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ON THE ANCIENT PARLIAMENT AND CASTLE OF ACTON BURNELL.

ACTON BURNELL NORTH SIDE, SHEWING THE WINDOWS OF THE HALL

THE little village of Acton Burnell, picturesquely placed near the foot of the northernmost Caer Caradoc in Shropshire, and contiguous to a Roman road originally connecting Wroxeter with Church Stretton, is remarkable both for its early history and its architectural remains. The latter illustrate the Ecclesiastical and Domestic styles of the Early English period, whilst the former offers equal inducements for investigation, since the Parliament assembled here in the thirteenth year of the reign of Edward I. (October 2, 1283), has given rise to a discussion on the formation of our ancient national conventions, that still admits of consideration.

The situation of this village upon the Watling Street, and its contiguity to another Roman thoroughfare, called the Devil's Causeway[a], renders it not improbable that at

[a] See Salopia Antiqua, pp. 134—148.

this earliest period it participated in the benefits of Roman colonization; it does not however appear that any remains have been hitherto discovered on the spot to bear out this as a certainty, and we must content ourselves by taking up its history at the Conqueror's survey.

At that time Œctune, (or the oak town,) whose significant title at once evidences its antiquity, was held by Rainald the Sheriff, who held it under Earl Roger. Odo held it under Rainald; Gheri possessed it previously; he could bequeath it or sell it. There were three hides of land paying geld: in demesne one carucate, three slaves, four villeins with one carucate, and a wood for fattening twenty swine. At the time of King Edward it was worth twenty shillings, and afterwards twelve; now thirteen shillings and fourpence[b].

The next account found of it is in the Testa de Nevill, where Will. and Gerain Burnell are possessed of half a fee at Acton[c]. A passage in the Hundred Rolls, to which, like the preceding one, it is difficult to assign a precise date[d], but evidently referable to the reign of Henry III., mentions Robert Burnell and Hugh de Becbury as holding it as three hides in fee from Thomas Corbet. An entry on the Patent Rolls of 50 Henry III., (1265,) states that the king remits to Robert Burnell, clerk of Edward his eldest son, and to his tenants of the manor of Langley, fifteen shillings, which he and his tenants had been used to pay annually for certain lands reduced into cultivation in the woods of the manors of Langley, Rokkeley, Howhales, and Acton Burnell, within the forest of Salop[e]. In the fifty-fourth of his reign (1269) he pardons him the transgression which he had committed in enclosing forty acres of his land and waste at Acton Burnell, without royal licence, within the park which the king had given him permission to make of his wood at Cumbes within the forest of Salop[f]. He also grants him a market on Tuesday in every week at his manor of Acton Burnell, and two fairs there, one on the eve, the day, and the morrow of the Annunciation of the Virgin, the other on the eve, and the day and the morrow of St. Michael: also free warren in all his demesne lands in Acton Burnell[g]. This free warren was confirmed 8th of

[b] Domesday, 254.
[c] p. 48.
[d] Rot. Hund., vol. ii. p. 62.
[e] Pat. 50 Hen. III. m. 1.
[f] Pat. 54 Hen. III. m. 16.
[g] Calend. Rolls, 54 Hen. III. m. 14.

Edward I.[h] The jurors state in the 2nd of Edward I. (1273-1274) that he was possessed of the right of free warren, and that he had made a park in the time of Henry III.[i]

Having thus traced the manor into the hands of Robert Burnell, it will be necessary to say a few words concerning him. It appears that his eminent abilities caused him to be appointed secretary and confidential clerk to Edward I., before he ascended the throne[k]. He was elected bishop of Bath and Wells on the 23rd of January, 1275, but was not consecrated until Palm Sunday in that year[l]. He was even appointed to the see of Canterbury, (1272,) but the pope refused to confirm the election[m], and the see remained consequently vacant for some years. He was archdeacon of York, and chancellor of England from the year 1274 to his death in 1292; he died at Berwick upon Tweed, and was buried a month afterwards in the nave of his cathedral at Wells[n]. And having filled places of the highest trust under his sovereign, we find from the inquisition held in the year after his death, (21st of Edward I.[o],) that the extent of his temporal possessions was commensurate with his dignities, as he held more than thirty manors, besides vast estates in nineteen different counties. It will be unnecessary to pursue the history of his successors to this great wealth; it seems to have increased under the hands of Philip Burnell his nephew, who next inherited it; under Edward, who was summoned to parliament as a baron by writ in 1311[p]. it waned, and we hear no more of it in the hands of the Burnells till the time of Nicholas, who was a collateral branch.

Attention having been thus briefly called to the history of the possessors of Acton Burnell, it is next directed to that of the church. When it is known that Robert Burnell had Edward's permission to take timber in the king's woods in the forest of Salop, for building his manor-house at Acton Burnell, where, as the entry on the Patent Rolls states, he was born[q], it will not appear improbable that he should divert some portion of his wealth to build a church; he certainly built on the western side of the episcopal palace at Wells a great hall,

[h] Calend. Rot. Pat., p. 49.
[i] Rot. Hund., p. 91, 92.
[k] Rot. Pat. 50 Hen. III. m. 1.
[l] Hardy's Cat. of Chancellors, 12.
[m] Le Neve Fasti, 5.
[n] Id., 32.
[o] Calend. Inquisit. Post Mortem, vol. i. p. 115.
[p] Nicolas' Synopsis, vol. i. p. 98.
[q] Pat. 12 Ed. I. m. 7.

which was demolished in the reign of Edw. VI. by Sir John Gate, who, says Bp. Goodwin, as a just reward for his sacrilege soon after lost his head[r]; and this supposition gains strength when the building itself is found to be entirely in accordance with the architectural style of the time. Nothing seems more natural than that a prelate of such wealth, countenanced as he was by the royal favour, and attached to his birth-place by those natural ties so universally operating on the affections of men, though impelled as a few may perchance have been, by the ambition of making their names famous in future story, or incited as the greater part were by the charitable desire of extending the benefits of that faith that had been their own solace, nothing seems more natural than that he should have bequeathed to the spot of his nativity some lasting memorial of his regard: it appears more than probable when the style of architecture is viewed in comparison with other specimens of the age, and when it is known that the adjacent castellated mansion and some churches were erected by Robert Burnell, that this also is a monument of his devotion.

Unfortunately the geological nature of this part of England is very unfavourable for producing building stone, and consequently the churches throughout Shropshire, from being constructed with sandstone, are in a state of great decay. The present one forms however an exception, and has withstood the effects of the atmosphere better than any other built with the same material that I am acquainted with.

It is a beautiful specimen of the transition between the Early English and Decorated styles, built in the form of a cross, but without any central tower, there being no western arch to the cross; nor does it appear to have had any tower except the small wooden belfry now occupying the point of intersection. It has no aisles, and the porch, which has a niche over the doorway, is on the north side. The eastern window is a fine one of four trefoil-headed lights, with plain circles in their heads arranged after the usual manner of Early Decorated windows with geometrical tracery. The west window has three pointed lights without foliation, the central one being carried up to the point of the arch, and the spandrels being pierced. The transept front windows are of three lights with circles in the heads. All the other win-

[r] Britton's Wells, p. 37.

dows are single trefoil-headed *li*ghts, but placed in ranges: for instance the south side of the chancel has four which answer with an arcade in the interior, on shafts with trefoil heads. All the mouldings are Early English. On the north side are three similar windows. The font is richly moulded; it has eight convex sides, which have trefoliated arches, resting upon clustered shafts. A corbel-table composed of grotesque heads and brackets alternately, runs round the whole of the building, and imparts to it a characteristic degree of elegance. The capping of the buttresses is curvilinear. There have been north and south chancel doors, and there is a fine double piscina in the usual place. The arches of both transepts rest upon richly decorated corbels, about a yard from the floor.

In the south transept is a fine monumental arch with a piscina. The opposite one, which has also had its altar, is much encumbered with monuments. That to Sir Richard Lee and his wife in 1591, occupies the place of the altar. The church contains a great number of encaustic tiles, whose patterns would indicate them to be coeval with the building.

There is one monument that calls for a more detailed account. It is the sepulchral brass of Nicholas Lord Burnell, that rests on a low tomb on the northern side of this transept. I have already mentioned that after the decease of the probable founder of this beautiful church, his great possessions went in succession to Philip and Edward Burnell. Maud, the sister of the latter, by her two marriages, conveyed away much of the inheritance, and Nicholas Burnell, who was her second son by

Brass of Nicholas Burnell.

John Handlo, her last husband, and who assumed his mother's family name[s], came into estates greatly diminished.

Edward Burnell served in many actions in Scotland under Edw. I., and appeared with great splendour. He was always attended with a chariot decked with banners; on which, as well as on the trappings of his horses, were depicted his arms. He married Alice, daughter of Lord Despenser, by whom he had no issue. On his decease in 1315, his sister Maude became sole heir. She married first John, Lord Lovel of Tichmarsh, surnamed the Rich; he died in 1335. Her second husband was John de Handlo, who died in 1346, and left by her one son, Nicholas Lord Burnell, the subject of much contest in the court of chivalry with Robert de Morley, on account of the arms which Nicholas bore, in right of certain lands of the barony of Burnell, bestowed on him by his mother. These arms de Morley had assumed without any just pretence; but because, as he declared, "it was his will and pleasure so to do, and that he would defend his so doing." Probably he had no arms of his own, having been the first of his family who had appeared in a military capacity. He had served as esquire to Sir Edward Burnell, without any other domestic than one boy; and ever since the death of his master assumed the arms in dispute. It happened that they both were at the siege of Calais, under Edw. III. in 1346, arrayed in the same arms. Nicholas Lord Burnell challenged the arms as belonging to the Burnells only, he having at that time under his command a hundred men, on whose banners were his proper arms. Sir Peter Corbet, then in his retinue, offered to combat with Robert de Morley in support of the right which his master had to the arms, but the duel never took place, probably because the king denied his assent. The suit was then referred to the court of chivalry, held on the sands at Calais, before William Bohun, earl of Northampton, high constable of England, and Thomas Beauchamp, earl of Warwick, earl marshal. The trial lasted several days, when Robert, apprehending that the cause would go against him, took an opportunity, in presence of the king, to swear by God's flesh, that if the arms in question were adjudged from him, he never more would arm himself in the king's service. On this the king out of personal regard for the signal services he had performed in those arms, and considering the

[s] Bridges's Northants., vol. ii. p. 36.

right of Nicholas Lord Burnell, was desirous to put an end to the contest with as little offence as possible. He therefore sent the earl of Lancaster, and other lords to Nicholas, to request that he would permit Robert de Morley to bear the arms in dispute for the term of his life only, to which Nicholas out of respect to the king assented. The king then directed the high constable, and earl marshal, to give judgment accordingly. This they performed in the church of St. Peter near Calais, and their sentence was immediately proclaimed by a herald in the presence of the whole army there assembled[t].

SOUTH-WEST VIEW

As regards the date of the mansion, there is no difficulty whatever; Robert Burnell having received the royal licence to strengthen with a wall of lime and stone and crenelate the building in the 12th of Edward I. (1284.)

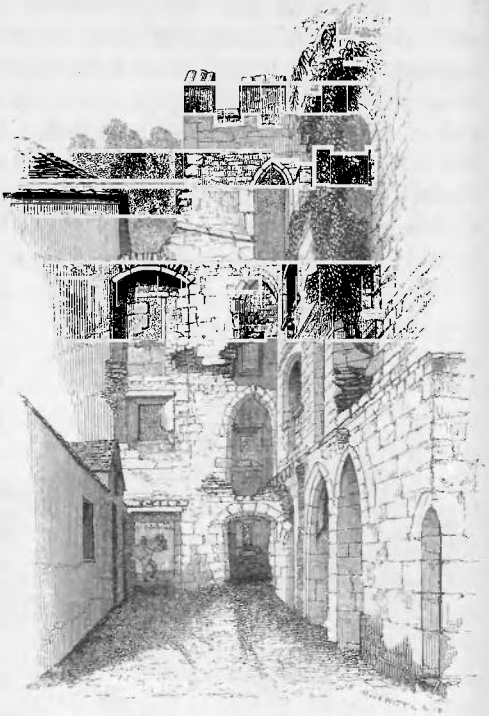
Pro Roberto Burnel Bathon' et Well' Episcopo de manso Kernellando. } Rex omnibus ad quos etc. salutem. Sciatis quod concessimus pro nobis et heredibus nostris venerabili patri Roberto Burnel Bathoniensi et Wellensi Episcopo Cancellario nostro quod ipse et heredes sui mansum suum de Acton Burnel muro de petra et calce firmare et Carnellare possint quandocumque voluerint, et mansum illud sic firmatum et carnellatum tenere sibi et heredibus suis inperpetuum; sine occasione vel impedimento nostri et heredum nostrorum Justiciariorum et ministrorum nostrorum quorumcunque. In cujus etc. T. R. apud Lincolniam, xxviij. die Januarii[u].

It is a quadrangular structure, enclosing an area of 70 feet

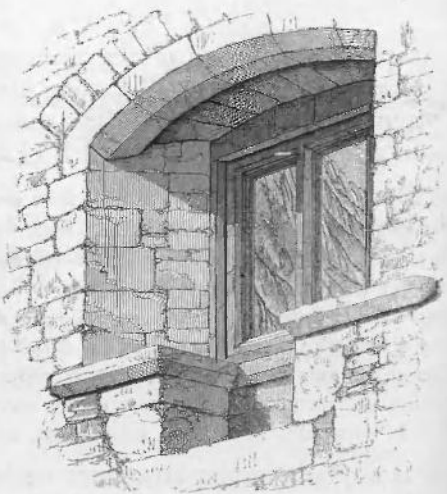
[t] Pennant's North Wales.

[u] Pat. 12. Edw. I. m. 18.

by 47, with engaged square towers at each angle. The west front facing the church has a bay deeply projecting. The interior has been much disturbed, and is now so choked up with modern erections, that it is totally impracticable to ascertain the dimensions and uses of the original chambers. It seems, however, that there must have been a spacious hall 50 feet by 24 on the first floor, lighted by three large windows to the south, but beyond this, all the other parts are unintelligible. It is strictly an early embattled mansion, and wants all the characteristics of a castle. The heads of several of the windows exhibit elegant tracery, and they have generally stone seats or bench-tables within, in the thickness of the wall, serving as oriels. The other features of this embattled mansion will be better understood from the annexed illustrations.



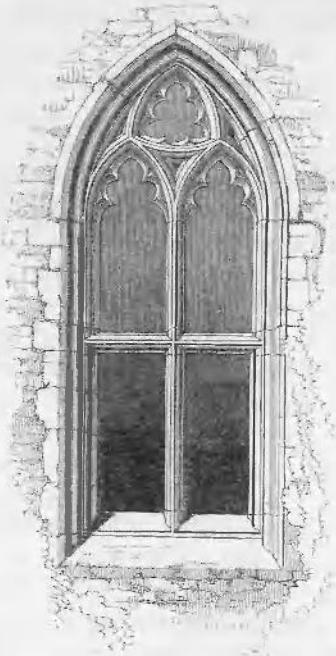
Interior of North west Angle shewing the lower story and one of the Windows of the Hall. &c.



Interior of Window North side, marked D on the Plan.

The last point deserving consideration, is the more difficult one of the connection of Acton Burnell with

Window of the Hall, interior, shewing the stone seats and one of the corbels of the roof.



Window of the Hall, exterior.

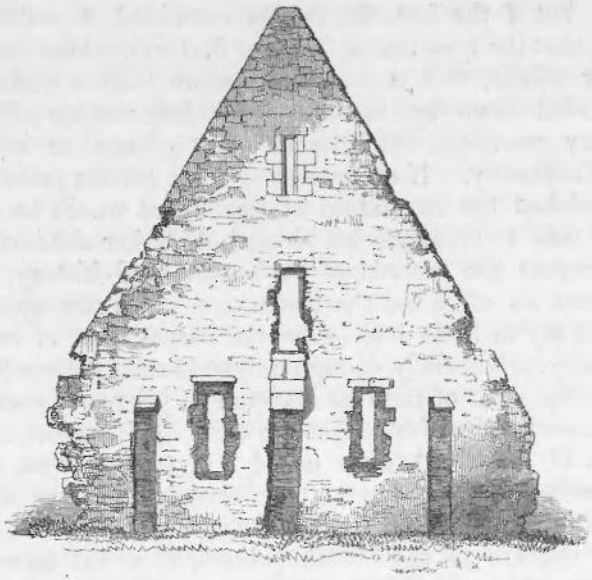
Door and Window, North side.

The whole of the windows in the lower story under the Hall were of this character.

the political history of our English parliaments. We have already observed its embattled mansion rising under the hands of its wealthy proprietor, and we now find his royal patron visiting the spot which the favourite took such delight in embellishing. The turbulence of the Welsh occasioned Edward to pass much of the 5th year of his reign in their country. From the 25th of August to the middle of December 1277, his time was entirely spent betwixt Rothelan (Rhyddlan) and Shrewsbury. In the ensuing year, he attested writs on the 26th and 27th of August at Church Stretton; on the latter day at Rushbury, and on the 28th at Longnor. These three places are close to Acton Burnell, but it does not appear that he honoured his chancellor by taking up his residence under his roof. In 1282 he stayed here for three days in May. The bishop had not received the royal permission to erect his new house, and the king must therefore have taken up his abode in the old family dwelling of the bishop's ancestors, the venerable remains of which still exist. In the ensuing year 1283, he was again at Acton Burnell, for nearly six weeks, namely, from the 29th of September to the 12th of November[v]. The chancellor had not yet received the royal licence to crenelate his dwelling, and the king on all these occasions must have resided in some other building, most probably in the one to which the attention has just been directed. And here it will be desirable to describe it. Little indeed remains to point out its original extent, there being only left standing at the present day the northern and southern gables; these are supported by buttresses, and pierced by long narrow, square-headed windows, exhibiting that simplicity which marks both the early Edwardian, and the Norman styles of architecture. It

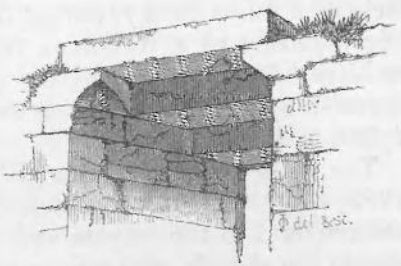
Parliament-house, North end interior.

[v] MS. Itinerary of Edw. I. among the Miscellaneous Records in the Queen's Remembrancer's office.



South end of the Parliament-house, exterior.

has been usual to speak of this building as a barn, but it presents many claims to be reputed a specimen of domestic architecture. Tradition has called it the Parliament-house, or the House of Commons, the castle being called the House of Lords, but its legitimate title to that distinction also rests on suppositious evidence. I must, however, confess myself inclined to favour the conjecture that it either was so or at all events formed part of a contiguous building. Meanwhile passing over this point as one that will probably never admit of satisfactory settlement, we come next to the transactions that have more immediately associated Acton Burnell with the constitutional history of England.



Head of Window in the North end of the Parliament-house

Much unmerited obloquy has been cast upon the name of Edward, for his supposed massacre of the Welsh bards, and this harsh and erroneous estimate of his character has become interwoven with history itself, and thus passed into current

belief. Yet if the facts be calmly examined, it will be discovered that the lyric fire of the poet first infused the suspicion into our minds, that it is nothing more than a traditionary tale handed down by Cambrian prejudice, resting only upon a solitary assertion, valueless in point of age, or cotemporaneous authority. If no heavier or more certain crimes than this tarnished the reputation of Edward, it would be indeed an easy task to vindicate his fame, but darker shadows have passed across the records of his career, and history, which undertakes its office for the instruction of future ages, must also hold up to their detestation the perpetrators of injustice and cruelty. Naturally enough might the king have felt enraged at the want of faith he detected in his newly conquered subjects, and reasonably might the constant insurrections and perfidies of the Welsh have urged him to rule them with a jealous severity. Yet having once accomplished the scope of his ambition by annihilating the dynasty of Wales and securing the capture of the Welsh princes, it might have been enough to satiate the hands of justice and to ensure the permanence of his conquest, had he pardoned their transgressions, if such indeed they may be termed, or at all events, had he moderated their punishment. Prince David, with his wife and children, was brought before the king at Rhyddlan, and earnestly desired to throw himself at the monarch's feet, but Edward refused to gratify his eyes by the humiliating spectacle of a fallen enemy, having determined to proceed against him judicially as a traitorous vassal of the crown. The formalities being settled, and the prince conveyed in chains to Shrewsbury, a parliament was summoned to try him for his defection and disloyalty.

The writs were issued from Rhyddlan on the 28th of June 1283, to upwards of one hundred temporal peers, to nineteen justices, and to the mayors and citizens of twenty boroughs, also to the sheriffs, who were commanded to elect two knights of the shire through all the counties in England[w]. The bishops alone were absent from this numerous and important assembly: important as being the first where the commons had any share by legal authority in the councils of the state[x], and one to which we have been indebted for our present advancement and energies, and for that noble independance and rational

[w] Parl. Writs, vol. i. p. 11, 12. [x] Blakeway's Shrewsbury, vol. i. p. 146—151.

attachment to freedom that is our distinguishing national characteristic.

The trial itself certainly took place in Shrewsbury, since all the writs specify that the peers and representatives were to attend there for the purpose of conducting it.

The king, as we have already seen, was then on a visit to the chancellor at Acton Burnell, being unwilling probably to influence their decision by his presence. He had however, plainly intimated by the language of his writs, what were his private sentiments.

The severe penal enactments of that age, unworthy even of men who lived in a state of savage life, cannot now be adverted to without horror. And when we find this royal prince, after having courageously endeavoured to preserve his aboriginal throne from destruction, dragged at horses' heels through the narrow streets of Shrewsbury, hung up and cut down again whilst yet breathing, with heart and bowels torn out before his sight, at last beheaded and released from his sufferings, to have his mutilated body quartered and distributed through the four chief towns of England, the citizens of York and Winchester contending with savage eagerness for his right shoulder[y], the revolting award being decided in favour of Winchester, we instinctively pause to disbelieve the facts. We become incredulous that such degrading inhumanity should have happened not only then, but that even five centuries afterwards the eloquence of Romily should have been exerted to erase this unrepealed abomination from the English statute book. As the most philosophical of our historians has declared, these are warnings to mankind how easily the most execrable examples may be introduced, and with what difficulty a country can be purified from their stain[z].

After the royal prerogative had thus been vindicated by the barbarous execution of Prince David, whose guilt seems rather to have consisted in aspiring to transmit to his descendants their right to an ancient sovereignty, than in any acts of aggression on the neighbouring kingdom, the parliament adjourned to Acton Burnell, where they sat, and passed that celebrated statute-merchant bearing its name, and from the preamble to which, as well as from an instrument in Rymer[a], it is manifest that the three estates of the realm were not then

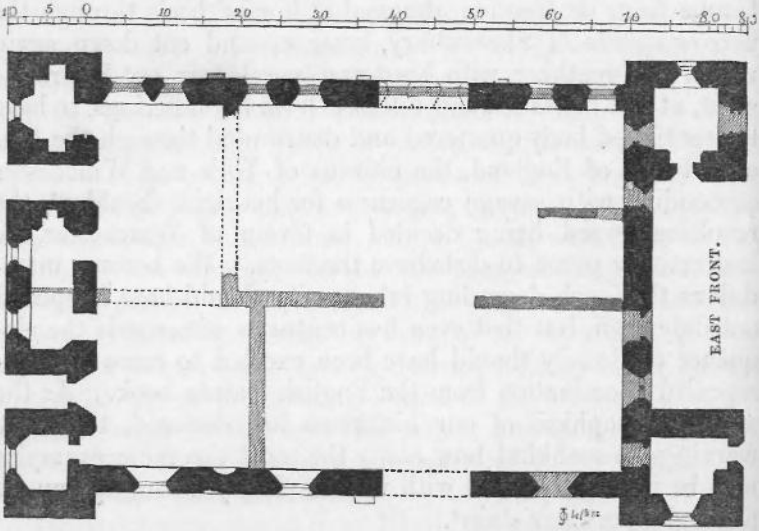
[y] The sheriff's account for salting it is still preserved.
[z] Macintosh, Hist. Engl., vol. i. p. 254.
[a] Rymer, vol. ii. p. 247.

separated as has been usually supposed into two chambers, but were an undivided body of representatives.

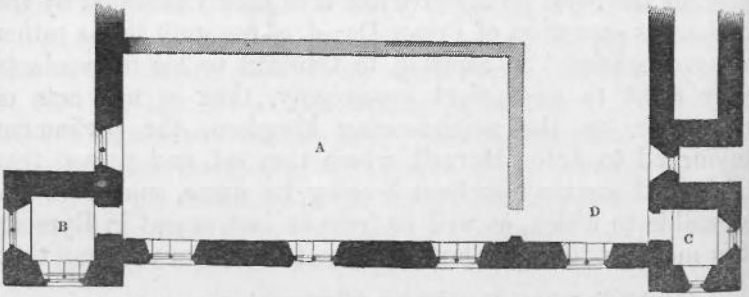
In taking this view of the transactions, I am quite aware of the opposite opinions that have already been advanced. But although coming from writers of acknowledged reputation and research, from their being necessarily unacquainted with local circumstances, and wanting that peculiar stimulus which the topographer inherently follows, they have passed over those minor enquiries which, whilst they are in reality the foundation of accuracy, are also the present grounds of my presuming to express dissent from such high authorities[b].

CHARLES HENRY HARTSHORNE.

[b] Mr. Hallam (Middle Ages, ed. 4to. vol. ii. p. 236.) says the clergy and commons sat in that town, namely Acton Burnell, while the lords passed judgment upon David at Shrewsbury.



GROUND-PLAN. The whole interior is now filled with stable and other farm buildings.



Plan of part of the Upper Story, shewing the Hall with its entrances and windows.

A. Hall, 50 ft. by 24. B. North-eastern Tower. C. South-western Tower. D. Square-headed Window, shewn in woodcut.