

ART. XI.—*The manor of Burgh-by-Sands.* By R. L. STOREY, B.A., Ph.D.

Read at Penrith, September 14th, 1954.

THE barony of Burgh-by-Sands was founded by Ranulph Meschin, c. 1100, when he divided the Scottish frontier of his Honour of Carlisle among three sub-tenants.¹ The first baron was Robert de Trivers.² He or his successor, his son-in-law Ranulf Engayne,³ became a tenant-in-chief when Meschin had to cede the "land of Carlisle" to Henry I on becoming earl of Chester in 1120.⁴ An inquisition taken in 1212 showed that the barony was held of the king by cornage, which entailed an annual payment of £10. 2s. 10d., these being the terms on which Meschin had enfeoffed de Trivers. In addition, like other tenants in Cumberland holding by cornage, the lord of Burgh, whenever the king might command, was bound to go in the van of an army entering Scotland and serve in the rearguard on its return.⁵ These were still the terms of tenure in 1247,⁶ but by 1271, although the payment for cornage was continued, the military duties seem to have been replaced by suit of the county court.⁷ This less hazardous obligation was not mentioned in later inquisitions *post mortem*, though cornage was still paid in the 14th century.⁸ The amount of this charge varied, the average being about £10 p.a.

¹ Ferguson: *History of Cumberland*, p. 157. [According to Canon Wilson, *VCH Cumberland* I 305 f. and II 240, Ranulph Meschin only created two baronies, the third (Gilsland) being added by Henry II. C.M.L.B.].

² *Book of Fees*, I, p. 198.

³ See "Burgh pedigree" in CW2 xi 52.

⁴ *VCH Cumberland* II 241.

⁵ *Book of Fees*, loc. cit.

⁶ *Calendar of Inquisitions Post Mortem* (to be referred to in future as *Cal. I.P.M.*) I no. 106.

⁷ *Ibid.* I nos. 738, 752 and 758.

⁸ *Ibid.* III no. 285 (1295); VIII no. 229 (1340).

In 1486,⁹ the figure was £10. 2s. 8d., only 2d. less than the first baron had paid. The other services had lapsed, however, apart from the traditional homage and fealty. It is significant, moreover, that the money charge was no longer referred to as cornage, but as a rent.⁹

It would appear that the original extent of the barony was quite small: it contained two manors only, Burgh itself and Aikton. After the fee had passed by marriage to Simon de Morville, its importance was considerably increased by his son Hugh, whose marriage to Helewisa de Stutville added the manors of Kirkoswald and Lazonby to his own lands.¹⁰ Another acquisition was the bailiwick of chief forester of the forest of Cumberland. This office had been granted to Robert de Trivers by Ranulph Meschin,¹¹ but it was not until the time of Hugh de Morville that it was attached to the barony of Burgh. He enjoyed the chief forestership from 1194, at an annual rent of ten marks. Previous to this date, from the reign of Henry II at least, the sheriff of Cumberland had been held to account for this charge.¹² As Hugh was not a young man in 1194,¹³ the payment of £100 he is recorded to have made in that year for having the forestership¹⁴ is less likely to have been a relief for a part of his inheritance than a purchase of this office, made when Richard I was putting numerous offices up for sale in order to finance his campaign against the king of France. (This digression has been made to show that the traditional view that the barons of Burgh held the chief forestership from the time of Meschin, as parcel of their barony, is incorrect.) Hugh de Morville's successors enjoyed the forestership until Thomas de Multon II¹⁵ was deprived

⁹ *Cal. I.P.M. Henry VII*, I, no. 157.

¹⁰ *N. & B.*, II, p. 216; Dugdale: *Baronage*, I, p. 612.

¹¹ *Book of Fees*, loc. cit.

¹² E.g. *Pipe Roll 23 Henry II* (Pipe Roll Society), p. 121, where the sheriff is shown to owe 20 marks *de censu foreste* for two years, and also 10 marks for 4 Henry II. See also *Register of Wetherhal Priory*, ed. Prescott, p. 410.

¹³ His father Simon died in 1167 (*Reg. Wetherhal*, p. 187 note).

¹⁴ *Pipe Roll 6 Richard I*, p. 123.

¹⁵ For the sake of clarity, the de Multons have been numbered, as all bore the christian name of Thomas.

of it in 1265 for the part he had played in the revolt against Henry III.¹⁶ The office was later recovered, to be finally lost for a similar reason by Thomas de Multon IV.¹⁷

Having thus increased the fortunes of his family, Hugh de Morville desired a strong and imposing residence. A licence to fortify his house and enclose his woods at Kirkoswald was granted to him on 1 March 1201.¹⁸ The Bucks' engraving shows that a castle of considerable size, including a square keep typical of Hugh's day, once stood there.¹⁹ Hugh's memory was for many years unjustly maligned by the tale that he was one of the murderers of Thomas Becket. It is now recognised that this notoriety was due to a confusion with his namesake, the lord of Westmorland and Knaresborough.²⁰ Hugh of Burgh seems to have been, on the contrary, a faithful son of the Church. He was particularly generous to the neighbouring abbey of Holme Cultram, to which he gave the advowsons of the church of Burgh-by-Sands, a net at Polburgh in the same manor and lands in the manor of Lazonby.²¹ He granted a pension from the church of Lazonby to the monastery of Kelso²² and the advowsons of this church to Lanercost Priory.²³ He also added to

¹⁶ *Calendar of Patent Rolls* (afterwards referred to as *C.P.R.*) 1258-1266, p. 471.

¹⁷ *C.P.R.* 1307-1313, p. 482.

¹⁸ *Rotuli Chartarum* 1199-1216 (Record Commission), p. 89.

¹⁹ The extensive ruins shown in this engraving do not all belong to the early thirteenth century. The first building was destroyed, doubtless by the Scots, in the fourteenth century (P.R.O.: Chancery: Inquisitionis post mortem (subsequently referred to as I.P.M.), Richard II, file 31, no. 16). The castle was described as newly built in 1486 (*Cal. I.P.M. Henry VII*, I, no. 157). It would have been more accurate to have said that it had been repaired and enlarged. The building referred to above was square in shape, with round-headed windows (obviously "Norman"), and to it was added, at an angle of forty-five degrees, a slim square tower that is still standing.

²⁰ This is proved by the statement of Roger of Hoveden that Hugh de Morville and the other murderers of Becket fled to the former's castle of Knaresborough (*Chronica Rogeri de Houedene* (Rolls Series), II, p. 17). See also *Reg. Wetherhal*, p. 101 note.

²¹ Dugdale: *Monasticon* (1846), V, pp. 607, 608. [For fuller details of these grants see Grainger and Collingwood, *Register and Records of Holm Cultram*—this Society's Record Series vii, 1929, pp. 4-9, nos. 12, 15, 24 and 26-27; Collingwood reads *Polleburc* and identifies it as Powburgh beck, Burgh. C.M.L.B.].

²² *VCH Cumberland*, II 15.

²³ N. & B. II, p. 418.

the endowment of the hospital of St. Nicholas, Carlisle, and founded a chantry there.²⁴

After Hugh de Morville's death in 1202, his estates were divided between his two daughters. One, Ada, married Richard de Lucy of Egremont; they had two daughters. After her husband's death,²⁵ she married Thomas de Multon I, of Moulton in Lincolnshire. He had two sons by an earlier marriage, and by their marriages to the two daughters of Ada de Morville, strengthened the union of the two families. The elder of the sons succeeded to the lands of Richard de Lucy by right of his wife Annabell de Lucy.²⁶ Thomas de Multon had a third son by his second wife, who inherited her moiety of the barony of Burgh. The marriage of Hugh de Morville's second daughter, Joanna, was bought by William Briwere, who was one of King John's ministers and consequently, according to Matthew Paris, of unsavoury repute.²⁷ Briwere made this purchase for his nephew Richard Gernun.²⁸ He also tried to acquire the forestership for Gernun, but was unsuccessful, since in a later arrangement the office was reserved for Richard de Lucy, and thus passed to the de Multons of Burgh.²⁹ The Gernun line became extinct in 1274, and Thomas de Multon III inherited its share of Hugh de Morville's lands.³⁰ Before this date, the de Multons' estates had been increased by the marriage of Thomas II to Matilda de Vaux, sole heiress to the barony of Gilsland.

The history of the de Multons is an interesting one, as there was apparently a family tradition of opposition to the crown. The first Thomas was one of the barons who exacted Magna Carta from King John. He was later

²⁴ *VCH Cumberland*, II 199.

²⁵ Richard de Lucy died between 1212 and 1219 (*Book of Fees*, I, pp. 198, 266).

²⁶ *Ibid.* I 266.

²⁷ E.g. Paris called Briwere "inexorabilem et crudelem" (*Historia Anglorum* (Rolls Series), II, p. 170).

²⁸ *Pipe Roll 4 John*, p. 255.

²⁹ *Pipe Roll 6 John*, p. 144.

³⁰ *Calendar of Fine Rolls*, I, p. 26.

amongst the prisoners taken by him at Rochester, and was excommunicated by Innocent III for his rebellion. Thomas went over to Henry III, but this did not end his adventures. He narrowly escaped capture by the notorious Fawkes de Breauté in 1224, whom he had offended whilst assisting in the holding of pleas of *novel disseisin* at Dunstable.³¹ Thomas II was active in the rebellion of Simon de Montfort. He must have had the confidence of de Montfort's government, for he was appointed keeper of the peace in Cumberland and warden of Carlisle castle.³² In consequence, after the battle of Evesham, his lands and chief forestership were confiscated and granted to a more loyal subject.³³ These he must have recovered by force of the Dictum of Kenilworth. Nothing treasonable is recorded of Thomas de Multon III, but his son, the last of the male line, was probably involved in the rising of Thomas of Lancaster and the murder of Piers Gaveston in 1312; as he, Thomas IV, was described as the king's enemy in that year.³⁴ Thus the family was connected with the party hostile to the king in the three notable rebellions that occurred in the hundred years that it held Burgh-by-Sands.

At this point it would be well to consider the surveys made of the manor of Burgh after the deaths of Thomas de Multon III, in 1295,³⁵ and of Thomas IV, in 1314.³⁶ The capital messuage, or manor house, with its gardens was worth, in grass and other fruits, 20s. p.a. on the first occasion, 24s. on the second. In 1295, 146 acres of demesne land were worth 2s. 6d. p.a. per acre "as long as the sea-wall stands" and 1s. per acre "when the wall is broken"; while an acre of arable land was valued at 18d. p.a. The dyke must have given way by 1314, for 174 acres of demesne were then worth 12d. p.a. each,

³¹ Roger of Wendover: *Flores Historiarum* (Rolls Series), II, pp. 115, 151, 170 and 278.

³² *Foedera* (Record Commission), I, part 1, p. 442; C.P.R. 1258-1266, p. 399.

³³ *Calendar of Charter Rolls*, II, p. 57.

³⁴ C.P.R. 1307-1313, p. 482.

³⁵ I.P.M. Edward I, file 73, no. 1.

³⁶ I.P.M. Edward II, file 32, no. 25.

and an acre of meadow was valued at 14d. p.a. There were two water-mills, worth £9 p.a. in 1295 and 6s. 8d. more in 1314. Dove-cotes, nets, fisheries and salt-pans also gave an appreciable revenue. What was described as a "water-rent called flodesilver" yielded about 10s. p.a. In 1295, free tenants "by charter" paid an annual rent of 70s. 9½d. In 1314, there were 19 customary tenants who held 37 bovates of land for which they paid £12. 13s. 4d. p.a.; 11 cottars paying 54s. 2½d. p.a.; and various free tenants who paid £8. 11s. 10¾d. annually. There is no mention of any services being rendered by any of these classes of tenants. Those holding by the custom of the manor presumably had to perform certain fixed duties, but it seems that some of the tenants had commuted their services for annual rents. While a considerable part of the land in the manor must have been occupied by the tenants—the total of their rents is about half of the total value in 1314—a large part was kept in demesne. The value of this demesne had increased in the last quarter of the 13th century. In 1271, an acre of arable was considered worth 8d. p.a. and an acre of meadow 9d.³⁷ In 1314, the values were 12d. and 14d. p.a. respectively. The total value of the manor in the latter year was a little over £54 p.a. The year of Bannockburn saw the peak of Burgh's prosperity in the Middle Ages.

The manor court was held every three weeks. Some tenants held their lands solely by homage, fealty and suit of court.³⁸ A survey made in 1589 gives this information about the court at Burgh:

"Also there hath ben accustomed to be kept within the said manner time out of minde every three weekes in the yeare a Courte Barron, saving in the tyme of Harvist, viz. from Lammas to Michaelmas, and two Leete Courtes, the one within a moneth after Michaelmas and the other within a moneth after Easter, by reason wherof the lorde of the said manner was yerely

³⁷ I.P.M. Henry III, file 39, no. 11.

³⁸ E.g. William de Boyville, who died 33 Edward I (*Cal. I.P.M.* IV, no. 264).

answered of all such escheates, fynes, amerciamentes, casualties and other profittes as were founde to be due within the tyme of every of the said courtes."³⁹

There was also a gallows at Burgh. In the *quo warranto* proceedings of 1292, the jury upheld that the lord of the manor had been accustomed to have these gallows, with "infangantheof", from time immemorial. The gallows thus existed for the despatch of thieves caught red-handed. Thomas de Multon III also claimed the right to seize the goods of such felons for himself.⁴⁰ The "liberty" of the barons of Burgh to inflict capital punishment on this class of wrong-doers was still commemorated in 1860 in the name of "Hang-man-tree" borne by a field adjoining the site of their manor house.⁴¹

Thomas de Multon IV died in 1313, leaving one daughter, Margaret, to inherit his two baronies. He had made an agreement with William Dacre that Margaret should marry the latter's son Ranulph. Despite this pact, and no doubt because the Dacres had also joined in the recent rising of Thomas of Lancaster,⁴² the king granted the marriage to Robert Clifford, who had Margaret espoused to his seven years' old son Robert. Ranulph, however, "because he had the right" on account of the earlier compact, stole the bride away from Warwick castle and married her himself.⁴³ Edward II later granted a pardon for this abduction.⁴⁴ The fortunes of the Dacres were now established. They became one of the most prominent families of Cumberland, were called to parliament by writ and frequently held leading positions in warfare against the Scots. In the Wars of the Roses they were Lancastrians. Ralph Dacre was attainted on the first day of the reign of Edward IV, 4 March 1461, and killed in the battle of Towton a few weeks later. Although his estates were declared forfeit

³⁹ P.R.O.: Exchequer K.R.: Miscellaneous Books, xlii, p. 8.

⁴⁰ *Placita de Quo Warranto* (Record Commission), p. 123.

⁴¹ Whellan, p. 153: see Mr Hogg's plan, p. 106, above.

⁴² C.P.R. 1313-1317, p. 21.

⁴³ *Chronicon de Lanercost*, ed. Stephenson, p. 223.

⁴⁴ C.P.R. 1317-1321, p. 39.

and granted to Sir Richard Fenys, who had married Ralph's sister Joan,⁴⁵ his brother and heir Humphrey Dacre was able to ignore the attainder. He enjoyed the profits of the estates, after an interval, until over four years later. The king then found it necessary to repeat his letters patent making the grant to Fenys.⁴⁶ Humphrey later recovered the family possessions, was called to parliament as Lord Dacre of Gilsland and was appointed Richard III's lieutenant in the west march in 1384.⁴⁷ The line of Dacre of Gilsland became extinct in 1569.⁴⁸

The fortunes of Burgh under the Dacres were far from happy. The manor suffered heavily from Scottish raids. Some attacks had already been made on Cumberland before the death of Thomas de Multon IV. In the following twenty-five years, the value of the manor of Burgh was reduced by more than half.⁴⁹ An inquisition taken in 1362, after the death of Margaret de Multon, showed that the manor house was in ruins and worth nothing. The annual value of 120 acres of demesne land and 40 acres of demesne meadow was 6d. per acre.⁵⁰ This represented a fall in the value of the land by 50% since 1314, but worse was to come. In 1384, it was said that these 120 acres of demesne land were once each worth 3d. p.a., but now nothing "on account of the ravages of the Scots"; the 40 acres of meadow were worth a total of 10s. p.a. A water-mill and fisheries that had yielded a revenue in 1362 had been destroyed. Various other lands and tenements had also been rendered valueless. Apart from the meadow, only the garden of the wasted capital messuage was of any value (2s. 2d. p.a. for pasturage). The whole manor, in fact, had been

⁴⁵ *C.P.R.* 1461-1467, p. 140.

⁴⁶ *P.R.O.*: Chancery: Miscellaneous Inquisitions, file 322, no. 17; *C.P.R.* 1461-1467, p. 584.

⁴⁷ *C.P.R.* 1476-1485, pp. 485-486; Ferguson: *Cumberland*, p. 165.

⁴⁸ The story is not pursued beyond this date as the purpose of this article is to consider the historical background of the manor house of Burgh.

⁴⁹ From £54 in 1314 (see above) to £21 15s. 4d., of which £9 13s. 4d. had to be paid to the king in cornage, in 1339 (*I.P.M.* Edward III, file 60, no. 4).

⁵⁰ *I.P.M.* Edward III, file 170, no. 6.

thoroughly devastated. The other Dacre lands had suffered equally severely. The manor of Irthington was "wholly wasted" and the demesne land was uncultivated. Brampton and Kirkoswald had also been ruined.⁵¹ Such was the effect on northern Cumberland of the Hundred Years' War. France, laid waste by the "écorcheurs", was avenged in like manner by her allies of Scotland.

The aggressive foreign policy of Edward III was eventually abandoned by Richard II. The truces made with Scotland in the latter part of his reign seem to have had beneficial results. An inquisition *post mortem* taken in 1399 showed an appreciable improvement in the state of Burgh-by-Sands. Rents were again being paid by tenants-at-will and cottars, and also being drawn from the mill and fisheries. 111 acres of land were worth 40s. p.a. Some lands were still waste, but there had been a marked recovery since 1384.⁵² Whether this was maintained for long cannot be ascertained. A series of truces with Scotland was made by the Lancastrian kings, but war broke out again in 1436. The disorders that culminated in the Wars of the Roses would also have taken their toll. It was reported in 1466 that no rents had been received from the Dacre lands between 1461 and 1463, as these had all been wasted by the Scots and rebels waging war against Edward IV.⁵³ A further inquisition *post mortem* was taken in 1486. The extent of the manor of Burgh had been increased; the advowsons of the churches of Beaumont and Aikton were now included among its appurtenances. Two valuations were given for most parcels of land, for times of war and peace. Thus the demesne—still 120 acres of land and 40 acres of meadow—was said to have once been worth £6. 13s. 4d. p.a., but now only £1. 6s. 8d. (2d. for an acre of land, 4d. for meadow).⁵⁴ The water-mill for corn, once

⁵¹ I.P.M. Richard II, file 31, no. 16.

⁵² I.P.M. Richard II, file 109, no. 9.

⁵³ Misc. Inquisitions, file 322, no. 17.

⁵⁴ A parcel of 2 acres of meadow, worth 8d. p.a., was called "Spilmanholme".

yielding⁵⁵ 106s. 8d., now gave 20s. p.a. In several cases it was reported that a property was once worth so much in peacetime, "and is now of no value because of the war". When the rent to the king and other expenses had been deducted the total value of the manor was some £10 p.a.⁵⁵ Under the Tudors, the position grew better, for a record made of the revenues received in 1584 showed that the manor of Burgh then yielded a profit of £43. 8s. 1½d.⁵⁶ If the inflation of the currency in the mid-16th century is taken into consideration, however, this total was still short of the 1314 valuation.

References have been made in the past pages to the capital message of Burgh-by-Sands. It was the site of this building that was recently excavated. In none of the archive sources consulted for this paper is it ever referred to as a castle. No notice of a licence to crenellate has been found. The first mention of a castle was apparently made by Horsley (1732); Lysons, in 1816, mentioned that :

"There was formerly a castle at Burgh⁵⁷ which is said to have been taken by William, King of Scotland, in 1174."

Lysons quoted Polydore Vergil as his sole authority.⁵⁸ He presumably had in mind the passage in Polydore's *Anglicae Historiae* that describes the invasion of William the Lion in 1174; after William had abandoned the siege of Carlisle,

"he struck across country and took one castle lying on the near bank of the river Eden, which the natives call Burgth, and a second on the far side of the same river, which they call Appelby, with many more beside."⁵⁹

It is obvious that Polydore was writing about the capture of the castle of Brough-under-Stainmore, made famous

⁵⁵ P.R.O.: Exchequer K.R.: Escheators' Inquisitions, file 112, no. 2.

⁵⁶ B.M.: Lansdown MSS 54, no. 39.

⁵⁷ Burgh-by-Sands is unmistakably indicated.

⁵⁸ *Magna Britannia*, IV, p. 49.

⁵⁹ Polydore's words are "ipse in agros egressus, arcem parum citra Edenam flumen sitam, quam incolae Burgthum, et alteram in eiusdem fluminis ripa positam, quam Appelbiam vocant, cum nonnullis aliis capit", *op. cit.* (Basle, 1570), p. 229.

by the rhyming chronicle of Jordan Fantosme,⁶⁰ but both his spelling of "Burgthum" and his indication of its whereabouts were sufficiently uncertain to mislead Lysons into believing that Burgh-by-Sands was intended.⁶¹ Leland has also been quoted to support the belief in a castle:

"Burgh yn the sand stondeth a myle fro the hyther banke of Edon. Yt is a village by the which remayne the ruines of a greate place, now clene desolated, wher King Edward the fyrst dyed."⁶²

There need be little doubt that Leland's description is of the former Roman station, a much more extensive work than the manor house: ruins of this station existed until comparatively recent times.⁶³ The use of the adjective "greate" for the manor house would have been a considerable exaggeration, as the report on the excavation shows.

For the history of this building itself, the evidence is meagre. Presumably Robert de Trivers erected some simple structure, no doubt following the usual early Norman practice in newly occupied territory of digging ditches for fortification: his resources would have not permitted any ambitious building. The archæological report shows that alterations were made to the original house, but no date can be assigned to any of these from record sources; although it is possible that the increase in the estimate of the annual value of the house from 20s. in 1295 to 24s. in 1314 was due to the erection in the interval of the round tower. The raising of a castle at Kirkoswald early in the 13th century suggests that Hugh de Morville intended to make his chief residence there, and the de Multons doubtless preferred its position practically in the centre of their more extensive lands. It has been suggested that Edward I may have died in

⁶⁰ Surtees Society XI, p. 68; Ferguson: *History of Westmorland*, pp. 86-90.

⁶¹ A number of local scholars, in following Lysons, have perpetuated his error.

⁶² *Itinerary*, ed. Toulmin Smith, V, p. 51.

⁶³ N. & B. II, p. 222; Lewis: *Topographical Dictionary* (1849), I, p. 436.

the house at Burgh, but the only foundation for this view is the argument that he would have been more sheltered there than at Sandsfield, on the Solway shore. The pillar erected in 1685, however, was said to have been raised on a spot where "great stones" had been rolled to commemorate the scene of the king's death.⁶⁴ Since he was then with his army which was advancing to a ford by which it could cross the Solway,⁶⁵ the contention that so exposed a site was unsuitable for a royal deathbed is irrelevant. After Edward's death, the storm that he had roused in Scotland fell upon northern England. Burgh-by-Sands would inevitably have been one of the first places to suffer from Scottish raids. The manor house was destroyed by 1362, probably before 1339. The inhabitants of the village would then have required a new place of refuge: the "pele-tower" of Burgh church was built about this time.⁶⁶ All extant reports of surveys taken after this date show that the manor house remained in ruins. These stood for many years, for John Denton recorded in 1610 that the ruins of the "capital messuage" of the barons of Burgh might still be seen in his day.⁶⁷

⁶⁴ Gough, in his edition of Camden's *Britannia* (1789), III, p. 187.

⁶⁵ Neilson: *Annals of the Solway*, p. 72.

⁶⁶ There is a reference in the register of Bishop Welton to the "new tower" of the church of Burgh-by-Sands in a commission to enquire into damage done to the fabric of the church, dated 15 July, 1360 (Carlisle, Bishop's Registry, Episcopal Registers, Vol. II, p. 68). As cases are known of buildings being described in medieval documents as "new" many years after their erection, it cannot be assumed that this tower was built in, say, the previous year; it would be advisable to date it c. 1350.

⁶⁷ *Accompt*, ed. Ferguson, p. 79.