## CIROGRAPH BETWEEN LADY MARGARET DE ROS AND WILLIAM DE STIRKELAND, RELATIVE TO CERTAIN CUSTOMS ON HIS LANDS IN WESTMERELAND, &c. 1281.

*From the original in the possession of W. D. Bruce, Esq. F.S.A.*

By this cirograph the lady Margaret de Ros, the lady of Kendale, released to William de Stirkeland, ancestor of the family of Strickland, of Sizergh, various services to which his lands had hitherto been subject, viz. all his lands in Westmereland free from the *pultura*, or free-quartering, of the land-serjeants, or border militia, both horsemen and footmen; also all his lands in Kendale and those in Staynton, which he had already given to his son William, free from the *pultura* of the land-serjeants and foresters, both horsemen and footmen. Both parties to the cirograph also agree that in future the proceedings in the court of the lady Margaret should be conducted without the production of a *witness-man* on either side.

As respects the contents of this charter, it may be compared with others contained in the History of Westmorland, by Nicolson and Burn. By one of these (vol. i. p. 90.) Peter de Brus, the father of the lady Margaret, granted to William de Stirkland freedom from pulture of her foresters, as well horsemen as footmen, and also from Witnesman, in all his lands of Hakethorp, Syresergh, Natland, and other places. Two charters of John de Vipont, relative to the same customs, will be found in the same volume, pp. 23, 24.

*Pulture* was a right of demanding free entertainment (Nicolson and Burn, i. p. 22.) Two etymologies have been suggested for the term, but neither of them appear satisfactory. Cowell, in his Law Dictionary, *voce* "Pultura, an examination," derives it from *pulsare*, as if from knocking at the door. Sir Edward Coke, having found the word written *puture*, thought it was derived from *potare*, to drink. Several instances of the word under the form *putura* will be found in the Law Dictionary of Cowell, who, under that word, explains the custom as one "claimed by keepers in forests, and sometimes by bailiffs in hundreds, to take man's meat, horse meat, and dog's meat, of the tenants *gratis*, within the perambulation of the forest, or liberty of the hundred:" after having previously given *Pultura* as a distinct word, as above mentioned. It may be suggested that the more probable etymology is to be drawn from the Latin *puls*, a food made of meal, whence *pulticula* pottage, and *pultarium* the vessel in which it was made. It is well known that the food of the labouring classes in ancient times was chiefly pulse. Thus, in the book of Peterborough, all the villeins and wokemen

who had the *cibum Domini*, were fed on bread and beer, but not flesh. Such was the food which the land-serjeants and foresters of Kendale would have the right to claim.

Some notices of the *Witnesman* will be found in Nicolson and Burn ubi supra. It is evidently a Saxon term similar to *festerman*, and equivalent to a mainpernor or surety-man.

Peter de Brus, the father of lady Margaret, died in 7 Edw. I. Her husband Robert de Ros, who was a younger son of Robert Lord Ros of Hamlake and Werke, was previously deceased, in 2 Edw. I.

Sir William de Lyndesey, the first witness, was in 1281 the lord of a moiety of the barony of Kendal. Sir Gilbert de Curwen was lord of Workington in Cumberland.

William de Windeshover occurs, with Alan clericus, as a witness to a charter of William de Stirkeland in 17 Edw. I. (Nicolson and Burn, i. 90); and again, with Thomas de Derlay, another of the witnesses to the present document, to a charter of the same party (p. 210).

C*IR*O*G*R*A*F F*V*WE . . EM.[a]

Anno ab Incarnacione domini Millesimo ducentesimo octogesimo primo ad festum sancti Martini in hieme, Ita convenit inter dominam Margaretam de Ros ex una parte, et Willielmum de Stirkeland ex altera, vidz. quod predicta domina Margareta in pura viduitate sua concessit remisit et omnino inperpetuum quietem clamavit de se et heredibus suis vel suis assignatis predicto Willielmo et heredibus suis vel suis assignatis omnes terras quas habuit in die confeccionis presencium in feodo suo in Westmer' quietas de pultura landseriantium tam peditum quam equitum; et etiam omnes terras suas quas habuit in feodo suo in Kendale, una cum terris suis in Stayntone quas prius dederat Willielmo filio suo quietas de pultura landseriandorum et forestariorum tam peditum quam equitum, et de *Witnesman* sibi et supradictis landseriantibus et forestariis inveniendo. Ita quod nec predicta domina Margareta nec heredes sui nec aliquis alius assignatorum suorum aliquid jus vel clameum in predictis pultura sive *Witnesman* inveniendis per ipsos vel per servientes seu forestarios aut aliquos tales ministros suos in locis prenominatis decetero inperpetuum habere [vel] exigere poterint vel vendicare. Pro hoc autem concessione, remissione, et quieta clamacione predictus Willielmus obligat se et heredes suos et quoscunque predicte terre tenentes annuatim in perpetuum soluturos predicte domine

[a] The letters in Italics were cut away when the indenture was divided.

Margarete et heredibus suis quatuor marcas argenti scil3 medietatem ad Pentecostem et aliam medietatem ad festum Sancti Martini in hieme. Preterea concessit predictus Willielmus pro se et heredibus suis quod si contigeret ipsum vel ipsos aut quoscunque predicte terre tenentes in curia dicte domine Margarete aut heredum suorum inplacitari, quod ad summoniciones et districciones facturas per servientes aut forestarios predicte domine Margarete aut heredum suorum in curia predicta juratos sine produccione de *Witnesman* ad simplicem vocem servientium vel forestariorum respondebunt sicut respondere consueverunt quando *Witnesman* solebat produci in tempore suo et antecessorum suorum. Et ut hec concessio remissio et quieta clamacio necnon et predicta firma reddicio robur [et] firmitatem inperpetuum obtineant, tam predicta domina Margareta quam predictus Willielmus presenti scripto in modum Cyrographi confecto alternatim sigilla sua apposuerunt. Hiis testibus, Dominis Willielmo de Lẏndes', Gilberto de Corewenne, Roberto de Hẏavenewrthe, Henrico de Stavelay militibus, Willielmo de Wẏndeshouer, Thoma de Derley, Willielmo de Croft, Alano clerico et aliis.

A small oval seal, in green wax, representing Lady Margaret standing, holding in her right hand a shield charged with three water-bougets for Ros, and in her left a shield charged with a lion rampant for Brus; her mantle lined with vaire. Legend: S. MARGARETE DE ROS. Engraved in Sharp's History of Hartlepool, and in Drummond's British Families.