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FAMILY OF SWINTON.

BY

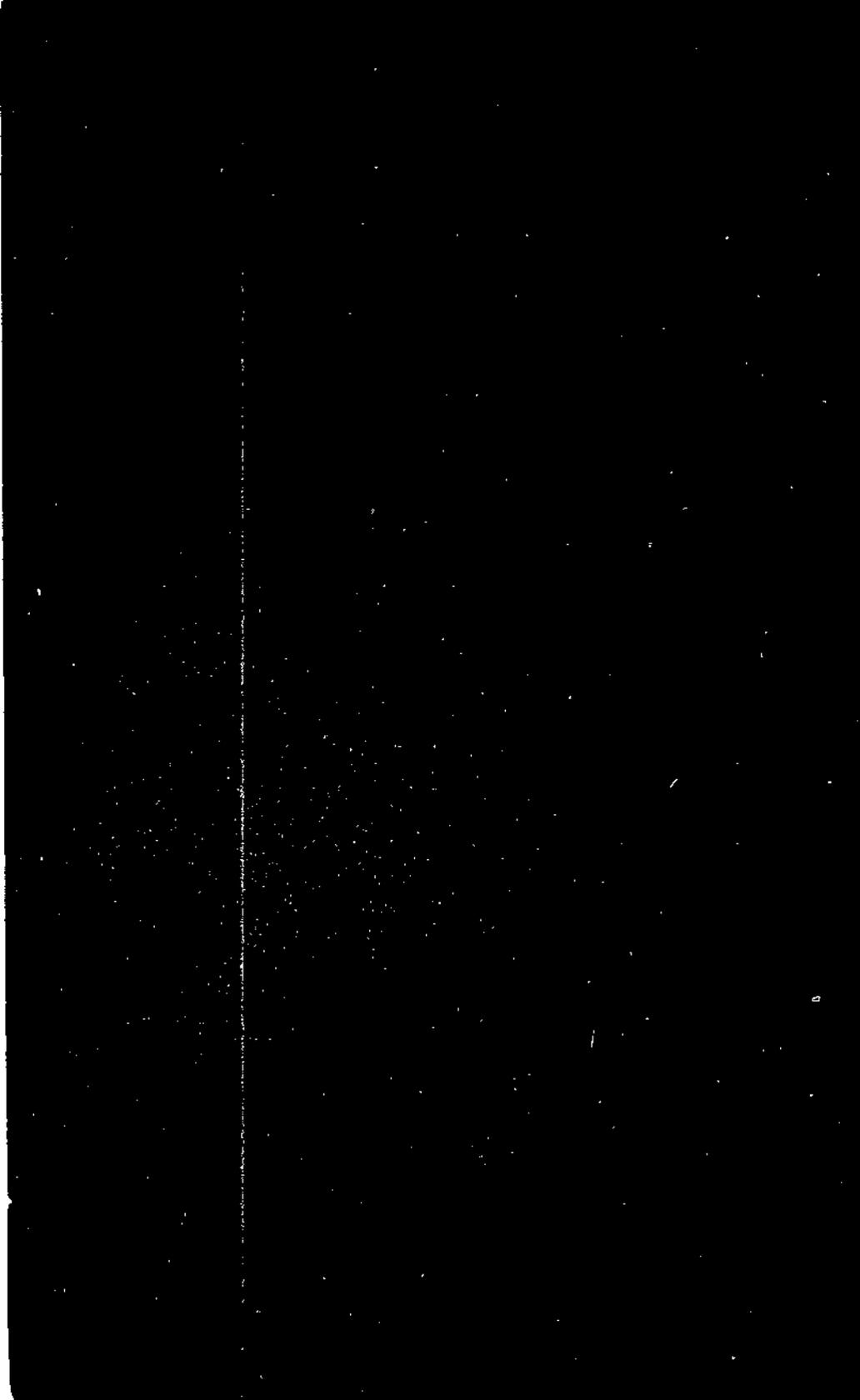
CAPTAIN GEORGE S. C. SWINTON.

[Reprinted from "The Genealogist," N.S., Volume XV.]

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With the Writer's compliments.

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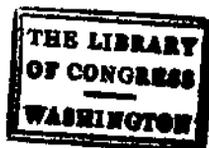
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The Family of Swinton.

Ten years ago Mr. J. H. Round contributed to *The Genealogist* a paper entitled "Odard the Sheriff," in which he showed us very clearly who this Odard was, and proved his forebears and some of his successors for at least two generations both ways, achieving this result by calling to the aid of a Northumbrian pedigree, three of the charters of Swinton in Berwickshire, which charters preserved formerly at Coldingham, now at Durham, are reproduced in *fac-simile* in the *National Manuscripts of Scotland*, and appear also in Raine's *History of North Durham* (Nos. IV XII and XIII).

At this moment we need not refer to No. IV, but No. XII and No. XIII are as follows:—

C. Dñ regē de ſra de Swyntun. xl. ſol reddē moñ de Dunolm̄.

D. Rex Scot̄ & H. ſuus fili⁹. Om̄ibz vicecomitib⁹ ſuis cunctis q̄ baronib⁹ francis & Angl̄ Saſ. Sciatis qđ dedi & conceſſi huic meo militi Hernulfo. Swinton. in feudā ſibi & heredi ſuo cū om̄ibz hominib⁹ ſuis q̄ pecuniis Tenere. hōpe & libe & honorifice ſicut ullus ex meis baronib⁹ meli⁹ ac libi⁹ tēpot. & q̄cqd ad eā p̄tiā p̄ eaſdē conſuetudines p̄ q̄s Liulf⁹ fili⁹ edulfi. & Vdard⁹ fili⁹ ſuus tenuerūt. tenere de Sēo Cuthberto & de me. xl ſolidos reddente monachis de dunelmia ſine om̄ibz aliis ſerviciis. T. Wiſſ filio dunecan. & Maduo gaule. & comit̄ dunecan. & Radulfo Nuuel. & Marſel Marmiun. & Wai⁹ ſiſ alaui. & Herb̄ Chāblein. & ada ſit edwardi. & Wiſſ de linceſj. ad hadintunia. Val.

C. regē Dñ Arnulfo Militi gceſſa de ſra de Swyntoñ.

D. Rex Scottoz. Comitib⁹ Baronib⁹ viç Miniſtris. & Om̄ibz fidelib⁹ ſuis clericis & laicis toti⁹ ſre ſue: ſaſ. Sciatis me conceſſiſſe & dediſſe Arnolfo iſti meo Militi totā ſrā de Swintoñ cū pecunia & hōib⁹ & om̄ibz reb⁹ juſte ad eandē ſrā p̄tinentib⁹ In feudo & in Hereditate ſibi & heredibus ita libe & q̄ete & honorifice tenē & habere ſiç Vdardus viç eā

tenuit hñius ⁊ quietius p̄ illud seruitiū inñ faciendo Monachis Dunhelmie q̄d ipse Vdard^s eis inñ faciebat. p̄sentibus testib^s. Willo nepot̄ reg. ⁊ Madđ Comit̄. ⁊ Dunc̄ Coñi. ⁊ Hugone de Morviñ. ⁊ Walp̄ fit alañ. A. p̄. Traucoir.

Collating these two, Mr. Round showed us that Udard, the son of Liulf and grandson of Edulf, was also Udard the Sheriff, and went on to point out that Udard was the same person as Odard, Sheriff of the Northumbrians, and that from Odard descended a family which, from their long hereditary connection with the Shrievalty, adopted as a surname the title le Visconte or Viscount.

Hodgson has called Odard "the first Sheriff under the Crown on record," but in this he is surely wrong, for we find Liulf, his father, addressed as "Vicecomes" in two charters (Raine DCCXXIX and DCCXXXV, 2nd), and the date of this last cannot be later than 1118, in which year Queen Matilda, who grants the charter, died. We can date him earlier than this also, for, to refer now to Raine's Charter IV, King Edgar's charter of Swinton, he appears in this, first as a former owner of the lands "Swintun sic Liulf habuit," secondly as a witness to its transfer as Ligulf de Bebbanburch. Now Bebbanburch or Bamborough was the official seat of government in Northumbria, the old Earls were of Northumbria or Bamborough, the Vicecomes the same, and Liulf must then have been Sheriff; while the date of the charter cannot be later than 1107, in which year Edgar died, and was most probably 1098, the year in which he refounded the Priory of Coldingham.

One thing we must remember throughout, that in the times of which we treat the Tweed was no certain boundary line. The Scottish Kings claimed Northumberland, and David, before he came to the throne, and his son Henry, in later years, held sway south of the present Border. In 1139, Henry was definitely appointed Earl of Northumberland, and its Barons did him homage. He held Bamborough, and all the land was held under him (*vide* Hodgson, part i., page 248). For some time during the first half of the twelfth century the Sheriff of Northumberland was at least as closely connected with the Scottish as with the English Court, and not only does Liulf appear with King Edgar, but Odard with King David, and Adam, Odard's second son, with Earl Henry.

In the new *History of Northumberland* (vol. ii., page 10 and onward), Mr. Bateson has followed Mr. Round in exploring the le Visconte pedigree as carried on by John, Odard's third son, but, though the Swinton charters are made use of, we find no mention of the family primarily interested in them, who take their name from the Swinton lands, some small portion of which they have continued to hold from that day to this. The reason is obvious, for though a descent has always been claimed by them from Edulf through Hernulf, there was nothing but tradition and old pedigrees to go upon, and up to the other day no contemporary evidence beyond Charters XII and XIII had been discovered to show any certain relationship between Hernulf and Odard.

In the *Athenæum* of June 9th, 1894, one anonymous critic went so far as definitely to deny that such relationship ever existed, for in an

article in the edition of Burke's *Landed Gentry*, published in that year, in which he rode rough shod over many of the older pedigrees, he said—

“Nor have they yet learnt that Ernulf, the alleged ancestor of the Swintons, was not descended from his ‘Saxon’ predecessors.”

Now even then this was somewhat sweeping, for let us consider on what the claim rested. In these charters there may be no mention of relationship, but there is much of hereditary possession of the same lands under the same conditions, and if there was no blood connection surely it was curious to record not only the name of the previous owner but his pedigree. This is not done in the second charter, why should it have been thought necessary to do it in the first? I can find no Scottish charter containing such a pedigree save in the case of hereditary succession. Family tradition again, and pedigrees written out long after the dates to which they refer, are, of course, not proof, but that this particular tradition was not coined yesterday is shown by reference to a pamphlet, printed and published in 1690, in which John Swinton of Swinton, in pursuit of his successful attempt to have his father's “pretended forfeiture” reduced, says,

“During all which time, the true proprietors have been debarred from access, to an inheritance transmitted to them from their ancestors, by an uninterrupted succession of above 600 years.”

Six hundred years from 1690 would carry us back through Hernulf to the time when we know that Liulf was holding Swinton. Lastly the opinions formed by experts must carry weight, and the pedigree has gone uncriticised up to now, while we have Alexander Sinclair writing in a manuscript preserved at Kimmerghame of “the old Saxon family of Swinton,” and Sir Robert Douglas saying in the *Baronage*—

“And though in the above charters Hernulfus is not designed son of Udwardus, yet, as fees were then begun to be hereditary in Scotland, it is highly probable he was either his son or heir-male; for certain it is, he was possessed of the same lands which were heretably enjoyed by the three preceding generations his predecessors.”

Now remember that these opinions were given when there was nothing to prove that Udard had not died unmarried.

Mr. Round started us on the right track and helped us much when he identified Udard of Swinton with Odard of Bamborough, and, finding for him two sons, William and John, showed that in or about 1132 Odard was succeeded in all his lands by William. But it is from the new *History of Northumberland* that we get our last and greatest assistance. Following Mr. Round, Mr. Bateson has gone a step further as far as we are concerned, for he has not only called attention to the facts that the lands of Swinton were included in the inheritance of William, the son of Odard, but he has printed a document from the Durham Treasury, which shows that this William did not live long, and which adds two more sons to Odard's family.

Durham Treas. Cart. Misc. 6,895.

“Omnibus baronibus comitatus Northumb(rie) Francis quam Anglia et cognatis et amicis suis Adam Vicecomes Northumbrie (deed damaged)
 . . . fratrem meum Wilhelmum concessisse et dedisse Deo et Sancto
 Cuthberto, propter elemosinam et (pec)uniam ipsius Sancti Arkil de

Matefen cum tota substantia sua. Et ego Adam heres ejus hoc idem concedo pro anima fratris mei et heredum ejus et mea anima et heredum meorum, concedente Johanne fratre meo et Ernaldo fratre meo.

"Testibus: Bernardo clerico et Johanne presbiter de Weremuthe Elfvoldo de Trhokelan et Ricardo clerico et Fulcone P'ntuit et aliis multis."

Here surely we find what we want, for here is a brother of Adam and John, the sons of Odard, who, considering the way his name is introduced and the fact of his consent being required to grants of family inheritance, cannot well have been a half-brother or illegitimate, and therefore presumably himself a son of Odard, bearing the name of Ernald, and in spite of the difference in the sound there is no doubt whatever that Hernulf, Arnolf, Ernald and Arnoud are all nothing but a clerk's variations of the same name. Mr. Round has, I believe, proved this, and I am told at the Record Office that it is admitted.

But it is a crucial point, and we cannot have too much proof.

In the *Testa de Nevill* we find:—

Page 114. Willi fil Ernold in Nethercote.

Page 115. Willi fil Ernulphi in Nethercote.

In the *Liber Rubens de Scaccario*:—

Date 1166. Simonem filium Ernulfi.

Date 1166. Simon filius Ernaldi.

And in the *Pipe Rolls* of this very County of Northumberland:—

Ernald de Morewic in the 7th year of Henry II.

Erñ de Morewic in the 11th year of Henry II.

Ærnulf de Morewic in the 14th year of Henry II.

Ernulf de Morswic in the 18th year of Henry II.

We can, moreover, show that our Hernulf or Arnolf of the Swinton charters was himself in Berwickshire written down as Ernald. The following must be identical:—

Grant of Swinton—"Meo militi Hernulfo," Raine, Ch. XII, date 1124 to 1153.

2nd Grant of Swinton—"Arnolfo isti meo militi," Raine, Ch. XIII, date 1124 to 1153.

"Ernaldo," Raine, Ch. cxii, date before 1166.

"Ernald milite," Raine, Ch. cxiii, date before 1166.

"Erñ de Swinet," Cart. of Coldstream, date 1165.

These last three are the names of witnesses to three charters of Gospatrick, the Earl, who died in 1166, all about land marching with Swinton.

The name, however spelt, was evidently a most uncommon one north of the Tweed whatever it was in the south, and on the few occasions at that date on which we come across it, when not a priest, the reference is always almost certainly to the same man. With the exception of Charters XII and XIII, which were probably the work of a south country clerk, much of whose spelling was wrong, for instance, Vdard for Odard, we invariably find the name rendered as Ernald, Ærnald, or Arnald. Beyond that in no other of the 803 Coldingham Charters does the term "Miles" appear after a Saxon christian name without a surname, nor does it appear in Raine in conjunction with any other name at all, Saxon or Norman, during the twelfth century.

We can also, I think, show that Ernald, the son of Odard, was himself on his part called Ernulf, for in the Red Book of the Exchequer,

date 1166, we find John, the son of Odard, enfeoffing Ernulf, while in the Pipe Rolls of 1170 and 1171 we find "Ernald fr John Vie" (John son of Odard). This last is of great importance also as confirming Mr. Bateson's reading of the Arkil de Matefen Charter.

We may now say that we have arrived at this:—

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| <p>South of the Tweed and close to it.</p> <p>1st. We find an Ernald, also known as Ernulf.</p> <p>2nd. Brother of William, Adam, and John, the sons of Odard, grandsons of Liulf, owners of Swinton.</p> <p>3rd. Interested in the disposition of their inherited possessions and in "Arkil de Matefen cum sua substantia."</p> <p>4th. John, son of John, Vicecomes, made grants to Farnie (Raine, Charter dccxiii, where, according to Reginald of Durham, two members of the family had been miraculously healed).</p> <p>5th. Of a family closely connected to King David and his family.</p> <p>6th. Born before 1133 and living up to 1171, but apparently not in Northumberland, in whose Pipe Rolls he only appears in 1170 and 1171, nor anywhere else in England as far as can be traced. He only appears on the Northumberland scenes as brother of his distinguished brothers, well-known there.</p> | <p>North of the Tweed (only three miles).</p> <p>1st. We find a Hernulf, more generally known as Ernald.</p> <p>2nd. Holding heretably and by the same customs Swinton formerly owned by</p> <p style="margin-left: 40px;">Liulf, son of Edulf</p> <p style="margin-left: 40px;"> </p> <p style="margin-left: 40px;">Odard</p> <p style="margin-left: 40px;"> </p> <p style="margin-left: 40px;">William (brother of an Ernald).</p> <p>3rd. There is abundant evidence in Raine of some special connection between Albcambus, a quite separate property in Berwickshire not included in Charters xii and xiii, and Swinton, fifteen miles away; and by comparing Raine, Charters clxxxii and ccccxix and reading the twenty-one charters of David de Quixwood (evidently by Charter clxxxvi, a man of known and local descent) we may fairly presume that this Ernald also possessed some portion of Albcambus containing Liulf's Cleuch (lyolvesclø) Charter cclv and Arkile's Midhope, Charter clxxx.</p> <p>4th. The tithes of Albcambus went to Farnie (Raine, Charter dccxii), forty miles away, and close to Bamborough.</p> <p>5th. From the wording of his charters in close connection with King David.</p> <p>6th. A grown man and "Miles" before 1153.
Living at least up to 1165.
Though he owns Swinton, he only once appears as de Swinton, generally as Ernald.</p> |
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The names fit, the dates fit, the lands are the same. At that date the tendency to a very marked extent was to make everything hereditary. Not only land, but nearly every office went in a family. The question we have to answer is this. William, the son of Odard, the son of Liulf, died young, leaving no issue. Who succeeded him in the lands of Swinton which all three had possessed? Apparently an

Ernald, and if so, why not his own brother of the name? Odard's possessions were evidently split up. Mr. Hodgson has given it as his opinion that Adam eventually found a home in Cumberland. Mr. Round has shown us that John and his descendants remained in Northumberland, what more likely than that the third group of lands, north of the Tweed, which was then beginning to be considered a boundary between two nations, should fall to the share of the third brother. For why should King David have given lands long in possession of a family intimately connected with himself to an outsider. If he did so, would the charter have been worded as it is? Would not some clue as to who the outsider was, his father's name, his brother's name, have been put in to distinguish him from the man of the same name who must have been well known to the Coldingham Monks and all the country side, the son of the family to whom the lands had belonged for at least three generations?

Far from doing this a pedigree is put into his first charter recounting these generations.

The use of the verbs "do et concedo" might read like an entirely fresh grant were it not that we find that in the earliest Coldingham Charters these verbs were used in what was nothing more than a confirmation. In Raine, Charter xv, David uses them about the same lands which his brother Edgar had given to be held in perpetuity in Charters ii, iv, v and vi.

I hope I have brought forward sufficient evidence to get over the difficulty in which we are placed by Charters xii and xiii making no definite statement as regards relationship.

Finally it would be of interest to know if Mr. Round or anyone following up the suggestion he threw out in "Odard, the Sheriff," has been able to identify Edulf, Odard's grandfather, with Edulf Rus, who in 1080 took the lead in slaying Walcher, Bishop of Durham, in vengeance for the murder of Liulf the Thane. There is a Swinton tradition, which I give for what it is worth, that the family have never prospered because in early days they had fallen foul of the Church.

Edulf Rus, Simson tells us, was killed and buried at Jedburgh, so he had apparently retired north from Durham. As regards his descent, he was great-great-grandson of Waltheof, who held the Earldom in the reign of Ethelred, 969, and great-grandson of Uchtred, also Earl. For some reason, possibly because he was killed young, Cospatric, his grandfather, was passed over, and the Earldom went in the female line, but if the accepted pedigree is correct (Surtees, vol. iv, page 157), Edulf Rus was the male representative of the line of the older Earls.

It would be difficult to find any proof, but the following possible argument may be worth recording. After the overthrow of Robert de Mowbray, the Earldom was reserved. A Vicecomes was appointed, apparently in the person of Liulf, son of Edulf, and the office became hereditary in his family. There should be some explanation of a Saxon family so soon after the Conquest attaining to high hereditary rank.

At this time a great effort was being made to conciliate the old Saxon families. Hodgson says, part i, p. 196, "There was a great deal done in the way of compensation," and what is more likely than that

the King, seeking on whom he should confer the office of Vicecomes, should pitch upon the son of the man who had been a leader among the Saxons, the male representative of their old rulers.

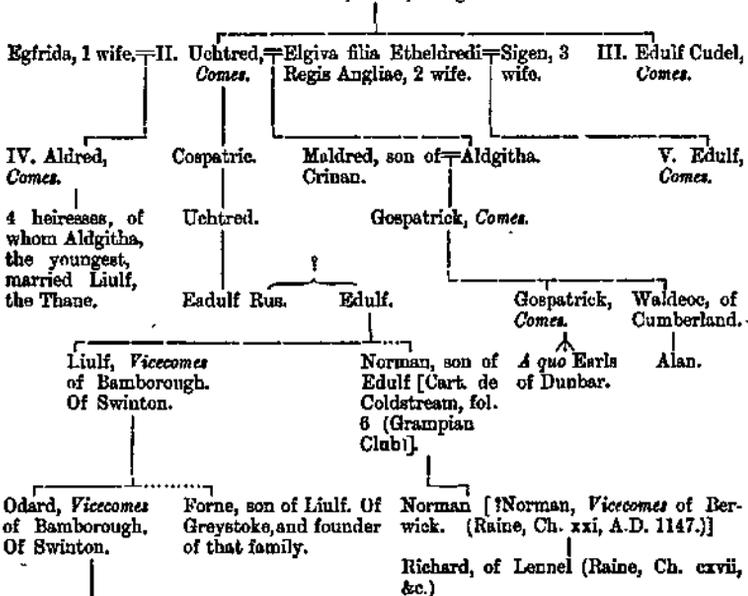
In this connection it is significant to note that the name Cospatrik, so peculiar to the family of the Earls, appears in the Swinton tree.

If I had not already taken up too much space, I should like to dwell on the possible connection of some other families, much more notable than the Swintons, with the stem of Edulf. As it is, I shall content myself with putting in their names, under query, into the pedigree at the end of this paper.

As regards Norman of Lennel, it would seem as if north of the Tweed the le Visconte family also held office. Forne, son of Liulf, was the first of a mighty race. Adam's claim to be Adam of Wigton, I must leave to the tender mercies of Mr. Round and the Archdeacon of Carlisle. For the rest, Nisbet in his *Heraldry* (vol. i, page 314) says, "I shall begin with the ancient families in the Shire of Berwick, of the Surnames of Gordon, Nisbet, Swinton, Ridpath and Dunce, so named by their Baronies, which lie contiguous in that Shire, from which their different Surnames were taken; and who all carry three Boars' Heads of different Tinctures; by which it seems that the Tradition is probable that they were originally of one Stock and Gens, and afterwards became the heads of Families of different Surnames."

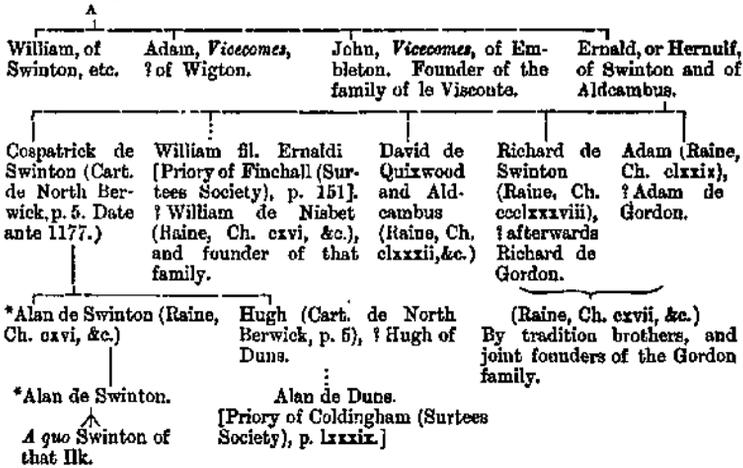
The Gordons are said to have sprung from two brothers, Richard and Adam, the Nisbets begin with a William, the Dunces, or Duns, with a Hugh. In every case the dates and names fit.

I. Waltheof, Comes, living 968.



Vide page 8.

Vide page 7.



* These two Alans de Swinton appear above fifty times in Raine; and [Priory of Coldingham, p. 241 (Surtees Society)] this last Alan and his heirs head the list of those holding land under Coldingham circa 1285.

GEORGE S. C. SWINTON.

