

INTRODUCTION

A CONSIDERABLE number of the interesting series of deeds, a calendar of which, arranged with patience and skill by Mr. Walton, follows, have already been used by the county historians of Durham and Northumberland, and printed by them at various times in full or in abstract. They are, as is usual in such collections, of a miscellaneous character, referring to a large number of places within the two counties and including a certain amount of documents from external sources; but they are chiefly concerned with Kelloe and its neighbourhood, and especially with the manors of Thornley in the parish of Kelloe and Morton or Murton (Morton Daudre) in that of Dalton-le-Dale. Among the memoranda deposited with the deeds is a copy (no. 442) of extracts from inquisitions *post mortem* relating to the manor of Thornley, with a pedigree of the descent of Harpin, Lumley, and Trollope, the course of which can be followed in the series.

The deeds, ranging from the twelfth to the nineteenth century, are for the most part of the ordinary type, viz., charters of grant and confirmation, releases, covenants, records of fines, marriage settlements, etc., and exhibit few peculiarities apart from their local and topographical interest, and the help which they afford to the genealogist, particularly as regards the families of d'Audré and Harpin, and the somewhat difficult ramifications of the family which took its name from Kelloe. It will be enough here to indicate certain points of interest which seem to deserve special comment.

The collection includes a few charters of bishops of

Durham, Geoffrey Rufus (no. 1), Hugh Puiset (nos. 5, 6), Philip of Poitou (no. 7), and Nicholas of Farnham (no. 27).¹ Charters of the prior and convent of Durham also occur. No. 2 records the confirmation of a private grant by Geoffrey Rufus and the concurrent charter of confirmation by St. Cuthbert, i.e., by the prior and convent as the permanent trustees of the property of the see. No. 3 is a subsequent grant of a portion of this property by prior Lawrence and the convent about the middle of the twelfth century. The most interesting deeds, however, in which the priory had any concern are two indentures relating to coal-mining at Broom. In 1351 John Fossour, a namesake of the contemporary prior, acquired two tenements and 16 acres of land in le Brome near Aldin-gridge (Aldin Grange), which, as his surname (*Fossator*) implies, he probably intended to use for mining purposes (no. 193). In February, 1399, an agreement was made by the prior and convent with John Fossour and Richard Couhird, by which the two latter undertook to furnish the monastery and the prior's country seat at Bearpark for seven years with coal from their mine for the payment of 100s. a year. The prior undertook to pay the carriage of the coal, on consideration of a free gift of four hundred-weight, as toll for the passage of the coal-carts through the field of Aldin Grange. On his part he agreed also to cease from working his mine between Aldin Grange and Bakstaneford (Baxterwood), while taking necessary precautions for its safety (no. 269). This agreement expired in 1406, and in February, 1408, a fresh indenture was made for a year between the prior and Fossour, by which it was agreed that both mines should be worked at the cost of their respective owners, with freedom to choose workmen, but with equal shares in profits and without private sale of coal. For this partnership Fossour consented to give the prior 140 chaldrons (seven tons) of coal, hewn at his own expense (no. 278). Further details

¹ There is also a transcript of bishop Hatfield's confirmation by *inspeximus* of Puiset's ordinance for Sherburn hospital (no. 191).

are wanting, but the two documents record an interesting incident in the history of coal-mining in the county, to which other documents in the series contribute.

The grant of land in the neighbourhood of Bradley, Bushblades, and Lintz, in the western part of the old parish of Chester-le-Street, to Thomas of the buttery (*de Pincereria*) by Hugh Puiset (no. 6) contains an interesting clause, giving him leave to build a chapel, if he will (*cum capella si facere voluerit*). There are a few other incidental mentions of chapels and chantries. At an uncertain date Roger Burdon of Bramdon (Brandon) confirms land in Koxey, which may be Coxhoe, to a chantry at the altar of St. Mary in St. Margaret's at Durham (no. 22) : this is a ratification of an earlier grant in frank almain made to Randal the priest, apparently the chaplain of the chantry, and Michael of Durham. A deed of 1352 (no. 195) refers to a previous grant by which Elizabeth, the sister of John son of Henry of Kellow, demised land and tenements in Thornley and Murton, which had belonged to her brother, to John Harpyn and his son John, on condition that they should pay £10 yearly to three priests for chantry masses in Kelloe church. This payment had fallen into arrears, and Thomas Harpyn in 1352 was apparently not in a condition to pay this charge upon his heritage. He was excused arrears, upon agreement to find five marks for a single chaplain for one year, and for six years after to pay ten marks to two, returning after that period to the original arrangement. The foundation of this chantry in 1347 is noted by Surtees, but he appears to have missed this incident, and his account of what happened in 1352 is somewhat different. No. 280 concerns the chantry of St. Mary and St. Cuthbert in Durham cathedral, founded by two clerks, John Newton and John Thoralby, early in the fifteenth century. The payment of half a mark towards the stipend of the gild priest at Sedgfield, together with the delivery of ten or eleven "good and merchauntable" ewes, without blemish, to the four masters or wardens of this parochial association, is the condition of the bond (no. 310) into

which Robert Elstobbe of Foxton and his brother William entered with Roger Layborn, archdeacon of Durham, who in 1503 became bishop of Carlisle. The wills of John Trollope of Thornley in 1476 (no. 301), and of his son and namesake in 1522 (no. 314), contain the usual provisions for masses, the elder man ordaining masses for his soul for two years in the Greyfriars at Hartlepool, where he was buried, and for a year at Kelloe. The younger was buried presumably at Kelloe, as he left a legacy to a priest to celebrate there for two years, while the Hartlepool friars were required only to celebrate a trental for him.

It is almost unnecessary to note in this context the prominent part taken by chaplains in the legal business of the families with which they were connected or whose bounty they enjoyed. Among these deeds there are several examples of feoffments made to priests for the settlement of entails: the local parish priest or a chantry chaplain was the obvious intermediary through whom the settlement could be legally ensured. The person in possession granted his property in fee simple to two or more feoffees, who re-granted it to him with the desired conditions of entail. Thus in 1352 Thomas Harpyn enfeoffed the vicars of Kelloe and Dalton-le-Dale in the manor of Thornley, which they re-granted to him and his wife Eleanor and the heirs of their body, with remainder to the right heirs of Thomas (no. 197); and, after her husband's death and her second marriage to John Notyngham, Eleanor settled her property in Thornley upon her children by Thomas Harpyn, with remainder as before, by an intermediate deed of feoffment to two chaplains and a clerk (nos. 265, 266). Again in 1377, the manors of Murton and Thornley were entailed to the lawful heirs of Thomas Lumley and Katherine, the daughter of Thomas Harpyn, by a like process, the intermediaries once more being two chaplains (nos. 236, 241). Other examples will be found, e.g. in nos. 304 and 305.

In connection with the ecclesiastical side of these

records, it may be remarked that the religious house to which Juliana de Merlay gave the house and chapel of St. John the Baptist at Warenford (no. 28) has been mentioned in the *Northumberland County History*, where the deed is printed (Vol. I, p. 249), without sufficient identification. It is there called the priory of the Holy Cross at Liége. The deed, however, states merely that it was the head house of a religious order in the diocese of Liége. As a matter of fact, it was at Clairlieu in the neighbourhood of Huy. The order of the Holy Cross; established in the Low Countries by Theobald of Celle, received papal recognition in 1211, and was one of those small orders which are frequently reckoned with friars, but may be more accurately described as congregations of canons following the Augustinian rule with a special constitution of their own.² It had some vogue abroad, but never established itself in England, and possibly this was its only piece of property in the country. The friars of the Holy Cross or Crutched Friars, of whom something is heard in England, were a different order.

No doubt Juliana was admitted, in return for her benefaction, to the prayers and suffrages of the order. Of the grants of fraternity which were the reward of such benefits, no. 68 is a good example. Theobald, abbot of Cîteaux, at the request of the abbot of Jervaulx, admits William of Kellaw to partake in those spiritual advantages which the intercession of the order could supply. It does not appear for what reason William had deserved this, and specific reasons for such grants were not included in the common forms generally employed for the purpose. It is probable, however, that he had done some service to the abbey of Jervaulx, which was thus recognized in the general chapter of the Cistercian order.

Two ecclesiastical documents, emanating from the official of the bishop and the official of the archdeacon of Durham respectively, deal with cases of discipline in which persons connected with Kelloe were involved. One

² See Helyot, *Hist. des Ordres Monastiques*, II, 227-235.

in 1357 has its origin in the attempt of certain interested persons to deprive John Fossour, whose family was a branch of the prolific house of Kellaw, of a legacy that had been bequeathed to him by Robert of Coxhide, one of his kinsmen. The parochial chaplains of the churches in the city of Durham are ordered, after due notice, to excommunicate the offenders (no. 205). The second is a notice of the citation of John of Huntle, vicar of Kelloe, in 1405, to appear before the archdeacon's official in St. Nicholas' at Durham, to answer a charge of celebrating a clandestine marriage. The vicar cleared himself of the accusation and the case was dismissed (no. 277).

In addition to the deeds already mentioned as containing allusions to coal-mining, the following may be noticed. There is a Norman-French deed of 1320, concerned with Axwell, which contains the unusual terms *gateleue* and *rivage* (no. 133). In 1354 Alan of Walrygis grants to William of Kellaw the mineral rights of his two selions of land upon Sulbradys, presumably in the common fields of Kelloe (no. 201). In 1375 Robert of Kellaw, the son of William, leases his coal-mine in three selions of land south of Withendene, probably also in the same fields (no. 235). A third deed is a lease for forty-seven years by Alan Newerk, master of Sherburn hospital, to John Boterel of three tofts and crofts in Gateshead, which John is to keep in repair with liberty to dig and sink pits for coal (no. 279).

Some brief attention may be paid to deeds referring to places outside the counties of Durham and Northumberland. A Yorkshire group is probably explained by the connection of the Lumleys with the North and East Ridings through their alliance with the Thwengs. In 1227 there is a transfer of land in Kilham, E.R., from sir Marmaduke de Tweng to William, son of Robert Constable, on the marriage of the latter to sir Marmaduke's daughter Cicely (no. 24). A series of deeds relates to the manor of Thornton Dale, near Pickering, which in 1279 was confirmed by royal charter, with a large amount of

property in Craven belonging to the honour of Skipton, to John of Exton or Eston (Eshton), who later obtained a charter for a Friday market and two annual fairs at Thornton (nos. 51, 54). A few years afterwards Roger Bigod, earl of Norfolk and earl marshal, the chief lord of the fee, had licence to grant the manors of Wilton, Thornton, and Levisham to whomsoever he would (no. 99). In 1305, after having granted it to sir William Ormesby, he quitclaimed the manor of Thornton to the well-known King's clerk, John of Drokenesford, afterwards bishop of Bath and Wells, who had acquired it from Ormesby (nos. 104, 105). Another deed (no. 65) refers to land in Upleatham, Marske, Guisbrough, and Handale in Cleveland, and in the vicinity of the castle of the Thwengs at Kilton.

The manor of Bradeburn in no. 26 appears to be Bradbourn in the hundred of Wirksworth, co. Derby. This manor was the subject of a final concord in 1238 between Reynald Yhelunde and Margaret his wife and Robert of Esseburn (Ashbourne). The identity of the place seems to be fixed by the exclusion of the advowson of the church from the transaction, as the only other place to which the form and the specific mention of a parish church would apply is Brabourne in Kent. The advowson of Bradbourne was alienated from the manor in 1205, when it was given to the prior and convent of Dunstable in Bedfordshire.

No. 107 is a grant by a burgess of King's Lynn to the Austin friars of the town of land in Listergate, Lynn. Other Lynn deeds occur among the miscellaneous documents of the seventeenth century. Two deeds (nos. 309, 313), one of 1498, the other of 1521, have come from the dissolved college of St. Mary of the fields at Norwich. The first is a lease from the dean, John Neel, and the canons, of an orchard in the parish of St. George *ad portas Christi*, i.e. St. George Tombland, at the gates of the cathedral priory of Holy Trinity or Christchurch, two dedications which were interchangeable. The other is a quitclaim to Dr. Nicholas Carre, dean of St. Mary's, of

all rights in the administration of the will of his predecessor, Dr. Thomas Hare, made by the brother of the latter.

Another release, granted by Henry Percy, earl of Northumberland, and Thomas Calvard to Aubrey Cornburgh, esq., in 1482, concerns the manors of Dagenham and Cokerel in Dagenham, Essex, with a large amount of land in Havering-atte-Bower (no. 306). Cornburgh co-feoffee with the grantors by demise of sir Richard Illingworth. He is noticed in Shawcross's *History of Dagenham* as lord of the manor of Gooshays in Romford and as founder of a chantry in Hornchurch, but his connection with these manors seems to have escaped Essex historians, and Shawcross makes no mention of Illingworth.

Of the documents dealing with Northumberland, the most interesting is the charter of Henry III (no. 37), confirming to Roger de Merlay his market on Fridays at Netherwitton, with its notable group of witnesses. A number of deeds relate to Slaley. Two others that may be specially noticed (nos. 66, 230) are the extent of the demesne of Lucy, wife of Thomas of Dilston, in Hedgeley, which Thomas and his wife had acquired from sir Walter of Edlingham, and the entail of the land in Newcastle and other neighbouring townships, together with the manor of Beaufront and other lands in various places in Northumberland and co. Durham, which belonged to John, son of Adam de Vaux, and Mary his wife.

A large number of miscellaneous deeds and papers, with very varied contents, belong to the seventeenth and eighteenth centuries. Some of these are casual memoranda or copies of documents which have interested the writer. Thornley and its owners are still the central subject of the collection. The petition to the Crown by John Trollope on behalf of his only surviving son, who had killed another man in a duel after a horse-race (no. 399) has been noted by Surtees. A note records the death of the last of the Trollopes of Thornley in January, 1683 (no. 438), and in no. 442, as already noted, the descent

of the manor is traced, with extracts from inquisitions *post mortem*. Marriage settlements and wills occur in some number throughout this series, and the marriage of Gilbert the younger son of John Spearman, to Mary, the fourth daughter of Robert Bromley of Nesbit (no. 449), refers to the family into whose hands the Thornley deeds ultimately came, and in whose possession they were when Surtees made use of them. More interesting than the rest of these later deeds is the lease by the famous earl of Derwentwater in 1710 of his lead and other mines, except coal-mines, at the north vein of Briggilburn in Alston Moor to his uncle, Thomas Radcliffe, and John Errington of Beaufront (no. 452). The mines at Kelloe are the subject of some proposals by John Forcer in 1707 (no. 450), which reminds us that there were still persons bearing the name of Fossour in whom the traditional interests of their family were still active.

The following external deeds may be noticed. There is the final concord by which in 1669 sir John Swinburne and Isabel his wife quitclaimed the manor of Burgh or Brough in Catterick, Yorks., to sir John Lawson for £460 (no. 422). There is a group of documents from King's Lynn (nos. 427, 431-4). In 1680 there occurs a lease of a messuage called Fennings in Navestock, Essex, by Thomas Barrett of Blakemore and Sarah his wife to Gilbert Lacey of Romford (no. 436). The deed relating to Haborbutts Close in Bongate, co. Westmorland (no. 439), reminds us that in an earlier deed (no. 239) two Westmorland manors are mentioned, in the neighbourhood of Penrith. A curious document which has found its way into this miscellany is a leave of furlough given to a Franco-Swiss captain by Prince Eugene in 1680 (no. 437). There is a companion to this in the commission granted by the lord lieutenant of the East Riding in 1722 to lieutenant-colonel Ellerker Bradshaw, an officer in the Yorkshire militia (no. 455).

The chief points of interest have been noted here, and for the rest the reader may be referred to the calendar. The present writer in conclusion desires to express the

satisfaction which he and others must feel in noticing that the laborious work of arranging and summarizing the contents of these archives has been performed by a member of the public institution in which they are preserved, with a zeal and accuracy that leave nothing to be desired.

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