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978-1-108-05867-4 - The Chartulary of St John of Pontefract: From the Original Document in the Possession of Godfrey Wentworth, Esq., of Woolley Park: Volume 1

Edited by Richard Holmes

Excerpt

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Fasciculus I.

(THE SEIGNIORIAL CHARTERS.)

AS A PART of the general history, we learn from charter 1 that at its date Robert de Lascy had in his demesne the lordships of Whitwood, Mara (now Whitwood Mere, but which as Mara furnished a cognomen for a family of considerable local importance in the next century, and which is sometimes confused with Marr, near Doncaster), half of the lordship of Ledsham (*i.e.*, the Fairburn half), and Dodworth; that he had retained the carucate of land in Altofts (or Westerby as it was called in the Domesday Survey), which his father had when that Survey was made, and of which the son now divested himself that he might bestow it upon his monks; and that the churches of All Saints (Pontefract), Kippax, Silkstone, Ledsham, and Darrington, with the chapel of St. Clement in the Castle were already in existence; that William Foliot, the principal tenant in that part of the lordship of Tateshale which was called Kirkby, had given to the monks a carucate of land there, and that Swain fitzAilric had similarly given to them the church of Silkstone; to both which donations the chief lord gave in his foundation charter his formal assent and confirmation.

Of these churches, Ledsham only was not mentioned in Domesday; and as every church in this neighbourhood not so named can be proved to be of subsequent foundation, this is very ample evidence that it did not then exist, and fixes the date of its foundation as at least subsequent to 1086, when that Survey was made. We might ascribe the establishment to the great Ilbert himself, if we could suppose that there had been time for its erection between the date of the Survey and of his death, which could not have been many months after the Survey was complete. Ilbert had retained in his own hands the magnificent site of Ledstone Hall, perhaps with some intention to build a castle there, a design abandoned by his son, who conferred the whole upon the monks; and thus the probabilities are that Ledsham church was not actually built even at the date of this foundation charter, but that the preparations were being made, and that the endowment was already set aside. For it may be noticed that the charter places the church of Ledsham in a paragraph by itself; while it classes the

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church of All Saints (Pontefract), Kippax, and Darrington, as if they each belonged to the same category, which was not that of Ledsham.

There have been fashions in the foundation of religious establishments as there were fashions in church architecture; and up to this time the fashion had been to give to a newly-erected, or to-be-erected church, as an endowment, a tithe of the land of the manor in which it was situate. The incumbent of the church would thus be the life owner of the tenth part of each manor, not merely of its produce as was the case in some later endowments, but of the land itself, for the maintenance of himself and of the religious services. By this charter, accordingly, the monks received the tenth part of that portion of Pontefract which was then called Kirkby, and which had been allotted to the church, a similar tenth of Kippax, a similar tenth of Darrington, and perhaps a similar tenth of Ledsham, in trust. The trust being to manage and cultivate the lands, to appoint a qualified priest to undertake the parochial charge, to remunerate him, and in some degree probably to oversee him.

The monks appear, however, to have almost at once claimed a pension as a first charge upon the proceeds of the living; and other abuses springing up the archbishop interfered, and constituted in most cases a vicarage, the vicar to have the first charge, but the proceeds of the living, with all overplus after the stipend of the vicar had been paid, going to the maintenance of the monastery. This, which was called the Appropriation of the livings, was completed during the thirteenth century, and Pope Nicholas's Taxation shows that in 1291 the prior of Pontefract and the vicar of Darrington each received twenty marks out of that living; from Pontefract the prior received £30, and the vicar £16; and from Ledsham the payments were fifteen marks and ten. The value of the appropriation of Kippax was not given, as it was still a rectory or parsonage.

But while charged with such payments to the various vicars, all the properties of these churches remained in the possession of the monks, who received the profits of the lands and of what increased value they could extract, while the responsibility continued upon the brotherhood in chapter assembled, to make the appointment of a qualified priest to be their vicar with parochial charge. This priest was before the Appropriation called parson, rector, and sometimes dean; and under each of those names we shall presently find the deans or rectors of Pontefract and other places taking up very important positions. But after the Appropriation, while he retained the name of parson, which betokened his office as having charge of

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souls, he became more ordinarily known as vicar, *i.e.*, substitute of the monks, and his living was called a vicarage.

Robert de Lascy, by Charter No. 1, gave to the monks not only the lands possessed by these churches of Kippax, Ledsham, Darrington, and Kirkby (Pontefract), but several other manors then in his hands and uncharged with any ecclesiastical liabilities, for they had no ecclesiastical edifices. These were Whitwood, the adjacent Mere, Ledstone, and Dodworth; all, except Ledstone, places which even till the time of the Survey had remained in the possession of the former Saxon holders. And this is a point worthy of notice and of being followed up in detail, as the knowledge will help us to understand the position.

Ledstone was the former dignified residence of the great Earl Edwin, who also possessed Gilling and Hooton Pagnell as seats of his power in other wapentakes. It was reported at the time of the Survey as being then held in demesne by Ilbert himself; while Whitwood was in his hands in a transitional sort of way, as we shall shortly see. But the Fairburn portion of Ledsham was still in the possession of Ligulf, the former owner of each, who was thus being gradually despoiled. And till its donation to the monks, Dodworth also had continued in the hands of its pre-Norman owner, Swain fitz Ailric; while in neither of the churchless places which they thus acquired did the monks ever erect one, although they were the lords and owners.

The extinction of the old possessors by the Normans was thus not so sudden or so entire as is sometimes alleged, at least in the district of which Ilbert de Lascy found himself the almost absolute ruler. Among the chief Saxon proprietors had been Ailric, his son Swain, Gamel, Ligulf, Gerneber, and Baret, and each was allowed to retain something, even if he found his wealth considerably diminished, and if his removal from his former hereditary holding was involved. Gamel, who had possessed numerous manors scattered far and wide in various parts of the county, north, east, and west ridings, found himself deprived of all, though his son was allowed to retain Danby; but he was to a small extent compensated by gifts of manors to which he had had no previous claim; for Birkin, Hemsworth with Kinsley, Hepton, half of Shafton, and half of Worsborough formed an estate, which, although it was equivalent to but a mere fraction of his former holding, was by no means inconsiderable. Ligulf, who formerly held Clifford, Bramham, and Hunsingore, in the neighbourhood of Tadcaster, had also Fairburn in Ledsham, Featherstone, Hardwick,

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Aketon, and Whitwood near Pontefract. Of which Ilbert had allowed him to retain Fairburn in Ledsham, while he was enfeoffed in Riston and Armley, which last had formerly belonged to another large owner named Archil.

Now, however, on the accession of the new lord, Ligulf lost all but Fairburn, and we do not find that he acquired any other manor in the way of compensation. Ailric retained Cawthorn and Hunshelf, while he obtained Brierley and Elmsall, with a moiety of each of Kellington, Shafton, and the Huddersfield Whitley. Baret lost four manors of his eight, but he retained Beal, Egborough, the second moiety of Kellington, and Roall; while Gerneber lost everything but a moiety of Thornhill, though he obtained the second half of Whitley. Thus Whitley Beaumont remained in the hands of the two Saxon thanes Ailric and Gerneber.

It was Ailric's son Swain whose manor of Dodworth was given to the monks of Pontefract by Robert de Lascy: given for no conceivable reason apparently, unless to show to all that Swain had hitherto held it on sufferance alone. Ligulf and Swain had each been wealthy and powerful. That each was also peaceful, politic, and conciliatory may be gathered from the circumstance that he had been able for the greater part of a generation to hold so large a portion of his lands. The former had held in this neighbourhood Whitwood, Aketon, Featherstone, Purston, Hardwick, and Nostell on the south of the Aire and Calder; and on its north bank, Fairburn, which in Domesday included Ledsham. But before the time of the Domesday survey, Ligulf, though still holding this last, had lost Featherston and the associated manors; while Aketon had been granted to William Pictavus, whose brother Roger, the signatory to charter No. 1, received Altofts, and is chronicled in an uncertain sort of way as having obtained Whitwood. Uncertain; for there is a duplicate entry in Domesday with regard to that manor, in almost identical words, the only difference being that in one case Roger is said to have had the grant of the manor, while the second has no mention of him. It is therefore the more remarkable as internal evidence of accuracy, that in the Pontefract charter No. 1 we have the name of this very Roger as a witness to the grant of Whitwood to the Priory, thereby assenting to its cession to the monks, and acknowledging the abandonment of whatever shadow of a claim he might be supposed to have had to it on account of the abortive grant. And both Whitwood and Ledsham continued to belong to the priory, even till the Dissolution.

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Ailric, the father of Swain, had been a large owner of Yorkshire manors before the Conquest, and possibly owing to his having been confused with an owner at Ledstone of that name, one account says that he had Pontefract among his possessions; though that is impossible, for Pontefract, as a part of Tateshale, was a royal manor. But certain it is that he held much in the immediate neighbourhood, especially in Staincross. His son Swain, still a young man, had been in the times which preceded the Survey another large owner; but in the re-adjustment which followed, he had lost the principal portion of his possessions. Ultimately he inherited the remains of his father's holdings; but independently of his father, he had been enfeoffed as in his own right of Dodworth, of which the establishment of Pontefract Priory thus deprived him. And this is an illustration of a curious point, of which no notice has been hitherto taken: all the manors granted to his new monastery by Robert de Lascy had been previously in the hands of Saxon holders, tenants of a Norman lord; and as the Saxon holders thus seem to have lost them for no assignable cause, the inference is that they had held them previously under sufferance only—as tenants at will of the mesne lord.

Thus losing his former enfeoffment, but inheriting the possessions of his father, Swain made a grant on his own account, out of his paternal inheritance, of the church of Silkstone with its chapels, and "all things belonging to them." What was covered by this phrase we shall gather from the next charter; at present it is sufficient to note that the church mentioned in charter No. 1 was evidently the foundation of Ailric himself. But unfortunately there is no trace of any document concerning it which may be ascribed to him.

It is also evident that the king, William I., the lord Ilbert de Lascy, and the tenant Ailric, deceased almost at the same time; on which the new lord, Robert, having received from the new king admission to all his own father's possessions, while he allowed the new tenant Swain similarly to succeed to the inheritance of his father, including Silkstone and Cawthorn, resumed possession of Dodworth which Swain had previously held, in order that he might himself give it to the monks. Meanwhile Swain, independently, by a charter (No. 378) to which we shall come in due course, gave to the new foundation from his paternal inheritance the church of Silkstone with its chapels, and all things belonging to them. It may not be uninteresting to notice that Kippeis, as the place is called in these charters, is the present local pronunciation of the name of Kippax.

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The date of charter No. 1 may be assigned to 1090. Its first witness, W. Peveril, of Nottingham, was the founder of the other great Cluniac Priory at Lenton; but he had no local interest here. William Foliath or Foliot was a principal tenant in Kirkby, the eastern end of the manor, which sometimes gave a name to the whole, as Fairburn did to Ledsham; Hervey de Campels held Skelbrook; Roger Pictavus was the tenant of Altofts, as W. de Wenreville became of Hemsworth and Kinsley; all manors in the immediate neighbourhood.

These last-named places were, even at the Survey in 1086, still held by the Saxon holder Gamel, who had Birkin also on the opposite side of the river, and was a pre-Norman grandee perhaps as powerful as Ailric himself. It is very probable that their fates ran in parallel lines; but while Swain's descent was preserved by the monks, in consideration it may well be supposed of his liberality towards them, of Gamel's posterity there is no certain record. He had an unnamed son who obtained a grant of Danby, in the north riding, and was its tenant at the time of the Survey, and in whose posterity it remained for some generations; but the son had not the fortune to succeed his father either at Hemsworth or at Birkin, and neither of the two comes within our present range. It is curious, moreover, to notice that while Swain's churches all became vicarages, those belonging to Gamel retained their independence of the monks, and remain rectories to this day.

The grants conferred or confirmed by charter No. 2 were four in number. The manor of Dodworth, formerly Swain's but now in the hands of the lord himself, and the church of Silkstone, the gift of Swain fitz Ailric, were named in No. 1; while the six bovates at Silkstone and the chapel of Cawthorn appear in No. 2 for the first time.

There is, however, in the latter part of the Chartulary (No. 378) the donation charter of Swain himself, of course earlier in date than either of these confirming charters; and in that document those six bovates and the chapel at Cawthorn are named concurrently with the church at Silkstone. So that it seems very reasonable to infer that the gifts now enumerated were really included in and covered by the phrase, "Capellis et omnibus ad eandem pertinentiis," in charter No. 1. In which case we must attribute the foundation not only of the church at Silkstone but also of the chapel at Cawthorn to Ailric himself; while as only one ecclesiastical edifice is mentioned in the Domesday Survey, and that under Cawthorn, it is probable

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that the building in that place was the earlier; that it was originally built by Ailric or a predecessor as the place of worship for himself, his family, and his immediate dependants; that it was therefore called indifferently "Ailric's Chapel" (afterwards Swain's) and the "Church at Cawthorn;" and that, after the date of the Survey, Ailric built a second church at Silkstone. Thus this second edifice was the earliest church in the district *quâ* church, though it had been preceded as a place of worship by the domestic chapel at Cawthorn, which, though little if at all older than the Conquest, can thus claim the distinction of being at that time the only church in the whole wapentake of Staincross.

Still before the date of No. 1, Ailric died and was succeeded by Swain, who made his grant to the monks, and had it confirmed by Robert in 1090. And thus far all is plain sailing. But when we consider No. 2, difficulties arise; and these can be solved only on the alternative supposition that the charter is spurious or corrupt. We ourselves are inclined to believe in it, and to think that the latter is the case, and that corruption, though to a very small extent, is at the root of its apparent inaccuracy.

In the first place the charter mentions archbishop T[homas] and King Henry as contemporaries, which was not the case except for a few months of 1100, for Henry came to the throne in August of that year, while Thomas of Bayeux, the archbishop, died in October. This mention together in their respective dignities should fix the date, and confine it to the autumn of 1100. But then a further difficulty arises, inasmuch as the charter professes to have been witnessed by exactly those who signed the previous charter in 1090, with no addition and no loss; a concurrence which seems unlikely, under any circumstances, after an interval of ten years; and was very unlikely at the close of the eleventh century. But bearing especially in mind that Hugh de Laval in No. 3 named charters of the reign of William only, the probability is that No. 2 is really contemporaneous with No. 1, that the same witnesses witnessed both, and that some punctilious transcriber subsequently altered the name of the king from William to Henry, thinking thereby to correct an error which existed only in his own imagination.

For unfortunately careless transcribers exist in all ages, while there are in all times men who, seeing what appears to be a difficulty in such documents, make reckless emendations. One or more such have evidently been at work on this document; and there is in it one other very puzzling passage which has never been fairly grappled with.

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In this charter, according to the text before us, Robert de Lascy stipulates that “sprivarii hereditantes” should be given to him from a certain marshy and watery valley which was one of the bounds of the manor. Roger Dodsworth, when compiling the *Monasticon*, substituted “spernarii hereditantes” without doing much towards solving the difficulty of assigning a meaning; and the author of *South Yorkshire* (II. 260) copied this “spernarii,” with a mild protest that the word is not in Ducange. But he himself (although he had for some time the Chartulary in his possession) failed to discover that after all “spernarii” was only a substitution.

Singularly enough in No. 7, which appears to be but a version of No. 2 adapted to the circumstance that Robert de Lascy had married (and which has never been printed, though there is an imperfect abridgment in *Lansdowne 207A*), there is a third reading, and the text becomes not “sprivarii” nor “spernarii,” but “spreverii;” while in substitution the monks were allowed to provide “falcones et ostorii.” With this alteration I shall deal when I come to No. 7. See page 26, note (4).

The description of the boundaries of Dodworth in No. 2 is very accurate; and the occurrence of the “fovea luporum,” which I have translated “the wolves’ pitfall,” becomes doubly interesting in the face of the fact that between Woolley to the north (the ancient Wolveley), and Dodworth, is a site still known as the Wolves’ pits, while as we have just seen there was in these charters evidence of the existence not only of those beasts, but of three kinds of accipitres. Barneby bridge also remains to this day.

Although Robert’s estates in Lincolnshire, or some of them, were given after Tenchebrai to Hugh de Laval, already a tenant in the western part of the Honour, there is no record that any disposition by the king was made of the Yorkshire estates. They probably remained in his hands till they were restored. Nor when they were again forfeited is there record of the service rendered by this Hugh de Laval (not de la Val, as the name is sometimes written even in contemporary documents), to qualify him for this large reward; but it is as well to note that Ordericus Vitalis (74) makes the mistake of calling him brother to Robert de Lascy.

The full enumeration of their possessions contained in Hugh de Laval’s charter shows that the monks had gained little or nothing locally during the generation which had elapsed since their foundation. They had, however, become possessed of a few distant advowsons (perhaps the gift of the intruding lord from his older possessions), which afterwards became a source of some wealth to them.

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Charter No. 3, which is the first to mention the church of St. Mary de Foro, the present St. Giles's, the parish church of Pontefract, states that half of it formerly—that is before 1122—belonged to the canons of Nostell, of which place the king himself seems to have been really the founder while he held the forfeited estates, during the first short dispossession of Robert de Lascy, in 1106 (see *post* in the Seventh Fasciculus); and it may be, indeed, that the half of St. Mary's de Foro was one of the royal donations at the foundation of that priory.

If we can accept implicitly a memorandum concerning the church of Whalley, which appears in an early fourteenth century hand, on the fly-leaf of the Chartulary, and is printed by Dodsworth in the *Monasticon*, where it is now No. xxviii., Hugh de Laval had previously given to the monks that church, which is one of those enumerated at the close of the charter. But the custody of St. Nicholas was granted by a subsequent charter, No. 4, as was the tithe of all the toll of Pontefract. And these are the earliest mentions among the seigniorial charters of the present name of the town. When, however, we come to the ecclesiastical charters, we shall find it occurring repeatedly (see Nos. 39–43), even in the time of Robert de Lascy. But it should be remembered that Pontefract, by whatever name it was then known as a whole, was really composed of many small districts or hamlets:—Kirkby, Brackenhill, or West Royd (now Monkroyd), Foulsnape, West Chepe (perhaps the district named Forum in No. 3), St. Nicholas Town (now Tinkler's Stone), &c.; and that the monks of 1220–40 in their transcriptions from the old charters, took liberties with the text. In No. 3 the name is Kirkby, *i.e.* the *hamlet* near the church; in No. 4 it is Pontefract, *i.e.* the *manor*, including Kirkby.

Charter No. 3 had been signed by members of the royal court, but No. 4 was witnessed by local men only, of whom the Folioths, of Pontefract, and Roger Pictavensis, of Altofts, were signatories to the charters of the previous lord. These two are the only charters which the monks claimed to have received from Hugh de Laval.

With regard to charter No. 5 itself, its right to this position in the Chartulary is not confirmed by subsequent evidences; for if the lord of Pontefract, the second Ilbert de Lascy (1135–1141), had given a bovate in Barneby, or two bovates in Harwood (Great Harwood, near Blackburn, in Lancashire [Whitaker's *History of Whalley*, p. 423], is evidently meant), the gift would have been named in the various confirmations, and in the charters granted by Henry de Lascy at the consecration of the buildings in 1159, which was made so important an era in the charter-history of the foundation of St. John's. That

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they were not so named is evidence that the monks did not at that time own them.

Though, indeed, Robert de Lascy, the father of the second Ilbert, could not have witnessed any document given by his son, for he died before Ilbert came into possession or even came of age. Moreover, the names of the witnesses belong to a later date: Adam de Reineville, "seneschal," survived 1218; "Thomas son of Peter" must be meant for Thomas son of Peter fitzAsolf; and with Elias the chamberlain, and Adam Pincerna, they belong to a later generation; while the appearance of Richard de Lewes may be considered as due to the connection between the monks of Pontefract and the great Cluniac priory in the county town of Sussex.

The fact will, however, be developed in due course that the Chartulary contains two charters (240 and 408) in which appears the history of the conveyance of the two bovates in Great Harwood from Thomas the Priest to Gilbert de Lascy, and that there is another (86) by which Hugh Foliath is proved to have been the original donor of the bovate at Barnby, which he gave with Thorald his native, and all his *sequela*;—a gift which accounts, moreover, for the cross appended in charter 5 to the name of Henry Foliath and to his style as the "lord" of Gilbert de Lascy [of Lancashire].

No. 6 seems to have been the confirmation charter given by the young Ilbert de Lascy when he obtained possession. The Thorp here mentioned (called Thorph in No. 10, printed as No. iv. in the *Monasticon*) is Thorp Stapleton, and the deeds connected with the transaction throw some light upon the history of the family of Stapleton, and enable us to distinguish them from the more important family at Carlton near Snaith. The latter has been represented even down to the present decade by Lord Beaumont, but the Darrington or Pontefract Stapletons became extinct very early in the fourteenth century.

Stapleton near Pontefract and Thorpe [Stapleton] were each at the time of the Survey in the hands of one Gislebert, the son of Dama, and in his family they descended together, till, with the failure of male heirs, they came by marriage to the Scargills.

In what way Gislebert was connected with Hugh de Stapleton (who witnessed Hugh de Laval's charter of 1122 (No. 3), and gave the monks a bovate in Stapleton) has not been clearly made out, though there is more than probability that he was his father, and that he is the Gilbert whose son Hugh witnessed No. 40. This Hugh appears in as full possession as Gislebert had previously been; he is the first who calls himself "of Stapleton," and thenceforward the line of the