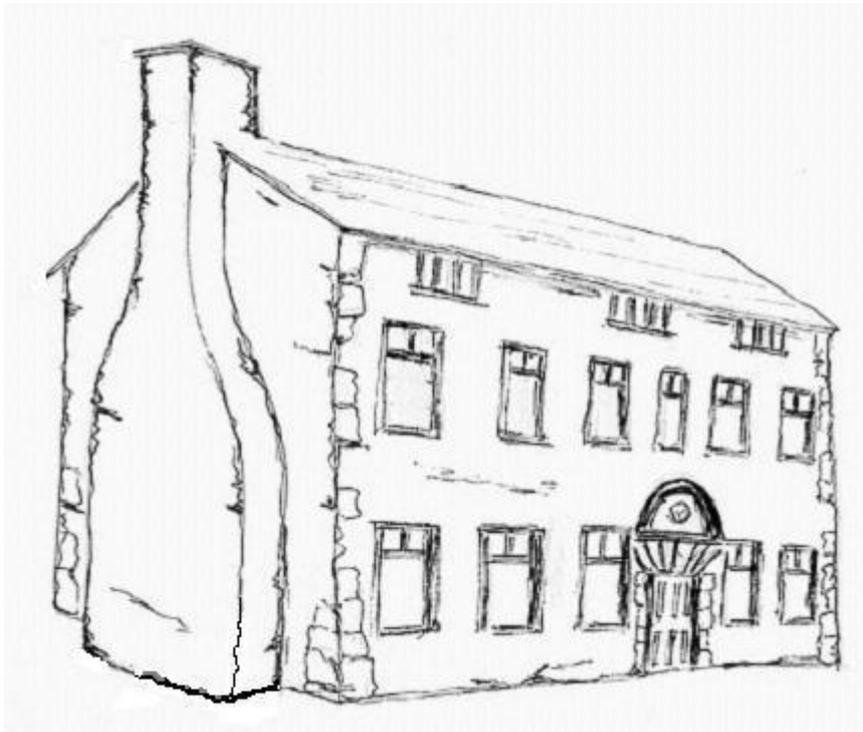


# *The Earl of Derby's Courthouse at Burton-in-Lonsdale*

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*The book traces the history of the building and its environment from medieval times.*

*Sample of contents--The new enlarged edition contains 88 pages, 60 references many graphics, photographs and Appendices, including extracts from original archive documents. The full version can be downloaded for research purposes from <http://www.maths.manchester.ac.uk/~kd/PREPRINTS/Burton%20Manor%20Courthouse.pdf>*

## **Background**

At the battle of Bosworth in 1485, Lord Stanley's leadership of the Lancashire and Cheshire forces in support of the Earl of Richmond helped swing the day in favour of Prince Henry. On becoming Henry VII, the King rewarded Lord Stanley by creating him Earl of Derby. In 1490 the Earl of Derby built Greenhalgh Castle, at Garstang in Lancashire; early in the new century, his son, Sir Edward Stanley, received Hornby Castle and local manors including Burton-in-Lonsdale.

## **Burton-in-Lonsdale**

Burton-in-Lonsdale at the time of Domesday was called '*Borctune*' and in the Pipe Rolls of 1130 '*Burtona de Lanesdala*,' the name indicating a fortified manor. It was one of the westernmost settlements belonging to the King in what became the West Riding, though the Normans viewed Yorkshire as stretching from the east coast to the west coast. Probably there was already an Anglo-Saxon burh when Burton was acquired by Nigel de Abigni from William the Conqueror. Indeed, as Stephens has pointed out, the geographical advantage of Castle Hill at Burton may well have been utilised by the Romans as part their network of signaling stations in the region---their road passes through Cantsfield and crosses the river Greta close by.

The location of The Earl of Derby's Courthouse was the building (SD652,723) presently comprising The Cross and The Manor House, opposite the village green---which is itself named The Cross on maps, presumably because the original medieval market cross was once there. The title figure shows how the Courthouse probably looked in the late 17<sup>th</sup> century.

## **Medieval Burton**

There are in existence pipe rolls, charters and other documents referring to Burton from the medieval period. In the mid-11<sup>th</sup> century it formed part of the estates of Tostig, Earl of Northumbria who was killed at the battle of Stamford Bridge in 1066. Following the confiscations in the aftermath of the Norman Conquest, Burton was retained by the King until Domesday. It was then granted to Nigel de Abigni along with the lands of Ivo Tailebois, also called 'cut-bush', in charge of the siege of Hereward the Wake at Ely in 1069 and Steward to William II with holdings in Lincolnshire and Norfolk; he died in 1097. When Nigel died in 1129, his son Roger was aged about 10 years and the estate was held by the Crown in wardship. Roger regained his inheritance on coming of age and took his mother's name Mowbray. Between that time and the middle of the 12<sup>th</sup> century he granted his Lonsdale lands, among others, to William de Lancaster by the service of four knights fees but relatively soon Burton returned to the Mowbray demesne and remained there.

The present village green, called The Cross on old maps, was presumably larger originally and remained so in the early post-conquest period---logically it would have extended from the foot of the motte out to meet the chapel of ease of St. James and be bounded on the north by High Street.

Higham found evidence to suggest 'borough' status for Burton in an Assize Roll of 1208, when '*Richard the mercer of Burton*' was one of the sureties for the

prosecution---a mercer being quite likely to live in a borough. After the Conquest, Courts Baron were first introduced in 1091, Courts Leet about 1393. Burton's three-weekly Court Baron is mentioned in 1306, generating income through fines for non-attendance or more serious transgressions. For serious offences the Court had recourse to capital punishment and it is presumed that the site of gallows was at one time on Gallows Hill.

When John de Mowbray succeeded to his father's estates in 1306/7 he was confirmed in the right to hold

*'a market every Monday at his manor of Burton in Lonsdale, and fairs there yearly on Whit Sunday and the two following days, and on the eve, the day and the morrow of St. James the Apostle (ie 24-26 July)'*

which fairs included the patronal festival of the church.

In a document dated 8 Edward II (1314/15) we have mention of the existence of a burgage when a:

*'feoffment by John de Burton to Thomas de Thornton and Isabel his wife and heirs, of two burgages in Burton in Lonsdale'.*

Evidence of location of burgages is given:

*' feoffment by John de Holm, of his whole burgage in the town of Burton, between the highway and the ditch of Briseselmyre'*

and this latter field name is presumed to be Breastfield on present maps. One of the two long narrow fields (0734 and 0934) behind The Manor House/The Cross and Bull Farm House is believed to be the burgage plot transferred to John de Holm in 1316.

We seem to lose reference to the Manorial Court at Burton from the early 14<sup>th</sup> century until the early part of the 17<sup>th</sup> century, which latter we discuss below; however, there certainly must have been such courts in the township in the intervening centuries and presumably their location also was close to the market place, facing which stands the 17<sup>th</sup> century Earl of Derby's Courthouse at the head of a burgage plot that was the subject of an endowment in 1314. Thus, there was in medieval times a manorial court at Burton, no doubt located close to the motte and to the chapel of ease. It was taken over by the newly created Earl of Derby at the beginning of the 16<sup>th</sup> century and its location in the early 17<sup>th</sup> century is entirely consistent with what would be expected in the immediate post-conquest period: opposite the chapel of St. James with the spiritual and temporal powers in their traditional places, also surrounding the market place as an important source of revenue. It is difficult not to conclude that the present building, which sits on an older plinth and is aligned with a medieval burgage, is very close to, if not on the site of, the original manorial court building.

### **Post-medieval manorial Burton**

Mention is made in Tudor records of ‘*a burgage and a half*’, and three separate ‘*burgages and land*’ at Burton are noted by Higham (p301). In 1596 Burton included 100 messuages, 20 cottages, 2 watermills and a windmill with lands.

On a 1632 Speed-augmented Saxton map of England, Burton is marked as having one of the 14 castles in Yorkshire---that map shows also the nearby castles of Hornby and Thurland just over the Lancashire border. However, on Blome’s 1670 map of Yorkshire it is Burton chapel that is marked.

From 1631, there exist documents concerning rents and fines collected through the Earl of Derby’s agent, presumably at the Manor Court. The Bailiff’s accounts for Burton in Lonsdale with Mewith 1631-1637.

In the 1652 survey for sale on page 2 there was an item referring to the ‘*Towne house or Courthouse*’:

*‘Things to be remembered*

*There is a Court Baron belonging to the sayd Manor kept at the Towne house or Courthouse of Burton at the will of the Lord, but the sayd Courthouse of late tymes is very much decayed. The Court Leet also kept at the usuall tymes The Customary tenants of the sayd Manor are to performe suit and service at the Courts aforesayd.’*

Manorial Courts acted as the ‘communal memory and as repositories of local custom’ bridging legal theory and day to day farming practices, perhaps ‘in many cases the single most important village institution’. The Court Baron dealt mainly with internal matters of the manor, including infringements of the lord’s rights, agrarian disputes and changes of tenancy. The right to hold also a Court Leet meant that the lord had a ‘wider remit as an arm of royal justice dealing with minor breaches of the peace and public order’.

Stephens transcribed the survey of 1682 and deduced from the field names and sequence of the survey that it had identical bounds to the Inquisition of 1307 into the bounds of Burton Chase in de Mowbray lands; it makes this mention of the Courthouse:

*‘... the Courthouse was the only house held by the lord in the manor and was’*

*‘now out of repair the reparations whereof will cost ffour pounds and upwards over and above one pound eighteen shillings and six pence already expended by the present steward towards the reparations thereof’.*

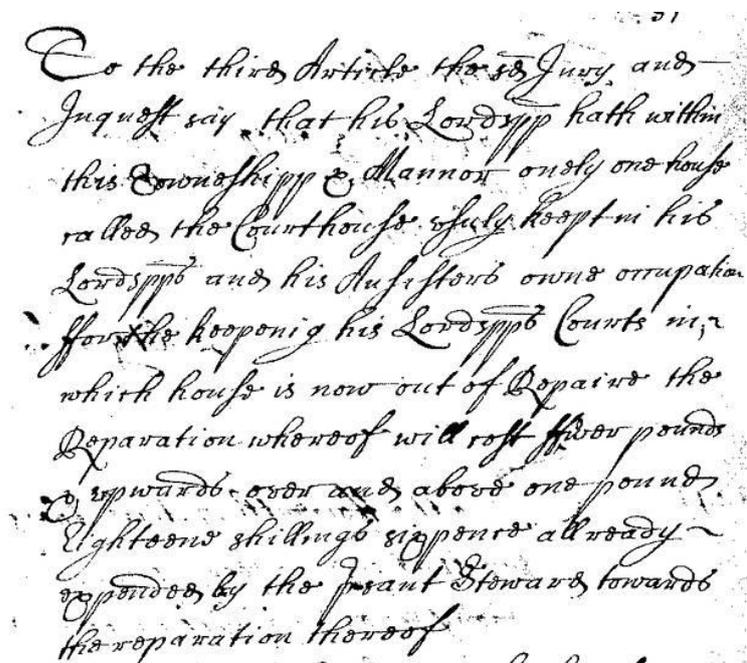
In regard to attached land,

*‘his Lordship hath only one parcell of Demesne lands belonging to this house wherein here to fore his lordships ansistors had one water Corne mill which is now totally demolished and hath been so above forty years last past which said parcell of Ground hath usually been occupyed and enjoyed by the Bailiffe of this mannor ffor*

the keeping of such waifs and estrays as have from time to time been seized for his Lordship or his Ansisitors use within this Mannor or the premises of the same.'

This piece of land is mentioned as being 2 rods and having value 3s 4d:

'One Close or parcell and pasture Grounds commonly called Low Tetherings.'



Co the third Article the sd Jury and  
Jugoff say that his Lordship hath within  
this Courtship & Mannor only one house  
called the Courthouse which hath in his  
Lordship and his Ansisitors own occupation  
for the keeping his Lordship Courts in  
which house is now out of Repair the  
Reparation whereof will cost five pounds  
or upwards and also above one pound  
Eighteen shillings sixpence already  
expended by the present Stewards towards  
the reparation thereof

Thus, from the 1652 survey, the Courthouse was already 'very much decayed', and from the 1682 survey also its ancillary corn mill was in disrepair from at least around the time of the Civil War. Moreover, in the survey of 1682 cf. extract above, the Courthouse was recorded as having been held by the 'ansistors' of the Earl of Derby, which could well put its origins back into the 16<sup>th</sup> century.

Court Leet and Court Baron records 1742-1806 exist at Hornby Castle for the Manor of Burton-in-Lonsdale and mainly consist of details of entailments of property, fines for non-attendance by officials and for infringements of rights. Copies of several Court Records from the above collection are provided in Appendix VII.

### *External Features*

### *Internal Features*

### *Appendices*

**Earl of Derby's Bailiff's Accounts, 1631-1637, DDK/1553/3**

**Selections from The Rental Roll of Burton in Lonsdale, 1652 DDK 1541/7**

**Bailiff's Accounts of Burton in Lonsdale, 1682 DDK 1535/4**

**The Earl of Derby's Survey of Burton in Lonsdale, 1682 DDK 1541/7a**

**Rental Survey of Burton and Mewith, 1708 DDK 1541/9**

**Rental Rolls of Burton and Mewith, 1708 DDK 1541/11**

**Court Baron and Court Leet Records, Burton-in-Lonsdale 1742-1806**

## Biographical Note

The author, [Dr Kit Dodson](#), is Emeritus Professor of Mathematics at Manchester University, where he has been since 1996. Before that he was professor at the University of Toronto 1989-96, and Head of Mathematics at Lancaster University 1984-89 where he had lectured since 1969. His research interests are in [differential geometry](#) and also its applications to physics and information theory; he has published about 150 research papers and 20 books or chapters. Recent books include

*C.T.J. Dodson, George Galanis and Efstathios Vassiliou. [Geometry in a Frechet Context: A Projective Limit Approach](#). London Mathematical Society Lecture Note Series 428.*

*Cambridge University Press, 2015, xiii + 271pp. [Contents and Preface](#)*

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