

Castle Rising: its Castle and Borough.

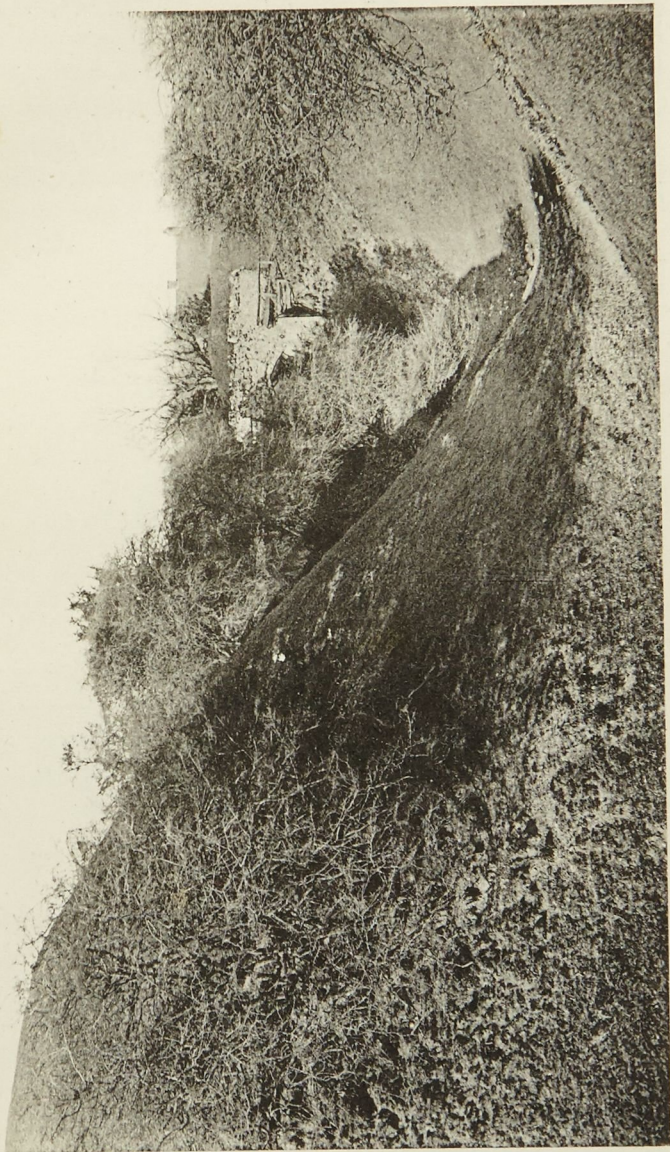
COMMUNICATED BY

EDWARD M. BELOE, F.S.A.

I.—THE BEGINNING.

WHERE the high land of Norfolk falls steep down into the marsh, on the ridge of the hills are, perhaps, the most splendid earthworks in the kingdom. They overlook the estuary seawards, and landwards command a beautiful panorama of what was once forest, but is now a richly cultivated country. These earthworks were made long, long before history begins, to preserve the country from the invader, and, perhaps, to hold the inland tribes in check. They did their duty, but the time came when the Celt, who had made them, was driven back, and the new settlers did not require them.

They were left lonely and wasted, a settlement decayed; and when first mentioned in history in the great record of the kingdom, the settlement was merely a small and subordinate jurisdiction, subject to the then dominant manor of Snettisham. That, with other manors in the county, belonged to Stigand the Bishop, formerly the Bishop of the East Anglians, who afterwards, by his grasping ambition, obtained the bishopric of Winchester and the archbishopric of Canterbury, which he held when



THE EARTHWORKS.
SHOWING THE 15th CENTURY BRIDGE OVER MOAT.
CASTLE RISING, NORFOLK.

the Conqueror came. Within the vast earthworks, on their northern side, is a small church, said to be Saxon. Its history is unknown, and the date of its foundation has been much discussed, for it was only discovered some forty years ago. It was then covered with the mould which had slipped down from the hills, and which had raised a platform, many feet in height, around the foundations of the Castle.

The chapel here seems to point to the fact that these mounds became, in the later times of the Saxon domination, their settlement; and when Stigand possessed the manor, as he did in his own right and not in that of his bishopric, he, the great builder, erected the little church for the settlement of the Saxon people. It was built long before the castle, for its rough and rude architecture betokens pre-Norman work. More will be said of the newer church of the Norman, but this suggestion may be made here, and thus add one element more to the controversy. The Conqueror could fight the civil power, but the Church was above his interference; so in the person of Stigand the old ecclesiastical rule of the Saxon continued, until, after holding the archbishopric for seven years, he was removed and died in prison.

II.—THE BARONY.

This, one among his great possessions, was given to the Conqueror's half-brother Odo, Bishop of Bayeux, who held it at the date of the record. It may be assumed that Odo was too busily engaged, and had so many other manors beside this small one, that he did nothing here, but left the earthworks and the small church in the settlement as he found them. But Odo came under the displeasure of the Conqueror's son, Rufus, because, as an historic fact, he joined in the rebellion of Robert, the

elder brother of Rufus, and so his vast estates were confiscated. It is in the grant of Rising to William de Albini that the interest in our subject really commences. William de Albini had the grant of Rising and several other of Odo's manors in Norfolk, one of which was Wymondham. His son William succeeded him, and he built the great nave of Wymondham church. He died in 1176, but it must have been in the earlier days of the grant that he raised the great castle which is now before us, for its architecture betokens nothing of the transition of the later styles, although very late in its own. It is a grand keep, one of the finest. It ranks with Norwich, which is a little earlier, and with Rochester, which is earlier still. They were all built on one plan, as places of refuge more than for living in, and we can only wonder at the wealth and genius which raised them. De Albini not only built his castle, but a little lower down he founded his church, the successor, on a new site, of the old Saxon church¹ to which I have alluded, and which then, probably, was left to go to ruin. The church that William de Albini built is even grander than his castle. The west front is, perhaps, the most elaborate specimen of the late Norman that exists. The lower walls of the building, except of the transept, are original, and remain a monument of the pious care that erected them.

A William de Albini succeeded the first and great William, and the descent went on from generation to

¹ When D'Albini changed the site of the settlement to the position nearer the brow of the hill, where his church stands, he seems to have fortified it, for there are strong earthworks, hitherto unnoticed, to the north of the rectory; and there is, to the north-east, a mound resembling the Toot Hill at Hunstanton, and in the same position. There is also, at Hunstanton, a square inclosure to the east of the church. Rising and Hunstanton were on two arterial trackways.

generation, generally by brothers, for there was a singular lack of direct heirs in this line. The tracing of this lineage is a matter of history. The last De Albini was Hugh, and he left no children. His large estates were divided amongst his four sisters; and the one to whom Castle Rising was apportioned was Cecily, who married Roger de Montalt—in French, Monhaut—Roger of the High Mount, a Flintshire family, the name of whose home is now softened into Mold. Again in this family there was a sad failure of children; the estate went sometimes to sons, but oftener to brothers of the Montalt, until it passed to Robert de Montalt, and we pause for a few minutes upon this the last of the race. His wife's name was Emma, probably a Norfolk lady, some say of Stradsett. She was a widow of one of the great barons of Norfolk when she married Montalt, her first husband being a FitzJohn of the family of the founder of Shouldham Abbey. There were again no children of this Robert and Emma, and in the first year of Edward III., when their hopes of issue to succeed them in their great property failed, they sold their estate at Rising—subject to their retaining it for their heirs male if there were any—to Isabella, Dowager Queen of England, with remainder to her second son, John of Eltham. Two years after this grant Robert de Montalt died; and in the fifth year of Edward III., in consequence of events which I shall fully go into, for it is here the centre of interest of our tale lies, Emma de Montalt released to the Queen Isabella the whole of her estate in the castle of Rising and the barony in consideration of an annuity of £400 a year, which it is said she did not long enjoy.

Emma de Montalt, although occupying so high a position, has left no mark whereby she is known. Her life was quiet and unobserved. She lived probably near Rising, and the only memorial of her is a slab in the nave of

Stradsett Church, and on it is inscribed in French, the then dominant language of the country :—

ICI GIST DAME EMME DE MOVHAVT, FEMME DES DEVS BAROVNS.
DEV PVR SA PITE EIT MERCI DE SALME.

which in English is :—

Here lies Dame Emma de Mouhaut, the wife of two Barons.
God in his pity have mercy on her soul.

And there lies the last owner in a direct line from the great De Albini, of the estates of Rising.

We have one other memorial to speak of, and that has been recently found. In the neighbouring church of Watlington I had long noticed a memorial slab with one of those beautiful floriated crosses, which, in the earlier years of the fourteenth century frequently marked the graves of the greater dead. The inscription was not read by Blomefield. It is as follows :—

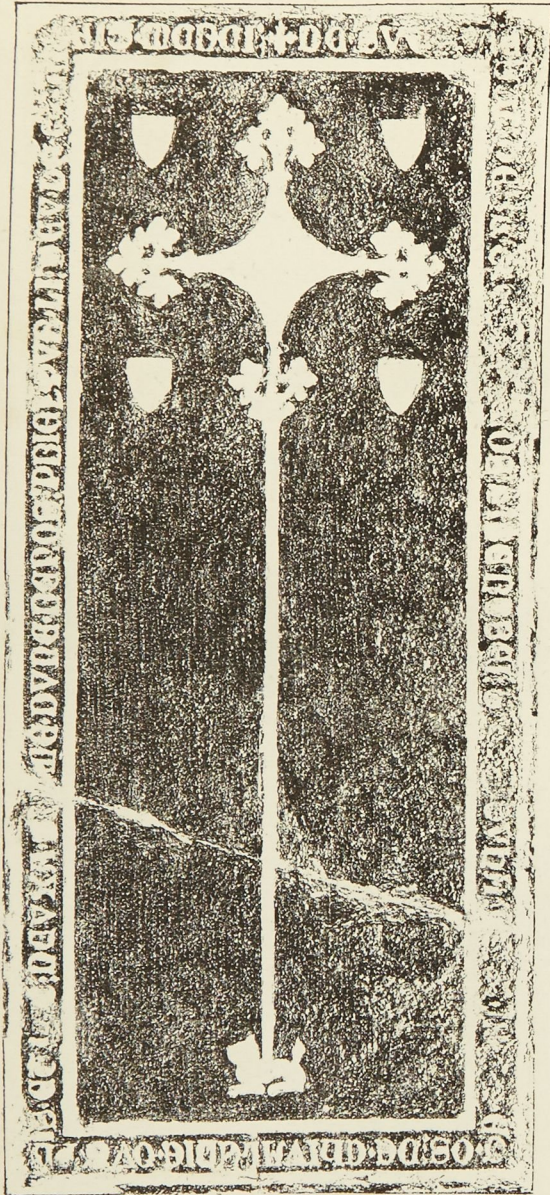
De sus ceste pere est enclos
Sire Robert de Movhant chair et os
De chivalerie ovt pris et los
Deuxa salme dyne repos
Priez pvr li
Dev de salme eit merci.

which may be translated :—

Underneath this stone is enclosed
Sire Robert de Mouhaut flesh and bone
In knighthood beyond price and praise
God to his soul give repose
Pray for him
God on his soul have mercy.

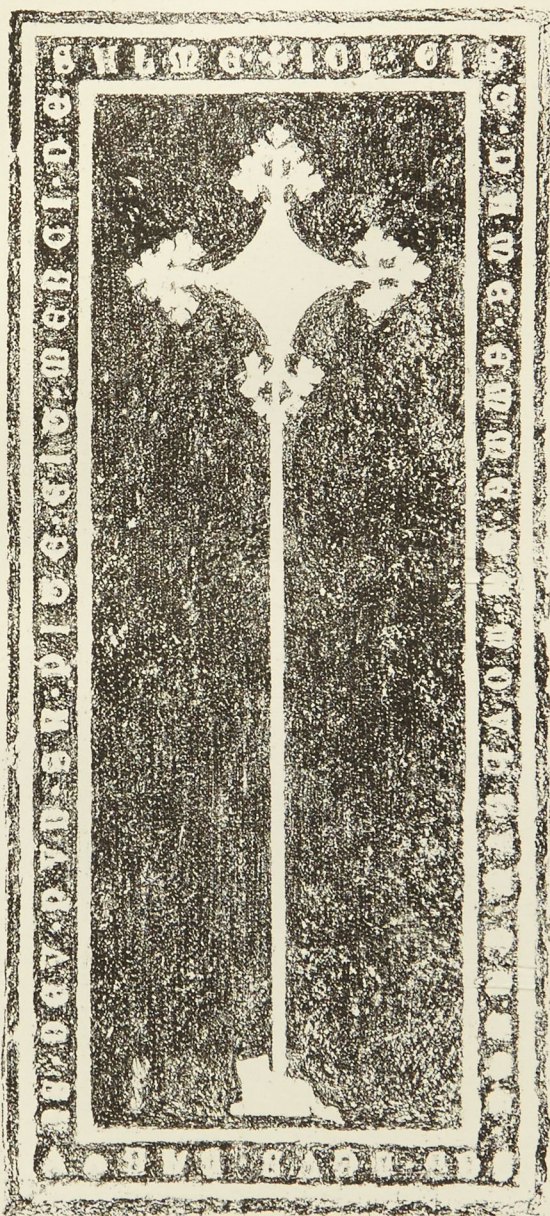
On the slab of Emma his widow is the like floriated cross as there is upon the tomb of her husband. [Plate 3.]

We have all, perhaps, felt in visiting the last home and shrine of those saints who have left a record of their lives, a feeling of awe at their self-restraint, unselfishness,



SIR ROBERT DE MONTALT: WATLINGTON, c. 1329.

Size of matrix, 98 X 43 inches.



DAME EMMA DE MONTALT: STRADSETT, c. 1332.

Size of matrix, 100 X 44 inches.

and good works; the excluding themselves from all pleasures, honours, and wealth, which distinguished their actions. Now that they have passed away from us for centuries, and their earthly interests vanished, we think that the saintly life of those whose holy shrines we see may have been the wiser and better course.

But the career of Isabella, the heroine of Rising, is not that of the saint; it is that of a woman whose ambition, whose cruelty, whose immorality, and hardness of character is perhaps unsurpassed in history. Whether the bad qualities she possessed were entirely owing to her own fault is not for us to judge; but a few words upon the subject of this heroine and the manner of her coming here may not be uninteresting. She was married very early to her weak and unfortunate husband, Edward II. She came to us a bride so beautiful that she was called Isabella the fair. Her father was handsome, for he was designated Philip le Bel, and her husband was as remarkable as both of them for his comeliness and gentleness. This woman, so young and beautiful, and yet so bad, was of high ability and possessed great qualities. During her career as queen, which lasted twenty years, in its early portion she certainly distinguished herself by great power of government and by energy in administration. She arranged treaties, and in her fall, when she lost every moral quality, and became a fierce, cruel, relentless, heartless woman, she never ceased to be the queen. She was the daughter of a king, and in all her associations she never demeaned herself to any of low position; her companions throughout, and those with whom she acted in business, were all the highest barons of the land. One of the last acts before her fall was her retirement to France with Mortimer, but I need not here refer to a connexion which is historic. It is only after being exiled from that country that she came to England with an

armed force, and landed on Harwich beach, and compelled her unlucky husband to surrender the kingdom to his and her son. She gave the keeping of the king afterwards to the Earl of Lancaster, her relative, and only when the kindness of the earl to his unfortunate prisoner became apparent, did this wife and the mother of his child, take the care of her husband the king from him, and put it into the hands of two who would do her own will, and who took him to Berkeley, almost certainly by her directions, and murdered him. This is the heroine of the Castle! She was now let loose, and everyone fell at her will. The good Earl of Lancaster, the old Earl of Coventry, relatives of herself and her husband, were executed; and of the many minor personages who came under her displeasure it is not my intention in this short sketch to speak. We all know that she ruled the kingdom in the name of her son (but in reality by direction of Mortimer) until the fourth year of his reign, and I wish to tell you very shortly the end.

The Parliament being assembled at Nottingham, with all its magnificent surroundings, it was thought the king might have had his lodging in the castle, but not so; the queen assumed it, and Mortimer was there with more attendants and in greater splendour even than the king himself.

Mortimer entered the castle at night, on the sitting of Parliament, by a secret entrance, and when it was discovered, the youthful king, the queen's son, entered, too, with a few attendants, and quickly secured him, amidst the rage and weeping of the queen. They took Mortimer to London, and in the court held at once they condemned the man who had been for years, and even to within a few days before, the dominant power in the kingdom, to death; and he was hanged with two mean rebels at a place called the "Limes," but now Tyburn, and was left hanging for two days and two nights, that he might be

degraded in the presence of the people. This was in the fourth year of Edward III., and in the fifth year possession was given to the queen of the Castle of Rising.

It has been much disputed what was the restraint to which this woman was subjected here after the death of Mortimer. The first mention is of her being taken from Berkhamstead to Windsor, this before she had Rising Castle, on a visit to her son. She was under an escort consisting of three of the principal noblemen in England, probably her keepers. But the next year, as I have already mentioned, it was arranged that Emma de Montalt should give up her estate at Rising, so that Isabella might come there.

The queen was then thirty-six years old; she had at that early date committed all those great crimes of which history tells us, and the fair girl that came to England full of hope, full of promise, and of great power and position, to be the queen of a great country, was now almost a prisoner in the secluded castle on the coast of Norfolk. But, notwithstanding all this degradation, in all the public documents her son still called her his *carissima mater*, his dearest mother, and there is nothing in any record to shew that he does not appear to have been other than a loving respectful son.

Froissart, who is so often quoted as the narrator of her history, gives us the impression that she was under strict surveillance; but it is possible that two years after Mortimer's death, when the government of Edward became established, and she was no longer able to wield any power for the public injury, she was allowed to go practically almost free, although every year or nearly every year of her life we find her a resident here. She died at the age of sixty-three, at Hertford, one of the castles given to her, and was buried in the church of the Grey Friars, London, on the site of which now stands the Blue-coat School.

The local interest that she has here is in great measure due to the entries in the accounts of King's Lynn from the fifth of Edward III., when she commenced her residence here, to the thirty-second of Edward III., the year before she died. She was certainly in residence on thirtieth of Edward III., when the entry occurs of "5s. 10d. paid for two barrels of sturgeon sent to Isabella, Queen of England." The king visited her in the eighth, ninth, tenth, fifteenth, eighteenth, twenty-third, and twenty-sixth years of his reign, all of which are mentioned in the Corporation accounts of King's Lynn.²

The devolution of the estate of Rising, with its courts, rights, and privileges, is easily traced. John of Eltham did not live to enjoy it. The Black Prince possessed it; after that it passed through members of the royal line (who still seem powerfully attracted by the place and its neighbourhood)³ to Henry VIII., who exchanged it with the Duke of Norfolk. He was attainted: it was then restored to his brother, the Earl of Northampton, and continued in that family till 1693, when it was bought by one of the present line of Howards, in whom it still continues.

A sketch of the family of the Lords of Rising would be incomplete without a short reference to their influence over Lynn. They were entitled to one-fourth of the

² The following show the form of the entries in the treasurer's accounts of the Borough of King's Lynn :—

5 & 6 Edward III. 20/- given for bread sent to Isabella the Queen Dowager when she went to Walsingham.

9 & 10 Edw^d III. £29 : 16 : 4 given to Knights, Valets, Esquires, and other servants of the King. 40s 2^d p^d for presents to the Queen Dowager. 4/- paid for expenses of the Queen's cooks.

17 & 18 Edw^d III. £9 : 18 : 10 paid for meat sent to Queen Isabella.

They run almost yearly from 5 and 6 Edward III. to 31 and 32 Edward III., the year before she died.

³ The Duke of Fife and Princess Louise reside at the Hall. Sandringham is three miles off.

Tolbooth, a form for expressing the Port Dues of Lynn. There is a good deal about these dues in the Corporation records, and a composition between the Montalt of the period and the Bishop of Norwich remains there.⁴

These duties led to a great dispute about the sixth year of Edw. II., when Robert de Montalt's men were attacked in the town. Montalt claimed damages, and got judgment for £4000, a very heavy penalty. It appears the whole community of Lynn met and appointed assessors for the payment. The receipts, with the seal of Montalt attached, and a polite letter, also under his seal, asking for payment, still exist in the Corporation records.

I have in Plate I., No. 7, engraved a copy of one of these receipts, "given at our castle of Rising." It runs as follows, and sufficiently gives the details of the judgment. The seal is given on Plate I., No. 6.

"A touz caux que cest Ire verront ou orront Robt. de Monhaut seneschal de Cestre salutz en dieux Sachiez moi auoir reseu du moire et la comunalte de la ville de Lenn p la mayn peres de Elmham quatorze livres tresze sodz et quatre deners d'argent pur vin de lui achate en partie de some de cinquante liures les quels les auandiz moire et comunalte me sont tenuz appaier a les touz sainz pschain suyaunt apres la cōfection de cest escrit dune dette de quatre mille liures les quels ieo le diet Robt. et Emma ma Compaigne recouerimes vers les auandits moire et comunalte en la Court n're Seignur le roi deuaunt ses Justices du Baunk a Weymonster a la quinzeine de Pasche L'an du regne le roi Edward fuiltz le Roi Edward Septisme Des quels quatorze liures tresze soudz et quatre deñ ieo me couente pleinement estre paie et le dit moire et la comunalte acquite pur touz iours, En tesmoignaunce de quel chose a cestre Ire dacquittance

⁴ In the *Norfolk Antiquarian Miscellany* there is a very learned paper by Mr. R. Howlett on this composition, Vol. III., Part 2, p. 603.

ieo ai mys mon seal. Done au Chastel Rising la veille de Sant Marguerete L'An [du Regne le dit Roi Edward] sessisme."

Which may be translated thus—

To all those who this letter shall see or hear—Robert de Monhaut, Seneschal of Chester, health in the Lord—Know you that I have received of the Mayor and the Commonalty of the town of Lynn, by the hand of Peter de Elmham, fourteen pounds thirteen shillings and fourpence of money for wine by him purchased, in part of a sum of fifty pounds, the which the aforesaid Mayor and Commonalty are bound to pay me at the feast of All Saints next following the making of that writing, of a debt of four thousand pounds, the which I the said Robert and Emma my consort recovered against the aforesaid Mayor and Commonalty in the Court of our lord the king, before his Justices in Banc at Westminster, at the quinzaine of Easter in the seventh year of the reign of King Edward, son of King Edward, of which fourteen pounds thirteen shillings and fourpence I acknowledge fully to be paid, and the said Mayor and Commonalty acquit for all time. In testimony whereof to this letter of acquittance I have put my seal. Given at the Castle of Rising the Vigil of Saint Margaret, the year of the reign of the said King Edward sixteenth.

I also give in full the letter from Robert de Montalt :—

"As sages hommes ¶ ces chrs amiz Johan. de Thornech, Merre de Lenne, ¶ as burgeys de meismes la ville, Roßt de Monthaut seneschal de Cestre salut ¶ totes bones ¶ ches amitez Chs amiz purceo q̄ vous mauez mande q̄ les deners q̄ me sount duwes au paier ore a la feste des touz seintz derrein passe ne sount pas vncore leuez par la resoun des grevaunces ¶ destourbances q̄ vous

avez eu Sachiez chrs amiz q̄ de v̄re greuaunce me peisse
 malement et si ieo vous purreie eser ou alleger de v̄re
 greuaunce ieo le ferraie molt bonement Mes c̄teinement
 chs amiz ieo sui ore entiel meschief de deners qil couent
 q̄ ieo soie sui de mieu par quei vous pri chrs amiz q̄ vous
 me facez auoir mes deners au plus enhaste q̄ vo⁹ purrez
 par certainement ieo ne les pus plus longement desport⁹
 q̄ mout me peise. Et endroit del damage q̄ fust fait a
 mon baillif mauez vous maunde q̄ les parties sount acordez
 Sachiez q̄ coment q̄ la peis soit faite par entre eux le
 despit fait a moi nest pas redresce par quei vous pri
 chs seign^{rs} q̄ dentre vous voillez ordiner q̄ les amendes
 me soient faites del despit auaundit. A Dieu chs amiz
 q̄ vois doint bone vie t̄ longe. Escrī au Shouldh̄ le v
 iour de Nouemb^r.

[Endorsed.]	Adam de Walsokne.	Wiff de Penrech.
	Wiff de Waltū.	Joh̄ de Walsingh ^a m.
	Nich̄ de Pulh ^a m.	Hūff̄ de Wiken.
	Hañ de Cokesford.	Wiff de brūtoñ.
	Joh̄ Braunch.	Robt̄ de Reppes.
	Joh̄ de Cauendiss.	q̄ elegunt vetes scab̄.
	Joh̄ bāme.	

This may be also rendered in English thus—

To the wise men and those dear friends, John de Thornech,
 Mayor of Lynn, and to the burgesses of the said town,
 Robert de Montalt, Steward of Chester, salutation and all
 good and fair greetings. Dear friends, forasmuch as you
 have sent me word that the money which ought to have
 been paid to me now at the Feast of All Saints last past, is
 not yet levied by reason of the grievances and disturbances
 which you have had, know, dear friends, that for your
 grievance I am sorely vexed, and if I could ease or
 lighten you of your grievance I would do it most kindly.
 But assuredly, dear friends, I am now in such mischance
 of money that I must needs be better supplied, wherefore

I pray you, dear friends, that you let me have my money in the most haste that you are able, for assuredly I cannot longer put them off which press me much. And in regard of the damage which was done to my bailiff, you have sent me word that the parties have agreed, know that albeit the peace be made between them, the shame done to me is not redressed, wherefore I pray you, dear Sirs, that among you you would order that amends be made me for the said shame. Adieu, dear friends. Good life and long be with you. Written at Shouldham, the 5th day of November.

An early fourteenth century letter from a baron to a community, asking for payment of a judgment debt, may not be common.⁵ It is remarkable for the very

⁵ The pleadings in this suit relating the complaint of Robert de Montalt and Emma his wife, and the justification of the action of the Community were with the Lynn records, but are now lost. They are shortly set out in Taylor's *Castle Rising*, p. 33; and in full in Harrod's *Castles and Convents*, p. 27. I have had a careful search made in De Banco Rolls, and only find the following judgment of the proceedings in this suit: it is a form of Cognovit. Norff.—Maior 't coitas ville de Lenū suū fueŕ ad respondentē, Roŕto de Monte Alto 't Emme vxi eius, de plito qđ reddant eis quatuor milia libŕ quas eis debent 't iniuste detinēt, 'tē. Et vnde iidē Roŕtus 't Emma p Eustachiū Dallyngge attorū ipius Emme dicūt qđ cū pdci Maior 't coitas die Jouis in festo scī Valentini, anno Regni dñi Reḡ nūc septimo, apud Lenne p scptū suū obligassent se teneri ipis Roŕto 't Emme in pdco debito soluend̄ eisdem Roŕto 't Emme ad festū Anūciaōis be Marie pxio seqns apud Castel Rysyng pdci Maior 't coitas debitū illud ad diem illū eisdem Roŕto 't Emme nō reddiderūt set illud eis hucusq̄ reddere contadixēr 't adhuc reddere contadicūt vnde dicūt qđ detē sūt 't dampnū fiēt ad valenē Mille libŕ. Et inde pduē sectam 'tē. Et pferūt pdēm scptū sub nōibz pdcorz Maioris 't coitatis qđ pdēm debitū testat̄ in forma pdca, 'tē.

Et Maior 't coitas p Thoñ de Massyngham attorū suū veñ. Et bene cogñ pdēm scriptū esse fcm suū. Et nō possūt dediŕe quin tenent̄ pdcis Roŕto 't Emme in pdco debito. Ideo conŕ est qđ pdci Roŕtus 't Emma recuperent u'sus eos pdēm debitū. Et Maior 't coitas in nīa, 'tē. Et sup hoc iidem Roŕtus 't Emma gatis remiserūt ipis Maiori 't coitati dampna sua, 'tē. Et sciend̄ qđ pdēm scriptū obligatoriū cancellat̄ hic, 'tē, et libat̄ attorū pdcorz Maioris 't coitatis, 'tē.

courteous expression of its demand. But it may be noted the debt was only due the 1st November, and the letter is dated the 5th, it was therefore urgent.

III.—THE BOROUGH.

The main interest of Rising is in its castle and in its connection with the widow Queen of Edward II. But that is not the only interest. There is within it and the adjoining townships an example of local government⁶ which is worthy of special notice, as shewing the connection between the Borough of Castle Rising and the Lord of the Manor.

Coming up the hill, on which Rising stands, are two villages—North and South Wootton—and at the back of the hill, a third village—Roydon. Very early, if not in the ownership, certainly under the influence of De Albini, South Wootton became broken off somewhat from the common association. With this exception these townships of Rising, Wootton, and Roydon were united in one manorial organisation.

The earlier records of its courts have perished. But the first of those which survive gives us an interesting picture of their working at the time, as well as a sufficiently clear indication of the form in which they had, doubtless, existed for many previous generations.

On the 30th September, 1642, the men of the three townships met at a court, which is thus described:—

Castle Prima curia Generalis cum leta prenobilis Lionelli Comitis
Rysinge. Middlesex, Henrici domini Pierpont, Edwardi domini
Nuburghe, Willelmi Playters, Militis et Baronetti, et
Ricardi Onslowe, Militis, cum attornamento tenentium
ibidem tenta die Jovis in festo Sci Michaelis Archangeli;

⁶ The Society is greatly indebted to its secretary, the Rev. W. Hudson, for his revision of this portion of my paper.—E. M. B.

videlicet xxix die Septembris Anno regni domini nostri
 Caroli dei gratia Anglie Scotie ffrancie et Hibernie regis,
 fidei defensoris, &c., decimo octavo annoque domini 1642.
 Tenta per Robertum Morse, generosum, capitalem senes-
 callum ibidem.

This was the first court held on the succession to the manor of Thomas, Earl of Arundel and Surrey, for whom the above-named gentlemen acted as feoffees.

Then follow the names of the ordinary manorial juries, one described as "Capitales Plegii cum inquisitione liberorum ex parte Rysinge;" another (similarly described) "ex parte N. Wootton;" and a third, called "Inquisitio nativorum ex parte Wutton et Ryseing." The practice, at this period, both here and elsewhere, as we see from the title of the two first juries, was to make one body of jurors serve both for the Court Baron and Court Leet; the chief pledges being the leet jury, and the inquest of freemen that of the court baron. The third jury served for matters concerning the "nativi," or "copyholders" only. In the case of Roydon, which took part in the "leet" business only, there was a fourth jury sworn, described as "Capitales Lete ex parte Roydon."

The court divided its proceedings into the two usual departments of the "Court Baron" and the "Court Leet," the former taking cognizance of the strictly manorial business, the latter dealing with the common-law offences of nuisances and what would now be described as "police" business.

Into these ordinary matters it is not necessary to enter. Our attention is, however, attracted by what follows in the record of the proceedings on this particular occasion. It being the first court of a new lord, all the manorial tenants were summoned to "attorn" (or transfer) themselves to him. The process is described as follows:—

Attorn'. Ad hanc Curiam omnes tenentes tam liberi quam nativi
 Tenent'. exacti fuerunt de quibus compuerunt Ricardus Clements,

Willelmus Wyborde [40 names] Et
 quilibet eorum posuit dominos in possessionem redditus
 et servicii per solucionem cuiuslibet eorum unius denarii.
 Et quilibet eorum fecerunt dominis fidelitatem, &c.

A complete list of all the tenants is given, divided into five sets.

- | | | |
|--|---|--|
| 1. Liberi tenentes vocati burgagers. | { | Twenty-five persons, of whom twenty
"attorned." |
| 2. Tenentes vocati cottagers. | { | Twenty-eight persons. Only eight
attorned, three had already answered
as burgagers; two are marked dead. |
| 3. Ex parte Roydon
[? cottagers.] | { | Four persons; all attorned. |
| 4. Nativi tenentes. | { | Twelve persons; five of whom attorned,
some having appeared before. |
| 5. Liberi tenentes ex parte Northwutton. | { | Eighteen persons, of whom eight
attorned under this description. |

It thus appears that, in the three townships, there were eighty-seven tenements in respect of which fealty and service were due to the lord. That the list is one of tenements rather than of tenants is plain, because several persons appear in more than one set. "Richard Clements, generosus," for instance, attorned personally as a "burgager," but his name also comes first on the list of "nativi tenentes." "Richard Taylor" actually appears in four sets, and twice in one of them.

The chief interest lies in the "burgagers." They are, evidently, summoned to make attornment as such, and not simply as persons who, holding manorial tenements in the borough, happened, by coincidence, to be also burgesses. They were the owners (perhaps at this time the occupiers) of the tenements to which the right of burgesship attached.⁷ Every such "burgage"-holder owed fealty to the lord of the manor of Rising.

⁷ One of them attorned "jure uxoris."

The fact carries us back a long way, to the time when the good folk of Rising were only just beginning to obtain the management of their own affairs, and (partly) to free themselves from the control of the great manorial lords who overshadowed them. One of the earliest steps in the process of emancipation (frequently mentioned in *Domesday*) would, here as elsewhere, be a money payment in lieu of personal service, or merely in acknowledgment of over-lordship. This payment, chargeable on holders "in burgage," was called "landgable," and being most commonly due to the king, has been described as a royal tax. It has, however, been conclusively shown not to have been a "tax," but a "rent" payable to the superior lord of the tenement. If the king were lord he took it as lord, not as king. If another held the "sac and soc" he took it. Under the name of "langoll rent" and other corruptions, it continued to be paid, in most boroughs, through the middle ages. As there is no mention of the burgesses, as such, owing suit of court to the manor, it was, probably, some such customary payment as this, a relic of an otherwise obsolete lordship, which was due from them to the manorial lord.

Rather different in its origin, was another interesting connection between the borough and the manor. The mayor of the borough, after having been elected by the burgesses, was under the obligation of attending the court leet of Rising, there to be sworn to execute his office aright, and there, in full court, he elected and presented his serjeant-at-mace, to be similarly admitted by oath.⁸

⁸ The origin of this customary obligation, as well as of the custom by which in some boroughs the leet court elected the mayor, may rest upon the fact that the leet was originally not so much the court of a manor as of a franchise, the court in which a privileged lord exercised the police jurisdiction of punishing by amercement all kinds of petty offences which outside the franchise was exercised by the sheriff in his tourn. Where the

The entry from the court roll, dated 16th of October, 1649, is as follows:—

Quod Sampson Browne electus fuit per Burgenses Burgi predicti in officio pretoris ejusdem Burgi die lune ante festum Sancti Michaelis Archangeli ultimi preteriti secundum antiquam Consuetudinem Burgi predicti qui ad officium illud bene et fideliter in omnibus exequendum et exercendum juratus fuit.

Et predictus prætor immediate in curia elegit et presentavit Jacobum Browne servientem ad clavam suam qui ad officium illud in omnibus bene et fideliter exequendum et exercendum juratus fuit.

The mayor of the borough of Castle Rising was a person of very exceptional jurisdiction. No record exists on the Charter Rolls of any grant of a borough or of any municipal rights to Castle Rising. It is purely a borough by prescription, and the mayor seems to have been the sole member of it. In the inquisition mentioned by Blomefield,⁹ temp. Queen Elizabeth, the mayor and the burgesses only are mentioned, and Blomefield expressly states that in his time there were no aldermen, and of right there never were any.

There is a shattered copy of the mayors' oaths with the court rolls, and underneath a few of the many duties required of him:—

That ye shall set the Assize of bread, wine, ale, fish, flesh, corne, —also of weights and measures in the said Borough—and due execution upon the defaults that there shall be.

Ye shall set the price of Beare and ale in your Borough according

franchise passed from the hands of the king into those of a powerful borough community, the leet became subordinate to the borough. But where, as probably in the case of Rising, a powerful lord consented to divest himself of a portion of his franchise in favour of a comparatively weak borough community, he may have required such an acknowledgment that the mayor (at least in part of his duties) was theoretically an official of his court, exercising functions which properly belonged to his leet.

⁹ Vol ix., p. 49.

to the statute, and adjudge bodily penance to them that keep not the assize.

Ye shall hear and determine the offences of Artificers and Servants, and shall punish them according to the Statute which do offend.

Ye shall raise men armed to suppress unlawful assemblies contrary to the Statute.

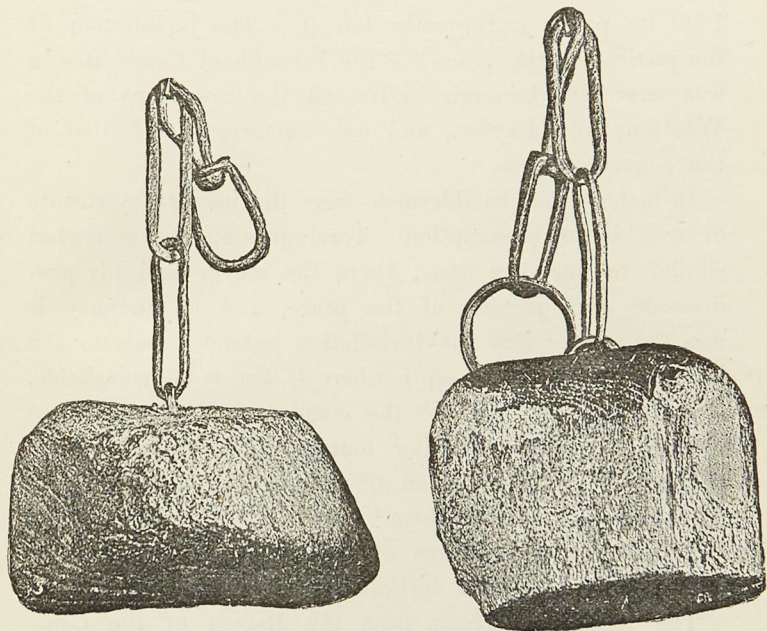
Ye shall yearly chose collectors for the poore.

These duties are to be performed by the mayor himself. No mention is made of any person or body to assist him, and the fact that these two important prerogatives of local government—that of the assize of bread, weights and measures, and of ale—are diverted from the court leet and given to one individual, the mayor, to carry out, confirms the view suggested in note ⁸ that in this department of his duties the mayor had originally taken the place of the bailiff of the leet.

The mayor swore by his oath to adjudge bodily penance to those that kept not the assize; the materials for this penance remain in the clog and shackle still preserved in the castle. Blomefield mentioned they were disused in his time (1742). I know of no other instance of this form of punishment. On Bowen's map of Norfolk, "illustrated with historical extracts," is the following memorandum; "They have two logs of wood at Castle Rising, instead of a prison, which the prisoners are forced to drag after them, the one called Roaring Meg, the other Pretty Betty."

In the List of Tenants one of the divisions was composed of free tenants, called "burgagers:" of these there were twenty-five in 1642, of whom twenty attorned. These burgagers were, of course, the owners of the burgage tenements. They elected the mayor. The election was in the church on the Monday before Michaelmas Day, and the mayor attended the next court to be sworn. Of the remnants of this office only the mace and seal remain. I have given the mace I think for the first time,

it is a beautiful and rare example ; it is 20 inches long, and is silver ; at the handle end is affixed the borough seal, also of silver. See Plate I., No. 3.



ROARING MEG AND PRETTY BETTY.

The mayor continued until the Reform Act of 1835, but he was not abolished, for Castle Rising was one of the boroughs that kept its existence until the statute of 1883, which disenfranchised all boroughs not affected by the Reform Bill of 1835. It seems a pity that so ancient and picturesque an institution could not have been left alone.

It is a matter of history that on the appointment of justices of the peace in the reign of Edward III.¹ their jurisdiction ran in a great measure parallel to that of the leet of the township, and in process of time attracted

¹ The first statute is 1 Edward III., cap. 16, 1327.

from the leet a great part of its authority and jurisdiction. This would account, in some way, for the decline of the energy of leet jurisdiction throughout the kingdom; in 1642 its power had greatly left it. The jurisdiction of the justices of the peace for the borough of Castle Rising was over the borough itself and the townships of the Woottons and Roydon, and was concurrent with that of the county justices.

In many boroughs aldermen were the justices by statute or by a kind of prescription. Torrington appears somewhat similar to our own case; there the mayor and his predecessor were justices of the peace, and in Sudbury it was the same. But the jurisdiction extended only to the borough itself: the exception here is, and it is remarkable, that the isolated part of the county, consisting of three distinct townships, forming four parishes, should all be subject to the jurisdiction of justices by virtue of an officer of only one of them.²

The earlier proceedings of these justices were unfortunately not kept; the earliest begins in July, 1827.

The following extract from the Report of the Commissioners appointed to enquire into the state of Municipal Corporations, before the Borough Reform Act, 1835, sets out the constitution of the Borough of Rising:

“The Corporation consists of two Aldermen, one of whom is Mayor, a Recorder, and a Sergeant at Mace. The Mayor is chosen annually by the Inhabitants. He is always proposed by the Recorder, and the Aldermen are elected in turn. One of the Aldermen is elected by the Lord of the Manor of Castle Rising, and the other by the owner of about 50 acres of land all burgage tenure within the Borough. They hold their office for life provided they reside within the Borough.

“The Recorder is appointed by the Lord of the Manor, and holds his office during pleasure.”

² Manchester absorbed the adjoining villages. See *Manchester Court Leet*. Chetham Society.

The seal of the borough, not of the mayor and commonalty, is given on Pl. I., No. 1, from an old seal; No. 2 from the matrix on the bottom of the mace.

Castle Rising is known not so much for its mayors, as for its having had the right of sending members to the national parliament.

The first members were returned 5th January, 1558, and continued until the Reform Act of 1832 extinguished the right. The members were elected by the mayor, ex-mayor, rector, and the burgagers, owners of certain tenements.

In 1642 there were twenty-five burgagers, and the same number in 1649. These burgage tenements had, previously to the Reform Bill, been bought up in part by the Howards, the owners of the Rising estate; in part by the Cholmondeleys of Houghton; a few remained in the family of a neighbouring squire, Anthony Hamond. There were two inns, one belonging to the Howards, the other to the Cholmondeleys. In these was free entertainment at every election by the two parties, for the Howards appointed one member and the Cholmondeleys the other, and though there were some five or six nominal voters, it is very doubtful whether, except the rector, there was one voter with a legal qualification.³

The election was held in the church, with the mayor as returning officer, the agents of the two families of Howard and Cholmondeley attending.

IV. THE PARISH.

Not only were the three townships isolated in their civil, but also in their ecclesiastical jurisdiction. The

³ This was a contemporary opinion—and it may be the correct one, for Serjeant Merewether writing afterwards (*History of Boroughs*) contends throughout his whole work that burgagers must be residents, and certainly the owners of these burgage tenements were not.

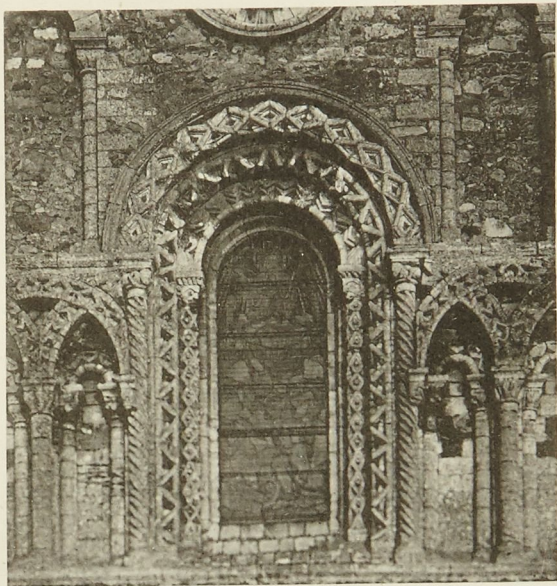
rectors of the four parishes had each the right of proving the wills of the parishioners, and this not as rector, but as commissary of the Lord of Rising.⁴ It is not quite clear that the parishes were independent of the control of the bishop. The rector of Castle Rising is traditionally considered the head of the clergy of the four parishes, as the mayor was certainly the civil superior.

Though scarcely within the title of mediæval history, the relation of the later life in Castle Rising would be incomplete without mentioning the almshouses which form so interesting a feature in the village. (See Plate III., No. 2.) The story of their foundation shows the form of settlement of a small institution in a far-off village. First of all the receiver of the lands of Rising, Owen Shepherd, accounts, in 1609, for £451. 12s. 2¼*d.* paid by him to Richard Hovell, junior, Esquire, for building the almshouses.⁵ His father was owner of Hillington, the next-lying estate, and he seems to have been a Trustee Expenditor of the sum received, to be laid out, under his superintendence, for building the almshouses. They were ready built in the 13th James I., 1615. The letters patent, under the great seal, dated 10th July in that year, confirms the foundation, and the king, on the nomination of Thomas, Earl of Arundel, therein appoints the "Gubernatricem et duodecim pauperes mulieres," by name, being the first inmates. The almshouses are styled in the letters patent and in all documents—"The Hospital of the Holy and undivided Trinity of Castle Rising, of the foundation of Henry, Earl of Northampton." The earl did not live to see the completion of his charity.⁶ The grant of the annuity of £100 for their support, dated the same day as the letters patent, is made by Thomas, Earl of Arundel,

⁴ Blomefield, 8vo. vol. ix. page 38.

⁵ Blomefield, vol. ix. p. 55.

⁶ He died, full of honours, in 1614, without issue.



THE CHURCH.
WEST WINDOW AND PART OF ARCADE.



THE HOSPITAL, 1609—1611.
CASTLE RISING, NORFOLK.

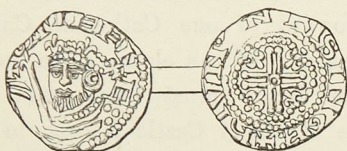
"the cousin and next heir of the Right Honorable Henry, late Earl of Northampton." The seal, No. 4, Plate I., is the seal of the Earl of Arundel to this deed. Another deed with the muniments at the hospital requires notice: it is dated 1st July, 1659, and is the dismissal by the Honorable Henry Howard of one Catherine Curson from the office of governess. If the charges are not more than a mere form, her faults must have been great. It is addressed to the Mayor of Castle Rising, to the Assistants of the Hospital, to the Keeper of the Castle, and to the poor Women.

The hospital remains as built (1609—1615) by the charity of the Earl of Northampton, under the direction of Henry Hovell the younger, Esq. It forms a square court. The chapel is on the side opposite the entrance, with the common hall on the one hand and the matron's residence on the other, and around are the rooms of the twelve "poor women," and is a beautiful example of Norfolk brick architecture.

It will be seen by Plate III., No. 2, the gateway has two small towers on either side: these are strongly groined also in brick: the northernmost is the staircase; the southernmost the muniment room, where the documents I have quoted, with the rules in the seventeenth century binding, have been preserved. Over the archway is the room of meeting of the "assistants." We see how carefully every line was carried out. The women wear the cloaks with the Howard badge, and the seal, No. 5, Plate I., is the original seal of the hospital still with the muniments.

By the kindness of the Numismatic Society, a woodcut of the coin illustrative of the mint of Castle Rising is here given. It is the only piece, Mr. H. Montagu, F.S.A., tells me, he has actually met with undoubtedly bearing upon the face of it the name of the town of "Castle Rising," though it had been indicated by previous writers that a

mint existed there. The obverse reads STIEFNE, the reverse HIVN ON RISINGE, being the name of the moneyer who made it.⁷ This coin is now in the collection of Mr. Montagu, who kindly drew my attention to it.



I have now described and traced in history the Castle of Rising with its surrounding incidents and its church. The wreck of the great castle remains, and as much a wreck by its over restoration is the church, but neither in its ruin nor in its almost rebuilding can the grandeur and beauty of either be effaced. I have tried to show you the somewhat complicated government under its early manorial organisation; and by its mayor and its justices, the isolation, not only of the borough but of the three surrounding townships, in their civil and their ecclesiastical jurisdiction; and to add to this, the construction of the fine charity of the Hospital. If in doing this I have created and stimulated an interest in this now quiet and beautiful village, I am content.

NOTE.—The words at the end of the twelve names endorsed in the letter of Robert de Montalt, p. 175, suggest some remark. They made be read:—"Qui elegerunt veteres Scabinos." The deputation of the right or power of election is a feature during the middle ages, and an example which nearly touches the present instance, is found in the roll of the Trinity Guild at Lynn, to

⁷ See *Numismatic Chronicle*, vol. ix., 3rd series, pp. 335-343.

which it may be assumed these very "Scabini" belonged. In the 13th Edward III., the "Aldermannus et Confratres ex unanimi Consensu elegerunt [12 names] qui jurati elegerunt [4 names] ad officium Scabinorum."⁸ In the Tolbooth documents, with the records of the Lynn Corporation, it is stated that in the 13th Edward II. the whole community met in the Guildhall and appointed assessors of all the community for the purpose of raising this fine of £4000, to be paid to Robert de Monhaut.⁹ We know that four members of the Guild joined in nominating others for the election of Mayor, and that confirms their interference with the acts of the community. The memorandum at the end of the indorsement may record that the twelve persons whose names are indorsed on the letter were appointed probably at a meeting of the whole community, and they chose the old Scabini as assessors to raise, of the community, the amount required by the letter on which those names are indorsed. It is a suggestion and nothing more.

⁸ See *The Guild Merchant*, by Charles Gross, vol. ii. p. 154.

⁹ See *Our Borough*, by E. M. Beloe, p. 11.