

ART. XII.—*The struggle over Corby, 1605-1626: Lord William Howard and Thomas Salkeld.* By H. S. REINMUTH, JUNR., M.A., Ph.D., Associate Professor of History in the University of Akron.

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*“ . . . the said Corby Castle was and is a seat as pleasant and convenient for use and ornament as any place in the country where it lies. . . . ”*<sup>1</sup>

FOR more than three hundred years one of the unchanging social facts in Cumberland has been the existence of the Howards of Corby, a Catholic gentry family from its origins in the 17th century to the present day. Corby Castle, medieval in part, but largely 18th century as one sees it today, stands on its commanding site above the Eden surmounted by proud Howard lions.

The acquisition of Corby, however, was not a peaceful undertaking, but a complex, costly and difficult matter, involving a prolonged struggle between Lord William Howard of Naworth Castle and Thomas Salkeld of Corby. The struggle involved the deep-seated and often violent emotions of the humbler border folk who were preoccupied with their own tenurial struggle concerning border tenant-right, a controversy which became a major issue of early Stuart border history and an important weapon (a two-edged sword in the end) for Thomas Salkeld in the struggle over Corby as, on one occasion, did Lord William Howard's religion, Roman Catholicism.

No difficulties were probably foreseen when in 1605 Lord William bought a moiety of the manor and castle of Corby from Henry and Elizabeth Blenkinsopp of

<sup>1</sup> P.R.O., C 2 Charles I, H 76/48.

Helbeck, Westmorland. According to the foot of fine the purchase included 300 acres of arable, 200 acres of meadow, 300 acres of pasture, 100 acres of woods, 100 acres of gorse and broom, 50 acres of moor and 300 acres of turbary plus a water grain-mill and free fishing in the Eden river.<sup>2</sup> The entry on the Close Roll discloses further that the lands purchased included some earlier acquired from Alexander Fetherstone, annual rental 19s. 7d., in Great and Little Corby and elsewhere. The amount paid for this moiety of Corby was £770.<sup>3</sup>

Three points should be noted about the purchase: first, that it was a moiety, or one-half, of the manor, including one-half of items difficult to divide such as the castle itself, a water grain-mill, and the lands; second, that the lands purchased included those once belonging to Alexander Fetherstone; third, that the price was considerably less than Lord William Howard was to pay for the other moiety.

In Easter term 1606 Lord William brought a petition in Star Chamber against Thomas Salkeld and others concerning the possession of a close called Highfield. In this petition the first charges of violence were made: that Lord William's servants had been assaulted and beaten by some twenty armed men, including Thomas Salkeld, while attempting to seal a lease upon the property. The defendants denied the charges and Salkeld in his answer particularly spoke of his respect for Lord William who was, after all, the youngest son of England's last duke, Thomas, duke of Norfolk, executed for treason in 1572. Salkeld spoke also of Lord William's having conceived some displeasure against him, although he did not elucidate the reasons for it. Lord William's replication makes no specific mention of this point. Because evidence is missing, one cannot follow this case to its conclusion.

<sup>2</sup> P.R.O., C.P. 25 (2)/282 Cumberland, 6 James I Trinity. The acreages are general approximations not exact figures.

<sup>3</sup> P.R.O., C 54/1821.

It shows, however, that the personal animosities between Lord William, the owner now of one moiety of Corby, and Salkeld, the owner of the other moiety, began about 1606, if not earlier.<sup>4</sup>

The struggle between Lord William and Salkeld continued in several separate, although interrelated, suits: one which concerned the actual division of the lands in Corby ended only with the sale of the Salkeld moiety to Lord William; another specifically concerned with the division of the Fetherstone lands incorporated in Corby; and two others not directly related to Corby—the question of suit of court by the Salkelds for their manor of Rosgill to Thornthwaite manor, and the Salkeld's involvement in the dispute between Lord William and his tenants concerning border tenant right.

Innocent persons could become involved in the Howard-Salkeld disputes as Sir Henry Curwen found to his dismay in 1611. He had sold Lord William Thornthwaite manor, Westmorland, in 1611, probably as Lord William remarked because Curwen needed the money. Curwen “. . . standing in need of a great sum of money without present supply whereof he was in hazard to lose a great part of his means . . . did for his relief in or about the month of May aforesaid in the said ninth year of your Majesty's said reign make very earnest and importunate means unto your said subject Lord William Howard to buy and purchase the said manor of Thornthwaite . . .”<sup>5</sup>

Unfortunately for Sir Henry, the lord of the manor of Rosgill owed suit of court and certain cornage rents to the lord of Thornthwaite manor: the lord of Rosgill manor was Thomas Salkeld. The action was brought by Lord William because documents concerning the suit of court owed by the Salkelds had allegedly been tampered with so that Lord William would have no evidence that

<sup>4</sup> P.R.O., Star Chamber 8/168/5.

<sup>5</sup> P.R.O., Star Chamber 8/180/24.

such suit was owed. From the testimony it would appear that such forgery was indeed attempted, although Sir Henry Curwen may not have known of it. Whatever the details of the case were, Sir Henry explained his situation ruefully in his answer to the bill. "And this defendant sayeth that a principal cause which moved this defendant to sell the complainant the said manor and lands mentioned in the bill — was for the great respect and love which he did bear to the said Lord William Howard and in hope of the continuance of his friendship and favour." Since the sale, he explained, he had not only lost the value of the lands, the good opinion and favour of Lord William, but had been put to great trouble and charge in suits begun by Lord William.<sup>6</sup>

A technicality prevented Lord William from securing the suit of court desired from Salkeld until much later when Lord William brought a suit in chancery against Richard Salkeld, Thomas' son and heir.<sup>7</sup>

Certainly the central issue concerning the partition of Corby was the question whether the lands had previously been held jointly or in severalty. If they had been held jointly, a partition could be made of all the lands by those involved under the supervision of the court. If, however, the lands had been held in severalty, then presumably Lord William should have had those lands held by Henry Blenkinsopp from whom he held title. The determination of the court over the years seemed to reveal that some lands had indeed previously been partitioned and held in severalty while other lands had not. In the Salkeld testimony a very important point was raised which, if true, would explain Lord William's interest in a partition and help to explain why he paid more for the Salkeld than for the Blenkinsopp moiety of Corby.

<sup>6</sup> *Ibid.* In addition to the Star Chamber suit there is record of a suit in Chancery, 9 James I. Unfortunately the fragile condition of these records prevented the author from consulting them.

<sup>7</sup> See p. 198.

That heretofore many years past the ancestors of Henry Blenkinsopp, esq., from whom the plaintiff claimeth, were seised of the one moiety of all the said castle, manor and lands, and the ancestors of the defendant were seised of the other moiety, and that long time heretofore the same ancestors made division of two woods or parcel of wood grounds being parcel of the premises, and that one parcel of the same wood called the White Oaks were assigned and allowed to the ancestors of the said Henry Blenkinsopp. And the other parcel of the said woods called Birkhill was assigned and allotted to the ancestors of the defendant to hold in severalty, which have been ever since enjoyed accordingly, and the wood allotted to the said Blenkinsopp hath been wasted, the wood allotted to the defendant's ancestors hath been preserved, and that the like division was also then made of the said castle which hath also been enjoyed in severalty, and that part of the said castle which was allotted to the said Blenkinsopp hath been decayed and that part allotted to the defendant's ancestors hath been from time to time repaired.<sup>8</sup>

The relative decay of the Blenkinsopp moiety *vis-à-vis* the Salkeld moiety, the growing intransigence of the combatants, and the endless delays possible in Chancery sufficiently explain the impossibility of arriving at a solution to the problem.

The Fetherstone lands had a happier outcome. In early 1612 Thomas Salkeld was ordered by the court forthwith to convey "unto the plaintiffs and their heirs the moiety of the said other lands purchased of the said Fetherstone according to his [Salkeld's] confession in his said answer."<sup>9</sup> Pursuant to this order a partition of lands purchased in 26 Elizabeth was made early in 1612.<sup>10</sup>

For the remainder of the Corby lands, the court concluded in June 1613 that the woods, Birkhill and White Oaks, had indeed been held in severalty, but the commissioners appointed by the court early in 1612 were to make division of the remainder of the lands including the castle.<sup>11</sup>

<sup>8</sup> P.R.O., C 33/121, f. 1008r.

<sup>9</sup> P.R.O., C 33/121, f. 561v.

<sup>10</sup> P.R.O., C 54/2139 June 24, 10 James I.

<sup>11</sup> P.R.O., C 33/123, f. 844r.

While the commissioners were attempting to divide the lands of Corby to the satisfaction of both parties, a further case was initiated in Chancery in June 1614 by Thomas Salkeld concerning the right to hold Court Baron for the manor of Corby, a right which could certainly not be partitioned like a piece of property.<sup>12</sup> The issue was thus complicated further.

Meanwhile the hostility between Lord William and Salkeld was immeasurably deepened by the dispute concerning border tenant right in which Salkeld played a leading and (for him) unsuccessful rôle. The technical aspects of this dispute are too complex to be discussed here in detail, but the central issue was clear enough. Were the tenures of those who had performed as part of their services military duty upon the borders dissolved after the union of the crowns in 1603 after which such military service became superfluous? Could the lords, in effect, treat these border inhabitants as tenants-at-will, or were they customary tenants analogous to copyholders? For the lord the question was essentially one of estate management. Much greater profits could be made if the tenants could be forced to accept new leases in which the rental paid bore some relationship to the real value of the lands held. For the tenants the issue was much more serious. They had not only greater rents to fear, but dispossession. Clearly Salkeld and others could play upon the tenants' anxieties in order to attack Lord William indirectly.

It must be remembered in this connection that Lord William was a southerner, "a stranger in those parts," as he still described himself in 1611.<sup>13</sup> He had only lived in the north since *c.* 1602-1605. For him there was the

<sup>12</sup> Lord William was not the defendant in this suit. The defendant was William Trigg who had been permitted to lease the land by the crown who in turn had seized the land to force Salkeld to pay the fine levied in Star Chamber. Salkeld was evidently already in financial difficulties by *c.* 1616-1618. P.R.O., C 2 James I, S 27/35.

<sup>13</sup> P.R.O., Star Chamber 8/161/16.

problem of attempting to understand a situation very different from that in the south of England. For his tenants there was the suspicion of an outsider, fanned by the speeches of those, such as Salkeld and John Dacre or their agents who had greater claims to understand the tenants because their families had long resided in the area. The promise of paternal concern, virtual "maintenance" in the later medieval sense of that term, made by Salkeld and Dacre coincided with long traditions of lord-tenant relationships upon the borders. The sequel was tragic for some tenants.

In his petition Lord William said Thomas Salkeld and John Dacre of Lanercost "heretofore without cause conceived some hidden and secret malice against your said subject . . ." Christopher Bell, one of Salkeld's servants, assembled the tenants "in most riotous and warlike manner" in March, April and May 1610 armed with swords, daggers, pitchforks and other weapons at Geltsbridge in Gilsland where their ancestors had fought in support of Leonard Dacre against the forces of Queen Elizabeth. They were harangued by Bell against Lord William, who, he said, "intended to extirpate them, their wives and children out of their tenements and livings and to plant strangers in their rooms . . ." Lord William was made to seem a 17th-century *Rachman*. The tenants were then promised the support of Thomas Salkeld and others in their fight to maintain their customary tenancies. In order to carry on the fight, money had to be collected from the tenants since law-suits were as expensive as they were lengthy. The testimony of some tenants in this regard is almost incredible. One is reminded of some 20th-century extortionists. One poor widow according to testimony, who paid Lord William 10s. od. per annum rent, paid £5 to Bell and others for suits against Lord William. According to Christopher Earle, every law term either the whole or half-year's rent was levied upon such

tenants as opposed Lord William. These charges continued for about two years. Those who were tempted to submit to Lord William had pressure put upon them by Bell and others. Some who had decided to submit were dissuaded.<sup>14</sup> "John Nixon of Kirkamock and John Moses did say then that if they lost by law there should be skins for it." And Bell, a leader of the opposition said he would be considered "an open traitor" if he submitted to Lord William.

The resistance was futile, however, for the tenants were forced to submit in the end as the tenants of the crown had long since done. Thomas Salkeld, John Dacre and others were severely dealt with in Star Chamber. In the decree it was said:

The Court . . . much misliking the malicious practises of the saied Salkeld and Dacres, who had nothing to do with the matters in question, and utterly condemning the said tumultuous assembly of such numbers of people to be gathered together in an open field, . . . hath thought the same very worthy of punishment for example hereafter, and therefore is it ordered decreed and adjudged by this honorable Court that the saied Salkeld and Dacre whom the Court conceived to be the greatest persuaders and countenancers thereof . . . be comitted to the prison of the Fleete, and paie on hundred pound a peece for their severall fines to his Majestie's use . . .<sup>15</sup>

The Salkeld fine was apparently later reduced to £50.<sup>16</sup>

Undaunted by this experience, Salkeld ventured into much more treacherous ground and exhibited articles to King James I against Lord William for recusancy.<sup>17</sup> That this daring, although plausible, attempt to ruin his adversary was futile is revealed by a letter of November 1616 from John Dudley in London to his brother at Yanwath, Westmorland.

<sup>14</sup> P.R.O., Star Chamber 8/161/16.

<sup>15</sup> Ornsby, Rev. George, *Selections from the Household Books of the Lord William Howard of Naworth Castle* (Surtees Society lxxviii (1877) 427).

<sup>16</sup> P.R.O., E 159/140, Trinity 14 James I rot. 104.

<sup>17</sup> The identification cannot be made with absolute certainty since only the surname is mentioned in the letter. All things considered, however, Thomas Salkeld seems the most likely candidate.

The Information that Mr Salkeld had exhibited against my Lord William Howard for Recusancy, is by the King's commandment to be withdrawn.<sup>18</sup>

Despite all these suits and countersuits, however, no final division of the manor of Corby had been made by 1616 and the suits in Chancery continued.

In 1620 Lord William brought a new bill in Chancery which revealed that the division of lands in Corby had not yet been completed. The woods had indeed been divided, a commission awarded earlier had divided some further lands, and Lord William had had recourse to the common law courts for division of the remainder of the lands, but the mutual conveyance of the lands by Lord William and Thomas Salkeld had not taken place.<sup>19</sup>

Now a new factor had arisen to complicate matters. On 18 April 1620 Thomas Salkeld had conveyed his lands including his moiety of Corby to his wife for her life, and to their son, Richard, so that the mutual conveyances in order to be valid in law now had to be made between Lord William on the one part, and Richard and Thomasin as well as Thomas Salkeld on the other part. Thomas Salkeld's second answer to the bill revealed that he had become indebted to several individuals, mostly London money-lenders, for considerable sums. In a later document Richard Salkeld said his father's total indebtedness at this time (1621) amounted to £2,124, a very substantial sum for a gentry family like the Salkelds.<sup>20</sup> Obviously the prolonged struggle against Lord William was beginning to impoverish Thomas Salkeld. He had staked a great deal; at times he had retained such distinguished counsel as Sir Francis Bacon<sup>21</sup> whose services

<sup>18</sup> Westmorland Record Office, D/Ry 97. It is worth noting that Richard Salkeld raised the issue of religion again in 1626. In his answer concerning the manor of Rosgill he stated that he refused to take a public oath of fealty to Lord William partly because of scruple of conscience since he was to swear "so help him God and the Saints, and the Religion which he professeth instructeth him not to rely upon the help of Saints—."

P.R.O., C 2 Charles I, H 77/48, June 10 1626.

<sup>19</sup> P.R.O., C 2 James I, H 22/43.

<sup>20</sup> P.R.O., C 3/311/5 and C 2 Charles I, H 77/48.

<sup>21</sup> P.R.O., C 33/135, f. 866r.

would doubtless have been costly. Yet nothing had been gained by this struggle, and indeed from the size of the debt it was clear that much had been lost. Lord William's victory was not far off.

On 10 February 1625 the Salkelds capitulated; they sold their moiety of Corby to Lord William. Their situation is best explained by Thomas Salkeld himself.

“. . . there having been formerly long and tedious suits which had continued for the space of nineteen years or thereabouts without intermission betwixt the complainant [Lord William Howard] and the said Thomas Salkeld for and concerning the title and interest of part of the castle, manor and lordship of Corby and the lands thereunto belonging . . . the said Thomas Salkeld spent a great part of his estate, and finding his estate to decline more and more, and being wearied with the great expense and trouble of the said suits, and forseeing that a continuance of the said suits would bring him to so low an ebb in his estate that he should be hardly able to subsist or to maintain himself, his wife and children in the degree and quality of gentry, his ancestors having formerly borne place and office and been in the county where they lived of equal reputation and estimation with the best of their neighbours, [he] resolved to make an offer of sale . . . unto the complainant . . .”

He had evidently not lost his pride. He hoped to end the suits, “. . . that he the said Thomas Salkeld might now in his declining age as he desired rest in peace and quiet and free from suits and troubles . . .”<sup>22</sup>

For his moiety he had received £1,100, considerably more than Lord William had paid for the Blenkinsopp moiety, yet Salkeld described the sum, doubtless with exaggeration, as “. . . scarce half the value that the said castle . . . was really worth . . .”

Yet the suits had continued, and now the Salkelds who had for so long opposed Lord William complained bitterly of

“. . . the violent persecution of the complainant against them,” and said they could not “forsee any end of their long suits and

<sup>22</sup> P.R.O., C 2 Charles I, H 76/48.

troubles which they long sithence hoped for and desired, the continuance whereof tends unto their ruin and utter undoing . . ."<sup>23</sup>

The Salkelds had to face one more suit, or rather a continuation of the suit concerning Rosgill which had been delayed because the estate belonged for her life to Barbara Salkeld, mother of Thomas Salkeld. With her death the suit was resumed, and we may leave the Salkelds after one last plea, that they were now willing to satisfy Lord William "in all things, thereby to procure their own peace and freedom from further trouble and vexation, and, if it may be had to purchase a better opinion from the complainant toward themselves . . .".<sup>24</sup>

After twenty years of almost continual struggle in the courts in addition to the £1,870 paid for the manor and castle of Corby itself, Lord William was in sole possession of a "pleasant and convenient" seat. One gentry family was near ruin: Lord William had, on the other hand, taken one more step to increase his estates, steps which would lead his great-grandson, the first earl of Carlisle, to leave the family's medieval castle, Naworth, for Yorkshire. Moreover, Lord William had secured a seat for his second son, Sir Francis Howard, the first of the Corby Howards.

<sup>23</sup> *Ibid.*

<sup>24</sup> P.R.O., C 2 Charles I, H 77/48.