Of the witnesses to the present charter the names of some occur elsewhere after the Earl became King. Thus Geoffrey Earl of Perch grants a charter in the second of John. Theobald, the son of Walter, occurs in another of the 15th of John, as does Hugh de Malalouay in the 1st of John; Robert Marmiun also witnesses a charter in the 5th of John.

It may be remarked that the word "me," in the second line of the charter, is corrected into "nos" in the charters granted after John's accession. The "Habendum et tenendum" clause, supposed to have been introduced into general use under John, appears here; but the "reddendum" clause, introduced under the same monarch, is wanting. The words "Hiis testibus," so constant in later charters, do not appear here; they were occasionally inserted under Richard the First, but came into general use under Hen. III. It is remarkable that this charter bears the date of the place (Rouen) only.

G. T. C.

DESCENT OF SOME OF THE PRINCIPAL PROPERTY IN ROMANBY TOWNSHIP, IN THE PARISH OF NORTH ALLERTON, NORTH RIDING OF YORKSHIRE.

When an historian of "Allertonshire," (that is to say, the district bounded by Durham on the north, Bulmer wapentake on the south, Cleveland on the east, and Richmondshire on the west,) appears, the following matter may assist him in detailing the topographical history of Romanby.

During, and at the close of the seventeeuth century, one of the most important families, if not the *only* one of *consequence*, resident here, was a branch of the wide-spreading Yorkshire house of Metcalfe; and Thornborough Hall in Romanby was its seat. This family is of great antiquity in Yorkshire, and so populous, that there is scarcely a town or village in the North and West Ridings which cannot own an inhabitant named "Metcalfe." It is written, that, even in the fifteenth century, Thomas Metcalfe, Sheriff of Yorkshire, was attended to the assizes by one hundred and fifty Metcalfes mounted on white horses. There is a tomb in the mother church of North Allerton to one Mark Metcalfe its Vicar, with the date 1593; but the name is really so common in the county, that it is impossible to

determine whether he was, or was not, a member of the branch seated at Thornborough Hall in his parish.

Richard Metcalfe, of the parish of North Allerton, died about 1640, having had to wife Anne, daughter of John Palliser, of Newby Wiske, by whom he had issue: and soon after, we find George Metcalfe, Esq. seated at Thornborough Hall in Romanby, in North Allerton.

This gentleman, *it seems*, had a daughter Anne married to Michael Pemberton, of Aislaby, and a son and heir William Metcalfe, Esq. of Thornborough Hall, who succeeded his father in the Romanby estate, and lived during the reign of Charles the Second. He married Elizabeth, daughter of ——* and died before or in 1701, leaving her surviving; having had issue by her, at least one son, viz. Richard Metcalfe his heir, and two daughters, 1st. Elizabeth (who wedded Francis Procter, Esq. of Thorpe on the Hill in Rothwell parish, in the West Riding, and by him left issue a son and heir Metcalfe Procter, Esq., of whom hereafter as a coheir of the Metcalfe family); 2nd. ——— who married, whence came Mary Hunter, the other coheir of the Metcalfes in 1747.

* *Ogilvie of the Earl of Finlater's family*

By indenture dated 6th January 1701, being the settlement made on the marriage of the above Richard Metcalfe, Esq. of Thornborough Hall with Mary his wife, divers lands in Romanby were conveyed to trustees for the benefit of him and her and the children they might have; and, on the 11th April 1702, the same Richard Metcalfe, described "of Thornborough Hall, in Romanby Esquire," together with Elizabeth Metcalfe, widow, his mother, and Thomas Grayson, of Red Hugh, in Durham, gent. (son and heir of Thomas Grayson, of North Allerton, yeoman, deceased), surrendered to the lord of the manor of North Allerton, to the use of George Morland, of Windleston, in Durham, Esq. James Ibbetson, of Leeds, gent. Roger Talbot, of Wood-end, in Yorkshire, and Edmund Barstow, of Hingershell, in the same county, Esqrs. their heirs and assigns, the capital messuage (with all, &c.) then in the occupation of Richard Metcalfe, and the following closes: Flower Closes containing 30 acres, Little Bassey 8 acres, Great Bassey 18 acres, Summer Pasture 60 acres, Shelbrough close 6 acres, Intack 7 acres, half of Braymire close 8, Burrell closes 14 acres, three closes called Weyndells 34 acres, High Bassey 12, two other closes called Shelbrough .... acres, High Fields

† trace Kilvington - Surtees Soc. Proc. 107 41 - p XXIII

40 acres, Slater Flatts 21, Low Bassey 8, Butts, Mask Flatts, and Foreside Knotty, in all 36 acres; as well as an estate called Sadler's Farm and Cawdrey Fields, in all 80 acres, with their appurtenances, all in Romanby, and then in Richard Metcalfe's occupation, and all the estate in Romanby (*i. e.* of course, only the copyhold) of the said Richard and Elizabeth his mother. This surrender to the trustees of the copyholds, was pursuant to covenant in the marriage settlement of 1701.

On the 13th August 1713, Richard Metcalfe, Esq. made his will, and died soon after; leaving by his said wife an only daughter and heiress, Elizabeth Metcalfe, then a minor, who succeeded to all his estates at Romanby, Sand Hutton, and North Allerton, subject to his debts.

By lease dated 10th November, 1st Geo. I. Nathaniel Lord Crew, Bishop of Durham, demised to John Wood and Francis Procter, Esquires (trustees for the heiress Elizabeth Metcalfe), four oxgangs of land with appurtenances in Romanby formerly possessed by Thomas Lascells, afterwards by Thomas Palacer, subsequently by George Metcalfe, and immediately preceding the said lease by Richard Metcalfe; as well as four oxgangs of land in Romanby, also formerly possessed by Lascells, next in the tenure of Robert Green, and late in Richard Metcalfe's; and also 26 oxgangs rights containing 13 acres of meadow, and situate within Allerton Ings, to hold to Wood and Procter and their heirs, for the lives mentioned therein, under the yearly rent of 55 shillings. We find, moreover, that Ibbetson and Barstow were about this time seised in fee, in trust for the said Elizabeth and her heirs, of those three closes in Romanby called South Flatts, and were also possessed of two other closes or coatrights in Romanby in trust for her for the residue of a term of 1000 years, commencing 8 Jac. I.

At length the heiress, Elizabeth Metcalfe, attained her majority; and by indenture of release quadrupartite, dated 19th January 1725, between the above young lady, described as "Elizabeth Metcalf of the city of Durham, gentlewoman, only daughter and sole heiress of Richard Metcalf, Esq. deceased," of the first part; James Ibbetson, Edmund Barstow, and John Wood of Lincoln's Inn, of the second part; James Nicholson of the city of Durham, Esq. of the third part; and Thomas Rudd, Esq. and Ralph Gowland, gent. of the same city, of the

fourth part, (Morland, Talbot, and Francis Procter were all dead ere this;) after reciting among many other matters, that a marriage was about to be solemnised between the said James Nicholson and Elizabeth Metcalfe, it is witnessed, that, in consideration of a settlement of the manor of Grisby by James Nicholson on his intended wife, she, Elizabeth Metcalfe, with her trustrees, conveyed all her fee simple lands and tenements at Romanby to Gowland and Rudd, their heirs and assigns, to the use of her and her heirs till the solemnisation of her marriage, afterwards to the use of Nicholson for his life, then to the use of Rudd and Gowland to support contingent remainders after his death; viz. the making a settlement on her possible issue in strict entail. By this same instrument the eight oxgangs of land in Romanby demised to Procter and Wood in 1st Geo. I. as well as two closes in a place called Lingate, and reputed to constitute part of Romanby demesne, were conveyed to Rudd and Gowland with the same trusts. This instrument of 19th January 1725, contains also the covenant necessary for the surrenders of the before-mentioned copyholds at Romanby, to the same uses.

The young people were soon after married: but their union was a very short one; for on the 14th July 1727, James Nicholson made his will; and died, *sine prole*, on the 12th August following, leaving her a widow; and in pursuance of the contents of her husband's will, she executed a deed poll on the 16th October 1727, being a deed of election for the purpose of retaining her own paternal freehold, copyhold, and leasehold estates, and releasing her husband's lordship of Grisby: all which was formally effected by indentures of lease and release, dated 1st and 2nd Nov. 1727. It appears that a 1000*l.* had been borrowed to pay her father's debts; and that it was charged upon her estates.

For three years Mrs. Nicholson remained a young widow: but by indentures of lease and release dated the 2nd and 3rd February 1730, we find she was about to take to her a second husband, viz. Nicholas Lambton, Esq. of Biddick Watervill, alias South Biddick, in the county of Durham, heir and representative of Robert Lambton, Esq. younger son of Sir William Lambton, of Lambton, by his second wife Catharine Widdrington. By this instrument all Mr. Lambton's mansion and manor

See note at p 496 on this statement.

of South Biddick were conveyed to trustees, as also was all Mrs. Nicholson's estate at Romanby (with a covenant for surrender of the copyholds) for the benefit of themselves and children; trusts which it is needless to detail, for the deed which we are noticing also contained a power of revocation of the whole settlement, and upon which they acted so soon after as the 29th August 1733. In 1742, the 1000*l.* advanced by one Elsley for payment of the debts of Richard Metcalfe, Esq. was repaid, or the debt transferred elsewhere.

By the said Nicholas Lambton, Esq. Elizabeth Metcalfe had an only child, Margaret Lambton, and died before March 1747. Her daughter soon after also departed this life, being in her infancy; whereupon a Chancery suit immediately ensued between Nicholas Lambton (who had survived both his wife and child) and Metcalfe Procter, Esq. of Thorpe on the Hill in Rothwell parish, in the West Riding, and Mary Hunter (who had then become coheirs of the Metcalfe family), for the copyholds within North Allerton manor. Lambton, however, was successful, as appears by the decree dated 2nd March 1747; and Procter and Hunter had to pay costs. Thus the Romanby property passed out of the Metcalfe family, and its heirs were discarded from the patrimony of their ancestors.

Pefore proceeding, however, we may show whence the representation of the Metcalfes of Thornborough Hall descended. The said Metcalfe Procter, Esq. who thus became the eldest coheir of that family, resided, like his paternal ancestors, at Thorpe on the Hill, in Rothwell parish, near Leeds, and was twice married: first to Martha, third daughter of the Rev. John Disney of Lincoln, son of Daniel Disney, by Catharine, daughter and coheir of Henry Fynes Clinton, Esq. grandson of Henry Earl of Lincoln. By her he had two daughters:

1. Catharine Procter, married in 1765 to Thomas Howard, third Earl of Effingham; but died *sine prole.*

2. Martha Procter, married to Ralph Hanson, Esq. of Ford House, in Devon, by whom she was mother of an only child and heiress,

1. Catharine Hanson, wife of Benjamin Dealtry of Lofthouse Hall, in Yorkshire, Esq.

Metcalfe Procter wedded secondly, Frances, daughter of Thomas Kirkby, Esq. of Doveridge, in Derbyshire, by Mary his wife, daughter of Thomas Kynnersley, Esq. of Loxley Park,

in Staffordshire, by Barbara his wife, eldest daughter of Sir Gilbert Clarke, of Chilcote and Somersall in Derbyshire. Both Metcalfe Procter and his second wife appear to have been alive in 1789,[a] and by her he had another daughter.

3. Elizabeth Procter, who was born 23rd May 1769, resided at Byard's Lodge, which she purchased, and also in Bond End Knaresborough, co. York, and dying unmarried on the 18th November 1821, æt. 52, was buried 24th November, at Knaresborough: and in Knaresborough church the following inscription remains on the monument to her memory.

"Elizabeth Procter, daughter of Metcalfe Procter, of Thorpe on the Hill, Esq. and Frances Kirby, of Doveridge Hall, in the county of Derby, and lineal descendant of the Gascoignes, of Thorpe and Parlington, born the 23rd May 1769, died 18th November 1821."

On the decease of Metcalfe Procter, Esq. the representation of the Metcalfes devolved upon his daughters as coheiresses, and now rests with Mrs. Dealtry. Frances, the second Mrs. Metcalfe Procter, was a lady greatly revered by the lower classes, and always went among them by the title of "Madam Procter." But now let us return to the estates of the Metcalfe family.

At a court held 7th Oct. 1749, it was found by the homage that, on the 26th April 1749, Nicholas Lambton, Esq. and others, surrendered all that capital messuage and all those lands and tenements in Romanby already described (being those comprised in the surrender of 1702) to the use and behoof of Anthony Wilkinson, Esq. of Crosgate, in Durham, his heirs and assigns. This was a mortgage to Wilkinson for the sum of 3,000*l.*:—and by indentures of lease and release dated 11th and 12th May 1759, Lambton mortgaged the rest of his freehold, copyhold, and leasehold estate at North Allerton, Sand Hutton, and Romanby, to the Wilkinsons for the sum of 11,600*l.*; and this family thus had thenceforth, for long after, a deep interest in the estate; but Nicholas Lambton retained his equity of Redemption, and died intestate 17th April 1778; having had issue, by some other

[a] Mrs. D'Oyly of Sion Hill, mentioned in an article on Kirby-Wiske, in this work, was niece of this, the second Mrs. Procter, and resided a great deal with her at Thorpe on the Hill, before her (Mrs. D'Oyly's) marriage; when she was Hannah Marston. She was married to Edward D'Oyly, Esq. while staying there; and in Rothwell parish register, which contains the entry of their wedding, dated 1789, we find that not only Mrs. Frances Procter and her daughter Elizabeth were present at the ceremony, but also "*M. Procter.*" ? *Metcalfe* Procter.

wife than the heiress of the Metcalfes, an only daughter and child Mary Lambton, who survived him, and inherited all his lands. This lady at length paid off the charges on the Romanby property; and the Wilkinsons then cease to appear on the title. For an account of this Wilkinson family see Burke's Commoners, vol. i. p. 69: though there are, on these Romanby papers, many dates, wills, &c. relating to them, that would make Burke's pedigree of the family much more complete than it is.

Mrs. Mary Lambton continued in possession of Romanby down to 1811, when for the sum of 4,260*l.* by surrender dated 30th July 1811, she sold *part* of the copyholds at Romanby, viz. Flower Closes and Low Bassey, with the dwelling-houses and stables thereupon, to William Batchelor Bayley, Esq. of North-Allerton, M.D. and Henry Hirst of the same place, gent. in undivided moieties. As Dr. Bayley was only a short time concerned here, it is needless to enter into his pedigree, which may be seen in the Heralds' College, registered in Norfolk, 12 B. He made his will 14th April 1812, devising all his right and interest in the manor of Ellerbeck in Osmotherley parish, in the Norh Riding, his estates at Easingwold, North Allerton, and his undivided moiety of this little purchase at Romanby, all in the same Riding, to his friend Warcop Consett, Esq. of Brawith, in Yorkshire, his brother-in-law Matthew Todd, Esq. of Normans House in the same shire, and the said Henry Hirst, of North Allerton, gentleman, (who was first cousin to Dr. Bayley's first wife), in trust for the benefit of his wife and children as therein mentioned, and dying 11th June 1813, was interred in the chancel of North Allerton church.

By surrender dated 5th Oct. 1816, Henry Hirst, gent. sold his share of this Romanby estate to Matthew Todd, Esq. of Normans House: and since then Dr. Bayley's moiety has likewife been sold or mortgaged.

What, however, became of the *whole* of the estates at Romanby, united in the days of the Metcalfes, we have not the means of ascertaining; yet it is believed that since 1785 they have all been chopped up into lots among various purchasers. But while the *Metcalfes* kept their seat there, they were unquestionably the most considerable family in the township; and their lands, though it *does not appear* they owned any one *manor* in the neighbourhood, were of proportionate value and importance.

Westminster, Oct. 1843. W. D. B.

Note to the article on Romanby, at p. 326.—Nicholas Lambton, Esq. of Biddick, who married Elizabeth Metcalfe, was not descended from the body of Robert Lambton, of Biddick, though he inherited that estate. He was grandson of Thomas Lambton, son of Sir William Lambton. The wife by whom he had his daughter Mary was Miss Middleton, of Offerton.