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**Calendar of Durham Cathedral Archive:
sacrist's cartulary**

Date range of material: [ca1495-1499]

Durham University Library
January 2019

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Preface

Creation of catalogue

Incomplete calendar in Wordperfect by A. J. Piper c.1994. XML EAD markup by M.M.N. Stansfield 2006.

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Introduction

Collection title: Durham Cathedral Archive: Sacrist's Cartulary

Reference code: GB-0033-DCD-Ushaw25

Dates of creation: [ca1495-1499]

Parchment book; binding of early boards, square in section with a negligible bevel, now flush at the fore-edge, projecting at the head and foot; channels for 3 bands on the inner sides of boards, III, and perhaps for head- and tail-bands on the outer side of the front board. Early brown leather front and back covers, blind-stamped with three lozenge tools ("Agnus Dei", "ihc", and 3 fleurs-de-lys below a star), in a double-fillet frame and diagonal diaper central panel. Evidence of 2 clasps, now missing, on both covers. Modern rebinding, re-using original boards, parchment pastedowns, channels for bands and sewing-holes onto bands, with original coverings laid over new leather at the spine and fore-edge. 138 leaves, foliated i- iii + 1-132 + i-ii; pastedowns and one flyleaf (f.iii) early. Foliation medieval, skipping one leaf (f.52*). Written space 255-263 X 163-172 mm. 41-42 long lines. One somewhat variable hand. Collation: 1-1112. Quires 1-10 have catchwords on the final verso; quire 1 lettered at the end, A.

Size: 355-360 x ca 245 mm.

Repository: Ushaw College, Durham, photostat held at Durham University Library, Archives and Special Collections

Creator: Durham Cathedral Priory

Language of material: Latin, with occasional English and French

Contents

This one full-scale cartulary survives from the sacrist's office, probably made during the last five years of the fifteenth century. There are a few copies of sacrist's documents in Sacrist's Rentals 1329-1385 (f.81v-82v, 89v-90r, 96v and 100r-v), while one of the sections in the Sacrist's Repertory & Rental (f.12r-17v) consists of copies of sacrist's documents, made at about the same date as the full-scale cartulary and to some extent repeating texts found in the cartulary. The latest document that has been noticed is dated 18 March 1494 (f.80v); two documents dated 1499 are not included (2.2.Sacr.20, 1.3.Sacr.24).

Accession details

Part of the manuscripts in the library of Ushaw College, Durham. When and how the volume came to Ushaw is not clear. However, a number of entries from it were cited by James Raine in his Surtees Society volume *Historiae Dunelmensis Scriptores Tres*, published in 1839, with no indication of its location which imply it was then still in the Cathedral Treasury as he does cite non-Treasury material as being in the Cottonian or Cosin libraries. Formerly XVIII.F.5.11 at Ushaw.

Arrangement

f.1r-94r Sacrist's deeds

f.94r-131r Whitworth tithes case

Conditions of access

Open for consultation.

Copyright and copying

Permission to make any published use of material from the collection must be sought in advance from the Sub-Librarian, Special Collections (e-mail PG.Library@durham.ac.uk) and, where appropriate, from the copyright owner. The Library will assist where possible with identifying copyright owners, but responsibility for ensuring copyright clearance rests with the user of the material

Form of citation

The form of citation should use the code GB-0033-DCD, or the collection name Durham Cathedral Archive, followed by the *reference number*

To order items in the searchroom, use the collection reference code(s), derived by removing the repository code (GB-0033-), followed by the reference number. Citing the section of the finding aid is useful.

Processing

Calendared by Alan Piper 1975 x 1992. His Wordperfect file was input to XMetal by Michael Stansfield in 2006.

Bibliography

G.R.C. Davis, *Medieval Cartularies of Great Britain* (1958), no. 347.

On the binding, with plate, see A.I. Doyle, "Medieval blind-stamped bindings associated with Durham Cathedral Priory", in *De Libris Compactis Miscellanea*, ed. G. Colin, *Studia Bibliothecae Wittrockianae*, i (Aubel, 1984), p.31-42.

Location of originals

The original is amongst the manuscripts of the library of Ushaw College, Durham

Copies

A bound negative photostat of the original is held in the searchroom of Archives and Special Collections, Durham University Library at 5 The College.

A negative microfilm is available at PGFilm 125

f.1r-94r

Sacrist's deeds

Top of the front cover 16th/17th century
 "Liber Sacristae"

f.1r

1.1.Sacr.1.

Printed in *Historiae Dunelmensis Scriptores Tres* (Surtees Society 9, 1839), p.cciv-ccv.

f.1r [24 July 1405]

Bond by Richard of Choppington, Richard Mylner of Sheepwash, William Bates, John Milner and Thomas Androwson to pay the prior and convent of Durham or their sacrist 44 marks, equally divided, at Candlemas and the Invention of the Cross following [2 February and 3 May 1405] for the corn-tithes of Bedlington, East Sleekburn, West Sleekburn, Choppington and Nethererton in 1405.

Date: vigil of James said year.

Defeasance of bond in the event of 22 marks, equally divided, being paid at Candlemas and Invention of Cross following [2 February and 3 May 1406].

(Was 1.1.Sacr.2)

f.1r-v

1.1.Sacr.3.

Printed in *Historiae Dunelmensis Scriptores Tres* (Surtees Society 9, 1839), p.ccxix.

f.1v

1.1.Sacr.4.

f.1v-2v

1.1.Sacr.5.

f.2v

1.1.Sacr.6.

Printed in *Historiae Dunelmensis Scriptores Tres* (Surtees Society 9, 1839), p.lii-liii.

f.2v-3r 6 November 1338

Notarial instrument recording:

Substitution by John of Barnard Castle, clerk, and Robert son of Alan de Askeby, proctors of Mag. Robert de Askeby, rector of Washington, of Ranulf of Durham, clerk, as proctor.

Date: City of Durham 6 November 1338.

Present: Robert of Elwick, chaplain; Alan of the Granary, clerk; William Brown.

Sentence by the official of Durham that the rector of Washington should pay the prior and convent of Durham 3s a year for smoke-pennies, together with arrears of 12s for four years, admitted as due by Ranulf to the satisfaction of John of Barnard Castle, clerk proctor of the prior and convent.

Date: Galilee, Durham as above.

Present: Mr William of Allerton, commisary-general of the official [of Durham]; Mr William of Kelloe; William of Wales; Richard of Meaburn; Peter of Manningford, sequestrator-general of the bishop of Durham; John of Durham, clerk.

Subscription: Hugh called Palmer of Corbridge, notary.

(Was 1.1.Sacr.7)

f.3r

1.1.Sacr.18.

f.1r-94r

f.3r [10 February 1397]

Grant, by John Fleshewer of Durham, to John Litster, of his whole burgage in the borough of Elvet in Durham between the sacrist of Durham's tenement and John Litster's burgage.

Witnesses: Gilbert of Elvet; Thomas Clerk of Elvet; Richard Moneour; Walter Litster; William Wolsingham; Walter Barkar; Thomas Tumbly.

Date: Durham Saturday after Blaise 1396.

(Was 1.1.Sacr.9)

Extracted in: M.M. Camsell, "The Development of a Northern Town in the Later Middle Ages: the City of Durham, c.1250-1540 ", (York Univ. D.Phil. thesis 1985), p.691.

f.3r-v

1.1.Sacr.10c..

f.3v

1.1.Sacr.8.

Printed in *Historiae Dunelmensis Scriptores Tres* (Surtees Society 9, 1839), p.cccxlvii-cccxlvi.

f.3v

1.1.Sacr.12.

f.3v-4r

1.1.Sacr.11.

f.4r

1.1.Sacr.13.

f.4r

1.1.Sacr.14.

f.4r-v

1.1.Sacr.16.

Printed in *Historiae Dunelmensis Scriptores Tres* (Surtees Society 9, 1839), p.cxcvi-cxcvii.

f.4v

1.1.Sacr.15.

Printed in *Historiae Dunelmensis Scriptores Tres* (Surtees Society 9, 1839), p.cli.

f.4v-5r

1.1.Sacr.17.

f.5r

1.1.Sacr.19.

f.5v

1.1.Sacr.20.

f.5v

1.1.Sacr.21.

f.5v-6r

1.1.Sacr.10a.

f.6r

As 1.1.Sacr.10b.

f.1r-94r

f.6r

1.1.Sacr.22.

Printed in *Historiae Dunelmensis Scriptores Tres* (Surtees Society 9, 1839), p.cliii.

f.6v [11 November] 1379

Lease for 2 years from Martinmas 1379, by John Abell sacrist and William of Lumley communar of Durham, rectors of Bywell St. Peter, with the consent of the prior and convent of Durham, to Nicholas of Ingleby, vicar of Bywell St. Peter and John Killerby, of the church of Bywell St. Peter with its tithes and other revenues, for £16 13s. 4d. at Martinmas 1380, the same sum at the Invention of the Cross following [3 May 1380], £17 13s. 4d. at Martinmas following [1381] and the same sum at the Invention of the Cross following [3 May 1382] save for £13 6s 8d a year allowed to the vicar for his annual pension from that church; allowance to be made for any losses caused by war.

Date: Durham Martin 1379.

(Was 1.1.Sacr.23)

f.6v

1.1.Sacr.25.

f.6v

1.1.Sacr.26.

f.6v-7r

1.1.Sacr.27.

f.7r

1.1.Sacr.24.

f.7r 1 March 15th cent

Letter [by Ralph Neville, earl of Westmorland, to the prior of Durham] asking him not to proceed against the abbot of Blanchland in the matters over which the persons chosen by them failed to reach agreement in his presence on the day appointed until after consultations with the bishop of Durham and himself, and assuring him of the possibility of a settlement.

Date: Sheriff Hutton 1 March.

(Was 2.1.Sacr.1)

f.7r-v

2.1.Sacr.2(9).

f.7v

2.1.Sacr.2(6).

f.7v-8r

2.1.Sacr.2(7).

f.8r

2.1.Sacr.2(8).

f.8r-v

2.1.Sacr.2(5).

f.8v-9r

2.1.Sacr.2(3).

f.1r-94r

f.9r [14 December] 1349

Lease for 15 years, by William of Goldsborough sacrist of Durham, with the consent of the prior and convent of Durham, to William of Drifffield, rector of Holtby, of the manor of Holtby and all its demesne-land with common pasture, excepting the advowson of the church, incidents and other profits, for 16s. a year for the first 5 years beginning at Pentecost 1350, and 20s. a year for the other 10 years.

Date: Durham Monday after Lucy 1349.

(Was 2.1.Sacr.2 (?))

f.9r-v

2.1.Sacr.2(4).

f.9v

2.1.Sacr.2(10).

f.9v-10r

2.1.Sacr.2(1).

f.10r

2.1.Sacr.2(2).

f.10r-v 4 February [1467]

Memorandum of an inquest held 4 February 1466 [1467] at the parish church of Dinsdale on the value of its benefice etc. by the official of the archdeacon of Durham, specially delegated by Lawrence [Booth], bishop of Durham:- the jurors (listed in the margin) declared the prior and convent of Durham to be the patrons; the fruits of the church to amount to £8 3s. a year: glebe with manse, 54s. 4d.; tithes of lambs and wood, 36s.; dairy produce, 7s.; tithes of hay, 6s. 8d.; of apples and pears, 2s.; of linen and hemp, 2s.; of doves, 2s.; lenten tithes, 2s. 4d.; oblations, 2s.; tithes of piglets, geese and chickens, 2s.; of bees, 16d.; mill tithes, 13s. 4d.; rent for 2 bovates in Upper Middleton, 10s.; corn-tithes from the same, 18s., and from Stodhoe field; the pension of over [*vltā* for *xlta* cf. f.11v below ?] shillings due to the church of Durham to have been recovered against Adam Harwald, rector, before Edmund Howard, official of the bishop of Durham in the Galilee, Durham in 1344, but to have been reduced to 10s. because of the poverty of the benefice; Thomas Duffield, Thomas' predecessor [?], to have paid the prior 10s. and likewise Mr Adam Morland, his immediate priest [for predecessor ?]; the revenues sufficient for the payment of these 10s.; the archdeacon of Durham paid 2s. as synodals etc.; bread, wine and wax 2s. a year; the presentee legitimate, not otherwise beneficed and sufficiently literate.

(Was 3.1.Sacr.1)

Extracted in R. Surtees, *The History and Antiquities of the County Palatine of Durham*, vol. III (1823), p.239-240.

f.10v

3.1.Sacr.2.

f.10v-11r

3.1.Sacr.3.

f.11r

3.1.Sacr.5.

f.11r

3.1.Sacr.4.

f.1r-94r

f.11r-v

3.1.Sacr.6.

f.11v-12r 28 January [1333]

Notarial instrument recording that Mr John of Beckingham, official of the bishop of Durham, in the consistory court in the Galilee, Durham, had read judicial acts recorded by Robert de Schuthsworth, clerk of the Consistory Court register, and promulgated sentence: Session in Galilee, Durham, 5 Kal February 1332 [28 January 1333]. The prior and convent of Durham, by John of Barnard Castle, their proctor, plaintiffs, and Robert de Calne, rector of Dinsdale, defendant, over an annual pension of 40s. John of Barnard Castle, proctor of the prior and convent of Durham, sought restoration to them and the sacristy of Durham of an annual pension of 40s. from the church of Dinsdale and its rectors withheld for two years by Robert de Calne, rector, condemnation of Robert to payment of the pension and its arrears, and pronouncement of their right to the pension. Admitted by the defendant; full satisfaction for arrears alleged by the defendant and admitted by the plaintiffs. Day following fixed for sentence, for which the defendant appointed William of Watton as his proctor; sentence then sought on the same day, and the official gave sentence. Restoration to the prior and convent of Durham of the annual pension of 40s.; condemnation of Robert de Calne, rector of Dinsdale, to payment of the pension; and pronouncement of their right to the pension from the church of Dinsdale and its rectors.

Present: Mr William of Kelloe; William of Wales; John of Harlow; Robert of Fenrother.

Date: 28 January 1332.

Subscription: Hugh called Palmer of Corbridge, notary.

(Was 3.1.Sacr.7)

f.12r-v

3.1.Sacr.8.

f.12v

3.1.Sacr.10.

f.12v-13r

3.1.Sacr.9.

f.13r

3.1.Sacr.3*.

f.13r

3.1.Sacr.12.

f.13r

3.1.Sacr.13.

f.13r-v

3.1.Sacr.14.

f.13v

3.1.Sacr.15.

f.13v

3.1.Sacr.16.

f.13v

3.1.Sacr.17.

f.1r-94r

f.13v-14r

3.1.Sacr.18.

f.14r

3.1.Sacr.19.

f.14r

3.1.Sacr.20.

f.14r-15r

Copies of charters concerning Coney Street, York:-

f.14r

3.1.Pont.18.

f.14r-v

4.1.Sacr.13

f.14v

4.1.Sacr.35.

f.14v

4.1.Sacr.22.

f.14v

4.1.Sacr.38.

f.15r

4.1.Sacr.17.

f.15r

4.1.Sacr.31.

f.15r

4.1.Sacr.19.

f.15r

4.1.Sacr.41.

f.15v

4.1.Sacr.3.

f.15v-16v

4.1.Sacr.2.

f.16v

4.1.Sacr.4.

f.16v-17r

4.1.Sacr.5.

f.17r

4.1.Sacr.6.

f.17r-v

4.1.Sacr.7.

f.17v

4.1.Sacr.8.

f.1r-94r

f.17v-18r
4.1.Sacr.9.

f.18r
4.1.Sacr.10.

f.18r-v
4.1.Sacr.11a.

f.18v
4.1.Sacr.12.

f.18v-19r
4.1.Sacr.13.

f.19r
4.1.Sacr.14a.

f.19r
4.1.Sacr.15.

f.19r-v
4.1.Sacr.16.

f.19v
4.1.Sacr.17.

f.19v
4.1.Sacr.18.

f.19v-20r
4.1.Sacr.19.

f.20r
4.1.Sacr.22.

f.20r
As 4.1.Sacr.23.

f.20r-v
4.1.Sacr.24.

f.20v
4.1.Sacr.25.

f.20v
4.1.Sacr.26.

f.20v
4.1.Sacr.27.

f.21r [8 August 1294]

Appointment, by Richard of Kirkham, of Alan, rector of All Saints in Ousegate [York], German goldsmith and Thomas de Benig Burgess [*recte* of Beningbrough, cf. 4.1.Sacr.27], as his attorneys to give seisin to Thomas le Juvene of all the tenements in his charter to Thomas.

Date: Durham Sunday before Lawrence m. 22 Edward [! cf. 4.1.Sacr.27]

(Was 4.1. Sacr.28)

f.1r-94r

f.21r

Grant for a sum, by Agnes daughter of Robert of Hett, to Walter son of David of Darlington of her house between that once Bernard chaplain's and that once Henry Bene's, for 4s. 4d. a year to the altar of B.V.M. in St. Oswald's church Durham and its chaplain.

Witnesses: John of Malton, the prior of Durham's steward; Robert of Darlington; William son of Thomas; John of Catton; Simon de Roccesye; William Yekemund; Hugh Baker; John le Red; Patrick Gyk; Roger of Ferryhill.

Marginal caption identifies: (in the corner in Old Elvet)

(Not traced in Sacr. Rep. & Rntl.)

f.21r

4.1.Sacr.29b.

f.21r-v

4.1.Sacr.41.

f.21v

4.1.Sacr.31.

f.21v

4.1.Sacr.32.

f.21v-22r

4.1.Sacr.33.

f.22r

4.1.Sacr.34.

f.22r

4.1.Sacr.35.

f.22r

4.1.Sacr.36.

f.22r

4.1.Sacr.37. (endorsement)

f.22v

4.1.Sacr.37.

f.22v

4.1.Sacr.38.

f.22v-23r

4.1.Sacr.39.

f.23r

4.1.Sacr.40.

f.23r-24r [11 August 1488]

Assizes at York before John Fisher, and Leonard Knight, associate of John and of Roger Townshend, knight, royal justices of assize; Monday after Lawrence m. 3 Henry VII . Assize to determine whether William Burgeys chaplain disseised John [Auckland] prior of Durham of his free tenement in York, to the loss of 6s rent. William appeared, stating the tenement to be two messuages in York and denying having been the tenant or receiver of the rent on or after the date of writ for assize 7 June 3 [Henry VII] [1488], as he is ready to prove. The prior stated William to have been sole tenant on the date of the writ, and sought an inquest by assize; on title, stated Robert [Ebchester] his predecessor as prior, to have been seised of rent from the two messuages, through Alice Burgeys, then the tenant, like all his predecessors for time out of mind; the stated rent of 6s was unpaid for 5½ years before the writ and payment of the 33s was refused by William, as he is ready to prove. Assize delayed for want of jurors to Monday in 2nd week of Lent following [9 March 1489] but *sine die* because of the royal appointment of William Danvers and John Fisher as justices of assize; at the prior's request, the sheriff was ordered to proceed on 4 February 4 [Henry VII] [1489]. Monday in 2nd week of Lent the prior appeared by Thomas Danby, his attorney, and William Burgeys, in person, unable to deny the prior's title to the rent, that he was sole tenant of the free tenement of two messuages on the date of the writ, that the rent of 6s was prior's right, and that it was disseised by him. As suspicion of collusion to evade the statute against mortmain, and it was unknown what prior's right in rent was, how long it was in arrears or what damages had been sustained by the prior, the jurors stated Robert [Ebchester], the prior's predecessor, to have been seised of the rent, through Alice Burgeys, and his predecessors time out of mind, 5½ years to have elapsed between disseisin and the date of the writ, there was no collusion between the prior and William, and the prior's damages were to be 6s 8d for suit and £6 expenses. Judgement prior to recover seisin of rent, with £6 6s. 8d. for damages, of which the prior remitted 20s. (Also Sac. Rep. & Rntl. f.12r-13v).

f.24r

1.2.Sacr.1.

f.24r-v

1.2.Sacr.2.

f.24v

1.2.Sacr.3.

f.24v-25r

1.2.Sacr.4.

f.25r

1.2.Sacr.5l.

f.25r-v

1.2.Sacr.30.

f.25v

1.2.Sacr.5n.

f.25v-26r

1.2.Sacr 5e.

f.26r

1.2.Sacr.5j.

f.1r-94r

f.26r-v

1.2.Sacr.5h.

f.26v

1.2.Sacr.7.

f.26v

1.2.Sacr.5a.

f. 26v-27r

1.2.Sacr.5d.

f.27r

1.2.Sacr.5b.

f.27r

1.2.Sacr.5g.

f.27r-v

1.2.Sacr.5c.

f.27v

1.2.Sacr.5k.

f.27v

1.2.Sacr.5f.

f.27v-28r

1.2.Sacr.5m.

f.28r

1.2.Sacr.6d.

f.28r-v

1.2.Sacr.6h.

f.28v

1.2.Sacr.6a.

f.28v

1.2.Sacr.6c.

f.28v-29r

1.2.Sacr.6e.

f.29r

1.2.Sacr.6g.

f.29r-v

1.2.Sacr.6b.

f.29v

1.2.Sacr.6f.

f.29v

1.2.Sacr.8.

f.29v-30r

1.2.Sacr.9.

f.1r-94r

f.30r

1.2.Sacr.10.

f.30r-v

1.2.Sacr.11.

f.30v

1.2.Sacr.12.

f.30v

1.2.Sacr.13.

f.30v

1.2.Sacr.14.

f.30v-31r

1.2.Sacr.15.

f.31r

1.2.Sacr.17.

f.31r

1.2.Sacr.16.

f.31r-v

1.2.Sacr.18.

f.31v

1.2.Sacr.19, omitting the penultimate witness.

f.31v

1.2.Sacr.20.

f.31v

1.2.Sacr.21.

f.32r

1.2.Sacr.22.

f.32r

1.2.Sacr.23.

f.32r

1.2.Sacr.24.

f.32r-v

1.2.Sacr.25.

f.32v

1.2.Sacr.26.

f.32v-33r

1.2.Sacr.27, including endorsed memorandum.

f.33r

1.2.Sacr.28.

f.33r-v

1.2.Sacr.29.

f.1r-94r

f.33v
1.2.Sacr.31.
f.33v
1.2.Sacr.32.
f.33v-34r
1.2.Sacr.33.
f.34r
1.2.Sacr.34.
f.34r
1.2.Sacr.35.
f.34r-v
1.2.Sacr.36.
f.34v
1.2.Sacr.37.
f.34v-35r
1.2.Sacr.44.
f.35r
1.2.Sacr.45.
f.35r
1.2.Sacr.46.
f.35r
2.2.Sacr.1.
f.35r-v
2.2.Sacr.2.
f.35v
2.2.Sacr.3d.
f.35v-36r
2.2.Sacr.3a.
f.36r
2.2.Sacr.3e.
f.36r-v
2.2.Sacr.3b.
f.36v
2.2.Sacr.3f.
f.36v-37r
2.2.Sacr.3c.
f.37r
2.2.Sacr.4e.
f.37r-v
2.2.Sacr.5.

f.1r-94r

f.37v

2.2.Sacr.6.

f.37v

2.2.Sacr.7.

f.37v-38r

2.2.Sacr.9.

f.38r

2.2.Sacr.10.

f.38r

2.2.Sacr.8.

f.38r

2.2.Sacr.11.

f.38r-v

2.2.Sacr.12.

f.38v

2.2.Sacr.14.

f.38v

2.2.Sacr.13.

f.38v

2.2.Sacr.15.

f.39r

2.2.Sacr.21.

f.39r

2.2.Sacr.22.

f.39r

2.2.Sacr.23.

f.39r-v

2.2.Sacr.24.

f.39v

2.2.Sacr.25.

f.39v

2.2.Sacr.26.

f.39v-40r

2.2.Sacr.27.

f.40r

2.2.Sacr.4a.

f.40r-v

2.2.Sacr.4c.

f.40v

2.2.Sacr.4d.

f.1r-94r

f.40v-41r

2.2.Sacr.29.

f.41r

2.2.Sacr.32.

f.41r

2.2.Sacr.31.

f.41r-v

2.2.Sacr.33.

f.41v

2.2.Sacr.30.

f.41v

2.2.Sacr.34.

f.41v

2.2.Sacr.35.

f.42r

2.2.Sacr.36.

f.42r

2.2.Sacr.37.

f.42r

2.2.Sacr.28.

f.42r

2.2.Sacr.38a.

f.42r

2.2.Sacr.38b.

f.42r-v

2.2.Sacr.38c.

f.42v

2.2.Sacr.38d with an endorsed list of names.

f.42v

3.2.Sacr.1.

f.42v-43r

3.2.Sacr.2.

f.43r-v

3.2.Sacr.3 with a schedule.

f.43v

2.2.Sacr.4b.

f.43v-44r

3.2.Sacr.5.

f.44r

3.2.Sacr.4.

f.1r-94r

f.44r-v
3.2.Sacr.6.

f.44v
3.2.Sacr.7.

f.44v-45r
3.2.Sacr.8.

f.45r 31 March 1470

Lease for 15 years from Pentecost following, by Richard Blackburn sacrist of Durham, with the consent of the prior and convent of Durham, to Nicholas Dixon, of a newly built tenement in the North Bailey, Durham, once Robert Masham's, with two lead vessels: a *stepelede* and a *brewlede*, for 20s. a year beginning at Martinmas following.

Date: Durham 31 March 1470.

(Was one of 3.2.Sacr.9)

Extracted in: M.M. Camsell, "The Development of a Northern Town in the Later Middle Ages: the City of Durham, c.1250-1540 ", (York Univ. D.Phil. thesis 1985), p.540.

f.45r-v
3.2.Sacr.9b.

f.45v
3.2.Sacr.9a.

f.45v
3.2.Sacr.9g.

f.46r
3.2.Sacr.9d.

f.46r
3.2.Sacr.9f(a).

f.46r-v
3.2.Sacr.9e.

f.46v
3.2.Sacr.9c.

f.46v-47r
3.2.Sacr.9f(b).

f.47r
3.2.Sacr.10.

f.47r
3.2.Sacr.11.

f.47r-v
3.2.Sacr.12.

f.47v
3.2.Sacr.13.

f.47v-48r
3.2.Sacr.36.

f.1r-94r

f.48r

3.2.Sacr.14.

f.48r

3.2.Sacr.16.

f.48r-v

3.2.Sacr.15.

f.48v

3.2.Sacr.17.

f.48v

3.2.Sacr.18.

f.48v-49r

3.2.Sacr.19.

f.49r

3.2.Sacr.20.

f.49r

3.2.Sacr.21, with witnesses in the wrong order.

f.49r-v

3.2.Sacr.22.

f.49v

3.2.Sacr.23.

f.49v

3.2.Sacr.24.

f.49v-50r

3.2.Sacr.25.

f.50r

3.2.Sacr.26.

f.50r

3.2.Sacr.27.

f.50r

3.2.Sacr.28.

f.50r-v

3.2.Sacr.29, Yekemond for Yeland (line 2).

f.50v

3.2.Sacr.30.

f.50v

3.2.Sacr.31.

f.51r

Misc.Ch. 2526.

f.51r

As 3.2.Sacr.38b.

f.1r-94r

f.51r-v

3.2.Sacr.32, omitting the last witness' forename.

f.51v

3.2.Sacr.33.

f.51v

3.2.Sacr.34.

f.51v-52r

3.2.Sacr.35.

f.52r 16 April [1379]

Note of a writ to John de Lethom, chaplain, and John of Bamburgh, clerk, to hand over to John son of William Blagrys a toft in Durham held in fee by his kinsman, Odo of Crossgate, on his death.

Date etc.: 16 April 34 [Hatfield: cf. 1.2.Sacr.27]

(Not traced in Sacr. Rep. & Rntl.)

Extracted in: M.M. Camsell, "The Development of a Northern Town in the Later Middle Ages: the City of Durham, c.1250-1540 ", (York Univ. D.Phil. thesis 1985), p.27.

f.52r

3.2.Sacr.37.

f.52r-v

3.2.Sacr.39.

f.52v

3.2.Sacr.40.

f.52v

4.2.Sacr.1.

f.52*r

4.2.Sacr.2.

f.52*r

4.2.Sacr.3c.

f.52*r-v

4.2.Sacr.3e(a).

f.52*v

4.2.Sacr.3g.

f.52*v-53r

4.2.Sacr.3f.

f.53r

4.2.Sacr.3b.

f.53r

4.2.Sacr.3e(b).

f.53r-v

4.2.Sacr.3d.

f.53v-54r

4.2.Sacr.3a.

f.1r-94r

f.54r

Grant, by John Hundirmayster, to the sacrist of Durham, of Ralph son of Herbert of Picktree free with his offspring, manumitted to him for a sum by Thomas son of Robert of Herrington [see below] paying the sacrist 6d. or 1lb. wax a year.

Witnesses: Adam of Bradley; Richard Chaunceller; Geoffrey of Northampton; Walter Burges; Thomas of Derby; Richard of Kelsey.

(Not traced in Sacr. Rep. & Rntl.)

f.54r

Grant for a sum, by Thomas son of Robert son of Thomas of Herrington, to John Hundirmayster of Durham, of Ralph son of Herbert of Picktree, his neif, with his offspring.

Witnesses: Marmaduke son of Geoffrey; William Wasseth; Robert of East Herrington; William of Birtley; Robert of Urpeth; Geoffrey de Escolland; Walter of Pelaw; Henry of Lumley; Walter Pynsard; John his son; Richard son of Ralph.

(Not traced in Sacr. Rep. & Rntl.)

f.54r-v

4.2.Sacr.4.

f.54v

4.2.Sacr.5.

f.54v

4.2.Sacr.6b or 4.2.Sacr.6c.

f.55r

4.2.Sacr.6a.

f.55r

4.2.Sacr.29.

f.55r-v

4.2.Sacr.8.

f.55v

4.2.Sacr.9.

f.55v

4.2.Sacr.10.

f.55v

4.2.Sacr.11.

f.56r

4.2.Sacr.12.

f.56r

4.2.Sacr.13.

f.56v

4.2.Sacr.14.

f.56v

4.2.Sacr.15, omitting the 4th witness' forename.

f.56v-57r

4.2.Sacr.16.

f.1r-94r

f.57r
4.2.Sacr.17.

f.57r-v
4.2.Sacr.18.

f.57v
4.2.Sacr.19.

f.57v
4.2.Sacr.20.

f.57v-58r
4.2.Sacr.21.

f.58r
4.2.Sacr.23.

f.58r
4.2.Sacr.22.

f.58r-v
4.2.Sacr.24.

f.58v
4.2.Sacr.25.

f.58v-59r
4.2.Sacr.26.

f.59r
4.2.Sacr.28.

f.59r
4.2.Sacr.27.

f.59v
4.2.Sacr.7.

f.59v
4.2.Sacr.30.

f.59v-60r
4.2.Sacr.31.

f.60r
4.2.Sacr.32.

f.60r-v
4.2.Sacr.34.

f.60v

Grant for life, by Alan of Haydon, chaplain, and Thomas Ryhall, clerk, to Margaret, once the wife of John Bowman, of a tenement in Claypath (Durham) between that once Henry of Esh's and that once Richard of Cocken's.

Date: Durham.

(Not traced in Sacr. Rep. & Rntl.. Cf. 4.2.Sacr.23, dated 1410, copied f.58)

f.60v
1.3.Sacr.1.

f.1r-94r

f.60v-61r

1.3.Sacr.2.

f.61r

1.3.Sacr.3.

f.61r

1.3.Sacr.4.

f.61r

1.3.Sacr.6.

f.61r-v

1.3.Sacr.5(6).

f.61v

1.3.Sacr.5(3).

f.61v-62r

1.3.Sacr.5(7).

f.62r-v

1.3.Sacr.5(1).

f.62v

1.3.Sacr.5(2).

f.62v-63r

1.3.Sacr.5(8) with a schedule.

f.63r-v

1.3.Sacr.5(4).

f.63v

1.3.Sacr.7.

f.63v

1.3.Sacr.8.

f.63v-64r

1.3.Sacr.9.

f.64r

1.3.Sacr.10.

f.64r-v

1.3.Sacr.5(5).

f.64v

1.3.Sacr.12.

f.64v

1.3.Sacr.13.

f.65r

1.3.Sacr.14.

f.65r

1.3.Sacr.15.

f.1r-94r

f.65r-v

1.3.Sacr.16.

f.65v

1.3.Sacr.17.

f.65v

1.3.Sacr.18, omitting the recipient's forename.

f.65v-66r

1.3.Sacr.19.

f.66r

1.3.Sacr.20a or 1.3.Sacr.20b.

f.66r

1.3.Sacr.11.

f.66r-v

1.3.Sacr.22.

f.66v

1.3.Sacr.23.

f.66v 26 March [1476]

Lease for 20 years from Cuthbert in March last [20 March], by William Whelpdale, to Thomas Betilstane, of 3 waste burgages in South Street [Durham] forming a close called Wharell close between the sacrist of Durham's land and Robert Lewyn's land, for a sum paid in advance and a rose a year; Thomas to have a burgage inherited by William in South Street and held by William Milner in the event of his occupation of the close being obstructed; bond by William to pay Thomas £10 if the conditions of the lease are not observed.

Date: Durham 26 March 16 Edward IV.

(Not traced in Sacr. Rep. & Rntl.)

Language: English

Extracted in: M.M. Camsell, "The Development of a Northern Town in the Later Middle Ages: the City of Durham, c.1250-1540 ", (York Univ. D.Phil. thesis 1985), p.177.

f.67r

2.3.Sacr.1.

f.67r

2.3.Sacr.2.

f.67r

2.3.Sacr.5.

f.67v

2.3.Sacr.3.

f.67v

2.3.Sacr.4.

f.67v-68r

2.3.Sacr.6.

f.68r

2.3.Sacr.8.

f.1r-94r

f.68r-v

2.3.Sacr.7†j.

f.68v-69r

2.3.Sacr.7†o.

f.69r-v

2.3.Sacr.7†k.

f.69v-70r

2.3.Sacr.7†m.

f.70r-v

2.3.Sacr.7†h.

f.70v-71r

2.3.Sacr.7†n.

f.71r-v

2.3.Sacr.7†g.

f.71v-72r

2.3.Sacr.7*.

f.72r-v

2.3.Sacr.7†b.

f.72v

2.3.Sacr.7†c.

f.72v-73r

2.3.Sacr.7†f, with most alterations.

f.73r

2.3.Sacr.7†d.

f.73r-v

2.3.Sacr.7†l.

f.73v-74r

2.3.Sacr. 7†a.

f.74r

Grant, by Alice de Conyers, daughter and heir of Adam de Yeland, to Roger Bernard and Alice his wife, of the third part of the vill of Hoppyland held by her mother Cristiana as dower with Ayhope Shield above Bedburn, for 8d. a year to the Durham exchequer and a pair of gloves or 1d. to her.

Witnesses: Marmaduke son of Geoffrey, Richard de Yeland, Adam of Fulthorpe, Thomas of Whitworth, John of Hambledon; knights; Richard of Middleton, steward of Durham; Thomas de Amundeville; Simon de Turribus; Geoffrey of Northampton; Patrick of Redford. (Was 3.3 Sacr.16. Also copied in Sacr. Rep. & Rntl. f.15r)

Printed in H. Conyers Surtees, *The History of the Parishes of Hamsterley and Lynsack and Softley* (1926) p.4-5.

f.74r

2.3.Sacr.7.

f.74v [20 June] 1312

Grant, by William of Edmondsley, to the prior and convent of Durham, of all the land and meadows held by him of the bishop of Durham in Holmside under Sacriston Heugh in the wood of Chester[-le-Street], for 6s. 8d. a year to the bishop's exchequer.

Witnesses: William of Deanham; John of Birtley; William of Kilkenny; Godric of Newsham; William of Hebburn; John de Alderwood; William of Knitsley.

Date: Durham Tuesday before Nativity of John the Baptist 1312.

(Was 3.3.Sacr.1)

f.74v

3.3.Sacr.2.

f.74v-75r

3.3.Sacr.26.

f.75r-v

3.3.Sacr.30.

f.75v-76r

3.3.Sacr.29d.

f.76r 25 August [1434]

Lease for 90 years, by Thomas [Langley] bishop of Durham, to the prior and convent of Durham for the sacristy, of 20 acres of waste between the manors of Sacriston Heugh and Fulthorpe, and between the prior's meadow called *Tenacremeadowe* and the bishop's waste, with licence to hold in severality, for 4s. a year.

Date: Durham 25 August 29 [Langley].

Per manum: William Chancellor, bishop's chancellor.

(Was 3.3.Sacr.3)

f.76r-v

3.3.Sacr.5.

f.76v

3.3.Sacr.6.

f.76v-77r

3.3.Sacr.7.

f.77r

3.3.Sacr.8.

f.77r-v

3.3.Sacr.11*.

f.77v

3.3.Sacr.10.

f.77v-78r

3.3.Sacr.12.

f.78r-v

3.3.Sacr.13.

f.78v

3.3.Sacr.14a.

f.1r-94r

f.78v-79r

3.3.Sacr.14b, omitting a copy of 3.3.Sacr.10.

f.79r-v

3.3.Sacr.24.

f.79v-80r

3.3.Sacr.25, omitting a copy of 3.3. Sacr.10.

f.80r-v

3.3.Sacr.14c.

f.80v

3.3.Sacr.29c.

f.80v-81r [11 March 1494]

Quit-claim by final concord, by Richard Blytheman and Katherine his wife, one of the kinsmen and heirs of Roger Barnard, and Thomas Harper and Johanna his wife, the other kinsman and heir of Roger Barnard, to John Nesse, chaplain, and Roger Morland of a messuage called Ayhope Shield and 80 acres of land in Ayhope for £40.

Before: Guy Fairfax, knight, and John Vavasour, royal justices.

Date: royal court, Durham Tuesday in 5th week of Lent 9 Henry VII.

(Was 3.3. Sacr.19. Also copied in Sacr. Rep. & Rntl. f.15r-v)

Printed in H. Conyers Surtees, *The History of the Parish of Hamsterley and Lynesack and Softley* (1926) p.45.

f.81r 15 October [1441]

Halmote Court of Wolsingham, 15 October 4 Neville, before Mr Robert Beaumont clerk, John [Wessington], prior of Durham, took up a parcel of waste in Ayhope in Weardale estimated as 4 acres between the prior's shiel on the south and North Grain Beck on the north, to be held in severality for 40 years from Martinmas next, paying 6d a year.

Pledges: Thomas Stobbs and Thomas Clugh.

(Was 3.3.Sacr.18. Also copied in Sacr. Rep. & Rntl. f.15v)

f.81r [25 August 1434]

Lease for 90 years, by Thomas [Langley ? (cf. f.78r), bishop of Durham], to the prior and convent of Durham for the sacristy, of 40 acres of waste in Ayhope in Weardale in the South Grain and abutting on the prior and convent's shiel of Ayhope Shield, and of 10 acres of waste in Ayhope in the North Grain between the prior's shiel and North Grain Beck, with licence to hold in severality, for 4s. 10d. a year.

Date - [cf. f.76r (25 August 29 Langley)]

(Was 3.3.Sacr.17. Also copied in Sacr. Rep. & Rntl. f.15v-16r)

f.81r [18 December 1438]

[Consistory court] session in the Galilee, Durham, Thursday before Thomas ap. '38.

Case concerning illicit tree-felling at Sacriston Heugh.

(Not traced in Sacr. Rep. & Rntl.)

f.81v

4.3.Sacr.1.

f.81v

4.3.Sacr.2.

f.81v

4.3.Sacr.3.

f.1r-94r

f.81v-82r
4.3.Sacr.4a.

f.82r-v
4.3.Sacr.4c.

f.82v
4.3.Sacr.4d.

f.82v-83r [1 May] 1410

Bond, by William Ysope, vicar of Bywell St. Peter, and Richard Cowherd, to pay the prior and convent of Durham or their sacrist and communar £200, equally divided, at Candlemas and the Invention of the Cross following [2 February and 3 May 1411].
Date Ascension 1410.

Defeasance of the bond in the event of 24 marks, equally divided, being paid at Candlemas and the Invention of the Cross following, and the same on those feasts in each of the next two years [2 February and 3 May 1411, 1412 and 1413], and terms of certain indentures being fulfilled.

(Not traced in Sacr. Rep. & Rntl.)

f.83r
4.3.Sacr.4f.

f.83r
4.3.Sacr.4b.

f.83r-84r
4.3.Sacr.5.

f.84r-85r
4.3.Sacr.6.

f.85r-v
4.3.Sacr.4h.

f.85v
4.3.Sacr.4e.

f.85v-86r
4.3.Sacr.4g.

f.86r
4.3.Sacr.7.

f.86r-v
4.3.Sacr.8.

f.86v
4.3.Sacr.10.

f.86v
4.3.Sacr.9.

f.86v-87r
4.3.Sacr.11.

f.87r
4.3.Sacr.13b.

f.1r-94r

f.87r-v

4.3.Sacr.14.

f.87v

4.3.Sacr.15b.

f.87v [7 September] 1417

Receipt, by John [Wessington] prior of Durham, to Henry Percy earl of Northumberland, for 40s. paid at Warkworth by William of Lambton his receiver, due to the sacrist of Durham for an annual rent of 20s. from Warkworth mill for the two preceding years.

Date: Durham Vigil of Nativity of B.V.M. 1417.

(Not traced in Sacr. Rep. & Rntl.)

f.87v-88r

4.3.Sacr.16.

f.88r

4.3.Sacr.17a.

f.88r-v

4.3.Sacr.12.

f.88v

4.3.Sacr.19.

f.88v

4.3.Sacr.20.

f.88v-89r

Note of a writ to the sheriff of Durham to have Thomas Randson of le Heugh, Co. Durham, yeoman, John Wynschip of Kimblesworth, yeoman, John of Fishburn of Durham, tailor, Alexander of Swinton of Witton, yeoman, and Thomas Bickerton of Kimblesworth, yeoman, before the bishop's justices at Durham on Thursday before Matthew to answer John, prior of Durham, in his plea for £40 from each of them.

(Was 4.3.Sacr.21)

f.89r

Misc.Ch. 1220.

f.89r-v

4.3.Sacr.22a.

f.89v-90r

4.3.Sacr.22b.

f.90r-v

4.3.Sacr.25.

f.90v

4.3.Sacr.26.

f.90v-91r

4.3.Sacr.27 including endorsed section.

f.91r

4.3.Sacr.28.

f.91r-v

4.3.Sacr.29.

f.1r-94r

f.91v
4.3.Sacr.30.

f.91v-92r
4.3.Sacr.31.

f.92r
4.3.Sacr.32b.

f.92r
4.3.Sacr.32a.

f.92v
4.3.Sacr.32c.

f.92v
Note of the bounds of the parishes of Bywell St. Peter and Bywell St. Andrew.
(Was one of 4.3.Sacr.33)

f. 92v-93r
4.3.Sacr.34.

f.93r-v
4.3.Sacr.35.

f.93v 20 December [1349]
Grant on his death, by Ralph de Neville, lord of Raby, to the prior and convent of Durham, of a set of red velvet vestments bought from the executors of Richard of Bury, late bishop of Durham: a chasuble, an alb, an amice with apparels, a stole and maniple, two tunicles, a cope for the cantor, two frontal-cloths.
Date: Raby 20 December 23 Edward III.
(Was 4.3.Sacr.N2)

f.93v 26 April 1432
Appointment, by John [Wessington], prior of Durham, of John Walker, as his proctor etc. to collect alms, for the fabric of St. Cuthbert's church Durham, taking with him a silver and gilded cross having images of Christ, the Virgin Mary and John the Evangelist, a piece of the white cloth wrapped round St Cuthbert's body for 400 years, and a public instrument showing indulgences granted by popes, archbishops and bishops for those assisting with the fabric of the church of Durham.
Date: Durham 26 April 1432.
(Was 4.3.Sacr.O2)

f.93v-94r
4.3.Sacr.13a.

f.94r-131r

Whitworth tithes case

f.94r-119v

[Between f.94r and 119v there are no original marginal captions taken from the dorses of the documents copied here. It is possible therefore that these leaves contain a copy of a single compilation, with materials ranging in date from 1303 (f.115v-116r) to [1416 x 1440] (f.117v-118v). On the other hand the caption on f.94r is only appropriate to f.94r-109v. It is possible that f.109v-119v represent a single compilation, and it is certainly difficult at certain points to discern whether older documents are being recited in the context of later proceedings or should be treated as discrete items.]

f.94r-109v

Proceedings before the official of the bishop of Durham, between Mr Roger of Sleekburn, prebendary of the Byers in the collegiate church of Auckland, disputant, and the prior and convent of Durham, defendants.

12 November 1364

Galilee, Durham. Mr John of Darlington, proctor of the convent of Durham, proctor of Mr Roger of Sleekburn, produced the following certificate sealed by the dean of Christianity of Durham:

Mr John of Hackthorpe, proctor of the prior and convent, appeared.

Roger's proctor produced an allegation: Before the official of the bishop of Durham declaration by the proctor of Mr Roger of Sleekburn canon of Auckland and prebendary of the Byers against the prior and convent of Durham as owners of Whitworth parish church, that the prior and convent have deprived Roger of the tithes of the Old Park and the Byers field beside the Old Park on the east, asserting them to be in the parish of Whitworth, although within the prebend of the Byers with the tithes belonging to Roger and received by Mr John Wawayn, Walter of Lanchester, etc, his predecessors, as public known in the parishes of Auckland and Whitworth; and petition (f.95r) for sentence that the tithes belong to the prebend of the Byers and to Roger, and for restoration of possession.

Defendants were assigned the next consistory, 2 December, to reply.

Appointments of proctors, as follows:

3 November [1364]

Certificate by the dean of Christianity of Durham, to the official of the bishop of Durham, of citation in accordance with his mandate as follows.

Date: Durham 3 November said year.

[22 October] 1364

Mandate by the official of the bishop of Durham, to the dean of Christianity of Durham, to cite the prior and convent of Durham to appear before him in the Galilee, (f.94v) Durham, on Tuesday after Martin next [12 November 1364] as owners of the parish church of Whitworth, on account of the prosecution of Mr Roger of Sleekburn, canon of Auckland and prebendary of the Byers, over tithes from Old Park and certain demesne lands of Whitworth, claimed as belonging to his prebend; and to certify the citation. Date: Durham 11 Kal November 1364.

14 October 1364

Appointment, by Roger of Sleekburn, canon of collegiate church of St Andrew, Auckland, and prebendary of the Byers, of Mr John of Nesbit and Mr John of Darlington, as his proctors in all causes and in particular in his intended cause over tithes from the lands of Old Park and from parcels of the demesne lands of Whitworth against the prior and chapter and sacrist of Durham. (f.95v)

Sealed by the official of the bishop of Durham.

Date: Durham 14 October 1364.

24 December 1362

Appointment, by the prior and convent of Durham, of John of Hackthorpe, clerk, as their proctor in all causes. (f.96r)

Date: Chapter house, Durham 24 December 1362 .

Original: DCD Loc.XXI:50(2).

2 December [1364]

2 December year above, in the Galilee Durham.

The proctors of the parties appeared; the prior's proctor denied the truth of the allegation.

19 December was set for a further hearing.

19 December [1364]

19 December year above, in the Galilee, Durham.

The proctors of the parties appeared, and Roger's proctor presented articles: Articles set out by the proctor of Mr Roger of Sleekburn canon of Auckland and canon of the Byers in the case before the official of the bishop of Durham between Roger, disputant, and the prior and convent of Durham, defendants, as owners of the church of Whitworth, over corn tithes from the Old Park and the Byers on the east of Auckland park; to which replies were sought.

1. The prebend of the Byers, one of the prebends in the collegiate church of Auckland, held by Roger, and having set bounds. Defendants' proctor (f.96v) denied the set bounds.

2. The Old Park and the Byers were within the bounds of the prebend of the Byers from its foundation. Denied.

3. All corn tithes from these places were received by Manucerus Marmeon, Walter of Lanchester and Roger's other predecessors until the time of Roger de Blamyre, his immediate predecessor. Denied.

4. Tithes had been received by the monks by reason of their church of Whitworth for 7 years, depriving the prebend. Spoliation denied.

5. Premises were public knowledge in Durham and the vicinity. Denied.

7 January was set for a further hearing.

28 January [1365]

28 January year above, in the Galilee, Durham.

The proctors to the parties appeared; the prior and convent's proctor presented articles:

Articles set out by the proctor of the prior and convent of Durham, owners of Whitworth parish church, in the case prosecuted against them before the official of the bishop of Durham by Mr Roger of Sleekburn, prebendary of the Byers in the collegiate church of St Andrew Auckland over the tithes from the Old Park and the Byers, to which replies were sought:

1. The one parish church of Whitworth in the vill of Whitworth and owned by the prior and convent of Durham time out of mind. Agreed by the disputant's proctor.
 2. The parish of Whitworth based on the undivided domain of Whitworth, (f.97v) and originally included the whole domain. Denied.
 3. The Old Park on the east side of Auckland park and the Byers field on the east of the Old Park formed part of the domain of Whitworth when the parish of Whitworth was established and in the time of Hugh [of Le Puiset] bishop of Durham and of the lords of Whitworth, until alienated to Philip [of Poitou] bishop of Durham by Thomas of Aycliffe lord of Whitworth. Denied.
 4. The bounds of the undivided domain and parish of Whitworth: on the west, from the *Warynergap* in the nearer ditch enclosing Auckland park towards Whitworth to *Hilderburn* otherwise known as *Fowlpathburn* and down *Hilderburn* to the *Wear*, previously through [see f.106r] Richard of Old Park's meadow; on the south, from the *Warynergap* east along *Gellersdyk*, the southern boundary of the parish of Whitworth and of the domain of Whitworth before the alienation, to the *Preourdyk* east to *Wormedenborn* and down *Wormedenborn* to the *Wear* on the east of the parish and domain of Whitworth; on the north, along the *Wear* from *Fowlpathburn* to *Wormedenburn*. Old Park and the Byers field within these bounds, were alienated by Thomas of Aycliffe to Philip [of Poitou] bishop of Durham, lord of Whitworth, from his domain after the establishment of the parish of Whitworth, but were still in the parish. Denied.
 5. The Old Park and the Byers in the parish of Whitworth from time out of mind. Denied.
 6. Monks peacefully received all the corn tithes from the Old Park and the Byers from time out of mind until (f.98r) this action. Denied.
 7. Premises public knowledge in the parish of Whitworth and the vicinity. Denied.
- 17 February was set for a further hearing.

17 February [1365]

17 February year above in the Galilee, Durham.

The proctors of the parties appeared; the defendants' proctor produced a charter of Philip [of Poitou], bishop of Durham, recited: As Misc.Ch. 6459.

10 March was set for a further hearing.

10 March [1365]

10 March year above in the Galilee, Durham.

The proctors of the parties appeared; Roger's proctor produced Richard Tod, John Emryman, Thomas Shepherd, William Tod, John Milner, Adam Hudson and William Porter of the Byers; the monks' proctor produced Robert son of Richard of Kirk Merrington, John son of Richard of Merrington of Windlestone, Richard of the Park, Thomas son of John of (f.98v) Merrington, Thomas of Ferryhill, William of Whitworth, Richard Skepper, Thomas Cowhird, John son of Hugh.

19 March was set for the publication of testimony.

21 March [1365]

(f.102v) 21 March year above [1365], in Galilee Durham.

The proctors of the parties appeared; the next day was fixed for sentence.

22 March [1365]

22 March year above in the Galilee, Durham.

The proctors of the parties (f.103r) appeared; sentence was given:

Sentence, by the official of the bishop of Durham, in the case between Mr Roger of Sleekburn, canon of the collegiate church of Auckland and prebendary of the Byers, disputant, by his proctor, Mr John of Darlington, and the prior and convent of Durham, owners of the parish church of Whitworth, defendants, by their proctor, Mr John of Hackthorpe, on the disputant's allegation:

As f.94v-95r above (f.103v) and the defendants' counter:

As f.96v-97r above (f.104r) with witnesses, produced by both parties, finding Roger failing to prove his contention, and the prior and convent proving the Old Park and the Byers to be within the parish of their church of Whitworth and the tithes to be in their possession, that the prior and convent should suffer no further disturbance from the prebendary over those tithes.

Present: Richard Talbot, rector of Dinsdale; John of Sweethope; William of Esh; Gilbert of Holland, clerks.

Subscription: Roger of Catterick, York diocese, notary, on the mandate of Mr William of Farnham, official of the bishop of Durham.

(f.104v-105v) Examination, by the official of the bishop of Durham, of the witnesses of Mr Roger of Sleekburn, prebendary of the Byers in the collegiate church of Auckland, against the prior and convent of Durham, over tithes from the Old Park and Byers field by Auckland park, in the consistory court Durham, 16 [March, see f.98r-v above] 1364 [1365] on articles as f.96r-v above:

Richard Todd, almost 60, only at the Byers for last nine years; prior and convent of Durham said by those at the Byers to have always been in possession of the tithes from the Old Park and the Byers and to have received them except when disturbed by Mr John Wawayn as prebendary of the Byers; unable to say if Mr John Wawayn received tithe; during his nine years at the Byers, corn tithes received by the monks, but hay tithe by the dean of Auckland; public report in the vill of the Byers that the corn tithes belong to the church of Whitworth and so to the monks.

John Emryman, 40 and more, at the vill of the Byers from birth: prebend of the Byers in the church of Auckland having a portion in each vill of the parish of Auckland and simply from 4 acres in the vill and fields of the Byers, and so without fixed bounds; the prior & convent peacefully received all corn tithes from the Old Park and the Byers for the previous 16 years; Mr John Wawayn received part of the tithes each year, but this was contested by the monks and he received no part peacefully; strife was said by his father and other older men in the vill of the Byers to have occurred between the monks and the prebendaries over the tithes except in the last 16 years; unable to say in which parish the Old Park and the Byers.

Thomas Shepherd, 30 and more, in the vill of the Byers from birth: the monks peacefully received all corn tithes from the Old Park and the Byers since before the battle at Durham 18 years before [Neville's Cross, 1346], but previously there was contention over them between the prebendaries and the monks, each receiving a part with strife; unable to say whether the Old Park and the Byers were part of the prebend or the church of Whitworth.

William Tod, 38 and more, only at the vill of Byers for 3 years: during the previous 3 years corn tithes were peacefully received by the monks and none by the prebendaries; places were said by the natives of the Byers and Whitworth to have been part of the domain and parish of Whitworth in former times; in his knowledge

tithes were going to Whitworth church, except hay tithe, received by the dean of Auckland, places part of the parish of Whitworth and the corn tithes belonging to the church of Whitworth.

John Milner, almost 40, born in the vill of the Byers: unable to say about bounds of the prebend of Byers in the collegiate church of Auckland; in his knowledge the prior and convent received the corn tithes; unable to say about the time of Manucerus Marmeoun, Walter Lanchester and their predecessors as prebends; unable to say in which parish the Old Park and the Byers were situated; their corn tithes always going to the church of Whitworth.

Adam son of Hugh, 24 and more: unable to say whether the prebend of the Byers in the church of Auckland was having any fixed bounds; in his time corn tithes were always going to the church of Whitworth; tithe said by his father and his elders born in the vill of Whitworth to have gone to the church of Whitworth and not to the prebend of the Byers, although frequently contested between the prior and convent of Durham and the prebendaries; tithes always sold by monks and part received, sometimes three or four sheaves; in his time tithes peacefully received by monks; always told that tithe belonging to the church of Whitworth.

William Porter, 30 and more, born in the vill of the Byers: unable to state all bounds of the prebend of Byers in the church of Auckland; in his time corn tithes going to the church of Whitworth and the prior and convent of Durham; corn tithe of half the Old Park was always peacefully received by the monks, but from other part in dispute between the prebendaries and the monks; in his time the entire tithes were peacefully received by the monks.

(f.105v-109v) Examination, by the official of the bishop of Durham, of the witnesses of the prior and convent of Durham, owners of the church of Whitworth, against Mr Roger of Sleekburn, prebendary of the Byers in the collegiate church of Auckland, over corn tithes from the Old Park and the Byers field, 16 Kal. April 1364 [17 March 1365], on articles as f.97r-98r above:

Robert son of Richard of Kirk Merrington, 50 and more, not bribed, indifferent to the outcome, not servile, a tenant of the prior and convent in the vill of Merrington: the one church of Whitworth owned from time out of mind by the prior and convent of Durham; the church of Whitworth and its parish were established on the undivided domain of the vill of Whitworth long before the time of Thomas of Aycliffe, lord of Whitworth; the whole domain included in the bounds of parish: on the west, down the burn from the *Warnergapp* into the fish pond, through the fish pond and down *Hilderburne*, otherwise known as *Fowlpathburne*, through Richard of the Park's meadow, into the Wear; on the north, along the Wear from *Fowlpathburn* to *Wormedenburn*; on the south, east along the *Priourdik* from the *Warnergapp* to *Wormedenburn*, and on the east, down *Wormedenburn* to the Wear; the Old Park and the Byers field well known to be within the bounds of the parish, belonging to the domain of Whitworth when the parish was established and until alienated to Philip [of Poitou] bishop of Durham by Thomas of Aycliffe, lord of Whitworth, as in the bishop's charter and well known in the parish of Whitworth and the vicinity, but without prejudice to the church of Whitworth; the monks were in peaceful possession of the corn tithe since the first plague [1349], but previously tithes were in dispute between parties, so neither was receiving them peacefully.

John son of Richard of Merrington of Windleston, 40, not bribed, not their tenant, free, indifferent to the outcome: the one church of Whitworth was long owned by the prior and convent of Durham; same bounds as given by Robert son of Richard; the Old Park and the Byers field within those bounds; tithes were said always to be in the possession of the prior and convent.

Thomas son of John of Merrington, 40: the one church of Whitworth owned from time out of mind by the prior and convent of Durham; the church of Whitworth and its parish were established on the individual domain of Whitworth long before the time of Thomas of Whitworth, lord of Whitworth, who alienated the Old Park and the Byers field to Philip [of Poitou] bishop of Durham: Thomas of Aycliffe forfeited the vill of Whitworth with its domain, and, having therefore been seised by Philip or his predecessor, as bishop of Durham, received back the vill and its domain, releasing to Bishop Philip the Old Park and the Byers field; the Old Park and the Byers field were well known to be within the bounds of the parish of Whitworth; the prior and convent are in peaceful possession of corn tithes since before first plague [1349]; there was previously said to have been a dispute between the prior and convent and the prebendaries, so that each party received tithes in part, but not peacefully. Examination by the official of the bishop of Durham of the witnesses of the prior and convent of Durham, 16 March 1364 [1365]:

Thomas of Ferryhill, 60, in the vill of Whitworth since the king was at Stanhope against the Scots 38 years before [1327], indifferent to the outcome, tenant of the sacrist of Durham for 12 acres, but not his domicile: the whole corn tithe was peacefully received by prior and convent of Durham since the first plague 16 years before [1349]; in all his time corn tithe from Holly field, in the Old Park, was peacefully received by the prior and convent; before the first plague corn tithe from the other part of the Old Park and the Byers field was in dispute between the monks and the prebendaries and neither party was in peaceful possession but the monks retained possession in part each year; monks received part of the tithes and maintained possession during the time of Mr John Wawayn; the Old Park and the Byers in the domain of Whitworth and its parish at the establishment of the church and parish of Whitworth until alienated to Philip [of Poitou] bishop of Durham by Thomas of Aycliffe, lord of Whitworth, as shown to him from Bishop Philip's charter and as deemed by the local jury viewing the bounds of the parish of Whitworth 17 years before, when Walter of Lanchester prebendary, after Thomas [Hatfield] bishop of Durham's writ for the fourth part of the prebend against the prior and convent of Durham over tithe from the places in question, abandoned by the bishop because places declared by the jury to be in and of the parish of Whitworth; the Old Park and the Byers were within the bounds of the parish of Whitworth:- on the west, from the *Warnergapp* in the nearer ditch enclosing Auckland park to *Hilderdenburn*, otherwise known as *Fowlpathburn* and down *Hilderdenburn*, previously through Richard of the Park's meadow, to the Wear; on the north along the Wear from *Fowlpathburn* to *Wormedenburn*; up *Wormedenburn*, dividing the parish and domain of Whitworth from the domain of Tudhoe, to the *Priowidik* and along that ditch, dividing the prior's domain on the south from the parish of Whitworth, to the *Warnergapp*; the Old Park and the Byers field were well known to be within the parish of Whitworth and alienated by Thomas of Aycliffe, lord of Whitworth, from Gellirdik on the east to the fish pond by Auckland park and *Fowlpathburn*.

William of Whitworth, 30, indifferent to the outcome, not bribed, not a tenant or servant of the prior and convent: in his memory all corn tithes from the Old Park and the Byers were peacefully received by the prior and convent of Durham as owners of the one church of Whitworth; Old Park and the Byers field were within the bounds of the parish of Whitworth:- from the *Warnergappe* in the older ditch of Auckland park east along *Priourdik* to and down *Wormedenburn* to the Wear; on the west, from the *Warnergapp* down *Fowlpathburn* through Richard of the Park's meadow to the Wear; on the north along the Wear to *Wormedenburn*; on a question of the identity of *Fowlpathburn* and *Hidderburn*, the only burn there from the fish pond [cf. f.101r], was always called *Fowlepathburn*; the Old Park and the Byers field were well known to be in and of the parish of Whitworth and within stated bounds.

Richard Skepper, 40 and much more: all his time in the vill of Whitworth the whole corn tithe of places in question was peacefully received by the prior and convent of Durham in the name of their church of Whitworth.

Thomas Tudhoe, 30 and more, not bribed, free, indifferent to the outcome: since the first plague 16 years before [1349] the whole corn tithe of the places in question was peacefully received by the prior and convent of Durham in the name of their church of Whitworth; the Old Park and the Byers field in and of the parish of Whitworth and within its bounds:- on the west, from the *Warnergappe* in the ditch of Auckland park nearer to Whitworth to the fish pond and thence down *Fowlpathburn* through Richard of the Park's meadow to the Wear, *Fowlpathburn* and *Hilderdenburn*, being the same and the only burn there, from the fish pond; on the north along the Wear from *Fowlepathburn* to *Wormedenburn*; from the *Warnergappe* along the *Priourdik* to *Wormedenburn* and down *Wormedenburn* to the Wear; the Old Park and the Byers field were well known to be within these bounds, and in and of the parish of Whitworth; the corn tithe was said to have been in dispute between the prior and convent and Mr John Wawayn, but the prior and convent continued in possession. Examination by the official of the bishop of Durham of a witness of the prior and convent, 19 March 1364 [1365]:

John son of Hugh, 60 and more, born in the vill of Whitworth, free, not bribed, indifferent to outcome: the one church of Whitworth was owned from time out of mind by the prior and convent of Durham; the church and parish of Whitworth was established in the undivided and ancient domain of the vill of Whitworth, and included it, with bounds:- from the *Warnergappe* at the west end of the *Priourdik* by Auckland park north to the fish pond and thence north down *Fowlepathburn*, otherwise called *Hilderdenburn*, previously through Richard de le Park's meadow to the Wear; on the north along the Wear east to *Wormedenburn*; on the south, from the *Warnergappe* east straight along the *Priourdik* to *Wormedenburne*; down *Wormedenburne*; the parish of Whitworth having these bounds all his time and in memory according to his seniors born there; the undivided domain of Whitworth having these bounds until Thomas of Aycliffe, lord of Whitworth, said to have alienated a hundred years after the establishment of the parish the Old Park and the Byers field on the east of the Old Park to Philip [of Poitou] bishop of Durham without prejudicing the parish's right there; the Old Park and the Byers field within the bounds and in and of the parish of Whitworth from time out of mind; William, clerk of Whitworth, died in the first plague [1349], peacefully received tithes of doves from the Old Park and its dove-cot; whole corn tithe were always peacefully received by the prior and convent of Durham from the greater part of the Old Park alienated by Thomas of Aycliffe, the part to the north of the old road through the middle of the Old Park, assarted and brought into cultivation of old before the time of Antony [Bek] bishop [of Durham]; all corn tithe was peacefully received by the prior and convent since the first plague [1349] from the Old Park and from the Byers field on the east of the Old Park, part of Old Park at the time of the alienation put at farm when brought into cultivation from being wood to the tenants of the Byers, and hence called the Byers field; tithe from the part of the Old Park south of the old road through the Old Park containing the manor of the Old Park, held by William of Kelloe, and the Byers field disputed before the first plague 16 years before [1349] between the prior and convent and the prebendary of the Byers with force of arms, but possession of their tithes always held by the prior and convent although frequently disturbed; bounds of the Old Park alienated by Thomas of Aycliffe:- along the *Rughdik* beside the Whitworth road east of the Byers field and along the prior's ditch from the *Rughdik* south of the Old Park to the *Warnergapp*, thence to the fish pond, and along *Fowlpathburn* west of the Old Park to its confluence with Ollekburn, and on the north of the Old Park, Ollekburn and the west end of the Old Park ditch; the premises are public knowledge in the parish of Whitworth and the vicinity.

f.109v 4 December [1346]

Writ, by Thomas [Hatfield], bishop of Durham, to the sheriff of Durham, summoning John [Fossor], prior of Durham before Thomas of Metham, William Basset, Thomas of Seaton, Roger of Blakeston and Peter of Richmond, unless the advowry of the tithes of a third part of the prebend of the Byers in the church of St Andrew Auckland is restored to the bishop.

Date: Durham 4 December 2 [Hatfield].

Per manum: John Pulhore, bishop's clerk.

f.109v [24 July 1347 or 1352, 1358, 1369, 1375, 1380]

[Proceedings before the justices] in Durham, [*temp.* Thomas Hatfield, bishop of Durham ?1347].

The bishop [of Durham], by Henry of Hett, claimed against John [Fossor], prior of Durham, the advowry of the tithes of a third part of the prebend of the Byers in the church of St Andrew Auckland as the right of his church of Durham, Richard of Bury, bishop of Durham, having been seised of the advowson of the whole prebend in the fee and right of his church, and having collated it to Mr Thomas Lestine his clerk who took profits in tithes and other ecclesiastical revenues to the value etc. The prior [of Durham], by Ralph of Settrington his attorney, claimed a view.

Day given: Tuesday, vigil of James .

f.109v-110r

Version of pleading by John [Fossor], prior of Durham, as f.110r below.

Language: French

f.110r [17 September 1347]

Pleas at Durham before Thomas of Metham and his colleagues, justices of the bishop [of Durham], Monday before Matthew 3 [Hatfield] .

The bishop [of Durham], by Richard of Barnard Castle, claimed against John [Fossor], prior of Durham, the advowry of the tithes of a third part of the prebend of the Byers in the church of St Andrew Auckland as the right of his church of Durham, Richard of Bury, bishop of Durham, having been seised of the advowson of the whole prebend in the fee and right of his church, and having collated it to Mr Thomas Lestine his clerk who took profits in tithes and other ecclesiastical revenues to the value etc. The prior [of Durham], by Richard of Settrington his attorney, defended his right, holding the tithe claimed by the bishop as the advowry of the tithes of a fourth part of his church of St Cuthbert of Whitworth, owned by the priors from time out of mind, and put himself on a jury, in place of the bishop's grand assize.

Ordered that 12 on Wednesday, day after Circumcision [2 January 1348] etc, etc.

Tuesday in Easter week 4 [Hatfield] [14 April 1449] No prosecution for bishop; prior *sine die*.

f.110r-112r

Evidence for the right of the prior [of Durham] [to the advowry of the tithes of a fourth part of his church of Whitworth. c.1346-8], citing the charter, lease and assignment below. In examining the case between the bishop and the prior over the tithes of the Old Park near Whitworth the actions of Antony [Bek] bishop of Durham are to be passed over, as under suspicion of being opposed to the Chapter [of Durham]. The church of Whitworth was established with the consent of the bishop and chapter in time out of mind by the antecessors of the lords of Whitworth as the parish church of that vill, and granted as glebe one messuage in the vill of Whitworth and 12 acres in its field, with the parish bounds as the bounds of the domain of Whitworth:- on the west from *Warenergappe* by Auckland park to the Wear down the stream to the bishop's fish pond and thence to Richard of the Park's meadow and of old through that meadow; on the south from the *Warnergappe* along the great ditch dividing the domains of the bishop and the prior east to the dene dividing the domains of Whitworth and Tudhoe; and down the stream to the Wear. These bounds divide the parish of Whitworth from the parishes of Brancepeth, Merrington and Auckland. The vill of Whitworth was held from time out of mind from the bishop by drengage service until Philip [of Poitou] bishop of Durham and Thomas of Aycliffe lord of Whitworth when seised by the bishop for failure of service, and the land and wood from the ditch of the old park to the fish pond towards Auckland quit-claimed to the bishop by Thomas to have his vill again, also giving 120 marks to change the drengage service into the service of a quarter of a knight's fee. The Old Park was not renounced by the prior of Durham or the chapter and remained in the parish of Whitworth; the prior always peacefully received tithes of the meadow by the Wear demised by the bishops to Geoffrey of the Park, now held by Richard of the Park, as the *Fulpethburn* ran down from the fish pond of old through that meadow. The prior always peacefully received tithe from 80 acres of land in Old Park on the east of *Foulpethburn* put at farm by bishops to their tenants at the Byers. The prior peacefully received tithe from the iron mines established by the bishop on the site of the manor of the Old Park, according to Richard of the Park, father of Richard of the Park. To transfer the tithe from the church of Whitworth to the church of Auckland the mine moved to the west of the *Foulpethburn* on Walter of Greenwell's land by its master, supposing the *Fulpethburn* running down from the fish pond to be the boundary of the two parishes.

The sacrists [of Durham] were in peaceful possession of tithes from the increase of stock from that place after it was changed to pasture until the land was demised to William of Kelloe in 1278 by Robert of Holy Island, bishop of Durham, in whose time the prior was in peaceful possession of William's tithes, and so the prebendary was made to cease disturbing the prior by William's brother, Richard Kellawe, bishop of Durham. The church of Whitworth with assarts was put at farm in 1291 for ten years by the prior of Durham, reserving William of Kelloe's tithes and tithes from newly broken lands in that place [f.120r-v below]. To be divided if the bishop was able on his own authority without process of law to expel the prior from his right, of which his predecessors were seised from time out of mind, and to assign it to another church or prebend.

The prior of Durham took the case and appealed to the court of Rome when Antony [Bek, bishop of Durham]'s assignment was known and was found right in all his complaints before the pope, the king of England and the royal justices of Durham; when Bek died, the case was left undecided. Antony's successor as bishop of Durham, Richard Kellawe, knowing the prior and chapter's right to the tithes, made the prebendary renounce his right for his time, but he was prevented by death from establishing a permanent solution.

The successful progress of the prior's appeal and that bishop's good faith were sufficient for the case to be decided for the prior and convent.

Sentence that the prior and convent possessed by sufficient title the church of Whitworth with its appurtenances and fruits was confirmed by Louis [Beaumont] bishop of Durham, [3.6.Pont.12] and was ratified by Richard of Bury, [bishop of Durham] [4.6.Pont.1; RAB pp 180-3], the prior being in possession through John of Howden, his fellow monk, who sold the tithes and received cash by William Lyll. The present bishop corroborated his predecessor's actions [4.6.Pont.9], the prior being seised through his sacrist fully receiving the fruits.

Since the place belonged of old to the domain of the vill when the church was established as one close, one severality with one name:- the Old Park; and since the priors of Durham peacefully received from time out of mind the tithe from Richard of the Park's meadow and from 80 acres of land there, they are to be judged why they should be deprived of the residue, in their possession under six bishops, and, from the iron and the increase of animals, from time out of mind.

f.110r-112r

Charter of Philip [of Poitou], bishop of Durham, as Misc.Ch. 6459;

f.110r-112r

Lease, as f.120r-v below;

f.110r-112r [2 December] 1286

Assignment by letters patent, by Antony [Bek], bishop of Durham, to Mr Adam of Brampton, precentor of Lincoln, for the prebend of Auckland collated to him by Robert of Holy Island [bishop of Durham], of the greater tithes from the lands by the old park of Auckland granted to William of Kelloe by Robert of Holy Island, from the land by the vill of Byers in which the sacrist of Durham is said to have sold his right, and from wastes, now or subsequently under cultivation, of the bishop's domain of Coundon, and during his tenure of the prebend of £10 a year from the dean of the church of Auckland; decreeing that a chaplain of the B.V.M. should be provided to celebrate daily at her altar, newly built in the church of Auckland and to attend the canonical hours and high mass.

Date: Dover 4 Non December 1286.

Another copy in DCD Misc.Ch. 5.

Printed in *Records of Antony Bek*, ed C.M. Fraser (Surtees Society 162, 1953), p.9-10.

f.112r [c.1346 - 1348]

[Objections to the claim by the bishop of Durham to the advowry of the tithes of a third part of the prebend of the Byers in the church of St Andrew Auckland]:

Since the advowson of a prebend or church is perpetual and the bishop is only able to create one with the consent of the chapter, the assignment of those tithes to that prebend by Antony [Bek, bishop of Durham] is null, as chapter never consented to his ordinance. William of Kelloe's field with the manor in, and not by, the Old Park is not contained in the ordinance, and so is not belonging to the prebend; William of Kelloe's land by, and not in, the Old Park is mentioned specifically in the assignment by Antony [Bek, bishop of Durham] and so William of Kelloe's land is not belonging to the prebend, nor the residue, cultivated by the tenants of the Byers, as brought into cultivation in Antony's time, but after the ordinance, and nothing uncultivated is contained in it except from the demesnes of Coundon. The ordinance is defective since there is no express mention of three places near the vill of Byers in which sacrists of Durham sold tithes from time out of mind. Thomas Lestine [prebendary of the Byers] did not, as stated, take profits from any of the tithes in dispute.

f.112v-113r [c.1347 - 1348]

[Counter to the claim by the bishop of Durham to the advowry of the tithes of a third part of the prebend of the Byers in the church of St Andrew Auckland]:

According to public report sacrists of Durham peacefully received the tithe of iron from the Old Park in the parish of Whitworth from time out of mind; to transfer the tithe from the church of Whitworth to the church of Auckland, the mine was moved to the west of the *Fulpethburn* on Walter Greenwell's land by its master, supposing the stream to be the boundary of the two parishes and so giving his tithe to the church of Auckland.

Sacrists were in peaceful possession of tithes from that place after its conversion to plain untilled land, demised to William of Kelloe by R[obert] of Holy Island, bishop of Durham, in 1278. The sacrist continued in peaceful possession of tithes of corn etc until disturbed by Antony [Bek, bishop of Durham] over which the prior took the case and appealed to the Court of Rome [f.116r-v below] where he died with the case undecided; from then sacrists took those tithes, always in part, and even *in toto* unless obstructed by force.

The prior and convent of Durham's possession of the church of Whitworth among other churches owned by them was agreed in 1325 by Louis [Beaumont] bishop of Durham with the pronouncement of their possession of that church and its fruits together with others being confirmed by him [3.6.Pont.12] and by R[ichard] of Bury [bishop of Durham] [4.6.Pont.1, RAB pp.180-183] and corroborated by Thomas [Hatfield], the present bishop of Durham, [4.6.Pont.9], with the prior and convent of Durham in peaceful possession. The bishop's sphere of competence therefore is limited by the pronouncement and confirmations if, as shown by further evidence, the prior took those tithes from of old. Mention was made by Antony [Bek] bishop [of Durham] in assigning those tithes to a prebendary of Auckland in 1286 that the sacrist of Durham sold them, according to a letter provided by Mr John Maudit from the registers of the church of Auckland [? Misc.Ch. 5; cf. ff.110v-111r above]. So presumably he previously took what he was selling.

The prior of Durham was in peaceful possession from time out of mind of tithe from all land under cultivation of old in the Old Park within bounds claimed for his parish church of Whitworth, and this land is not divided by fee, domain, etc from the new assarts, the tithes of which is in dispute. So as the former tithes are belonging to the sacrist, so also are the latter.

The sacrist of Durham put the church of Whitworth at farm, 56 years before, in 1291, reserving William of Kelloe's tithes [f.120r-v below]. So the sacrist believed that these tithes belonged to him.

The prior peacefully received from time out of mind the tithe from Richard of Park's meadow in Byers field on the Auckland side of *Fulpethburn* in accordance with the old course of the stream. So the old stream was the boundary of the parishes.

Richard of the Park and John son of Walter of Byers were willing to swear that the former's father, Richard of the Park, often stated that iron mines in the woods of the Old Park, now under cultivation, and their tithe was always paid to the church of Whitworth, when he was 30, 87 years before, ten years having elapsed since his death at 107. So the prior was in possession of the tithe of iron there for 26 years before the prebendary [of the Byers] had a tithe to claim the corn tithes there, according to the date of the ordinance of that prebend in the copy provided by Mr John Maudit [? Misc.Ch. 5; cf. f.110v-111r above].

The bounds stated by the prior for the parish of his church of Whitworth divide the fees of the bishop [of Durham], the prior [of Durham], and the lords of Brancepeth and Whitworth, agreeing with the bounds dividing the parishes of Auckland, Whitworth,

Merrington and Brancepeth. The boundary of the parish of Whitworth stated by the prebendary [of the Byers] divides no fee, running through the lands of the tenants of the Byers and not agreeing at all with the bounds of the other churches.

Mention was made in the ordinance by Antony [Bek], bishop [of Durham] of tithes from William of Kelloe's lands by the Old Park, not in the Old Park. As the lands in question are well known to be in the Old Park, not by it, so there is no title thereby to sell those tithes.

Chapter never gave the necessary consent to the ordinance [f.110v-111r above], but constantly objected to it, as shown by the instrument mentioned [cf. f.116r-v] and the bishop's statement in the ordinance that the sacrist of Durham had sold his right to the tithes. So the ordinance is null and void.

With the right and perpetual benefice of the church [of Whitworth] belonging to the chapter, the bishop is without sufficient authority of himself to create the advowry of a prebend or church, since perpetual; so without the chapter's consent his successor's authority to revoke is the same as his to assign. As it has never been confirmed by the chapter, so he has not the advowry of a third, or does any part of the prebend of the Byers.

f.113r-v 29 July 1346

Notarial instrument recording:

Provocation and appeal to the Court of Rome, and to the Court of York for tuition with claim for *apostolos*, by William of Walton, proctor of the prior and convent of Durham, against any interference with their right to, and possession of, the agrarian tithes peacefully received from time out of mind by them as owners of the church of Whitworth near Merrington, from the manor of the Old Park, the adjoining field and new assarts on the east of the Fulpethburn in the parish of Whitworth.

Present: Walter, rector of St Mary in the South Bailey Durham, John called Gray, chaplains; Mr Henry of Corbridge, notary; Ralph of Settrington.

Date: cemetery of St Mary in the South Bailey Durham 29 July 1346.

Notary: Hugh called Palmer of Corbridge, diocese of Durham.

f.113v-114r [30 July 1346]

Notarial instrument recording a notification by William of Walton, proctor of the prior and convent of Durham, to Mr William Legat, commissary general of the bishop of Durham, of a notarial instrument recording:

Provocation and appeal as f.113r-v above, without notarial subscription.

Present: Walter Gategang, monk of Durham; Mr Richard of Tanfield, clerk; Ralph of Settrington.

Date: Kepier Hospital near Durham 30 above.

Notary: Henry of Corbridge, diocese of Durham.

f.114r-115r [25 August 1346]

Notification by notarial instrument, by Hugh of Corbridge, notary, to the official of the Court of York or his commissary general, on the receipt on 25 August [1346] of:

Mandate as f.127r-v below of an inhibition and citation in accordance with the mandate by Walter of Lanchester in Durham Cathedral, but of no action in respect of the bishop of Durham, away with the king of England.

Witnesses: Mr Robert of Greystones, clerk; Robert of Hartlepool; William of Hornby, clerk; Robert of Lanchester.

Date: as above [Durham Cathedral].

Notary: Hugh called Palmer of Corbridge, diocese of Durham.

f.115r-v 3 August 1347

Notarial instrument recording:

Provocation and appeal, as in the notarial instrument on f.113r-v above.

Present: John of Corbridge, vicar of Stamfordham; Mr William of Farnham, clerk; Thomas of Corbridge; Roger of Haxby.

Date: cemetery of Durham Cathedral 3 August 1347.

Notary: Henry of Corbridge, diocese of Durham.

f.115v-116r 21 September 1303

Notarial instrument recording:

Provocation and appeal to the Holy See, and to the Court of York for tuition, with claim for *apostolos*, by Mr Richard of Eryholme, proctor of the prior and convent of Durham, against any interference with their enjoyment, as owners of the church of Whitworth, of tithes from agricultural lands in the Old Park, well known to be in the parish of Whitworth, all peacefully received by them from time out of mind before pastures were converted to crop production, on the part of A[ntony Bek], bishop of Durham, or his official, the archdeacon of Durham or his official, Mr Robert of Wycombe or Mr Robert of Abberwick, prebends of Auckland etc, following the bishop's wrongful assignment of the greater tithes from there to Mr Robert of Wycombe's prebend or portion in the church of St Andrew Auckland and the lesser tithes to the prebend of Mr Robert of Abberwick, dean of that church, contested by the monks.

Present: William of Hanley; Richard of Smeaton.

Date: Durham priory 21 September 1303.

Notary: Thomas of Selby, diocese of York.

f.116r-v 29 March 1348

Inhibition, by the official of the Court of York, to the official of the bishop of Durham, of any action by him, by Thomas [Hatfield] bishop of Durham, or his vicar general, etc, or by Walter of Lanchester, prebendary of the Byers in the collegiate church of Auckland, prejudicial to the prior and convent of Durham during their tutorial appeal to the Court of York, following the monks' appeal to the Holy See and the Court of York against the secret inquest held by the bishop's ministers on the bounds of the parishes of Auckland and Whitworth with a view to declaring the right of the prebendary of the Byers to the tithes from the manor of the Old Park, the adjoining field and new assarts on the east of the *Fulpethburn* in the parish of Whitworth and in the possession of the monks from time out of mind, and against the interference by the bishop and the prebendary with the monks' right to, and possession of, those tithes, contrary to the previous provocation to the Holy See and to the Court of York for tuition by the monks against any interference [cf. f.113r-114r, 115r-v above], their appeal to the Holy See and the Court of York over interference by the bishop and the prebendary, and the Court of York's inhibition against action prejudicial to the appellants by the bishop or the prebendary; and citation of the bishop and the prebendary before him or his commissary in York on Friday after Quasimodo Sunday next [2 May 1348].

Date: York 29 March 1348.

f.116v-117r [28 August] 1342

Mandate, by John of Woodhouse, rector of Sutton upon Derwent, commissary of the vicar general to William [Zouche] archbishop of York, in accordance with the following commission,

to the official of Richard [of Bury] bishop of Durham, to inhibit Bishop Richard from any action prejudicial to the prior and convent of Durham during their tutorial appeal to the Court of York, following the monks' appeal to the Apostolic See and to the Court of York for tuition against the bishop's refusal to lift his sequestration of tithes of the harvest from the Old Park, in the possession of the monks as owners of the church of Whitworth of old, contrary to their provocations and appeals on this matter to the Holy See and to the Court of York for tuition; and to cite the bishop before the vicar general, or his commissary etc, in York on Saturday after Matthew next [28 September 1342].

Date: York 5 Kal September 1342.

[16 August] 1342

Commission by Thomas Sampson, canon of York, vicar general to William [Zouche] archbishop of York, to John of Woodhouse, rector of Sutton upon Derwent, to have cases brought to the archbishop's audience, etc.

Date: 17 Kal September 1342.

f.117r-v [c.1346: see f.113v-114r above.]

Claim, by William of Walton, proctor of the prior and convent of Durham, to Mr William Legat, vicar general of Thomas [Hatfield] bishop of Durham, for the lifting of his sequestration of agrarian tithes peacefully received from time out of mind by them as owners of the church of Whitworth near Merrington from the manor of the Old Park, the adjoining field and new assarts on the east of the *Fulpethburn*, contrary to their provocations and appeals on this matter to the Holy See and to the Court of York for tuition.

f.117v [? c.1346: see f.113v-114r above.]

Draft of an appeal to the Holy See and to the Court of York for tuition, with claim for *apostolos*, against the sequestration by Thomas [Hatfield], bishop of Durham and Mr William Legat, his vicar general, of agrarian tithes, peacefully received from time out of mind by the prior and convent of Durham as owners of the church of Whitworth near Merrington, from the manor of the Old Park, the adjoining field and new assarts on the east of the *Fulpethburn*, despite their provocation to the Apostolic See and to the Court of York for tuition against any interference with their possession of those tithes.

f.117v-118v [1416 x 1440]

As Cart.IV f.267r-268r. (Original was 3.13 Spec.26)

f.118v-119r

Draft [of an allegation] before the commissary general [? of the official of the bishop of Durham] president of the Court of Durham, declaration by the proctor of the prior and chapter of Durham, owners of the parish church of Whitworth, against certain laymen, that all tithes in the parish of Whitworth, and in particular the corn tithes from the Old Park and Byers, places well known to be within that parish, were peacefully in the prior and chapter's possession from time out of mind, and that certain laymen holding Old Park for the past three years refused the tithes due from there to the monks, as is public knowledge in the parish of Whitworth and the vicinity, and is acknowledged by them; and claim for pronouncement of the prior and chapter of Durham's right to the tithes, and in particular the corn tithes, in the parish of Whitworth, and in particular from the Old Park, that they should be restored to possession of those unjustly withheld and that those withholding them should be compelled to discharge them.

f.119r-v

Mandate, by the vicar general of the bishop of Durham, to all parochial clergy in the diocese of Durham, to publish a monition to those responsible for the theft of four animals from Sacriston Heugh to restore them to Thomas, sacrist of Durham, or to provide satisfaction, within 12 days, on pain of excommunication, and then, if necessary, to declare them excommunicate until absolved by him when the sacrist is provided with satisfaction.

f.119v [29 August] 1345

Agreement by indenture, between the prior and convent of Durham, owners of the parish church of Whitworth, and Walter Lanchester, prebendary of Byers in the church of Auckland, both claiming the tithes from the Old Park, reached through the mediation of Mr Roger of Gilling, official of Durham, that the prior and convent should have all the tithes for one year, with the sacrist paying Walter two marks, the rights of both parties being reserved.

Date: the chapter house / the cathedral, Durham, beheading of John the Baptist 1345.

f.119v-120r

1.4.Sac.1.

f.120r 16 December 1458

Disclaimer, by Thomas Claxton, under-sheriff of Durham, of any right being established by the services celebrated in the chapel of Old Park by Thomas Meke, chaplain of Whitworth, as a favour to his son, William Claxton, and his son's wife.

Date: Durham 16 December 1458.

f.120r [11 November] 1325

Lease for 15 years, by John of Barrington sacrist of Durham, to John of Hartlepool, resident at Whitworth, of a messuage in the east of the vill of Whitworth with 12 acres of arable, for 8s. a year.

Witnesses: William of Deanham; Richard de Parco, lord of Blakeston; Peter of Kelloe; Hugh of Butterwick; Walter of Greenwell.

Date: Martin 1325.

f.120r-v [10 June] 1291

Lease for 10 years, by Richard of Howden sacrist of Durham, to Robert of Elvet, chaplain, of the church of Whitworth with all tithes and existing assarts, but reserving to the sacrist future assarts and the tithes from William of Kelloe of corn, wool and his herd, for £10 a year.

Robert of Elvet's sureties: Robert son of Agnes of Merrington; Simon of Whitworth; Stephen miller; John son of Juliana; Hugh of Butterwick; Hugh of Windleston; John son of Robert; John son of Stephen; and Walter son of Stephen.

Date: Pentecost 1291.

f.120v 30 January [1458]

Lease for 3 years from Candlemas following [2 February], by Thomas Ayre sacrist of Durham, to Thomas Meke, chaplain, William Forster of Byers and John Dawson of Whitworth, of the chapel of Whitworth with three houses there and land and meadow belonging to the sacrist, and with all tithes and existing assarts, but reserving to the sacrist future assarts and tithes of coal, other minerals and wood, for 10s. in the first year, 13s. 4d. in the second and 20s. in the third year, and providing for the services of the chapel, with the sacrist maintaining the chancel of the chapel and meeting the royal tenth.

Date: Durham 30 January 1457.

f.120v-121r 7 September 1342

Agreement by indenture, between the prior and convent of Durham, owners of the parish church of Whitworth, and Mr Thomas Lestine, prebendary of Byers in the church of Auckland, both claiming the tithes from the Old Park, reached through the mediation of Mr Edmund Howard, official of Durham, that the prior and convent should have all the tithes during Thomas' tenure of the prebend, with the sacrist paying him an annual pension of 50s., the rights of both parties being reserved.

Date: chapter house / cathedral, Durham 7 September 1342.

f.121r [4 September 1346]

Agreement by indenture, between the prior and convent of Durham, owners of the church of Whitworth, and Walter Lanchester, prebendary of Byers in the church of Auckland, both claiming the tithes from the Old Park, reached through the mediation of Mr William Legat, vicar general of the bishop of Durham, that the prior and convent should have all the tithes, with the sacrist paying Walter 40s. a year, from Cuthbert in September [4 September] 1346, until the bishop's appearance in the diocese, the rights, provocations, appeals etc, of both parties being reserved.

Date: Durham Cuthbert in September above.

f.121r-v [21 September] 1412

Lease for 9 years from Michaelmas 1412 to Pentecost 1421, by John Wessington sacrist of Durham, to William of Stamford, chaplain, of the chapel of Whitworth with three houses there and land and meadow belonging to the sacrist, and with tithes of corn, lambs, wool and flax, oblations, mortuaries and other revenues of the chapel, but reserving to the sacrist tithes of coal, other minerals and wood, for 40s. a year, and providing for the services of the chapel, with the sacrist repairing the houses initially, maintaining the chancel of the chapel, meeting the royal tenth and making allowance for loss caused to the chapel by any new closes etc, made by the earl of Westmorland or his ministers.

Date: Durham, Matthew 1412.

f.121v-122r 13 April 1412

Lease for 6 years from Michaelmas following [29 September], by Robert Harlsay, clerk, to Thomas Dukett, William Jonson, Thomas Casson, John Kyng, William Lorymar, Thomas Boys, John Dukett, William Byng, Robert Pate, John Adamson, Thomas Robynson and John Robynson, of all lands, meadows and pastures of the Old Park and *Kayghtefeld*, excepting buildings, for £8 a year to Robert and 3s. 4d. a year to the sacrist of Durham for the tithes of the Old Park, on the lessees' bond of 20 marks to Robert.
Date: 13 April 1412.

f.122r-v [14 September] 1427

Lease for 6 years from Martin following [11 November], by John [Wessington] prior of Durham, to William Staindrop, chaplain, Hugh Boner of Durham, merchant, and Robert Preston of Durham, gentleman, of three thatched houses, 12 acres of land, the tithes of corn, lambs, wool and flax, the oblations and other revenues of the parochial chapel of Whitworth, but reserving tithes of coal, other minerals and wood, and half the lord of the vill's live mortuary, for 20s. a year to the sacrist's exchequer, and providing for the services of the chapel, with the prior and his sacrist repairing the houses initially; maintaining the chancel of the chapel, meeting the bread and wine for celebrations, and the royal tenth, and making allowance for loss caused to the chapel by new closes etc, made by the lord of the vill or his ministers.

Date: Durham, Exaltation of the Holy Cross 1427.

f.122v 10 October 1314

Grant, by Thomas de Novo Baya [Haya], prebendary in the church of Auckland, to the prior and convent of Durham, of the tithes from the Old Park, in dispute between them, during his tenure of the prebend, the rights of his successors and of bishops of Durham being reserved.

Date: Riccall 10 October 1314.

f.122v-124r

Sentence as f.103r-104r above.

f.124r [15 March 1274]

Agreement, between the prior and convent of Durham disputants, and Mr William of Ludlow, vicar of Auckland, defendant, delaying the case over tithes claimed by the prior and convent for their church of Whitworth until the next sitting of the official of the [bishop] of Durham after Michaelmas following [29 September 1274], with Geoffrey of Henknowl collecting and keeping the tithes until the question is settled.

Date: Durham, Ides of March 1273.

f.124r-v 9 August 1347

Sequestration, by Thomas [Hatfield], bishop of Durham, and mandate accordingly to the dean of Durham, of the corn tithes from the Old Park field and lambs in the Byers field in the parish of St Andrew Auckland, belonging of old to prebendaries of the prebend of the Byers in the church of St Andrew Auckland, received in 1346 by the sacrist of Durham by an agreement with Walter of Lanchester, prebendary of the Byers, and claimed by John Fossor, prior of Durham, as rector of Whitworth, following reports of strife between the parties over the tithes.

Date: Howden, 9 August 1347.

f.124v

Replies to articles for the prior and convent of Durham in a case over tithes against Thomas Cassopp, John Adamson, William Jonson, Thomas Robinson, John Robinson, Robert Pate, William Byng senior and John Byng junior, laymen, before the official of the bishop of Durham. On articles (summarised) as f.128v-129v below, articles 1 and 2 agreed by the defendants, articles 4-14 denied.

f.124v-126v [c.1319 - see Thomas of Howden on Articles 4 & 5].

Extracts from [the examination of witnesses for William de Ayremyn, prebendary of the prebend of the Byers in the church of St Andrew Auckland, against Robert Castre', John --, Thomas of the Fishhouses, ? Andrew --, Robert --, Thomas of Ulnaby, Robert --, Richard --, and John --, over tithes].

On articles:-

1. Tithes of the Old Park in 1318 the right of William de Ayremyn in the name of his prebend.
- [2. Right to tithes belonging to the prebend (and its holder William).
3. Corn tithes from Old Park received by William, as belonging to his prebend].
4. Corn tithes from Old Park removed by the above named to the detriment of William, and his prebend.
5. The above named entered the tithe area of William's prebend in the Old Park in 1318 to the detriment of William and his prebend.
6. Premises in public knowledge in the vill of Byers, Whitworth and the vicinity.

[Unnamed witness]: on article 4, common knowledge that the tithes were removed to the detriment of William and his prebend, but the culprits are unknown; on article 5, common knowledge that the tithe area entered as stated, but the culprits are unknown; on article 6, common talk in the parish of Auckland and all about.

Thomas of Howden: on article 1, three harvests before the witness himself had the corn tithes threshed and sold, as deputed by William Brakenbury, his master, who collected them from William of Thonock, steward of William de Ayremyn, the following harvest collected them on the steward's mandate without hindrance, and the next harvest Adam de Pollowe peacefully collected them in the prebendary's name, except he was told that the sacrist of Durham had some barley sheaves carried off secretly by force as tithe; on article 2, tithes belonging to the prebendary by sufficient title, and since known to him by being present at William's induction into the prebend by a clerk from the archdeacon of Durham on the authority of a letter of the bishop of Durham in the presence of John of Abberwick, Thomas of Auckland, John of Eryholme, etc; on article 3, as on article 1; on articles 4 and 5, tithes of the previous year's harvest were removed from the Old Park to Whitworth to the prebendary's detriment by Robert, John Thomas etc, all known to him except Thomas of the Fishhouses and Thomas of Ulnaby, since told by others present, and having seen the tithes at Whitworth himself; [on article 6] all public knowledge in the parish of Auckland and all around in the vicinity.

Thomas son of Roger: on articles 1, 2 and 3, verified, since he witnessed three previous harvests when, in the name of the prebendary and of his prebend in the church of Auckland, he acquired on the authority of the bishop of Durham and the king of England through an exchange of benefices with Thomas del Newhawe, former prebendary, at the first harvest Thomas of Howden, Stephen del Dalle and William of Woodham collected and took the tithes to the Old Park, at the second Thomas alone peacefully collected them in the Old Park, took them to the Byers and disposed of them without hindrance, and at the third harvest Adam de Pollowe, on the prebendary's mandate, collected the tithes and carried them to the manor of the Old Park, except he was told that two cart loads of untithed barley sheaves were removed from there during the night of the Exaltation of the Holy Cross [14 September] by the persons named, he saw them taken from outside the Byers field to Whitworth evidently to the detriment of the prebendary and his prebend, since he saw tithes of wool, lambs, dairy produce, etc, paid to the church of Auckland as the parish church from animals pastured there in the Old Park before being put back on the plough land, but he saw neither William's authority in

acquiring the prebend nor his agents' mandates to collect the tithes; [on article 6] the premises were public knowledge in the parish of Auckland and all around in the area. John Marmeduke: verified the first three articles, since William de Ayremyn holding the prebend through an exchange of benefices with Thomas de Newhawe, former prebendary, although he was unable to say by what authority, since he saw William de Brakenbury collect the tithes in the prebendary's name and put them in the manor of the Old Park three harvests before, Thomas of Howden collect them the next year, take them to the Byers and dispose of them in his name, and he was told, in the following year, when he himself was held captive in Scotland, that John Clerk of Whitworth and others removed certain tithed barley sheaves by right from the close in question to Whitworth in the name of the prior and sacrist of Durham, and evidently to the detriment of the prebendary and his prebend since, when the field in question was first brought into cultivation, the tithes were kept back until adjudged as the right of the church of Auckland, and then were in its peaceful possession for almost the next 20 years until unjustly collected by force one year by Thomas of Whitworth and removed to Whitworth on the authority of the prior and sacrist of Durham; all this was public knowledge in the parish of Auckland and elsewhere.

William son of Marmaduke: on articles 1, 2 and 3, he was told by elders that tithes of the Old Park belonging to William [de Ayremyn] by reason of his prebend in the church of Auckland, acquired through an exchange of benefices with Thomas del Newhawe, former prebendary, and the prebendary had the tithes there collected and taken away for three preceding harvests as stated above by John Marmeduke with the interruption in the third year; on article 4, having escaped the Scots and just come to the Byers, he was approached at daybreak in the Exaltation of the Holy Cross last [14 September] by Thomas of Ulnaby, as named, declaring that he would tithe his corn and remove it despite a refusal as it was not yet time, and while preventing this, he saw two carts loaded with barley sheaves in the field in question and then taken to Whitworth by Thomas and accomplices unknown to him except John of Whitworth, clerk; [on article 5], he was told by elders that tithes of the Old Park were belonging to the church of Auckland since they were first brought into cultivation; [on article 6], all public knowledge in the parish of Auckland.

Adam de Pellowe: all persons named were known to him; verified the first three articles, since after his institution and induction into the prebend in question in [the church of] Auckland, following an exchange with Thomas de Newhawe for a church in the south licensed by the bishop of Durham, William de Ayremyn sold the tithes of the Old Park four harvests before through William of Thonock, his general steward, to William de Brakenbury, collected and taken in the Old Park as if belonging to the prebendary, in the next year he himself took a letter sent by the steward to Thomas of Howden to collect the tithes and saw the tithes collected by Thomas, taken to the Byers, threshed and taken to Durham for the prebendary, without hindrance in the third year he himself bought the tithe from Walter de Gossedik, farmer of the prebend, before his arrival, but the greater part of untithed barley sheaves were secretly removed by force at night to Whitworth by all those named together with Thomas of Hexham, monk of Durham, estimated as 4½ quarters of which 5½ bushels of barley were obtained by him by restitution, but he collected and disposed of the rest of the tithe himself peacefully; the tithes in question were belonging to the prebendary since they were quite frequently proved to belong to the church of Auckland and William's prebend when challenged in court.

f.126v-127r 25 August 1347

Notarial instrument recording:

Appeal to the Holy See and to the Court of York for tuition, with claim for *apostolos*, by William of Walton, proctor of the prior and convent of Durham, against the sequestration first noticed within the past ten days, by Thomas [Hatfield], bishop of Durham, of agrarian tithes, peacefully received from time out of mind by the prior and convent of Durham as owners of the church of Whitworth near Merrington, from the manor of the Old Park, the adjoining field and new assarts on the east of the *Fulepethburne*, despite their provocation to the Apostolic See and to the Court of York for tuition against any interference with their possession of those tithes.

Present: Mr William of Farnham, clerk; John of Ripon; John of Bamburgh; Richard of Preston.

Date: porch of St Nicholas church, Durham, 25 August 1347.

Notary: Henry of Corbridge, diocese of Durham.

f.127r-v 20 August 1346

Mandate, by the commissary general of the official of the Court of York, to the official of the bishop of Durham, or his lieutenant, or Mr Hugh of Corbridge and Mr Henry of Corbridge, notaries, to inhibit Thomas [Hatfield], bishop of Durham, and Walter of Lanchester, prebendary of the prebend of the Byers in the collegiate church of Auckland, from any action prejudicial to the prior and convent of Durham during their tuitorial appeal to the Court of York, following the monks' appeal to the Holy See and to the Court of York for tuition against the setting of a day by the bishop in a lay capacity for the bounds of the parishes of Auckland and Whitworth to be declared, without any citation to the monks, at the instance of Walter of Lanchester, claiming for his prebend of the Byers agrarian tithes, peacefully received from time out of mind by the prior and convent of Durham as owners of the church of Whitworth near Merrington from the manor of the Old Park, the adjoining field and new assarts on the east of the *Fulpethburn*, contrary to their provocations and appeals on this matter to the Holy See and to the Court of York for tuition; and to cite Walter before him or the official in York on Saturday after Luke next [21 October 1346], also intimating the date to the bishop.

Date: York 20 August 1346.

f.127v-128v [c.1407 - see f.128v-129v below].

Declaration before the official of the Court of Durham, by the proctor of John Burgeys, dean of the collegiate church and parish of St Andrew Auckland, against the prior and chapter of Durham, owners of the parish church of Whitworth, and their allegation and articles [f.128v-129v below] in a case over tithes from the Old Park against John Duket, Thomas Cassop, John Adamson, William Jonson, Thomas Robinson, Robert Pate, William King senior and John King junior, laymen, that all tithes in the parish of Auckland, in particular of hay, grass and pasturage with their increase, and of animals, especially from Old Park and Byers, in the parish of Auckland, were belonging to the deans and their predecessors from time out of mind, and were always peacefully received by John Burgeys with the prior and convent of Durham's approval, and that, if the Old Park and Byers were occupied by the laymen named and produce was received by them, then they were answerable for the tithes only to the dean, and not to the prior and convent or the church of Whitworth as is public knowledge in Durham and acknowledged by the prior and convent; and they claim that the dean and the laymen named should be relieved of any claim from the prior and convent and that the prior and convent should be condemned to silence and to the payment of the expenses in the case of the dean and the laymen named.

f.128v-129v [c.1407 - see Article 10]

Articles set out by the proctor of the prior and convent or chapter of Durham, owners of the parish church of Whitworth, disputants in a case over tithes between them and John Duket, Thomas Casson, John Adamson, William Jonson, Thomas Robinson, Robert Pate, William King senior and John King junior, laymen, defendants; to which replies were sought:

1. The property of the bishopric of Durham and the property of the Benedictine convent of Durham were divided from time out of mind.
 2. Parish church of Whitworth from time out of mind.
 3. Monks owned the church of Whitworth from time out of mind.
 4. The right to receive all tithes, and in particular corn tithes, from the whole parish of Whitworth was belonging to the prior and convent of Durham from time out of mind.
 5. The right to receive all tithes, and in particular of corn, from Old Park, between Byersfield on the east and Auckland park on the west, in the parish of Whitworth, was belonging to the prior and convent and their church of Whitworth from time out of mind.
 6. Old Park with all lands adjoining the manor of Old Park and the manor itself was within the bounds of the parish of Whitworth.
 7. Byers field on the east of the stream called *Fulpethburn*, *Hilderdenburn* or *Holburn* between the vill of Whitworth and the manor of Old Park was in and of the parish of Whitworth.
 8. The bounds of the parish of Whitworth were: from *Warennargap* down the stream into the bishop's fish pond and thence north down the stream called *Fulpethburn*, *Hilderdenburn* or *Holbourne* between the Byers field and Whitworth field on the east and the vill of the Byers on the west by its old course through Richard of the Park's meadow into the Wear, east down the Wear to *Wormdenburn*; and from *Warrenargappe* east along *Priourdik* to *Wormdenburn* and north down *Wormedenburn* between the territory of the vills of Whitworth and Tudhoe to the Wear.
 9. The prior and convent were in peaceful possession of, and peacefully received, all the tithes, and in particular the corn tithes from Old Park, from time out of mind.
 10. The whole of the Old Park was held by the defendants in 1404, 1405 and 1406, and in particular certain lands there cultivated of old owing corn tithes to the monks and due for each of those three years.
 11. Up to 5s. was received from produce there during the three years, besides pasture for their own animals.
 12. The defendants deprived the prior and convent of all the tithes from Old Park during the three years.
 13. 40s was required for tithes withheld.
 14. The pemies are public knowledge, and are acknowledged by the defendants, in the parish of Whitworth and the vicinity.
- (Replies: f.124v above)

f.129v-130r [8 April 1348]

Record, by a notary, of the delivery by William of Walton, proctor of the prior and convent of Durham, to Mr John of Stockton, official of the bishop of Durham, of an inhibition of the official of the Court of York, in the presence of Walter Gategang, monk [of Durham], John of Ferryhill; Robert of Angerton; John of Coldwell; clerks, in Durham cathedral, on 8 April 1348; and of the delivery by William of Walton, proctor, to Mr John of Stockton, official, of an appeal, also claiming for *apostolos*, for which a time was set, in the presence of John of Hackthorpe, notary; William of the malt house, Simon de Stewton; John of Ferryhill; clerks, in Durham castle, on the same day.

f.130r

3.1.Reg.4, omitting witnesses and date.

f.130r-v

[Allegation] that the advocates of Thomas [Hatfield], bishop of Durham, being corrupt and conspiring together, had the notary acting for the prior and convent of Durham arrested while publishing mandates from the Court of York and that he was maltreated and incarcerated in the gaol beside Durham castle among criminals at the instance of Walter [Lanchester] prebendary [of the Byers in the church of Auckland], in contempt of the mandate(s) from York.

Notice by Walter Gategange [sacrist of Durham] of a complaint to the Court of York over contempt of that court; prosecution of Walter [Lanchester], prebendary [of the Byers] in the church of Auckland, since, on the arrival at the Byers of the proctor of the prior of Durham with a notary to publish the mandate from the Court of York ---.

[Deposition] by the notary previously employed by Walter [Gategange] sacrist [of Durham] that Walter [Lanchester; prebend of the Byers in the church of Auckland] scorned the inhibition and citation in the mandate [of the Court of York] when it was read to him, and asserted that he should prosecute his right, turning away when reproved by the sacrist for contempt of the Court of York's inhibition.

f.130v-131r [? c.1344: see reply to 2, 3 & 4, i.e. 36 years from Prior Hoton's death]. Evidence for the right of the church of Auckland, as against the prior [and convent of Durham], to the tithes from the Old Park:

1. Tithes of corn were received of old from mines there, as to be proved by men eighty years old and more.
2. Mortuary was received from Emery of Kelloe, although buried at Kelloe, a priest remembering his sword.
3. Johanna his wife was buried at Auckland, giving the mortuary.
4. Mortuaries were received from Peter of Kelloe and his son Richard.
5. Sacraments were administered to the people there by the dean of Auckland.
6. Tithes of hay and other lesser tithes from there were entirely received by the dean of Auckland.
7. Greater tithes were peacefully occupied by William de Ayremyn and John Wawayn [prebends of the Byers in the church of Auckland].

[Answers for the prior and convent of Durham to the articles above]:

1. It was discovered by inquiry that tithes of iron from mines on the east of *Fulpethburn* were given to the church of Whitworth, and from those on the west to the church of Auckland, and so *Fulpethburn* was the boundary of the parish.
- 2, 3 & 4. [Mortuaries] were obtained from laymen unwilling to be troubled by litigation in the Consistory Court, and during the past 36 years when not vindicated by the prior since on Richard de Hoton's death in the *Curia*, the prior was nominated by Antony [Bek], bishop [of Durham], and priors were handicapped by expenses incurred in the *Curia* and by losses from Scottish invasions.
5. In the time of Peter of Kelloe, T. del Hill administered sacraments to the people there, received the lesser tithes and buried somebody from there at Whitworth, so people from there received sacraments at Auckland from fear rather than anything else.
6. Hay was taken for the last four years; the prior of Durham agreed with Mr J. de Insula's immediate predecessor over the lesser tithes.
7. The prior of Durham was in possession of tithes in the time of T[homas] del Newhawe, William de Ayremyn's predecessor, occupied then by agreement with William de Ayremyn; the prebend was resigned by Mr John Wawayn, being unable to occupy that tithe with a good conscience.