

ART. XIII.—*Anglo-Norman Territorial Claims in South Westmorland and North Lancashire.* By JOSEPH SKELTON.

THE several views advanced upon this important subject appear but a varied assortment of conjectures and contradictions.

To these I venture to add my own, leaving the result to those critics who are more self-confident as well as self-conscious of being a definite authority on all matters of importance in this direction.

Most of the confusion surrounding these territorial successions is in part due to the interchange of territorial surnames which as rapidly changed, at the period immediately following the Conquest, as each feudal lord made his exit from or entry into the arena of feudal infidelity and compromise.

To arrive at a fairly accurate conclusion, it is necessary to examine broadly the original issues which evolved from the Anglo-Saxon occupation to Feudal ownership.

It must follow, therefore, that an extensive study and knowledge are required of all known documents and works possessing decisive views as to the claims of Anglo-Norman tenants who held their possessions *in capite*.

The interchange of territorial succession at the period and within the area indicated must form a basis for scrutiny of the positive proofs which have hitherto not always rested as securely upon foundations of fact as one would desire, a task perhaps somewhat difficult of amendment where there is but meagre evidence in support.

The position of certain Anglo-Norman barons was so subtly interwoven in the territorial schemes as almost to defy the simple laws of morality and integrity.

Amidst the scramble for power the Conqueror employed methods in the distribution of land, chiefly directed to support his kinsmen and companions, that were base and degrading in many cases, and we need not to wonder when his principal chiefs thought proper to subordinate his royal will.

We know of isolated instances where the territorial partition of property was largely extended by marriage of the Anglo-Norman lords to heiresses who held territorial claims under the Saxon dynasty.

Such was that of Ivo de Tailbois who had inherited the vast possessions of the two Saxons, Earls Morcar, of York, and Edwine, of Warwick, sons of Earl Alger, by his marriage to Lucia, their sister, niece and heiress of Thorold, of Bugenhale, Sheriff of Lincolnshire (D. B. Birch, pp. 91-2).

Ivo's larger interests were mostly centred in Lincolnshire, as lord of Hoyland, or Holand, possessions which he held by right of his marriage to Lucia.

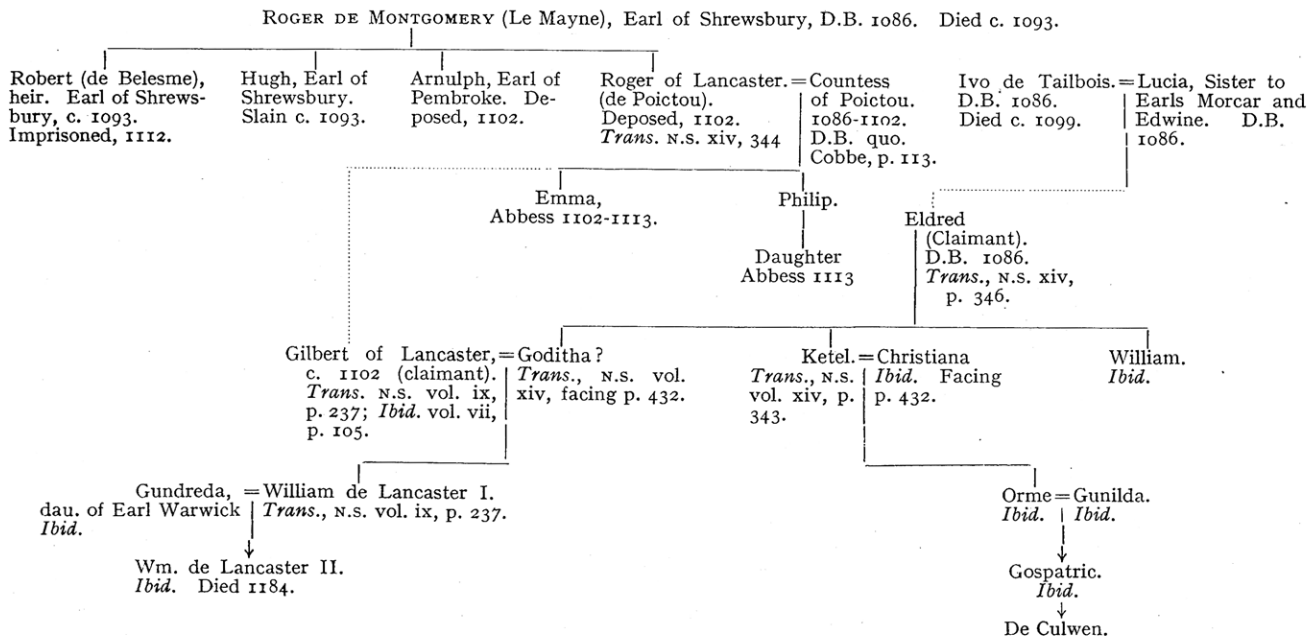
Apart from the vast possessions in Lincolnshire, he held certain claims in South Westmorland and North Lancashire, then known as Hougan and Amounderness respectively.

Of the validity of these claims we are assured by the several grants made by him of churches within the area to St. Mary's, York (*Trans.*, N.S. vol. xxviii, p. 179).

At the time of the Conquest in 1066, the age of Ivo may be computed as round about 35 years, and his birth *circa* 1031.

Supposing the age of Lucia, his wife, to have been younger than those of her brothers, Edwine and Morcar, we may safely estimate her age as *circa* 30 years, considering, too, the events in her life which follow.

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There was one child of the marriage, a daughter, who died childless. To this fact we shall return later.

It is important that the death of Ivo de Tailbois be fairly accurately located, as the event must somewhat agree with the decisions which follow.

Lucia, or Lucy, married her second husband, Roger, son of Gerold de Romara, or Roumere, in the time of Henry I (D. B. Birch, p. 98). It is said after a month of widowhood.

By this marriage a son, William, was born, who paid his relief in 1122, which gives his birth *circa* 1100 (*Trans.*, N.S. vol. xxxi, p. 29).

Lucy having been a widow for a short time only after the death of Ivo, her first husband, we may safely date his death to the latter part of 1099.

The early death of Lucia's second husband, Roger de Roumere, allowed her to marry a third husband, Ranulph de Meschines, when her vast Lincolnshire estates were transferred by her to King Henry I, in exchange for the Earldom of Chester which was granted to Ranulph, her third husband and his heirs, against every legal consideration for the claim of her natural son, who indignantly but vainly protested against the indiscreet action of his mother.

Ranulph de Meschines was in possession of Lincoln in 1114, so that his marriage to Lucia was either in that year or immediately before.

We include certain facts here that are already well established by general consent, as witness these *Transactions*, etc. Their inclusion is necessary as an aid towards the marshalling of persons and dates having a direct or indirect influence upon events within the area later known as the Barony of Kendal.

Having now arrived at an approximate date for the death of Ivo de Tailbois and at the fact that he died leaving no male issue to succeed to the inheritance

in the area indicated, what position of kinship does Eldred occupy as territorial successor to Ivo?

Should he have held the large share of inheritance that we are led to suppose he held from the Charters, the succession appears to have been irregular from the standpoint of a higher legal code than the one generally acknowledged by the Angevins who usually permitted an illegal inheritor to enter into possession upon equal terms as the rightful heir would, in circumstances which upheld a rightful claim.

That Ivo de Tailbois should hold a character distinct from that of the general body of Anglo-Norman barons we have reasons to doubt. It has been said that Ivo left issue other than by right of his marriage to Lucia (*Trans.*, n.s. vol. xxviii, p. 180).

That Eldred was of "royal blood" we know. As the territorial claimant of Ivo de Tailbois, nephew to the Conqueror, his Anglo-Saxon name needs not to allow a denial to Eldred of royal blood, nor would the name deny his Anglo-Norman heritage.

The territorial position for so long occupied by Eldred must, therefore, remain secure from lapse of time, although the accumulating evidence due to modern research and a higher legal code discounts the legality of the feudal procedure.

We are convinced that the territorial successions of many Anglo-Norman inheritors arose from a similar disreputable process.

This leads us to a point where events have failed to satisfy our sceptical view of the position held by these territorial magnates within the area indicated.

Let us examine closely the territorial claims of an intimate associate of Ivo de Tailbois and Eldred, who also was a powerful chief to be reckoned with.

The discreet and honoured Anglo-Norman baron, Roger de Montgomery, a wise and upright man, most favoured

counsellor and companion of the Conqueror, was granted for his services at the Conquest, the City of Chichester, Arundel Castle, and the earldom of Shrewsbury; in all he held 157 English Manors. (D. B. Birch, p. 308).

He left four sons, Robert, known as de Belesme, his heir, who inherited the ancestral possessions in Normandy and Le Mayne; Hugh, who was granted his father's English earldom of Shrewsbury; Arnulph, Earl of Pembroke; and Roger, surnamed Poictou, by courtesy from his wife's estates (*Ordericus Vitalis*, quoted by Cobbe).

Apart from the possessions inherited by Roger by right of marriage to the Countess of Poictou, he held large territorial claims in South Westmorland and North Lancashire at the time of Domesday Survey, in 1086, and by his possession of these extensive interests in North Lancashire and its vicinity he bore the rank, if not the title, of Earl of Lancaster (*Ibid.*).

Included amongst other possessions within the area and under the jurisdiction of Roger as lord paramount, were the Manors of Beetham, Preston, Heversham, Farleton, Hinchester and Levens (Nic. and Burn, vol. 1, p. 12). His name is given in a list of foreign tenants, as Roger of Poictou, who held lands *in capite* in England (D. B. Birch, p. 312).

There is much evidence to support the view that the territorial influence of Roger in these parts was of equal, if not of more importance than that of Ivo de Tailbois, as Ivo's chief interests were centred in Lincolnshire. Roger's territorial power, as Earl of Lancaster, was certainly of equal weight to that of Eldred down to 1102, with whom he undoubtedly associated intimately, if not by actual kinship, at least by neighbourly territorial ownership.

Having now somewhat defined the territorial positions of Eldred and Roger, we venture to take up the challenge

rather ceremoniously laid down (*Trans.*, vol. xvi, p. 167, note 6).

We do so with some reluctance, and with much respect for the indebtedness and obligation due from having been given an opportunity to quote from the Latin text of a charter by William de Lancaster I (*Trans.*, N.S. vol. ix, p. 237).

The text of this charter as translated into English (*Ibid.*) states that the brethren of the hospital of St. Peter, York, held land in Newby by the gift of Ketel, my uncle ("*Avenculi Mei*"). Likewise the genealogical table appended (*Ibid.* oppo., p. 241), gives Gilbert of Lancaster as brother of Ketel, as indicated by the translation of the Latin text.

From a close scrutiny of all classic references brought to our notice, we are assured that the English translation of "Avenculi" or "Avenculus," distinctly denotes the kinship as an uncle on the mother's side, or maternal uncle.

Ketel was, therefore, uncle to William de Lancaster I from the fact that William's mother was sister to Ketel, and Gilbert de Lancaster, father of William de Lancaster I, was brother-in-law to Ketel from having married the sister of Ketel. Gilbert was not the brother of Ketel as indicated by the English translation of the Latin text of the charter.

The name of Ketel's sister who was married to Gilbert de Lancaster, father of William de Lancaster I, is not, at present, altogether clear. That Ketel had, at least, one sister, is beyond doubt, and that sister was married to Gilbert de Lancaster as indicated by a correct translation of the charter.

In further support of the correct English translation, should further proof be necessary, we shall refer to the Latin usage of "patruus," a father's brother, or paternal uncle, as the opposite to "avenculus," a mother's brother, or maternal uncle.

We also take the liberty to quote from the confirmation of a charter by King Stephen (*St. Bees Reg.* illustrated documents, No. 8, Canon Wilson), of William de Lancaster's grant of the vill of Mulcaster to the Abbey of Furness, in support of our claim. By this confirmation King Stephen states, "pro anima domini Henrici Regis et avenculi (Mei)."

Now the father of King Stephen, was Stephen, Count of Blois, and his mother, Stephen of Blois's wife, was Adela, sister to King Henry I, and the Latin usage here of "avenculi," proves that King Henry was maternal uncle to King Stephen, which kinship we acknowledge as correct.

That the Latin text of the charter of William de Lancaster I, as quoted (*Trans.*, n.s. vol. ix, p. 237), is "original and genuine" (*Ibid.*, vol. xvi, p. 167, note 6), we cannot dispute.

It is solely on account of the genuineness of the charter together with the originality of the English translation (*Ibid.*, vol. ix, p. 237) that the error of the English text has been discovered.

We can only conclude that the error was feasible and probably justifiable owing to the confused territorial position held by the claimants within the area and whose possessions were disputable, from a truly legal standpoint. As no reliable position was possible for Gilbert other than that of brother to Ketel, the positive reliability and "security" of Gilbert's position in the de Lancaster pedigree was considered justified in contra-distinction to all others.

Who dares to stabilise legitimate kinship at this early period of the Norman occupation of England must first consider that the law of forfeiture proves beyond contradiction that grants were not then hereditary in every case, therefore leaving irregular inheritors an equal opportunity of claim, as in the case of illegitimate issue,



when we are left, only, with the accumulated facts which support territorial succession.

Having now clearly defined the true position of Gilbert de Lancaster as kinsman to Ketel, and head of the Barons of Kendal, we can almost hear the loud clamour of our critics demanding us to disclose where Gilbert stood before his marriage to the sister of Ketel.

We do not dispute the question arising as a natural one, following the course of events as here laid down. From what source had Gilbert de Lancaster the right to claim territorial succession in the area, one that allowed him to stand at the head of the de Lancaster regime and as the progenitor of one of the most powerful baronial houses of the north? We can imagine the question repeated in its varied forms.

The answer we advance for the benefit of students is that Gilbert de Lancaster's succession in this area was allowed from his inheritance of the possessions of Roger of Lancaster, otherwise Roger de Poictou, by a process similar to that by which Eldred succeeded to the northern possession of Ivo de Tailbois. From this inheritance Gilbert also assumed the English surname of de Lancaster.

The closely interwoven and accumulated territorial interests existing between Gilbert and Eldred accelerated the advisability of a marriage contract which finally became actual by Gilbert marrying the daughter of Eldred.

An event so important to the interests of both could not be allowed to escape the prevailing rule of family expansion. The procedure was strictly in accordance with the conditions of the period.

By Gilbert's marriage to the sister of Ketel the two great baronial families of De Tailbois and Montgomery, with their combined possessions in South Westmorland and North Lancashire, were united legally.

Roger of Lancaster had forfeited his personal claim of the possessions he held in North Lancashire and elsewhere by 1102, owing to his support given to the cause of Duke Robert, of Normandy, against the king, William II (Rufus).

It was clearly the design of Henry I to consolidate the English realm and to favour those who had a real grievance by a restoration of their property, even though the claim was an illegitimate one, to ensure, as far as possible, peaceable conditions within the realm.

That Gilbert de Lancaster's claim as the legal hereditary successor to Roger of Lancaster is in doubt seems clear when we note that his case agrees equally satisfactory with that of Eldred to Ivo de Tailbois.

That Roger left issue other than by the Countess of Poitou we do not doubt, but the succession was permitted by general consent from a weak feudal morality and a chaotic legal system resulting from the Conquest of England and the scramble for territorial spoils, due to the disintegration of the Saxon dynasty.

Under such conditions, and upon a close scrutiny of the facts leading to succession, no other proof of legal or illegal inheritance of lands is possible than that of territorial succession, until the accession of Henry I,

The factors moving under these conditions dominated the law of succession to most indiscreet lengths, affording but a restricted definition of the legal claims by inheritance.

The conclusion reached after a careful analysis of the legal and illegal factors operating the law of succession previous to 1100-1110, is that we are unable to offer other evidence than that of territorial succession as proof of the territorial and family position held by Gilbert de Lancaster and Eldred as recognised heads of the Barons of Kendal.

Subsequent grants of land in Levens, Beetham, Farleton, Hinchester, etc., former possessions of Roger of Lancaster, were before restored to Roger's successors, by 1190-95, and were chiefly the original claims held by him in South Westmorland and the Lonsdale area of N. Lancashire. (*Lancs. Pipe Rolls*, Farrer).