complicated, for they are in most instances only known in the particular places where they have been allowed from time immemorial, that it is better to illustrate one characteristic at a time.

Our society has already published details of manors in various parts of the north of England, showing the conditions under which many generations of our forefathers lived their rustic lives of service and toil. We have, for instance, a paper on the 'Manor of Cartington,' by David Dippie Dixon<sup>1</sup>; 'Customs of the Court Leet and Court Baron of Morpeth,' by J. Crawford Hodgson, M.A.<sup>2</sup>; 'The Ancient Farms of Northumberland,' by F. W. Dendy, D.C.L.<sup>3</sup>; and a continuation of the same subject by Earl Percy (now our noble president, the Duke of Northumberland;)<sup>4</sup> also by the same authors a paper on 'Dargs and Dayworkes'<sup>5</sup>; and 'The Manor of Haltwhistle,' by the Rev. C. E. Adamson, M.A.<sup>5a</sup> Our county history, now in course of publication, abounds in local illustrations of the same character.

The paine, or penalty, roll of the manor of Alston, hereto appended, shows the fines which were imposed upon the tenants by the manorial courts for offences against the laws and customs of the manor. Such were breaches of the peace, encroachments

<sup>1</sup> *Proceedings of the Society*, vol. v, p. 167.

<sup>2</sup> *Archaeologia Aeliana*, vol. xvi, p. 52.

<sup>3</sup> *Ibid.*, vol. xvi, p. 121.

<sup>4</sup> *Ibid.*, vol. xvii, p. 1.

<sup>5</sup> *Ibid.*, vol. xix, p. 217.

<sup>5a</sup> *Ibid.*, vol. xvi, p. 162.

upon the rights of the lord, failure to provide for the common defence of the community, and offences connected with cultivation of land, maintenance and regulation of live stock, etc. Some of these regulations were local, pertaining to this particular manor; others incorporate the statute laws of the realm.

The original roll is of ancient date, having been made in the reign of Henry VII—1485-1509. The existing roll was copied in 1692 from one dated 1629, which had 'grown so dim that it was hard to be read.' It had been in use sixty-two years. What variations (if any) were made between Henry the Seventh's time and 1629, do not appear. The present document is, apparently, an exact copy of its predecessor.

## ALSTON PAINE ROLL.

Alston moor } A Paine Roll<sup>a</sup> agreed upon by the Juryes hereunder  
in the County } written with the likeinge and aduice of Thomas Hilton  
of Cumberland } Esquire Lord of the Mannor there and William Hutton  
1597. } Esquire Steward of the Court within the said land together  
with the consent & agreement of the whole Lordship made  
the fifth day of October Anno Regni dom'a n'ra Elizabetha  
Regina xxxix and drawne forth of a Roll made in King  
Henryes the vij<sup>th</sup> dayes as followeth (viz<sup>b</sup>)

Nomi'a Jurate	Thomas Yeates de fairhill	}	Jur.
p. dom'a Regina	John Walton de Raise		
Cur. ib'm.	Thomas Walton de Newsheald		
	John Eales als Jenkin		
	Thomas Hutchinson		
	George Lee de Cragge		
	Thomas Crozer		
	Nicholas Walton de Galligill		
	John Bowmane		
	Nicholas Walton de Black house		
	Nicholas Richeson		
	Alexander Walton		
	Richard Teasdell		

<sup>a</sup> This paine roll was copied, in 1909, by two of our members—Mr. Edwin Dodds and Mr. J. W. Robinson—who generously supplied me with a transcript. Since then the kindness of Mr. Wm. Thompson, of Alston, has enabled me to see the original.

Jurat de Man. Andrew Teasdell Richard Walton de Leehouse  
 p. dom'o. Cur. ib'm. Henry Renwick Christopher Harrison  
 Thomas Nixon Henry Hutchinson  
 Reynard Nixon John Teasdell  
 Richard Vipont de Nenthall Lionell Dickinson  
 John Walton de Natteresse Thomas Stephenson  
 Arthur Lee.

## PENE PENA

By verdict it is agreed and put in paine that none make an assault or affray upon another within his liberty upon paine of vj<sup>s</sup> viij<sup>d</sup> for euery fray or assault.

That none draw any blood upon another within this land upon payne of iij<sup>s</sup> iiij<sup>d</sup> toties quoties<sup>7</sup>

That noe man take part or help to support one another in any assault or affray to strike upon paine of v<sup>s</sup>(?) for euery offence

That if any fforrenners or strangers doe make any assaultes or affrayes within this land that none within the Lordship of Aldston moor shall take part or strike on either pty sub pena vj<sup>s</sup> viij<sup>d</sup>

That none shall slander one another within the Lordshipp and the same being found by the Jury upon paine of vj<sup>s</sup> viij<sup>d</sup> toties quoties

That euery man come and arise and follow upon euery affray and followinge upon the paine of vj<sup>s</sup> viij<sup>d</sup> toties quoties and that noe man turne back from the same till the formost & the rest of the Country returne upon the like payne

That euery man keep his night watches from Lamas till Allhallowmas sub pena vj<sup>s</sup> viij<sup>d</sup> if need require<sup>8</sup>

That euery man keep his day watches from Mid Aprill day till the xx<sup>th</sup> day of May and from S<sup>ate</sup> Peter day till Lammas upon payne of iij<sup>s</sup> upon euery default if need require

That euery man keep the plank watches at the appointm<sup>nt</sup> of the officer upon payne of euery default to be punished in the countrye at the discretion

<sup>7</sup> It is noticeable that the smallest fine is levied upon the man who draws blood, while striking, assaulting, or taking part in any affray, whether with neighbours or strangers, is punishable by a higher penalty. *Toties quoties*—as often as occasion shall arise.

<sup>8</sup> This, and other clauses, relate to the day and night watches (founded upon the Border laws), which the tenants were bound to maintain against raiding mosstroopers and marauding Scotsmen. The day watches were kept from mid-April till the 20th of May, and again from St. Peter's day (June 29th), till Lammas day (August 1st); the night watches extended from Lammas to Allhallowmas (November 1st). The Scots did not generally raid in the dead of winter, for then, as Sir Robert Cary relates, 'the ways are so foul and cattle so weak they cannot drive or carry anything off.'

of the officer and upon the refusall of his punishm<sup>nt</sup> to send him or them soe refuseinge unto the Lord there to take his punishm<sup>nt</sup> as he shall thinke good<sup>o</sup>

That euery one be well furnished in horse and geare accordinge to the custome of the cuntrye [and where] and if any fault be found by the Lord or his officer at any Muster and they being founde not sufficient by the jury to forfeit to the Lord vj<sup>s</sup> viij<sup>d</sup> for euery offence ('and where' is erased in the original.)

That if it fortune that any man loose his horse by chance stealth or otherwise that then it is putt in payne so that every such tennant shall provide a horse againe within the tearme and space of one halfe yeare from the day of his said losse upon payne of vj<sup>s</sup> viij<sup>d</sup> for euery offence and if he sell his horse to provide another againe within forty dayes sub pena vj<sup>s</sup> viij<sup>d</sup><sup>10</sup>

That noe man ffish without licence of the Lord or his officer between the Tyne Brigge and the foot of the Low Croke upon payne of vj<sup>s</sup> viij<sup>d</sup> upon euery default

That noe man ffish with scepes or ropes within the Lordship at any time hereafter without lycence sub pena vj<sup>s</sup> viij<sup>d</sup>

That noe man kill any salmon in spaunding time between the Rood day and S<sup>nt</sup> Andrew day sub pena vj<sup>s</sup> viij<sup>d</sup><sup>11</sup>

That noe man keep any more goodes in summer then he keeps in winter sub pena for euery nowte viij<sup>d</sup> and for euery horse xij<sup>d</sup> for euery ffive sheep viij<sup>d</sup> and for euery tenn lambs viij<sup>d</sup><sup>12</sup>

That noe man take any goodes beneath Glendew and Rendal ford to jeast upon double amercim<sup>nt</sup> aforesaid for euery default<sup>13</sup>

That noe man shall lodge any that dwell beneath Glendue without lycence of the Lord or his officer sub pena vj<sup>s</sup> viij<sup>d</sup>

That noe man putt any scabbed horse or mares upon the Com'on Pasture upon the payne of vj<sup>s</sup> viij<sup>d</sup>

That noe man putt any Nassells upon the Com'on sub pena vj<sup>s</sup> viij<sup>d</sup><sup>14</sup>

<sup>9</sup> A 'plank' was the point or place where two watchmen met at a fixed hour of the day or night.

<sup>10</sup> Relates to providing horse and gear. If a horse be lost another must be provided within six months; if sold another horse must replace it within forty days.

<sup>11</sup> Prohibition of fishing in the lord's private water, between Tyne Bridge and a bend of the river below what is now called Patrick's Well; also of fishing with skeps or baskets anywhere without the lord's licence. No man is to kill salmon in spawning time, *i.e.* between Rood Day (September 14th) and St. Andrew's day (November 30th).

<sup>12</sup> 'Goods'—horses, cattle and sheep.

<sup>13</sup> 'Jeast' or 'geast.' A contraction of the word agistment, meaning the feeding of cattle or other animals on a common pasture for a stipulated sum.

<sup>14</sup> 'Nassells,' weaklings—the smallest of a brood or litter.

That the Pinefold be made sufficient and able yearly before S<sup>nt</sup> Hellen day and soe to be kept able upon paine of xiijs iiijd<sup>d</sup> for euery default and that none breake the fold and lett out any goodes out of the same upon the like payne and that none make any rescewes of any goodes goeing to the fold upon the like payne<sup>15</sup>

That the Butts of Aldston and Garrigill be yearely made before S<sup>nt</sup> Hellen Day upon paine iij<sup>s</sup> iiijd<sup>d</sup> for euery default<sup>16</sup>

That euery Tennant that have used to goe to the sheales doe goe to the same within one month after S<sup>nt</sup> Hellen day and there to stay till S<sup>nt</sup> Peter day upon payne of xij<sup>d</sup> for euery default<sup>17</sup>

That none be hurtful to the Lord Demesne or Mill for setting of waters and breakinge of hedges belonginge to the same upon payne of iij<sup>s</sup> iiijd<sup>d</sup> toties quoties

That the Tennants that joyne upon the Mark close make up their part that joynes upon the same under the payne of iij<sup>s</sup> iiijd<sup>d</sup> at the discretion of the fencemen<sup>18</sup>

That none disobey the lawfull comandem<sup>nt</sup> of the officer upon payne of vj<sup>s</sup> viij<sup>d</sup>

That euery man Sew or Breach his Tip before the morrow after Michaelmas day sub pena vj<sup>s</sup> viij<sup>d</sup> toties quoties<sup>19</sup>

<sup>15</sup> The pinfold or place where straying animals were impounded till their owners claimed them. Newcastle pinfold faces Sydenham Terrace, on the North Road.

<sup>16</sup> St. Helen's day was the 3rd of May, as is evident from the wording of an old Haddrick's Mill deed, viz., 'From the 3rd day of the present month of May, commonly called St. Ellen day.' This clause is in accordance with the Act 33 Hen. VIII, cap. 9, which provides, 'That butts be made . . . in every city, town and place by the inhabitants . . . according to the law of ancient times used, and that the dwellers in every of them be compelled to make and continue such butts upon pain to forfeit, for every three months so lacking, 20s.' One of the old thoroughfares in Alston is still called 'The Butts.'

<sup>17</sup> 'Sheeles,' places of shelter on the fells. In Camden's *Britannia*, under the description of North Tyne, appears the following passage:—'All hereabouts in the wastes, as they call them, as also in Gillesland, one sees a set of people like the ancient Nomades, of a warlike disposition, who watch here with their flocks from April to August in scattered huts called Sheales and Shealings.'

<sup>18</sup> Mark Close is a farm on the Brampton road, Alston, and at that time was apparently portion of the lord's demesne.

<sup>19</sup> A curious clause. It means the sewing or breeching of the ram, to prevent him from having untimely access to the ewes.

That noe man cutt or fell any woods of warrant within the Lordship without the licence of the Lord or officer upon payne of iij<sup>s</sup> iiij<sup>d</sup> for euer stouen toties quoties<sup>20</sup>

That none kill any Hares in the snowe sub pena xij<sup>d</sup> <sup>21</sup>

That euery man make his hedges of his head dyke sufficient and able before S<sup>nt</sup> Hellen day yearely sub pena vj<sup>d</sup> toties quoties and that none suffer any Gaps to be in their oul hedges sub pena for euery gap vj<sup>d</sup>

That euery one ring his swine and suffer not the same to be unringed by the space of three dayes together sub pena vj<sup>d</sup> toties quoties

That euery man turfe his peat potts within this Lordship sub pena vj<sup>d</sup> <sup>22</sup>

That noe man play at Cardes or Tables for money within the Lordship but within the xij dayes of Christenmas sub pena vj<sup>s</sup> viij<sup>d</sup> toties quoties<sup>23</sup>

That noe man graue peetes or turfes within Acree wall without licence sub pena vj<sup>d</sup> toties quoties<sup>24</sup>

That noe man take any geast swine sub pena vj<sup>d</sup> toties quoties

That none take any geast gease within the Lordshipp sub pena vj<sup>3</sup> toties quoties . . . . . vj<sup>s</sup> viij<sup>d</sup>

That none make any Hedges or Garthes with the Lord's wood without sale sub pena vj<sup>d</sup>

<sup>20</sup> Woods of warrant are certain forest trees, as ash, oak, etc. 'Stouen' is meant for 'stover' - a stick, or pole, still used in Alston by that name, for fastening cattle in a byre. *Ex. inf.* Mr. William Thompson, Alston.

<sup>21</sup> Killing hares in time of snow is prohibited by the Act 14 Hen. VIII, cap. 11, as follows:—'That no person or persons of what estate, degree or condition they be, from henceforth trace, destroy and kill no hare in the snow with any dog, bitch or otherwise, and the justices of the peace . . . and stewards of leets, shall have full power and authority to enquire of such offenders.'

<sup>22</sup> A peat pot was the hole left in the ground when the peat was extracted, and the object of this clause was to cause the hole to be turfed over to prevent accident to live stock.

<sup>23</sup> This rule is in accordance with the Act 33 Hen. VIII, cap. 9, which provided that 'No manner of artificer or craftsman . . . husbandman, apprentice, labourer, servant at husbandry, fisherman, waterman or any serving man shall play at the tables, tennis, dice, cards, bowls . . . or any other unlawful game out of Christmas, and in Christmas to play at any of the said games in their masters houses, or in their masters presence, under pain of a fine of twenty shillings.'

<sup>24</sup> A 'cree' is the circular structure which one often sees in fields, wherein live stock is collected for counting, branding, tarring, and other purposes. Within the cree wall, no peat or turf was to be cut.

That noe man shall fowle or take any Cokes within this Lordship sub pena vj<sup>s</sup> viij<sup>d</sup>

That euery man driue his drift according to the Drift Roll sub pena vj<sup>d</sup> for euery default<sup>25</sup>

That noe man shall hound upon the Com'on Pasture sub pena xij<sup>d</sup>

That noe man shall driue any goodes ouer any head water one upon another sub pena vj<sup>s</sup> viij<sup>d</sup> toties quoties

That none within this liberty serue pces<sup>26</sup> one upon another or sue or arreast one another in any other Courts then in the Court of this Mannor upon payne xl<sup>s</sup>

That euery one at euery affray and following haue a Bowspeare or Gunne upon payne vj<sup>s</sup> viij<sup>d</sup>

That noe Tennant doe hire any to watch [that dwells] within this liberty that dwells beneath Gilderdaile burne or Ale sub pena vj<sup>s</sup> viij<sup>d</sup> soe often as they doe the contrary<sup>27</sup> ('that dwells' is erased in the original).

That none doe take any haukes within this Lordship and conuey the same forth of the Lordship without the licence of the Lord or his officer sub pena vs<sup>28</sup>

That euery man doe bringe his horse to ffray and following and not come on foot but to carry the same as ffar as he will carry him upon the

-- Obtain access to the fell according to the 'Drift Roll' of the manor—a voluminous document, which Mr. Dodds and Mr. Robinson have copied. It contains over 40 clauses and regulates the passage of each tenant of the manor. One, relating to Fore Shield, may be taken as an example:—'The tenements called the fforesheale shall drive up the Skarthe of the Clinty Browe syde and soe forth to the hard rigg mea foot and soe to the fell, alsoe they shall drive up by the Millstones to the foot of Whinny Croft and soe to the fell, and when they drive ouer the water they shall drive betwixt the great gill and Rudgill cross, and soe to the fell.'

<sup>26</sup> Serve process.

<sup>27</sup> Gilderdale burn, running into South Tyne from the west, and Ayle burn running in from the east, form the boundary between Cumberland and Northumberland to the north of Alston.

<sup>28</sup> In accordance with various acts of Hen. viii and Elizabeth by which the taking of hawks eggs out of the king's grounds and taking up of the king's hawks and not restoring them within a given time was made felony. In the reign of Edward iii it was provided that if any steal any hawk, and the same carry away 'it shall be done of him as of a thief that stealeth a horse or other thing.' By the Charter of the Forest, granted by Henry iii in 1217, cap. 13, 'every freeman shall have within his own woods eyries of hawks, sparrow hawks, falcons, eagles and herons, and shall have also the honey that is found within his woods.'

payne of vjs viij<sup>d</sup> prouided that if the Tennant or he that followes be beneath his horse or more that then he shall follow upon his foot<sup>29</sup>

That noe body shall marke any other mens goods within this Lordship upon payne of vjs viij<sup>d</sup>

That noe man make any rescewes upon the officer upon payne of iij<sup>s</sup> iiiij<sup>d</sup>

That noe man shall marke any other mans marke but to mark & keep his own house mark upon payne of vjs viij<sup>d</sup> and not to mark two house m<sup>rks</sup><sup>30</sup>

That none shall take Cottagers under the payne of vjs viij<sup>d</sup><sup>31</sup>

That none shall keep any Inmates under the paine of iij<sup>s</sup> iiiij<sup>d</sup><sup>32</sup>

## VERA COPIA

This Cobby agreeth wth the original remaineing with Sr Edward Radcliffe at Dilstone Baron<sup>t</sup> february the xvij<sup>th</sup> Annoq Dom'i 1629.

This is a True Cobby drawne out of an old Roll of the dait abouesaid and was Copped at a Court holden for the Mannor of Aldston moor the 22nd day of April Anno Dom'i 1692 The old Roll beinge waxen and growne soe dimme that it was hard to be read therefore we the Juriors whose names are under written at that Court did order it to be Copped ouer and haue examined both the old Rolle and this Cobby and they doe agree as wittnesse our names

Thomas Vipont foreman  
 Nicholas Whitfeild  
 Henry Stephenson  
 Ralph Whitfeild  
 John Dickinson  
 Thomas Walton  
 John Walton  
 Thomas Watson  
 Robert Archer  
 Nathanael Walton  
 John Lee  
 John Smith  
 William Lee

Richard Vazie  
 Bayliffe of  
 the Manor

Scriptu' p. me Henricu' Wallasse  
 Ludimagister<sup>33</sup> Aldstoun

<sup>29</sup> This clause is somewhat obscure. It may mean that the tenant was to use his horse as far as it would carry him, but if he were beneath the position of owning a horse he might follow on foot. The words 'or more' may be read as 'or mare'—horse or mare.

<sup>30</sup> Every tenant had his own private mark, like a mason's mark, cut in stone, upon his house or some part of his holding.

<sup>31</sup> A cottager was one who lived on a common, without land of his own.

<sup>32</sup> Inmates, *i.e.* lodgers. <sup>33</sup> Ludimagister—schoolmaster.