A WIDDRINGTON CHARTER.[1]

Wautier de Hebbescotes Abbe de Alnwyk, Clement Priour de Tynemouth & Henry de Percy Count de Northumb'r a tous ceux q' ces p'sentz verront ou orrount saluez—Come meritoire chose est a tesmoigner verite—Si vous signifioins q' nous auoins vewe lue & examine une escriptz enseallez de la seall Roger de Widerington du date del tierce jour dapprill lan de g'ce mille trois Centz septant seconde contenauntz qil enfeoffa p' meisme lescript Mons. Thom's Surteys & Mons. Donald Hesilrigg & Will'm de Hesilrigg & Eamon de Hesilrigg en la manoir de Widerington & touz ses aut's t'res & tenementz one leur ap'tenantz en Northumb'r Tyndall Riddesdall & Gillesland a eux & leur heirs en fee simple quelle seaisine & possession continue p oitz jours le dit Roger declarra as ditz feffez q' sa volunte fust qils enfeofferent John de Widerington son fiz & heire des ditz manoir t'res & tenementz one le' app'tenantz' A tenir & avoir au dit John & ses heirs males de son corps engendrez & encas q' le dit John demeroit sanz heir male de son corps engendre qadonq's les ditz manoir t'res & tenementz one le' ap'tenantz surditz remaindrent a Nich' Heron & ses heirs males de son corps engendrere portaunt les armes one le nome de Widerington et si le dit Nich' demeroit sanz heire male qadonq's les ditz manoire t'res & tenementz one leu' ap'tenants surditz remaindrent a Eamon Hesilrigg & ses heirs males de son corps engendrert portaunt le nom one les armes de Widerington Et si le dit Eamon demeroit sanz heir male qadonq's les ditz manoir t'res & tenementz one les ap'tenants surditz remaindrent a Thom's fiz Will'm de Hesilrigg & ses heirs males de son corps engendrert portant le nome one les armes de Widerington Et si le dit Thomas demeroit sanz heir male qadonq's les ditz manoir t'res & tenementz one le' ap'tenants surditz remaindrent a Roger fiz Wautier Heron & ses heirs males de son corps a engendriers portaunt le nome one les armes de Widerington Et si le dit Roger demeroit sanz heir male qadonq's les ditz manoir t'res & tenementz one leur ap'tenantz susditz remaindrent a Raignault fiz Mons. Bertram Monbouchier & ses heirs males de son corps a engendriers portaunt le nonn & les armes de Widerington Et si le dit Raignault demeroit sanz heire male qadonq's les ditz manoir t'res & tenementz one le' ap'tenantz susditz remaindrent as p'cheins heirs du dit Roger de Widerington En tesmoign de quelle chose a ces p'sentz auoins mys nos seal A Werkworth le XXIII iour de Aprill lan du regne le Roi Richard second puys le conquest tierce.

In this charter, of which a *facsimile* is given, we have what is known as a charter of *vidimus* or *inspeximus*; given by Walter de Heppescotes Abbot of Alnwick, Clement Prior of Tynemouth and Henry de Percy, Earl of Northumberland, at Warkworth, 23 April, 1380. It embodies a deed of feoffment, executed by Roger de Widerington 3 April, 1372, shortly before his death which occurred 46 Ed. III. A deed of feoffment of this nature gives an example of how a will could be published in spite of the law passed by the Normans to prevent land being bequeathed by testament. Before the Conquest, the Saxons had the power of disposing of their lands by will, but this power was annulled by the Normans as being opposed to the principles of the feudal system, and was not restored until the passing of the Statute of Wills, 32 Hen. VIII. The ecclesiastics, however, contrived to evade this restriction through the medium of a *trust*, and of this contrivance the deed before us furnishes an excellent example. In this case we have Mr. Thomas Surteys, Mr. Donald Hesilrigg, Will[m] de Hesilrigg, and Eamon de Hesilrigg named as trustees, and to them and their heirs Roger de Widerington conveyed his manorial rights of Widerington and all his other lands in Northumberland, Tynedale,

[1] The original is in the possession of Sir Charles Legard, Bart.

Riddesdale and Gillesland, in fee simple, adding that his *will* was that they should enfeoff John de Widerington, his son and heir, and the heirs male, of his body; with remainder to Nicholas Heron and the heirs male of his body bearing the arms with the name of Widerington; with like remainder to Eamon Hesilrigg; Thomas, son of William de Hesilrigg; Roger, son of Walter Heron; and Reginald, son of Mr. Bertram Monbouchier; failing all these, then to his next heirs. This trust, which the ecclesiastics of that period were careful to enforce, was also called the *use* for which the land was held, and gave rise to the Statute of Uses, 27 Hen. VIII, the effect of which survives in the words "to the use of," in a modern conveyance. The *uses* declared by this deed closely resemble the ordinary limitations by which land is at the present time entailed, and such as would now be found in a strict settlement of real property.

Of the three seals appended to this charter the most interesting, heraldically, is that of Percy, Earl of Northumberland. In all probability it was cut on his elevation to the Earldom in 1373, but the part of the legend which would show this is unfortunately gone; all that can be read being SIGILLUM HENRICI DE PERCI. By connoisseurs of ancient seals it may be considered as a specimen of the highest workmanship of that period, and it is not too much to presume that the figure represented is intended for a portrait of the Earl. The arms displayed on his shield and banner, are those of his paternal ancestor Josceline de Louvaine. It was probably not until after his second marriage with Maud de Lucy, when it was stipulated that her arms should be for ever borne with those of Percy, that he quartered the arms of Percy, with those of Louvaine and Lucy. An example of the treatment of these quarterings is to be found in Boutell's *English Heraldry*.

The pedigree of the Wideringtons, and their connection with the families of Hesilrigg and Heron has been attempted by several genealogists, but not very successfully, so that it is hoped that in another number of this magazine, some details may be given, showing the kinship, which must have existed, between the testator Roger de Widerington and the persons on whom he entailed his estates.

SCUTUM.

FIRST BISHOP OF BATH AND WELLS.

(*Continued from* Vol. VI., p. 168)

INTERVAL AFTER THE DEATH OF JOCELYN.

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1242, Nov. 22.—*The canons of Wells announce to the monks of Bath the death of bishop Jocelyn.*

Canonici Well. denunciant Priori et Conventui Bathon' de morte Jocelini episcopi dat. Well. die Sabbati proxima post festum Sancti Edmundi 1242.

[*Harl. MS.* 6968, *f.* 45 d.]