

## **The Dacre Inheritance (1569-1601): the Narrative**

**Synopsis:** this article examines the complex devolution of the lands of the Dacres of the North in Cumberland and Westmorland from the death of the child 5th baron Dacre in May 1569 to the repurchase, in December 1601, of all the land forfeited by the crown in 1589 and 1594. It brings together the key primary sources, and is a draft (not yet approved) of material for the Victoria County History of Cumbria.

### **1569-1584: the Howards in control**

Following the accidental death of the child 5th Baron Dacre on 17th May 1569 there was a rapid judicial determination of the baronial inheritance. On 19th June 1569 a specially convened Court, held at Greenwich and chaired by the Marquis of Northampton, decided that the title and dignity of the Barons Dacre of the North had ceased to exist and that the lands should be divided between the boy's three sisters, then under the guardianship of **Thomas Howard 4th Duke of Norfolk** (d1572). The boy's uncle Leonard Dacre, who had presented his livery as 6th Baron Dacre, was ordered not to assume the title.<sup>1</sup> There may have been a miscarriage of justice. The decision led to Leonard Dacre's treason and attainder in 1570; and it may also in part explain the support later given by tenantry in the northern counties to his brother **Francis Dacre** (d1633), last surviving son of William 3rd Baron Dacre.

Whether or not it was known at the time of the 1569 hearing, the Duke of Norfolk had espoused his three sons by earlier marriages to the boy's sisters. By the time the Duke was executed in 1572, the eldest sister **Lady Anne Dacre** had married **Lord Philip Howard**, Earl of Surrey to 1580 then Earl of Arundel, and in October 1577 the youngest sister **Lady Elizabeth Dacre** married Philip's half-brother **Lord William Howard**. By 1580 the third sister had died and the inheritance fell to be divided between the Earl of Arundel and Lord William Howard, in right of their wives. **Lawrence Banaster** (d1588), the Duke's receiver general in the northern counties, was retained in office after the Duke's death, and, together with **John Myddleton** of Askham, continued to administer the Dacre estates in the names of the Dacre heiresses and their husbands until at least 1583.<sup>2</sup> There are surviving court rolls for Kirkoswald in March 1569 (before the child baron's death);<sup>3</sup> from 1576 to 1581 for the Barony of Gilsland;<sup>4</sup> and from 1581 to 1583 for the Barony of Burgh.<sup>5</sup> All these courts were convened by John Myddleton as steward - in 1569 in the name of the Duke of Norfolk, and in 1576-83 in the names of both young Howard couples citing the wives as heiresses of their brother George. Myddleton was also the author of a *computus* for the barony of Gilsland in 1570, signed several documents relating to Buckbottom (Burgh) in 1576/8, and signed as *foedarius* for the barony of Greystoke on a Blencowe document in December 1582: like Banaster he

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<sup>1</sup> CAC(C) D/MH/10/6/16

<sup>2</sup> cf refs 4 and 7 below, in both of which are entries signed by Banaster, in 1580 and 1582 respectively

<sup>3</sup> Archives of the Duke of Norfolk at Arundel Castle, M517

<sup>4</sup> Durham University Library, Howard of Naworth Collection, C178/1 and C178/2

<sup>5</sup> CAC(C) D/HG/1

appears to have served first the Duke of Norfolk and then his sons until at least 1583.<sup>6</sup>

On 17th February 1582/3, the inheritance was divided between Ann Countess of Arundel and her sister Elizabeth. The following memorandum appears in the document which defines the Arundel share:<sup>7</sup> *Mad that the daye and yere abovesaid all the manors landes tenements and hereditaments affore mentioned were appoynted allotted and assigned by us Lawrence Banaster and John Middleton, with the consente and agremente of the right honorable Philippe Erle of Arundell and Willm Lord Howard his brother, to the said Erle of Arundell and Anne Countesse of Arundell his wife for the full part purse and portion of the said Countess to her discended, as one of the sisters and coheires of George late Lord Dacres deceased. By us LAWRENCE BANASTER JOHN MYDDELTON All the pmisses are confirmed approved ratified and agreed unto by us ARUNDELL WILLIAM HOWARDE.*

The Count and Countess of Arundel were then 25 years old, and William and Elizabeth Howard were both 19: between them they were assuming the whole wealth and power of the Dacres of the North. As will now be seen the Howards lost control of their estates in Cumberland before the division could take effect, but nevertheless they appear to have honoured the 1582/3 division when the lands were repurchased from the Crown in 1601. The split seems, in broad terms, to have been - all lands west of the Pennines (except Gilsland), together with lands in Shropshire and southern counties, to Arundel and his wife Anne; Gilsland and lands east of the Pennines to Lord William and his wife Elizabeth. The Naworth half of the 1582/3 agreement has not been found, but an appendix to Lord William's account of these events may have recapitulated it.<sup>8</sup>

This huge increase in Howard power in the north would not have pleased the queen and her officials; and it was also unwelcome to many in the Lake Counties where sympathy for Francis Dacre was strong. The Howards, through Banaster and Middleton, were giving effect to the 1569 decision: but, as events would now show, the Howard hold on their Cumbrian inheritance was weak. The last surviving court roll for Gilsland held in their joint names is dated 11th May 1581, and for Burgh 24th April 1583. The 1589 surveys (see below) state that they received the revenues of Burgh and Gilsland until 29th September 1584; and Lord William Howard wrote that they "quietly enjoyed the lands until the 27th year of Elizabeth", which began in November 1584.<sup>9</sup> During the following 12 months they lost control as a result of concerted resistance by the Cumbrian tenantry in support of Francis Dacre. The opportunity to assert local opposition to Howard control was presented by the Earl of Arundel's conversion to Rome, and consequent arrest.

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<sup>6</sup> Durham University Library, Howard of Naworth Collection, C201/8; CAC(C) D/HGB/2/12 and D/SHEFF/1/3

<sup>7</sup> CAC(C) D/HG/160

<sup>8</sup> WH p396

<sup>9</sup> TNA E164/42 and WH p367

### **1584-1589: the Howards lose Burgh by Sands and Gilsland**

On 30th September 1584, Philip Earl of Arundel was received into the Catholic faith at Arundel Castle. The following April he attempted to flee abroad and was arrested at sea off the Sussex coast. He would never again be at liberty, and died in the Tower in 1595 refusing to recant - for which he was sanctified by a 20th century pope.<sup>10</sup> His half-brother William also converted to Rome and suffered short periods of imprisonment: according to his 1605 account it was during such a time, when both were in the Tower (1585 seems the most likely date), that Francis Dacre "entered into possession".<sup>11</sup> Francis Dacre had been enjoying an annuity of £100 per year from the Howards, but wanted more.<sup>12</sup> In law his claim to the baronies was hopeless (even if he found a way of overturning the 1569 decision that would only prove his brother Leonard's title to the inheritance which would then be forfeit to the crown), but in parts of the Dacre lands he could exert temporary control, and receive rents, until restrained by legal action. The Howards were obliged to go to law, and they used the services of **Gerard Lowther** (1537-1587), brother of **Richard Lowther** (1532-1608) of Lowther Hall. Like Banaster and Myddleton, Gerard Lowther had been in the Howard family's service since before the child baron's death in 1569.<sup>13</sup> In 1586 he won a judicial decision in their favour;<sup>14</sup> but having in 1584 married Lucy (Dudley), widow of Albany Fetherstonhaugh and a relative of the Earl of Leicester, he appears to have been drawn into the court circle and, later in 1586, to have switched the direction of his energies to support the case of the crown *against* his erstwhile clients the Howards. Together with his brother Richard, Sheriff of Cumberland in 1585 and 1588/9, he set about establishing the fiction that the baronies of Burgh and Gilsland had passed in 1569 to Leonard Dacre and should therefore be in crown hands. According to Lord William the lands had been sequestered in 1585, perhaps in consequence of the litigation with Francis Dacre.<sup>15</sup> On 19th March 1586 the queen's officers ordered, in the context of that litigation, that "all former orders made by the lords [of the baronies] shall from 11th April next be void and of no effect".<sup>16</sup> On 9th August 1588 the justices of assize at Carlisle ordered that rents should be paid to "such of the parties as they do now", and that the keeping of courts should be stayed until further order from the Council.<sup>17</sup>

The crown took advantage of this chaotic situation by appointing a Commission. The Commissioners were Alexander King, John Braddill esq, Richard Lowther esq and Wilfred Lawson esq (the first two were crown officials). 27 jurors were appointed (14 for Westmorland and 13 for Cumberland including John Myddleton) to survey all the Dacre lands in Howard hands and present their findings to the Commissioners, which they did at Michaelmas 1589. The presentment of the Westmorland jurors, and presentments of the Cumberland jurors in relation to the baronies of Burgh and Greystoke, survive at the

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<sup>10</sup> ODNB, article on Philip Howard Earl of Arundel by J.G.Elzinga

<sup>11</sup> WH p367

<sup>12</sup> CAC(C) D/HG/160 f3

<sup>13</sup> CAC(C) D/Lons/1/1/4, letter written by Gerrard Lowther from Howard House London May 1569

<sup>14</sup> WH p368/9 gives the date 30/6/1586 for a decision by Lord Chancellor Bromlie

<sup>15</sup> WH p368, but no confirmation of this so far found

<sup>16</sup> WH, Appendix II, p397

<sup>17</sup> SP Dom Add, Elizabeth, Vol.16, 252

National Archive.<sup>18</sup> Before the juries made their presentments, Lord Henry Scrope (Lord Warden of the Western March) and the Bishop of Carlisle had written to Sir Francis Walsingham to say that "... we have effected the several commissions for finding her Majesty's estate in the ancient lands, by attainder of Leonard Dacre .. and found her entitled to all the lands whereof they were possessed before 9 Hen VIII [1517/8], omitting the Greystock lands and lands purchased since that time."<sup>19</sup> Lord Burleigh, writing in August 1589, seemed to think that the Commissioners should include Graystock as well;<sup>20</sup> but in the event the Commissioners restricted their 1589 findings to the baronies of Burgh and Gilsland, together with the Westmorland manors of Hoffe & Dribeck and Orton, and parcels of land in Glencoyne and Barton.<sup>21</sup> The following extract from the 1589 Cumberland surveys, and repeated in the formal findings, explains what was then understood to have been happening between 1584 and 1589:

*The late Duke of Norff and his co-feoffees and the E[a]rle of Arundell by their officers and ministers ever since thattaynture of Leonard Dacres until the Feast of Saint Michael tharchangell in the xxvjth yere of her Ma[jesti]es raigne or thereabout [29/9/1584] hath had and receaved at the handes of the Bailiff and Reves of the said Barrony [of Burghe, Gilsland, Graystock] all the rentes and profitts within the saide Barrony which the saide ten[a]nts did paie in the saide tyme, but the certeyne some thereof or how much the same was is not yet knowne and ever since the said xxvjth yere, until the xxxith yere [1589] of her ma[jesti]es raigne some parte of the saide rents have be[e]n paide by comandement and direction from the Lord Lieutenante to the handes of the Lo[rd] Scroope other some p[ar]te to the handes of Mr Braddill her Ma[jesti]es receaver of the Conntie of Cumb: and others, other some p[ar]te to the handes of Franncis Dacres esqr, and other some p[ar]te remayneth in the ten[a]nts' handes but the quantitie thereof is not yet known.*

As the letter from the Lord Warden and the Bishop, quoted above, makes clear, the Commissions had been appointed with the objective of securing all these lands for the crown. But it seems that the process had to be seen to be consensual - hence the involvement of 27 of the gentry of the Lake Counties as jurors. All put their signatures to the surveys, presumably knowing the use to which they would be put; and three of the four Commissioners signed the final report, knowing it to be untrue that Leonard Dacre had inherited the baronies in 1569. Richard Lowther did not sign: at the time he was sheriff of Cumberland, and had (according to Scrope and the Bishop in their March letter) with his brother Gerard "carefully performed all good offices requisite" - including no doubt the selection of the jury and persuading them to fall in line. The decision not to include Greystoke in 1589 may have reflected an absence of consensus.

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<sup>18</sup> TNA LR2/212; the contemporaneous Gilsland presentment has not been found

<sup>19</sup> SP Dom Add, Elizabeth, Vol.31, 11 (28/3/1589)

<sup>20</sup> TNA LR9/83

<sup>21</sup> TNA E164/42 (Michaelmas 1589)

### **1589-1594: the Howards lose Greystoke**

In 1590 courts were held in the barony of Gilsland by Gerard Lowther in the name of the queen.<sup>22</sup> By 11th October 1591 Lowther was also holding courts in the name of the queen in the barony of Burgh.<sup>23</sup> Lowther continued in office as steward until his death in 1597.

The Commissioners had not included the barony of Greystoke in their 1589 findings - despite the fact that it was surveyed for this purpose. The Howards continued to enjoy their Greystoke inheritance until 1594.<sup>24</sup> Francis Dacre, whose attempt to secure parts of the Burgh and Gilsland estates was wholly defeated by the 1589 decision, went abroad to Scotland without leave and was attainted. In 1594, Gerard Lowther, now in office as sheriff of Cumberland, used this attainder as a pretext to forfeit the barony of Greystoke to the crown together with the remaining lands surveyed in 1589, and large landholdings east of the Pennines.<sup>25</sup> It appears that no further surveys were carried out in 1594, the original 1589 survey of Greystoke being informally updated without the involvement of a special jury.<sup>26</sup> The greater part of the Commissioners' findings in 1594 appear to have been lost, and Lord William's account is now the best surviving evidence of what happened.<sup>27</sup> The Master of the Rolls (Sir Thomas Egerton), appointed as a Commissioner, attended at Carlisle Assizes with the Attorney-General (Sir Edward Coke) who called evidence before the assize jury of the lands held by Francis Dacre in Cumberland at his attainder. The foreman of the jury was Richard Lowther. Lord William was called to give evidence, but since this was a Cumberland jury and he himself no longer owned Dacre lands in Cumberland (having lost Gilsland in 1589), he had no evidence to give. Yet "by colour of that inquisition and by no other tryall at all, did the late queen enter upon all his landes in the Countyes of York, Durham and Northumberland", in addition to Greystoke lands in Cumberland and other lands surveyed, but not forfeited, in 1589. It seems that Sir Edward Coke must have assented to this high handed a procedure, and there is no doubt that all these lands were forfeited to the crown in 1594 because in 1601 they were sold back to the Howards.

### **1594-1601: the Howards buy back their inheritance**

The 1590s witnessed a sharp deterioration of conditions in the Western March, where the last years of the century saw rising damage from reiver attack, and famine and plague.<sup>28</sup> Divisions amongst the Cumberland gentry were undermining the efforts of Lord Thomas Scrope, Lord Warden of the Western March, to maintain order.<sup>29</sup> On 4th March 1593, Alexander King, queen's auditor in the northern counties and one of the 1589 commissioners, wrote at length to Lord Burghley requesting a strengthening of royal

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<sup>22</sup> Durham University Library, Howard of Naworth Collection, C178/3 to C178/7

<sup>23</sup> CAC(C) D/Lons/L5/2/41/1

<sup>24</sup> WH p372

<sup>25</sup> TNA E178/588 (damaged); CAC(C) D/HG/19 (p66f)

<sup>26</sup> TNA LR2/212, folios 243-306

<sup>27</sup> WH, pp390/1

<sup>28</sup> eg CBP p446 - the report of Thomas Carleton, land sergeant of Gilsland 1597

<sup>29</sup> R.T.Spence, *The Pacification of the Cumberland Borders, 1593-1628*, in *Northern History* XIII, 1977

instructions to Thomas Musgrave (captain of Bewcastle), Thomas Carleton (land sergeant of Gilsland) and John Dalston (marshall steward of Burgh).<sup>30</sup> In 1595 the queen started payments of £100 per quarter to Lord William Howard, perhaps as compensation for the loss of his lands east of the Pennines.<sup>31</sup> In 1599 Lord William received visitors at Naworth Castle (perhaps already occupying the castle under licence from the crown).<sup>32</sup> In December 1601 the queen, advised it seems by Sir Edward Coke, agreed to return the baronies to the Countess of Arundel and her sister, through intermediaries, upon payment of £5,000 - not £10,000 as previously believed.<sup>33</sup>

The position after the repurchase, so far as Cumbria is concerned, was as follows:

- (1) the baronies of Burgh by Sands (with its manors (and hamlets) of Burgh, Beamond, Kirkanders, Westlevington, Bowness, Drombrugh, Whitrigge & Whitrigleas, Langcrofte, Aynthorne, Cardronock, Glasson, Easton, Fingland, Rowcliffe, Etterby, Ayketon, & Thursby) and Greystoke (with its manors of Graystock, Motherby, Stainton, Skelton, Matterdale, Grisedale, Wethermelock, Sparkhead, Berrier, Murrey, Newbiggin); and all other lands in the Lake Counties except (2) and (3) below, were held by the widowed Countess of Arundel;
- (2) the barony of Gilsland (with its manors of Lydersdale, Brampton, Denton, Walton Wood, Farlam, Talken, Castle Carrock, Cumrew, Hayton, Fenton, Crosby, Tradermayne, Askerton, Cumwhitton, and the Forest of Braithwaite) was held by Lord William Howard of Naworth in right of his wife;
- (3) the manors of Kirkoswald, Staffield, Glassonby, Lazonby, Dacre, Barton, Mosedale and Blackhall had all been earlier adjudged the property of Leonard Dacre and in crown hands since 1572,<sup>34</sup> and remained there until 1649 after which they were successfully claimed by Francis Lennard, Lord Dacre of the South (likewise Ainstable which was awarded to the Howards of Naworth in 1651);<sup>35</sup>
- (4) some land had been sold by the Howards either before the loss of control in the 1580s or - for example land in Renwick - after 1601 to facilitate the repurchase of the baronies;
- (5) because the forfeitures of 1589 and 1594 were restricted to land acquired by the Dacres before 1518, some land - for example Papcastle - was never forfeited and remained in Arundel hands after the 1582/3 division of the inheritance.

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<sup>30</sup> State Papers, Domestic: Addenda, Elizabeth, Vol. 16, 347/8

<sup>31</sup> CAC(C) D/MH/10/6/17/2

<sup>32</sup> ODNB, article on Lord William Howard by Richard Ovenden and Stuart Handley

<sup>33</sup> TNA C66/1570, folios 9-17 (compare eg Bouch & Jones *The Lake Counties 1500-1830*, p88)

<sup>34</sup> TNA E178/576

<sup>35</sup> R.A.A.Brockington *Francis Lennard's Claim to Kirkoswald 1634-1652*, CW3 x 163f

## **Bibliography**

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