

XI.—SOME BINGFIELD DEEDS.

By H. H. E. CRASTER, D.LITT., F.S.A.

[Read on 30th April, 1924.]

The following six deeds were transcribed by me a number of years ago from the originals in the duke of Northumberland's muniment-room at Syon House, and the late duke sanctioned their publication. They relate to Bingfield in the parish of St. John Lee, and were overlooked when the fourth volume of the New County History was compiled. That, however, is not surprising; for the Percy family never owned property in Bingfield, and their possession of deeds relating to the place is accidental. Although I put off publication, considering that the deeds were but of minor importance, they do exhibit features which, on reconsideration, deserve comment. The first is a datable deed of the first quarter of the thirteenth century, a time when deeds capable of being closely dated are rare. Two (nos. 2 and 3) are fines levied in the archbishop's court at Hexham, a class of document hitherto unmet with; and one of them (the second of our documents) has a unique character as a record of an eyre of the liberty of Hexhamshire.

1. Agreement whereby Adam Bertram grants leave to Roger of Bingfield to make the race of his mill of Bingfield in Adam's land belonging to Bewclay, as far as the rock on the south by the mill race, provided no harm is done to Adam's arable land, and provided room is left for the plough-teams of Bewclay to turn as they plough. Roger and his heirs shall have choice of payment of one pound of pepper or of eightpence as yearly rent on St. Cuthbert's day in September, and they shall do fealty to Adam and his heirs. Witnesses, dom William, prior of Hexham; Robert of Whitchester, sheriff of Northumberland; Robert of Fenwick; Thomas of Ogle; Walter of Langley (?)

and John clerk, bailiffs of the lord archbishop [of York]; Richard of Nafferton; Matthew of Whitfield; Sampson of Cornwall; Robert of Trewick; Robert of Errington.

Sciant omnes tam presentes quam futuri quod hec est convencio facta inter Adam Bertram et Rogerum de Bingkefeld, scilicet quod predictus Adam concessit prenominato Rogero firmare stagnum molendini sui de Bingefeld in terra ipsius Ade pertinente ad Boclifve usque ad rupem versus austrum juxta stagnum, salva indemnitatem terre arabilis eidem Ade et reversione carucarum de Boclifve ibidem arancium, habendum et tenendum predicto Rogero et heredibus suis de predicto Ada et heredibus suis imperpetuum libere et quiete ab omni servicio et consuetudine et exaccione, reddendo inde eisdem annuatim unam libram piperis tantum vel octo denarios ad placitum ipsius Rogeri ad festum sancti Cuthberti in Septembri pro omnibus demandis que exigi possunt. Et sciendum est quod prefatus Rogerus et heredes sui facient prenominato Ade et heredibus suis fidelitatem de predicto tenemento. Hiis testibus, domino Willelmo priore de Hagustald, Roberto de Whitcestre, tunc vicecomite Northumbrie, Roberto de Fenwic, Thoma de Oggel, Waltero de Langetl et Johanne clerico tunc ballivis domini archiepiscopi, Ricardo de Naffertun, Matteo de Whitefeld, Samsone de Cornubia, Roberto de Trewic, Roberto de Erint' et multis aliis.

The date of the deed is fixed by the shrievalty of Robert of Whitchester, who was sheriff from 14th January, 1221, to 11th February, 1223. William was already known to have been prior of Hexham from 1209 to 1215,¹ and the present deed shows that his priorate continued to 1221 or later. The archbishop's two bailiffs were bailiffs of Hexham liberty, and are earlier in date than any whose names have hitherto been recorded. Half a century later the liberty had come to be administered by a single bailiff; but it seems that at an earlier date it was divided into two bailiwicks, the bounds of which cannot now be ascertained. Whitfield and Errington were tenants of the prior and the archbishop respectively. Sampson of Cornwall, another witness, makes his appearance on the Pipe Roll of 1221. He is perhaps to be identified with that Sampson son of Sampson

¹ Raine, *Hexham Priory* 1, p. clviii.

who about the same date released to Archbishop Gray his interest in Keenley and Langhope in Hexhamshire.²

Adam Bertram held lands in the contiguous townships of Cocklaw, Bingfield and Great Whittington. In the last named vill he held seventeen oxgangs under William of Halton, and the services due from that holding formed the subject of an interesting suit brought against him by his overlord in 1224 and recorded in Bracton's notebook.³ He inherited from his father, Robert Bertram, and his grandfather, 'Varedus' (? Uctred), the two Grotingtons, namely the farm in Cocklaw which still bears the name, and Todridge *alias* Little Grotington, now in Bingfield township; and of these he had confirmation from the prior and convent of Hexham in 1236.⁴ Bewclay, the subject of the present deed, also lies within the township of Cocklaw. Adam Bertram appears to have been of kin to the lords of Dilston, for in 1235 he brought an action before the justices of assize against Robert of Meneville, who had married the dowager lady of Dilston. The suit ended in a fine made in the court of King's Bench, whereby Bertram withdrew his claim to Dilston manor in return for £60, which was paid to him by Meneville's stepson, Simon of Dilston, in 1239.⁵ He left a son and heir, also named Adam, who appears to have got into money difficulties and resigned Bewclay to archbishop Walter de Gray at some date between 1242 and 1255, in return for the payment of his debts.⁶ To the particulars regarding Roger of Bingfield given in the *History of Northumberland*, vol. iv, p. 223, we may add that he was perhaps grandson of that Godfrey of Bingfield who attested a charter of Prior John of Hexham in the last quarter of the twelfth century.⁷

² *Archbishop Gray's Register*, p. 275.

³ ed. Maitland, ii, pp. 689-691; *Hist. Northumberland*, vol. x, pp. 418-419.

⁴ *Hist. Northumberland*, iv, p. 9 note, citing a Greenwich Hospital deed.

⁵ *op. cit.*, vol. x, pp. 238, 239 note.

⁶ *Archbishop Gray's Register*, p. 284.

⁷ Raine, *Hexham Priory*, ii, p. 88.

The cause of the agreement is clear. Roger of Bingfield owned a water-mill on the stream which divides Bingfield from Bewclay grounds and falls into the Erringburn. He desired to make a mill-race, and the lie of the ground made it necessary to carry this along on the further side of the stream, in his neighbour's ground. The phrase 'salva reversione carucarum' appears to mean that in cutting away the bank to make the mill-race, sufficient headland must be left to the arable field adjoining.

2. Final concord in the court of the lord John, archbishop of York, at Hexham, 26th April, 1294, before Hugh Lowther, John Sampson, and Alan Thornton, the archbishop's justices in eyre, whereby Adam of Bingfield settled upon Robert, his son, 190 acres of arable, 12 acres of meadow, and a water mill in Bingfield, to hold in fee tail.

Hec est finalis concordia facta in curia domini Johannis Dei gracia archiepiscopi Eboracensis, Angliæ primatis, apud Hexoldisham in crastino clausi pasche, anno regni domini regis Edwardi filii regis Henrici vicesimo secundo, et anno pontificatus ejusdem archiepiscopi nono, coram Hugone de Louthur, Johanne Sampson, Alano de Thornton, justiciariis ipsius archiepiscopi itinerantibus, et aliis fidelibus suis tunc ibidem presentibus, inter Robertum filium Ade de Bingefeld querentem et Adam de Bingefeld inpedientem, de duodecim mesuagiis, centum quaterviginti et decem acris terre, duodecim acris prati, et uno molendino aquatico cum pertinentiis in Bingefeld, unde placitum warancie carte summonitum fuit inter eos in eadem curia, scilicet quod predictus Adam recognovit predicta tenementa cum pertinentiis esse jus ipsius Roberti ut illa que idem Robertus habet de dono ipsius Ade, habendum et tenendum predicta tenementa eidem Roberto et heredibus suis de corpore suo procreatis de capitalibus dominis feodi illius per servicia que ad tenementa illa pertinent imperpetuum. Et predictus Adam et heredes sui warentizabunt predicto Roberto et heredibus suis de corpore suo procreatis predicta tenementa cum pertinentiis imperpetuum. Et pro hac recognitione warrancia fine et concordia idem Robertus dedit predicto Ade unum sparvarium sorum.

This is an important document, being a record, probably unique of its kind, of proceedings in an eyre for the liberty of Hexham. The archbishop of York, like the bishop of Durham, held eyres within his liberties at the same time that the king

held his eyres in the northern counties. An agreement made by archbishop Grey with the prior and canons of Hexham in 1226 leaves no doubt on this point, for it refers to the fines and escheats ' quas habuimus . . . quando justitiarum nostri itinerantes placita in partibus illis tenere solebant, scilicet quancumque dominus rex justitios suos itinerantes in Northumbriam destinaverit ad placitandum.'⁸ The only specific reference to an eyre in Hexhamshire before the present one seems to be the notice in archbishop Gray's Register of a release of land made ' coram Willelmo Bretono, Willelmo de Wydindon et Galfrido de Bocland, tunc justitiariis nostris apud Hextild' itinerantibus.'⁹ This was probably an eyre held in 1227.

Two documents entered in archbishop Romeyn's Register allude to this eyre of 1294. From one it appears that the justices on this occasion enquired into certain charges made against John of the Churchyard (de Cimiterio), bailiff of Hexham; found them proved, and cast him into prison. The other is a grant by the archbishop, to a canon of Hexham and the priest of the chapel of Our Lady, of the deodands of the eyre for the upkeep of Hexham bridge.¹⁰ It is unlikely that any subsequent eyre was held. The eyre became obsolete, alike in the kingdom at large and in the great franchises, and its place was taken by commissions of gaol delivery, of assize, and of oyer and terminer. We have a commission of gaol delivery for Hexhamshire as early as 1275,¹¹ and commissions of assize and of oyer and terminer became common from 1286 onwards.¹² An example of the last is given in our sixth document.

Of the three justices, Sir Hugh Lowther was appointed, a few months later, to be seneschal of the archbishop's lands.¹³ Sampson and Thornton were clerics. At Beverley and at Ripon

⁸ Raine, *Hexham Priory*, ii, p. 92.

⁹ *Archbishop Gray's Register*, p. 249; cp. pp. 228, 235, 248.

¹⁰ *Archbishop Romeyn's Register*, ii, p. 78.

¹¹ *Archbishop Giffard's Register*, p. 274.

¹² *Archbishop Romeyn's Register*, ii, p. 49 note, &c.

¹³ *op. cit.* ii, p. 79.

the king's justices in eyre were in the habit of sitting in court with the archbishop's justices, to see that justice was done (' pro testimonio dumtaxat justicie faciende '),¹⁴ but there is no evidence that this was the practice in Hexhamshire.

It is not surprising to find that procedure in the archbishop's eyre was assimilated to that in the royal courts, and that the final concord was adopted at Hexham, as it also was in the palatinate of Durham, as a method of conveyancing. A fine made at the Durham eyre of 1242 has been printed in the Surtees Society's edition of the *Guisbrough Chartulary*.¹⁵

3. Final concord in the court of the lord William of Greenfield, archbishop of York, at Hexham, 25th August, 1315, before John de Vaux and Anthony of Errington, justices, between Roger of Simonburn and Joan his wife, plaintiff, and Adam of Rydal, chaplain, deforciant, regarding a messuage, sixty-five acres of arable, and four acres of meadow in Bingfield. The said Roger and Joan settle the premises upon themselves for life; with remainder to John of Todholerigs, clerk, and Maud his wife and the joint heirs of their bodies; with remainder, in default of such heirs and after Maud's decease, to the said John and the heirs of his body; and with ultimate remainder, in the event of John dying without issue, to Maud's right heirs.

Hec est finalis concordia facta in curia domini Willelmi de Grenfeld Eboracensis archiepiscopi, Anglie primatis, apud Hextildisham, die lune proxima post festum sancti Bartholomei apostoli anno regni regis Edwardi filii regis Edwardi nono, et pontificatus predicti archiepiscopi decimo, coram Johanne de Wallibus et Antoneo de Erington justiciariis et aliis domini regis fidelibus tunc ibidem presentibus, inter Rogerum de Symundburne et Johannam uxorem ejus querentes et Adam de Rydal capellanum deforciantem, de uno mesuagio sexaginta quinque acris terre et quatuor acris prati cum pertinenciis in Byngefeld, unde placitum convencionis summonitum fuit inter eos in eadem curia, videlicet quod predicti Rogerus et Johanna recognoverunt predicta tenementa cum pertinenciis esse jus ipsius Ade, ut illa que idem Adam habet de dono predictorum Rogeri et Johanne; et pro hac recognicione fine et concordia idem Adam concessit

¹⁴ *op. cit.* ii, p. 80.

¹⁵ Vol. ii., p. 333.

predictis Rogero et Johanne predicta tenementa cum pertinenciis, et illa eis reddidit in eadem curia; habenda et tenenda predictis Rogero et Johanne de capitalibus dominis feodi illius per servicia que ad predicta tenementa pertinent tota vita ipsorum Rogeri et Johanne; et post decessum ipsorum Rogeri et Johanne, predicta tenementa cum pertinenciis integre remanebunt Johanni de Todholerygs clerico et Matilde uxori ejus et heredibus quos idem Johannes de corpore predictæ Matilde procreaverit, tenenda de capitalibus dominis feodi illius per servicia que ad illa tenementa pertinent imperpetuum. Et si predicta Matilda vivente predicto Johanne obierit sine herede de corpore predicti Johannis procreato, tunc post decessum predictæ Matilde, predicta tenementa remanebunt predicto Johanni et heredibus de corpore suo procreatis, tenenda de capitalibus dominis feodi illius per servicia que ad illa tenementa pertinent imperpetuum. Et si idem Johannes obierit sine herede de corpore suo procreato, tunc post decessum ipsius Johannis predicta tenementa cum pertinenciis integre remanebunt rectis heredibus predictæ Matilde quæta de aliis heredibus ipsius Johannis, tenenda de capitalibus dominis feodi illius per servicia que ad illa tenementa pertinent imperpetuum.

This fine differs from the preceding one in that it was not levied at a general eyre before the archbishop's justices in eyre but at an ordinary session of the archbishop's court of the liberty before his justices of assize. The name of Sir John de Vaux frequently occurs between the years 1300 and 1321 as one of the archbishop's justices. Todholerigs and his wife already claimed an interest in Bingfield in 1310, for in that year they obtained, from the archbishop, a writ of novel disseisin of lands in Bingfield.¹⁶

4. Grant by Anthony of Errington to John of Todholerigs, clerk, his heirs and assigns, of all his lands and tenements in Bingfield, to hold of the chief lords of the fee. 'Hiis testibus, domino Johanne de Vallibus, Roberto de Errington, Roberto de Vallibus, Johanne de Faloufeld, Thoma Crane, Thoma Cissore de Hexaldisham, Ricardo de Faloufeld clerico, et aliis.'

5. Power of attorney from Roger of Simonburn to Adam of Corbridge to deliver seisin of an acre of meadow in Bingfield to Richard Acton of Newcastle upon Tyne. Dated at Newcastle, 2nd December, 1321.

¹⁶ *Hist. Northumberland*, iv, p. 223.

6. Commission of oyer and terminer from William [de Melton], archbishop of York, to John of Wauton and Thomas of Fetherstanhalgh, to hear, in the archbishop's court of Hexham, a suit for the manor of Bingfield within the liberty of Hexham, brought by Richard of Acton against Adam of Danby and Emma his wife. Dated at Bishopthorpe, 4th May, 1322.

Willelmus permissione divina Eboracensis archiepiscopus, Anglie primas, dilectis et fidelibus nostris Johanni de Wauton et Thome de Fetherstanhalgh, salutem. Sciatis quod constituimus vos justiciarios nostros una cum hiis quos vobis associaveritis ad audiendum et terminandum loquelam in curia nostra de Hextildesham per breve nostrum inter Ricardum de Acton petentem manerium de Byngfeld cum pertinenciis infra libertatem nostram de Hextild', versus Adam de Danby et Emmam uxorem ejus, etc. Datum apud Thorp prope Eboracum, iiij nonas Maii, anno gracie m^occc^{mo}xxij^o et pontificatus nostri quinto.

Acton appears to have derived his title from Roger of Simonburn and John of Todholerigs. Emma the wife of Adam of Danby was widow of Robert son of Adam of Bingfield who occurs as a party to the second of these deeds. A similar commission, issued in 1286 and also relating to a suit for lands in Bingfield, is given in archbishop Romeyn's Register.¹⁷

¹⁷ Surtees Soc., Publ. ii, p. 48.