

ART. XII.—*Four Cumberland widows in the 14th century.* By CONSTANCE M. FRASER, B.A., Ph.D.

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FEUDAL law cut through the bonds of family. To preserve the military service due from a knight's fee the overlord was entitled not only to custody of the heir and his lands should he be under age but also reservation and disposal of the marriages both of the heir and of the widow (who was entitled to a third of her late husband's lands as dower).

A widow deprived at once of husband, home and the care of her eldest son might well seek the aid of some powerful protector and petition the king for help, especially where strong local interests were involved. Four such petitions from Cumberland have survived to throw new light on conditions in the area during the period of Scottish raids and the meteoric career of Sir Andrew de Harcla, earl of Carlisle.

A mother fighting for her son's rights is the theme of the first petition.<sup>1</sup> Here Margaret, widow of Sir Hubert de Multon, pleads on behalf of her thirteen-year-old son now in the wardship of Edward II, and so lays bare a sorry tangle of broken marriages. Sir Hubert was the third son of Thomas de Multon, a scion of the Multons of Egremont, and of Maud, heiress of Hubert de Vaux of Gilsland. Following his mother's death in 1293 Hubert had entered his inheritance of Isell, co. Cumberland, and Surlingham, co. Norfolk, both manors being held of Thomas de Multon of Gilsland, the eldest brother. Thomas de Multon died on 12 February 1294, leaving a son John who was under age and therefore a ward of the Crown.<sup>2</sup> Edward I immediately assumed all his

<sup>1</sup> Public Record Office, Ancient Petition 3042.

<sup>2</sup> *Calendar of Inquisitions post mortem* iii 64, 446-447; GEC ix 407.

ward's rights, including the custody of any lands and minors within the lordship of Gilsland, and when Sir Hubert died in 1300 his manors of Isell and Surlingham came into royal wardship. Tenure of Isell was forthwith granted to Nigel Campbell on 13 February 1302 for his good service to the English, and he was also encouraged to marry the widow if she were willing.<sup>3</sup> But the identity of the heir was not yet fully established, for apparently Hubert had married twice. The first marriage had ended in divorce about 1290 because Ada "the Brown" was related within the prohibited degrees of kinship, but there was a son William.

When Nigel Campbell secured the custody of Hubert's lands he readily sub-leased them to Richard "the Brown",<sup>4</sup> Ada's brother, who subsequently allowed his young nephew to take *de facto* possession of his father's lands. William next proceeded to sue Edward II for leave to enter his inheritance, he being 21 years of age in 1307. At this point Hubert's widow, Margaret du Boys, could contain herself no longer. She, too, had a son, John, seven years younger than William, who in her eyes was a bastard, and she appealed to the king and his council for justice. Let no release of land be made to William Brown the bastard until she had had her say about his mother's pretended marriage.

The king's council was impressed by her story, with the additional prospect of a further seven years of royal custody as John was only thirteen. On 13 February 1308 custody of Hubert's lands was given to William Inge, a royal judge (who drew the revenues until 20 September 1314 when the heir, John, received possession on proof of age and paid his guardian £20 for any dues outstanding). A month later on 9 March the royal escheator north of Trent was instructed to value

<sup>3</sup> *Calendar of Patent Rolls, 1301-7*, 22.

<sup>4</sup> According to the inquisition *post mortem* in March 1313 Richard le Brun held in cornage land in Brunstock, Torpenhow, Bothal, Beaumont and Drumburgh (*Cal. Inq. p.m.* v 215).

the manor of Isell and enquire as to any damage done there by Richard le Brun. A further enquiry in 1310 confirmed the divorce, the ages of the two sons, and the attempt to circumvent the law made by Richard le Brun on behalf of his nephew.<sup>5</sup> Margaret du Boys helped to win her son his inheritance, but one feels some compassion for Ada and William, left without status as the result of Canon Law.

A still more militant widow was Eleanor, relict of Thomas de Multon of Egremont. Eldest daughter of Richard de Burgh, earl of Ulster, she had married Thomas in the presence of Edward I on 3 January 1297 in St Peter's Priory, Ipswich, and her son was assigned the hand of Joan, daughter of Piers Gavaston, earl of Cornwall, on 26 May 1317. This marriage was warranted by Edward II with a bond for 1,000 marks, a third of which was paid almost immediately.<sup>6</sup> Thomas de Multon apparently did not regard this royal solicitude any hindrance to joining Thomas, earl of Lancaster, in his league of northern barons sworn to mutual defence against the Scots and the king's "evil councillors" alike, but as he died a natural death shortly before Lancaster's armed challenge to the king at Boroughbridge the Multon estates escaped confiscation.

The widow was assigned her dower of a third of the honour of Egremont on 4 April 1322, and her son John, then aged about fourteen, was made a royal ward.<sup>7</sup> Custody of Egremont castle, normally exempt from dower claims as the *caput* of the honour, was granted by Edward II first on 25 May 1322 to Robert de Leyburn and then on 10 June the following year to Antony de Lucy.<sup>8</sup> The transfer suggests some competition as to the farming of the profits of the estate, more especially as

<sup>5</sup> CPR, 1307-13, 46; *Cal. Close Rolls, 1313-18*, 114, 196; *Cal. Fine Rolls* ii 19, 57; cf. *Cal. Inq. p.m.* v 185, 357-358.

<sup>6</sup> GEC ix 404; CPR, 1313-17, 654; 1317-21, 43, 251-252; J. Conway Davies, *Baronial opposition to Edward II* (1918), 86, 477.

<sup>7</sup> CCR, 1318-23, 454, 566.

<sup>8</sup> CFR iii 132, 212.

Eleanor's bid survives. She requested wardship of the two-thirds of her late husband's estate at a rent of £76. 8s. 1 $\frac{3}{4}$ d., pointing out that the castle buildings were in a bad state of repair and the profits of the wardship would help to maintain them. She also requested interim custody of her son and reminded Edward of the arrangement for the marriage of her son to Joan Gavaston.<sup>9</sup> It is interesting, therefore, to note that on 5 May 1324 Edward permitted John de Multon of Egremont, notwithstanding that he was a minor, to farm his inheritance, although following Joan's death on 13 January 1325 John's marriage was reserved to the king and given on 10 January 1327 to William de la Zouche.<sup>10</sup>

While dowagers of the house of Multon argued their possessory rights, the widows of Richard de Vernon and Richard de Cleterne had more personal problems. Isabel de Vernon was almost certainly the daughter of Sir Michael de Harcla and sister of Sir Andrew, earl of Carlisle. Any doubt is due to the fact that her complaints as submitted to king and council about 1323 relate to still earlier wrongs, and her husband Richard is known to have been alive until 1330.<sup>11</sup> In view of the normal legal disabilities of wives she may therefore be regarded more exactly as a "grass-widow", with her husband possibly in the hands of the Scots.

The years following the accession of Edward II saw repeated Scottish inroads on Cumberland, including the lively siege of Carlisle in 1315, during which Sir Andrew de Harcla, its governor, was specially commended for his military prowess and appointed keeper of the West Marches. The next severe raid was in November 1319, when the Scots under Sir James Douglas wasted all Gilsland, penetrated south to Brough under Stainmore, and returned by way of Westmorland and Cumberland.

<sup>9</sup> P.R.O., Ancient Petition 3044.

<sup>10</sup> CCR, 1323-7, 268; CPR, 1324-7, 347.

<sup>11</sup> F. W. Ragg, *Maud's Meaburn and Newby : de Veteripont, le Franceys and de Vernon*, in CW2 xii 326, 333-334.

A truce was hastily agreed soon after, Harcla and Antony de Lucy being the two conservators for Cumberland and Westmorland.

Another more serious inroad was made between 1 and 24 July 1322, when the Scots, led by their king, ravaged the abbey of Holm Cultram and from thence moved south to Preston in Lancashire, when the inhabitants of the West Marches were warned to drive their farm animals to Richmond and Cleveland for safety. As a result of this experience of the hazards of war, Harcla was constrained in the winter of 1322 to treat with Robert Brus with the purpose of binding Edward II to a peace treaty which recognised Brus as king of the Scots — the scruple which hitherto had brought negotiations to an abrupt end.

When Edward II learned of this business he immediately ordered Harcla's seizure and subsequent condemnation as a traitor. From being the hero of the north, whose prompt military action had won the royal victory at Boroughbridge over Thomas of Lancaster on 17 March 1322, for which he was created earl of Carlisle, Harcla was to suffer a traitor's death at Carlisle and the forfeiture of all his estates and chattels.

Against this background of war may be read the complaint of Isobel de Vernon, Harcla's sister, who, trusting in her brother's power in Cumberland, brought her goods into Carlisle under his protection to escape the Scots. They were mainly personal effects: a silver cup worth 40s., a jupon or under-tunic worth 100s., a knight's palfrey-saddle worth 26s. 8d., a half-length of tan-coloured cloth worth 40s., a serving-man's pallet consisting of a pad and an indigo canvas sheet worth 10s., a silk horse trapping worth 20s., an Irish mantle of scarlet worth 10s., an aketon or padded tunic worth 20s., a pennon and sword worth 10s., a steel skull-cap and helmet worth 13s. 4d., a hauberk worth 50s., a shod courser worth £20, a shod sumpter worth 4 marks, and

a shod rounsey worth 12 marks. She also sent into supposed safety 2 sacks of wool worth 20 marks.<sup>12</sup> Such a catalogue of effects suggests "a man about the house" who apparently is in no state to manage his own affairs, as for example a captive. He would also seem a man of substance, as Richard de Vernon is known to have been. When the chattels of the latter were assessed in 1292 he was found to have goods worth £96. 13s. 2d. in Westmorland, £53. 19s. 6d. in Derbyshire, £10. 7s. 7½d. in Staffordshire, and £15. 6s. 1½d. in Buckinghamshire. Vernon married Isabel de Harcla about this date but did not apparently take part in public affairs, at least in any official capacity. His son, Richard, predeceased him in 1323.<sup>13</sup>

With the overthrow of Harcla Isabel lost not only a brother's protection but also custody of her chattels committed to him. All had been confiscated by the Crown. On 10 September 1323 Sir Humphrey de Walden, William de Aykeheued and John of Kingston were appointed to enquire into the goods of Harcla and other rebels in Cumberland and Westmorland and to inspect the royal estates and their officers in those counties.<sup>14</sup>

Although they were willing to concede Isabel's ownership of certain effects they would not, however, deliver them and she sought from king and council their release at the hands of Sir Antony de Lucy and his associates. Council agreed that the matter should be looked into, but the outcome is unknown. Isabel and her husband must suffer for another's crime.

Finally, with the appeal of Isabel, widow of Sir Richard Cleterne, made "for the love of God, the salvation of the king's soul and for the honour of women" we encounter the popular conception of life in the Middle Ages. According to her own story Isabel, while quietly living

<sup>12</sup> P.R.O., Ancient Petition 12914.

<sup>13</sup> F. W. Ragg, *Maud's Meaburn, and le Fraunceys and de Hastings*, in *CW2* xi 329; *CCR*, 1323-7, 197-198.

<sup>14</sup> *CPR*, 1321-4, 375.

on her manor of Allonby in Cumberland, was seized by night, her servants clubbed and generally maltreated, then "thrown across a horse" she was carried by Adam son of Gilbert Culwen the Uncle to "Aykhurst" Castle, which has been identified with Hayes Castle near Distington, there to be held until her rescue by Sir Antony de Lucy.<sup>15</sup>

The full truth of this picturesque tale is not known. The Cleternes were a small family with land at Cleator worth £15 a year held of the Multon family of Egremont. The parentage of Sir Richard's widow, Isabel, is unknown but apparently she held the "manor" of Allonby in her own right as part of the Lucy manor of Aspatria within the honour of Cockermouth.

Scrutiny of the names of the people concerned in the outrage suggests that rights of feudal wardship may have been involved. While Cleterne, Culwen and the lord of *Aykhurst* were all tenants of the honour of Egremont, Isabel's rescuer was her own lord of Allonby. The date of the petition is narrowed by the presumption that Sir Richard Cleterne was alive in 1338 when the royal escheator was ordered to restore to its Multon heir the honour of Egremont, its lands and tenants being listed.<sup>16</sup> Similarly, absence of any reference to Antony de Lucy as lately deceased would suggest a date earlier than June 1343. This approximate date of 1338 x 1343 is confirmed by the appeal by Isabel to king and council for strict application of the "recent statute", limiting the king's power of indiscriminate pardon for felonies at the request of courtiers, "whereby the law is in no wise feared but evil-doers the more emboldened to do wrong especially on the March as they have Scotland to flee to after committing their crimes". Such a statute had been enacted in 1328 and confirmed in 1336 and 1340.

Since Lucy is not referred to in any official capacity,

<sup>15</sup> P.R.O., Ancient Petition 1937; J. Wilson, *The original name of Hayes Castle*, in CW2 xvi 29-39.

<sup>16</sup> CCR, 1337-9, 366; cf. *Cal. Inq. p.m.* vii 433-434.

although he was sheriff of Cumberland and Westmorland between 1338 and 1341, it may be that the petition can be further narrowed in date to 1342/3. Notwithstanding that king and council firmly endorsed the petition, "he (Adam son of Gilbert de Culwen) should never have pardon", it is interesting to note on the Patent Roll that Adam de Culwenne of Fornshap was pardoned on 26 February 1344 his outlawry — for adherence to the Scots. Adam's position in the Culwen family pedigree is uncertain.<sup>17</sup>

These four petitions with their emphasis on violence within and outside the law paint a vivid picture of life in Cumberland during the first half of the 14th century.

<sup>17</sup> CPR, 1343-5, 209; F. W. Ragg, *De Culwen*, in CW2 xiv 365-367.