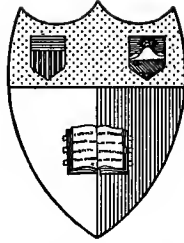


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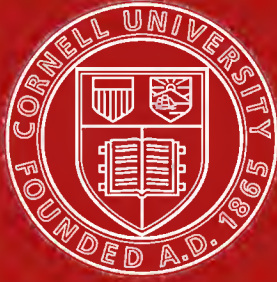
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SIR GILBERT DE MIDDLETON.

SIR GILBERT DE MIDDLETON: AND
THE PART HE TOOK IN THE REBELLION
IN THE NORTH OF ENGLAND IN 1317

BY SIR ARTHUR E. MIDDLETON, BART.



NEWCASTLE-UPON-TYNE
MAWSON SWAN AND MORGAN LIMITED

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P R E F A C E.

BEFORE this volume was written, no full attempt had been made to gather together the available materials for an account of the rebellion of Sir Gilbert de Middleton, his seizure of the bishop of Durham, and robbery of two cardinals of Rome in 1317. Such materials as I have been able to collect, I have put into the form of a narrative. Whilst so doing, it became evident that his rebellion was not a mere raid for private plunder, as historians have hitherto represented it to be, but was the beginning of the rebellion against the misgovernment of Edward II, a rebellion which was never quite extinguished, and was only ended by his deposition ten years later. I have therefore given to the volume a more comprehensive title.

For much help in providing materials and for kind advice, I have to thank Mr. Frederick W. Dendy, of the Society of Antiquaries of Newcastle-upon-Tyne, and Mr. Herbert H. E. Craster, late editor of the New County History of Northumberland. I have also to thank the Dean and Chapter of Durham for access to the charters in their Treasury, the Committee who are publishing the New County History of Northumberland for the loan of their woodcut of the seal of Sir Gilbert de Middleton, and Miss Mary T. Martin for searching the public records.

A. E. M.

BELSAY,

June 1st, 1918.

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ERRATA AND ADDENDA.

Introductory Chapter, line 13, after "Walter" insert "adopted the surname of le Scot and." Line 19, for 1257 read 1267.

Page 6, line 14—Gaveston was tried by two judges and condemned to death in due form, see footnote, p. 107.

Page 8, footnote (h), for "*Monasteria*" read "*Monasterii*."

Page 37, line 18, before "Lady" insert "for."

Page 43, line 8, for "that month" read "August."

Page 68, line 19, More about Richard, chaplain of Topcliffe, and the death of Eure is to be found in Cal. Close Rolls, 1318-23, pp. 525, 526, 430, 468, 474.

Page 76, last line, for "and" read "as."

Page 101, line 19, the reference is Cal. Pat. Rolls, 1358-61, p. 545.

INTRODUCTORY CHAPTER.

THE account given in this volume of the part taken by Sir Gilbert de Middleton in the rebellion against Edward II in 1317, is part of an account of the family of Middleton of Belsay, in Northumberland, written for family use. As the chapters concerning the rebellion may be of public interest, they are printed and published as a separate volume. The following lines connect it with the preceding part.

Two brothers, John and Richard, sons of John, son of Herbert de Middleton of North Middleton, one of "The Three Middletons," near Wooler, in Northumberland, married, about the year 1226, the two co-heiresses of Walter le Scot of Belsay, each receiving, and holding *jure uxoris*, a moiety of Belsay and other property.

Sir John de Middleton—a knight before 1256—was the elder of the two. His elder son Walter acquired, through marriage, the property of the Weltedenes of Weltedene, in the same county. Walter's son and heir, Simon, and his descendants, assumed the surname of de Weltedene, which name, later, became Weldon.

Richard, the younger brother, and his descendants, retained the surname of de Middleton. He was, as was common in those times, both an ecclesiastic and a lawyer. He was King's clerk in 1257;^(a) Archdeacon of Northumberland;^(b) one of the justiciars in 1262;^(c) appointed Keeper of the Great Seal, 29th July, 1269;^(d) Chancellor of England before 7th February, 1270;^(e) which office he held till his death on 7th August, 1272.^(f) He had two sons, William and Gilbert. Sir William de Middleton, the elder of the two, had a son and heir, Sir John de Middleton of Newlands and Belsay, who joined in the rebellion. With Richard's younger son, Gilbert de Middleton I, this volume begins.

(a) *Durham Treasury Misc. Charters*, 288.

(b) *Cal. Pal. Rolls*, 1266-1272, p. 575.

(c) *Foss's Biographia Juridica*. Feet of Fines, Easter, 46 Henry III, 1262.

(d) *Cal. Pal. Rolls*, 1266-1272, p. 361.

(e) *Cal. Charter Rolls*, Vol. II, p. 134.

(f) *Cal. Pal. Rolls*, 1266-1272, p. 671.

CHAPTER I.

RICHARD DE MIDDLETON the Chancellor had, besides his elder son William, a younger son, Gilbert. It was the custom of the Crown to give letters of protection and safe conduct to persons travelling on its service. And such a letter was given on May 25th, 1270, to Gilbert de Middleton, Crusader, who is going with the King (Henry III) and Edward the King's son to the Holy Land.^(a) The Crusade had been arranged for the year 1268, but, owing to financial difficulties, it was delayed till 1270, when the King's son Edward started. He remained in Palestine till August, 1272, when news of Henry the III's failing health brought him home.^(b) Gilbert, as a son of the Chancellor, was a likely person to be chosen to accompany the royal party. That he did go with it is, I think, probable, because the protection given was in 1270, in which year Edward started.

In the 2nd and 3rd years of Edward I, 1274, a special commission was issued by the Crown ordering Inquisitions to be made throughout England into the King's rights, royalties, lands, how they were held, &c. The returns made by these Inquisitions are called the Hundred-Rolls (*Rotuli Hundredorum*). The enquiry into the barony of Gaugy, in the County of Northumberland, showed that William de Middleton, whom we know to have been the elder son of Richard de Middleton the Chancellor, had bought from Ralph de Gaugy a moiety of Hertelaw, now Hartley, in the chapelry of Earsdon, in the south-eastern part of the county, together with the services of certain persons who held other parts of the barony, and had afterwards conveyed the moiety and services to his brother (*fratre suo*) Gilbert de Middleton.^(c)

The inquisition shewed that Ralph de Gaugy had not obtained a licence to sell his lands and services, as was then necessary for a tenant holding in chief of the King to do. The Sheriff was accordingly instructed, on April 23rd, 1274, to take Hartley into the King's hands. But on May 18th following, fresh orders were issued to the effect that Gilbert should be

(a) *Cal. Pat. Rolls, 1266-1272.*

(b) *The Political Hist. of England, Vol. III, by T. F. Tout, pp. 134-5.*

(c) *Rot. Hund. Vol. II, p. 18. Three Northumbrian Assize Rolls. Surt. Soc. Vol. 88, p. 328.*

temporarily allowed to enjoy the manor. The King, in 1279, having received Gilbert's homage and a fine of £10, returned the lands to him to be held of the King by the service of half a knight's fee.^(a)

In the meantime Gilbert had been summoned to the muster before the constable and the earl marshal at Worcester to perform service for his half knight's fee in Hertelaw and Cramelington, of the barony of Gaugy, on July 1st, 1277, in the expedition against Lewelin Prince of Wales. He performed the service himself. On August 1st, 1282, he was summoned to the muster at Rhuddlan (*Rothelanum*), in Flintshire, when he sent Nicholas de Merlawe as his deputy, for an expedition against the Welch.^(b)

Gilbert de Middleton married, before 1279, Juliana, daughter and co-heiress of Nicholas de West Swynburne,^(c) by whom he had two sons, Gilbert and John, and perhaps two others, Richard and William. There is much doubt about his parentage of the last two, they will be referred to again. He died before the 15th February, 1290, when a writ was issued for an inquest *post mortem* on his possessions. This writ, it appears, was not acted upon, and another writ was issued on the 24th October, 1291. The inquest was held at Newcastle-upon-Tyne. He was found to have held in Hertelawe (Hartley) lands of the value of 21^{li.} 15^{s.} 7^{d.} of the King by half a knight's fee. He also held lands in Wallawe and Caldstrother (in Kirkheaton) worth 14^{s.} 6^{d.} per annum of the heir of *Dominus* William de Mediltone, who is a minor and in wardship of *Dominus* J. de Swynburne, and pays 1^{d.} only for all. It will be remembered that in the Clay suit, it was shown that Sir William's son John was a minor, and that his lands in Kirkheaton and other places were in the custody of Sir John de Swinburne.^(d) This John de Middleton, minor, was of Belsay, and will appear again later as joining Sir Gilbert de Middleton in rebellion.

Gilbert's inquest also proceeded to show that he held lands in Swynburne (these would be in West Swynburne), in right of his wife Juliana, of Sir William Heron (*Hornis* in the record, an evident error), by the service of one twelfth part of a knight's service. Wallawe, Caldestrother and Swynburne being valued at 2^{li.} 2^{s.} 8^{¾d.}, making with the 21^{li.} 15^{s.} 7^{d.} of Hertelaw

(a) *Fine Rolls*, 2 Edw. I, m. 26. *Ibid.* m. 22. *Abbrevatio Rotulorum Originalium*, 7 Edw. I. Rot. 8.

(b) *Parliamentary Writs*, Vol. I, Alphabetical Digest, p. 738.

(c) *New Co. Hist. Northd.*, Vol. IV, pp. 275-277.

(d) Account of the family of Middleton of Belsay, unpublished.

23^{li.} 18^{s.} 3^{¼d.} The jurors were William de Framlinton, Roger de Creswell, Thomas de Milburn, Robert de Rihelle, Richard Clerk of Willingworth (must be error for Killingworth), Thomas Dring, Robert Clerk of Halliwell, William, son of William Richard de Boteland (Buteland), William de Denum (Deanham), and William de Essenden. The inquest finds that his widow, Juliana, holds one-third part of these lands in dower, and his son and heir is Gilbert, aged 12 years on the 1st of August of that year, 1291.^(a) In 1292 Juliana married as her second husband Sir Aymar de Rotherford. At that time she was known by the name of Juliana de Morilegh, no doubt from residing at Moralee, on the South Tyne.^(b)

Young Gilbert's lands, of the total yearly value of fifty marks, subject to his mother's dower, were assigned by the King on August 27th, 1290, to Anthony Bek, Bishop of Durham, in return for an engagement to pay to certain persons in Norway the yearly sum of forty pounds, until the little Norwegian princess, Margaret, presumptive heiress to the Kingdom of Scotland, and affianced bride of Edward of Carnarvon, should have attained the age of fifteen years.^(c) Margaret's early death, on October 2nd of the same year, terminated the engagement, and, on February 2nd, 1292, the King granted to William de Felton, King's Yeoman, the custody, during the minority of the heirs, of the lands of the late Gilbert de Middleton, tenant-in-chief, with the dowers when they fall in, and the marriage of the heirs.^(d)

The young Gilbert came of age on the 1st of August, 1300. In the previous month he had entered the King's army as one of the six squires (*scutiferi*) of his guardian, Sir William de Felton. The names of three of his companion squires are recorded besides that of himself, viz., William de Brankeston (Brankston, now celebrated as part of the battlefield of Flodden), John de Tuggesden (now Togston), and William de Eggewick (now Eachwick), all Northumbrian names.^(e) The army was mustered at Carlisle, and its chief exploit was the capture of Carlaverock Castle,^(f) at which Gilbert must have been present.

(a) *Cal. Inq. p. m.* Edward I, Vol. II, p. 486, Nos. 800, 801, and the original inquest, 19 Edward I, No. 5.

(b) *New Co. Hist. of Northd.*, Vol. IV, p. 276.

(c) *Cal. Pat. Rolls, 1281-1292*, p. 386. *New. Co. Hist. of Northd.*, Vol. IX, p. 104.

(d) *Cal. Pat. Rolls, 1281-1292*, p. 472.

(e) *Liber Quotidianus Contra-rotularis Garderobæ.* 28 Edward I, p. 204.

(f) *Political Hist. of England*, Vol. III, p. 218.

CHAPTER II.

IT will be well to give here a short account of the political and social state of England during the later years of the reign of Edward I, and the first half of that of Edward II. In March, 1296, John Balliol renounced his allegiance to Edward I, and invaded England by the western march, laying waste the north-western counties, and in Northumberland ravaging Redesdale, and Tynedale as far as Hexham. Thus began in the North of England a period of wretchedness and misery which lasted till the end of the reign of Edward II. At the same time as Balliol entered England, Edward entered Scotland from Berwick with an army, defeated the Scots, and established his Government in that country. Thinking that his presence in Scotland could now be spared, he returned to England, and having gathered an army, went to help his ally the Count of Flanders against Philip of France. William Wallace now became the leader of the Scots, and defeated the English army at Stirling Bridge, in September, 1297; and the Scots again invaded Northumberland. Spreading themselves through the country from the Forest of Rothbury, as a centre or headquarters, they killed many, and collected great spoils, with which they returned to their country early in 1298. Hemingburgh in his chronicle says, "During that time, the praise of God ceased in all the churches of the whole province from Newcastle to Carlisle; for all the Monks, canons regular, and other priests, the servants of the Lord, had fled, with, one may say, the whole of the common folk, from the face of the Scots." Edward returned to England in March, and taking an army to Scotland defeated Wallace at Falkirk. For several years, however, Edward was unable to reduce the Scots to subjection, and in August, 1301, such was the state of Northumberland that, compassionating the state of his people, he released his tenants from the payment of the tax of Castle-ward for the castle of Newcastle-upon-Tyne for that year.^(a) In 1304 he at last succeeded in conquering the Scots, and in March, 1305, gave them a constitution. The Scottish chiefs, however, continued to conspire; and in 1306, Robert Bruce,

(a) Bain, Vol. II, No. 1319.

who had become chief of his house by the death of his father of the same name, assassinated John Comyn of Badenoch, nephew and heir of the deposed King John de Balliol. The murder caused a breach between King Edward I and Bruce, who rallied the Scotch magnates, and heading a rebellion, was crowned King of Scotland on March 25, 1306. Edward, whose health was failing, sent his cousin Aymer de Valence, Earl of Pembroke, with an army against Bruce, and defeated him on June 26 of the same year. Bruce fled into the mountains, but rallied his forces again, and defeated Pembroke in May, 1307. Edward, who was then at Carlisle, summoned the levies of troops to meet him there, and on July 3, though weak from failing health, he started for the border, but died at Burgh-on-Sands, only seven miles beyond Carlisle.

His successor, Edward II, was without nobleness of character, and gave offence to the English nobility by encouraging about him friends of his own tastes. Among these was Peter of Gaveston, a Gascon of moderate estate and position. Flippant in manner, and insolent to the English nobles, laughing at them with the King and devising nicknames for them, he made himself very unpopular. Edward I had banished him as an undesirable companion for his son, but Edward II, after his father's death, brought him back, made him Earl of Cornwall, and loaded him with honours and money. The nobles again procured his banishment, but the King brought him back to England, where he again offended the nobles and drained the King of money. Amongst those who now led a party against him was Thomas, Earl of Lancaster, son of Edmund, a younger son of Henry III. In 1310 Lancaster compelled the King to surrender his power to a committee of "Ordainers," of whom he was one. They drew up ordinances for the government of the country and the control of the King, making themselves an oligarchy of the nobles. The Ordainers declared Gaveston to be a public enemy, to be forthwith exiled without hope of return. In November, 1311, he sailed to Flanders, but soon returned. Early in 1312 Edward restored him to his earldom and estates, and went north with him to York. Five of the eight earls who sat amongst the ordainers determined to maintain the ordinances, and to pursue Gaveston to the death. These were Thomas Earl of Lancaster, Aymer de Valence, Earl of Pembroke, and the Earls of Hereford, Arundel and Warwick. They were joined by John, Earl of Warenne, and

Robert Clifford. The King and Gaveston fled to Newcastle, to which place they were followed by Lancaster, Clifford and Henry Percy, but they escaped to Scarborough Castle, a strong fortress in which Edward thought he might safely leave Gaveston. Pembroke, Warenne and Henry Percy then laid siege to Scarborough, and compelled Gaveston to surrender. This was in May. The three pledged themselves on the Gospels to protect Gaveston from all manner of evil until August 1st. During the interval Parliament was to decide upon his fate. Aymer undertook the personal custody of the prisoner and conducted him southwards. Unfortunately he left him at Deddington, in Oxfordshire, for a few days rest, and himself went to visit his countess, who was living in that county. Thereupon, on June 10th, the Earl of Warwick occupied Deddington with a force, and took Gaveston prisoner to Warwick Castle, where he was joined by Lancaster, Hereford and Arundel. Together they murdered Gaveston. Was Pembroke to blame for this? He protested his innocence, but his having left Gaveston, to whom he had pledged his faith, with an inadequate guard raised suspicion against him.

In the meantime the Scots continued to regain Scotland, and the King called a muster of the feudal levies. Lancaster and the leading earls reminded Edward that the ordinances prescribed that war should only be undertaken with the approval of Parliament, and refused to follow him personally, but consented to send their quotas.

The King proceeded, nevertheless, and was joined by Pembroke and some of the other earls, but the expedition was, owing to the King's inefficiency and extravagance, badly managed, and ended in the great defeat at Bannockburn in June, 1314. Lancaster now became very powerful, and obliged the King to observe the ordinances, becoming chief of the King's Council. He was, however, a bad administrator, and his rule made the management of the country no better. He was probably in secret understanding with Robert Bruce, who, whenever he wasted the North of England, spared Lancaster's farms and the lands of his vassals, hoping by this means to obtain a peace which might leave him in quiet possession of Scotland; and the earl used all his endeavours to establish Robert Bruce on that throne, so that, if he himself was not able to stand alone against the King, he might yet do so by Bruce's assistance. So Bruce ravaged England and levied blackmail on Durham and Northumberland, each of those counties paying £2,000 to

buy him off. Bruce penetrated as far south as Richmond in Yorkshire in 1315, and again in 1316, when that town paid a large sum to be rid of him.^(a)

To add to the misfortunes of the Northumbrians, they were not always allowed to buy these truces with Bruce, whilst their own King did not protect them. Thus, in 1316, the poor people in the ward of Bamburgh complain that the constable of the castle of Bamburgh refuses to let them accept a truce offered by Bruce for £270, unless they pay himself as much, which is beyond their power, and charges them exorbitant fees for leave to store their "*petitz biens*" in the castle, and his porters extort money for letting them enter and go out. So they are between the enemy on one side and the constable on the other. Moreover, one "Jack le Irys" and his fellows in the castle rob them of provisions without paying.^(b) The record of this complaint is mutilated by damp. Bain suggests that its date is in 1315, but as will be seen, the year must have been 1316.

Who was this "Jack le Irys" who thus ill treated the Northumbrians? Some account of him must be given here, for it will show how in the time of Edward II an officer who had misconducted himself might, when deprived of his office, be given another, though inferior, appointment, with evil consequences. The first notice we have of him is in August, 1314, when as John le Irays he was at Alnwick in the company of Colle de Derby, a King's servant. Some Northumbrians had been accused of traitorously trying to sell Berwick to the Scots, and were tortured in due form before the justices in eyre. One of them, John de Apsley, died under the torture, and his widow appealed Colle before the coroner and the Sheriff of Northumberland for her husband's death. This cruelty appears to have so enraged Sir John de Lilburne, the brothers Rodum and other Northumbrians, that they tried to kill Colle at Alnwick.^(c) Perhaps Colle had conducted the torture. The remainder of the document that records the above account is faded and illegible, and the year 1314, to which year Bain attributes it, is doubtful. On 13th April, 1315, John Irys, a King's yeoman, was paid £100 for his wages

(a) *The Political Hist. of England*, Vol. III.
England in the Latter Middle Ages, by K. H. Vickers.

(b) *Chancery Files*, No. 132. Bain, III, No. 463.

(c) Bain, III, No. 384.

The Chronicle of Lanercost.
Carle's Hist. of England.

and those of his men in the King's service on the Marches of Scotland.^(a) On 1st September, 1315, John le Irreis was paid 100 marks for the same purpose on the Marches.^(b) After the death of Guy de Beauchamp, Earl of Warwick, which was before 1st September, 1315, the King committed the custody of Barnard Castle to John le Ireys.^(c) On the 12th November the King sent Sir William de Montacute with three knights and 36 esquires to rescue the Lady Clifford, ravished by John le Ireys at Barnard Castle,^(d) and probably about the same time superseded le Ireys at Barnard Castle, for on 3rd December it was held by John le Castro.^(e) In the same month the King gave the custody to Sir William de Montacute, for he, acting in that capacity, applied to the sheriff of Northumberland to arrest le Ireys; and on 1st January, 1316, the sheriff applied to the bailiffs of the liberty of Tynemouth, where le Ireys had taken refuge, to help him.^(f) Le Ireys seems to have made his peace with the King, for, having forfeited the custody of Barnard Castle, he was put into an inferior position in the King's garrison at Bamburgh Castle, where both he and the constable were accused of oppressing the people of the neighbourhood; the year being 1316 and not 1315 as suggested by Bain.

We must now return to the inroads of the Scots, which caused great distress, aggravated in 1315 by a rainy summer, which ruined the harvest. Great floods swept away the hay and drowned the sheep and cattle. In 1316 famine raged, especially in the north. The Northumbrians were driven to feed on dogs and horses. Pestilence followed,^(g) and continued Scottish invasions forced the men of Tynedale and Redesdale from their allegiance to England. Scarce a soul dared to live in Northumberland unless it was near to some castle or walled town. For fifteen years the country remained desolate, without human life, abandoned to beasts of prey.^(h)

(a) *Cal. Close Rolls*, 1313-18, p. 165.

(b) *Ibid.*, p. 246.

(c) *Cal. Close Rolls*, 1313-18, p. 417.

(d) Bain, III, No. 458. Sir Thomas Gray in his *Scalacronica*, says that John le Ireys and his men were called *schawalours*. But that word was not applied to marauders till later. Sir Thomas did not write till 1355, when the word was nearly obsolete. *Scalacronica*, Sir Herbert Maxwell's translation, p. 65.

(e) *Cal. Close Rolls*, 1313-18, p. 256.

(f) *Tynemouth Chartulary*, fol. 117 b. *New Co. Hist. of Northd.*, Vol. VIII, pp. 86-87.

(g) *Political Hist. of England*, Vol. III, p. 266.

(h) *Chronica Monasteria de Melsa*. Rolls Series, Vol. II, p. 333, and *New Co. Hist. of Northd.*, Vol. IX, p. 106.

Many of the smaller landowners and inhabitants of the northern counties, especially of Northumberland and Durham, who had hitherto escaped death by violence or starvation, or who had not deserted the district, had, as a last hope left for the restoration of order, joined Robert Bruce and the Scots.

The larger landowners were few, and perhaps none of them usually resided in the north, having property in southern counties. Consequently they had not the terrible experience immediately before them, which the smaller landowners had, of the utter destruction of their lands and homes, and of the dispersion of their families. Henry de Percy had bought Alnwick from Anthony Bek, Bishop of Durham, only eight years previously, and had large properties in Sussex and Yorkshire. The baronies of Bolam and Bolbec had both been divided amongst heiresses.

There were, however, two large landowners of England to whom we shall have to refer again who held comparatively small amounts of land in Northumberland. These were Aymer de Valence, Earl of Pembroke, who possessed in that county the manor and castle of Mitford, of which we shall soon hear much, and Thomas, Earl of Lancaster, who owned Dunstanburgh, where, since 1313, he had been building an enormous castle.

CHAPTER III.

WE now return to the young Gilbert, whom we left serving as squire to Sir William de Felton in Scotland in 1300. We next hear of him on January 15, 1313, when, bearing the designation of King's Yeoman, a grant was made at his instance to Robert de Byker and Ladrana his wife and their heirs, of free warren in all their demesne lands in Byker in Northumberland.^(a)

In October, 1313, he was a captain of the garrison of Berwick-upon-Tweed, as we know by a petition to the King from the people of Scotland, presented by their envoys, Sir Patrick de Dunbar, Earl of March, and Sir Adam de Gordon.

Abstract :—They complain that since the King's departure from Scotland three years ago, their enemies have wrought destruction by slaying and burning, plundering cattle and taking money for respite at various times to the value of £20,000. Matters are daily getting worse, and they are without hope of any respite but one to this Martinmas, for which they must give 1,000 quarters of wheat. Most of their live stock is carried off partly by the enemies and partly by the King's garrisons of Berwick and Roxburgh Castle, especially by those who are in Berwick, Gilbert de Middleton and Thomas de Pencateland and their company, who claim that being of the King's household (*hostel*) and livery, they will not be and are not accountable (*justizables*) to the warden of the town or to any of his ministers.

The warden of Berwick, however, comes in for accusation, for the petition proceeds to recount that, on a certain occasion, the warden and the whole garrison of Berwick seized people in their beds and held them to ransom, taking fat beasts, sheep, horses and dead stock. Some of the Berwick garrison, with Thomas de Pencateland as "*Guyde*," carried off some of the poor people to Berwick. Those who had wherewithal were ransomed; those who had nothing were killed and thrown into the Water of Tweed.

Sir William de Felyng, constable of Roxburgh Castle, plundered and imprisoned the merchants who came there, and when the Aldermen of

(a) *Cal. Chart. Rolls*, Vol. III, for 1300-1326, p. 204.

Roxburgh and the commonalty of the town came to complain to the constable of their treatment, he arrested Sir Adam de Gordon and made him find security to appear before the King, and not to injure the castle of Roxburgh, under a penalty of 1,000 marks.^(a)

The suspicions of the constable of Roxburgh as to Sir Adam's intentions seem to have been justified, for a few months afterwards, in February, 1314, Roxburgh Castle was captured by Bruce, whom Sir Adam openly joined about that time, and there is some ground for believing that for several years prior to 1314 he had one foot in the Scottish camp.^(b)

The treachery of Sir Adam casts doubt upon the *bona fides* of the details of this petition. As to whether Gilbert de Middleton was involved in actual cruelty, a search in the original document shows that his name occurs only in the one place mentioned above, and is not associated with that of Pencateland in the cruelty of which the latter is accused, which, indeed, may not have been true. It does not seem to be a likely action to be done in the King's name by his own garrison in his town of Berwick, upon his own subjects.

The reason for these forays by the garrison was that it was insufficiently victualled by the King. This is more distinctly seen by a series of petitions to the King two years later (in February and March, 1316), which have been preserved. Sir Morice de Berkeley, then warden, and John de Weston, the King's Chamberlain at Berwick, both always loyal, and the garrison and others, petition the King several times saying that they are starving, and that the town will be lost by famine unless relief is sent. The warden forbade the garrison to foray, but they said they had nothing to eat, and that it was better to die fighting than to starve.^(c)

We do not hear of Gilbert again till Monday, June 9th, 1315, when £10 was delivered to Robert de Welle, clerk, "for so much owing to him in the wardrobe for moneys paid by him to Gilbert de Middelton to replace one horse of his, lost in the King's service,"^(d) and in the same year at Michaelmas £15 is delivered to Sir Gilbert de Middleton, Knight, by his own hands, in part payment of £45 owing to him in the wardrobe, for his wages and to

(a) *Chancery Miscellanea*. Bundle 22, File 10, No. 11. Bain, Vol. III, 337, 344.

(b) *The Scottish War of Independence*, by Evan M. Barron, 1914, pp. 417-418.

Ridpath's Border History, p. 175.

(c) Bain, III, 470, 473, 477, 486.

(d) *Issue Rolls*, 174, 8 Edward II.

replace horses in the present ninth year, as appears by his bill.^(a) From this we learn that he had now received knighthood.

In early days, the financial administration of the Kings of England was conducted from their households, and, though the departments of the exchequer and of the chancery gradually became independent offices, much still remained with the household, in which the wardrobe was an office which originated in the King's private chamber.

What was Sir Gilbert's place in the employment of the King that he should receive these payments? We have shown above that he was a King's Yeoman. In the Household Ordinance of 1318 is the following entry:—

24 Yeoman } *Item xxiiij archers a pee, garde corps le roi, quirroutis*
 del Garde. } *deuaunt le roi cheminant par pays, dount chescune prendra pur*
gagez iij^d le jour, j robe par an en drap dune seute, x^s en deniers, et pur chauceure
iiij^s viij^d.^(b)

So the yeomen *del garde* were foot soldiers. If they were the same as the King's Yeomen, then Sir Gilbert must have been an officer over them, for he was a knight and mounted. In the Plea Roll in January, 1318, recording Sir Gilbert's trial and sentence, it is recorded, "the lord the King calls to mind that whereas the same Gilbert was of the allegiance of the lord King himself, and was retained with the lord King himself of his household (*de familia sua*), with robes and wages."^(c) There are entries in the Issue Rolls which may help on this point, such as "Payment to *Laurencio de Cornubia, militi de hospitio domini Regis.*"^(d) I think that Sir Gilbert may have been one of the knights of the household. We have already had him claiming, whilst a Captain of Berwick, to be privileged as being of the King's household.

In 1315 Sir Gilbert was in the garrison of Alnwick Castle, under Sir John de Felton, knight, who was its warden and constable for Henry de Percy, a minor. Whilst there, Sir John received £30 to replace three horses for Sir Gilbert de Middleton; one black, for John de Middleton, valued at £10; the second, iron-grey, for Alan de Norton, valued at £12; and a third, dappled grey, for Roger de Thropton, valued at £8. The money was paid

(a) *Ibid.*, 176, 9 Edward II.

(b) *The Place of Edward II in English History*, by T. F. Tout, p. 304.

(c) *Abbrevatio Placitorum*, Rot. 112, d., Vol. of 1811, p. 329.

(d) *Issue Rolls*, 172, 8 Edward II, 1314-15.

on 29th December, 9 Edward II, 1315.^(a) This John de Middleton was Sir Gilbert's brother; we shall come to him later. Shortly after this date Sir Gilbert received for his wages staying at Alnwick Castle in part of one bill of £45—£30.^(b)

A list^(c) is preserved in the Wardrobe accounts of the names of 42 knights, amongst which is that of Sir Gilbert, who were in attendance upon the King in his court, on Christmas Day, 1315; and enables us to see what manner of man Sir Gilbert, then a young knight aged 26, was brought into contact with at that time. We recognise as Northumbrians, Sir John de Fenwick, Sheriff of Northumberland in 1319;^(d) Sir John de Vallibus, member of Parliament for the county of Northumberland in 1316;^(e) Sir John de Lilburn, who afterwards joined Sir Gilbert in rebellion; Sir Roger Heron, Sir John and Sir Roger de Felton. Amongst others in the list are Sir Warin de Insula, Constable of Windsor Castle,^(f) who afterwards fought against the King at Boroughbridge.^(g) Others in the list who also fought against the King in that battle were Sir Hugh de Audley, junior, Sir Edmund Darel and Sir John Cherleton; whilst Sir Roger d'Aumary, who was taken ill on his way to fight there, was respited by the King because he (d'Aumary) had married his niece Elizabeth. Others, as to which side they fought upon in the battle is not particularised in the Roll of Boroughbridge, were Sir Gyles de Beauchamp, Sir William de Whitfield, Sir John de Haustede, Sir John de Vallibus, Sir Roger de Felton, and Sir Henry de Cokfield. Amongst the remaining knights in the list are Sir Nicholas de Audeley, third Lord Audley,^(h) Sir William de Montacute, warden of Berwick in 1314, Sir Nicholas de Kyngeston, at Berwick at the same time,⁽ⁱ⁾ Sir Richard Lovel, who lost 11 chargers at Bannockburn,^(k) and Sir William Inge, a justice of the court of

(a) *Exchequer Accounts, King's Remembrancer, Bundle 376, No. 7.*

(b) *Ibid.*, p. 135.

(c) *Ibid.*, Wardrobe 277, 9 Edward II.

(d) Lists and Indexes No. IX, Public Record Office.

(e) House of Commons Return of Members, 1878.

(f) *Cal. Close Rolls, 1313-18*, p. 23.

(g) *Parliamentary Wrils*, Appendix to Div. II of Vol. II, pp. 196 et seq. *The Genealogist, New Series*, Vol. 21, pp. 222-26.

(h) Bank's *Baronia Anglica*, Vol. I, p. 101.

(i) Bain, III, 397.

(k) *Ibid.*, 378.

Common Pleas, and a member of the King's Council,^(a) who in the following year became Chief Justice of the Court of King's Bench.^(b)

The following entry in the Wardrobe accounts is of 6th January, 1317: "Adam Shirlock received 6s. 8d. for bringing letters to the King from Sir Gilbert de Middelton, knight, and returning to the same with letters from the King."^(c) About this time, early in 1317, Sir Gilbert was employed on the marches of Scotland, and received upon the wages of himself and his men £42 13s. 4d.^(d) It may have been a report on the state of these marches that formed the matter of the correspondence; a state of misery and wretchedness that was soon to cause rebellion. From these entries we may assume that Sir Gilbert was a loyal subject in the early part of 1317.

(a) *Cal. Close Rolls*, 1313-18, p. 459.

(b) Foss's *Biographia Juridica*.

(c) *Archæologia of the Soc. of Antiquaries of London*, Vol. XXVI, p. 328.

(d) *Enrolment of Wardrobe Accounts, Exchequer, Lord Treasurer's Remembrancer, Roll 2*.

CHAPTER IV.

IN 1316 a new Pope, John XXII, was appointed after an interregnum of two years. Edward II sent ambassadors to him, and arranged that the Court of Rome should arbitrate in the disputes between him and the Scots. Presents of jewels and plate were sent to the newly elected Pope, in addition to a liberal distribution of pensions, to dispose the Court to a favourable hearing in the arbitrament. Amongst the presents sent to Rome was a gift of 240 golden florins, at 3s. 4d. per florin, to Dom. Gaucelinus Johannis, Vice-Chancellor of the Pope, in part payment of an annual pension.^(a) This Gaucelinus Johannis was already known in England, for on January 15, 1314, he being then a doctor of laws and sacristan of Rhodes (*sacrista Ruthenensis*), was appointed, on account of his good service to the King in the Court of Rome and elsewhere, to be a King's clerk, and of the council and household, &c., and to have a grant of an annuity of £20.^(b) Gaucelinus Johannis was son of John Doze or de Ossa, and was one of the two cardinals sent in June, 1317,^(c) by the Pope to England for the arbitration, and was afterwards known there as Gaucelin Deuze or de Eauze or Dueza, cardinal priest of SS. Marcellinus and Peter in Rome. The name of the new Pope was John d'Euze or Doze, so he was probably a blood relation of the cardinal.^(d) With Gaucelin was sent, as his colleague in the arbitration, Luca di Fieschi or Lucas de Flisco, cardinal deacon of St. Mary in the via Lata in Rome.^(e) de Ossa was probably a latinised form of Doze and d'Eauze, as also was de Flisco of di Fieschi, in the same way as the latin *blancus* becomes in Italian *bianco*, and *flos, floris* becomes *fiore*. The cardinals had legatine powers from the Pope to negotiate peace between Edward II and Robert Bruce, and between Edward and the Earl of Lancaster.

The appointment of these cardinals to England was the beginning of the inroad of a number of nuncios and of their presentment to many preferments

(a) Wardrobe Accounts of 10 Edward II, in *Archæologia of London*, Vol. XXVI, pp. 321-324.

(b) *Cal. Pat. Rolls*, 1313-17, p. 79.

(c) Wardrobe Accounts, *Archæologia of London*, p. 326.

(d) *Cal. Pat. Rolls*, 1317-21, pp. 7 and 9, and the Index of this Vol. under Deuse.

(e) *Cal. Pat. Rolls*, 1317-21, p. 2, and the Index of this Vol. under Deuse.

in England. Amongst them at this time, August, 1317, were Francis, Count of Lavagna, nephew of Luke de Fieschi the cardinal, who was made a member of the King's household for ever. There was also Adrian de Flisco, the King's kinsman and clerk, who was made Archdeacon of Cleveland.^(a)

During the months following, many more preferments and pensions were given to them and other priests of their Church. Thus, on November 11, 1317, a grant of £600 a year was made to Peter Doze, brother of the Pope. Adam de Murimuth, an English ecclesiastic, in his chronicles, gives the names of benefices held by Gaucelinus, amounting in yearly value to £1,000.

With the increasing power of the cardinals and their friends, we shall soon find them influencing the King and the life of Sir Gilbert.

In October, 1316, Richard de Kellowe, Bishop of Durham, died. The illegal manner in which his successor was appointed was one of the causes of the rebellion that was soon to take place; and in order to understand what follows, it is necessary to give an account of the procedure in the appointment of bishops in England up to that time.

In early times throughout Christendom, election by the laity and clergy together was the usual method of making a bishop. Later, the sovereigns of Europe encroached on this privilege, acquiring the right of confirmation of the election, an acquisition which was equivalent to a direct appointment. Later again, the popes succeeded in excluding the laity from any share in the elections, thus confining them solely to the clergy. The popes having established this, began to encroach upon the rights acquired by the sovereigns.^(b)

In England, Henry I, in 1107, made a compromise with the Pope on various matters, amongst which was the right of appointment of bishops. No formal statement of its terms exists, though some things would seem to indicate that the forms of canonical election were more respected after this compromise than they had been before, but this is true of forms only. In fact, the King made choice of the person to be elected, with such advice and counsel as he chose to take, and his choice was final.^(c)

(a) *Ibid*, pp. 10 and 14.

(b) Stephen's *Commentaries on the Laws of England*, Vol. III, pp. 6, 7.

(c) *The Political Hist. of England*, Vol. II, pp. 147-8.

In 1214 the barons and the clergy were jointly protesting against the encroachments of King John upon their liberties. John hoped to buy off the hostility of the church by a charter, issued on the 21st November. Its object was to gain the church's support by granting freedom of election to vacant sees. The appointment of prelates should henceforth really lie with the canons of the various cathedral or conventual churches and monasteries. He promised never to deny or delay his consent to an election, and conferred powers on the electors, if he should do so, to proceed without him."^(a)

This charter to the church was confirmed in the Great Charter of King John, issued in June, 1215, in which the English church is again declared to be free, and the provisions for the freedom of the elections are again repeated. It is interesting to note that, where the charters of the earlier Kings spoke of "holy church," *Magna Carta* speaks of *ecclesia Anglicana*.^(b)

The regency of Henry III re-issued the Great Charter, repeating the phrase, "the English church shall be free," but omitting all reference to the elections.^(c)

The Statute of Westminster the First, 3 Edward I, chap. v, 1275,^(d) makes all elections free. Lord Coke, in his Institutes, says that "this statute is excellently penned in two respects: First, for that generally it extendeth to all elections, that is to say, to every dignity, office, or place elective, be it ecclesiastical or temporal, of what kind or quality soever. Secondly, the Act is penned in the name of the King, viz., the King commandeth, and therefore the King bindeth himself not to disturb any electors to make free election."^(e)

Edward II, on coming to the throne in 1307, seems to have to some extent respected this legislation. Thus, in the period 1307 to 1316, while ten bishops owed their sees to capitular election, there were only two individual prelates appointed by the Pope.^(f) Of these last the most notable was the appointment of the successor to Archbishop Winchelsea, who died in 1313. The monks of Canterbury elected Thomas Cobham, a man of distinction, high birth, sanctity and unblemished character, and in every way

(a) *A Commentary on Magna Carta*, by W. S. McKechnie, 2nd Edition, p. 32.
Statutes of the Realm, Folio Edition, Vol. I, p. 5.

(b) *Ibid*, pp. 190-92.

(c) *Ibid*, p. 194.

(d) *Statutes of the Realm*, Folio Edition, Vol. I, p. 28.

(e) *Coke's 2nd Institute*, Quarto Edition, p. 169.

(f) *Tout's Place of Edward II in English History*, pp. 231-2.

worthy of the primacy. Edward prevailed on the Pope to annul the election and confer the primacy on Edward's favourite, Walter Reynolds, Bishop of Worcester. The monk of Malmesbury, using this event as his text, laments "that England alone of all countries feels the burden of papal domination. Out of the fulness of his power the Pope presumes to do many things, and neither prince nor people dare contradict him. He reserves all the fat benefices for himself, and excommunicates all who resist him."^(a)

The enactment of the Statute of Westminster the First, making all elections free, which we have just cited, with Lord Coke's comment on it, was expressly confirmed by Edward himself in the Statute, "Articles for the Clergy," in 1315-16, which enacts that if any dignity be vacant, the electors may freely make their election without fear of any power temporal.^(b) Of this statute Lord Coke says, "The clergy either remembered not the statutes of Westminster (the enactments in the Statute Articles for the Clergy originated in articles proposed by the clergy themselves), or if they did, they doubted whether it extended to ecclesiastical elections, although, without question, it did, and so it is declared by this Act. And it is an excellent law, and worthy to be put into execution."^(c)

Such was the state of the law regarding capitular election at the time of the death of Bishop Kellowe. How much the freedom of election must have been valued by the convent of Durham, then the electing body for the appointment of the Bishop of Durham, may be estimated by referring to the manner of the appointments to that see during the preceding hundred years.

In 1217, Richard de Marisco, Chancellor of England, was nominated by the papal legate, and was duly enthroned as bishop. He was a bad administrator, and oppressed the convent. The monks regarded his death, in 1226, as the interposition of Providence.^(d) After the evil consequences of the above papal appointment, it is not surprising that the convent did not quietly submit to interference in their election of a successor. The King recommended his chaplain, Luke. The convent, in opposition to his wishes, elected William de Stichell, Archdeacon of Worcester; and the Pope, at the request of the King (Henry III), pronounced the election void. The monks

(a) *The Political Hist. of England*, Vol. III, p. 256.

(b) 9 Edward II, c. xiv.

(c) *Coke's 2nd Institute*, Quarto Edition, p. 633.

(d) *Surtees' Hist. of Durham*, Vol. I, p. xxviii.

then elected Richard Poor, Bishop of Salisbury. The Pope yielded, and Poor was duly enthroned. He died in 1237.^(a) The convent then (notwithstanding the royal letters in favour of another), elected their Prior Thomas de Melsonby. The King objected to him on the ground that he had, when Prior of Coldingham, in Berwickshire, taken the oath of allegiance to Scotland, and on other frivolous pretences. The dispute lasted for three years, when Melsonby voluntarily resigned his pretensions.^(b) In 1241, the King nominated Peter de Egroblanch, his kinsman. The convent, however, chose Nicholas de Farneham, a person of unexceptional character. His election was recognised, and he was duly enthroned. He resigned in 1249.^(c) In the same year the convent rejected the nomination of Adelmars de Valentia, the King's half-brother, on account of his youth and deficiency in learning, and elected Walter de Kirkham, Dean of York, who was duly enthroned. He died in 1260.^(d)

The convent then chose Robert Stichill, Prior of Finchale, a great bishop, who steered the palatinate through the dangerous time of the barons' wars. He died in 1274.^(e) In the same year the convent chose Robert de Insula, who held the see till his death in 1283.^(f) The convent then elected Anthony Bek, Archdeacon of Durham, son of Walter Bek, Baron of Eresby in Lincolnshire, the most unruly and ambitious of the Bishops of Durham. He died in 1310.^(g)

In 1311, the convent, resisting the nomination of Antoline di Pisana, a foreigner, elected Richard Kellow, a brother of the house of Durham, distinguished by his irreproachable conduct and the goodness of his administration during the inroads of the Scots into the palatinate, and the consequent distress and famine.^(h)

Thus during a period of nearly one hundred years the prior and convent of Durham had enjoyed the privilege of electing their bishop. This was now to be taken away from them. In the year 1316, a new Pope, John XXII,

(a) Surtees' *Hist. of Durham*, Vol. I, p. xxviii.

(b) *Ibid.*

(c) *Ibid.*, p. xxxix.

(d) *Ibid.*

(e) *Ibid.*

(f) *Ibid.*, p. xxx.

(g) *Ibid.*, p. xxxi.

(h) *Ibid.*, p. xxxv.

was appointed, and a new era of royal tyranny and papal influence in ecclesiastical affairs began in England. On the 10th October, 1316,^(a) Bishop Kellow died; and on the 19th of that month the King issued his licence ^(b) to the prior, Geoffrey de Burdon, and convent to elect another bishop.

Intrigues to influence the elections at once began, and are recorded by Robert de Graystones,^(c) the historian of the church of Durham. The King asked the chapter to elect Thomas de Carleton, a professor of civil law and keeper of his privy seal; but afterwards yielding to the prayers of the Queen, he asked for Lewis de Beaumont, then treasurer of Salisbury. Lewis was her cousin, of the blood of the royal family of France, and brother of Sir Henry de Beaumont, who had made England his country: a friend of Gaveston, Sir Henry had been named by the ordainers in the statute of the New Ordinances in 1311 as an evil counsellor of the King, and "put out of the King's counsel for ever,"^(d) but was nevertheless again an officer in the King's Army and confidence. Lewis's election was so urgently canvassed that there was scarcely a monk in the convent who did not receive a written letter from the King or the Queen. The Earl of Lancaster recommended his chaplain, John de Kynardesley, promising that if he were made bishop that he would protect the bishopric against the Scots, and that the displeasure of the King, who had been dissatisfied with Bishop Kellow on that point, would be allayed. The Earl of Hereford recommended John Walwayn, another professor of civil law. The Earls of Lancaster, Hereford and Pembroke, and most of other nobles, awaited in the cathedral the result of the election. Sir Henry de Beaumont was there with his men to support his brother, and some of the nobles threatened, that should a monk be elected, they would cut off his head.^(e) But the monks, thinking more of God than of the prayers and threats of these patrons, elected Henry de Stamford, prior of Fynchal, a cell of Durham, a man of simple manners, mature age and well read. The King would have admitted Henry if it had not been for the

(a) Surtees' *Hist. of Durham*, Vol. I, p. xxxvii. notes u and x.

(b) Surtees Society, No. 9, Appendix No. XCV, p. cxiv.

(c) Robertus de Graystones. *Historia de Statu Ecclesiæ Dunelmensis*, printed in *Scriptores Tres*, in Surtees Soc., No. 9, c. XXXVII, p. 98.

(d) 5 Edward II, 1311, c. 22, *Statutes of the Realm*, Folio Edition, Vol. I, p. 163.

(e) Robert de Graystones, p. 98. *erant aliqui comminantes amputare sibi caput*. Surtees, in his *History of Durham*, writes, "threatened to split his shaven crown." Perhaps he was quoting from another MS.

Queen, who on her knees pressed the King to admit Lewis, saying that he was the only one of her kinsmen for whom she had asked a favour. The King yielded, and wrote to the court of Rome asking for the appointment of Lewis. Henry de Stamford went the long journey to Rome to plead for the chapter and himself, but on his arrival there, he found that the Pope had already, at the request of the Kings of France and of England, given the bishopric to Lewis; at the same time imposing so large a sum of money to be paid to the court of Rome, that it took Lewis nearly fourteen years to complete the payment. The Pope tried to console Henry by promising him the next preferment which should fall vacant, in the gift of the prior and convent; but he retired to his original cell of Stamford, where he remained till his death.

Such overbearing illegality on the part of the King was not likely to conduce to the quiet and loyal submission of the convent of Durham to the loss of the bishop of their choice, and the news that Lewis was on his way to Durham for his consecration renewed the opposition, which must also have extended to the people of the County of Durham in which the bishop held palatinate power.

The origin of the palatinate of Durham is not quite clear. There was a form of franchise called a palatinate known on the continent, and so called from *palatium*, a palace, because the powers given to the owner of the franchise were as full as those which the King had in his palace. The palace seems to have lent its name to the palatinate in the same way that the Wardrobe of the English Kings did to the office of the Wardrobe.

The franchise of liberty held by the Bishop of Durham was not, as has been surmised, the creation of William the Conqueror. It was then already in existence, having its origin in franchises beginning at some remote period before the conquest. Afterwards, a name for them being required, the word palatinate was adopted from the continent, and applied to the franchise of Durham, Chester, &c., in the thirteenth century.^(a)

In 1293, the bishop's position as lord of the palatinate was briefly stated as follows :—

“ *Episcopus Dunelmensis duos habet status, videlicet, statum episcopi quoad spiritualia, et statum comiti palatii quoad tenementa sua temporalia.*”^(b)

(a) *The County Palatine of Durham*, by G. T. Lapsley, 1900.

(b) *Rot. Parl.*, 21 Edward I, Vol. I, p. 103.

“ The Bishop of Durham, as owner of the palatinate, had his Courts of Chancery, Common Pleas, and Exchequer, possessing the same powers in the Palatinate as the Sovereign’s courts had in other parts of the realm. He had the power to levy taxes for the defence and service of the Palatinate, to make truce with his enemies, to raise troops and impress ships in time of war. He sat in judgment of life and death, and could inflict capital punishment. He had power to create Palatinate barons, to summon them to his councils, and to confiscate their lands in case of treason. He possessed all manner of royal jurisdictions and rights ; could coin money, grant licenses to erect castles, build churches, found charities and hospitals, create corporations, and grant markets and fairs. Every source of profit and every post of honour or service was at his disposal, with which the Sovereign could not interfere, nor were royal writs allowed to run in the Palatinate without the Bishop’s sanction.”^(a)

Most of the privileges of the palatinate were swept away by an Act of Parliament of 27 Henry VIII, c. 24, 1536. After further deprivations and restorations, they were finally abolished by Act of Parliament in 1836.

I have entered thus fully into these particulars of the Durham palatinate because it is important to observe that Lewis de Beaumont was not coming only to be made a bishop, but also to be made a civil ruler with sovereign powers, and he a foreigner with little experience of English life and ways. Moreover, the palatinate county was not confined to the district between the rivers Tees and Tyne, now known as the county of Durham, but extended also into parts of the county of Northumberland, where there were the districts of Norhamshire, Islandshire and Bedlingtonshire, and into the county of York, where was the small district of Craike, 10 or 12 miles north of York.^(b) These outlying districts were parts of the old see of St. Cuthbert, and were integral portions of the palatinate county of Durham.

In addition to the illegality of his appointment, Lewis was not a fit person for the bishopric. Graystones^(c) describes him as being avaricious, not caring how he got money, and spending it improvidently on an enormous household. He was not a priest.^(d) Not having been educated as a priest,

(a) *A Guide to the Public Records*, by S. Scargill-Bird, 3rd Edition, p. 315. Scargill-Bird states the above passage in inverted commas, but does not give the reference from which he quotes.

(b) *Allen's Hist. of Yorkshire*, 1831, Vol. VI, p. 288.

(c) Robert de Graystones, p. 118.

(d) *Ibid.* Castus erat, sed laicus,

he did not understand Latin; and although before his consecration, which was not celebrated till March, 1318,^(a) he had many lessons in Latin, yet during that ceremony, on his coming to the word *metropoliticae*, he, gasping and unable to pronounce it, said in French, *Seyt pur dite*, and when the *Ordines* were celebrated, and he came to the words *in ænigmatæ*, apparently seized with some fanciful idea, he said to the bystanders, *Par Seynt Lowis, il ne fu pas curtays, qui cest parole icy escrit*. Those standing around were struck aghast, grieving at such a consecrating of a bishop.^(b) He treated the prior and convent with insolence and contempt. The cause for this was no doubt not only that they had elected Henry de Stamford in preference to him, but the extraordinary and violent measures that they took to prevent his consecration—an outline of which was probably known to Lewis; to its details we shall soon come. But whatever cause he may have had for resentment, his manner of showing it was unbecoming to his dignity as their bishop. When the prior gave him palfreys and New Year gifts, he answered, “Do nothing for me, neither will I do anything for you; pray for my death, for whilst I live you will get nothing from me.”^(c) Throughout the time of his episcopacy he extorted as much money as he could, out of the prior and the convent. At the time of the consecration the prior bound himself and the convent to the merchants in £3,000, so that if the bishop failed in payment, they themselves would have to pay. For this they gained only scanty thanks.^(d) He got a Bull from the Pope giving him a fourth part of the wealth of the priory, whilst the Scottish war might continue. Again, encroaching on their privileges, he obtained a Bull enabling him to make any member of the convent prior, whom he wished to prefer. In getting these Bulls he went too far, and because they were obtained by suppression of the truth and false suggestion, his council would not allow them to be made use of.^(e) Lewis continued to show his displeasure against Geoffrey, the prior. In his visitations he made many charges against him, and thus raised an opposition to him in the convent, forcing him to resign.^(f)

(a) Robert de Graystones, p. 101.

(b) *Ibid.*, p. 118.

(c) *Ibid.*, p. 119.

(d) *Ibid.*, p. 101.

(e) *Ibid.*, p. 119.

(f) *Ibid.*, p. 102.

Though these details of Lewis's character were not learned at Durham till the time of his consecration, yet the community must earlier have known what manner of man was going to be placed over them. To add to their anxieties, there must have been fresh in their memories the violent conduct towards the priory of their former bishop, Anthony Bek. This had become so serious that, in 1305, the King sent two judges to Durham to hold an assize, and hear the complaints of the prior. These were many; the most serious being that, after attacks on the privileges of the priory, he laid siege to it in August, 1300; dismantled the mill; broke open the gates of the cloister and carried off the valuables of the refectory; dragged the prior from his stall, imprisoned him for three days, and inflicted on him many other indignities; closed the north gate of Durham against the prior and his people, and all other persons; seized corn and animal stock from the priory's manors; and when a King's messenger came to Durham with letters on the matter, the bishop's bailiffs seized him and imprisoned him for forty days. The bishop, when charged, denied the allegations, and the judges ordered inquisitions to be held on the various plaints.^(a) The returns to these inquisitions do not seem to be extant. There can, however, be no doubt that the bishop had acted with violent illegality, and contempt of law; and it is not surprising that the prior should, as we shall see, wish to prevent the consecration of such a bishop as Lewis de Beaumont.

In August, 1317, the two cardinals, Gaucelin Deuze and Luca di Fieschi, above mentioned as being already in England, left London for Scotland on their arbitration mission. They were accompanied by Lewis de Beaumont and his brother, Sir Henry, then constable of the palatinate castle of Norham-upon-Tweed, in Northumberland. The cardinals were to stop at Durham, that Lewis, for his glorification, might be consecrated and enthroned in their presence.

From the records of the convent of Durham we get the first hint of what was being prepared for Lewis de Beaumont on his approach to Durham. There is preserved at Durham the following document. It is an Indenture, dated 25th April, 10 Edward II, 1317, between three important personages, Sir John de Eure, Sir Robert de Sapy, and the prior of Durham. Sir John de Eure, a knight of Yorkshire and Northumberland, was son of Sir Hugh

(a) *Registrum Palatinum Dunelmense*, Vol. IV, pp. 1 to 74.

de Eure, a younger son of John Fitz-Robert, Lord of Warkworth, d. 1240. Up to this time (1240) this great family had not adopted a surname. Sir Hugh took the name of Eure from the family manor of that name in Buckinghamshire. About the same time as Sir Hugh took his surname, his great nephew, John Fitz-Robert, then the head of the family, adopted the name of Clavering, from his manor of Clavering, in Essex.^(a) Sir John had been escheator for the district north of Trent from 1313 to 1315. Sir Robert de Sapy was the then escheator for that same district, and also guardian of the temporalities of the bishopric of Durham during the vacancy of the see. The prior of Durham was Geoffrey de Burdon.^(b) The indenture is in French, a full translation of it is as follows :—

“ This indenture witnesses that Sir John de Eure has made a bond to Sir Robert de Sapy, guardian of the temporalities of the bishopric of Durham, in one hundred marks, payable to the said Sir Robert on St. Michael’s day next to come after the making of these letters ; which writing is delivered by them both to the Prior of Durham to keep until the day aforesaid ; in this form, that if it so happen that Sir Lewis de Beaumont be consecrated Bishop of Durham, or that the temporalities be delivered to him, before St. Michael’s day aforesaid, that then the said Sir John shall hold himself bound to the said Sir Robert to pay or cause to be paid to him all the expenses and costs which he shall make, or cause to be made, for the ploughs in the lands which belonged at any time to the Bishop of Durham, and are in the hand of our lord the King, as well beyond the waters of Tyne and Teyse as between them, that is to say, in livery of oxen, and in all manner of other costs duely and fairly made by the stewards and bailifs of the places, for the tillage of the said lands, from the 25th day of April until St. Michael’s day aforesaid. And if the said Sir John refuse to make satisfaction to the said Sir Robert for the said expenses as before is said, he wills and grants that the bond in one hundred marks which is in the keeping of the Prior of Durham aforesaid, be delivered immediately by the said Prior to the said Sir Robert, so that the said Sir Robert may take action on the said writing to demand from the said Sir John the hundred marks aforesaid. And if it so happen that the said Sir Lewis be not consecrated Bishop of Durham by the day aforesaid, the

(a) *New Co. Hist. of Northumberland*, Vol. V, pp. 25, 26, 27.

(b) Robert de Graystones, p. 95.

said Sir Robert wills and grants that the said writing be delivered to the said Sir John, and be accounted as void in whosoever hand it may be found. In witness of which things, to the part indented remaining with Sir John, the said Sir Robert de Sapy has put his seal. And to the part remaining with Sir Robert the said Sir John de Eure has put his seal. And to the part remaining with the prior, the said Sir John and Sir Robert have put their seals. Written at Durham the twenty-fifth day of April, the 10th year of the reign of our lord the King Edward, son to the King Edward."^(a) Sir John de Eure's bond for 100 marks to Sir Robert de Sapy is No. 4022 of the Durham Treasury Miscellaneous Charters.

On the 4th of May,^(b) a mandate was issued to Sir Robert de Sapy to deliver the temporalities of the bishopric to Lewis de Beaumont, the bishop Elect. Sir Robert may have expected to receive the mandate, but if so, it is evident that he had no intention of executing it. What happened was, I suppose, something like this. Sapy was guardian of the temporalities. He would be able to gather a large sum of money from the harvests in September. It occurred to Eure, Sapy and the prior, that they might prevent de Beaumont from being consecrated bishop, and thus hope to yet secure Henry de Stamford, the Englishman of their choice, as bishop, and that they might use the money obtained from the harvest for that purpose. Some scheme to that effect had probably already been devised.

It will be seen that the prior was never intended to keep the bond. If the bishop was consecrated, or the temporalities delivered to him before Michaelmas (the 29th of September), the prior was to give the bond to Sapy, so that Sapy might use it to enforce payment from Eure. If the bishop was not consecrated, nor the temporalities delivered to him before Michaelmas, the prior was to return it to Eure, who would tear it up. As guardian of the temporalities, Sir Robert would, whilst Beaumont had no power over the revenues, be able to repay himself out of them for the expenses of the ploughing and cultivation. We shall now see what happened.

The dual party, consisting of the Beaumonts and the cardinals, with their retinues, slept at Darlington on the 31st August. There Lewis was warned by a messenger from the prior of Durham that they might be

(a) *Durham Treasury, Miscellaneous Charters*, 4238.

(b) *Cal. Pat. Rolls*, 1313-17, p. 644.

attacked ; but “ he and his brother heeded the warning little, saying that the King of Scotland would not dare to attempt such things, and the prior said such things because he wished to hinder the consecration of Lewis.”^(a) So the prior seems to have attributed the coming attack to the Scots. The prior’s object in giving the warning was no doubt to stop Lewis’s progress ; and at the same time he may have hoped to prevent a collision and the possible shedding of blood. The clergy in London also warned the cardinals not to go beyond York.^(b)

(a) Graystones, p. 100.

(b) Johannis de Trokelowe, *Annales, Edwardi II*, Hearn’s Edition, 1729, p. 40.

CHAPTER V.

ON the next day, 1st September, 1317, on the travellers coming near to Rushyford, about nine miles north of Darlington, between the villages of Woodham and Ferryhill, their progress was stopped by a body of armed men.^(a) This force appears to have been of a complex character. Part of it was commanded by Sir Gilbert de Middleton, and probably consisted mostly of Northumbrians, many of them being landowners. The names of some of these are found in the public records in entries of the forfeitures of their lands, of pardons and other documents in which they are said to have been adherents of Gilbert de Middleton. Amongst them were Sir John de Middleton of Belsay, and of Newlands near Belford, Sir Gilbert's cousin, Sir John de Lilburne of West Lilburne, Sir John de Denum of Deanham, and Sir Henry de Haverington of Great Benton, knights. Other members of county families were John de Horseley, Roger Mauduyt of Eshot, Marmaduke and Hugh Basset, Walter Corbet of Langton, Robert de Cresswell of Cresswell, Roger de Widdrington of Denton, and many others.^(b) Other adherents were probably recruited from those of the general population of the county who had survived the devastations of the Scots; all driven to desperation by their misfortunes. In some of the chronicles and other records they are called "Shavaldores," a name for marauders which appears to have come into use about this time, and to have been discontinued soon afterwards. The name appears to have been applied to Sir Gilbert's men as a term of depreciation.^(c)

(a) Robert de Graystones, Surtees Soc. 9, pp. 100, 101. John de Trokelowe, *Annales, Edwardi II.* Hearn's Edition, 1729, p. 40.

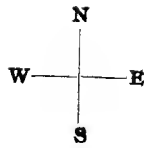
(b) The names of those who are recorded as having been adherents of Sir Gilbert will be given at the end of this account, with references to the public records, and with notes on themselves and their families.

(c) "Quidam fatui de Northumbria qui dicebantur Saualdores (quorum duces fuerunt Gilbertus de Midilton, miles, et Walterus de Selby) cum magna multitudine fatuorum." John de Trokelowe, p. 40.

"... est destrut par Sir Gilberd de Midelton jadis ennemi le Roi et par autres Larouns Shanaldours de sa compaignie de Northumberland." Petition of Simon de Weltevene, *Ancient Petitions*, P.R.O. No. 7570, File 152.

The *New English Dictionary* defines "Schavaldor" as "a gentleman brigand of the Scottish border." There does not seem to be any reliable authority to support that definition. "Shavaldus," the earlier form of the word, seems to have first appeared in use in 1313, when certain goods at Whickham—in the part of the Palatinate county of Durham, situated on the southern side of the Tyne—were carried away by "fures et shavaldos." *Registrum Palatinum Dunelmense*, Vol. II, p. 943.

★ DURHAM



17½ miles — 3¾ miles

★ HETT

2½ miles

★ FERRYHILL

2¼ miles

★ RUSHYFORD

1¼ miles

★ WOODHAM

2¾ miles

★ AYCLIFFE

5 miles

★ DARLINGTON

0

A force of Yorkshiremen appears also to have been present, perhaps under the command of Sir John de Eure (who, though he owned Kirkley and other lands in Northumberland, was also lord of Stokesley in Cleveland in Yorkshire), with Sir Goscelin Deyville of Dighton and Sir John de Clesby of Dounom (Downholme) in Richmondshire. Others with them were Sir William de Chaumbre of Brumpton, near Northallerton, Sir William Buscy of Thurkleby and Sir Henry de Hertlington of Hertlington, knights. Other landowners were Geoffrey Henknoll of Cateby, and also of Henknoll, in the county of Durham, John de Lasceles of Brakenburgh, and many more.^(a) A force of Lancaster's adherents was also present, and took part in the attack; pardons being granted in October and November, 1318, to 709 named adherents of Lancaster; to 188 of which was attached the proviso, "excepting the robbery of the cardinals."^(b) Probably Lancaster's force was under the command of Sir Gilbert.

Another part of the force consisted of Scots under Thomas Randolph, Earl of Moray, and Sir James de Douglas, with whom was Walter de Selby, an Englishman, of Seghill Tower^(c) and Biddleston^(d) in Northumberland, and of Felling, in the county of Durham.^(e) This force was stationed at Woodham, a mile and a half south of Rushyford.

What happened when the cardinals and Lewis together came to Rushyford is thus described by de Graystones: "Gilbert de Middleton attacked them with a multitude of armed men, who at first spared the cardinals and their men, for they were not seeking to injure them; but many asserted themselves to be servants of the cardinals, and neither the cardinals nor others were spared, but all were despoiled. They took Lewis and Henry his brother, captives, with them to Mitford Castle, of which the afore-mentioned Gilbert was warden and not lord. They delivered two horses to the cardinals and allowed them to go freely to Durham. This was done on St. Giles' day, viz.,

(a) *Cal. Pal. Rolls*, 1358-61. The names of the Yorkshiremen will be given with those of the Northumbrians at the end of this account.

(b) *Cal. Pal. Rolls*, 1317-21, pp. 227 to 233.

(c) Six miles north-east of Newcastle.

(d) On the upper reaches of the river Coquet.

(e) Lewis, Bishop of Durham, escheated Selby's lands at Felling, within the liberty of Durham, because he, in company with Thomas Randolph, Earl of Moray, James de Douglas and other Scots, had made prisoner the said Lewis at Woodham. Bain, III, No. 1335. *Close Rolls*, 15 Edward III, p. 1, m. 1.

the first day of September.”^(a) Graystones does not mention Walter de Selby as being there, nor does he mention him in any other part of his account.

John Capgrave says, “Sodeynly oute of a vale, rise a grete puple, Capteynes Gilbert of Mydilton, and Walter Selby; thei leid hand upon hem, and robbed hem of al ther tresoure: and Lodewik, which thei entended to make bischop, thei led to a town thei clepe Morpath, compellyng him to a grete raunson. In that affray eke was take Herry Beaumont, with al his hors and tresoure, and led to the Castel of Mithforth, wher he was kept, tyl he had payed a grete summe of mony. The cardinals turned ageyn to York.”^(b) John de Trokelowe says “certain foolish men of Northumberland who were called “Saualdores” (whose leaders were Gilbert de Middleton, knight, and Walter de Selby), breaking forth from a certain valley, unexpectedly, with a great multitude of foolish men, rushed upon them, and disregarding the fear of God, despoiled them.”^(c) The rest of his story of the attack is much the same as that of Graystones. A hostage was afterwards taken for Henry.^(d)

It is evident that Sir Gilbert did not wish to interfere with the cardinals; that he was drawn into so doing was his ruin. He might have been pardoned, as were many of his party, for the attack upon Lewis de Beaumont, who was not yet consecrated as bishop, but for the attack upon the cardinals of Rome nothing would satisfy the cardinals themselves but his cruel punishment. Sir Gilbert seems to have lost control of his men, not an unlikely thing to happen when the Scots came up to join him, as we may learn from what happened later in this month of September, for the cardinals, unable to proceed further north, then sent messengers into Scotland to deliver a bull to Robert Bruce enjoining peace with England. Bruce refused to receive it because it did not give him the regal title. Adam Newton, the warden of the Minorite Friars of Berwick, was then sent to Bruce to try his chance, but with no better success. On his way back he was robbed and stripped “*ad carnem*,” “to the buff,” and thus he entered the town of Berwick.^(e) Sir Gilbert’s men treated the cardinals better than this.

(a) Graystones, *Surtees Soc.* 9, p. 100.

(b) *The Chronicles of England*, by John Capgrave, *Rolls Series*, 1858, p. 182.

(c) John de Trokelowe, p. 40.

(d) *Cal. Rot. Pal.*, 1317-21, p. 174. *Cal. Close Rolls*, 1313-18, p. 518.

(e) *History of Scolland*, by Andrew Lang, Vol. I, pp. 227-28.

Ridpath's Border History, pp. 177-78.

The cardinals came thus to Durham, as de Graystones says, without bedding, &c., despoiled of all except the clothes they wore. They were kindly received by the Prior, who provided for them beds and horses, and sacred vestments for church ceremonies. They were not, however, appeased by this, but used threats, which so alarmed the Convent that a pension of 100 florins was granted to Luca di Fieschi for the term of his life.^(a)

The cardinals stayed some days at Durham, having given up their intention of going to Scotland, and on the 7th of September were joined by Lancaster, who now appeared on the side of order, to conduct the cardinals to the south. At this time, says Graystones, "Gilbert de Midilton came to Durham, to speak with Lancaster; and the monks celebrating in the church, Gilbert and his men were present, for the convent did not recognise their persons, or if they recognised them, did not dare to repulse them; the monks excused themselves by this also, that monks celebrating, their eyes being fixed on the ground, pay no attention to those who may be standing around. Gilbert and his men restored many things to the cardinals, and asked for absolution, but in this they gained very little."

Graystones does not say what the little was, but we may conclude from the above that Lancaster had arranged the meeting, and hoped that the cardinals and Sir Gilbert might come to more friendly terms, for the restoration of goods might well have included money as a personal gift from Sir Gilbert.

As to the conduct of the monks in the church, considering that Sir Gilbert was their champion for preventing the consecration of de Beaumont as Bishop of Durham, it is not surprising that they made no signs of disapprobation at the presence of Sir Gilbert and his men. Possibly they held down their eyes in mute appeal to the cardinals that they should give Sir Gilbert a favourable reception. The meeting, however, failed in its object, the cardinals were not so easily to be persuaded.

"The cardinals then went south under Lancaster's safe conduct, and as they went through York published a terrible sentence upon their assailants, and upon all in any way adhering to them. Having demanded execution of this sentence through all England, they retreated to London, and required eight pence in the mark to be given to them by the clergy, for damages and

(a) Graystones, p. 101.

expenses, having no regard to the four pence which they had previously had for the first year of their stay in England. Thereupon, after a long discussion among the clergy of this demand, it was answered to them that they ought to impute to themselves the contempt and damages inflicted upon them as aforesaid, when, blinded by the royal favour and by the incitement of avarice, they presumed to go beyond the place limited to them by the clergy, namely, York. Wherefore they could not have the eight pence in the mark so demanded, but scarcely were able to obtain four pence in the mark for the second year of their stay.”^(a)

The cardinals had also endeavoured to levy procurations on the King’s free chapel of St. Martins le Grand, and on the temporalities of the Bishopric of Durham, which the King was illegally holding owing to his not having confirmed the election of Henry de Stamford. Against these attempted exactions the King issued prohibitions.^(b)

The cardinals did not seem to find favour with any party in England except the Queen’s. The King was at Newark when he heard of the rebellion,^(c) and went *via* Nottingham and Lincoln to York, where he arrived on the 5th September.^(d) At York he took measures to stop the rebellion, issuing orders on September 8th for a general muster of forces to be held at that place and at Northallerton;^(e) and again at York, on September 9th, he sent orders that the forces now on their way to Newcastle-upon-Tyne for service in Scotland were to be diverted to York, and there await further orders.^(f)

The King then sent a full account of the outrage on the cardinals to the Pope, informing him of the measures taken for the punishment of the malefactors.^(g)

On September 12th, the Government seem to have known that Sir Gilbert was one of the leaders of the rebellion, for on that day they sent an

(a) de Trokelowe’s *Annals*, p. 40.

(b) *Cal. Close Rolls*, Vol. for 1313-18, p. 566.

(c) *Archæologia of London*, Vol. XXVI, p. 326.

(d) *Ibid.*, p. 328.

(e) *Rotuli Scotiæ*, Vol. I, pp. 175-177, and *New Co. Hist. of Northd.*, Vol. IX, p. 108.

(f) *Cal. Pat. Rolls*, 1317-21, p. 22.

(g) A letter printed from Bishop Bury’s Letter Book in *Reg. Pal. Dun.*, Rolls Series, Vol. IV, pp. 394-395, and from the Roman Rolls in Rymer, *Foedera*, Record Com., Vol. II, pt. I, p. 341.

New Co. Hist. of Northumberland, Vol. IX, p. 108 n.

order to Hamo de Felton, parson of Luchham Church, to cause the son^(a) of Gilbert de Middleton, in his custody it is said, to be kept safely until further orders, under pain of forfeiture.^(b) Luchham is now Litcham, in Norfolk, about six miles north-west of East Dereham. It was written Licham in Domesday, and also Letham. In 25 Edward I, Robert de Felton had a grant of a fair there.^(c) It will be remembered that Sir William de Felton was Sir Gilbert's guardian during his minority, and the presumption is that Sir Gilbert had sent his son to the care of one of his friends of the Felton family.

On September 20th, the Government issued to all sheriffs of England orders to cause proclamations to be made, that the King, with the *proceres* and *magnates* of the realm and others of his council, will cause punishment to be inflicted upon the malefactors who lately committed robberies and outrages upon the cardinals and upon others in their trains, at Ache, within the liberty of the bishopric of Durham, on account of which outrages many persons of the sheriffs' county are, as the King learns, much disturbed and terrified. And the King will cause any excess that may have been committed by his ministers or others of his household by the taking of their goods, or otherwise to be corrected and amended; so that his people may be defended from wrong and oppression.^(d) Ache must mean Acle, where Carte in his history says the attack was made.^(e) Acle is now Aycliffe,^(f) a few miles south of Rushyford, where de Graystones says the attack took place, and may be taken as a fairly accurate description of the situation. In a letter written a week after the event, Edward II mentioned the occurrence as having taken place at Hett, a few miles north of Rushyford, but in a later letter he placed it at Acle.^(g) The proclamation shows that a very serious rebellion, general throughout England, had been imminent, for it was addressed to all the Sheriffs, and not only to those of the Northern counties. To the concluding words, "that reparation would be made for the taking of goods," it would

(a) We do not know who Sir Gilbert married, nor the Christian name of his son, of whom we have no further record.

(b) *Cal. Close Rolls*, 1313-18, p. 566.

(c) *The Norfolk Tour*, Vol. II, Norwich, 1829.

(d) *Cal. Close Rolls*, 1313-18, p. 568.

(e) Carte's *Hist. of England*, folio, Vol. II, p. 342.

(f) Surtees' *Hist. of Durham*, Vol. I, pp. 117, 118.

(g) *Rotuli Scoliarum*, Record Com., Vol. I, pp. 177-179, and *New Co. Hist. of Northumberland*, Vol. IX, p. 107n.

have been well if there had been added assurance that Henry de Stamford would be consecrated as Bishop of Durham, and thus respect shown for the law, and some wish to meet the desires of the people of Durham and the northern counties, by removing one of the causes of the rebellion.

On the 30th of September the Government ordered the arrest of Sir John de Eure and his accomplices of the county of Northumberland, who are suspected of having attacked the cardinals at Acle, in the county of Northumberland.^(a) This was the same Sir John de Eure who, with Sir Robert de Sapy, entered into the agreement with the prior and convent of Durham. How was it that he was accused of attacking the cardinals at Acle, in the county of Northumberland? The index of the volume of Patent Rolls gives Acle as a variant name of Akeld, a place $2\frac{1}{2}$ miles west of Wooler. The cardinals were never there or near it. The proclamation of September 20th had already given Ache, within the liberty of the bishopric of Durham, as the name and situation of the place. Akeld is not even near to Northhamshire or Islandshire parts of the liberty of the bishopric in the Northern part of Northumberland. It can hardly be supposed that the authorities in London did not have early information of where the attack took place, though they do not seem to have been in a hurry to inform the King of the exact locality. All the places mentioned as at or near the place of attack, as Rushyford, Ferryhill, Woodham, Aycliffe or Ache, Hett, were on or near the highway from London to York, Durham, Newcastle-upon-Tyne, Bamburgh and Berwick-upon-Tweed, a highway which in those days must have been daily traversed by King's messengers. A kindly ordainer must surely have inserted "Acle in Northumberland," and thus enabled Eure to prove an alibi, for he was at liberty on May 27th, 1318, when he received a safe-conduct on his going to the south to the Earl of Pembroke,^(b) who had been protecting Lancaster by procuring for him safe-conduct and freedom from arrest in September, 1317.^(c)

Sir John de Eure, however, received pardon as a follower of Lancaster on November 1st, 1318, for treason not specified.^(d) Nevertheless his lands

(a) *Cal. Pat. Rolls*, 1317-21, p. 88.

(b) *Ibid.*, p. 147.

(c) *Cal. Pat. Rolls*, 1317-21, pp. 27 & 29.

(d) *Cal. Pat. Rolls*, 1317-21, pp. 227, 231.

were forfeited as an adherent of Sir Gilbert.^(a) Sir John de Eure was now free, but it seems to be clear that he was privy to the seizure of Lewis de Beaumont, the result of which was that his consecration had to be postponed. Eure was thus quit of his obligation, and his bond to Sapy for 100 marks, which should have been returned to him (he perhaps thought it prudent not to receive it), remains at Durham to this day.

(a) *Ibid.*, 1358-61, p. 261.

CHAPTER VI.

WE must now return to Sir Gilbert at the time when he appeared in open revolt attacking the de Beaumonts. He must have very recently renounced his allegiance, for we know that he was in correspondence with the King in person as late as January of that year. Sir Thomas Gray, in his *Scalacronica*, says that the cause of Sir Gilbert's rebellion was that the King had arrested his cousin, Sir Adam de Swinburne, for having spoken too bluntly (*rudement*) to him about the condition of the marches.^(a) This passage is usually referred to by historians; but it seems to contain error. The Adam referred to was Sir Adam of East Swinburne, who was Sheriff of Northumberland from the 16th October, 1315, to the 3rd August 1317,^(b) when he was superseded and arrested. He was not a cousin or near blood relation of Sir Gilbert, whose mother was Juliana of West Swinburne. The two families were perhaps related, but the latest published pedigrees do not show a relationship.^(c) There was an Adam, son of Richard of West Swinburne, of whom there is only one entry in the public records, viz., when on September 12th, 1328, he received pardon from Edward III, at the request of David (Bruce), son of the King of Scotland, and Johanna his wife, Edward's sister, for adhering to the Scots in the late and his own reign, and riding with them in war on the English marches.^(d) It is possible that Sir Thomas may have, in his story, confused the two Adams. Sir Thomas Gray did not write the *Scalacronica* till 1355, and he must not be taken as an absolute authority.

The writer of the article in the *Archæologia of London*, to which I have already referred, cites what Sir Thomas Gray says in *Scalacronica* about the arrest of Sir Adam de Swinburne being the cause of Sir Gilbert's rebellion, and adds, "Another ground has been assigned for Sir Gilbert's rising by a Continuator of Trivet's *Chronicle*, viz., the putting to death of his brother Richard."^(e) But no mention is made of any Richard de Middleton in the

(a) *Scalacronica*. Sir Herbert Maxwell's translation, p. 60.

(b) Lists and Indexes No. IX, Public Record Office.

(c) *New Co. Hist. of Northumberland*, Vol. IV, pp. 276, 309.

(d) *Patent 2 Edward III*, p. 2, m. 22. Bain, Vol. III, No. 964.

(e) *Archæologia of London*, Vol. XXVI, p. 328.

Nicolai Triveti Continuatio, edited by Anthony Hall, 1722. There is no other Continuator of Trivet, so the writer must have made a mistake in his reference. Trivet's *Chronicle* stops in 1307, and does not enter into the reign of Edward II. Trivet died circa 1328.

We have no references to prove absolutely that Sir Gilbert had a brother Richard, nor have we a reference for his execution. The writer then proceeds to identify Richard with a Richard de Middleton who had been taken prisoner as a traitor, and for whose capture Thomas de Fissheburn had received money from the King.

The following extracts from the public records explain what had happened. On December 7th, 1315, the King, for the encouragement of those who harass the Scottish rebels, grants to Thomas de Fissheburne, junior, all the plunder he and his force may gain from the enemy, and the ransom of any prisoners, being allowed 100 marks for any one of the latter whom the King wishes to have.^(a) In January, 1316, Thomas de Fysheburne the younger, to whom the King had lately granted 100 marks for the capture of Richard de Middleton, received £50 in part payment, by the hand of Eleanor, late the wife of Henry de Percy.^(b) The reason Lady Percy being thus made the channel for payment was that her son was then a minor. A supplementary payment of £4 was made to Thomas de Fyshebourne, "King's Yeoman," also by Eleanor de Percy.^(c) On March 24th, 1316, a commission was issued to William de Inge, a Justice of the Court of Common Pleas, and John de Crumbewelle, to deliver the gaol of the Tower of London, of Richard de Middleton, detained there for sedition against the King, and other trespasses.^(d)

On February 22nd, 1317, a commission was issued to Adam de Swynburne, Sheriff of Northumberland, and two other justices, to inquire into the complaint of Roger Mauduyt, a Northumbrian of authority, that he made prisoners of Richard de Middleton and four others named, Scots, who were plundering and burning in Tynedale. Thomas, son of Thomas de Fissheburn, and other evil-doers, rescued them, and brought Richard de Middleton to the King, receiving £100 from him under pretence that they had captured him,

(a) *Patent Rolls*, 9 Edward II. Bain, Vol. III, No. 459.

(b) *Exchequer Accls.* King's Remembrancer, Bundle 376, No. 7. p. 44.

(c) *Issue Rolls*, 1315-16, 178, 9 Edward II.

(d) *Cal. Pat. Rolls*, 1313-17. p. 492.

to Roger's damage.^(a) If Richard was a brother of Sir Gilbert, he could not properly be designated a Scot, the Middletons being a prominent English family.

On the 20th August, 1317, a further payment of £66 13s. 4d. was made to Thomas de Fishburne, "yeoman, of the county of Northumberland," of the King's gift, as a recompense for the capture of Richard de Middleton.^(b) That the King should have made the grant to Fishburne is an evidence of his incompetence to originate measures for the good government of the country. He gave to Fishburne and his force the privilege of plundering and ransoming any persons whom they might choose to think were enemies of the King; so that they were established as a kind of banditti under the royal favour. When Roger Mauduyt seized Richard de Middleton, Fishburne seems to have thought that he had a monopoly in brigandage, and rescued Middleton from him, and taking him to the King got his reward. Mauduyt was a man of authority in Northumberland, but he, nevertheless, meant to take ransom. The King's object in making the grant to Fishburne may have been to regulate this custom of ransom, but the manner in which he did it, and the violence of Fishburne whom he chose as his agent, were not conducive to peace. Mauduyt had been several times member of parliament for the county, later he was an adherent of Sir Gilbert, later again, in 1332, he was sheriff, but at the time in question he must have been loyal, for the commission was granted to enquire into his complaint, though he called Fishburne, a King's yeoman, an evil-doer. Apparently a decision was given in Mauduyt's favour, for a supplementary payment was made to Fishburne "of the King's gift in recompense for the capture."

Thomas de Fisseburn, junior, was son of Christiana, sister of Sir Gilbert's mother Juliana, by her husband Thomas de Fisseburn,^(c) and was, therefore, first cousin of Sir Gilbert and of Richard, if he was a brother.

(a) Bain's *Calendar of Documents relating to Scotland*, Vol. III, No. 539, and *Cal. Pat. Rolls*, 1313-17, p. 687.

(b) Wardrobe accounts, in *Archæologia*, Vol. XXVI, p. 328. Where the words "Yeoman of the county of Northumberland," are rendered "Valet of the Earl of Northumberland." The first Earl of Northumberland of the Percy family was not so created till 16th July, 1377. Sir Harris Nicolas, *Historic Peerage of England*, Courthope's Ed., p. 359. *Valetus* is more properly translated "Yeoman" than "Valet."

(c) *Pedigree, New Co. Hist. of Northumberland*, Vol. IV., p. 276. A Thomas de Fishburne, probably a Northumbrian, was a justice itinerant from 21 Edward I to 10 Edward II, 1292 to 1317, Foss's *Biographia Juridica*. A Thomas de Fishburne was seneschal of Tyne-mouth Priory circa, 1312, *New Co. Hist. of Northumberland*, Vol. VIII, p. 215, n. 3.

Members of families held together then as they do now, and there is some improbability that Fissheburn should have sold his cousin. So far, the evidence that Richard was a brother is not conclusive. However, the writer in *Archæologia* must have had some authority for his statement, though he gave a wrong reference. It was a not uncommon custom in those days for a person about the Court to ask for the grant of a privilege. Thus, on January 15th, 1315, Sir Gilbert himself, whilst a King's Yeoman, obtained a grant, "at his instance," of free warren to his neighbour, Robert de Byker.^(a) I am unable to find any relationship or other reason for this request of Sir Gilbert. Several such grants, at the instance of courtiers, occur in the Patent Rolls.^(b) On July 13th, 1321, a license was granted at the instance of a King's yeoman for a privilege to a prior and convent.^(c) Perhaps money passed between the parties. The officials of the Patent Office in such cases might ask for a fee, and the courtier would get a larger fee from the grantee. Sir Gilbert may have asked the King for his brother's life, and his petition may have been refused. If he were offended at the refusal, it might have been that there were attenuating circumstances which he thought that the King should have allowed. Christiana and Juliana were co-heiresses, and the death of Richard might affect the division of the family property. If Fissheburn had caused his death, that might add to Sir Gilbert's resentment. Such an incident might have led to the story attributed to Trivet's continuator. Doubt, however, upon such an explanation, is thrown by a patent of January 30th, 1359, which cites a return made by William de Nessefeld, the Escheator, concerning the property of Sir Henry de Haverington, a Northumbrian knight, in which he is accused of having adhered to Gilbert, Richard and John de Middleton, and of riding with them with banners unfurled to the robbery of the cardinals.^(d)

If Richard was executed in 1316, he could not have been the same person who adhered to Sir Gilbert in 1317. The return, however, was made more than 40 years after the rebellion, and on no other occasion in the public records has the name of Richard been associated with that of Sir Gilbert. It

(a) *Cal. Charter Rolls*, Vol. III, p. 204.

(b) *Cal. Pat. Rolls*, 1317-21, pp. 117, 138, 151.

(c) *Ibid.*, 1321-24, p. 3.

(d) *Cal. Pat. Rolls*, 1358-61, p. 172.

will be shown later that de Nessefeld's information, obtained from an inquest as regards the supposed rebellion of Sir Adam de Swynburne, was not good. His information, as regards Richard, may also have been at fault.

Too much reliance should not be placed on these stories. A sufficient reason for rebellion is seen in the bad government of England by the King, and the consequent misery and distress, especially in the north of England, which was ravaged by the Scots, and in which a crisis had been produced by the appointment of Lewis de Beaumont to the bishopric of Durham, where he was not only to be bishop, but civil ruler of the palatinate. John Capgrave, in his chronicle, thus describes the procedure of the cardinals on their journey from London to Durham :—

“ And, as the maner of Romanes is, thei ride with grete solempnite into the north cuntre, for to make Lodewik Beaumont bischop of Dorham, ageyn the eleccion of the munkis, wech had chose a othir.”^(a)

A chief cause of the rebellion was this illegal appointment of de Beaumont. Sir Gilbert was the champion of the monks of Durham, and the monks of other abbeys in the North of England, may also have supported him. Holinshed, in his chronicle, says that Sir Gilbert was offended because de Beaumont was preferred to the see of Durham, and Henry Stamford put from it, who had been first elected.^(b)

The chronicler of *St. Mary's of York* wrote :—“ In the same year was captured Sir Gilbert de Middleton, knight, a Northumbrian who despoiled the cardinals of the pope on the way towards Durham, for the consecration of Sir Lewis de Bemund, simoniacally elected contrary to the will of God and of Saint Cuthbert.”^(c)

So far we have followed the chroniclers, who all give much the same story. It will be remembered that Pembroke, Hereford and Lancaster each nominated a candidate for election by the prior and convent for the bishopric of Durham. What did they think of the appointment of Lewis de Beaumont? The chroniclers do not tell us. We know that the ordainers, of whom were these three earls, did not approve of Sir Henry de Beaumont, Lewis's brother,

(a) John Capgrave's *Chronicle*, p. 182.

(b) Holinshed's *Chronicle*, Ed. 1587, Vol. II, p. 323.

(c) *The Chronicle of St Mary's, York*, MS. in the Bodleian Library, Oxford, now being edited by H. H. E. Craster for the Surtees Society, but not yet published.

for they had named him in an act of parliament, accusing him of "evil counselling the King," and ordained that "he be put out of his counsel for ever."^(a)

As to what Lancaster had been doing we get a hint from the Continuator of Trivet's *Chronicle*, who, after describing the attack on the cardinals, says, "that noble man, the Earl of Lancaster, delivering them thence with strong and able hand, and bringing them as far as York, and leaving them there in peace; he returned to his castle at Pomfrey. And after his withdrawal, the aforesaid despoiling was maliciously imputed to the same earl by the King and his party."^(b) So may the King have thought, and so knew Lancaster, for he withdrew to the shelter of his castle, instead of proceeding to London. An order for his arrest might have been expected, whereas the following orders were issued by the King and Council:—

September 24th, 1317. Safe conduct at the instance of Aymer de Valencia, Earl of Pembroke, and Humphrey de Bohun, Earl of Hereford and Essex, and others, for Thomas, Earl of Lancaster, his followers and adherents, neither they nor their goods are to be arrested or seized; if any arrest or seizure shall take place contrary to this protection, the person or goods shall be released. By King and Council.^(c)

Same date. Power to Aymer de Valencia and Humphrey, &c., to liberate any followers or adherents of the Earl of Lancaster who have been arrested. By King and Council.^(d)

September 26th, 1317. Protection for the Earl of Lancaster, his followers and adherents, granted at the request of the Earls of Pembroke and Hereford; freedom of arrest and seizure shall continue so long as parliament shall sit; all matters which can be redressed in parliament shall be redressed accordingly, and other matters by law of the realm. By the King.^(e)

Same date. Power to the Earls of Pembroke and Hereford to discharge the followers and adherents of the Earl of Lancaster, and to restore their goods, lands, and tenements, if the same have been arrested or seized. The power to last during the time of the parliament. By the King.^(f)

(a) *Statute of the New Ordinances*, 5 Edward II, A. D. 1311.

Statutes of the Realm, Folio Edition, 1810, Vol. I, p. 163.

(b) *Nicolai Triveti Continuator*. Anthony Hall's Ed., 1722.

(c) *Cal. Pat. Rolls*, 1317-21, p. 27.

(d) *Ibid.*

(e) *Ibid.*, p. 29.

(f) *Ibid.*

These privileges must have been granted by the earls themselves in their capacity as ordainers.^(a)

November 3rd, 1317. Appointment of Nicholas de Grey, Sheriff of York, to take into the King's hands the castle of Knaresburgh, which divers malefactors entered by night and still retain, together with its stores and the King's men in charge thereof. By the King.^(b)

November 3rd, 1317. To Thomas, Earl of Lancaster. Order to cause the castle of Knaresburgh to be delivered with all goods, &c., &c., therein, to the Sheriff of York, as the King understands that certain malefactors detain it and the King's men appointed for its custody, asserting that they have done these things in the earl's name. By the King.^(c)

November 3rd, 1317. Like letters to the said Earl concerning certain malefactors who have lately entered the castle of Alveton (Alton, Co. Stafford), which belonged to Theobald de Verdoun, now in the King's hands by minority of his heir.^(d)

November 3rd, 1317. Order to the Sheriff of York to go to Knaresburgh, and to use the best means of obtaining delivery of the castle, the King having ordered Lancaster to deliver it to him. By the King.^(e)

November 3rd, 1317. Letter to Thomas, Earl of Lancaster. The King has lately heard that the earl has captured divers castles of John de Warena, Earl of Surrey, in the County of York, and orders him to desist from these proceedings. By King and Council.^(f)

Yet there comes another protection for Lancaster and his adherents :—

January 4th, 1318. General protection for the Earl of Lancaster and all his adherents and retainers with exemption from arrest. And commission to Pembroke and Hereford to discharge all persons who may be arrested as followers of the Earl of Lancaster.^(g)

Then we learn from a pardon to John de Lilleburn, of March 19th, 1318, that it was he who held Knaresburgh, the pardon being for all trespasses, &c., in accordance with the terms granted to him upon his surrendering the castle.

(a) *Statute of New Ordinances*, 5 Edward II. Folio Edition, Vol. I, p. 158.

(b) *Cal. Pat. Rolls*, 1317-21, p. 46.

(c) *Cal. Close Rolls*, 1313-1318, p. 575.

(d) *Ibid.*

(e) *Ibid.*

(f) *Ibid.*

(g) *Cal. Pat. Rolls*, 1317-21, p. 69.

The robbery committed upon the cardinals excepted, if he should be found guilty thereof.^(a) On 31st July, pardon was granted to the adherents of Lancaster of all offences committed before 25th of that month, but again the robbery of the cardinals was excepted.^(b) Lancaster now made a treaty of peace with the King, accepting, on 9th August, conditions drawn up for him at Leek, in Staffordshire, called the treaty of Leek.^(c) And on 22nd October pardon was given to him of all felonies and trespasses committed before the 7th of that month; the like for David de Strabolgi, Earl of Athol, an adherent of Lancaster. Then follow groups of pardons bearing date from the 1st to the 16th of November, to named adherents of Lancaster—amongst whom appears the name of Sir John de Lilleburn—amounting to 709 names; of these a group of 188 have the proviso, “the robbery of the cardinals excepted,” attached to their pardons.^(d) The above narrative and entries from the records make it clear that Lancaster was intriguing from the middle of 1317 to that of 1318, and that a force of his followers assisted in the despoiling of the cardinals, though that would not be by his desire.

Was Pembroke also involved? David de Strabolgi, who above received pardon as an adherent of Lancaster, had married Joan Comyn, one of Pembroke's two nieces by his sister Joan. The latter had married John Comyn of Badenach, who was in 1306 murdered by Robert Bruce. When Pembroke died in 1323, without children, his nieces became his co-heiresses, and Joan received from his estate Mitford Castle and manor as part of her purparty.^(e) This may have been an arrangement made during Pembroke's life, and it may have been that he was in sympathy with Strabolgi in giving to Sir Gilbert the custody of the castle. For it is usually supposed that he did so, though Bates, in his *History of Northumberland*, says that Sir Gilbert stealthily seized it,^(f) but he gives no reference, and no other writer has made that statement. He evidently refers to the later capture of Mitford in 1318, when the *Lanercost Chronicle* says that it was taken by guile.^(g) As

(a) *Cal. Pat. Rolls*, 1317-21, p. 123.

(b) *Ibid.*, p. 199.

(c) *The Political Hist. of England*, Vol. III, by T. F. Tout, p. 274.

(d) *Cal. Pat. Rolls*, 1317-21, pp. 227 to 235.

(e) *Dugdale's Baronage*, Vol. II, p. 96.

(f) *A Hist. of Northumberland*, by J. C. Bates, p. 157.

(g) *Lanercost Chronicle*, Sir H. Maxwell's trans., p. 220.

Sir Gilbert's appointment to Mitford was a private one, we do not expect to find a public record of it. To add, moreover, to the interests of Strabolgi and Pembroke in Northumberland, John Comyn's only son John, by Joan de Valence, was slain at Bannockburn in 1314, fighting for England. He left an only son, Adomar, who died in childhood, before 25th October, 1316, when his two aunts, already referred to as Pembroke's nieces, became his heirs.^(a) Strabolgi thus held *jure uxoris* a moiety of Comyn's estates, lands in the liberty of Tynedale, in Northumberland, falling to her as part of her purparty.^(b) These, together with Pembroke's lands in Northumberland, had been devastated by the Scots, and had suffered by the misgovernment of the country. Pembroke had been protecting Lancaster all through the autumn of 1317, and the spring of the following year, Lancaster being in rebellion all the time. The presumption is that Pembroke was allied with Lancaster in rebellion, and that he had given the custody of Mitford Castle to Sir Gilbert for the purposes of the rebellion.

A further evidence of Pembroke's interest in the rebellion of Sir Gilbert may be suggested by the following entry in the Patent Rolls:—March 20th, 1318. Pardon at the request of Aymer de Valencia, Earl of Pembroke, to John Hunter, for having been an adherent of Gilbert de Middleton, and of all felonies, but the robbery of the cardinals excepted. The like for three others mentioned by name.^(c) It now seems that Lancaster, Pembroke and Hereford were involved in Sir Gilbert's rebellion, and perhaps most of the other ordainers also. The seizure of the cardinals had made it a fiasco. If Pembroke and Hereford so carefully guarded Lancaster, why did they not protect Sir Gilbert? Possibly there may have been an arrangement between the latter and the earls, that the cardinals were not to be interfered with. Nevertheless, it is probable that they tried to protect him, but that the influence of the cardinals was too strong against any form of pardon. Lancaster did what he could when he arranged Sir Gilbert's meeting with the cardinals in Durham cathedral.

So far as we are able now to understand the meaning of the seizure of

(a) Bain, Vol. III, p. lxvi, and No. 512.

(b) Dugdale's *Baronage*, Vol. II, p. 96.

(c) *Cal. Pat. Rolls*, 1317-21, p. 117.

Lewis de Beaumont, it was that Lancaster and his associates thought that it would be popular in the North of England, and would make a signal for a general rebellion throughout the country. The presence of the cardinals ruined the scheme.

CHAPTER VII.

WE have no information as to the amount of the ransoms demanded for the two Beaumonts. The King, in a letter to the Pope, dated 28th October, said that the bishop was detained in prison till a great and intolerable sum of money was paid for his ransom.^(a) Graystones^(b) and Trokelowe^(c) both say that Lewis and Sir Henry were both taken to Mitford Castle, but John Capgrave says^(d) that Lewis was taken to Morpeth and Sir Henry to Mitford Castle. This is more likely, for the Scots having helped to seize them^(e) would claim a share of the ransom, and might not entrust them both to Sir Gilbert at Mitford. Graystones says that they were both quickly set free.^(f) Lewis was at liberty on 17th October, 1317, for on that day he dated a receipt at Durham, on behalf of Cardinal Gaucelin, to the prior and convent of Durham for procurations.^(g) But hostages would have been taken, and he would have been released before that date. Who were the hostages for Lewis and when they were released we do not know, but one, apparently not very creditable, was given for Sir Henry, viz., Peter de Salso Marisco, who had been indicted, with others, for the murder of William Brady, and other felonies, but was unable to appear before the judges commissioned to try him, because he was detained as a hostage in Mitford Castle for Sir Henry de Beaumont. On 20th December, 1317, Peter having voluntarily surrendered to the Sheriff of Lincoln, the latter received orders to allow Peter his liberty on mainprise to stand his trial when called upon.^(h) Sir Peter de Saltmarshe was an ally of Sir Henry de Beaumont.⁽ⁱ⁾

There are preserved in the Durham Treasury a number of receipts for

(a) Hodgson's *Hist. of Northd.*, Part II, Vol. II, p. 61, and Rymer's *Foedera*, Vol. III, p. 670.

(b) Graystones, p. 100.

(c) Trokelowe, p. 40.

(d) Capgrave, p. 182.

(e) Bain III, No. 1,356.

(f) Graystones, p. 101.

(g) Durham Treasury *Miscellaneous Charters*, No. 3,819 §.

(h) *Cal. Close Rolls*, 1313-18, pp. 518, 532; *Cal. Pal. Rolls*, 1317-21, p. 174.

(i) Bain III, No. 1,187.

payment of money by the community^(a) of the bishopric of Durham, usually known at Durham as the blackmail receipts. Most of these are for payments to Robert de Brus. We give one of these here as follows :—

Pateat universis per presentes quod ego, Willelmus de Denum, recepi de magistro Willelmo de Kellawe et domino Willelmo de London' receptoribus denariorum communitatis episcopatus Dunelm', viginti marcas argenti ad opus Roberti de Bruys. In cuius rei testimonium presentibus sigillum meum apposui. Datum Dunolm', in crastino conceptionis beate Marie virginis anno domini M° CCC° septimo decimo.^(b) (December 9, 1317). This may be taken as a specimen of many others.

Amongst these receipts are three for payments to Sir Gilbert. The first of these is as follows :—

Sachent toutes gents qe jeo Gilbert de Middeltone ay ressue ii cents mars de argent par my la mayn Willelmum de Denum de la comunate de la vesche de Durrem pur ayde qe mal ne damage ne les avenist par moy par mes gentz ne par autres solom mon puer, sy com est contenu en une endenture de ceo fot entre moy et le dit Willelmum. En temoygnance de quel chose a ceste lettre ay mis mon seal. Done a Mitford le duszime jour de Octobre l'an de regne le roy Edward unszime. (12th October, 1317). His seal attached.^(c)



The receipt is neatly engrossed on parchment. The seal, of which a drawing is here given, is round, $\frac{7}{8}$ inch in diameter, well and clearly engraved. It bears on a shield between two small Wyverns, *Quarterly, a stagshead caboshed in the first quarter.* Around the circumference is the inscription

S' GILBERTI DE MEDELTUNE.

The armorials are those borne by Sir William de Midleton, as shown in the *Charles Roll*^(d) of date about 1296, viz., *Quarterly gules*

(a) The Community, commonalty or commune, the *communitas* or *comumuna* is a vague term which in the 14th century is constantly applied to the English nation, "the community" or "commune of the land." It is applied to a "county," a county not being a mere stretch of land, but a governmental district, an organised body of men. It is applied to a borough and to a township. *Hist. of English Law*, by Pollock & Maitland, Vol. I, pp. 478, 520, 550. A charter granted to the palatinate in 1302, by Edward I, is addressed to certain knights, whom he names "et as autres de la comunate de la fraunchise del Evesche de Duresme." Another, dated in 1303, is addressed "as chivalers et autres bones genz et a tote le communalte de la fraunchise de Seynt Cuthbert de Duresme." Surtees' *Hist. of Durham*, Vol. I, pp. cxxviii-ix.

(b) Durham Treasury, *Miscellaneous Charter*, No. 3,623.

(c) *Ibid.*, No. 5,053.

(d) *Charles Roll*, Armytage, No. 360.

and or, a cross patée in the 1st quarter; but in place of the cross patée Sir Gilbert bore a stag's head. Sir William was the elder son of Richard de Middleton the chancellor, and thus was uncle of Sir Gilbert. The plea that this receipt is for blackmail is not conclusive. We have not the terms or the date of the indenture referred to. That the officers of the bishopric should have made an indenture with him implies that they trusted him, and may point to a date before the rebellion. Only a few months previously Sir Gilbert was in alliance with the prior; and it was the practice of the bishopric to employ soldiers of fortune to protect its interests, thus there are several receipts from Sir Robert de Nevill for money due to him for the custody of the bishopric.^(a) William de Denum, from whose hand Sir Gilbert received the money, was the temporal chancellor of the bishopric.^(b)

By a Memorandum of Receipt, No. 3,506, William de Denum acknowledges £6 received by him from the community, for the use of Gilbert de Middleton. This looks more like blackmail or payment of ransom, but it is a small sum. The same Memorandum covers a receipt of £20 for Sir Adam de Swynburne, but it has no connection with the payment to Sir Gilbert. The receipt is a mere memorandum of money received by de Denum. Sir Adam, I shall show later, was always loyal.

The third receipt relating to Sir Gilbert is given by himself as was the first, and is as follows:—

Pateat universis per presentes quod ego, Gilbertus de Midilton recepi de communitate episcopatus Dunelmensis ducentas et quinquaginta marcas in perpacione quingentarum marcarum de quibus fecerunt finem meum pro quadam transgressione mihi facta; de quibus quidem quingentis marcis predictam communitatem acquieto per presentes. In cujus, etc. Datum apud Mitteford, die mercurii in crastino sancte Lucie virginis, anno regni Regis Edwardi filii Regis Edwardi undecimo. (14th December, 1317). His seal attached.^(c)

The seal is round, of $\frac{7}{8}$ inch diameter, bears on a shield between two branches, *Quarterly, a stag's head caboshed in the first quarter*, above the shield

(a) Pateat universis, &c., quod ego, Robertus de Nevill, miles, filius et heres domini Ranulphi de Nevill, militis, recepi de communitate episcopatus Dunelm', &c. centum marcas sterlingorum, in partem solucionis trecentum marcarum, racione custodie dicte episcopatus michi debitarum, &c., &c. Oct. 31, 1317. No. 3,448.

(b) Hodgson's *Hist. of Northumberland*, Part II, Vol. II, p. 15.

(c) Durham Treasury, *Miscellaneous Charter*, No. 4,049.

a dot or flower. Around the circumference the inscription S' GILBERTI DE MIDILTON. Here the community have agreed to pay Sir Gilbert damages for a trespass done against him; what the trespass was we do not know, but the community pay him for it, and so acknowledge it; we can only take the receipt for what it professes to be. So far, we have not been able to record from receipts remaining in the Durham Treasury the payment of any large sum to Sir Gilbert for the ransom of Lewis. It is probable, however, that he received the ransom for Sir Henry, whose hostage was released before 20th December, 1317.^(a) As his ransom would not be paid by the bishopric, we do not look to the Durham Treasury for a receipt of its payment.

But we need not look to Sir Gilbert only for the receipt of ransom, for the Scots, Lancaster's men and the Yorkshiremen had helped to seize Lewis, and it is not likely that they would allow Sir Gilbert to get more than a share of the ransom. Amongst the Durham Treasury receipts are seven^(b) dated in November and December, 1317, for money paid to Robert de Bruce, viz., for £23, £12, £3, £24, 20 marks of silver,^(c) 5 marks and 800 marks. It is not stated whether these payments were for ransoms or for truces. Walter de Selby was with the Scots at the seizing of the bishop, and he may well have been a channel for payment of ransom to the Scots. This we may infer from what happened in May, 1318, when, as we shall learn later, Selby was holding Mitford against the King, having seized it in the spring of that year, and had again allied himself with the Scots. Amongst the receipts is a letter of 1st May, 1318, from the prior of Durham, authorising the payment of 20 marks of silver to Walter del Felling in part payment of 1,000 marks due to Robert de Brus.^(d) Walter del Felling was the same person as Walter de Selby; he held the manor of The Felling, in the County of Durham, of the bishopric, as we have already seen. There is also a letter of 29th June, 1318, from officers of the community, enumerating receipts for various sums of

(a) Peter de Salso Marisco must have been released before 14th December, 1317, on which day Sir Gilbert dated a receipt at Mitford, or there would not have been time for Peter to surrender to the Sheriff of Lincoln and for the Close Roll letter to be written on the 20th. So Peter was released before Mitford was captured.

(b) Nos. 4,439, 3,531, 3,455, 4,443, 3,623, 3,962, 4,111.

(c) A mark of silver was worth 13/4. In the last two instances the marks are not specified as of silver, but they would be so; when gold was meant, the sum was stated to be *in libras*.

(d) Durham Treasury, *Miscellaneous Charters*, No. 4,265.

money paid to Bruce, and including a receipt for 200 marks paid to Walter de Selby, apparently for himself.^(a) The above are instances of the common practice of the Scots levying blackmail upon the bishopric of Durham, "taking money for a truce," it was called.

Sir Gilbert, whilst defending the liberties of the church, so far as they were connected with the convent and bishopric of Durham, had come into collision with the papal emissaries, whom the chroniclers allow that he wished to spare. Against his wish his men had despoiled them, and now he had failed to propitiate them. Lancaster seemed still to be unable to help him, and the Scots, having obtained his help to prevent the cardinals from coming to Scotland and interfering in the matter of peace-making, were occupied with their own interests. So Sir Gilbert was obliged to remain in rebellion to save himself from arrest and the cardinals' wrath.

The accounts of Sir Gilbert's actions after the raid, as given by the chroniclers, are vague; the dates uncertain. Sir Thomas Gray, in his *Scalacronica*, written after 1355, says that he rode upon a foray into Cleveland, but he gives no further information about it. Gray says that he had the assistance of all Northumberland except the castles of Bamburgh, Alnwick and Norham.^(b) But this holding of Northumberland was probably the holding by Selby and the Scots in the spring of 1318, recorded by the Lanercost Chronicle,^(c) to which we shall come later. Warkworth was, however, in the King's hands. Prudhoe was in ruin by the Scots. Dunstanburgh belonged to Lancaster. It had just been built by him. Whether Sir Gilbert still received support from Lancaster we do not know, but as Lancaster's adherents held Knaresburgh and other castles against the King all the autumn until the early part of November,^(d) he probably still gave Sir Gilbert his support.

The Yorkshiremen also continued the rebellion in Richmondshire. Sir John de Cleseby of Dounom (Downholme) was their leader at first, but he was captured, and died in prison.^(e) Sir Gosceline Deyville took his place. In the autumn of 1317 Sir Gilbert tried to seize Tynemouth Castle,^(f) but

(a) Durham Treasury, *Miscellaneous Charters*, No. 4,399.

(b) *Scalacronica*, Maxwell's trans., p. 60.

(c) Lanercost *Chronicle*, Maxwell's trans., p. 220.

(d) *Cal. Pal. Rolls*, 1317-21, pp. 46, 69, 123. *Cal. Close Rolls*, 1313-18, p. 575.

(e) Lanercost *Chronicle*, Maxwell's trans., p. 218.

(f) *New Co. Hist. of North.*, Vol. VIII, p. 86 n and p. 87.

was repulsed by Sir Robert de la Vale, to whom the defence had been entrusted.^(a)

In the autumn of 1317 the royal castle of Bamburgh was in the custody of Sir William de Felton, who had been guardian to Sir Gilbert in his youth, but had remained loyal. A relative of his, Sir John de Felton, was constable of Alnwick Castle for the Percys as early as April, 1315,^(b) and it has been already stated that Sir Gilbert and his brother John were in the garrison of Alnwick in that year. Sir John de Felton was still at Alnwick in November, 1317. John de Middleton captured him and released him, taking three hostages, only on condition of his engaging to surrender Alnwick Castle on a certain date.^(c) This capture quickly led to the ruin of the Middletons, for it determined Sir Gilbert's foster brother,^(d) the younger William de Felton, with Thomas de Heton and others to try and prevent the surrender of Alnwick, notwithstanding the release of Sir John de Felton on his promise to do so.

They arranged a stratagem for taking Mitford Castle, and succeeded in doing so. This must have been after December 14th, 1317, for Sir Gilbert dated on that day, at Mitford, one of the receipts which we have already cited. In Mitford Castle were captured Sir Gilbert and his brother John. In recompense for this feat William de Felton received a grant of 50 marks a year, until the King should provide him with lands of that value.^(e) Thomas de Heton received a grant of 50 marks a year until the King should grant him the lands (in Hartley and elsewhere) now forfeited by Sir Gilbert.^(f) The like grants were made to other persons who had helped to carry out the stratagem, viz., to Robert de Horncliffe^(g) 40 marks, Roger de Faudon 10 marks, John de Faudon 20 marks, Peter de Faudon 10 marks, William de Faudon 10 marks,^(h) John de Thropton £10.⁽ⁱ⁾ The following entry in the *Wardrobe Accounts* further illustrates these transactions. "To William de

(a) Petition of Sir Robert de la Vale, *Ancient Petitions*, No. 3,994.

(b) *Cal. Close Rolls*, 1313-18, p. 171.

(c) *Coram Rege Rolls*, No. 231, Duke of Northumberland's Transcripts.

(d) *New Co. Hist. of Northumberland*, Vol. IX, p. 110.

(e) *Cal. Pat. Rolls*, 1317-21, p. 75.

(f) *Ibid.*

(g) Horncliffe, a township in the parish of Norham, in Northumberland.

(h) Fawdon, in the parish of Gosforth, in Northumberland.

(i) Thropton, in the parish of Rothbury.

Felton, Thomas de Heton and Robert de Horncliffe, Squires of Northumberland, of the King's gift, in recompense of the good service they did our lord the King in taking Sir Gilbert de Midelton, an enemy and rebel to the said lord our King, and the Kingdom of England; by the hands of John de Hesilrigge. 3rd of February, £26 13s. 4d."^(a) John de Hesilrigge had been present at the capture of Sir Gilbert at Mitford Castle. This he calls to the King's attention in an undated petition, asking for recompense for his misfortunes at the battle of Bannockburn, where he was taken prisoner, and lost his horses, armour and goods. He makes his presence at Sir Gilbert's capture a special reason why the King should grant his petition.^(b)

(a) *Wardrobe Accounts*, 11 Edward II, in *Archæologia of London*, Vol. XXVI, p. 330.

(b) *Ancient Petitions*, P.R.O., File 81, No. 4,036.

CHAPTER VIII.

WHAT took place at the capture of Mitford and afterwards we now give in the words of John de Trokelowe :—

(Translation).

“It happened meanwhile, that when the aforesaid Gilbert de Middelton, after many assaults and oppressions frequently inflicted upon his neighbours, and also upon Tynemouth Priory, by himself and his accomplices, had kept many of his neighbours captive in the said castle (Mitford) at a heavy ransom, certain nobles of the countryside, taking their detention ill, and fearing a like injury to themselves in the future, went to him under safe conduct, as if for their deliverance, and after many words and quibblings, a certain price for them being settled, they set free certain ones then and left certain ones as hostages until full payment of the money. Thereupon, the day of the final payment arriving, and the appointed time, when the attendants (*‘satellites’*) of the same Gilbert were roaming in various places, in order to plunder and pillage, those who ought to have made the payment came to speak with him, saying that they had the money secretly in the town, and asked that free exit and entrance might be granted to them to fetch it. This granted, when they came to the gate of the castle as if to go out, the porters’ throats being cut in a moment, they led in a multitude of armed men hiding outside, who suddenly, rushing with blows upon him (Gilbert), who was thinking of no such thing, bound him tightly with iron chains. The other sons of iniquity, moreover, who did acceptable service to him in his villany, returning to the castle with booty of men and animals, and supposing their lord to be taken, fled to Walter de Seleby, his companion in all wickedness, who lay hid in the pele of Horton, doing like injury to his neighbours. The said Gilbert, indeed, with his natural brother (John), (*‘carnali,’* not a brother in religion), was led bound to Newcastle, where he was treated by the inhabitants according to his deserts, and after a few days, put in a certain ship which was waiting for a favourable wind in the port of the Tyne. He unwillingly

asked pardon for the damages and injuries frequently inflicted by him on Saint Oswin (Patron Saint of Tynemouth Priory), and his men. At length, there being a strong north wind, and the sea swelling terribly, he was brought, scarcely alive, to Grimmesby, where he was taken to London with his feet tied together beneath a horse, to receive the reward of his merits, and judgment being brought against him, he was led to the gallows, bound with ropes to horses tails, and all the right with lordship which he or his brothers clamoured that they had in the county of Northumberland was terminated by their hanging." The Latin of the last few lines is :—

“ Et totum jus cum dominio, quod ipse vel fratres sui in comitatu Northumbria habere clamitabant, suspendio eorundem terminatur.”^(a)

John de Trokelowe was a native of Throckley, about six miles west of Newcastle-upon-Tyne, and was a monk of Tynemouth. Had he been a monk of Durham he might have looked upon Sir Gilbert as the champion of Henry de Stamford for the bishopric, and have given a different complexion to his account. No doubt Sir Gilbert had to support himself and his men by plunder in order to live, and to save themselves from arrest and the vengeance of the cardinals. Whether the landowners who supported him in the earlier stage of his rebellion were still with him we do not know, nor who were the nobles whom de Trokelowe says feared him. The great nobles owning land in the country were not likely to be residing in it, but on their estates in other and more prosperous counties not devastated by famine and the Scots. He probably means the de Feltons and other loyalists. Sir John de Felton, as we have just read, was constable of Alnwick Castle for Henry de Percy, a minor, whose father had died between June and November, 1314.^(b) It was unfortunate that Henry de Percy was then a minor. It would have been well for the county if he had been of age and residing in it, and thus able to do what he could to alleviate the distress and misery which the people were suffering from their own bad government and the destruction by the Scots. The wickedness of the other sons of iniquity who, after the capture of Sir Gilbert, de Trokelowe says, fled to join Walter de Selby, cannot have been thought to be so very great, for though Selby then forfeited his estates, he afterwards made his peace with the Crown, and they were restored to him

(a) John de Trokelowe, p. 40.

(b) *Close Rolls*, 1313-18, pp. 60 and 125.

in 1328, including Biddleston, which is still, up to the present time, 1915, the seat of the Selbys.

What was the right with lordship which he or his brothers clamoured that they had in the county of Northumberland. This is usually supposed to refer to the descent of the Middleton family, though in the female line, from Gospatric, Earl of Northumberland. The head of that family having migrated to Scotland, the Middletons may have thought that they represented Gospatric in the county. Reference, however, to the introductory chapter of this volume, shows that Simon de Weltevene, the head of the elder branch of the Middletons, and Sir John de Middleton of Belsay, Sir Gilbert's first cousin, would come before the latter and his brothers in such a claim.

Holinshed, in his chronicle, gives another version of the story, viz., "that Sir Gilbert proclaimed himself Duke of Northumberland."^(a) There was no title of duke in England in the time of Edward II, except that which William the Conqueror brought, and which continued to be merged in the Crown until Edward III conferred the dukedom of Cornwall upon his eldest son, Edward the Black Prince, in 1337.^(b) Holinshed did not live till the 16th century; he died between 1580 and 1584. John de Trokelowe refers to Sir Gilbert and Walter de Selby as "*duces*," i.e., leaders in the rebellion, and Holinshed may have repeated some story erroneously founded on that word.

There must have been some ground for these stories. It is likely that Sir Gilbert, asked why he took upon himself to be a leader in a rebellion, a position usually taken by an earl or other magnate, may have answered that his family were a leading family in the county, descended from Gospatric and Richard de Middleton, the chancellor. Such an answer might soon be converted into a fabulous claim. There is still another version of Sir Gilbert's claim, said to be put forward by Sir John de Middleton of Belsay. It is in a petition to the King of Simon de Weltevene. Simon and Sir John held Belsay, Thornburgh and other properties in Northumberland in undivided moieties, Sir John holding his moiety of Simon as his over-lord. The petition is interesting, and I give it in full, translating from the French :—

"To our lord the King and his council, Symon de Weltevene shews that

(a) Holinshed's *Chronicle of England*, Folio Edn., Vol. II, p. 323.

(b) Sir Harris Nicolas' *Historic Peerage of England*, p. lxii.

he has been completely ruined by Sir Gilbert de Midelton, late the King's enemy, and by other robbers, Shavaldours, of his company, of Northumberland; that whereas Sir John de Midelton, kinsman of the said Gilbert, then of his company, held, before he was a rebel, of the said Symon de Weltedene, the moiety of the lands of Belshowe (now Belsay) and of Thorneburgh, and other lands, by foreign services and other certain services, and has forfeited them by his felony, and the said Symon, for the love of our lord the King, has lost whatsoever he had, and is a beggar, as the King can be certified by all his good men of the New Castle and of Northumberland, and the said Sir John de Midelton, by his ill-will, to the disinheritance of the said Symon as far as was in his power, has received of the said Gilbert de Midilton, by his charter, the other moiety of the lands above said, of which the said Symon his lord is tenant, pretending the said Sir Gilbert de Midelton his kinsman to be lord by conquest and donor of all the lands of Northumberland at his pleasure. (*En supposant le dit Sir Gilbert de Midelton son cosin estre Seigneur par conquest et donour de totes les terres de Northumbrelaund a sa volonte*). Wherefore the said Symon prays our lord the King, for God, and in consideration of all his great loss and his great poverty which he has suffered for him, that he will warrant to him the lands aforesaid, which the said Sir John de Midelton holds of him in Belshowe and in Thorneburgh in Northumberland, since he cannot recover without the King's lordship and help; and, Sire, the lands which Symon claims, are worth nothing, now, beyond six marks by the year."^(a)

The petition is not dated, but in it Sir Gilbert is referred to as "late the King's enemy." So the date must be after the 26th January, 1318, the day of his sentence and execution. The word "conquest" is the feudal term for "purchase" or "acquisition," and must be read in the petition in that sense. How could Sir Gilbert have acquired all the lands in Northumberland so as to be able to grant them by charter? Had the King of Scotland made him some such promise in anticipation of a successful rebellion?

Simon de Weltedene did not join in his cousin's rebellion. He was on the jury in the supplementary *Inquisition ad quod damnum* into the property of Sir John de Middleton on the 4th January, 1319. Perhaps some grant from Sir Gilbert to Sir John was found amongst the latter's papers, but nothing is

(a) *Ancient Petitions*, P.R.O., File 152, No. 7.570.

said about it in the report of the Inquisition. Simon did not receive a favourable answer to his petition, for, though Sir John's moiety was forfeited, Simon did not get it; a favour which might well have been granted to him as the head of the Middleton family who had refused to join Sir Gilbert. Simon's father, Walter, was present at the battle of Evesham, fighting under Simon de Montfort^(a) against Henry III, but made his peace with the King after the battle, and thus escaped forfeiture.^(b) Walter's son Simon, therefore, may not have been altogether *persona grata* to the King.

Sir Gilbert and his brother John arrived in London on January the 21st, 1318.^(c) The following entry was made in the *Wardrobe accounts*:—"To Sir Simon de Driby for his wages and those of thirteen squires, his companions, having the custody of Sir Gilbert de Middelton and of John his brother, enemies of our lord the King, from the 15th day of January to the 21st of the same month, being seven days, on which last day he delivered the said prisoners at the Tower of London. £4 18s. od."^(d) Sir Simon de Driby was a King's Yeoman, and an officer serving in the King's army at home and abroad.^(e)

On Thursday, the 26th, Sir Gilbert was brought before the King at Westminster, and the result was entered on the Plea Rolls as follows:—

(Translation from the Latin.)

“Northumberland.

“Gilbert de Middelton, of the county of Northumberland, had been taken and imprisoned at the Tower of London, and by order of the lord King, on Thursday next after the octave of St. Hilary^(f) he was brought before the lord King himself at Westminster, by John de Crumbwell, constable of the aforesaid tower. And the lord the King calls to mind that whereas the same Gilbert was of the allegiance of the lord King himself, and was retained with the lord King himself, of his household with robes and

(a) Walter's father-in-law was Simon de Weltevene, so the younger Simon probably got the name from him, and was not named after Simon de Montfort.

(b) Bain, Vol. IV, No. 1,759, p. 355.

(c) *Annales Paulini*, in *Chronicles of Edward I and Edward II*, Vol. I, p. 281, and *New Co. Hist. of Northumberland*, Vol. IX, p. 111.

(d) *Archæologia of London*, Vol. XXVI, p. 330.

(e) *Cal. Pat. Rolls*, 1317-21, pp. 208, 338, 418.

(f) The octave of St. Hilary was the 20th of January, and it fell in 1318 on a Friday. The Thursday next was the 26th.

wages, the same Gilbert feloniously as a felon, seditiously as a betrayer, enticed to himself a multitude of people as well of the Scots, the King's enemies, as of other felons, riding in the manner of war with his banner displayed, and enticing by oaths taken to himself, several of the Kingdom of England and allegiance of the lord King. Also by his force thus enticed to him, he feloniously took the Cardinals, messengers of the lord Pope, who came into England for the good of peace, despoiling them of their goods, the elect confirmed of Durham and Sir Henry de Beaumont and several others of the Kingdom of England, taking payment from the bishopric of Durham for a truce, that they might have peace, extorting also for deliverance of the prisoners taken by him, ransoms amounting to a great sum of money. And he kept Mitford Castle by force, in sign of hostility to the lord King himself. So that there remained nothing (undone) by the same Gilbert to promote war within the Kingdom of England. Wherefore the lord wills and orders that for the felonies and seditions aforesaid, the same Gilbert be dragged through the city to the gallows and there be hanged alive, and alive be torn apart and afterwards be beheaded, and that the head of the same Gilbert be sent to the King's city of London. And that because the heart and other organs of the same Gilbert furnished him with the audacity to purpose such horrible felonies to be carried out as is aforesaid, against God and Holy Church, and his lawful lord, the same heart and organs be burnt beneath the aforesaid gallows, also the body of the same Gilbert be divided into four parts, so that one quarter of his body be sent to Newcastle, another to York, the third to Bristol, and the fourth to Dover, there to remain."^(a)

The entry in the Plea Roll begins by referring to Sir Gilbert having been retained in the King's household (*de familia sua*), with robes and wages (*ad robas et vadia*). I have already alluded to this as referring to his having being King's Yeoman or Knight of the hospice. The charge of riding in war with his banner displayed is the official language in such cases. Of course they always did display their banners in war. They were proud of their armorials, and the quarterly *gules* and *or* would be very gay on banner and surcoat.

The chronicler of *St. Mary's, York*, writes : " In the same year (1317)

(a) *Abbrevatio Placitorum*, Folio, 1811, p. 329, Rot. 112d. Sir Gilbert's brother John was also attainted, drawn and hung. *Ibid.*, p. 330. *Inq. ad. q. d.*, 17 Edward II, No. 73. *New County Hist. of Northumberland*, Vol. IV, p. 278, note 2.

the same Gilbert was taken to London, and there by the judgment of the cardinals (*per judicium cardinalium*) he was drawn, hung, and beheaded, all his interiors were burnt, he was divided limb by limb," &c.^(a) The cardinals came to see the execution, for Capgrave, in his chronicle, writes, "In this same year Gilbert of Mydilton was . . . hanged and drawn in the site of the cardinals which he had robbed."^(b)

The monastic writers, generally, are prejudiced by an inordinate estimate of the sanctity of the cardinals. Thus the Monk of Malmesbury, in his *Life of Edward II*, writes :—

"To whom is reverence owed, if it is not owed to the conscript fathers, to legates sent from the side of the Pope? For the rest, however great satisfaction a man might take against a man, the Roman Church is accustomed to give pardon to one humbly asking it ; but if a sacrilegious hand invaded the court itself, with what assurance, I ask, could it give pardon, when justly it should be guarded against, because he who offends against the law, vainly invokes the help of the law. Lastly, of what efficacy the sentence of excommunication pronounced against him by the cardinals was, appeared immediately ; for in a few days, Gilbert is taken, and is condemned before the justices of the King in London. Thereupon, drawn, hanged and eviscerated, his head cut off."^(c) What a savage satisfaction to feel. Yet when Sir Gilbert's men despoiled the cardinals they shed no blood. Many in England must have looked upon the cardinals only as foreign political emissaries. The charge against Sir Gilbert of demanding and taking ransoms may seem to be more serious, but we must judge him by the custom of the times. Ransoms were then usually, perhaps always, taken.

An inquest *post mortem* was taken to inquire into the value of his chattels. This was found to amount to £2,615 12s. 4d.,^(d) a very large sum of money in those days, and it is usually ascribed to the accumulation of ransom and plunder.^(e) But there is only one specific charge of ransoming made against him, viz., that of ransoming the bishop and his brother, Sir Henry de Beaumont. The chroniclers make it, but they make no charge against him

(a) *Chronicle of St. Mary's of York*. MS. in the Bodleian Library, Oxford. Now being edited by H. H. E. Craster, for the Surtees' Society, but not yet published.

(b) *The Chronicle of England*, by John Capgrave. The Rev. F. Hingeston's edition, 1858, p. 183.

(c) *The Chronicles of the Reigns of Edward I and Edward II*. Edited by W. Stubbs, Vol. II, p. 237.

(d) *Abbrevatio Placitorum*, Rot. 112d, Folio, 1811, p. 330.

(e) *New Co. Hist. of Northumberland*, Vol. IX, p. 112.

of taking any other specific ransom, nor do they charge him with any general ransoming. The same charge of ransoming the bishop and Sir Henry is also made against him in the terms of his trial and sentence, which say that he despoiled the cardinals, "the elect of Durham and Sir Henry de Beaumont, "and several others of the Kingdom of England, taking payment from the "bishopric of Durham for a truce, that they might have peace, extorting "also for deliverance of the prisoners taken by him, ransoms amounting to a "great sum of money." We do not know what defence Sir Gilbert may have made at his trial. As to the prisoners he took, there is no record of the names of any others but those of the bishop and Sir Henry; and I have shown that he would share their ransoms with the Scots and Walter de Selby, and with Lancaster. As to taking money from the bishopric for a truce, the strength of his own force, after the taking of the bishop and the failure of the rising, must have been very weak, and by its means he could have got little money from the bishopric. It was the established custom of the Scots to take money for truces, and it is more likely that if he had taken money for that purpose that it was in conjunction with them, and they, considering his weakness, would have given him but little.

As to plunder, there is the charge of plundering the cardinals and the bishop. There is the finding of a jury at Richmond in 1324, that Ayden Hall was plundered for his use in December, 1317, which charge we shall show later to be unreliable as regards Sir Gilbert. There is a complaint made by Marie Comyn that Sir Gilbert had destroyed her possessions—as to the validity of which complaint there are elements of doubt. Early in 1318, Marie, widow of Sir Edmund Comyn, complained to Edward II that, she having gone to Scotland under his licence of safe conduct, Sir Gilbert, in her absence, raised war in Northumberland, destroying her possessions.^(a) But on the 24th April, 1318, the King, "she having joined the Scots," granted her lands-in-dower in England to Sir William de la Beche, who had married her daughter Eufemia.^(b) She further explained, however, in 1331, in a petition to Edward III, that she had over-staid the period allowed by the late King's licence, and so her dower-lands were seized and given to Sir William de la Beche, who still retained them. The King ordered the case

(a) Bain, III, No. 627.

(b) *Cal. Pal. Rolls*, 1317-21, pp. 54, 139.

to be enquired into.^(a) Marie does not make any charge of plunder—there may have been little to take, the charge is one of destruction. Then there is the complaint of Simon de Weltevene, that he had been completely ruined by Sir Gilbert and other robbers, Shavaldours, of his company; but no specific value of plunder is given. Sir Thomas Gray, in his *Scalacronica*,^(b) says that Sir Gilbert rode upon a foray into Cleveland, but we have shown that he is unreliable as a chronicler. These seem to be all the specific cases of ransom and plunder recorded against him, if there were others we should expect to see more recorded. It should be remembered that he was in his own county of Northumberland, where many of the landowners were his supporters. Moreover, it would be difficult to collect so much value in chattels in that county; all contemporary evidences—the chronicles, the inquests *post mortem*, &c.—say that Northumberland was then stricken by poverty and famine owing to the devastations by the Scots, and it had been so since the time of Edward I. To collect the value, Sir Gilbert would only have the time from the first week in September, after the seizing of the bishop, to his capture at Mitford, which took place probably about the end of the year. The return of the inquest on the chattels does not give particulars. The precincts of Mitford Castle could scarcely have held stores and cattle of the value estimated, there must have been coin and valuables of some kind. Was the value swelled by the presence of part of Lancaster's war, or rather rebellion, chest, put by him into the keeping of Sir Gilbert in Pembroke's castle of Mitford either before or after the seizing of the bishop?

A similar judgment and sentence was given against John de Middleton, Sir Gilbert's brother, the same who had captured Sir John de Felton, the constable of Alnwick Castle, and thus brought about the taking of Mitford. His chattels were valued at £189 9s. 5d.^(c)

An inquest held on September 5th, 1318,^(d) gives a survey of Sir Gilbert's lands which does not materially differ from that taken twenty-seven years earlier on the death of his father.^(e) The lands were forfeited, and granted as already promised to Thomas de Heton, who had assisted at his

(a) Bain, III, Nos. 1,041, 1,084.

(b) Maxwell's Trans., p. 60.

(c) *Abb. Plac.*, Folio, 1811, p. 330.

(d) *Misc. Inq. Chancery*, File 81, No. 10.

(e) *Cal. Inq. p.m.*, Vol. II, p. 486.

capture.^(a) His brother, John de Middleton, had received, in 1310, from his mother, Juliana de West Swinburne, all her lands in that vill.^(b) These he regranted to her for life.^(c) The reversion of these lands was granted by the King also to Thomas de Heton.^(d) On March 1st, 1318, a messuage in the town of Newcastle-upon-Tyne, late the property of Gilbert de Middelton, was granted to the Friars Preachers of that town.^(e)

(a) *Cal. Pal. Rolls, 1317-21*, p.p. 310, 311.

(b) *Inq. ad q.d.*, 17 Ed. II, No. 73.

(c) *New Co. Hist. of Northumberland*, Vol. IV, p. 278.

(d) *Cal. Pal. Rolls, 1317-21*, p. 311.

(e) *Ibid*, p. 112.

CHAPTER IX.

AFTER Sir Gilbert's death some of his adherents, being still under the ban of the cardinals, and thus unable to obtain pardon, defended themselves as best they could. Trokelowe says that those who had not been captured at Mitford Castle fled to Walter de Selby, who lay hid in the peel of Horton, two-and-a-half miles south-west of Blyth. This he had seized from Sir Bertram Monboucher.^(a) In 1292 Horton belonged to Sir Guischard de Charron. Edward I, on his way southward from Scotland in December of that year, visited him there, spending Sunday; and a few days after granted him a licence to crenellate his mansion.^(b) Besides crenellating his mansion, Sir Guischard constructed a peel at Horton, enclosing a space of 203 feet by 190 feet, defended on three sides by a moat of 33 feet wide, on the other side of 54 feet, and an earthen rampart. The moat still exists.^(c)

A peel was a fortification of wood and earth forming a strong defence, sometimes moated and with a palisade, enclosing a space as a shelter for men, cattle and goods. Often it contained a fortified house made in the same way of wood and earth, later it was made of stone. These peels decayed away, and the fortified houses remained, and continued to bear the name of "Peel."^(d) Probably Sir Guischard built a new and crenellated mansion of stone within the peel. Horton, in a list of fortified places in Northumberland, in 1415, is classed as a "*castrum*," with the word *fortalicium* placed against it in a marginal note.^(e) Walsingham calls it "*refortiuncula*,"^(f) perhaps in the same way as a small but strong man is sometimes called "a little Hercules."

It was a strong place, for it held out against the King's forces for ten weeks, causing the King's officers great expense; a debt of £37 6s. 8d. was incurred for the purchase of provisions by Richard de Emeldon, an eminent

(a) *New Co. Hist. of Northumberland*, Vol. IX, p. 58.

(b) *Cal. Pat. Rolls, 1292-1301*, p. 2.

(c) *New Co. Hist. of Northumberland*, Vol. IX, pp. 249 et seq.

(d) *Peel: its meaning and derivation*, by George Neilson, 1894.

(e) *Bates' Border Holds*, pp. 14 and 57.

(f) *Walsingham, Rolls Series I*, p. 153.

Northumbrian, who conducted its siege, as we learn by his executors being exonerated from payment by royal patent in June, 1334.^(a) Here Selby defended himself, accompanied by Roger Mauduyt of Eshot, a place eight miles north of Morpeth, who had been an adherent of Sir Gilbert in the rebellion.^(b) Before that time he had been several times member of parliament for the county of Northumberland,^(c) and was afterwards sheriff of that county in 1332.^(d) With them were Sir John de Middleton, who had lately forfeited Belsay, John de Swinburne, William Mauduyt,^(e) a younger brother of Roger, and Sir Henry de Haverington, a landowner in Great Benton and other places in Northumberland,^(f) who was afterwards member of parliament for that county in 1341.^(g) A commission was afterwards (on November 13, 1318,) granted by the King to inquire into the complaint of Nicholas Scot, that John de Middleton, Knt., Walter de Selby, John de Swynburn, and William Mauduyt with others, took away 60 swine of his, of the price of £20 at Newcastle-upon-Tyne.^(h)

After the capture of Sir Gilbert, the King seems to have wished to regain the loyalty of the Northumbrians; for on the 8th January, 1318, he gave a commission to Robert de Umfraville, Earl of Angus, a Northumbrian landowner, William Ridel, Sheriff of Northumberland, Richard de Emeldon and William de Denum, to receive into the King's peace all those who rose in insurrection against him in the county of Northumberland and neighbouring parts, or who through want of victuals, or by force or fear were in insurrection and who wish to come into the King's grace.⁽ⁱ⁾ It seems that the peel may have been surrendered to these commissioners some time before the 8th April; Roger Mauduyt receiving a promise of free pardon and his liberty probably on his giving hostages.^(k) The King, on the 18th March, had appointed the Earl of Angus, Roger de Northburgh, bishop of Lichfield, an official of the

(a) Bain III, No. 1,131.

(b) *Cal. Pat. Rolls*, 1358-61, p. 51.

(c) House of Commons *Return of Members*, 1878.

(d) *Lists and Indexes No. IX*, Public Record Office; and Pedigree of the family of Mauduyt, *New Co. Hist. of Northumberland*, Vol. VII, p. 339.

(e) *Cal. Pat. Rolls*, 1317-21, p. 289.

(f) *Ibid.*, 1358-61, p. 172.

(g) House of Commons, *Return of Members*, 1878.

(h) *Cal. Pat. Rolls*, 1317-21, p. 289.

(i) *Ibid.*, p. 71.

(k) *Ibid.*, p. 141.

King, Robert de Baldock, afterwards, in 1323, chancellor, and two others envoys to arrange a truce with Scotland,^(a) and to attend to the King's business in the north. Before these, on the 8th April, came Roger Mauduyt, charged with receiving, commanding, &c., divers felons as well in the peel of Horton as elsewhere in the North. They promised him his pardon, which was duly granted to him by patent on May 14th.^(b) Selby appears to have also surrendered, and to have given two hostages by names John de Birden and David, son of Nicholas de Middleton; but did not answer when summoned, for on 15th May, the day after Roger Mauduyt's pardon was granted, Emeldon was ordered to deliver the hostages to Ridell (the Sheriff) to be safely guarded by him.^(c)

What was Selby doing, that he did not answer to his summons? The Lanercost chronicler wrote that on 2nd April, 1318, the Scots treacherously took the town of Berwick. Also in that season of Lent (Easter day in 1318 was on 23rd April), the castles of Wark and Harbottle were surrendered to them. Also they took the castle of Mitford by guile, and subdued nearly the whole of Northumberland as far as Newcastle.^(d) According, however, to an entry in the Patent Rolls, Mitford Castle was then captured by Selby.^(e) Leland, translating and abstracting some pages now missing of the MS. of *Scalacronica*, wrote: "King Davy of Scotland assailed the pile of Lidel (this was in 1346), and wan it by assaute, and then cut off the hedde of Walter Selby, capitayne there, that afore had been of the covyn of Gilbetert Midleton, that kept Mitford castel and Horton pile agayn King Eduarde."^(f) The passage relating to Sir Gilbert should be read as a parenthesis. It was Selby who held these fortresses in 1318, not Sir Gilbert, who was executed in January of that year. De Nessefeld, in an escheat of the lands of Sir Henry de Haverington,^(g) accused Sir Henry of assisting Selby to hold the peel house of Horton and Mitford Castle against the King. How long Selby held Mitford we do not know, but he must have been at liberty and probably

(a) *Rot. Scotiæ*, Vol. I, p. 179.

(b) *Cal. Pat. Rolls*, 1317-21, p. 141, where the names Robert and Roger are given to the same person. The former must be given in error.

(c) *Cal. Close Rolls*, 1313-18, p. 541.

(d) *Lanercost Chronicle*, Maxwell's trans., p. 220.

(e) *Cal. Pat. Rolls*, 1321-24, p. 37.

(f) *Scalacronica*, Maxwell's trans., p. 115.

(g) *Cal. Pat. Rolls*, 1358-61, p. 172.

there on 1st May, 1318, when the prior of Durham, through his officials, paid 20 marks of silver to Walter del Felling (Walter de Selby) in part payment of 1,000 marks due to Robert de Brus. This shows that whilst at Mitford he had allied himself with the Scots. He surrendered Mitford to the Earl of Angus, Ralph de Greystok, Baron Greystok, and John de Eure, who engaged themselves by indenture to make Selby's peace with the King, and to reinstate him in the lands of which he had been previously deprived.^(a) We do not know the date of the surrender, but it may be deduced from the age of Ralph, Lord Greystok. He was aged 17 when his father died in 1317. He was summoned to parliament in the barony of Greystock on the 15th May, 1321,^(b) apparently on his coming of age. This seems to be the earliest time for the date of the indenture, for he could not have been party to Selby's surrender whilst a minor, nor was he earlier, strictly speaking, Baron de Greystock. Edward II refused to acknowledge the surrender and to ratify the indenture, and imprisoned Selby in the Tower. This transformed the surrender into a capture. On the 22nd November, 1321, Angus and John de Fenwyk, Sheriff of Northumberland, received a mandate from the King to restore to Pembroke his castle of Mitford, lately captured from him by Walter de Selby and his accomplices, and recaptured by the said Angus and the Sheriff.^(c) Fenwyk was appointed Sheriff on 12th October, 1319, and held the office till 3rd July, 1323.^(d) So the date of the surrender may have been between the 12th October, 1319, and 22nd November, 1321.^(e)

Why did Edward II refuse to ratify Selby's surrender of Mitford? He may well have been suspicious as to how it happened that Mitford should have fallen to Selby before Lent was over, when it only had been restored to Pembroke on the 30th January. We have already suggested that

(a) A copy of the indenture in Latin is given in a petition of Selby's to Edward III. *Ancient Petitions*, No. 3,661. A full copy of the indenture is given in *New Co. Hist. of Northumberland*, Vol. IX, p. 61. Another in French is in *Chancery Warrants*, Series I, 161, No. 2,593; but in neither copy is the date given.

(b) Sir Harris Nicolas, *Historic Peerage of England*, pp. 203, 230.

(c) *Cal. Pal. Rolls*, 1321-24, p. 37.

(d) *Lists and Indexes*, P.R.O., No. IX.

(e) On the 28th September, 1319, Sir John de Crombwell and Angus agreed by indenture with the Crown to keep the March of Northumberland, from that day till the midsummer following; each with men-at-arms, &c., and to see that the garrisons in Northumberland be kept up. They are to send 10 or 12 men to Mitford Castle and the same to Prudhoe Castle as they see need. Bain III, No. 667. Mitford must still have been in Selby's hands; but the agreement being by indenture for nine months, it would be necessary to insert the provision for Mitford lest it should fall to the King.

Pembroke may have given the custody of Mitford to Sir Gilbert for the purposes of the rebellion, and on this second occasion of its being held against the King, Pembroke may have been again a party to it. We have shown that Strabolgi had future interests in Mitford, and had received pardon as an adherent of Lancaster. Edward seems to have distrusted Strabolgi, for on 28th November, 1321,—closely following on the restoration of Mitford to Pembroke on the 22nd of the same month—he granted to Strabolgi the castle, manor, and honor of Chilham, in the county of Kent; “conditionally upon his faithful adherence to the King,”^(a) which seems to be an extraordinary condition for a King to put into a grant. Pembroke himself received on 15th March, 1322, only the day before the battle of Boroughbridge, the grant of the castle and manors of Thorp Waterville and Hegham Ferrars, in the county of Northampton.^(b) Strabolgi withdrew his support from his old chief, Lancaster, and left him to be defeated at Boroughbridge. Nevertheless, confidence between Strabolgi and the King did not follow, for in October, 1322, within a year after the grant to him of Chilham, Strabolgi, who was warden of Northumberland, ordered the arrest and detention, in the King’s castle at Newcastle, of forty-one of the armed men whom the prior of Tynemouth was keeping at his own expense as a garrison for Tynemouth castle; at the same time ordering all their lands, goods, &c., to be seized for the use of the King.^(c) The King disavowed Strabolgi’s action, and reversed his orders.^(d) Why Strabolgi gave the order does not appear. Did he suspect the prior or his men, and did the King suspect Strabolgi? The distrust between the King and Strabolgi is only an incident illustrating the general despair that existed between the King and his nobles, and between the nobles themselves.

And what would be the King’s estimation of those to whom Selby surrendered? Angus seems to have been always loyal, but he made extraordinarily easy terms for Selby; promising the restoration of his lands. Edward would remember how, only a few years earlier, Angus had received Roger Mauduyt’s surrender at Horton peel, on very easy terms, and he would

(a) *Cat. Pat. Rolls*, 1321-24, p. 33.

(b) *Ibid.*, p. 87.

(c) *New Co. Hist. of Northumberland*, Vol. VIII, p. 89.
Tynemouth Chartulary, fol. 213.

(d) *Close Rolls*, 16 Edward II, m. 16, Duke of Northumberland’s transcripts.

know that Angus and Mauduyt were personal friends, a fact that we may surmise, because when Angus died in 1325, Roger became keeper of Angus' castles and lands during the minority of his heir,^(a) and that Roger, within two years of Angus' death,^(b) married his widow.^(c) Greystock was a young man only just of age in 1321, and Edward might not place much value on his judgment. Sir John de Eure was an old rebel against the King. He had been accused of having assisted in the attack upon the cardinals and bishop, and that this was the case was no doubt well known to Edward. He had been pardoned as an adherent of Lancaster. Edward may well have doubted Eure's loyalty.

On the 16th March, 1322, only a few months after Eure had received Selby's surrender in the King's name, the battle of Boroughbridge was fought, and won by the King, Lancaster and Eure fighting against him. In an unauthentic list of those who fought in the battle, printed in *Parliamentary Writs*,^(d) usually called *The Roll of Boroughbridge*, Eure's name appears as having been beheaded after the battle, but that is an error, for on the 13th March, three days before the battle, a writ had been issued for his arrest,^(e) and on the 22nd May following, pardons were given to two persons for the death of John de Eure, knight, and Richard Uttyng of Topcliffe, chaplain, and also to twelve other persons for the death of Eure.^(f) Topcliffe is about five miles north of Boroughbridge. Perhaps he escaped being taken prisoner after the battle, and took refuge with the chaplain at Topcliffe, with whom he may have been acquainted, as Topcliffe is within twenty miles of his own residence at Stokesley in Cleveland; and resisting arrest, he and the chaplain were killed. The presumption is that Eure was disloyal when he accepted Selby's surrender on such easy conditions. Edward may well have distrusted the whole transaction of the capture of Mitford by Selby, and of his surrender. Selby, who had taken part in the seizure of the bishop, and had been in rebellion ever since, was now in his power, he put him into the Tower, and never released him.

(a) Bain III, No. 884.

(b) *Ibid*, No. 873.

(c) *Ibid*, No. 932.

(d) *Parl. Writs*, Vol. II, Div. II, Appendix, pp. 200-201.

(e) *Cal. Pat. Rolls*, 1321-24, p. 82.

(f) *Ibid*, pp. 127-128.

The battle of Boroughbridge closed a period which had begun with the rebellion in the northern counties in 1317. Of those who had taken part in that rebellion, Lancaster was taken prisoner during the battle, and was executed a few days afterwards; Hereford was killed whilst fighting; Eure escaped, but soon afterwards met a violent death; Deyville was taken prisoner; ^(a) Strabolgi went over to the King before the battle; Pembroke had gone over to him earlier; Selby was already a prisoner in the Tower; ^(b) Sir Gilbert had been executed in 1318, and Cleseby, the Yorkshire leader, had died in prison in the same year. More than 130 knights and barons were taken prisoner, of whom more than twenty suffered death. Amongst those who fought against the King were Sir Warin de l'Isle, Sir Edmond Darel, ^(c) Sir Hugh de Audeley le Fitz and Sir John Cherleton. These four were amongst the knights who, with Sir Gilbert, then a young knight, attended Court on Christmas Day, 1315.

The King seemed now to have another chance of keeping his throne, but he put the Despensers into power, and his government through them was no better. The distress in the northern counties from the inroads of the Scots continued. Rebellion recommenced, and in November, 1326, he was taken prisoner by Mortimer and his now unfaithful queen, and formally deposed in January, 1327.

(a) According to the *Roll of Boroughbridge*, Sir Goscelin Deyville was drawn and hung, *Parl. Writs*, Vol. II, Div. II, Appendix, p. 201. The *Lanercost Chronicle* says the same, Maxwell's trans., p. 237, but he was probably the same person as Sir John Deyville who was a prisoner in the Tower on 3rd February, 1323. *Parl. Writs*, Vol. II, Div. II, p. 239.

(b) Selby was still a prisoner in the Tower on 3rd February, 1323. *Parl. Writs*, Vol. II, Div. II, p. 239.

(c) *The Roll of Boroughbridge* says that Sir Edmond Darel was drawn and hung, but his name is in list of prisoners in the Tower on 3rd February, 1323.

CHAPTER X.

SIR GILBERT, after his death, seems to have been blamed as if he were the originator and author of the devastations from which the northern counties suffered, whereas, as we have previously shown, they began in the time of Edward I, and lasted throughout the reign of Edward II. The devastations were the causes of the rebellion, not the effects of it.

Such a charge against Sir Gilbert was made in 1321, by a Richmond Jury, in proceedings following on the trial of an action brought by Robert de Reymes, a Northumbrian landowner, against the authors of the plundering and destruction of his dwelling-house at Aydon,^(a) near Corbridge, a large and important residence which he had built. The story is as follows:—In Michaelmas term, 1315, Robert de Reymes brought an action in the King's court against Hugo de Gales.^(b) He complained that whilst he had committed to de Gales the custody of his dwelling-house at Ayden, which he had lately fortified with a wall of stone and lime against the King's enemies, the Scots, and well furnished with arms, food, &c., and other stores, that de Gales conspired with the enemies and admitted them to Ayden, which they plundered and burnt. De Gales did not appear. The Sheriff had arrested him and delivered him to bail, but he did not answer to it. At this time, 1315, Sir Gilbert was a loyal officer of the King in the garrison of Alnwick Castle, as has been already stated. The case came on again in 1321, six years afterwards.^(c) Robert de Reymes repeats the same complaint, and adds that the date of his giving to de Gales the custody of Ayden was 20th January, 1315, and that the damage to him in loss of stores, including armaments, is £300; to the men of the adjacent parts, in loss of goods and chattels, £1,000; and the full damage to him, including the destruction of his house, £5,000. De Gales appears by his attorney, who says that he is in

(a) Robert de Reymes was a member of a Suffolk family, which had acquired, in 1296, a moiety of the barony of Bolam in Northumberland, to which Aydon belonged. In 1305 he obtained licence to crenellate his dwelling house at Aydon. *New Co. Hist. of Northumberland*, Vol. X, pp. 343-4.

(b) *Coram Rege Roll*. No. 222. Mich. term, 9 Ed. II (1315), memb. 133.

(c) *Ibid*, No. 245. Trin. term, 14 Ed. II (1321), memb. 89.

no way guilty, and the case is adjourned for a jury. At the same time^(a) de Reymes brought another action against Hugh de Gales, associating him with John le Yunger, John le Elder and five others. In this case de Reymes complains that de Gales and the others together had plundered Ayden on the 5th December, 1317, and for a month thereafter. They forcibly broke his houses, burnt and took away timber and his other goods and chattels, viz., linen and woollen clothes, gold, silver, carpets,^(b) golden brooches, and household utensils to the value of £200; whereby he said he was damaged to the value of £500. The defendants, by their attorney, say that they are in no wise guilty, and this case is also referred to a jury. There does not seem to be any record of the further trial of these cases, nor do we again hear of de Gales. De Reymes does not mention Sir Gilbert, or in any way try to connect him with the trespasses. And it should be noted that de Reymes was serving under Lancaster in 1317,^(c) who was certainly in rebellion against the King in the autumn of that year.

In Trinity term, 1324, there were several prisoners in the Tower of London, amongst whom were Geoffrey de la Mare, John Quoynt, John Page^(d) and others, detained on various charges of robbery, &c., in Yorkshire. A writ under the great seal delivered them to the King's justices in Court.^(e) As to John Quoynt, it was testified that he had been indicted in the county of York as of the society of Shavaldores, and of various felonies, &c. ("*est in comitatu Ebor' de societate Shavaldorum, etc., de diversis felonis, etc.*") The Sheriff of York was ordered to report upon the prisoner's indictments. He reported that he found nothing concerning robberies and felonies against the three above named. But he further reported that he had ordered the bailiff of the liberty of Richmond (Yorks) to execute the King's order, and the bailiff has made return to him of an indictment made before him. This indictment was the verdict of a jury on an inquest held by the bailiff at Gillinges in March, 1321, of which the following is an abstract;—They found that John le Quoynt the Younger, whom we may assume to be the same person as John le Yunger in the second of de Reymes' suits in 1321,

(a) *Coram Rege Roll*, No. 245, Trin. term, 14 Ed. II (1321), memb. 59.

(b) Tapeta, a carpet, in the middle ages used for covering tables, benches or beds, not the floor.

(c) *New Co. Hist. of Northumberland*, Vol. X, p. 346.

(d) These three are in a list of prisoners in Tower, on 3rd February, 1323. *Parl. Writs*, Vol. II, Div. II, Appendix, p. 239.

(e) *Coram Rege Roll*, Trin. term, 17 Ed. II (1324), memb. 20.

and Geoffrey de la Mare were of the society and council of Gilbert de Middelton, the King's enemy (*"fuerunt de societate et de consilio Gilberti de Middelton,"*) at the robbing of the cardinals and the taking of the bishop of Durham. Also they say that after the said robbery the said Quoynt and de la Mare held the manor of Heyden Hall, in the county of Northumberland, as a castle, to the use (*"ad opus"*) of Gilbert de Middelton, and plundered the country round about. Also that de la Mare, in the society (*"de societate"*) of Gosceline Deyvill, held the bishop of Durham's manor of Northallerton as a castle to the use of Gilbert de Middelton. Also that Quoynt burgled the house of John de Cleseby at Dounum. Also that de la Mare and Page held the manor of the parson of Danby-upon-Wyskes in the time of Gilbert de Middelton. Also that Quoynt and de la Mare and Page were in all things in the council and society of Gilbert de Middelton in plundering and robbing and riding to war, and are common shavaldores and robbers (*"communes shavaldores et latrones."*) On being arraigned, John Page denies all felony and whatever is against the King's peace, and asks for a jury. De la Mare pleads that he received the King's pardon, dated 1st November, 1318, as a follower of Thomas, Earl of Lancaster, for all felonies, &c., up to the 7th of August in that year. Quoynt pleads that he has a similar pardon from the King, but says that it was taken away from him by the late sheriff of Yorks when he was arrested. The court wishing for further evidence, the cases were adjourned to Hilary term next, and Page, de la Mare and Quoynt are committed to the Marshalsea. When Hilary term (1325) comes, de la Mare is again brought before the King's court.^(a) He produced the King's charter of pardon for all felonies, &c., up to Christmas day last; upon condition that he proceed to Gascony, in the King's service, at the next crossing to Gascony of the King or his army, there to remain at the King's wages during pleasure, &c., &c. The justices are instructed by writ, that the pardon has been granted, and that they are to set de la Mare free, which is done——. What happened to Quoynt and Page is not recorded.

The pardons as adherents of Lancaster which de la Mare and Quoynt pleaded are duly recorded in the Patent Rolls of the autumn of 1318 as already mentioned, and they are not in the special list of pardons which contain the exception as to the robbery of the cardinals. The Richmond

(a) *Coram Rege Roll*, No. 259, Hilary term, 18 Edward II, memb. 165.

jury were wrong when they made this accusation against them. Again, it was not till March, 1321, more than three years after Sir Gilbert's execution, that the Richmond jury say that the Yorkshire raiders de la Mare, Quoynt and Page held Heydan Hall, in Northumberland, to the use of Sir Gilbert, though Robert de Reymes, the owner of Ayden, did not in his suits in 1315 and 1321 make any reference to him. Then the jury say that Goscelin Deyville held Northallerton as a castle to the use of Sir Gilbert. That Deyville held Northallerton is confirmed by William de Nessefeld in his escheats in 1360 and 1361,^(a) but he does not connect Sir Gilbert with it, though he accuses Deyville of having been an adherent of Sir Gilbert, but that would be at an earlier date. The holding of Northallerton appears to have been in the spring and summer of 1318.^(b) Sir Thomas Gray puts it after the chivalrous exploit of Sir William Marmion at Norham,^(c) which was after the middle of 1318, and thus after the execution of Sir Gilbert. Deyville received pardon as an adherent of Lancaster on 1st November, 1318.^(d) The jury also say that Quoynt burgled the house of John de Cleseby at Dounum, i.e., Downholme, about three miles south of Richmond. If Quoynt was an adherent of Sir Gilbert, it is strange that he should have so treated John de Cleseby (called by the Lanercost chronicler "Sir John de Cleasby").^(e) Cleseby was one of the chiefs of the rebellion in Yorkshire, a large landowner, and was accused by William de Nessefeld, the escheator in 1359, of having adhered to Sir Gilbert.^(f) This jury also say that de la Mare and Page held the manor of the parson of Danby-upon-Wyskes in the "time of Gilbert de Middelton." There are no dates given by the jury to any of their accusations, but such as "after the robbing of the cardinals," "afterwards," "in the time of Gilbert de Middelton." It was hard on the prisoners to be charged with crimes, without giving the dates; and the jury seem to wish to raise prejudice against them by associating them with a legendary Gilbert de Middelton. The jury found their verdict in March, 1321. The second of de Reymes' actions, in 1321, was brought in Trinity term; why did he not

(a) *Cal. Pat. Rolls*, 1358-61, pp. 494, 555.

(b) *Scalacronica*, Maxwell's trans., p. 65.

(c) *Ibid.*, p. 61.

(d) *Cal. Pat. Rolls*, 1317-21, pp. 227-8.

(e) Maxwell's Translation, p. 218 and p. 39 ante.

(f) *Cal. Pat. Rolls*, 1358-61, p. 212.

bring forward evidence founded upon the verdict, against the prisoners, and also use it to implicate the memory of Sir Gilbert? What evidence was brought before the Richmond jury we do not know, but de Reymes may not have thought it to be dependable. John Page also had received a pardon in November, 1318, as a follower of Lancaster,^(a) though for some reason he did not plead it. A John Page, an esquire of Lancaster, was executed with him after the battle of Boroughbridge.^(b) It seems that de la Mare, Quoynt and Page were Lancaster's men, and held Ayden for him. Lancaster's adherents at the same time were holding Knaresburgh Castle, and he the Earl of Surrey's castles in Yorkshire against the King.

Another depreciatory story against Sir Gilbert, told more than two hundred years after his death, is related in a *MS. Roll* containing an account of the de Greystock family. The roll is cited by Hodgson in his *History of Northumberland*,^(c) and is printed by the Surtees Society.^(d) It is in a handwriting of the time of Queen Elizabeth, or earlier. The writer says that, "Ralph, baron de Greystock, besieged with a great army Gilbert de Middilton in Mitford Castle, and on a certain day not long afterwards, the said baron being at breakfast at Gateshead, was, through the false contrivance of the same Gilbert and others his accomplices, treacherously poisoned."^(e) He died on 13th July, 1323, and was buried in Newminster Abbey.^(f) But as we have already read, it was Walter de Selby whom Greystock besieged in Mitford, and whose surrender he received. When Greystock died in 1323, Selby was in the Tower, where Edward II had put him, and Sir Gilbert had been dead more than five years.

(a) *Cal. Pal. Rolls*, 1317-21, p. 232.

(b) *The Yorkshire Archaeological and Topographical Journal*, Vol. VII, 1882, p. 348.

(c) Part II, Vol. II, p. 470.

(d) Surtees Soc., 66. in Appendix I.

(e) *Ibid.*, p. 294.

(f) *Ibid.*, p. 304.

CHAPTER XI.

WE have now to consider who and what kind of people gave their support to the rebellion. The public records should give the names of the land-owners who, having joined the rebellion, forfeited their lands, or were pardoned. Some of these forfeitures and pardons we should expect to find in the records of the Durham palatinate. Unfortunately its records have not been carefully preserved, and its chancery rolls do not begin till the year 1333,^(a) and this want applies not only to the part of the county of Durham south of the Tyne, but to the shires of Norham, Island and Bedlington. Then of the time of which we are treating we have no records of forfeitures and pardons of the regality or liberty of Hexhamshire within the county of Northumberland. In earlier times it belonged to the see of Durham, but was given to the Archbishop of York by Henry I, and remained with him till it was made part of the county of Northumberland in 1572.^(b) The Archbishop held complete judicial and administrative authority in his liberty, a large district of 92 square miles situated upon both sides of the river Tyne, reaching from the southern boundary of Northumberland to the boundaries of the townships of Simonburn and Chollerton on the north.^(c) The same want of records also applies to the liberty of Tynedale,^(d) which may be roughly described as most of the districts included between the North and South Tyne and between the South Tyne and the Allen and West Allen rivers; at this time in the King of England's hands. There was also the liberty of Redesdale, a large district which included the valley of the Rede, together with a number of adjoining townships; held by the Umfrevills, Earls of Angus.^(e) There was the liberty of Tynemouthshire; this comprised several townships north and west of Tynemouth; and was held by the prior

(a) *A Guide to the Public Records*, by S. Scargill Bird, 3rd edition, p. 316.

(b) *Statutes of the Realm*, 14 Eliz., c. 13, folio ed., p. 604.

(c) *New County History of Northumberland*, Vol. III, pp. 1 and 20 et seq.

(d) Hartshorne's *History and Antiquities of Northumberland*, Vol. I, p. 253; *The Lands of the Scottish Kings in England*, by Margaret F. Moore. 1915.

(e) Hodgson's *Hist. of Northumberland*, Part II, Vol. I, p. 1.

of Tynemouth.^(a) The Earls of Lancaster held a liberty consisting of Embleton and some neighbouring townships.^(b) Within these liberties the King's writ did not run, nor might the sheriff of the county enter them; even the liberty of Tynedale was administered by the King through his bailiff of the liberty. The aggregate of these liberties formed a large part of the districts of the county most suitable for residence. Thus a comparatively small part of this large county (much of the western part of which is moorland) was left, for which we are likely to receive from the available public records the information we want.

Some information can be got from the inquests *ad quod damnum*, but the patent rolls are the chief sources. In the latter is found a pardon dated 20th March, 1318, granted at the request of Pembroke to John Hunter and three others for having been adherents of Gilbert de Middleton, a traitor, and for all felonies committed by them, "the robbery of the cardinals excepted."^(c) On the 25th September ten more named persons received pardon for felonies committed in company with Gilbert de Middleton, traitor, "the robbery of the cardinals excepted."^(d) These are the first two instances of anyone being recorded as adherent to, or of the company of, Sir Gilbert. On 25th September safe conduct was granted to 62 named persons who are going to the Court of Rome on account of acts perpetrated in the Marches of Scotland, whereby they feel their consciences wounded (*de quibus sentiunt consciencias lesas*).^(e) Half of them bear Northumbrian names. Some are afterwards recorded as having joined in the attack on the cardinals; that was perhaps the sin of all of them. Of these, Marmaduke Basset, a Northumbrian landowner, had the misfortune to come home from Rome without bringing with him sufficient evidence of his absolution, and received another safe conduct to enable him again to go to Rome;^(f) and it was not till 3rd September, 1322, that he received a general pardon, and even then the robbery of the cardinals was excepted.^(g) As has already been noted, Lancaster received pardon on 22nd October, 1318—as also did Strabolgi and his adherent—"of

(a) *New Co. Hist. of Northumberland*, Vol. VIII. p. 1.

(b) *Ibid.*, Vol. II, p. 19. *Placita de Quo Warranto*, p. 604.

(c) *Ibid.*, 1317-21, p. 117.

(d) *Ibid.*, p. 213.

(e) *Cal. Pat. Rolls*, 1317-21, p. 211.

(f) *Ibid.*, p. 399.

(g) *Ibid.*, 1321-24, p. 209.

all felonies and trespasses committed before the 7th August last;" and in November, 1318, 709 named persons received pardon as adherents of Lancaster; most of them bear place-names, and appear to belong to various parts of England.^(a) A few of them were afterwards recorded as having adhered to the Scots and Gilbert de Middleton—notably Sir John de Eure and Sir John de Lilleburn.^(b) 188 of these adherents of Lancaster received their pardons with the proviso, "the robbery of the cardinals excepted" attached;^(c) of these many bear place-names belonging to Northumberland or to other northern counties.

The names of many landowners, adherents of Sir Gilbert, are found in a series of grants founded on escheats of land made by William de Nessefeld, the escheator in Northumberland, Cumberland, Westmoreland, and Yorkshire, in the years 1358 to 1367, more than forty years after the death of Sir Gilbert. These lands de Nessefeld took into the King's hands, stating that they had been held by adherents of the Scots and Gilbert de Middleton. Acting upon his reports, the King, then Edward III, sometimes confirmed the forfeiture and granted the lands to strangers; sometimes re-granted them free of fine to loyal subjects holding them at the time of escheat; but usually their ejected possessors, whether loyal or not, had to petition the King in order to recover them. They were sometimes restored to them, even when descendants of the adherents, perhaps for good services since done by them for the King, and for a sum of money paid down; sometimes the ownership was confirmed to the claimant who had bought or otherwise acquired the lands, a sum of money being paid as in the former case. There are more than 100 of these grants relating to land that had been held by adherents of Sir Gilbert.

Before proceeding to enumerate their names, and to consider who they were, I take first that of Sir Adam de Swinburne, who was accused by de Nessefeld of having adhered to the Scots in the time of Edward I, and to the Scots and Sir Gilbert in the time of Edward II, and I shall show that de Nessefeld was mistaken in making these accusations. As this will be a digression, I give Sir Adam a chapter to himself.

(a) *Cal. Pat. Rolls*, 1317-21, pp. 227-235.

(b) *Ibid*, 1358-61, pp. 361 and 121, 141.

(c) *Ibid*, 1317-21, p. 233.

CHAPTER XII.

SIR ADAM DE SWINBURNE was appointed Sheriff of Northumberland on 16th October, 1315, and held that office till 3rd August, 1317, when he was superseded by William Rydell.^(a) He was also then arrested; Sir Thomas Gray, in his *Scalacronica*, says that it was because of his speaking too bluntly to the King about the condition of the marches.^(b) That he was arrested is attested by the following entry in the *Wardrobe Accounts*: "To Philip de la Beche and Robert le Moigne, deputed by the King to remain in the castle of Nottingham with Sir Adam de Swyneburne, knight, for the safe custody of the said Sir Adam, as well as for the expenses of the said Sir Adam, as for their own wages, from the 9th August, on which day they were appointed to the said office, to the 25th of October, when they delivered up the said Adam to the Earl of Lancaster, by the King's precept, being 77 days, receiving for the said Sir Adam 2s. a day, and for each of themselves 1s., except during the 15 days they were receiving liveries from the King's household. £12 8s. od."^(c)

Sir Adam being under arrest from 9th August to 25th October, 1317, could not have been present at Sir Gilbert's attack on Lewis de Beaumont and the cardinals, which took place on 1st September, 1317. Lancaster must have given him his liberty, for, on the 6th December of that year, 1317, he gave a receipt for 200 marks of silver in part payment of 1,000 marks owing to him for the custody of the bishopric of Durham.^(d) The histories say that this was levying blackmail, but no evidence of such is given, and it must be that he gave his loyal services to that duty. That he was loyal is also shown by a memorandum of receipt given on the 13th December, 1317, by William de Denum to the community for £20 for *dominus* Adam de Swynburn.^(e) Though the public records often omit knightly distinction, it is not likely

(a) *Lists and Indexes*, No. IX, Public Record Office.

(b) Sir H. Maxwell's Translation, p. 60.

(c) *Archæologia of London*, Vol. XXVI, p. 326, not dated.

(d) *Durham Treasury Mis. Charter*, No. 4,581.

(e) *Ibid.*, No. 3,506.

that de Denum would have designated him *dominus* if he was then in rebellion: indeed, on the same memorandum, de Denum acknowledges receipt of £6 for Sir Gilbert, but does not give him a knightly distinction.

Again in the *Wardrobe Accounts*, payment was made "to Sir Adam de Swinburne, banneret, serving in Northumberland for the safe custody of those parts, by indenture made on the King's behalf and the said Sir Adam, having in his company 80 men-at-arms and 80 horse, receiving yearly for this service £1,344 for the entire year, by the terms of the said agreement,—for the portion of his salary due from the 15th November, 10 Edward II (1316), to the 10th August in this present 11th year (1317), being 268 days, the first and not the last being included, during which time he was constantly engaged in the King's service by composition at London, 26th January, 12 Edward II (1319), £886 7s. 1d."^(a) The wardrobe payments were often a year or years in arrear. As his salary was paid up to the 9th August, the very day on which he was given in charge to the King's officers, de la Beche and Le Moigne, his arrest must have taken place on that day. This payment would surely not have been made to him, nor would he have been styled knight and banneret, if he had adhered to Sir Gilbert.

The money must have been paid to Sir Adam's executors, for on the 5th September, 1318, a writ was issued to the escheator stating that he was dead, and ordering an inquest into his estates. The writ does not state that he was a rebel, which would have been done if the officers of the crown had reason to think that he was so. The inquest was held on 2nd October following. The jury do not give the date of his death. They say that Henry, his son, is his next heir, aged 22.^(b) On the 12th November following, pardon was given to Henry, together with other adherents of Lancaster, for all felonies and trespasses up to the 7th August preceding.^(c) This date must refer to that of Lancaster's agreement to be at peace with the King on the conditions he accepted in the treaty of Leek.^(d) From these data we may infer that Henry, being at the time of his father's death attached to Lancaster in rebellion, would not be allowed to enter into the estates, though on his receiving the pardon his entry may perhaps have been allowed.

(a) *Archæologia of London*, Vol. XXVI, p. 327.

(b) *Cal. Inq. p.m.*, Vol. VI, No. 164.

(c) *Cal. Pat. Rolls*, 1317-21, pp. 227 and 231.

(d) *The Political Hist. of England*, Vol. III, by T. F. Tout, p. 274.

Henry probably fought against the King at Boroughbridge on 16th March, 1322, for on the 5th April the King issued a grant to Robert de Swynburn, of Henry de Swynburn his nephew, a rebel captured and detained in the prison of York, to deliver him or to do otherwise at his will.^(a) Robert de Swynburn was Sir Adam's brother. Robert, who was always loyal, had probably begged for his nephew's life. If Henry was in possession of his estates, they would be again taken into the King's hands. That they were in the King's hands we learn from the petition of Peter Graper to the King, showing that Adam de Swynburne held of him in fee in Colwell, in the county of Northumberland, that his land is in the possession of the King by the forfeiture of Henry de Swynburne, Adam's son and heir, and Peter cannot have his rent. A writ for an inquest into Sir Adam's estate in Colwell was issued on 16th March, 1324, and an inquest was held on 4th July. The jury allowed the claim of Peter, and say that the lands are in the King's hands by reason of the forfeiture of Henry, and for no other cause.^(b)

Soon after this date of March, 1324, it appears that Henry was allowed to enter into his father's estates. His uncle must have persuaded him to be loyal, for he is returned in a list of the *homines ad arma* of Northumberland in May of that year, together with those of other counties, to attend the great council at Westminster.^(c) That Henry had, subsequently to the Colwell inquest, entered into his estates, we also learn from an entry made in the close rolls many years afterwards, in February, 1339, when Edward III, "As a special favour to his liege, John de Strivelyn, in his service with him beyond the seas, grants to him and Barnaba his wife respite of two reliefs due by them on the death of Adam de Swynburn, father, and Henry de Swinburne, brother of the said Barnaba."^(d)

Before the close of 1326, Henry was probably dead, for on the 12th December of that year another writ was issued for a further inquest into Sir Adam's estates. The inquest was held on the 29th of the same month. The extent of the properties is given more fully than in the inquest of 1318. His nearest heirs are now said to be his daughter Barnaba, Gerard de Woderington, son of Christiana, daughter of said Adam and sister of Barnaba,

(a) *Cal. Pat. Rolls*, 1321-24, p. 90.

(b) *Inq. Misc. Chancery*, File 92, No. 21.

(c) *Parl. Writs*, Vol. II, Div. II, p. 649.

(d) Bain III, No. 1,305. *Close Rolls*, 13 Edward III, p. 1, m. 45 verso.

and William Heron, son of Elizabeth, daughter of said Adam and sister of Christiana. Again the date of Sir Adam's death is not given, Henry, his son, is not mentioned.^(a) What authority gave the order for the inquest of 1326? Edward II was taken prisoner on 16th November, 1326, and was formally deposed on 20th January, 1327.^(b) The writ for the inquest was issued on the 12th December, 1326, and must have been issued by the Government of Mortimer and the Queen.

In the first year of Edward III's reign (January, 1327, to January, 1328)—in his name only, for he was but 14 years of age—Sir Adam's estates were assigned amongst Barnaba and her nephews as heirs of Sir Adam.^(c) The estates were then in the King's hands, apparently by the death of Henry, and the object of the inquest of 1326 was probably to ascertain the particulars of Sir Adam's estates with a view to their division amongst his daughters or their heirs. Here we seem to see the influence with the Crown of Sir John de Strivelyn over the Swinburne and, as we shall see later, the Middleton estates. Barnaba was widow of Sir John de Middleton, who had, in 1317, forfeited his moiety of Belsay and his other Middleton estates. She married Strivelyn soon after this time, as her second husband. Strivelyn was perhaps an adherent of the Queen and Mortimer. He later became a trusted military commander under Edward III.

So far there seems to be no evidence of Sir Adam being an adherent of Sir Gilbert, or of his having rebelled against Edward II. On the contrary, he must have been high in the favour of that King, otherwise his son might not have been treated with so much generosity; a generosity which it is pleasant to record as a good point in the character of Edward. Henry was an adherent of Lancaster. He was never charged with adherence to Sir Gilbert.

But Sir Adam's reputation as a loyal subject was not to remain quiet. Early in 1358 (32 Edward III), thirty years after the above assignment, de Nessefeld took Sir Adam's lands into the King's hands. On the 6th February of that year the King issued a writ commanding de Nessefeld to report the cause of his taking the lands of Sir John de Strivelyn and Barnaba

(a) *Cal. Inq. p.m.*, Vol. VI, Edward II, No. 751.

(b) *Political Hist. of England*, Vol. III, by T. F. Tout, pp. 301, 302.

(c) *Abbrevatio Rot. Originalium*, Vol. II, p. 12.

his wife, in Northumberland and Cumberland. On the same day, the 6th February, de Nessefeld reported, "that Sir Adam joined the Scots in the time of the King's grandfather, riding with them with banners displayed, plundering and burning in these counties, especially the priory of Hexham—thereafter in the late King's time joined the Scots and Gilbert of Middleton—that Barnaba, one of said Adam's daughters and heirs still surviving, in the time of the King's father, adhered to and lived in Scotland in the family of Robert de Bruys, against the King's allegiance. Sir John de Strivelyn then married her, and he and she held the lands as her purparty of Adam's lands. He therefore took them in the King's hands."^(a)

De Nessefeld's report was followed, on 21st February, by a petition from Sir John de Strivelyn, "stating that he had long held the lands in right of his wife. That de Nessefeld, finding by inquisition taken *ex officio* that Sir Adam had rebelled and adhered to Sir Gilbert, had taken the lands into the King's hands. Sir John prays for their restitution. The King, having regard to the good service of the said Sir John for a great time, as well beyond the seas as within, has granted him all the said lands to hold to him and Barnaba and his heirs and assigns."^(b) All appears to have been previously arranged between Strivelyn, de Nessefeld, and the King. The writ commanding de Nessefeld to report, is followed on the same day by the report itself, showing that he had it ready. The King had no doubt already promised Strivelyn what he wanted, viz., the grant to himself, his heirs and assigns; for Barnaba was then too old to bear children, and the introduction of her name could have no effect. His title to the lands was now clear, and three years afterwards he put part of them, together with Belsay and other estates of the Middletons, of which he had obtained grants from Edward III, into the entail, which he then made upon John de Middleton and Christiana his wife. De Nessefeld had also seized the lands of William Heron of Ford, another of the heirs of Sir Adam. Heron pleaded that "Sir Adam had borne himself well and faithfully to the King's grandfather and father, and had died in fealty of the latter without any suspicion of evil." In a patent of re-grant of the lands, the King recounts Heron's plea, and though he does not traverse it, nevertheless Heron has to pay a fine on the restoration of his lands;

(a) *Chancery Files*, Bundle No. 265. Bain, Vol. IV, No. 2.

(b) *Cal. Pat. Rolls*, 1358-61, p. 22.

though the fine may have been for other lands which Heron had acquired from acknowledged rebels, which were included in the re-grant.^(a) As to de Nessefeld's authority for the escheat, there may have been an official but incorrect record concerning Sir Adam. De Nessefeld had to get money for the King, and he took advantage of it.

There was living about the same time as Sir Adam of East Swinburne, an Adam, son of Richard of West Swinburne. He received pardon on the 12th September, 1328, from Edward III, at the request of Edward's brother David, son of the King of Scotland, and Johanna his wife, Edward's sister, for adhering to the Scots in the late and his own reign, and riding with them in war on the English Marches.^(b) This Richard of West Swinburne must have been Richard, son of Allan of West Swinburne, who was an adherent of Sir Gilbert.^(c) This Adam may have been an adherent of Sir Gilbert, as was his father, Richard.

A Sir Adam de Swynbourne is on the list of knights who accompanied Edward III on his expedition to France in 1346,^(d) and was sub-constable of the army, as is recorded in the *Norman Roll* in 1346, and in the *Calais Roll* in 1347.^(e) This Sir Adam is not placed in the Swinburne family pedigrees; he may have been Adam of West Swinburne, and an adherent of Sir Gilbert in 1317.

As to de Nessefeld's accusation, that Sir Adam joined the Scots in the time of Edward I, and assisted at the burning of Hexham, that may not seem to belong to the story of Sir Gilbert. But de Nessefeld joined this accusation to that of adherence to Sir Gilbert as a reason for escheating Sir Adam's estates, and the question as to whether or not he was loyal to Edward I must not be put aside here.

King John de Balliol renounced his allegiance to Edward I on 5th April, 1296.^(f) The Scots invaded England, and burnt Hexham on the 11th of that month.^(g) On the 27th, Edward defeated Balliol at Dunbar. The sheriffs

(a) *Cal. Pat. Rolls*, 1358-61, p. 140.

(b) Bain III, No. 964.

(c) *Cal. Pat. Rolls*, 1358-61, p. 142; and Pedigree of West Swinburne, *New Co. Hist. of Northd.*, Vol. IV, p. 276.

(d) *Crecy and Calais*, by Major-Gen. the Hon. Geo. Wrottesley, 1898, p. 38.

(e) *Ibid.*, pp. 219 and 260.

(f) *Hist. of Scotland*, by Andrew Lang, Vol. I, p. 178.

(g) *Hist. of Northumberland*, by C. J. Bates, p. 149.

were ordered to seize the lands in England of John de Balliol and his adherents. Accordingly, the sheriff of Cumberland seized Sir Adam's manor of Bewcastle, but reports that "Sir Adam was at the King's peace almost till Pentecost."^(a) Pentecost, in 1296, was on 13th May, therefore Sir Adam could not have been at the burning of Hexham. Indeed, it is not likely that he would have accompanied the Scots in their invasion of Northumberland to help them to devastate his father's manor of East Swinburne,^(b) and his own manor of Simonburn. The sheriff of Northumberland returned the names "of those dwelling in Scotland," and names "John de Balliol, Sir John Comyn and his son John, Adam de Swynburne," and twenty others, both English and Scots, "and will proceed to remove their servants;"^(c) a vague and apparently incomplete record of the sheriff's return. Why was Sir Adam dwelling in Scotland, was he afraid of arrest as an adherent of Balliol? Balliol held the liberty of Tyndale of the King of England. Sir John de Swinburne, the father of Sir Adam, besides holding manors within the liberty *in capite* of the King of England, was also a tenant of Sir John Comyn, who held under Balliol in the liberty. Sir John de Swinburne acted as Comyn's attorney in 1279,^(d) and, as steward of his manor court of Tasset in 1289,^(e) he held an annuity secured of the land of Tyndale, granted by the late King Alexander III of Scotland,^(f) who formerly held the liberty. He sealed the Ragman Roll in August, 1296.^(g) He was loyal in 24 Edward I (20th November, 1295, to 20th November, 1296), being then in that King's service.^(h) His seal of date 1312, preserved in the Durham muniments, bears on a cross five sheaves.⁽ⁱ⁾ The Comyns bore three sheaves of cummin,^(k) and Sir John de Swynburne may have, as a tenant of the Comyns, adopted the sheaves from them. Sir Adam also sealed with the sheaves.^(l) Sir Adam held the manor of Simonburn (which he had acquired by marriage), within

(a) Bain II, No. 736, p. 172.

(b) *New Co. Hist. of Northumberland*, Vol. IV, p. 306.

(c) Bain II, No. 736, p. 175.

(d) *Ibid.*, No. 168, p. 53.

(e) *Ibid.*, No. 375.

(f) *Ibid.*, Nos. 398, 490, 1917.

(g) *Ibid.*, No. 823, p. 200.

(h) *Ibid.*, No. 1027, p. 264.

(i) *Durham Seals*, Greenwell and C. Hunter Blair. *In Archaeologia Aeliana*, 3rd Series, Vol. II, and plate 22 in Vol. IX.

(k) *The Armorial of Northumberland*, C. Hunter Blair, pp. 4, 19.

(l) *Durham Seals*, as above.

the liberty, though *in capite* of the King of England. Sir Adam and his father were, therefore, so much involved in affairs with Balliol and Comyn that, though technically not their adherents, yet they might be in danger of being suspected to be such, and Sir Adam may have thought it well to retire into Scotland to avoid arrest, especially as Balliol some time previously, whilst still King of Scotland, had granted his interest in the liberty to Anthony Bek, Bishop of Durham,^(a) always an aggressive person to deal with. Sir John Comyn and other tenants thus held their lands of the bishop. In November, 1297, Edward I, who was displeased with Bek, ordered his bailiff of Tyndale to resume Comyn's lands. Bek pleaded a grant from Edward of all rebel lands in the liberty, and proceeded to enter on the lands of Comyn and other tenants, and also seized Sir Adam's manor of Simonburn.^(b) Bek was probably as usual grasping at more than he was entitled to, and may have had no proof of Sir Adam's rebellion, for though Sir Adam was in prison at Berwick early in 1297,^(c) why, we do not know—perhaps as a precaution—yet he was quickly set at liberty and taken into favour by Edward, who, before Michaelmas, 1298, made him a grant of lands in Scotland.^(d) He remained in Edward's service, and was in his garrison at Linlithgow in 1300,^(e) and constable of Dumfries Castle in 1306.^(f)

It seems that Sir Adam was always loyal. Yet in 1358, sixty years after the burning of Hexham, and forty years after the rebellion of Sir Gilbert, de Nessefeld accused him of having assisted in both, and took his estates into the King's hands, notwithstanding that they had, thirty years previously, been assigned in the King's name amongst his heirs, by legal process.^(g)

(a) Bain II, No. 872.

(b) *Ibid.*, No. 963.

(c) *Rotuli Scotiae*, Vol. I, p. 40b.

(d) Bain II, No. 1,183.

(e) *Ibid.*

(f) *Ibid.* IV, p. 389.

(g) *Abbreuatio Rot. Originalium*, Vol. II, p. 12.

CHAPTER XIII.

THE names of the rest of the landowners who forfeited their lands for joining in the rebellion are here placed in alphabetical order, together with the places in which their lands were situated. Such personal information regarding them as I have been able to obtain, I have added to their names. They were all adherents of Sir Gilbert, excepting those herein specified as being adherents of other leaders or of the Scots only.

COUNTIES OF NORTHUMBERLAND AND DURHAM.

GILBERT DE BABYNGTON.

Lands in Bavington.^(a)

Gilbert de Babyngton alienated lands in Kirkheaton to the prior and convent of Hexham in 1323.^(b) Richard de Babyngton was coroner for Northumberland in 1315.^(c)

MARMADUKE BASSET.

Lands in Cowpen, Bebside and Eachwick.^(d)

His brother Hugh also joined in the rebellion, and they went on the pilgrimage to Rome as already recorded. They belonged to the great family of Basset of Nottinghamshire, a branch of which had been settled in the county of Durham as early as the year 1180, and acquired property in Cowpen about 1262. Hugh Basset afterwards became loyal, and a yeoman in the King's household, and received a grant of land.^(e) Marmaduke was dead at the time of de Nessefeld's proceeding against his estate, and the lands were granted to Hugh as heir of his brother, in consideration of Hugh's services to the King in the wars of Scotland, and for 10 marks paid by him.

(a) *Cal. Pal. Rolls*, 1364-67.

(b) *Ibid.*, 1321-24, p. 241.

(c) *Cal. Close Rolls*, 1313-18, p. 165.

(d) *Cal. Pal. Rolls*, 1358-61, p. 425.

(e) *New Co. Hist. of Northumberland*, Vol. IX. pp. 318-19.

WILLIAM DE BENLEY.

Lands in Hebburn.^(a)

ALAN DEL BURN or BOURNE.

Lands in Newton.^(b)

JOHN DE BYKER.

Lands in Byker.^(c)

WALTER CORBET.

The manor of Langton, tenements in Newton,^(d) and lands in Learchild.^(e)

He was also an adherent of Lancaster, and received pardon as such, 1st November, 1318, in the group with the special reservation as to the robbery of the cardinals.^(f)

ROBERT DE CRESSWELL.

Lands in Cresswell.^(g)

These lands were restored to him on payment of a fine of 40 marks. His descendants still hold them.^(h) He was accused by de Nessefeld of assisting at the robbery of the cardinals.

WILLIAM DE CROXTON.

Lands in Bradford (*juxta* Belsay).⁽ⁱ⁾

SIR JOHN DE DENUM.

Lands in Denum,^(k) Unthank, Caldewell, Belford, Dycheburn, Middleton and Elwick.^(l)

Denum, now Deanham, lies immediately south of Wallington, in Northumberland. Sir John was also an adherent of Lancaster, and received pardon as

(a) *Cal. Pat. Rolls*, 1358-61, p. 233.

(b) *Ibid.*, p. 340.

(c) *Ibid.*, p. 122.

(d) *Ibid.*, p. 340.

(e) *Ibid.*, p. 359.

(f) *Ibid.*, 1317-21, p. 233.

(g) *Ibid.*, 1358-61, p. 142.

(h) Hodgson's *Hist. of Northumberland*, Part II, Vol. II, p. 199.

(i) *Cal. Pat. Rolls*, 1358-61, p. 356.

(k) *Ibid.*, pp. 141-225.

(l) *Ibid.*, p. 245.

such 16th November, 1318, "the robbery of the cardinals excepted."^(a) He was sent by Lancaster and Hereford into Scotland shortly before the battle of Boroughbridge, with power to make a truce with Robert Bruce. A copy of the proposed treaty was found in the possession of Hereford after he was killed in the battle. Sir John was to make an offensive and defensive alliance with Robert de Bruce, the Earl of Moray and James Douglas; and when the English earls and their allies should have finished their quarrel [with their King], they would loyally do all they could to make a peace between England and Scotland, so that they [the Scots] shall tend their country of Scotland as peaceably as they [the English] shall tend theirs in England.^(b)

SIR JOHN DE EURE.

The manor of Kirkley, lands in Berwick-Hill, Throphill, Newton Underwood, Mitford, Benridge, Lynmouth and Callerton-Darras,^(c) Edington, Corbridge, Hayden, and Newcastle-upon-Tyne, in the county of Northumberland. Le Sunnyside, Walsingham, Witton and Bradeley in the county of Durham (south of the Tyne). The manor of Stokesley and lands in Grenhou, Ingleby and Eseyby in the county of York.^(d)

He was also an adherent of Lancaster, and received pardon as such on 12th November, 1318,^(e) and it was he who made the indenture with the prior of Durham, previously to the attack on the bishop and cardinals. He was returned as member of parliament for the county of Northumberland in 1307,^(f) and was sheriff of Yorkshire from 1309 to 1311.^(g) He appears to have been killed whilst his arrest was being attempted after the battle of Boroughbridge,^(h) though in the roll of Boroughbridge he is said to have been beheaded after the battle,⁽ⁱ⁾ and yet another account says that he was beheaded soon after the battle at Bishop Auckland.^(k) His son came of age in 1324,

(a) *Ibid.*, 1317-21, p. 234.

(b) *Rolls of Parliament*, Vol. II, p. 4, where the form of the treaty, in French, is cited in full.

(c) *Cal. Pal. Rolls*, 1358-61, p. 361.

(d) *Cal. Inq. p.m.*, Vol. VI, No. 339.

(e) *Cal. Pal. Rolls*, 1317-21, p. 231.

(f) *House of Commons Return*, 1878.

(g) *Lists and Indexes*, No. IX, P.R.O.

(h) *Cal. Pal. Rolls*, 1321-24, pp. 82, 127, 128.

(i) *Parl. Writs*, Vol. II, Div. II. Appendix, pp. 200, 201.

(k) *The Yorkshire Archaeological and Typographical Journal*, Vol. VII, p. 348.

and entered upon his inheritance,^(a) but he lived to have it taken into the King's hands in 1360 by de Nessefeld, on account of his father's adherence to Sir Gilbert. He had to pay £400 for its restitution.^(b)

JOHN DE FAUDON and WILLIAM his brother.

Lands in Throphill and Mitford, both in Mitford parish.^(c)

The Faudons named may have been the same William and John de Faudon who helped to betray Sir Gilbert at Mitford Castle. Sir Thomas Gray says in *Scalacronica* that Sir Gilbert was taken through treachery of his own people.^(d) The lands were granted by the King to Henry de Faudon, who was holding them at the time of de Nessefeld's escheat, on account of good service to the King in the wars in Scotland, and for a payment of 6 marks.

JOHN and ALAN FORESTER of Corbridge, and ADAM DE AYDEN.

Lands in Corbridge, Bywell, Ayden, Fotherley and Ovington.^(e)

John Forester of Corbridge seems to have been a fore-elder of the Forsters of Adderstone and Bamburgh.^(f) He sealed a deed in 1370 with, *on a shield a fess charged with three hunting horns.*^(g) The Forsters of Adderstone and Bamburgh bore *a chevron between three hunting horns.*^(h)

ROBERT GALOUN.

Lands in Cowpen,⁽ⁱ⁾ Over-Trewhitt, Nether-Trewhitt, Little Tossan, Rothbury and Warkworth.

Restitution to Hugh Galon, his son and heir, on payment of 5 marks.^(k) William Galun was returned as member of parliament for the county of Northumberland in January, 1316.^(l)

(a) *Cal. Inq. p.m.*, Vol. VI, No. 733.

(b) *Cal. Pat. Rolls*, 1358-61, p. 361.

(c) *Cal. Pat. Rolls*, 1358-61, p. 356.

(d) *Scalacronica*, trans., p. 60.

(e) *Cal. Pal. Rolls*, 1358-61, p. 555.

(f) *New Co. Hist. of Northumberland*, Vol. X, pp. 93, 94.

(g) *Ibid.*, p. 451.

(h) *Ibid.*, Vol. I, pp. 156 and 228.

(i) *Cal. Pat. Rolls*, 1358-61, p. 358.

(k) *Ibid.*, pp. 366-7.

(l) *House of Commons Return*, 1878.

SIR HENRY DE HAVERINGTON.

Lands in Great Benton, Leem alias Cloghhouses, and in Newcastle-upon-Tyne.

Restitution was made to him on account of his losses in Scotland on the King's service, and for the payment of 10 marks.^(a) Sir Henry de Haverington was member of parliament for the county of Northumberland in 1341.^(b)

JAMES DE HAYDEN.

A fourth part of the manor of Upsetlyngton-West, beyond the water of Tweed, late of Nicholas de Hayden and James his son.^(c)

Upsetlington is on the North side of the river Tweed, about a mile-and-a-half south-west of Norham. It was part of the patrimony of the Church of St. Cuthbert, and it was always claimed by the bishops of Durham that their writs should run there, a claim disputed by the Scots.^(d)

ALEXANDER DE HERLE and JOHN his brother.

Lands in West Harle, and in Hatherwyk in Redesdale.^(e)

ADAM, son of NICHOLAS DE HIBBURNE.

Lands in Hibburne.^(f)

JOHN DE HORSELEYE and JOHN THORALD.

Lands in Hirst, Newbiggen, Ellington, Ashington, Lynemouth, Newton Underwood, Newton by Bywell.^(g)

Richard de Horseleye was sheriff of Northumberland in 1310.^(h) Members of the Horseleye family were members of parliament for that county in 1301, 1307, 1314, and 1316.⁽ⁱ⁾ After the breaking out of the rebellion in 1317, their name does not again appear on the list of members till 1358.

WILLIAM DE INGHOU.

Lands in Ingoe and Netherton.^(k)

(a) *Cal. Pat. Rolls*, 1358-61, p. 172.

(b) *House of Commons Return*, 1878.

(c) Bain IV, 126.

(d) Bain III, 1,022 and 1,024.

(e) *Cal. Pat. Rolls*, 1358-61, p. 491.

(f) *Ibid.*, p. 233.

(g) *Ibid.*, p. 362.

(h) *Lists and Indexes*, No. IX, P.R.O.

(i) *House of Commons Return*, 1878.

(k) *Cal. Pat. Rolls*, 1358-61, p. 365.

THE ABBOT OF KELSO.

Lands in Colpenhope, in Northumberland.^(a)

It is interesting to note that Sir Gilbert had an Abbot amongst his adherents.

WILLIAM DE KEMSYNG.

Lands in Over Leam (in Corsenside), and Cresswell-Leghes in Redesdale.^(b)

MALCOLM DE LEGHTON.

Lands in Green Leighton.^(c)

SIR JOHN DE LILLEBURN.^(d)

A moiety of the manor of Wooler, and three knights' fees pertaining to it,^(e) lands in Beanley, Shawdon, Glanton, Great Lilburn, Belford, Wooler and Easington.^(f) And services for lands which other persons held of Sir John de Lilleburne in Ford, Kynmerston (in Ford parish), Croucum (Crookham in Ford parish), Dichand (Detchant in Belford parish), Ulcestre (Outchester in Bamburgh parish), Warenford, Unthank, Wollure (Wooler), Hethpole (Heathpool in Kirknewton parish), Heddone.

The moiety of the manor of Wooler, the three knights' fees and the services above mentioned had, prior to 1351, been granted by Sir John de Lilleburn to John de Coupland and Joan his wife.^(g) The lands in Beanley, Shawdon, &c., &c., were granted to William, the son and heir of Sir John, on payment of a fine.^(h) Sir John de Lilleburne, after the attack upon the cardinals, attached himself to Lancaster, and held Knaresburgh Castle for him against the King. He surrendered it on terms, and on 19th March, 1318, pardon in accordance therewith was granted to him,⁽ⁱ⁾ but with the robbery of the cardinals excepted. A further pardon as an adherent of Lancaster was

(a) Bain IV, No. 30. *Cal. Pat. Rolls*, 1358-61, p. 233.

(b) *Cal. Pat. Rolls*, 1358-61, p. 491.

(c) *Ibid*, p. 358.

(d) *Ibid*, 1317-21, p. 231.

(e) *Ibid*, 1358-61, p. 121.

(f) *Ibid*, p. 141.

(g) Bain III, No. 1,556.

(h) *Cal. Pat. Rolls*, 1358-61, p. 141.

(i) *Ibid*, 1317-21, p. 123.

granted to him on 12th November, 1318.^(a) Nevertheless, de Nessefeld, in 1359, as above stated, took his lands into the King's hands, accusing him of having adhered to Sir Gilbert. John de Lilleburn was returned as member of parliament for the County of Northumberland in February, 1327,^(b) and served as sheriff of that county in 1327 and 1328, and again in 1328 and 1329.^(c)

ROGER MAUDUIT.

The castle, town and manor of Eshot,^(d) Brockenfield, Redeshead and Erlside, Tritlington, &c.^(e)

Roger Mauduit, after the attack on the bishop and cardinals, held, together with Walter de Selby, the peel of Horton, which he surrendered on conditions, and received pardon accordingly. He fought in the battle of Boroughbridge,^(f) but against the King, for he received pardon on the 15th April, 1322.^(g) He then became loyal, and was constable of Dunstanburgh Castle for the King in September of that year.^(h) In June, 1326, he was keeper of the castles of the late Earl of Angus, for his heir, who was under age.⁽ⁱ⁾ Before August 16th, 1327, he married Alianora, Angus' widow.^(k) He was returned as member of parliament for Northumberland in 1309, 1311 and 1313, and having become again loyal, in 1330, 1331 and 1332,^(l) in which last year he was also sheriff of that county.^(m) Sir Godfrey Mauduit purchased Eshot about the year 1200, and the next five generations who succeeded him were each named Roger.⁽ⁿ⁾ Sir Roger Mauduit III, for he became a knight before 1328, was the Roger who adhered to Sir Gilbert. In 1358 Eshot and all the other lands of Sir Roger, then deceased, were in

(a) *Cal. Pal. Rolls*, 1317-21, p. 231.

(b) *House of Commons Return*, 1878.

(c) *Lists and Indexes*, No. IX., P.R.O.

(d) *Cal. Pal. Rolls*, 1358-61, p. 51.

(e) *New Co. Hist. of Northumberland*, Vol. VII, pp. 327 et seq.

(f) *Parl. Writs*, Vol. II, Div. II. Appendix, pp. 198, 201.

(g) *Cal. Pal. Rolls*, 1321-24, p. 101.

(h) *Ibid.*, p. 205.

(i) *Bain III*, No. 834.

(k) *Ibid.*, No. 932.

(l) *House of Commons Return*, 1878.

(m) *Lists and Indexes*, No. IX., P.R.O.

(n) *New Co. Hist. of Northumberland*, Vol. VII, p. 339.

the King's hands, because he had been an adherent of the Scots and Sir Gilbert. They were granted in May of that year to Sir Roger's son Roger.^(a)

JOHN DE MAUTALAYN OF MAUTAIENT.

Lands in Howick and Chevington.

In an inquest *ad quod damnum*,^(b) he is not charged with being an adherent of Sir Gilbert, but he is grouped with Walter de Selby and Roger de Widdrington of Denton.

SIR JOHN DE MIDDLETON I, grandson and representative of Richard de Middleton the chancellor, and thus first cousin of Sir Gilbert.

A moiety of the vill of Belsay.^(c) The manor of Brunton, in Embleton parish, with a moiety of the vill of Preston. The manor of Newlands and Warenton, a moiety of the manor of Little Whittington, a moiety of the manor of Thornbrough, Lands in the hamlets of Shotley, Blackhedley, Holes, Crooked-Oak, and Newbigging, on the river Derwent. Lands in the hamlet of Shilford in the parish of Bywell, Blackmiddingmore and Utlawes, and other holdings in the parish of Bamburgh. Lands in Bechefeld, Spiredene, Caldstrother and Wallawe, Hertweyton, Scranewood, South Heton, and Cramlington. A holding in the Westgate, in the town of Newcastle-upon-Tyne.^(d)

He came of age between 1293 and 1310, probably soon after 1293. He was charged with adherence to the Scots,^(e) not with adherence to Sir Gilbert. Perhaps he was a leader in the rebellion, and Sir Gilbert adhered to him. When or how he died is not known.

THOMAS and WILLIAM DE MIDDLETON.

The manor of Wooperton.^(f)

The escheat arose as follows :—

Isabel de Swynhowe, grand-daughter and heir of Robert de Middleton, by

(a) *Cal. Pat. Rolls*, 1358-61, p. 51.

(b) *Inq. ad quod damnum*, 12 Edward II, Nos. 17 and 64.

(c) The other moiety, together with the manor, was held by Simon de Weltevene, who represented the elder branch of the Middleton family.

(d) *Inq. ad quod damnum*, 12 Edward II, No. 121. *Cal. Pat. Rolls*, 1317-21, p. 254.

(e) *Ibid.*

(f) *Cal. Pat. Rolls*, 1351-64, p. 341.

her mother Christiana, wife of de Swynhowe, had claimed and entered into the manor of Wooperton; de Nessefeld, finding that Isabel's brothers, the above Thomas and William, who had adopted the name of Middleton, and who preceded Isabel as tenants of the manor, had adhered to Sir Gilbert, took the manor into the King's hands. It was re-granted to Isabel and her son William on payment of £16.^(a) Robert de Middleton was evidently Robert, son of Thomas de Middleton, who claimed Wooperton in 1256, at the Northumberland assizes.^(b)

There were two other rebels named William de Middleton, whose identification may be discussed here. One of these two appears to have surrendered with Walter de Selby at Mitford Castle, in 1321, but on Edward II refusing to acknowledge Selby's surrender of Mitford, William's surrender became a capture as did Selby's. He was imprisoned at Newcastle-upon-Tyne, and released on bail. Whilst on bail he was captured by Scots rebels then invading the northern marches; but escaping from them, he found refuge in the liberty of the prior of Tynemouth, who detained him in June, 1322,^(c) although the sheriff of Northumberland besought the prior to deliver William to him. The sheriff prayed the King to assist him, and obtained from him a writ dated June 30th, whereupon the prior delivered William to the sheriff.^(d) What then happened to him we do not know. No charge seems to be recorded against him of adhering to Sir Gilbert. He has been given to Sir Gilbert as a brother,^(e) but there does not seem to be any evidence to support that statement.

Another William de Middleton has also been given to Sir Gilbert as a brother; ^(f) he, on the death of his kinswoman, Idonia de Middleton, claimed to inherit her manor of Medelmast Medilton. This manor took its name from one of the three adjoining townships known as the three Middletons, from which the Middletons of Belsay took their name. It is suggested that some of their property may have descended to Idonia; but the Belsay family

(a) *Cal. Pal. Rolls*, 1361-64, p. 341.

(b) *Surtees Soc.*, 88, pp. 62, 158, 217, 418, No. 164.

(c) *Cal. Close Rolls*, 1318-22, p. 466.

(d) *New Co. Hist. of Northumberland*, Vol. VIII, p. 88n.

(e) *Ibid.*, p. 88, and Vol. X, p. 328.

(f) *Archæologia Aeliana*, 3rd Series, Vol. VII.

held theirs in the township called North Middleton.^(a) The escheator was ordered to hold an inquest, because William had adhered to the Scots. The inquest was held on 17th March, 1344. The jury found that William had adhered to the Scots from 18 Edward II (8th July, 1324, to 7th July, 1325), and for the five years next following.^(b) On the 22nd of the same month an order was issued to the escheator declaring the manor to be forfeited, and ordering him to take it into the King's hands.^(c) In the following April it was granted to Sir Thomas Gray.^(d) Nothing is said in the records about adherence to Sir Gilbert. There is no evidence to show that this William was a brother of Sir Gilbert. He cannot be the same as the William who was captured at Mitford, for that William rebelled before 18 Edward II. Perhaps he may be identified with William de Middleton of Wooperton.

WILLIAM DE MORPETH.

Lands in South Middleton (on the Wansbeck), Trewick, Cramlington, Whitley, Hartley and Morpeth.^(e)

HENRY LE PROKTOUR of Trewick.

Held, together with William de Morpeth, the lands above named.^(f)

THOMAS DEL REDHOGH.

Lands in Cambois.^(g)

(a) It has been shown in the *New County History of Northumberland*, Vol. X, p. 17, that the place name of the three Middletons was originally the Anglo-Saxon *Metheltun*, meaning a place (it was sometimes a meadow) used for the purpose of public speaking. Medelmast Medilton, the spelling used in the local inquest into Idonia's property, is found Latinised into *Media Middellona*, on one occasion, in the *Pipe Rolls of Henry III*—Hodgson's *Hist. of Northumberland*, Part III, Vol. III, p. 284—and is often Anglicised into Middle Middleton, as if it were mediate in position between the two other townships, which were named respectively North and South Middleton. But reference to the *Pipe Rolls* of the years 1223 to 1269, as set out by Hodgson, does not show that it was mediate. I suggest that Medelmast Mediltou is a partially Anglicised spelling of the Anglo-Saxon *Methelmaest Metheltun*, which meant the chief township of the three for the public speaking purpose. It is now called Middleton Hall, and is the most northern of the three, which it always must have been.

(b) *Chancery Inq. p.m.*, 18 Edward III, 2nd Numbers, No. 78.

(c) *Cal. Fine Rolls*, Vol. V, pp. 364-5.

(d) *Cal. Pat. Rolls*, 1343-5, p. 252.

(e) *Ibid.*, 1358-61, p. 358.

(f) *Ibid.*

(g) *Ibid.*, p. 225.

SIR WALTER DE SELBY.

The manor of Felling, in the county of Durham, south of the Tyne.^(a) The manor of Seghill,^(b) a moiety of the manor of Biddleston, and lands in Alnham, in the county of Northumberland.^(c)

His family held Felling as early as 1220. It was escheated by Lewis de Beaumont, bishop of Durham, because Selby, his enemy and rebel, had become liegeman of Robert de Bruce,^(d) and because of the part he had taken in the seizing of himself the bishop.^(e) His property of Seghill, where he had a tower, of which the basement only now remains, was forfeited to the crown;^(f) as also was the estate of Biddleston, which he had acquired through his wife, who was a daughter of Sir Hugh de la Val of Seaton Delaval; an alliance which shows how friend and foe were related together at that time, for she was sister of the Sir Robert de la Val who defended Tynemouth Castle against Sir Gilbert in the autumn of 1317. Selby was not charged with adherence to Sir Gilbert; but the *inquest ad quod damnum* into his property was held before Sir Gilbert's name was made use of as a chief rebel for the attachment of adherents. He was certainly Sir Gilbert's ally. His holding of Horton peel and Mitford, and his surrender of the latter place on terms which were not honoured by Edward II, and his subsequent imprisonment, are recorded above. He continued in the Tower^(g) till the accession of Edward III, to whom he presented a petition explaining his ill-treatment by the late King. Edward gave him a general pardon, and on 29th April, 1329, ordered an enquiry to be made into his case.^(h) His petition was granted, and an order was issued for the restoration of such of his lands as remained in the King's hands.ⁱ Henceforth Selby was a loyal subject of the King. He was knighted, and served Edward Baliol, who, in 1332, gave him the barony of Prenderleith, in Roxburghshire. He continued to hold

(a) *Inq. ad quod damnum*, folio 1803, p. 283, No. 113.

(b) *Ibid.*, p. 257, No. 17.

(c) *New Co. Hist. of Northumberland*, Vol. IX, p. 58

(d) Bain III, No. 1047, *Cal. Pat. Rolls*, 1317-21, pp. 217 and 335.

(e) Bain III, No. 1356.

(f) *Cal. Pat. Rolls*, 1317-21, p. 239.

(g) His name is in a list of prisoners in charge of the constable of the Tower on 3rd February, 1323, *Parl. Writs*, Vol. II, Div. II. Appendix, p. 239.

(h) Bain III, No. 981.

(i) *New Co. Hist. of Northumberland*, Vol. IX, p. 60.

important commands under Edward III till October, 1346. Whilst Edward was besieging Calais, the Scots attacked the English garrisons and captured Liddell pele, in Cumberland, which Selby was defending. Selby begged for his life, but King David at once beheaded him, not having the generosity to pardon an old ally of his country who had turned against it.^(a)

EDMUND DE SELBY.

Lands in Newcastle-upon-Tyne.^(b)

THOMAS DE SETON.

Lands in North Seaton (in Woodhorn), and in Earsdon by Tritlington, in Hebron chapelry.^(c)

ROBERT DE SETON.

Lands in North Seaton, Woodhorn, Newbiggen, Earsdon in Hebron chapelry, Le Aldemore.

Restitution to Robert de Seton, his son and heir, on payment of £20.^(d)

WILLIAM DE SWETHOP.

Lands in Sweethope and Crookden.^(e)

He is accused of adhering to John de Cleseby and Gilbert de Middleton. He was member of parliament for Northumberland in 1300.

WARIN DE SWETHOP.

Lands in Bechefeld.^(f)

He was member of parliament for Northumberland in 1314.

JOHN THORALD.

See John de Horseleye, ante.

JOHN DE TROLHOP.

Lands in Shotton and Paston.^(g)

(a) *New Co. Hist. of Northumberland*, Vol. IX, p. 63.

(b) *Cal. Pat. Rolls*, 1358-61, p. 359.

(c) *Ibid.*, p. 361.

(d) *Cal. Pat. Rolls*, 1358-61, p. 338.

(e) *Ibid.*, p. 114.

(f) *Ibid.*, p. 361.

(g) *Ibid.*, p. 233.

THOMAS UTTINGSONE.

Lands in Cambois.^(a)

JOHN DE WALYNGTON.

Lands in Wallington, Green Leighton, Middleton Morel, and Shafto.^(b)

He was grandson of Sir John de Middleton—elder brother of Richard de Middleton, chancellor of England—through Luciana, his second wife. Their issue received Sir John de Middleton's property in Wallington, and his grandson adopted the surname of de Walyngton.

ROBERT DE WALYNGTON.

Lands in Shafto.^(c)

ROBERT DE WESTHIDEWYN.

Lands in West Heddon, Apperley and Elmeley.^(d)

JOHN DE WETESLADE.

Lands in Weetslade (in the parish of Long Benton).^(e)

ROGER DE WYDERYNGTON of Denton.

Lands in Shotton,^(f) and rents in the town of Denton.^(g)

THOMAS DE WODBOURN.

Lands in Seton, Tritlington, and Woodburn.^(h)

THOMAS DE WOLLORE.

Lands in Wooler.⁽ⁱ⁾

(a) *Cal. Pal. Rolls*, 1358-61, p. 358.

(b) *Ibid.*, p. 225.

(c) *Ibid.*, p. 358.

(d) *Ibid.*, p. 200.

(e) *Ibid.*, p. 499.

(f) *Ibid.*, p. 233.

(g) *Ibid.*, p. 359.

(h) *Ibid.*, p. 117.

(i) *Ibid.*, p. 362.

The following group of small holders held land in various places :—

HENRY BAT.	ROBERT DE LONGWITTON.
DAVID DE BICHEBURN.	RICHARD DE MORPATH.
WILLIAM BOULE.	WILLIAM DE NEWBIGGEN.
THOMAS DE BRADEFORD.	JOHN PANTIL.
THOMAS DE CAPHOPE.	ROBERT SHOUTE.
WALTER DE CLIFTON.	IVO SHOUTE.
JOHN COLYN.	JOHN THORALD.
WILLIAM DE ECHEWYK.	JOHN DE USEWORTH.
WILLIAM EME.	WILLIAM WHITELAW.
WILLIAM DE LEGHTON.	ROGER, son of RALPH.
PETER DE LA LEWE.	ROBERT, son of ALICE. ^(a)
STEPHEN DE CAMBOIS.	

The manor of Cambois and West Sleekburn, and lands in Choppington and Tritlington.

Accused of adhering to Walter de Selby only.^(b)

ADHERENTS of the SCOTS only.

The volume of the *Calendar of Patent Rolls* for 1358-61, contains the following escheats, in which the landowners concerned are accused of adhering to the Scots, without adherence to Sir Gilbert or other leader being specified :—

In Northumberland :

ADAM AYRE,	Lands in Choppington (p. 225).
THOMAS CHANCELLOR,	do. Choppington and Cambois (p. 225).
WILLIAM DE DISSYNGTON,	do. Dissington (p. 203).
WILLIAM GOFFE,	do. Cambois and Deanham (p. 225).
ROGER DE HOLTHALE,	do. Howtel (p. 233).
ELLEN DE PANBURY,	do. Howtel (p. 233).
HENRY DE PRENDERGAST,	do. Akeld and Yeavering (p. 233).
ROBERT DE PAXTON,	do. Abberwick (p. 359).
JOHN DE USEWORTH,	do. Hartley (p. 359).
HUGH DE ROKKE,	do. East Harle (p. 365).
SIR ADAM DE SHUTLINGTON, Kt.	do. Shitlington in Wark in Tynedale (p. 140).

(a) *Cal. Pat. Rolls*, 1358-61, p. 357.

(b) *Ibid.*, p. 201.

In Cumberland and Westmoreland :

WILLIAM DE CALDECOTE,	Lands in Cumberland (p. 321).
JOHN DE CORWENNE,	do. Preston in Westmoreland (pp. 130, 137).
WALTER CORRY. His son and heir was Hugh de Levington,	do. Westlevington, Cumberland (p. 129).
HUGH DE QUERTON,	do. Crokelyn, Co. Cumberland, Querton Soulby, Crosseby, Tybay, Ronerthwayt, and Nateby, in Co. Westmoreland (p. 515).
JOHN RYDEL,	do. Newbiggen, Blencou, Graystock, Co. Cumberland (p. 134).

COUNTY of YORK.

Those of the adherents of Sir Gilbert who were landowners in the county of York, whom I have been able to collect, are as follows :—

HUGH DE BRAITHWAITE.

Adhered to Sir Goscelyn Deyville and Sir Gilbert.^(a)

SIR WILLIAM DE BUSCY.

Lands in Thurkelby.

Adhered to Sir Goscelyn Deyville, knight, and Sir Gilbert.^(b) William de Buscy received pardon on 12th November, 1318, as an adherent of Lancaster.^(c)

SIR WILLIAM DEL CHAUMBRE.

Lands in Brumpton, by Northallerton, and Newton, by Patrickbrumpton.

He is accused of adhering to Sir Jocelyn Deyville and Sir Gilbert.^(d) William de la Chaumbre received pardon on 6th November, 1318, as an adherent of Lancaster.^(e)

(a) *Cal. Pat. Rolls*, 1361-64, p. 94.

(b) *Ibid.*, p. 96.

(c) *Ibid.*, 1317-21, p. 229.

(d) *Cal. Pat. Rolls*, 1358-61, p. 201.

(e) *Ibid.*, 1317-21, p. 229.

SIR JOHN DE CLESEBY.

Lands in the city of York, Disceford, Ellerton-on-Swale, Dounom, Richmond, Norton, Reynington, Sutton Hougrave, Whitewell, Manfeld, Jafford, Skytheby, Staynwegges, Croft, Tunstal, Bretanby, Brumpton, Stretford, Mersk, Wyclyf, Thorpe, Girlyngton, Aldeburgh, Cloubek, Neuton Morel, Boulton-on-Swale and Walbrum.^(a)

The only place in the records where he is styled "knight," seems to be in the *Lanercost Chronicle*.^(b) He was captured early in the rebellion, and when brought before the justices for trial he refused to plead, and was subjected to the *Peine forte et dure*.^(c)

JOHN DE COLBY.

Lands in Smytheton, in Richmondshire.

Adherent of Sir Gocelin Deyville and Gilbert de Middleton.^(d)

RICHARD DE PARVA DANBY.

Lands in Little Danby.

Held the peel-house in Northallerton with Gocelin Deyville, and had been an adherent of Sir Gilbert.^(e)

SIR GOSCELYN DE EYVILLE, (DEYVILLE).

Lands in Dighton, in Allertonshire.

Goscelin, his son and heir, aged 22 years and more. *Inq. p.m.* 1st April, 1 Edward III (1327).^(f) Received pardon as an adherent of Lancaster 1st November, 1318.^(g) He appears to have been the leader in Yorkshire of the rebellion after the death of Sir John de Cleseby.

(a) *Cal. Pat. Rolls*, 1358-61, p. 212.

(b) Sir H. Maxwell's trans., p. 218.

(c) The *Peine forte et dure* was administered thus:—The accused person who refused to plead was laid upon his back and a heavy weight placed upon his chest, the weight was added to until he pleaded or died. He often chose to die, in order to save his landed estate for his heir; for there was thus—unless he was arraigned for treason—no conviction, and therefore no forfeiture. Broom and Hadley's *Commentaries*, Vol. IV, pp. 421-424.

(d) *Cal. Pat. Rolls*, 1358-61, p. 498.

(e) *Cal. Pat. Rolls*, 1358-61, p. 494.

(f) *Cal. of Inquisitions post mortem*, Vol. VII, No. 60.

(g) *Cal. Pat. Rolls*, 1317-21, p. 228.

ROBERT DE FOXTON.

Lands in West Herleseye.

Adhered to Sir Gilbert and Deyville,^(a) received pardon as an adherent of Lancaster, 16th November, 1318.^(b)

JOHN GREYVESON.

Lands in Great Danby.

Held the peel-house at Northallerton with Deyville, and had been an adherent of Sir Gilbert.^(c)

RICHARD GREYVESON of Great Danby.

JOHN GILLOT of Merkington.

WILLIAM LAUERD of Merkington.

JOHN LE LITSTERE of Merkington.

WILLIAM DE MUNKETON.

Lands in Merkington, Wallerthwaite, Heselton, Ripon, Munketon, Kylynghale, Great Danby and Bondegate by Ripon.

Adherents of Gilbert de Middleton, John de Cleseyb, John de Lilleburn and Goscelyn Deyville.^(d)

GEOFFREY HENKNOLL.

Lands in Cateby, Sauceby, Doncaster, Bentley, Arksey, Hoton-Paynel, Hornseburton, and Cusseworth in the county of York, and Henknoll, Evenwood, Spitefield and Middleton-upon-Tees within the bishopric of Durham.

An adherent of Gilbert de Middleton.^(e) Received pardon as an adherent of Lancaster, 12th November, 1318.^(f)

SIR HENRY DE HERTLINGTON.

The manors of Hertlyngton and Braham.^(g)

In July, 1366, a commission was issued to inquire whether Henry de Hertlyngton, "chivaler," deceased, was an adherent of Sir Gilbert. The

(a) *Cal. Pat. Rolls*, 1361-64, p. 263.

(b) *Ibid.*, 1317-21, p. 234.

(c) *Ibid.*, 1358-61, p. 494.

(d) *Ibid.*, 1358-61, p. 355.

(e) *Ibid.*, p. 133.

(f) *Ibid.*, 1317-21, p. 230.

(g) *Ibid.*, 1364-67

result was that the manors were forfeited. Hertlyngton, now Hartlington, is eight miles north-east of Skipton, in Yorkshire, and gave its name to a family of that name during the latter part of the reign of William the Conqueror. Descended from it was the above Sir Henry de Hertelyngton, aged 21, in 21 Edward I. He was succeeded by his son William.^(a)

Whilst these pages were being written, the case of *The King v. Casement* (Sir Roger, the Irish rebel,) came before the King's Bench Division of the Royal Courts of Justice, in June and July, 1916. Counsel cited Lord Coke's 3rd Institute, in which is explained the word "adherent" by references to cases, amongst which is that of W. de Herlington, son of Henry de Herlington who had adhered to Gilbert de Middleton.^(b)

JOHN DE LASCELES.

Lands in Brakenbergh, Sourby by Tresk (Sowerby by Thirsk), Swaynby and Thexton.

He held the peel-house of Northallerton with Sir Goscelyn Deyville, and had adhered to Sir Gilbert.^(c)

THOMAS LONGESPY.

Land in Brumpton by Northallerton, and Neuton by Patrick-brumpton.^(d)

NICHOLAS DEL LOUND.

Lands in Thornton "in the Benes."^(e)

Adhered to Gocelin Deyville, "chivaler," and Gilbert de Middleton. Pardoned as an adherent of Lancaster, 12th November, 1318.^(f)

THOMAS DE LA MARE of Yafford.

Lands in Kyngeston-upon-Hull and Yafford.^(g)

JOHN MORGAN of Smytheton.

Lands in Little Smytheton.^(h)

(a) Whitaker's *Hist. of Craven*, 2nd Ed., p. 441.

(b) *Law Reports, King's Bench Div.*, 1917, Vol. I, pp. 107-108, and 144-146.

(c) *Cal. Pat. Rolls*, 1358-61, p. 555

(d) *Ibid.*, p. 201.

(e) *Ibid.*, p. 498.

(f) *Ibid.*, 1317-21, p. 232.

(g) *Ibid.*, 1358-61, pp. 439, 494.

(h) *Ibid.*, p. 439.

THOMAS DE NORTHOTRINGTON.

Lands in Northotrington.^(a)

Adhered to Deyville and Sir Gilbert.

THOMAS SALCOK of Herleseye.

Lands in Herleseye.^(b)

Adhered to Sir Gilbert and Deyville.

WILLIAM DE SOURBY.

Lands in Soureby.^(c)

Adhered to Sir Gilbert and Deyville.

ROBERT TABURNER of Dighton.

Lands in Dighton.^(d)

RICHARD WAXAND.

Land in South Terrington.^(e)

ROBERT DE WEST HIDEWYN (West Heddou).

Lands in Hewyk at Brigge by Ripon.^(f)

He also held lands in West Heddou, in Northumberland.^(g)

JOHN DE SCOTTON.

JOHN DE SCOTTON, junior.

JOHN DE BRERETON.

JOHN DE BRERETON, junior.

RALPH WARDE of Scotton.

RALPH WARDE, junior.

RICHARD WARDE of Scotton.

ROBERT GREYVESON of Scotton.

HENRY GREYVESON.

HENRY LE TAILLOUR of Scotton.

Lands in Scotton and Brereton.

De Nessefeld accuses all this group of having been adherents of Simon de Montfort, John Comyn of Badenagh, Andrew de Harclay, John de Lilleburn, Gilbert de Middelton, Goscelyn Deyville, and the Scots and other enemies, traitors and rebels against Henry III, Edward I, Edward II, and the present

(a) *Cal. Pat. Rolls*, 1358-61, p. 498.

(b) *Ibid.*, 1361-64, p. 263.

(c) *Ibid.*, 1358-61, p. 498.

(d) *Ibid.*, 1361-64, p. 123.

(e) *Ibid.*, 1358-61, p. 428.

(f) *Ibid.*, p. 203.

(g) *Ibid.*, p. 201.

King. None of the group received restitution, and the King granted all their lands to de Nessefeld himself and his heirs, with the knight's fees, etc.^(a)

ROBERT DE POKFORD.

Lands in Disceford.

Adhered to the Scots only.^(b)

Persons pardoned for adherence to Sir Gilbert without mention of the places in which they held their lands :—

RICHARD DE THIRLWALLE (Northumberland), ROBERT DE RASCHELF (Yorkshire), JOHN DE LEYBURN (Yorkshire), JOHN HUNTER. This group received pardon at the request of the Earl of Pembroke for having been adherents of Gilbert de Middleton; the assisting in the robbery of the cardinals excepted.^(c) JOHN DE CLIBURN (Westmorland), WILLIAM TUNSTALL (Yorkshire), JOHN DE SLEEKURN (Northumberland), ADAM LE FEVRE, JOHN DE LEMING, JOHN DE GELFORD, WILLIAM CHIRIE, WILLIAM, SON OF WALTER, RICHARD DE WYNDE, WILLIAM, SON OF THOMAS LE PROVOST OF WESSINGTON (Washington, Co. Durham). This group received pardon in the same terms, but not at the request of Pembroke.^(d)

The sum of the names of the landowners in the above list who adhered to Sir Gilbert is about 122. Most of these we get from the proceedings of de Nessefeld, taken forty years after the execution of Sir Gilbert. They can only be a fraction of the full number had a list of them been made in 1317-18. To these should be added the names of the 62 persons who made the pilgrimage to Rome in September, 1318, who were probably all landowners and adherents of Sir Gilbert; making up the number to 184. Then there were 188 of Lancaster's adherents who received their pardons, with the reservation as to the robbery of the cardinals; bringing up the number of those who attacked the bishop and cardinals to 372. To be added to these are 23 persons accused by de Nessefeld of adhering to the Scots only, and were not accused of adhering to Sir Gilbert, and Lancaster himself and the rest of his adherents pardoned in 1318, amounting to 523, making a total sum of 918. It is a large number of names to have come down to the present time as those of adherents of a rebellion which took place just 600 years ago.

(a) *Cal. Pat. Rolls*, 1358-61, p. 288.

(b) *Ibid.*, p. 203.

(c) *Ibid.*, 1317-21, p. 117.

(d) *Ibid.*, p. 213.

CHAPTER XIV.

WE have now come to the end of the story of the rebellion. What did it mean? The first indication of its advent that we have was the indenture of Sir John de Eure and Sir Robert de Sapy with the prior of Durham, followed by the warning from the prior to the bishop that he might be attacked. Further evidence shows that Lancaster must have taken a leading part in the affair, though he kept himself in the background. The conspirators may have hoped that the attack on the bishop might make the beginning of a general rebellion throughout England, which they had already planned. Sir Gilbert de Middleton, an experienced soldier, appears to have raised a force of men, and to have been employed to command the attack. The presence of the cardinals with the bishop, and the confusion which ensued and ended in their robbery, caused the whole affair to be a fiasco. Lancaster at once appeared on the side of law and order, and escorted the cardinals back towards the south; Sir Gilbert was deserted to his fate. The little help that Lancaster gave him, and perhaps it was all he could do, was to arrange the meeting between him and the cardinals in Durham cathedral.

Lancaster and those of the northern counties who initiated the rebellion may be blamed for allying themselves with the Scots, as being an aggravation of their treason; but the circumstances of the time made alliance with them a necessity. A few years later, even Lewis de Beaumont, the bishop of Durham, entered into negotiations with the Scots. And the heretofore loyal Sir Andrew de Harclay who, from his defence of Carlisle in 1315, till he was made Earl of Carlisle after Boroughbridge in 1322, had done so much for England, even he, in 1323, when the King failed to stop the inroads of the Scots into Cumberland, entered into overtures with Bruce for a peace, acknowledging him as King of Scots. Harclay, when arrested, protested that he had acted only for his country's good; but the King, ignoring his many services, allowed him to suffer the painful death of a traitor. On Harclay's action, Mr. T. F. Tout, in his volume of *The Political History of*

England, makes the comment, "To such a pass had England been reduced that those who honestly desired that the farmers of Cumberland should once more till their fields in peace, saw no other means of gaining their end than by communicating with the enemies of their country."^(a) It had been the same in all the northern counties in the time of Sir Gilbert.

In the first year of the reign of Edward III, 1327, the proceedings by which Lancaster had been adjudged to death, his estates forfeited and his heirs disinherited, were annulled by parliament as illegal. The same restitution was made to his adherents who had, at the same time as he, suffered forfeiture and disinheritance; parliament pronouncing Lancaster's quarrel [with the late King] to be a just quarrel.^(b) The legal restoration of Lancaster to his good name was in accordance with the wishes of the people of England, who had looked to him as their champion against the misgovernment of the King. That this was so, must be given to the credit of Lancaster, however great his faults may have been.^(c)

What manner of man was Sir Gilbert? The monastic chroniclers show an animus against him owing to the despoiling of the cardinals, but they record no specific acts of cruelty against him, other than those of plunder and ransom, faults at that time not peculiar to him; but, as we have seen, encouraged by the King himself. Had there been any charge of cruelty current against him, the chroniclers would not have neglected to use it. The eighteenth century historians followed the lead of the chroniclers. Ridpath, who wrote his *Border History of England and Scotland* in 1776, wrote: "The North of England did at that time abound with banditti, who, having taken their rise from associations that the calamities of the times had impelled men to form for their mutual defence, soon forgot the distinction between friend and foe, and made a prey of whatever tempted their avarice. A gang of these, commanded by Gilbert de Middleton and Walter Selby, robbed the cardinals of their money, goods and horses."^(d) In the nineteenth

(a) *The Political Hist. of England*, Vol. III, by T. F. Tout, p. 290.

(b) *Rolls of Parliament*, Vol. II, pp. 3 to 5, 1 Edward III, 1327.

(c) Lancaster is usually considered to have allowed Gaveston to be murdered without trial. It is, however, stated in *Gesta Edwardi de Carnarvon*, 43-44, that Gaveston was tried before two judges, William Inge and Henry Spigurnel, and condemned to death in due form. *England in the Later Middle Ages*, by Kenneth H. Vickers, 1913, p. 95n. Inge and Spigurnel are both duly recorded, as judges, in 1312. *Foss's Biographia Juridica*.

(d) Ridpath's *Border History*, Edition of 1848, p. 177.

century, Surtees, the historian of Durham, writing in 1816, wrote: "The Bishop and his party were enveloped by a cloud of light horsemen under command of Gilbert de Middleton, a Northumbrian gentleman whom the necessities of the times had driven to adopt the lawless life of a freebooter, and who on this occasion is said to have added motives of private resentment to the desire for plunder."^(a) These historians had not such full access to the public records as we now have, and their comments are to us travesties of the truth.

Sir Gilbert did not attack the church, he attacked the illegal appointment of Lewis de Beaumont to the bishopric, and the rejection of Henry de Stamford, whom the chapter had chosen. In so doing he seems to have acted at least with the knowledge, if not the open support, of the prior of Durham. The entanglement with the cardinals was his misfortune.

Being the grandson of a chancellor of England, he was probably well educated. From early youth he had experience in public affairs, as a soldier, and in the household of the King. The smaller landowners, then numerous, rallied to his leadership in their distress, and he must have had the confidence of Lancaster, and of the other earls who connived with the rebellion.

John Hodgson, the great historian of Northumberland, in his mature age, in 1835, called Sir Gilbert's rebellion, "that rash but chivalrous enterprise,"^(b) an opinion which may now be accepted as final.

(a) Surtees' *History of the County Palatine of Durham*, Vol. I, p. xxxix.

(b) *Archæologia Aeliana Quarto*, Vol. III, p. 51.

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